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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 5

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Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (e) information that would, if disclosed, prejudice the maintenance of law 9

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 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 11

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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

Schedule of Outstanding Resolutions

20 SEPTEMBER 2000

REPORTS FOR DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

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

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 to be completed in conjunction with Council's Risk Manager.

21 MARCH 2001

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.
-

Schedule of Outstanding Resolutions

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: Sewer connection nearing completion.

18 APRIL 2001

REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

3. Houses on Road Reserve - Reserve Creek Road

R4660 Pt4

*Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)
(a) personnel matters concerning particular individuals*

C188

That Council enters into confidential discussion with each of the occupants of the premises referred to in the report prior to reporting back to council on a proposed course of action.

Current Status: To be completed

20 JUNE 2001

ORDERS OF THE DAY

1. Main Street Program - Funding Options

Notice of Motion, Wollumbin Street, Street Scaping - M'bah

1200

Cr Marshall

Cr Boyd

RESOLVED that the General Manager be requested to investigate funding options with the view of preparing draft concept plans for the re-development of Wollumbin Street, Murwillumbah, under the Main Street Program.

Current Status: To be finalised.

Schedule of Outstanding Resolutions

3 OCTOBER 2001

ORDERS OF THE DAY

9. **Planting & Maintenance of Littoral Rainforest - Former Border Caravan Park and Other Locations**

Trees-Planting, Border Caravan Park, Notice of Motion

303

Cr Boyd

Cr Luff

RESOLVED that Council officers bring forward a report that considers the planting and maintenance of a stand of littoral rainforest along the Boundary Street side of the former Border Caravan Park and other selected locations within this unused open space, the work to be undertaken with the support of one or more of the following agencies – Tweed Landcare Inc, Greencorps, Green Reserve or Work for the Dole.

Current Status: To be finalised.

7 NOVEMBER 2001

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

31. **Crystal Creek Hall**

Rural Hall - Crystal Creek 3780.3240

397

Cr Beck

Cr Marshall

RESOLVED that Council:-

1. Indicates its willingness to become the trustee/owner of the Crystal Creek Hall located at Lot 1 DP 342902 Numinbah Road, Crystal Creek.
2. Takes all necessary steps to become trustee/owner and affixes the Common Seal of Council to all necessary documentation.
3. Establishes a local committee to manage the hall on Council's behalf.
4. Classifies the land as community land.

Current Status: To be finalised.

Schedule of Outstanding Resolutions

ORDERS OF THE DAY

10. Industry - Tweed Shire

Notice of Motion; Industrial Development - General

418

Cr Polglase

Cr Youngblutt

RESOLVED that a report be brought forward on what incentives Council could consider to support the relocation or establishment of industry in the Tweed Shire.

Current Status: Report to be prepared.

5 DECEMBER 2001

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

17. Proposed Tweed Natural High Campaign

Drug Related Matters

508

Cr Boyd

Cr Marshall

RESOLVED that Council:-

1. Endorses the proposed Tweed Natural High Campaign
2.
 - a. Forms an Advisory Committee to formulate such a campaign.
 - b. Appoints Councillor Polglase to be on the Committee
 - c. Requests the nominated Councillor, relevant staff and a representative of the Queensland Alcohol and Drug Foundation to meet to bring back to Council a recommended Advisory Committee membership.

Current Status: Action to be commenced early 2002.

Mayoral Minute

Councillors,

1. Lindisfarne Production

Invitations

3 December – Attended the Lindisfarne School presentation of “The Magical Christmas Box”. This excellent production was very professionally staged at the New Seagulls Club

2. International Day of People with a Disability

Disabled Matters

3 December – Attended a lunch at Tweed Heads Bowls Club to celebrate International Day of People with a Disability

3. National Year of Volunteers

Volunteers

5 December – was honoured to present Certificates to local volunteers and present the prestigious Premier’s Awards

4. Resort Development Terranora

Invitations

6 December – attended the Media Launch of the St. Michaels Sheraton Resort planned for the old Terranora Lakes Country Club. This is projected to be the biggest development project the Tweed has ever seen

5. SOUTH ROC MEETING

SROC

6 December - Attended South ROC Committee meeting at Nerang

Mayoral Minute

6. Findlater & Associates Christmas Function

Invitations

Invitations 6 December – Attended Findlater & Associate’s Christmas Function at Club Banora

7. TEDC

Invitations

7 December – Attended TEDC monthly meeting and Christmas Function

8. Tweed Shire Council Christmas Function

Invitations

7 December -Tweed Shire Mangers Christmas Function with Directors and Councillors was held at Murwillumbah Golf Club. Feed back indicates it was a great night and well appreciated by those who attended.

9. South Tweed Rotary

Invitations

8 December – attended South Tweed Rotary Christmas Function

10. Bridge to Bridge Swim

Invitations

9 December – had the honour of starting the swimmers for the Bridge to Bridge swim. About 100 swimmers took part. Indications are that this could become a great annual event in the Murwillumbah area.

11. Uniting Church

Invitations

9 December –was a guest at a Service held in the Tweed Heads Civic Centre by the Uniting Church Presbytery Dr. Ray Redcliff was the guest speaker.

Mayoral Minute

12. Christmas on the Harbour Carols

Invitations

9 December – In excess of 5,000 people attended the Christmas on the Harbour Carols which I was asked to open. This event has grown beyond expectations over the past few years and is thoroughly enjoyed by families residing in the Tweed Shire and surrounding areas.

13. Junior Soccer – South Tweed

Sport & Rec General

10 December -Junior Soccer has been running a twilight competition at South Tweed. Approx. 200 children were involved on the night I attended and were very well supervised by the parents.

14. Autumn Club

Invitations

11 December – Attended the Autumn Club's Christmas Lunch at the Murwillumbah Bowling Club. The Autumn Club provides great fellowship for its members

INVITATIONS RECEIVED:

- 13 December – TACTIC AGM
 - 14 December – Councillors and Directors Christmas Function
 - 15 December – Open Greg Norman Junior Masters Golf Tournament
Induction new Pastor Murwillumbah Baptist Church
 - 16 December – Cudgen Headland SLSC Open Carnival
 - Ministers Fraternal – Carols by Candlelight Knox Park
 - 17 December – Tweed River High School Presentation Evening
 - 18 December – Consolidated Christmas Function
 - 19 December – Paradiso Soil Turning Ceremony
-

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:** Strategic Town Planning Unit

FILE REF: GT1/S94/11 Pt1

REPORT TITLE:

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

SUMMARY OF REPORT:

The draft Strategic Plan for Libraries and draft amendment to the Section 94 Contribution Plan No 11 for Libraries have been the subject of a Workshop held on 31 January, 2001. Council subsequently noted the recommendations in the Strategy. Three significant changes since the presentation of the draft Strategy to the Council Workshop are:

- the completion of the Kingscliff Centres Study Final Report in September 2001, which formed the basis of the decision to locate the future coastal branch library at Kingscliff rather than at Kings Forest as was presented to the Workshop;
- the decision to make provision in the S94 Plan No 11 for the future extension of the Tweed Heads Library to accommodate the anticipated population of 14,000 from Cobaki. This proposal is more cost effective than constructing a new library at Cobaki; and
- 20 year Strategy and financial model.

The Strategic Plan for Libraries has been amended in line with the Kingscliff Centres Study Final Report; and the Section 94 Plan for Libraries has similarly been amended to accommodate the above changes. Both are presented to Council for authorisation for public exhibition.

RECOMMENDATION:

That Council:

1. Endorses the public exhibition for 28 days of the draft Strategic Plan for Libraries and the draft amended Contributions Plan No 11 – Library Facilities in accordance with Clause 27 of the Environmental Planning & Assessment Act Regulations.
2. Notes that the exhibition of the draft Strategic Plan for Libraries and the draft amendment to Contributions Plan No 11 – Library Facilities will be in conjunction with the re-exhibition of the Kingscliff District Centres Study.
3. Considers in the Draft 2001/2002 Budget the increased costs associated with the Library Strategy Plan.

Reports from Director Development Services

REPORT:

BACKGROUND

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

The Council deferred adoption and endorsement of the draft Strategic Plan for Libraries and the preparation and public exhibition of the amended Section 94 Contribution Plan No 11 for Libraries be deferred for a Workshop. This Workshop was held on 31 January, 2001 and Council noted the recommendations in the draft Strategy. One significant change since the presentation of the draft Strategy to the Council Workshop is the completion of the Kingscliff Centres Study Final Report in September 2001. This formed the basis of the decision to locate the future coastal branch library at Kingscliff rather than at Kings Forest as was presented to the Workshop.

The need for a library strategy has been initiated by the following considerations:

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

This draft Strategic Plan for Libraries for Tweed Shire has been prepared with the assistance of Council's consultants GHD, as the basis for a major revision of Council's Section 94 Contributions Plan No. 11 for Library Facilities. The Strategy is for a 20 year time horizon.

Study Objectives and Methodology

The original objectives of the Library Strategy Plan were threefold:

1. Review the provision of libraries in the Shire, including the proposed establishment of libraries in the urban release areas of South Kingscliff and Cobaki;
2. Review the requirements for associated equipment and resources suitable for the proposed library facilities in the Shire and the financial implications for the ongoing operation of these facilities; and
3. Determine the most equitable and efficient method of funding the library facilities, equipment and resources through avenues such as Council funds, grants and developer contributions.

KEY FINDINGS

The Tweed is experiencing significant growth in population, and one of the features of that growth is the expectation and need for library facilities to match that growth. To ensure that Council is in the best position to meet that challenge, the draft Libraries Strategy examines these needs over a 20 year period.

Reports from Director Development Services

Analysis of library services has also identified a gap between the current levels of service provided by the three libraries at Tweed Heads, Murwillumbah and Kingscliff for the current population of the Shire and the desirable standards under State Library of NSW guidelines. Those guidelines provide for a greater level of facilities than are currently provided for in the Tweed. The major deficiencies relate to floor space, book stock and staffing levels.

Library Size and Location

Based on population growth rates in the Shire, a further residential expansion over the next 20 years is estimated to yield a population of 127,731 by the year 2022. This represents a growth rate of 2.63% per annum. Most of this growth will be absorbed by eleven coastal urban release areas as identified in the *Tweed Shire 2000+ Strategic Plan*. On this basis, all libraries will be under-scaled relative to SLNSW and TSC floor space standards (50m²/10,000 and 20m²/1,000 respectively). This yields total shortfalls of:

	2001		2012		2022	
	TSC (1)	SLNSW (2)	TSC (1)	SLNSW (2)	TSC (1)	SLNSW (2)
Tweed Heads	130	1027	469	1227	811	1555
Kingscliff	+149	309	65	554	246	907
Murwillumbah	16	542	95	518	157	639
Total	+3	1878	629	2299	1214	3101

(1) 20m²/1000

(2) 35m²/1000

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

The draft Strategy recommends that SLNSW guidelines should be adopted to meet the needs of growth.

In terms of library location, all libraries are reasonably well located in respect to their surrounding service catchments. It is noted that there is high over-servicing at the border between the Tweed Heads and Coolangatta branches. This situation could be exacerbated by the provision of an additional branch at Cobaki Lakes which is currently included in CP 11. The potential catchment for this Library could extend to 18,000 when considering Bilambil Heights and cross border uses. The estimated cost to establish a new library at Cobaki is \$1.28M compared with a cost to extend the existing Tweed Heads Library of \$898,528. It is considered to be more cost effective to allow for further extensions to the Tweed Heads Library at a later date to provide for the additional population of 14,000 at Cobaki.

The location of Kingscliff library has been identified with a number of service related deficiencies that detract from the overall performance and suitability of the facility to meet growth. Growth areas on the southern coast are considered in the draft Strategy to be located outside the immediate service catchment of the current Kingscliff library. Population projections and distribution patterns suggest a need for a new branch library, to be located at the proposed Kingscliff district centre,

Reports from Director Development Services

large enough to accommodate the future coastal population. One consequence of this may be the need to find an alternative use for the existing Kingscliff Library.

The draft Strategy has also examined the needs of the mobile service. CP 11 includes provision for an extended service in the Shire. However, with the proposal for extended facilities at Tweed Heads and Kingscliff, it has been concluded that this is no longer warranted.

Library Services

1. Book Stocks

Book stocks are currently provided at a level of approximately 0.87 books per capita while the NSW State average for country libraries is approximately 2.48. The RTRLS have proposed a strategy to progressively build book stocks up to a level of 2 per capita. The draft Strategy recommends to bring book stocks up to 1 per capita for the current population and 2 per capita for the growth component. The liability of this Strategy based on current and future population projections is indicated below in Table 1.

Table 1
Book Stock Projections

	1999	2012	2022
Population	70,130	98,477	127,731
Current book stock @ 0.87 books/capita to be maintained	61,688	61,688	61,688
Additional book stock @ 1.0 books/capita existing population		70,130	70,130
Additional book stock @ 2.0 books/capita – growth		56,694	115,202
Total Book Stock	61,688	126,824	185,332

2. Staff Levels

The draft Strategy found that the current staff level of 1:7953 is significantly below the NSW average of 1:3219 and those of partner Councils: Ballina 1:5663, Byron 1:5562, Lismore 1:6858. RTRLS propose to progressively bring staff levels up to a ratio of 1:5600 over a 20 year period for growth only. This will equate to an increase from 9 full time equivalent staff to 15.9 full time equivalent staff. The average cost of each staff member is \$35,000.

To assist in accommodating extra demand generated by growth in the Tweed Heads Region, the RTRLS plan to extend opening hours for the Tweed Heads Library one evening per week and on Sunday afternoons at an estimated cost of \$22,500 per annum.

Funding and Council Liabilities

The current annual contribution of Tweed Shire Council to the Richmond Tweed Regional Library Service is \$1,035,964. The increase required to this contribution to bring book stock up to contemporary standards is \$296,725. Approximately \$4.05M would also be required to bring library floor space up to the scale required under State Library of NSW guidelines. In addition there is a requirement to address growth-generated demand in each of these areas. To provide services in accordance with State Library of NSW guidelines for the projected population for 2022

Reports from Director Development Services

would require further annual contributions of an additional salary provision of \$35,000 in 2002/03 rising to \$245,000 in 2021/22 and approximately \$1.18M for additional library floor space.

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

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

The draft Strategy includes an annual cost analysis of these items and identifies the following over the 20 year period of the Plan:

Costs attributable to Council	\$27,338,841
Costs attributable to growth	\$13,685,716 (includes 10% administration charge)
Total Costs	\$41,024,557

As a consequence of this, the draft strategy allows for the maintenance of library services at current levels of service while addressing a proportion of the growth-generated pressures for increased services. The anticipated increased cost for Council in 2001/02 is \$68,585.

RECOMMENDED STRATEGIES AND ACTIONS

Recommendations for ten (10) strategies and actions from the Strategy Report are presented to implement the Tweed Library Strategy, as follows:

That Council:

- Maintains current library services and facilities at present floor areas;
- Explores options for a jointly operated Coolangatta/Tweed Heads library facility;
- Maintains mobile library services to serve communities not easily served by established libraries;
- Discontinues the policy for provision of a new library service at Cobaki Lakes;
- Extends the Tweed Heads Library in the medium term to accommodate the additional population from Cobaki;
- Provides a new library in the proposed Kingscliff District Centre scaled in accordance with State Library of NSW guidelines and close the existing the Kingscliff library subject to cost effective reversion to an alternative use;
- Adjusts budget provision of libraries to redress current service deficiencies and to accommodate growth generated demand in the following areas:
 - Progressively build book stock holdings up to a level of 2 per capita;
 - Increase library staff levels to 1: 5600 for growth;

Reports from Director Development Services

- Provide a 2% per annum increase to the budget provision for computer services
- Explores innovative service delivery options such as book drops, kiosks and increased use of the Internet;
- Considers extending opening hours as a short-term strategy to accommodate growth generated demand;
- The floor areas for the proposed new Library at Kingscliff and the extension to the Tweed Heads Library be at the State Library of NSW standard.

CONTRIBUTIONS PLAN

The revised s94 contributions are summarised below. Major factors impacting on the increase in contributions from the previous plan include:

- The provision of a higher level of service;
- the provision for a new library at Kingscliff and expansion of existing facilities in Tweed Heads;
- increase of the per capita provision of book stock to 2 per capita for the growth component of the population;
- increased provision for computer services;
- ongoing contributions for Kingscliff library.

LIBRARY FACILITY CONTRIBUTIONS

FEE SUMMARY:

Subdivision

- Urban land subdivision
- Rural land subdivision

Building Development

- Type A (separate house)
- Type B (semi-detached, terrace, townhouse, flat)
- Type C (caravan, other)

PLAN AREA:

This Plan applies to all forms of residential development within the Tweed Shire Local Government Boundary.

Reports from Director Development Services

2. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/29/2 Pt2

REPORT TITLE:

Kingscliff Centres Study

SUMMARY OF REPORT:

The Kingscliff Centres Study was publicly exhibited in October, 2001. The Study recommends that a District Centre be established at West Kingscliff. This has various implications for the planning of the area, including the location of district library facilities. A total of four submissions were received.

RECOMMENDATION:

That the Kingscliff Centres Study be re-exhibited with the draft Libraries Strategy and draft S94 Contributions Plans, and a Workshop be held with Councillors, authors of submissions, Kingscliff residents and ratepayers, Narui, Gales Holdings and Council's Consultants.

Reports from Director Development Services

REPORT:

BACKGROUND

The Kingscliff Centres Study was prepared for Council by Patrick Partners to facilitate the integrated planning of the Kingscliff district, with a particular emphasis on retail facilities.

The Kingscliff district includes the town of Kingscliff, West Kingscliff, Cudgen Village, the Casuarina locality (including the Casuarina Beach development) and the future development area of Kings Forest. The district has an existing population of approximately 6,000 people, which is expected to increase to approximately 26,000 people over the next 15 to 20 years.

The Kingscliff Centres Study has made recommendations concerning the preferred locations, sizes and design of a district level town centre and neighbourhood (local level) town centres. These recommendations are critical to the future planning and development of the whole district, as they will determine the location and scale of future retail, business and community facilities.

The Study was placed on public exhibition from 3 October, 2001 to 31 October, 2001.

DISTRICT CENTRE

One of the recommendations of the Study has been to recommend the establishment of a District Centre at West Kingscliff as opposed to Kings Forest, the latter having been identified under Tweed Shire Strategic Plan 2000+ (Policy & Action No 108) as the preferred location for a District Centre.

PUBLIC SUBMISSIONS

A total of four (4) submissions were received to the public exhibition of the Study. A number of issues were raised which will be reported to Council in conjunction with a report on the exhibition of Section 94 Plan No 11.

The issues raised in submissions included the following:

- A more centrally located district centre should be provided at Kings forest.
- Land close to the beach would be better used for residential purposes.
- Expansion of the existing shopping centre will add to traffic congestion in Marine parade and change the residential character of the area.
- Consideration must be given to the unique nature of Kingscliff when deciding on the location for a new shopping centre.
- Objection to the proposals contained in the Kingscliff Centres Study.
- Consideration should be given to the establishment of a centre south of Kingscliff, to better serve the identified trade area. Population growth along the Tweed Coast would appear to support the establishment of a new centre at Casuarina/Cabarita rather than Kingscliff.
- Kingscliff will lose its village character.
- The study has not been carried out in consultation with local community groups.
- Council has a responsibility to protect the economic interests of established commercial areas. The Study does not consider potential impacts on the South Tweed area. Existing

Reports from Director Development Services

negative impacts on businesses created by competitive centres at South Tweed and Tweed would be exacerbated by the proposal.

- The argument that people should be able to access the centre on foot is not sustainable as in reality people will use their cars for major shopping trips.
- The Turnock Street area should be retained as a green corridor.
- The consultant's report indicates that further market research is needed before any decisions are made on their recommendations.

Submission from Jim Glazebrook and Associates on behalf of Gales Holdings P/L:

- Generally agree with a district centre being located at Kingscliff. The two options for a location within Kingscliff appear appropriate, but further objective comparison of these options should be considered.
- The Study pre-empts a detailed structure plan for Gales land at West Kingscliff.
- The Study pre-empts a detailed retail study for the Shire.
- It is not clear what the required nature and form of the district is.
- The recommendation to include Gales Holdings' land in DCP 43 Kingscliff is not supported. Any appropriate policies for the district centre should be included in DCP 9 – West Kingscliff.
- Any decision on the location, scale and form of a district centre at Kingscliff should be deferred pending additional retail studies, completion of a structure plan for Gales Holdings' land and detailed evaluation of alternative sites.
- A further detailed submission based on specialist retail advice will be made when the sought advice becomes available.

Some of these will require working through with stakeholders and the authors of submissions, and Council's Consultants before a final recommendation to Council can be made. It is intended to hold a workshop.

Libraries Strategy

In the meantime one of the immediate implications is that a district library facility will have to be planned for West Kingscliff rather than Kings Forest. Council's Section 94 Plan No 11 – Library Facilities is the subject of a report to Council at Item 1 of this Business Paper. In view of the Kingscliff Centres Study, a Section 94 Plan has been prepared to reflect this locational requirements for a district library. The Kingscliff Centres Study should be re-exhibited with the draft Libraries Strategy and S94 Contributions Plan.

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Reports from Director Development Services

3. ORIGIN: Development Assessment Unit

FILE REF: DA1522/175 Pt1

REPORT TITLE:

Proposed Dual Occupancy at Lot 273 DP 1015373, No. 2 Daintree Close, Banora Point

SUMMARY OF REPORT:

The proposal to erect a dual occupancy on the subject site does not comply with the provisions of Development Control Plan No. 44 – Dual Occupancy Controls, as the lot is not a nominated dual occupancy allotment. The applicant has been requested to provide additional information addressing the proposed variation to enable the processing of the application to continue. In the event that the additional information is not submitted by the applicant it is considered that the application should be refused.

RECOMMENDATION:

That the application be determined following the submission of additional information by the applicant or, following advice from the applicant that no further information will be submitted.

Reports from Director Development Services

REPORT:

- Applicant:** Nolian Enterprises
Owner: Nolian Enterprises
Location: Lot 273 DP 1015373, No. 2 Daintree Close, Banora Point
Zoning: 2(c) Urban Expansion

BACKGROUND

Development Application No 1102/2001DA for the erection of a detached dual occupancy on the subject site was submitted on 25 October 2001. The subject site is a corner allotment and has an area of 797.3m².

Section 2.2 of Development Control Plan No. 44 – Dual Occupancy Controls (DCP 44) states that Council shall not grant consent for dual occupancy development on land unless the land has been identified for that purpose in a plan of subdivision approved by Council. The subject site was not an allotment identified in the plan of subdivision as a dual occupancy allotment.

The owner of the property was subsequently advised that the proposal does not comply with the provisions of DCP 44 and requested to submit additional information addressing the provisions of this clause and arguments as to why Council should vary the DCP.

This issue affects a number of allotments within Flame Tree Park Estate and Council staff met with the developers (Metricon) on 11 December 2001 to discuss options to amend a number of nominated allotments.

In the event that the information submitted by the applicant adequately argues the case for variation, it is considered that the application would be able to be determined under delegated authority. Should the applicant not submit the additional information requested, the application will be reported to Council with a recommendation to refuse the application.

CONCLUSION

The subject site was not nominated as a dual occupancy allotment in the subdivision and therefore does not comply with the provisions of DCP 44. Once the applicant has submitted the additional information requested to justify the proposed variation of the DCP, the determination of the application can proceed. Alternatively, on the basis of the information before Council it is considered that the application is not able to be supported.

Reports from Director Development Services

4. ORIGIN: Development Assessment Unit
FILE REF: PF3975/145 Pt5

REPORT TITLE:

Section 96 Application 0090/2001 S96 to Modify Development Consent D90/436 for the Erection of a Tavern and 9 Shops at Lot 171, DP629328 Overall Drive Pottsville

SUMMARY OF REPORT:

Development Consent No. 90/436 was issued on 21 January 1991 for the erection of a tavern and nine (9) shops at Lot 171, DP 629328 Overall Drive Pottsville. The subject Section 96 Application proposes to amend Condition 10 regarding the approved hours of operation. The proposed modification seeks to increase trading hours from the existing approved hours of 10:00 am to 10:00 pm to:

- Monday to Saturday - 8:00 am to 11:00 pm
- Sunday - 10:00 am to 10:00 pm
- Christmas Day and Good Friday - 12:00 midday to 10:00 pm

The application was advertised and notified and a number of submissions were received in relation to the proposal. The issues raised in the submissions are addressed late in this report.

It is evident from the submissions received and information provided by the NSW Police Service that the present trading hours have caused disturbance to some local residents in terms of noise. It is concluded that the proposed extension of trading hours is likely to result in an increase in adverse impacts on surrounding residents. The application is therefore not supported.

RECOMMENDATION:

That Section 96 Application 0090/2001 S96 to modify Development Consent D90/436 for the erection of a Tavern and 9 Shops at Lot 171, DP 629328 Overall Drive Pottsville be refused for the following reason:

1. The proposed increase in trading hours will have a significantly adverse impact upon the existing amenity of the surrounding residential area.

Reports from Director Development Services

REPORT:

Applicant: Bunnar Pty Ltd
Owner: Beachside Court Pty Ltd
Location: Lot 171 DP 629328 Overall Drive, Pottsville
Zoning: 3(b) General Business

BACKGROUND

Development Consent 90/436 for the erection of a tavern and nine (9) shops on the site was approved on 21 January 1991.

The subject application seeks to modify Condition 10 of the development consent to extend existing approved trading hours. The Section 96 application as initially submitted sought to extend operating hours of the tavern from the present hours of 10:00 am to 10:00 pm to:

- Monday to Saturday - 5:00 am to 12:00 midnight
- Sunday - 10:00 am to 10:00 pm
- Christmas Day and Good Friday - 12:00 midday to 10:00 pm

Following advertising and notification of the application, the application was amended to seek approval for the following trading hours:

- Monday to Saturday – 8.00 am to 11:00 pm
- Sunday – 10:00 am to 10:00 pm
- Christmas Day and Good Friday – 12:00 midday to 10:00 pm

The applicant has submitted information in support of the proposed extension of trading hours. The issues raised in support of the application can be summarised as follows:

- No complaints have been received by the licensee or any of the staff from local residents, adjoining businesses, or the police in respect of the conduct of the premises or the behaviour of patrons whilst at, or after leaving the premises;
- There is no objection by the Police Service to the application;
- No live bands play on the premises;
- The premises has been soundproofed;
- There is only one other licenced premises in the immediate locality, access to which is restricted to members and their guests;
- The tavern also caters for Queensland residents and holiday makers. The restriction on trading hours means that evening meals are limited to one sitting. The restriction also prevents the tavern from catering for functions.
- Numerous complaints received from patrons regarding the early closing time. It is not uncommon to have up to eighty (80) persons still present in the tavern at closing time.

Reports from Director Development Services

It should be noted that Council and the NSW Police Service have received complaints from local residents in the past. It should also be noted that the NSW Police Service has advised Council that they do not support the proposed extension of trading hours.

SITE DIAGRAM



Reports from Director Development Services

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

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

Tweed Local Environmental Plan 2000 (TLEP 2000)

The subject site is zoned 3(b) General Business. The primary objectives of the zone include the provision of "...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 proposed extension of the hours of operation has the potential to result in an increase in adverse impacts on the amenity of the surrounding residential area.

North Coast Regional Environmental Plan 1988 (NCREP 1988)

There are no specific provisions of the NCREP 1988 applicable to the proposed development.

State Environmental Planning Policy (SEPPS)

No SEPPS are applicable to the proposed development.

(a) (ii) The provisions of any draft environmental planning instrument

No draft plans are applicable

(a) (iii) Any Development Control Plans (DCP's) Development Control Plan

Development Control Plan No.42 Public Notification of Development Proposals (DCP42)

The application was advertised and notified in accordance with DCP42. The application was subsequently readvertised and renotified following the amendment to the proposed increase in trading hours. A total of 43 individual submissions and a petition containing 81 signatures were received objecting to the proposed development. A petition containing 468 signatures in support of the application was also received. The following table provides a summary of issues raised in the submissions:

Issue	Assessment	Comment
Current tavern operating hours approved between 10am & 10pm – closing time ‘lingers on’ – last patrons vacate at around 11pm. Breaches of current licence / development consent conditions has occurred in the past (amplified music, patrons in beer garden beyond specified times).	It is evident that some residents in the locality do not support the amendment on the basis that the tavern has breached conditions in the past.	The perceived breach of current operating conditions has not assisted the applicant’s case for extension of the approved trading hours.

Reports from Director Development Services

Issue	Assessment	Comment
<p>Noise from vehicles as patrons leave the tavern (screeching tyres etc).</p> <p>Language / behaviour of some patrons as they leave the tavern and walk through residential area (including damage to property). Screaming, swearing, lighting fires etc.</p> <p>One resident has moved from the bedroom at the front of the house to a bedroom at the rear of the house and is still disturbed by noise of people going past the house.</p> <p>Extension of hours will magnify the problems.</p> <p>With the extended hours the arguments, bad language, noise etc will be occurring later which will have a greater impact as more people will be asleep.</p> <p>Rubbish – cans and bottles left on lawns of dwellings in the locality, broken bottles.</p>	<p>It would appear that the noise generated from vehicles associated with the tavern is impacting on some local residents.</p> <p>The behaviour of patrons leaving the tavern appears to be the primary issue of concern. The tavern is located within a predominantly residential area and it is considered that the extension of the trading hours may exacerbate these problems. It is agreed that the extension of hours may increase the number of residents affected as there are likely to be more residents asleep / retiring to bed later in the evening.</p> <p>This issue was raised by a number of local residents.</p>	<p>The potential impacts of increasing the hours of operation on the amenity of the local neighbourhood in terms of noise associated with patrons leaving the tavern is considered sufficient to warrant refusal of the application.</p>

Reports from Director Development Services

Issue	Assessment	Comment
<p>Because of the siting of the establishment within a residential area it cannot be argued that standard conditions of operation should apply. Following extract provided from the Licensing Court decision to grant the licence in 1991:</p> <p><i>“The proposed site is essentially surrounded by residential development. To meet the concerns of his intended neighbours about possible disturbance by the operation of the tavern, the applicant has offered a number of stringent conditions be attached to the licence if granted. Perhaps the most important of these is that it is proposed that the tavern not operate past 10p.m. on any evening”.</i></p> <p>Current hours of trading agreed upon after lengthy discussions with the community to preserve the tranquillity of this densely populated area.</p> <p>The owners were aware of the special conditions / restricted hours when they acquired the business.</p>	<p>It is evident that the issue of the hours of operation of the tavern was considered during the assessment of the original development application for the construction of the shops and tavern. It is agreed that the location of the tavern within an area surrounded by residential dwellings warrants careful consideration of the hours of operation.</p>	<p>As stated above, approval of the application is not supported.</p>
<p>No police station in the locality and it takes the police 25 minutes to arrive if required.</p>	<p>The distance of the tavern from the nearest police station appears to be of concern to a number of residents.</p>	<p>This issue is not considered to warrant refusal of the modification.</p>

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Issue	Assessment	Comment
<p>Petition in support</p> <p>During the summer months and daylight savings the tavern must be closed by 9pm Queensland time – this is ridiculous.</p> <p>Minority of locals has launched a petition in opposition – request to sign petition if case is supported.</p>	<p>The current approved hours of operation are limited to 10pm (NSW time).</p> <p>43 individual submissions were also received.</p>	<p>The applicant's case for support of the application is summarised earlier in this report.</p>

The NSW Police Service has advised Council that it objects to the proposal on the following grounds:

“That the quiet and good order of the neighbourhood in which the premises are situated to which the application relates will be disturbed if the application is granted”.

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

An officer from Council's Environment and Health Services Unit undertook a “doorknocking” exercise in the surrounding residential area in August 2001, to ascertain the level of impact of the existing operation on local residents. The conclusions reached as a result of the exercise included the following:

“...residents to the north appear to be impacted by Tavern activities. People residing in two storey residences also appear more likely to be impacted. The major issue is rowdy behaviour at closing time, patrons having a chat in the car park before travelling home and people walking home disturbing residents. If extended hours were permitted, then it is considered likely that more people would be disturbed by Tavern patrons, as more residents in adjacent dwellings will have retired to sleep at a later hour.

“...the Tavern is set in a residential setting. Whilst certain controls have been incorporated, such as an earth bund in the car parking area, patrons leaving the premises in the late evening can disturb local residents. From comments received during the brief door knock, it appears that residents to the north of the Tavern are currently impacted by some activities of Tavern patrons. Therefore any extension of hours which increases the potential for such disturbances cannot be supported”.

The submissions received in response to the advertising and notification process confirm that some residents are presently affected by the Tavern, particularly in relation to noise associated with patrons leaving the premises. The submission from the NSW Police Service indicates that the application is not supported by the NSW Police Service on the basis that “...the quiet and good order of the neighbourhood in which the premises are situated to which the application relates will be disturbed if the application is granted”.

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The proposed extension of trading hours is therefore not supported on the basis that it is likely to result in significant adverse impacts on the amenity of the area.

(c) Suitability of the site for the development

As previously discussed, the Tavern is located in an area which is predominantly residential in character. The current limitations on the hours of operation were imposed to minimise potential impacts of the development on the surrounding residential area. It is considered that the extension of the hours of operation is not appropriate given the existing impacts of the premises on residential dwellings in the locality.

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

No submissions in accordance with the Regulations or the Act.

(e) The public interest

It is considered that the approval of the proposed extension of the hours of operation has the potential to significantly impact on surrounding residents, and is therefore not in the public interest.

OPTIONS

Councils options in this instance appear to be as follows:-

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

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

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

CONCLUSION

It is evident that the existing hotel is presently impacting on a number of local residents, particularly in relation to impacts associated with the behaviour of patrons leaving the premises after close. The proposed extension of trading hours is considered likely to result in significant adverse impacts on the amenity of the local area and is not supported by the NSW Police Service. It is concluded that the subject application should be refused.

Reports from Director Development Services

5. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/LEP/2000/26 Pt1

REPORT TITLE:

Draft Tweed Local Environmental Plan 2000, Amendment No 26 - Lot 2, DP 815370, Mooball/Pottsville Road, Pottsville - Rezoning Application

SUMMARY OF REPORT:

Council has received a rezoning application from Darryl Anderson Consulting Pty Ltd on behalf of Mrs Hazel King, Mr Don Johansen, Mr Raymond Johansen and Mr Mike Johansen to enable the development of Lot 2, DP 815370, Mooball-Pottsville Road, Pottsville for the purpose of a commerce and trade area. The proposal will result in land currently zoned part 1(a) Rural and part 7(a) Environmental Protection (Wetland and Littoral Rainforests) being rezoned to part 3(c) Commerce and Trade and part 7(a) Environmental Protection (Wetland and Littoral Rainforests). The size of the subject parcel of land is approximately 17.7 hectares.

This report highlights that the proposed rezoning application has many significant issues that remain outstanding. In particular the potential impact of such an industrial estate being located adjacent to a sensitive ecologically SEPP 14 Wetland. These matters can be addressed immediately prior to rezoning, or alternatively can be subject to Local Environmental Study investigations.

One item that Council needs to be addressed prior to resolving to proceed with the proposed LEP Amendment is whether to examine alternative potential industrial sites in the Pottsville locality. A brief assessment of other potential sites has been undertaken within the report. This analysis found other sites to be more suitable for the development of industry/commerce and trade to service the Pottsville area. To ensure the best site is selected to locate the subject land uses, further investigations should be undertaken to determine viability of the alternative site identified within the report.

RECOMMENDATION:

That Council:-

1. Approaches respective landowners to determine their interest, if any, to develop their respective lands for industrial/commerce and trade purposes;
2. Undertakes preliminary consultation with relevant State Government Agencies to ascertain their views as to the development of an industrial/commerce estate within the Pottsville Study area;
3. Places the assessment of the rezoning application over Lot 2, DP 815370, Mooball/Pottsville Road, Pottsville on hold until the most suitable site is determined by Council;
4. Requests the Director of Development Services to report this matter back to Council in February, 2002.

Reports from Director Development Services

REPORT:

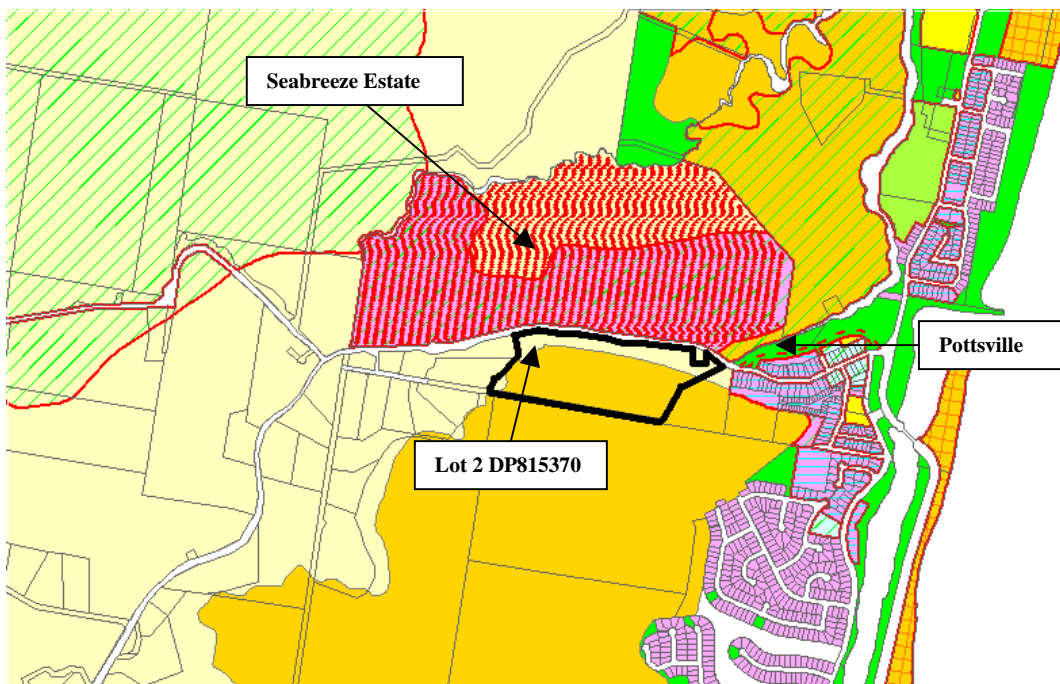
INTRODUCTION

Council has received a rezoning application from Darryl Anderson on behalf of Mrs Hazel King, Mr Don Johansen, Mr Raymond Johansen, and Mr Mike Johansen, to enable the development of Lot 2 DP 815370, Mooball-Pottsville Road, Pottsville for the purpose of a commerce and trade area.

SITE

The site subject of this rezoning application is Lot 2 DP815370, Mooball-Pottsville Road. The size of the subject parcel of land is approximately 17.7 hectares. The site is located just outside of the western boundary of the village of Pottsville. Figure 1 provides a graphic illustration of the location of the subject site.

Figure 1: Lot 2 DP815370, Mooball-Pottsville Road, Pottsville



The subject site is currently zoned part 1(a) Rural and part 7(a) Environmental Protection (Wetland and Littoral Rainforests). The current 7(a) zone is intended to cover gazetted SEPP 14 Wetland No 54. The land designated as SEPP 14 Wetland No 54 covers an area of approximately 10 hectares in total.

The land is currently used for grazing purposes.

ISSUES

The issues pertinent to this application include:

1. Council's Industrial Lands Study;
2. SEPP 14 Wetland No 54;
3. Acid Sulphate Soils;
4. Flora and Fauna;

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5. Stormwater Management;
6. Buffers;
7. Visual Amenity;
8. Slope and stability;
9. Socio-economic Analysis;
10. Impacts on surrounding land uses (residential and rural amenity and environmental constraints);
11. Bushfire;
12. Flooding;
13. Land Contamination;
14. Infrastructure (water, sewage, electricity, telephone, roads, public transport etc);
15. Traffic Analysis;
16. Access.

As can be seen from the above, there are numerous issues that are relevant to this application. The application received by Council provides a brief overview of some of these issues and how the proposed development can address these matters. It is also acknowledged that due to the issues that are present, in particular the Coastal Policy, the rezoning would be the subject of a Local Environmental Study that would examine the issues identified above as well as any state government agency requirements more thoroughly.

The purpose of the application is to seek determination by Council as to whether to proceed with the draft LEP for rezoning of the subject site to enable development for the purpose of commerce and trade, subject to further investigations being undertaken through a Local Environment Study. Below is a brief assessment of some of the issues referred to in the above list.

POTENTIAL INDUSTRIAL LAND INVESTIGATION

Council has undertaken an Industrial Land Use Study for the whole of Tweed Shire. Based on the investigations undertaken within this study projected industrial land demand for the Pottsville area was estimated as the following:

- Wholesale/Trade: 5.7 hectares
- Manufacturing: 1.5 hectares
- Total: 7.2 hectares

As can be seen it has been estimated that 7.2 hectares of industrial land was required to be provided to meet the forecasted demand for the Pottsville area.

It is estimated that the site currently being proposed provides approximately 5 hectares of developable land. The size of the developable area would be better determined once all the necessary investigations and studies are undertaken and properly surveyed. The estimated 5 hectares being proposed by the subject application falls well short of the forecasted 7.2ha industrial land requirement for the area.

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If Council were to support this site for future industrial land development it would result in the requirement to locate approximately 2 more hectares of land for manufacturing industry and to capture the remainder of the wholesale/trade demand. This would mean that the Pottsville area would have two distinct industrial areas servicing the needs of the community. The infrastructure servicing needs would be duplicated and any impacts resulting from the industrial developments would also be duplicated in two separate locations. From a strategic perspective it would be preferable to locate all industrial activities within the one site to take advantage of efficiencies of servicing, reduce impacts on surrounding land uses and to provide a land use identity for one particular location. From this perspective the proposed site would not be suitable as it does not provide the total industrial land supply requirement, 7.2 hectares, as forecast within the Industrial Land Study.

The adopted Strategic Industrial Land Study does not strictly identify preferred areas of land to be developed for wholesale and trade purposes. However it does provide a set of criteria which is to be applied to potential industrial land. The criteria utilised to determine the suitability of land for Industrial land (Commerce land/Trade) purposes include:

1. Flood free

The subject site is flood prone. It is understood that the proposed developable area is generally above RL 2.0m AHD. The adopted design flood level for Pottsville Waters is RL 2.7m AHD and for Pottsville Village RL 2.4m AHD. Filling of the site will be required to satisfy the adopted design flood level for the area. A flood and drainage study would need to be prepared to examine the impacts of the filling on adjoining lands, in particular SEPP 14 Wetland No 54.

2. Flood free access

The subject site is to be accessed via Mooball-Pottsville Road. The flood liability of the access to the site is limited to that design level for which Mooball Pottsville Road is designed.

3. Accessibility

The site is readily accessible to the catchment area via Mooball-Pottsville Road and the Tweed Coast Road. Once the new Motorway is completed the site will become even more accessible.

4. Efficiency of transport links

The site is readily accessible by Mooball-Pottsville road and surrounding roads including Cudgera Creek Road, the new Motorway, Tweed Coast Road and the link road from Koala Beach Estate.

5. Accessibility to an available workforce

As referred to above, the subject site is situated adjacent to a main road network making it readily accessible to the workforce residing in nearby towns and villages. Completion of the new Pacific Motorway will enhance its accessibility to an even wider workforce.

6. At least 30 hectares in area/catchment population (or a grouping of sites of not less than 5ha each which when aggregated, will have an area not less than 30ha)

Reports from Director Development Services

The above requirement equates to approximately 1 hectare per 1000 persons. The proposed development would therefore equate to accommodating the needs of a population catchment of 5,000 persons. Accordance to the Industrial Lands Study this falls short of the 7.2 hectare requirement for the Pottsville area.

7. At least 200m buffer from residential areas

The subject site is located across the road from the proposed Seabreeze residential estate. The physical separation between both properties is considerably less than the prescribed 200m buffer distance. The proponent contends that the lesser buffer distance can be overcome by the use of design techniques such as landscaping, mounding, and acoustic fencing to provide visual screening and alleviate noise attenuation concerns. The proponent further contends that the uses permissible within a Commerce and Trade Zone are generally of a low impacting nature.

Notably Lot 1 on DP 815370, which neighbours the subject property also contains a residential dwelling house.

The suitability of the proposed buffer will need to be further examined in the context of environmental issues (SEPP 14 Wetland), visual amenity, noise and other air borne particular pollutants that are characteristic of industrial development.

8. No more than 3km from reticulated services (water and sewerage) that have the capacity to accommodate the development level

The subject site is situated adjacent to the Seabreeze residential estate. Reticulated services can be extended across Mooball-Pottsville Road from Seabreeze Estate to the proposed industrial site.

9. The cost of augmentation of infrastructure services and other development costs of the site does not exceed the market value of the developed site

It is not expected that the cost of augmentation of infrastructure services and other development costs to the site will not exceed the market value of the development site.

10. Demand/Need

Although this criteria is not stipulated within the Industrial Land Study, it is understood that there is currently demand/need for the establishment of an industrial estate within the Pottsville locality. So as well as considering the suitability of land for development purposes, it is also necessary to determine the availability of that land for immediate development. It is understood that land subject of the rezoning application is available for immediate development.

CONSIDERATIONS

There are a number of issues that require consideration when assessing the subject rezoning application. A brief discussion of the most pertinent issues is provided below:

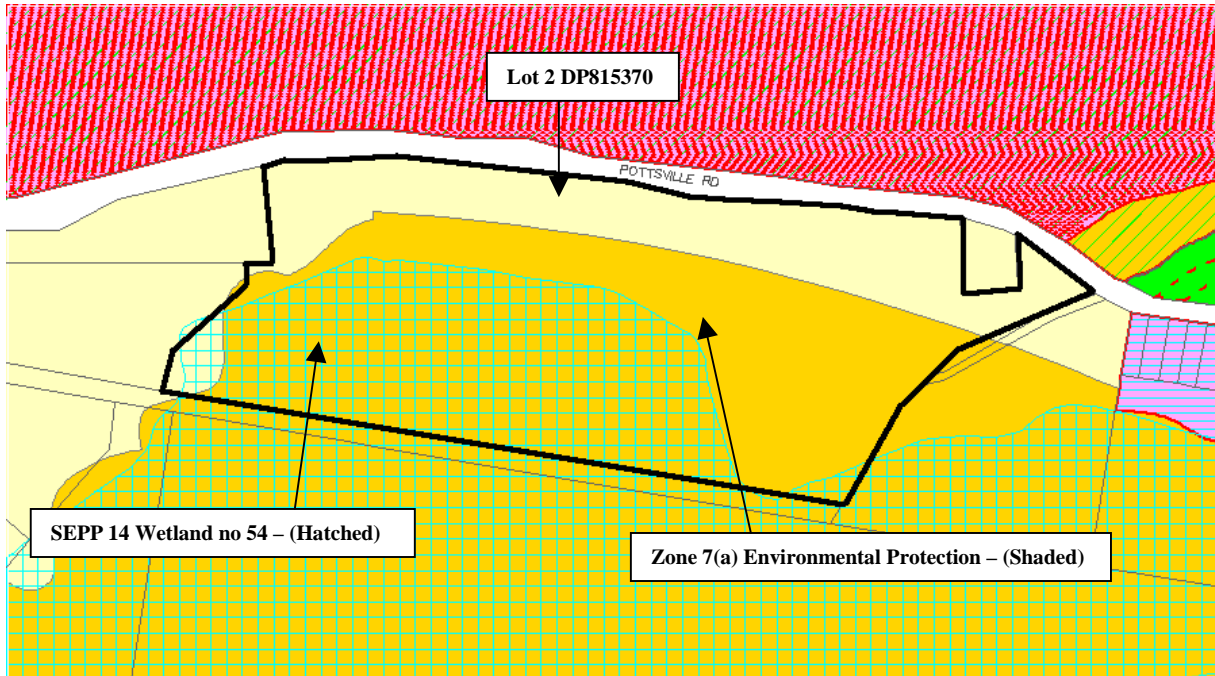
1. SEPP 14 Wetland No 54

SEPP 14 Wetland No 54 covers approximately 7 hectares of Lot 2 DP 815370. The area covered by SEPP 14 Wetland No 54, as well as the area zoned within Tweed LEP

Reports from Director Development Services

2000 as 7(a) Environmental Protection (Wetlands and Littoral Rainforest) is illustrated below.

Figure 2: Lot 2 DP815370 - SEPP 14 and Zone 7(a)

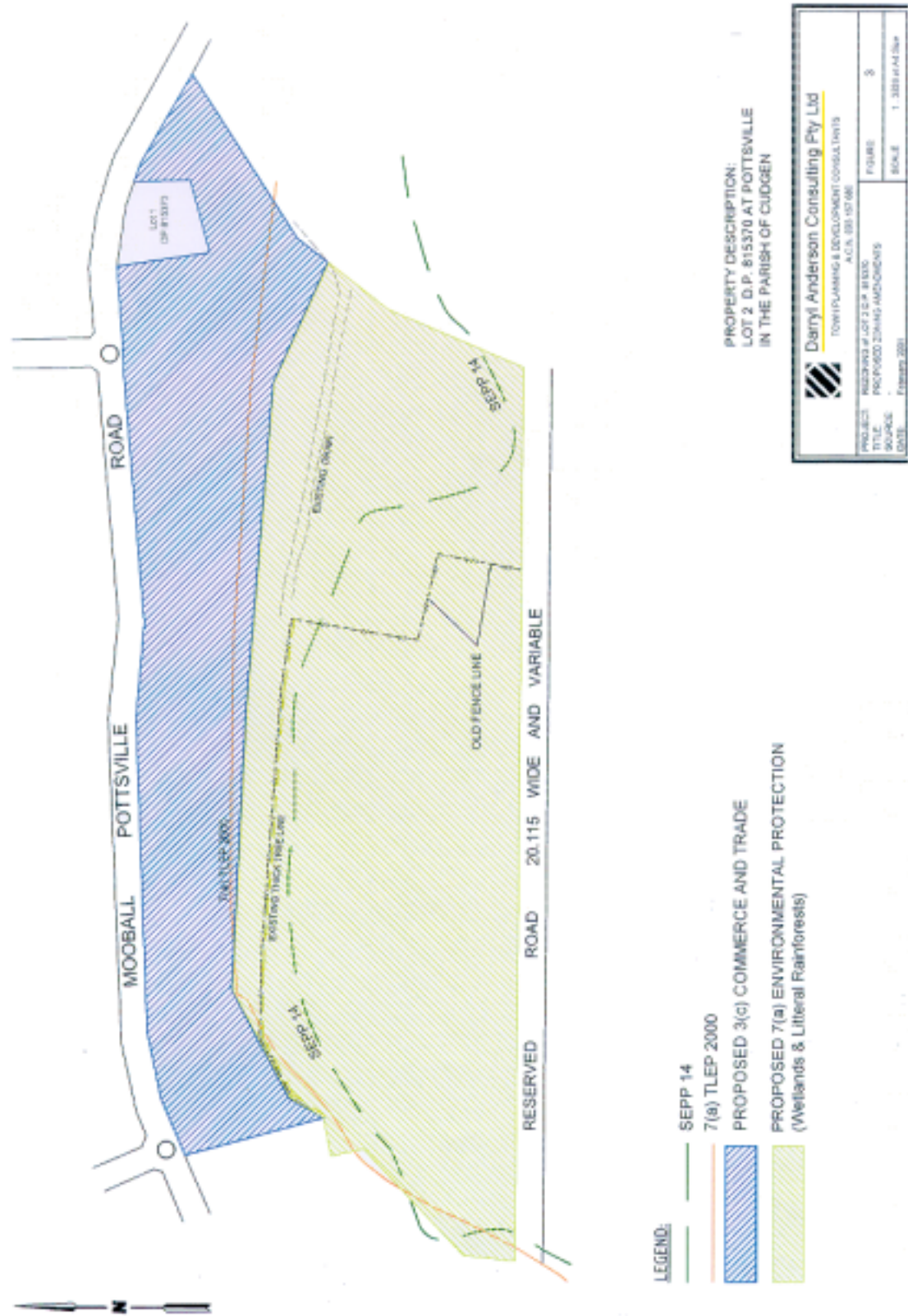


The proposed rezoning does not involve development or variation of existing lands designated as SEPP 14 Wetland. However, the proposal does involve relocating the existing 7(a) boundary further south, as illustrated in figure 3 below. Figure 4 illustrates a concept plan for the proposed industrial estate.

The concept plan illustrates that the SEPP 14 Wetland will not be subject to physical development of the industrial estate. Despite this concern remains as to the impact earthworks and stormwater runoff will have on the ecology of the SEPP 14 Wetland. The development of an industrial development in the vicinity of such an ecologically sensitive site needs to be examined thoroughly through more detailed environmental investigations and analysis.

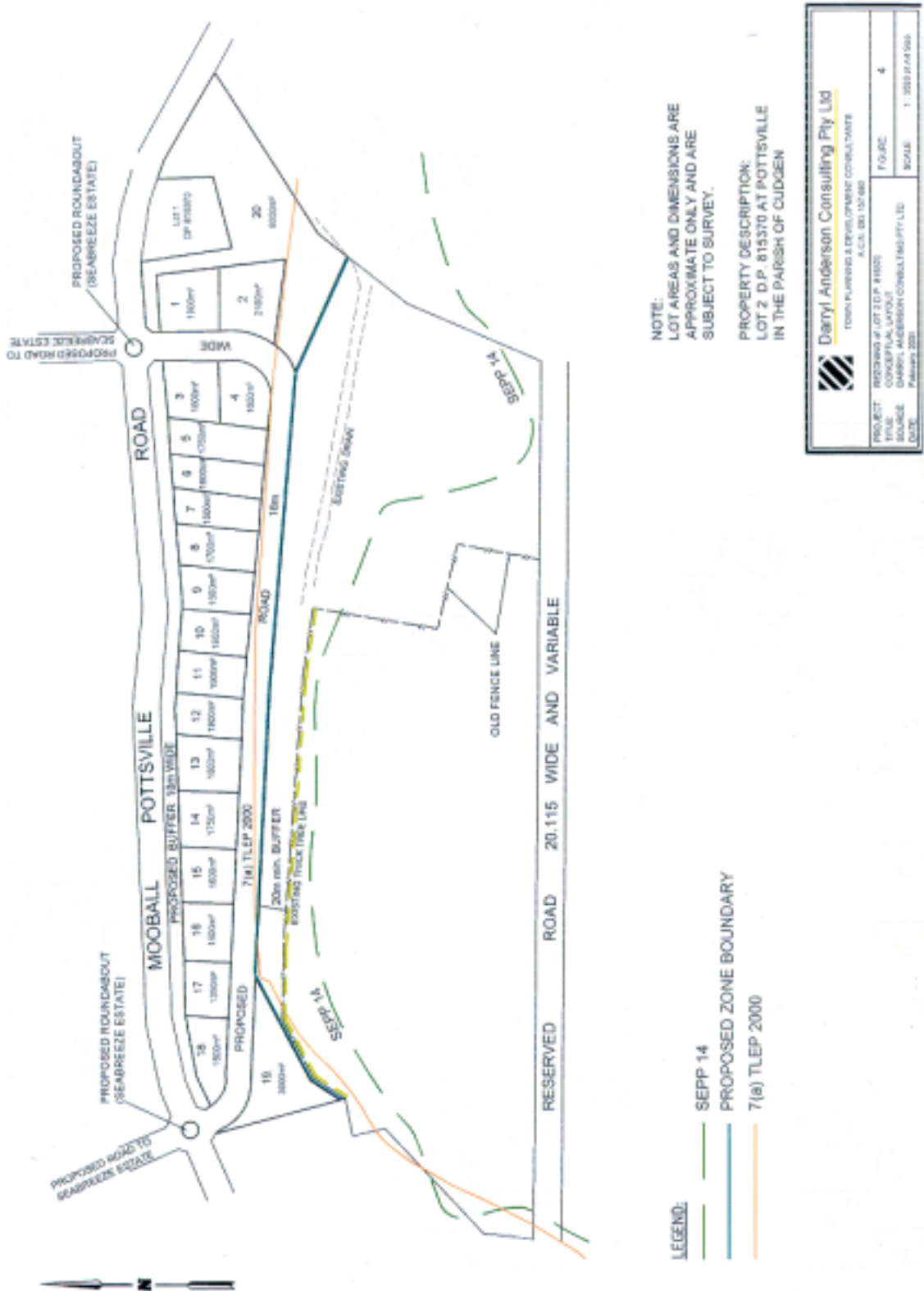
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Figure 3: Proposed 7(a) Zone boundary realignment



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Figure 4 – Concept Plan



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The applicant contends that the realignment of the 7(a) boundary will better represent what is on site and still serve the purpose of protecting significant vegetation. All significant vegetation, SEPP 14 wetlands and a buffer will still be contained within the realigned 7(a) Zone. If the subject rezoning is gazetted, the applicant intends to dedicate all land zoned 7(a), including SEPP 14 No 54, to Council to ensure this land is preserved. This will complement the existing areas of SEPP 14 wetlands that Council already owns.

It is considered that justification of the realignment of the Zone 7(a) boundary will be subject to a specific on-site field survey and assessment of the significance of vegetation on the existing zone boundary. This field survey can be incorporated within a local environmental study.

2. Acid Sulphate Soils

The subject parcel of land has been identified as being located within an area categorised as class 3 and 5 within the ASS planning maps. An inspection of the site undertaken by an officer of Council's Environment and Health Services Unit indicates that it is likely that ASS are present on the site. Development of the site is likely to result in disturbance of the site. The extent and the manageability of ASS on site is expected to be investigated further as part of a local environmental study or as part of the development application stage in accordance with Clause 35 of Tweed LEP 2000.

3. Flora and Fauna

The applicant engaged James Warren and Associates to undertake a preliminary site inspection to determine macro level opportunities and constraints. It was determined that the edge of the paperbark forest and the drain are the physical constraints. The proposed 7(a)/3(c) zone boundary is located approximately 20m clear of these constraints.

The flora and fauna details provided within the subject rezoning application are not extensive. It does not provide a detailed analysis of what flora and fauna exists on site and of its significance, if any. A detailed investigation of these issues can be undertaken as part of the LES process.

4. Stormwater Management

The site contributes to run off to the SEPP 14 wetland. Comments received from Council's Environment and Health Services Unit, advise that appropriate collection and treatment of runoff from proposed roads and allotments is critical given the proximity to SEPP 14 Wetlands, and potential diverse uses within the zone. It is necessary that the applicant provide a report or study which demonstrates that the proposed discharge of runoff and waste waters to the wetland is appropriate. It has been further suggested that it may be appropriate that an inspection opening or sampling point be constructed at the stormwater discharge point from each premises. This would facilitate individual assessment of property discharges should a pollution event impacting the wetland occur in future.

A stormwater management study can be incorporated as a requirement of the investigations envisaged within the local environmental study. However, it is envisaged

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that the study may need to extend further to assess stormwater runoff and its affect on the ecology of the SEPP 14 Wetland.

5. Buffers

The proponent proposes to incorporate buffers as part of the overall development to enable visual screening, noise attenuation and protection of the SEPP 14 wetland. The buffers proposed are as follows:

- Approximately a 38 metre wide buffer which consists of a 20m wide vegetated buffer from the tree line and drain to the road reserve and an 18 metre wide road reserve to provide access to the proposed lots.
- Approximately a 10 metre wide buffer from the proposed allotments to Mooball-Pottsville Road.

As can be seen from Figure 4, the only allotment that does not appear to have a buffer is proposed lot 19, which appears to extend right up to the existing 7(a) zone boundary. The appropriateness of proposed lot 19 is questioned given these circumstances.

The appropriateness and adequacy of the proposed buffer to the 7(a) Zone and SEPP 14 Wetland will need to be examined as part of a local environmental study. Advice as to the suitability will also be directed by advice received from NSW National Parks and Wildlife Service.

The proponent contends the proposed 10 metre buffer adjacent to Mooball Pottsville Road is suitable to provide visual screening and act as noise mitigation provided effective landscaping, mounding, and acoustic fencing is provided. The proposed Seabreeze residential estate is located on the northern side of Mooball – Pottsville Road opposite the proposed commercial/trade site. Parts of the land on the northern side of Mooball Pottsville Road is elevated higher than the southern side. The Industrial Lands Study stipulates the provision of a 200m wide buffer to residential areas. It is questionable whether a 10 metre landscaped buffer could effectively screen the proposed industrial development.

