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Items for Consideration of Council

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Items for Consideration of Council

CONFIDENTIAL

Reports from Director Corporate Services in Committee 5

1. ORIGIN: Financial Services Unit 5

Sale of Land for Overdue Rates

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (b) the personal hardship of any resident or ratepayer

Reports from Director Engineering Services in Committee 7

2. ORIGIN: Planning & Design Unit 7

Tender EC200057 Manufacture, Supply and Delivery of 450 dia Pressure Pipe

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

3. ORIGIN: Water Unit 9

EQ200030: Licence to Operate Water Based Activities on Waterways in the Tweed Shire Area

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

4. ORIGIN: Water Unit 13

Coastline Hazard Definition Study

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

5. ORIGIN: Works Unit 17

EC200026: Supply and Delivery of Fuels

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

Items for Consideration of Council

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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

19 APRIL 2000

ORDERS OF THE DAY

- 5. Notice of Motion - Cr Marshall**
Signage - The Anchorage, Tweed Heads
GL2/8 Pt13, Regulatory Sign, The Anchorage, Notice of Motion

1575

Cr Boyd
Cr Luff

RESOLVED that the matters raised with regard to signage at the Anchorage be referred to the Director Environment & Community Services for investigation and a report.

Current Status: Report being prepared.

3 MAY 2000

ORDERS OF THE DAY

- 1. Notice of Motion - Cr Davidson**
Budget Review 2000/2001
Budget, Notice of Motion

1618

Cr Luff
Cr Marshall

RESOLVED that:-

1. The General Manager prepares a report that considers:
 - (a) the current staffing structure of the organisation, and options for change. The report should explore the option of capping total numbers at the current level, but with the possibility of increasing staff in some areas. It should outline possible time frames and ways this might be achieved, viz through attrition principles, reallocations or other opportunities
 - (b) the current level of service in development control, parks and recreation, and planning, especially with regard to processing of applications, and identification of the need for industrial land
 - (c) the evolutionary nature of local government, management and organisations in general; the Local Government Department's Report of 1989 and 1994; and the organisational performance of Council in the context of NSW local government in general
2. The General Manager prepares a report providing information on how costs associated with the GST will be accommodated.

Schedule of Outstanding Resolutions

3. The General Manager prepares a report on any opportunities for future borrowing and loan restructuring.
4. The General Manager prepares a report providing information on Council's fleet of vehicles, their cost, and possible changes in the way they are used.

Current Status: Currently being prepared by the General Manager.

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: Report to meeting of 5 July 2000.

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.

ITEMS NOT ON THE AGENDA

URGENCY MOTION

Energy Efficient Housing, Agenda 21, DA2219/25 Pt11

1701

Schedule of Outstanding Resolutions

Cr Davidson

Cr Beck

RESOLVED that the General Manager prepare a report on the costs and benefits of selling the Agenda 21 'smart house' and leasing back for 12 months, 24months or 36 months.

Current Status: Report to meeting 5 July 2000.

7 JUNE 2000

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

4. **Extensions to Kingscliff Shopping Centre at Lot 20 DP 771632, Lots A & B DP 396088 and Lot 2 DP 582165 Pearl Street, Kingscliff**
DA4170/100 Pt2

1737

Cr Polglase

Cr Davidson

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

Current Status: Report to be finalised.

Mayoral Minute

Councillors

1. Native Timber Industries

Environment Protection

Information from Tumbarumba Shire Council regarding a campaign by Wilderness Groups requesting Councils to adopt “forest friendly” timber resolutions and impose a ban on Boral products because of their involvement in “woodchipping of native forests”. Tumbarumba Shire Council has decided to support Boral Industries, State Forest and other stakeholders who care about preserving native forests.

2. Olympic Landcare

Olympic Games

Federally funded project to mark the Olympics. Proposal to plant 2000 plants from ‘windmill corner’ to Hogan Park on the Pacific Highway along the riverbank in honour of Olympian Chris Fydlar. (OK has been given by RTA)

3. Council Signage

Regulatory Signage

Complaint by Don & Kay Robertson from Tweed Heads about the excessive use of council signs on Tweed River Reserve between Jack Evans Boat Harbour and the Anchorage Development.

4. Donation of Book Vouchers - Anzac Day

Donations

Letter of thanks from Lindisfarne Anglican School for book vouchers given to commemorate Anzac Day 2000.

Mayoral Minute

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Items Deferred

ITEM DEFERRED FROM MEETING HELD 7 JUNE 2000

URGENCY MOTION

GC6/4 308

1792

Cr Boyd

Cr Luff **RESOLVED** that the Notices of Motion be deferred to the next meeting of Council.

1. Notice of Motion - Cr Brinsmead

Council Policies and Decision- Staff Action

Council Policies, Notice of Motion

That when a Council document states that a given party must do certain works or fulfil certain conditions to the satisfaction or approval of a Director or any other Council officer, it shall be understood that the Council Director or officer acts only as a representative and executive agent on behalf of Council's policies and decisions. It shall not be understood that a Director or any other Council officer has the right to promote a policy or to execute decisions that are contrary to the determination of Council.

2. Notice of Motion - Cr Brinsmead

Referendum - Election Matters/Daylight Saving/Funding Issues

Election - Mayoral, Notice of Motion

That Council makes all necessary arrangements to enable the following actions to take place within the next 12 months:-

- (a) That a Tweed Shire Referendum be held to determine if the people of this electorate wish to change to a Ward System for the election of Councillors and/or a popular voting system for the election of Mayor.*
 - (b) That at the same time as the above Referendum, a poll be conducted on the question of Daylight Saving and/or any other question where an accurate measure of public opinion might be desirable (eg. Continuance of the Tweed Link, public funding for the Art Gallery, TACTIC, etc)*
-

Items Deferred

3. Notice of Motion - Cr Brinsmead

Local Environmental Plan Revision Advisory Committee

LEP, Notice of Motion

That 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 TEDCO, 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 Environment Plan in respect to all Rural land and all Environmental Protection zones.

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 79(C)(1) 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 public exhibition and details of which have been notified to the consent authority, and
 - (iii) any development control plan, and
 - (iv) any matters prescribed by the regulations,that apply to the land to which the development application relates,
 - (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts of the locality,
 - (c) the suitability of the site for the development,
 - (d) any submissions made in accordance with this Act or the regulations,
 - (e) the public interest.

Reports from Director Development Services

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Reports from Director Development Services

1. ORIGIN: Development Control Unit

FILE REF: DA3620/10 Pt2

REPORT TITLE:

Proposed Extensions to an Existing Motel at Lots 349 and 350 DP 755701, No. 1-3 Murphys Road, Kingscliff

SUMMARY OF REPORT:

A development application has been received for the erection of alterations and additions to an existing motel complex on the subject property. The proposal incorporates the erection of an additional 10 x 1 bedroom accommodations units and an associated recreation/games room. The proposal also incorporates extension of the existing basement car parking area to accommodate the proposed development. The proposal is located within a coastal erosion area pursuant to Draft Development Control Plan No. 8.

RECOMMENDATION:

That the development application submitted by Adam McGuffie for the erection of additions to an existing motel at Lots 349 and 350 DP 755701 No. 1-3 Murphys Road, Kingscliff be granted a deferred commencement approval in accordance with the following conditions:-

“Deferred Commencement”

This consent shall not operate until the applicant satisfies the consent authority by producing satisfactory evidence relating to the matters set out in Schedule “A”. Such evidence is to be provided within twelve (12) 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 applicant shall submit for Council, within twelve (12) months of the date of this notice the following information:-
 - a. Detailed plans in triplicate of the proposed method of construction relative to the subject sites location within a coastal erosion zone. Such plans are to adequately demonstrate that the design of the proposed buildings will ensure compatibility to withstand erosion events as a result of foreshore recession. Such plans are to be prepared by a suitably qualified and practising structural engineer and architect/building designer and be approved by the Director of Development

Reports from Director Development Services

Services. In this regard, the applicant shall consult with Council in relation to the proposed Coastal Hazards Identification Study if applicable.

SCHEDULE B

NOTE: THIS PART OF THE CONSENT WILL NOT BECOME OPERABLE UNTIL COUNCIL ADVISES THAT THE MATTERS CONTAINED IN SCHEDULE A ARE SATISFIED.

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

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

Pursuant to Clause 79H of the Environmental Planning and Assessment Regulations, 1994, a Construction Certificate shall **NOT** be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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, Tumbulgun Road, Murwillumbah and Brett Street, Tweed Heads.

- | | | |
|----|---|------------|
| a. | Tweed Road Contribution Plan:
S94 Plan No. 4 (Version 4.0)
(Kingscliff - Commercial) | \$6,637.00 |
| b. | Open Space (Casual):
S94 Plan No. 5 | \$1,150.00 |
| c. | Open Space (Structured):
S94 Plan No. 5 | \$1,470.00 |
| d. | Extensions to Council Administration Offices
& Technical Support Facilities
S94 Plan No. 18 | \$2,380.00 |
| e. | Cycleways
S94 Plan No. 22 | \$620.00 |

Reports from Director Development Services

2. A **certificate of compliance** (CC) under Part 3 Division 2 of the Water Supply Authorities Act 1987 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to Clause 79H of the Environmental Planning and Assessment Regulations, 1994, a Construction Certificate shall **NOT** be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "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:

Water: \$11,286.00

Sewer: \$9,306.00

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.

GENERAL

3. The development shall be completed in general accordance with Plan Nos 99069-A2, 99069-A3, 99069-A4, 99069-A5, 99069-A6, 99069-A7 prepared by CBD Consultants and dated 27/10/1999 and 6/10/1999, except where varied by these conditions.
4. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.
5. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve.
6. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a. footings, prior to pouring of concrete
 - b. slab, prior to pouring of concrete
 - c. frame prior to the erection of brick work or any wall sheeting
 - d. final inspection prior to occupation of the building
 - e. completion of work

Reports from Director Development Services

7. All necessary on site boundary retaining shall be carried out prior to start of works upon the building proper, with details of retaining walls being submitted to Council for approval prior to start of works.

Please note: Timber retaining walls will not be accepted.

8. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
- (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
 - (ii) Certification of the works performed by the person carrying out the works is to be submitted to Council prior to occupation of the building; and
 - (iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
 - (A) the method of protection; and
 - (B) the date of installation of the system; and
 - (C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - (D) the need to maintain and inspect the system on a regular basis.

Note: Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.

9. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
- i. All required erosion and sedimentation control devices have been installed and are operational.
 - ii. Required toilet facilities have been provided on the site in accordance with Section 78i of the Environmental Planning & Assessment Amendment Regulations 1998.
 - iii. A sign has been erected on the site in accordance with Section 78H of the Environmental Planning & Assessment Amendment Regulations 1998.
 - iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
 - v. That the licensee has complied with the provisions of Section 78c of the Environmental Planning and Assessment Amendment Regulations 1998.

Reports from Director Development Services

10. The glazier is to supply the PCA with certification that all glazing complies with AS 1288-1994 and AS2047 of the Building Code of Australia.
11. Manufacturers certification is to be provided to the PCA from the Roof Truss manufacturer to certify the roof truss design.
12. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.
13. All trade materials, product and plant to be kept within confines of the building at all times.
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.

PRESCRIBED (BUILDING)

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

Reports from Director Development Services

- a. preserve and protect the building from damage; and
 - b. if necessary , underpin and support the building in an approved manner.
- (ii) The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.
18. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.
19. The building is not to be occupied or a final Occupation Certificate issued until a fire safety certificate has been issued for the building to the effect that each essential fire safety measure listed in the schedule below has been designed and installed in accordance with the relevant standards.

Such certificate shall state as to each essential fire measure installed in the building:

- (a) that the service has been inspected and tested by a person who is competent to carry out such an inspection or test; and
- (b) that the service was (as at the date on which it was inspected and tested) found to have been properly implemented and capable of performing to a standard not less than that required by the most recent fire safety schedule for the building for which the certificate is issued.

Please note that all Essential Services listed on the schedule below must be certified on an annual basis as per the provision of section 80GB of the Environmental Planning and Assessment Regulation 1994.

**Fire Safety Schedule
Essential Fire Safety
Measure**

**Minimum Standard of Design
Installation and Maintenance**

Access panels, doors and hoppers to fire resisting shafts

AS1905-1997(Part 1)
“Fire Resistant Door Sets”

Emergency Lighting

AS2293-1998
“Emergency Lighting
Evacuation Lighting in
Buildings” Part 1 - Design &
Installation
Part 2 - Inspection &
Maintenance”

Exit Signs

AS2293-1998
“Emergency Evacuation
Lighting in Buildings. Part 1

Reports from Director Development Services

	Design & Installation. Part 2 Inspection & Maintenance”
Automatic Fire Detection & Alarm Systems	AS1670-1995 “Automatic Fire Detection & Alarm Systems - System Design Installation & Commissioning”
Fire Doors	AS1905.1 “Components for the protection of openings in fire resistant walls”
Fire Hydrant Systems	AS2419-1994 “Fire Hydrant Installations System Design, Installation & Commissioning”
Hose Reel Systems	AS1221-1991 “Fire Hose Reels”
Mechanical Ventilation & Air Conditioning Systems	AS1668-1991(Part 2) “The Use of Mechanical Ventilation & Air Conditioning in Buildings.
Portable Fire Extinguishers	AS2444-1995 “Portable Fire Extinguishers Selection & Location”
Smoke Dampers	AS1668-1991(Part 1) “The Use of Mechanical Ventilation & Air Conditioning in Buildings. Part 1 Fire & Smoke Control”
Smoke Detectors & Heat Detectors	

20. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
21. The erection of a building in accordance with a development consent must not be commenced until:

Reports from Director Development Services

- a. detailed plans and specifications of the building have been endorsed with a construction certificate 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 erection of the building.
22. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least **2 days** prior to work commencing.
23. All existing essential fire safety measures are to be certified by a qualified person to the effect that each of the fire safety measures has been assessed and were found to be performing to a standard not less than that to which it was originally designed.

ENGINEERING (BUILDING)

24. The footings are to be designed by a practising Structural Engineer after consideration of a soil report from an accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the commencement of building work.

FIRE (BUILDING)

25. All plumbing penetration will require fire stop callers if not already fitted.
26. All doorways in stair shafts of the basement will be required to be protected or FRL rating equivalent to that required for fire walls for Class 7 at 120/120/120.
27. All existing and proposed mechanical ventilation is to comply with the current Building Code of Australia requirements.
28. Emergency lighting and exit signs are to be provide to the whole of the basement area.
29. An automatic smoke detection and alarm system complying with specification E2.2a is to extend to cover the whole of the basement area as required by the current requirements of the Building Code of Australia.
30. All fire service connections are to be compatible with those of the NSW Fire Brigade.

Reports from Director Development Services

31. An automatic fire detection and alarm system, designed to ensure the occupants are given adequate warning so they can evacuate the building in an emergency, must be installed in Class 2 and 3 buildings and Class 4 part of a building in accordance with the provisions of Specification E2.2a of the Building Code of Australia. Smoke alarms must be installed:
- (i) within each sole occupancy unit, located on or near the ceiling in any storey -
 - (A) containing bedrooms -
 - (aa) between each part of the sole occupancy unit containing bedrooms and the remainder of the sole occupancy unit; and
 - (bb) where bedrooms are served by a hallway, in that hallway; and
 - (B) not containing any bedrooms, in egress paths; and
 - (ii) in a building not protected with a sprinkler system, in public corridors and other internal public spaces, located in accordance with the requirements for smoke detectors in AS 1670 and connected to activate a **building occupant warning system** in accordance with Specification 2.2a(6) of the Building Code of Australia which states:

A building occupant warning system must comply with Clause 8.7 of AS 1670 to sound through all occupied areas except-

- a) in a Class 2 and 3 building or Class 4 part provided with a smoke alarm system:
 - (i) the sound pressure level need not be measured within a sole occupancy unit if a level of not less than 85dB(A) is provided at the door providing access to the sole occupancy unit; and
 - (ii) the inbuilt sounders of the smoke alarms may be used to wholly or partially meet the requirements.

A Certificate of Compliance is to be submitted to Council prepared by the licensed Electrical Contractor certifying that the installation complies with the above, prior to occupation of the building.

DRAINAGE/FLOODING

32. All roof waters and water from open car park areas to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2-1998. **Note** All roof water must be connected to an interallotment drainage system where available.
33. All surface runoff from sealed driveway, car parking areas and the like, is to be piped to the street.

ENVIRONMENT PROTECTION

Reports from Director Development Services

34. Activities in the swimming pool area shall be restricted to between 7am and 7pm Monday to Sunday.
35. No waste materials are to be deposited into the adjacent reserve.
36. Existing vegetation within the adjacent reserve is to remain, whilst existing vegetation on the southern property boundary is to remain where possible. In this regard, due care and consideration is required during the construction period.
37. Private access to the adjacent beach reserve is to be limited to that point shown on the stamped plans.
38. 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.
39. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
40. 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.
41. 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.
42. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays.
43. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
 - A. Short Term Period - 4 weeks.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
 - B. Long term period - the duration.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.
44. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
45. The burning of builders waste on site by open fire is prohibited.
46. All activities associated with the occupancy of the building are to comply with the Noise Control Act 1975 and the Clean Air Act 1961.

PLUMBING/DRAINAGE

Reports from Director Development Services

47. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a internal drainage, prior to slab preparation;
 - b water plumbing rough in, prior to the erection of brick work or any wall sheeting;
 - c external drainage prior to backfilling.
 - d. completion of work.
48. A. A permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
B. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.
49. An application to connect to Council's sewer is to be submitted to and approved by Council prior to the commencement of any works on the site.
50. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
51. Temperature and pressure relief lines from hot water systems shall discharge in the open as prescribed in Australian Standard AS 3500.4.1990 Section 4.12.3.
52. The Council approved wet area flashing installer is to supply to the Principal Certifying Authority certification that all wet area flashings have been installed in accordance with the Manufacturer's Specifications, detailing the rooms or areas involved and the date of installation. **Note:** Only Council approved installers may carry out this work and reference must be made to Council to confirm that such installers are Council approved.
53. Impervious floors, properly graded and drained are to be provided to the bathroom.
54. Back flow prevention devices shall be installed where ever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1-1990 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.
55. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.
56. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
 - * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C in all other classes of buildings.

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

Reports from Director Development Services

REPORT:

Applicant:	Adam McGuffie c/ CBD Consultants
Owner:	Oceanbend Pty Ltd
Location:	Lot 349 and 350 DP 755701 No. 1-3 Murphys Road, Kingscliff
Zoning:	2(b) Residential Medium Density
Est. Cost:	\$1.2 million

BACKGROUND/PROPOSAL

Council is in receipt of an application to undertake extensive additions to an existing motel on the above property. The subject property is located within the 2(b) Medium Density zone and incorporates a total area of 2023m².

The property presently accommodates the Pacific Sands Motel, most of which is located towards the Murphy's Road frontage. The proposal, incorporating existing units, will provide for a total of 34 motel units and associated facilities. Included in the latter is a recreation room consisting of 76m² of floor area, conversion of an existing unit to a 2 x male and 2 x female toilets, swimming pool and an additional basement car parking area incorporating 14 car spaces and two x multi purpose storage rooms. Including the proposed basement car parking facilities, the proposal will provide for three storeys in total, with the exception of the recreation room, which incorporates a two storey elevation only (including basement car parking). The proposed additional 10 units are to be attached to the existing structure by way of the proposed recreation room, which in turn will be attached to the existing three (3) storey structure.

Each of the proposed units incorporates one (1) bedroom only over a two (2) storey (above ground level) elevation.

The subject site is located on the corner of Murphy's Road and Wommin Bay Road, whilst also possessing direct frontage to Dreamtime Beach. An existing residential property (attached dual occupancy) adjoins the land to the north, whilst open space playing fields are opposite the site to the west. The proposal incorporates a 4.0m setback to the coastal reserve and 2.1m setbacks on both the northern and southern property boundaries. No works are proposed in relation to the existing Murphy's Road frontage. A 1.5m setback is provided from the northern property boundary to the proposed swimming pool.

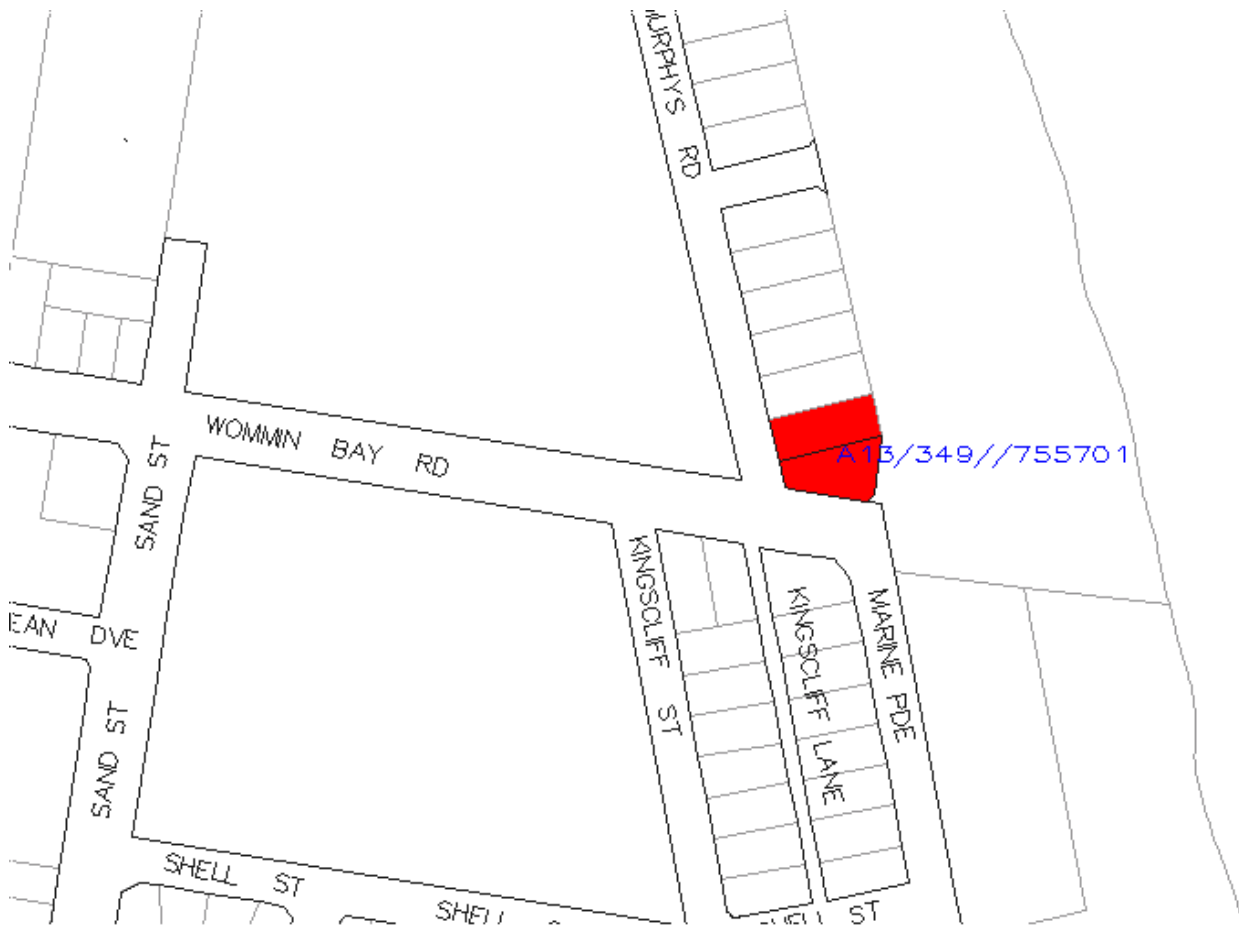
The proposal primarily incorporates a concrete block construction that is to be rendered or texture coated in accordance with existing structure. Elevations with frontage to the coast are well articulated with extensive use of glass and private open space areas. Significantly less articulation is provided on each of the side elevations.

Parking is to be provided at basement level, with the proposed basement facilities providing an additional 14 spaces for patron and visitor use.

The subject property is located within an area identified as prone to coastal erosion and subject to the provisions of Draft Development Control Plan No. 8 - Development of Land Liable to Coastal Erosion, whilst also requiring relevant comments from the Department of Land and Water Conservation.

Reports from Director Development Services

SITE DIAGRAM



Reports from Director Development Services

CONSULTATION

The proposal was advertised in the Tweed Link and adjoining owners notified of the proposal. One submission of objection was received during the formal advertising period. The Department of Land and Water Conservation also provided comments in relation to the proposal. Both of these responses are assessed in greater detail under the heading of “any submissions”.

ASSESSMENT

The following is an assessment of the application under the provisions of Section 79C(1) of the Environmental Planning & Assessment Act, 1979.

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

Tweed Local Environmental Plan 2000 (TLEP 2000)

The subject land is zoned 2(b) Medium Density Residential pursuant to TLEP 2000. The proposal is defined as ‘tourist accommodation’ which is permissible with consent in the 2(b) Medium Density Residential zone and is required to satisfy the provisions of Clause 8(2) of TLEP 2000.

Clause 8(2) of TLEP 2000 sets out a number of provisions that are required to be satisfied prior to gaining consent. Although the provisions of Clause 8(2) are quite onerous in nature, the proposal is considered able to satisfactorily comply with the relevant provisions given that an existing motel is provided for upon the site and that no adverse impacts are considered likely.

Although the primary objective of the 2(b) Medium Density Residential zone is the promotion of medium density development, the proposal is considered to be consistent with the secondary objectives of the zone, which make reference to allowing tourist accommodation where compatible with the surrounding locality.

Clause 31 of TLEP 2000 refers to development adjoining waterbodies, with the primary objective being to protect the environmental value of foreshore areas and to make provision for adequate public access. The proposal is adjacent to the Dreamtime Beach reserve and is therefore relevant to this clause. Whilst no direct adverse impacts are considered likely, there is cause for concern in relation to the possible impacts of coastal erosion on the proposed additions and vice versa. Coastal erosion issues are discussed in greater detail later in this report.

Clause 35 of TLEP 2000 refers to Acid Sulfate Soils (ASS) with the objective being to ensure that no adverse ASS impacts are created by the proposed development. In this regard, the proposed development site is identical as Class 5 ASS area, through possessing little risk to ASS impacts. No Acid Sulfate Soil Management Plan is required.

Clause 36 of TLEP 2000 refers to Coastal Erosion outside of the 7(f) Environmental Protection (Coastal Lands) zone, with the objective being to protect land that may be subject to coastal erosion. The subject site has been identified as an area subject to coastal erosion, with the basis of this identification being the findings of a number of

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reports prepared by the Public Works Department in the late 1970's and early 1980's. Council also prepared a draft Development Control Plan (No. 8) which incorporated recommendations of these reports and has since acted as Council's primary assessment document in the processing of applications within erosion areas. The applicant has provided a foreshore analysis report, which concludes that no net erosion of the beach has occurred over recent years. The report also states that until such time that a detailed Shirewide study is undertaken, the findings and recommendations of the Department of Public Works should be adhered to.

In this regard, the report (prepared by Cardno MBK) recommended that the owners of the motel would be required to satisfactorily protect the property against the effects of foreshore erosion and that supporting all major structures on a piled foundation system to accommodate the loss of foundation material would be acceptable. The report also recommends that the findings of the DPWS study be adhered to in the absence of a wider, more recent coastline study. Council's Manager Water has undertaken an assessment of the proposal and agrees that detailed study is required to more adequately determine likely coastal impacts. In this regard, it is likely that the proposed coastal hazard identification study (Council and DLWC) will not be completed for several months and that there is a possibility that intensive development of the site (such as that proposed) may not be possible. Alternatively, detailed footing and foundation engineering plans may prove adequate. In any case, it is considered important that the applicant have the opportunity to incorporate the provisions of the proposed study into the design of the proposed additions.

The applicant has argued that the preparation of detailed structural plans prior to receiving consent is financially restrictive and that these details (demonstrating that the issue of coastal erosion is able to be satisfactorily addressed) should be provided prior to the release of the construction certificate.

It is considered that the demonstration of structural adequacy is an integral element in the assessment of the application and that the submission of engineering details should not be left until after consent has been issued. In this regard, a possible alternative is to issue a deferred commencement consent, with the deferred matter being the lodgement of appropriate structural engineering details to satisfactorily address potential erosion concerns. It is believed that the issuing of a deferred commencement consent is a more viable alternative to the issuing of conditional consent, given that the site has been identified as a coastal erosion area and that detailed information is required to determine the application in the best interests of the community and the applicant.

Given that the applicant may take the findings of the proposed coastal hazards study into account (in order to address deferred matter), the deferred commencement period is recommended to be set for twelve (12) months.

North Coast Regional Environmental Plan 1988 (NCREP 1988)

Division 2 of NCREP 2000 refers to Coastal Development on the North Coast. Clause 32B and Clause 33 of the Plan provide for relevant provisions that are to be addressed in the assessment of relevant applications, with particular reference to the provisions of the

Reports from Director Development Services

NSW Coastline Management Manual. The plan also states that access points across foredune areas are to be confined to specific points.

The NSW Coastline Management Manual states that in areas prone to beach erosion, or shoreline recession, specifications of foundation design are required to assist in providing structural integrity of the building during storm events. It is considered that a deferred commencement consent is consistent with this recommendation.

Access to the coastal foreshore is proposed via an existing entry point in the rear boundary. This is considered to be consistent with the objectives of the North Coast Regional Environmental Plan 1988.

The proposal is considered to be generally consistent with the relevant provisions of the NCREP 1988 subject to satisfying engineering design issues pertaining to coastal erosion.

(ii) The provisions of any Draft Environmental Planning Instrument

No draft Environmental Planning Instruments are applicable to the proposed development.

(iii) Any Development Control Plans (DCPs)

DCP2 & Draft DCP8 are applicable to the proposed development. DCP2 refers to site access and parking requirements. Pursuant to DCP2 the proposal requires the provision of 1 space per unit with no specific requirements applicable to the proposed recreation area. The applicant has proposed an additional 14 spaces at basement level, therefore easily complying with Council's requirements.

Draft DCP8 - Development of Land Liable to Coastal Erosion is applicable to the proposal. Although only in draft form, this document is Council's primary guideline document in relation to coastal development. Draft DCP8 identifies the susceptibility of particular areas to coastal erosion events, ie. 100 year impact line, 50 year impact line and the immediate impact line. The proposed development site is situated between the 50 year and 100 year impact lines. In order to protect properties from any adverse impacts, Draft DCP8 states that no building shall be erected within 25m of the eastern most boundary of relevant allotments (including the subject allotment) and that no building shall be erected on any allotment unless it can be shown that the building is designed to withstand the affects of coastal erosion. In this instance the proposal incorporates a 4.0m setback from the eastern most boundary.

Although the proposal incorporates a non-compliance with the 25m setback requirement, Council is not entirely able to place significant determining weight upon the provisions of the Draft Plan. Given that the subject DCP is only in draft form and was prepared in the mid 1980's it is considered difficult to justify a refusal on this basis. Furthermore, it is planned to undertake a revised and updated coastal processes study in association with the Department of Land and Water Conservation. The updated study will provide for greater accuracy in determining likely erosion impacts and the likely occurrence of erosion events and will be used to finalise draft DCP8. The completion of

Reports from Director Development Services

this report is several months away. In the absence of detailed information, deferred commencement consent is considered to be the most viable option. This will allow the applicant the opportunity to incorporate the recommendations of the proposed study or submit to Council detailed structural plans addressing potential coastal erosion issues.

(iv) Any matters prescribed by the Regulation

Pursuant to Clause 66(a) of the Regulations, the provisions of the NSW Government Coastal Policy are to be incorporated into assessment of applications within the policies zone of influence. The policy makes provision for Councils to determine the likely impacts of proposal upon the coastal environment, with particular reference to land subject to coastal hazards. As stated previously, insufficient information has been provided to determine the likely impacts of the proposal on the coastal environment or vice versa. Given that an engineering solution is likely to be achievable, the proposal is considered best to be determined in a deferred form. In this regard, the proposal is considered to be generally consistent with the relevant provisions of the Government Coastal Policy.

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

Context and Setting

The site is located within the town of Kingscliff at the intersection of Murphy's Road and Wommin Bay Road. The existing motel development (Pacific Sands Motel) is visually prominent in its present location. Surrounding the site is a number of similar motel developments and residential flat buildings. Several older style single dwellings are provided for along Murphy's Road. It is considered that in time the latter will be replaced with medium density development in accordance with the zone objectives. The proposal is considered to be consistent with the existing and desired future character of the locality.

Visual Impact

The proposed development is likely to alter the existing visual landscape in respect of adjoining properties, properties adjacent to the site on the opposite side of Wommin Bay Road and to a lesser extent from Dreamtime Beach itself. Minimal impact is considered likely with respect to passing vehicular and pedestrian traffic as existing vegetation (or southern boundary) provides for sufficient visual buffering. Although significant in scale, the proposal provides for a two (2) storey elevation above ground level, with a further level provided as basement parking. Restricting the elevation to two (2) storeys assists in softening the visual impact of the proposal in relation to adjoining properties and Dreamtime Beach. The proposal provides for detailed articulation on the eastern frontage to take advantage of ocean views and seabreezes, with significantly less articulation provided on the northern and southern elevations. No adverse impacts are considered likely in this regard. Colours and construction materials are to be consistent with the existing structure.

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Access and Traffic

Access to the site is proposed via the existing vehicular and pedestrian access points on the Murphy's Road frontage. The likely traffic generated by the proposal is considered able to be satisfactorily accommodated within the local road network.

Environmental Impacts

The proposal incorporates the erection of additional units upon an existing levelled and predominantly cleared portion of the subject site. Significant earthworks are required to accommodate the proposal, whilst only minor tree removal is proposed (2-3 cocos palms and one small fig). Without doubt, the most significant cause for concern in relation to the proposal is the lack of detailed information submitted to adequately determine the likely impacts of coastal processes on the proposal or vice versa. In this regard, further information is required to enable complete assessment. As stated previously, the applicant has argued that the preparation of detailed structural specifications prior to receiving consent is not cost efficient and that should consent be received, these details will be provided prior to the release of the construction certificate.

Whilst an engineering solution is considered likely there remains a possibility that the subject site will indeed be subject to erosion events in the future, thereby creating adverse impacts upon the structure itself and occupants. Council's Manager Water has undertaken an assessment of the proposal and has recommended that the applicant, if possible incorporate the findings of the proposed Coastal Hazards Identification Study in addition to submitting detailed footing and foundation design plans to satisfactorily address the deferred matter. Council should be aware that the proposed coastal hazards study may incorporate a recommendation that the subject site be not utilised for intensive development. It is considered that a deferred commencement approval will satisfactorily ameliorate potential adverse impacts in this regard.

Council's Environment and Health Unit have assessed the proposal and raised no concerns in relation to the proposal subject to the application of suitable conditions pertaining to pool usage, construction and general operation. No adverse impacts are considered likely in relation to Acid Sulfate Soils.

Social/Economic Impacts

Given the uncertainty surrounding the ability of the proposal to withstand coastal processes, significant cause for concern is levied at the potential economic and social impacts of the proposal. Substantial loss of property and potential human endangerment are very real concerns should the property be subject to adverse erosional forces in the future. As stated previously, the subject site is located within an area identified as prone to erosion. Further details are required in this regard.

No adverse social impacts are considered likely in relation to the operation of the proposed development, with suitable conditions applicable in relation to noise and amenity.

Reports from Director Development Services

(c) **The suitability of the site for the development**

The proposed site is considered to be generally suitable with regards to accommodating the proposed development. A notable exception of course is the uncertainty over the proposals ability to withstand coastal processes. This topic has been covered earlier in the report.

No constraints are posed by developments on adjoining properties whilst satisfactory provision of essential services is able to be achieved. It is considered that the subject site is generally suitable to accommodate the proposed development.

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

One submission of objection was received in relation to the proposal. The objection was based on the following grounds.

1. Information supplied in relation to coastal processes is inadequate.

Comment

This issue has been discussed at length through the report.

2. The proposal will result in an overdevelopment of the site.

Comment

Although significant in scale, the proposal is considered to be consistent with the desired future character of the area. The proposed two (2) storey elevation is considered to be satisfactory sited and designed to ameliorate any potential overshadowing, noise or general amenity concerns.

