

Items for Consideration of Council

Schedule of Outstanding Resolutions	9
Mayoral Minute	17
Reports from Director Development Services	19
1. ORIGIN: Strategic Town Planning Unit	21
Draft Development Control Plan No. 43 - Kingscliff	21
2. ORIGIN: Development Assessment Unit	27
The Erection of a Cluster Housing Development Comprising 3 Detached Dwellings at Lot 498 DP 755740, No. 7 Adelaide Street, Tweed Heads	27
3. ORIGIN: Development Assessment Unit	47
Application to Modify Development Consent K99/1450 for Tourist Resort	47
4. ORIGIN: Development Assessment Unit	59
Installation of a Telecommunications Facility at Lot 8 DP 804836 No 349 Pottsville Road, Sleepy Hollow	59
5. ORIGIN: Development Assessment Unit	67
Proposed Attached Dual Occupancy at Lot B DP 376740 Seaview Street, Kingscliff	67
6. ORIGIN: Director	85
Lot 490 South Kingscliff (former NSW Tourism Site)	85
6a. ORIGIN: Development Assessment Unit	87
Two Lot Residential Subdivision and Erection of a Dwelling House at Lot 3 DP 617743 No 15B Charles Street, Tweed heads and the Disposal of Contaminated Soil at the Stotts	

Items for Consideration of Council

	Creek Waste Management Facility	87
	Reports from Director Corporate Services	108
7.	ORIGIN: Director	108
	"People, Place and Partnerships" - A NSW Government & Community Conference	108
8.	ORIGIN: Director	110
	Filming in the Tweed Shire - Amendment to Fees and Charges	110
9.	ORIGIN: Administration Services Unit	114
	The Local Government Managers Australia 2001 Forum 'Walking the Tightrope'	114
10.	ORIGIN: Director	116
	Shires Association of NSW 2001 Annual Conference - 29 & 30 May 2001	116
11.	ORIGIN: Director	122
	Policy - Council Workshops	122
12.	ORIGIN: Financial Services Unit	124
	Exemption from Payment of Rates by Aboriginal Land Councils	124
13.	ORIGIN: Director	126
	Festivals Policy - Second Round - 2000/2001	126
14.	ORIGIN: Administration Services Unit	130
	Sponsorship of the Regional Landcare Forum to be held in Ballina in August 2001	130
15.	ORIGIN: Director	134
	Release of Report by the Public Bodies Review Committee - "Public Liability Issues Facing Local Councils"	134
16.	ORIGIN: Director	136
	Australian Local Government Association (ALGA) Information Package	136
	Reports from Director Engineering Services	139
17.	ORIGIN: Planning & Design Unit	139
	Proposed Road Closure - Bloodwood Place, Nunderi	139
18.	ORIGIN: Planning & Design Unit	143
	Lease of Road Reserve for Car Parking Spaces at Lot 31-33 Coast Road, Bogangar	143

Items for Consideration of Council

19.	ORIGIN: Water Unit	148
	NSW Floodplain Management Conference	148
20.	ORIGIN: Planning & Design Unit	150
	Fingal Road Upgrading	150
21.	ORIGIN: Planning & Design Unit	154
	Darlington Drive Chicane Between Ash and Amaroo Drives	154
22.	ORIGIN: Planning & Design Unit	159
	Transfer of Council Land to the National Parks & Wildlife Service - Old Bogangar Road, Cudgen	159
23.	ORIGIN: Planning & Design Unit	163
	Proposed Road Closure of Part of Kellehers Road, Pottsville (Black Rocks Estate)	163
24.	ORIGIN: Planning & Design Unit	168
	Offsite Parking Contributions Plan No 23 - Fingal Head Amendment	168

