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## Items for Consideration of Council

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# Schedule of Outstanding Resolutions

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**21 JUNE 2000**

**NOTICE OF MOTION**

**3. Local Environmental Plan Revision Advisory Committee**

**LEP, Notice of Motion - Cr Brinsmead**

**1810**

**Cr Brinsmead**

**Cr Youngblutt**

**RESOLVED** that:-

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

**Current Status:** Report to the meeting for 19 October 2000.

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**19 JULY 2000**

**REPORTS FROM DIRECTOR DEVELOPMENT SERVICES**

**4. Strategic Planning Work Program**

**Strategic Planning Program**

**55**

**Cr Marshall**

**Cr Youngblutt**

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

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

**Current Status:** To be finalised.

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## Schedule of Outstanding Resolutions

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### 2 AUGUST 2000

#### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

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

DA3346/40 Pt1

108

Cr Luff

Cr Lawrie

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

**Current Status:** Awaiting response from Lend Lease.

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5. Section 94 Contribution Plans

Section 94 Plan - S94, Notice of Motion

151

Cr Lawrie

Cr Luff

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

**Current Status:** Workshop being organised for 25 October 2000. Report will follow.

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### 16 AUGUST 2000

#### REPORTS FROM DIRECTOR CORPORATE SERVICES

12. First Round Donations - 2000/01

Donations

185

Cr Luff

Cr James

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

**Current Status:** To be finalised.

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## Schedule of Outstanding Resolutions

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186

Cr Luff

Cr James

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

**Current Status:** Report to the October Meeting.

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### 6 SEPTEMBER 2000

#### REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

23. **Drugs and Community Action Strategy**

**Drugs Related Matters**

266

Cr Marshall

Cr Youngblutt

**RESOLVED** that Council holds a Workshop with the Project Manager of the Regional Drugs and Community Action Strategy.

**Current Status:** Workshop scheduled for 22 November 2000.

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### 20 SEPTEMBER 2000

#### REPORTS FOR DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

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

**Building Code**

335

Cr Luff

Cr Marshall

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

**Current Status:** To be finalised.

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# Schedule of Outstanding Resolutions

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# Items Deferred

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## ITEM DEFERRED FROM MEETING 20 SEPTEMBER 2000

1. *Amended Development Control Plan No 3 - Banora Point West-Tweed Heads South*  
*GT1/DCP/3 Pt8*

347

*Cr James*

*Cr Polglase*

*RESOLVED that Item 1 be deferred to the meeting of 4 October 2000.*

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

**FILE REF: GT1/DCP/3 Pt8**

### **REPORT TITLE:**

**Amended Development Control Plan No 3 - Banora Point West-Tweed Heads South**

### **SUMMARY OF REPORT:**

Council resolved on 21 June, 2000 that an amendment be made for Development Control Plan No 3 - Banora Point West-Tweed Heads South. The amendment modified the land referred to as Sullivan's land along Fraser Drive. The amendment has been exhibited for 28 days. There was one objection received.

### **RECOMMENDATION:**

That Council:

1. In accordance with Clause 30 of the Environmental Planning and Assessment Regulations 1994 approves amendment No. 2 to Development Control Plan No 3 - Banora Point West-Tweed Heads South, as advertised;
2. Gives public notice of its decision in accordance with the Environmental Planning and Assessment Regulations 1994 specifying that the amended plan will come into effect at that date.

## Items Deferred

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### REPORT:

A notice in the form specified in the Environmental Planning and Assessment Regulations 1994 was placed in the Tweed Link and the amendment exhibited for 28 days.

The draft amendment outlines the changes to the structure planning of the subject land (Figure 1) incorporated into Development Control Plan No. 3 Banora Point West / Tweed Heads South. The key changes are that the land has been reclassified to "Res A" which restricts the residential densities to detached housing and duplex housing and redefines the lake system initially included in the plan to incorporate an appropriate control for an area recently gazetted as State Environmental Planning Policy No. 14 Wetlands.

The purpose of this amendment is to revise Tweed Development Control Plan No 3 to reflect the following detailed planning for the subject area:-

The proposed DCP amendments are;

- Deletion of the proposed lake perimeter open space and designation of this area as Residential A.
- Change of designation of the land presently shown as Residential B to Residential A.
- Designation of the land now covered by State Environmental Planning Policy 14 Wetlands as Public Open Space.
- Indication of controlled access from Fraser Drive.
- Ensuring the Local Shopping precinct deleted from the lake perimeter is still preserved within the site but denoted in general location terms.

Alterations from the exhibited draft include;

- The small portion of land to the north west of the site adjoining James Street initially identified as "Res A" has been changed to "Public Open Space" because the area identified represents very little developable land for residential purposes and would serve better as a buffer to the SEPP 14 Wetlands.
- Added objectives to address stormwater run-off into environmentally sensitive areas.
- The location of the local shopping area has been moved to take better advantage of the collector/distributor road network.

### OBJECTIONS

There has been 1 objection received to the draft amendment from the Lakes Drive Bridge Action Group and Terranora Wetlands Protection Committee Inc. Their concern related to the flood and storm water runoff would drain directly into the State Environmental Planning Policy No. 14 protected wetlands located within the area. The principle concern related to sediment run off which would cause pollution concerns for the seagrass beds and mangroves where the outfall would be located.

## Items Deferred

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On review of this objection the concerns associated with sediment run off into protected wetlands are valid. However it is considered that DCP 3 is not the correct planning instrument to address these issues. The nature of DCP 3 is to present a structure plan for future development within a specific locality beyond the controls offered through the Tweed Local Environmental Plan 2000.

In April 2000 Council adopted the Tweed Urban Stormwater and Management Plan that outlines management issues for stormwater within urban areas. Associated with the development of this report was a draft DCP to incorporate stormwater run off management issues into a planning policy. This policy will determine stormwater management issues at a development application stage and identify specific controls that developers will need to undertake to satisfy this policy.

However, considering the sensitive nature of the SEPP 14 Wetlands, certain buffering has been included and provisions associated with that buffering to assist in determining stormwater management controls.

It is recommended that Council endorse DCP 3 as amended to reflect the modifications associated with the area known as Sullivan's Land along Fraser Drive.

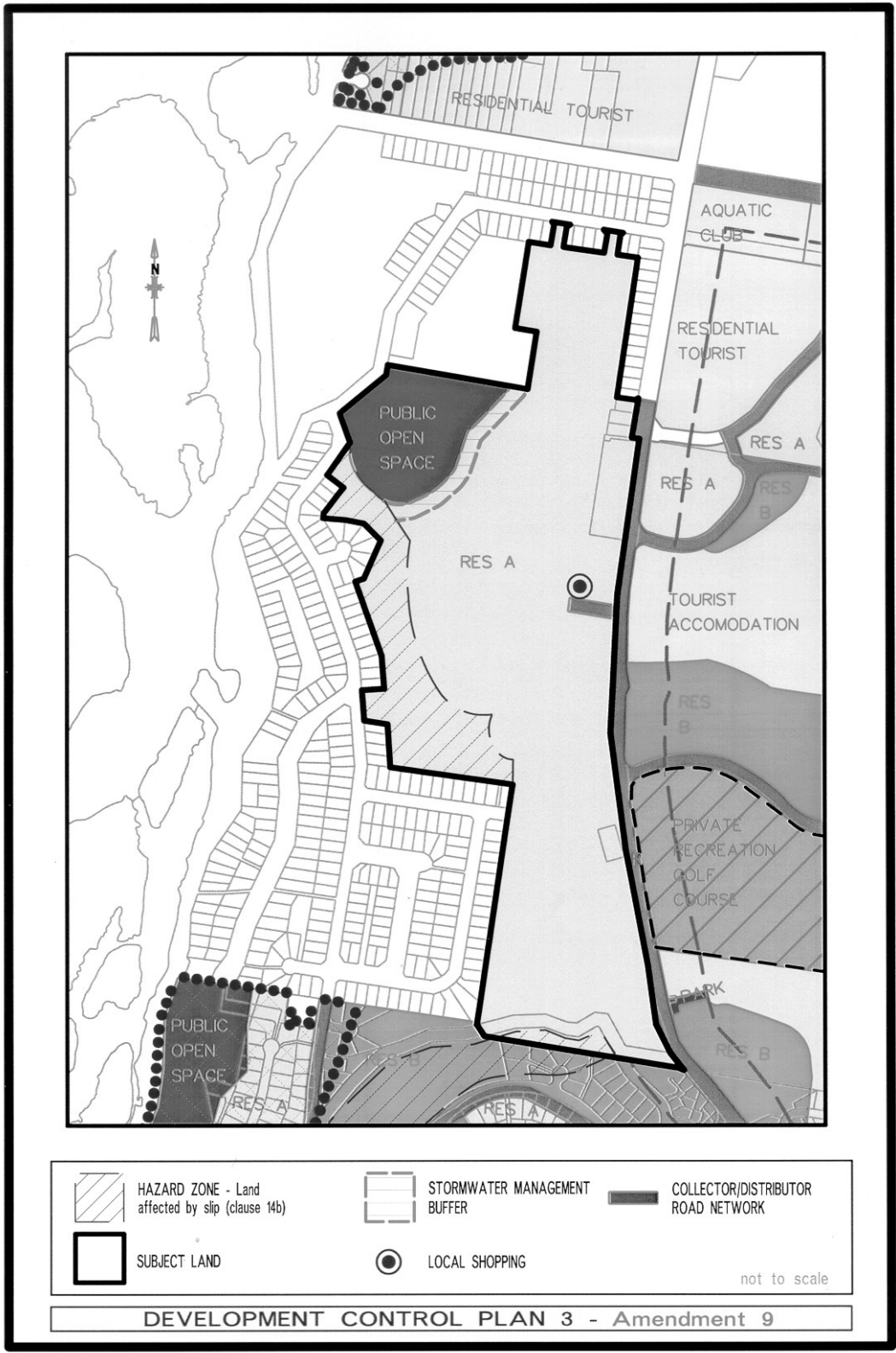
Due to the sensitive nature of the SEPP 14 Wetlands specific objectives have been included to ensure sediment and runoff management are adequately identified in the development application stage and the following addition has been added to ensure the quality of stormwater runoff.

A new paragraph added into clause 11 Drainage –

*“Any development of land that directs stormwater runoff through the Stormwater Management Buffer into environmentally sensitive wetlands identified in State Environmental Planning Policy 14 must ensure that a dedicated area is provided for water quality controls that will adequately reduce the sedimentary runoff and improve the water quality flowing into these sensitive wetlands. To achieve this landowners applying for development consent shall ensure sufficient revegetation of the dedicated area is carried out in accordance with an approved vegetation management plan and planting guide. This dedicated area does not necessarily need to follow the Stormwater Management Buffer”.*

Currently the proponents have already prepared a draft Master Plan for the proposed subdivision of the area identified in this amendment. This has incorporated the open space, collector/distributor network and drainage networks. Consideration has been given to establishing these networks into the DCP. However, it is considered contrary to the objectives of DCP3. Also, this is at a draft planning stage and any agreed alterations to the Master Plan by Council and the proponents will require further amendments to the DCP.

# Items Deferred



# Reports from Director Development Services

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

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

### **MATTERS FOR CONSIDERATION**

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

## Reports from Director Development Services

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## Reports from Director Development Services

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**1. ORIGIN: Development Assessment Unit**

**FILE REF: DA4970/190 Pt1**

**REPORT TITLE:**

**Proposed Alterations and Additions to an Existing Dwelling and Construction of a Swimming Pool at Lot A DP 406115 Seaview Street, Kingscliff**

**SUMMARY OF REPORT:**

Development Application 0606/2000DA for the above was reported to Council's meeting on 20 September 2000 at which Council resolved as follows:-

*"That the application submitted by Peter Gladwin and Jude Robb for alterations and additions to an existing dwelling at Lot A DP 406115 Seaview Street, Kingscliff is supported by Council and requests staff to bring forward appropriate conditions for consideration of Council".*

Conditions have been prepared in accordance with Council's resolution.

**RECOMMENDATION:**

That the application submitted by Peter Gladwin and Jude Robb for alterations and additions to an existing dwelling at Lot A DP 406115 Seaview Street, Kingscliff be refused for the following reasons:-

1. The proposed additions are excessive in height and out of character with adjoining developments.
2. The scale, bulk and design of the additions are not consistent or compatible with the existing dwelling and the locality.
3. The proposal will detract on the residential character and amenity of the locality which is undesirable.
4. The proposal is contrary to the public interest.

## Reports from Director Development Services

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### REPORT:

**Applicant:** Peter Gladwin & Jude Robb  
**Owner:** As above  
**Location:** Lot A DP 406115 Seaview Street, Kingscliff  
**Zoning:** 2(b) Medium Density  
**Est. Cost:** \$60,000

### SUBJECT/BACKGROUND

An application has been received seeking approval for alterations and additions to the existing dwelling at the abovementioned land. The proposal involves the addition of another storey to an existing part single-storey and part two-storey dwelling. The additions are to that part of the dwelling which is single storey only. The dwelling will still be only two-storeys in height. The additional floor will have an area of 57.4m<sup>2</sup>. A swimming pool is also proposed. Some alterations are also proposed to the existing dwelling which include additions of garage doors, new decking and new timber and glass doors.

The application was reported to Council's meeting 20 September 2000 at which Council resolved as follows:-

*"That the application submitted by Peter Gladwin and Jude Robb for alterations and additions to an existing dwelling at Lot A DP 406115 Seaview Street, Kingscliff is supported by Council and requests staff to bring forward appropriate conditions for consideration of Council".*

The following conditions of consent should be applied if the application is approved:-

### GENERAL

1. The development shall be completed in general accordance with Plan Nos CD-01 to CD-08 dated 18/4/2000 and CD-10a dated 14/8/2000 prepared by Philip Follent Architects, except where varied by these conditions.
2. 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.
3. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.
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, unless prior approval is obtained from Council.

## Reports from Director Development Services

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6. 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.
7. 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
8. The building is to be used for single dwelling purposes only.
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.
10. All front boundary retaining walls and fencing are to be limited to 1.2m high from natural ground level.

### **PRESCRIBED (BUILDING)**

11. 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).
12. A. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:

## Reports from Director Development Services

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- i. in the case of work to be done by a licensee under that Act:
    - (i) has been informed in writing of the licensee's name and contractor licence number; and
    - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
  - ii. in the case of work to be done by any other person:
    - (i) has been informed in writing of the person's name and owner-builder permit number, or
    - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of *owner-builder work* in Section 29 of that Act,
- and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.
- B. A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
13. 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.
14. Prior to work commencing, a "Notice of Commencement of Building Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.

## Reports from Director Development Services

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### ENGINEERING (BUILDING)

15. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for all footings, frame, wind bracing, prior to work being commenced on that part.

### FIRE (BUILDING)

16. 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 1a building, or dwelling or dual occupancy and within sole occupancy units in a townhouse.

Smoke detection and alarm systems must be installed in accordance with Part 3.7.2.3 of the Building Code of Australia and must comply with Australian Standard AS 3786.

Smoke alarms must be connected to the consumer mains power where consumer power is supplied to the building.

Smoke alarms must be installed on or near the ceiling in -

- (a) any storey containing bedrooms -
  - (i) between each part of the dwelling containing bedrooms and the remainder of the dwelling; and
  - (ii) where bedrooms are served by a hallway, in that hallway; and
- (b) any other storey not containing a bedroom.

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

### SWIMMING POOLS

17. A. The swimming pool is to be installed and access thereto restricted in accordance with Council's "Code for the Installation of New Swimming Pools" and Australian Standard AS 1926-1986 (Copy of code enclosed).
- B. Swimming pools shall have suitable means for the drainage and disposal of overflow water.
- C. The pool filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.
- D. It is the responsibility of the pool owner to ensure that the pool fencing continues to provide the level of protection required regardless of and in response to any activity or construction on the adjoining premises. Due regard must be given to the affect that landscaping will have on the future effectiveness of the security fencing. (Section 7 Swimming Pool Act 1992).

## Reports from Director Development Services

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- E. The resuscitation poster must be permanently displayed in close proximity to the swimming pool. (Section 17 Swimming Pool Act 1992).
  - F. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction.
    - a. Steel reinforcing prior to the pouring of concrete.
    - b. Swimming pool safety fencing prior to filling the pool with water.
  - G. In the event that Council is not utilised as the inspection/certifying authority:-
    - a. Within seven (7) days of the filling of the pool a Compliance Certificate in the prescribed form shall be submitted to Council together with the prescribed fee, by the Accredited Certifier to certify that all works have been completed in accordance with the approved plans and conditions of Consent and that the swimming pool safety fencing has been installed and complies with AS 1926.
    - b. The Certifying authority is to be given 24 hours notice in writing for an inspection of the swimming pool safety fencing prior to filling the pool with water.
18. Backwash from swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.