3. The proposal will generate excessive noise, thereby decreasing the amenity of adjoining residents.

Comment

Potential cause for concern exists in relation to the proximity of the proposed barbecue and pool area to the adjoining residence to the south. Councils Environment and Health Services Unit have assessed the proposal and concluded that no adverse impacts are likely subject to compliance with relevant conditions.

4. Concerns in relation to possible extension of liquor licence and the introduction of gaming machines.

Comment

No such proposals are incorporated into the proposed development, indeed, the applicant has stated that the proposed recreation room will be utilised for indoor recreation such as table tennis and the like. Council would not necessary be included in any attempts to extend liquor licence, however, should an attempt be made to establish a hotel premises, the consent of Council would be required.

Reports from Director Development Services

Note: Hotels are prohibited in the 2(b) zone.

The Department of Land and Water Conservation were notified of the proposal and invited to provide comments in response. DLWC state that the basis of comments provided in the 1980's is now outdated, with erosion hazard now considered to be somewhat less significant than first thought. DLWC also advise that a coastal protection order (pursuant to Coastal Protection Act, 1979) was lifted in 1997 and that proposed coastal hazards identification study should be fast tracked to provide assistance in these matters. No recommendations or suggestions were offered in relation to the proposed design.

(e) **The Public Interest**

The proposal is considered unlikely to compromise the public interest. The main area of concern is the uncertainty over the proposals ability to withstand coastal processes/erosion. No other adverse impacts are considered likely to occur.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

If the applicant is dissatisfied with Council's determination of this application they have a right of appeal to the Land and Environment Court.

If the application were to be determined by the granting of conditional consent, in the absence of suitable engineering detail, it is considered that Council could leave themselves open to legal challenge at a future date.

OPTIONS

1. Refuse the application on the basis of inadequate information to determine the likely adverse impacts of coastal processes on the proposal.
2. Grant a deferred commencement consent to the proposal in accordance with the recommendation put forward.

CONCLUSION

The application has been reviewed by Council's Environment and Health Services Unit, Building Services Unit and Engineering Services Division.

Although the proposal is generally compliant with Council's requirements, significant concern exists in relation to the lack of detailed structural information to demonstrate that the proposal is able to adequately cope with coastal processes. Whilst it is acknowledged that Council's current coastal development guidelines and the studies that formed its basis are outdated, there is still a very real possibility of foreshore recession affecting the proposal. By granting approval to the proposal on the basis of information submitted, it is considered that Council runs the risk of being held liable, should any adverse events occur. In this regard, it is recommended that the application be approved on a deferred commencement basis, with the submission of appropriate structural details being the deferred matter, whilst also allowing the applicant the opportunity to incorporate the recommendations of the proposed Coastal Hazards Identification Study.

Reports from Director Development Services

Reports from Director Development Services

2. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/DCP/3 Pt8

REPORT TITLE:

Proposed Amendment to Development Control Plan No 3 - Sullivans' Land.

SUMMARY OF REPORT:

The prospective purchasers of Sullivans' land at Tweed Heads South have requested an amendment to DCP No 3, in the following terms:

- Deletion of the proposed lake and perimeter open space.
- Change of the land presently shown as Residential B to Residential A.
- Change of the land presently shown as Commercial to Residential A.
- A controlled access point from Fraser Drive while deleting the schematic road layout.

There are no planning objections to these proposed amendments, except the deletion of the Commercial component. Some form of retail development should be retained.

RECOMMENDATION:

That Council prepares and exhibits an amendment to Development Control Plan No 3 in respect of Sullivans' land, Fraser Drive, Tweed Heads South, which:

1. Deletes the lake subject to:
 - The protection of low lying residential properties from local Q100 inundation; and the maintenance of Q100 flows from the property to the east, through the subject property to Terranora Creek.
 - Inclusion of appropriate water quality and flow concentration controls prior to any discharge from the drain into the adjoining wetlands.
 - The provision of compensatory open space in accordance with AMCORD that contributes to the identity of the subject land.
2. Amends land identified as Residential B to Residential A subject to no reduction of total population yield for the subject land and a satisfactory urban design.
3. Removes the area allocated as local shopping centre/neighbourhood business and replaces it with a notation indicating local shopping.
4. Identifies a controlled access point from Fraser Drive and deletes the schematic road layout.

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REPORT:

The prospective purchasers of Sullivans' land at Tweed Heads South have requested an amendment to DCP No 3, in the following terms:

“The amendments sought are those which were discussed at our meeting on 22 March 2000 with Council’s Strategic Planning Committee, viz.

- *Deletion of the proposed lake and perimeter open space and designation of this area as Residential A.*
- *Change of the land presently shown as Residential B to Residential A.*
- *Change of the land presently shown as Commercial to Residential A.*

In addition to those matters we have also shown,

- *the land now covered by SEPP No. 14 - Wetlands designation and,*
- *a controlled access point from Fraser Drive while deleting the schematic road layout.*

We have also included an explanatory statement to accompany the amended layout plan. These documents should be suitable for public exhibition purposes”.

An extract of the DCP for this property is set out in Figure 1. The response to the proposed amendments is set out below.

1. Deletion of Proposed Lake

The lake was originally included to provide fill for the development of the property. This source is no longer required because of acid sulphate restrictions.

There are no engineering objections to the deletion of the lake subject to the protection of existing residential properties from inundation and maintenance of Q100 flows from the property to the east, through the subject property to Terranora Creek. This could be achieved by means of an open wet drain (with an invert level of -1m AHD) rather than the lake required by DCP3. There is an existing water course at Hillcrest Avenue which drains this land and which could continue to provide a suitable discharge. However, as this land is also SEPP 14 Wetland, as indicated by Figure 2, appropriate water quality controls would be required prior to any discharge into the wetlands.

The lake also provides a significant urban design element, an issue that has been the subject of considerable public comment on the area covered by DCP3. If the lake is to be removed it is essential that compensatory urban design elements are introduced. This could be achieved by the use of relevant AMCORD open space provisions.

2. Residential B to Residential A

Infrastructure planning and funding for DCP 3 is based on anticipated population levels. Residential A yields a lower population per hectare than Residential B. However, in the case of the subject land this could be offset by the removal of the lake, and the limitations imposed by the slip

Reports from Director Development Services

hazard along the western boundary. Subject to no reduction of total population yield for the subject land and a satisfactory urban design, there are no objections.

3. Removal of Commercial Area

The subject land includes a substantial area of land identified for local shopping centres/neighbourhood business. Whilst the extent of this may be unnecessary, local shopping facilities are considered to be an integral component of the local planning for the area. Contemporary urban design emphasises accessibility. This includes access to retail facilities; and the nearest alternatives are over 1.5km away. Standards currently recommend such facilities at 400m centres, based on 5 minutes walking distance.

Retail facilities should be retained in the DCP, but their extent could be reduced, perhaps by replacing the nominated area with an appropriate notation.

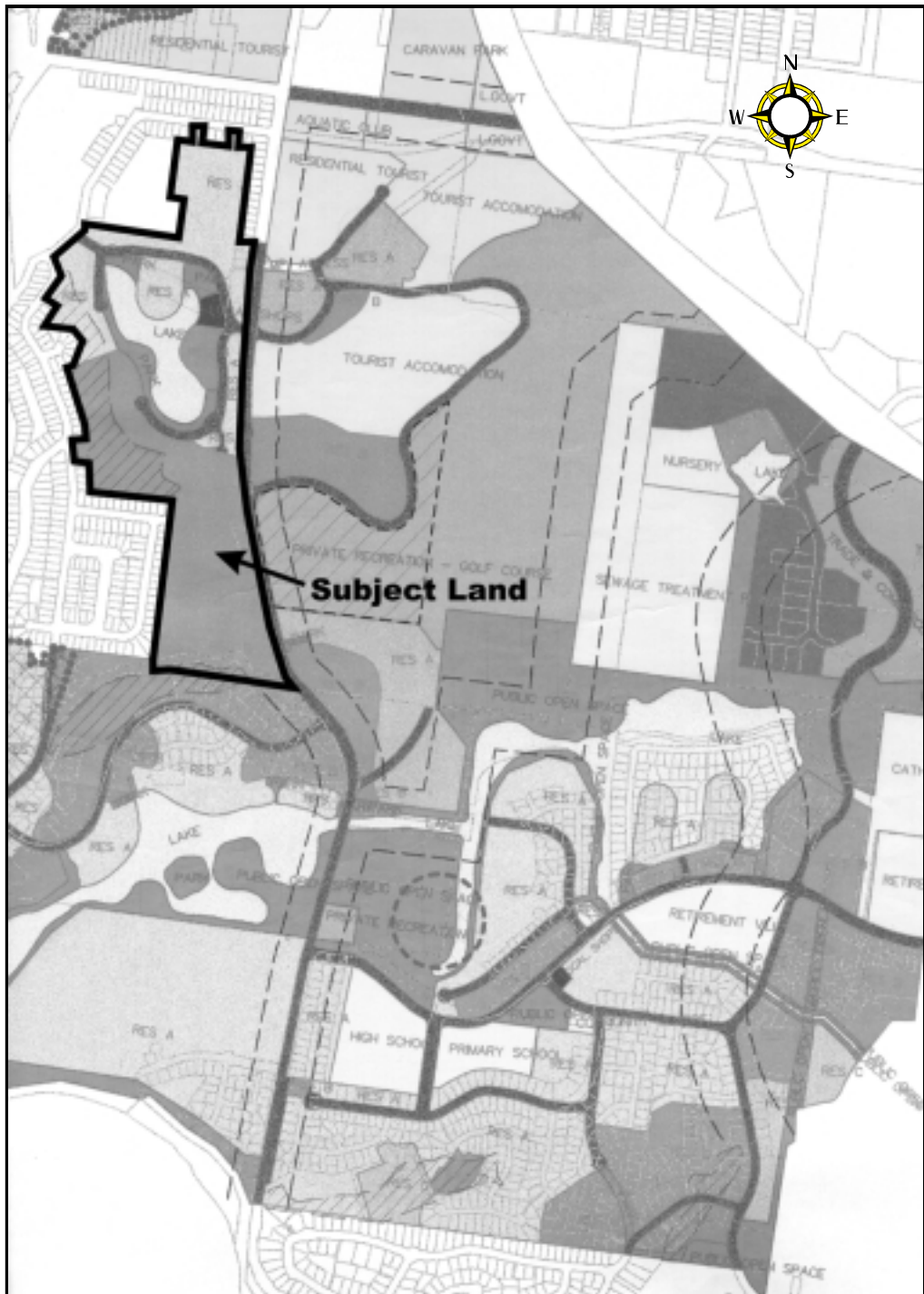
4. Controlled Access

Any access to the subject land must be integrated with the development of land on the eastern side of Fraser Drive. The access for this land has already been determined. If access cannot be taken for the subject land at the same point along Fraser Drive, it will be determined by Council's standards. Subject to that requirement there are no objections to the proposal.

Figure 1 is attached to Business Paper.

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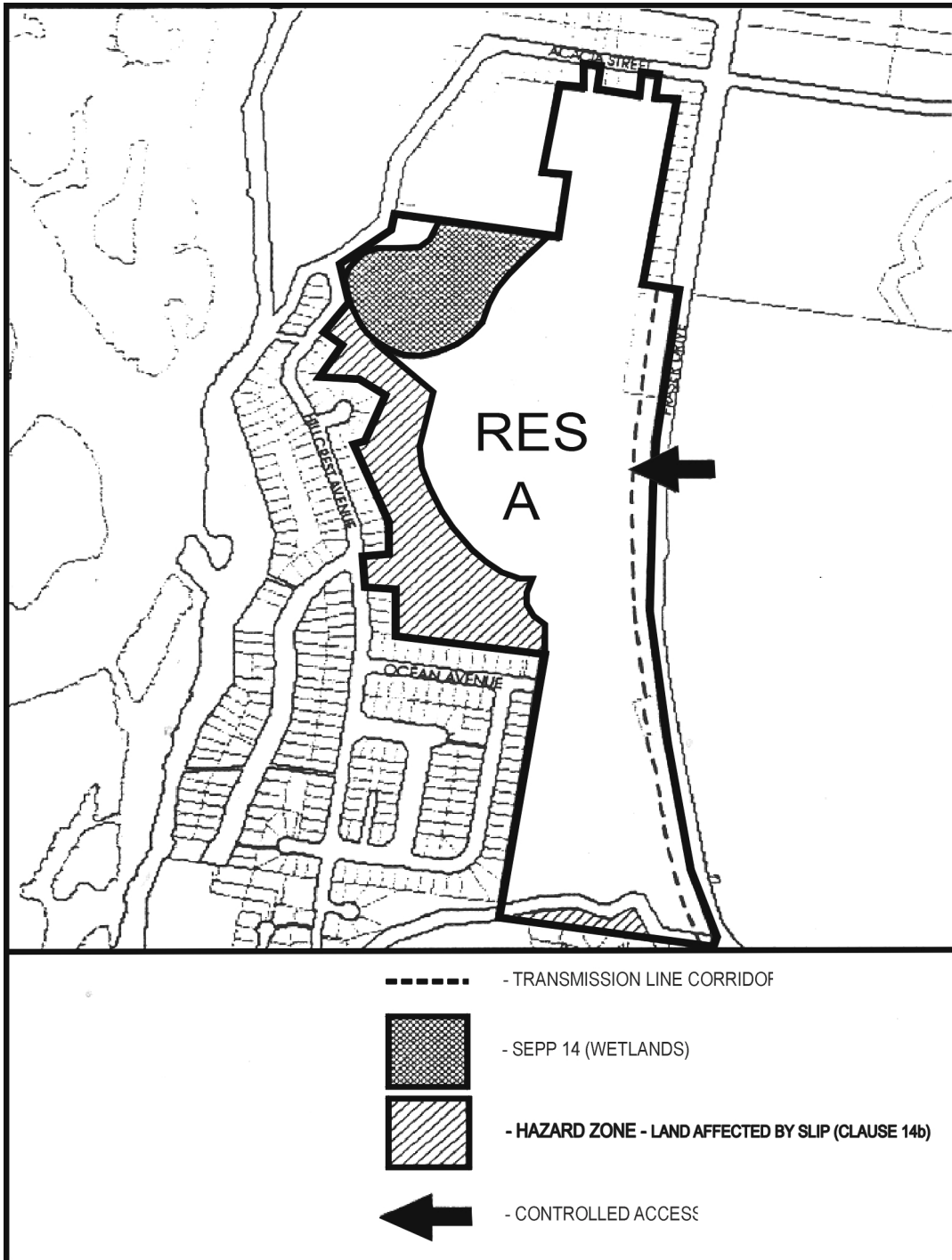
Figure 1.



Extract from Tweed Development Control Plan No. 3 - Displaying Subject Land

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Figure 2.



Proponents Proposed Amendment – Tweed Development Control Plan No. 3.

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3. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/LEP/A104 Pt1

REPORT TITLE:

Draft Tweed Local Environmental Plan (LEP) 1987 (Amendment No 104).

SUMMARY OF REPORT:

A previous report on this LEP Amendment was deferred by Council in October, 1999 because of concerns on the impact of proposed residential development on flora and fauna. This report addresses 'edge effects' and bushfire risk associated with the zone change from 7(a) Wetland to Residential to accommodate four (4) residential allotments. The report also identifies a zone map anomaly that requires correction. The report recommends changing the 7(a) Wetland and 2(c) Urban Zone boundary to enable creation of four (4) residential lots subject to implementation of amelioration measures as part of any future subdivision approval.

RECOMMENDATION:

That:-

1. In accordance with Section 68 of the Environmental Planning and Assessment Act 1979, the exhibited draft Plan be amended as shown by Figure 3(b), and forwarded to the Director of the Department of Urban Affairs and Planning requesting that the Minister make the Plan to amend Tweed Local Environmental Plan 2000.
2. Council advise the applicant that the following will be required as part of the proposed four (4) lot subdivision:
 - i) A ten (10) metre building setback (restriction to use) from the rear of Lots 29-31 (bushfire hazard buffer) as shown in Figure 2;
 - ii) No buildings or flammable material to be constructed within the 10 metre setback (swimming pools are permissible);
 - iii) A 1.3m non-flammable post and wire fence to be constructed at the rear boundary of the proposed 4 lots;
 - iv) In consultation with Council's Recreation Services Unit, erect a sign within the Council Reserve at the rear of the proposed 4 lots indicating the area is wildlife habitat and that dumping of rubbish or garden refuse is prohibited;
 - v) Provision is made to capture stormwater runoff from the rear of the proposed 4 lots, including drainage easement to convey runoff to a proposed water quality control pond;
 - vi) Provision is made for the control of dogs, similar to conditions imposed in Subdivision Approval S94/44.

Reports from Director Development Services

REPORT:

BACKGROUND

A report on the exhibition of draft Tweed Local Environmental Plan 1987 (Amendment No 104) was previously reported to Council at its meeting of 20 October, 1999. Council resolved at that meeting to defer the matter because of concerns regarding the close proximity of residential development to significant bushland. The report to Council dated 20 October, 1999 is attached as an addendum to this report.

The LEP Amendment related to a zone boundary adjustment between 2(c) Urban Expansion and 7(a) Environmental Protection (Wetlands) (see Figure 1). The applicant is seeking the amendment to change 2,360m² of land zoned 7(a) Wetland to 2(c) Urban to enable the creation of four residential lots. The four proposed lots will be part of an approved 28 lot residential development (S94/149 - 24 lots, and S95/44 - 6 lots) (see Figure 2). The subdivision is currently under construction, and the linen plan for these subdivisions' approvals is yet to be released.

The residential subdivision applications and approvals dealt with environmental issues associated with wetlands and koala habitat movement. The applicant's environmental consultant (James Warren & Associates) recognised that koalas utilised the site and recommended conservation of native Eucalyptus and brushbox within the residential development, and that strict controls be imposed on dog ownership and containment. These ameliorative measures have been incorporated as conditions of consent for Stage 2A Subdivision Approval S95/44 (Condition 40 and 41). The approved subdivision plans for Stage 1 (S94/149) also indicate the retention of trees utilised by koalas as part of the subdivision design.

The reports from the applicant's environmental consultant recognised the cumulative environmental impacts on fauna and flora associated with the residential development and the Council's proposed Piggabeen Bypass Road. The latter has been subject to extensive studies by various consultants on behalf of Council's Engineering Services Division and preparation of an Environmental Impact Statement (EIS). The proposal is yet to be approved.

The most recent EIS (dated February, 1999) recommended the following ameliorative measures:

- Compensatory plantings of koala food trees and wetlands, and maintenance;
- Fauna underpass (this will connect land to the north and south of the bypass road);
- Dog control (Council patrols and resident education);
- Reduction of traffic impacts (road kills) by construction of koala proof fencing along both sides of the bypass road;
- Monitoring of koala impacts;
- Monitoring reforestation works several years after completion.

REZONING ISSUES

There are two rezoning issues associated with the applicant's proposal in addition to those dealt with in the previous Council report.

Reports from Director Development Services

1. Edge Effects

Edge effects are impacts that occur at the edge of forested areas, and which may extend some distance into the forest remnant. The edge of forest remnants are subject to the effects of increased penetration by sun, rain and wind. The subsequent change in microhabitat may have an adverse impact on native vegetation and promote weedy species. Edge effects can be exacerbated by human activities such as dumping of garden refuse and litter, intrusion by domestic animals and people and increased nutrient run-off from fertilisers etc.

The applicant's environmental and engineering consultants have recommended the following measures to ameliorate the edge effects associated with increased human habitation near the forest edge.

- *“It is recommended that it should be a condition of consent that fences of at least 1.3m in height be constructed along the rear of allotments 29-32. It is considered that residents who wish to throw garden refuse over their back boundary and into the adjacent habitats will do so regardless of whether there is a fence in place or not. It is more likely that garden refuse will be thrown over a tall fence than a short fence. It is less likely that garden refuse will be thrown over a short steel post and wire fence than a metal or timber fence of the same height which precludes the residents view to the refuse dumping area.*
- *It is possible that residents in Lots 29-32 may wish to trim some branches from overhanging trees at the rear of their Lots. This may be a safety issue or an issue relating to the unwelcome dropping of leaf or twig material into backyards. It has been noted from the analysis contained in this report that it is unlikely that actions of this nature will cause a significant adverse impact on the habitat value of the mixed Eucalypt/Brushbox remnant.*
- *The provision of fences along the rear of the allotments is likely to restrict human movements into the adjacent habitat.*
- *The removal of native trees and shrubs from the adjacent habitats is highly unlikely to occur as there is a Tree Preservation Order in Tweed Shire.*
- *Martin Findlater & Associates advise that there will be inter-allotment drainage at the rear of future lots 29-32 which will capture all roof and surface stormwater and release it into the proposed Water Quality Control Pond (WQCP). The WQCP is located in a public reserve nominated as Lot 33 in the Engineering Plans (Drawing No 99040-01). It should be noted that stormwater flows up to a 3 month event (up to 90% of annual surface runoff) will be collected and directed to the WQCP.*

M Findlater & Associates advise that stormwater control devices will substantially remove any pollutants from stormwater prior to its release off site. Habitats adjacent Lots 29-32 will not be adversely affected by the proposed residential development”.

These requirements are intended to be implemented as part of the future subdivision approval for Lots 29-32 (4 lots).

Reports from Director Development Services

Comment

The construction of the fence is unlikely to be a significant disincentive for rubbish dumping (eg, garden refuse), but will act as a barrier to people and dogs from entering the Reserve. It is further recommended that signs be erected within the Council Reserve at the rear of Lots 29-32 indicating that the area is a wildlife habitat and that dumping of rubbish and destruction of native vegetation is prohibited.

Fencing is to be erected on the boundary to delineate Council and private land, and should be constructed of inflammable material (see section on bushfire buffer). Any residential subdivision approval should ensure that impacts from dogs are reduced by introducing conditions similar to controls imposed in Subdivision Approval S95/44.

2. Bushfire Buffer

The rezoning proposal was referred to Council's Fire Control Officer to assess the bushfire risk of placing residential development near a potential bushfire hazard (Sclerophyll forest).

The Fire Control Officer was initially concerned vegetation along the eastern boundary of Lots 29-32 represented a significant bushfire hazard under extreme adverse weather conditions. In such circumstances a 30 metre Fire Protection Zone would normally be imposed (Bushfire Planning Guidelines NSW). However, a detailed site inspection carried out by the Fire Control Officer on 4 May, 2000 revealed that wetlands to the north east of the proposed rezoning are tidal. His report is attached as an addendum to this report. As a result, that available fuel will not dry out in extreme drought conditions, and the bushfire risk is therefore reduced. The fire buffer of 10 metres (building setback from rear of proposed lots) recommended by the applicant's consultant is therefore considered acceptable (Figure 2). The Fire Control Officer has recommended that:

- there be no buildings (including garden sheds) permitted within the 10 metre fire buffer with the exception of swimming pools (quite often garden sheds contain flammable substances such as petrol);
- fences built within the 10 metre fire zone be made of non-combustible material.

The applicant's engineering consultant, Martin Findlater & Associates, has suggested in their letter dated 4 April, 2000 that the 10 metre fire buffer at the rear of the 4 lots could be imposed as a "restriction to use" condition when a development application for residential subdivision is lodged for approval.

Comment

The Fire Control Officer's recommendation is consistent with the comments received from the applicant's consultant. The 10 metre fire buffer (Figure 2) can be imposed as part of the proposed 4 lot residential subdivision.

MAP ANOMALY - TWEED LEP 2000

A zone map anomaly has been identified. A small sector of land previously zoned 2(c) Urban Expansion under Tweed LEP 1987 has been zoned 7(a) Wetland under Tweed LEP 2000 (see Figure 2). The site has been approved for residential development (1 residential allotment) under

Reports from Director Development Services

Subdivision Approval S94/149. The map anomaly should be corrected to be consistent with the residential subdivision approval.

CONCLUSION

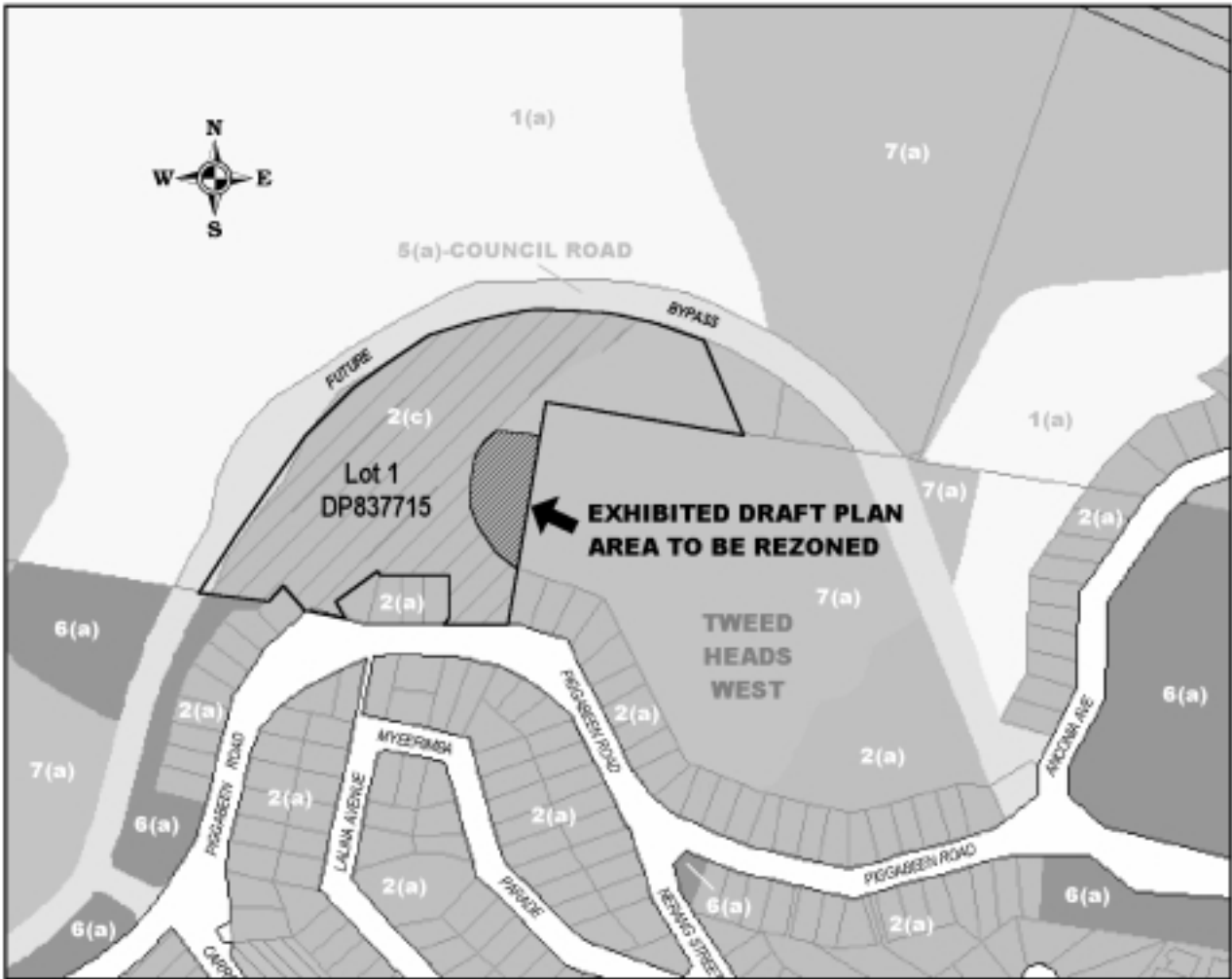
The boundary between the 7(a) Wetland Zone and the 2(c) Urban Expansion Zone on the eastern side of Lot 1 should be amended to be consistent with diagram 3(b) to accommodate four new proposed lots, 29-31, the approved Lot 15 (S94/149), and the boundary of the forest.

The applicant should be advised that, as part of the proposed 4 lot subdivision:

- i) A ten (10) metre building setback (restriction to use) from the rear of Lots 29-31 will be required (bushfire hazard buffer) as shown in Figure 2;
- ii) No buildings or flammable material to be constructed within the 10 metre setback (swimming pools are permissible);
- iii) A 1.3m non-flammable post and wire fence to be constructed at the rear boundary of the proposed 4 lots;
- iv) In consultation with Council's Recreation Services Unit, erect a sign within the Council Reserve at the rear of the lots indicating the area is wildlife habitat and that dumping of rubbish or garden refuse is prohibited;
- v) Provision is made to capture stormwater runoff from the rear of the proposed 4 lots, including drainage easement to convey runoff to a proposed water quality control pond;
- vi) Provision is made for the control of dogs, similar to conditions imposed in Subdivision Approval S94/44.

Reports from Director Development Services

FIGURE 1



Reports from Director Development Services

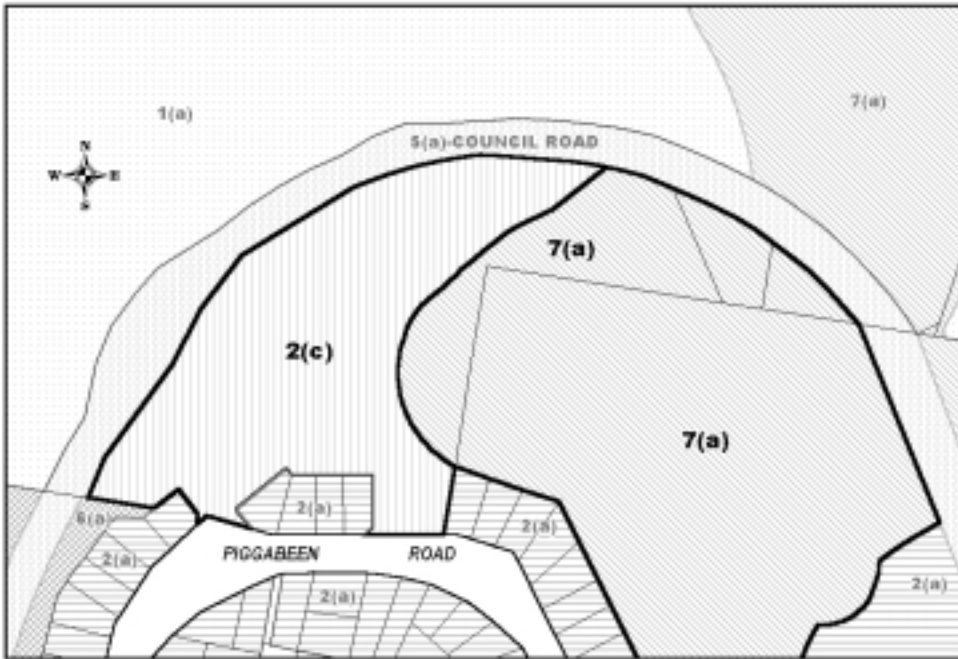


Figure 3A. Current Zonings

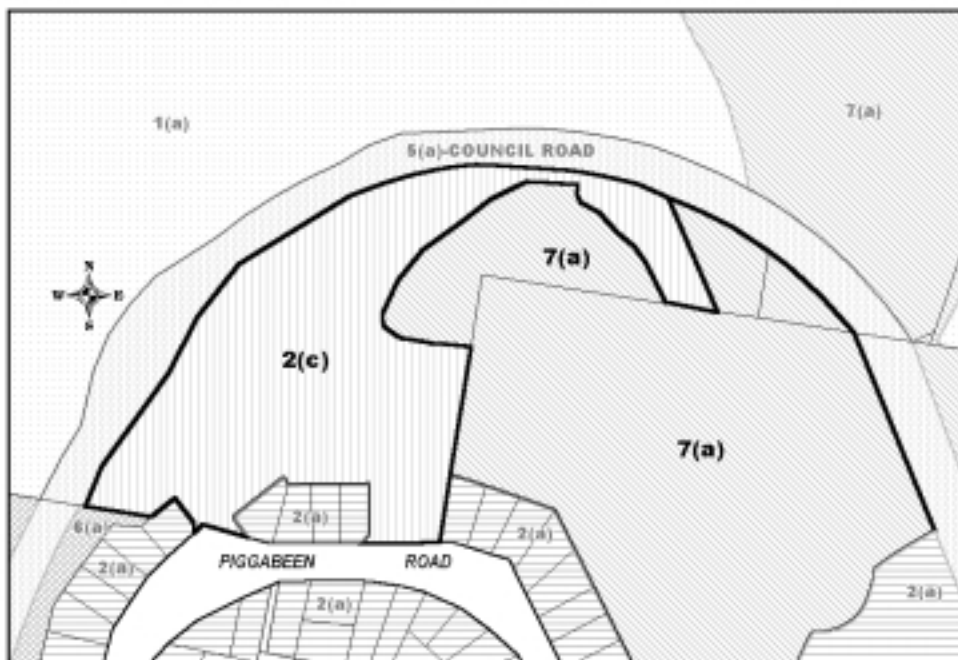


Figure 3B. Proposed Zonings

Reports from Director Development Services

4. ORIGIN: Development Control Unit

FILE REF: DA3346/40 Pt1

REPORT TITLE:

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

SUMMARY OF REPORT:

This report considers an application for approval of 11 swing moorings within the Anchorage Harbour, Tweed Heads. The moorings are currently in existence at the site. The application was advertised and objections were received. On merit it is considered that the proposal to retain the moorings is not acceptable due to the lack of land based facilities, and it is recommend that the application be refused.

RECOMMENDATION:

That:-

A. Development application K00/389 for 11 swing moorings at Lot 268 DP 865924 The Anchorage, Tweed Heads be refused for the following reasons:-

1. The proposal is considered to be inconsistent with Clause 13 of Tweed Local Environmental Plan 2000 as it has not been established that the development is compatible with adjoining development in the vicinity due to the lack of land based facilities.
2. The proposal does not satisfy the objectives of Development Control Plan No. 2 which include "provision of sufficient off street car parking facilities to satisfy demands of residents, staff, servicing, loading and unloading" as no off street parking is available for this proposal.
3. The development is likely to have an adverse effect on the amenity of the area due to the lack of land based facilities including parking, loading areas and launching areas for vessels used to access the swing moorings.
4. The proposal is not in the public interest.

B. The Moorings be removed with twenty-eight (28) days.

Reports from Director Development Services

REPORT:

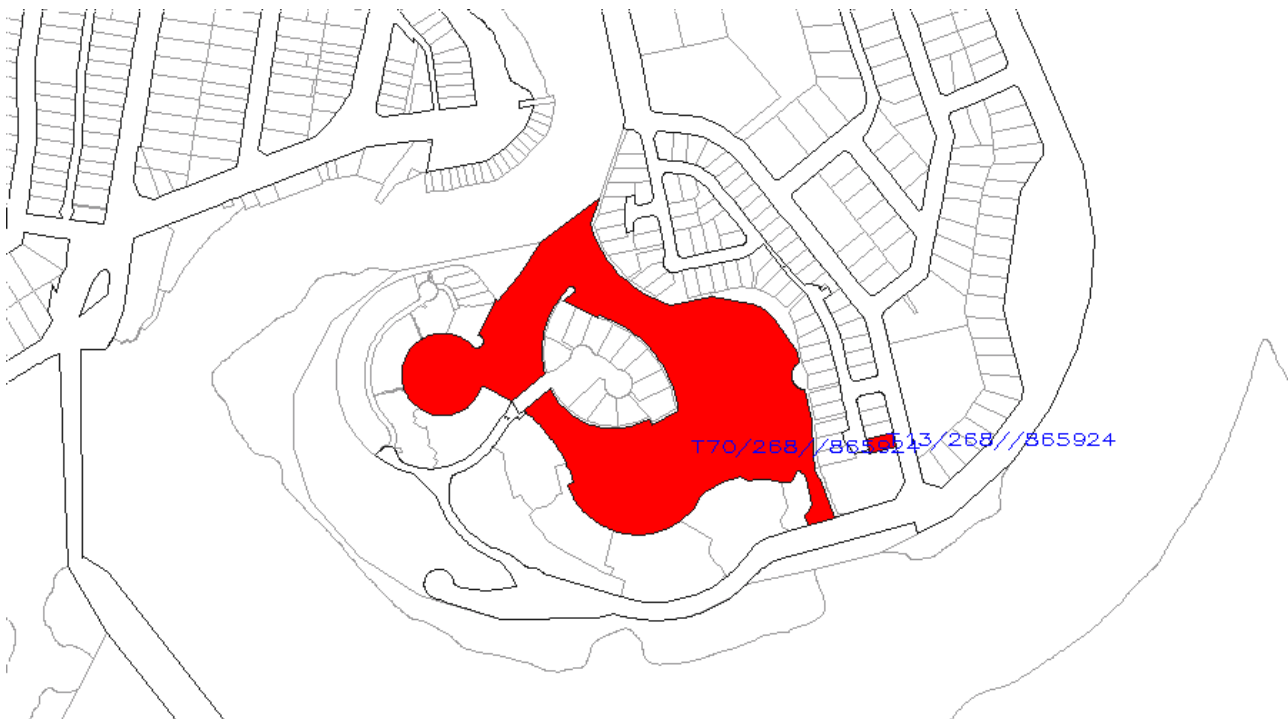
Applicant: B & P Surveys
Owner: Tweed Shire Council
Location: Lot 268 DP 865924 Mariners Drive East, Tweed Heads
Zoning: Uncoloured Land
Est. Cost: \$8,250

BACKGROUND

Approval is sought for 11 swing moorings located within the Anchorage Harbour (Lot 268 DP 865924) Mariners Drive East, Tweed Heads. The moorings currently exist within the harbour and have done for many years, however no formal approval has been granted for this use of the harbour.

