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Schedule of Outstanding Resolutions

19 JULY 2000

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

4. Strategic Planning Work Program

Strategic Planning Program

55

Cr Marshall

Cr Youngblutt

RESOLVED that Council requests the General Manager to:-

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

Current Status: Report to meeting of 20 December 2000.

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.

186

Cr Luff

Cr James

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

Schedule of Outstanding Resolutions

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

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.

4 OCTOBER 2000

REPORTS FROM SUB-COMMITTEES

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

Dune Care

370

Cr James

Cr Luff

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

Current Status: Report to meeting of 20 December 2000.

7. **Bush Fires, Hastings Point**

Dune Care

372

Cr Luff

Cr James

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

Schedule of Outstanding Resolutions

Current Status: Planned for 7 December 2000.

18 OCTOBER 2000

REPORTS FROM DIRECTOR CORPORATE SERVICES

8. Quarterly Budget Review - 30 September 2000

Budget

403

Cr Marshall

Cr Youngblutt

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

Current Status: Report to be finalised.

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

4. Bush Fires, Hastings Point

Bush Fire Brigades, Rainforest, SEPP, Notice of Rescission

371

Cr James

Cr Luff

RESOLVED 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.

Current Status: Investigation Progressing.

Schedule of Outstanding Resolutions

1 NOVEMBER 2000

REPORTS FROM DIRECTOR ENGINEERING SERVICES

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

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

465

Cr Boyd

Cr Brinsmead

RESOLVED that Council:-

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

Current Status: Report being prepared for first or second meeting 2001.

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

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

Public Toilets

472

Cr Youngblutt

Cr Lawrie

RESOLVED that:-

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

Current Status: Report to 20 December meeting.

Schedule of Outstanding Resolutions

15 NOVEMBER 2000

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

5. Draft Rural Settlement Strategy

Rural Settlement Strategy

512

Cr Marshall

Cr Youngblutt

RESOLVED that this item be deferred to allow for discussion with the Strategic Planning Committee in a workshop.

Current Status: Workshop to be arranged.

ORDERS OF THE DAY

1. Road Contribution - Arkinda Garden Centre

DA5940/460 Pt1, Notice of Motion

527

Cr Polglase

Cr Lawrie

RESOLVED that Council:-

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

Current Status: Proposed Policy Statement on exhibition.

528

Cr Boyd

Cr Carroll

RESOLVED that officers bring forward a detailed report on the background to the Arkinda Garden Centre and Café application, together with a report that covers those examples of businesses in Murwillumbah which have paid the road development contribution, and those examples indicated by Councillors of businesses which haven't paid road development contributions.

Current Status: To be done in conjunction with Minute No 527.

Schedule of Outstanding Resolutions

QUESTION TIME

1. Employee Assistance Program

Occupational Health & Safety

Cr Marshall Asked could the General Manger bring forward a report on the impact of the deletion of the employee assistance program from this year's budget and the possible reinstatement of the program using funds saved by the work of the Friends of the Pound.

The Acting General Manager responded that a report would be brought forward for consideration at the December quarterly budget review.

Current Status: Report to be prepared 2001 following consideration of this item at the next Quarterly Budget Review.

Mayoral Minute

Councillors,

1. Proposal for Paid Maternity Leave

Union Matters

Support has been requested for a resolution proposed by the Federated Municipal & Shire Council Employees' Union of Australia New South Wales Division for paid maternity leave for women employees in Local Government.

This letter forms an attachment to the business paper.

2. Harbin People's Association for Friendship with Foreign Countries

Sister Cities

A request (through Sydney International Business Liaison Centre) has been received from the Chairman of Harbin People's Association for Friendship with Foreign Countries, Heilongjiang Province, the People's Republic of China, to become a sister city with Tweed.

These letters form an attachment to the business paper.

3. Local Government Remuneration Tribunal

Councillors' Fees

Advice has been received from the Local Government Remuneration Tribunal that a review for 2001 determination on fees payable to Councillors and Mayors has commenced and comments are requested on three specific issues and submission on appropriateness of Council's present categorisation. Closing date for submission 9 February 2001.

This letter forms an attachment to the business paper.

4. Councillors' Phone Numbers in Link

Councillors General

A request has been received that Councillors' home phone numbers be published in each issue of the Link

Mayoral Minute

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Items Deferred

ITEM DEFERRED FROM MEETING HELD 15 NOVEMBER 2000 REPORTS FROM DIRECTOR ENGINEERING SERVICES DIVISION

10. *Revisions/Naming of Localities*

Geographical Names Board

518

Cr Marshall

Cr Youngblutt

RESOLVED that this item be deferred to allow the Director Development Services and Director Engineering Services to negotiate with Consolidated Properties.

10. ORIGIN: Planning & Design Unit

FILE REF: Geographical Names Board

REPORT TITLE:

Revisions/Naming of Localities

SUMMARY OF REPORT:

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

RECOMMENDATION:

That Council:-

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

Items Deferred

REPORT:

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

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

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

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

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

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

“Item 1 Revisions

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

Refer Figures 1 & 2.

Item 2 Naming

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

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

Items Deferred

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

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

Comment:

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

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

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

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

Refer Figures 3 & 4”

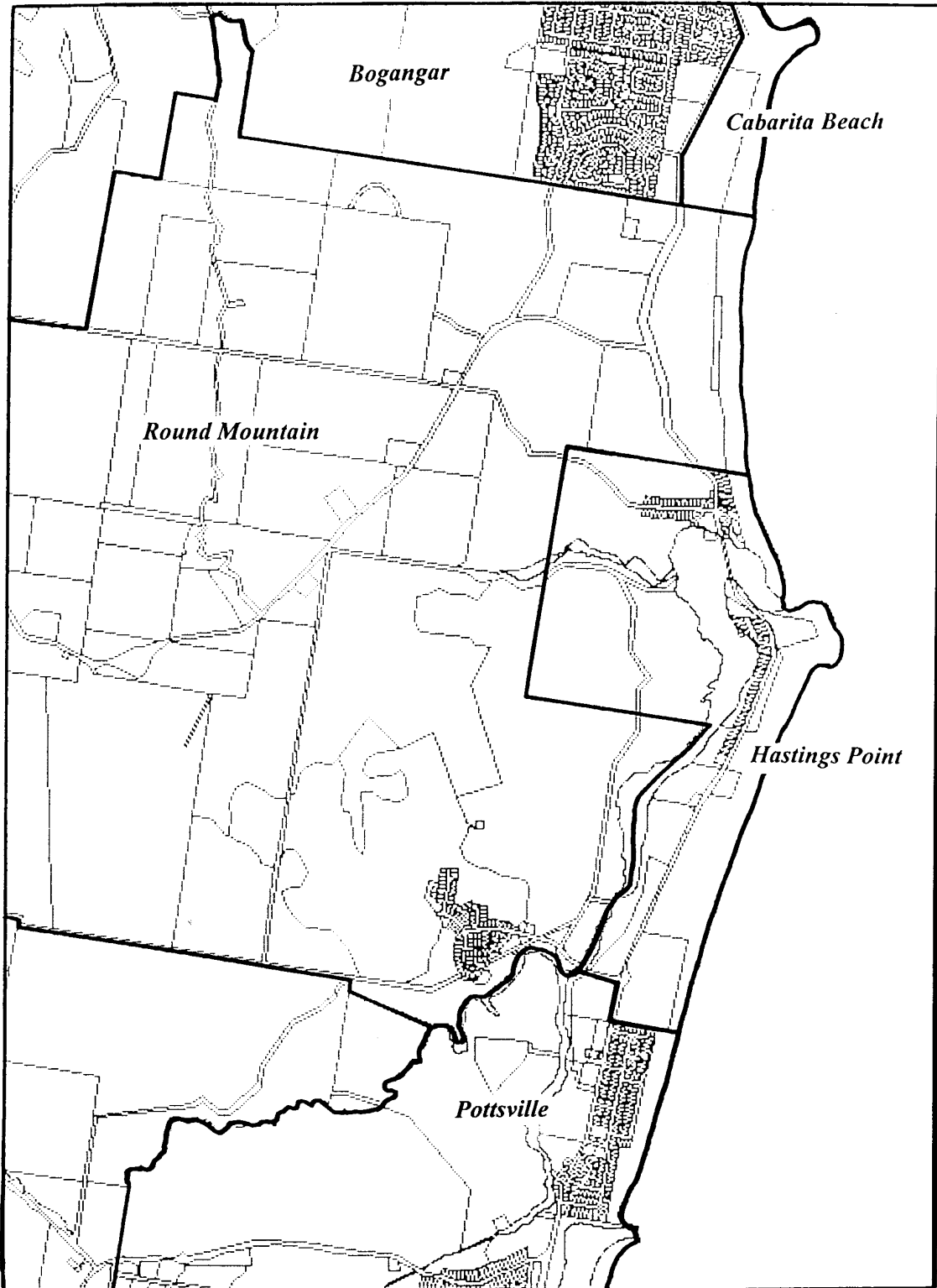
In reaching these proposals the meeting was mindful of the policies and guidelines of the Geographical Names Board of NSW in the determination of locality names and their cadastral boundaries.

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

Items Deferred

EXISTING LOCALITY BOUNDARIES

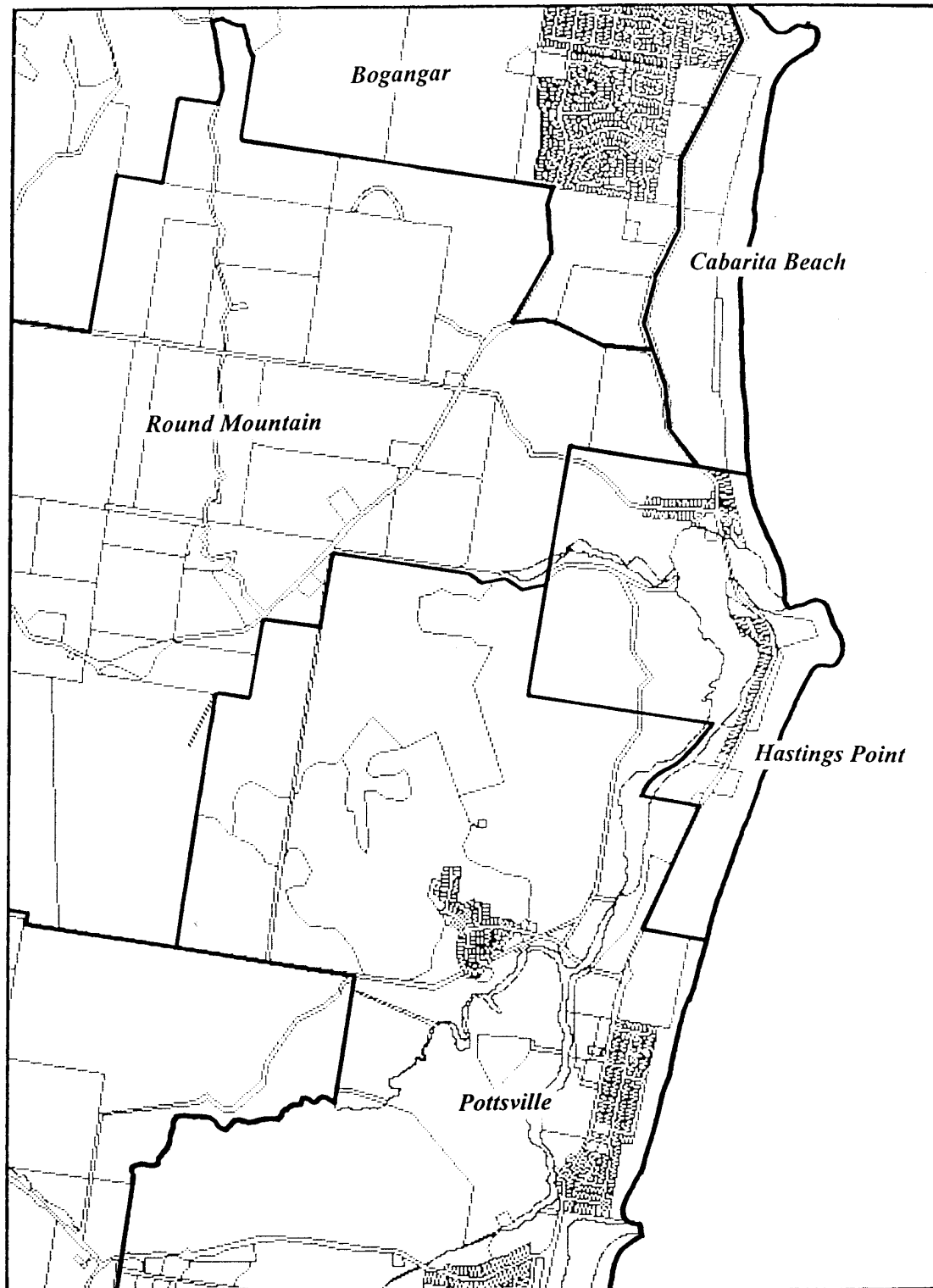
Figure 1



Items Deferred

PROPOSED LOCALITY BOUNDARIES

Figure 2



Items Deferred

EXISTING LOCALITY BOUNDARIES

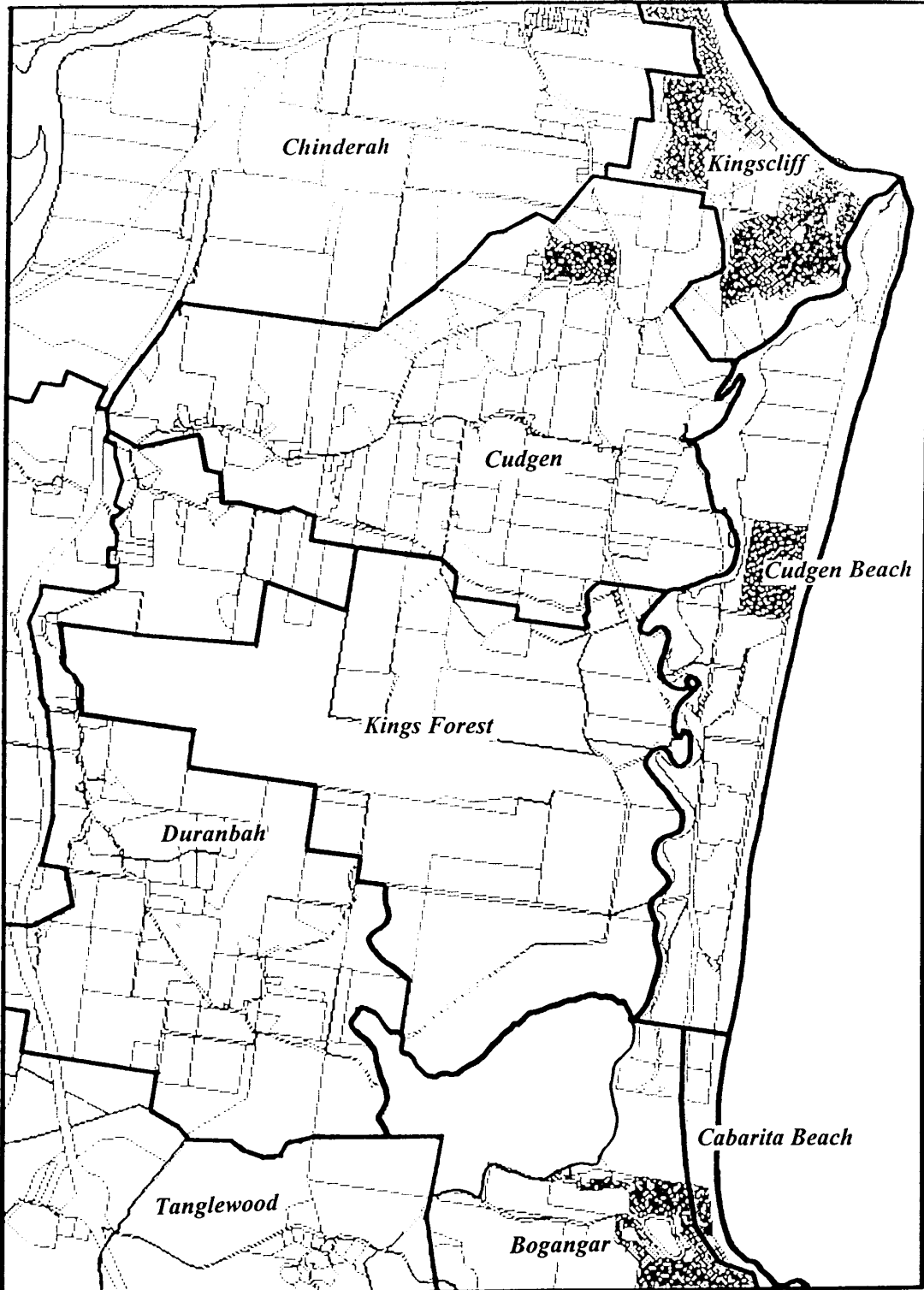
Figure 3



Items Deferred

PROPOSED LOCALITY BOUNDARIES

Figure 4



Items Deferred

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Reports from Director Development Services

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

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

MATTERS FOR CONSIDERATION

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

Reports from Director Development Services

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Reports from Director Development Services

1. ORIGIN: Development Assessment Unit

FILE REF: GS4/96/135 Pt16

REPORT TITLE:

Transfer of Deed of Agreement - Lot 2 DP 811425 Coast Road, South Kingscliff - Lenen Pty Ltd

SUMMARY OF REPORT:

A number of the conditions of the Land and Environment court consent (S96/135) for Stage 1 of the "Casuarina Beach" development were satisfied by the submission of Bonds to enable the subdivision certificate to be issued. The Bond for the uncompleted sewerage works was also covered by a Deed of Agreement. Clause 4 of the Agreement sets out how rights and obligations can be assigned to another party.

Lenen Pty Ltd has advised that it is proposed to assign the Agreement to the new owners, Consolidated Properties Pty Ltd and a Council resolution is required to sign the document under the Common Seal.

RECOMMENDATION:

That any documents relating to the transfer of the Deed of Agreement in relation to the Development Consent S96/135 to Consolidated Properties Pty Ltd be executed under the Common Seal of Council.

Reports from Director Development Services

REPORT:

A number of the conditions of the Land and Environment court consent (S96/135) for Stage 1 of the "Casuarina Beach" development were satisfied by the submission of Bonds to enable the subdivision certificate to be issued. The Bond for the uncompleted sewerage works was also covered by a Deed of Agreement. Clause 4 of the Agreement sets out how rights and obligations can be assigned to another party.

Lenen Pty Ltd has advised that it is proposed to assign the Agreement to the new owners, Consolidated Properties Pty Ltd and a Council resolution is required to sign the document under the Common Seal.

Reports from Director Development Services

2. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/S94/12

REPORT TITLE:

Expenditure from Section 94 Contribution Plan No 12 - Bus Shelters

SUMMARY OF REPORT:

There is a requirement to provide a bus shelter adjacent to the Tweed Heads Hospital. In late 1999 the Public Transport Committee agreed to include a shelter for the Hospital in its priority list of sites, expecting to fund it from Transport Infrastructure Grant funds.

Approval of the site was obtained from the Hospital in February, 2000, but at that stage it became known that the major Hospital extension Development Application included provision of a shelter, and therefore there was no need to use grant money.

During negotiations of the DA, however, there was a dispute about road and sewerage contributions which when resolved, resulted in the requirement for the shelter being abandoned.

By this time further grant funds had been spent on shelters at Tweed City Shopping Centre, and there was insufficient left to pay for the Hospital shelter. The Committee was advised on 16 November that there were funds in Contribution Plan No 12 – Bus Shelters, and agreed to seek this funding.

The shelter has now been ordered.

RECOMMENDATION:

That Council votes expenditure of up to \$6,000 for the provision of a bus shelter located outside the Tweed Heads Hospital from S94 Plan No 12 (Bus Shelters).

Reports from Director Development Services

REPORT:

BACKGROUND

There is a requirement to provide a bus shelter adjacent to the Tweed Heads Hospital. In late 1999 the Public Transport Committee agreed to include a shelter for the Hospital in its priority list of sites, expecting to fund it from Transport Infrastructure Grant funds.

Approval of the site was obtained from the Hospital in February 2000, but at that stage it became known that the major Hospital extension DA included provision of a shelter, and there was no need to use grant money.

During negotiations of the DA there was a dispute about road and sewerage contributions which when resolved, among other things, included the requirement for the shelter being abandoned.

By this time further grant funds had been spent on shelters at Tweed City Shopping Centre, and there was insufficient left to pay for the Hospital shelter. The Committee was advised on 16 November that there were funds in Contribution Plan No 12, and agreed to seek this funding.

CONTRIBUTION PLAN NO.12

Under this Plan bus shelters are to be provided to service new residential areas. The Plan uses an example of an area of population of 2,200 having the likely provision of about 4 bus shelters, with each bus shelter be provided within a 400m straight line distance from a (new) dwelling to a potential bus route – that is, to service new bus routes. There is no works program attached to the Plan; it therefore remains to determine how the accumulated funds are to be expended.

The inference from the Plan is to provide bus shelters within a new residential estate. The provision of the proposed bus shelter outside the Tweed Heads Hospital is outside of any new residential area.

However, while the Plan does imply that shelters be provided in the new development areas, physical nexus requirements under Section 94 suggest that a facility does not always have to be located within the area of development, provided that the incoming population that has contributed towards the facility will also benefit from that facility. Moreover, the demand for shelters from new development will arise both with residential estates and the destinations of future residents. The Hospital constitutes such a destination. Therefore, in this case, it is recommended that Section 94 funds be used for this shelter.

FINANCIAL IMPLICATIONS

Section 94 Plan No 12 currently has funds of \$20,619. The cost of the proposed bus shelter is approximately \$5,380. There are therefore sufficient funds in the Plan to accommodate the purchase of the shelter.

Reports from Director Development Services

3. ORIGIN: Development Assessment Unit

FILE REF: R0470 Pt2

REPORT TITLE:

Proposed Markets at Bay Street, Tweed Heads

SUMMARY OF REPORT:

Council has received a development application from the Tweed Chamber of Commerce to run a market every 4th Sunday in Bay Street, Tweed Heads. Issues relevant to the application are traffic, noise, public transport, impact on existing markets and access to emergency services. The application is recommended for conditional approval.

RECOMMENDATION:

That development application 1174/2000DA for the use of Bay Street, Tweed Heads for a market on every 4th Sunday of the month be approved subject to the following conditions:-

1. The development shall be completed in general accordance with the plans lodged with the application, except where varied by these conditions.
2. 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.
3. 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.
4. Products sold at the market are restricted to locally made or grown products.
5. The use to be conducted so as not to cause disruption to the amenity of the area and in particular so as not to cause a nuisance to residents in the locality by way of noise, dust, fumes or the like.
6. Hours of operation of the market are restricted to between 7.00am and 2.30pm.
7. Stall holders are not to commence setting up before 6.00am on the morning of the market.
8. All bus operators which utilise the Tweed Heads transit centre on a Sunday are to be contacted and advised of the temporary road closure.
9. This approval does not permit the following:-
 - a. the provision of entertainment devices (eg. Jumping castle or mechanical or electrical operated devices).
 - b. any public address system or amplified music.
10. That all necessary approvals under the Roads Act are obtained for the temporary road closure of Bay Street prior to the use commencing.

Reports from Director Development Services

11. That NSW Police approval is obtained and that all directions given by that Authority are adhered to.
12. That all emergency services (Fire and Ambulance etc) are advised of the temporary closure times and all necessary arrangements be made for emergency service vehicles to access and exit the closure area if need be.
13. A Traffic Management Plan detailing how it is proposed to inform, control, guide road users and protect the safety of all market participants. A copy of the Traffic Management Plan is to be forwarded to Council for authorisation by Council's Director, Engineering Services.
14. Tweed Taxi's be contacted and advised of temporary closure times 7 days prior to the commencement of any market.
15. Surfside Buslines be contacted and advised of the temporary closure times 7 days prior to the commencement of any market. If bus services are affected, all necessary arrangements, to the satisfaction of the Surfside Bus Company are to be made to overcome disruption to their services.
16. All necessary signage and barricades be provided at all closure points to direct motorists around the closure point.
17. All barricades and signs to be removed promptly following completion of the markets.
18. Public liability insurance indemnifying Council against any claim, to a minimum value of \$5,000,000 is to be in place prior to the commencement of any market. Evidence of this insurance is to be provided to Council.
19. All rubbish generated by the markets is to be collected and disposed of at an appropriate location at the conclusion of each market. The area is to be left in a tidy condition at the conclusion of the market.
20. The market is restricted to the area of Bay Street between Sand Street and Enid Street. No stalls are to be located on the corner of Wharf Street and Bay Street.
21. A 3m pedestrian walkway, clear of any obstacles, is to be maintained at all times along the frontage of the shops in Bay Street.
22. Prior to the commencement of any markets, an amended Market Management Plan, to the satisfaction of the Director of Development Services, is to be submitted incorporating amendments consistent with this consent.

Reports from Director Development Services

REPORT:

Applicant: Tweed Chamber of Commerce and Industry Inc.
Owner: Tweed Shire Council
Location: Bay Street, Tweed Heads
Zoning: Unzoned land – Tweed Local Environmental Plan
Estimated Value:

BACKGROUND/PROPOSAL:

A Development Application has been received from Tweed Chamber of Commerce to conduct a market in Bay Street, Tweed Heads on the fourth (4th) Sunday of each month on the southern side of Bay Street, between Wharf Street and Enid Street during the hours of 7.00am to 2.00pm.

The market will provide for the sale of goods, local crafts and produce that would not readily be available to local retail outlets. It is intended to provide amplified music on the corner of Wharf and Bay Streets.

Council, at its meeting of 18 October 2000, considered a report regarding the proposed market. At this meeting it was resolved as follows:-

“..... that Council approves the submission of a Development Application being lodged and the issues be addressed as part of the consideration of the application”.

Issues identified in this report in relation to the markets included:-

- a. Disruption to traffic;
- b. Affect on the existing markets conducted by the Tweed Citizens' Youth Club;
- c. Access for Emergency Services.

These matters, along with relevant planning matters will be considered as part of this report.

ASSESSMENT UNDER SECTION 79(C)(1)

(a) (i) **The provision of any environmental planning instrument**

Tweed Local Environmental Plan 2000 (TLEP)

The market is proposed to be carried out within the Bay Street road reserve along the southern side. The subject land is uncoloured on the TLEP zone map.

Clause 13 of the LEP applies to uncoloured land. Under this clause a person must not carry out development (other than development for the purpose of an outdoor eating area on a footpath in a road reserve or development listed in Schedule 5) on unzoned land except with consent.

In deciding whether to grant consent to development on unzoned land, the consent authority must consider:-

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- a. whether the proposed development is compatible with development permissible in the adjoining zone and the character and use of existing development in the vicinity.

Land directly adjoining the road reserve is zoned 3(b) General Business and generally contains shops or commercial development. It is considered that the proposed market is compatible with the adjoining zoning and uses in the area and could be approved by Council.

The proposed development is not inconsistent with any State Environmental Planning Policies (SEPP) or the North Coast Regional Environment Plan (NCREP).

- (a) (i) **Any draft Environmental Planning Instrument that is or has been placed on exhibition and details of which have been notified to the consent authority**

No draft Environment Planning Instrument (EPI) are applicable to this proposal.

- (a) (iii) **Any development control plan**

Under the provisions of Development Control Plan No. 2 – Site Access and Parking Code – there are no specific parking requirements for markets. The plan requires parking requirements to be assessed on merit.

The markets are proposed to be carried out on Sunday when parking demand in the business area is at a minimum. A public car park exists at the western end of Bay Street, which from observation, has minimal use on a Sunday. On-street parking is also available in the immediate commercial area. It is considered that adequate parking is available within the area to accommodate the proposed markets.

- (a) (iv) **Any matters prescribed by the regulations**

The NSW Coastal Policy applies to the subject land. The proposed markets are not inconsistent with the provisions of this policy.

- (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**

Traffic

It is proposed to temporarily close the southern carriageway of Bay Street between Sand and Enid Streets. Access to Sand and Enid Streets will still be maintained, allowing vehicles entering Bay Street from Wharf Street to detour the markets via Sand Street, Sands Lane and Enid Street.

Tweed Heads Bus Transit Centre is located opposite the proposed markets in Bay Street. Access by buses to Bay Street, coming from the south, will be disrupted as a result of the proposal as buses will not be able to turn left into Bay Street to access the Transit Centre. Buses will be required to continue along Wharf Street and access the Transit Centre via Stewart Street. Should Council support the application the market operator should be required to contact all bus companies advising of the time and date of the proposed market.

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The taxi rank is located around the corner from Bay Street in Wharf Street. It is not anticipated that the markets will have a significant impact on the operation of this taxi rank.

The application was referred to Council's Traffic Engineer who raised no objections to the proposal subject to the submission of a Traffic Management Plan and inclusion of appropriate road closure conditions including the requirement to notify the relevant authorities.

It is concluded that the markets will result in some disruption to traffic within the area, however, this can be adequately managed in light of the periodic nature of the markets.

Noise

A Management Plan for the markets which was submitted by Tweed Chamber of Commerce indicated that they intend to provide amplified music on the corner of Wharf and Bay Streets and a possible kid's "jumping castle" which would require a generator to operate.

Separate advice received by Council's Environment and Health Unit indicated that at this stage it was not intended to have music or a "jumping castle".

Notwithstanding the conflicting advice, it is considered that both amplified music and a "jumping castle" has the potential as a result of noise, to impact on occupants in the immediate area. In particular, residents and guests of Whitehall Lodge which is situated directly opposite the markets on the northern side of Bay Street. It is considered that should Council approve the application a condition be placed on any consent prohibiting the use of amplified music and a "jumping castle".

Waste Management

The market operator intends to provide 14 separate bins for waste disposal. A condition should be placed on any consent requiring the operator to tidy up the area at the conclusion of each market.

Emergency Services

Should Council approve the application a condition of consent should be placed on the approval requiring adequate notification be given to all emergency services of the temporary road closure including the date and times of the closure.

Pedestrian Movement

The application proposes to use the footpath area on both corners of the Bay Street/Wharf Street intersection. This will result in pedestrians visiting the markets having to cross Bay Street, and Sand Street to access stalls in these areas, resulting in potential vehicle pedestrian conflicts. It is recommended that the stall area be restricted to the closed road area and adjacent footpath between Sand Street and Enid Street.

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

The area where the market is proposed is located in the central business area of Tweed Heads. Shops and commercial premises are located on either side of Bay Street in the immediate vicinity of the development. Tweed Mall is located on the opposite side of Wharf Street to the east.

The area proposed for the markets is relatively flat and is located in close proximity to public transport. The area is serviced by all essential utility services.

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

(d) **Public Submissions**

The application was notified to shop owners and occupiers within Bay Street and to other market operators for a period of fourteen (14) days. At the conclusion of this period two (2) submissions objecting to the proposal were received.

The proprietor of Keyhole Bookshop, a Adult bookshop located in Bay Street strenuously objected to the proposal. Reasons for the objection include:-

- a. that this business trades 7 days per week and the proposed market would result in a loss of parking and therefore business;
- b. having a market adjacent to a adult book shop is inappropriate as markets generally attract families with children.

The subject book shop is situated near the corner of Sand Street and will be situated adjacent the markets. It is considered that there is some merit in the submission due to the nature of the business however, laws prevent the display of explicit material in shop windows and therefore the shops presentation to the street is very similar to any other shop in the area. It is considered that matters raised in this submission would not warrant refusal of the application.

The second submission was received from Twin Towns Police and Community Youth Club who hold a market each Sunday in Recreation Street. Grounds for the objection are as follows:-

- a. The Police Citizens Youth Club markets provide a means of income to allow the organisation to provide a number of their community services. The establishment of a market within 500 metres may detrimentally affect their viability.
- b. The market will result in a number of traffic and parking problems.

The applicant responded to the issue concerning the affect on the Police Citizens Youth Club as follows:

“The markets that will be conducted by Tweed Chamber of Commerce will only have quality locally made or grown products for sale. There will be no second hand goods, trash and treasure or garage sale items sold as are at Police Citizens Youth Club.

Reports from Director Development Services

We aim to attract tourists and help traders in Bay Street/CBD area to be seen, enabling them to improve their businesses.

We do not believe there is any conflict of interest because of the diversification of the market”.

It is recommended that should Council support the proposal that a condition be placed on the consent restricting goods sold at the market to locally made and grown products.

As part of the application the applicant submitted seven (7) letters of support from business operators in Bay Street.

During the notification period a number of phone calls from business owners in Bay Street were received which indicated support for the proposal.

(e) **Public Interest**

It is considered the proposed market has the potential to benefit local businesses in the Bay Street area by attracting more people to the area.

The proposal will impact on traffic within the area however, it is considered that this can be managed adequately.

It is acknowledged that the markets are not ideally located being in close proximity to a adult bookshop.

The markets have the potential to impact on the markets located in Recreation Street run by the Police Citizens Youth Club. It is difficult to anticipate whether this will be a positive or negative impact. The location of a additional market may actually attract additional people to the area as a result of a wider diversity of products being sold.

It is considered that the development is generally in the public interest.

LEGAL/FINANCIAL/RESOURCE IMPLICATIONS

Should Council refuse the application the applicant has a right of appeal to the Land & Environment Court.

OPTIONS

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

CONCLUSION

It is concluded that there are positives and negatives associated with the proposal with the positives being increase of activity in the area and thus benefits to the businesses in the area while the negatives relate to disruption to traffic, location of an adult bookshop in the precinct and possible impact on the Police Citizens Youth Club markets in Recreation Street.

It is however concluded that the extent of the negative impacts are not of a degree to warrant refusal of the application. The application is recommended for approval.

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4. ORIGIN: Development Assessment Unit

FILE REF: DA1993/10 Pt1

REPORT TITLE:

Transfer of Deed of Agreement - Lot 3 DP 883645 Kirkwood Road, Tweed Heads South

SUMMARY OF REPORT:

On 11 September 1998, Development consent S98/31 was issued and approved for the subdivision of Lots 3 and 4 DP 255989 Kirkwood Road, Tweed Heads into 60 residential lots and 4 large lots for future development.

Part of the approval required the owners, Summit Properties (Australia) Pty Ltd to enter into a Deed of Agreement with Council to pay contributions towards active open space, casual open space and community facilities.

The Deed was executed on 13 April 1999 and Clause 9 of the Deed sets out the requirements for the transfer of the rights of the subject land.

Advice has now been received that the land is being transferred to Kirkwood Estates Pty Ltd and Broadsteel Pty Ltd and the Solicitor for the purchasers has requested the transfer of the Deed in accordance with Clause 9. A Council resolution is required to sign the document under the Common Seal.

RECOMMENDATION:

That any documentation related to the transfer of the Deed of Agreement in relation to Development Consent S98/31 to Kirkwood Estates Pty Ltd and Broadsteel Pty Ltd be executed under the Common Seal of Council.

Reports from Director Development Services

REPORT:

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Reports from Director Development Services

5. ORIGIN: Development Assessment Unit

FILE REF: DA3220/260 Pt2

REPORT TITLE:

Proposed Cogeneration Facility – Condong Sugar Mill

SUMMARY OF REPORT:

Sunshine Energy, a joint venture between the NSW Sugar Milling Co-operative (NSWSMC) and Delta Electricity, proposes to develop a cogeneration plant at the Condong Sugar Mill. Delta Electricity is a major producer of electricity in NSW and generates approximately 20% of electricity supply in the National Electricity Market. A development application has been submitted to Council for this proposal.

The proposed cogeneration plant will generate renewable, or “green”, electrical power and process steam (for sugar milling operations) through the combustion of biomass fuels including bagasse, cane leaves and fuel from wood based materials. Fuel from wood based materials will include the use of weed species such as Camphor Laurel, saw dust and off-cuts from saw mill operations and council green waste.

The application was referred to various government authorities. The Environment Protection Authority (EPA) has issued “general terms of approval” and issues raised by other authorities has been satisfactorily addressed.

The proposal has been examined in terms of its benefits to the community and environment as well as the possible negative impacts.

It is considered that the proposal is suitable to proceed and that development consent be issued.

RECOMMENDATION:

That the development application lodged by the NSW Sugar Milling Co-operative Ltd for a cogeneration facility (electricity plant) at Lots 16, 18, 19 and 23 DP 255029 McLeod Street, Condong be approved subject to the following conditions:-

PRE-REQUISITES –that must be satisfied prior to the issue of a construction certificate

General

1. The submission of an amended Environmental Management Plan to the satisfaction of the Director of Development Services and Director of Engineering Services prior to the issue of a construction certificate which incorporates the following:-
 - i. Management measures to ensure that truck traffic generated by the development does not use Clothiers Creek Road between Condong Place and North’s Lane.
 - ii. A requirement that the Management Plan in respect of the traffic restriction on Clothiers Creek Road not be amended without approval of the Director of Development Services and Director of Engineering Services.

Reports from Director Development Services

2. A detailed plan of landscaping is to be submitted and approved by Council's Director, Development Services prior to the issue of a Construction Certificate. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building. The plan is to incorporate the use of mature plant species to screen the proposed stockpile site.
3. A traffic control plan that complies with the provisions of the RTA document "Traffic Control at Work Sites" Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, and submitted for approval by Council, prior to issue of the Construction Certificate. All works are to comply with the Occupational Health and Safety Act and the RTA document and the approval particularly in respect to works on public roads. Safe public access shall be provided at all times.
4. **Prior** to the commencement of work the applicant shall submit to Council evidence that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared in accordance with either:-
 - a. Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
 - b. AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
5. Approval for the relevant work is to be obtained from the Roads and Traffic Authority under Section 138(2) of the Roads Act, 1993 prior to release of the construction certificate.
6. Detailed design of the stockpile bund is to be submitted to and approved by the Director of Engineering Services. Details are to be submitted and approved prior to the issuing of the Construction Certificate. The design is to minimise impacts on adjoining properties.

Contributions

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

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

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

Reports from Director Development Services

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

- a. Tweed Road Contribution Plan: \$27,875.70

S94 Plan No. 4 (Version 4.0)

(Murwillumbah - commercial)

Heavy Haulage Component

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

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

where:

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

and:

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

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

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

Admin. Administration component - 5% - see Section 6.5

- b. Extensions to Council Administration Offices & Technical Support Facilities

Section 94 Plan No. 18

\$48 per 300m² (or part thereof) of additional industrial floor area. Details of existing and proposed floor areas are to be provided prior to the release of the construction certificate

8. 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

Reports from Director Development Services

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: \$3590 per 1000m² (or part thereof) of additional industrial floor area. Details of existing and proposed floor areas are to be provided prior to release of the construction certificate.

Sewer: \$2970 per 100m² or part thereof of additional industrial floor area. Details of existing and proposed floor areas are to be provided prior to release of the construction certificate plus

\$2970 per 280kl/annum returned to sewer from the cogeneration process. Details to be provided to the satisfaction of the Director of Engineering Services prior to release of the construction certificate.

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

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

Further Approvals

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

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

(i) **Building Work**

In the case of an application for a construction certificate for **building work**:

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

The plan for the building must be drawn to a suitable scale and consist of a general plan and a block plan. The general plan of the building is to:

- show a plan of each floor section
- show a plan of each elevation of the building
- show the levels of the lowest floor and of any yard or unbuilt on area belonging to that floor and the levels of the adjacent ground

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- indicate the height, design, construction and provision for fire safety and fire resistance (if any)

Where the proposed building work involves any alteration or addition to, or rebuilding of, an existing building the general plan is to be coloured or otherwise marked to the satisfaction of the certifying authority to adequately distinguish the proposed alteration, addition or rebuilding.

Where the proposed building works involves a modification to previously approved plans and specifications the general plans must be coloured or otherwise marked to the satisfaction of the certifying authority to adequately distinguish the modification.

The specification is:

- to describe the construction and materials of which the building is to be built and the method of drainage, sewerage and water supply
 - state whether the materials proposed to be used are new or second hand and give particulars of any second hand materials used
- c) where the application involves an alternative solution to meet the performance requirements of the BCA, the application must also be accompanied by:
- details of the performance requirements that the alternative solution is intended to meet, and
 - details of the assessment methods used to establish compliance with those performance requirements
- d) evidence of any accredited component, process or design sought to be relied upon
- e) except in the case of an application for, or in respect of, a class 1a or class 10 building:
- a list of any fire safety measures that are proposed to be implemented in the building or on the land on which the building is situated, and
 - if the application relates to a proposal to carry out any alteration or rebuilding of, addition to, an existing building, a separate list of such of those measures as are currently implemented in the building or on the land on which the building is situated.
- f) Engineering plans and specifications for all civil engineering works required by this consent.

