

# Items for Consideration of Council

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*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* 5

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*Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (b) the personal hardship of any resident or ratepayer* 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* 17

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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* 49

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# Schedule of Outstanding Resolutions

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## 20 SEPTEMBER 2000

### REPORTS FOR DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

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

**Building Code**

335

Cr Luff

Cr Marshall

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

**Current Status:** To be finalised.

---

## 4 OCTOBER 2000

### REPORTS FROM SUB-COMMITTEES

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

#### 7. Bush Fires, Hastings Point

**Dune Care**

372

Cr Luff

Cr James

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

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# Schedule of Outstanding Resolutions

**Current Status:** Meeting held in December. Plan preparation progressing. Preliminary Plan proposed to be available for presentation to Council April 2001. Implementation costs unknown at this stage.

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## 18 OCTOBER 2000

### REPORTS FROM DIRECTOR CORPORATE SERVICES

#### 8. Quarterly Budget Review - 30 September 2000

**Budget**

403

Cr Marshall

Cr Youngblutt

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

**Current Status:** Report to be finalised.

---

### REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

#### 4. Bush Fires, Hastings Point

**Bush Fire Brigades, Rainforest, SEPP, Notice of Rescission**

371

Cr James

Cr Luff

**RESOLVED** that Council:-

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

**Current Status:** Investigation progressing.



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# Schedule of Outstanding Resolutions

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## 20 DECEMBER 2000

### ORDERS OF THE DAY

1. Council Pound Facility

Dog Pound, Notice of Motion

651

Cr Marshall

Cr Youngblutt

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

**Current Status:** Report to go to Council Meeting of 4 April 2001.

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## 24 JANUARY 2001

### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

2. Tweed Road Contributions Plan CP No 4, Provision for Time Payment of TRCP Contributions

GT1/S94/4 Pt4

716

Cr Polglase

Cr Lawrie

**RESOLVED** that a further report be brought forward in regard to the Tweed Road Contribution Plan No. 14 in regard to small business tenants of rented premises of not more than 1,000m<sup>2</sup>.

**Current Status:** Matter to be finalised.

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## 21 FEBRUARY 2001

### REPORTS FROM DIRECTOR ENGINEERING SERVICES

11. Tweed Valley Flooding 2 - 4 February 2001

Floods, SES

766

Cr Boyd

Cr Carroll

# Schedule of Outstanding Resolutions

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**RESOLVED** that:-

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

**Current Status:** Report being prepared.

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1. **Roadside Stall at Lot 1 DP 567745, Lots 2 and 3 DP 208563 and Adjacent Road Reserve, Pacific Highway, Fernvale**

**DA4040/5115 Pt2**

**770**

**Cr Marshall**

**Cr Davidson**

**RESOLVED** that this item be deferred until after the next Local Traffic Committee meeting.

**Current Status:** Awaiting the minutes of the Local Traffic Committee.

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## QUESTION TIME

3. **Centenary of the Municipality of Murwillumbah**

**Council Management**

**Cr Boyd**

Advised that on 27 May 1902, the Municipality of Murwillumbah was gazetted and asked does Council intend to recognise this centenary.

The General Manager responded that a report would be brought forward for Council consideration.

**Current Status:** Report being prepared.

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# Schedule of Outstanding Resolutions

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**7 MARCH 2001**

**REPORTS FROM DIRECTOR DEVELOPMENT SERVICES**

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

**DA4420/94 Pt1**

**796**

**Cr Luff**

**Cr Boyd**

**RESOLVED** that:

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

**Current Status:** To be finalised.

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# Schedule of Outstanding Resolutions

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# Items Deferred

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## ITEM DEFERRED FROM MEETING 7 MARCH 2001

1. *Draft Development Control Plan No. 43 - Kingscliff*

*GT1/DCP/43 Pt1*

793

*Cr Beck*

*Cr Youngblutt*

*RESOLVED that this item be deferred to allow Mr Neil Sutherland to address Council at Community Access and a report be brought forward to the meeting of 21 March 2001.*

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

**FILE REF: GT1/DCP/43 Pt1**

**REPORT TITLE:**

**Draft Development Control Plan No. 43 - Kingscliff**

**SUMMARY OF REPORT:**

Over the past three years, Council has developed design and planning guidelines for Kingscliff. The result of this process is Draft Development Control Plan (DCP) No. 43 - Kingscliff. The Draft Development Control Plan was publicly exhibited for over two months. Four submissions were received, and some amendments have been made to the document, which is now recommended for adoption and is Annexure 1 to this report. Policies for heights of buildings, view protection and car parking will be subject of further recommendations to Council in the near future.

**RECOMMENDATION:**

That Council:-

1. Adopts the amended version of draft Development Control Plan No. 43 – Kingscliff pursuant to Section 21 of the Environmental Planning and Assessment Regulation 2000,.
2. Forwards a certified copy of the approved Development Control Plan to the Director-General of the Department of Urban Affairs and Planning, and
3. Gives public notice of its decision.

# Items Deferred

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## REPORT:

### BACKGROUND

The Draft Development Control Plan No. 43 – Kingscliff was developed from the Kingscliff Urban Design Plan prepared for Council in 1998 by Deicke Richards Architects. Public submissions concerning the Urban Design Plan were taken into account during the preparation of the Draft Development Control Plan.

A report concerning Draft Development Control Plan No. 43 – Kingscliff was presented to Council's Meeting on 15 November 2000.

At this meeting, it was resolved that Council:-

- “1. Prepares a Development Control Plan for Kingscliff in accordance with Section 72 of the Environmental Planning and Assessment Act 1979;
2. Exhibits the draft Development Control Plan attached to this report in accordance with Section 72 of the Environmental Planning and Assessment Act 1979 – the exhibition to also include the Kingscliff Urban Design Plan.”

### PUBLIC EXHIBITION

The draft Development Control Plan was originally placed on public exhibition from 22 November to 20 December 2000. This period was extended up to 5 February 2001, at the request of the Kingscliff Ratepayers and Progress Association. Council staff addressed a meeting of the Ratepayers and Progress Association in December to explain the Draft Development Control Plan and to address issues raised by the public at the meeting.

### PUBLIC SUBMISSIONS

Four public submissions were received in response to the exhibition of the Plan. Three of the submissions, including one from the Kingscliff Ratepayers' and Progress Association, were generally supportive of the Plan. Issues raised by some submissions (*italic text*) are addressed (in regular text) below:

- *Tourist accommodation - should be low key and of a North Coast architectural style.*

The design guidelines in DCP 43 are intended to apply to all forms of development including tourist accommodation. All new development will be required to be in keeping with the desired future character of the town.

- *Cudgen Creek walkway - provide a walkway over the Cudgen Creek estuary with a walking track loop through regenerated coastal rainforest back to Cudgen Creek Bridge, as originally proposed in the Deicke Richards Urban Design Plan.*

The proposal for a walkway across the Creek estuary and a loop walking track back to the Coast Road is included in Council's Section 94 Plan No.22 – Cycleways. To ensure consistency between the plans, the cycleway loop should be indicated on the DCP Structure Plan.

## Items Deferred

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- *Building control – control/supervision of building construction should not be given to the private sector.*

The Environmental Planning & Assessment Act 1979 allows for the private certification of some forms of development and the issue of various compliance certificates by private sector accredited certifiers. This is not a matter that can be addressed under this DCP.

- *Public transport – service should be extended to the library. Prioritise provision of bus shelters.*

The Library is a significant public facility. The Community Health Centre is to be constructed adjacent to the Library and other public facilities may follow. It would therefore be desirable for public transport to service these facilities. This would need to be negotiated with the bus operator, and is an issue that Council's Strategic Planning Unit will follow up.

- *Commercial centres – traffic issues associated with the proposed Ozone St commercial centre need careful consideration.*

Detailed traffic issues will be assessed with any future development application(s) for commercial development.

- *Foreshore reserve – access paths should be 'angled' at the beach approach to help coastal sand erosion. Additional picnic tables and shelters should be erected. The entire foreshore park could be developed in the form of a botanical garden with native species.*

These detailed issues are more appropriately addressed under the Coastal Reserve Plan of Management which is the governing document for the Foreshore Reserve.

- *Corner buildings – it must be ensured that the concept of truncated corner buildings will not penalise property owners.*

It is not considered that the concept of truncated corner buildings will adversely impact on property owners. The intent is to improve the appearance of the building from the street. Truncations do not have to be of a significant scale so they will not significantly impact on the development potential of a site.

- *Landscaping – only species suitable to coastal conditions should be planted.*

The DCP encourages use of species native to the North Coast. However, Clause 8.1.7 of the DCP that relates to landscaping can be amended to include a statement to the effect that species planted within proximity of Marine Parade and the foreshore Reserve must be suited to wind and salt exposure.

- *Moss Street – Moss Street is in urgent need of upgrading.*

Moss Street is scheduled to be upgraded this month.

- *Design controls - the proposed development controls are overly prescriptive and will discourage creative design.*

## Items Deferred

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The design guidelines are intended to encourage creative design. They specifically cater for and encourage a wide array of design elements. They are not considered to be overly prescriptive, as they are based on conceptual rather than numerical requirements.

- *Housing form - the DCP will risk promoting housing forms which would be attractive only to specific age groups, e.g. elderly or transient people. Council's policies must permit a wide range of housing forms and flexible site planning.*

The DCP caters for medium density housing forms in medium density zones and low density housing in low density zones. The range of permitted densities therefore allows for housing forms suitable for all age groups. It is possible that particular 'groups' of people, such as transient people or the elderly may be more attracted to medium density housing. It is important that all people are catered for and it is considered that DCP 43 will successfully achieve this.

### AMENDMENTS TO DRAFT DEVELOPMENT CONTROL PLAN

The following amendments have been made to the Draft Development Control Plan since its exhibition:

- Inclusion of the cycleway loop across Cudgen Creek as indicated in Section 96 Plan No.22 – Cycleways;
- Clause 8.1.7 (Landscaping) has included an additional requirement that plants in exposed areas be selected from species suited to wind and salt exposure;
- Correction of minor grammatical and text errors;
- In the Kingscliff Hill Precinct, the Type 5 Building (two storey residential) will now apply only to that part of the precinct which is zoned residential and subject to a two storey height limit. The Type 5 Building will no longer apply to those parts of the precinct subject to a three storey height limit as designated under Tweed LEP 2000;
- The minimum width for footpath awnings associated with Commercial Buildings (Type 1 and 2 Buildings) has been reduced from 3m to 2.5m. The 3m minimum width was considered to be excessive.

### OTHER KEY ISSUES

Controlling building heights and related management of potential view depreciation – together with provision of public car parking – are key issues in Kingscliff for policy response in the near future.

### CONCLUSION

The Draft Development Control Plan for Kingscliff embodies appropriate design and planning guidelines for Kingscliff in accordance with the community's expectations.

The Draft Development Control Plan was exhibited for over two months, and four public submissions were received.



## Items Deferred

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It is envisaged that the Development Control Plan will encourage Kingscliff to develop with a unique character, by providing a strong emphasis on a high quality public environment and a high standard of building design.

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# Items Deferred

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**5. ORIGIN: Development Assessment Unit**

**FILE REF: DA4970/30 Pt1**

**REPORT TITLE:**

**Proposed Attached Dual Occupancy at Lot B DP 376740 Seaview Street, Kingscliff**

**SUMMARY OF REPORT:**

An application has been received seeking approval for a two (2) storey attached dual occupancy at the abovementioned land. Existing improvements include a single storey dwelling which will be either removed or demolished.

Adjoining property owners were notified and one(1) submission of objection was received. The submission raised concerns in relation to loss of views, overshadowing, decreased property values, privacy, parking and site retaining.

It is considered that the design, scale and height of the development are generally consistent with the existing built character of the locality and this has achieved a development that does not have a significant impact on the residential amenity of the locality, particularly on the immediately adjoining residences. Accordingly, it is considered that the proposal should be supported. Plans of the proposal will be available at the Council meeting and a video tape provided by the objector.

**RECOMMENDATION:**

That the application submitted by Glen Petersen Architect Pty Ltd for the erection of an attached dual occupancy at Lot B DP 376740 Seaview Street, Kingscliff be approved subject to the following conditions:-

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: \$1,820.00

S94 Plan No. 4 (Version 4.0)

Kingscliff residential

## Items Deferred

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- b. Open Space (Structured): \$426.00  
S94 Plan No. 5
  - c. Open Space (Casual): \$333.00  
S94 Plan No. 5
  - d. Shirewide Library Facilities: \$225.00  
S94 Plan No. 11
  - e. Eviron Cemetery/Crematorium Facilities: \$126.00  
S94 Plan No. 13
  - f. Community Facilities (Tweed Coast) \$492.00  
(Insert whether North Coast or South Coast)  
S94 Plan No. 15
  - g. Emergency Facilities (Surf Lifesaving) \$256.00  
S94 Plan No. 16
  - h. Extensions to Council Administration Offices  
& Technical Support Facilities \$344.81  
S94 Plan No. 18
  - i. Cycleways \$160.00  
S94 Plan No. 22
2. A **certificate of compliance** (CC) under Part 3 Division 2 of the Water Supply Authorities Act 1987 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

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

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

Water: \$3,590

Sewer: \$2,770

## Items Deferred

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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.

3. The development shall be completed in general accordance with Plans Nos P204WD00A Rev D, P204WD01A Rev D and P204WD02A prepared by Glen Petersen Architect and dated 1 February 2000, except where varied by these conditions.
4. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
5. 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.
6. All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead".
7. 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.
8. Demolition of building existing on site is to be carried out in accordance with the provisions of Australian Standard AS 2601-1991 "The Demolition of Structures".
9. 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
10. All necessary on site boundary retaining shall be carried out prior to start of works upon the building proper, with details of retaining walls being submitted to Council for approval prior to start of works.

**Please note:** Timber retaining walls will not be accepted.

11. 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

## Items Deferred

- (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.

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 in accordance with Section 78i of the Environmental Planning & Assessment Amendment Regulations 1998.
  - iii. A sign has been erected on the site in accordance with Section 78H of the Environmental Planning & Assessment Amendment Regulations 1998.
  - iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
  - v. That the licensee has complied with the provisions of Section 78c of the Environmental Planning and Assessment Amendment Regulations 1998.
13. The glazier is to supply the PCA with certification that all glazing complies with AS 1288-1994 and AS2047 of the Building Code of Australia.
14. Manufacturers certification is to be provided to the PCA from the Roof Truss manufacturer to certify the roof truss design.
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.

## Items Deferred

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

## Items Deferred

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

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

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

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

- (a) any storey containing bedrooms -



## Items Deferred

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

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

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. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2-1998. **Note** All roof water must be connected to an interallotment drainage system where available.
26. All surface and seepage waters liable to be a nuisance are to be collected and diverted clear of the building site by an approved drainage system separate to the roof water system.
27. 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.
28. 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.
29. The burning of builders waste on site by open fire is prohibited.
30. 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.

## Items Deferred

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31. The wall and roof cladding is to be of a non reflective nature to the satisfaction of the Principal Certifying Authority.
32. 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.
33. 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.
34. 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.
35. The Council approved wet area flashing installer is to supply to the Principal Certifying Authority certification that all wet area flashings have been installed in accordance with the Manufacturer's Specifications, detailing the rooms or areas involved and the date of installation. **Note:** Only Council approved installers may carry out this work and reference must be made to Council to confirm that such installers are Council approved.
36. Impervious floors, properly graded and drained are to be provided to all wet areas.
37. Yard gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.
38. 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:-
  - \* 43.5<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
  - \* 50<sup>0</sup>C 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.

# Items Deferred

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## REPORT:

**Applicant:** Glen Petersen Architect Pty Limited  
**Owner:** Mr TTW and Mr CP O'Callaghan  
**Location:** Lot B DP 376740 Seaview Street, Kingscliff  
**Zoning:** 2A Low Density Residential  
**Estimated Cost:** \$200,000

## PROPOSAL:

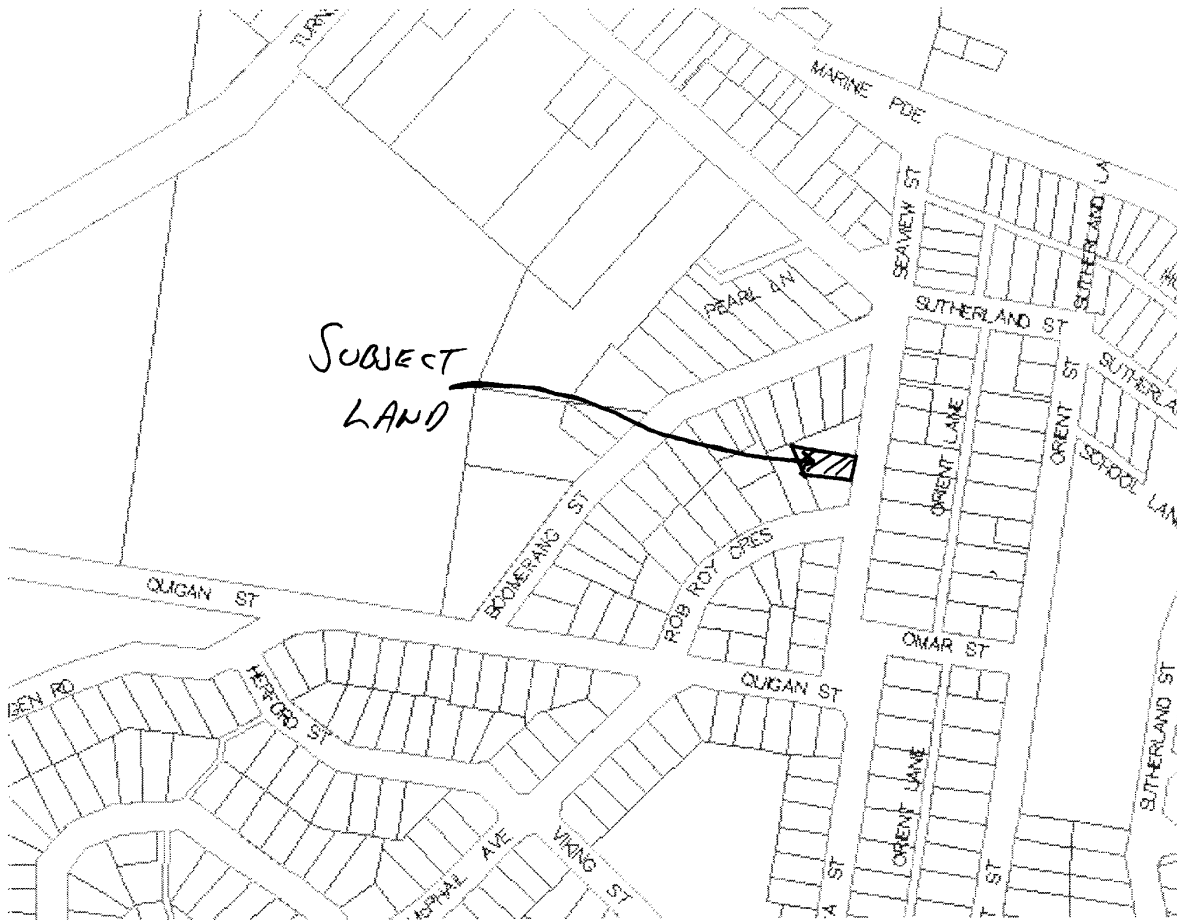
Council has received a Development Application seeking approval for a 2 storey attached dual occupancy at the abovementioned land.

The subject land has a rectangular shape with an area of approximately 631m<sup>2</sup> with frontage to Seaview Street. The land has a moderate fall from Seaview Street. Existing improvements include a single storey weatherboard dwelling. This dwelling will be removed or demolished. The land is bounded by Seaview Street to the east, and dwellings to the north, west and south.

Adjoining and adjacent owners were notified and one submission of objection was received. The details of this submission will be discussed further in this report. The objector has also provided a video which will be available at Council's meeting.

# Items Deferred

## LOCALITY PLAN:



## CONSULTATION:

Adjoining and adjacent property owners were notified and one submission of objection was received. This submission is summarised below and comments provided where necessary:

- The proposal will reduce coastal views from an adjoining dwelling.

### Applicant's Response

*“The design criteria for the development with respect to the adjoining property was to maintain the vistas from upper level to the north and north-east (Deck b). This criteria was based on the premise that there are no building envelope restrictions on the property being developed and therefore any development of the adjoining property whether it be single storey or double storey will effectively eliminate the northern view from the lower level deck (Deck a) and therefore it would seem as appropriate to maintain the upper level view. The topographic drawing which was incorporated into our drawing was prepared by a registered surveyor. It locates the decks*

## Items Deferred

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and RL of same on all levels. We therefore maintain that our proposal is an accurate record of the existing conditions on site.

### **1. Elimination of northerly views – Deck A**

*This is the lower deck – any form of development on the adjoining property will effectively reduce the views and it would be considered unreasonable to restrict development on the property in this position to maintain them.*

### **2. Views from upper deck – Deck B**

*The RL of the Deck B is 55.77m. The RL of the floor of the proposed development in this area is RL 56.5m and 56.2m. The height differences are 0.8m and 0.5m respectively above the deck. Reference to the north elevation indicates that the 0.5m difference is for the longer portion of Deck B. The vision lines are indicated on the drawings. You will note that Deck B maintains extensive views to the north, north-east. Cook Island is included in this vista.*

### **3. Deck D**

*The RL of the roof is 54.23m in this position. Approximately 0.3m above the balcony and will not have a significant impact on the deck.*

*4. We have received the calculations and confirm that our drawings and in particular the heights, are accurate.*

*5. This issued has been generally covered in “2.” above. The RL of the upper deck (Deck B) calculated by Mr Reece, is incorrect and is 0.37m higher than what he has indicated.*

*6. The assertion that the views from Deck B will be greatly restricted is incorrect (refer to “2.” above and the site lines on the attached drawings.*

*7. We disagree with his comments and reiterate that our drawings are correct. It is not our policy to provide designs that are calculated to mislead the public or the Council. My design philosophy is to provide a project that both meets the client brief, takes into consideration the needs of adjoining properties and integrates within, and contributes significantly to the community. I am concerned with such allegations as they are emotive and unsubstantiated.*

*8. The view from Deck B – refer to “2.” Above*

*The development has been designed strictly in accordance with the LEP and DCP No 6. We believe that, as required under DCP No 6, we have shown good manners which respect to view sharing of the adjoining property.”*

**Note:** Since the applicant provided the above details, the proposal has been amended. This involved lowering the height of the building by a further 0.5 metres which will make available more views from the adjoining residence to that previously.

### **COMMENT:**

The subject site is surrounded by 2 and 3 storey developments and it is accepted that at some stage the subject dwelling would also go to 2 storeys to be consistent with the surrounding development and to take advantage of the views which were not currently available.

## Items Deferred

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Subsequently, it is likely that any development at this site would block some views from adjoining properties. What needs to be considered is the extent and significance of this loss of views.

In this instance it is considered that the proposed development will result in some loss of views from adjoining residences. However, the amount of views lost from these residences from this development is not considered to be significant. The comments provided by the applicant's above are also considered to be correct.

It would appear that the views lost are primarily to the north, however, it is considered that adequate coastal views from the adjoining residences are still available to the north-east and north-west. This largely depends on which balcony you are viewing from at the adjoining residence.

This residence has four (4) balconies described as balconies A, B, C And D. From balconies B and D it is considered that views will be uninterrupted. Views from these balconies have been improved since the applicant lowered the height of the proposed building by 0.5m as discussed. Views from balcony A will be interrupted to the north, however, since the height of the development was lowered it is considered that views from this balcony can still be achieved to the north-east and north-west. Views from balcony C are uninterrupted from the north to the west whereas views to the north-east will be blocked.

It is considered that the proposal has been adequately designed to ensure that views from adjoining residences have not been significantly interrupted. It is considered that the primary coastal views from this residence will still be available. As discussed the height of the proposed building has been lowered so as to have less of an impact on views which is considered to be acceptable.

- Property will value will fall as a result of loss of views.

### Comment

*This is not necessarily a planning consideration and is difficult to substantiate, however, as discussed above, it is considered that some views will be lost but this is not considered to be significant and adjoining residents will still have views, particularly the coastal views. Accordingly, this is not likely to significantly affect property values. The developed is considered to be generally consistent with that of the locality.*

- Overshadowing onto adjoining properties.

### Comment

*Due to the topography of the land in the locality, the orientation of the property and the height and scale of the development, which is consistent with the locality, and it is envisaged the overshadowing from the development is not likely to create any significant adverse impacts. It is considered that adjoining properties will still have satisfactory solar coverage.*

*The applicant has also lowered the height of the building by 0.5m which will further reduce overshadowing onto adjoining properties.*

## Items Deferred

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*Subsequently, overshadowing onto adjoining properties is not considered to be significant and does not warrant refusal of the application in this instance.*

- The proposal will impact on the privacy of adjoining residences.

### Comment

*Living areas of the proposed development have all been located to the northern side of the building to obviously take advantage of views to the north. The northern side of the building has been setback 3 to 4.3 metres from the northern boundary to reduce to impact of privacy on adjoining residence to the north. In addition, a landscape strip has been provided along the northern boundary to provide a visual screen and to protect the privacy of the residents.*

*The southern elevation of the building is set back 1.5m from the southern boundary. This side of the building will be occupied by bedrooms with a small balcony. Windows on the southern elevation are not as prolific as the northern elevation because of the views available. Most of the windows on the southern elevation are below the balconies on the dwelling to the south. As the development is lower in height than the dwelling to the south, due to the topography the windows and entertaining areas along the southern elevation have been restricted to protect their own privacy.*

*Accordingly, it is considered that the development has been adequately designed to ensure that the privacy of adjoining residents is protected while at the same time ensuring that their own privacy is also kept.*

- The proposed retaining wall along the southern boundary is of a concern.

### Comment

*A formal retaining wall will be constructed on the common boundary. Details are to be provided with a construction certificate and will need to be certified by a practising Structural Engineer. Subsequently, this retaining will come under closer scrutiny when the Construction Certificate is submitted and prior to site works commencing.*

- The development will create parking problems, particularly along Seaview Street and will potentially create a traffic hazard.

### Comment

*The development will provide four (4) off-street car parking spaces. This is in accordance with Council's DCP No 2 – Site Access and Parking Code. Subsequently the proposal is satisfactory in this regard.*

*On street parking along Seaview Street is prohibited as “No Stopping” signs exist along this street. This should ensure that all vehicular parking is on the site which has been satisfactorily accommodated.*

### **ASSESSMENT:**

The proposal has been assessed against the matters for consideration contained in Section 79(c)(i) of the Environmental Planning and Assessment Act 1979. This assessment appears below:-

## Items Deferred

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(a) (i) **Statutory Provisions**

Tweed Local Environmental Plan 2000 (TLEP 2000)

The subject land is zoned 2(A) Low Density Residential. The proposal is permissible subject to Council's consent.

