

Items for Consideration of Council

Schedule of Outstanding Resolutions	9
Mayoral Minute	15
Items Deferred	19
6. Notice of Motion - Cr Youngblutt	19
Councillor Legal Costs	19
Reports from Director Development Services	21
1. ORIGIN: Strategic Town Planning Unit	23
Minor Zone Amendment - Jones Road, Wooyung	23
2. ORIGIN: Development Assessment Unit	25
Proposed Residential Subdivision (11 allotments) Comprising Stage 4 The Outlook, Koala Beach at Lot 903 DP 1017348 Bottlebrush Drive, Pottsville	25
3. ORIGIN: Development Assessment Unit	61
Establishment of a Wholesale Nursery and Ancillary Buildings at Lot 1 DP1009372 No 1 Piggabeen Road, Piggabeen	61
4. ORIGIN: Director	73
Review of Tweed Shire 2000+ Strategic Plan	73
5. ORIGIN: Development Assessment Unit	77
Unauthorised Earthworks and Clearing of Lot 1 DP1009372 Piggabeen Road, Tweed Heads West	77
6. ORIGIN: Development Assessment Unit	81
Tourist Accommodation at Lot 1, DP 617124 No. 167 Upper Crystal Creek Road, Upper Cystal Creek	81

Items for Consideration of Council

- | | | |
|----|--|-----------|
| 7. | ORIGIN: Development Assessment Unit | 85 |
| | The Establishment of a Rural Industry (Lawn Mower Repair Workshop) at Lot 11 DP19727 Kyogle Road, Bray Park | 85 |

Reports from Director Corporate Services 95

- | | | |
|-----|---|------------|
| 8. | ORIGIN: Director | 95 |
| | Gazettal of the Municipality of Murwillumbah | 95 |
| 9. | ORIGIN: Director | 97 |
| | Local Achiever Recognition Plaques | 97 |
| 10. | ORIGIN: General Manager | 99 |
| | Transfer of Street Parking Enforcement to Local Government | 99 |
| 11. | ORIGIN: Administration Services Unit | 101 |
| | Injunction in Relation to the Bulford Report | 101 |

Reports from Director Engineering Services 105

- | | | |
|-----|---|------------|
| 12. | ORIGIN: Planning & Design Unit | 105 |
| | Banora Point, Tweed Coast and Murwillumbah Sewerage Strategy Studies | 105 |
| 13. | ORIGIN: Planning & Design Unit | 111 |
| | Cancellation of Restriction on Use Created in DP 883645 in Relation to Lot 3 in DP 883645 | 111 |
| 14. | ORIGIN: Water Unit | 113 |
| | 11th NSW Coastal Conference | 113 |
| 15. | ORIGIN: Planning & Design Unit | 115 |
| | Proposed Closure and Purchase of Part of a Crown Public Road Within Lot 1 in DP 380325, Dulguigan Road, Urliup | 115 |

Reports from Director Environment & Community Services 119

- | | | |
|-----|--|------------|
| 16. | ORIGIN: Recreation Services Unit | 119 |
| | Sports Field Assets Reserve Funding Application | 119 |
| 17. | ORIGIN: Environment & Health Services Unit | 127 |
| | Proposed Tweed Natural High Campaign | 127 |
| 18. | ORIGIN: Recreation Services Unit | 131 |
| | Access/Erosion Plan - Fingal Head | 131 |

Items for Consideration of Council

19. ORIGIN: Building Services Unit	137
Proposed Dwelling Lot 1 DP348293, 24 Tumbulgum Road Murwillumbah	137
20. ORIGIN: Environment & Health Services Unit	155
Alternative Waste Disposal Technology	155

Reports from Committees/Working Groups 157

1. Minutes of the Community Advisory Committee Meeting held Thursday 27 September 2001	157
2. Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 8 November 2001	164
3. Minutes of the Community Development and Support Expenditure Scheme committee Meeting Held Wednesday 14 November 2001	170
4. Minutes of the Communication Committee Meeting held Thursday 22 November 2001	172

MINUTES CIRCULATED TO COUNCILLORS WITH THIS AGENDA NOT REQUIRING A COUNCIL DECISION 174

5. Minutes of the Special Tweed Shire Local Emergency Management Committee Meeting held 24 October 2001	174
6. Minutes of the Murwillumbah Airfield Management Committee Meeting held Tuesday 13 November 2001	174
7. Minutes of the Tweed Shire Council Consultative Committee Meeting held Thursday 15 November 2001	174
8. Minutes of the Tweed Shire Council Access Advisory Committee Meeting held Thursday 15 November 2001	174
9. Minutes of the Cabarita Beach SLSC Clubhouse Working Party Committee Meeting held Tuesday 20 November 2001	174

Orders of the Day 175

1. Notice of Motion - Cr James	175
Car Park - Pottsville	175
2. Notice of Motion - Cr Boyd	175
Historical Societies - Tweed Shire	175
3. Notice of Motion - Cr Youngblutt	175
Naming of Bridge - Fernvale	175

Items for Consideration of Council

Workshops	177
1. Seaside City LES Workshop	177
2. Address by Centenary of Federation Committee	177
3. Myer Site Redevelopment Workshop	177

Items for Consideration of Council

CONFIDENTIAL

Reports from Director Corporate Services in Committee 5

1. ORIGIN: Human Resources Unit 5
Contractual Conditions of Senior Staff 5

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (a) personnel matters concerning particular individuals 5

Reports from Director Engineering Services in Committee 9

2. ORIGIN: Planning & Design Unit 9
Marine Parade Kingscliff Pedestrian / Cycleway – EC2001-107 9

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business. 9

3. ORIGIN: Water Unit 11
Contract No. EC2001-109 - Preferred Minor Works Contractor for Water and Works Unit Construction Activities 11

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (d) commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the council, or (iii) reveal a trade secret 11

4. ORIGIN: Director 15
Billinudgel Nature Reserve - Closure of Jones Road 15

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (a) personnel matters concerning particular individuals 15

5. ORIGIN: Water Unit 31
Contract No. EC2001-117 Design and Installation of a Surface Mixer for Destratification of Clarrie Hall Dam 31

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (d) commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the council, or (iii) reveal a trade secret 31

Items for Consideration of Council

THIS
PAGE
PAGE
IS
BLANK
IS
BLANK

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: Sewer connection nearing completion.

18 APRIL 2001

REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

3. Houses on Road Reserve - Reserve Creek Road

R4660 Pt4

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

C188

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

Current Status: To be completed

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 held Tuesday 27 November 2001 and report to meeting 19 December 2001.

Schedule of Outstanding Resolutions

3 OCTOBER 2001

ORDERS OF THE DAY

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

Trees-Planting, Border Caravan Park, Notice of Motion

303

Cr Boyd

Cr Luff

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

Current Status: To be finalised.

7 NOVEMBER 2001

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

31. **Crystal Creek Hall**

Rural Hall - Crystal Creek 3780.3240

397

Cr Beck

Cr Marshall

RESOLVED that Council:-

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

Current Status: To be finalised.

Schedule of Outstanding Resolutions

ORDERS OF THE DAY

2. Referendum on Introduction of Wards

Notice of Motion; Wards & Ridings; Referendums

412

Cr Boyd

Cr Marshall

RESOLVED that:-

- A. Staff bring forward a report which outlines what steps will have to be taken to implement Council's decision to hold a referendum on the introduction of wards.
- B. This report should include:-
 1. Options for consideration as to how many wards could be appropriate and how many Councillors might be elected from each
 2. A variety of options showing ward boundaries
 3. The implications for preparing rolls for wards including costs; and
 4. What changes are envisaged as to the allocation of general funds
 5. Any other relevant details.

Current Status: To be finalised.

10. Industry - Tweed Shire

Notice of Motion; Industrial Development - General

418

Cr Polglase

Cr Youngblutt

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

Current Status: Report to meeting 19 December 2001.

21 NOVEMBER 2001

ORDERS OF THE DAY

2. Sewage Pump Out Facility - Tweed Heads South

Notice of Motion; Development Application - General Correspondence; Master Boating Plan; Boating

478

Cr Marshall

Cr Luff

RESOLVED that Minute 561 of Council meeting held 6 December 2000 as detailed below...

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

Schedule of Outstanding Resolutions

1. *Council makes urgent representation to the State Government through the Local Member to provide suitable legal control of all levels of boating to prevent pollution of the State's waterways.*
2. *Council makes urgent representation to the State Government through the Local Member to provide suitable legal control of all levels of boating to prevent pollution of the State's waterways."*

be expedited by the General Manager as a matter of urgency.

Current Status: Action taken.

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

ITEMS MOVED FROM ORDINARY TO CONFIDENTIAL

5. **Section 149 Certificates - Casuarina Beach Development**
149 Certificates; Casuarina Development

C114

That the Mayor and General Manager develop a response for the consideration of Council.

Current Status: To be advised at meeting 5 December 2001.

Mayoral Minute

Councillors,

1. Casuarina Beach

Casuarina Beach Development

21 November - Opened first display home at Casuarina Beach (Southern Precinct). This home is a great example of modern and creative architecture

2. Citizenship Ceremony

GC6/5 Pt 5

22 November - Performed citizenship ceremony at Tweed Heads and presented certificates to 11 new citizens plus 3 teenage children

3. Self-Funded Independent Retirees Association

Residents & Ratepayers Association

22 November - Was guest speaker at a meeting of the Tweed Branch of the Self Funded Independent Retirees Association where I advised details of the Council's new water pricing policy.

4. Murwillumbah Museum

Museums/Historical Society; 4510.70

26 November – visited the Murwillumbah museum and investigated problems caused by water damage. It is recommended that Council should consider some form of funding in next year's budget to assist with maintenance for this important local historical building.

5. Latitude 28 Project

DA4040/100 Pt1

27 November – Launched the Latitude 28 project at Tweed Heads. I believe this project will be the start of rejuvenation of the Tweed CBD

Mayoral Minute

5. Tweed Heads Chamber of Commerce

Street Scaping - Tweed Heads

27 November – attended the Board meeting of the Tweed Heads Chamber of Commerce. Main discussion centred around the re-development of the Tweed CBD and the Latitude 28 Project.

6. Opening of the Twin Towns Millenium Tower

DA4030/3580 Pt5

28 November – The Soft Opening of the Twin Towns Millenium Tower was celebrated with a performance by the Stars of the Bolshoi Ballet. Twin Towns should be congratulated on displaying such leadership and confidence in the Tweed Heads area. I took great pleasure on behalf of the Tweed Shire Council in presenting a plaque to the Stars of the Bolshoi

7. Local Government – Excellence in Environment Awards

Civic Awards

29 November – travelled to Sydney with Don Buckley Director of Environment & Community Services to attend the Local Government Excellence in Environment Awards to receive an award on behalf of Tweed Shire (Agenda 21 Smart House) Highly Commended in Division C (population >60,000) of the Local Government Excellence in the Environment Awards Water Efficiency Category.

A BIG THANK YOU to those Councillors who have represented the Shire at various events during the past few weeks.

INVITATIONS RECEIVED

- Numerous invitations to Christmas functions from local businesses, clubs and societies have been received
- 3 December National Development Task Force Forum – South Grafton
- 3 December – Lindisfarne presentation “The Magical Christmas box” – Seagulls
- 4 December – Cabarita Precinct Meeting
- 5 December – National Year of Volunteers – Presentation of Awards – M’bah Civic Centre
- 7 December- TEDC Board Meeting
- 9 December – Tweed Coast Celebration Service to mark the conclusion of 3 congregations working together as united “Parish” – Tweed Heads Civic Centre

Mayoral Minute

ABSENCES FROM SHIRE BY GENERAL MANAGER AND DIRECTORS

➤ **General Manager (John Griffin)**

21 November 2001 Meeting re Transfer of Parking Control Officers to Local
Sydney Government

Proposed:

11 December 2001 Christmas Celebrations with Gold Coast Airport Ltd
Tugun

13 December 2001 Tentative - Rate Pegging Task Force Meeting
Sydney

20 December 2001 Meeting with Premiers Department & Department of Land
Lismore & Water Conservation re Lots 534 & 535 Elizabeth Street,
Pottsville

➤ **Director Corporate Services (Ian Carpenter)**

26 November 2001 Voluntary Structural Reform (VSR) Meeting
Mullumbimby

29 November 2001 VSR IT Group Meeting
Mullumbimby

Proposed:

30 November 2001 NOROC AGM & VSR "Electronic DA Processing"
Maclean Workshop

6 December 2001 SAI Meeting
Gold Coast

10-11 December 2001 Presenting Paper to IPQ Seminar
Sydney

12 December 2001 TENTATIVE - LGSA Benchmarking Project Steering
Sydney Committee Meeting

➤ **Director Development Services (David Broyd)**

28 November 2001 ICAC Launch of Local Government Discussion Paper
Lismore

Mayoral Minute

Proposed:

- | | |
|---|---|
| 6 December 2001
Sydney | Comprehensive Coastal Council Steering Committee |
| 10 December 2001
Coffs Harbour | North Coast Regional Coordination Management Group -
Human Services Infrastructure Planning Forum |
| 13-14 December 2001
Sydney | RAPI - Committees, AGM, Sydney Luka Awards |
| 20 December 2001
Lismore | Jacqui Parry, Wal Hambly & Bert Hurcum (Projects
Manager/Commercial Development) DLAWC re Lots 534 &
535 Elizabeth Street, Pottsville |

➤ **Director Engineering Services (Mike Rayner)**

- | | |
|-------------------------------------|--|
| 27 November 2001
Lismore | Workshop – “About the ICAC & reducing corruption risk in
your agency” |
|-------------------------------------|--|

Proposed:

- | | |
|------------------------------------|------------------------------------|
| 13 December 2001
Sydney | Water Directorate Planning Meeting |
|------------------------------------|------------------------------------|

➤ **Director Environment & Community Services (Don Buckley)**

- | | |
|--|-----------------|
| 23 November 2001
Sydney | ASSMAC |
| 29 November 2001
Logan | CLAG Meeting AM |
| 29 November 2001
Sydney | LGSA PM |
| 29 November 2001
Gold Coast | CLAG |

Proposed:

- | | |
|------------------------------------|---|
| 12 December 2001
Sydney | Local Government Liaison Committee DUAP |
|------------------------------------|---|
-

Items Deferred

ITEM DEFERRED FROM MEETING 21 NOVEMBER 2001

6. *Notice of Motion - Councillor Legal Costs*

Notice of Motion; Legal Costs; Councillors - General

430

Cr Lawrie

Cr Beck

RESOLVED that this item be deferred until the next meeting of Council.

6. **Notice of Motion - Cr Youngblutt**

Councillor Legal Costs

Notice of Motion; Legal Costs; Councillors - General

That any legal costs incurred by a Councillor in respect to the Bulford enquiry be paid for by the Tweed Shire Council as the enquiry was supported by the full Council.

Items Deferred

THIS
PAGE
THIS
PAGE
IS
IS
BLANK
BLANK

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

THIS
PAGE
THIS
PAGE
IS
IS
BLANK
BLANK

Reports from Director Development Services

- 1. ORIGIN:** Strategic Town Planning Unit
FILE REF: GT1/LEP/2000/24 Pt1

REPORT TITLE:

Minor Zone Amendment - Jones Road, Wooyung

SUMMARY OF REPORT:

Additions to Billinudgel Nature Reserve (Wooyung) were dedicated in 1997. The Nature Reserve was subsequently zoned 8(a) National Parks/Nature Reserve under Tweed Local Environmental Plan (LEP) 2000. It has come to Council's attention that the majority of Jones Road running along the western boundary of the Reserve has been incorrectly zoned 8(a) National Park/Nature Reserve. It is proposed that Tweed LEP 2000 be amended to identify this section of Jones Road as 'unzoned land' (see Figure 1).

This Amendment should be included in LEP Amendment No 24, Housekeeping (Stage 1).

RECOMMENDATION:

That Council:-

1. Pursuant to Section 54 of the Environmental Planning & Assessment Act 1979 prepares a draft Local Environmental Plan to rezone part of Jones Road (Figure 1) not included in the Billinudgel Nature Reserve from 8(a) National Parks/Nature Reserve Zone to 'unzoned land'.
2. Advises the Department of Urban Affairs and Planning that Council does not consider an Environmental Study is required.
3. Exhibits the draft Plan in accordance with 'Best Practice Guidelines – LEPs and Council Land' published by the Department of Urban Affairs & Planning.

Reports from Director Development Services

REPORT:

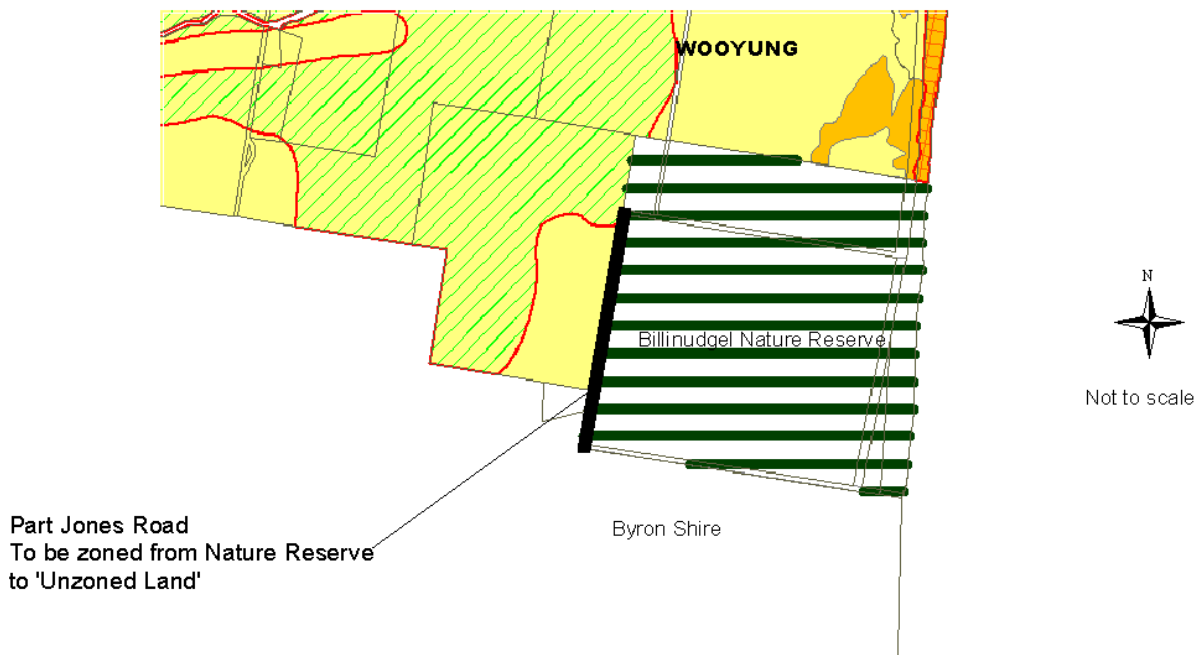
BACKGROUND

Billinudgel Nature Reserve is located on the Far North Coast of New South Wales, and has an area of 713 hectares. It forms one of several coastal nature reserves which protect important remnants of coastal habitat in an otherwise highly modified environment. A core area of the Reserve was dedicated in 1996 with additional lands to the north and south dedicated in 1997. The Reserve includes the beach to the mean low water mark. The Reserve was dedicated as part of the Government's New Parks initiative.

The northern section of the Billinudgel Nature Reserve within Tweed Shire was subsequently zoned 8(a) National Parks and Nature Reserve under Tweed LEP 2000. It has come to Council's attention that the majority of Jones Road on the western boundary of the Reserve has been incorrectly zoned 8(a) National Park/Nature Reserve zone (Figure 1). This part of Jones Road is not part of the Nature Reserve. It is proposed that this part of Jones Road be mapped as 'unzoned land' under Tweed LEP 2000.

This Amendment should be included in LEP Amendment No 24, Housekeeping (Stage 1).

Figure 1 - Proposed Zone change



Reports from Director Development Services

2. **ORIGIN:** Development Assessment Unit

FILE REF: DA4917/235 Pt4

REPORT TITLE:

Proposed Residential Subdivision (11 allotments) Comprising Stage 4 The Outlook, Koala Beach at Lot 903 DP 1017348 Bottlebrush Drive, Pottsville

SUMMARY OF REPORT:

Council is in receipt of a Development Application for a proposed 11 lot residential subdivision comprising Stage 4 The Outlook, Koala Beach at Lot 903 DP 1017348 Bottlebrush Drive, Pottsville. The subject site has an area of 75.28 hectares.

The subject application seeks to subdivide Lot 903 DP 1017348 initially into 2 lots and subsequently into 11 residential lots with areas ranging from 751m² to 1228m² and two (2) open space lots. The application is accompanied by an objection pursuant to State Environmental Planning Policy No. 1 as part of the land to be subdivided is zoned 7(l) and has an area less than the 40 hectare minimum requirement.

The proposal involves work within 40 metres of a waterbody and therefore constitutes Integrated Development in accordance with the Environmental Planning and Assessment Act, 1979. The application was referred to the Department of Land and Water Conservation and their general terms of approval have been issued.

The area in which the subdivision is proposed is generally clear of significant vegetation however the subject site contains several environmental constraints including a Blossom Bat habitat area to the north of Stage 4. The proposed development is not considered likely to result in significant adverse impacts on the natural environment.

RECOMMENDATION:

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

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

General

1. A detailed plan of landscaping for the proposed Public Reserve is to be submitted and approved by Council's Director, Development Services prior to the issue of a Construction Certificate. All landscaping work is to be completed in accordance with the approved plans prior to the issue of a Subdivision Certificate. The plan shall ensure access for bush fire fighting and maintenance vehicles is available.
2. A traffic control plan that complies with the provisions of the RTA document "Traffic Control at Work Sites" Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, and submitted for approval by Council, prior to issue of the Construction Certificate. All works are to comply with the Occupational Health and Safety Act and the RTA document and the approval particularly in respect to works on public roads. Safe public access shall be provided at all times.

Reports from Director Development Services

3. **Prior** to the commencement of work the applicant shall submit to Council evidence that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared in accordance with either:-
 - a. Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
 - b. AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.

Contributions

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

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

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

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

Stage 1

- a. Tweed Road Contribution Plan: \$3,950.00
S94 Plan No. 4 (Version 4.0) 1 lot @ \$3,950.00
(Koala Beach - Residential)
- b. Open Space (Structured): 1 lot @ \$519.00 \$519.00
S94 Plan No. 5
- c. Open Space (Casual): 1 lot @ \$235.00 \$235.00
S94 Plan No. 5
- d. Street Trees: 1 lot @ \$42.90 \$42.90
S94 Plan No. 6
- e. Shirewide Library Facilities: 1 lot @ \$300.00 \$300.00
S94 Plan No. 11
- f. Bus Shelters: 1 lot @ \$23.00 \$23.00
S94 Plan No. 12
- g. Eviron Cemetery/Crematorium Facilities: \$126.00
1 lot @ \$126.00
S94 Plan No. 13
- h. Community Facilities (Tweed Coast) \$584.00
(South Coast) 1 lot @ \$584.00
S94 Plan No. 15

Reports from Director Development Services

- i. Emergency Facilities (Surf Lifesaving) \$201.00
1 lot @ \$201.00
S94 Plan No. 16
- j. Extensions to Council Administration Offices
& Technical Support Facilities \$344.81
1 lot @ \$344.81
S94 Plan No. 18
- k. Cycleways 1 lot @ \$160.00 \$160.00
S94 Plan No. 22

Stage 2

- a. Tweed Road Contribution Plan: \$39,500.00
S94 Plan No. 4 (Version 4.0) 10 lots @ \$3,950.00
(Koala Beach - Residential)
- b. Open Space (Structured): 10 lots @ \$519.00 \$5,190.00
S94 Plan No. 5
- c. Open Space (Casual): 10 lots @ \$235.00 \$2,350.00
S94 Plan No. 5
- d. Street Trees: 10 lots @ \$42.90 \$429.00
S94 Plan No. 6
- e. Shirewide Library Facilities: 10 lots @ \$300.00 \$3,000.00
S94 Plan No. 11
- f. Bus Shelters: 10 lots @ \$23.00 \$230.00
S94 Plan No. 12
- g. Eviron Cemetery/Crematorium Facilities: \$1,260.00
10 lots @ \$126.00
S94 Plan No. 13
- h. Community Facilities (Tweed Coast) \$5,840.00
(South Coast) 10 lots @ \$584.00
S94 Plan No. 15
- i. Emergency Facilities (Surf Lifesaving) \$2,010.00
10 lots @ \$201.00
S94 Plan No. 16
- j. Extensions to Council Administration Offices
& Technical Support Facilities \$3,448.10
10 lots @ \$344.81
S94 Plan No. 18
- k. Cycleways 10 lots @ \$160.00 \$1,600.00
S94 Plan No. 22

Reports from Director Development Services

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

Pursuant to Clause 79H of the Environmental Planning and Assessment Regulations, 1994, a 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.

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

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

Stage 1

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

Stage 2

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

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

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

Further Approvals

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

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

(i) Subdivision Work

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

- a) copies of compliance certificates relied upon
- b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
 - earthworks
 - roadworks
 - road pavement

Reports from Director Development Services

- road furnishings
- stormwater drainage
- water supply works
- sewerage works
- landscaping works
- sedimentation and erosion management plans
- location of all service conduits (water, sewer, Northpower and Telstra)
- the approved Traffic Control Plan
- the relevant maintenance manuals (eg. G.P.T's, water pump station)

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

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

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

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

The bond will be refunded, if not expended, when the final Subdivision Certificate is issued.

Drainage/Flooding

9. All fill is to be graded at 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. If filling is required, a plan of proposed drainage is to be submitted with the Construction Certificate application. Drainage must be installed and operational prior to commencement of any work.

Reports from Director Development Services

GENERAL

10. The development shall be completed in general accordance with Figures 1 to 10 prepared by Cardno MBK, which are included in the Development Layout and Engineering Report and dated May 2001, except where varied by these conditions.
11. The public reserve lots identified in the application are to be dedicated to Council.
12. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.
13. No soil, sand, gravel, clay or other material shall be disposed of off the site.
14. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
15. The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual.
16. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No 0655/2001DA have been complied with.
17. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:
 1. Easements for sewer, water supply and drainage over **ALL** services on private property.
 2. Right of Way
 3. Restriction on use preventing obstruction to any drainage depression below the 1:100 year flood level.
 4. Easement for stormwater drainage and access, benefiting Council, is to be provided along the Stage 4 outfall drainage pipeline and access track and from the common stormwater drainage outfall to a lawful point of discharge, being the downstream defined natural watercourse.

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

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.
18. The submission of a plan for the approval of Council identifying a building envelope (with minimum dimensions of 10m by 15m) for each of the allotments, prior to the release of a Construction Certificate. The plan is to illustrate the location of the building envelopes in relation to the following constraints:
 - Restriction on use for Habitat Management (Bat Buffer Area).
 - Restriction on use for Bush Fire Management.

Reports from Director Development Services

- Koala food trees.
- Six (6) metre setback from road frontage.
- 1:100 year flood level of natural watercourses (and relocated depression).

The approved plan is to be reflected in the creation of a restriction as user under Section 88B of the Conveyancing Act. The restriction as to user shall require all dwelling houses to be constructed within the approved building envelope, unless otherwise approved by Council, and Council shall be the sole authority to vary the instrument. The wording of the restriction as to user is to be submitted to Council for approval prior to the release of the Subdivision Certificate.

19. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742-1991 (Manual for Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.
20. Prior to the issue of a Subdivision Certificate, Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council.
21. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Consulting Engineer shall be erected and maintained in a prominent position at the site to the satisfaction of the Director, Development Services. The sign is to remain in place until the Subdivision Certificate is issued.
22. Where new state survey marks and/or permanent marks are placed, a copy of the locality sketch relating to the marks shall be submitted with the final subdivision certificate application.
23. All retaining walls in excess of 1.0 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.
24. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the Director, Development Services **PRIOR** to the issue of a Subdivision Certificate. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.
25. All traffic control devices, where proposed, shall be accurately notated on a plan, which shall be lodged with the Roads and Traffic Authority for official approval and recording.
26. Dogs, cats and other domestic animals are prohibited from entering this locality by a covenant applying to this land.

All persons associated with the development of this site are prohibited from permitting any such domestic animals to enter this subdivision locality.

Please note that this prohibition also applies to all contractors, sub-contractors and other trades persons accessing this site.

Reports from Director Development Services

27. No retaining walls or similar structures are to be constructed over Council's sewer main.
28. In accordance with Section 109F(i) of the Environmental Planning & Assessment Act, 1979 (as amended), a construction certificate for **SUBDIVISION WORKS OR BUILDING WORKS** shall **NOT** be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment.

FURTHER APPROVALS

29. Prior to registration of the plan of subdivision, a **Subdivision Certificate** shall be obtained.
 - (i) The following information must accompany an application:
 - original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees of \$118 per lot.
 - relevant development consent or complying development certificate
 - detailed subdivision engineering plans endorsed with a construction certificate (where applicable)
 - for a deferred commencement consent evidence that the applicant has satisfied the consent authority on all matters which must be satisfied before the consent can operate
 - evidence that the applicant has complied with all conditions of consent, that it is required to comply with before a subdivision certificate can be issued (where applicable)
 - a certificate of compliance from the relevant water supply authority (where applicable)
 - if a subdivision is the subject of an order of the Land and Environment Court under section 40 of the Land and Environment Court Act 1979 evidence that required drainage easements have been acquired by the relevant council
 - for subdivision involving subdivision works evidence that:
 - the work has been completed, or
 - agreement reached with the relevant consent authority regarding payment of the cost of work or as to the time for carrying out the work, or
 - security given to the consent authority with respect to the completion of the work
 - Work as Executed Plans for **ALL** works
 - (ii) Documentary evidence that **all** matters contained in Section 109J of the Act have been complied with.
 - (iii) Written evidence from Council that the proposed road/street names have been approved.

Reports from Director Development Services

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

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

- (i) Compliance Certificate - Roads
- (ii) Compliance Certificate - Water Reticulation
- (iii) Compliance Certificate - Sewerage Reticulation
- (iv) Compliance Certificate - Drainage

Note: 1. Where Council is requested to issue compliance certificates, applications for such certificates must be accompanied by documentary evidence from the Developers Supervising Consulting Engineer certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, DCP16 - Subdivision Manual and good Engineering Practice.

2. Where Council is requested to issue the construction certificate all compliance certificates and a Subdivision Certificate, Council will carry out the following inspections as deemed necessary by Council based on the rates contained in Council's current Fees and Charges:-

Roadworks

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

Water Reticulation, Sewer Reticulation, Drainage

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

Reports from Director Development Services

i. Off maintenance

Council's role is limited to the above mandatory inspections and does **NOT** include supervision of the works, which is the responsibility of the Developers Supervising Consulting Engineer.

3. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Supply Authorities Act, 1987 to be certified by an "accredited certifier".