### **DRAINAGE/FLOODING**

19. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2-1998. Note All roof water must be connected to an interallotment drainage system where available.

### **ENVIRONMENT PROTECTION**

20. 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.
21. 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.
22. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

Erosion and sediment control shall be in accordance with the *"Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan *"Tweed Shire Council Aus-Spec D7 - Stormwater Quality"* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond has been released.

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## Reports from Director Development Services

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23. Any building materials likely to contain asbestos ie. roof and wall linings attached to existing building, are to be handled in strict accordance with the requirements of the WorkCover Authority.

A WorkCover Health Safety Note is attached to this consent which provides a short guide to the requirements for working with asbestos.

Detailed information and advice relating to the handling of asbestos material should be obtained from the WorkCover Authority prior to the commencement of any works.

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## Reports from Director Development Services

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## Reports from Director Development Services

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**2. ORIGIN:** Development Assessment Unit

**FILE REF:** GS4/97/93 Pt2

**REPORT TITLE:**

**Release of Caveat over Lot 3 DP 881169 Gollan Drive, Tweed Heads West (Former Seagulls Stadium Site) - Villa World Limited**

**SUMMARY OF REPORT:**

Council has registered a caveat over the subject land as a means of securing compliance with the conditions of development consent S97/93 and the Tripartite Deed of Agreement between Seagulls, North Sydney Rugby League Football Club and Council.

Villa World have now completed development of Lot 3 and have also complied with all conditions of the consent and agreement relating to that lot and accordingly the caveat may now be released.

**RECOMMENDATION:**

That :-

1. The caveat over Lot 3 DP 881169 be released; and
2. All documentation be executed under the Common Seal of Council.

## Reports from Director Development Services

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### REPORT:

On 6 February 1998 conditional development consent S97/93 was issued for a 3 lot subdivision of Lot 1 DP 700873 Scenic Drive, Gollan Drive, West Tweed Heads (The Seagulls Land).

To facilitate prompt release of the linen plan of subdivision, Council entered into a tripartite Deed of Agreement with Seagulls and North Sydney Leagues Club Limited to secure compliance with a number of consent conditions.

Council also registered a caveat over the lots as a further means of securing compliance.

The linen plan was subsequently registered as DP881169 on 26 October 1998 following which lots 1 and 3 were purchased by Villa World and Lot 2 (incorporating the existing Seagulls Club) was acquired by Norths.

Villa World have now completed development of Lot 3 and have also complied with all conditions of consent S97/93 relating to that lot.

The existing caveat over Lot 3 can therefore be released and this will facilitate registration and sale of the current Villa World development.

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## Reports from Director Development Services

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### 3. ORIGIN: Development Assessment Unit

**FILE REF: DA2380/650 Pt1**

#### **REPORT TITLE:**

**Request to Delete Condition 1(i)(j) of Consent 0545/2000DA Requiring a Monetary Contribution of \$19,710.00 in Lieu of a Shortfall of Two (2) Off Street Car Parking Spaces at Lot 188 DP 259164, No. 88 Hastings Road, Bogangar**

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

Development Consent 0545/2000DA was issued for a mixed industrial/residential development comprising a factory and 2 residential units. The development required a total of 8 off street car parking spaces which were provided. However, 2 of these spaces which have been provided are entirely located within the proposed building. The practicality of this arrangement is contrary to Council policy and Council has not normally supported the provision of internal parking and therefore the proposed configuration was considered unsatisfactory. Accordingly, the net result is that the proposal has a shortfall of 2 spaces, thereby requiring the payment of a monetary contribution in lieu of physical provision. The consent is conditional requiring a monetary contribution of \$19,710 in lieu of the 2 spaces in accordance with Section 94 Plan No. 23.

The applicant/owner has submitted that this contribution be waived on the basis that it is unreasonable.

The monetary contribution condition is considered reasonable and in accordance with Council policy is recommended to remain as a condition of the consent.

#### **RECOMMENDATION:**

That the applicant's request to waive the monetary contribution of \$19,710 in lieu of a shortfall of 2 off street car parking spaces as required by Condition 1(i)(j) of Consent 0545/2000DA and in accordance with Section 94 Plan No. 23 be refused.

## Reports from Director Development Services

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### REPORT:

Council received a development application to erect a mixed industrial/residential development at the above property. The proposal incorporates the erection of a two (2) storey structure, with the ground level accommodating a proposed light industrial unit and two (2) residential units located on the upper level. Parking and landscaping is provided at the rear of the allotment, with vehicular access located adjacent to the proposed structure on the southern boundary. The proposed light industry component incorporates both a storeroom and assembly area on the lower level, whilst a mezzanine level is also shown on the plans submitted.

Following lengthy negotiations regarding the design of the development, approval was issued on 19 September 2000. A copy of approval 0545/2000DA is attached to this agenda.

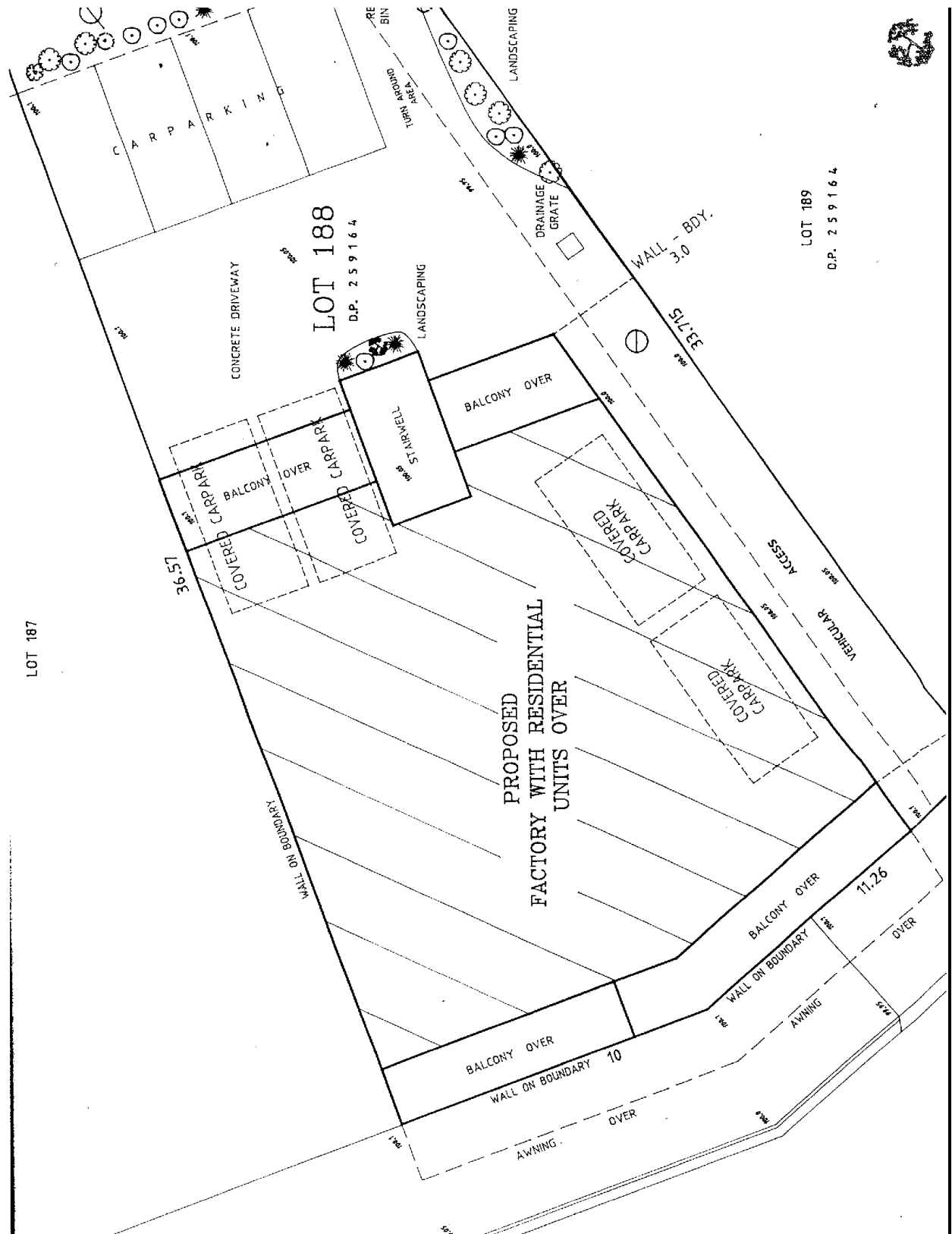
Condition 1(i)(j) of the consent requires an off site parking contribution of \$19,710 in lieu of a shortfall of two (2) spaces. The plans submitted by the applicant show a total of eight (8) spaces as required by DCP2 – Site Access and Parking Code. However, two (2) of which are entirely located within the proposed building. The practicality of this arrangement is questionable and Council have not normally supported the provision of internal parking and therefore the proposed configuration was considered unsatisfactory and the consent conditioned requiring the payment of monetary contributions in lieu of the shortfall from the physical provision of the 2 spaces in accordance with Section 94 Plan No. 23.

In this regard it should be noted that the proposal has already received significant flexibility in that it is arguable as to whether the lower level should be assessed as retail floor space (increased parking requirements) or industrial. A copy of the site plan showing the off street car parking configuration is shown in Figure 1 and those within the building are shown in Figure 2.

The applicant has now contended that this condition requiring the monetary contribution in lieu of the physical provision of the 2 spaces is unreasonable and the applicant's submission is Annexure 1 to this report.

# Reports from Director Development Services

FIGURE 1 – PROPOSED CARPARKING LAYOUT





## Reports from Director Development Services

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As indicated earlier in this report there have been lengthy discussions regarding the design of this building and the external appearance that has significantly extended the processing time for this application. The provision of off street car parking was discussed with the Development Assessment Panel on two occasions and the comment about the adequacy of the car parking clearly indicated that the numbers were adequate only if these two spaces within the factory area were subject of justification by the applicant and accepted by Council. The acceptance of these car parks or otherwise could only be part of the formal assessment of the application and for the reasons outlined earlier in this report were not accepted. There is recollection that the Development Assessment Panel have previously advised about a potential condition for the monetary contribution of \$19,710.

### OPTIONS

The following options are available to Council.

1. Confirm the condition requiring the monetary contribution of \$19,710 in lieu of the physical provision of the 2 spaces remain.
2. That the condition requiring the monetary contribution of \$19,710 in lieu of the physical provision of the 2 spaces be deleted on the basis of the applicant's submission.

### CONCLUSION

This application comes before Council after a relatively protracted assessment and negotiation process. This is due in part to negotiating significant improvements in building design and external appearance.

As discussed in this report council have not usually the provision of internal parking and therefore the proposed configuration is considered unsatisfactory. Accordingly, the request from the applicant to waive the monetary contribution of \$19,710 in lieu of the 2 spaces should not be supported and should remain as a condition of consent 0545/2000DA. Any support to waive the contribution may set a precedent for similar development.

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## Reports from Director Development Services

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### 4. ORIGIN: Development Assessment Unit

**FILE REF: DA2620/450 Pt1**

### REPORT TITLE:

**Establishment of a Telecommunications Facility and Tower at Lot 35 DP 258721 No. 42 Industry Drive, Tweed Heads South**

### SUMMARY OF REPORT:

An application has been received seeking approval for the erection of a mobile phone tower and associated ground facilities on land at Tweed Heads South. The land is zoned 3(c) Commerce and Trade, and the proposal is permissible with Council's Consent under Item 2 of the zoning table. The tower has a maximum height of 26 metres. The purpose of the facility is to provide extended mobile phone coverage for AAPT to the Tweed/Gold Coast Area.

One Submission and a petition with 44 signatures was received objecting to the proposed development on grounds that the development will impact on property values, restrict the use of neighbouring properties, have detrimental effects on public health, and the proposal is in excess of Council 3 storey height limit.

It is considered that the proposed development is suitable for the area, unlikely to prejudice the public interest or adversely affect public health, nor detract from the amenity of this commercial/light industrial business precinct. With regard to the heads of consideration under Section 79C of the Environmental Planning and Assessment Act 1979 the application is recommended for approval.

### RECOMMENDATION:

That Development Application 0857/2000DA submitted by AAPT CDMA Pty Ltd for the establishment of a telecommunications facility and tower at Lot 35 DP 258721 No. 42 Industry Drive, Tweed Heads South be approved subject to the following conditions:-

### GENERAL

1. The development shall be completed in general accordance with Plans Nos AQL1064F-01 and 02 prepared by Fisher Stewart and dated 19/07/2000, except where varied by these conditions.
2. 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.
3. 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.
4. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

## Reports from Director Development Services

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5. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
  - a. completion of work
6. 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.

### PRESCRIBED BUILDING

7. 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).
8. 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

9. A certificate signed by a practising structural engineer is to be submitted to the Private Certifying Authority on completion of works to certify the structural adequacy of the structure.

### ENVIRONMENT PROTECTION

10. 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.
11. 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.
12. 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.
13. 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.

## Reports from Director Development Services

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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.

14. 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.
15. The installation and electromagnetic emissions from the entire facility are to comply at all times with the provisions of AS 2772 and AS/NZS2272.1 (Int.) 1998.
16. Council is to be provided with a report from an appropriately qualified person confirming that the radiation levels from the facility comply with AS/NZS 2772.1 (Int.) 1998 on completion of the installation and prior to its commercial use.
17. Up grading of the facility is not to occur without the prior consent of Tweed Shire Council and/or other relevant authorities.

# Reports from Director Development Services

## REPORT:

**Applicant:** AAPT CDMA Pty Ltd  
**Owner:** Mr Paul Graham Young  
**Location:** Lot 35 DP258721 No. 42 Industry Drive, Tweed Heads South  
**Zoning:** 3(c) Commerce and Trade  
**Est Cost:** \$110,000

## INTRODUCTION

The applicant is seeking development consent to erect a phone tower on land at Industry Drive, South Tweed Heads. The tower has a maximum height of 26 metres measured from ground level to the top of the antennae. Associated facilities and equipment are to be located on the ground adjacent to the tower. The purpose of the facility is to provide extended mobile coverage for AAPT in the South – East/ North East corner of Queensland/ NSW.