This application seeks to legalise the existing situation within the harbour.

SITE DIAGRAM



EVALUATION

The following matters are required to be addressed under Section 79C of the Environmental Planning & Assessment Act, 1979.

(a) (i) Any Environmental Planning Instrument

Tweed Local Environmental Plan 2000 (TLEP 2000)

The Anchorage Harbour is unzoned according to the provisions of TLEP 2000.

Reports from Director Development Services

Clause 13 of the LEP applies, which requires the following matters to be considered:

- “(a) whether the proposed development is compatible with development permissible in the adjoining zone and the character and use of existing development in the vicinity, and*
- (b) in the case of unzoned land that is below the mean high-water mark of the ocean or an estuary, bay, lake or river:*
 - (i) whether or not the proposed development would alienate the use of the waters of the ocean, estuary, bay, lake or river from recreational uses or from commercial fishing and, if so, whether there is sufficient area in the locality for those uses to mitigate the adverse effect of the proposed development on those uses, and*
 - (ii) the provisions of any coastal, estuary or river plan of management in force from time to time that applies to the unzoned land or land in the vicinity, and*
 - (iii) any impact the proposed development may have on the natural environment.”*

The surrounding land is primarily subject to residential and open space zonings and is developed for residential purposes. The proposed development for the mooring of boats may or may not be compatible with the surrounding development, depending upon how the mooring facilities are managed and accessed. These issues will be discussed under the following sections of the report.

The proposal involves the private use of a waterway however it is considered that the use will not substantially alienate public use of the area. Navigational passages will not be adversely affected and the proposal is not likely to have an adverse effect on the environment. These issues will be discussed in more detail in the following sections of this report.

(ii) Any Draft Environmental Planning Instrument

No draft Environmental Planning Instruments apply.

(iii) Any Development Control Plans (DCPs)

DCP2 - Site Access and Parking Code

DCP 2 requires the provision of parking for a “marina” at a rate of 0.5 customers parking spaces per mooring.

A marina is defined under TLEP 2000 as “*a pontoon, jetty, pier or similar structure, designed or adapted to provide moorings primarily for boats used for pleasure or recreation, and includes ancillary works such as a slipway and facilities for the provision of fuel, accessories and parts for boats.*” The proposed development clearly meets the requirements of the first part of the definition however, no “ancillary works”

Reports from Director Development Services

are proposed as required by the definition of “marina”. As such the DCP2 requirements relating to marina can only be used as a guide in assessing the adequacy of parking. Council should have regard to the objectives of DCP2.

According to DCP2, a total of 5.5 car parking spaces would be required for the proposed swing moorings. The applicant has not proposed to provide any parking for the development and submits that it is proposed to utilise existing public car parking along Keith Compton drive.

Access to the water is not gained directly from Keith Compton Drive, and is gained via public reserves accessible from Quayside Court and Navigators Way. The roads within this subdivision are relatively narrow and do not have ample room for parking.

The proposal does not comply with the objectives of DCP2 and is not considered acceptable in terms of parking provision.

(iv) The Regulations

NSW Coastal Policy

The proposal is affected by the Coastal Policy. Principles within the policy relating to public access to the waterway and foreshore areas would apply.

The proposal will not restrict access to the foreshore, provided that dinghy’s or boats used to access vessels moored at the swing moorings are not permanently moored on the public reserve surrounding the waterway.

(b) Environmental Impact

The swing moorings are currently in existence and as such no adverse environmental concerns regarding installation are warranted. Potential for adverse impacts arise from mechanical work on the boats and from people residing on the vessels. Should any approval be granted for the moorings conditions should be imposed preventing mechanical work or people residing on the boats.

(c) Suitability of the Site

The main concern with the proposal is that the site does not have access to any land based facilities normally required for the mooring of boats. The site may not be suitable for the proposed boat mooring due to the lack of services such as parking, toilets and areas for the launching of dinghy’s to access the boats anchorage to the swing moorings. This issue was the primary concern raised in objections lodged during the exhibition period.

In response to these issues the applicant has provided advise that vehicles used to access the swing moorings generally park on Keith Compton Drive and that it is unlikely that all boats would be in use at the one time and hence parking requirements will be less than 11 spaces with ample kerbside parking being available.

Reports from Director Development Services

The applicant states that *“the boat is picked up from the swing mooring by the owner. It is then moved to a public marina where it refuels and collects passengers. The boat then spends a day or longer out “on the water” before returning via the marina to the swing moorings”*. It is also stated that access to the boat is gained through the network of paths and pathways surrounding the harbour.

The pathway network within the Anchorage has not been designed for boat launching and is generally of a passive recreation nature comprising landscaping, seating and walkways. No nearby boat launching facilities exists and as such access to the swing moorings are likely to continue being through the Anchorage open space network.

It is considered that inadequate land based facilities exist for the moorings and on this basis the site is not considered suitable for the swing moorings.

(d) Submissions

The application was advertised and a total of 5 public submissions were received. One submission raised no objection to the existing moorings and the other submissions objected to the proposal on the following grounds:

* Parking

Objections were raised regarding the lack of parking.

This issue has been discussed under the section of this report relating to Development Control Plan No. 2, where it was concluded that the proposal does not comply with parking objectives and that inadequate parking facilities are available.

* Dinghy's Parked on Beaches

The objectors have stated that resident opposition exists to dinghy's being parked on beaches, with Council previously being involved in attempting to have these dinghy's removed.

The parking of dinghy's on the beaches would clearly have an adverse impact on the use of the public reserve area. It would result in the isolation of this area from public use. It is considered that the parking of dinghy's on the beach for use in accessing the moorings is unacceptable.

* Leasing arrangements

It is stated that the lease agreement should be available for Councillors and ratepayers to satisfy themselves that there is a commercial financial return to the Shire.

The harbour is currently leased from Council by Lendlease Residential. Lendlease have previously been issued approval from Council to issue subleases within the harbour. This resolution was specifically made to facilitate the installation of pontoons for boat moorings.

* Rock walls

Reports from Director Development Services

The objectors raise concerns regarding the state of the rock walls surrounding the harbour and request that further use of the area by boats will accelerate the subsidence and erosion.

It is considered that the position of the 11 swing moorings is unlikely to cause a substantive increase in boat movement within the harbour. The boats are generally used on an infrequent basis, and must adhere to general navigational rules.

* Incorrect information

It is submitted that an additional 6 moorings were installed in 1988 and that only 5 moorings were present until this time.

Council does not appear to have any record of when the moorings were installed and the applicant states that they were installed in the early 1980's.

Public Authority Submissions

The application was referred to NSW Fisheries, Department of Land and Water Conservation and the Waterways Authority.

NSW Fisheries and DLWC did not raise any objection to the proposal.

The Waterways Authority advised that the mooring layout and spacing allow the general public and commercial vessel navigational access through the area. They advise that they raise no objections to the moorings but would resist any further moorings for navigational reasons.

The advise that two issues that the Authority has had problems with is "liveaboards" and boat maintenance and they advise that neither activity should be permitted.

They also advised that Council should investigate where dinghy's to access the vessel would be launched on the foreshore in this sensitive area.

(e) The Public Interest

Issues relating to the public interest have been addressed throughout this report.

In summary, it is considered that the development is not in the interests of the general public due to the lack of land based facilities such as parking, and boat launching areas. On this basis the proposal is likely to cause conflict with the use of the area by the general public.

LEGAL/FINANCIAL/RESOURCE IMPLICATIONS

Should the applicant be dissatisfied with the outcome of the application a right of appeal to the Land and Environment Court would exist.

OPTIONS

Council has 3 main options available.

Reports from Director Development Services

1. Approve the application as submitted.
2. Approve the application with stringent conditions regarding the use of the moorings and access.
3. Refuse the application due to the adverse effect on the public and the area due to lack of land based facilities to service the proposed moorings.

CONCLUSION

In conclusion it is considered that the moorings would have an unacceptable impact as inadequate land based facilities exists for their use. No parking is available and no formal launching area for dinghy's to access the mooring is available. It is recommended that the application be refused due to the inadequacy of the land based facilities and the adverse impact that use of the moorings would cause.

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5. ORIGIN: Subdivision Unit

FILE REF: GS4/96/90 Pt3

REPORT TITLE:

Pottsville Waters Stage 9 - Development Consent S96/90 - Naming of Proposed Street

SUMMARY OF REPORT:

The applicant has requested Councils approval to name a new street "Peter Court". The proposed name is similar to Peter Street (Banora Point) and Peter Street (Murwillumbah) and is therefore considered to be inconsistent with Councils Road Naming Policy

RECOMMENDATION:

That the proposed name "Peter Court" not be approved as it is inconsistent with Councils Road Naming Policy.

Reports from Director Development Services

REPORT:

Release of the linen plan for the remaining lots in Pottsville Waters Estate Stage 9 is imminent.

The plan proposes the creation of a short cul-de-sac which the applicant proposes to name "Peter Court".

Comment

The following is an extract from Council's adopted Road Naming Policy.

"GUIDELINES

In the naming and re-naming of roads and streets the following guidelines should be observed.

Uniqueness

- a. *Name duplication within a local government area should be avoided. If possible duplication of names in proximity to adjacent local government areas should also be avoided.*
- b. *However, roads crossing council boundaries should have a single and unique name.*

Sources

2.1 *Preferred sources for road names include:*

- *Aboriginal names,*
- *Local history*
- *Early explorers, pioneers, settlers and other eminent persons,*
- *War/casualty lists*
- *Thematic names such as flora, fauna or ships.*

2.2 *Names should be appropriate to the physical, historical or cultural character of the area concerned.*

2.3 *The origin of each name should be clearly stated and subsequently recorded.*

2.4 *The local Aboriginal Land Council should be consulted when choosing Aboriginal names unless council already has an agreed list of appropriate names."*

The proposed name is similar to Peter Street (Banora Point) and Peter Street (Murwillumbah) and it is therefore considered to be inconsistent with Council's policy.

To avoid confusion arising from duplication or similar road/street names it is therefore recommended that the proposed name not be approved.

Reports from Director Development Services

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6. ORIGIN: Development Control Unit

FILE REF: DA2800/60 Pt1 K00/372

REPORT TITLE:

Additions and Alterations to Tweed Heads Hospital at Lot 628 DP 755740 Florence Street, Tweed Heads

SUMMARY OF REPORT:

Council has received a development application for \$26.3 million additions and alterations to the Tweed Heads Hospital. The additions involve the erection of a new 2 storey wing and a significant increase in the provision of on site car parking. The existing Community Health buildings will be removed with these services being relocated to the existing main building. The development will result in an increase of 60 beds and a significant upgrade of existing facilities. The application is identified as a Crown development and requires the approval of the applicant or Minister for Urban Affairs and Planning prior to the imposition of any conditions on a approval. Discussions and correspondence from the Department of Health have resulted in agreement not being reached on a number of proposed conditions. Conditions being disputed related to the levying of contributions for water and sewer headworks, the requirement for Council to approve and inspect plumbing and drainage works in relation to Council's facilities and the requirement to construct a bus shelter at the main entrance of the hospital in Powell Street. Should these conditions remain unresolved these matters will need to be referred to the Minister for Urban Affairs and Planning for resolution.

RECOMMENDATION:

That:-

- A. Council approves the proposed alterations and additions to Tweed Heads Hospital at Lot 628 DP 755740 Florence Street, Tweed Heads and submit the conditions listed below to the applicant seeking the Department of Health's approval in accordance with the Environmental Planning & Assessment Act, 1979.

PRE-REQUISITES

1. 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 Clause 79H of the Environmental Planning and Assessment Regulations, 1994, a Construction Certificate shall **NOT** be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

Reports from Director Development Services

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

Water:	\$102,600
Sewer:	\$84,600

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.

GENERAL

2. The development shall be completed in general accordance with Plans Nos DA-A01, DA-A05 dated 13/3/2000, DA-A02, DA-A03, DA-A04, DA-A06 dated 16/3/2000 and SD-L01 dated 13/3/2000 prepared by NSW Department of Public Works, except where varied by these conditions.
3. 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.
4. 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.
5. 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.
6. Landscaping of the site shall be carried out in accordance with the submitted landscaping plans and recommendations of the flora and fauna assessment.
7. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.
8. All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead".
9. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve unless approval is obtained from Council..

ROADS/STREETS

Reports from Director Development Services

10. A concrete ribbon footpath 1.2 metres wide and 75 millimetres thick is to be constructed on a compacted base along the frontage of the site to Florence Streets as shown on the approved site plan. The compacted base is to achieve 95% of maximum dry density determined in accordance with AS1289 5.4.1 for a minimum 100mm depth. A full depth construction joint is to be provided at 6.0 metre intervals and 20 millimetre deep groove joints provided every 1.5 metres, the balance area to be graded to the kerb and turfed. The footpath is to have a 3% crossfall which must be attained at each side boundary. This may result in work to be undertaken on the footpath at adjoining properties which must not exceed 1:14 and must be reinstated with turf. The footpaving is to be located 800 millimetres from the property boundary. An inspection of the formwork is to be arranged with Council's Engineering Services Division prior to concrete being placed.
11. Prior to occupation of the building, all disused invert crossings are to be removed and replaced with kerb and gutter and all disused driveways across the footpath are to be removed and replaced with topsoil and turf to the satisfaction of the Director, Engineering Services.
12. 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.
13. The provision of adequate vehicular access in accordance with Council's "Access to Property" pamphlet, including the provision of an invert crossing at the kerb and gutter and paving of the driveway across the footpath to the front alignment. Twenty four (24) hours notice is to be given to Council's Engineering Services Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the vehicular access and its reconstruction.
14. Two way driveways are to be constructed a minimum 7 metres wide at the property boundary and 13 metres wide at the kerb line with a uniform taper if a splay is specified.
15. One way driveways are to be constructed a minimum 4 metres wide at the property boundary and 6 metres wide at the kerb line with a uniform taper if a splay is specified.
16. The concrete driveways across the footpath are to be 200 millimetres thick minimum and reinforced with F82 mesh with 40mm cover.

PLUMBING AND DRAINAGE

17. Prior to commencement of works provide a minimum of three (3) copies of hydraulic drawings on the proposed water supply system and sewer drainage systems including pipe sizes, details of materials and discharge temperatures.

Reports from Director Development Services

- Drawings shall be accompanied by a schedule of works outlining the various stages of construction to allow Council to determine the applicable inspection fee charges.
18. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a internal drainage, prior to slab preparation;
 - b water plumbing rough in, prior to the erection of brick work or any wall sheeting;
 - c external drainage prior to backfilling.
 - d. completion of work.
 19. A. A permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
B. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.
 20. An application to connect to Council's sewer is to be submitted to and approved by Council prior to the commencement of any works on the site.
 21. A trade waste application form must be completed and approved before discharge to sewer commences.
 22. Back flow prevention devices shall be installed where ever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1-1990 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.

ENVIRONMENT PROTECTION

23. Carpark flood lighting is not to spill beyond the boundaries of the site so as to cause a nuisance to occupiers of adjacent residential premises.
24. 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.
25. All reasonable steps shall be taken to ensure the use to be conducted does not cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.
26. 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.

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27. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays unless prior notice has been given to Council.
28. Prior to commencement of building works all required sedimentation and siltation control measures are to be installed and operational. Erosion and sedimentation control devices should be installed in accordance with the publication "Managing Urban Stormwater Soils and Construction" prepared by the NSW Department of Housing. All erosion and sedimentation control shall be maintained throughout the period of construction.
29. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
 - A. Short Term Period - 4 weeks.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
 - B. Long term period - the duration.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.
30. 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.
31. Appropriate measures are to be put in place during the construction period to prevent the transport of sediment from the site. Should any material be transported onto the road or any spills occur it is to be cleaned up within one hour of occurrence.
32. The burning of builders waste on site by open fire is prohibited.
33. Owners of buildings served by plant involving the operation of "cooling towers", "evaporative condensers" or "tepid water systems" must submit to Council, half yearly, a report detailing the maintenance, cleansing and chemical treatment of such plant every three (3) months in accordance with Part 6 of the NSW Public Health Act.
34. Any proposed cooling tower installation must also include details on the proposed means of back flow prevention to the water supply prior to installation.

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35. The peak stormwater flow rates that may be discharged from the site to the public drainage system in events of intensity up to and including the ARI 100 year design storm are:

To existing Council pit in Keith Compton Drive 200l/sec

To existing Council pit at north eastern end of Solander Street 150l/sec

These constraints may be met by a selection or combination of the following

Adjust internal catchment areas discharging to each Council pit

On site detention (OSD),

On site retention (eg infiltration)

Obtain necessary approvals and construct separate stormwater outfall to the Tweed River

Detention storage may be incorporated into surface depressions in landscaping or car parking areas. The maximum water depth under design conditions in vehicle parking areas shall be 200mm. OSD devices including discharge control pits (DCP) are to comply with standards in The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook, Second Edition 1994") except that permissible site discharge (PSD) and site storage requirements (SSR) in the handbook do not apply to Tweed Shire. All these works and the connection to Councils drainage system shall be constructed in accordance with design calculations, plans and specifications submitted to the Director of Engineering Services. prior to the commencement of works.

36. (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 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

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practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.

- (c) Prior to commencement of works 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 must be submitted to the Director Engineering Services.

37. The provision of a bus shelter to Councils Standard design in Powell Street.

- B. Should the applicant dispute any of the proposed conditions, as a matter of urgency, Council write to the Minister for Urban Affairs and Planning, seeking resolution of the conditions in dispute.

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REPORT:

Applicant:	Australian Pacific Projects
Owner:	Northern Rivers Area Health Service Tweed District Hospital
Location:	Lot 628 DP 755740 Keith Compton Drive, Tweed Heads
Zoning:	5(a) Special Uses (Hospital) Tweed Local Environmental Plan 2000
Est. Cost:	\$26.3 million

BACKGROUND

Council has received a development application for major additions to and redevelopment of the Tweed Heads Hospital located at Keith Compton Drive, Tweed Heads. The additions involve the provision of approximately 8600m² of new accommodation as well as the refurbishment of 3100m² of the older parts of the existing Hospital. The main features of the proposal include:

- increase in the number of beds by 60
- construction of a new two storey wing
- removal of the existing community health buildings
- increase in the number of off street parking spaces from 159 to 350
- relocation of community health services to the existing main building

It is also proposed to relocate the helipad approximately 20 metres further to the south towards Solander Street.

The subject application has been lodged by the Crown and in accordance with Section 115I of the Environmental Planning & Assessment Act, 1979, Council as the consent authority cannot refuse or place conditions on any consent without the prior approval of the applicant or Minister for Urban Affairs and Planning.

The following approvals have been granted in the last 10 years in relation to the Hospital.

7 August 1996 - Development consent granted for new generator plant

15 April 1996 - Development consent granted for relocation of helipad

26 June 1995 - Addition to existing Hospital

15 February 1995 - Erection of an ambulance station

13 October 1993 - Erection of demountable office/amenities/car port for ambulance use

21 December 1992 - Additions to Tweed Hospital

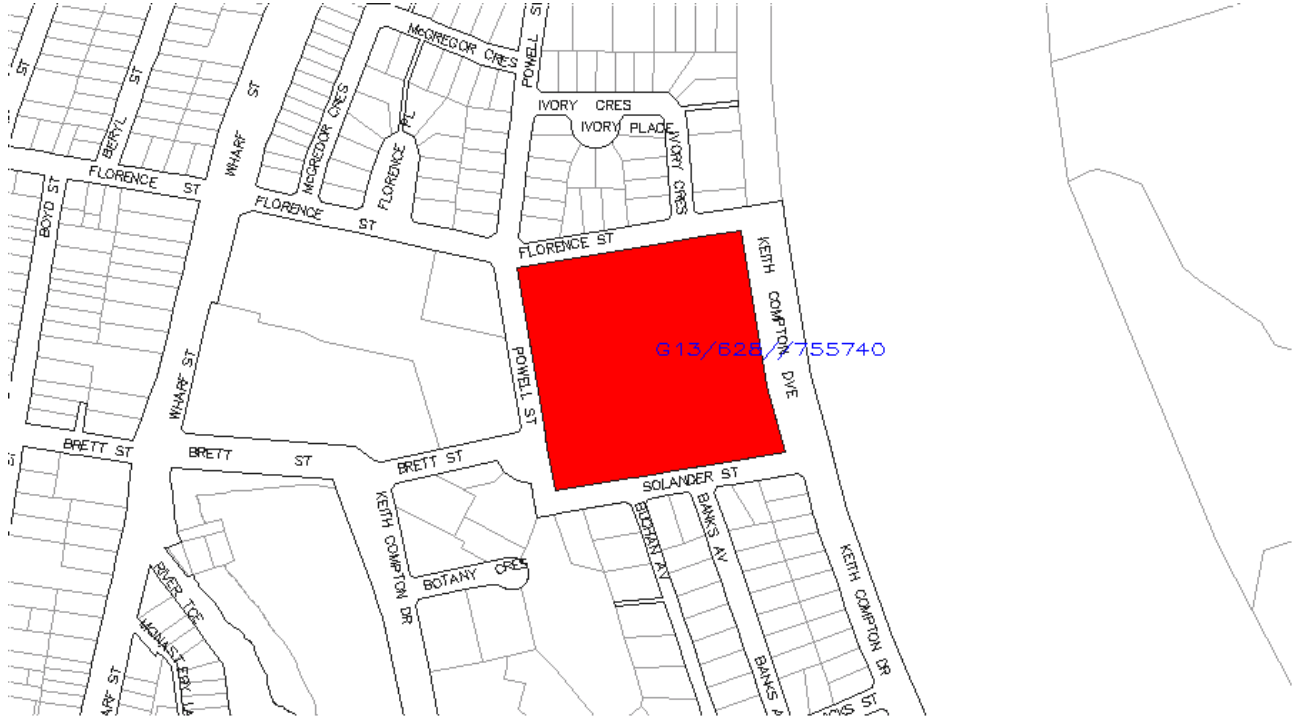
10 October 1990 - Additions to existing health building to create new dental facility

The two more significant additions in recent years include the construction of two 2 storey buildings to the south of the original building in the period 1992/93. One building contained theatres and a

Reports from Director Development Services

medical ward while the other provided an Intensive Care Unit. The other addition completed in 1995 provided new emergency and medial imaging units in a single storey building.

SITE DIAGRAM



EVALUATION

The following matters are required to be addressed under Section 79C of the Environmental Planning & Assessment Act, 1979.

(a) (i) Any Environmental Planning Instruments

Tweed Local Environmental Plan 2000

The subject site is zoned 5(a) Special Uses (Hospital) under this plan. The primary objective of the 5(a) zone is:

“to identify land which is developed or is proposed to be developed generally by public bodies for community facilities and services, roads, railways, utilities and similar things”.

Tweed Heads Hospital currently exists on the site and the proposed additions and alterations are consistent with the zone objective and permissible with consent.

North Coast Regional Environmental Plan 1988

The proposed development is not inconsistent with this plan.

Any State Environmental Planning Policies

SEPP11 applies to this development. See section (b) for comments.

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(ii) Any Draft Environmental Planning Instruments

No draft Environmental Planning Instruments apply to the proposal.

(iii) Any Development Control Plans (DCPs)

DCP2 - Site Access and Parking Code applies to the subject development. Under the provisions of this plan the following parking requirements would be applicable for the existing and proposed extensions when completed.

Car parking	454 spaces
Service Vehicles (cars)	31 spaces
Service Vehicles (trucks)	31 spaces
Bicycle	226 spaces
Bus stop seating	120 seats

Existing on site parking is provided in a number of areas. A total of 159 formal on site parking spaces currently exists. The number of other types of parking and bus seating is limited.

The additional parking demand under DCP2 generated by the additions and alterations may be estimated as follows:-

Car parking	127
Service Vehicles (cars)	9
Service Vehicles (trucks)	9
Bicycle	60
Bus stop seating	31

As part of this application it is proposed to provide an additional 191 car parking spaces and 36 cycle parking spaces and 2 minibus spaces. The number of car parking spaces being provided is in excess of that required under the DCP and as a result will reduce the current demand for on street parking.

The applicant submitted a traffic report prepared by Olsen Consulting in support of the development application. This report provides a detailed analysis of parking demand generated by the existing hospital and proposed additions and alterations. The report concludes by stating:-

“The proposed additional parking provision is expected to satisfy most of the future parking demand on site. Ample on street parking in the near vicinity of the hospital is available to take up the incidences of parking overflow. The proposed increase in parking provision will result in substantial decrease in on street parking demand.”

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Limited bus seating and bicycle facilities are proposed by the development. The traffic report, based on surveys of staff, patients and visitors currently utilising the hospital, found that the majority of people travel to the site by car. It was found that 1% of all hospital staff travel to work by bus.

Infrequency of bus services to the hospital and limitations of their catchment areas tend to make buses an unattractive mode of transport for hospital staff and visitors. Surveys conducted by the consultant also indicated that staff and visitors did not want any improvements in bus services.

These results may be more of a reflection that limited services are available and people don't see public transport as an option.

The applicant has shown a possible future location for a bus shelter along Powell Street near the main entrance to the hospital. The current bus stop is located in Solander Street. No bus shelter or seating currently exists in this area.

It is considered that a formal bus shelter with seating as indicated on the plan should be constructed in Powell Street. This will improve and increase the profile of existing public transport facilities in the area which will encourage the usage of this service. The applicant should consult with Council and the local bus company to determine the best location for this facility however, it is considered important that the facility is located in Powell Street where pedestrian footpaths exist and in close proximity to the main entrance to the hospital.

DCP No. 5 - Development of Flood Liable Land

The subject site is identified as flood liable under the provisions of DCP5. The design floor level for residential development is 2.95m AHD. The applicant has indicated the finished ground floor level of the new buildings will be 3.71m AHD which is above the design flood level.

(iv) The Regulations

The proposed development is located in an area affected by the Government Coastal Policy. The proposed development is not inconsistent with the provisions of this policy.

Clause 66B of the Regulations is applicable to the proposed alterations to the existing building. The applicant has stated that alterations to the existing building will be to the current Building Code of Australia requirements.

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

Context and Setting

The site is located within the existing urban area. The site covers an area of approximately 4000m² bounded by four street frontages. The site contains the existing hospital building and facilities comprising a four storey main building and a number of one and two storey additions.

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Development to the north and south of the site is characterised by residential dwellings and flat buildings. To the west is Tweed Heads Bowls Club and to the east the Tweed River and foreshore area.

The existing buildings and proposed buildings will largely be consolidated to the centre of the site with car parking areas being located around the outer areas of the site. The development will result in substantial stands of trees being removed from the southern portion of the site. This combined with the construction of parking along the Solander frontage will significantly increase the visibility of the hospital development to residents on the southern side of Solander Street.

Existing vegetation along the eastern boundary of the hospital site will also be removed having an impact when viewed from the River and foreshore area.

The actual built form of the new development, being two storeys in height, is considered acceptable in context with the existing 4 storey and two storey buildings on site. The location of buildings towards the centre of the site also assists in minimising the bulk and scale of the development in context with surrounding development in the area.

The main impact as previously discussed will be the removal of existing vegetation and construction of car parking. This will result in visual access to the site, particularly from Solander Street and Keith Compton Drive being increased.

The applicant as part of the development application has prepared a landscape plan which attempts to create a natural vegetated buffer between the hospital, parking and road areas in order to assist in mitigating the visual impact of the parking areas. It is proposed to provide landscaping within the parking areas which will break up the hardstand area.

A earthen mound with landscaping is proposed for the south eastern corner of the site screening the helipad area from the street, River and adjoining residences.

A series of tree lined avenues are proposed through the site to emphasise views to the river, help guide people through the site, provide shade for paths and car parking areas and compliment the form and alignment of the buildings. This design will result in less vegetation being situated along the Keith Compton Drive frontage however is considered adequate to minimise the visual impact of the development while allowing views to the river from the site.

The design of the development combined with the proposed landscaping is considered to be acceptable in terms of the character of the surrounding area.

Access, Transport and Traffic

Under the provisions of SEPP11 the application was referred to Council's Local Traffic Committee for comment along with the traffic assessment submitted with the application. The Committed noted that:-

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“the extensions will require a major upgrade in car parking and the hospital has enough parking on site for this application”.

The plans were unanimously supported by the Committee.

Council’s Traffic Engineer also reviewed the proposal and provided the comment that:

“The surrounding road network has the capacity to absorb the predicted traffic generation from the development”.

New driveway crossings are required to be constructed in Keith Compton Drive and Solander Street. Access and parking layout is considered satisfactory.

As previously discussed, public transport services to the site are limited and this may be a reflection of the availability of public transport services. The applicant has shown a proposed future bus shelter on Powell Street however does not propose to construct this shelter as part of this development. It is considered that this shelter should be constructed to encourage the use of public transport and improve existing facilities.

In general it is concluded the traffic access and transport arrangements proposed are satisfactory.

Utilities

The subject site is serviced by reticulated water and sewerage facilities. The subject proposal will place additional loadings on these facilities and in accordance with State Government guidelines it is reasonable for Council to require the payment of headwork’s charges. A condition of consent is proposed, in line with the State Government guidelines and Council’s Fees and Charges, levying contributions for both water and sewerage headworks.

Flora and Fauna

Flora and fauna studies were undertaken over the subject site. The report in conclusion stated:-

“No threatened species were recorded on site during fieldwork. The modifications undertaken on site were found to negate any viable habitat for most threatened species, although marginal potential habitat resources exist on site for some of the threatened species considered. It is seen as highly unlikely that any local populations of threatened species are critically dependent on the resources present on site. It is, however, recommended that within the revised landscaping such trees as (Allo) Casuarina, Banksia, Syzygium and Grevillia be utilised again in order to enhance potential habitat, notably for Fruit-Doves, Black-Cockatoos and the Eastern Blossom Bat. With the application of this recommendation, the works envisaged for the proposed extension are not seen to constitute a significant threat to any habitat for native species on site.

An assessment of the site under the provisions of SEPP44 - Koala Habitat Protection was undertaken. It was found that the site as a whole in part does not

Reports from Director Development Services

contain Koala feed tree species listed under Schedule 2 of SEPP44 at a density to constitute "Potential Koala Habitat" and no further provisions of the policy apply to the site.

In conclusion, it is considered that the proposed development poses no threat to populations or individuals of any threatened fauna or flora species, or any significant areas of habitat for such species".

Based on the above and having regard to Section 5A of the Environmental Planning & Assessment Act, 1979, it is concluded that a Species Impact Statement is not required and the impact of the development on flora and fauna in the area is acceptable.

Noise

The development can be expected to generate additional noise during construction and on completion. On completion of the development the loading and garbage areas located to the south of the site have the potential to create unacceptable noise affecting residences in Solander Street. The hospital have given the undertaking that all waste removal will occur during business hours. The applicant has submitted a noise assessment indicating that the nearest residences to the loading dock should not be affected.

It is not anticipated that general noise will be significantly greater than currently experienced from the existing development. Construction noise is anticipated to be largely self regulating as a result of the developer having to be continuous of maintaining a reasonable level of amenity for existing patients residing at the hospital.

It is considered that impacts from noise will be acceptable.

Natural Hazards

The subject site is identified as being flood liable under the provisions of DCP5. All finished floor levels will be above the 1 in 100 year flood event of 2.95m AHD.

The subject site is also identified as containing potential acid sulfate soils. The applicant in accordance with the provisions of Clause 35 of TLEP 2000 submitted a report which concludes that tests indicate that values obtained are significantly low to pose any major concern for consideration.

Social Impact

The applicant submitted in accordance with Clause 17 of TLEP 2000 a Social Impact Statement which indicates the development will have a net social benefit.

(c) The Suitability of the Site for the Development

The subject site is located within 500m of Tweed Heads business area and the Pacific Highway. The development site contains the existing hospital. The redevelopment and additions to the existing hospital is the most logical and economic means of upgrading

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existing health services in the Tweed. The site is primarily flat and is of a size to accommodate the additions.

The location of the site adjacent to Tweed River increases the need to install appropriate stormwater management devices to minimise the risk of pollutants from the site entering the river. A condition should be placed on any approval requiring the preparation of a stormwater management plan in accordance with provisions of Tweed Urban Stormwater Quality Management Plan.

It is considered that the site is suitable for the proposed development.

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

Public Submissions

The application was advertised in the Tweed Link and notified to adjacent and adjoining owners. At the conclusion of the exhibition period no submissions were received.

A letter of support from the Tweed Heads Bowling Club was submitted with the application.

Public Authority Submissions or Comments

Following consultation concerning draft conditions of consent the Northern Rivers Area Health Service has made a submission challenging conditions relating to levying of Section 94 contributions for roads, headworks contributions for water and sewer, the requirement for Council to approve and inspect plumbing and drainage and the requirement to construct the bus shelter. Each of these matters are discussed below.

1. Section 94 for roads

Under Council's Section 94 Plan for roads a contribution of \$79,776.90 would be applicable. The Department of Urban Affairs and Planning have put out guidelines in relation to levying contributions for Crown developments. The guidelines state that:-

“Where Council intend to levy contributions on Crown developments, they must be justified in a Section 94 Contributions Plan. Consideration should also be given to the Crown's role in providing a community service, the cost of which is accountable to all taxpayers in the State”.

The guidelines indicate it is reasonable to levy contributions for roads in circumstances where the development generates the need for physical works to be carried out. The applicant has submitted that the proposed development can be accommodated within the existing road infrastructure and does not generate a physical demand for works in the immediate vicinity of the development and therefore the application of Section 94 contributions for roads should not be applied as a direct nexus cannot be established.

“The Engineering Services Division disagrees with this statement as the Section 94 Plan clearly demonstrates the nexus between developments and traffic generation. However, it is acknowledged that this is a public facility provided by

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the State Government and as such it is difficult to levy the contribution without Ministerial approval. Given that this is unlikely and the Hospital will benefit the Tweed Community, the contribution could be waived under these circumstances."

It is considered that like any development, the upgrading of the hospital will result in a Shirewide impact on local roads however having regard to the fact that the development is providing a public facility leading to significant public benefit for the community as a whole in terms of essential community services and employment opportunities and that the development does not directly generate a need to upgrade the existing road network in the immediate area, it is reasonable not to levy the contribution for roads.

2. Water and Sewer Headworks

Water and Sewer headworks are levied under the provisions of Sections 24, 25 and 26 of the Water Supply Authorities Act which is called up by Section 64 of the Local Government Act.

The Crown has indicated that they are not prepared to accept any conditions relating to the payment of water and sewer headworks as a clear nexus cannot be established. Department of Planning Guidelines indicate that Council may levy such contributions where a clear nexus can be established.

From the scale of the additions and the need to upgrade fire fighting services it is obvious the development will place additional loading on Council's Water and Sewer systems justifying the levying of contributions.

The rate at which contributions for water and sewer are proposed to be levied are in accordance with Council's Fees and Charges. The fees adopted by Council are based on Department of Public Works guidelines. The applicant has submitted a letter from the Department of Public Works claiming that these published rates for hospitals are incorrect due to recent installation of water conservation measures.

Council's Water Unit Manger provided the following comments in response to the issue:-

"It is considered that the rejection of Section 64 charges for water and sewerage is unreasonable and the payment of such charges is consistent with the latest Circular advice on "Conditions of Consent Appropriate to Crown Development Applications" which states:-

"While Council can still levy contributions towards the provision of water and sewerage facilities, this is now done under Division 2 of Part 3 of the Water Supply Authorities Act, 1987 and not under the EP&A Act. (refer to Circular No. A21, issued 30 June 1993)."