31. Prior to the issue of a **Subdivision Certificate**, Works as Executed Plans shall be submitted in accordance with the provisions of DCP16 - Subdivisions Manual.

The plans are to be endorsed by a Registered Surveyor **AND** a Consulting Engineer Certifying that:

- (i) all drainage lines, sewer lines and structures are wholly contained within the drainage easement created by the subdivision;
- (ii) the plans accurately reflect the Work as Executed.

Note: Where works are carried out by Council on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed plans.

32. Prior to the issue of a **Subdivision Certificate** a defect liability bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.

The bond shall be based on 5% of the value of the works which will be held by Council for a period of 6 months from the date on which the Subdivision Certificate is issued and will be refunded following the remedying of any defects arising within the 6 month period.

33. Before the commencement of the relevant stages of road construction, reports shall be submitted to Council from a Registered NATA Consultant demonstrating.

- a. That the pavement has been designed and constructed in accordance with subgrade analysis as per Austroads Pavement Design, A Guide to the Structural Design of Road Pavements.
- b. That the pavement materials used comply with the specifications in RTA Form Q3051 (June 1998)
- c. That the pavement layers have been compacted to RTA specifications.
- d. That site fill areas have been compacted to the specified standard.
- e. That supervision of Bulk Earthworks has been to Level 1 frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.
- f. That pavement testing has been completed in accordance with Table 8.1 of AS 3798-1996.

34. All lots must be graded and trimmed to prevent the ponding of surface water. Additionally, all lots must be adequately vegetated and action must be taken to prevent erosion from wind and/or water to the satisfaction of the Director, Development Services.

Reports from Director Development Services

35. The Construction Certificate application shall include a provision for pavement design. The final design shall be approved by Council OR an accredited certifier prior to the placement of any road pavement material.

ROADS/STREETS

36. Provision of adequate vehicular access in accordance with Council's "Access to Property" pamphlet.
37. All proposed road/streets, drainage and associated works within the subdivision shall be designed and constructed in accordance with the development consent plans referred to in Condition 1 **AND** the relevant provision of DCP No. 16 - Subdivisions Manual, except where varied by the conditions of this consent.
38. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-
- i. Construct a Koala Crossing adjacent to the proposed Koala corridor including signage and lighting.
 - ii. Construction of a stormwater drainage system that will convey all waters through the site to a legal point of discharge. The sub surface and overland drainage systems shall convey the respective flows from minor and major storm events. Clearly defined upstream catchment areas and supporting stormwater calculations shall accompany the engineering design plans. Where drainage from the proposed subdivision is to be connected to existing stormwater systems, calculations verifying existing system capacity are to be included.
 - iii. Construct a formed access track/s for bush fire fighting and stormwater maintenance vehicles.
 - iv. Calculations showing the extent of inundations, if any, for the 1:100 year ARI storm to lots 459, 460, 461 and 457 due to natural watercourses.
 - v. Construction of sealed driveways to the property boundaries for lots 457 and 451.
 - vi. Details of relocated depression around lot 459 including remediation measures.
 - vii. Extension of existing scour protection measures at the discharge headwall/s to take account of the extra flow rates generated from this subdivision.
39. In accordance with Development Control Plan No. 16 a footpath 1.2m wide on the eastern side and 2.5m wide on the western side constructed of concrete shall be provided for the full length of Bottlebrush Drive. The design and construction standard shall comply with AUSPEC (TSC Version).
40. The owner or contractor must not undertake any work within the public road reserve without giving Council's Engineering Services Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.
41. Where the kerb is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.
42. Pram ramps are to be constructed at road intersections in accordance with Council's Plan No. A4-96 to the satisfaction of the Director of Engineering Services and in accordance with Council's Standard Plan No. A4-96. Mountable or roll top kerb does

Reports from Director Development Services

not meet pram ramp requirements, and therefore requires a pram ramp to be constructed as above.

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

DRAINAGE/FLOODING

44. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped.
45. No filling is to be placed hydraulically within twenty metres (20m) of any boundary that abutts private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.
No filling of any description is to be deposited, or remain deposited, within adjacent properties.
46. Inter allotment drainage shall be provided to **ALL** lots where roof water from dwellings, driveways and paved accesses cannot be conveyed to the street gutter by gravitational means. Where inter-allotment drainage has not been provided, Certification by a duly qualified Engineer is to be provided stating that roof water from the building envelope can be conveyed to the street gutter by gravitational means or that all Q20 24 hour runoff from impervious areas of the site can be disposed of, on site, by means of infiltration.
47. Erosion and Sediment Control During the Construction Phase of Development
 - (a) Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with the "*Tweed Urban Stormwater Quality Management Plan*" (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan "*Tweed Shire Council Aus-Spec D7 - Stormwater Quality*" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond (if required) has been released.
 - (b) The Construction Certificate Application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
48. The earthworks shall be carried out in accordance with AS 3798-1996, "Guidelines on Earthworks for Commercial and Residential Developments". In general, material shall

Reports from Director Development Services

be placed in layers not exceeding 300mm in depth, watered and compacted to achieve the specified density ratio as monitored in Table 5.1 - Guidelines for Minimum Relative Compaction.

49. The earthworks program shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with Appendix B, AS 3798-1996. In addition, the frequency of field density testing shall be to a Type 1 standard in accordance with Table 8.1 of AS 3798-1996. The geotechnical report shall be accompanied by a certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798-1996.

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

Any defects identified by the inspection are to be repaired using any one of the following repair techniques or such other technique as may be approved by the Director of Engineering Services.

- Tiger Patch patch liner;
- Econoliner;
- PL Quick Sleeve System;
- Flexi-Bond method

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

51. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of fill shall be submitted to the satisfaction of the Director Development Services.

52. All stormwater discharged from the site including dewatering discharge is to be directed to a sediment pond prior to final discharge into any waterway. The sediment ponds or other approved devices are to be maintained in good condition until the maintenance bond is released.

53. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

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

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

54. Permanent Stormwater Quality Treatment

- (a) Permanent stormwater quality treatment shall comply with “*Tweed Urban Stormwater Quality Management Plan*” (adopted by Council 19 April 2000) section 5.5.3 “Stormwater Objectives During the Post Construction or Occupational Phase of Development”. New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance

Reports from Director Development Services

with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the “deemed to comply” provisions of *Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality* is deemed to comply with the objectives in 5.5.3.

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

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

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

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

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

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

SERVICES

Sewer

56. Prior to issuing a Subdivision Certificate, outfall sewerage reticulation shall be provided to all lots within the subdivision including a minimum 150mm diameter sewer junction terminated at least 1.0m inside the property boundary of each lot in accordance with engineering plans to accompany the Construction Certificate application. The reticulation shall be designed and constructed in accordance with DCP16 - Subdivisions Manual.

Council does not permit the building over Council's sewers. When buildings are located in close proximity to the sewer, detailed plans of footing types, location and depth relative to the sewer are required to be included with the Construction Certificate Application.

Reports from Director Development Services

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

Water

57. Prior to issuing a Subdivision Certificate, Town Water shall be provided to each lot including a minimum size 25mm outside diameter water service terminated 1.0m inside the property boundary of each lot in accordance engineering with plans to accompany the Construction Certificate application. The reticulation shall be designed and constructed in accordance with DCP16 - Subdivisions Manual.

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

Telephone

58. The production of written evidence from Telstra Australia certifying that satisfactory arrangements have been made for the provision of underground telephone supply.

Electricity

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

ENVIRONMENT PROTECTION

60. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.
61. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
62. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.
63. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.
64. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17^o or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application.

Such plans shall generally incorporate the following and preferably be prepared by a landscape architect:

- i) Contours and terraces where the height exceeds 1m.
- ii) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
- iii) Densely plant with sub-tropical (rainforest) native and exotic species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.

Reports from Director Development Services

- iv) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.
 - v) The landscaping shall be completed to the satisfaction of the Director Development Services **PRIOR** to the issue of a Subdivision Certificate.
 - vi) A bond shall be lodged prior to the issue of the subdivision certificate to ensure that the landscaping is maintained by the developer for a period of 6 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.
65. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
66. The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning.
67. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays.
68. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
- A. Short Term Period - 4 weeks.
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
 - B. Long term period - the duration.
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.
69. All stormwater gully lintels shall have the following notice **cast** into the top of the lintel: **'DUMP NO RUBBISH, FLOWS INTO CREEK'** or similar wording to the satisfaction of the Director of Development Services.
70. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
71. Prior to and during construction provide a “shake down” area along the haul route located immediately before the intersection with the road reserve. The “shake down” area is to be 10 metres long, minimum 3.0 metres wide, constructed of minimum 50mm diameter crushed rock; or other such device approved by the Director of Engineering Services.
72. The burning of builders waste on site by open fire is prohibited.
73. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.
- Erosion and sediment control shall be in accordance with *the “Tweed Urban Stormwater Quality Management Plan”* (adopted by Council 19 April 2000) section

Reports from Director Development Services

- 5.5.2 “Stormwater Objectives During the Construction Phase of New Development”. This section requires all new development to comply with Appendix E of the Plan “*Tweed Shire Council Aus-Spec D7 - Stormwater Quality*” and its Annexure A - “Code of Practice for Soil and Water Management on Construction Works”. Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond has been released.
74. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.
 75. Except as may be expressly provided in the approval, the approval holder must comply with section 120 of the Protection of the Environment Operations Act 1997 prohibiting the pollution of waters.
 76. All subdivisions are to comply with DCP39 which requires 80% of all lots to achieve a five star rating with the remainder achieving a minimum of three or four stars.
 77. 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.
 78. Acid sulfate soils shall not be disturbed or exposed in a manner which is likely to generate acid sulfate runoff.
 79. The applicant shall comply with the recommendations related to the protection of the Queensland Blossom Bat, including the erection of fences, as specified in Part 12.4 of the Eight Part Test of Significance Stage 4 Koala Beach Estate Pottsville (Prepared by the Australian Koala Foundation, July 2001), except where varied by the Plan of Management approved by NSW NPWS).
 80. A fence shall be placed prior to the commencement of works for the purposes of protecting Queensland Blossom Bat habitat as indicated on Figure 10 of the Development Layout and Engineering Report, Cardno MBK, May 2001.
 81. Erosion and sediment control measures shall be placed in accordance with Figure 10 of the Development Layout and Engineering Report, Cardno MBK, May 2001 and any other directions or requirements of the Director Environment & Community Services.
 82. A Stormwater Monitoring Plan, including details of monitoring locations and frequency shall be submitted for approval of the Director Environment & Community Services prior to the commencement of works. All works shall comply with that approved plan.
 83. All stormwater shall be directed to the water quality control ponds on the site, and shall not be discharged direct to any watercourse or wetland.
 84. All relevant amelioration measures in the Koala Plan of Management submitted with the application to be implemented, including:-
 - (a) Where possible retention of all *Banksia Integrafolia* species greater than 125mm diameter at breast height to be protected tagged and shown on Engineering Plans, and incorporated in Subdivision design.

Reports from Director Development Services

- (b) Retention of all Koala home range trees, primary browse tree and other trees identified in Figures 2, 2B, 6, 8 and 10 of the Development Layout and Engineering Report prepared by Cardno MBK and dated May 2001.
 - (c) All trees identified in (a) and (b) to be fenced, flagged or labelled prior to commencement of construction (evidence of such to be submitted to Council prior to any work commencing and throughout construction) and Section 88B restrictions as to user on the title of each lot created where such trees occur to prohibit disturbance, damage or removal.
 - (d) Restriction as to user under Section 88B of the Conveyancing Act to be imposed on the title of all lots, providing that domestic dogs and cats must **NOT** be permitted or kept or otherwise brought onto the Searanch site. All access roads to the site to be signposted to that effect. The restriction shall contain a provision enabling the restriction to be revoked, varied or modified only with the consent of Council.
 - (e) All earthworks or bushfire management measures involving tree removal from areas known to be utilised by koalas must not proceed until the area has been inspected by an officer of the Australian Koala Foundation, or their nominated representative. Tree clearing operations will be temporarily suspended within a range of 50m from any tree which is concurrently occupied by a koala and will not resume until the koala has moved off on its own accord out of the area.
 - (f) Road design standards, appropriate speed control devices and koala crossing area shall be incorporated into the subdivision design to the extent that they restrict motor vehicles to a maximum speed of 40kph within that area of the Searanch site proposed for development.
 - (g) Restrictions as to user under section 88B of the Conveyancing Act to ensure that all swimming pools installed by future residents of the Searanch community must possess a stout rope (minimum 50mm diameter), one end of which is secured to a stable poolside fixture, the other of which must trail in the pool at all times, and that fencing in the proposed development area should not be encouraged. However, where fencing is considered necessary for privacy or security reasons, a minimum ground clearance of 200mm must be maintained. Swimming pool fences must maintain a maximum ground clearance of 100mm to comply with the Swimming Pool Fence Regulations.
 - (h) Kerbside plantings for the purpose of landscaping the proposed urban subdivision must incorporate a minimum of 1 koala food tree for every two residential allotments.
 - (i) The importance of the Searanch site for koala conservation and the potential role of the community in managing the population must be communicated to intending land purchasers and prospective residents by way of a detailed information brochure.
85. Compliance with the Koala Management Plan (as amended). A review of the approved Koala Management Plan (as amended) is to be undertaken in terms of its effectiveness in its application to Stages 1 and 2 of the development. The review is to address (but not be limited to) the following matters:
- The results of the Koala population monitoring.

Reports from Director Development Services

- The effectiveness of the protective measures employed, for example, has the retention of Koala feed trees been successful? Have there been any road kills? Have there been any dog kills?
- Details of any protective measures that should be considered in addition to the Koala Management Plan for Stages 1 and 2.
- Any site-specific measures proposed for Stage 4.

The review is to be submitted to Council and NSW NPWS prior to release of the Subdivision Certificate. Following the review any necessary amendments to the Koala Management Plan are to be made.

86. The Subdivision is to be carried out in accordance with the recommendations contained in the Eight-Part Test of Significance prepared by the Australian Koala Foundation dated July 2001.
87. Surveys are to be undertaken of the Bush Thick-Knee and Long-nosed Potoroo as recommended in the Eight-Part Test of Significance prepared by the Australian Koala Foundation dated July 2001. The results of the surveys and proposed protective measures as appropriate are to be submitted to Council and NSW NPWS prior to release of the Subdivision Certificate.
88. An amended Plan of Management for the land zoned 7(l) Environmental Protection (Habitat) is to be submitted to the satisfaction of Council, prior to the release of the Construction Certificate. The amended plan is to be prepared by a suitably qualified person and address the following matters in detail:
- Measures to progressively remove exotic weeds.
 - Measures to ensure native vegetation is regenerated.
 - Measures to ensure threatened species habitat is conserved.
89. The Statement of Landscape Intent prepared by EDAW dated 28 May 2001, shall be amended as follows:
- Deletion of: *Peltophorum pterocarpum*
 Dieties grandiflora
 Gazania
 Hymenocallis littoralis
 - Inclusion of: *Allocasuarina littoralis*
- The amended plan shall be submitted to Council prior to the release of the Subdivision Certificate.

BUSHFIRE MANAGEMENT

90. Unless otherwise approved by Council, a restriction as to user under Section 88B of the Conveyancing Act is to be imposed, requiring an area at the rear of all lots backing onto land zoned 7(l) for bush fire mitigation purposes, as indicated in Figure 2B, wherein:
- (i) no buildings except swimming pools are to be permitted,
 - (ii) area is to be kept generally free of ground litter and fire susceptible plant species;
 - (iii) and any fencing to be constructed in non-combustible material.

Reports from Director Development Services

91. The proposed development is to be carried out in accordance with the Bush Fire Management Plan prepared by Cardno MBK and dated April 2001, except as varied by Council. The plan is to be amended to incorporate the following:
- (a) Manual (or brush cutter) fuel management of ground cover within that part of the buffer encroaching on the 7(l) Environmental Protection (Habitat) Zone.
 - (b) Signs detailing the fuel management measures shall be erected, details of proposed signage to be submitted to Council for approval.
 - (c) The extent of the asset protection zone located within the 7(l) Environmental Protection (Habitat) Zone is to be clearly and permanently marked to the satisfaction of Council.

Measures (b) and (c) are to be carried out prior to the release of the Subdivision Certificate (i.e. prior to the final civil works inspection). The amendments detailed above are also required to be reflected in the management plan for the 7(l) Environmental Protection (Habitat) Zoned land, the Buffer Area Management Plan and the Maintenance Plan for the Bush Fire Management Zones. The amended plans are to be submitted to Council prior to the release of the Construction Certificate.

92. Prior to the issue of a Subdivision Certificate a maintenance plan for the Bush Fire Management Zones must be submitted to and approved by the Manager Recreation Services. The plan shall include (as a minimum) the following sections:-
- (i) Introduction – location, subdivision details
 - (ii) Description – zone boundaries and locations
 - (iii) Bush Fire Management – objectives, issues, options
 - (iv) Recommendations
 - (v) Maintenance Plan – to explain what maintenance is required, when and where is it required and how it is to be undertaken, including machinery, methods manpower and equipment. The Maintenance Plan is to incorporate the following:
 - (a) The Inner Protection Zone (or fuel free zone) is to be able to be easily maintained by a slasher. The Inner Protection Zone is to be of a manageable slope $<25^\circ$ and the surface is to be free of rocks, logs, etc that may impede access, damage machinery or pose safety issues to the operator or the public.
 - (b) Maintenance measures are to achieve a maximum fuel loading of 8 tonnes per hectare within the Outer Protection Zone (or fuel reduced zone). Details of proposed manual/brush cutter clearing of fuel so as not to impact on significant trees are to be provided (as recommended by the Australian Koala Foundation).

An inspection of the above Bush Fire Management works is to be carried out by Council officers prior to release of the Subdivision Certificate (i.e. prior to the final civil works inspection).

DEPARTMENT OF LAND & WATER CONSERVATION – GENERAL TERMS OF APPROVAL

93. The works area shall be revegetated to reduce erosion potential as soon as works are completed.

Reports from Director Development Services

94. Vegetation native to the local area only are to be used in the revegetation program (except grasses for initial soil stabilisation).
95. If required, the site shall be fenced off to prevent stock access while the site is undergoing restoration and revegetation.
96. Any fill shall be protected to prevent it from being eroded.
97. Any structural works shall be secure to withstand flow velocities at the bankfull discharge of the stream.
98. No materials shall be used that may pollute the stream.
99. No materials may be used that may create a risk to public safety.
100. All scrub, undergrowth and timber removed from the area of operation shall be disposed of so that the debris cannot be swept back into the stream during a flood.
101. If in the opinion of any reasonable officer of the Department of Land and Water Conservation any work is being carried out in such a manner as it may damage or detrimentally affect the stream or damage or interfere in any way with any work, the operation in that section of the said stream shall cease forthwith upon written or oral direction of such officer.
102. A copy of this letter of permission shall be made available to officers of the Department upon request.
103. This permit does not give you the right to occupy any land without the owners consent, nor does it relieve you of any obligation which may exist to also obtain permission from Local Government and other Authorities who may have some form of control over the site of the work and/or the activities you propose to undertake.
104. The site shall be restored and revegetated to the satisfaction of the Department of Land and Water Conservation.
105. The permit holder and the owner or occupier of the land are responsible for any excavation, removal or placement of material or construction of works undertaken by any other person or company at the site.
106. This permit is not transferable to any other person or Company and does not allow operations at any other site.
107. The permit does not allow an extractive industry at the site.
108. This permit is issued with the provision that operations shall be carried out on freehold land. Should operations be on Crown land, this permit is rendered null and void.
109. Operations shall be conducted in such a manner as not to cause damage or interfere in any way with vegetation on adjacent banks.
110. Operations shall be conducted in such a manner as not to cause damage or increase the erosion of adjacent bed and banks.
111. Sediment control measures shall be provided for the duration of works and until the site is stabilised.
112. If the permit conditions have been breached the permit holder shall restore the site to the satisfaction of the Department. If the works as directed are not completed then the permit holder shall pay a fee prescribed by the Department for the initial breach inspection and all subsequent inspections.

Reports from Director Development Services

REPORT:

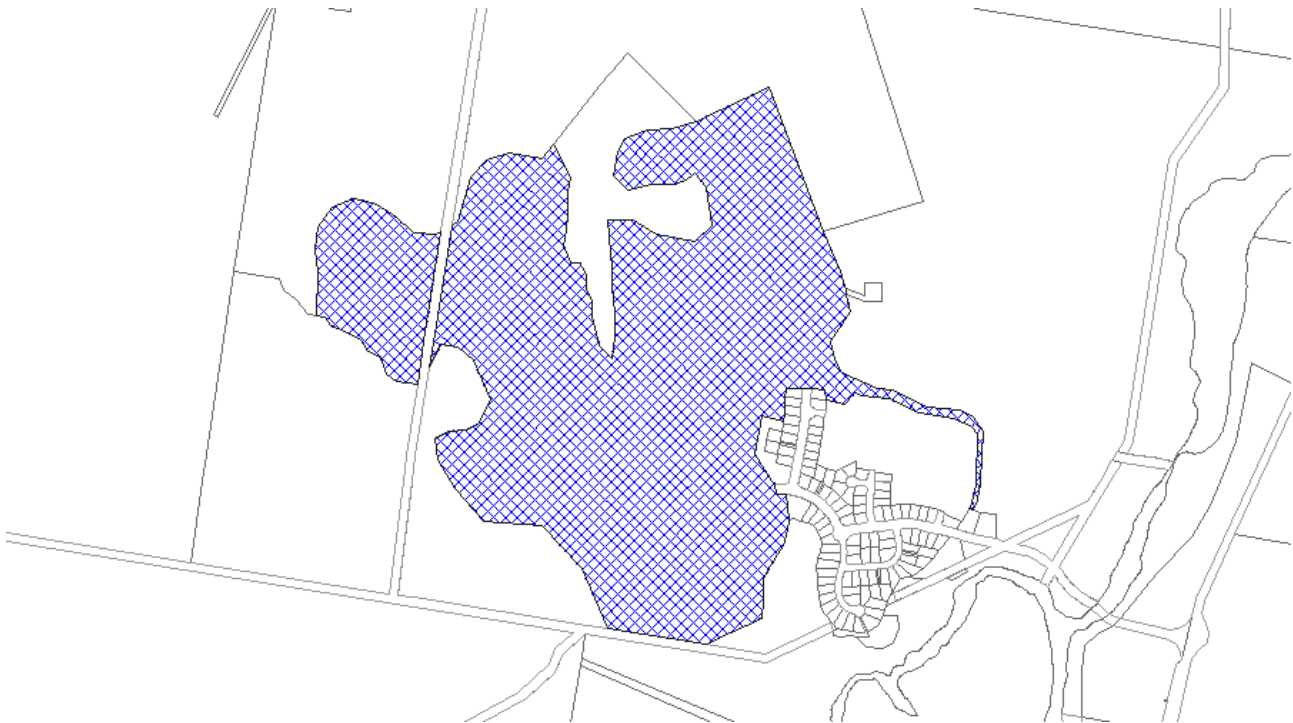
Applicant: Cinereus Beach Pty Ltd c/- Darryl Anderson Consulting Pty Ltd
Owner: Cinereus Beach Pty Ltd
Location: Lot 903 DP 1017348 Bottlebrush Drive, Pottsville (Koala Beach)
Zoning: Pt. 2(c) Urban Expansion, Pt. 7(a) Environmental Protection (Wetlands & Littoral Rainforest) and Pt. 7(l) Environmental Protection (Habitat)
Estimated Value: \$165,000

BACKGROUND/SUBJECT SITE

The subject site is described as Lot 903 DP 1017348 and is located to the north of the existing road formation of Bottlebrush Drive, Koala Beach. The site has an area of 75.28 hectares. The subject site varies in elevation from approximately RL24 to approximately RL40.

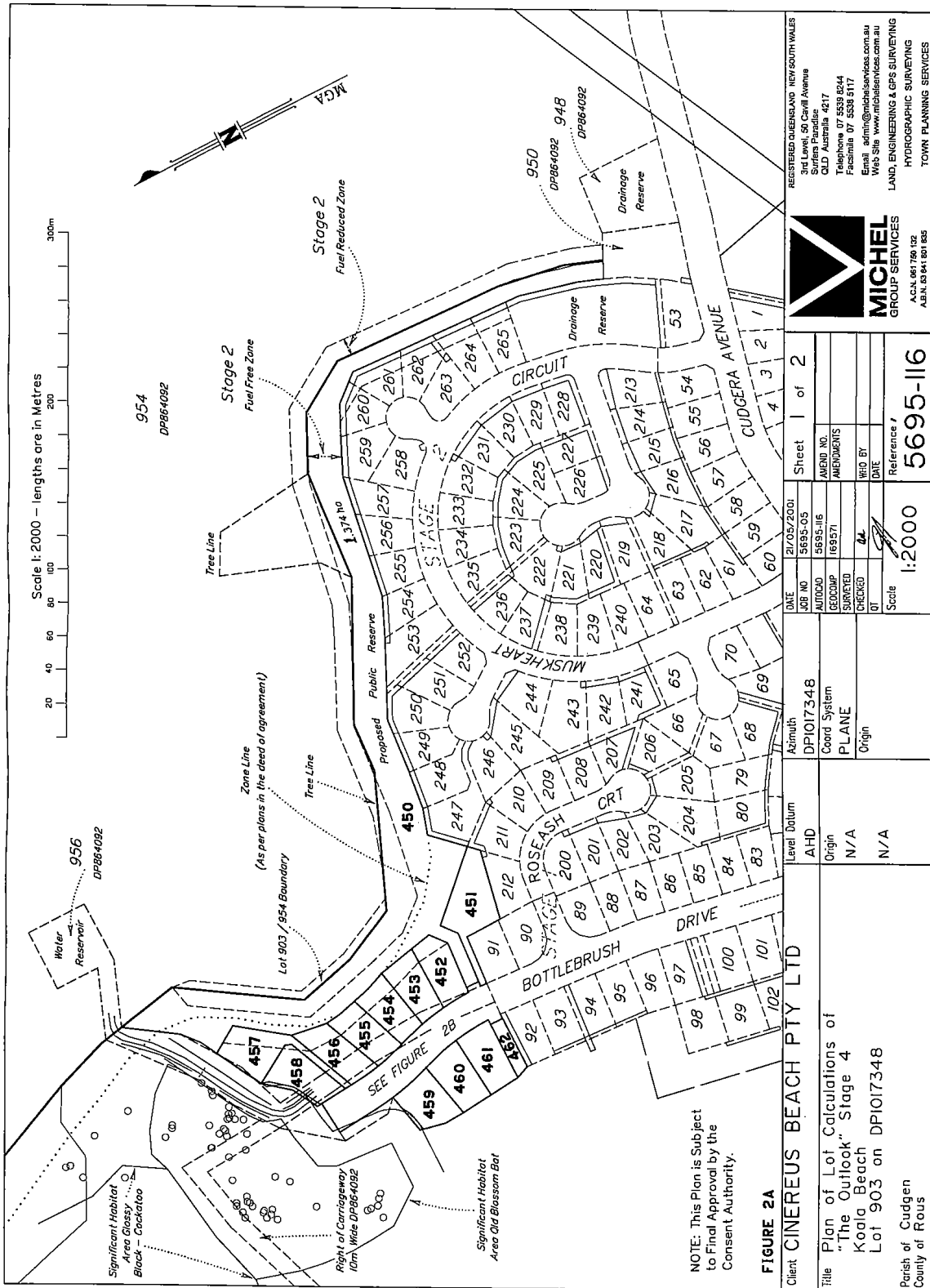
Development Consent No. S94/176 for Stage 1 of Koala Beach Estate comprising 101 allotments was approved by Council on 19 October 1995 and has been developed. Stage 2 comprising 67 allotments was approved by the Minister for Urban Affairs and Planning on 26 September 1999 and is currently being developed. A separate Development Application has been lodged for Stage 3 of the estate comprising 111 allotments and will be subject to a separate report to Council.

FIGURE 1 – LOCALITY PLAN



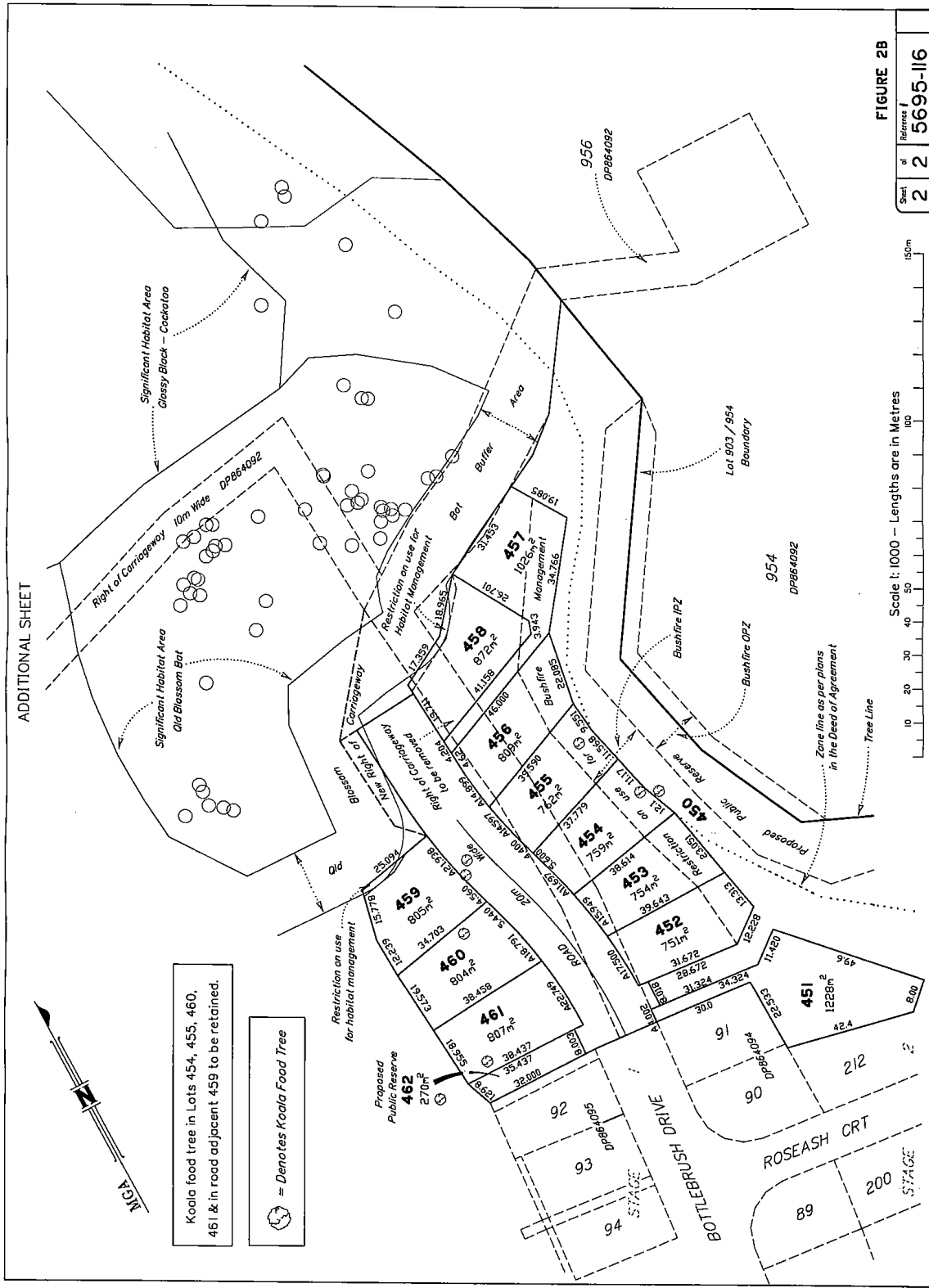
Reports from Director Development Services

FIGURE 2 – SITE PLAN



Reports from Director Development Services

FIGURE 3 – DEVELOPMENT PLAN



Reports from Director Development Services

PROPOSED DEVELOPMENT

The proposed development seeks approval for the subdivision of Lot 903 DP 1017348 Bottlebrush Drive, Pottsville. The subject development comprises Stage 4 of Koala Beach Estate. The subdivision is proposed to be carried out in the following stages:

- Stage 1 – subdivision of the parent lot to create Lot 904 with an area of 2.585 hectares and a residue lot 905 with an area of 72.2 hectares.
- Stage 2 – subdivision of Lot 904 created in Stage 1 into 11 residential lots with areas ranging from 751m² to 1228m² and two open space lots with areas of 1.374 hectares and 270m².