The list must describe the extent, capability and basis of design of each of the measures concerned.

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Environment Protection

10. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan which shall be submitted to and approved by the Director of Environment and Community Services **PRIOR** to the issue of a construction certificate.

The Plan shall specify how the waste is to be treated and/or where the waste is to be disposed of.

GENERAL

11. The development shall be completed in general accordance with plans, Statement of Environmental Effects and Environmental Management Plan submitted with the development application, except where varied by these conditions.

Note: As the proposal is an engineer procure and construct project detailed plans of all buildings and works are to be provided with the construction certificate.

12. The traffic aspect of Environmental Management Plan is not to be amended without approval from the Director of Development Services and Director of Engineering Services.
13. All structures on Lot 19 DP 255029 are to be setback a minimum of 30 metres from the Pacific Highway and Clothiers Creek Road.
14. No structures are to be erected over or within 3 metres of tramway easements.
15. 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 any use or occupation of the buildings.
16. 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.
17. 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.
18. The area of the stockpile is limited to 6.1 hectares. A separate development application (or application to modify this consent under Section 96 of the Environmental Planning and Assessment Act, 1979, if deemed appropriate by the Director of Development Services) is to be submitted to make any increase in area of the stockpile.
19. 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.
20. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

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- 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
21. 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.
22. 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.
23. 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.
24. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742-1991 (Manual for Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.
25. In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with AS1428-1993 Parts 1 to 4 - Design for Access and Mobility.

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26. Advertising structures/signs to be the subject of a separate development application, where statutorily required.
27. All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead".
28. Demolition of building existing on site is to be carried out in accordance with the provisions of Australian Standard AS 2601-1991 "The Demolition of Structures".
29. All loading/unloading to take place within the boundary of the subject property.
30. Disinfection of cooling tower water with oxidisation or similar to ensure public health issues associated with aerosol drift are addressed to the satisfaction of the Director of Environment and Community Services.
31. All fill material is to be obtained from an approved source. Details of the source are to be submitted and approved by the Director of Development Services.
32. If any structures or buildings are to be relocated, any necessary approvals are to be obtained prior to relocation occurring.

ENVIRONMENT PROTECTION AUTHORITY GENERAL TERMS OF APPROVAL

Administrative conditions

A1. Information supplied to the EPA

33. Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:
 - * the development application DA K2000/344 submitted to Tweed Shire Council on 10 Mach 2000;
 - * a statement of environmental effects titled "Condong Biomass Cogeneration" and dated March 2000 relating to the development;
 - * all additional documents supplied to the EPA in relation to the development.

A2. Fit and Proper Person

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

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Limit conditions

L1. Pollution of waters

35. Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.
36. All wastewater discharged to the Tweed River from the approved activity must be discharged via a submerged outfall at a point not less than 10 metres from the eastern river bank adjacent to the mill premises.

L3. Concentration limits

37. For each discharge point or utilisation area specified in the table/s below, the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.
38. Where a pH quality limit is specified in the Table, the specified percentage of samples must be within the specified ranges.
39. To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants.

Water

During the sugar cane crushing season the following concentration limits apply prior to combination with the wastewater discharge from the Condong Sugar Mill. During the non-crushing season the concentration limits apply to the discharge via the licensed outfall.

Pollutant	Units of measure	50% concentration limit	90% concentration limit	100% concentration limit
BOD	Mg/L		70	105
29/11/2000	Mg/L		105	140
TP	Mg/L		3.5	6
TN	Mg/L		25	30
TEMP	OC		*3>bgd	5>bgd
pH	pH			6.5 to 8.5

Note: The concentration limits in the above table are based on effluent concentration limits specified for the Murwillumbah Sewage Treatment Plant under Pollution Control Approval No. 1024 issued to the Tweed Shire Council. The concentration limits will be subject to

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periodic review under the licensing provisions of the Protection of the Environment Operations Act. This may result in a reduction of the concentration limits or Pollution Reduction Programs being negotiated with Tweed Shire Council and the applicant to improve the quality of effluent discharged to the environment.

- * “>bgd” means the concentration above background levels in the receiving waters of the Tweed River. Background levels are to be determined by the sampling of inlet waters in accordance with the monitoring requirements attached to Environment Protection Licence No. 170 and held by NSW Sugar Milling Co-operative Limited.

Air Emissions – Concentration and Mass Load Limits

The concentration and mass loads of the following air pollutants discharged from the locations, identified in the Tables below, must not exceed the concentration limits and mass load limits specified in the tables below.

New Boiler Stack

Cogeneration Plant – Concentration Limits				
Pollutant	Units of Measure	of 100% limit	Reference conditions	Averaging period
H ₂ SO ₄ and SO ₃ (as SO ₃)	G/m ³	0.1	Dry, 273K, 101.3kPa	As per test method
Total Sulphur gas as SO ₂	G/m ³	0.1	Dry 273K, 101.3kPa, 7% O ₂	1 hour (moving), or as per test method if not CEM
Total NO _x (as NO ₂)	G/m ³	0.5	Dry 273K, 101.3kPa, 7% O ₂	1 hour (moving)
Solid Particles	mg/m ³	100	Dry 273K, 101.3kPa, 7% O ₂	As per test method
Opacity	%	20	Operating conditions	6 minutes (moving)
CO	ppm	100	Operating conditions	1 hour (moving)

L4. Volume and mass limits

40. For each discharge point or utilisation area specified below (by a point number), the volume/mass of:

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- * liquids discharged to water, or
- * solids or liquids applied to the area, must not exceed the volume/mass limit specified for that discharge point or area

WATER

Point	Units of measure	Volume limit
Prior to mixing with sugar mill effluent	KL/day	600

AIR

Cogeneration Plant (Mass Loads)		
Pollutant	Units of Measure	100% Mass Limit
NO _x (as NO ₂)	Tonnes per year	1,037 (Table 7 AQIA, SEE used in modelling)
SO ₂ , SO ₃ & H ₂ SO ₄	Tonnes per year	167 (Table 7 AQIA, SEE used in modelling)
Coarse Particles	Tonnes per year	208 (Table 7 AQIA, SEE used in modelling)
Fine Particles	Tonnes per year	164 (Table 7 AQIA, SEE used in modelling)

(Note: (a) Other pollutants may be regulated under the requirements of the "Protection of the Environment Operations Act 1997"; (b) NO_x (as NO₂) Please note section 2 "Sample Collection and Handling Guidelines – Emission Monitoring" in relation to plant start up and shut down in the Approved Methods for the Sampling and Analysis of Air Pollutants in NSW, December 1999; and (c) Fine Particulates please note definition under Clause 20(1) "Pollutant Weightings" of the "Protection of the Environment (General) Regulation 1998")

L4.2 Potential Pollution Reduction Program

41. If future environmental monitoring results indicate that the quality of the wastewater discharged from the premises is causing an exceedance of ANZECC criteria in the receiving waters, the EPA may require the applicant to implement remedial strategies, including improvements to the quality of the water supply used for cooling purposes.

L5. Waste

42. The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or

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disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

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

L6. Noise limits

Operational Noise

44. Operational noise from the premises must not exceed the limits presented in Table A.

Table A Operational Noise Limits

RECEIVER AREA	L ₁₀ (15 minute) dB(A)	
	Day	Night
Residence C (refer to EIS)	49	38
Residence D (refer to EIS)	49	38
Residence E (refer to EIS)	47	37

Note:

The noise emission limits apply for winds up to 3 metres per second and Pascall stability class A, B, C, D, E and F.

For the purpose of noise measurements the L_{A10} noise level must be measured or computed at the most affected receiver specified using “FAST” response on the sound level meter over a period of 15 minutes. The measurement location is the receiver boundary or 30 metres from the receiver facade where the boundary is more than 30 metres away from the receiver facade.

For the purpose of the noise criteria for this condition, 5dBA must be added to the measured level if the noise is substantially tonal or impulsive in character.

45. Noise from the premises is to be measured at residential premises C, D & E to determine compliance with this condition

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Hours of operation

Construction Noise

46. Construction activities are limited to 7am - 6pm Monday to Friday and 8am - 1pm Saturday.

Work outside these hours which may be permitted may include:

- any works which do not cause noise emissions to be audible at any nearby residential property;
 - the delivery of material which is required outside these hours requested by police or other authority for safety reasons; and
 - emergency works.
47. The Applicant must develop a Construction Noise Protocol prior to the commencement of any construction activity on the premises. The Protocol must include (and not necessarily be limited to), the following;
- potentially noise affected properties and applicable noise goals;
 - management and mitigation measures to minimise the exceedences of the construction noise performance goals
 - equipment used including equipment noise levels;
 - mitigation measures demonstrating best practice including the design and operation of equipment;
 - compliance monitoring methods and program
 - noise complaints line; and
 - contingency measures to deal with incidents when exceedences have occurred or noise complaints have been received.

01. Air

Flue Gas

48. The air emissions from the new boiler must be discharged from a stack with a height of not less than 60 metres above local ground level. The stack must be designed to achieve a discharge velocity of 15 m/s under full load plant operating conditions in order to minimise the effects of stack tip downwash.
49. **Ash handling**, storage and disposal must be enclosed, where practicable, and be sufficiently moist to prevent dust emission.
50. **The conveyor system** transporting fuel from the mill to the buffer fuel storage must be enclosed, where practicable, and fitted with dual belt cleaning devices.

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51. **Transfer stations** must be fully enclosed, where practicable, with exhaust air being ducted to an appropriately designed dust control unit.
52. **Wood fuel receipt and processing** must be enclosed where practicable with the exhaust air being ducted to an appropriately designed dust control unit to ensure fugitive emissions from these sources are minimised.
53. **Stockpile storage** must not be more than 6.1 hectares in area and be covered except where fuel retrieval or deposits prevents this taking place. Additional dust controls for the retrieval areas must be installed. Access roads must be sealed.
54. **A meteorological station** must be installed at a suitable location to assist with dust emission control strategies such as ceasing retrieval operations when wind speeds exceed 10 m/s. The meteorological station should be sited and operated in accordance with methods AM-1, AM-2 and AM-4 the which are detailed in the "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".

O2. Dust

55. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
56. Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading. *Note: dust control measures for traffic areas and open stockpiles, including ceasing dust generating activities during certain meteorological conditions as indicated below will be required.*

O3. Stormwater/sediment control - Construction Phase

57. *A Soil and Water Management Plan (SWMP)* must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The *SWMP* should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing).

O4. Stormwater/sediment control - Operation Phase

58. A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in *Managing Urban Stormwater: Council Handbook* (available from the EPA).

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O5. Noise

Monitoring and recording conditions

59. Upon completion of the construction work and within 28 days of commencement of production operations of the approved works, the applicant must carry out a compliance noise survey. The compliance survey must cover all aspects of noise where noise predictions were contained in the Statement of Environmental Effect and identify remedial measures to be implemented where exceedence of predicted noise levels are detected.

The survey results and remedial strategy shall be provided to the EPA within 60 days of commencement of operation of the approved works.

M1 Monitoring records

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

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

- in a legible form, or in a form that can readily be reduced to a legible form;
- kept for at least 4 years after the monitoring or event to which they relate took place; and
- produced in a legible form to any authorised officer of the EPA who asks to see them.

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

- the time(s) at which the sample was collected;
- the point at which the sample was taken; and
- the name of the person who collected the sample.

M2. Requirement to monitor concentration of pollutants discharged

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

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WATER

Monitoring requirements for cogeneration effluent prior to mixing with wastewater from sugar milling operations

Pollutant	Units of measure	Frequency	Sampling Method
BOD	mg/L	Weekly	Composite sample
TSS	mg/L	Weekly	Composite sample
TP	mg/L	Weekly	Composite sample
TN	mg/L	Weekly	Composite sample
TEMP	OC	Continuous	In line instrumentation
pH	PH	Continuous	In line instrumentation

*Note, Monitoring conditions may be varied upon commissioning of the approved activity to more closely match monitoring requirements under the existing Environment Protection Licence.

Emissions Monitoring

Stack and other monitoring must be completed for the following parameters at the frequency detailed using, where specified, the method listed.

AIR

Point	Pollutant	Type of Monitoring	Method
Cogeneration Plant Stack	SO ₂	CEMS, or as otherwise agreed to by the EPA	CEM-2
	NO _x	CEMS	CEM-2
	Opacity *	CEMS	CEM-1
	CO	CEMS	CEM-4
	Flue gas flow rate	CEMS	CEM-6
	Oxygen content	CEMS	CEM-3
	Moisture content	CEMS	CEMS
	Temperature	CEMS	CEMS
	H ₂ SO ₄ and SO ₃	Immediately post commissioning and quarterly thereafter	TM-3
	Coarse particles	Immediately post commissioning and quarterly thereafter.	TM-15
Fine particles	Immediately post commissioning and quarterly thereafter.	OM-5	

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Note: All continuous emissions and periodic monitoring must be carried out strictly in accordance with the methods prescribed in the Clean Air (Plant and Equipment) Regulation 1997 and the “Approved Methods for the Sampling and Analysis of Air Pollutants in NSW”.

* Where stack emissions are near or below dew point the applicant must provide monitoring equipment specifically adapted to operate in a wet stack environment or sample and treat the emission sample to accommodate the required monitoring.

M3. Requirement to monitor volume or mass

64. For each discharge point or utilisation area specified below, the applicant must monitor:

- the volume of liquids discharged to water or applied to the area;
- the mass of solids applied to the area;
- the mass of pollutants emitted to the air,

over the interval, at the frequency and using the method and units of measure, specified below.

WATER

Point	Frequency	Units of Measure	Sampling Method
Prior to mixing with sugar mill effluent	Daily	KL/day	In line instrumentation

M4. Testing methods - concentration limits

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

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

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

66. Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area required by condition **M3** must be done in accordance with:
- the Approved Methods Publication; or
 - if there is no methodology required by the Approved Methods Publication or by the general terms of approval or in the licence under the Protection of the Environment Operations Act 1997 in relation to the development or the relevant load calculation protocol, a method approved by the EPA in writing before any tests are conducted,

unless otherwise expressly provided in the licence.

M5 Environmental Monitoring

67. Within twelve months of the granting of Development Consent, the applicant must submit details of an environmental monitoring program with the following aims to the EPA for endorsement:
- Validation of the Cormix plume structure and dilution predictions contained in the proposal addressing both the near field and far field predictions
 - Ongoing environmental monitoring of the impact of thermal, nutrient and organic loads on the Tweed River under a characteristic range of operational and ambient conditions.
68. The applicant must implement the endorsed environmental monitoring program within 3 months of commissioning the approved works and thereafter on an annual basis. The frequency of carrying out the environmental monitoring program must be increased where results indicate that more detailed or frequent monitoring is appropriate.

Reporting conditions

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

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PRESCRIBED (BUILDING)

70. 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.
71. 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).
72. 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.
73. Prior to occupation of the building a Occupation Certificate is to be obtained. If Council is requested to issue the Occupation Certificate, the application must be accompanied by relevant Compliance Certificates or documentary evidence of compliance.
74. 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.
75. 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 required essential fire safety measure has been designed and installed in accordance with the relevant standards.

FIRE (BUILDING)

76. All fire service connections are to be compatible with those of the NSW Fire Brigade.

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FURTHER APPROVALS

77. Submission and approval of any necessary applications for the upgrade of electrical infrastructure and connection to enable export of electricity from the site.
78. The submission and approval of an application under Part 4 and/or Part V of the Environmental Planning and Assessment Act, 1979 for the supply of treated effluent from Murwillumbah Sewerage Treatment Plant to the subject site.
79. A permit under Section 3A of the Rivers and Foreshores Improvement Act is to be obtained if deemed necessary by the Department of Land and Water Conservation.

ROADS/STREETS

80. Trucks are prohibited from using Clothiers Creek Road between Condor Place and North's Lane until Clothiers Creek Road has been upgraded to the satisfaction of the Director of Development Services.
81. The following intersections are to be constructed by the applicant to the specified standards below:-
 - a. Clothiers Creek Road/Stockpile Site Entrance
 - Austroads Guide to Traffic Generating Developments Pt 5 Type C right turn intersection with
 - Austroads Guide to Traffic Generating Developments left turn deceleration and acceleration lane on Clothiers Creek Road
 - Street lighting to Australian Standards 1158 – Route Lighting.
 - b. Cane Road/Pacific Highway
 - Austroads Guide to Traffic Generating Developments Pt 5 left turn acceleration and merge from Cane Road onto the Pacific Highway
 - Left turn deceleration and turn lane from Pacific Highway into Cane Road
 - c. Cane Road/McLeod Street
 - Austroads Guide to Traffic Generating Developments Type B intersection for right turns
 - Type B left turn treatments sufficient for heavy vehicles
 - Intersection lighting to Australian Standards 1158 – Route Lighting
 - d. Clothiers Creek Road/Pacific Highway
 - Upgrade left turn onto Pacific Highway to enable heavy vehicles to turn into acceleration/merge lane without encroaching into through traffic lane.

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82. McLeod Street between Cane Road and 50m north of the proposed entrance is to be constructed 13 metres wide between kerbs including the construction of vertical faced kerb and gutter and associated drainage.
83. The entrance driveway is to be constructed from reinforced concrete in accordance with detailed design plans after approval by the Director of Engineering Services.
84. Detailed engineering design plans for the works specified in conditions 80, 81 & 82 are to be prepared and submitted to the Director of Engineering Services for approval and any amendments required made prior to construction.
85. The footpath area is to be upgraded to the kerb and turfed for the full frontage of the site.
86. The access road into the stockpile site is to be sealed for its entirety or alternatively 20 metres at 6 metres wide with a "wheel wash" or other approved device by the Director of Development Services.
87. The access roads at the plant in McLeod Street are to be sealed 6m wide where 2 way traffic and 4 metres where one way traffic to the satisfaction of the Director of Development Services.
88. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the provision of an invert crossing at the kerb and gutter where required and paving of the driveway across the footpath to the front alignment to the satisfaction of the Director, Engineering Services. Twenty four (24) hours notice is to be given to Council's Engineering Services Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the vehicular access and its reconstruction.
89. The concrete driveway across the footpath is to be 200 millimetres thick minimum and reinforced with F82 mesh with 40mm cover.

DRAINAGE/FLOODING

90. (a) Permanent stormwater quality treatment shall comply with "Tweed Urban Stormwater Quality Management Plan" (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction or Occupational Phase of Development". New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the "deemed to comply" provisions of Appendix E – Tweed Shire Council, Aus-Spec D7 – Stormwater Quality is deemed to comply with the objectives in 5.5.3.

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

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

- (b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.
- (c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of Tweed Shire Council Aus-Spec D7 – Stormwater quality.
- (d) Specific Requirements
 - (i) The fuel stockpile area is to be provided with full strength sealed access pavements and roadways for movement, turning, parking, loading and unloading to minimise risk of vehicles picking up soil and pollutants on tyres and transporting this material onto the public road system. These sealed surfaces are to be fully maintained for the entire life of the stockpile.

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- (ii) All accesses to the fuel stockpile area are to be provided with devices for automatic cleaning of soil and other pollutants from vehicle tyres. These devices are to be operated at all times for the entire life of the stockpile to ensure soil and pollutants on tyres are not transported onto the public road system.
- 91. (a) All stormwater runoff from the proposed fuel storage area on Lot 19 DP 255029 east of the Pacific Highway, is to be discharged into the Creek at the south west corner of Lot 19. The applicant is to obtain any necessary statutory approvals for these drainage works from NSW Fisheries and DLWC.
- (b) Stormwater runoff from the plant area on Lot 16 DP 255029 on the western side of the Pacific Highway is to be discharged into the existing stormwater system which discharges to the Tweed River. If necessary the applicant is to obtain any necessary statutory approvals for drainage works in/adjacent to the Tweed river and within the riparian zone.
- 92. All stormwater from roof catchment to be connected directly into road drainage pits if available, or to kerb and gutter, along the frontage of the site.
- 93. Provision to be made for a flood free storage area for stock and equipment susceptible to water damage.
- 94. Building materials used below Council's minimum floor level of RL 5.3m AHD must not be susceptible to water damage.
- 95. Subject to the requirements of Northpower, all electrical wiring, power outlets, switches, etc, should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level should be suitably treated to withstand continuous submergence in water.

SERVICES

- 96. Sewer main within site is to be accurately located and the Principal Certifying Authority advised of its location and depth prior to start of any building works.
- 97. The building is to be sited at least one metre horizontally clear of sewer main on site. All footings and slabs within the area of influence of the sewer main are to be designed by a practising Structural Engineer. The engineer is to submit a certification to the Principal Certifying Authority that the design of such footings and slabs will ensure that all building loads will be transferred to the foundation material and will not effect or be affected by the sewer main.
- 98. **Note:** Sewer manhole is present on this site. This manhole is not to be covered with soil or other material or concealed below ground level.

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

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PLUMBING & DRAINAGE

99. 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.
100. 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.
101. An application to connect to Council's sewer is to be submitted to and approved by Council prior to the commencement of any works on the site.
102. 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.
103. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures and water reticulation system.

ENVIRONMENT PROTECTION

104. 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.
105. 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.
106. 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.
107. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.
108. The wall and roof cladding is to be of a non reflective nature to the satisfaction of the Principal Certifying Authority.
109. Any discharge to Councils sewer is to be to the satisfaction of the Director of Engineering Services and is to comply with Councils Trade Waste Policy.

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110. An Acid Sulfate Soil Management Plan is to be submitted and approved by the Director of Environment and Community Services generally in accordance with the Acid Sulfate Soil Manual produced by the Acid Sulfate Soil Management Advisory Committee 1998.
111. Dust minimisation measures are to be implemented for the fuel stockpile area generally in accordance with Section 9.1 of Jelliffe Environmental QLD Pty Ltd Report No. Q990006 (A,2 2/03) dated 15 June 2000.
112. (a) Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the construction certificate. Erosion and sediment control shall be in accordance with the "Tweed Urban Stormwater Quality Management Plan" (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan "Tweed Shire Council Aus-Spec D7 – Stormwater Quality" and its Annexure A – "Code of Practice for Soil and Water Management or Construction Works". Erosion and sediment control shall remain in place until final approval is given and the maintenance bond (if required) has been released.

(b) The Construction Certificate Application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of Tweed Shire Council Aus-Spec D7 – Stormwater Quality.
113. An impermeable barrier is to be provided under the stockpile to prevent leachate entering the ground water. Details are to be submitted with the construction certificate.

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REPORT:

Applicant: New South Wales Sugar Milling Co-operative Ltd
Owner: As above
Location: Lot 16, 18, 19 and 23 DP 255029 McLeod Street, Condong
Zoning: Part 4(a) Industrial, Part 1(b2) Agricultural Protection and Part 6(b) Recreation
Est. Value: \$7,000,000

BACKGROUND/PROPOSAL

A development application has been received from the NSW Sugar Milling Co-operative Ltd seeking consent to establish a cogeneration plant (electricity generating plant) at the Condong Sugar Mill. The plant will export electricity to the NSW grid on a year round basis as renewable energy and provide process steam and electricity to the sugar mill during the sugar cane "crush season", generally June through to December. The development application is "integrated development" as approval from the EPA is required under the Protection of the Environment Operations Act.

The proposal is a joint venture between the NSW Sugar Milling Co-operative Ltd and Delta Electricity. Delta Electricity is a major producer of electricity in NSW and generates approximately 20% of the electricity supply in the National Electricity market.

The facility will be capable of producing up to 30 megawatts (MW) of electricity for use at the sugar mill and for export to the regional power grid. A description of the process involved to produce the energy is provided below.

PROCESS

The cogeneration process involves the production of high pressure steam, which provides the propulsion energy for a turbine driven electricity generator, and the transfer of a portion of lower pressure exhaust steam (ie. Thermal energy) that exits the turbine, to a process plant. In this instance a portion of the thermal energy available in the turbine exhaust steam will be transferred to the adjoining sugar mill for use in the milling process. The remainder will be transferred to the power plant via a condenser.

In this proposal, biomass fuels (including bagasse produced in the sugar milling process, cane leaves from harvested sugar cane and wood from timber milling and forestry operations) will be burned in a new high efficiency boiler to produce high pressure steam. The new boiler unit will make an existing 1960's boiler (Thompson boiler) and several smaller old boilers (multi-tube boilers), redundant. The Thompson boiler will be retained for stand by service while the smaller boilers will be decommissioned.

Flue gas cleaning equipment will remove most of the particulate matter generated from fuel combustion in the boiler. It is also proposed to construct a 60 metre high stack through which combustion gases are exhausted.

A water treatment plant will be installed to prepare boiler feed water for steam generation. Water treatment is required to remove trace mineral elements that could cause erosion or scale deposition in steam generation or process equipment.

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Cooling for the process will be accomplished with tertiary treated effluent (TTE), provided by the Murwillumbah Sewage Treatment Plant (STP). This water is pumped through the condenser, where heat is transferred from the steam cycle, into an evaporative cooling tower structure. Heat energy from the process will be released from the cooling tower in the form of water vapour. Cooled water is then recirculated back through the condenser. Makeup water, to replace evaporative loss, will be supplied from the TTE and/or fresh water supplied by the Council.

As mentioned previously, fuel for the boiler will consist of bagasse, wood fuel and cane leaves. Bagasse with some cane leaves will generally be used as fuel to generate steam during the crush season while wood fuel and cane leaves will constitute the majority of the fuel used during the non crush season. Fuel handling facilities will include truck loading/unloading, a continuous use fuel store (equal to approximately 24 hours requirement), fuel stockpile and fuel preparation and blending equipment.

External utility connections include water supply from Council, and electricity supply to/from grid. Tertiary treated effluent will be supplied from the Murwillumbah STP for both cooling and boiler feed water supply at the cogeneration unit. Electricity will be supplied to the plant through the grid system for start up and other non-operating requirements and will be exported to the grid under normal operation conditions.

The proposed facility will operate 24 hours per day on a year round basis.

The cogeneration process uses less fuel and produces less emissions than the alternative of burning fuel for power generation and the provision of process heat separately.

THE SITE

The subject site comprises 4 parcels of land, being Lots 16, 8, 19 and 23 DP 255029. A description of each of these parcels is provided below.

- Lot 16 – This site has an area of 3.869 hectares and is bound by Cane Road to the south, McLeod Street to the east, the Tweed River to the west and a small parcel of land to the north. This site contains the Condong Sugar Mill processing plant.
- Lot 18 – This site has an area of 3.895 hectares and is bound by McLeod Street to the west, Pacific Highway to the east and a small parcel of land to the north. Centrally located on this site is the Condong Bowling Club. A tramway easement traverses the property.
- Lot 19 – This site has an area of 10.387 hectares and is located on the eastern side of the Pacific Highway. The adjacent land to the south and east is used for cane growing. A dwelling is also located on adjacent land to the east. The land to the north is Lot 23 DP 255029. This site is also affected by a tramway easement.
- Lot 23 – This site has an area of 6170m² and is located on the corner of Clothiers Creek Road and the Pacific Highway.

The location of these properties is shown on Figure 1.

The proposal involves the construction of a number of buildings on Lot 16, which includes the cooling tower, turbine building, boiler structure and emissions stack. It is also proposed to demolish and/or relocate a number of buildings on the site which includes two existing dwellings.

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A banded stockpile is proposed to be installed on the eastern side of the Pacific Highway on Lots 19 and 23. This area will provide long-term offline fuel storage for cane leaves and wood fuel which will provide fuel for the boiler in the non-crush season. Initially, the size of the stockpile will be approximately 6.4 hectares. The Statement of Environmental Effects (SEE) indicates that the stockpile may be expanded in the future, to accommodate greater quantities of cane leaves. Although detailed plans have not been provided, the SEE indicates that the stockpile would be approximately 10 metres high. Figure 2 shows the proposed layout and elevations.

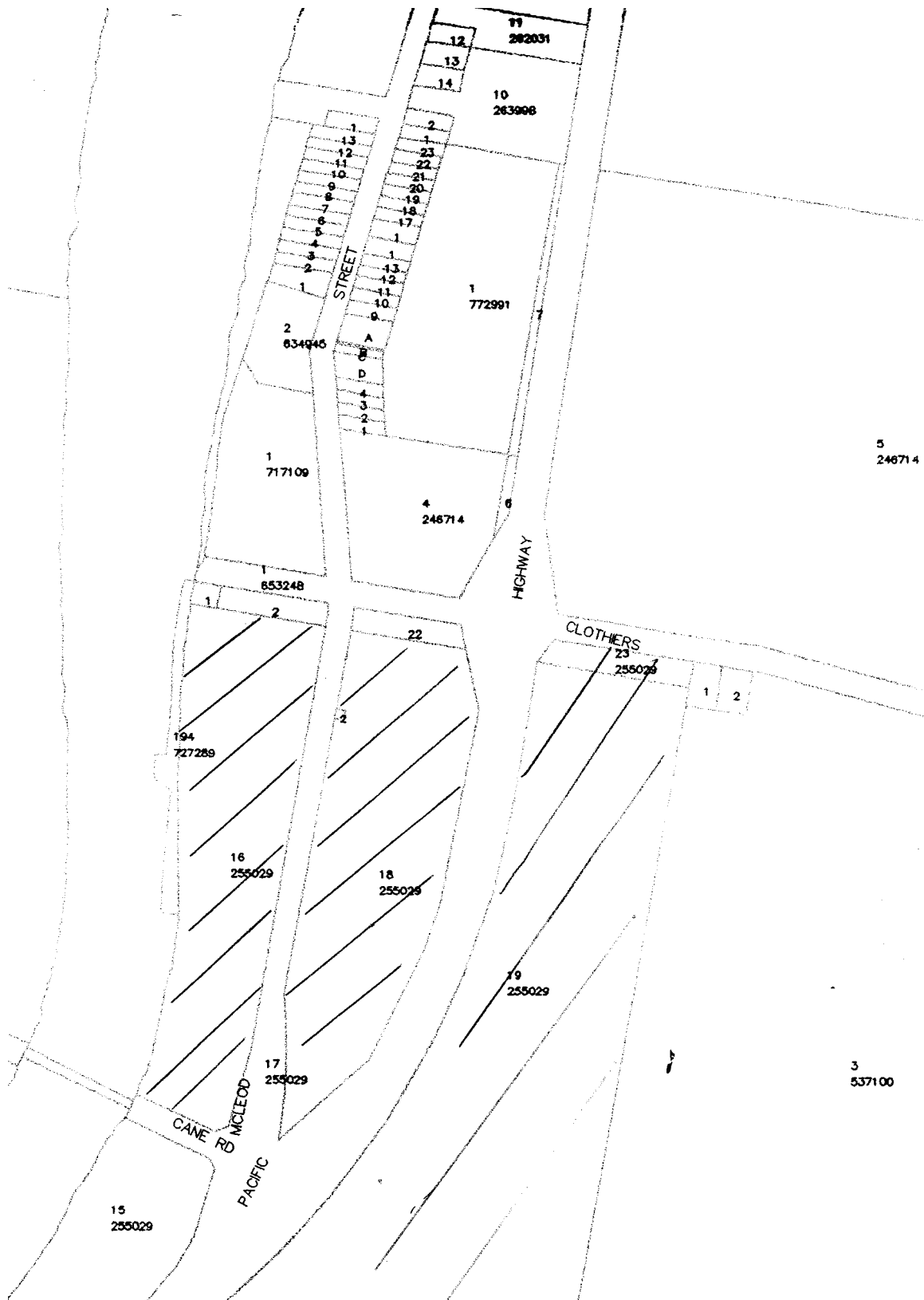
Detailed designs for the proposal have not been provided. The consultants for the applicant have indicated in the SEE and in various correspondence that the proposed cogeneration facility will be developed as an engineer, procure and construct (EPC) project. Because the majority of the plant engineering has not yet been undertaken many of the specific design details and equipment specifications are not currently known. Under the conditions of the EPC contract the successful EPC contractor will provide detailed engineering and equipment specifications for the plant following award of the contract. As part of the EPC Contract Specification the plant and equipment that will be designed/proposed by the EPC contractor will be required to comply with all applicable regulatory requirements and guidelines.

The SEE document, is intended to reflect the impacts of a representative 30 MW biomass cogeneration plant. Once the EPC contract is awarded detailed design and engineering will be undertaken by the contractor and plant specific information will be made available for review.

Detailed plans will need to be submitted with the construction certificate and be consistent with the development consent.

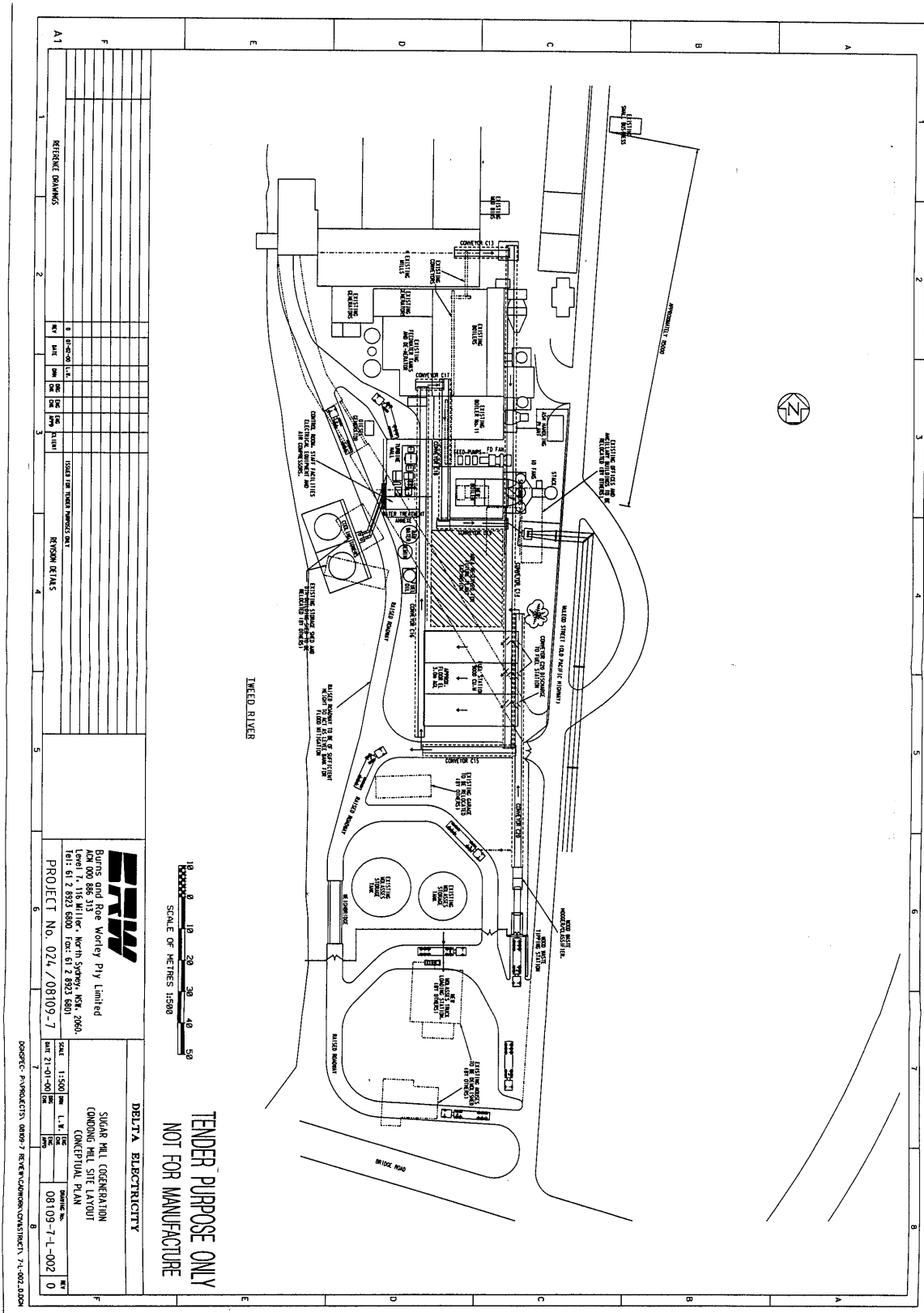
Reports from Director Development Services

FIGURE 1 – SITE DIAGRAM

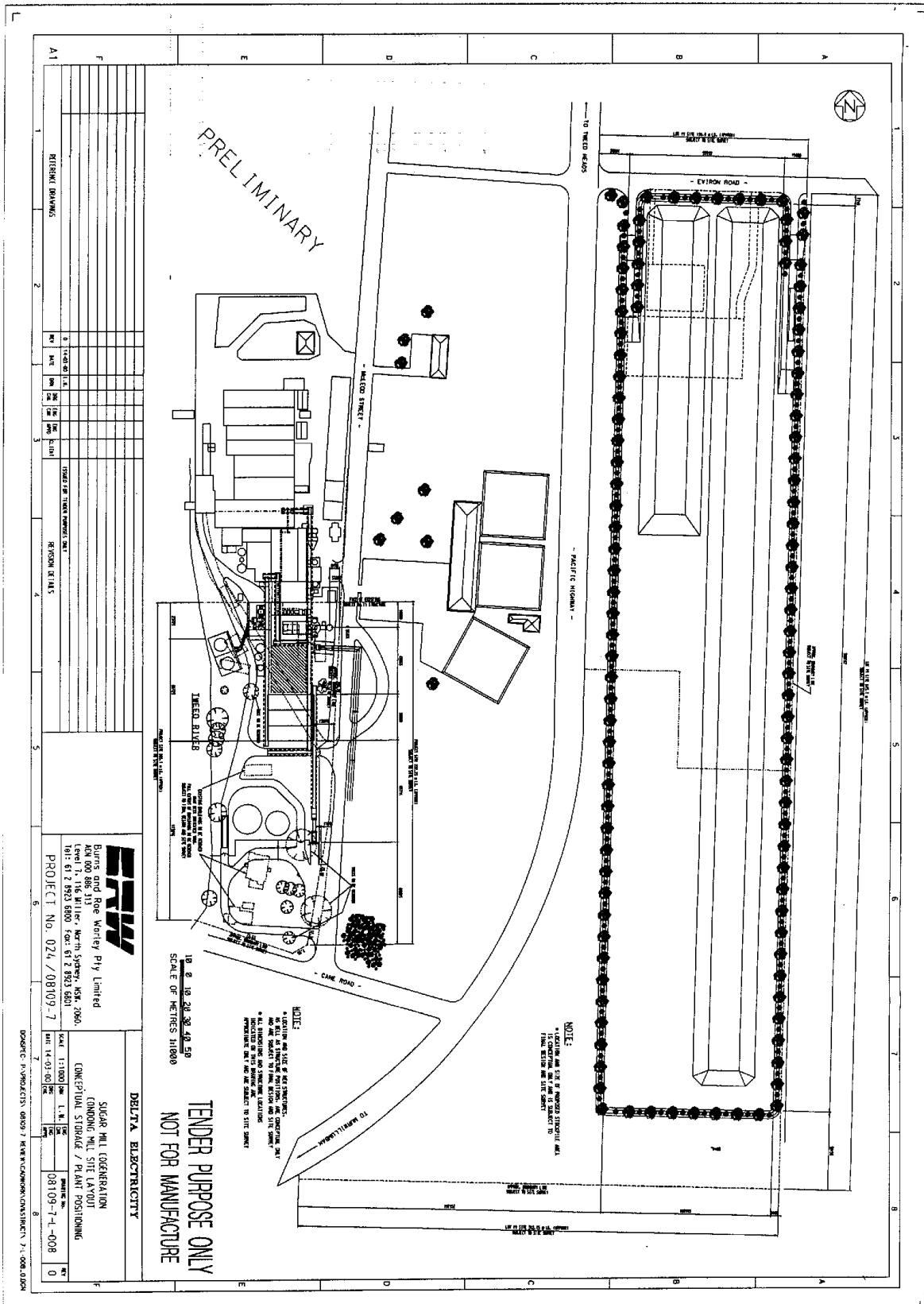


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FIGURE 2



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REVISIONS	NO.	DATE	BY	REASON
	1	14/03/00	J.L.	REVISED FOR TENDER PURPOSES ONLY
DESIGNED BY	REVISIONS			
	PROJECT NO. 024/08109-7			

<p>Burns and Roe Worley Pty Limited ASN 000 886 313 Level 11, 16 Waterloo North Sydney, NSW 2060 Tel: 61 2 955 6989 Fax: 61 2 955 6981</p>		<p>DELTA ELECTRICITY SUGAR HILL COGENERATION (CONCEPTUAL SITE LAYOUT) CONCEPTUAL STANDARD / PLANT POSITIONING</p>
<p>PROJECT No. 024 / 08109-7 DATE 14-03-00</p>	<p>SCALE 1:1000 DATE 14-03-00</p>	<p>DATE 14-03-00 PROJECT NO. 024 / 08109-7 SHEET NO. 0</p>

**TENDER PURPOSE ONLY
 NOT FOR MANUFACTURE**

10 @ 10 20 30 40 50
 SCALE OF METRES 1:1000

NOTE:
 * LOCATION AND SIZE OF ALL STRUCTURES, AS WELL AS SERVICE CONNECTIONS, AND SERVICE PIPING, SHALL BE IN ACCORDANCE WITH THE DELTA ELECTRICITY STANDARD / PLANT POSITIONING DOCUMENT WHICH IS AVAILABLE TO SITE VISIT.