The 2(A) zone objectives are as follows:-

Primary Objectives:

- *To provide for and maintain a low density residential alignment with a predominantly detached housing character and amenity.*

Secondary Objectives:

- *To allow some diversity of housing types provided it achieves good urban design outcomes and a density, scale and height is compatible with the primary objective.*
- *To allow for non-residential development that is domestically based, or services to local needs of the community and does not detract from the primary objective of the zone.*

*Item 2 of the 2(A) zone landuse table provides that multi-dwelling housing is permissible subject to Council's consent if a density not greater than one dwelling per 250m<sup>2</sup> if the site is within 300m of a business centre listed in Schedule 8. In this instance the subject site has an area of 631m<sup>2</sup> and is within 300m of the Kingscliff Business Centre. Accordingly, the proposal complies in this regard.*

*Subsequently, it is considered that the proposal is generally consistent with the 2A zone objectives. The proposal will provide some diversity of housing types in the locality while maintaining a low density residential environment.*

Clause 16 – Height of buildings

The development is 2 storeys and it is considered that the height and scale of the development is appropriate and consistent to surrounding development.

(a) (iii) **Any Development Control Plan**

Development Control Plan No 2 – Site Access and Parking Code

As discussed, the development requires four (4) off-street car parking spaces and these have been provided on site and satisfies the parking provisions of this plan.

Development Control Plan No 6 – Multi-dwelling housing

The proposal is required to be assessed in light of the provisions of DCP 6 giving the erection of a dual occupancy. DCP 6 requires a minimum of 20% of the site area with a minimum of a 3m dimension to be allocated as usable open space. The required minimum usable space area is 126.2m<sup>2</sup>. The actual usable open space area provided is calculated as 212.7m<sup>2</sup> or 33.7% of the site area. The proposal complies in this regard.



## Items Deferred

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Development Control Plan No 6 also requires one part with an area of 25m<sup>2</sup> with a minimum dimension of 4m being allocated to each dwelling and being directly accessible from a living area of the dwelling. Both dwellings have direct access from the living areas to usable open space which satisfies this criteria.

Development Control Plan No 6 also outlines the criteria relating to floor space ratio standards for dual occupancy development. The maximum permissible floor space ratio is 0.5:1 or 315m<sup>2</sup>. The proposed floor space ratio is 0.48:1 or 294.7m<sup>2</sup>. This is in compliance with Development Control Plan No 6.

In terms of the design, scale and appearance of the proposal, it is considered to be consistent and compatible with development in the locality. The elevation to Seaview Street is also not dominated by garages.

### Draft Development Control Plan No 43 – Kingscliff

Although this DCP is in draft form it still needs to be considered. The subject land is located in the Kingscliff Hill precinct as identified in this plan. It is considered that the proposal generally satisfies the objectives of this precinct in that it will preserve the built character of the locality and will take advantage of available views by not significantly obstructing views from adjoining sites.

It is also considered that the development generally satisfies the building design guidelines of the plan. The bulk of the building has been reduced by breaking the building into smaller component parts thereby achieving visual variation. The proposal also provides an attractive street frontage incorporating entrances, windows and balconies. The roofline of the building is also consistent with the stepped roofline of the street.

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

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

The building design compliments the built character of the locality and achieves this by reducing the bulk of the building, providing an attractive street frontage and by having a roofline that is also consistent with the stepped roofline of the street.

Consideration has also been given to adjoining development so as to reduce the impact on privacy, overshadowing and views by incorporating the above design principles.

Access and off-street car parking arrangements are also satisfactory.

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

The subject land is surrounded by 2 and 3 storey dwellings which is also the character of the street. It is accepted that at some stage the subject site would also be developed for either a 2 or 3 storey development to be consistent with adjoining development and

## Items Deferred

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to take advantage of the views. Nevertheless, such development still needs to take into consideration its likely impact and consistency in terms of scale, height and design etc with adjoining dwellings.

In this regard, as previously discussed in Sections (a)/(b) of this report, it is considered that the development is suitable to the site while reducing the impact on adjoining dwellings.

It is considered that the land has no identified constraints that would warrant refusal of the application.

**(d) Submissions**

As discussed in the consultation section of this report, adjoining and adjacent property owners were notified and one submission of objection was received.

No public authority submissions were received.

**(e) Public Interest**

The public interests have been taken into consideration and it is considered that the proposed development is suitable to the locality in terms of design, scale and height. It should ensure that the residential amenity of the locality particularly adjoining residences, is preserved.

### LEGAL/FINANCIAL/RESOURCE IMPLICATIONS:

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

### OPTIONS:

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

1. That the application be refused.
2. That the application be approved subject to appropriate conditions.

### CONCLUSION:

Having regard to the above section 79(c)(i) assessment it is considered that the proposed development is suitable and should be supported. It is considered that the scale, design and height of the building are generally consistent with the built character of the locality and this has achieved a development that does not have a significant impact on adjoining residences in terms of privacy, overshadowing and views. The proposed development will not significantly detract on the amenity of the locality.

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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

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

**FILE REF: Vegetation Management Plan**

**REPORT TITLE:**

**Vegetation Management Plan Steering Committee - Aboriginal Representation**

**SUMMARY OF REPORT:**

The Vegetation Management Plan Steering Committee, at its meeting of 27 February, 2001, resolved to request Council create an additional position on the Committee to accommodate Aboriginal interests and continue attempts to fill the position.

**RECOMMENDATION:**

That Council creates an additional position for a voting Member on the Vegetation Management Plan Steering Committee to represent Aboriginal interests and continue to attempt to fill the position and continues to attempt to fill the position.

# Reports from Director Development Services

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## REPORT:

The Vegetation Management Plan Steering Committee was formed by Council to assist Council staff in reviewing the Tweed Vegetation Management Plan, and preparing amendments to Tweed Local Environmental Plan 2000 to obtain exclusion from the operation of the Native Vegetation Conservation Act in Tweed Shire. The Committee has generally been based on membership guidelines for Regional Vegetation Committees to satisfy concerns on adequate stakeholder representation on Vegetation Committee by the Department of Land and Water Conservation. Those guidelines require Aboriginal interests to be represented on the Committee. Although efforts were initially made to obtain a representative from the Tweed Byron Aboriginal Land Council to join the Committee, no response was received. The current Members of the Vegetation Management Plan Advisory Committee have raised concerns that there is no Aboriginal interests on the Committee. The Committee resolved, at its meeting of 27 February, 2001, that Council create an additional position on the Committee to accommodate an Aboriginal representative and continue attempts to fill the position.

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# Reports from Director Development Services

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## 2. ORIGIN: Strategic Town Planning Unit

**FILE REF:** Vegetation Management Plan

### **REPORT TITLE:**

**New South Wales Native Vegetation Conservation Strategy**

### **SUMMARY OF REPORT:**

The Native Vegetation Advisory Council, NSW, is seeking comments from stakeholders on the draft Native Vegetation Conservation Strategy. Copies of the draft Strategy have been circulated to Members of the Vegetation Management Plan Steering Committee. The Committee has recommended that Council prepare a response to the Strategy. A number of targets and actions relate to Local Government. They are not considered to be of concern because Council is finalising the Tweed Vegetation Management Plan, and is in the process of preparing a draft LEP on vegetation management that is likely to be consistent with the draft Strategy. A number of actions need to identify the responsible groups or agencies that will implement the actions. There are a number of actions that are considered priorities. These priority actions are actions that focus on incentives to landholders to manage native vegetation for conservation objectives, action that target assistance to local councils to fund ongoing implementation of local vegetation management plans (eg, Tweed Vegetation Management Plan). Finally, the Strategy needs to indicate that the resourcing of local vegetation plans and Committees that act as a substitute for Regional plans and Regional Vegetation Committees should be a joint responsibility of State and Local Government, not Local Government alone.

### **RECOMMENDATION:**

That the General Manager, on behalf of Council, makes a submission on the draft Native Vegetation Management Strategy based upon the comments in this report.

# Reports from Director Development Services

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## REPORT:

### BACKGROUND

Council has received a copy of the draft Native Vegetation Conservation Strategy for NSW which has been developed by the Native Vegetation Advisory Committee. The draft provides options for the future direction of native vegetation conservation and management in New South Wales. The document makes suggestions about the vision, outcomes, options for action and targets for conserving and managing native vegetation and seeks comments.

The Chairperson of the Native Vegetation Advisory Council is encouraging all stakeholders to comment on the document. Closing date for responses is 31 March, 2001 (no late responses will be accepted).

Copies of the draft Strategy have been circulated to Committee Members on the Vegetation Management Plan Steering Committee for comment. Any comments from Committee Members will be forwarded to the Native Vegetation Advisory Committee.

### GENERAL COMMENT ON THE STRATEGY

1. It is noted for many of the actions do not specify who or what agency will be responsible for implementing the Strategy. It is therefore difficult to determine the implications of the Plan for Local Government.
2. A number of actions require implementation by Regional Vegetation Committees that are resourced by the Department of Land and Water Conservation. The draft Strategy, however, does not indicate the obligations or responsibilities of Local Vegetation Committees that have been created by local councils to replace the functions of Regional Committees as is the case with Tweed Shire. The Strategy should be amended to outline specific actions for committees that act as substitutes for regional vegetation management committees.
3. Action 44 of the draft Strategy requires that there be continued support for Regional Vegetation Management Plan programs with adequate support being provided to Regional Vegetation Committees to undertake the work required by them. However there is no provision in the Strategy for supporting and resourcing local vegetation management plans or local vegetation committees that replace regional committees as is the case with Tweed Shire. The Strategy should be amended to ensure that in these circumstances Government support (including State Government support) is provided to committees that act as a substitute for regional vegetation management committees.
4. It is noted from the Strategy that there are a number of actions that involve the development of incentive schemes to encourage landowners to sustainably manage vegetation. These actions are supported.

### COMMENTS ON SPECIFIC TARGETS AND ACTIONS RELEVANT TO LOCAL GOVERNMENT

A number of targets and actions specifically require implementation by Local Government.



# Reports from Director Development Services

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## *“Targets*

- L. By 2002 a standard is developed to take account of native vegetation issues in relevant environmental planning instruments, especially Local Environmental Plans (LEPs).*
- M. By 2006, the entire State has provisions for native vegetation conservation especially through Regional Vegetation Management Plans (RVMPs) or LEP provisions for native vegetation management”.*

## **Comment**

Council is already implementing this Target with the formulation of a Vegetation Management Plan Steering Committee to assist Council in the review of the Tweed Vegetation Management Plan and preparation of a draft LEP relating to vegetation management.

## **Actions**

*Regional Vegetation Management Plans (page 18).*

### Action 39

*Ensure RVMPs are delivered in an integrated manner and linked to other plans, for example catchment management board plans, water, salinity and acid sulfate soil management plans, Travelling Stock Reserve Function Management Plans, and LEPs.*

*Native Vegetation and Other Plans (page 18).*

### Action

- 45. Ensure LEPs are consistent with protection afforded by native vegetation under the Native Vegetation Conservation Act and with provisions of any RVMP.*
- 46. Ensure native vegetation conservation principles and actions established in this strategy are incorporated into Local Environmental Plans, Bushfire Risk Management Plans, National Parks and Wildlife Service Plans of Management, Travelling Stock Reserve Function Management Plans, Forestry Plans of Management and all other plans affecting native vegetation.*

## **Comment**

Action 39 - Tweed Shire Council has chosen an option to prepare a comprehensive Tweed LEP to exclude the operation of the Native Vegetation Conservation Act in Tweed Shire. Therefore, Regional Vegetation Management Plans (RVMPs) prepared by Regional Vegetation Committees will not be relevant to Tweed Shire.

Action 45 & 46 – Council is already implementing this Action (see comment on Targets L and M above).

# Reports from Director Development Services

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Council's Emergency Services is also in the process of finalising Council Bushfire Risk Management Plan. A copy of the draft Strategy has been forwarded to the Fire Control Officer for his information.

## Action 66

*Initiate liaison with the Commonwealth so that Natural Heritage Trust grants take account of priorities identified by the NSW Native Vegetation Conservation Strategy and Regional Vegetation Management Plans (RVMPs), and address those issues/areas of high priority for the State.*

## **Comment**

The NHT grants should also take into account priorities identified by local vegetation management plans that act as a substitute for Regional Vegetation Management Plans.

## **IDENTIFIED PRIORITIES FOR THE STRATEGY**

Apart from the general comments of the draft Plan, the Native Vegetation Advisory Council of NSW is seeking comment from various stakeholders on the priority targets and actions from the plan.

There are a number of actions which are considered priorities in protecting and enhancing native vegetation for environmental benefits. These priority actions relate to incentives to landowners to manage native vegetation of their properties to create environmental benefits for the entire community.

## Action 34

*Investigate opportunities for the devolution of responsibility, funding, and accountability to local community groups (in consultation with landholders) to implement programs identified in RVMPs.*

This action should be amended to include programs identified in local vegetation management plans that substitute regional plans.

## Action 53

*Develop policies and programs that encourage the sustainable use of native vegetation, including financial incentives and other support for research, development and marketing of native vegetation products.*

## Action 78

*Obtain funding to extend the Native Vegetation Management Fund beyond 4 years to ensure property agreements cover many more properties in NSW.*

## Action 79

*Examine ways to establish a mechanism to ensure a dedicated income stream for conservation of native vegetation, such as through government levies or taxes.*

## Action 82

# Reports from Director Development Services

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*Establish in NSW a conservation trust that could use a revolving fund to covenant properties for protection of vegetation or species (Conservation trusts are community-based organisations established able to raise funds through bequests and the like, and buy land with conservation value, secure it under voluntary conservation agreements, and then sell it on to sympathetic owners).*

## Action 85

*Minimise the farm-level economic impacts of retaining vegetation on high conservation value land by developing a system of trade-offs including opportunities for land swapping, land purchase and revolving funds.*

## Action 86

*Develop a stewardship payment scheme for native vegetation conservation and management.*

## Action 88

*Work with the Local Governments and Shires Association to build on an progress the existing options for council rebates or reductions.*

## Action 89

*Pursue taxation reforms that reward vegetation conservation and encourage philanthropic support.*

## Action 90

*Develop and implement an 'incentives toolkit' for landholders, which provides a variety of mechanisms for increasing the motivation for native vegetation conservation and enhancement.*

## Action 91

*Clarify the details of the carbon credits system and expand to include credits for environmental benefits eg, salinity, biodiversity.*

## **ADDITIONAL ACTION**

An additional action is required in the Strategy to ensure all incentive schemes are monitored to ensure accountability, and that vegetation management targets associated with the scheme are being achieved.

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## 3. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/LEP/2000/20 Pt1

### REPORT TITLE:

**Kings Forest Environmental Study and Draft Amendment No. 20 to Tweed Local Environmental Plan 2000**

### SUMMARY OF REPORT:

Council's Consultant, Gutteridge Haskins and Davey (GHD) have finalised the Kings Forest Environmental Study and draft Amendment No. 20 to Tweed Local Environmental Plan 2000. The Study and draft Plan have been finalised after extensive consultation including a stakeholder workshop in November, 2000. The draft Plan amends Tweed Local Environmental Plan 2000 by replacing the majority of the Rural Residential Zone on Kings Forest with a Residential Zone, and redefines the extent of land zoned Environmental Protection Zone based on more detailed information on significant bushland and wildlife habitat. The draft Plan introduces new provisions on:

1. buffers to reduce conflict with adjoining agriculture, the Duranbah quarry and bushfire hazard;
2. contaminated land and stormwater management to address concerns raised in the Environmental Study and at the stakeholder workshop;
3. koala management to address concerns raised in the Environmental Study on the impact of urban development on significant koala populations within and near the Kings Forest site.

The Environmental Study raises a major issue with Kings Forest spine road access from Old Bogangar Road and the potential impact on koalas. The preferred access and alignment of the Kings Forest spine road is Option 3, an option which has the best balance between potential impact on koalas and koala habitat, land acquisition, impact on agricultural land and road construction costs.

### RECOMMENDATION:

That Council exhibits draft Tweed Local Environmental Plan 2000 (Amendment No 20) in accordance with the 'Best Practice Guidelines – LEPs and Council Land' published by the Department of Urban Affairs and Planning, January 1997.

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## REPORT:

### BACKGROUND

In 1998 Council resolved to prepare a draft Local Environmental Plan (LEP) for Kings Forest to amend Tweed Local Environmental Plan 2000. The preparation of the draft Plan also required the preparation of a formal Local Environmental Study and the subsequent preparation of a Development Control Plan and Section 94 Contributions Plan for the Kings Forest site. In 1999 Council commissioned Consultants, Gutteridge, Haskins and Davey (GHD) to prepare these documents using Council funds and 25% contributory funding from the landowner, Narui. The preparation of the draft LEP and Environmental Study by GHD was also reliant on the provision of substantial documentation from Narui on:

- surface and groundwater quality monitoring;
- stormwater management;
- infrastructure;
- agricultural land assessment;
- hydraulic impact assessment;
- road and traffic impact assessment;
- site contamination assessment;
- flora and fauna impact assessment;
- master planning for the Study area.

A draft Species Impact Statement, that enabled GHD to finalise a draft Environmental Study was received from Narui in May, 2000.

The draft Environmental Study, prepared by GHD, was presented to a stakeholder workshop on 23 November, 2000. A copy of the Study was provided to all Councillors. The workshop included a number of representatives from government agencies and from the two non-government landowners, Narui Gold Coast Pty Ltd and Cumming Enterprises Pty Ltd. The workshop identified a number of deficiencies in the draft Environmental Study that needed to be addressed prior to finalising the Study and draft LEP. The outcomes of the workshop and attendance list are attached as an Appendix 1 to this report. The main issues that needed to be further addressed related to:

- stormwater management and water quality;
- acid sulfate soil and leachate management;
- bushfire risk management;
- contaminated land management;
- wildlife conservation management;

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- managing conflict between urban and adjoining agricultural/quarry landuses;
- site master planning Development Control Plans and Section 94 Developer Contribution Plans.

In response to the outcomes from the stakeholder workshop and further consultation with Government Agencies, GHD completed the final Environmental Study and draft Tweed LEP 2000 (Amendment No 20) in March, 2001. The completed Environmental Study represents a comprehensive planning document that provides justification for the draft Plan and matters to be addressed in the proposed Development Control Plan for the site.

The draft Plan that accompanies the Environmental Study comprises a written instrument and amending zone map. The current and amending zone map is shown in Figure 1 and 2. The draft written instrument is attached as Appendix 2 to this report. The proposed amendments to Tweed LEP 2000 by the draft Plan are described below.

## LAND USE ZONES - GENERAL

Table 1 compares the current land use zones under Tweed LEP 2000 and the proposed land use zones under Tweed LEP 2000 (Amendment No 20).

**Table 1 – The Current and Proposed Landuse Zones – Kings Forest Study Area Review**

Zone	Area (ha) approx	
	Current Tweed LEP 2000	Draft Amendment No 20
1(b) Agricultural Protection	14	0
1(c) Rural Living	159	0
2(c) Urban Expansion	370*	564**
2(e) Residential Tourist	120	0
6(b) Recreation	84	0
5(a) Garbage Depot	8	8
7(a) Wetland	172	308
7(l) Habitat	0	47
8(a) National Park Nature Reserve	137	137
Total	1064 hectares	1064

\* approximately 31ha owned by Cummings Enterprises Pty Ltd zoned 2(c) Urban Expansion.

\*\* approximately 18ha owned by Cumming Enterprises Pty Ltd zoned 2(c) under the draft Plan.

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## MAJOR LEP AMENDMENTS

### 1. Residential Zone

- The majority of the current 1(c) Rural Living Zone is proposed to be converted to a 2(c) Urban Expansion Zone. The proposed zone change enables the proponent to increase the density of residential development from approximately 260 lots (previously approved rural residential development 1995) to potentially 700-1000 residential lots in this section of the release area. Total area of the 2(a) zone is 564 hectares under the draft Plan.
- The majority of the current 2(e) Residential/Tourist Zone in the north-eastern section of the release area (120.3 hectares) is proposed to be converted into a 2(c) Urban Expansion Zone. The objective of the proposed zone is focused more on urban development rather than focusing on family orientated tourist accommodation and related facilities under the current 2(e) zone. The change in zone is generally consistent with the development objectives of the landowner, Narui Gold Coast Pty Ltd.

### 2. Agricultural and Quarry Buffers

The draft Plan contains special provisions to ensure development within the 2(c) Urban Expansion Zone does not create conflict with adjoining agricultural activities to the north and south west of the Study area, and with the Duranbah sand quarry to the south west of the Study area. To prevent any potential conflict occurring in the future, the draft Plan introduces a negotiable buffer area of 150 metres between urban zones, and adjoining agricultural 'hot spots' and 350 metres between urban areas and the Duranbah Sand Quarry. The buffer is imposed via a special overlay provision in the draft Plan in order to defer the precise buffer width and buffer design to the assessment of a development application. Addressing conflict with adjoining land uses was a major issue raised at the stakeholder workshop, and by a number of adjoining landowners.

### 3. Land Contamination

The Duranbah cattle dip site, the Tweed Shire Council landfill site and the Old Melaleuca Road Farm area have been recognised in the Environmental Study as contaminated land within the Study area. Council's Consultant, GHD, has recommended that the draft Plan incorporate provisions to ensure adequate testing and remediation of contaminated land is undertaken that is consistent with the future use of the land, and is in accordance with environmental protection guidelines by the Environment Protection Authority (EPA). Adequate testing and remediation of land contamination was a major issue raised at the stakeholder workshop.

### 4. Drainage and Stormwater Management

The Environmental Study recognises that the provision for adequate urban drainage and stormwater management is critical to the future health of aquatic ecosystems both within and outside the Study area. It is also acknowledged that there is a strong relationship between stormwater management and management of contaminated land and acid sulfate soils. The Environmental Study also acknowledged the need for urban drainage and stormwater management for the Kings Forest Study area to be in accordance with the 'Tweed Urban Stormwater Quality Management Plan' adopted by Council in April, 2000. The draft Plan introduces special provisions that require preparation of a



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Stormwater Management Plan for the site that generally complies with Council's stormwater management plan. Stormwater management was a major issue raised at the stakeholder workshop.

## 5. Environmental Zones

The area of Environmental Zones is increased from the current area of 172 hectares to 355 in the draft Plan. The majority of land affected by this increase is bushland currently zoned 6(b) Recreation adjacent to Cudgen Nature Reserve and wetlands currently zoned 2(c) Urban Expansion that have been identified by the Department of Urban Affairs and Planning as meeting State Wetlands mapping criteria. Areas proposed to be zoned Environmental Protection in the draft Plan represent significant areas of vegetation and wildlife habitat that contain habitat for a number of threatened plants and animals. The majority of these areas also contain acid sulfate soils and are affected by the 1:100 year flood level.

## 6. Bushfire Risk Management

The Environmental Study identified a risk of bushfire to future urban development from bushland on and adjoining the Kings Forest Study area. The draft Plan incorporates a minimum width of 10 metres between bushland and urban areas. The 10 metre buffer has been incorporated into the Environmental Protection Zone. The draft Plan also incorporates new Shirewide LEP provisions that require consideration of bushfire buffer width and design as part of the assessment of development applications. Consultation will be required with the Fire Control Officer when determining the design of bushfire buffers.

## 7. Threatened Species

The Environmental Study confirms the presence of a variety of threatened species throughout the Study area. Three (3) threatened plants and sixteen (16) threatened species of animals were recorded during surveys of the Study area by James Warren and Associates Pty Ltd (2000) and Milidge (1989). These species are shown in Table 2.

**Table 2 – Threatened Species Found Within the Kings Forest Site**

Scientific Name	Common Name	Status
<b>Fauna</b>		
<i>Crinia tinnula</i>	Wallum Froglet	V
<i>Litoria olongburensis</i>	Wallum tree frog	V
<i>Tyto capensis</i>	Eastern Grass Owl	V
<i>Tyto novaehollandiae</i>	Masked Owl	V
<i>Gallinula olivacea</i>	Bush Hen	V
<i>Ixobrychus flavicollis</i>	Black Bitten	V

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Scientific Name	Common Name	Status
<i>Calyptrorhynchus lathamii</i>	Glossy Black Cockatoo	V
<i>Pandion haliaetos</i>	Osprey	V
<i>Potorous tridactylus</i>	Long Nosed Potoroo	V
<i>Planigale maculata</i>	Common Planigale	V
<i>Phascolarctos cinereus</i>	Koala	V
<i>Pteropus alecto</i>	Black Flying Fox	V
<i>Syconycteris australis</i>	Common Blossom Bat	V
<i>Miniopterus australis</i>	Little Bent Wing Bat	V
<i>Saccolaimus flaviventris</i>	Yellow Bellied Sheathtail Bat	V
<i>Falsistrellus tasmaniensis</i>	Great Pipistrelle	V
<b>Flora</b>		
<i>Phaiis australis</i>	Swamp Orchid	E
<i>Endiandra muelleri</i>	Green Leave Rose Walnut	E
<i>Cordyline congesta</i>	Stinking cryptocarya	V

E = listed as an endangered species under the Threatened Species Conservation Act 1995

V = listed as vulnerable under the Threatened Species Conservation Act 1995

Warren indicated that a further thirteen (13) threatened species not recorded during his surveys were likely to occur in the Kings Forest Study area.

The impact of future urban development on threatened species and the necessary amelioration measures to reduce those impacts will need to be addressed as part of the preparation and assessment of a Species Impact Assessment that accompanies development applications. The draft Species Impact Statement prepared for the proponent by James Warren and Associates and used as a source document for the preparation of the Environmental Study indicated that development will eventually impact most significantly on wallum froglets, wallum tree frogs and koalas.

## 8. Koala Management Plan

The Environmental Study acknowledges that the substantial areas of Kings Forest contain koala habitat and are used for koala movement (radio tracking). The Environmental Study identifies koala habitat and koala movement at the north-eastern section of the site near Depot Road and Old Bogangar Road as a significant constraint on Stage 1 of urban development and the location of the Kings Forest Spine Road and access to Old Bogangar Road. Eventually, traffic volumes along the

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proposed access road are expected to be approximately 13,000 vehicles per day. A four lane road will be required to be constructed to the Town Centre to accommodate this traffic. The Environmental Study, based on a report by Biolink Pty Ltd, outlines the following advantages and disadvantages of three access options on koalas within this vicinity (see Confidential Figure 3 Attachment).

## Route 1

This option involves connection to Old Bogangar Road via the existing Depot Road (road widening required). Route 1 is not the most desirable option from the perspective of koala management. Council's engineers have indicated that this option is the preferred option if construction and land ownership were the only concerns. The nominated route will further fragment a known area of koala habitat and bisect a number of koala home range areas while significantly increasing traffic volume to approximately 32,000 vehicle/day along Old Bogangar Road. Subsequent requirements for upgrading the road access in association with latter stages of the development are also likely to jeopardise the current management strategy approved by Council which is in place for the Old Bogangar koalas.

## Route 2

This option involves an intersection with Old Bogangar Road approximately 280 metres north of the existing Depot Road. This route is the least desirable option from the perspective of koala management. It will fragment a known area of koala habitat and bisect a number of koala home range areas while significantly increasing traffic volume in both directions along Old Bogangar Road. Upgrading the road to four lanes in later stages will significantly increase the impact on koala habitat and koala home ranges. While most of the land is held under control of Narui, Gold Coast, this option would sever a block of land not owned by Narui. Council engineers have indicated that this option is feasible.