The application proposes the extension of Bottlebrush Drive to the north for a distance of approximately 120 metres. The area in which the subdivision is proposed is generally cleared of significant vegetation however the application identifies the following key environmental constraints applying to the land.

- A Blossom Bat habitat area to the north of Stage 4. A 20 metre buffer has been provided to the area.
- The need for Koala corridors on the western and southern side of the residential lots.
- The need for bushfire and environmental buffers to the 7(l) land to the east of the residential lots.
- Preservation of certain Koala food trees on and adjacent to the lots (as identified by the Australian Koala Foundation).

An objection pursuant to State Environmental Planning Policy No. 1 (SEPP 1) has been submitted with the development application, as the proposal involves the creation of an allotment partly zoned 7(l) which is less than 40 hectares in area. The proposed development also requires a 3A permit in accordance with the Rivers and Foreshores Improvement Act 1948 for works within 40 metres of a waterbody. The development therefore constitutes Integrated Development in accordance with the Environmental Planning and Assessment Act 1979.

EVALUATION

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

a(i) Provisions of any Environmental Planning Instrument

Tweed Local Environmental Plan 2000 (TLEP 2000)

The subject site is partly zoned 2(c) Urban Expansion, 7(a) Environmental Protection (Wetland & Littoral Rainforest) and 7(l) Environmental Protection (Habitat) in accordance with the provisions of TLEP 2000. The proposed residential lots are located within the land zoned 2(c) Urban Expansion. The primary objective of the 2(c) Urban Expansion zone is to identify land for urban expansion and to ensure its optimum utilisation consistent with environmental constraints and the need to minimise residential land take. The secondary objectives of the zone include ensuring that sensitive environmental areas within and outside the zone are protected from any adverse impacts of development. The proposed development responds to the environmental constraints affecting the land and is considered to be consistent with the zone objectives.

Reports from Director Development Services

Dwelling houses are permissible with Development Consent within the 2(c) zone if each is on an allotment of at least 450m². The proposed lots range in area from 750m² to 1228m² and comply with the minimum 450m² required for a dwelling house.

Clause 15 of TLEP 2000 requires the consent authority to be satisfied that a water supply and facilities for the removal of sewer and drainage are available for land prior to granting development consent for the carrying out of development on any land. Existing services are considered adequate to cater for the additional 11 residential allotments.

Clause 20 of TLEP 2000 requires a minimum lot size of 40 hectares for the subdivision of land zoned 7(1). The proposed residue allotment contains 7(1) land less than 40 hectares in area and the application is therefore accompanied by an objection pursuant to State Environmental Planning Policy No. 1 (SEPP1). This issue is addressed later in the report.

Clause 25 of TLEP 2000 applies to development in zone 7(a) Environmental Protection (Wetland & Littoral Rainforest) and on adjacent land. The clause requires the consent authority to consider the following matters prior to granting consent to the carrying out of development on land within zone 7(a) or on land adjacent to land zoned 7(a):

- (a) The likely effects of the development on the flora and fauna found in the Wetlands or Littoral Rainforest,
- (b) The potential for disturbance of native flora and fauna as a result of intrusion by humans and domestic and feral animals, increased fire risk, rubbish dumping, weed invasion and vegetation clearing, and
- (c) A plan of management showing how any adverse effects arising from the development can be mitigated, and
- (d) The likely effects of the development on the water table, and
- (e) The effects on the wetlands or littoral rainforest of any proposed clearing, draining, excavating or filling.

The proposed residual lot adjoins land zoned 7(a) however the proposed residential lots are not located adjacent to this area. As there is no physical development adjacent to land zoned 7(a) the applicant argues that in the circumstances of the case a plan of management is not required for the proposed development. Given the residue lot adjoins the 7(a) land and no works are proposed adjacent to this zone the preparation of a Plan of Management is not considered warranted. The eight part test submitted by the applicant concludes that no significant impacts on flora and fauna are likely to result from the proposed development.

Clause 28 of TLEP 2000 applies to development in zone 7(1) Environmental Protection (Habitat) and on adjacent land. Clause 28(3) requires the consent authority to have regard to any representations made by NSW Fisheries and the National Parks & Wildlife Service prior to granting development consent on land within zone 7(1). Referrals to Government Agencies are addressed later in this report.

Clause 28(4) requires the consent authority to take into consideration the following matters prior to granting consent to development on or adjacent to land within zone 7(1):

- (a) The likely effects of the development on the flora and fauna found in the locality.

Reports from Director Development Services

- (b) The potential for disturbance of native flora and fauna as a result of intrusion by humans and domestic and feral animals, increased fire risk, rubbish dumping, weed invasion and vegetation clearing.
- (c) A plan of management showing how any adverse effects arising from the development are to be mitigated.

The proposed residential lots within Stage 4 are adjacent to land zoned 7(l). A plan of management has been submitted by the applicant as required in accordance with Clause 28(4)(c).

As noted above, the eight part test prepared in relation to the proposed development concludes that no significant impact on flora and fauna is likely.

Clause 34 of TLEP 2000 applies to flood prone land. Part of the residual lot is subject to flooding however no physical works are proposed within this area.

Clause 35 contains provisions regarding Acid Sulfate Soils. The subject land is identified as containing Class 2 soils in accordance with the Acid Sulfate Soil Planning Map. Development consent is required for works below the ground surface and for works by which the water table is likely to be lowered, for land identified as Class 2 land. No physical works or disturbance is proposed in the areas identified as Class 2 land. The proposed residential lots are located on land identified as Class 5 on the Acid Sulfate Soil Planning Map. No preliminary soil assessment or management plan is therefore required to accompany the development application.

North Coast Regional Environmental Plan 1988 (NCREP 1988)

Clause 12 of NCREP 1988 states that Council shall not consent to an application to carry out development on rural land unless it has first considered the likely impact of the proposed development on the use of adjoining or adjacent agricultural land and whether or not the development will cause a loss of prime crop or pastoral land. The land on which the subdivision is proposed is zoned 2(c) Urban Expansion. The adjoining land is identified as Class 4 and Class 5 land in terms of agricultural suitability and is not currently used for agricultural purposes. The proposed development is not considered likely to cause a loss of prime crop or pastoral land nor impact on the use of adjoining or adjacent agricultural land.

Clause 15 of NCREP 1988 requires Council to consider the following matters prior to granting consent for development for any purpose within, adjoining or upstream of a river or stream, coastal or inland wetland or fishery habitat area, or within the drainage catchment of a river or stream, coastal or inland wetland or fishery habitat area:

- (a) The need to maintain or improve the quality or quantity of flows of water to the wetland or habitat.
- (b) The need to conserve the existing amateur and commercial fisheries.
- (c) Any loss of habitat which will or is likely to be caused by the carrying out of the development.

The proposed development is not considered likely to result in any loss of habitat subject to the implementation of appropriate erosion and sedimentation controls during both the construction and operational phases.

Reports from Director Development Services

Clause 32(b) applies to land within the region to which the NSW Coastal Policy 1997 applies. In determining an application to carry out development on land to which this clause applies the consent authority must take into account:

- (a) The NSW Coastal Policy 1997.
- (b) The Coastline Management Manual.
- (c) The North Coast Design Guidelines.

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

Clause 43 of NCREP 1988 requires Council to be satisfied with the following factors prior to granting consent to development for residential purposes:

- (a) That the density of the dwellings have been maximised without adversely effecting the environmental features of the land.
- (b) That the proposed road widths are not excessive for the function of the road.
- (c) That erosion will be minimised in accordance with sedimentation and erosion management plans.

The applicant has submitted the following information in relation to the environmental features of the land and the design of the subdivision:

“The layout has been prepared having regard to the existence of significant Koala trees which largely determine the design of the lots.

The Koala Beach site generally is sensitive in that it provides habitat value for various species of birds and animals. As a consequence it is necessary to ensure that lot sizes are relatively large to minimise adverse impacts and avoid the need to damage or remove certain vegetation. Whilst the proposal for 11 lots only equates to a yield of approximately 10 lots per hectare (The North Coast Urban Strategy identifies a target yield of 15 dwellings per hectare) this is nevertheless considered to be a reasonable balance, having regard to the environmental constraints applying to the land.

In addition, the width of Bottlebrush Drive (20 metres) reflects its hierarchical status consistent with Development Control Plan No. 21. The proposed lots will have convenient access to a potential bus route/bus stop as identified in the traffic management plan.”

It is considered that the density of the proposed subdivision is a suitable response to the environmental constraints of the land. The width of the proposed extension of Bottlebrush Drive is not excessive and standard erosion and sedimentation controls will be implemented.

Clause 66 of the NCREP 1988 requires Council to consider the adequacy of community and welfare services available to land prior to granting consent to a development application for the subdivision of land intended for residential purposes. It is considered that existing community and welfare services are capable of catering for the additional 11 residential allotments.

Reports from Director Development Services

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy No. 1 – Development Standards (SEPP No. 1)

Clause 22(a) of the TLEP 2000 contains a minimum lot size of 40 hectares for land zoned 7(l) Environmental Protection (Habitat). Proposed lot 904 which will be created in Stage 1, is partly zoned 7(l) Environmental Protection (Habitat) and partly 2(c) Urban Expansion. As the land zoned 7(l) does not comprise 40 hectares, an objection has been lodged pursuant to provisions of SEPP No. 1. The land proposed within lot 904 and zoned 7(l) will be dedicated to Council as open space in conjunction with the creation of the residential lots in Stage 2. The applicant therefore submits that the 40 hectare standard is unreasonable and unnecessary in the circumstances of the case in that it is intended to preserve the land zoned 7(l) in public ownership and no clearing or land form alterations are proposed. The application was referred to the Department of Urban Affairs and Planning for concurrence. The Department advised in correspondence dated 10 September 2001 that concurrence was granted as the proposed development is consistent with the objectives of the zone.

State Environmental Planning Policy No. 44 – Koala Habitat (SEPP No. 44)

The subject site constitutes Core Koala Habitat in accordance with the provisions of SEPP No. 44.

Clause 9 of SEPP No. 44 requires the preparation of a Plan of Management in accordance with Part 3 of the policy for land that is Core Koala Habitat prior to Council granting consent to a development application for development on the land. Clause 13 requires the approval of the Plan of Management by the Director of the Department of Urban Affairs and Planning.

A Koala Management Plan for the whole of the proposed Searanah Koala Beach residential development was prepared in December 1994 and subsequently amended. The original plan and subsequent amendments were approved by the Director General of the Department of Urban Affairs and Planning. The proposed development will be carried out in accordance with the Koala Plan of Management (as amended).

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55)

SEPP No. 55 requires the consent authority to consider whether land is contaminated prior to granting consent the carrying out of any development. Preliminary soil testing has been submitted by the applicant and reviewed by Council's Environmental Health Officer, it is concluded that the land subject of the application is free of contamination.

STATUTORY ASSESSMENT

a(ii) The Provisions of Any Draft Environmental Planning Instrument

No draft plans are applicable to the proposed development.

a(iii) Any Development Control Plans (DCPs)

Development Control Plan No. 16 – Subdivision Manual (DCP 16)

The proposed residential allotments comply with the 450m² minimum allotment size specified in accordance with Table 6.1 of DCP16 – Subdivision Manual. The proposal is generally consistent with the provisions of the DCP in relation to minor urban subdivision.

Reports from Director Development Services

Development Control Plan No. 21 – Searach (DCP 21)

The Development Control Plan for Koala Beach Estate contains overall objectives, management issues, plans and strategies, environmental design elements, and development application requirements. The proposed 11 residential lots are located within an area of DCP 21 identified as “detached housing subdivision” and the indicative development layout is therefore consistent with the provisions of Clause 3.2.

Clause 3.3 requires a Traffic Management Plan for each successive subdivision application. A Traffic Management Plan has been submitted by the applicant.

Clause 3.4 requires the preparation of a Koala Management Plan. A Koala Management Plan has been prepared and approved for the site by the Director General of the Department of Urban Affairs and Planning. The proposed development is consistent with the approved Koala Management Plan.

Clause 3.5 requires the preparation of an Open Space Management Plan for each development application for subdivision. An Open Space Management Plan has been submitted with the subject application.

Clause 3.6 requires the preparation of a Water Quality Stormwater and Erosion Management Plan for each development application for subdivision which involves earthworks. A Water Quality Management Plan has been prepared and submitted with the application and reviewed by Council’s Planning & Design Unit. The information submitted is concluded as satisfactory, subject to the imposition of Conditions.

Clause 3.7 requires the submission of a Bushfire Management Plan for development adjoining or abutting areas identified as subject to risk of medium or high bushfire hazard. The area to which the subject application relates is adjacent to land identified as having a high bushfire hazard and a Bushfire Management Plan is therefore required. A Bushfire Management Plan has been submitted by the applicant.

The information submitted with the development application satisfies the above requirements of DCP 21.

Section 4 of DCP21 contains environmental design elements, performance criteria and performance measures. The proposed 11 lot subdivision is considered to be generally consistent with the provisions of this Section.

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

The subject application is not required to be advertised or notified in accordance with the provisions of DCP No. 42. However, the application for Stage 3 comprising 111 lots and the subject application for Stage 4 comprising 11 lots were advertised and notified concurrently. No submissions were received in response to the advertising and notification process.

a(iv) Any Matter Prescribed by the Regulations

As previously noted the proposed development is considered to be consistent with the provisions of the NSW Coastal Policy 1997.

Reports from Director Development Services

b The Likely Impacts of the Development, Including Impacts on the Natural and Built Environment and Social and Economic Impacts in the Locality.

Flora and Fauna

An eight part test report has been prepared by the Australian Koala Foundation addressing the potential impacts of the proposed 11 lot subdivision in terms of flora and fauna in accordance with the provisions of Section 5A of the Environmental Planning and Assessment Act 1979. The report states that the development is not located on land identified as critical habitat, nor is it likely to significantly effect threatened species, populations or ecological communities or their habitat. The report concludes that a species impact statement is not required. A number of mitigation measures are identified to address potential impacts of the proposed development on the environment, these include:

- Retention of the Blossom Bat habitat area to north of the Stage 4 site.
- Provision of a 20 metre buffer to the habitat area.
- Provision of a Koala corridor between Stage 1 and Stage 4.
- Retention of primary food trees and multiple use trees for Koalas.
- Retention of the current prohibition on dog and cat ownership within the estate.

Potential impacts of the proposal are related to removal of existing vegetation comprising scattered trees and shrubs, excavation and earthworks associated with the realignment of Bottlebrush Avenue to the west of the existing road, and the implementation and maintenance of bushfire management zones including works within the 7(l) Environmental Protection (Habitat) Zone.

Conditions imposed by the NSW National Parks and Wildlife Service (NSW NPWS) in relation to approval for Stages 1 and 2 of Koala Beach included a requirement for management plans to be prepared for the future protection of areas identified as significant habitat for the Glossy Black Cockatoo and Blossom Bat. The Management Plans have received final approval from the NSW NPWS Northern Directorate. The Management Plans include the establishment of a buffer to protect essential ecological functions of the habitat.

A threatened fish and marine vegetation assessment has also been prepared in relation to the proposed development by James Warren and Associates. No threatened fish species are considered likely to occur on the site and the proposed development is concluded as being unlikely to result in significant impacts on threatened fish and marine vegetation habitat.

Soil and Water

Proposed stormwater management is considered satisfactory subject to the imposition of conditions.

Bush Fire Management

A Bush Fire Management Plan has been submitted in relation to the proposed 11 lot subdivision. The north eastern boundary of proposed lots 452 to 457 adjoins a high bushfire hazard area. The proposed development incorporates a bush fire inner protection zone of 20 metres including an area approximately 10 metres wide within proposed lots 452 to 457. It is proposed to impose a restriction as to user for bush fire management over this area of the allotments. A bush fire outer protection zone ranging in width from 15 to 20 metres is also proposed and will comprise public

Reports from Director Development Services

reserve. Approximately 5 metres of the outer protection zone will be located within the existing vegetation line.

The Bush Fire Management Plan has been reviewed by the NSW Rural Fire Service who have advised that the proposed Asset Protection Zones (APT's) comply with the guidelines "Planning for Bush Fire Protection 2000." It is concluded that the proposed Bush Fire Management measures are satisfactory subject to the imposition of conditions.

Visual Impacts

The proposed Stage 4 lots are located on a ridge line that extends from approximately RL24m to approximately RL40m. The site is screened by existing vegetation and it is considered that the proposed development will not result in significant impacts on the visual amenity of the area.

c Suitability of the Site for The Development

The proposed 11 residential allotments are located within that portion of the site zoned 2(c) Urban Expansion. The proposed subdivision is considered an appropriate response to the environmental constraints of the land. The proposed development is generally consistent with the relevant provisions of applicable Environmental Planning Instruments and Development Control Plans.

d Any Submissions Made in Accordance with the Regulation or the Act

Department of Land and Water Conservation (DLWC)

The proposed development involves work within 40 metres of a waterbody and requires a 3A Permit in accordance with the Rivers and Foreshores Improvement Act 1948. The development therefore constitutes Integrated Development in accordance with Section 91(1) of the Environmental Planning and Assessment Act 1979. The application was referred to DLWC. DLWC advised in correspondence dated 13 August 2001 that it would issue a 3A Permit with conditions where required, for excavation of material for footings, and infrastructure associated with this development. The general terms of approval have been issued by DLWC.

Department of Urban Affairs and Planning (DUAP)

As previously noted in this report an objection pursuant to State Environmental Planning Policy No. 1 accompanied the development application in relation to the creation of an allotment comprising 7(1) zoned land less than the 40 hectare minimum required in accordance with Clause 20 TLEP 2000. The Department of Urban Affairs and Planning issued concurrence to the proposed subdivision.

Other Public Authorities – NSW National Parks & Wildlife Services (NSW NPWS)

Whilst there is no formal requirement for referral of the subject application to the NSW National Parks & Wildlife Service the eight part test report prepared by the Australian Koala Foundation pursuant to Section 5A of the Environmental Planning and Assessment Act 1979 was referred to NPWS for comment.

Following referral of the development application for Stages 3 and 4 to NSW NPWS, a request for additional information and general comments were provided by the service in relation to the applications. It should be noted that the comments provided relate to both the Stage 3 (111 lots) application and the Stage 4 proposal (11 lots). The following table provides a summary of the issues raised in relation to Stage 4 and the applicant's response.

Reports from Director Development Services

NSW NPWS ISSUE	APPLICANT'S RESPONSE	COMMENT
<p>In principle the Koala Management Plan and the recommendations contained therein are supported. However, prior to applying the plan to Stages 3 & 4, the effectiveness of the Koala Management Plan in its application to Stages 1 & 2 of the Koala Beach development should be reviewed.</p>	<p>The review requested by NPWS would provide important baseline information for the ongoing monitoring program and the AKF is fully supportive of formally documenting the information collected over the course of a number of koala surveys that were undertaken in the lead up to the commencement of Stage 1 of the Koala Beach Development. However, given that there has been minimal formal koala monitoring since the commencement of development, and given that the key available information in support of the effectiveness of the KMP was outlined within the eight-part test reports, the review requested by NPWS, although justified and important, would be unlikely to affect the conclusions reached in the current reports.</p> <p>As Stage 4 is limited to 11 residential lots Council is requested to condition the Stage 4 consent to require a review of the Koala Management Plan prior to release of the Subdivision Certificate.</p>	<p>It is considered reasonable in the circumstances to address the review of the Koala Management Plan by condition.</p> <p>The application relates to 11 lots only and on the basis that the review is unlikely to affect the conclusions reached in the eight-part test, this approach is considered to be appropriate.</p>
<p>Formal approval for the Glossy-black Cockatoo and Queensland Blossom Bat Management Plans requested.</p>	<p>Applicant advised on 16 April 2001 that the Management Plans were approved by NSW NPWS.</p>	<p>Issue resolved.</p>
<p>Eight-Part Test of significance prepared by the AKF recommended that targeted surveys should be undertaken for the Long-nosed Potoroo and for the Bush Thick-knee. This recommendation is supported. However, it is also necessary to identify what protective measures will be undertaken should either of these species be identified as a result of the surveys.</p>	<p>The AKF has advised (letter dated 22/10/01) that investigations into the Long-nosed Potoroo have failed to record any evidence of the species on the site. Council is therefore requested to impose a condition on the Stage 4 development consent requiring completion of the Long-nose Potoroo Survey Report prior to release of the Subdivision Certificate.</p> <p>Correspondence from the AKF indicates that the proposed Bush</p>	<p>Given the survey has been undertaken and failed to record any evidence of the Long-nosed Potoroo it is considered appropriate to require the finalisation of the survey prior to release of the Subdivision Certificate.</p> <p>The undertaking of the Bush</p>

Reports from Director Development Services

NSW NPWS ISSUE	APPLICANT'S RESPONSE	COMMENT
	Thick-knee survey was recommended in the Eight-Part Test report for inclusion as a condition of any development consent for Stage 4. This was considered necessary as a precaution in case any Bush Thick-knees had established nesting or roosting sites prior to commencement of construction activities. It is requested that this be required prior to the issue of the Subdivision Certificate.	Thick-knee survey prior to the issue of the Subdivision Certificate is considered appropriate to address this issue.
Management Plan for 7(l) Environment Protection (Habitat) zoned land inadequate. Plan should address in detail those measures proposed to ensure that exotic weeds are progressively removed, native vegetation regenerated and threatened species and threatened species habitat is conserved. Plan should be prepared by an appropriately qualified person experienced in the field of bush regeneration and threatened species management.	The issues raised are matters of detail which can be readily included as a condition of the consent.	It is agreed that a condition requiring additional detail to be incorporated in the management plan prior to the issue of the construction certificate, is appropriate to address this issue.
Details of the location and design of any proposed nutrient control measures/structures should be provided prior to any development consent.	Following on-site discussion, Council officers have agreed to the proposed Stage 4 stormwater drainage and water quality control arrangements. Stage 4 complies with the Tweed Urban Stormwater Quality Management Plan and is consistent with normal practice.	Proposed stormwater management arrangements for Stage 4 are considered satisfactory subject to conditions.
The Bush Fire Asset Protection Zone for Stage 4 intrudes within the proposed residential lots and the 7(l) Environmental Protection (Habitat) Zone. This proposal is not supported. Any asset protection measures undertaken within the 7(l) Environmental Protection (Habitat) Zone are considered to compromise the objectives of the 7(l) zone.	The zone boundary was drawn approximately 20 metres clear of the then existing mapped vegetation lines. Subsequently cadastral boundaries were fixed generally along the edge of the vegetation in accordance with the agreements reached between Council and the landowners at the time of rezoning of the land. The agreement reached between Council and landowners at the time of rezoning included the transfer at no cost to Council of	The Council report relating to the approval of Stage 2 indicates that the delineation of the zone boundaries incorporated a 20 metre buffer from the vegetation line. Approximately 5 metres of the proposed Outer Protection Zone is located with the vegetation line of the 7(l) zone. The eight part test prepared by the AKF indicates that minor brush cutting/land clearing will be required within this area. It is concluded that proposed Bush Fire

Reports from Director Development Services

NSW NPWS ISSUE	APPLICANT'S RESPONSE	COMMENT
	<p>some 177ha of high conservation value land surrounding the site. It was implicit in the agreement reached that the location of zone boundaries and the transfer of the high conservation value lands included adequate buffers at that time. It is submitted that the proposed buffers on the eastern side of Stage 4, are adequate having regard to the zoning and planning history of this site and in particular given that generous buffers were allowed at the time the zone boundaries were determined and the high conservation lands were transferred to Council</p>	<p>Management measures will not result in significant adverse environmental impacts, and that the objectives of the 7(l) zone will therefore not be compromised. On the basis of the previous site history, and the minor number of lots involved, it is concluded that the proposed asset protection zones are acceptable. However, the appropriateness of the location of the asset protection zones within the 7(l) should be re-considered in the larger future stages.</p>
<p>The effectiveness of the Koala corridor proposed for the south of Stage 4 is questionable. It may not be wide enough to encourage Koala movement and there is a strong likelihood that the trees may be lopped to provide for views to the future residents of Stage 4.</p>	<p>The AKF have reviewed the comments from NSW NPWS and provided the following response: <i>"In preparing the Eight-Part Test report for Stage 4 we considered this issue and resolved that the most important considerations where that: i) the majority of trees within this strip of vegetation, albeit narrow, would be retained and protected; ii) no Preferred Koala Food Tree species occurred within this strip of vegetation; iii) that all measures of the KMP would be in place including the prohibition of domestic dogs, 40km/hr traffic speed limits, sturdy ropes in swimming pools, and a 200mm minimum gap under any fencing in order to facilitate the free and safe movement of koalas through the site; and iv) that landscape plantings along street fronts and within private yards would enhance the food and shelter tree resources available to koalas and other species. Had the Koala Beach Estate not been designed specifically to minimise threats and impediments to the safe movement of koalas, I believe</i></p>	<p>The proposed Koala corridor is considered acceptable on the basis of the information provided by the AKF.</p>

Reports from Director Development Services

NSW NPWS ISSUE	APPLICANT'S RESPONSE	COMMENT
	<p><i>that it would have been essential to retain a far wider strip of open space land in this area in order to provide an adequate habitat link."</i></p> <p>The removal of trees generally on the estate is regulated by title restrictions, the Koala Management Plan, and a Tree Preservation Order.</p>	
<p>A number of exotic and non-indigenous native species which have the potential to become environmental weeds are included in the Statement of Landscape Intent.</p>	<p>Requested that a condition of consent be imposed to preclude inappropriate species from the planting schedule.</p>	<p>This issue is able to be adequately addressed by conditions.</p>

Other Public Authorities – NSW Fisheries

There is no formal requirement for the application to be referred to NSW Fisheries however, the threatened fish and marine vegetation assessment submitted with the application was referred to NSW Fisheries for comment. No comments have received from NSW Fisheries.

E THE PUBLIC INTEREST

The proposed is generally consistent with the statutory provisions applying to the land and it is concluded that approval for the proposed development will not compromise the public interest.

OPTIONS

Council's options in this instance appear to be as follows:

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

LEGAL/FINANCIAL IMPLICATIONS

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

CONCLUSION

The proposed 11 lot subdivision is not considered likely to result in significant adverse impacts on the natural environment subject to the imposition of conditions. The development is an appropriate response to the environmental constraints affecting the land.

Reports from Director Development Services

3. **ORIGIN:** Development Assessment Unit

FILE REF: DA4300/1600 Pt2

REPORT TITLE:

Establishment of a Wholesale Nursery and Ancillary Buildings at Lot 1 DP1009372 No 1 Piggabeen Road, Piggabeen

SUMMARY OF REPORT:

Council is in receipt of a development application for a wholesale nursery and associated building on the subject land. The area to which the proposal relates is in the 1(a) Rural zone under the Tweed Local Environmental Plan 2000.

Wholesale nurseries are considered to be agriculture and given the subject zone, do not require the consent of Council. The proposed nursery however, includes the erection of a building that could be used as a dwelling. As the subject land does not have a benefit of a dwelling entitlement the erection of a dwelling is not permitted by the Tweed Local Environmental Plan 2000.

The applicant has lodged plans with the proposed two storey building including on the first level, two offices, staff room, kitchen amenities, one bathroom, a reception and waiting area. On the ground level a propagation room tractor area and second bathroom is located. These facilities are beyond what could be considered as ancillary to the wholesale nursery, as such is a suite of rooms capable of being a separate domicile. A application for a dwelling has previously been refused for this site.

Conditional consent is being recommended limiting the use of the building and preventing the habitation of the structure.

RECOMMENDATION:

That Development Application 1026/2001DA for establishment of a wholesale nursery and ancillary buildings at Lot 1, DP 1009372 No 1 Piggabeen Road, Piggabeen be approved subject to the following conditions:-

PRE-REQUISITES

1. Details of the colour, external treatment and finishes of the proposed building is to be submitted and approved by Council's Director Development Services prior to the issue of a Construction Certificate.

CONTRIBUTIONS

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.

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall **NOT** be issued by a Certifying Authority unless all

Reports from Director Development Services

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:	1 lot @ \$3840.00	\$3840.00
Sewer:	1 lot @ \$3215.00	\$3215.00

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

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

FURTHER APPROVALS

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

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

(i) **Building Work**

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

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

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

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

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

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

The specification is:

- to describe the construction and materials of which the building is to be built and the method of drainage, sewerage and water supply

Reports from Director Development Services

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

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

GENERAL

4. The development shall be completed in general accordance with Plans and documentation submitted with the Development Application and dated 26 September 2001, except where varied by these conditions.
5. The building is not to be used or adapted as a dwelling house.
6. The bath contained in the bathroom on the first floor shall be removed from the proposed building.
7. No soil, sand, gravel, clay or other material shall be disposed of off the site.
8. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
9. In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with AS1428-1993 Parts 1 to 4 - Design for Access and Mobility.
10. No plants or landscaping products are to be sold directly to the public from the site.
11. The provision of six (6) off street car parking spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls. All vehicles loading and unloading shall be located wholly within the subject land.

Reports from Director Development Services

12. Advertising structures/signs to be the subject of a separate development application, where statutorily required.
13. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.
14. 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.
15. 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
16. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
 - (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
 - (ii) Certification of the works performed by the person carrying out the works is to be submitted to the PCA prior to occupation of the building; and
 - (iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
 - (A) the method of protection; and
 - (B) the date of installation of the system; and
 - (C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - (D) the need to maintain and inspect the system on a regular basis.