Reports from Director Environment & Community Services 189

25.	ORIGIN: Environment & Health Services Unit	189
	Waste 2001 Conference	189
26.	ORIGIN: Environment & Health Services Unit	191
	Centenary of Federation Peoplescape Project	191
27.	ORIGIN: Recreation Services Unit	194
	Access Track at End of Bosun Boulevard, Oxley Cove	194
28.	ORIGIN: Environment & Health Services Unit	203
	Possible Alterations to the Council Chamber	203
29.	ORIGIN: Recreation Services Unit	207
	Naming of Parks - Casuarina Beach	207
30.	ORIGIN: Environment & Health Services Unit	211
	Funding for Research into Acid Sulfate Soils on Caneland	211
31.	ORIGIN: Recreation Services Unit	215
	Old Ferry Road, Oxley Cove	215

Items for Consideration of Council

32.	ORIGIN: Environment & Health Services Unit	220
	Counterpoint Workshop	220
32a.	ORIGIN: Environment & Health Services Unit	222
	Crime Prevention Plan - Coolangatta/Tweed Heads	222
32b.	ORIGIN: Environment & Health Services Unit	224
	Needle Syringe Program Vending Machine	224

Reports from Committees/Working Groups 227

1.	Minutes of the Public Transport Working Group Committee Meeting held Tuesday 13 February 2001	227
2.	Minutes of the Sports Advisory Committee Meeting held Tuesday 20 February 2001	231
3.	Minutes of the Cabarita Beach SLSC Clubhouse Working Party Committee Meeting Held Tuesday 27 February 2001	234
	MINUTES CIRCULATED TO COUNCILLORS WITH THIS AGENDA NOT REQUIRING A COUNCIL DECISION	238
4.	Minutes of the Companion Animal Committee Meeting held 5 February 2001	238
5.	Minutes of the Joint Meeting between Redland Shire Council, Logan City Council, Tweed Shire Council and Gold Coast City Council held 8 February 2001	238

Orders of the Day 239

1.	Notice of Rescission - Cr Beck, Cr Marshall and Cr Youngblutt	239
	Tyalgum Waste Depot Operations	239
1a.	Notice of Motion - Cr Lawrie	239
	Donation Towards Rotary District 9640 Convention	239

Items for Consideration of Council

C O N F I D E N T I A L

Reports from Director Development Services in Committee 5

1. ORIGIN: Development Assessment Unit 5

Land and Environment Court Hearing - Annette Lockwood Trading as Bayside Business Agencies vs Tweed Shire Council - Continued use of Premises at 13 Wharf Street, Tweed Heads, as a Brothel 5

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege 5

Reports from Director Engineering Services in Committee 7

2. ORIGIN: Water Unit 7

Engagement of Design Consultant for Augmentation of Hastings Point Sewage Treatment Plant 7

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 7

Reports from Director Environment & Community Services in Committee 9

3. ORIGIN: Recreation Services Unit 9

Naming of Reserve at Hastings Point "George Williams Reserve" 9

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (a) personnel matters concerning particular individuals 9

Items for Consideration of Council

THIS
PAGE
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

335

Cr Luff

Cr Marshall

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

Current Status: To be finalised.

4 OCTOBER 2000

REPORTS FROM SUB-COMMITTEES

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

7. Bush Fires, Hastings Point

Dune Care

372

Cr Luff

Cr James

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

Schedule of Outstanding Resolutions

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

18 OCTOBER 2000

REPORTS FROM DIRECTOR CORPORATE SERVICES

8. Quarterly Budget Review - 30 September 2000

Budget

403

Cr Marshall

Cr Youngblutt

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

Current Status: Report to be finalised.

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

4. Bush Fires, Hastings Point

Bush Fire Brigades, Rainforest, SEPP, Notice of Rescission

371

Cr James

Cr Luff

RESOLVED that Council:-

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

Current Status: Investigation Progressing.

Schedule of Outstanding Resolutions

6 DECEMBER 2000

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

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

DA0425/20 Pt1

556

Cr Brinsmead

Cr Boyd

RESOLVED that this item be deferred on the request of the applicants, to allow the applicant time to ameliorate noise and to allow the Director to arrange an inspection by Councillors.

Current Status: Awaiting response from applicant. Inspection to be arranged.

OUTSTANDING INSPECTIONS

1. **Council Land - Mt Nullum**

Land Development – Mt Nullum

596

Cr Boyd

Cr Luff

RESOLVED that this inspection be brought forward at a later date.