## Route 3

This option involves an intersection with Old Bogangar Road approximately 600 metres north of the existing Depot Road. This option offers the advantage of directing at least some of the predicted traffic flow away from the known Koala breeding aggregation at Old Bogangar. This route, however, will still have some impact on core areas of koala activity, but not as significant as Route 1 or Route 2. It is more than likely that one or more koalas will be ranging through the area. Therefore, mitigation measures (including exclusion fencing and underpasses) is likely to be required along the southern two thirds of the proposed alignment.

This option will affect two (2) landowners on the western side of Old Bogangar Road and have some impact on agricultural land. Council engineers indicate this option is feasible.

## Route 4

This option involves an intersection with Old Bogangar Road approximately 900 metres north of existing Depot Road. This option is arguably the least constrained in terms of koala impact, and has very good sight distance criteria at the new intersection with Old Bogangar Road. This option, however, is the most expensive (construction and land acquisition), and has the highest impact on

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agricultural land. It would affect four (4) landowners west of Old Bogangar Road (1.2 kilometres) in addition to Narui Gold Coast. Council's engineers indicate that this option is feasible.

The preferred access arrangement that represents an appropriate balance between minimising the impact on the long term viability of koala populations in the areas, land ownership, agricultural land and construction cost is option 3.

Initial approaches will have been made to landowners affected by Route 3 to ensure they are informed of the preferred route outlined in the Environmental Study prior to exhibition.

The draft Plan incorporates new provisions that require the preparation of a Koala Management Plan prior to approval of any development application within the Study area in recognition of the importance of the breeding populations on and adjoining Kings Forest Study area.

## **DEVELOPMENT CONTROL PLANS AND SECTION 94 PLANS**

GHD are now in the process of preparing a Development Control Plan and Section 94 Plan for the site. The Development Control Plan is critical in outlining urban design guidelines, environmental management, community facilities and services, and urban structure plan for the future development of the site. GHD will initially be preparing a 'Structure Plan' for the Kings Forest site in consultation with the landowner.

The preparation of Section 94 Plans for community services, open space and drainage will be critical in ensuring equitable cost sharing for public amenities and services once the land is subdivided into 'super blocks' by Narui and on sold to other developers.

## **BEST PRACTICE GUIDELINE – LEPS AND COUNCIL LAND.**

The 'Best Practice Guideline' was issued by the Department of Urban Affairs and Planning in January, 1997 and applies in instances where a Council proposes to change the planning controls that apply to land in which it has or has had an interest. A number of parcels of land within the Kings Forest Study area are owned by Council. These are Council owned roads and the Council land fill site. The draft LEP proposes to change the landuse zones over some of the Council owned roads. A resolution is required from Council stating that Council will exhibit the LEP in accordance with the Best Practice Guidelines by DUAP. During the public exhibition of the draft LEP Council must make clear Council's interest in the land and why the draft Plan is being prepared. This makes the Plan preparation more open and allows the community to assess proposals with a full appreciation of all relevant information.

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**Figure 1 Draft Tweed Local Environmental Plan Amendment No. 20 - Kings Forest**



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**Figure 2 Current Tweed Local Environmental Plan  
2000 - Kings Forest**



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## 4. ORIGIN: Development Assessment Unit

FILE REF: DA0270/80 Pt1 & DA3106/155 Pt1

### REPORT TITLE:

**Proposed Exemption Sought From Resitech in Relation to the Requirement to Install Energy Efficient Hot Water Systems in Accordance with Development Control Plan No. 39 Energy Smart Homes Policy**

### SUMMARY OF REPORT:

Council is in receipt of two applications (a development application and a Section 96 application) from Resitech seeking exemption from the requirement to install hot water systems with a minimum energy efficiency rating of 3.5 stars as detailed in Development Control Plan No. 39 – Energy Smart Homes Policy.

Pursuant to Section 116C of the Environmental Planning and Assessment Act, 1979 a consent authority, in respect of a development application or section 96 application made by or on behalf of the Crown, must not refuse its consent or impose a condition, except with the written approval of the Minister or the applicant. Resitech has not agreed to the refusal of the Section 96 application (0016/2001S96), or the imposition of the condition in relation to the development application (1197/2000DA).

The guiding principle of the Development Control Plan is to ensure dwellings through their design, construction and use of appliances use less energy more efficiently. Part 2.5 of DCP No. 39 enables an exemption to be sought where it can be demonstrated that installing a 3.5 star hot water system would be uneconomical. The argument submitted by Resitech is not considered to warrant support and it is concluded that the condition requiring an energy efficient hot water system is appropriate and should be imposed on both of the developments.

### RECOMMENDATION:

That :-

1. The exemption requested by Resitech in relation to the installation of an energy efficient hot water system be refused in the case of Section 96 Application No 0016/2001DA and Development Application No. 1197/2000DA.
2. The following applications be forwarded to the Minister pursuant to Section 116C of the Environmental Planning and Assessment Act, 1979.
  - Section 96 Application No 0016/2001S96 to Modify Development Consent 1076/2000DA for the construction of 4 x 2 bedroom units at Lot 80 DP 839006 Lorien Way, Kingscliff.
  - Development Application No. 1197/2000DA for the erection of a detached dual occupancy at 40 DP 35585, No. 15 Baker Street, Murwillumbah.

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3. Council expresses concern that the Department of Housing request for the exemption for hot water heating is inconsistent with the Government Policy on Environmentally Sustainable Development.

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## REPORT:

### BACKGROUND

Council is in receipt of the following applications from Resitech regarding the construction of Multi-Dwelling Housing.

- Section 96 Application No 0016/2001S96 to Modify Development Consent 1076/2000DA for the construction of 4 x 2 bedroom units at Lot 80 DP 839006 Lorien Way, Kingscliff.

The application seeks to modify the consent by deleting condition 40 requiring the installation of a hot water system, which achieves a 3.5 star rating in accordance with Development Control Plan No 39 – Energy Smart Homes Policy.

The application has been referred to the Executive Management Team on two occasions for consideration. The following resolution was made in relation to the application at the Executive Management Team meeting of 7 March 2001:-

*“Decision that the Executive Management Team re-affirms its previous decision at its meeting on 28 February 2001 (reproduced below) and the Director Development Services to make a supporting submission on Council’s behalf to the Minister.”*

*“Decision that the Executive Management Team endorses the comments of the Development Assessment Panel in the minutes of 23 February 2001 that the development consent for a residential development comprising 4 x 2 bedroom units at Lorien Way, Kingscliff not be varied and that the applicant be advised of the Government’s support for energy efficiency and the rebate scheme that is available for solar hot water systems as a result of Council’s introduction of DCP39 to support Government policy”.*

- Development Application No. 1197/2000DA for the erection of a detached dual occupancy at 40 DP 35585, No. 15 Baker Street, Murwillumbah.

The draft conditions of consent were forwarded to Resitech for their comment/agreement pursuant to Section 116C of the Environmental Planning and Assessment Act, 1979. Resitech has agreed to the imposition of the draft conditions with the exception of a condition requiring the installation of a hot water system, which achieves a 3.5 star rating in accordance with Development Control Plan No 39 – Energy Smart Homes Policy.

Pursuant to Section 116C of the Environmental Planning and Assessment Act, 1979 a consent authority, in respect of a development application or section 96 application made by or on behalf of the Crown, must not refuse its consent or impose a condition, except with the written approval of the Minister or the applicant. Resitech has not agreed to the refusal of the Section 96 application (0016/2001S96), or the imposition of the condition in relation to the development application (1197/2000DA).

The guiding principle of the Development Control Plan is to ensure dwellings through their design, construction and use of appliances use less energy more efficiently. Savings in the order of \$1000

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per annum can be achieved through the use of good solar design and orientation and the use of appropriate materials and appliances. Reductions in the use of energy at the household level also have a positive effect on reducing green house gases.

Part 4.9 of Development Control Plan No. 39 – Energy Smart Homes Policy (DCP No 39) requires an energy efficient hot water system with a minimum rating of 3.5 stars to be installed in dwellings. Part 2.5 of DCP No. 39 enables an exemption to be sought where it can be demonstrated that installing a 3.5 star hot water system would be uneconomical. Approval of the exemption is subject to a merit-based assessment and where compliance with the policy can reasonably be achieved no exemption is granted.

In consideration of applications for multi-dwelling housing, the Development Assessment Unit has taken the approach that an exemption should not be solely granted on economic grounds but should also take into account the merits of the proposal in terms of site orientation, solar access, overshadowing etc. This approach has been taken to ensure the objectives of the plan are achieved.

In the case of the applications referred to above Resitech have argued that the use of solar energy is costly and is therefore not used by the Department. The cost comparison provided by Resitech focuses on the total cost over the five (5) year period and fails to acknowledge that the major difference in the total cost of a solar system as opposed to an electric system primarily reflects a greater cost at the installation stage in the case of a solar system. The purchase price of a solar system is \$2030 (including the \$500 rebate) compared with \$650 for an electric system. The request for exemption, which accompanied the Section 96 Application, indicates that over the five (5) year period the running cost of the non-complying electric system totals \$1147 compared to \$513 for the complying solar system. In this regard it is considered that the Department should absorb the additional costs associated with the installation of the system rather than imposing the higher running costs on the tenants. Further, in view of the State Government's commitment to the principles of ecologically sustainable development it is considered inequitable to require all other applicants to meet this requirement and yet grant exemptions to Resitech.

## LEGAL/FINANCIAL/RESOURCE IMPLICATIONS

The referral of the applications to the Minister will have resource implications related to the negotiation process required to be undertaken in accordance with the provisions of Section 116E of the Environmental Planning and Assessment Act, 1979. However, in view of the number of Crown applications received and the resources allocated to assessing the applications for exemption, the resource implications are not considered to be significant.

## OPTIONS

Options in this instance appear to be as follows:

1. Agree to the exemptions sought by Resitech in relation to the installation of a hot water system, which achieves a minimum energy efficiency rating of 3.5 stars as detailed in Development Control Plan No. 39 – Energy Smart Homes Policy.
2. Refer the applications to the Minister pursuant to Section 116C of the Environmental Planning and Assessment Act, 1979.

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## CONCLUSION

The requests by Resitech for exemption from the requirement to install a hot water system which achieves a minimum energy efficiency rating of 3.5 stars as detailed in DCP No 39, are not considered to demonstrate sufficient grounds for variation of this standard. The running costs of a solar system are significantly less than those of an electric system and it is concluded that in accordance with the principles of ecologically sustainable development the requirement is not unreasonable in the circumstances.

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

**FILE REF: GT1/S94/7 Pt1**

**REPORT TITLE:**

**Amendment to Contribution Plan No 7 - West Kingscliff.**

**SUMMARY OF REPORT:**

The above Contribution Plan has been amended for the following reasons:

1. The deletion from the Plan of the West Kingscliff community centre as this was transferred to the Tweed Shire Community Facilities Contribution Plan No 15 (adopted by Council in October 1996).
2. The cycleways section has been removed as this is now covered by Contribution Plan No 22.
3. 'Collector Road – Crescent Street' section has been removed as this is now covered by Contributions Plan No 4.
4. The section on drainage has been altered to reflect recent studies completed on behalf of Council.
5. The occupancy rates for single residential and medium density development changes from 2.82 and 2.23 to 2.6 and 1.7 persons respectively.

**RECOMMENDATION:**

That Council:

1. Approves the amendment to Section 94 Contribution Pan No 7 to account for the deletion of the community facilities, cycleways and Collector Road and the amendment to the drainage component arising from recent studies completed on behalf of Council;
2. Approves the placement of the amended Plan on public exhibition for 28 days, as required under the Environmental Planning and Assessment Regulation, 1994.

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## REPORT:

Section 94 Contribution Plan No 7 – West Kingscliff required amendment for the following reasons:

1. The deletion from the Plan of the West Kingscliff community centre as this was transferred to the Tweed Shire Community Facilities Contribution Plan No 15 (adopted by Council in October 1996).
2. The cycleways section has been removed as this is now covered by Contribution Plan No 22.
3. ‘Collector Road – Crescent Street’ section has been removed as this is now covered by Contributions Plan No 4.
4. The section on drainage has been altered in the following manner:
  - The area covered by the plan has been amended to be based on the West Kingscliff Drainage Catchment (rather than DCP9), however much of the area is still common to both.
  - The plan now calls up the “Kingscliff Catchment & Drainage Management Plan, Revision 3, 23/3/00” (*Drainage Management Plan*) prepared by WBM Oceanics Australia.
  - The works under this plan are redefined in accordance with the *Drainage Management Plan*.
  - There is an advisory note that stormwater quality works are excluded from this plan.
  - The formula has been tidied up to show more clearly how credits for dedication of land and works in kind are treated.
  - There is a new definition of the development area for the purpose of calculating contributions. The new definition takes into account site redevelopment as well as new subdivision development.
  - The Schedule 1 - Contribution Rates: the drainage contribution calculation has been revised to account for increases in rates for land acquisition, area to be acquired, length of drain, cost of study and additional rates for landscaping and maintenance access.
5. The occupancy rates for single residential and medium density development changes from 2.82 and 2.23 to 2.6 and 1.7 persons respectively.

## FINANCIAL IMPLICATIONS

The drainage component has changed from \$11,784.63 per ha to \$16,070 per ha. As a result of the decrease in occupancy rates, the levy rates for single residential and medium density development have reduced from \$457 to \$421 and \$361 to \$275 respectively.



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**6. ORIGIN: Director**

**FILE REF: GT1/29/3**

**REPORT TITLE:**

**Kingscliff/South Kingscliff District - Review of Strategic Issues**

**SUMMARY OF REPORT:**

The Kingscliff District has emerged as the focal sector for future development in Tweed Shire. A number of significant issues have now emerged in the planning and development of the area, and it is very timely that these issues be addressed in a coordinated and consistent manner to ensure that a balanced, sustainable and integrated approach to the planning of the district can be realised. This is a status report on the major component localities/sites within the Kingscliff/South Kingscliff District; the key planning and development issues and the strategic approach being taken to planning for the District. The crucial importance and Council responsibility for such a Strategic approach was emphasised by the Director-General of the Department of Urban Affairs and Planning in meetings with Councillors, Directors and landowners/consultants on 3 November 2000.

**RECOMMENDATION:**

That this report be received and noted.

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## REPORT:

### Kingscliff District – Review of Strategic Issues

#### INTRODUCTION

The Kingscliff/South Kingscliff District has evolved into the primary development focus of the Tweed Shire. For Planning purposes, the district is broadly defined as that area bounded by Chinderah to the North, the Pacific Ocean to the East, the Tweed Coast Motorway to the West and Cudgen Lake to the South.

The district encompasses the existing towns of Kingscliff and Cudgen and the new release areas of West Kingscliff, Kings Beach North, Casuarina Beach, “Seaside City” and Kings Forest. At present, the combined population of Kingscliff and Cudgen is 5750 people. When fully developed, it is envisaged that the district will have a population of approximately 25000 people, which is similar to that of the developed north-eastern corner of the Shire centred on Tweed Heads.

A summary of existing and expected population estimates for the Kingscliff district is provided in the Table 1 below.

**Table 1 - Kingscliff District – Existing and Future Population Estimates**

Locality	Population (est.) – current	Net Additional Population Yield (est.) 2020
<b>Kingscliff</b>	3,500	-
<b>West Kingscliff</b>	1,700	2,000
<b>Cudgen</b>	550	200
<b>South Kingscliff</b>		
Kings Beach	-	2,500
Casuarina Beach	-	5,600
Seaside City	-	500
<b>Kings Forest</b>	-	10,000
<b>Total District</b>	<b>5,750</b>	<b>20,800</b>

As can be seen from Table 1, the localities within the district are at different stages of development. The existing town of Kingscliff is now experiencing both commercial and residential redevelopment. West Kingscliff is progressively expanding, as it has been for the past five years.

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Development of the South Kingscliff locality commenced this year, while Kings Forest is still in the development investigation phase.

In conjunction with the progressive development of the district, an array of complex and inter-related planning issues have arisen, which Council needs to address in a coordinated and consistent manner. The key strategic issues concerning the Kingscliff district have been identified and these are discussed in this report. It is proposed that the most efficient and effective way for Council to address these key issues is through the formulation of an integrated planning strategy for the whole district – as is Council's responsibilities as a Planning Authority. The strategy would take into account all relevant planning policies and issues and provide a framework for the ongoing coordination of planning for the district.

## **STATUS OF PLANNING AND DEVELOPMENTS**

### **Tweed Shire 2000+ Strategic Plan**

#### *Policy/Action 107 – Kingscliff*

Council recognises the tourism potential of Kingscliff and will build on the already completed streetscaping as proposed by the Kingscliff Main Street Committee and in line with contemporary urban design principles.

#### *Policy/Action 108 – South Kingscliff*

This includes the urban release area of Kings Beach and Kings Forest. Council recognises the anticipated major growth over the next 10 years of South Kingscliff. Council will plan for another District Centre which consolidates community and health facilities, schools and churches adjacent to that Centre. The Centre is to be located preferably within the Kings Forest development because it is less constrained and will accommodate the greater part of expected permanent population – alternatively at Kings Beach if development timing, feasibilities etc justify.

#### *Policy/Action 121 – South Kingscliff*

The detailed planning for the South Kingscliff areas to include the following principles:-

- \* Key sectors of the Kings Beach land reserved for tourist development.
- \* Ecologically significant vegetation retained in a protective zoning with an appropriate management plan.
- \* Public access to the entire length of the beachfront.
- \* Retail and commercial centres preferably located in the Kings Forest area (as fewer constraints apply than Kings Beach) with social and health facilities.
- \* Retail and commercial facilities in Kings Beach limited to those necessary to serve that areas tourist and permanent residents.

### **Tweed Local Environmental Plan 2000**

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This was gazetted in April 2000 and provides for the zonings and legal provisions for development in environmental protection in this sector of the Shire, essentially reaffirming the zonings in Tweed LEP 1987 with some adjustment for environmental protection. On March 15, 2000, Council resolved to initiate an amendment to rezone "Seaside City" from 2(f) Tourism to 2(e) Residential/Tourist zoning.

## **Urban Centres Study – Kingscliff/South Kingscliff**

Patrick Partners Pty Ltd and Deicke Richards have been commissioned to undertake this Urban Centres Study – targeted for completion in April 2001. The major findings and recommendations will be for where the major district urban centre, local and neighbourhood centres should be located and the related urban and road design network.

## **Draft Development Control Plan for Kingscliff**

This was endorsed for public exhibition by Council at its meeting of 15 November, 2000 and in large part implements the Kingscliff Urban Design Study prepared by Deicke Richards in 1998. The draft Development Control Plan places strong emphasises on quality design for urban development, public spaces and the environmental qualities which comprises the township of Kingscliff. It was deferred by Council at its meeting of 7 March, 2001 and Council will reconsider its final adoption on 21 March, 2001.

## **Kingscliff Shopping Village**

Following prolonged submissions, assessment and negotiations, development approval was issued in December 2000 for a significant extension to the existing Centre.

## **West Kingscliff/Development Control Plan No. 9**

DCP 9 has been in place for some 6 years and now needs substantial revision given the initiation of more detailed planning for the Gales Holdings Properties. An integral part of this more detailed planning for West Kingscliff is the conditional agreement reached by Dr Stephan Segal of Gales Holdings Pty Ltd and Council for the relocation of the Kingscliff Sewage Treatment Works and the preparation of a draft LEP for the site currently occupied by the Works to be rezoned 4(a) Industrial. The major review of DCP 9 will be prepared on an iterative basis in conjunction with Gales Holdings Pty Ltd and the Company's Consultants with the Urban Centres Study being a major contribution.

## **Lot 490**

This is the 24ha parcel of land immediately south of Cudgen Creek previously owned by the NSW Tourism Commission but transferred to the ownership of the Department of Land and Water Conservation and the care, control and management of Tweed Shire Council through the Reserves Trust. The care, control and management includes the enabling of Council to gain financial return from the development of this land which is zoned 2(f) Tourism on the basis that this financial return will be utilised for maintenance and capital enhancement of the Single Coastal Reserve which was transferred from the Department of Land & Water Conservation's responsibility to Council in late

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1997. Public exhibition of 5 development options has been completed and Council resolved 7 March, 2001 to prepare a draft Development Control Plan for this land.

## Kings Beach North/Kings Heath Club of Club's Land

The site of historical approvals for tourist resort developments including the 1992 approval to the Sahben Group of Companies, the current consent (May 2000) from the Minister of Urban Affairs and Planning is for a six (6) lot subdivision of the first stage of a major tourist resort – the developers being Kings Heath Club of Clubs. Currently it is understood that Kings Heath Club of Clubs are undertaking a major review process of development feasibility and design.

## Seaside City

This paper subdivision from the 1920's was subject of a resolution by Council in March 2000 to initiate a draft LEP to rezone the land from 2(f) Tourism to 2(e) Residential/Tourist. 85% of the 240 lots owned by Richtech Pty Ltd (a related Company to Lenen Pty Ltd who have been the predominant landowner in the sector) and there are 15 other landowners of 1 or 2 lots within the subdivision. Six (6) Consultants have made submissions to undertake the preparation of the Local Environmental Study and Draft Local Environmental Plan and the Director of Development Services is in the process of decision-making for the selection of the Consultant to undertake the work based upon consultations with the Department of Urban Affairs and Planning and Richtech Pty Ltd (as the main funder of the LES/Draft LEP).

## Casuarina Beach

Substantial earthworks and civil works have been completed with the release of the first linen plan being sought in the next few weeks for Stage 2. To date five (5) stages have been given approval for residential subdivision which will yield approximately 400 lots. The commercial area identified in the development plan (referenced in the 1998 Land & Environment Court consent) has been deferred for four (4) years or other appropriate "biological timeframe" as part of the equation required of the developers for nil net loss of Coastal Banksia. The potential is for 10,000m<sup>2</sup>-12,000m<sup>2</sup> of retail and commercial development in this sector.

## Kings Forest

Is subject of a separate report to this Council meeting and there is a recently completed Local Environmental Study by GHD.

## **KEY STRATEGIC PLANNING ISSUES**

The key Strategic planning issues relevant to the Kingscliff/South Kingscliff District are:-

1. Hierarchy of urban (retail, commercial and service) centres – ensuring the best locational distribution and accessibility of different scales of centres with related health and community facilities – potentially including a third hospital in the Shire. Related principles for quality road network and building designs is crucial. Retain Kings Forest as the planned District Centre?

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2. Provision of schools and other community facilities – number of schools, provision also for private/church schools and appropriate locations.
3. Relocation of the Kingscliff Sewerage Treatment Plant and the related issues of demand and scale of industrial zoning and implications for the character of Kingscliff/West Kingscliff.
4. Access to Kings Forest release area.
5. Future development of tourism site at South Kingscliff (Lot 490).
6. Kings Beach North – viability and process of implementing the Kings Heath consent and planning for Seaside City.
7. Vegetation management at West Kingscliff.
8. Revision of building height controls.
9. Distributor and collector road network – including the finalised alignment and classification of the Coast Road.
10. Implementation of the NSW Coastal Policy and the adequacy of scale and distribution of public open space and public car parking.
11. The provision of pedestrian cycleway linkages – particularly to Kingscliff over Cudgen Creek.

These issues are addressed in detail below.

## **1. Hierarchy of Retail and Service Centres**

A hierarchy of retail and service centres must be established for the district. This will enable Council to plan for the appropriate level of services to be provided at key locations within the district. In particular, the location and extent of retail facilities required must be established. To this end, consultants have been commissioned to undertake a Centres Structure Study, to be completed by April 2001. The Study will nominate an overall retail hierarchy for the District, with the identification of appropriate locations, sizes and design outcomes for a district centre, as well as local and neighbourhood centres. The planning and design of retail and service centres is recognised as being critical to the identity of a locality.

### *District Centre*

The District centre will have three primary functions:

1. The primary commercial and service centre for the Kingscliff district;
2. The service centre for the broader catchment area, which extends southwards outside of the Kingscliff district, to include the Tweed Coast villages of Bogangar/Cabarita, Hastings Point and Pottsville;
3. The local commercial and service centre for the immediate adjoining residential locality.

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Ideally, the district centre will be located centrally to the broader catchment population and will cater for higher order facilities that service the whole of the envisaged catchment area. In this regard, issues of accessibility to the whole catchment area must be carefully considered. The district centre will ultimately comprise of a large commercial precinct catering for a broad mix of land uses, including community and special use facilities. It is important that such a centre does not occupy prime coastal land that would be better used for residential/tourism/recreational purposes. The envisaged future population of the broader catchment area including the Tweed Coast villages will be in the order of 40 000 people.

It is envisaged that the district centre will include a district shopping centre, retail floor space of between 10,000m<sup>2</sup> and 20,000m<sup>2</sup>, a regional library and higher order community, health and commercial services. Consideration should also be given to a suitable location for a district high school in proximity to the district centre and to the potential for a third hospital in the Shire.

Council's Strategic Plan Tweed Shire 2000+ has nominated the preferred location for the district centre as being within the Kings Forest release area, which is likely to be the largest contiguous development area in the district. However, alternatives must be considered, given that the timing of development for Kings Forest is uncertain and access issues remain unresolved (see Point 5 below – "Access to Kings Forest Release Area") and based upon updated and more detailed research.

## *Local centres*

Each of the three major local areas within the district will have its own local town centre ie, Kingscliff, South Kingscliff and Kings Forest. The primary purpose of the local centres will be to provide for the day to day commercial and service needs of the particular locality only. The nominated district centre will have a secondary role as the local centre for whichever locality it is situated in.

The local centres are envisaged to service a population catchment of between 7,000 and 15,000 people and will incorporate in the order of 6,000m<sup>2</sup> of retail floor space.

Kingscliff town centre already contains the facilities required for a local centre, including a supermarket, a variety of commercial and retail outlets, post office and a library. The town centre has the potential to expand along Turnock Street, the main feeder road to West Kingscliff. This would cater for the needs of an expanding population in West Kingscliff.

## *Neighbourhood centres*

Neighbourhood centres will cater primarily for local retail needs within a locality. They are intended to provide basic retail needs within walking distance of all residents. It is generally accepted that walking distance constitutes a five minute walk and that pedestrians can comfortably walk 400m within a five minute period. Neighbourhood centres should therefore ideally be established at intervals of approximately 800m.

At the lower end of the spectrum, Neighbourhood centres may comprise of only a corner shop, while at the higher end of the spectrum they may comprise of a small shopping centre. Neighbourhood centres will generally range in size from 500m<sup>2</sup> up to a maximum of 1500m<sup>2</sup> of retail floor space, depending upon the unique circumstances of each locality.

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Specific locations for these centres should be identified by the Centres Structure Study and detailed in the Development Control Plans for each locality.

## 2. Provision of Schools and other Community Facilities

The NSW Department of Education and Training (DET) has provided Council with advice to the effect that based on current population estimates for the Kingscliff district, one high school and two or three primary schools would be required over the longer term.

The DET has indicated that planning is currently underway for a new high school at Banora Point, which will cater for the catchment area between Kingscliff and Tweed Heads. This will enable the existing Kingscliff High School to provide capacity for the catchment area south of Kingscliff in the short to medium term. In the long term, a new high school may be required to service the Kings Forest/Kings Beach/Pottsville Beach catchment area. If the need for this additional high school is justified, the location should be central to the envisaged catchment area. The DET's requirements for new high school sites indicate that a 6ha parcel of relatively flat land is required.

