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Items for Consideration of Council

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Schedule of Outstanding Resolutions

20 SEPTEMBER 2000

REPORTS FOR DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

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

335

Cr Luff

Cr Marshall

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

Current Status: Draft Policy to be completed in conjunction with Council's Risk Manager.

21 FEBRUARY 2001

REPORTS FROM DIRECTOR ENGINEERING SERVICES

11. **Tweed Valley Flooding 2 - 4 February 2001**

Floods, SES

766

Cr Boyd

Cr Carroll

RESOLVED that:-

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

Current Status: Report being prepared for Item 3. Other items completed.

Schedule of Outstanding Resolutions

21 MARCH 2001

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

5. Dilapidated Structures - Tumbulgum

PF0460/270 Pt1

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

C161

That Council:-

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

Current Status: Dilapidated structures, ferneries/pergolas, waste materials and motor vehicles removed. Other matters progressing.

18 APRIL 2001

REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

3. Houses on Road Reserve - Reserve Creek Road

R4660 Pt3

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

C188

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

Current Status: To be completed

Schedule of Outstanding Resolutions

5 MAY 2001

ORDERS OF THE DAY

4. Pacific Highway - Tweed Shire

Notice of Motion, R4031 Pt13, Pacific Highway

1037

Cr Boyd

Cr Lawrie

RESOLVED that a comprehensive report be provided to Council covering at least the following aspects which relate to that section of the Pacific Highway which will be reclassified within Tweed Shire when the new Motorway is completed in 2002:

1. Its total length
2. Current traffic counts and those forecast for 2005-2010
3. An assessment of the present condition of the pavement of this section so as to identify how much is in a failed or near failed condition
4. An estimate of the cost to bring the existing pavement up to a satisfactory standard before it becomes a Council responsibility.
5. An assessment of the cost of repairing that section of the river bank subsidence threatening the Highway near the Ampol Service Station in Murwillumbah.
6. A forecast as to the time when the section of the Highway between Murwillumbah and the 4 lane section at Stotts Creek will have to be constructed to 4 lane standard.
7. An estimated cost to carry out the construction mention in (6).
8. The number and location of road deaths on this section of Highway over the past 10 years, segregated into those north of Murwillumbah and those south of Murwillumbah.
9. The identification of those sections of this road considered to be black spots such as Murnane's Corner near Burringbar; the turn off at Burringbar to Reserve Creek; and the Railway Bridge at Greenhills.
10. Any other relevant information considered import on this issue.

Current Status: Initial meeting held with RTA, discussions continuing.

Schedule of Outstanding Resolutions

20 JUNE 2001

ORDERS OF THE DAY

1. **Main Street Program - Funding Options**
Notice of Motion, Wollumbin Street, Street Scaping - M'bah

1200

Cr Marshall

Cr Boyd

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

Current Status: To be finalised.

4 JULY 2001

REPORTS FROM SUB-COMMITTEES

1. **Minutes of the Community Cultural Development Committee Meeting held Thursday 31 May 2001**
Cultural Development – Advisory Committee
3. **Festivals Policy**
Cultural Development – Advisory Committee

1242

Cr Polglase

Cr Marshall

RESOLVED that Council's Cultural Advisory Committee calls a meeting of all the existing shire-wide festival organisers for a round table discussion to determine current needs and ways to initiate long-term and sustainable audience development.

Current Status: Meeting to be arranged in October/November following completion of festivals.

ORDERS OF THE DAY

1. **Wardrop Valley Land**
Notice of Motion; PF5810/305

1257

Cr Beck

Cr Carroll

RESOLVED that a report be brought forward identifying all options considered to this point for the use of Wardrop Valley land.

Current Status: To be finalised.

Schedule of Outstanding Resolutions

1 AUGUST 2001

REPORTS FROM DIRECTOR CORPORATE SERVICES

9. Local National Award Winners - Recognition

Civic Awards, Plaques

55

Cr Boyd

Cr Lawrie

RESOLVED that consideration be given to establishing local achiever recognition plaques to be located within the Murwillumbah Civic & Cultural Centre, together with criteria for determination of recognition.

Current Status: Criteria being developed.

5 SEPTEMBER 2001

ORDERS OF THE DAY

3. Signs - Casuarina Beach

Notice of Motion, Regulatory Signs, Beaches - Dune Care

186

Cr Polglase

Cr Davidson

RESOLVED that a report be brought forward to Council, in consultation with the Casuarina Beach Management Committee, for suitable signs and/or a strategy to encourage the protection of the environment at Casuarina Beach.

Current Status: Report to be prepared.

Schedule of Outstanding Resolutions

19 SEPTEMBER 2001

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES IN COMMITTEE

1. **Unauthorised Works - Kings Forest**

DA1740/37

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

C56

That the matter be deferred, with an invitation being given to the owners of Kings Forest and/or their representatives to brief Council as to what they are doing on the subject land as soon as possible.

Current Status: Matter being pursued.

Mayoral Minute

Councillors,

1. Work For The Dole

Work for the Dole - Invitations

Friday 21 September – I attended a breakfast at Tweed Heads Bowls Club and met with Tony Abbott, Federal Minister for Employment and Larry Anthony, Federal Minister for Community Services. I spoke to both Ministers regarding funding for the Work for the Dole Project for Tweed Shire.

2. Industrial Development

Industrial Development – Invitations

Saturday 22 September – I met with the journalist doing a media tour sponsored by the Gold Coast Development Association. Topics discussed were how to attract economic development to the Tweed and the competitiveness of other Councils doing the same thing and why we need good positive media exposure for the Tweed.

3. Food & Wine Festival

Invitations

Sunday 23 September – I was guest of the Daily News at A-La Carte On the Beach, a food and wine festival. A great concept and would be worthwhile looking at for Kingscliff.

4. Bilambil Sports Ground

Bilambil Sports Ground – Invitations

Monday 24 September – The Deputy Mayor, George Davidson, and myself met with EMT to discuss Bilambil Sports Ground, Les Burger Field, Chinderah Bay Marina and the CBD concept for Tweed Heads.

5. Garden Competition

Garden Competition – Invitations

Tuesday 25 September – I attended the presentation of awards for the Tweed Shire Garden Competition. A well attended night. The gardeners of the Tweed certainly make a great contribution to the enhancement of the Shire.

Mayoral Minute

GENERAL MANAGERS ACTIVITIES REMOTE FROM THE SHIRE

Week Ending 28 September

- | | | |
|--------------|------|---|
| 27 September | (am) | Sydney – LGSA Meeting (Transfer Parking Officers) |
| | (pm) | Sydney – Meeting with Developer (Black Rocks) |

COW HORNS & HEAD

Subsequent to the mayoral election, the bull bar on the Mayoral car was adorned with a trophy - cow horns and head. This gesture was taken in great spirit and greatly appreciated. The 'trophy' will be mounted in the Mayor's office with the inscription "No Bull In Here".

INVITATIONS RECEIVED:

- **4 October** – 9.30 am visit by 22 people from Friendship Force Florida
- 7.00 pm Sydney Male Choir (All Saints Anglican Church Murwillumbah)
 - **12 October** – 6 pm Tweed Training & Enterprise 21st Birthday Celebration (Greenhills)
 - **14 October** – 4.30 pm Tweed Coolangatta Chess Club Festival – Prize Giving (THCC)
- 7 pm ClubsNSW Annual Dinner (Twin Towns)
-

Items Deferred

ITEM DEFERRED FROM MEETING 19 SEPTEMBER 2001

3. *Council Committees - Delegations to September 2002*

Committees of Council

203

Cr Beck

Cr Marshall

RESOLVED that a Workshop of Council be convened for Wednesday 26 September 2001 to discuss appointments to the various committees for the period ending 30 September 2002.

This item is the subject of a further report at Item 6 of this Business Paper

3. **ORIGIN: Administration Services Unit**

FILE REF: Committees of Council

REPORT TITLE:

Council Committees - Delegations to September 2002

SUMMARY OF REPORT:

Submitted for consideration by Council.

RECOMMENDATION:

That Council appointments to the various committees be made for the period ending 30 September 2002.

Items Deferred

REPORT:

Submitted for adoption by Council is an alphabetical list of Council Committees and Delegations to September 2002.

Committee: Aboriginal Liaison Committee
File:
Councillors: Boyd, Luff
Alternate:
Contact: Sharen Smith
Staff: Sharen Smith
Others: Mr Frank Krasna (Inaugural Chairman), representatives of Aboriginal Organisations and Community of Tweed Local Government Area

Frequency:
Place:
Duration:
Comment:

Committee: Agenda 21 Steering Committee
File:
Councillors: Boyd Davidson, Lawrie
Alternate:
Contact: Don Buckley
Staff: Don Buckley, Geoff Edwards, Stewart Brawley, Douglas Jardine, Don McAllister, Graham Judge

Others:
Frequency:
Place:
Duration:
Comment:

Committee: Area Assistance Committee
File:
Councillors: Marshall, Youngblutt
Alternate:
Contact: Jenni Funari
Staff: Jenni Funari
Others: Statutory Committee of State Dept of Planning

Frequency:
Place:
Duration:
Comment: Delegate

Items Deferred

Committee: Banora Point Community Centre Establishment Committee
File:
Councillors: Lawrie
Alternate:
Contact: Geoff Edwards
Staff: Geoff Edwards, Robin Spragg, Peter Brook
Others: Anne Grace (Family Centre), Lesley Baker (Tweed Heads & Greenbank Community Preschools), Michelle Hartley (Tweed Heads & Greenbank Community Preschools), Jane Wilkinson (Tweed Heads & Greenbank Community Preschools), Merran Marriott (Centaur Parents & Citizens), Darryl Luhrs (Salvation Army), Neil Clanfield (Salvation Army), John Murray (Banora Point Residents' Association), George Bonomo (Banora Point Resident's Association), Mark Trotter (Fulton Trotter Partners), Emma Harcourt (Fulton Trotter Partners), Robert Weisner (Fulton Trotter Partners).

Frequency:
Place:
Duration:
Comment: 6/6/2001 Min No 1092

Committee: Burringbar Sewerage Community Reference Group
File:
Councillors: Beck, Polglase
Alternate:
Contact: A Abedrabbo
Staff: A Abedrabbo, M Rayner, P Ainsworth
Others: Tom Tabart (Burringbar & District Progress Association & Local Landcare Group), Stuart Cahill (Burringbar Progress Association), Bob McTackett (Burringbar & District Progress Association) Bruce Douglas (Community Rep), Joanne Wyatt (Community Rep)

Frequency:
Place:
Duration:
Comment:

Committee: Cabarita Beach Surf Club Working Group
File:
Councillors: Davidson, James
Alternate:
Contact: Geoff Edwards
Staff: Geoff Edwards, Don Buckley
Others: Wilson Cregan, Fred Perlenfein, Bruce Douglas, Anita Raftery, Terry Kane, Tim Smerd, Patrick Raftery, Steve Dale, Peter Skaines

Items Deferred

Frequency: Monthly as required
Place: CBSC
Duration: 1 ½ hours
Comment:

Committee: Chinderah Planning Committee
File:
Councillors: Beck, Brinsmead, Davidson, Polglase
Alternate:
Contact: Douglas Jardine
Staff: Douglas Jardine, John Henley
Others:
Frequency: As required
Place: Council
Duration: 1-1 ½ hrs
Comment:

Committee: Clarie Hall Dam Fishery Management Committee
File:
Councillors: Beck, Youngblutt
Alternate:
Contact: John Henley
Staff: John Henley
Others: Bob Loring, Colin Wiley, Chris Estreich, Barry Saunders, Tom Senti +
Corresponding Members: Lindsay Cram, David Gardner, Leslie Brims, Michael
Elliott, Des Charles
Frequency: As required
Place: Council
Duration: 1-1 ½ hrs
Comment:

Committee: Communication Committee
File:
Councillors: Davidson, Luff, Marshall(res), Carroll
Alternate:
Contact: Marilyn Smith
Staff: Marilyn Smith, Ian Carpenter
Others: Ray Carlile, Jude Robb, 1 new appointment
Frequency: Monthly
Place: Murwillumbah
Duration: 1 ½ hrs
Comment:

Items Deferred

Committee: Community Advisory Committee
File:
Councillors: Boyd, Luff, Marshall
Alternate:
Contact: Geoff Edwards
Staff: Don Buckley, Kristen Forster, Geoff Edwards
Others:
Frequency: 9.30 am bi-monthly, 3rd Thursday of month
Place: Murwillumbah/Tweed
Duration: 2 hrs
Comment:

Committee: Community Cultural Development Advisory Committee
File:
Councillors: Boyd, Carroll
Alternate:
Contact: Geoff Edwards, Lesley Buckley
Staff: Lesley Buckley
Others: Tony King (Chair), Glenda Nalder, Judith Sutton, Garry Corbett
Frequency:
Place:
Duration:
Comment:

Committee: Community Development and Expenditure Scheme Committee
File:
Councillors:
Alternate:
Contact: Geoff Edwards,
Staff: Geoff Edwards, Jenni, Funari
Others: John Smith and Phillip Kelly (Kingscliff Bowls Club); Ron Lewis (Club Banora); Jenny Wrights (Cabarita Bowls Club); Dallas Ryan (Twin Towns Services Club); Lindsay Howard-Smith (Murwillumbah Services Club); Phillip Dark (Coolangatta-Tweed Golf Club); Michael Hill (Seagulls); Gordon Rhodes and Penne Jeffouse (South Tweed Bowls Club); Geoff Provest (Tweed Heads Bowls Club); Terry Collier (Dept of Community Services); Ron McLean (Seagulls)
Frequency:
Place: Tweed Heads
Duration: 2 hours
Comment: This is not a committee of Council.

Items Deferred

Committee: Community Development Plan Working Group
File:
Councillors: Carroll
Alternate:
Contact: Jenni Funari, Robin Spragg
Staff: Jenni Funari, Robin Spragg
Others:
Frequency:
Place:
Duration:
Comment:

Committee: Community Options Project Management Committee
File:
Councillors: Carroll, Marshall
Alternate:
Contact: Heather Tannock
Staff: Don Buckley, Geoff Edwards, Heather Tannock, Marilyn Haan
Others:
Frequency: As required
Place: Council
Duration: As required
Comment:

Committee: Companion Animal Committee
File:
Councillors: Marshall, Youngblutt
Alternate:
Contact: Peter Ainsworth
Staff: Don Buckley, Terry Lintern, Peter Ainsworth
Others: Rob Philp, Digby Moore, Alma McAllister, Christie Walker, Wendy Marshall, Jeremy Cornford, Len Greer, Ronnie Hoskisson, Noela Wynne; Audrey Rennison & Milena Morrow (Companion Animal Owners)
Frequency: First Monday of each month
Place: Rous Room
Duration: 2 hrs
Comment:

Committee: Contiguous Local Authority Group (Mosquito Control)
File:
Councillors: Marshall
Alternate: Beck
Contact: Clive Easton
Staff: Clive Easton, Don Buckley

Items Deferred

Others:

Frequency: Quarterly meeting day to be advised
Place: Rotationao (Tweed-Redlands)
Duration: All day
Comment: Renamed from Biting Midge Research and Control Committee

Committee: Coolangatta Airport Environment Management Committee

File:

Councillors:

Alternate:

Contact: Don Buckley

Staff: Don Buckley

Others: As appointed by Gold Coast Airport

Frequency: TBA

Place:

Duration: 1-2 hrs

Comment:

Committee: Coolangatta Airport Noise Abatement Consultative Committee

File:

Councillors:

Alternate:

Contact: Don Buckley

Staff: Don Buckley

Others: As appointed by Gold Coast Airport

Frequency: TBA

Place:

Duration: 1-2 hrs

Comment:

Committee: Coolangatta Airport Regional Advisory Committee

File:

Councillors: Polglase

Alternate: Beck

Contact: John Griffin Don Buckley

Staff: John Griffin, Don Buckley

Others: 2 reps Qld Airports Ltd, 2 reps GCCC, 1 rep GC Tourism Board, 1 rep TACTIC, 1 rep GC Economic Dev Org, 1 rep TEDCO, Mr. Trevor Stephenson (community rep TSC), 1 community rep GCCC

Frequency: Monthly

Place: Council

Duration: 1-2 hrs

Comment:

Items Deferred

Committee: Cudgen Lake Catchment Rehabilitation Committee
File:
Councillors: Davidson, James, Marshall
Alternate:
Contact: Mark Tunks
Staff: Mark Tunks, Don Buckley
Others: Rhonda James, Harry Boyd, Lance Tarvey, Betty Wood, Bill Shaw, Robert Quirk, Reg Carter, Geoff Provest, Rob Loring, Richard Hagley, Stan Dawson, Nigel Greenup, Douglas Jardine
Frequency: As required
Place: Council
Duration: 2 hrs
Comment:

Committee: Development Assessment Panel
File:
Councillors:
Alternate:
Contact: Garry Smith
Staff: Garry Smith, Rick Paterson, Don McAllister
Others:
Frequency: Wednesday & Friday each week
Place: Rous Room
Duration: As required
Comment:

Committee: Far North Coast County Council
File:
Councillors: James, Youngblutt
Alternate:
Contact:
Staff:
Others:
Frequency: Monthly (3rd Thursday)
Place: Rotational
Duration: All day
Comment:

Committee: Flood Plain Management Committee
File:
Councillors: Beck, Boyd, Brinsmead, Marshall
Alternate:
Contact: John Henley
Staff: John Henley, Douglas Jardine, Mike Rayner

Items Deferred

Others: Reps of DLAWC, DUAP, SES & Community reps as appropriate (P Reynolds, J Everingham, I Taylor (DLWC), T Flood (SES))
Frequency: As required (infrequent)
Place: Council
Duration:
Comment:

Committee: General Manager Review Committee
File:
Councillors: Mayor, Deputy Mayor, Crs Carroll, Lawrie, Youngblutt
Alternate:
Contact: Mayor
Staff:
Others:
Frequency:
Place:
Duration:
Comment:

Committee: Home & Community Care Centre Working Management Group
File:
Councillors: Marshall
Alternate:
Contact: Kristen Forster
Staff: Kristen Forster
Others:
Frequency: 3rd Tuesday of month 11 am (bi-monthly)
Place: HACC Centre
Duration: 1 hr
Comment: Not operational.

Committee: ILAP Advisory Committee
File:
Councillors:
Alternate:
Contact: Douglas Jardine
Staff: John Griffin, David Broyd, Doug Jardine
Others: Members of the Public
Frequency:
Place:
Duration:
Comment: Pending further report

Items Deferred

Committee: Joint Council Border Gateway Committee
File:
Councillors: Luff
Alternate:
Contact: Don McAllister
Staff: Don McAllister
Others: Cr Sue Robbins GCCC, Mr. R. Roylance TTSC, Mr. M Cotton, Mr. V. Faley, Mr. G. Bilton GCCC
Frequency:
Place: Board Room Twin Towns Services Club
Duration:
Comment: Completed

Committee: Joint Tourism Committee
File:
Councillors: Boyd, Marshall
Alternate:
Contact: Marilyn Smith
Staff: Marilyn Smith
Others:
Frequency: 10 am Monday (approx 2 monthly)
Place: Rotational
Duration: All Day
Comment: 20/10/99

Committee: Krekelberg Environment Reserve Management Committee
File:
Councillors: James
Alternate:
Contact: Stewart Brawley
Staff: Stewart Brawley
Others: Peter Krekelberg, Len Greer
Frequency: As required
Place: Pottsville Environment Park
Duration: 1 hr
Comment:

Committee: Lend Lease Development – The Anchorage
File:
Councillors: Beck
Alternate:
Contact: Ian Carpenter
Staff: Ian Carpenter, Richard Adams, Stewart Brawley
Others:

Items Deferred

Frequency: 3 monthly
Place: The Anchorage Tweed Heads
Duration: 2 hrs
Comment:

Committee: Local Environmental Plan Advisory Committee
File:
Councillors: Polglase, Beck, Boyd, Brinsmead, Marshall
Alternate:
Contact: Douglas Jardine
Staff: David Broyd, Douglas Jardine
Others: Bruce Graham, Trevor Stephenson, Col Brooks, Don Beck, Alan McIntosh, Athol Dobson, Mike Allen, Darren Gibson, Craig Venner, Tom Senti
Frequency: Third Tuesday of each month at 2.00pm
Place: Canvas & Kettle
Duration: 1 ½ hours
Comment: First mtg 30/1/2001

Committee: Local Traffic Committee
File:
Councillors: Davidson
Alternate: Marshall
Contact: Paul Morgan
Staff: Paul Morgan (Chairman) Judith Finch, Ray Clark
Others: Mr Neville Newell, MP, State Member for Tweed, Mr Don Page, MP, State Member for Ballina, Police Representative and Mr Mike Baldwin, RTA Rep
Frequency: Monthly or as need arises
Place: Oxley Room
Duration: Approx. 2 hrs
Comment:

Committee: Lot 490 Committee
File:
Councillors: All
Alternate:
Contact: Ian Carpenter
Staff: Ian Carpenter, David Broyd
Others: Mr Tim Rabbige (DLAWC), Mr Satwant Calais (Tourism NSW), Trustee(s) Tweed Shire Council, One Community Representative
Frequency:
Place:
Duration:
Comment:

Items Deferred

Committee: Millennium & Centenary of Federation Advisory Committee
File:
Councillors: Boyd, Marshall
Alternate:
Contact: Lesley Buckley
Staff:
Others: Terry Cleal (Chairperson), Carmel Harris, Sandra Flannery, Mary Lee Connery, Ken McDonald, Vic Crowley
Frequency:
Place:
Duration:
Comment: 3/11/99 reconstituted

Committee: Murwillumbah Airfield Management Committee
File:
Councillors: Beck, Boyd
Alternate: Youngblutt
Contact: Richard Adams
Staff: Richard Adams
Others: Mr Greyden, S Tapp (Tapp's Aviation), Mr. Brian Budd, Mr. J H Williams, Mr. Ken Zealey
Frequency: As need arises
Place: Murwillumbah Airfield
Duration:
Comment:

Committee: Murwillumbah Design Advisory Committee
File:
Councillors: Lawrie, Luff, Youngblutt
Alternate:
Contact: Brian Donaghy
Staff: Mike Rayner, David Broyd, Brian Donaghy, Don McAllister
Others: Carmel Harris (Main St Coord), Retail sector & community reps.
Frequency:
Place:
Duration:
Comment: Completed

Committee: New Art Gallery Construction Committee
File:
Councillors: Boyd, Beck, Davidson, Polglase and Youngblutt
Alternate:
Contact: MEH
Staff: Director Environment & Community Services, Manager Environment & Health

Items Deferred

Others: Architect, a representative of the Friends of the Gallery, and the Art Gallery Director

Frequency:

Place:

Duration:

Comment: New Committee 5/9/2001

Committee: New Tweed River Regional Art Gallery Committee

File:

Councillors: Beck, Davidson, Boyd, Polglase

Alternate:

Contact: Geoff Edwards

Staff: John Griffin, Don Buckley, Geoff Edwards, Ann Schardin, Gary Corbett

Others: 1 Art Gallery Advisory Committee rep and 2 Friends of the Gallery reps

Frequency: As required

Place: Art Gallery

Duration: 1-2 hrs

Comment: New Committee 15/12/99

Committee: Northern Rivers Catchment Management Board

File:

Councillors: Boyd (Ministerial Appointment)

Alternate:

Contact: Cr Boyd

Staff: Geoff Edwards

Others: Gary Varga (Co-ordinator)

Frequency: Quarterly

Place: Canvas & Kettle

Duration:

Comment: Ratified 6/10

Committee: Northern Rivers Regional Advisory Management Committee

File:

Councillors: Boyd, Marshall (Delegate)

Alternate:

Contact:

Staff: Douglas Jardine

Others:

Frequency: Bi monthly

Place: Rotational

Duration:

Comment:

Items Deferred

Committee: Public Transport Committee
File:
Councillors: Luff
Alternate:
Contact: Robin Spragg
Staff: Robin Spragg, Paul Morgan
Others: Stephanie Cooper (Public Trans Dev Proj), other transport industry reps & community reps
Frequency: Monthly 3.30 pm Tuesday
Place: Murwillumbah TAFE
Duration: 2-3 hrs
Comment:

Committee: Recycling Review Committee
File:
Councillors: Youngblutt
Alternate:
Contact: Ian Percy
Staff: Ian Percy, Geoff Edwards, Don Buckley
Others: Contracting representative
Frequency: As required
Place: Council
Duration: 2 hrs
Comment:

Committee: Richmond-Tweed Regional Library Committee
File:
Councillors: Boyd, Polglase
Alternate:
Contact: Geoff Edwards
Staff: Don Buckley, Geoff Edwards
Others:
Frequency: 10 am 2nd Thursday (Feb, May, Aug, Nov)
Place: Rotational
Duration: 4 hrs
Comment:

Committee: Rural Fire Service Liaison Committee
File:
Councillors: James, Youngblutt
Alternate:
Contact:
Staff:
Others:

Items Deferred

Frequency:

Place:

Duration:

Comment: New Committee 20/6/2001

Committee: Southern Regional Organisation of Councils (SouthROC)

File:

Councillors: Boyd, Marshall

Alternate: James

Contact: Ian Carpenter

Staff: Mark Tickle

Others:

Frequency: Thursday (monthly)

Place: Rotational (Tweed-Redlands)

Duration: 4 hrs

Comment:

Committee: Sports Advisory Committee

File:

Councillors: Boyd, Polglase, Youngblutt, Davidson

Alternate:

Contact: Stewart Brawley

Staff: Stewart Brawley, Don Buckley

Others: M Edwards, L Sharpe, K Baldwin, K Brennan, P Moschogianis, R Brisby, G Kenny, A Walker, R Conlon

Frequency: 3rd Tuesday (monthly)

Place: Alternates Tweed/ Buchanan Room

Duration:

Comment:

Committee: Strategic Planning Committee

File:

Councillors: Committee of the Whole

Alternate:

Contact: Douglas Jardine

Staff: Douglas Jardine, staff from SPU

Others:

Frequency: 2nd Wed (monthly) 2.30pm

Place:

Duration:

Comment: 1/12/99

Items Deferred

Committee: Tweed & Coolangatta Tourism Inc
File:
Councillors: Polglase, Brinsmead
Alternate:
Contact: Ian Carpenter
Staff:
Others:
Frequency: Irregularly
Place:
Duration:
Comment:

Committee: Tweed Australia Day Committee
File:
Councillors: Beck, Youngblutt
Alternate:
Contact: Brian Donaghy
Staff:
Others:
Frequency: As required
Place: Council
Duration:
Comment:

Committee: Tweed Bush Fire Management Committee
File:
Councillors: Youngblutt
Alternate:
Contact: Ian Gibson
Staff: Ian Gibson, Tom Maye
Others: Emergency Organisation reps
Frequency: Twice yearly (minimum)
Place:
Duration:
Comment:

Committee: Tweed Coastal Committee
File:
Councillors: Boyd, Brinsmead, James, Marshall (Chair)
Alternate:
Contact: Jane Lofthouse
Staff: John Henley, Stewart Brawley, Jane Lofthouse

Items Deferred

Others: C Cormack (Waterways Auth), R James (Caldera), G Budd (EPA), T Rabbidge, R Hagley (Dept Land & Water Cons), L Tarvey (NPWS), N Newell (State Member), G Thorpe (Hastings Pt) J Harbison (P'ville), T Kane (Bogangar), E Griffiths (K'cliff), C Venner (TBLC)

Frequency: 2 monthly approx.

Place: Canvas & Kettle Restaurant

Duration: 2 hrs

Comment: Originally only 3 Councillors

Committee: Tweed Dune Care Advisory Committee

File:

Councillors: Boyd, James

Alternate:

Contact: Stewart Brawley

Staff: R Keevers, S Brawley

Others: B Graham, G Thorpe, J Gillieatt, F McLeod, J Kelly, B Scott, K McKenzie, R Glover, M Stewart, L Greer, C Lynch, P Langley, J Davidson, I Anderson

Frequency: Bi-monthly

4-6 pm

Place: Pottsville Environment Centre

Duration: 2 hrs

Comment:

Committee: Tweed Economic Development Corporation

File:

Councillors: Polglase, Marshall

Alternate:

Contact: Dr John Griffin

Staff: Dr John Griffin

Others: Now includes Tweed Shire Town Centres Committee

Frequency:

Place:

Duration:

Comment: Includes Tweed Shire Town Centres C'ttee

Committee: Tweed Games Committee

File:

Councillors: Polglase

Alternate:

Contact: Stewart Brawley

Staff: Marilyn Smith, Stewart Brawley

Others: P Moschogianis, R Quirk, R Pettyfor, R Brisby, K Baldwin, D Black

Frequency:

Place:

Items Deferred

Duration:

Comment: 17/11/99

Committee: Tweed River Committee

File:

Councillors: Boyd, Brinsmead, James, Marshall (Chair)

Alternate:

Contact: Jane Lofthouse

Staff: John Henley, Graham Judge, Geoff Edwards, Jane Lofthouse

Others: C Comack (Waterways Auth) R James (Caldera) G Budd (EPA) T Rabbidge, R Hagley (DLWC), L Tarvey (NPWS), Bob Loring (NSW Fisheries), N Newell (State Member), A Blundell (T & J Blundell), R Quirk (TRAC & NSW Canegrowers Assn)

Frequency: 2 monthly approx

Place: Canvas & Kettle Restaurant

Duration: 3 hrs

Comment: (formerly Tweed River Management Plan Advisory Committee Renamed 8/8/01), Originally only 3 Councillors

Committee: Tweed River Regional Art Gallery Advisory Committee

File:

Councillors: Beck, Boyd

Alternate:

Contact: Geoff Edwards

Staff: Gary Corbett, Geoff Edwards

Others: M Anthony, D Francis, A King, R Stephens, R Watson, J Flett, J Sutton, A Schardin, B Connery, D Calrow

Frequency: Every 6 weeks approx

Place: Gallery

Duration: 2 hrs

Comment:

Committee: Tweed Shire Council Access Committee

File:

Councillors: Boyd, Marshall

Alternate:

Contact: Kristen Forster

Staff: Kristen Forster, Stewart Brawley, Ross Cameron, Ray Clark, Bob Missingham

Others: E Booth, B Chapman, U Cowdroy, R Douglas, P Frost, S Gamble, A Maglaras, G Martin, B McKennariey, A Fisher, J Needham, M O'Brien, S Pigram, S Pollit, S Zak, M Cooper, D Baker

Frequency: 3rd Thursday of month

Place: Tweed HACC Centre, Mbah Buchanan Room

Items Deferred

Duration: 2 hrs
Comment: Requested that name include Disability as it can get mixed up.

Committee: Tweed Shire Council Bush Fire Risk Management Implementation Committee
File:
Councillors: James, Youngblutt
Alternate:
Contact:
Staff: Stewart Brawley, Douglas Jardine, John Henley, Geoff Edwards, Brian Donaghy
Others:
Frequency:
Place:
Duration:
Comment: Min 31 of 18/7/2001

Committee: Tweed Shire Council Consultative Committee
File:
Councillors: Marshall
Alternate: Davidson
Contact: Joyce Lillyin
Staff: Joyce Lillyin, MEU Rep (2), Ruth Ormella, Edward Dickson, Greg James, Merv Bridger, Greg James, Gary McArthur, Steve Sharp, Bill Miller, DES, LGEA Rep, HBSA Rep
Others:
Frequency: 3rd Thursday of month
Place: Buchanan Room
Duration: 1-2 hrs
Comment:

Committee: Tweed Shire Council Mayor's Disaster Relief Fund
File:
Councillors: Beck, Brinsmead, Davidson
Alternate:
Contact: Cr Beck
Staff:
Others:
Frequency: As required
Place: Council
Duration:
Comment:

Items Deferred

Committee: Tweed Shire Council Occupational Health & Safety Committee
File:
Councillors: Marshall
Alternate:
Contact: Geoff Hussey
Staff: R Harper, R Jones, T Dawson, N Hunt, I Dusi, B Alexander, R Norvill, R Missingham, S Brawley, Ian Carpenter
Others:
Frequency: Monthly 2nd Wednesday each month
Place: Buchanan Room
Duration: 1 hr
Comment:

Committee: Tweed Shire Local Emergency Committee
File:
Councillors: Beck
Alternate: Marshall
Contact: Geoff Edwards
Staff: Geoff Edwards, Ian Percy
Others: Emergency Organisation representatives
Frequency:
Place:
Duration:
Comment:

Committee: Tweed-Brunswick Valley Committee
File:
Councillors: Marshall (Chair-appointed by DUAP)
Alternate:
Contact: Katrina Luckie
Staff: David Broyd
Others:
Frequency: Monthly
Place: M'bah Civic Centre
Duration: 1-2 hrs
Comment: Renamed from Tweed Valley C'tee

Committee: Vegetation Management Plan Committee
File:
Councillors: James, Youngblutt, Boyd
Alternate:
Contact: Graham Judge
Staff: Graham Judge, Douglas Jardine, Stewart Brawley

Items Deferred

Others: Mr Brian Sandercock, Ms Barbara Stewart, Mr Gary Varga, Ms Rhonda James, Ms Kate McKenzie, Mr Robert Quirk, Mr Jim O'Brien, Mr Paul Bolster, Mr Paul Hopkins, Mr Peter Mason, Mr David Lovell, Mr Colin Brooks (Combined Rural Industries), Mr Mark Kingston (Ecograph), Ms Diane Mackay (National Parks & Wildlife Service), Mr Bruce Hungerford (DLAWC) and Mr David Hart (DLAWC).