It is considered that a noise attenuation study will need to be undertaken to examine the potential impacts of the proposed industrial site to the Seabreeze Estate. The possibility exists that noise from the proposed rezoning may detrimentally impact on future residents of Seabreeze Estate. Council's Environment and Health Services concur with the need for a study which examines the potential impacts and identifies possible attenuation techniques.

An assessment of the impact of other air borne pollutants on adjoining lands will also need to be undertaken as part of the LES.

6. Visual Amenity

It is imperative that consideration be given to amenity issues given the sites proximity to a proposed residential estate, its prominent location adjacent to Mooball-Pottsville Road, and its location to SEPP 14 wetlands.

The proponent contends that the buffers proposed to be incorporated as part of the development should help towards providing visual screening. The adequacy as to the

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width of the buffer adjoining Mooball-Pottsville Road should be examined as part of the LES.

Should Council resolve to proceed with the proposed LEP Amendment, design and amenity issues could possibly be better implemented through a Development Control Plan that provides guidelines as to how the site should be developed by way of a masterplan for the subject site.

7. Slope and Stability

The subject site is characterised by a gradient that falls away from Mooball-Pottsville Road towards the SEPP 14 Wetland. The site ranges in elevation from RL 10m AHD to RL 1.0m AHD. Slopes ranges from 3% to approximately 20% on a small knoll on the northern part of site adjacent to Mooball-Pottsville Road. It is envisaged that earthworks such as cutting and filling will be required to provide level allotments.

A geotechnical assessment will need to be undertaken to determine the suitability of the site for development purposes.

8. Socio-economic Analysis

The Industrial Land Study undertaken for the Shire determined the need for the siting of approximately 7.2 hectares of industrial land to serve the needs of the Pottsville area. A broad socio-economic analysis was undertaken at the time to enable it to draw this conclusion. Therefore, it can be argued that Council has already considered this and satisfied itself with this issue on a broad scale. It may necessary to update this analysis at a finer scale as part of the LES process.

9. Impacts on surrounding land uses

Two sensitive surrounding land uses, SEPP 14 Wetland and Urban Residential land surround the subject site. If Council does resolve to proceed with this rezoning application then the resultant LES investigations should determine the potential impacts on the surrounding land uses, identify techniques to mitigate these potential impacts, and provide an evaluation as to the suitability of the land to be developed for the proposed purpose.

The potential impacts that need to be examined include:

- Management of stormwater run-off into SEPP 14 Wetland;
- Examining the quality of stormwater running of site;
- Impact on the ecology of SEPP 14 Wetland No 54;
- Flood Study examining impacts on the subject site and surrounding land uses. In particular the wetlands and the impact on flora and fauna species;
- Visual Aesthetics;
- Noise;
- Odour;
- Other air borne pollutants;

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- Traffic;
- Amenity.

10. Bushfire

The melaleuca wetland abutting the cleared area has been assessed as a moderate bushfire hazard category. The proponent intends to provide a buffer of approximately 38 metres which is made up of a 20 metre vegetated buffer and an 18 metre wide road carriageway. The exception to this is proposed lot 19 which does not appear to have any buffer to the existing tree line.

“Planning for Bushfire Protection”, a publication prepared by the NSW Bushfire Service recommends a nominal fire protection zone of 30 metres.

11. Flooding

The subject site is flood prone. It is understood that the proposed developable area is generally above RL 2.0m AHD. The adopted design flood level for Pottsville Waters is RL 2.7m AHD and for Pottsville Village RL 2.4m AHD. Filling of the site will be required to satisfy the adopted design flood level for the area.

A flood study will need to be undertaken which examines any impacts on site and surrounding area. The effect the placement of fill on the hydrological characteristics of the proposed area and SEPP 14 Wetlands would also need to be addressed. The investigations would need to examine changes to the duration and levels of inundation in the low lying areas and its impacts to aquatic habitats and the ecological functioning of this system.

12. Contamination

The proponent notes that the land has been used for grazing for 40 years. If this is the case then it is not anticipated that the site would be subject to any land contamination. A statutory declaration from the land owner and a review of old photographs illustrating past land uses may need to be undertaken to demonstrate that this is the case.

13. Physical Infrastructure

The subject site can be supplied with town water and sewer by extending the infrastructure provided to Seabreeze Estate. The applicant advises that they have held discussions with representatives of Metricon who have advised that the site can be serviced from Seabreeze Estate.

Electricity and Telephone infrastructure can be extended and augmented to service the subject site.

14. Access

The site is readily accessible off Mooball-Pottsville Road. The site will be even more accessible to a wider catchment once the Pacific Motorway is completed. The applicant proposes that the site is to be accessed by two roundabouts that are to be constructed as part of the Seabreeze Estate.

Cycle ways/walkways are planned from the adjoining Seabreeze Estate to Pottsville town centre. These will facilitate cycle and pedestrian access to the subject site.

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Public transport may also be provided to access the subject site. It is understood that the existing bus service may be extended to include Seabreeze Estate and Koala Beach Estate via the proposed link road.

15. Traffic Analysis

A traffic analysis has not been provided as part of the subject application. This will need to be assessed as part of the LES investigations.

16. Legislative Planning Provisions

Tweed LEP 2000

The subject parcel of land is currently zoned part 1(a) Rural and part 7(a) Environmental (Wetlands and Littoral Rainforests). Development of the subject land for Commerce and Trade purposes is a prohibited land use, hence the request for rezoning of the subject land.

As alluded to previously within this report, the 7(a) zone boundary is proposed to be shifted south to reflect the dense vegetated tree line on site. This area is not intended to be developed, retained in its natural state and transferred to the ownership of Council. Although not being developed, the impact of the proposed development on the ecology of the 7(a) Zone needs to be examined.

The current 1(a) land is the area envisaged to be developed. The proposed rezoning is inconsistent with the objectives of the Rural 1(a) Zone.

North Coast Regional Environmental Plan

Clause 14 – Wetlands or Fisheries Habitats: This clause provides for the effective zoning of wetlands and fishery habitats as well as the provision of sufficient land to separate adjoining land uses from these environmental features. The proposed rezoning intends to retain the existing SEPP 14 Wetland. Realignment of the 7(a) Zone boundary is to reflect the alignment of vegetation on site and is also to be retained in its natural state. A buffer of approximately of 38 metres is to be provided from the realigned 7(a) Zone boundary to the majority of the proposed allotments. Lot 19 would have to be deleted or relocated to comply with the proposed buffer provisions. Once again, although these lands are not subject to development, the impact of the proposed industrial estate on these areas needs to be investigated.

Clause 29 – Natural Areas and Water Catchments: This clause provides for the retention of environmental protection zonings. The proposed rezoning intends to shift the 7(a) Zone south, realigning the zone boundary so that it follows the alignment of the tree line on site. In accordance with this clause a detailed analysis is required to be undertaken whether there will be any adverse environmental effects from altering the 7(a) zone boundary. These investigations are envisaged to be undertaken as part of the LES process.

Clause 32A – Coastal Lands: This clause provides for compliance and consistency with the NSW Coastal Policy 1997. The subject parcel of land is located within the region subject of the Coastal Policy 1997. This generally requires a Local Environmental Study to be undertaken for proposed LEP Amendments. If Council resolves to support this LEP amendment, then it would be subject to preparation of an LES, and

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accordingly development of the site would be subject to the findings and recommendations of the LES that is prepared.

Clause 45 – Hazards: This clause restricts development of land for urban purposes within areas subject to a hazards including flooding, Acid Sulfate Soils, Contaminated lands, geological or soil instability, bushfire.

The subject parcel of land is flood liable and will require filling to bring the land up to Councils nominated design flood height for the area. A flood study will be required to be undertaken as part of the LES investigation to determine any impacts on the subject site and surrounding lands, in particular the impacts to the adjoining SEPP 14 Wetland environs and species.

The subject site has been identified to be with in a Class 3 and 5 potential acid sulfate soils area according to the ASS planning maps. The presence and the extent of PASS and necessary management of the site will addressed as part of the LES investigations. An ASS study will need to be undertaken in accordance with the Acid Sulfate Soils Assessment Guidelines and Acid Sulfate Soils Planning Guidelines to determine the appropriateness of developing the subject site.

The site has apparently been used solely for grazing purposes for last 40 years. There is not expected to be a presence of any contaminants on site.

A geotechnical study will need to be undertaken as part of the LES investigations to determine the soil type and suitability for development.

The melaleuca wetland abutting the cleared area has been assessed as a moderate bushfire hazard category. A 38 meter wide buffer is proposed to be provided. The buffer is to be made up of an 18 metre wide road carriageway, and a minimum 20 metre vegetated buffer form the 7(a) Zone boundary.

Clause 45A - Flood Liable Land: This clause provides that a local environmental plan is not to support the development of flood liable land for urban purposes unless justified by a floodplain management plan. The subject site is prone to flooding and it is envisaged that a flood and drainage study will be undertaken as part of the LES process to determine the impacts of the proposed development on the flood plain and surrounding lands.

Clause 46 – Principles for commercial and industrial development: This clause provides a set of principles that should be observed when dealing with an LEP that relates to commercial and industrial development. As referred to previously, Council has undertaken an Industrial Lands Study which has identified a need to provide approximately 7.2 hectares of industrial land around the Pottsville area to accommodate future demand for such land uses. The issues addressed within this clause have been addressed as part of the investigations of the Industrial Lands Study.

State Environmental Planning Policies

State Environmental Planning Policy No 14 – Coastal Wetlands: SEPP 14 Wetland No. 54 covers part of the subject site. It covers approximately 7 hectares of the subject site. No development of the SEPP 14 wetland is intended. It is intended to provide buffers from the SEPP 14 Wetland to the proposed industrial allotments. Investigations need to

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be undertaken as part of an LES to identify any impacts on the wetlands as a result of the proposed development as well as providing recommendations as to the suitability of the site for the proposed purpose.

Should the proposed rezoning be gazetted, the proponent intends to dedicate the SEPP 14 wetland to Council.

GOVERNMENT CONSULTATION

No government consultation has yet been undertaken. It is intended to consult with relevant government agencies during the Section 62 consultation process. It is envisaged Government agencies with particular interest toward this application will be NSW NP&WS and the RTA.

SUMMARY

As highlighted through the analysis provided within this report the proposed rezoning application does have some issues to help support the application, but there are also many issues that remain continue outstanding and need to be resolved. These matters can be addressed prior to S54, or alternatively can be the subject of the LEP amendment process through consultation with relevant state government agencies and through findings and recommendation arising from a local environmental study.

The following major issues remain unresolved and are vital to whether the proposed rezoning development progresses or whether it is unable to proceed due to environmental constraints and advice received from state government agencies.

1. Industrial Lands Study: the study recommends a need to provide 7.2 hectares of industrial land to service the Pottsville area. The subject rezoning proposal provides only approximately 5 hectares of developable land. The subject land cannot provide for future expansion to accommodate a further 2 hectares of land in the future. The Industrial Lands Study identified a need to develop land within the Pottsville area for this purpose but it stopped short of identifying where the preferred areas of development were. It may be opportune to undertake an investigation of potential areas within the area to identify the best site in the locality. Notably, it would prove timely to identify a site that is ready to be developed immediately, to satisfy the existing demand in the Pottsville locality.
2. SEPP 14 Wetlands No. 54: the impact of the proposed rezoning on the adjoining wetland is unknown until further investigations and studies are undertaken. The findings of these investigation will determine the viability of the proposed development.
3. Acid Sulphate Soils: A suitable ASS management plan needs to be provided for the site.
4. Flora and Fauna: A detailed assessment of significant flora and fauna needs to be provided for the site and adjoining lands.
5. Flooding and Stormwater management: This issue is vital to the outcome of the rezoning proposal, with particular emphasis on identification and management of any potential impacts on the adjoining SEPP 14 Wetland.
6. Buffers: determination as to whether the buffers being proposed are adequate to maintain the residential and environmental amenity of the area.

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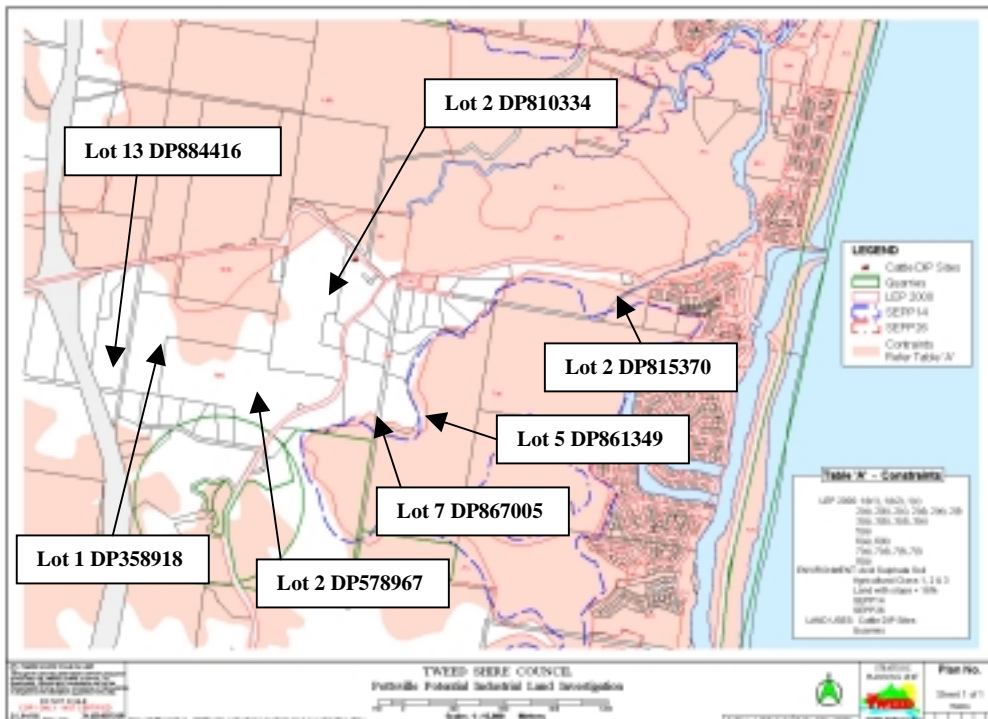
7. Impacts on Surrounding land uses: more detailed assessment as to the potential impacts on adjoining land uses i.e. SEPP 14 Wetland and Seabreeze Estate.
8. Comparison to potential alternative sites within the surrounding locality: A broad assessment of possible alternative sites is provided in the section below.

POTENTIAL INDUSTRIAL LAND – POTTSVILLE AREA

Figure 5 provides an illustration of the unconstrained land in the vicinity of the Pottsville area. The constraints utilised include:

- Contaminated lands (Cattle Dip Sites)
- Quarries
- Tweed LEP 2000 Zoning (Agricultural Protection Land, Rural Living, Urban Residential Land, Unsuitable Commercial/Business Land, Special Use, Open Space/Recreation Land, Environmental Protection Land, National Park)
- SEPP 14 Wetland
- SEPP 26 Littoral Rainforest
- Acid Sulphate Soils
- Agricultural classes 1, 2 &3
- Land with Slope >18%

Figure 5: Potential Industrial Land – Pottsville Area



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The white areas on the map depict the unconstrained areas of the study area. As can be seen there are a number of properties that are illustrated as unconstrained and potentially able to be developed for industrial purposes. Appendices 1 and 2 provide a brief summary of the parcels of land identified in Figure 5. Appendix 1 provides a brief analysis of the pros and cons of each of these subject sites, whilst Appendix 2 provides a brief summary of the main issues including:

- Proximity/location;
- Catchment;
- Timing;
- Infrastructure;
- Environmental;
- Possible impacts;
- Land area;
- Other issues; and
- Ranking of sites.

OTHER CONSIDERATIONS

Two significant issues that have arisen during the broad analysis of the respective sites have been:

- Finding suitable land to be developed;
- Potential to stimulate further urban growth.

1. Suitable Land

A broad analysis of the Study area found that the majority of suitable developable land within the area has already been taken up by urban residential and rural residential development. Past rural residential development has resulted in the fragmentation of land and has generally left “unsuitable constrained land”. As a result, the sites identified for potential industry/commerce are constrained by environmental, flooding and economic cost implications.

Further, past development of land for rural residential development has created another development constraint in the way of amenity, aesthetic and potential for conflicting land uses between industry/commerce and rural residential uses.

2. Stimulates for Urban Growth

This issue relates to the potential follow on effect of further urban development. With the exception of Lot 2, DP 815370, development of any of the other potential sites will require significant extension of physical infrastructure to service these sites. Consequently, this may stimulate further urban residential development between the proposed sites and Pottsville township, from landowners and developers wanting to take advantage of the infrastructure that is augmented from Seabreeze/Pottsville to the proposed site. These implications and the ramification of future urban development also need to be examined by Council so that future growth is planned, controlled and managed appropriately.

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SUMMARY

As can be seen, of the sites examined, there doesn't appear to be one outstanding site that can be considered ideal and fully satisfies all the specified criteria. The main issues restricting industrial/commerce development include:

- Environmental constraints;
- Cost of augmenting necessary infrastructure and services;
- Flooding;
- Amenity;
- The unavailability of suitable land as a result of land having already being taken up for urban and rural residential purposes. Council is faced with making use of what is available in the locality. The presence of existing rural residential development in the locality also makes it even more difficult to locate suitable industry/commerce land that will not result in conflicting land uses;
- Timing.

Based on the broad analysis undertaken the following ranking of sites has been derived.

1. Lot 2 DP810334
2. Lot 2 DP578967
3. Lot 1 DP358918
4. Lot 7 DP867005
5. Lot 2 DP815370
6. Lot 13 DP884416
7. Lot 5 DP861349

While it is worthwhile undertaking a broad analysis as the first stage of preliminary investigations it is now necessary to determine the following:

- Landowner interest to develop the land now. Designating a parcel of land for a particular purpose does not necessarily mean that that land will be developed in the near future for that purpose. Council needs to gauge landowner interest to developing their respective lands for industrial/commerce purposes.
- Suitability of the land to be developed. An analysis to date provides a valuable first cut analysis. However, this analysis is undertaken at a broad level. It is necessary to undertake further, more detailed, investigations to determine the suitability of the sites to be developed for industry/commerce. This will further assist in determining the most appropriate site to be developed.

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CONCLUSION

It is recommended that Council approach respective landowners to determine the interest, if any, to develop their respective lands for industrial/commerce purposes. It is also recommended that preliminary consultation with relevant state agencies (planning NSW, and NPWS) be undertaken to gauge their willingness to support the project.

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6. ORIGIN: Development Assessment Unit

FILE REF: DA2150/878 Pt5

REPORT TITLE:

A Two (2) Lot Subdivision at Lot 7 DP 1009074 Fraser Drive, Tweed Heads South

SUMMARY OF REPORT:

Council is in receipt of an application for a two lot subdivision of the subject land. The purpose of the subdivision is to create two master lots being proposed lot 1, 3.888ha and proposed lot 2, 31.97ha in size. Proposed lot 1 is the subject of a further application to Council for a secondary school.

The proposed educational establishment is also reported to Council recommending conditional consent. For the school to proceed, the proposed subdivision will need to be registered. As such, the subdivision is reported to Council for determination.

RECOMMENDATION:

That development application 0687/2001DA for a two (2) lot subdivision at Lot 7, DP 1009074, Fraser Drive, Tweed Heads South, be approved, subject to the following conditions:

GENERAL

1. The development shall be completed in general accordance with the plans prepared by McLauchlan Surveying Pty Ltd and dated 28/6/2001, except where varied by these conditions.
2. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.
3. No soil, sand, gravel, clay or other material shall be disposed of off the site.
4. The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual.
5. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No 0687/2001DA have been complied with.
6. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:
 1. Easements for sewer, water supply and drainage over **ALL** services on private property.
 2. A restriction as to user for both proposed lots indicating that not all of the land has been filled to a minimum of RL 2.65 AHD and does not have a direct benefit to essential services such as sewer, water, power and telephone supply.
 3. A drainage easement benefiting Council is to be created over the existing drains from Fraser Drive to James Road (marked in red on attached plan) and from Acacia Street to Public Reserve DP28390 and its continuation from the Public Reserve to James Street (marked blue on attached plan). These drainage easements may, with the consent of Council, be realigned at some future date to suit future development proposals.

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

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

7. Where new state survey marks and/or permanent marks are placed, a copy of the locality sketch relating to the marks shall be submitted with the final subdivision certificate application.

FURTHER APPROVAL

8. Prior to registration of the plan of subdivision, a **Subdivision Certificate** shall be obtained.
 - (i) The following information must accompany an application:
 - original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees of \$118.00 per a lot ie. \$236.00
 - relevant development consent or complying development certificate
 - detailed subdivision engineering plans endorsed with a construction certificate (where applicable)
 - for a deferred commencement consent evidence that the applicant has satisfied the consent authority on all matters which must be satisfied before the consent can operate
 - evidence that the applicant has complied with all conditions of consent, that it is required to comply with before a subdivision certificate can be issued (where applicable)
 - a certificate of compliance from the relevant water supply authority (where applicable)
 - if a subdivision is the subject of an order of the Land and Environment Court under section 40 of the Land and Environment Court Act 1979 evidence that required drainage easements have been acquired by the relevant council
 - for subdivision involving subdivision works evidence that:
 - the work has been completed, or
 - agreement reached with the relevant consent authority regarding payment of the cost of work or as to the time for carrying out the work, or
 - security given to the consent authority with respect to the completion of the work
 - Work as Executed Plans for **ALL** works
 - (ii) Documentary evidence that **all** matters contained in Section 109J of the Act have been complied with.

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

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

DRAINAGE/FLOODING

9. No filling, earthworks or obstruction may be placed on proposed lot 1 that would adversely impact on natural surface run-off from adjoining land.

ENVIRONMENT PROTECTION

10. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.

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REPORT:

Applicant: Mr Lyn Mazey
Owner: Mr Robert T Sullivan
Location: Lot 7, DP 1009074, Fraser Drive, Tweed Heads South
Zoning: Part 2(a) Low Density Residential and 2(c) Urban Expansion
Est Cost: 0

BACKGROUND

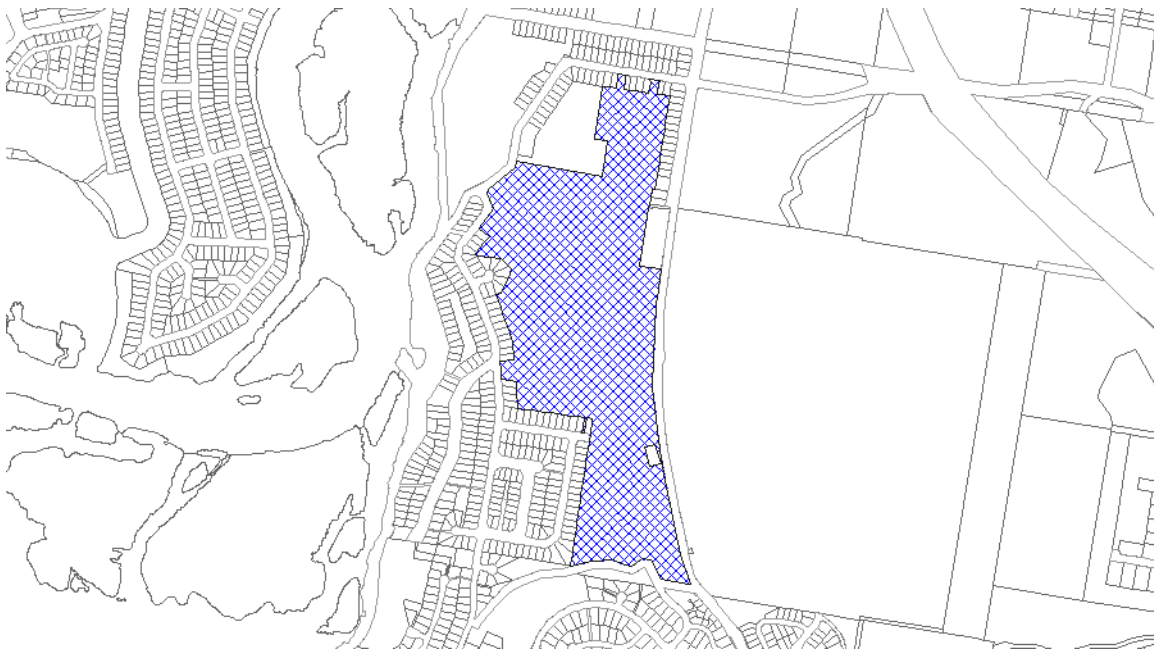
The proposed two lot subdivision is to create two master allotments, Lot 1 is intended to be developed as a secondary school (development application lodged) and Lot 2 to be future residential development. Proposed Lot 1 has an area of 3.888ha and proposed lot 2 has an area of 31.97ha. The proposed subdivision does not involve any works.

Council previously received a development application for a 41 lot subdivision with residue over the subject land on 22/12/00. The proposal was for the residential development of the parcel and was accompanied by a future lot layout plan, and was withdrawn on 1/3/01.

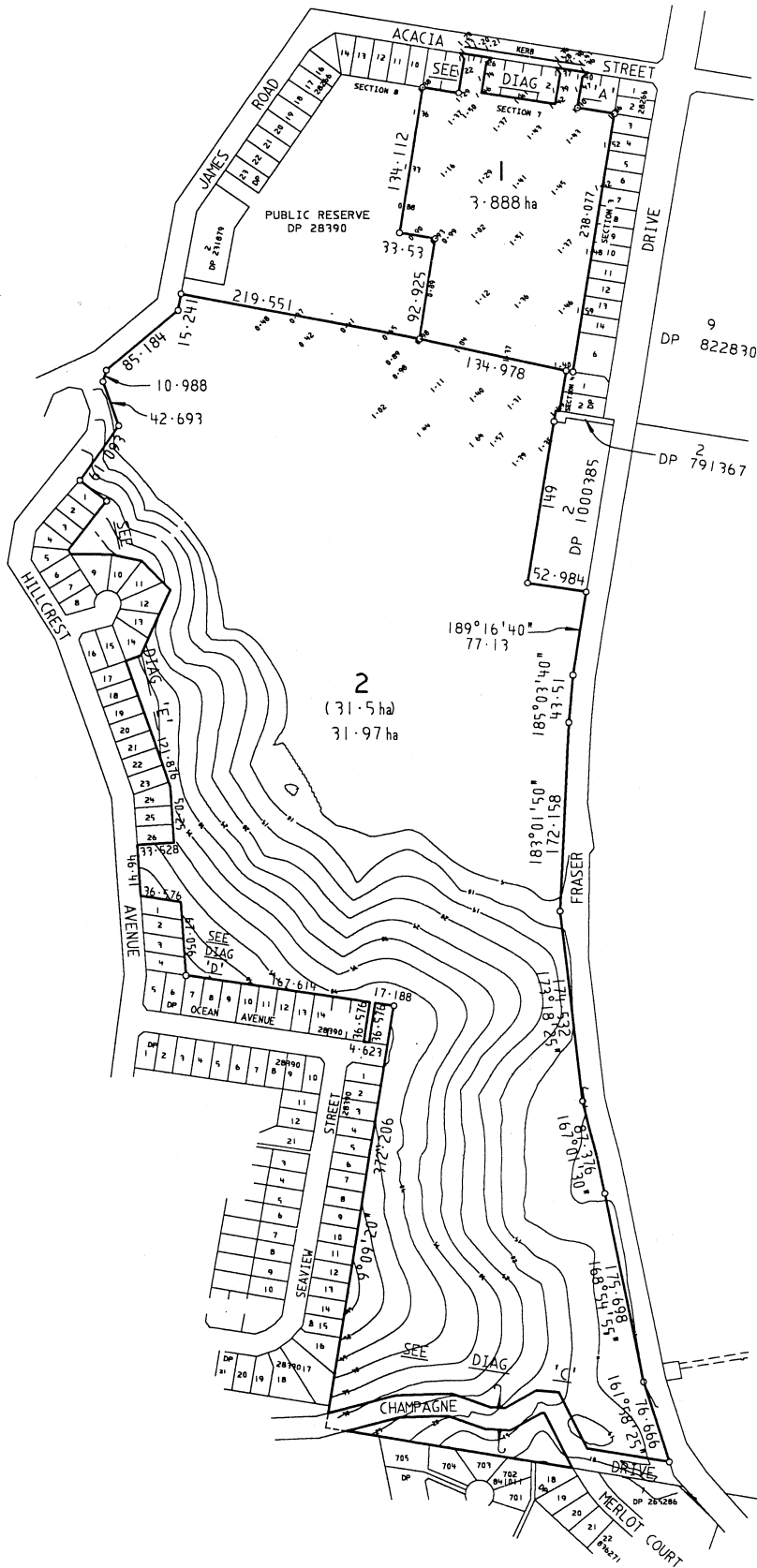
The proposed two lot subdivision would modify the residential lot layout previously proposed by reducing the potential number of residential allotments created. The following assessment addresses the master lot issues raised by the proposal and potential for future development to not be strictly in accordance with the residential density requirements of DCP 3.

Council is also in receipt of the development application for the educational establishment, which is also being reported to Council. This report addresses the adequacy of the lot configuration in relation to the future use.

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

The subject land is partly zoned 2(a) Low Density Residential and 2(c) Urban Expansion. The majority of the land is zoned 2(c) Urban Expansion and has had the benefit of such since the gazettal of Tweed Local Environmental Plan 1987 on 31/3/1987.

The primary objective of the zone is:

“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 landtake.”

The proposed development is not inconsistent with the primary objective to the extent that there are other areas available for residential development and the proposed subdivision will enable both a residential component and educational establishment to be located in the area. The secondary objectives of the zone include:

“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.”

The proposed subdivision will enable non-residential development in the locality through the provision of an allotment of adequate size to accommodate an educational facility. The following report addresses the environmental impact of the proposed subdivision and likely end use. It is generally considered that the proposed subdivision is not inconsistent with the objectives of the zone and therefore can be considered.

Clause 11 of the LEP states that the minimum lot size in the 2(c) Urban Expansion zone is 450m². As the proposed subdivision is for two allotments of 3.888ha and 31.97ha, the proposed development satisfies this requirement.

Clause 15 of the LEP ensures that development does not occur without the availability of essential services. The development Engineers assessment of the proposal is that essential services are available to the site and that such should be provided with future development of each master lot. The applicant has proposed the bonding of essential services however Council's Development Engineer considered that a restriction as to user be imposed advising that the lot does not have the direct benefit of essential services and that the condition of service provision rest with future development applications.

Council's Development Engineer recommended that the power to release vary or modify this restriction would be vested in Council and once the future development has been completed, the restriction could be removed. The alternative of imposing the

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conditions for filling and essential services would result in the applicant pursuing the acceptance of a bond for these works to allow the linen plan to be released.

As this would require Council to be responsible for determining the adequacy of the amount of the bond and its administration it is considered that a restriction as to user is more appropriate, given that the proposal is essentially the creation of two master lots. The resultant development would determine the level of servicing required for the site and would result in appropriate sized junctions and capacity assessment.

Clause 32 of the LEP ensures that noise sensitive developments consider the noise impact from the operation of the Coolangatta Airport. Proposed lot 1 is in the 20 – 25 ANEF contour and would with future applications require an assessment to ensure the proposed use was designed in accordance with Australian Standards. It is debatable whether an educational establishment is more suitable for the site given exposure to aircraft noise than residential development.

Clause 34 of the LEP ensures that only appropriate compatible development occurs on flood liable land. As the proposed allotment would require filling to RL 2.65 AHD it is considered that a restriction to user stating that the allotment has not been filled to the minimum required level will ensure that upon development of the subject land the imposition of filling occurs.

Clause 35 of the LEP is applicable to the extent that the proposed subdivision is over land identified as having acid sulfate soils. The subject land is Class 2 disturbed terrain, however as the proposed subdivision does not involve any works, the requirement of an acid sulfate soil management plan is considered unnecessary for this stage.

Clause 37 of the LEP requires development not to be carried out on land identified as containing a transmission route without development consent. The subject land is affected by the main electricity route and this will be an issue on the development of the proposed allotments. There is the possibility that upon referral of the future development to Country Energy advise similar to that previously provided would be forthcoming.

This advice was that the subtransmission line could be provided in the Fraser Drive Road Reserve that currently accommodates existing overhead assets. While the transmission easement will not be resolved until such time that development applications are referred it is considered that a buffer to the adjoining residences could also accommodate the transmission corridor. It is noted that the development application for the proposed school has nominated a setback of twelve metres from adjoining residences, a buffer that may be under designed.

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

Development Control Plan No.3 – Banora Point West – Tweed Heads

The subject land is in Development Control Plan No.3 – Banora Point West – Tweed Heads South. The subject land has been identified in the DCP area since its gazettal on 7/9/1990. The subject land was identified as future residential development. Development Control Plan No.3 was amended on 1/11/2000 changing the residential density and creating special requirements for the development of the subject land.

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The subject land is designated Residential 'A' land and would be expected to achieve 10 dwellings per hectare. The previously proposed lot layout for the area encompassed by proposed lot 1 was to accommodate 45 residential allotments. While the development of proposed lot 1 for a school is not a certain outcome there is the potential for the lot yield under DCP 3 not to be achieved.

The applicant provided a submission in this regard and assessed the alienation of 45 lots as a reduction of 18% based on the Metricon lot layout, and that additional designated dual occupancy lots could assist in meeting set targets. In terms of DCP 3 this equates to a reduction of 120 people that equates to less than 1% of the expected 12 650 people.

The Community Facilities and Open Space Section 94 Contribution Plans for the locality were established based on an expected population yield. The potential reduction in lot yield if proposed lot 1 is not developed for residential purposes could present a reduction in contributions collected under the plan, however as the open space facilities under the plan have been provided and the community facility fund is well established, according to Council's Strategic Planning Unit this reduction is not considered to have significant implications.

The creation of two master lots is not considered to be in conflict with DCP 3 as both allotments could still be developed for residential purposes.

Development Control Plan No.5 – Development of Flood Liable Land

The proposed two lot subdivision does not require filling to the design flood level. It is considered that in providing a restriction as to user future owners will be advised that the subject land is not filled to the design level. Future development applications will impose requirements in this regard.

Development Control Plan No.16 – Subdivision Manual

Development Control Plan No.16 – Subdivision Manual is applicable to the proposed subdivision. The requirements of the proposed subdivision include minimum lot size requirements and public road frontage. DCP 16 does not have specific requirements for master lot subdivisions however it is considered that the provision of services in the road reserve frontage and a dedicated public road frontage meets intended requirements.

An assessment of the proposed subdivision has been undertaken in relation to intended future use. It is envisaged that the previous proposed residential subdivision layout will need to be modified to provide buffers between the potential school site and residential development. While some of the buffers will be able to be accommodated in the 3.888ha allotment it is envisaged that changes in the road layout for the residential subdivision could include a visual buffer.

Generally 3.888ha is considered adequate to accommodate a school site, or alternatively present an opportunity for approximately 45 lot subdivision.

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

The proposed two lot subdivision does not involve any works. As there are no works proposed the effect of the development on the environment is considered to be negligible. It is anticipated that future development proposals over the subject land will

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need to address constraints in the locality, and that the size of the proposed two allotments is adequate to sustain buffer zones, servicing and access requirements.

Council's entomologist has provided comment on the proposed two lot subdivision and considered that a condition should be applied advising that an open buffer between buildings and the adjacent timbered public reserve is required for a future school.

It is acknowledged that buffers are required on the site for various reasons and nuisance from biting midges and mosquitos is one of these. However, it is considered that such a notation or condition may be misleading to the extent that it does not raise all other constraints/attributes for which buffering will be required. As such, the schedule of proposed conditions does not include this notation.

(c) Suitability of the site for the development

The proposed two lot subdivision results in two parcels each with the benefit of public road frontage. Services are available in the area and capable of supporting future development of each allotment.

The subject land will require fill prior to any development and such will be identifies by way of a proposed restriction to user on the title. Future development application will require such as conditions of consent.

Compatibility with adjoining land uses will be assessed with future development applications.

(e) Public interest

The proposed two lot subdivision did not require advertising under Council's Notification Policy. It is envisaged that the two lot subdivision is not necessarily in conflict with the public interest in the locality, as such does not predetermine the use of the land. Further development applications would be advertised and the public interest and community expectation of the subject land would be able to be assessed.

In this regard it is not considered that the proposed two lot subdivision is in conflict with the general public interest in the locality.

CONCLUSION

The proposed subdivision satisfies the requirements of the LEP. The configuration of the two master lots is not considered to limit the development opportunity in the locality. While each allotment will require specific issues to be addressed at future stages, it is envisaged that these constraints will not prohibit development opportunities in accordance with Council's policies and strategic direction.

The financial implication of providing an allotment that may potentially result in development that will not generate contributions will not be realised until such time that future proposals are assessed. Given the completion of provision of open space and the health of the community facility contributions the financial implications are not considered to be significant.

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7. **ORIGIN:** Development Assessment Unit

FILE REF: DA4930/762 Pt1

REPORT TITLE:

Request for Amendment to the Tweed Local Environmental Plan 2000 and Development Application for the Demolition of an Existing Dwelling House, Erection of a Dwelling House and Two (2) Lot Subdivision of Lot 4 & 6, DP 844549; Lot 6, DP 853589 & Lot 3, DP 811390 Scenic Drive, Bilambil Heights

SUMMARY OF REPORT:

Council is in receipt of a development application for the demolition of an existing dwelling house, erection of a dwelling house and two (2) lot subdivision on the subject land at Scenic Drive, Bilambil Heights.

Proposed Lot 1 will have an area of 5.273ha and consolidate Lot 6 DP 853589, Lot 3 DP 811390 and Part Lot 6 DP 844549 west of Scenic Drive. Proposed Lot 2 will have an area of 18.82ha and consolidate Lot 4 DP 844549 with the remaining Part Lot 6 DP 844549 east of Scenic Drive.

The proposed subdivision involves four parcels of land that are proposed to be adjusted and amalgamated to reflect the zone boundary and Scenic Drive alignment. The land to which the proposal pertains is zoned partly 2(c) Urban Expansion, 7(d) Environment Protection Scenic Escarpment and 1(a) Rural under the Tweed Local Environmental Plan 2000.

The Tweed Local Environmental Plan 2000 (LEP) requires 40 hectares for the erection of a dwelling house in the rural and environmental protection zones, and as this is contained in Clause 11 the (zoning table) State Environmental Planning Policy No.1 – Development Standards can not be used to vary this as such is a prohibition not a standard. The proposed allotments will be 5.27ha and 18.82ha in area.

To permit the proposal the applicant has requested Council to amend the Local Environmental Plan 2000. It is therefore proposed that this be achieved by amending Schedule 3 of the LEP.

RECOMMENDATION:

That Council:-

1. Pursuant to Section 54(1) of the Environmental Planning and Assessment Act 1979 prepares a draft Local Environmental Plan to amend Tweed Local Environmental Plan 2000 to include Lot 4 and 6 DP 844549, Lot 6 DP 853589 and Lot 3 DP 811390 Scenic Drive, Bilambil Heights in Schedule 3 to enable development for the purpose of a dwelling house and 2 Lot subdivision.
2. Pursuant to Section 54(4) of the Environmental Planning and Assessment Act 1979 informs the Department of Urban Affairs and Planning of its intention to prepare this draft Local Environmental Plan.
3. Advises the Director General of Planning NSW that it does not consider a Local Environmental Study to be needed albeit the land falls within the NSW Coastal Policy 1997.
4. Advises the applicant that a site remediation plan shall be prepared satisfying the requirements of State Environmental Planning Policy No. 55 – Contaminated Land (SEPP55) in relation to the proposed dwelling site to the satisfaction of the Director

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Development Services. Until all requirements under SEPP55 are met the amendment to the Tweed Local Environmental Plan 2000 shall not proceed.

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REPORT:

Applicant: Mr Michael Cusack
Owner: Mr M. Cusack and Jefferson Properties Pty Ltd
Location: Lot 4 & 6, DP 844549; Lot 6, DP853589 & Lot 3, DP811390 Scenic Drive, Bilambil Heights
Zoning:
Cost: \$135000

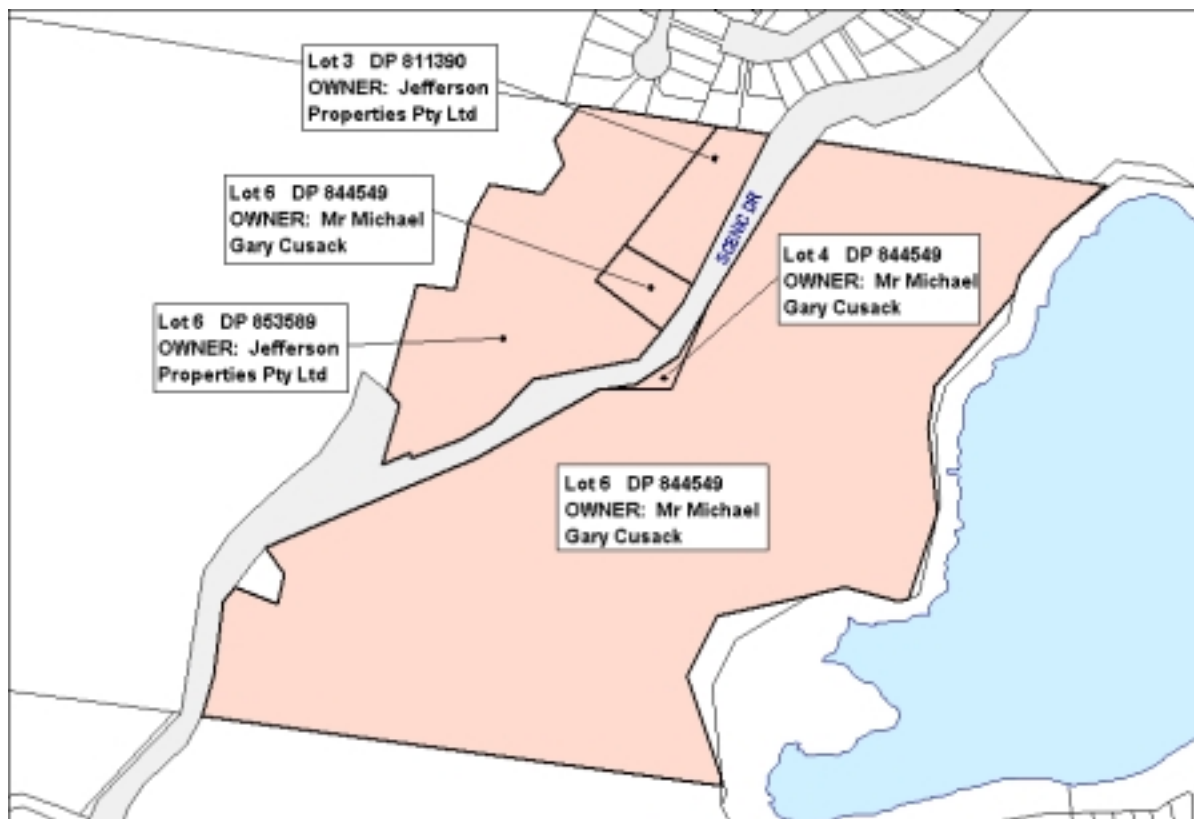
BACKGROUND

The subject land is located approximately 6km west of Tweed Heads. The combined area of the four allotments is 24 hectares. The land extends east of Scenic Drive to Bingham Bay. The area east of Scenic Drive is characterised by small stands of remnant vegetation and is currently used for grazing. This is the area of land zoned 7(d) and 1(a).

The area of land west of Scenic Drive is zoned 2(c). Development Consent S98/9 was issued on 23 March, 1998 for a forty eight lot residential subdivision on part of the land west of Scenic Drive. The area of Lot 6, DP844549 west of Scenic Drive was not part of the subdivision approval. Earthworks for the subdivision have commenced. Further, the existing dwelling house on Lot 6 is located west of Scenic Drive.

The proposed LEP Amendment has been submitted to Council with an accompanying Development Application in accordance with Section 72J of the Environmental Planning and Assessment Act 1979.

SITE DIAGRAM



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PLANNING CONSIDERATIONS

The subject land is partly zoned 2(c) Urban Expansion, 7(d) Environment Protection Scenic Escarpment and 1(a) Rural under the Tweed LEP 2000. Clause 11 of the LEP (Zoning Tables) requires, in the case of land zoned 7(d) and 1(a) 40 hectares for a dwelling house. For land zoned 2(c) the minimum area requirement is 450m².

The applicant has the objective of aligning the lot boundaries of existing Lot 6, DP844549 to Scenic Drive and the zone boundary. To enable this boundary adjustment and consolidation of various lots the applicant would lose the benefit of a dwelling entitlement to land east of Scenic Drive affected by the rural and environmental protection zones as the 40 hectare requirement is not a development standard able to be varied by SEPP1.

The applicant is not seeking any additional dwelling entitlements, only attempting to secure that already provided to Lot 6, DP844549 by way of the existing dwelling house. As the owners of Lot 6, DP844549 wish to relocate their dwelling house to land affected by the rural and environmental protection zones, the following LEP Amendment options have been proposed.

LEP AMENDMENT

To effect the required LEP Amendment, Council can either:

1. Amend the 1(a) Rural and 7(d) Environment Protection Scenic Escarpment Zones to enable dwelling houses or allotments less than 40 hectares in area; or
2. Include the subject land in Schedule 3 (Development of Specific Sites) of the Tweed Local Environmental Plan 2000.

As the submission is unique to the particular proposal, it is not considered desirable to amend the Tweed LEP 2000 by removing the minimum lot size requirement for dwelling houses. Consideration of the standards contained in the LEP would open debate in areas beyond the subject of this application.

However, Clause 53 – Development of Specific Sites enables Council to permit development for additional purposes on land referred to in Schedule 3 of the Tweed LEP 2000, subject to development consent. It is considered that listing the subject land under Schedule 3 is the more desirable approach for the following reasons:-

- (i) By including the subject land in Schedule 3, the land will remain zoned 2(c) west of Scenic Drive and 1(a) and 7(d) east of Scenic Drive and will consequently enable the other provisions of the LEP to regulate development in the area without compromising the future redevelopment intended for the locality.
- (ii) The proposed development will enable the 2(c) land to be developed as allowed for in LEP 2000 without the hindrance of an existing dwelling house limiting subdivision options. In addition the proposed relocation of the dwelling house can be provided with regards to scenic and environmental objectives while not increasing the number of dwellings on the subject land by way of this proposal. Various smaller allotments can also be consolidated by way of the proposal.

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AVAILABILITY OF SERVICES

Both of the proposed lots can be serviced from the existing 300mm diameter water main located within Scenic Drive. Proposed Lot 1 can be connected to the existing gravity sewer system located in the adjacent estate to the north as required by Development Consent S98/9.

The applicant proposes that Lot 2 be connected to the existing 300mm diameter sewer rising main adjacent to Bingham Bay via a small private pump station and small diameter rising main. While there is the option to connect with the reticulated system in proposed Lot 1 in conjunction with future residential development, it is not preferred due to timing.

The proposed subdivision does not change drainage characteristics of Lot 1. Lot 2 will control drainage from the proposed dwelling house by way of rubble pits.

It is considered that the applicant will be able to satisfy the requirements of Clause 15 of the Tweed LEP 2000 in relation to the proposal.

DESIGNATED ROADS

Scenic Drive is a designated road. The applicant has proposed access that complies with Council Access to Property Policy. The proposed development does not involve the creation of any additional dwellings and therefore the applicant contends that there will be no additional traffic generated in the development.

The issue of traffic capacity on Kennedy Drive is no longer considered to limit the development of the 2(c) land as Council amended the Terranora Lakes Resort consent at its ordinary meeting of 1st August, 2001 releasing 1200 vehicles per day spare capacity on Kennedy Drive.

CONTAMINATED LAND

The applicant has submitted a preliminary site assessment prepared by Border-Tech examining the issue of historical land use. As the land was previously used for banana production, levels of contamination in excess of EPA minimum guidelines are present. As such, the applicant has identified the need for a Contamination Report and Management Plan which they are prepared to supply.

As these documents are considerable in cost, the applicant has requested Council to indicate its support for the application by way of Section 54 Resolution, upon which the applicant will ensure all documentation for management of contamination is provided to Council's satisfaction prior to any exhibition of any draft Local Environmental Plan.

This request is reflected in the recommendation.

COASTAL POLICY

The NSW Coastal Policy 1997 applies to the subject land. Therefore a Local Environmental Study would normally be required. The applicant has submitted that Council should request the Director General of Department of Urban Affairs and Planning to dispense of this requirement for the following reasons:-

1. No change in the zoning of the land is required or proposed;
2. Subdivision of the land by way of a "boundary adjustment" is required to facilitate development of the 2(c) zoned land for residential purposes;

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3. A dwelling house exists on that part of Lot 6, DP844549 west of Scenic Drive. This application only proposes to “relocate” the dwelling site to the eastern side of the road;
4. No change in use of Lot 6 DP844549 will occur as a result of this application;
5. Minimal disturbance of the land is required to enable the dwelling house to be “relocated”;
6. The proposed dwelling is of single storey design, with dark toned low reflective external cladding which will mitigate potential adverse impacts on the landscape and scenic quality of the locality;
7. All urban services are readily available to the proposed dwelling site, including reticulated sewer;
8. The proposal does not give rise to any significant environmental or strategic planning issues and will simply facilitate efficient development of the 2(c) zoned land for residential purposes;
9. Relocation of the dwelling house to the area currently used for grazing will assist in achieving more efficient farm management practices and surveillance of livestock, particular as attacks by dogs occur regularly.

It is considered that this request is justified and that Council indicate such in it’s resolution for the Director General to consider.

VISUAL LANDSCAPE ISSUES

Council’s “Shire Landscape and Scenic Evaluation” Report identified the area to be in Zone A, being:

“Those areas where the highest visual quality and sensitivity coincide. These areas are of critical scenic value to the shire and the most vulnerable to loss of that value with change. They are recommended for maximum protection of their visual landscape values and features.”

The applicant contends that the proposed dwelling house and landscaping will have minimal impact with no visual disturbances. It is considered that low reflective building materials and landscaping can ensure the landscape is not adversely altered by way of the proposal.

The area of land to which the proposed dwelling house is located is clear of vegetation and is not on the ridgeline. Providing the future dwelling house is built out of low reflective building materials the scenic values on the area will not be disturbed and minimal impact can be ensured through specific landscaping requirements.

CONCLUSION

The proposed subdivision and erection of dwelling house is considered to be reasonable as the applicant is not seeking any additional dwelling entitlements, rather the ability to preserve an existing dwelling entitlement.

As the Tweed LEP 2000 does not have provision to enable the proposal to be approved and preserve the existing dwelling entitlement, the applicant has requested an amendment to Tweed Local Environmental Plan 2000 by addition of the subject land and proposed development to Schedule 3.

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In addition Council is requested to seek the dispensation of the Director General Development of Urban Affairs and Planning for the need of a Local Environmental Study as would normally be required by the NSW Coastal Policy 1997.

The applicant is also prepared to provide the required Contamination Report and Management Plan to Council's satisfaction prior to any exhibition of documents.

On the above basis the proposal is supported.

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8. ORIGIN: Development Assessment Unit

FILE REF: DA5440/680 Pt3

REPORT TITLE:

Forty-nine (49) Lot Rural Residential Subdivision, Lot 12 DP1005206 and Lot A DP327759 Terranora Road, Terranora

SUMMARY OF REPORT:

Council has received a Development Application to subdivide the land containing the homestead known as "Terranora Lodge". The application seeks approval for a 44 lot rural residential subdivision, residue lot and four (4) public reserves. The main issues have been identified as follows:

- Visual impact of proposal.
- Effluent disposal.
- Traffic.
- Water supply.
- Buffers to environmentally sensitive areas, Terranora Road and the Telstra Tower.
- Water quality management.
- Location of public reserves.
- Preservation of vegetation including a row of Norfolk Island Pines.

Two submissions generally supporting the proposal were received. The applicant has satisfactorily addressed all the above issues and the application is recommended for approval.

RECOMMENDATION:

That Development Application K99/1229 for a subdivision comprising 49 lots at Lot 12 DP1005206 and Lot A 32759 Terranora Road, Terranora be approved subject to the following conditions:-

GENERAL

1. The development shall be completed in general accordance with Plans Nos 7031/1 Figure 6 REVB, Figure 6D, Figure 6C, Figure 17 REVA, Figure 13 REVB, Figure 18 prepared by Cardno MBK and dated September 2001, except where varied by these conditions.
2. Prior to commencement of work pursuant to this consent a **Construction Certificate** shall be obtained for the works proposed and required by this consent.

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

Subdivision Work

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

- a) copies of compliance certificates relied upon

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- b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
- earthworks
 - roadworks
 - road pavement
 - road furnishings
 - stormwater drainage
 - water supply works
 - sewerage works
 - landscaping works
 - sedimentation and erosion management plans
 - location of all service conduits (water, sewer, Northpower and Telstra)
 - the approved Traffic Control Plan
 - the relevant maintenance manuals (eg. GPT's, water pump station)

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

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

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

CONTRIBUTIONS

5. (i) Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.
- Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority

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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.

a. Tweed Road Contribution Plan:

S94 Plan No. 4 (Version 4.0)

Terranora

Stage 1 (2 Lots @ \$5342)	\$10,684
Stage 2 (16 Lots @ \$5342)	\$85,472
State 3 (10 Lots @ \$5342)	\$53,420
Stage 4 (15 Lots @ \$5342)	\$80,130

Heavy Haulage Component

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

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

where:

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

and:

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

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

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

Admin. Administration component - 5% - see Section 6.5

b. Open Space (Structured):

S94 Plan No. 5

Stage 1 (2 Lots @ \$426)	\$852
Stage 2 (16 Lots @ \$426)	\$6,816
Stage 3 (10 Lots @ \$426)	\$4,260
Stage 4 (15 Lots @ \$426)	\$6,390

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c.	Street Trees: S94 Plan No. 6	
	Stage 1 (2 Lots @ \$42.9)	\$85.80
	Stage 2 (16 Lots @ \$42.9)	\$686.40
	Stage 3 (10 Lots @ \$42.9)	\$429
	Stage 4 (15 Lots @ \$42.9)	\$643.50
d.	Shirewide Library Facilities: S94 Plan No. 11	
	Stage 1 (2 Lots @ \$300)	\$600
	Stage 2 (16 Lots @ \$300)	\$4800
	Stage 3 (10 Lots @ \$300)	\$3000
	Stage 4 (15 Lots @ \$300)	\$4500
e.	Bus Shelters: S94 Plan No. 12	
	Stage 1 (2 Lots @ \$23)	\$46
	Stage 2 (16 Lots @ \$23)	\$368
	Stage 3 (10 Lots @ \$23)	\$230
	Stage 4 (15 Lots @ \$23)	\$345
f.	Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	
	Stage 1 (2 Lots @ \$126)	\$252
	Stage 2 (16 Lots @ \$126)	\$2016
	Stage 3 (10 Lots @ \$126)	\$1260
	Stage 4 (15 Lots @ \$126)	\$1890
g.	Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	
	Stage 1 (2 Lots @ \$201)	\$402
	Stage 2 (16 Lots @ \$201)	\$3216
	Stage 3 (10 Lots @ \$201)	\$2010
	Stage 4 (15 Lots @ \$201)	\$3015
h.	Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	

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Stage 1 (2 Lots @ \$344.81)	\$689.62
Stage 2 (16 Lots @ \$344.81)	\$5516.96
Stage 3 (10 Lots @ \$344.81)	\$3448.10
Stage 4 (15 Lots @ \$344.81)	\$5172.15

i. Cycleways

S94 Plan No. 22

Stage 1 (2 Lots @ \$160)	\$320
Stage 2 (16 Lots @ \$160)	\$2560
Stage 3 (10 Lots @ \$160)	\$1600
Stage 4 (15 Lots @ \$160)	\$2400

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

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 979 a Subdivision Certificate shall **NOT** be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

Water:

Stage 1 (2 Lots @ \$3840)	\$7680
Stage 2 (16 Lots @ \$3840)	\$61440
Stage 3 (10 Lots @ \$3840)	\$38400
Stage 4 (15 Lots @ \$3840)	\$57600

Sewer:

Stage 1 (2 Lots @ \$3215)	\$6430
Stage 2 (16 Lots @ \$3215)	\$51440
Stage 3 (10 Lots @ \$3215)	\$32150
Stage 4 (15 Lots @ \$3215)	\$48225

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

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

7. Subdivision work in accordance with a development consent must not be commenced until:-
 - (a) a construction certificate for the subdivision work has been issued by:
 - (i) the consent authority, or
 - (ii) an accredited certifier, and
 - (b) the person having the benefit of the development consent:
 - (i) has appointed a principal certifying authority, and
 - (ii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment, and
 - (c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the subdivision work.
8. **Prior** to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works (minimum \$1,000).

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

The bond will be refunded, if not expended, when the final Subdivision Certificate is issued.
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. No soil, sand, gravel, clay or other material shall be disposed of off the site.
11. 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.
12. The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual.
13. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No K99/1229 have been complied with.
14. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:
 1. Easements for sewer, water supply and drainage over **ALL** services on private property.
 2. Easement to drain water, 4m minimum width, over natural water course and piped systems contained within allotment(s), to favour Tweed Shire Council.

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3. Restriction to user preventing direct vehicular access to all lots adjacent Terranora Road and western boundary of Lot 26 adjacent to Telstra site.
4. Restriction to user preventing direct vehicular access to McAuleys Road, other than at the designated common access point, for lots 1, 2 & 3.
5. Easement preventing construction of buildings within 30 metres of Terranora Road and bush fire management areas as identified on the consent plan.
6. Easement preventing construction of buildings within the bushfire and environmental sensitive areas as identified by Figure 6B Rev B.
7. Creation of reciprocal right of carriageway serving lots 1, 2 & 3.
8. Restriction to use on all lots requiring on site disposal/retention of collected stormwater. No connections will be permitted to the public street or drainage system.
9. Easement for co-axial cable.
10. Restriction to user to secure ongoing maintenance and protection of Visual Impact Mitigation plantings.
11. Restriction to user requiring future dwellings and fencing to be of non-reflective natural earth colours and materials.
12. Restriction to user prohibiting the further subdivision of Lots 17, 25, 39, 40, 42 and 43.

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

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.
15. In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with AS1428-1993 Parts 1 to 4 - Design for Access and Mobility.
16. Prior to the issue of a Subdivision Certificate for each stage, Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council.
17. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Consulting Engineer shall be erected and maintained in a prominent position at the site to the satisfaction of the Director, Development Services. The sign is to remain in place until the Subdivision Certificate is issued.
18. Prior to the issue of a Construction Certificate for stage 1, further geo-technical investigation in accordance with the recommendations contained in the geo-technical

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report by Earthtech Consultants dated July 1999, is to be undertaken and the findings submitted to Council.

19. The portion of proposed lot 28 that contains the Norfolk pines is to be excised from lot 28 and dedicated as public reserve.
20. Prior to the issue of a subdivision certificate, landscaping shall be completed to the satisfaction of the Director Development Services in accordance with landscaping plans to be submitted with the construction certificate application for each stage. The said landscaping plans shall be prepared by a suitable person and in consultation with the "Friends of Terranora" and shall cater for the following;
 - i) Plantings as identified in Figure 17 Rev A – Visual Impact Mitigation, prepared by Cardno MBK and dated 5 September 2001. The 88B instrument is to make provision for a restriction to user securing the ongoing maintenance of the mitigation plantings for each burdened lot.
 - ii) Embellishment including paths and seating within the canopy of the Norfolk pines
 - iii) Prior to the issue of a Subdivision Certificate Stage 2, proposed lots 47 & 48 shall be dedicated as passive open space and suitably embellished. Lot 47 shall, include a minimum area of 1000m² at a grade no steeper than 1 in 14, at no cost to council including grassing, landscaping (including shade trees), seating, playground equipment and shade cover in accordance with detailed plans to accompany the Construction Certificate application for Stage 2. Where play equipment is installed a minimum area of 10m around the equipment is to be turfed and the remaining area can be seeded.

Where a developer pays Council to acquire and install play equipment, Council will **NOT** install the equipment until a minimum of 20% of the lots in that stage of the development are occupied. The embellishment shall be completed prior to the issue of a Subdivision Certificate.
 - iv) The landscape planting on Lot 25 shall be of a type and located so as to preserve views of residents to the north.
21. Where new state survey marks and/or permanent marks are placed, a copy of the locality sketch relating to the marks shall be submitted with the final subdivision certificate application.
22. All retaining walls in excess of 1.0 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.
23. 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.
24. 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

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(or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment.