NOTE:
 * ALL DIMENSIONS AND SPACING LOCATIONS INDICATED ON THIS DRAWING ARE TO SITE CENTER UNLESS OTHERWISE NOTED.

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CONSULTATION

The development application was advertised from 3 April 2000 to 8 May 2000. The application was widely notified to land owners in the locality. The application was also referred to the Roads and Traffic Authority, Department of Land and Water Conservation and Environment Protection Authority. New South Wales Agriculture were also notified of the proposal being a landowner in the locality.

It should be noted that the development application was advertised as “integrated development” requiring approvals from the Environment Protection Authority, Department of Land and Water Conservation and Roads and Traffic Authority. The subsequent advice received by Council indicates that at this stage the only separate approval required under the “integrated development” legislation is from the EPA.

Following conclusion of the exhibition period, the only submissions received were from government authorities. No general public submissions were received. A summary of the submissions is provided below, with comments where relevant.

NSW Agriculture

- From the information provided, it would appear that the proposal will have a net positive benefit by utilising green harvest cane, timber waste products and exotic trees in the production of electricity steam.
- It is encouraging that local and regional air quality will be improved and green house gas emissions reduced.
- NSW Agriculture is of the view that the proposal has the potential to benefit the local community, local environment and the cane industry.
- NSW Agriculture has no substantial concerns, however, potential odour emissions or dust from the stockpile do not appear to have been considered in the SEE.

Comments

The comments raised by NSW Agriculture concerning the potential benefits of the proposal are noted. The issue raised concerning odour and dust from the stockpile will be discussed in the “Evaluation” section of this report.

Environment Protection Authority (EPA)

- Additional information is required to enable the EPA to consider its general terms of approval. The EPA requires additional information on the following:-
 - effluent discharge specification, outfall design detail and specification and plume modelling for each pollutant.
 - plans, emission rate calculations, additional dispersion modelling, fuel quality control detail.
 - additional noise control details.

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Comments

The additional information required has been provided and forwarded to the EPA. The EPA has now issued its 'general terms of approval' which includes administrative conditions, concentration limits for water discharge, air emission concentration and mass load limits, conditions concerning potential pollution reduction, waste conditions, noise limitations, dust controls, stormwater and sediment control conditions. Conditions are also to be imposed concerning monitoring of water quality, noise emissions and air quality.

Roads and Traffic Authority (RTA)

- The concurrence of the RTA will be required for the development under Section 138(2) of the Roads Act, 1993, however, this is outside the 'integrated development' process.
- A contribution towards road maintenance costs should be sought.
- RTA is concerned that the location of the proposed stockpile area on the opposite side of the Pacific Highway to the electricity generation area will unnecessarily increase heavy vehicle crossing the highway.
- With the construction of the Yelgun to Chinderah Highway upgrade existing Highway traffic volumes are to remain at similar levels. The existing Highway will remain a road of local significance. Additional truck movements will impact on the amenity and efficiency of this road. Preferable to locate the stockpile to the same side of the road as the electricity generating facility.

Comment

The issues raised by the RTA will be discussed in the "Evaluation" section of this report.

Department of Land & Water Conservation (DLWC)

- The SEE indicates "water required for the cogeneration plant will be supplied through the use of TTE and for fresh water supplied from Council". On this basis a water licence under the Water Act will not be required.
- Council should be aware that industrial supply of water is an embargoed extractive purpose under the current Water Reform guidelines. In the event of Council having supply difficulties, DLWC would not be sympathetic to relaxing access conditions for this purpose in times of low flow, and it may be necessary for Council to seek additional water entitlement on the water transfer market.
- Proposal to use tertiary treated effluent is commended.
- The proposed bunding does not require a licence under the Water Act. The Water Act is not a consideration in regard to Integrated Development.
- There is insufficient detail to determine whether or not a permit under the Rivers and Foreshores Improvement Act. This matter can be dealt with at the detailed design stage. DLWC therefore does not regard the proposal as "Integrated Development".

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- Detail required on the proposed drainage and leachate treatment for the stockpile as leachate may potentially affect groundwater.
- Council should be satisfied that the raising of the roadway on the western side of the plant and the perimeter wall around the stockpile will not have an adverse impact on flooding in the area.
- Perimeter wall around the stockpile should be constructed and revegetated to an appropriate standard. Height of wall is not given.

Comment

The issues raised by DLWC in respect of groundwater, flooding and the perimeter wall will be discussed in the "Evaluation" section of this report. In respect of the comments concerning the Water Reform guidelines, Council's Manager Water has reviewed this advice and advised that he is aware of the requirements and that the supply of freshwater is only an insurance in the event of the sewerage treatment plant conveyancing system temporarily failing.

EVALUATION

The following is an evaluation of the proposal under Section 79C(1) of the Environmental Planning and Assessment Act, 1979.

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

Tweed Local Environmental Plan 2000 (TLEP 2000)

The subject land is zoned part 4(a) Industrial, Part 1(b2) Agricultural Protection and Part 6(b) Recreation under TLEP 2000. The land in which the Condong Sugar Mill is located is zoned 4(a), the land on the western side of the highway which is proposed to be used for the fuel stockpile is zoned 1(b2) and the land between the highway and McLeod Street is zoned Part 1(b2) and Part 6(b). The 6(b) zone covers the area in which the Condong Bowls Club is located. Therefore all work associated with this proposal is located in the 4(a) and 1(b2) zone.

Under the TLEP 2000, the proposal is defined as "generating works" which is "land used for the purpose of making or generating gas, electricity or other forms of energy".

The proposal is permissible with consent in the 4(a) zone. In respect of the 1(b2) zone, the proposal is permissible with Council's consent but must also satisfy the provisions of Clause 8(2) of the TLEP 2000. Clause 8(2) requires:-

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

- (a) *the development is necessary for any one of the following reasons:-*
 - (i) *it needs to be in the locality in which it is proposed to be carried out due to the nature, function or service catchment of the development;*
 - (ii) *it meets an identified urgent community need;*

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- (iii) *it comprises a major employment generator; and*
- (b) *there is no other appropriate site on which the development is permitted with consent development (other than as advertised development) in reasonable proximity; and*
- (c) *the development will be generally consistent with the scale and character of existing and future lawful development in the immediate area; and*
- (d) *the development would be consistent with the aims of this plan and at least one of the objectives of the zone within which it is proposed to be located”.*

In respect of these considerations, the following comments are offered:-

- (a) (i) The proposal needs to be in the locality proposed due to the fact that the proposal is a “cogeneration” project whereby it supplies electricity and steam to the sugar mill which relies on by products of the mill ie. Bagasse and cane tops. As the sugar mill exists on the site the proposal needs to be in the locality proposed.
- (ii) The proposal provides a community benefit through improved air quality and the fact that the proposal will reduce and ultimately eliminate infield cane burning in the region. The burning of cane has been a cause for complaint for many years and due to the improved environmental outcomes that this proposal will produce, it can be seen to be meeting an urgent community need.
- (iii) The proposal is not expected to generate a significant amount of jobs on the site itself, however there are expected off site benefits in terms of support roles in fuel harvesting, processing and transportation.
- (b) There is no other site in reasonable proximity of the site. The sugar mill is already established on the site.
- (c) Due to the scale of existing operations on the site and the environmental controls that are proposed to mitigate potential impacts, it is considered that the proposal will be generally consistent with the scale and character of existing and future lawful development in the immediate area.
- (d) The aims of the TLEP 2000 are:-
 - (a) to give effect to the desired outcomes, strategic principles, policies and actions of the Tweed Shire 2000+ Strategic Plan which was adopted, after extensive community consultation, by the Council on 17 December 1996, the vision of which is:

“The management of growth so that the unique natural and developed character of the Tweed Shire is retained, and its economic vitality, ecological integrity and cultural fabric is enhanced” , and

Reports from Director Development Services

- (b) to provide a legal basis for the making of development control plans which provide more detailed local planning policies and other provisions that provide guidance for future development and land management, such as provisions recommending the following:-
- (i) that some or all development should be restricted to certain land within a zone,
 - (ii) that specific development requirement should apply to certain land in a zone or to a certain type of development,
 - (iii) that certain types or forms of development or activities should be encourage by the provision of appropriate incentives, and
- (c) to give effect to and provide reference to the following strategies and policies adopted by the Council:
- Tweed Heads 2000+ Strategy
Pottsville Village Strategy; and
- (d) to encourage sustainable economic development of the area of Tweed compatible with the area's environmental and residential amenity qualities.

Aims (b)& (c) do not affect this proposal. It is considered that due to the environmental controls proposed and the positive environmental outcomes, the proposal will not compromise the objectives and requirements of the Tweed Shire 2000+ Strategic Plan and will enable sustainable economic development of the Tweed compatible with the areas environmental and residential amenity qualities. Therefore, it is considered that the proposal is consistent with the aims of the TLEP 2000.

The objectives of the 4(a) zone are:-

“Primary objectives

- *to provide land primarily for industrial development.*
- *to facilitate economic activity and employment generation.*

Secondary objective

- *to allow non-industrial development which either provides a direct service to industrial activities and their work force, or which, due to its type, nature or scale, is inappropriate to be located in another zone.”*

The proposal is consistent with these objectives.

The objectives of the 1(b) zone are:-

“Primary objective

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

Reports from Director Development Services

Secondary objective

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

The proposal is consistent with these objectives as the proposal relies on agricultural products and the sugar mill and the proposal will benefit the industry.

As a result of the above analysis it is concluded that the proposal meets the requirements of Clause 8(2) of the TLEP 2000 and is therefore a use which is permissible with Councils consent in the 1(b) zone.

Other clauses of the TLEP which are relevant include:-

Clause 15 – Availability of essential services

This clause requires that consent must not be granted for development unless arrangements have been made for the provision of water, sewer and drainage services. Services are available to the site and Council’s Engineering Services Division have raised no objections to the proposal in this regard.

Clause 17 – Social Impact Assessment

This clause requires that where the consent authority considers that a proposed development is likely to have a significant social or economic impact in the locality or the Tweed, consent may only be granted if Council has considered a social impact statement in respect of the proposed development.

A Social Impact Statement has been submitted and examines potential impacts, scale of the impact and anticipated resultant change. An extract of the social impact statement, which is an overview of anticipated social impact outcomes is provided below:-

Potential Impact	Scale of Impact	Anticipated Change	Resultant
Greenhouse Emissions Gas	Global (+)	The installation of a cogeneration facility, which uses renewable fuels in association with the sugar industry, will result in a reduction in total greenhouse gas emissions.	
Employment/Business Opportunities Construction	Regional (++) (temporary)	There will be employment and business opportunities during the construction phase of the project. These opportunities include both labour and services (ie. locally sourced equipment, supplies and	

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Potential Impact	Scale of Impact	Anticipated Change	Resultant
		accommodation).	
Employment Growth – Operation	Regional (++) (long term)	Employment will be created as a result of the operation of the facility. A large component of the associated jobs will be related to fuel collection, transport and processing activities.	
Economic Growth Potential	Regional (+)	In addition to the increase in employment opportunities directly associated with operations and maintenance of the facility, additional employment and business activity will be created through the supply of services and consumables both to the project and associated businesses.	
Local/Regional Air Quality	Local/Regional (++)	Local air quality will improve due to the replacement of old boiler systems with a modern, emission efficient system and the initial reduction and eventual elimination of in-field cane burning. Cane leaves will be utilised as a biomass fuel, for combustion within the cogeneration facility.	
Operational Traffic	(Local (-))	An increase in traffic movements will be necessary as a result of the operation of this project. Increased traffic volumes may have a limited negative local social impact due to some increase in local road congestion.	

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Potential Impact	Scale of Impact	Anticipated Change	Resultant
Construction/Operational Noise	Local (-)	The proposed development has the potential to improve the acoustic environment of Condong during the crushing season. Local acoustic quality will be reduced during the non-crush season because the sugar mill is currently non-operational during this period. During construction activities there may be short-term exceedences of EPA recommended noise limits at the closest sensitive receptor.	

Notes: (++) Highly Positive, (+) Positive; (NC) Neutral or No Change; (-) Negative; (--) Highly Negative

The social impact assessment indicates that the anticipated positive social impacts resulting from this proposed development substantially outweigh the negative impacts. This conclusion is supported.

Clause 22 – Development near designated roads

The subject land has frontage to an RTA designated road (Pacific Highway) and a Council designated road (Clothiers Creek Road). The proposal does not involve the creation of any new access points on the Pacific Highway. However, a new access will be created on Clothiers Creek Road to the proposed stockpile area. This clause requires that the consent authority may grant consent to development on land to which this clause applies only if it is satisfied that:-

- “(a) the development (because of its nature, appearance, cumulative effect or illumination, or the intensity or the volume or type of traffic likely to be generated, or for another similar reason) is unlikely to constitute a traffic hazard or materially reduce the capacity or efficiency of the designated road, and*
- (b) the location, standard and design of access points, and on-site traffic movement and parking arrangements, would ensure that through traffic movement on the designated road is not impeded, and*
- (c) the development, or proposed access to it, will not prejudice any future improvements to, or realignment of, the designated road, and*

Reports from Director Development Services

- (d) *where the land is in Zone 1(a), 7(a), 7(d), 7(f) or 7(l), the development is of a type that necessitates a location in proximity to the designated road for reasons other than only commercial advantage, and*
- (e) *the development is of a type that is not sensitive to traffic noise or, if it is, it is located or adequate measures are included to ameliorate any potential noise impact, and*
- (f) *the development would not detract from the scenic values of the locality, particularly from the point of view of road users, and*
- (g) *where practicable, access to the land is provided by a road other than the designated road, and*
- (h) *in respect of any application for commercial or retail development near the Pacific Highway in Zone 1(a), 7(a), 7(d), 7(f) or 7(l), the development:*
 - (i) *would not compromise the Highway's function as the North Coast's primary inter and intra-regional traffic route, and*
 - (ii) *would not contribute to the need to expend public money on the Highway to overcome the effects of ribbon development, and*
 - (iii) *would not compromise highway safety and efficiency, and*
 - (iv) *would not cause or contribute to the shifting of the retail/commercial foci of any town from the town centre to a highway-orientated site."*

In respect of these issues the following comments are offered:-

- (a)&(b) These issues will be discussed in the "Access, Transport and Traffic" section contained in Section 79(C)(1)(b).
- (c) The application was referred to the RTA and no issues were raised in this regard.
- (d) The development is in the location proposed due to the fact that the Condong Sugar Mill and associated facilities are already established on the subject site.
- (e) The development is not sensitive to traffic noise.
- (f) The issue of visual impact will be discussed later in this report.
- (g) No access is proposed to the Pacific Highway. Access is proposed to the stockpile site from Clothiers Creek Road. There is no alternative to access the stockpile site.

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- (h) This clause does not apply as the zoning of the subject land is not referred to in this clause. However, the impact on the Highway will be discussed later in this report.

Clause 22 – Setbacks to designated roads

This clause applies in respect of development of the 1(b) zoned land and requires a setback of 30 metres between any building (which includes a structure) and a designated road. The stockpile site will require structures to be constructed including a weighbridge and fuel preparation and blending equipment. Complete details of the stockpile site have not been provided as these will be provided at a later date as part of the EPC arrangements. Therefore, it is not known whether or not proposed setbacks will comply. Any structure on this site will need to be subject to a separate development application at a later date, as the details have not been submitted. Adequate room is available to comply with the 30m setback requirement.

Clause 31 – Development adjoining waterways

This clause requires that consent must not be granted to development within a distance from an adjacent waterway determined by the consent authority unless it is satisfied that:-

- “(a) the development will not have a significant adverse effect on scenic quality, water quality, marine ecosystems, or the bio-diversity of the riverine or estuarine area or its function as a wildlife corridor or habitat, and*
- (b) adequate arrangements for public access to and use of foreshore areas have been made in those cases where the consent authority considers that public access to and use of foreshore areas are appropriate and desirable requirements, and*
- (c) the development is compatible with any coastal, estuary river or river plan of management adopted by the Council under the Local Government Act, 1993 that applies to the land or to land that may be affected by the development, and*
- (d) it has considered the impact of increased demand from domestic water supply on stream flow.”*

In respect of these issues the following comments are provided:-

- (a) the proposed development adjacent to the Tweed River is within the existing sugar mill site. Therefore in terms of scenic quality from the river, impacts will be negligible, given the scenic quality of the existing development. Impacts on water quality and habitat will be discussed later in this report.
- (b) given the existing development that is on the site, it is considered that public access to the section of the river in which the site fronts is not necessary.

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- (c) the proposal is part of an existing development site and should not compromise any plan of management. Councils Engineering Services Division who administer these plans has raised no objections in this regard.
- (d) Council's Manager of Water has raised no objections in this regard.

Clause 33 – Obstacles to Aircraft

This clause requires that when deciding whether to grant consent to development in the vicinity of the Murwillumbah Airport, the consent authority must consider any current obstacle limitation surface plan or procedures for air navigation services – aircraft operations plan prepared by the airport operator that has been notified to Council. From available plans it is concluded that the proposed stack will not impact on aircraft operations.

Clause 34 – Flooding

This clause requires that where land is likely to be subject to flooding, then it must not grant consent to development unless it has considered:-

- (a) the extent and nature of the flooding hazard affecting the land, and
- (b) whether or not the development would increase the risk or severity of flooding of other land in the vicinity, and
- (c) whether the risk or severity of flooding affecting the development could be reasonably mitigated, and
- (d) the impact of the development on emergency services, and
- (e) the provisions of Tweed Development Control Plan No. 5 – Development of Flood Liable Land and any other relevant development control plan.

The design flood level for the area is RL 5.0m AHD. Both the stockpile site and the sugar mill site are below the design flood level. Spot levels adjacent to the stockpile site have been provided which indicate levels of 2.71 and 2.98. Spot levels of the mill site have also been provided which vary from approximately 3.36m AHD to 3.79m AHD.

It is proposed to construct a bund at a level of 5.0m AHD, around the stockpile to prevent flood waters from entering the site.

An elevated roadway, at a height of approximately 4.5m AHD, will be constructed along the western side of the cogeneration plant to reduce the threat from lower level flooding events to the facility. The design baseline elevation for the facility will be 4.5m AHD with all critical equipment to be constructed on pads or platforms.

The applicant has indicated that the development should not result in significant impact on flooding in the locality. The cogeneration site itself is elevated to a similar level as the mill and the overall footprint of the combined facilities will not increase significantly. Any fuels, lubricants or other potential contaminants will be stored so that flooding will not result in river contamination.

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DCP No. 5 does not require commercial/industrial development to meet any particular minimum floor level. However, in accordance with the provisions of DCP No. 5, conditions will be placed on any consent concerning building materials to be used.

Council's Manager Water has reviewed the information concerning flooding and has raised no objections in this regard subject to a condition requiring design of the stockpile levee minimises impacts on adjoining properties and the design being to the satisfaction of the Director of Engineering Services.

Clause 35 – Acid Sulfate Soils

The proposed development is on land identified as Class 3 and 4 on Councils Acid Sulfate Soil Planning Map. In accordance with the requirements of this clause, a preliminary soil assessment was undertaken and testing did not reveal the presence of actual acid sulfate material. Therefore, the proposal complies with the requirements of Clause 35.

However, the applicant has indicated that the successful EPC contractor for the proposal will be required to submit a detailed acid sulfate soil assessment and management plan. Council's Environment and Health Services Unit have reviewed the application and recommended that a condition of any consent require the provision of such a management plan.

North Coast Regional Environmental Plan 1988 (NCREP 1988)

Clause 12 – Impact on Agricultural Activities

This clause requires that Council shall not consent to an application on rural land unless it has first considered the likely impact on use of adjoining or adjacent agricultural land and whether the development will cause a loss of prime crop or pasture land. It is considered that the proposal will not have a significant impact on the use of agricultural land in the locality. The proposal is beneficial to the cane industry and will not result in a loss of agricultural land. NSW Agriculture has not raised any objections to the proposal in this regard.

Clause 15 – Wetlands or Fishery Habitats

This clause requires consideration of certain matters including impacts on water quality, impact on fishery habitat and public access. Public access has previously been discussed and water quality/habitat issues will be discussed later in this report.

Clause 32B – Coastal Lands

This clause applies to land affected by the NSW Coastal Policy. Land on the western side of the highway is affected by the proposal and land on the eastern side is not. This clause requires that in determining an application, the Council must take into account the NSW Coast Government Policy, the Coastline Management Manual and the North Coast Design Guidelines. The proposal is considered to be consistent with the NSW Coast Government Policy. The Coastline Management Manual is not relevant to this proposal and the Design Guidelines primarily relate to residential development.

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Clause 81 – Development adjacent to the ocean or a waterway

This clause requires that the Council shall not consent to a development application for development on land within 100 metres of the ocean or substantial waterway unless it is satisfied that matters concerning sufficient foreshore open space, buildings will not detract from the amenity of the waterway and the development is consistent with the principles of any foreshore management plan applying to the area. The issue of foreshore open space has already been discussed. The amenity of the area is already dominated by sugar mill buildings and the additional facilities will form part of the overall “sugar mill precinct”. Therefore, the impact of scenic quality from the waterway is acceptable.

State Environmental Planning Policies (SEPPs)

SEPP No. 11 – Traffic Generating Developments

The proposed development is not strictly caught by the provisions of SEPP11. However, due to the nature of the development the proposal was referred to the RTA and the Local Traffic Committee. Comments made by the RTA have been previously discussed. The Local Traffic Committee recommended as follows:-

- “1. *The western most access on Clothiers Creek Road is too close to the Pacific Highway and this intersection should be deleted and a single entry/exit driveway be constructed at the western boundary of the stockpile site.*
2. *The entry driveway to the facility off McLeod Street is too close to Cane Road intersection. Austroad standards require it to be 60m away from the intersection of Cane Road. Accordingly, a re-design is required.*
3. *Concerns are raised at the unnecessary generation of truck traffic double handling material from the stockpile sites to the facility which are on opposite sides of the Pacific Highway and that alternative methods of transporting this material should be investigated.”*

In respect of 1 and 2 above, amended plans have been provided to satisfy these requirements. The amended plans have been reviewed by Council’s Traffic and Transport Engineer and no objections raised subject to conditions being placed on any consent.

In respect of point 3, the applicants consultant has advised as follows:-

“Opportunities and alternatives to the storing and transport of fuel were considered and studied for the Condong cogeneration plant. It was originally proposed to store fuels adjacent to the plant at south end of the site. After thorough study of logistics and land availability it was determined that this site was unsuitable and the proposed fuels storage area was relocated across the Pacific Highway. The adjacent storage location was discounted because of insufficient space availability. The space requirement for fuel storage has been calculated at between 6.4 and 10 hectares. Land available adjacent to the site

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(between the Tweed River and McLeod Street is less than 2 hectares). There are no other adequate sized parcels of land within a reasonable distance of the proposed facility on the west side of the highway.

Alternative transportation options and fuel delivery configurations have also been considered. An overhead conveyor fuel transport system was studied and initial costing prepared. After consideration of the conveyor and truck transport options it was determined that truck transport offered more flexibility in the initial years of operation. A reanalysis of the transportation options will be undertaken as fuel quantities and makeup change over succeeding years”.

Traffic and access issues will be considered further in Section 79(C)(1)(b).

SEPP No. 44 – Koala Habitat Protection

The site does not contain Koala food trees and therefore SEPP44 does not apply.

(ii) The provisions of any draft Environmental Planning Instrument

None which are applicable.

(iii) Any Development Control Plan (DCP)

DCP2 – Site Access and Parking Code

Council’s Traffic and Transport Engineer has reviewed the amended plans showing access designs. No specified objections have been raised subject to conditions being placed on any consent.

DCP2 does not include this type of development in its land use categories. From information provided by the applicant an additional 6 staff will be on site as a result of the proposal. Parking facilities are available on various parcels of land owned by the NSW Sugar Milling Co-operative. The applicant has not provided a detailed parking analysis however, it is considered that existing facilities and land available in the locality owned by the applicant will be sufficient to cater for the additional staff.

DCP5 – Development of Flood Liable Land

The provisions of this policy have previously been discussed.

DCP15 – Advertising Structures

No signage has been proposed as part of the development application. Any approval will require a separate application, where statutorily required, for any proposed advertising structures.

(iv) Any matter prescribed by the Regulation

The proposal is considered to be satisfactory with respect to the relevant considerations contained within the NSW Government Coastal Policy.

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A number of buildings are proposed to be demolished. Council's Building Services Unit have raised no objections in this regard. Standard conditions will be placed on any consent.

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

Context and Setting

The Condong Sugar Mill is located adjacent to the Tweed River at a level of approximately RL 3.8m AHD.

Land use on the distant periphery of the Tweed River is primarily comprised of sugar cane. The Condong Bowling Club is situated to the east of the proposed plant on land leased from the sugar mill. The Pacific Highway passes just beyond the bowling club approximately 150 metres to the east. NSW Sugar Milling Co-operative also owns property to the east of the Pacific Highway with some of the land leased for sugar cane production. North of the mill is a residential area bordering both sides of the McLeod Street. South of the mill site boundary is Cane Road, followed by residential development, located between the Pacific Highway and the Tweed River.

Adjacent to the proposed stockpile site is cane farming pursuits. A dwelling is located in close proximity to this area.

The location of the facility adjoining the sugar mill will ensure supply of fuel is provided in the form of bagasse and cane leaves. The close proximity of the sugar mill to the cogeneration facility will also allow for the efficient transfer of steam for milling operations. The proximity of residential areas to the north and south of the site and the existing small business and bowling club to the east have been factored into design considerations for the development, including noise and air quality emissions. Impacts will be further discussed below.

Access, Transport and Traffic

Issues raised by the RTA and the Local Traffic Committee have previously been discussed.

Access to the stockpile site is proposed from a single access point from Clothiers Creek Road. Access to the cogeneration plant site is proposed from McLeod Street. No objections have been received in relation to these access points subject to conditions of consent.

The development application was accompanied by a Traffic Impact Assessment. This assessment concluded that *"we have assessed the impact of increased truck movements arising from the proposed cogeneration facility at Condong. We find the project does not significantly impact on the existing or future road network. We also find that measures which mitigate any impact are in place"*.

These mitigation measures are:-

- The 24 hour operation reduces hourly traffic numbers during peak hour.

Reports from Director Development Services

- The increased storage capacity of the trucks reduces vehicle numbers without increasing tonnage.
- The Chinderah to Yelgun Motorway will enable existing highway traffic volumes to remain at current levels. It will provide an alternative route for trucks operating south of the Burringbar Range and will therefore improve safety.
- The project may be liable to contributions levied under S94 of the EP&A Act. This contribution would be expended on improving the distributor roads identified as potential safety risks.

The traffic impact assessment identifies that the proposed development generates additional traffic movement as a result of the following factors:-

- Increased mass of cane transported to the mill due to inclusion of cane leaves
- Increased slack season traffic due to supply of biomass from sources other than cane
- Movement between the fuel stockpile and the cogeneration plant. The following is an extract from the Traffic Impact Assessment describing the proposal.

“Fuel will be delivered to the mill and stockpiled by trucks using 82m³ hoppers with a load capacity of approximately 23 tonnes. During the cane crushing season (June to December) this will be part of the cane harvest. During the slack season wood fuel will be supplied from residue from saw mill operations, camphor laurel eradication and other sources as available. The wood fuel will be delivered direct to the cogeneration facility during the slack season. The fuel supply will be supplemented from the stockpile by truck delivery.

Surplus cane leaves and bagasse will be transported from the cogeneration plant to the stockpile as required during the crushing season.

Ash and mill mud will be trucked from the cogeneration facility during the crushing season to the cane fields. Ash only will be exported from the site in the slack season. These trucks have a nominal capacity of 10 tonnes”.

Actual vehicle numbers are influenced by the size of the cane harvest each year. The traffic report is based on a yield which is within 4% of the highest yield and represents the 10 year production objective of the mill.

It is estimated that the proposal will generate an additional 49,132 trips per year. This includes the following:

- 16,000 trips (or 8000 loads) to the stockpile site
- 14,000 trips (or 7000 loads) from the stockpile site to the plant
- 16,000 trips (8000 loads) from the cogeneration facility to cane fields (ash and mill mud)

Reports from Director Development Services

- 3120 for new staff

This represents a 28% increase on current traffic generated by the sugar mill.

Council's Traffic and Transport Engineer has reviewed the traffic impact assessment and sought clarification of a number of issues. Additional information was also sought concerning truck movements through the intersection of Clothiers Creek Road and Cane Road with the Pacific Highway with a view to minimising truck movements, intersection upgrading and road widening. Concern was also raised concerning traffic safety on Clothiers Creek Road. The following is the advice given to the applicant and their response:-

“The Traffic Report states that the accident rate on Clothiers Creek Road is double the state average but states that there is no evidence that cane trucks are involved. However, the attached file notes clearly demonstrates that the articulated vehicles used by the Mill (and other developments) cannot manoeuvre over the Condong Range on Clothiers Creek Road without crossing over double centre lines onto the wrong side of the road. Obviously this is unsafe and illegal and increasing the number of trucks on this section of Clothiers Creek Road will increase the crash potential. The Traffic Report does not adequately address this issue and the applicant should be requested to demonstrate that articulated heavy vehicles can safely negotiate Clothiers Creek Road between North's Lane and Condor Place. It is unacceptable for the general public to be put at risk by the unsuitable use of these vehicles on this section of road especially as a high standard alternative route exists via Old Bogangar Road/Chinderah Road and the Pacific Highway.”

The response to this issue is as follows:-

“We have assessed the capacity of articulated vehicles to negotiate Clothiers Creek Road and stay within the land. We find that the existing road in the area of assessment is nominally 5.8m wide and is substandard for existing traffic. We find that for curves up to a radius of 150m the pavement width needs to be 7.m with a 1.0m sealed shoulder.

We identified in Section 7.3 of the traffic report that the project may be liable for contributions under S94 of the EP&A Act.

Clothiers Creek Road is identified in the Tweed Road Contribution Plan (TRCP) as a Distributor Road. Roadworks are proposed for Clothiers Creek Road under the Plan.

The project proponents understand that the Tweed Shire Council is responsible for upgrade of Clothiers Creek Road and has been doing so for a number of years. In addition, the construction of the Chinderah to Yelgun Motorway will increase the requirement for this upgrading to continue.

We maintain that mitigating measures (ie. the S94 Plan) are in place to enable the project to contribute a fair share to upgrade works”.

Reports from Director Development Services

The applicant has satisfactorily addressed most of the issues raised. Council's Traffic and Transport Engineer has recommended conditions concerning intersection upgrading, provision of kerb and gutter and access design. However, concern was still raised regarding the use of heavy vehicles using Clothiers Creek Road.

Council's Traffic and Transport Engineer has advised that:-

"The issue regarding the use of Clothiers Creek Road is a major safety issue and the applicant's consultant has confirmed that the heavy trucks (19.0m) semi trailers cannot traverse the Condong Range without crossing double centrelines onto the wrong side of the road. This is an illegal and unsafe practice that cannot be permitted to get worse.

As stated by the consultant Clothiers Creek Road is Council's responsibility and given the prohibitive costs of upgrading it to cater primarily for cane trucks is not viable in the short term. Accordingly the use of Clothiers Creek Road between North's Lane and Condor Place by heavy vehicles generated by this development is to be banned from this section of road until it is upgraded.

It should also be noted that the issue of safety and the constant illegal driving of heavy vehicles is being pursued separately and may lead to a ban of all heavy vehicles on the range especially as a safer high standard alternative route is now available via the Coast Road and Old Bogangar Road and a better alternative open in about 18 months being the Yelgun to Chinderah Motorway.

It will need to be determined if a legally binding condition in this regard or by agreement with the applicant. If not we will have to rely on the above mentioned general ban at the opening of the Motorway."

By the time that the cogeneration facility is operational the Yelgun to Chinderah Motorway will be either open or close to opening. It is considered that an appropriate way to resolve this issue is by placing a general condition on the consent prohibiting the use of Clothiers Creek Road (between North's Lane and Condor Place) by heavy vehicles generated by the development. It will however be difficult to determine which heavy vehicles are vehicles using the road through existing cane farming operations and which are generated by the proposed development. Therefore, it is also proposed that the Environmental Management Plan be amended to incorporate a requirement for industry self regulation in terms of the use of this road. If non compliance is detected and the use of Clothiers Creek Road becomes a problem then Council has the ability under the Roads Act to prohibit all vehicles from using the road.

Utilities

Water and sewer services are available to the site. However, development will involve the installation of a water delivery pipeline from the Murwillumbah Sewage Treatment Plant to the facility. Pipeline construction and installation will be undertaken as a separate development and will require submission and approval of a separate

Reports from Director Development Services

development application and/or application under Part V of the Environmental Planning and Assessment Act, 1979. This will be a condition of any consent.

The project will require an upgrade of the electrical infrastructure and connection to enable export of the generated electricity.

Drainage

A substantial portion of the proposed plant site is a currently compacted and/or paved and therefore impervious to rainwater infiltration. An additional 3500m² of the compacted area will be required for the proposed development.

The stockpile site will utilise 6.4 hectares of land. Some rainwater runoff including first flush runoff will be stored for dust control measures (ie. Stockpile wetting). Excessive rainwater will be discharged into runoff channels after solids removal. Active areas of the stockpile will be protected from infiltration by tarpaulins.

Stormwater from the boiler plant area which may contain oil will be passed to the river via an oil separator. Rainwater from other areas, which contain bulk oil or chemicals will also discharge to the water after passing through an oil separator. Bunded areas are to be designed to enable accumulated liquids to be analysed prior to being pumped out.

Drainage channels in plant areas that have no contact with oil or chemicals will be discharge directly to the sewer.

Drainage channels in areas that contain bulk oil stores will be directed to a holding pit that is isolated from the sewer by a lockable valve to prevent the possibility of an unauthorised discharge of oil or chemicals. The holding pit shall be fitted with a level indication device, which will transmit high emergency level alarms to the central control room, when liquid content levels rise.

All drainage from the boiler feed-water treatment plant shall pass to the sewer, via the effluent treatment system. Rainwater from the boiler feed water plant bulk chemical storage area will be passed to the Tweed River via an oil separator. This area shall have a lockable valve located in the drainage pipework to prevent the discharge of any chemical spillage. Alternatively, the demineralisation plant, bulk chemical storage area will be covered by a roof and its drainage system connected to the water treatment plant area effluent system.

Water temperature in hot drains, such as the boiler discharge, shall be reduced to the level allowed in the Tweed Shire Councils, Limits for Acceptance of Trade Wastes into Sewers.

Council's Engineering Services Division has reviewed the application and have raised no objections to the proposal subject to detailed designs for permanent stormwater quality treatment being provided for approval and any discharge to the sewer being to the satisfaction of the Director of Engineering Services and compliance with Councils Trade Waste Policy. These requirements will be addressed by way of conditions of consent.

Reports from Director Development Services

The major source of water discharge from the cogeneration plant will be cooling tower outflow. This discharge will enter the Tweed river at a rate of approximately 20,000 litres/hr (5.55 litres/second) during the crushing season and 25,000 litres/hr (6.95 litres/second) during the non crush season. A cooling tower has been proposed for this operation in order to reduce the potential thermal load to the Tweed River. Outflow water will contain low residual concentrations of chemicals used to inhibit corrosion and to prevent biological growth in the cooling system. Cooling water will be discharged to the Tweed River as an EPA licensed discharge. The approval indicates all license requirements shall be met including monitoring and reporting procedures.

Cooling tower outflow has the potential to contribute to minor thermal variations at its discharge point in the Tweed River. Cooling tower outflow temperature will be controlled through the mixing of excess TTE and/or extracted water from the river. The temperature of the cooling water discharge stream will not exceed regulatory requirements and will be maintained within 2 degrees Centigrade from the ambient temperate of the Tweed River.

There will be a change in the point of final discharge of the STP. The Murwillumbah STP currently discharges into the Rous River. Following installation of the cogeneration plant this water stream will be pumped to the facility for use as makeup water for the boiler and cooling water circuit. Approximately 20% of the water supplied from the STP will be released to the Tweed River at the plant as cooling tower discharge.

The SEE states:-

“The relocation of discharge point is considered to be of significant benefit to the river systems in that the Tweed River is much larger and has a greater tidal flow than the Rous River. The larger body of receiving water and increased tidal influence of the lower Tweed will result in increased mixing of the discharge stream”.

An impermeable barrier is proposed on the stockpile site to prevent leachate entering the groundwater.

The application has been reviewed by Council’s Environment and Health Services Unit and Engineering Services Division. No objections to the proposal has been raised subject to conditions. Additionally, the EPA has issued general terms of approval for the proposal.

Soil

A detailed erosion and sedimentation control plan will be required to be prepared and approved prior to the construction certificate being released.

The issue of acid sulfate soils has previously been addressed.

Council’s Environment and Health Services Unit has reviewed the information provided in respect of soil contamination and no objections have been raised in this regard.

Reports from Director Development Services

Air

An air quality report has been prepared and submitted as part of the development application. The report concludes:-

“It is concluded that the proposed cogeneration plant design will comply with the requirements of Clean Air (Plant and Equipment) Regulation 1997.

The AUSPLUME model was used as a screening tool to assess the likely impacts of the proposed cogeneration plant on the ambient air quality. The proposed boiler is predicted to result in lower pollutant ground level concentrations than emissions from the existing boilers at the mill. Given the improvement in mill emissions from the proposed boiler, it is considered that the operation of the proposed cogeneration plant is unlikely to adversely impact upon the air quality in the area.

Fugitive emissions from the proposed cogeneration plant and stockpile area are not expected to adversely impact upon local air quality provided the management measures proposed are implemented. The emissions are not considered odorous.”

The EPA requested additional information concerning the report. The additional information has been provided to the EPA and the EPA has provided general terms of approval for the proposal.

Noise

A Noise Impact Study was also prepared and lodged as part of the development application. This report examined impacts on the closest sensitive buildings during both the construction phase and operational phase. The EPA requested additional information concerning this issue and has issued general terms of approval. The EPA is the regulatory authority in this regard. The general terms of approval set noise emission limitations and contain requirements for monitoring.

Natural Hazards

Flooding issues have previously been discussed.

Wastes and Chemicals

The application indicates all chemical and waste processing and storage facilities will be engineered and constructed in order to minimise potential impact. Licensed dangerous goods transport contractors will be used to import chemicals to the site. Suppliers that actively recycle chemical storage containers will be favoured during selection processes. Licensed processors will recycle all waste oils and lubricants generated on site.

Chemical and waste management procedures currently in place at the Condong Sugar Mill, as applicable, will be instigated at this facility.

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Visual Impact

The development will involve the removal of some older structures and the construction of some new buildings. Construction materials will be non reflecting and where possible natural colours will be utilised. The applicant has indicated that the successful EPC contractor will be required to develop landscaped areas.

The most visually prominent aspects of the development will be the proposed stack and the stockpile. There are two existing stacks at the mill. One of these is proposed to be demolished. It has a height of approximately 42 metres. The proposed new stack will have a height of 60 metres. While the new stack is higher, it is considered that its impact is acceptable in the context of the visual impacts of buildings on the site.

The stockpile will have a height of approximately 10 metres. A bund will be provided around the perimeter of the site to a height of RL 5.0m AHD. Landscaping can be provided around the site on top of the bund to enable the stockpile to be screened. A condition of consent will require detailed landscaping plans to be submitted and approved. This landscape plan will require the use of mature plants.