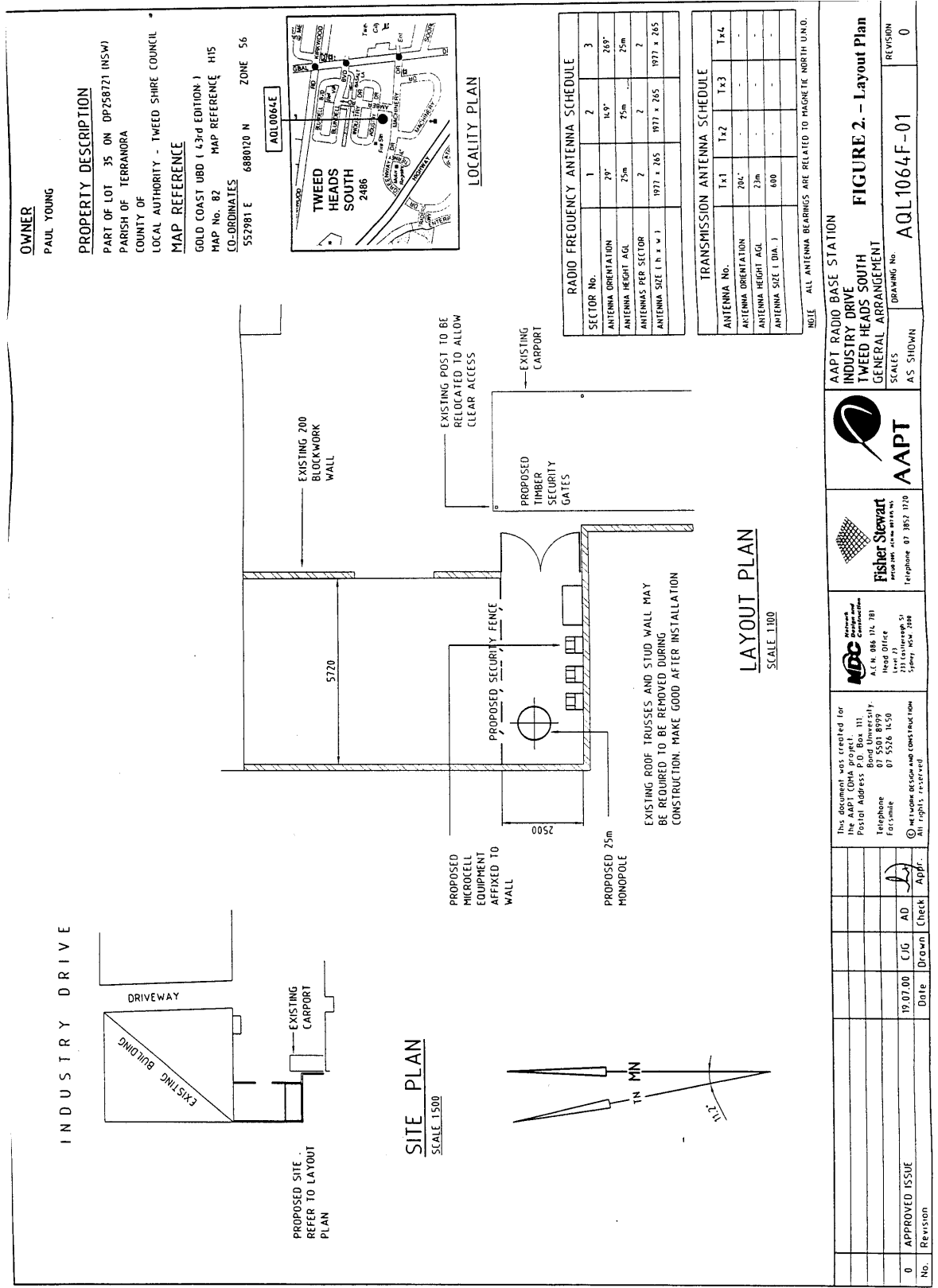
The land is zoned 3(c) and has an area of 814 m<sup>2</sup>. An existing industrial style building is located on the property providing premises for a motor mechanic and a sign writer. The surrounding area is characterised by light industrial/ commercial development which includes a laundry dry cleaner, concrete batching plant, and engineering fabrication.

**FIGURE 1 – LOCALITY PLAN**



# Reports from Director Development Services

FIGURE 2 – LAYOUT PLAN





## Reports from Director Development Services

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### ASSESSMENT

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

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

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

**Clause 8 Consent Consideration – Zone 3(c) Commerce and Trade**

**Comment:** The proposed development under Schedule 1 of the LEP is defined as Telecommunication infrastructure. The proposed development is permissible with consent under Item 2 of the Zoning Table and is not inconsistent with the objectives of the 3(c) Commerce and Trade Zone.

**Clause 16 Height of Buildings**

**Comment:** The maximum height of buildings for the area is 3 storeys above ground level. The phone tower has a maximum height of 26 metres. Council's definition for storey does not provide a measurement in metres and the tower could by definition be defined as being a one storey structure. Nonetheless, the impact of the structure on adjoining properties from overshadowing and the like has been considered as minimal due to the tower's bulk and scale. (i.e. poles diameter is approximately 0.7 metres). The proposal is not inconsistent with the provisions of Clause 16.

**Clause 17 Social Impact Assessment**

**Comment:** It is considered that the proposed development is unlikely to have an adverse impact on the area socially or economically. Australian Standard 2772.1 has established a safe exposure level of 2 watts per square meter for radio frequency fields. The proposed development will satisfy this Australian Standard and will generate a maximum of 0.000131 watts per square metre at 2 metres above ground level. To ensure this Australian Standard is complied with appropriate conditions of consent are recommended. The proposed development is not expected to be a risk to the public's health, and a social impact statement is not necessary in the circumstances.

**Clause 33 Obstacles to Aircraft**

**Comment:** The proposed development is located within the flight path to and from Coolangatta Airport. The airport have advised that they have no objection to the proposal provided the tower does not exceed a height of 40 metres AHD. The tower has a maximum height of approximately 28 metres AHD.

(a) (ii) **The Provisions of any Draft Environmental Planning Instruments**

**Comment:** No draft Environmental Planning Instruments affect this proposal.

(a) (iii) **Development Control Plans (DCP's)**

**Comment:** DCP No. 5 – Development of Flood Liable Land has set a minimum floor height of 2.95 metres AHD for the area. To ensure that the facility is not affected by the

## Reports from Director Development Services

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1:100 year flood, the applicant has proposed to locate all facilities at a height above this level to minimise the threat from flood.

(a) (iv) **Any Matters Prescribed by the Regulations**

**Comment:** Not Applicable

(b) **The likely impacts of the development and the environmental impacts on both the natural and built environments and social and economic impacts in the locality**

**Comment:** The proposed development is unlikely to impact on the built or natural environment nor adversely affect the amenity of the neighbourhood. Visually the tower is to be erected in an area dominated by industrial and commercial development operating from masonry warehouse buildings, and is unlikely to detract from the visual amenity of the area. Similar structures have been erected in the area including a nearby phone tower and the three metal poles associated with a Hardware Store in Greenway Drive. The proposed development more than satisfies the applicable Australian Standard – AS 2772.1 for the transmission of radio frequencies, and as such the development is unlikely to be a threat to the public's health. It is noted that the nearest residential zoned land is in Blundel Boulevard, 200 metres to the north. Council's Environment Health Services Unit have assessed the proposal and have no objection subject to condition's of consent being implemented

Appropriate condition's of consent are recommended should the application be approved to ensure no adverse environmental impact and compliance with AS2772.1.

(c) **Suitability of the site for the development**

**Comment:** The proposed development is not out of character for the area and is unlikely to cause a land-use conflict with neighbouring development in the area. The applicant had sought to co-locate on a Telstra tower at 10 Industry Drive, however two other telecommunication providers are to also locate on this tower and suitable land is not available at the base of the tower for ancillary facilities. Other sites were identified in the area, but failed to meet AAPT's technical and design requirements.

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

**Comment:** No submissions were made in accordance with the Act or the Regulations.

(e) **Public interest**

**Comment:** The proposed development was advertised on the Tweed Link, placed on exhibition, and adjoining neighbours were notified. One Objection was received and a petition with 44 signatures. The four areas of concern were raised by the petition and objection.

- Impact on health from radiation;
- Proposal will adversely affect property values.
- Will restrict the use of nearby properties



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- Proposal is in excess of Council 3 storey height limit.

The proposed telecommunication tower satisfies the applicable Australian Standard for the transmission of radio frequencies, and there is no known threats to the health of the public from this development. As to property values the proposed development is located within a commercial/industrial precinct, and the tower is considered unlikely to adversely affect property values. The zoning of the property and adjoining land will not be affected by this proposal and no restrictions/buffers or the like will be placed on adjoining land if this proposal is approved. As discussed above the proposed development has a maximum height of 26 metres which is in excess of Council's 3 storey height limit. However this height limit applies to buildings, and the tower although a structure is unlikely to impact on the visual amenity of the neighbourhood nor affect or adversely overshadow adjoining properties.

It is considered that the proposed phone tower will not prejudice the public interest and overall should improve mobile phone coverage for AAPT and thus increase competition in the local telecommunications market.

### **Environment and Community Services Division Comment**

The Building Services Unit raised no objections subject to standard conditions of Consent.

The Environment and Health Unit raised no objection subject to appropriate conditions of consent ensuring the phone tower complies with Australian Standard 2772.1.

### **Engineering Services Division Comments**

No objections raised to the proposal.

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

In the event that the applicant is dissatisfied with Council's determination, a right of appeal exists to the land and Environment Court. The proposed development is not designated and as such third party appeal rights exist.

### **OPTIONS**

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

1. That the application be approved subject to Conditions of Consent.
2. That the application be refused.

### **CONCLUSION**

The proposed development satisfies the aims and objectives of Tweed Local Environment Plan 2000 and is permissible with Consent in the 3(a) Commerce and Trade Zone. The proposal is unlikely to prejudice the public's interest, affect the amenity of the area, and satisfies the current Australian Standards governing mobile phone towers. Having regard to the above Section 79(c) Assessment, the application is recommended for conditional approval.

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

**FILE REF: GT1/DCP/3 Pt8**

**REPORT TITLE:**

**Amended Development Control Plan No. 3 - Banora Point West - Tweed Heads South**

**SUMMARY OF REPORT:**

Council resolved on 21 June, 2000, that an amendment be made for Development Control Plan No. 3 - Banora Point West-Tweed Heads South relating to "Sullivan's land" along Fraser Drive. This amendment has been exhibited for 28 days. There was one objection received. In light of the issues raised in the submission and other advice received, additional modifications have been made to address stormwater drainage issues.

**RECOMMENDATION:**

That Council:-

1. In accordance with Clause 30 of the Environmental Planning and Assessment Regulations 1994 approves Amendment No. 2 to Development Control Plan No. 3 - Banora Point West/Tweed Heads South, as advertised - with the following notifications:-

- i. *Amendments to the DCP3 map which moves the intended location of the Local Shopping centre and includes a Stormwater Management Buffer adjoining the habitat Zone area.*
- ii. *That the area identified in Diagram 2 be included as a "Habitat Zone" subject to survey of the area identified as Broad Leafed Paperbark closed forest within the Tweed Vegetation Management Plan and that this area be included in a map amendment to map DCP3-4 identifying Remnant Vegetation Conservation area.*
- iii. *A new paragraph added into Clause 11 Drainage as 11.6:-*

*"Any development of land that directs stormwater runoff through the Stormwater Management Buffer into environmentally sensitive wetlands identified in State Environmental Planning Policy No. 14 must ensure that water quality controls will adequately reduce the sedimentary runoff and improve the urban water quality flowing into these sensitive wetlands. To achieve this landowners applying for development consent shall ensure sufficient water quality control techniques and consideration to native vegetation within the buffer are incorporated into an approved water quality control plan which fully satisfies the Tweed Urban Stormwater and Management Plan. This plan will need to identify the areas it applies to but they need not follow the Stormwater Management Buffer"*

- iv. *That paragraph 13.3 be amended as follows:-*

*Heading 13.3 'Special Requirements (ELSIE STREET & JAMES STREET)'*

## Reports from Director Development Services

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*Subclause 13.3(a) 'This clause relates to land affected by Conservation Area No. 1 and 11 outlined in DCP3-4 and DCP3-4 Amendment 9 map showing Remnant Vegetation Conservation area.*

- v. *A requirement that a flora investigation of the area identified in Diagram 2 be subject to a flora investigation as part of any Development Application for the area identified within this amendment.*
  - vi. *An included statement, that any land transferred to public ownership within the SEPP14 boundary will not be accepted as a contribution to satisfy public open space provision requirements associated with the development.*
2. Gives public notification of its decision in accordance with the Environmental Planning and Assessment Regulations 1994 specifying that the amended plan will come into effect at that date.

## Reports from Director Development Services

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### REPORT:

#### DRAFT AMENDMENT

The draft amendment outlines the changes to the structure planning of the subject land (Figure 1) incorporated into Development Control Plan No. 3 Banora Point West / Tweed Heads South. The key changes are that the land has been reclassified to "Res A" which restricts the residential densities to detached housing and duplex housing and redefines the lake system initially included in the plan to incorporate an appropriate control for an area recently gazetted as State Environmental Planning Policy No. 14 Wetlands.

The purpose of this amendment is to revise Tweed Development Control Plan No 3 to reflect the following detailed planning for the subject area:-

- Deletion of the proposed lake perimeter open space and designation of this area as Residential A.
- Change of designation of the land presently shown as Residential B to Residential A.
  - Designation of the land now covered by State Environmental Planning Policy 14 Wetlands as Public Open Space.
- Indication of controlled access from Fraser Drive.
  - Ensuring the Local Shopping precinct deleted from the lake perimeter is still preserved within the site but denoted in general location terms.

#### OBJECTIONS

There has been 1 objection received to the draft amendment from the Lakes Drive Bridge Action Group and Terranora Wetlands Protection Committee Inc. Their concern related to the flood and storm water runoff would drain directly into the State Environmental Planning Policy No. 14 protected wetlands located within the area. The principle concern related to sediment run off which would cause pollution concerns for the seagrass beds and mangroves where the outfall would be located.

On review of this objection the concerns associated with sediment run off into protected wetlands are valid. However it is considered that DCP 3 is not the correct planning instrument to address these issues. The nature of DCP 3 is to present a structure plan for future development within a specific locality beyond the controls offered through the Tweed Local Environmental Plan 2000.

In April 2000 Council adopted the Tweed Urban Stormwater and Management Plan that outlines management issues for stormwater within urban areas. Associated with the development of this report was a draft DCP to incorporate stormwater run off management issues into a planning policy. This policy will determine stormwater management issues at a development application stage and identify specific controls that developers will need to undertake to satisfy this policy.

However, considering the sensitive nature of the SEPP 14 Wetlands, buffering has been included and provisions associated with that buffering to assist in determining stormwater management controls.

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Due to the sensitive nature of the SEPP 14 Wetlands a specific clause has been included to ensure sediment and runoff management are adequately identified in the development application stage and the following addition has been added to ensure the quality of stormwater runoff.

A new paragraph is to be added appropriate for clause 11 Drainage –

*“Any development of land that directs stormwater runoff through the Stormwater Management Buffer into environmentally sensitive wetlands identified in State Environmental Planning Policy No. 14 must ensure that water quality controls will adequately reduce the sedimentary runoff and improve the urban water quality flowing into these sensitive wetlands. To achieve this landowners applying for development consent shall ensure sufficient water quality control techniques and consideration to native vegetation within the buffer are incorporated into an approved water quality control plan. This plan will need to identify the areas it applies to but they need not follow the Stormwater Management Buffer”.*

Concerns have been raised about existing native vegetation within the area identified as the Stormwater Management Buffer. This area is outside the SEPP14 Wetland boundary and therefore does not attract the restrictions the SEPP imposes.

It is understood that the existing native vegetation within this area may offer some beneficial effect to stormwater management. The provision of land identified in diagram 2 contains considerable contribution to the extent and quality of native vegetation within the wetland area. There also is a possibility that the area may contain threatened flora species. This will need to be further investigated at the development application stage.

The mechanism established in this amendment identifies that consideration needs to be given to native vegetation within the stormwater management buffer. This needs to be addressed in a water quality control plan presented to Council as part of any development application process. At that stage more site specified information will be available to make a proper assessment of stormwater management and the existing native vegetation.

### **PROPOSERS' MASTER PLAN**

The proponents have already prepared a draft Master Plan for the proposed subdivision of the area identified in this amendment. This has incorporated the open space, collector/distributor network and drainage networks. Consideration has been given to establishing these networks into the DCP. However, it is considered contrary to the objectives of DCP3. Also, this is at a draft planning stage and any agreed alterations to the Master Plan by Council and the proponents will require further amendments to the DCP.