Frequency:

Place:

Duration:

Comment:

Committee: Waste Disposal Working Party (Proposed)

File:

Councillors: Beck, Marshall, Brinsmead

Alternate:

Contact: Beck

Staff: Joint Working Party with Gold Coast City Council

Others:

Frequency:

Place:

Duration:

Comment: 4/4/2001 Min 924

Committee: Water & Wastewater Infrastructure Steering Committee – Kingscliff Wastewater Augmentation

File:

Councillors: Boyd, Brinsmead, Davidson, Beck

Alternate:

Contact: John Henley

Staff: John Henley

Others: C Hennessy (DLWC), I Norris (DPW&S)

Frequency: As required

Place: Peter Border Room

Duration: 2-3 hrs

Comment: DLAWC Committee

Items Deferred

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Reports from Director Development Services

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

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

MATTERS FOR CONSIDERATION

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

Reports from Director Development Services

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Reports from Director Development Services

1. **ORIGIN:** Development Assessment Unit

FILE REF: DA1041/420 Pt1

REPORT TITLE:

The Demolition of an Existing Garage, Erection of a Dwelling House and the Creation of a Two (2) Lot Residential Subdivision at Lot 1 DP 372097 No. 67 Charles Street, Tweed Heads

SUMMARY OF REPORT:

The land to which the proposed development relates to is located at the corner of Second Avenue and Charles Street Tweed Heads. The subject land is in the 2(a) Low Density Residential zone and is surrounded by single dwelling houses on adjoining allotments.

The neighbourhood contains two unit developments under the Tweed Local Environmental Plan 1987, and was zoned for Medium Density Residential development. With the commencement of the Tweed Local Environmental Plan 2000 the subject land and neighbourhood were zoned 2(a) Low Density Residential.

The proposed development applies for variations and concessions from the LEP, Development Control Plans and policies. Through advertising, submissions were received objecting to the proposal and the variations being sought. The following report recommends refusal.

RECOMMENDATION:

That Development Application 0750/2001DA for the demolition of an existing garage, erection of a dwelling house and the creation of a two (2) lot residential subdivision at Lot 1 DP 372097 No. 67 Charles Street, Tweed Heads be refused for the following reasons:-

1. The proposal is not consistent with the zone objectives (79C(1)(a)(i) Clause 11 Tweed Local Environmental Plan 2000).
2. The proposal does not comply with the minimum lot size requirements (79C(1)(a)(i) Clause 11 Tweed Local Environmental Plan 2000).
3. The proposal does not comply with dual occupancy requirements (79C(1)(a)(iii) Development Control Plan No. 44 Clause 2.2(b)(ii).
4. The proposal exceeds the floor space ratio requirements (79C(1)(a)(iii) Development Control Plan No. 6 Clause 3.1.3).
5. The proposal does not comply with the building line requirements (79C(1)(a)(iii) Development Control Plan No. 6 Clause 3.2.1).
6. The proposal is over development of the subject land (79C(1)(c).
7. The proposal is in conflict with the local residential amenity (79C(1)(b).
8. The proposed development is not in the public interest (79C(1)(e).

Reports from Director Development Services

REPORT:

Applicant: Mr D & Mrs L Sharpe
Owner: Mr Daniel J Sharpe
Location: Lot 1, DP 372097 No. 67 Charles Street, Tweed Heads
Zoning: 2(a) Low Density Residential
Cost: \$140,000

BACKGROUND

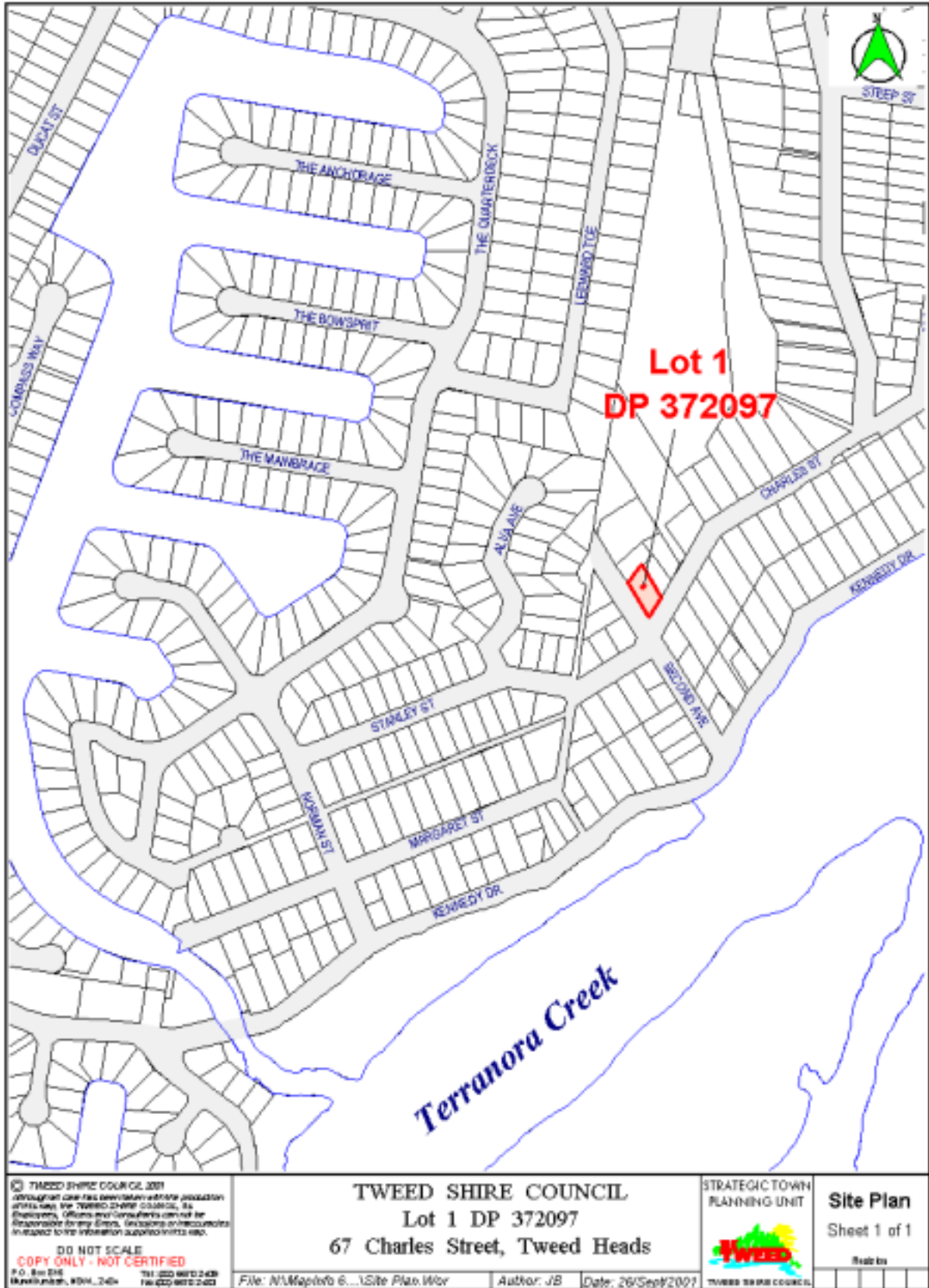
Council is in receipt of a development application for the erection of a dwelling and two lot subdivision at the corner of Second Avenue and Charles Street, Tweed Heads. The proposal involves the creation of Lot 1 being 310m² and Lot 2 being 531m². Both of the proposed allotments would gain access from Second Avenue.

Proposed Lot 2 would contain the existing dwelling house and two on site car parking spaces of a stacked formation. Proposed Lot 1 would contain the proposed dwelling house as submitted with the application. The proposed dwelling house is two storey rendered brickwork with a flat metal roof, contemporary in design. The proposed dwelling would accommodate a double garage for on site car parking.

The proposal is accompanied by an objection to the minimum lot size for the zone under State Environmental Planning Policy No. 1 – Development Standards. The proposal also applies for a variation to Council's building line. There are non compliances with other development control plans detailed in the following report.

Reports from Director Development Services

SITE DIAGRAM



Reports from Director Development Services

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

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

Tweed Local Environmental Plan 2000

The subject land is zoned 2(a) Low Density Residential under the provisions of the Tweed Local Environmental Plan 2000 (TLEP). The primary objective of the zone is:

“to provide for and maintain a low density residential environment with a predominantly detached housing character and amenity.”

Further the relevant secondary objective is:

“to allow some diversity of housing types provided it achieves good urban design outcomes and the density, scale and height is compatible with the primary objective.”

In considering the proposed development Clause 8 of the TLEP provides the consent considerations for development being:-

- a) It is satisfied that the development is consistent with the primary objective of the zone within which it is located, and
- b) It has considered those other aims and objectives of this plan that are relevant to the development, and
- c) It is satisfied that the development would not have an unacceptable cumulative impact on the community, locality or catchment that will be affected by its being carried out or on the area of Tweed as a whole.

A low density residential environment is the intended development for the subject land. The proposal is for a detached dwelling however further examination of the TLEP reveals that the proposal is not at the density provided for in Clause 11.

With the proposal being at a higher density than provided by the plan it is considered that the proposal is not consistent with the primary objective in terms of resultant density and therefore is in conflict with the primary objective of the zone.

The proposed development does not achieve the density outcomes as intended by the secondary objective of the zone thereby further limiting the opportunity for the proposal to be favourably considered.

It is acknowledged that the proposed development does not in itself prevent the objectives of the zone being achieved on other 2(a) Low Density Residential land. The constraints are further examined in this report concurring that the proposal is unsuitable for the subject land for site limitation reasons.

These site limitations are considered to result in an unacceptable impact on the community and locality in the area.

Reports from Director Development Services

It is considered that the proposal does not wholly satisfy the consent considerations as provided by 8(1) of the LEP and therefore development consent is not recommended by this report.

Clause 11 of the TLEP provides, in the case of land zoned 2(a), for a minimum lot size of 450m² for a dwelling house, or dwelling unit in a multi dwelling housing development. The subject land has an area of 841m², rather than the required minimum of 900m² by the TLEP. This equates to a short fall of 59m² and as a result the development is at a higher density than the LEP intends.

The applicant has submitted an objection under State Environmental Planning Policy No. 1 in relation to the minimum lot size.

Clause 15 of the LEP ensures the availability of essential services to development sites prior to consent for development. The subject land is fully serviced and it therefore is not considered to be limitation of the subject land.

Clause 16 of the LEP ensures the height of development on land is appropriate to its location. The subject land has a three storey height limitation to which the proposed development complies.

State Environmental Planning Policies

State Environmental Planning Policy No. 1 – Development Standards

The proposed development is accompanied by an objection to the 450m² allotment size. The applicant contends that the objective of the development standard is to achieve a low density neighbourhood with a single dwelling character, which the proposal achieves. The applicant contends that the proposal is consistent with the development standards for the following reasons.

1. *The development standard is an arbitrary planning tool designed to assist in achieving the zone objectives.*

Comment

The minimum allotment size is based on adequate provision of open space and vehicle parking and access to property as well as the footprint of a dwelling of contemporary proportions while still affording privacy to adjoining properties. This measurement is not arbitrary in that it is founded on the size of contemporary dwelling houses.

Further, as the 450m² is referred to in Clause 11 (Land Use Table) it is not a development standard but a prohibition and therefore Council cannot approve the proposal. Notwithstanding this the following assessment and comment is provided in relation to the objection.

2. *The locality is characterised by a mix of detached houses (on the adjoining lots) and relatively recently approved medium density housing development on adjacent lots to the north and west. The erection of a multi-dwelling housing development comprising 2 dwellings would be compatible with the existing character and amenity of the locality.*

Reports from Director Development Services

Comment

The subject land is located at the corner of Second Avenue and Charles Street. Properties immediately adjoining and opposite the subject land contain single dwelling houses. There are two multi dwelling house developments on a parcel to the west and north as identified by the applicant. These sites have been developed under development consents of 1988 and 1998 under the Tweed Local Environmental Plan 1987. Each of these development sites were significant in area with 2106m² and 5054m² respectively. Under the current planning scheme each of these sites would have supported multi dwelling housing.

The land use in the immediate locality has been developed consistent to the standards of the statutory instruments in force at the time, and as such it is not considered to be a justification to vary the statutory provisions of the current planning scheme.

- 3. The variation in area requirements is 59m² which is numerically insignificant. This equates to an actual density of 1 dwelling per 420.5m² of the site area, or 6.5% above the required maximum. The variation is numerically insignificant and of no planning consequence.*

Comment

In numerical standards a variation of 59m² is not significant. However this fails to acknowledge that the proposed subdivision is for two lots being 310m² and 531m². Proposed lot 1 is 140m² under the minimum lot size and relies on a building line variation to support the 260m² dwelling house. The planning consequence of this is over development of the site and the amenity impacts such creates.

- 4. The proposed new dwelling generally complies with the requirements of Development Control Plan No. 6 – Multi Dwelling Housing or, any variations are justified in the circumstance. The contemporary design and architectural style of the building is also generally compatible with the existing dwellings within the locality and the built form of the area having regard to the need to limit the buildings height to preserve views from the adjoining dwelling in Second Avenue.*

Comment

Variations sought under DCP's are further assessed in this report.

- 5. Establishment of a multi-dwelling housing development on the site is consistent with ecologically sustainable development principles and urban consolidation objectives in that more efficient use of urban infrastructure is achieved and urban sprawl is reduced.*

Comment

The TLEP provides for areas of 2(b) Medium Density residential development. In these areas urban consolidation is an objective in accordance with relevant DCP's. The importance of urban consolidation is reflected in the planning instrument and should not be undermined by non compliant development.

Reports from Director Development Services

6. *The site was zoned 2(b) Medium Density under the now repealed Tweed LEP 1987 and is conveniently located in relation to bus routes (Kennedy Drive approximately 150m) and the Tweed Heads commercial area (approximately 1km).*

Comment

The land is zoned 2(a) Low Density Residential. Previous zoning provisions are no longer relevant to the site and its development.

7. *The proposal is consistent with the zone objectives and in particular achieves good urban design outcomes and provides for a diversity of housing types.*

Comment

It is contended that the proposal is not consistent with the zone objectives in that it is not low density (as established by a 450m² minimum lot size), relies on a building line variation not consistent with adjoining development, and over develops the site with proposed lot 1 exceeding floor space ratios.

8. *Upholding the objection and granting consent to the development application would be consistent with the aims of the policy and relevant objectives of the Act.*

Comment

The minimum lot size of 450m² for a low density residential area is considered to be necessary and relevant in achieving the objectives of the TLEP, and therefore should not be varied.

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

State Environmental Planning Policy No. 1 – Development Standards has an amendment currently on exhibition. The exhibition version of the amendment of SEPP1 does not vary the instrument in relation to the proposed development.

The Department of Urban Affairs and Planning have previously advised in the case of a rural subdivision that the provisions of the zoning table are a prohibition and not able to be varied by SEPP1. As the proposal also involves the application of the policy to the land use table it is not considered that SEPP1 can be used for the proposed development.

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

Development Control Plan No. 2 – Site Access and Car Parking

DCP 2 requires 2 car parking spaces per unit. The proposed lot 1 and dwelling would accommodate these in the double garage whereas on proposed lot 2 the existing dwelling has proposed 2 spaces stacked with car ports.

Stacked parking is not in accordance with the DCP. On inspecting the site it was evident that an alternative hard stand area could be located on proposed lot 2 resulting

Reports from Director Development Services

in a more desirable parking arrangement. Should approval be considered, a condition reflecting this would be imposed.

Development Control Plan No. 6 – Multi Dwelling Housing

The site planning and layout provisions of DCP 6 were taken into account in designing the proposed dwelling. The applicant contends that the proposed dwelling has minimal impact on views from adjoining properties, one of the issues raised in the objections received.

The following table details the further standards required by DCP 6 for the proposed development.

Standard	Requirement	Complies/variation
Floor Space Ratio	Max. 0.5:1.0	Variation sought, proposal is at 0.65:1.0.
Site Density	1 dwelling /450m ²	Variation sought, proposal is for 1 dw/310m ²
Landscaped Area	80m ² per dwelling = 160m ²	Complies as 250m ² available.
Front Setback	6.0m setback	Variation sought at 3.0m and 4.5m from Second Avenue.
Building Envelope	45° from 3.5m above finished ground level	Seeking minor variations due to house design.
Useable Open Space	20% of the site area and an area of 25m ² with a minimum dimension of 4.0m.	Complies
Car Parking	1.5 spaces per dwelling	Possible to comply if proposed plan is modified.

The proposed development seeks a number of variations to the DCP requirements. These requirements may individually be minor, however the composite effect of these variations is over development of the site. The following building line variation report is provided from Council's Building services Unit.

Building Line Variation

The proposed subdivision would create two allotments being lot 1 with an area of 310m² and lot 2 with an area of 531m². The dwelling which is proposed to be constructed on proposed lot 1 is two storey brick veneer with a flat metal roof. Due to the small size of the proposed lot 1 it is proposed to construct this dwelling with a building line to second Avenue of 3.0m.

Council's Building Line Policy stipulates that "the building line shall be six metres from the parallel to the alignment of each side of the roads and streets within areas zoned

Reports from Director Development Services

residential and rural under Council's Local Environmental Plan from time to time in force".

Under the provisions of this policy a variation to the building line will be considered for dwellings only in the following circumstances:

- where the levels of depth of the allotment, or
- where exceptional conditions of the site, or
- where the nature of the building,

make it necessary or expedient to do so. Council will also only consider an application to vary the building line where letters have been received from adjoining property owners raising no objection to the variation.

In this regard, Council's Building Surveyor provided the following comment.

"Levels or depth of the allotment – the proposed lot 1 has not been created yet and therefore creation of a new allotment which relies on a building line variation to be granted to enable a reasonable size dwelling to be constructed thereon is not considered to be appropriate and would conflict with existing building lines/dwelling locations in Second Avenue.

Exceptional conditions of the site – the existing allotment (lot 1 DP372097) has only a moderate slope to Second Avenue and therefore a building line variation cannot be justified on this criterion. There are no other perceivable exceptional conditions of the site which could be argued in support of a building line variation.

Nature of the building – the building which is proposed for the new allotment is two storey brick veneer which has a floor area of 125m². This is not considered to be a large dwelling or a building of exceptional design and therefore would not warrant a variation to the building line.

Concurrence of adjoining property owners – as part of the approval process for this application all adjoining and affected property owners were notified and at the time of writing this report four letters and a petition signed by 8 residents has been received lodging various objections to this proposal.

Concurrence therefore of adjoining property owners has not been satisfied.

The application to vary the building line does not satisfy any of the above criteria and therefore cannot be recommended for approval".

Development Control Plan No. 39 – Energy Smart Housing

The proposed development is accompanied by the required certificate confirming that the proposed dwelling and hot water system would comply with requirements.

Reports from Director Development Services

Development Control Plan No. 44 – Dual Occupancy

DCP 44 requires dual occupancy corner allotments on land zoned 2(a) Low Density Residential to be minimum of 1000m². In response to this the applicant contends that there is an inconsistency between TLEP requiring 900m² and the DCP 1000m². In this respect a variation is sought.

The subject land is 841m² being 159m² short of the DCP requirement. In assessing the proposed development it is evident that the 1000m² nominated in DCP 44 is not arbitrary, as the applicant contends, when considering all of the variations and relaxations required for the proposed development to success in securing development consent.

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

The proposed development is not considered to result in any adverse impact to the natural environment. The subject land is devoid of any native vegetation or habitat.

The proposed development involves a variation to the building line that is considered to be an adverse impact on the built environment, and through the visual prominence of the proposed development the streetscape would be impacted upon.

Submissions received by Council allege that the proposed development will result in an economic impact through property values reducing and it is also considered that the loss in residential amenity through non compliance with the TLEP and DCP 6 there would be an adverse impact on the social expectation of the local community.

(c) Suitability of the site for the development

The subject land is not considered to be suitable for the proposed development as it is not adequate to support the proposed development without the detailed variations from the planning instrument and development control plans.

In addition, Council's Environmental Health Surveyor has requested further information be provided in relation to contamination of the site by way of a preliminary site assessment report in relation historical use of the site and any likely contaminants. Depending on the results of this investigation the site may have further limitations in terms of suitability for the proposed development.

The subject land is not of adequate are to support the proposed development.

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

The proposed development was advertised for fourteen (14) days in accordance with Council policy. During this period Council received 4 written submissions by way of objection and one petition containing 8 signatures from adjoining residents. The following table details the issues raised and the applicant's response.

Reports from Director Development Services

Issue	Assessment	Comment
Reduction in property values	<p>The applicant contends that adjoining medium density development have not reduced the property values in the locality.</p> <p>This issue was raised on the basis of loss of view and residential amenity.</p>	<p>As contended by the applicant, property values and the impact of development is relatively difficult to substantiate.</p> <p>The proposal does not warrant refusal on this issue.</p>
Loss of View	<p>The views currently afforded to 4A Second Avenue will change as part of the proposal. The applicant contends that the dwelling design with a flat roof provides more view than a pitched roof and that the proposed dwelling could be dropped a further 0.3 metres to provide more view should Council consider such necessary.</p> <p>The Owner of 4A Second Avenue has imposed the RL level of the proposed dwelling on a photograph of the view revealing the level of view loss.</p>	<p>The accuracy of both the proposed plans and the submission made illustrating the views lost may require scrutiny.</p> <p>It is apparent that views will be modified and possibly lost in part from 4A Second Avenue.</p> <p>This issue alone does not warrant refusal of the proposed development, however such does adversely affect the residential amenity in the locality.</p>
Traffic impacts on local road network	<p>The applicant has stated that the intersection of Charles Street and Second Avenue has only had one minor traffic incident recorded since 1990 and that a further seven daily vehicle movements as generated by the additional dwelling will have a negligible effect.</p> <p>From a site inspection it is evident that Second Avenue has a relatively high number of residents occupying the cul de sac, and that a further dwelling will increase the</p>	<p>Council's Traffic Engineer has advised that the local road network is adequate to accommodate this proposal</p>

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Issue	Assessment	Comment
	level of traffic usage further.	
Increase in car parking on street	<p>The proposed development includes on site car parking which should therefore prevent further car parking on the street.</p> <p>Second Avenue does not have the ability to accommodate any further vehicles parking in the street so the site will be required to provide its own spaces for access.</p>	This issue alone does not warrant refusal of the application.
Loss of sunlight and overshadowing	The applicant acknowledges that there may be a reduction in sunlight to 4A Second Avenue during the winter morning however this has not been quantified with shadow diagrams. Rather the applicant has stated that this will not be significant.	<p>Loss of sunlight in winter months is a significant impact on residential amenity of adjoining properties. The extent of overshadowing has not been quantified and as such the level of impact is difficult to ascertain.</p> <p>This issue alone does not warrant refusal of the application however such does adversely affect the residential amenity of the location.</p>
Loss of Privacy	<p>The applicant has stated that the proposed dwelling is located a minimum of one metre from the side boundaries and that the existing fence is 1.8 metres high, thereby providing privacy screening to the ground floor areas of the adjoining and proposed development.</p> <p>The first floor terraces are located on the eastern side and overlook the existing dwelling on the subject land. The applicant has submitted that should Council consider necessary the windows on the</p>	<p>It is envisaged that through the location of an additional dwelling in this area there will be a level of privacy loss on adjoining properties.</p> <p>The proposed screening to northern elevation should be undertaken if Council considers consent is warranted.</p> <p>Loss of privacy alone is not an issue for refusal of the application however such compounds the loss of residential amenity in the area.</p>

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Issue	Assessment	Comment
	northern elevation could be screened to afford privacy to the adjoining property on the northern side.	
Proposed dwelling is out of character with the area	<p>The proposed dwelling is of a flat roof design as opposed to a pitched roof and is contemporary in design.</p> <p>There are medium density developments in the locality. And the applicant also contends that the building line variation provides variety and interest to the streetscape and is a positive contribution to the area.</p>	<p>The contemporary design of the dwelling house would not be an issue if the proposed development was setback in accordance with the building line, providing visual relief to the street, rather than presenting the bulk of the dwelling. The dwelling itself is no more bulky than adjoining residences.</p> <p>The existing medium density developments are in the immediate locality but do not adjoin the site.</p> <p>The building line variation results in the propose dwelling being more prominent in the streetscape.</p> <p>The proposed development warrants refusal on this issue.</p>
Non compliance with Dual Occupancy DCP	The applicant has accompanied the application with a SEPP 1 Objection as addressed in this report.	The proposal is considered to warrant refusal for this reason.

(e) Public interest

The proposed development raised some objection during advertising that would indicate that the proposed development is not in accordance with the general public interest in the locality.

Through the over development of the subject land it is considered that there are various aspects of the proposal such as the building line variation, increase in floor space ratio for the site, and loss of views/privacy that amount to an impact on an adverse impact to the public interest. As such it is recommended that the proposal not be supported.

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OPTIONS

1. Refuse the proposed two lot subdivision and erection of dwelling house.
2. Defer proposal subject to the applicant providing additional information being contaminated site assessment to confirm the suitability of the site for the proposed use, and return to Council for further determination.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

Should the applicant be dissatisfied with Council's determination of the proposal a right of appeal would exist to the Land and Environment Court. Similarly, should any person be dissatisfied with Council's processing of the application, a person may under Section 123 of the Environmental Planning and Assessment Act 1979 take action in the Court. Such would be limited to the 'process' and not merit consideration.

CONCLUSION

The proposed two lot subdivision and dwelling house are not considered to be suitable for the subject land due to the site area. The proposal involves the creation of an undersized allotment that through its redevelopment would adversely impact on the residential amenity in the locality.

It is concluded the statutory instrument does not empower Council to approve the proposal as the minimum lot size as referred to in Clause 11 of TLEP 2000.

Further, having regard to the merit considerations it is considered that the application be refused.

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2. **ORIGIN:** Development Assessment Unit

FILE REF: DA2890/20 Pt1

REPORT TITLE:

Demolition of an Existing Dwelling House and the Erection of a Multi-Dwelling Housing Development Comprising 5 x 3 Bedroom Dwellings at Lot 1 DP 781720 Kingscliff Street, Kingscliff

SUMMARY OF REPORT:

An application has been received seeking approval for the demolition of an existing dwelling and erection of a multi-dwelling housing development comprising 5 x 3 bedroom units at the abovementioned land.

The development comprises a part three (3) and four (4) storey building comprising 5 x 3 bedroom units. Car parking for up to ten (10) vehicles is provided in the basement of the building. Units 1 and 2 will be located on the ground floor with units 3 and 4 on the first floor and unit 5 on the second floor with a roof deck above.

A State Environmental Planning Policy No. 1 (SEPP1) objection also accompanies the application for the small roof over the stairwell to the upper deck which constitutes a fourth storey. Under the circumstances it is considered that the SEPP1 objection should be supported.

The application was advertised and adjoining and adjacent property owners notified and a total of ten (10) submissions of objections were received.

The application is recommended for approval.

RECOMMENDATION:

That :-

- A. The State Environmental Planning Policy No. 1 objection to the height limitation be supported and the concurrence of the Director General of the Department of Urban Affairs and Planning be assumed.
- B. Development Application 0390/2001DA for the demolition of an existing dwelling and the erection of a multi-dwelling housing development comprising 5 x 3 bedroom dwellings at Lot 1 DP 781720 No. 4 Kingscliff Street, Kingscliff be approved subject to the following conditions:-

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

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

Pursuant to Clause 79H of the Environmental Planning and Assessment Regulations, 1994, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and

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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. Open Space Passive (Casual): \$932.00
S94 Plan No. 5
- b. Open Space Active (Structured): \$1189.00
S94 Plan No. 5
- c. Tweed Road Contribution Plan: \$3681.00
S94 Plan No. 4 (Version 4.0)
(Kingscliff – Residential)
- d. Shirewide Library Facilities: \$825.00
S94 Plan No. 11
- e. Eviron Cemetery/Crematorium Facilities: \$309.00
S94 Plan No. 13
- f. Community Facilities (Tweed Coast) \$1968.00
(North Coast)
S94 Plan No. 15
- g. Emergency Facilities (Surf Lifesaving) \$504.00
S94 Plan No. 16
- h. Extensions to Council Administration Offices
& Technical Support Facilities \$963.09
S94 Plan No. 18
- i. Cycleways \$365.00
S94 Plan No. 22

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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:	\$10,560.00
Sewer:	\$8,841.25

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

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

GENERAL

3. The development shall be completed in general accordance with Plan Nos 1201/WD/O1A, 1201/WD/02B, 1201/WD/03A, 1201/WD/04B, 1201/WD/05 and 1201/WD/08A prepared by Pat Twohill Designs Pty Ltd and dated April 2001, except where varied by these conditions.
4. Landscaping is to be undertaken along the southern and northern boundaries of the site to provide further screening to the walls of the basement car parking. Details to be submitted to and approved by the Director Development Services prior to landscaping works. All works to be completed prior to occupation of the dwelling.
5. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
6. Landscaping of the site shall be carried out in accordance with the submitted landscaping plans. The landscaping to be completed prior to occupation of the building, to the satisfaction of the Director, Development Services.

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7. The provision of ten (10) off street car parking spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.
8. Provision shall be made for the collection of builder's solid waste in accordance with the following requirements:
 - a. A temporary builder's waste chute is to be erected to vertically convey builder's debris to a bulk container.
 - b. The chute shall be located in a position approved by the Principal Certifying Authority.
 - c. A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust.
9. 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.
10. 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
11. 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.
12. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
 - (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
 - (ii) Certification of the works performed by the person carrying out the works is to be submitted to the PCA prior to occupation of the building; and
 - (iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
 - (A) the method of protection; and
 - (B) the date of installation of the system; and

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(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.

13. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
- i. All required erosion and sedimentation control devices have been installed and are operational.
 - ii. Required toilet facilities have been provided on the site.
 - iii. A sign has been erected on the site identifying:
 - Lot number
 - Builder
 - Phone number of builder or person responsible for site.
 - iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
 - v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.
14. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.

PRESCRIBED (BUILDING)

15. 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

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- (c) if that is not practicable, any other sewage management facility approved by the council.
16. 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.
17. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:
- i. The person must, at the person's own expense:
 - a. preserve and protect the building from damage; and
 - b. if necessary , underpin and support the building in an approved manner.
 - ii. The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.
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

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- (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of *owner-builder work* in Section 29 of that Act,

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

- B. A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
21. The erection of a building in accordance with a development consent must not be commenced until:
- a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
 - b. the person having the benefit of the development consent:
 - (i) has appointed a Principal Certifying Authority; and
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.
22. A person must not commence occupation or use of the whole or any part of a new building (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units)
23. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least **2 days** prior to work commencing.
24. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.

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25. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

ENGINEERING (BUILDING)

26. The footings are to be designed by a practising Structural Engineer after consideration of a soil report from an accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the commencement of building work.
27. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for all bracing & tie down, prior to work being commenced on that part.
28. A certificate signed by a practising structural engineer is to be submitted to the principal Certifying Authority to certify the structural adequacy of the structure.

FIRE (BUILDING)

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

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

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

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

32. Fire hose reels shall be installed in accordance with the provisions of Part E1.4 of the Building Code of Australia and comply with Australian Standard AS1221 and AS2441.

However, they shall not be installed until the PCA has been furnished with a certificate, signed by a Hydraulics Engineer stating that the design and proposed manner of installation complies with the relevant standards.

DISABLED (BUILDING)

33. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore required that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.

SWIMMING POOLS

34. A sign must be erected on the site in a prominent, visible position stating:
 - a. that unauthorised entry to the work site is prohibited; and
 - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
35. A. The swimming pool is to be installed and access thereto restricted in accordance with Council's "**Code for the Installation of New Swimming Pools**" and Australian Standard AS 1926-1986 (Copy of code enclosed).
- B. Swimming pools shall have suitable means for the drainage and disposal of overflow water.
- C. The pool filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.

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- D. It is the responsibility of the pool owner to ensure that the pool fencing continues to provide the level of protection required regardless of and in response to any activity or construction on the adjoining premises. Due regard must be given to the affect that landscaping will have on the future effectiveness of the security fencing. (Section 7 Swimming Pool Act 1992).
 - E. The resuscitation poster must be permanently displayed in close proximity to the swimming pool. (Section 17 Swimming Pool Act 1992).
 - F. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction.
 - a. Steel reinforcing prior to the pouring of concrete.
 - b. Swimming pool safety fencing prior to filling the pool with water.
 - G. In the event that Council is not utilised as the inspection/certifying authority:-
 - a. Within seven (7) days of the filling of the pool a Compliance Certificate in the prescribed form shall be submitted to Council together with the prescribed fee, by the Accredited Certifier to certify that all works have been completed in accordance with the approved plans and conditions of Consent and that the swimming pool safety fencing has been installed and complies with AS 1926.
 - b. The Certifying authority is to be given 24 hours notice in writing for an inspection of the swimming pool safety fencing prior to filling the pool with water.
36. Backwash from swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.
37. The swimming pool is not to be used for commercial purposes without prior Development Consent.

ROADS/STREETS

38. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road. If the proposed development requires driveway access (or modification of access) onto a public road, prior to the issue of a construction certificate and prior to any works taking place on the public road, a detailed application for access/driveway under Section 138 of the Road Act must be submitted to and consent granted by Council. Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

DRAINAGE/FLOODING

39. All fill is to be graded so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to

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ensure minimal impact on adjoining properties. If filling is required, a plan of proposed drainage is to be submitted with the Construction Certificate. Drainage must be installed and operational prior to commencement of any building work.

All fill or cut batters shall be contained wholly within the subject land.

40. 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. A detailed stormwater and drainage plan is to be submitted to and approved by the PCA prior to commencement of building works.
41. 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.
42. All agricultural drainage systems and surface water drainage systems are to be piped to the street separately to the stormwater system.
43. Permanent Stormwater Quality Treatment
 - (a) Permanent stormwater quality treatment shall comply with “*Tweed Urban Stormwater Quality Management Plan*” (adopted by Council 19 April 2000) section 5.5.3 “Stormwater Objectives During the Post Construction or Occupational Phase of Development” . New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the “deemed to comply” provisions of *Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality* is deemed to comply with the objectives in 5.5.3.
 - (b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.
 - (c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the

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development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.