The impact on water and sewerage services of the Hospital development was assessed in accordance with guidelines adopted by Council and provided to it by the State Government through the then Department of Public Works. There

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is clearly an impact on water and sewerage services and the development will absorb capacity from Council's system.

The applicant has contended that the guidelines prepared by the then Department of Public Works are outdated and do not take account of water conservation design measures and that the development will not have the impacts predicted. This argument ignores the issue that the apportionment is relative and only seeks to recover costs incurred in providing capacity on a fair/proportional basis. It is ludicrous to claim that an increase from 120 to 180 beds will not provide any further demand on the water and sewerage systems.

The applicant, during discussions was invited to provide a technically valid submission on its claims. While an offer was made to have the professional designers discuss this issue with Council staff, the refusal to accept the conditions appears to indicate that no further discussions will be pursued by the applicant."

Based on the above, it is considered that there is a nexus between the development and an increase demand on water and sewer headworks and therefore the above contributions should be applied.

Should Council consider it not appropriate to levy the contribution or the requirement for the contributions are waived by the Minister then the local community and development industry will subsidise this development through the payment of additional contributions to meet the shortfall in future funding generated by forfeiting contributions for this development.

3. Council's Role in Inspecting Water and Sewer Services

Northern Rivers Area Health Service has disputed Council's role in approving and inspecting plumbing and drainage works associated with Council's water and sewer system.

The Health Service submits that under Section 68 and 69 of the Local Government Act, the Crown is exempt from requiring approval. This is correct however, the conditions in dispute have been levied under the provisions of Section 64 of the Local Government Act which calls up the Water Supplies Authorities Act 1987 under which Council as the Water and Sewer Authority for the area may require approval for works which may affect their water or sewer system.

It is therefore recommended that conditions relating to the approval and inspection of plumbing and drainage works be retained.

4. Bus Shelter

The Northern Rivers Area Health Service has indicated they do not wish to construct the bus shelter shown on the submitted plans.

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It is considered that there is a current need for such a facility as no facility currently exists. The proposed additions and upgrading of the hospital will further increase the demand for such a facility.

The provision of a facility would assist in increasing awareness of public transport services in the area and may result in increased patronage of this mode of transport.

It is recommended that a condition requiring the construction of this facility be included. Should the Crown continue to dispute this requirement the matter will need to be referred to the Minister for resolution.

(e) **Public Interest**

The proposed development is essential to the well being of the Tweed Community and is very much in the public interest.

LEGAL/FINANCIAL/RESOURCE IMPLICATIONS

Should the applicant being the Crown be dissatisfied with the proposed conditions of consent the matter will be referred to the Minister for Planning for resolution. Should this occur a set procedure is prescribed including the need for mediation between the parties. This process will result in Council resources and time being required to be allocated to the matter.

OPTIONS

1. Approve the application as recommended and seek the approval of the applicant and if the applicant does not agree to the imposition of the conditions, the matter be referred to the Minister for Urban Affairs and Planning for resolution.

This option is generally in accordance with the Department of Planning's Guidelines relating to levying of contributions on Crown authorities. The request to delete the road contributions is considered reasonable as there is no physical works required in the immediate area as a result of the development however, in the case of the impact on Council's sewer and water systems there is a direct demand generated as a result of the development and therefore these contributions are considered applicable.

2. Approve the application with the deletion of the requirement for the payment of sewer and water headwork contributions and the requirement to construct the bus shelter.
3. Approve the application in line with option 1 with the inclusion of a contribution for roads of \$79,776.90.

CONCLUSION

The proposed additions and alterations to the hospital will provide much needed health services to the local area. The development is within the existing hospital site and the environmental impacts from the development are considered to be acceptable.

The applicant being the Crown must approve of all conditions of consent prior to Council being able to issue a formal consent.

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Following a number of meetings with the applicant and a formal submission the applicant has indicated that they are not prepared to accept conditions relating to the payment of contributions, the requirement for plumbing and drainage plans to be inspected and approved by Council, and the requirement to construct a bus shelter in Powell Street.

Should Council approve the application as recommended and the Department of Health's position remain the same, the matter will need to be referred to the Minister for Planning for resolution.

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7. ORIGIN: Development Control Unit

FILE REF: DA4030/3750 Pt6

REPORT TITLE:

Proposed Marina, Riverfront Restaurant and Kiosk, Chinderah Bay Drive, Chinderah

SUMMARY OF REPORT:

A development application has been received for the construction of a Marina, riverfront restaurant and kiosk upon the Tweed River and adjacent Chinderah Bay Drive road reserve. The proposal incorporates a 29 berth marina, riverfront restaurant (128m² dining area), kiosk and associated office, toilet and garbage collection facilities over two (2) stages. The proposal represents Stage Two (2) of development consent number 99/400- shops, offices, supermarket and tourist accommodation, located adjacent to the subject site on the opposite side of Chinderah Bay Drive. Issues relating to road closure and land tenure have now been addressed, thereby allowing Council to assess the proposal as submitted.

RECOMMENDATION:

That the development application K00/206 submitted by Chris Lonergan and Associates for the erection of a marina, foreshore restaurant, kiosk and associated facilities at Tweed River (Crown Land) and Chinderah Bay Drive Road Reserve (as marked on approved plans) over two (2) stages be approved on a “deferred commencement” basis subject to the following:-

“Deferred Commencement”

This consent shall not operate until the applicant satisfies the consent authority by producing satisfactory evidence relating to the matters set out in Schedule “A”. Such evidence is to be provided within six (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. That documentation be submitted to the satisfaction of the Director of Development Services demonstrating that the sale and/or lease of the land has been finalised in accordance with Council’s resolution of 17 May 2000.

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SCHEDULE B

NOTE: THIS PART OF THE CONSENT WILL NOT BECOME OPERABLE UNTIL COUNCIL ADVISES THAT THE MATTERS CONTAINED IN SCHEDULE A ARE SATISFIED.

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

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

Pursuant to Clause 79H of the Environmental Planning and Assessment Regulations, 1994, a Construction Certificate shall **NOT** be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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 1 - Marina

- a. Tweed Road Contribution Plan: \$17,035.00
S94 Plan No. 4 (Version 4.0)
(Kingscliff - Commercial)
- b. Extensions to Council Administration Offices
& Technical Support Facilities \$69.00
S94 Plan No. 18

Stage 2 - Restaurant, Kiosk, Public Toilets and Offices

- a. Tweed Road Contribution Plan: \$15,888.00
S94 Plan No. 4 (Version 4.0)
(Kingscliff - Commercial)
- b. Extensions to Council Administration Offices
& Technical Support Facilities \$138.00
S94 Plan No. 18

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2. A **certificate of compliance** (CC) under Part 3 Division 2 of the Water Supply Authorities Act 1987 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to Clause 79H of the Environmental Planning and Assessment Regulations, 1994, a Construction Certificate shall **NOT** be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

Stage 1 - Marina

Water: \$19,836

Sewer: \$16,356

Stage 2 - Restaurant, kiosk, public toilets and offices

Water: \$14,227

Sewer: \$11,731

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.

GENERAL

3. The development shall be completed in general accordance with Plan Nos 1, 2, 3, LM00-CH36, 4, 5, 6, 7 and 8 prepared by Chris Lonergan, Lawmer Pty Ltd, Sinclair Knight Merz and JP Ward and dated 17/2/2000 and 13/6/2000, except where varied by these conditions.
4. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.
5. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired 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.
6. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers

Reports from Director Development Services

- and fences in accordance with AS 1742-1991 (Manual for Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.
7. Landscaping of the site shall be carried out in accordance with the submitted landscaping plans. The landscaping to be completed prior to occupation of the building, to the satisfaction of the Director, Development Services.
 8. 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.
 9. Advertising structures/signs to be the subject of a separate development application, where statutorily required.
 10. No items or goods are to be stored or displayed outside the confines of the premises.
 11. Provision shall be made for the collection of builder's solid waste in accordance with the following requirements:
 - a. A temporary builder's waste chute is to be erected to vertically convey builder's debris to a bulk container.
 - b. The chute shall be located in a position approved by the Principal Certifying Authority.
 - c. A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust.
 12. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.
 13. A garbage storage area shall be provided in accordance with Council's "**Code for Storage and Disposal of Garbage and Other Solid Waste**".
 14. A balustrade or barrier more than four (4) metres above finished ground level must not be provided with horizontal elements to facilitate climbing as prescribed under the provisions of the Building Code of Australia.
 15. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a. footings, prior to pouring of concrete
 - b. slab, prior to pouring of concrete
 - c. frame prior to the erection of brick work or any wall sheeting
 - d. final inspection prior to occupation of the building
 - e. completion of work

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16. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
- (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
 - (ii) Certification of the works performed by the person carrying out the works is to be submitted to Council prior to occupation of the building; and
 - (iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
 - (A) the method of protection; and
 - (B) the date of installation of the system; and
 - (C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - (D) the need to maintain and inspect the system on a regular basis.
- Note:** Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.
17. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
- i. All required erosion and sedimentation control devices have been installed and are operational.
 - ii. Required toilet facilities have been provided on the site in accordance with Section 78i of the Environmental Planning & Assessment Amendment Regulations 1998.
 - iii. A sign has been erected on the site in accordance with Section 78H of the Environmental Planning & Assessment Amendment Regulations 1998.
 - iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
 - v. That the licensee has complied with the provisions of Section 78c of the Environmental Planning and Assessment Amendment Regulations 1998.
18. The glazier is to supply the PCA with certification that all glazing complies with AS 1288-1994 and AS2047 of the Building Code of Australia.
19. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be

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submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.

20. 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.
21. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve.
22. Details are to be submitted on proposed colour schemes of the building/marina to the satisfaction of the Director Development Services prior to release of construction certificate.
23. Parking associated with the proposal is to be completed prior to occupation of premises and completion of marina.
24. The riverbank is to be revetted in accordance with the bank revetment strategy adopted by Council for Chinderah and Council's Riverbank Management Plan.
25. Condition Nos. 92, 93, 95, 96, 97 and 100 of Development Consent 99/400 are to be adhered to where relevant to this consent.
26. The proponents shall consult with Council in relation to ownership and maintenance responsibilities pertaining to the proposed public toilet and picnic shelter facilities within the site.

PRESCRIBED (BUILDING)

27. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-
 - (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council, or
 - (c) if that is not practicable, any other sewage management facility approved by the council.
28. A sign must be erected on the site in a prominent, visible position stating:
 - a. that unauthorised entry to the work site is prohibited; and

Reports from Director Development Services

- b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
29. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.
30. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
31. The erection of a building in accordance with a development consent must not be commenced until:
 - a. detailed plans and specifications of the building have been endorsed with a construction certificate 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 erection of the building.
32. A person must not commence occupation or use of the whole or any part of a new building (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units)
33. Prior to occupation of the building a Occupation Certificate is to be obtained. If Council is requested to issue the Occupation Certificate, the application must be accompanied by relevant Compliance Certificates or documentary evidence of compliance.
34. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least **2 days** prior to work commencing.

ENGINEERING (BUILDING)

35. The footings are to be designed by a practising Structural Engineer after consideration of a soil report from an accredited soil testing laboratory and shall be submitted to and

Reports from Director Development Services

approved by the Principal Certifying Authority prior to the commencement of building work.

FIRE (BUILDING)

36. All fire service connections are to be compatible with those of the NSW Fire Brigade.
37. Portable fire extinguishers containing an extinguishing agent suitable for the risk being protected must be installed in accordance with Australian Standard AS 2444 "Portable Fire Extinguishers - Selection and Location" and Part E1.6 of the Building Code of Australia.
38. All materials used in the building must comply with the smoke developed and spread of flame indices specified in Specification C1.10 of the Building Code of Australia.

Note: Many materials including some timbers such as western red cedar do not comply and it is the applicants responsibility to ensure that all materials to be used are within the criteria specified.

DISABLED (BUILDING)

39. Please note that while the proposal, subject to the conditions of approval, will comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore required that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.
40. Access to the building for disabled persons shall be provided and constructed in accordance with the requirements of Part D3 of the Building Code of Australia and Australian Standard AS 1428.1.
41. Prominently displayed signs and symbols must be provided to identify for disabled persons all routes and areas where architectural barriers do not exist. Such access must comply with the requirements of Australian Standard AS 1428 Parts 1 and 2.
42. If access for the disabled is required under Part D3 of the Building Code of Australia, facilities for the use of the disabled shall be provided as specified in Part F2.4 of the Building Code of Australia and shall be constructed to the requirements of Australian Standard AS1428.1.
43. Tactile ground surface indicators for orientation of people with vision impairment are to be provided in accordance with Australian Standard AS1428.4-1992.
44. Disabled car parking spaces are to be provided at the rate of one (1) car parking space for each one hundred (100) spaces or part thereof and constructed in accordance with Australian Standard AS2890.1-1993.

ACCESS/EGRESS

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45. All required egress doors are to, at all times, be openable from within the building by single handle downward action or pushing action without recourse to a key and on a single device located between 900 millimetres and 1.2 metres from the floor unless exempted under the provisions of Part D2.21 of the Building Code of Australia. No barrel bolts are to be fitted.
46. Exit signs which comply with Part E4.5 of the Building Code of Australia and are designed in accordance with Part E4.8 of the Building Code of Australia area to be provided. Exit signs shall be mounted between 2m and 2.5m above floor level and shall be of a maintained type.

FOOD PREMISES

47. Any premises used for the storage, preparation or sale of food are to comply with the relevant provisions of the Food Act, 1989. Details of fittings and equipment are to be submitted to the Principal Certifying Authority prior to installation.
48. Prior to the commencement of work the Principal Certifying Authority is to be provided with and approve details of the kitchen exhaust system. Such details are to include the location of discharge to the air, capture velocity, size of hood and angle of filters. The system shall comply with Australian Standards SAA 1668 Part 2 Ventilation Requirements.
49. All walls in the food preparation and food storage areas shall be of solid construction, easily washable, lightly coloured and tiled to a height of at least 2 metres above floor level, or where not tiled, cement rendered to provide a smooth even finish to ceiling. **Note:** Stud framed walls will not be acceptable.
50. All flooring materials in the food preparation and storage areas are to be impervious, non slip, non abrasive and capable of withstanding heavy duty operation. Where tiling is to be used epoxy grout finished flush with the floor surface is to be used in joints or alternatively all tiles are to be butt joined and free of cracks or crevices.
51. Intersections of all floors with walls or the like in the food preparation and food storage areas are to be coved to a radius of not less than 25 millimetres.
52. Premises to comply with Council's adopted code for the construction of food premises.
53. Windows and doors opening into food preparation and storage areas are to be fully screened in accordance with Council's adopted code for the construction of food premises.

ROADS/STREETS

54. 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.

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55. Construct along the full length of the site to Chinderah Bay Drive and River Street kerb and gutter on an approved alignment. Details to be provided on Engineering Plans and approved by Director Engineering Services prior to commencement of works.
56. Detailed engineering plans for all works on public land are to be submitted and approved by the Director Engineering Services prior to commencement of works. The plans are to include the following:-
 - a. the transition from the proposed cross section to the existing road cross section at both ends of the site
 - b. any proposed on street car parking
 - c. right turn details for junction with Chinderah Bay Drive and River Street
 - d. kerb and gutter and road pavement details
 - e. Bus bay and bus shelter on property side of Chinderah Bay Drive
 - f. linemarking and signage details to RTA standards
 - g. compliance with Austroads Standards for geometric road design
 - h. relocation of any public utilities as a result of the works are to be approved by relevant Authority
 - i. footpath details for full frontage of Chinderah Bay Drive and River Street

DRAINAGE/FLOODING

57. Building materials used below Council's minimum floor level of RL 3.6m AHD must not be susceptible to water damage.
58. Provision to be made for a flood free storage area for stock and equipment susceptible to water damage.
59. Subject to the requirements of NorthPower, all electrical wiring, power outlets, switches, etc, should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level should be suitably treated to withstand continuous submergence in water.
60. All roof waters and water from open car park areas to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2-1998. **Note** All roof water must be connected to an interallotment drainage system where available.

SERVICES

Sewer

Reports from Director Development Services

61. Sewer main within site is to be accurately located and the Principal Certifying Authority advised of its location and depth prior to start of any building works.
62. **Note:** Sewer manhole is present on this site. This manhole is not to be covered with soil or other material or concealed below ground level.

Should additional fill be proposed in the area of the sewer manhole Council's Engineering Services Division must be consulted and suitable arrangements made for the raising of the manhole to the satisfaction of Council's Manager Public Utilities.

ENVIRONMENT PROTECTION

63. Development is to be carried out in accordance with Management Recommendations and Amelioration measures as contained within Fauna and Flora assessment prepared by JP Ward and Associates and dated October 1999 as they relate to this development consent.
64. The proposal shall be carried out in accordance with the provisions of the Seagrass Management Plan prepared by J P Ward and dated October 1999.
65. 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.
66. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
67. 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.
68. 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.
69. 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.
70. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays.
71. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
 - A. Short Term Period - 4 weeks.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
 - B. Long term period - the duration.

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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.

72. The burning of builders waste on site by open fire is prohibited.
73. All activities associated with the occupancy of the building are to comply with the Noise Control Act 1975 and the Clean Air Act 1961.
74. Prior to commencement of building works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority. Erosion and sedimentation control devices should be installed in accordance with the publication "Managing Urban Stormwater Soils and Construction" prepared by the NSW Department of Housing. All erosion and sedimentation control shall be maintained throughout the period of construction.
75. An acid sulfate soil management plan shall be prepared in accordance with the ASSMAC Manual (1998), and submitted for approval of the Director of Environment and Community Services prior to commencement of development. Any subsequent works shall comply with this approved acid sulfate soil management plan.
76. An erosion and sediment control plan shall be submitted for approval of the Director of Environment and Community Services prior to commencement of site works. Any subsequent works shall comply with this approved plan.
77. A report by a suitably qualified acoustic consultant which assesses operational noise sources from the marina and demonstrates that noise levels will comply with relevant NSW EPA noise criteria limitations at any receiving premises shall be submitted for approval of the DECS prior to the commencement of construction. The marina operational noise levels shall subsequently comply with the identified approved noise limits.
78. A suitably enclosed and screened area for waste storage receptacles shall be provided to the satisfaction of the Director of Environment and Community Services.
79. A management plan for the construction phase of the marina and river bank modifications (specific details of the construction methods for the marina and environmental protection measures to be employed) is required to be submitted for approval of the Director of Environment and Community Services prior to the commencement of construction. Any subsequent works shall comply with this approved construction management plan.
80. An operational management plan for the marina is required to be submitted for approval of the Director of Environment and Community Services prior to the commencement of construction. Any subsequent works shall comply with this approved operational management plan. The plan shall include sufficient information in respect of the following issues:
 - limitations and restrictions on maintenance of vessels

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- liquid and solid wastes
- stormwater disposal
- hours of operation
- noise restrictions and management
- sewage, bilge water and grey water
- fuel storage, management and safety
- litter management
- erosion control during construction
- an environmental safety and emergency response plans
- no external painting, anti-fouling, re-fitting or sanding of vessels shall be conducted at the marina
- no motor repairs, oil changes or refuelling, other than fuel dispensing at the designated refuelling jetty, shall be conducted at the marina
- vessels shall not be lifted from the water or lowered into the water (slipway or hoist) at the marina
- waters shall not be polluted from any activity at the marina
- existing mangroves or riparian vegetation shall not be disturbed or removed in constructing or operating the development
- A Seagrass Management Plan shall be submitted for the approval of the Director of Environment and Community Services prior to the commencement of construction. All subsequent works shall comply with the approved plan.
- relevant licenses or approvals required to be obtained from the NSW EPA under the Protection of the Environment Operations Act, 1997 shall be obtained prior to the commencement of construction or operation as applicable.
- toilet facilities for public usage are to be properly maintained at all times.

PLUMBING/DRAINAGE

81. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- a internal drainage, prior to slab preparation;
 - b water plumbing rough in, prior to the erection of brick work or any wall sheeting;
 - c external drainage prior to backfilling.

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- d. completion of work.
82. A. A permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
- B. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.
83. An application to connect to Council's sewer is to be submitted to and approved by Council prior to the commencement of any works on the site.
84. It is a condition of this consent to operate a system of sewage management that this clause is complied with.
- (1) The sewage management facilities used in the operation of the system must be maintained in a sanitary condition and must be operated in accordance with the relevant requirements of this Regulation.
 - (2) A sewage management facility used in the operation of the system must not discharge into any watercourse or onto any land other than its related effluent application area.
 - (3) The conditions (if any) of any certificate of accreditation issued by the Director-General of the Department of Health under this Division in respect of the plans or designs for any components of the sewage management facilities must be complied with.
 - (4) The person operating the system of sewage management must provide details of the way in which it is operated, and evidence of compliance with the relevant requirements of this Regulation and of the conditions of the approval, whenever the Council reasonably requires the person to do so.
85. Drainage lines must not penetrate footings unless certification is first obtained from a practising Structural Engineer.
86. A trade waste application form must be completed and approved before discharge to sewer commences.
87. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
88. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.
89. Back flow prevention devices shall be installed where ever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1-1990 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.
90. Yard gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.

Reports from Director Development Services

91. Any discharge of a pollutant greater than or differing (in constitution) from domestic usage requires the submission of an application for a trade waste licence. Such application to be made prior to release of the approved building plans and/or prior to any use or occupation of the premises, whichever occurs earlier.
92. A hose tap is to be provided adjacent to the grease arrestor and shall be fitted with a double check valve for the purposes of back flow prevention.
93. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.
94. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
 - * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C in all other classes of buildings.

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

NSW FISHERIES CONDITIONS

95. The proposed development is designed and constructed in accordance with Integrated Development Application No. K00/206 as lodged by the proponent.
96. The proponent must obtain a Section 201 (dredging and reclamation) permit from NSW Fisheries prior to commencement of any works below mean high water mark associated with the development, namely the construction of marina facilities and boardwalk.
97. The proponent must obtain a Section 205 (harm to marine vegetation) permit if any marine vegetation is to be harmed during construction of the marina or boardwalk. Note that the term "harm" includes trimming, cutting, damaging or shading of Seagrass of Mangroves.

RTA CONDITIONS

98. The proposed speed calming devices shall comply with the requirements of Technical Direction 98/6. This includes excluding pedestrian access on the raised platforms used specifically for speed calming.
99. The proposed marked pedestrian crossing will need to meet current warrants for installation. If the warrants cannot be met pedestrian refuges should be considered.

Reports from Director Development Services

REPORT:

Applicant: Chris Lonergan & Associates
Owner: Crown Land, Tweed Shire Council
Location: Chinderah Bay Drive Road Reserve and Tweed River
Zoning: 6(a) Open Space and Uncoloured Land
Estimated Cost: \$3.2M

BACKGROUND:

Council is in receipt of an application for a marina, restaurant, kiosk and associated facilities at Chinderah Bay Drive road reserve and Tweed River. The proposal incorporates a 29 berth marina, riverfront restaurant, kiosk and associated facilities ie boardwalks, toilets, storage areas upon the Chinderah foreshore area. The applicant has requested that the proposal be consented to over two (2) stages. Stage one being the erection of the marina and Stage two being the erection of structures for the foreshore.

Although originally incorporated into a previous application to Council (99/400), condition No 7 at Development Consent 99/400, required the applicant to submit a separate development application for the foreshore component of the proposal. This condition enabled the foreshore component of the proposal to be deferred whilst land tenure issues were resolved in relation to both Chinderah Bay Drive and the foreshore area. The subject application satisfies this condition.

The proposed marina incorporates 29 berths and extends a maximum of 64m outwards (into the river) and 139m along the Chinderah foreshore. This area is subject to lease agreements between the proponents and the Department of Land and Water Conservation. The proposed marina will be utilised for private use, with the exception of a public finger jetty, providing access to two (2) boats at any one time. The proposal also incorporates a jetty for fuel and sewerage collection and disposal purposes, whilst power and water facilities will be available to each berth. Whilst the proposed restaurant, office and kiosk facilities are located on the foreshore itself, the proposed marina is connected to the foreshore via an elevated boardwalk set on piers over both the foreshore and Tweed River.

The proposed marina site will be located and designed so as not to result in the removal of any existing mangrove vegetation or the existing remains of the old local jetty. In regard to the latter, it is proposed to erect historical information/photograph boards throughout the site to serve as a reminder of the past.

The proposed restaurant and kiosk are of a similar design to that of the proposed commercial development on the opposite side of Chinderah Bay Drive. The restaurant building incorporates 170m² of floor area and 128m² of designated dining area (including outdoor seating), whilst the proposed kiosk building incorporates approximately 45m² of floor area, including both male and female public toilets. Vacant space between the two structures will consist of a mixture of timber and paved boardwalk/open space areas. Extensive use of nautical design features are proposed including sails, flags and contemporary building materials such as metal feature panelling, louvres and canvas awnings. In this regard, the proposal is considered to be consistent with the visual character of the proposed mixed development adjacent to the site. The site will be landscaped, with

Reports from Director Development Services

significant utilisation of Bangalow palms in addition to the retention of existing vegetation along the foreshore (mangroves, water gum and cottonwood tree).

Adjacent to Chinderah Bay Drive is a proposed pedestrian walkway and bike path. Both of these facilities stretch for the entire length of the proposed development site, broken only by a proposed loading bay and a pedestrian crossing linking the proposal to the opposite side of Chinderah Bay Drive and associated parking facilities. In regard to the latter, all parking spaces associated with the proposal are located on the southern side of Chinderah Bay Drive and to the rear of the approved shops and accommodation units.

The development application is not designated development pursuant to Schedule 3 of the Environmental Planning & Assessment Regulation, 1994, however the proposal is classified as integrated development pursuant to the provisions of the Fisheries Management Act. Relevant comments from State Government Departments were sought in this regard and have been incorporated into this report.

The surrounding area is at present, characterised by a mix of residential and commercial development (to a lesser extent). Residences surrounding the area are predominantly two (2) storeys, whilst the Chinderah Tavern and Newsagency adjoin the site to the south west. Opposite the site is a recently approved (99/400) mixed development comprising supermarkets, shops, offices and tourist accommodation.

On 17 May Council resolved to lease and/or sell parts of the Foreshore to Mr Patrick and Suzanne Harford (owners of adjacent land). Upon this land is the proposal as submitted. It is believed that one of the primary objectives of Council's resolution was to enable the proposal to proceed without placing significant restrictions on public access to the Foreshore. The proposal is considered satisfactory in this regard. Furthermore, the proposal incorporates much needed river revetment works, which are to be carried out within the Chinderah area by both the proponent of the proposal and Council itself.

The proposal was advertised in the Tweed Link and adjoining properties notified and given 14 days in which to make any submission. One submission of objection was received.

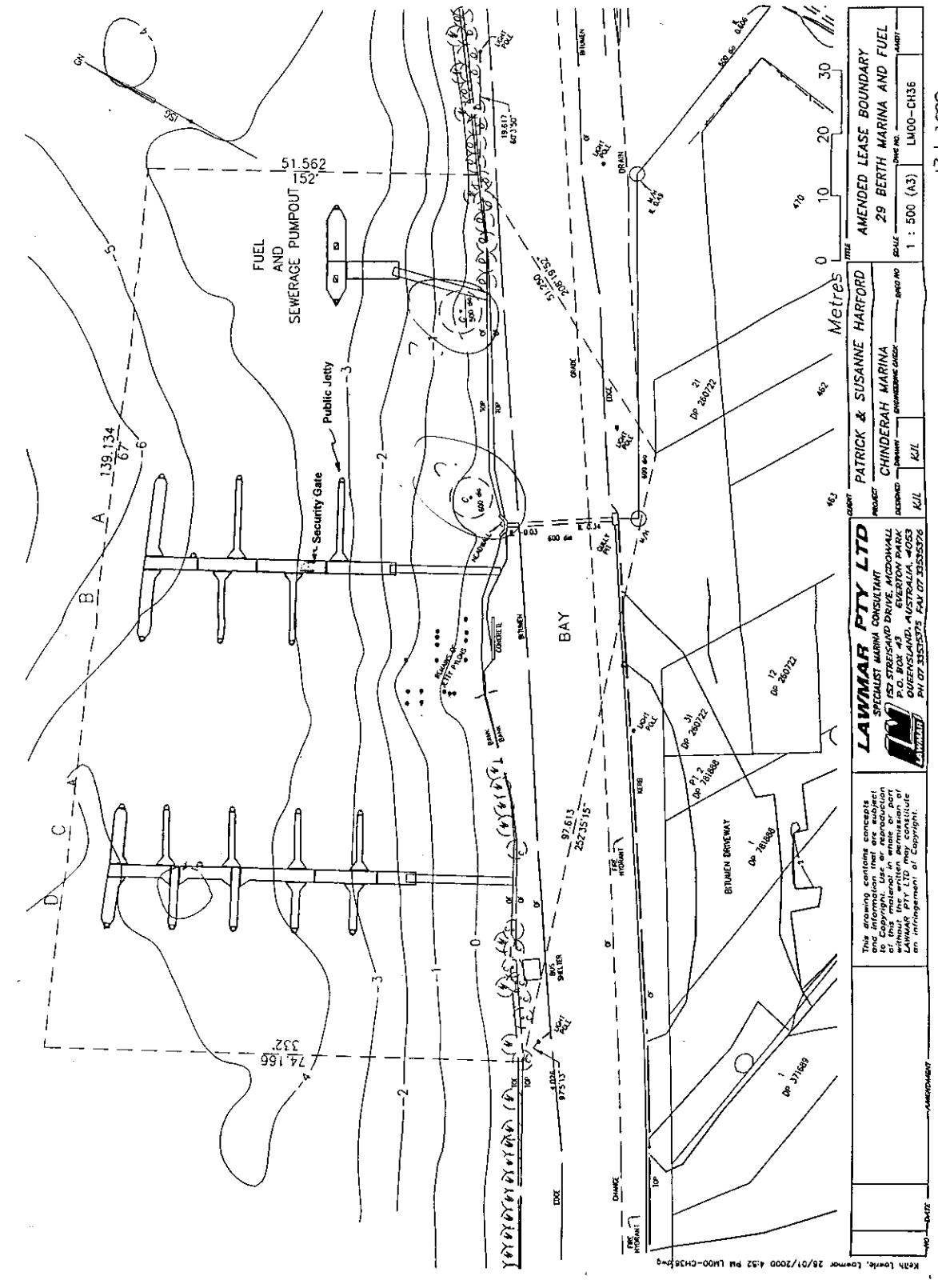
Reports from Director Development Services

SITE DIAGRAM

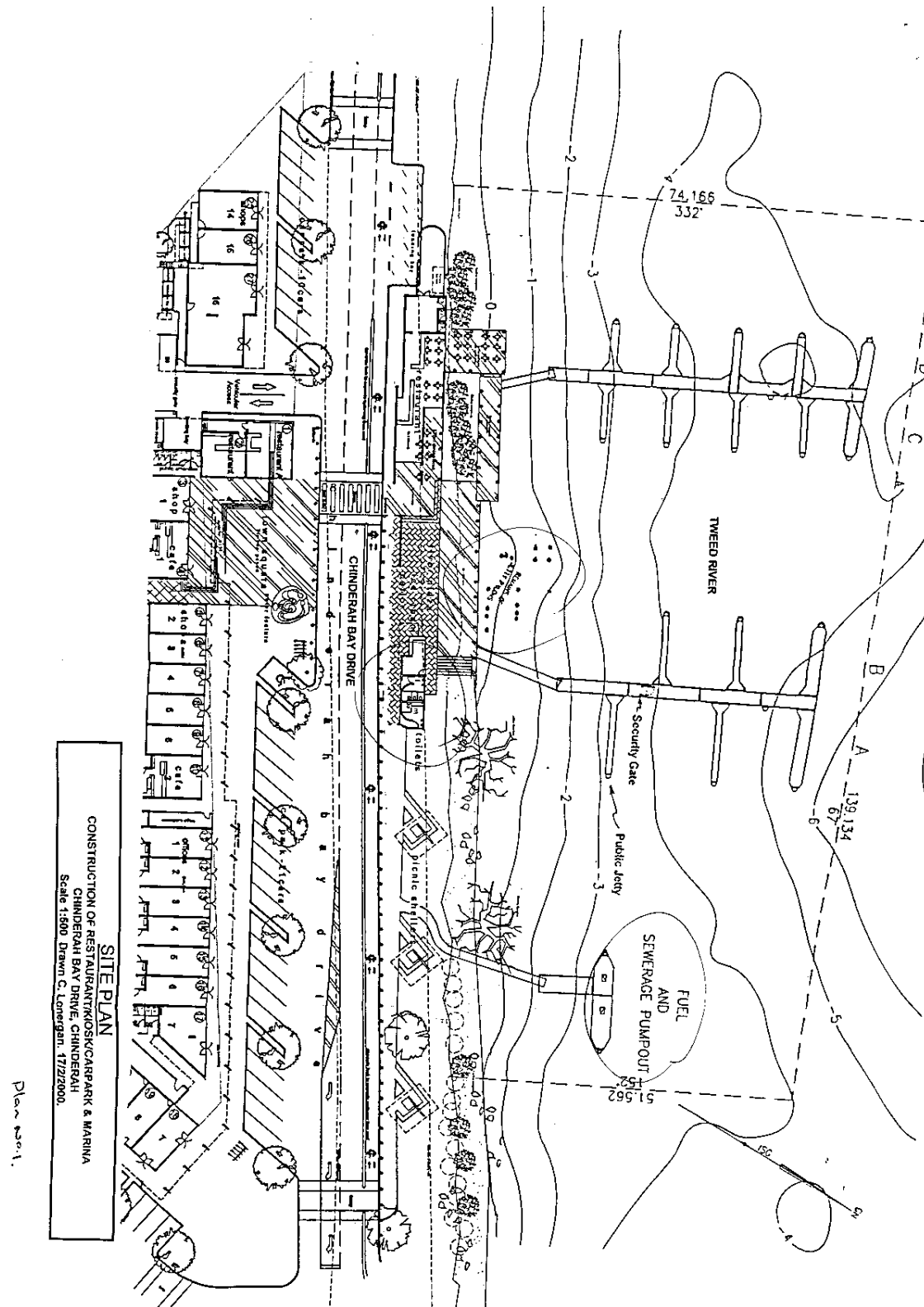


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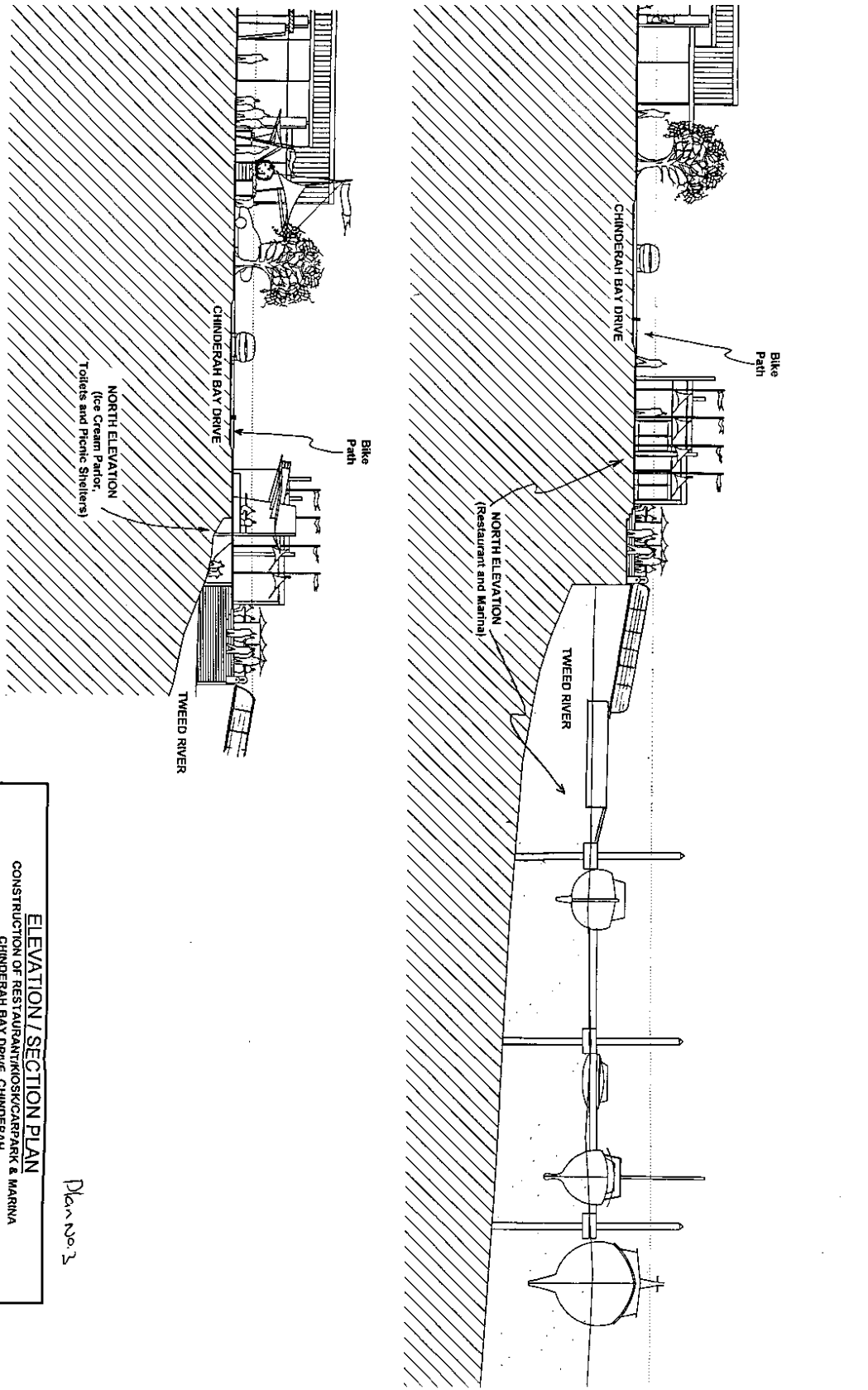
ELEVATIONS AND FLOOR PLANS



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ELEVATION / SECTION PLAN
CONSTRUCTION OF RESTAURANT/KIOSK/CARPARK & MARINA
CHINDERAH BAY DRIVE, CHINDERAH
Scale 1:200 Drawn C. Lomergan - 17/2/2000.

