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Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business. 6

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (d) commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the council, or (iii) reveal a trade secret 6

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (e) information that would, if disclosed, prejudice the maintenance of law 6

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Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (d) commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the council, or (iii) reveal a trade secret 9

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Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (d) commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the council, or (iii) reveal a trade secret 13

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Items for Consideration of Council

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Schedule of Outstanding Resolutions

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: Draft Policy nearing completion.

20 DECEMBER 2000

ORDERS OF THE DAY

1. Council Pound Facility

Dog Pound, Notice of Motion

651

Cr Marshall

Cr Youngblutt

RESOLVED that the General Manager be requested to bring forward a report outlining options for the expansion/re-building of the Cattery area of the Council Pound facility as a matter of urgency. The report to detail potential funding from the accumulated funds from the new registration scheme associated with the Companion Animals Act 1998.

Current Status: Report being prepared.

Schedule of Outstanding Resolutions

21 FEBRUARY 2001

REPORTS FROM DIRECTOR ENGINEERING SERVICES

11. Tweed Valley Flooding 2 - 4 February 2001

Floods, SES

766

Cr Boyd

Cr Carroll

RESOLVED that:-

1. This report be received and noted.
2. Councillors interested in viewing the ENVIROMON Program contact the Manager Water who will arrange demonstrations.
3. The Director Engineering Services brings forward a report with recommendations as to the conduct of a flood awareness program.
4. Council co-operates in a joint public meeting with the SES.

Current Status: Report being prepared.

7 MARCH 2001

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

4. Installation of a Telecommunications Facility at Lot 8 DP 804836 No 349 Pottsville Road, Sleepy Hollow

DA4420/94 Pt1

796

Cr Luff

Cr Boyd

RESOLVED that:

1. Development Application No 1229/2000DA for the installation of a telecommunications facility at Lot 8, DP 804836, Pottsville Road, Sleepy Hollow be deferred and the applicant requested to provide additional information in relation to the assessment of alternative siting options.
2. A further report be forwarded to Council following receipt of the additional information.

Current Status: To be finalised.

Schedule of Outstanding Resolutions

21 MARCH 2001

REPORTS FROM SUB-COMMITTEES

2. Minutes of the Tweed River Management Plan Advisory Committee Meeting held Wednesday 7 February 2001

Tweed River Management Plan

6. Commercial Boat Operations on the Tweed Estuary

Boating, Development Applications

887

Cr Marshall

Cr Boyd

RESOLVED that Council investigates development of a by-law to charge a penalty fine for vessels illegally moored on public facilities.

Current Status: To be finalised.

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

5. Dilapidated Structures - Tumbulgum

PF0460/270 Pt1

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

C161

That Council:-

1. Undertakes the work to
 - a) Connect the dwelling situated at Lots 29/30 Section 2 DP 1223 No. 47-49 Bawden Street, Tumbulgum to the council sewer.
 - b) Demolish and remove the dilapidated/illegal ferneries/pergolas situated at Lots 29/30 Section 2 DP 1223 No. 47-49 Bawden Street, Tumbulgum.
 - c) Remove waste materials and disused motor vehicles as required from Lots 29/30 Section 2 DP 1223 No. 47-49 Bawden Street, Tumbulgum.
2. Receives a further report to be submitted on the matter of the repairs/maintenance to the dwelling situated at Lots 29/30 Section 2 DP 1223 No. 47-49 Bawden Street, Tumbulgum.
3. Raises a debt against the property to recover all costs.

Current Status: Report on the repairs/maintenance of the dwelling to be completed after other work completed.

Schedule of Outstanding Resolutions

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Mayoral Minute

Councillors,

1. Neighbourhood Watch – National Road Rules Governing Riding of Bicycles & Skateboards on Footpaths in CBD Areas

Skateboards

A request has been received from Neighbourhood Watch for support to have the law governing skateboards and bike riding around the footpaths of main street shops, irrespective of age, amended to give the footpaths back to the pedestrian.

This letter forms an attachment to the Business Paper.

2. Congratulations

Congratulations

David Broyd, Director Development Services, has been awarded the prestigious Stephen Ward Scholarship, sponsored by the NSW Local Government and Shires Associations.

Congratulations on an outstanding achievement.

Mayoral Minute

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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: DA1180/10 Pt5

REPORT TITLE:

Deed of Agreement – Six (6) Lot Subdivision of Lots 194, 301, 312 DP 755701 Coast Road, South Kingscliff

SUMMARY OF REPORT:

On 18 May, 2000 the Minister for Urban Affairs and Planning issued a development consent to Lenen Pty Ltd to subdivide Lots 194, 301 and 312 DP 755701 Coast Road, South Kingscliff into six (6) lots. Condition 84 of the development consent relates to the provision of outfall sewerage reticulation to the proposed lots. Condition 84 is as follows:-

“84. The applicant will provide, outfall sewerage reticulation services to all lots within the subdivision. Outfall sewerage reticulation includes the provision of sewerage infrastructure (sized for ultimate yields) to each allotment and a minimum 150mm diameter sewerage sewer junction terminated at least 1m inside the property boundary of each lot in accordance with engineering plans to accompany the construction certificate application. The reticulation system shall be designed and constructed in accord with Development Control Plan No. 16 – Subdivisions Manual. The service is to be either in place before the issue of a subdivision certificate or bonded prior to the release of the subdivision certificate.

If the works are bonded then the works are to be in place prior to the issue of a construction certificate for any future development of any Management Lot. Council will accept a bond in cash or by way of bank guarantee, unlimited in time, for an amount based upon the estimated cost of the works plus 20% as well as a Deed of Agreement with Council pursuant to Section 27 of the Water Supply Authorities Act to secure compliance with the bonded works. The Deed shall be executed prior to release of the subdivision certificate.”

In accordance with the condition, Lenen Pty Ltd have requested that these works be covered by a bank guarantee. As required by the condition a Deed of Agreement is required to be executed pursuant to Section 27 of the Water Supply Authorities Act to secure compliance with the bonded works. This Deed will need to be executed under the Common Seal of Council.

RECOMMENDATION:

That any documents relating to the Deed of Agreement in relation to Condition 84 of Development Consent K99/1755 be executed under the Common Seal of Council.

Reports from Director Development Services

REPORT:

On 18 May, 2000 the Minister for Urban Affairs and Planning issued a development consent to Lenen Pty Ltd to subdivide Lots 194, 301 and 312 DP 755701 Coast Road, South Kingscliff into six (6) lots. Condition 84 of the development consent relates to the provision of outfall sewerage reticulation to the proposed lots. Condition 84 is as follows:-

“84. The applicant will provide, outfall sewerage reticulation services to all lots within the subdivision. Outfall sewerage reticulation includes the provision of sewerage infrastructure (sized for ultimate yields) to each allotment and a minimum 150mm diameter sewerage sewer junction terminated at least 1m inside the property boundary of each lot in accordance with engineering plans to accompany the construction certificate application. The reticulation system shall be designed and constructed in accord with Development Control Plan No. 16 – Subdivisions Manual. The service is to be either in place before the issue of a subdivision certificate or bonded prior to the release of the subdivision certificate.

If the works are bonded then the works are to be in place prior to the issue of a construction certificate for any future development of any Management Lot. Council will accept a bond in cash or by way of bank guarantee, unlimited in time, for an amount based upon the estimated cost of the works plus 20% as well as a Deed of Agreement with Council pursuant to Section 27 of the Water Supply Authorities Act to secure compliance with the bonded works. The Deed shall be executed prior to release of the subdivision certificate.”

In accordance with the condition, Lenen Pty Ltd have requested that these works be covered by a bank guarantee. As required by the condition a Deed of Agreement is required to be executed pursuant to Section 27 of the Water Supply Authorities Act to secure compliance with the bonded works. This Deed will need to be executed under the Common Seal of Council.

Reports from Director Development Services

2. ORIGIN: Development Assessment Unit

FILE REF: DA3340/220 Pt1

REPORT TITLE:

Proposed Alterations and Additions to Existing Commercial/Residential Development Comprising the Conversion of the Existing Bank Premises to a Restaurant and the Erection of Two Two-Bedroom Units at the Rear at Lot 1 Section 4 DP 9453, 36 Marine Parade Kingscliff

SUMMARY OF REPORT:

This report provides an assessment of proposed alterations and additions to existing commercial / residential development comprising the conversion of the existing bank premises to a restaurant and the erection of two two-bedroom units at the rear at Lot 1 Section 4 DP 9453, 36 Marine Parade Kingscliff. The site is zoned 3(b) General Business and contains an existing three-storey mixed commercial / residential development known as the Ocean View Building. The existing building was approved in 1988 and is a flat roofed structure with little merit in terms of design.

The proposed development involves the conversion of the existing bank premises to a restaurant and the erection of a two-storey addition containing two two-bedroom units above the existing car parking area.

Although not statutorily required, the application was notified and advertised in accordance with Council policy. Four (4) submissions were received in relation to the application and the issues raised are addressed in detail later in this report.

The submissions raise concerns regarding the permissibility of the residential component of the development, the impact of the proposal on views from existing residential development to the south, inadequate car parking provision and potential impacts on privacy.

The proposed mixed commercial / residential development is consistent with the objectives of the 3(b) General Business Zone. The proposal is consistent with the vision for Kingscliff and the town centre precinct detailed in the recently adopted development control plan for Kingscliff.

The proposed development is not considered likely to result in significant adverse impacts on the amenity of surrounding neighbours in terms of the loss of views or impacts on privacy. The application is therefore recommended for approval subject to conditions.

RECOMMENDATION:

That Development Application 0079/2001DA for alterations and additions to existing commercial/residential development comprising the conversion of the existing bank premises to a restaurant and the erection of two two-bedroom units at the rear at Lot 1 Section 4 DP 9453, 36 Marine Parade, Kingscliff, be approved subject to the following conditions.

Reports from Director Development Services

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

General

1. 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.
2. The payment of a contribution of \$11,500 in lieu of the provision of one (1) off street car parking spaces. The contribution to be paid in full prior to the issue of a Construction Certificate.
3. Compliance with the provisions of the Occupational Health and Safety Act and the Australian Standards AS 1742; particularly in respect of works on public roads, Traffic control shall be in accordance with RTA form 121 and safe public access shall be provided at all times.
4. The windows on the southern façade of the proposed building (fronting Hungerford Lane) are to be appropriately screened to reduce potential overlooking of the residential properties to the south. Details are to be submitted to Council for approval prior to the release of the Construction Certificate.

Contributions

5. Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan prior to the issue of a Construction Certificate/prior to the issue of a Subdivision Certificate. These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

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

a. Tweed Road Contribution Plan:

(Residential) \$2184.00

(Commercial) \$6762.00

S94 Plan No. 4 (Version 4.0)

(Kingscliff) residential & commercial

b. Open Space (Casual): 2 units @ \$253 \$506.00

S94 Plan No. 5

Reports from Director Development Services

8. No approval is granted for outdoor dining or any associated structures.
9. 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.
10. 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 release of any linen plan of subdivision and/or prior to occupation of the buildings.
11. 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.
12. 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.
13. The provision of 7 off street car parking spaces (5 to be allocated for the residential use, one of which to be a visitor space – accessible at all times). The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.
14. Advertising structures/signs to be the subject of a separate development application, where statutorily required.
15. The premises shall be suitably identified by Unit No. (where appropriate) and Street Number displayed in a prominent position on the facade of the building facing the primary street frontage, and is to be of sufficient size to be clearly identifiable from the street.
16. 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.
17. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the Director, Development Services PRIOR to the issue of a subdivision certificate. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.
18. For the purpose of classifying the building or portion of the building in such one of the classes prescribed in Part A3.2 of the Building Code of Australia, change of use of the building or portion of the building shall not be effected without the consent of Council.
19. 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.

Reports from Director Development Services

20. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".
21. 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.
22. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve.
23. 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".
24. The certifying authority to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a. footings, prior to pouring of concrete;
 - b. slab, prior to pouring of concrete;
 - c. frame prior to the erection of brick work or any wall sheeting;
 - d. final inspection prior to occupation of the building;
 - e. completion of work.
25. 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.

Reports from Director Development Services

26. 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.
27. 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.
28. In accordance with Section 109F(i) of the Environmental Planning & Assessment Act, 1979 (as amended), a construction certificate for **SUBDIVISION WORKS OR BUILDING WORKS** shall **NOT** be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment.
29. All dwellings to be fitted with an energy efficient hot water system which achieves a minimum energy efficiency rating of 3.5 stars as detailed in Development Control Plan No. 39 – Energy Smart Homes Policy.
30. Development to be completed in accordance with NatHERS Certification and associated documentation prepared by Kendal Mackay and dated 25/1/2001.
31. The restaurant is restricted to a maximum of 40 seats (indoor dining) and 3 staff.
32. The hours of operation of the restaurant are restricted to 7.30am to 10.00pm Sunday to Tuesday, 7.30am to 11.00pm Wednesday, 7.30pm to 12.00am Thursday and 7.30am to 1.30am Friday and Saturday.

PRESCRIBED (BUILDING)

Reports from Director Development Services

33. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-
 - (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council, or
 - (c) if that is not practicable, any other sewage management facility approved by the council.
34. 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.
35. 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.
36. 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).
37. 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

Reports from Director Development Services

purposes of the definition of *owner-builder work* in Section 29 of that Act,

and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

- B. A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
38. 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.
39. 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)
40. 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.
41. 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.
42. 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

Reports from Director Development Services

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

CAR WASH DOWN AREAS – MEDIUM DENSITY DEVELOPMENT (BUILDING)

43. Provision to be made for the designation of a durable and pervious car wash-down area/s. The area/s must be identified for that specific purpose and be supplied with an adequate water supply for use within the area. Any surface run-off from the area must not discharge directly to the stormwater system.

ENGINEERING

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

FIRE (BUILDING)

45. Portable fire extinguishers containing an extinguishing agent suitable for the risk being protected must be installed in accordance with Australian Standard AS 2444 “Portable Fire Extinguishers - Selection and Location” and Part E1.6 of the Building Code of Australia.
46. An automatic fire detection and alarm system, designed to ensure the occupants are given adequate warning so they can evacuate the building in an emergency, must be installed in Class 2 and 3 buildings and Class 4 part of a building in accordance with the provisions of Specification E2.2a of the Building Code of Australia. Smoke alarms must be installed:
 - (i) within each sole occupancy unit, located on or near the ceiling in any storey -
 - (A) containing bedrooms -
 - (aa) between each part of the sole occupancy unit containing bedrooms and the remainder of the sole occupancy unit; and
 - (bb) where bedrooms are served by a hallway, in that hallway; and
 - (B) not containing any bedrooms, in egress paths; and
 - (ii) in a building not protected with a sprinkler system, in public corridors and other internal public spaces, located in accordance with the requirements for smoke detectors in AS 1670 and connected to activate a **building occupant warning system** in accordance with Specification 2.2a(6) of the Building Code of Australia which states:

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

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

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

- 47. The existing residential units on the north of the site are to be fitted with a smoke alarm and emergency lighting in accordance with the requirements of the Building Code of Australia.

SWIMMING POOLS (BUILDING)

- 48. A. The swimming pool is to be installed and access thereto restricted in accordance with Council's "**Code for the Installation of New Swimming Pools**" and Australian Standard AS 1926-1986 (Copy of code enclosed).
- B. Swimming pools shall have suitable means for the drainage and disposal of overflow water.
- C. The pool filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.
- D. It is the responsibility of the pool owner to ensure that the pool fencing continues to provide the level of protection required regardless of and in response to any activity or construction on the adjoining premises. Due regard must be given to the affect that landscaping will have on the future effectiveness of the security fencing. (Section 7 Swimming Pool Act 1992).
- E. The resuscitation poster must be permanently displayed in close proximity to the swimming pool. (Section 17 Swimming Pool Act 1992).
- F. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction.
 - a. Steel reinforcing prior to the pouring of concrete.
 - b. Swimming pool safety fencing prior to filling the pool with water.
- G. In the event that Council is not utilised as the inspection/certifying authority:-
 - a. Within seven (7) days of the filling of the pool a Compliance Certificate in the prescribed form shall be submitted to Council together with the prescribed fee, by the Accredited Certifier to certify that all works have been completed

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in accordance with the approved plans and conditions of Consent and that the swimming pool safety fencing has been installed and complies with AS 1926.

- b. The Certifying authority is to be given 24 hours notice in writing for an inspection of the swimming pool safety fencing prior to filling the pool with water.
49. Backwash from swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.
50. The swimming pool is to be sited at least one metre horizontally clear of sewer main on site. Any part of the structure within the area of influence of the sewer main is to be designed by a practising Structural Engineer. The engineer is to submit a certification to the Principal Certifying Authority that the design will ensure that all loads will be transferred to the foundation material and will not effect or be effected by the sewer main.

FOOD PREMISES (BUILDING)

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

ROADS/STREETS

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57. The access to and the surface of the two (2) parking bays off Hungerford Lane shall be constructed on the same sloping gradient as Hungerford Lane and not as illustrated on the plans submitted with the Development Application. The applicant is required to kerb and gutter the laneway and the proposed access will be further 120mm higher. Plans to be submitted for the approval of the Director, Engineering Services prior to the commencement of works.
58. The applicant shall provide kerb and gutter to all street frontages as required by the Director, Engineering Services. Kerb and guttering shall be provided to Council's specifications and inspected by a representative of Council's Engineering Services Division.
59. The owner or contractor must not undertake any work within the public road reserve without giving Council's Engineering Services Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.
60. 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. Paving bricks are not acceptable unless laid on a 100mm thick concrete base.
61. Where the kerb is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.
62. Pram ramps are to be constructed at road intersections in accordance with Council's Plan No. A4-96 to the satisfaction of the Director of Engineering Services and in accordance with Council's Standard Plan No. A4-96. Mountable or roll top kerb does not meet pram ramp requirements, and therefore requires a pram ramp to be constructed as above.
63. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road. If the proposed development requires driveway access (or modification of access) onto a public road, prior to the issue of a construction certificate and prior to any works taking place on the public road, a detailed application for access/driveway under Section 138 of the Road Act must be submitted to and consent granted by Council. Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

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64. Concrete footpaving between the kerb & boundary line is to be provided to both laneway frontages & must be inspected by a representative of Council's Director of Engineering Services prior to pouring concrete.
65. All disused laybacks along any site frontage are to be removed and replaced with kerb & gutter to the satisfaction of the Council's Director of Engineering Services.

DRAINAGE/FLOODING

66. Erosion and Sediment Control During the Construction Phase of Development
 - (a) Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with the *"Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan *"Tweed Shire Council Aus-Spec D7 - Stormwater Quality"* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond (if required) has been released.
 - (b) The Construction Certificate Application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
67. 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.
68. 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.
69. Permanent Stormwater Quality Treatment
 - (a) Permanent stormwater quality treatment shall comply with *"Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction or 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*

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Council, Aus-Spec D7 - Stormwater Quality is deemed to comply with the objectives in 5.5.3.

- (b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.
- (c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.

70. Section 68 Local Government Act 1993 approval for stormwater drainage works.

A construction certificate application for works that involve any of the following:-

- connection of a private stormwater drain to a public stormwater drain
- installation of stormwater quality control devices
- erosion and sediment control works

will not be approved until prior separate approval to do so has been granted by Council under section 68 of the Local Government Act 1993.

Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

ENVIRONMENT PROTECTION

71. 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.
72. 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.
73. 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.
74. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays.

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75. 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.

76. The wall and roof cladding is to be of a non reflective nature to the satisfaction of the Principal Certifying Authority.

PLUMBING AND DRAINAGE

77. 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.
78. 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.
79. 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.
80. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
81. 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.
82. Where two (2) or more premises are connected by means of a single house service pipe, the owner of each premises must (*unless all the premises are occupied by a single*

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household or firm as a residence or place of business) ensure that a separate water meter, of a class and size approved by Council, is installed on each of those premises.

83. 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.

TRADE WASTE

84. 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.
85. 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.
86. A hose tap shall be provided adjacent to a grease arrester for cleaning purposes and shall be fitted with a RPZD for the purpose of back flow prevention.
87. Three copies of detailed hydraulic plans shall be submitted with all trade waste applications showing size, type and location of pre-treatment devices. Including all plumbing and drainage installations to these devices which shall comply with AS3500.
88. A trade waste agreement will be issued and a permit number allocated once the device has been installed, inspected and Council has received a copy of the Waste Contractor's Service Agreement
89. Trade Waste application fee will be applicable as per Councils Fees and Charges.

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REPORT:

Applicant: Gary Shiels & Associates P/L
Owner: Seachange Projects Pty Ltd
Location: Lot 1 Section 4 DP 9453, No. 36 Marine Parade, Kingscliff
Zoning: 3(b) General Business
Est Cost: \$215 000

BACKGROUND

Council is in receipt of a development application from Gary Shiels & Associates P/L for alterations and additions to existing commercial / residential development comprising the conversion of the existing bank premises to a restaurant and the erection of two two-bedroom units at the rear at Lot 1 Section 4 DP 9453, 36 Marine Parade Kingscliff.