FURTHER APPROVALS

25. Prior to registration of the plan of subdivision, a **Subdivision Certificate** shall be obtained.

(i) The following information must accompany an application:

- original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees.
- relevant development consent or complying development certificate
- detailed subdivision engineering plans endorsed with a construction certificate (where applicable)
- for a deferred commencement consent evidence that the applicant has satisfied the consent authority on all matters which must be satisfied before the consent can operate
- evidence that the applicant has complied with all conditions of consent, that it is required to comply with before a subdivision certificate can be issued (where applicable)
- a certificate of compliance from the relevant water supply authority (where applicable)
- if a subdivision is the subject of an order of the Land and Environment Court under section 40 of the Land and Environment Court Act 1979 evidence that required drainage easements have been acquired by the relevant council
- for subdivision involving subdivision works evidence that:
 - the work has been completed, or
 - agreement reached with the relevant consent authority regarding payment of the cost of work or as to the time for carrying out the work, or
 - security given to the consent authority with respect to the completion of the work
- Work as Executed Plans for **ALL** works

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

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

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

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

(i) Compliance Certificate - Roads

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- (ii) Compliance Certificate - Water Reticulation
- (iii) Compliance Certificate - Sewerage Reticulation
- (iv) Compliance Certificate - Sewerage Pump Station
- (v) Compliance Certificate - Drainage

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

Roadworks

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

Water Reticulation, Sewer Reticulation, Drainage

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

Sewer Pump Station

- a. Excavation
- b. Formwork/reinforcement
- c. Hydraulics
- d. Mechanical/electrical

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- e. Commissioning - on maintenance
 - f. Off maintenance

Council's role is limited to the above mandatory inspections and does **NOT** include supervision of the works, which is the responsibility of the Developers Supervising Consulting Engineer.
3. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Supply Authorities Act, 1987 to be certified by an "accredited certifier".
27. Prior to the issue of a **Subdivision Certificate**, Works as Executed Plans shall be submitted in accordance with the provisions of DCP16 - Subdivisions Manual.
The plans are to be endorsed by a Registered Surveyor **AND** a Consulting Engineer Certifying that:
 - (i) all drainage lines, sewer lines and structures are wholly contained within the drainage easement created by the subdivision;
 - (ii) the plans accurately reflect the Work as Executed.

Note: Where works are carried out by Council on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed plans.
28. Prior to the issue of a **Subdivision Certificate** a defect liability bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.
The bond shall be based on 5% of the value of the works which will be held by Council for a period of 6 months from the date on which the Subdivision Certificate is issued and will be refunded following the remedying of any defects arising within the 6 month period.
29. (i) **PRIOR** to lodging an application for a Subdivision Certificate, the applicant shall obtain the written approval of Council to the proposed road/street names. Approved names are to be in accordance with Council's Road Naming Policy adopted on 7 August 1996 and are to be shown on the Plan of Subdivision accompanying the application for a Subdivision Certificate.
The names shall be approved **PRIOR** to lodgement of any plan of subdivision in respect of the development.
Names which duplicate existing and approved street names will not be approved.
30. Before the commencement of the relevant stages of road construction, reports shall be submitted to Council from a Registered NATA Consultant demonstrating.
 - a. That the pavement has been designed and constructed in accordance with subgrade analysis as per Austroads Pavement Design, A Guide to the Structural Design of Road Pavements.
 - b. That the pavement materials used comply with the specifications in RTA Form Q3051 (June 1998)
 - c. That the pavement layers have been compacted to Council specifications.
 - d. That site fill areas have been compacted to the specified standard.

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- e. That supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.
 - f. That pavement testing has been completed in accordance with Table 8.1 of AS 3798-1996.
31. All lots must be graded and trimmed to prevent the ponding of surface water. Additionally, all lots must be adequately vegetated and action must be taken to prevent erosion from wind and/or water to the satisfaction of the Director, Development Services.
32. The Construction Certificate application shall include a provision for pavement design. The final design shall be approved by Council OR an accredited certifier prior to the placement of any road pavement material.

ROADS/STREETS

33. Provision of adequate vehicular access in accordance with Council's "Access to Property" pamphlet, including the following specific work
- i. For the reciprocal right of way serving proposed lots 1, 2 & 3, construct a minimum 125mm thick 25Mpa F82 mesh concrete driveway to a minimum width of 4m in accordance with details to be submitted with the construction certificate application for Stage 1.
34. All proposed road/streets, drainage and associated works within the subdivision shall be designed and constructed in accordance with the development consent plans referred to in Condition 1 **AND** the relevant provision of DCP No. 16 - Subdivisions Manual, except where varied by the conditions of this consent.
35. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-
- i. Proposed road 1, 2 & 3 shall have an 11m pavement width with upright kerb and gutter on a 18m wide reserve width except for the section of Road 2 that is to accommodate the co-axial communication cable where a wider reserve width may be required.
 - ii. The cul-de-sac that serves lots 4,5,13,14,15 shall be a minimum of 6m pavement on a 13m reserve
 - iii. The design and construction of the intersection of Terranora Road and Road 1 to a modified Type C standard, in accordance with Austroads. The detailed design of the intersection shall cater for;
 - i) a Type B left turn lane from Terranora Road
 - ii) a Type C protected right turn lane from Terranora Road
 - iii) street lighting
 - iv) an assessment of and provisions for subsoil water
 - v) a bus bay on the southern side of Terranora Road, west of the intersection.
 - iv. Widening and subsequent dedication of Terranora Road where required, to ensure that the existing centre line of Terranora Road is no closer than 11m (excluding batters) from the property boundary of those lots which front Terranora Road.

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36. Prior to the issue of a Subdivision Certificate, a properly dimensioned plan shall be lodged with Council showing the relative position of existing fences, road formation and boundaries. Any encroaching road boundary fence is to be relocated to the correct alignment prior to issuing a Subdivision Certificate. Any road widening deemed necessary following submission of the plan shall be dedicated at no cost to Council.
37. Provision of temporary turning areas for refuse vehicles at the end of roads which will be extended in subsequent stages until such time as the road is extended or a dedicated turning area is provided at the end of the road. These temporary turning areas shall be constructed with a minimum 150mm pavement (CBR 45) and shall have a right of carriageway registered over the turning area until such time as the road is extended.
38. 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.
39. A concrete ribbon footpath 1.2 metres wide and 75 millimetres thick is to be constructed on a compacted base along southern side of proposed lot 1 extending from the proposed bus bay in Terranora Road to the proposed public reserve lot 47 including pram ramps. The compacted base is to achieve 95% of maximum dry density determined in accordance with AS1289 5.4.1 for a minimum 100mm depth. A full depth construction joint is to be provided at 6.0 metre intervals and 20 millimetre deep groove joints provided every 1.5 metres, the balance area to be graded to the kerb and turfed. The footpath is to have a 3% crossfall which must be attained at each side boundary. This may result in work to be undertaken on the footpath at adjoining properties which must not exceed 1:14 and must be reinstated with turf. The footpaving is to be located 800 millimetres from the property boundary. The concrete footpath gradient shall be parallel to the top of kerb for the full frontage of the site and maintained unvaried across the (any) driveway cross-section. An inspection of the formwork is to be arranged with Council's Engineering Services Division prior to concrete being placed.

DRAINAGE/FLOODING

40. On completion of any filling work, all topsoil to be respread and the site to be grassed and landscaped.
41. Prior to the issue of a construction certificate for Stage 1, a Storm Water Strategy Management Plan (SWSMP) is to be submitted for approval by the Director Engineering Services. The SWSMP shall make provisions for the following
 - i) Onsite disposal/retention for each individual allotment.
 - ii) Down stream discharge.
 - iii) Use of existing dams as treatment facilities (Operation Phase)
 - iv) Road drainage network.
42. The area on proposed lot 19 designated as a drainage easement is to be excised from the lot and transferred to Council as a drainage reserve ensuring that the area of lot 19 exceeds 4000m².
43. The existing dams that are to be used as permanent water quality treatment devices and contained in proposed lots 45 and part 19 to be designated as drainage reserves, are to

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be suitably embellished and fenced in accordance with the requirement of AS1926-1993 for children less than five (5) years of age.

44. i. Transfer proposed Lot 45 as drainage reserve at no cost to Council.
- ii. An accurate plan of the proposed drainage reserve shall be submitted to Council 60 days prior to lodgement of Application for Subdivision Certificate (form 13) to allow the land to be classified.

Failure to comply with this condition may result in delays in the issue of the Subdivision Certificate.

45. 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*.

46. Prior to the issue of a Subdivision Certificate and also prior to the end of defects liability period, a CCTV inspection of the stormwater pipes will be required to demonstrate that the standard of the stormwater system is acceptable to Council.

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

47. 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 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

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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*.
48. For all proposed lots, NO direct stormwater connections to the public drainage system will be permitted. Details of the proposed disposal/retention system(s), taking into account the following, is to be submitted with the construction certificate application for each stage.
- (a) Disposal of all allotment runoff by infiltration.
- Runoff from all roofs, hardstand and impervious surfaces is to be discharged to infiltration trenches located on the subject allotment.:
- As a minimum requirement, trenches are to be sized to accommodate the ARI 20 year 24 hour month storm and infiltrate this storm within a 72 hour period, with a safety factor of 2, before surcharging occurs. Surcharging when it does occur, must be in the form of unconcentrated surface runoff onto grass filter areas on the site.
 - Runoff is to be pre treated to remove contaminants prior to entry into the absorption areas (to maximise life of absorption areas between major cleaning/maintenance overhauls).
 - If the site is under strata or community title, the strata/community title plan is to ensure that the infiltration areas are contained within common land that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).
 - The design infiltration rate shall be determined as follows:-
 - * Conduct percolation tests on the site in accordance with Appendix B of A.S. 1547-1994, Disposal Systems for Effluent from Domestic Premises,
 - * if the above yields a result <6m/day, this rate may be used for design
 - * if the result is >6m/day, the rate for design may not exceed 6m/day unless this rate is confirmed by independently determining the coefficient of permeability of the soil in accordance with AS 1289.6.7.3. Notwithstanding these tests, the maximum infiltration rate that may be used for design and sizing purposes is 12m/day.
 - The owner shall be responsible for perpetual maintenance of the stormwater disposal and infiltration system to ensure its continual operation at design capacity and to ensure no adverse affects on other land or property
- The owner shall be responsible for perpetual maintenance of the stormwater disposal and infiltration system to ensure its continual operation at design capacity and to ensure no adverse affects on other land or property.

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SERVICES

Sewer

49. Prior to the issue of a Subdivision Certificate for each stage, each lot is to be provided with access to the public sewer system in accordance with a Sewer Strategy Management plan (SSMP) to be submitted prior to, or in conjunction with, the application for a Construction Certificate for the first stage for the approval of the Director Engineering Services (DES). The SSMP is to address the connection of Stage 1 lots into the proposed system. Any works and infrastructure required by the SSMP is to be designed, constructed and commissioned to the satisfaction of the DES. Consideration should also be given to making provision for the two lots containing existing dwellings to the north of Lot 25 to connect to the sewerage system in the future.

Water

50. Prior to the issue of a Subdivision Certificate for each stage, town water is to be provided to each lot in accordance with a Water Supply Strategy Management Plan (WSSMP) to be submitted to the Director Engineering Services for approval prior to the issue of a Construction Certificate for the first stage. Any works and infrastructure required by the WSSMP is to be designed, constructed and commissioned to the satisfaction of the DES.

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

Telephone

51. The production of written evidence from Telstra Australia certifying that satisfactory arrangements have been made for the provision of underground telephone supply.
52. Prior to the issue of a subdivision certificate, evidence endorsed by a registered surveyor stating that the co-axial cable is contained within the road reserve and or within an easement, is to be submitted.
53. Prior to the issue of a subdivision certificate, documentary evidence from Telstra certifying that they are satisfied with the location and depth of the co-axial cable, is to be submitted to Council.

Electricity

54. i. The production of written evidence from Northpower certifying that reticulation of underground electricity (residential and rural residential) has been completed; and
- ii. The reticulation to include the provision of fully installed electric street lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council.

ENVIRONMENTAL PROTECTION

55. 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.
56. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.

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57. 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.
58. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17° or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application.
- Such plans shall generally incorporate the following and preferably be prepared by a landscape architect:
- i) Contours and terraces where the height exceeds 1m.
 - ii) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
 - iii) Densely plant with sub-tropical (rainforest) native and exotic species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
 - iv) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.
 - v) The landscaping shall be completed to the satisfaction of the Director Development Services **PRIOR** to the issue of a Subdivision Certificate.
 - vi) A bond shall be lodged prior to the issue of the subdivision certificate to ensure that the landscaping is maintained by the developer for a period of 6 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.
59. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
60. The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning.
61. 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.
62. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
- A. Short Term Period - 4 weeks.
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
 - B. Long term period - the duration.
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.
63. All stormwater gully lintels shall have the following notice **cast** into the top of the lintel: '**DUMP NO RUBBISH, FLOWS INTO CREEK**' or similar wording to the satisfaction of the Director of Development Services.

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64. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
65. Prior to and during construction provide a “shake down” area along the haul route located immediately before the intersection with the road reserve. The “shake down” area is to be 10 metres long, minimum 3.0 metres wide, constructed of minimum 50mm diameter crushed rock; or other such device approved by the Director of Engineering Services.
66. 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.

67. A representative of the Tweed Local Aboriginal Land Council (LALC) is to be present on site at the time of any earthworks being undertaken.
68. In the event that material suspected of being an aboriginal relic is discovered during the activity, work at the site must cease immediately and the National Parks and Wildlife Service is to be contacted to arrange an inspection. Any necessary approvals in relation to the removal of the relic are to be obtained prior to commencement of works.
69. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

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

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

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REPORT:

BACKGROUND

A Development Application for subdivision was submitted by Cardno MBK (Qld) Pty Ltd on behalf of the owners, Chilton Hunt Australia Pty Ltd on 7 September 1999. This application involved the proposed creation of 42 Rural Residential lots of an average size of 7085.71m² (mostly within the range of 6000m² to 6500m²) plus a residue lot of 59 hectares, roads, and a 2000m² open space lot. The development was to be constructed in nine stages.

This proposal was assessed by Council's Subdivision Unit, Environmental Health Unit and Engineering Services Division. A preliminary Development Application report was prepared in December 1999. This report identified a number of issues which needed to be resolved or otherwise the application would be recommended for refusal. The applicant on 20 December 1999 was contacted and was advised of 14 key issues which needed to be addressed with a view to negotiating an improved outcomes. This approach was favoured rather than putting forward a recommendation for refusal at the time. A meeting was held between the applicant, land owners and Council officers on the 1 February 2000 and subsequently a further Council letter on 10 February 2000 nominated the actions required in relation to the 14 issues identified in Council's previous letter. Tweed LEP 2000 was subsequently gazetted on 6 April 2000 resulting in a number of lots being below the 1 hectare standard required in that plan if the lots were not connected to a reticulated sewerage system.

On 21 June 2000, the applicant lodged a comprehensive submission purporting to address the outstanding issues, including a written objection under State Environmental Planning Policy No. 1 to minimum lot size standard of 1 hectare. The concurrence of the Director of Department of Urban Affairs and Planning (DUAP) was sought to the SEPP1 objection, and in a letter dated 2 August 2000, DUAP advised that concurrence had not been granted to vary the subdivision development standard for Zone 1(c) in Tweed LEP 2000 (Clause 21). Concurrence was refused for the following reasons:

- a). The proposal was inconsistent with the minimum subdivisions area for the 1(c) zone under the Tweed LEP 2000. It was also inconsistent with the draft Plan on exhibition when the Development Application was lodged with Council;
- b). A majority of the lots within the proposal are below the subdivision standard applying to the development for this region, the proposal raises policy issues that should not be addressed through SEPP 1 but through the Strategic Planning and Zoning process; and
- c). Approval of the application with such a large number of lots under the standard would set an undesirable precedent for other rural residential developments in the locality.

Submission of the additional information addressed satisfactorily the majority of the 14 issues which were originally identified as outstanding with the exception of the issues in relation to visual impact and effluent disposal. A number of subsequent meetings were conducted with the applicant both on site and in Council offices to discuss these issues. At a meeting on the 30 July 2001 the outstanding issues were further discussed and the option of sewerage the subject property was put to the applicant. On the 19 September 2001 the applicant tabled an amended proposal which included two additional lots and the subdivision was proposed to be sewerage by a reticulation system. The amended proposal was formally lodged on 26 September 2001 and it is that proposal that is the subject of this report.

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PROPOSAL

The current proposal comprises;

- (i) The creation of 41 sewerred allotments numbered 4 to 44 inclusive each having an area of 4000m² to 2.2 hectares respectively.
- (ii) The creation of 3 unsewerred allotments numbered 1 to 3 inclusive, each having an area of about 1.6 hectares.
- (iii) A residue allotment number 49 having an area of about 61 hectares.
- (iv) The creation of 4 public reserve allotments numbered 45 to 48 inclusive containing a total area of approximately 1.2 hectares. Two of the allotments nominated as public reserve will also act as drainage reserves.

The current proposal provides larger allotments on the more elevated areas of the site which are visually prominent.

It is proposed to sewer all rural residential lots with the exception of lots 1, 2 and 3.

The subject land is located at the intersection of Terranora Road and McCauleys Road. The subject land comprises two (2) existing lots being Lot 12 DP1005206, containing two (2) existing dwellings, and Lot A DP327759 which is vacant. Lot 12 DP1005206 and Lot A DP327759 contain a total area of 96.2 hectares by survey. Under the provisions of Tweed Local Environmental Plan 2000 the land is zoned 1(c) Rural Residential, Part 7(a) Environmental Protection (Wetlands), Part 7(d) Environmental Protection (Scenic Escarpment) and Part 1(a) Rural.

The subject land has frontage to Terranora Road (1030 metres) and McCauleys Road (650 metres). Terranora Road is a designated road. Lots 1 to 3 gain access to McCauleys Road via a proposed reciprocal right of carriage way while lots 4 to 44 will gain access to an internal loop road which has a single access point to Terranora Road.

The subject land is roughly bisected by the Telstra installation and two other lots. The Telstra lot contains a prominent telecommunications tower and the two abutting lots each contain an occupied dwelling house. The area to the west of the telecommunications tower is approximately 8 hectares comprising generally cleared grazing land, having surface slopes ranging from level to about 17% between McCauleys Road and the transmission easement, and slopes up to 25% thereafter. This area provides extensive views along the Tweed River to the ocean, and is visible from the Pacific Highway just south of Chinderah in the Melaleuca Station area. The area is adjacent to a 30 metre wide (proposed easement for transmittion lines) as shown on the proposed layout plan. The land east of the Telstra land comprises some 29 hectares and the applicant states that this is arguably, the most attractive land of its type in the Terranora region, if not in the whole of Tweed Shire. This land comprises cleared grassland which runs along an elevated section of the Terranora ridge line and commands panoramic views in all directions, but particularly to the north and east. Southerly views to the south and south east are also available. The Norfolk Island Pines are visible from Oaks Avenue, particularly the lots numbered 21 to 25 and the residue lot 49.

The land being subdivided contains slopes ranging from level to isolated small areas of up to 17%, with the general ground slope in the range of 3% to 10%. The highest point contains the remains of the original homestead, Terranora Lodge, which was destroyed by fire some years ago. An old cottage exists on the north east quadrant of the land. The original gravel driveway, now in disrepair by erosion, is flanked on either side by a row of mature Norfolk Island Pines. The Tweed

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Vegetation Management Plan 1999, states that the ridgeline is occupied by two different vegetation types;

- a). Camphor Laurel dominant, close to open forest; and
- b). Rainforest and riparian communities, sub-tropical/warm tempered rainforest on bedrock sub-straight.

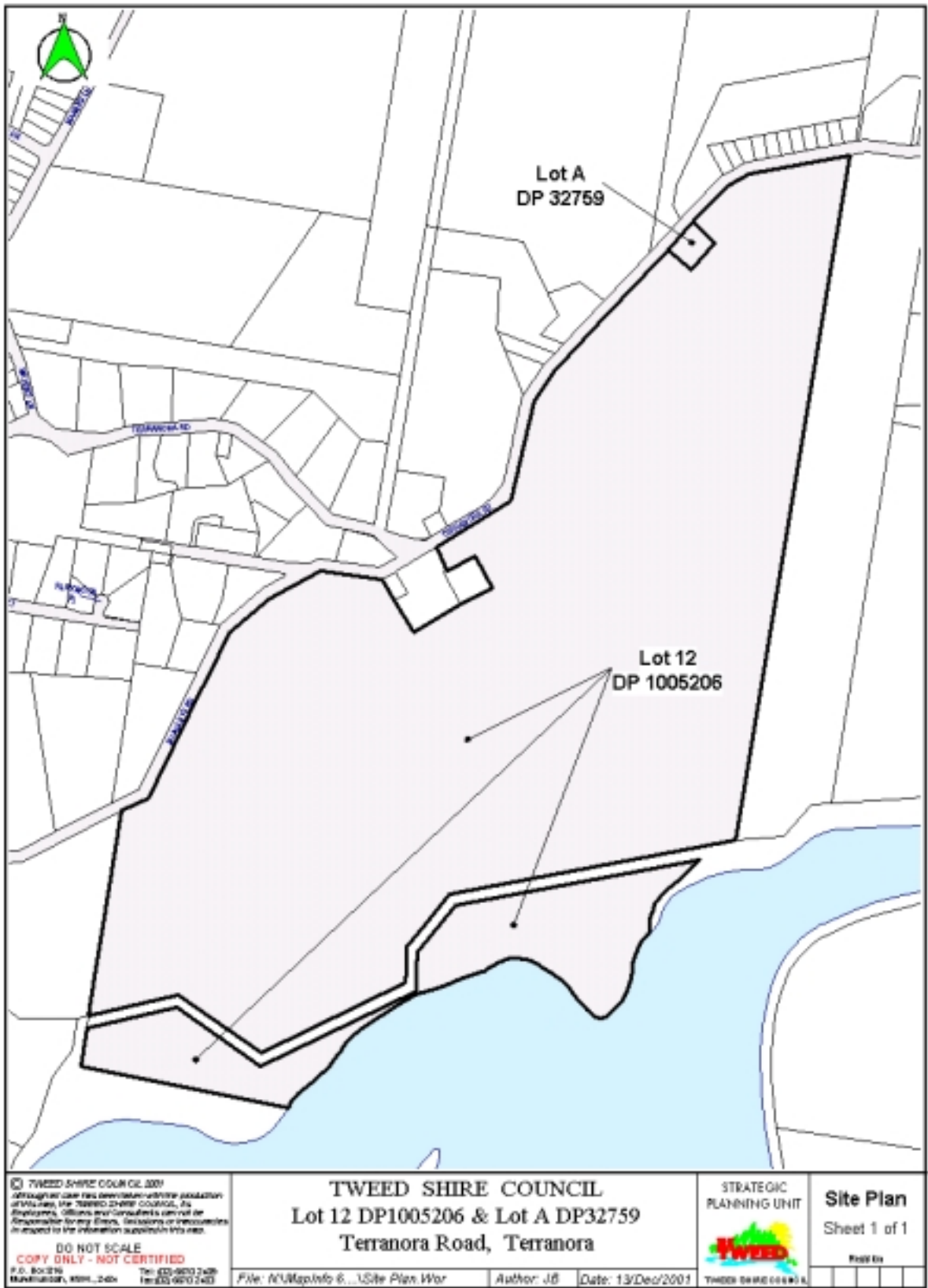
The flora and fauna report by Peter Parker accompanying the Development Application states that the land which is to be developed contains three vegetation types which are as follows:

- a). Regrowth dominated by Camphor Laurel and Rainforest Pioneers;
- b). Norfolk Island Pines; and
- c). Grassland.

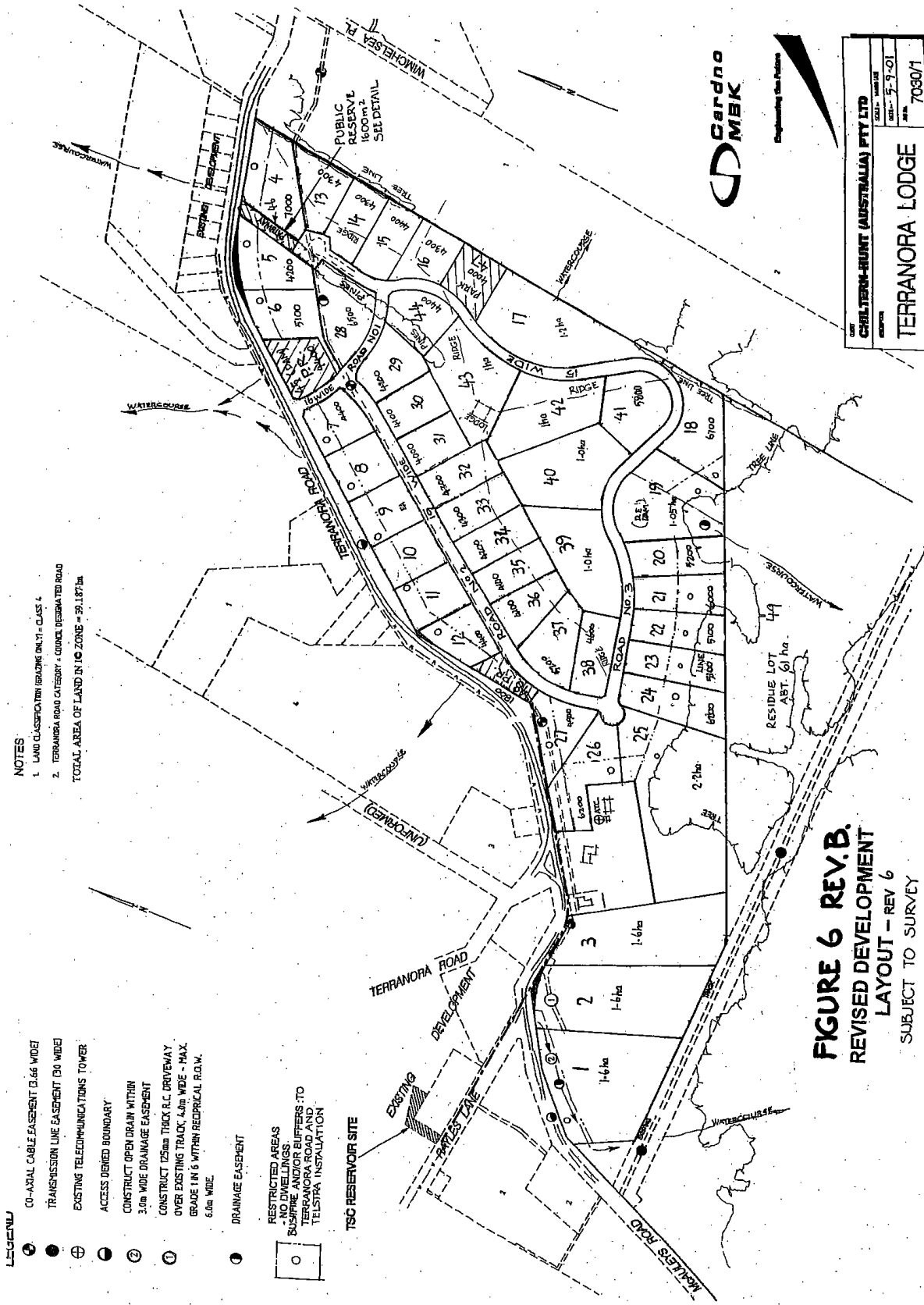
The area of the proposed lots is as follows:

1. 1.6 hectares	18. 6700sqm	35. 4100sqm
2. 1.6 hectares	19. 1.05 hectares	36. 4100sqm
3. 1.6 hectares	20. 5200sqm	37. 5200sqm
4. 7000sqm	21. 6000sqm	38. 4600sqm
5. 4200sqm	22. 5100sqm	39. 1 hectare
6. 5100sqm	23. 5100sqm	40. 1 hectare
7. 4400sqm	24. 6200sqm	41. 5800sqm
8. 4400sqm	25. 2.2 hectares	42. 1 hectare
9. 4400sqm	26. 6200sqm	43. 1 hectare
10. 4400sqm	27. 4900sqm	44. 4400sqm
11. 4400sqm	28. 6500sqm	45. (Drainage Reserve) 4400sqm
12. 4400sqm	29. 4200sqm	46. (Public Reserve) 1600sqm
13. 4300sqm	30. 4100sqm	47. (Public Reserve) 4000sqm
14. 4300sqm	31. 4000sqm	48. (Drainage Reserve) 1800sqm
15. 4400sqm	32. 4300sqm	49. (Residue Lot) 61 hectares.
16. 4300sqm	33. 4300sqm	
17. 1.2 hectares	34. 4200sqm	

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CONSULTATION

The current amended application and the original application was not required to be advertised or notified under the Planning Instruments at the time, however adjoining land owners were notified and the proposed development was advertised for public comment for a period of 14 days from 27 September 1999 to 12 October 1999. Two written submissions were received. The authors of these two submissions were re-notified at the time the amended proposal was lodged. Comments were also sought from National Parks and Wildlife Service (NPWS), Department of Land and Water Conservation (DLWC) and Northern Rivers Institute of Health and Research. Comments have been received from the National Parks and Wildlife Service (NPWS) and the Northern Rivers Institute of Health and Research (NRIHR). The submissions are summarised as follows:

1. Original submission from adjacent owner

“We have noted that the planned outlet is Terranora Road which seems to be situated directly opposite the driveway entrance to our home at 466 Terranora Road.

This is of concern to us because;

Our property is situated in Area E. Developers have already approached us with intent to purchase an area of our property. Our property could be first considered for development in Area E and without an entrance to Terranora Road would be land locked. Roads adjoining Fraser Drive and Mahers Lane through Area E have already been addressed in Terranora Land Owners group application for approval to rezone Area E but these outlets are not available at this stage. We would hope that an entrance to our property for such subdivision could be aligned with an entrance to the proposed 43 lot subdivision on Terranora Road.”

Comments:

The amended proposal has relocated the entrance to the proposed subdivision as suggested by this submission. This land owner was re-notified of the amended proposal and raised no further objections and was satisfied with the road entry.

2. Original Submission – “Friends Terranora”

In response to the original application, Friends of Terranora made the following submission:

“Our organisation supports the above subdivision application:

- Firstly, we agree with the Statement of Environmental Effects that this property is arguably the best development site in the Tweed. Ideally it would make a superb resort development site but, with the risk of “Area E” to the north becoming an urban subdivision, a resort style use would be strongly threatened. Therefore if any other use is appropriate on the ridge top, large rural lots are the least intrusive especially once trees become established.*
- Secondly, the owners dream since the early 1980’s has been to create a subdivision of large rural lots. The 1 hectare minimum lot size without sewer is arbitrary and inappropriate on undulating, red kraznozem soil. The consultants report indicates all lots can accommodate on site effluent disposal. This report is supported. Town*

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sewer should not be required. It is uneconomic. It would jeopardise the open feeling/environment envisaged by larger lots, by creating pressure for smaller lots.

- *Thirdly, lots under 6000sqm are considered inappropriate for this land. Drilling tests support local opinion that the land has many large floating boulders. This size minimum lot is necessary to give home owners plenty of room to locate all houses on even foundations.*
- *Fourthly, these larger lots and the proposed subdivision will help meet the pent up demand for prestige home sites in Terranora. This is the first real subdivision in seven years in rural Terranora. The subdivision will reinforce the integrity of Terranora as a different lifestyle choice close to Tweed's main population centre.*
- *Fifthly, it is noted that part of the land along Terranora Road is an area in "Area E". Rural residential lots only, on this land are strongly supported because:*
 - *Traffic noise level on Terranora Road require large lots. A twenty metre noise setback from Terranora Road is requested.*
 - *Terranora Road is a tourist road. Urban lots would degrade the drive/streetscape.*
 - *Urban size lots adjoining prestige rural residential lots will compromise the achievable standard of development and reduce the return to the owner on the adjoining rural residential lots.*

Our organisation recommends further consideration of:

- *Firstly, lot 44 public reserve. Such an estate requires an attractive entry statement the park should be relocated to adjoining "Road No 1" possibly on the lot 10 side. This location also offers excellent views and would be ideal as a destination for a walking track.*
- *Secondly, Council have plans (about 1994) for a walking track off Terranora Road and along the ridge. If the common boundary between lots 31 and 12 was the coaxial cable easement, this laneway could be a walking track access into the subdivision and lead to the park at lot 10/Road No 1.*
- *Thirdly, is there someway of preserving the lovely avenue of trees (Norfolk Island Pine)? Could they become a memorial avenue for a bikeway/walkway track with some redesign of boundaries of lot 6, 7, 15 to 18? The owners obviously have considerable pride in proposing such an attractive subdivision. Such an avenue would be an ideal permanent reminder of celebrating Federation.*
- *Some compromise to the owners elsewhere on the property would be worthwhile compensation (eg. More lots off McCauleys Road).*
- *Fourthly, street trees should be large growing local rainforest trees, the park should be planted with specimen rainforest trees. All Fig Trees and Native Trees should be protected from any harm."*

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Comment:

The amended proposal addresses a number of the issues raised in the Friends of Terranora original submission. The Friends of Terranora were subsequently re-notified at the time the amended proposal was lodged. The following comments were received in response to the amended proposal:

“Terranora Lodge is one of the finest properties in the Shire and requires considerable care in development. The owners have pride in their property. They are to be congratulated on creating generous sized lots, providing sewer where possible, proposing a major tree planting initiative in three important public parks. We request the park beside the access road be named “Chilton-Hunt Park”.

We seek to improve the plan as follows:

1. *A Memorial Avenue*

Public ownership of the avenue of Norfolk Island Pine trees on lots 5 and 28 is of paramount importance not only as a landscape feature but also as a memorial. Each tree would bear the name of service men and women listed on the Role of Honour in Terranora Hall. Our community has sought a memorial avenue since a 1994 submission to Council and we have funds to place a name plaque on each tree. The Avenue would form part of a walking/cycle loop requiring provision for a footpath west along Terranora Road to the “destination park” beside the estate access road. The Memorial Avenue boundary should extend beyond the mature dripline of the trees with rural post/boundary fences. It is considered lots 5, 6 and 28 could be reconfigured and maintained above minimum lot size. As an incentive/trade off, the owners could be permitted an extra lot (e.g. lots 39 to 43 could be each reduced by 10% to create it).

2. *Prevent Further Subdivision*

Purchasers should not have any expectation of further subdivision. Large ridge top lots 17, 25, 39 to 43 should have the strongest possible planning protection (even an LEP clause) to prevent further subdivision. The northern section should also be deleted from Area E urban proposals.

3. *Terranora Road Tourist Drive Streetscape*

Screen planting on Terranora Road is not desirable for either motorists nor land owners, the pleasant feelings on arrival at Terranora Village is achieved by the open landscape. This open visual appeal must be retained. Also, purchasers of lots fronting Terranora Road will pay substantially for the present choice views. “Win win” type landscaping is necessary otherwise none will survive. Recommendations for lots 4 to 12 and 27 are:

- a). *Limited clump tree planting along Terranora Road at lot boundaries only. Rainforest species only. No large crown trees. Tall small crown trees recommended.*

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- b). *No side boundary fences. Encourage open lawns with low garden beds and no visible out buildings. Retain existing rural fencing on Terranora Road.*
 - c). *Covenant requiring houses fronting Terranora Road to be low set single storey with unobtrusive character, natural colours and varied set backs. Screening of houses achieved by keeping landscaping close to houses (thus securing views and reducing visual impact of the built environment).*
 - d). *Encourage diversity including underground houses (there is one in McCauleys Road).*
4. *Internal Landscaping*
- a). *Telstra Tower:*

Height is supposed to be doubled, impacting substantially on the outlook from Terranora Road and from proposed home sites. We request a green screen to 15 metres height on lots 25, 26 and 27 on the east and north sides of the tower by title restriction under Section 88B of the Conveyancing Act.
 - b). *Use Only Rainforest Trees:*

All tree planting should be of rainforest species with significant variety including cabinet timbers and where suitable, the giant figs which once dominated this ridge.
 - c). *Keep Lot Boundaries Practical:*

For example, the rear boundary of lots 18 and 21 should extend into the 7(d) zone to the tree line for better maintenance (weed control) of existing cleared land.
 - d). *Remove Camphor Laurel:*

All living and standing dead Camphor Laurel trees in the 1(c) zone and along Terranora Road outside the property should be removed and mulched – mulch used on site.
 - e). *Surface Rocks/Topsoil:*

All material removed in road making should be retained on the property for landscaping.
 - f). *Promote Streetscaping:*

Example, thoughtful and varied street trees. These should be low growing on the north road for view retention and large growing on the ridge top and south to create a majestic streetscape.

 - *Use Dry Rock Wall for any Road Embankments:*

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- *Request an Island Fig Tree in the road centre at small cul-de-sac (lots 25 and 26).*
- *Attractive landscaped entry.*

g). *Mountains Views from South Parks:*

Like the north park, the one adjoining lot 16 should be a destination park with seating for walkers/cyclists, there are good views over valley and coast, which should be preserved with limited planting of clumps of tall trees, rather than dense planting. Terranora Ridge has some of the Shires most diverse and best views yet there is no one lookout or park from which visitors can see the lovely views. Please don't take away this rare chance for the community to gain two parks with views.

h). *Retain Dam:*

The dam in the north park, adjoining lot 6, must be retained. There is a precedent in Market Place, Terranora.

i). *Plan for future Walkways/Cycleway Network:*

Residents are keen walkers, yet have no interesting destinations. In 1994 we proposed a series of walking tracks using quiet roads. None have eventuated. Lot design should allow for a proposed walking track/cycleway taking in the best views. A proposed route is east up Carrington Court to McCauleys Road then along Terranora Road entering the subdivision at the park adjoining lot 27; then following the internal roads leading to the memorial avenue of pines and destination parks. Ultimately this should come back along Terranora Road west to Mahers Lane.

j). *Residue Lot, 59 Hectares:*

This choice parcel of land must retain suitable usable area to attract a viable use. For example, an eco-tourist development. The use should minimise weed maintenance."

This second submission from Friends of Terranora was referred to the applicant for comment. Provided below are comments in relation to each of the issues raised using the same numbers as the submission:

1. *Memorial Avenue - Already included in revised layout. Don't agree – lots already well above minimum.*
 2. *Prevent Further Subdivision – Don't agree, in strongest terms – most lots already protected by zone restrictions.*
 3. *Terranora Road Tourist Drive Streetscape - Suggest landscape consultant liaise with P.O.T. prior to Construction Certificate Plans.*
- 3a. *Refer to point 3.*

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- 3b. *Don't agree – rural 'ranch' fencing could be attractive. Owners must have right to secure property.*
- 3c. *Don't agree – Roofing material only.*
- 4. 4a. *Internal Landscaping – N/A to subdivision – if tower extended, Telstra to carry out mitigating landscaping.*
- 4b. *Use Only Rainforest Trees – Suggest landscape consultant liaise with P.O.T. prior to Construction Certificate Plans.*
- 4c. *Keep Lot Boundaries Practical - Prevented by zoning.*
- 4d. *Remove Camphor Laurel - N/A to subdivision. Trees in Terranora Road are TSC responsibility.*
- 4e. *Surface Rocks/Topsoil - agreed.*
- 4f. *Promote Streetscaping - Suggest landscape consultant liaise with P.O.T. prior to Construction Certificate Plans.*
- 4g. *Mountains Views from South Parks - Suggest landscape consultant liaise with P.O.T. prior to Construction Certificate Plans.*
- 4h. *Retain Dam – Already proposed.*
- 4i. *Plan for Future Walkways/Cycleway Network – Agreed, but walkway along Terranora Road is Council responsibility.*
- 4j. *Residue Lot, 59 Hectares – Future use determined by owner and Council.*

Comment

It is agreed that it is not reasonable to restrict dwellings to single storey along Terranora Road, however, a number of the other requests are considered reasonable and can be incorporated as conditions of consent.

3. Resident

The owner of one of the residents adjoining the Telstra Tower also discussed the proposal with the planning officer dealing with it. He raised issues in relation to the possibility of maintaining views to the south across block 25. And whether it would be possible for him to connect to the sewer at a later date if he wished.

The main threat to the views from this property is as a result of proposed landscaping to the south. A condition of consent should be imposed requiring that the views from adjoining residents to the south be maintained. It is also recommended that an easement be provided to allow the two subject lots to connect to the sewer in the future.

4. Northern River Institute of Health and Research

The Northern Rivers Institute of Health & Research raised significant concerns regarding the original proposal for onsite effluent disposal. These concerns have been overcome with the proposal to provide reticulated sewerage to the subdivision.

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5. National Parks and Wildlife Service (NPWS) Submission

National Parks and Wildlife Service made a submission in response to the original proposal. This submission is summarised as follows:

“Flora and Fauna

The recommendation contained in the Flora and Fauna survey by Peter Parker Environmental Consultant Propriety Limited (May 1999) to retain several isolated figs for proliigious species of birds and bats is supported.

Cultural Heritage

Annexure B provides a letter from the Tweed Byron Local Aboriginal Land Council. In this letter it is recommended that representatives of the Tweed Byron Local Aboriginal Land Council be present on site when works are undertaken in relation to the proposed subdivision. This is supported.

It is advised that, in the event that material suspected of being an Aboriginal Relic is discovered during the activity, work on site must cease immediately and National Parks and Wildlife Service is to be contacted to arrange an inspection. Subject to discussions on the management of the relics, any approval to proceed with the works will then require a licence issued under the National Parks and Wildlife Act 1974.

Buffers

The proposed subdivision borders vegetated areas containment in a 7(d) zone and is within 700 metres of a significant waterway (Development Statement section 2.9). It is considered that buffering of all drainage lines, waterways and sensitive areas including heavily vegetated areas provide the most suitable way of reducing the potential for pollution of down streams catchment and reduce the potential of bush fires. A buffer of 50 metres is recommended to areas classified as being environmentally sensitive. These include native vegetation, landscapes, fauna habitats and/or refuges which are significant in a local, regional or state context and which are most susceptible to unacceptable levels of modification from direct or indirect impacts by neighbouring land uses.”

Comments:

Suitable conditions of consent should be imposed on any approval granted by Council in relation to Cultural Heritage and Aboriginal Relics. Issues in relations to stormwater management and buffers from environmentally sensitive areas have been accommodated in the latest proposal and will be further discussed as part of this report.

Evaluation

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

(a)(i) Tweed Local Environmental Plan 2000

The subject land is zoned 1(c) Rural Residential part 7(a) Environmental Protection (Wetlands), Part 7(d) Environmental Protection (Scenic Escarpment) and part 1(a) Rural pursuant to the provisions of Tweed Local Environmental Plan 2000. The proposed subdivision is permissible with Council consent. All lots within the 1(c) zone which are sewerred are above the 4,000^m², with the exception of 2 of the public reserve lots which are

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1,600m² and 1,800m². The 3 lots which are unsewered are all above the 1 hectare minimum required under the LEP. The 2 lots nominated as public reserve which are undersized are permissible in accordance with Clause 19(4) of the LEP which allows for public reserves and public utility undertakings to be approved which are under the size required within the zone.

The minimum subdivision area within the 7(d), 1(a) and 7(a) zones under the LEP is 40 hectares. The residue lot encompasses these zonings over the subject property and has an approximate area of 61 hectares which is well above the minimum area permitted.

Clause 15 - Availability of Essential Services

Clause 15(2) of Tweed LEP 2000 states as follows:

“Consent must not be granted for the carrying out of development on any land unless:

- a) A water supply and facilities for the removal or disposal of sewerage and drainage are available for that land, or*
- b) Arrangements satisfactory with the consent authority have been made for the provision of that supply and those facilities’.*

Sewer

The applicant proposed to install individual pump stations connected to a common rising main for each lot other than lots 1 to 3 for which on-site disposal is proposed. The Director Engineering Services has stated that the individual pump stations, connections and common rising main will be owned and maintained by Council. With special regards to stage 1, lots 1, 2 and 3, comments by Environmental Health Officer, dated 31 October 2001 states:

“Notwithstanding previous comments regarding effluent disposal as proposed on lots 1-3, following discussions with Council’ Manager Environment and Health, it would seem that lots 1-3 are capable of being sewered. The applicant should therefore be requested to provide further details as to why such lots should not be connected to sewer.”

Therefore as a private pump station system is proposed it is possible to include lots 1-3 in the system. Hence the following conditions should be imposed:

Prior to the issue of a Subdivision Certificate for each stage, each lot is to be provided with access to the public sewer system in accordance with a Sewer Strategy Management Plan (SSMP) to be submitted prior to, or in conjunction with, the application for a Constructino Certificate for the first stage for the approval of the Director Engineering Services. The SSMP is to address the connection of Stage 1 lots into the proposed system. Any works and infrastructure required by the SSMP is to be designed, constructed and commissioned to the satisfaction of the Director Engineering Services.

Water

The reservoir in Rayles Lane does not possess adequate head to provide sufficient fire fighting flows and service pressure to the development. The following options are available to achieve minimum flows and pressure.

1. Upgrade Rayles Lane Reservoir
2. Construct new reservoir and pressurise development

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3. Install individual storage tanks and pressure pumps.

As it is not clear as to which option will be implemented, a Water Strategy Management Plan (WSMP) should be submitted to evaluate the available options.

Therefore it is concluded, for the purposes of Clause 15(2) that Council can be satisfied that a satisfactory water supply and facilities for the removal and disposal of sewerage and drainage can be made available for the subject land.

Clause 17 - Social Impact Assessment

Clause 17(2) of Tweed LEP states as follows:

‘Where the consent authority considers that a proposed development is likely to have a significant social or economic impact on the locality or in the area of Tweed, the consent authority may only grant consent to the proposed development if it has considered a social impact statement in respect of the proposed development’

Comment

The subject zoning of the land permits the lot yield achieved by this development. The land has been zoned 1(c) for a number of years and it can be reasonably expected that it was going to be developed for this purpose. The immediate area of Banora Point and Terranora contains a number of schools, shopping centres and other community services. The most significant social impact resulting from this proposal relates to the visual impact of the development along the ridge line. The applicant has designed the subdivision to minimise the impact by locating larger lots along the ridge line and proposing landscape plantings. Having regard to these factors it is reasonable to conclude that the subject proposal will not have a significant social impact and therefore does not warrant a social impact statement to be prepared. DCP 45 does not identify this development as requiring a Social Impact Statement.

Clause 22 - Development Near Designated Roads

The subject site has frontage to Terranora Road which is identified as a designated road under Clause 22 of the Tweed Local Environmental Plan 2000. Clause 22(4) states as follows:

‘The consent authority may grant consent to development on land to which this clause applies only if it is satisfied that:

- a) the development (because of its nature, appearance, cumulative effect or illumination, or the intensity or the volume or type of traffic likely to be generated, or for a number of similar reasons) is unlikely to constitute a traffic hazard or materially reduce the capacity or efficiency of the designated road, and*
- b) the location standard and design of access points, and onsite traffic movement and parking arrangements, would ensure that through traffic movement on the designated road is not impeded, and*
- c) the development, or proposed access to it, will not prejudice any future improvements to, or realignment of, the designated road, and*
- d) where the land is in Zone 1(a), 7(a), 7(d), 7(f) or 7(l) the development is of a type that necessitates a location in proximity to the designated road for reasons other than only commercial advantage, and*

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- e) *the development is of a type that is not sensitive to traffic noise or, if it is, it is located or adequate measures are included to mitigate any potential noise impact, and*
- f) *the development would not detract from the scenic values of the locality, strictly from the point of view of road users, and*
- g) *where practical, access to the land is provided by a road other than the designated road, and*
- h) *in respect of any application for commercial or retail development near the Pacific Highway is Zoned 1(a), 7(a), 7(d), 7(f) or 7(l) the development:*
 - (i) *would not compromise the highways function as a North Coast primary Inter-land, Inter-Regional traffic route, and*
 - (ii) *would not contribute to the need to expend public money on the highway and to overcome the effects of revenue and development, and*
 - (iii) *would not compromise highway safety and efficiency, and*
 - (iv) *would not cause or contribute to the shifting of the retail/commercial foci of any town from the town centre to a highway oriented site.”*

Comment:

In response to traffic issues the applicant submitted as part of the development application a traffic impact report. The proposed access point has been relocated to the east in response to submissions to the original proposal. Councils Traffic Engineer has considered the proposal and is satisfied with the proposed intersection location in terms of sight distance and capacity. Having regard to all the relevant points listed in 22(4) relating to this proposal it is considered that the proposal is acceptable and can be approved by Council. A noise assessment in relation to traffic noise and the impact on future development was also submitted to satisfy the above requirements. This report concluded that as a result of the setback requirements from Terranora Road that no mitigation measures were required.

Clause 24 Setbacks to Designated Roads

Under this Clause of the LEP 2000 all structures erected on lots fronting Terranora Road are required to be setback a minimum of 30 metres. The applicant proposes a 30 metre exclusion zone for the erection of buildings via a Section 88(b) Restriction to User being placed on these lots.

Clause 25 – Development in Zone 7(a) Environmental Protection (Wetlands & Literal Rainforest) and on adjacent land.

Clause 25(3) of the Tweed Environmental Plan 2000 states as follows:

“consent must not be granted to the carrying out of development on land zone 7(a) or on land adjacent to the land within zone 7(a) unless the consent authority has taken into consideration:

- a) *the likely effects of the development on flora and fauna found in the wetland or literal rainforest, and*
- b) *the potential for disturbance of native flora and fauna as a result of intrusion by humans and domestic and feral animals, increase fire risk, rubbish dumping, weed invasion and vegetation clearing, and*

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- c) *a plan of management showing how any adverse effects arising from the development can be mitigated, and the likely effects of the development on the water table, and*
- d) *the effect on the wetland or literal rainforest of any proposed clearing, draining, excavating or filling”.*

Comment:

The proposed rural residential subdivision at its closest point is located approximately 350 metres uphill away from the wetland and 550 metres away from the Tweed River. This area will not be disturbed at all as a result of development. Therefore it is anticipated that there will be no adverse effects arising from the development on this area and due to the significant changes in topography between the wetland and the area being subdivided it is not anticipated that there will be any impact on the water table provided adequate erosion and sediment measures are put in place. There is no clearing of the wetland proposed.

It is concluded that the proposed development is acceptable in terms of Clause 25.

State Environmental Planning Policy 44 – Koala Habitat Protection

A fauna and flora report prepared by Peter Parker was submitted in support of the proposed application. The applicant states that no koala food trees listed under Schedule 2 of State Environment Planning Policy No 44 occur at the site and accordingly it is considered that a Koala Management Plan is not required.

North Coast Regional Environmental Plan

The relevant clauses of the NCREP are as follows;

Clause 12 – Development Control Impact on Agricultural Lands

“The Council should not consent to an application to carry out development on rural land unless it has first considered the likely impact of the proposed development on the use of adjoining or adjacent agricultural land and whether or not the development will cause a loss of prime crop or pasture land.”

Comment:

Council's agricultural land classification maps indicate that the majority of the existing cleared land to be subdivided is Class 4, while the steeper land with trees (residue lot) is Class 5 Agricultural land. Surrounding land is Class 5 Agricultural Land. Given the subject land is Zoned for Rural Residential purposes and that the subject site is Class 4 Agricultural Land and that surrounding land is not classified Prime Agricultural Land, it is considered the proposed subdivision will not cause a loss of prime crop or agricultural land.

Clause 15 – Development Control – Rivers, Streams and Wetlands

“The Council shall not consent to an application to carry out development for any purpose within, adjoining or upstream of a river or stream, coastal or inland wetland or fishery habitat area within the drainage catchment of a river or stream, coastal or inland wetland or fishery habitat area unless it has considered the following matters;

- a) *the need to maintain or improve the quality or quantity of flows of water to the wetland or habitat;*
- b) *the need to conserve the existing amateur and commercial fisheries;*

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- c) *any loss of habitat which will or is likely to be caused by the carrying out of the development'*
- d) *whether an adequate public foreshore reserve is available and whether there is adequate public access to that reserve;*
- e) *whether the development would result in pollution of the wetland or estuary and any measures to eliminate pollution;*
- f) *the proximity of aquatic reserves dedicated under Fisheries and Oyster Farm Act 1935 and the effect the development will have on these reserves;*
- g) *whether the watercourse is an area of protected land as defined in Section 21(a) of the Soil Conservation Act 1938 and any measures to prevent soil erosion*
- h) *the need to ensure that native vegetation surrounding the wetland or fishery habitat is conserved; and*
- i) *the recommendation of any environmental guidelines or water quality study prepared by the Environmental Protection Authority”.*

Comment:

The area of land Zoned 7(a) Environmental Protection (Wetlands) is located approximately 350 metres from the common boundary between the 1(c) Rural Residential Zoning boundary and the 7(d) Environmental Protection (Scenic/Escarpment) Zoning boundary. The Tweed River is located approximately 550 metres away from the Rural Residential 1(c) Zone. This zoning line is the limit of the Rural Residential Subdivision. The applicant has submitted a stormwater management plan which indicates that stormwater from the site can be adequately managed. It is considered that the heavy vegetated land between the River and the Wetlands will provide filtered protection and will provide a satisfactory buffer distance between the subdivision and the sensitive areas. A 40m buffer is proposed to internal drainage areas and sensitive areas.

(a)(ii) Any draft environmental planning instrument

No draft environmental planning instruments have been placed on exhibition which are relevant to this proposal.

(a)(iii) Development Control Plan 16 – Subdivision Manual

The proposed subdivision generally complies with this DCP.

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

NSW Coastal Policy 1997

The relevant sections of this policy in relation to the subdivision are as follows:

Objective 3

“To improve water quality in coastal and estuarine waters and coastal rivers where it is currently unsatisfactory and to maintain water quality where it is satisfactory.”.

Comments:

The subject site is within the coastal zone. Having regard that the proposed subdivision will be serviced by reticulated sewer and the preliminary stormwater management plan has been submitted

Reports from Director Development Services

as part of the application it is concluded the proposal is unlikely to have any adverse impacts on water quality.

Objective 3.1

“To identify and protect areas of high natural or built aesthetic quality.”

Due to the proximity of the proposed subdivision along a significant ridge line within the Terranora area significant concern has been raised regarding this issue. The applicant has provided a comprehensive landscape and scenic assessment by Landscape Architects Greg O’Brien & Associates Pty Ltd. This landscape report addresses the recommendation of Tweed Shire Scenic Landscape Evaluation Report by Catherine Brower (1996). The report includes an assessment of the impact of the proposal on threshold views of the site, as developed, from key vantage points, such as Kingscliff, the Pacific Highway, and Cudgen Road. The report also addresses the consistency of the proposal with scenic management objectives in the Brower Report. Photomontages were prepared, and the report indicates the development site will form only a small part of the panorama, and considers that the visual impact of the development will be slight on the dominant wooded hillside, the landmark avenue of Norfolk Island Pines and other vegetation will remain.

The report concludes as follows;

- Both Tweed LEP 1997 and Tweed LEP 2000 foreshadowed rural residential development on that part of the site proposed for rural residential development.
- Tweed LEP 2000 did not rule out 4,000 square metres lots for any reason including visual amenity other than sewerage disposal.
- Express community interest supports proposed rural residential subdivision and lots sizes less than 1 hectare.
- Photomontages and study show visual impact will be minimum, especially in the long term.
- Proposed lots where houses will be visible from a number of locations are the four (4) western most lots which exceed 1 hectare in area and smaller lots are less visible from most of the vantage points and will be more screened from view by revegetation.
- The assessment indicates that the proposed development complies with the relevant assessment principals relating to scenic structure, district and units frameworks, scenic routes, viewpoint framework, and features and identity framework in the Brower Study.
- Conclusion that the approval of the proposal should not be prevented on visual or scenic grounds.

It is agreed that appropriate provision of additional landscaping, retention of most of the Norfolk Island Pines, and appropriate restrictions and vegetation easements and the use of non-reflecting earth tone colours in buildings should satisfactorily mitigate scenic impacts. It should however be acknowledged cumulative impacts of all potential ridge line development needs to be considered, and also the ongoing management and compliance issues related to maintenance of the restrictions. For instance, future residents may well seek to remove trees within easements to maximise views, use inappropriate bright colours for buildings, and generally compromise the visual integrity of the ridge making it difficult for Council to enforce restrictions.

Reports from Director Development Services

On balance, having regard to the existing zoning of the land, the current development proposal appears acceptable, subject to appropriate conditions requiring revegetation, and provision of Section 88(b) restrictions in relation to the proposed revegetation corridor.

The line of Norfolk Pines should preferably be located within a public reserve rather than within an easement. The amended proposal incorporates part of the Norfolk Island Pines within a reserve however it is recommended that the majority extending up to Road 1 be included as public reserve. The extensive vegetation regrowth area along the southern side of the development site should also be located within a revegetation and tree protection restriction on the title of these lots, following weed removal and habitat enhancement prior to release of the linen plans (consent condition). Additional planting within easements should be required as a consent condition in respect to proposed lots 1 to 3 to assist in insuring the minimising of scenic impact of these more exposed lots. The larger lots numbered 39, 40, 42 and 43 should have a restriction placed on them prohibiting further subdivision.

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

Context and setting

Currently the subject land is used for grazing and contains two dwellings. The proposed subdivision will significantly change the existing landscape particularly having regard to the ridge line location and visual prominence of the site. This issue has previously been discussed in detail.

Having regard to the existing subdivision pattern on the southern side of Terranora Road being primarily rural residential in nature it is considered the subject development is consistent with this subdivision pattern and will be in keeping with the existing context and setting of the area.

Access, Transport and Traffic

Lots 1 to 3 share a common right of carriageway gaining access to McCauleys Road. The remaining allotments gain access to an internal road system which has a single access to Terranora Road. The applicant proposes that vehicle access to Terranora Road across any other boundary is to be denied by a restriction on title. The Terranora Road frontage is also heavily vegetated in part and will remain undisturbed. The applicant states that the entry point for Road 1 has been selected having regard to the horizontal stopping/site distance required for a design speed of 80 kilometres per hour along Terranora Road and a Type B intersection is proposed. The original application was forwarded to Councils Local Traffic Committee. The following comments were provided in relation to the proposal;

“The Committee raised concerns with the following:

- 1) The provision of a bus stop and people crossing Terranora Road.*
- 2) The detailed design of the intersection should incorporate a left turn lane from Terranora Road into the site.*
- 3) A modified type C right turn fitting within the design of a Type B and the provision of Bus pullover areas on both sides of Terranora Road in the vicinity of the intersection.*
- 4) Pedestrian refuge island to be provided in the modified Type C central island.*
- 5) Street lighting of the intersection.*

Reports from Director Development Services

- 6) *The internal road should comply with DCP 16 for bus routes.*
- 7) *The Committee requests that Council writes to the Department of Transport requesting that when a school bus route is applied for to service this subdivision, the service enters the subdivision."*

Comments:

At the time of the original proposal it was noted that nearly all lots were within 400 metres from the proposed bus stop on Terranora Road. It was concluded that an increase in road widths would have a major implication to the lot layout and accordingly it was concluded that a bus route and stop on Terranora Road would suffice without the need to increase the internal road width. The applicant was therefore not requested to amend the proposal to accommodate this request.

Other issues raised by the Local Traffic Committee can be addressed by the imposition of certain conditions in the event of an approval.

The amended proposal was reviewed by Councils Traffic Engineer and a number of conditions recommended.

Public Domain

The applicant has nominated four (4) lots as public reserves within the subdivision. Two of these act as part of the stormwater management strategy for the site and should not be accepted as public reserve. The third lot (46) contains approximately a third of the Norfolk Island Pines which exist on the site. It is recommended that this reserve should be extended to the south to join Road 1 so as to assist in the preservation of the Norfolk Island Pines and also provide a walking path for residents living in the area. This would be consistent with the request by Friends of Terranora. The fourth lot 47 has an area of 4,000 square metres. This lot should be embellished as a requirement of any condition of consent.

The effect on threatened species, population or ecological communities or their habitats etc:

A Section 5(A) Assessment Report submitted with the original application assumed incorrectly that there would be no clearing of trees required. However, the original application would have necessitated some tree removal in the southern part of the development site for bushfire protection. However, in the amended plan, the depth of allotments and the location of the southern part of the loop road have been amended, such that the proposed house sites will be located a minimum of 40 metres (minimum of fuel protection zone) from the existing tree line. This fuel protection zone complies with the requirements of Councils Bush Fire Officer, in relation to southern and south west sites, therefore, the amended plan requires minimum removal of the potentially significant vegetation. The Section 5(A) Assessment concluded that the proposed subdivision will not have a significant impact on threatened species, population or ecological communities or their habitats.