The DET is committed to a new primary school at Bogangar, which will cater for the catchment area from Kingscliff to Pottsville Beach. Only one additional primary school may be required for the Kings Forest area. DET has indicated that an existing primary school at Duranbah, at the western end of the Kings Forest development area, could be upgraded if required.

The location of schools has a significant impact on localities as they provide a major focal point for many community activities. Other community facilities provided by State Government, such as hospitals and healthcare facilities, should be provided in suitable locations so that they effectively serve the district population. Co-ordinated planning with the relevant State Government authorities is essential.

The provision of community facilities by Council, such as libraries, community centres and childcare facilities will need to be considered in light of the Centres Structure Study, once this has been completed. In keeping with Council's current policies, important community facilities should be located in accessible locations, preferably town centres.

The Kingscliff/South Kingscliff District also has significant potential for private and/or church schools. On the 3<sup>rd</sup> of November, 2000, the Director-General of the State Department of Urban Affairs and Planning reaffirmed the emphatic position that the land east of Old Bogangar Road will remain as a 1(b) Agricultural Protection zoning and therefore the position with the Anglican School will remain the same. Alternative sites for such schools should be an integral part of this strategy with such schools being proposed for location on sound accessibility principles relative to existing and future residential development and urban centres.

## 3. Relocation of Sewerage Treatment Plant

Council at its meeting of 4 October, 2000 resolved to negotiate with Gales Holdings a Contract of Sale (or equivalent legally binding agreement) which involves the sale of the existing Kingscliff Sewerage Treatment Plant (STP) site to Gales Holdings and the purchase from Gales Holdings of part of Lot 2, DP 611021 to the west of Kingscliff, which would become the new Sewerage Treatment Plant site. Council has also resolved that the completion of the contract would depend



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on the existing STP site being rezoned for industrial purposes. This was the previous zoning of the land under Tweed LEP 1987.

Relocation of the STP would improve general amenity particularly within residential areas in proximity to the current STP site. However, the implications of relocation in terms of future use of the current STP site must be considered. Any rezoning of the STP site must take into consideration the likely requirement for the envisaged future use(s) of the site, the capacity of the flood prone land to accommodate further development and the relationship of the envisaged future use of the land to other land uses in the district.

Potential industrial and commercial uses of the site must be viewed within a district and shire wide context. In particular, if the land were to be rezoned industrial, this would result in over 50ha of zoned industrial land to the west of Kingscliff. The desirability of the location and this amount of industrial land would need further consideration. This would include consideration of the planning objectives for the supply of industrial land in the Shire, the anticipated market demand for industrial land in this location, the desired future character of West Kingscliff and Kingscliff and the capacity of the land for further development. Any consideration of the use of the land for commercial/retail purposes would need to take account of the recommendations of the Centres Structure Study currently being undertaken.

#### **4. Access to Kings Forest Release Area**

The draft Local Environmental Study (LES) process for the Kings Forest release area (subject of a separate report to this Council meeting) has identified access to the release area as being a major issue that warrants further investigation. The nominated main access route from Old Bogangar Road would dissect an area that has been identified as comprising significant koala habitat. Options for an alternative access route to Old Bogangar Road therefore need to be investigated. This may have implications for the overall accessibility of the release area both in terms of general accessibility from other localities and the timeframe within which suitable access can be achieved.

There is no provision for access to Kings Forest from the Pacific Motorway (because of absolute topographical constraints) which is currently under construction to the west. This may have implications for the accessibility and siting of a future district centre at Kings Forest. It is possible that Cabarita and Pottsville Beach residents may find that district level commercial and retail facilities at South Tweed will be more accessible than similar facilities if located at Kings Forest.

#### **5. Future Development of Tourism site at South Kingscliff (Lot 490)**

The appropriate use of the former tourism site (Lot 490, DP 47021) at South Kingscliff has emerged as a significant issue. Council has responsibility for the management of the 24.45ha parcel of undeveloped Crown land. The land is strategically located adjacent to Cudgen Creek, between the existing town of Kingscliff and the future development sites at South Kingscliff.

The land is zoned 2(f) Tourism under Tweed LEP 2000. A flora and fauna study of the land prepared for Council last year highlighted the importance of retaining a riparian buffer zone along the site's entire frontage to Cudgen Creek. The land has also been identified as a potential site for the relocation of the Kingscliff Holiday Park, if this were to occur.

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A Development Control Plan will be prepared to guide the future development of this important site. A future Development Control Plan should have regard to the site's potential, its importance within the district context and to the relevant elements of the Draft Kings Beach North Strategic Planning Policies (refer to Point 6 below).

## 6. "Kings Beach North" and Seaside City

This area comprises of the Kings Beach release area, exclusive of the Casuarina Beach development site. The area includes the Seaside City subdivision, the Lenen Pty Ltd development site and the tourism site, Lot 490. Strategic Planning Policies for Kings Beach North were prepared when the S94 Plan No 25 – "Kings Beach North Open Space and Associated Car Parking" was being prepared. The policies address the following issues:

- Realignment of the Coast Road
- Provision of public car parking
- Replacement of Cudgen Creek bridge
- Provision of Coastal open space, beach access and Cudgen Creek riparian buffer
- Cycle ways and pedestrian footpaths
- Surf lifesaving facilities
- Water, sewerage and drainage
- Seaside City subdivision

Ideally, these policies should be incorporated into the district strategy. Potentially, the policies could be incorporated into an area specific DCP that also addresses the tourism site (lot 490) in detail (see point 5 above).

## 7. Vegetation Management at West Kingscliff

The West Kingscliff release area comprises of a significant area of undeveloped land zoned Residential 2(c) – Urban Expansion. Much of this land is low lying and contains a mix of vegetation. A detailed analysis of the vegetation is required in order to determine whether the land contains important habitat that is worthy of conservation. Council is currently engaging consultants to examine the vegetation of this area in detail to determine its significance. Determination of the significance of the vegetation will provide an indication of the development potential of the area. It is important that this step be taken, so that the detailed planning of the West Kingscliff area can be finalised and that district planning can continue in light of any revised population and land supply estimates and changed options for the future location of urban facilities.

## 8. Revision of Building Height Controls

Maximum building heights in Tweed Shire are stipulated under Tweed LEP 2000 and are generally designated by a maximum number of storeys. For instance, a height limit of 3 storeys applies to Kingscliff. Tweed Heads and Tweed Heads West are the only exceptions to this, where some

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parcels of land are subject to a maximum height limit designated by height in metres relative to Australian Height Datum (AHD).

In Kingscliff, community opinion has generally indicated that the 3 storey height limit should be maintained and not increased. However, some recent development issues have indicated that buildings which appear more like four storey buildings could be erected, while still achieving technical compliance with the 3 storey height limit. This is a result of the legal definition of storey, which essentially states that a storey is the space between a floor and a ceiling, with no upper limit on ceiling height. For example, in theory, a single storey arcade building could be built to a much greater height (measured in metres) than surrounding 3 storey developments.

Such a scenario would be a significant divergence from community expectations as to what constitutes a reasonable height limit in Kingscliff. Given the sensitivity of this issue, particularly in this coastal locality, the height controls as they relate to the Kingscliff district should be re-assessed to determine whether it may be more appropriate to provide a maximum building height control measured in metres AHD, rather than storeys.

## **9. Distributor and Collector Road Corridors**

The design, function and appearance of main roads through the district should be considered in more detail at the planning stage. This will particularly apply to Old Bogangar/Chinderah Road, which will be the main feeder road for local traffic through the district.

It is highly likely that this road will be upgraded to 4 lanes from the Chinderah roundabout to at least Casuarina Beach and possibly Bogangar. This is anticipated to occur in the next 5 to 10 years, and is based on traffic projections of 35,000 – 40,000 vehicle movements per day. Council's Planning and Design Unit is currently looking at associated design issues.

The landscaping of main road corridors will also need to be considered. Landscaping adjacent to Casuarina Beach is to be carried out by the developer of this area and will include earth mounding.

If service stations were to be developed along Old Bogangar Road, access would be restricted to left hand entry/exit only ie, traffic would not be permitted to cross a four lane road to access a service station. Further consideration of this issue may be warranted.

## **10. NSW Coastal Policy – Provision of public open space and public car parking**

Council's historical policy has been for the provision of 300 car parking spaces per kilometre of length of coastal foreshore and 2.83ha per 1000 for provision of public open space. The results of the Ministerial approval for Kings Beach North/Kings Heath Club of Clubs site was for 1.125ha of public open space adjacent to the coastal foreshore and 100 car parking spaces at each of the northern and southern ends related to the open space. The Coastal Hazards Study due for imminent completion (jointly funded by Council and DLWC) may have a significant bearing on these issues as well as related coastal erosion setbacks and development entitlements/expectations. The completion of the Chinderah to Billinudgel Motorway and related upgrading of access to the Tweed Coast will increase tourist and day tripper demands on coastal open space and beach maintenance – together with the Surf Life Saving Services. A significant quality of continuous public open space has been provided as part of the Casuarina Beach development and a plan is essential to ensure such

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quantity and quality of public open space adjacent to the coastal foreshore is provided for the full coastal length. The pedestrian and cycleway is also being physically constructed by Consolidated Properties within the coastal public open space adjacent to Casuarina Beach and this is also a commitment for the Lenen North/Kings Heath site. This progressive construction should be continued as an integral part of Seaside City and Lot 490 approval and construction processes.

## 11. Cycleway and Footpath Linkages

Conditions of consent require cycleway/pedestrian ways construction for the coastal foreshore frontages of the Casuarina Beach and Kings Heath Club of Clubs sites. Links are embodied in Plans to Kings Forest and Kingscliff. A key issue is the linkage across Cudgen Creek to Kingscliff – location (link to Marine Parade from Sutherland Point is preferred) and funding.

### A DISTRICT STRATEGY

#### Overview

The progressive development of the Kingscliff district will involve the provision of significant public infrastructure by both local and State Governments and substantial private investment in property. The district also encompasses environmentally significant areas including foreshores, waterways and wetlands that warrant on going protection.

To ensure that the district develops in a balanced, sustainable and integrated manner, it is necessary that an overall policy direction be provided in the form of a district strategy. A strategy will provide Council with a clear overview of the major strategic issues facing the district, and will illustrate the inter-relationship between the various issues and planning policies. This will enable a consistent approach to be taken in relation to development issues, rather than having to deal with individual issues in an isolated and ad-hoc manner as they arise.

The Strategy should include options that provide Council with a degree of flexibility to address issues. This will enable Council to respond rapidly to changed circumstances. Given the envisaged 20 year time frame of the strategy and the known complexity of issues to be addressed, it is necessary that an appropriate degree of flexibility be provided.

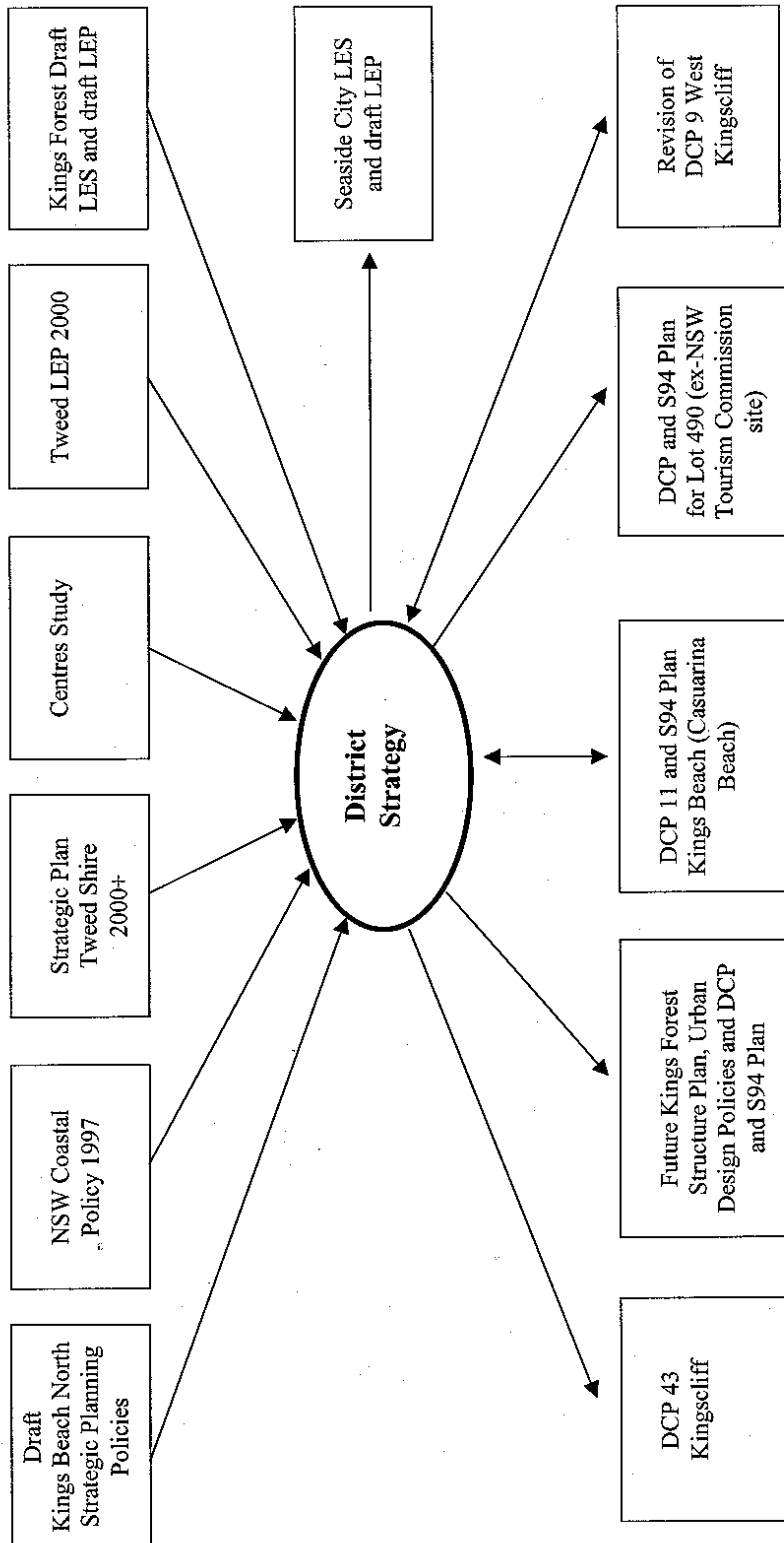
A strategy will be an important instrument for the effective implementation of Council's planning function for the Kingscliff district. It will also provide a framework for the more detailed planning of specific localities within the district.

#### CONCLUSION

The Kingscliff/South Kingscliff district has emerged as the focal point for future development in Tweed Shire. A number of significant issues have emerged in the planning and development of the area. These issues must be addressed in a coordinated and consistent manner to ensure that a balanced, sustainable and integrated approach to the planning of the district can be realised.

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**Kingscliff/South Kingscliff District Strategy Relationship to Other Plans**



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## 7. ORIGIN: Development Assessment Unit

FILE REF: DA0425/20 Pt1

### REPORT TITLE:

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

### SUMMARY OF REPORT:

Council received a development application for two (2) farm sheds for the purpose of fruit packing (bananas) and timber milling.

The application has been ongoing for some time now and at Council's meeting of 6 December 2000, it was resolved to defer the matter to allow an inspection by Councillors. The main issue of concern is the likely excessive noise to be generated by the mill. Five (5) objections were also received.

As the applicant is anxious to erect the packing shed he has now amended the application to delete the milling operations and seek approval for the packing shed only. Consent K2000/325 has been issued under delegated authority for a packing shed.

### RECOMMENDATION:

That this report be received and noted.



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## REPORT:

Council received a development application for the erection of two (2) farm sheds for the purpose of fruit packing (bananas) and timber milling.

The application has been ongoing for some time now and was reported to Council's meetings of 16 August, 2000, 6 September, 2000, 20 September, 2000 and 6 December, 2000. Council resolved to defer the matter at each of those meetings.

The main issue of concern is the noise to be generated by the sawmill which is likely to exceed the NSW Environment Protection Authority acceptable noise limit. Five (5) submissions of objection were also received identifying noise as the main concern, as the milling operations had previously commenced without approval.

The applicant has now amended the application to delete the milling operations and seek approval for the packing shed only. He has advised that the portable sawmill has been operating at other sites outside the Shire and approval for this is no longer requested.

However, the packing shed still needs approval as at present they are using someone else's shed. Their own shed is now needed so that they can participate in the Approved Supplier Program for their bananas.

Accordingly, Consent No. K2000/325 for a packing shed was issued under delegated authority on 9 March, 2001.

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**8. ORIGIN: Director**

**FILE REF: NOROC**

**REPORT TITLE:**

**Presentation by NOROC**

**SUMMARY OF REPORT:**

Cr Ernie Bennett, President, NOROC has requested the opportunity to address Council on previous occasions. The Mayor received a further request on Tuesday, 6 March 2001.

**RECOMMENDATION:**

That Council, having considered the relevant information, advises NOROC that it declines the briefing report and the invitation to rejoin NOROC.

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## REPORT:

Council, approximately three (3) years ago, resigned its membership of NOROC primarily because delegates believed that the organisation was not providing the Tweed with reasonable benefits from its membership.

NOROC in recent times has requested the opportunity to brief Council on the benefits on rejoining the organisation. The most recent request was presented to the Mayor on Tuesday, 6 March 2001.

NOROC have provided details of the organisation, its objectives and copies of the presentation proposed for 28 February 2001 (see attached).

Based on the information provided, it is suggested that there may be only limited value in Council progressing this request any further.

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# Reports from Director Corporate Services

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**9. ORIGIN: Administration Services Unit**

**FILE REF: Leases – Council Prop**

**REPORT TITLE:**

**Lease of Part of Reserve 793234**

**SUMMARY OF REPORT:**

An application has been received from Mr Leslie Pulman to lease part of Reserve 793234 for the purpose of agistment of horses and the riding of horses.

**RECOMMENDATION:**

That a lease be granted to Mr Leslie Pulman over part of Reserve 793234, being an area of approximately 2.4 hectares on the terms and conditions as outlined in this report.

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## REPORT:

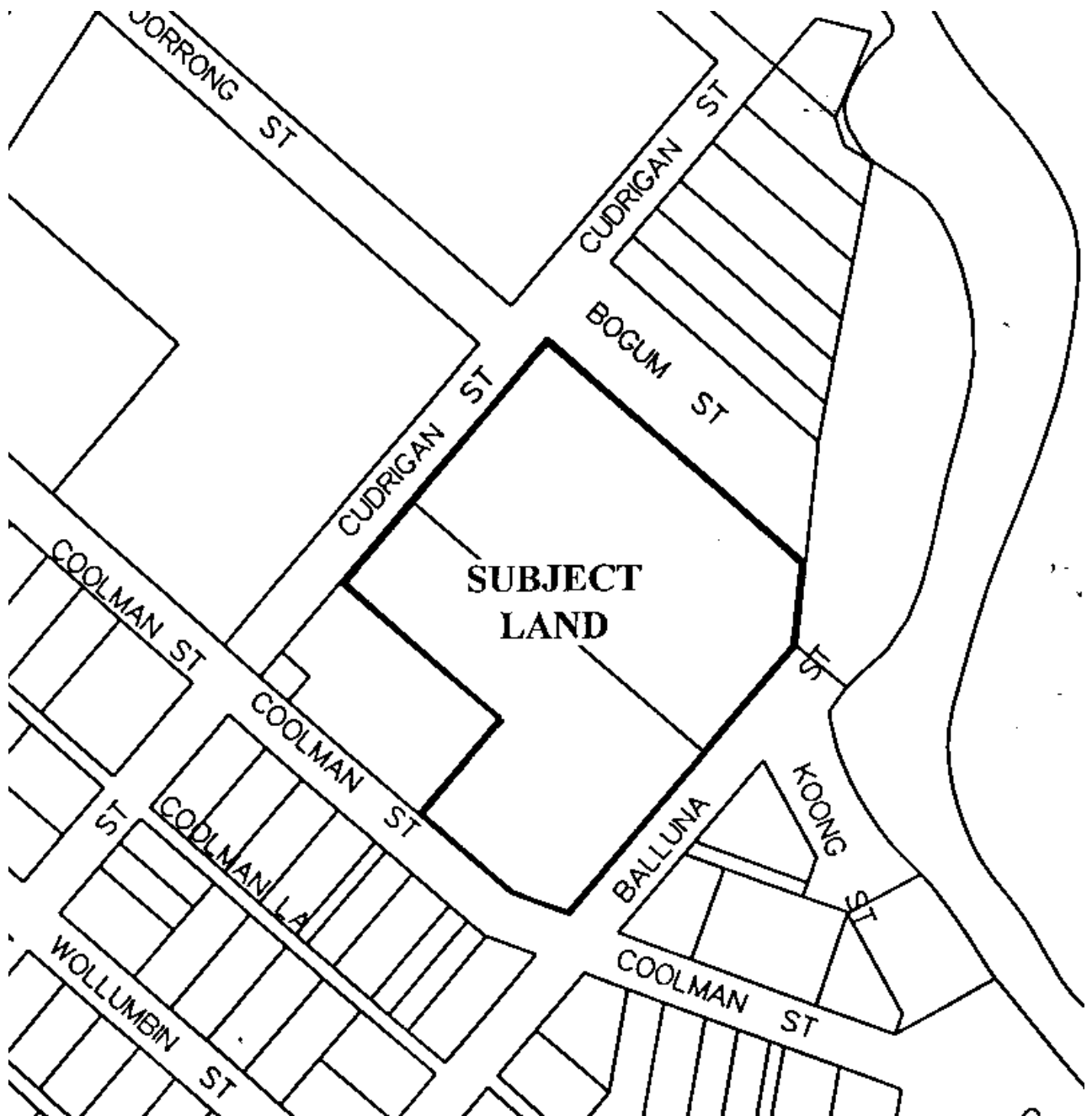
Mr Leslie Pulman, a local resident of Tyalgum, has made application for the agistment of horses and the riding of horses on part of Reserve 793234. Such reserve was originally for public recreation and it is now vested in the care, control and management of Tweed Shire Council.

The area of land applied for agistment has an approximate area of 2.4 hectares. It is currently not maintained and has been previously used by the Tick Board staff for the grazing of cattle. Mr Bruce Bartrim from Tyalgum is the contact person for the Tyalgum Reserve Trust, who inspected the property in conjunction with Council officers. Mr Bartrim has no objection to Council leasing this land.

Mr Pulman is a well-known local resident who lives and owns property across the road from the subject land. If Council approves such a lease it would be on the following terms and conditions:

<b>Period of Lease:</b>	5 years
<b>Rental:</b>	\$200.00 per annum, subject to CPI increases
<b>Purpose:</b>	Agisting of horses and the riding of horses
<b>Improvement:</b>	Area to be fenced and kept clean of noxious weeds. Supply and cost of water to be the responsibility of the Lessee.
<b>Costs:</b>	All costs in granting and preparation of the lease to be met by the Lessee.

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## 10. ORIGIN: Director

**FILE REF: Tourism - General**

### **REPORT TITLE:**

**Tourism in NSW Towards 2000**

### **SUMMARY OF REPORT:**

The Local Government & Shires Association (LGSA) has provided information on a series of regional workshops associated with the development of a long-term tourism strategy.

The local regional workshop is to be held at Ballina on Friday, 30 March 2001.

### **RECOMMENDATION:**

That:

1. Councillors Brinsmead and Polglase, as Council's representatives on the TACTIC Board, be authorised to attend.
2. The Mayor's Secretary effects Councillors registration.
3. The Chairman of TACTIC be advised of the regional workshop and be encouraged to attend and contribute on behalf of the local tourism industry.

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## REPORT:

The Local Government & Shires Association (LGSA) is encouraging local Councils participation in the NSW Governments initiative to develop a long-term tourism strategy for the State.

A series of regional workshops across the State during the months of March and April are being held to assist the consultant, Price Waterhouse Coopers formulate the strategy.

Ballina has been identified as the local regional host with a workshop scheduled for Friday, 30 March 2001.

It is considered appropriate that Councillors Brinsmead and Polglase as Council's delegates to TACTIC, together with other members of TACTIC participate in the workshop for and on behalf of Council and the local tourism industry.

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# Reports from Director Corporate Services

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**11. ORIGIN: Director**

**FILE REF: Insurance-Workers Compensation**

**REPORT TITLE:**

**Workers Compensation Levy**

**SUMMARY OF REPORT:**

At Council's meeting of 24 January 2001 it was resolved:

*“that Council makes representation to the Local Government and Shires Association, Local Government Minister (Mr Harry Woods) and Local Member (Mr Neville Newell) aimed at reducing the escalating costs associated with Workers Compensation.”*

Both the Local Government & Shires Association and the Local State Member have responded.

**RECOMMENDATION:**

That this report be received and noted.

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# Reports from Director Corporate Services

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## REPORT:

Council resolved at its meeting of 24 January 2001:

*“that Council makes representation to the Local Government and Shires Association, Local Government Minister (Mr Harry Woods) and Local Member (Mr Neville Newell) aimed at reducing the escalating costs associated with Workers Compensation.”*

The attached letters were sent to the Local Government & Shires Association, Minister for Local Government and the Local State Member.

To date, responses have been received from the Local Government & Shires Association, together with an acknowledgement letter from the State Member for Tweed, Mr Neville Newell.

Council will be kept informed of progress on the matter.

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# Reports from Director Corporate Services

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**12. ORIGIN: Administration Services Unit**

**FILE REF: Tweed Link**

**REPORT TITLE:**

**Council's Newspaper - "Tweed Link"**

**SUMMARY OF REPORT:**

Alternatives to Council producing its own newspaper are discussed.

**RECOMMENDATION:**

That this report be received and noted.

# Reports from Director Corporate Services

## REPORT:

In the four years that Tweed Shire Council has produced its own newspaper, the Tweed Link advertising revenue has been increasing and costs kept to a minimum resulting in Council's advertising rate in the Link being cheaper than any other media. This year it is estimated more than \$10,000 will be earned from non-profit and community organizations advertising in the Tweed Link. This growth has come as residents realise the Tweed Link is the only media that gets to the 31,000 homes in the Tweed Shire. Attachment A

The Tweed Link, a registered newspaper, started in November 1996 and has become a most successful means of informing the Tweed community of Council's decision-making, policies and activities for more than four years. The reason the Tweed Link was introduced was the falling circulation of the Daily News, the need to comply with statutory advertising requirements and the need to better inform Tweed residents of Council activities. It was also in response to criticism by a Local Government Inspector that the Tweed Council did not communicate well with the public.

It is the cornerstone of Council's communication and consultation with resident's policy and has the strong support of Council's communication committee, which contains community representatives. The philosophy is that a better-informed community is a more effective community whose needs this Council can better serve. The Link offers a constant flow of information to the residents.