The subject site is irregular in shape. It has 13.6 metres frontage to Marine Parade to the north, 7.06 metres frontage to Hungerford Lane to the south, 40.23 metres frontage to Sutherland Lane to the west and an eastern boundary of 39.39 metres. The site falls c. 5.28 metres from the south (Hungerford Lane) towards the north (Marine Parade).

The site contains an existing three-storey mixed commercial / residential development known as the Ocean View Building which was approved in March 1988. The existing building contains a former bank premises, a shop and a lunchroom and toilet facilities on the ground floor and two three-bedroom units above. A car park with access from Sutherland Lane is located to the rear of the existing building and contains parking for 5 vehicles.

The subject site is located within the Kingscliff town centre and surrounding development includes mixed residential / commercial development to the east and west fronting Marine Parade, the Council car park and foreshore parkland opposite the site to the north, and residential development to the south.

The proposed development involves the conversion of the existing bank premises to a restaurant and the erection of a two-storey addition containing two two-bedroom units above the existing car parking area. The application as initially submitted included the erection of a canopy structure over a proposed outdoor dining area within the adjacent part of Marine Parade and including an area currently used as 2 on-street parallel parking spaces. The application was subsequently amended to delete this component of the proposal on 4 April 2001 due to design issues related to proposed replacement car parking spaces. The applicant proposes to submit a separate application for outdoor dining and associated structures.

The proposed development is summarised as follows in the Statement of Environmental Effects that accompanied the application:

- Conversion of the existing bank premises (now vacant) to an “on licence” restaurant, incorporating a dining area of approximately 50m², and a kitchen, reception and storage area

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of approximately 56 m², demolition of the existing lunch room / store room of 14 m² to accommodate a courtyard featuring a plunge pool;

- Erection of a 2 storey addition surmounting the car parking accommodation comprising 2 x 2 bedroom units, one with 90m² net floor area on level 1 and one with 103 m² on level 2; and
- Provision of 2 additional car parking spaces to be accessed from the rear lane.

The premises presently used as a dentist will remain as is. The proposed gross floor area is 631 m². The proposed hours of operation of the restaurant are 7.30am to 10.00pm Sunday to Tuesday, 7.30am to 11.00pm Wednesday, 1.30am to 12.00 am Thursday and 7.30am to 1.30 am Friday and Saturday.

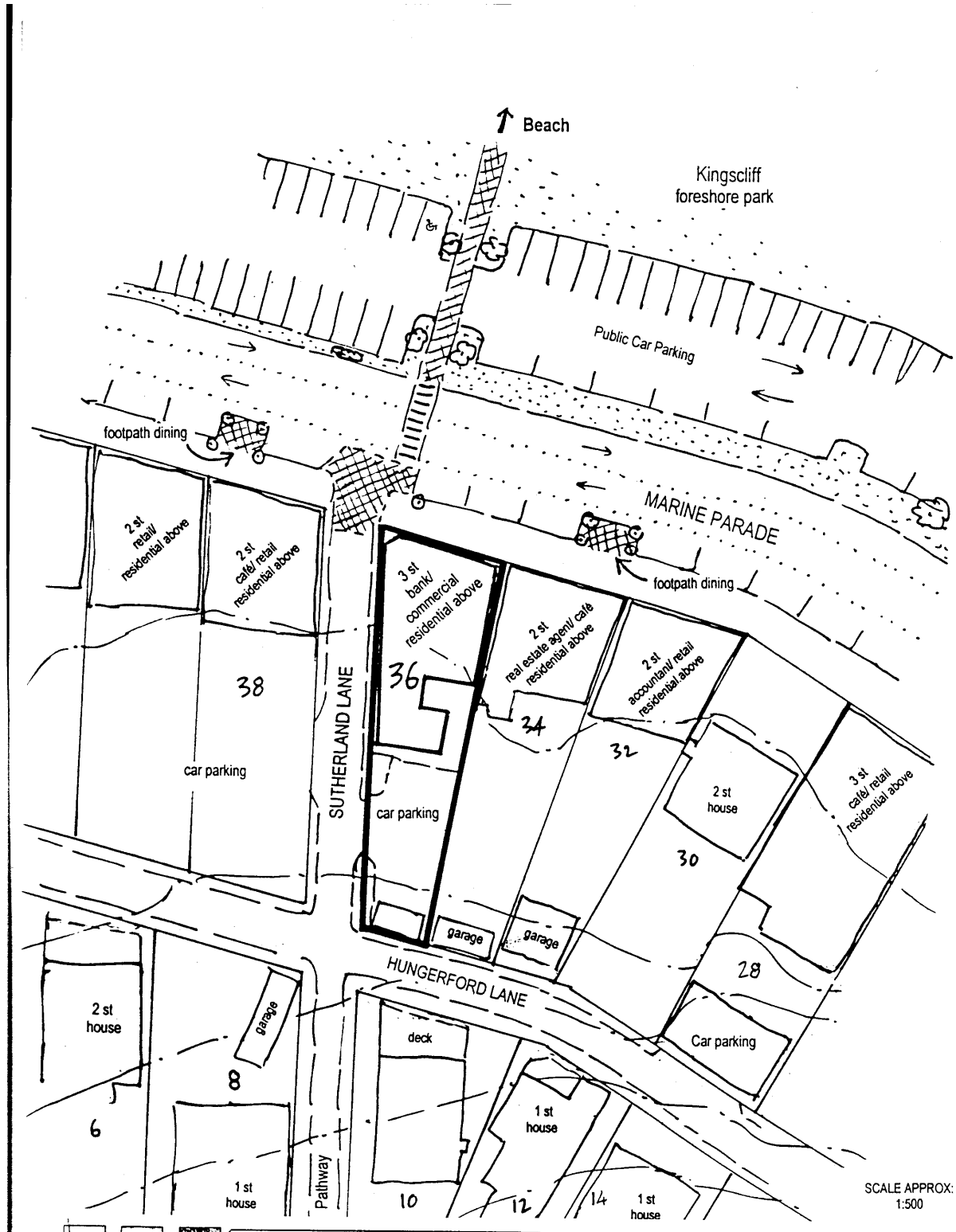
It is proposed to stage the construction of the development in three stages as follows:

- Stage 1 - Erection of two additional multi-unit dwellings;
- Stage 2 – Demolition of existing lunch room / store room at the rear of the existing 3 storey building, and provision of a courtyard plunge pool; and
- Stage 3 – Conversion of bank premises to restaurant with outdoor dining facilities.

The site is zoned 3(b) General Business. Multi-dwelling housing is permissible only when located above non-residential ground floor level development. Refreshment rooms are permissible with development consent.

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SITE DIAGRAM



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CONSIDERATIONS UNDER SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

State Environmental Planning Policies (SEPPs)

No SEPPs are applicable to the proposed development.

North Coast Regional Environmental Plan 1988 (NCREP 1988)

Clause 32B(2) of NCREP 1988 applies to land within the region to which the NSW Coastal Policy 1997 applies and requires Council to take the following into account in determining an application to carry out development:

- (a) the NSW Coastal Policy 1997;
- (b) the Coastline Management Manual; and
- (c) the North Coast: Design Guidelines.

The proposed development is consistent with the provisions of the policy documents referred to above.

Tweed Local Environmental Plan 2000 (TLEP 2000)

The subject site is zoned 3(b) General Business under TLEP 2000. Multi-dwelling housing is permissible only when located above non-residential ground floor level development. The proposed development is considered to satisfy this provision as it involves the erection of two units above non-residential ground floor development. Refreshment rooms are permissible with development consent.

The primary objectives of the 3(b) General Business zone are:

- to provide business centres in which the community's shopping, business welfare and social needs can be met;
- to provide business locations within residential areas, and to ensure that the scale and type of development is compatible with the character and amenity of the surrounding residential areas.

The secondary objectives of the zone are:

- to provide for tourist orientated development;
- to encourage upper floor residential or tourist accommodation.

The proposed development is considered to be consistent with the primary and secondary objectives of the zone. The scale and form the development are considered compatible

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with the character and amenity of the surrounding residential area and the development incorporates upper floor residential accommodation.

Clause 15 of the TLEP 2000 requires Council to be satisfied that satisfactory arrangements have been made for water, sewer and drainage services to the land prior to granting consent for development. Water, sewer and drainage services are available for the proposed development.

Clause 16 of TLEP 2000 restricts the height of buildings to a maximum height of three storeys. The proposed development is three storeys in height.

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

No draft environmental planning instruments are applicable to the proposed development.

(a) (iii) Development Control Plans (DCPs)

Development Control Plan No. 2 – Site Access and Parking (DCP 2)

The 5 on-site parking spaces approved in accordance with the development consent for the existing building (DA 88/91) are proposed to be retained. Car parking contributions were also levied for 2 spaces in accordance with the approved development and the site therefore has an existing credit of 7 car parking spaces. Parking generated by the proposed development is summarised as follows:

Use	Requirement
Restaurant (50 m ²)	1 space per 3 seats (40 seats) = 13.33 + 0.5 per staff (estimated 3 staff) = 1.5
Commercial Premises (52 m ² GFA)	1 space per 40 m ² GFA = 1.3
Total	16.13 spaces

Section 4.8 of DCP 2 enables a concession to be applied to the provision of customer car parking for refreshment rooms and commercial premises in Kingscliff. The concession enables the minimum number of customer car spaces to be reduced to 30% if:

- there is adequate parking on the site and in public car parks to prevent nuisance to adjacent properties and
- there is adequate parking on the site and in public car parks or arrangements have been made with neighbours, to ensure customers do not use off street parking provided by neighbouring properties.

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The applicant has submitted the following information in support of the proposed concession:

“It is understood that Council’s decision to grant the relaxation is also based on site characteristics, particularly:

- *its proximity to public transport services,*
- *its proximity to other commercial uses which may encourage shared parking arrangements, and*
- *the provision of bicycle parking facilities.*

The proposed development plan provides adequate on-site parking to provide for peak staff and resident parking demands. Customers will utilise nearby on-street parking and the public parking area located on the opposite side of Marine Parade. This was the case with the previous ANZ Bank which operated in the subject premises. The subject site is located within the commercial centre of Kingscliff and is therefore serviced by all associated public transport and non-motorised transport facilities (footpaths and cycleways). Car park sharing will be significant as other complementary uses are located within comfortable walking distance of the subject premises (eg. the beach, newsagent, chemist, real estate etc.) The proposed development plan includes bicycle storage facilities in accordance with DCP No. 2. “

It is considered appropriate to apply the customer parking concession for the refreshment room and commercial premises. On this basis the parking required for the commercial and refreshment room components of the development is 4 spaces.

Use	Requirement
Proposed 2 x Units	1.5 spaces per unit (25% of which to be accessible and marked for visitors) = 3 spaces (1 of which to be a visitor space)
Parking required for existing units (in accordance with consent)	2 spaces
Commercial/ Refreshment Room	4.9 spaces
Total	9.9 spaces = 10 spaces

The proposed development involves the construction of 2 additional car parking spaces with direct access to Hungerford Lane on the same level as the first floor unit. The existing car park caters for 5 vehicles and contributions have been paid for 2 spaces. The total car parking provision is therefore 9 spaces which is one space less than that required in accordance with DCP 2. It is considered appropriate to levy Section 94 Contributions for the shortfall of one space.

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The existing and proposed car parking arrangements have been reviewed by Council's Planning & Design Unit and are considered to be satisfactory subject to appropriate conditions.

Development Control Plan No. 6 – Multi-Dwelling Housing (DCP 6)

The following table summarises the compliance of the proposed development with the relevant provisions of DCP 6:

Standard	Requirement	Proposed	Complies/Variation
Setbacks	No requirements in the 3(b) zone for the first 9 metres.	Minimum of 4.7 metres from Hungerford Lane	Complies
Visual Privacy	A minimum of 9 m separation should be provided between the windows of habitable rooms of facing dwellings that abut a communal street. This distance should be increased to 12 m for windows above the first floor level.	The proposed building is setback 12 metres from the deck of the dwelling-house opposite on the southern side of Hungerford Lane.	Complies
Useable Open Space	Shaded balcony with a minimum area of 10 m ² with a minimum dimension of 2 m.	Each unit has a shaded balcony in excess of 10 m ² and with a minimum dimension of 3.3 m.	Complies

The proposed development is consistent with the relevant provisions of DCP 6.

Development Control Plan No. 39 – Energy Smart Homes Policy (DCP 39)

The proposed development generally complies with the requirements of DCP 39.

Standard	Requirement	Proposed	Complies/Variation
NatHERS	3.5 Stars	4 Stars	Complies
Hot Water System	3.5 Stars	4 Stars	Complies

Development Control Plan No. 43 – Kingscliff (DCP 43)

Kingscliff DCP 43 was adopted on 27 March 2001. The subject site is located within Precinct 1 – Town Centre Precinct. DCP 43 identifies the opportunity for the refurbishment or redevelopment of buildings along Marine Parade. The objectives of the Town Centre include to:

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- Reinforce a sense of place by developing those building and streetscape elements characteristic of Kingscliff;
- Limit the physical extent of the town centre to encourage consolidation and redevelopment of existing commercial land;
- Encourage an appropriate human scale of development within the centre; and
- Foster a stimulating town centre environment through the development of mixed commercial and residential developments, tourist accommodation and a range of cafes and restaurants incorporating outdoor dining.

The proposed alterations and additions to the existing mixed commercial / residential development are considered consistent with the objectives for the town centre precinct. The existing building is a large box-like structure with a flat roof and is the form of building DCP 43 seeks to discourage. The proposed alterations will improve the appearance of the existing building by incorporating windows and an awning on the Sutherland Street frontage and addressing the corner. The proposed new building relates satisfactorily to the existing building as well as incorporating design features encouraged by DCP 43. The following table summarises the general design guidelines for commercial and residential development and area specific provisions contained in DCP 43:

Provision	Proposal	Complies/Variation
<p>General Design Guidelines</p> <p><i>Building Mass</i></p> <p>Large box like buildings not preferred.</p> <p>Provide variation in line of the external wall of the building and / or add protruding elements to break a building down into smaller components.</p> <p>Broken down component parts of a building should not exceed a maximum size of 50m².</p>	<p>The proposal involves the construction of a second building to the rear of the existing mixed commercial / residential development. The development incorporates a courtyard between the two buildings which breaks the overall development into two distinct components. The component parts of the proposed new building do not exceed 50m².</p>	<p>Complies</p>
<p><i>Rooflines</i></p> <p>Wide variety of roof forms is a characteristic of Kingscliff's streetscape. Gable, flat, hipped and curved roof forms are all acceptable and combinations of these elements in the streetscape are preferred.</p>	<p>The proposed new building has a flat roof which is consistent with the roof form of the existing building.</p>	<p>Complies.</p>
<p><i>Corner Buildings</i></p> <p>Many contemporary buildings ignore rather than address the street</p>	<p>The proposed alterations to the existing building include the</p>	<p>Complies</p>

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<p>corner and present blank walls to the secondary street frontage. New buildings should address the corner and design elements such as awnings, verandahs and the line of windows should all continue around the corner.</p>	<p>installation of windows in the existing blank wall fronting Sutherland Lane, and the erection of a new awning.</p>	
<p>Building Type Guidelines (Site identified as Type 1 Building on Precinct Map)</p> <p>Type 1 Building Three Storey Commercial and Residential</p> <p>Where parking is to be provided onsite, it is to be provided on ground level at the rear of the building.</p> <p>Three storeys built up to the street alignment / continuous façade to street front.</p>	<p>The existing car park is located at ground level at the rear of the existing building. The proposed siting of the two additional spaces off the lane is considered an appropriate response to the topography.</p> <p>The existing three storey building fronts Marine Parade and has a continuous façade to the street front.</p>	<p>Complies</p> <p>Complies</p>

(a) (iv) Any matter Prescribed by the Regulations

The NSW Coastal Policy 1997 applies to the subject land. The proposed development is not inconsistent with the provisions of the policy.

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

Context and Setting

The proposed bulk and scale of the development is considered compatible with existing surrounding commercial and residential development in the locality. The development is consistent with the objectives for the Kingscliff town centre precinct as detailed in the recently adopted DCP 43.

Views and Privacy

The proposed development will impact on existing views available from residential properties to the south of the site. The residence directly opposite the property on the southern side of Hungerford Lane will be the most significantly affected in this regard. The proposed new building is 1.81 metres higher than the existing building on the site.

Reports from Director Development Services

The views directly to the north will not be significantly impacted on given the existing building presently obscures most of the ocean view at present. The view from the eastern end of the deck of this dwelling-house towards the north-west will be the most affected. The proposed building will obscure views across the roofs of the existing two-storey buildings on the western side of Sutherland Lane. Significant views further west will be retained and the impact on existing views to the north is considered minor. Views to the north-east will not be affected to any significant degree. This analysis of the impact of the proposed building is based on the worst-case scenario from the eastern end of the existing deck of the property to the south. The deck is large and views from the western and central portions of the deck will remain largely unaffected. The applicant has prepared a photomontage which while not presently the worst-case scenario assists in assessing the potential impact of the building on views from the most significantly affected property. While the extent of ocean views will be reduced it is considered that the impact of the proposed building on the existing views from the residential properties to the south is acceptable. The applicant has also provided the following information in relation to this issue:

- *The proposal only involves a two storey building to the rear of the site, when viewed from Hungerford Lane, and incorporates a flat roof profile which is to be pitched from the centre (rather than a skillion or pitched roof) to minimise bulk and loss of views.*
- *The building at the rear is proposed to be set back 4.8m to 6.0m from the rear boundary, rather than extending the building to the rear boundary, thereby reducing impact when viewed from the rear.*
- *The existing dwellings at the rear (Nos 8, 10 and 12 Sutherland Street) are substantially higher in elevation due to local topography and look down, over and around the existing and proposed buildings on the subject site No 36 Marine Parade, thus enabling substantial retention of views.*

The 3rd level unit has a bedroom and study window facing the dwelling-house on the southern side of Hungerford Lane and the existing deck. In response to submissions raising privacy impacts as an issue, the applicant has agreed to apply fixed external shutters or screens to be mounted on the rear windows on the dwelling units which face Hungerford Lane.

Noise

The outdoor dining component of the application has been withdrawn and a separate application will be submitted. The proposed restaurant is orientated towards Marine Parade and the potential noise impacts of the proposed use are considered acceptable given the commercial nature of this precinct.

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

Access, Traffic and Parking

Reports from Director Development Services

The existing local road network is considered capable of catering for traffic generated by the proposed development. Proposed access arrangements are considered satisfactory and adequate car parking is proposed.

Utilities

Water and sewerage services are available for the proposed development and adequate arrangements are able to be made in relation to drainage.