Plan No. 2

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MATTERS FOR CONSIDERATION IN ACCORDANCE WITH SECTION 79C OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

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

The subject land is situated partly within land zoned 6(a) Open Space and partly within unzoned lands (Tweed River). The proposed development (incorporating marina, Refreshment room and kiosk) is permissible with the consent of Council in the subject zone. The proposal is considered to be compatible with both the primary and secondary objectives of the zone.

Clause 18 of TLEP 2000 refers to the need to appropriately assess likely social impacts of development via the submission of Social Impact Assessments (SIA) where applicable. The applicant has submitted an SIA to Council for assessment. The SIA submitted by the applicant concludes that no adverse social impacts are likely to occur in relation to the proposal. Indeed, the report states that significant social benefits are likely. Whilst it is considered that the report submitted does not incorporate a significant degree of research and analysis, it is agreed that no adverse social impacts are likely to eventuate.

North Coast Regional Environmental Plan 1988 (NCREP 1988)

Clause 81 - Development adjacent to the ocean or a waterway

Clause 81 of the NCREP 1988 states that the Council should not consent to a development application for 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.

Although parts of the foreshore are likely to be held in private ownership, it is considered that suitable public access will be available to the wider community. In this regard, Council may investigate potential easements and the like during negotiations with the proponent of the proposal. The proposed development is considered likely to provide for an attractive addition to the Chinderah foreshore landscape, particularly in relation to the approved development adjacent to the site. The proposal provides for a single storey elevation when viewed from the waterway and is considered unlikely to be out of character with the locality. The Chinderah Local Environmental Study (LES) which has been integrated into the current provisions of Tweed LEP 2000 is considered to promote development such as that proposed.

Reports from Director Development Services

(iii) Development Control Plans (DCPs)

DCP2 - Site Access and Parking Code

Pursuant to the provisions of DCP2 the following parking schedules are relevant to the proposal.

Marina - 0.5 spaces per berths (15 spaces)

Refreshment room - 1 space per 7m² dining area (18 spaces)

Parking associated with the proposed development was included in the assessment of the original consent (99/400) and a recent modification to that consent. The proposal is considered to be consistent with the relevant provisions of DCP2 - Site Access and Parking Code.

DCP5 - Development of Flood Liable Land

The proposal was referred to Council's Manager Water for comment, who advised as follows:-

"The land is located within the floodway of the Tweed River. Notwithstanding this, the limited footprint proposed between flood level should not increase flood impacts above that generated by previous uses of the site".

Relevant conditions are recommended in this regard.

(iv) The Regulations

NSW Government Coastal Policy

NSW Government Coastal Policy 1997 extends to include coastal estuaries, lakes, lagoons, islands and rivers in recognition of the strong connection between coastal estuarine processes and the processes of littoral coastal zone.

Objective 1.4 states that proposals in or adjacent to estuaries are to be approved only where adverse impacts can be minimised to such an extent that the proposal is acceptable under the provisions of both the Fisheries Management Act, 1994 and the Rivers and Foreshores Improvement Act, 1948. The proposal was referred to both NSW Fisheries and the Department of Land and Water Conservation, both of which raised no objection subject to the imposition of relevant conditions.

Objective 3.2 seeks to design and locate development to compliment the surrounding environment and to recognise good aesthetic qualities. As previously stated, it is considered that the proposed development is satisfactory in regards to visual impacts when viewed from the waterway. The development is considered compatible with the area and the building has been well articulated to reduce overall bulk and scale and to be unobtrusive on the landscape.

(b) Likely impacts of that proposal including environmental impacts on both the natural and built environments and social and economic impacts in the locality

Reports from Director Development Services

As indicated, the proposal incorporates the construction of a 29 berth marina within the Tweed River and the erection of a riverfront restaurant, office, kiosk and public access facilities upon the foreshore. The building is to be constructed of a mixture of corrugated metal, glass and timber, with well articulated elevations. No adverse visual impacts are considered likely to occur. Landscaping is proposed throughout the site, thereby assisting in softening the impact of proposed paved and hardstanding areas. In this regard, the application also proposes to retain existing vegetation upon the site, with marina access to be provided where existing vegetation breaks are located. The proposal is considered likely to promote pedestrian interaction, without detracting from the substantial scenic and amenity qualities of the locality.

The proposal incorporates several potential areas of concern, including adverse impacts associated with both the construction and operation of the proposal. The applicant has provided Council with a fauna and flora assessment (including Section 5A assessment) of the proposed development. In this regard, the report concludes that all construction works and operational activities will not impact upon existing seagrass (*Zostera capricornii*) and mangroves (*Aegiceras corniculatum*, *Avicennia marina*, *Bruguiera gymnarhiza*, *Excoecaria agallocha* and *Rhizophora stylosa*) within the locality. Survey of the site has identified approximately 15m² of seagrass within close proximity to the development site. In this regard, the proposal and associated Seagrass Management Plan was referred to NSW Fisheries for comment. NSW Fisheries advised that they have no objections to the proposal, subject to the gaining of all relevant permits, including the appropriate permit in the event that the proposal will in any way harm existing marine vegetation. These conditions have been incorporated into this report, along with relevant conditions pertaining to the carry out of works below mean high water mark.

Council's Manager Water has undertaken an assessment of the proposal in relation to the proposed revetment works. No objections have been raised in this regard, subject to the imposition of satisfactory conditions.

Council's Environment and Health Services Unit have undertaken an assessment of the proposal in relation to likely environmental impacts associated with both the construction period and operation. It is considered that suitable conditions of consent are able to be applied to satisfactorily ameliorate potential areas of concern. In this regard, it is considered that a detailed operational management plan and acoustical report be submitted to Council prior to the release of the construction certificate.

No objections have been raised by Council's Building Services Unit, subject to the imposition of relevant conditions.

The proposal was referred to Council's Planning and Design Unit for comment. No objections were raised subject to the imposition of relevant conditions.

Comments received from relevant State Government authorities are discussed under the heading of "any submissions".

Reports from Director Development Services

Whilst the proposal is considered likely to create significant change to the local area, it is considered that the significant positive social and economic impacts are likely to occur. Particular reference is made to positive impacts associated with the establishment of the locality as an area of interest and vitality.

(c) Suitability of the Site

The subject site has been significantly altered from its natural state, due to both the presence of the existing road (Old Pacific Highway) and the presence of associated development throughout the locality. It is however recognised that the site plays an important role at the interface between the Tweed river and developed land. Whilst the natural values and character of the area is undoubted, the locality has long been earmarked as a potentially significant waterfront development location.

The Chinderah Local Environmental Study prepared in April 1995 by the GeoLINK Group identified the area as a significant Riverfront Enterprise/Activity node. Various uses were identified for the site, including commercial, tourism and residential uses, with the underlying basis being the link between the River and undeveloped lands adjacent to the foreshore. The recommendations of this study have since been adopted into the provisions of the TLEP, through the zoning of the subject site as 6(b) Open Space and adjacent lands as 3(d) Waterfront Enterprise.

Whilst uncontrolled development of the foreshore area is not recommended, it is acknowledged that the site provides for significant potential in relation to sympathetic waterfront development. In this regard, the proposal is considered to be a satisfactory response to both the existing natural values of the site and its potential to play a critical role in the vitalisation of Chinderah.

Whilst the proposed design of the proposal incorporates satisfactory public access to the foreshore, it is considered that Council should ensure that lease and purchase negotiations with the proponent/s of the proposal incorporate satisfactory terms to provide for long term legal public access to the wider Chinderah foreshore.

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

The proposed development was advertised in the Tweed Link for 14 days and adjoining property owners notified and given 14 days in which to make submissions. One submission was received during this time which focussed on the likely adverse impacts of the proposal in relation to the disposal of effluent by boat owners into the River. In response, it is noted that the northwest jetty is to be dedicated to sewage pump and refuelling facilities. No adverse impacts are considered likely in this regard.

The proposal was referred to the following authorities for comment with particular reference to NSW Fisheries and Department of Land and Water Conservation in this instance were a referral body for the purposes of integrated development pursuant to the Environmental Planning & Assessment Act, 1979.

1. Department of Land and Water Conservation (DLWC)

Reports from Director Development Services

The proposal is identified as integrated development pursuant to the Crown Lands Act, 1989. In this regard, DLWC has issued the proponent with a licence for the area of land between the high water mark. This licence is for the obtaining of consents only and is not unrestricted. No objections were raised by the department, with no comment offered in relation to approvals under the Rives and Foreshores Improvement Act, 1948.

2. NSW Fisheries

The proposal is identified as integrated development pursuant to the Fisheries Management Act, 1994. In this regard, NSW Fisheries have raised no objections to the proposal subject to the imposition of general terms of approval. NSW Fisheries also raised no objections to the Seagrass Management Plan submitted by the applicant.

3. Roads and Traffic Authority (RTA)

The RTA have undertaken an assessment of the proposal and raised no objections subject to Council imposing relevant conditions and considering applicable road safety and design principles.

4. NSW Waterways Authority

No comments were received from the NSW Waterways Authority in relation to the proposed development. NSW Waterways did however provide comment in relation to the marine foreshore component of the proposal when originally submitted (received 13 August 1999). No objections were raised within this correspondence.

(e) Public Interest

The proposed development is considered unlikely to create any adverse impacts subject to the compliance with relevant conditions of consent. Having regard to the matters discussed in this report, the proposal is considered unlikely to compromise the public interest.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

If the applicant is not satisfied with Council's determination of this matter, then the applicant has a right of appeal to the Land and Environment Court.

OPTIONS

1. Approve the application subject to the recommended or modified conditions.
2. Refuse the application.

Comments

The applicant has requested that the development of the proposal be undertaken in a staged fashion. Stage 1 of the proposal is to be the marina or waterbased portion of the proposal, whilst Stage 2 will be the foreshore component (restaurant, kiosk, toilets, picnic shelters, offices and associated structures). Contributions and the attached schedules of conditions have been applied accordingly.

Reports from Director Development Services

CONCLUSION

As prefaced by the foregoing assessment, it is considered that the proposal is suitable for approval subject to relevant conditions. The proposal was referred to relevant internal and external departments/authorities, with no objections raised in this regard.

Given the history, present zoning and physical characteristics of the subject site, the proposal is considered able to be satisfactorily accommodated without the creation of significant adverse impacts. The proposed development is considered to warrant approval.

It is recommended that the approval be in the form of a “deferred commencement” consent requiring finalisation of the lease or sale of land from Council and that car parking located on land on the opposite side of Chinderah Bay Drive be legally secured to the development to avoid the future sale of the car park area to a independent party.

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Reports from Director Development Services

8. ORIGIN: Subdivision Unit

FILE REF: GS4/97/93 Pt2; DA2270/610 Pt4 & DA2270/605 Pt1

REPORT TITLE:

Bonding of Incomplete Works - Development Consents K99/675; K99/681, S97/93 and K99/865 - Villa World Limited, Gollan Drive/Scenic Drive, Tweed Heads West

SUMMARY OF REPORT:

The developer has requested Council to accept bonds in lieu of completing adjustments to car parking and sound attenuation works at the "New Seagulls" club. In the circumstances the requests are considered reasonable.

RECOMMENDATION:

That :-

1. An uncompleted works bond of \$263,000.00 be accepted for a period of 6 months in lieu of completing additional car parking spaces as required by Development Consents S97/93; K99/675; K99/681 and K99/865.
2. An uncompleted works bond for an amount to be approved by the Director Development Services and a written undertaking by North Sydney Leagues Club that noise levels will not exceed the minimum required until attenuation works are completed be accepted in lieu of providing sound attenuation works at the Seagulls Club, for a period of 9 months.

Reports from Director Development Services

REPORT:

BACKGROUND

1. On 6/2/1998 conditional development consent (S97/93) was granted for a 3 lot subdivision of Lot 1 DP 700873 Scenic Drive, Tweed Heads West (Seagulls Site).

Condition 12 of the consent required the car park on the newly created Lot 2 to be reconstructed to provide 808 spaces in conjunction with development on Lot 3.

2. On 6/9/1999 conditional development consent K99/675 was granted for the erection of 33 townhouses and a manager's residence on the new lot 3.

Condition 2, 13 and 36 are listed below:-

"2. Compliance with all conditions of Development Consent S97/93.

13. The buildings are not to be occupied until the extension to the car parking area on Lot 2 DP 881169 to create 808 spaces has been completed to the satisfaction of the Director of Development Services.

36. The recommendations/conclusions as contained in the Preliminary Noise Level Impact Assessment of Traffic Noise and the Preliminary Noise Impact Assessment of Intrusive Noise from New Seagulls prepared by Craig Hill Acoustics and dated June 1999 are to be implemented to the satisfaction of the Director of Environment and Community Services, prior to occupation of any buildings."

3. On 10/11/1999 conditional development consent K99/681 was issued for a subdivision to create 43 residential lots and the erection of 20 dwellings and 23 dual occupancies on lot 1.

Conditions 4 and 37 of this consent are listed below:-

"4. Compliance with all requirements of Development Consent S97/93.

37. The recommendations/conclusions of the Preliminary Noise Level Impact Assessment of Intrusive Noise from New Seagulls and the Preliminary Noise Impact Assessment of Traffic Noise prepared by Craig Hill and Associates and dated June 1999 are to be implemented to the satisfaction of the Director of Environment and Community Services prior to the release of the Subdivision Certificate. The Construction Certificate is to include the recommended construction requirements for the dwellings."

4. On 6/9/1999 conditional development consent K99/865 was granted for the expansion of the car parking area on Lot 2. Conditions 7 and 8 of the consent are as follows:-

"7. The provision of 811 car parking spaces (including the existing car parking area). The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.

Reports from Director Development Services

8. *An acoustic fence is to be constructed along the boundary in accordance with the recommendations of the Preliminary Noise Level Impact Assessment of Intrusive Noise from the New Seagulls prepared by Craig Hill Acoustics.”*

PROPOSAL

AUS Pacific Design Engineers on behalf of North Sydney Leagues Club have submitted correspondence requesting Council to accept bonding of the adjustments to car parking and sound attenuation works in lieu of compliance with the above listed conditions of consent.

The applicants submission is reproduced below:-

- “1. *Tweed Shire Council approve an uncompleted works bond for the proposed expansion of the northern car park and the construction of works in the southern car park adjacent to Lot 5 on DP 881169.*

Preliminary assessment of club facilities in accordance with Tweed Shire Council’s Development Control Plan No. 2 indicate car parking numbers required in the consent conditions could be significantly reduced.

Development Consent K99/675 Condition No. 13 for the adjacent Villa World Development (Lot 3 on DP 881169) requires the expansion of car parking’s to be completed prior to the buildings being occupied. Works on the Villa World site are scheduled for completion in July 2000.

North Sydney Leagues Club would like time to further explore the possibility of reducing the car parking numbers as they believe the car parks proposed are surplus to the clubs needs and an unnecessary expense. North Sydney Leagues Club proposes to complete construction works on the southern car park in July 2000.

*Please find attached Dostal Constructions Pty Ltd priced bill of quantities for the northern car park totalling \$210,356.00 we further request Tweed Shire Council’s approval to a uncompleted works bond of **\$263,000.00** being 125% of the tendered sum.*

2. *Tweed Shire Council approve in principal to the lodgement of an uncompleted works bond for sound attenuation works as set out in the “Preliminary noise level Impact Assessment of Intrusive Noise from New Seagulls” prepared by Craig Hill and Associates.*

Development Consent K99/681 Condition No. 37 for the adjacent Villa World Development (Lot 1 on DP 881169) requires sound attenuation works to be carried out on the existing New Seagulls Club.

North Sydney Leagues Club is prepared to give Council an undertaking that noise levels will not exceed the minimum required until attenuation works are implemented. A detailed estimate of the proposed works will be submitted to Council in due course.”

Reports from Director Development Services

Comment - Car Parking

A review of parking based on Development Control Plan No. 2 - Site Access and Parking (effective 16/11/99) may result in the need for fewer spaces being required by the Seagulls Club and therefore it would be reasonable to accept a bond for the works for six (6) months.

This will enable Seagulls to complete the review of car parking requirements and request any necessary modifications to the consents while enabling Villa World to occupy the adjacent residential buildings and complete the development.

Comment - Noise Attenuation

It is understood that the required noise attenuation works involve considerable costs and accordingly North Sydney Leagues Club are considering their options in relation to continued use of the Auditorium involving amplified music.

Subject to the lodgement of an adequate bond and a written undertaking from Seagulls not to use the auditorium for events involving amplified sound or exceed noise limits bonding is therefore considered reasonable for nine (9) months.

OPTIONS

1. Approve bonding of the incomplete carparking and noise attenuation works as requested; **or**
2. Approve bonding of the carparking only and require the noise attenuation works to be completed in accordance with the consent conditions.

CONCLUSION

Bonding of the carparking as proposed does not raise any significant public interest or external impact issues and is therefore supported.

However, bonding of the noise attenuation works could result in adverse noise impacts on the adjacent Villaworld residential buildings. The noise attenuation works should therefore preferably be completed in accordance with the consent conditions. However, compliance will involve considerable time and thus further delay release and occupation of the Villaworld residential developments and this has implications for the continued operation of Seagulls. In the circumstances, it is therefore considered that bonding of the works is reasonable.

Reports from Director Development Services

9. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/LEP/2000/1 Pt1

REPORT TITLE:

Tweed Local Environmental Plan, Reclassification of Land.

SUMMARY OF REPORT:

Council has a number of parcels of land which are classified as community land under the Local Government Act, but are used as drainage reserves, reservoirs and the like. It is more appropriate that these be designated as operational land. To achieve this, an Amendment to Tweed Local Environmental Plan 2000 is required, and a public hearing is mandatory. Although not included in the current Work Program, this Amendment has become a matter of priority as it concerns Council's operational management. Again, because it concerns Council land, funds have identified to engage a consultant to undertake this work.

RECOMMENDATION:

That Council informs the Regional Director of the Department of Urban Affairs and Planning, pursuant to S54 of the Environmental Planning and Assessment Act, that it intends to prepare a draft Local Environmental Plan to reclassify land within the Local Government area from community to operational; and that in its opinion an Environmental Study is not required.

Reports from Director Development Services

REPORT:

Council properties are classified under the Local Government Act as either community or operational. Based on this classification, land in the former may only be developed in accordance with a Plan of Management, and is intended to include such land as open space. Indeed, all land zoned as open space in a Local Environmental Plan is automatically designated as community land.

Council has a number of parcels of land which are so classified, but are used as drainage reserves, reservoirs and the like, as listed in Table 1. It is more appropriate that these be designated as operational land.

To achieve this, an Amendment to Tweed Local Environmental Plan 2000 is required, and a public hearing is mandatory. Although not included in the current Work Program, this Amendment has become a matter of priority as it concerns Council's operational management. Again, because it concerns Council land, funds have identified to engage a consultant to undertake this work.

Table 1

Ref	Lot	Sec	DP	Location	Site/Use
147	2		779815	Alma Street	Visitors Information Ctr
147	3		779815	Alma Street	Visitors Information Ctr
53	633		869542	Avondale Drive	Drainage Reserve
16	109		238224	Blue Waters Cres	Drainage Reserve
*83	C		381297	Byrrill Creek Road	Future Dam
51	126		836272	Chardonnay Cres	Pump Station
147	1	3	758739	Church Street	Civic Centre
147	2	3	758739	Church Street	Civic Centre
147	1		779872	Church Street	Civic Centre
122	2		731761	Coast Road	Caravan Park
80	28		250909	Curtawilla Street	Drainage Reserve
55	1		623932	Darlington Drive	Sewer Pump Station
80	757		850786	Donegal Court	Drainage Reserve
18	401		755740	Dry Dock Road	Caravan Park
86	320		860725	Eliza Fraser Court	Drainage Reserve
86	326		860725	Eliza Fraser Court	Drainage Reserve

Reports from Director Development Services

Ref	Lot	Sec	DP	Location	Site/Use
86	349		860725	Eliza Fraser Court	Drainage Reserve
86	350		860725	Eliza Fraser Court	Drainage Reserve
163	93		621415	Elouera Terrace	Weir Access
112	113		240966	Faulks Street	Reservoir
112	115		241663	Faulks Street	Reservoir
37	482		591546	Fraser Drive	Sewer Treatment Works
37	2		591548	Fraser Drive	Sewer Treatment Works
52	3		591548	Fraser Drive	Sewer Treatment Works
52	2		591547	Fraser Drive	Sewer Treatment Works
52	14		746154	Fraser Drive	Sewer Treatment Works
52	15		846287	Fraser Drive	Drainage Reserve
48	19		804812	Glenock Road	Preschool
37	128		817783	Greenway Drive	Drainage Reserve
146	1	32	9506	Hartigan Street	Sewer Pump Station
115	2		831562	Hastings Road	Future Lane
24	488		30961	Jacaranda Avenue	Drainage Reserve
24	365		30960	Jacaranda Avenue	Drainage Reserve
16	87		866281	Kiata Parade	Drainage Reserve
13	4		837715	Piggabeen Road	Future Road
13	1		622561	Piggabeen Road	Future Road
52	708		841011	Vintage Lakes Dr	Drainage Reserve
137	45		24583	York Street	Drainage Reserve

(Note: Plans for location to follow)

Reports from Director Development Services

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9a. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/LEP/2000/1 Pt1

REPORT TITLE:

Report on Exhibition of Draft Tweed Local Environmental Plan 2000/1.

SUMMARY OF REPORT:

This Report details the exhibition of Draft Tweed LEP 2000/1. Briefly, the Plan was prepared to correct anomalies in Tweed LEP 2000 which resulted from changes to the Plan made by Parliamentary Counsel. The Plan was exhibited for 28 days. One submission was received raising no objections to the Draft LEP.

RECOMMENDATION:

That Council forwards Tweed Local Environmental Plan 2000 (Amendment No 2000/1) to the Regional Director, Department of Urban Affairs and Planning, pursuant to Section 68 of the Environmental Planning & Assessment Act to be finalised and gazetted.

Reports from Director Development Services

REPORT:

INTRODUCTION

Tweed Local Environmental Plan (LEP) 2000 was gazetted on 7 April, 2000. Following gazettal of the Plan a number of changes were identified between the Plan which was submitted to the Regional Director, Department of Urban Affairs and Planning, and the Plan gazetted by the Minister. These changes arose from consideration of the Plan by Parliamentary Counsel. Some of these changes have resulted in anomalies in Tweed LEP 2000 which require correction. Draft LEP 2000/1 has been prepared and exhibited to rectify these anomalies.

EXHIBITION

In accordance with Section 66 of the Act, Draft LEP 2000/1 has been exhibited for 28 days from 17 May to 14 June, 2000. One submission was received from the Department of Agriculture, which raised no objection to the Plan. Consequently, it is considered that the Draft can be forwarded to the Regional Director, Department of Urban Affairs and Planning, to be finalised and gazetted.

Reports from Director Corporate Services

10. ORIGIN: General Manager

FILE REF: Industrial Matters - General; Economic Development Strategy

REPORT TITLE:

Tweed Economic Development Strategy Framework.

SUMMARY OF REPORT:

Recent national and international trends are re-establishing economic development as a regional issue, with a much greater emphasis being placed on local authorities to be involved with economic development policies.

Over the last 5 years Council has established and assisted several organisations which promote local economic development. These include TEDC, TACTIC, Main Street as well as festivals funding. These organisations have a defined role in economic development of the Shire. It is through Council's sponsorship of these organisations that a noticeable impact is made within their respective areas of interest in economic development.

Despite this, Council still has an internal role to play in promoting economic development. Functions which Council operates as its core business can play a part in assisting the economic development of the Shire.

This report presents the outline for establishing economic development framework within Tweed Shire. At the TEDC Board Meeting of 8 June, 2000 Council representatives presented this outline which was received with unanimous support.

RECOMMENDATION:

That Council:

1. Adopts the Tweed Economic Development Strategy Framework and its associated implementation plan and working group.
2. Approves the structure of the Industrial Land Taskforce and its associated work program, with due note that this taskforce will oversee the implementation of the action

Reports from Director Corporate Services

plan necessary to progress the work identified in the “Potential Industrial Land Investigation” Report adopted by Council on 5 April, 2000 (Resolution 1451).

3. Nominates an elected representative for the Industrial Land Taskforce.

Reports from Director Corporate Services

REPORT:

BACKGROUND

Recent national and international trends are re-establishing economic development as a regional issue, with a much greater emphasis being placed on local authorities to be involved with economic development policies.

“Due to forces of devolution and globalisation, many OECD Member Countries have shifted tasks downward to provincial and local governments, but also upward to international organisations and similar fora” (OECD, 1999).

This has led to traditional models of economic development becoming increasingly challenged. In these models the role of councils is seen essentially as providing the infrastructure necessary to attract industrialists. Several factors are rendering this model redundant: the multiplier effect has been weakened with greater export leakage and jobs created by large employers are becoming more transportable. This principally has arisen from changes to global financial markets and trade barriers. The result is specialisation and outsourcing, exporting of routine jobs, levelling of income distribution and changes to traditional job patterns from full time employment to part time and job sharing.

Globalisation and changes to information technology are also increasing the level by which people can make decisions based on lifestyle. The natural environment is being increasingly recognised as a major input into these lifestyle decisions. This phenomenon is increasing the number of people who work from home. The Australian Bureau of Statistics estimate that 25% of the workforce will work from home within the next 10 years.

This will have a dramatic effect on industry within the Tweed. If agricultural industries and home based industries are given enough latitude and scope, then considerable pressure can be taken off the demands on existing and future industrial areas for either agricultural based manufacturing and processing as well as small floor areas within industrial areas.

Within the strategic and corporate aims of the Tweed Shire Council economic planning is fragmented. This has led to a lack of consolidated economic policies. This proposal presents the justifications for Tweed Shire to pursue an economic development strategy.

Over the last 5 years Council has established and assisted several organisations which promote local economic development. These include TEDC, TACTIC, Main Street as well as festivals funding. These organisations have a defined role in economic development of the Shire. It is through Council's sponsorship of these organisations that a noticeable impact is made within their respective areas of interest in economic development.

Despite this, Council still has an internal role to play in promoting economic development. Functions which Council operates as its core business can play a part in assisting the economic development of the Shire.

Reports from Director Corporate Services

These areas include:

- Strategic Land Use Planning:
 - industrial land supply and preservation;
 - S94 contributions.
- Water/sewerage/roads:
 - essential infrastructure for economic development.
- Development control:
 - Development Applications.

ECONOMIC DEVELOPMENT STRATEGY IN CONTEXT

The New South Wales State Government requires councils to give consideration to Ecological Sustainable development in all reports. An economic development strategy by its very nature is an integral component of ESD. That is a prosperous local economy is essential for the well being of the community and the environment.

Conversely it is important for the environment and the community to be equally congruous for the local economy to prosper. For example lifestyle has become an important element in business decisions on location.

An economic development strategy must be interrelated to elements which cover community and environment.

Community

Employment

- Unemployment

Education

- Available skills base
- Education

Town Planning

- Urban Design / Sense of place
- Mixed use zonings
- Preservation of prime agricultural land

Reports from Director Corporate Services

Environment

Conservation

- Scenic Preservation
- Beach Protection

Enhancement

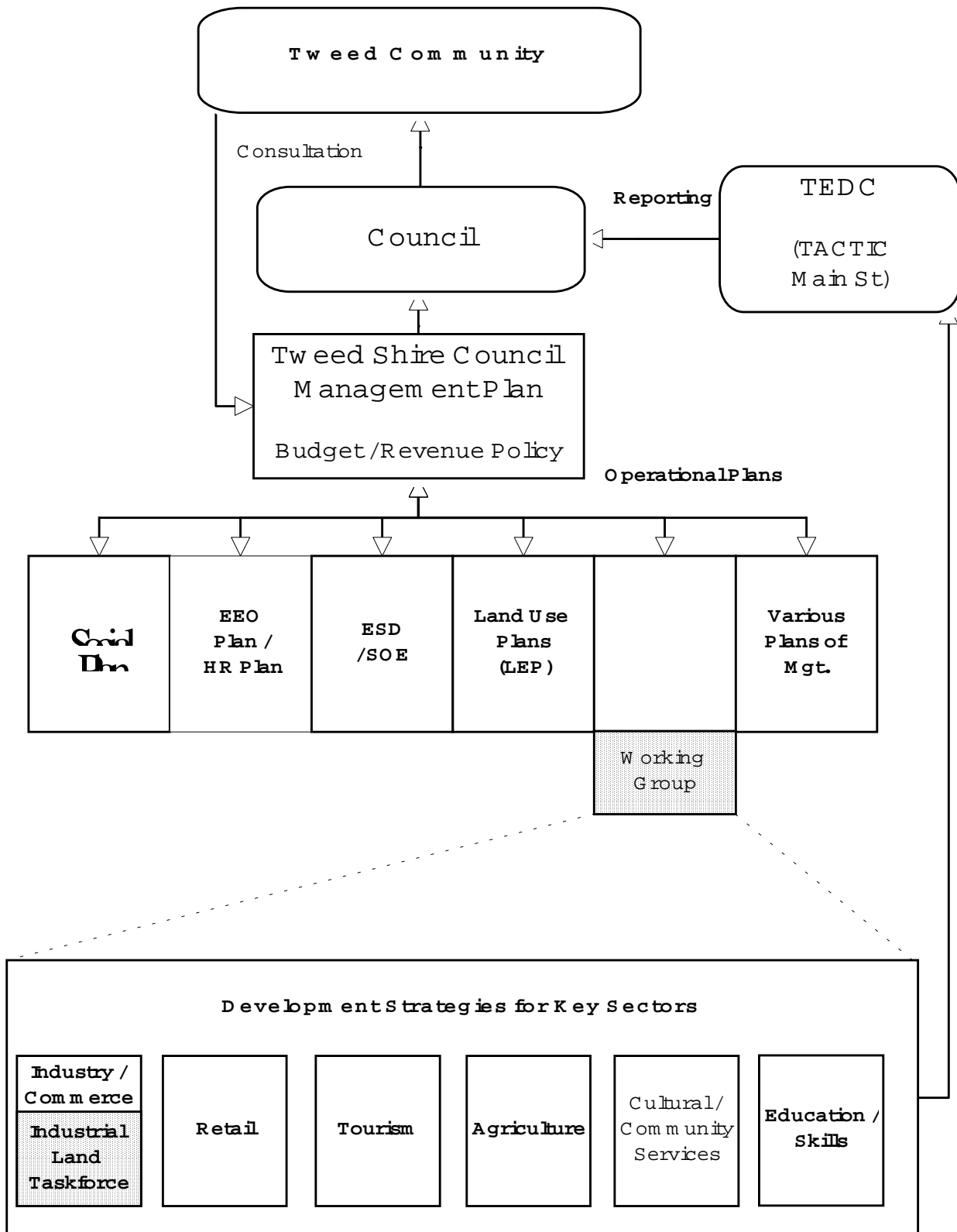
- Waterways enhancement
- Development of forestry / involvement in carbon credit trading

Good quality environment and community is an economic asset to the local economy. To ensure this continues Council must interrelate its Economic Development Strategy with other projects council is committed to;

- Tweed Shire Local Environment Plan 2000
- Tweed Strategic Plan 2000+
- Vegetation Management Plan
- State of Environment Reporting
- Coastal Reserve Plan of Management
- Social Plan

All these areas span across many of Council's functions. The consolidating of these many aspects along with the traditional review of economic development within the Shire should be conducted on an organisational wide basis. This is proposed to be conducted through the framework presented below which gives due consideration to Council's Management Plan which is Council's paramount strategic document.

Reports from Director Corporate Services



Reports from Director Corporate Services

ECONOMIC DEVELOPMENT STRATEGY FRAMEWORK

It is proposed that a working group be established across the organisation to explore the areas in which Council can develop internal strategies for economic development.

WORKING GROUP TERMS OF REFERENCE

To examine the economy of the Tweed and the functions of Council, and establish strategies for the promotion of economic development through Tweed Shire Council in consultation with all relevant stakeholders. Consolidate this examination into an economic development strategy for Tweed Shire.

MEMBERSHIP

- Director, Corporate Services;
- Corporate Research Officer;
- Manager, Strategic Town Planning Unit;
- Chief Executive Officer, TEDC.

RESOURCES

Specific resources to achieve this will rely on staff time, and will be programmed in the Strategic Planning Work Program and the Corporate Research Officer's Work Program.

MEETING

The Working Group will meet on an irregular basis as the need arises.

RESPONSIBILITY

The progress of the working group will report directly to the EMT whom will report to Council.

Economic Development Strategy Working Group Implementation Work Program

Task	Action	Responsibility	Timing
Prepare Economic Development Strategy	• Prepare Brief for Economic Development Strategy	CRO, DCS, STPU, TEDC, CEO	June, 2000
	• Skills Audit & Enhancement	STPU, CRO	Sept, 2000
	• Marketing Incentives	DCS, STPU, TEDC, CRO	Dec, 2000
	• Review of Tweed Key Sectors (agriculture, tourism, industry/commerce, cultural/community services, retail)	CRO	Jan, 2001

Reports from Director Corporate Services

Task	Action	Responsibility	Timing
	retail) <ul style="list-style-type: none"> Develop strategies for promoting and assisting specific industry sectors Develop strategies for cluster development suitable for Tweed Shire 	EMT, TEDC, TACTIC, STPU, CRO EMT, TEDC, TACTIC, STPU, CRO	Jan, 2001 Jan, 2001

(TEDC = Tweed Economic Development Corporation, CRO = Corporate Research Officer, STPU = Strategic Town Planning Unit, EMT = Executive Management Team, DCS = Director, Corporate Services)

INDUSTRIAL LAND TASKFORCE

In recent months Council has taken steps to recognise the role of Economic Development. One major step forward has been the Potential Industrial Land Investigation Report which was done in conjunction with TEDC.

Interest in this report has instigated the proposal to assemble a joint taskforce between Council and TEDC to progress the recommendations of this report.

TASKFORCE TERMS OF REFERENCE

To progress the Action Plan presented in the "Potential Industrial Land Investigation" Report, and to assist in identifying, preserving and developing future industrial land within Tweed Shire.

TASKFORCE MEMBERS

Convenor - Manager, Strategic Town Planning

Corporate Research Officer

Council nominate an elected representative

Executive Officer, TEDC

Cr George Davidson, TEDC Board Member

Mr H Williams, TEDC Board Member

Mr W Stainlay, TEDC Board Member

RESOURCES

Specific resources to achieve the purpose of the Taskforce have yet to be identified/confirmed. Pending such an outcome the only resources available will be what staff time can be programmed in the Strategic Planning Work Program and the Corporate Research Officer's Work Program.