Onsite Stormwater Management

The applicant has provided a stormwater management plan which includes estimates of the developed areas (unrestricted and restricted) for the three catchments and erosion control, to be implemented in accordance with the Department of Housing manual. "Managing Urban Stormwater – Soils and Construction". The proposal involves the provision of water quality control and detention pond utilizing existing farm dams within the proposed public reserves. Subject to appropriate conditions, including a condition that the proposed public reserves for water quality and sediment control be dedicated as drainage reserves and not as public recreation reserves, Councils

Reports from Director Development Services

Subdivision Engineering Assistant indicates the proposed system is capable of satisfactory implementation and operation in accordance with Councils Urban Stormwater Quality Management Plan (April 2000).

Traffic Noise

The applicant has submitted an acoustic impact report relating to traffic and the electricity substation. Traffic noise estimates are based on anticipated traffic growth at only 1% per annum, and development of Area E may significantly increase traffic noise on Terranora Road. Council Senior Environmental Health Officer has advised that he is generally satisfied in regard to the acoustic report, which concludes that noise barriers along Terranora Road will not be required for the proposal. This includes a reworking of the noise criteria discussed between the applicant and Council Officers and assumes the houses are setback a minimum of 30 metres from Terranora Road frontage. The substation is within the Telstra facility land, and a 30 metre setback is proposed. The Noise report indicates that no bedrooms or living areas should have open windows or doors facing the Telstra facility, and a condition should be required in this regard.

Buffer to Telecommunications Tower

Councils Senior Environmental Health Officer has assessed this issue in a note on the file dated 3 March 2000, and has conferred with Shane Peacock of Telstra concerning the issue. Correspondence from Telstra dated 16 February 2000 indicates the general public exposure limits specified in AS-NZS2772.1 (IMT 1998). This shows that anyone outside the perimeter fence of the Telstra site is well and truly in the far field in relation to the standard which is acceptable. Council Environmental Health Officer recommends that the information provided be considered sufficient to enable an assessment of radio frequency electro/magnetic exposure in accordance with the Interim Australian Standard provided that Council accepts that Telstra is considered to be an authority for the purposes of the Interim Standard. It is noted that dwelling houses are to be set back a minimum of 30 metres from the Telstra site with an appropriate Section 88(b) restriction in this regard.

Natural Hazards

The Geotechnical report states that there are no geotechnical conditions at the site which would indicate that the proposed development can not be satisfactorily realised. This report however does recommend that further investigations be undertaken prior to excavation works occurring on site and that also a geotechnical engineer be present during any such excavations. These can be placed on any consent as conditions of consent.

Contamination

Council Environmental Health Officer provided the following comments in relation to contamination;

“with respect to contamination generally the applicant advises that since the time of purchase by the present owners in 1964 the land has been solely used for cattle grazing. Also they advise that there is no evidence of any horticultural use. A letter has been provided by the Director of the public company who purchased the property in 1964 and that the land at the date of purchase has been subject to no previous form of agriculture use.”

From the above no objections have been raised in relation to contamination.

Reports from Director Development Services

(c) Suitability of the site for the development

The proposed 44 rural residential lots are located within the portion of the site zoned 1(c) Rural Residential. The proposed subdivision will have an impact on the visual character of the ridgeline, however, the subdivision layout and proposed landscaping will assist in reducing this impact. The proposed subdivision is considered an appropriate response to the environmental constraints of the land. The proposed subdivision is generally consistent with the relevant provisions of applicable Environment Planning Instruments and Development Control Plans.

(d) Any submissions from Public Authorities or the General Public

Submissions received in regards to the proposed development have previously been discussed under the heading consultation at the beginning of this report.

(e) Public Interest

Tweed Shire 2000+ Strategic Plan

One of the desired outcomes of the Tweed 2000+ Strategic Plan is that ridgelines be preserved without the visual intrusion of unsightly growings and excessive benching. The applicant has submitted a visual impact assessment evaluation which has previously been discussed in this report addressing this issue.

Clause 24 of Tweed Shire 2000+ Strategic Plan states as follows:

“24. Rural Activities

These will not be unreasonably restricted by future rural settlement. Appropriate guidelines will be prepared for buffers including the following:

- a) On any land subject of a rural subdivision proposal, a 150 metre buffer zone from the boundary of agricultural land and a dwelling site.”*

Comment:

The proposed subdivision is generally consistent with this requirement given that the majority of surrounding land use is Zoned for Rural Residential.

Public Interest in General

The public interest should be viewed in the context of issues discussed in this report. Overall the submissions received are in support of the proposal and many of the requests can be accommodated by conditions of consent. It is concluded that the proposed development is generally consistent with the public interest.

Legal/Financial/Resource Implications

In the event that the applicant is dissatisfied with Councils determination of the application a right of appeal to the Land and Environment Court is available.

OPTIONS

It is considered that Council has the following options:

- 1) Approve the application subject to conditions.
- 2) Refuse the application due to the visual impacts of the proposal.

Reports from Director Development Services

CONCLUSION

The subject land is located along the Terranora Ridgeline which can be viewed from a number of vantage points. The subdivision will impact on the visual character of the area, however, it is considered that the amended subdivision layout and proposed landscaping will reduce this impact to an acceptable level having regard to the zoning of the land. The subdivision will be serviced by reticulated sewer and town water. The proposal generally complies with all relevant planning instruments and policies and is therefore recommended for approval.

Reports from Director Development Services

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Reports from Director Development Services

9. ORIGIN: Development Assessment Unit

FILE REF: DA2150/878 Pt5

REPORT TITLE:

The Establishment of a Secondary School at Lot 7 DP 1009074 Fraser Drive, Tweed Heads South

SUMMARY OF REPORT:

Council is in receipt of a development application for a secondary school on the subject land. The proposed school is to be provided over five stages with the first stage having 75 student enrolments and the final stage resulting in a total of 450 students enrolments.

While a number of issues were raised by the proposal the most significant issue is the traffic impact from the proposal on the local road network. The applicant has proposed works to improve the road network at stage 3 however the regional Traffic Committee and Council's Traffic Engineer require these works to be provided at stage 1.

A number of conditions are to be imposed to regulate the proposed development. The preferred staging of works is reflected in the conditions of consent.

RECOMMENDATION:

That Development Application 0867/2001DA for the establishment of a secondary school at Lot 7 DP 1009074 Fraser Drive, Tweed Heads South be approved subject to the following conditions for the following reasons:-

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

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.

The landscaping plan shall detail the planting for the 3.0m wide buffer to the northern boundary to mitigate transfer of particulate matter from vehicle emissions from the proposed development. This landscaping buffer shall return along the eastern boundary to a point that will ensure residences are effectively screened from the parking area.

An estimated cost of the landscaping works shall be provided to establish the amount required to bond the landscaping for a maintenance period.

CONTRIBUTIONS

2. (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.

Reports from Director Development Services

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

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

Stage 1

- a. Tweed Road Contribution Plan: \$13071.75

S94 Plan No. 4 (Version 4.0)

Tweed South - Commercial

Heavy Haulage Component

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

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

where:

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

and:

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

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

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

Admin. Administration component - 5% - see Section 6.5

Stage 2

- a. Tweed Road Contribution Plan: \$17429.00

S94 Plan No. 4 (Version 4.0)

Tweed South - Commercial

Heavy Haulage Component

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

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

where:

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

and:

Reports from Director Development Services

Prod.	projected demand for extractive material to be hauled to the site over life of project in tonnes
Dist.	average haulage distance of product on Shire roads (trip one way)
\$Unit	the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)
Admin.	Administration component - 5% - see Section 6.5

Stage 3

- a. Tweed Road Contribution Plan: \$26143.50
 S94 Plan No. 4 (Version 4.0)
 Tweed South - Commercial

Heavy Haulage Component

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

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

where:

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

and:

Prod.	projected demand for extractive material to be hauled to the site over life of project in tonnes
Dist.	average haulage distance of product on Shire roads (trip one way)
\$Unit	the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)
Admin.	Administration component - 5% - see Section 6.5

Stage 4

- a. Tweed Road Contribution Plan: \$13071.75
 S94 Plan No. 4 (Version 4.0)
 Tweed South - Commercial

Heavy Haulage Component

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

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

where:

Reports from Director Development Services

\$Con_{TRCP - Heavy} heavy haulage contribution

and:

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

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

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

Admin. Administration component - 5% - see Section 6.5

Stage 5

a. Tweed Road Contribution Plan: \$8714.50

S94 Plan No. 4 (Version 4.0)

Tweed South - Commercial

Heavy Haulage Component

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

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

where:

\$Con_{TRCP - Heavy} heavy haulage contribution

and:

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

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

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

Admin. Administration component - 5% - see Section 6.5

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

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

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

Reports from Director Development Services

Stage 1

Water: 3 equivalent tenements @ \$3840 \$11520.00

Sewer: 3 equivalent tenements @ \$3215 \$9645.00

Stage 2

Water: 4 equivalent tenements @ \$3840 \$15360.00

Sewer: 4 equivalent tenements @ \$3215 \$12860.00

Stage 3

Water: 6 equivalent tenements @ \$3840 \$23040.00

Sewer: 6 equivalent tenements @ \$3215 \$19290.00

Stage 4

Water: 3 equivalent tenements @ \$3840 \$11520.00

Sewer: 3 equivalent tenements @ \$3215 \$9645.00

Stage 5

Water: 2 equivalent tenements @ \$3840 \$7680.00

Sewer: 2 equivalent tenements @ \$3215 \$6430.00

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

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

FURTHER APPROVALS

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

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

(i) Building Work

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

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

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

- show a plan of each floor section
- show a plan of each elevation of the building
- show the levels of the lowest floor and of any yard or unbuilt on area belonging to that floor and the levels of the adjacent ground
- indicate the height, design, construction and provision for fire safety and fire resistance (if any)

Where the proposed building work involves any alteration or addition to, or rebuilding of, an existing building the general plan is to be coloured or otherwise

Reports from Director Development Services

marked to the satisfaction of the certifying authority to adequately distinguish the proposed alteration, addition or rebuilding.

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

The specification is:

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

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

GENERAL

5. The development shall be completed in general accordance with Plans by Fulton Trotter and Partners Drawing No. DA101 to DA103 Rev B dated 3 August 2001, Drawing No. DA100 Rev B dated 15 November 2001, Drawing No. DA104 Rev A dated 15 November 2001, except where varied by these conditions.
6. 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.
7. No soil, sand, gravel, clay or other material shall be disposed of off the site.
8. 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.

Reports from Director Development Services

9. A construction certificate shall not be completed until all conditions of Development Consent 0687/2001DA have been complied with.
10. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:
 1. Easements for sewer, water supply and drainage over **ALL** services on private property.
 2. A 3m wide drainage easement, benefiting Council, is to be created over the drain from Acacia Street, through the subject land to its north west corner where it discharges to Public Reserve DP 28390. A Q5 underground drain and Q100 overland flow path, sized to accommodate flows from all the upstream catchment, shall be provided for the full length of the drain within the development site. The invert levels of the overland flow path shall be such that Q100 flood immunity from this source is provided for allotments fronting Acacia Street. These works shall be constructed in accordance with design calculations, plans and specifications to be submitted with the construction certificate application and approved by the Director of Engineering Services.
 3. A 3m wide interallotment drainage easement benefiting adjoining lots shall be created on the northern, eastern and southern boundaries of the development site. A Q100 surface flow path is to be constructed along this easement with invert levels suitable to provide drainage from all benefited lots to the lawful points of discharge at the north west and south west corners of the development site.

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

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

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. In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with AS1428-1993 Parts 1 to 4 - Design for Access and Mobility.
13. The provision of off street car parking spaces for each stage as follows:
 - Stage 1 = 9 spaces
 - Stage 2 = 20 spaces
 - Stage 3 = 37 spaces

Reports from Director Development Services

Stage 4 = 45 spaces

Stage 5 = 64 spaces

The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.

14. All service deliveries to and from the site shall be outside of the peak student arrival and student departure periods of the day.
15. 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.
16. 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.
17. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a. footings, prior to pouring of concrete
 - b. slab, prior to pouring of concrete
 - c. frame prior to the erection of brick work or any wall sheeting
 - d. final inspection prior to occupation of the building
 - e. steel reinforcing prior to pouring of concrete
18. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
 - (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
 - (ii) Certification of the works performed by the person carrying out the works is to be submitted to the PCA prior to occupation of the building; and
 - (iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
 - (A) the method of protection; and
 - (B) the date of installation of the system; and
 - (C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - (D) the need to maintain and inspect the system on a regular basis.

Note: Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.
19. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
 - i. All required erosion and sedimentation control devices have been installed and are operational.
 - ii. Required toilet facilities have been provided on the site.

Reports from Director Development Services

- iii. A sign has been erected on the site identifying:
 - Lot number
 - Builder
 - Phone number of builder or person responsible for site.
- iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
20. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.

PRESCRIBED BUILDING

21. 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.
22. 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.
23. 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).
24. 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

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- 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.
25. 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)
26. 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.
27. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.
28. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

DISABLED BUILDING

29. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore required that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.
30. Access to the building for disabled persons shall be provided and constructed in accordance with the requirements of Part D3 of the Building Code of Australia and Australian Standard AS 1428.1.
31. Prominently displayed signs and symbols must be provided to identify for disabled persons all routes and areas where architectural barriers do not exist. Such access must comply with the requirements of Australian Standard AS 1428 Parts 1 and 2.

FOOD PREMISES

32. 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.
33. 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.
34. 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.

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35. 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.
36. Shop fitters are to liaise with the Principal Certifying Authority prior to fitting out of shop.
37. 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

38. 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.
39. 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.
40. 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.
41. A concrete ribbon cycleway 1.2 metres wide and 75 millimetres thick is to be constructed on a compacted base along the entire frontage of the site to 2.2 metres wide. The compacted base is to achieve 95% of maximum dry density determined in accordance with AS1289 5.4.1 for a minimum 100mm depth. A full depth construction joint is to be provided at 6.0 metre intervals and 20 millimetre deep groove joints provided every 1.5 metres, the balance area to be graded to the kerb and turfed. The footpath is to have a 3% crossfall which must be attained at each side boundary. This may result in work to be undertaken on the footpath at adjoining properties which must not exceed 1:14 and must be reinstated with turf. The footpaving is to be located 800 millimetres from the property boundary. The concrete footpath gradient shall be parallel to the top of kerb for the full frontage of the site and maintained unvaried across the (any) driveway cross-section. An inspection of the formwork is to be arranged with Council's Engineering Services Division prior to concrete being placed.

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42. A bank guarantee for \$300,000 lodged with Council prior to release of Construction Certificate for the proposed development of Stage 1.
43. Detailed design drawings for signals consistent with the direction from the Regional Traffic Committee in accordance with Austroads Manual Part 5 RTA Standards for signals and AUSPEC construction specifications submitted to and approved by the Director Engineering Services prior to issue of the Construction Certificate. The application shall be accompanied by a Work Safety Plan and Traffic Safety Plan.

SEWER

44. Water supply and sewer connections as proposed are acceptable subject to final design. All existing sewer lines within the subject property should be contained in 3 metre wide easements created as part of the proposed development. Fill over existing sewers shall be minimal.

DRAINAGE FLOODING

45. Any filling of the subject site is not to affect or impede drainage of adjoining sites.
46. All fill is to be graded so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. If filling is required, a plan of proposed drainage is to be submitted with the Construction Certificate. Drainage must be installed and operational prior to commencement of any building work.
All fill or cut batters shall be contained wholly within the subject land.
47. 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*.
48. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of fill shall be submitted to the satisfaction of the Director Development Services.
The haul route for the transportation of filling to the site is shall be advised.
49. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

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

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

50. 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 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*.

51. The development application sought approval for stormwater drainage works under s68 of the Local Government Act 1993. The s68 application appended to the development application did not contain sufficient detailed information for Council to fully assess the proposal.

The s68 application for stormwater drainage works is approved in general only.

Prior to approval being given to a construction certificate application that includes any of the following specific stormwater drainage works

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

Further approval is required from Council under s68 of the Local Government Act 1993 for these specific works.

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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.

52. The lawful points of stormwater discharge for this development shall be
- a) the drain at the north west corner of the site discharging into the adjacent public reserve.
 - b) Surface overland flow at the south west corner of the site discharging onto the adjacent public reserve.

53. 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

54. 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.
55. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
56. 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.
57. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
58. The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning.
59. 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.
60. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
- A. Short Term Period - 4 weeks.
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
 - B. Long term period - the duration.

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

61. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
62. Prior to and during construction provide a "shake down" area along the haul route located immediately before the intersection with the road reserve. The "shake down" area is to be 10 metres long, minimum 3.0 metres wide, constructed of minimum 50mm diameter crushed rock; or other such device approved by the Director of Engineering Services.
63. The burning of builders waste on site by open fire is prohibited.
64. 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.

65. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
66. Hazardous or industrial waste must be stored and disposed of in a manner to minimise its impact on the environment including appropriate segregation for storage and separate disposal a waste transporter licensed by the EPA.

ACID SULFATE SOILS

67. Compliance with the Acid Sulfate Soils Management Plan prepared by Cozens Regan Williams Prove Pty Ltd dated August 2001.
68. A copy of the Acid Sulfate Soils Management Plan shall be kept on site.
69. If de-watering for service installations is to be carried out, then such work is not to proceed until consideration is given to any special dewatering requirements as may be considered necessary by an appropriately qualified consultant experienced in Acid Sulfate Soils assessment and management have been implemented.

ARCHAEOLOGICAL

70. Should any materials believed to be Aboriginal cultural materials be exposed, or discovered during any site works, then all works at or near the material are to stop and the Regional Archaeologist of the NSW National Parks and Wildlife Service is to be contacted for advice.

EROSION AND SEDIMENTATION CONTROL

71. A copy of the Erosion and Sediment Control Plan prepared by Cozen Regan Williams Prove Pty Ltd is to be maintained on site.

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72. Compliance with the provisions of the Erosion and Sediment Control Plan prepared by Cozen Regan Williams Prove Pty Ltd dated August 2001.

ENTOMOLOGICAL

73. Cattle should be removed from the wetland, this will reduce nutrient input, allow natural restoration of degraded areas and allow natural infill of hoof prints which presently provide isolated breeding pools.
74. An open buffer shall be maintained between the buildings and the timbered public reserve on the western boundary of the school site.

LIGHTING

75. No lighting of the playing fields is to be provided or installed unless such lighting is approved as part of a separate Development Application to Council.
76. All external artificial lighting is to be shielded where required to the satisfaction of Council's Director Environment and Community Services so as to prevent the spill of light onto adjoining residential areas causing a nuisance.

GARBAGE WASTE STORAGE

77. All garbage storage areas are to be located away from adjacent residential areas and are to be maintained in a condition that will not create odour or vermin nuisance for adjacent residential areas.

AIR QUALITY

78. All buses engaged in picking up and letting down of students or other persons anywhere within the school premises are to switch off their engines if standing for a period of more than 5 minutes at any time.

NOISE

79. Compliance with all noise mitigation measures as recommended in the Acoustic Impact Report dated 19th November 2001 Report No.S281.1-1 by Savery and Associates.
80. Following their installation, the Acoustic Engineer is to provide a report to Council advising that the construction of all timber acoustic fences erected are in compliance with the requirements to the Acoustic Impact Report dated 19th November 2001 Report No. S281.1-1 by Savery and Associates.
81. Council is to be provided with a report by the Acoustic Engineer following the assessment of the sound level emitted by the class bells in terms of the requirements of the Acoustic Impact Report dated 19th November 2001 Report No. S281.1-1 by Savery and Associates.
82. Council is to be provided with a report by the Acoustic Engineer following the assessment of all mechanical plant to be installed on the site in terms of the requirements of the Acoustic Impact report dated 19th November 2001 Report No S281.1-1 by Savery and Associates.
83. Acoustic fencing shall be provided for the full length of the northern boundary in Stage 1. This fence shall extend for 10 metres beyond any buildings erected to the eastern boundary. All other fencing shall be provided as required by each stage of building activity.
84. All delivery and waste vehicles accessing the site are to be restricted to between the hours of 9.00am and 4.30pm weekdays with no deliveries or waste services to be

Reports from Director Development Services

carried out on week ends or Public Holidays without the consent of Council's Director Environment and Community Services.

PLUMBING AND DRAINAGE

85. 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.
86. 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.
87. Back flow prevention devices shall be installed where ever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.
88. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.
89. 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.
90. A backflow containment device will be installed adjacent to Councils water meter installation at the property boundary in accordance with AS3500. The device is to be maintained in accordance with the provisions of AS3500 by the owner of the property at the owners expense.

TRADE WASTE

91. Prior to the commencement of any works on the site all required plumbing and drainage inspection fees are to submitted to Council.
92. 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.

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REPORT:

Applicant: Mr Lyn Mazey Lakeside Christian College
Owner: Mr Robert T Sullivan
Location: Lot 7, DP 1009074 Fraser Drive, Tweed Heads South
Zoning:
Cost: \$4900000

BACKGROUND

Council is in receipt of a development application for a secondary school for up to 450 students and 30 teachers on part of the subject land. Council is also in receipt of an application to undertake a two lot subdivision of the subject land to create proposed lot 1 being 3.888ha to accommodate the proposed secondary school. Proposed lot 1 will have public road frontage to Acacia Street, this being the point of access to and from the proposed school.

The proposed school will involve a number of buildings including staff and administration building, library, technical and applied sciences building, science, multi purpose, performing arts, arts block, music block, general learning areas, 2 playing fields, tennis/basketball courts and associated car parking, bus bays and pick up/drop off areas.

The proposed buildings are of 1 and 2 storey construction, grouped around the central courtyard area. The on site car parking, bus bays, pick up and drop off areas are located on the northern extent of proposed lot 1. These facilities are buffered from existing residents along Acacia Street by a landscaping buffer three metres in width. The playing fields are proposed at the southern extent of proposed lot 1 abutting the residue lot that may in the future be developed for residential purposes.

The western boundary of the proposed school site is characterised by an area of Open Space. The proposed lot 1 boundary is clear of State Environmental Planning No.14 – Coastal Wetlands, with heavily vegetated areas being outside of the proposed school site.

The applicant has proposed the school be developed in five stages, as follows:-

Stage 1

- Construction of the full block grant authority entitlement for administration to accommodate initially;
 - Administration
 - Temporary Staff Facilities
 - 2 temporary Learning Areas that will be converted into future administration.
- Construction of the full Block Grant Authority entitlement for science to accommodate initially;
 - 1 science lab
 - 1 temporary technology and applied sciences/art room to be converted into future science lab
 - 3 temporary general learning areas that can be converted into 2 future science labs

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- General storage areas that will be converted into future science preparation/chemical store and apparatus stores
- Student toilets
- Temporary canteen to be converted into a store room
- Construction of access roads from Acacia Street
- Construction of initial bus bay and car parking areas allowing for future expansion.
- Construction of 1 general learning area.

Stage 2

- Construction of the technical and applied sciences building
- Staff Facility
- Construction of an expanded bus bay and car park areas allowing for future expansion

Stage 3

- Library
- General Learning areas

Stage 4

- Art/Music
- Performing Arts

Stage 5

- Hall (multi-purpose building)

	Student Enrolments	Staff	Minimum Total Bicycle Racks to be provided at each stage	Minimum Bus bays to be provided at each stage	Minimum Total Carparks to be provided at each stage
Stage 1	75	5	60	2	9
Stage 2	175	12	140	3	20
Stage 3	325	22	260	4	37
Stage 4	400	30	320	5	45
Stage 5	450	30	360	5	64

In relation to the external works beyond the site the applicant has submitted the following.

- The footpath and cycleway to from the site to Fraser Drive be constructed in Stage 2 when the number of students increases to 175 at Stage 2.
- The footpath and cycleway to along Fraser Drive to Kirkwood Road be constructed in Stage 3 when the number of students increases to 325.

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- The upgrade of the intersection of Acacia Street and Fraser Drive be delayed until Stage 3 as the applicant contends that the enrolments for stages 1 & 2 and corresponding traffic movements will have minimal impact on the existing volumes of traffic.

Council is requested to structure any development consent to facilitate the carrying out of the work in the above stages and the payment of contributions reflecting the above staging.

The proposed staging is further assessed in this report.

SITE DIAGRAM

Insert Plan

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

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

Tweed Local Environmental Plan 2000

The subject land is zoned 2(c) Urban Expansion under the provisions of the Tweed Local Environmental Plan 2000. The primary objective of the zone is:

“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”.

In addition the secondary objectives of the zone include:

- To allow associated non-residential development which meets the recreation, shopping commercial employment and social needs of future residents.

The proposed development is defined as an educational establishment and is considered to be a non residential development which is associated with residential uses. The definition for an educational establishment is:

A building or place used for a primary or secondary school, a museum, gallery, or a tertiary education institution (being university, a TAFE establishment or other specialist college providing formal education beyond secondary education and which is constituted by or under an Act).

The proposed land use is permissible in the land use zone, and is considered to be consistent with the objectives of the zone. As such, Council is able to consider the proposed development.

Clause 15 of the LEP requires essential services to be available to the site to ensure that development does not occur without adequate measures to protect the environment. The applicant has submitted that proposed lot 1 can be serviced from the existing 250mm diameter main in Acacia Street. Proposed lot 1 can be connected to the existing gravity sewer at manhole BG/1 in Acacia Street or at various other locations. The applicant has provided a drainage strategy for the proposal that connects with Council's open drain in the adjoining public reserve.

Clause 17 of the LEP requires Council to consider a social or economic impact assessment where the proposal is likely to have a significant impact. The applicant has submitted that the demand for the educational establishment is evident in the Tweed and that such is not likely to have a

Reports from Director Development Services

significant adverse social impact. As such, a detailed social impact statement was not considered necessary for the project.

Clause 22 of the LEP applies to land that fronts a designated road or alternatively this relies on the designated road as the sole means of vehicular access. This proposal does not front Fraser Drive or rely solely on Fraser Drive for access, however it is considered to have an effect on the intersection with Acacia Street and Fraser Drive by way of additional traffic movements. The applicant has submitted a traffic report. The proposal was considered by the Regional Traffic Committee.

As traffic issues raised by the proposal are significant, further detailed assessment is provided in this report.

Clause 32 of the LEP applies to land within the twenty (20) or higher ANEF contour. As the majority of proposed Lot 1 falls within the 20-25 ANEF contour this clause applies.

Educational establishment are permissible in this ANEF contour however such must be considered in relation to Australian Standard AS2021-1994 (Acoustics-Aircraft noise intrusion – Building siting and construction). The applicant has provided a Noise Report which will form part of the further assessment of this application.

Clause 34 of the LEP applies to land that is flood affected. The applicant proposes to fill the building pads to the required RL 2.65m AHD. The playing fields are proposed to be filled to RL 1.4m AHD to ensure sufficient drainage is provided. The car parking areas are not proposed to be filled.

Clause 35 of the LEP ensures management of acid sulfate soils. As the subject land is identified as being within an areas of Class 2 acid sulfate soils, a management plan has been prepared to accompany this application.

Clause 44 and 45 of the LEP regulate development activity in relation to archaeological sites. Previous studies have not identified the presence of such sites, however, as outlined in the applicants submission, a condition of consent can regulate activity should such items be exposed during construction.

State Environmental Planning Policies

State Environmental Planning Policy No.11 – Traffic Generating Developments

This policy applies to the subject land as the proposed educational establishment accommodates more than 50 students. Under this policy the proposal required referral to the Regional Traffic Committee that advised the following:

“Given predicted traffic volumes for Fraser drive and the need to safely cater for school traffic particularly school buses a higher level of intersection control will be required at the Fraser Drive and Acacia Street intersection.

Intersection control options such as a roundabout or traffic signals should be assessed for suitability at this junction and the works completed prior to occupation.

The arrangements for services for drop off/pick up at the front of the site are unsatisfactory. The bus and parent drop off pick up areas should be separate and conflicts avoided. Staff/ visitor parking spaces should be separated from the above activities.

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School site is less than 6 ha recommended by the Interim Guidelines For Planning Design of school traffic and pedestrian facilities necessary to provide for secondary schools”.

The applicant was asked to amend the plan to redesign the parking areas, bus bays, and pick up drop off areas. Such have been amended to comply with the Regional Traffic Committee requirement. While the planning guidelines for secondary schools nominate 6 ha as the minimum size for a secondary school it is considered that the proposed development has adopted a design that would appear to be able to function on the smaller allotment.

Other issues such as the cycleway and intersection upgrade will need to be imposed by way of conditions of consent. The application has indicated that they are prepared to upgrade the intersection, however the applicants preference is for such to be provided in stage 3 as opposed to stage 1.

State Environmental Planning Policy No. 14 – Coastal Wetlands

State Environmental Planning Policy No. 14 – Wetland No. 186 occupies an estimated 3ha west of the subject land. Proposed lot 1 in which the school is to be located is clear of the wetland boundary. There are not works proposed or required within or immediately adjacent to the wetland. As such, the proposal does not require further assessment under this policy.

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

Development Control Plan No. 3 – Banora Point West/Tweed Heads South.

The subject land is designated “Residential A” under DCP 3. This land use category is intended to be predominantly conventional detached housing, with duplexes permitted to a maximum of 20% of the total allotments.

Council has previously received an application for residential subdivision of the subject land. That application was withdrawn, however it clearly identified the land to which the school is proposed as being able to accommodate 45 residential lots.

The alienation of 45 lots from DCP 3 release area equates to 120 people or less than 1% of the total expected population of 12,650 people. The applicant contends that this is a negligible impact on the DCP 3 area.

In this regard the variation to DCP 3 is considered to be justified as there is a demand for high school sites in the Tweed. The proposal was subject to notification under Council’s Policy. The applicant submits that a formal amendment to DCP 3 would not be required, as the objectives of the DCP are not being compromised and requested that Council exercise discretion pursuant to Clause 1.6 of the DCP, thereby not requiring a formal amendment of the plan.

This request is considered to be reasonable when considering the constraints of the land. Issues such as noise attenuation measures and stormwater drainage/localised flooding, are effectively managed by the proposed school, whereas the addition of forty five residences in this area of the subject land increases the complexity and management of the area.

Development Control Plan No. 5 – Development of Flood Liable Land

As previously stated, the land is affected by flooding. DCP 5 provides minimum floor levels for residential development however no requirements are specified for commercial and

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industrial developments. The applicant proposes to ensure the building platforms are at the required level with other areas of the site graded to natural ground level.

The existing residences along Acacia Street are periodically affected by flooding during flood events. If the land to which the school is proposed was developed for residential purposes, the fill on the site would join the boundary of these existing residences. Thereby raising flooding issues during storm events to these existing dwellings. As the proposed school provides a 30 metre wide area between these existing residences and the proposed fill, the effects of fill adjoining the residences is significantly reduced.

The 30 metre wide area will contain hardstand areas such as car park, bus bays, drop off/pick up areas and a vegetated buffer screen.

Council's Drainage Engineer has assessed this issue and found that through the imposition of various conditions, Q100 flood immunity can be afforded to allotments fronting Acacia Street.

Development Control Plan No. 2 – Access and Parking

DCP 2 applies to the proposed development. The following table addresses the requirements of the plan. The proposal involves a total of 450 students and 42 staff.

Standard	Requirement	Complies/Variation
Car parks	0.5/staff and 1/10 students = 15/staff and 45/students	Proposed 64 spaces therefore complies
Bus bays	1/30 students	Requires 15. Proposes 5, variation sought.
Bicycles spaces	0.8 per student	Requires 360. Proposes 465 – therefore complies.
Delivery/service vehicles	1 per 100 students	Requires 4.5. Proposes 2, variation sought.

Staged Car Park Provision

Stage	Requirement	Variation
Stage 1	75 students = 7.5 parks and 5 staff = 2.5 parks	Total required 10, proposed 9
Stage 2	175 students = 17.5 parks and 12 staff = 6 parks	Total required 24, proposed 20
Stage 3	325 students = 32.5 parks and 22 staff = 11 parks	Total required 44, proposed 37
Stage 4	400 students = 40 parks and 30 staff = 15 parks	Total required 55, proposed 45
Stage 5	450 students = 45 parks and 30 staff = 15 parks	Total required 60, proposed 64

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VARIATIONS TO DCP 2

Car Parks

The applicant has proposed the required total number of car parks, however the staged provision does not comply with DCP 2 requirements. While the applicant does not propose to seal all of the car parking area, the road base and its compaction will be provided for the total car parking area. This will enable casual over flow parking on site should an unexpected demand arise. The total number of sealed car parks will comply upon completion of the development. The variation to DCP 2 for on site parking is considered reasonable as such does not exceed the 20% reduction that can apply where environmentally sustainable principles are applied.

Bus Bays

The applicant seeks a variation on the number of bus bays from fifteen (15) to five (5) with a sixth space provided on side of the entry driveway. The following justification is provided:-

The proposed school will be part of a feeder school bus service from St Joseph's College at Banora Point. Surfside Buslines have advised that the St Joseph's School would act as the bus interchange. This results in a higher bus occupancy at a capacity of fifty-five (55) passengers. Therefore the estimated bus bay requirement of the proposal is six (6) for feeder school buses.

As the Surfside Busline company has advised this to be the manner in which the proposal would be serviced, it is considered that the six (6) bus bays proposed would be adequate to service the school.

Delivery/Service Vehicles

The applicant seeks a variation from 4.5 delivery bays to two (2) as the delivery vehicle can use the bus bays during classes and not create a traffic flow issue.

This justification is considered reasonable in the circumstances provided the timing of delivery vehicles is managed accordingly. As such, a condition shall be imposed requiring all deliveries to be provided outside of peak periods.

Development Control Plan No. 25 – Biting Midge and Mosquito Control in Tweed

DCP 25 requires an assessment of proposed development applications in identified areas in relation to the problem of biting midges. Council's Entomologist has advised that biting midges have been a problem at the site in the past when major floodgate damage has allowed tides to inundate the adjoining wetland area.

The wetland is a chronic salt marsh mosquito breeding site requiring regular monitoring and control with biological larvicides to abate mosquito numbers.

To reduce this issue on the school site, all cattle should be removed, thereby reducing nutrient input and allowing restoration of degraded areas and allow material infill of hoof prints which presently provide isolated breeding pools.

Conditions of consent would be imposed as part of an approval to reduce this issue on site.

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

Air Quality

Air quality control can be an issue on developments such as that proposed based on bus movements, car movements and the idling of engines. As such, Council's Environmental Health Officer requested an Air Quality Assessment which the applicant provided.

The report recommended site management measures including:

- bus idle time be kept to a minimum
- dense vegetation screening to adjoining residences to particulate transfer.

The report concluded that air quality issues will not result in unacceptable amenity impacts to residential areas.

As such Council's Environmental Health Officer has recommended conditions be imposed. While the applicant has proposed a vegetative buffer, importance is given to the density of planting, height of plants and maintenance of this area. In addition through discussions with Surfside Buslines it is evident that pick up and set down of students should occur over five minutes. Therefore a condition would be imposed requiring all bus engines to be switched off if standing for a period greater than five minutes.

These conditions are proposed to minimise particulate transfer to adjoining residential properties.

Noise Issues

The proposed development had two noise issues to address.

1. Noise attenuation of buildings in relation to aircraft noise.
2. Noise attenuation measures in relation to noise generated by the school activities on adjoining residences.

In this regard the applicant provided reports addressing these issues. In relation to aircraft noise and the design of the proposed buildings the report concluded:

1. Construction of the proposed school shall comply with the required Australian Standard AS2021-1994, using standard building stage of the school development should be certified to comply with the noise attenuation requirements.
2. Each stage of the school development shall be certified to comply with the noise attenuation requirements.

Council's Environmental Health Officer noted that the applicant was proposing a management plan instead of mechanical ventilation of classrooms. The applicant subsequently advised that all buildings will be mechanically ventilated prior to any use for education purposes.

This issue is of importance as neither Council's Environmental Health Officer or the Gold Coast Airport Limited consider any alternative will suffice. A number of conditions are therefore proposed to ensure this occurs from Stage 1 and that the health requirements of such air conditioning is ensured.

In relation to noise generated by the school activities, the report recommended the following mitigation measures:

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- Construction of an overlapped timber acoustic fence, 2.4m high for the northern boundary with returns along both sides of the two access entrances;
- Construction of an overlapped acoustic fence 2.1m high for the eastern boundary adjacent to the school buildings;
- Building layout with buildings around the perimeter of a student courtyard with all student entrance to each building facing the courtyard;
- Class “bells” to be an electronic signal sounded inside the classrooms and in the courtyard via distributed low power speakers. The sound level to be checked at the boundary of the nearest residences to confirm compliance with the criterion after construction;
- Site layout with the hard surface courts and performing arts/music buildings located on the south-western side of the site;
- Acoustic review of mechanical services during detail design to ensure compliance with the criteria of NSW Industrial Noise Policy 2000 for continuous noise sources;
- A landscaped buffer strip to be planted along the eastern and northern boundaries of the playing fields and adjacent to the buildings/car-parking areas;
- Speed control devices to be incorporated in the entry/exit entrance roads and car-parking service road design, as required to control vehicle speeds.
- Delivery and waste vehicles access to the site will be restricted to 9.00am to 4.00pm weekdays.

Council’s Environmental Health Officer recommended that their mitigation measures be reflected in the conditions of consent. The noise attenuation fencing shall be required to the rear of the Acacia Street properties from Stage 1, with subsequent stages providing the fencing to other boundaries.

Contamination

Previous reports examining contamination levels at the site have concluded that the site can be considered uncontaminated. As such the site is considered suitable for a school.

Natural Environment

The subject land has been investigated in relation to satisfying the requirements of section 5(a) and 5(c) of the Environmental Planning and Assessment Act 1979. An assessment has been undertaken into threatened species likely to occur in the area, and those on the subject land. While threatened species are known to utilise the area, the subject site does not contain any threatened species.

As such the proposal is not considered to require further investigation.

Acid Sulfate Soils

The development application was accompanied by an acid sulfate management plan as the site is affected by Class 2 soils.

The management plan identifies the impact to the soils during the construction of services. The buildings are proposed to be located on fill and therefore not increasing impact to the soils. A

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conservative liming rate is proposed which Council's Environmental Health Officer considers to be satisfactory. Conditions of consent will be imposed in this regard.

Traffic Issues

Council's Traffic Engineer advised that the traffic generated by the development can be accommodated on the road network with the exception of the Acacia Street/Fraser Drive intersection.

The applicant has provided a traffic report that correctly identifies the current intersection as being deficient for the current traffic volumes and will therefore be even further overloaded by the proposed development. The deficiency is a lack of right turn lane from Fraser Drive into Acacia Street.

The Regional Traffic Committee Minutes as detailed in the above section on SEPP 11 further identify the need for the intersection to be provided to a certain standard prior to commencement of the school.

As such, conditions are to be imposed to require the intersection upgrade in Stage 1 and the security of a bank guarantee for estimate of cost of works.

(c) Suitability of the site for the development

Road Network

The inadequacy of the intersection of the intersection of Fraser Drive and Acacia Street to cope with the additional traffic has raised the issue of intersection upgrade.

While the subject land has been identified as being suitable for the proposed development, such is only feasible with the upgrade of the intersection.

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

Submissions Made

The development application was publicly advertised in accordance with Council's Policy. During the fourteen (14) day period. Council received two written submissions and a petition containing thirty five signatures. One of these submissions is from the Gold Coast Airport Limited. The following table addresses the issues raised.

ISSUE	COMMENT	ASSESSMENT
Aircraft Noise	As the Australian Standard will require the classroom windows and doors to be closed, it will be necessary for all rooms to be air conditioned. The number of air craft movements involved are high and in school hours; therefore air conditioning should be provided from Stage 1.	A condition of consent shall be imposed requiring air conditioning of classrooms from Stage 1. This issue does not warrant refusal of the application.

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ISSUE	COMMENT	ASSESSMENT
Sporting Field Lighting	Lighting of the sporting fields may be a controlled activity as define by the Section 182 of Airports Act. Any future lighting would have to comply with the maximum intensity of light sources as in the Airport Master Plan	A condition of consent will be imposed, requiring a future development application should the proposed sporting field be illuminated. This issue does not warrant refusal of the application.
Non Reflective Roofing Materials	Due to reflectivity of roof materials from sunlight, it is requested that roofing be non-reflective. This will ensure pilot vision is not affected.	A condition regarding non-reflective rood material shall be imposed. This issue does not warrant refusal of the application.
Local Road Network	School access should be from Fraser Drive not Acacia Street. The intersection of Acacia Street and Fraser Drive is overloaded with traffic. Road network issues beyond the site were also raised however as they are beyond the control of the applicant and this proposal, no further assessment is provided here.	Proposed lot 1 for the school does not have access or frontage to Fraser Drive. The applicant proposes to upgrade the intersection of Acacia Street and Fraser Drive. A conditions of consent will be imposed requiring this in Stage 1. This issue does not warrant refusal of the application.
Car Parking in Local Road Network	Cars and buses will park in Acacia Street during drop off and pick up times causing a nuisance.	The proposal generally complies with parking requirements under DCP 2. It is considered that conditions of consent can further regulate this activity should nuisance arise. This issue does not warrant refusal of the application.
Noise Generated from School Activities	Building should be located at the far end of the playing fields to reduce noise directly behind Acacia Street properties.	The applicant was provided a noise report addressing this issue. Its recommendation as detailed in this report shall be included in conditions of consent. This issue does not warrant refusal of the application.

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ISSUE	COMMENT	ASSESSMENT
Localised Flooding	Concern was raised that by filling the site the flood inundations of Acacia Street properties would be exacerbated.	This issue is addressed in this report. Council's Engineer has recommended a number of conditions to ensure flooding is not exacerbated.
Construction Phase	Concern is raised that the local residents will have to endure construction noise and nuisance for seven years based on proposed staging.	Depending on enrolments and funding the time period for the completion may extend to seven years. Each stage of construction will be separated by periods where there is no construction. Conditions of consent are imposed to regulate activities during construction. This issue does not warrant refusal of the application.
Impact of proposal on Wetland	Concern was raised that wetland would be distributed by the development.	As stated in this report, all development activity is clear of the wetland area. This issue does not warrant refusal of the application.

In addition to the issues raised in the above table the following submission from Gold Coast Airport Limited (GCAL) was provided:

"It remains the view of GCAL that the land use is an inappropriate one in location, notwithstanding representations on behalf of the applicant. This view is based on the inevitable requirement that implementation of the required noise attenuation measures and compliance with the acoustic report will necessitate all doors and windows of classrooms remaining closed throughout the day, which is surely a less than ideal situation".

All of the issues raised and comments received have been considered in assessing the proposed development. The above statement from GCAL has been provided to ensure deliberation of the proposal is made with all information available to Council.

(e) Public interest

The proposed development raised a number of issues during its exhibition and assessment by Council Technical Officer. The issues raised reflect the complexity of the subject land and neighbouring environs.

The subject land has been identified in DCP 3 as an area to be developed for residential purposes. During the exhibition period submissions were received that raised issues, however no objection was raised to the land being utilised as a school site as opposed to residential development.

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The general public interest in the locality did not object to the deviation of the plan for the locality. The public interest issues raised were predominantly neighbourhood based and centralised on the issue of adequacy of the local road network and immediate property impacts such as localised flooding and noise from school activities.

These issues were considered by Council Officers to require an in depth assessment of various reports requested of the applicant. Through this process the importance of staging and the need for certain works to be provided at Stage 1 was highlighted.

To ensure public interest is upheld in the locality, the proposed development is considered to warrant conditional consent whereby works are staged in accordance with Council's requirements.

OPTIONS

1. Approve the proposed educational establishment in accordance with the recommended conditions of consent.
2. Refuse the application.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

The applicant has a right of appeal to the Land and Environment Court should they be dissatisfied with the determination.

In considering the proposed school, Council will forego any developer contributions that would have been attributed should the land have been developed for residential purposes. This has been estimated to be in the order of forty five residential lots.

CONCLUSION

The proposed educational establishment meets an identified demand for secondary educational facilities for high school students. The proposed school is contemporary to the current needs of secondary students and involves the provision of state of the art facilities.

The subject land is constrained by air craft noise which therefore limits the school design to the Australian Standard requirements in relation to aircraft noise. The subject land is affected by flooding, thereby resulting in the proposed buildings being provided on filled building platforms with other areas of the site being graded to provide drainage and ensure against localised flooding impacts.

The traffic issues raised by the proposal will require works at the intersection of Acacia Street and Fraser Drive, which the applicant acknowledges in his submission. The works are proposed for Stage 3 however the traffic assessment has justified these works being undertaken in stage 1.

Issues raised during the exhibition period have been assessed and the proposed development is considered to be generally in the public interest providing the development is undertaken in accordance with the recommended conditions of consent.

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10. **ORIGIN:** Director
FILE REF: DA4917/235 Pt4

REPORT TITLE:

Proposed Residential Subdivision (11 Lots) Comprising Stage 4 The Outlook Koala Beach at Lot 903 DP1017348 Bottlebrush Drive, Pottsville

SUMMARY OF REPORT:

Following Council's Resolution to approve the above development at its meeting of 5 December 2001 the applicant has submitted that conditions for Open Space Contributions in relation to Stage 2 should be deleted from the consent. This is accepted given the Deed of Agreement in relation to the Koala Beach Estate.

RECOMMENDATION:

That Council approve Development Application 0655/2001DA for a residential subdivision comprising 11 lots at Lot 903 DP1017348 Bottlebrush Drive, Pottsville (Stage 4 - Koala Beach) subject to the following conditions:

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

GENERAL

1. A detailed plan of landscaping for the proposed Public Reserve 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 the issue of a Subdivision Certificate. The plan shall ensure access for bush fire fighting and maintenance vehicles is available.
2. A traffic control plan that complies with the provisions of the RTA document "Traffic Control at Work Sites" Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, and submitted for approval by Council, prior to issue of the Construction Certificate. All works are to comply with the Occupational Health and Safety Act and the RTA document and the approval particularly in respect to works on public roads. Safe public access shall be provided at all times.
3. **Prior** to the commencement of work the applicant shall submit to Council evidence that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared in accordance with either:-
 - a. Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
 - b. AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.

CONTRIBUTIONS

4. (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 Subdivision Certificate shall NOT be issued by a Certifying

Reports from Director Development Services

Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

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

Stage 1

- a. Tweed Road Contribution Plan: \$3,950.00
S94 Plan No. 4 (Version 4.0) 1 lot @ \$3,950.00
(Koala Beach - Residential)
- b. Street Trees: 1 lot @ \$42.90 \$42.90
S94 Plan No. 6
- c. Shirewide Library Facilities: 1 lot @ \$300.00 \$300.00
S94 Plan No. 11
- d. Bus Shelters: 1 lot @ \$23.00 \$23.00
S94 Plan No. 12
- e. Eviron Cemetery/Crematorium Facilities: \$126.00
1 lot @ \$126.00
S94 Plan No. 13
- f. Community Facilities (Tweed Coast) \$584.00
(South Coast) 1 lot @ \$584.00
S94 Plan No. 15
- g. Emergency Facilities (Surf Lifesaving) \$201.00
1 lot @ \$201.00
S94 Plan No. 16
- h. Extensions to Council Administration Offices
& Technical Support Facilities \$344.81
1 lot @ \$344.81
S94 Plan No. 18
- i. Cycleways 1 lot @ \$160.00 \$160.00
S94 Plan No. 22

Stage 2

- a. Tweed Road Contribution Plan: \$39,500.00
S94 Plan No. 4 (Version 4.0) 10 lots @ \$3,950.00
(Koala Beach - Residential)
- b. Street Trees: 10 lots @ \$42.90 \$429.00

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- S94 Plan No. 6
- c. Shirewide Library Facilities: 10 lots @ \$300.00 \$3,000.00
S94 Plan No. 11
- d. Bus Shelters: 10 lots @ \$23.00 \$230.00
S94 Plan No. 12
- e. Eviron Cemetery/Crematorium Facilities: \$1,260.00
10 lots @ \$126.00
S94 Plan No. 13
- f. Community Facilities (Tweed Coast) \$5,840.00
(South Coast) 10 lots @ \$584.00
S94 Plan No. 15
- g. Emergency Facilities (Surf Lifesaving) \$2,010.00
10 lots @ \$201.00
S94 Plan No. 16
- h. Extensions to Council Administration Offices
& Technical Support Facilities \$3,448.10
10 lots @ \$344.81
S94 Plan No. 18
- i. Cycleways 10 lots @ \$160.00 \$1,600.00
S94 Plan No. 22

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

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

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

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

Stage 1

Water:	1 lots @ \$3,840.00	\$3,840.00
Sewer:	1 lots @ \$3,215.00	\$3,215.00

Stage 2

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Water:	10 lots @ \$3,840.00	\$38,400.00
Sewer:	10 lots @ \$3,215.00	\$32,150.00

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

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

FURTHER APPROVALS

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

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

(i) Subdivision Work

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

- a) copies of compliance certificates relied upon
- b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
 - earthworks
 - roadworks
 - road pavement
 - road furnishings
 - stormwater drainage
 - water supply works
 - sewerage works
 - landscaping works
 - sedimentation and erosion management plans
 - location of all service conduits (water, sewer, Northpower and Telstra)
 - the approved Traffic Control Plan
 - the relevant maintenance manuals (eg. G.P.T's, water pump station)

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

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

7. Subdivision work in accordance with a development consent must not be commenced until:-
- (a) a construction certificate for the subdivision work has been issued by:

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- (i) the consent authority, or
 - (ii) an accredited certifier, and
- (b) the person having the benefit of the development consent:
- (i) has appointed a principal certifying authority, and
 - (ii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment, and
- (c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the subdivision work.
8. **Prior** to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works (minimum \$1,000).

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

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

DRAINAGE/FLOODING

9. All fill is to be graded at 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. If filling is required, a plan of proposed drainage is to be submitted with the Construction Certificate application. Drainage must be installed and operational prior to commencement of any work.

GENERAL

10. The development shall be completed in general accordance with Figures 1 to 10 prepared by Cardno MBK, which are included in the Development Layout and Engineering Report and dated May 2001, except where varied by these conditions.
11. The public reserve lots identified in the application are to be dedicated to Council.
12. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.
13. No soil, sand, gravel, clay or other material shall be disposed of off the site.
14. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
15. The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual.
16. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No 0655/2001DA have been complied with.
17. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:

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1. Easements for sewer, water supply and drainage over **ALL** services on private property.
2. Right of Way
3. Restriction on use preventing obstruction to any drainage depression below the 1:100 year flood level.
4. Easement for stormwater drainage and access, benefiting Council, is to be provided along the Stage 4 outfall drainage pipeline and access track and from the common stormwater drainage outfall to a lawful point of discharge, being the downstream defined natural watercourse.

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

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

18. The submission of a plan for the approval of Council identifying a building envelope (with minimum dimensions of 10m by 15m) for each of the allotments, prior to the release of a Construction Certificate. The plan is to illustrate the location of the building envelopes in relation to the following constraints:
 - Restriction on use for Habitat Management (Bat Buffer Area).
 - Restriction on use for Bush Fire Management.
 - Koala food trees.
 - Six (6) metre setback from road frontage.
 - 1:100 year flood level of natural watercourses (and relocated depression).

The approved plan is to be reflected in the creation of a restriction as user under Section 88B of the Conveyancing Act. The restriction as to user shall require all dwelling houses to be constructed within the approved building envelope, unless otherwise approved by Council, and Council shall be the sole authority to vary the instrument. The wording of the restriction as to user is to be submitted to Council for approval prior to the release of the Subdivision Certificate.

19. 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.
20. Prior to the issue of a Subdivision Certificate, Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council.
21. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Consulting Engineer shall be erected and maintained in a prominent position at the site to the satisfaction of the

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- Director, Development Services. The sign is to remain in place until the Subdivision Certificate is issued.
22. Where new state survey marks and/or permanent marks are placed, a copy of the locality sketch relating to the marks shall be submitted with the final subdivision certificate application.
 23. All retaining walls in excess of 1.0 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.
 24. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the Director, Development Services **PRIOR** to the issue of a Subdivision Certificate. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.
 25. All traffic control devices, where proposed, shall be accurately notated on a plan, which shall be lodged with the Roads and Traffic Authority for official approval and recording.
 26. Dogs, cats and other domestic animals are prohibited from entering this locality by a covenant applying to this land.
All persons associated with the development of this site are prohibited from permitting any such domestic animals to enter this subdivision locality.
Please note that this prohibition also applies to all contractors, sub-contractors and other trades persons accessing this site.
 27. No retaining walls or similar structures are to be constructed over Council's sewer main.
 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.

FURTHER APPROVALS

29. Prior to registration of the plan of subdivision, a **Subdivision Certificate** shall be obtained.
 - (i) The following information must accompany an application:
 - original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees of \$118 per lot.
 - relevant development consent or complying development certificate
 - detailed subdivision engineering plans endorsed with a construction certificate (where applicable)

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- for a deferred commencement consent evidence that the applicant has satisfied the consent authority on all matters which must be satisfied before the consent can operate
 - evidence that the applicant has complied with all conditions of consent, that it is required to comply with before a subdivision certificate can be issued (where applicable)
 - a certificate of compliance from the relevant water supply authority (where applicable)
 - if a subdivision is the subject of an order of the Land and Environment Court under section 40 of the Land and Environment Court Act 1979 evidence that required drainage easements have been acquired by the relevant council
 - for subdivision involving subdivision works evidence that:
 - the work has been completed, or
 - agreement reached with the relevant consent authority regarding payment of the cost of work or as to the time for carrying out the work, or
 - security given to the consent authority with respect to the completion of the work
 - Work as Executed Plans for **ALL** works
- (ii) Documentary evidence that **all** matters contained in Section 109J of the Act have been complied with.
- (iii) Written evidence from Council that the proposed road/street names have been approved.

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

30. Prior to the application for a **Subdivision Certificate** a Compliance Certificate or Certificates shall be obtained from Council **OR** an accredited certifier for the following:-
- (i) Compliance Certificate - Roads
 - (ii) Compliance Certificate - Water Reticulation
 - (iii) Compliance Certificate - Sewerage Reticulation
 - (iv) Compliance Certificate - Drainage

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

Reports from Director Development Services

Roadworks

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

Water Reticulation, Sewer Reticulation, Drainage

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

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

3. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Supply Authorities Act, 1987 to be certified by an "accredited certifier".
31. Prior to the issue of a **Subdivision Certificate**, Works as Executed Plans shall be submitted in accordance with the provisions of DCP16 - Subdivisions Manual.
The plans are to be endorsed by a Registered Surveyor **AND** a Consulting Engineer Certifying that:
 - (i) all drainage lines, sewer lines and structures are wholly contained within the drainage easement created by the subdivision;
 - (ii) the plans accurately reflect the Work as Executed.

Note: Where works are carried out by Council on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed plans.
32. Prior to the issue of a **Subdivision Certificate** a defect liability bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.

Reports from Director Development Services

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

33. Before the commencement of the relevant stages of road construction, reports shall be submitted to Council from a Registered NATA Consultant demonstrating.
 - a. That the pavement has been designed and constructed in accordance with subgrade analysis as per Austroads Pavement Design, A Guide to the Structural Design of Road Pavements.
 - b. That the pavement materials used comply with the specifications in RTA Form Q3051 (June 1998)
 - c. That the pavement layers have been compacted to RTA specifications.
 - d. That site fill areas have been compacted to the specified standard.
 - e. That supervision of Bulk Earthworks has been to Level 1 frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.
 - f. That pavement testing has been completed in accordance with Table 8.1 of AS 3798-1996.
34. All lots must be graded and trimmed to prevent the ponding of surface water. Additionally, all lots must be adequately vegetated and action must be taken to prevent erosion from wind and/or water to the satisfaction of the Director, Development Services.
35. The Construction Certificate application shall include a provision for pavement design. The final design shall be approved by Council OR an accredited certifier prior to the placement of any road pavement material.

ROADS/STREETS

36. Provision of adequate vehicular access in accordance with Council's "Access to Property" pamphlet.
37. All proposed road/streets, drainage and associated works within the subdivision shall be designed and constructed in accordance with the development consent plans referred to in Condition 10 **AND** the relevant provision of DCP No. 16 - Subdivisions Manual, except where varied by the conditions of this consent.
38. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-
 - i. Construct a Koala Crossing adjacent to the proposed Koala corridor including signage and lighting.
 - ii. Construction of a stormwater drainage system that will convey all waters through the site to a legal point of discharge. The sub surface and overland drainage systems shall convey the respective flows from minor and major storm events. Clearly defined upstream catchment areas and supporting stormwater calculations shall accompany the engineering design plans. Where drainage from the proposed subdivision is to be connected to existing stormwater systems, calculations verifying existing system capacity are to be included.

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- iii. Construct a formed access track/s for bush fire fighting and stormwater maintenance vehicles.
 - iv. Calculations showing the extent of inundations, if any, for the 1:100 year ARI storm to lots 459, 460, 461 and 457 due to natural watercourses.
 - v. Construction of sealed driveways to the property boundaries for lots 457 and 451.
 - vi. Details of relocated depression around lot 459 including remediation measures.
 - vii. Extension of existing scour protection measures at the discharge headwall/s to take account of the extra flow rates generated from this subdivision.
39. In accordance with Development Control Plan No. 16 a footpath 1.2m wide on the eastern side and 2.5m wide on the western side constructed of concrete shall be provided for the full length of Bottlebrush Drive. The design and construction standard shall comply with AUSPEC (TSC Version).
40. 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.
41. 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.
42. 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.
43. 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.

DRAINAGE/FLOODING

44. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped.
45. No filling to be placed hydraulically within twenty metres (20m) of any boundary that abutts private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.
- No filling of any description is to be deposited, or remain deposited, within adjacent properties.
46. Inter allotment drainage shall be provided to **ALL** lots where roof water from dwellings, driveways and paved accesses cannot be conveyed to the street gutter by gravitational means. Where inter-allotment drainage has not been provided,

Reports from Director Development Services

Certification by a duly qualified Engineer is to be provided stating that roof water from the building envelope can be conveyed to the street gutter by gravitational means or that all Q20 24 hour runoff from impervious areas of the site can be disposed of, on site, by means of infiltration.

47. 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*.
48. The earthworks shall be carried out in accordance with AS 3798-1996, "Guidelines on Earthworks for Commercial and Residential Developments". In general, material shall be placed in layers not exceeding 300mm in depth, watered and compacted to achieve the specified density ratio as monitored in Table 5.1 - Guidelines for Minimum Relative Compaction.
49. The earthworks program shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with Appendix B, AS 3798-1996. In addition, the frequency of field density testing shall be to a Type 1 standard in accordance with Table 8.1 of AS 3798-1996. The geotechnical report shall be accompanied by a certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798-1996.
50. Prior to the issue of a Subdivision Certificate and also prior to the end of defects liability period, a CCTV inspection of the stormwater pipes will be required to demonstrate that the standard of the stormwater system is acceptable to Council.

Any defects identified by the inspection are to be repaired using any one of the following repair techniques or such other technique as may be approved by the Director of Engineering Services.

 - Tiger Patch patch liner;
 - Econoliner;
 - PL Quick Sleeve System;
 - Flexi-Bond method

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

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51. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of fill shall be submitted to the satisfaction of the Director Development Services.
52. All stormwater discharged from the site including dewatering discharge is to be directed to a sediment pond prior to final discharge into any waterway. The sediment ponds or other approved devices are to be maintained in good condition until the maintenance bond is released.
53. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

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

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

54. 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 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*.
 - (d) Treatment devices to remove stormwater pollutants may be located in the underground drainage system, immediately prior to its discharge into the existing drainage system, provided suitable maintenance access is provided.

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55. 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.

SERVICES

Sewer

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

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

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

Water

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

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

Telephone

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

Electricity

59. i. The production of written evidence from Northpower certifying that reticulation of underground electricity (residential and rural residential) has been completed; and

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- ii. The reticulation to include the provision of fully installed electric street lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council.

ENVIRONMENT PROTECTION

60. 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.
61. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
62. 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.
63. 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.
64. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17^o or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application.