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

Although not statutorily required to be advertised, the development application was advertised and surrounding owners notified of the development. Four (4) submissions were received objecting to the proposed development. The following table provides a summary of the issues raised:

Issue	Assessment	Comment
<p>Permissibility</p> <p>Units are permissible where located above a non-residential ground floor development. The proposed new units to the rear of the property may not meet this requirement. Questioned whether the ground level car park below the proposed units constitutes “non-residential ground floor development”. Given the proponent has claimed a concession for non-residential car parking on the site, the major function of the car parking provided on the site must presumably be for resident car parking – in other words, the proposed development has – in part – the characteristics of multi-dwelling housing. In these circumstances, the proposed development –</p>	<p>The proposed units at the rear of the site are located above non-residential ground floor development. The units will be constructed above an existing car park containing 5 spaces and approved in relation to the existing mixed commercial / residential development on the site. The form of the proposed development is consistent with that envisaged by DCP 43 for Kingscliff, which identifies the opportunity for commercial / retail development along the street frontage on the ground level, ground level car parking at the rear of properties, and residential development above. The proposed development is concluded to be permissible with development consent in the 3(b) General Business Zone.</p>	<p>This issue does not warrant refusal of the application.</p>

Reports from Director Development Services

<p>may – in part – constitute prohibited development in the zone.</p>		
<p>Zone Objectives</p> <p>Sites within the 3(b) zone should be commercial shops, restaurants etc. and not residential flats. The low priority of the restaurant in the staging reflects that the primary focus of this application is unit development. The restaurant should be required to be developed in Stage 1 if the proposal is supported. The proposal will set a precedent.</p>	<p>The proposed units are permissible regardless of whether the vacant bank premises are refurbished and converted to a restaurant. The staging of the development relates to construction and the applicant is able to develop the site in the sequence that they nominate (separate construction certificates could be lodged for the various components of the development).</p>	<p>This issue does not warrant refusal of the application.</p>
<p>Parking, Servicing Intensity of Use of the Site</p> <p>The applicant has calculated car parking for the restaurant at the rate of 1 space per 7 m² of dining area plus 0.5 spaces per staff. DCP 2 requires parking for refreshment rooms at the rate of 1 space per 3 seats or 1 space per 7 m² of dining area. Plans indicate 40 seats for the indoor area and 16 rather than 9.84 spaces are required for the commercial / refreshment room uses. The applicant has not demonstrated that the 30% concession should apply to the development. Six (6) spaces should be required for the existing / proposed residential development. Total requirement should be 22</p>	<p>Council officers calculate car parking for refreshment rooms on the basis of the dining area in cases where the number of seats is not specified. The applicant has indicated on the plans that 40 indoor dining seats will be provided. The applicant has argued that this information is provided for BCA reasons only (toilet facility provision) and that the tenant will decide on the seating numbers when the premises is leased. The applicant has requested that the dining area be used to calculate parking. However, the plans illustrate 10 tables and given the proposed internal layout it is considered that the 40 seat estimate is realistic and parking has been calculated on this basis as detailed earlier in this report. Parking for units was required at the</p>	<p>This issue does not warrant refusal of the application.</p>

Reports from Director Development Services

<p>spaces, or 11 spaces if it demonstrated the concession should be granted.</p> <p>Section 3.76 of DCP 2 requires parking areas to be designed such that they will be able to enter and leave the site in a forward direction. The 2 spaces of Hungerford Lane do not comply. The spaces can only be accessed by building an access ramp structure on Council's public roadway. This will severely restrict the lane and create a danger to the public.</p> <p>DCP 2 requires a space for delivery and service vehicle parking for the dining & entertainment group.</p> <p>Contributions have been accepted for two spaces previously, this practice should not continue as it results in a practical shortfall in available parking spaces and results in traffic congestion in the</p>	<p>rate of 1 space per unit at the time the existing units were approved. Total car parking required for the site is 10 spaces as detailed earlier in this report.</p> <p>Council's Planning and Design Unit has reviewed the proposed additional car parking spaces and concluded that they are acceptable given the nature of their use (residential unit parking). The proposed ramp structure is acceptable subject to conditions.</p> <p>The applicant has argued that an on-site service space should not be required for the proposed change in use of the premises as developments such as this are usually serviced by vans and small rigid vehicles and these vehicles will access the premises via existing on-street parking or Sutherland Lane. The applicant submits that these vehicles will generally visit the premises outside of peak parking periods and that this arrangement is current practice for all other restaurant developments in Marine Parade. It is considered acceptable to waive the requirement for the provision of an on-site loading space in the circumstances.</p> <p>There is a Section 94 Contribution Plan for Car Parking and the levying of</p>	<p>This issue does not warrant refusal of the application.</p> <p>This issue does not warrant refusal of the application.</p> <p>This issue does not warrant refusal of the application.</p>
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Reports from Director Development Services

<p>adjoining narrow lanes, where customers and tenants park, because insufficient on-site parks exist.</p> <p>Shortfall in parking, sub-standard spaces and no loading space are an indication of over-development of the site.</p>	<p>contributions for one space is considered appropriate in the circumstances.</p> <p>The proposed development requires the provision of one additional parking space for which Section 94 contributions will be levied. As previously discussed, the proposed 2 spaces which are accessed off Hungerford Lane are considered satisfactory and it is acceptable in the circumstances to waive the requirement for a loading space on-site. The proposed additions are not considered to constitute overdevelopment of the site.</p>	<p>This issue does not warrant refusal of the application.</p>
<p>Traffic</p> <p>The intersection of Sutherland Lane and Hungerford Lane is dangerous. The lane cannot accommodate more vehicular traffic.</p>	<p>The existing local road network is capable of catering for traffic generated by the proposed development and the proposal is not considered to likely to create or significantly add to safety problems for pedestrians.</p>	<p>This issue does not warrant refusal of the application.</p>
<p>Impact on Views</p> <p>Proposed units will be 1.81 metres higher than the existing building. This will substantially impact on views from properties to the south. Height should be reduced to that of the existing building. Accuracy of photomontage prepared by the applicant is questionable. The new</p>	<p>The impact of the proposal on the views from existing surrounding residences to the south is addressed earlier in this report. It is concluded that while the development will impact on views from surrounding properties the loss of views resulting from the new building is considered acceptable.</p>	<p>This issue does not warrant refusal of the application.</p>

Reports from Director Development Services

development will result in a loss of view over the top of the existing building on the site and through Hungerford Lane to the beach / ocean.		
Privacy Windows of the new building will overlook existing residential development to the south.	In response to submissions raising privacy impacts as an issue, the applicant has agreed to apply fixed external shutters of screens to be mounted on the rear windows on the dwelling units which face Hungerford Lane.	This issue does not warrant refusal of the application.
Reduction in Property Value Approving these types of residential developments will result in a reduction of property values because of the loss of amenity.	The potential impacts of the proposal on the amenity of surrounding neighbours is considered acceptable and not likely to result in significant negative impacts on property values in the locality.	This issue does not warrant refusal of the application.
Construction Impacts Given the site area and narrow lanes the construction of the building will impact on traffic and neighbouring properties.	Standard conditions will be imposed in relation to construction.	This issue does not warrant refusal of the application.

(e) The Public Interest

The proposed development is not considered likely to prejudice the public interest.

OPTIONS

Options in this instance appear to be as follows:-

1. Approve the application subject to conditions as per the recommendation.
2. Refuse the application.

Reports from Director Development Services

CONCLUSION

The proposed mixed commercial / residential development is consistent with the objectives of the 3(b) General Business Zone. The proposal generally complies with the provisions of relevant development control plans and is consistent with the vision for Kingscliff and the town centre precinct detailed in the recently adopted development control plan for Kingscliff.

The proposed development is not considered likely to result in significant adverse impacts on existing surrounding development in terms of the loss of views or impacts on privacy. It is concluded that the application warrants approval subject to relevant conditions.

Reports from Director Development Services

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Reports from Director Development Services

3. ORIGIN: Development Assessment Unit

FILE REF: DA0960/710 Pt1

REPORT TITLE:

Application to Modify Development Consent K99/1450 for a Tourist Resort

SUMMARY OF REPORT:

The purpose of this report is to clarify Council's resolution of 21 March, 2001 regarding whether Council is prepared to amend the staging of development consent K99/1450 for Carol Winery development and also recommends approval be granted for the modified amendment requested by the applicant.

RECOMMENDATION:

That Development Consent K99/1450 for the construction of a tourist resort comprising a winery building, 16 accommodation units, 4 bungalows and an 18 hole golf course at Lot 1 DP 121377 and Lot 250, 251, 263 & 264 DP 755685, 363 Carol Road, Carol be amended as follows:-

1. Condition 1 of Schedule B be amended to read as follows:-

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

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

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

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

Stage 1 (Golf Course and Four (4) Bungalows)

- a. Tweed Road Contribution Plan: \$16,380.00

S94 Plan No. 4 (Version 4.0)

(Bilambil Heights - Commercial)

Reports from Director Development Services

The payment of the contribution will be permitted by four instalments over a period of 3 years subject to a bank guarantee being provided for the full amount.

- b. Open Space (Structured): \$856.00
S94 Plan No. 5
- c. Extensions to Council Administration Offices
& Technical Support Facilities \$952.00
S94 Plan No. 18

Stage 2 or 3 (Winery Building)

- a. Tweed Road Contribution Plan: \$26,208.00
S94 Plan No. 4 (Version 4.0)
(Bilambil Heights - Commercial)

The payment of the contribution will be permitted by four instalments over a period of 3 years subject to a bank guarantee being provided for the full amount.

Stage 2 or 3 (16 accommodation units)

- a. Tweed Road Contribution Plan: \$16,380.00
S94 Plan No. 4 (Version 4.0)
(Bilambil Heights - Commercial)

The payment of the contribution will be permitted by four instalments over a period of 3 years subject to a bank guarantee being provided for the full amount.

- b. Open Space (Structured): \$6,848.00
S94 Plan No. 5
- c. Extensions to Council Administration Offices
& Technical Support Facilities \$7,616.00
S94 Plan No. 18

- 2. Condition 2 of Schedule B be amended to read as follows:

Reports from Director Development Services

2. Carool Road between the roundabout at the intersection of Carool Road and Bilambil Road and the development site is to be upgraded to provide a Type D pavement. This will involve the upgrading of two sections as follows:
 - a. from 2.5km to 2.85m being widened by 1.0m
 - b. from 2.85 to 3.1m being widened on the top side bank.

Detailed engineering plans are to be submitted and approved by the Director Engineering Services prior to commencement of works. All works are to be completed prior to the issue of a occupation certificate for Stage 1.

Alternatively, the payment to Council of \$28000 as a pro rata payment for the subject works. Should the monetary payment be acceptable all monies are to be paid prior to release of the second construction certificate.

3. Condition 52 of Schedule B be deleted.
4. Condition 54 of Schedule B be amended to read as follows:-
 54. All access driveways and parking areas are to be sealed. Detailed engineering plans are to be submitted and approved prior to commencement of work. All driveways and parking areas are to be designed in accordance with the provisions of Council's Development Control Plan No. 2 and are to be constructed as part of Stage 1 with the exception of the requirement to linemark parking spaces.
5. Condition 62 of Schedule B be amended to read as follows:
 62. The golf course is restricted to use by guests visiting or staying at the resort.

Reports from Director Development Services

REPORT:

Council at its meeting of 7 March, 2001, resolved as follows:-

- “1. *The applicant be advised that Council is prepared to support modifications to Development Consent K99/1450 as follows:*
 - a) *Amendments to staging of the development as requested;*
 - b) *The amendment of Condition 2, Schedule B, to read as follows:*
 - “2. *Carool Road between the roundabout at the intersection of Carool Road and Bilambil Road and the development site is to be upgraded to provide a Type D pavement. This will involve the upgrading of two sections, as follows:*
 - a. *From 2.5km to 2.8km being widened by 1.0m;*
 - b. *From 3.1km to 3.6km being widened on the top side bank.*

Detailed engineering plans are to be submitted and approved by the Director, Engineering Services prior to commencement of works. All works are to be completed prior to the issue of an occupation certificate for Stage 1.

Alternatively, the payment to Council of \$28,000 as a pro-rata payment for the subject works. Should the monetary payment be acceptable, all monies are to be paid prior to release of the construction certificate for Stage 1 or 2.
 - c. *The amendment of Condition 1, Schedule B, inserting after each TRCP No 4 contribution amount the following:*

“The payment of the contribution will be permitted by four instalments over a period of three years subject to a bank guarantee being provided for the full amount”.
 - d. *The deletion of the requirement under Condition 54 for line marking of the car park area.*
2. *The applicant be advised that Council is not prepared to support requested modifications to:*
 - a) *Delete the requirement to upgrade Carool Road to Type D standard;*
 - b) *Allow for the payment of Section 94 contributions over 5 years;*
 - c) *Allow the payment of Section 94 contributions on completion of each Stage;*

Reports from Director Development Services

- d) *Delete Condition 3 requiring consolidation of all allotments into a single allotment;*
 - e) *Submit landscaping plans at the roof stage;*
 - f) *Allow construction vehicles to use the existing access;*
 - g) *Condition 62, which currently restricts the use of the golf course to guests staying at the resort.*
3. *The applicant be requested to amend the S96 application in accordance with 1. above. Should the applicant agree to this, that the consent be modified under delegated authority by the Director of Development Services.*
 4. *Should the applicant not be prepared to amend the application as recommended, the application be refused as Council cannot approve part and refuse part of an application.*
 5. *The applicant be advised that a separate application in accordance with Section 96(2) of the Environmental Planning and Assessment Act 1979 is required to be submitted, along with the applicable fees, should he wish to amend the consent relating to the pro-shop to allow the issue of a construction certificate prior to 50% of the accommodation units being completed.*

It should, however, be noted by the applicant that there appears to be no justification for this amendment as the golf course is restricted to the use of guests staying at the resort only, and there would be no significant demand for the construction of the pro-shop prior to at least 50% of the accommodation units being completed.”

This motion was rescinded at the ordinary meeting of 21 March, 2001 and the following subsequent resolution adopted:-

“RESOLVED that the applicant be advised Council is prepared to amend Development Consent K99/1450, as follows:

1. a. *From 3.1km to 3.6km being widened on the top side bank.*

Detailed engineering plans are to be submitted and approved by the Director Engineering Services prior to commencement of works. All works are to be completed prior to the issue of an occupation Certificate for Stage 1.

Alternatively, the payment to Council of \$28,000 as a pro-rata payment for the subject works. Should the monetary payment be acceptable, all monies are to be paid prior to release of the second construction certificate.

- b. *The amendment of Condition 1, Schedule B inserting after each TRCP No 4 contribution amount the following:*

Reports from Director Development Services

“The payment of the contribution will be permitted by four instalments over a period of three years subject to a bank guarantee being provided for the full amount.”

- c. Allow construction vehicles to use the existing access;*
 - d. Condition 62 be amended to allow the golf course to be used by “guests visiting or staying at the resort”.*
 - e. The deletion of the requirement under Condition 54 for line marking of the car park area.*
- 2. The applicant be requested to amend the S96 application in accordance with above.*
 - 3. Retain condition 3 requiring consolidation of all allotments into a single allotment.*
 - 4. A construction certificate be issued at Stage 1 relating to the pro-shop”*

This resolution omitted to indicate that Council supports the applicants request to amend the staging of the development and therefore this report is submitted to clarify this issue. Having regard to the rescinded resolution, it appears that it was the intent of Council to support this request.

The applicant has amended the application in line with Council’s resolution. Therefore, Council is now in a position to approve this application.

No objection was raised in the report of 7 March, 2001 to re-staging of the development (copy of report attached). Assessment of the requested modifications were provided in the previous report.

It is recommended that Council approve the application to amend development consent K99/1450 to permit the golf course and bungalows to be constructed as Stage 1 of the development and in accordance with Council resolution of 21 March, 2001.

Reports from Director Corporate Services

4. ORIGIN: Director

FILE REF: Population Statistics; Local Gov Dep - Circulars

REPORT TITLE:

Australian Bureau of Statistics - Census of Population and Housing

SUMMARY OF REPORT:

The attached advice has been received from the Department of Local Government in relation to the Australian Bureau of Statistics - Census of Population and Housing.

RECOMMENDATION:

That:

1. This report be received and noted.
2. A notice be placed in the Tweed Link.
3. A link be provided from Council's website to the Census website.

Reports from Director Corporate Services

REPORT:

The following advice has been received from the Department of Local Government in relation to the Australian Bureau of Statistics - Census of Population and Housing:

“The Australian Bureau of Statistics is conducting the fourteenth national Census of Population and Housing on Tuesday 7 August 2001.

The 2001 census will provide a snapshot of Australia as we enter the new millennium. Data collected will offer a reliable source for estimating the population in each State, Territory and Local Government Area and will assist the Commonwealth in determining future funding allocations made to the State and local government sectors.

We are seeking the support of state and local governments to ensure a high level of participation across Australia.

The first challenge facing the ABS is the recruitment of 30,000 field staff – more than 7,000 in New South Wales alone. Census collecting attracts people from all walks of life, offering a great opportunity for part-time work. Quality collections with good communication skills are crucial to the success of census data collection.

The Premier, Mr Carr, launched the NSW recruitment drive on 15 March, with targeted regional events and activities following.

There are a number of important ways local government can support the ABS to achieve quality recruits:

- *Erect Census Collector posters on notice boards and in windows of community and public areas.*
- *Distribute fliers through local community networks.*
- *Provide a link from your website to the Census website (www.abs/census.gov.au).*
- *Include Census reminders in Community Reports in local newspapers.*

Initial contact has been made with a number of council libraries in the ABS Library Extension Program (LEP) network who have been extremely helpful and supportive of the project. The ABS can assist libraries and other council community centres and venues to get involved by providing display stands, posters, fliers and articles for community newsletters.

The ABS has a detailed Communications Strategy and would like to work with local government to ensure the census message is spread as widely as possible.”

Reports from Director Corporate Services

5. ORIGIN: Administration Services Unit

FILE REF: Shires Association - General

REPORT TITLE:

Shires Association of NSW - 2001 Election of the Executive Council

SUMMARY OF REPORT:

Nomination forms have been received for the 2001 Election of the Executive Council for the Shires Association of NSW.

RECOMMENDATION:

That any Councillor intending to nominate, please contact the Manager Administration Services for the required nomination form.

Reports from Director Corporate Services

REPORT:

Nomination forms have been received from the State Electoral Office for the 2001 Election of the Executive Council of the Shires Association of NSW.

Nominations for the position of President must be received by the Returning Officer, State Electoral Office not later than noon Tuesday 15 May 2001.

Nominations for the position of Executive Councillor will be invited at the Annual Conference and will close at 12.30pm Tuesday 29 May 2001.

Nominations for the position of Vice President will be invited at the Annual Conference and will close at the Annual Conference at 9.30am Wednesday 30 May 2001.

Nominations for the position of Treasurer will be invited at the Annual Conference and will close at the Annual Conference at 10.00am Wednesday 30 May 2001.

Nomination forms are held with the Manager Administration Services.

Reports from Director Corporate Services

6. ORIGIN: Administration Services Unit

FILE REF: Council Management

REPORT TITLE:

Centenary of the Municipality of Murwillumbah

SUMMARY OF REPORT:

Councillor Boyd at Council's meeting held on 21 February 2001 advised that the Municipality of Murwillumbah was gazetted on the 27 May 1902 and asked what was intended to recognise its centenary.

RECOMMENDATION:

That Council determines this matter.

Reports from Director Corporate Services

REPORT:

The Municipality of Murwillumbah was gazetted on the 27 May 1902 thus it celebrates its Centenary next year. Councillor Boyd at Council's meeting of the 21 February 2001, enquired as to what Council intends to recognise this centenary.

As May 27 2002 falls on a Monday perhaps any celebrations could be held on the Sunday prior to enable more people throughout the Shire to attend.

It is rather difficult to come up with a suitable celebration for such an event, that would be fitting for the occasion and that would involve a number of people throughout the Shire.

Some suggestions could include:

- A re-enactment of the first Council meeting at the building that first housed the Murwillumbah Municipal Council and what is now the Historical Society Building.
- A picnic at the site of the proposed Regional Art Gallery. This might coincide with the laying of a foundation stone or some other event in the process of constructing the new Art Gallery.
- A special historical feature published in the Tweed Link.
- Invite the Historical Society to put forward proposals.
- Advertise in the Tweed Link calling for proposals from individuals or other community groups.
- Time capsule to be provided.
- Co-ordinate Local Government bus tours around historical issues relevant to Local Government.

Any other suggestions would be greatly received.

The other alternative would be to do nothing.

Reports from Director Corporate Services

7. **ORIGIN:** Director

FILE REF: TEDC

REPORT TITLE:

Tweed Economic Development Corporation (TEDC) Monthly Performance Report - March

SUMMARY OF REPORT:

The Tweed Economic Development Corporation, Chief Executive Officer's monthly performance report for March 2001 is detailed in the report.

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 March 2001.

CHIEF EXECUTIVE OFFICER'S MONTHLY PERFORMANCE REPORT:

In accordance with our contractual arrangements with Tweed Shire Council (TSC), TEDC has arranged for a meeting between the TEDC Board and TSC on Wednesday, 11 April 2001 at 7.30pm. The Board needs to consider its reporting in terms of addressing the measurement of performance criteria established in the original contract. At that time, the Council was keen to measure performance based on a "number of jobs created", number of new businesses introduced to Council, etc. etc. This is a limited perspective on performance measurement, particularly when considering the following.

TEDC has no authority or influence in real terms at TSC and as such, even though we may be the first point of contact by a new business or investor, eventually that client or enquiry ends up at TSC, who of course are the final approval authority. The point is that the TEDC is rarely in a position to be able to say conclusively that TEDC has directly and individually created x businesses employing y people directly and z people indirectly. TEDC can list numerous clients who have contacted TEDC as the first point of contact and who have sought everything from general information and research data to assistance in the form of introductions to Council, real estate agents, consultants, developers, land owners, funding bodies, government departments, politicians, and so on. TEDC's role is one of "facilitation".

TEDC has a policy of focussing on the macro economic issues relating to the Tweed Shire. These issues are well known to the board, but in brief, are as follows:

1. The need for developed, ready for sale, large lot industrial land – such as identified in the recently completed \$65,000 Coolangatta Airport Enterprise Park Feasibility Study and the potential rezoning of 200 acres near Murwillumbah. The Tweed Shire Industrial Land Task Force was established as a direct result of the TEDC's industrial land push.

It is worth noting again that Spiller Gibbins Swan in their Final Report on the Coolangatta Airport Enterprise Park Feasibility Study estimated the potential economic benefits of undertaking the project as follows:

- Construction work valued at \$269.5 million in total, with 6,468 associated direct and indirect jobs over the life of the development;
- Once fully operational, around 2,479 on site jobs and between 8,158 and 9,170 indirect jobs elsewhere in the region.