Reports from Director Corporate Services

MEETINGS

The Taskforce shall meet as required. Preference shall be given to meeting prior to the monthly TEDC Board meeting.

RECORDS

Notes of each meeting of the Taskforce shall be kept and provided to the General Manager.

Industrial Land Taskforce

Implementation Work Program

Task	Action	Responsibility	Timing
Establish Economic Development Taskforce	<ul style="list-style-type: none"> Approve Terms of Reference, Taskforce Structure 	TEDC, EMT	June, 2000
	<ul style="list-style-type: none"> Approve Work Program 	TEDC, EMT	June, 2000
Review Potential Industrial Land, Investigation Study & Oversee Implementation of Associated Action Plan (Note: These Actions form the implementation of the Action Plan adopted by Council on 5/4/2000 to implement the recommendations of the Potential Industrial Land Investigation report (Resolution 1451))	<ul style="list-style-type: none"> Investigate Area 1 - Cobaki Lakes 	STPU, P&DU, CRO	July, 2000
	<ul style="list-style-type: none"> Investigate Area 2 - Coolangatta Airport 	TEDC, DSRD, QDSD, CRO, TSC	June, 2000
	<ul style="list-style-type: none"> Investigate Area 3 - West Kingscliff/Chinderah Rd 	TEDC, TSC, CRO	June, 2000
	<ul style="list-style-type: none"> Investigate Area 4 - Kingscliff South 	STPU, P&DU, CRO	July, 2000
	<ul style="list-style-type: none"> Investigate Area 5 - Clothiers Creek Rd Interchange 	STPU, P&DU, CRO	Aug, 2000
	<ul style="list-style-type: none"> Investigate Area 6 - Hastings Point/Round Mountain 	STPU, P&DU, CRO	Sept, 2000
	<ul style="list-style-type: none"> Investigate Area 7 - Cudgera Creek Rd Interchange 	STPU, P&DU, CRO	Aug, 2000
	<ul style="list-style-type: none"> Investigate Area 8 - Pacific Highway, Fernvale 	TEDC, DES, STPU, P&DU, CRO	July, 2000
	<ul style="list-style-type: none"> Investigate Area 9 - Murwillumbah Industrial Area 	TEDC, EMT, STPU, P&DU, CRO	Sept, 2000
Industrial Land Framework	<ul style="list-style-type: none"> Community Notification 	CLO	June, 2000
	<ul style="list-style-type: none"> Notify Landowners 	STPU, CRO	June, 2000

Reports from Director Corporate Services

Task	Action	Responsibility	Timing
	<ul style="list-style-type: none"> • Include on Web Page 	STPU	June, 2000
	<ul style="list-style-type: none"> • Policy Register 	MA	June, 2000
	<ul style="list-style-type: none"> • Circulate Internally 	STPU	June, 2000
	<ul style="list-style-type: none"> • Infrastructure Availability, Access and Cost 	MW, DES, CRO	Aug, 2000

(TEDC = Tweed Economic Development Corporation, CRO = Corporate Research Officer, STPU = Strategic Town Planning Unit, P&DU = Planning and Design Unit, EMT = Executive Management Team, DSRD = Department of State and Regional Development, QDSD = Queensland Department of State Development, TSC = Tweed Shire Council, CLO = Civic Liaison Officer, MA = Manager, Administration, MW = Works)

One main gap which has been identified in the progression of economic development issues within Council is the lack of a clear overarching strategic framework from within the organisation. This is a proposal to establish and implement this internal mechanisms to bridge this gap.

ECONOMIC DEVELOPMENT PLANNER

As part of 1999/2003 Draft Management Plan, allocations have been made for the appointment of an Economic Development Planner under the direction of the Strategic Town Planning Unit. Consideration must be given now to the roles and responsibilities this person will play in the process of implement the Economic Development Strategy.

Areas of Responsibility - Economic Development Planner

1. Strategic Direction / Policy Framework

Drafting of Tweed Economic Development Strategy

2. Land Use Planning

Review and redrafting of Tweed Heads DCP

Drafting of Rural Based Tourism DCP

Industrial and Commercial Rezonings

Review of DCP 40 (Exempt and Complying Development) for Commercial and Industrial Developments

LEP Amendments for Agricultural Suitability

3. Research / Analysis

Advice of DA's on economic cost / benefit and employment

Reports from Director Corporate Services

11. ORIGIN: Administration Services Unit

FILE REF: PF3640/690 Leases-Ccl Ppy

REPORT TITLE:

Assignment of Licence Agreement - Air Space over footpath Lot 1 DP772755 Murwillumbah Street, Murwillumbah.

SUMMARY OF REPORT:

Advice has been received that the Balcony Cafe, situated in Murwillumbah Street, Murwillumbah is in the process of being sold, the owners have a licence agreement for the airspace above the footpath and now request that the licence agreement be transferred to the new owners.

RECOMMENDATION:

That:

1. The licence agreement with Mr Graham and Mrs Joanne Ewing for the airspace over Lot 1 DP772755 Murwillumbah Street, Murwillumbah be transferred to Messrs Manmohan Singh Janda, Amarjeet Kaur Janda, and Satwart Kaur Rai.
2. All necessary documentation be completed under the Common Seal of Council.

Reports from Director Corporate Services

REPORT:

Solicitor for Mr Graham and Mrs Joanne Ewing have advised that the Balcony Café situated at Lot 1 DP772755 Murwillumbah Road, Murwillumbah is in the process of being sold. The property is built over the footpath, where there is a Licence Agreement in place for the airspace. The Solicitors for the Ewings now request a transfer of the agreement to the new owners who are Messrs Manmohan Singh Janda, Amarjeet Kaur Janda and Satwant Kaur Rai

It is recommended that the Licence Agreement be transferred to the new owners.

Reports from Director Corporate Services

12. ORIGIN: Administration Services Unit

FILE REF: Donations

REPORT TITLE:

Request for Donation - Australia War Memorial Foundation

SUMMARY OF REPORT:

A letter has been received from the Australia War Memorial Foundation requesting support by way of donation for the completion of ANZAC Hall which is due to open on ANZAC Day 2001.

RECOMMENDATION:

That Council determines this report.

Reports from Director Corporate Services

REPORT:

A letter has been received from the Australia War Memorial Foundation requesting support by way of donation for the completion of ANZAC Hall which is due to open on ANZAC Day 2001.

The letter is reproduced as follows:-

Reports from Director Corporate Services



MAS bus
Agenda item 415
to Council
Shawn
John 6/6

May 2000



041 6157
Tweed Shire
PO Box 816
MURWILLUMBAH NSW 2484

TWEED SHIRE COUNCIL	
FILE No.	
DOCUMENT No.	
RECD	- 5 JUN 2000
BOX No.	
ASSIGNED TO	
HARD COPY	<input type="checkbox"/>
IMAGE	<input type="checkbox"/>

The Vision grows stronger



Dear Friend

As a supporter of the Australian War Memorial Foundation you are aware of our mission to assist with the enhancement and development of the Australian War Memorial, and of our determination that the Memorial will remain the focus of our gratitude for those who fought and, in so many cases, made the supreme sacrifice for this nation.

It was their sacrifice that earned for us the freedom we enjoy today. Our responsibility is to recognise this and to ensure that future generations be given the opportunity to understand and to share this responsibility.

Work has now commenced on ANZAC Hall (a Centenary of Federation funded project) which is due to open on ANZAC Day 2001. We look forward to the exciting displays that this 3000 m² of exhibition space will contain. These will include the Japanese midget sub-marine which entered Sydney Harbour in 1942, the guns from *HMAS Sydney* and from the vanquished *SMS Emden*, and a range of large technology items. ANZAC Hall will eventually provide a permanent home for the Lancaster Bomber, *G for George*, which is currently undergoing conservation work.

The Foundation now needs to raise additional funds for specialised displays, lighting, object theatre and other facilities needed to complement these large items, so that they may be interpreted in innovative and exciting ways to interest younger generations.

It is also necessary to ensure that funds are provided to portray the personal stories of the men and women who were involved in the horrors of war. The Memorial would like to share with visitors the personal stories of those who served on *HMAS Sydney* or in *G for George*, and others.

GPO Box 191 CANBERRA ACT 2601
Telephone: 6243 4371 facsimile: 6243 4543

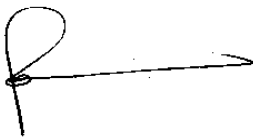
Reports from Director Corporate Services

We ask for your help in assisting us to achieve an exhibition worthy of the memory of those who fought so hard for the lifestyle we now enjoy. Please make a donation by completing the form below and sending it to:

The Australian War Memorial Foundation
GPO Box 1914
CANBERRA ACT 2601.

Thank you for the help you have given in the past. We look forward to your response and to sharing with you the achievements made possible by the generous support of our members and friends. Please remember that all contributions over \$2 are fully tax deductible.

Yours sincerely



John Edwards
Chief Executive Officer

✂.....

**To the Australian War Memorial Foundation
GPO Box 1914, CANBERRA ACT 2601**

I wish to contribute to the Australian War Memorial Foundation's Development Program by donating:

\$100 \$75 \$50 \$25 Other \$.....*

Please send me information about becoming a Member of the AWM Foundation.

I am interested in discussing the AWM Foundation Bequest Program. Please contact me.

Please send me a free Foundation "Will Pack"

I wish to pay \$_____ by: Cheque Money Order Credit Card

Bankcard Mastercard Visa Amex Diners

Credit Card No: _____ Expires _____

Name: (BLOCK LETTERS please)

Address: _____

_____ Postcode _____

Telephone

No: (____) _____ Signature _____

Reports from Director Corporate Services

* special offer



Donations of \$250 and over will be recognised by a framed copy of this historical picture of the Memorial.

The wood used for the frame is a part of the original 'dance floor' upon which G for George stood in the Bradbury Aircraft Hall for 44 years prior to its removal last year for much needed conservation work.

Make your donation early to be sure of securing your copy!

All donations over \$2 are tax deductible

It is now requested that Council determines this matter.

Reports from Director Corporate Services

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Reports from Director Corporate Services

13. ORIGIN: General Manager

FILE REF: TACTIC & TEDC

REPORT TITLE:

Performance Review of Tweed and Coolangatta Tourism Inc (TACTIC) and Tweed Economic Development Corporation (TEDC)

SUMMARY OF REPORT:

At Council's meeting of 3 May 2000, the following Notice of Motion was adopted:-

“that Council reviews the functions and performance of TACTIC and TEDC. Council officers be asked to bring forward a report outlining the service and benefits each has provided to the Tweed community or sections of the community over the last two years. The report should identify funds and grants or other income sources received by those organisations, its past, current and proposed activities; the cost of carrying out those activities; any proposals or contingencies which may change the organisation; and any relevant existing contractual arrangements.”

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

TWEED AND COOLANGATTA TOURISM INC. (TACTIC)

History and Performance

The need/desire for a peak tourism organisation, independent of Council was first muted in the Hunter Valley Research Foundation (HVRF) report presented in 1992. The rationale for incorporation of a "whole of Tweed" body was part of the National Centre for Studies in Travel and Tourism (NCSTT) report released in 1994.

On the basis of the NCSTT report, which included a business plan for the organisation, TACTIC was incorporated and a management agreement executed between Council and TACTIC. This agreement detailed the duties and responsibilities of TACTIC, and the grant funding Council would pay subject to satisfactory performance.

The agreement commenced 1 July 1994 with an initial term of four (4) years. The block grant commenced at \$220,000 per annum granted by Council, payable in advance by four (4) equal quarterly instalments of \$55,000, and was subject to increase in line with CPI.

TACTIC's initial performance was more than satisfactory and was responsible for:-

- a. Generating membership of approximately 150 tourism related businesses/individuals.
- b. Providing regular tourism news updates via an insert in the Daily News and industry networking meetings.
- c. Facilitating significant industry input into promoting the Tweed in the media and at regional, interstate and overseas events.
- d. Development and realisation of the World Heritage Rainforest Centre.
- e. Opening another tourist centre in Tweed Heads.
- f. Initiating the development of a central reservation system.
- g. Provision of information to tourists.
- h. Establishment of a Tweed tourism website.

It is not possible to absolutely value these inputs, however they are estimated to amount to well over \$1 million. It should be noted that in the last full year (1993) prior to executing the management agreement with TACTIC, Council allocated \$255,440 to Tourism Promotion, which essentially provided for some promotion and provision of tourist information. The operation of the Murwillumbah Tourist Centre which was previously operated by Council was transferred to TACTIC. State and Federal grants for tourism marketing and central reservation system have amounted to approximately \$100,000.

It is considered unlikely that Council would have been able to garnish the Federal and State Government input into the World Heritage Rainforest Centre, approximate value \$700,000.

Reports from Director Corporate Services

The Organisation

TACTIC's attention now is focussed on four (4) primary roles:-

1. Promotion of the Tweed as a destination.
2. The sales and promotion of members of accommodation and tours within the Tweed.
3. Retail sales of local Tweed product, ie. souvenirs.
4. Provision of information to visitors to the two (2) tourism centres.

Their efforts, despite a large reduction in staff hours, has resulted in a significant increase in sales revenue and tour and accommodation commission bookings.

The staff team are supported by tourism industry operators and a growing team of volunteers committed to welcoming visitors and assisting them to achieve a memorable experience whilst in the Tweed region.

Accomplishments

Note: For further details on current projects refer to TACTIC's previous quarterly reports.

- Signposting

Establishment of shirewide tourism signs to divert tourists to attractions and promote scenic drives.

- World Heritage Rainforest Centre (WHRFC)

TACTIC have assisted in the development of the WHRC and now operate the establishment as a successful tourist and natural environmental education and information centre. Currently the WHRFC is averaging around 2000 visitors a month with over 50% seeking tourist information and around 15% looking for advice on National Parks and Wildlife.

- Central Reservation System (CRS)

The computerised 1800 number driven booking reservation has been recognised by Tourism NSW and is being promoted Statewide. Sales of the product to four (4) other tourism information centres has started to generate an ongoing revenue stream to TACTIC through this project. The system is now providing TACTIC with reliable statistical information which will be of significant value to the industry and other related parties.

- Website

Establishment of a Tweed Tourism website.

- Marketing Strategy

- (i) Co-operative marketing schemes.
- (ii) Shopping centre promotions.
- (iii) International and domestic marketing companies.

Reports from Director Corporate Services

- (iv) World Heritage Rainforest Week.
- (v) Support of Registered Clubs Association Conference.
- Sponsorship

1998/99 sponsorship \$32,311.

Agreement

Currently Council holds a four (4) year Contract with TACTIC for the supply of a range of specified outcome through grant funding of \$209,000 per annum. This Contract will reach its first anniversary on 1 July 2000.

TWEED ECONOMIC DEVELOPMENT CORPORATION (TEDC)

History and Performance

In 1997 the Tweed Economic Review Board was commissioned to examine different economic development models and review the economy of the Tweed. As part of their recommendations they suggested a model for the establishment of an economic development organisation for the Tweed Shire. On the 3 December 1997 Council resolved to commit \$90,000 for the establishment of the Tweed Economic Development Corporation. The organisation was established independently of Council as a private organisation (Ltd). The board was made up of local business people and Council representatives.

The Organisation

The organisation currently runs under the following charter:-

Vision

- To improve the socio-economic standard of living for the people of the Tweed.

Mission Statement

- To increase employment opportunities through economic growth.
- To give focus and direction to the Tweed by working in partnership with all groups to form a conduit between community, business and governments.
- To enable the establishment of a common marketing direction which will put the Tweed first.
- To promote, enhance and protect the lifestyle of the people of the Tweed.

Services and Benefits to the Tweed Community

Over the two years TEDC have been operating they have demonstrated the benefits they directly offer to the business in the Tweed or businesses interested in the Tweed;

- offering a mediatory role between businesses and Council with development applications and other matters,

Reports from Director Corporate Services

- offer businesses in the Tweed information and data to assist in relocations or business start ups,
- offer businesses and residents in the Tweed an education service through newsletters, newspaper articles and business breakfasts,
- offer assistance to Tweed Shire Council in developing strategic land use planning studies and documents.

It must be noted that by providing these services to business in the Tweed and beyond the Shire boundaries the community of the Tweed benefits through jobs creation and multiplier effects in the economy.

Activities

Note: For further information on activities refer to TEDC's previous quarterly reports.

- Produced an investment portfolio for the Tweed.
- Developed a web site.
- Managed the Coolangatta Airport industrial feasibility study.
- Proceeded with the Pacific Highway, Fernvale industrial park concept.
- Proceeded with the Tweed River Link Project.
- Jointly with Council identify potential industrial land - appropriate to interest and demand.

Grants Applications and Other Funding:-

- Jointly submitted an application to the Northern Rivers ACC for Tweed Heads re-development project

Status: Pending

Amount: \$30,000

- Submitted an application to the Rural Plan for a review into the agricultural viability and sustainability of the Tweed.

Status: Pending

Amount: \$100,000

- Assisted in forming a consortium to investigate the land located south of Coolangatta Airport. Associated organisations TEDC, TSC, Gold Coast City Council, State and Regional Development (NSW), Queensland State Development, Southern Corridor Regional Economic Development Organisation.

Status: Underway

Amount: \$60,000

Reports from Director Corporate Services

- Membership

1998/99: \$38,800

Agreement

In June 1998 first full commitment of \$150,000 for 12 months under performance contract. This was after initial arrangement for establishment (ie. \$90,000) ended on 30 June 1998.

In June 1999 Council funding was approved for four (4) years at \$150,000 per year. Contractual arrangements were established to implement this resolution. The first anniversary for this Contract will be 1 July 2000. This contract is based on the following performance measures:-

- Implementation of TEDC's Business Plan.
- Referrals to Council for advice and assistance.
- Introduction of new businesses and ventures to the Tweed.
- The number of jobs created as a result of introduction.
- The number and category of financial members.
- The provision of updates on programs.
- Promotional activities.
- Quarterly budget profit and loss statement and bank reconciliation.

Presently, TEDC prepare a quarterly report which outlines these activities and performance measures. These reports are subsequently presented to Council.

Proposed Changes to the Organisations

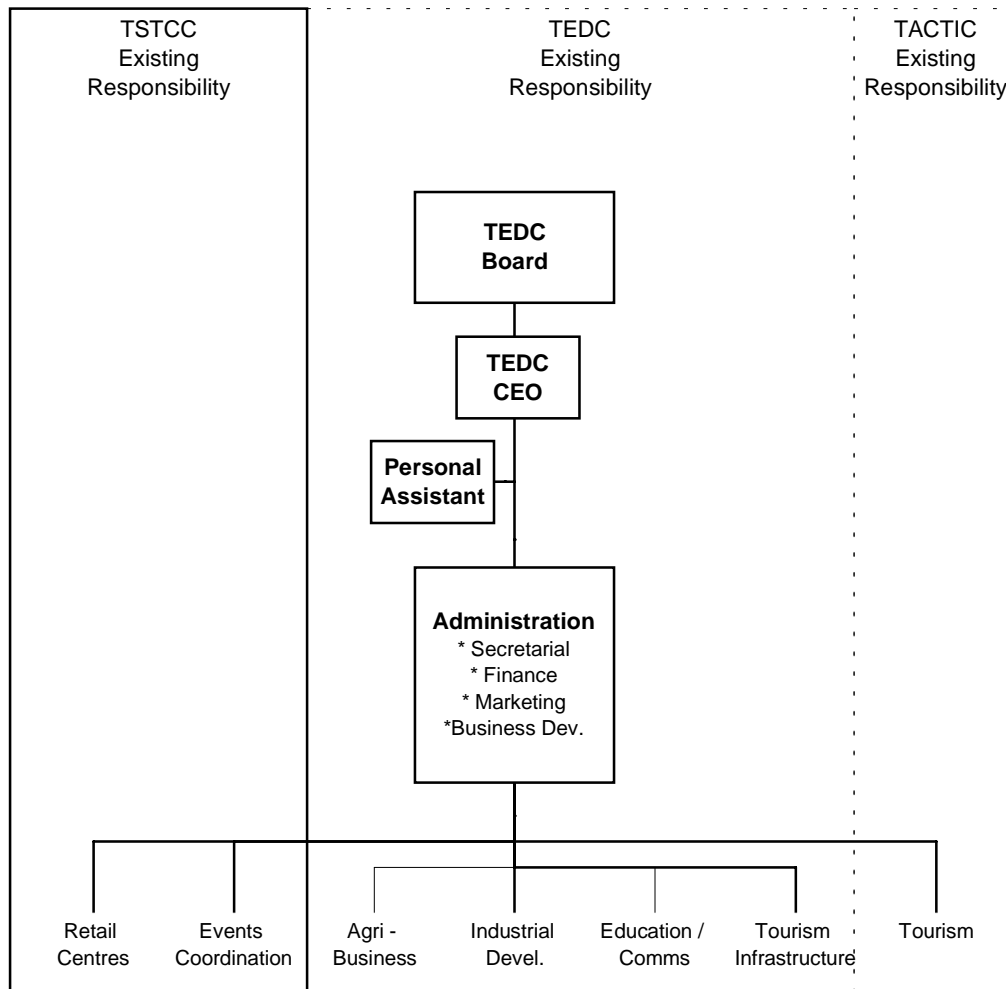
At its meeting of 16 February 2000 (resolution 1257), Council resolved to adopt changes to the structure of TEDC to incorporate the Tweed Shire Town Centres Committee as a sub-committee of TEDC. This has resulted in TEDC taking responsibility of the administration and management of this organisation.

During these negotiations there were proposals made to also bring the TACTIC Board under the TEDC organisation, effectively creating one Board to be responsible for most aspects of economic development within Tweed Shire.

As part of the negotiations leading up to the resolution of 16 February it was concurred by both chairpersons of TACTIC & TEDC that the details of combining these organisations be examined in detail for potential implementation from 1 July 2000. Additionally an agreed structure for the defining of roles and responsibilities in relation to economic development was developed. This is presented below:-

Reports from Director Corporate Services

Proposed New Structure of TEDC (Incorporating TSTCC & TACTIC)



Roles and Responsibilities for Economic Development Organisations - Tweed Shire

TEDC:-

- To increase employment opportunities through economic growth.
- To give focus and direction to the Tweed by working in partnership with all groups to form a conduit between community, business and governments.
- To enable the establishment of a common marketing direction which will put the Tweed first.
- To promote, enhance and protect the lifestyle of the people of the Tweed.

Reports from Director Corporate Services

TACTIC:-

1. Promotion of the Tweed as a destination.
2. The sales and promotion of members of accommodation and tours within the Tweed.
3. Retail sales of local Tweed product, ie. souvenirs.
4. Provision of information to visitors to the two (2) tourism centres.

Tweed Shire Town Centres Committee:-

Organisation - To bring together the relevant stakeholders of each town centre across a broad spectrum of community interests as well as business and land holders, to collectively plan and implement a strategy to grow the town centre and the communities sense of place, ownership and patronage of the town centre.

Business and Development - To grow existing and develop potential new business and industry sectors within the town centres. A particular on the retail and tourism industries.

Marketing and Promotion - To develop marketing and promotion strategies that all businesses within the town centre can use as a basis for their promotion. To promote the town centres individually and as a Shire as a destination for retail and tourist activities.

Festivals and Events - To develop a range of events that enhance the lifestyle of the community and add to the experience of visitors to the area. Events should be planned to have a positive impact on the local economy.

Urban Design and Built Environment - To assist the community to develop a range of initiatives to make the town centres more attractive, appealing and more people friendly in their use. Urban improvements should be designed to enhance the ongoing business use of the town whilst improving the amenity of the community. Encouragement and assistance is given to all land holders wishing to upgrade or develop their holdings within the town centres to ensure they are able to compliment the urban environment and maximise their opportunity.

Public Art - To encourage the community to develop and create works of art that are in keeping with the theme and environment of the town centre. To enhance the public amenity and a sense of place within the town centres.

Reports from Director Corporate Services

14. ORIGIN: Financial Services Unit

FILE REF: GI1/4 Pt6

REPORT TITLE:

Quarterly Council Vehicle Accident Report

SUMMARY OF REPORT:

Following is a summary relating to accidents in which Council vehicles have sustained damage during the three (3) month period to March.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

Twenty-one (21) incidents occurred involving Council vehicles during the period.

Of these there were nine (9) instances where a Council vehicle came into contact with an object, nine (9) instances of broken windscreen/windows, two (2) instances of vandalism and one (1) instance of a Council vehicle coming into contact with another vehicle.

The total cost of repairs involving Council vehicles is \$6,554.75.

The total cost to Council after insurance claims is \$6,554.75.

Reports from Director Corporate Services

15. ORIGIN: Financial Services Unit

FILE NO: Monthly Investment Report

REPORT TITLE:

Monthly Investment Report for Period Ending 31 May 2000

SUMMARY OF REPORT:

Details of Council's investments as at 31 May 2000.

RECOMMENDATION:

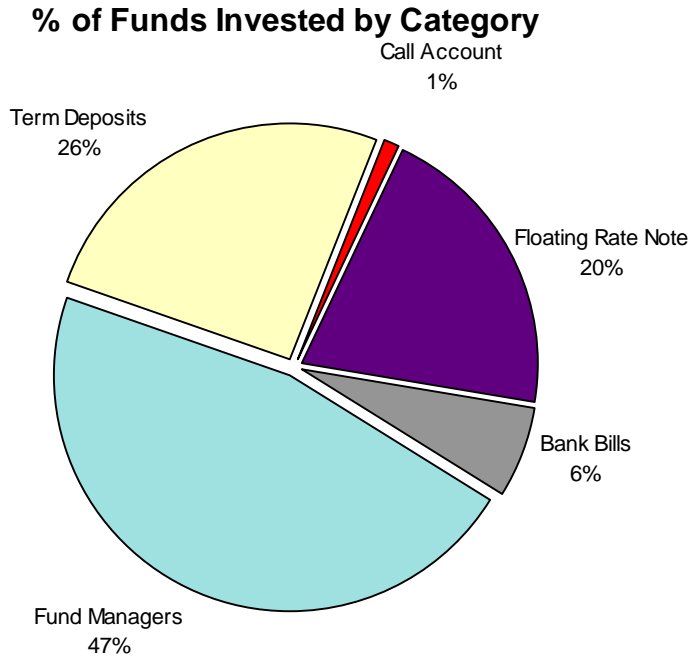
That this report be received and noted.

Reports from Director Corporate Services

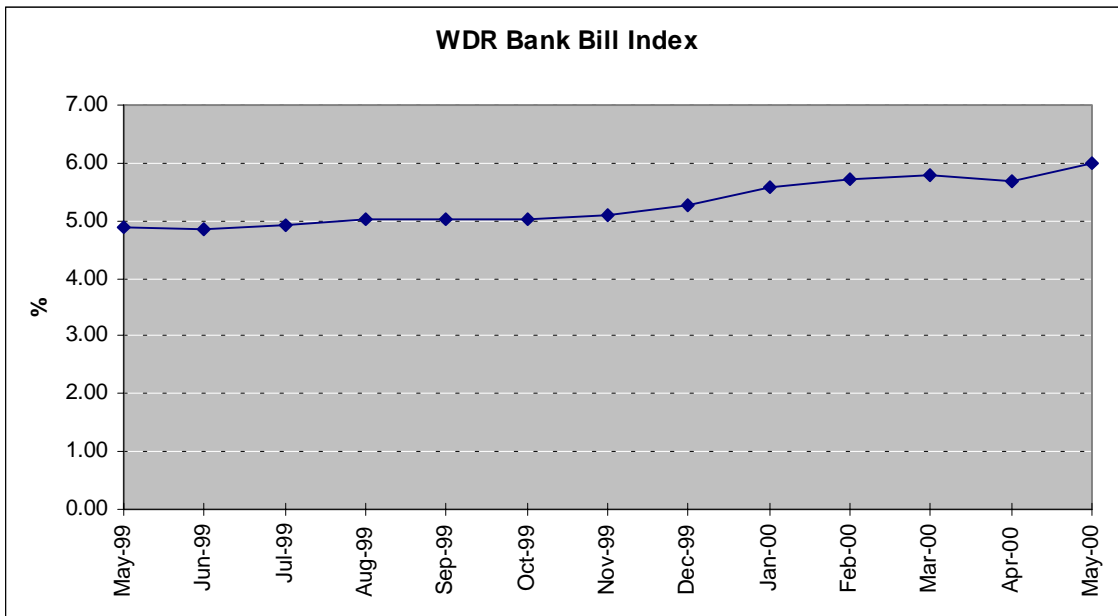
REPORT:

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.

1. CURRENT INVESTMENT PORTFOLIO BY CATEGORY



2. INVESTMENT RATES - 90 DAY BANK BILL RATE (%)

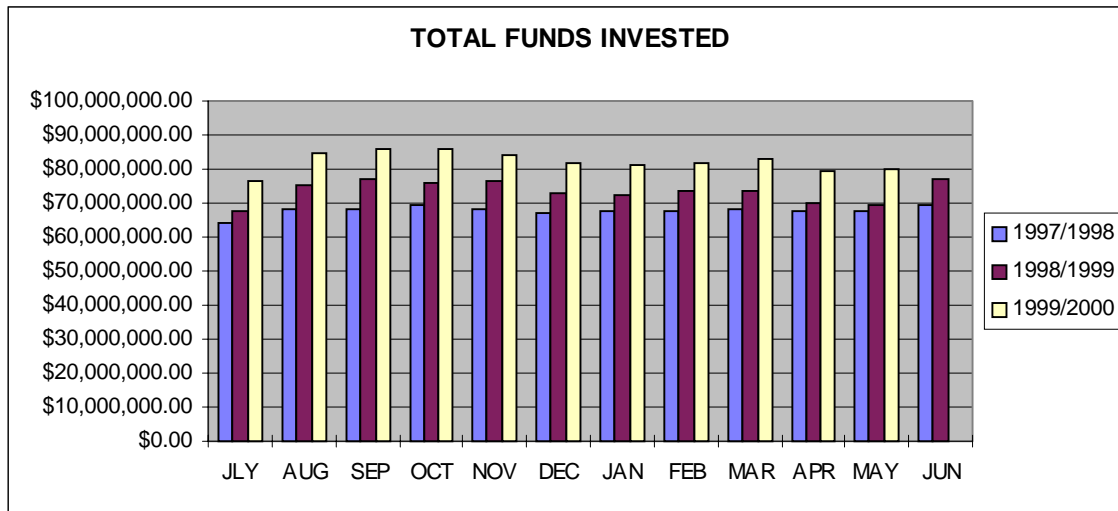


Reports from Director Corporate Services

3. ANNUALISED RATE OF RETURN FOR FUND MANAGERS - NET OF FEES

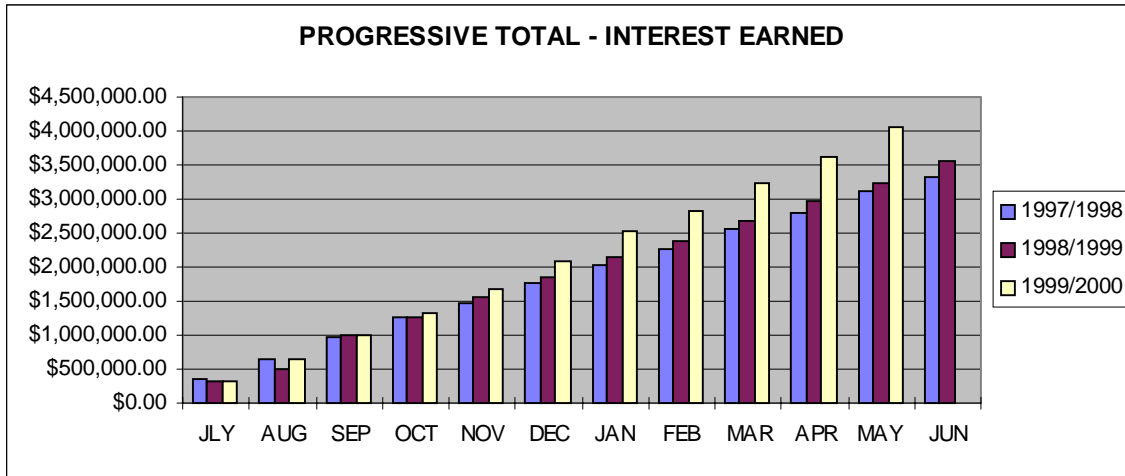
Fund	30 Days	90 Days	1 Year
	%	%	%
ANZ	6.50	6.08	5.52
Bankers Trust	5.89	5.68	5.24
Macquarie	6.89	6.01	5.26
National Mutual	6.99	6.11	5.47

4. MONTHLY COMPARISON OF TOTAL FUNDS INVESTED



Reports from Director Corporate Services

5. ANNUAL PROGRESSIVE TOTAL OF INTEREST ON TOTAL FUNDS INVESTED



6. MARKET COMMENTARY

On 3 May the Reserve Bank of Australia increased the official cash rate to 6.00% with the announcement of a 25 basis points rise, the fourth rate rise since last November. Despite the RBA indicating a preference to maintain cash rates at current levels, certain factors still remain that could force further tightenings. Inflation is at the top of the RBA's target band of between 2% and 3%, the Australian dollar remains weak and further increases in the US rate are still broadly anticipated, however one of the most influential factors will be the extent of wages growth if any.

Market consensus is that a final tightening of 25 basis points may be declared within a three to six month horizon.

6. INVESTMENT SUMMARY AS AT 31 MAY 2000

GENERAL FUND

BANKS	17,000,000.00	
FUND MANAGERS	3,403,479.62	
LOCAL GOVT. FIN. SERVICES	2,500,000.00	
CALL	1,020,865.40	23,924,345.02

WATER FUND

BANKS	3,988,653.51	
FUND MANAGERS	23,987,356.71	
LOCAL GOVT. FIN. SERVICES	4,000,000.00	31,976,010.22

SEWERAGE FUND

BANKS	2,056,000.00	
FUND MANAGERS	9,583,528.72	
LOCAL GOVT. INV. SERVICE	12,387,877.37	24,027,406.09

Reports from Director Corporate Services

TRUST

FUND MANAGERS	50,000.00	50,000.00
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TOTAL INVESTMENTS		79,977,761.33
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It should be noted that the General Fund investments of \$23.9 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 GOVERNMENT FINANCIAL MANAGEMENT REGULATIONS (SEC 19)

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



R R Norvill CPA
Responsible Accounting Officer
Manager Financial Services

Reports from Director Corporate Services

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Reports from Director Engineering Services

16. ORIGIN: Water Unit

FILE REF: Estuary Management, Water Quality - Catchment

REPORT TITLE:

Tweed River Water Quality Update

SUMMARY OF REPORT:

In response to recent adverse publicity in some sections of the media alleging poor water quality in the Tweed River, Consultants WBM Pty Ltd were engaged to review the extensive water quality monitoring data collected by Council. The review focussed on Chinderah and the lower estuary, as publicity has targeted that area, and Tumbulgum as the data at that locality has not been previously assessed in any detail. A copy of the original Consultant's report accompanies this business paper. The report complements the Interim Water Quality Management Plan that is currently on display for community input.

RECOMMENDATION:

That:-

1. This report be received and noted.
2. The draft "Interim Water Quality Management Plan" be referred to TRMPAC for finalisation.

Reports from Director Engineering Services

REPORT:

In response to recent adverse publicity, in some sections of the media, alleging poor water quality in the Tweed River, Consultants WBM Pty Ltd were engaged to review the extensive water quality monitoring data collected by Council. The review focussed on Chinderah and the lower estuary, as publicity has targeted that area, and Tumbulgum as the data at that locality has not been previously assessed in any detail. A copy of the original Consultant's report accompanies this business paper. The report complements the Interim Water Quality Management Plan that is currently on display for community input, by providing an analysis of more recent results.