In the Tweed there is no one dominant print media. The traditional newspaper the Daily News latest audited circulation figures show a drop to just 5611 in paid circulation. The Gold Coast Bulletin claims a readership as distinct from sales of 8,800 for the Weekend Bulletin in the area from Tweed to Kingscliff. Another newspaper is The Weekly produced at Murwillumbah, which claims a print run of 26,000. The circulation of this newspaper is erratic and only home delivered in the more built up areas. By comparison the circulation of the Tweed Link is more than 31,000 and has a reliable delivery via Australia Post. This is the only newspaper that is delivered even to the most rural ratepayers.

The current costs of postage are under agreement until June next year and printing cost will not rise this year. The latest budget predictions show the net cost for the Tweed Link at about \$100,000 for this financial year.

The salary component is \$46,000 but the journalist spends half time working with various sections of council on communications eg a series of brochures on planning for people submitting DAs or writing submissions for funding or applications for awards.

This brings the real cost of the Link to just \$77,000.

Further ways to reduce the cost of the Tweed Link include:

- Printing in one colour only. The two colours is an attraction for both readers and outside advertisers. (Estimated saving of \$20,200)
- Employing a journalist part time. This would leave a gap in communication services to various Council departments. (Estimated saving \$23,000)

Total possible savings \$43,200.

This means the Tweed Link could be produced for less than \$35,000 if some standards are lowered.

## Reports from Director Corporate Services

At present income to Tweed Link from all internal advertising is expected to be about \$110,000. The cost to Council of advertising through some other method than the Tweed Link would undoubtedly increase without the Tweed Link and Council would also lose \$10,000 in external advertising. There has been no increase in the advertising rate for the Tweed Link in the past three years and it is in fact well below normal commercial rates.

Without the Tweed Link Council would need to consider introducing quarterly reports to ratepayers.

Estimates for this service would be:

Printing \$24,000 plus

Postage \$17,360

The annual report would need to be more comprehensive than at present and could cost \$40,000.

Even if advertising were spread around all newspapers to encourage all to use press releases there would be a severe gap in communications with the public as against the present arrangements.

Without the Tweed Link, community service information cannot be provided by Council (unless further adding to advertising budget) on items such as:

Australia Day

Residents and Neighbourhood Watch meetings, festivals such as Wintersun, Banana Festival

Fish N Nana Festival, Tyalgum Music Festival, Greenback Fishing Competition and charity events

Promotion of council's after hours emergency number and changes to Council's and Councillors phone numbers.

In the past six months there have been many times Council has formally moved that information be conveyed through the Tweed Link. If there were no Tweed Link this would add to advertising costs.

- Water supply and sewerage performance reporting
- Destruction of dunal vegetation
- Section 94 contribution plan (surf lifesaving)
- Counterpoint conditions of entry
- Television Black Spot Funding
- Councillors phone numbers
- Proposed change of use Tweed Heritage Caravan Park
- Flats corner Frances and Enid Streets
- Tavern Pier Two

The Tweed Link promotes events such as the opening of Council facilities.

# Reports from Director Corporate Services

Examples of these are libraries, Fire Control Centre and South Sea Islander Room

Charity events such as Pat Farmer's run around Australia and the Mississippi Challenge are promoted.

Articles calling for applications for citizen awards and sports medals etc would need to be advertised elsewhere.

Surveys conducted through the Tweed Link have included women in sport, recycling and water quality.

The Link also informs residents when sports events or filming may disrupt their use of beaches or other community facilities.

Strong interest has been shown in the Tweed Link throughout Local Government. It is considered an example of best practice in communications. At least four councils are considering introducing their own weekly Australia Post delivered newspaper.

Letters and e-mails received recently are attached. Attachment B.

All Tweed Shire residents receive the Tweed Link free of charge and the cost per household is between \$3 and \$4 per year and could be as low as \$1 per year per household.

This compares with the cost per week or even per day of a paid newspaper.

If there were no Tweed Link the Civic Liaison Officer would recommend each advertisement be placed in the publication most likely to get the best results for that particular advertisement. After four years residents know to look in the Tweed Link but would need to be re-educated to look elsewhere.

Because statutory advertising falls mainly in the classified area eg job vacancies and public notices these are the rates used for comparisons.

Daily News/Tweed Times \$14.15 per column/cm (columns 3cm wide) Negotiated down to \$10.00

The Weekly \$11 per column/cm (columns 4.5cm wide). Negotiated down to \$6.00.

Gold Coast Bulletin \$14.83 per column/cm (columns 3cm wide). Negotiated down to \$10.70 Monday to Friday and \$12.90 Saturday.

Tweed Link \$7.45 per column/cm (columns 3cm wide).

To obtain these contract prices there would be pressure to place all advertising in the one media. There has been no effort to predict what the costs would be for example after one year.

The Tweed Link remains extremely well priced and has the added advantage of community information.

With all sections of government seeking greater public involvement in decision-making, (eg Department of Urban Affairs and Planning which is currently reviewing its plan making process and seeking greater community involvement) it is considered that the current method of communicating weekly with all residents is appropriate.



# Reports from Director Corporate Services

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## CONCLUSION

The Tweed Link is the most effective method of communicating with all Tweed Shire residents on a regular basis. It is known for its editorial independence. To replace it with advertising in external media plus other communication processes such as quarterly community reports would cost more than the present arrangement.

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# Reports from Director Corporate Services

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# Reports from Director Corporate Services

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**13. ORIGIN: Financial Services Unit**

**FILE REF: Financial Report**

**REPORT TITLE:**

**Investment Report**

**SUMMARY OF REPORT:**

Details of Council's investments as at 28 February 2001

**RECOMMENDATION:**

That this report be received and noted.

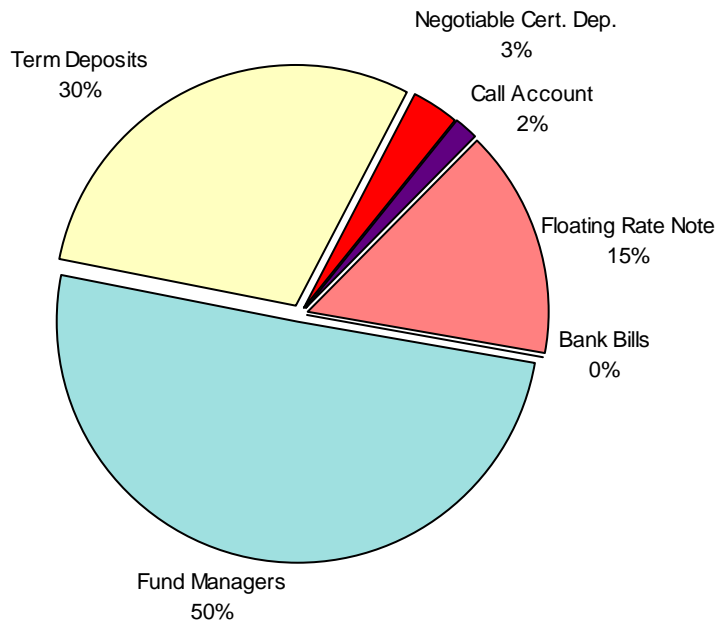
# Reports from Director Corporate Services

## REPORT:

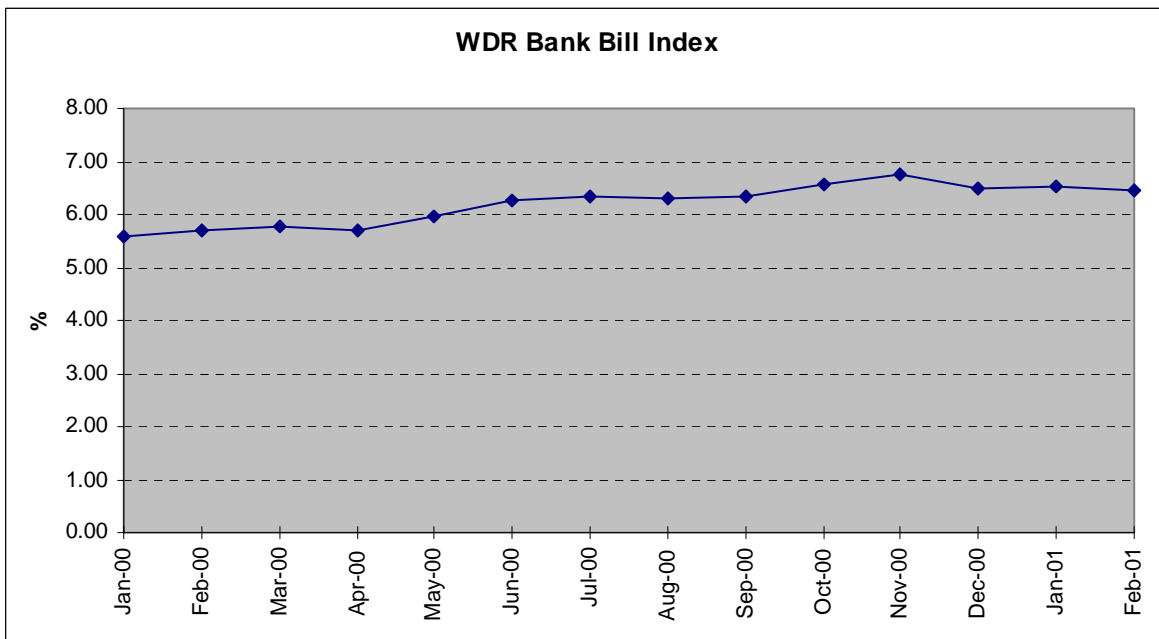
This report is provided to Council to advise details of monies Council has invested in accordance with Section 625 of the Local Government Act 1993.

### 1. CURRENT INVESTMENT PORTFOLIO BY CATEGORY

**% of Funds Invested by Category**



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

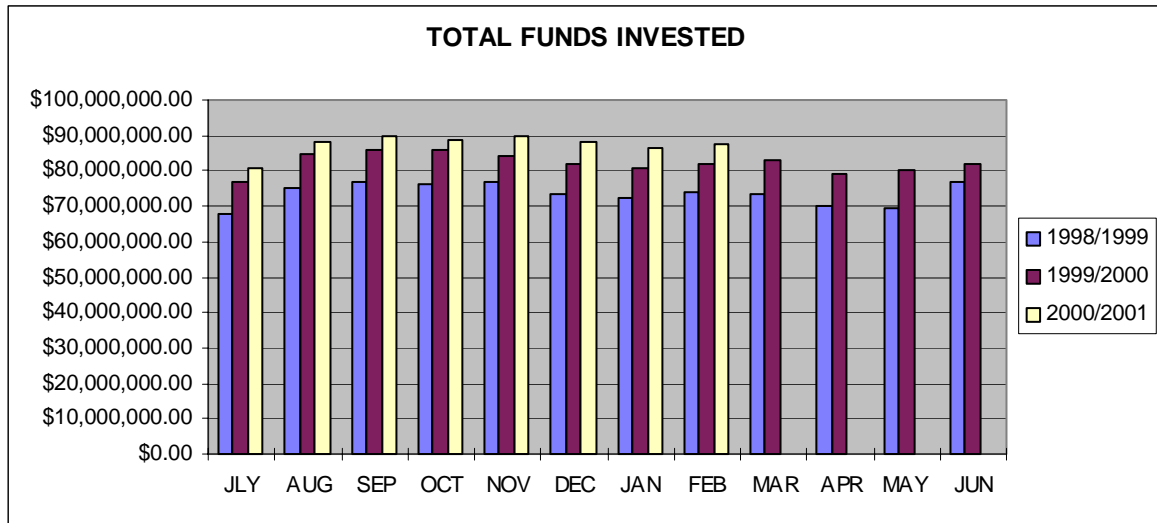


# Reports from Director Corporate Services

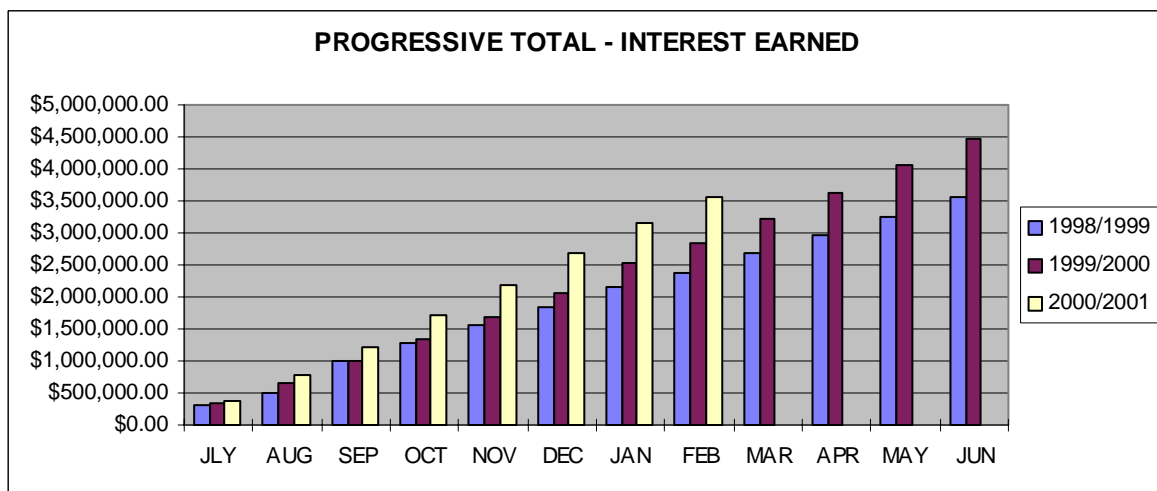
## 3. ANNUALISED RATE OF RETURN FOR FUND MANAGERS

Fund	30 Days %	90 Days %	1 Year %
ANZ	6.53	6.63	6.57
Bankers Trust	6.56	6.35	6.12
Macquarie	5.04	6.39	6.20
National Mutual	6.79	7.05	6.54

## 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

Despite the 0.75% fall in interest rates over the first two months of 2001 it is still expected that there will at least be a further 50 basis points interest rate easing from both the US Federal Reserve and the Reserve Bank of Australia before June 2001. The forecast official interest rate cuts by the RBA have been made possible by the improved inflation outlook and the slowdown in Australian domestic growth.

## 7. INVESTMENT SUMMARY AS AT 31 DECEMBER 2000

### GENERAL FUND

BANKS	18,113,625.00	
FUND MANAGERS	3,303,239.12	
LOCAL GOVT. FIN. SERVICES	1,000,000.00	
CALL	1,524,367.89	<b>23,941,232.01</b>

### WATER FUND

BANKS	4,000,000.00	
FUND MANAGERS	27,208,480.28	
LOCAL GOVT. FIN. SERVICES	4,000,000.00	<b>35,208,480.28</b>

### SEWERAGE FUND

BANKS	3,056,000.00	
FUND MANAGERS	13,375,520.50	
LOCAL GOVT. INV. SERVICE	11,713,392.53	<b>28,144,913.03</b>

### TRUST

FUND MANAGERS	50,000.00	<b>50,000.00</b>
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**TOTAL INVESTMENTS**      **87,344,625.32**

It should be noted that the General Fund investments of \$23.9 million are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

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# Reports from Director Corporate Services

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

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



**R R Norvill CPA**  
Responsible Accounting Officer  
Manager Financial Services

# Reports from Director Corporate Services

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# Reports from Director Engineering Services

## 14. ORIGIN: Planning & Design Unit

FILE REF: DA4030/3835 Pt7

### REPORT TITLE:

**Car Parking Analysis - Tweed Civic Centre Precinct**

### SUMMARY OF REPORT:

The report discusses the parking demand and provision generated by the Tweed Heads Hospital, Southern Cross University, Tweed Heads Civic Centre and Tweed Heads Bowls Club. The report identifies the need to construct approximately 27 angle car spaces on Wharf Street adjacent to the Civic Centre subject to final design and utilising contributions paid by Southern Cross University

### RECOMMENDATION:

That:-

1. Detailed design plans for the construction of approximately 19 on street angle parking spaces on Wharf Street Tweed Heads adjacent to the Civic Centre be prepared.
2. The sum of \$22,000 be voted from Contribution Plan No. 23 for the construction of (1) above.
3. The remainder of the contribution paid by Southern Cross University be held in Contribution Plan No. 23 until a detailed parking demand survey is completed once the Southern Cross University is fully operational.

# Reports from Director Engineering Services

## REPORT:

The Tweed Civic Centre Precinct for the purpose of this report is the locality bounded by Wharf Street, Brett Street, Solander Street, Keith Compton Drive and Florence Street, Tweed Heads as shown in Figure 1.

This area contains several major developments either existing or under construction being the Tweed Heads Civic Centre, Tweed Heads Bowls Club, Southern Cross University and the Tweed Heads Hospital. These developments generate significant volumes of traffic and create a high demand in the locality for both on and off street parking.

The following table identifies the quantity of on street parking available in the precinct:-

<b>On Street Parking Availability</b>	
<b>Street</b>	<b>Quantity</b>
Wharf Street	7
Brett Street	18
Solander Street	49
Powell Street	25
Keith Compton Drive	52
Florence Street	83
<b>Total</b>	<b>234</b>

The following table identifies the number of car spaces the above developments are required to provide under Council's "Development Control Plan No. 2 Car Parking" and the number of spaces actually provided:-

<b>On Site Car Parking Demand</b>			
<b>Development</b>	<b>DCP No. 2 Required</b>	<b>Provided</b>	<b>Shortfall/Surplus</b>
Tweed Heads Hospital	454	350	-99
University	114	117	+3
Civic Centre	105	76	-29*
Bowls Club		341	26 ⊗

\* contribution paid in lieu of providing on site parking

# Reports from Director Engineering Services

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⊗ currently used for temporary grandstand storage

As can be seen from the table, the Tweed Heads Hospital is providing 350 car park spaces shown on Figure 2 and is relying on the available on street car parking to cater for the shortfall of 99 spaces. The roads abutting the Hospital site have a total of 209 on street spaces available which the Hospital DA argued was adequate to cater for the on site shortfall of 99 spaces.

The Southern Cross University has provided sufficient on site parking to cater for the development. However as part of the agreement with the University, they were also responsible to ensure the Civic Centre's requirement of 105 on site spaces be provided. Due to site constraints the University was only able to provide 76 spaces for the Civic Centre, however a cash contribution of \$52,500.00 has been paid to cover the shortfall of 29 spaces. The on site car parking layout for the Civic Centre and University is shown on Figure 3.

It is now a Council decision as to where the shortfall of 29 spaces can be best provided to address any existing or anticipated car parking problems in the precinct.

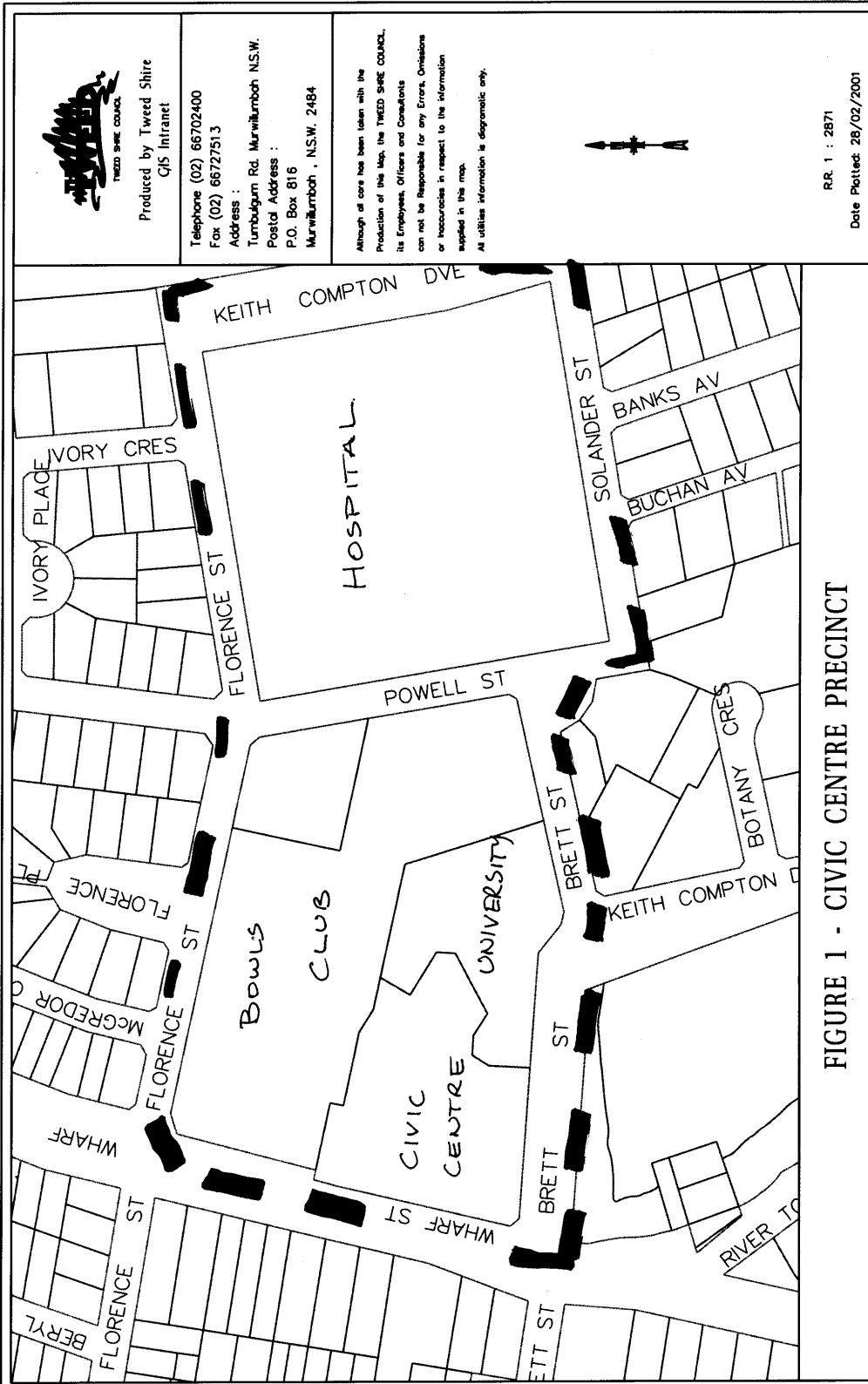
An analysis of the present and the respective traffic reports for the developments indicates that the Hospital has sufficient car parking when the surrounding on street parking is considered. Similarly the Bowls Club on site car parking is adequate but a significant volume of on street parking is available adjacent to the Club. The Club also owns property on the corner of Florence Street and Wharf Street, which is used for 'overflow' parking. The potential problem area is the Civic Centre site where the actual shortfall of on site parking exists. This is further compounded by the limited availability of on street parking adjacent to the Civic Centre on Wharf and Brett Streets.

Wharf Street adjacent to the Civic Centre has been identified as being appropriate to construct a 45° angle on street car park between the bus zone and Brett Street holding approximately 19 spaces being a nett gain of 12 spaces after allowing for the loss of 7 existing parallel spaces. This would still result in a shortfall of 17 spaces at the Civic Centre site.

It is considered necessary for these spaces to be constructed as soon as possible at an estimated cost of \$22,000.00 leaving \$30,500.00 to provide the remaining 17 spaces.

An appropriate site for the 11 spaces is potentially along the northern side of Brett Street between Wharf Street and the Civic Centre entrance. However, these spaces will potentially cause traffic congestion on Brett Street and may not be utilised in any case. It is proposed that the final location and construction of the remaining spaces be deferred until the University is fully operational and then undertaking parking demand surveys to more accurately determine the need and location of these spaces.

# Reports from Director Engineering Services



RR. 1 : 2871  
Date Plotted: 28/02/2001

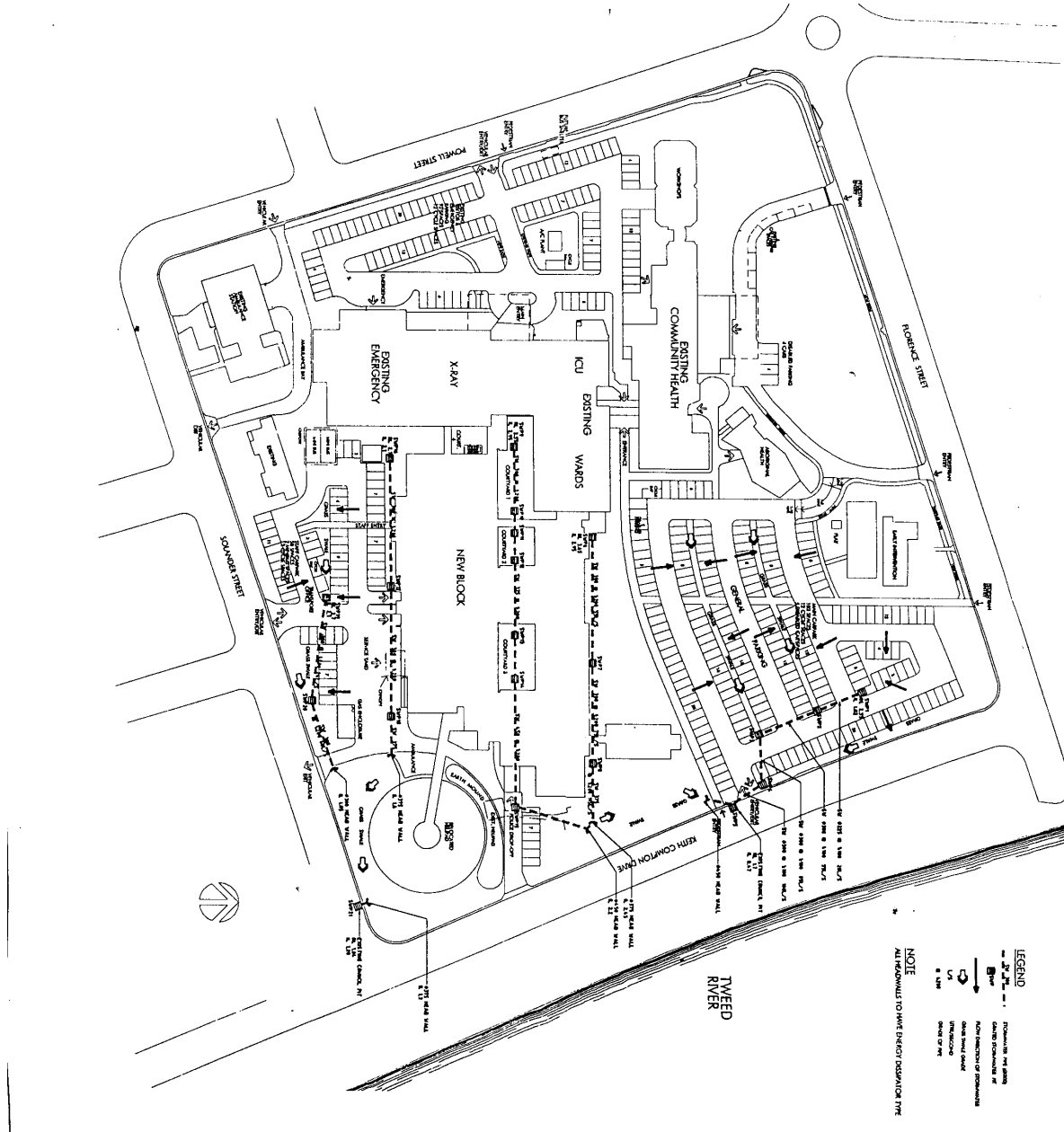
**TWEED SHIRE COUNCIL**  
Produced by Tweed Shire  
GIS Intranet

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Turnbulgum Rd. Murwillumbah NSW.  
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Murwillumbah , NSW. 2484

Although all care has been taken with the  
Production of this Map, the TWEED SHIRE COUNCIL,  
its Employees, Officers and Consultants  
can not be Responsible for any Errors, Omissions  
or Inaccuracies in respect to the Information  
supplied in this map.  
All utilities information is diagrammatic only.