Current Status: Date to be determined.

20 DECEMBER 2000

ORDERS OF THE DAY

1. **Council Pound Facility**

Dog Pound, Notice of Motion

651

Cr Marshall

Cr Youngblutt

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

Current Status: Report to going to Council Meeting of 21 March 2001

Schedule of Outstanding Resolutions

24 JANUARY 2001

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

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

GT1/S94/4 Pt4

716

Cr Polglase

Cr Lawrie

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

Current Status: Matter to be finalised.

ORDERS OF THE DAY

1. **Cudgen Nature Reserve**

Cudgen Nature Reserve, Reserve Trust, Notice of Motion

738

Cr Beck

Cr Youngblutt

RESOLVED that Council seeks discussion with the Minister for the Environment with a view to the Minister transferring care and control of the Cudgen Nature Reserve to the Tweed Reserves Trust.

Current Status: Letter sent to Minister, awaiting reply.

21 FEBRUARY 2001

ORDERS OF THE DAY

6. **Council Owned Land - Wardrop Valley**

PF5810/305, Notice of Motion

748

Cr Beck

Cr Marshall

RESOLVED that Councillors inspect the Wardrop Valley, Council owned land, with a view to allowing the motor bike club to establish a bike track and facilities.

Current Status: Inspection to be arranged.

Schedule of Outstanding Resolutions

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.

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

DA4040/5115 Pt2

770

Cr Marshall

Cr Davidson

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

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

QUESTION TIME

3. Centenary of the Municipality of Murwillumbah

Council Management

Cr Boyd

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

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

Current Status: Report being prepared.

Schedule of Outstanding Resolutions

4. Casuarina Beach Development – Staff Resources

Casuarina Beach Development

Cr Boyd

Asked how many Council staff are committed full-time to dealing with matters associated with the Casuarina Beach development.

The General Manager responded that the Director Development Services would bring forward a report for Council's information.

Current Status: Report to meeting of 21 March 2001.

Schedule of Outstanding Resolutions

THIS
PAGE
IS
BLANK

Mayoral Minute

Councillors,

1. Energy Efficiency in the Office

Agenda 21, Energy Efficient Housing

Mr Dan Walton, Agenda 21 Officer, has forwarded information to all Council staff by e-mail outlining procedures for energy efficiency in the office. A copy of the e-mail is attached to this business paper for Councillors information.

I feel that distributing this information was a great example of initiatives towards cutting costs and making our Council work more efficiently.



Cr Lynne Beck
MAYOR

Mayoral Minute

THIS
PAGE
IS
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
IS
BLANK

Reports from Director Development Services

1. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/DCP/43 Pt1

REPORT TITLE:

Draft Development Control Plan No. 43 - Kingscliff

SUMMARY OF REPORT:

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

RECOMMENDATION:

That Council:-

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

Reports from Director Development Services

REPORT:

BACKGROUND

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

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

At this meeting, it was resolved that Council:-

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

PUBLIC EXHIBITION

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

PUBLIC SUBMISSIONS

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

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

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

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

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

Reports from Director Development Services

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

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

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

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

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

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

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

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

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

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

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

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

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

Moss Street is scheduled to be upgraded this month.

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

Reports from Director Development Services

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

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

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

AMENDMENTS TO DRAFT DEVELOPMENT CONTROL PLAN

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

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

OTHER KEY ISSUES

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

CONCLUSION

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

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

Reports from Director Development Services

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

Reports from Director Development Services

THIS
PAGE
IS
BLANK

Reports from Director Development Services

2. ORIGIN: Development Assessment Unit

FILE REF: DA0030/50 Pt1

REPORT TITLE:

The Erection of a Cluster Housing Development Comprising 3 Detached Dwellings at Lot 498 DP 755740, No. 7 Adelaide Street, Tweed Heads

SUMMARY OF REPORT:

Council is in receipt of a development application for a three (3) unit cluster housing development on the subject land. The proposal involves the erection of three (3) two (2) storey units and the provision of a common driveway, landscaping and private open space areas. The units are to be constructed from face brick, harditex and a colour bond roof.