### **CONCLUSION**

Alterations from the exhibited draft are warranted and include;

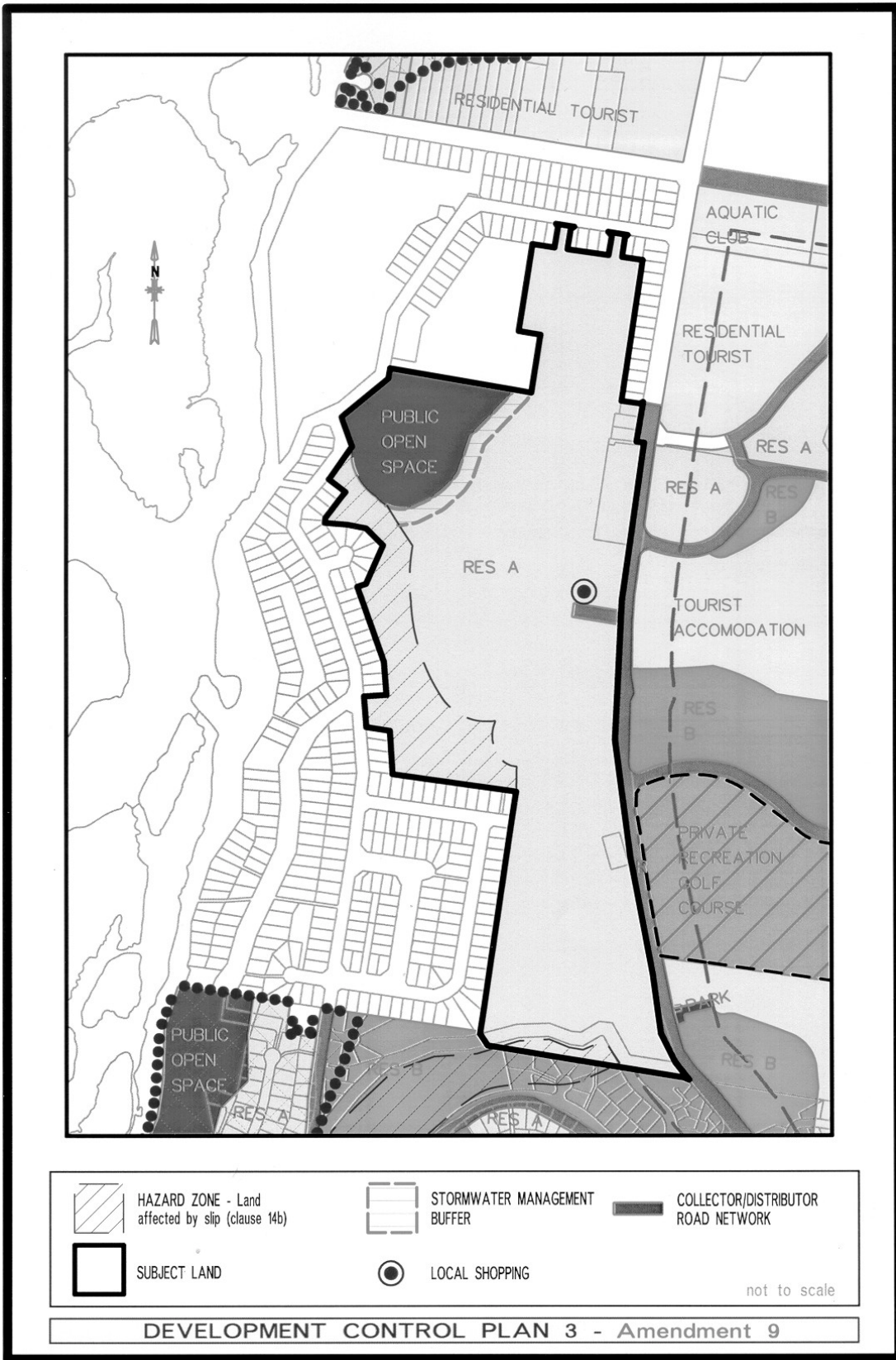
- The small portion of land to the north west of the site adjoining James Street initially identified as “Res A” has been changed to “Public Open Space” because the area identified represents very little developable land for residential purposes and would serve better as a buffer to the SEPP 14 Wetlands.
- Added objectives to address stormwater run-off into environmentally sensitive areas.

## Reports from Director Development Services

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- The location of the local shopping area has been moved to take better advantage of the collector/distributor road network.
- Inclusion of area defined in Diagram 2 be included as “Habitat Zone”

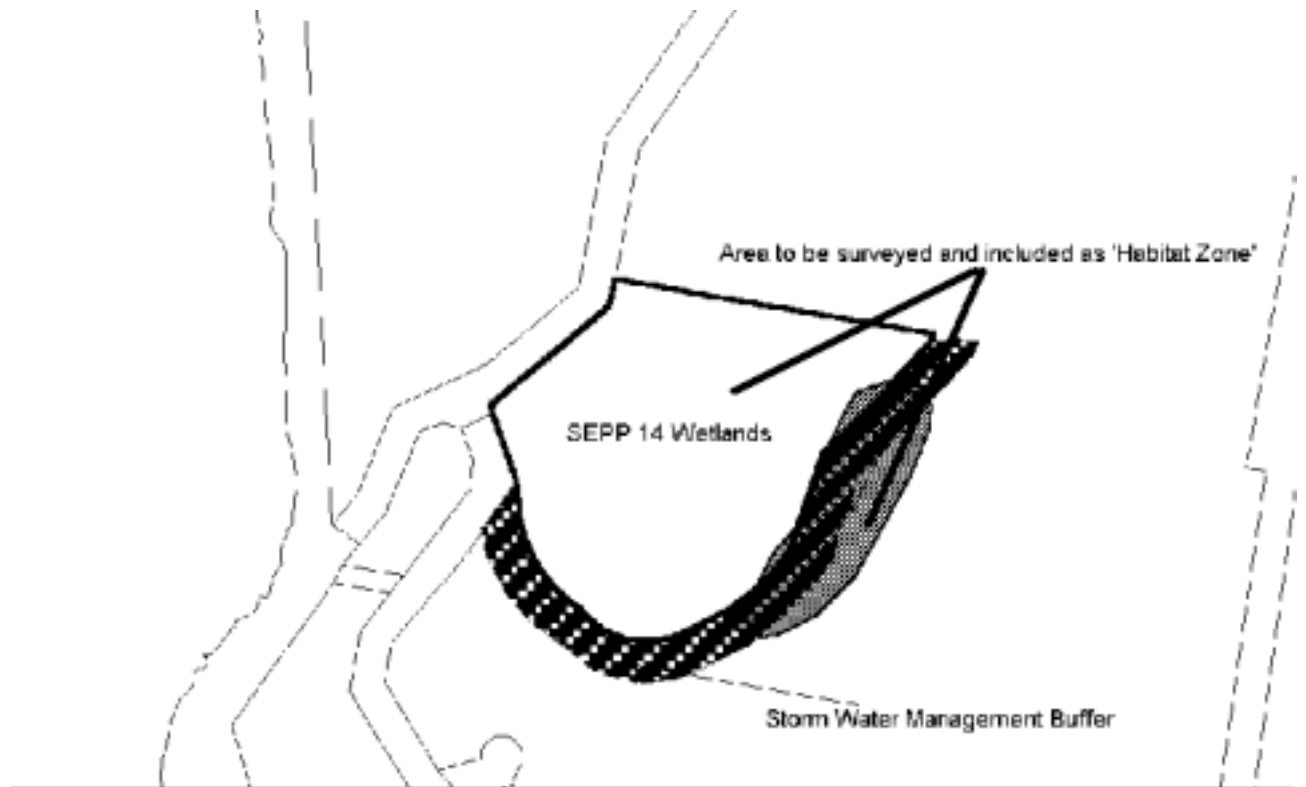
# Reports from Director Development Services





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FIGURE 2 – AREAS TO BE INCLUDED AS 'HABITAT ZONE'



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# Reports from Director Corporate Services

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**6. ORIGIN: Director**

**FILE REF: TEDC**

**REPORT TITLE:**

**Tweed Economic Development Corporation (TEDC) Monthly Performance Report - August 2000**

**SUMMARY OF REPORT:**

The Tweed Economic Development Corporation, Chief Executive Officer's quarterly performance report for August 2000 is detailed in the report. The Profit and Loss Statement, together with the Year to Date Budget comparison to 31 March 2000 is attached.

**RECOMMENDATION:**

That this report be received and noted.

## Reports from Director Corporate Services

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### REPORT:

In accordance with the terms of the agreement between Tweed Shire Council and Tweed Economic Development Corporation, following is the Chief Executive Officer's report on the activities of the Tweed Economic Development Corporation for the period August 2000.

### CHIEF EXECUTIVE OFFICER'S QUARTERLY PERFORMANCE REPORT:

#### 1. TOWN CENTRES PROGRAM UPDATE

It is now eight weeks since the TEDC assumed responsibility for the management and administration of the Town Centres Program. Ms Patti Jacobson was engaged as the Interim Program Manager and has now settled very comfortably into the role. Advertisements have attracted some 6 applications for the full-time position.

Ms Jacobson has worked out of the TEDC office since 1 July and the arrangement has worked to the satisfaction of all parties and the arrangement will continue with the appointment of a permanent Program Manager.

The financial situation has now been resolved. Weekly reports are being submitted. TEDC does not, and is not seen as, interfering with the direction of the Program. Through Patti's efforts the Kingscliff Marketing Co-op has now come under the banner of the Kingscliff Business Corp, and is already working on the Art, Food and All That Jazz festival for next year – though the festival will probably have a new name. The festival will be run by a committee of the Kingscliff Business Corporation/Marketing Co-op. An appropriate checklist has been drawn up to guide the planning of the event.

Ms Jacobson has also established excellent working relationships with the Tweed Heads and Murwillumbah Chambers of Commerce and the Uki group. Various funding applications have been attended to, as have various other matters including outstanding partnership.

#### 2. INDUSTRIAL LAND UPDATE

a) Coolangatta Airport Study by Spiller Gibbins Swan. On Monday 28 August, a meeting was held with Patrick Fensham of Spiller Gibbins Swan to discuss the draft report and also the final stage of the report concerning the Financial and Economic Analysis. The study has proceeded on schedule and all indications to date indicate a very worthwhile report. The report will be finalised by mid-September.

b) The situation at Murwillumbah has seen a re-zoning application submitted to Tweed Shire Council (TSC) by Jim and Les Dickinson and this application has been given priority by the Industrial Land Task Force.

#### 3. RURAL PLAN FUNDING FOR THE TWEED AGRICULTURAL LAND VIABILITY AND SUSTAINABILITY STUDY

TEDC was not successful in the initial round of funding, but discussions have taken place with Federal Member for Richmond, Larry Anthony, and government authorities and we are hopeful of a successful outcome.

## Reports from Director Corporate Services

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### 4. AMALGAMATION

TEDC advised Tweed Shire Council that, from TEDC's point of view, it would be inappropriate at this time to pursue amalgamation, due to some reported negativity towards the amalgamation of TEDC and TACTIC.

TEDC had established contact with Professor Chris Cooper of the University of Queensland and Foundation Chair of Tourism Research for Queensland. Prof. Cooper had been approached to consider becoming involved in the future direction of tourism in the Tweed, however, since the changes at TACTIC due to resignations, Prof. Cooper has been advised that at this stage, TEDC is no longer involved in the amalgamation process. Prof. Cooper is still keen to meet with TEDC.

### 5. KINGFISHER BOATS

John Vella, with whom TEDC has been working to establish a substantial boat manufacturing enterprise at Chinderah, has now advised that he has purchased 10 acres of land and Yatala in Queensland as he could no longer delay his expansion.

### 6. TWEED RIVER LINK PROJECT

On 9 August I attended a Workshop with Council on this Project and met with a positive response. Funding applications for the project are being developed for a number of government agencies including the Regional Tourism Program, ACC, Regional Solutions and Department of State and Regional Development.

### 7. MEETINGS AND CONFERENCES

TEDC attended a meeting at Tweed Shire Council with Mayor Beck, Council staff and the proponents of a proposed development for Dodds Island.

TEDC continues to meet with Ian Carpenter and the Tweed Shire Council Strategic Working Group.

I attended a TACTIC Network Night on 11 July at Hastings Point. On 17 July I attended a presentation/discussion with Tweed Shire Council staff, Councillors and TACTIC members on tourism/TACTIC with Mr Kerry Watson, tourism consultant, as guest.

I have attended a number of meetings throughout the period since my last report (*see list below*) which have furnished a number of useful contacts and should result in some new projects both for the TEDC and the Town Centres Program. For example, the newly formed Alliance for a Sustainable Future – Gold Coast/Tweed will meet regularly to discuss issues relevant to the future of both the Tweed and Gold Coast areas, and the Vintage Road Race to be hosted in Murwillumbah next year provides an opportunity to involve the Town Centres Program in event coordination.

I also met a number of times with Tweed Shire Council staff in regard to Chinderah Bay Marina, Tweed River Link, Tweed Heads CBD and other projects.

#### List of Meetings Attended

11 July TACTIC Network Night

## Reports from Director Corporate Services

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- 14 July CEDA conference (½ day)
- 14 July Launch of international terminal at Coolangatta Airport by John Anderson, Deputy PM
- 17 July Tourism/TACTIC discussion of tourism
- 18 July Tweed Heads Chamber of Commerce AGM
- 25 July to 27 July Sponsorship Conference in Sydney – very worthwhile.
- 28 July Daily News launch
- 1 August Meeting with Cr Barbara Carroll and other parties interested in establishing a business incubator in the Tweed Shire.
- 2 August Workshop, hosted by UDIA (Peter Sippel, Heilbronn Group) which resulted in the formation of the Alliance for a Sustainable Future – Gold Coast/Tweed representing various development agencies in South East Queensland and Northern New South Wales
- 3 August Meeting with Roger Eland re: Vintage Road Race in Murwillumbah next year
- 3 August Celebration of the street beautification in Murwillumbah
- 7 August Meeting in Lismore of the Northern Rivers Task Force, Chair Jim Gallagher, re promoting regional products and services
- 9 August Workshop with Council on Tweed River Link Project
- 10 August Bill Bourke, Pacific Pier and Pontoon, Tweed River Link Project
- 15 August Kingscliff TAFE
- 15 August Guest Speaker at Kingscliff Rotary Club
- 16 August Visit to Versace marina with Bill Bourke and John Foster (Tweed River Link)
- 18 August Abigroup
- 18 August Investor and Council staff
- 21 August Several local business people about various projects
- 21 August Patrick Harford and Broad Construction
- 21 August Council meeting
- 22 August State Cabinet civic reception
- 22 August Board of Vocational Education and Training, dinner
- 23 August Board of Vocational Education and Training
- 23 August Proponent of a project for the Norco site in Murwillumbah
- 23 August Ron Ford for budget discussions
- 24 August Council staff and investor
- 28 August Spiller Gibbins Swan – Coolangatta Airport Enterprise Park Feasibility Study
- 29 August Tweed Tourism Gateway project – Regional Tourism Organisation, National Parks & Wildlife Service, John Griffin, TACTIC, etc.
- 29 August Tweed River Link Advisory Group
- 29 August Industrial Land Task Force
- 30 August Alliance for a Sustainable Future – Gold Coast/Tweed
- 30 August Abigroup
- 31 August Daily News

## Reports from Director Corporate Services

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**7. ORIGIN:** Administration Services Unit

**FILE REF:** Pecuniary Interest

**REPORT TITLE:**

**Pecuniary Interest Ordinary Returns and Register**

**SUMMARY OF REPORT:**

Sections 449 and 450A of the Local Government Act requires the General Manager to obtain returns disclosing interest of Councillors and designated persons and to table these returns at the first meeting held after the last date for lodgement (being 30 September 2000). Ordinary returns completed under this section relate to the period 1 July 1999 to 30 June 2000.

**RECOMMENDATION:**

That this report be received and noted.

## Reports from Director Corporate Services

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### REPORT:

Section 449 of the Local Government Act deals with the General Manager's responsibilities for the keeping of a Register of Returns containing the completed and lodged returns of Councillors and designated persons. These returns are to be made available for inspection by members of the public.

Section 450(a)(2) requires the General Manager to table the returns at the first meeting of Council held after the last day for lodgement of the returns, the date being 30 September 2000.

The returns relate to the period 1 July 1999 to 30 June 2000.

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## Reports from Director Corporate Services

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**8. ORIGIN:** Director

**FILE REF:** Councillors-Conferences

**REPORT TITLE:**

**National General Assembly of Local Government 2000**

**SUMMARY OF REPORT:**

Advice has been received from the Australian Local Government Association advising that the 2000 National General Assembly of Local Government will be held in Canberra from 3-6 December 2000.

**RECOMMENDATION:**

That Councillors interested in registering:

1. Be authorised to attend the National General Assembly from 3-6 December 2000.
2. Contact Mr Brian Donaghy, Manager Administration Services.

## Reports from Director Corporate Services

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### REPORT:

Advice has been received from the Australian Local Government Association advising that the 2000 National General Assembly of Local Government will be held in Canberra from 3-6 December 2000.

As in previous years, the venue for the Assembly will be the National Convention Centre.

The Assembly runs for three days and the 'earlybird' registration cost prior to 20 October is \$660.00, after 20 October the cost will be \$710 per delegate, with additional costs for air travel to and from Canberra as well as accommodation.

### PRELIMINARY PROGRAM

#### Sunday, 3 December

- 9.00am Registration
- 9.30am Regional Co-operation and Development Forum
- 6.00pm Opening Reception/Local Government Expo

#### Monday, 4 December

- 8.00am Registration opens
- 9.00am Opening Session
  - Indigenous welcome
  - Anthem
  - President's address
- 10.00am Keynote address – The Honourable John Howard, MP, Prime Minister
- 10.30am Morning tea
- 11.00am General Assembly in Plenary Session (Resolutions)
- 12.30pm Lunch
- 1.30pm Technology of Sustainable Communities
  - Ericsson Australia
  - Mr David Reid, Industry Canada
  - Telstra
- 3.00pm Afternoon Tea
- 3.30pm General Assembly Forums (Regions)
  - Remote Areas

## Reports from Director Corporate Services

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Regional & Rural Areas

Outer Urban Areas

Urban Areas

Island Councils

5.00pm Close

5.30pm Elected Representatives Reception, Parliament House, Mural Hall

Evening Social Function "Street Party"

### Tuesday, 5 December

9.00am Local Government National Innovation Awards

Senator the Hon. Ian MacDonald, Minister for Regional Services, Territories and Local Government.