FIGURE 1 - CIVIC CENTRE PRECINCT

# Reports from Director Engineering Services



**LEGEND**

- - - - - EXISTING TO BE DEMOLISHED
- EXISTING TO BE REPAIRED
- EXISTING TO BE MAINTAINED
- - - - - EXISTING TO BE IMPROVED
- EXISTING TO BE DEMOLISHED AND RECONSTRUCTED
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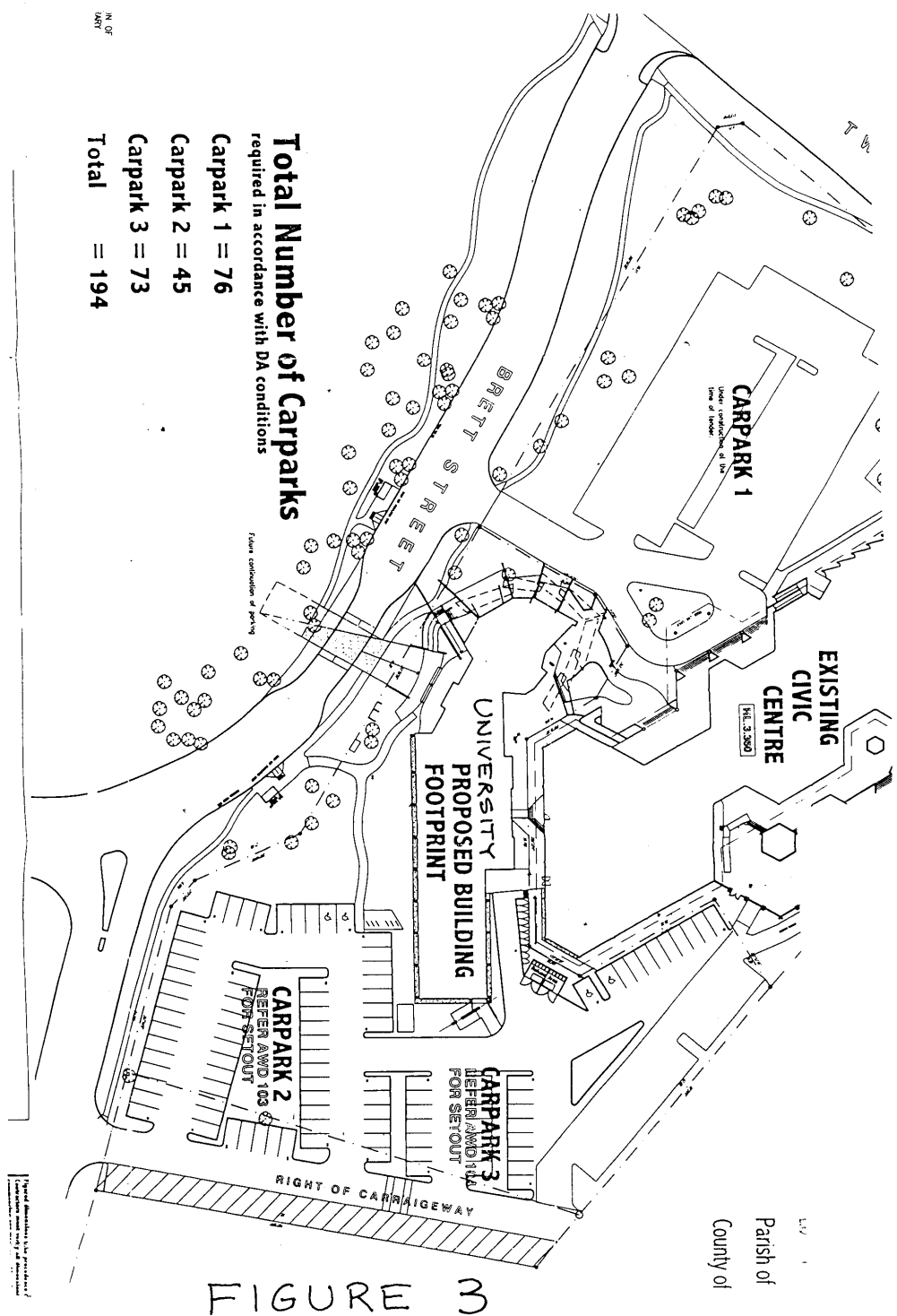
**NOTE**

ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.

## TWEED HEADS HOSPITAL FIGURE 2

DA-H01		1:500	LC	11
TWEED HEADS HOSPITAL REDEVELOPMENT STAGE 3 STORMWATER MANAGEMENT SITE PLAN				
TWEED HEADS HOSPITAL REDEVELOPMENT STAGE 3 STORMWATER MANAGEMENT SITE PLAN				
NATIONAL ENGINEERING PROJECT HEALTH SERVICES REDESIGN HEALTH SERVICES REDESIGN PROJECTS INTERNATIONAL STORMWATER INHERITANCE HEALTH				

# Reports from Director Engineering Services



# Reports from Director Engineering Services

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## 15. ORIGIN: Planning & Design Unit

FILE REF: R2970 Pt8

### REPORT TITLE:

**Acquisition of Crown Land for Road Purposes - Smiths Creek Bridge at Uki**

### SUMMARY OF REPORT:

A survey plan has been prepared and registered under the Roads Act 1993 to acquire Crown land at Uki to enable the construction of bridge works and road approaches on Kyogle Road over Smiths Creek.

The Department of Land and Water Conservation has assented to the acquisition of Lots 1, 2 and 3 DP 1024230 under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991.

### RECOMMENDATION:

That:-

1. Council approves the acquisition of Lots 1, 2 and 3 DP 1024230 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993, and
2. All necessary documentation be executed under the Common Seal of Council.

# Reports from Director Engineering Services

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## REPORT:

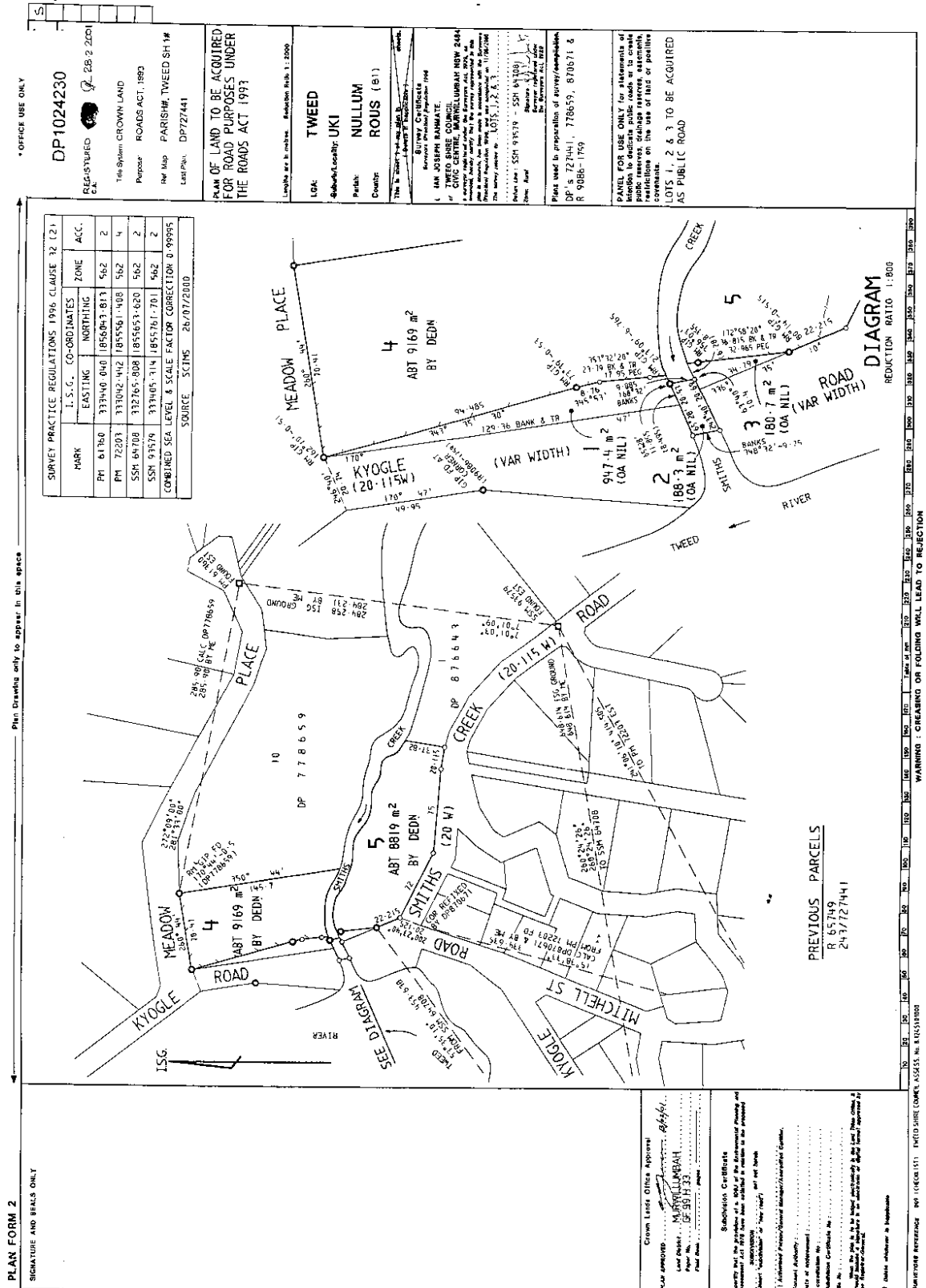
A survey plan has been prepared and registered under the Roads Act 1993 to acquire Crown land at Uki to enable the construction of bridge works and road approaches on Kyogle Road over Smiths Creek.

The Department of Land and Water Conservation has assented to the acquisition of Lots 1, 2 and 3 DP 1024230 under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991.

It is intended to acquire Lot 1 (947.4m<sup>2</sup>) from Reserve 65749 for Resting Place, Lot 2 (188.3m<sup>2</sup>) from Reserve 56146 part bed of Smiths Creek and Lot 3 (180.7m<sup>2</sup>) from Reserve 95515 for Public Recreation. These lands are within the boundaries of Native Title Claim NC96/33 by the Widjabal Clan under the Commonwealth Native Title Act 1993.



# Reports from Director Engineering Services



# Reports from Director Engineering Services

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# Reports from Director Engineering Services

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# Reports from Director Engineering Services

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**16. ORIGIN: Works Unit**

**FILE REF: Drainage – Western Catchment**

**REPORT TITLE:**

**Maintenance - Western Drainage Scheme**

**SUMMARY OF REPORT:**

Council has allocated funds in the current budget to carry out additional maintenance works on the Western Drainage Scheme such as de-silting and clearing. The area has now become the habitat of the jacana bird. Before any work is approved the National Parks & Wildlife Service requires monitoring of the jacanas. This will delay any major maintenance until August/September

**RECOMMENDATION:**

That this report be received and noted.

# Reports from Director Engineering Services

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## REPORT:

Council has allocated funds in the current budget to carry out additional maintenance works on the Western Drainage Scheme such as de-silting and clearing. The area has now become the habitat of the jacana bird.

NSW National Parks & Wildlife Service have now formalised their response to council's application to de-silt and clear sections of the open drain in Banora Point. There are two outstanding requirements from NPWS that have resulted in the works being postponed until at least August 2001, these being:

- *“monitoring of the “jacana” bird and its habitat mapping over a six (6) month period; and*
- *any works that may gain approval will only be permitted to be carried out during the non-breeding season of the jacanas, being August / September.”*

The required monitoring program has commenced and it appears that at this stage the areas where works are proposed are not frequented by the jacanas. However, as Council is unable to carry out the civil works until August the budget allocation of \$75,000 will unfortunately not be expended this financial year. It is estimated that with the works listed below to be carried out between now and June that the expenditure will only be in the order of \$40,000. These works are:-

- regular mowing of drain footpath areas
- clearing of reeds at pipe outlet in Ballymore Court, Flametree Park
- jacana monitoring
- installing floating boom across drain upstream of Darlington Drive bebo arch to prevent spread of salvinia.

As the major clearing works are now programmed for August, a budget similar to this year's should be allocated in the 2001/02 budget.

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# Reports from Director Environment & Community Services

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

**FILE REF: DA5430/405 Pt1**

**REPORT TITLE:**

**Tweed Unlimited Arts Inc - Refund of Application Fees**

**SUMMARY OF REPORT:**

The applicant has requested a refund of the Development Application, Construction Certificate Application and inspection fees of \$305.00. The Development Application and the Construction Certificate have been approved for additions to an existing building (patio) and a ramp (disabled). The building and the land are Council owned. The building is used by Tweed Unlimited Arts Inc (Spinners and Weavers) Terranora Road (North), Banora Point (Old School).

**RECOMMENDATION:**

That Council reimburses the fee of \$305.00 to Tweed Unlimited Arts Inc (Spinners and Weavers).

# Reports from Director Environment & Community Services

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## REPORT:

A Development Application and Construction Certificate Application have been received and approved for additions (patio and disabled ramp) to an existing building – old Banora Point School., Terranora Road, Banora Point.

The building and land is owned by Council and has been allocated to Tweed Unlimited Arts Inc – Spinners and Weavers.

The President, Tweed Unlimited Arts Inc has requested a refund of the Development Application, Construction Certificate, and inspection fees of \$305.00.

As this work will add value at no expense to Council's asset, it is felt the request for fees to be refunded is reasonable.

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# Reports from Director Environment & Community Services

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## 18. ORIGIN: Environment & Health Services Unit

FILE REF: Companion Animals

### REPORT TITLE:

#### Companion Animal Committee Membership

#### SUMMARY OF REPORT:

Several members of Council's Companion Animals Committee have resigned since the formation of that Committee. At the Council meeting of 1 November 2000 Council resolved to seek three new members for the Committee.

Expressions of interest have subsequently been received from five candidates.

#### RECOMMENDATION:

That:-

1. Councillor Marshall remains a representative of companion animal owners, given her experience in this area.
2. Audrey Rennison be recognised as a representative of Companion Animal Owners, rather than as a community representative.
3. Mrs Milena Morrow be appointed as a representative of Companion Animal Owners.
4. An additional Councillor be appointed to the Committee, and
5. Council writes to community associations and groups seeking nominees for appointment of an additional community representative member.

# Reports from Director Environment & Community Services

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## REPORT:

At Council 16 September 1998 it was resolved to form a Companion Animals Committee. Membership of that Committee included the following representatives:

- Two elected representatives
- The Director Environment and Community services or his nominee
- One Council Ranger
- Three Community representatives
- Three representatives of companion animal owners
- A RSPCA representative
- A representative of environmental groups

Council subsequently resolved to accept the following nominees for membership:

Mr Don Follows, Manager of the RSPCA Tweed Heads.

Mr Rob Philp and Mr Digby Moore (alternate) of the Murwillumbah Veterinary Clinic.

Council's Senior Ranger, Mr Terry Lintern

### **Community Representatives:**

Alma McAllister, Banora Point

Christie Walker, Fingal

Audrey Rennison, Murwillumbah

### **Companion Animal Owners Representatives:**

Wendy Marshall, Tyalgum

Jeremy Cornford, Murwillumbah

Katie Campbell, Tweed Heads South

### **Environmental Representatives:**

L.J. Greer, Hastings Point.

## RECENT NOMINEES

Several members of Council's Companion Animals Committee have resigned since the formation of that Committee. At the Council meeting of 1 November 2000 Council resolved to seek three new members for the Committee.

Expressions of interest have subsequently been received from five candidates, as follows.

# Reports from Director Environment & Community Services

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1. Lianne Cooke, Murwillumbah – member of QLD and NSW Canine Councils, Murwillumbah Dog Training Group and Friends of the Pound.
2. Milenna Morrow, Terranora – extensive involvement in Assistance Dogs for Independence, owns an assistance animal, has made public and media appearances, has trained with prominent animal trainer, Steve Austin and has understanding of community issues involved in responsible pet ownership.
3. Wendy Morris, Tyalgum – member of Rhodesian Ridgeback Society, assists with abused or misplaced dogs and fosters animals for RSPCA.
4. Sandra Flannery, Murwillumbah – bred and owned animals all her life and Vice-President of Friends of the Pound.
5. Ann Bulke, Carool – President QLD Border Dog Obedience Club, owner of dog and cat boarding kennels, extensive history in dog breeding, training and care.

## CURRENT POSITION

Since the original formation of Committee three members have resigned, being Katie Campbell, Jeremy Cornford and Ronnie Hoskisson (who was appointed to Committee at a later date).

Councillor Marshall is currently the Councillor appointed to the Committee but has indicated she wishes to continue her membership as a Companion Animals Owners' Representative.

Officers have reviewed the current membership and recommend the following:

1. *That Councillor Marshall remains a representative of Companion Animal owners, given her experience in this area.*
2. *Audrey Rennison should be recognised as a representative of companion animal owners, rather than as a community representative due to her involvement with and ownership of companion animals.*
3. *Mrs Milena Morrow is recommended as the most suitable nominee for the available companion animal representative (refer details of nominees above) and on the basis of having the additional expertise relating to assistance animals.*
4. *An additional Councillor should be appointed to the Committee, and*
5. *Council writes to community associations and groups seeking nominees for appointment as a community representative.*

The outcome of this approach is the following membership list:

Don Buckley, Director Environment and Community Services

Representative from the RSPCA Tweed Heads (infrequent attendance).

Mr Rob Philp and Mr Digby Moore of the Murwillumbah Veterinary Clinic.

# Reports from Director Environment & Community Services

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Council's Senior Ranger, Mr Terry Lintern

**Community Representatives:**

C Alma McAllister, Banora Point

Christie Walker, Fingal

*Third position vacant – nominees to be sought*

**Companion Animal Owners Representatives:**

Wendy Marshall, Tyalgum

Audrey Rennison, Murwillumbah

Milena Morrow, Terranora

**Environmental Representatives:**

L.J. Greer, Hastings Point.

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# Reports from Director Environment & Community Services

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## 19. ORIGIN: Environment & Health Services Unit

**FILE REF:** Companion Animals

### REPORT TITLE:

#### Off Leash Exercise Areas for Dogs

#### SUMMARY OF REPORT:

Under Section 13(6) of the Companion Animal Act 1998, local authorities are required to provide at least one off leash dog exercise area. Tweed Shire has a total of 14 off leash exercise areas.

At the Council meeting of 15 December 1999 Council approved the 12 month trial of exercise areas at South Fingal, South Cabarita and South Pottsville beaches. The trial period has now expired and use of the respective areas has not been the subject of any major complaints or notifications to Council.

Accordingly, officers recommend that the areas remain in use. A minor variation to the southern limit of the South Cabarita Beach exercise area is supported. However public exhibition of the proposed variation is not considered necessary as the area has operated successfully from this point in the past.

#### RECOMMENDATION:

That Council consents to:-

1. Ongoing use of the existing dog off leash exercise areas at South Fingal/Kingscliff and South Pottsville Beaches, and the approved areas remain unchanged.
2. Varying the southern limit of the dog off leash area on South Cabarita Beach to a point 700m north of Cudgera Creek, and that this minor variation not be advertised because the exercise area has satisfactorily operated from this point due to previous beach erosion.

# Reports from Director Environment & Community Services

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## REPORT:

Under Section 13(6) of the Companion Animal Act 1998, local authorities are required to provide at least one off leash dog exercise area. . Tweed Shire has a total of 14 off leash exercise areas.

One of the most popular areas to exercise dogs is on beaches.

At the Council meeting of 15 December 1999 Council approved the 12 month trial of exercise areas at South Fingal, South Cabarita and South Pottsville beaches. The trial period has now expired and use of the respective areas has not been the subject of any major complaints or notifications to Council.

## COMPANION ANIMALS COMMITTEE

Council's Companion Animals Committee considered the matter at its meeting of 5 February 2001 and commented as follows:

*"The following three off leash exercise areas were established prior to Christmas 1999/2000 and are subject to review:*

- *South Cabarita Beach - 200m south of Norries Headland to a point one kilometre north of Cudgera Creek*
- *South Pottsville Beach - 200m south of the board and chain walk to 200m north of Black Rocks*
- *South Fingal / Kingscliff Beach - from a point 2km north of the beach access point opposite the Kingscliff Police Station to a point 0.5km south of the beach access point at the Fingal Quarry*

*The areas were discussed at length by Committee members, and the following variations were favoured:*

- *South Cabarita Beach – possibly move the southern limit to a point 700m north of Cudgera Creek. The possibility of only permitting dogs to be exercised between 7.00pm and 7.00am was also discussed at length. Committee favoured the first option of relocating the southern limit.*
- *South Pottsville Beach – The existing area was considered satisfactory. However officers were requested to investigate the possibility of providing another access point to avoid conflict between dog owners and others at the existing board and chain access point.*
- *South Fingal / Kingscliff Beach – Committee favoured the extension of the northern limit of the off leash area to Fingal Headland."*

The Director Environment and Community Services commented as follows in the respective minutes regarding the recommendations of Committee:

1. *The suggestion to move the South Cabarita Beach off leash exercise area southern limit to a point 700m north of Cudgera Creek has been investigated. Severe beach erosion in the*

# Reports from Director Environment & Community Services

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*recent past has meant that the exercise area sign was erected in this location previously (adjacent to the access track opposite North Star Holiday Resort). This demonstrates that the area can operate satisfactorily from the suggested southern limit. Therefore, public exhibition of this minor variation is not considered necessary.*

- 2. The suggestion to move the South Fingal / Kingscliff Beach OLEA northern limit to the Fingal Headland is not supported. This matter will also be the subject of a separate report to Council.*

## OFFICER'S COMMENT

Council has a significant number of off leash exercise areas when compared to similar local government areas in the region, particularly on beaches.

The suggestion to expand the existing beach off leash area at South Fingal to the Fingal Headland is NOT supported as the interests of non-dog owners must also be protected. Non-dog owners should also have reasonable areas of beaches available to them where they may go to enjoy beaches without dogs being exercised. The current arrangements are considered satisfactory and afford dog owners the opportunity to utilise suitable beach areas without fear of penalty.

The suggestion that officers investigate the possibility of providing another access point to avoid conflict between dog owners and others at the existing board and chain access point to South Pottsville is being pursued. This new access point, if established, does not require any variation to the approved off leash area.

As noted above, the suggestion to move the South Cabarita Beach off leash exercise area southern limit to a point 700m north of Cudgera Creek has been investigated. Severe beach erosion in the recent past has meant that the exercise area sign was erected in this location previously (adjacent to the access track opposite North Star Holiday Resort). This demonstrates that the area can operate satisfactorily from the suggested southern limit. The minor variation of 300m is supported, and public exhibition is not considered necessary.

## CONCLUSION

It is recommended that Council consents to ongoing use of the existing dog off leash exercise areas at South Fingal / Kingscliff and South Pottsville Beaches, and the approved areas remain unchanged.

It is recommended that Council consents to varying the southern limit of the dog off leash area on South Cabarita beach to a point 700m north of Cudgera Creek, and that this minor variation not be advertised because the exercise area has satisfactorily operated from this point due to previous beach erosion.

## PREVIOUS REPORT

*Under Section 13(6) of the Companion Animal Act 1998, local authorities are required to provide at least one off leash dog exercise area.*

# Reports from Director Environment & Community Services

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*Council has had two areas on trial since 1 July 1999, being at South Kingscliff beach and Boyds Family Park. Importantly, these existing trial areas have not been the source of any complaints to Council since their introduction, and their success will be reviewed early in the new year. Council has also recently approved the establishment of three more areas in Murwillumbah.*

*One of the most popular areas to exercise dogs is on beaches, however the only beach area currently approved for off leash exercise is South Kingscliff. Council's Companion Animals Committee considered this matter at its meeting of 1 November and requested that additional beach areas be established prior to Christmas, if possible, for the following reasons:*

- Many visitors will soon be arriving in the Tweed for the holiday season, and it is important that they have adequate dog exercising options and are not issued with penalties for exercising their animals*
- Dog owners have to travel too far to reach the existing areas, and therefore are more likely to exercise their dogs off lead in unapproved areas*
- It is unreasonable to strictly enforce the requirements for dogs in public places to be on a lead when there are so few exercise areas available*
- A number verbal requests have been received from the community by Council staff seeking additional exercise locations.*

*The following three additional dog off leash beach areas were recently placed on public exhibition for 14 days.*

- South Fingal / Kingscliff Beach - north of Murphy's Road to a point 100m south of the 'quarry' entrance at South Fingal.*
- South Pottsville - 200m south of the board and chain walk to 200m north of Black Rocks*
- South Cabarita - south of Norries Headland to a point one kilometre north of Cudgera Creek.*

## **Community Response**

*There were 31 supportive and 23 written objection received to the Kingscliff/Fingal area, 2 supportive and 1 written objection to the Pottsville proposal and 1 supportive and 1 written objection to the Cabarita proposal. There had also been many telephone calls about the proposed off leash areas.*

*Whilst all of the varied comments are difficult to summarise, the following major points are offered for Council consideration:*

- Many dog owners do not want to use their car, and want exercise areas conveniently located within walking distance.*
- Dog owners would like the proposed Kingscliff area to start closer to Kingscliff village.*
- Dog owners would like park areas as well, not everyone wants to go to the beach.*
- Many people do not want exercise areas to be too isolated as they feel prone to attack etc.*



# Reports from Director Environment & Community Services

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- *Elderly people do not want to have to go to isolated areas.*
- *Some people suggested that all beaches be off leash, but be restricted to time limits, such as early morning and late afternoon.*
- *The current arrangement of only South Kingscliff is too restrictive.*
- *Very few people use some of the beach areas, so why not let dog owners use them?*
- *Some owners said that beaches need to be off leash because you need your dog with you to feel safe.*
- *People objected because beaches are not for dogs, they are for people.*
- *People objected due to faeces and the possibility of dog attacks.*
- *Unrestrained dogs may 'cause havoc' for young children at South Fingal.*
- *The Fingal Head Dune care was against the South Fingal beach proposal.*
- *The Fingal Progress Association was also against the South Fingal proposal, and stated that any approved area should be south of Murphy's Road.*
- *The Cabarita Beach Bogangar Residents Association was not totally supportive, but if an area is to be created, it needs to leave an area on the south side of Norries Headland for swimmers and beach goers only.*
- *Objections on the basis that Council is unable to control dogs on beaches now, so how will they control off leash areas.*

*In addition, proposed beach areas have been placed on exhibition previously and a report was put to Council on 19 May 1999. A copy of that report is attached.*

## **Companion Animals Committee**

*Results of the public exhibition were reported to the Committee meeting of 6 December. Committee members noted that various positive and negative comments had been received by them personally regarding the proposal.*

*Committee agreed to support establishment of three additional areas on beaches, as follows:*

- *South Fingal / Kingscliff Beach - from a point 2km north of the beach access point opposite the Kingscliff Police Station to a point 0.5km south of the beach access point at the Fingal Quarry.*
- *South Pottsville - 200m south of the board and chain walk to 200m north of Black Rocks*
- *South Cabarita - 200m south of Norries Headland to a point one kilometre north of Cudgera Creek.*

*Committee members also noted the need for public comment to be sought in future regarding the possibility of North Fingal beach becoming an off leash area. Officers were also requested to develop several suggested park and reserve areas for dog off leash exercise at Banora Point, Terranora, Bilambil, Tweed heads, West Tweed Heads and Chinderah, as to date these areas have inadequate off leash options for dog owners.*

## **Officers Comment**

# Reports from Director Environment & Community Services

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*A reasonable case can be made for both sides of this issue, that is to create additional off leash areas on beaches, or to leave the status quo. Indeed, many people feel quite threatened by dogs on beaches. However one of the key issues for Council as a regulator is that dog owners should have reasonable and convenient areas to exercise their animals. It may be seen as unreasonable to tell a person with a dog at Black Rocks that the nearest dog exercise area is at South Kingscliff.*

*With more approved beach areas, Council's Rangers can direct dog owners to travel a short distance down the beach where exercising their dog is not an offence. This is likely to satisfy the dog owner, as well as allowing other beach goers to enjoy the beach free from roaming dogs.*

*If additional areas were approved they would provide increased choice for dog owners in more convenient locations which is likely to increase compliance with the Act by animal owners. The proposal will also leave adequate beach areas away from off leash dogs for the wider community. In an overall context, this is likely to decrease conflict between beach users and facilitate reasonable enforcement of dog control requirements in non exercise locations.*

*Reserves Trust consent is required for approval of any beach areas. A separate report will be prepared for consideration of the Reserves Trust.*

## **Conclusion**

*It is recommended that Council, subject to Reserves Trust consent, approve the following areas for use as dog off leash exercise areas:*

- *South Fingal / Kingscliff Beach - from a point 2km north of the beach access point opposite the Kingscliff Police Station to a point 0.5km south of the beach access point at the Fingal Quarry.*
- *South Pottsville - 200m south of the board and chain walk to 200m north of Black Rocks*
- *South Cabarita - 200m south of Norries Headland to a point one kilometre north of Cudgera Creek.*

# Reports from Director Environment & Community Services

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**20. ORIGIN: Building Services Unit**

**FILE REF: DA5290/230**

**REPORT TITLE:**

**Alterations and Additions at Lot 12 DP236820 No. 18 Summit Drive, Banora Point.**

**SUMMARY OF REPORT:**

Council is in receipt of an application to carry out alterations and additions to the dwelling located on the subject property described as Lot 12 DP236820 No. 18 Summit Drive, Banora Point. The proposal is to construct a second storey addition with a flat roof, comprising three bedrooms, bathroom and a family room at the western end of the dwelling above the existing kitchen and lounge room.