Note: Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.
17. 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.

Reports from Director Development Services

- iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
- 18. 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.
- 19. All loading/unloading to take place within the boundary of the subject property.

PRESCRIBED BUILDING

- 20. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-
 - (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council, or
 - (c) if that is not practicable, any other sewage management facility approved by the council.
- 21. 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.
- 22. 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).
- 23. 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.

Reports from Director Development Services

24. 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.
25. Prior to occupation of the building a Occupation Certificate is to be obtained. If Council is requested to issue the Occupation Certificate, the application must be accompanied by relevant Compliance Certificates or documentary evidence of compliance.
26. 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.
27. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

DISABLED BUILDING

28. Access to the building for disabled persons shall be provided and constructed in accordance with the requirements of Part D3 of the Building Code of Australia and Australian Standard AS 1428.1.
29. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore required that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.

Environment Protection

30. 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.
31. Clearing of vegetation shall be limited to the north western corner of the allotment for the provision of a sewer connection for the proposed building. Any trees removed as part of these works are to be mulched and used on the subject land. Burning off of trees and associated vegetation felled by clearing is not permitted. A plan detailing any trees to be removed is to be submitted to the Director Development Services prior to commencement of any works.
32. All water runoff from the nursery is to be directed to the sedimentation dam on the subject land.
33. 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.
34. All activities associated with the activities associated with the nursery are to comply with the Protection of the Environment Operations Act, 1997.
35. 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".

Reports from Director Development Services

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

36. All runoff shall be retained and reused onsite. Run off containing contaminants or pollutants, particularly chemicals or fertilisers used in the nursery shall not be permitted to discharge to any stormwater, water course or drain.

PLUMBING AND DRAINAGE

37. An application for both sewer and water connections shall be made to Council’s Engineering Services Division. A quotation will then be provided for the connections. Prepayment of those connections is required. Connections will be provided to an agreed location at the property boundary. The sewer connection will be in the north western corner of the allotment. Water Connection will be along the Piggabeen Road frontage.
38. The extension from the connection points will be carried out by a licensed plumber at the applicants expense and to the conditions of Council’s Building Services Unit.
39. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a internal drainage, prior to slab preparation;
 - b water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - c external drainage prior to backfilling.
 - d. completion of work.
40. A. A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
B. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.

Reports from Director Development Services

REPORT:

Applicant: Chris Lonergan & Associates Planning Consultants
Owner: Mr Michael D Earnshaw
Location: Lot 1, DP 1009372 No 1 Piggabeen Road, Piggabeen
Zoning:
Cost: \$25000

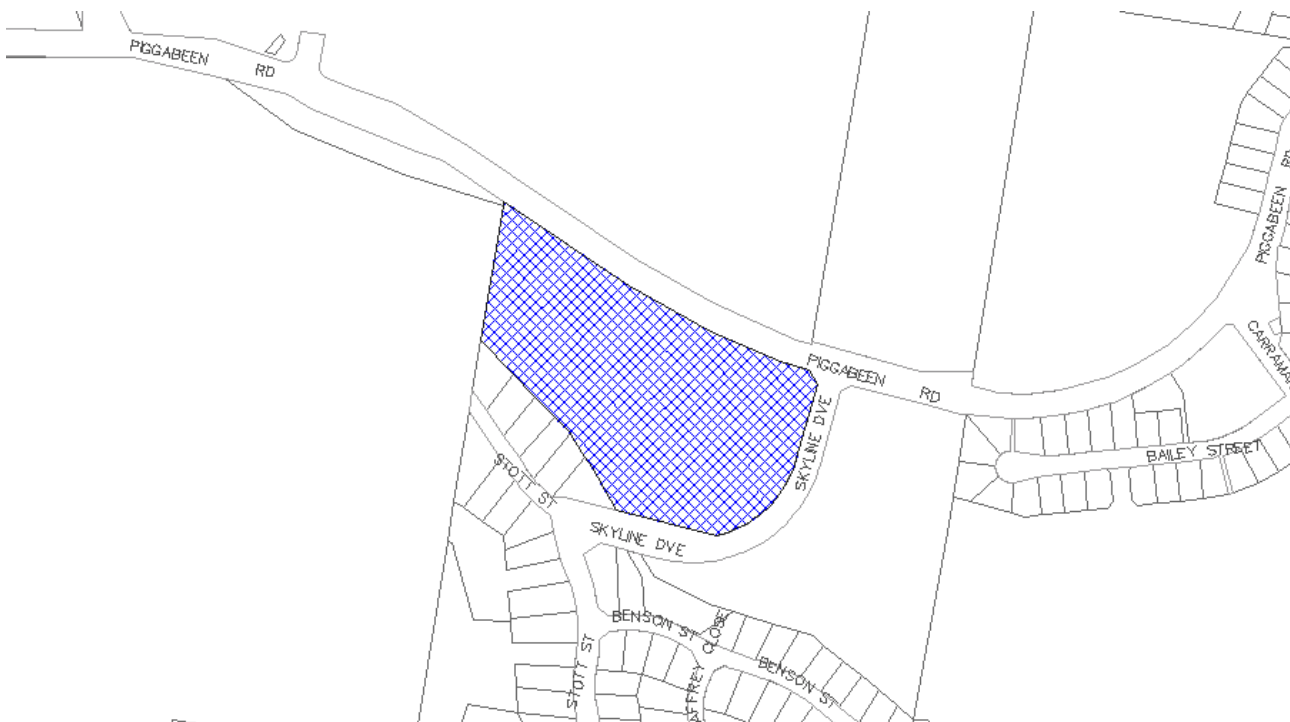
BACKGROUND

Council received a development application for the erection of a dwelling house on the subject land in April 2001. Research into Council records revealed that the subject land does not have the benefit of a dwelling entitlement. The applicant provided a submission into this matter that was assessed and reported.

The Development Assessment Panel refused the proposed dwelling house as the land does not have the benefit of a dwelling entitlement. The Department of Urban Affairs and Planning also responded advising that there is no provision or development standard in the Tweed LEP 2000 that can be varied by State Environmental Planning Policy No.1 – Development Standards to enable the proposal.

The proposed wholesale nursery would not require development consent of Council, however as the applicant wants to receive approval for the proposed building, an application has been lodged. The proposed structure is not consistent with a shed or associated amenity building that would reasonably be ancillary to a wholesale nursery business. It is considered that the proposed building could be adapted to a dwelling house, however the applicant contests this and stated that a condition should be imposed preventing habitation of the structure.

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 partly 1(a) Rural and 7(d) Environmental Protection (Scenic Escarpment) under the provisions of the Tweed Local Environmental Plan 2000 (LEP 2000). The proposed development pertains to the section of land zoned 1(a) Rural.

Under the provisions of the LEP 2000 agriculture is permissible without the consent of Council in the 1(a) Rural zone. Council has traditionally considered wholesale nurseries to be agriculture. As such, the use of the land as a wholesale nursery does not require the consent of Council.

The applicant however is proposing the erection of building considered to be in accordance with the following definition for a dwelling:

A room or suite of rooms occupies or used or so constructed or adopted as to be capable of being occupied or used as a separate domicile.

As the proposed building could be adapted to a dwelling the dwelling house provisions of the TLEP 2000 are considered to be relevant to the application.

Clause 11 of the LEP states that dwelling houses are allowed only with consent if each is on an allotment of at least 40 hectares or an allotment referred to in clause 57 and if the number of dwellings does not exceed one for each 40 hectares of land contained within the allotment. The subject land is below the minimum allotment size of 40 hectares.

Clause 57 of the LEP states:

Nothing in this plan prevents a person, with development consent, from erecting a dwelling house on an allotment lawfully created, or the creation of which was lawfully consented to, before the appointed day and on which a dwelling house could lawfully have been erected immediately prior to the appointed day.

Council's assessment of this aspect of the proposal is that the subject land could not have a dwelling house lawfully erected thereon prior to the appointed day, and therefore the subject land does not have the benefit of being an allotment as provided by clause 57 of the LEP.

Therefore it is considered that conditions should be imposed preventing the occupation of the proposed building as a dwelling house. Further it should be noted that as the subject land does not have the benefit of a dwelling entitlement the headwork charges are required to be imposed as the land has not been rated as being serviced by water or sewer. This development involves the connection to these services.

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

There are no development control plans applicable to the proposed development.

Reports from Director Development Services

(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 wholesale nursery raises a water quality issue in relation to the wetland area that is on the northern side of Piggabeen Road. The water quality issue was raised in a submission on the proposal. The actual level of risk of a water quality impact to the wetland has not been quantified and such may be prevented by conditions requiring the water from the nursery to be drained to the existing water detention pond on site.

The proposed building does not appear as an ancillary wholesale nursery building. Ancillary structures would normally take the form of a tractor shed and propagation areas. It is reasonable to expect amenities to be provided including a staff room, however these would reasonably be contained as part of a shed.

The applicant contends that the building is to be used as an ancillary structure, and therefore it is considered that the bath contained in the upstairs bathroom is not required, as downstairs shower facilities are adequate to meet the needs of staff.

The proposed building involves the relocation of a relocatable structure from an existing manufactured home park. This structure is proposed to be raised to provide for storage and other facilities on the ground. It is considered that the proposed building should be reasonable in its presentation to Skyline Drive and that this will require conditions of consent being imposed.

Connection to the sewer will involve some clearing limited to the north western corner of the site. This clearing will be conditioned to be minimal and is contained in the Rural 1(a) zone. It is not likely to result in soil erosion issues. All vegetation removed will be required to be mulched and used on site.

(c) Suitability of the site for the development

The proposed wholesale nursery is considered to be a suitable use for the area of the site that is zoned 1(a) Rural.

Sewer connection details and water supply details will need to be provided. The Building Services Unit raised the issue of obtaining a statement in relation to the building being non habitable.

The applicant provided a statement detailing that the proposed building is using Ecologically Sustainable Development by reusing an existing structure. The building is currently used as a dwelling in a manufactured home estate and its modular construction, making it suitable for relocation and use as an office for the nursery.

The applicant is prepared for a condition of consent to be imposed stating that the proposed building is not to be used as a dwelling.

The planning issue this raises is that the proposed building can physically be occupied as a dwelling or caretakers residence, and in the event that the property exchanges or alternatively the wholesale nursery business is unsuccessful the building may come to be used as a place of residence. A condition of consent would require monitoring and may lead to the need for enforcement should the approval not operate in accordance with conditions of consent.

Reports from Director Development Services

Further, the issue of water quality to the adjoining wetland area may require the imposition of conditions to limit the chemical use on the subject land. Council's Environmental Health Surveyor may require conditions to be imposed.

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

The proposed development was notified to adjoining property owners in accordance with Development Control Plan No.42 – Public Notification of Development Proposals. During the fortnight notification period one submission was received raising issues in relation to the proposal. The issues are further assessed in the following table.

Issue	Assessment	Comment
Local Road Network	<p>Concern was raised that vehicles may park in Skyline Drive to access the wholesale nursery. Parking in Skyline Drive is considered to be a nuisance as the road is steep ascend and descend, and that vehicles parked therein may hinder local road safety.</p> <p>It was suggested that Piggabeen Road would be a more appropriate access point.</p>	<p>For planning reasons the access should remain as proposed on Skyline Drive as Piggabeen Road provides a higher use function in the road network.</p> <p>It is considered that a condition of consent should be imposed requiring all delivery vehicles and visitors to the site including staff park vehicles on site.</p>
Water Quality	<p>Concern was raised that the nursery should not be allowed to use chemicals that may seep or run off into the wetlands.</p>	<p>The applicant intends to use catch drains and have all of the water from the nursery drain to the detention pond on site.</p> <p>A condition of consent will be imposed to ensure this occurs and that the wetlands are protected from water pollution incidence.</p>

(e) Public interest

The proposed development is not in conflict with the public interest providing the proposed building does not become a residence, and that the nursery is maintained and presented to the street frontages to a reasonable standard.

This will necessitate a number of conditions of consent that are enforceable. Through regulating the proposed development it is considered that the development will not be in conflict with the general public interest.

OPTIONS

1. Approve the proposed development subject to a number of conditions of consent.
2. Refuse the application on the basis that it is capable of being used as a separate domicile and therefore constitutes a dwelling which is not permissible on the land.

Reports from Director Development Services

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

Should Council refuse the proposed development the applicant has the right of appeal in the Land and Environment Court.

CONCLUSION

The proposed development does not constitute what would normally be considered an ancillary building for a nursery. The applicant contends that the structure is not intended to be habituated, and is prepared for the consent to be conditional in this regard.

While there is a likelihood that the building may in the future be adaptable to a dwelling house, it is considered that this will first require the establishment of a dwelling entitlement.

It is considered that conditional consent is warranted.

Reports from Director Development Services

4. ORIGIN: Director
FILE REF: GT1/LEP/2000 Pt1

REPORT TITLE:

Review of Tweed Shire 2000+ Strategic Plan

SUMMARY OF REPORT:

It is now five (5) years since the Council adoption of Tweed Shire 2000+ Strategic Plan. It is now opportune therefore for Council to set new directions for the future development and environmental management of Tweed Shire by undertaking a major review of the Strategic Plan. If the process is completed by June 2002 then it will be aligned with the Management Plan process which is the intent of the new State Government Draft Bill that is a reform of Part 3 of the Environmental Planning and Assessment Act ("Plan First"). Significant changes and issues over the last five years make it important to conduct a review - including Area E having high priority for residential release compared to Bilambil Heights; potential effects of the Chinderah/Billinudgel Motorway on Coastal Development; the Kingscliff District Centres Study and embodying the results of the Rural Planning Review and the Rural Viability Study.

RECOMMENDATION:

That Council conducts a major review of the Tweed Shire 2000+ Strategic Plan.

Reports from Director Development Services

REPORT:

BACKGROUND

It is now five (5) years since Council adopted the Tweed Shire 2000+ Strategic Plan. At the time it was an innovative Plan – particularly as it was integrated with the Tweed Development program and the associated infrastructure and financial planning. Very significant changes and new information should be brought to bear to enable this Council to set directions for the future planning of the Shires Development and Environmental Management.

IMPORTANT CHANGES AND ISSUES

The most important changes and issues which the new Plan would address can be summarised as:

1. Council's desire to have a revised approach to rural planning and the ability to include the results of the Rural Viability Study which has been commissioned by the Tweed Economic Development Corporation (TEDC). Embodying the results of such rural planning reviews into a Strategic Plan will assist in the interactions between Council and the State Government in establishing the advised provisions;
2. The significant developments south of Kingscliff;
3. Planning for the future development of West Kingscliff, South Kingscliff and Kings Forest – including incorporation of the results of the Centres Study that has been recently placed on public exhibition;
4. The State Government's Draft Bill to reform Part 3 of the Environmental Planning and Assessment Act will shortly be submitted to State Parliament, i.e. implementing "Plan First". Council can therefore be at the leading edge of implementing the reformed legislation and related practice. This includes better alignment of Council's Management Planning;
5. The effects of the Chinderah/Billinudgel Motorway and the increased development demand pressures on the Coastal sector;
6. Increased emphasis on Economic Development opportunities and improving the related planning provisions.

Also, much better research has been completed/will be completed on: The Vegetation Management Plan, Rural Land Viability (TEDC Study), Total Catchment Management, Coastal Hazards Identification and Flora and Fauna (NPWS due to complete research and strategy by March 2002). Such improved research and related policy development will enable better decision making and improve clarification for landowners and developers.

TIMING AND PROCESS

The process will be commenced in January 2002. This will enable some input in Council's Management Plan 2002/03 and alignment with the 2003/04 Management Plan. The recommended process thereafter will be to conduct another review between November 2003 and June 2004 – thereby enabling the newly elected Council to establish any revised range of major policies on Development and Environment and then subsequently having major reviews every four (4) years coincident with the November to June period following a newly elected Council.

In very broad terms the process would be:

1. Community Survey

Reports from Director Development Services

2. Series of Community Forums
3. Technical research, consultation with State Government Agencies and Council Divisions/Units
4. Drafting, redrafting and submission of final report to Council –mid/late 2002
5. Establishment and conduct of a Strategic Plan Advisory Committee with membership composition being: Councillors, State Government Agencies and Representatives of Key Interest Groups in the Shire together with some nominated individual representatives – total number on the committee 20 to 25.

Resources will be provided by some reallocation of professional staff and utilisation of some of the Planning Unit budget carryover from 2000/2001 – available because of staff turnover and related periods of salaries non-payment for vacant positions.

CONCLUSION

It is crucially important for Council to update its Strategic Plan to set well articulated policies for the future development and environmental management of the Shire. With the existing Strategic Plan now being five (5) years old such a major review is very timely and can enable better alignment to Council's Management Plan processes.

Reports from Director Development Services

THIS
PAGE
THIS
PAGE
IS
BLANK
IS
BLANK

Reports from Director Development Services

5. ORIGIN: Development Assessment Unit

FILE REF: DA4300/1600 Pt2

REPORT TITLE:

Unauthorised Earthworks and Clearing of Lot 1 DP1009372 Piggabeen Road, Tweed Heads West

SUMMARY OF REPORT:

Council resolved at the meeting of 21st November 2001 to place a stay of proceedings on the Piggabeen property belonging to Mr Mike Earnshaw and a full report be brought forward to the next Council meeting. The following report details the history to date in relation to this matter.

Council has had difficulty in progressing the matter to date as Mr Earnshaw has not appointed representation and until the 9/11/2001 had not engaged a planning consultant to assist in the preparation of a rehabilitation plan.

Instead of seeking his own consultants to assist, Mr Earnshaw has relied on Council's solicitor explaining procedural matters and Council's technical officers to prepare a rehabilitation plan. The assistance of Council's technical officers in this matter has been considerable.

Meanwhile the Land and Environment Court has had the matter listed a number of times, each being deferred in the anticipation that Mr Earnshaw would come to a position of agreement with Council. However each time the matter is deferred the legal costs continue to increase.

As at 26/11/2001 Mr Earnshaws' planning consultant provided a written response to the draft changes to the consent order, indicating that Mr Earnshaw was in agreement, except for the matter of costs. The following report details Council's action to date and seeks confirmation in relation to future action.

RECOMMENDATION:

That Council:-

1. Agrees to the consent orders being modified to reflect the agreement reached with the Respondent except in the matter of costs.
2. Pursues costs from the respondent and should such not be agreed by way of consent orders, that the matter of cost be heard by the Land & Environment Court.

Reports from Director Development Services

REPORT:

The Director Development Services reported to Council in confidential on 1st August 2001 in relation to unauthorised clearing and earthworks on the subject land. A copy of the 1st August report is attached to this report. Council resolved at the meeting of 1st August 2001 that:

Council's solicitors be directed to proceed with the appropriate legal action in relation to this breach under the Environmental Planning and Assessment Act 1979.

The following history is provided in relation to the events that followed from Council's resolution.

- 8/8/2001 Council's solicitors were advised in writing of Council's resolution to proceed with appropriate legal action in relation to the breach.
- 29/8/2001 Council's Officer signed affidavit in relation to the matter, which was filed in the Land and Environment Court.
- 3/9/2001 Council's solicitor advised that he was attending to the service of the matter on Mr Earnshaw.
- 18/9/2001 Council's Solicitor advised Mr Earnshaw in writing of detail of call over and how to proceed.
- 21/9/2001 Matter was before the Land and Environment Court, Sydney. Council's Mr JJ Webster appeared for Council in this regard. The matter was adjourned to 10/10/2001 to allow time for Mr Earnshaw to make arrangements with Council.
- 24/9/2001 Council's solicitor advised Mr Earnshaw in writing that the matter had been adjourned to the 10/10/2001 to allow time for him to reach an agreement with Council on rehabilitation orders.
- 5/10/2001 Council's solicitor requested of Mr Earnshaw in writing whether he had made arrangements for the rehabilitation of the land or alternatively the matter would go to hearing.
- 8/10/2001 Mr Earnshaw lodged with Council his intended rehabilitation plan for the subject land. This document was a one page letter from a nurseryman and didn't address all requirements. A copy of the same was forwarded to Council's solicitors and advised that following an assessment further direction would be provided.
- 10/10/2001 Matter before the Court – adjourned. 31/10/2001.
- 17/10/2001 Council's Recreation Services Unit and Developemnt Assessment Unit staff inspected the site and formulated a plan considered to ensure a reasonable level of rehabilitation.
- 23/10/2001 Council advised Mr Earnshaw in writing of the detail that would be considered to be the level of rehabilitation required for the site. A copy of this was forwarded to Council's solicitor.
- 26/10/2001 Council's solicitor forwarded a proposed consent order with the inclusion of a bond to both Mr Earnshaw and Council.
- 31/10/2001 Matter before the Court - adjourned. 20/11/2001.

Reports from Director Development Services

- 31/10/2001 Council's solicitor advised Mr Earnshaw in writing that the matter was adjourned for a further 4 days, and that Mr Earnshaw had failed to reply.
- 5/11/2001 Council's solicitor confirmed Council's advice to stand the matter over until Mr Earnshaw has met with the Mayor.
- 19/11/2001 Mr Earnshaw lodged a rehabilitation plan with Council. A copy of same was forwarded to Council's solicitor to demonstrate to the Court that Respondent has prepared a document.
- 20/11/2001 Matter before the Court - adjourned.
- 22/11/2001 Advised Council's solicitor of Council's resolution for a stay of proceedings and that upon Council's deliberation of a report on the matter further instruction will be given.
- 23/11/2001 Council forwarded draft of changes to the consent orders in an attempt to reach agreement.
- 26/11/2001 Council received written confirmation that "Mr Earnshaw agrees with all aspects of the proposed consent orders with the exception of costs".
- 18/12/2001 Listed before the Land and Environment Court.

THE CONSENT ORDERS

The plan Mr Earnshaw submitted of 19/11/2001 was a rehabilitation plan based on fostering the natural regeneration and enhancing such with strategic plantings. The plan was prepared with assistance from his consultants.

The document had an adequate level of information to amend the Consent Orders. As such, a draft of the necessary changes was forwarded to Mr Earnshaw through his planning consultants Mr Lonergan. In response, Mr Earnshaw agrees to all aspects of the consent order except costs. In this regard Council's solicitor has provided the following advice on costs to date.

These proceedings are Class 4 proceedings and Council is entitled to seek payment of its costs. The costs to date are as follows. It should be noted that each time the matter was before the Court and no Consent Orders reached, costs accumulate.

Legal Costs		\$5100.00
Disbursements		
Filing fees Land & Environment Court	\$561.00	
Barristers fees	\$1023.00	
Agents fees	\$31.82	
Services fees	\$66.00	
Photocopying	\$59.82	\$1741.64
Total		\$6841.64

Reports from Director Development Services

The draft changes to the consent orders deleted the requirement of a bond. Bonds would normally be a requirement in Class 4 matters of this nature. The bond originally being included on the consent orders was \$5000.00.

Should Council not be able to reach an agreement on consent orders with the Respondent the matter would be heard by the Land & Environment Court. The court is likely to require the Respondent to pay Council's costs and potentially bond the works. The costs of Council may appear considerable however they are less than those that would accumulate if the matter was heard by the Land & Environment Court.

CONCLUSION

Following Council's decision of 1 August 2001 attempts have been made to reach a position of agreement with the respondent in relation to consent orders. This has involved considerable resourcing from Council's Technical Officers, where normally the respondent would be required to engage their own consultants and legal representation.

Consequently the respondent has failed to provide information to Council in order to reach consent orders and therefore the matter has be adjourned a number of times, accumulating costs.

Reports from Director Development Services

6. ORIGIN: Development Assessment Unit

FILE REF: DA5700/370 Pt1

REPORT TITLE:

Tourist Accommodation at Lot 1, DP 617124 No. 167 Upper Crystal Creek Road, Upper Cyrstal Creek

SUMMARY OF REPORT:

An application has been received seeking approval to erect a tourist cabin at the abovementioned land. The subject land has a rectangular shape with an area of 2 hectares. The cabin is setback 1.5m from the property boundary, which abuts agricultural land (grazing) Classed 4 and 5. Constraints such as the size of the land, topography, privacy and the layout of existing farm sheds and stock accesses limit the number of alternative sites available for the cabin.

It is considered that the close proximity of the cabin to the property boundary and will potentially create conflict with rural activities on adjoining land. The Tweed Shire 2000+ Strategic Plan also identifies that rural resources should be identified and protected by planning provisions from incompatible development.

This report discusses the issue of providing a buffer between the cabin and the adjoining agricultural activities.

The cabin is not likely to have 100% occupancy rates and will only be occupied intermittently. In addition the adjoining agricultural land (grazing) is classed 4 and 5 and is not identified as prime agricultural land. It is considered that the relevant Policies and Actions of the Tweed Shire Strategic Plan 2000+ should only apply to new subdivisions and not to those established before the plan was adopted. If the Policies and Actions of the Plan in relation to buffering were to be adopted in this instance the development would not be satisfactory.

Under the circumstances of the case it is recommended that the cabin should be setback a minimum 6 metres from the property boundaries and in the event that Council receives complaints in relation to conflicting land use between the cabin and the adjoining agricultural activities then the land between the cabin and the property boundaries will be suitably landscaped.

RECOMMENDATION:

That:-

- A. The applicant be advised that Council's support for the Development Application to erect a tourist cabin at Lot 1 DP 617124 Upper Crystal Creek Road, Upper Crystal Creek is subject to the cabin being setback at a minimum of 6 metres from the property boundaries. In addition a condition be placed on any consent that the land between the cabin and the property boundaries will be suitably landscaped.
- B. Following resolution of the above matter Council delegates determination of the application to Director Development Services.

Reports from Director Development Services

REPORT:

Applicant: Clive Parker
Owner: Mr C E Parker & Mrs T Tosner
Location: Lot 1, DP 617124 No. 167 Upper Crystal Creek Road, Upper Crystal Creek
Zoning: 1(a) Rural
Cost: \$15,000

PROPOSAL

A development application has been received seeking approval to erect a tourist cabin at the abovementioned land. The subject land has a rectangular shape with an area of 2.005 hectares with frontage and vehicular access to Upper Crystal Creek Road. The land rises from Upper Crystal Creek Road and is mainly cleared with scatterings of trees. Existing improvements include a dwelling house and small farm sheds. The remainder of the land is used for grazing. A Bed and Breakfast also operates from the dwelling.

The land is bound by a similar sized lot to the north, Upper Crystal Creek Road to the east and a large rural allotment to the south and west and also to the north.

The development involves the erection of a single cabin measuring 6.1m x 7.2m with an area of 43.9m². A verandah is also attached to the cabin. The cabin is proposed to be located at the southwestern corner of the allotment and setback 1.5m from the western boundary and 2.4m from the southern boundary. The cabin will be constructed from concrete block and bagged with a colorbond roof.

Adjoining and adjacent property owners were notified and no submissions were received.

An issue that has arisen is the provision of a suitable buffer between the development and the boundaries of the subject land where adjoins a large rural property, which is currently used for grazing. The Tweed Shire Strategic Plan 2000+ identifies the need for buffers between conflicting uses such as agriculture and residential.

Subsequently, the applicant was requested to relocate the cabin further from the property boundaries. The applicant advised that this was difficult to do as there was not enough building area available at the intended site. However, the applicant was able to move the cabin approximately 1.5m from the western boundary and 2.4m from the southern boundary as discussed above. This will subsequently require the removal of an existing tractor shed to accommodate the cabin.

The applicant has indicated that the cabin cannot be setback further from the boundaries as this will have further impact on his grazing activities on the land, which would require the existing access for horses and cattle between paddocks to be relocated.

The proposed location of the cabin has been chosen because of its privacy, elevated position and the panoramic views that are available. There are no other sites on the land, which would have the same views available. It is considered that the only other available site for the cabin would be to the east of the existing dwelling and the land here has a lower elevation with limited views. In addition relocating the cabin to the eastern parts of the property is likely to have an adverse impact on the residential amenity on the residents in a nearby dwelling on an adjoining allotment.

Reports from Director Development Services

BACKGROUND

Council's Environment and Community Services Division have recommended that the proposal should not be supported as it is considered that the close proximity of the cabin to the property boundary is inadequate to protect rural activities from secondary uses of the zone arising in conflict. Tweed Shire Strategic Plan 2000+ (TSSP 2000+) identifies the need for rural resources and nominates buffer zones as a component of any strategy to protect rural resources/activities.

The Tweed Shire Strategic Plan 2000+ provides (Policy & Action No.17) that rural resources such as prime agricultural land, forest and quarries shall be identified and protected by planning provisions from incompatible development.

In this instance the adjoining agricultural land is not identified as prime agricultural land. The land is identified as class 4 and 5 and subsequently has limited agricultural viability. Subsequently, as the adjoining land is not prime agricultural land this action of the TSSP 2000+ should not be considered.

Policy and Action No.24 of the TSSP 2000+ also provides that rural activities will not be unreasonably restricted by future rural settlement. Appropriate guidelines will be prepared for buffers, including any land subject of a rural subdivision proposal buffers of 150m are recommended from the boundary with agricultural land and a dwelling site. It also provides that variations to any such buffers may be approved by Council where special circumstances apply and the intent of maintaining rural activities without unreasonable restrictions is achieved.

Again it is considered that the intention of this action is in respect to proposed rural subdivisions and should not be applied to subdivisions created before the TSSP 2000+ was adopted. Should this action be applied and a 150m buffer created then there would be no site available on the land.

As the adjoining agricultural land is class 4 and 5, is not identified as prime agricultural land and that the tourist cabin will not have 100% occupancy, but will be occupied intermittently, it is considered that a significant buffer between the cabin and the adjoining agricultural activities is not warranted. It is considered that the site has sufficient area to relocate the building further from the property boundaries. Currently, the building is setback 1.5m from the western boundary and 2.4m from the southern boundary. It is considered that as a minimum the building should be setback 6m from the property boundaries. This would then require the applicant to change the access arrangements for his stock from paddock to paddock, which appears to be achievable.

It is considered that a 6m buffer is acceptable under the circumstances and should provide a suitable buffer between the cabin and the adjoining rural activities (grazing). It is also considered that should this be pursued any consent should be conditioned to provide that in the event that Council receives complaints in relation to conflicting land use the land between the cabin and the property boundaries should be suitably landscaped.

Reports from Director Development Services

SITE DIAGRAM



OPTIONS

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

1. That no buffer be provided between the cabin and the adjoining agricultural activities and the setbacks of the cabin to the property boundaries remain as proposed with 1.5m to the western boundary and 2.4m to the southern boundary.
2. That the cabin be setback further from the property boundaries with a minimum setback of 6m to each boundary. In addition, should this be the preferred option any consent will also be conditioned to provide that in the event that Council receives complaints in relation to conflicting use with adjoining agricultural uses the land between the cabin and the property boundaries will be suitably landscaped to the satisfaction the Director Development Services.
3. That the current application be refused.