10.00am Social Capital for the 21<sup>st</sup> Century

The Hon. Mark Latham MP, ALP

The Hon. Ross Cameron MP, Liberal

11.00am Morning Tea

11.30am National Policy Agenda

Senator the Hon. Meg Lees

Federal Leader of the Australian Democrats

12.00pm General Assembly in Plenary Session (Resolutions)

12.30pm Lunch

1.30pm General Assembly Forums (Issues)

NRM: Salt of the Earth

Alcohol & Drugs in the Community

Risk Management: Floods, Fire and Famine

Competition Policy & You: Making the Most of it

Financing Infrastructure

IT for Regional Communities

Mobile Phone Base Station Deployment Draft Code

3.00pm Afternoon Tea

## Reports from Director Corporate Services

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- 3.30pm Roads Funding  
Moree Roads Conference  
Chairman: Mr Ted Butcher  
Better Roads Action Alliance, Debate
- 5.00pm Close
- Evening Assembly Dinner – Parliament House

### Wednesday, 6 December

- 9.00am National Policy Agenda  
The Hon. Kim Beazley, MP, Federal Leader of the Australian Democrats
- 9.30am Outcomes of the Local Leaders in Sustainability Forum  
Senator The Hon. Robert Hill, Minister for the Environment & Heritage
- 10.00am Morning Tea
- 10.30am General Assembly in Plenary Session (Resolutions)
- 12.00pm National Heart Foundation – Presentation of Kellogg Local Government Awards
- 12.20pm Moving Forwards to Election 2001: The Local Government Campaign
- 12.45pm Closing Ceremony
- 1.00pm Lunch
- 2.00pm Annual General Meeting
-

# Reports from Director Engineering Services

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**9. ORIGIN: Planning & Design Unit**

**FILE REF: R3340 Pt4**

**REPORT TITLE:**

**Possible Loss of Parking Space as a Result of Request for On-Street Dining – Marine Parade, Kingscliff**

**SUMMARY OF REPORT:**

Main Street improvement programmes over recent years have in a number of locations included the elimination of existing on-street parking spaces in favour of footpath widening to create *al-fresco* dining areas. This practice continues.

Requests have been received from the Kathmandu Kitchen Restaurant and the Zanzibar Cafe in Marine Parade, Kingscliff for the provision of covered on-street dining areas which consume two on-street parking spaces. These spaces are valued in Section 94 Plan No. 23 \$11,500 each.

The concept of the Kathmandu proposal is similar to that existing at the Choux Box Cafe. The Zanzibar request is less specific. As a result, two car parking spaces will be lost. Objections from adjoining premises have been received. Replacement Car parking spaces cannot be devised in the immediate area to compensate for the loss.

**RECOMMENDATION:**

That:-

1. Council refuses the request for the removal of two on-street car park spaces to permit *al fresco* dining for the Kathmandu Kitchen Restaurant and Zanzibar Café in Marine Parade Kingscliff but further explores with the applicants, options for the temporary exclusion of the two on-street car park spaces outside of normal business hours only; and
2. As from 1<sup>st</sup> January 2001, no further on-street car parking spaces be removed from the CBD areas of shire villages for the purposes of creating *al fresco* footpath dining without replacement nearby, or purchase of those car park spaces at the scheduled rate in Section 94 Plan No. 23.

## Reports from Director Engineering Services

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### REPORT:

Main Street improvement programmes over recent years have in a number of locations included the elimination of existing on-street parking spaces in favour of footpath widening to create *al-fresco* dining areas. This practice continues.

Requests have been received from the Kathmandu Kitchen Restaurant and the Zanzibar Café at Marine Parade, Kingscliff for the provision of covered on-street dining areas which consume two on-street parking spaces.

The concept of the Kathmandu proposal is similar to that existing at the Choux Box Café and other existing restaurants on Marine Parade. This proposal was endorsed in principle by the Kingscliff Business Corporation. The Zanzibar proposal is less specific. Car parking spaces lost in the footpath widening cannot be recovered elsewhere to compensate.

The policy and equity issues that arise here are:-

- Many restaurants have previously enjoyed the benefit of footpath widening for outdoor dining which reduced the available parking supply. It would be discriminatory to exclude others.
- Some parts of the street are less well supplied with public parking spaces than others and a small numerical loss may be quite a high proportion of the available handy parking.
- Many restaurants have leased outdoor areas which consume commercially valuable car parking yet do not open during normal business hours, leaving the leased area vacant.
- The popularity of the *al fresco* dining experience and the increased demand for restaurants will, if unchecked, continue to cause pressure for elimination of further public car parking in CBD areas. This eventually impacts on other businesses.
- Council's S.94 Plan No. 23 requires contributions by new businesses of the order of \$10,000 per on-street car park, yet the current practice is to allow their arbitrary removal for retail purposes at little or no cost to the applicant. This is inconsistent.
- Council does not normally refuse any request involving CBD parking loss that has the endorsement of the relevant Chamber of Commerce. However the Chamber is accountable only to its members (sometimes just a small proportion of the business community) and not to the public at large, to whom the asset actually belongs.
- Council's acquiescence to loss of parking spaces does not automatically confer any consent to outdoor dining on the land. Normal development consent and leased occupancy for the use must still be obtained.

Council's Manager Planning and Design and the Technical Officer (Traffic) met the proprietors of the Kathmandu Kitchen Restaurant on 22 September 2000. Because of the policy and equity conflicts raised, several options were discussed at the meeting:-

- Continue the current practice of seating under the partial awning.

## Reports from Director Engineering Services

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- Extend the existing awning to cover and utilise only the existing footpath area, with drop sides for weather protection (agreed as impractical due to a frontage setback which would force the standard 2m pedestrian corridor to the kerbside, and screen adjacent premises from passing trade)
- Convert the on-street parking bays to a dining area by means of ramps, removable bollards and planter boxes for dining occupation after 5:30pm (rejected by the owners).
- Convert two existing car parks to a permanent outdoor dining area.

Objections were received from the adjoining businesses against permanent loss of any car parking space. The adjoining businesses are favouring Council's proposal to allow night time only use of on-street parking areas. As far as can be determined, none of these businesses has contributed to on-street parking or provided its own off-street parking for customers. They do, however, pay the local rate for Town Centre improvements. Whether the objectors are active Business Corporation members is not known.

Due to absence of a clear policy and the objections received, the matter of allowing loss of parking has been referred to Council for its determination. However a recommendation is made to terminate the practice of deleting valuable car parking spaces from CBD areas for entrepreneurial purposes unless some physical replacement or financial compensation is offered, as from the beginning of 2001.

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## Reports from Director Engineering Services

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## Reports from Director Engineering Services

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**10. ORIGIN: Water Unit**

**FILE REF: Stormwater Trust Grants/Water Pollution**

**REPORT TITLE:**

**Stormwater Trust Grant - Combined Industrial Audit Project with Ballina, Byron & Tweed Shire Councils**

**SUMMARY OF REPORT:**

Byron Shire Council has been offered a NSW Stormwater Trust Grant of \$287,500 for a combined project with Ballina and Tweed Shire Councils. This grant enables the employment of two project officers for a period of 18 months to undertake a stormwater audit and education program within industrial areas of the three Councils.

A Memorandum of Understanding was drafted to outline the commitment of the three Councils to working together on this project. A copy of the MoU is included in this report.

This project was identified as a high priority action in the Tweed Urban Stormwater Quality Management Plan adopted by Council in April 2000. The adoption of this Plan and the implementation strategy assisted Council in receiving this and other Grant funds.

**RECOMMENDATION:**

That:-

1. Council adopts the Memorandum of Understanding between Ballina, Byron and Tweed Shire Councils for implementation of the Far North Coast Combined Councils: Industrial Areas Stormwater Auditing And Education Project.
2. All necessary documentation be completed under the Common Seal of Council.

## Reports from Director Engineering Services

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### REPORT:

Byron Shire Council has been offered a NSW Stormwater Trust Grant of \$287,500 for a combined project with Ballina and Tweed Shire Councils. This grant enables the employment of two project officers for a period of 18 months to undertake a stormwater audit and education program within industrial areas of the three Councils.

This project was identified as a high priority action in the Tweed Urban Stormwater Quality Management Plan adopted by Council in April 2000. The adoption of this Plan and the implementation strategy assisted Council in receiving this and other Grant funds.

The three Councils of Tweed Shire, Byron Shire and Ballina Shire jointly identified stormwater pollution issues of relevance to all Councils in this coastal region at a workshop with the Environment Protection Authority. A major source of stormwater pollution common to all Shires was polluted runoff from industrial areas.

All industrial areas from the coastal Council group discharge stormwater into estuarine environments, nature reserves, wetlands, and into areas with high conservation values.

Stormwater borne pollutants in these areas typically impact upon habitat values, flora, fauna, estuarine and freshwater habitats, woody growth, aquatic plants, macrophytes, seagrass beds, saltmarsh, mangroves, terrestrial fauna, reptiles, birds and mammals.

The proposed project targets the potential point sources of stormwater pollutants within industrial areas. These sources could be the result of inappropriate storage and disposal of waste and poor work and management practices. The project will:

- Collate data on the location and extent of waste substances, methods of storage, use and disposal; and
- Provide education and advice on improved management procedures.
- Minimise emissions and discharges of residual wastes and their associated environmental costs.
- Provide training to Council Environmental Health Staff at three Councils on Waste Auditing.
- Establish a database categorising industries by waste type and stormwater audit results.
- Develop a Certification Scheme to acknowledge industries practising best management practices.

The project methodology is to employ a Stormwater Education Coordinator and a Stormwater Project Officer for 18 months to carry out stormwater audits of individual businesses within the industrial areas of the three Shires. An education campaign will be run, specifically targeting the management practises identified in the initial audit. A subsequent audit will identify improved practises and a Certification Scheme will be introduced for conforming industry. This project will be an effective tool to minimise the generation of stormwater pollutants from individual sites within the industrial areas.

# Reports from Director Engineering Services

## MEMORANDUM OF UNDERSTANDING STAGE 3 NSW STORMWATER TRUST GRANTS

### ST/A3071 FAR NORTH COAST COMBINED COUNCILS: INDUSTRIAL AREAS STORMWATER AUDITING AND EDUCATION PROJECT

#### Background

Ballina, Byron and Tweed Shire Councils were successful in receiving a NSW Stormwater Trust Grant. The purpose of this Grant is to enable Ballina, Byron and Tweed Shire Councils to reduce stormwater pollution from their respective industrial areas through a targeted education and auditing campaign. This will be done through the temporary employment of a Stormwater Education Coordinator and a Stormwater Project Officer. The grant received will cover recruitment, salaries, on costs and travelling expenses of both these officers for a period of 18 months. The Councils are to contribute desk space and computer access, administrative support, financial and administrative management of the grant and project supervision as detailed below.

#### Memorandum of Understanding

- Ballina, Byron and Tweed Shire Councils are committed to providing support for the Stage 3 NSW Stormwater Trust Grant ST/A3071 *"FAR NORTH COAST COMBINED COUNCILS: INDUSTRIAL AREAS STORMWATER AUDITING AND EDUCATION PROJECT"*.
- Ballina, Byron and Tweed Shire Councils are committed to implementing their Stormwater Management Plans and view the Stage 3 Stormwater Trust Grants as an opportunity to initiate that implementation.
- Ballina, Byron and Tweed Shire Councils view education as a powerful tool that when integrated with other management tools, both non-structural and structural, can succeed in reaching Stormwater Management Plan objectives.
- Ballina, Byron and Tweed Shire Councils are committed to the development of stormwater management tools which are self-sustaining and will continue long after the funding has been used.
- Ballina, Byron and Tweed Shire Councils are committed to implementing stormwater management tools/projects after the grant money has been used.
- Ballina, Byron and Tweed Shire Councils are committed to providing at least one project officer and one alternate each to the reference group. These officers are:

Ballina: Tim Fitzroy  
alternate: Graham Plumb

# Reports from Director Engineering Services

Byron: Dirk Wymer  
alternate: TBA

Tweed: Jane Lofthouse, Doreen Eaton alternate:  
Mark Tunks

- Ballina, Byron and Tweed Shire Councils are committed to making the reference group available to participate in the community consultation of target audiences in order to develop/enhance consultation skills to be utilised both during and after the project.
- Ballina, Byron and Tweed Shire Councils are committed to regular briefing of key opinion leaders in the Council area (i.e. General Manager, M.P.s, State agencies, North Coast Catchment Management Board, media) on the project. This will involve identification of key opinion leaders and providing support for the two project officers to carry out the briefings.
- Ballina, Byron and Tweed Shire Councils are committed to providing appropriate training opportunities for the project officers implementing the Stormwater Trust Grant project (i.e. trade waste issues, WorkCover training).
- Ballina, Byron and Tweed Shire Councils have identified their “in kind” contribution to the project. These are listed below:

**Ballina Shire Council:** Administrative support, part-time desk space for Stormwater Project Officer, training and officer support.

**Byron Shire Council:** Administrative support, employment of the two officers, financial management of grant, provision of desk space and computer for Stormwater Education Coordinator position for 18 months, part-time desk space for Stormwater Project Officer, training and officer support.

**Tweed Shire Council:** Administrative support, provision of laptop computer for Stormwater Project Officer position for 18 months, part-time desk space for Stormwater Project Officer, training and officer support.

Signed:

\_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
General  
Ballina Shire Council

Manager

# Reports from Director Engineering Services

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\_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
General  
Byron Shire Council

Manager

\_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
General  
Tweed Shire Council

Manager

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## Reports from Director Engineering Services

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# Reports from Director Environment & Community Services

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**11. ORIGIN:** Recreation Services Unit

**FILE REF:** Parks-Naming

**REPORT TITLE:**

**Naming of Park, North Kingscliff**

**SUMMARY OF REPORT:**

At its meeting held 2 August 2000 Council resolved:-

*"... Council considers naming the small cleared area north of Kingscliff North Caravan Park "Casperson Park".*

At the close of comment, Council received two submissions; one submission supported the proposal, the other submission came from North Kingscliff Dune Care, the original proponents, requesting the name be reconsidered to "Casperson/Cooper Park".

**RECOMMENDATION:**

That Council determines the options for naming the area north of Kingscliff North Caravan Park.

## Reports from Director Environment & Community Services

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### REPORT:

At its meeting held 2 August 2000, Council resolved:-

*“.... that Council considers naming the small cleared area north of Kingscliff North Caravan Park “Casperson Park”.*

Consequently, as per Council’s naming policy, calls for comment on the proposed naming was advertised.

At the close of comments, Council received two submissions. One submission from Ann Wood was in support of the proposal. The other submission, from North Kingscliff Dune Care, suggested the park should be named “Casperson/Cooper Park” to recognise Ron Cooper who initiated the Kingscliff Dune Care movement and put in many hours of volunteer work.

### Comment:

The original request to name this area “Casperson Park” came from North Kingscliff Dune Care via the Dune Care Advisory Committee. Consequently, this amended request was tabled at the Dune Care Advisory Committee meeting held 14 September 2000. The Committee resolved to recommend that Council reconsider the naming of this park “Casperson/Cooper Park”.

As Council has called for comments regarding naming the park “Casperson Park”, Council’s options are:-

1. Name the cleared area north of Kingscliff North Caravan Park “Casperson Park” and erect appropriate signage.
  2. Notify of Council’s intention to name the cleared area north of Kingscliff Caravan Park “Casperson/Cooper Park”.
-



## Reports from Director Environment & Community Services

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

**FILE REF:** 3770.10 Knox Park

**REPORT TITLE:**

**Preliminary Proposal for Possible Murwillumbah Community Building**

**SUMMARY OF REPORT:**

Council, at its meeting of 2 August considered a report concerning the future use of No 1 Nullum Street. At that time it resolved to lease Nullum Street to the Tweed Training & Enterprise Co (TTEC) and for further investigation to be undertaken to ascertain how and where a purpose-built community centre may be financed.

This report provides options.

**RECOMMENDATION:**

That Council undertakes the necessary planning process for the provision of a purpose-built Community Centre in Knox Park, such to be funded by the future sale of No 1 Nullum Street and No 2 Mayal Street, Murwillumbah.