44. The peak stormwater flow rate that may be discharged from the site to the public realm, in events of intensity up to the ARI 100 year design storm, shall be 200l/s/ha. This may be achieved by on site detention (OSD), on site retention or a combination of both. Detention storage may be incorporated into surface depressions in landscaping or car parking areas. The maximum water depth under design conditions in vehicle parking areas shall be 200mm. OSD devices including discharge control pits (DCP) are to comply with standards in The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook, Second Edition 1994") except that permissible site discharge (PSD) and site storage requirements (SSR) in the handbook do not apply to Tweed Shire. All these works and the connection to Councils drainage system shall be constructed in accordance with design calculations, plans and specifications to be submitted with the construction certificate application and approved by the Director of Engineering Services.

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

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

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

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

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

SEWER

46. Sewer main within site is to be accurately located and the Principal Certifying Authority advised of its location and depth prior to start of any building works.

47. The building is to be sited at least one metre horizontally clear of sewer main on site. All footings and slabs within the area of influence of the sewer main are to be designed by a practising Structural Engineer. The engineer is to submit a certification to the Principal Certifying Authority that the design of such footings and slabs will ensure that all building loads will be transferred to the foundation material and will not effect or be affected by the sewer main.

48. All waste waters from the car wash down bay shall be directed to sewer. Waste water from car washing shall not be permitted to enter stormwater. The carwash area is required to be fully bunded with discharge via a 550 litre silt trap to sewerage. This requirement would require a holding tank with auto submersible

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pump fitted to enable discharge to sewer via a disconnecter gully trap. A Trade Waste Application and approval would need to be sought before commencement of discharge to sewer together with the prescribed fee.

49. In relation to the sewer diversion the following is to be undertaken to the satisfaction of Director Engineering Services:
- a) The entire southern wall of the structure is to be founded at a minimum level of 4.2 metres. (Level refers to identical datum as those on plan 0306/01 prepared by Rod Gibb & Associates dated 26/6/2001).
 - b) Construction is to conform to Tweed Shire Council's Public Sewer Standard as referenced in DCP 16 and subsequent references.
 - c) The deviation is to be constructed prior to commencing any work on the footings of the building.
 - d) Work is to be carried out by Tweed Shire Council approved contractors.
 - e) The live connections are to be supervised by Tweed Shire Council staff. A minimum of 2 working days notice is required.
 - f) The approved contractor is to be confined spaces trained to meet OH & S requirements and have procedures for working around raw sewerage.
 - g) Any bi-pass pumping required for live connection work is to be provided by and at full cost to the developer and their contractors.
 - h) A 3 metre wide easement generally centred over the sewer is to be provided.

ENVIRONMENT PROTECTION

50. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.
51. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
52. 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.
53. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.
54. The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning.
55. 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.

Reports from Director Development Services

56. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
- A. Short Term Period - 4 weeks.
- L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
- B. Long term period - the duration.
- L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.
57. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
58. The burning of builders waste on site by open fire is prohibited.
59. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.
60. 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.
61. The wall and roof cladding is to be of a non reflective nature to the satisfaction of the Principal Certifying Authority.
62. The LA10 noise level emitted from the premises shall not exceed the background noise level (LA90) in any Octave Band centre frequency (31.5 Hz – 8KHz inclusive) by more than 5dB(A) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.
63. Acid sulfate soils shall not be disturbed on the site in a manner which is likely to cause the discharge of acidic waters.

Reports from Director Development Services

PLUMBING & DRAINAGE

64. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - b. external drainage prior to backfilling.
 - c. completion of work.
65. 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.
66. 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.
67. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
68. Dry floor wastes shall not discharge over doors or windows or in any position where they cause a nuisance.
69. Temperature and pressure relief lines from hot water systems shall discharge in the open as prescribed in Australian Standard AS 3500.4.1990 Section 4.12.3.
70. Water plumbing shall **not** be installed in concrete slabs or be laid under slabs on the ground.
71. Pressed steel baths and shower trays are to be bedded in accordance with the method prescribed by the manufacturer.
72. 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.
73. All drainage lines are to be continuously bedded in accordance with the provisions of Section 5.4 AS 3500.2 - 1990.
74. 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.

Reports from Director Development Services

75. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C in all other classes of buildings.

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

Reports from Director Development Services

REPORT:

Applicant: FW Curley Pty Ltd

Owner: Mrs Delia Josephine Grover

Location: Lot 1, DP 781720, No. 4 Kingscliff Street, Kingscliff

Zoning: 2(b) Medium Density Residential

Est Cost: \$750,000

BACKGROUND

An application has been received seeking approval for the demolition of an existing dwelling house and erection of a multi-dwelling housing development comprising 5 x 3 bedroom dwellings at the abovementioned land.

The site has an area of 714.5m² with frontage to Kingscliff Street. The land has a moderate fall from Kingscliff Street and has a rectangular shape. The site is cleared and existing improvements include an old single storey weatherboard house, which is proposed to be demolished. The site is bound by Kingscliff Street to the east, a three (3) and four (4) storey residential flat building to the north and single storey dwellings to the south and west.

A sewer main also passes through the rear of the property. This sewer main is proposed to be relocated to accommodate the building on the site.

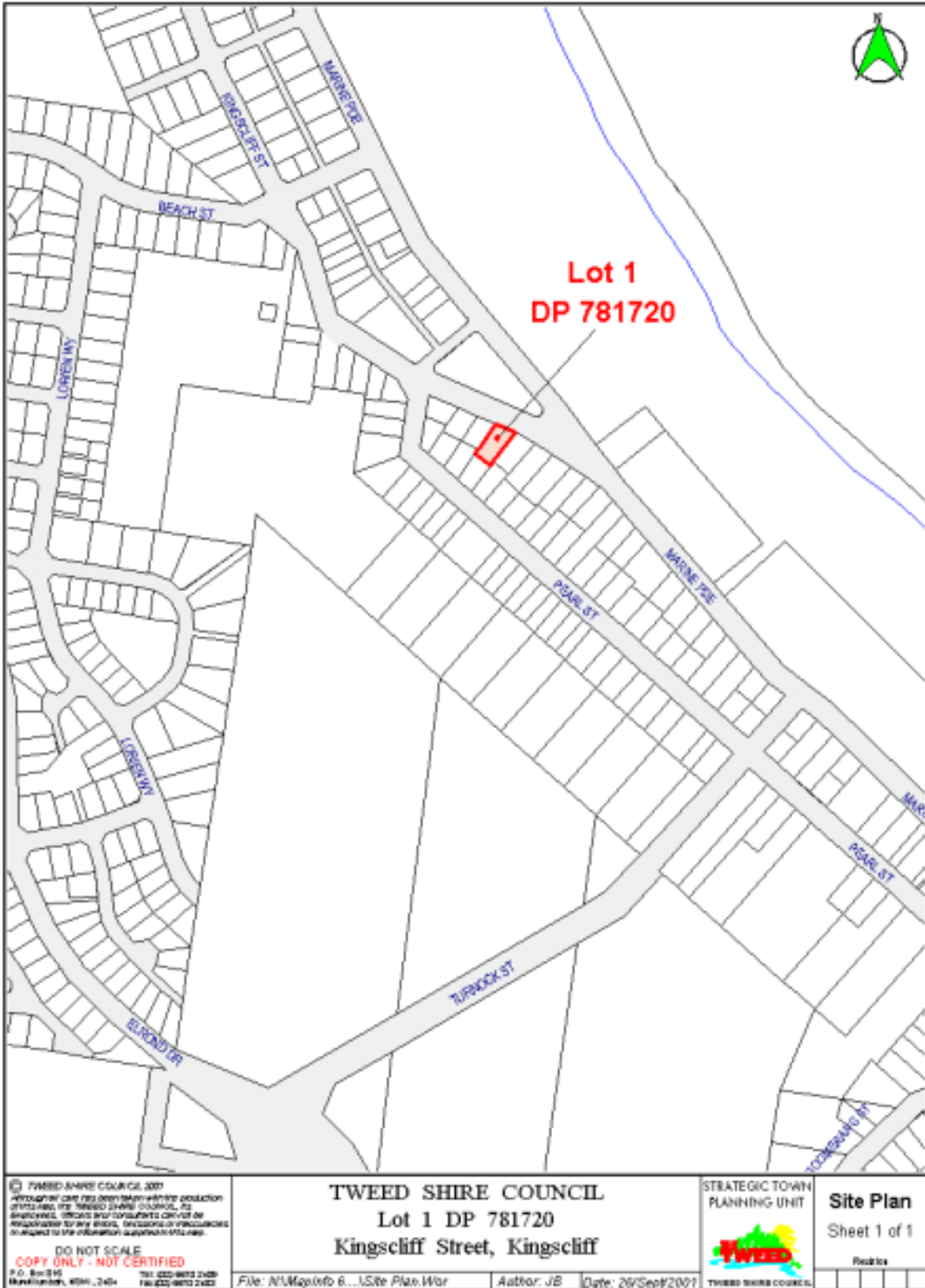
The development comprises a part three (3) and four (4) storey multi dwelling housing development comprising 5 x 3 bedroom dwellings. Car parking for up to ten (10) vehicles is provided in the basement of the building. Units 1 and 2 will be located on the ground floor, with units 3 and 4 on the first floor and unit 5 on the second floor with a roof deck above which is to be used for the residents of unit 5 only.

A State Environmental Planning Policy No. 1 Objection also accompanies the application for the small roof over the stairwell to the upper roof deck which constitutes a fourth storey.

The application was advertised and adjoining and adjacent property owners notified and a total of ten (10) submissions of objection were received, and will be discussed further in this report.

Reports from Director Development Services

SITE DIAGRAM



Reports from Director Development Services

CONSULTATION

The application was advertised and adjoining and adjacent property owners notified following which ten (10) submissions of objection were received. The details of these submissions will be discussed below.

- * *The building does not comply with the 6 metre setback to Kingscliff Street.*

Comment

The proposed development originally had a setback of 4.605 metres to Kingscliff Street as a result of a sewer main passing through the rear of the property. However, the development was amended and the building now provides a 6 metre setback to Kingscliff Street. This has been achieved by relocating the sewer main at the rear so that the building could be repositioned and still be clear of the sewer main.

- * *Overshadowing.*

Comment

The applicant has provided shadow diagrams which indicate that the amount of overshadowing as a result of the development is considered to be minimal. During the summer months overshadowing is expected to be minimal. During the early morning hours of summer there will be some overshadowing on the units to the north but this will improve as the day progresses and the residents of these units will still enjoy adequate sunshine throughout the day.

The development will cast a reasonable shadow to the west in the winter months, particularly in the early morning hours. But again it is considered that this will improve as the day progresses and this property will still enjoy adequate sunshine throughout the day.

Subsequently, it is considered that the development will create some overshadowing on adjoining residences but this overshadowing is not considered to be significant and these properties will still gain adequate solar access throughout the day.

- * *The scale and design of the building is obtrusive and not in character with the locality and in particular the street.*

Comment

It is considered that the development provides a positive contribution to the existing and desired future character of the area. See section (a)(iii) of this report which discusses the design and scale of the building.

- * *The roof deck is an additional storey and will impact on privacy.*

Comment

The proposed deck is not considered to be a storey as it is not proposed to be roofed. Only a small section of the terrace will be roofed which is that part over the stairwell to the terrace, which makes the development 4 storeys. The applicant has submitted a SEPP No. 1 Objection

Reports from Director Development Services

Contending that the standard is unreasonable and unnecessary under the circumstances which is considered to be reasonable and should be supported. See Section (a)(i) of this report which addresses the SEPP No. 1 Objection and the reasons for support. Any further proposed roofing of the upper terrace will require separate approval from Council

It is unlikely that the terrace would significantly impact on the privacy on adjoining residences. The terrace will only have access to the residents from unit 5. In addition the terrace is surrounded by the roof of the building and extends one metre or more from the walls of the terrace. This will make it difficult for persons on the terrace to view directly into the residences on the adjoining properties.

* *The swimming pool will create noise and detract on the residential amenity.*

Comment

The swimming pool will be located within the 6 metre building setback, which is common for similar multi dwelling housing in the locality. The swimming pool will be used by the residents of the development only and its use is not likely to have a significant impact on adjoining residences in regards to noise.

It is unlikely that the swimming pool would result in a significant impact on the residential amenity of the locality, particularly in relation to noise or glare.

* *The proposed decks/balconies will overlook adjoining residences and will reduce privacy.*

Comment

The decks to the ground floor units 1 and 2 will be at ground level and will actually be lower than the floor level of the building to the north. Therefore these decks are not likely to create any adverse impacts in relation to privacy.

The decks to units 3 and 4 have been located at the front to make best use of views to the east. These balconies are also unlikely to significantly reduce privacy on adjoining residences. A small balcony is also located at the rear of these units from the main bedroom, given the size of these balconies it is unlikely that they would be used for any entertaining.

Unit 5 also has its decks located to the front of the unit so that the residences can take advantage of and enjoy the views to the east to the beach. However, part of the deck on the northern side of the building also traverses alongside the side of the building. This deck is relatively narrow and is not likely to be used for entertaining or the like. To ensure that the privacy on the adjoining residences is not significantly jeopardised from this balcony louvers or aluminium blades will be erected along the balcony to provide a visual screen between the unit and the residences to the north, which is considered to be acceptable.

Unit 5 also proposes to have a balcony to the rear of the unit which is orientated towards the rear of the land. But given the size and location of this balcony it is not likely to significantly jeopardise privacy. It is likely that the residences would mainly use the balconies at the front of the units for entertaining because of the views they enjoy and solar orientation.

* *Drainage Problems for the site.*

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Comment

Some of the objections indicated that the site has problems with drainage and ponding of water. The development will require excavations and filling and any consent will be conditioned that the site be graded so that it drains to the street. In addition all stormwater will need to be piped to the street. Subsequently, as a result of the development it is likely that drainage on the site should be improved.

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.

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

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

Tweed Local Environmental Plan 2000 (TLEP 2000)

The subject land is zoned 2(b) Medium Density Residential and the proposal is permissible subject to Council's consent. It is considered that the development is consistent with the objectives of the 2(b) zone.

Clause 16 - Height of Buildings

This clause provides that consent must not be granted to the erection of a building which exceeds the maximum number of storeys indicated on the Height of Building map in respect of the land to which the application relates.

In this instance the land has a three (3) storey height restriction and the proposed building is four (4) storeys in height. The majority of the building complies with the three (3) storey height restriction except for that part of the building where part of the stairwell (lower flight) to the roof deck from the second floor is roofed. It is unlikely that this roof will protrude above the height of the building. The roof covers an area of approximately 2.64^m². The applicant has submitted a SEPP No. 1 Objection contending that the 3 storey height limit is unreasonable and unnecessary under the circumstances which will be discussed below.

Clause 35 – Acid Sulfate Soils

The subject land is class 5 and possibly class 2 on the acid sulfate soils planning maps. Therefore preliminary acid sulfate soil assessment is required.

A preliminary acid sulfate soil assessment has been prepared by the applicant which indicates that there is a low risk of acid sulfate soils being present on the site. On this basis Council's Environment and Health Services Unit raise no objections and an acid sulfate soil management plan is not required.

Reports from Director Development Services

State Environmental Planning Policies (SEPPS)

SEPP No. 1 Objection

As discussed above a SEPP No. 1 Objection has been submitted contending that the 3 storey development standard is unreasonable and unnecessary under the circumstances. The applicant has provided the following:

- “* *The part of the building that is purported to constitute a fourth storey (the roof over the staircase leading to the roof deck), is negligible in area and will have no detrimental impact on adjoining properties.*
- * *The roof will provide weather protection to the staircase.*
- * *As the roof will be no higher than the front façade, the building will still appear as a three storey building.”*

For the reasons provided by the applicant it is considered that the variation to the development standard of 3 storeys is reasonable under the circumstances and the SEPP No. 1 Objection should be supported.

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

DCP 2 – Site Access and Parking Code

This plan requires 1.5 spaces per unit. The development comprises 5 units and will therefore require 8 spaces. The development has provided 10 basement car parking spaces and complies with DCP 2 in this regard.

The development has also proposed to provide a security gate by way of a panel lift door with remote control to the entry to the basement car parking. This may restrict or impede the use of the visitor spaces. Subsequently, it is considered that any consent should be appropriately conditioned so that access to the basement car parking is readily available to visitors also.

DCP 6 – Multi-Dwelling Housing

This DCP provides a number of design elements for consideration for multi-dwelling housing.

The development is to provide 80m² of landscaped area per unit, or 400m². The proposal actually provides approximately 381m², a shortfall of only 19m². It is considered that this shortfall is reasonable as it is considered that the scale of the development is compatible with and sympathetic to the scale and bulk of existing development in the locality and the desired future character of the street. In addition it is considered that the development provides adequate useable open space including both private and communal open space. Each unit will have access to private open space by either balconies or terraces. Adequate communal open space is also provided around the building with a turfed yard at the rear of the building and a swimming pool located at the front. In any case should additional open space be required the site is across the road from a significantly large area of open space between Marine Parade and the beach.

Reports from Director Development Services

In relation to streetscape and building appearance it is considered that the development will present a positive contribution to the existing and desired future character of the area. This has largely been achieved by variations to the setback of the building to the front boundary.

The development has a setback of 6 metres to Kingscliff Street, which is consistent with development in Kingscliff Street. Side setbacks for the development are also considered to be consistent with this plan. DCP 6 requires 3 metre setbacks to the side boundaries. The majority of the walls of the building comply in this regard except for some small sections where the building is setback 1.85 metres and 1.5 metres. To compensate for these minor encroachments other parts of the building have been setback up to 4.2 metres to 4.6 metres. These variations are considered to be acceptable, as it has allowed the development to create some variety and interest along the side boundaries.

This DCP also provides that where car parking is to be provided under the building by way of an excavated basement area and the walls extend beyond the external walls of the main building and project more than 500mm above finished ground level, the minimum of three (3) metres will apply from side and rear boundaries. In this instance the walls of the basement car parking area do extend beyond the external walls of the main building and project up to one (1) metre above finished ground level and are setback only 350mm from the side boundaries. The applicant has indicated that along the southern boundary this will not be a long term impact as it is adjacent to an existing garage wall and any redevelopment of the adjacent property will necessitate filling also to at least 7.1m AHD which will reduce this protrusion to 500mm and comply with the DCP. Along the northern boundary, the impact will be minimal as it is adjacent to an existing basement car park wall and will be relatively unobtrusive, whilst the ground floor level of the building will be about 600mm below the level of the adjacent building to the north. In addition variations to the walls and the fence, as previously discussed, has ensured that the development will not have a significant impact on the residential amenity on adjoining residences. Therefore, it is considered that under the circumstances this variation is acceptable. It is also considered that the land between the basement walls and the side boundaries, approximately 350mm, should be landscaped for its length, this will provide some contrast and screening of the walls.

The majority of the fencing around the development is at a height of 1.2 metres, with the rear timber paling fence having a height of 1.8 metres. It is considered that the fencing provides visual interest which is integrated with landscaping, while at the same time preserving privacy. This has been achieved by incorporating garden beds in the fences, variations to the height and having parts of the fence transparent while still ensuring privacy.

The building has been satisfactorily sited within a building envelope which should ensure that the length and height of the building that there is no significant loss of amenity to adjacent dwellings and land. This has largely been achieved by having setbacks that are progressively increased as wall heights increase to reduce bulk and overshadowing. In addition the building bulk has generally been distributed to reduce impact on adjoining dwellings.

Reports from Director Development Services

There are some minor encroachments to the building envelope along the side walls of the building but these encroachments include unroofed terraces, eaves and screened balconies which are considered to be acceptable and will not significantly detract on the residential amenity on adjoining dwellings.

The development is also required to provide a car washing bay preferably constructed from pervious materials so that water can easily infiltrate into the ground rather than into the stormwater system which is a common occurrence. The development could not provide a pervious car wash bay on the site without significantly redesigning the development. Subsequently, a carwash bay has been provided in the basement car parking area. The car wash bay will be constructed from concrete and will obviously not be pervious. To ensure that the waste water does not enter the stormwater system the space will be bunded and waste water will be pumped to the sewer via a silt trap. This is considered to be acceptable as the aim is that pollutants not be directed to stormwater.

It is considered that the development has largely complied with the design requirements of this DCP and has been suitably designed to ensure that it will not have a significant effect on the residential amenity of the locality. The development will create a positive appearance to the street and will also compliment adjoining buildings, while at the same time preserving views and privacy and ensuring that overshadowing is to a minimum.

DCP 39 – Energy Smart Homes Policy

Each of the units either achieves a 3.5 or 5 star rating which satisfies this plan.

DCP 43 – Kingscliff

The subject land is located within the Kingscliff North Precinct. The objectives of this precinct is to develop the precinct primarily as residential with the gradual redevelopment of Kingscliff Street and Marine Parade to medium density development which improves streetscape quality. In addition the plan provides a number of design guidelines to achieve this.

It is considered, as discussed above under DCP 6, that the development will improve the streetscape quality and will provide a positive contribution to the existing and desired future character of the area. This has largely been achieved by reducing building bulk and presenting an articulated building with an interesting facade. Subsequently, it is considered that the development is also generally consistent with this plan.

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

There is not likely to be any significant adverse environmental impacts as a result of this development. Some substantial earthworks are likely when the block is excavated and filled and any consent will be conditioned to ensure that appropriate erosion and sedimentation measures are in place around the site. As discussed previously the preliminary acid sulfate soil testing indicated that there were no acid sulfate soils present and a management plan is not necessary.

Reports from Director Development Services

It is considered that the development in regard to its design and appearance is acceptable and will create a positive contribution to the existing and desired future character of the area, particularly Kingscliff Street.

It is unlikely that the development would have any significant adverse impacts on the residential amenity of the locality. The building has been appropriately designed to ensure that the impact on privacy, views and overshadowing on adjoining residences is minimised.

(c) Suitability of the site for the development

The site has been zoned for medium density purposes and has also been identified in DCP 43 for redevelopment to improve streetscape quality along Kingscliff Street.

It is considered that the development has taken into consideration the size and shape of the land and adjoining developments, resulting in a development that will compliment the street and adjoining developments which should ensure that the residential amenity of the locality is preserved. Accordingly, it is considered that the site is suitable for the proposed development.

A sewer main passes through the rear of the property and this will be relocated as part of this development so that it can be adequately sited on the allotment.

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

As discussed in the "Consultation" section of this report the application was advertised and adjoining and adjacent property owners notified and ten (10) submissions of objection were received.

No public authority submissions were received.

(e) Public interest

A number of submissions of objection were received in relation to the development and the details of these submissions were discussed above and it is considered that the reasons for objection do not warrant refusal of the application in this instance. It is considered that the development will not be contrary to the public interest and should in fact provide a positive contribution to the streetscape of Kingscliff Street.

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.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

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

Reports from Director Development Services

CONCLUSION

It is considered that the development has achieved to provide a building that will provide a positive contribution to the existing and future desired character of the locality and the street. Consideration has also been given to adjoining developments to ensure that the proposal will not significantly detract on the residential amenity of the locality, particularly in relation to views, privacy and overshadowing. This has largely been achieved by reducing building bulk and presenting an articulated building with an interesting façade.

The submissions of objection have been discussed in this report and it is considered that the reasons for objection do not warrant refusal of the application in this instance.

In relation to the SEPP No. 1 Objection it is considered that the variation to the development standard of three (3) storeys is justified under the circumstances and should be supported.

It is considered that the development is suitable for conditional approval.

Reports from Director Development Services

3. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/LEP/2000/1

REPORT TITLE:

Draft LEP 2000 Amendment - Housekeeping (Stage 1)

SUMMARY OF REPORT:

The purpose of this report is to initiate the amendment of a series of housekeeping anomalies evident in the Tweed LEP 2000. This first stage of housekeeping concentrates on a series of minor anomalies characterised by minor wording, mapping, and definition changes to the existing Tweed LEP 2000.

RECOMMENDATION:

That:-

A. In accordance with Section 54 of the Environmental Planning and Assessment Act, 1979 Council prepares a draft Local Environmental Plan to amend a series of “administrative housekeeping” matters being:

1. Figure 1B - Lot 1 DP807182, Terranora Road (LEP 1987)

Tweed LEP 2000 maps are amended by rezoning Lot 1 DP807182, Terranora Road to reflect the 7(d) boundary illustrated in Figure 1B

2. Figure 2 – Lot 466 DP755701, Willow Avenue, Bogangar

Lot 466 on DP755701 be rezoned to 6(b) Recreation to reflect its original zoning within the LEP 1987 maps.

3. Figure 3B – Black Rocks (LEP 1987 – Amendment No. 11)

Tweed LEP 2000 Zoning maps be amended and the zoning boundaries realigned in accordance with the LEP 1987 map (Amendment No. 11) as illustrated in Figure 3B.

4. Figure 4 – Murwillumbah Reservoir

Rezone part Lot 713 DP3050 and Lot 971 DP3050 to 5(a) Special Facilities – Water Supply as shown in Figure 4.

5. Figure 5 – Council Owned Land Zoned (b) Recreation

The following parcels of land be zoned in the following manner to better reflect their tenure, and their designated use.

- Lot 14 on DP746154 be zoned 5(a) Sewer Treatment Works.
- Lot 15 on DP 846287 be zoned 5(a) Drainage

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- Lot 128 on DP 817783 be zoned 5(a) Drainage
- Lot 16 on DP 846287 be zoned 6(a) Open Space
- Lot 16 on DP841387 be zoned 6(a) Open Space
- Lot 530 on DP1010130 be zoned 6(a) Open Space
- Lot 535 on DP1010130 be zoned 6(a) Open Space
- Lot 1327 on DP1005077 be zoned 6(a) Open Space

6. Figure 6 – Lots 30 – 35 on DP803197, Caloola Drive, Tweed Heads

Lots 30-35 DP 803197 shown in Figure 6 be rezoned back to 2(c) Urban Expansion, so that it is consistent with the zoning of the Tweed LEP 1987 maps.

7. Figure 7 - Lot 1 DP 218933, 762 Terranora Road, Terranora

Tweed LEP 2000 maps are amended by rezoning Lot 1 on DP218933, as shown in Figure 7, to 1(c) Rural Living.

LEP 2000 WRITTEN DOCUMENT

a) Training Facility

Tweed LEP 2000 be amended to delete the term ‘training facility’ from Clause 11 Item 3 in Zone 2(a) and from Schedule 1 the definition of ‘educational establishment’.

b) Definition of Depot

The definition of ‘depot’ within Schedule 1 of Tweed LEP 2000 be changed to the following:

“depot land used for the storage and/or maintenance of plant, machinery, equipment, building materials and the like.”

c) Schedule 8 – Business Centres

Schedule 6 of the Tweed LEP 2000 be amended to specifically identify Business Centres referred to in the 2(a) zone under Table (C1.11) by creating a new set of maps, inclusive of maps 8A – 8J as referred to in the body of the report.

d) Part 5 Roads, Clause 22(3)

Subclause C1 22(2) of the Tweed LEP 2000 be amended to include reference to Zone 5(a). The amendment to also be applied to Subclause 22(4)(d) because it is affected by the same anomaly.

e) Clause 17 Social Impact Assessment

Clause 17(3) of the Tweed LEP 2000 be amended to reflect the same wording (“*socio-economic impact assessment*” instead of “*social impact assessment*”) and

Reports from Director Development Services

address the cumulative socio-economic impact of development. Clause 17 should be amended to read:

“17 Socio-economic impact assessment

(1) *Objective*

- *to ensure proper consideration of development that may have a significant social or economic impact.*

(2) *Where the consent authority considers that a proposed development is likely to have a significant social or economic impact in the locality or in the area of Tweed, the consent authority may only grant consent to the proposed development if it has considered a **socio-economic impact statement** in respect of the proposed development.*

(3) *The **socio-economic impact statement** must:*

- identify the likely future impacts of the development and the affected community, and*
- analyse the impacts in terms of magnitude, significance, duration, effect on current and future conditions and community services, and the like, and*
- determine if the impacts will cause a loss of amenity within the locality due to a net reduction in community services and facilities,** and*
- determine and assess possible measures for the management or mitigation of likely impacts.”*

f) Clause 21(2) Subdivision in Zone 1(c)

Tweed LEP 2000 Clause 21(2) be amended as follows:

“21(2) *Consent may be granted to the subdivision of land in Zone 1 (c) for residential purposes only if:*

- each allotment will be connected to a reticulated water supply system, or a tank water supply will be provided to the satisfaction of the consent authority, and*
- the consent authority is satisfied that each allotment created is capable of accommodating adequate facilities for the treatment and disposal of sewage or will be connected to **Councils** reticulated sewerage system, and*
- in the case of land to be connected to **Councils** reticulated sewerage system, the area of each lot created is not less than 0.4 hectare, and*
- in the case of land not to be connected to **Councils** reticulated sewerage system, the area of each lot created is not less than 1 hectare.”*

Reports from Director Development Services

g) **Flood Liable Land**

Tweed LEP 2000 Clause 10 be amended so that reference to “flood liable” land be re-worded as follows:

“10 (2) (c) (viii) is identified, on a register or map kept by the Council and available for inspection at the office of the Council, as being below the 1:100 year flood level, contaminated, within a buffer area, subject to subsidence, slip or erosion, or in an area having significant bushfire hazard risk, or”

- B. The Director-General of Urban Affairs and Planning be advised that in Council’s opinion a Local Environmental Study is not required given the relatively minor nature of the administrative housekeeping amendments being proposed and that the Director-General of Urban Affairs and Planning be requested to waive this requirement.

Reports from Director Development Services

REPORT:

The intention of a housekeeping LEP is to tidy up all anomalies within Tweed LEP 2000 that have arisen since its gazettal and this will be done in two stages. This first stage, concentrates on what is considered to be “minor” anomalies and amendments.

The written and mapping anomalies that need to be addressed and corrected are:

1. LEP 2000 MAPS:

- a) Lot 1 DP807182, Terranora Road
- b) Lot 466 DP755701, Willow Avenue, Bogangar
- c) Black Rocks
- d) Murwillumbah Reservoir
- e) Council Owned Land Zoned 6(b)
- f) Lots 30-35 DP803197, Caloola Drove, Tweed Heads
- g) Lot 1 DP218933, 762 Terranora Road, Terranora

2. LEP 2000 WRITTEN DOCUMENT

- a) Training Facility
- b) Definition of Depot
- c) Schedule 8 – Business Centres
- d) Part 5 Roads
- e) Clause 17 - Socio-economic Impact Statement
- f) Clause 21 (2) Subdivision in Zone 1(c)
- g) Flood Liable Land

Below is a summary of each of the above proposed LEP anomalies and an explanation of why they need to be amended.

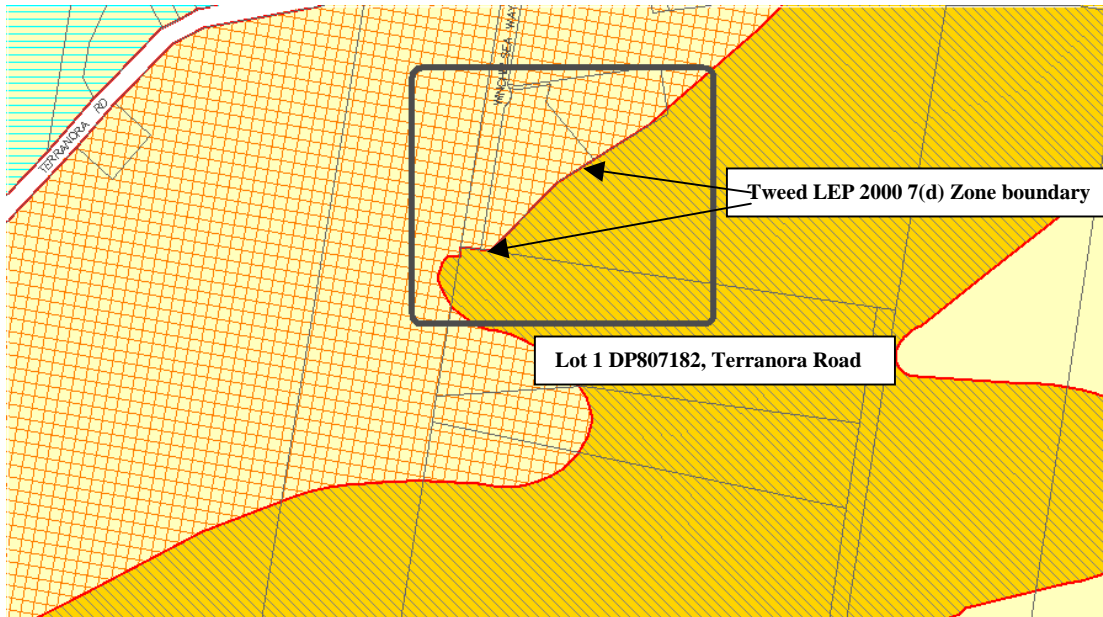
1. LEP 2000 MAPS

a) Lot 1 on DP807182, Terranora Road

The subject parcel of land is currently zoned part 1(c) and part 7(d) on the LEP Zoning Maps. Figure 3A below graphically illustrates the current zoning.