The issues that have been raised by submissions received include loss of views and loss of privacy. The applicant has amended the plans where practicable to address the concerns raised. The following report assesses the proposal and refers to Council for determination.

RECOMMENDATION:

That Development Application 1150/2000 submitted by Coralbray Pty Ltd for a cluster housing development at Lot 498 DP 755740 be approved subject to the following conditions:-

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

Contributions

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

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

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

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

- a. Tweed Road Contribution Plan: \$2576.00
S94 Plan No. 4 (Version 4.0)

Reports from Director Development Services

(Tweed Heads Residential)

- b. Open Space (Structured): \$543.00
S94 Plan No. 5
- c. Open Space (Casual): \$207.00
S94 Plan No. 5
- d. Shirewide Library Facilities: \$375.00
S94 Plan No. 11
- e. Eviron Cemetery/Crematorium Facilities: \$135.00
S94 Plan No. 13
- f. Emergency Facilities (Surf Lifesaving) \$222.00
S94 Plan No. 16
- g. Extensions to Council Administration Offices
& Technical Support Facilities \$439.93
S94 Plan No. 18
- h. Cycleways \$155.00
S94 Plan No. 22

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

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

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

Water:	\$4487.50
Sewer:	\$3712.50

Reports from Director Development Services

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:

Reports from Director Development Services

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

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

(ii) 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.

Home Building Act Requirements

In the case of an application for a construction certificate for residential building work (within the mean of the *Home Building Act 1989*) attach the following:

- (a) in the case of work by a licensee under that Act:
 - (i) a statement detailing the licensee's name and contractor licence number, and
 - (ii) documentary evidence that the licensee has complied with the applicable requirements of that Act*, or
- (b) in the case of work done by any other person:
 - (i) a statement detailing the person's name and owner-builder permit number, or
 - (ii) a declaration signed by the owner of the land, to the effect that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of **owner-builder work** in section 29 of that Act.

* A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* to the effect that a person is the holder of an insurance

Reports from Director Development Services

contract issued for the purposes of that Part, is sufficient evidence that the person has complied with the requirements of that Part.

GENERAL

4. The development shall be completed in general accordance with Site and Landscaping Plan No 00310 1A, Elevation 00310-12, Floor Plan No.00310-2 to 00310-11 inclusive, except where varied by these conditions.
5. 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.
6. 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.
7. 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.
8. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.
9. 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.
10. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.
11. All necessary on site boundary retaining shall be carried out prior to start of works upon the building proper, with details of retaining walls being submitted to Council for approval prior to start of works.

Please note: Timber retaining walls will not be accepted.

12. 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.

Reports from Director Development Services

- ii. Required toilet facilities have been provided on the site in accordance with Section 78i of the Environmental Planning & Assessment Amendment Regulations 1998.
- iii. A sign has been erected on the site in accordance with Section 78H of the Environmental Planning & Assessment Amendment Regulations 1998.
- iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
- v. That the licensee has complied with the provisions of Section 78c of the Environmental Planning and Assessment Amendment Regulations 1998.

PRESCRIBED (BUILDING)

13. 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.
14. 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.
15. 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.
16. 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).
17. A. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
 - i. in the case of work to be done by a licensee under that Act:

Reports from Director Development Services

- (i) has been informed in writing of the licensee's name and contractor licence number; and
- (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
- ii. in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit number, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of *owner-builder work* in Section 29 of that Act,

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

- B. A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
18. 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

19. 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)

Footing design shall be in accordance with the recommendations contained in Part 5.0 of the Geotechnical Investigation Report No 1120C prepared by K.B.L. Geotechnical Consultants dated 6/12/00.