A further analysis of the data, in accordance with the National ANZECC guidelines (Australian Water Quality guidelines) provides the following median values for faecal coliforms over the 8 year (Chinderah) and 3 year (Tumbulgum) periods respectively:-

FAECAL COLIFORMS

	Median Values	ANZECC Primary Contact (Swimming)	Edible Seafood Raw (Wild Oysters)	Commercial Oyster Growing QAP
CHINDERAH REACH				
Barneys Point	9	<150	<14	<88
Chinderah Bay	12			
Opposite Caravan Park	8			
At Outfall	11			
Outfall Off End of Island	10			
Shallow Bay	6			
Kirkwood Road	2			
N. end of Ukerebah Island	2			
TUMBULGUM REACH				
Upstream from Hotel	38			
Mid Stream Opposite Boat Ramp	32			
Mouth of Rous River	60			
Tumbulgum Bridge	33			
Tumbulgum Outfall	18			
Down Stream of Tumbulgum Outfall	24			

Reports from Director Engineering Services

These factual results are in stark contrast to recent reports in some sections of the media. As revealed in the WBM report there were very few individual instances of exceedence, 8 in 8 years at Chinderah and 3 in 3 years at Tumbulgum. These occurred during periods of flooding or heavy catchment runoff, which is to be expected and occurs in all waterways.

WBM have reported:-

- “ *Ambient water quality data in the two reaches of the estuary has the following key attributes:*
 - ◇ *Faecal coliform levels appear to be suitable for primary contact recreation at most times, and secondary contact recreation at nearly all times. In 8 years of data in the Chinderah Reach, primary water quality contact criteria were violated only 8 times, or on average once per year. As discussed below, this violation is believed to be mainly due to catchment runoff effects. At Tumbulgum, there appear to have been three primary contact water quality guideline violations in the last three years of data collection. The data at Tumbulgum are insufficient to determine if there is a close relationship between catchment runoff and excessive bacterial levels.*
 - ◇ *Water clarity in the Chinderah reach, as expressed by Secchi Depth measurements, typically exceeds the requirements for Primary Contact recreation. Clarity levels at Tumbulgum are poorer than at Chinderah, but not atypical of those regularly observed in the mid to upper reaches of an estuary subject to the influences of agriculture in the catchment.*
 - ◇ *River temperatures appear acceptable.*
 - ◇ *Dissolved oxygen levels are nearly always in excess of the relevant National Water Quality Guideline level of 80% saturation, though there is some evidence of slight reductions in DO in the Tumbulgum data set.*
 - ◇ *Salinities are typical of mid and upper estuarine sites.”*

In relation to the ANZECC Guidelines for the protection of aquatic ecosystems, the area of concern, as highlighted in the Interim Water Quality Management Plan, is that levels of nitrogen are high and potentially of concern, particularly in the Tumbulgum area. ANZECC recommends the total Nitrogen levels to not exceed 0.5mg/L.

WBM reported:-

- ◇ *“Total N levels are of particular interest. In the case of the Chinderah data set, it would appear that there was a marked improvement in river water quality at the end of 1994. In our discussion of earlier today, it was determined that there were upgrades in the treatment capacity of the Chinderah sewage plant at this time that would explain the change in estuarine water quality. This observation is important for two reasons:*

Reports from Director Engineering Services

- *It indicates that, as previously reported, the river has been affected by nutrient discharges from sewage plants, particularly nitrogen and that previous treatment plant upgrades are contributing to a significant improvement of river water quality with time;*

Apart from the before mentioned media reactions, there has been little community response to the Interim Water Quality Management Plan, prepared for TRMPAC and adopted for display by Council.

The WBM report is consistent with the Draft Management Plan findings but provides additional data analysis which may warrant incorporation in the plan when finally recommended for adoption by TRMPAC. The interim Plan was largely based on reports completed between 1994 and 1998.

Reports from Director Engineering Services

Directors

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Our Ref: ABM: 9581:L39259.doc

6 June 2000

Tweed Shire Council

Attention: John Henley

Dear John

RE: TWEED WATER QUALITY UPDATE

Following our recent discussions, I have completed a brief review of the water quality data within the Tweed River system collected in recent years by Council. In this review, I have aimed at the following:

- To assess if there have been any significant trends in water quality in recent years;
- To assess if there are any obvious characteristics in the new data that may reinforce or contradict earlier assessments conducted by WBM Oceanics Australia and others in the area; and
- To review ambient water quality data in comparison with relevant National Water Quality Guidelines.

In the review, I have focused on two particular estuarine reaches of the Tweed River, as follows:

- Chinderah Reach; and
- Tumbulgum Reach.

Reasons for focussing on these areas are as follows:

- The Chinderah reach has been the subject of recent adverse press coverage related to the decision of last remaining oyster farmer in this area to cease operations; and
- Data collected in the Tumbulgum Reach has not previously been assessed in any detail.

Key findings of the brief review are as follows. For reference, please look to the attached summary plots of the available water quality data which present mean and standard deviations of the relevant water quality parameters.

- Ambient water quality data in the two reaches of the estuary has the following key attributes:
 - Faecal coliform levels appear to be suitable for primary contact recreation at most times, and secondary contact recreation at nearly all times. In 8 years of data in the Chinderah Reach, primary water quality contact criteria were violated only 8 times, or on average once per year. As discussed below, this violation is believed to be mainly due to catchment runoff effects. At

Reports from Director Engineering Services

Tumbulgum, there appear to have been three primary contact water quality guideline violations in the last three years of data collection. The data at Tumbulgum are insufficient to determine if there is a close relationship between catchment runoff and excessive bacterial levels.

- Water clarity in the Chinderah reach, as expressed by Secchi Depth measurements, typically exceeds the requirements for Primary Contact recreation. Clarity levels at Tumbulgum are poorer than at Chinderah, but not atypical of those regularly observed in the mid to upper reaches of an estuary subject to the influences of agriculture in the catchment.
- River temperatures appear acceptable.
- Dissolved oxygen levels are nearly always in excess of the relevant National Water Quality Guideline level of 80 % saturation, though there is some evidence of slight reductions in DO in the Tumbulgum data set.
- Salinities are typical of mid and upper estuarine sites.
- Total N levels are of particular interest. In the case of the Chinderah data set, it would appear that there was a marked improvement in river water quality at the end of 1994. In our discussions of earlier today, it was determined that there were upgrades in the treatment capacity of the Chinderah sewage plant at this time that would explain the change in estuarine water quality. This observation is important for two reasons:
 - It indicates that, as previously reported, the river has been affected by nutrient discharges from sewage plants, particularly nitrogen and that previous treatment plant upgrades are contributing to a significant improvement of river water quality with time; and
 - The data will be of considerable value in future water quality modelling investigations being considered by TRMPAC for calibration purposes.
- There appears to be some periodicity in the Chinderah Reach total N data that may be indicative of the effect of varying populations in the area over the summer holiday periods. This may result in greater flow to the local sewage plants, and commensurately poorer plant performance. This apparent trend needs more investigation before any major actions are taken with respect to plant capacity as the trend may equally be due to greater rainfalls over the summer period, and more catchment derived loads.
- Total N levels in the Tumbulgum reach appear to be higher than those in the Chinderah Reach, reinforcing earlier noted concerns expressed by Dr. Bill Dennison and WBM Oceanics Australia with respect to nutrient accumulation in the mid and upper levels of the estuary. The magnitude of total N levels in this area is in excess of looked-for values, and more than sufficient to trigger undesirable algal blooms.
- The attached correlation plots between average salinity data in the Chinderah Reach and average faecal coliform and secchi depth data provide a useful insight into the key processes affecting river water quality in this area. It is of interest to note that these key processes are similar to those highlighted in earlier investigations in the area by both WBM Oceanics Australia and Riku Koskela. Key findings are as follows:

Reports from Director Engineering Services

3

- Almost half (r^2 value of 0.5033) of the variability in faecal coliform levels in the Chinderah Reach can be related to estuarine salinity. It can be expected that the variability in salinity levels will be due to catchment runoff, and hence a close link can be inferred between catchment runoff and faecal coliforms. Riku Koskela drew an identical conclusion on the basis of more statistically rigorous assessments of data collected in the Lower Estuary by TSC on the early 1990's.
 - Similarly, almost half (r^2 value of 0.457) of the variability in Chinderah Reach secchi depth values could be related to estuarine salinity. This also can be postulated as closely relating catchment runoff (*the principal source of estuarine turbidity and sediment*) and water quality.
- With the exception of the previously discussed trend in total N levels in the Chinderah Reach, the available water quality data set indicates no marked change in estuarine water quality in recent years. The Chinderah data are of particular value in this regard as they extend over a lengthy period.

General comments that I wish to make in regard to the ongoing monitoring activities of Council are as follows:

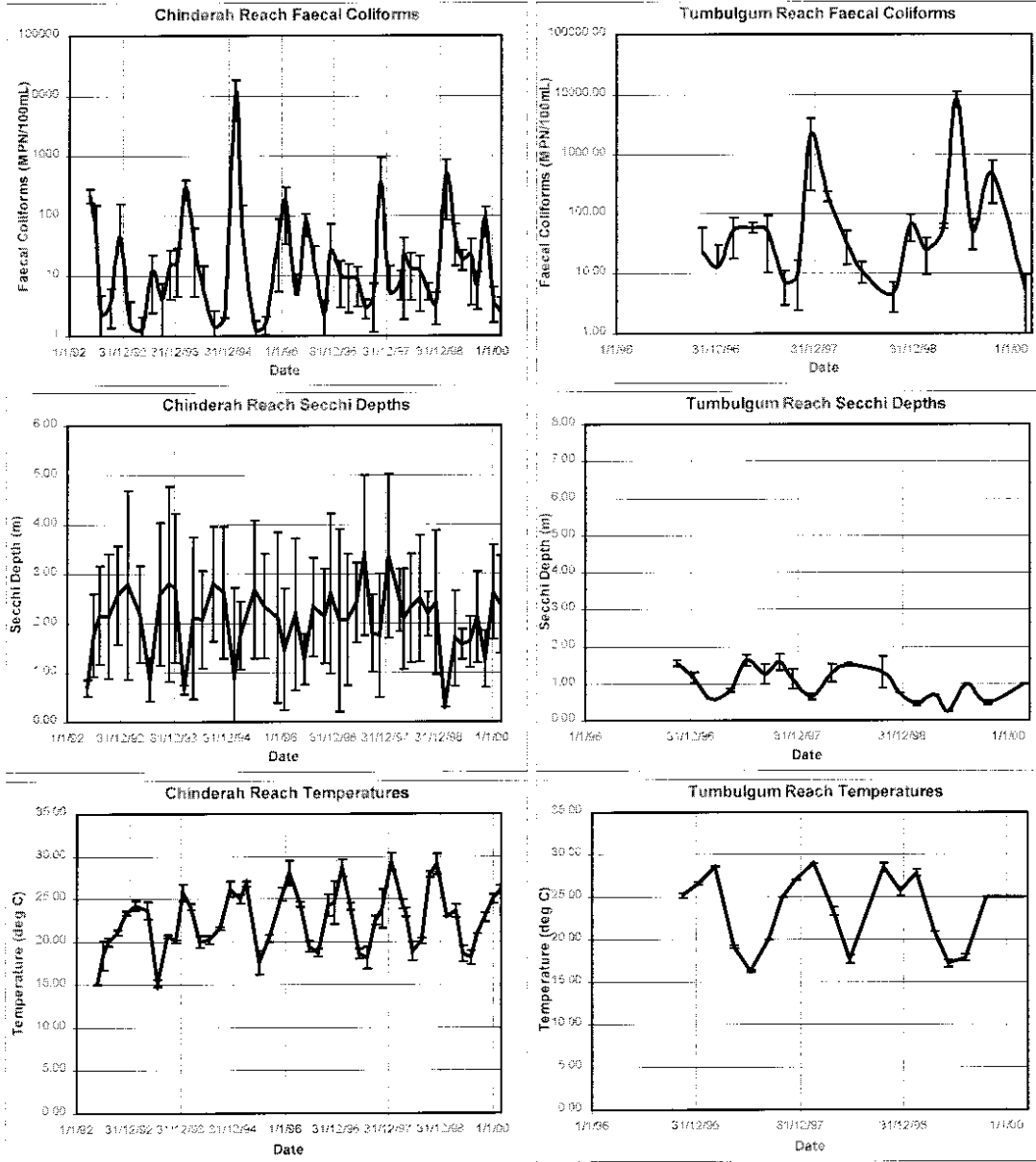
- It is desirable that Council develops protocols to measure algal levels in the estuary and catchment waters. The measurement of chlorophyll a is recommended.
- More rigorous determination of phosphorus levels, especially in the freshwater reaches of the catchment would be useful.
- The spatial extent of monitoring in certain reaches of the catchment could possibly be improved. That is, there is potential to improve the value of the overall program by deleting some of the existing sites, and adopting new sites that are more widespread across the catchment. This should not result in a significant additional cost burden to Council.
- The ongoing efforts of Council to collect water quality data of the extent, frequency and quality present in the database supplied to me for review should be recognized. This data, with consideration to the issues raised above, is an extremely valuable basis upon which possible future modeling and water quality management decisions can be founded.

I wish to thank you for providing me with the opportunity to assist with this review, and to continue my involvement with water quality management in the Tweed Valley. If I can be of any further assistance, please do not hesitate to contact me.

Yours faithfully
WBM Oceanics Australia

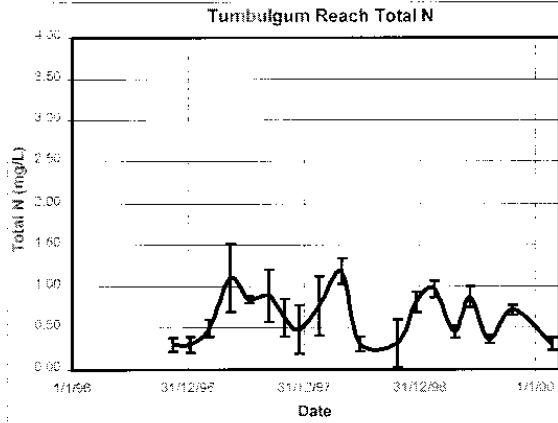
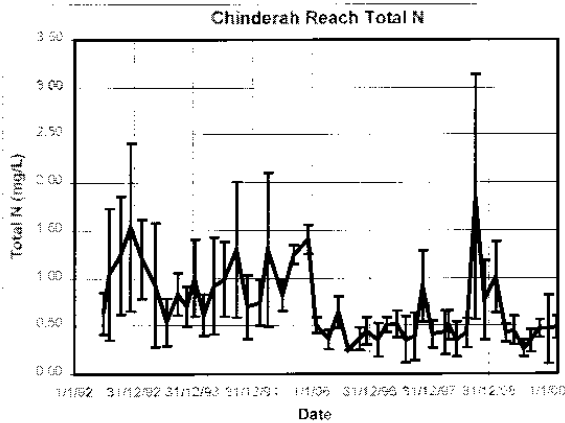
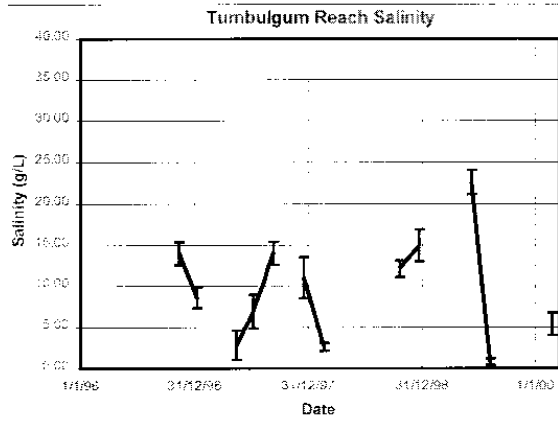
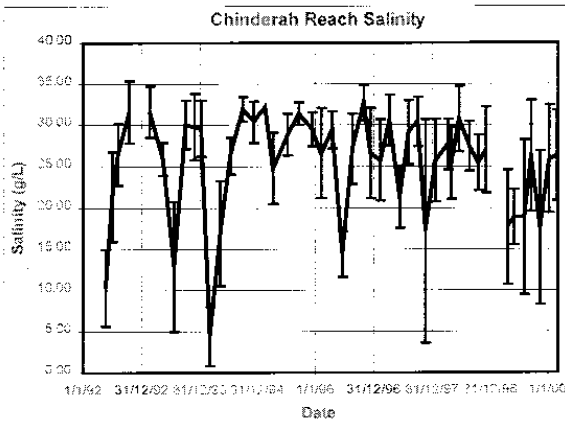
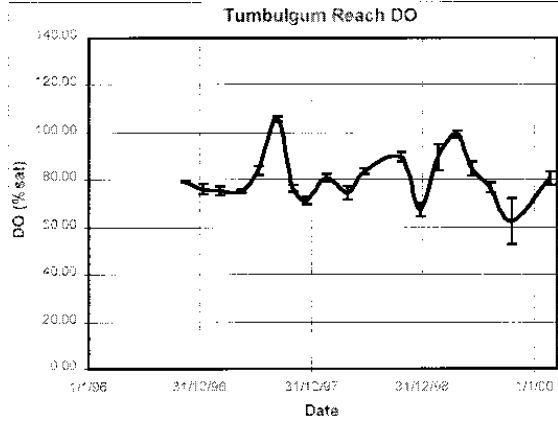
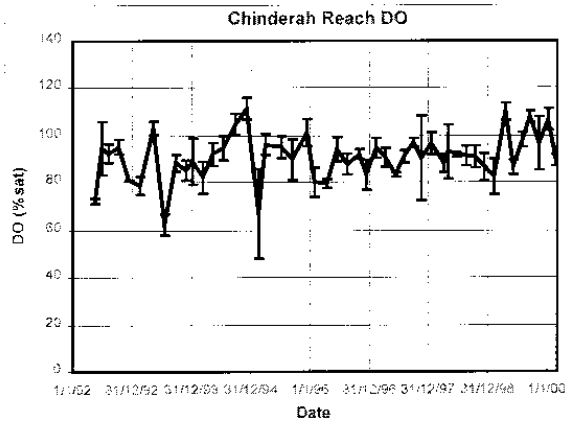
Tony McAlister
(Associate)
Manager – Water Quality and Environmental Management

Reports from Director Engineering Services



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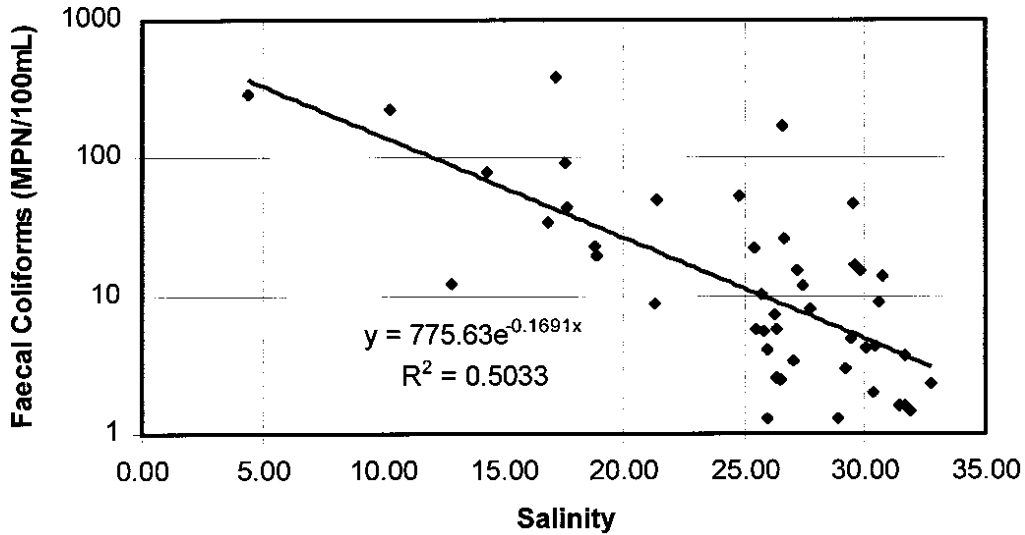
Reports from Director Engineering Services



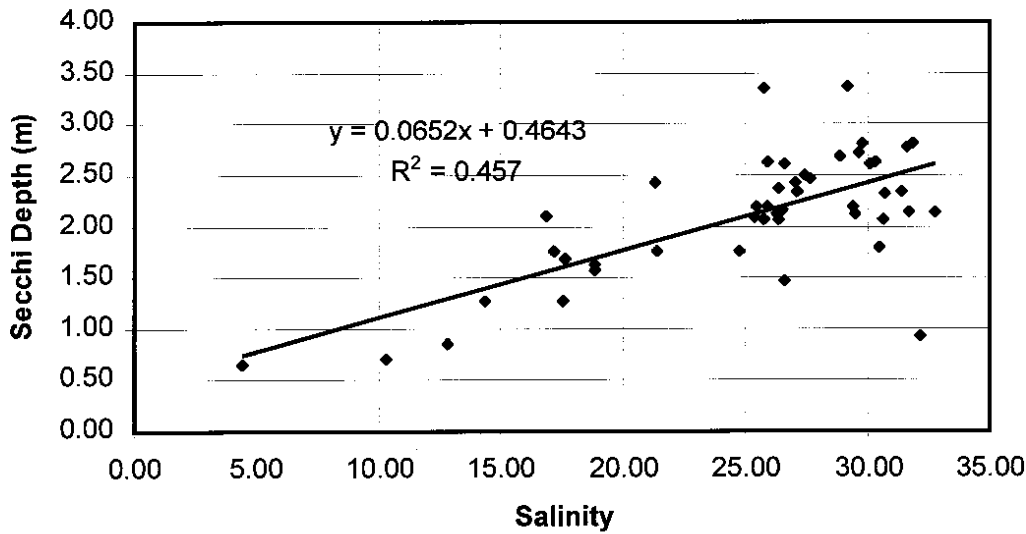
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Reports from Director Engineering Services

Chinderah Faecal-Salinity Correlation



Chinderah Secchi-Salinity Correlation



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Reports from Director Engineering Services

17. ORIGIN: Planning & Design Unit

FILE REF: GR3/12/1

REPORT TITLE:

Proposed Road Closure and Purchase - Adjacent to Lot 7 DP 619717, Fernvale Road, Fernvale

SUMMARY OF REPORT:

An application to close and purchase part of the road reserve within Fernvale Road at Fernvale allows sufficient remnant width for existing and future road purposes and satisfies Council's road closure policy in other regards.

RECOMMENDATION:

That:-

1. Council approves the proposal to close and purchase part of Fernvale Road adjacent to Lot 7 DP 619717.
2. The applicant bears all legal and survey costs involved.
3. The applicant purchases the subject land for a price based on a pro-rata calculation of the adjoining land as determined by the Valuer General.
4. All documentation be executed under the Common Seal of Council.

Reports from Director Engineering Services

REPORT:

An application has been received from N C White & Associates, on behalf of Kelvin Goronszy the owner of the adjacent land, to close and purchase part of the road reserve within Fernvale Road at Fernvale.

The applicant states:-

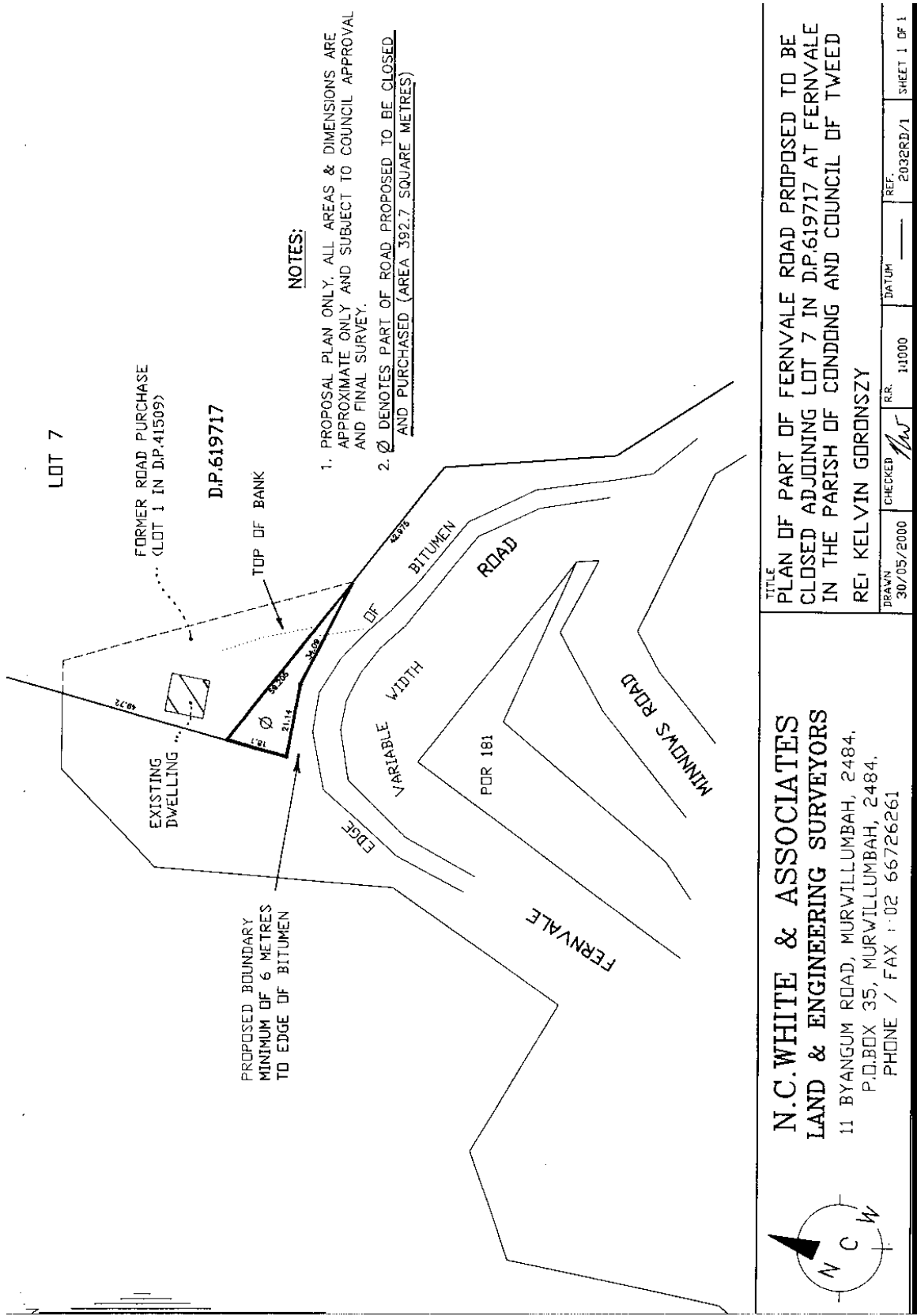
- “* *The attached plan indicates the location of the existing bitumen pavement of Fernvale Road relative to the existing boundaries and indicates a minimum distance of six metres from the edge of bitumen to the proposed new boundary.*
- * *Mr Goronszy wishes to purchase the nominated 392.7 square metres of road as it will allow him greater scope and flexibility for use of his property.*

We ask that Council considers this proposal on behalf of Mr Goronszy.”

The subject land is considered as unnecessary for existing and future road purposes due to the width of the residual road reserve.

The subject site is cleared land being the site of an old road formation.

Reports from Director Engineering Services



Reports from Director Engineering Services

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Reports from Director Engineering Services

18. ORIGIN: Planning & Design Unit

FILE REF: Stores and Materials

REPORT TITLE:

Tender EC200057 - Manufacture, Supply and Delivery of 450 dia Pressure Pipe - Precis of Confidential Item

SUMMARY OF REPORT:

Tenders have been called and assessed for the Manufacture, Supply and Delivery of 450 Pressure Pipe.

RECOMMENDATION:

That this report be dealt with under the Confidential Agenda.

Reports from Director Engineering Services

REPORT:

Tenders have been called and assessed for the Manufacture, Supply and Delivery of 450 Pressure Pipe.

Reports from Director Engineering Services

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Reports from Director Engineering Services

19. ORIGIN: Water Unit

FILE REF: Licence - Aquatic

REPORT TITLE:

EQ200030: Licence to Operate Water Based activities on Waterways in the Tweed Shire Area - Precis of Confidential Item

SUMMARY OF REPORT:

Quotations for the 2000/2001 Licence to Operate Water Based Activities on Waterways within the Tweed Shire area have closed.

RECOMMENDATION:

That this report be considered in the Confidential Agenda.

Reports from Director Engineering Services

REPORT:

Quotations for the annual licence to operate water based activities on waterways within the Tweed Shire from the 1 July 2000 to the 30 June 2001 have been advertised.

Six (6) submissions were received. Of the six (6) received one was considered outside the guidelines for the licencing of water based activities and another referred to Council's Development Control Unit for consideration of Development Consent approval prior to issuing of licence approval.

The remaining four (4) tenders received were from existing licence holders. The water based activities and nominated locations requested were as per current licence and Environmental Planning and Assessment Act approvals.

Reports from Director Engineering Services

20. ORIGIN: Water Unit

FILE REF: Coastline Hazard Definition Study

REPORT TITLE:

Coastline Hazard Definition Study - Precis of Confidential Item

SUMMARY OF REPORT:

Tenders were invited by public advertisement in Sydney and Brisbane for proposals to undertake for Council a Coastal Hazard Definition Study in accordance with the NSW Government Coastline Management Manual. This study is the first step in the preparation of a Coastal Management Plan and Council has \$1 for \$1 subsidy through the Department of Land & Water Conservation to financially assist.

RECOMMENDATION:

That details of the proposals received be considered in the Confidential Agenda

Reports from Director Engineering Services

REPORT:

Tenders were invited by public advertisement in Sydney and Brisbane for proposals to undertake for Council a Coastal Hazard Definition Study in accordance with the NSW Government Coastline Management Manual. This study is the first step in the preparation of a Coastal Management Plan and Council has \$1 for \$1 subsidy through the Department of Land & Water Conservation to financially assist.

A total of nine proposals were received from Consultants as follows, with a large range of prices:-

Company Name

Connell Wagner

Gary Blumberg & Associates Pty Ltd

Kinhill Pty Ltd

Manly Hydraulics Laboratory

Opus International Consultants Ltd/Golder Associates Pty Ltd

Patterson Britton & partners Pty Ltd

Sinclair Knight Merz

Unisearch Limited

WBM Oceanics Australia

The proposals were evaluated with the assistance of staff from the Department of Land & Water Conservation using the ACEA Value Selection method, with weightings as advertised in the Consultant's Brief and comprising:-

- Relevant experience (previous work of this type) 10%
- Track record (general reputation for work competence, capacity) 10%
- Technical skills (people, systems, specific abilities) 20%
- Management (organisation, acceptable insurance, economic stability, quality system) 15%
- Methodology (how project is to be tackled, scope of work) 15%
- Time performance (as proposed for project - likelihood of meeting it) 10%
- Price 20%

Reports from Director Engineering Services

21. ORIGIN: Works Unit

FILE REF: Petrol and Oils

REPORT TITLE:

EC200026: Supply and Delivery of Fuels - Precis of Confidential Item

SUMMARY OF REPORT:

The Contract Supply and Delivery of Bulk Fuel to Council Depots was referred to Council at its meeting of 7 June 2000 and deferred pending investigation of supply options for this contract.

The contract for the Supply and Delivery of Distillate to Council's Mobile Caravan/Tankers was offered to be let as a separable portion of the bulk delivery contract.

RECOMMENDATION:

That this item be considered under the Confidential Agenda.

Reports from Director Engineering Services

REPORT:

The Contract Supply and Delivery of Bulk Fuel to Council Depots was referred to Council at its meeting of 7 June 2000 and deferred pending investigation of supply options for this contract.

The contract for the Supply and Delivery of Distillate to Council's Mobile Caravan/Tankers was offered to be let as a separable portion of the bulk delivery contract.

The supply and delivery of distillate to Council's fleet of mobile caravans/tankers is currently and historically been undertaken by the bulk fuel supplier.

Reports from Director Engineering Services

22. ORIGIN: Planning & Design Unit

FILE REF: Walking Trails

REPORT TITLE:

Long Distance Walking Trails

SUMMARY OF REPORT:

Council's Engineering Services Division have been working closely with the Koala Wanderers - Tweed Valley Australia Branch to identify Australia's first long distance walking trail. Once adopted by the *Internationaler Volkssport Verband* Federation of Popular Sports in Japan later this year the route will receive extensive world wide publicity and it is expected that up to 15,000 international and Australian walkers could complete the walk each year. As the trail traverses private property it is expected that use will be confined to Club members for the time being.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Engineering Services

REPORT:

KOALA WANDERERS - TWEED VALLEY AUSTRALIA

Council's Planning & Design Unit was contacted in April this year by the Koala Wanderers - Tweed Valley Branch with a view to development of an 80 km walking trail through the Shire and seeking assistance from Council to bring this project to fruition.

Several meetings and site inspections have been undertaken between the Koala Wanderers representatives and Engineering Services Division Staff to identify proposed routes and affected landholders. Staff have liaised extensively with landholders whose properties were identified as providing the safest, most scenic and environmentally diverse corridor.

A formal approach was considered the best means of obtaining consent to enter from the landholders regarding the proposed walking corridor. Negotiations are still continuing in regard to obtaining formal written consent from the landholders affected. However, it is anticipated that for the time being access over the private properties will be restricted to Club members, with the Club making private arrangements with landholders in regard to risk management and liabilities for both users and owners.

The route identified is broken into daily sections as follows:

- Day 1 Commencing at Tweed Heads and takes in Point Danger, the Tweed River, the Minjungbal Aboriginal centre and Banora Point, which is expected to take one (1) day to walk.
- Day 2 The walking track extends south of Banora Point into Fingal via the Tweed River and onwards to Kingscliff via the dunal system.
- Day 3 From Kingscliff the walk heads off towards the Kingscliff Rainforest along to the beach until arriving at the Cudgen Nature Reserve (Camp Wollumbin) at Cabarita.
- Day 4 This section includes Round Mountain, koala habitat areas surrounding Koala Beach residential estate and through the Pottsville Environmental Centre to Pottsville.
- Day 5 This section leaves Pottsville heading towards Round Mountain to Reserve Creek through Woodfords Road to Clothiers Creek which incorporates the Madura Tea Farm complex, along to Double View Road at Farrants Hill and continues on to Tree tops.
- Day 6 Leaving Tree Tops the walkers travel along Reserve Creek Road, Quarry Road in the industrial estate heading towards South Murwillumbah taking in Lions Lookout and finishes in Murwillumbah.

This completes the 80 kilometre walk. (See the attached diagrams of the walk).

The Koala Wanderers - Tweed Valley Branch are planning to have this route ratified by the I.V.V. (*Internationaler Volkssport Verband* International Federation of Popular Sports) at its annual meeting in Tokyo later this year.

Reports from Director Engineering Services

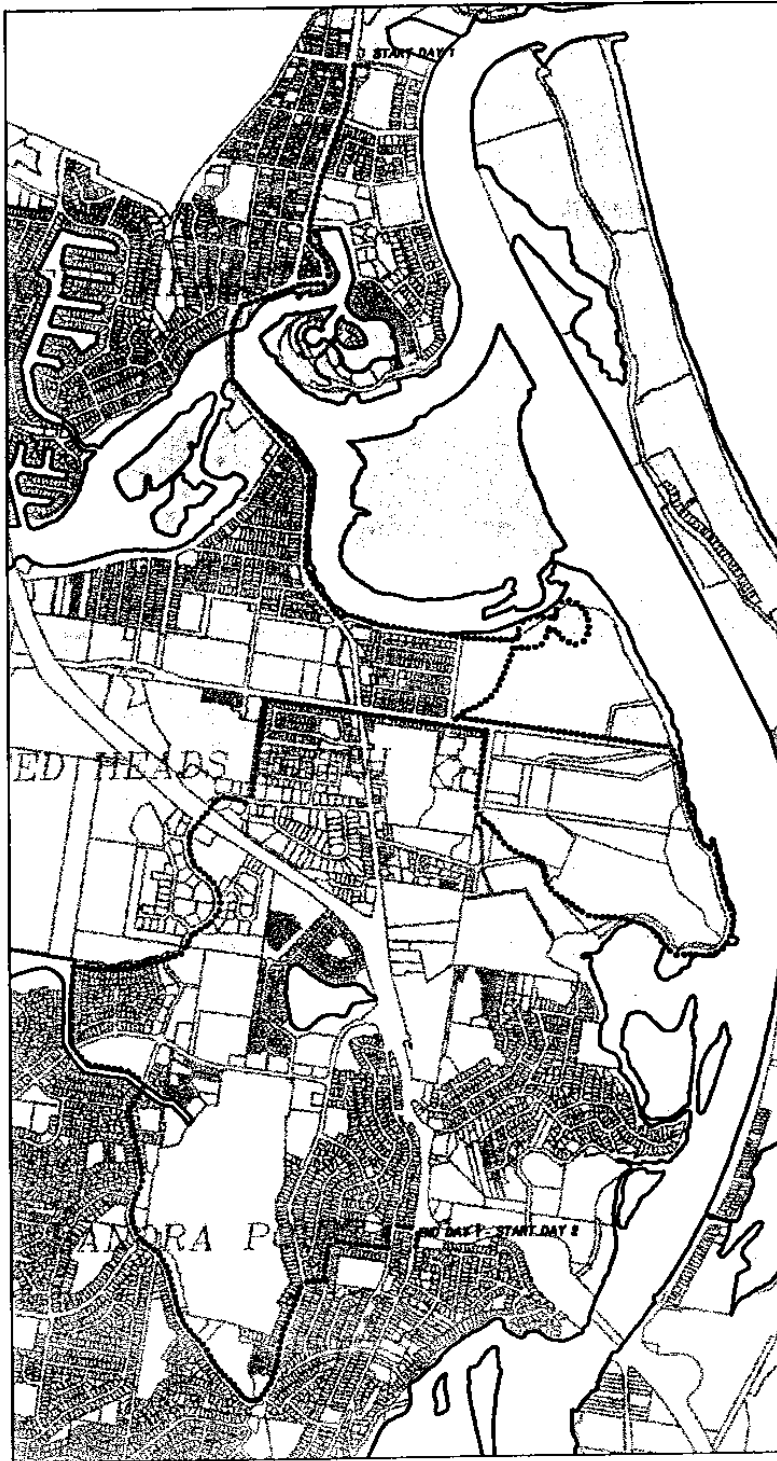
Once ratified a brochure promoting the Tweed Valley and the walking trail will be published and distributed world wide as part of the I.V.V. world wide walking trails.