Flora/Fauna

A flora and fauna assessment has been undertaken by Peter Parker. Impacts on threatened fish species has also been assessed.

The vegetation recorded on the site comprised of a small area of rainforest planting's along McLeod Street, isolated fig trees and garden planting's, riverbank vegetation dominated by exotic species and grass land. A single vulnerable plant species, Davidson's plum, was recorded. It is planted adjacent to McLeod Street.

The flora and fauna assessment indicates that the proposed construction works will not require the clearing of any vegetation of conservation importance.

The report includes an 8 point test as prescribed in Section 5A of the Environmental Planning and Assessment Act, 1979. It concludes that it is unlikely that the proposed works will significantly affect threatened species, populations or ecological communities or their habitats.

Social/Economic Impacts

This aspect of the proposal has been discussed in respect of Clause 17 of the TLEP 2000.

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

The proposal has been examined above in terms of surrounding land uses, air, noise, water and soil impacts, flooding, and access and traffic and parking. It is concluded that subject to proposed mitigation measures and compliance with recommended conditions of consent the proposal will be satisfactory and the site is suitable for the proposed development.

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

Submissions made have been discussed in the "Consultation" section of this report. It is considered that issues raised have been resolved by the EPA issuing general terms of approval and also by proposed mitigation measures and conditions of consent.

(e) **The Public Interest**

The proposal will have positive impacts due to the burning of cane leaves in the plant with omission controls rather than in the field. Additionally, there will be a reduction in greenhouse gas emission and a reduction in the volume of effluent discharge from the STP to the river by 80%. The discharge point will also be relocated. The project will benefit in terms of assisting the NSW sponsored Camphor Laurel Program. The proposal will also have negative effects in terms of increased traffic, noise impacts and visual impact. However, as discussed, these will be within acceptable limits. In terms of the public interest it is considered that the benefits outweigh the negatives.

There was no submissions from the general public in response to the advertising of the application.

Relevant Section 94 contributions and water and sewer headworks contributions will be placed on any consent.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

In the event that the application is not satisfied with Council's determination, a right of appeal to the Land & Environment Court exists.

OPTIONS

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

1. That the application be approved subject to conditions.
2. Refuse the application on traffic and visual impact grounds.

CONCLUSION

As discussed above, the proposal will result in benefits in terms of air quality, greenhouse gas emissions, camphor laurel eradication and water quality in respect of the volume and location of treated effluent discharge. Negative impacts include visual impacts, traffic impacts and noise impacts. However, as discussed it is considered that the benefits of this proposal outweigh the possible adverse effects.

The EPA has provided general terms of approval for the proposal and Council's Environment and Community Services Division and Engineering Services Division have raised no objections to the proposal subject to the imposition of conditions of consent.

Having regard to the above assessment, it is recommended that the proposal is suitable to proceed and the application be approved.

Reports from Director Development Services

6. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/LEP/2000/16 Pt1

REPORT TITLE:

Draft Tweed Local Environmental Plan 2000 (Amendment No 16) - Greenview Estate, Part 2.

SUMMARY OF REPORT:

As a result of a legal technicality, the Department of Urban Affairs and Planning have advised Council that the Department is unable to incorporate amendments to the exhibited draft Plan (Amendment No 5) for Greenview Estate. Amendments to the exhibited Plan to include zone map anomalies will need to be re-exhibited.

RECOMMENDATION:

That:

1. Council, pursuant to Section 54 of the Environmental Planning and Assessment Act, 1979, advises the Department of Urban Affairs and Planning that it has resolved to prepare a draft Local Environmental Plan for part Lot 1, DP 837715 (Greenview Estate), as shown in Figure 2, and that in Council's opinion an Environmental Study is not required.
2. Council will be using its delegation under Section 65 of the Act to publicly exhibit the draft Plan.
3. Council refers an amended draft Local Environmental Plan as outlined in Figure 3 to the Department of Urban Affairs and Planning with a request that the Minister make the Plan.

Reports from Director Development Services

REPORT:

BACKGROUND

At its meeting on 21 June, 2000 Council resolved to amend an exhibited draft Local Environmental Plan relating to land on Part Lot 1, DP 837715 (Greenview Estate) to rationalise the boundary between 2(c) Urban Expansion Zone and 7(a) Wetland/Littoral Rainforest Zone. Amendments to the exhibited Plan were in response to mapping anomalies and inconsistency with an approved residential subdivision (S94/149) (Figure 1).

ADVICE FROM DEPARTMENT OF URBAN AFFAIRS AND PLANNING

Discussions with the Department of Urban Affairs and Planning indicate that as a result of legal technicality, the amendments to the exhibited draft Plan to correct map anomalies are unable to be processed. The Department, in their letter dated 1 November, 2000, have stated that:

“While the Council’s resolution referred to in Council’s section 54 letter of 14 August 1997 adequately describes the land in both the earlier and later versions of the proposed Amendment, the text under the heading “The land to which this Plan Applies” in that letter, refers only to part of the lot described in the Maps 1-3 accompanying the report. This is the land on the exhibited LEP map dated 23 December 1998. The map dated 20 July 2000 is significantly different to the originally exhibited map.

Also, the “Aims, objectives etc” differs in the later version of the draft Amendment to the formerly exhibited draft Amendment in that the exhibited plan did not include the proposal to rezone part of the 2(c) zones land to 7(a) and the Council’s section 54 resolution did not refer to such rezoning. Furthermore, the exhibited Explanatory Notes on the Content of the Draft Plan only referred to the proposed rezoning of approximately 2,360 square metres of land within Lot 1 DP 837715. The area of the revised proposal appears to be approximately double this size.

The alternatives available to the Council appear to be to:

- (a) request the Department to proceed with the processing of a section 69 report to the Minister in respect of the proposal as exhibited from 29/12/98 to 1/2/99, and pass a section 54 resolution to cover the balance of the proposal and proceed with a further section 65 certificate to allow public exhibition for remaining rezoning proposals, or*
- (b) make a new section 54 resolution, issue a new section 65 certificate to allow the entire revised proposal to be publicly exhibited”.*

PREFERRED OPTION

Option (a) is the preferred option to streamline the original amendment. An amended map, excluding anomalies, will need to be sent to the Department of Urban Affairs and Planning for approval by the Minister. A separate amendment to address the map anomalies (Figure 2) will require a Council resolution under Section 54, and be re-exhibited for public comment.

To proceed with changes to the current Tweed LEP 2000 map to correct the map anomalies will require the preparation and exhibition of a separate draft Local Environmental Plan (Draft Tweed

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LEP 2000 – Amendment No 16) as shown in Figure 2. A draft LEP as outlined in Figure 3 will need to be prepared and referred to DUAP with a request that the Minister make the Plan.

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DRAFT PLAN TO BE EXHIBITED PURSUANT TO DUAP ADVICE

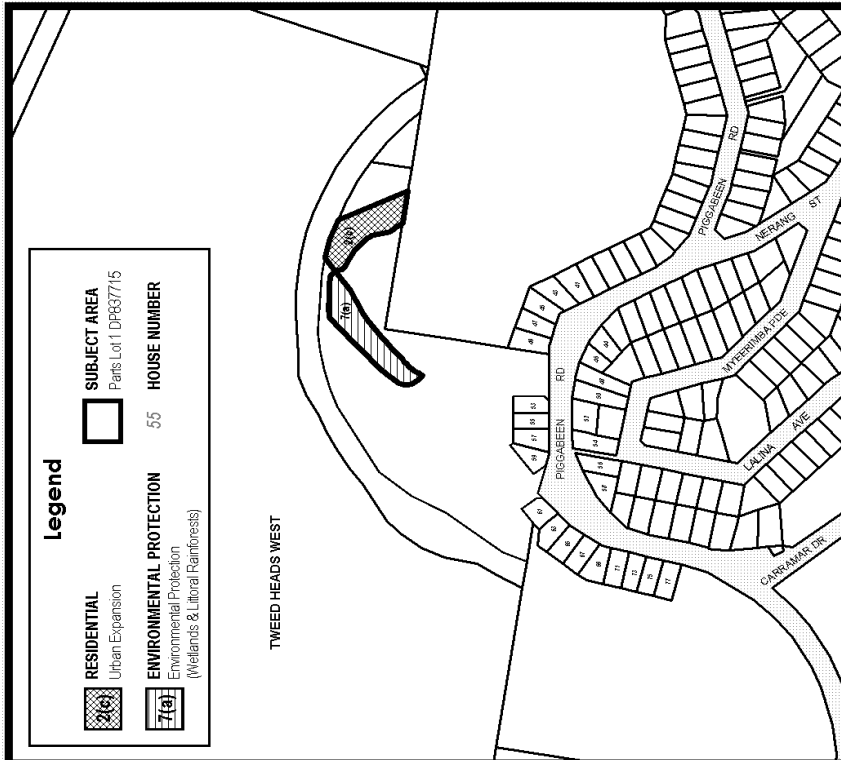


FIGURE 2

ZONINGS AS FORWARDED TO DUAP

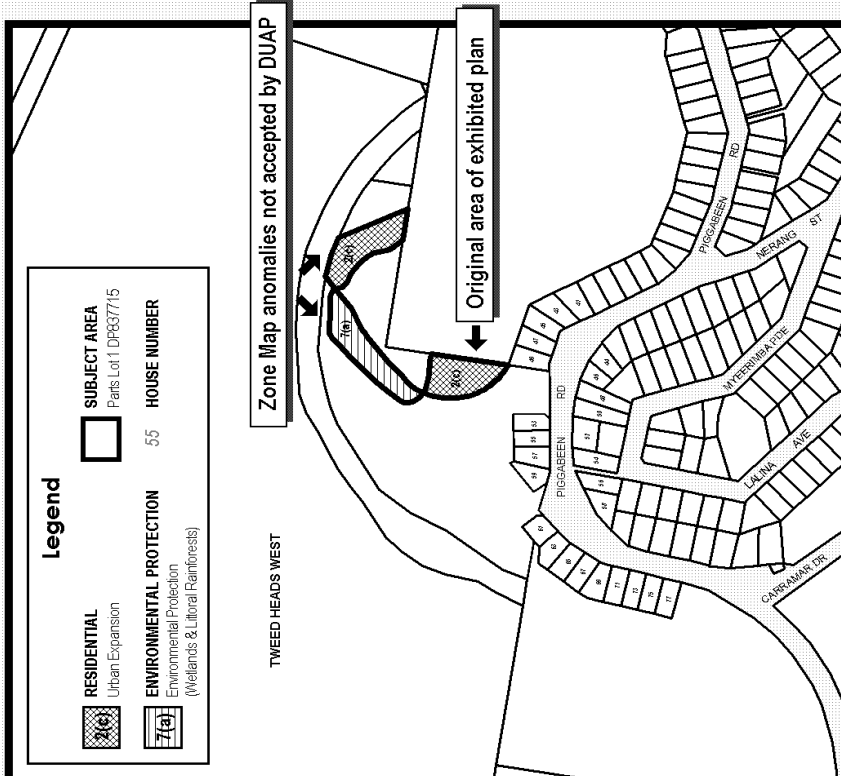


FIGURE 1

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NEW ZONE MAP TO BE FORWARDED TO DUAP

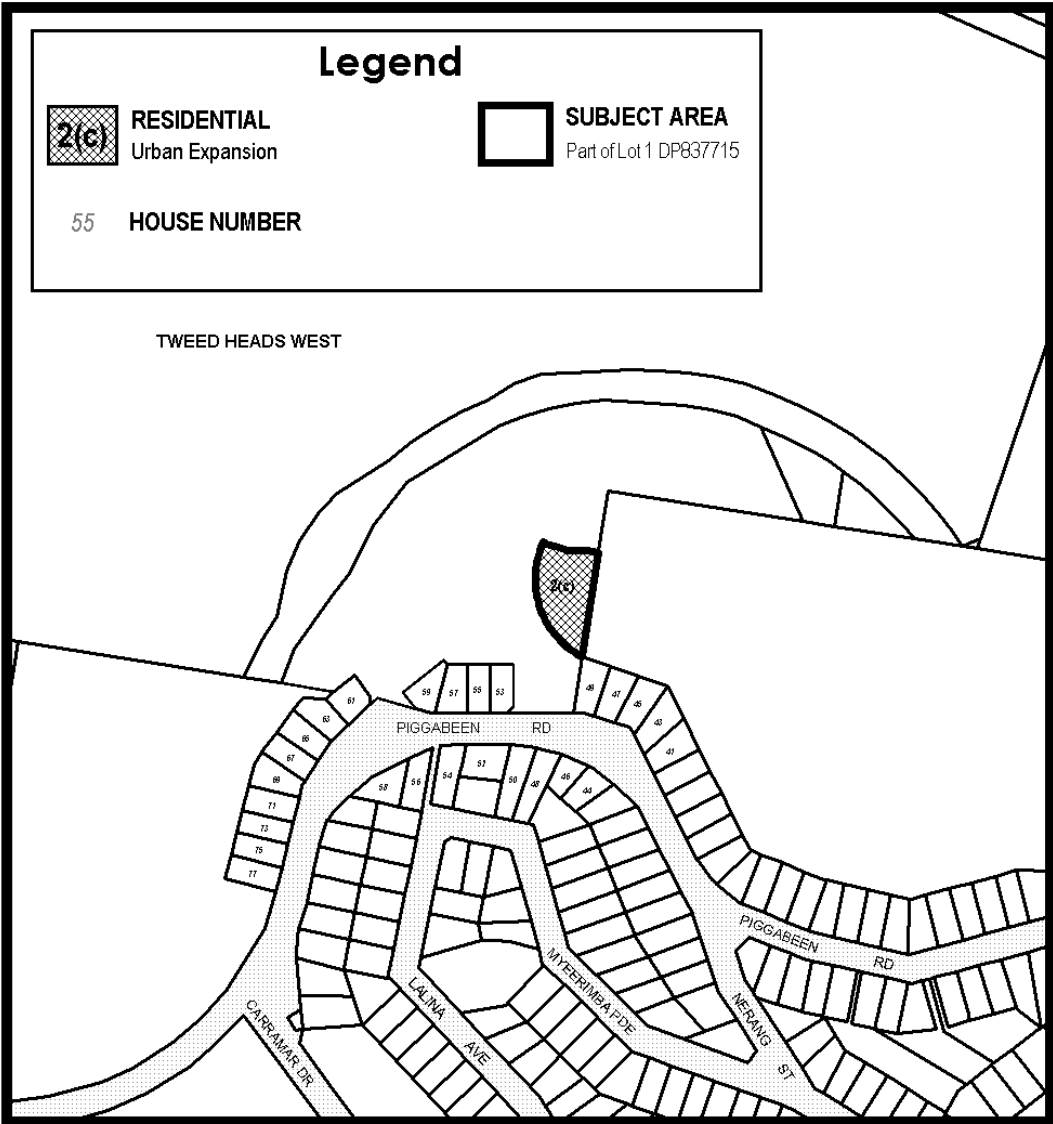


FIGURE 3.

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7. ORIGIN: Strategic Town Planning Unit

FILE REF: DA3570/285 Pt1

REPORT TITLE:

Reclassification of Land - 22 Moss Street, Kingscliff

SUMMARY OF REPORT:

Over recent months Council has been considering the means by which a jetty may be constructed at 22 Moss Street, Kingscliff. On 5 July Council resolved to reclassify the land to operational land so that an application for the approval of a jetty could be considered by Council. On 20 September, Council resolved that the proponents be requested to prepare the necessary development application for a pontoon, and seek the consent for lodgement from Department of Land and Water Conservation (DLWC) as landowner.

DLWC have indicated that it would be contrary to their policy to agree to such a pontoon if the owner did not also control the land it was to be attached to. The options open to Council are based on whether, in the public interest, it is appropriate to have a private facility on public land. If Council is supportive then the proponent should be informed that other means than those pursued to date will have to be investigated to achieve this outcome; for which no time frame can be provided.

RECOMMENDATION:

That Council advises the proponent that the proposed jetty on public land at 22 Moss Street, Kingscliff is not supported.

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REPORT:

Over recent months Council has been considering the means by which a jetty may be constructed at 22 Moss Street, Kingscliff.

BACKGROUND

The history of this is summarised as follows:

Properties abutting Cudgen Creek (Moss Street side) have for the most part either an agreement to use creek frontage land, or have provided an easement in the favour of Council for the purposes of public walking. When this property, Lot 11, was developed the developer chose to subdivide it from Lot 10 and dedicate it to Council as a public reserve (for same purposes as above) and hence community land. This action released the owners from requirements associated with the maintenance of the river frontage and riverbank – it became totally Council responsibility. It has also denied the owners/occupiers of the property the opportunity to install pontoons, as private pontoons are not permissible in the circumstances, nor would the department of Land and Water Conservation (DLAWC) allow construction in the creek in this circumstance (DLAWC being “owner” of the creek).

On 5 July Council resolved to reclassify the land to operational land so that an application for the approval of a jetty could be considered by Council. Following that decision a number of issues have arisen which have not only questioned the validity of this process, but also the ability of Council to approve a private jetty on public land.

This commenced with the response of DUAP to Council’s S54 notification to reclassify the land, as follows:

“... Council will need to ensure the approval of the Department of Land and Water Conservation is obtained for the private pontoon, before any decision is made to proceed with reclassification of the land”.

Council’s Consultant in respect of the reclassification, reviewed in conjunction with DLAWC, the best way of dealing with this situation. As a consequence, on 20 September, Council resolved that:

- “1. The proponents of the Moss Street pontoon be advised of the advice from Jim Glazebrook and Associates.*
- 2. The proponents be requested to prepare the necessary development application for a pontoon, and seek the landowner consents prior to lodgement.*
- 3. Council proceeds with the reclassification of the land following the lodgement of the development application and the two matters be subsequently dealt with concurrently. The Local Environmental Plan Amendment will be at the proponents’ expense”.*

CURRENT SITUATION

Whilst this decision seemed to progress the matter, there still remains the issue of obtaining landowner’s consent for the lodgement of a DA. DLWC have indicated that it would be contrary to

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their policy to agree to such a pontoon if the owner did not also control the land it was to be attached to.

This brings the issue back to Council, whose consent would also be required for the lodgement of the DA. Strictly speaking, Council cannot agree to this as long as the Council Reserve is classified community. Consent to construct the pontoon could be subject to the reclassification of the land. However, Council consent cannot be provided as long as the land is classified as community land.

OPTIONS

The options open to Council are based on whether, in the public interest, it is appropriate to have a private facility on public land. If Council is supportive then the proponent should be informed that other means than those pursued to date will have to be investigated to achieve this outcome; for which no time frame can be provided.

The latter response requires owner's consent prior to the lodgement of a DA. To ensure the approval of DLWC is obtained for the private pontoon, it is proposed the proponent prepare a DA and forward it to DLWC requesting confirmation approval for the pontoon will be granted subject to the land being reclassified as operational and the proponents granted a lease. Should the confirmation of approval from DLWC be forthcoming, this can then be forwarded to DUAP to progress the reclassification process.

To facilitate this process, Council should indicate its intent to grant a lease to the proponents subject to reclassification of the land.

CONCLUSION

There are significant issues which mitigate against acceptability of a private jetty on public land, and therefore the proposal should not be supported.

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8. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/LEP/2000 Pt1

REPORT TITLE:

Local Environmental Plan (LEP) Advisory Committee

SUMMARY OF REPORT:

Following Council's decision to set up the Local Environmental Plan Advisory Committee nominations have been sought for membership. There have been twenty three (23) nominations of which seventeen (17) were late.

RECOMMENDATION:

That Council determines the composition of the Committee from the nominations.

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REPORT:

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

- a) *Councillor W Polglase as Chairperson and that he liaises with the Director Development Services to draw up Terms of Reference.*
- b) *Any Councillor wishing to participate.*
- c) *Two (2) persons from the professional consultancy industry, two (2) community members, one (1) representative appointed by Tweed Economic Development Corporation (TEDC), two (2) farmer representatives from the western region of Tweed and two (2) from the eastern region of the Tweed, one (1) environmental representative and one (1) person to represent the Director Development Services”.*

An appropriate notice has been placed in the Tweed Link and Daily News requesting nominations for membership of the Committee by 7 November, 2000. When the nominations were reported to Council on 15 November, 2000 it was resolved that:

“a further report be prepared on the Local Environment Plan Committee on nominations received up until 15 November 2000”.

The nominations received are set out below.

Membership Criteria	Nomination	Date Nomination Received
Broader community	Sandra Flannery Bruce Graham Trevor Stephenson Rod Bates	14 November, 2000 7 November, 2000 3 November, 2000 26 November, 2000
Farmer	Gerard Buchanan Col Brooks Graham Martin (western) (nominated by Cane Grower's Association) Robert Quirk (eastern) (nominated by Cane Grower's Association) Athol Dobson (eastern) Nancy Allen Don Beck (western)	8 November, 2000 8 November, 2000 8 November, 2000 8 November, 2000 15 November, 2000 7 November, 2000 7 November, 2000
Unspecified	Yvonne Dow Harry Williams Patrick Harford Susan Harford Craig Venner Alan McIntosh	13 November, 2000 15 November, 2000 15 November, 2000 15 November, 2000 6 November, 2000 6 November, 2000
Professional Consultants	Mike Allen Darren Gibson Phil Wyper Tom Clark Coen Haan	14 November, 2000 14 November, 2000 15 November, 2000 15 November, 2000 15 November, 2000

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Environmental Representative	Paul Hopkins	14 November, 2000
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In addition to the above Council Resolution required one member from TEDC. TEDC have nominated Tom Senti.

Copies of all nominations are attached.

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9. ORIGIN: Development Assessment Unit

FILE REF: DA0960/730 Pt2

REPORT TITLE:

Proposed Colour Scheme for Approved Tourist Resort Development - Deferred Commencement Condition 1 - Lot 1 DP 121377 and Lot 250, 251, 263 & 264 DP 755685, No. 363 Carool Road, Carool

SUMMARY OF REPORT:

Council granted a “deferred commencement” consent for a tourist resort on 7 June 2000. A deferred commencement condition of this consent required the submission and approval of details of proposed colours and finishes to buildings. Details of colours and finishes have been submitted and are generally considered satisfactory with the exception of part of the main building which is proposed to be a combination of white and blue. This building is located on a ridgeline in a rural environment and extends up to 22m in height. It is considered the use of these colours are not compatible with the rural environment and the applicant should be required to amend these colours.

RECOMMENDATION:

That the proposed use of white and blue on the eastern wing and lighthouse component of the main building for approved Tourist Resort Development at Lot 1 DP 121377 and Lot 250, 251, 263 & 264 DP 755685, No. 363 Carool Road, Carool not be accepted and the applicant be requested to amend the colour scheme to incorporate colours compatible with the rural landscape.

Reports from Director Development Services

REPORT:

Applicant:	Parameter Designs on behalf of Penny Brothers
Owner:	Penny Brothers Pty Ltd
Location:	Lot 1 DP 121377 and Lot 250, 251, 263 and 264 DP 755685, No. 363 Carool Road, Carool
Zoning:	1(a) Rural
Est. Cost:	\$1,000,000

Council at its meeting of 7 June, 2000, granted a “deferred commencement” consent for a tourist resort comprising a winery building, 16 accommodation units, four (4) bungalows and an 18 hole golf course at Carool.

Prior to this consent becoming operational three matters had to be addressed to the satisfaction of the Director of Development Services. These matters related to:-

1. Colours and finishes to the buildings.
2. Preparation of a stormwater management plan.
3. Preparation of a detailed design for the proposed access point.

This report relates to item 1. Parameter Designs have submitted details of proposed colours and finishes of the buildings seeking approval in accordance with Condition 1 of Schedule A.

Proposed Colours and Finishes

Colours proposed for the Bungalows, accommodation units and western wing of the winery building are considered satisfactory. Colours proposed for these buildings include a combination of the following:-

- Mountain blue
- Wheat
- Merino/Melon
- Dusky Mushroom
- Gull Grey
- Desert wash colours

Rendered finishes are proposed for the walls of the buildings with a combination of colour bond and tile roofing materials.

Concern is however raised regarding the proposed colours of the eastern wing of the winery building and the lighthouse structure which extends to a height of approximately 22 metres above natural ground level.

Colours proposed on this part of the building are primarily white with blue trims.

Reports from Director Development Services

Condition 1 of Schedule A of the consent required:-

“Submission of details of the proposed colours and finishes of all buildings. Colours are to be of a non-reflective nature which are compatible with the natural environment of the area and should seek to minimise the visual impact of the development. Colours and finishes re to be to the satisfaction of the Director of Development Services”.

It is considered that these colours are more consistent with a coastal landscape rather than a rural landscape. It is considered that these colours do not satisfy the performance requirement of condition 1 in that the colours were required to be “compatible with the natural environment of the area”.

It is considered that the colour scheme for this building should be amended having regard to the rural character of the area and the requirement of condition 1 to minimise the visual impact of this building.

This could be achieved by extending the proposed colours on the western wing of this building through the whole of the main building. Colours proposed for the western wing are a combination of wheat, grey and desert wash colours.

CONCLUSION

It is considered the proposed colours of white and blue for the lighthouse and eastern wing of the winery building are not consistent with the objective of condition 1 of Schedule A of the consent nor the objective of the Rural 1(a) zone relating to ensuring the protection of the rural character and amenity of the area.

The winery building is a large building located on a ridgeline with limited vegetation. It is recommended the proposed use of white and blue on the eastern wing and lighthouse component of the main building not be supported and the applicant be requested to amend the colour scheme to incorporate colours compatible with the rural landscape.

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Reports from Director Development Services

10. ORIGIN: Development Assessment Unit

FILE REF: DA5440/1500 Pt1

REPORT TITLE:

Additions to an Existing Motel Comprising 12 Additional Units and Public Use of the Existing Restaurant at Lot 1 DP 624403, No. 2-4 Terranora Road, Banora Point

SUMMARY OF REPORT:

An application has been received seeking approval for additions to an existing motel comprising 12 additional units and to allow public use of the existing restaurant on land at the corner of Terranora Road and the Pacific Highway, Banora Point. Seven submissions and a petition were received objecting to the proposal. The main areas of concern relate to Building - Block B which is a three storey building. This building will overshadow three properties to the south, and restrict ocean views for at least two of these properties. However the proposal complies with Council's height requirements and is consistent with the objectives of the 2(e) Residential Tourist Zone. To limit the effect of this building it is recommended as a Condition of Consent that the buildings setback be increased to 4 meters from the Southern Boundary. This will provide for a greater area for landscaping which will act as a screen between the building and the properties while reducing the effect of overshadowing. Other issues raised in the objections are discussed in detail in the report.

It is considered that the proposed development is suitable for the area, unlikely to prejudice the public interest, nor adversely detract from the amenity of this Residential area. 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 0967/2000DA submitted by Roach Investments Pty Ltd for the additions and alterations to the existing motel and restaurant at Lot 1 DP 624403 No. 2-4 Terranora Road, Banora Point be approved subject to the following conditions:-

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

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

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

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

Reports from Director Development Services

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

- a. Tweed Road Contribution Plan: \$5,730.00
S94 Plan No. 4 (Version 4.0)
(Tweed Heads South – Commercial)
- b. Open Space (Structured): \$3,528.00
S94 Plan No. 5
- c. Open Space (Casual): \$336.00
S94 Plan No. 5
- d. Extensions to Council Administration Offices
& Technical Support Facilities \$5,712.00
S94 Plan No. 18
- e. Cycleways \$1,488.00
S94 Plan No. 22

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

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: \$14,360.00

Sewer: \$11,880.00

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

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

Reports from Director Development Services

GENERAL

3. The development shall be completed in general accordance with Plan No PS01-5 drawn by Alex Milanovic and Associates and dated February 2000 and Plan No. 2000649/CPI drawn by Sue Dewar Landscape Architects and dated February 2000, except where varied by these conditions.
4. Building Block B is to be sited 4 meters from the Southern Boundary.
5. The restaurant is restricted to the hours of 10 pm Sunday to Thursday and 12 pm Friday and Saturday.
6. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
7. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742-1991 (Manual for Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.
8. Landscaping of the site shall be carried out in accordance with the submitted landscaping plans. The landscaping to be completed prior to occupation of the building, to the satisfaction of the Director, Development Services.
9. 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.
10. 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.
11. 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.
12. A garbage storage area shall be provided in accordance with Council's "**Code for Storage and Disposal of Garbage and Other Solid Waste**".
13. Front external wall of the building is to stand a minimum of 6 metres from the front boundary of the property.
14. Site plan indicates that minimum boundary clearances are proposed. A certificate is to be submitted by a registered surveyor to confirm that all boundary setbacks are being observed in accordance with the approved plans. This certificate is to be submitted to the Principal Certifying Authority upon commencement of exterior walls.

Reports from Director Development Services

15. 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.
16. 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.
17. All necessary on site boundary retaining shall be carried out prior to start of works upon the building proper, with details of retaining walls being submitted to Council for approval prior to start of works.

Please note: Timber retaining walls will not be accepted.

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

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

19. 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.

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- 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.
20. 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.
21. 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.
22. No air Conditioning units are to be installed facing adjacent residential boundaries unless such air conditioning units have been acoustically treated in accordance with a report from a suitably qualified acoustic Engineer so as to prevent the creation of unreasonable or offensive noise.
23. All lighting associated with the development is to be shielded where required to prevent the spill of light onto adjoining or adjacent residential properties.
24. Only minimal servicing of bus coaches is to be carried out on site, and mechanical repairs to such vehicles are prohibited. Such servicing shall be subject to any approval or conditions considered necessary by Council's Director of Environment and Community Services. Any servicing of coaches shall be restricted to between the hours of 8 am and 5 pm on any day.
25. The design and construction of the Soil Dump Point must be approved by the Director of Engineering Services prior to installation on-site.

PRESCRIBED (BUILDING)

26. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-
- (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council, or

Reports from Director Development Services

- (c) if that is not practicable, any other sewage management facility approved by the council.
27. A sign must be erected on the site in a prominent, visible position stating:
- a. that unauthorised entry to the work site is prohibited; and
 - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
28. 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.
29. 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).
30. 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:
- 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,

Reports from Director Development Services

sufficient evidence that the person has complied with the requirements of that Part.

31. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
32. 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.
33. 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)
34. Prior to occupation of the building a Occupation Certificate is to be obtained. If Council is requested to issue the Occupation Certificate, the application must be accompanied by relevant Compliance Certificates or documentary evidence of compliance.
35. 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.
36. 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 required essential fire safety measure has been designed and installed in accordance with the relevant standards.

FIRE (BUILDING)

37. 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.

Reports from Director Development Services

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.

DISABLED (BUILDING)

- 38. 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.
- 39. 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.
- 40. 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.
- 41. Disabled car parking spaces are to be provided at the rates provided for under Part D3.5 of the Building Code of Australia and constructed in accordance with Australian Standard AS2890.1.

DRAINAGE/FLOODING

- 42. Erosion and Sediment Control During the Construction Phase of Development
 - (a) Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with the *"Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development".

Reports from Director Development Services

This section requires all new development to comply with Appendix E of the Plan “*Tweed Shire Council Aus-Spec D7 - Stormwater Quality*” and its Annexure A - “Code of Practice for Soil and Water Management on Construction Works”. Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond (if required) has been released.

- (b) The Construction Certificate Application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
43. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

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

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

44. 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.
45. Sub-floor excavations must be drained by an agricultural pipe and rubble drain, not less than 300mm deep and 300mm wide and piped to the street separate to the roofwater disposal system; to provide satisfactory drainage in accordance with Australian Standard AS/NZS3500.3.2-1998.
46. All surface and seepage waters liable to be a nuisance are to be collected and diverted clear of the building site by an approved drainage system separate to the roof water system.
47. All agricultural drainage systems and surface water drainage systems are to be piped to the street separately to the stormwater system.

SEWER

48. **Note:** Sewer manhole is present on this site. This manhole is not to be covered with soil or other material or concealed below ground level.

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

Reports from Director Development Services

ENVIRONMENT PROTECTION

49. 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.
50. 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.
51. 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.
52. The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning.
53. 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.
54. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
 - A. Short Term Period - 4 weeks.

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

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.
55. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
56. The burning of builders waste on site by open fire is prohibited.
57. 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.

Reports from Director Development Services

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

PLUMBING & DRAINAGE

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.
61. An application to connect to Council's sewer is to be submitted to and approved by Council prior to the commencement of any works on the site.
62. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
63. Dry floor wastes shall not discharge over doors or windows or in any position where they cause a nuisance.
64. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.
65. Temperature and pressure relief lines from hot water systems shall discharge in the open as prescribed in Australian Standard AS 3500.4.1990 Section 4.12.3.
66. Water plumbing shall **not** be installed in concrete slabs or be laid under slabs on the ground.
67. The Council approved wet area flashing installer is to supply to the Principal Certifying Authority certification that all wet area flashings have been installed in accordance with the Manufacturer's Specifications, detailing the rooms or areas involved and the date of installation. **Note:** Only Council approved installers may carry out this work and reference must be made to Council to confirm that such installers are Council approved.
68. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
69. 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

Reports from Director Development Services

Licence. This application is to be approved by Council prior to any discharge to sewer being commenced.

70. All drainage lines are to be continuously bedded in accordance with the provisions of Section 5.4 AS 3500.2 - 1990.
71. Yard gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.
72. The finished floor level of the building should finish not less than 225mm above finished ground level.
73. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
 - * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C in all other classes of buildings.

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

74. A backflow containment device will be installed adjacent to Councils water meter installation at the property boundary in accordance with AS3500. The device is to be maintained in accordance with the provisions of AS3500 by the owner of the property at the owners expense.

TRADE WASTE

75. 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.
76. 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 Councils Manager Water.

Reports from Director Development Services

REPORT:

Applicant: Roach Investment Pty Ltd
Owner: Roach Investment Pty Ltd
Location: Lot 1 DP624403 No. 2 - 4 Terranora Road, Banora Point
Zoning: 2(e) Residential Tourist
Est. Cost: \$1,000,000.

INTRODUCTION

The applicant is seeking development consent for additions and alterations to the existing Motel on the Corner of Terranora Road and Pacific Highway, Banora Point. The proposal consist of an additional 12 motel units, car parking areas and landscaping and alteration to the operating conditions pertinent to the existing restaurant with the applicant seeking consent to open the Restaurant up to the public. The proposal also involves two bus bays and an associated grease trap so that such vehicles can be serviced. It is envisaged such servicing will be limited to cleaning and washing of buses and changing of oil.

The land is zoned 2(e) Residential Tourist and has an area of 7847 m². The existing motel is approximately 16 years old. The surrounding area is characterised by residential development.