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

- i) Contours and terraces where the height exceeds 1m.
 - ii) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
 - iii) Densely plant with sub-tropical (rainforest) native and exotic species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
 - iv) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.
 - v) The landscaping shall be completed to the satisfaction of the Director Development Services **PRIOR** to the issue of a Subdivision Certificate.
 - vi) A bond shall be lodged prior to the issue of the subdivision certificate to ensure that the landscaping is maintained by the developer for a period of 6 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.
65. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
 66. The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning.
 67. 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.
 68. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:

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- A. Short Term Period - 4 weeks.
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
- B. Long term period - the duration.
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.
69. All stormwater gully lintels shall have the following notice **cast** into the top of the lintel: '**DUMP NO RUBBISH, FLOWS INTO CREEK**' or similar wording to the satisfaction of the Director of Development Services.
70. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
71. Prior to and during construction provide a "shake down" area along the haul route located immediately before the intersection with the road reserve. The "shake down" area is to be 10 metres long, minimum 3.0 metres wide, constructed of minimum 50mm diameter crushed rock; or other such device approved by the Director of Engineering Services.
72. The burning of builders waste on site by open fire is prohibited.
73. 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.
74. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.
75. Except as may be expressly provided in the approval, the approval holder must comply with section 120 of the Protection of the Environment Operations Act 1997 prohibiting the pollution of waters.
76. The LA10 noise level emitted from the premises shall not exceed the background noise level (LA90) in any Octave Band centre frequency (31.5 Hz – 8KHz inclusive) by more than 5dB(A) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.
77. Acid sulfate soils shall not be disturbed or exposed in a manner which is likely to generate acid sulfate runoff.

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78. The applicant shall comply with the recommendations related to the protection of the Queensland Blossom Bat, including the erection of fences, as specified in Part 12.4 of the Eight Part Test of Significance Stage 4 Koala Beach Estate Pottsville (Prepared by the Australian Koala Foundation, July 2001), except where varied by the Plan of Management approved by NSW NPWS).
79. A fence shall be placed prior to the commencement of works for the purposes of protecting Queensland Blossom Bat habitat as indicated on Figure 10 of the Development Layout and Engineering Report, Cardno MBK, May 2001.
80. Erosion and sediment control measures shall be placed in accordance with Figure 10 of the Development Layout and Engineering Report, Cardno MBK, May 2001 and any other directions or requirements of the Director Environment & Community Services.
81. A Stormwater Monitoring Plan, including details of monitoring locations and frequency shall be submitted for approval of the Director Environment & Community Services prior to the commencement of works. All works shall comply with that approved plan.
82. All stormwater shall be directed to the water quality control ponds on the site, and shall not be discharged direct to any watercourse or wetland.
83. All relevant amelioration measures in the Koala Plan of Management submitted with the application to be implemented, including:-
 - (a) Where possible retention of all Banksia Integrafolia species greater than 125mm diameter at breast height to be protected tagged and shown on Engineering Plans, and incorporated in Subdivision design.
 - (b) Retention of all Koala home range trees, primary browse tree and other trees identified in Figures 2, 2B, 6, 8 and 10 of the Development Layout and Engineering Report prepared by Cardno MBK and dated May 2001.
 - (c) All trees identified in (a) and (b) to be fenced, flagged or labelled prior to commencement of construction (evidence of such to be submitted to Council prior to any work commencing and throughout construction) and Section 88B restrictions as to user on the title of each lot created where such trees occur to prohibit disturbance, damage or removal.
 - (d) Restriction as to user under Section 88B of the Conveyancing Act to be imposed on the title of all lots, providing that domestic dogs and cats must **NOT** be permitted or kept or otherwise brought onto the Searanch site. All access roads to the site to be signposted to that effect. The restriction shall contain a provision enabling the restriction to be revoked, varied or modified only with the consent of Council.
 - (e) All earthworks or bushfire management measures involving tree removal from areas known to be utilised by koalas must not proceed until the area has been inspected by an officer of the Australian Koala Foundation, or their nominated representative. Tree clearing operations will be temporarily suspended within a range of 50m from any tree which is concurrently occupied by a koala and will not resume until the koala has moved off on its own accord out of the area.
 - (f) Road design standards, appropriate speed control devices and koala crossing area shall be incorporated into the subdivision design to the extent that they restrict

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motor vehicles to a maximum speed of 40kph within that area of the Searanch site proposed for development.

- (g) Restrictions as to user under section 88B of the Conveyancing Act to ensure that all swimming pools installed by future residents of the Searanch community must possess a stout rope (minimum 50mm diameter), one end of which is secured to a stable poolside fixture, the other of which must trail in the pool at all times, and that fencing in the proposed development area should not be encouraged. However, where fencing is considered necessary for privacy or security reasons, a minimum ground clearance of 200mm must be maintained. Swimming pool fences must maintain a maximum ground clearance of 100mm to comply with the Swimming Pool Fence Regulations.
- (h) Kerbside plantings for the purpose of landscaping the proposed urban subdivision must incorporate a minimum of 1 koala food tree for every two residential allotments.
- (i) The importance of the Searanch site for koala conservation and the potential role of the community in managing the population must be communicated to intending land purchasers and prospective residents by way of a detailed information brochure.
84. Compliance with the Koala Management Plan (as amended). A review of the approved Koala Management Plan (as amended) is to be undertaken in terms of its effectiveness in its application to Stages 1 and 2 of the development. The review is to address (but not be limited to) the following matters:
- The results of the Koala population monitoring.
 - The effectiveness of the protective measures employed, for example, has the retention of Koala feed trees been successful? Have there been any road kills? Have there been any dog kills?
 - Details of any protective measures that should be considered in addition to the Koala Management Plan for Stages 1 and 2.
 - Any site-specific measures proposed for Stage 4.
- The review is to be submitted to Council and NSW NPWS prior to release of the Subdivision Certificate. Following the review any necessary amendments to the Koala Management Plan are to be made.
85. The Subdivision is to be carried out in accordance with the recommendations contained in the Eight-Part Test of Significance prepared by the Australian Koala Foundation dated July 2001.
86. Surveys are to be undertaken of the Bush Thick-Knee and Long-nosed Potoroo as recommended in the Eight-Part Test of Significance prepared by the Australian Koala Foundation dated July 2001. The results of the surveys and proposed protective measures as appropriate are to be submitted to Council and NSW NPWS prior to release of the Subdivision Certificate.
87. An amended Plan of Management for the land zoned 7(1) Environmental Protection (Habitat) is to be submitted to the satisfaction of Council, prior to the release of the Construction Certificate. The amended plan is to be prepared by a suitably qualified person and address the following matters in detail:

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- Measures to progressively remove exotic weeds.
 - Measures to ensure native vegetation is regenerated.
 - Measures to ensure threatened species habitat is conserved.
88. The Statement of Landscape Intent prepared by EDAW dated 28 May 2001, shall be amended as follows:
- Deletion of: *Peltophorum pterocarpum*
 Dieties grandiflora
 Gazania
 Hymenocallis littoralis
 - Inclusion of: *Allocasuarina littoralis*
- The amended plan shall be submitted to Council prior to the release of the Subdivision Certificate.

BUSHFIRE MANAGEMENT

89. Unless otherwise approved by Council, a restriction as to user under Section 88B of the Conveyancing Act is to be imposed, requiring an area at the rear of all lots backing onto land zoned 7(l) for bush fire mitigation purposes, as indicated in Figure 2B, wherein:
- (i) no buildings except swimming pools are to be permitted,
 - (ii) area is to be kept generally free of ground litter and fire susceptible plant species;
 - (iii) and any fencing to be constructed in non-combustible material.
90. The proposed development is to be carried out in accordance with the Bush Fire Management Plan prepared by Cardno MBK and dated April 2001, except as varied by Council. The plan is to be amended to incorporate the following:
- (a) Manual (or brush cutter) fuel management of ground cover within that part of the buffer encroaching on the 7(l) Environmental Protection (Habitat) Zone.
 - (b) Signs detailing the fuel management measures shall be erected, details of proposed signage to be submitted to Council for approval.
 - (c) The extent of the asset protection zone located within the 7(l) Environmental Protection (Habitat) Zone is to be clearly and permanently marked to the satisfaction of Council.
- Measures (b) and (c) are to be carried out prior to the release of the Subdivision Certificate (i.e. prior to the final civil works inspection). The amendments detailed above are also required to be reflected in the management plan for the 7(l) Environmental Protection (Habitat) Zoned land, the Buffer Area Management Plan and the Maintenance Plan for the Bush Fire Management Zones. The amended plans are to be submitted to Council prior to the release of the Construction Certificate.
91. Prior to the issue of a Subdivision Certificate a maintenance plan for the Bush Fire Management Zones must be submitted to and approved by the Manager Recreation Services. The plan shall include (as a minimum) the following sections:-
- (i) Introduction – location, subdivision details
 - (ii) Description – zone boundaries and locations
 - (iii) Bush Fire Management – objectives, issues, options

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- (iv) Recommendations
- (v) Maintenance Plan – to explain what maintenance is required, when and where is it required and how it is to be undertaken, including machinery, methods manpower and equipment. The Maintenance Plan is to incorporate the following:
 - (a) The Inner Protection Zone (or fuel free zone) is to be able to be easily maintained by a slasher. The Inner Protection Zone is to be of a manageable slope $<25^\circ$ and the surface is to be free of rocks, logs, etc that may impede access, damage machinery or pose safety issues to the operator or the public.
 - (b) Maintenance measures are to achieve a maximum fuel loading of 8 tonnes per hectare within the Outer Protection Zone (or fuel reduced zone). Details of proposed manual/brush cutter clearing of fuel so as not to impact on significant trees are to be provided (as recommended by the Australian Koala Foundation).

An inspection of the above Bush Fire Management works is to be carried out by Council officers prior to release of the Subdivision Certificate (i.e. prior to the final civil works inspection).

DEPARTMENT OF LAND & WATER CONSERVATION – GENERAL TERMS OF APPROVAL

- 92. The works area shall be revegetated to reduce erosion potential as soon as works are completed.
- 93. Vegetation native to the local area only are to be used in the revegetation program (except grasses for initial soil stabilisation).
- 94. If required, the site shall be fenced off to prevent stock access while the site is undergoing restoration and revegetation.
- 95. Any fill shall be protected to prevent it from being eroded.
- 96. Any structural works shall be secure to withstand flow velocities at the bankfull discharge of the stream.
- 97. No materials shall be used that may pollute the stream.
- 98. No materials may be used that may create a risk to public safety.
- 99. All scrub, undergrowth and timber removed from the area of operation shall be disposed of so that the debris cannot be swept back into the stream during a flood.
- 100. If in the opinion of any reasonable officer of the Department of Land and Water Conservation any work is being carried out in such a manner as it may damage or detrimentally affect the stream or damage or interfere in any way with any work, the operation in that section of the said stream shall cease forthwith upon written or oral direction of such officer.
- 101. A copy of this letter of permission shall be made available to officers of the Department upon request.
- 102. This permit does not give you the right to occupy any land without the owners consent, nor does it relieve you of any obligation which may exist to also obtain permission from Local Government and other Authorities who may have some form of control over the site of the work and/or the activities you propose to undertake.

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103. The site shall be restored and revegetated to the satisfaction of the Department of Land and Water Conservation.
104. The permit holder and the owner or occupier of the land are responsible for any excavation, removal or placement of material or construction of works undertaken by any other person or company at the site.
105. This permit is not transferable to any other person or Company and does not allow operations at any other site.
106. The permit does not allow an extractive industry at the site.
107. This permit is issued with the provision that operations shall be carried out on freehold land. Should operations be on Crown land, this permit is rendered null and void.
108. Operations shall be conducted in such a manner as not to cause damage or interfere in any way with vegetation on adjacent banks.
109. Operations shall be conducted in such a manner as not to cause damage or increase the erosion of adjacent bed and banks.
110. Sediment control measures shall be provided for the duration of works and until the site is stabilised.
111. If the permit conditions have been breached the permit holder shall restore the site to the satisfaction of the Department. If the works as directed are not completed then the permit holder shall pay a fee prescribed by the Department for the initial breach inspection and all subsequent inspections.

Reports from Director Development Services

REPORT:

Following Council's Resolution of 5 December 2001 to approve the residential subdivision of 11 allotments comprising Stage 4 of Koala Beach, the applicant has submitted that certain conditions are not appropriately included. These conditions relate to Open Space Contributions for Stage 2 of this consent as follows:

- Open Space Structured – 10 lots @ \$519 = \$5,190 (Section 94 Plan No. 5)
- Open Space Casual – 10 lots @ \$235 = \$2,350 (Section 94 Plan No. 5)

The applicant is correct in that the Deed of Agreement in relation to Koala Beach Estate requires a dedication and embellishment of four (4) hectares of Structured Open Space prior to the release of the six hundredth lot. The proposed 11 lot subdivision comprising Stage 4 therefore does not attract a monetary contribution for Structured Open Space.

The subject application for Stage 4 requires provision of 340sqm of Casual Open Space. The casual open space provided by the dedicated Koala Corridor exceeds 340sqm in area. An area of embellished open space is located within Stage 1 and is within 250 metres of Stage 4 therefore no monetary contribution for Casual Open Space is required in association with this application.

It is recommended accordingly that Council resolve to issue the consent with the initially included dedications for Stage 2 of this consent for Open Space (Structured & Casual) be deleted.

Reports from Director Development Services

11. **ORIGIN:** Director
FILE REF: GT1/LEP/2000/20 Pt3

REPORT TITLE:

Kings Forest Local Environmental Study, Development Application and Review of the Boundaries of SEPP 14 Wetlands

SUMMARY OF REPORT:

At a recent meeting with the Project Manager for Kings Forest and Consultants advice was provided that submissions have been made to planningNSW for the amendment of SEPP 14 boundaries within the Kings Forest property. "planningNSW" have completed site inspection and, it is understood, prepared reports for the Director-General. The boundaries have significant implications for the design of the Stage 1 Development Application that is imminent.

RECOMMENDATION:

That Council requests the Director General of planningNSW to expedite the decision making on the boundaries of the SEPP 14 Wetlands within Kings Forest.

Reports from Director Development Services

REPORT:

At a recent meeting with the Project Manager for Kings Forest and Consultants engaged for the preparation of the Development Application for Stage 1 subdivision, advice was given that submissions have been made regarding the amendment of boundaries in SEPP 14 Wetland within the Kings Forest property. In the applicant's submission there are areas designated as SEPP 14 Wetland that are inappropriate as the areas included do not have the relevant environmental significance.

The boundaries of the SEPP 14 Wetland are highly significant for the design of the drainage scheme for Stage 1. Indeed if the applicant's submission is accepted by planningNSW then the drainage scheme can be redesigned to more efficient and environmentally acceptable standards.

The decision of planningNSW is therefore critical to the design of the Stage 1 Development Application and Council is recommended to request the Director General to expedite decision making on the matter.

Annexures are the letter from Narui's Planning Consultant and relevant plans.

Reports from Director Development Services

12. ORIGIN: Development Assessment Unit

FILE REF: DA0659/350 Pt2

REPORT TITLE:

The Erection of a Multi-Dwelling Housing Development Comprising 30 x 1 Bedroom Units at Lot 432, DP 1029368 Botanical Circuit, Banora Point

SUMMARY OF REPORT:

Council is in receipt of a development application for 30 x one bedroom units in Stage 4 of Flame Tree Park Estate. The proposed units are single storey brick and tile construction and are accessed from Yarra Court. The proposal is to be developed in two stages being 14 units in stage 1 and 16 units in stage 2.

During the exhibition of the proposed development two individually written submissions and 131 copies of a form letter were received. The issues raised in these submissions were not planning in nature, rather they represented the general concern held in relation to one bedroom units and the type of tenants that are anticipated to occupy the units.

The applicant has presented an affordable housing alternative for the Tweed that is meets an urgent community need. The proposal seeks variations to the Development Control Plan for off street car parking and minor variations to the multi dwelling housing and energy efficient housing plans. These variations are considered to be justified.

RECOMMENDATION:

That Development Application 0969/2001DA for the erection of a multi-dwelling housing development comprising 33 x 1 bedroom units at Lot 432, DP 1029368 Botanical Circuit, Banora Point be approved subject to the following conditions:-

PRE-REQUISITES

CONTRIBUTIONS

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

- a. Banora Point West/Tweed Heads South (DCP3)
Open Space Passive (Casual): \$10183.00

Reports from Director Development Services

- S94 Plan No. 1
- b. Banora Point West/Tweed Heads South (DCP3)
Open Space Active (Structured): \$23157.00
S94 Plan No. 1
- c. Community Facilities (DCP3 area): \$4930.60
S94 Plan No. 3
- d. Tweed Road Contribution Plan: \$12476.51
S94 Plan No. 4 (Version 4.0)
(Insert locality, ie. Murwillumbah etc) and whether it is residential or commercial)
- e. Shirewide Library Facilities: \$2850.00
S94 Plan No. 11
- f. Bus Shelters: \$229.00
S94 Plan No. 12
- g. Eviron Cemetery/Crematorium Facilities: \$1092.00
S94 Plan No. 13
- h. Emergency Facilities (Surf Lifesaving) \$1773.00
S94 Plan No. 16
- i. Extensions to Council Administration Offices
& Technical Support Facilities \$3317.31
S94 Plan No. 18
- j. Cycleways \$1310.00
S94 Plan No. 22

Stage 2

- a. Banora Point West/Tweed Heads South (DCP3)
Open Space Passive (Casual): \$12848.00
S94 Plan No. 1
- b. Banora Point West/Tweed Heads South (DCP3)
Open Space Active (Structured): \$29216.00
S94 Plan No. 1
- c. Community Facilities (DCP3 area): \$6220.80
S94 Plan No. 3
- d. Tweed Road Contribution Plan: \$16183.44
S94 Plan No. 4 (Version 4.0)
(Insert locality, ie. Murwillumbah etc) and whether it is residential or commercial)
- e. Shirewide Library Facilities: \$3600.00
S94 Plan No. 11
- f. Bus Shelters: \$288.00

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- S94 Plan No. 12
 - g. Eviron Cemetery/Crematorium Facilities: \$1392.00
S94 Plan No. 13
 - h. Emergency Facilities (Surf Lifesaving) \$2256.00
S94 Plan No. 16
 - i. Extensions to Council Administration Offices
& Technical Support Facilities \$4185.28
S94 Plan No. 18
 - j. Cycleways \$1680.00
S94 Plan No. 22
2. A **certificate of compliance** (CC) under Part 3 Division 2 of the Water Supply Authorities Act 1987 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

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

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

Stage 1

Water:	\$36480.00
Sewer:	\$30542.50

Stage 2

Water:	\$46080.00
Sewer:	\$38580.00

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

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

FURTHER APPROVALS

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

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

(i) Building Work

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

- a) copies of compliance certificates relied upon

Reports from Director Development Services

- b) four (4) copies of detailed plans and specifications

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

- show a plan of each floor section
- show a plan of each elevation of the building
- show the levels of the lowest floor and of any yard or unbuilt on area belonging to that floor and the levels of the adjacent ground
- indicate the height, design, construction and provision for fire safety and fire resistance (if any)

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

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

The specification is:

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

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

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GENERAL

4. The development shall be completed in general accordance with Plans Ref G1923 prepared by Gavin Duffie REV B being sheets 1-7 and staging plan, except where varied by these conditions.
5. All bins are to be kept at each unit and provided to the road frontage for collection purposes. The bin areas identified on the plans are to form part of the landscaped area.
6. 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.
7. No soil, sand, gravel, clay or other material shall be disposed of off the site.
8. In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with AS1428-1993 Parts 1 to 4 - Design for Access and Mobility.
9. The provision of off street car parking spaces is required. Stage 1 is to provide 4 spaces and Stage 2 is to provide 5 spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.
10. 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.
11. A garbage storage area shall be provided in accordance with Council's **"Code for Storage and Disposal of Garbage and Other Solid Waste"**.
12. 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.
13. 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
14. 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.
 - iii. A sign has been erected on the site identifying:
 - Lot number
 - Builder
 - Phone number of builder or person responsible for site.
 - iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.

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- v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.
15. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.

PRESCRIBED BUILDING

16. 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.
17. 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.
18. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.
19. 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).
20. 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

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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.
21. 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.
22. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least **2 days** prior to work commencing.

CAR WASH DOWN AREAS

23. Ensure adequate turfed area, or other suitable media, is incorporated and maintained into the proposed landscape of the property for use as a car wash-down area. Stage 1 shall provide 1 wash down area and stage 2 shall provide 2, being a total of three car wash down areas on the site.

ROADS/STREETS

24. 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.
25. 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

Reports from Director Development Services

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.

DRAINAGE/FLOODING

26. 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*.

27. Internal stormwater lines are to be connected directly into road drainage pits if available along the frontage of the site.

28. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

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

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

29. 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*

Reports from Director Development Services

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*.
30. The development application sought approval for stormwater drainage works under s68 of the Local Government Act 1993. The s68 application appended to the development application did not contain sufficient detailed information for Council to fully assess the proposal.

The s68 application for stormwater drainage works is approved in general only.

Prior to approval being given to a construction certificate application that includes any of the following specific stormwater drainage works

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

Further approval is required from Council under s68 of the Local Government Act 1993 for these specific works.

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.

SERVICES

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

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

ENVIRONMENT PROTECTION

32. 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.

Reports from Director Development Services

33. External artificial lighting is to be shielded where required to the satisfaction of Council's Director Environment and Community Services to prevent the spill of light onto adjacent residential areas causing a nuisance.
34. 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. # The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning.
35. 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.
36. Prior to and during construction provide a "shake down" area along the haul route located immediately before the intersection with the road reserve. The "shake down" area is to be 10 metres long, minimum 3.0 metres wide, constructed of minimum 50mm diameter crushed rock; or other such device approved by the Director of Engineering Services.
37. The burning of builders waste on site by open fire is prohibited.
38. 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.

PLUMBING AND DRAINAGE

39. 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.
40. 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.
41. 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.
42. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.

Reports from Director Development Services

43. Back flow prevention devices shall be installed where ever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.
44. 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.

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REPORT:

Applicant: Rossco Developments Pty Ltd
Owner: Metricon Pty Ltd & Lanlex Pty Ltd
Location: Lot 432, DP 1029368 Botanical Circuit, Banora Point
Zoning: 2(c) Urban Expansion
Cost: \$1300000

BACKGROUND

Council received a development application for the erection of 33 x 1 bedroom units at the corner of Yarra Close and Botanical Circuit in Flame Tree Park Estate, Banora Point. The initial proposal involved the erection of 33 single storey units with gable rooves with a building line variation to Botanical Circuit. Three driveway accesses were proposed from Yarra Court with 11 on site car parking spaces provided. The majority of the units had an east west orientation.

Following the exhibition of the proposal and preliminary assessment, the applicant was requested to modify the proposal to comply with the building line of 6.0metres to Botanical Circuit, increase the number of units with a northerly aspect and provide a central open space area. The applicant consequently amended the plan which now contains 30 x 1 bedroom units, 7 on site car parking spaces and two thirds of the units have a northerly aspect.

The application still requires a building line variation to Botanical Circuit that is relatively minor due to the arc of the road. The applicant intends the development to be undertaken in stages as follows:

Stage 1

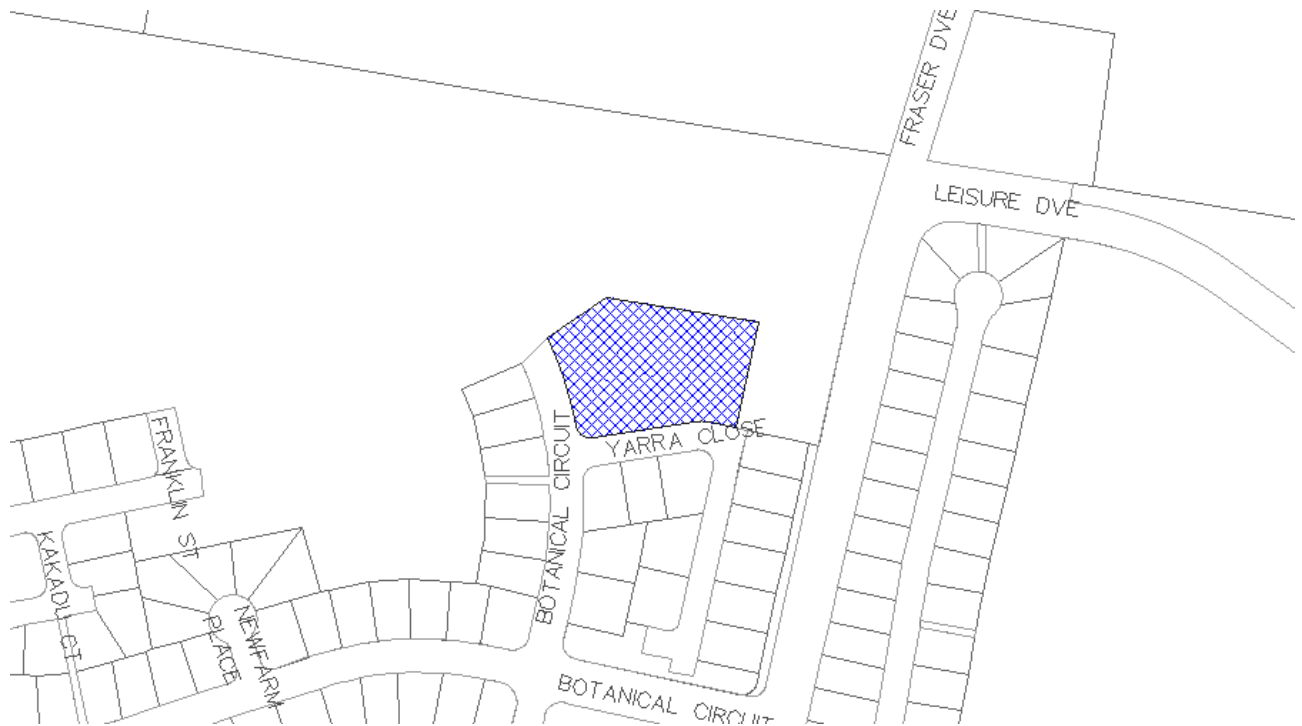
- 14 units
- 4 visitor car parking spaces

Stage 2

- 16 units
- 5 visitor car parking spaces

Reports from Director Development Services

SITE DIAGRAM



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

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

Tweed Local Environmental Plan 2000

The subject land is zoned 2(c) Urban Expansion under the provisions of the Tweed Local Environmental Plan 2000. The primary objective of the zone is to identify land for urban expansion and to ensure optimum utilisation consistent with environmental constraints and the need to minimise residential land take.

The subject land was created in Stage 4 of Flame Tree Park Estate and it is considered that in identifying the land for potential unit development at the subdivision stage optimum utilisation of resources was ensured.

As such, the proposed multi dwelling housing development is considered to be consistent with the objective of the zone.

The subject land has essential services available and has been filled as part of the subdivision to the required levels to provide flood immunity.

Clause 37 of the LEP is relevant to the subject land in that an electricity transmission line corridor is identified on the subject land. The identified corridor was assessed with the Flame Tree Park Estate subdivision applications and North Power were at the time consulted.

Consultation on other subdivision applications in the area has revealed that the Fraser Drive road reserve will have adequate width to accommodate the services when such are to be provided.

Reports from Director Development Services

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

Development Control Plan No.3 – Banora Point West, Tweed Heads South.

The subject land is designated Residential “A” under DCP 3. These areas are predominantly detached housing with duplexes permitted on 20% of total allotments.

The Stage 4 subdivision of Flame Tree Park involved the designation of an area of land for future commercial use to service the expanding residential area. Three allotments surrounding the future commercial allotment were identified as suitable for unit development due to proximity to shops, bus routes and conveniences required for multi dwelling housing.

The proposed development is located on one of these potential unit development sites.

Development Control Plan No.2 – Access and Car Parking

The proposed development is required under the DCP to provide adequate on site car parking. The following table details the requirements under the DCP.

Standard	Requirement	Assessment
On site parking (multi dwelling housing)	1.5/dwelling 25% marked as visitor spaces. 45 spaces required with 11.25 marked as visitor spaces.	37 proposed, deviation of 8 spaces. 7 marked for visitors, deviation of 4.25 spaces.

The on site car parking is proposed to staged as follows.

Stage	Requirement	Assessment
Stage 1	14 units = 21 spaces and 5.25 marked for visitors	Proposed 18 spaces with 4 marked for visitors
Stage 2	16 units = 24 spaces and 6 marked as visitors	Proposed 21 spaces with 5 marked for visitors

The applicant has applied for a variation to the requirement of the DCP and has provided the following justification.

“The proposed off street car parking is contended to be adequate for a development containing all one bedroom units. Similar one bedroom developments rarely use visitor parking and it has been found that the space is better used as open space. The proposal includes roller doors on the rear of garages which can provide residents with the opportunity for access to private open space areas for additional space.”

Not all of the tenants will own private vehicles raising the importance of the sites proximity to the bus routes. The experience of the applicant is considered to accurately reflect the rate of car ownership in the tenant group the proposal services.

Development Control Plan No.6 – Multi Dwelling Housing

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The proposed development requires an assessment under DCP 6. The following table assesses the proposal in relation to the requirements under the plan.

Standard	Requirement	Assessment
Floor Space Ratio	0.5:1.0 maximum Area is 6286.2m ² therefore 3143.1m ² max.	Proposal is 1680m ² which is well under the floor space ratio, therefore complies.
Minimum Landscaped Area	60m ² per dwelling = 1800m ²	Based on the area of the allotment and the development the landscaped area is 4606.2m ² , therefore complies.
Front Setbacks	6.0m first frontage and 3.0m for the second frontage.	Yarra Court 3.0m setback, complies. Botanical Circuit is primarily 6.0m setback with an encroachment sought, building surveyors report follows.
Side Setbacks	3.0m setback side and rear.	7% deviation on the northern boundary sought, and approximately 40 % deviation on the eastern boundary sought.
Car Wash Areas	1 per every 10 units	Proposal has adequate area to provide car wash bays. The applicant proposes to provide one car wash bay in stage 1 and two car wash bays in stage 2. This will comply with requirements.

Side and Rear Setback Variation

The applicant proposes 40% of the eastern side boundary to be encroached upon, with sections of the boundary being set back further than the required 3.0m. The eastern boundary encroachments involve 7.0m at a 2.0m setback rather than the required 3.0m. A further 20.0m is provided at a 1.5m setback rather than 3.0m, with breaks to this length.

The side setback encroachments do not limit the potential of the adjoining commercial allotment from development. The encroachments will not adversely affect other residences. The deviation to the DCP requirements is considered to be reasonable.

Building Line Variation

The following report from Council's Building Surveyor was reported at the Area Team Meeting of 10th December 2001 and is here provided.

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“The application proposes a setback of 5.120m, which only applies to a section of the building due to the slightly concave nature of the front boundary. The proposal has been advertised and objections have been received to the development however no issues were raised in relation to boundary setbacks. The front of the allotments will also be extensively landscaped and therefore provide screening when viewed from the street.

It is therefore considered that due to the concave nature of the alignment that the proposal should be given favourable consideration.”

The Area Team Meeting supported this recommendation and the variation has been approved by the Manager Strategic Town Planning in accordance with his delegations.

Development Control Plan No.39 – Energy Efficient Housing

The following requirements under DCP 39 apply to the proposed development.

Standard	Requirement	Variation complies
Energy rating of units	3.5 stars minimum per unit	Variation sought. Refer to report
Hot water system rating	3.5 star system minimum required	The applicant has been advised from Energex that the gas will be available at the site in January and as such, intends to provide a gas hot water system. This would comply with requirements.

The applicant has provided a submission in relation to the energy efficiency of the proposed units.

“There is an inherent flaw in the Natheers programme, which causes the adverse effect on the rating of the development. The house energy rating scheme is based on a energy load per unit of floor area, calculated by dividing the total energy load by the total conditioned floor area of the dwelling. In setting the star breaking points dwellings of 160m² were used. This tends to penalise smaller dwellings such as outlined in your proposal with an average floor area of 50m² per unit.

The proposed dwellings are of masonry construction with tiled roofs and the average floor area is approximately 50m². Sarking and insulation are proposed to the roof void in order to achieve a comfortable living environment for the occupants of the units.”

In addition to the construction details the applicant was asked to modify the plan to provide a northerly aspect to more units on site. The applicant has modified the plans to provide a northerly aspect to two thirds of the allotments. The variation to DCP 39 is considered reasonable as the system Council utilises for assessing energy efficiency does not provide a mechanism for smaller allotments.

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

The proposed development does not raise issues of adverse impact on the environment. The subject land is devoid of vegetation and has been developed by way of fill during its creation in Stage 4 of Flame Tree Park.

The proposal has recognised the future role of Botanical Circuit as a collector road in the subdivision, and consequently has proposed all access from the alternative street frontage being Yarra Court.

There are no further issues considered relevant to the application.

(c) Suitability of the site for the development

The subject land is considered to be suitable for the proposed development. The allotment was created in Stage 4 of Flame Tree Park, and at the time filled to the appropriate level and essential services were provided.

The Stage 4 Subdivision consent for Flame Tree Park identified 3 parcels being suitable for future unit development. The subdivision application assessed this density issue at the time and found the unit sites to be suitable development for Flame Tree Park. The proposed development is for a unit development that is considered appropriate in terms of the density and design.

There are no further issues raised by the proposal.

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

The proposed development was advertised for a two week period during which 2 individual submissions were received and a further 131 form letters. The issues raised in the submissions are as follows.

Issue	Comment	Assessment
One bedroom units are too small and should not be allowed	The proposal is for one bedroom units that have a second room that is a utility room capable of accommodating a guest.	The proposed units are not too small and are meeting an identified need. This issue does not warrant refusal of the application.
Not in keeping with the up market character of the area	The proposed development is for brick and tile units that are similar in external appearance to the existing housing in Flame Tree Park estate.	The proposed units have a reasonable external appearance. This issue does not warrant the refusal of the development application.

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Issue	Comment	Assessment
Increased traffic will affect amenity of area	The applicant contends that the potential vehicular movements are less than what would be generated by a development achieving higher densities.	The proposal may result in an addition of 30 vehicles however from the applicants experience not all tenants are car owners. This issue does not warrant the refusal of the development application.
Sense of ownership will be undermined by the proposal, rental properties attract people who are not socially or economically tied to the region.	The applicant will be managing the proposed development and does not feel that this issue is relevant to his developments.	The social status of the tenants is not a planning issue. This issue does not warrant the refusal of the application.
Change to the village character of Flame tree Park estate	The proposed units are single storey and generally conform to the built form in Flame Tree Park.	This issue does not warrant refusal of the application.
Reduce Property values in the estate	Concern was raised that the proposal will reduce property values.	The development is of a compatible finish to existing development in the estate. It is not considered that it will reduce the property values in the estate. This issue does not warrant the refusal of the application.

Following the receipt of these objections it was considered pertinent for there to be a small meeting held with the applicant, developer of the subdivision, Banora Point Residents Association and representatives of Flame Tree Park to provide information on the proposal and answer some of the questions that were being raised by the nature of these objections. Councillors were also invited to this meeting.

From a planning perspective the meeting was useful in providing better explanation of the proposal to those present and confirmed the requirements of Council in relation to these proposals and the parcels identified for future unit development in Stage 4 of Flame Tree Park. A copy of the minutes from this Forum are a Confidential Annexure to this business paper.

(e) **Public interest**

The proposed development raised a number of issues of concern during the exhibition period. The issues raised were motivated by the fear of Flame Tree Park changing into an area not known for the prestige currently advocated by residents in the area.

In this respect the proposal is conservative for a unit development site in that it is substantially below the densities achieved on these sites, and is a single storey

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development rather than the potential two and three storey permitted on the subject land.

The applicant promotes affordable housing in the development he undertakes. The success of these developments is based on the demand for one bedroom units and the lack of supply on the Tweed. The applicant has demonstrated an understanding of what is required for tenants in terms of their needs and accommodated these into the design of the development.

In the case of Council's Development Control Plans, the applicant has sought variations to these were their requirement is not relevant to the proposed development and needs of future tenants.

The provision of affordable housing is a need on the Tweed and the proposed development is considered to provide such with minor impact to the general public interest in the locality.

OPTIONS

1. Approve the proposed development as recommended.
2. Refuse the proposal.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

The applicant has the right of appeal to the Land and Environment Court if unsatisfied with the determination.

CONCLUSION

The proposed development is at variation from various Council Development Control Plan variations. The application has been considered in relation to the justification provided and these variations are considered to be reasonable.

The proposed development provides the opportunity for affordable housing in the Tweed with out compromising the residential amenity of both Flame Tree Park and the future residents of the development. The site is suitably located adjacent to the future commercial site, and within walking distance from the bus route.

The design of the units is generally consistent with the existing housing character in the Flame Tree Park Estate. It is considered that many of the issue raised in the objections received will be considered unfounded upon the completion of the development.

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13. ORIGIN: Development Assessment Unit

FILE REF: DA2650/20 Pt2

REPORT TITLE:

The Erection of a Six (6) Storey Multi-Dwelling Housing Development Comprising 17 Units at Lot 109 & 110, DP 237806 1-3 Ivory Place, Tweed Heads

SUMMARY OF REPORT:

Council is in receipt of a development application for a six storey residential flat building containing 17 units. The proposed development will involve the demolition of two existing residences and the construction of the building.

The subject land has been identified in the Tweed Heads DCP 18 as being suitable for high density residential development, providing a number of controls are complied with. The following report assesses the proposal and finds that the application generally complies with all requirements.

During exhibition eight objections were received with the primary issue being that buildings of the proposed height should not be allowed on allotments of this size. While the application complies with all requirements the matter is being reported to Council to highlight that the proposal is the first 6 storey building in this immediate locality.

RECOMMENDATION:

That Development Application 0935/2001DA for the erection of a 6 storey multi-dwelling housing development comprising 17 units at Lot 109 & 110, DP 237806 1-3 Ivory Place, Tweed Heads be approved subject to the following conditions for the following reasons:-

PRE-REQUISITES

CONTRIBUTIONS

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.

- a. Tweed Road Contribution Plan: \$10581.24
S94 Plan No. 4 (Version 4.0)
(Insert locality, ie. Murwillumbah etc) and whether it is residential or commercial)

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Heavy Haulage Component

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

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

where:

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

and:

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

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

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

Admin. Administration component - 5% - see Section 6.5

b.	Open Space (Structured): S94 Plan No. 5	\$4639.00
c.	Open Space (Casual): S94 Plan No. 5	\$1767.00
d.	Shirewide Library Facilities: S94 Plan No. 11	\$3225.00
e.	Bus Shelters: S94 Plan No. 12	\$260.00
f.	Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$1227.00
g.	Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$1995.00
h.	Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$3757.24
i.	Cycleways S94 Plan No. 22	\$1465.00

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

Pursuant to Clause 79H of the Environmental Planning and Assessment Regulations, 1994, a Construction Certificate shall **NOT** be issued by a Certifying Authority unless

Reports from Director Development Services

all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

Water:	\$41280.00
Sewer:	\$34561.25

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

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

FURTHER APPROVALS

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

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

(i) **Building Work**

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

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

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

- show a plan of each floor section
- show a plan of each elevation of the building
- show the levels of the lowest floor and of any yard or unbuilt on area belonging to that floor and the levels of the adjacent ground
- indicate the height, design, construction and provision for fire safety and fire resistance (if any)

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

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

The specification is:

- to describe the construction and materials of which the building is to be built and the method of drainage, sewerage and water supply

Reports from Director Development Services

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

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

GENERAL

4. The development shall be completed in general accordance with Plans No TP02A, TP03A and TP01C prepared by R H Frankland and Associates Pty Ltd, except where varied by these conditions.
5. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
6. The provision of 26 off street car parking spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.
7. The lots are to be consolidated into one (1) lot under one (1) title. The plan of consolidation shall be registered with the Lands Titles Office prior to any use or occupation of the development pursuant to this approval.
8. 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.
9. 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.
10. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

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11. 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
12. 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.
 - iii. A sign has been erected on the site identifying:
 - Lot number
 - Builder
 - Phone number of builder or person responsible for site.
 - 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 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.
13. All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead" and the WorkCover guidelines on working with and handling of asbestos.

PRESCRIBED BUILDING

14. 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.
15. 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.
16. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:

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- i. The person must, at the person's own expense:
 - a. preserve and protect the building from damage; and
 - b. if necessary, underpin and support the building in an approved manner.
 - ii. The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.
 17. 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.
 18. 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).
 19. A. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
 - i. in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor licence number; and
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
 - ii. in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit number, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of **owner-builder work** in Section 29 of that Act,and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.
 - B. A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
20. If the work involved in the erection or demolition of a building:
 - a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - b. building involves the enclosure of a public place,

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a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with , the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

21. 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.
22. 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)
23. 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.
24. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

CAR WASH DOWN AREAS

25. Provision to be made for the designation of a durable and pervious car wash-down area. The area 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 without Trade Waste approval.

DRAINAGE/FLOODING

26. All fill is to be graded so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. If filling is required, a plan of proposed drainage is to be submitted with the Construction Certificate. Drainage must be installed and operational prior to commencement of any building work.

All fill or cut batters shall be contained wholly within the subject land.
27. Erosion and Sediment Control During the Construction Phase of Development

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- (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*.
28. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.
- Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.
- This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.
29. A survey certificate signed by a registered surveyor is to be submitted to the PCA to certify that the habitable floor level of the building to be at a level of not less than RL 2.95m AHD.
30. The whole of the basement carpark is to be protected from the ingress of water to a height of 3.15 metres AHD.
31. 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.
32. 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*

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- Occupational Phase of Development” . New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the “deemed to comply” provisions of *Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality* is deemed to comply with the objectives in 5.5.3.
- (b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.
 - (c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
33. The peak stormwater flow rate that may be discharged from the site to the public realm, in events of intensity up to the ARI 100 year design storm, shall be 200l/s/ha. This may be achieved by on site detention (OSD), on site retention or a combination of both. Detention storage may be incorporated into surface depressions in landscaping or car parking areas. The maximum water depth under design conditions in vehicle parking areas shall be 200mm. OSD devices including discharge control pits (DCP) are to comply with standards in The Upper Parramatta River Catchment Trust “On-Site Stormwater Detention Handbook, Second Edition 1994”) except that permissible site discharge (PSD) and site storage requirements (SSR) in the handbook do not apply to Tweed Shire. Stormwater runoff from the discharge control pit is to be conveyed by underground pipe to Council’s underground drainage system in Ivory Place. All these works and the connection to Councils drainage system shall be constructed in accordance with design calculations, plans and specifications to be submitted with the construction certificate application and approved by the Director of Engineering Services.

SERVICES

34. **Note:** Sewer manhole is present on this site. This manhole is not to be covered with soil or other material or concealed below ground level.
- Should additional fill be proposed in the area of the sewer manhole Council's Engineering Services Division must be consulted and suitable arrangements made for the raising of the manhole to the satisfaction of Council's Manager Public Utilities.

PLUMBING AND DRAINAGE

35. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

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- a 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.
36. 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.
37. 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.
38. Prior to commencement of any works on the site a plumbing and drainage inspection fee of \$ 536.00 is to be submitted to Council.
39. 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 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.
40. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
41. Back flow prevention devices shall be installed where ever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.
42. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.
43. 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.

ENVIRONMENT PROTECTION

44. 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.
45. 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.
46. 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.

Reports from Director Development Services

47. The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning.
48. All work shall be undertaken in accordance with the requirements of the Acid Sulfate Soil Assessment and Dewatering Management Plan prepared by hmc environmental services dated November 2001.
49. The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning.
50. 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.
51. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
 - A. Short Term Period - 4 weeks.

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

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.
52. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
53. Prior to and during construction provide a “shake down” area along the haul route located immediately before the intersection with the road reserve. The “shake down” area is to be 10 metres long, minimum 3.0 metres wide, constructed of minimum 50mm diameter crushed rock; or other such device approved by the Director of Engineering Services.
54. The burning of builders waste on site by open fire is prohibited.
55. 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.
56. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

Reports from Director Development Services

57. The disposal and storage of waste is to comply with the requirements of Council's Code for Storage and Disposal of Garbage and other Solid Wastes.

TRADE WASTE

58. 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.

Reports from Director Development Services

REPORT:

Applicant: A Engwirda & Sons Pty Ltd
Owner: A Engwirda and Sons Pty Ltd
Location: Lot 109 & 110, DP 237806 1-3 Ivory Place, Tweed Heads
Zoning:
Cost: \$3500000

BACKGROUND

Council is in receipt of a development application for a 6 storey residential flat building containing 17 units. The proposal involves the provision of 38 car parking spaces provided in a basement area. The building presents to Ivory Place with a combination of glass surfaces and tan and creme finishes that are complimented by extensive landscaping provided on a podium level.

The proposed building has the benefit of a northerly aspect and is setback 11 metres from the public road. The application has been accompanied by the required shadow diagrams and view assessment which demonstrate that the design of the building has satisfied Council's requirements. The applicant amended the plans to ensure flood immunity was provided to the basement area.

SITE DIAGRAM



Reports from Director Development Services

Considerations Under Section 79c Of The Environmental Planning And Assessment Act 1979

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

Tweed Local Environmental Plan 2000

The subject land is zoned 2(b) Medium density Housing under the provisions of the Tweed Local Environmental Plan 2000. The primary objective of the zone is to:

“Provide for an encourage development for the purpose of medium density housing (and high density housing in proximity to the tweed Heads sub-regional centre) that achieves good urban design outcomes”.

The proposed development is considered to be consistent with the primary objective of the zone and therefore is able to be considered by Council.

Clause 15 of the LEP is ensures that development does not occur without the required essential services being available to the site. The subject land has the benefit of essential services and therefore Council may consider the application.

Clause 16 of the LEP is applicable as the height of Buildings map identifies the subject land as being suitable for 6 storey development. The proposal complies with this requirement by proposing a 6 storey development.

Clause 34 of the LEP requires an assessment to be undertaken in relation to the likely flooding issues raised by the proposal.

The proposed development has been designed with a view of ensuring flood immunity of the basement and that habitable floor levels meet the required level. Further detail of this is addressed in the report.

Clause 35 of the LEP requires the application to be accompanied by an Acid Sulfate Soils assessment which the applicant has provided. Further detail is provided in this report..

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

Development Control Plan No. 18 – Tweed Heads

The subject land is located in the Tweed River precinct which is identified in the plan as a high density residential precinct. The precinct has been developed for dwelling houses and residential flat buildings. This precinct extends in the north to the 26 storey Seascape residential tower and the Tweed Heads Hospital in the south with a five storey height limit.

The objectives of this high density residential precinct are:

- Develop the precinct primarily as high density residential areas which respect existing residential amenity.
- Provide additional choice in housing accommodation to cater for an increasing variety of household types.
- Facilitate an increased residential population in proximity to the sub-regional centre of Tweed Heads to maximise economic and social benefits.

Reports from Director Development Services

- Promote the efficient use of residential land.
- Develop a streetscape that reflects climate, topography and lifestyle of the locality.

The proposed development is consistent with the objectives of the precinct. More specifically the following assessment of the proposal in relation to each requirement for buildings greater than four storeys in height is provided.

1. Streetscape and Landscaping

The application was accompanied by a landscape plan prepared by Kershaw Design selecting native trees and shrubs for the site as required by DCP18.

2. Building Envelope

The application was accompanied by building envelope plans projecting the required 72 degree angle from the property boundary. On all elevations the proposal remains within the required building envelope.

3. Building Mass

The design has nominated the northern façade and south east and south west corner of the building as balconies. These incorporate varied setbacks and with the addition of windows and most walls being less than 6.5metres long, the building mass effect is minimised.

4. Energy Efficient

Cross ventilation is provided to all units, with unit configuration providing more than one elevation of openings. Sunlight access is optimised through the use of glazed surfaces on the northern elevation. Solar access is also provided through glazing on some southern elevations.

5. Wind Mitigation and Overshadowing

The DCP requires an assessment of these two issues in relation to the public domain, which in this case is the northern elevation of the proposal. As the footpath area is to the north of the proposal no overshadowing is envisaged to the public footpath.

The effect of wind from the height of the building being downdraft to the street level is minimal as the building is set back 11 metres from the northern boundary. This has enabled a podium area to be provided between pedestrians and the building reducing any potential downdraft effects.

6. Rooflines

The proposed roofline is a feature of the building and adequately conceals the service plant from view. This criteria is satisfied.

7. Privacy

The proposal provides northern facing living areas in each unit. Meaning that each unit is oriented towards the public domain areas of Ivory Place and Ivory Crescent. Bedrooms in the proposed units overlook adjacent residential

Reports from Director Development Services

dwellings. As these rooms are not utilised for extensive periods it is considered that the design has satisfied the privacy principles in the DCP.

8. Security

The design enables surveillance of the public street from the living areas in each unit. The secure basement enables residents to gain access from within the development in security. Landscaping is designed to maintain visual surveillance.

9. Materials and Colours

The applicant proposed the glass to be provided with a reflection index of 20% and for the colour scheme to be creme and tan. The light colours are effective and complimented by the proposed landscaping.

10. Access, Car Parking and Car Wash Down Area

The ramped access to the basement carpark complies with the requirement for the carpark to not be visual from the street. The car wash area is proposed in the basement to maintain this amenity. The podium landscaped area is limited in suitable car wash areas.

11. Open Space and Balconies

The DCP requires an area of 425m² for open space. The applicant proposes 1,161.72m² for open space which well exceeds the requirement. The balcony areas and dimensions also comply with requirements.

The requirements of DCP 18 have been satisfied by the proposed design.

Development Control Plan No.2 – Access and Car Parking

The provisions of DCP 2 are applicable to the proposed development. The following table assesses the proposal in relation to the DCP requirements.

Standard	Requirement	Complies/variation
On site car parking	1.5 per unit = 25.5, 25% to be marked as visitor spaces, being 6.5.	Proposal is for 38 spaces, which exceed the 26 required however the applicant only proposes marking 5 visitor spaces as opposed to the 6.5 required.

The applicant submits that the variation to the DCP is justified as there will be more than adequate car parking available in the basement for additional visitors. Each unit will have the benefit of 2 spaces, and will be able to potentially accommodate their own visitors in these spaces should there be a demand.

As the proposal involves 12 more car parking spaces than required, this variation is considered reasonable.

Reports from Director Development Services

Development Control Plan No.5 - Flooding

DCP 5 requires minimum floor levels for the residential development to be provided at 2.95m AHD. The basement car parking are also needs to be provided to protect from ingress of water to 3.15m AHD.

The applicant has amended the plans to provide a 3.150 FFL thereby providing the required flood immunity to the basement of the proposed building.

Development Control Plan No.39 – Energy Efficient Housing

The following table details the requirements under the DCP.

Standard	Requirement	Complies/variation
Energy rating per unit	3.5 star rating minimum	All of the units are a minimum of 3.5 stars, complies.
Hot water system	3.5 star rating minimum	The applicant will connect the units to a gas system that will satisfy the star rating requirement, complies

The proposal satisfies the requirements of this DCP.

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

The proposed development involves the demolition of two existing dwelling houses on the allotments, to enable the provision of the proposed residential flat building. Conditions would be imposed to ensure the demolition works are undertaken in accordance with the required standards.

The subject land does not require the removal of significant vegetation to provide the building. Works are to be undertaken in accordance with the acid sulfate and dewatering management plan submitted by the applicant.

There are no further issues requiring assessment in relation to the proposed development.

(c) Suitability of the site for the development

The subject land is generally considered to be suitable for the proposed development. The area is identified as requiring flood immunity to the habitable floor levels and the basement. The proposed plans have complied with these requirements.

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

The development application was publicly exhibited for fourteen (14) days during which time eight submissions by way of objection were received and one submission of support. The following table details the issues raised:

Reports from Director Development Services

ISSUE	COMMENT	ASSESSMENT
Size of development on an allotment area of the subject size.	<p>Concern was raised that DCP18 use to require a minimum of 2,000m² for development over three storeys in this area.</p> <p>The applicant responded by advising that the site area requirements of DCP18 have been complied with.</p>	<p>The previous requirement for a 2,000m² allotment in this area is not relevant to the proposal.</p> <p>This issue does not warrant refusal of the application.</p>
Height of development.	<p>Concern was raised that six storeys should not be allowed.</p> <p>The applicant responded by advising that the height complies with the LEP.</p>	<p>Since the gazettal of the Tweed LEP 2000 the height has been identified for six storey development.</p> <p>This issue does not warrant refusal of the application.</p>
Obstruction of views.	<p>Concern was raised that views from Razorback and Flagstaff Hill will be obstructed.</p> <p>The applicant provided photographs and diagrams illustrating the proposal on the landscape and as such demonstrates view corridors being maintained.</p>	<p>An assessment of the proposal and impact on views is contained in this report.</p> <p>This issue does not warrant refusal of the application.</p>
Overshadowing of adjoining properties.	<p>Concern was raised in relation to overshadowing.</p> <p>The applicant contends that the requirements of DCP18 in regard to overshadowing have been complied with.</p>	<p>Overshadowing is addressed within this report.</p> <p>This issue does not warrant refusal of the application.</p>
Loss of privacy.	<p>Concern was raised that surrounding houses will be affected.</p> <p>The applicant contends that privacy, views and solar access have been balanced in the design. As the proposal is the first six storey development in the immediate area some impact on adjoining sites is unavoidable.</p>	<p>The proposal through design, has minimised this issue where possible.</p> <p>This issue does not warrant refusal of the application.</p>

Reports from Director Development Services

ISSUE	COMMENT	ASSESSMENT
Excavation damage.	<p>Concern was raised that by excavating a basement, adjoining properties would be affected.</p> <p>The applicant contends that measures will be taken to ensure damage does not occur.</p>	<p>Controls during construction will ensure this issue does not arise.</p> <p>This issue does not warrant refusal of the application.</p>
Traffic impact to local road network.	<p>Concern was raised that the additional traffic will adversely affect road network.</p> <p>The applicant raises the issue that this would have been a consideration of Council when the area was identified for high density residential development.</p>	<p>The increase in traffic from the proposal is commensurate with that generated by higher density living.</p> <p>This issue does not warrant refusal of the application.</p>

(e) Public interest

During the exhibition of the proposed development a number of issues were raised that were primarily objections to Council's Tweed Local Environmental Plan 2000 height limitations and Development Control Plan No.18 – Tweed Heads density controls.

The proposed development complies with Council's policies and has provided a design that does not exceed planning expectations for the locality. However the local residents raised concern as the proposal is the first of its nature in the immediate locality.

It is considered that the proposal is not in conflict with the local public interest. Council's designation of the area for higher density residential development is the issue that the local residents are primarily objecting.

The proposed development has the benefit of being centrally located to Tweed Heads and its services and amenities. The proposed development will locate future residents in an urban area with the infrastructure required to support their needs.

OPTIONS

1. Approve the development application in accordance with the proposed conditions.
2. Refuse the development application and review the Tweed LEP 2000 and Development Control Plan No. 18.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

If dissatisfied the applicant may seek a review of the determination in the Land and Environment Court.

CONCLUSION

The proposed development has achieved the expected planning outcomes for the site through the careful design of the building. As the site has the benefit of a northerly aspect the proposed units have been able to achieve a high level of amenity for future residents.

Reports from Director Development Services

The proposal is the first of its kind in the immediate locality and therefore has raised issues with the local residents in terms of the likely future amenity for single dwelling houses in an area that has been identified for higher density residential living.

While the area maintains a single dwelling house amenity, such will gradually be modified as sites are redeveloped to reflect the provisions of Council's Policies.

Reports from Director Corporate Services

14. ORIGIN: Administration Services Unit
FILE REF: Election – Wards; Elections - Referendums

REPORT TITLE:

Referendum Election Matters

SUMMARY OF REPORT:

Council at its meeting of 7 November 2001 resolved that a report be brought forward outlining the steps to be taken to implement the decision to hold a referendum on the introduction of wards and associated matters.

RECOMMENDATION:

That:-

1. This report be received and noted.
2. A Workshop be held early in the new year to discuss further options in relation to the Ward System of election.

Reports from Director Corporate Services

REPORT:

Council at Minute No 412 of the meeting of 7 November 2001 resolved:-

“...that:-

- A. *Staff bring forward a report which outlines what steps will have to be taken to implement Council’s decision to hold a referendum on the introduction of wards.*
- B. *This report should include:-*
 1. *Options for consideration as to how many wards could be appropriate and how many Councillors might be elected from each*
 2. *A variety of options showing ward boundaries*
 3. *The implications for preparing rolls for wards including costs; and*
 4. *What changes are envisaged as to the allocation of general funds*
 5. *Any other relevant details.”*

Prior to this meeting, Council at Minute No 344 of meeting of 17 October 2001 resolved:-

“...that Council conducts a referendum on the introduction of a Ward system of voting on or about Saturday, 6 July 2002.”

In accordance with Schedule 6 Part 4 of the Local Government (Elections) Regulation 1998 the Electoral Commissioner has been advised of Council’s decision to conduct a Constitutional Referendum on the introduction of Ward system of voting on or about Saturday 6 July 2002.

The Electoral Commissioner has replied that they could see no difficulty in conducting a referendum on 6 July 2002 or at any other date around that time, should the Council have a preference for another date. The Electoral Commissioner will contact Council around April 2002 regarding the necessary arrangements.

CONSTITUTIONAL REFERENDUM:

A constitutional referendum is a poll instituted by a Council in order to give effect to a matter referred to in Section 16 of the Local Government Act 1993.

Section 16 of the Local Government Act 1993 deals with matters that can be dealt with at a constitutional referendum, these being:-

- Create or abolish all wards in its area;
- Change the way in which the Mayor is elected to office, that is, by election either by the Councillors or by the electors.

This was the subject of an Orders of the Day item at Council’s meeting of 7 November 2001, where it was resolved to remain with the present system of electing the Mayor by the Councillors.

- Increase or decrease the number of Councillors (in accordance with the limits under S224);
- Change the way councillors are elected for an area divided into wards.

Reports from Director Corporate Services

The effect of a constitutional referendum is that any decision made (this being supported by the majority of votes cast) is binding on the Council until changed by a subsequent constitutional referendum, but such a decision does not apply to a by-election held after the constitutional referendum and before the next ordinary election.

The Electoral Commission advises that he is obliged to put the question as formulated in a Council resolution to a Referendum and has no formal input into the wording of the question.

DIVISION OF AREAS INTO WARDS:

Section 210 of the Local Government Act 1993 provides that a Council may divide its area into divisions called "wards", abolish all wards, alter ward boundaries and name or rename a ward. It is to be noted that a Council must not divide an area into wards or abolish all wards unless it has obtained approval to do so at a constitutional referendum.

A by-election held after an alteration of a ward boundaries and before the next ordinary election is to be held as if the boundaries have not been altered.

REVISION OF WARD BOUNDARIES:

Section 211 of the Local Government Act 1993 places an obligation on Councils which have areas divided into wards to keep the ward boundaries under review. A Council must submit any proposed changes to the boundaries of its wards to the Electoral Commissioner and to the Australian Statistician for consideration before the end of the third year of each term of office. Council must also consult the Electoral Commissioner and the Australian Statistician to ensure that as far as practicable the proposed boundaries of its wards correspond to the boundaries of appropriate subdivision (within the meaning of the Parliamentary Electorates and Election Act 1912) and census districts.

This section also provides that a boundary change must not result in a variation of more than 10% between the numbers of electors in each ward in each area.

Weekly Circular 45/01 dated 9 November 2001 drew Council's attention to the review of ward boundaries. The role of the Electoral Commissioner for NSW and the Australian Statistician is not to approve any changes but to ensure that as far as practicable the proposed boundaries correspond to current census collector districts.

The article stresses that it is important that census collector districts are not split between wards as this can complicate and add to the cost of the process of coding electors into their correct wards. In some areas the Australian Electoral Commission is experiencing difficulties in identifying the location of certain electors in relation to ward boundaries.

As in 1998 the Australian Electoral Commission will provide assistance to councils reviewing their ward boundaries and present options for amendment of those boundaries to the council. This would be on a fee for service basis. The review would be carried out in conjunction with council staff.

NUMBER OF WARDS AND COUNCILLORS IN EACH WARD:

This is the difficult part of the Ward system. As at the 31 October 2001 the Australian Electoral Commission advise that 50,082 persons are eligible electors for the 123 Census collector districts of the Tweed. The number of wards is to be determined by Council, bearing in mind that the number of electors in each ward must not result in a variation of more than 10%.

Reports from Director Corporate Services

The number of Councillors can be increased or decreased at a Constitutional Referendum, in accordance with Section 224 of the Local Government Act, which states that a Council must have at least 5 and not more than 15 Councillors (one of whom is the Mayor). However, the same number of Councillors is to be elected for each Ward.

METHODS FOR ELECTION OF COUNCILLORS FOR AN AREA DIVIDED INTO WARDS:

Section 279 of the Local Government Act 1993 provides that the Councillors for an area that is divided into wards are to be elected in accordance with either Section 280 or 281 of the Local Government Act 1993.