The co-ordinated approach between Council and the Koala Wanderers clearly has assisted in the realisation of a major tourism potential for the Tweed. The staff time dedicated to this project is considered extremely beneficial. The co-ordinators of the Koala Wanderers - Tweed Valley indicated that once the trail is promoted considered that it would not be unrealistic to expect ultimate volumes of international and Australian walkers to be 15,000 people per year.

It is proposed that for those walkers wishing to extend their stay, additional day trips to other scenic attractions in the Tweed Valley such as Mount Warning and the Border Rangers would be available.

As the route has now been finalised the proposed route is to be trialed in early June and a commentary to be included in the published map is being prepared by the Koala Wanderers. Council staff have prepared a draft edition of the proposed walking route in daily stages to assist in this process. This is attached to this business paper. Perusal copies will be available at the meeting.

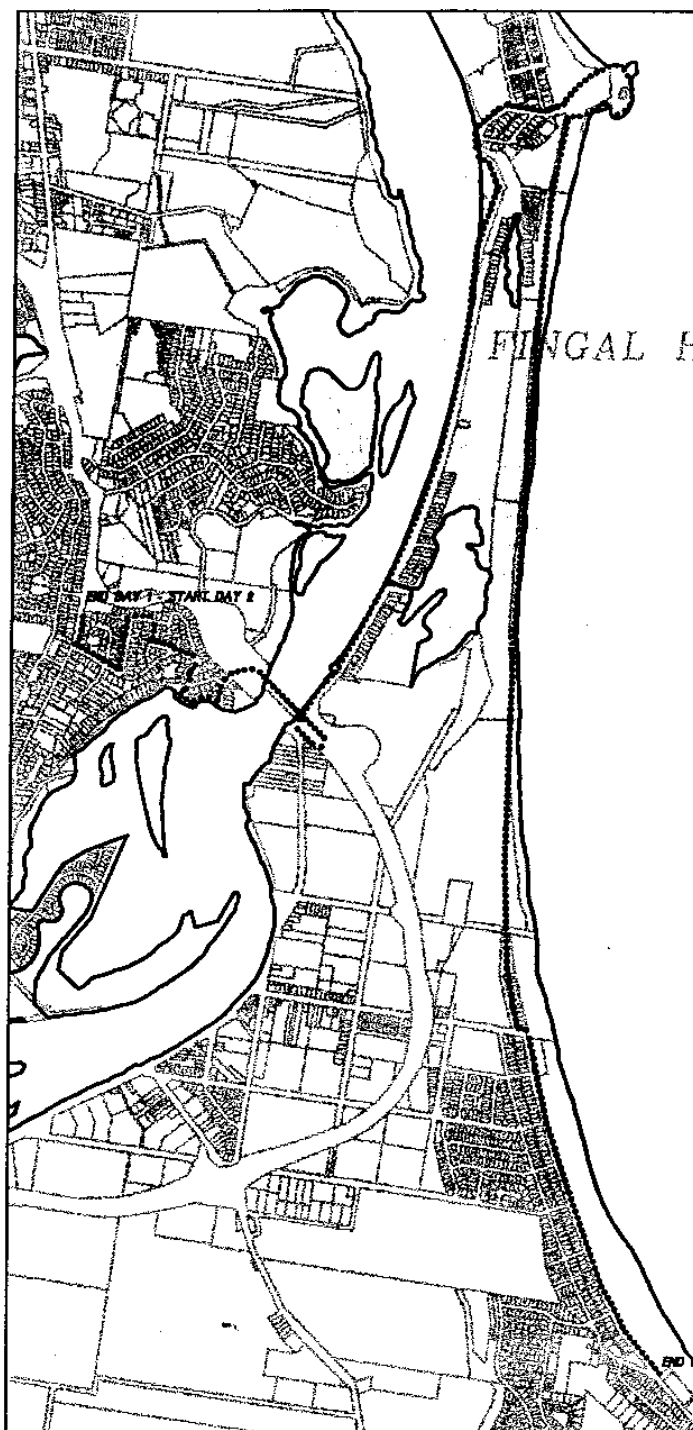
Reports from Director Engineering Services



DAY 1 Map Route

Tweed Heads - Banora Point - Tweed Heads South

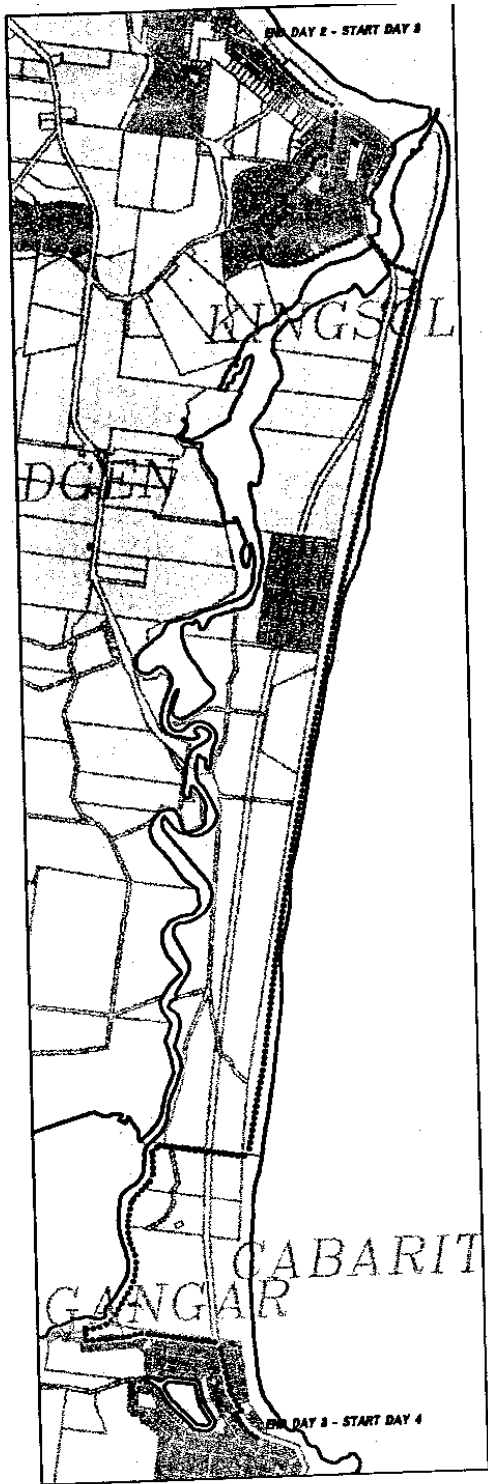
Reports from Director Engineering Services



DAY 2 Map Route

Banora Point - Fingal - Kingscliff

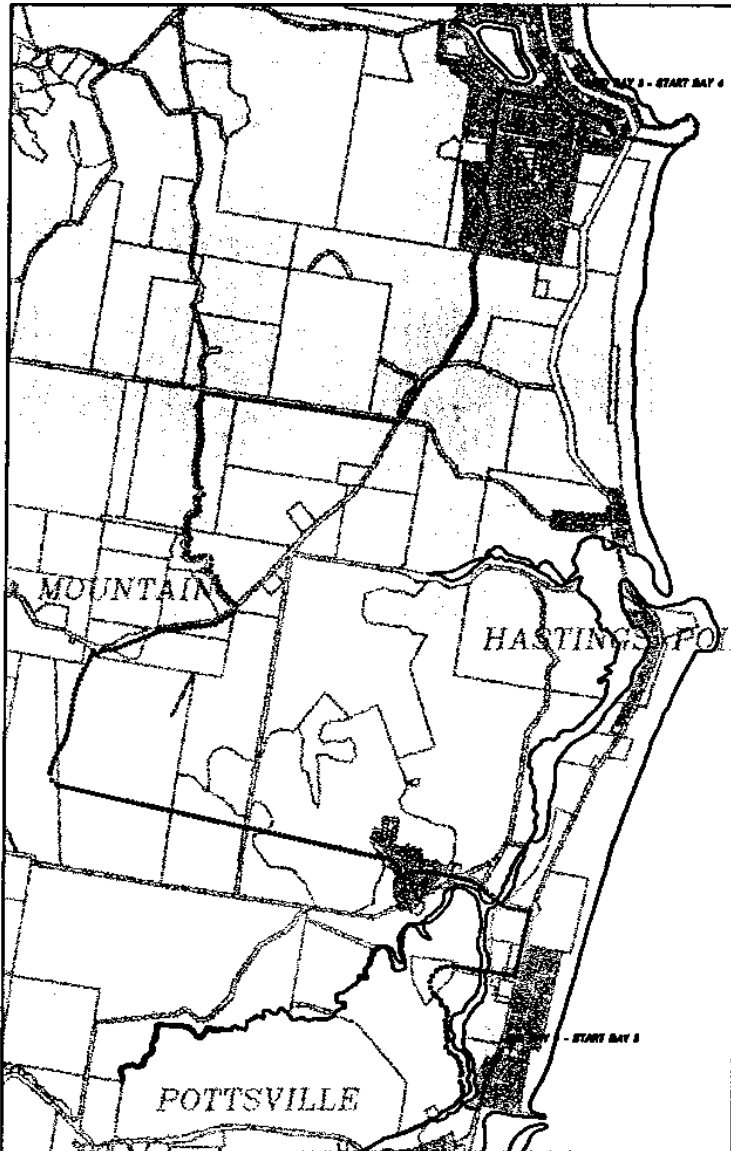
Reports from Director Engineering Services



DAY 3 Map Route

Kingscliff - Bogangar/Cabarita

Reports from Director Engineering Services



DAY 4 Map Route

Bogangar/Cabarita - Pottsville

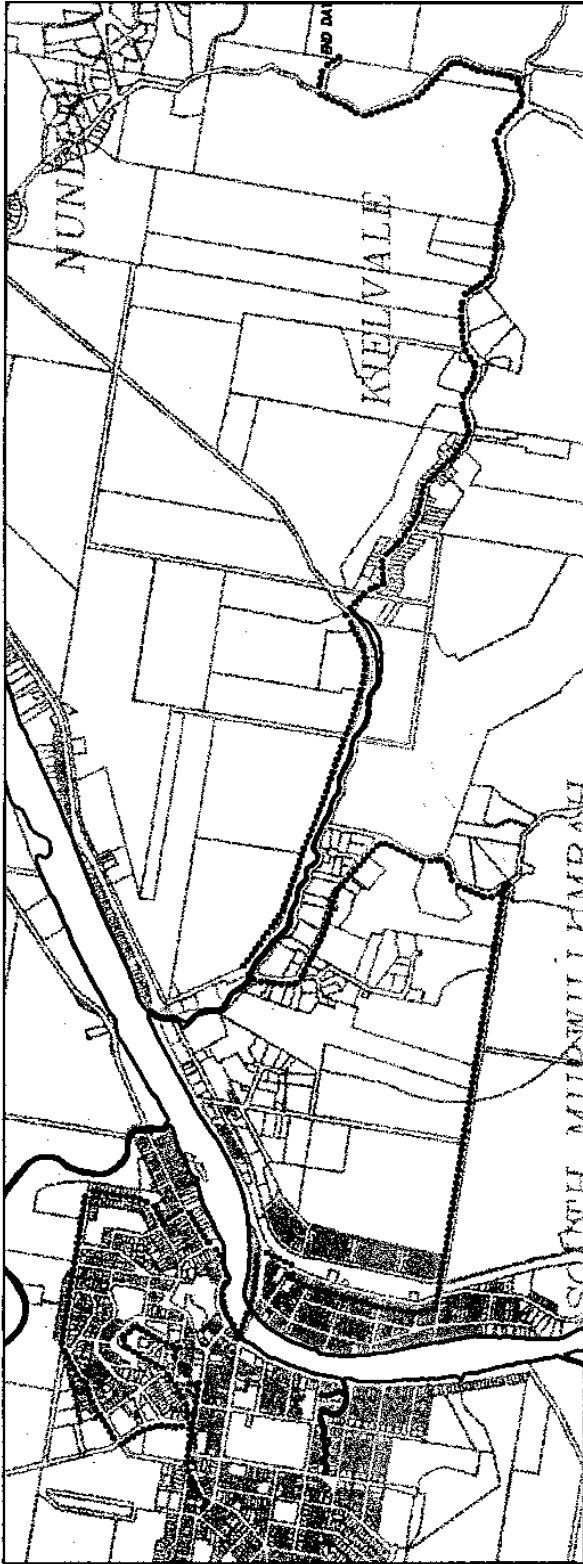
Reports from Director Engineering Services



DAY 5 Map Route

Pottsville - Nunderi

Reports from Director Engineering Services



DAY 6 Map Route

Nunderi - Murwillumbah

Reports from Director Engineering Services

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Reports from Director Environment & Community Services

23. ORIGIN: Environment & Health Services Unit

FILE REF: PF4030/383 Pt5, PF4030/3835 T H Civic Centre, PF5570/400 Mbah Civic Centre

REPORT TITLE:

Establishment of Alcohol - Free Zones Around Tweed Heads and Murwillumbah Civic Centres

SUMMARY OF REPORT:

Council at its meeting of 15 March 2000 resolved to place on exhibition and notify prescribed interested parties of a proposal to establish an alcohol-free zone to include the road and carparks associated with the Tweed Heads and Murwillumbah Civic Centres. The exhibition and negotiation period has now expired and only two responses were received. Neither response objected to the proposal to establish the respective alcohol-free zones and accordingly Council is now in a position to resolve to establish the alcohol-free zones pursuant to the provision of Section 644(b)(1) and (2) of the Local Government Act 1993.

RECOMMENDATION:

That Council approves the proposal to establish an alcohol-free zone to include the road and carparks associated with the Tweed Heads and Murwillumbah Civic Centres. The zone is to operate 24 hours per day for a maximum period of three (3) years.

Reports from Director Environment & Community Services

REPORT:

BACKGROUND

Council may recall that at its meeting of 15 March 2000, the following resolution was passed:-

1. *Council places an exhibition and notices prescribed interested parties of a proposal to establish an alcohol-free zone to include the roads and carparks associated with the Tweed Heads and Murwillumbah Civic Centres.*
2. *Prior to any notification and exhibition of a proposal to establish the alcohol-free zone, Council consults with the local Police Commander regarding the proposal.*
3. *Council delegates to the Director Environment & Community Service, the authority pursuant to Council's powers under the provision of Section 645 of the Local Government Act 1993 regarding the suspension or cancellation of an alcohol-free zone.*
4. *Council allocates the amount of \$2,000.00 (two thousand dollars) for the notifications and the provisions of signage associated with the establishment of the alcohol-free zones at Council's next budget review.*

REPORT

In accordance with Council's resolution and in respect to the relevant provisions of the Local Government Act 1993, the proposal to establish the alcohol-free zone to include the roads and carparks associated with the Tweed Heads and Murwillumbah Civic Centres was subsequently notified to prescribed interested parties and placed on exhibition. Consultation with the local Police Commander has also taken place. The notification and exhibition periods have now expired and Council is now in a position to consider responses and decide whether or not to adopt the proposal to establish the alcohol-free zones.

RESPONSES

Two responses were received in respect of the notification and exhibition process. Copies of both responses are contained as attachments.

The first response was received from the Tweed Heads Bowls Club which adjoins the Tweed Heads Civic Centre to the North. In summary, the Tweed Heads Bowls Club endorses the principle involved advising that the club has suffered some vandalism which the management believes can in some instances be attributed to behaviour associated with the consumption of alcohol at some events hosted at the Tweed Heads Civic Centre.

The Club also questioned whether or not the proposal to establish the alcohol-free zone would, if the zone was established, inhibit the supply of alcohol to formalised functions within the proposed Southern Cross University Building.

By way of reply, the Club, has been advised that any proposal to establish the alcohol-free zone would only relate to the zone applying to the roads and carpark areas around the respective Civic Centres.

Reports from Director Environment & Community Services

In addition, the taking of alcohol into the zone once it has been established is not an offence. Rather, pursuant to the provisions of Section 642 of the Local Government Act 1993 a person may be guilty of an offence if a person is drinking, about to drink or has been recently drinking alcohol in an alcohol free zone after having been warned not to do so by an enforcement officer or police officer. Therefore, the zone, would not add to, restrict, or inhibit the supply of alcohol to formalised functions within any building erected within the zone.

The second response was received from the Local Area Commander of the NSW Police. NSW Police have advised that they have no objections to the proposal to establish the alcohol-free zones. Discussions with the Senior Sergeant at Murwillumbah revealed that in addition to the establishment of the alcohol-free zone associated with the roads and carparks at the Murwillumbah Civic Centre, signs banning the consumption of alcohol should be erected in associated park areas. This is consistent with Councils decision at its meeting of 19 May 2000, when it resolved to impose a ban on the consumption of alcohol in the parks surrounding the Civic Centres (excluding the Murwillumbah Pool) and in the park bordering the Southern Boat Harbour between Wharf Street and the Anchorage.

In accordance with the provisions of Section 644B (1) and (2) of the Local Government Act 1993, Council may, by resolution, adopt the proposal to establish the alcohol-free zone. Such resolution will itself establish the zone.

If Council resolves to establish the zone, then it must notify in a newspaper circulating in the area of the zone to the effect that:

- a) an alcohol-free zone has been established and
- a) specify the period for which the alcohol-free zone is to operate.

Once established, then the alcohol-free zone operates in accordance with the terms of the resolution, however the zone cannot operate earlier than 7 days after the first publication of the relevant notice. As previously reported, once established, the zone operates for 24 hours per day for a maximum period of three (3) years. Under the provision of Section 644B(4) the zone may be re-established from time to time, for further periods each not exceeding three (3) years.

An alcohol-free zone also operates only so long as there are erected at the outer limits of the zone, and at suitable intervals within the zone, appropriately worded signs.

FINANCIAL IMPLICATIONS

Council at its meeting of 15 March 2000 resolved to allocate the amount of \$2000 (two thousand dollars) for the notifications and the provision of signage associated with the establishment of the alcohol-free zone at Councils next budget review.

CONCLUSION

There seems to be no impediment to prevent Council from resolving to establish the alcohol-free zone to include the road and carparks associated with the Tweeds Head and Murwillumbah Civic Centres.

Reports from Director Environment & Community Services

RECOMMENDATION

It is recommended that Council approves the proposal to establish alcohol-free zones to include the road and carparks associated with the Tweed Heads and Murwillumbah Civic Centres. The zone is to operate 24 hours per day for a maximum period of three (3) years.

Reports from Director Environment & Community Services

24. ORIGIN: Environment & Health Services Unit

FILE REF: GC7/72, Cultural Development

REPORT TITLE:

NSW Cultural Summit 2000

SUMMARY OF REPORT:

Council is advised that Cr. Boyd and Lesley Buckley attended the NSW Cultural Summit in Wagga on May 7, 8 and 9.

Tweeds Cultural Policy was presented as a model for Regional Cultural Development.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Environment & Community Services

REPORT:

Council is advised that Cr. Boyd and Lesley Buckley, CDO attended the NSW Cultural Summit 2000 held in Wagga Wagga on May 7, 8, and 9, which was attended by approximately 170 delegates representing State and Local Government and the Arts, Tourism and Cultural Industries.

The Summit was a joint initiative between the Local Government and Shires Association of NSW and the NSW Ministry for the Arts, and was officially opened by the Premier, the Hon. Bob Carr.

Delegates to the conference were welcomed by Wagga Wagga City Councillor and Wiradjuri elder Cr. Yvonne Gilchrist.

Opening address also included Cr. Chris Vardon, Shires Association NSW, Cr. Kevin Wales, Mayor of Wagga Wagga and Cr. Peter Woods OAM, Local Government Association of NSW.

ARIA award-winning performer Jimmy Little presented the summit's keynote address on the topic "Creating a Sense of Community". His address received a standing ovation.

The 3-day cultural summit was designed to bring together key players from Local Government and other organisations to encourage the development of creative communities.

The culmination of these discussions will provide the framework for drafting of the Second Cultural Accord, the first being signed three years ago by the NSW Government and the LGSA. The Second Cultural Accord aims to develop frameworks between local government and other organisations to encourage the development of creative communities.

All speakers highlighted Culture and The Arts as an integral component of the economic and social frameworks of our regional communities. The State Government has increased funding to regional NSW over the past 4 years and a record 71 per cent of the \$15.2 million in arts grants now goes to regional NSW.

The summit featured best practice initiatives, including case studies from various government bodies.

Tweed's Cultural Policy, adopted by Council in October last year, was presented as a Model for Regional Cultural Development. Cr. Boyd and Lesley Buckley briefed the delegates on the unique cultural profile of the Tweed as well as the process, progress and future vision for cultural initiatives in the Shire.

Wagga Wagga City Council is seen to be a leader in the field of Cultural Development, having tied its future to the arts. Wagga Wagga City Council's belief in the arts and cultural development as a foundation of the community is reflected in the facilities and collections belonging to the city, the cultural development programs implemented by Council and the successes enjoyed by artists in the community.

Cr. Wales, Mayor of Wagga said the future path of Council involved the integration of cultural components into all major planning developments.

By incorporating cultural development into core Council functions, Wagga Wagga City Council are providing the catalyst for the creation of a sense of place and a sense of identity for their

Reports from Director Environment & Community Services

community. Premier Carr noted that “this is a great investment. A well-developed arts community provides positive activities for people of all ages and interesting jobs that stop young people from heading to the cities. Wagga Wagga’s new theatre, art gallery, library and museum show what can be achieved when a community works hand-in-hand with Local and State Government”.

1999 was a significant year for cultural development in the city of Wagga Wagga. Approximately \$24M has been invested in the City’s cultural infrastructure and includes:

- Wagga Wagga Regional Art Gallery was installed in a new Civic Centre complex. The gallery includes temporary exhibition spaces, print gallery, community gallery, artist in residence space. Within the first four months of opening the gallery experienced a 690% increase in visitation rates as compared to the previous site.
 - The Gallery complex also includes the National Art Glass Gallery, opened in January 1999. A three-year strategy was written which will establish Wagga Wagga as The City of Glass. It describes a series of initiatives that will realise the niche cultural tourism potential of art glass.
 - Wagga Wagga Civic Theatre upgrade - \$3.5M
 - Main Street Program - \$12M
 - Planned construction of an amphitheatre as part of the Performing Arts precinct within the Civic Centre site - \$1.53M (Federal Grant) to be completed by 2001.
-

Reports from Director Environment & Community Services

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Reports from Director Environment & Community Services

25. ORIGIN: Environment & Health Services Unit

FILE REF: Total Catchment Management

REPORT TITLE:

Northern Rivers Catchment Management

SUMMARY OF REPORT:

Council at its meeting on 19 January 2000 resolved:-

1. *Council convenes a workshop on the proposal that Council pursues the formation of a Tweed Water Management Board to deal with all catchment and water management related issues in the Tweed River Valley and seeks to have this Board ratified by the relevant Ministers.*
 2. *Nominations be invited from interested Councillors for the Northern Rivers Catchment Management Board.*
 3. *The nomination of the Manager Environment Health & Health Services be endorsed.*
- Crs Boyd and Marshall accepted nomination for the Northern Rivers Catchment Management Board.*

Council has now been advised of the membership list of the Northern Rivers Catchment Management Board.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Environment & Community Services

REPORT:

Council at its meeting on 19 January 2000 resolved:-

1. *Council convenes a workshop on the proposal that Council pursues the formation of a Tweed Water Management Board to deal with all catchment and water management related issues in the Tweed River Valley and seeks to have this Board ratified by the relevant Ministers.*
2. *Nominations be invited from interested Councillors for the Northern Rivers Catchment Management Board.*
3. *The nomination of the Manager Environment Health & Health Services be endorsed.*

Crs Boyd and Marshall accepted nomination for the Northern Rivers Catchment Management Board.

Council has now been advised of the membership list of the Northern Rivers Catchment Management Board.



Dr J Griffin
General Manager

Reports from Sub-Committees

1. Minutes of the Tweed River Management Plan Advisory Committee Meeting held 7 June 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); T Rabbidge (Department of Land and Water Conservation); B Loring (NSW Fisheries); G Edwards, G Judge.

APOLOGIES:

N Newell (State Member for Tweed); L Tarvey (National Parks and Wildlife Service); Ms R James (Caldera Environment Centre).

MINUTES OF PREVIOUS MEETING:

Moved: C Cormack

Seconded: Cr H James

RESOLVED that the Minutes of Meeting held 15 March 2000 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

1. Stotts Back Channel

Work commenced with Cane Growers. Possible plan of management required.

Decided to approach Duranbah Swamp Drainage Union and offer assistance with Plan of Management for Stotts Back Channel.

Letter to be forwarded to TRESBP highlighting urgency of Plan of Management for lower river shoals.

Moved: C Cormack

Seconded: B Loring

Reports from Sub-Committees

2. Southern Boatharbour

River Management

It was suggested that a Workshop on Bird Monitoring be held with Council at an appropriate time.

Decided that Council pursue the establishment of a suitable public jetty in the Southern Boatharbour as a pick up and set down facility for commercial operations.

Moved: Cr M Boyd
Seconded: T Rabbidge

RECOMMENDATION:

That Council pursues the establishment of a suitable public jetty in the Southern Boatharbour as a pick up and set down facility for commercial operations.

CORRESPONDENCE INWARDS

3. NPWS - Noted

4. Waterways Paper on Sewerage Facilities

Decided to support in principle the discussion paper and J Henley to complete submission to Waterways.

Moved: Cr M Boyd
Seconded: Cr W Marshall

CORRESPONDENCE OUTWARD

Noted.

5. Duffy Street Constructed Wetland - Funding

River Management

Decided that the shortfall in funding be financed by amending the works program and transferring \$80,000 from the allocation for Ukerebagh Passage and the balance from stormwater projects allocation.

Moved: Cr H James

Reports from Sub-Committees

Seconded: Cr M Boyd

Decided to keep a record of development and benefits.

RECOMMENDATION:

That the shortfall in funding be financed by amending the works program and transferring \$80,000 from the allocation for Ukerebagh Passage and the balance from stormwater projects allocation.

6. Water Quality and River Flow Interim Environmental Definition

- (i) Noted
 - (ii) Decided to present Brunswick results on faecal coliform identification to next meeting.
-

7. Water Birds Security

To be reported to next meeting.

8. Water Quality

A draft report from WBM Oceanics on the monitoring results of the water quality in the Tweed River over recent years was received and discussed.

Decided to separately report to Council and provide details to the media.

9. Boat Ramp Maintenance

- Written response to be sought from DLAWC.
 - Waterways funding to be pursued for Boat Ramp enhancement.
 - Decided to provide to next meeting draft report and priorities for work on ramps by Cormack and Henley.
 - Decided to request the M.E. & H.S. to examine options for improved security for Fingal Boatharbour and ramp.
-

Reports from Sub-Committees

10. Budd Park Pontoon

It was noted that the estimated cost of this project has escalated to approximately \$100,000, largely as a result of the need to provide complying access for the handicapped.

Additional funding to be pursued.

GENERAL BUSINESS:

11. Tweed Water Management Committee

River Management

Decided that Council:-

1. Accept the offer from the Northern Rivers Water Management Committee for TRMPAC to work in partnership with it to expedite the development of water quality and flow targets as well as guidelines for ecosystem conservation for the subcatchment level on the Tweed River.
2. Submit a nomination to the Local Government & Shire Association for the vacant position of Local Government Representative (alternate) on the Northern Rivers Water Management Committee.

Moved: Cr M Boyd

Seconded: CrW Marshall

RECOMMENDATION:

That Council:-

1. Accepts the offer from the Northern Rivers Water Management Committee for TRMPAC to work in partnership with it to expedite the development of water quality and flow targets as well as guidelines for ecosystem conservation for the subcatchment level on the Tweed River.
 2. Submits a nomination to the Local Government & Shire Association for the vacant position of Local Government Representative (alternate) on the Northern Rivers Water Management Committee.
-

NEXT MEETING:

The next meeting of the Committee is to be held on Wednesday, 2 August 2000, at the Canvas & Kettle Restaurant commencing at 9.30 am.

Reports from Sub-Committees

The meeting closed at 12.10pm.

Director's comments:

2. *Southern Boatharbour - Jetty establishment is consistent with Plan of Management.*
11. *Tweed Water Management Committee - The partnership offer from the Northern Rivers Water Management Committee will ensure that Council and the local community are fully involved in this process.*

Reports from Sub-Committees

2. Minutes of the Tweed Coastal Committee Meeting held 7 June 2000

File No: Coastal Committee

VENUE:

Canvas and Kettle Restaurant, Murwillumbah.

TIME:

1.30pm

PRESENT:

Cr Wendy Marshall (Chair), Cr Max Boyd, Cr Henry James, Ted Griffiths (Kingscliff Coastguard), Terry Kane (Cabarita Beach-Bogangar Residents Association), Gary Thorpe (Hastings Point DuneCare), Craig Venner (Pottsville Beach DuneCare), John Harbison (Pottsville Progress Association), Tim Rabbidge (Department of Land and Water Conservation), Stewart Brawley, John Henley.

INFORMAL:

Carl Cormack

APOLOGIES:

Neville Newell (Member for Tweed), Lance Tarvey (NSW National Parks and Wildlife Service), Ms Rhonda James (Caldera Environment Centre), Richard Hagley (Department of Land and Water Conservation).

MINUTES OF PREVIOUS MEETING:

RESOLVED that the minutes of the meeting held 15 March 2000 be accepted as a true and accurate record of the proceedings of that meeting.

Moved: T Griffiths

Seconded: Cr M Boyd

CORRESPONDENCE INWARD -

Noted.

CORRESPONDENCE OUTWARD

Noted

BUSINESS ARISING:

1. Backwash from pools going to stormwater

Coastal Committee

The Committee gave consideration to the advice from Council's Environmental Health Unit.

Ted Griffiths reported favourably on the quick response to a sewer surcharge at Kingscliff by Council staff.

Reports from Sub-Committees

Decided that :-

- (i) Council undertake inspection of pool installations and publicise the requirement for filter backwash to be discharged to sewer, not stormwater.

Moved: Cr. M. Boyd

Seconded: C Venner

- (ii) Advice be given to NSW Waterways that the Committee supports its proposal for speed limits for all vessels in Cudgen, Cudgera and Mooball Creeks at 4 knots below the bridge, 8 knots above the bridge, with a complete ban on P.W.C's (Jet Skis) above boat ramps in each Creek.

Moved: Cr W Marshall

Seconded: Cr H James

RECOMMENDATION:

That :-

1. Council undertakes inspection of pool installations and publicise the requirement for filter backwash to be discharged to sewer, not stormwater.
2. Advice be given to NSW Waterways that the Committee supports its proposal for speed limits for all vessels in Cudgen, Cudgera and Mooball Creeks at 4 knots below the bridge, 8 knots above the bridge, with a complete ban on P.W.C's (Jet Skis) above boat ramps in each Creek.

2. Coastline Hazard Definition Study

The status of tenders received was reported. Possible need for peer review of draft. A copy of recent Byron Shire Coastline Study report to be obtained for next meeting.

3. Tidal Obstructions - Cudgera Creek

Tenders to be evaluated and reported to Committee if budget of \$20,000 exceeded.

4. Mooball Creek Bank Erosion

Inspection to be reported to next meeting.

Reports from Sub-Committees

5. Cudgen Creek Siltation

Coastal Committee

The Committee discussed the request for channel clearing of Cudgen Creek for use by boats.

Decided that the maintenance of a navigable channel for boating in Cudgen Creek is a State Government issue, as acknowledged by a spokesperson for Minister Amery and that it is not considered appropriate to allocate Council Coastal Estuary Management funds to such projects.

Moved: T Griffiths
Seconded: C Venner

RECOMMENDATION:

That the maintenance of a navigable channel for boating in Cudgen Creek is a State Government issue, as acknowledged by a spokesperson for Minister Amery and that it is not considered appropriate to allocate Council Coastal Estuary Management funds to such projects.

GENERAL BUSINESS:

1. Thalweg Survey

Thalweg survey of Cudgera Creek to be completed as soon as possible with assistance of Waterways.

NEXT MEETING:

The next meeting of the Committee is to be held on Wednesday, 2 August 2000, at the Canvas & Kettle Restaurant commencing at 1.00 pm.

The meeting closed at 2.30pm.

<i>Director's comments: Nil</i>

Reports from Sub-Committees

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

3. **Minutes of the Cultural Advisory Committee Meeting held 4 May 2000**
 4. **Minutes of the Local Government Structural Reform Workshop held Monday, 8 May 2000**
 5. **Minutes of the Tweed Shire Occupational Health & Safety Committee Meeting held 10 May 2000**
 6. **Minutes of Water & Wastewater Infrastructure Steering Committee Meeting - Kingscliff Augmentation held 17 May 2000**
 7. **Minutes of the Tweed Shire Council Consultative Committee Meeting held 18 May 2000**
 8. **Minutes of the Companion Animal Committee Meeting held Monday 5 June 2000**
 9. **Minutes of the Local Government Structural Reform Workshop held Monday 5 June 2000**
-

Reports from Sub-Committees

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Outstanding Inspections

1. Council Land - Mt Nullum

12. Use of Land - Mt Nullum

GL2/4 Pt3

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

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Orders of the Day

1. Notice of Rescission - Cr Marshall, Cr Davidson and Cr Polglase

Blue Lighting/Needle Disposal Bins in Public Places

Drugs Related Matters, Notice of Rescission

That Council resolution at Minute No 1769 in relation to Item 32 of the Meeting held 7 June 2000 being:-

".....that Council:-

- 1. Installs blue lighting and needle disposal bins in a third of the identified "hot-spot" toilets.*
- 2. Installs needle disposal bins within a further third of the identified "hot-spot" toilets.*
- 3. Installs one(1) standing park needle disposal bin within the public park area of Ebenezer Park carpark.*
- 4. Monitors the remaining "hot spot" toilets for a possible inclusion in the program.*
- 5. Allocates the necessary funding at its budget review in September."*

be rescinded."

2. Notice of Motion - Cr Polglase

Chillingham Pre-School

Schools - Chillingham, Council Purchase of Land, Notice of Motion

That a report be brought forward examining possibilities to assist the Chillingham Pre-School secure the property they operate from, so that they have ongoing permanent use.

3. Notice of Motion - Cr Lawrie

Organisational Restructure

Council Management, Notice of Motion

"That the General Manager be directed to forthwith implement that part of Minute No 1555 requiring the bringing forward of a submission incorporating an organisational restructuring and reduction of overheads to achieve economies of operation".

Orders of the Day

4. Notice of Motion - Cr Lawrie

Hire of Civic Centres

Notice of Motion, TH Civic Ctr - Hire

“That Council reimburses Mr John Murray the sum of \$138.00 for the hire charge of Tweed Heads Civic Centre auditorium on 13 June 2000.