CONCLUSION

Under the circumstances it is considered that Option 2 is recommended. It is considered that a 6m buffer is satisfactory and should protect the interests of both the agricultural activities on the adjoining land and the residential amenity of those tourists residing in the cabin. The adjoining agricultural land is not identified as prime agricultural land and is currently used for grazing. The cabin will not have a 100% occupancy rate and will only be occupied intermittently.

It is considered that the proposed site is the most suitable site for the cabin in relation to views and privacy and that adequate area is available here to setback the cabin further from the property boundaries without any difficulty other than relocating a stock access.

Reports from Director Development Services

7. ORIGIN: Development Assessment Unit

FILE REF: DA2970/10 Pt1

REPORT TITLE:

The Establishment of a Rural Industry (Lawn Mower Repair Workshop) at Lot 11 DP19727 Kyogle Road, Bray Park

SUMMARY OF REPORT:

Council at its meeting of Wednesday, 21 November 2001 resolved as follows:-

“...that Council indicates its intention to approve Development Application 0420/2001DA for the establishment of a lawn mower repair workshop at Lot 11, DP 19727 Kyogle Road, Bray Park subject to conditions of consent that the Director Development Services be requested to bring forward to the meeting of 5 December 2001.”

This report provides appropriate conditions if Council wishes to approve the application.

RECOMMENDATION:

That Development Application 0420/2001DA for the establishment of a lawn mower repair workshop at Lot 11, DP 19727 Kyogle Road, Bray Park be refused for the following reasons:-

1. The servicing and repairs of plant and equipment from residential sources accounts for a significant proportion of the business. The proposed development does not comply with the definition of a “rural industry” as the proposed development involves such servicing of plant and equipment from residential areas.
2. The proposed development also involves the sale of plant and equipment, and as such the proposed development does not comply with the definition of a ‘rural industry’.
3. The proposed shed will have a significant adverse impact upon the existing amenity of the area and is considered to be out of character with the area.
4. The proposed development is not in the interest of the public, as it is located in a high Hazard Flood Storage area and during periods of major flooding would increase the demand on emergency services and potentially result in increased costs to the community through flood assistance.
5. The applicant has not satisfied the provisions of Clause 8(2) of Tweed Local Environmental Plan 2000 and therefore Council cannot approve the application.

Reports from Director Development Services

REPORT:

Council at its meeting on 21 November 2001 considered a report in relation to the establishment of a rural industry (lawn mower repair workshop) at Lot 11, DP19727 Kyogle Road, Bray Park. A copy of the report and recommendation is attached to this agenda for the information of Councillors.

Following consideration of the report it was resolved as follows:-

“...that Council indicates its intention to approve Development Application 0420/2001DA for the establishment of a lawn mower repair workshop at Lot 11, DP 19727 Kyogle Road, Bray Park subject to conditions of consent that the Director Development Services be requested to bring forward to the meeting of 5 December 2001.”

If Council wishes to approve the application then the following conditions should be applied:-

PRE REQUISITES

1. A detailed plan of landscaping is to be submitted and approved by Council's Director, Development Services prior to the issue of a Construction Certificate. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building.
2. A traffic control plan that complies with the provisions of the RTA document “Traffic Control at Work Sites” Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, and submitted for approval by Council, prior to issue of the Construction Certificate. All works are to comply with the Occupational Health and Safety Act and the RTA document and the approval particularly in respect to works on public roads. Safe public access shall be provided at all times.
3. (i) Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

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

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

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

- | | | |
|----|---|---------|
| a. | Tweed Road Contribution Plan: | \$4975 |
| | S94 Plan No. 4 (Version 4.0) | |
| b. | Extensions to Council Administration Offices and technical support facilities | |
| | 1 unit @ \$69.00 | \$69.00 |

Reports from Director Development Services

GENERAL

4. The development shall be completed in general accordance with Plans Nos 1 & 2 prepared by M. Graffin and dated 26 August 2001, except where varied by these conditions.
5. The use is to comply with the definition of "rural industry" in Tweed Local Environmental Plan 2000.
6. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a. footings, prior to pouring of concrete
 - b. slab, prior to pouring of concrete
 - c. frame prior to the erection of brick work or any wall sheeting
 - d. final inspection prior to occupation of the building
7. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
 - (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
 - (ii) Certification of the works performed by the person carrying out the works is to be submitted to the PCA prior to occupation of the building; and
 - (iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
 - (A) the method of protection; and
 - (B) the date of installation of the system; and
 - (C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - (D) the need to maintain and inspect the system on a regular basis.

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

Reports from Director Development Services

- 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.
9. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.
 10. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.
 11. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
 12. The provision of four (4) off street car parking spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.
 13. Advertising structures/signs to be the subject of a separate development application, where statutorily required.
 14. No items or goods are to be stored or displayed outside the confines of the premises.
 15. All trade materials, product and plant to be kept within confines of the building at all times.
 16. All loading/unloading to take place within the boundary of the subject property.
 17. Car parking spaces are to be suitably screened from view from any public place or public reserve, such screening to be detailed in the landscaping plan.
 18. 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.
 19. 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
 20. The glazier is to supply the PCA with certification that all glazing complies with AS 1288 and AS2047 of the Building Code of Australia.

Reports from Director Development Services

PRESCRIBED (BUILDING)

21. 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).
22. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-
 - (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council, or
 - (c) if that is not practicable, any other sewage management facility approved by the council.
23. 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.
24. 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.
25. 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.
26. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
27. 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.

Reports from Director Development Services

28. 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)
29. Prior to occupation of the building a Occupation Certificate is to be obtained. If Council is requested to issue the Occupation Certificate, the application must be accompanied by relevant Compliance Certificates or documentary evidence of compliance.
30. 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.

ENGINEERING (BUILDING)

31. 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.
32. The footings are to be designed by a practising Structural Engineer after consideration of a soil report from an accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the commencement of building work.

FIRE (BUILDING)

33. 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.

DISABLED BUILDING

34. 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.
35. Access to the building for disabled persons shall be provided and constructed in accordance with the requirements of Part D3 of the Building Code of Australia and Australian Standard AS 1428.1.
36. If access for the disabled is required under Part D3 of the Building Code of Australia, facilities for the use of the disabled shall be provided as specified in Part F2.4 of the Building Code of Australia and shall be constructed to the requirements of Australian Standard AS1428.1.

ROADS/STREETS

37. The owner or contractor must not undertake any work within the public road reserve without giving Council's Engineering Services Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.
38. The concrete driveway across the footpath is to be constructed in accordance with the approved plan and be a minimum of 150 millimetres thick reinforced with F82 mesh.

Reports from Director Development Services

39. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the provision of an invert crossing at the kerb and gutter where required and paving of the driveway across the footpath to the front alignment to the satisfaction of the Director, Engineering Services. Twenty four (24) hours notice is to be given to Council's Engineering Services Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the vehicular access and its reconstruction. Paving bricks are not acceptable unless laid on a 100mm thick concrete base.
40. The driveway is to be constructed 4.5 metres wide at the property boundary and 6.0 metres wide at the kerb line with a uniform taper if a splay is specified.
41. The footpath area is to be graded to the kerb and turfed for the full frontage of the site.
42. 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.
43. Pram ramps are to be constructed at road intersections in accordance with Council's Plan No. A4-96 to the satisfaction of the Director of Engineering Services and in accordance with Council's Standard Plan No. A4-96. Mountable or roll top kerb does not meet pram ramp requirements, and therefore requires a pram ramp to be constructed as above. A pram ramp will need to be provided in line with the existing pedestrian refuge.
44. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-
 - i. Construct along the full length of the Kyogle Road frontage vertical face kerb and gutter on an approved alignment along with associated sub-surface and over-land stormwater drainage systems and road pavement from the lip of the new kerb and gutter to the edge of the existing bitumen pavement including tapers.
 - ii. The existing cycleway to be modified on the corner of the Tree Street to raise it to the new kerb height.

DRAINAGE/FLOODING

45. Building materials used below Council's minimum floor level of RL 8.2m AHD must not be susceptible to water damage.
46. 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.

Reports from Director Development Services

ENVIRONMENT PROTECTION

47. 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.
48. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
49. 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.
50. 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.
51. 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.
52. 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.
53. The burning of builders waste on site by open fire is prohibited.
54. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.
55. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

Erosion and sediment control shall be in accordance with the “*Tweed Urban Stormwater Quality Management Plan*” (adopted by Council 19 April 2000) section 5.5.2 “Stormwater Objectives During the Construction Phase of New Development”. This section requires all new development to comply with Appendix E of the Plan “*Tweed Shire Council Aus-Spec D7 - Stormwater Quality*” and its Annexure A - “Code of Practice for Soil and Water Management on Construction Works”. Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond has been released.
56. 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

Reports from Director Development Services

premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.

PLUMBING AND DRAINAGE

57. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a internal drainage, prior to slab preparation;
 - b water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - c external drainage prior to backfilling.
 - d. completion of work.
58. 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.
59. 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.
60. Facilities for the disabled shall be provided to the building in accordance with the Building Code of Australia standard AS1428.1. A floor plan of the building nominating the location of these sanitary facilities is to be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.

TRADE WASTE

61. Any premises proposing to discharge into Councils sewerage system a waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by Councils Manager Water and concurrence received from the Department of Land and Water Conservation, if required, PRIOR to the issuing of a Construction Certificate to discharge to Councils sewerage system.
62. Liquid waste materials shall be stored in an impervious bunded area to the satisfaction of the Director Environment and Community Services. The liquid waste storage area shall be covered by a roof to exclude rain waters. Liquid wastes shall be disposed to the satisfaction of the Director Environment & Community Services and shall not be permitted to enter the sewer, stormwaters or any waterway.
63. Storage of materials or parts shall not be permitted to impact on the amenity of the area.
64. All repair works shall be conducted within the proposed building.
65. All solid wastes shall be disposed to the satisfaction of the Director Environment & Community Services.

Reports from Director Development Services

THIS
PAGE
THIS
PAGE
IS
IS
BLANK
BLANK

Reports from Director Corporate Services

8. ORIGIN: Director
FILE REF: Gazettal of the Municipality of M'bah - 100 years

REPORT TITLE:

Gazettal of the Municipality of Murwillumbah

SUMMARY OF REPORT:

On 27 May 2002 the Municipality of Murwillumbah will have been gazetted 100 years ago.

As 27 May 2002 is a Monday, the celebrations could be staged on Sunday, 26 May to enable more people throughout the Shire to attend.

RECOMMENDATION:

That the celebrations of the 100 years since the Municipality of Murwillumbah was gazetted include:

1. The official opening of the Heritage Wharf at the Tweed River Regional Art Gallery.
2. Boat trips between the present and proposed art gallery sites.
3. A heritage walk around Murwillumbah with members of Historical Societies and others encouraged to dress in period costume.
4. A historical feature in the Tweed Link.

Reports from Director Corporate Services

REPORT:

An article in the Tweed Link resulted in a number of suggestions for a fitting celebration of the 100 years since the Municipality of Murwillumbah was gazetted.

Some suggestions have included:

- Opening of the Heritage Wharf at the site of the present Art Gallery. This could be an opportunity for the Art Gallery to raise funds via boat trips to the new gallery site and for service clubs to conduct food stalls. Estimated cost for morning tea for dignitaries \$400.
 - A re-enactment of the first Council meeting at the building that first housed the Murwillumbah Municipal Council and what is now the Historical Society Building. Estimated cost of research \$500 plus costumes \$500.
 - The Lower Tweed River Historical Society has suggested the Council apply for a state or federal grant to commission a professional researcher to research and record the Minutes and other records of the Council since the establishment of the Municipality 100 years ago and publish the resulting research in book form. It is envisaged the project would be completed in the centenary year.
 - Historical Plaques as proposed by Council to mark the first bridge etc might be incorporated into the celebrations.
 - A historical feature in the Tweed Link.
 - The Murwillumbah Lions Club has offered to mount a display of that Club's 53-year history.
-

Reports from Director Corporate Services

9. ORIGIN: Director

FILE REF: Memorials (incl Plaques), Civic Centre - M'bah

REPORT TITLE:

Local Achiever Recognition Plaques

SUMMARY OF REPORT:

Council has resolved that consideration be given to establishing local achiever recognition plaques to be located within the Murwillumbah Civic and Cultural Centre, together with criteria for determination of recognition. Those receiving Australian Honours can be easily verified but Council may determine from time to time other awards, which should be included for recognition. An example of this could be SAGE Award (Senior Australian Guardian of the Environment, working in a voluntary capacity) won by Mr Bruce Chick.

It is estimated that such as honour board would cost \$400 with the inscriptions adding to the cost.

RECOMMENDATION:

That Tweed Shire Council recognises residents on the Australian Honours List on the recognition plaques and not necessarily those who move to the area after receiving such an honour.

Reports from Director Corporate Services

REPORT:

There are many recognitions for Tweed Shire residents and where to draw the line is the difficulty. Australian Honours can be verified and already there is a list of 32 names. A problem arises with people receiving such an honour and then moving to the Tweed Shire. A key to the honours eg AM (Member of the Order of Australia) or BM (Bravery Medal) would need to be included. To date there are 11 such honours with the meaning of CBC and CSC yet to be determined.

Reports from Director Corporate Services

10. ORIGIN: General Manager
FILE REF: Police; Parking - Illegal

REPORT TITLE:

Transfer of Street Parking Enforcement to Local Government

SUMMARY OF REPORT:

A meeting of Mayors and General Managers held on 31 January 2001 challenged Treasury and Police officials about the basis for the Government proposing to retain a share of revenues from Councils taking over the role of Street Parking Enforcement.

A package was finally developed detailing conditions under which Local Government would agree to offer employment to all PPOs. The only item continuing to be rejected by the Government is that revenue sharing agreements for North and South Sydney Councils be limited to five years.

Special meetings of Mayors and General Managers unanimously endorsed the limitation of revenue sharing agreements to five years and on 17 September 2001 agreed to stand united and not accept individual approaches from the Government.

All Councils recently received a letter from the Treasurer confirming that amending legislation will proceed and clarifying that the legislation will require revenue sharing agreements only from North Sydney, Sydney and South Sydney Councils in perpetuity.

At a meeting on 21 November 2001 convened by the Local Government and Shires Associations, it was unanimously determined that the existing stance be reaffirmed but the negotiations between the State Government and the Associations should be concluded prior to the completion of the last Parliamentary Session for 2001.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

As per Summary.

Reports from Director Corporate Services

11. ORIGIN: Administration Services Unit

FILE REF: GT1/LEP/2000/20 Pt3

REPORT TITLE:

Injunction in Relation to the Bulford Report

SUMMARY OF REPORT:

The Department of Local Government was contacted regarding this injunction on 19 November 2001. Their reply has now been received.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

At the Council meeting held 7 November 2001 it was requested that a letter be sent to the Department of Local Government in relation to a reported injunction against the Bulford Report. The General Manager wrote to Mr G Payne at the Department as follows:-

“At the ordinary meeting of Council held 7 November 2001 some Councillors requested me to make contact with you in regard of the reported injunction against the “Bulford Report”.

The questions posed were:

“Who took out the injunction?”

“What are the details?”

“What happened on 6 November 2001?”

It would be appreciated if you could furnish the information so that I could then forward it on to the Mayor & Councillors.”

In response to the above letter, the following letter has been received from the Department of Local Government in relation to the injunction against the Bulford Report:-

Reports from Director Corporate Services

Department of Local Government

COUNCILLORS GENERAL
LEP - SEASIDE CITY
LEP - SEASIDE CITY

TWEED SHIRE COUNCIL	Our Reference: DTS 68033
FILE No. GT/LEP 2000/20 Pt 3	Your Reference: 15/11.doc
DOCUMENT No. 104/01/2001	Contact: Alice Leslie (02) 9793 0871
REC'D 23 NOV 2001	
BOX No. []	
ASSIGNED TO: GRIFFIN J	
HARD COPY <input type="checkbox"/> IMAGE <input checked="" type="checkbox"/>	

Dr John Griffin
General Manager
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

16 NOV 2001

Dear Dr Griffin,

I refer to your letter dated 9 November 2001 seeking answers to questions posed by councillors at an ordinary meeting held on 7 November, 2001.

In response to those specific questions:

1. Mr Francis Wilson and Mr Peter Robert McGregor.
2. In short, the summons seeks declarations from the Court as to the powers of the Departmental Representative with respect to the report of Mr Bulford. The summons also seeks to restrain the Defendant from making findings or publishing the report of Mr Bulford.
3. The summons was returnable before the Court on 30 October 2001. On that occasion the matter was listed for further argument on 9 November 2001. On 9 November 2001 the parties filed consent orders to maintain the status quo until such time as the matters could be fully argued before the Court.

At this stage, no injunctive relief has been granted.

I trust this is of assistance to you.

Yours sincerely



Garry Payne
Director General

Email: dlg@dlg.nsw.gov.au Web: <http://www.dlg.nsw.gov.au> ABN: 99 567 863 195
66-72 Rickard Road, Bankstown, NSW 2200 Locked Bag 1500, Bankstown, NSW 2200
Telephone: (02) 9793 0793 Facsimile: (02) 9793 0799 TTY: (02) 9707 2508
www.dlg.nsw.gov.au



New South Wales Government

Reports from Director Corporate Services

THIS
PAGE
THIS
PAGE
IS
IS
BLANK
BLANK

Reports from Director Engineering Services

12. ORIGIN: Planning & Design Unit

FILE REF: Sewerage Management - Business Plan; Sewerage Treatment - Banora Pt; Sewerage Treatment - M'bah; Sewerage Treatment - Hastings Pt

REPORT TITLE:

Banora Point, Tweed Coast and Murwillumbah Sewerage Strategy Studies

SUMMARY OF REPORT:

The Planning and Design Unit has prepared Sewerage Strategy Studies for the Banora Point, Tweed Coast and Murwillumbah areas. These studies examine the sewerage network that collects and transports sewage to the Banora Point, Hastings Point and Murwillumbah Sewage Treatment Plants. These analyses proposed a works program for infrastructure upgrades to match development as outlined in the LEP and Tweed Heads 2000+ Strategy.

Full copies of the strategies are available for perusal of members at the meeting.

RECOMMENDATION:

That Council adopts the Banora Point, Tweed Coast and Murwillumbah Sewerage Strategies as tabled at this meeting and incorporates the associated works programs in future annual budgets as appropriate; or alternatively requires relevant works from development applicants where necessitated by their development.

Reports from Director Engineering Services

REPORT:

A key role of the Planning and Design Unit is to provide strategic forecasts of public infrastructure investment required to accommodate the population growth in the Tweed Valley anticipated by Council's adopted Strategic Plan. The Unit has recently prepared Sewerage Strategy Studies for the Banora Point, Tweed Coast and Murwillumbah catchments.

The aim of these studies is to determine requirements for the upgrade of the existing sewerage systems to provide capacity for future development as outlined in the LEP and Tweed Heads 2000+ Strategy Report. As an outcome of these studies a works program has been developed to cater for planned developments.

The identified works required over the next 10 – 15 years for three catchments, excluding routine pump replacement / upgrade are estimated at \$18,037,000. Following is a breakdown of the above estimate:-

Banora Point STP Catchment

\$10,627,000.00

Developers and land owners would be expected to directly fund \$2,805,000.00 while Council would fund the balanced \$7,822,000.00 from loans, reserves and Section 64 Contributions.

Hastings Point Sewage Treatment Plant Catchment

\$3,055,000.00

Developers and land owners would be expected to fund \$65,000.00 while Council would fund the balance of \$2,990,000.00 from its normal sources including Section 64 Contributions.

Murwillumbah Sewage Treatment Plant Catchment

\$4,355,000.00

These works will be funded by Council as most of the works are rehabilitation and refurbishment of the main trunk sewers and pumping stations.

The strategies are subject to annual reviews to reflect changes in predicted development patterns.

Other Catchments

Currently the Kingscliff Sewerage Strategy is being prepared. This strategy will be followed by the West Tweed Heads Strategy to complete the Tweed Shire Council Sewerage upgrade planning process.

Following is a synopsis of the Executive Summaries of each completed strategy:-

1. Banora Point Sewerage Strategy Study

Synopsis from the Executive Summary:-

1.1 INTRODUCTION

The Tweed Heads/Tweed Heads South/Banora Point area is the largest population centre in Tweed Shire. This area is currently served by two sewage treatment plants, Tweed Heads STP in Parkes Drive (12,000 equivalent persons) and Banora Point STP near Expo Park (50,000 equivalent persons)

This study examined the sewerage network that collects and transports sewage to the Banora Point Sewage Treatment Plant. The Tweed Heads STP is considered only from the perspective of how its

Reports from Director Engineering Services

influent could be transported to the Banora Point STP should the decision be made to close down the treatment plant.

1.2 METHODOLOGY AND ANALYSIS

A model was developed to calculate flows to each sewage pumping station for two scenarios, as existing in late 1998, and a postulated ultimate development that assumed various areas were developed for residential accommodation, existing areas experienced an increase in density and that the Central Tweed Heads area developed fully along the lines of the Tweed Heads 2000+ Strategy Report. The ultimate model also reflects strategies that have been put in place for various proposed developments within the catchment.

Areas assumed to become fully developed include Cobaki Lakes, Staff's, Village Resources, Bilambil Heights/McAllister Road area, Terranora "Area E" (between Fraser Drive and Mahers Lane), Flame Tree Park, an area east of the Pacific Highway (Egg & I site), and West Tweed Heads South (land on Fraser Drive).

The existing load was 14,606 equivalent tenements (ET) while the ultimate becomes 37,157 ET. These equate to 46,739 equivalent people (EP) and 118,902 EP respectively.

The model checks the capacity of existing gravity sewers, sewage pumping stations and rising mains, against your records where available. It then nominates any upgrades necessary to accommodate catchment growth.

1.3 FUTURE DEVELOPMENT STRATEGIES AND PROPOSED WORKS

This analysis leads to the development of a proposed works program and strategies for accommodating various development proposals.

Strategies already in place to facilitate development within the Central Tweed Heads and Tweed Heads South/Banora Point areas, with regional pump stations and associated gravity sewers and rising mains having been built in recent years at Afex Park (Central Tweed Heads) and Expo Park (Tweed Heads South) were confirmed as adequate.

Strategies have been revised to enable development to proceed at Cobaki Lakes/Bilambil Heights (McAllister Road area), "Area E" at Terranora (between Fraser Drive and Mahers Lane), around the former "Egg & I" site, east of the Pacific Highway, and in the western Tweed Heads South area around the northern section of Fraser Drive (Sullivan's). For some of these works to proceed, and in particular for Cobaki Lakes/Bilambil Heights, Council will have to construct substantial works as the infrastructure currently in place down stream of the connection points, is approaching its capacity limit.

Timing of these works will depend upon the developments, but one project which should proceed regardless, is the replacement of the Terranora Creek submarine crossing, due to its age and the type of material used. It has suffered one joint failure in recent years and there is concern that further failures may occur. It would be desirable to replace it with a new submarine crossing although this unfortunately is expected to cost over twice that of attaching the new crossing to the presently embargoed Lakes Drive Bridge.

1.4 WORKS PROGRAM

Other than pump upgrading works which need to be verified by monitoring, recommended works have been identified as being short term, medium term or long term.

These works excluding routine pump replacement/upgrading have a total cost of \$10,627,000 over the next ten years. Of this, developers and land owners would be expected to directly fund \$2,805,000, while Council would fund the balance from its normal sources including Section 64 contributions.

Reports from Director Engineering Services

1.5 CONCLUSIONS

The Banora Point Sewerage System is well placed to handle future development with in the catchment of the Banora Point Sewage Treatment Plant. Conveyancing strategies now in place enable development to proceed in Central Tweed Heads and Tweed Heads South/Banora Point areas. Works necessary for development in the area west of Tweed Heads and in Terranora have been identified and can be timed to match growth as it occurs.

2. Tweed Coast Sewerage Strategy Study

2.1 INTRODUCTION

The Bogangar / Hastings Point / Pottsville Beach area is an area of Tweed Shire that shows potential to double in population over the next twenty years. A sewerage scheme was implemented for this area in 1983 with its treatment plant being located west of Hastings Point. Since the initial scheme, additional areas have been developed and connected to the system. Further areas are currently proposed for development.

2.2 METHODOLOGY AND ANALYSIS

A model was developed to calculate flows to each sewage pumping station as existing in May 1999, and for a postulated ultimate development that assumed new areas were developed for residential accommodation and existing areas increased in density.

Areas assumed to become fully developed include Koala Beach, Black Rocks Estate including an additional area beyond Black Rocks, and the proposed development of "Flannery's" land. The possible connection of the "Tanglewood" area west of Bogangar is considered but not in detail.

The existing load is a total of 2,719 equivalent tenements (ET) while the ultimate model projects a total of 7,670 ET, which includes the connection of Tanglewood and potentially Dunloe Park. These equate to 8,700 equivalent people (EP) and 24,544 EP respectively.

2.3 PROBLEM AREAS, FUTURE DEVELOPMENT STRATEGIES AND PROPOSED WORKS

The study identified significant problems of under-capacity and under-performance in numerous Pump Stations and Rising Mains under current loadings. Overall Drive Pump Station was found to be under-performing due to a higher than anticipated headloss in its existing rising main. Rosewood Avenue Pump Station was found to be operating inefficiently due to the need to replace its pumps. Most others were satisfactory for the flows received.

Significant upgrading in the southern infrastructure in the catchment to handle the future development was found necessary.

The connection points for future developments are to be:-

Black Rocks	Overall Drive Pump Station
Flannery	Rajungra Avenue Pump Station
Koala Beach	Cudgera Avenue Pump Station
Dunloe Park	Hasting Point Sewage Treatment Plant

The strategy adopted after assessment of various alternatives involves:

Reconstruction of Creek Street Pump Station.

Rajungra Avenue Pump Station

Construction of a new rising main from Rajungra Avenue to Creek Street and

Overall Drive to Rajungra Avenue; plus

Reports from Director Engineering Services

Various pump upgrades

A preliminary estimate of cost for all works involved was \$3,055,000, to be carried out in four stages over the next fifteen years. The timing of some of these works may be varied depending upon the progress of the various developments. Suggested timings are indicated in the Adopted Strategy Stage drawings. Developers would be expected to directly fund \$65,000 while Council would fund the balance of \$2,990,000 from its normal sources including Section 64 contributions.

2.4 PUMP STATION MONITORING STRATEGY

A strategy of pump station performance monitoring and pump testing is recommended.

2.5 CONCLUSIONS AND RECOMMENDATIONS.

The Tweed Coast Sewerage System will be capable of handling anticipated future development within the catchment of the Hastings Point Sewage Treatment Plant if the strategy identified in this study is put in place and the various works are programmed. Timing of some of the works is dependent upon associated developments, but other works have been identified as required in the near future.

The program of works shown in Table 2 totalling \$2,990,000 cost to Council is recommended.

It is also recommended that the program of installation of Multitrode monitoring and control equipment and telemetry should be continued and a strategy put in place to effectively test and monitor pump station performance.

3. Murwillumbah Sewerage Strategy Study

This study originated from a review of the gravity trunk sewer, Line A, that collects nearly all inflow to the Murwillumbah Sewage Treatment Plant. It recommends a strategy to unload Line A and eliminate several existing overflow points, directing them to the treatment plant. It also addresses other issues including the upgrading of River Street Sewage Pump Station.

Line A and the bulk of the existing sewers were constructed in the 1950's and are approaching 45 years in service. This area has significant infiltration and inflow problems that contribute to a higher than normally expected peak wet weather inflow to the treatment plant.

Other specific investigations carried out included the capacity of the Greenhills Pump Station and River Street Pump Station with regard to both capacity and occupational health and safety.

As this effectively constitutes a Strategy for Murwillumbah Sewerage, an earlier review of the West Murwillumbah Catchment reported by memorandum has been appended to this study.

The existing system, excluding West Murwillumbah, serves some 2701 Equivalent Tenements (ET) and the ultimate potential of the existing reticulation area has been assessed as 3170 ET's. This equates to 8643 and 10144 Equivalent Persons (EP) respectively. There is the prospect in the future of additional industrial land being developed in the Wardrop Valley area and the connection of Kielvale Village, which could add up to 1200 ET's depending upon the extent, density and types of development that eventuate. Connection of these areas would require a new conveyance system to the treatment plant which has been examined in a separate study. The limiting factor for this expansion is the capacity of the existing treatment plant which could only accept a small portion of this potential development.

The Murwillumbah Sewage Treatment Plant has been replaced with a new plant designed for a population of 16000 EP with an average dry weather flow of 44.3 L/s (3.8ML/day). Since 1992, the average daily flow has been 3.2ML/day. On the basis of a connected population of approximately 11000 EP, the inflow to the plant averages 290 - 300 L/EP/d, 25 percent greater than the normal design allowance of 240L/EP/d.

Reports from Director Engineering Services

In addition to the high wet weather inflow and infiltration, it is concluded that Murwillumbah has high dry weather infiltration into its sewerage system and that plant capacity is taken up by infiltration. An effective rehabilitation program would recover capacity in the sewage treatment plant. Failure to reduce this infiltration would limit future development of Murwillumbah.

3.1 THE STUDY RECOMMENDS

The overflows from Line A be eliminated by a strategy of redirection of flow to PS1006 Mooball Street Pump Station and its redirection to manhole A/1.

Overloading of Line A be alleviated by the strategy of redirecting the flow from River Street Pump Station. This would also include the upgrading of PS1002 River Street Pump Station and other works in the catchment.

The problem of infiltration and inflow into the older sections of the Murwillumbah Sewerage Reticulation be addressed through a program of rehabilitation and refurbishment of the main trunk sewer, Line A, and other sewers within the catchment.

These works estimated to cost \$4,355,000 summarised as follows:

- 1(a) Overflow removal/connection
\$58,000
- 1(b) Mooball St Rising Main Redirection
\$212,000
- 2 River St Pump Station, Rising Main and Catchment Works
\$284,000
- 3 Extension of Rising Main to Sewage Treatment Works
\$216,000
- 4(a) Line A Rehabilitation and Refurbishment Works
\$855,000
- 4(b) Other Lines Rehabilitation and Refurbishment Works
\$2,730,000

This programme could be carried out over a period of five to seven years with Items 1, 2 and 3 above taking priority.

Reports from Director Engineering Services

13. ORIGIN: Planning & Design Unit
FILE REF: GS4/96/4 Pt2; GS4/98/31 Pt5

REPORT TITLE:

Cancellation of Restriction on Use Created in DP 883645 in Relation to Lot 3 in DP 883645

SUMMARY OF REPORT:

An application has been received to cancel a Restriction on Use created in DP 883645. The Restriction to be cancelled burdens each lot in DP 883645 in favour of Tweed Shire Council, with Council being the authority empowered to release, vary or modify the Restriction.

The Restriction on Use provides that no dwelling house will be erected on any lot unless the lot has been filled to 2.65 metres AHD.

The cancellation of the Restriction on Use relates specifically to Lot 3 in DP 883645.