The report suggests that the enterprise park can be a very significant employment node and key location for economic activity in the broader region with very significant benefits for the Tweed.

2. The Tweed Rural Land Use Study – which is a first of its type in Australia and which has state, interstate and national recognition – deals with the largest resource of this shire: land.

Reports from Director Corporate Services

2. The soon-to-be-released Design Concept for the Tweed Heads CBD was commissioned by the TEDC and conducted by the Queensland University of Technology School of Architecture and Urban Design. TSC has spent \$3.4 million on streetscaping at Tweed Heads, however this has not acted as the expected catalyst. The TEDC approach is about a proactive, macro approach which ultimately is expected to involve partnerships between governments and private enterprise. It is about a “whole of city block” approach rather than leaving it to individual private enterprises to adopt a piecemeal approach and battle legislation and bureaucracy.
4. The Co-operative Research Centre for Sustainable Tourism has commenced the Tweed Tourism Development Potential Study. The Tweed is one of only three Local Government Areas in Australia to be researched by this government-funding organisation. It is through TEDC’s contacts, initiatives and instigation that the Tweed is being included in this study. The results of this study could well have enormous impact on the region, particularly when considered in terms of synergies between the outcomes of this tourism study and the Tweed Rural Land Use Study. The CRC study clearly forms part of the jigsaw which will ultimately assist in identifying new strategic directions for the Tweed Shire in terms of land use, investment growth and job creation.
5. The Tweed River Link project is another initiative of the TEDC and is the only non-commercial tourism infrastructure project in the Tweed. The catalyst for this project has been the Chinderah Bay Marina – a project that TEDC has played a most significant role in since its inception. Stage One of the Tweed River Link project is into Phase 2 of the funding process through the Federal Government’s Regional Tourism Program and an announcement on this project is expected in early April. The second stage of this project is subject to Regional Solutions Programme funding and recent advice indicates that our original application has been deferred pending the announcement of funding for Stage One.
6. The Tweed Rural Land Use Study is about to get underway. Seventy-five copies of the terms of reference were requested by firms interested in forwarding submissions for the project. Twenty-odd submissions were finally received and reviewed by the Steering Committee and by 30 March, following interviews with the shortlisted consultants, a final choice will have been made. The study has created enormous interest and support at all levels including private enterprise, State and Federal Governments, NSW Agriculture Department, Department of Urban Affairs and Planning (DUAP) and other local government authorities. The study is recognised as a first of its type in Australia and the Terms of Reference have been described as “excellent”, “innovative”, “proactive”, “leading edge planning”, “strategic” and, most significantly “seeking the truth about rural land use”. The Regional Director of DUAP, has described the TOR as “extremely good”. The findings of the study (which could take up to 37 weeks to complete) will have a profound impact on future land use strategies in Tweed Shire and certainly will play a part in both the LEP and future economic development strategies for Tweed Shire.

A significant endorsement of TEDC’s achievements in the field of regional economic development is the personal invitation from the Hon. Mark Vaile MP, Minister for Trade and Deputy Leader of the National Party, to attend the 5th Australian APEC Business Forum to be held in Melbourne on 27 April 2001 (see attached). The topic of the forum is “Business and Policy Strategies in the Asia Pacific”.

Reports from Director Corporate Services

Since the last Board meeting held on 9 February 2001, TEDC has met with 19 parties who represent various business interests and also attended and been involved in approximately 32 meetings. TEDC also met with 13 consultant groups regarding the Tweed Rural Land Use Study.

In addition to the above meetings and interviews, TEDC still has to deal with responding to telephone calls, writing reports to TSC regarding the auditors' report on the year 2000 Art, Food & All That Jazz Festival, correspondence incoming and outgoing, ongoing research into relevant issues, managing the Tweed Town Centres Program, writing a quarterly newsletter, attending to general and financial administration matters for both TEDC and the Tweed Town Centres Program, and so on.

In order to assist with this workload, TEDC has engaged a person for 15 hours per week through the Work For The Dole program. This means that there is no cost to the TEDC. This person has just completed a degree in Information Technology Management and Marketing and is currently undertaking a TAFE course in website design.

Unfortunately due to the pressure of our workload, TEDC has had to forego bi-weekly column in the *Daily News*.

Regarding the Tweed Town Centres Program, TEDC's Executive Assistant now attends these meetings on behalf of the TEDC. The Executive Assistant is now also taking the minutes of the Town Centres Committee meetings on a formal basis as well as administering the finances of the Program.

The TEDC recently took a firm line on some matters concerning the Tweed Town Centres Program. The Town Centres Committee has now made a number of critical decisions in relation to future staff arrangements following current Program Manager's decision to resign but stay on until a replacement could be found. Following the Committee's last meeting, the process of advertising for a full-time Program Facilitator to replace the current Program Manager can begin. The Committee also resolved to clarify conditions of funding with DSRD in terms of \$30,000 potentially available for FY2001/2002.

In terms of the "job creation scenario", when all of the issues (industrial land, redevelopment of the Tweed Heads CBD, Tweed River Link, rural land use, Chinderah Bay marina, potential for tourism development, etc.) that TEDC is dealing with are resolved, then TEDC will have set the climate for change, which in effect, is the climate for investment growth and real job creation.

For the dollar minders among you, it is interesting to note that the TEDC has brought, or will bring, the following amounts of government funding to the Tweed through projects it has initiated.

Reports from Director Corporate Services

Murwillumbah Futures Study	\$30,000
Tweed Rural Land Use Study	\$133,450 (including TEDC in kind \$34,450)
Coolangatta Airport Enterprise Park Feasibility Study	\$65,000 (including TEDC in kind \$10,000)
Tweed Heads CBD project	\$18,000 (including TEDC in kind \$5,000)
Tweed River Link Stage One	\$160,000 (including TEDC in kind \$30,000)
Tweed River Link Stage Two	\$539,000
Revetment of Tweed River at Chinderah	\$400,000

A total of \$1,345,450, including the TEDC in kind contributions of \$79,450. That is a net funding achievement of \$1,266,000 since TEDC became operational in December 1997.

This amount does not include the estimated value of \$65,000 for the CRC for Sustainable Tourism study or the savings made by the Town Centres Program since the TEDC became responsible for its management.

All this compares favourably with the TSC funding of TEDC over the three years at \$150,000 per year totalling \$450,000 – and represents a three for one return on investment.

Reports from Director Corporate Services

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8. ORIGIN: Director

FILE REF: TEDC

REPORT TITLE:

Tweed Economic Development Corporation (TEDC) Quarterly Performance Report - January to March 2001

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 January to March 2001:

CHIEF EXECUTIVE OFFICER'S MONTHLY PERFORMANCE REPORT:

5.1.1 The TEDC continues to monitor progress against the Strategic Plan published in October 2000. There is still a continued major focus on the issue of suitable large lot industrial land, the lack of which the TEDC perceives to be the major stumbling block to economic growth in the Tweed Shire.

- Expressions of interest to conduct the Tweed Shire Rural Land Use Study were called for in January 2001 and some 75 requests for Terms of Reference were received. Twenty odd submissions were subsequently received. Following interviews, a consultant, Sinclair Knight Merz, was appointed to conduct this study. It is expected that this study will take 37 weeks to complete.
- Facilitation of the industrial land rezoning application for land close to Murwillumbah will continue as this project by private enterprise is a most cost-effective and more immediate way to ensure the future expansion of business and attraction of major employers to the Tweed.
- The final report of the Coolangatta Airport Enterprise Park Feasibility Study carried out by Spiller Gibbins Swan was received in March 2001. This final report will be publicly released in April 2001 by joint press release from the NSW Minister for Regional Development, Harry Woods, and the Queensland minister for State Development, Tom Barton. See attached reports for further information about this study.

TEDC continues to focus on the redevelopment of the Tweed Heads CBD and the encouragement of tourism infrastructure.

- The master "concept plan" for the Tweed Heads CBD in association with Queensland University of Technology will be received in early April.
- An announcement regarding funding for Stage One of the Tweed River Link Project under the Regional Tourism Program will be made in early April 2001. The application under the Regional Solutions Programme Funding for Stage Two of the Tweed River Link Project has been postponed pending the outcome of Stage One funding.
- The establishment of the TEDC Tweed Marketing Group has been deferred temporarily.
- Tweed Town Centres Program (TCP) continues to meet with general community approval. TCP has recognised a need to refocus its activities. Application will be made to NSW Department of State and Regional Development (DSRD) to vary minor details of their grant conditions.

Reports from Director Corporate Services

5.1.2 Referrals to TSC: The TEDC continues to facilitate meetings between investors, projects and TSC, for example, Chinderah Bay Marina, Carool Road Winery, industrial land, Dickinsons, Tweed River Link project, Tweed Rural Land Use Study, major tourism project, Coolangatta Airport Enterprise Park Feasibility Study, etc.

5.1.3 New Business:

TEDC continues to facilitate the introduction of new and expanding businesses to the region. Meetings have been held with a number of these businesses and the lack of ready for sale, large lot industrial land continues to be a major issue. TEDC urges Council most strongly to address this ongoing issue urgently.

Potential jobs:

Coolangatta Airport Enterprise Park – consultant’s research shows that construction work will be valued at some \$269.5 million with associated direct and indirect jobs totalling 6,468 created over the life of the development, and that once fully operational some 2,479 on-site jobs and between 8,158 and 9,170 indirect jobs will be created elsewhere in the region.

Industrial land south of Murwillumbah (based on calculations used by consultant as above) - 1,000 to 3,000 on-site jobs.

Chinderah Bay Marina and related businesses - 170 jobs.

Carool Road Winery – 8 jobs.

Tweed River Link project – (unable to estimate at this time)

Boat building business – 12 jobs

Vic Pits Pty Ltd – 8 jobs

Total: approximately 20,000 jobs.

5.1.4 Number and Category of TEDC Members for FY2000/2001:

Standard Members	39
Sponsors	2
In-kind sponsors	3
Original Subscribers still on TEDC Board	6

5.1.5 Council is provided with monthly and quarterly reports by the TEDC and there remains the standing invitation to Councillors to discuss particular issues with the TEDC CEO.

5.1.6 Financial Statements for the quarter ended 31 March 2001 will be ratified at the Board Meeting scheduled for 27 April 2001 and will be forwarded as soon as possible.

Reports from Director Corporate Services

Annual budgets are in preparation and will be presented to Council as soon as they are ratified by the Board.

5.1.7 Financial Statements for the quarter ended 31 March 2001 are yet to be ratified by the Board and will be forwarded as soon as possible.

5.1.8 TEDC continues to produce a quarterly newsletter. Promotion of the Tweed outside the Shire continues through contacts with State, Interstate and National bodies. Recognition by State, Interstate and Federal governments and organisations is being received on a groundbreaking, proactive, innovative and progressive economic development organisation.

Meetings held between 1 January 2001 to 31 March 2001:

New Business	14
Existing Client	34
Government & Government Agency	3
Tweed Shire Council	11
Community Organisations	9
Total	71

Note: This list does not include undocumented, one off or “off the street” meetings, or meetings conducted or attended by the Tweed Town Centres Program Manager.

Documented Phone Calls between 1 January 2001 to 31 March 2001:

January	90
February	102
March	105
Total	297

Note: This list does not include undocumented phone calls or casual requests for general information.

Dates of Board Meetings for 2001:

It is proposed that TEDC Board meetings will be held on:

9 February 2001	30 March 2001	27
April 2001	25 May 2001	
29 June 2001	27 July 2001	31
August 2001		

Monthly reports will be sent to TSC as soon as practical following the end of each, non-quarter, month.

Reports from Director Corporate Services

Financial Statements will need to be ratified by the TEDC Board following the end of the quarter before being forwarded to Tweed Shire Council.

Reports from Director Corporate Services

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Reports from Director Corporate Services

9. ORIGIN: Financial Services Unit

FILE REF: Financial Report

REPORT TITLE:

Financial Report for Period Ending 31 March 2001

SUMMARY OF REPORT:

This report is provided to Council to advise details of monies Council has invested in accordance with Section 625 of the Local Government Act 1993.

RECOMMENDATION:

That this report be received and noted.

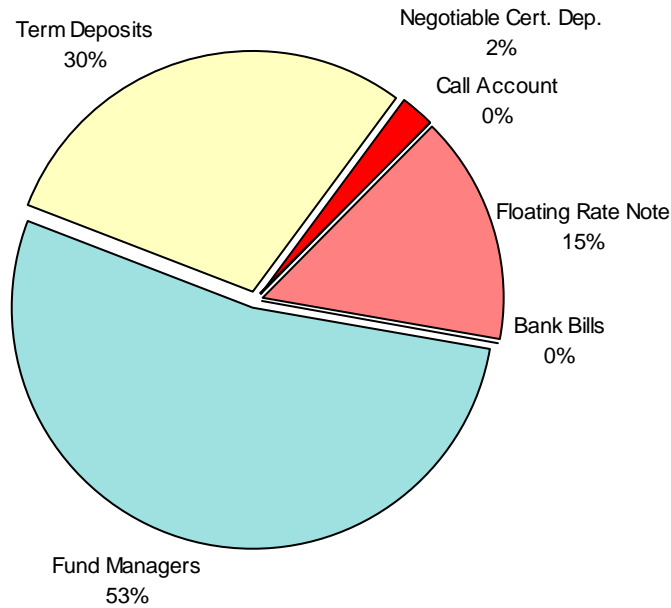
Reports from Director Corporate Services

REPORT:

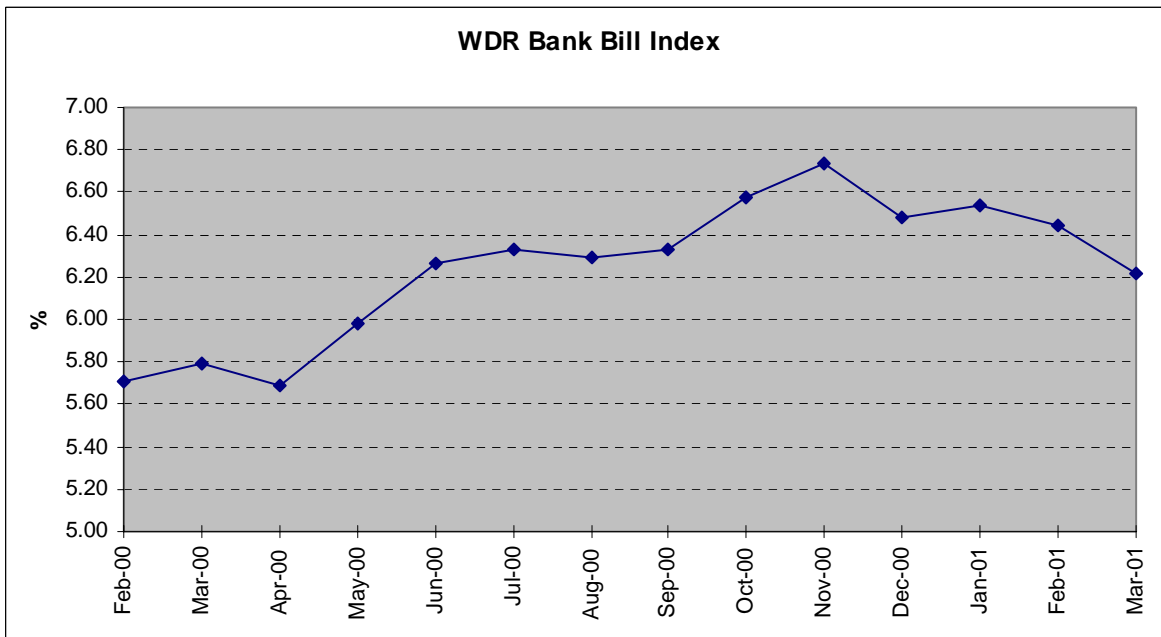
This report is provided to Council to advise details of monies Council has invested in accordance with Section 625 of the Local Government Act 1993.

1. CURRENT INVESTMENT PORTFOLIO BY CATEGORY

% of Funds Invested by Category



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

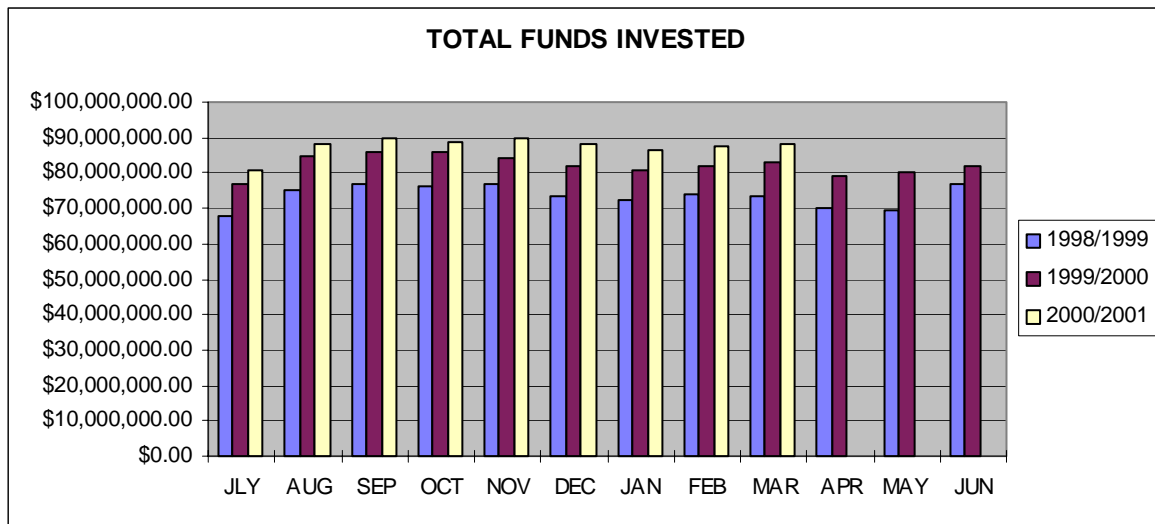


Reports from Director Corporate Services

3. ANNUALISED RATE OF RETURN FOR FUND MANAGERS

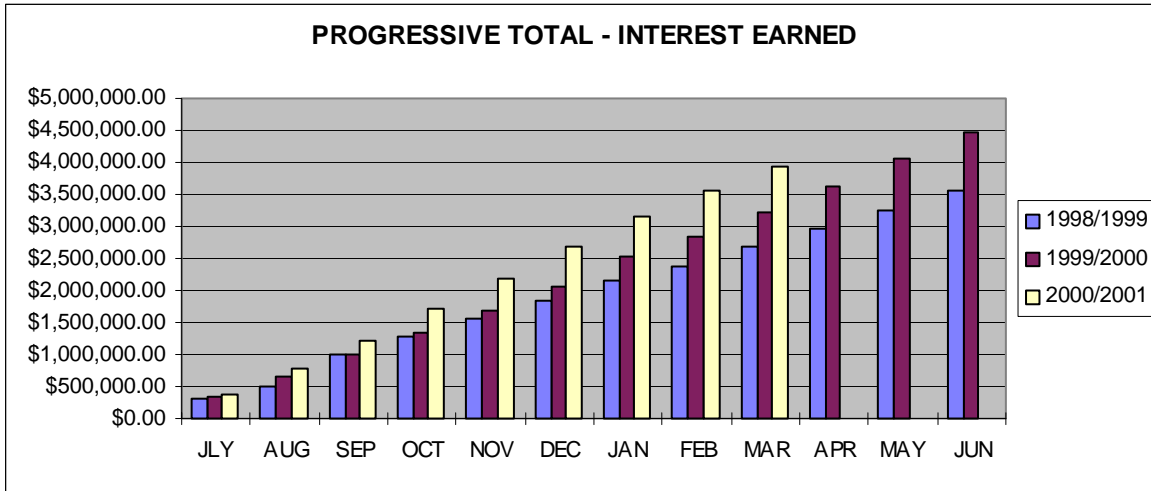
Fund	30 Days %	90 Days %	1 Year %
ANZ	5.86	6.33	6.58
Bankers Trust	5.75	6.26	6.15
Deutsche	6.05	6.61	-
Macquarie Treas	6.37	6.35	6.24
Macquarie Diversified	6.00	6.78	-
National Mutual	6.47	6.75	6.63

4. MONTHLY COMPARISON OF TOTAL FUNDS INVESTED



Reports from Director Corporate Services

5. ANNUAL PROGRESSIVE TOTAL OF INTEREST ON TOTAL FUNDS INVESTED



6. MARKET COMMENTARY

March started with the RBA easing official interest rates by 25 basis points (7 March) with a further cut in interest rates by 50 basis points announced on 4 April.

Economic indicators were generally weaker than expected including the national accounts and housing starts. The Australian dollar and weak US consumer sentiment weighed heavily on domestic consumer confidence retarding an immediate economic recovery.