ROADS/STREETS

20. 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.
21. The provision of adequate vehicular access in accordance with Council's "Access to Property" pamphlet, including the provision of an invert crossing at the kerb and gutter and paving of the driveway across the footpath to the front alignment. 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.
22. 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.
23. The concrete driveway across the footpath is to be 150 millimetres thick minimum and reinforced with F72 mesh with 40mm cover.
24. The driveway is to be constructed 6 metres wide at the property boundary and 9 metres wide at the kerb line with a uniform taper if a splay is specified.
25. 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.
26. A concrete ribbon footpath 1.2 metres wide and 75 millimetres thick is to be constructed on a compacted base along the entire frontage of the site to Adelaide Street. The compacted base is to achieve 95% of maximum dry density determined in accordance with AS1289 5.4.1 for a minimum 100mm depth. A full depth construction joint is to be provided at 6.0 metre intervals and 20 millimetre deep groove joints provided every

Reports from Director Development Services

1.5 metres, the balance area to be graded to the kerb and turfed. The footpath is to have a 3% crossfall which must be attained at each side boundary. This may result in work to be undertaken on the footpath at adjoining properties which must not exceed 1:14 and must be reinstated with turf. The footpaving is to be located 800 millimetres from the property boundary. An inspection of the formwork is to be arranged with Council's Engineering Services Division prior to concrete being placed.

27. All disused laybacks/inverts to be removed and replaced with kerb.

DRAINAGE/FLOODING

28. 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*.

29. 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.

30. All surface and seepage waters liable to be a nuisance are to be collected and diverted clear of the building site by an approved drainage system separate to the roof water system.

31. Stormwater pits shall be installed at the rear of each unit in accordance with the recommendations contained in Part 4.3 of the Geotechnical Investigation report No 1120C prepared by K.B.L. Geotechnical Consultants dated 6/12/00.

32. Permanent Stormwater Quality Treatment

- (a) Permanent stormwater quality treatment shall comply with *"Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000)

Reports from Director Development Services

section 5.5.3 “Stormwater Objectives During the Post Construction or Occupational Phase of Development” . New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the “deemed to comply” provisions of *Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality* is deemed to comply with the objectives in 5.5.3.

- (b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.
 - (c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
33. The peak stormwater flow rate that may be discharged from the site to the public realm, in events of intensity up to the ARI 100 year design storm, shall be 200l/s/ha. This may be achieved by on site detention (OSD), on site retention or a combination of both. Detention storage may be incorporated into surface depressions in landscaping or car parking areas. The maximum water depth under design conditions in vehicle parking areas shall be 200mm. OSD devices including discharge control pits (DCP) are to comply with standards in The Upper Parramatta River Catchment Trust “On-Site Stormwater Detention Handbook, Second Edition 1994”) except that permissible site discharge (PSD) and site storage requirements (SSR) in the handbook do not apply to Tweed Shire. All these works and the connection to Councils drainage system shall be constructed in accordance with design calculations, plans and specifications to be submitted with the construction certificate application and approved by the Director of Engineering Services.
34. Engineering plans of the easement for drainage must be approved by Council prior to the issue of a construction certificate.
35. Stormwater drainage is to comply with details shown on Richard Harry Engineering Survey Pty Ltd Drawing A3-00016 “Proposed Unit Development Lot 498 Adelaide Street Tweed Heads NSW – Catchment Plan and Drainage Calculations Issue B”.

Reports from Director Development Services

SERVICES

36. Sewer main within site is to be accurately located and the Principal Certifying Authority advised of its location and depth prior to start of any building works.
37. The building is to be sited at least one metre horizontally clear of sewer main on site. All footings and slabs within the area of influence of the sewer main are to be designed by a practising Structural Engineer. The engineer is to submit a certification to the Principal Certifying Authority that the design of such footings and slabs will ensure that all building loads will be transferred to the foundation material and will not effect or be affected by the sewer main.
38. **Note:** Sewer manhole is present on this site. This manhole is not to be covered with soil or other material or concealed below ground level.

Should additional fill be proposed in the area of the sewer manhole Council's Engineering Services Division must be consulted and suitable arrangements made for the raising of the manhole to the satisfaction of Council's Manager Public Utilities.

ENVIRONMENT PROTECTION

39. 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.
40. 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.
41. 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.

42. 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.