The developers have submitted a plan of subdivision of Lot 3 in DP 883645 and Lot 3 has been filled to a level of 2.65 metres AHD in accord with DA S98/31, with Level 1 certification by Border Tech Pty Ltd in accordance with AS 3798.

RECOMMENDATION:

That:-

1. Council approves the cancellation of the Restriction on Use created in DP 883645 in relation to Lot 3 in DP 883645; and
2. All necessary documentation be endorsed and executed under the Common Seal of Council.

Reports from Director Engineering Services

REPORT:

An application has been received to cancel a Restriction on Use created in DP 883645. The Restriction on Use to be cancelled burdens each lot in DP 883645 in favour of Tweed Shire Council, with Council being the authority empowered to release, vary or modify the Restriction.

The Terms of the Restriction are as follows:-

“No dwelling house shall be erected or permitted to remain on the lot herein burdened unless the said dwelling house is erected on land filled to a minimum level of 2.65 metres on the Australian height datum to the satisfaction of Council of the Shire of Tweed.”

The cancellation of the Restriction on Use relates specifically to Lot 3 in DP 883645.

The developers have submitted a plan of subdivision of Lot 3 in DP 883645, Lot 3 has been filled to a level of 2.65 metres AHD in accord with DA S98/31, with Level 1 certification by Border Tech Pty Ltd in accordance with AS 3798.

Reports from Director Engineering Services

14. ORIGIN: Water Unit

FILE REF: NSW Coastal Conference

REPORT TITLE:

11th NSW Coastal Conference

SUMMARY OF REPORT:

The 11th Annual NSW Coastal Conference was hosted by Newcastle City Council. The Conference provided invaluable networking and advice on progress in other local government areas as well as valuable technical advice and resources.

RECOMMENDATION:

That this report be received and noted

Reports from Director Engineering Services

REPORT:

The 11th NSW Coastal Conference was hosted by Newcastle City Council in Newcastle on 13 – 16 November 2001. Council was represented at the Conference by Cr Wendy Marshall as Chair of Council's Tweed River Committee and Tweed Coastal Committee, Cr Henry James, a member of the Coastal Council of NSW and Manager Water, John Henley.

The opening keynote address was made by The Hon. Justice Mahla L Pearlman A.M., Chief Judge of the Land & Environment Court. Justice Pearlman outlined the role of the Land & Environment Court referred to the final report from an independent Working Party set up in April 2000 to review the way in which development applications are dealt with by the Court. She announced that the report contained 37 recommendations but, as it is before Cabinet, declined to comment further, to the disappointment of delegates. In response to a question Justice Pearlman confirmed her support for the right of the Court to set aside Council's considerations of a development that has been appealed to the Court and to effectively reassess the proposal only on the basis of the information put before the Court.

The Conference involved multi-strands of papers on diverse subjects relating to Coastal Management and devoted considerable time to workshops on issues put forward by delegates. Copies of papers are available for perusal by interested Councillors from those attending.

On the basis of the papers presented and discussions with delegates attending it is apparent that this Council is still at the forefront of estuary management at the Local Government level through its Tweed River and Tweed Coastal Committees.

Staff from the Healthy Rivers Commission have indicated that they may commence an enquiry on the Tweed in 2002.

The 2002 NSW Coastal Conference is to be combined with the National Conference and held in Tweed Heads.

Reports from Director Engineering Services

15. ORIGIN: Planning & Design Unit

FILE REF: GR3/12/4; 1710.3010; Road - Closures - Berwick

REPORT TITLE:

Proposed Closure and Purchase of Part of a Crown Public Road Within Lot 1 in DP 380325, Dulguigan Road, Urliup

SUMMARY OF REPORT:

An application was made to the Department of Land & Water Conservation directly by the applicants, Mr SN & Mrs LN Smith to close and purchase part of the Crown Public Road traversing their property, being Lot 1 in DP 380325 shown hatched on the plan.

The Crown Public Road extends from Bethongabel Court to provide access to the applicants' property.

The Crown Public Road also provides access to an unused and unformed reserved road 100 wide.

The Department of Land & Water Conservation are in receipt of the consent of the adjoining property owners to the closure of the Crown Public Road.

RECOMMENDATION:

That:-

1. Council raises no objection to the partial closure of the Crown Public Road within Lot 1 in DP380325.
2. All necessary documentation be endorsed under the Common Seal of Council.

Reports from Director Engineering Services

REPORT:

An application was made to the Department of Land & Water Conservation directly by the applicants, Mr SN & Mrs LN Smith to close and purchase part of the Crown Public Road traversing their property, being Lot 1 in DP 380325.

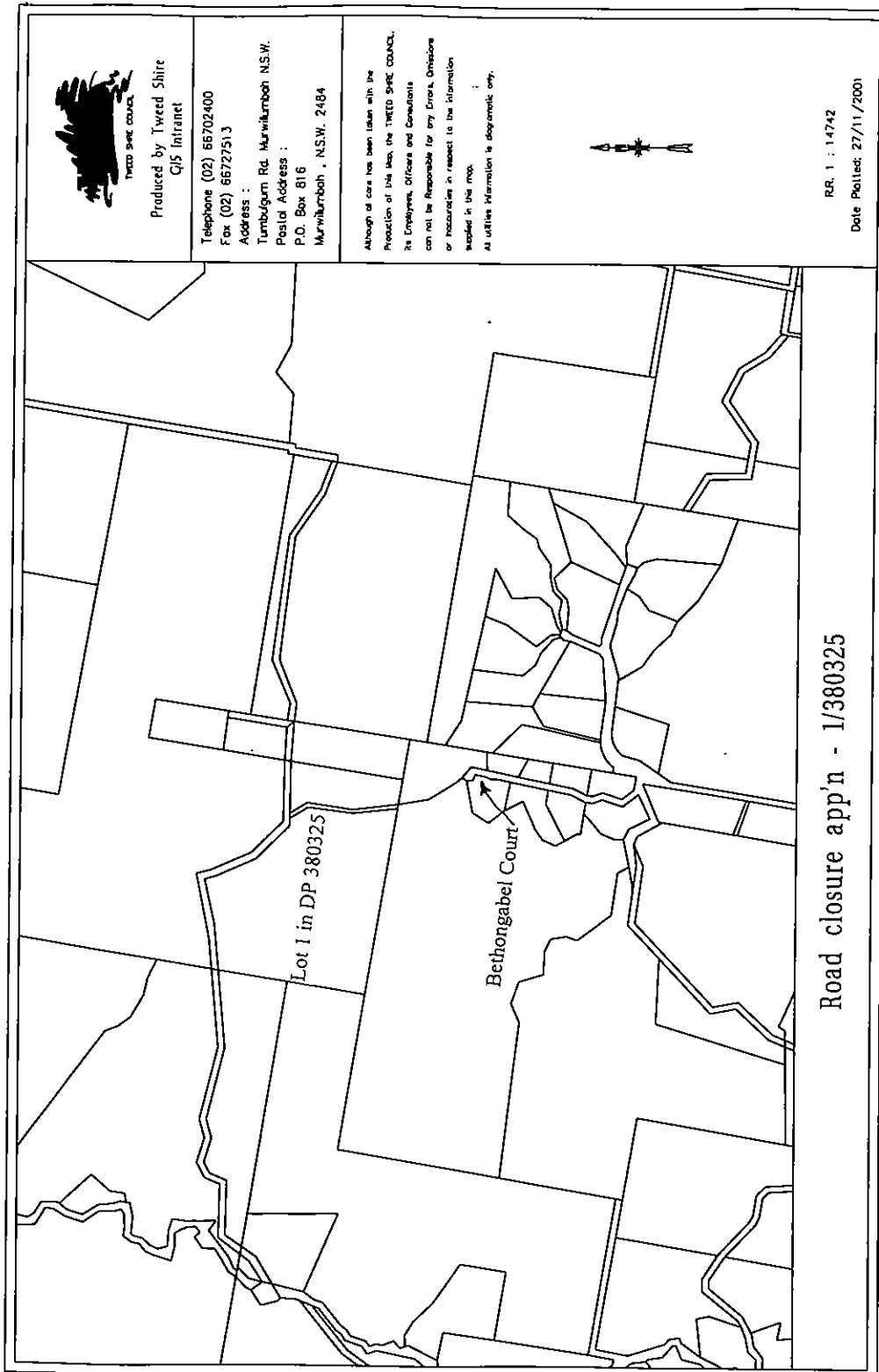
The Crown Public Road extends from Bethongabel Court to provide access to the applicants' property.

The Crown Public Road also provides access to an unused and unformed reserved road 100 wide.

The Department of Land & Water Conservation are in receipt of the consent of the adjoining property owners to the closure of the Crown Public Road.

A copy of the plan showing the Crown Public Road which is proposed to be closed follows:-

Reports from Director Engineering Services



Reports from Director Engineering Services

THIS
PAGE
THIS
PAGE
IS
IS
BLANK
BLANK

Reports from Director Environment & Community Services

16. ORIGIN: Recreation Services Unit

FILE REF: Reg Dalton Oval; Govt Grant - Sport & Recreation; Bilambil Sports Complex; John Rabjones Oval; Les Cave Oval

REPORT TITLE:

Sports Field Assets Reserve Funding Application

SUMMARY OF REPORT:

Council has received an application for funding through the Sports Field Assets Reserve fund from the Tweed District Cricket Association for 5 new turf wicket covers. These applications are generally considered by the Sports Advisory Committee with subsequent recommendations to Council. However, with the establishment of a new committee and the Christmas period, this application would not be considered by Council until February.

RECOMMENDATION:

That Council declines the funding application through the Assets Reserve Fund for new wicket covers by the Tweed District Cricket Association

Reports from Director Environment & Community Services

REPORT:

Council has received an application for funding through the Sports Field Assets Reserve fund from the Tweed District Cricket Association for 5 new turf wicket covers. These applications are generally considered by the Sports Advisory Committee with subsequent recommendations to Council. However, with the establishment of a new committee and the Christmas period, this application would not be considered by Council until February.

The Sports Field Assets Reserve Fund is the fund accumulated through the sports field licence fee. These funds are available upon application to contributing clubs/associations on a dollar per dollar basis per small scale capital works projects.

The application from Tweed District Cricket Association is attached. In summary, the total costs of the covers is \$6,388.80 and the amount of funding requested is \$3,198.90.

Comment

As referred to above, the Assets Reserve Fund is available for small scale capital works projects on Council owned/controlled grounds. The fund is not intended to be utilised for the purchase of equipment such as covers, nets, posts etc and has not funded such items in the past.

Consequently, it is recommended Council decline the application for funding from the Tweed District Cricket Association for wicket covers on the above grounds.

Reports from Director Environment & Community Services



TWEED DISTRICT CRICKET ASSOCIATION INC.

President: Michael Seery Secretary: Vanessa Russell. Treasurer: Bill Battese
13 Waight St. Chandler. NSW. 2487. Ph: 02/6674-1516 Fax: 02/6674-0747

Stuart Brawley.
Tweed Shire Council.
P.O. Box
Murwillumbah.
NSW. 2480

RABJONES OVAL
BILAMBIL SPORTING COMPLEX
18.10.01
REG DALTON OVAL
LES CAVE OVAL

TWEED SHIRE COUNCIL
FILE No. <u>GOV GRANT - SPORT + REC</u>
DOCUMENT No. [] [] [] [] [] [] [] []
REC'D - 8 NOV 2001
BOX No. [] [] [] []
ASSIGNED TO: <u>BRAWLEY S</u>
HARD COPY <input type="checkbox"/> IMAGE <input checked="" type="checkbox"/>

Stuart,

Please find attached application for funding for Asset Reserve Fund for New Covers for TDCA, Rabjones Oval, Les Cave, Reg Dalton and Bilambil are in desperate need for new covers as the old ones are torn, have holes in them and do not supply adequate cover. We have had them inspected by a Tarpaulin dealer as to fixing them, they would not be cost effective to fix.

We have had to borrow covers from Far North Coast Cricket Council for the Rabjones Pitch for the NRMA Game, as the existing covers will not supply the cover needed if it was to rain.

Your urgent response to this would be appreciated.

Kind Regards,

Vanessa Russell.
Secretary.

Reports from Director Environment & Community Services

Tweed Shire Council Sports Field Assets Reserves Fund Application Form

Name of organisation: Tweed District Cricket Assoc.

Contact person: Vanessa Jarrett

Position with organisation: Secretary

Project: New Covers

Project details: Attached.

Project description (attach any relevant diagrams/maps etc)

Locality/(Name of facility) Rajonas Oval, Los Cave, Ray Dalton & Bilambil.

Summer and or Winter lease of grounds: Summer

Why the project is required: Attached

Reports from Director Environment & Community Services

Project Funding

	Source	Amount \$
1. Cash your organisation is providing		\$3194.40
2. In-kind		—
3. Other Grant Funding (to be used if using grant as contribution to other funding)		—
4. Other (specify)		
5. Total funds available for the project		\$3194.40
6. Grant requested (maximum of 50% net project costs. Maximum 30% if using grant as contribution to other funding ie Department of Sport & Recreation)		\$3194.40
7. Total Project Costs		\$3194.40

Project Summary

	Amount
Total Cost of Project:	\$6388.80
Cash supplied by proponent:	\$3194.40
In kind works (please supply details):	
Other sources of contribution:	
Amount requested:	\$3194.40

Reports from Director Environment & Community Services

Project: **New Covers for Turf Wickets within the Tweed Shire.(4)
One each for the following grounds - Rabjones Oval, Reg Dalton, Les Cave and Bilambil Sports Complex.**

Details: **Rabjones, Reg Dalton & Les Cave Covers are in a state of disrepair, they are all riddled with holes and tears. Bilambil Sports Complex does not have a cover just an under tarp which does not give the cover required in the case of rain.**

Covers are an essential part of the Turf Wicket, if a Wicket is left uncovered and substantial rain falls before a game is to be played there will be no play on that wicket. If play is continued on a wet wicket this can damage the wicket therefore requiring more work to restore it to a playable surface for the next scheduled match. This then results in a waste of Council time and money.

We are hosting a NSW Blues Match on Rabjones Oval on the 23rd Nov. and due to the terrible state of the covers at that field, covers are being sent to us for use for that game from the Lismore.

A Cover for Dave Burns Field was purchased by the TDCA two Seasons ago at a cost of over \$2000.00, no funding was requested at that time as we were in a position to fund the entire project.

Reports from Director Environment & Community Services

THIS
PAGE
PAGE
IS
BLANK
IS
BLANK

Reports from Director Environment & Community Services

17. ORIGIN: Environment & Health Services Unit

FILE REF: Drug Related Matters

REPORT TITLE:

Proposed Tweed Natural High Campaign

SUMMARY OF REPORT:

Council has committed funds in the current budget for an anti-drug campaign. This occurred following an address from the Queensland Alcohol and Drug Foundation on their Natural High Campaign. They now have submitted a proposal for Tweed and Council should indicate its support for same and if so move to form an advisory committee.

RECOMMENDATION:

That Council:-

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

Reports from Director Environment & Community Services

REPORT:

Council will recall that it has allocated \$15,000 in the budget for an anti-drugs campaign. It is understood that this was to be in line with the "Natural High" campaign being conducted in Queensland by the Alcohol & Drug Foundation.

A copy of the letter received follows:-



Alcohol and Drug Foundation Queensland

Seeking Answers, Meeting Needs.

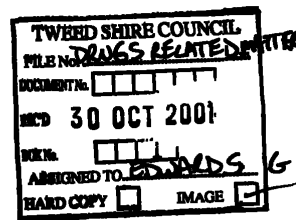
Patron:
His Excellency the Governor of Queensland
Major General Peter Arnison, AC

Level 3, 133 Leichhardt Street
Spring Hill Qld Australia 4000
P. O. Box 332, Spring Hill Qld Australia 4004

Telephone 61 07 3832 3788
Facsimile 61 07 3832 2527

29 October 2001

Mr Geoff Edwards
Manager Environment & Health Services
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484



Dear Geoff

Re: *The Tweed Natural High Campaign*

Thank you for meeting with me recently to discuss the Natural High Campaign. We are delighted that Council has decided to implement the Campaign in your community.

We would envisage the campaign to proceed as follows:

- In consultation with Council, form an **advisory committee**, consisting of community representatives from local youth organisations, businesses, council, media and other persons who may have displayed an enthusiastic and dedicated commitment to local youth issues.
- **Invitations** to be sent to nominated advisory committee members.
- Once the Advisory Committee is established a meeting would be scheduled to discuss local influences, obstacles and logistics in implementing the **Tweed Natural High Campaign**. The advisory committee is necessary to provide local information only and to ensure a smooth introduction of the campaign within the community.
- A **Campaign Launch** would be scheduled (possibly at a fundraising breakfast), introducing the Natural High concept to the community, business persons and interested individuals to seek sponsorship and other support.
- A **Natural High Schedule of Events** would be proposed spanning six months. The number and types of events would be dependent on pledged financial support in addition to Council funding and meeting the needs of local youth. An example schedule of events is attached.

Reports from Director Environment & Community Services

- The **Tweed Natural High Campaign** would not be restricted to one location but be implemented across the entire Shire.
- All existing local youth organisations, sporting clubs, community groups and events would be offered **Natural High – Alternative endorsement**. Once an event or organisation receives Natural High – Alternative endorsement, we will promote their activities to the local media, on our website, in our email newsletter and the community in general. Endorsed organisations are authorised to use the Natural High – Alternative logo on any of their promotional material.
- The **success** of the Tweed Natural High Campaign will be measured by the number of organisations / events within the area that become endorsed, by monitoring the participation of youth at Natural High activities and surveying young people regarding their recognition and understanding of the Natural High concept.
- The Natural High Campaign will be **self sustaining**, although the intensity may decrease after the initial 6 month period, those organisations that become endorsed will still have the opportunity to use our services in promoting their activities.
- The Alcohol & Drug Foundation – Queensland is accountable only to the **Tweed Shire Council** in implementing the Natural High Campaign.

I recommend that we meet again in the near future, together with a few key people to discuss the Natural High Campaign and the formation of the advisory committee.

I do hope this provides you with sufficient direction and information about the Tweed Natural High Campaign. We are looking forward to working with you in making the program a great success.

Please do not hesitate to contact me should you require any further information.

Yours faithfully



Joanne Hardwick
Director, Natural High – Alternative

Reports from Director Environment & Community Services

Schedule of Events Tweed Shire Council

Launch In Youth Week

Youth Exposed – festival of extreme sporting performances, displays by local sporting clubs and interactive demonstrations. Provides young people with an opportunity to see what sporting clubs and youth organisations are available to join within their community.

Natural High Music & Arts Festival – opportunity for local bands, musicians and other performers to demonstrate their talents and win loads of prizes. Will provide information to young people about forming a band, organisations that are available to assist and getting that first break.

Natural High Beach Party - music, dancing and beach sports by lights.

School Clinics – high profile sports persons/ celebrities conduct workshops at schools and reinforce the Natural High message

Shopping Centre Promotions – showcase local sporting clubs, youth organisations and community groups. Allows young people to see what activities are available within their community.

Natural High “Survivor” Adventure Camp – Provide young people with the opportunity to experience a natural high in bush surroundings by learning survival skills.

Natural High Big Nite Out – 7 venues, 10 buses, 500 young people, all venues all night, commencing at 11pm – 7am

Should Council wish to commit these funds to this proposal it is considered that Council should endorse the proposed Tweed Natural High Campaign and form the proposed Advisory Committee.

Reports from Director Environment & Community Services

18. ORIGIN: Recreation Services Unit

FILE REF: Dune Care; Fingal Lighthouse; Fingal Peninsula

REPORT TITLE:

Access/Erosion Plan - Fingal Head

SUMMARY OF REPORT:

Fingal Dune Care a Reafforestation Group and Council have developed an access – erosion control plan for Fingal Headland. The plan is intended to guide future works on the headland related to access and provide support to funding applications. The plan does not represent any commitment from Council to fund the proposed works, and therefore has no budgeting implications. The plan has been considered and endorsed by the Dune Care Advisory Committee. The Committee has recommended Council endorse the plan to be distributed to the community for comment.

RECOMMENDATION:

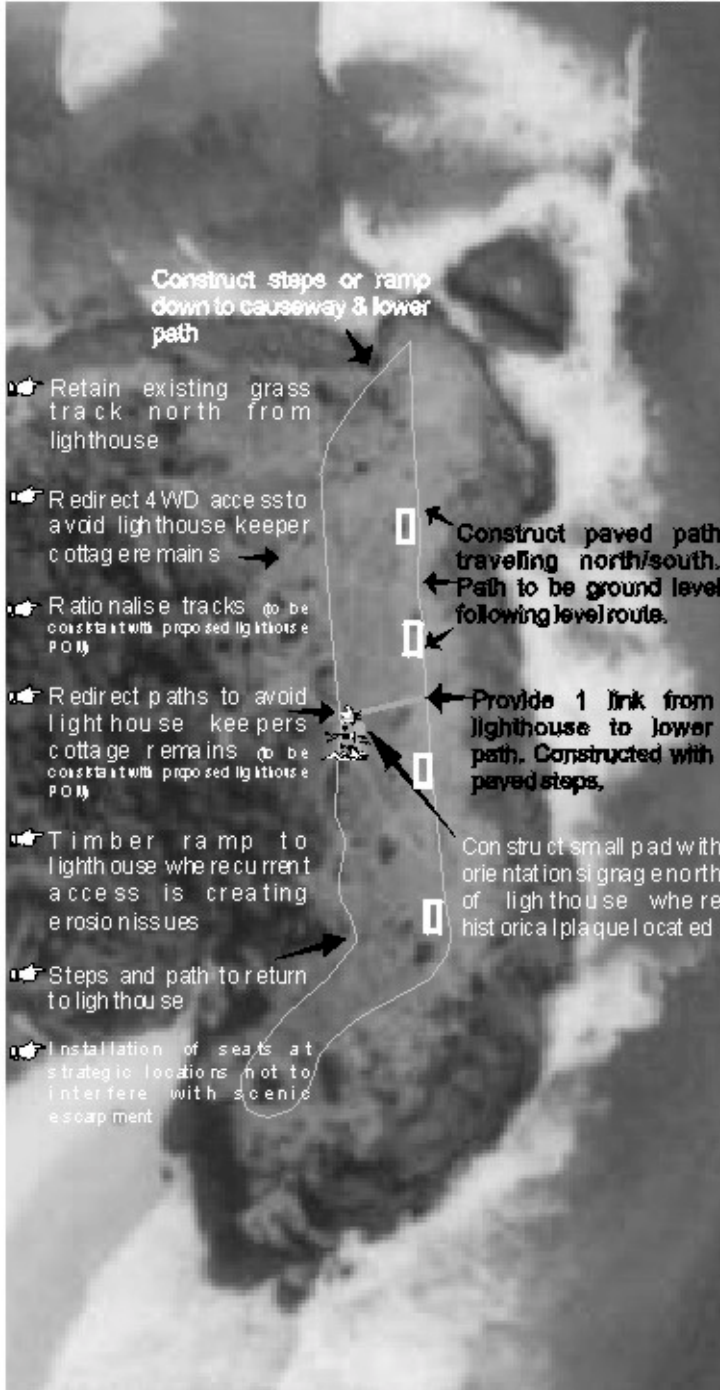
That Council endorses the Fingal Headland Access – Erosion Control Plan as included in this report.




Reports from Director Environment & Community Services

REPORT:

As per Summary.

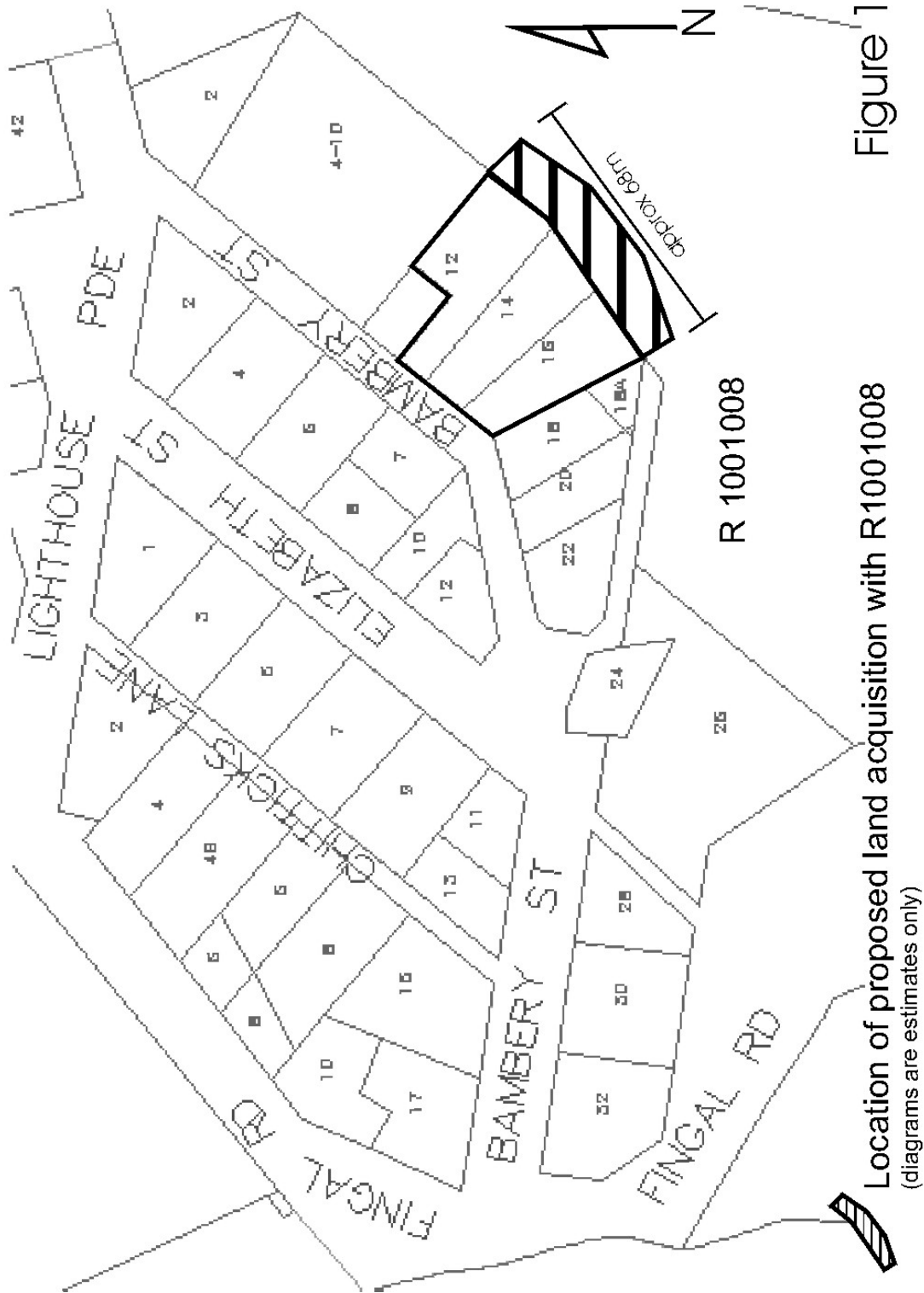
Fingal Headland/Lighthouse Access & Erosion Control Plan



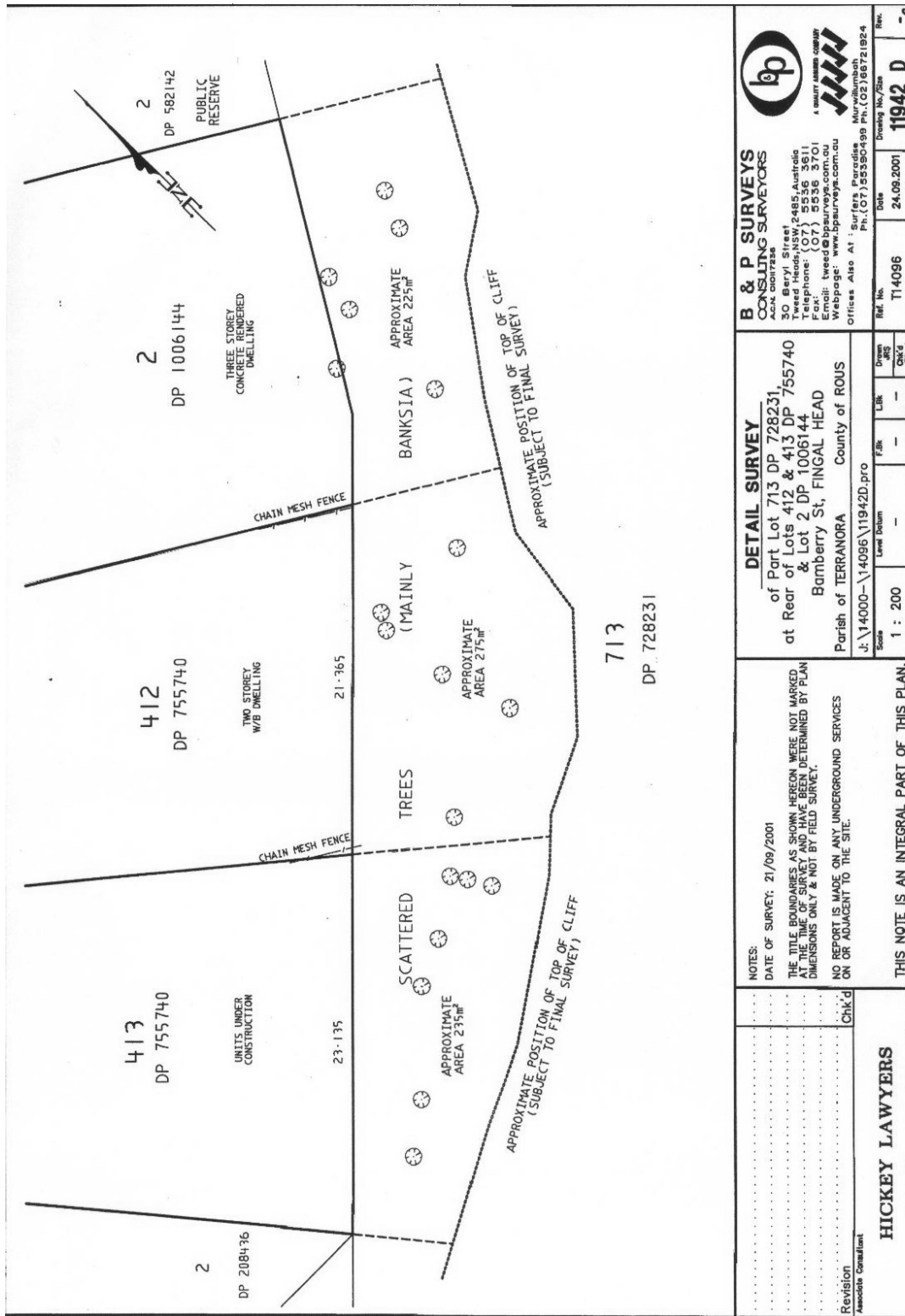
-  Lighthouse
-  Proposed Walking tracks
-  Bench seats 50m along path



Reports from Director Environment & Community Services



Reports from Director Environment & Community Services



713
DP 728231

<p>DETAIL SURVEY of Part Lot 713 DP 728231, at Rear of Lots 412 & 413 DP 755740 & Lot 2 DP 1006144 Bamberry St, FINGAL HEAD Parish of TERRANORA County of ROUS</p>		<p>B & P SURVEYS CONSULTING SURVEYORS 30 Bay St, NSW 2485, Australia Telephone: (07) 5536 3611 Fax: (07) 5536 3701 Email: twee@bpa.com.au Webpage: www.bpa.com.au Offices Also At: Surfers Paradise, Queensland Ph: (07) 5536 0999 Fax: (07) 5536 21924</p>	
Scale	Level Datum	File	Date
1 : 200	-	-	24.09.2001
Drawn	CHK'd	Proj'd	Rev.
-	-	-	11942 D
<p>NOTES: DATE OF SURVEY: 21/09/2001 THE TITLE BOUNDARIES AS SHOWN HEREON WERE NOT MARKED AT THE TIME OF SURVEY AND HAVE BEEN DETERMINED BY PLAN DIMENSIONS ONLY & NOT BY FIELD SURVEY. NO REPORT IS MADE ON ANY UNDERGROUND SERVICES ON OR ADJACENT TO THE SITE.</p>		<p>THIS NOTE IS AN INTEGRAL PART OF THIS PLAN.</p>	
<p>HICKEY LAWYERS Associate Consultant</p>			


Figure 2

Detail survey of proposed land acquisition - Fingal

Reports from Director Environment & Community Services



 Fingal Land Acquisition R1001008
(diagrams are estimates only)

Figure 3 

Reports from Director Environment & Community Services

THIS
PAGE
THIS
PAGE
IS
IS
BLANK
BLANK

Reports from Director Environment & Community Services

19. ORIGIN: Building Services Unit

FILE REF: DA5570/565 Pt1

REPORT TITLE:

Proposed Dwelling Lot 1 DP348293, 24 Tumbulghum Road Murwillumbah

SUMMARY OF REPORT:

A Development Application has been submitted to Council proposing the erection of a new two (2) storey dwelling.