6. INVESTMENT SUMMARY AS AT 31 MARCH 2001

GENERAL FUND

BANKS	17,613,625.00	
FUND MANAGERS	6,210,175.24	
LOCAL GOVT. FIN. SERVICES	1,000,000.00	
CALL	24,447.47	24,848,247.71

WATER FUND

BANKS	4,000,000.00	
FUND MANAGERS	26,914,446.25	
LOCAL GOVT. FIN. SERVICES	4,000,000.00	34,914,446.25

SEWERAGE FUND

BANKS	3,056,000.00	
FUND MANAGERS	13,443,513.10	
LOCAL GOVT. INV. SERVICE	11,713,392.53	28,212,905.63

TOTAL INVESTMENTS **87,975,599.59**

Reports from Director Corporate Services

It should be noted that the General Fund investments of \$24.8 million are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

STATUTORY STATEMENT - LOCAL GOVERNMENT FINANCIAL MANAGEMENT REGULATIONS (SEC 19)

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



R R Norvill CPA
Responsible Accounting Officer
Manager Financial Services

Reports from Director Corporate Services

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Reports from Director Engineering Services

10. ORIGIN: Planning & Design Unit

FILE REF: DA1865/65 Pt1

REPORT TITLE:

Classification of Land as Operational - Proposed Lot 128 Elrond Drive Kingscliff

SUMMARY OF REPORT:

In accordance with consent condition 38 (ii) of development application K2000/275, being a subdivision of Lot 125 DP 878869 and Lot 127 DP 882590 at Elrond Drive, Kingscliff, proposed Lot 128 is to be dedicated as Drainage Reserve.

The land requires classification as Operational under Section 31 of the Local Government Act, 1993.

RECOMMENDATION:

That Council classifies the land proposed to be dedicated as Drainage Reserve, being proposed Lot 128 in a subdivision of Lot 125 DP 878869 and Lot 127 DP 882590 at Elrond Drive, Kingscliff, as Operational under the provisions of Section 31 of the Local Government Act, 1993.

Reports from Director Engineering Services

REPORT:

In accordance with consent condition 38 (ii) of development application K2000/275, being a subdivision of Lot 125 DP 878869 and Lot 127 DP 882590 at Elrond Drive, Kingscliff, proposed Lot 128 is to be dedicated as Drainage Reserve.

The land requires classification as Operational under Section 31 of the Local Government Act, 1993.

Reports from Director Engineering Services

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Reports from Director Engineering Services

11. ORIGIN: Planning & Design Unit

FILE REF: GT1/S94/4 Pt4

REPORT TITLE:

Tweed Road Construction Plan – Small Business Contributions

SUMMARY OF REPORT:

To assist small businesses establishing in rented premises, it is proposed to initiate a time payment system that provides for these businesses being able to pay TRCP contributions by annual instalments. The proposal has been publicly exhibited and is now recommended for adoption.

RECOMMENDATION:

That :-

1. Council adopt an optional time payment system for Tweed Road Contribution Plan payments by using the provisions of S80A(1) of the Environmental Planning & Assessment Act (1979) to include a condition of development consent for eligible Business Enterprises (EBE) that permits annual payment of Tweed Road Contributions Plan contributions. This condition will also provide for consent and development to cease on non payment of due annual payments.
2. Eligible Business Enterprises are defined as retail, commercial and light industrial, change of use, activities to be established in rented premises with a GFA of not more than 1,000m². Professional chambers are not included in the definition. Final determination of the eligibility of a business into this category will be at the discretion of the Director Development Services.
3. Eligible Business Enterprises that take up the time payment option in (1) will pay 10 annual payments, each payment being the full contribution divided by 10. The first payment will be due prior to occupation or commencement of the new approval for the premises. The remaining 9 payments will be due at one year intervals. If the new approval use ceases at the premises, the remaining annual payment may cease and if so, the consent will also lapse.

Reports from Director Engineering Services

REPORT:

1. Introduction

At the Council meeting 20 May 1998 it was resolved:-

“That Council Officers prepare a report examining options for phasing payments to the Tweed Road Development Fund and Parking Contributions in cases where Council wishes to encourage and facilitate the entry of new industries/commercial ventures and where the size of the contribution may create temporary hardship for businesses changing location and/or type of operations. This report will be relevant to future operation of TEDCO, changing business mixes as part of the Main Street programs and general support for business without losing the overall imperative to properly fund roads and parking.”

There is concern that Tweed Roads Contribution Plan (TRCP) payments may adversely impact on small businesses who rent premises, because.

They may not have the security required for a bank guarantee to take up Council's deferred payment option.

They may pay in full (or submit a bank guarantee). If they then fold or (for expansion or other purposes) need to relocate to other premises they lose all benefit of the payment (or redeemed bank guarantee) to the landlord. When relocating the payment cannot be credited to another site.

The relatively high cost of the TRCP contribution, and the fear of losing credit for contributions paid (in cases of future relocation of if business closes down) may discourage establishment of small business entrepreneurs.

The TRCP currently has the following deferred payment option:

“Deferred Payments: Council accepts staged payment of commercial contributions: four equal payments over three years consisting of an initial payment and three subsequent payments together with a bank guarantee as security, although other options that protect Council's interest may be acceptable.”

In response to Council's resolution of 20 May 1988:

The issue of car parking was addressed by amendments to DCP2 in November 1999.

At the Council meeting held 6 October 1999, action to assist small business was taken by deleting item c) iii) from Tweed Development Program Policy Statement c) below:-

- “ c) Council allows a forty percent (40%) concession (reviewed on a tri-annual basis) for all commercial developments with the exception of:*
- i) coastal development between Kingscliff and Bogangar (Sector 7): Kings Beach, Kings Forest, Sahben, and the “Tourist Property” (Lot 490 DP 47021; and*
 - ii) developments in Bilambil Heights and Cobaki;*

Reports from Director Engineering Services

- ~~iii) developments which utilise “existing rights use” (ie lawful uses); and~~
iv local area contributions.”

(The deletion of c) iii) above, meant that for redevelopment, businesses could gain both the 40% concession and the benefit of “existing use” exemption from their TRCP contribution.)

Whilst the above changes and policy have eased some of the burden of TRCP contributions on small businesses, there remains a problem for small businesses who establish in rented premises, who wish to later relocate to other premises or cease operation. Currently these business are required to pay the TRCP contribution (as reduced by 40% and existing use concessions) but if they relocate they are unable to get credit for their previous TRCP payments on the new site. This credit stays with the original site on which consent was granted. Similarly, if a small business in rented premises folds, the tenant receives no refund, but, the landowner benefits as the consent (with TRCP credit) stays with his land.

2. Eligible Business Enterprises (EBE)

In accordance with Council’s resolution of 20 May 1998 this report targets possible concessions for small businesses in rented premises, where the proposed business is a change of use to the existing/approved use of the premises.

Businesses are now liable for TRCP contributions when premises are constructed or expanded or when the use of an existing premises is changed from a lower traffic generating activity to a higher traffic generating activity. Examples of a change of use generating a TRCP liability are changing a warehouse to a factory, or changing a shop to a restaurant.

For the purpose of this report, Eligible Business Enterprises (EBE) are defined as retail, commercial and light industrial, change of uses activities, to be established in rented premises with a GFA of not more than 1,000 m². Professional chambers are not included in the definition.

3. Proposal Submitted to Council Meeting 7 February 2001

A number of options were canvassed in the report to Council 7 February to provide relief for EBEs with TRCP obligations. These included:-

1. Transfer of TRCP Credits to other Land
2. Surrender of Consent in Return for TRCP Refund
3. Unsecured Deferred Payment
4. Use of Terminating Consents and Pro-Rate TRCP Contributions
5. Use s80A(1)(d) of the EP&A Act, to enable EBEs the option of annual payments (instead of a single lump sum)

The report concluded that for legal or other reasons options 1 –4 were not practical.

The report’s preferred option was option 5. It would be implemented by inserting into the development consent of EBEs the following proposed draft condition:-

Reports from Director Engineering Services

“Draft Condition Number #

In accordance with s80A(1) (d) of the Environmental Planning & Assessment Act 1979, the period during which the development, being the subject of this consent may be carried out is limited as follows:

- a. If the Tweed Road Contribution Plan contribution is paid in full prior to the commencement of the use stage of development, the period during which the development may be carried out is not limited by this condition.*
- b. If an amount being, the Tweed Road Contribution Plan contribution divided by 8 is paid prior to the commencement of the use stage of development, the period during which the development may be carried out shall be for one year from the date of such payment.*
- c. The period referred to in b. above may be extended year by year by the payment (prior to the expiration of the previous period) of the Tweed Road Contribution Plan contribution divided by 8, with each such payment extending the period during which the development may be carried out by one year.*
- d. The consent for the use stage of this development will not commence until payment has been made in accordance with a. or b. above.*
- e. The consent for the use stage of this development will cease to operate (and the use stage of the development must cease) within a period of 90 days after the expiration of the annual period for which payment has been made under b. or c. above unless payment has been made under c. for the following year.*
- f. If 10 consecutive annual payments have been made in accordance with c. the TRCP payment will be considered to be paid in full and the period during which the development may be carried out will not be further limited by this condition.*

Note: The annual payment is based on the full amount being approximately equal to the net present value (NPV) of a payment up front and an additional 10 years payment of 1/8 of the full amount each year at a discount rate of 8%.”

The report to Council of 7 February 2001 recommended the following:-

“that:-

- a) Council adopt a time payment system for Tweed Road Contribution Plan payments by using the provisions of s80A(1) of the Environmental Planning & Assessment Act (1979) to include a condition of development consent for Eligible Business Enterprises (EBE) that permits annual payment of Tweed Road Contributions Plan contributions. This condition will also provide for consent and development to cease on non payment of due annual payments.*
- b) Eligible Business Enterprises are defined as retail, commercial and light industrial activities to be established in rented premises with a GFA of not more than 1,000 m².*

Reports from Director Engineering Services

Professional chambers are not included in the definition. Final determination of the eligibility of a business into this category will be at the discretion of the Director Development Services.

- c) *Annual payments for a) will be calculated by ensuring the net present value (NPV) of all the annual payments will be approximately equal to the full contribution.”*

Council resolved at that meeting:-

“RESOLVED that a further report be brought forward in regard to the Tweed Road Contribution Plan No. 14 in regard to small business tenants of rented premises of not more than 1,000m² .”

4. Contributions from Eligible Business Enterprises

The development consents with Tweed Road Contribution Plan conditions in 1999 and 2000 have been analysed to determine the level of contributions being imposed on EBEs.

Year	\$ All TRCP Contributions	\$ EBE Contributions	% of TRCP Income
1999	4,347,389	23,608	0.54%
2000	1,575,582	21,261	1.35%

The table indicates that the % of TRCP income from EBEs is low, and a reduction of income from this source would not significantly affect the viability of the plan.

5. Further Options

5.1 Time Payment Option (No Discounted Cash Flow Requirement)

The recommended option in the report to Council 7 February 2001 proposed annual payments calculated on a discounted cash flow basis, to allow for the time delay in Council receiving the full contribution. It resulted in 11 payments of 1/8 of the total per year or a total of 1 3/8 of the original TRCP contribution liability. This requirement could be relaxed to delete the discounted cash flow requirement. Under this proposal payments would be 10 annual payments each of 1/10 of the total.

5.2 Exemption of EBEs from TRCP Liability

In this option EBEs (as defined in section 2 of this report) would be exempt from any Tweed Road Contribution Plan contributions for development applications that propose a change of use to a higher traffic generating activity.

5.3 Do Nothing Option

This option will result in there being no further relief from TRCP obligations for EBEs. They will either pay their TRCP liabilities in full or take out the existing available deferred payment option with a bank guarantee. Both alternatives can have a significant impact on the cash flow of fledgling small businesses.

Reports from Director Engineering Services

6. Comments

The time payment option is the preferred position as it fully maintains the integrity of the TRCP, but, provides more relief than the recommendation to Council on 7 February 2001.

Due to the relatively low level of income from EBEs, the exemption option will not result in a significant short-term loss of income, however to fully exempt a class of development could be seen as inequitable to other developers. A preferable policy would be for Council to exempt the EBEs, but, if there is an income shortfall (from the application of this exemption) at the winding up of the TRCP (in 25 to 30 years), then Council make up the deficit from its own budget.

The do nothing option would be against Council's expressed wish to grant some relief to small businesses from TRCP obligations.

Reports from Director Engineering Services

12. ORIGIN: Planning & Design Unit

FILE REF: R3570

REPORT TITLE:

Proposed Naming of a Public Lane between Moss Street and Cudgen Creek at Kingscliff

SUMMARY OF REPORT:

An application has been received to name an unnamed lane between Moss Street and Cudgen Creek at Kingscliff. The applicant's proposal, although requiring amendment to comply with Council's Road Naming Policy, should be published to allow for objections or further submissions.

RECOMMENDATION:

That Council proposes the name "Clough Way" as an interim measure, for the purpose of publicising the proposal and allowing one month for objections or other submissions.

Reports from Director Engineering Services

REPORT:

An application has been received from Mr Barry Clough of Biggera Waters, Queensland to name an unnamed lane between Moss Street and Cudgen Creek at Kingscliff.

The lane, being 6.095m wide, was dedicated to the public in the "Hungerford Subdivision" of 1935 and is currently being formed as a pedestrian access to the boardwalk along the western bank of Cudgen Creek.

The applicant has written as follows:-

"I would like to submit to Council a proposal regarding the "unnamed" lane off Moss Street leading to the Cudgen Creek boardwalk in Kingscliff, referred to in your recent attached works department correspondence.

My Mother, the late Mrs Phyllis Ruth Clough, had spent the majority of her life in Kingscliff and Murwillumbah. She was the daughter of prominent Murwillumbah businessman, Mr Richard Stevens (founder of Stevens Joinery in Church Lane Murwillumbah) whom employed many of the shires residents over past decades, including the war years.

My Mother was renowned for her charity work, in particular the Red Cross, Meals on Wheels, Opportunity Shops, etc, etc. My Mother passed away suddenly and unexpectedly last August and had resided permanently at No. 26 Moss Street Kingscliff since 1972.

Our family has owned and holidayed at the site on the creek since early in the century and our family remains the only one on the title. I intend for this land to remain in our family.

My Mother swam in Cudgen Creek most days and absolutely adored the Creek, which this "unnamed" lane leads to.

My Mother's grandmother donated a section of the land affronting the creek and our property to Council for the purpose of a path, allowing the present day boardwalk to be constructed providing public access to the park and beach to the south.

Based on the above it would give our family great pleasure if Council were to name the "unnamed" lane the "Ruth Clough Lane" or the "Ruth Clough Memorial Lane".

Although a private person, my Mother was well known in the district and I believe this is a fitting tribute to her life and her Tweed Shire community charity work. I note, she never drew attention to her community charity deeds.

We await your favourable response, thank you."

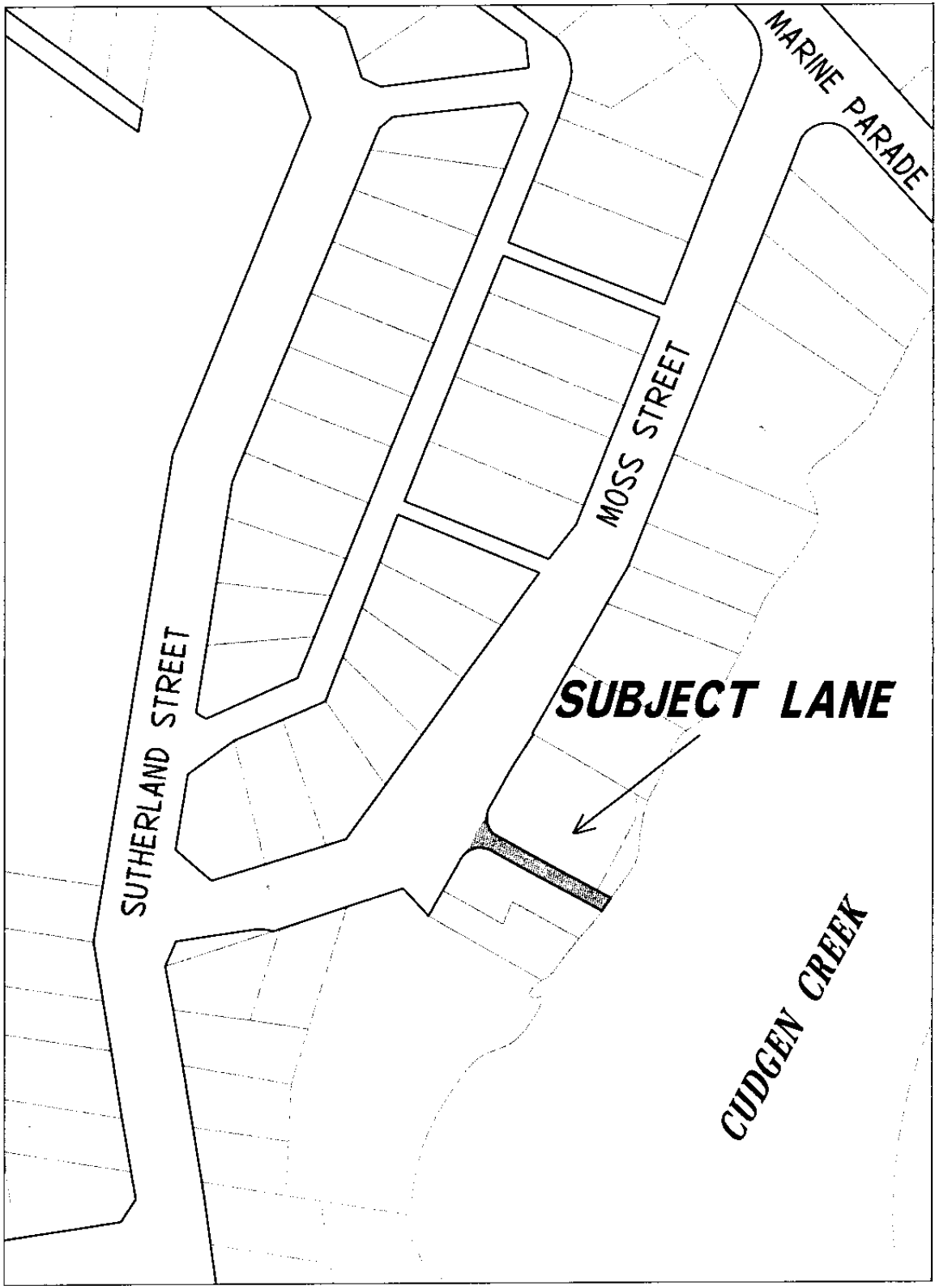
According to Council's adopted Policy for the Naming of Public Roads, "Names composed of two or more words should be avoided; a given name should only be included with a family name where it is essential to identify an individual or where it is necessary to avoid ambiguity."

Reports from Director Engineering Services

With regard to the nature of the lane it would seem a more appropriate road type suffix should be applied such as “Clough Way” or “Clough Walk”.

It should be noted that several years ago Council named numerous unnamed lanes (within Tweed Heads, Murwillumbah, Kingscliff and other locations) by adopting the adjacent street name.

Reports from Director Engineering Services



Reports from Director Environment & Community Services

13. ORIGIN: Environment & Health Services Unit

FILE REF: Greenhouse Effect

REPORT TITLE:

Update on the 'Cities for Climate Protection' Campaign

SUMMARY OF REPORT:

Tweed Shire Council resolved to become a participant in the Cities for Climate Protection (CCP) campaign at its meeting on the 17 December 1997.

The CCP campaign is an international initiative, which aims to get local governments to promote the reduction of greenhouse gas emissions in their area.

Since Council made that resolution in 1997, Milestone 1 (Milestones outlined below) of the program has been reached and a number of projects undertaken to reduce greenhouse gas emissions at a local level.

However in order to gain maximum benefit from funding opportunities and technical assistance, Tweed Shires CCP campaign needs to progress forward from Milestone 1. To assist with this progression, the CCP Program Manager has requested that Tweed Shire Council nominate someone to be the main contact in relation to the CCP campaign, and for that person to arrange a briefing on CCP (Progress and Opportunities) for Councillors and Council Management.

RECOMMENDATION:

That the Director of Environment and Community Services:

1. Be nominated as Tweed Shire Council's Cities for Climate Protection contact point.
2. Arranges for a briefing on Cities for Climate Program progress and opportunities for Tweed Shire Councillors and Council Management.

Reports from Director Environment & Community Services

REPORT:

GLOBAL WARMING – A LOCAL ISSUE

While climate change may seem an overwhelmingly global issue the reality is that Council's collectively can contribute significantly to reducing greenhouse gas emissions. Local Government in Australia is pivotal in implementing environmental policy and the majority of Councils in Australia today are taking some action to improve the environment. Participating in 'Cities for Climate Protection – Australia' allows Council's and their communities to effectively measure and reduce their greenhouse emissions.