The method of election under Section 280 of the Local Government Act 1993 (method 1) applies unless a decision made at a constitutional referendum is in force, which:-

- requires the method of election under Section 281 (method 2) to apply; and
- specifies the number of Councillors to be elected by an electorate comprising all the electors for a ward and the number of Councillors to be elected by an electorate comprising all the electors for the area.

WARD ELECTION OF COUNCILLORS – METHOD 1:

Each Councillor for an area that is divided into wards may be elected by an electorate comprising all the electors for a ward. The same number of Councillors is to be elected for each ward. The Mayor is excluded when determining that number if the Mayor is to be elected by all the electors for the area.

Under Section 280 of the Local Government Act 1993 the same person is not to be a candidate for election as a Councillor in more than one ward, unless the election is for the Mayor.

ELECTION OF COUNCILLORS PARTLY BY WARDS, PARTLY BY AREA – METHOD 2:

The councillors for an area that is divided into wards may be elected:

- as to some of them – by an electorate comprising all the electors for a ward; and
- as to the others – by an electorate comprising all the electors for the area.

The same number of councillors is to be elected for each ward. The Mayor is excluded when determining that number if the Mayor is to be elected by all the electors for the area.

Advice from the State Electoral Office indicates that method 2 being the election of Councillors partly by wards, partly by area is not used by any of the Councils who have a ward system.

GENERAL COMMENT:

1. It is proposed that a workshop be held early in the new year to further discuss the options of ward boundaries.
2. The preparation of the rolls for each ward is the responsibility of the Australian Electoral Commission, such rolls are based on the current Census Collector Districts.
3. There are no implications for the allocation of funds under a Wards system.

Reports from Director Corporate Services

15. ORIGIN: Financial Services Unit

FILE REF: Fees & Charges

REPORT TITLE:

2001/02 Fees and Charges - Amendment

SUMMARY OF REPORT:

Changes to the Environmental Planning and Assessment Regulation 2000 have resulted in amendment of several statutory fees.

RECOMMENDATION:

That the amended fees in this report be adopted.

Reports from Director Corporate Services

REPORT:

Amendments have been made to the following:

Item 24. Development Application Fees – Development services

Item 26. S82A(3) Review of Determination

Item 27. Modification of Consent

Item 115. Inspection Fees (garages and sheds not exceeding \$5,000, swimming pools) requires amendment

*Key: ~~deleted items~~ and amended items

Activity/Function	Title of Fee/Charge	Ledger Number	Fee or Charge Levied 2000/2001 \$	Fee or Charge Levied 2001/2002 \$	Est Yield \$	Pricing Category	GST included
115. Building Certificates Note: These fees are currently statutorily regulated. Increased fee will apply if current fee de-regulated in accordance with IPART recommendations.	In the case of a Class 1 building (together with any Class 10 buildings on the site) or a Class 10 building		50.00	50.00 70.00			N
	In the case of any other class of building, as follows:						
	Floor area of building or part: Not exceeding 200 m ²		50.00	50.00 70.00			
	Exceeding 200m ² but not exceeding 2000m ²		50.00+ 10cents/ m ² over 200m ²	50.00+ 70.00+ 40.14 cents/m ²			
Exceeding 2000m ²		250.00+ 1.5cents /m ² over 2000m ²	250.00+ 322.00+ 4.5 2.1cents /m ² over 2000m ²				

Action/Function	Title of Fee/Charge	Ledger Number	Fee or Charge Levied 2000/2001 \$	Fee or Charge Levied 2001/2002 \$	Est Yield \$	Pricing Category	GST included				
24. Development Application Fees - Development Services	In accordance with the EP & A Regulations, 2000	A0175			3250 00	E	N				
	A person making a Development Application shall lodge a fee calculated according to the following scale: (a) In the case of a proposed development involving erection of a building or the carrying out of work and having an estimated cost within a range specified in the table referred to in this clause is calculated in accordance with the following table										
	<table border="1"> <thead> <tr> <th>Column 1 Estimated Cost of Development</th> <th>2000/2001 Column 2 Maximum Amount of Fee</th> <th>2001/2002 Column 2 Maximum Amount of Fee</th> </tr> </thead> <tbody> <tr> <td>(i) up to \$5000</td> <td></td> <td>\$110</td> </tr> </tbody> </table>	Column 1 Estimated Cost of Development	2000/2001 Column 2 Maximum Amount of Fee	2001/2002 Column 2 Maximum Amount of Fee	(i) up to \$5000		\$110				
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(i) up to \$5000		\$110									

Reports from Director Corporate Services

Action/Function	Title of Fee/Charge	Ledger Number	Fee or Charge Levied 2000/2001 \$	Fee or Charge Levied 2001/2002 \$	Est Yield \$	Pricing Category	GST included
	(ii) \$5000 - 250,000		\$170 plus an additional \$3 for each \$1,000 (or part of \$1000) of the estimated cost.	\$170 plus an additional \$3 for each \$1,000 (or part of \$1000) of the estimated cost.			
	(iii) \$250,000 - 500,000		\$1,000 plus an additional \$1.70 for each \$1000 (or part of \$1000) by which the estimated cost exceeds \$250,000	\$1,000 plus an additional \$1.70 for each \$1000 (or part of \$1000) by which the estimated cost exceeds \$250,000			
	(vi) \$500,000 - \$1,000,000		\$1,425 plus an additional \$1 for each \$1000 (or part of \$1000) by which the estimated cost exceeds \$500,000	\$1,425 plus an additional \$1 for each \$1000 (or part of \$1000) by which the estimated cost exceeds \$500,000			
	(v) \$1,000,000 - \$10,000,000		\$1,975 plus an additional 80 cents for each \$1000 (or part of \$1000) by which the estimated cost exceeds \$1,000,000	\$1,975 plus an additional 80 cents for each \$1000 (or part of \$1000) by which the estimated cost exceeds \$1,000,000			

Reports from Director Corporate Services

Action/Function	Title of Fee/Charge	Ledger Number	Fee or Charge Levied 2000/2001 \$	Fee or Charge Levied 2001/2002 \$	Est Yield \$	Pricing Category	GST included
26. S82A(3) Review of Determination			Original DA fee or \$500, whichever is the lesser	<i>50% of the Original DA fee—or \$500, whichever is—the lesser</i>		B	N
27. Modification of Consent	(1) <u>The maximum fee for an application under section 96(1) of the Act for the modification of a development consent is:</u> (a) If the fee for the original application was less than \$100.00	A1220	50% of that fee	<i>55.00</i> <i>50% of that fee</i>		E	N
	(b) In all other cases (2) <u>The fee for an application under Section 96(1A) of the Act for the modification of a development consent is:</u> (2) <u>The fee for an application under Section 96(2) of the Act for the modification of a development consent is:</u> (a) If the fee for the original application was less than \$100.00		50% of the fee for the original application or \$350 whichever is the lesser If fee less than \$100 then 50% of that fee	<i>50% of the fee for the original application or \$350 whichever is the lesser</i> <i>\$500—or 50% of the fee for the original application whichever is the less</i> <i>If fee less than \$100 then 50% of that fee</i>			

Reports from Director Corporate Services

Action/Function	Title of Fee/Charge	Ledger Number	Fee or Charge Levied 2000/2001 \$	Fee or Charge Levied 2001/2002 \$	Est Yield \$	Pricing Category	GST included
	<p>(b) In all other cases</p> <p>These fees do not apply to an application for the modification of a development consent granted by the Land and Environment Court on appeal. Note: The Land and Environment Court (Fees) Regulations 1994 provides for payment of fees in connection with applications made to the Land and Environment Court under Section 96 of the Act.</p>		<p>\$100 or 50% of the fee for the original application whichever is the greater, plus an additional amount of not more than \$500 if notice of the application is required to be given under Section 96(2) of the Act</p>	<p><i>\$100 or 50% of the fee for the original application whichever is the greater, plus an additional amount of not more than \$500 if notice of the application is required to be given under Section 96(2) of the Act</i></p>			

Reports from Director Corporate Services

16. ORIGIN: Director

FILE REF: ICAC

REPORT TITLE:

Declaration of Gifts

SUMMARY OF REPORT:

At the last NOROC meeting held Friday, 30 November 2001 at Maclean Shire, Council delegates were briefed by an ICAC representative in regard to a corruption resistance review program being conducted across NSW Local Government Authorities. The review involves the application by the ICAC review team of a six program element test. One segment defines as a standard, the term “nominal amount” relating to gifts and benefits.

RECOMMENDATION:

That:-

1. Council’s policies C5.4 – Gifts to Councillors be amended to read:

C5.4 Gifts to Councillors – Council adopts the policy of the NSW Government covering Ministers (and spouses), in that any gift worth over \$10.00 - \$20.00 is officially valued, recorded and becomes the property of the Council.

2. Council’s policies C6.7 – Gifts, Gratuities and Hospitality be amended to read:

C6.7 Gifts, Gratuities and Hospitality – Councillors, members of staff or delegates must not by virtue of their official position, accept or acquire for a personal advantage, any gift, gratuities and hospitality other than a token kind or moderate form of hospitality other than as permitted by the Local Government Act 1993. The policy further states a Councillor should inform the Council of the receipt of any substantial gift, benefit, travel or hospitality. Similarly, a member of staff should inform the General Manager of the receipt of any substantial gift, benefit, travel or hospitality. Gifts and travel in excess of \$10.00- \$20.00 must be disclosed in the annual returns of disclosures of pecuniary interest and other matters. A register of gifts is to be maintained by the General Manager.

Reports from Director Corporate Services

REPORT:

Council delegates at the last NOROC meeting held Friday, 30 November 2001 at Maclean Shire were briefed by an ICAC representative in regard to a corruption resistance review program being conducted across NSW Local Government Authorities. The review involves the application by the ICAC review team of a six program element test. One segment defines as a standard the term "nominal amount" established for gifts or benefits.

Council's policies state:

C5.4 Gifts to Councillors – Council adopts the policy of the NSW Government covering Ministers (and spouses), in that any gift worth over \$200.00 is officially valued, recorded and becomes the property of the Council.

C6.7 Gifts, Gratuities and Hospitality – Councillors, members of staff or delegates must not by virtue of their official position, accept or acquire for a personal advantage, any gift, gratuities and hospitality other than a token kind or moderate form of hospitality other than as permitted by the Local Government Act 1993. The policy further states a Councillor should inform the Council of the receipt of any substantial gift, benefit, travel or hospitality. Similarly, a member of staff should inform the General Manager of the receipt of any substantial gift, benefit, travel or hospitality. Gifts and travel in excess of \$100.00 must be disclosed in the annual returns of disclosures of pecuniary interest and other matters. A register of gifts is to be maintained by the General Manager.

Both of these policies are inconsistent with the latest information as provided by ICAC. Their test and definition of "nominal amount" is of a value greater than \$10.00 - \$20.00.

It is therefore essential that Councillors and staff ensure that they decline any gift, gratuities, or hospitality that is of a value greater than \$10.00 - \$20.00 and where the gift is accepted (where non-acceptance of the gift would cause the offerer of the gift offence) that the gift details and value be declared and recorded in Council's Gift Register.

Based on this most recent advice it is recommended that Council's policies be varied to read

C5.4 Gifts to Councillors – Council adopts the policy of the NSW Government covering Ministers (and spouses), in that any gift worth over \$10.00 - \$20.00 is officially valued, recorded and becomes the property of the Council.

C6.7 Gifts, Gratuities and Hospitality – Councillors, members of staff or delegates must not by virtue of their official position, accept or acquire for a personal advantage, any gift, gratuities and hospitality other than a token kind or moderate form of hospitality other than as permitted by the Local Government Act 1993. The policy further states a Councillor should inform the Council of the receipt of any substantial gift, benefit, travel or hospitality. Similarly, a member of staff should inform the General Manager of the receipt of any substantial gift, benefit, travel or hospitality. Gifts and travel in excess of \$10.00- \$20.00 must be disclosed in the annual returns of disclosures of pecuniary interest and other matters. A register of gifts is to be maintained by the General Manager.

Reports from Director Corporate Services

17. ORIGIN: Director

FILE REF: PF4040/160; DW641143; Leases-Special

REPORT TITLE:

Tweed Shire Council Lease from St George Building Society

SUMMARY OF REPORT:

A request has been received from The Tweed Business Centre requesting Council to take out the head lease on the premises at 41 Wharf Street, Tweed Heads for a period of three (3) years.

RECOMMENDATION:

That: -

1. Council agrees to undertake a three (3) year lease commitment for the St George Bank building at 41 Wharf Street, Tweed Heads at nil net cost to Council.
2. All necessary documents be completed under the Common Seal of Council.

Reports from Director Corporate Services

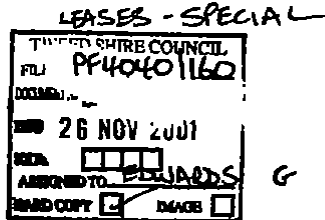
REPORT:

The following letter has been received from The Tweed Business Centre:

The TWEED BUSINESS CENTRE
41 Wharf Street Tweed Heads NSW 2485

23 November 2001

Mr Geoff Edwards
Tweed Shire Council
PO Box 816
Murwillumbah NSW 2484



Re: Renewal of Lease 41 Wharf Street, Tweed Heads

Dear Geoff

You would be aware the lease on the above premises expired on 30 June this year. Ms Toni Hannon, Property Manager from the NSW Department of State and Regional Development has been liaising with a representative from St George to reach agreement on new lease arrangements.

St George have indicated they are prepared to accept \$50,000 per annum with a minimum three year lease term, commencing immediately.

Tweed Shire Council's support of The Tweed Business Centre over the past two years has allowed various organisations, such as TACTIC, the Business Enterprise Centre and the Department of State and Regional Development to effectively provide one-stop-shop economic development services at a vital Gateway to NSW.

Please advise Council's intention with regards to its participation in the Centre and whether Council will continue its role as principal lessee.

I look forward to Council's continued support of the Tweed Business Centre.

Yours sincerely

Karen Robertson
On behalf of the
Tweed Business Centre Management Committee

cc Dr John Griffin, General Manager, Tweed Shire Council

Sponsors & Supporters



Holiday & Mainstay
Hotels



New South Wales
Department of State and
Regional Development

Tweed Heads
Chamber of Commerce

Tweed Shire Town
Centre Committee



Reports from Director Corporate Services

Council for the last two (2) years has held the head lease for the St George Bank building at 41 Wharf Street, Tweed Heads.

The term of the new lease is for three (3) years at \$50,000 per annum.

The current tenants meet the rental costs and outgoings. This is unusual, however St George will not lease to the individual tenants, thus they require the head lease to be held by Council.

This practice, as previously stated, has been in effect for two (2) years and has worked most satisfactorily, thus it is being recommended to Council that it continues for a further three (3) years.

Reports from Director Corporate Services

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Reports from Director Corporate Services

18. ORIGIN: Director

FILE REF: TACTIC

REPORT TITLE:

Tweed and Coolangatta Tourism Inc (TACTIC) Deed of Agreement

SUMMARY OF REPORT:

The three (3) year term agreement with Tweed and Coolangatta Tourism Inc (TACTIC) is to schedule conclude at midnight on 30 June 2002. The agreement has a number of performance criteria that define the relationship between Council and the organisation. Attached to this report is the Annual Report and Audited Financial Statement for TACTIC for the financial year 2000-2001 tabled at the Annual General Meeting held 13 December 2001.

RECOMMENDATION:

That the General Manager formally requests an urgent meeting between Council and Tweed Coolangatta Tourism Inc (TACTIC) early in the new year regarding the agreement.

Reports from Director Corporate Services

REPORT:

The agreement reached between Council and Tweed and Coolangatta Tourism Inc. (TACTIC) for a three (3) year period is to cease on 30 June 2002. During the term of the agreement TACTIC have provided monthly reports outlining their performance against monthly criteria. This criteria includes:

- 5.1 Council may consider, in Council's discretion, among other matters the following performance criteria when considering the performance of TACTIC under this Agreement:
 - 5.1.1 The number and category of financial members of TACTIC;
 - 5.1.2 The visitor numbers to the World Heritage Rainforest Centre and the Tweed Heads Tourism Centre;
 - 5.1.3 The provision by TACTIC to Council of updates on current programs conducted by TACTIC;
 - 5.1.4 The comparison between monthly profit and loss statement and the budget;
 - 5.1.5 The provision by TACTIC to Council of a monthly bank reconciliation;
 - 5.1.6 The level of involvement by TACTIC in Australian Tourism Exhibition Trade Shows;
 - 5.1.7 The provision by TACTIC to Council of details of promotional activities conducted by TACTIC;
 - 5.1.8 The amount of retail sales;
 - 5.1.9 The number and value of the booking system growth; and
 - 5.1.10 The level of attendance at Board meetings by the members of the Board of TACTIC.
- 6.1 If TACTIC;
 - (a) remains in its current structure and form; and
 - (b) complies with the performance criteria as contained in Clause 5 of this Agreement to the reasonable satisfaction of Council, Council shall pay the sum of \$209,000.00 per annum (hereinafter referred to as "the funding amount") to TACTIC during the term of this Agreement in the manner set out in Clause 7 of this Agreement.
- 9.1 A meeting of Council and the Board of TACTIC shall be arranged not less than three (3) months before the expiration of this Agreement, with the specific purpose of assessing the value and ongoing terms and conditions for renewal of this Agreement.

TACTIC has advised that they have yet to prepare and agree on a budget for the 2000/2001 year. This makes it extremely difficult for Council to form an opinion as to the financial position and performance of TACTIC against a stated set of budgetary targets.

Reports from Director Corporate Services

As the Agreement with Council is due to conclude 30 June 2002 and there is a requirement for a meeting to take place three (3) months prior to this date, it is recommended that an urgent meeting be scheduled between Council and TACTIC early in the new year regarding the agreement.

Reports from Director Corporate Services

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Reports from Director Corporate Services

19. ORIGIN: Director
FILE REF: Tourism - General

REPORT TITLE:

Northern Rivers Tourism Inc 2000/2001 Annual Report

SUMMARY OF REPORT:

Together with advice of the Annual General Meeting of the Northern Rivers Tourism Inc. held Friday, 30 November 2001, at Lennox Headlands Resort, Lennox Head, the organisation has provided Council with a copy of their Annual Report and minutes of the Annual General Meeting of 30 March 2001.

The report has been placed with the Mayor's Secretary for those Councillors interested in the activities of the Northern Rivers Tourism Inc.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

Northern Rivers Tourism Inc have provided Council with a copy of their Annual Report for 2000/2001.

Accompanying the report was an invitation to attend the Annual General Meeting held on Friday, 30 November 2001, at 4.00pm at Lennox Headlands Resort, Lennox Head. The Annual Report details minutes from the Annual General Meeting held 30 March 2001 at Ballina Manor.

The report provides a summary of activity covering the key result areas of -

1. Leadership and Management
2. Financial Resources
3. Marketing
4. Communications
5. Product development

The report provides the profit and loss statement until 30 June 2001, together with the balance sheet to June 2001.

The report is with the Mayor's Secretary for those Councillors interested in the activities of the Northern Rivers Tourism Inc.

Reports from Director Corporate Services

20. ORIGIN: Financial Services Unit

FILE REF: Monthly Investment Report

REPORT TITLE:

Monthly Investment Report for Period Ending 30 November 2001

SUMMARY OF REPORT:

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

RECOMMENDATION:

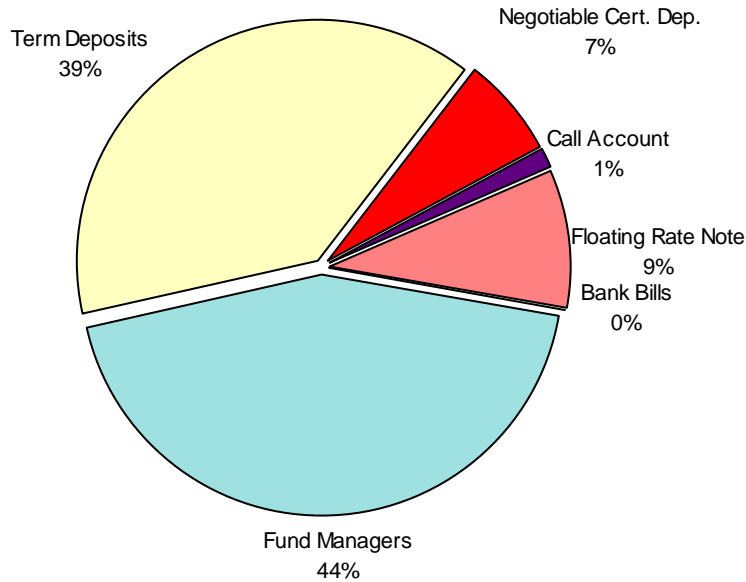
That this report be received and noted.

Reports from Director Corporate Services

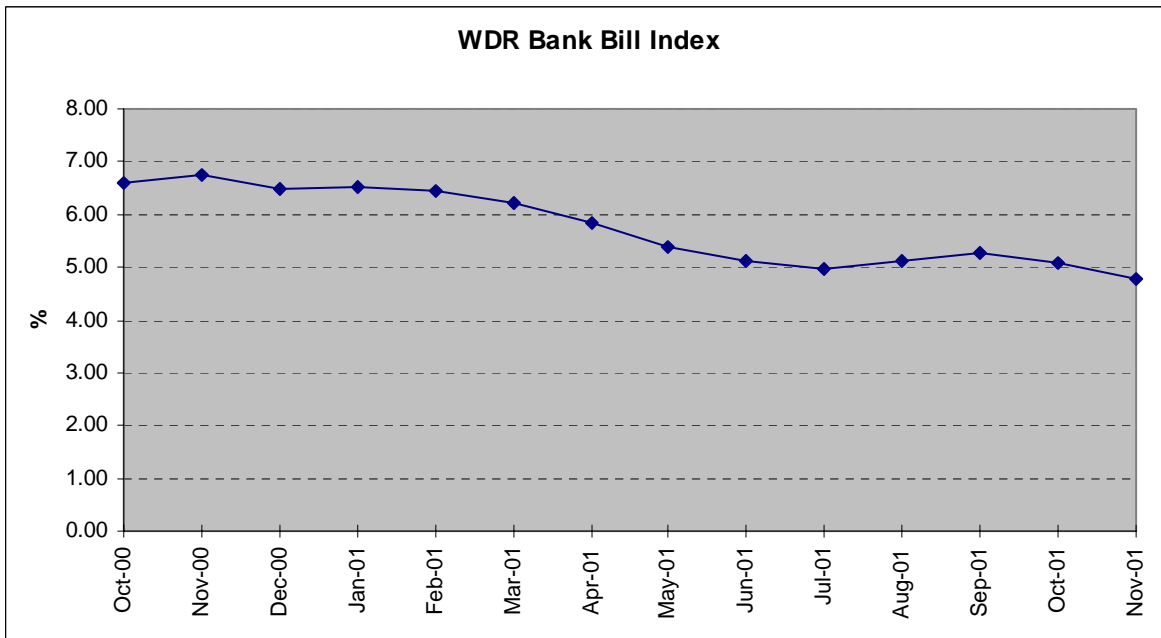
REPORT:

1. CURRENT INVESTMENT PORTFOLIO BY CATEGORY

% of Funds Invested by Category



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

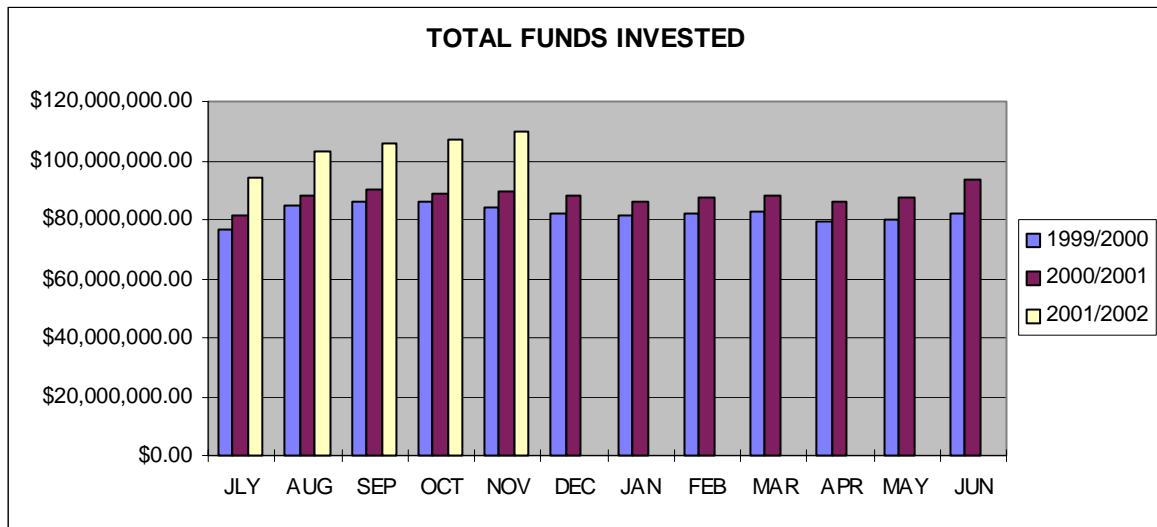


Reports from Director Corporate Services

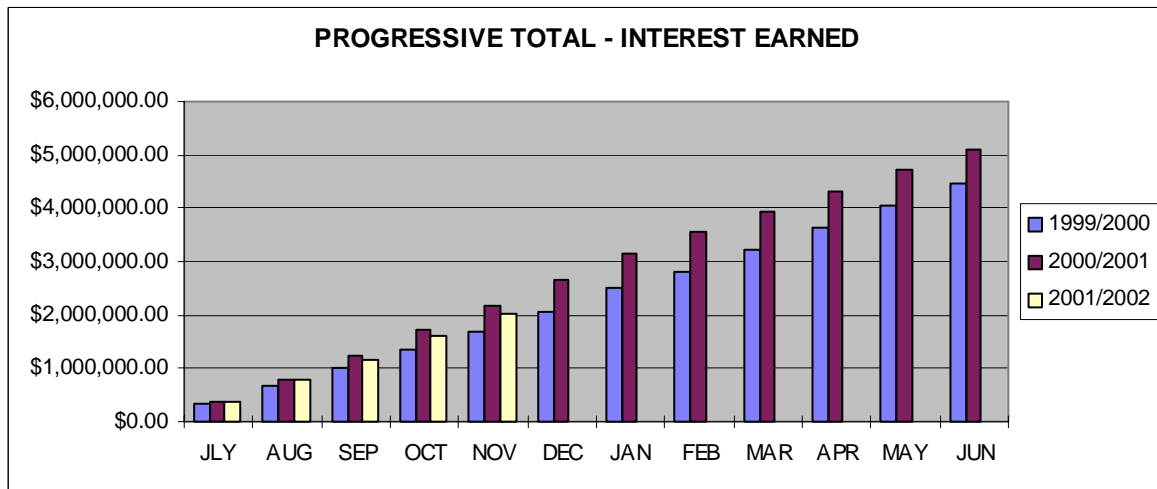
3. ANNUALISED RATE OF RETURN FOR FUNDS MANAGERS – NET OF FEES

Fund	30 Days	90 Days	1 Year
	%	%	%
ANZ	4.15	4.50	5.43
Deutsche	4.73	4.57	5.59
Macquarie Diversified	5.06	4.73	5.70
National Mutual	3.64	4.45	5.43

4. MONTHLY COMPARISON OF TOTAL FUNDS INVESTED



5. ANNUAL PROGRESSIVE TOTAL OF INTEREST ON TOTAL FUNDS INVESTED



Reports from Director Corporate Services

6. MARKET COMMENTARY

Domestic interest rate markets were not affected by the release of housing finance data which showed a 2.3% fall for October though overall approvals were 26.6% better than the same time last year.

Markets are more concerned with what will happen in the US in early December, when it is expected that the US will cut rates by 25 basis points placing pressure on domestic rates to be cut again.

7. INVESTMENT SUMMARY AS AT 30 NOVEMBER 2001

GENERAL FUND

BANKS	28,530,875.00	
FUND MANAGERS	5,342,705.33	
LOCAL GOVT. FIN. SERVICES	5,000,000.00	
CALL	1,525,008.94	40,398,589.27

WATER FUND

BANKS	5,000,000.00	
FUND MANAGERS	26,662,184.54	
LOCAL GOVT. FIN. SERVICES	5,500,000.00	37,162,184.54

SEWERAGE FUND

BANKS	6,000,000.00	
FUND MANAGERS	15,930,444.02	
LOCAL GOVT. INV. SERVICE	10,500,000.00	32,430,444.02

TOTAL INVESTMENTS **\$109,991,217.83**

It should be noted that the General Fund investments of \$40.4 million are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

Statutory Statement - Local Govt Financial Management Regulations (Sec.19)

Reports from Director Corporate Services

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 Corporate Services

21. ORIGIN: General Manager

FILE REF: LEP - Kings Forest; GT1/LEP/2000/20 Pt3; GT1/LEP/2000/3 Pt5

REPORT TITLE:

Bulford Report - Injunction

SUMMARY OF REPORT:

Council at the Ordinary Meeting of 5 December 2001 requested the General Manager to find out information relating to injunction proceedings relating to the completion of a report of investigation by Mr Robert Bulford, Senior Investigator, Department of Local Government. The information is included in this report together with the Court Orders.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

As per summary.



Department of Local Government

Destination Fax: 02 6670 2425

Date: 11 December, 2001

To: Dr John Griffin
General Manager
Tweed Shire Council

From: Robert Bulford
Senior Investigations Officer

Phone: (02) 9793 0636

Fax: (02) 9793 0699

No. of pages following: 4

LEP-KINGS FOREST

TWEED SHIRE COUNCIL	
FILE No.	LEP-SEASIDE
DOCUMENT No.	6740359
REC'D	11 DEC 2001
BOX No.	
ASSIGNED TO:	GRiffin J
HARD COPY	<input checked="" type="checkbox"/>
IMAGE	<input type="checkbox"/>

671/LEP/2000/20 4/3
671/LEP/2000/3 4/5

Comments:

Dear Dr Griffin

I refer to your enquiries seeking clarification and further information regarding the outcome of last Friday's legal proceedings against me in relation to my investigation under section 430 concerning the Tweed Shire Council.

This fax is addressed to a specific person and may contain confidential information. If you received it by mistake, please contact the Department of Local Government. We will ensure it is sent to the correct number.

66-72 Rickard Road, Bankstown NSW 2200
 Locked Bag 1500, Bankstown NSW 2200
 Telephone: (02) 9793 0793 Fax: (02) 9793 0799 TTY: (02) 9707 2508
 EMail: dl@dlg.nsw.gov.au Web: http://www.dlg.nsw.gov.au



Reports from Director Corporate Services

As you know, the Plaintiffs in that case, Messrs Frank Wilson and Peter Macgregor, are seeking orders from the Court restraining me from completing my investigation and finalising and publishing my report of that investigation, at least in so far as it affects or refers to them.

While the case was set down for hearing by His Honour Mr Justice Peter McClellan, the Plaintiffs' case was not in fact fully heard or disposed of.

His Honour made a number of preliminary observations during the day, in the course of exchanges with the barristers representing the Plaintiffs and myself, as to the possible likelihood of success of the Plaintiffs' case and their likelihood of obtaining some of the orders sought by them. However, it must be stressed that any comments made by His Honour were preliminary only, and in no way amount to a determination by the Court as to the eventual outcome of the proceedings or as to the success or otherwise of the Plaintiffs in the case or of any defence or argument put by me. Full legal arguments and submissions were not presented to the Court on the issues, whether by the barristers representing the Plaintiffs, or by my barrister.

I understand that some Councillors may have been led to believe by another Councillor, at their meeting of 5 November 2001, that the observations of His Honour were not in my favour. This would be a serious misrepresentation of the position. On the contrary, His Honour constantly questioned the barristers for all parties whether the Court had power to make most of the orders sought by the Plaintiffs. His Honour was of the preliminary view that the application by the Plaintiffs was premature.

During the course of the proceedings negotiations took place between the Plaintiffs and myself as to the interim orders that might be made by the Court to preserve the rights of the Plaintiffs pending a further hearing of the matter. In the result His Honour, with the mutual consent of the parties, made, as I indicated to you in my letter of 5 December 2001, orders to that effect.

These orders enabled steps to be taken to progress the matter to some extent as between myself and the Plaintiffs, pending the next time the matter comes before His Honour, namely on 1 March 2002. As I have also indicated, the key effect, in terms of what I delivered to you under cover of my letter of 5 December, was to allow me to proceed with my investigation and to finalise my report at least to the extent that it does not refer to or deal with the Plaintiffs or the Seaside City project.

The orders made deal with the position in respect of the latter aspect only.

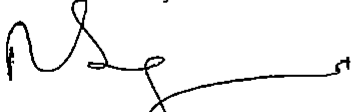
A copy of the Court's orders in the proceedings brought by Mr Macgregor is attached. The orders in the proceedings brought by Mr Wilson are identical. The orders are self-explanatory, and a matter of public record.

The Court made no order as to those orders being confidential, and no such order was sought by the Plaintiffs, or myself.

You are therefore at liberty to disclose those orders to the Councillors, and for that matter any other person.

I trust that this clarifies the situation for Council.

Yours faithfully



Robert Bulford
Departmental Representative
Senior Investigations Officer

Reports from Director Corporate Services

**IN THE SUPREME COURT
OF NEW SOUTH WALES
SYDNEY REGISTRY
COMMON LAW DIVISION
ADMINISTRATIVE LAW
LIST**

File No. 30064 of 2001

**SHORT MINUTES
OF ORDER**

PETER MACGREGOR
Plaintiff

ROBERT BULFORD
Defendant

Mallesons Stephen Jaques
Governor Phillip Tower
1 Farrer Place
SYDNEY NSW 2000
DX 113 SYDNEY
Tel: (02) 9296-2000
Fax: (02) 9296-3999
Ref: LMM/DOD
5357259

The Court orders by consent that:

1. The hearing of the proceedings are stood over generally until completion of the steps set out below as agreed between the parties.
2. Each party have liberty to restore the matter on 2 days' notice.
3. Set aside order 1 of the orders made on 9 November 2001.
4. Costs are reserved.

The Court notes the following agreement between the parties:

5. Within 3 days the defendant will produce to the plaintiff a copy of the draft report, excluding so much of it as is only relevant to the Kings Forest Estate Project, prepared by him pursuant to an Instrument of Authorisation issued to him on 23 May 2001, together with, insofar as it is not contained in the draft report, all evidence relied upon by the defendant to support the draft findings made against the plaintiff in the draft report.
6. The plaintiff undertakes not to disclose the draft report or its contents or any evidence produced under paragraph 5, to any person other than his legal advisers or the plaintiff in the other proceedings being heard with these proceedings.
7. The plaintiff has 21 days thereafter within which to make any submissions in writing to the defendant in relation to any aspect of the draft report.
8. The defendant undertakes to consider any submissions so made by the plaintiff.

Reports from Director Corporate Services

2

9. The defendant undertakes not to take any step to publish the report in draft or final form, or any part of it (other than so much of it as is relevant to the Kings Forest Estate Project excluding only references to the plaintiff and/or Seaside City), until the expiry of the 21 day period referred to in paragraph 7 and (provided the plaintiff makes such further submissions) until 7 days after the defendant has provided the plaintiff with the proposed final report.
10. The rights of the plaintiff under the Summons are reserved.

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By the Court

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Reports from Director Engineering Services

22. ORIGIN: Planning & Design Unit
FILE REF: Access to Property - Driveways

REPORT TITLE:

Vehicular Access to Property Policy

SUMMARY OF REPORT:

Since adoption of the current "Access to Property" policy in February 1994 changes to the Environmental Planning & Assessment Act to separate the private and public components of development consent have occurred. This has necessitated a separate approval process for driveways, footpaths, drainage and retaining structures on the road verge. Furthermore, the national adoption of the Australian Road Rules, publication of new Australian standards and practical application of the policy have created a need for a comprehensive revision.

RECOMMENDATION:

That the attached "Driveway Access to Property" Policy dated December 2001 be advertised for twenty eight days for public comment.

Reports from Director Engineering Services

REPORT:

Since adoption of the current "Access to Property" policy in February 1994 changes to the Environmental Planning & Assessment Act to separate the private and public components of development consent have occurred. This has necessitated a separate approval process for driveways, footpaths, drainage and retaining structures on the road verge. Furthermore, the national adoption of the Australian Road Rules, publication of new Australian standards and practical application of the policy have created a need for a comprehensive revision.

Other changes in WorkCover requirements, disabled access requirements and amendments to the approvals process for driveway applications under the Roads Act, 1993 have also happened.

A new comprehensive policy to embrace all of the new issues is overdue – but necessarily rather long and detailed. To make such a policy more accessible and permit progressive engagement as a project proceeds, it has been broken into three parts. The first section is in the form of a brochure that will be readily available at the Murwillumbah and Tweed Heads Civic Centres, titled "*Driveway Access to Property Guidelines*". The brochure explains the process and how to lodge an application to construct a driveway including contact details.

Once an applicant decides to proceed with a driveway the second section titled "*Driveway Access to Property Design Specification*" is provided free of cost and details how the driveway access must be designed and contains detailed information on all aspects of the design and approval process. The applicant then submits the completed application form accompanied by the required driveway details.

The application is processed generally within 5 days of receipt, provided all the requested information is supplied. The approval contains any site specific conditions relevant to the particular project and a copy of the "driveway access to property construction specification". This is the third part of the policy document. This specification provides the owner or applicant with detailed information on how the driveway should be constructed in a safe and efficient manner.

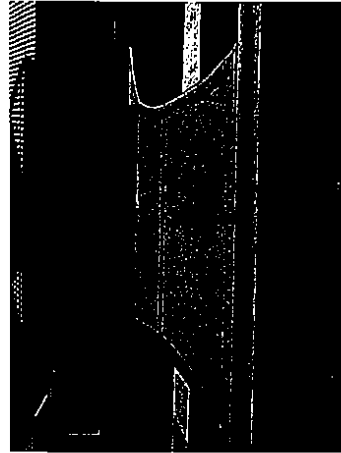
Copies of the three documents and application form follows at the end of this report.

Reports from Director Engineering Services



Tweed Shire Council

Driveway Access to Property Guidelines



DECEMBER 2001

The enclosed information is a guide only of the process that must be followed.

A detailed "design guide" is supplied with the application form.

Once the application is approved you will be provided with Council's Construction Specification and any other conditions or requirements are relative to your driveway.

These documents "Driveway Access to Property Design Specification", "Driveway Access to Property Construction Specification" and "Driveway Access to Property Application Form" are available upon request or on Council's internet site www.tweed.gov.nsw.au.



Reports from Director Engineering Services

Introduction

The provision of a vehicular access driveway from the property boundary to the kerb and gutter or the edge of road seal is the responsibility of the property owner.

However, any work undertaken by private owners on Council roads requires written approval.

Section 138 of the Road Act 1993 requires council consent for works on road reserves (local roads), which includes driveways, footpaths, retaining walls and gardens.

This process is necessary to ensure such works comply with the many Australian Standards and Policies that enable works to be safe and practicable for all road users, including pedestrians and cyclists.

It should be noted that driveways and other works placed in the road reserve without Council approval may need to be removed if deemed to be a safety or public liability risk.

How to Proceed

1. Obtain the correct Application Form "**Driveway Access to Property Application**" from Council's offices at Tweed Heads Civic Centre or Murwillumbah Civic Centre or telephone on (02)6670 2560.

2. Read the form carefully and prepare the information requested. If in doubt, call Council on (02)6670 2606.

3. Submit the form and pay the application fee at the Tweed Heads or Murwillumbah Civic Centres. Payment of the fee does not mean the works can commence.

4. If Council staff contact you after inspecting the site and reviewing your plans, they may request more information or amendments. Submit these promptly. **Do not** start work yet.

5. Once formal approval (Notice of Approval to Construct a Driveway Access on a Public Road) is received, implement the devices and precautions you nominated in your Work Safety Plan and Erosion & Sedimentation Control Plan. Make sure all public utilities are adequately located and protected, and then commence site excavation or filling. Ensure that you maintain site management controls as you progress.

6. Prepare the driveway in accordance with "Council's construction specification" which is provided with the Approval in (5) above. When you are at least 24 hours away from pouring concrete, and prior to ordering the concrete delivery, contact Council and request an

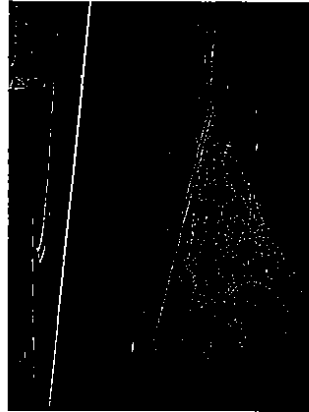
inspection of the formwork and reinforcing steel you have placed.

Council's inspector, on arrival, will check your work for compliance and may require you to alter the formwork and steel you have placed, or advise you to proceed with the concrete pour and issue a Preparation Inspection Certificate.

After a satisfactory preparation inspection certificate is issued, complete the driveway construction work, restore the footpath to its prior condition, and remove all surplus materials, barriers, and waste from the site. Council's inspector may make a final inspection to ensure compliant completion.

7.

8.



Eng/vehicleaccesspamph.doc

Reports from Director Engineering Services

Tweed Shire Council Policies & Delegations

ENGINEERING SERVICES DIVISION



Tweed Shire Council

DRIVEWAY ACCESS TO PROPERTY



DESIGN SPECIFICATION

DECEMBER 2001

[Print Date: 12 December 2001]

1

Reports from Director Engineering Services

Tweed Shire Council Policies & Delegations

ENGINEERING SERVICES DIVISION

DRIVEWAY ACCESS TO PROPERTY DESIGN SPECIFICATION

1. Who needs to use this Specification?

The Specification affects any person or organisation that wants to construct or undertake any works within the public road reserve. This includes concrete driveways, retaining walls pipes, gardens and footpaving.

This specification specifically deals with access driveways and information regarding other works is available upon request from Council's Engineering Services Division on (02)6670 2606.

2. What law controls driveways?

Section 139 of the Roads Act 1993 requires Council Consent for works on road reserves (local roads) which includes driveways, footpaths/retaining walls & gardens.

A formal application must be made to Council under Section 138 of the Roads Act 1993 and should be made on the appropriate form "Driveway Access to Property application" and the applicable fee paid. Incomplete applications will not be considered until all requested information is provided.

3. What are the rules generally?

3.1 Number of Driveways

One driveway is generally permitted for each property adjoining a public road.

In some circumstances a second driveway may be approved provided the constraints in Development Control Plan No 6 regarding garage door presentation to the street and Section 4.2 (on-street parking) are satisfied. Dual road frontage properties will generally not be permitted to access both roads if either is a designated distributor road in Council's road hierarchy plan (LEP 2000).

Medium Density residential and other larger developments will be assessed based on merit.

3.2 Shared Driveways

Shared driveways are not encouraged and will usually only be permitted where properties are accessed via a right of carriageway, or the terrain prevents alternatives.

3.3 Ownership

As driveways within public road reserve are on Council land, they are under the control of Council. Nevertheless access driveways within the road reserve are the property owners' responsibility to initially construct and then maintain. Damage caused by Council or other public authorities undertaking works will be reinstated by the Authority causing the damage, however, whilst reasonable attempts will be made to match coloured or stencilled concrete finishes – an exact match is not guaranteed. Note that Council accepts no legal responsibility for claims arising from accidents to the public caused by badly constructed or unauthorised driveways.

3.4 Australian Road Rules

Australian Road Rules adopted in 1999 prohibit the parking of a vehicle on the footpath area or verge outside the road carriageway. This means that vehicles parked in driveways between the property boundary and the road carriageway are in breach of the Road Rules and can be fined.

Reports from Director Engineering Services

Tweed Shire Council Policies & Delegations

ENGINEERING SERVICES DIVISION

Your driveway design should allow for standing of vehicles between the property boundary and the garage door, alternatively an open carport shelter may be approved.

3.5 Crown Roads & Reserves

Historically some properties were permitted to access via unformed Crown Roads or Reserves when they were under the care and control of Council. The Roads Act 1993 now vests control of all Crown Roads in the Crown. Persons wishing to gain access via an unformed Crown Road must first obtain and submit written approval from the appropriate State Government authority. Council will not under any circumstances approve access to a property via a public reserve.

3.6 Other Public Authorities

In some instances Council will need to refer applications to other Authorities such as the Roads & Traffic Authority (RTA). If the driveway or works is adjacent to the Pacific Highway or some other classified roads then RTA approval is also required.

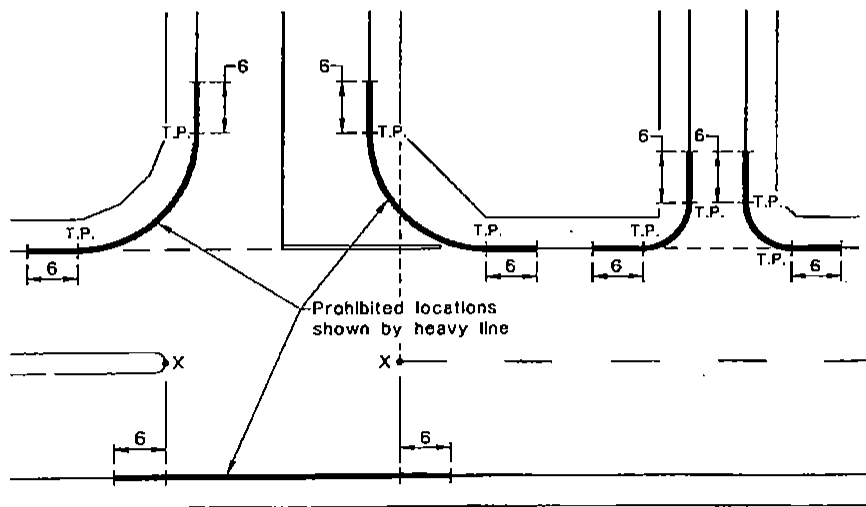
4. What are the Detailed Design Requirements?

4.1 Driveway Locations

4.1.1 Street Corners

Driveways at intersections must be located at least six (6) metres beyond the tangent points of the kerb and gutter returns (where the curved kerb straightens out). The sketch below shows the locations where driveways are prohibited.

PROHIBITED LOCATIONS OF DRIVEWAYS



T.P. = Tangent Point

Dimensions in metres

NOTE: The points marked "x" are either at the median end of a divided road, or at the intersection of the main road centre-line and the prolongation of the side road property on an undivided road.

Reports from Director Engineering Services

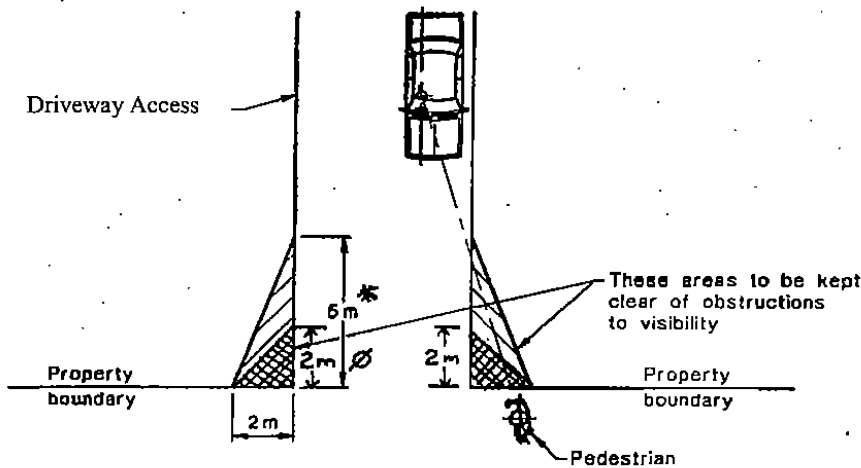
Tweed Shire Council Policies & Delegations

ENGINEERING SERVICES DIVISION

4.1.2 Sight Lines & Safe Visibility

In urban areas a "sight triangle" as shown on the sketch below must be maintained. This is required to ensure pedestrians and cyclists can see vehicles exiting driveways and vice versa.

Minimum Sight Lines for Pedestrian Safety



- ↓ 2m for single and dual occupancy dwellings
- * 5m for all other residential development except on local or minor collector roads where ↓ above applies

This requirement is important if "solid" front boundary fences or walls over 600mm high are planned as they must not encroach on the sight line above and will also impact on the location and design of driveway gates. (See Section 4.7).

The following table specifies the sight distance required measured from the driveway to oncoming traffic in both vertical and horizontal alignment. The sight distance is relative to traffic speed (speed zone) of the adjoining road.

For Driveways to Single Dwellings or Duplexes			For all other Driveways		
Speed (kph) *	Sight Distance Urban (m)	Sight Distance Rural (m)	Speed (kph) *	Sight Distance Urban (m)	Sight Distance Rural (m)
40	30		40	60	
50	40		50	80	
60	55	65	60	105	115
70		85	70		140
80		105	80		175
90		130	90		210
100		160	100		250

* May be reduced below regulatory limit if speed environment demonstrates lower.

Reports from Director Engineering Services

Tweed Shire Council Policies & Delegations

ENGINEERING SERVICES DIVISION

4.1.3 Obstructions

Care should be taken to ensure planned driveways are located clear of stormwater gully pits, light poles and Telstra pits. If any of these or other facilities are affected the owner/applicant will need to meet the costs of relocation.

Sewer manholes and water supply hydrants can be incorporated in driveways but special covers are required. The Council should be contacted regarding any of these issues if in doubt. See also Section 4.7 "Gates".

4.1.4 Adjoining Frontages & Driveways

Driveways are to be orthogonal to the road carriageway and should therefore not encroach on a neighbouring frontage. In some instances due to steep topography Council may consider a variation to this requirement.

Similarly abutting driveways are not encouraged and a minimum gap of 6.0 metres between driveways should be provided where possible to facilitate on street parking

4.2 Additional Driveway Access's

Similarly, in commercial areas and on sites where a second driveway access is approved driveways must be at least 6.5 metres apart or multiples thereof so as to preserve on street car parking.

4.3 Urban Streets with Kerb Gutter

4.3.1 Roll Top Kerb

Driveways in streets with roll top kerb and gutter should be designed to match the top of the kerb as the kerb profile readily permits access over the kerb.

It should be noted that streets with older style angle back kerb may need to provide a layback kerb section as shown on the standard drawings in Section 6 Drawing 1

Approval will not be given for concrete nibs or timber in the gutter or steel plates as alternatives to the above as they are potential traffic and pedestrian hazards and may impede stormwater flow.

4.3.2 Vertical Faced Kerb

Driveways in streets with this type of kerb will required removal of the kerb and replacement with a "layback section" as shown on the standard drawings in Section 6 Drawing 1.

4.4 Urban Streets with No Kerb & Gutter

Where kerb and guttering has not been provided but levels for the future kerb and guttering are available the proposed access must accommodate the future design. Normally, a piped crossing of the table drain is to be provided. See Section 4.5 for standards. This can be constructed by Council, at the property owner's expense, or privately, to Council's requirements. Concrete driveways may be extended from the property boundary to the kerb line or edge of bitumen and levels will be provided, on request, from the Engineering Services Division.

A copy of Council's "Vehicular Driveway Access Details with Piped Table Drains" is in Section 6.1 Drawing 3 setting out all relevant requirements.

Reports from Director Engineering Services

Tweed Shire Council Policies & Delegations

ENGINEERING SERVICES DIVISION

4.5 Rural Roads

Driveways must include stormwater culvert within any existing table drain as shown on the standard drawing in Section 6 Drawing 3.

They must be no closer than 1.2 metres to the edge of the traffic travel lane and should have a guide post erected on the "approach" side of the culvert.

4.6 Existing Concrete Paving

Where a proposed access driveway crosses existing concrete footpaving the footpaving must be sawcut at the extremities of the driveway and removed and reconstructed to the specified access driveway standards shown in this specification.

The grade and crossfall of the pre-existing footpath must be maintained so in some cases additional footpaving may need to be removed.

Where no footpaving exists and driveways are planned to be cut into the footpath to obtain grades, the nature strip on each side of the driveway must be battered smoothly at a grade no steeper than 1 in 14 to maintain acceptable stands for pedestrians and enable future provision of concrete footpaving.

Where the paved footpath is immediately behind a vertical face kerb, the footpath will usually need to be deviated toward the property boundary to allow cutting in of the driveway access. The maximum directional deviation of the footpath in this instance should exceed 30 degrees.

4.7 Gates Across Driveways

Solid or opaque gates must be kept clear of sight lines specified in Section 4.1.2.

If the gates are of a see-through construction such as weldmesh or grates then they may be constructed up to 2.0 metres behind the property boundary on local roads or minor collector roads for all types of residential construction. For major collectors and distributor roads, gates must be set back 2.0 metres for single dwellings or duplexes and 5 metres for all other residential development behind the property boundary to enable a vehicle to stand clear of the footpath area whilst the gate is opened.

It is a breach of the Australian Road Rules (see Section 3.4) to obstruct the footpath area and undesirable for safety and traffic efficiency reasons for vehicles to sit on the road carriageway whilst gates are opened.

All gates must be swung into private property.

4.7.1 Manually Operated Gates

If the gates are of a see-through construction such as weldmesh or grates then they may be constructed up to 2.0 metres behind the property boundary on local roads or minor collector roads. For major collectors and distributor roads gates must be set back 5.0 metres behind the property boundary to enable a vehicle to stand clear of the footpath area whilst the gate is opened.

It is a breach of the Australian Road Rules (see Section 3.4) to obstruct the footpath area and undesirable for safety and traffic efficiency reasons for vehicles to sit on the road carriageway whilst gates are opened.

4.7.2 Remote Controlled Electric Gates

The standing requirements applying to manual gates may be waived in this circumstance, but the visibility requirements in Section 4.1.2 must be observed.

Reports from Director Engineering Services

Tweed Shire Council Policies & Delegations

ENGINEERING SERVICES DIVISION

5. Driveway Geometry

Different driveway standards apply based on driveway usage and frontage road classification.

5.1 Driveway Widths, Thickness & Reinforcement

The following table specifies the driveway widths for various types of development and also specifies the driveway thickness and steel reinforcement required.

DRIVEWAY WIDTHS

TYPE OF DRIVEWAY	WIDTH AT BOUNDARY (M) "X"	WIDTH AT KERB (M) "Y"	THICKNESS/ REINFORCEMENT "T"
SINGLE DWELLING OR DUPLEX UNIT	3.00 min. 6.00 max.	3.00 min. 6.00 max.	100 F72
UNITS LOCAL STREETS	3.50	6.50	150/F72
* UNITS COLLECTOR ROADS	6.00	9.00	150/F72
* COMMERCIAL/ INDUSTRIAL	7.00	13.00	200 F82

* These widths are indicative only and different widths may be specified in Section 138 Approvals

5.2 Grades and Crossfalls

5.2.1 Transverse Grades (Crossfall)

The transverse grade on the driveway must be the same as that on the kerb and gutter (or road if no kerb and gutter) and must be carried over to the property boundary, although it may be necessary to rotate slightly to match existing footpath levels.

Once inside the property the transverse levels can be "rotated to match in with internal constraints such as garage ramps.

Edge "coving" and mini-kerbs are a serious pedestrian "trip" hazard and are not permitted on any trafficable footpath.

5.2.2 Driveway Grades & Crossfall

The maximum longitudinal grade on the driveway across the footpath area is 2.5% (1 in 50) (see Section 6.1 Drawing 1). From the property boundary to the garage or car space the maximum grade is 25% (1 in 4) (see Section 6.1 Drawing 2).

5.2.3 Footpath Intersections

Where the driveway intersects on paved or grassed footpath the existing grade of the footpath must be maintained across the driveway with no drainage slots, kerbs or steps to create a pedestrian hazard.

5.2.4 Older Subdivisions

Subdivisions approved prior to 1980 may have steep footpath crossfalls that prevent compliance. Proposals should be discussed with Council staff before detailed design commences.

5.3 Surface Finishes

[Print Date: 12 December 2001]

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Tweed Shire Council Policies & Delegations

ENGINEERING SERVICES DIVISION

5.3.1 Allowable Surfaces

Plain concrete wood floated or broomed

Paving bricks if laid on 100mm thick concrete slab.

Exposed aggregate provided "angular" non-slip aggregate is used (rounded pebbles not accepted).

Coloured concrete

Stencilled concrete with non-slip surface

5.3.2 Unacceptable Surfaces

Stamped pattern concrete

Paving bricks on sand or gravel bases.

Polished or slippery finishes.

Grass, dirt or gravel.

It must be noted that Council accepts no responsibility to match existing any surfaces if they have been removed or damaged as a result of any works undertaken by council within the Road Reserve.

Failure to observe those requirements or failure to properly maintain the driveway surface, resulting in slippery conditions or a trip hazard, will render the property owner legally liable for injury to pedestrians who suffer as a consequence.

Reports from Director Engineering Services

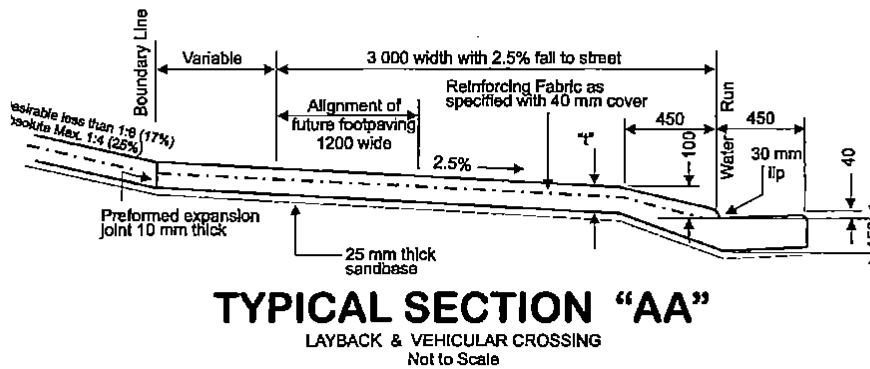
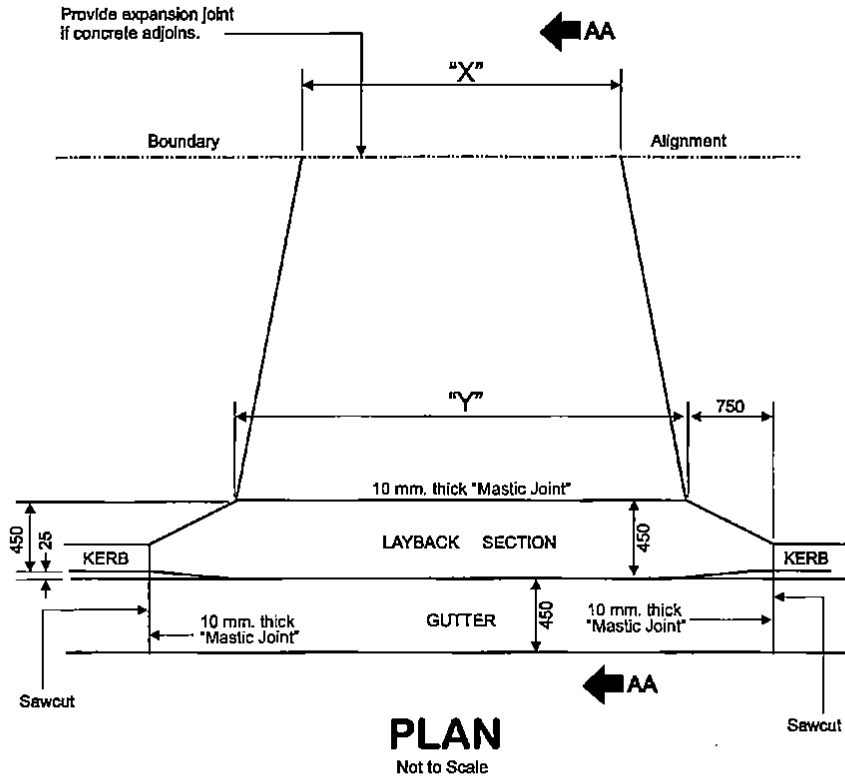
Tweed Shire Council Policies & Delegations

ENGINEERING SERVICES DIVISION

6. Standard Drawings

6.1 Tweed Shire Council Standard Drawings

The following drawings provide all relevant details for the design and construction of driveway access within the road reserve.