The subject application was notified to adjoining property owners with a number of submissions being received by Council.

Spokespersons for both the applicant and objectors addressed the Community Access Meeting of 14 November 2001. Accordingly, the application has been placed before Council for its determination.

RECOMMENDATION:

That Development Application 0821/2001DA for demolition of an existing weatherboard shed and the erection of a new two(2) storey brick veneer dwelling at Lot 1 DP348293, 24 Tumbulghum Road, Murwillumbah be approved by Council subject to the following conditions:

GENERAL

1. The development shall be completed in general accordance with Plans Nos Sheet WD01 Project 0109 prepared by Lyons Architects and dated July 2001, except where varied by these conditions.
2. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.
3. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to any use or occupation of the building.
4. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.
5. 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
6. Site plan indicates that minimum boundary clearances are proposed. A certificate is to be submitted by a registered surveyor to confirm that all boundary setbacks are being observed in accordance with the approved plans. This certificate is to be submitted to the Principal Certifying Authority upon commencement of exterior walls.

Reports from Director Environment & Community Services

7. All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead" and the WorkCover guidelines on working with and handling of asbestos.
 8. Demolition of building existing on site is to be carried out in accordance with the provisions of Australian Standard AS 2601-1991 "The Demolition of Structures" and to the relevant requirements of the WorkCover Authority.
 9. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
 - (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
 - (ii) Certification of the works performed by the person carrying out the works is to be submitted to the PCA prior to occupation of the building; and
 - (iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
 - (A) the method of protection; and
 - (B) the date of installation of the system; and
 - (C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - (D) the need to maintain and inspect the system on a regular basis.
- Note:** Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.
10. 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.
11. The glazier is to supply the PCA with certification that all glazing complies with AS 1288 and AS2047 of the Building Code of Australia.
12. Manufacturers certification is to be provided to the PCA from the Roof Truss manufacturer to certify the roof truss design.

Reports from Director Environment & Community Services

13. 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.
14. Ceiling heights to the Upper and Lower floors shall be a maximum of 2.4 metres, with an amended plan submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate.
15. The setback from the wall to the Western property boundary shall be a minimum 1.215 metres, with an amended plan submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate.
16. An automatic fire detection and alarm system, designed to ensure the occupants are given adequate warning so they can evacuate the building in an emergency, must be installed in Class 1a building, or dwelling or dual occupancy and within sole occupancy units in a townhouse.

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

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

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

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

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

17. Development approval only is granted for a driveway from the development to connect with the adjacent public road.

You will be advised separately of the determination of your application to Council for consent under Section 138 of the Roads Act 1993 to construct or modify a driveway on the public road adjacent to your property

You must receive this separate written consent from Council under Section 138 of the Roads Act 1993 prior to the issue of a construction certificate which includes any works on the adjacent public road and prior to any works taking place on the adjacent public road.

18. 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

Reports from Director Environment & Community Services

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 to Council and approved by the Director of Engineering Services prior to the issue of the Construction Certificate. The discharge point shall be at the existing kerb located on the south side of Sunnyside Lane.

19. 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.
20. 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.
21. 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.

22. All new residential dwellings (and extensions comprising over 50% of the original floor area) are to fully comply with Councils Energy Smart Housing Policy (DCP39). In order to comply with DCP39 consideration must be given to the building envelope, orientation, insulation, ventilation, thermal mass, zoning, and hot water supply.
23. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a internal drainage, prior to slab preparation;
 - b water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - c external drainage prior to backfilling.
 - d. completion of work.
24. 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.
25. Dry floor wastes shall not discharge over doors or windows or in any position where they cause a nuisance.
26. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.

Reports from Director Environment & Community Services

27. The Council approved wet area flashing installer is to supply to the Principal Certifying Authority certification that all wet area flashings have been installed in accordance with the Manufacturer's Specifications, detailing the rooms or areas involved and the date of installation. **Note:** Only Council approved installers may carry out this work and reference must be made to Council to confirm that such installers are Council approved.
28. 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.
29. 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.

Windows

30.
 - Windows numbered 7, 15 & 16 to the West elevation shall be obscure glazing or otherwise treated to the satisfaction of Council's Director of Environment & Community Services.
 - Window 12 to the East elevation shall be deleted and relocated to the South elevation.
 - Window 13 to the East elevation shall be treated with obscure glazing, have a minimum sill height of 1500mm above floor level and reduced in size to ASW12-18.
 - Window 10 shall be fitted with obscure glazing, have a minimum sill height of 1500mm and be amended in size to ASW6-9.
 - An amended plan detailing these modification shall be submitted to and approved by the Principal Certifying Authority, prior to the issue of the Construction Certificate.

Reports from Director Environment & Community Services

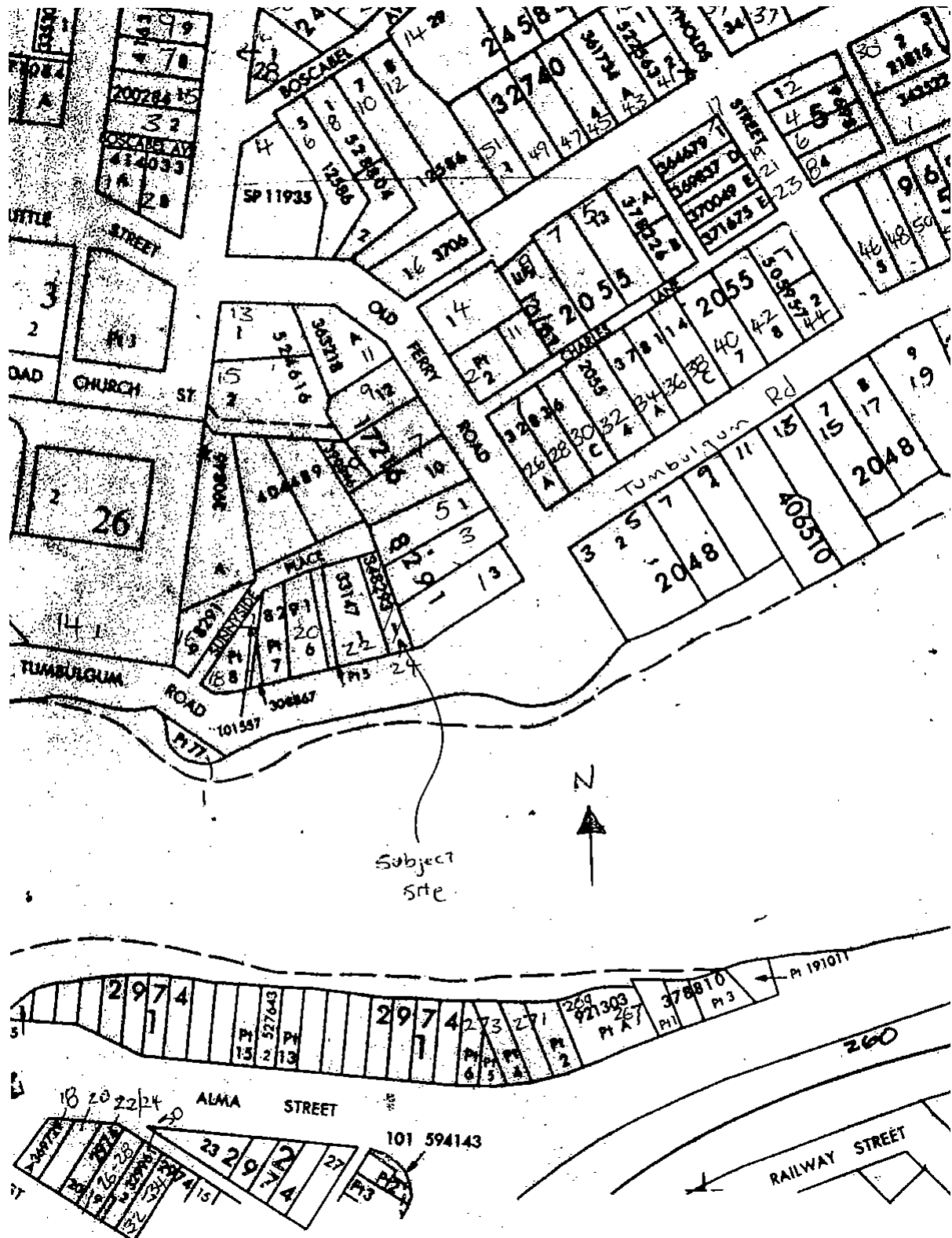
REPORT:

PREAMBLE

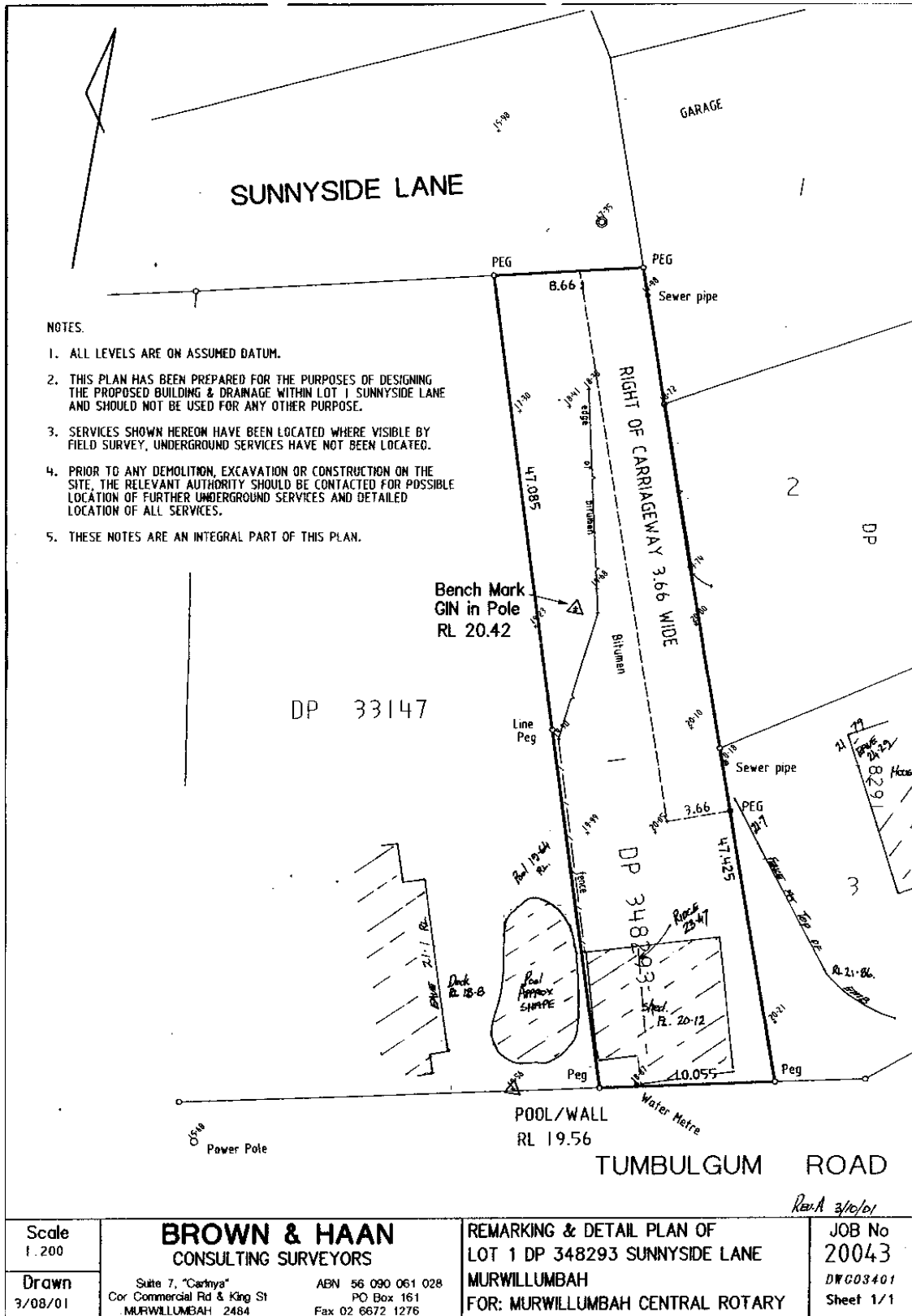
A Development Application 0821/2001DA was submitted to Council by the Rotary Club of Murwillumbah Central on 22 August 2001, proposing the erection of a new two (2) storey dwelling on a property known as 24 Tumbulgum Road, Murwillumbah.

The site is currently occupied by a large weatherboard shed. The shape of the allotment is long and narrow, having a width varying between 10.055 and 8.66 metres and a depth varying between 47.085 and 47.425 metres and is 436.3m² in area. The allotment is affected by a Right of Way along its Eastern boundary which is 3.66 metres wide. This Right of Way allows vehicular access to the gained to adjoining properties.

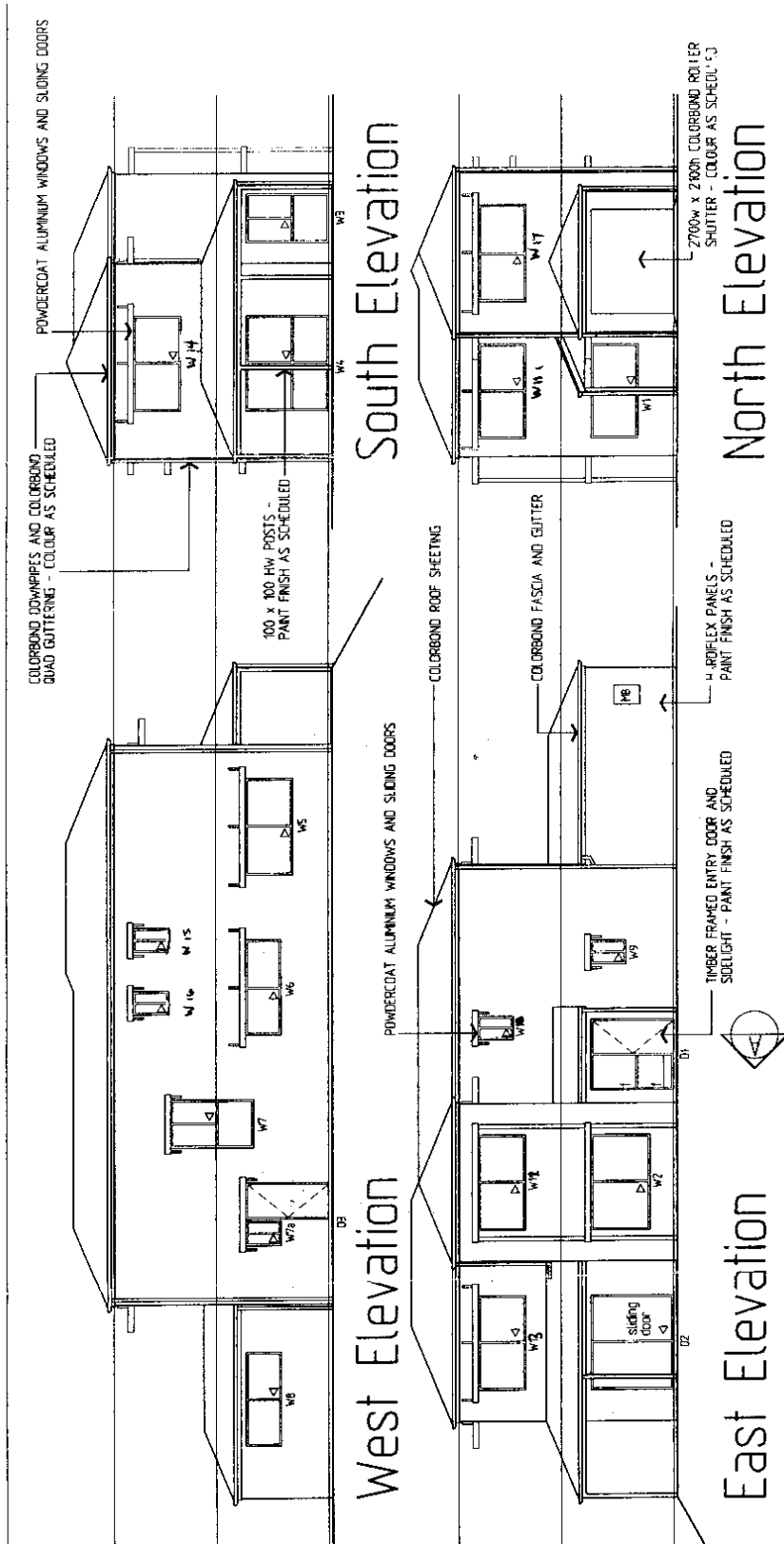
Reports from Director Environment & Community Services



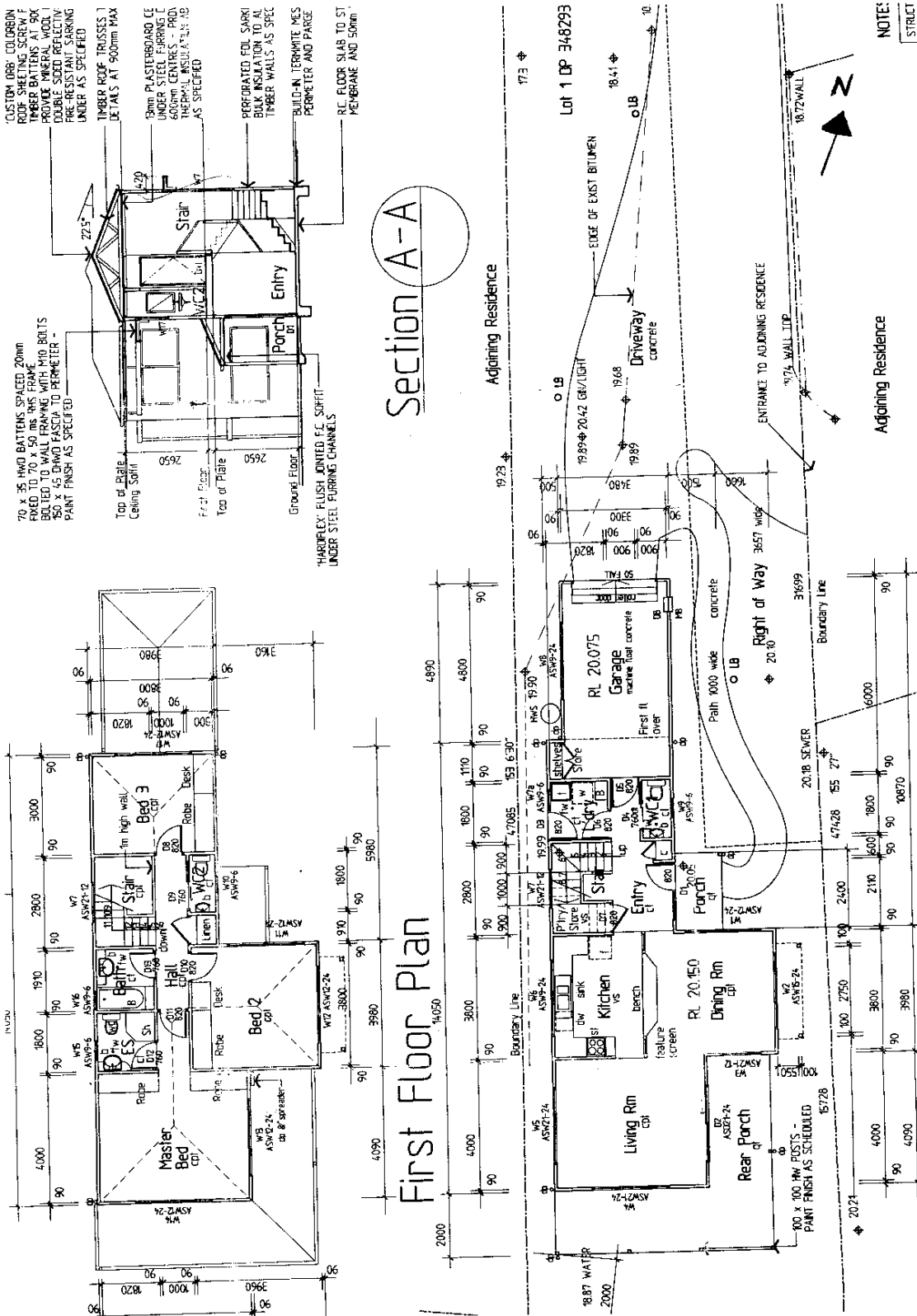
Reports from Director Environment & Community Services



Reports from Director Environment & Community Services



Reports from Director Environment & Community Services



Reports from Director Environment & Community Services

The allotment is zoned 2(a) residential, with vehicular access to the property available only from Sunnyside Lane. The proposed dwelling is two (2) storeys, with the living areas located on the ground floor and three (3) bedrooms situated on the upper floor. A setback of 2.0 metres is proposed to the Tumbulgum Road boundary, 915mm from the western wall to the boundary and 1.5 metres (approximately) from the wall to the Eastern boundary.

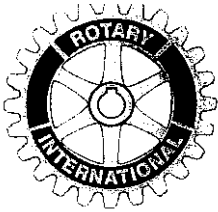
In accordance with Council's DCP No.42 the proposal was notified to nearby and adjoining property owners on 27 August 2001. After this initial notification, several letters of objection were received by Council. These included a joint submission signed by owners of four (4) nearby or adjoining properties. Copies of all submissions have been circulated to all Councillors as an attachment to this report.

After a preliminary assessment of the application, Council requested the following further information from the applicant on 19 September 2001:-

- *A site stability report prepared by a suitably qualified Geotechnical Engineer.*
- *A site plan, which indicates the exact location of the dwellings and swimming pool on the immediately adjoining properties and ground levels of these adjoining properties relative to the proposed development.*
- *Complete roof and surface water disposal details.*
- *A sectional elevation through the proposed dwelling, indicating ground levels and existing structures on immediately adjoining land.*
- *Elevations showing the extent of shadow cast by the proposed dwelling on adjacent land.*
- *Written request to vary the six (6) metre building line to Tumbulgum Road along with the prescribed fee of \$66.00.*
- *You are further advised that adjoining property owners were notified of the proposed dwelling, in accordance with Council's Development Control Plan No.42.*
- *Several submissions have been received and copies of these are enclosed.*
- *You are invited to comment on and address the issues that have been raised in these submissions.*

The following letter from the applicant accompanied the additional information which was received by Council on 18 October 2001.

Reports from Director Environment & Community Services



"Service Above Self"

Rotary House Project for Murwillumbah SES

Ref: DA5570/565 Part 1 082/12001DA
Steve Borger
Tweed Shire Council
PO Box 816
Murwillumbah. 2484

TWEED SHIRE COUNCIL	
FILE No.	DA 5570/565 Pt 1
DOCUMENT No.	613381817
RECD	18 OCT 2001
BOX No.	
ASSIGNED TO	BORGER S
HARD COPY	<input checked="" type="checkbox"/>
IMAGE	<input type="checkbox"/>

October 2001

Rotary Club of Murwillumbah Central

Chartered 1978

2001-2002

President

Ray Soulsby

Secretary

Stephen Heppenstall

Weekly Meeting

5:30 for 6pm

Murwillumbah

Golf Club

District 9640

NSW Australia

District Governor

Neil Maxwell

PO Box 33

Murwillumbah

2484

Dear Sir

re- Development Application 0821/2001DA Erection of dwelling
Lot 1 DP 348293 No.24 Tumbulgum Road, Murwillumbah

We thank you for your letter and set out our response and actions we have taken to alleviate adjoining property owners fears.

1. A site stability report has been sent to you by Richard Grandon Engineers. (copy enclosed)
2. A site plan as requested is enclosed from Brown and Haan.
3. A storm drainage plan is enclosed by our plumber Pat Thompson.
4. } New shadow and elevation plan is enclosed.
5. }
6. This has already been sent. (copy enclosed)
7. A detailed reply is enclosed answering adjoining owners concerns.
8. In addition photographs 1-14 and engineers drawing WBI are included.

This development is being undertaken to raise funds for the S.E.S. and in fact the S.E.S. and TAFE are assisting with its building. Already dozens of businesses have donated their services and offered their support. Rotary has also received numerous promises of assistance from the general community when building starts.

- Not only will SES benefit but with TAFE building the residence students will gain valuable on the job experience.
- The land has been zoned residential for many years, is adjoined by other developed residential lots and it was inevitable that a dwelling be built on it at some stage. To wit adjoining owners should have taken into consideration when developing or purchasing their properties. No change to zoning or intended landuse is involved.
- The proposed residential building is modest and compatible with regard to the site and the adjoining properties. An architect designed it, taking into account the site and the adjoining properties.
- Objections seem to be more about adjoining landowners losing the site as an amenity than any substantive problems with the proposed development. If adjoining landowners wanted to dictate the nature and design of the landuse or future building on this site they had ample opportunity to purchase it or petition council to have it rezoned or resumed into public ownership. It is understood that Lambert has had the knowledge for four years and Ellis two years, (the agent selling to Ellis was aware of Byatts intention to build and in fact the sale price reflected the lack of access to the property) that Byatt intended to build and all adjoining property owners had the chance to purchase. All adjoining owners have for years used this block without permission, Morrison for parking, Ellis as their access and Lambert has a gate and letterbox opening onto this property.
- The current owners purchased the land with intentions to build and have paid residential rates on the land for many years. Therefore they should have more than a reasonable expectation to built on it or sell the property as residential. If these adjoining landowners are successful in stopping any viable residence being built on this land then who will want to buy it or pay rates for it.

Yours faithfully,

Ray Soulsby
President

Reports from Director Environment & Community Services

The adjoining and nearby property owners were renotified on the 22 October 2001. Additional submissions were received from three neighbours including an accompanying shadow diagram which was supplied by the owners of the property immediately adjoining the West of the subject site.

Additional concerns were raised in these submissions regarding the proposed roof and stormwater disposal from the subject site.

MATTERS FOR CONSIDERATION

a) Any environmental planning instrument.

Tweed LEP 2000

The land is zoned 2(a) Low Density Residential.

It is considered that the proposal meets the primary and secondary objectives of this zone which are:

Primary

- *To provide for and maintain a low density residential environment with a predominately detached housing character and amenity*

Secondary

- *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.*

The lot enjoys a dwelling entitlement through the creation and approval of the original subdivision which was registered in 1943. Although, the lot does not meet the current minimum lot size requirement of 450^m², the dwelling entitlement is protected through Clause 57 of the LEP which states:-

57 Protection of existing dwelling entitlements

Nothing in this plan prevents a person, with development consent, from erecting a dwelling house on an allotment lawfully created, or the creation of which was lawfully consented to, before the appointed day and on which a dwelling house could lawfully have been erected immediately prior to the appointed day

Development Control Plans

The proposal meets the criteria of the applicable Development Control Plans – DCP No.39 – Energy Smart Homes Policy and was notified in accordance with the requirements of DCP No.42 – Public Notification of Development Proposals.

b) Likely impacts of that development including environmental impacts on both natural and built environments, and social and economic impacts in the locality.

Primary Matters – Context and Setting

The lot is elevated above Tumbulgum Road with vehicular access available only from Sunnyside Lane. Sunnyside Lane provides access to several properties in the immediate vicinity. The proposed dwelling is not considered to adversely impact upon the streetscape character. A large weatherboard shed currently exists on the property. The scale, height and

Reports from Director Environment & Community Services

bulk of the proposed structure in generally considered to be reasonable in terms of a two (2) storey residential development.

There are however a number of modifications which could be made to the proposal which will assist in reducing the height and impact upon adjoining property owners.

The property to the West has a swimming pool and covered outdoor area adjacent to the Western boundary of the proposed dwelling. The pool coping level is approximately 300mm below the existing ground level of the subject site, with the verandah area and floor level of the dwelling approximately 1.1 metres below the site. The shadow diagrams submitted indicate that the outdoor area and swimming pool of 22 Tumbulgum Road, will be affected by overshadowing from the proposal.

There is an opportunity to increase the setback of the proposed dwelling to the Western boundary from 915mm to 1215mm. The proposed ground and upper floor ceiling heights can also be reduced from 2650mm to 2400mm thus reducing the proposed overall height and external wall height by 300mm.

With these amendments the height, scale and bulk are not considered to be excessive.

Views

There is no apparent adverse impact upon views or vistas through this proposal, and no submissions have identified this as an issue.

Access/Traffic

There would be a minimal increase in vehicular traffic generated through this proposal. Advice from Councils Planning & Design Unit indicates that the existing Sunnyside Lane is adequate to cater with this minor traffic increase. Sufficient undercover and off street parking will be provided.

Stormwater Disposal

The submissions from adjoining properties raise issues with the method of stormwater disposal. The detail submitted to Council shows infiltration pit located at the Northern end of the property.