WHAT IS CITIES FOR CLIMATE PROTECTION?

Cities for Climate Protection is a campaign of the International Council for Local Environmental Initiatives (ICLEI), with over 370 local governments from around the world participating.

CCP empowers local governments to cut greenhouse gas emissions. It provides local governments with a strategic milestone framework, helps them to identify the emissions for their Councils and Communities, set a reduction goal and develop and implement an action plan to reach that target.

In Australia, the Cities for Climate Protection program is delivered by ICLEI in collaboration with the Australian Greenhouse Office. As of January 2001, 124 Councils covering 55% of Australia's population had joined the CCP campaign. The target for ICLEI and the AGO is to have 200 Councils in the program by 2003.

BENEFITS OF THE CCP CAMPAIGN

The benefits of the CCP campaign can be enormous whether you consider them in environmental, economic or social and public health terms. They include:

- Ensuring the highest levels of energy productivity means lower energy costs, for council and for the community. Saved money may then be directed into other worthwhile activities like employment or other community projects. *Adelaide City Council saved \$14000 at no cost simply by switching on the energy saving features of its computers.*
- A direction towards energy efficiency can establish new markets and industries, perhaps providing local employment and business opportunities. *Newcastle cut one-third off its million dollar electricity bill while creating 6,600 person hours of employment in energy efficiency.*
- Reduced reliance on fossil fuels can have pronounced effects on local air quality and the subsequent public health costs. *Liverpool City Council (NSW) will convert its entire vehicle fleet to natural gas by 2002. Council estimates that over ten years it can save \$1 million for a fleet of ten garbage trucks and \$100,000 for every ten passenger or light commercial vehicles through lower fuel costs.*
- Creating opportunities for partnerships with industry, residents and other governments at a regional, national and international level. *Participating Councils in the CCP campaign are*

Reports from Director Environment & Community Services

eligible for funding under the Greenhouse Allies program where greenhouse leaders work with small business to help them find energy savings.

- Generate additional revenue for Council through the initiatives and expertise that is developed from the campaign. *Newcastle City Council has established the Australian Municipal Energy Improvement Facility (AMIEF) to transfer its advanced greenhouse action knowledge and expertise to local governments throughout Australia.*

TWEED SHIRE BACKGROUND

Tweed Shire Council resolved to become a participant in the Cities for Climate Protection (CCP) campaign at its meeting on the 17 December 1997. At that time Council also resolved to commit to achieving the five milestones of the CCP campaign.

CCP MILESTONES

1. Establish a base year 'emissions inventory' and 'forecast' for the community and corporate sector.
2. Set an emissions reduction goal.
3. Develop and adopt a greenhouse reduction strategy – the Local Action Plan.
4. Implement the greenhouse Local Action Plan.
5. Monitor and report on emissions and implementation of actions and policies.

TWEED COUNCIL'S ACTIONS TO DATE

Council has completed Milestone 1 of the CCP campaign and undertaken a number of initiatives aimed at reducing local greenhouse gas emissions. These include:

- The development and adoption of an Energy Smart Homes Policy (Development Control Plan 39).
- Construction of an environmentally friendly, energy smart demonstration home to provide new and existing home owners with a range of energy smart and allergy friendly ideas for inclusion in their own home.
- Electricity audits of the Tweed Heads and Murwillumbah Civic Centres. As a result of these audits the Murwillumbah Civic Centre is in the process of halving its lighting bill by replacing the two fluorescent globes in each ceiling fixture with one, more energy smart globe.
- Promoting greenhouse reduction issues via various media, the annual State of the Environment report, brochure production and the internet home page.
- Development of a Draft Environmental Management Plan to deal with energy and resource usage in the Tweed area.

Reports from Director Environment & Community Services

These initiatives all promote the overall CCP objective of reducing Tweed's greenhouse gas emissions, however in order for Council to qualify for future funding opportunities and project assistance, progression must be made on the Milestone program.

A letter from the CCP Program Manager has requested that Tweed Council nominate a Councillor as a contact point for CCP so that they may arrange a briefing for Councillors and Managers on CCP funding and project assistance. For ease of contact and to assist in arranging matters it is suggested the Director Environment & Community Services be nominated as the contact person. This is an excellent opportunity for Tweed Shire Councillors and Managers to refamiliarise themselves with the CCP campaign and for project staff to get any technical assistance that they may require in order to progress on the CCP Milestones.

Reports from Director Environment & Community Services

14. ORIGIN: Recreation Services Unit

FILE REF: Civic Centre – Tweed Heads; Civic Centre - Murwillumbah

REPORT TITLE:

Plant Displays - Civic Centres

SUMMARY OF REPORT:

For some years, Council has been providing plant displays for a few organisations using the Council's Civic Centres free of charge. However, issues regarding the costs involved and equity in supplying this service to all Civic Centre uses have been raised.

RECOMMENDATION:

That Council discontinues the provision of plant displays at the Council Civic Centres except for Council functions.

Reports from Director Environment & Community Services

REPORT:

For several years, Council has been providing plant displays for a few organisations utilising the Council Civic Centres. However, issues regarding the costs involved in supplying these displays and the equity in supplying this service have been raised.

The cost to supply a basic display (to Tweed Heads Civic Centre) is \$80 - \$100. Council has been supplying this service to the Northern Rivers Orchestra, the Tweed Theatre Company, Garden Club Annual Meetings, the Banana Festival and Council functions. Where a performance/event spans more than one (1) week, the plants have to be collected and returned.

The question has been raised as to the equity in supplying this service to some organisations and not others and the potential costs in supplying it to all Civic Centre users upon request.

It is apparent that Council has three options in this instance:

1. Continue to provide the service free of charge. To date, the cost of this service has been borne by the reserves maintenance budget. To continue to offer the service free of charge would require allocation of a budget to do so.
2. Provide the service at a charge. The minimum charge would be \$80 per display, increasing with the scale of display required. An issue with this option, (as with option 1) is the time involved in providing the displays. The displays are generally required on a weekend and hence set up and dismantling is undertaken on Fridays and Mondays, generally the busiest days for maintenance. Whilst the current displays provided are not frequent enough to cause a significant disturbance to the normal maintenance program, were the demand to increase as a result of availability, this may present problems.
3. Discontinue to offer the service except for Council functions.

RECOMMENDATION

With consideration to the issues above, it is recommended Council adopt option 3.

Reports from Director Environment & Community Services

15. ORIGIN: Environment & Health Services Unit

FILE REF: Advertising

REPORT TITLE:

New Laws on Distribution of Advertising Material

SUMMARY OF REPORT:

From the 1 April 2001 new laws are in place concerning the distribution of advertising material. Communication tools for use by Council's are available and it is considered that Council should conduct a communication program concerning the new laws followed by enforcement by its Officers.

RECOMMENDATION:

That Council conducts a communication campaign on the new laws concerning the distribution of advertising material followed by enforcement.

Reports from Director Environment & Community Services

REPORT:

Council is advised that it has received the information as set out below on the new laws on the correct distribution of advertising material in NSW.

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From 1 April 2001, it will only be acceptable to put advertising material into letterboxes, newspaper receptacles or under doors of premises.

Under the new laws recently announced by the NSW Environment Minister Bob Debus, it will be illegal to put advertising material under car windscreen wipers, on top of letterboxes, on property gates or fences, in a public place, in open private areas and in other inappropriate places where it could become litter.

The law defines advertising material as '... any paper product (including a leaflet, brochure or magazine) or other material thing that contains advertising'. The laws cover all unaddressed advertising material.

On the spot fines range from \$200 to \$400. Court fines run from \$550 to \$3,300.

The new laws do not cover newspapers, parking fines or material that is too big to fit into a letterbox, newspaper receptacle or under a door (eg. phone books). Delivery of bulky advertising material should be made to a sensible place, that is where indicated by the householder, or in such a way that it won't become litter. This latest reform comes as part of the NSW Government Litter Prevention Program.

The legislation does not include putting advertising material into letterboxes with 'No Advertising Material' signs. However the distribution industry's code of practice encourages distributors to respect people's wishes not to receive this material.

The EPA, in consultation with relevant stakeholder groups, has produced a communications program to develop and build an ongoing awareness of the law changes and litter prevention programs among target groups. The objective is to encourage correct delivery of advertising material and to reduce advertising litter in NSW.

As part of the overall communications program, the EPA has developed a range of communication tools for use by councils and other organisations. Communication tools specific to councils have also been developed.

The generic communication tools include brochures, small space advertisements, information for producers of advertising material to use to instruct distributors or sub contractors, an article for your newsletter, a set of common question and answers, as well as information on the EPA website.

Council specific communication materials include:

- litter factsheet
- litter backgrounder
- sample news releases
- quotes from Environment Minister Bob Debus
- tips on how and when to implement local litter prevention activity.

The EPA has informed all council general managers of these new litter laws and has sent resources and information to council public relations staff and the council enforcement and education officers who participated in the EPA's litter training last year.

For more information on the new laws and the overall NSW Government Litter Prevention Program, contact the EPA's Pollution Line on 131 555 or access the EPA website at www.epa.nsw.gov.au/litter.
R90/0563

Accordingly it is considered that Council should become involved in the education campaign to publicise the new law followed by enforcement thereof.

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16. ORIGIN: Building Services Unit

FILE REF: DA4737/240 Pt1

REPORT TITLE:

Proposed Two Storey Dwelling at Lot 1209 DP 1011945 No. 64 Riversdale Boulevard, Banora Point

SUMMARY OF REPORT:

An application has been received seeking approval for a two (2) storey dwelling at the above described location. Adjoining property owners were notified. Both have submitted letters of objection. Additionally a petition opposing approval of the application has been received signed by twenty three (23) surrounding property owners. The petition raised concerns that this dwelling would be the only two (2) storey dwelling in the whole estate and have a detrimental impact on the area.

Although it is considered that the height of the development is not consistent with the existing built character of the locality, it being the first two storey dwelling proposed, it is considered that the design and scale of the development will not have a significant impact on the residential amenity of the locality. Accordingly it is considered that the proposal should be supported. Plans of the proposal will be available at Council meeting.

RECOMMENDATION:

That the application for the erection a two (2) storey dwelling at Lot 1209 DP 1011945 No. 64 Riversdale Boulevard, Banora Point be approved subject to the following conditions:-

1. The development shall be completed in general accordance with Plans No's 00-631 and 00/934/007 1-9, prepared by Metricon Homes Pty Ltd and dated March 2001, except where varied by these conditions.
2. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
3. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.
4. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.
5. A certificate is to be submitted by a Registered Surveyor certifying that all habitable floor areas are constructed above 2.95 metres AHD, and certifying the actual finished level of the total site. Certification of those levels by a registered surveyor must be

Reports from Director Environment & Community Services

submitted to the PCA prior to proceedings past floor level to ensure that the floor is above flood level.

6. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a. footings, prior to pouring of concrete
 - b. slab, prior to pouring of concrete
 - c. frame prior to the erection of brick work or any wall sheeting
 - d. final inspection prior to occupation of the building
7. 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.

8. 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 & Assessment Amendment Regulations 1998.
9. 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.
10. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-
- (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council, or
 - (c) if that is not practicable, any other sewage management facility approved by the council.
11. 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 contact outside working hours.
12. 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).
13. 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:
- (a) 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

Reports from Director Environment & Community Services

- ii. is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
 - (b) in the case of work to be done by any other person:
 - i. has been informed in writing of the person's name and owner-builder permit number, or
 - ii. has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of *owner-builder work* in Section 29 of that Act,
- and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.
- B. A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
14. 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.
15. 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.

Reports from Director Environment & Community Services

16. An automatic fire detection and alarm system, designed to ensure the occupants are given adequate warning so they can evacuate the building in an emergency, must be installed in Class 1a building, or dwelling or dual occupancy and within sole occupancy units in a townhouse.

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

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

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

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

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

17. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road. If the proposed development requires driveway access (or modification of access) onto a public road, prior to the issue of a construction certificate and prior to any works taking place on the public road, a detailed application for access/driveway under Section 138 of the Road Act must be submitted to and consent granted by Council. Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.
18. All roof waters are to be disposed of through properly jointed pipes to the street gutter, inter-allotment 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 inter-allotment drainage system where available.
19. 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.
20. All agricultural drainage systems and surface water drainage systems are to be piped to the street separately to the stormwater system.

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21. The stormwater drainage works applied for in your Local Government Act S68 Stormwater Drainage Application are to be carried out in accordance with drawings submitted in the application except as amended by these conditions.
22. 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.
23. 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.

24. 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.
25. 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.
26. 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.
27. 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.
28. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.

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29. All drainage lines are to be continuously bedded in accordance with the provisions of Section 5.4 AS 3500.2 - 1990.
30. 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.
31. The finished floor level of the building should finish not less than 225mm above finished ground level.
32. 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.

Reports from Director Environment & Community Services

REPORT:

Applicant: Metricon Homes QLD P/L
C/- Mark Stapleton & Associates

Owner: Mr K & Mrs G Hall

Location: Lot 1209 DP 1011945
No. 64 Riversdale Boulevard, Banora Point

Zoning: 2(c) – Urban Expansion

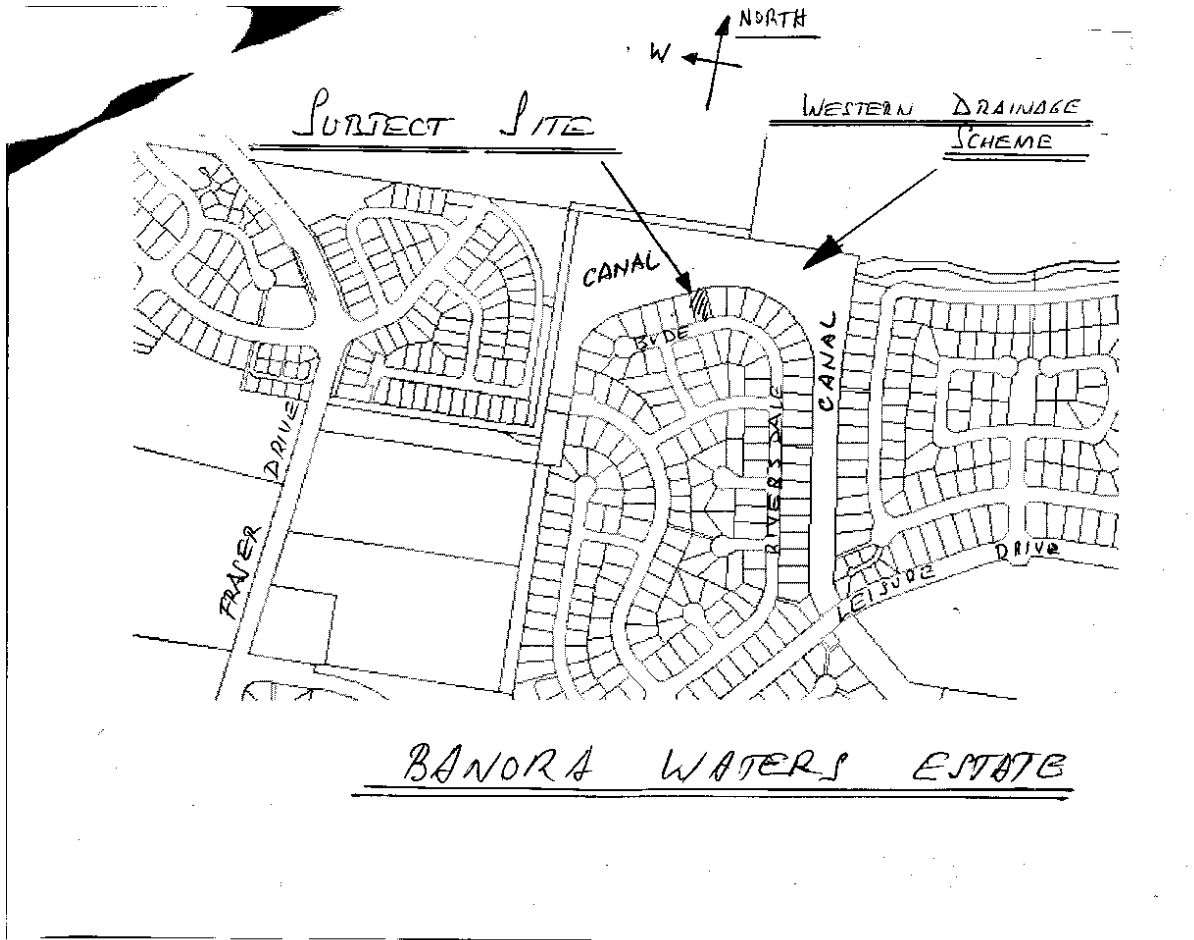
Estimated Cost: \$195,000

PROPOSAL

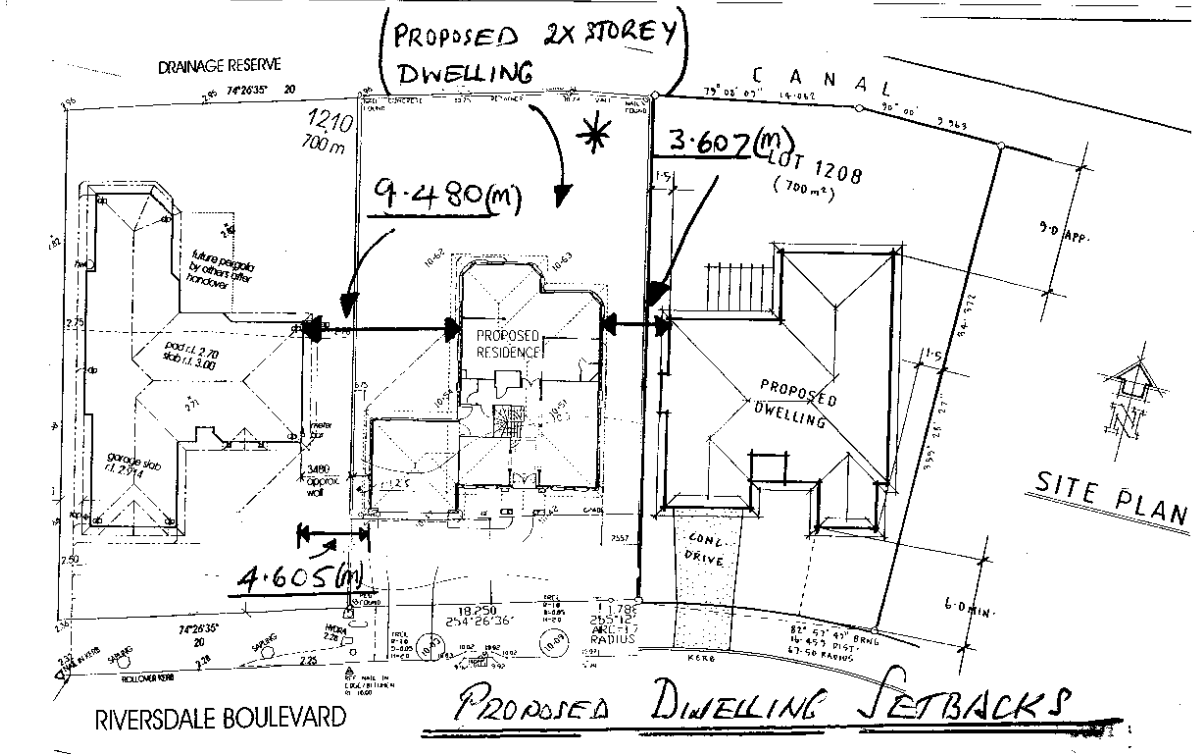
Council has received a Development Application seeking approval for a two (2) storey dwelling at the above described location. The subject land has a rectangular shape with an area of 700.1m². The land is flat and is bounded by single storey dwellings on either side, within a relatively new subdivision.

Adjoining property owners were notified. Both have made a submission of objection. Additionally Council has received a third submission of objection in the form of a petition signed by twenty three (23) surrounding property owners.

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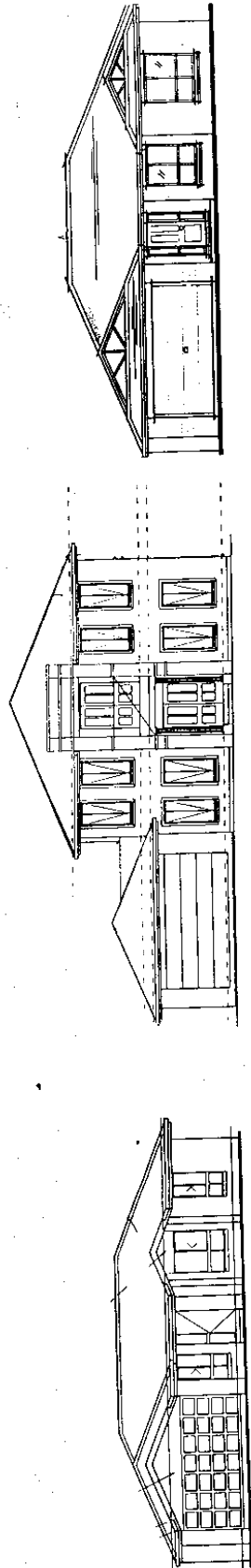


BANORA WATERS ESTATE



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FRONT ELEVATION OF PROPOSED TWO STOREY DWELLING
FROM STREET (RIVERSDALE BYDE)
VIEWED

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CONSULTATION

Adjoining property owners were notified. Each returned a submission of objection. These submissions are summarised below.