## Reports from Director Environment & Community Services

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### REPORT:

Council at its meeting on 2 August considered a report concerning future use options for No 1 Nullum Street, Murwillumbah. At that time it resolved to enter into an agreement with Tweed Training and Enterprise Co (TTEC) up to March 2003 and also that further investigation be undertaken to ascertain how and where a purpose-built community centre may be financed. This report will focus on the latter part of the resolution.

To date, several discussions have been held with the Tweed Shire Family Day Care who currently use Council premises in Boyd Street, Tweed Heads and Mayal Street, Murwillumbah, and Tweed Shire Early Intervention Group who were seeking more “*user friendly*” premises in Murwillumbah that the premises associated with the Murwillumbah Hospital.

Tweed Shire Family Day Care has indicated that while the premises in Mayal Street is satisfactory it does have the disadvantage of not providing equitable access due to site slope and building design. As well the premises has been designed and built as a dwelling and thus to try to change same would be costly and not result in an ideal situation.

At the time of these discussions Council was advised that a property in Brisbane Street, Murwillumbah was to be placed on the market. The property is on a large level block of 866m<sup>2</sup>, is slab on ground and was a former rugby league team club premises. The existing building is not suitable for residential use as it is below the required flood level and to achieve the required residential level considerable building work would be involved.

The premises is still on the market and has been inspected by Tweed Shire Family Day Care and Tweed Early Intervention who both advised that the site was ideal and the building had enormous potential and would be able to be shared to suit their and other community organisations’ needs

Another option discussed with both the above organisations was the possible addition to the existing Murwillumbah Community Centre in Knox Park to provide a purpose built centre capable of providing facilities that, like the premises in Brisbane Street, could be shared by a number of community groups.

While both sites have the drawback of being flood prone, both are reasonably central and level blocks, attributes that do not exist on many available properties in Murwillumbah.

Knox Park site would require the relocation of the existing gardeners work/storage /amenity shed and would result in some small loss of open space to the public and require some design, approval, construction time. The Brisbane Street site has an existing building requiring some alteration, that is already fenced and would not require any use of public open space.

Finance options include the normal option of use of rate or loan funds but could also see the possible centre being funded from the sale of the property in Mayal Street in the short term with additional funding through the sale of the property in Nullum Street upon the expiry of the TTEC lease.

From the above the following options appear:-

## Reports from Director Environment & Community Services

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1. Negotiate the possible purchase of the property in Brisbane Street and carry out the necessary alterations to allow its use by Tweed Shire Family Day Care and other interested community organisations through the sale of the premises in Mayal Street.
2. Commence a planning process for the provision of a community site in Knox Park by either adjoining or adding to the existing community centre. Such to occur over the next couple of years and to be funded by the sale of both Mayal and Nullum Street properties at an appropriate time.
3. Take no further action in the matter.

While option 1 has some advantage in the short term, the lease of No 1 Nullum Street appears to have satisfied Tweed Early Intervention and other groups for the present and therefore Option 2 would appear as more suitable for the longer term and therefore is recommended.

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**Dr John Griffin**  
**GENERAL MANAGER**

## Reports from Director Environment & Community Services

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# Reports from Sub-Committees

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**1. Minutes of the Communication Committee Meeting held Wednesday, 13 September 2000**

**File No: GA4/1/25 116**

**VENUE:**

Oxley Meeting Room

**TIME:**

2.15pm

**PRESENT:**

Crs Carroll, Davidson, Luff, Ms Jude Robb, General Manager (Dr J Griffin), Director Corporate Services (I Carpenter) and Civic Liaison Officer (M Smith)

**APOLOGIES:**

Cr Marshall, Ray Carlile

**MINUTES OF PREVIOUS MEETING:**

**Moved: Cr G Davidson**

**Seconded: I Carpenter**

**RESOLVED** that the Communication Committee meeting held Wednesday 9 August 2000 be accepted as a true and accurate record of the proceedings of that meeting.

**Voting - unanimous**

**BUSINESS ARISING:**

**1. Ill-health of Communication Committee Member**

**Communication Committee**

**Moved: Cr Davidson**

**Seconded: Cr Luff**

**Voting - unanimous**

**RECOMMENDATION:**

That the term of the community representatives be two (2) years.

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## Reports from Sub-Committees

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### 2. Wording on Public Signage

Mr Carpenter reported that disabled signage at the Kingscliff Library had been updated.

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#### AGENDA ITEMS:

### 1. Print Spot Quotation

**Moved: Cr Davidson**

**Seconded: Cr Luff**

**RESOLVED** that the 6 September submission made to the Mayor by the Print Spot be received and noted.

**Voting - unanimous**

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### 2. Annual Community Interface

The General Manager, Dr John Griffin, reported on annual community interface and a whole range of community consultation efforts which he considered were working well.

The committee decided to work on a recommendation to Council regarding community interface for the next meeting.

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### 3. Wording of the Friendship Force Proclamation

The Civic Liaison Officer asked to check that the Friendship Force had no objection to the wording of the proclamation being changed.

All submissions received are to be sent with the agenda for the next communications meeting.

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#### NEXT MEETING:

The next meeting of the Communications Committee will be held on Wednesday, 11 October 2000 at 2.30pm.

There being no further business the meeting closed at 3.50 pm

*Director's Comments: Nil*

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## Reports from Sub-Committees

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### RECOMMENDATION:

That the term of the community representatives be two (2) years.

*Director's Comments: Recommend support for Council adoption of Item 1*

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## Reports from Sub-Committees

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### 2. Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 14 September 2000

**Dune care**

**VENUE:**

Pottsville Environment Centre

**TIME:**

5.00pm

**PRESENT:**

**Committee Members:** Cr Max Boyd, Cr Henry James, Jeannette Davison (Cabarita), Len Greer (Pottsville Dune Care), John Gillieatt (Fingal), Gary Thorpe (Hastings Point), Ian Anderson (Kingscliff North), Frank McLeod (Department of Land & Water Conservation), Peter Langley (Kingscliff High Enviro Club), Mr Stewart Brawley, and Mr Rodney Keever.

**Informal:** Craig Venner, Lara Maciuk, Gisela Mayr, Valerie Millington and Blyth Short (Recorder)

**APOLOGIES:**

Kate McKenzie

**MINUTES OF PREVIOUS MEETING:**

Correction to the minutes: Mr John Gillieatt was present at the meeting 13 July 2000.

**Moved:** Len Greer

**Seconded:** John Gillieatt

**RESOLVED** that the Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 13 July 2000 be accepted as a true and accurate record of the proceedings of that meeting.

**BUSINESS ARISING:**

### 3. Koala Wanderers

Maps were presented to the committee for viewing.

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**CORRESPONDENCE:**

#### 1. Naming of Park

#### Naming Reserves

Correspondence received from Ann Wood supporting the naming of the small cleared area north of Kingscliff North Caravan Park, Casperson Park. Mr Tom Kelly wrote and suggested to include Mr Ron Cooper in the recognition of works done in this area also.

**Moved:** Peter Langley

**Seconded:** Len Greer



## Reports from Sub-Committees

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### RECOMMENDATION:

That Council names the small cleared area north of Kingscliff North Caravan Park 'Casperson/Cooper Park'.

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#### 2. Ambrose Brown Park, Pottsville

Don Page requests on behalf of local residents that the area around the base of the native trees between the picnic area (opposite the oval) and the creek at Pottsville be cleared of weeds.

Rodney Keever reported that this area directly behind the toilet block was cleared away from the building with a great deal of difficulty due to the high number of syringes and broken glass.

Len Greer advised that more work could possibly be done in this area if resources and workers are available in the future.

**Moved: Henry James**

**Seconded: Len Greer**

**RESOLVED** that Stewart Brawley replies advising that the Committee are aware of these weeds and that some work has already been done in this area. Future works could be undertaken if resources and workers are available.

**Moved: Henry James**

**Seconded: Len Greer**

**RESOLVED** that the Committee writes to Don Page requesting financial assistance for the Pottsville Dune Care to complete these works in Ambrose Brown Park.

**Motion Carried.**

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#### 3. Twin Towns Dune Care (TTDC)

David Burdon advised the committee of his resignation as President of the TTDC and that Mick Stewart would remain as contact for TTDC.

**Moved: Max Boyd**

**Seconded: Peter Langley**

**RESOLVED** that Dune Care replies thanking David Burdon for his efforts over the years.

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## Reports from Sub-Committees

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### GENERAL BUSINESS:

#### 4. Vandalism of Vegetation

#### Dune Care

Rodney Keevers reported recent vandalism of vegetation south of the North Kingscliff Caravan Park, Marine Parade Kingscliff. Photographs of the trees cut down were shown to the committee. The committee viewed newspaper articles of how other Councils have dealt with this type of premeditated vandalism. This included large signs that fill the void left by the killed trees and worded to shame the offenders.

The committee spent  $\frac{3}{4}$  hour discussing this issue, expressing great concern at this type of wilful damage.

**Moved:** Henry James

**Seconded:** Len Greer

### RECOMMENDATION:

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

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#### 5. Fingal Head Nursery

Len Greer felt that some clarification of the role of the Fingal nursery to the Dune care groups was required. This nursery was set up and progressed with support and resources from all dune care groups to service all dune care groups.

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#### 6. Co-axial Cable

Len Greer raised the issue of the proposed route for a co-axial cable through dunal areas. Stewart Brawley to make enquiries.

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#### 7. Bush Fires, Hastings Point

#### Dune Care

Henry James raised the issue of bush fires on 12 September at North Pottsville. A map of the burnt areas was presented to the committee. The area of concern for the committee is the SEPP 26 Littoral Rainforest Area at Hastings Point. Several years work and expense had been invested in regenerating this area

There appears no justification for back burning in this area as it would have no effect on the fire at Pottsville some distance away. Several people on site at the time of the burning emphasised this point.

## Reports from Sub-Committees

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**Moved: Henry James**

**Second: Gary Thorpe**

**RECOMMENDATION:**

That Council:-

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

**Moved: Gary Thorpe**

**Seconded: Henry James**

**RESOLVED** that a copy of this resolution be forwarded to the Department of Land and Water Conservation and to the Department of Urban Affairs and Planning, requesting they advise Council of their position regarding this incident.

**Moved: Max Boyd**

**Second: Gary Thorpe**

**RECOMMENDATION:**

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

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### **8. Pandanus**

John Gillieatt advised of pandanus palms dying on Fingal Headland. He thinks that leaf-hopper insects are causing this problem. Rodney Keevers reported that he has investigated these trees with Clive Easton (Entomologist) and there is no evidence that these insects are the cause of this damage.

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### **9. Hastings Point Dune Care**

Gary Thorpe introduced Valery Millington, from the Northern Star Caravan Park to the committee. Valerie advised that the North Hastings Point Dune Care group would be producing a Dune Care News letter for the area.

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## Reports from Sub-Committees

### 10. Viewing Platform, Hastings Point

A quote has been prepared to repair the partially burnt wooden platform. Rodney Keevers advised that the burnt material is toxic and that he is currently obtaining information on the correct methods of removal.

The committee discussed this issue and agreed that the structure has limited value and if found to be unsafe should be demolished. If future works are undertaken they should be fire proof, if possible. It was noted that the primary users of this structure are residents from the Northern Star Caravan Park.

#### NEXT MEETING:

The next meeting of the Tweed Dune Care Advisory Committee will be held 9 November 2000.

The meeting closed at 7.20pm

*Director's Comments: General Business Item 4 – a report will be presented to Council on this matter.*

#### DIRECTOR'S RECOMMENDATIONS:

##### 1. Naming of Park

##### Naming Reserves

#### Committee Recommendation:

That Council names the small cleared area north of Kingscliff North Caravan Park 'Casperson/Cooper Park'.

*Director's Recommendation: That Council determines the matter of naming of the area north of the North Kingscliff Caravan Park in accordance with its previous determination at this meeting.*

##### 4. Vandalism of Vegetation

##### Dune Care

#### Committee Recommendation:

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

*Director's Recommendation: Nil.*

## Reports from Sub-Committees

### 7. Bush Fires, Hastings Point

Dune Care

#### Committee Recommendation:

That Council:-

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

**Director's Recommendation:** Nil.

#### RECOMMENDATION:

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

**Director's Recommendation:** Nil.

## Reports from Sub-Committees

### 3. Minutes of the Local Traffic Committee Meeting held Friday 22 September 2000

Traffic Committee

**VENUE:**

Oxley Room

**TIME:**

Commencing at 8.30am.

**PRESENT:**

**Committee Members:** Cr George Davidson; Tweed Shire Council; Mike Baldwin, Roads and Traffic Authority; Snr Constable Chris Damic, NSW Police.

**Non-Voting Members:** Chairperson: Cr Wendy Marshall, Mr Paul Morgan and Judith Finch (Minutes Secretary) Tweed Shire Council.

**APOLOGIES:**

Mr Ray Clark, Tweed Shire Council, Mr Neville Newell, MP, Member for Tweed, Mr Don Page MP, Member for Ballina.

**MINUTES OF PREVIOUS MEETING:**

**RESOLVED** that the Minutes of the Local Traffic Committee Meeting held Thursday 17 August 2000 were tabled at the meeting and accepted by the Committee as a true and accurate record of the proceedings.

**BUSINESS ARISING:**

GT2/1 Pt3 451

#### 6. Bellerive Place and Tralee Drive, Banora Point

R5551

At the Council meeting of the 6 September 2000 it was noted that the recommendation of Item 6 was inconsistent with the last paragraph of the item. This inconsistency should now be resolved. The item from the Local Traffic Committee meeting of the 17 August 2000 appears as follows:-

*“Request received for:-*

- 1. The installation of a warning sign, such as “Concealed Entrances” on the southern side of Tralee Drive.*
- 2. The provision of a concave traffic sight mirror on the western side of Tralee Drive in line with the centreline location of Bellerive Place.*

*It is reported by the residents of Bellerive Place that safety issues are of concern as they exit the cul-de-sac. At the intersection of Tralee Drive line of sight distance to the north is limited to a maximum of no more than 15m, while to the south line of sight is sufficient providing street and front garden vegetation is kept trimmed. The line of sight to the north is hindered*

## Reports from Sub-Committees

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*by a rock retaining wall on the footpath boundary line of the property on the corner of Bellerive Place and Tralee Drive.*

*It is also claimed that traffic flow in Tralee Drive has increased markedly and that even though the residential speed in Tralee Drive is 50kph “near misses” occur almost daily. Another contributing factor to the situation is the sweeping curve in Tralee Drive. Many drivers perceive a road narrowing when none exists. They watch for oncoming traffic taking no note of vehicles exiting Bellerive Place.*

*The Road Safety Officer has inspected the site and requested that the resident of Lot 43 Tralee Drive trim the foliage. The Road Safety Officer has also noted that sight distance is still poor and suggests the installation of a “Stop” sign and that Recreation Services be requested to remove the trees on the naturestrip.*

*The Committee did not support the installation of a “Concealed Entrances” sign as it is a local urban road used generally by local traffic and drivers would be aware that there is an intersection and such a sign would have little impact on these regular users who live in the area.*

*It was noted that the bushes have been cut back to increase the sight distance and a “Stop” sign is not supported as it is a local urban road used only by local traffic.*

**RECOMMENDATION:**

*That a “Stop” sign be erected on Bellerive Place at the Tralee Drive intersection.”*

Noted that the Committee unanimously supports that a “Stop” sign be erected on Bellerive Place at the Tralee Drive intersection.

**RECOMMENDATION:**

That a “Stop” sign be erected on Bellerive Place at the Tralee Drive intersection.

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**GENERAL BUSINESS:**

### Part A

**1. Bay Street Transit Centre**

**RO470 Pt2**

Complaints received regarding buses using Enid Street to cut through to the Bay Street Transit Centre late at night. Police enforcement of this issue is requested.

This matter will be referred to the Police by way of correspondence.

For Council’s information.

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## Reports from Sub-Committees

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### 2. Murwillumbah Street, Murwillumbah

**R3640 Pt2 DW560621**

Request received for a 10 minute "Loading Zone" in front of "Sew What" as since the streetscaping and change of bus zone shop owners are finding it difficult to receive and load deliveries.

Also buses are not pulling into the stop completely and are making it difficult for car drivers to drive through past a parked bus.

Representatives from Wrights Dry Cleaners and the Music Shop in The Plaza addressed the Committee.