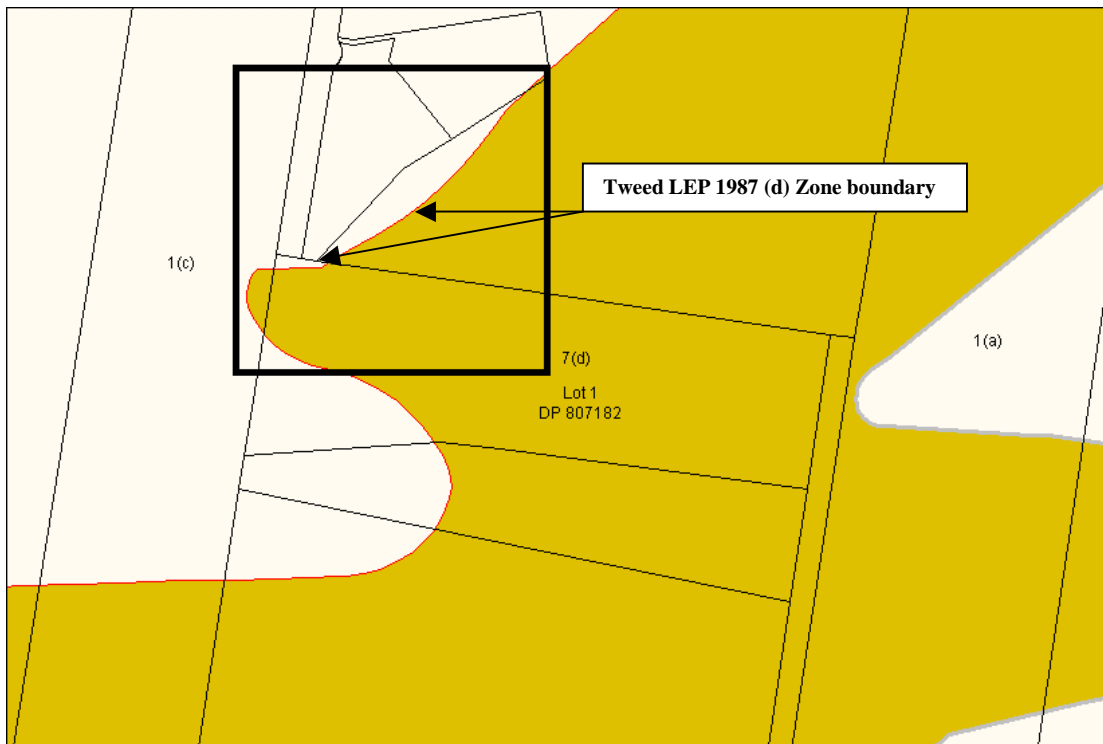
Reports from Director Development Services

Figure 1A - Lot 1 DP807182, Terranora Road (LEP 2000)



The previous Tweed LEP 1987 map, Figure 3B, shows the above land zoned slightly differently compared to the current Tweed LEP 2000. The difference in boundary alignment of the 7(d) zone is considered to be a drafting anomaly that occurred when digitising the 2000 LEP maps.

Figure 1B - Lot 1 DP807182, Terranora Road (LEP 1987)



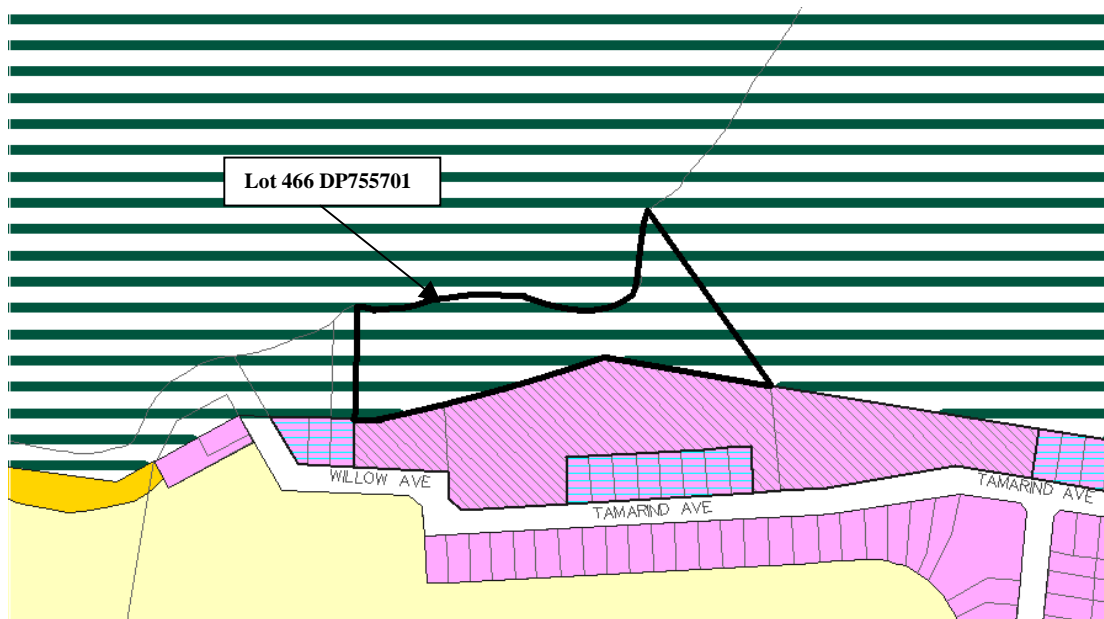
Reports from Director Development Services

Recommendation: It is recommended that the Tweed LEP 2000 maps are amended by rezoning the subject land to reflect the 7(d) boundary illustrated in Figure 1B.

b) Lot 466 DP755701, Willow Avenue, Bogangar

The subject parcel of land, Lot 466 DP 755701 Willow Avenue, Bogangar, is currently zoned 8(a) National Parks and Nature Reserves. Refer to the Figure 2 below.

Figure 2 – Lot 466 DP755701, Willow Avenue, Bogangar



The subject parcel of land is held in private ownership and discussions with the National Parks and Wildlife Service have revealed that the subject parcel of land is not included within their registrar of National Park properties.

Pursuant to the Tweed LEP 1987 Zoning Maps the subject parcel of land was zoned 6(b) Proposed Open Space. It appears evident that there was a drafting error when translating the data to the Tweed LEP 2000 zoning maps and the subject parcel of land was inadvertently placed within the 8(a) Zone.

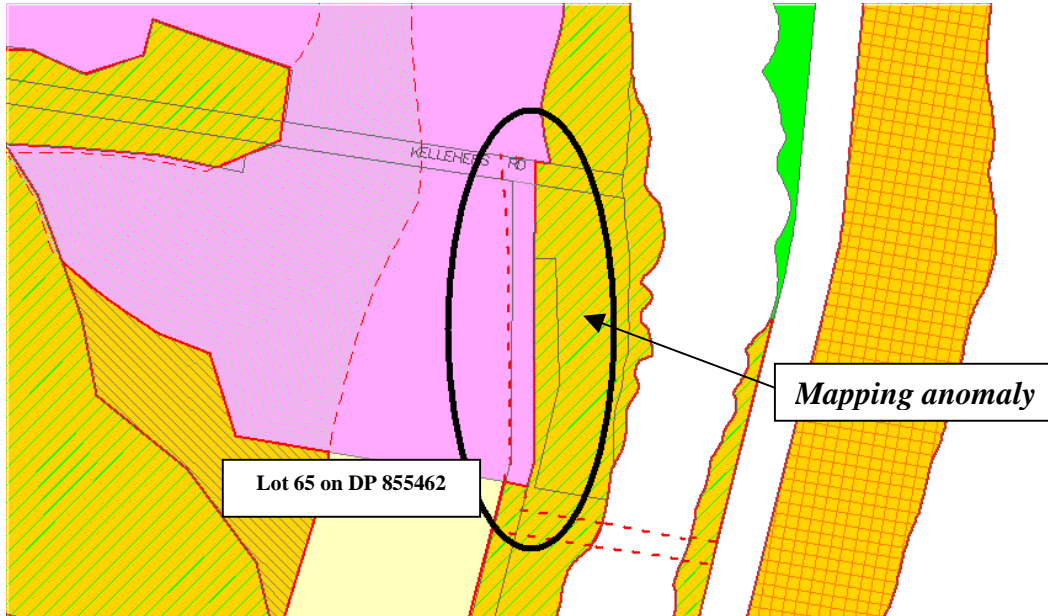
Recommendation: It is recommended that Lot 466 on DP755701 be rezoned to 6(b) Recreation to reflect its original zoning within the LEP 1987 maps.

Reports from Director Development Services

c) **Black Rocks**

The portion of land that is the subject of this query is the area shown circled in Figure 3A.

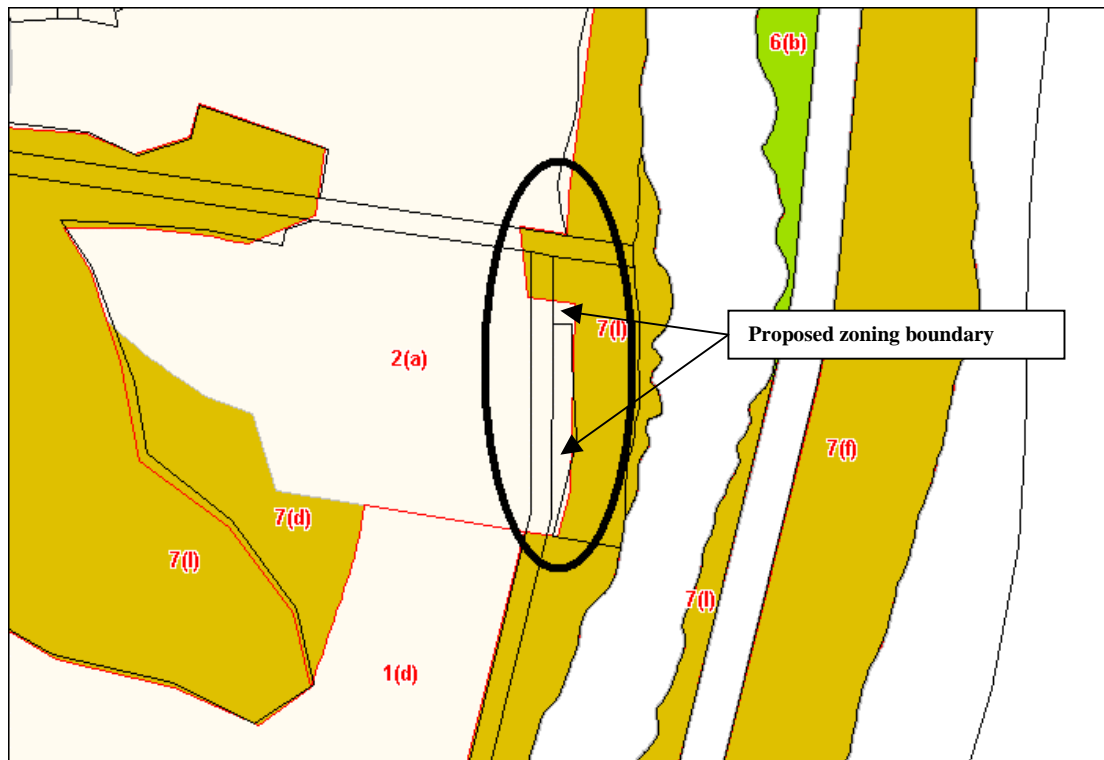
Figure 3A – Black Rocks (LEP 2000)



LEP Amendment No 11 to the Tweed LEP 1987 Map illustrates a different zone alignment (refer to Figure 5B). There is a discrepancy between the alignment of the Low Density Residential 2(a) Zone and the Environmental Protection (Habitat) 7(l) Zone when compared with Tweed LEP 1987 (Amendment No.11).

Reports from Director Development Services

Figure 3B – Black Rocks (LEP 1987 – Amendment No. 11)



The discrepancy appears a drafting anomaly when preparing the LEP 2000 maps.

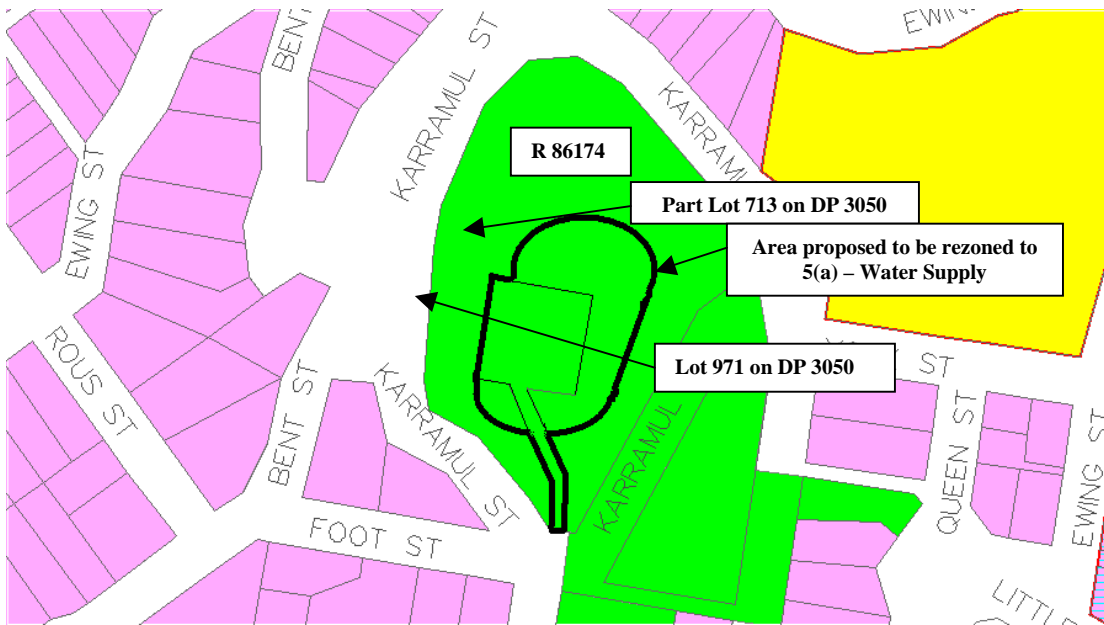
Recommendation: It is recommended that the LEP 2000 Zoning maps be amended and the zoning boundaries realigned in accordance with the LEP 1987 map (Amendment No. 11) as illustrated in Figure 3B.

d) Murwillumbah Reservoir, Part Lot 713 DP 3050 and Lot 971 DP 3050

The subject parcel of land is currently zoned 6(a) Open Space and accommodates two water towers. The property and surrounds are illustrated below. Council's Planning and Design Unit intend to extend the use of this land by constructing a larger water tower to replace one of the existing smaller ones.

Reports from Director Development Services

Figure 4 – Murwillumbah Reservoir



Recommendation: It is recommended that Council rezone part Lot 713 DP3050 and Lot 971 DP3050 to 5(a) Special Facilities – Water Supply.

e) Council owned land zoned 6(b) Recreation

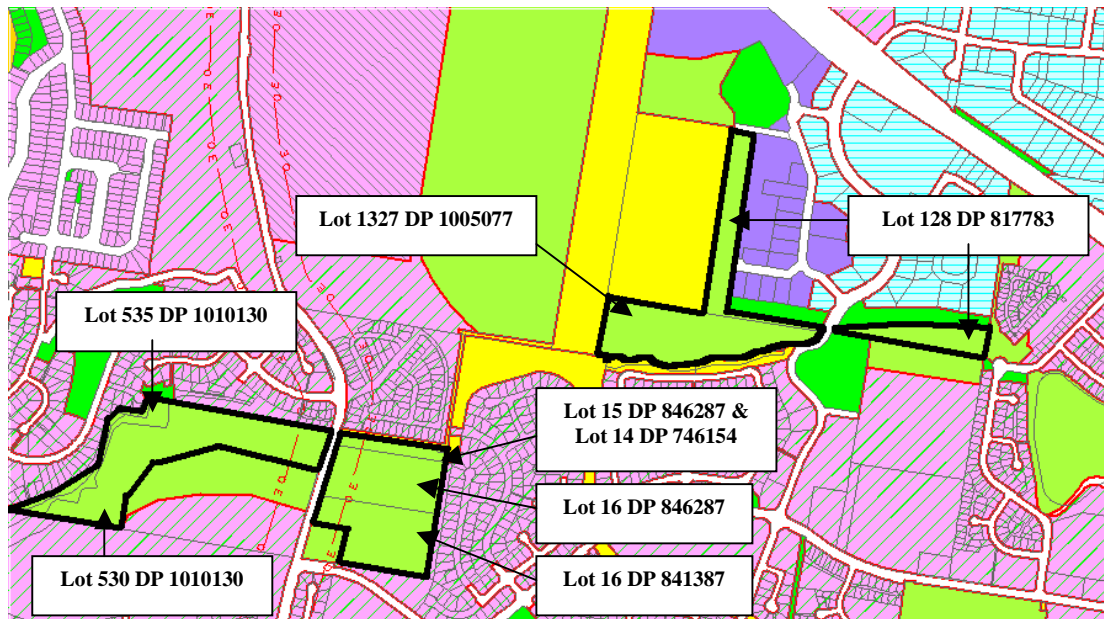
The map below illustrates a number of parcels of land that are Council owned open space and are currently zoned 6(b) Recreation. The list of lands include:

- Lot 128 DP 817783, Greenway Drive, Tweed Heads South
- Lot 1327 DP 1005077, Greenway Drive, Banora Point
- Lot 535 DP 1010130, Fraser Drive, Tweed Heads South
- Lot 15 DP 846287, Fraser Drive, Banora Point
- Lot 14 DP 746154, Fraser Drive, Banora Point
- Lot 16 DP 846287, Fraser Drive, Banora Point
- Lot 16 DP 841387, Fraser Drive, Banora Point
- Lot 530 DP 1010130, Fraser Drive, Tweed Heads South

Aside from Lot 530 on DP1010130, Lot 15 on DP846287 and Lot 14 on DP746154 which are designated operational, the remainder of the lots are designated as community land pursuant to Local Government Act 1993.

Reports from Director Development Services

Figure 5 – Council Owned Land Zoned (b) Recreation



Recommendation: It is recommended that these parcels of land be zoned in the following manner to better reflect their tenure, and their designated use.

- Lot 14 on DP746154 be zoned 5(a) Sewer Treatment Works.
- Lot 15 on DP 846287 be zoned 5(a) Drainage
- Lot 128 on DP 817783 be zoned 5(a) Drainage
- Lot 16 on DP 846287 be zoned 6(a) Open Space
- Lot 16 on DP841387 be zoned 6(a) Open Space
- Lot 530 on DP1010130 be zoned 6(a) Open Space
- Lot 535 on DP1010130 be zoned 6(a) Open Space
- Lot 1327 on DP1005077 be zoned 6(a) Open Space

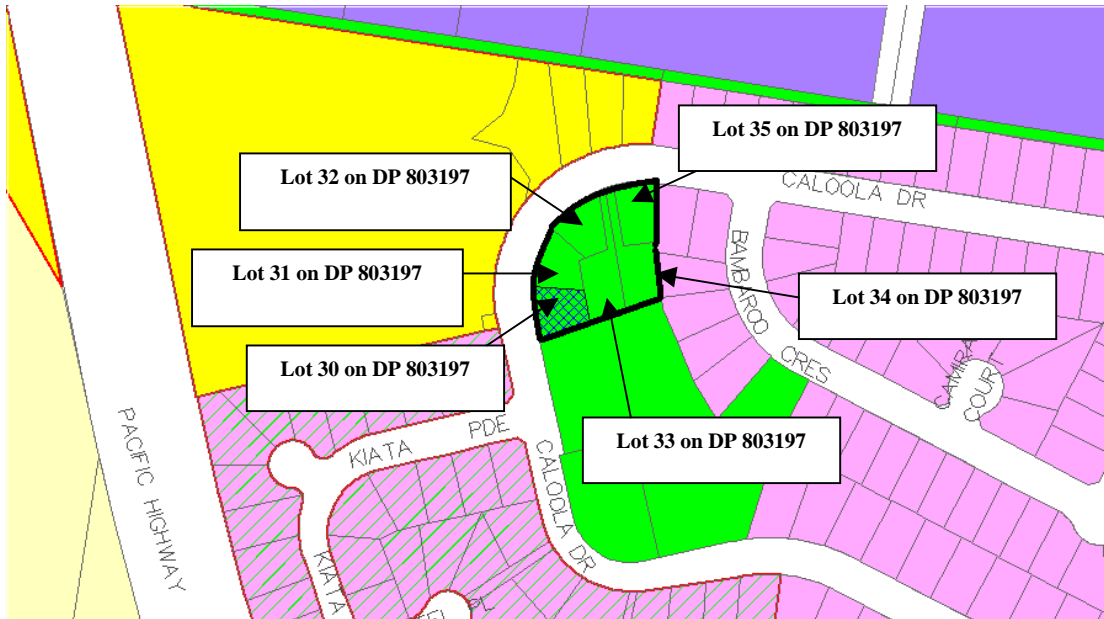
f) **Lots 30-35 DP 803197, Caloola Drive, Tweed Heads.**

The subject parcels of land are currently zoned 6(a) Open Space. This zoning is designated to cater for “publicly owned” land intended to satisfy the open space and recreational needs of local residents and visitors.

The subject parcels of land are all under private ownership. Further, all the parcels of land have been developed for residential purposes. Pursuant to Tweed LEP 1987 maps, these lots were zoned 2(c) Urban Expansion. It appears that there may have been a drafting anomaly when the mapping for Tweed LEP 2000 was undertaken.

Reports from Director Development Services

Figure 6 – Lots 30 – 35 on DP803197, Caloola Drive, Tweed Heads



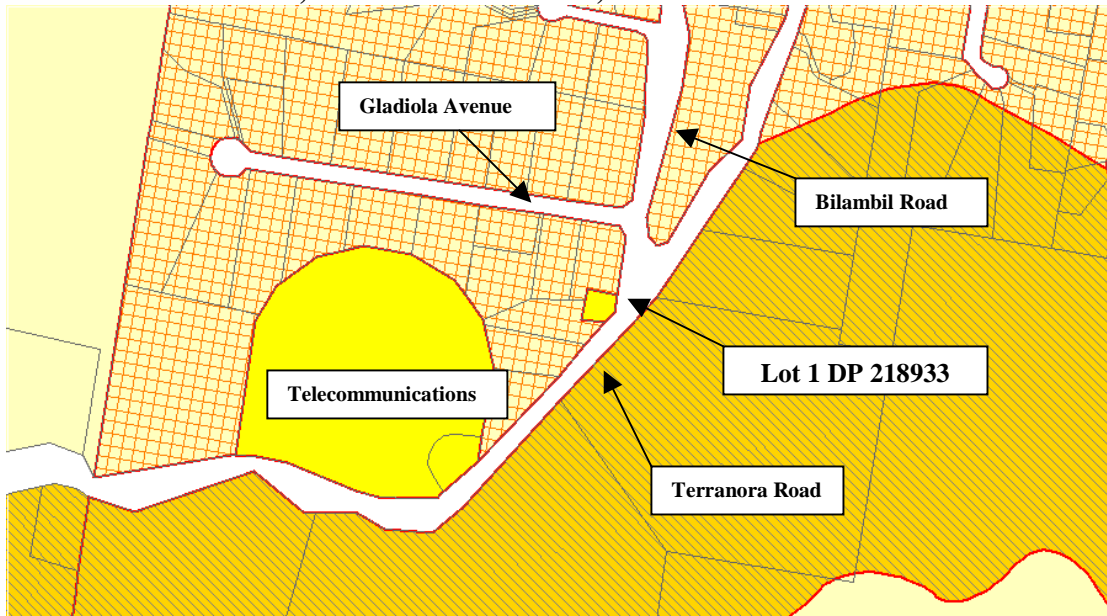
Recommendation: It is recommended that lots 30-35 DP 803197 shown in Figure 6 be rezoned back to 2(c) Urban Expansion, so that it is consistent with the zoning of the Tweed LEP 1987 maps.

g) Lot 1 DP 218933, 762 Terranora Road, Terranora

The subject parcel of land is currently zoned 5(a) Water Supply. The parcel of land is in private ownership. It is understood that the land is no longer required for the purpose it was initially zoned for. The subject parcel of land has been zoned for the purpose of water supply since the 1987 Tweed LEP. The land is approximately 1080m² in size. The land is surrounded by land currently zoned 1(c) Rural Living and should be zoned accordingly.

Reports from Director Development Services

Figure 7 - Lot 1 DP 218933, 762 Terranora Road, Terranora



Recommendation: It is recommended that the LEP maps are amended by rezoning Lot 1 on DP218933, as shown in Figure 7, to 1(c) Rural Living.

3. LEP 2000 WRITTEN DOCUMENT

a) Training Facility

The term 'training facility' is found within the Tweed LEP 2000 document in two locations. It is listed within Zone 2(a) Low Density Residential as a land use within Item 3, and is referred to within the definition of educational establishment.

References to training facility within the Tweed LEP 2000 are considered to be anomalies. The term was intended to be deleted from the Tweed LEP 2000 document and this was supposed to be reflected in the latter LEP gazetted.

Recommendation: Recommended that the Tweed LEP 2000 be amended to delete the term 'training facility' from Item 3 in Zone 2(a) and from the definition of 'educational establishment'.

b) Definition of Depot

The term 'depot' is currently defined as:

“depot land used for the storage and maintenance of plant, machinery, equipment, building materials and the like.”

The definition of a depot should be flexible enough to satisfy both storage and maintenance independently.

Recommendation: It is therefore recommended that the definition of 'depot' be changed to the following:

Reports from Director Development Services

“depot

land used for the storage and/or maintenance of plant, machinery, equipment, building materials and the like.”

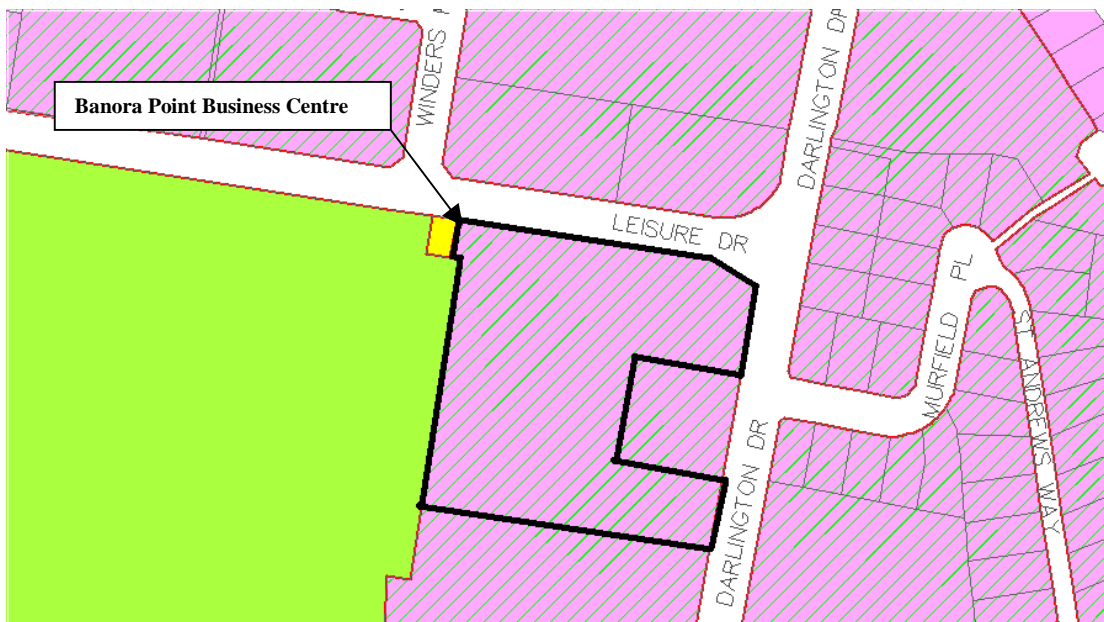
c) Schedule 8 – Business Centres

Schedule 8 – Business Centres, of the Tweed LEP lists 10 centres throughout the Shire. The purpose of identifying these centres was to cater for the 2(a) zone provision that permits higher density residential development on land zoned 2(a) located within 300m of a defined business centre.

Despite these areas having been defined within Schedule 8, there appears uncertainty as to what land constitutes a business centre.

Land identified as a business centre should be illustrated via maps. The maps showing the designated business centres are shown in Figures 8A – 8J.

Figure 8A - Banora Point Business Centre



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Figure 8B - Bogangar Business Centre

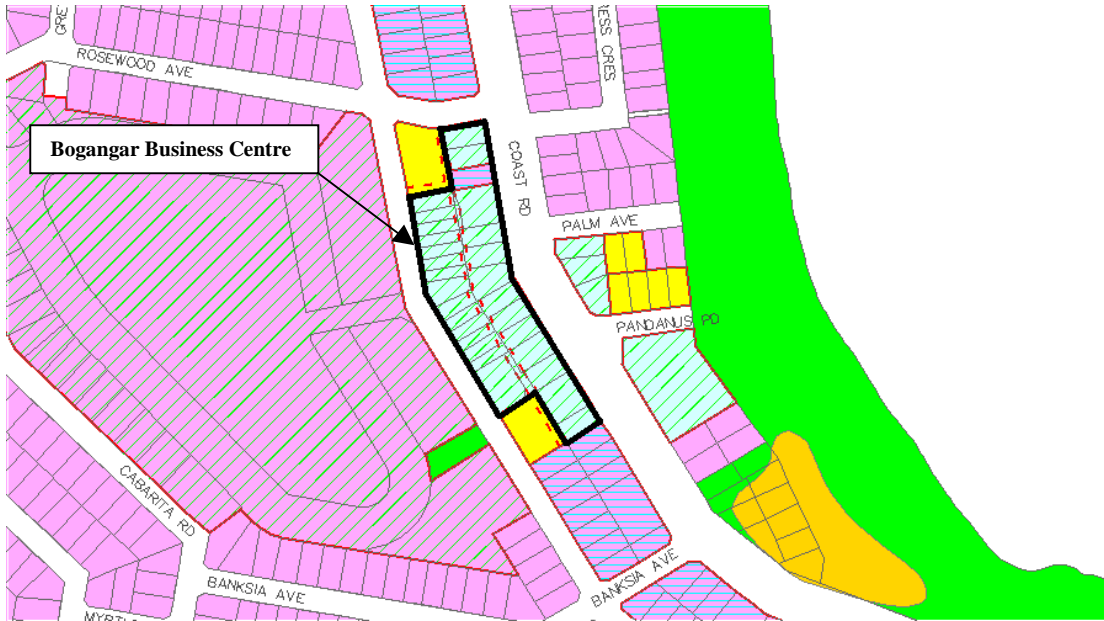
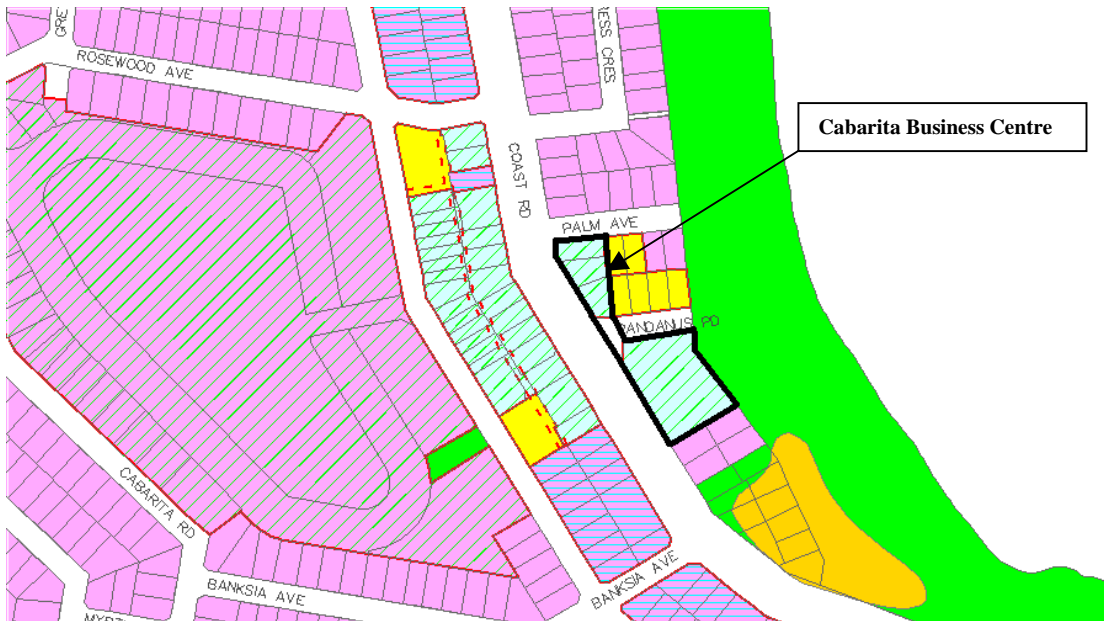


Figure 8C - Cabarita Business Centre



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Figure 8F - Pottsville Business Centre