Submission One

- The double storey dwelling does not blend into the single dwelling area that is already in place.
- It will look out of proportion with the adjoining homes and will detract from our own home.
- The two storey dwelling will take away a certain amount of our privacy.
- The said dwelling will restrict resale opportunities and also resale values.
- If we were in the market for a home we would not be purchasing next to a two storey dwelling, therefore we object to one being built next to us.
- It is a shame that one of the last homes to be built in the street has to be different by not blending in with the existing homes.

Submission Two

- The dwelling will cast a shadow over the whole western side of our house, causing it to become damp and taking away warming winter sun.
- Our privacy will be lost due to upstairs windows facing our direction.
- We feel that it will restrict or devalue house values to all surrounding homes.

Submission Three (signed by twenty three (23) surrounding property owners)

- We feel it would not only impede on privacy of the immediate neighbours but would also have a detrimental impact on the area and take away from the natural landscape.

The applicants were advised of the submission of objections and afforded the opportunity to address same.

Their Consultants reply advises Council that:-

- i) There is not covenant or Council requirement, which prevents the construction of a two storey dwelling in the area.
- ii) The owners purchased the property with the intent of constructing a two storey dwelling.
- iii) The side boundary setbacks comply with Council's requirements.
- iv) There are other two storey dwellings in the Banora Waters Estate.
- v) The proposal will be aesthetically pleasing when completed and does not affect the amenity of the area.

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- vi) The garage is only single storey and will cast minimal shadow.
- vii) The remainder of the dwelling is two storey and set back 7.2 metres from the western boundary and 2.557 metres from the eastern boundary so overshadowing will be minimal.
- viii) In view of the above the proposed development complies with the requirements of Tweed Shire Council, will have no detrimental affect on the amenity of the area and we ask that approval be granted as soon as possible to allow the construction of the dwelling to commence.

GENERAL COMMENT

The Banora Waters subdivision has been available for land purchase and dwelling construction approximately seven or eight years. Within the subdivision there are approximately 500 residential blocks. There have been 5 two storey dwellings constructed within the subdivision to date. There are 23 vacant allotments remaining. Upon each Council may yet receive an application for a two storey or three storey dwelling. All other dwellings constructed within the subdivision are single storey. Within the vicinity of this block there are no other two storey dwellings.

Council could also at any time receive an application to construct first floor additions from any owner of a single dwelling within the subdivision.

A view of the plans of the proposed two storey dwelling notes:

- A single storey attached garage on the western side of the proposed dwelling.
- The external walls of the proposed dwelling (living areas) will stand seven (7) metres in from the western property boundary and two point five five seven (2.557) from the eastern property boundary.
- The window of Bedroom No. 2 and Bedroom No. 3 on the first floor does face towards the adjoining properties.
- The front wall of the proposed dwelling will stand at a six metre (6.0) setback from the front property boundary in line with all other dwellings in the street and subdivision.
- A view of the approved plans of the dwellings upon the immediate adjoining blocks confirms that the dwelling upon the block to the west of the lot in question to be set back three point four eight (3.480) metres from the common property boundary, with there being no windows in the nearest wall of this dwelling. The dwelling upon the block to the east of the lot in question does have one window of the master bedroom and the ensuite facing the common boundary. The external wall of this dwelling stands one point five metres (1.500) back from the common property boundary.

The land to the north of this part of Riversdale Boulevard is open and undeveloped, being the buffer to the Banora Point Sewage Treatment Works. The block faces predominantly North-South and has part of the Western Drainage Scheme adjoining its northern boundary. Dampness from overshadowing is not envisaged as being a problem.

Reports from Director Environment & Community Services

ASSESSMENT

The proposal has been assessed against the matters for consideration contained in Section 79 (c) (i) of the Environmental Planning & Assessment Act 1979.

This assessment appears below:-

a) (i) Statutory Provisions

The subject land is zoned 2(c) Urban Expansion. The proposal is permissible subject to Council's consent.

The 2(c) zone objectives are as follows:

Primary Objectives

- To identify land for urban expansion (which will comprise mainly residential development focused on multi-use neighbourhood centres) and to ensure its optimum utilisation consistent with environmental constraints and the need to minimise residential land take.

Secondary Objectives

- To allow associated non-residential development which meets the recreation, shopping, commercial, employment and social needs of future residents.
- To ensure that sensitive environmental areas within and outside the zone are protected from any adverse impacts of development.
- To enable planning flexibility to achieve the other objectives of the zone by providing detailed guidelines through development control plans.

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

It is considered that the proposal is not likely to create any significant adverse impacts. Physical disturbance of the site will occur during construction and these works will be protected by suitable erosion and sedimentation control measures.

It is considered the building design will not be detrimental to the built character of the locality. The design will be modern, the high roofline will be broken in part by the balcony and parapet above. It will be between two existing dwellings that are themselves well setback from the common property boundaries, which will result in a distance of three to four metres between adjoining dwellings. The proposal also provides an attractive street frontage incorporating a formal entrance, windows and first floor balcony.

c) **Suitability of the site for the development:-**

It is a fact that at present there are no two storey dwellings in close proximity to this block. However, with consent Council is able to approve single storey, two storey and/or three storey

Reports from Director Environment & Community Services

dwelling within this area. It should be accepted that at some stage other owners of blocks within this subdivision could make applications for either type of development.

As previously discussed in Section (a) and (b) of this report, it is considered that the development is suitable to the site. It is considered that the land has no identified constraints that would warrant refusal of the application.

d) Submissions

As discussed in the consultation section of this report, adjoining property owners were notified and their submissions of objection were received. Additionally a petition of objection signed by twenty three (23) surrounding property owners was also received.

e) Public Interest

The public interests have been taken into consideration in this report and it is considered that the proposed development is suitable to the locality in terms of design, scale and height.

LEGAL/FINANCIAL/RESOURCE IMPLICATIONS

In the event that the applicant is dissatisfied with Council's determination a Right of Appeal exists to the Land and Environment Court.

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.

CONCLUSION

Having regard to the above Section 79 (c) (i) assessment, it is considered that the proposed development is suitable and should be supported in that it will not have a significant impact on adjoining residences in terms of privacy, overshadowing and/or resale opportunities.

The proposed development will not significantly detract on the amenity of the locality.

Reports from Director Environment & Community Services

17. ORIGIN: Environment & Health Services Unit

FILE REF: Council Management; Community Advisory Committee

REPORT TITLE:

The 1999 Community Planning and Services Audit

SUMMARY OF REPORT:

Council is advised that the Local Government and Shires Association of New South Wales has forwarded a copy of the 1999 Community Planning and Services Audit entitled Resourcing Communities.

The report compares new data with the 1993 and 1986 data and concludes that despite the wealth of changes in the environment in which Local Government operates its involvement in community planning and services remains the deepest and widest it has ever been.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Environment & Community Services

REPORT:

Council is advised that the Local Government and Shires Association of New South Wales has forwarded a copy of the 1999 Community Planning and Services Audit entitled Resourcing Communities.

The report compares new data with the 1993 and 1986 data and concludes that despite the wealth of changes in the environment in which Local Government operates its involvement in community planning and services remains the deepest and widest it has ever been.

The conclusions of the report are set out below. Any Councillor who would like a full copy of the report should contact the Director Environment & Community Services.

CONCLUSIONS

Social Planning and Community Development

For social planning and community development activities, those involving the greatest number of councils are the following:

- *supporting symbolic or promotional weeks*, covering in descending order Seniors Week, Library Week, Youth Week, NAIDOC Week and National Reconciliation Week.
- *facilitating development of new facilities, services or activities for specific target groups or issues*, covering in descending order ageing people, young people, people with disabilities, neighbourhoods, children, families, education, and indigenous people.
- *participating in crime prevention* or community safety strategies of the Police Service.
- *pursuing local social planning*, covering in descending order community profiles, s94 Community Facilities Contribution Plans and incorporating specific target groups or issues into their social planning.
- *maintaining Plans of Management for various classes of Open space*.
- *participating in the planning process of other spheres of government*, covering in descending order Ageing and Disability Department planning, DOCS Integrated Community Services planning, State Child Care Consultations, National Child Care Strategy consultations, Area Health Service discussions on immunisation and Regional Arts Strategy participation.
- *supporting the local Interagency*.
- *preparing local policies* (although the only one reaching a majority of responses is 'Library Policy Statements').

From the information available it appears that the level of social planning and community development activities amongst Local Government has increased over the recent past. There has been some decline in involvement in such things as Migrant Advisory Committees and Community Services Committees. However, the number of councils with involvement in Youth Week, Youth

Reports from Director Environment & Community Services

councils, Aboriginal Liaison committees, Community Profiles, Social Plans and Cultural Development Plans has increased. This tends to support the general view that Local Government social planning and community development activities have strengthened across the 1990s in term of the number of councils involved and the breadth of activities that are being embraced.

Direct Service Provision

Apart from parks and recreation grounds and libraries where there is almost universal involvement, the council-provided community services involving the greatest number of councils are as follows:

- *general communal buildings*, covering in descending order public halls, community centres and neighbourhood centres.
- *swimming pools*, covering in descending order outdoor and indoor facilities.
- *specific library and information services*, covering in descending order information technology/multi media centres, literary events and local history/family study centres.
- *ageing and disability services*, covering in descending order developmental staff, seniors' centres, Home and Community Care Centres, Community Transport, Food and Meals-on-Wheels services, and Respite Care services.
- *general community planning, development or support services*, covering in descending order community development staff, community grants/donations programs, and social planning staff.
- *general cultural services* covering in descending order festivals/celebrations, sister city/cultural exchanges, museums, cultural grants/donations, art galleries, cultural development staff, performing arts events and heritage buildings and places.
- *youth services*, covering in descending order development staff and youth centres.
- *immunisation services*, covering in descending order clinics and approved distribution points.
- *children's care and education services*, covering in descending order long day care, family day care, out of school hours care, preschools and occasional care.

The numbers of responding councils involved in direct service provision have increased for the following service types: Public Halls, Museums, Art Galleries, and Food/Meals-on-Wheels Services. However, the case of Public Halls is interesting. With the corresponding decline in Community and Neighbourhood Centres this increase may be more a product of reclassification of existing facilities than building new halls and closing community centres.

The numbers of responding councils involved in direct service provision have decreased to a small extent for the following service types: Community Centres, Youth Centres, Transport (Aged/Disabled), Family Day Care, Long Day Care, Preschools, Out of School Care, Theatre etc Centres, and Neighbourhood Centres.

Reports from Director Environment & Community Services

The numbers of responding councils involved in direct service provision have decreased quite noticeably for the following service types: Seniors Centres, Immunisation and Arts Programs. In the case of Seniors Centres the figures may not be strictly comparable because the 1994 data covered 'Senior Citizens Centres/services': in a sense the 1994 data would therefore have covered many aged services beyond the Centre. The Community Arts programs data suffers from similar problems in comparisons. The Immunisation trend downwards is quite accurate, reflecting the trend noted by NSW Health that the number of councils acting as either immunisation distributors and clinic providers has been falling noticeably during the 1990s.

On the balance the numbers of councils involved in direct community service provision seems to have plateaued. This is a fairly strong performance over the period given the significant pressures and changes that were covered in the Chapter on context (section 2).

It is also clear that the number of direct community services being provided by Local Government has increased. Again this is a remarkable development given the significant pressures and changes that were covered in the Chapter on context (section 2).

Support for services independent of council

In terms of support for the infrastructure, services or activities provided by independent organisations those involving the greatest number of councils are:

- *Providing donations or subsidies*, covering in descending order festivals and celebrations, youth services, performing arts events, museums, bands/orchestras, community arts programs, public halls, neighbourhood centres and swimming pools.
- *Providing building or office space*, covering in descending order Seniors Centres, Long Day Care, Preschools, Food Services, Museums, Youth Services, Early Childhood Health Centres, Occasional Care, Home and Community Care Centres, Neighbourhood Centres, Transport services and Public Halls.
- *Providing building maintenance*, covering in descending order Seniors Centres, Museums, Preschools, Long Day Care, Early Childhood Health Centres, Public Halls, Youth Services, Home and Community Care Centres, Food Services and Occasional Care.
- *Providing land*, covering in descending order Preschools, Museums, Senior Centres, Public Halls, Occasional Care, Early Childhood Health Centres and Swimming Pools.
- *Participating in management for, providing advice to and providing administrative support to* Festivals and Celebrations.

Overall amongst responding councils, support for non-government services is relatively stable for i) long day care, ii) food and meals-on-wheels services, iii) youth services and iv) occasional care services. But support for the services of others is trending downwards significantly for the following: i) festivals and celebrations, ii) seniors centres, iii) preschools, iv) public halls, v) neighbourhood centres, vi) transport services, vii) out of school hours services and viii) emergency accommodation. Against these trends needs to be balanced the splintering of support amongst a wider variety of other non-government services, some of which are relatively new. These activities

Reports from Director Environment & Community Services

or services had not reached significance or not been measured in the previous studies. These other services include i) Performing Arts Events/Concerts/Eisteddfods (27.6%), ii) HACC Centres (25.2%), iii) Bands or Orchestras (23.5%), iv) Theatres (19.5%), v) Home Modification and Maintenance Services (15.4%), vi) Family Support Services (13.8%) and vii) Respite Care Services (13.0%).

It appears that Local Government support for non-government services has been spread over a wider set of functions, and consequently declined for some and stabilised for others. This probably fuels the perception in some parts of the non-government welfare sector that Local Government support has decreased, in terms of the number of councils involved and the dollar value of the support. However from this study there is no way of testing this perception.

Reports from Director Environment & Community Services

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Reports from Director Environment & Community Services

18. ORIGIN: Environment & Health Services Unit

FILE REF: Noxious – Insects & Pests

REPORT TITLE:

Entomological Control Report

SUMMARY OF REPORT:

The following report outlines nuisance insect and vermin control carried out during January to March 2001.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Environment & Community Services

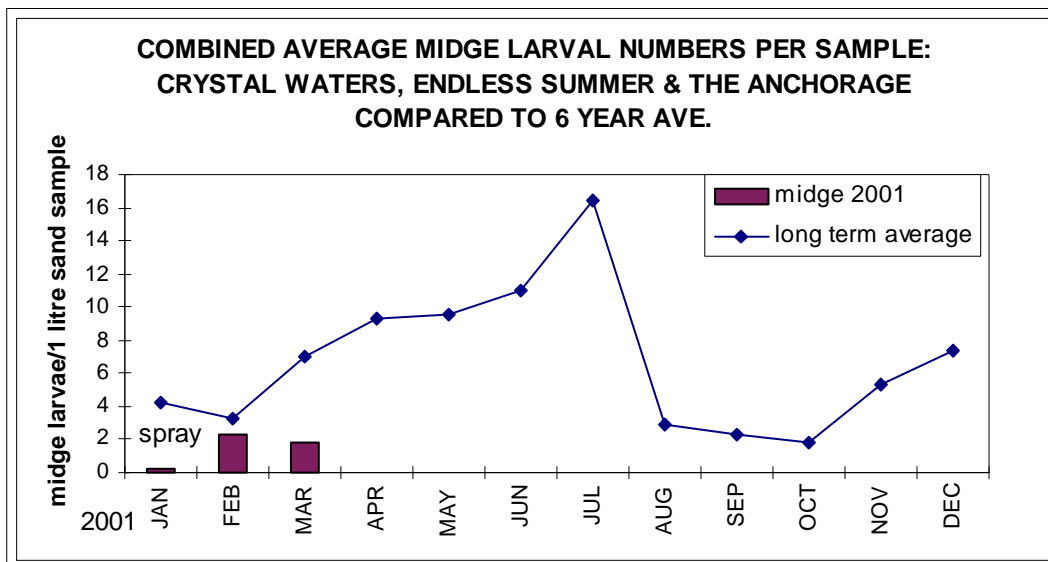
REPORT:

BITING MIDGE

Seasonal activity

Biting midge nuisance complaints have remained low throughout the season, a total of 7 midge related complaints were received from residents over the report period. Parts of Banora Point were affected by *Culicoides molestus* at times and areas of Tweed Heads South, in particular Tweed River High School, were affected by *Culicoides subimmaculatus* emanating from the Ukerebagh Nature Reserve.

Midge larval numbers in canal estates have remained low since the January 2001 larvicide treatments. The following graph shows monthly midge monitoring indicating average midge larval numbers per 1 litre sand sample at the major canals compared to the long term average.



Control

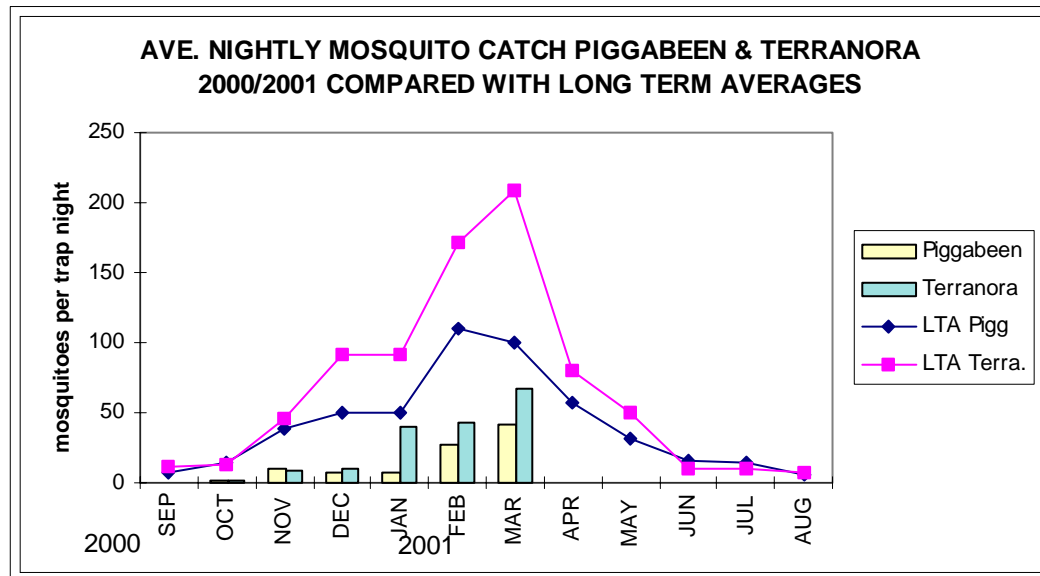
Midge larval sprays planned for December 2000 were postponed until January 2001 due to low larval numbers throughout the major canal systems. Canals beaches at Endless Summer, The Anchorage, Crystal Waters, Blue Waters and Tweed Waters were treated during January. Post spray sampling indicated excellent control by 48 hours post treatment with an average 94% reduction of live midge larvae.

MOSQUITOES

Seasonal activity

Mosquitoes were in plague numbers in some coastal districts of the Shire during March. Flooding rains in February and March hatched mosquito larvae over extensive areas. There were 103 complaints regarding mosquitoes over the report period, most of these were received during late March. Carbon dioxide baited mosquito traps at Terranora and Cobaki Inlet illustrated below do not indicate the localised mosquito problems in specific coastal areas.

Reports from Director Environment & Community Services



Coastal wetland breeding mosquitoes

The main pest species causing complaint was *Aedes funereus*, a savage day and evening biting mosquito which attacks tenaciously. This mosquito is not generally a major pest in the Shire as it breeds under dense tree cover and tends to remain close to its breeding areas. The timing of the two floods led to large *Ae. funereus* population buildups in coastal tea tree wetlands. Mosquitoes from these breeding areas spread along vegetated corridors to nearby residential areas. The worst affected areas were parts of East Banora Point, Chinderah, Hastings Point, and Pottsville (particularly Koala Beach). The same species of mosquito was apparently a major pest throughout extensive coastal areas of northern NSW and south east QLD during March.

Lack of open buffer zones between thickly vegetated wetlands and residential areas causes most of the mosquito complaints in residential areas near these wetlands. Unfortunately control of *Ae. funereus* in these habitats is particularly difficult without resorting to aerial larvicide application. Aerial application is not feasible in most of these areas due to the close proximity of dwellings. Pottsville Public School was badly affected by *Ae. funereus*, with mosquitoes swarming around students and entering classrooms. On inspection it was found that the 50 metre buffer recommended by Council between classrooms and the wetlands had been filled in by demountable buildings. Some of these buildings now abut the wetland with obvious consequences. Parts of Koala Beach, Oxley Cove and Banora Point are also suffering the effects of having insufficient buffers surrounding densely vegetated wetlands.