PLUMBING & DRAINAGE

43. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

Reports from Director Development Services

- 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.
44. 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.
45. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
46. Temperature and pressure relief lines from hot water systems shall discharge in the open as prescribed in Australian Standard AS 3500.4.1990 Section 4.12.3.
47. 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.
48. Impervious floors, properly graded and drained are to be provided to all wet areas.
49. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
50. 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.
51. The finished floor level of the building should finish not less than 225mm above finished ground level.
52. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C in all other classes of buildings.

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

Reports from Director Development Services

REPORT:

Applicant: Coralbray Pty Ltd c/ Mark Stapleton and Associates
Owner: Coralbray Pty Ltd
Location: 7 Adelaide Street Tweed Heads
Zoning: 2(b) Medium Density Residential
Est. Cost: \$350,000

INTRODUCTION

Council is in receipt of a development application for a three (3) unit cluster housing development on the subject land. The proposal involves the erection of three (3), two (2) storey units and the provision of a common driveway, landscaping and private open space areas. The construction type of the units is face brick, harditex and a colour bond roof.

During the public notification of the application three (3) objections were received, with a fourth being received much later after the closing period. The applicant responded to these objections by providing the further information required to enable an assessment of the issues raised. Loss of views and loss of privacy are two of the issues raised. These issues are assessed in the following report and are referred to Council for determination.

LOCALITY PLAN



Reports from Director Development Services

ASSESSMENT

The proposal has been assessed against the matters for consideration contained within Section 79C of the Environmental Planning and Assessment Act, 1979.

Tweed Local Environmental Plan 2000

The subject land is zoned 2(b) Medium Density Residential Zone under the provisions of the Tweed Local Environmental Plan 2000. The objective for the zone states:

To provide for and encourage development for the purpose of medium density housing (and high density housing in proximity to the Tweed Heads sub-regional centre) that achieves good urban design outcomes.

The proposed development is generally in accordance with the zone objective. As such Council may have consideration for the development application.

Clause 4 of the LEP gives effect to Tweed Shire 2000+ Strategic Plan requiring an assessment of the proposed development under its provisions. Detailed assessment is provided under the objectives of this plan in this report.

Clause 16 of the LEP states that Council shall not grant consent for the erection of a building that exceeds the maximum height or number of storeys indicated on the plan. The land is identified as being able to be developed to two (2) storeys in height. As the proposed development does not exceed two (2) storeys in height it is consistent with Clause 16 of the LEP and can be considered by Council.

Development Control Plans

Development Control Plan No.2 – Access and Car Parking and Development Control Plan No.39 – Energy Smart Housing are applicable to the proposed development. The proposed development is also assessed against Council's Tweed Heads 2000+ Strategic Plan.

Development Control Plan No.2 – Access and Car Parking

Standard	Requirement	Complies/variation
On site car parking – Cluster Housing	1 per dwelling = 3, visitor spaces on merits	Proposed 6 with three of these being visitor spaces, complies. Proposed car parking also exceeds requirement for multi dwelling housing.

Development Control Plan No.39 – Energy Smart Housing

Standard	Requirement	Complies/variation
Energy rating of units	3.5 star rating per unit	All units comply
Energy rating of hot water systems	3.5 hot water system	Complies as hot water systems with bottled gas proposed

Reports from Director Development Services

Tweed Heads 2000+ Strategic Plan

The land to which the application relates is in the Razorback Precinct.

Standard	Requirement	Complies/variation
Height limitation	2 storey limit	The cross sections provided indicate that the proposal will be two storey development including cut and fill levels, therefore complies.
Building height plane	Walls of buildings are to be set back 0.5m for every 1.0m of building height.	Proposal includes variations to this with minor encroachments. The applicant has provided elevations where encroachments are proposed. These encroachments do not warrant refusal of this application.

In addition to the numerical standards the strategy calls for a merit assessment on visual impact of the proposed developments and geotechnical assessment of land.

Any likely Impacts of the Development on the Environment

Geotechnical

The applicant submitted a geotechnical assessment with the development application. The geotechnical engineer made recommendation that the foundation type be a raft concrete slab designed to class 'M' requirements as indicated within A.S. 2870 (Section 4) "Residential Slabs and Footings" code.