DRIVEWAY ACCESS DETAILS

DRAWING 1

[Print Date: 12 December 2001]

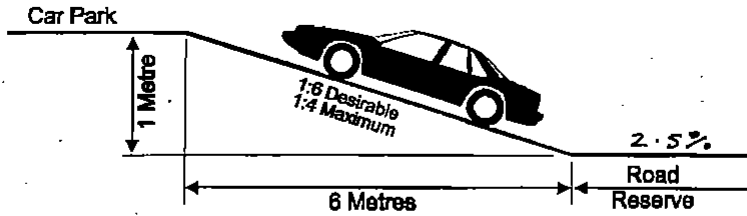
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ENGINEERING SERVICES DIVISION

GRADIENTS



A driveway gradient of 1:6 is currently considered to provide suitable access to a level carparking space, carport or garage. Council may be prepared to accept a steeper gradient of 1:4 for houses situated on very steep grades. However, if the driveway is to be used for carparking, a gradient no more than 1:10 is most appropriate.

DRAWING 2

Note that Council will not approve driveways with ramps extending into the road reserve footpath zone unless special circumstances can be demonstrated. (e.g. the footpath is already permanently untrafficable for pedestrians.)

* Transition curves extending 0.8 metres each side of the road boundary are required between steep and level grades to enable vehicles to maintain underbody clearances. These shorten the potential length of maximum gradient available. Designers should check clearances with a vehicle template for Australian family sedan. Transition curves are required when changes in grade exceed 12.5% algebraically (1:8) (eg 1:4 to 2.5% $\Rightarrow + 25\% - 2.5\% = 22.5\%$ therefore transition required).

Reports from Director Engineering Services

Tweed Shire Council Policies & Delegations

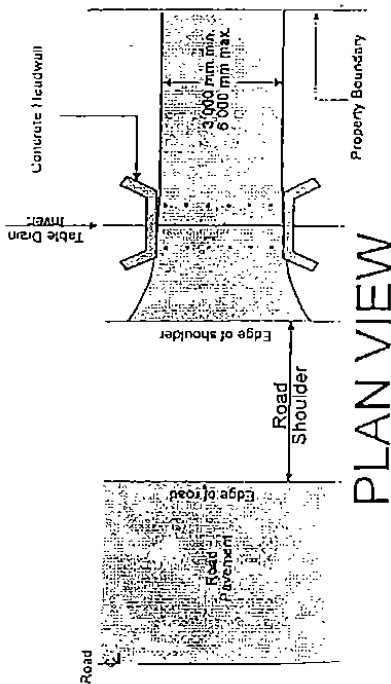
ENGINEERING SERVICES DIVISION

NOTES

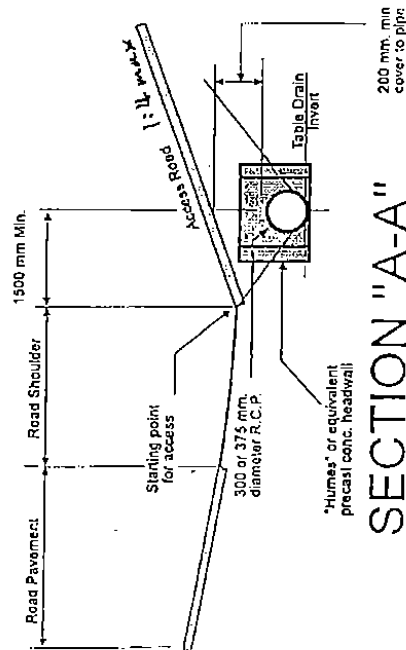
1. Diagrams are not to scale & all written dimensions are in millimetres.
2. Vehicular crossings will be played according to location, traffic and use.
3. Maximal driveway access grade internally to be 25% (i.e. 1 in 4).
4. Cut or fill greater than 900 mm. requires retaining walls to Building Unit requirements.
5. Twenty four (24) hours notice to the Engineering Services Division is required for inspection of grade, position, width, formwork and reinforcing before pouring concrete.
6. Footpath crossovers must be perpendicular to the road or street (unless otherwise approved in exceptional circumstances).
7. Only one access is permitted to any property (unless otherwise approved).
8. Reinforcing fabric to be supported on bar chairs and to have 40 mm. cover to both finished surfaces and edges of concrete pavement.
9. Performed expansion joint required at boundary and at existing layback.
10. Concrete to have compressive strength of 25 MPa at 28 days.
11. Under no circumstances may the access intrude beyond the outer edge of the road shoulder.
12. Pipe length to be 4.9 metre minimum.
13. Any variation from 300 mm. or 375 mm. diameter pipe to be determined by site inspection.
14. "Humes" or equivalent precast concrete headwalls to be used for Rural Access.
15. In some areas where pitched headwalls for Urban Access. Access and gouted stone pitched headwalls are shallow stone pitched headwalls or a concrete dish crossing may be acceptable. Such crossings are only to be installed when specifically approved by Council.
16. In rural and rural residential areas, bituminous seals may be used instead of concrete.



The Tweed Council
ENGINEERING SERVICES DIVISION
Vehicular Driveway Access Details with Piped Tabledrains
COMPILED P.MOTGAW DRAWN D.S.NEIL JULY 1994



PLAN VIEW



SECTION "A-A"

DRAWING 3

DRIVEWAYCOR

Reports from Director Engineering Services

Tweed Shire Council Policies & Delegations

ENGINEERING SERVICES DIVISION

6.2 Applicant's Drawings

The applicant is to prepare and submit the following drawings with their applications:-

- Three (3) copies of a site plan of the property and adjacent section of public road, drawn to a scale of 1:200 showing:- (a) The location and widths of the proposed driveway or modifications from the garage/carpark to the kerb and gutter/edge of bitumen; (b) Proposed restoration of existing surfaces or services that are likely to be damaged; (c) Proposed construction or modification, including levels, of kerb and gutter or footpath paving on a public road.
- Three (3) copies of a longitudinal section from the garage/carport/parking area to the kerb and gutter (or edge of bitumen showing the natural surface levels and the proposed finished driveway levels drawn to a scale of 1:50.
- On steeper slopes, 3 copies of a cross section showing natural surface and finished levels plus any proposed retaining walls to a scale of 1:50

6.3 Traffic & Pedestrian Safety Management

Occupation Health & Safety, Workcover and Australian Standards require that all work sites be made safe for pedestrians, traffic workers.

In respect of all construction work the contractor or person constructing the access must provide proper fencing, guarding, lighting and care of all works and temporary footways, guards and fences as required for the accommodation and protection of pedestrians, motorists and the public. The signs, lights, barriers and fences are to be in accordance with A.S. 1742 (Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.

6.3.1 Work Safety Plan

The following drawings provide examples of traffic and pedestrian controls at driveway construction sites. They are not applicable to all sites and therefore all sites must be considered individually and varied as appropriate to produce a site specific Work Safety Plan.

Reports from Director Engineering Services

Tweed Shire Council Policies & Delegations

ENGINEERING SERVICES DIVISION

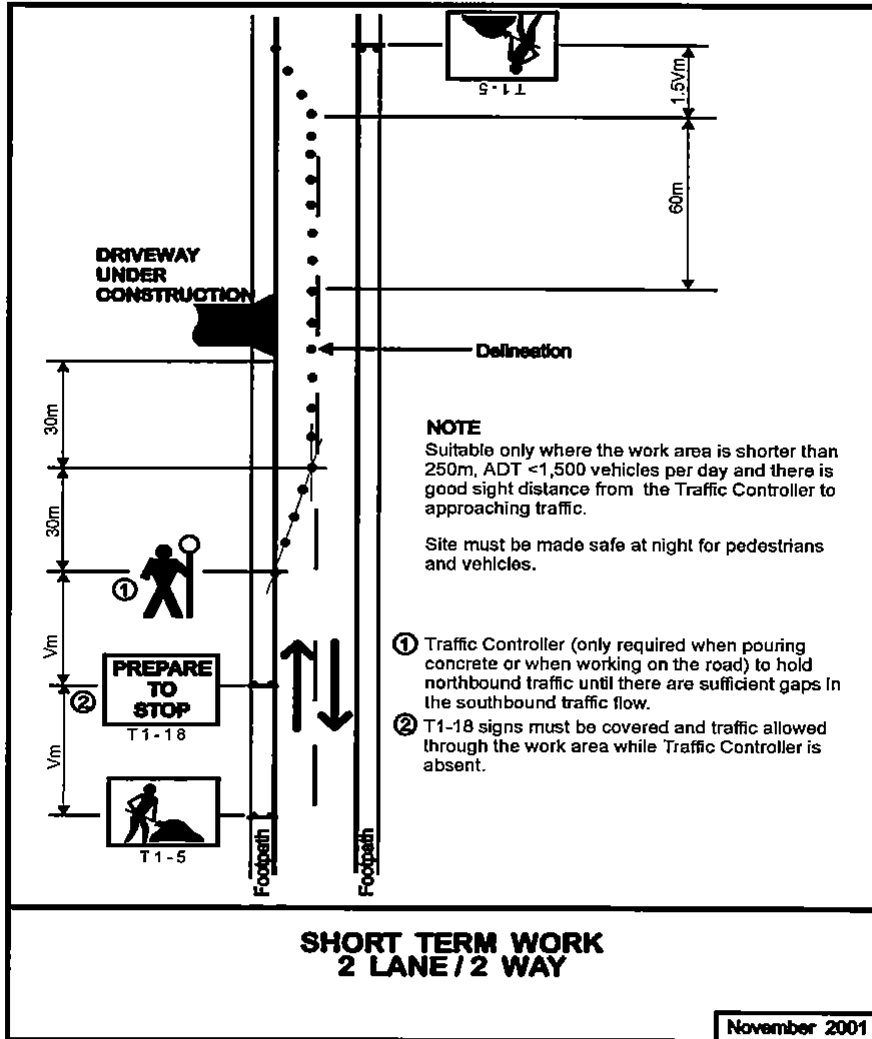
SAMPLE ONLY...



DRIVEWAY CONSTRUCTION

TWEED SHIRE COUNCIL

Traffic Control at Work Sites



TCP 61d

Approved: _____ Date: 11 Rev. A

tcp 106a21d.cdr

[Print Date: 12 December 2001]

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Reports from Director Engineering Services

Tweed Shire Council Policies & Delegations

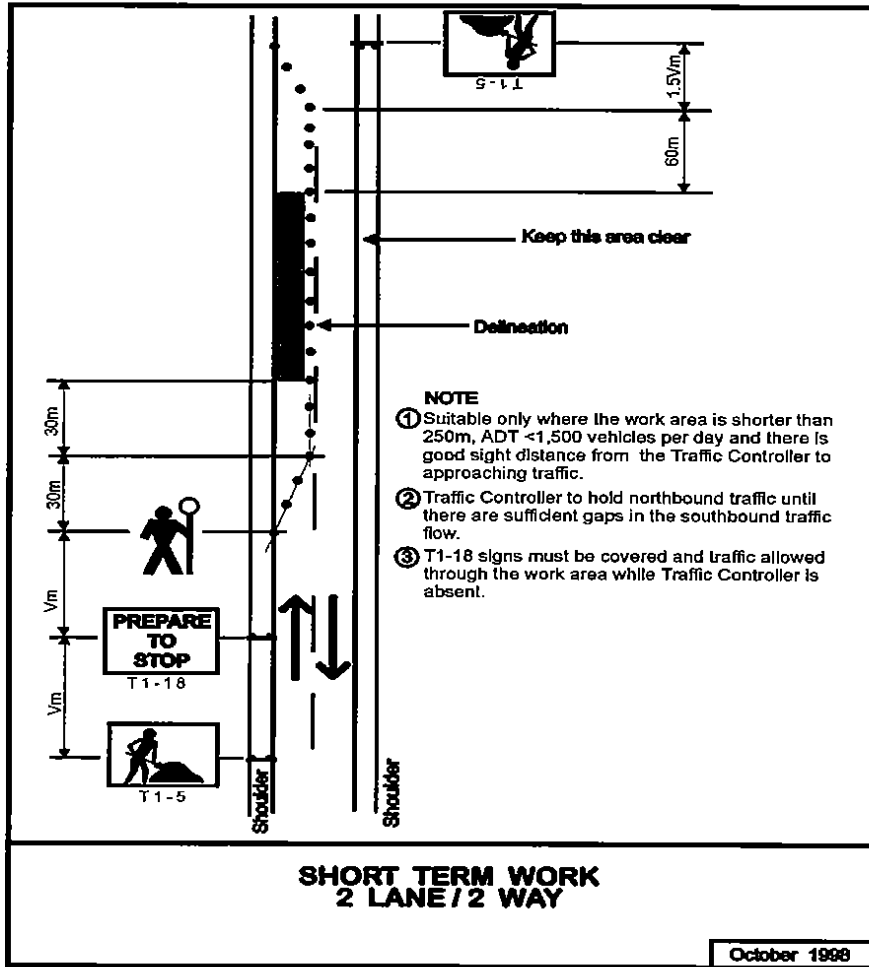
ENGINEERING SERVICES DIVISION



MAINTENANCE ACTIVITIES

TWEED SHIRE COUNCIL

Traffic Control at Work Sites



TCP 108a

Approved: _____ Date: 11 Rev. A

tcp 108a21.cdr

Reports from Director Engineering Services



Tweed Shire Council

Engineering Services Division

DRIVEWAY ACCESS TO PROPERTY



CONSTRUCTION SPECIFICATION

DECEMBER 2001

Drivespec.doc

Reports from Director Engineering Services

1. General

This specification provides the details that should be followed for the construction of vehicles access driveways.

2. Traffic & Public Safety

Implement the Traffic and Pedestrian Control Plan for the site (see Section 6 of the Design Guide).

2.1 Work Safety Plan

Ensure all signs and barriers are available and installed in accordance with the Works Safety Plan submitted and approved with your application.

3. Public Utilities

The contractor/owner shall take every precaution to locate and protect all water, sewer, electricity, telephone and stormwater drainage during construction. If any of these services are damaged, the full cost of repairs is to be borne by the contractor/owner. If construction of the vehicular access requires service alterations or the relocation of stormwater gully pits such alterations will be at full cost to the contractor/owner.

4. Excavation & Foundation

4.1 Excavation

The subgrade shall be formed at the required depth below the finished surface levels shown on the Drawings. All soft, yielding, or other unsuitable material shall be replaced with approved sound material and the subgrade compacted. The finished subgrade shall not deviate more than 25mm under a straight edge 3 metres long, or its equivalent in shorter lengths.

4.2 Sub-Base

A sand sub-base or other approved material shall be placed over the subgrade. immediately prior to the placing of concrete, the sand shall be thoroughly soaked with water and tamped to a compacted minimum thickness of 25mm or as directed by the Engineer. The surface shall then be checked for uniformity and all irregularities shall be made good.

4.3 Sawcutting

Where existing concrete kerb and/or footpaving and/or road pavement is to be removed for construction of a vehicular crossing, the section to be removed must be sawcut to provide neat and tidy joints.

Drivespec.doc

Reports from Director Engineering Services

5. Formwork

Forms shall be designed and constructed so they can be removed without injuring the concrete. They shall be built true to line, braced in a substantial and unyielding manner. The interior surface shall be lightly oiled, greased or soaped to ensure the non-adhesion of the concrete.

Forms shall be removed earlier than twenty four (24) hours after the placing of the last of the concrete in the section concerned.

6. Reinforcement

Where steel reinforcement is shown on the drawings, or as directed by the Engineer, it shall be mild steel conforming with A.S. 1302, A.S. 1303 and A.S. 1304. It shall be free from millscale, grease, tar, paint, oil, mud, mortar, or other foreign substance, and shall be true to size. If the steel has more than a thin film of rust it may be rejected at the discretion of the Inspector.

Steel reinforcement shall be placed accurately in the positions shown in the drawings or as directed by the Inspector and shall be secured against displacement during placing and compacting of the concrete. Bar chairs or other approved means shall be used to provide support and clearance between the reinforcement and the subgrade. Timber blocks or pieces of brick or aggregate are not acceptable for this purpose.

7. Inspections

Concrete must not be poured (or other permanent materials or pavers placed) until the excavation, formwork and reinforcing has been inspected by Council's Supervising Officer. **The contractor/owner must arrange an inspection by contacting Council's Engineering Services Division on (02)6670 2400 between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours notice.** Inspections are only during office hours.

Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.

8. Placing Concrete

The concrete shall be supplied in the quantities required for immediate use and shall be placed in position as rapidly as possible. Any concrete which has developed initial set, shall not be used.

The concrete shall be deposited in the forms without separating of the aggregates and compacted. Care shall be taken to fill every part of the forms and to work the coarser aggregate back from the face. Exposed surfaces of the concrete shall be struck off and finished with a steel or wooden float or broom as hereafter specified. Corners and edges, where shown on the drawings, shall be left neatly rounded.

9. Concrete

All concrete is to be ready mixed. The concrete shall have a compressive strength of at least N25.

Drivespec.doc

Reports from Director Engineering Services

10. Joints

Where shown on the drawings, or where directed, an expansion joint shall be provided, filled with a strip of pre-formed expansion joint filler. The joint filler shall be 10 millimetres thick. Grooved joints shall also be provided as shown on the drawings.

11. Curing & Protection

The freshly placed concrete shall be for a period of three (3) days, or longer if directed, during which time all precautions shall be taken to prevent rapid drying out of the concrete. For the same period the work is to be adequately protected from damage by traffic, or other causes, and all necessary action taken for the control and protection of the public in accordance with As 1742 - 1986.

12. Finish

The exposed surface of vehicular crossings shall be finished with a wooden float and clean water as may be required to leave the surfaces plane, smooth but not slippery and uniform in colour and appearance. Alternatively, a steel float may be used and a broom finish applied to the surface.

"Stamped patterned" finishes are not to be used because of the inconsistent depth of patterns and slippery surface which are potentially unsafe for pedestrians.

Exposed surface of layback wings and gutters, or kerb and gutter, shall be finished with a steel float and clean water as may be required to leave the surfaces plain, smooth and uniform in colour and appearance. Layback may only be in plain concrete. After initial set in the concrete, the face board is to be removed and the face of the kerb steel finished as specified. All other forms to remain in position for twenty four (24) hours, as before specified.

In Rural and Rural Residential areas bitumen seals are permissible.

13. Backfilling

After the concrete has set sufficiently, and not sooner than three (3) days after the placing, the spaces adjoining the concrete works shall be backfilled with sound earth material which shall be thoroughly compacted in layers not greater than 100mm in thickness, the whole of the work being finished in a neat and workmanlike manner. This includes returfing and topdressing as necessary or as directed. Any excess materials and debris is to be removed from the road and footpath.

14. Site Cleanup

Remove all Site Safety control measures and excess materials from the road reserve.

Drivespec.doc

Reports from Director Engineering Services

DRIVEWAY ACCESS TO PROPERTY APPLICATION


or construction or modification of kerb & gutter or footpath paving or any other works on a public road

To: General Manager
Tweed Shire Council
PO Box 816
Murwillumbah
NSW 2484
Ph (02) 6670 2400



APPLICATION FOR APPROVAL OF DRIVEWAY ACCESS TO PROPERTY or construction or modification of kerb and gutter or footpath paving on a public road made under Section 138 of the Roads Act 1993

TWEED SHIRE COUNCIL (Office Use Only)



ACCOMPANYING DA NO (IF ANY)

APPLICATION NO.

FILE NO.

DATE RECEIVED 19/12/01

CODE NO. 217 FEE AMOUNT \$150.00

RECEIPT NO. DATE: 19/12/01

You must apply on this application form for approval of Council under section 138 of the Roads Act 1993 if you want to:-

- construct or structurally modify a private driveway on a public road. This includes construction of private property access over a public footpath, nature strip or roadside verge.
- construct or modify kerb and gutter or footpath paving on a public road (or road reserve)

Applicant

Name _____

Address _____

Contact no (telephone/fax) _____

Owner

Name _____

Address _____

Contact no (telephone/fax) _____

Land to be provided with access

Street/Road _____ House No. _____

Locality _____

Lot _____ Section _____ DP _____

Current Development Application?

If you have previously lodged a development application for works on this land, insert the Development Application/Consent No.

DA No. _____

[engldriveway form]

Reports from Director Engineering Services

Accesses to properties must be designed and constructed in accordance with the Tweed Shire Council "Driveway Access to Property Design Specification and Construction Specification".

required attachments

- 3 copies of a site plan of the property and adjacent section of public road, drawn to a scale of 1:200 showing:- (a) The location and widths of the proposed driveway or modifications from the garage/carpark to the kerb and gutter/edge of bitumen; (b) Proposed restoration of existing surfaces or services that are likely to be damaged; (c) Proposed construction or modification, including levels, of kerb and gutter or footpath paving on a public road.
- 3 copies of a longitudinal section from the garage/carport/parking area to the kerb and gutter (or edge of bitumen showing the natural surface levels and the proposed finished driveway levels drawn to a scale of 1:50.
- On steeper slopes, 3 copies of a cross section showing natural surface and finished levels plus any proposed retaining walls to a scale of 1:50
- 3 copies of Work Safety Plan.

Signed by applicant or person signing on behalf of applicant - please state in what capacity

Signature(s)

name, if not applicant state in what capacity

PRESCRIBED FEE

Opening Fee, s138 Roads Act, and approval to construct driveway on and connect to public road	\$58 per driveway \$58 for works involving footpaving or kerb and gutter on a public road
--	--

[eng\driveway form]

Reports from Director Engineering Services

NOTICE NO. DA No.
(File No.)

ASSOCIATED DEVELOPMENT APPLICATION NO: **Applic. No. xxxxxx**

TWEED SHIRE COUNCIL

NOTICE OF APPROVAL TO CONSTRUCT A PRIVATE DRIVEWAY ACCESS ON A PUBLIC ROAD

Applicant	Owner
To: Applicant Name	To: Owner Name
Applicant Company	Owner Address
Applicant Address	

Pursuant to Section 138 of the Act, notice is hereby given of the determination by the Tweed Shire Council of Section 138 Application No. **XXXXXXXXXXXXXXXXXX** relating to land described as:-

XXXXXXXXXXXXXXXXXXXXX	(LOT / DP)
XXXXXXXXXXXXXXXXXXXXX	(PROPERTY DESCRIPTION)

DETERMINATION OF APPLICATION

The access driveway works detailed in your application are **.(APPROVED/NOT APPROVED)**

Approved works are to be carried out in accordance with required attachments and drawings submitted with the application, except as amended by the following conditions of consent.

CONDITIONS OF CONSENT

1. All works are to be undertaken in accordance with Council's "Driveway Access to Property Design and Construction Specifications".
2. Concrete must not be poured (or other permanent materials or pavers placed) until the excavation, formwork and reinforcing has been inspected by Council's Supervising Officer. The contractor/owner/applicant must arrange an inspection by contacting Council's Engineering Services Division on (02) 6670 2400 between 8.00am and 4.30pm Monday to Friday, giving at least twenty four hours notice. Failure to have work inspected may result in the access being removed and reconstructed at the contractor/owner/applicant's expense.
3. Implementation of the approved Work Safety Plan.
4. **XXXXXXXXXXXXXXXXXXXXX**

Signed on behalf of the Tweed Shire Council:-



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Driveway notice.doc

Reports from Director Engineering Services

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Reports from Director Engineering Services

23. ORIGIN: Planning & Design Unit

FILE REF: R5250

REPORT TITLE:

Stoddarts Road - Application for Public Gate

SUMMARY OF REPORT:

At a meeting held on 19 September, 2001 Council resolved to advertise in the Tweed Link a proposal for a public gate across Stoddarts Road inviting written submissions.

The proposal was published in the Tweed Link on 6 November, 2001 in Issue 245.

No submissions were received in relation to the public gate across Stoddarts Road.

RECOMMENDATION:

That Council:-

1. Grants a permit to the applicant for a public gate across Stoddarts Road, Tyalgum;
2. Endorses any necessary documentation under the Common Seal of Council.

Reports from Director Engineering Services

REPORT:

At a meeting held on 19 September, 2001 Council resolved to advertise in the Tweed Link a proposal for a public gate across Stoddarts Road inviting written submissions.

Notice of Mr Anthony Mair's application for a permit for a public gate was published in the Tweed Link on 6 November, 2001, Issue 245.

No written submissions were received in relation to the application.

All requirements of the Roads (General) Regulations 1994 have been fulfilled and the applicant has been verbally advised that should a permit be issued that it would be recommended that Council reduce the length of Stoddarts Road that it maintains to the gate only.

Reports from Director Engineering Services

24. ORIGIN: Planning & Design Unit
FILE REF: R2920 Pt3; Bridges - Lakes Dr

REPORT TITLE:

Tweed Shire Road Network - Kirkwood Road

SUMMARY OF REPORT:

The following report carries on from the report considered by Council at its meeting on the 6 June 2001 regarding the partial interchange with Kirkwood Road and the Pacific Highway.

It now appears that the Roads and Traffic Authority (RTA) is disinclined to approve such an interchange. Alternative solutions to meet the needs of the Tweed Distributor Road Network have been developed and are discussed in this report.

If the alternatives are adopted by Council several changes to the Contribution Plan No. 4 need to be implemented including the deletion of Lakes Drive Bridge.

RECOMMENDATION:

That:-

1. The Roads and Traffic Authority be:-
 - a) Forwarded a copy of this report.
 - b) Requested to confirm that sufficient space for a 2 lane bridge over Terranora Inlet be formally nominated and protected within the RTA Highway reserve to enable Option 1 below.
 - c) Advised that a single lane on-ramp to the Highway from Darlington Drive is adequate to operate at Level of Service C for the current and future volumes of traffic at the intersection.
 - d) Advised that concept design for the Highway upgrade to 6 or 8 lanes at the Darlington Drive on-ramp is the responsibility of the Roads and Traffic Authority and is outside Council's planning jurisdiction and specialist knowledge.
2. Subject to recommendation 1 being satisfactorily achieved:-
 - a) Option 1 in this report (being the construction of a new link road between Kirkwood Road and Kennedy Drive including a new local traffic bridge over Terranora Inlet within the Roads and Traffic Authority highway corridor) be pursued.
 - b) Detailed design work be commenced for Option 2, (being the upgrade of Leisure Drive and Darlington Drive from Leisure Drive to the Pacific Highway to four lane standard to be commenced as a three year program from 2002 to 2004.)
 - c) The Lakes Drive Bridge development application be withdrawn and the project removed from the Tweed Road Development Strategy and Tweed Road Contribution Plan No. 4.
 - d) The process of amending the Tweed Road Development Strategy and Tweed Road Contribution Plan to accommodate parts 1, 2 and 3 above be commenced immediately.

Reports from Director Engineering Services

- e) The Planning & Design Unit recommence design investigation and environmental assessment of the Naponyah Road connection from Mahers Lane to Fraser Drive including inviting discussions with affected landowners over likely and necessary acquisitions.
3. Council approves the allocation of funds from the Section 94 Plan as shown in the Schedule of Works for the detailed design and construction of the Leisure Drive / Fraser Drive intersection to be constructed this financial year.

Reports from Director Engineering Services

REPORT:

Council considered a report on Lakes Drive Bridge and Kirkwood Road at its meetings on 5 April 2000 and 6 June 2001.

Council staff have been in serious negotiation with the RTA since April 2000 regarding access to the Pacific Highway from Kirkwood Road consisting of a northbound on-ramp and southbound off-ramp. A summary of the process to date is as follows:-

30 June 2000	Council writes to RTA requesting agreement to partial interchange at Pacific Highway and Kirkwood Road with traffic modelling details to demonstrate need and explaining benefits to Council and RTA.
11 August 2000	RTA respond rejecting Council proposal because of RTA principle of local traffic being kept off highways and 'weaving' manoeuvres at exits.
29 August 2000	Council staff and RTA officers met in Grafton to pursue Kirkwood Road interchange and discuss RTA alternative of Council constructing a Council bridge over Terranora Inlet parallel to the Pacific Highway bridge.
12 December 2000	Council wrote to RTA with information requested by RTA, demonstrating RTA proposal would restrict future widening of Highway across Terranora Inlet and reiterating benefits to Council and RTA of Kirkwood Road partial interchange and offering to contribute from S94 Plan for traffic generated by local trips and proposing an alternative to upgrade Leisure Drive to carry Area E traffic.
14 February 2001	Council wrote to RTA requesting urgent response to letter of 12 December 2001.
20 April 2001	RTA respond again refusing Kirkwood Road connection to Highway preferring separate Council bridge parallel to Highway bridge and RTA's advice that they may object to Area E rezoning if Council used Leisure Drive to cater for Area E traffic.
6 June 2001	Council considered a report on lack of progress and RTA advice in RTA letter of 20 April 2001 regarding potential objection to Area E rezoning. Subsequently Council resolved the following:- <i>"That Council seeks support from the State Member and others to assist to resolve with the RTA, access ramps onto the Tweed Heads Bypass to allow Council to proceed to its rezoning of Terranora Area E."</i>
28 June 2001	Council and RTA officers met in Grafton to again raise Council's concern regarding a second Council bridge over Terranora Creek and associated network inefficiencies.
27 July 2001	Council wrote to the RTA providing additional information requested by the RTA at the 28 June meeting.

Reports from Director Engineering Services

12 October 2001	Subsequently to Council's resolution on 6 June 2001, a meeting was held attended by Councillors, Council staff, Mr Newell, MP, Mr Collins RTA, and Terranora Landholders regarding the distributor road network access to the Pacific Highway at Tweed Heads South where it was agreed a delegation representing the groups at the meeting would meet with Mr Collins.
1 November 2001	RTA again discussing Kirkwood Road interchange and advising Kennedy Drive northbound off-ramp could be relocated to Kirkwood Road if Council constructs second bridge over Terranora Creek linking Kennedy Drive to Kirkwood Road (copy of letter reproduced below).

Reports from Director Engineering Services

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BRIDGES - LAKES Dr.

TWEED SHIRE COUNCIL	
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Roads and Traffic Authority
www.rta.nsw.gov.au

A8N 64 480 155 255

Northern Region

31 Victoria Street
Grafton NSW 2460
Telephone (02) 6640 1300
Facsimile (02) 6640 1301
PO Box 576
Grafton NSW 2460
DX 7610 Grafton

The General Manager
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

Attn. Mike Raynor

TWEED SHIRE ROAD NETWORK

KIRKWOOD RO. ACCESS TO THE PACIFIC HWY.

Dear Sir

I refer to your letter of 27 July 2001 (your ref: R2920 Pt2 DW601194), which forwarded advice on predicted traffic volumes associated with future development of lands within Tweed Shire. I also refer to subsequent meetings with Council officers and others including the Mayor on the issue of providing a suitable road network to cater for the predicted growth.

The Roads and Traffic Authority (RTA) has the role of managing the arterial State road network for the efficient and safe use by people and vehicles. Efficiency is about ensuring travel times and flow patterns allow commercial and social development of the whole community and safety is about reducing accidents.

With these two things in mind, any rezoning issues that impact the State road network need to be discussed with the RTA. With regard to Council's proposed rezoning of "Area E", there is obvious potential to impact the operation of the Tweed Heads Bypass.

At the meeting on Friday 12 October 2001 in Tweed Heads, I agreed to respond to the issue of new access at the Tweed Heads Bypass. I can confirm that the RTA does not agree with the proposal for north facing ramps at Kirkwood Road because:

- it is not appropriate for the Pacific Highway to be used for short length "local" purpose trips.
- there are concerns for road safety and traffic efficiency with the interaction of the existing and proposed ramps.
- the proposal would require the State Government to bring forward expenditure on increasing the capacity of the Terranora Creek Bridge without the through traffic gaining much benefit from that investment.

The RTA has undertaken, at significant cost, a study of the Kirkwood Road option and the impact on Terranora Inlet bridge and Kennedy Drive interchange. Concerns over the

Reports from Director Engineering Services

2

distance between ramps and the inefficient and potentially unsafe traffic weaving manoeuvres make direct access from Kirkwood Road unacceptable.

However, at the above mentioned meeting the RTA outlined a broad concept whereby Council could accommodate it's own crossing of the Terronora Inlet and connect to both Kirkwood Road and Kennedy Drive. In this proposal, the RTA would allow Council to relocate the existing northbound off load ramp at Kennedy Drive further south to connect to Kirkwood Road.

At the meeting on 12 October 2001 with the Mayor, the local State MP, Council officers and developer representatives, Council proposed action whereby the option to upgrade Leisure Drive would be advanced at the same time as it pursued the Kirkwood Road interchange option. This was thought to provide a way forward which would allow "Area E" to be developed for residential purposes with the upgraded Leisure Drive option as a fall-back solution to cater for additional traffic generated.

The RTA agrees with this proposed course of action. However, Council would need to demonstrate that the connection of the Leisure Drive route to the existing Tweed Heads Bypass can be re-developed appropriately to cater for projected traffic on both Leisure Drive and the Tweed Heads Bypass. This would include an intersection scenario under which the Bypass is widened to six lanes in the future.

I also suggest again that Council examine more closely the alternative of providing a separate structure and road links to cater for the 'local' trips over Terranora Creek as outlined at that meeting. I understand that Council officers initially considered that this option presented complications at the Kennedy Drive intersection. It is possible that these complications could be satisfactorily addressed with deletion of the northbound off-load ramp (with replacement at Kirkwood Road).

I recognise that this issue remains complex, but feel that a mutually satisfactory outcome can be developed.

Yours faithfully



1 NOV 2001

P J Collins
Regional Manager, Northern

The negotiations with the RTA are proceeding slowly and they have not accepted Council's position to date. There are several projects scheduled in Section 94 Contribution Plan No. 4 which depend on cooperation from the RTA and still need to be resolved. They are:-

- Lakes Drive Bridge
- Kirkwood Road construction
- Kirkwood Road partial interchange
- Council bridge and road linking Kennedy Drive to Kirkwood Road
- Leisure Drive upgrading to four lanes
- Leisure Drive interchange with Pacific Highway

The Kirkwood Road construction and partial interchange need to be addressed concurrently.

Reports from Director Engineering Services

The RTA's steadfast position is that no interchange will be permitted accessing the Pacific Highway at Kirkwood Road. Given this response and the stalemate negotiations over the last two years Council has little choice but to accept this position. It should also be noted that without the interchange full construction of Kirkwood Road is estimated to only carry 4,500 vehicles per day ultimately which is relatively low. This is not considered economically viable at a cost of approximately \$4.1M.

There remain two options available being:-

Option 1. Construct link road and bridge between Kirkwood Road and Kennedy Drive and relocate northbound Kennedy Drive off-ramp to Kirkwood Road.

Option 2. Upgrade Leisure Drive to four traffic lanes.

Option 1 is the preferred option of the RTA as it reduces traffic on the Highway by removing local traffic from the Highway bridge as local traffic is forced to use the Council road and bridge. Under this scenario the construction of Kirkwood Road is required.

This option would cost approximately \$15M and would require the Tweed Road Contribution Plan to be upgraded to cover the costs of construction. Whilst this option is considered feasible there are many significant issues that need to be considered that may take several years to resolve. These issues include formal advice from the RTA that they will approve such an arrangement which is still considered to be a problem even though qualified RTA support has been given. This is due to the RTA acknowledged need to widen the Highway to at least 6 and possibly 8 lanes which is likely to need two extra bridges across Terranora Inlet due to the construction techniques used for the current bridge, obviously consuming a large proportion of the existing Highway road reserve. In addition to this there will be political issues, Department of Urban Affairs and Planning requirements, Fisheries requirements, detailed environmental studies and the detailed design.

So whilst this option is acceptable in principle to the RTA and Council it will be several years before all the issues are resolved and approvals issued which does not give the certainty required for immediate planning issues faced by the Council. It should also be noted that Option 1 is only needed if Area E is rezoned, so the progression of this option is not urgent given the many issues to be resolved prior to Area E being rezoned.

Option 2 is the upgrading of Leisure Drive to four lanes which the RTA give qualified support to and is supported by Council staff as it provides a level of certainty.

Leisure Drive is currently experiencing traffic congestion and regardless of the results of pursuing Option 1, needs upgrading to four lanes to cater for local traffic. Traffic is experiencing congestion due to interactions, access to the shops and club and pedestrian crossings, all of which can be improved in terms of traffic safety and efficiency by the upgrade. It should also be noted that the decision to connect Greenway Drive to Leisure Drive has also added to traffic congestion.

Leisure Drive is a distributor road, is defined in the Tweed Road Development Strategy and was planned to operate at a Level of Service (LOS) C as defined by Austroads.

The following table defines LOS:-

- **Level of Service A** is a condition of free flow in which individual drivers are virtually unaffected by the presence of others in the traffic stream. Freedom to

Reports from Director Engineering Services

select desired speeds and to manoeuvre within the traffic stream is extremely high, and the general level of comfort and convenience provided is excellent (less than 60% of capacity).

- **Level of Service B** is in the zone of stable flow and drivers still have reasonable freedom to select their desired speed and to manoeuvre within the traffic stream, although the general level of comfort and convenience is a little less than with level of service A (between 60 and 70% of capacity).
- **Level of Service C** is also in the zone of stable flow, but most drivers are restricted to some extent in their freedom to select their desired speed and to manoeuvre within the traffic stream. The general level of comfort and convenience declines noticeably at this level (between 70 to 80% of capacity).
- **Level of Service D** is close to the limit of stable flow and is approaching unstable flow. All drivers are severely restricted in their freedom to select their desired speed and to manoeuvre within the traffic stream. The general level of comfort and convenience is poor, and small increases in traffic flow will generally cause operational problems (between 80 to 90% of capacity).
- **Level of Service E** occurs when traffic volumes are at or close to capacity, and there is virtually no freedom to select desired speeds or to manoeuvre within the traffic stream. Flow is unstable and minor disturbances within the traffic stream will cause breakdown (between 90 to 100% of capacity).
- **Level of Service F** is in the zone of forced flow. With it, the amount of traffic approaching the point under consideration exceeds that which can pass it. Flow break-down occurs, and queuing and delays result (over 100% of capacity).

For Leisure Drive a two lane 2 way road based on a 60% 40% peak hour flow split has a capacity of about 18,000 vehicles per day. Therefore for a LOS C a volume maximum of 12,600 and 14,400 vehicles per day (vpd) is permissible.

The current and projected traffic volumes for Leisure Drive are:-

LEISURE DRIVE / DARLINGTON DRIVE (VPD)			
TIME FRAME	FRASER DRIVE	CLUB BANORA	MOTORWAY
Current	6,000	13,800	18,894
2010	8,000	16,650	22,000
Ultimate Development	9,000	19,500	23,500
Ultimate without Option 1	16,000	23,000	27,000

As can be seen, Leisure Drive from Greenway Drive to Darlington Drive is already operating at LOS C and the section of Darlington Drive from Leisure Drive to the Motorway is currently LOS D.

Reports from Director Engineering Services

The LOS for different segments varies along the length of Leisure Drive and is affected by driveways, intersections, schools and bus zones so the above table and nominated capacity is an average.

From the above table it can be seen that Leisure Drive needs to be upgraded to four lanes except at the Fraser Drive end. However, as a high school is proposed along that section of Fraser Drive it should also be upgraded to cater for school related traffic as well as through traffic. It is important to note that the intersection of Fraser Drive and Leisure Drive will be signalised in the near future due to the development of Flame Tree Park. To ensure efficient design four traffic lanes are required on the Leisure Drive 'leg' of the intersection which extends back to the school frontage. Therefore for conformity the four lane upgrade should be continued from Eucalyptus Drive to Greenway Drive.

To this effect, discussions have been held with the developer of Flame Tree Park regarding the intersection upgrade as the subdivision has progressed to the stage where the extension of Leisure Drive west of Fraser Drive is due to commence. As this intersection is a scheduled project in the Tweed Road Contribution Plan No. 4 it is proposed that funds be allocated from the Contribution Plan for the intersection upgrade and detailed design work as a matter of high priority so that the intersection and the Leisure Drive extension can proceed concurrently.

The progressive upgrade of Leisure Drive to four lanes would enable a significant improvement to traffic flow by reducing conflicting manoeuvres and simplifying access driveways especially between Greenway Drive and the Motorway (Pacific Highway).

By providing four lanes on Leisure Drive the capacity is increased to about 30,000 vpd which improves the LOS on Leisure Drive to operate at LOS B or C.

Whilst this proposed upgrade facilitates traffic efficiency there are some negative impacts such as noise which may require the provision of noise barriers in some locations. Pedestrians will not enjoy the freedom they have now but better crossing facilities can be provided at selected locations.

There is a secondary benefit to the Leisure Drive upgrade in that if for some unknown reason Option 1 discussed above does not proceed, Leisure Drive would have sufficient capacity to cater for the potential Area E rezoning (Terranora) and other approved developments west of Fraser Drive.

If this occurred the LOS on Leisure Drive would drop to be LOS C/D threshold near the motorway and towards the top of LOS C between Greenway Drive and Darlington Drive but still be well within the road's capacity.

It is therefore recommended that Leisure Drive be upgraded to four lanes over four stages and starting next financial year subject to funding stage 1 would be from the Motorway to Leisure Drive, stage 2 Darlington Drive to Greenway Drive, stage 3 Greenway Drive to Eucalyptus Drive and stage 4 Eucalyptus to Fraser Drive.

Reports from Director Engineering Services

The RTA have stated in their letter dated 1 November 2001 that:-

“The RTA agrees with this proposed course of action. However, Council would need to demonstrate that the connection of the Leisure Drive route to the existing Tweed Heads Bypass can be re-developed appropriately to cater for projected traffic on both Leisure Drive and the Tweed Heads Bypass. This would include an intersection scenario under which the Bypass is widened to six lanes in the future.”

These requirements are clearly the responsibility of the RTA as Council has no control over any potential future upgrade of the Pacific Highway to six lanes nor does Council have any control over RTA design processes or standards therefore it is impossible for Council to comply with what is considered an unreasonable request.

The interchange exists and noting that, as, Option 1 will be pursued, the four laning of Leisure Drive will not increase traffic volumes other than natural increases from already residential zoned land to which the RTA did not object and therefore it is unreasonable to retrospectively burden Council with this requirement. Council only needs to show that if Option 1 does not proceed for any reason that the additional traffic then using Leisure Drive can be accommodated from the currently unzoned Area E.

The roundabout on Darlington Drive at the interchange is already constructed as a two lane roundabout with one lane entering the Pacific Highway northbound and the other entering Minjungbal Drive northbound. The proposed upgrade to four lanes will not involve any works at the roundabout on-ramps to the Motorway or Minjungbal Drive.

However a preliminary analysis of the merge capacity at the Darlington Drive northbound on-ramp has been undertaken for current and ultimate scenarios based on Austroads guide to Traffic Engineering Practice Part 2.

In both scenarios it appears that a single lane on-ramp will be adequate and the merging manoeuvre will operate at LOS C. This is based on the assumption that the RTA has added sufficient through traffic lanes on the Pacific Highway to cater for through traffic. As the only upgrading of the on load ramp will be as a result of the RTA widening it is expected that the design and construction associated with any such works will be fully funded by the RTA.

The other network issue that must be addressed is Lakes Drive Bridge.

Given the commitment of the RTA to Option 1 and 2 described above, it is now appropriate to formally abandon the Lakes Drive Bridge proposal by withdrawing the development application and removing it from the Tweed Road Development Strategy and Contribution Plan.

This results in the need to formally amend the TRCP to remove Lakes Drive Bridge and associated works and include Options 1 and 2 into the plan, which should be commenced as soon as possible.

It should be noted that Council at its meeting on Wednesday 20 June 2001 made the following resolution in relation to the Strategic Planning Works Program:-

- *“Continuation of existing Local Environmental Plan Amendments and Studies currently in progress, with the exception of:-
 - (a) *the Local Environmental Plan Amendment for Area E. This project to be held in abeyance until such time as the Kirkwood Road/Tweed Bypass access issues are resolved”**

Reports from Director Engineering Services

For Council's information, as the above report resolves the Kirkwood Road Tweed Bypass access issue the LEP amendment for Area E can now proceed.

Reports from Director Engineering Services

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Reports from Director Engineering Services

25. ORIGIN: Water Unit
FILE REF: SES; Floods

REPORT TITLE:

Flood Awareness Program

SUMMARY OF REPORT:

A Flood Awareness Program is planned by the State Emergency Services (SES) for the 4 - 8 February 2002 for the Tweed and Richmond catchments. Council has been invited to participate.

RECOMMENDATION:

That Council participates in the Flood Awareness Program planned by the State Emergency Services and mounts a static display during this period in the Tweed City Shopping Centre.

Reports from Director Engineering Services

REPORT:

In accordance with Council's resolution of 21 February 2001 it is planned to participate in a Flood Awareness Program with the State Emergency Services (SES) from 4 – 8 February 2002. The SES propose that the program be targeted simultaneously at both the Tweed and Richmond catchments to maximise the impact from media publicity. These dates have been nominated by the SES, being the approximate anniversary of the flooding experienced in both valleys, early this year (2001).

The program will comprise planned media releases supported by static displays. The SES will coordinate the media releases, but with local input. On the Tweed it is planned to primarily focus on the lower river area and therefore a static display prepared by Council, with local SES staffing and support is planned for the Tweed City Shopping Centre, to maximise exposure.

Reports from Director Engineering Services

26. ORIGIN: Water Unit

FILE REF: Sewerage - Banora Point; Sewerage - Treated Effluent - Reuse

REPORT TITLE:

Biosolids - Banora Point Sewage Treatment Plant

SUMMARY OF REPORT:

Council at its meeting of Wednesday 19 September 2001 approved the commencement of a five week trial for the removal and disposal of biosolids from Banora Point Sewerage Treatment Plant (STP) by Arkwood Organic Recycling. This trial is proving to be successful and it is proposed to extend it for a period of nine weeks to allow time for the calling of tenders and awarding of a contract.

RECOMMENDATION:

That:-

1. Council extends the trial with Arkwood Organic Recycling for the removal of biosolids from Council's Banora Point Sewerage Treatment Plant for a further 9 weeks at the rate of \$43.78 per tonne (\$39.80 + \$3.98 GST).
2. Tenders be invited for a 12 month contract.

Reports from Director Engineering Services

REPORT:

Arkwood Organic Recycling commenced the trial for the removal of biosolids for land application from Banora Point STP on the 26 November 2001. The five week period will conclude on the 28 December 2001. Although a written report is not yet available it would appear that the land application trial has been successful.

Following the success of the trial it was proposed to call tenders for the removal and disposal of the biosolids for a 12 month period.

In the interim and as the least cost option it is proposed to continue with the trial for a period of nine weeks to allow time for the calling of tenders and awarding of a contract. Previous disposal costs were \$44.68 per tonne.

Reports from Director Engineering Services

27. **ORIGIN:** Water Unit
FILE REF: R3975; Boat Ramps

REPORT TITLE:

Pottsville Boat Ramp

SUMMARY OF REPORT:

A design for the upgrading of the currently closed Boat Ramp at Pottsville has been submitted for development approval. The ramp work is estimated to cost \$31,830, which can be funded from within the existing Boat Ramps Program if Pottsville is adopted as the next priority for upgrading.

RECOMMENDATION:

That the Pottsville Boat Ramp be funded from the existing Boat Ramp Program within the current budget and priorities be adjusted accordingly.

Reports from Director Engineering Services

REPORT:

A proposal for the re-establishment of the Boat Ramp at Pottsville has been developed in accordance with the resolution from the Local Traffic Committee on 9 November 2001 and has been lodged with Council's Development Services Division seeking development approval. Concurrently a request has been lodged with NSW Fisheries for the necessary permit to allow construction.

A plan will be displayed at this meeting for the benefit of Councillors.

The estimated cost of the upgrading proposed in the plan is now \$31,830, but no specific funding has been allocated to allow the project to proceed. Council in 2000 adopted a proposal to provide additional funding each year of \$40,000, specifically for boat ramp upgrading and adopted the following priorities:-

1. Kennedy Drive
2. Tumbulgum
3. Dry Dock Road
4. Chinderah
5. Lakes Drive
6. Condong
7. Murwillumbah

Kennedy Drive has been completed and a tender has been let for Tumbulgum. If Pottsville is adopted as a new priority 3 then it can proceed using funding available in the current budget. The consequence will be that work proposed on other ramps will be effectively deferred for nearly one year. Work proposed on the ramp in Dry Dock Road can commence late in this budget year and be completed with funding in the 2002/2003 budget.

Reports from Director Engineering Services

28. ORIGIN: Planning & Design Unit

FILE REF: R5495 Pt6; Street - Naming; Pacific Motorway

REPORT TITLE:

Naming of Old Pacific Highway

SUMMARY OF REPORT:

A meeting of the Yelgun to Chinderah Freeway Murwillumbah Focus Group was held on 4 December 2001. The main item on the agenda was the signposting scheme for the Freeway. An important urgent aspect of the scheme is selecting a name for the Old Pacific Highway. After much discussion the group agreed on the name 'Rainforest Way' for inclusion on the signage scheme when it goes on public exhibition.

RECOMMENDATION:

That Council supports the inclusion of the name 'Rainforest Way' for the Old Pacific Highway between Chinderah and Yelgun to be shown on the 'Signposting Scheme' to be advertised for public comment by the Roads and Traffic Authority.

Reports from Director Engineering Services

REPORT:

On Tuesday 4 December 2001 a meeting of the Yelgun to Chinderah Freeway Murwillumbah Focus Group was held.

The meeting was attended by RTA officers, the Town Centres Improvement Program Officer, Murwillumbah community and business representatives, Tweed Economic Development Corporation representative and Council officers.

The main item on the agenda was the Signposting Scheme for the Freeway, which was tabled at the meeting.

One of the significant and most urgent issues was the name to be given to the Old Pacific Highway.

The meeting was advised that the RTA need the name to enable detailed signage designs to commence and Council needs the name so a formal application for approval under the Roads and Traffic Authority's and Tourism NSW 'Tourist Signposting' publication can be made.

The meeting discussed the above issue in detail with several alternatives considered but the name 'Rainforest Way' was agreed upon as the most appropriate name to enable businesses and tourism operators to build upon. Several other signage issues were raised and the RTA will arrange any agreed amendments.

The Signposting Scheme will now be put on public exhibition and it is proposed that the name 'Rainforest Way' be included as the name for the Old Pacific Highway.

Reports from Director Engineering Services

29. ORIGIN: Works Unit

FILE REF: PF5430/1443 Pt3; Quarries - CSR

REPORT TITLE:

Terranora Road Maintenance

SUMMARY OF REPORT:

As part of the negotiated settlement with CSR an amount of \$151,716 was made for road maintenance and \$13,355 was made for improvements. This report details the work proposed for the maintenance allocation. It involves mainly an asphalt overlay program between Highland Drive and Dobbys Crescent.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Engineering Services

REPORT:

As part of the negotiated settlement in relation to action taken by Council against CSR for exceeding their extraction rates of their development consent. A total of \$165,071 was paid which includes \$151,716 for the road maintenance levy and \$13,355 for passing lane construction. Council will need to contribute towards extra funds needed for passing lanes and the \$13,355 is not considered in this report.

It is proposed to provide an asphalt overlay of those sections requiring it between Highland Drive and Dobbys Crescent. This work will include any necessary patching of failures. A total of 2.48km of road will be treated with some linemarking and raised pavement markers also included.

This work is proposed to be completed in April 2002.

Reports from Director Engineering Services

30. ORIGIN: Works Unit

FILE REF: R4031 Pt14

REPORT TITLE:

State Highway Handover - Status Report

SUMMARY OF REPORT:

A further meeting was held on 7 November 2001 between Roads and Traffic Authority (RTA) and Council officers to progress the future handover of the State Highway. Minutes of the meeting are attached for information.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Engineering Services

REPORT:

On the 7 November 2001 a further meeting was held between the RTA and Council officers to progress the handover of the State Highway.

Attached are the Minutes of the meeting for Council's information.

HANDOVER MEETING – MINUTES

Held 7 November 2001 at Tweed Shire Council, Murwillumbah

Present

CCL	RTA
Bob Missingham – Works Manager	Brett Butcher – Area Mtce Manager
Paul Morgan – Traffic/Transport Engineer	Jim Synott – Asset Officer
Steve Paff – Mtce Engineer	
Ray Clark – Safety Mgr	

Review of Actions Arising from the Last Meeting

1) Latest Traffic Volume Projections.

CCL feels the model used to predict traffic volumes may have been flawed. In particular CCL suggests the projected volumes for the Hwy Nth of Murwillumbah in 2001 have already been exceeded by 25%. This will have a big impact on CCL's likely Block Grant payable for the Hwy when changed to a Regional Road. CCL also suggests that if the revised model shows the traffic using the Regional Road to be > 15,000 AADT then they will be pushing for this section to be upgraded to 4 lanes Nth of Murwillumbah, This will have a big impact on the final negotiated handover. **Action #1**

2) Handover Timetable.

CCL is generally happy to commence maintenance of the old Highway immediately when the new section is opened to traffic, however this would be on the basis that the agreed Block Grant Funding along with any Lump Sum Handover payment being made. **Action #2a**

If handover is to occur during the next financial year CCL asked whether the 02/03 budget will use the latest AADT figures? **Action #2b**

The issue of who maintains the section of Hwy Nth of Y2C needs to be advised by RTA. (ie. RTA Road Services or Abi or CCL?) **Action #2c**

3) Handover Lump Sum Payment.

CCL will submit its proposal as soon as agreement is made on the likely outstanding mtce required on handover (further updated condition data will need to be provided to CCL taking into account works being done this financial year), along with the issues relating to the revised traffic volumes being resolved. CCL also will need to review what standard of Regional Road it will maintain with respect to items such as RPM's, Vibraline etc. RTA advised that the Block Grant would not take this into account. **Action #3a**

CCL asked if RTA could advise on how the Traffic Facilities Block Grant is calculated. (ie. is it based on length of lines, type of line, standard etc?). **Action #3b**

Reports from Director Engineering Services

4) Deflectograph Information.

1997 Deflectograph results were provided to CCL. RTA to arrange deflectograph prior to handover. **Action #4**

5) Age of Seal at Oak Avenue.

This info was provided to CCL. **Action #5**

6) McCleods Ck Bridge.

RTA advised that this was not on the proposed RSTM&D program for Blackspot funding. RTA Asset is still looking at the issues at this location relating to settlement & aquaplaning. **Action #6**

7) Flood / Emergency Signs.

As per last meeting minutes. **Action #7**

8) Oak Avenue Land Locked Parcel.

CCL asked if this is still an issue. **Action #8**

9) Land Opposite Moo Moo Cafe.

RTA provided Plans showing extent of RTA Road Reserve. **Action #9**

10) Wooyung Intersection.

RTA advised that this intersection has been examined by RTA previously & that no suitable solution can presently be done with the existing road at this location. CCL asked RTA to provide latest survey details so they could examine options. **Action #10**

11) Speed Cameras.

RTA advised that these would be reviewed & consideration given to closing them down. CCL asked that the cameras remain for a period after Y2C opens & review again then. **Action #11**

New Business

12) Slips.

CCL would like the known slip areas to be assessed prior to handover & assessment reports provided. (Johnson's Ck NB Lane, Condong Bowling Club, Nth of Murwillumbah). **Action #12**

13) Bridges.

Bridges of concern are the timber bridges at Crabbes Ck & the Cattle Overbridge at Burringbar. RTA to provide the latest BIS reports & P.Mahar to attend next meeting for further discussions. **Action #13**

14) Fisheries Report.

RTA to provide a copy of the Fish Passage Report to CCL for their comment & information. **Action #14**

15) Outstanding Property Issues.

CCL asked that RTA provide a list detailing any outstanding property issues (ie. issues relating to drainage, scouring on private property etc).. **Action #15**

16) Cyclist Complaints.

CCL advised that they are receiving complaints from cyclists about the section of Hwy from Alma St Nth to Buchanan St. RTA put in a central turning lane (approx 5 yrs ago) & have eliminated the road shoulder in this section as a result. Cyclists have to ride in with the traffic. **Action #16**

Reports from Director Engineering Services

ACTION TABLE

Action #	Description/Action Required	Who	When
1	Y2C Traffic Projection Model to be revised using the latest AADT traffic data.	RTA (PHO Wes Stevenson)	Next meeting
2a	Handover timetable. At opening of new Highway or delay until 1/7/2003?	RTA	Next meeting
2b	If 1/7/03, will Block Grant calculation use latest AADT data?	RTA	Next meeting
2c	Mtce on section of Hwy Nth of Y2C – who?	RTA	Next meeting
3a	Updated Condition Info to be provided to CCL to enable a Lump Sum Mtce Payment to be calculated.	RTA	Next meeting
3b	Info on how Traffic Facilities Block Grant is calculated.	RTA	Next Meeting
4	Deflectograph information for bypassed section of Highway. New information to be acquired by RTA.	RTA	Next Meeting
5	Age of seal at Oak Avenue.	NFA	X
6	Segment 9390m bridge Black Spot. Update on whether improvement works will occur and when.	RTA	Next meeting
7	Drop-down flood/DISPLAN signs. Submission to RTA (Peter Stevens).	NFA	X
8	Oak Avenue land – locked parcel off interchange nr Maleluka Stn. RTA (Mark Eastwood).	RTA	Next Meeting
9	Road boundary opposite Moo Moo Café → clarification.	NFA	X
10	Wooyung Intersection. Provision of latest Survey model data	RTA	Prior to next meeting
11	Speed Cameras. Clarification of whether they remain after handover.	RTA	At next meeting

Reports from Director Engineering Services

12	Details of known Slip areas & information to be provided to CCL. (Jtaylor reports?).	RTA	At next meeting
13	Latest BIS reports – Crabbes Ck & Cattle overbridge.	RTA	At next meeting
14	Provision of Fisheries Report to CCL for comment.	RTA	Prior to next meeting
15	Outstanding Property issues.	RTA	At next meeting
16	Cyclist complaints. (L.Vickery)	RTA	At next meeting

Next meeting: Mid March 2002 (RTA to fix date).

Meeting End: 1400 hours

Reports from Director Engineering Services

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Reports from Director Engineering Services

31. ORIGIN: Water Unit

FILE REF: Durambah Beach; Sand By-Pass; GR1/6 Pt1

REPORT TITLE:

Tweed River Entrance Sand Bypassing Project - Durambah Beach

SUMMARY OF REPORT:

At a recent meeting of the Tweed River Entrance Sand Bypassing Project (TRESBP) - Working Group, it was advised that further sand is planned to be pumped onto Durambah Beach in March / April 2003. A total quantity of 60,000cm is proposed which is likely to be placed via two 30,000cm exercises.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Engineering Services

REPORT:

At a recent meeting of the TRESBP - Working Group, it was advised that further sand is planned to be pumped onto Durambah Beach in March / April 2003. A total quantity of 60,000cm is proposed which is likely to be placed via two 30,000cm exercises.

If a Dune Management Plan has been adopted for Durambah Beach by the start of pumping, sand placement will be consistent with the Plan. If a Plan has not been adopted then a placement will be determined by monitoring of conditions and consultation with surfers.

Reports from Director Engineering Services

32. ORIGIN: Works Unit

FILE REF: Vegetation Management Plan; Roads - General

REPORT TITLE:

Trial of Roadside Vegetation Management Process

SUMMARY OF REPORT:

Council in September 2000 commenced a trial of a roadside vegetation management process introduced by Centrogen Pty Ltd. The first monitoring results are now available and included in this business paper for Council's information.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Engineering Services

REPORT:

Council in September 2000 commenced a 2 year roadside vegetation management process introduced by Centrogen Pty Ltd to roads in the southern area of the shire. The trial is to assess the cost effectiveness of the 'wick wipe' process against the traditional method of tractor slashing the roadsides.

The concept of the process is that the wick wiping reduces the quantity of taller undesirable vegetation species and encourages the growth of shorter ground covering species that do not require the same level of long-term maintenance. Undesirable species are defined as those that generally breach an intervention height of 300mm under favourable growing conditions between slashing events. Two runs of the process have been carried out to date at a cost of approximately \$7,900 per run for slightly over 35 hectares.

The results of the first monitoring run are now available from sites located in Cudgera Creek Road and Crabbes Creek Road and are as follows:-

1. Cudgera Creek Road

Reduction in undesirables from 36% to 25% of coverage. The main reductions are that of Paddock Love grass, Paspallum and Giant Parramatta grass.

Increase in desirables from 17% to 31% of coverage. The main increase is due to the growth of Couch grass, Carpet grass and Digitaria.

2. Crabbes Creek Road

Reduction in undesirables from 73% to 37% of coverage. The main reductions are that of Paspallum, Setaria, Desmodium and Giant Parramatta grass.

Increase in desirables from 19% to 32% of coverage. The main increase is due to the growth of Carpet grass and low broadleaves.

Following completion of the trial an evaluation of the cost effectiveness of the process will be carried out and to assess any reductions in slashing required.