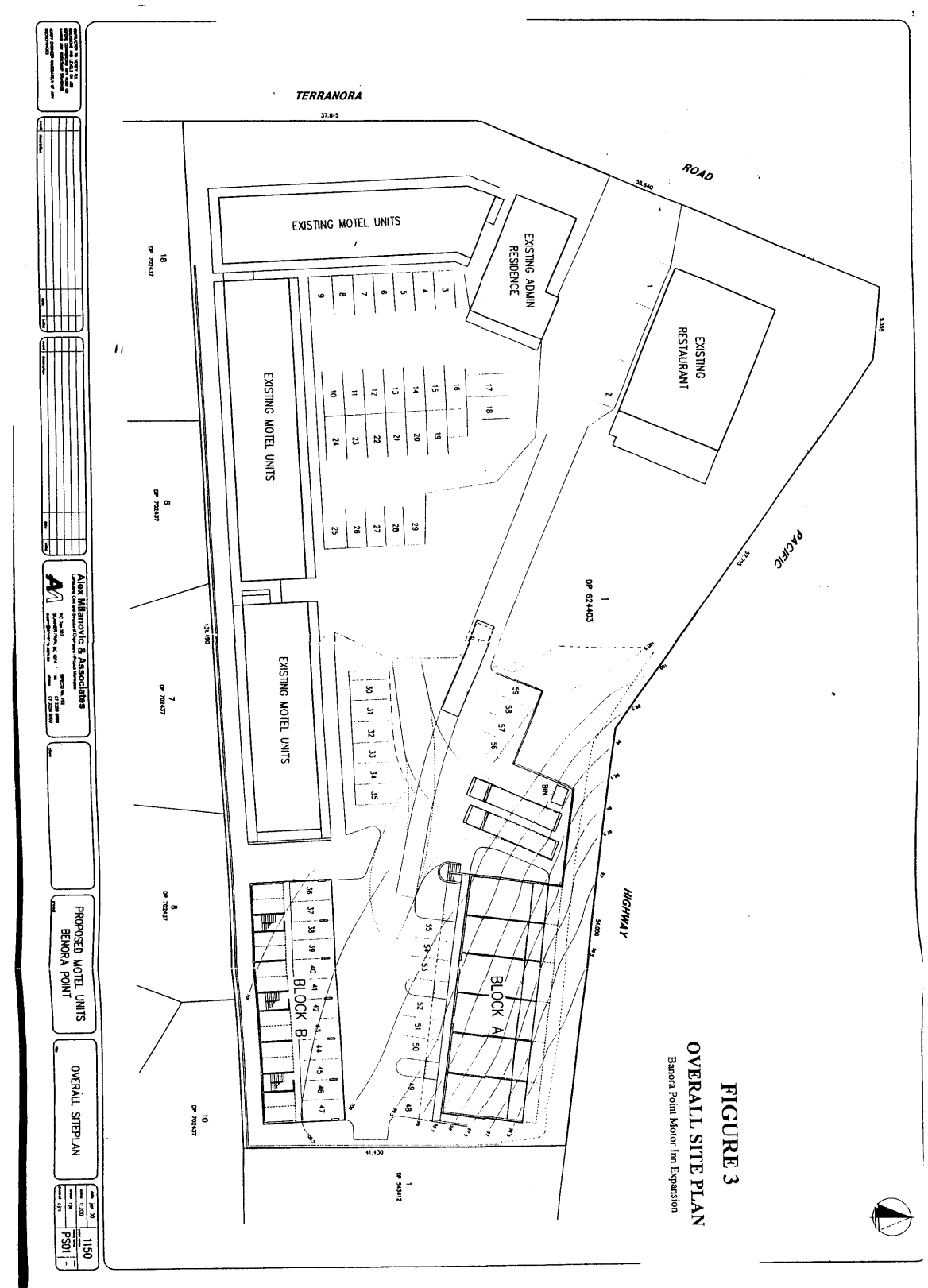
Reports from Director Development Services

FIGURE 1 - LOCALITY PLAN



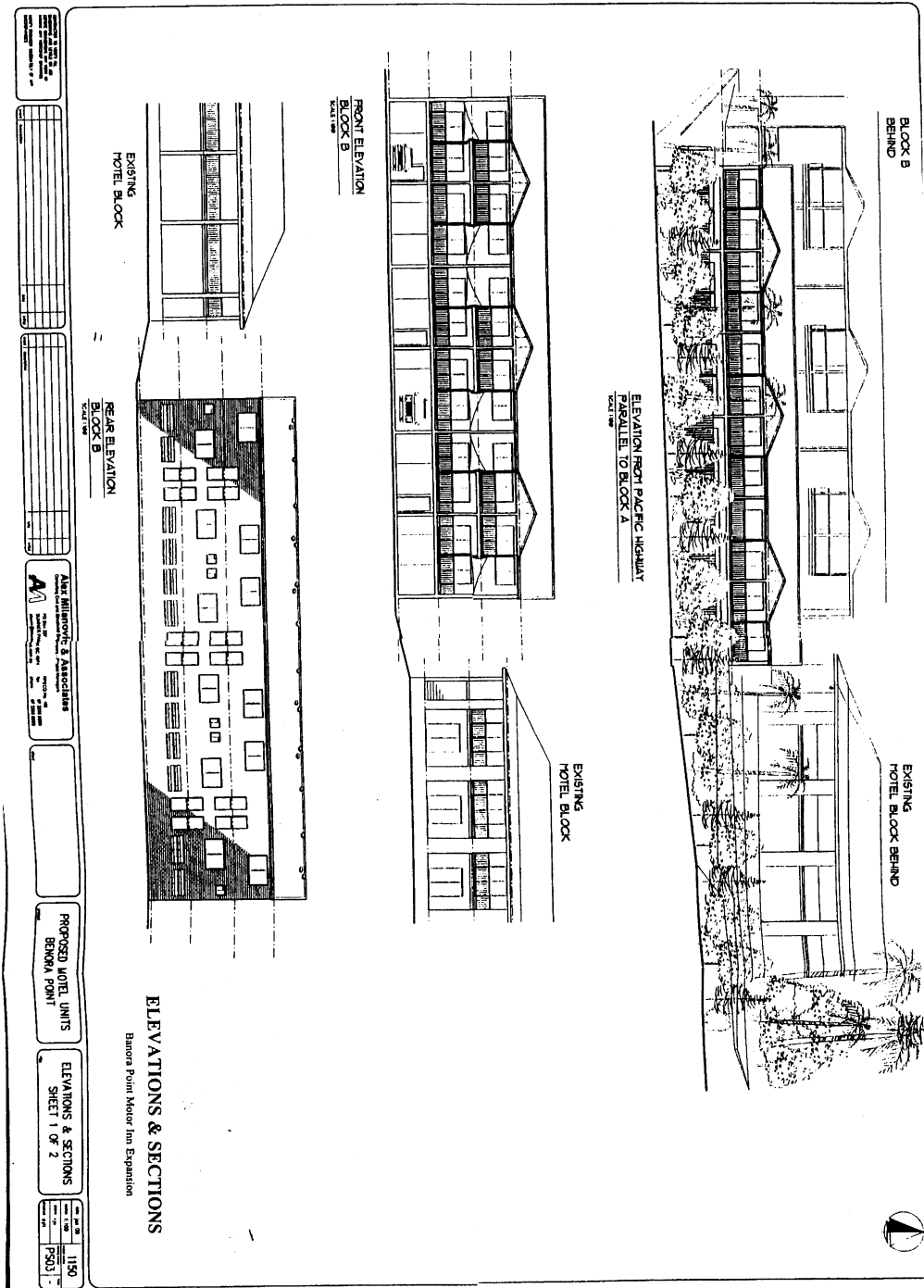
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FIGURE 2 – OVERALL SITE PLAN



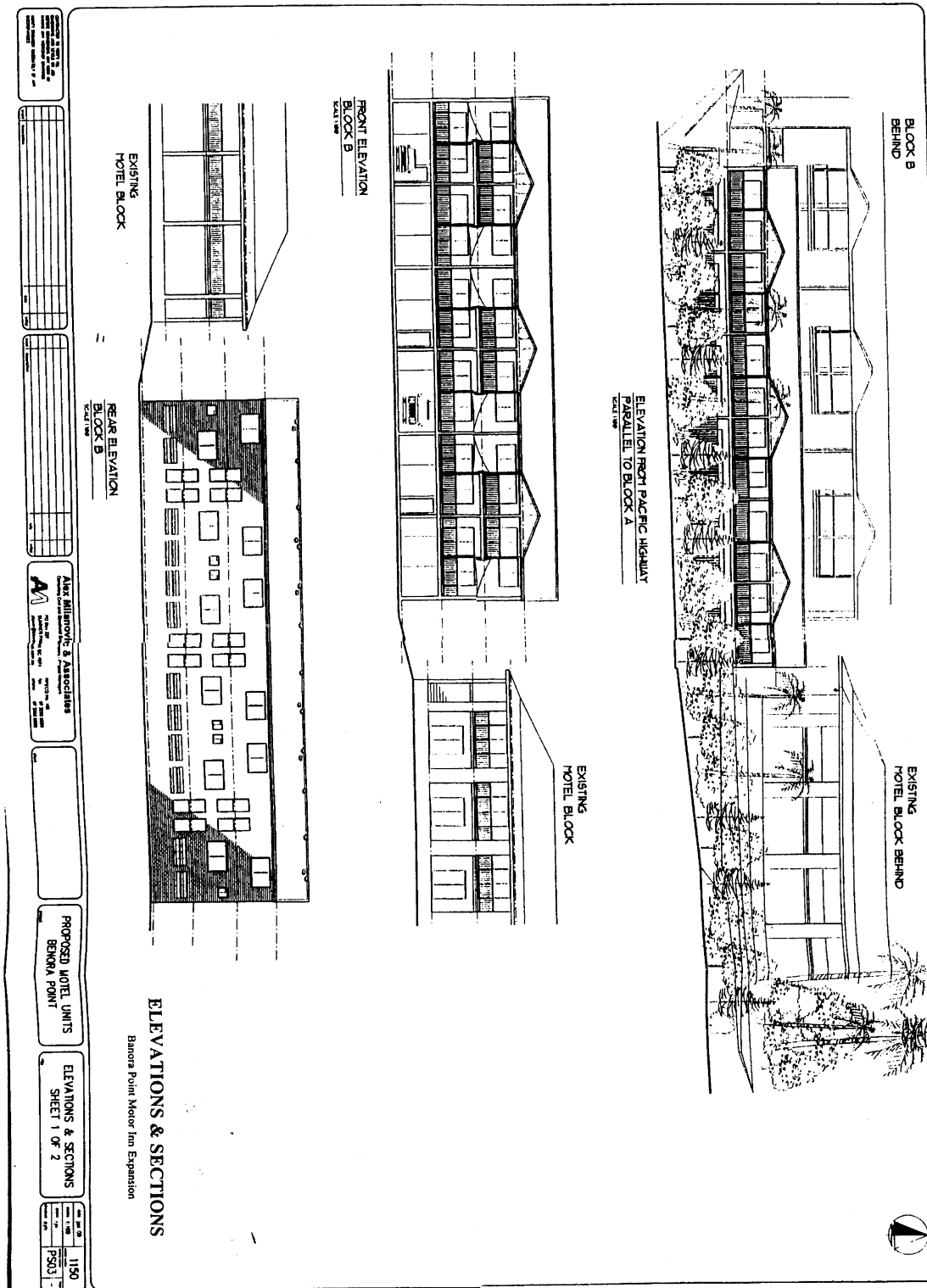
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FIGURE 3 - AMENDED ELEVATIONS & CROSS SECTIONS



Reports from Director Development Services

FIGURE 4 – ELEVATIONS & CROSS SECTIONS



Reports from Director Development Services

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 LEP 2000

Clause 8 Consent Consideration – Zone 2(e) Residential Tourist

Comment: The proposed development under Schedule 1 of the LEP is defined as a motel. The proposed development is permissible with consent under Item 2 of the Zoning Table. As to the restaurant, refreshment rooms are also permissible with consent under Item 2 of the Zoning Table. The proposed development is not inconsistent with the objectives of the 2(e) Residential Tourist Zone.

Clause 16 Height of Buildings

Comment: The maximum height of buildings for the area is 3 storeys above ground level. The proposed extensions to the motel comprise of two buildings, with the units adjacent to the southern boundary being a three storey building, and the units adjacent to the highway being a two storey

Clause 22 Development near Designated Roads

Comment: The proposed development is located adjacent to the Pacific Hwy and Terranora Road at Banora Point. Both of these thoroughfares are designated roads under Tweed LEP 2000. Access to the site is already constructed. Council's Traffic and Transport Engineer has assessed the proposal, and has no objection to the development in relation to its impact on the traffic network. The existing road network can accommodate any increase in traffic volume. Road Contributions to apply.

(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)**

DCP No. 2 – Site Access and Parking Code.

Comment: The applicant has proposed to provide an additional 20 car parking spaces increasing the total number of car spaces to 59 plus two Bus Parking Bays. Under DCP 2, 1 space per unit and 1 space per 15 m² of GFA of the Restaurant open to the public is required. The restaurant has a dining area of 166 m² requiring 11 spaces to be provided for public use. The total number of motel units demand 52 spaces, while the existing managers residence and staff demand two spaces. In total 65 spaces are required. An exemption has been sought under Part 4.11 of the Code, and the applicant has submitted that 100% occupancy is not expected at the motel, while it is anticipated that a number of motel patrons will arrive by Coach reducing the demand on car parking. The request for an exemption is supported and the reduction in car parking is within the 20% permissible.

Reports from Director Development Services

(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 natural environment and no endangered or threatened species of flora or fauna are expected to occur within this urban property. The largest impact expected will be on the three adjoining properties to the south immediately adjacent to proposed building Block B. This building being three storey will overshadow these properties to some extent while visually will present as a plain wall obstructing neighbours sea views to the northeast. It is noted that due to the topography of the land the bottom storey is generally lower than the adjoining properties such that any overshadowing would be a result of the top two floors. As a guide, although DCP 6 does not apply, the proposed development would comply with Council's Building Height Plane for medium density development. However to further reduce the impact from overshadowing and to increase the amount of space available for landscaping adjacent to the southern boundary, It is recommended that the side setback be increased to 4 meters.

As to the operation of the restaurant for public use, there is some concern as to the hours of operation and it's impact on adjoining residents. However it is noted that the restaurant is adjacent to the Pacific Hwy and that a number of motel buildings are situated between the restaurant and residential properties to the south, and would act as a noise barrier to some extent. None the less, as the motel holds a liquor license it is recommended that Council Condition any consent restricting hours of operation to 10 pm Sunday to Thursday and to 12 pm Friday and Saturday Nights.

Appropriate condition's of consent are recommended should the application be approved to ensure no adverse environmental impact during construction in relation to noise, hours of operation, dust and sediments, and builders waste

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

Comment: The proposed development is not out of character for the area. A motel and restaurant currently exists on half of the site and the land has been specifically zoned by Council to accommodate such a development. The land has access to the Pacific Hwy via Terranora Road which has been assessed as capable of accommodating any additional traffic volume created by the development. Provided appropriate controls are placed on the restaurant, it is unlikely that a land-use conflict will develop with neighbouring development in the area.

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

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

Reports from Director Development Services

(e) **Public interest**

Comment: The proposed development was advertised on the Tweed Link, placed on exhibition, and adjoining neighbours were notified. Seven submissions and a petition with 23 signatures objecting to the proposal were received. The seven areas of concern raised by the petition and objection are:-

- Traffic Impacts – road capacity and safety issues;
- Over Development of the Site – economic viability;
- Impact on local wildlife;
- Overshadowing, impact on amenity and privacy of neighbours;
- Security
- Proposal will adversely affect property values;
- Traffic congestion during the construction of the units and lack of parking on-site for tradesmen etc.
- Dust and Noise

Traffic Impacts

Comment: Councils Planning and Design Unit have assessed the proposal and determined that the surrounding Road Network can readily accommodate any increase in traffic volume created by this development. Existing access/egress arrangements are satisfactory and buses should be able to access the site without creating any traffic issues.

Overdevelopment of the Site – Economic Viability

Comment: This is an area of concern primarily for the developer, and it is assumed if the proposal was not financially viable, then the development application would not have been lodged. The application does note that existing occupancy rates for the motel are historically around 55%. The owner has proposed as a franchise member of the Best Western Chain efforts will be made to increase occupancy to a more viable 75%, and by opening up the restaurant to the public, this will also be a more profitable part of the enterprise. Objections were raised that should the development fail then the owner would convert the motel into residential units. This, should the owner of the site propose such a development, will be subject to another development application, and will be assessed at that time.

Impact on Wildlife

Comment: Being within an urban environment, the site is generally clear of vegetation other than grass and exotic Cocos Palms, and has minimal habitat value to native wildlife.

Reports from Director Development Services

Overshadowing and Impact on Amenity and Privacy of Neighbours

Comment: As discussed previously in the report the proposal would comply with Council's requirements for a medium density development in relation to the building Height Plane. It has been recommended that Building – Block B be re-sited 4 meters from the Southern Boundary. This will further reduce any adverse impacts from overshadowing and provide a more suitable area for the provision of landscaping along this boundary for screening and privacy purposes.

Security

Comment: It is considered that the construction of such a development should improve the security of the area as more people will be on the site at different hours of the day thus increasing the level of casual surveillance.

Property Values

Comment: Property values are affected by a range of factors and it is difficult gauge what affect this proposal will have on residential values in the short or long term.

Traffic Congestion During Construction

Comment: It is considered that adequate area is available on-site for the parking of vehicles associated with the construction of the additional 12 motel units.

Dust and Noise

Comment: Appropriate Conditions of Consent are recommended for the control of dust, noise and construction hours to ensure that the amenity of the area is not unduly affected.

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.

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.

Reports from Director Development Services

CONCLUSION

The proposed development satisfies the aims and objectives of Tweed Local Environment Plan 2000 and is permissible with Consent in the 2(e) Residential Tourist Zone. The proposal is unlikely to prejudice the public interest, affect the amenity of the area, nor have any adverse impact on the natural environment. Having regard to the above Section 79(c) Assessment, the proposed additions to the motel and public use of the existing restaurant is recommended for conditional approval.

Reports from Director Development Services

11. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/S94/11

REPORT TITLE:

Draft Library Strategy Plan and Proposed Review and Amendment of Section 94 Contributions Plan No 11 - Library Facilities

SUMMARY OF REPORT:

A draft Library Strategy Plan has been prepared for Tweed Shire by Council's consultants Gutteridge Haskins & Davey Pty Ltd (GHD), as a preamble to a major review of Council's Section 94 Contributions Plan No. 11 - Library Facilities (S94 CP11). It is almost five years since S94 CP11 was originally prepared and adopted by Council.

Tweed Shire currently has three branch libraries at Murwillumbah, Tweed Heads and Kingscliff. A mobile library trailer also services a number of more isolated hinterland and coastal communities. The Shire's current population of about 70,000 is projected to double in size over the next 20-30 years. Naturally, this rapid expansion will generate demands for a range of community services and facilities, including public libraries.

The draft Strategy Plan provides a review of the Shire's library location and floor space provision relative to projected population growth, together with associated equipment and resource requirements, and investigates the most equitable and efficient method of funding library facilities. Strategy findings will guide preparation of an amended Contributions Plan for the provision and upgrading of library facilities as new development and population growth occurs.

It is recommended the Council endorse this Library Strategy Plan, and the intended preparation and public exhibition of an amended Section 94 Contributions Plan No. 11 for Library Facilities.

RECOMMENDATION:

That Council:

- (a) Adopts and endorse the draft Library Strategy Plan and the recommendations contained therein;
- (b) Endorses the preparation of an amended Section 94 Contributions Plan No. 11 for Library Facilities, pursuant to Clause 31 of the Environmental Planning & Assessment Regulation 1994 (EP&AReg), based on the Library Strategy Plan findings and a review of the existing S94 CP11; and
- (c) Authorises the public exhibition of the amended draft Contributions Plan in accordance with Clause 27 of the EP&AReg, in conjunction with exhibition of the adopted Library Strategy Plan.

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REPORT:

LIBRARY STRATEGY PLAN

Background

Section 94 Contributions Plan No. 11 - Library Facilities was originally prepared in December 1995, and represents Council's policy for the collection and administration of developer contributions for public library facilities, for all areas within Tweed Shire with the exception of the Cobaki Lakes Development, where a specific contributions plan applies.

The need for a library strategy has been initiated by:

- the shire-wide library Contribution Plan No.11 needs to be reviewed/updated;
- a concern with the ongoing costs relating to the operation of the libraries in the Shire;
- the recognition that it is more cost effective to construct three branch libraries rather than a number of smaller libraries that is proposed at present, while using the mobile library for more isolated areas; and
- the possible need to relocate some of the libraries at a later stage so they are more accessible to their target population.

This draft Library Strategy Plan for Tweed Shire has been prepared with the assistance of Council's consultants GHD, as the basis for a major revision of Council's Section 94 Contributions Plan No. 11 for Library Facilities.

Study Objectives and Methodology

The objectives of the Library Strategy Plan were threefold:

- (1) review the provision of libraries in the Shire, including the proposed establishment of libraries in the urban release areas of South Kingscliff and Cobaki, with the objective of providing libraries that are in reasonable proximity to the population centres of the Shire (ie, existing and emerging);
- (2) review the requirements for associated equipment and resources suitable for the proposed library facilities in the Shire and the financial implications for the ongoing operation of these facilities; and
- (3) determine the most equitable and efficient method of funding the library facilities, equipment and resources through avenues such as Council funds, grants and developer contributions.

The preparation of this Plan involved eight principal tasks:

- A review of relevant documents and statistical data to identify future demographic characteristics and their potential implications on the demand for library facilities. Particular reference was made to the *Tweed Shire 2000+ Strategic Plan (1996)*, population projections from the Department of Urban Affairs & Planning (DUAP), the *ABS Census of Population of Housing (1996)*, and consultation with officers of Council, State Government and the Richmond-Tweed Regional Library Service.

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- A review of accepted planning and design benchmarks for library service delivery published by the State Library of New South Wales (SLNSW, 2000). For comparative purposes, standards adopted by Council, the State Library of Queensland (SLQ) and other Local Government Authorities were also assessed.
- A library floor space demand forecast through application of these benchmarks to the Shire's projected population growth up to 2021, to determine shortfalls and surpluses relative to Council and SLNSW benchmarks.
- An assessment of library locations relative to their surrounding service catchments, in terms of public accessibility to, and centrality of, existing and proposed library branches. Service catchment 'overlaps' or shortfall areas were also identified.
- An assessment of current library assets, operating costs, management and funding issues.
- Provision of a forecast of costs to bring existing library services up to SLNSW standards in terms of scale, staffing levels and bookstock for the current population
- Application of SLNSW guidelines to estimate additional library facilities and related resources required to accommodate growth in the region
- Development of a strategy for the provision of library services to Tweed Shire

Key Findings

Library Size and Location

Medium series projections published by the DUAP indicate a shire-wide population increase from 70,130 (in 1999) to 105,700 persons by 2021 (ie, 1.9% pa). Most of this growth will be absorbed by eleven coastal urban release areas as identified in the *Tweed Shire 2000+ Strategic Plan*. On this basis, all libraries will be under-scaled relative to SLNSW and TSC floor space standards, yielding total shortfalls of:

- 2,614 m² and 444m², respectively, in 2011.
- 3,338m² and 774m², respectively, in 2021.

Highest shortfalls are likely at the Tweed Heads and Kingscliff branches. Trends such as population ageing, increases in leisure time, tourist visitation rates, and demand for public access to technology will also have implications on library service delivery.

In terms of library location, all libraries are reasonably well located in respect to their surrounding service catchments. It is noted that there is high over-servicing at the border between the Tweed Heads and Coolangatta branches. This situation could be exacerbated by the provision of an additional branch at Cobaki Lakes. The location of Kingscliff library has a number of service related deficiencies that detract from the overall performance and suitability of the facility.

Growth areas on the southern coast were found to be located outside the immediate service catchment of the current Kingscliff library. Population projections and distribution patterns suggest a need for a new branch library in the Kings Forest locality within 10 to 20 years.

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Library Funding and Management Issues

Analysis of library services has identified a substantial gap between the current levels of service provided by the three libraries at Tweed Heads, Murwillumbah and Kingscliff for the current population of the Shire and the desirable standards under SLNSW guidelines. The major deficiencies relate to floor space, bookstock and staffing levels.

The current annual contribution of TSC to the RTRLS is \$978,598. The increase required to this contribution to bring bookstock and staff levels up to SLNSW standards is \$235,716 and \$87,500 per annum respectively. Approximately \$4.05M would also be required to bring library floor space up to the scale required under SLNSW guidelines. In addition there is a requirement to address growth generated demand in each of these areas. To provide services in accordance with SLNSW guidelines for the projected population for 2011 would require further annual contributions of \$114,420 for bookstock, additional salary provision of \$35,000 in 2005/06 rising to \$157,500 in 2010/11 and approximately \$1.1M for additional library floor space.

Section 94 best practice dictates that the current deficiency in library services, cannot be charged to the “new” population, and if proceeded with would need to be funded by Council. However, the funding of the growth component can be a charge to the “new” population, including the costs of servicing loans for this purpose.

Council has a limited capacity to provide additional funding for library services, consequently new and innovative approaches need to be explored to redress the current deficiency in services. This could include the consideration of options for a jointly operated library for Tweed Heads/Coolangatta. Other mechanisms include the increased use of kiosks, book drops and the internet.

The draft strategy allows for the maintenance of library services at a minimum of current levels of service until 2011 and addresses a proportion of the growth generated pressures for increased services.

RECOMMENDED STRATEGIES AND ACTIONS

Recommendations for eight (8) strategies and actions from the Strategy Report are presented to implement the Tweed Library Strategy, as follows:

- maintain current library services and facilities up to 2011 at present floor areas
- explore options for a jointly operated Coolangatta/Tweed Heads library facility
- maintain mobile library services to serve communities not easily served by established libraries
- suspend provision of a new library service at Cobaki Lakes, RTRLS should consider medium term alternative of provision of mobile library service to this area
- provide a new library in the Kings Forest area in 2011 scaled in accordance with SLNSW guidelines and close the existing the Kingscliff library which will revert to alternative use
- adjust budget provision of libraries to redress current service deficiencies and to accommodate growth generated demand in the following areas:

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- progressively build bookstock holdings up to a level of 2 per capita
 - increase library staff levels to 1: 5600
 - provide a 2% per annum increase to the budget provision for computer services
 - explore innovative service delivery options such as book drops, kiosks and increased use of the internet.
 - consider extending opening hours as a short term strategy to accommodate growth generated demand.
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12. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/LEP/2000/12 Pt1

REPORT TITLE:

Tweed Local Environmental Plan 2000, Draft Amendment No 12 - Leisure Drive, Banora Point

SUMMARY OF REPORT:

This Amendment proposes rezoning Lot 2, DP 804499, Leisure Drive, Banora Point (as indicated by Figure 1) from 6(b) Recreation to 2(c) Urban Expansion. The draft LEP was exhibited from 12 September, 2000 to 19 October, 2000 during which time one submission was received, from the Banora Point and District Residents' Association, which argued for the land to be zoned Public Recreation.

Sufficient land for public open space for this urban release area has been identified in DCP 3 (Banora Point West – Tweed Head South) and the associated S94 Plan. Council funds would be required if it was zoned "Public Recreation". There is no justification in zoning the land for such purposes.

RECOMMENDATION:

That Council, in accordance with the Environmental Planning and Assessment Act 1979 (as amended), forwards Tweed Local Environmental Plan Draft Amendment No 12 to the Secretary of the Department of Urban Affairs and Planning, and requests that the Minister for Urban Affairs and Planning approves the draft Amendment.

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REPORT:

This Amendment proposes rezoning Lot 2, DP 804499, Leisure Drive, Banora Point (as indicated by Figure 1) from 6(b) Recreation to 2(c) Urban Expansion. The draft LEP was exhibited from 12 September, 2000 to 19 October, 2000 during which time one submission was received, from the Banora Point and District Residents' Association.

The full text of the submission is set out below.

"At the meeting of the above Association on the 2nd October 2000, a resolution was passed to protest at the rezoning of Lot 2 DP804499 in Leisure Drive, Banora Point from 6B Recreational Private use to 2C Residential Development.

It would be more prudent to have left this site as 6A Public Recreation as there is very little provision of such areas in Banora Point.

As the land is owned by the Twin Towns Services Club, it could also be made into a memorial garden area with seating for the predominately elderly population residing in this area. A letter suggesting this has been forwarded to the Board Chairman of Twin Towns Services Club.

It is a sad reflection on the Tweed Shire Council that so much designated open space in the Banora Point area eventually has residential properties built on them".

Councillors have also individually received a submission from a local resident in the following terms:

"I would like you to vote against any conversion of recreation land in Banora Point. As you know there is very little usable recreation land in Banora Point or indeed open space. The 0.37Ha opposite Club Banora tennis courts, owned by Club Banora is listed to be rezoned. Objections close October 19. The residents association has put in an official objection.

Although it is a small block and on the other side of Leisure Drive to Club Banora there are many possible recreational uses for this land. E.g. Maybe Club Banora could be persuaded to make it a memorial park with trees, gardens and seats, and maybe some swings etc. There are many small children nearby in Advocate Place that would benefit. There are also many elderly people who come by here on their way to shops who would enjoy to sit for a while under a tree and appreciate nature – trees birds flowers etc. It could be also of course be used for 4 or more tennis courts plus parking or other sporting and recreational facility. Just having some open space is preferable to jamming a number of dwellings onto the land".

Both submissions are expressing the same sentiments.

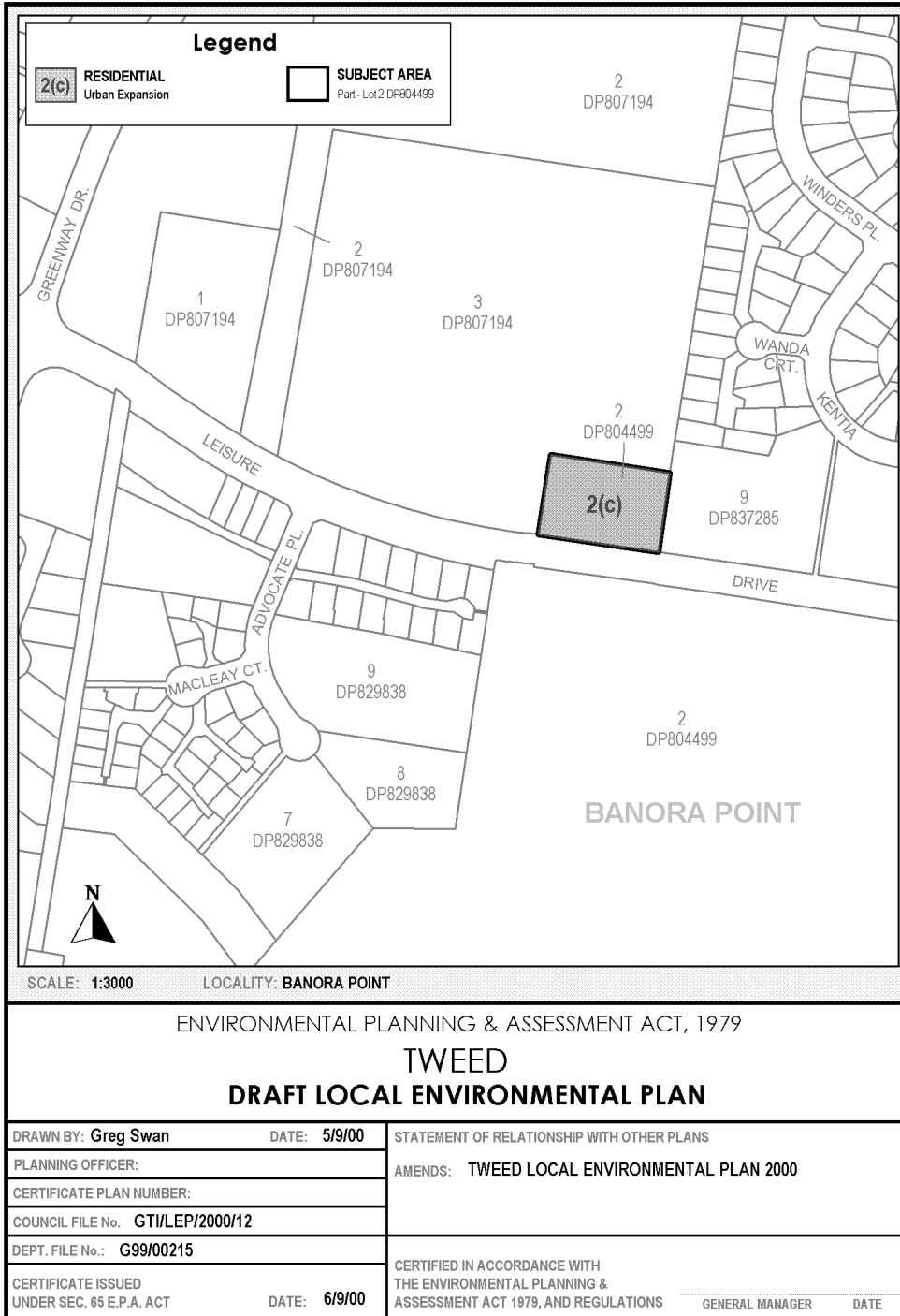
The land is not zoned for public open space. Sufficient land for public open space to provide for the anticipated population of urban release area has been identified in DCP 3 (Banora Point West – Tweed Head South) and the associated S94 Plan. In any event, the location of the property fronting a major road is not the most satisfactory for open space, and it cannot be integrated into adjoining development. In short, the site does not meet acceptable standards. Furthermore, Council funds

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would be required if it was zoned "Public Recreation". There is no justification in zoning the land for such purposes.

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Figure 1



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13. ORIGIN: Development Assessment Unit

FILE REF: DA2920/36 Pt2

REPORT TITLE:

Review of Determination - Proposed Telecommunications Facility at Lot 1 DP 866267, Tweed Billabong Caravan Park, Kirkwood Road, Tweed Heads South

SUMMARY OF REPORT:

Council at its meeting of 20 September, 2000, refused a development application for the erection of a telecommunications facility at the Billabong Caravan Park, Kirkwood Road Tweed Heads South. The applicant has requested a review of the determination in accordance with Section 82A of the Environmental Planning and Assessment Act, 1979. It is considered the circumstances leading to Council's refusal of the application have not changed and it is recommended Councils original determination of refusal not be changed.

RECOMMENDATION:

That Council, having reviewed the determination of Development Application 0796/2000DA for the proposed Telecommunications Facility at Lot 1 DP 866267, Tweed Billabong Caravan Parking, Kirkwood Road, Tweed Heads South, reaffirms its decision of 20 September, 2000 to refuse the development application.

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REPORT:

Applicant: Optus Mobile
Owner: YBOS Pty Ltd
Location: Lot 1 DP 866267 Kirkwood Road, Tweed Heads South
Zoning: 6(b) Recreation
Est. Cost: \$125,000

BACKGROUND

Council at its meeting of 20 September, 2000, refused consent for the erection of a telecommunications facility at Lot 1 DP 866267, Kirkwood Road, Tweed Heads South. The proposed facility comprised a 30 metre high monopole, associated antenna and equipment shelter. The pole required installation of lighting on the top and painting of red and white stipes as the pole was proposed to be located within the flight path to Coolangatta Airport.

The pole was to be erected at the maximum height permitted by the Gold Coast Airport Ltd.

Council's reasons for refusal were:

1. The proposed tower will have an unacceptable impact on the scenic quality and amenity of the area.
2. The site is not considered suitable for the development as the Gold Coast Airport have advised that alternative sites would be preferable as the current siting is on the centre line approach and would be the only substantially high development in the area.
3. The application is defined as a "telecommunications infrastructure" which is not permitted in the 6(b) Recreation zone.

Attached is a copy of the previous report.

REVIEW OF DETERMINATION

On behalf of Optus Mobile Pty Ltd, Connell Wagner have responded to the three (3) reasons for refusal as follows and have requested a review of the determination:-

- "1. The proposed tower will have an unacceptable impact on the scenic quality and amenity of the area.***

We have acknowledged Council's concerns regarding the impact of the proposal on the amenity of the area, and accordingly submit for Council's consideration revised copies of the Site Layout and Setout Plan (B759-FIG2 revision 2) and Antenna Location Diagram (B759-FIG3 revision 3).

You will not that the proposed monopole, which is "Caufield Green" in colour, now has a slimmer profile in order to reduce the perceived impact on visual amenity (refer to Photomontage 1). Please note that the alternating red and white stripes at the top of the proposed monopole is a requirement of Gold Coast Airport Limited ("GCAL") for visibility and aircraft safety.

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The proposed facility would be located in an urban area and in the vicinity of similar “public utilities” and related infrastructure, including the adjacent Pacific Highway, Coolangatta Airport and Tweed sewage treatment works. Accordingly, the proposed facility may be viewed as infrastructure that is typically commonplace in an urban environment, despite any perceived impacts on visual amenity of the locality”.

Comment

Section 82A of the Environmental Planning and Assessment Act, 1979 provides for the applicant to request a review of determination of Council’s refusal of the application.

It is considered that this section of the Act only permits Council to reconsider the same application as previously considered not a modified application.

Therefore, Council is restricted to considering the original proposal in terms of impact on scenic quality and amenity of the area. Comments in the report of 20 September, 2000 regarding scenic impact are still considered valid.

The only opportunity to consider the amended design, should Council wish to approve the application, would be via a condition placed on any approval requiring submission of an amended plan reducing the diameter of the monopole. The applicant could then submit the amended plan in response to this condition and Council could accept the plan.

Notwithstanding the above, the amendment submitted reduces the diameter of the monopole from between 1400mm to 730mm to between 594mm to 350mm.

The height of the pole and colours have not changed.

It is considered that this amendment would not significantly change the visual impact of the proposal.

- 2. The site is not considered suitable for the development as the Gold Coast Airport have advised that alternative sites would be preferable as the current siting is on (the) centre line approach and would be the only substantially high development in the area.***

The GCAL administer the Coolangatta Airport, and in particular, an Obstacle Limitation Surface (“OLS”) plan for the airport. An OLS plan establishes obstacle protection requirements for the initial and final stages of aircraft flight, with the objective of defining a volume of airspace in proximity to the airport that should be kept free of obstacles that may endanger aircraft.

We have consulted both GCAL and the Civil Aviation Safety Authority from 8 May 2000 to 22 August 2000, to ensure that the proposed development complies with aviation safety requirements. It is noted that on the 16 May 2000, GCAL advised that the Optus proposal is “limited to a height of 35.4 metres Australian Height Datum (“AHD”)”.

Accordingly, Optus proposed a finished design level height of RL 35.4 metres AHD for the telecommunications facility, inclusive of aircraft warning lights. It is noted that at this height, the proposed telecommunications facility does not penetrate the

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OLS height for the location, and that the GCAL confirmed on 6 July 2000 that they had no objections to the original request to a height of 35.4 metres AHD” for the development.

On 16 May 2000, GCAL requested that the proposal be “hazard marked and lit” in the best interest of safety and identification. We recognise that lighting and marking of the monopole is an important aspect to ensure that the proposed facility is visible to pilots. A hazard marking and lighting scheme was proposed for the facility and submitted to GCAL, who on 29 June 2000, stated that they “had no objections to the layout of the hazard marking”. We have also complied with GCAL’s requirements regarding hazard lighting.

In summary, despite the location of the proposal with respect to the centre-line runway approach, we have complied with GCAL’s requirements with regard to acceptable height, hazard marking and lighting scheme for the monopole. At the proposed height, the monopole would not penetrate the OLS, and appropriate hazard marking and lighting would generally ensure that the monopole would be visible to aircraft pilots”.

Comment

GCAL, at the time the application was advertised acknowledged that they have no jurisdiction over the proposed tower as it is below the Obstacle Limitation Surface height limit however indicated that they considered another location would be preferable.

This advice was received on 31 July 2000. No subsequent advice to the contrary has been received from GCAL and therefore this advice is still considered valid.

Circumstances regarding this matter has not changed since Council originally determined the application.

“3. The application is defined as a “telecommunications infrastructure” which is not permitted in the 6(b) Recreation zone”

On 7 April 2000, the Tweed Local Environmental Plan 2000 (“LEP”) was gazetted, and is the LEP under which the development application was assessed. The LEP includes Schedule 1 “Meaning of Terms” which outlines both development use and administrative definitions. It is our contention that the proposed use is a “public utility undertaking”, being;

“any of the following undertakings carried on or permitted or suffered to be carried on by or by authority or any Government Department or under the authority of or in pursuance of any Commonwealth.... Act:

....(c) undertakings for the provision of telecommunications infrastructure. A reference to a person carrying on a public utility undertaking is to be construed as including a reference to a Licensed telecommunications carrier.... carrying on the undertaking.”

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It can clearly be seen that the proposed development is defined as a “public utility undertaking”, as it is a mobile telecommunications facility (telecommunications infrastructure) proposed by Optus Mobile Pty Ltd (licensed telecommunications carrier) with regard to the Telecommunications Act, 1997 (Commonwealth Act).

The definition of “telecommunications infrastructure” in Schedule 1 is duly noted. However, in our view this term is clearly not intended as a use definition, but rather as an administrative definition which clarifies and supports the “public utility undertaking” use definition. That is, the telecommunications infrastructure definition assists the reader in identifying exactly what is meant by that term when identifying a “public utility undertaking”.

In summary, it is noted that a “public utility undertaking” is identified in Item 2 of the 6(b) Recreation zone as development “allowed only with consent” of Council. That is, the proposed development is not prohibited within this zone, but may be permitted through a development application to Council”.

Comment

The proposed development falls within the definition of both “Public Utility Undertaking” and “Telecommunications Infrastructure”. “Public utility undertakings” are permissible in the 6(b) zone while “Telecommunications Infrastructure” is prohibited development.

Recent court cases have ruled where a use falls within two separate definitions, one being permitted and one prohibited, that the prohibition prevails and therefore Council cannot approve the use.

It is therefore concluded that this development is prohibited development.

The applicants argument that the term “Telecommunications Infrastructure” is an administrative definition is difficult to substantiate considering the use appears within the land use table for the 7(d) zone within Tweed LEP 2000.

It is therefore considered that the proposed development is prohibited development within the 6(b) zone.

PUBLIC CONSULTATIONS

The request to review Council’s previous determination was not required to be notified.

A total of 66 objections were received to the application originally. One additional letter complimenting Council on behalf of a number of residents on its decision to refuse the application has been received since determination of the application.

OPTIONS

The following options are available to Council.

1. Refuse the request to approve the application.
2. Accept the request to approve the application subject to appropriate conditions of consent being placed on any approval.

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LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

Should the applicant be dissatisfied with Council's determination of the proposal a right of appeal would exist to the Land and Environment Court.

Similarly, should any person be dissatisfied with Council's processing of the application, a person may under Section 123 of the Environmental Planning and Assessment Act, 1979 take action in the Court. Such action would be limited to "process" and not merit consideration however may relate to permissibility of use.

CONCLUSION

It is considered that the circumstances and issues relating to the original application, considered by Council on 20 September, 2000, have not changed and the request to review Council's determination by approval of the application be declined.

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14. ORIGIN: Development Assessment Unit

FILE REF: DA0425/20 Pt1

REPORT TITLE:

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

SUMMARY OF REPORT:

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

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

As the noise generated by the sawmill exceeded NSW EPA acceptable noise limit the applicant amended the application to replace the petrol chainsaws with electric chainsaws and submitted a new Noise Impact Assessment. Again, the noise generated by the sawmill still exceeded NSW EPA acceptable limit.

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

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

RECOMMENDATION:

That :-

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

Reports from Director Development Services

REPORT:

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

PROPOSAL

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

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

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

The sawmilling operation includes a four wheel drive tractor for timber salvaging, a PTO winch, portable swing saw and saw bench and generators. Originally, the proposal also included petrol chainsaws but these have been replaced by electric chainsaws to reduce noise. Approximately 15-20m³ per month of timber will be cut at the property, weather permitting. Various species are sourced both locally and from afar. The timber products produced vary from 1200mm wide flitches, to fence posts, joists and bearer, banana props and numerous customised orders. The sawmill will operate between the hours of 8am and 5pm.

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

Following amendment to the application which involved replacing the petrol chainsaws with electric chainsaws to reduce noise emissions the 5 objectors were again notified. Each of these 5 objectors again objected to the amended proposal for the same reasons as previously stated.

HISTORY

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

The original application which included petrol chainsaw was reported to Council's meeting of 16 August, 2000 with a recommendation that the proposal be refused as it will generate noise levels

Reports from Director Development Services

exceeding NSW Environment Protection Authority acceptable limits which is likely to adversely impact on the residential amenity of the locality. At that meeting Council resolved to defer this matter.

The same report was again reported to Council's meeting of 6 September, 2000 at which Council again resolved to defer the item to the next Council meeting. Following which the same report went to Council's next meeting of 20 September, 2000 at which Council resolved that this item be withdrawn on the request of the applicant.

The applicant requested the item to be withdrawn temporarily until such time that they were able to provide additional information for an amended application. This largely involved preparing an amended noise report which, as discussed, involved replacing the petrol chainsaws with electric ones. This amended noise report has now been received and considered.

CONSULTATION

As discussed, following the submission of the amended noise report the 5 objectors who previously objected to the original application were again notified. Once again 5 submissions of objection were received which again identified the same issues as previously.

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

* **Property values will fall**

Comment

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

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

Comment

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

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

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

* **The sawmill will grow in size**

Reports from Director Development Services

Comment

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

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

Comment

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

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

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

Comment

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

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

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

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

Comment

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

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

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

Comment

It is accepted that the development, particularly the sawmill operations is likely to create loud noises with the operation of the machinery. All of the submissions received identified this issue of

Reports from Director Development Services

particular concern. It was because of the excessive noise from the sawmill operations that made Council aware of the unauthorised sawmill in the first place.

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

To reduce the potential excessive noise levels the applicant has submitted an amended Sound Level Impact Assessment of Noise levels for the proposed development. The amendment involved replacing the petrol chainsaws with electric chainsaws which emit less noise.