The problems being encountered by them using the new "No Parking" zone in Queensland Road some 25 metres further away were that it was difficult receiving dry cleaning deliveries as they are at times very heavy and when it rains it would be an added problem as the dry cleaning needs to be kept dry. During times of rain it was stated that the only alternative to receive deliveries would be to drive on the footpath. It was noted that the shops in this location do not have rear access.

The music shop owner stated that he had heavy musical items which were picked up and delivered. He noted that the "No Standing" zone previously allowed delivery people to park there. Now that it is around the corner they can't get the trucks in as easily because it is only one spot and is around the corner. It is claimed that this is impractical to use. He also stated that Sew What Sewing has a lot of sewing machine repairs and it is difficult for people to carry sewing machines longer distances.

It was stated that previously bus drivers could go around the clock safely if done correctly, however it was common for buses to reverse over the pedestrian crossing, which is illegal and unsafe. The Committee was advised that there are only 6 Kirklands buses in the day time and 8 buses in a 24 hour period. It was requested of the Committee if there was a possibility of it being a bus zone only between certain times. Logistical problems with this were not practical and it was pointed out that the bus zone is used for town bus services as well.

It was also claimed that the buses are not on occasions pulling into the spot correctly and when this happens it is difficult for traffic to get through.

Allowing vehicles to drive into the plaza was discussed. At the time of renting the shops it was noted that there was a "Loading Zone" outside. Concerns were raised that the emphasis on beautification of Murwillumbah and placement of shrubs and trees may not be correct if inconvenience and parking for shoppers was in conflict.

Mr McAllister advised that the bus zone was moved because of an illegal situation which had to be dealt with and was not a reduction in parking but a rearrangement. He stated that everything done in Main St is a balance of prosperity, safety and beauty for the businesses. The Chairperson advised that buses reversing over the pedestrian crossing was the main issue and very dangerous and the request to move the bus zone was from the local bus operators to improve the efficiency of public transport to make it more attractive to existing and potential patrons.



## Reports from Sub-Committees

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It was asked if the pedestrian crossing could have been made safer and if it was necessary that the pedestrian crossing be at that point. The Chairperson advised that it was a matter of convenience for people and statutory limitations have to be adhered to in the provision of a pedestrian crossing.

Reassessment of the bus situation was requested by the shop owners so that the access is not available to the buses all of the time.

The applicants left the meeting.

Mr McAllister left the meeting.

To enable easier access to businesses for deliveries, the possibility of Kirklands being relocated to the Rainforest Centre was discussed. It was unanimously agreed that Council should negotiate with Tweed Valley Travel Centre and Kirklands regarding the relocation of the Kirklands bus service operations to the Rainforest Information Centre to enable the town bus to utilise the Queen Street "No Parking" zone and allow a "Loading Zone" to be reinstated in the current bus zone on Murwillumbah Street. This would also have the advantage of moving heavy buses travelling through the commercial area, which is seen as a conflict of land use and a cause of delay for the Kirklands services.

### RECOMMENDATION:

That Council negotiate with Tweed Valley Travel Centre and Kirklands regarding the relocation of the Kirklands bus service operations to the Rainforest Information Centre.

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### 3. Ducat Street, Tweed Heads

**R1690 Pt2 DW560923**

Request received for the provision of a pedestrian crossing to be located near the bus stop, approximately 1km from the traffic lights at the intersection of Kennedy Drive and Ducat Street. It is reported that the crossing at the lights on Ducat Street are not easily accessible for elderly people residing in Ducat Street.

The Chairperson advised that the bus zone is 300 – 400m along Ducat Street.

It was noted that pedestrian warrants could not be met in Ducat Street however there is a pedestrian refuge in Ducat Street and pending budgetary constraints this could be relocated after Christmas.

### RECOMMENDATION:

That the refuge be relocated on Ducat Street, pending budgetary constraints, to an appropriate position on Ducat Street to service the bus stops.

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## Reports from Sub-Committees

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### 4. Barrett Street & Kennedy Drive, Tweed Heads

**R0440 Pt4**

It has been reported that vehicles heading west on Kennedy Drive indicate that they are about to turn and drivers waiting to exit Barrett Street assume that the if a vehicle is indicating it is going to turn into Barrett Street. However many of these vehicles are turning into the Ampol Service Station which is causing a conflict with the people exiting Barrett Street.

A request has been received to close off the eastern entry (via Kennedy Drive) to the service station as there is an entrance off Barrett Street.

As there is no available appropriate signage that could be used it was unanimously agreed that the applicant be advised that Council does not have the powers to close off entrances to businesses and that the problem is acknowledged and from time to time unavoidable issues like this do occur. The applicant to be advised accordingly.

For Council's information.

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### 5. Kingfisher Circuit, Kingscliff

**R2885**

Request received to reduce the speed limit in Kingfisher Circuit from 50kph to 40kph. It is reported that there are a lot of young children in Kingfisher Circuit who like to ride their bikes on the road and play ball out the front of their homes. It is also reported that parents take children for walks in prams utilising the side of the road as there are no footpaths and that the street is very narrow.

The Road Safety Officer, although absent from the meeting, would like to advise that he is running a program in early 2001 that may be suitable for this area. He will be in contact with residents as the program details are finalised. The program is called "Neighbourhood Speed Project" and funded by a road safety grant from the Institute of Public Works Engineering Australia. Details of the program were discussed by the Chairperson, which involves the local residents in meetings and coming up with ideas how they can assist the problem.

It was requested that the applicants be advised of the Neighbourhood Speed Project and invited to participate.

For Council's information.

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### 6. Sextons Hill, Banora Point

**R4031 Pt12**

Request received for lighting on Sextons Hill. It is reported that it is very difficult for elderly drivers when travelling south up Sextons Hill. As the left-hand bend is taken it suddenly becomes very dark and approaching traffic very often have high beam on dazzling the southbound driver.

## Reports from Sub-Committees

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The applicant has also pointed out that street lighting would improve safety at this location assisting in the sighting of pedestrians and cyclists on Sextons Hill after dark.

The RTA Representative advised that linemarking and RPM upgrades have already been requested and that lighting is only installed at intersections, to highlight the intersection.

The RTA Representative undertook to find out when linemarking and RPM upgrades will be dealt with. The applicant should be advised that intersections are only lit to highlight an intersection and that linemarking and raised pavement marker upgrades will be undertaken by the RTA.

For Council's information.

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### 7. Sextons Hill and Short Street Banora Point

**R4031 Pt12**

**R5038**

Request received for lighting on Sextons Hill to assist in the safety of pedestrians. It is reported that vehicles do speed in this location and speed together with no lighting is making it dangerous for pedestrians.

It is also reported that at night time it is especially dangerous for drivers turning right into Short Street on Sextons Hill with the additional problems of speed of northbound motorists and use of high beams being encountered.

It was noted that this request is for the safety of pedestrians. It was unanimously agreed that the RTA be contacted in writing regarding the provision of street lighting and supply of justifying data and that the applicant be advised accordingly.

For Council's information.

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### 8. Enforcement of Parking Restrictions

**Infringement Notices**

The Engineering Services Division is receiving increased levels of complaints regarding enforcement of:-

- a) Parking restriction enforcement in commercial areas
- b) Illegal parking on footpaths

Information is sought from the Police and the RTA as to how these issues are enforced and appropriate staffing levels required.

The Chairperson also advised that Mr Bill McKeniery, a representative of the Access Committee, was concerned about enforcement of disabled parking spaces. Cr Marshall stated that she was aware of this and that it was discussed at the Disabled Access Committee.

## Reports from Sub-Committees

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The Committee noted that it was important to educate the public on the use of disabled spaces.

The Police Representative stated that even in public car parks, enforcement is available if correct signage is installed.

The Chairperson advised that a letter would be written to the shopping centres advising them of the requirements for the erection of disabled parking signs, which will potentially enable police enforcement.

For Council's information.

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### 9. Murwillumbah (Main) Street, Murwillumbah

**R3640 Pt2**

This item refers to parking in Murwillumbah Street between Queensland Road to Nullum Street/Mooball Street. A request has been received to extend a 2 hour parking limit in Murwillumbah Street over this section of road.

Plans of the area were viewed by the Committee. The Chairperson advised that at present the parking at this location is unrestricted and people are utilising it as all day parking. It was unanimously supported that a 2 hour parking limit be provided on both sides of the Murwillumbah Street between Queensland Road to Nullum Street/Mooball Street.

#### RECOMMENDATION:

That the applicant be advised that a 2 hour parking limit will be provided on both sides of Murwillumbah Street between Queensland Road and Nullum Street/Mooball Street.

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### 10. Coast Road, Bogangar

**R1181 Pt10**

The Progress Association has requested 2 hour parking restrictions on both sides of the Coast Road between Banksia Avenue and Rosewood Avenue.

This restriction would be for the purpose of special event weekends. It was noted that the present parking in Cabarita is totally unlimited. It was noted that Cabarita is now a growing commercial area.

#### RECOMMENDATION:

That 2 hour parking limits be imposed on the Coast Road, Bogangar/Cabarita Beach between Banksia Avenue to Rosewood Avenue, on both sides.

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## Reports from Sub-Committees

### 11. Orient Street, Kingscliff

R3960

Previous item at Local Traffic Committee meeting held on 20 March 1997 as follows:

*“GT2/11 313, 1136, 588*

*Range of suggestions to improve children’s safety in the vicinity of Kingscliff Public School was tabled at the meeting:-*

- a) The widening of Orient Street was referred to the Manager of Works for consideration and as part of future Works Programs.*
- b) Angle parking was not supported as insufficient pavement width is currently available, however if the Department of Education had funds available for this work it can be further considered.*
- c) The lengthening of the bus zone will be investigated with Surfside Bus Co to determine need. Lengthening of zone will impact on available kerb side parking space.*
- d) The provision of a full time drop off and pick up zone in the form of a “No Parking” restriction was not supported as the request would further eliminate kerb side parking.*
- e) A crossing point on Sutherland Street opposite the southern end of the school ground was not supported as this location was considered unsuitable due to the road configuration.*
- f) The provision of a pedestrian crossing at the end of the bus zone on Orient Street was not supported as it was unlikely the RTA warrant would be satisfied. Further loss of kerb parking would also result if a pedestrian crossing or school crossing point was introduced.*

*The Committee noted that nearly all the above issues had been addressed with the school at a previous on site meeting where it was suggested that a Plan of Management, addressing teacher and parent parking, bus and pedestrian movements, be prepared. The school was to liaise with Council and the RTA to obtain guidance in the preparation of the plan. No action has been taken on this matter by the School.*

#### **RECOMMENDATION**

*That no action be taken on these matters due to the impact on parking the change would have and the School be contacted and suggest that the previously agreed initiative that the school prepare a Plan of Management for school site and surrounding bus and car parking area.”*

A new request has been received for the installation of children’s crossings in Orient Street near the intersections of Sutherland and Omar Streets.

The Road Safety Officer has met with the Principal on site and an undertaking has been received from the school regarding display of the flags at appropriate times.

The Road Safety Officer, although absent from this meeting, had recommended to the school that current staff parking arrangements be altered to create a safer “drop off and pick up” area

## Reports from Sub-Committees

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for parents, however recent correspondence advises that *“The Stakeholders, Staff, are not happy to turn the current teacher parking in Orient Street into a “No Parking” area”*.

The Committee members favour the creation of a “No Parking” area in Orient Street noting that it is a public road and not specific teacher parking. If the school wants dedicated staff parking it should be provided on the school property. The Road Safety Officer should advise the school accordingly and report back to the next Local Traffic Committee meeting. The Road Safety Officer therefore recommends approval of one school crossing on Orient near Sutherland Street. However, the school should be encouraged to consult further with stakeholding parents to minimise children crossing the road to access the current “drop off and pick up” area.

The Chairperson advised of ongoing discussions with the school and advised that the school has already completed the form for provision of a school crossing. The RTA Representative advised that “No Parking” restrictions that incorporate times could be erected at this location.

### RECOMMENDATION:

That a school crossing be installed in Orient Street near Sutherland Street.

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### 12. Henry Lawson Drive, Terranora

**R2435**

Request received for the erection of school bus zone signs on Henry Lawson Drive in the existing bus bay adjacent to Terranora Public School.

The school has given its support to this request and has asked that times of operation on the signs should appear as 8:30 am – 9:30am and 2:30pm – 3:30pm.

The Chairperson advised that there is already a bus bay for use and the signage just needs to be erected.

### RECOMMENDATION:

That:-

1. Signage be erected for a school bus zone on Henry Lawson Drive in the existing bus bay.
  2. The signage should incorporate times of operation as 8:30am – 9:30am and 2:30pm – 3:30pm.
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### 13. Kyogle Road, Uki

**R2970 Pt8 DW562631, 563518**

Request received for reversal of the overtaking lanes so that drivers overtake leaving Uki.

## Reports from Sub-Committees

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It has been reported that the speed of traffic approaching Uki from Murwillumbah may worsen once the new bridge and easier, smoother approaches are complete.

It is claimed that despite the 60kph signage the existing position of the overtaking lane encourages drivers to speed up rather than slow down and that reversal of the direction of the overtaking lanes may assist.

The RTA Representative agreed and advised it is standard practice to have overtaking lanes leaving towns, not going into them.

The Chairperson advised that the cost of the change is not possible from the Traffic Facilities Budget but since the linemarking was done as part of recent upgrading works of Kyogle Road by the Works Unit that the change may be able to be incorporated as part of future upgrading works on Kyogle Road.

The committee requested that the Manager works investigate reversing the overtaking lane as part of future upgrading works on Kyogle Road.

For Council's information.

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### 14. Chevell Place, Smiths Creek

**R1055**

Request received from a local resident for 50kph speed zone signage in Chevell Place. Chevell Place is a local cul-de-sac road in a new estate and was inadvertently overlooked when the original sign posting scheme was implemented.

Provision of 50kph speed zone signage in Chevell Place, Smiths Creek was unanimously supported by the Committee.

#### **RECOMMENDATION:**

That 50kph speed zone signage be provided in Chevell Place, Smiths Creek.

---

### 15. Pacific Highway, Tumbulgum (overtaking lane north of Tumbulgum)

**R4031 Pt12**

Request received claiming that the diverging taper develops too slowly resulting in impatient drivers crossing the double centre line by overtaking too soon. It is suggested that the taper length be reduced to prevent this dangerous practice occurring.

The RTA Representative advised that the taper is in compliance with normal practice.

For Council's information.

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## Reports from Sub-Committees

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### 16. Pacific Highway and Cane Road, Condong

**R4031 Pt12 R0940**

Request received for the installation of "Left Turn Arrows" at the intersection of Pacific Highway and Cane Road to indicate that it is only a left turn bay and not the start of the overtaking area 400m further along.

It has been reported that slow vehicles move into the left turn bay, believing it is the start of the overtaking lane.

The RTA Representative advised that this would be attended to and the location of the "Overtaking Lane" sign checked.

For Council's information.

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### 17. Cabarita Beach Residents Association - Appointment

**R1181 Pt10**

Two representatives from the Cabarita Beach Bogangar Residents Association addressed the meeting regarding parking and speed of traffic in Cabarita.

Cr Davidson introduced Terry Purcell and Barry Humble to the Committee and the Chairperson advised the gentlemen of the meeting process.

They advised that they wanted to curtail 'hoons' in the village who ignore the speed and turning restrictions. They stated that they are pleased with work done by Council in the village over the last few years.

Policing enforcement was noted as being spasmodic and mostly on the Coast Road. What they would like to see would be a speed camera on certain streets. Mr Purcell advised that he lives in Banksia Avenue which is representative of about 6 streets in the village. They have had 2 serious accidents recently. Speeding is happening in streets that are 50kph. Banksia Avenue has quite a sharp angle in the road and moving west the camber is not good. The only way to go over this at 60kph is to go over the double lines. It was noted that this was OK if taken at 50kph. It is also a blind corner leading to a "Stop" sign on Hastings Road. It was also stated that there is a bus stop outside the pensioner units in the location where an accident could easily happen. The Committee was advised that on the Coast Road traffic calming has been installed that makes it impossible to drive at more than 50kph. Sandalwood Avenue, Banksia Avenue and Rosewood Avenue were noted as problem areas. Chicanes or roundabouts were requested to slow speeding drivers down as well as speed camera use.

It was requested that Council liaise with the Cabarita Beach Bogangar Residents Association to start a process of planning for the erection of physical barriers to try to slow people down as signs are not making any difference.

The representatives from the Cabarita Beach Bogangar Residents Association left the meeting.