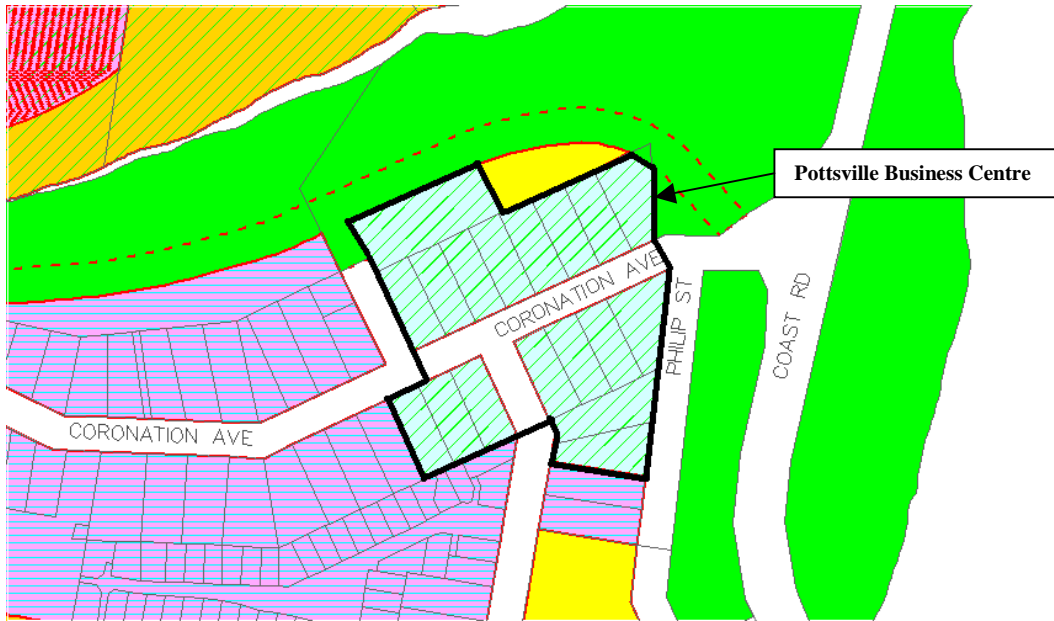
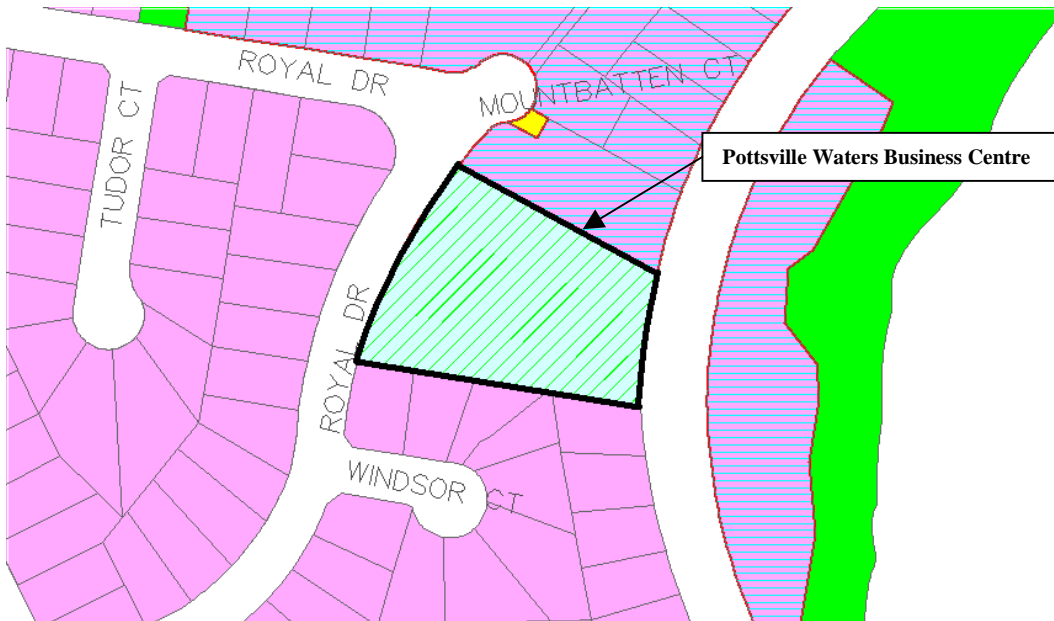


Figure 8G - Pottsville Waters Business Centre



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Figure 8H - Tweed Heads Business Centre

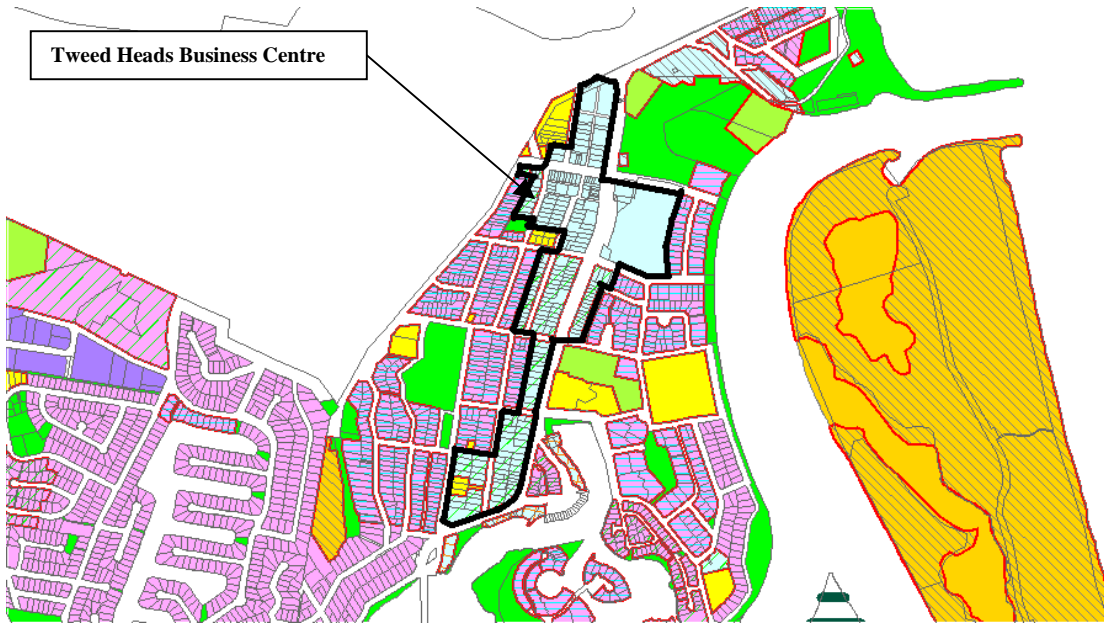
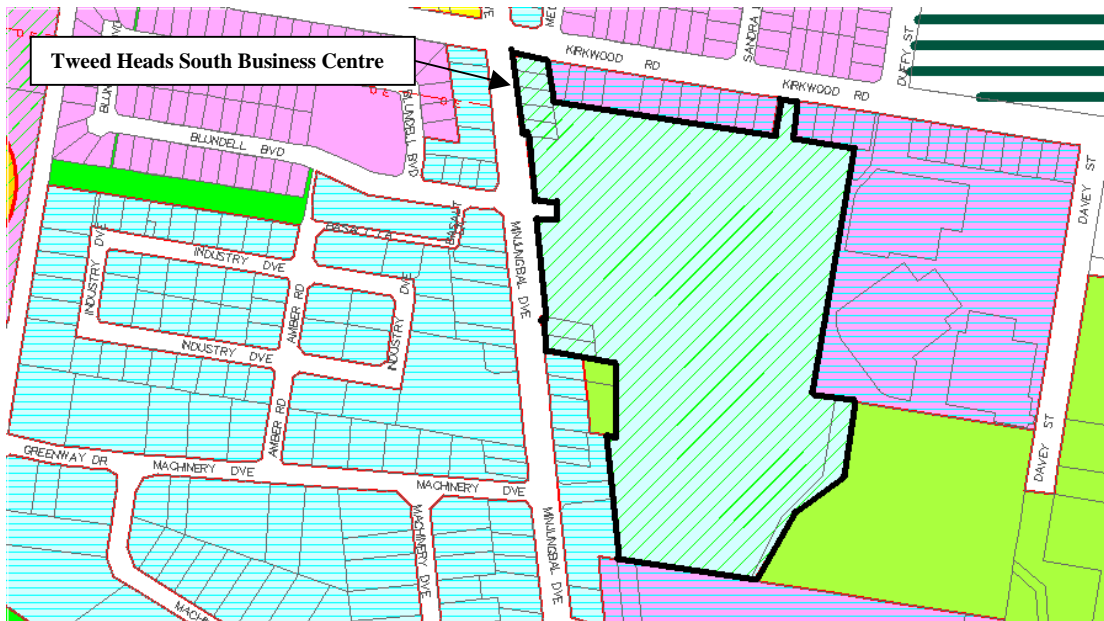
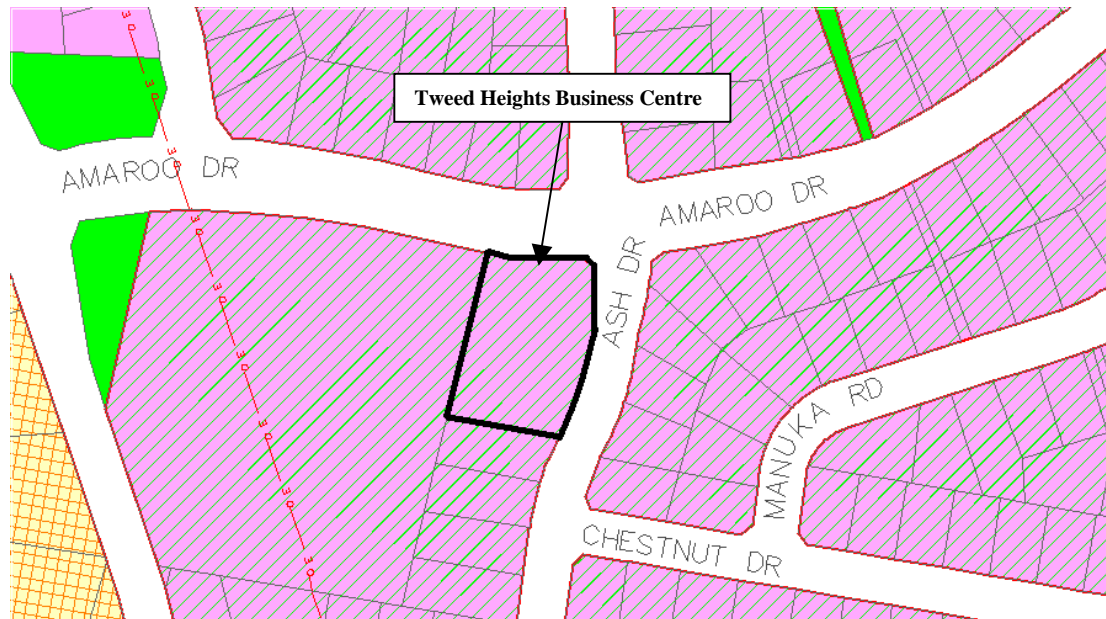


Figure 8I - Tweed Heads South Business Centre



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Figure 8J - Tweed Heights Business Centre



Correspondingly, Tweed LEP 2000 should be amended to identify the Business Centres by a new map under Schedule 6.

Recommendation: It is recommended that Schedule 6 of the Tweed LEP 2000 be amended to specifically identify Business Centres referred to in the 2(a) zone under Table (C1.11) by creating a new set of maps, inclusive of maps 8A – 8.

d) Part 5 Roads, Clause 22(3)

Clauses 22 (2), (3) and 4(d) within the Tweed LEP currently read as follows:

“(2) *This clause applies to land that:*

- (a) *has frontage to a designated road, or*
- (b) *relies on a designated road for its sole means of vehicular access, or*
- (c) *is within Zone 1 (a), 1(b), 1(c), 7 (a), 7 (d), 7 (f) or 7 (l) and has direct access to another road at a point less than 90 metres from that road’s intersection with a designated road.*

(3) *A person may, with the consent of the consent authority and the concurrence of the RTA, carry out development on land within Zone 5 (a) shown in red lettering on the zone map as “RTA Road”:*

- (a) *for a purpose for which development may be carried out on land in an adjoining zone, or*
- (b) *for any other purpose which is compatible with development which may be carried out on land in an adjoining zone.*

Reports from Director Development Services

(4)(d) *where the land is in Zone 1 (a), 7 (a), 7 (d), 7 (f) or 7 (l), the development is of a type that necessitates a location in proximity to the designated road for reasons other than only commercial advantage, and”*

Subclause (2) establishes to what land Clause 22 applies to throughout the Shire. It omits reference to Zone 5(a). However, Subclause (3) refers to development of land within Zone 5(a). To avoid any confusion over which lands are covered by Clause 22

Recommendation: It is recommended that subclause Cl 22(2) of the Tweed LEP 2000 be amended to include reference to Zone 5(a). The amendment should also be applied to Subclause 22(4)(d) because it is affected by the same anomaly.

e) **Clause 17 Social Impact Assessment**

Clause 17 of the Tweed LEP 200 currently reads as follows:

“17 Social impact assessment

(1) *Objective*

- *to ensure proper consideration of development that may have a significant social or economic impact.*

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

(3) *The social impact statement must:*

- (a) *identify the likely future impacts of the development and the affected community, and*
- (b) *analyse the impacts in terms of magnitude, significance, duration, effect on current and future conditions and community services, and the like, and*
- (c) *determine and assess possible measures for the management or mitigation of likely impacts.”*

Council adopted DCP 45 Socio-Economic Impact Assessment on 5 September 2001, which establishes a set of requirements for preparing and assessing the Socio-Economic Impacts of Development.

Recommendation: To ensure consistency between the LEP and the DCP it is recommended that Clause 17(3) of the LEP be amended to reflect the same wording (“*socio-economic impact assessment*” instead of “*social impact assessment*”) and address the cumulative socio-economic impact of development. Clause 17 should be amended to read:

“17 Socio-economic impact assessment

Reports from Director Development Services

- (1) *Objective*
 - *to ensure proper consideration of development that may have a significant social or economic impact.*
- (2) *Where the consent authority considers that a proposed development is likely to have a significant social or economic impact in the locality or in the area of Tweed, the consent authority may only grant consent to the proposed development if it has considered a **socio-economic impact statement** in respect of the proposed development.*
- (3) *The **socio-economic impact statement** must:*
 - (a) *identify the likely future impacts of the development and the affected community, and*
 - (b) *analyse the impacts in terms of magnitude, significance, duration, effect on current and future conditions and community services, and the like, and*
 - (c) ***determine if the impacts will cause a loss of amenity within the locality due to a net reduction in community services and facilities,** and*
 - (d) *determine and assess possible measures for the management or mitigation of likely impacts.”*

f) Clause 21(2) Subdivision in Zone 1(c)

Clause 21(2) of the Tweed LEP 2000 currently reads as follows:

- “21(2) *Consent may be granted to the subdivision of land in Zone 1 (c) for residential purposes only if:*
- (a) *each allotment will be connected to a reticulated water supply system, or a tank water supply will be provided to the satisfaction of the consent authority, and*
 - (b) *the consent authority is satisfied that each allotment created is capable of accommodating adequate facilities for the treatment and disposal of sewage or will be connected to a reticulated sewerage system, and*
 - (c) *in the case of land to be connected to a reticulated sewerage system, the area of each lot created is not less than 0.4 hectare, and*
 - (d) *in the case of land not to be connected to a reticulated sewerage system, the area of each lot created is not less than 1 hectare.”*

As can be seen above, reference is made to a ‘reticulated sewerage system’. It is not articulated whether it is necessary for the applicant to connect to “Council’s” reticulated sewerage system, or whether connection an approved “private” sewerage reticulated system would suffice. The intention of the Clause was to ensure that the applicant connects to “Council’s” sewerage reticulated system. The subject clause should be amended to reflect this intention.

Reports from Director Development Services

Recommendation: Tweed LEP 2000 Clause 21(2) be amended as follows:

- “21(2) Consent may be granted to the subdivision of land in Zone 1 (c) for residential purposes only if:
- (a) each allotment will be connected to a reticulated water supply system, or a tank water supply will be provided to the satisfaction of the consent authority, and
 - (b) the consent authority is satisfied that each allotment created is capable of accommodating adequate facilities for the treatment and disposal of sewage or will be connected to **Councils** reticulated sewerage system, and
 - (c) in the case of land to be connected to **Councils** reticulated sewerage system, the area of each lot created is not less than 0.4 hectare, and
 - (d) in the case of land not to be connected to **Councils** reticulated sewerage system, the area of each lot created is not less than 1 hectare.”

g) Flood Liable Land

Clause 10 of the Tweed LEP refers to Complying Development. Subclause 2(c) specifies provisions as to when development is considered to be complying development. Clause 10 (2)(c)(viii) presently reads as:

“10 (2) (c) (viii) is identified, on a register or map kept by the Council and available for inspection at the office of the Council, as being flood liable, contaminated, within a buffer area, subject to subsidence, slip or erosion, or in an area having significant bushfire hazard risk, or”

Council officers have raised concern about the reference to the term ‘flood liable’. It is understood that the term flood liable is intended to refer to land that is not subject to inundation during a 1 in 100 year flood event or less. The concern with this is that someone who has the benefit of a Complying Development Certificate for a lot that is filled to the 1:100 RL will assume their land is not “flood liable” when, in fact, it could be inundated in an event greater than 1:100 years.

Development Control Plan No. 5 – Development of Flood Liable Land, provides various definitions relating to flood levels.

“flood liable land” means land which would be inundated as a result of a flood.

“flood” means a relatively high stream flow which overlaps the natural or artificial banks in any part of a stream or river.

“design flood” means the flood selected as a basis for design of mitigation works, normally based on the 1:100 year flood event.”

The only definition above that provides a measure is the one for “design flood” and this specifies the 1:100 year flood level. This is the flood height adopted by Council to

Reports from Director Development Services

which land must be filled before a dwelling can be built upon it and one which must be observed prior to the issue of a Complying Development Certificate.

Recommendation: It is recommended that Tweed LEP 2000 be amended so that reference to “flood liable” land be re-worded as follows:

“10 (2) (c) (viii) is identified, on a register or map kept by the Council and available for inspection at the office of the Council, as being below the 1:100 year flood level, contaminated, within a buffer area, subject to subsidence, slip or erosion, or in an area having significant bushfire hazard risk, or”

STATUTORY MATTERS

Council Documents – Tweed LEP, DCP’s and Tweed Shire 2000+ Strategic Plan

The issues listed above will amend Councils LEP, both the written document and the maps. The changes being made are considered housekeeping administrative matters and are not expected to have significant impacts on the overall aims and objectives of the Tweed LEP.

None of the changes suggested will affect Council’s DCP directly.

None of the changes being proposed by the schedule of amendments being proposed will impact on the provisions of the Tweed Shire 2000+ Strategic Plan.

Regional Plans

North Coast Regional Environmental Plan 1988

There are a number of clauses within the North Coast REP which are applicable to this proposed LEP amendment. However, given the minor nature of the proposed LEP amendments it is not considered that any of these amendments will have any significant impact on the provisions, aims and objectives of the NCREP. As illustrated within the main body of this report, the amendments being proposed are regarded as purely administrative housekeeping matters that will rectify a number of anomalies existing within the Tweed LEP 2000.

State Legislation

NSW Coastal Policy

A Section 117 Direction under the Environmental Planning and Assessment Act, 1979, requires Council to Consider the Coastal Policy in the preparation of Local Environmental Plans. The Direction requires draft LEP’s to give effect to, and be consistent with, the Policy and requires Local Environmental Studies to accompany rezoning applications for land within the coastal zone. A number of the changes being proposed by this LEP amendment fall within the Coastal Zone and as such would require the preparation of a Local Environmental Study. However, the Director General can waive the need for an environmental study where the rezoning is considered to be of a minor nature or where adequate environmental information already exists as a result of previous studies.

In considering whether an environmental study should be required for a rezoning proposal in the coastal zone, Council should address the following:-

Reports from Director Development Services

- the nature of the proposal,
- the scale of the proposal,
- the sensitivity of the environment, and
- the level of environmental information available in relation to the site.

It is considered that the subject LEP amendment is of a minor nature and hence, the need for an environmental study should be waived.

Section 117 Directions

There are a number of Section 117 Directions that would generally be applicable, however due to the nature of the proposed LEP amendment, administrative housekeeping rectifying existing anomalies with the LEP, it is considered that Council should request that the requirements for local environmental studies or other investigations to be undertaken be waived in this instance.

State Environmental Planning Policies (SEPP)

The amendments being proposed by this report are generally of an administrative nature and will not significantly effect any SEPPs.

CONCLUSION

As discussed throughout this report, it is considered that the proposed LEP amendments are of a relatively minor nature, especially considering that their primary intention is to correct a number of administrative anomalies that are evident in Tweed LEP 2000.

It is recommended that pursuant to Section 54 of the Environmental Planning and Assessment Act 1979 the proposed draft LEP Amendment to Tweed LEP 2000 prepared by Council and that Council requests the Director General of Urban Affairs and Planning to waive the requirement for a Local Environmental Study as the proposed draft LEP is of a minor nature.

Reports from Director Corporate Services

4. ORIGIN: Administration Services Unit

FILE REF: Land Development - Anchorage, Anchorage Footbridge

REPORT TITLE:

The Anchorage - Harbour Lot Public Access

SUMMARY OF REPORT:

Council, at its meeting of 18 July 2001 resolved:-

“..... that Council indicates its intention to proceed with the construction of the bridge link connecting the northern and southern sections of The Anchorage foreshore pedestrian pathway and calls for public comment”.

Calls for public comment were advertised in the Tweed Link on 7 August 2001 for the period ending Thursday 6 September 2001.

This report summarises comments received during the advertised period.

RECOMMENDATION:

That Council proceeds with the construction of the pedestrian footbridge.

Reports from Director Corporate Services

REPORT:

At its meeting of 18 July 2001 Council considered a report regarding the proposed construction of the bridge link connecting the northern and southern sections of The Anchorage foreshore pedestrian pathway.

Considering the views expressed early in the project history by sections of The Anchorage community regarding residents' safety, noise and amenity issues and continuity of resident and public access to the Harbour Lot, a process to gauge the community's general view was implemented through Council's resolution of 18 July 2001 being:-

"..... that Council indicates its intention to proceed with the construction of the bridge link connecting the northern and southern sections of The Anchorage foreshore pedestrian pathway and calls for public comment".

Calls for public comment were advertised in the Tweed Link on 7 August 2001 for the period ending Thursday 6 September 2001.

A significant number of letters were received commenting on the proposal and a summary of the quantity and types of comments received is as follows:-

OBJECTIONS

Objections to the construction of the bridge link were received from 54 individual objectors, 9 letters of objections from Strata Plan/Owners Corporations/Residents representative groups and 1 Petition containing 24 names.

The issues of most concern to objectors are:-

- Increased risk to the security of residents and residences
- Loss of privacy
- Increase in noise pollution
- Increased opportunity for vandalism
- Litter
- Cost of construction of pedestrian pathway
- Maintenance and ongoing-safety of proposed pathway
- Increase in foot traffic
- Placement of pathway
- Adequate access already available
- Not advised of proposal at time of purchase/advice given that footbridge would not eventuate
- Affect on market value of residences
- Affect on environment
- Impact on lifestyle
- Increase to Public liability/general insurance
- Dog nuisance
- Loss of views
- Inappropriate use of ratepayer's money

Reports from Director Corporate Services

- Other projects should have greater priority and/or need for expenditure

SUPPORT

Support for the construction of the bridge link was received from 41 individuals, 3 letters of support from Strata Plan/Owners Corporations/Residents representative groups and 7 Petitions containing a total of 116 names.

The points raised in support of the proposal include:-

- Would benefit the general public through access to public areas
- Currently no access or restricted access to the main channel
- Would facilitate completion of access around foreshore
- In the Public interest
- Part of approved development for the Anchorage
- Proposal will give residents access to harbour beaches and on to Discovery Point
- Concurs with NSW Coastal Policy 1997
- Fulfils Council's obligation to joint venture

CONCLUSION:

Councillors would be aware that Council's intent was to maintain public access through an easement for a 'right of footway' to the foreshore thereby complying with the development approval process.

However, views expressed by some members of the Anchorage community, regarding residents' safety, noise and amenity issues and continuity of resident and public access to the Harbour lot, are significant.

In view of the number of comments received as a response to Council's resolution of 18 July 2001 and the significance of issues raised in the content of letters, copies of all correspondence received will be tabled at the meeting.

Considering the points raised in those supporting and those opposing Council's intent, it is recommended that Council proceed with the construction of the pedestrian footbridge. This will complete a public pedestrian access around the Harbour Lot in accordance with the original approval criteria as outlined in the land transfer from the State to Council.

Should Council adopt this recommendation a further report will be prepared and will consider funding options, the type of structure and timing of its installation.

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5. ORIGIN: Director

FILE REF: Aboriginal Matters

REPORT TITLE:

NSW Local Government Aboriginal Network - Membership

SUMMARY OF REPORT:

The NSW Local Government Aboriginal Network has written to the Mayor inviting Council to join as a Corporate Member.

The membership fee is an application fee of \$50.00 and an annual membership fee of \$100.00

RECOMMENDATION:

That Council determines the matter of Corporate Membership to the NSW Local Government Aboriginal Network.

Reports from Director Corporate Services

REPORT:

The Mayor, Cr Lynne Beck has received a letter from the NSW Local Government Aboriginal Network inviting Council to become a Corporate Member.

Their letter (refer below) outlines the establishment of the Network in 1987 and the objects of the Network:



NSW LOCAL GOVERNMENT ABORIGINAL NETWORK
PO Box 42, Nowra, NSW, 2541
Tel: 02 6885 1910 Fax: 02 6885 2158
Mobile: 0408 665 013
email: clr.wmundine@dubbo.nsw.gov.au

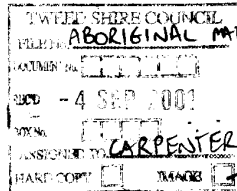
16 July 2001.

Clr Lynnette Beck,
Mayor
Tweed Shire Council,
PO Box 816,
Murwillumbah, NSW, 2484,

FROM MAYOR TO GM 3/9.

DCS Prepare agenda item for Council.

Shank



Dear Clr Beck,

RE: NSW LOCAL GOVERNMENT ABORIGINAL NETWORK MEMBERSHIP

The NSW Local Government Aboriginal Network (Network) invites your Council to apply for Corporate Full Membership (Category A – Local Government Council) of the Network.

Aboriginal Councillors and Aboriginal Council employees, with the support of the NSW Local Government Department, established the Network in 1987. Since those days the Network has grown with elected Aboriginal Councillors from 4 to 31. Senior politicians, Councillors from across the state and interstate, as well as Government and community agencies, attend Network conferences.

The Network is independent of Government and is an independent forum for debate of Aboriginal issues within Local Government. The objects of the Network are:

- (1) To provide an understanding of current issues in local government, which affect Aboriginal people.
- (2) To maintain a mechanism for support of Aboriginal workers and councillors in local government, and all those involved in Aboriginal affairs that deal with local government.
- (3) To create a venue for information exchange on existing and new programs and services in local government that is relevant to Aboriginal communities.
- (4) To protect and enhance the interests and rights of Aboriginal people in local government.
- (5) To act as a voice within local government for Aboriginal people by taking action in relation to any subject or activity of particular interest to Aboriginal people affecting local councils and/or local government legislation.

Reports from Director Corporate Services

- (6) To encourage Aboriginal candidates to, and to advise those intending to, stand as candidates for local government elections.
- (7) To encourage Aboriginal people into professional careers in local government.
- (8) To promote reconciliation between Aboriginal and non-Aboriginal peoples through the agency of local councils.

For your Council to become a member you will need to fill in the application form for Corporate Membership, which is enclosed. The payment consists of a \$50.00 application fee and a \$100.00 annual membership fee. The application fee is a one off payment and the annual membership fee covers the first year of membership.

Please send the completed form, along with a payment of \$150.00 made out in the Network's name, to

Ms Ruth Dane
General Secretary
NSW Local Government Aboriginal Network
PO Box 42
NOWRA NSW 2541

I do encourage your Council to apply and take advantage of membership of the Network.

Yours faithfully,



Cir. Warren Mundine,
President.

An invitation has been extended to Council to join the Network as a Corporate Member. The fees are comprised of a \$50.00 application fee and a \$100.00 annual membership fee.

Considering that Council some time ago established an Aboriginal Consultative Committee, Council may consider that membership of this Network is not necessary.

For Council's consideration.

Reports from Director Corporate Services

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Reports from Director Corporate Services

6. ORIGIN: Administration Services Unit

FILE REF: Committees of Council

REPORT TITLE:

Council Committees - Delegations to September 2002

SUMMARY OF REPORT:

At Council's Workshop held 26 September 2001 Councillors considered the Councillor membership of the various committees. The body of the report contains an alphabetical list of the committees with proposed memberships.

RECOMMENDATION:

That Council:-

1. Deletes the following committees:
 - Home & Community Care Centre Working Management Group
 - ILAP Advisory Committee, Joint Council Border Gateway Committee
 - Millennium & Centenary of Federation Advisory Committee
 - Murwillumbah Design Advisory Committee
 - New Tweed River Regional Art Gallery Committee
 - Tweed Games Committee
2. Requires the General Manager to rationalise, where practical the number of officers attending Council Committee meetings.
3. Makes appointments to the following Committees for the period ending 30 September 2002.

Reports from Director Corporate Services

REPORT:

Following is an alphabetical list of Council Committees and Delegations to 30 September 2002 with modifications as proposed at the Workshop held 26 September 2001.

Key:

Councillors declining continued membership of a committee	Councillor
Councillor nominating for membership	<u>Councillor</u>
Corrections to information regarding committees	<i>Correction</i>

Committee: Aboriginal Liaison Committee
Councillors: Boyd, ~~Luff~~
Alternate:
Contact: Sharen Smith
Staff: Sharen Smith
Others: Mr Frank Krasna (Inaugural Chairman), representatives of Aboriginal Organisations and Community of Tweed Local Government Area

Committee: Agenda 21 Steering Committee
Councillors: Boyd Davidson, Lawrie
Alternate:
Contact: Don Buckley
Staff: Don Buckley, Geoff Edwards, Stewart Brawley, Douglas Jardine, Don McAllister, Graham Judge

Committee: *Alternate Waste Disposal Working Party (Proposed)*
Councillors: ~~Beek~~, Marshall, Brinsmead, Mayor, Boyd
Alternate:
Contact: ~~Beek~~
Staff: DECS, I Percy
Others: Joint Working Party with Gold Coast City Council, *Redlands, Logan & Beaudesert*
Comment: 4/4/2001 Min 924. *3 Delegates required.*

Committee: Area Assistance Committee
Councillors: Marshall, ~~Youngblutt~~, Carroll
Alternate:
Contact: Jenni Funari
Staff: Jenni Funari
Others: Statutory Committee of State Dept of *Urban Affairs & Planning*
Comment: Delegates

Reports from Director Corporate Services

Committee: Banora Point Community Centre Establishment Committee
Councillors: Lawrie
Alternate:
Contact: Geoff Edwards
Staff: Geoff Edwards, Robin Spragg, Peter Brook
Others: Anne Grace (Family Centre), Lesley Baker (Tweed Heads & Greenbank Community Preschools), Michelle Hartley (Tweed Heads & Greenbank Community Preschools), Jane Wilkinson (Tweed Heads & Greenbank Community Preschools), Merran Marriott (Centaur Parents & Citizens), Darryl Luhrs (Salvation Army), Neil Clanfield (Salvation Army), John Murray (Banora Point Residents' Association), George Bonomo (Banora Point Resident's Association), Mark Trotter (Fulton Trotter Partners), Emma Harcourt (Fulton Trotter Partners), Robert Weisner (Fulton Trotter Partners).
Comment: 6/6/2001 Min No 1092

Committee: Burringbar Sewerage Community Reference Group
File:
Councillors: Beek, Polglase, Marshall
Alternate:
Contact: A Abedrabbo
Staff: A Abedrabbo, M Rayner, P Ainsworth
Others: Tom Tabart (Burringbar & District Progress Association & Local Landcare Group), Stuart Cahill (Burringbar Progress Association), Bob McTackett (Burringbar & District Progress Association) Bruce Douglas (Community Rep), Joanne Wyatt (Community Rep)

Committee: Cabarita Beach Surf Club Working Group
Councillors: Davidson, James
Alternate:
Contact: Geoff Edwards
Staff: Geoff Edwards, Don Buckley
Others: Wilson Cregan, Fred Perlenfein, Bruce Douglas, Anita Raftery, Terry Kane, Tim Smerd, Patrick Raftery, Steve Dale, Peter Skaines
Frequency: Monthly as required
Place: CBSC
Duration: 1 ½ hours

Committee: Casuarina Beach Dune Management Plan Monitoring Review Committee
Councillors: Marshall, James, Beck
Alternate:
Contact: Stewart Brawley
Staff: Stewart Brawley
Comment: 7/2/2001. *One delegates only – decision required.*

Reports from Director Corporate Services

Committee: Chinderah Planning Committee
Councillors: Beck, Brinsmead, Davidson, Polglase
Alternate:
Contact: Douglas Jardine
Staff: Douglas Jardine, John Henley
Frequency: As required
Place: Council
Duration: 1-1 ½ hrs

Committee: Clarie Hall Dam Fishery Management Committee
Councillors: Beck, Youngblutt
Alternate:
Contact: John Henley
Staff: John Henley
Others: Bob Loring, Colin Wiley, Chris Estreich, Barry Saunders, Tom Senti +
Corresponding Members: Lindsay Cram, David Gardner, Leslie Brims, Michael
Elliott, Des Charles
Frequency: As required
Place: Council
Duration: 1-1 ½ hrs

Committee: Coastal Hazard Committee
Councillors: James, Marshall, Boyd, Luff
Alternate:
Contact: Mike Rayner
Comment: New Committee

Committee: Communication Committee
Councillors: Davidson, Luff, ~~Marshall(resigned)~~, Carroll, Boyd
Alternate:
Contact: Marilyn Smith
Staff: Marilyn Smith, Ian Carpenter
Others: Ray Carlile, Jude Robb, 1 new appointment
Frequency: Monthly
Place: Murwillumbah
Duration: 1 ½ hrs

Committee: Community Advisory Committee
Councillors: Boyd, Luff, Marshall
Alternate:
Contact: Geoff Edwards
Staff: Maggie Groff, Geoff Edwards
Frequency: 9.30 am bi-monthly, 3rd Thursday of month

Reports from Director Corporate Services

Place: Murwillumbah/Tweed
Duration: 2 hrs

Committee: Community Cultural Development Advisory Committee
Councillors: Boyd, Carroll
Alternate:
Contact: Lesley Buckley
Staff: Lesley Buckley, Geoff Edwards
Others: Tony King (Chair), Glenda Nalder, Judith Sutton, Garry Corbett

Committee: Community Development and Expenditure Scheme Committee
Councillors: Nil
Alternate: n/a
Contact: Geoff Edwards,
Staff: Geoff Edwards,
Others: John Smith and Phillip Kelly (Kingscliff Bowls Club); Ron Lewis (Club Banora); Jenny Wrights (Cabarita Bowls Club); Dallas Ryan (Twin Towns Services Club); Lindsay Howard-Smith (Murwillumbah Services Club); Phillip Dark (Coolangatta-Tweed Golf Club); Michael Hill (Seagulls); Gordon Rhodes and Penne Jeffouse (South Tweed Bowls Club); Geoff Provest (Tweed Heads Bowls Club); Terry Collier (Dept of Community Services); Ron McLean (Seagulls), Jenni, Funari (NCCOS)

Place: Tweed Heads
Duration: 2 hours
Comment: This is not a committee of Council.