**RECOMMENDATION:**

That the application to construct a second storey addition at Lot 12 DP236820 No. 18 Summit Drive be approved subject to conditions imposed by Council's Director of Environment and Community Services.

# Reports from Director Environment & Community Services

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## REPORT:

Report to Council: Proposed second storey addition at lot 12 DP 236820 summit drive Banora Point.

**Applicant:** David Felton  
**Owner:** R & P Boniface  
**Location:** Lot 12 DP 236820 No 18 Summit Drive Banora Point  
**Zoning:** 2(a) Low Density Residential  
**Est. Cost:** \$48,000

## BACKGROUND

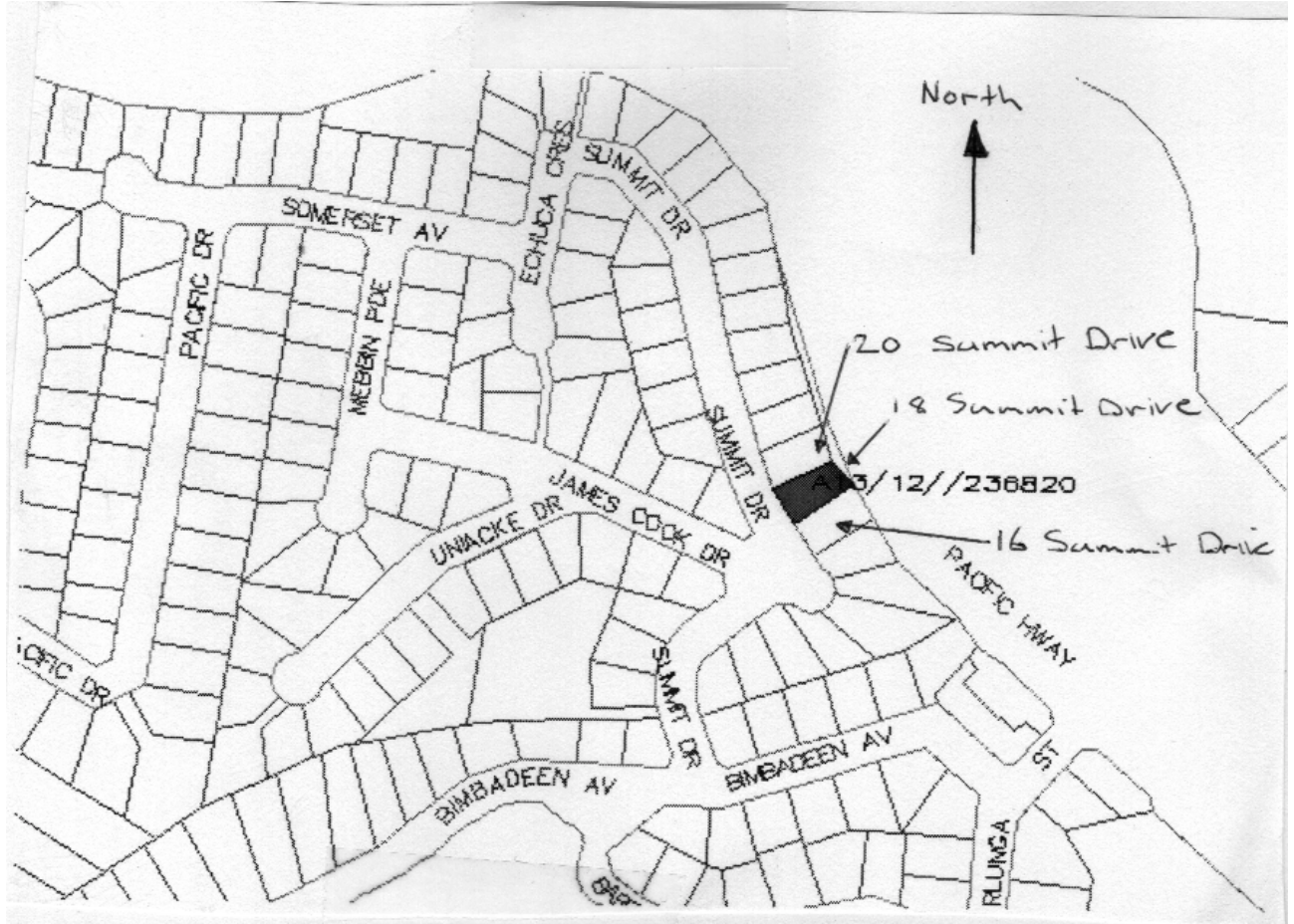
Council is in receipt of an application to carryout alterations and addition to the dwelling located on the subject property described as lot 12 DP236820 No 18 Summit Drive, Banora Point. The existing dwelling is brick veneer with a flat corrugated iron roof, and has a split level design with the northern portion of the dwelling being single storey and the southern being two storey with a double garage at the lower storey. The proposal is to construct a second storey addition with a flat roof, comprising three bedrooms, bathroom and a family room at the western end of the dwelling above the existing kitchen and lounge room.

The dwelling is located on the eastern side of Summit Drive in an established residential area. The dwellings in the area are predominately one and two storey brick and tile, with most properties on the northern side of Summit Drive having substantial river and ocean views.

Figure 1 shows the subject property and surrounding area.

# Reports from Director Environment & Community Services

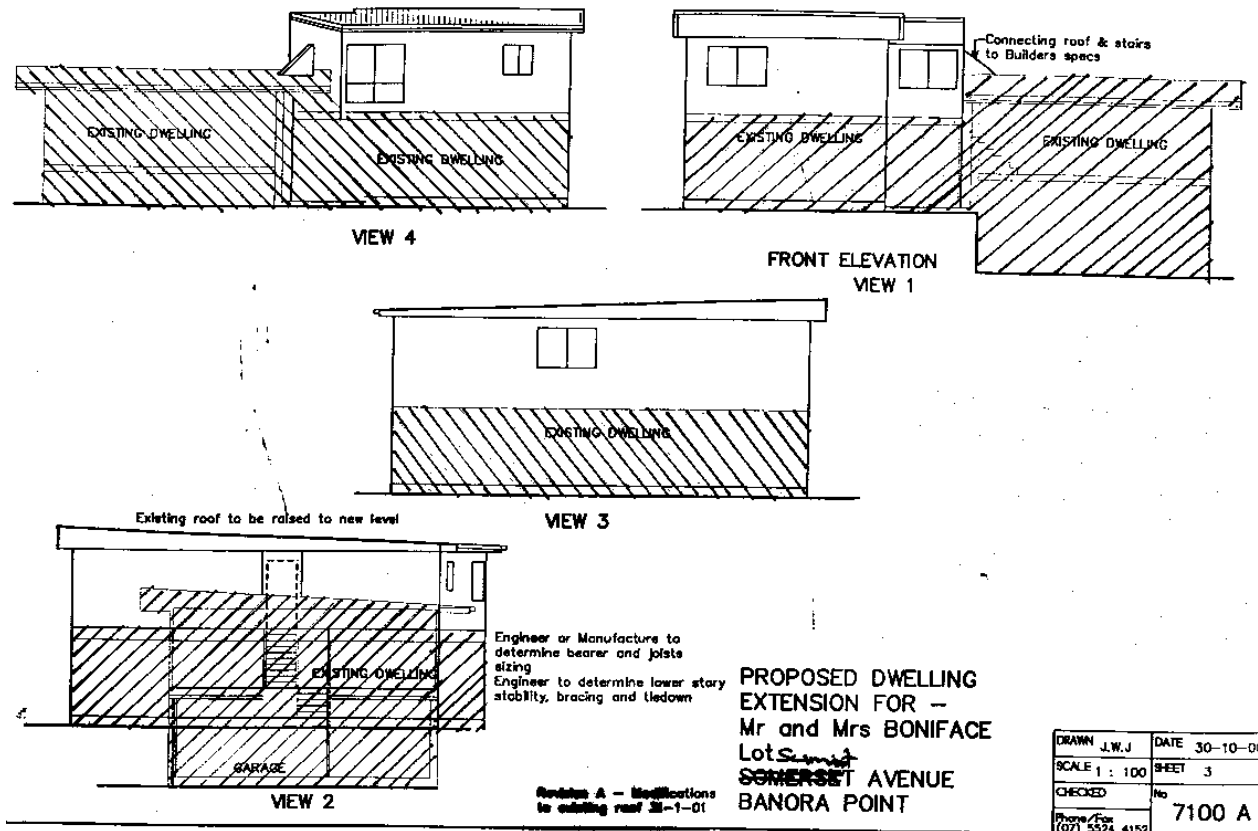
Figure 1



# Reports from Director Environment & Community Services

Figure 2 shows the elevations of the proposed additions for Council’s information.

Figure 2



The subject land is zoned 2(a) Low density Residential and the proposal satisfies the objectives of the zone in respect to residential living.

An inspection of the site revealed that the dwelling located on the northern side of the property is a two storey brick and tiled dwelling. This property has significant ocean and river views a portion of this view being over the roof of the subject property. The dwelling on the southern side of the property is a single storey, brick and tile, with the main view from this property to the rear.

The application was notified as part of the assessment process and two objections have been received in relation to the proposal one from each of the adjoining property owners.

Both letters of objection have been reproduced below for council’s information.

# Reports from Director Environment & Community Services

5290/230 PT.  
1260/2000 DA.  
ATT. PHIL CLARK.

TWEED SHIRE COUNCIL	
FILE NO. DP 5290/230 Pt 1	
DOCUMENT NO. 52902511	
REC'D 15 DEC 2000	
FORM. [ ]	
ASSIGNED TO CLARK P	
HARD COPY <input checked="" type="checkbox"/>	IMAGE <input type="checkbox"/>

20 Summit Drive  
Banora Point  
14<sup>th</sup> Dec 2000

The Tweed Shire Council,  
Deas St,

EBFD  
18 Summit Dr.  
Banora Pt.  
Lot 12 DP 236820

Re the disappointing letter on the proposed building next door to me.  
 I wish to lodge the strongest objection possible  
 I bought this vacant allotment that had a nice house built each side of it in 1969  
 I asked a carpenter to build a house for me to take advantage of the nice view and I believed in according to schedule seven and I thought to be in a one family residential area "Prestigious estate"  
 It disappoints me that a new neighbour of four years wants to block part of my view  
 The F.M.K did double glass the windows on that side of my house to protect my view & noise  
 Three doors up in this street there is a covenant to prevent building high rise houses  
 This neighbour is trying to do something to me, that I would not do to anybody.

According to a realestate valuation this could reduce the value of my property by as much as thirty or forty thousand Dollars.

Please dont allow the view from my home to be spoilt for my family.

I wish to remain here, with this view for the rest of my life.

Please excuse any mistakes. I am too old to have this done to me.

Thank You  
Yours Faithfully  
C.H. Jarvis MBE

P.S.

You are very welcome to make an inspection.

# Reports from Director Environment & Community Services

TWEED SHIRE COUNCIL  
REF. DA 5290/230 Pt 1  
1260 / 2000 DA

TWEED SHIRE COUNCIL	
FILE No.	
DOCUMENT No.	□ □ □ □ □
REC'D	18 DEC 2000
ASSIGNED TO	□ □ □ □ □
<input type="checkbox"/> COPY	<input type="checkbox"/> IMAGE

P. RAINBIRD  
16 SUMMIT DRIVE  
BANORA POINT  
2486  
15-12-2000

ADDITION TO DWELLING AT LOT 12 DP 236820, 18 SUMMIT DR

Dear Sir

I wish to object to the above proposal as I have concerns that the above addition could block our T.V signal, in which case at an expense to our selves we would have to extend or re locate the antenna.

We have bought into an established area for the openness and views, now I am concerned the above would set a precedent, and we could end up having our views blocked and the house being de valued.

I have spoken to the owners of No 14 Summit Drive, they are against the above addition because like us they would loose privacy if the house and garden

yours faithfully

G. Rainbird

S A Rainbird



# Reports from Director Environment & Community Services

As a result of the objections correspondence was forward to the applicant identifying the main issues raised and to give the applicant the opportunity to address these concerns. Correspondence has been received from MSA Building Consultants on behalf of the applicant, a copy of this correspondence has been reproduced below for Council's information.



Building Consultants &  
Accredited Private Building Inspectors

TWEED SHIRE COUNCIL  
FILE No. [ ]  
DOCUMENT No. [ ]  
REC'D - 6 FEB 2001  
BOX No. [ ]  
ASSIGNED TO [ ]  
HARD COPY  IMAGE

Unit 10 Corporate House  
Corporation Circuit  
Tweed Heads South, NSW 2486  
PO Box 243 Banora Point, NSW 2486  
PH. (07) 5523 2629  
FAX. (07) 5523 2722  
Email.msa@onthenet.com.au

mark stapleton & associates

Pty Ltd

ABN 42 090 491 982

3 February, 2001

The General Manager  
Tweed Shire Council  
PO Box 816  
Murwillumbah NSW 2484

DA5290/230 Pt 1  
587722  
2563  
CHARK.P



Dear Sir

Attention: Phil Clark

**DA5290/230 Pt1 1260/2000DA**  
**Lot 12 DP 236820 No. 18 Summit Drive Banora Point**

I refer to the above and advise of the following in relation to the points raised in your letter of 18 January 2001.

- The proposed additions will have no significant impact on the views or the value of the adjoining properties. The proposed addition will be lower than the dwelling to the north and the dwelling to the south is not affected. Both adjoining properties will maintain their primary views, which are to the east. There will be no significant loss of value to the adjoining properties as there is no significant loss of view or privacy.
- There is no more loss of privacy from the proposal than what the owners currently endure from the property to the north, which is two storey and higher than the proposal.
- Amended plans have been provided.
- A copy of the covenant dated 1969 is enclosed for your records.
- Amended plans have been provided confirming the roof structure.

In view of the above, the impact on the adjoining properties is minimal, with no significant loss of view or privacy. The owners wish to create improvements to the dwelling to enjoy the benefits that the adjoining owners currently enjoy.

Should you require any further information, please do not hesitate to contact me at your convenience.

Yours faithfully

**Mark Stapleton**  
Director

Encl.

# Reports from Director Environment & Community Services

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In respect to the submissions from the adjoining property owner's their main concerns to the proposal were:

1. A covenant exists in the area preventing high-rise dwellings.
2. The additions will cause loss of privacy for adjoining property owner
3. The proposed additions will have a significant impact on views from adjoining properties and devalue these properties.
4. The existing building and proposed additions are located closer to the northern side boundary than shown on the submitted plans.

Concerning (1) the applicant has submitted a copy of the covenant for the property, which makes no reference to any height restrictions imposed on the property.

Concerning (2) it is considered that the proposal will have a minimal effect on the privacy of adjoining property owners. The addition are located on the northern side of the dwelling and will be approximately 10 metres from the neighbours on the southern side boundary and 1.8 metres from the northern side boundary. The additions have been designed to reduce the impact on the northern neighbour with the roof of the additions being basically flat and the western wall of the additions having only one window belonging to a bedroom, the remaining windows facing Summit Drive or to the rear of the block facing the Highway.

There is distance of approximately five (5) metres between the complaints dwelling and the applicants dwelling and it is considered that the additions will have a minimal impact on natural light and airflow between the buildings.

Concerning (3) the additions will have no significant effect on the view of the southern neighbour at No 16 Summit Drive, however the additions will have a significant impact on the views of the northern neighbour at No 20 Summit Drive. The submission from MSA Building Consultants on behalf of the applicant claims that the additions will have no significant impact on the views and property values of adjoining properties. The occupants view at No 20 Summit Drive will be affected by the proposal, at the present time the owner enjoys a 180 degrees view of the Tweed River, Kingscliff and the Pacific Ocean from his dwelling, which includes over looking the existing roof of the dwelling on the subject property. The proposed addition will significantly block the complaints view of the Tweed River and Kingscliff from both his southern lounge room windows. However the owner of No 20 Summit Drive will still maintain substantial views of the Tweed River and the ocean from his front and rear balconies. Although the complaint has enjoyed a view over the neighbours roof, of the river and Kingscliff for many years it is considered unreasonable to refuse the applicant the right to a second storey addition purely on the grounds of the complaint's loss of part of the view .The complainants concern regarding the devaluation of his property is very subjective and difficult to determine, as the complainant's property will still maintain significant ocean views.

Concerning (4) the applicant has submitted amended plans identifying the dwelling standing 1.8 metres from the northern side boundary. The application will be conditioned for the applicant to

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# Reports from Director Environment & Community Services

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provide a survey report confirming the nominated side boundary set backs on the approved plans prior to commencement of works.

In conclusion Council is advised that the impact of the proposal and each of the issues raised by the adjoining property owners have been considered in the assessment of the application. The proposal will have an impact on the view of the northern property owner however it is considered that this neighbour will still maintain significant ocean and river views. The applicant has designed the additions with a flat roof and only one window on the northern side of the dwelling in an attempted to minimise the impact of the additions on the adjoining northern side property owner. The proposal complies with the required boundary set backs and will be in keeping with the character of the area which is predominantly one and two storey dwellings It is therefore recommended that the application to construct a second storey addition at lot 12 DP 236820 No 18 Summit Drive be approved subject to conditions imposed by Council's Building Services Unit.

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# Reports from Director Environment & Community Services

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# Reports from Director Environment & Community Services

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## 21. ORIGIN: Environment & Health Services Unit

FILE REF: Centenary of Federation

### REPORT TITLE:

**Outcome of Regional Parade Project**

### SUMMARY OF REPORT:

Council is advised of the outcome of the NSW Centenary of Federation Regional Parade Participation Program, which has been coordinated by Tweed Shire Council over the past twelve (12) months.

### RECOMMENDATION:

That this report be received and noted and a letter of appreciation for sponsorship sent to Radio 97 and JH Williams.

# Reports from Director Environment & Community Services

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## REPORT:

Council is advised of the outcome of the NSW Centenary of Federation Regional Parade Participation Program, a highly significant community art project that has been coordinated by Tweed Shire Council over the past twelve (12) months.

The project was developed to promote wide and accessible community participation in "Journey of A Nation – The Federation Parade", staged in Sydney on January 1 2001. Approximately 6000 people participated in the Parade and an estimated 500,000 spectators lined the 3.5km parade route.

Forty-nine (49) people from across the Northern Rivers Region travelled to Sydney to take part in the Parade.

The project was managed by Tweed Shire Council's cultural development officer Lesley Buckley, in collaboration with a specially convened Regional Parade Working Party, which comprised representatives of:

1. Tweed Shire Council and its Centenary of Federation Committee  
Terry Cleal, Carmel Harris and Lesley Buckley
2. Copmanhurst Shire Council  
Cr. Leonie Roberts, Debbie McGilvray and Ian Whamond
3. Richmond Valley Shire Council  
Rod Caldicott
4. Lismore City Council  
Financial contribution only
5. Maclean Shire Council and its Centenary of Federation Committee  
Nancy Bain, Irene Nowell and Bruce Clarke
6. Ballina Shire Council and its Centenary of Federation Committee  
Fred Willoughby and Elaine Skimmings

The Regional Parade Working Party's role over the past twelve (12) months has been to:

- Develop and implement Management, Planning and Evaluation Strategies
- Develop media and local community links
- Identify the preferred Northern Rivers theme through a series of regional workshops and survey
- Develop Project Brief and Advertise Expressions of Interest
- Identify Float Designer and Builder
- Identify Choreographer
- Identify Participants

# Reports from Director Environment & Community Services

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- Identify Costume Designer
- Source additional sponsorship and in-kind contributions

The project received \$12,000 funding from the NSW Centenary of Federation Committee and each of the participating Council's donated \$500 to the cost of design and construction. Radio 97 was a major sponsor and supplied the portable stage used to construct the float. JH Williams also generously supported the project by donating timber and hardware supplies at cost price.

To enhance and promote greater artistic excellence in our entry in the Parade, Expressions of Interest for professional creative personnel were advertised regionally.

The success of this project is very much due to the skills of the three talented Artists who were selected, namely:

- Les Brough, local Scenic Designer and Artist – Float design and construction
- Diane Brough, local Visual Artist and Costume Designer – Costume and props design and construction
- Michael Hennessy, Artistic Director, NORPA Dance, Lismore – Choreography and design.

The three Artists worked in collaboration with the Regional Parade Working Party, and were contracted to:

- (a) Develop a creative vision in line with the nominated theme, "Artistically Speaking" and
- (b) Facilitate a series of regional workshops.

Approximately seventy people from across the Northern Rivers took part in various creative workshops to design and develop props, costumes and choreography. The workshops were facilitated by the Project Artists and took place in Ballina, Maclean and the Tweed between October and December 2000.

The Project has benefited our regional community by:

- Enabling the Northern Rivers Region to showcase and present a professional and high quality performance as part of a national parade.
- Encouraging present and future working partnerships throughout the Northern Rivers Region.
- Promoting community interest and involvement in the Centenary of Federation through a creative and artistic initiative.

The project has also benefited Local Artists by:

- Providing a short-term employment opportunity that ultimately showcased their work to a national audience.
- Encouraging working partnerships in a collaborative initiative.

# Reports from Director Environment & Community Services

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➤ Broadening regional networks and contacts.

The Northern Rivers Float is now available to be used at major regional festivals and events throughout the Centenary year. Since its return from Sydney it has been used in both the Tweed Centenary Race Day Event held in Murwillumbah on January 16 and the Ballina Australia Day Celebrations. The Float is also booked for the Banana Festival in August and the Jacaranda Festival in October.

Photographs and media are currently being compiled and will be toured as a travelling exhibition throughout the region over the next six (6) months.

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# Reports from Director Environment & Community Services

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## 22. ORIGIN: Environment & Health Services Unit

FILE REF: Sustaining the Tweed

### REPORT TITLE:

**World Environment Day 2001**

### SUMMARY OF REPORT:

Council resolved to participate in Murwillumbah's inaugural World Environment Day Celebrations 2000. Following the success of World Environment Day 2000 the Murwillumbah Community Support Centre has requested that Tweed Shire Council continue to co-host this annual community event.

### RECOMMENDATION:

That Council supports the holding of World Environment Day Celebrations in 2001 by in kind support as determined by the Director of Environment & Community Services.

# Reports from Director Environment & Community Services

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## REPORT:

In May 2000 Tweed Shire Council resolved to:

- 1. Approve the use of Knox Park for a fair for World Environment Day.*
- 2. Nominate a representative for the Steering Committee.*
- 3. Authorise a staff member to attend to co-ordinate Council's involvement.*

As a result of this resolution, in June 2000 Council co-hosted Murwillumbah's Inaugural World Environment Day Celebration, which included the involvement of over 35 stallholders (including 3 schools) and approximately 1000 people in attendance throughout the single days celebrations. The success of this inaugural event has resulted in the following letter being sent to the General Manager requesting Council's continued involvement in the annual World Environment Day Celebrations.

*"ATTENTION JOHN GRIFFIN*

*General Manager  
Tweed Shire Council  
Tumbulgum Road  
Murwillumbah 2484*

*Dear Mr Griffin,*

*RE: World Environment Day 2001*

*On Saturday 3 June 2000 Tweed Shire Council, Murwillumbah Community Support Centre and Caldera Environment Centre co-hosted an extremely successful World Environment Day Celebration.*

*Following the success of this event, a report was sent to each councillor and to you as General Manager confirming the success of the day and requesting agreement for permission to stage this event each year with Tweed Shire Council as co-host. Our understanding was that this proposal was endorsed by Council.*

*We wish to confirm Council's participation as co-host in World Environment Day and request that you advise us whether you see this participation as:*

- a) For this year only, or*
- b) On a permanent basis.*

*This year we plan to hold the event on Sunday 10 June to coincide with Knox Park Market.*

*The planning committee has met once and we plan to meet again on Wednesday 21 February at 1.30pm in the Peter Border Room at Council.*

*Yours faithfully,*

# Reports from Director Environment & Community Services

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*Lily Crockett*

*Co-ordinator World Environment Day 2001.”*

## FINANCIAL IMPLICATIONS FOR COUNCIL

World Environment Day is a high profile celebration which provides Council with a cost effective means of promoting its Sustaining the Tweed initiatives to the community.

Council's contribution to last years World Environment Day budget was \$400, which was mostly for the purchase of a canvas banner to advertise the day.