## Reports from Sub-Committees

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The Committee noted the problems in Cabarita with speeding vehicles. Cr Davidson stated that it certainly is a speedway and the camber of the road on Banksia Street is a problem. The school bus stop is also a big worry at the location on Banksia Avenue. The Committee suggested that Council staff work with representatives of the Cabarita Beach Bogangar Residents Association to develop strategies .

The Police Representative arrived.

The Police Representative agreed to increase enforcement in the village of Cabarita, particularly Banksia Avenue, Sandalwood Avenue and Rosewood Avenue, as permitted by resources.

For Council's information.

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### 18. Parking Restrictions, Murwillumbah – Appointment

**R3640 Pt2**

Gary Anderson, Traffic Controller from the Murwillumbah Police Station addressed the meeting regarding parking restrictions in Murwillumbah.

Mr Don McAllister, Manager Planning & Design joined the meeting.

Gary Anderson stated that he feels that the bus zone in Murwillumbah Street should not have been moved as previously buses could enter it easily from any direction. He stated that the buses also carry freight and would not have to walk as far to the bus office. Buses reversed over the pedestrian crossing to turn around previously and this was noted as a dangerous and illegal practice.

The Chairperson advised that Council has received support from Kirklands and the local bus operators in regard to movement of the bus stop to Murwillumbah Street. However it was noted that local businesses are not happy.

Don McAllister noted the large semis delivering to Eagle Boys and stated that this issue will not go away. Gary advised that these drivers are parking in the front of the Metro as he has asked them to do this. It was noted that if shops organised deliveries early in the day parking would not be a problem.

It was noted that people could use a "No Parking" zone to drop goods off. It was recognised that public education in regard to the new road rules is a necessity and that it should be organised through the Tweed Link.

Mr Anderson stated that he is in disagreement if "No Stopping" areas are changed to "No Parking" as trucks will start to unload in inappropriate areas. It was noted that extra signs would be needed to stop obstructions being caused.

Mr Anderson stated that he fel that the "No Parking" restrictions were working well in town.

For Council's information.

## Reports from Sub-Committees

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### 19. Dungay Primary School, Dungay

**R5510 Pt1**

There is concern that a 40kph school speed zone in rural areas may not be realistic when traffic is decelerating from a 100kph zone.

The situation with Dungay Primary School is presently being discussed with the RTA with the possibility of staging the speed zoning.

The RTA Representative advised that this is one of the schools that will get a 40kph school zone and understands that it is difficult for cars to go from 100kph to 40kph and that signage is being addressed.

Cr Marshall asked if the area could be 80kph to help this situation. The RTA Representative advised that studies have shown that this is not necessarily the answer and the RTA will continue to investigate the issue.

For Council's information.

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### 20. Sextons Hill, Banora Point

**R4031 Pt12**

1. Application for Black Spot funding for Sextons Hill and associated criteria.
2. Speed Zonings on Sextons Hill.

### RECOMMENDATION:

That both items be deferred to the next meeting as the RTA Representative needed to leave the meeting early.

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### 21. Clothiers Creek Road

**R1160 Pt5**

Late item. Cr Davidson queried if trucks could use Clothiers Creek Road to the extent that they are now. It was noted that they could and the Chairperson advised that it is a concern as all semi-trailers crossing the range cross the double centre lines up to 30 times each. Cr Marshall stated that this is illegal and should be stopped as soon as possible.

The Chairperson advised that the cane industry will resist the move but with increasing traffic volumes on Clothiers Creek Road it is becoming a serious safety issue. It was noted that this is being assessed as it will worsen when the motorway opens and increase the rate of accidents. The Police Representative concurred with this.

This item will be listed on the December Agenda.

## Reports from Sub-Committees

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For Council's information.

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### 22. Wharf Street, Tweed Heads

**R5901**

Late item. Severe concerns of disabled people trying to cross the road near the old Markwell's site were raised by Cr. Marshall. The Chairperson advised that it is acknowledged and there is a problem because of restricted sight distances. Cr Marshall requested that this be looked at again with the aged people being kept in mind to determine if a better solution is achievable.

The Chairperson undertook to pursue this matter.

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### 23. Lindisfarne School, Mahers Lane

**R3260**

Late item tabled by Paul Morgan. The Chairperson advised that Lindisfarne School has written to Surfside Buslines stating that they do not want non-Lindisfarne students waiting at that location for other buses. It was noted that this is on private property.

A bus zone will need to be placed outside on the opposite side of the road and then negotiate with the school later for a more sensible arrangement. It was noted that there is legislation that can be used for "public use" of private land, or easements could be used to remove the concern of the School over liability issues.

It was suggested by Cr Marshall that Council contact Lindisfarne School to start negotiations. It was noted that in a week's time, when school returns, a bus zone is required and a temporary bus zone can be installed whilst discussions with the School are undertaken.

### RECOMMENDATION:

That

1. That a temporary school bus zone be installed on Mahers Lane opposite the entrance driveway.
  2. Council staff discuss ways of resolving the perceived liability problem with Ms Peta Smith, Principal of Lindisfarne School.
- 

### 24. Murwillumbah (Main Street) Disabled Parking Issues

**R3640 Pt2**

Late item tabled by Cr Marshall. Cr Marshall advised that there is a request at the moment for the disabled access space to be relocated as it is difficult to access because of the steepness of the road. Investigation of the disabled space from the front of Brown & Pluthero Surveyors is to be undertaken. A letter was tabled by Cr. Marshall in support of this.

## Reports from Sub-Committees

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For Council's information.

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### **NEXT MEETING:**

The next meeting is scheduled for Friday 20 October 2000.

The meeting closed at 10:40am

*Director's Comments: Nil*

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## Reports from Sub-Committees

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

4. Minutes of the Tweed Games Committee Meeting held Wednesday 6 September 2000
  5. Minutes of the Tweed Shire Occupational Health & Safety Committee Meeting held Wednesday 13 September 2000
  6. Minutes of the Tweed Shire Council Consultative Committee Extraordinary Meeting held Thursday, 14 September 2000
  7. Minutes of Kingscliff Wastewater Augmentation Water and Wastewater Infrastructure Steering Committee Meeting held 12 September 2000 (Confidential Attachment)
  8. Minutes of the Tweed Shire Council Centenary of Federation committee Meeting Held 14 September, 2000
  9. Minutes of the Sports Advisory Committee Meeting held Tuesday 19 September 2000
  10. Minutes of the Tweed Shire Council Consultative Committee Meeting held Thursday 21 September 2000
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## Reports from Sub-Committees

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# Outstanding Inspections

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1. Council Land - Mt Nullum

12. Use of Land - Mt Nullum

*Land Development – Mt Nullum*

819

*Cr Boyd*

*Cr Luff*

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

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

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

287

*Cr Polglase*

*Cr Boyd*

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

## Outstanding Inspections

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# Orders of the Day

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## 1. Notice of Motion - Cr Luff

### Development Control Plan for Dual Occupancy

#### Development Control Plan, Notice of Motion

*That:-*

1. *When Council has prepared a Development Control Plan for Dual Occupancy it gives publicity additional to a brief advertisement that it is on exhibition, including holding a public meeting at Tweed Heads. The meeting format is to consist of Council staff presenting:*
  - (1) *a brief history of planning rules regarding dual occupancy;*
  - (2) *the goals of the proposed DCP;*
  - (3) *examples and scenarios to illustrate its implementation.*
2. *Questions to be put to staff after each presentation or staff speaker*
3. *The Mayor will introduce each staff speaker, also invite questions after the staff presentations.*

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## 2. Notice of Motion - Cr Lawrie

### Agenda 21 - Energy Efficient Housing

#### Energy Efficient Housing, Agenda 21, Notice of Motion

*That:-*

1. *The Director of Environment and Community Services be directed to bring forward a report by the next ordinary meeting on his recent trip to London detailing the authorities and facilities visited/inspected;*
2. *The Manager Financial Service provides at the next Ordinary Meeting a detailed break down of the cost to the rate-payers of the travel by the Director and Mr Salan.*
3. *Council hereafter adopts a policy that any Councillor or staff member who travels to a conference or on a tour either within Australia or overseas at the rate-payer's expense, provides a written report to the next ordinary Council meeting summarising the benefits and experience gained from attending the conference/tour.*

## Orders of the Day

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### 3. Notice of Rescission - Cr Marshall, Cr Boyd and Cr Carroll

**Proposed Tavern at Lot 437 DP 755740, No 126 Pacific Highway, Tweed Heads (Pier 2 Development Site)**

**DA4030/3985 Pt2, Notice of Rescission**

*That Council resolution at Minute No 299 in relation to Item 9 of the Meeting held 20 September 2000 (Report attached to this business paper) being:-*

*".....that Development Application 0770/2000DA for the erection of a tavern at Lot 437 DP 755740, No. 126 Pacific Highway, Tweed Heads (Pier Two Development Site) be approved subject to the following conditions:-*

***PRE-REQUISITES - CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE***

- 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.*

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

*Water:       \$8,328*

*Sewer:       \$6,890*

*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.*

- 2. Any carparking floodlighting shall not spill beyond the boundaries of the site. A plan of the lighting shall be approved by the Director of Development Services **PRIOR** to the issue of a Construction Certificate.*

***GENERAL***

## Orders of the Day

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3. *The development shall be completed in general accordance with Plan Nos SK01A, SK02 & SK03A prepared by DBI Design Corporation and dated May 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. *The use being restricted to the floor area designated on the approved plan.*
7. *Advertising structures/signs to be the subject of a separate development application, where statutorily required.*
8. *No items or goods are to be stored or displayed outside the confines of the premises.*
9. *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.*
10. *Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.*
11. *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. *Required toilet facilities have been provided on the site in accordance with Section 78i of the Environmental Planning & Assessment Amendment Regulations 1998.*
  - ii. *A sign has been erected on the site in accordance with Section 78H of the Environmental Planning & Assessment Amendment Regulations 1998.*
  - iii. *All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.*
  - iv. *That the licensee has complied with the provisions of Section 78c of the Environmental Planning and Assessment Amendment Regulations 1998.*
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*

## Orders of the Day

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*completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.*

13. *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.*
14. *A 2 metre wide unobstructed pedestrian passage is to be maintained along the entire frontage of the boardwalk, measured from the front balustrade. A physical barrier is to be erected which clearly defines this passage and maintains its integrity at all times. Details to be submitted to Council and approved by the Director of Development Services prior to the issue of a construction certificate for the tavern Fitout.*
15. *The first floor area is only to be used by centre management as offices and is not to be used as part of the general tavern area.*
16. *Hours of operation of the tavern are restricted to 10am to 10pm Sunday to Wednesday and 10am to 11pm Thursday to Saturday.*
17. *Compliance with all conditions of development consents 98/211 and K98/539 where relevant to the tavern development.*

### **FOOD PREMISES (BUILDING)**

18. *Any premises used for the storage, preparation or sale of food are to comply with the relevant provisions of the Food Act, 1989 and Council's adopted Code for the construction of Food Premises. Details of fittings and equipment are to be submitted to the Principal Certifying Authority prior to installation.*
19. *Prior to the commencement of work the Principal Certifying Authority is to be provided with Council approved 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.*
20. *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. Intersections of all floors with walls shall be covered to a radius of not less than 25 millimetres.*
21. *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*

## Orders of the Day

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*surface is to be used in joints or alternatively all tiles are to be butt joined and free of cracks or crevices.*

22. *Shop fitters are to liaise with the Principal Certifying Authority prior to fitting out of shop.*
23. *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.*

### **PRESCRIBED (BUILDING)**

24. *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.*
25. *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).*
26. *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.*
27. *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)*
28. *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.*
29. *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*

## Orders of the Day

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*required essential fire safety measure has been designed and installed in accordance with the relevant standards.*

### ***FIRE (BUILDING)***

30. *All fire service connections are to be compatible with those of the NSW Fire Brigade.*
31. *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.*
32. *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 the PCA prepared by the licensed Electrical Contractor certifying that the installation complies with the above, prior to occupation of the building.*

## Orders of the Day

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### **DISABLED (BUILDING)**

33. *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.*
34. *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.*
35. *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.*
36. *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.*
37. *Tactile ground surface indicators for orientation of people with vision impairment are to be provided in accordance with Australian Standard AS1428.4-1992.*

### **ENVIRONMENT PROTECTION**

38.
  - a. *The LA10 noise level emitted from the premises shall not exceed the background noise level (LA90) in any Octave Band Centre Frequency (31.5 Hz – 8kHz inclusive) by more than 5dB between 7am and midnight at the boundary of any affected residence.*
  - b. *Notwithstanding compliance with point (a), the noise from the premises shall not be audible within any habitable room in any residential premises between the hours of midnight and 7am weekdays and 12 midnight and 8am weekends.*
39. *All plant and equipment as specified in the Noise Level Impact Assessment Report by Craig Hill Acoustics and dated April 2000 is to be mounted on resilient mounts to reduce vibration and the transmission of noise with tonal components.*
40. *Where plant and equipment is proposed to be provided or is placed different than that as used for the basis of noise level assessment Report by Craig Hill Acoustics dated April 2000, then such plant and equipment is not to be installed until Council is provided with a Noise Level Impact Assessment Report from an appropriately qualified Acoustic Engineer which is based upon the manufacturer specified sound pressure level rating for the proposed plant or equipment.*
41. *If levels of internal amplified music are proposed other than that which has been allowed for in the Noise Level Assessment Report by Craig Hill Acoustics and dated April 2000, then the recommendations in the report relating to sound shell*

## Orders of the Day

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- isolation are to be examined. A report from a qualified acoustic Engineer is to be provided to Council detailing any sound shell isolation measures proposed for approval prior to installation.*
42. *In the event that any internal or external amplified music is to be played, then a further post construction report prepared by a qualified acoustic engineer is to be prepared and submitted to Council for consideration. Such report shall address the requirement for setting suitable operating levels to prevent the creation of offensive or unreasonable noise levels occurring at adjacent residential properties. No amplified music shall be played prior to Council approving such report.*
43. *All deliveries including the entering and leaving of delivery vehicles are only to occur between the hours of 8am and 4pm Monday to Friday.*
44. *A Management Plan is to be prepared which is to address appropriate measures to be taken to ensure that staff and patrons do not cause offensive noise to be created either during the hours of operation of the tavern or following closing of the tavern. Such management plan shall address, but not be limited to the following:*
- a. *measures to be taken to ensure that offensive noise is not created by either staff or patrons within car parking areas.*
- b. *measures to be taken to ensure that staff do not create offensive noise during the course of operations of the tavern, eg. Dumping of bottles into waste bins during the night or early mornings. Such Management Plan is to be submitted to Council for consideration.*
45. *Garbage collection is to be limited to between the hours and on the days as specified within the Noise Impact Assessment Report prepared by Craig Hill Acoustics and dated April 2000. A letter from Solo Waste is to be supplied to Council confirming such arrangements.*
46. *All external lighting associated with the tavern building is to be shielded where necessary so as to prevent nuisance to any adjacent residential premises.*
47. *No form of public entertainment is to be carried out on the premises unless an approval for a place of public entertainment has been obtained pursuant to the provisions of Section 68 of the Local Government Act, 1993.*
48. *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.*
49. *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.*
50. *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.*



## Orders of the Day

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51. *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.*
52. *The burning of builders waste on site by open fire is prohibited.*
53. *All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.*
54. *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.*
55. *Any proposed cooling tower installation must also include details on the proposed means of back flow prevention to the water supply prior to installation.*
56. *All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.*

### **PLUMBING & DRAINAGE**

57. *Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by Council prior to any discharge to sewer being commenced.*
58. *Back flow prevention devices shall be installed where ever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.*
59. *Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:*
  - a *internal drainage, prior to slab preparation;*
  - b *water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;*
  - c *external drainage prior to backfilling.*
  - d. *completion of work.*
60. A. *A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.*  
B. *The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.*

## Orders of the Day

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### **TRADE WASTE**

61. *Any premises proposing to discharge into Councils sewerage system a waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by Councils Manager Water and concurrence received from the Department of Land and Water Conservation, if required, PRIOR to the issuing of a Construction Certificate to discharge to Councils sewerage system.*
  62. *Pre-treatment devices must be serviced by a Council approved waste contractor. The applicant will be required to enter into a service agreement with this waste contractor. Pre-treatment device service frequency will be approved by Council's Manager Water.*
  63. *No amplified music is to be played externally after 8.00pm or before 10.00am on any day.*
- B. The applicants be advised that Council does not favour the upper floor being used for accommodation purposes.*

***be rescinded."***

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