Council's Environment and Health Officer has reviewed the amended noise report and has provided the following comments:-

"The applicant has now submitted a revised noise assessment whereby the petrol chainsaw has been replaced with an electric chainsaw with reduced noise levels. However there remain other proposed devices with elevated noise levels. The highest reported levels are now from a mobile saw bench with power take off from a tractor-Lamax 94dB(A). The consultant reports this is to be reduced to about 65dB(A) at 250m.

The EPA recommended acceptable noise limit is 45dB(A), whilst the extreme limit is 50dB(A).

The acoustic consultant reports the existing background to be 65dB(A) recorded at 100m from the highway. I do not accept the consultant's target background of 70dB(A) – recorded background plus 5dB(A).

I have now monitored the background in two locations:

At the nearest receiving premises (about 250m from the proposed mill and similar distance from highway) I recorded the LA10 to be 57.2dB(A) and LA90 to be 47.4dB(A). There was a mild breeze blowing and traffic on the highway was constant. Heavy vehicles on the highway were clearly audible and were the dominant noise (dominant rural activity – grazing).

I believe that my background of 47.4dB(A) conflicts with the background recorded by the consultant due to the varying positions relevant to the highway, and mine is more relevant as it is taken at the receiving premises.

At Baria Rd, about 100m from proposed mill site I recorded the LA90 to be 45.2dB(A). This location is screened from the highway by vegetation (however heavy traffic and still audible) and is about 100m+ from any dwelling likely to be affected.

Whilst I was on Baria Rd the applicant began briefly operating the Lucas mobile breakdown mill. He was not aware of my presence. I recorded the LA10 to be 55.3dB(A) and LA90 to be 47.4dB(A). I was surprised to find the noise levels relatively unoffensive, although this location is better screened by vegetation than the nearest residence of concern.

I note that there were a number of complaints received to the saw milling when it originally commenced without consent, and a number of objections were submitted to the DA.

Reports from Director Development Services

Based on the measured background and reported operating levels by the consultant, it appears clear that the proposal remains unacceptable for reasons of reported noise levels exceeding background.

However my observation was that the levels of the Lucas breakdown mill were not offensive (although the tractor was not operating), despite the quiet rural nature of the general area. Note that the period of exposure was minimal compared to potential exposure of residents if the saw mill were approved.

The matter is further complicated by the future relocation of the highway, and likely resultant reduction in background.

I am interested to know if residents wish to object now, as clearly the applicant has been operating the saw mill with modified equipment, and no objections have been received”.

Subsequently the previous 5 objectors were again notified of the amended proposal and again 5 submissions of objection were received. Following which Council’s Environment and Health Officer provided further comments as follows:-

“As a result of adjoining owner notifications no less than 5 letters have now been received which strenuously object, with one of the major concerns being noise levels.

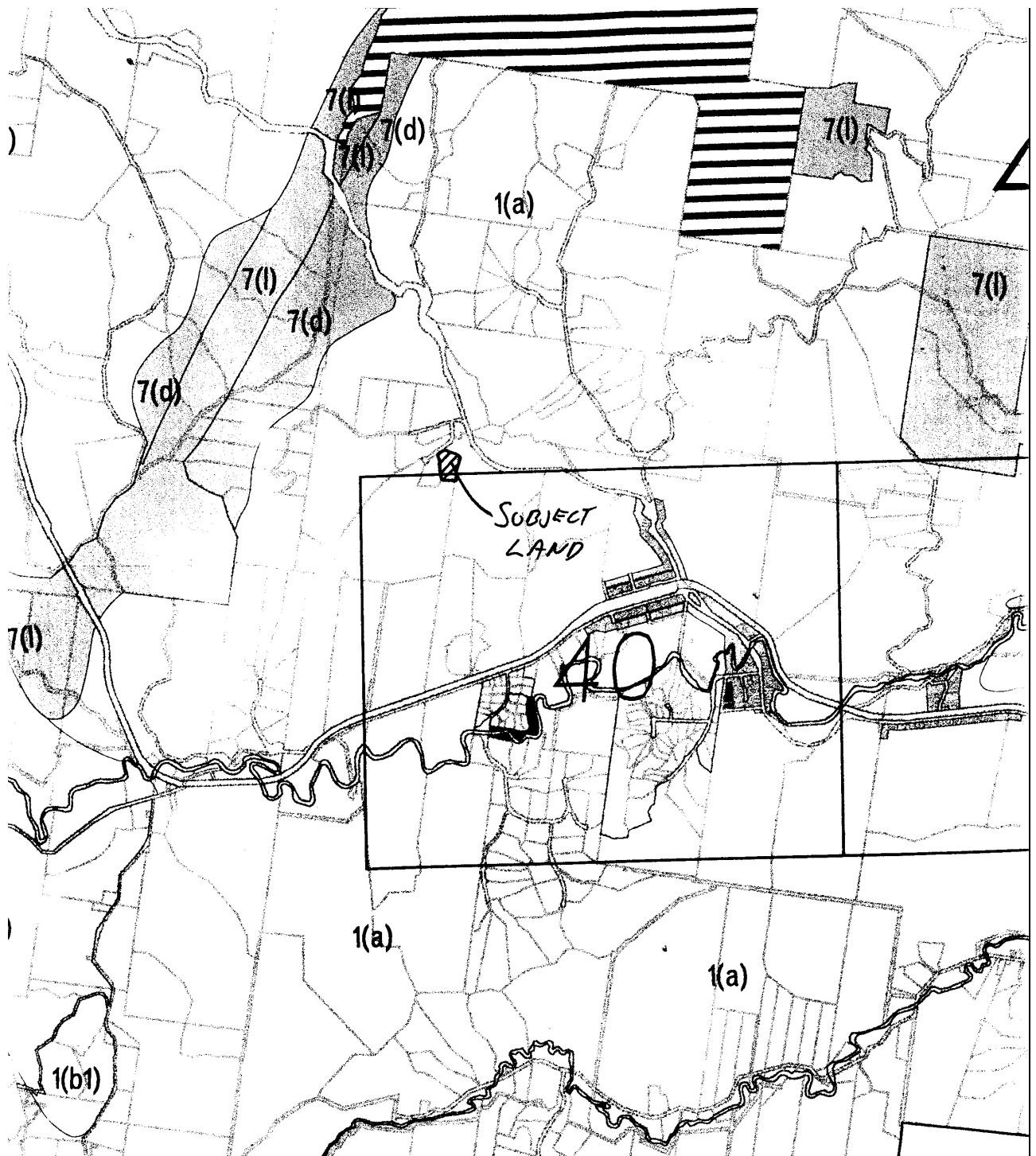
Due to the history of objection against the proposal, and the reported noise levels which indicate that disturbance of residents are likely, it is considered appropriate that the proposal be recommended for refusal”.

The recommendation for refusal above has also been supported by the Director of Environment and Community Services.

Again, it is considered that the amended proposal (sawmill operations) will create noise exceeding the NSW EPA acceptable noise limit of 45dB(A) and the extreme limit of 50dB(A) which is unacceptable. Accordingly, it is considered that the proposal cannot be supported because it will create excessive noise above the NSW EPA acceptable noise limits and disturbances of residents are likely.

Reports from Director Development Services

FIGURE 1 – LOCALITY PLAN



Reports from Director Development Services

ASSESSMENT

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

(a) (i) Statutory Provisions

Tweed Local Environmental Plan 2000 (TLEP 2000)

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

Clause 31 – Development adjoining Waterbodies

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

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

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

(b) Impacts

The likely impacts of the development were generally discussed in the “consultation” section of this report and it is considered that the most significant impact from the development will be noise generated from the sawmilling operations. As discussed it is considered that the noise is likely to be intrusive to the residential amenity of the locality. The noise level at the nearest affected residence at approximately 250m away from the sawmill was reported to be 65dB(A) which exceeds NSW EPA acceptable noise limit of 45dB(A) and the extreme limit of 50dB(A). Recordings taken by Council at the nearest receiving premises, approximately 250m away indicated the noise level to be 57.2dB(A) which also exceeds EPA limits.

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

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

Reports from Director Development Services

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

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

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

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

(d) **Submissions**

As discussed in the “consultation” section of this report the previous 5 objectors were again notified of the proposed amendments and again 5 submissions of objection were received. See “Consultation” section of this report.

No public authority submissions were received.

(e) **Public Interest**

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

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

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

OPTIONS

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

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

Reports from Director Development Services

CONCLUSION

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

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

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

Reports from Director Corporate Services

15. ORIGIN: Administration Services Unit

FILE REF: Floods, Donations

REPORT TITLE:

Donation Towards the Premier's (NSW) Relief Fund

SUMMARY OF REPORT:

This report relates to Council consideration for a donation of \$500.00 towards the Premier's (NSW) Relief Fund.

RECOMMENDATION:

That a donation of \$500.00 be made to the Premier's (NSW) Relief Fund.

Reports from Director Corporate Services

REPORT:

Following discussions with the Mayor and the General Manager it was considered appropriate that a report be brought forward to Council with a recommendation that \$500.00 be donated to the Premier's (NSW) Relief Fund to assist those persons who have sustained damage to their property and loss of income.

Such a donation would be debited to the Mayoral Appeal Account which has a budget allocation of \$1,000.00

Reports from Director Corporate Services

16. ORIGIN: Director

FILE REF: Media Other

REPORT TITLE:

TV Blackspots Funding Round Two

SUMMARY OF REPORT:

Council has been advised that there has been a second round of TV Blackspots funding announced by the Federal Government. Due to the funding arrangements councils can take on the role of coordinating body. Due to the Shire topography and terrain there are no shortages of eligible sites. Council currently have an application lodged for the Bilambil / Terranora area under the first round of applications.

RECOMMENDATION:

That:-

1. Council not participates due to cost provision and it is considered that this is not a Council core activity.
2. Local community representative Associations be encouraged to make submissions.

Reports from Director Corporate Services

REPORT:

Council has been advised that there has been a second round of TV Blackspots funding announced by the Federal Government. There have been some notable changes to the funding applications, most notably a reduction in the affected number of households from 100 last round to 50 this round.

Due to the funding arrangements Councils can take on the role of coordinating body. Other non-profit community organisations can take on this responsibility, however they must be able to prove their registered status and be willing to take on the financial responsibility of maintaining the equipment.

The changes to the funding application process will allow for more remote and worse affected areas within the Shire to be eligible for funding provided that it affects 50 or more households.

Council currently have an application lodged for the Bilambil / Terranora area under the first round of applications.

Associated with the operation of transmission facilities the following costs have been estimated for re-transmission facilities.

ONGOING COSTS OF EACH SITE

Cost Area	Estimated Annual Cost
<i>Operating Costs</i>	
10watt Transmitter	\$964
<i>Maintenance Costs</i>	
vermin damage, lightning strike, corrosion	\$600
<i>Licensing Costs</i>	
5 UHF stereo TV transmitters	\$1698 (Covered by TV Blackspot Funding)
TOTAL	\$1564/Site

The application process requires that Council contract a qualified broadcast technician or antenna technician to conduct field tests and in home assessments of 10 homes for each location. The Department will subsidise up to \$2,000 for each of these tests provided that the catchment covers at least 50 households. Council's ABS data can provide suitable information to support a claim of over 50 households provided the signal is weak enough.

Due to the Shire topography and terrain there are no shortages of eligible sites. From the previous application for Bilambil other eligible sites were identified. These are:

- Uki
- Burringbar

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- Mooball

There are several issues affecting Council committing to this project:

- Running TV re-transmission facilities is not Council's core business;
 - There will be ongoing maintenance costs associated with the facilities
 - There will be a limited life to the facilities (ie. 5 years)
 - There will be an ongoing expectation from the community to ensure a level of service after commissioning the facilities
 - TV broadcasting is currently under dramatic review with the introduction of digital broadcast commencing in capital cities in Jan 2000 and the eventual phasing out of analogue by Jan 2008.
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Reports from Director Corporate Services

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Reports from Director Corporate Services

17. ORIGIN: Director

FILE REF: TEDC

REPORT TITLE:

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

SUMMARY OF REPORT:

The Tweed Economic Development Corporation, Chief Executive Officer's monthly performance report for October 2000 is detailed in the report. The Profit and Loss Statement, together with the Year to Date Budget comparison to 30 September 2000 is attached.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

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 October 2000.

CHIEF EXECUTIVE OFFICER'S MONTHLY PERFORMANCE REPORT:

- 1. Update on Coolangatta Airport Enterprise Park Feasibility Study** by Spiller Gibbins Swan (SGS). The final draft report has been received and following some minor changes the final report will be available by mid-November. When the final report does become available, I propose to forward copies to all Directors in addition to key stakeholders which, of course, includes Tweed Shire Council, Gold Coast City Council, DSRD, Queensland State Development Department and Southern Corridor Regional Development Organisation.

The report has already delivered an enormous amount of information and has added value to the Industrial Land Taskforce strategy. The report, as well as covering land availability, uses, etc., also provides an excellent financial and economic analysis along with recommendations for implementation and action, incentives and marketing. Included in the report is significant data on availability of industrial land on both sides of the border with a summary of average rate estimates for filled service sites and a commentary on market overview. Average \$/m² range from food processing at \$40/m² to small scale manufacturing at \$80/m².

The amount of land available is subject to the final route of the Tugun Bypass. It is now being suggested that the route to be chosen will be further south than initially proposed and as such will impact on the Crown land in particular but also some of the available privately owned land. Nonetheless, the study has, in the view of all stakeholders, been well worthwhile.

- 2. TEDC** was approached by a company looking at establishing a branch of their Victorian operation in the Tweed. The company specialises in pre-cast concrete products involved in the construction industry and in particular road drainage. They were looking for 3,500m² of land and a shed of 200m². Fortunately the TEDC was able to find a temporary site in Murwillumbah and the company will be establishing locally by end of November 2000. Initially they will be involved with the Motorway and hopefully become established in the region and supply the predicted growth both north and south of the border. They also require the services provided by a concrete batching plant and a supplier to provide steel reinforcement.

Again, let me say it was most difficult to accommodate this industry as there are absolutely no sites to choose from in Chinderah or Murwillumbah. The Victorian company employs 60 people and initially they propose to employ 4 to 6 people in the Tweed. They also require the services provided by a concrete batching plant and a supplier to provide steel reinforcement.

- 3. On 17 October 2000, TEDC** held a meeting on marketing the Tweed at Twin Towns Resort. Jason Fuller, Business Development Manager, New South Wales Convention Bureau, was the guest speaker. Present at the meeting were Mayor Lynne Beck, Warren Polglase, Greg Redmond, Russell Roylance, Phil Villiers, Tim Hurley (Twin Towns), Don O'Rorke, Ralph

Reports from Director Corporate Services

Kramer (TACTIC), Barrie Briggs (Gold Coast Airport Ltd), Trevor Wilson, Patrick Harford, Patricia Jacobson and Mike Rayner.

The purpose of the meeting was to hear about the NSW Convention Bureau and to establish a TEDC Broad Economic Development Marketing Group. Those in attendance endorsed the proposal by TEDC to draw up a brief on how the TEDC might establish a marketing group to do, among other things, develop a strategy on how to market the Tweed as an investment opportunity including industry attraction and the attraction of meetings, conferences and destinations, etc. and how the Tweed might afford the employment of a specific marketing person.

Incidentally, Jason Fuller provided a calendar of regional meetings and events for 1999-2000. The Murwillumbah Show was the only event listed for the Tweed. This begs the question of why and reflects the need to correct the situation in the future.

It is proposed to establish a small working group to advance this project in the next few weeks.

4. **Tweed River Link update** Funding application forwarded to Federal Government under the Regional Tourism Program and awaiting response. Interest in this project is growing daily with enquiries from operators on the Broadwater and locally. The Murwillumbah Services Memorial Club are also interested and I will be meeting with them in the near future.
5. **Car parking, Murwillumbah** Cr Youngblutt has become involved in the lack of parking situation in Murwillumbah and is receiving strong support from all parties. TEDC attended a community –based meeting and discussion centred on the possible construction of a parking station in the vicinity of the Murwillumbah swimming pool. A substantial amount of funds are available in the parking fund at Council for the purpose.
6. On 9 October 2000, I attended a meeting in Grafton of the Regional Development Trust – the investment arm of the Local Government Superannuation Fund – managed by Deutsche Asset Management. The Trust has \$3.5 billion to invest and are looking for new ways to invest the funds in regional New South Wales. Deutsche Asset Management’s goal is to provide economic stimulus to regional areas of New South Wales and they are looking for sustainable, viable investment opportunities. The super funds Australia-wide have \$500 billion at present and are growing at a rate of \$36 million per annum. Desirable projects are those that demonstrate real value within a community which reflect a financial opportunity or wrap around project, for example, the Tweed Light Rail Link could be a project.
7. Met with Roger Ealand re proposed Murwillumbah Motor Race Day, 2001 (“Speed On Tweed”).
8. **Tweed Shire Agricultural Land Viability and Sustainability Study** TEDC has now received formal advice of our successful grant bid. Official documentation will be forwarded in due course. I am in the process of establishing a strategy for the implementation of the study.

It is important that all parties understand the “thrust” of the study. In broad terms, the study is about getting factual information on the historic and current status of traditional major rural

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industries in the Tweed from an economic point of view. By, in fact, conducting an audit, it should be possible to better understand the issues and develop appropriate actions.

It is important to understand that TEDC/the study is **not** about trying to solve an individual farmer's problems, nor is it about trying to turn the Tweed into a sea of red roofed houses. The key to the success of the study will be to focus on the facts and steer a clear path between the extremes.

The Federal Government has recognised the importance of the study by identifying it as one of only five pilot studies nominated prior to the launch of the criteria for the Regional Solutions Programme. A successful outcome to this study will open up the possibility of other resources being made available to deliver actions. This study is seen as delivering a template for other regions of Australia facing similar problems of declining traditional rural industries and urban encroachment.

9. The TEDC made a submission to TSC on the potential use for the Crown Land south of Kingscliff. TEDC suggested, as a possibility, the establishment of a private enterprise driven multi-use facility incorporating a resort complex with a convention and performing arts centre.

The basis for the submission is the fact that the convention/conference and meeting market industry in Australia is worth \$7 billion annually. NSW has a 42.9% share of that market and regional areas of NSW attract a substantial amount of that business. The Tweed is perfectly placed to increase its share of this significant tourist industry. The Tweed's current share is minimal but the opportunity is there to grow. TSC do have some criteria to consider by way of the need to generate income from the development or use of this land into the future and it may be argued that our proposal may not meet that criteria. Nonetheless, I feel that lodging the submission was worthwhile.

10. The feedback from the TEDC Annual General Meeting has been excellent. At the meeting George Davidson, Reg Mills and Tom Senti were all re-elected as Directors. Greg Redmond (General Manager, Tweed Newspaper Company) was also elected as a Director of the TEDC.
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Reports from Director Engineering Services

18. ORIGIN: Water Unit

FILE REF: Street Lighting – Annual Program

REPORT TITLE:

2000/2001 Street Lighting Program

SUMMARY OF REPORT:

The 2000/2001 Street Lighting Program has been completed. Additional funds in the form of an RTA Street Lighting Contribution have been received. The additional funds, if retained in the street Lighting Budget, will allow selected lighting upgrades at four (4) pedestrian crossings to proceed.

RECOMMENDATION:

That the 2000/2001 Street Lighting Program be endorsed as submitted and the additional RTA Street Lighting contribution be retained in the Street Lighting Budget and these funds be used to provide lighting upgrades at the nominated four (4) pedestrian crossing locations.

Reports from Director Engineering Services

REPORT:

In response to requests received, the following locations are recommended for the provision of additional street lighting as part of the 2000/2001 Street Lighting Program.

2000/2001 STREETLIGHTING PROGRAM

Pole Number	Location
Banora Point	
1. 30543	Pioneer Parade
2. 29488	Cnr Pioneer & Westray Avenue
3. -	Chestnut Drive: - Eastern section from crest of hill to Glen Ayr Drive – P4 Category
4. 52419	Boyle Avenue
Tweed Heads	
5. 84777	Red Bass Avenue
6. 84779	Red Bass Avenue
7. 130751	Banksia Street (Aero Screen Fitting)
8. 053055	Bay Street: Up grade existing Lantern
9. 970783	Bay Street
10. 12239	Stuart Street
11. 12169	Boyd Street
12. -	Brett Street between Powell & Keith Compton Drive (Aero Screen Fittings) P4 Category
13. 50865	Ocean Street, South Tweed Heads (Aero Screen Fittings)
14. 63313	Terranora Parade, Bilambil Heights
Chinderah	
15. 9-779	Rutile Street
16. 4769-	Rutile Street

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Pole Number	Location
17. 12583	Terrace Street
18. 15736	River Terrace (Aero Screen Fitting)
19. 15735	River Terrace
Fingal	
20. 36735	Fingal Road
21. 36731	Fingal Road
22. 36733	Fingal Road – Slow Point Traffic Island
Tumbulgum Village	
23. 126688	Bawden Lane (Riverside Drive end) Aero Screen Fitting. Light to be directed onto Bawden Lane
24. 12506	Bawden Lane (Bawden Street end) Aero Screen Fitting. Light to be directed onto Bawden Lane
Bogangar	
25. 120456	Oleander Avenue at Walkway
26. 91647	Cabarita Road
27. 81093	Hastings Road

Following endorsement by Council the above list will be referred to NorthPower for lighting design and costing assessment.

It is estimated that the capital cost required to provide lighting at all of the above locations will be \$15,000 - \$20,000. Funds are available in the Street Lighting Budget to cover the estimated capital cost contribution.

In addition to the above program there are four (4) pedestrian crossing sites with lighting design and costing assessments completed and awaiting funding allocation. The original requests that generated the investigation of lighting upgrades at the four (4) sites were from community based groups.

The pedestrian crossing locations, requesting group capital costs and annual energy change increase are as follows:-

Reports from Director Engineering Services

PEDESTRIAN CROSSING

Location	Request Source	Capital Cost RCO's	Annual Energy Cost/Increase
Coast Road, Bogangar	Cabarita Beach Bogangar Residents Assoc	\$2,099	\$335.60
Riverview Street, Murwillumbah	Murwillumbah High School P & C Association	\$8,371	\$335.60
Kyogle Road, Uki	Uki Village & District Residents Assoc	\$8,133	\$335.60
Queen Street, Murwillumbah	Area 13, Neighbourhood Watch	\$8,371	\$335.60
	Total:	\$26,974	\$1,342.40

The 2000/2001 Street Lighting Budget allocation was originally set at \$605,924 however the Manager of Financial Services has advised that an additional \$30,000 of RTA Street Lighting Contribution has been received.

The additional funding will provide scope within the Street Lighting Program to carry out previously unfunded capital works and it is recommended that the RTA contribution be retained in the Street Lighting Budget and used to fund the lighting improvements at the above pedestrian crossing.

Alternatively the additional income could be allocated to other General Fund Programs as directed by Council.

Reports from Director Engineering Services

19. ORIGIN: Water Unit

FILE REF: Master Boating Plan

REPORT TITLE:

Sewage Pump Out Facility - Tweed Heads South

SUMMARY OF REPORT:

It has become apparent that the Sewage Pump Out Facility constructed at Tweed Heads South opposite the Dry Dock Road / Minjungbal Drive intersection by the NSW Government and operated by Council is receiving very limited usage by boats operating in the Tweed River Estuary. As a consequence many boats must be discharging raw sewage directly into the waterway, with the resultant impact on water quality and potential impacts on health.

RECOMMENDATION:

That Council seeks development applications from all commercial boating operators that do not have a current consent and in the event that a development application is not lodged within forty (40) day, legal action be initiated.

Reports from Director Engineering Services

REPORT:

It has become apparent that the Sewage Pump Out Facility constructed at Tweed Heads South opposite the Dry Dock Road / Minjungbal Drive intersection by the NSW Government and operated by Council is receiving very limited usage by boats operating in the Tweed River Estuary. As a consequence many boats must be discharging raw sewage directly into the waterway, with the resultant impact on water quality and potential impacts on health.

A review of boating operations on the Tweed has revealed that:-

1. There are currently boats operating commercially within the estuary that have on board toilets but no holding tanks.
2. Hour meter readings on the pumps attached to the pump out facility reveal usage of only 118 hours over a full year. This is consistent with local reports that the facility is being used regularly by six houseboats and one dive boat operator only.
3. Commercial operators on the waterway that use any land based facility, such as a jetty or boat ramp, require development consent. The house boat operation based at Murwillumbah may be the only operation on the river that has a current development consent. In issuing any development consent Council would need to address the issue of sewage discharge and therefore could reasonably impose conditions requiring holding tanks and the discharge to an approved sewer pump out facility.
4. Under the Protection of the Environment Operations Act it is an offence to pollute waterways. Council staff are authorised to uphold this Act as are staff from the EPA and Waterways Authority.

It has been claimed to date that this power was practically unenforceable as it would be necessary to catch a polluter in the actual act of discharging a pollutant. Recent advice from Waterways staff is that this Act is enforceable if there is no action or facility to prevent pollution, e.g. a boat operating with a direct discharge or toilet.

5. NSW Waterways Authority have advised that it is illegal to live aboard a boat at a mooring in the estuary. They claim that this is monitored continually and that there are no people living aboard boats at moorings in the Tweed. There is currently no requirement under the boat registration provisions for sewage holding tanks, but an Interdepartmental Committee is investigating this issue.
6. The policing of people living aboard boats at jetties is apparently the responsibility of DLAWC and Waterways advise that where people appear to be living aboard boats in the Tweed Estuary it is on boats moored at jetties. In discussions with DLAWC they have agreed to pursue the enforcement of "no living aboard boats as jetties" as a component of rationalising jetty berths in the Southern Boatharbour.

A discussion paper prepared by the NSW Waterways Authority for community input earlier in the year proposed that the Tweed Estuary be designated as a "No Discharge Zone" for both treated and untreated sewage and that:-

Reports from Director Engineering Services

- *“Class 4 commercial vessels (more than 6 metres in length that are likely to be hired for an extended period of time), and all class 1 commercial vessels, be required to have a toilet and holding tank fitted and to discharge the contents of the holding tank into an acceptable pump-out facility.*
- *All other commercial vessels with a fixed toilet be required to either install a holding tank, or lock-off the toilet or on board sewage treatment system when in a No Discharge area.*
- *Recreational vessel operators be required to manage sewage depending on the conditions applying to the waterway in which they are operating, the length of journey and the type of activity being undertaken.”*

While there has been no advice from Government on the actions proposed in the paper, at local public consultation meetings it appeared that commercial boat operators are expecting such regulations to eventually be introduced.

To progress the attainment of the water quality objectives adopted by Council for the Tweed Estuary, it is considered that Council should pursue all reasonable endeavours to prevent the discharge of raw sewage into the Estuary.

Reports from Director Engineering Services

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Reports from Director Engineering Services

20. ORIGIN: Planning & Design Unit

FILE REF: R4735

REPORT TITLE:

Cycleways - Bray Park

SUMMARY OF REPORT:

Council is currently holding a balance of \$7,871 paid under DCP 14 West Murwillumbah for path and cycleway construction.

The funds are sufficient to enable the cycleway / walkway in Riveroak Drive, Bray Park to be extended approximately 200m from where it currently terminates through to the intersection with Kyogle Road which forms part of Council's Cycleway Network and is within the DCP 14 area.

RECOMMENDATION:

That Council votes the sum of \$7,871 paid as contributions for cycleways in DCP 14 to be expended on the extension of the cycleway in Riveroak Drive to Kyogle Road.

Reports from Director Engineering Services

REPORT:

Council is currently holding a balance of \$7,871 paid under DCP 14 West Murwillumbah for path and cycleway construction.

The funds are sufficient to enable the cycleway / walkway in Riveroak Drive, Bray Park to be extended approximately 200m from where it currently terminates through to the intersection with Kyogle Road. This will enable residents of the area to access the bus shelter on the corner without having to walk on the roadway. This section of the cycleway forms part of Council's Cycleway Network and is part of the network identified in DCP 14.

It is proposed that this project will be constructed as part of the current year's Cycleway Program.

Reports from Director Engineering Services

21. ORIGIN: Water Unit

FILE REF: Dam – Clarrie Hall – Operation & Maintenance

REPORT TITLE:

Clarrie Hall Dam

SUMMARY OF REPORT:

A feasibility Study has indicated that the upgrading of the Clarrie Hall Dam spillway to safely pass the Probable Maximum Flood (PMF) is feasible and any option to increase the Dam storage capacity is financially attractive, on the basis of estimated construction costs only.

RECOMMENDATION:

That proposals be sought from appropriately experienced professional organizations to prepare a detailed concept design for the upgrading of the Clarrie Hall Dam spillway to safely pass a Probable Maximum Flood (PMF) event and which could facilitate a future raising of the Dam height, if such a decision is taken in the future.

Reports from Director Engineering Services

REPORT:

The Clarrie Hall Dam spillway has been rated as insufficient to pass a Probable Maximum Flood (PMF). As a consequence, the Dam is at risk of failure should such an event occur. The Dam has been rated as high hazard by the NSW Government's Dams Safety Committee as, in the event of failure there would be a real risk to life. It should be noted that many dams Australia wide are currently rated as having insufficient spillway capacity as a result of a change to the basis for determining the PMF in about 1990. Notwithstanding, the spillway is considered adequate to pass a 1 in 10,000 year flood event. The risk of failure is therefore extremely small.

In response to the high hazard rating a Dam Safety Emergency Response Plan has been prepared in association with the SES, details of which were previously reported to Council and conveyed to residents at risk. This Plan has been accepted by the NSW Dams Safety Committee as satisfying Council's current statutory obligation as Dam owner.

In parallel with the plan preparation, the Department of Land & Water Conservation was engaged to undertake a feasibility study to upgrade the spillway and increase the Dam storage capacity. The report indicates that upgrading of the spillway to accommodate the PMF event is feasible and there is potential for increasing the storage volume of the Dam.

The report investigated many options but concluded that the attractive options and indicative costs comprise:-

	OPTION	STORAGE ML	INDICATIVE COST \$
1.	Lengthen spillway only	16,000	2.1M
2.	Lengthen spillway and increase storage level by 0.9m	18,000	3.0M
3.	Lengthen spillway and increase storage level by 2.0M	24,000	5.0M
4.	Lengthen spillway and increase storage level by 5.1M	31,000	6.7M

All options will pass the PMF. The increased spillway crest width is accommodated by the construction of a concrete three sided crest structure across the existing spillway approach channel.

The current storage is 16,000ML.

At this stage no assessment has been made of the environmental nor social consequences of any Dam raising.

While early augmentation of the Dam capacity appears attractive on the basis of this assessment, there is the current uncertainty in regard to environmental flows. Current advice is that if the Dam storage capacity is not changed then environmental flows will not require consideration. Any

Reports from Director Engineering Services

increase in storage will require an environmental flow assessment that could, hypothetically, lead to a net loss in yield from the Dam!

As the main yield continues to be drawn from the Tweed River at Bray Park, storage augmentation is unlikely to be required in under 20 years. Expenditure on increased storage is therefore unlikely to be a financially sound decision.

The attractive option appears to be the upgrading of the spillway to eliminate the hazard rating and the need for an operational Dam Safety Emergency Response Plan, with provision being made in the foundations of the upgraded spillway, for a future increase in Dam height.

Reports from Director Engineering Services

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22. ORIGIN: Planning & Design Unit

FILE REF: DA4150/240 Pt1

REPORT TITLE:

Cancellation of Easement for Support within Lot 10 DP 262411, Parkes Lane, Terranora

SUMMARY OF REPORT:

An application has been received from the owners of Lot 10 DP 262411, situated at Parkes Lane, Terranora, to cancel an easement in favour of Council as the purpose of the easement no longer exists. The Easement for Support was created for the purposes of a future street now re-designed as residential lots.

RECOMMENDATION:

That :-

1. Council approves the cancellation of the Easement for Support 4 wide within Lot 10 DP 262411 at Parkes Lane, Terranora and
2. All necessary documentation be executed under the Common Seal of Council.

Reports from Director Engineering Services

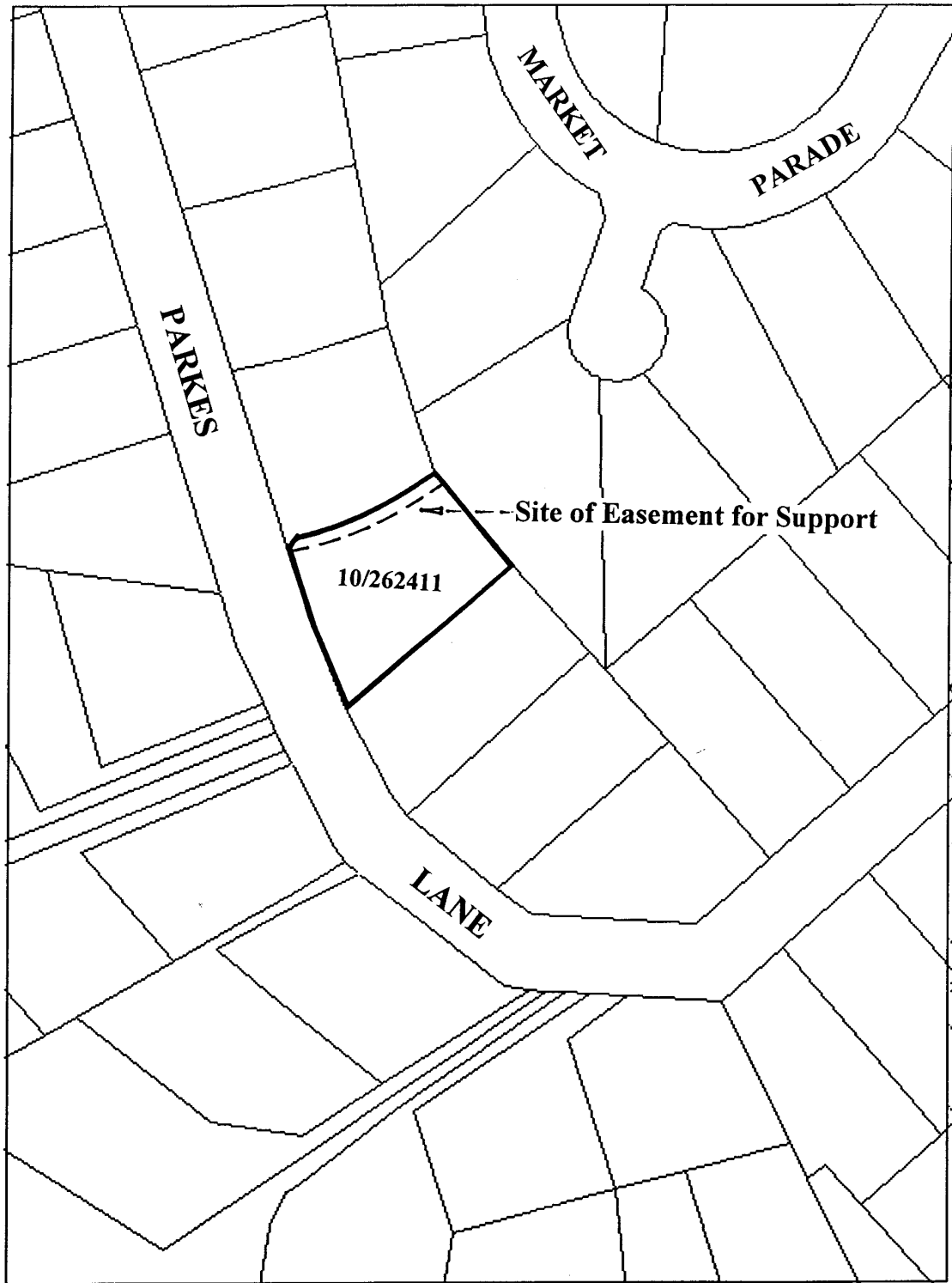
REPORT:

An application has been received from the owners of Lot 10 DP 262411 at Parkes Lane, Terranora for Council's approval to the cancellation of an Easement for support 4 wide within their land.

The easement was created at the time of subdivision in favour of Council for "lateral support by supporting buttress bank revetment or batter over the land 4 wide" in anticipation of the construction of a side street in a further subdivision.

The purpose for the easement no longer exists as the side street was not created and the subject land 'shares common boundaries' with residential lots.

Reports from Director Engineering Services



Reports from Director Engineering Services

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23. ORIGIN: Planning & Design Unit

FILE REF: R0680 Pt3

REPORT TITLE:

Funding of Joint Border Marker Project Tweed Heads

SUMMARY OF REPORT:

On 22nd September 1999, Council agreed to join with Gold Coast City in the placement of a significant monument on the State border to commemorate the Centenary of Federation. Gold Coast City Council subsequently obtained a grant of \$50,000 from the Queensland Government towards the actual structure which has now been designed and commissioned. On 29th November 2000 one elected representative from each Council publicly initiated the project with a sod turning ceremony on the site of works at the northern end of Wharf Street.

At its earlier meeting of 16th August 2000, Council had resolved to assist in the funding of further necessary ancillary works to an extent yet to be agreed. A letter has now been received by the Mayor Cr. Beck from the Mayor of Gold Coast City Cr. Baildon, formally requesting a contribution of 50% of the estimated shortfall of \$30,000 in construction funding.

Support for this request is recommended.

RECOMMENDATION:

That the request by Gold Coast City Council for a contribution of \$15,000 towards the cost of ancillary electrical and landscaping works for the Centenary of Federation Border Marker be agreed to, and a 2000/2001 budgetary allocation of this amount be made from carry over Tweed Heads Main Street Loan Funds.

Reports from Director Engineering Services

REPORT:

On 22nd September 1999, Council agreed to join with Gold Coast City in the placement of a significant monument on the State border to commemorate the Centenary of Federation. Gold Coast City undertook carriage of the project as access to Federation grants through NSW had already closed. A joint Council management committee of elected representatives and staff was to oversee the project. A round of consultation and public submissions was then initiated, resulting in a short list of three possible objects. On this basis, Gold Coast City Council subsequently obtained a Federation grant of \$50,000 from the Queensland Government towards the structure itself. The least complex but possibly most striking of the three (a hollow pyramidal obelisk by Rodney Spooner) was eventually endorsed by both Councils. It has now been designed in detail and commissioned. (The agreed fee for placing this object fully consumed the \$50,000 Centenary of Federation grant.)

On 29th November 2000 the project was publicly initiated with a sod turning ceremony on the site of works at the northern end of Wharf Street. Contract installation work on the structure is expected to commence on site on 4th December, with ancillary landscaping works following on the 1st December. Mr. Spooner is actively engaging in resourcing historical interpretive material from local societies, with the expectation that most such items will be chosen and displayed within the internal void in time for the official opening presently scheduled for the 15th January 2001.

Tweed Council's Development Services section has issued development consent for the parts of the work in NSW. Suitable information signage has been commissioned and will be erected on site in December, describing the project and the funding sources. Press coverage at significant milestones prior to the formal opening will continue be pursued via the liaison of media officers from each Council.

Council may also recall that at its earlier meeting of 16th August 2000, it resolved to assist Gold Coast City in the funding of further necessary ancillary works to an extent yet to be agreed. A letter has now been received by the Mayor, Cr. Beck, from the Mayor of Gold Coast City Cr. Baildon, formally requesting a contribution of 50% of the estimated shortfall of \$30,000 in construction funding.

Given the extremely tight schedule involved and the drastic reduction in overheads already obtained by scaling down and cost cutting on peripheral works, this request seems reasonable and support is recommended.

Any further costs would now seem limited to whatever financial input is identified for Tweed Council's involvement in the opening ceremony on 15th January 2001.

Reports from Director Engineering Services

Letter from Gold Coast City Council



City of Gold Coast
Mayor's Office

Address all correspondence to:

MAYOR'S OFFICE
Gold Coast City Council
PO Box 5042 Gold Coast MC
Queensland 9729 Australia

Telephone: (07) 5582 8203

Facsimile: (07) 5596 3659

Email: mayor@goldcoast.qld.gov.au

BOUNDARY ST
2088-43

FILE No.	2088-43
SUBJECT No.	
DOCUMENT No.	
REC'D	23 NOV 2000
DOCUMENT TYPE	
LEGATION CODE	MCAUS
E.U.P. PROCESSED	

22 November 2000
File No: 251/48/25(P1)

Councillor Lynne Beck
Mayor
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

Dear Lynne

STATE BORDER MARKER - JOINT COUNCIL FUNDING

The State Border Marker project is now accelerating in its progress towards construction in readiness for the Centenary Federation Celebrations in January 2001.