Council's Infrastructure Engineer advises this method to be unsatisfactory. The roof and surface water should be collected and piped to the kerb in Sunnyside Lane. An appropriate condition requiring such a connection should be included in any Development Consent issued for the dwelling.

This will alleviate concerns from neighbouring owners regarding water discharging on to their property.

Councils Manager Works has also been consulted in this regard and has advised:- "*Sunnyside Lane is included in 2002/2003 works program for reconstruction. All issues regarding drainage, kerb/gutter and surface will be addressed in design and at construction time.*"

Natural Hazards

The subject site is not subject to flooding, the dwelling will comply with DCP No.5 Development of Flood Liable Land.

Reports from Director Environment & Community Services

A statement confirming the current and future stability of the subject site has been submitted by the project engineering company.

Social and Economic Impact

There are no perceived adverse social or economic impacts with this proposed dwelling.

Site Design and Internal Design

Taking into account the narrow nature of the allotment it is considered that the proposed development with the suggested amendments is sensitive to the sites attributes. The size and siting of the dwelling is suitable considering the unique constraints of the site which include the location of an existing right of way. The footprint of the building is not excessive in relation to the boundaries of the site, with suitable open/recreation space available for its occupants.

c) The suitability of the site for the development

With appropriate amendments, modifications and conditions to the proposed dwelling the site is considered suitable for the proposed development. The dwelling will be generally compatible with the surrounding two (2) storey residential development with no adverse environmental impacts.

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

The points and issues raised by the objectors are summarised below:

- Increased traffic and difficult access to Sunnyside Lane
- Incompatible with surrounding dwelling: - bulk, scale and height.
- Loss of privacy
- Subject site unsuitable for two (2) storey residential building
- Overshadowing
- Inconsistent with zoning objectives
- Loss of amenity
- Lack of application detail
- Stormwater Drainage

These issues raised by the objectors are addressed as follows:

Access/Traffic

Comment:

As previously mentioned in this report vehicular access is considered suitable, with only a minor increase in traffic with this proposal.

Incompatible – Bulk, Sale & Height

Comment:

Two (2) storey residential dwellings are permitted within this zone with a number of existing two (2) storey dwellings in the immediate vicinity. The proposal is not considered to be

Reports from Director Environment & Community Services

excessive in terms of height, scale and bulk. The size of the building footprint in comparison to the boundaries of the site is considered reasonable.

A reduction in the overall wall height (by reducing the ceiling heights) as well as an increased setback to the Western wall of 1.215m will assist in reducing the impacts to the adjoining property to the West.

Loss of Privacy

Comment:

The Western side upper floor windows of the proposed dwelling are of a bathroom, ensuite and stairwell.

To alleviate any potential privacy loss to the adjoining property to the west these windows should be treated with obscure glass. The ground level of the property to the East is approximately 1.5m higher than the subject site, thus limiting the overlooking potential to the upper floor only. The upper floor contains passive areas such as bedrooms and a bathroom. The applicant has amended the window design and schedule in reply to the objectors privacy concerns. The following window amendments are proposed and would be conditional as part of any Development Consent.

Window 12 - Relocate to South Wall of Bedroom 2 and decrease to ASW 12-18

Window 13 - Obscure glazing and decrease to ASW 6-18 with a sill height of 1500mm above floor level.

Window 10 - to be obscure and changed to ASW 6-9 with a sill height of 1500mm above floor level

Site Unsuitable for Two (2) Storey Residential Building

Comment:

As previously mentioned the proposal is not considered to be an overdevelopment of the site. Numerous two (2) storey dwellings exist in the immediate vicinity. The proposed setback to Tumbulgum Road will be compatible with the setback of the adjoining dwelling at 22 Tumbulgum Road.

Under Council's Building Line Policy, the constraints of this site allow a Building Line Variation to Tumbulgum Road to be granted.

Overshadowing

Comment:

The main area affected by overshadowing will be the outdoor and pool area of the Western adjoining property. The topography of the site further exacerbates the shadow impact as the property to the West is lower than the subject site. Sunlight loss will be at its worst during the early morning of the winter months. With the imposition of appropriate conditions, the proposal will be reduced in height and along with an increased setback of 1215mm to the Western boundary, the shadowing impact will be reduced as far as practicable.

Reports from Director Environment & Community Services

Inconsistent with Zoning Objectives

Comment:

As previously mentioned the proposal meets the Primary and Secondary Objectives of the 2(a) Residential Zone.

Loss of Amenity

Comment:

The issues of privacy and overshadowing have been addressed previously and with appropriate conditions amenity loss will be minimised.

Lack of Application Detail

Comment:

It is considered that sufficient information has been submitted to enable Council to determine the application.

Stormwater Drainage

Comment:

Stormwater drainage from the site will be required to be piped to the kerb on the South side of Sunnyside Lane. This will alleviate and overcome the objectors concerns.

The Public Interest

Comment:

The interests of the general public will not suffer as a result of this proposal.

CONCLUSION

The proposal of a relatively small two (2) storey dwelling upon the lot having an area of 436.3m² is considered reasonable.

The lot has an existing dwelling entitlement according to the provisions of Tweed LEP 2000.

The dwelling has been sited and designed to minimise the impact upon the established surrounding dwellings.

Although the neighbouring property to the west is affected by overshadowing this is somewhat unavoidable due to the orientation of this old subdivision.

Minimising the impacts of overshadowing, privacy and drainage can be addressed through the imposition of appropriate conditions.

Reports from Director Environment & Community Services

THIS
PAGE
THIS
PAGE
IS
IS
BLANK
BLANK

Reports from Director Environment & Community Services

20. ORIGIN: Environment & Health Services Unit

FILE REF: Waste Minimisation - Waste Management

REPORT TITLE:

Alternative Waste Disposal Technology

SUMMARY OF REPORT:

On 15 August 2001 Council resolved to participate in a working group with Logan, Gold Coast and Redland Councils to investigate alternative waste disposal technologies. Beaudesert Shire Council was granted observer status to this group. Beaudesert Shire Council has now advised that they wish to participate as a full member. It is recommended that Council agrees to the request.

RECOMMENDATION:

That Council executes the supplementary Memorandum of Understanding to formalise the admission of Beaudesert Shire Council to the project as a full member and affixes the Common Seal of Council to any amended documentation.

Reports from Director Environment & Community Services

REPORT:

Council will recall that on 15 August 2001 it was resolved:

“...that Council:-

- 1. Approves the Memorandum of Understanding document subject to any amendments approved by the General Manager.*
- 2. Approves the expenditure of \$10,760 as Council's share of the estimated costs of the Expression of Interest phase of the project and votes the sum of \$30,000 to the project from the Waste management reserves.*
- 3. Completes all documentation under the Common Seal of Council where necessary.*
- 4. Council confirms it wishes to invite Expressions of Interest from the market place in relation to alternative waste technology facilities. As Council will be inviting the Expressions of Interest in conjunction with certain south-east Queensland local governments it authorises offices from Logan City Council to advertise the Expression of Interest in due course on its behalf.”*

The original Memorandum of Understanding document involved Logan City, Gold Coast City, Redland Shire and Tweed Shire Councils as full participants with Beaudesert Shire Council being granted observer status.

At the Councillor's Working Group meeting on 29 October 2001 Beaudesert Shire Council advised that they would like to join the group as a full participant. The request was ratified by the group.

A supplementary Memorandum of Understanding has now been prepared to deal with the admission of Beaudesert Shire Council as a full member and to deal with the financial contributions to be made by Beaudesert Shire Council.

Reports from Committees/Working Groups

1. Minutes of the Community Advisory Committee Meeting held Thursday 27 September 2001

Community Advisory Committee

VENUE:

Tweed Civic Centre

TIME:

9.30am.

PRESENT:

Cr Max Boyd	
Cr Bronwynne Luff	
Kevin Orrell	Branch Manager, Aids Council of NSW, Lismore
John Reid	Sexual Health, Murwillumbah Community Health
Jessica Walker	Youth Development Officer, The Family Centre
Cassie Smith	Work Placement Student, Dept of Housing
Maria Vainio	Senior Client Service Officer, Dept of Housing
Marilyn Lebeter	Sexual Health Counsellor, Mur' h Community Health
Richard Goldsworthy	Centrelink Manager, Tweed Heads
Doreen Welsh	Coordinator, Friends Support Group
Therese Krix	Sista-Link Lesbian Social Group
Robin Spragg	Social Planner, TSC

APOLOGIES:

Larry Kalender, Kara Emerton, Jenni Funari

MINUTES OF PREVIOUS MEETING:

Moved: Richard Goldsworthy

Seconded: John Reid

RESOLVED that the Minutes of the Community Advisory Committee meeting held Thursday 26 July 2001 be confirmed as an accurate record of the proceedings of that meeting.

Reports from Committees/Working Groups

BUSINESS ARISING:

1. Twin Towns Friends Association

Doreen Welsh described the work of the Association, which is a volunteer support group for the frail aged. Over the last four years it has expanded its operations and now has over one hundred volunteers. It operates from 98, Dry Dock Road, South Tweed: Phone 5524 1841, Fax 5523 2282.

2. Tweed Men's Project

Max Boyd referred to the major event on 1 September at Chris Cunningham Park, where the Mobile Men's Shed and the Blokes Booklet were launched. Larry Anthony also announced a grant of \$190,000 to fund a project worker and resources over 3 years.

GENERAL BUSINESS:

3. Review of the Community Development Plan Issue Paper - Sexual Minorities

John introduced the issue by presenting a short paper (attached) describing the lack of support services for gay and lesbian people in Tweed, and the success of an AAS application to fund an outreach worker three days a week for 2 years, who will be managed by ACON.

Kevin described the role and services provided by ACON, and the difficulties in extending awareness of the project to an isolated minority. A paper entitled 'Positive People' had been produced, and a report 'Lesbian Health Needs in the Northern Rivers Area'. Local people currently travel to seek support services in other areas. ACON is running an anti-violence project and an anti-discrimination training project. One-day training is currently being held in Tweed. As a representative of the Attorney General's Crime Division, Kevin is aware of legislative changes affecting discrimination that most people are unaware of.

There was general discussion about the prevalence of violence in Tweed. Bullying at school was a local issue. Some schools had a progressive outlook. Sexual Health provide training in schools. 'Crossroads' for schools provides training in relationships and drug issues. Partnerships were needed, such as between school authorities and Health Dept's 'Young and Proud' 6-week course for young gay and lesbian people.

Much discrimination was non-conscious; such as when a doctor assumes a pregnant woman is in a heterosexual relationship; it is due to lack of awareness and training. The ABS Census, which assumes partners are of opposite sex, missed an opportunity to recognise minorities; and similar cases occur in other bureaucracies. People need to learn how not to discriminate, to become familiar with minorities – to normalise gayness.

Support services do not have resources to outreach, and there are usually waiting lists for assistance. With high rates of youth suicide, awareness of services from people in isolated

Reports from Committees/Working Groups

areas is low. Where there are services, publicity needs to be discreet. Many clients of Family Law services rely heavily on support services. The Community Technology Centres program initiated in several villages is an opportunity to spread awareness in rural areas, as well as by word of mouth.

Minority groups need to be specifically catered for by many services, and a general awareness without special knowledge is not sufficient. Services should educate themselves, not rely on ACON.

4. Recommendations

The meeting discussed how each recommendation in the Issue Paper could be implemented.

5. Staff Training

Community Advisory Committee

Legislation requires staff of all organisations to be aware of the need not to discriminate on the basis of sexual preferences. Organisations could form partnerships to arrange for a consultant to train their staff.

RECOMMENDATION:

That Council's Human Resources Unit ensures staff are aware of the legislation with regard to same sex relationships, to ensure Council complies with that legislation, and undertakes staff training if necessary.

6. Combating Homophobia

Community Advisory Committee

The ACON anti-violence project can provide posters, etc, and the new development worker would implement actions.

RECOMMENDATION:

That Council provide display boards in public locations for information about all services, and also in libraries

7. Information at tourist information centres

Information locations should include these centres, as a proportion of tourists belong to minorities.

Reports from Committees/Working Groups

8. Anti-discrimination clause in lease of venues

It was believed venues were available to all groups, but a clause may be appropriate.

9. Reduced fees for minority groups

There are existing mechanisms for reducing fees.

10. Employment advertisements

It is believed sexuality is one of the descriptors in EEO provisions.

11. Database of homo-friendly services

The new development worker would implement this, and inclusion in existing databases.

12. Resource booklet

Worker to facilitate with the community.

13. Brochure

An existing ACON brochure could be adapted for local use.

14. Community Service Directory

Sexual minority information should be included.

15. Participation in projects

Rather than participating directly, it would be appropriate for Council to give support to anti-homophobia and anti-violence projects.

Reports from Committees/Working Groups

16. AIDS Day

Council supported the Health Expo at Tweed Heads. Ribbons could be distributed through Council's Community Services Unit to staff.

17. Art/theatre representation

Murwillumbah Cinema supports art films; Council's Cultural Development Officer may assist.

18. Remembrance Garden

Council could facilitate a project such as tree planting, remembrance plaques, but this would need to be community-lead.

19. Literature/magazines

Tweed's Librarian, Judy Duroux, could advise how minorities could best be represented, whether supplying a list of existing titles, new acquisitions, or separate identification in the catalogue or on shelves.

20. Consultation with the sexual minority community

Inclusive consultation will be assisted by the new worker.

21. Media

This is a matter of lobbying and awareness raising.

Reports from Committees/Working Groups

22. Banana Festival

Is open to all interests participating.

23. Councillors

The original recommendation asked that Councillors determine their position on sexual minority issues. It was considered this should be changed to: Councillors to be aware of their legal responsibilities under current legislation on sexual minority issues.

24. Support Groups

As community groups, these could only be encouraged by the Council, not formed.

25. Social Venues

Again, this is a community action requiring support in terms of: 'venues to be made available for groups to meet.

26. Homofriendly cafes

Gay and lesbian groups are known to meet weekly at particular cafes.

27. Counselling Service

This requires specialists such as psychologists or experienced social workers, and it was doubted whether this could be justified in Tweed.

28. Safe Houses

ACON has such a system which could be extended.

29. Resource Person/Place

The new development worker would provide this.

Reports from Committees/Working Groups

The meeting closed at 12.30pm.

NEXT MEETING:

The next meeting of the Community Advisory Committee will be held at the Civic Centre Auditorium, Murwillumbah, 22 November, 2001.

Director's Comments:

Recommendation 5 will be referred to Manager – Human Resources.

Recommendation 6 will be referred to Manager – Environment & Health and Manager Building Services.

The minutes to be referred to Manager Strategic Planning.

DIRECTOR'S RECOMMENDATIONS:

5. Staff Training

Community Advisory Committee

Committee Recommendation:

That Council's Human Resources Unit ensures staff are aware of the legislation with regard to same sex relationships, to ensure Council complies with that legislation, and undertakes staff training if necessary.

Director's Recommendation:

As per committee recommendation.

6. Combating Homophobia

Community Advisory Committee

Committee Recommendation:

That Council provide display boards in public locations for information about all services, and also in libraries

Director's Recommendation:

As per committee recommendation.

Reports from Committees/Working Groups

2. Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 8 November 2001

Dunecare

VENUE:

Pottsville Environment Centre

TIME:

5.10 pm

PRESENT:

Committee Members: Cr Max Boyd, Cr Henry James, Ms Kate McKenzie (Land Care Co-ord), Len Greer (Pottsville Dune Care), Mick Stewart (Twin Towns Coastal Care), Gary Thorpe (Hastings Point), Frank McLeod (Department of Land & Water Conservation), Mr Stewart Brawley, & Mr Rodney Keevers

Informal: Rhonda James, Arthur Poole & Blyth Short (Recorder)

APOLOGIES:

Jeanette Davison

MINUTES OF PREVIOUS MEETING:

Correction to the minutes: Rhonda James was present at the 13 September 2001 meeting.

Moved: L Greer

Seconded: H James

RESOLVED that the Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 13 September 2001 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

1. Bush Fire Management Plan

Bush Fire Management Plan

L Greer advised that he was concerned with the proposed removal of up to 140 mature trees behind residential properties adjoining Crown Reserves for fire breaks.

S Brawley advised Council has responsibilities as the land management agency to provide for bush fire management. These sites have been assessed by the Senior Fire Control Officer and removal of the trees to provide a fire break is recommended. Funding to clear the breaks is within the current budget allocations.

G Thorpe advised that the Senior Fire Control Officer has met onsite with himself, R Keevers, Cr James and S Brawley at North Hastings Point to establish requirements for a Bush Fire Management track.

Cr James advised that it is essential to educate landholders to plant only on private land rather than Crown Reserves which may in future have to be cleared due to fire risk. In future Council staff and Councillors will have to take more time to ensure that new developments and subdivisions are factoring fire breaks onto private land and that this issue is not overlooked.

Reports from Committees/Working Groups

2. Green Corps

Dune Care

The new Green Corp Group has commenced work.

3. Dune Care Records

Dune Care

The committee has discussed establishing a standard form for groups to record their works information. Cr James will obtain a copy of other volunteer record forms from the Department of Land & Water Conservation and distribute to Dune Care Groups.

4. Fingal Dune Care Group

Dune Care

Stewart advised that an onsite meeting was held with himself, R Keevers, Kate McKenzie and Kay Bolton at Fingal Head on options for access and erosion control on the headland. The purpose of the plan is to produce an agreed plan that can be followed over time and utilise to support funding application. A discussion plan was presented to the committee for comments.

Frank McLeod advised that in 1997 the Lighthouses in NSW were handed from the Commonwealth to the Department of Land and Water Conservation (without additional funding for maintenance). The Department of Public Works has been commissioned to produce a Heritage Protection Plan for several lighthouses including Fingal Lighthouse.

Max noted that the Lighthouse is the oldest building in the shire and that there should be an information board advising visitors of these facts.

Moved: S Brawley

Second: R Keevers

RECOMMENDATION:

That the committee endorses the Draft Fingal Head Access and Erosion Control Plan and recommends Council also endorses the plan to be distributed to the community for further comment.

5. Rural Bush Fire Service

Rural Bush Fire Service

The Senior Fire Officer was unable to attend the meeting due to prior commitments. The invitation to attend the next meeting still stands.

Reports from Committees/Working Groups

6. Beach Access opposite Hastings Point Holiday Village

Beaches – Use of

Access complete.

7. Aspect North - Casuarina

Casuarina, Dune Care

All landholders at Casuarina Beach will receive a letter under the signature of the Chair of the Dune Care Advisory Committee advising of the issue related to dunes and promoting the establishment of a Dune Care Group at Casuarina Beach. This will be accompanied by a brochure for Crown Reserve neighbours and leaflet for Casuarina Beach landholders 'Dune Vegetation Ocean Views and You'.

8. Signs on Trees

Regulatory Signs

The issue of the Koala Wanders directional signs was raised. The subject was discussed at length and suggested that bevelled bollards with signs affixed to top should be used as future options.

Moved: H James

Second: M Stewart

RECOMMENDATION:

That the Koala Wanders Foundation remounts signs from trees onto bollards or other posts as soon as funds are available.

9. Rubbish Dumping

Rubbish – Illegal Dumping; Dune Care

R Keevers advised that Pottsville and Koala Beach residents adjoining Crown Reserves will be letter boxed dropped with a brochure from Department of Land and Water Conservation for Crown Land Neighbours. An add will go into the Tweed Link advising of fines and implications of illegal dumping of rubbish.

CORRESPONDENCE:

10. Natural Heritage Trust

National Heritage Trust; Dune Care

Council has been successful in their application for funding from the Natural Heritage Trust for the Tweed Coast Bitou Bush Control Strategy – Planning and Implementation \$87,000 for 2001/2002.

Reports from Committees/Working Groups

Moved: H James

Second: G Thorpe

RECOMMENDATION:

That Council:

1. Accepts the \$87,000 funding from the Natural Heritage Trust towards the Tweed Coast Bitou Bush Control Strategy – Planning and Implementation Program and votes the expenditure accordingly.
 2. Coordinates a meeting of the stakeholders that have committed funds to the project.
-

GENERAL BUSINESS:

11. Hastings Point Viewing Platform

Dune Care

G Thorpe requested the viewing platform at Hastings Point is rectified in the near future. S Brawley and G Thorpe to liaise with Council staff regarding this issue.

12. Hastings Point Information Board

Dune Care

G Thorpe enquired about the signs for the information board at Hastings Point. R Keever advised that the signs are currently being laminated and prepared by Council sign writers.

13. Volunteering Tweed Group

Volunteers

K McKenzie advised that TTEC has formed a Volunteering Tweed Group to point volunteers in the right direction.

14. Sand By-Pass

Duranbah Beach; Sand By-Pass

M Stewart advised that Twin Towns Coast Care and Surfing fraternity is not happy with the outcome of the sand pumping operations at Duranbah. Duranbah Beach is now back to the state it was prior to 65,000m³ of sand pumping in April 2001. Consequently, the beach and dunes are being adversely effected by large dumps in one location at one time. M Stewart feels that there needs to be a permanent outlet at Duranbah Beach near the river.

A lengthy discussion followed. In view of the problems that have occurred now as a result of the placement of 65,000m³ of sand in April 2001, which has now disappeared and resulted in severe erosion the committee request Council take the following action.

Moved: M Boyd

Second: M Stewart

Reports from Committees/Working Groups

RECOMMENDATION:

That Council requests the Tweed River Sand By-Pass Advisory Committee takes immediate action to remedy the situation by the installation of a permanent sand pumping outlet near the river training wall to ensure the delivery of sand is staggered.

15. Fingal Head Dune Care & Reafforestation Group Inc

Dune Care

K McKenzie advised that the Group has renamed itself to Fingal Head Coastcare.

NEXT MEETING:

The next meeting of the Tweed Dune Care Advisory Committee will be held 10 January 2002.

The meeting closed at 7.10 pm

Director's Comments:

Item 4: A separate report is being submitted to Council on this matter.

Item 8: Recommend that a letter be sent to the Koala Wanders requesting that they ensure new or replacement signs are placed on bollards or posts and not on trees.

Item 14: Recommend that representatives of Tweed River Sand Bypass Advisory Committee be requested to meet with representatives of the Dune Care Committee to explain current arrangements and long term outcomes expected from on-going operations.

[tdcaminx.doc]

DIRECTOR'S RECOMMENDATIONS:

4. Fingal Dune Care Group

Dune Care

Committee Recommendation:

That the committee endorses the Draft Fingal Head Access and Erosion Control Plan and recommends Council also endorses the plan to be distributed to the community for further comment.

Director's Recommendation:

Reports from Committees/Working Groups

8. Signs on Trees

Regulatory Signs

Committee Recommendation:

That the Koala Wanders Foundation remounts signs from trees onto bollards or other posts as soon as funds are available.

Director's Recommendation:

Recommend that a letter be sent to the Koala Wanders requesting that they ensure new or replacement signs are placed on bollards or posts and not on trees.

10. Natural Heritage Trust

Natural Heritage Trust; Dune Care

Committee Recommendation:

That Council:

1. Accepts the \$87,000 funding from the Natural Heritage Trust towards the Tweed Coast Bitou Bush Control Strategy – Planning and Implementation Program and votes the expenditure accordingly.
2. Coordinates a meeting of the stakeholders that have committed funds to the project.

Director's Recommendation:

As per committee recommendation.

14. Sand By-Pass

Sand By-Pass

Committee Recommendation:

That Council requests the Tweed River Sand By-Pass Advisory Committee takes immediate action to remedy the situation by the installation of a permanent sand pumping outlet near the river training wall to ensure the delivery of sand is staggered.

Director's Recommendation:

Recommend that representatives of Tweed River Sand Bypass Advisory Committee be requested to meet with representatives of the Dune Care Committee to explain current arrangements and long term outcomes expected from on-going operations.

Reports from Committees/Working Groups

3. Minutes of the Community Development and Support Expenditure Scheme Committee Meeting held Wednesday 14 November 2001

CDSE

VENUE:

South Sea Islander Room, Tweed Heads Civic Centre

TIME:

9.30am.

PRESENT:

John Smith (Kingscliff Bowls Club); Phillip Dark (Coolangatta-Tweed Golf Club); Dennis Carter (Tweed Heads Bowls Club); Terry Collier (Dept of Community Services); Ron Lewis (Club Banora); Gordon Rhodes (South Tweed Bowls Club); Jenni Funari (NCOSS), Geoff Edwards and Mary Cox, Recorder (Tweed Shire Council).

APOLOGIES:

Ron McLean (The New Seagulls); Neil Shaw (Kingscliff Bowls Club); Geoff Provest (Tweed Heads Bowls Club); Dallas Ryan (Twin Towns Services Club);

MINUTES OF PREVIOUS MEETING:

Moved: Ron Lewis

Seconded: Gordon Rhodes

RESOLVED that the Minutes of the Community Development and Support Expenditure Scheme Committee meeting held Wednesday 10 October 2001 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

Enquiries regarding the purchase of Resuscitation Units are still in the follow up stage, an answer will be emailed to all committee members in due course.

Discussion ensued regarding the present spreadsheet format. It was decided that the spreadsheet will continue in its present format.

Funding from Twin Towns Services Club has been finalised for the year. Other clubs have yet to make a final decision on funding and Committee members advised each club will act on the current spreadsheet information.

Discussion ensued regarding applications and the high need of some local applicants with regard to the remaining funding available. It was suggested that in next year's funding the Committee consider pooling some funds for one large local application.

Following final advice from all clubs on their final allocations, it was agreed the coordinator will send a letter to each unsuccessful applicant advising same and further advising the total funding given for this year and that a new application can be made in the next funding year (2002).

Reports from Committees/Working Groups

It was decided that a copy of the final allocations be forwarded to the Liquor Administration Board, Clubs NSW and Local Government Association. Moved Ron Lewis, seconded Phil Dark that the committee endorse all the Category 1 applications as shown on the approved spreadsheet as complying donations as required by the Liquor Administration Board.

GENERAL BUSINESS:

The NCOSS representative gave an update of discussions held at the NCOSS Implementation Group Forum on November 8, 2001 regarding the role of CDSE committees, charter and guidelines. The Forum forwarded recommended changes to the Minister with a request that these changes be made permanent. Although not considered by the majority of attendees that the Committees are working successfully, it was recommended that the present committee system continue.

The NCOSS representative offered to provide an emailed update of this meeting for the benefit of Committee members.

The issue of Category 1 versus Category 2 applications was raised. In particular the matter of shade cloth for school playgrounds, which could be considered a health issue rather than an educational one. The coordinator offered to obtain a ruling from the Minister for a determination on such a requests.

A brief discussion ensued regarding the design of the present application form. It was suggested that the present form be edited and then forward to Clubs NSW after consultation with other CDSE committees before the beginning of the next funding year.

NEXT MEETING:

The next meeting of Community Development and Support Expenditure Scheme Committee will be held Wednesday March 13 2002.

The meeting closed at 11.15am.

Director's Comments:

Recommendation: That Council requests a list of the final allocations for information.

Reports from Committees/Working Groups

4. Minutes of the Communication Committee Meeting held Thursday 22 November 2001

File No: Communications Committee

VENUE:

Tweed Heads Office

TIME:

3.00pm

PRESENT:

Cr B Carroll, Mrs Jude Robb, Director Corporate Services (I Carpenter), Civic Liaison Officer (M Smith)

APOLOGIES:

R Carlile, Crs Davidson and Boyd.

MINUTES OF PREVIOUS MEETING:

Moved: J Robb

Seconded: I Carpenter

RESOLVED that the Communication Committee meeting held Thursday 18 October 2001 be accepted as a true and accurate record of the proceedings of that meeting.

AGENDA ITEM:

1. Communications Policy

A letter from the Committee's community representative Mr Ray Carlile was tabled. The main issue was the lack of prompt answers to correspondence addressed to Council.

I Carpenter offered to monitor correspondence that was not responded to within 14 days over the months of November, December and January and present progressive figures and action taken to the next meeting.

2. Community Representative Application/s

Communications Committee

RECOMMENDATION:

That Mr Dudley Kelso be appointed the third community representative on the Communications Committee and that Ms Alison Turner is asked to observe and participate as an alternate delegate.

3. Draft Consultation and Participation Guidelines

It was agreed that the Communications Committee study Council's three-year management plan with a view to looking ahead for consultation opportunities.

Reports from Committees/Working Groups

NEXT MEETING:

The next meeting of the Communications Committee will be held on Friday, 18 January 2002 commencing at 3.30pm.

The meeting closed at 4.20pm

Director's Comments:

Nil.

DIRECTOR'S RECOMMENDATIONS:

2. Community Representative Application/s

Communications Committee

Committee Recommendation:

That Mr Dudley Kelso be appointed the third community representative on the Communications Committee and that Ms Alison Turner is asked to observe and participate as an alternate delegate.

Director's Recommendation:

As per committee's recommendation.

Reports from Committees/Working Groups

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

5. **Minutes of the Special Tweed Shire Local Emergency Management Committee Meeting held 24 October 2001**
 6. **Minutes of the Murwillumbah Airfield Management Committee Meeting held Tuesday 13 November 2001**
 7. **Minutes of the Tweed Shire Council Consultative Committee Meeting held Thursday 15 November 2001**
 8. **Minutes of the Tweed Shire Council Access Advisory Committee Meeting held Thursday 15 November 2001**
 9. **Minutes of the Cabarita Beach SLSC Clubhouse Working Party Committee Meeting held Tuesday 20 November 2001**
-

Orders of the Day

1. Notice of Motion - Cr James

Car Park - Pottsville

Notice of Motion; Car Parks - Other; Coronation Avenue; R1360

That a report be prepared on options for and costs of sealing the informal parking area opposite the shops in Pottsville Memorial Park and controlling vehicle access to adjacent areas of lawn.

2. Notice of Motion - Cr Boyd

Historical Societies - Tweed Shire

Notice of Motion; Historical Society

That Council acknowledges the significant role that our historical societies play and will continue to play in Tweed Shire by organising a workshop with their representatives early in the New Year to discuss with them their on-going needs and plans for the future.

3. Notice of Motion - Cr Youngblutt

Naming of Bridge - Fernvale

Notice of Motion; Bridges - General; Blakeney's Rd

That the bridge on Blakeney's Road, near the Pacific Highway, Fernvale, be named Roach's Bridge.

Orders of the Day

THIS
PAGE
THIS
PAGE
IS
IS
BLANK
BLANK

Workshops

Councillors,

Following are details of upcoming Workshops of Council:-

1. Seaside City LES Workshop

Date: 12 December 2001

Time & Duration: 2.00 – 3.30pm

Organiser: David Broyd

Resolved by Council: No

2. Address by Centenary of Federation Committee

Date: 12 December 2001

Time & Duration: 3.30 – 4.00pm

Organiser: Lesley Buckley

Resolved by Council: No

3. Myer Site Redevelopment Workshop

Date: 12 December 2001

Time & Duration: 7.30 – 9.00pm

Organiser: David Broyd

Resolved by Council: No

Workshops

THIS
PAGE
THIS
PAGE
IS
IS
BLANK
BLANK