Domestic breeding mosquitoes

Many of the mosquito complaints investigated were caused by peri-domestic breeding mosquitoes breeding in the complainants own yard. Investigations following mosquito complaints from one Tweed Heads Van Park, found large numbers of mosquitoes breeding in ornamental ponds, bird baths, buckets and an array of discarded rubbish holding water such as pots, broken white goods

Reports from Director Environment & Community Services

and building materials dumped in adjacent vegetation. Management at this park is cooperating by circularising residents about the problem and organising a clean up.

Control

Mosquito control efforts were carried out almost daily throughout February and March.

Aerial larvicide treatment was carried out to saltmarsh mosquito breeding areas below Terranora and Bilambil in February and adjacent to Bilambil Creek and extensive areas on Dodds Island during March. The February treatment was very effective in controlling potential plague mosquito populations around Bilambil Heights and Terranora. March aerial treatment was delayed by bad weather which allowed around 10 percent of target mosquito larvae to advance past the stage they are susceptible to larvicide.

Ground based control with biological larvicides was an almost continuous operation with areas requiring treatment at Condong, Tumbulgum, Chinderah, Fingal, Kingscliff, Pottsville, Terranora, Tweed Heads, Banora Point and Cobaki.

Pyrethroid adulticides were applied at Bruce Chick Park and Pottsville School to give some relief from extremely high *Aedes funereus* mosquito numbers.

We will have to develop new techniques to effectively control *Aedes funereus* populations in coastal melaleuca wetlands adjacent to residences, van parks and schools. This species aggressive nature, high attractance to carbon dioxide and reluctance to move far from its breeding areas may allow effective trapping within the breeding areas with appropriately designed vandal proof traps. The entomological unit will research some possibilities along these lines this year.

Arbovirus

Tweed Council area received notifications of 9 cases of Ross River virus and one case of Barmah Forest virus over the report period. Cases were well scattered throughout the Shire.

OTHER PESTS

There were 70 miscellaneous requests for service, identifications etc. over the report period. The most common requests dealt with ants, spiders, wasps and rats.

Rat baiting was carried out to infested rock walls and some parkland at Tweed Heads.

Reports from Director Environment & Community Services

19. ORIGIN: Recreation Services Unit

FILE REF: Bilambil Sports Complex

REPORT TITLE:

Bilambil Sports Complex

SUMMARY OF REPORT:

At its meeting held 21 March 2001, Council resolved:

“That the General Manager prepares a report on:

- 1. The current and future sporting grounds/facility requirements for the Terranora/Bilambil communities; and*
- 2. Funding implications for consideration by Council in formulating the 2001/2002 Budget.”*

RECOMMENDATION:

That this report be received and noted.

Reports from Director Environment & Community Services

REPORT:

At its meeting held 21 March 2001, Council resolved:

“That the General Manager prepares a report on:

- 1. The current and future sporting grounds/facility requirements for the Terranora/Bilambil communities; and*
- 2. Funding implications for consideration by Council in formulating the 2001/2002 Budget.”*

With reference to point 1 of the resolution, Council’s Strategic Planning Unit offered the following comments:

CURRENT SITUATION

The draft Open Space Infrastructure Policy has involved a review of existing public open space provision by catchment. From Table 3 of this Policy there appears to be an undersupply at present of approximately 17 hectares of structured open space in the Terranora/Tweed Heads/Bilambil/Cobaki catchment (based on the current standard for active open space of 1.7ha/1000 population).

This notional shortfall is evidenced by the use of the Bilambil sports ground, which is about 22 hectares in size, being fully utilized by the broader community. These sports grounds are privately owned and therefore have not been included in the Open Space Infrastructure Policy analysis.

In order to meet the public structured open space requirements for this catchment, it would appear warranted that Council acquire the Bilambil sports ground. However, Section 94 cannot be used by Council to purchase the grounds as these sports fields are being used by the existing population and have been used for many years.

FUTURE

In the Terranora/Bilambil area, there are three current or proposed release areas that will require open space:

Terranora Village, which is being catered for with the provision of a small sports field to be funded through Section 94 for development in the Terranora Village area (Contribution Plan No. 21).

Bilambil Heights and Area E. These two areas will probably require open space to cater for the expected population, and any funding will be provided through Section 94. However as no detailed planning has been undertaken in Bilambil Heights and Area E, it is premature at this stage to attempt to identify the future open space needs for these areas.

Moreover, the location of the Bilambil Sportsground is not ideally located for any of these release areas. Therefore at this stage its inclusion in the Open Space S94 Plan is not warranted.

With reference to point 2 of the above resolution, it appears that funding implications for Council will be apparent should the Bilambil Complex become unavailable to the community.

Reports from Director Environment & Community Services

Should this be the case, Council has three options to accommodate the current users of the Bilambil Complex:

1. Attempt to purchase the Bilambil complex from the current owners.
2. Attempt to accommodate the current users at other existing Council facilities. The existing facilities that may be regarded as proximate to Bilambil/Terranora are the Piggabeen Complex and the South Tweed Fields (Ron Wilkinson and Dave Burns Fields). The current use of these fields are as follows:

Bilambil Complex

Day	Summer	Winter
Monday		Soccer Training 30; Softball 8 teams
Tuesday	Cricket Training 40	Junior Rugby League 100
Wednesday	Cricket Training	Touch Football 38 Teams; Soccer training 80
Thursday	Cricket Training 60	Soccer training 50; Junior Rugby League 120
Friday	Touch training 4 teams	Touch training 4 teams; Soccer matches – 2 games; JRL 2 matches
Saturday	Cricket – Juniors 3 matches AM, Seniors 3 Matches PM	Soccer – Juniors 8 matches AM; JRL 6 matches AM
Sunday	Equestrian monthly	Softball training 4 teams Equestrian Monthly

Piggabeen Complex

Sport	Number
Summer	
Touch Football	360
Softball	500
Winter	
Touch Football	200

Reports from Director Environment & Community Services

Softball	500
Junior Rugby League	250
Senior Rugby League	100
Group 18 (Refs)	200

South Tweed Complex

Sport	Number
Summer	
Touch Football	250
Cricket	970
Winter	
Junior Rugby League	250
Senior Rugby League	64
Soccer	240

These figures demonstrate:

1. The cricket facilities, being 1 turf and two synthetic wickets cannot be accommodated at any other facility.
 2. The equestrian facility cannot be accommodated at Council's other facilities.
 3. Whilst each of the sports at these facilities may be able to accommodate the usual increase in participant number (in the short term), the facilities are not able to facilitate the use required by another club.
3. Identify other opportunities within the area to provide facilities for the Bilambil Complex users. These opportunities may be in expanding the planned sportsfields at Terranora or construction of fields on Community land located of Beltana Drive (Figure 1).

The problem in providing information on the costs and feasibility of constructing facilities at these sites is that they are low lying flood prone areas located adjacent to Duroby Creek. Subsequently, Council's Development Assessment Unit has advised that significant environmental assessment would be required initially to determine if the sites were suitable and identify any constraints on development. Secondly, due to their

Reports from Director Environment & Community Services

low lying nature, significant Engineering detail of landform and fill requirements would be required to determine final costings to construct the proposed fields, access road, carparking, buildings, etc.

Whilst these processes have been undertaken for the future fields at Terranora, areas to the south of the fields abut steep escarpment land, to the west of Duroby Creek, the East is constrained by planned development (road networks, etc) and areas to the north and west may pose issues associated with the wetland vegetation at the site. Additionally, the timeframe for the construction of these fields is unknown, but unlikely in the short term.

Consequently, to pursue these options would require funding to undertake the studies required of a Development Application to determine the feasibility of these sites for fields. From this the cost to construct the fields and associated facilities may be determined.

Reports from Director Environment & Community Services

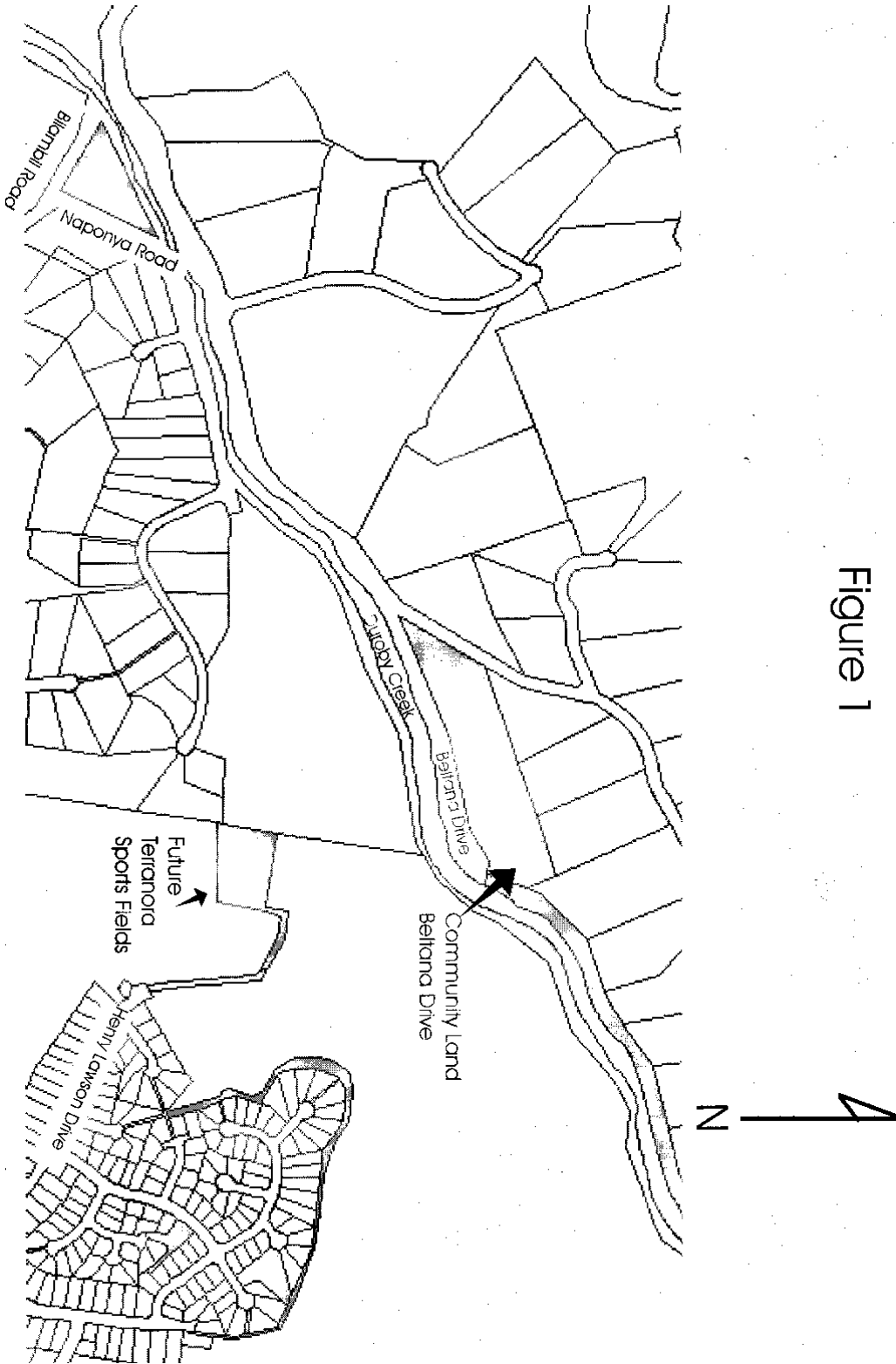


Figure 1

Reports from Committees/Working Groups

1. Minutes of the Sports Advisory Committee Meeting held Tuesday 20 March 2001

Sports Advisory Committee

VENUE:

Murwillumbah Buchanan Training Room

TIME:

5.00 pm

PRESENT:

Committee Members: Crs George Davidson, Warren Polglase, Phil Youngblutt; Mr Stewart Brawley, Mr Kevin Brennan, Ms Leanne Sharp, Mr Ken Baldwin, Mr Peter Moschogianis, Mr Ron Brisby, Ms Glennys Kenny

Informal: Mrs Blyth Short (Recorder)

APOLOGIES:

Nil

CONFIRMATION OF MINUTES:

Moved: Glennys Kenny

Seconded: Leanne Sharp

RESOLVED that the Minutes of Sports Advisory Meeting held Tuesday 20 February 2001 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

2. Piggabeen Sports Complex

Piggabeen Sporting Complex

S Brawley advised that Softball has moved their semi finals one week forward to avoid a difficult transition from summer to winter seasons at Piggabeen. The portable goals for Rugby League have been delivered.

Reports from Committees/Working Groups

4. Rugby Union - Banora Green

Banora Green

S Brawley advised that Rugby Union has decided to use Banora Green for a season before going ahead with building a clubhouse.

Minutes from previous years were searched for a resolution of the previous use of Ron Wilkinson Fields by the Tweed Coolangatta Barbarian Union. The following was resolved at a Council meeting held 7 July 1999, that, 'the payment of \$200 be accepted and the outstanding debt of \$1600 be recorded.'

The committee discussed this issue and it was noted that:

1. The licensees for Banora Green are Junior Rugby Union whilst the previous licensees were seniors.
2. The new committee, both Junior and Senior are not associated with the previous licensees.

Consequently, the new committee cannot be held accountable for the old committees debts.

Moved: Ken Baldwin

Second: Leanne Sharp

RECOMMENDATION:

That the Sports Advisory Committee recommends, that Council no pursue the debt of Tweed Coolangatta Barbarians Rugby Union from 1999.

2. Bilambil Sports Grounds

Bilambil Sports Grounds

Committee advised of the resolution 7 March 2001.

Kevin Brennan noted that existing facilities near the Bilambil Sports Grounds are currently at full capacity and would not be able to cater for additional users if the Bilambil Complex were not available.

GENERAL BUSINESS:

1. Murwillumbah Rowing Club

Murwillumbah Rowing Club

R Brisby advised that the problem with rowers only exists with water skiers from the Murwillumbah Bridge downstream to the Condong Bridge. It was noted that there are no

Reports from Committees/Working Groups

public boat ramps within this section of the river and problems do not occur with powerboats. The committee discussed this issue and unanimously supported that Council approach the Waterways Authority to establish an exclusion zone for water skiers within this section of the river.

Moved: Ken Baldwin
Seconded: Glennys Kenny
RECOMMENDATION:

That Council approach the Waterways Authority to establish an exclusion zone for water skiers from the Murwillumbah Bridge to Condong Bridge.

2. Steel Pegs on Sports Fields

Licences – Sports Fields

S Brawley presented to the committee a dozen twisted steel pegs up to 30 cm long which have been collected from various fields throughout the shire over the last 2 weeks. Two problems occur when these steel pegs are left on the fields. When a gang mower runs over them they cause extensive damage to the machine and the pegs become a dangerous projectile. A possible solution to this problem is that all licensees paint steel pegs in fluorescent paint to enable easy identification after games or by tractor operators, or to use plastic pegs.

3. International Year of Volunteers

S Brawley advised the committee of a web site www.iyv2001.gov.au which exists and may be of some assistance for sporting bodies. This item will be included in the next Sports News Bulletin.

4. Community Development & Support Expenditure (CDSE) Scheme

G Kenny expressed concerns with the lengthy forms required for sponsorship of sporting bodies by Registered Clubs.

S Brawley advised that G Edwards represents Council on the committee on the committee and further information will be brought forward at the next meeting.

Reports from Committees/Working Groups

5. Schools Programs

R Brisby advised of NSW Combined High Schools Championships, which is due to commence 24 & 25 March 2001 at the Murwillumbah Rowing Club.

P Moschogianis advised that the Primary Schools Sporting Association would be utilising Piggabeen Sporting Complex throughout the winter 2001 Season.

NEXT MEETING:

The next meeting of the Sports Advisory Committee will be held 17 April 2001.

The meeting closed at 5.40 pm.

Director's Comments:

Nil

DIRECTOR'S RECOMMENDATIONS:

4. Rugby Union - Banora Green

Banora Green

Committee Recommendation:

That the Sports Advisory Committee recommends, that Council no pursue the debt of Tweed Coolangatta Barbarians Rugby Union from 1999.

Director's Recommendation:

The debt referred to in item 4 Business Arising has been previously been written off by Council.

1. Murwillumbah Rowing Club

Murwillumbah Rowing Club

Committee Recommendation:

That Council approach the Waterways Authority to establish an exclusion zone for water skiers from the Murwillumbah Bridge to Condong Bridge.

Director's Recommendation:

As per committee recommendation.

Reports from Committees/Working Groups

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

2. Minutes of the Community Cultural Development Committee Meeting held Thursday 22 February 2001
 3. Minutes of the Tweed Shire Council Centenary of Federation Committee Meeting held 8 March, 2001
 4. Minutes of the Companion Animal Committee Meeting held 2 April 2001
 5. Minutes of the Regional Companion Animal Committee Meeting held 2 April 2001
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Reports from Committees/Working Groups

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Orders of the Day

1. Notice of Rescission - Cr James, Cr Luff and Cr Carroll

Investigation into Back Burning - Littoral Rainforest, Hastings Point

Notice of Rescission, Rainforests, Bush Fire Brigade

That Council resolution at Minute No 899 & 901 in relation to Item 1a of the Meeting held 4 April 2001 being:-

".....that Council endorses the Conclusions of the Investigation as follows:

5.0 Conclusions

5.1 The major findings and conclusions are:

- (a) *That the key bushfire brigade personnel – particularly Mark Eglington and Col McClymont should be cleared of all blame and totally exonerated in that they acted in good faith and in terms with operational practice, bushfire fighting experience and protocols of the Rural Fire Service.*

In the circumstances of their having to make emergency decisions it could not reasonably be expected that they should have precise knowledge of every environmental feature or legal status of any given piece of land upon which emergency action was deemed to be necessary.

- (b) *Those key personnel also had an understanding of rainforest being normally fire retardant, characterised by different vegetation types and without fuel at ground level which was there because of recent rehabilitation works.*
- (c) *That there was high smoke intensity and potential for embers to be carried to provide a threat to residential property on the western side of the Coast Road at the time that the backburning operation took place.*
- (d) *That there are significant inadequacies in terms of communication to the Rural Fire Service and local brigades of environmentally significant areas.*
- (e) *However in the context of an emergency due to a bushfire threat, it needs to be appreciated that the first priority of the Rural Bushfire Service will always be directed to the saving of life and property.*

That Council endorses the Recommendations of the Investigation as follows:

- (a) *The completion of the Bushfire Risk Management Strategy for public exhibition be expedited (this is subject of a report to Council at its meeting of 4 April, 2001); and a related draft Development Control Plan also be prepared expeditiously after the conclusion of that public exhibition.*

Orders of the Day

- (b) *The NSW Rural Fire Service, Department of Land & Water Conservation, Department of Urban Affairs and Planning and Council prepare a strategy and budgetary program for mapping, signage and communication of environmentally significant areas in the coastal sector particularly of Tweed Shire and to reduce bushfire hazard in the coastal sector by way of widening tracks, creating buffers and fuel reduction zones – such a program should ideally still be prepared for incorporation into Council's draft budget for 2001/2002.*"

and endorses the provision of the report to the State Department of Urban Affairs and Planning, the State Department of Land & Water Conservation and the NSW Rural Fire Service.

be rescinded."

2. Notice of Motion - Cr Luff

Seaside City Local Environmental Study - Selection of Consultants

Notice of Motion, GT1/LEP/2000/3

That Council censures Councillor Brinsmead for statements he made during the meeting of 4 April 2001 on the above item. The statements were about a particular tenderer. He said he had attended a meeting with various others including representatives of DUAP, and referring to the discussions at that meeting he said that the particular tenderer should not be considered because "they were an unknown firm. DUAP didn't know them. No-one knew if they could do the work. No-one wanted them". Council is now informed by a letter from DUAP dated 11 April 2001 that "the meeting was informed that (the firm in question) is well know to DUAP.....The fact that the company is a large concern with officers and qualified personnel in Brisbane and other centres was also mentioned at the meeting."

Orders of the Day

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Workshops

Councillors,

Following are details of upcoming Workshops of Council:-

1. New Art Gallery Workshop

Art Gallery

Date: 9 May 2001

Time & Duration: 7.30 – 8.30pm

Organiser: Director Environment & Community Services

Resolved by Council:

2. TACTIC Workshop

TACTIC

Date: 23 May 2001

Time & Duration: 4.30 – 5.30pm

Organiser: Director Corporate Services

Resolved by Council:

3. Tweed Shire Council Bushfire Management Plan Workshop

Bush Fire Brigades; Risk Management

Date: 23 May 2001

Time & Duration: 7.30 – 9.30pm

Organiser: Director Environment & Community Services

Resolved by Council: 4 April 2001, Min No 921

Workshops

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