Both our Councils have committed time and effort to the project in order to ensure that the reduced government funding will still enable a marker of appropriate stature to be completed. The Gold Coast City Council has allocated \$15,000 to cover demolition, preparatory landscaping, and other ancillary works. In all, the project will need approximately \$30,000 for ancillary works and I am asking that Tweed Shire Council contribute an equivalent of \$15,000 to enable the project to be completed to an appropriate and long lasting quality.

Your Council has shown a continued interest in and commitment to the project from its inception and most recently in its resolution of the 16 August 2000 to support the project.

This project is acknowledged as one of National significance in the Centenary Federation Funding (\$55,000) and Gold Coast City Council commitment of \$15,000, and, it is hoped, other sponsorship contributions as well. A further commitment by my Council in staff time to coordinate and manage the project is a further demonstration of my Council's genuine support to achieve a border marker of appropriate status.

Should private sponsorship be obtained by either Council during the course of the project, it is understood that the benefit of such sponsorship would be shared equally by both Councils.

In the meantime, your Council's contribution of an equivalent \$15,000 is sought as an equitable contribution. Given the very tight limited remaining time to complete the project, I would appreciate your personal efforts to secure funding as early as possible.

Yours sincerely

GARY J BAILDON
MAYOR

Copy to: General Manager, Tweed Shire Council

Reports from Director Engineering Services

tweed shire internal memorandum

L27Z02

To: **GM**
 Cc: **DES**
 From: **MP&D**
 Subject: **Ancillary Expenses schedule: Border Marker Project.**
 Date: **November 27, 2000**

Further to the letter received from Mayor Garry Baildon, please find scheduled below the detailed breakdown of estimates for peripheral works to the project.

Item	Description	Estimate
1	Removal and relocation of the existing palm tree (turving & topsoil restoration of site)	\$1,200
2	Removal of a portion of the paved footpath and replacement of approximately 32m ² patterned concrete path	\$2,230
3	Removal/relocation of the power box (green pillar) and any other wiring or infrastructure located in vicinity of the proposed Border Marker	\$2,000
4	Removal/relocation of a light pole installed by TSC as part of the recent roadworks	\$800
5	Possible removal of two bollard lights	\$700
6	Relocation of the 'concrete strip' which inaccurately marks the location of the border	\$1,450
7	Installation of site safety fencing to exclude public access from the work area	\$150
8	Installation and maintenance of sediment and erosion control measures	\$100
9	Preparation of a lighting plan for the Border Marker	\$10,000*
10	Preparation of a landscaping plan for the site, particularly in the location of the white fence which currently surrounds the roundabout. The landscaping is to maximise the visibility of the monument whilst preventing pedestrian access across the roundabout	\$8745
11	Site Supervision	\$770
	TOTAL	\$28,145
	Say	\$30,000

* GCCC Project Manager allowed \$20K for quality lighting - but budget is trimmed to affordable levels here. Part of any donations could be applied to improving this allocation.

This is the background behind the GCCC request for half of \$30,000. The monument cost of \$50,000 will be met by the Federation Grant.



Don McAllister
 MANAGER PLANNING & DESIGN

Reports from Director Environment & Community Services

24. ORIGIN: Environment & Health Services Unit

FILE REF: Leases – Council Property, 3840.435 Bush Fire Brigade

REPORT TITLE:

Leasing of Land at Lot 19 DP 870041 for the Purpose of Erecting the Cudgen Rural Fire Brigade Building

SUMMARY OF REPORT:

This report is to inform Councillors of the requirement to lease land for garaging of the Cudgen Rural Fire Brigade tanker.

RECOMMENDATION:

That:-

1. Council enters into a lease arrangement with Mr and Mrs Robert Eglington over Lot 19 DP 870041 on the following terms and conditions:-
 - Period of lease – 25 years
 - Rental - \$50.00 per annum.
2. All necessary documentation be completed under the Common Seal of Council.

Reports from Director Environment & Community Services

REPORT:

Cudgen Rural Fire Brigade received their first fire tanker in 1983 and it was garaged privately at Duranbah as no suitable Council owned land was available at that location for a shed to house the vehicle.

Since that time the tanker has been privately garaged at Mr Allen Quirk's property, Stotts Creek and subsequently its present location at Mr and Mrs Robert Eglington's property, Cudgen. During the time it has been privately garaged there has been no charge to the brigade or Council for the use of these facilities. Many hours have been spent searching but still no suitable Council land can be found in the Cudgen area.

Mr and Mrs Robert Eglington have kindly agreed to lease to Council a suitable parcel of land on their Old Bogangar Road property. This land has direct access onto the road making it an ideal location for a fire shed. The land would be leased to Council for a period of 25 years at a cost of \$50.00 per year. The lease must be for at least 25 years to comply with Rural fire Services policy to enable funding from them for construction of the building. The building will be a double bay station and constructed using colorbond zincaluminum.

The land intended for the siting for this building is classified Zone 1(b) Agricultural Protection and in Item 3 of the Tweed LEP development is allowed only with consent for the construction of "emergency service facilities" but must also satisfy the provisions of Clause 8 "Consent Considerations".

Reports from Director Environment & Community Services

25. ORIGIN: Recreation Services Unit

FILE REF: Knox Park

REPORT TITLE:

Knox Park Committee

SUMMARY OF REPORT:

Council has received a request from the Knox Park Community Committee for Council representation at its meetings.

RECOMMENDATION:

That either the Manager Recreation Services or Manager Environment and Health Services represents Council at Knox Park Community Committee meetings and Council representation at these Committee meetings to be reviewed upon a twelve (12) month period.

Reports from Director Environment & Community Services

REPORT:

Mr Mark Strong of the Knox Park Community Committee addressed Council at its Community Access session held 9 August to advise of the activities of the Committee.

The Committee has now requested Council appoint an appropriate officer to represent Council at Committee meetings. As the majority of issues raised by the Committee involve the Environment and Community Services Division, it is recommended either the Manager Recreation Services or Manager Environment and Health Services attend (depending on availability and agenda items).

Reports from Director Environment & Community Services

26. ORIGIN: Recreation Services Unit

FILE REF: Parks - Naming

REPORT TITLE:

Naming of Park - "Ed Parker - Rotary Park", Kingscliff

SUMMARY OF REPORT:

Council has received a request from the Rotary club of Kingscliff to consider amending the name of the existing Rotary Park in Kingscliff to the "Ed Parker - Rotary Park". In March 2000, Mr Edwin Parker turned ninety (90) and his service to Rotary has been extensive.

RECOMMENDATION:

That Council calls for comments regarding amending the name of the existing Rotary Park in Kingscliff to "Ed Parker - Rotary Park", as per Council's naming policy.

Reports from Director Environment & Community Services

REPORT:

Council has received a request from the Rotary Club of Kingscliff to consider honouring a long serving Rotary Club member, Mr Edwin Parker, by adding Mr Parker's name to the existing Rotary Park in Kingscliff. The letter is reproduced in full:-

Rotary Club of Kingscliff.

P.O. Box 1027
Kingscliff. 2487.

Dr John Griffen,
General Manager
Tweed Shire Council.

Dear Dr Griffen,

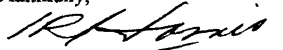
I write on behalf of the Rotary Club of Kingscliff. In March of next year, 2001 Mr Edwin Parker, a member of this club, will reach his 90th birthday. His service to the Rotary movement and to this club has been of exemplary standard (so much so that he is known as "Mr Rotary").

This club intends to honour Mr Parker by contributions to Charities of Rotary in his name as well as providing a social celebration for Ed and his family to mark this occasion.

The club would ask council consider adding Mr Parker's name to the existing Rotary Park in Kingscliff. With respect, we draw attention to the wonderful contribution Mr Parker has afforded to the wider community. He has devoted much time to the local progress association, worked for the creation of the Amenities Centre and led the way in the creation of Pre-school facilities in this district.

We look forward to Council's views on this request and hope that you support this deserved recognition of a great citizen of this Shire.

Yours faithfully,



Ian Harris. Secretary. 66742013.

Subsequent to this letter, Mr Harris of the Rotary Club was contacted to ascertain the Club's proposed naming of the park in light of their request. Mr Harris informs that this matter was discussed at a Rotary Club meeting where it was decided that "Ed Parker – Rotary Park" is their preferred name.

It is recommended that Council calls for comment on the proposal to amend the name of the existing Rotary Park Kingscliff to "Ed Parker – Rotary Park" as per Council's naming policy.

Reports from Director Environment & Community Services

27. ORIGIN: Environment & Health Services Unit

FILE REF: Licences – Beach Vehicles

REPORT TITLE:

Expenditure - Beach Vehicle Permit Fees

SUMMARY OF REPORT:

Council has allowed a number of persons to drive vehicles on restricted areas of its beaches under a permit system. The fees from such have always been allocated into conducting the permit system and providing/monitoring beach access. Unexpended funds have been "rolled" over for this purpose. It is now proposed to spend these funds on the sealing of the access roadway to the beach access at Kingscliff near the Cudgen Creek mouth and at Pottsville near the Mooball Creek mouth.

RECOMMENDATION:

That Council confirms the sealing of the roadway leading to the beach access at Kingscliff near the Cudgen Creek mouth and at Pottsville near the Mooball Creek mouth using accumulated funds from the Beach Vehicle Permit scheme.

Reports from Director Environment & Community Services

REPORT:

Councillors are aware that Council conducts a permit system whereby a limited number of persons who wish to drive on certain parts of the Tweed beaches for fishing may do so. This system was introduced in the late 1970s and the fees collected have been used to fund this permit system. This has included ranger's time to enforce the system, signage, provision and repair of the beach access points, provision of barriers to prevent illegal access etc. Council has always directed the funds from this permit system in this manner as was advised to the Ombudsman's enquiry in the mid 1990s. Surplus funds have been rolled forward in successive budgets for this purpose. To date these accumulated funds total \$128,000.00.

It is now proposed to seal the access road at Cudgen Headland from the Coast Road to the beach access point from near the mouth of Cudgen Creek. The need for these works is partly due to the relocation of the beach access point for near the Cudgen Creek bridge to near the southern training wall of Cudgen Creek. This relocation is due to the constant undercutting of the beach access point near the bridge by the tidal cycle. The work is also required partly due to the sand foundation of the access track which constantly "potholes". This work is estimated to cost \$82,000.

The other works proposed to be undertaken are the sealing of the roadway to the beach access point near the southern side of Mooball Creek at Pottsville at an estimated cost of \$30,000.

Accordingly it is recommended that Council endorses the expenditure of these funds in line with the previous practice of the expenditure of funds collected from beach permits as advised by Council to the Ombudsman.

Reports from Director Environment & Community Services

28. ORIGIN: Recreation Services Unit

FILE REF: Parks – Maintenance, Rubbish – Illegal Dumping

REPORT TITLE:

Access Track at End of Bosun Boulevard, Oxley Cove

SUMMARY OF REPORT:

Council has received a request to post and chain off access to the dirt road at the end of Bosun Boulevard, Oxley Cove. The request is reproduced in full in the text of the report.

RECOMMENDATION:

That Council advises the writer that it is not proposed to close off the access track on the Community land at the end of Bosun Boulevard.

Reports from Director Environment & Community Services

REPORT:

Council has received a request to post and chain off access to the dirt road at the end of Bosun Boulevard, Oxley Cove. The request from a resident in Admiralty Place is reproduced in full:-

Dear Sir,

We live at Oxley Cove & are requesting that the council, Post & chain off, the dirt road at the north end of Bosuns Blv. (which leads to the point where our canal system opens into the river), this is wetlands, & council no longer maintains this road, & by closing it, it would stop the "hoons" drag racing along the straight & doing wheelies on the point, where they have drunken parties sometimes until 3 am & then drive home. !!

This used to be a nice picnic spot, a great place for children to swim, ride their bikes & fish, now they have to be careful for even at 3 pm, they could be hit by a speeding car or a bottle hurled out of the window of a car at high speed. These "hoons" are also leaving behind refuse, car motors, broken chairs, rolls of clear & black plastic(great for our waterways) dozens of beer & spirit bottles & cans, bongs & syringes.

There will be a bad accident if nothing is done, already we have had two cars "lose it" & go over the edge.

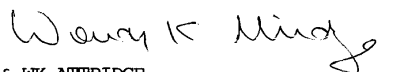
Council have put a speed sign at the blind corner where the dirt road meets the bitumen, but they ignore this & have ended up on the grass verge of the house across the road, imagine if children were coming around the corner at that time.

I have already rung the council & the ranger I spoke to is going to come out & have a look & hopefully get the litter cleaned up, & erect another sign (fine for littering) the last one was chopped down & used for their fire, (they don't care whether there is a fire ban on.)

There is an oyster lease at the end of the far point & also an aboriginal graveyard, the owners would have to have keys for access.

I hope you see fit to do as we have requested.

Yours sincerely



LE & WK ATTRIDGE.

This road provides access to a significant portion of riverfront community land (figure 1). Council received past complaints from residents opposite the access road regarding dust from vehicles accessing the area. Subsequently, Council installed a 'speed bump' in attempt to alleviate the problem.

Reports from Director Environment & Community Services

Figure 1

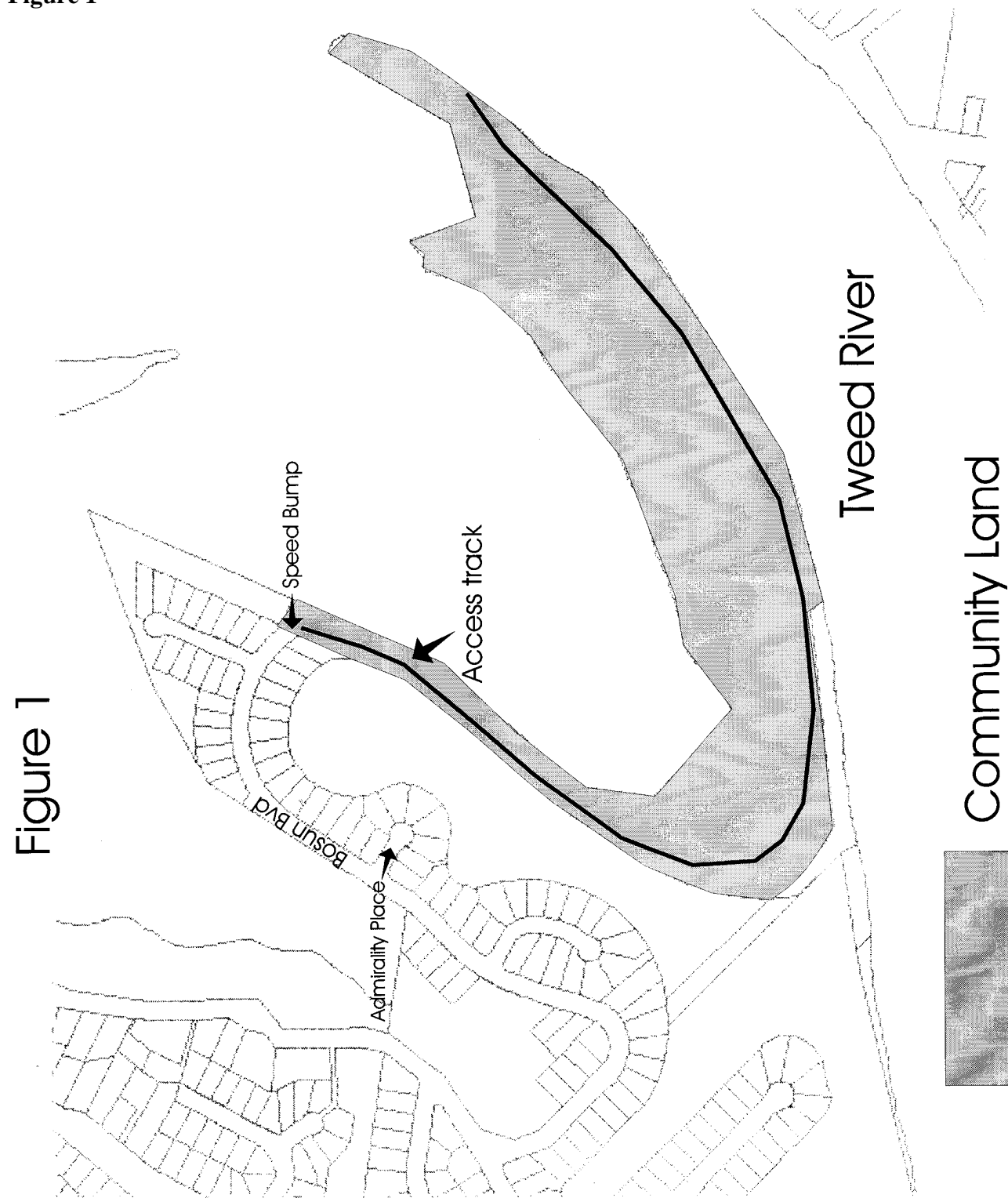


Figure 1

Reports from Director Environment & Community Services

However, as this is not a public road but an access road to the reserve, funds are unavailable to repair or maintain the road on a regular basis or beyond its current state. Although not ideal, the current condition of the track serves to limit traffic speed and associated problems.

Given the distance from Bosun Boulevard to the river, to exclude vehicular access would effectively exclude access for the majority of people and as this road provides access to popular sites for fishing, it is conceivable that its closure may also present issues with parking in Bosun Boulevard and Seafarer Place.

With reference to the 'drag racing' and cars speeding around the blind corner where the dirt road meets the bitumen, the condition of the track would severely limit attempts at 'drag racing' and a concrete speed hump has been installed at the point where the bitumen road meets the track.

Council records indicate that this is the only complaint of this type to be received.

Reports from Director Environment & Community Services

29. ORIGIN: Director

FILE REF: Airport – Noise Issues

REPORT TITLE:

Coolangatta Airport Flight Paths

SUMMARY OF REPORT:

A petition and accompanying document has been received from R K Bates regarding Coolangatta Airport flight paths.

RECOMMENDATION:

That :-

1. The petitioners be advised that Council was only one (1) of a number of representatives on the Coolangatta Airport Noise Abatement Committee which made recommendations to the Minister for Transport. The actual decision on the location of the flight paths has been the responsibility of the Federal Government and its Statutory Authorities. Council's resolution was only one of many inputs to the Minister and Council has no control on what decisions the Minister makes on this issue.
2. A copy of the resolution be forwarded to the Minister for Transport and Regional Development.

Reports from Director Environment & Community Services

REPORT:

The letter which is the preface to the petition reads as follows:-

Dear Sir,

Issue: Petition from affected Tweed Shire residents opposing the introduction of the 139 line of aircraft approach to the Coolangatta airport.

The Petition:

This petition contains 805 signatures representing 567 households that are directly affected by aircraft following the 139 flight path approach to the Coolangatta Airport. The signatories on this petition are all bona fide affected Tweed Shire residents. They share a genuine common concern of the detrimental affect of low flying aircraft resulting from the recommendation by Tweed Shire Council, acceptance by the Federal Minister for Transport and subsequent direction to Airservices Australia to introduce the 139 flight path. The petition includes letters and statutory declarations that support the petition and declare that aircraft did not follow the 139 flight path prior to 1993/94, and more importantly were not doing so when many residents purchased their homes in Banora Point, Oxley Cove, Chinderah, Cudgen and Kingscliff. 149 Certificates issued by Tweed Shire Council in the late eighties and early nineties did not include any warning of flight paths. Those people are now severely disadvantaged through apparent Council inaction and definitely no fault of their own.

(See Attachment No. 1. And No. 2.)

The home address of signatories living in the Banora Point area has been endorsed on a street map of the area to enhance the integrity of the petition.

(See Attachment No. 3.)

Council Decision:

Council decision to vote 11 to Nil in this matter in July 2000 was very seriously flawed in that it may have been swayed by inaccurate internal advice and other external influences generated by noisy minorities to the comprehensive detriment of the silent majority. Additionally, the decision totally ignored at least four principles outlined in the 1997 Airservices of Australia criteria for environmental assessments for the selection of flight paths. These are:

1. Noise abatement procedures should be optimised to achieve the lowest possible overall impact on the community (Noise and Pollution)
2. Noise should be concentrated as much as possible over non-residential areas.
3. Noise exposure should be fairly shared whenever possible.
4. No suburb, group or individual can demand or expect to be exempt from aircraft exposure.

(See Attachment No. 4.)

The 139 Flight Path:

The introduction of the 139 flight path or straight line approach to the airport which was strongly supported by Council traverses:

1. Five educational institutions potentially disrupting thousands of students.
2. A series of caravan parks potentially discouraging tourists from staying on the Tweed.
3. A series of Retirement villages, nursing homes and kindergartens.
4. An area of the Tweed from Banora Point to Oxley Cove which is fully developed for residential purposes. Many of the homes are of better than average quality and some residents have already had their property devalued by up to \$20,000.
5. An area of the Tweed from Chinderah to Cassuarina Sands where significant future residential development will occur. (See Attachment No. 5.)
6. It introduces intolerable noise pollution over these areas which are densely populated.
7. It introduces intolerable hazardous aircraft emissions pollution in these areas with the educational institutions being a major concern.

Reports from Director Environment & Community Services

8. It projects a serious physiological and psychological health hazard intruding on conversation, listening pleasure, interfering with sleep patterns and education thus adversely affecting personal health and lifestyle and in extreme cases likely to hasten the demise of some of the residents currently suffering from serious illnesses.

Departure Aircraft:

Whilst the 139 approach inappropriate decision was made in isolation its introduction means that the affected area now must endure the cumulative affect of both approach and departure aircraft which creates an intolerable and onerous burden for residents. An urgent review of the departure flight path is now required.

Alternative Flight Paths:

Alternative flight paths are available including:

1. Follow the 130 instrument approach path. (does not affect as many residents)
2. Return to the historical southern approach on what was called "the inland route".
3. Out to sea from Pottsville along the coast line turning over Fingal Head, across the Coolangatta Tweed Heads Golf Course joining the 130 approach line near the industrial area. (affects minimal residents and other institutions)
4. Share the load across a broad spectrum of residents, a view shared by most of the signatories.

A critical analysis of the area and the airport operating procedures would identify other suitable flight paths that would reduce aircraft impact on local residents.

COMMENT

An article entitled *Airports: Deadly Neighbors prepared by Charles R. Miller* concerning the O'Hare airport in America outlines serious implications that should have been considered by Council prior to making such an erroneous decision. The paper outlines that some of the hazardous compounds released to the atmosphere in emissions from aircraft are extremely carcinogenic. This view supported by a chemist Hitomi Suzuki of Kyota University. Mr. Miller also compares hospitalisation rates for residents near a Georgetown (America) airport with those residents some distance from the airport. He discovered the following, alarming statistics:

- A 57% higher asthma rate
- A 28% higher pneumonia/influenza rate
- A 26% higher respiratory disease rate
- An 83% higher pregnancy complication rate
- A 50% higher infant mortality rate

(See Attachment No. 6.)

As the 139 flight path traverses educational institutions it is reasonable to predict that the health of Tweed Children attending such schools is not only compromised but in fact could be at risk.

Is this the legacy that Tweed Shire Council and other policy making officials want to leave for that narrow funnel of Tweed residents?

In a letter dated 24 May 1999 to Dr. Brendan Nelson MP, Chair Sydney Airport Community Forum, from *The Hon John Anderson MP, Minister for Transport and Regional Services* discusses noise sharing arrangements in Sydney pertaining to Mascot Airport. He states inter alia "As to the Forum's view about LTOP implementation, it needs to be said that the improvement in noise sharing is very significant compared with the situation that existed when the Coalition took office in March 1996. For example, movement numbers to the north of the Airport have fallen from 47% to 28%" "and these now use highly dispersed flight paths to spread the noise. People north of the Airport now get respite from aircraft noise compared with the unfair concentration of all flights in the 'Bennelong Funnel!'".

(See Attachment No. 7.)

What is so different in the Tweed? The concentration of aircraft on the 139 approach when combined with the south-bound departure flights represents an inequitable distribution of aircraft noise impacts.

Reports from Director Environment & Community Services

Informed residents consider that it is a distortion and a deception to use words such as "historically" and "return to where the flight paths used to be" and to "those previously used" in documents used in the process leading to a 139 degree/centreline ruling by the Minister for Transport. Those residents know that the truth is that before 1993 the historical paths were on the "Inland Route" well away from the victims along the centreline out from Leisure Drive.

It must also be reinforced that at no time from 1993 did adversely affected residents accept the arbitrary change to flight paths then and in fact it was moved in 1998 by unanimous agreement of the Review – in accordance with the 11 Environmental Principles of Airservices of Australia. This latest change ignores such principles defying logical and rational decision making.

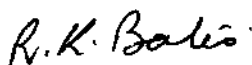
RECOMMENDATION

The signatories of this petition urge Council to support, indeed instigate changes to the flight paths to satisfy all of the principles of the Airservices of Australia Criteria. Such a change at this late stage would be possible with Council's full support. Council is also urged to make urgent recommendations to the Federal Minister for Transport requesting him to apply the same principles to the Coolangatta Airport and the Tweed residents that he instigated in the northern suburbs of Sydney. In the short term we the signatories ask for nothing more than an equitable dispersal of an unfair concentration of aircraft flights. In the long term Council is asked to urge The Federal Minister, GCAL and Airservices of Australia to investigate and initiate alternate flight paths for the Coolangatta Airport that reflect the demands of modern society that noise and emission pollution is limited to minimal residential properties. Any property thus affected should then be offered an acceptable level of compensation.

As an integral part of the required action on this petition it is also recommended that council instigate a review of the departure flight paths from the Coolangatta airport.

Alternatively in the event of no action being taken in this matter the signatories reserve the right to seek compensation from Council for the adverse affect of flight path decisions to the health, life style, well being and loss of property values.

Yours Faithfully



R. K. Bates
For and behalf of the signatories
62 Bosun Blvd
Banora Point 2486
07 5524 2761

c.c Mr. John Anderson Federal Minister for Transport and Regional Services
Mr. Larry Anthony, Federal Member for Richmond and Minister for Services
Mr. Neville Newell, N.S.W State Member for Tweed
Senator Hill Federal Minister for Environment
Mr. Harry Woods, N.S.W. State Member and Minister for Local Government.

Reports from Director Environment & Community Services

As Councillors are aware, Council is not the decision making body in this regard.

Council has had one representative on the Coolangatta Airport Noise Abatement Committee and has forwarded resolutions to the Minister's office.

Attached to this Business Paper are:-

1. List of Petitioners
2. Statutory Declarations
3. Letter from the Hon John Anderson, MP to Dr Brendan Nelson MP (Chair Sydney Airport Community Forum)

The full petition document is tabled at the meeting.

Reports from Director Environment & Community Services

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Reports from Director Environment & Community Services

30. ORIGIN: Recreation Services Unit

FILE REF: Les Burger Field, Skateparks

REPORT TITLE:

Location of Skate Park - Cabarita

SUMMARY OF REPORT:

This report outlines the results of a consultation process on proposed sites for a skate park in Cabarita. Additionally, funding options for the restoration of the building at Les Burger Fields, Cabarita are addressed in this report.

RECOMMENDATION:

That Council:

1. Confirms the proposed site at Les Burger Field as the site for the skate park. Construction not to commence until such time as a caretaker is provided on site, and adequate provision of access to toilets, water, shade and a telephone are provided.
2. Facilitates a steering committee to oversee the planning and construction phase of the skate park. This committee is also to consider future management of the facility and make subsequent recommendations to Council on such. The committee to be comprised of:
 - Representatives from youth groups/ facility users
 - A Councillor
 - Council staff
 - Community representatives
3. Pursues an agreement to facilitate an on-site arrangement at Les Burger Field whereby accommodation, water, sewage, power etc are provided in exchange for an on-site presence and some opening/closing of toilets.

Reports from Director Environment & Community Services

REPORT:

BACKGROUND

In 1998 a meeting of the Cabarita/Bogangar Ratepayers Association raised the need for a skateboard facility to service the needs of the youth of the coast.

Subsequent meetings of the residents associations of Pottsville, Hastings Point, Round Mountain and Cabarita/Bogangar unanimously supported the proposal.

The Lions Club of Cabarita and Pottsville Beach was approached to raise funds and pursue the project.

The Lions Club was successful in its application for funding through the Department of Sport and Recreation (S&R)1999/2000 Capital Assistance Program.

Funding for the project is to be as follows (as per grant application) :

Department of Sport and Recreation	\$10,000
Tweed Shire Council	\$20,000
Lions Club (through local fundraising)	\$10,000
Voluntary donations from local builders	\$30,000
Savings on materials	\$5,000

The Community Associations and Lions Club pursued the proposal with the intention of locating the skate park at the Les Burger Fields (Stingrays). The reasons for the selection of this site will be discussed further.

CONSULTATION:

Prior to furthering design aspects of the skate facility, a process of community consultation was initiated to determine the most acceptable and appropriate site for the facility. This is particularly important in locating a facility such as a skate park as experience in other Councils has shown that site selection generally raises a range of issues and concerns.

A plan showing the proposed location at the Les Burger field was placed on display at Pottsville Post Office, Pottsville Community Centre, Hastings Point Post Office, Noddy's Bakery Cabarita, Cabarita Post Office, Barry Pittman Real Estate, Cabarita Beach Bowling Club and the Norries Headland notice board. An article was placed in the Tweed Link 5 September inviting comment.

Subsequently, a public meeting was held on 5 October at the Cabarita Baptist Community Church. The meeting was chaired by the General Manager and attended by approximately 55 people. The minutes from that meeting are included as an attachment.

Seventeen (17) written responses were received including four petitions (two for and two against the proposed site)(table 1). Through the consultation process, an alternative site being south of the entrance to the Norries Headland park area was raised and consequently, discussions and comments became based on arguments for and against these two sites (figures 1&2).

Reports from Director Environment & Community Services

FOR LES BURGER FELD	AGAINTS LES BURGER FIELD
Pottsville Community Association. Letter plus additional letter and petition	Tweed Coast Raiders JRLFC
Hastings Point Progress Association	Richard Dodd & Pottsville skaters/residents Petition (for skate park in Pottsville)
Jeannette Davison (Bogangar Resident)	Mr & Mrs G Grange (Cabarita Resident)
Stan Dawson	Brett & Drew Gowley (Kingscliff)
Marcia & Terry Purcell	Mr & Mrs McKenzie & Local Residence Action Group Against Proposed Skate Site
Cabarita Residents Ass Petition	Darren & Melonie Pearson (and local residents Cabarita) Petition 3 letters dated 15/6/00, 13/8/00, 25/9/00
Tourist & Progress Ass Inc. Tweed Coast N.S.W.	Jennifer Munn (Pottsville)
	Michael & Robyn Cosgrove
	Touch football Ass (received 24/11/00)

Table 1: Respondents for and against the proposed skate park site - Les Burger Field.

SITE SELECTION CRITERIA

The following information is supplied to assist Council with a background to the issues to be considered in skate park site selection.

Gosford City Council (GCC) has developed skate facilities at four sites within the City and is currently planning for another two. Through their experience in planning for these facilities, GCC have produced a *Best Practice in skate park development* for the advise of others planning facilities.

With regard site selection, GCC state that ideally, the site should meet the following criteria:

- Be large enough to accommodate the facility including landscaping. The potential future expansion should be considered.
- Be centrally located to the identified catchment area allowing it to be accessible by public transport, walking and bicycle by the user group.
- Be separated from adjoining residential areas by an adequate buffer zone.
- Be located near ancillary facilities and other community facilities.
- Be accessible to telephone and first aid facilities.

Reports from Director Environment & Community Services

- Be able to provide emergency access.
- Have an orientation of north/south for ramps due to rising and setting sun.
- Be acceptable for ongoing development with a 'youth' focus.

Sport and Recreation Victoria (SRV) have also produced a manual for *Local Government: Skate board facility Planning*. In addition to the above points and of relevance to the proposed sites, the manual states:

“The development of a skateboard facility will have a visual effect on the site and in some situations will effect the ambience of the existing environment. Given the unstructured and informal nature of skateboarding and the main age groups (8-24 yrs) that are attracted to the sport, such facilities do lend themselves to increased and boisterous traffic. This may result in user conflict and possibly disrupt the traditional use of some areas such as passive parks.

Facilities should not be developed on sites exposed to wind or too close to the coast, due to the problems with sand salt deposits on ramps. Loose sand on a smooth concrete surface will reduce traction preventing the rider from effectively sliding out of a fall.

Facilities should not be located near deciduous trees or near trees that cast shadows onto the riding surface”

SRV also note that the facility should not be immediately adjacent to any roads and not in such a position so as to entice users to cross major roads in dangerous sections to gain access.

However, GCC state that:

“Some publications have advocated the following but these have not been strictly applied in Gosford:

- *Not be located near sand or salt water as this may effect the performance of the facility*
- *Not immediately adjacent to any main roads.”*

ISSUES

The correspondence is provided as an attachment to this report. 8 comments were in favour of the proposed Les Burger site and 9 were against this site. It should be noted that one letter and petition opposing the site was from Pottsville residents petitioning for at skate park at Pottsville. The comments received at the public meeting showed a similar equal division of opinion (supplied as attachment).

The main issues for and against each site as raised in the consultation process are summarised as follows:

Reports from Director Environment & Community Services

1. The Les Burger Field

STRENGTHS	WEEKNESSES
<ul style="list-style-type: none"> • Located to service all Tweed Coast communities 	<ul style="list-style-type: none"> • Possibility of increased vandalism to building
<ul style="list-style-type: none"> • Located so as to limit noise issues with residents 	<ul style="list-style-type: none"> • Accessibility
<ul style="list-style-type: none"> • Skate facility is complimentary to sporting fields 	<ul style="list-style-type: none"> • Relative isolation
<ul style="list-style-type: none"> • Accessible by bike path (without need to cross Coast road) 	<ul style="list-style-type: none"> • Proximity to Coast road
<ul style="list-style-type: none"> • Minimal vegetation clearance required 	<ul style="list-style-type: none"> • Limited supervision
<ul style="list-style-type: none"> • Constant casual surveillance from passing traffic 	<ul style="list-style-type: none"> • Lack of facilities i.e. Phone, water, toilets
<ul style="list-style-type: none"> • Future upgrading of building and site will enhance usage and facilities 	<ul style="list-style-type: none"> • Possible problem from sand
<ul style="list-style-type: none"> • Room to expand and add to facility in future 	
<ul style="list-style-type: none"> • No surrounding trees to deposit twigs, seeds and leaves on facility. 	
<ul style="list-style-type: none"> • Long term considerations 	
<ul style="list-style-type: none"> • Allows easy access for proposed primary school without the requirement to cross Coast road. 	

Reports from Director Environment & Community Services

2. Norries Headland Site

STRENGTHS	WEEKNESSES
<ul style="list-style-type: none"> • Surveillance from headland park users and surfers 	<ul style="list-style-type: none"> • Requires clearing of significant amount of vegetation
<ul style="list-style-type: none"> • Closer to the centre of Cabarita 	<ul style="list-style-type: none"> • Site already crowded, area required for carparking and picnic facilities.
<ul style="list-style-type: none"> • Availability of toilets and water 	<ul style="list-style-type: none"> • No room for future addition to facility.
	<ul style="list-style-type: none"> • Dangers of crossing Coast road
	<ul style="list-style-type: none"> • Noise from facility to interfere with recreational amenity of headland
	<ul style="list-style-type: none"> • Attract vandalism, graffiti etc to headland
	<ul style="list-style-type: none"> • Detract from visual amenity of headland
	<ul style="list-style-type: none"> • Possible problem from sand

Comment

Norries Headland

Perhaps Councils main consideration with regard the Norries Headland site is that of compromise of future opportunity. The headland has a limited area south of the entrance road to utilise for additional future facilities (figure 1). How this area is to be best utilised to service the future needs of the community needs to be considered.

In 1999/2000, a consultation process was undertaken with the community to produce a plan for the Norries headland. Council adopted this plan at its meeting held 15 March 2000

One of the main issues to arise in producing this plan was the crowded situation in this area currently in relation to parking and picnic/play facilities. This situation is likely to be exacerbated with future growth of the coastal strip and the popularity of Cabarita as a surf beach. The proposed site of the skate park was identified as an opportunity to provide for this demand.

The locating of the skate park at the headland will reduce the capacity to provide future carparking and day facilities whilst providing another attractant to the headland. Additionally, locating the facility at this site will limit future options for expansion of the facility or addition of similar ancillary facilities such as a basketball court or half court.

Les Burger Field

The main concerns with the Les Burger Field proposal are those of supervision and provision of amenities such as water, toilets and shade. Currently, these concerns may be valid.

Reports from Director Environment & Community Services

However, a point raised by the Tourism and Progress Association Inc, Tweed Coast (not raised by any other correspondence or at the public meeting) bears consideration. The following is an extract from their submission.

“At the public meeting convened by Council and held at the local Baptist Church Community Centre on 5 October, a number of the arguments against locating the proposed skate park at the Les Burger Field and in favour of locating it at Norries Head are quite valid at this time. However, the life of a skate park is at least 15 years and could be more than 20 years.

Our Association is of the view that Council should make a decision based on long term considerations rather than short term expediency”.

Perhaps council’s main consideration with regard the Les Burger Field site is can these issues and concerns be addressed? Obviously, provision of water and shade are easily accommodated. The eventual upgrade of the building will also see increased facilities and surveillance/supervision.

A short-term option may be an arrangement appointing an on-site caretaker on a no cost basis. This may involve provision of accommodation by way of a van/cabin including power, water etc in exchange for a presence on site and locking/unlocking of toilets.

This presence may also alleviate the problems of vandalism currently experienced by the existing facility.

Arrangements for supply of a telephone may also be negotiated to address the issue of communication on site.

FUNDING OPTIONS AVAILABLE TO COUNCIL TO UPGRADE THE BUILDING

At its meeting held 1 November 2000, Council considered a recommendation from the Sports Advisory Committee for Council to receive a report outlining the funding options available to Council to upgrade the building at Les Burger field.

Council resolved to receive this information in this report.

At its meeting held 3 May 2000 Council considered a report on Section 94 Contribution Plan No 15. – Shire wide Community Facilities – Expenditure of Funds and Amendment to the Contribution Plan.

This report outlined the costs associated with the purchase and upgrade of the old Pottsville school site to a standard suitable for use as a community facility.

The report also recommended the amendment of the plan to increase the allocation of \$40,000 for the upgrade of the Stingrays club to \$125,000

The purchase of the Pottsville site was funded via borrowing from the Shire Wide Community Facilities Account.

Reports from Director Environment & Community Services

The annual commitment to the purchase of the school is \$63,000 for five years.

Consequently, the Contribution Plan No 15 effectively is committed to any incoming contributions for at least 5 years.

LOANS

To raise a loan of \$120,000 to fund the cost of refurbishment of the building, the annual loan interest and principal cost would be approximately \$23,000 for a 20 year borrowing basis.

As there are no Section 94 funds available from other plans that could be utilised for this length of time, Council would be required to borrow externally. To achieve this, Council is required to obtain Government approval for such borrowings. There is no guarantee that such approval will be given or that loan funds will be available from the 'Global borrowing limit' set by the Federal Government.

However, should Council wish to pursue this option, application for such can be made to the Minister for Local Government. The allocation of the interest and principal would be required to be funded in subsequent budgets. As future S94 funds become available, they may be utilised to offset the repayments.

Regardless of the timeframe of the works, planning for the eventual restoration works will be required. This will include a consultation process finalising in agreed plans. Council may consider commencing this process so that when funding is available, works will be ready to commence on an agreed plan.

FURTHER PLANNING

Upon selection of a site for the skate park, planning for the design and construction of the facility will be necessary. Issues to be addressed at this stage include:

- Budget
- Skill level of users
- Preferred uses i.e. skateboard, in-line, BMX etc
- Site constraints
- Supervision
- In-situ versus modular systems, or a combination
- Design for future expansion

Some expertise and experience in these areas is required and available through various skateboard organizations and consultancies. The importance of appropriate design to the success of the facility cannot be underestimated and is emphasised by Councils that have successfully planned facilities.

Additionally, the future management of the facility requires consideration. It is acknowledged that the majority of facilities provided by local Government are unsupervised and located in public, unrestricted areas similar to the provision of play equipment in Council parks.

Reports from Director Environment & Community Services

Whilst it is the responsibility of Council to ensure facilities provided for public use are appropriately designed, constructed and maintained, further management of these facilities can serve to address issues that may arise and involve the broader community in their use/management. GSC note that management tools such as skate clinics and competitions have served to introduce and familiarise parents to the sport. As skateboarding is still perceived by some individuals as a precursor to anti-social behaviour, this has helped de-stigmatise the negative image the sport has.