This years celebrations would require even less financial support from Council as much of the equipment (e.g. banner, posters) purchased with last years budget can be used again this year.

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

# Reports from Director Environment & Community Services

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# Reports from Committees/Working Groups

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## 1. Minutes of the Companion Animal Committee Meeting held 5 March 2001

**Companion Animals**

**VENUE:**

Rous Room

**TIME:**

8.00am.

**PRESENT:**

Committee Members: Len Greer (Chairperson), Clr Wendy Marshall, Don Buckley, Alma McAllister, Christie Walker, Rob Philp, Audrey Rennison, Peter Ainsworth & Terry Lintern.

Others : Scott McIntyre (Ranger).

**APOLOGIES:**

Nil.

**MINUTES OF PREVIOUS MEETING:**

**Moved:** Len Greer

**Seconded:** Peter Ainsworth

**RESOLVED** that the Minutes of the Companion Animal Committee meeting held 5 February 2001 be accepted as a true and accurate record of the proceedings of that meeting.

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**BUSINESS ARISING:**

1. **Door Knock**

**Companion Animals**

A door knock was completed in February 2001 at Bray Park, Murwillumbah. 1 Penalty Notice was issued.

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# Reports from Committees/Working Groups

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## 2. Membership

### Companion Animals

Peter Ainsworth advised that Don Buckley is currently reviewing the matter and a report to Council will be prepared.

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## 3. Policy on Control of Companion Animal Breeding

### Companion Animals

The previous minutes from 11 December 2000 were reviewed by the Chairperson. Don Buckley noted that to deal with the issue would be time consuming. Len Greer suggested that letters could be sent to owners of all non-desexed bitches from Council records.

Officers were requested to investigate the possibility of forwarding suitable information to owners of non-desexed bitches regarding the requirements for microchipping prior to sale or transfer of puppies or kittens.

It was also requested that an article be placed in the Link promoting the need for kittens and puppies to be microchipped prior to sale or transfer of ownership.

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## AGENDA ITEMS:

### 1. Committee Action Plan

#### Companion Animals

Len Greer read the goals which were previously recorded in the minutes of 11 December 2000. The following goals were discussed:

Public Education – Audrey Rennison expressed concern about the lack of numbers of suitable trainers who can assist owners of new puppies to train them before they acquire ‘bad habits’.

Peter Ainsworth noted that letters have been forwarded to the Department suggesting that television education be undertaken at a statewide level.

Terry Lintern advised that the Rangers have arranged for veterinarians to attend schools during education sessions to provide information on animal care.

The Rangers were requested to investigate the possibility of conducting a trial community animal handling education session in conjunction with Animal Handling Specialist, Craig Murray, at one of the coastal villages.

Dogs Off Lead In Public Places – Len Greer questioned whether the community is getting a suitable amount of available time from Rangers expended on animal control. It was noted by Don Buckley that Terry Lintern is spending more time in a supervisory capacity, however the other Rangers can subsequently spend more time ‘in the field’.

Terry Lintern noted the difficulty in regulating dogs off lead at Fingal Head.

# Reports from Committees/Working Groups

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It was also noted that there would always be a number of people who will not observe the control requirements, despite Council's best efforts to educate and regulate.

Animal Registration and Microchipping – Councillor Marshall expressed concern about whether Council is achieving improved microchipping and registration rates. Terry Lintern advised that increasing numbers of stray dogs and cats that are impounded are found to be microchipped.

Don Buckley expressed the view that Tweed Shire is achieving as much in this area as any other Council in NSW. It was felt that it is a matter of progressive change in the community, and Council should proceed with its current initiatives of education, door knocking and regulation where necessary.

Practicality Of The Act – It was noted that letters have been previously forwarded to the Department and State Committee lobbying for certain changes to the Act. Officers have received some indication that amendments to the Act will be forthcoming.

## RECOMMENDATION:

That Council approves a letter being forwarded to the Local State Member, Mr Neville Newell, raising concerns about inadequacies of the Act, as previously identified, particularly relating to registration and microchipping of older dogs under the new Act.

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## GENERAL BUSINESS:

### 2. Friends of the Pound

#### Companion Animals

Councillor Marshall noted that the group's activities have been a success, resulting in the re-housing of many cats and dogs. The group has also dealt with many public enquiries.

Councillor Marshall also noted the benefit of having annual statistics available from the Pound Register as to how many animals are received at the Pound, and whether they are released etc.

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## NEXT MEETING:

The next meeting of Companion Animal Committee will be held Monday 2 April 2001.

The meeting closed at 9.20 am.

*Director's Comments: Nil.*

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# Reports from Committees/Working Groups

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## DIRECTOR'S RECOMMENDATIONS:

### 1. Committee Action Plan

### Companion Animals

#### Committee Recommendation:

That Council approves a letter being forwarded to the Local State Member, Mr Neville Newell, raising concerns about inadequacies of the Act, as previously identified, particularly relating to registration and microchipping of older dogs under the new Act.

<b>Director's Recommendation:</b> <i>Endorse the recommendation of the Committee.</i>
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# Reports from Committees/Working Groups

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

### River Management

**VENUE:**

Canvas & Kettle Restaurant, Murwillumbah Civic Centre

**TIME:**

9.30am.

**PRESENT:**

Cr W Marshall (Chair), Cr H James (Tweed Shire Council); Messrs C Cormack (Waterways Authority); T Rabbidge (Department of Land and Water Conservation); L Tarvey (National Parks and Wildlife Service); R Quirk (Tweed River Advisory Committee & NSW Cane Growers' Association); J Henley, G Edwards, Ms J Lofthouse (Tweed Shire Council).

**APOLOGIES:**

Cr M Boyd, Ms R James (Caldera Environment Centre); R Hagley (Department of Land and Water Conservation); B Loring (NSW Fisheries); A Blundell (T & J Blundell); N Newell (State Member for Tweed); G Judge (Tweed Shire Council).

**MINUTES OF PREVIOUS MEETING:**

**Moved:** Cr H James

**Seconded:** T Rabbidge

**RESOLVED** that the Minutes of Meeting held 29 November 2000 be accepted as a true and accurate record of the proceedings of that meeting.

**BUSINESS ARISING:**

### 4. 10th Annual NSW Coastal Conference

#### Coastal Management

The following changed recommendation was adopted by Council; *“That the 11<sup>th</sup> Annual NSW Coastal Conference be attended by the Chairman of the Coastal and Estuary Management Committees and appropriate one staff.*

### 7. Recreational Waterway Use

#### Boating

The Sports Advisory Committee of Council have resolved to *“support the Murwillumbah Rowing Club in its effort to have the area from the bridge back towards Tumbulgum restricted to rowers only.”*

This was reported as being support for a ban on water-skiing from Murwillumbah Bridge to Tumbulgum Bridge which created some concern in the boating public.

# Reports from Committees/Working Groups

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Carl Cormack, Waterways Authority, noted that he had been having extensive consultation with members of the Rowing Club as well as the water ski groups. They are looking at a series of measures including erection of signs, development of a "Code of Conduct", placement of information flyers at Tumbulgum on the need for ski boats to be aware of rowers on the river. Consultation will continue between the Rowing Club and the regular water skier groups looking to reduce wash, notification of events, spatial and temporal separation of users etc.

Mr Cormack noted that placement of aquamarks in the river at Tumbulgum have worked very well in creating no wash and quiet zones.

Noted that there has been no Development Application submitted to date for establishment of a ski club on the private land behind Liquorland, South Murwillumbah.

**Moved: Cr W Marshall**

**Seconded: R Quirk**

**RESOLVED** that the Committee defers any further pursuit in the banning of water skiing in the vicinity of the Murwillumbah Rowing Club pending the outcome of actions by the Waterways Authority in and monitoring of the situation and development of a "Code of Conduct" involving both the Rowing Club and the water ski groups.

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## 6. Logo Competition (from 30 August 2000 minutes)

### Estuary Management

The only entries received were school entries from Murwillumbah Primary School. A student winner has been selected from these. It is proposed to promote the winner in the Tweed Link and reopen the competition for the Open section only.

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## 3. Tweed River Link Project

### Boating

The River Link Project has gone through to second stage funding application under the Regional Tourism Program. Success of the project in getting funding will be known in June.

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## 2. TRESBP Lower Estuary Shoals Management Plan

### Estuary Management

Discussion on the possible impact of the recent flood on scouring of lower estuary sand shoals. Noted that another survey is due soon which will determine any major changes in morphology.

# Reports from Committees/Working Groups

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## AGENDA ITEMS

### 1. Correspondence Inwards - Coastal Lakes Inquiry

**Estuary Management**

The public submission period has been extended to 16 February 2001. Comments on the process proposed by the Healthy Rivers Commission are sought.

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### 2. Correspondence Inwards - Northern Rivers Catchment Management Board

**Total Catchment Management**

Minutes of the last Board meeting and other information were distributed with the agenda. Comments were sought on the First Order Objectives being:

- Naturally occurring plant and animal species populations and their communities, maintained, enhanced and where targeted, restored.
  - Healthy and productive natural water systems, which sustain the environment and the community.
  - Human settlement and landuse activities managed now and in the future, to achieve sustainable communities, and natural resources and ecosystems.
  - The economic, social and spiritual wellbeing of the Northern Rivers community recognised and promoted, specifically the cultural heritage values of the Bundjalung Nation with maximisation of Aboriginal involvement in natural resource management.
  - Land resources able to support sustainable economic activity and natural ecosystems.
- 

### 3. Correspondence Inwards - Estuary Management Plan Review

**Estuary Management**

Distributed with the agenda was the request from the Department of Land and Water Conservation for a review of all management actions from the Lower and Upper Estuary Management Plans and a survey form.

**Moved: J Henley**

**Seconded: Cr W Marshall**

**RESOLVED** that the executive of the Committee (Cr Marshall, John Henley, Richard Hagley, Jane Lofthouse and Robert Quirk [as a founding member]) endeavour to have discussions with the local State Member, Neville Newell, to clarify the status of ongoing funding for Tweed River Estuary Management and pursue an inspection of works with the Minister, Richard Amery at the time of the next Cabinet meeting in the Tweed in March.

# Reports from Committees/Working Groups

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## 4. Bird Monitoring in the Tweed River Estuary

### Fauna Protection, Monitoring

A proposal was distributed for one year of monitoring of wader and sea birds in the Tweed River Estuary. This monitoring has been undertaken using the same methods for four years. The monitoring has built up a good database of information on bird usage and movement across the estuary.

**Moved:** J Henley

**Seconded:** T Rabbidge

**RESOLVED** that the following actions be taken with respect to the land near Duroby Creek:

1. The high quality bird habitat land at Duroby Creek be identified by Lot and DP and ownership clarified.
2. The Land owner be approached with regard to potential for purchase of the land as bird habitat (is already zoned SEPP 14).
3. Valuation of the land be sought.
4. Pass this information in the first instance to NSW NPWS for consideration of purchasing land or, if unsuccessful, for consideration by this Committee.

**Moved:** Cr H James

**Seconded:** Cr W Marshall

**RESOLVED** that the Committee accepts the proposal submitted by Sandpiper Ecological Surveys for estuarine bird monitoring within the Tweed River estuary for the year 2001 at a cost of \$6900.

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## 5. Ecological Monitoring Newsletter

### Monitoring

The first draft of the Ecological Monitoring newsletter (Tweed Waters) was distributed for comment. This draft should be finalised in the next couple of weeks for distribution in March 2001. The Consultant will be undertaking community surveys in the Tweed to assess current knowledge and understanding on water issues and will conduct a post newsletter survey to assess any changes.

The last monitoring event by the University of Queensland Marine Botany Group is underway to take advantage of the recent minor flood. This will enable the group to look at the impact of a high flow event on estuarine water quality and ecology.

The last of the three reports and finalisation of the project is expected in the next three months.

# Reports from Committees/Working Groups

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## 6. Commercial Boat Operations on the Tweed Estuary

### Boating, Development Applications

The Development Services Unit and J Lofthouse have commenced developing the requirements for submission for Development Applications e.g. what information is required from operators. A new operator has recently submitted a Development Application that will act as a test case for assessing these applications.

A letter will go out to all known commercial operators (a list has been provided by Carl Cormack, Waterways Authority) requesting submission of Development Applications for operations within the Tweed River. The Development Control Unit will run a workshop with operators to demonstrate what information is to be submitted in these applications.

Use of the public jetty at Southern Boatharbour by one commercial operator was discussed. Noted that court proceedings were being instigated to remove all permanent mooring on the public jetty to allow greater access to the general public and equal opportunity for access by all commercial operators to pick up and put down passengers. A Development Application is expected shortly from this commercial operator for installation of another pontoon adjacent to the existing public jetty.

**Moved: J Henley**

**Seconded: Cr W Marshall**

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

### RECOMMENDATION:

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

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## 7. TRESBP - Operations Sub-plan B.16: Tweed River Lower Estuary Management Plan

### Estuary Management, Sand By-pass

Operations Sub-plan B.16 of the Tweed River Sand Bypass Project was distributed to the Committee for discussion and comment. The Sub-plan outlines the monitoring and management programs to minimise impacts on:

- Tidal regime and wetlands,
- Avifauna threatened species habitats,
- Erosion of the lower estuarine shoals, and
- Stability of the training walls.

# Reports from Committees/Working Groups

The Plan states that DLWC, through the TRESBP, will monitor lower estuary sand shoals and in the event of a sand loss from the system through a flood event, it will look at management options in conjunction with Council and TRMPAC.

Noted that the operation is very close to commissioning. Further request have been made to the Minister to open the jetty for public access.

Adoption of the Sub-plan is deferred to the next meeting.

## 8. Terranora Broadwater Management Plan - extension to foreshore walkways Terranora Broadwater

A request has been made from the Bilambil Heights community to continue work on the foreshore walkways.

**Moved:** J Henley

**Seconded:** R Quirk

**RESOLVED** that a report be brought forward to the next meeting on the feasibility and a preliminary cost estimate for extending the foreshore walkway from the bottom of Peninsula Drive to the end of Broadwater Eplanade.

## 9. Program Status

### Estuary Management

PROJECT TITLE	COST \$	STATUS
	FUNDING SOURCE	
1. <b>Area 5 EIS</b> - extractive dredging and habitat enhancement downstream of Barney's Point Bridge		Tenders called for dredging Area 5 including completion of EIS Closed 6 December 2000 – Placed on hold pending negotiation with TRESBP
2. <b>Fingal Peninsula Wetlands</b> - wetland rehabilitation around Sponsors Lagoon and Kerosene Inlet	\$200,000 (allot) 1997/98-98/99	site plan developed with TBLALC; further detailed plans underway as required by DUAP for concurrence on works in SEPP 14 wetland; Development Approval currently being produced
3. <b>Cobaki Wetland Creation</b> - creation and enhancement of wetlands adjacent to the Cobaki Lakes development	\$100,000 (allot) 1997/98-98/99	preliminary design completed; negotiations with Cobaki Lakes development proponents ongoing, development approved, need to determine contributions from various parties.
4. <b>Stormwater Projects</b>		Complete, monitoring growth of wetland plants and water quality, *implementation of the Ukerebagh Passage Management Plan
a. - Duffy St gross pollutant interceptor and artificial wetland	\$168,000 SW Trust \$80,000 1997/98-99	
b. Industrial Audit	\$260,000 SW Trust	Combined project with Byron and Ballina SC's – stormwater education and awareness project in industrial estates
c. Lavender Creek Wetland, Murwillumbah	\$400,000 SW Trust \$220,000 TSC	Stormwater traps, erosion control and wetland enhancement in Lavender Creek, Murwillumbah.
1. <b>Urban Stormwater Management Plan</b> - develop management plan as directed by	\$24,000 SW Trust / TSC	Complete, waiting comments from Stormwater Trust / EPA

# Reports from Committees/Working Groups

NSW EPA		EPA \$12,000 Grant received from SW Trust
2. <b>Stormwater Awareness Campaign</b> - education and awareness on stormwater issues and solutions	\$30,000 1996/97	ongoing - further ads/media in Water Week Oct 00 and to coincide with construction of stormwater quality improvement devices Campaign intensified with Industrial Audit Program and Lavender Ck Project
3. <b>Monitoring Program</b> - ongoing monitoring programs to assess river health	\$100,000 (allot) over three years	bird monitoring program in 5 <sup>th</sup> year canals wq program commenced in Mar 98
4. <b>Water Quality Management Plan</b> - develop a long-term strategy and management actions to improve and maintain water quality in the estuaries		Interim WQMP adopted by Council ongoing according to priorities and outcomes of Interim WQMP Committee to work with NRCMB and FNWMC
5. <b>Riparian Revegetation &amp; Rehabilitation Projects</b> - revegetation of riverbanks and foreshores	\$60,000 - 2 yrs 1997/98-98/99	2 Work for the Dole crews current (6 months) North Tumbulgum riparian corridor project very successful Management Plans being developed for four other high priority areas.
6. <b>Riverbank Stabilisation Project</b> - Commercial Rd erosion control project	\$50,000 1998/99	Complete, extra plantings required and monitoring
7. <b>Education and Interpretation</b> - dissemination of information and educational material to the community	\$40,000 (allot) 1997/98-98/99 \$20,000 2000	ongoing; Resource Centre now in use; information brochures being produced and updated, talks at schools, Water Week 00
8. <b>Tweed Bank Management Plan</b> - document for general community and Council use on areas of bank erosion.	\$40,000 1996/97	complete; computer version on intranet well used by Development Control Unit and general public.
9. <b>Boatramps</b> – a. Kennedy Drive b. Tumbulgum	\$40,000 Waterways Authority/TSC \$75,000 Waterways Authority/TRMPAC?	Extension and upgrade ramp Remove old ferry ramp, extension and upgrade ramp, stabilise beaches
1. <b>Alma St Jetty &amp; Pontoon</b> - installation of jetty and pontoon adjacent WHRC	\$75,000 1:1 DLWC/TSC	Funds transferred to Nichol Park project
2. <b>Chinderah Foreshore</b> - revetment of bank erosion at Chinderah	\$200,000 (allot) 1996/97-97/98 \$400,000 RTA	Complete
3. <b>Floodgate Management for Fish Habitat</b> - adaptation of floodgates with winches to allow tidal flow in cane drains	\$12,000 1997/98-98/99	winches installed on 10 drains, 4 management agreements signed Marcus Riches appointed new coordinator of project (NSW Fisheries)
4. <b>Tweed Estuary Landowners Fund</b> - assistance to private landowners adjacent to the estuary for foreshore rehabilitation	\$30,000(allot) 1997/98-98/99	advertised in Tweed Link, no suitable applicants to date floodgate winches only expenditure to date
5. <b>ASS Research and Monitoring Equipment</b> - contribution to equipment for monitoring changed land use practices on ASS runoff (UNSW project)	\$33,000 \$60,000 (allot) 2000	liming drains report due equipment purchased for monitoring wq in cane drains
6. <b>Bird Roosting Sites</b> - creation of secure, managed wader bird roosting sites	\$30,000 (allot)	report complete, suitable sites with reasonable access yet to be fully identified
7. Review of EMP's		Review of Lower and Upper Tweed River Estuary Management Plans and estimate for forward programs. To be completed late February 2001.

# Reports from Committees/Working Groups

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Discussion on conflict between day users of Ray Pascoe Park and boat users of Kennedy Drive boat ramp. The main issue is parking and access. Require installation of signage at Kennedy Drive Boat Ramp directing boaters using the main river or going offshore to the better facilities at Fingal Head Boat Ramp (Item 9).

**Moved:** J Henley

**Seconded:** Cr W Marshall

**RESOLVED** that Council be requested to consider deferring the upgrade of Kennedy Drive Boat Ramp due to apparent conflicts between boat users and park users and refer the issue to the Traffic Committee for its consideration.

**RECOMMENDATION:**

That Council considers deferring the upgrade of Kennedy Drive Boat Ramp due to apparent conflicts between boat users and park users and refer the issue to the Traffic Committee for its consideration.

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**GENERAL BUSINESS:**

**10. Flood Issues**

**Floods**

Discussion on issues arising from the recent flood event. Noted that sediment and erosion control measures are totally inadequate in high rainfall events. C Cormack noted that recent foreshore inspections showed high levels of erosion of riverbanks during these flood events. This was mainly due to liquefaction of the soil on saturated and over-steep river banks.

Discussion on the need for Council to develop some direction on clearing of foreshores and private boat ramps etc of flood debris. The general policy now is to not provide any assistance to private land and minimal on public land. Need to obtain a copy of the generic licence conditions issued by the Department of Land and Water Conservation for private boat ramps.

Noted that a significant fish kill was evident on the beach south from Cudgen Headland. NSW Fisheries were investigating the cause. It would appear to be related to low Dissolved Oxygen levels in the Creeks and Rivers and a high sediment load from the floodwaters. Acid Sulphate Soils runoff did not appear to be the cause this time.

Noted that the new highway bypass held back large amounts of floodwater in cane fields behind certain sections of the roadway. This appeared to be due to inadequate size of culverts.

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**NEXT MEETING:**

The next meeting of the Committee is to be held on Wednesday 4 April 2001 at the Canvas & Kettle Restaurant commencing at 9.30 am.



# Reports from Committees/Working Groups

The meeting closed at 12.00 pm.

***Director's Comments:** The boat ramp is very popular with the Tweed Heads boating community and experiences high levels of usage. The Waterways Authority provided Council with a grant of \$32,500 in 1999 being half the expenditure on upgrading the car parking and facilities for boat users of the ramp. The Kennedy Drive Boat Ramp is well due for an upgrade of the boat ramp itself due to safety and operational concerns. The Waterways Authority have again provided a \$ for \$ grant of up to \$20,000 for this upgrade of the ramp itself and Council has allocated the matching funds in this years budget.*

## **DIRECTOR'S RECOMMENDATIONS:**

### **6. Commercial Boat Operations on the Tweed Estuary Boating, Development Applications**

#### **Committee Recommendation:**

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

#### ***Director's Recommendation:***

### **9. Program Status Estuary Management**

#### **Committee Recommendation:**

That Council considers deferring the upgrade of Kennedy Drive Boat Ramp due to apparent conflicts between boat users and park users and refer the issue to the Traffic Committee for its consideration.

#### ***Director's Recommendation:** That Council:-*

- 1. Advises the Committee of its intention to proceed with the upgrade of the Kennedy Drive Boat Ramp for reasons outlined in the Director's comments above.*
- 2. Requests the Local Traffic Committee to review traffic management at the Kennedy Drive Boat Ramp.*

# Reports from Committees/Working Groups

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

3. Minutes of the Tweed Coastal Committee Meeting held Wednesday 7 February 2001
  4. Minutes of the Tweed Shire Occupational Health & Safety Committee Meeting held Wednesday 14 February 2001
  5. Minutes of the Tweed Shire Council Consultative Committee Meeting held Thursday 15 February 2001
  6. Minutes of the Communication Committee Meeting held Wednesday 7 March 2001
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# Outstanding Inspections

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## 1. Wardrop Valley

### Wardrop Valley

At the request of the Mayor an on-site inspection of Council owned land at Wardrop Valley has been organised for 11 April 2001 for attendance by Councillors, the Executive and various sporting groups.

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# Outstanding Inspections

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# Orders of the Day

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## 1. Notice of Rescission - Cr Polglase, Cr Lawrie and Cr Beck

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

#### Notice of Rescission, DA0960/70 Pt1

*That Council resolution at Minute No 795 in relation to Item 3 of the Meeting held 7 March 2001 being:-*

*".....that :*

*1. The applicant be advised that Council is prepared to support modifications to Development Consent K99/1450 as follows:*

*a) Amendments to staging of the development as requested;*

*b) The amendment of Condition 2, Schedule B, to read as follows:*

*"2. Carool Road between the roundabout at the intersection of Carool Road and Bilambil Road and the development site is to be upgraded to provide a Type D pavement. This will involve the upgrading of two sections, as follows:*

*a. From 2.5km to 2.8km being widened by 1.0m;*

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

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

*Alternatively, the payment to Council of \$28,000 as a pro-rata payment for the subject works. Should the monetary payment be acceptable, all monies are to be paid prior to release of the construction certificate for Stage 1 or 2.*

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

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

*d. The deletion of the requirement under Condition 54 for line marking of the car park area.*

# Orders of the Day

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2. *The applicant be advised that Council is not prepared to support requested modifications to:*
  - a) *Delete the requirement to upgrade Carool Road to Type D standard;*
  - b) *Allow for the payment of Section 94 contributions over 5 years;*
  - c) *Allow the payment of Section 94 contributions on completion of each Stage;*
  - d) *Delete Condition 3 requiring consolidation of all allotments into a single allotment;*
  - e) *Submit landscaping plans at the roof stage;*
  - f) *Allow construction vehicles to use the existing access;*
  - g) *Condition 62, which currently restricts the use of the golf course to guests staying at the resort.*
3. *The applicant be requested to amend the S96 application in accordance with 1. above. Should the applicant agree to this, that the consent be modified under delegated authority by the Director of Development Services.*
4. *Should the applicant not be prepared to amend the application as recommended, the application be refused as Council cannot approve part and refuse part of an application.*
5. *The applicant be advised that a separate application in accordance with Section 96(2) of the Environmental Planning and Assessment Act 1979 is required to be submitted, along with the applicable fees, should he wish to amend the consent relating to the pro-shop to allow the issue of a construction certificate prior to 50% of the accommodation units being completed.*

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

***be rescinded."***

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## **2. Notice of Motion - Cr Polglase**

### **Sporting Ground Requirements - Terranora/Bilambil**

#### **Notice of Motion, Sport & Recreation Gen, Sportsfields - General**

*That the General Manager prepares a report on:*

1. *The current and future sporting grounds/facility requirements for the Terranora/Bilambil communities; and*

## Orders of the Day

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- 2. Funding implications for consideration by Council in formulating the 2001/2001 Budget.*
- 

### **3. Notice of Motion - Cr Lawrie**

#### **Hire Fees - Murwillumbah and Tweed Heads Civic Centres**

#### **Notice of Motion, Maintenance - ccl bldgs, Civic Ctr - T.H. - Hire, Civic Ctr - MBah - Hire**

*That Council:-*

- 1. Reverts to the prior system of charging for public use of the Murwillumbah and Tweed Heads Civic Centres.*
  - 2. Undertakes cleaning and remediation work on the steps at the forecourt of the Murwillumbah Civic Centre administrative offices.*
-

# Orders of the Day

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# Workshops

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Councillors,

Following are details of upcoming Workshops of Council:-

**1. Budget Meeting – 28 March 2001 – 4.30pm**

**Budget**

Organiser: Mr Ian Carpenter, Director Corporate Services

Allocated Time: 3 hours (plus 1 hour dinner break)

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**2. Tweed Economic Development Corporation – Funding Agreement – 11 April 2001 – 7.30pm**

**TEDC**

Organiser: Mr Ian Carpenter, Director Corporate Services

Allocated Time: 2 hours

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**3. New Art Gallery – With Fundraising Committee and New Art Gallery Committee – 9 May 2001 – 7.30pm**

**Art Gallery**

Organiser: Mr Gary Corbett, Art Gallery Manager

Allocated Time: 1 hour

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# Workshops

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