Council's Building Surveyor advised that the geotechnical report adequately addresses the geotechnical aspects of the site. The proposed development will essentially be the same development when the recommendations of the geotechnical engineer are implemented.

The investigation into the geotechnical suitability of the development on the subject land revealed that the site is capable of supporting the proposed development.

Visual

The Razorback precinct is identified in the Tweed Heads 2000+ Strategy as being an area where visual assessments may be required. To ascertain the visual prominence of the proposed development to adjoining properties the applicant has provided a number of cross sectional elevations.

These elevations place the proposed development on the subject land and with projected levels determine the height of such in relation to adjoining residences.

Reports from Director Development Services

The proposed development will result in the views changing for the properties at the rear that are elevated. The properties to the rear are elevated and have the benefit of distant views. The redevelopment of the property will result in the site being maintained with the change being the backyard being redeveloped to accommodate multi dwelling housing.

Natural

The subject land currently supports a single dwelling house. The vegetation on the lot has not been identified as significant. There are a limited number of trees on the site with these proposed for removal to accommodate stormwater and sewer easements.

The applicant has proposed a landscaping plan that will result in an increase in vegetation on the subject land. This issue is further discussed in addressing the submissions received on the proposed development.

Social

The proposed development will result in additional housing in the locality. This housing will provide housing choice as such is at a higher density than the conventional single dwelling house site. The submissions raised included perceived adverse social impacts such as reduced property values, whether the future houses will be rented or owner occupied and the nuisance of living adjacent to a development site.

These issues are not considered to be social impacts that warrant the submission of a social impact assessment or further information. Council may in approving the cluster housing impose various conditions to try and ameliorate any adverse impacts during construction and thereby reduce the nuisance of the development site.

Suitability of the Site for the Development

Stormwater

The subject land contains an overland flow Q100 through the site. The applicant's Engineer has provided detail of the catchments and drainage calculations, which Council's Engineer has technically assessed. A number of conditions are to be imposed as part of any conditional consent that will ensure the stormwater requirements and easements over the subject land are provided.

Size and Shape of Allotment

While the subject land is of adequate size to support the proposed development, the shape of the allotment and encumbrances such as stormwater and sewer easements has resulted in limited options for development over the subject site. With the limited area on the subject land the applicant has attempted to address all of the objectives under the strategic plan while accommodating issues raised by the submissions.

Public Interest

Reports from Director Development Services

Council notified adjoining property owners and publicly advertised the development application between 13/11/2000 to 27/11/2000. During this period Council received three (3) submissions and a fourth on the 18/12/00 after the closing period for submissions.

ISSUE	ASSESSMENT	COMMENT
Height of proposal and loss of View	<p>The applicant provided cross sectional diagrams illustrating the height of the existing dwellings in relation to the proposed units.</p> <p>This demonstrates that the ceiling plate for proposed unit 3 will be equivalent in height as the ground floor of adjoining No.6 Charles Street.</p>	<p>The properties to the rear of the subject land are of a higher elevation than the proposed units. It is considered that views will not be lost, however the foreground of the view will include the proposed development. Distance views will be unchanged.</p> <p>The proposal does not exceed Council's height requirements.</p> <p>This issue does not warrant the refusal of the proposed development.</p>
Visual Amenity	<p>Concern was raised that the visual impact of the development will reduce the amenity of the locality.</p>	<p>The proposed development has the appearance of a conventional two storey brick and colour bond roof development.</p> <p>This issue does not warrant the refusal of the proposed development.</p>
Loss of Privacy	<p>Concern was raised that the proposed development will result in a loss of privacy to adjoining properties.</p> <p>The applicant has amended the landscape plan to accommodate a mock orange screen to the adjoining property affected by loss of existing vegetation screening.</p>	<p>The proposed development is of a lower elevation than the other adjoining properties. It is considered that the applicant does not need to provide further screening to other properties.</p> <p>This issue does not warrant the refusal of the proposed development.</p>
Loss of Vegetation	<p>The applicant provided a landscape plan detailing what is to be provided on the site. The development will result in the loss of existing trees to provide sewer and stormwater services.</p> <p>The trees to be removed are not significant and do not form part of a habitat area for endangered fauna.</p>	<p>There are approximately four trees to be removed. The applicant has considered the comments made however these trees need to be removed to provide services and easements.</p> <p>The site would be developed in accordance with the approved landscape plan that includes a substantial increase in vegetation on the site.</p>