To facilitate the design process and consider aspects of future management of the facility, Council may consider a skate park advisory committee. Representation may include:

- Representatives from youth groups/ facility users
- A Councillor
- Council staff
- Community representatives.

CONCLUSION


The main options currently available to Council should it wish to select a site for the proposed skate park in Cabarita are:

1. The proposed site at Les Burger Field. Construction not to commence until such time as a caretaker is provided on site, and adequate provision of access to toilets, water, shade and a telephone are provided.
2. The proposed site at Les Burger Field with construction to commence immediately upon finalisation of design and appropriate approvals.
3. The proposed site a Norries Headland with construction to commence immediately upon finalisation of design and appropriate approvals.

It is recommended that option 1 is the most appropriate long term option.

Should Council resolve as per option 1, a resolution to pursue an agreement to facilitate an on-site arrangement whereby accommodation, water, sewage, power etc may be supplied in exchange for an on-site presence and some opening/closing of toilets.

The Department of Sport and Recreation (DRS) has indicated that it is willing to extend the timeframe of its funding for the skate park. In discussions with DRS, it appears site selection for skate parks generally raises issues and that all their funding of such to date has resulted in requests for extensions to the funding timeframe to accommodate this process.

Additionally, it is recommended Council consider facilitating a steering committee to oversee the planning and construction phase. This committee is also to consider future management of the facility and make subsequent recommendations to Council on such. FIGURES 1 AND 2 

Reports from Director Environment & Community Services



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Reports from Director Environment & Community Services

31. ORIGIN: Environment & Health Services Unit

FILE REF: Aboriginal Matters

REPORT TITLE:

Council for Aboriginal Reconciliation - Booklets

SUMMARY OF REPORT:

The Council for Aboriginal Reconciliation has released two booklets namely, Overcoming Disadvantage and Advisory Economic Independence.

The booklets expand on two of the four strategies in the Council Roadmap for Reconciliation.

The booklets are tabled for the interest of Councillors.

RECOMMENDATION:

That this report be noted and a copy of the booklets be forwarded to Council's Aboriginal Advisory Committee.

Reports from Director Environment & Community Services

REPORT:

Council is advised that the Council for Aboriginal Reconciliation has advised of the publication of two booklets being:-

- Overcoming Disadvantage
- Achieving Economic Independence.

These booklets expand on two of the four national strategies in the Council's Roadmap for Reconciliation, which was presented to the nation's leaders along with the Australian Declaration Towards Reconciliation at Corroboree 2000 in May this year. The Roadmap contained four one-page strategies for achieving reconciliation, and these guidebooks provide more detail on how to implement two of these strategies. Overcoming Disadvantage discusses ways to implement the National Strategy to Overcome Disadvantage and Achieving Economic Independence discusses ways to implement the National Strategy for Economic Independence. The Council will release booklets on implementing the remaining two strategies (on sustaining the reconciliation process and on promoting the recognition of Aboriginal and Torres Strait Islander rights) later in the year.

The guidebooks will work best when developed and implemented through partnerships between Aboriginal and Torres Strait Islander people and the wider community. They allow for flexible local options, recognising that what works in one community might not work in another.

The booklets are tabled and are available for any Councillor who may wish to read them.

As well copies will be obtained and referred to this Council's Aboriginal Advisory Committee for information.



DR JOHN GRIFFIN
GENERAL MANAGER

Reports from Committees/Working Groups

1. Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 9 November 2000

Dunecare

VENUE:

Pottsville Environment Centre

TIME:

5.00pm

PRESENT:

Committee Members: Cr Max Boyd, Cr Henry James, Kate McKenzie (Land Care Co-ord), Len Greer (Pottsville), John Gillieatt (Fingal), Gary Thorpe (Hastings Point), Mick Stewart (Twin Towns Coast Care), Janette Davidson (Cabarita), Ian Anderson (Kingscliff Nth), Mr Stewart Brawley

Informal: Valerie Millington (Hastings Point) and Vic (Hastings Point)

APOLOGIES:

Nil

MINUTES OF PREVIOUS MEETING:

Moved: Len Greer

Seconded: Janette Davidson

RESOLVED that the Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 14 September 2000 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

1. **Naming of Park**

Council resolved to name the area at North Kingscliff 'Casperson Park'.

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

Mick Stewart advised that a meeting was held at Greenmount regarding the sand-by pass. Note that the sand by pass may be operational by Feb-March 2001.

Reports from Committees/Working Groups

4. Vandalism of Vegetation

The committee discussed the options available to address this issue.

It was decided an approach including:

community education;

placing of signage in prominent areas where destruction has occurred and;

every effort being made to prosecute offenders and an appeal to the public to assist in prosecutions may be the preferred approach.

7. Bush Fires, Hastings Point

Discussions have been held with the Senior Fire Officer. Meeting with DLWC and National Parks arranged for 7/12/00.

Committee to invite Chief Fire Officer to give presentation on Draft Bushfire Risk Management Plan. Dune Care Groups to provide information on location of assets etc.

8. Pandanus – Fingal Head

Pandanus has dead leaves owing to rot on leaves from insect attack.

CORRESPONDENCE:

1. Don Page MP - Weeds Pottsville area

Letter received, dated 26 September 2000, responding to cleaning up of weeds around Ambrose Brown Park and the Pottsville Creek. Don Page advised that he is seeking advice and available funding from DLWC.

GENERAL BUSINESS:

2. Vegetation Management Plan

General discussion about the Vegetation Management Plan Steering Committee. Committee to invite Mark Kingston or Graham Judge to present the plan to the committee.

Reports from Committees/Working Groups

3. Twin Towns Coast Care

Discussion on proposed replenishment of Durambah Beach from the sand bypass project.

Moved: Mick Stewart

Second: Gary Thorpe

RECOMMENDATION:

That the Committee requests Council approach the State Government and contractors to supply sand in strategic locations on Durambah Beach to protect works by Dune Care and Greencorp.

NEXT MEETING:

The next meeting of the Tweed Dune Care Advisory Committee will be held 11 January 2001

The meeting closed at 7.30pm

Director's Comments: Please note Director's recommendation for Item 3.

DIRECTOR'S RECOMMENDATIONS:

3. Twin Towns Coast Care

Dunecare

Committee Recommendation:

That the Committee requests Council approach the State Government and contractors to supply sand in strategic locations on Durambah Beach to protect works by Dune Care and Greencorp.

Director's Recommendation: That Council approaches the Tweed River Sand By Passing Project Working Group to determine the feasibility of supplying sand in strategic locations on Durambah Beach to protect works by Dune Care and Greencorp.

Reports from Committees/Working Groups

2. Minutes of the Companion Animal Committee Meeting Held 13 November 2000

File No: GA 7/4/4 Pt 1

VENUE:

Rous Room

TIME:

8.00am.

PRESENT:

Committee Members: Len Greer (Chairperson), Don Buckley, Rob Philp, Christie Walker, Audrey Rennison, Peter Ainsworth & Terry Lintern.

APOLOGIES:

Cr Wendy Marshall & Alma McAllister.

MINUTES OF PREVIOUS MEETING:

RESOLVED that the Minutes of the Companion Animal Committee meeting held 9 October 2000 be accepted as a true and accurate record of the proceedings of that meeting.

AGENDA ITEMS:

1. Door Knock

GA7/4/4 Pt 1

A door knock of 36 premises at Uki in October encountered 14 dogs, of which 6 dogs were unregistered. The Ranger indicated that the dog owners indicated that they were aware of the registration requirements, which is a positive reflection on education efforts.

2. Achievement of Animal Control

GA7/4/4 Pt 1

Council's Rangers have been requested to perform additional patrols of coastal reserves and public areas.

With respect to the previous suggestion that more honorary rangers be appointed to perform regulatory functions Don Buckley advised that regulatory authority may only be delegated to an employee under the Act.

Len Greer suggested that the Caravan Park Managers could also be useful as regulators. Don Buckley suggested that Peter Ainsworth determine if they are employees and discuss this possibility with Richard Adams.

Reports from Committees/Working Groups

3. Guest Speakers

GA7/4/4 Pt 1

Peter Ainsworth to talk to a representative of the Aboriginal Advisory Committee to determine if his attendance to a meeting of that Committee to provide animal control information is supported.

GENERAL BUSINESS:

4. Regional Committee

GA7/4/4 Pt 1

Peter Ainsworth advised that the Councils contacted regarding the possible formation of a regional committee had responded as follows:

Ballina Shire - Verbally advised that they are unable to participate.

Kyogle Shire - Wishes to participate, officer to attend only and seeking 3 - 4 meetings per year.

Byron Shire - Wish to participate with a Councillor and staff member.

Lismore - Wish to participate.

Peter Ainsworth was requested to establish a meeting prior to Christmas if possible.

5. Membership

GA7/4/4 Pt 1

Len Greer advised that Committee originally had 14 members. This is now down to 10 members with an average of 5-6 attending each meeting. Committee now lacks 3 - 4 representatives of animal interest groups, which is impacting attendance and has the potential to impact achievements of Committee.

RECOMMENDATION:

That:-

1. Three (3) new members representing animal interest groups be sought for Committee.
 2. Council calls for expressions of interest from persons representing animal interest groups to become Committee members.
-

Reports from Committees/Working Groups

6. Frequency of Meetings

GA7/4/4 Pt 1

General discussion was had regarding the possibility of conducting meeting bi-monthly or quarterly. This matter can be held over until any new members are appointed.

It was decided that the next two meetings would be held on 11 December 2000 and 5 February 2001.

7. Committee Action Plan

GA7/4/4 Pt 1

Peter Ainsworth was requested to distribute with the next Agenda a copy of the current Strategy and a copy of the future goals identified at the meeting of 6 September 1999. These matters will be discussed at the next meeting.

Len Greer encouraged members to question why they are Committee members and what they wish to achieve from participation. Results will be useful for action planning.

Committee members were encouraged to pass on information to Rangers regarding problem animals in their area.

Len Greer also expressed a view that Council should become involved in animal welfare issues.

Cat control issues and registration requirements need to receive more focus in school presentations and general promotions.

Len Greer stated that many of the companion animal problems are perpetuated by the sale of unwanted puppies and kittens. He requested that this matter be pursued as a priority and a guideline be developed for dealing with 'backyard' breeders.

Len Greer requested that promotional pamphlets be distributed to pet shops, veterinarians, Tweed Heads Library, Kingscliff Library and school libraries.

The recent presentation at the Murwillumbah Show by Friends of the Pound and Rangers was briefly discussed.

8. Off Leash Area

GA7/4/4 Pt 1

Christie walker advised Committee that many residents of Fingal wanted the off leash exercise area on the South Fingal Beach extended up to the quarry. She stated that owners are finding it impractical to walk several hundred metres up the beach to the official area, and therefore dogs are exercised off lead outside the area close to the quarry entrance.

These areas will be reviewed shortly. Peter Ainsworth was requested to bring details of the previous report on this matter to the next Committee meeting for consideration.

Reports from Committees/Working Groups

NEXT MEETING:

The next meeting of Companion Animal Committee will be held Monday 11 December 2000.

The meeting closed at 9.51 am.

Director's Comments:

With respect to the recommendation under Item 5, Committee membership numbers have diminished since the Committee began. If new Committee members are to be appointed then it is appropriate that they represent animal interest groups.

DIRECTOR'S RECOMMENDATIONS:

5. Membership

GA7/4/4 Pt 1

Committee Recommendation:

That:-

1. Three (3) new members representing animal interest groups be sought for Committee.
2. Council calls for expressions of interest from persons representing animal interest groups to become Committee members.

Director's Recommendation:

That with respect to the recommendation under Item 5, Committee membership numbers have diminished since the Committee began. If new Committee members are to be appointed then it is appropriate that they represent animal interest groups.

Reports from Committees/Working Groups

3. Minutes of the Public Transport Working Group Committee Meeting held Thursday 16 November 2000

GT1/41 Pt3

VENUE:

Murwillumbah TAFE

TIME:

3.00pm

PRESENT:

Committee Members: Barbara Rahmate, Terry Plant

Informal: Robin Spragg, Ray Clark (TSC), Stephanie Cooper (PTDP).

APOLOGIES:

Nil

MINUTES OF PREVIOUS MEETING:

Moved: Barbara Rahmate

Seconded: Terry Plant

RESOLVED that the Public Transport Working Group Committee meeting held Wednesday 25 October 2000 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

1. Expansion of Community Transport - TransInfo

Stephanie's enquiries suggested that a Trans Info service may be expensive, and a source of funding would be necessary. It may be more appropriate to look at a region wide service for Northern Rivers. The Transoptions alternative may be more appropriate than Transinfo, being oriented more towards community transport. The Area Health Service has made a submission to Government about an improved and coordinated transport system, and is awaiting a response. In view of these aspects, proceeding with an audit of existing transport services, as recommended in the CDP Transport Issue Paper, may be a first step – create a data base and wait for an opportunity to contribute to a wider system – review in December.

2. TAFE Student Transport

As agreed in October, student schedules for TAFE campuses were being included in the Surfside timetable review. A letter on public transport funding was being drafted. A suggestion to combine school and scheduled services into a single system was discussed, but some major problems existed.

Reports from Committees/Working Groups

3. Policy Document Review

(a) Performance Assessment Regime – Discussion Paper 2, October 2000

The Paper inviting responses by 6 November was referred to. It took on board comments made on the previous Paper, but did not provide details of the new formula for assessing services required in place of the Minimum Service Levels currently used. It appeared to be watered down – operators should already be doing all the best practice items mentioned. Byron was an example where a better service level was viable because it had one million tourist visitors a year. The Committee needed to find out what was the next stage in advancing the PAR.

(b) Surfside Comments on Tweed Urban Roads Design Guidelines

No feedback so far

(c) Access Committee's Costings

After considering the expenditure needed for the Tweed Public Transport Promotion, and the limited grant funds remaining, it was not possible to make a contribution for the works requested by the Access Committee, even though the works were seen as justified. The Public Transport Committee does not have any Budget funding. Other funding options included the Footpath Program.

4. Major Development Review

None.

GENERAL BUSINESS:

1. Surfside Market Survey

The survey will be carried out starting in November, with arrangements being made for a researcher. Copies of the Survey methodology were circulated. There was discussion of the reasons for the fall in patronage during 1998, which were not apparent. During 1999 patronage returned, and is marginally increasing.

2. Tweed Public Transport Promotion

Following previous discussion of general principles, more definite proposals for implementation and timing were raised.

Reports from Committees/Working Groups

Initially, the week before Christmas was considered, as this could be linked to the RTA drink-driving campaign. However, this would only allow four weeks for planning, and it was thought that sufficient publicity and sponsorship could not be attracted in that time – better to plan ahead for the next holiday, Easter. RTA has a driving fatigue campaign at Easter.

It should be a week-long promotion, with an incentive (free travel) at the end. It may include:

- radio and newspaper promotion,
- sponsorship from clubs and restaurants,
- a ‘\$1 day’ with on-board entertainment (actors),
- all-week ‘lucky ticket’ prizes (for each route).

Surfside would provide 5 extra buses to allow 2 later evening departures on the free day (5pm-9pm).

Media releases could involve ABC Radio, Trans Info, newspapers and Tweedlink.

PTWG could do the releases/articles, and design a poster?

Easter would allow time to talk to clubs and get participation, with marketing in each venue (say, \$250 each, plus \$200 contribution, x 6?)

An action plan would be prepared, to commence implementation in February.

3. Proposed Shelter at Tweed Heads Hospital

GT1/41 Pt3

As this shelter is no longer going to be funded by the Hospital development, other funding will be necessary. Available grant funds are insufficient, but Council should be asked to authorise spending of Bus Shelter S94 Plan funds, which are sufficient.

RECOMMENDATION:

That Council votes an amount of \$5,500 from the Bush Shelter s94 Plan accumulated funds for the purchase and installation of a bush shelter in Powell Street at the entrance to Tweed Heads Hospital.

4. Requests for Seating

GT1/41 Pt3

Kingscliff St, near Surf St, is considered to be warranted, from grant funds.

Kennedy Drive, at the General Store, is considered to be warranted, from grant funds.

Ourimbah Road (shelter instead of seat), is not warranted.

Reports from Committees/Working Groups

As there is no budget for works which are outside the priorities of the Non-Urban Transport Infrastructure Program, and are not bus shelters (S94 Plan), it was agreed Council be asked to consider a budget for works such as seats and footpath improvements at bus stops:

RECOMMENDATION:

That Council considers providing funds in the next Annual Budget for public transport infrastructure works that are not projects approved under the Non-Urban Transport Infrastructure Program, and are not bus shelters under the Bus Shelter s94 Plan, but which arise from public requests, or requests such as that made by the Access Committee to improve access to bus stops.

5. Murwillumbah Timetable Signage Program

Estimated costs of \$1070 were circulated. It was suggested that PTDP be approached for assistance.

NEXT MEETING:

The next meeting of Public Transport Working Group Committee will be held Wednesday 12 December, 2000 (to be confirmed), 3.00pm at Murwillumbah TAFE College.

The meeting closed at 5.00pm.

Director's Comments:

Nil

DIRECTOR'S RECOMMENDATIONS:

3. Proposed Shelter at Tweed Heads Hospital

GT1/41 Pt3

Committee Recommendation:

That Council votes an amount of \$5,500 from the Bush Shelter s94 Plan accumulated funds for the purchase and installation of a bush shelter in Powell Street at the entrance to Tweed Heads Hospital.

Director's Recommendation:

As per Committee recommendation.

Reports from Committees/Working Groups

4. Requests for Seating

GT1/41 Pt3

Committee Recommendation:

That Council considers providing funds in the next Annual Budget for public transport infrastructure works that are not projects approved under the Non-Urban Transport Infrastructure Program, and are not bus shelters under the Bus Shelter s94 Plan, but which arise from public requests, or requests such as that made by the Access Committee to improve access to bus stops.

<i>Director's Recommendation:</i>
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<i>As per Committee recommendation.</i>

Reports from Committees/Working Groups

4. Minutes of the Local Traffic Committee Meeting held Friday 17 November 2000

Traffic Committee

VENUE:

Oxley Room

TIME:

Commencing at 9.00am.

PRESENT:

Committee Members: Cr George Davidson; Tweed Shire Council; Mike Baldwin, Roads and Traffic Authority; Sgt. Bill Darnell, NSW Police.

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

APOLOGIES:

Mr Don Page MP, Member for Ballina, Mr Neville Newell, MP, Member for Tweed.

MINUTES OF PREVIOUS MEETING:

RESOLVED that the Minutes of the Local Traffic Committee Meeting held Friday 20 October 2000 were tabled at the meeting and accepted by the Committee as a true and accurate record of the proceedings.

The Chairman advised that Item 24 Murwillumbah (Main Street) Disabled Parking Issues from the meeting held 20 October 2000 was changed by Council to read:-

“That the Traffic Committee liaises with the disability Committee to determine the best location for disabled car parking space towards the western end of Main Street, Murwillumbah Street.”

The Chairman also advised that the Road Safety Officer is following through on this resolution.

For Council’s Information

BUSINESS ARISING:

11. Orient Street, Kingscliff

R3960

GT2/11

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:-

Reports from Committees/Working Groups

- 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."

From meeting held 22 September, 2000 (item 11) the following was discussed and is now brought forward for further discussion:-

"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 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

Reports from Committees/Working Groups

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."

The Road Safety Officer stated that he had liaised with the school as the school was not supportive of changing the teachers all day parking adjacent to the school. As the Road Safety Officer had not received any further advice from the school he proposed that this area be changed to a short term parking area adjacent to the school.

RECOMMENDATION:

That a 5 minute parking zone be installed from 8.30 to 9.30am and 2.30 to 3.30 pm on the eastern side of Orient Street adjacent to the school.

10. Wollumbin Street, Murwillumbah

R5940

At the meeting of 20 October 2000 the following was discussed and is now brought forward for further discussion:-

"This late item was tabled by Cr Marshall.

Cr Marshall advised of complaints surrounding the pedestrian crossing accessing Sunnyside Shopping Mall in Wollumbin Street. It was requested that perhaps pedestrian signals could be installed to regulate both pedestrians and traffic.

The Chairman advised that Council would need to undertake a pedestrian/traffic survey to ascertain as to whether signalisation of this crossing would meet RTA warrants.

A report will be tabled at the next meeting of the Committee.

For Council's information."

The Chairman advised that 3 counts had been performed and between 10.15 and 11.15am and there were 335 pedestrians and 843 vehicles and in the following hour 438 pedestrians and 1078 vehicles. In the afternoon 2.15 to 3.15pm 337 pedestrians and 968 vehicles were counted. From 1.45 to 2.45pm 265 pedestrians and 688 vehicles were counted. It was noted that from 3.15 to 4.15pm the counts would probably be much higher. It was noted that this

Reports from Committees/Working Groups

location does meet the warrants for a signalised pedestrian crossing which are 250 pedestrians and 600 vehicles in each of four 1 hour periods in one day.

Approximate costs for a signalised pedestrian crossing were noted as \$60,000 for the lights and \$6,000 per year for maintenance. Noted that impact of traffic flow through the roundabout after installation of the lights is an issue. Pelican lights were seen as a problem for audio visually impaired pedestrians.

Decided that the Engineering Services Division investigate the issue further to assess the traffic impacts and the costing for the facility and report back to Council.

For Council's information.

23. Lindisfarne School, Mahers Lane

R3260

At the meeting held 22 September 2000 (item 23) the following was discussed and is now brought forward for further discussion:-

"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."*

The Road Safety Officer tabled a letter of complaint regarding the new bus zone from Mr & Mrs Maxwell dated 14 November 2000, DW NO. 576434.

Mr Steve Willis from Surfside Buslines joined the meeting.

Mr Willis advised that at present the situation of buses waiting for transfers for children is unsatisfactory. The previous practice of children using the school grounds to wait was much safer. When buses park on Mahers Lane they obstruct traffic going into the school and

Reports from Committees/Working Groups

sometimes buses have to reverse on leaving the new bus zone location to turn into the school. He advised that the more common sense approach would be to return to picking up and dropping off in the school area.

The Road Safety Officer advised that on speaking with the Principal he was informed that the school do not see it as their responsibility to have children not attending their school waiting for buses on their premises and that their primary concern is for children from their school. Currently there are up to 22 children standing on the footpath on Mahers Lane.

The Committee requested that the Road Safety Officer meet with the Principal to discuss the recommendation/resolution.

RECOMMENDATION:

That

1. A meeting be set up between Council officers and the School Principal in an attempt to have the bus interchange re-established on the Lindisfarne side and failing agreement from the principal:-
2. A school bus zone be installed on the western side of Mahers Lane between the entry and exit driveways and located so as to minimise disruption to turning traffic. This work would include relocation of signage, centre line markings and the provision of a bus shelter.

GENERAL BUSINESS:

Part A

1. Charles Street, Tweed Heads

R1041

Request received for assistance with the problem of speeding vehicles and the dangerous manner in which motorists are using Charles Street, Tweed Heads even though it is a designated 50kph speed zone.

The Chairman advised that the Engineering Services Division will undertake a speed classification survey and consult with the NSW Police. The Police Representative advised that if the results identified a speeding problem they will target the area for enforcement.

Cr Davidson left the meeting.

RECOMMENDATION:

That the applicant be advised that a speed classification survey is being undertaken on Charles Street, Tweed Heads and the results referred to the Police for action as required.

Reports from Committees/Working Groups

2. Pioneer Parade, Banora Point (Banora Point Primary School)

R4340 Pt2

Request received for the provision of a paid "Lollipop Person" for crossing duties before and after school at the Banora Point Primary School.

It has been stated that parents have reported that child safety problems are escalating which are associated with safe drop off and pick up zones around the school and that near misses have occurred on the roadway after school as large groups of children exit at once.

The RSO reported that in the morning 281 vehicles and 81 pedestrians were reported and in the afternoon 72 vehicles and 72 pedestrians in a 15 minute period. After that the numbers dropped to well below the warrant requirements.

The RTA Representative stated that 5300 counts were needed and then a hazard index performed. The RTA Representative requested more counts prior to a hazard index being performed. It was noted that other issues such as parked cars are a problem at this location and it may be more of a traffic management issue.

Cr Davidson returned.

It was decided that the Engineering Services Division should review the current signage with regard to bus zones, parking and warning signage.

For Council's information.

3. Kennedy Drive, Tweed Heads, Tweed Heads West

R2830

Request received for assistance with illegal parking on the footpath outside 104 Kennedy Drive, Tweed Heads West where a designated bus stop is located.

The Police Representative stated that the Police Department has also received correspondence on this issue. The Police Representative undertook to follow up this parking issue. Noted that Council has responded in relation to the footpath and cycleway program issues raised in the letter.

For Council's information.

4. Clothiers Creek Road, Condong

R1160

Request received for lowering of the speed limit on Clothiers Creek Road to 80 kph between the de-restriction sign east of Norths Lane and the bypass roadwork site near Tanglewood.

The Police Representative stated that he believed that derestrict signs are misleading to the community and that the speed limit should be 80kph from the coast to Murwillumbah. Cr

Reports from Committees/Working Groups

Davidson stated that large trucks are making the road more dangerous and when two trucks meet the problem is worsened. The possibility of a 5 tonne limit was discussed.

Cr Marshall left the meeting.

The RTA Representative explained RTA policy on rural roads including the fact that speeds should not be changed for driveways and that de-restrict signs are the correct signs for rural roads where a 100kph speed cannot generally be maintained by drivers.

It was decided that Clothiers Creek Road should be re-assessed as per RTA speed zone assessment procedures and reported back to the Committee.

RECOMMENDATION:

That the applicant be advised that the speed zone for the full length of Clothiers Creek Road is being reviewed however the speed zone cannot be reduced in isolated locations such as driveways.

5. Kingscliff Lane, Kingscliff

R2899

Request received for the provision of "No Parking" signs at the entrance of Kingscliff Lane with each cross street with Kingscliff Lane, as is the case between Beach Street and the Police station.

The Police Representative advised that if accesses are obstructed they should be contacted.

RECOMMENDATION:

That the applicant be advised that parking restriction signage on local roads generally is not supported. If driveways are obstructed then the Police can take action.

6. Scenic Drive, Bilambil Heights

R4930 Pt2

Petition received for the installation of protective barriers on the first two left turns travelling north down Scenic Drive, after Simpson Drive. It is claimed that drivers are ignoring the speed limit and travel too fast to take the turns safely, forcing themselves into oncoming vehicles.

The Chairman advised that since the installation of painted lines and raised pavement markers the accident rates have improved substantially and that no funds are available for the requested works in the current budget.

The Police Representative advised that people could report offending vehicle registration numbers and details to the Police and the Police can take action on their behalf.

Reports from Committees/Working Groups

RECOMMENDATION:

That the applicant be advised that:-

1. The Police are able to pursue the issue if vehicle registration details are obtained and reported to Tweed Heads Police Station.
2. There are currently no funds available for further works on Scenic Drive.

7. Minjungbal Drive, Tweed Heads South

R3454

Request to provide a pedestrian refuge through centre of the concrete median strip in Minjungbal Drive between Lloyd Street and Agnes Street, Tweed Heads to provide level access for elderly pedestrians to the bus stop opposite the tavern.

The Chairman advised that a 'strip' can be removed from the median and appropriate pedestrian signage installed when funds become available.

RECOMMENDATION:

That a pedestrian refuge be provided on Minjungbal Drive between Lloyd Street and Agnes Street when funds are available.

8. Murwillumbah Main Street,

R3640 Pt1

The Committee decided that Mrs Lesleighter should be able to address the Committee about 9.30am for a 3 minute time limit. Mrs Lesleighter claimed that the removal of the loading zone is not fair as she does not have access from the back of the building for deliveries. The wet weather is a problem for dry cleaning deliveries and heavy items such as carpets and curtains. Mrs Lesleighter requested a loading zone type arrangement in the front of the shop for the members of the Murwillumbah community that use the affected shops, as it used to be a no standing zone. The Committee noted however that other community members benefited by better access to public transport and the elimination of the extremely dangerous reversing of buses over the pedestrian crossing. It was also noted that it is difficult to balance the competing needs of businesses and the general public, especially when businesses do not have normal on-site facilities required for such businesses, but rather rely on the provision of these facilities on public roads.

The Road Safety Officer advised that a possible alternative location for a loading zone had been identified adjacent to the optometrist on the south/west side of the crossing. A section of awning between this location and the dry cleaners needs to be installed to provide covered access from the proposed loading zone to the dry cleaners. The proposed zone is visible from the shop avoiding the need to lock the shop and delivery van, both of which were identified as major concerns by Mrs Lesleighter previously. However Mrs Lesleighter did not accept this as a suitable compromise solution.

Reports from Committees/Working Groups

The RTA Representative undertook to check on the rules for approaches to crossings and bus zones to determine if a loading zone could be installed 2.0m from the crossing on the departure side.

The Committee decided that investigations should continue on the legality of the proposed loading zone adjacent to the pedestrian crossing. However, the RTA have since advised that the Australian Road Rules require a 10m "No Stopping" zone on the departure side of pedestrian crossings and if any changes were proposed to the current zones then the 10m "No Stopping" zone would need to be provided which means the preferred loading zone as requested by Mrs Lesleighter cannot be provided adjacent to the dry cleaning shop.

The Committee does not support the relocation of the bus zone as it is more efficient for public transport users and safer for pedestrians utilising the Queen Street pedestrian crossing and that the "no parking" zone provided in Queen Street is considered to be reasonably located for deliveries to businesses in the vicinity given that no on site loading facilities have been provided.

The Committee requested that Mrs Lesleighter be advised accordingly."

9. Scenic Drive, Bilambil Heights

R4930 Pt2

A consent condition requires a pedestrian refuge on Scenic Drive between the shops and the Villa World development.

The Committee supports the provision of a pedestrian refuge on Scenic Drive between the shops and the Villa World development, as per the consent condition.

RECOMMENDATION:

That the Committee supports the provision of a pedestrian refuge on Scenic Drive between the shops and the Villa World development as per the condition of consent.

10. Murwillumbah Bowling Club, Condong Street

R1290

Late item via Cr Davidson that there is no provision for disabled parking at the Murwillumbah Bowling Club

RECOMMENDATION:

That a disabled parking space be provided at the Murwillumbah Bowling Club subject to a suitable space being identified and ratified by the Disability Access Committee.

Reports from Committees/Working Groups

11. Wollumbin Street, Murwillumbah

R5940

R3770

Late item via Cr Davidson that there should be a pedestrian crossing near the new Community Centre on the corner of Wollumbin Street and Nullum Street.

Noted that counts need to be undertaken by Engineering Services once the centre is fully operational but at this stage RTA warrants (specifications) for a zebra crossing would not be met.

For Council's information.

12. Pedestrian Crossing Campaign

Traffic – Pedestrian Crossings

Late item tabled by Cr Davidson. The Disabled Access Committee is requesting that a driver awareness campaign be commenced regarding drivers slowing down on approach to pedestrian crossings.

The Road Safety Officer will take the issue up with the Road User Safety Manager at the RTA in Grafton.

For Council's information.

NEXT MEETING:

The next meeting is scheduled for Thursday 14 December 2000.

The meeting closed at 10:55am.

Director's Comments: *NIL*

DIRECTOR'S RECOMMENDATIONS:

Traffic Committee

Committee Recommendation:

That a 5 minute parking zone be installed from 8.30 to 9.30am and 2.30 to 3.30 pm on the eastern side of Orient Street adjacent to the school.

Director's Recommendation: *Nil*

Reports from Committees/Working Groups

23. Lindisfarne School, Mahers Lane

R3260

Committee Recommendation:

That

1. A meeting be set up between Council officers and the School Principal in an attempt to have the bus interchange re-established on the Lindisfarne side and failing agreement from the principal:-
2. A school bus zone be installed on the western side of Mahers Lane between the entry and exit driveways and located so as to minimise disruption to turning traffic. This work would include relocation of signage, centre line markings and the provision of a bus shelter.

Director's Recommendation: Nil

1. Charles Street, Tweed Heads

R1041

Committee Recommendation:

That the applicant be advised that a speed classification survey is being undertaken on Charles Street, Tweed Heads and the results referred to the Police for action as required.

Director's Recommendation: Nil

4. Clothiers Creek Road, Condong

R1160

Committee Recommendation:

That the applicant be advised that the speed zone for the full length of Clothiers Creek Road is being reviewed however the speed zone cannot be reduced in isolated locations such as driveways.

Director's Recommendation: Nil

5. Kingscliff Lane, Kingscliff

R2899

Committee Recommendation:

That the applicant be advised that parking restriction signage on local roads generally is not supported. If driveways are obstructed then the Police can take action.

Director's Recommendation: Nil

Reports from Committees/Working Groups

6. Scenic Drive, Bilambil Heights

R4930 Pt2

Committee Recommendation:

That the applicant be advised that:-

1. The Police are able to pursue the issue if vehicle registration details are obtained and reported to Tweed Heads Police Station.
2. There are currently no funds available for further works on Scenic Drive.

Director's Recommendation: Nil

7. Minjungbal Drive, Tweed Heads South

R3454

Committee Recommendation:

That a pedestrian refuge be provided on Minjungbal Drive between Lloyd Street and Agnes Street when funds are available.

Director's Recommendation: Nil

9. Scenic Drive, Bilambil Heights

R4930 Pt2

Committee Recommendation:

That the Committee supports the provision of a pedestrian refuge on Scenic Drive between the shops and the Villa World development as per the condition of consent.

Director's Recommendation: Nil

10. Murwillumbah Bowling Club, Condong Street

R1290

Committee Recommendation:

That a disabled parking space be provided at the Murwillumbah Bowling Club subject to a suitable space being identified and ratified by the Disability Access Committee.

Director's Recommendation: Nil

Reports from Committees/Working Groups

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

5. **Minutes of the Community Advisory Committee Meeting held 28 September 2000**
 6. **Minutes of the Occupational Health and Safety Committee Meeting held Wednesday, 8 November 2000**
 7. **Minutes of the Tweed Shire Council Consultative Committee Meeting held Thursday 16 November 2000**
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Reports from Committees/Working Groups

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Delegate's Reports

1. ORIGIN: Cr G Lawrie – NSW Coastal Policy

FILE REF: NSW Coastal Policy, Conferences

REPORT TITLE:

**Report on NSW Coastal Policy – Parliament House, Sydney and Mosman Municipal Council,
Friday 10 November 2000**

RECOMMENDATION:

That this report be received and noted.

Delegate's Reports

REPORT:

I attended the above conference with Mayor Beck, Deputy Mayor Brinsmead and Director Broyd that day.

After an introduction by Professor B Thom, an address was given by Deputy Premier Refshauge, Minister for Planning, on the philosophy held by the NSW Government regarding coastal development, including an overview of its Coastal Policy 1997.

The Minister stated that if we are to continue to have population growth of 1-2%, it must occur with our coastal treasures in mind.

Better integration of planning is required.

Some of the issues considered by the Government regarding coastal planning included the important value of estuaries, and that sustainability of development was one of its key themes.

Balance was required in relation to our environment. In other words, our towns and cities must be sustainable alongside our natural environment.

Leaving life in the city, with people going through their own "seachange", must not be permitted to destroy the natural environment that attracted those people from the cities.

Planning action is another aspect of the Coastal Policy. The Government has acquired in the order of \$6m worth of sites for the Coastal Lands Protection Scheme.

It has banned canal estates, legislated to protect coastal wetlands, and has put in place SEPP26.

It has also moved to protect the fishing industry from acid sulphate soils.

The Minister went to pains to emphasise that the Government was not in favour of blocking development but did want to stop "inappropriate" development.

The Government wants appropriate and sustainable development in the coastal zone, and wants better protection of our beaches.

The Coastal Policy has been cited in the Land & Environment Court for not supporting certain proposals.

Further, compact development rather than ribbon development is preferred.

He stated that the Coastal Policy and sustainability is NOT anti-development. But development must be carried out in a responsible way, and "good development" was to be encouraged.

Our beautiful coast line is to be protected, and there must be much public access to it.

The Government did want seachange but did not want the coast line to be "short changed".

During question time, the Minister was asked whether he thought the Coastal Policy should receive legislative support and endorsement. He preferred for there not to be the heavy hand of Government, but rather that there be an educative approach.

Delegate's Reports

The next speaker was a developer of the Wallarah Peninsular with the ocean to the east and Port Macquarie to the west.

Numerous Port Macquarie councillors were present when he gave an overview of the history of the site, including the research and analysis which were undertaken as to the suitability for various intensities of development.

He was of the view that his was a very sensible and sensitive development. He received a number of expressions of congratulations from members of the audience.

After the morning tea break there were three different workshops, and we attended the Northern Development Workshop, with the facilitator being Professor Thom. He wanted to know of any obstacles in Local Government in implementing the Coastal Policy.

He asked whether improvements could be made to the process, what did Councillors need to know, and how could we work more closely together.

A suggestion was made (by D Broyd) that the Coastal Council of NSW be involved at the s62 stage of an LEP, as a sensible step forward.

The acting General Manger of Byron Council thought this was very inefficient and that there was a need for a time line for the Coastal Council to respond. It should not be involved in all of the increasing number of changes to LEPs.

There was much debate about what should be the role of the Coastal Council, and whether it should become another step within the decision making process or rather should remain as an advisory body to the Government.

After lunch we were taken on a guided tour of, and shown various measures put in place by, Mosman Municipal Council, a Council bordering Sydney Harbour.

We were shown a number of installations of that Council's stormwater quality improvement devices (SQIDs), and were informed of the tonnage of rubbish which was trapped in the SQIDs and thereby prevented from reaching and thereby polluting Sydney Harbour.

The day finished with a ferry ride from a small bay within Sydney Harbour back to Circular Quay.

Delegate's Reports

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Outstanding Inspections

1. Council Land - Mt Nullum

12. Use of Land - Mt Nullum

Land Development – Mt Nullum

819

Cr Boyd

Cr Luff

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

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

Outstanding Inspections

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Orders of the Day

1. Notice of Motion - Cr Lawrie

Overdue Rates - Pamela Beecheno (Love)

Notice of Motion, Rates-Arrears

That the Director Corporate Services brings forward a confidential progress report on Pamela Beecheno (Love) regarding overdue rates.

2. Notice of Motion - Cr Lawrie

Dredging of the Cudgen Creek Bar

Notice of Motion, Dredging, Cudgen Creek

That Council approaches the Local State Member, Mr N Newell, requesting him to approach the State Government for urgent funding for the dredging of the Cudgen Creek Bar to make it safe for navigation.

3. Notice of Motion - Cr Boyd

Realignment of the Coast Road - Seaside City

Notice of Motion, R0990

That a full and detailed report be presented to Council with regard to the late report dealing with the realignment of the Coast Road within Seaside City Estate and to cover all matters associated therewith including the following:-

- a. The completeness of the development application.*
- b. The completeness of the Part V application.*
- c. The completeness of the Certificate of Construction application.*

In addition the report should include the difficulty placed upon staff to process this approval in order to meet the deadline of 17 November 2000.

Orders of the Day

4. Notice of Motion - Cr Brinsmead

Kingscliff Tourism Site, South Kingscliff (Lot 490)

Notice of Motion, DA1190/115-S Pt1

That Council recommends that the Tweed Coast Reserves Trust should:-

1. *Hand back the sole management of the 25.5 hectare Kingscliff tourism site at South Kingscliff (Lot 490) to the Department of Land and Water Conservation, and that the Trust takes no further part in formulating any Plan of Management or in any negotiations regarding the future of this parcel of Crown Land.*
 2. *Request that the Department of Land and Water Conservation should make up the shortfall of Council's caring for the Tweed Coast Crown Reserves, or otherwise the Department of Land and Water Conservation should be asked to take back the care and management of all Crown Land.*
-

5. Notice of Motion - Cr Brinsmead

Kingscliff Tourism Site, South Kingscliff (490)

Notice of Motion, DA1190/115-S Pt1

That Council writes to the Local Member, Mr Neville Newell and expresses its disappointment that he should make some very inaccurate comments regarding Tweed Shire Councillors having a conflict of interest in respect to the management of the tourism site (Lot 490) at South Kingscliff (see Tweed Shire Development Hansard, 22/11/2000) when in fact our General Manager and our legal advisers have declared there is no conflict of interest on the part of the Trustees whatsoever. Further, that Council should ask the Local Member to apologise for speaking of the majority of the Councillors in this chamber in terms that were both derogatory and personally insulting.