Reports from Director Environment & Community Services

33. ORIGIN: Environment & Health Services Unit
FILE REF: PF1640/430; Rural Hall - Doon Doon

REPORT TITLE:

Future Doon Doon Hall

SUMMARY OF REPORT:

The Doon Doon Hall Committee have indicated that they would like to see the Doon Doon Hall relocated to Crams Farm. Council needs to determine its position on this request.

RECOMMENDATION:

That owing to the cost to Council and the limited size of the community likely to use the hall, the proposed relocation of the Doon Doon Hall to Crams Farm not proceeds.

Reports from Director Environment & Community Services

REPORT:

Council is advised that a number of contacts have been made with the Doon Doon Hall Committee concerning the future of the Doon Doon Hall. The Hall has not been used for many years due to a lack of funds. However with a growing population in the area it is considered that it will have a place in community life in the future. The Hall Committee have suggested that the hall should be relocated to Crams Farm and have indicated that if this were to occur that it would sell the small parcel of land on which it now stands and give the proceeds to Council to offset the cost of relocation.

The land on which the hall now stands has no building entitlements and accordingly it is only valued at about \$300.00. An adjoining property owner has indicated a willingness to incorporate the land into the larger parcel.

The estimated cost to relocate the hall is \$20,000 with re-establishment including toilets estimated to be another \$40,000/\$50,000.

The hall if relocated would certainly include extra amenities for Crams Farm and would be sited so as to still be available for the Doon Doon community use.

However, excellent facilities already exist at Crams Farm for birthday parties, social gatherings etc. Since the banning of swimming at Crams Farm, the existing facilities are not over-utilised. The existing facilities are therefore considered to be more than adequate to serve the local community and the \$70,000 upfront investment plus annual maintenance cost resulting from the relocation does not represent a sound investment.

No funds have been provided in the budget.

Both the Hall Committee and property owner need to know Council's position and accordingly it is considered that Council needs to determine its position in relation to its involvement or not in the future of the Doon Doon Hall.

Reports from Director Environment & Community Services

34. ORIGIN: Environment & Health Services Unit

FILE REF: Civic Centre - M'bah

REPORT TITLE:

Murwillumbah Civic & Cultural Centre Refurbishment and Entrepreneurial Strategies for Operating the Venue

SUMMARY OF REPORT:

Council is asked to review two issues concerning the Murwillumbah Civic & Cultural Centre

- 1) Stage 2 Refurbishment
- 2) Entrepreneurial strategies and potential for managing, operating and animating the venue as a viable performing arts destination.

RECOMMENDATION:

That Council considers the following recommendations:-

- 1) A budget to continue Stage 2 refurbishments is considered in the 2002/2003 budget.
- 2) Stage 3 refurbishment be considered in the 2003/2004 year.
- 3) Council invites Lyndon and Liz Terrachini to meet with Council in a workshop and outline in detail how their achievements have been accomplished.

Reports from Director Environment & Community Services

REPORT:

Council is asked to review two issues concerning the Murwillumbah Civic and Cultural Centre.

Stage 2 Refurbishment

Entrepreneurial strategies and potential for managing, operating and animating the venue as a performing arts destination.

Through ongoing consultation with the community, the Murwillumbah and Tweed Cultural Centres have been identified as major cultural assets and a significant resource for our community.

In order to maximise the capacity of the Murwillumbah Civic and Cultural Centre, we ask that Council should consider both the continuing refurbishment (stage 2) and an entrepreneurial management style for this venue.

Issue 1. Murwillumbah Civic & Cultural Centre Refurbishment

(Stage Two)

Background to completion of Stage one:

Refurbishment Stage one of the Murwillumbah auditorium was completed earlier this year.

A copy of the acquittal report detailing outcomes and the process undertaken is appended.

Stage one of the refurbishment was financially supported through a dollar for dollar Regional Infrastructure grant of \$52,500 from The NSW Ministry for the Arts. The total stage one refurbishment budget was \$105,000.

To identify priority refurbishment areas, three planning sessions were convened and facilitated by professional consultants and local industry workers. The planning sessions were well attended by a variety of current and potential user groups.

Professional Theatre Technicians and an Interior Design Company were commissioned to develop the technical requirements and conceptual design for stage one, two and three of the upgrade.

Stage one Completed items comprise:

Item	Problem	Action
1. Lighting System	Outdated & inadequate	Installation completed October 1999
2. Audio System	Outdated & inadequate	Installation completed October 1999
3. Dressing Rooms:	Facilities inadequate and open to the stage	Refurbishment completed August 1999
4. Foyer & outside foyer area	Lack of amenity	Refurbishment completed Interior Design by INARC Design Company - February 2001
5. Stage Curtain	Torn and discolored	Replaced June 2001

Reports from Director Environment & Community Services

Stage two Items to be finalised comprise:

(This comprises all the items, which need to be addressed if the venue is to be maintained as a viable cultural asset).

Paint and Refurbish Auditorium walls and ceiling – estimated cost \$25,000

The installation of quality sound equipment has greatly increased the acoustic quality of the venue. Although it is accepted that the venue was not built as a concert hall, the strategy for enhancing acoustic quality is to remove the carpet from the walls and replace wall carpet with timber or painted finish.

New Carpet for Auditorium – estimated cost \$37,000

The existing carpet is in need of urgent attention and repair. It is extremely dangerous as it is uneven and in some parts stuck down with tape. As a matter of risk management the carpet should be planned to be replaced.

Purchase portable Lift/Tallescope – estimated cost \$13,000

This equipment is a prerequisite to operating the venue professionally. Council is currently obliged to hire equipment for general technical and venue maintenance. The purchase of a Tallescope will allow a safe, fast and convenient overhead working platform. This will also be an aid to Occupational Health and Safety.

Stage three Items to be finalised comprise:

This comprises all items that need to be addressed if the venue is to be animated as a venue for touring performances and professional theatre. Final cost estimate for Stage three is yet to be received.

a. Install stage lighting rail to auditorium (Estimate)

There is currently no possibility to effectively light the main room so that we might maximize the venue for a diversity of activities, such as theatre in the round or conferences.

b) Installation of house lighting

As per recommendation to install ambient and multi-functional house Lighting, still utilizing existing fluoro as working lights

c) Entry blackout curtain

This will allow for total blackout of the venue and also aid in maintaining the professional standard required for touring performances and professional theatre.

Recommendation:

1. As Council has already invested a substantial amount of funds to complete *Stage one* it is recommended that a budget to continue *Stage two* refurbishment is considered in the 2002 – 2003 budget.
2. *Stage three* refurbishments be considered in the 2003 – 2004 budget.

Reports from Director Environment & Community Services

Issue 2 - Entrepreneurial strategies and potential for managing, operating and animating the venue as a performing arts destination

Council is requested to consider the use of professional management to animate and maximize the venue as a performing arts destination. The center is currently managed by a caretaker/manager and the contract for this service expires in May 2002.

An entrepreneurial approach to both management and promotion of the Centre would lead to the initiation of marketing and programming strategies that will improve overall viability and maximize the Centre's potential as a performing arts venue.

Lismore's Northern Rivers Performing Arts (NORPA) constitutes an exemplary model for this type of entrepreneurial approach. Lyndon and Liz Terrachini have illustrated their ability to completely revitalize what was previously an under-utilized council asset. NORPA is nationally recognized as a leading regional performing arts and touring organisation. They have attracted substantial grant income from State and Federal government, as well as generating considerable employment opportunities within the city.

Recommendation:

To receive guidance regarding development of the potential of the cultural and arts centre, it is recommended that Council invite Lyndon and Liz Terrachini to meet with Council and outline in detail how the achievements were accomplished and how Tweed Council could implement a similar strategy.

Reports from Director Environment & Community Services

35. ORIGIN: Environment & Health Services Unit

FILE REF: Pool - K'cliff; Pool - M'bah; Pool - Tweed Heads

REPORT TITLE:

Swimming Pool Operation

SUMMARY OF REPORT:

Council receives requests for relatives not to be charged the entry fee into Council pool complexes. This often relates to elderly persons but not exclusively. Should this request be granted it would create difficulties for pool attendants in policing who has or has not paid the entry fee. Council has previously considered that enjoyment of the pool complexes not only relates to swimming and a consistent entry fee is applicable.

RECOMMENDATION:

That Council continues to charge the applicable entry fee for all persons entering the pool complexes.

Reports from Director Environment & Community Services

REPORT:

Council receives requests from time to time to allow elderly relatives such as grandparents and others, access to the pool enclosure free of charge. These relatives enter not intending to use the pool but to watch children swim.

Council at present has a policy of charging all entrants to the pool enclosure the entry fee.

The pool areas are extensive and are not policed by the person at the gate who accepts the entry fee.

It would create significant difficulties for both pool entry staff who would be required to challenge persons entering the pool as to their intentions and for pool attendants to decide who is entitled to use the pool.

Council has previously considered that enjoyment of the pool complex not only relates to swimming and that a consistent entry fee should be applicable.

If a policy is introduced to allow some people free entry on the pretext of just observing, Council would be open to having large numbers requesting access free. With several hundred persons present within the pool enclosure, supervision would be difficult if not impossible.

Many young parents also enter the enclosure and only sunbake or sit and observe their children. Should they then be provided free access?

The pool enclosure at Murwillumbah is an entertainment precinct with picnic and barbecue facilities. It is considered fair for all entrants to pay to enjoy the facilities. It is not considered the costs are exorbitant.

Reports from Director Environment & Community Services

36. ORIGIN: Director

FILE REF: Sustaining the Tweed; Conference - General

REPORT TITLE:

Sustaining our Communities

SUMMARY OF REPORT:

The Sustaining our Communities International Local Agenda 21 Conference will be held in Adelaide from 3 – 6 March 2002.

RECOMMENDATION:

That Council approves the attendance of any Councillors wishing to attend the Sustaining our Communities International Local Agenda 21 Conference.

Reports from Director Environment & Community Services

REPORT:

The Sustaining our Communities International Local Agenda 21 Conference will be held in Adelaide from 3 – 6 March 2002. Council is requested to approve the attendance of any Councillors wishing to attend the Sustaining our Communities International Local Agenda 21 Conference.

The opening paragraph of the Chapter 28 of Agenda on Local Authority states:-

“Because so many of the problems and solutions being addressed by Agenda 21 have their roots in local activities, the participation and cooperation of local authorities will be a determining factor in fulfilling its objectives. Local authorities construct, operate and maintain economic, social and environmental infrastructure, oversee planning processes, establish local environmental policies and regulations, and assist in implementing national and sub-national environmental policies. As the level of governance closest to the people, they play a vital role in educating, mobilizing and responding to the public to promote sustainable development.”

The promoters of the conference advise:-

The role of Local Government in this global partnership will be significantly advanced in the International Local Agenda 21 Conference to be held in Adelaide in March 2002. This will showcase the progress that has been made since the “Pathways to Sustainability” Conference which was hosted by Newcastle City Council in 1997, and ‘gear up’ to the World Summit to be held in Johannesburg in September 2002. The Conference will also seek to enhance understating of Australia’s position in relation to its Asia-Pacific neighbours in advancing regional performance in sustainable development, promoting national and international alliances between local governments in Australia and the region.

The Conference will:-

- demonstrate by action how local government can best address sustainability issues
- translate issues of international significance into a practical context for community action
- demonstrate how successful partnerships can bring together people with diverse interests, and strengthen outcomes
- make recommendations to the World Summit

The Theme of the Conference are:-

Global Stocktake:

reviewing how local sustainability practices have progressed; hurdles overcome and key features of success, including how changes are being measured in terms of sustainability outcomes.

Integrating Approches:-

integrating social, environmental and economic dimensions of sustainability

Solutions and Innovations

reducing the ecological footprint through appropriate solutions and innovations and technologies that fit the local context

Reports from Director Environment & Community Services

Governance Focused on Partnerships for Sustainability:-

developing political cultures that can deal with long term change. Institutional responses that are required to achieve sustainability at global, national, regional and local level.

Sustainable Cultures and Creating New Cultures for Sustainability:-

recognising and learning from those values and cultures in society that have lead in sustainable practices; accommodating diverse perspectives, education for change, developing effective communication, strengthening the role of groups including youth in social change, strengthening local decision making.

Setting the Pace and Direction for Action:-

accelerating sustainability; challenging the status quo, taking forward the outcomes of the Conference in preparing for World Summit in Johannesburg 2002.

This conference is a major international event focused on sustainability. The Program is as follows:

CONFERENCE PROGRAM OUTLINE			
Sunday 3 March	Monday 4 March	Tuesday 5 March	Wednesday 6 March
9.00am-5.00pm Registration at Adelaide Convention Centre	8.00am Registration	7.30am CEOs' and Senior Managers' Breakfast	9.00am Session Five – Sustainable Cultures and Creating New Cultures for Sustainability.
All day Pre - Conference Study Tours at the following locations: Marion Port Adelaide / Enfield Barossa Alexandrina Adelaide CBD	9.00am Opening Session Karna Welcome to Country	9.00am Session Three – Solutions and Innovations.	11.00am Morning Tea
5.30 pm-7.30 pm Welcome Reception and Opening of Exhibition, Adelaide Convention Centre	9.10am Conference Chair	10.30am Morning Tea	11.30am Session Six - Setting the Pace and Direction for Action.
	9.15am Commonwealth Minister for the Environment	11.00am Concurrent Workshops	12.30pm Lunch
	9.35am City of Newcastle	12.30pm Lunch	1.30pm Reporting Back:
	9.45am City of Adelaide	1.30pm Session Four – Governance Focused on Partnerships for Sustainability.	Panel: Facilitators and Rapporteurs
	10.00am Morning Tea	3.30pm Afternoon Tea	Open Dialogue
	10.30am Session One – Global Stocktake.	4.00pm Optional Workshops	3.30pm Formulating the action plan
	12.30pm Lunch	5.30pm Close	4.30pm Closing Session
	1.30pm Session Two – Integrating Approaches.	7.00pm TV Program on 'Globalisation' (under negotiation)	
	2.45pm Case Studies and Practical Solutions		
	Concurrent Sessions		
	4.00pm Afternoon Tea		
	4.30pm Session Plenary		
	Panel:		
	5.30pm Close of Day 1		
	ICLEI Members Meeting		
	7.00pm Conference Dinner (Adelaide Convention Centre)		

The purpose of this presentation is to meld a number of different theories and models that offer alternatives to conventional economics, and which offer possible solutions to contemporary dilemmas. It will be relevant for sustainable economic planning at the local, regional and global level.

Sustainable development will require institutions that are persistent over time, are obedient to core principles, informed and informing, inclusive of a variety of interests, and sufficiently flexible to learn and improve.

(Stephen Dovers, 'Institutions for Sustainability')
www.acfonline.org.au

For Program updates visit
www.adelaide.sa.gov.au/soc

Please note that the conference program outline is correct at the time of printing.

however, the organisers reserve the right to change the program where necessary.

Reports from Director Environment & Community Services

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Reports from Director Environment & Community Services

37. ORIGIN: Director
FILE REF: Crime Prevention

REPORT TITLE:

Crime Prevention Plan

SUMMARY OF REPORT:

The member for Murwillumbah Mr Neville Newell has written to the Mayor to seek an extension of the Crime Prevention Plan to the whole of Tweed Shire

RECOMMENDATION:

That Council defers a decision on extending the Crime Prevention Plan to the whole Shire until the Cross Border Plan has been completed for Tweed Heads/Coolangatta and an assessment can be made on what resources for implementation will be provided by the State Government and what will be required by Council

Reports from Director Environment & Community Services

REPORT:

The following correspondence has been received from Mr Neville Newell the Member for Murwillumbah:-

Dear Mayor:

Firstly, congratulations on your election as Mayor. I look forward to a fruitful working relationship with the Tweed Shire Council under your leadership.

As you are probably aware I am keen to work with the council to develop a comprehensive Crime Prevention Plan for the whole shire.

The NSW Government, through the Attorney General office, has the Crime Prevention Unit

Local Government in NSW have taken an increasing commitment to crime prevention and adopted our belief that there is no single solution to crime.

Under the Safer Towns and Cities schemes, 20 local councils have been funded to develop crime prevention plans for endorsed Safer Community compacts and at least another 50 councils are also involved in the crime prevention planning process

I believe that there is an opportunity to develop safer communities in the Tweed with a co-ordinated approach through crime prevention.

The Tweed Shire Council in conjunction with the Gold Coast Council and the NSW Attorney General Department is currently involved in the development of a cross-border Crime Prevention Plan. The NSW Attorney's General Department gave funding of \$40,000 to the development of the plan that will focus on the Tweed Heads /Coolangatta area

I proposed to the previous Mayor that the Tweed Shire Council, and myself as the State member, investigate the opportunities that the Crime Prevention Unit offers, to develop a safer Tweed community.

I am now seeking your full support in getting the Crime Prevention Plan implemented for the whole shire.

I look forward to hearing from you on this matter and please don't hesitate to call if you require further detailed information.

Kind regards



Neville Newell MP
Member for Tweed

Reports from Director Environment & Community Services

Council will recall that a workshop was presented on 28 November 2001 regarding the development of the Crime Prevention Plan for Tweed Heads/Coolangatta.

It is considered it would be prudent for Council to await the completion of that plan and observe the level of resourcing of the plan by State Government and demands on Council resources before proceeding with an extension of the activity.

This was the strategy which Council originally adopted and was advised to the Attorney Generals Department representative.

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Reports from Director Environment & Community Services

38. ORIGIN: Recreation Services Unit

FILE REF: Regional Solutions Program; Bilambil Sports Complex

REPORT TITLE:

Regional Solutions Program Grant - Bilambil Sports Complex

SUMMARY OF REPORT:

Council has received advice it has been successful in its application to the Department of Transport and Regional Services (DOTRS) for funding through the Regional Solutions Program of \$268,510 for the purchase of Bilambil Sports Complex.

RECOMMENDATION:

That Council:-

1. Accepts the offer from the Department of Transport and Regional Services for a Regional Solutions Grant of \$268,510 for the purchase of Bilambil Sports Complex and affixes the Common Seal of Council to any necessary documentation.
2. Provides the Department of Transport and Regional Services with:-
 - A written commitment to retaining the land to serve community needs utilising the existing club facilities and that this aspect be incorporated into the Business Plan as required by the Department of Transport and Regional Services
 - A business plan deemed to be satisfactory by the Department for the operation of the complex. The plan is to include cash flow preparation to confirm sustainability/financial viability.

Reports from Director Environment & Community Services

REPORT:

Council has received advice it has been successful in its application to the Department of Transport and Regional Services (DOTRS) for funding through the Regional Solutions Program of \$268,510 for the purchase of Bilambil Sports Complex.

The grant is subject to Council providing DOTRS the following:

- A written commitment to retaining the land to serve community needs and not for commercial uses; and
 - A business plan deemed to be satisfactory by the Department for the operation of the complex. The plan is to include cash flow preparation to confirm sustainability/financial viability.
-

Reports from Director Environment & Community Services

39. ORIGIN: Environment & Health Services Unit

FILE REF: Pollution - Acid Sulfate Soils

REPORT TITLE:

Cudgen Lake Acid Sulfate Soil Hotspot

SUMMARY OF REPORT:

Nominations have been received from five landholders for the two vacant positions on the Cudgen Lake Hotspot Advisory Committee. Two of the nominations are from landholders who have a working knowledge of the issues and control properties where remediation works may be appropriate. The title of the committee and sub-committee also requires amendment.

RECOMMENDATION:

That Council:-

1. Amends the title of the Cudgen Lake Hotspot Advisory Committee and Cudgen Lake Hotspot Project Sub-Committee to the Cudgen Lake Acid Hotspot Advisory Committee and the Cudgen Lake Acid Hotspot Advisory Sub-Committee respectively.
2. Accepts the nomination of Gary Newman and Shirley Streatfield as members of the Cudgen Lake Acid Hotspot Advisory Committee.
3. Appoints Professor Ian White of the Australian National University as a member of the Cudgen Lake Acid Hotspot Advisory Sub-Committee.

Reports from Director Environment & Community Services

REPORT:

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

- “1. *Disbands the Cudgen Lake Catchment Rehabilitation Committee and writes to each member thanking them for their contribution and explaining the process from this point.*
2. *Establishes the Cudgen Lake Hotspot Advisory Committee with the following membership:*
 - 2 Elected members of TSC*
 - Three landholders – 2 selected by Council from nominations plus Reg Carter*
 - Cudgen Drainage Union – Harry Boyd*
 - NPWS*
 - DLWC*
 - NSW Fisheries*
 - Tweed Coastal Committee – as nominated*
 - Acid Sulfate Soil Management Advisory Committee – Robert Quirk*
 - RTA*
 - Abi Group*
 - TSC Director Environment and Community Services – Don Buckley*
 - TSC Project Manager – Mark Tunks*
3. *Establishes the Cudgen Lake Hotspot Project Sub-Committee with the following membership:*
 - TSC Director Environment and Community Services – Don Buckley*
 - TSC Project Manager – Mark Tunks*
 - Cudgen Drainage Union (landholder) – Harry Boyd*
 - Acid Sulfate Soils Management Advisory Committee – Robert Quirk*
 - DLWC*
 - University of New South Wales”*

Nominations have been received from five (5) landholders for membership of the Cudgen Lake Hotspot Advisory Committee.

The nominations were:

- Graham Anderson, Andersons Road, Duranbah
- Mark Roberts, Clothiers Creek Road, Clothiers Creek
- Diane Love on behalf of K & E Walker, Round Mountain Road, Round Mountain
- Shirley Streatfield, Clothiers Creek Road, Clothiers Creek
- Gary Newman on behalf of Hillpalm P/L, Clothiers Creek Road, Clothiers Creek

Reports from Director Environment & Community Services

Ms Streatfield and Mr Newman have been previously involved with acid sulfate soil research in the catchment. They are responsible for properties where remediation works may be appropriate.

RENAMING OF ADVISORY COMMITTEE

It has been noted that the resolution of Council on 7 November 2001 included errors relating to the title of the committee and sub-committee. The correct titles are:

1. Cudgen Lake Acid Hotspot Advisory Committee.
2. Cudgen Lake Acid Hotspot Advisory Sub-Committee.

It is appropriate these titles are amended.

CUDGEN LAKE ACID HOTSPOT ADVISORY SUB-COMMITTEE

Professor Ian White of the Australian National University has been a leader in addressing acid sulfate soils, both in the Tweed Shire as well as nationally and internationally. He has worked closely with Council on this and other projects. His services would be of value to the project. It is considered appropriate he be accepted as a member of the sub-committee.

Reports from Director Environment & Community Services

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Reports from Director Environment & Community Services

40. ORIGIN: Environment & Health Services Unit

FILE REF: Festivals - Other

REPORT TITLE:

Celebrating the Tweed Better - Festivals and Events Forum

SUMMARY OF REPORT:

Council's Cultural Advisory Committee wishes to advise Council on the outcome of the Festivals and Events Forum held Tuesday 27 November 2001.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Environment & Community Services

REPORT:

Council's Cultural Advisory Committee wishes to advise Council of the outcome of the Festivals and Events Forum, *Celebrating the Tweed Better* held Tuesday 27th November. The forum was convened to initiate clear and open discussions between participants in the Tweed's Festivals and Events industry.

Fifty delegates from widespread interest groups came together to workshop and discuss key issues vital to the Festivals and Events Industry on the Tweed. Ros Derrett, lecturer in Tourism at Southern Cross University, led an extremely lively forum which included much animated discussion and debate on the issues.

Those present were also pleased to hear some extremely relevant information from Paul Nannes, North Coast Promotions Manager from television station NBN, who spoke to the delegates on issues relevant to media marketing and advertising.

The workshop identified the cultural assets that we share in the Tweed. These include our diverse, colourful and multicultural community, our facilities, purpose built and open space venues alike, as well as our unique environmental landscape and the dynamic and creative talent that resides in the Tweed. All of these various elements equate to a significant cultural resource that is more than capable of supporting sustainable cultural activity and growth.

The forum has created a framework for a strategic planning process that will enable a collaborative or shared vision. It is envisaged that it will be the first in a series of four workshops. The remaining three will be convened early in the New Year.

In order to deliver tangible outcomes from the forum, Council's Cultural Advisory Committee are planning follow-up workshops, which will cover issues identified in the forum as priority areas, such as funding, marketing and event management

The trilogy of follow-up workshops will be run in February and March 2002 and will focus on (1) Funding - sourcing funds and how to develop a good proposal; (2) Marketing - maximising your promotional opportunities and (3) Event Management - a checklist for managing a successful event.



Dr J Griffin
General Manager

Reports from Committees/Working Groups

1. Minutes of the Community Cultural Development Committee Meeting held Thursday 1 November 2001

File: Cultural Development Committee

VENUE:

Rous Room, Murwillumbah Civic Centre

TIME:

3.45pm

PRESENT:

Cr. Boyd; Geoff Edwards; Gary Corbett; Glenda Nalder; Greg Manson; Bill Bainbridge; Lesley Buckley

APOLOGIES:

Cr. Carroll and Judith Sutton

MINUTES OF PREVIOUS MEETING:

Moved: Cr Max Boyd

Seconded: Gary Corbett

As there was no quorum present at the last meeting, the meeting notes from the September meeting were adopted as a true and accurate record of the proceedings.

BUSINESS ARISING:

1. Youth Development Officer - Jessica Walker

It was noted that it was a very informative meeting and it would be helpful if Jessica could attend every second meeting. Future Minutes will be forwarded to her.

2. Murwillumbah Auditorium

Cultural Development Committee

Discussions took place regarding both the continued refurbishment and management of the venue. The NOPPA model is an exemplary example and further discussions should take place

Reports from Committees/Working Groups

with Lyndon Terrachini. Lyndon and Liz Terrachini have invigorated the Region's Performing Arts industry as well as maximising the use of a Council owned venue.

Moved: Cr. Boyd

Seconded: Bill Bainbridge

RECOMMENDATION:

That Council staff compile a report detailing options for management and operations of the venue similar to the NORPA example. The report should also include a list of what still needs to be done to finalise the refurbishment, as per INARC Design Company's conceptual designs.

3. Draft Economic Plan - Tourism and Cultural Industries 2002 –2004

Cultural Development Committee

Lesley tabled apologies from Mark Tickle who was unable to attend. The Committee discussed the amendments in line with recent invitation by Heritage Council NSW to reactivate the Heritage survey of the Shire.

Moved: Cr. Boyd

Seconded: Glenda Nalder

RECOMMENDATION:

That Council formally adopts the draft Economic Plan – Tourism and Cultural Industries 2002-2004.

4. Cultural Summit

Cultural Development Committee

Lesley tabled information from the summit. Discussions took place regarding two items.

- The NSW Ministry for the Arts has recently devolved funds to Regional Arts NSW - applications close on 16 November. The committee discussed ideas for a submission. It was noted that it would be sensible to collaborate and build upon our existing partnerships. It was decided to develop a project and submission in concert with other organisations, such as Tweed Valley Arts Council and TAFE.
- Powerhouse Museum Travelling Exhibition - following discussion with the Manager for Touring Exhibitions when we were informed that the Powerhouse travel to Ballina, the committee would like to invite the Powerhouse Museum to bring suitable exhibitions to the Tweed.

RECOMMENDATION:

That Council formally invites the Powerhouse Museum to visit the Tweed as part of its regional touring program.

Reports from Committees/Working Groups

GENERAL BUSINESS:

Welcome to New Members

Bill Bainbridge, representing the combined Tweed Historical societies and Greg Manson, representing Tweed Valley Arts Council.

1. Public Art Policy

Draft 5 Public Art Policy was tabled for discussion.

Glenda Nalder tabled an 'Integrated Cultural Opportunities Assessment' to be used in determining future Public Art works. This policy is designed to enable Council to have a holistic overview of the type and scale of artworks in the Shire.

The Integrated Cultural Opportunities Assessment should be included in the Public Art Policy and Guidelines as new public art to be commissioned or gifted to Council should be determined in line with this assessment.

Lesley advised the Committee that TSC has been invited to collaborate with Hastings, Wollongong, and Newcastle Councils as well as the Local Government and Shires Association to develop a Public Art Policy that will be used as a state-wide model.

The Committee strongly recommends that we participate.

A report to Council setting out the details and reasons for this partnership would be necessary for Council to determine its involvement.

2. Festivals Forum

Lesley advised the Committee that the date for the forum is to be Tuesday 27 November at 6.30pm. The venue would be the Murwillumbah auditorium.

A telephone survey has been compiled to define and set agenda for the evening.

Ros Derrett from the School of Tourism at SCU will facilitate the workshop.

3. Meeting with Gold Coast City Council Cultural Development Unit

Lesley tabled information regarding an invitation by GCCC to exhibit a diversity of our local artwork at the new Robina Gallery.

Reports from Committees/Working Groups

Glenda Nalder and Greg Manson to discuss options regarding curating the exhibition and advise Lesley. It was noted that it needs to be confirmed very soon as GCCC have put a hold on the dates for next year.

4. NSW Heritage Council

Lesley advised the committee that Council had received an offer from the Heritage Council of NSW to complete the Tweed Survey. A meeting had been held with Manager Environment and Health and Manager Strategic Planning regarding strategies to proceed with the Study. Lesley is to develop a report and draft plan for future action.

NEXT MEETING:

The next meeting of the Community Cultural Development Advisory Committee will be held 3.45pm Thursday 6 December, 2001.

The meeting closed at 5.45pm.

Director's Comments:

- 1. The recommendation under Item 2 will be the subject of a separate report to Council*
- 2. The Draft Economic Plan & Tourism and Cultural Industries 2002 – 2004 is subject to a separate report to the meeting.*
- 3. That the matter of Powerhouse Exhibition be referred to the Art Gallery Director for report back to the Committee.*

[ccdacminx.doc]

DIRECTOR'S RECOMMENDATIONS:

2. Murwillumbah Auditorium

Cultural Development Committee

Committee Recommendation:

That Council staff compile a report detailing options for management and operations of the venue similar to the NORPA example. The report should also include a list of what still needs to be done to finalise the refurbishment, as per INARC Design Company's conceptual designs.

Director's Recommendation:

As per Committee recommendation.

3. Draft Economic Plan - Tourism and Cultural Industries 2002 – 2004

Cultural Development Committee

Committee Recommendation:

That Council formally adopts the draft Economic Plan – Tourism and Cultural Industries 2002-2004.

Reports from Committees/Working Groups

Director's Recommendation:

As per Committee recommendation.

4. Cultural Summit

Cultural Development Committee

Committee Recommendation:

That Council formally invites the Powerhouse Museum to visit the Tweed as part of its regional touring program.

Director's Recommendation:

That the matter of Powerhouse Exhibition be referred to the Art Gallery Director for report back to the Committee.

Reports from Committees/Working Groups

2. Minutes of the Public Transport Working Group Committee Meeting held Thursday 22 November 2001

Public Transport Committee

VENUE:

Auditorium, Tweed Heads Civic Centre

TIME:

2.30pm

PRESENT:

Committee Members: Barbara Rahmate, Bill McKenniarey, Mark McAskill.

Informal: Robin Spragg, Charlie Hannavy (TSC).

APOLOGIES:

Cr Bronwynne Luff, Don Stubbs, Stephanie Hannah.

MINUTES OF PREVIOUS MEETING:

Moved: Mark McAskill

Seconded: Robin Spragg

RESOLVED that the minutes of the Public Transport Working Group Committee meeting held Thursday 18 October 2001 be accepted as a true and accurate record of the proceedings of that meeting, subject to amendments to include Bill McKenniarey and Barbara Rahmate as apologies at that meeting.

BUSINESS ARISING:

1. Policy Document Review

1(a) Council Motion Regarding Plans for Murwillumbah-Byron Bay Railway

Speeds are very low, and do not seem to have improved. The Premier has stated that \$80M from the Olympics is to be spent on NSW transport infrastructure. It was decided to liaise with Max Boyd, and if necessary write requesting a share of such funds for the Railway.

1(b) Integrating Land Use and Transport – DUAP/Transport NSW Draft Policy

The policy only applies to Metropolitan NSW. It has been suggested that either it should apply to rapidly growing areas like Tweed, or that there should be an equivalent policy for regional areas of the State. Council is considering whether to respond.

Reports from Committees/Working Groups

2. Major Development Review

Public Transport Committee

2(a) Kingscliff District Strategy

Strategic Planner, Charlie Hannavy, described the progress of discussion with technical officers following the submission by the Committee. There was resistance to 'big ticket' items such as bus lanes and LRT, but funding is in place for cycleways and footpaths. Bus lanes are needed where flows are around 40/hour, and it was indicated that routes would use internal roads at Casuarina, not the Coast Road (it was noted that on 21/11/01 Council had resolved to seek funding for a feasibility study to extend LRT into Tweed).

DCP 16 for Subdivision is being revised, with provision for smaller lots and connective roads. However, there was market resistance to increases in density in new release areas.

Multi-use town centres were being promoted, and the extension of Kingscliff TC in particular.

Segregation of cycling and walking was not a funding issue, but needs to be discussed with the Road Safety Officer & RTA. It was suggested a ridge was needed for blind people to identify the cycle lane; which also needs to stop at pedestrian crossings, like the traffic lanes. It was queried whether Chinderah Rd was a cycleway route or not (it is intended to have an on-road cycleway to Casuarina in future).

Kings Forest has only one access, and even a footpath through the environmental reserves would be problem.

It was noted that changes in health services required more travel to Tweed Heads, with more stress for patients.

Pricing mechanisms – charging for parking – need to be considered in relation to the cost of public transport. DCP No 2 does require less parking to be provided in town centres than previously. Should there be a subsidy for public transport, as in Sydney?

It was considered there should be an overall transport strategy for the Coast; possibly the PTC could act as a steering committee for a consultant study?

Local Member, Neville Newell, should be approached regarding funding for the LRT feasibility study. He could be invited to a meeting in the New Year to discuss transport issues.

The next step would be a draft strategy, with broad statements about public transport – a consultant study of the whole Coast from the border to Pottsville.

RECOMMENDATION:

That a consultant be appointed to undertake a feasibility study for LRT, in the context of a broad strategy promoting public transport in the developing Coast area.

Reports from Committees/Working Groups

3. Studies and Submissions

3(a) Murwillumbah Bus Co

Issues at Sunnyside have been resolved, and changes to fencing, shelter and median are being made.

3(b) Surfside Timetable Review

The consultant is working on the Review. It was confirmed that a wheelchair symbol is going on the Trainlink buses.

3(c) NCOSS – Health Transport Project

Workshops proceeding, results in February.

The submission made to DADHC to fund a Tweed Transport Information Service has been successful, with \$10,000 allocated. As a telephone service, this will assist people who cannot read print, but who can use a phone, or narrated tape information. Blind Citizens Australia have asked for Surfside timetables in large print.

GENERAL BUSINESS:

4. PTC Annual Report

A draft report was circulated for comment and subsequent completion.

6. Operation Home Run

Surfside was considering a limited operation on one or two days. Liaison with RTA through Ray Clark for publicity was necessary.

8. Bus Stop Requests

- Caloola Drive was being examined.
- St Cuthberts, Keith Compton Drive (installation of shelter paid for by St Cuthberts) was supported.
- Kennedy Drive, Matilda Motel, has been reinstated.
- Canowindra Respite Centre, Ducat Street, was raised as a high priority stop.

Reports from Committees/Working Groups

Bill raised the matter of arrival announcements by drivers at major bus stops. Mark replied that drivers are currently supposed to make announcements.

Bill circulated information relating to progress towards a National Blind Travel Pass.

NEXT MEETING:

The next meeting of Public Transport Working Group Committee will be held on Thursday, 13 December, 2001.

The meeting closed at 4.30pm.

Director's Comments:

The recommendation in Item 2 was implicitly not accepted in Council's recent resolution on potential extension of light rail feasibility study into Tweed. Any review of that resolution should result from further planning for Tweed Coast.

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DIRECTOR'S RECOMMENDATIONS:

2. Major Development Review

Public Transport Committee

Committee Recommendation:

That a consultant be appointed to undertake a feasibility study for LRT, in the context of a broad strategy promoting public transport in the developing Coast area.

Director's Recommendation:

Nil.

Reports from Committees/Working Groups

3. Minutes of the Tweed River Committee Meeting held Wednesday 5 December 2001

File Ref: Tweed River Management Plan

VENUE:

Cabarita Hotel, Pandanus Parade, Cabarita

TIME:

9.50am.

PRESENT:

Cr W Marshall (Chair), Cr H James (Tweed Shire Council); Messrs C Cormack (Waterways Authority); R James (Caldera Environment Centre); R Hagley, (Department of Land and Water Conservation); R Quirk (Tweed River Advisory Committee & NSW Cane Growers' Association); J Henley, M Tunks, G Judge, J Lofthouse, H Tunks (Tweed Shire Council).

APOLOGIES:

Bob Loring (NSW Fisheries), Cr M Boyd, G Edwards (Tweed Shire Council), T Rabbidge (Department of Land and Water Conservation); L Tarvey (National Parks and Wildlife Service), A Blundell (T & J Blundell); Cr Brinsmead; N Newell (State Member for Tweed);

INFORMAL: Mark Buckley (Waterways Authority), Grant Periott (Tweed Shire Council), Bill Dennison, Nikki Thomas (University of Queensland), Tom Senti (Tweed Enterprise and Development Corporation)

MINUTES OF PREVIOUS MEETING:

Moved: R Hagley

Seconded: J Henley

RESOLVED that the Minutes of Meeting held Wednesday 3 October 2001 be accepted as a true and accurate record of the proceedings of that meeting with amendments made to change all references to "Pottsville Progress Association" to "Pottsville Community Association".

BUSINESS ARISING:

14. Review of Membership of Committee

Tweed River Management Committees of Council Plan

J Lofthouse presented a report on the attendance at committee meetings over the past 2 years. The report is summarised by the table below:

Cr W Marshall	15
Cr M Boyd	13
Cr R Brinsmead	2
Cr H James	12
R Hagley DLWC	12
T Rabbidge DLWC	6
L Tarvey NPWS	6
B Loring	8

Reports from Committees/Working Groups

C Cormack WA	14
G Budd EPA	0
A Blundell	3
R Quirk	8
R James	8
J Henley	14
J Lofthouse/H Tunks	13
G Judge	13
G Edwards/M Tunks	13
N Newell	1

John Henley reported that at the Council Meeting of 3 October 2001, Council resolved to reduce the Councillor membership of the Tweed River Committee to three Councillors. Cr Boyd, Cr James and Cr Marshall (Chair) remain on the Committee.

Discussion regarding representation on Tweed River Committee. R Hagley to discuss DLWC representation and to report back to Committee. John Henley to discuss with Lance Tarvey the representation from NPWS on the Committee. EPA has advised that they will not be represented on the Committee. Alan Blundell has been approached and has advised he will discuss with J Henley his representation on the Committee, or recommendations for an alternative representative from the dredging industry. Discussion regarding issuing an expression of interest and an appropriate replacement to represent dredging industry.

RESOLVED that J Henley & Cr Marshall to pursue representations on the Committee.

4. Tweed River Estuary Management Plan Review – Additional External Funding Tweed River Management Plan; Estuary Management

J Lofthouse reported from the minutes of Council Meeting of 7 November 2001. At that meeting Council discussed the Committee's recommendation to Council to consider creating a position devoted specifically to the pursuit of external funding for natural resource management, recreation and tourism infrastructure. Council resolved that it considers the position as part of its 2002/2003 Budget deliberations.

J Lofthouse reported that Council also discussed the Committee's recommendation that a Tweed Natural Resources Management Board be formed to co-ordinate catchment management issues impacting on the Tweed River, its tributaries and the coastal creeks and implements the Tweed Catchment Management Plan, when adopted. J Lofthouse reported that the Council resolved in accordance with the Director's Comments: That the Tweed River Committee continues to co-ordinate catchment management issues within the Tweed Valley in the short term.

Reports from Committees/Working Groups

R Quirk reported that funds may be available from NHT funding held by the Northern Rivers Catchment Management Board (NRCMB) to assist in preparation of projects seeking new NHT funding next year. Enquiries to be made to Wayne Garrard of DLWC.

7. River Festival for Tweed

Estuary Management; Festivals - Other

Cr Marshall advised that a date for the inaugural Tweed River Festival date needs to be set. Discussion and agreement on the suggestion that the Festival be held from 26 October running through to 2 November 2002 to complement the Tweed Agricultural Show. C Cormack to report back to Committee regarding the dates of other river events at that time of the year. A sub-committee meeting will be held shortly.

AGENDA ITEMS:

1. Correspondence Inwards

Tweed River; Boating

- (a) A copy of correspondence to the Minister for Transport, Carl Scully, from the Murwillumbah Rowing Club has been received requesting the establishment of a ski-free zone on the Tweed River between Murwillumbah Bridge and Condong Bridge. A copy was distributed to the members with the agenda.

M Buckley (NSW Waterways Authority) advised that a large number of issues have to be addressed regarding recreational use of the river. NSW Waterways Authority will respond to the letter.

Discussion regarding the future boating management plan. C Cormack advised that congestion on the river has become worse as there are more rowers and more skiers. M Buckley advised that individual incidents will be investigated as reported. Discussion regarding contents of letter and behaviour of skiers. G Judge commented that recreational use of the river should be planned via Recreational Strategy, perhaps using timing instead of space.

RESOLVED that a letter of response be sent to the Murwillumbah Rowing Club thanking them for the copy of the letter and advising them the Tweed River Committee is jointly developing a Boating Plan of Management with NSW Waterways Authority and this issue will be taken into account, along with other relevant issues. NSW Waterways Authority (WA) to report back to meeting on progress of Plan.

R Hagley advised that DLWC would like to initiate a more strategic response to management of foreshore structures within the Tweed River. Liaison with WA will occur and Committee will be kept informed by R Hagley.

Reports from Committees/Working Groups

(b) Southern Boat Harbour Beach

Beaches – Foreshore Protection; Parks/Maintenance - Improvements

Correspondence has been received from the Tweed District Residents & Ratepayers Association requesting expansion of the foreshore-landscaping program currently underway to include the weeding and stabilisation of the beach area.

Stewart Brawley responded to letter, see copy at the end of this report.

(c) Stormwater Education and Assessment (SEA) Program

Stormwater Trust Grants

Correspondence has been received from Tweed Shire Council's Water Unit requesting endorsement of an application for continued Stormwater Trust funding for the second phase of the SEA program. The second phase of the program is a joint effort between 6 Northern Rivers Councils and proposes to specifically target more than 5000 commercial businesses in the region with strategic stormwater education and assessment.

Moved: R Hagley

Seconded: J Henley

RESOLVED that application for funding be endorsed and the program if successful be continued to be supported with in-kind assistance.

2. Program Status – Budget Review

Tweed River Estuary Management Plan

A budget review was presented by Jane Lofthouse, and included the following proposed funding allocations as distributed to each member with the agenda:

		BALANCE OF TOTAL ALLOCATION	CHANGES	RECOMMENDED REALLOCATION
A.5781.002	TERRANORA BROADWATER PLAN	\$73,346	TERRANORA BW PROJECTS	\$103,346
A.5781.003	TONY'S ISLAND	\$37,117	move to 006	-
A.5781.004	RIPARIAN PLANS	\$7,922		\$7,922
A.5781.006			FORESHORE PROJECTS NEW	\$92,837
A.5781.007	WETLAND ENHANCEMENT	\$135,177	WETLANDS - COBAKI	\$135,177
A.5781.009	STORMWATER PROJECTS	\$42,171		\$42,171
A.5781.010	PROJECT COORDINATION *	\$31,733		\$31,733
A.5781.011	AREA 5 EIS	\$25,720	move to 006	-
A.5781.012	UKERABAGH PASSAGE	\$80,299	move some to 002/006	\$20,299
A.5781.013	FINGAL PENINSULA	\$190,978		\$190,978

Reports from Committees/Working Groups

		BALANCE OF TOTAL ALLOCATION	CHANGES	RECOMMENDED REALLOCATION
A.5781.016	WALKWAY	\$7,616	move to 022	
A.5781.018	EDUCATION	\$30,175		\$30,175
A.5781.020	MONITORING	\$54,800		\$54,800
A.5781.021	WATER QUALITY PLAN	\$208,216		\$208,216
A.5781.022	HYDROGRAPHIC SURVEY	\$11,967		\$19,583
A.5781.023	RIPARIAN VEG REHAB	\$49,009		\$62,247
A.5781.024	S'WATER AWARENESS CAMPAIGN	\$9,323		\$9,323
A.5781.026	BANK STABILITY PROJECTS	\$11,348	BANK ENHANCE PROJECTS	\$20,000
A.5781.028	CHIND FORESHORE ENCHANCE	\$103,966		\$103,966
A.5781.029	BIRD ROOSTING SITES	\$26,550		\$26,550
A.5781.030	TWEED EST LANDOWNERS FUND	\$21,889	move to 023/026	
A.5781.031	ASS PROJECTS	\$32,055		\$32,055
A.5781.032	WATERWAY PLAN RECREATION	\$5,000		\$5,000
		\$1,196,378		\$1,196,378

Moved: J Henley
Seconded: R Quirk

RECOMMENDATION:

That the allocations be adopted as presented

3. Environmental Forum

Environment Protection; Conferences

Grant Periott (Tweed Shire Council) presented a proposal for a one-day environmental forum in response to a perceived need for greater awareness of environmental management activities and processes in our region. The idea was first fielded at a Tweed River Committee meeting where five regional organisations gave brief presentations of their environmental projects and their role in the community.

R Quirk advised that the NRCMB discussed the matter of private organisations funding revegetation projects by incorporated bodies eg Big Scrub.

Moved: J Henley
Seconded: W Marshall

Reports from Committees/Working Groups

RESOLVED that the Tweed River Committee support the concept and facilitate the coordination of an Environmental Forum.

4. Bank Erosion – Tweed River, South Murwillumbah

Riverbank - Erosion

Correspondence has been received from concerned residents of River Street, Murwillumbah. A copy was distributed to members with the agenda. J Henley provided history regarding complaints from that area and advised that the recurring issue is boating pressure and increased erosion around boat ramp. Riverbanks are all privately owned and approximately 2m has been lost over 10 years.

H James advised that all armouring works/bank stabilisation works require submission of Development Application. M Buckley advised that the width of the river does not restrict skiing as a 60 m separation between boats is not required if width of the river does not allow this to be achieved, and other contributing factors may be an issue eg wind/wave action. Discussion regarding the critical areas mapped in Bank Management Strategy.

RESOLVED that the author be advised that:-

1. Bank stabilisation and repair works were the responsibility of the landowner, and development consent is required prior to works. To assist landowners in this process, Council has prepared a Bank Management Strategy.
2. In conjunction with NSW Waterways Authority, Council is preparing a Boating Management Plan that will address the issue of recreational use of the river and the associated impacts of such use.

Tom Senti (TEDC) arrived 10.40am

5. Commercial Boating Operations

GR1/1 Pt3; Boating

John Henley advised that Development Applications were to be submitted in mid-November. A letter from some commercial boat operators requesting an extension of time is expected to be received. Cr Marshal advised that more positive progress should be required.

J Henley advised that DLWC will undertake dredging of siltation near pump out facility to ensure there are no obstacles to use of the facility.

Current agenda suspended

6. Tweed River Link Project Update

Boating; Pontoons

In response to an invitation from Cr Marshall, Tom Senti presented the history of the Tweed River Link Project and an update of the progress of the project. Tom Senti discussed issues of

Reports from Committees/Working Groups

boating facilities. Facilities upstream have been negligible until the Alma Street Pontoon. The Tweed River Link Project involves establishing a facility that will promote the historical significance of Murwillumbah in the adjacent area off Nichol Park and will include a heritage wharf, park and boardwalk.

Tom Senti reported that applications to the Regional Tourism Program and the Regional Solutions Program for funding for the Tweed River Link Project had not been successful. Other avenues of funding need to be sought.

Agenda resumed

7. Coast to Coast Conference 2002

Coastal Management, Conferences/Seminars General

Australia's biennial National Coastal Conference is to be held at Twin Towns Services Club in November 2002. A brochure outlining the conference preparation timeline and an expression of interest form was distributed to the members with the agenda.

The NSW Coastal conference will be held in conjunction with the National Coastal Conference, making the event a major conference. J Lofthouse will be involved in coordinating field trips etc. J Henley advised that the Committee should consider sponsoring people from volunteer organisations to attend the conference when costs are available.

8. Tweed River Ecological Monitoring Results Ecological Monitoring

Waterways - Monitoring

Presentation by Dr Bill Dennison and Nicola Thomas of the University of Queensland. The results of ecological monitoring within the Tweed River estuary were presented in a format that enhanced understanding of the processes of measuring ecological health and the impact of activities within the catchment on ecological health. The general message from the presentation was that upstream water quality improvement measures will be most effective and should address, agricultural runoff, stormwater and a reduction in STP discharge. A draft copy of the associated publication "Waters of the Tweed II" was distributed to each member with the agenda.

R James attended 11.20am

GENERAL BUSINESS:

9. Monitoring of McLeods Creek

Waterways – Monitoring; Acid Sulfate Soil

R Quirk summarised the results of monitoring in McLeods Creek, advising that the pH has been observed to recover to a level of 8.5, and indications are that the Abi Group has enhanced pH levels through their liming program. Fish have been observed in McLeods

Reports from Committees/Working Groups

Creek. Monitoring on Robert's farm recorded a pH of 3.7, recovering to a pH of 8 after rock lime blanket treatment.

Robert Quirk presented information on new floodgate design at McLeods Creek that allows adjusted flows. Funds of approximately \$3000 are now requested to install modifications to gate to assess its effectiveness. Monitoring equipment is in place. Discussion on past investment in acid sulfate soil research and projects.

R Quirk left meeting at 1.35

Moved: W Marshall

Seconded: J Henley

RESOLVED that the Tweed River Committee financially support this innovation to assist with the floodgate modification in McLeods Creek.

NEXT MEETING:

The next meeting of the Committee is to be held on 20 February 2002 at the Canvas & Kettle Restaurant commencing at 9.30 am.

The meeting closed at 12.25 for lunch, resumed at 1.30 and closed again at 1.40pm

Reports from Committees/Working Groups

Please Quote
Council Ref:

[hbltr]

Your Ref No:
For Enquiries
Please Contact: Mr Stewart Brawley
Telephone (02) 6670 2440

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26 November 2001

Tweed District Residents & Ratepayers Ass
PO Box 801
TWEED HEADS 2485

Dear Mr Hoskisson

Small Beach – Corner Brett St & Wharf St

I refer to your letter dated 31 October 2001 regarding a small beach on the corner of Brett and Wharf Street.

The completion of the footpath will enable the native strip area to be 'tidied up' and returned to usual maintenance levels.

With reference to the gardens at the Anchorage sign, this area was maintained by Lend Lease. As the final stages of the Anchorage have been completed, Lend Lease has obviously ceased to maintain these gardens. Subsequently, Council will return these gardens to a state that is easily maintained with consideration to the fact this area will not be irrigated.

Yours faithfully

Stewart Brawley
Manager Recreation Services

Director's Comments:

NIL

[document6]

DIRECTOR'S RECOMMENDATIONS:

2. Program Status – Budget Review

Tweed River Estuary Management Plan

Committee Recommendation:

That the allocations be adopted as presented.

Director's Recommendation: *That the Committee's recommendation be endorsed.*

Reports from Committees/Working Groups

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

4. **Minutes of the Regional Companion Animal Committee Meeting held 3 December 2001**
 5. **Minutes of the Tweed Coastal Committee Meeting held Wednesday 5 December 2001**
 6. **Minutes of the Tweed River Regional Art Gallery Advisory Committee Meeting held Thursday 6 December 2001**
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Reports from Committees/Working Groups

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Delegate's Reports

41. ORIGIN: Cr W Marshall

FILE REF: ALGA

REPORT TITLE:

Report on ALGA National Assembly – Canberra 25 – 28 November 2001

RECOMMENDATION:

That this report be received and noted.

Delegate's Reports

REPORT:

*Report on ALGA National Assembly - Canberra 25th to 28th
November 2001 - By Cr. Wendy Marshall*

Attachments for distribution to relevant Departments:

- National General Assembly of Local Government 2001- Business Paper (2 copies)
- State of the Regions Report 2001 (*Purchased*)
- Leading Practice 2001
- The Buy Recycled Guide 2nd edition
- Recycling Directory CD - Western Sydney Waste Board
- ICLEI - 2001 CCP Australia news release & 2001 report
- Australian Bureau of Statistics - Census 2001 Booklets & CD
- Infrastructure asset condition in SA - CD (case study)
- The STATUS network - information sheet
- Business Entry Point - Demonstration Program - with attached sheet on electronic DA lodgement program in Penrith City Council
- National Local Government Biodiversity Exec. Summary Survey
- Local Government Training Package Case Studies
- Inter Governmental Committees on Drugs - Local Government Sub-committees -Progress Report - November 2001
- Registration Programme Outline for "Sustaining our Communities" Conference Adelaide March 2002
- National Transport Secretariat news letter
- Performance based standards for Heavy Vehicles - information bulletin

Delegate's Reports

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Most delegates arrived, as I did, on Saturday evening, so that we could attend the Regional Development Forum all day on Sunday the 25th November 2001. This Forum was used to release the new report "State of the Regions 2001". I thought this sufficiently important to purchase a copy on behalf of Council.

The discussions touched on many areas that we, as a Council, have discussed & workshopped many times. The debate was interesting & varied, but showed quite clearly that the ALL local government areas in Australia are experiencing the same difficulties & frustrations.

I will forward a copy of the Overview Statement to TEDC as this covers the farming & development issues & should be helpful for broader understanding.

I found the Debate sessions of the Assembly both interesting & invigorating. There were a total of over 60 motions (after the acceptance of late items), some of which were hotly debated & others went through with full agreement & no debate. This year all motions were attended to.

I was surprised to hear debate against the Tweed Shire Council's motion for extra funding for Bridges maintenance & repair. Naturally I felt obliged to get up & talk to the motion & was gratified that others in the assembly spoke most eloquently in favour of our motion. The debate against included the idea that this direction for more funding would jeopardise the current Roads to Recovery funding programme. The chair Cr John Ross also stated the motion was "ultra virus". This suggestion was strenuously denied as "nonsense" by many in the Assembly. The end result was that our motion was won!

The content of the workshops I attended were interesting & informative, the one on Transport & Assets from the Institute of Public Works was well received by all present & attracted the majority of interest.

At 7am on Monday the 26th November I attended the breakfast presentation of the 2001 awards for ICLEI. It was disappointing Tweed was not on the list this year. However, the presentation after the awards, brought new information

Delegate's Reports

on a new award on Water Quality, being graded in a similar way to that of the Cities & Climate protection.

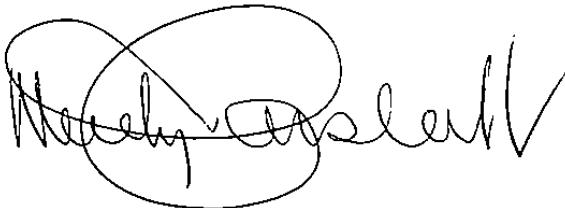
After the awards I spoke with the ICLEI & CCP representatives & asked them to contact Tweed Shire Council with the possibility of Tweed participating in this new initiative, as we are already very active in clean waterways & educating sensible water usage.

As an integral part of the networking program I attended the Elected Representatives Reception at the Australian War Memorial & experienced a showing of the wonderful surround sound, visual image presentation of the Mini Sub in Sydney Harbour during World War 2. This was one example of many such displays, which are now operational in the new Centenary of Federation wing of the Museum.

Following this thought evoking experience, we were ferried to the new Australian Museum for a relaxed networking evening, viewing the new museum & appreciating the time & effort which has been put into this memorable building.

I also took the opportunity to visit the Peoplescape Exhibition at the grounds of Parliament House.

I found this conference to be rewarding & worthwhile & greatly appreciate the opportunity to attend & participate in the debates. It would be encouraging to see more Motions from Tweed next year. Some Councils, such as Blacktown, Brisbane, City of Whitehorse (Vic), Penrith & King Island, were certainly very active in this area.



Orders of the Day

1. Notice of Motion - Cr Lawrie

Tweed Heads CBD

Notice of Motion; GT1/DCP/18 Pt6; DCP; Transport Strategy

That Council approaches State Member, Neville Newell to in turn request the NSW State Government to:-

1. Consider the establishment of a development authority to oversee the redevelopment of the Tweed Heads CBD.
2. Assist Council to develop/establish a transport strategy for Tweed Shire with particular focus/emphasis on the Tweed Heads CBD and its connectivity with South East Queensland.

2. Notice of Motion - Cr Lawrie

Councillor Legal Costs

Notice of Motion; Councillor - General; Legal Costs; ICAC

That in the event of:-

1. Any enquiry, investigation or hearing by any of:-
 - the Independent Commission Against Corruption;
 - the office of the Ombudsman;
 - the Department of Local Government;
 - the Police;
 - the Director of Public Prosecutions; or
 - the Local Government Pecuniary Interest Tribunal,into or involving directly or indirectly the conduct of a Councillor, or
2. Legal proceedings being taken against a Councillor, arising out of or in connection with the Councillor's performance of his or her civic duties or exercise of his or her functions as a Councillor, Council shall reimburse each Councillor, at the conclusion of such enquiry, investigation, hearing or proceeding, all legal expenses properly and reasonably incurred given the nature of the enquiry, investigation, hearing or proceeding, on a solicitor/client basis PROVIDED THAT:-

Orders of the Day

- a. the amount of such reimbursements shall be reduced by the amount of any monies that may be or are recouped by the Councillor on any basis; and
 - b. the enquiry, investigation, hearing or proceeding results in a finding substantially favourable to the Councillor.
-

3. Notice of Rescission - Cr Marshall, Cr Beck and Cr Luff

Election - Referendum

Notice of Rescission; Elections – Wards & Ridings; Referendums

That Council resolution at Minute No 344 in relation to Item 1 Orders of the Day of the Meeting held 17 October 2001 being:-

".....that Council conducts a referendum on the introduction of a Ward system of voting on or about Saturday, 6 July 2002."

be rescinded."

4. Notice of Motion – Cr Marshall

Meetings with Federal Member

Notice of Motion; Communications Committee; Council Management

That the General Manager be requested to arrange regular meetings with the Local Federal Member, the Mayor, the General Manager and any interested Councillors to ensure a clear and direct route of communication on projects and matters relating to the Shire, as used to be case when Cr Boyd was the Mayor.

5. Notice of Motion – Cr Marshall

Policy – Low Light Reflective Building Materials

Notice of Motion; Building – Code; Building - General

That a suitable policy be developed to give effect to the matter of external roof and wall materials to ensure low light reflectivity characteristics and be in such colours as appropriate to compliment the area and amenity of the area and not be prominent against the background of the structure.

Orders of the Day

6. Notice of Motion – Cr Beck

Child Safety at Swimming Pools

Notice of Motion; Pool – Tweed Heads; Pool – Kingscliff; Pool - Murwillumbah

That to encourage families to be responsible and to watch over the safety of their children in the Tweed Shire Council swimming pools, that non-swimming minders be allowed into the pool complex free of charge.

7. Notice of Motion – Cr Beck

Casuarina Development

Notice of Motion; Geographical Names Board; Casuarina Development

That the development known as Casuarina Beach (being the area covered by the Stage 1 Development Approval formally known as Lenen South) as bounded to the south by the Cudgen Nature Reserve to the north by the Crown Road reserve (south of Seaside City) and to the west by Old Bogangar Road or dedicated Council Reserve, be called “Casuarina”.

8. Notice of Rescission - Cr Beck, Cr Marshall and Cr Luff

General Managers Review

Notice of Rescission; General Managers Review

That Council resolution at Minute No C67 in relation to Item 1 of Reports from Committees/Workgroups in Committee of the Meeting held 19 September 2001 being:-

".....that the fuel allowance for the General Manager be increased to \$6,000 effective for the year 2000/2001."

be rescinded."

9. Notice of Motion - Cr James

Black Rocks Estate - Environment Protection

Notice of Motion; LEP - Black Rocks; GT1/LEP/2000/8 Pt1

That management and tenure of all lands zoned for environmental protection on the Black Rocks property be considered as part of Amendment No 8 to Tweed LEP 2000 (Black Rocks Estate).

Orders of the Day

10. Notice of Motion - Cr Luff

Tweed Shire Council Elections - 1999

Notice of Motion; GE1/1/99 Pt2

That this Council supports the Electoral Commission holding a full enquiry/audit into the electoral returns made for the 1999 elections of Tweed Shire Council.