Committee: Community Development Plan Working Group
Councillors: Carroll
Alternate:
Contact: Jenni Funari, Robin Spragg
Staff: Jenni Funari, Robin Spragg

Committee: Community Options Project Management Committee
Councillors: Carroll, Marshall
Alternate:
Contact: Sharyn Angel
Staff: Don Buckley, Geoff Edwards, Sharyn Angel, Marilyn Haan
Frequency: As required
Place: Council
Duration: As required

Reports from Director Corporate Services

Committee: Companion Animal Committee
Councillors: Marshall, Youngblutt
Alternate:
Contact: Peter Ainsworth
Staff: Don Buckley, Terry Lintern, Peter Ainsworth
Others: Rob Philp, Digby Moore, Alma McAllister, Christie Walker, Wendy Marshall, Jeremy Cornford, Len Greer, Ronnie Hoskisson, Noela Wynne; Audrey Rennison & Milena Morrow (Companion Animal Owners)
Frequency: First Monday of *bi-month* at 8.00am
Place: Rous Room
Duration: 2 hrs
Comment: *2 Delegates required.*

Committee: Contiguous Local Authority Group (Mosquito Control)
Councillors: Marshall
Alternate: Beck
Contact: Clive Easton
Staff: Clive Easton, Don Buckley
Frequency: Quarterly meeting day to be advised
Place: Rotational (Tweed-Redlands)
Duration: All day
Comment: Renamed from Biting Midge Research and Control Committee. *2 Delegates required.*

Committee: Coolangatta Airport Environment Management Committee
Councillors: N/a
Alternate:
Contact: Don Buckley
Staff: Don Buckley
Others: As appointed by Gold Coast Airport
Frequency: TBA
Duration: 1-2 hrs

Committee: Coolangatta Airport Noise Abatement Consultative Committee
Councillors: N/a
Alternate:
Contact: Don Buckley
Staff: Don Buckley
Others: As appointed by Gold Coast Airport
Frequency: TBA
Duration: 1-2 hrs

Reports from Director Corporate Services

Committee: Coolangatta Airport Regional Advisory Committee
Councillors: Polglase
Alternate: Beek
Contact: John Griffin
Others: 2 reps Qld Airports Ltd, 2 reps GCCC, 1 rep GC Tourism Board, 1 rep TACTIC, 1 rep GC Economic Dev Org, 1 rep TEDCO, Mr. Trevor Stephenson (community rep TSC), 1 community rep GCCC
Frequency: Monthly
Place: Council
Duration: 1-2 hrs

Committee: Cudgen Lake Catchment Rehabilitation Committee
Councillors: Davidson, James, Marshall
Alternate:
Contact: Mark Tunks
Staff: Mark Tunks, Don Buckley
Others: Rhonda James, Harry Boyd, Lance Tarvey, Betty Wood, Bill Shaw, Robert Quirk, Reg Carter, Geoff Provest, Rob Loring, Richard Hagley, Stan Dawson, Nigel Greenup, Douglas Jardine
Frequency: As required
Place: Council
Duration: 2 hrs

Committee: Development Assessment Panel
Councillors: Nil
Alternate:
Contact: Garry Smith
Staff: Garry Smith, Rick Paterson, Don McAllister
Frequency: Wednesday & Friday each week
Place: Rous Room
Duration: As required

Committee: Far North Coast County Council
Councillors: Youngblutt
Alternate:
Frequency: Monthly (3rd Thursday)
Place: Rotational
Duration: All day

Reports from Director Corporate Services

Committee: Flood Plain Management Committee
Councillors: ~~Beek~~, Boyd, Brinsmead, Marshall
Alternate:
Contact: John Henley
Staff: John Henley, Douglas Jardine, Mike Rayner
Others: Reps of DLAWC, DUAP, SES & Community reps as appropriate (P Reynolds, J Everingham, I Taylor (DLWC), T Flood (SES))
Frequency: As required (infrequent)
Place: Council

Committee: General Manager Review Committee
Councillors: Mayor, Deputy Mayor, Crs Carroll, Lawrie, Youngblutt, Beck, Luff
Alternate:
Contact: Mayor
Frequency: 6 monthly
Comment: *Committee of 7 with a quorum of 4*

Committee: Joint Tourism Committee
Councillors: Boyd, Marshall
Alternate:
Contact: Marilyn Smith
Staff: Marilyn Smith
Frequency: 10 am Monday (approx 2 monthly)
Place: Rotational
Duration: All Day
Comment: 20/10/99

Committee: Krekelberg Environment Reserve Management Committee
Councillors: James, Davidson
Alternate:
Contact: Stewart Brawley
Staff: Stewart Brawley
Others: Peter Krekelberg, Len Greer
Frequency: As required
Place: Pottsville Environment Park
Duration: 1 hr
Comment: *1 Delegate only as per legal agreement.*

Reports from Director Corporate Services

Committee: Lend Lease Development – The Anchorage
Councillors: Beck, Polglase, Marshall
Alternate:
Contact: Ian Carpenter
Staff: Ian Carpenter, Richard Adams, Stewart Brawley
Frequency: 3 monthly
Place: The Anchorage Tweed Heads
Duration: 2 hrs

Committee: Local Environmental Plan Advisory Committee
Councillors: Polglase, Beck, Boyd, Brinsmead, Marshall
Alternate:
Contact: Douglas Jardine
Staff: David Broyd, Douglas Jardine
Others: Bruce Graham, Trevor Stephenson, Col Brooks, Don Beck, Alan McIntosh, Athol Dobson, Mike Allen, Darren Gibson, Craig Venner, Tom Senti
Frequency: Third Tuesday of each month at 2.00pm
Place: Canvas & Kettle
Duration: 1 ½ hours
Comment: First mtg 30/1/2001

Committee: Local Traffic Committee
Councillors: Davidson
Alternate: Marshall
Contact: Paul Morgan
Staff: Paul Morgan (Chairman) Judith Finch, Ray Clark
Others: Mr Neville Newell, MP, State Member for Tweed, Mr Don Page, MP, State Member for Ballina, Police Representative and Mr Mike Baldwin, RTA Representative
Frequency: Monthly or as need arises
Place: Oxley Room
Duration: Approx. 2 hrs

Committee: Lot 490 Committee
Councillors: All Trustees
Alternate:
Contact: Ian Carpenter
Staff: Ian Carpenter, David Broyd
Others: *Representative from each of the following:* ~~Mr Tim Rabbige~~ (DLAWC), ~~Mr Satwant Calais~~ (Tourism NSW), Trevor Wilson (DSARD), Malcolm Emery (DUAP), Ian Norris (Probity Officer), Trustee(s) Tweed Shire Council, One Community Representative

Reports from Director Corporate Services

Committee: Murwillumbah Airfield Management Committee
Councillors: Beck, Boyd
Alternate: Youngblutt
Contact: Richard Adams
Staff: Richard Adams
Others: Mr Greyden, S Tapp (Tapp's Aviation), Mr. Brian Budd, Mr. J H Williams, Mr. Ken Zealey
Frequency: As need arises
Place: Murwillumbah Airfield

Committee: New Art Gallery Construction Committee
Councillors: Polglase, Boyd, Beck, Davidson and Youngblutt
Alternate:
Contact: MEH
Staff: Director Environment & Community Services, Manager Environment & Health
Others: Architect, a representative of the Friends of the Gallery, and the Art Gallery Director
Comment: New Committee 5/9/2001

Committee: Northern Rivers Catchment Management Board
Councillors: Boyd (Ministerial Appointment)
Alternate:
Contact: Cr Boyd
Staff: ~~Geoff Edwards~~
Others: ~~Gary Varga (Co-ordinator)~~
Frequency: ~~Quarterly~~
Place: Canvas & Kettle
Comment: Ratified 6/10

Committee: Northern Rivers Regional ~~Strategy Advisory~~ Management Committee
Councillors: ~~Boyd~~, Marshall (Delegate)
Alternate: *Boyd*
Staff: Douglas Jardine
Frequency: Bi monthly
Place: Rotational

Committee: Northern Rivers Regional Strategy/Tweed-Brunswick Valley Committee
Councillors: Marshall (Chair-appointed by DUAP)
Alternate:
Contact: Katrina Luckie
Staff: David Broyd

Reports from Director Corporate Services

Frequency: Monthly
Place: M'bah Civic Centre
Duration: 1-2 hrs

Committee: Northern Rivers Water Management Committee
Councillors:
Alternate: Boyd
Comment: Notified 26/9/01

Committee: Public Transport Committee
Councillors: Luff
Alternate: Marshall
Contact: Robin Spragg
Staff: Robin Spragg, Paul Morgan
Others: Stephanie Cooper (Public Trans Dev Proj), other transport industry reps & community reps
Frequency: Monthly 3.30 pm Tuesday
Place: Murwillumbah TAFE
Duration: 2-3 hrs

Committee: Recycling Review Committee
Councillors: Youngblutt
Alternate:
Contact: Ian Percy
Staff: Ian Percy, Geoff Edwards, Don Buckley
Others: Contracting representative
Frequency: As required
Place: Council
Duration: 2 hrs

Committee: Regional Companion Animals Committee
Councillors: Marshall (Chair)
Alternate:
Contact: Peter Ainsworth
Staff: Peter Ainsworth
Comment: 20/9/2000

Committee: Richmond-Tweed Regional Library Committee
Councillors: Boyd, Polglase
Alternate:
Contact: Geoff Edwards

Reports from Director Corporate Services

Staff: Don Buckley, Geoff Edwards
Frequency: 10 am 2nd Thursday (Feb, May, Aug, Nov)
Place: Rotational
Duration: 4 hrs

Committee: Rural Fire Service Liaison Committee
Councillors: James, Youngblutt
Alternate:
Comment: New Committee 20/6/2001

Committee: Southern Regional Organisation of Councils (SouthROC)
Councillors: Boyd, Marshall
Alternate: James
Contact: Ian Carpenter
Frequency: Thursday (monthly)
Place: Rotational (Tweed-Redlands)
Duration: 4 hrs

Committee: Sports Advisory Committee
Councillors: Boyd, Polglase, Youngblutt, Davidson
Alternate:
Contact: Stewart Brawley
Staff: Stewart Brawley, Don Buckley
Others: M Edwards, L Sharpe, K Brennan, P Moschogianis, R Brisby, G Kenny, A Walker, R Conlon
Frequency: 3rd Tuesday *bi*-monthly 5pm
Place: Alternates Tweed/ Buchanan Room

Committee: Strategic Planning Committee
Councillors: Committee of the Whole
Alternate:
Contact: Douglas Jardine
Staff: Douglas Jardine, staff from SPU
Frequency: 2nd Wed (monthly) 2.30pm
Comment: 1/12/99

Reports from Director Corporate Services

Committee: Tweed & Coolangatta Tourism Inc
Councillors: Polglase, Brinsmead, Boyd, Marshall (if Brinsmead not remaining)
Alternate:
Contact: Ian Carpenter
Frequency: Irregularly
Comment: *Two Council delegates as per agreement.*

Committee: Tweed Australia Day Committee
Councillors: Beck, ~~Youngblutt~~, Marshall
Alternate:
Contact: Brian Donaghy
Frequency: As required
Place: Council
Comment: *Don McDonald resigned.*

Committee: Tweed Bush Fire Management Committee
Councillors: Youngblutt
Alternate:
Others: Emergency Organisation reps
Frequency: Twice yearly (minimum)

Committee: Tweed Coastal Committee
Councillors: Boyd, Brinsmead, James, Marshall
Alternate:
Contact: Jane Lofthouse
Staff: John Henley, Stewart Brawley, Jane Lofthouse
Others: C Cormack (Waterways Auth), R James (Caldera), G Budd (EPA), T Rabbidge, R Hagley (Dept Land & Water Cons), L Tarvey (NPWS), N Newell (State Member), G Thorpe (Hastings Pt) J Harbison (P'ville), T Kane (Bogangar), E Griffiths (K'cliff), C Venner (TBLC)
Frequency: 2 monthly approx.
Place: Canvas & Kettle Restaurant
Duration: 2 hrs
Comment: Originally only 3 Councillors

Reports from Director Corporate Services

Committee: Tweed Dune Care Advisory Committee
Councillors: Boyd, James
Alternate:
Contact: Stewart Brawley
Staff: R Keevers, S Brawley, B Scott, K Bolton
Others: G Thorpe, F McLeod, J Kelly, B Scott, K McKenzie, R Glover, M Stewart, L Greer, C Lynch, P Langley, J Davidson, I Anderson
Frequency: Bi-monthly 5-7 pm
Place: Pottsville Environment Centre
Duration: 2 hrs

Committee: Tweed Economic Development Corporation
Councillors: Polglase, Marshall
Alternate:
Contact: Dr John Griffin
Others: Tweed Shire Town Centres Committee
Comment: Includes Tweed Shire Town Centres C'ttee

Committee: Tweed River Committee
Councillors: Boyd, Brinsmead, James, Marshall
Alternate:
Contact: Jane Lofthouse
Staff: John Henley, Graham Judge, Geoff Edwards, Jane Lofthouse
Others: C Comack (Waterways Auth) R James (Caldera) G Budd (EPA) T Rabbidge, R Hagley (DLWC), L Tarvey (NPWS), Bob Loring (NSW Fisheries), N Newell (State Member), A Blundell (T & J Blundell), R Quirk (TRAC & NSW Canegrowers Assn)
Frequency: 2 monthly approx
Place: Canvas & Kettle Restaurant
Duration: 3 hrs
Comment: (formerly Tweed River Management Plan Advisory Committee Renamed 8/8/01)
- Originally only 3 Councillors

Committee: Tweed River Regional Art Gallery Advisory Committee
Councillors: Beck, Boyd
Alternate:
Contact: Garry Corbett
Staff: Gary Corbett, Geoff Edwards
Others: M Anthony, D Francis, A King, R Stephens, R Watson, J Flett, J Sutton, A Schardin, B Connery, D Calrow
Frequency: Every 6 weeks approx
Place: Gallery
Duration: 2 hrs

Reports from Director Corporate Services

Committee: Tweed Shire Council Bush Fire Risk Management Implementation Committee
Councillors: James, Youngblutt
Alternate:
Staff: Stewart Brawley, Douglas Jardine, John Henley, Geoff Edwards, Brian Donaghy
Comment: Min 31 of 18/7/2001

Committee: Tweed Shire Council Consultative Committee
Councillors: Marshall
Alternate: Davidson
Contact: Joyce Lillyin
Staff: Joyce Lillyin, MEU Rep (2), Ruth Ormella, Edward Dickson, Greg James, Merv Bridger, Greg James, Gary McArthur, Steve Sharp, Bill Miller, DES, LGEA Rep, HBSA Rep
Frequency: 3rd Thursday of month
Place: Buchanan Room
Duration: 1-2 hrs

Committee: Tweed Shire Council *Disability* Access Committee
Councillors: Boyd, Marshall
Alternate:
Contact: Maggie Groff
Staff: Maggie Groff, Stewart Brawley, Ross Cameron, Ray Clark, Bob Missingham
Others: E Booth, B Chapman, U Cowdroy, R Douglas, P Frost, S Gamble, A Maglaras, G Martin, B McKennariey, A Fisher, J Needham, M O'Brien, S Pigram, S Pollit, S Zak, M Cooper, D Baker
Frequency: 3rd Thursday of month
Place: Tweed HACC Centre, Mbah Buchanan Room
Duration: 2 hrs
Comment: Requested that name include Disability as it can get mixed up.

Committee: Tweed Shire Council Mayor's Disaster Relief Fund
Councillors: Mayor, Deputy Mayor, Brinsmead
Alternate:
Contact: Mayor
Frequency: As required
Place: Council

Committee: Tweed Shire Council Occupational Health & Safety Committee
Councillors: Marshall
Alternate:
Contact: Geoff Hussey
Staff: R Harper, R Jones, T Dawson, N Hunt, I Dusi, B Alexander, R Norvill, R Missingham, S Brawley, Ian Carpenter

Reports from Director Corporate Services

Frequency: Monthly 2nd Wednesday each month
Place: Buchanan Room
Duration: 1 hr

Committee: Tweed Shire Local Emergency Committee
Councillors: ~~Beek~~, Polglase
Alternate: Marshall
Contact: Geoff Edwards
Staff: Geoff Edwards, Ian Percy
Others: Emergency Organisation representatives

Committee: Vegetation Management Plan Committee
Councillors: James, Youngblutt, Boyd
Alternate:
Contact: Graham Judge
Staff: Graham Judge, Douglas Jardine, Stewart Brawley
Others: Mr Brian Sandercock, Ms Barbara Stewart, Mr Gary Varga, Ms Rhonda James, Ms Kate McKenzie, Mr Robert Quirk, Mr Jim O'Brien, Mr Paul Bolster, Mr Paul Hopkins, Mr Peter Mason, Mr David Lovell, Mr Colin Brooks (Combined Rural Industries), Mr Mark Kingston (Ecograph), Ms Diane Mackay (National Parks & Wildlife Service), Mr Bruce Hungerford (DLAWC) and Mr David Hart (DLAWC).

Committee: Water & Wastewater Infrastructure Steering Committee – Kingscliff Wastewater Augmentation
Councillors: Boyd, Brinsmead, Davidson, ~~Beek~~, Polglase
Alternate:
Contact: John Henley
Staff: John Henley
Others: C Hennessy (DLWC), I Norris (DPW&S)
Frequency: As required
Place: Peter Border Room
Duration: 2-3 hrs
Comment: DLAWC Committee

COMMITTEES NO LONGER OPERATIONAL ARE:

Committee: Home & Community Care Centre Working Management Group
Councillors: Marshall
Alternate:
Contact: Maggie Groff
Staff: Maggie Groff

Reports from Director Corporate Services

Frequency: 3rd Tuesday of month 11 am (bi-monthly)
Place: HACC Centre
Duration: 1 hr
Comment: Not operational.

Committee: ILAP Advisory Committee
Councillors:
Alternate:
Contact: Douglas Jardine
Staff: John Griffin, David Broyd, Doug Jardine
Others: Members of the Public
Comment: Pending further report

Committee: Joint Council Border Gateway Committee
Councillors: Luff
Alternate:
Contact: Don McAllister
Staff: Don McAllister
Others: Cr Sue Robbins GCCC, Mr. R. Roylance TTSC, Mr. M Cotton, Mr. V. Faley, Mr. G. Bilton GCCC
Place: Board Room Twin Towns Services Club
Comment: Completed

Committee: Millennium & Centenary of Federation Advisory Committee
Councillors: Boyd, Marshall
Alternate:
Contact: Lesley Buckley
Others: Terry Cleal (Chairperson), Carmel Harris, Sandra Flannery, Mary Lee Connery, Ken McDonald, Vic Crowley
Comment: 3/11/99 reconstituted

Committee: Murwillumbah Design Advisory Committee
Councillors: Lawrie, Luff, Youngblutt
Alternate:
Contact: Brian Donaghy
Staff: Mike Rayner, David Broyd, Brian Donaghy, Don McAllister
Others: Carmel Harris (Main St Coord), Retail sector & community reps.
Comment: Completed

Reports from Director Corporate Services

Committee: New Tweed River Regional Art Gallery Committee
Councillors: Beck, Davidson, Boyd, Polglase
Alternate:
Contact: Geoff Edwards
Staff: John Griffin, Don Buckley, Geoff Edwards, Ann Schardin, Gary Corbett
Others: 1 Art Gallery Advisory Committee rep and 2 Friends of the Gallery reps
Frequency: As required
Place: Art Gallery
Duration: 1-2 hrs
Comment: New Committee 15/12/99

Committee: Tweed Games Committee
Councillors: Polglase
Alternate:
Contact: Stewart Brawley
Staff: Marilyn Smith, Stewart Brawley
Others: P Moschogianis, R Quirk, R Pettyfor, R Brisby, K Baldwin, D Black
Comment: 17/11/99 - Defunct

Reports from Director Corporate Services

7. ORIGIN: Administration Services Unit

FILE REF: Pecuniary Interest

REPORT TITLE:

Pecuniary Interest Ordinary Returns and Register

SUMMARY OF REPORT:

Sections 449 and 450A of the Local Government Act requires the General Manager to obtain returns disclosing interest of Councillors and designated persons and to table these returns at the first meeting held after the last date for lodgement (being 30 September 2001). Ordinary returns completed under this section relate to the period 1 July 2000 to 30 June 2001.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

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

Section 450(a)(2) requires the General Manager to table the returns at the first meeting of Council held after the last day for lodgement of the returns, the date being 30 September 2001.

The returns relate to the period 1 July 2000 to 30 June 2001.

Reports from Director Corporate Services

8. ORIGIN: Director

FILE REF: TACTIC

REPORT TITLE:

Tweed and Coolangatta Tourism Inc. (TACTIC) Monthly Performance Report - August 2001

SUMMARY OF REPORT:

Tweed and Coolangatta Tourism Inc (TACTIC) monthly performance report for August 2001 is provided in accord with the Agreement in criteria in Clause 5.1.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

The agreement between Council and TACTIC requires the organisation to report on a monthly basis its performance in accord with a number of specific requirements as detailed in Clause 5.1. The details are provided for the month of August 2001.

5.1.1 The number and category of financial members of TACTIC:

	June 2001	July 2001	August 2001
Gold Members	4	As membership renewals were sent out during July, the number of members who will renew is not able to be determined.	2 (including 9 businesses)
Ordinary Members	136		96
Service Members	22		14
Total	162		110

5.1.2 The visitor numbers to the World Heritage Rainforest Centre and the Tweed Heads Tourism Centre:

	June 2001	July 2001	August 2001
World Heritage Rainforest Centre	1970 (including 185 from bus groups)	2956 (including 247 from bus groups)	2723 (including 434 from bus groups)
Tweed Heads Visitors Centre	731	891	999
Total	2701	3847	3722

Currently the two centres are undertaking surveys on the type of enquiries received:

World Heritage Rainforest Centre Tweed Heads Tourist Information Centre

Type of Enquiry	No of Enquiries	%	Variance from June	Type of Enquiry	No of Enquiries	%	Variance from June
Tourism	926	71	+1%	Tourism	394	65	+1%
National Parks	182	14	+1%	National Parks	56	9	+18%
Street Directions	99	8	+1%	Street Directions	80	13	+2%
Bus Timetables	14	1	+2%	Bus Timetables	5	1	-7%
Other	81	6	-1%	Other	72	12	+1%

Reports from Director Corporate Services

5.1.3 The provision by TACTIC to Council of updates on current programs conducted by TACTIC:

Internet Site

The new website is operational with TACTIC staff collecting data from members. Currently awaiting the delivery of a scanner and the installation of a File Transfer Program to load images onto the site. This should be completed mid September. Two staff members have been trained in the maintenance of the site.

Review of operations of the tourist Information Centre

Staff and Volunteers

- A familiarisation program is in place whereby volunteers will visit at least one TACTIC member per month to further product knowledge. During August TACTIC staff and volunteers did famils with Interval Holiday Tours and Tropical Fruit World.
- A restructure of the staff is being undertaken with updated job descriptions being completed and a review of management and accounting practices underway.

Strategic Marketing Plan

- The next TACTIC Marketing Meeting will be held in late September.
- The TACTIC Marketing Committee is in the preliminary stages of implementing a TV campaign.

Networking

- The next TACTIC Networking Evening was held on 20 September at Café Portofino, Hastings Point with a brief Product Profiles to be given by members, and an update on industry issues.

Group Bookings

- TACTIC is the nominated booking agent for the Murwillumbah High School Reunion to be held in the Tweed – Coolangatta area in January 2002.

Central Reservations System (CRS)

- The new TACTIC website will allow on-line bookings and payments to be made and will supersede the CRS.

5.1.4 The comparison between quarterly profit and loss statement and the budget:

See attached Profit and Loss Statement for August 2001.

5.1.5 The provision by TACTIC to Council of a monthly bank reconciliation:

See attached reconciliation statement for August 2001.

5.1.6 The level of involvement by TACTIC in Australian Tourism Exhibition Trade Shows:

International Marketing

- The next Australian Tourism Exchange (ATE) trade event will be held mid 2002.

Reports from Director Corporate Services

5.1.7 The provision by TACTIC to Council of details of promotional activities conducted by TACTIC (further to 5.1.3):

TACTIC Marketing Committee

- The next TACTIC Marketing Committee meeting is to be held late September.

Shopping Centre Promotions

- The next Shopping Centre Promotion is to be held on Thursday, 20 December at Tweed City Shopping Centre as a "Holiday at Home" promotion.
- TACTIC staff and volunteers manned a stall at the Tweed Valley Banana Festival on Saturday, 1 September.

Advertising

- Advertising will be placed in the November/December issue of the NRMA Open Road.

Domestic Marketing

- TACTIC was the project co-ordinator for the Domestic Tourism Education (DTE) in Sydney from 29 – 31 July. The Tourism Manager represented 10 products from the Northern Rivers Region with the majority being TACTIC members. The event was highly successful with over 200 travel agents from across Australia participating. Tourism Operators are able to follow up the travel agents with their own marketing initiatives during the year.

Consumer Travel Shows

- No consumer travel shows are not scheduled to begin again until 2002.

Familiarisations

- Channel Nine filmed a segment for Saturday extra on Murwillumbah including the surrounding villages as a weekend getaway for families.

5.1.8 The amount of retails sales:

June 2001	July 2001	August 2001
\$1,613.39	\$2,743.09	\$2,455.17

The amount of commission income from goods on consignment - \$195.97

Reports from Director Corporate Services

5.1.9 The number and value of the booking system growth:

	June 2001	July 2001	August 2001
Number	45	78	59
Accommodation bookings	\$5,666.40	\$12,213.00	\$4,630.00
Tours	\$1,778.40	\$3,193.10	\$3,276.00
Commission	\$827.20	\$1,959.90	\$1,034.00
Total	\$8,272.00	\$17,366.00	\$8,940.00

(NB: Accommodation and tour bookings totals do not include commission amounts)

5.1.10 Minutes of the Tweed and Coolangatta Tourism Incorporated meeting held 23 August 2001 are attached.

Present: Lee Eyre, James McKenzie, Shane Marshall, Phil Taylor and Melinda Yates.

Apologies: Cr Warren Polglase and Barrie Briggs.

Reports from Director Corporate Services

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Reports from Director Engineering Services

9. **ORIGIN:** Water Unit

FILE REF: Water - Capital Works - Dams

REPORT TITLE:

Destratification of Clarrie Hall Dam

SUMMARY OF REPORT:

Due to the deterioration of water quality, as a result of regular stratification at Clarrie Hall Dam the Department of Public Works & Services were engaged to investigate and report on possible solutions. The report concluded that a destratification unit be installed. It is now proposed that Council call tenders for the supply and installation of a suitable unit and that funding for same be derived from the Water Fund Capital Contribution Reserve.

RECOMMENDATION:

That tenders be called for the supply and installation of a destratification unit for Clarrie Hall Dam.

Reports from Director Engineering Services

REPORT:

Council engaged the NSW Department of Public Works and Services to undertake an investigation into the possible solutions for the deterioration in water quality at Clarrie Hall Dam due to thermal stratification, dam turnover and blue green algal blooms. The report has concluded that the most suitable option is for the installation of a destratification unit. This would take the form of a mechanical mixer and draft tube which draws water from the surface of the dam and transfers it to a lower level. The mixer has the effect of minimising the dissolved oxygen and temperature differences between the surface and bottom water level. These units have been in operation in other dams and provide a solution to water quality problems however there are no guarantees to their effectiveness in the control of blue green algae. What has been noted however is that wherever these units have been installed there have been significant reductions in algal bloom outbreaks.

Currently only the top 2-3 metres of water within the Dam storage is generally of good quality. Due to stratification, the water below this depth is of poorer quality. Mechanical destratification will improve the water quality throughout the Dam with a resultant significant increase in effective yield for water supply. In addition, the regular "turnover" that occurs in winter should be eliminated with resulting improvements in aesthetics and the health of the water body.

It is proposed that Council calls tenders for the supply and installation of a destratification unit. The current estimate for the project is \$150,000. Funds are available from the Water Fund Capital Contribution Reserve and can be voted at the time of acceptance of the preferred tenderer.

Reports from Director Engineering Services

10. ORIGIN: Water Unit

FILE REF: Sewerage - Uki - Augmentation Stage 1

REPORT TITLE:

Uki Sewerage Scheme Revised Financial Assistance Offer

SUMMARY OF REPORT:

Council previously accepted an offer of financial assistance for the Uki Sewerage Scheme from the Minister for Agriculture and Land & Water Conservation of 71% based on an estimate for the scheme of \$2,700,000. Following an increase to the estimate for the scheme the Minister has revised his offer to 71% of \$3,565,000. Subject to some minor qualifications it is proposed that the offer be accepted.

RECOMMENDATION:

That Council accepts the Minister's offer of assistance for the Uki Sewerage Scheme in accordance with the conditions of offer and subject to minor qualifications detailed in this report.

Reports from Director Engineering Services

REPORT:

Council previously accepted an offer of financial assistance for the Uki Sewerage Scheme from the Minister for Agriculture and Land & Water Conservation of 71% based on an estimate for the scheme of \$2,700,000. Following an increase to the estimate for the scheme the Minister has revised his offer to 71% of \$3,565,000. Subject to some minor qualifications it is proposed that the offer be accepted.

The offer advises that the method of procurement will be by design and construction. The Department has previously advised that the reticulation network will be procured by construct only. Council has already completed the detailed design. The offer also advises that to date contributions received by Council amounts to \$1,917,000. This amount is the previous quantum of the Minister's offer based on 71% of \$2,700,000 and not the amount received to date.

Work completed to date includes the access road, bridge and 10 megalitre effluent storage dam for the Sewage Treatment Plant. As previously stated Council officers have completed the detailed design of the reticulation network.

The current program proposes that tenders be called for the design and construction of the Sewage Treatment Plant and the construction of the reticulation network in October 2001 with construction commencing in February/March 2002. It is proposed that the scheme be operational in December 2002.

Reports from Director Engineering Services

11. ORIGIN: Planning & Design Unit

FILE REF: GS4/97/94 Pt3

REPORT TITLE:

Classification of Land as Operational - Greenview Developments Pty Ltd Subdivision at Walmsley Road, Bilambil Heights

SUMMARY OF REPORT:

Greenview Developments Pty Ltd, the developers of a subdivision adjacent to Walmsley Road, Bilambil Heights, propose to transfer land to Council which contains a Sewage Pumping Station, as a Pumping Station.

The proposed Lot 32 should be classified as Operational under the provisions of Section 31 of the Local Government Act, 1993.

RECOMMENDATION:

That the land proposed to be transferred to Council as a Pumping Station, described as proposed Lot 32 in the subdivision of Lots 1 & 2 in DP 537490 be classified as Operational under Section 31 of the Local Government Act, 1993.

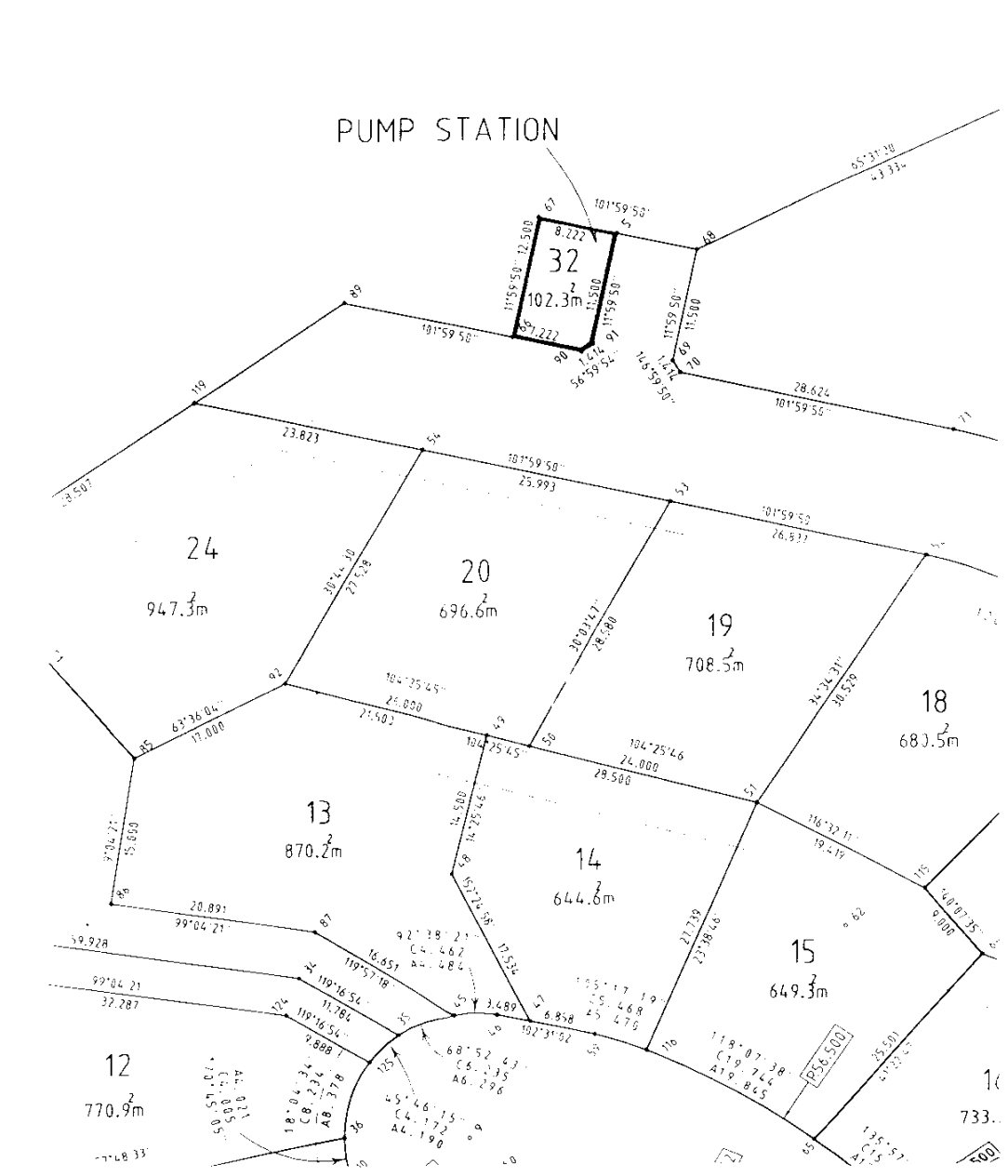
Reports from Director Engineering Services

REPORT:

Greenview Developments Pty Ltd, the developers of a subdivision adjacent to Walmsley Road, Bilambil Heights, propose to transfer land to Council which contains a Sewage Pumping Station, as a Pumping Station.

The proposed Lot 32 should be classified as Operational under the provisions of Section 31 of the Local Government Act, 1993.

A copy of the relevant part of the proposed plan follows:-



Reports from Director Engineering Services

12. ORIGIN: Planning & Design Unit

FILE REF: GT1/S94/4 Pt4

REPORT TITLE:

Tweed Road Contribution Plan Amendments, SEPP5 and Fast Food Outlets

SUMMARY OF REPORT:

It is proposed to add trip generation rates for housing of older people or people with a disability (SEPP5) and rates for fast food outlets to the trip generation table of the Tweed Roads Contribution Plan (TRCP).

Draft version 4.4 of the TRCP has been prepared to implement the changes. The draft plan has been exhibited and no submissions have been received. It is proposed to adopt the draft plan as exhibited.

RECOMMENDATION:

That Council, in accordance with clause 31 of the Environmental Planning and Assessment Regulation 2000, approves the draft Tweed Road Contributions Plan (Contributions Plan No 4 - Version 4.4) in the form it was publicly exhibited.

Reports from Director Engineering Services

REPORT:

1. BACKGROUND

The current version of Tweed Road Contribution Plan No 4 - *Version 4.3* was adopted by Council to include intersections at Kings Beach as local works and was adopted by Council on 20-9-2000 taking effect on 3-10-2000.

The Section 94A Direction that prohibited Councils from levying Section 94 contributions on State Environmental Planning Policy No. 5 (SEPP 5) - Housing for Aged or Disabled Persons was repealed on 3 May, 2001, enabling councils to levy Section 94 contributions for SEPP 5 developments. In conjunction with the repeal, the Department of Urban Affairs and Planning has released guidelines regarding the levying of contributions on housing for the aged and disabled, particularly in relation to the anticipated development creating a need for a particular public facility. These guidelines emphasise the nexus that is required between the new development and the need/demand for public services. In the TRCP the demand is based on the expected number of trips that will be generated from a development.

At present the TRCP contains a trip generation rate for conventional restaurants, but, there is no rate for the popular fast food (mostly chain/franchise) outlets that are characterised by: generic menus; quick turnover; high proportion of takeaway; and drive through capability. The proposed amendment will add a trip generation rate for this class of development.

2. PROPOSED SEPP5 GENERATION TRIP RATES

State Environmental Planning Policy No.5 (SEPP5) defines "*housing for older people or people with disabilities*" as "*means residential accommodation which is or is intended to be used permanently as housing for the accommodation of older people or people with a disability which may consist of a residential care facility, a hostel or a grouping of 2 or more self-contained dwellings, or a combination of these, but does not include a hospital.*"

The above refers to three types of development:- 1 - Residential care facility:- 2 hostel and:- 3 self contained dwelling. These are further defined in SEPP5 as:-

“residential care facility” means accommodation for older people that includes:

- (a) meals and cleaning services, and*
- (b) personal care or nursing care, or both, and*
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care, not being a dwelling, hospital or psychiatric facility.*

“hostel” means residential accommodation housing older people or people with a disability where cooking and dining, laundering, cleaning and other facilities are provided on a shared basis and where a person having nursing or social work experience or other similar experience provides services.

“self-contained dwelling” means a dwelling or part of a building, whether attached to another dwelling or not, housing older people or people with a disability, where private facilities for

Reports from Director Engineering Services

cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part may be provided on a shared basis.”

It is generally conceded that due to the age and retired characteristics of residents that SEPP5 development will have a lower trip generation rate than conventional housing or unit development. It is also conceded that where community/recreational facilities are provided on site that this will further reduce trip generation off the site.

Table 7.1 of the TRCP currently has the following trip generation rates for residential development:-

No	Landuse	Daily Trip Rate	Unit per
1	Detached Housing	6.5	Household
2	Unit Development	3.9	Unit

Given the demographic characteristics of SEPP5 development residents and the optional availability of onsite community facilities, the following concessional trip generation rates are proposed:-

No	Landuse	Daily trip rate	Unit per
2.1a	Residential care facility	2	Occupant
2.1b	Hostel	2	Occupant
2.1c	Self contained dwelling with onsite community facilities (community meeting rooms, recreation/sports facilities, library/reading rooms etc)	2.5	Dwelling
2.1d	Self contained dwelling, No onsite community facilities (apart from communal laundry, washing)	3	Dwelling

3. PROPOSED FAST FOOD OUTLET TRIP GENERATION RATES

Table 7.1 of the TRCP currently has the following trip generation rate for restaurants:-

Reports from Director Engineering Services

No	Landuse	Daily Trip Rate	Unit per
23	Restaurant	60	100m ² GLA

A denotes area of floor space in m² Gross Lease Area (GLA)

There is currently no specific rate for popular fast food (mostly chain/franchise) outlets that are characterised by: generic menus; quick turnover; high proportion of takeaway; and drive through capability. The proposed trip generation rate for these fast food outlets (based on local traffic reports and RTA information) to be inserted into Table 7.1 is:-

No	Landuse	Daily trip rate	Unit per
23.1	Fast food outlet with associated drive through capability	200	100m ² GL A

Table 7.2 of the TRCP provides “Modification Factors” which make an allowance (deduction) for shared purpose journeys. The TRCP currently provides a modification factor of 0.8 for “Fast Food not included in shops”. It is proposed to replace this modification factor, to bring it into line with RTA experience, proposed rates are shaded, rates to be deleted are in strike through:-

Table 7.2 Modification Factors for Specific Land Uses

Category of Land Use
Contribution Modification

~~Fast Food not included in Shops~~
~~0.8~~

Fast food outlet with drive through facility
0.65

4. DRAFT VERSION 4.4 AMENDMENTS TO SECTION 94 CONTRIBUTION PLAN NO. 4 - TWEED ROAD CONTRIBUTION PLAN

The following amendments were included in draft version 4.4 of the plan.

- (a) Amend Table 7.1 - Trip Generation Rates by Land Use by inserting the following:-

Reports from Director Engineering Services

No	Landuse	Daily trip rate	Unit
2.1	Housing for older people or people with disabilities (SEPP5)		
a	Residential care facility	2	Occupant
b	Hostel	2	Occupant
c	Self contained dwelling with onsite community facilities (community meeting rooms, recreation/sports facilities, library/reading rooms etc)	2.5	Dwelling
d	Self contained dwelling, No onsite community facilities (apart from communal laundry, washing)	3	Dwelling
23.1	Fast food outlet with associated drive through capability	200	100m2GL A

- (b) Amend Table 7.2 - Modification Factors, by deleting the following struck through item and adding the following shaded item:-

TABLE 7.2 MODIFICATION FACTORS FOR SPECIFIC LAND USES

<i>Category of Land Use</i>	<i>Contribution Modification</i>
-----------------------------	----------------------------------

~~Fast Food not included in Shops~~

~~0.8~~

Fast food outlet with drive through facility

0.65

- (c) Amend “CONTRIBUTION PLAN No 4 VERSIONS/EDITIONS” by adding:-

“Version 4.4 amends the trip generation rates table by the addition of rates for SEPP5 development and fast food outlets.”

Reports from Director Engineering Services

5. PUBLIC EXHIBITION AND ADOPTION OF PLAN

Draft version 4.4 of the plan was publicly exhibited for 28 days commencing 14 August 2001. No submissions or objections have been received. It is proposed that version 4.4 be adopted without further amendment.

Reports from Director Environment & Community Services

13. ORIGIN: Recreation Services Unit

FILE REF: Sports Advisory Committee

REPORT TITLE:

Sports Advisory Committee

SUMMARY OF REPORT:

The Tweed Shire Sports Advisory Committee consists of the Director Environment and Community Services, Manager Recreation Services, four Councillors and eight community members. The community members have a term on the Committee of two years, which expired on 30 September 2001. Subsequently, it is recommended that Council calls for nominations for eight community representatives to the Sports Advisory Committee.

RECOMMENDATION:

That Council calls for nominations for the eight community representatives on the Sports Advisory Committee.

Reports from Director Environment & Community Services

REPORT:

AS PER SUMMARY

Reports from Director Environment & Community Services

14. ORIGIN: Environment & Health Services Unit

FILE REF: Public Toilets

REPORT TITLE:

Works Program for Toilet Block Construction Purposes

SUMMARY OF REPORT:

Council has provided funds in the current budget of \$200,000 for provision of new toilets and upgrading to others.

It is considered the priority list as set out below should be adopted.

RECOMMENDATION:

That Council:-

1. Adopts the priority list for new toilets as set out below:-
 - Opposite Waugh Street, Chinderah
 - Fingal Beach
 - Riverside Drive, Tumbulgum
 - Lizzio Park, Condong
2. Waives headworks contribution charges for all public toilet blocks.

Reports from Director Environment & Community Services

REPORT:

Council will recall that a workshop was recently held concerning the funding provided in the budget for construction of new toilets and upgrading existing ones.

Council has already resolved to carry out the following works and action is well advanced to obtain all necessary approvals to complete these works.

“...that:-

1. Council adopts the following construction works program for public toilets:
 - *Hastings Point refurbishment*
 - *Cudgen Headland toilet service provision*
 - *Pioneer Park toilets sewer connection*
 - *Boyds Bay Boat Hire & Tweed Heads Rowing Club sewer connection*
 - *Knox Park, Murwillumbah Community Centre toilet replacement*

From the workshop the following new toilet block locations were proposed:

- Chinderah near the boat ramp opposite Waugh Street

This is considered a suitable location due to the extensive use of the park by tourists. Also, because of the boat ramp, such an amenity qualifies for \$ for \$ funds from a current Waterway capital grant program and due to the need to meet a closing date such an application has been made.

To further promote this proposal it is considered that the relevant community groups be contacted to allow their input into this proposal.

- Tumbulgum along the foreshore Riverside Drive

This is considered to be a suitable location because of tourist demand especially on weekends. Also due to the proximity of the boat ramp such a block qualifies for \$ for \$ funds from a Waterways capital grant program and due to the requirement to meet the closing date, an application has been made. Further, to ensure a suitable location is chosen, it is felt that the relevant community group should be involved in the site location.

- Condong near the boat ramp in Lizzio Park

While this area does not attract the number of users as the other two sites, it is considered its provision will increase the usage of the boat ramp. It is also identified as the site for such a facility in the Tweed River Management Plan and like the above two locations is eligible for \$ for \$ funding with such an application having been submitted. To ensure the correct location it is considered that the relevant community group be consulted.

In relation to existing toilets, a major proposal for Fingal was to demolish the old existing block on the beachfront near the surf club and convert the existing showers in the kiosk building to toilets.

Reports from Director Environment & Community Services

New outside showers would be provided. This proposal also involved the removal of the disused shark tower and the relocation of the memorial plaque attached thereto to a more suitable location.

This proposal is supported and should be fully explored with the various community groups.

The provision of new toilets for Mooball will be developed in conjunction with “main street” concepts being produced with the local community group and options for Stokers Siding will similarly be explored.

Depending on available funds, upgrading will also be undertaken with the older toilet blocks with encouragement being given to Phantast for more external mural works.

Council is also advised that headworks charges will also apply to these new works thus significantly increasing the cost. As they are community facilities, it is considered justifiable that such charges be waived. Accordingly, it is recommended that no headworks charges apply to public toilet blocks.

Reports from Director Environment & Community Services

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15. ORIGIN: Recreation Services Unit

FILE REF: Les Burger Field

REPORT TITLE:

Crown Land Licence - Les Burger Field Skate Facility

SUMMARY OF REPORT:

At its meeting held 13 June 2001, Council considered a report outlining the actions required of Council by the Department of Land and Water Conservation (DLWC) in order to obtain consent to occupy a portion of R40253 Crown Land adjoining Les Burger Fields, Cabarita) for the purpose of building a skate facility. DLWC has subsequently forwarded a licence by letter and Deed of Indemnity to be signed under the Common Seal of Council.

RECOMMENDATION:

That Council accepts the licence by letter over part of Lot 518 DP 729387 for construction, use and maintenance of a skate facility to be executed under the Common Seal of Council.

Reports from Director Environment & Community Services

REPORT:

At its meeting held 13 June 2001, Council considered a report, part of which related to actions required of Council by the Department of Land and Water Conservation (DLWC) to obtain consent to occupy a portion of R40253 for the purpose of constructing a skate facility.

In summary, the report noted that Council had been issued with a temporary licence over a portion of R40253 (Area A on map) for the purpose of "*maintenance and access to Les Burger Fields*". This area is also the site of the proposed skate facility. DLWC officers indicated the licence did not allow for construction of a skate facility. However, they would amend the licence should Council provide procedural rights under the Native Titles Act 1993. This involved notifying the Native Title Representative Body of the proposal, providing a reasonable opportunity for comment.

Council has subsequently discharged its notification requirements under the Native Title Act 1993. This information was forwarded to DLWC requesting the licence for R40253 be amended to include allowance for construction of a skate facility.

DLWC has forwarded a licence by letter allowing for construction of a skate facility and a Deed of Indemnity to be signed under the Common Seal of Council.

Reports from Director Environment & Community Services



Crown Reserve, Les Burger Fields and Round Mountain Reserve

Figure 1



Reports from Director Environment & Community Services

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Reports from Director Environment & Community Services

16. ORIGIN: Recreation Services Unit

FILE REF: Parks - Naming

REPORT TITLE:

Naming of Area Fronting Murwillumbah Civic and Cultural Centre "*Remembrance Place*"

SUMMARY OF REPORT:

At its meeting held 1 August 2001, Council resolved to call for comments regarding the naming of the grassed area fronting Murwillumbah Civic Centre "*Remembrance Place*". At the close of comments, no submissions were received.

RECOMMENDATION:

That Council names the grassed area fronting the Murwillumbah Civic Centre "*Remembrance Place*" and erects suitable signage and liaises with the Returned and Services League of Australia Murwillumbah Sub-Branch regarding a suitable function for naming the Place.

Reports from Director Environment & Community Services

REPORT:

As per Summary.

Reports from Director Environment & Community Services

17. ORIGIN: Environment & Health Services Unit

FILE REF: Companion Animals

REPORT TITLE:

Dog Off Leash Exercise Areas

SUMMARY OF REPORT:

At the Council meeting of 1 August 2001 it was resolved that Council seek public comment on certain proposed changes to the dog off leash exercise areas on beaches.

Council received 10 letters supporting the proposed changes, or extensions to the existing areas.

However, Council received 28 letters opposed to any extension, 48 opposed to dogs on South Fingal Beach and 132 letters opposed to dogs on beaches in general.

As the overwhelming response was one of objection, officers recommended that no amendment be made to the current dog off leash areas on beaches.

RECOMMENDATION:

That the existing dog off leash areas on beaches not be altered.

Reports from Director Environment & Community Services

REPORT:

At the Council meeting of 1 August 2001 it was resolved that council seek public comment on certain proposed changes to the dog off leash exercise areas on beaches. The following proposals were advertised for twenty-eight (28) days:

- South Fingal/Kingscliff Beach – move the northern limit of the exercise area north to the quarry access road, or alternatively move the northern limit to the access walkway from Dune Street, or leave the northern limit as currently located.
- South Fingal/Kingscliff Beach – move the southern limit south to the north side of the North Kingscliff Caravan Park, or, alternatively leave the southern limit in the current position.
- Letitia Spit/North Fingal Beach – create an off leash area which extends from the cemetery in the south to the Tweed River Rock Wall in the north.

With respect to the proposed variations Council is advised that the current off leash areas on the respective beaches are 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.
- Letitia Spit/North Fingal Beach – nil off leash area currently.

Council received 10 letters supporting the proposed changes, or extensions to the existing off leash areas.

However, Council received 28 letters opposed to any extension, 48 opposed to dogs on South Fingal Beach and 132 letters opposed to dogs on beaches in general.

Council has the task of establishing a balance between use of beaches by dog owners and non-dog owners. Whilst no major complaints or incidents have been received to date due to the establishment of off leash areas on beaches, the overwhelming response to the public advertisement was one of objection. Therefore officers recommended that no amendment be made to the current dog off leash areas on beaches.

Reports from Committees/Working Groups

1. Minutes of the Tweed River Management Planning and Advisory Committee Meeting held Wednesday 8 August 2001

File Ref: River Management

VENUE:

Canvas & Kettle Restaurant, Murwillumbah Civic Centre

TIME:

9.30am.

PRESENT:

Cr W Marshall (Chair), Cr M Boyd, C Cormack (Waterways Authority); Ms R James (Caldera Environment Centre); R Hagley (Department of Land and Water Conservation); J Henley, G Edwards, G Judge, H Tunks (Tweed Shire Council).

APOLOGIES:

L Tarvey (National Parks and Wildlife Service); N Newell (State Member for Tweed); T Rabbidge (Department of Land and Water Conservation); B Loring (NSW Fisheries); Cr H James (Tweed Shire Council); R Quirk (Tweed River Advisory Committee & NSW Cane Growers' Association).

INFORMAL:

J Green, Acting Regional Manager (Waterways Authority)

MINUTES OF PREVIOUS MEETING:

Moved: Cr Boyd

Seconded: R Hagley

RESOLVED that the Minutes of Meeting held 6/6/01 and 4/7/01 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

7. Waterways Asset Development And Maintenance Program (WADAMP)

Boating

J Henley proposed that the Committee confirm support in principle for part-funding of the Heritage Jetty at Nicholl Park, Murwillumbah in the event of a successful application for a WADAMP \$ for \$ funding grant.

Moved: J Henley

Seconded: Cr Boyd

Reports from Committees/Working Groups

RESOLVED that the Tweed River Management Planning and Advisory Committee of Council supports in principle part-funding of the Heritage Jetty at Nicholl Park, Murwillumbah in the event of a successful application for a WADAMP \$ for \$ funding grant.

1. "No Discharge Zone" - recommendation to NSW Government

Boating

J Henley advised that at the Meeting of 13 June 2001, Council resolved to request the NSW Government to declare the tidal waters of the Tweed River and its tributaries a "No Discharge Zone" as per Action 2 outlined in the document "Sewage pollution from Vessels" produced by the Waterways Authority.

Discussion on the practicalities of the use of pump-out facilities on the Tweed River as some reports of difficulties. Sand build up at pump-out facilities suggested as a possible problem. C Cormack advised that boat handling skills are most likely the real issue, and fittings and connection equipment are universal for all boats.

J Green provided an update on the sewage issue, confirming that the Waterways Authority will be the Appropriate Regulatory Authority, allowing WWA officers to be authorised to issue penalties. J Green advised that a letter will be forthcoming to confirm.

3. Commercial Boat Operation on the Tweed Estuary

Boating, Regulatory Signs

J Henley advised that at the Meeting of 13 June 2001, Council resolved to authorise and erect signs at public wharves consistent with the Waterways Authority regulation to the effect that "vessels are not to be left unattended" and "vessels may tie-up for up to one hour only".

4. Structures on Waterways

Boating, pontoons

J Henley advised that Council resolved at the meeting of 13 June 2001 that all future development application for structures encroaching into Tweed Shire Waterways (excluding canals) be forwarded to TRMPAC for comment.

5. Bird Monitoring Reports

Estuary Management

Following completion of the bird monitoring reports in October 2001, David Rohweder of Sandpiper Ecological Surveys has been contacted and agree to prepare a summary of the bird monitoring reports. A fee proposal is forthcoming, and it is expected a summary will be presented to Council in February 2002, with recommendation for works to be undertaken.

Reports from Committees/Working Groups

AGENDA ITEMS:

1. Correspondence Inwards

Estuary Management

The members of the Committee have been invited to attend a Local Government Workshop focussing on updating Local Government staff, Councillors and State Agencies on the progress being made by the Northern Rivers Catchment Management Board (NRCMB). The workshop is to be held from 9.00am – 1.00pm on Wednesday 15 August 2001 at Invercauld House, Goonellabah.

R James advised that Tweed Shire Council representation is vital. J Henley, G Judge, G Edwards confirmed their attendance at the workshop.

2. Correspondence Outwards – Recreational Waterway Use Policy

Boating

H Tunks advised correspondence has been forwarded to the Waterways Authority seeking the development of a recreational waterway use policy by the Waterways Authority, and offering assistance in the form of background studies.

J Green confirmed receipt of the correspondence and advised that a letter will be forthcoming to inform of progress in this regard.

3. Correspondence Outwards – Tweed River Entrance Sand Bypassing Project

Estuary Management

H Tunks advised correspondence has been forwarded to the TRESBP advising of the adoption of the Environmental Management Plan – Operations Sub-plan B.16 by the Committee at the meeting of 6 June 2001.

4. Change of Name for TRMPAC

Estuary Management

J Henley advised that a change of name for the committee is needed to increase community identification and recognition of the work of the committee. Discussion on the proposed name of “Tweed River Committee”.

R Hagley initiated discussion on the structure of the committee. General agreement that structure remain unchanged. Discussion on the original Terms of Reference (copy provided with Agenda). General agreement to change the Long Term Objective to enable the committee to focus on the whole of the Tweed River and tributaries, and not just the tidal sections.

Moved: J Henley
Seconded: R Hagley

Reports from Committees/Working Groups

RESOLVED that the name of the *Tweed River Management Plan Advisory Committee* be changed to the *Tweed River Committee*. The Long Term Objective, as adopted within the original Terms of Reference by the Committee at its meeting on 2 December 1992, is to be amended to read as follows:-

“To assist Tweed Shire council in developing and implementing River Management Plans to ensure the future health of the whole of the Tweed River, and tributaries.”

Cr Marshall advised that a Special Meeting of the Tweed River Committee is to be held to consider the recommendations of the Review report prepared by Mike Geary. Agreement on the Special meeting to be 9.30am on 12 September 2001 in the Canvas & Kettle Restaurant, Murwillumbah Civic Centre.

RECOMMENDATION:

That Council ratifies the resolution of the Committee that the name of the *Tweed River Management and Planning Advisory Committee* be changed to the *Tweed River Committee*.

5. Review of Activities to Date (2000-2001)

Estuary Management

The Committee discussed the revised Draft 2000/2001 Program in view of the reduced allocation of funds:

1. Project Coordination & Implementation	\$55,000
2. Riparian Vegetation Rehabilitation - continue revegetation projects in estuarine riparian zone	\$60,000
3. Stormwater Quality Management Plan Implementation - assistance for installation of stormwater quality improvement devices including artificial constructed wetlands	\$5,000
4. Seagrass, Mangrove and Saltmarsh Distribution - update mapping and assess changes in distribution	\$5,000
5. Waterway Recreation Study and Management Plan - assess impact of recreational activities on estuary health and sensitive habitat areas to recommend actions and strategies in conjunction with Waterways Authority	\$5,000
6. Education/Information Distribution - dissemination of information and community education/consultation	\$20,000
TOTAL	\$150,000

Reports from Committees/Working Groups

J Henley advised that further changes are expected after the Special Meeting on 12 September 2001. Discussion on current issues relating to river management. Cr Boyd discussed problems above weir including riverbank erosion and stated that revegetation and stock access restriction through landowners' cooperation should have a high priority in the Program. Discussion on current situation on negotiation with particular landowners. R Hagley advised that Rob Learmonth of the Northern Rivers Water Management Committee (NRWMC) has had some success approaching landowners. A joint effort between Council and the NRWMC will be continuing and J Henley will keep the Committee updated.

G Edwards initiated discussion on the merits of including birdnesting project in the program, suggesting a joint venture with the local schools. Discussion on the targeted species such as kingfisher, wood duck, water birds. G Edwards will bring a project outline to the next meeting. Cr Marshall will gather feedback from local groups.

Brief discussion on osprey situation and results of liaison with cane industry.

Brief discussion initiated by G Judge on the successful program at Koala Beach bridge with bat boxes – an opportunity to extend this program will be outlined by Graham at the next meeting.

Moved: J Henley
Seconded: Cr Marshall

RESOLVED that the revised Draft 2000/2001 Program be adopted in view of the reduced allocation of funds.

6. Tweed Shire Council Guidelines for Pontoons and Boat Ramps

Pontoons

J Henley introduced the current conflict between the need to control the visual impact of mooring piles and the increased number of larger craft being moored in the canals eg Oxley Cove. Discussion on visual amenity and agreement that no changes be made to the policy but Council to consider individual application on their merits.

J Green suggested changes in the policy in regard to safety/warning requirements eg reflectors, colour.

Discussion on the problems of unused/discarded pontoons on Crown Land. R Hagley explained process of boat ramp licensing on Crown Land. J Henley will review Dept of Land & Water Conservation's (DLWC) policy and consider comments from the Waterway Authority and present a draft policy to next meeting regarding discarded/unused pontoons with the possibility of introducing licensing and control by Council. R Hagley concluded discussion by advising that DLWC are looking at a strategic approach to manage the proliferation of wharves, jetties and pontoons on public land.

Reports from Committees/Working Groups

7. Assessment of Crown Land – Chinderah & Tumbulgum

Estuary Management

A draft assessment of Crown Land at Chinderah & Tumbulgum (2001) has been undertaken by DLWC, as a statutory requirement under the Crown Lands Act prior to issuing licences for the occupation of the land. Extracts from the report were provided to the members of the committee. The report is on exhibition at Council Chambers from 29 June 2001 to 27 July 2001. Comments from the Committee are required to be forwarded to David McPherson by 10 August 2001.

10.45am Grant Perriot (Tweed Shire Council) arrived

RESOLVED that J Henley forward correspondence to David McPherson providing the following comments in regard to the Crown Land Assessment:

1. Public ownership to be retained
2. The investigation of the use of the land for boating facilities is not inconsistent with the Lower Tweed Boating Strategy and Lower Tweed Estuary Management Plan.

RESOLVED that a report be brought forward by Development Services on the current status of the Development Application for existing commercial boat operations on the Tweed River with a view to having this implemented as a matter of urgency. This report is to be brought forward to a future meeting.

8. Presentations by land care/river care Consultants and Project Facilitators- Estuary Management – Riparian Projects

- a. Wetland Care Australia – Joanne Green – currently involved in Condong Creek revegetation project
- b. ENVITE – Graeme Bird – training, management plans, “work for the dole” labour
- c. Greencorps – Kelvin Davies – “work for the dole” labour provider in other Shires
- d. Tweed Training & Enterprise Company – Philip Dickson – “work for the dole” labour provider in Tweed Shire
- e. Tweed Landcare Inc. – Rhonda James – facilitates smaller groups to obtain funding, currently managing 4 projects, all on-ground work.

Contact details for all the above organisations can be obtained from Helen Tunks (Tweed Shire Council).

GENERAL BUSINESS:

C Cormack advised that a number of boating and water activities are planned for September, November and December 2001 for the Tweed River. There will be extensive advertising to promote these activities within the community.

Reports from Committees/Working Groups

J Henley and Cr Marshall advised that the third annual South East Queensland Waterway Health Report Card shows the Tweed River has improved from a C (fair) in 1999 to a B- (good) rating in 2000. Copies of the report card were provided to each member.

NEXT MEETING:

The next meeting of the Committee is a Special Meeting to be held on Wednesday 12 September at the Canvas & Kettle Restaurant commencing at 9.30am. The next normal meeting of the Committee is to be held on Wednesday 3 October at the Canvas & Kettle Restaurant commencing at 9.30am.

The meeting closed at 12.30

Director's Comments: Nil

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DIRECTOR'S RECOMMENDATIONS:

4. Change of Name for TRMPAC

Estuary Management

Committee Recommendation:

That Council ratifies the resolution of the Committee that the name of the *Tweed River Management and Planning Advisory Committee* be changed to the *Tweed River Committee*.

Director's Recommendation: That the recommendation of the Committee be endorsed.

Reports from Committees/Working Groups

2. Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 13 September 2001

Dunecare

VENUE:

Pottsville Environment Centre

TIME:

5.00pm

PRESENT:

Committee Members: Cr Henry James, Ms Kate McKenzie (Land Care Co-ord), Len Greer (Pottsville Dune Care), Kay Bolton (Fingal), Mick Stewart (Twin Towns Coastal Care), Gary Thorpe (Hastings Point), Ian Anderson (Kingscliff North), Peter Langley (Kingscliff Enviro Club), Mr Stewart Brawley, Mr Rodney Keevers

APOLOGIES:

Nil

MINUTES OF PREVIOUS MEETING:

Moved: L Greer

Seconded: I Anderson

RESOLVED that the Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 12 July 2001 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

2. Bush Fire Management Plan

Bush Fire Management Plan

R Keevers reported that work has progressed on the aerial photographs and overlays of built assets and sensitive vegetation in Coastal areas. Poles and signs will be situated on site at key areas to indicate to the Rural Fire Service where areas start and finish in the event of fires. It is anticipated these aerial maps will be kept in a folder in the coastal fire trucks, with the Chief Fire Officer and at the Rural Bush Fire Control Centre. R Keevers to consult with individual dune care groups to finalise aerial maps.

Cr James advised that the current SEPP 26 areas are outdated on the Geographical Information System. R Keevers to confirm areas of significant vegetation through an on ground 'truthing' and information from Bush Fire Management Plan vegetation mapping.

G Thorp requested for a fire-break in the area north of Hastings Point Dune Care site. S Brawley suggested R Keevers liaise with G Thorp and David Cook Chief Fire Officer to investigate what options are viable in clearing a fire trail in this area. Further consultation with Councils Development Assessment Unit to ascertain required approvals.

Reports from Committees/Working Groups

3. Green Corps

Dune Care

Green Corp application has been approved and will commence 29 October 2001.

1. Shell Coastal Volunteers

Volunteers

K McKenzie advised that a Shell Coastal Volunteers Team visited Fingal to investigate suitable sites. An International Volunteers group will be available for a six week period in 2002. They supply their own basic tools and feed themselves. If volunteers are required then a request needs to be submitted by individual Dune Care Groups.

2. Dune Care Records

Dune Care

Draft Dune Care records form discussed and suggestions made. Form to be amended and forwarded to groups to update, provide comment and return to Council.

5. Fingal Dune Care

Dune Care

S Brawley to liaise with K McKenzie regarding the 'access plan' for the Fingal Headland.

CORRESPONDENCE:

1. Rural Bush Fire Service

Rural Bush Fire Service

Reply correspondence received regarding the Environmental Officers position on the Rural Bush Fire Service.

Moved: H James

Seconded: S Brawley

RESOLVED that David Cook, Rural Bush Fire Service be invited to the November Dune Care meeting to discuss issues with the committee.

2. Beach Access opposite Hastings Point Holiday Village

Beaches – Use of

Petition for hand rails and improvements to walking trail opposite Hastings Point Holiday Village. R Keever's liaising with residents and progressing with this issue.

Reports from Committees/Working Groups

3. Aspect North - Casuarina

Casuarina, Dune Care

In light of the recent poisoning of trees at Casuarina, Guy Holloway of Aspect North in consultation with Steve Pink, Consolidated Properties Group and Tim Rabbidge, Department Land and Water Conservation has drafted a letter to forward to all landowners of Casuarina.

Mr Holloway suggested the letter be forwarded to all landowners under the signature of the chairman of the Dune Care Advisory Committee.

Whilst Council has resolved to receive a report detailing suitable signs and/or strategy to encourage protection of the environment, it is considered this letter can be forwarded in the more immediate term as an initial component of a strategy.

RECOMMENDATION:

That Council endorses the forwarding of the letter attached to these minutes to all landowners of Casuarina Beach on Council letterhead under the signature of the chairperson, Tweed Dune Care Advisory Committee.

GENERAL BUSINESS:

1. Signs on Trees

Regulatory Signs

Len Greer presented photographs to the committee of signs screwed to trees in the Environmental Park at Pottsville and throughout the Shire. The issues associated with these signs are: aesthetics, screws are potentially dangerous to Council workers performing tree maintenance, tree health, and doesn't display consistent environmental message to tourists visiting Shire. This practise was particularly prevalent with Koala Wanderers directional signs. The issue to be brought to the attention of relevant staff.

2. Rubbish Dumping

Dune Care

It was noted that with the recent fires at Pottsville, areas where residents dumped garden waste into the bush behind their properties created fires of increased intensity increasing the risk to houses and making the fire more difficult to control.

Moved: H James

Seconded: K McKenzie

RESOLVED that landowners adjoining Council reserves be advised via a Tweed Link item and letter box drop that it is an offence to dump garden waste, offenders will be prosecuted and inform residents of the consequences in light of recent bushfires.

Reports from Committees/Working Groups

NEXT MEETING:

The next meeting of the Tweed Dune Care Advisory Committee will be held 8 November 2001.

The meeting closed at 7.00 pm

Reports from Committees/Working Groups

ITEM 3 ATTACHMENT - TWEED DUNE CARE ADVISORY COMMITTEE DRAFT LETTER TO OWNERS AT CASUARINA BEACH

Dear Landholder

One of the objectives of the Casuarina vision is to initiate and develop a “*sense of community*”. The Casuarina development seeks to do this in a number of ways which includes creating an attractively built environment and by restoring and renewing the natural environment.

The restoration of the dune at Casuarina is setting new standards of rehabilitation and management but cannot succeed without your co-operation. The restored dune is important to maintain dune stability, improve habitat for native fauna, protect against coastal erosion, provide some buffer against ocean winds and reduce corrosive salt spray. The dead bitou bush will be progressively removed both manually and by natural attrition. Your co-operation is requested during this phase.

Some poisoning of mature trees on the Crown Reserve (Lot 500) has recently occurred. The destruction of dune vegetation is illegal and offenders may be prosecuted.

The responsibility for the management of this important coastal reserve is with Tweed Shire Council as trustees to the Department of Land and Water Conservation. The restoration work is being undertaken by Aspect North under contract to the developer, Consolidated Properties.

Residents will be encouraged to form a dune care group at Casuarina to foster further involvement of the community in the rehabilitation and management of this important reserve. It is critical that the community work together to further enhance this vital coastal asset. Even at this early stage if you are interested in being part of a community dune care group contact Guy Holloway at Aspect North on (02) 6622 1177 or email guyh@aspectnorth.com.au.

Enclosed is a brochure prepared by the Department of Land and Water Conservation further outlining the importance of crown land and coastal reserves.

Reports from Committees/Working Groups

Director's Comments:

- Item 2 That Council seeks suitable publicity through the Tweed Link regarding the practice of dumping garden waste on public lands.*
- Item 3 That Council supports the forwarding of the draft letter to owners of Casuarina.*

DIRECTOR'S RECOMMENDATIONS:

3. Aspect North - Casuarina

Casuarina, Dune Care

Committee Recommendation:

That Council endorses the forwarding of the letter attached to these minutes to all landowners of Casuarina Beach on Council letterhead under the signature of the chairperson, Tweed Dune Care Advisory Committee.

Director's Recommendation: *That the Committee's recommendation be endorsed.*

Reports from Committees/Working Groups

3. Minutes of the Special Tweed River Committee Meeting held Wednesday 12 September 2001

File Ref: River Management

VENUE:

Canvas & Kettle Restaurant, Murwillumbah Civic Centre

TIME:

9.30am.

PRESENT:

Cr W Marshall (Chair), Cr M Boyd, Cr H James (Tweed Shire Council); C Cormack (Waterways Authority); R James (Caldera Environment Centre) *from 10.45am*; R Hagley, B Loring (NSW Fisheries); L Tarvey (National Parks and Wildlife Service); J Henley, G Judge, M Tunks (for G Edwards, Tweed Shire Council).

APOLOGIES:

G Edwards, H Tunks (Tweed Shire Council); R Quirk (Tweed River Advisory Committee & NSW Cane Growers' Association); N Newell (State Member for Tweed); T Rabbidge (Department of Land and Water Conservation).

AGENDA ITEMS:

**1. General Assessment of the "Tweed River Estuary Management Plan Review"
Tweed River Management Plan**

The above report, prepared by Mr Mike Geary of Coast and River Environmental Engineering and dated September 2000, was provided to the members of the committee with the Agenda.

J Henley summarised the contents of the document. Discussion on the conflict between the increase in population and the improvement to the river system (see 3.1 paragraph 4). G Judge disagreed that Council has limited ability to set standards for water quality, and indicated that the LEP was able to be used. Cr James advised that the Land & Environment Court had discretion to accept LEP conditions.

Discussion on total catchment management and role of Council. Discussion on the proposal for one Valley authority to coordinate various groups and provided linkages between groups. It was agreed that the overall coordinating committee shouldn't be large.

Cr Boyd raised issue of weed infestation and the management of ex-banana land not in production, and commented that hoop pine was one very successful commercial species. J Henley asked the question whether the proposed coordinating committee should initiate projects where there was no existing action. Further discussion on the desired structure and role of the coordinating committee.

RESOLVED that J Henley and M Rayner (Director Engineering Services, TSC) and R Hagley to develop options/models to address coordination of groups operating with the Tweed River catchment for meeting of Tweed River Committee on 3 October 2001.

Reports from Committees/Working Groups

2. Assessment of the "Tweed River Estuary Management Plan Review" - Treasury Funding

Tweed River Management Plan

Discussion on the inclusion of investigation and approval cost under "Outcomes" initiated by Cr James. Discussion on the need to set priorities. G Judge recommended that a status report on Cobaki wetland expenditure be prepared.

J Henley proposed a meeting to seek confirmation on review of future funding, with a report to the next committee meeting. Cr Marshall proposed meeting with State Member Neville Newell.

RESOLVED that an urgent meeting to be held between J Henley, Cr Marshall and M Rayner (Director Engineering Services, TSC) with State Member N Newell to seek confirmation of future funding.

3. Assessment of the "Tweed River Estuary Management Plan Review" - Total Catchment Management

Tweed River Management Plan

Cr Boyd suggested the committee recommend the formation of a Tweed River Catchment Committee

RECOMMENDATION:

That a Tweed Natural Resources Management Board be formed to co-ordinate catchment management issues impacting on the Tweed River, its tributaries and the coastal creeks and implement the Tweed Catchment Management Plan, when adopted.

4. Assessment of the "Tweed River Estuary Management Plan Review" - Additional External Funding

Tweed River Management Plan

Discussion on funding opportunities and the report's recommendation to employ an additional staff person to pursue and administer external funds.

Discussion on the need for additional funding over and above external sources eg environmental levy, S.94 contributions. Cr James raised concerns regarding the report's suggestion that Council taking responsibility for care and control of all public coast land and estuary, thereby generating surplus income. J Henley commented that on a commercial basis would be feasible, but not if subsidised.

Discussion on the proposal for an environmental levy and S. 94 contributions and past examples in other areas. The levy must be partitioned off from general rates.

Reports from Committees/Working Groups

RECOMMENDATION:

That Council considers creating a position devoted specifically to the pursuit of external funding for natural resource management , recreation and tourism infrastructure.

5. Assessment of the "Tweed River Estuary Management Plan Review" - Summary Tweed River Management Plan

Discussion on the "Conclusions" and general agreement.

Discussion on the "Recommendations" as listed on page 23 and 24, and the following decisions made:

1. Establish linkages between existing walkways and cycleways wherever reasonably possible to achieve a sense of completion, to enhance the value of the investment already made and to maximise public recognition of the project.

Agreed.

2. Rename TRMPAC as the Tweed River Committee to better identify it in the public mind as a Tweed Shire Council entity focussed on river improvement and to improve its recognition by government agencies and by the media.

Action completed.

3. To further focus public interest on river improvements, an annual river festival should be established by Council to celebrate the significance of the Tweed River to the local Tweed community and to highlight the link it provides between the inland and coastal communities in the Tweed Valley.

Agreed.

4. With the exception of 1 above, over the next three years, direct remaining funds as much as possible towards upper estuary improvements, including works in Murwillumbah itself, to provide river 'destination' attractions.

Agreed.

5. Minimise significant levels of further expenditure on the Tony's Island, Fingal Wetland, Ukerebah Passage and Cobaki Wetland initiatives unless binding written guarantees can be obtained from relevant third parties ensuring that further Council investment will result in realization of meaningful outcomes.

Agreed.

Reports from Committees/Working Groups

6. Establish a priority schedule for boating related works between Barney's Point Bridge and Murwillumbah in liaison with the Waterways Authority. Such works should include heritage wharfage in Murwillumbah as an upstream target destination for recreational craft, sewage pump outs, minor en route wharves, sandy beaches and walking trails. (Where possible 100% funding should be sought from the Waterways Authority.)

Agreed.

7. Construct a one way flap gate on the Myall River to improve water quality at Murwillumbah and to better flush the Myall and Rous River systems. (Seek flood mitigation funding using the argument that the flap gate will ameliorate fish kills in the Myall and Rous Rivers due to acid problems caused in part by historical agricultural flood mitigation works).

Defer pending further review.

8. Seek to establish both landscape scale and riparian vegetation corridors in the upper estuary arena. (Seek Rivercare and/or Native Vegetation Conservation funding from DLWC for both initiatives, noting that preservation in perpetuity on title is important to maximisation of both funding and priority in the latter program).

Agreed.

9. Continue expenditure on data, monitoring and education including positive pursuit of the annual Tweed River Festival concept as a significant part of the ongoing education initiative.

Agreed.

10. Establish a target of matching remaining project funds with external grant funds over the next three years.

Agreed.

11. Employ an additional project staff person to pursue external grant funding and to pursue involvement by Council and TRMPAC in other related programs and initiatives.

See recommendation.

GENERAL BUSINESS:

Commencement expected to Alma Street wharf, subject to concurrence by the fishing industry.

Lavender Creek newsletter distributed to committee for discussion. Committee members invited to Open Day on Saturday 15 September and advised that consultants and Tweed Shire Council staff will be available.

Reports from Committees/Working Groups

NEXT MEETING:

The next meeting of the Committee is to be held on 3 October at the Canvas & Kettle Restaurant commencing at 9.30 am.

The meeting closed at 1.25pm.

Director's Comments:

The decisions and recommendations of the Committee represent a significant change in direction and focus.

It is recommended that adoption be deferred and a workshop be held with Council at the first available opportunity to ensure that Councillors are aware of the new issues, particularly funding and the ramifications of any change of direction.

DIRECTOR'S RECOMMENDATIONS:

- 3. Assessment of the "Tweed River Estuary Management Plan Review" - Total Catchment Management**

Tweed River Management Plan

Committee Recommendation:

That a Tweed Natural Resources Management Board be formed to co-ordinate catchment management issues impacting on the Tweed River, its tributaries and the coastal creeks and implement the Tweed Catchment Management Plan, when adopted.

Director's Recommendation: That adoption be deferred and a workshop be held with Council at the first available opportunity to ensure that Councillors are aware of the new issues, particularly funding and the ramifications of any change of direction.

- 4. Assessment of the "Tweed River Estuary Management Plan Review" - Additional External Funding**

Tweed River Management Plan

Committee Recommendation:

That Council considers creating a position devoted specifically to the pursuit of external funding for natural resource management, recreation and tourism infrastructure.

Director's Recommendation: That adoption be deferred and a workshop be held with Council at the first available opportunity to ensure that Councillors are aware of the new issues, particularly funding and the ramifications of any change of direction.

Reports from Committees/Working Groups

4. Minutes of the Local Traffic Committee Meeting held Friday 21 September 2001

Traffic Committee

VENUE:

Peter Border Meeting Room

TIME:

Commencing at 9.00am.

PRESENT:

Committee Members: Cr George Davidson; Tweed Shire Council; Mike Baldwin, Roads and Traffic Authority;.

Informal: Chairman: Mr Paul Morgan, Mr Ray Clark and Judith Finch Tweed Shire Council.

APOLOGIES:

Sgt W Darnell, NSW Police, Mr Neville Newell, MP, Member for Tweed, Mr Don Page MP, Member for Ballina.

MINUTES OF PREVIOUS MEETING:

RESOLVED that the Minutes of the Local Traffic Committee Meeting held Friday 24 August 2001 were tabled at the meeting and accepted by the Committee as a true and accurate record of the proceedings.

BUSINESS ARISING:

GT2/1 Pt3 451

2. Bay Street, Wharf Street, Tweed Heads

R0470, R5901

Brought forward from the meeting held on 24 August 2001 (item 2):-

“Request received for the provision of a red arrow phase at the signalised intersection on Bay and Wharf Streets, Tweed Heads.

Council has received many reports of pedestrians having difficulty completing the crossing due to impatient drivers turning right into Wharf Street from Bay Street, cutting off pedestrians.

The Committee requested that a right turn ‘red’ arrow be installed to allow pedestrians to cross Bay Street without being cut off from vehicles turning right on to Wharf Street from Bay Street. It was noted that additional phasing was not being sought.

The RTA Representative undertook to assess the situation. Deferred to the next meeting to be held on 21 September 2001.

For Council’s information.”

Reports from Committees/Working Groups

The RTA Representative suggested that maybe signage could be installed to reinforce driver responsibilities as another phase would have to be introduced which would not be efficient. The Chairman advised that the problem was that as soon as the lights turned green the cars started moving and that he believed that a red arrow would improve the situation, ensuring that the pedestrians were readily seen by the drivers. The possibility of making the vehicle turning time shorter was discussed (delaying the green signal) but without changing the overall phasing.

The RTA Representative advised that he would re-assess the situation and advise further.

Mr Bill McKenniery addressed the meeting by telephone conference. Mr McKenniery advised the Committee of his preference for a scramble crossing. He advised that wheelchair users have difficulty getting across the crossing. Mr McKenniery advised that he had performed extra research and found that the Guide Dogs Assoc were very strongly opposed to a scramble crossing. It was noted that Adelaide City Council have scrambled crossings in the CBD which are now being removed. Mr McKenniery advised that he will now report this to his local board.

To be deferred to the next meeting for the RTA Representative to assess the situation further
For Council's information.

19. Marine Parade and Pearl Street Kingscliff

DA3340/325 Pt3 DW626001

From the meeting held on 24 August 2001 (item 19) the following was discussed:-

"Late agenda item. Local Traffic Committee comments are sought in relation to a pedestrian and traffic management plan for construction work in Marine Parade as follows:-

- 1. To convert the existing 4 parking spaces on Marine Parade directly in front of the site to construction vehicle parking.*
- 2. For the safety of pedestrians to erect a gantry over the footpath area on Marine Parade for the length of the site.*
- 3. To convert the existing unrestricted parking in Pearl Street to construction vehicle parking for the purpose of loading and unloading vehicle.*
- 4. To occupy the footpath in Pearl Street with temporary buildings for construction offices.*

It was noted that many of the pedestrians that use Pearl Street are children. The Committee does not support the closure of the eastern footpath in Pearl Street and noted that pedestrian access along the eastern side of Pearl Street must be maintained.

RECOMMENDATION:

That the applicant be advised that:

Reports from Committees/Working Groups

1. *If any part of the footpath on the eastern side of Pearl Street is occupied the parking lane must be converted to a pedestrian walkway with approved barriers for the protection and control of pedestrians.*
2. *Approval is given for a temporary loading zone in the 4 car parking spaces on Marine Parade."*

Further information has now been received in relation to the traffic and pedestrian management plan for Pearl Street.

The Chairman advised that it has now been agreed that a roofed hoarding would be installed above the footpath but that a temporary construction zone along Pearl Street is still being requested and that does not affect bus zones. Noted that the footpath and crossings will stay open. It was advised that the works zone will be on the parking lane.

RECOMMENDATION:

That the Committee supports the installation of a "works" zone on Pearl Street along the frontage to the development site.

GENERAL BUSINESS:

Part A

1. High School Lane, Murwillumbah

R2486 DW622164

Request received for the installation of "No Parking" signs on High School Lane. It is reported that visitors to the school are parking in front of private garages and privately owned land in High School Lane.

The Committee unanimously supported the installation of "No Parking" signs on High School Lane.

RECOMMENDATION:

That "No Parking" signs be erected in High School Lane, Murwillumbah.

2. Pacific Highway, Murwillumbah

R4031 Pt13

Request received for assistance with trucks parking outside no. 233 Pacific Highway at night and leaving their engines running.

Also "No Stopping" signage requested at the power poles opposite the merge lane.

Reports from Committees/Working Groups

The Chairman advised that this has been an ongoing complaint. Extra large parking restriction signs have been erected. Noted that this is an enforcement issue as all relevant signage including directions to truck stop further south is in place.

The issue of "No Stopping" signs opposite the merge lane was not supported by the Committee as "No Parking" signs already exist and are adequate.

RECOMMENDATION:

That Council formally writes to the Police Department asking for enforcement of signage.

3. Shamrock Avenue, Banora Point

R5011 Pt1

Request received for assistance with the parking of vehicles on the footpath near 7 Shamrock Avenue, Banora Point.

The Committee noted that this has been an ongoing problem and that the item should be referred to the Police Department. It was noted that the Rangers can legally enforce such matters. The Committee encourages the Rangers to enforce this type of complaint to ensure prompt response than that available from the Police.

RECOMMENDATION:

That the parking of vehicles on the footpath near 7 Shamrock Avenue, Banora Point be referred to the Police Department for enforcement.

4. Boyd Street, Tweed Heads

R0700 Pt1 DW622166

Request received regarding the amount of trucks, coaches and buses using Boyd Street. Noise pollution day and night and damage to the road surface is reported as a problem.

This item to be deferred to the next meeting for speed and vehicle counts to be taken.

For Council's information.

5. Numinbah Road – Safety Audit

R3780 Pt3

Council at its 16 May 2001 meeting resolved that a road safety audit be conducted on Numinbah Road between Crystal Creek and Chillingham and a report brought forward to Council.

Reports from Committees/Working Groups

This report was tabled at the Council meeting of 5 September 2001. As per Council Resolution No. 18 from that meeting, a request for lowering of the speed limit on Numinbah Road to 80km/h is listed for consideration by the Local Traffic Committee.

The RSO reported that the audit showed that 100kph could not be driven at safely on Numinbah Road and that the accident data was not conclusive. The RTA Representative suggested that a speed survey be taken with limits showing adjacent speed zones, accesses, description of roadside environment. Accident data was also requested by the RTA Representative. The RSO advised of his concerns regarding not being able to use the reduction of speed limits in the first instance.

Item deferred to next meeting for the speed and traffic results to be compiled as requested the by RTA Representative.

For Council's information.

6. Old Bogangar Road, Cudgen

R3840 Pt6

Request received for a 14.5 tonne load limit on Old Bogangar Road from the Chinderah Road roundabout off ramp.

This issue was discussed as problematic because with the load limit on Clothiers Creek Road, the Coast Road was the alternative for cane trucks. If Old Bogangar Road was limited to 14.5 tonnes the cane trucks would have not alternatives.

It was decided that the aim was to prevent through truck traffic on interstate runs and that installing a 14.5t load limit on Wooyung Road would suffice.

RECOMMENDATION:

That:-

1. A 14.5 load limit warning sign be erected on the Chinderah southbound offramp advising a 14.5 load limit applies south of Pottsville.
 2. A 14.5 tonne load limit sign be installed south of Pottsville on the Coast Road.
-

7. Pacific Highway (East), Tweed Heads South

DW624153 DA4030/2822 Pt13, R3454

Request received for amendments to the southern access to Home Mart off Minjungbal Drive. It is requested that the southern "exit only" egress to Minjungbal Drive be amended to provide left in and left out movements. This is being requested for the following reasons:-

1. Potential customers to shops other than the 7-Eleven Store, especially the elderly, are not recognising the entrance only provision to the north and by-pass same to use the

Reports from Committees/Working Groups

southern entrance which is visible. Although signs have been placed identifying the southern access as “No Entry”, traffic is forced to use the southern access to enter the site. The hesitation because of the reaction to the “No entry” is a potential traffic hazard.

2. Despite advice to the contrary, Cocos are using semi-trailers for goods delivery. Despite provisions made internally, the southern access provides better direct entry for this semi-trailer.

A drawing of the area was viewed by the Committee. The Committee noted that making the driveway left in it would effectively reduce the amount of traffic turning left at the traffic lights. The Committee decided that this would need to be looked at in the light of the whole traffic study for this area.

RECOMMENDATION:

That a revised traffic report be requested from the applicant incorporating the proposed amendment.

8. Nullum Street & Proudfoots Lane, Murwillumbah

R3770 Pt2, R4455, DW626413

Request received for designation of a short-term disabled parking area in Nullum Street (cnr of Nullum Street and Proudfoots Lane) outside the new Centrelink, Community Health and Firearms Registry Building. This is to enable the community bus passengers to embark and disembark safely in close proximity to the disabled ramp access to the building.

The Committee agreed that a “No Parking – Buses Excepted” sign be installed as this would benefit other users dropping off passengers.

RECOMMENDATION:

That a “No Parking – Buses Excepted” sign be erected on the corner of Nullum Street with Proudfoots Lane, Murwillumbah.

9. Nullum and Wollumbin Streets, Murwillumbah

R5940 Pt2 DW626413

Request received for:-

1. The provision of a pedestrian crossing close to the corner of Nullum and Wollumbin Streets. It is reported that many members of the public access services at the new Community Health and Firearms Registry Building and that due to limited onsite parking they need to park in the designated parking area in Nullum Street adjacent to Knox Park and are required to cross Wollumbin Street.

Reports from Committees/Working Groups

2. The provision of a roundabout at the intersection of Wollumbin Street with Nullum Street to slow some motorists entering Wollumbin Street, particularly from Byangum Road.

The Committee noted that most of the under building parking was taken up by staff parking. It was noted that a pedestrian crossing would not meet the warrants. The Committee suggested that the signage to the underground car park for customers needs to be improved and that staff vehicles should be parked in the Knox Park all day car park. It was noted on several inspections that vacant customer parking was available in the Wollumbin Street on site car park.

Noted that a roundabout was not on the works program for the next 5 years and that the accident data and traffic study for the development does not identify that this intersection was a problem.

RECOMMENDATION:

That the applicant be advised that:-

1. A pedestrian crossing was not supported close to the corner of Nullum and Wollumbin Streets as it would not meet pedestrian warrants.
2. Improved signage should be erected to indicate available parking underneath the building for use by the public/clients.
3. Staff should be requested to park in the public car park in Knox Park to increase public parking under the building.
4. A roundabout at the intersection of Nullum and Wollumbin Streets was not supported.

10. Ash Drive, Banora Point

R0227

Request received for the erection of a "Give Way" sign at the slow point on Ash Drive between Links Street and Darlington Drive. It has been suggested that the "Give Way" sign be erected for vehicles coming up the hill from Darlington Drive.

It is reported that many crashes and near crashes are occurring at this location.

Photographs of the location were viewed by the Committee.

RECOMMENDATION:

That a "Give Way" sign be installed for traffic travelling east on Ash Drive, Banora Point.

Reports from Committees/Working Groups

11. Heffron Street, Tweed Heads South

R2430 Pt2

Request received for:-

1. The bus zone adjacent to the school in Heffron Street be extended further east in front of the phone box and that the existing bus zone be shortened in front of the tennis courts and be sign posted as 5 minute parking between 8:00am to 9:30am and 2:30pm to 4:00pm.
2. The erection of a pedestrian fence to limit the bus pick up area to one location.

RECOMMENDATION:

That:-

1. The "No Stopping" sign adjacent to the HAC Centre driveway be extended to 10m west.
 2. The bus zone signage cover the area 10m from the HAC Centre driveway to the school driveway adjacent to the tennis courts, approximately 100m.
 3. Five (5) minute parent parking be installed west of the school driveway for 70m to the "No Stopping" sign east of the pedestrian refuge.
 4. A pedestrian fence be erected to limit the bus pick up area to one location.
-

12. Overall Drive, Pottsville

R3975

Request received for the relocation of the bus shelter currently situated on the Creek side of Overall Drive Pottsville to best service public transport and school children.

The RSO advised that it is currently encouraging students to cross the road and that the shelter needs to be on the same side of the road as the shops. There is currently a bus zone in front of houses about 3 houses away from the shops.

RECOMMENDATION:

That the bus shelter be moved to the opposite side of Overall Drive adjacent to the shopping centre where the current bus stop is located.

13. Smiths Creek / Kyogle Road, Uki

R2970 Pt9, R5100 Pt2 DW622163

Request received for Local Traffic Committee advice and assistance with the following items:-

1. Poor visibility at the intersection of Smiths Creek Road with Kyogle Road

Reports from Committees/Working Groups

2. Appropriate signage for the intersection of Smiths Creek Road and Kyogle Road.

The Chairman advised that he has visited the intersection with the Road Safety Officer and the visibility is 220m towards Murwillumbah and towards the village 55m but is only a 60kph zone. However by removing the tree visibility would be improved to 70m.

RECOMMENDATION:

That:-

1. The tree be removed at the Smiths Creek Road/Kyogle Road intersection to improve sight distance.
2. The directional signage be improved at the intersection of Smiths Creek Road and Kyogle Road.

14. Dry Dock Road, Tweed Heads South

R1680 Pt2

Request received for the provision of sound barriers near Dry Dock Road as it is reported that the noise is increasing from traffic using the bypass.

The Chairman advised that this is a noise issue, which is an RTA problem. The RTA Rep advised that there is no retro-fitting of noise barriers as per RTA policy.

RECOMMENDATION:

That the applicant be advised that the RTA Representative has advised that noise barriers are not retro-fitted and that noise attenuation was done according to the noise standards at the time of installation.

15. Wollumbin Street, Murwillumbah

R5940 Pt2

When entering Wollumbin Street from the Come Alive Gym car park a request has been received to make the first parking space on the right hand side a "No Stopping" zone. It is reported that vehicles other than sedans park here and restrict sight distance.

The Chairman advised that this is a common problem at driveway intersections.

RECOMMENDATION:

That the applicant be advised that the problem is acknowledged but it is not possible to apply parking restrictions at driveways due to the effect it would have on reducing available parking in commercial areas.

Reports from Committees/Working Groups

NEXT MEETING:

The next meeting is scheduled for Friday 19 October, 2001.

The meeting closed at 10:55am.

Director's Comments: Nil.

[document15]

DIRECTOR'S RECOMMENDATIONS:

19. Marine Parade and Pearl Street Kingscliff

DA3340/325 Pt3 DW626001

Committee Recommendation:

That the Committee supports the installation of a "works" zone on Pearl Street along the frontage to the development site.

Director's Recommendation: That the Committee's recommendation be endorsed.

1. High School Lane, Murwillumbah

R2486 DW622164

Committee Recommendation:

That "No Parking" signs be erected in High School Lane, Murwillumbah.

Director's Recommendation: That the Committee's recommendation be endorsed.

2. Pacific Highway, Murwillumbah

R4031 Pt13

Committee Recommendation:

That Council formally writes to the Police Department asking for enforcement of signage.

Director's Recommendation: That the Committee's recommendation be endorsed.

3. Shamrock Avenue, Banora Point

R5011 Pt1

Committee Recommendation:

That the parking of vehicles on the footpath near 7 Shamrock Avenue, Banora Point be referred to the Police Department for enforcement.

Reports from Committees/Working Groups

Director's Recommendation: *That the Committee's recommendation be endorsed.*

6. Old Bogangar Road, Cudgen

R3840 Pt6

Committee Recommendation:

That:-

1. A 14.5 load limit warning sign be erected on the Chinderah southbound offramp advising a 14.5 load limit applies south of Pottsville.
2. A 14.5 tonne load limit sign be installed south of Pottsville on the Coast Road.

Director's Recommendation: *That the Committee's recommendation be endorsed.*

7. Pacific Highway (East), Tweed Heads South

DW624153 DA4030/2822 Pt13, R3454

Committee Recommendation:

That a revised traffic report be requested from the applicant incorporating the proposed amendment.

Director's Recommendation: *That the Committee's recommendation be endorsed.*

8. Nullum Street & Proudfoots Lane, Murwillumbah

R3770 Pt2, R4455, DW626413

Committee Recommendation:

That a "No Parking – Buses Excepted" sign be erected on the corner of Nullum Street with Proudfoots Lane, Murwillumbah.

Director's Recommendation: *That the Committee's recommendation be endorsed.*

9. Nullum and Wollumbin Streets, Murwillumbah

R5940 Pt2 DW626413

Committee Recommendation:

That the applicant be advised that:-

1. A pedestrian crossing was not supported close to the corner of Nullum and Wollumbin Streets as it would not meet pedestrian warrants.
2. Improved signage should be erected to indicate available parking underneath the building for use by the public/clients.

Reports from Committees/Working Groups

3. Staff should be requested to park in the public car park in Knox Park to increase public parking under the building.
4. A roundabout at the intersection of Nullum and Wollumbin Streets was not supported.

Director's Recommendation: *That the Committee's recommendation be endorsed.*

10. Ash Drive, Banora Point

R0227

Committee Recommendation:

That a "Give Way" sign be installed for traffic travelling east on Ash Drive, Banora Point.

Director's Recommendation: *That the Committee's recommendation be endorsed.*

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R2430 Pt2

Committee Recommendation:

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4. A pedestrian fence be erected to limit the bus pick up area to one location.

Director's Recommendation: *That the Committee's recommendation be endorsed.*

12. Overall Drive, Pottsville

R3975

Committee Recommendation:

That the bus shelter be moved to the opposite side of Overall Drive adjacent to the shopping centre where the current bus stop is located.

Director's Recommendation: *That the Committee's recommendation be endorsed.*

Reports from Committees/Working Groups

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Committee Recommendation:

That:-

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2. The directional signage be improved at the intersection of Smiths Creek Road and Kyogle Road.

Director's Recommendation: *That the Committee's recommendation be endorsed.*

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Committee Recommendation:

That the applicant be advised that the RTA Representative has advised that noise barriers are not retro-fitted and that noise attenuation was done according to the noise standards at the time of installation.

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That the applicant be advised that the problem is acknowledged but it is not possible to apply parking restrictions at driveways due to the effect it would have on reducing available parking in commercial areas.

Director's Recommendation: *That the Committee's recommendation be endorsed.*

Reports from Committees/Working Groups

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

5. Minutes of the Tweed Coastal Committee Meeting held Wednesday 8 August 2001
-

Orders of the Day

1. Notice of Motion - Cr Boyd

Southern Cross University Centre, Murwillumbah

Education Matters-Southern Cross Uni, Notice of Motion

That Council clarifies as to whether the Southern Cross University intends to close the University Centre in Murwillumbah on 1 December 2001 and if this is correct, that Council takes all reasonable steps to have it remain open.

2. Notice of Motion - Cr Boyd

Railway Line Between Murwillumbah and Byron Bay

Railways-General, Notice of Motion

That Council enlists the active support of the Member for Tweed to arrange a high level meeting with the Minister for Transport to ascertain the long term plans for the railway line between Murwillumbah and Byron Bay.

3. Notice of Motion - Cr Boyd

Centenary of the Establishment of Local Government in Murwillumbah on 27 May 1902

Council Management, Notice of Motion

That Council makes contact with Murwillumbah based organisations such as the Chamber of Commerce, Rotary, Lions, Quota, VIEW, Red Cross, RSL etc with a view to establishing what interest, if any, there is in celebrating the centenary of the establishment of Local Government in Murwillumbah on 27 May 1902.

4. Notice of Motion - Cr Boyd

Orders of the Day

Public Services, Tweed Coast

Ambulance Service-General, Fire Services, Police, Council Management, Notice of Motion

That:-

A. *Council initiates discussions with the relevant authorities that are responsible for the provision of the following public utilities:-*

1. *Police Station*
2. *Fire Station*
3. *Ambulance*
4. *Hospital*

in order to ensure those services are provided for the growing population on the Tweed Coast, at the earliest opportunity.

B. *Council undertakes a forward planning exercise to ascertain how soon and where it should establish a Council branch office to service the residents of the Tweed Coast.*

5. Notice of Motion - Cr Boyd

Plaques – Historic Locations

Memorials Heritage Matters, Notice of Motion

That Council consider the possible production of suitable plaques bearing appropriate wording and or etchings for placement in key locations in Murwillumbah to mark the former sites of such things as the old Power Station, the Public Wharves, the Ferry access points, the War Memorial Baths, the first bridge, the first Butter Factory, the fire which destroyed our town in 1907, the old School of Arts and any other significant structures not mentioned.

6. Notice of Motion - Cr Boyd

Upgrade of Numinbah Road

R3780 Pt3 Numinbah Road, Notice of Motion

That Council continues its efforts to encourage the Gold Coast City Council to widen and upgrade those sections of the Numinbah Road between the border and Advancetown which are not up to the standard of the remainder of this important inter-regional road.

7. Notice of Motion - Cr Boyd

"The Rainforest Way"

Orders of the Day

Tourism-General, Notice of Motion

That Council invites Mr Rod Caldicott, Tourism Officer, Richmond Valley Council to address Council on "The Rainforest Way" at a date when adequate time can be allowed for this presentation.

Note: The Rainforest Way is a very important tourism initiative which has widespread support from tourism, local government and other agencies on both sides of the border. Mr Caldicott made a presentation to a joint meeting of a number of organisations at the Twin Towns Resort on 21 September 2001.

8. Notice of Motion - Cr Boyd

Access Road into the Border Ranges National Park

Roads-Works Conservation, Government Grants-Roads, Notice of Motion

That Council seeks the support of the Member for Richmond in an endeavour to obtain the necessary funding from the Commonwealth with which to seal the access road into the Border Ranges National Park.

9. Notice of Motion - Cr Boyd

Planting & Maintenance of Littoral Rainforest - Former border Caravan Park and Other Locations

Trees-Planting, Border Caravan Park, Notice of Motion

That:-

- A. Council has discussions with representatives of the relevant Aboriginal groups involved to seek their support for the project as outlined in B of this Motion.*
 - B. The planting and maintenance of a stand of littoral rainforest along the Boundary Street side of the former Border Caravan Park and other selected locations within this unused open space, the work to be undertaken with the support of one or more of the following agencies – Tweed Landcare Inc, Greencorps, Green Reserve or Work for the Dole.*
-

10. Notice of Motion - Cr Marshall

Attendance of Conferences and Seminars

Conference/Seminars-General, Notice of Motion

That the General Manager be requested to ensure that all Conferences and Seminars that staff and/or executives wish to attend be reported to Council with a list of the expected attendees, prior to any approval being given.

Orders of the Day

11. Notice of Motion - Cr Davidson

Access to Council Staff and/or Council Records

Council Management, Records Management, Notice of Motion

That:-

- 1. Councillors seeking information from staff or Council records are to make requests through the appropriate Director or Manager.*
 - 2. Councillors are to establish an agreed timeframe with the Director or Manager for the provision of, or access to the information.*
-