Reports from Director Development Services

ISSUE	ASSESSMENT	COMMENT
Location of Stormwater Drainage and driveway over easement	<p>Concern was raised that the proposed driveway is over the existing stormwater drain.</p> <p>The applicant proposes to pipe the stormwater drainage over the site.</p>	<p>Council's Stormwater Engineer has satisfied that the catchment plan and drainage assessment undertaken over the site has addressed all requirements.</p> <p>Conditions of consent are to be imposed to ensure drainage is in accordance with Council's requirements.</p>
Cost of Dividing Fence	<p>Dividing fences are a civil matter and are therefore out of Councils jurisdiction.</p>	<p>This matter does not warrant the refusal of the proposed development.</p>
Traffic Noise	<p>Concern has been raised that the proposed development will result in an increase in traffic noise as more vehicles will be coming and going from the subject land.</p>	<p>The proposed development will result in more vehicle movements however the impact is not considered to be of a magnitude to warrant refusal of this application.</p>
Density of Development	<p>Concern has been raised that the density of the proposal exceeds Council's controls for the site.</p> <p>The land is approx. 837m² that equates to 280m² per unit.</p>	<p>While DCP No.6 – Multi Dwelling Housing does not apply to the site, the proposal provides the area of private open space recommended per unit.</p> <p>Other controls for the site have also been satisfied. As such, it is considered that the proposal is not an over development of the site.</p> <p>This matter does not warrant refusal of the proposed development.</p>
Construction Duration	<p>Concern has been raised on the duration of the construction phase of the development. The submission contends that the construction phase will be detrimental to the health and well being of the residents and therefore the applicant should relocate them until completion.</p>	<p>This is an unorthodox request that is beyond what would normally be deemed acceptable for this type of development.</p> <p>This matter does not warrant refusal of the proposed development.</p>

Reports from Director Development Services

ISSUE	ASSESSMENT	COMMENT
Dust Nuisance	Concern has been raised that the construction of the dwelling units will result in an excessive amount of dust accumulating on the exterior of the dwellings. The submission requests that the applicant wash down the houses affected by this dust.	This is an unorthodox request and would not normally be imposed as a condition of consent. A condition of consent is to be imposed requiring the applicant to minimise nuisance to adjoining residents. It is considered that this is a reasonable measure to impose.
Blocking Prevailing Winds	Concern has been raised that the proposal will block prevailing winds, particularly to No.5 Adelaide Street. All other adjoining properties are elevated and do not raise this as a concern.	The proposed development is on the southern side of No.5 Adelaide Street. Prevailing winds are north easterly and south easterly. It is considered that the proposal may block southerly winds. Razorback hill currently blocks most westerly wind to the site. This matter does not warrant refusal of the proposed development.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

In the event that the applicant is dissatisfied with Council's determination, a right of appeal exists to the Land and Environment Court. The proposed development is not designated and as such third party appeal rights exist.

OPTIONS

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

1. That the application be approved subject to Conditions of Consent.
2. That the application be refused.

CONCLUSION

The proposed development satisfies the aims and objectives of Tweed Local Environment Plan 2000 and is permissible with Consent in the 2(b) Medium Density Residential Zone. The proposal is unlikely to prejudice the public interest, affect the amenity of the area, nor have any adverse impact on the natural environment. Having regard to the above Section 79(c) Assessment, the proposed erection of a three (3) unit cluster housing development is recommended for conditional approval.

Reports from Director Development Services

3. ORIGIN: Development Assessment Unit

FILE REF: DA0960/710 Pt1

REPORT TITLE:

Application to Modify Development Consent K99/1450 for Tourist Resort

SUMMARY OF REPORT:

An application has been received to amend a number of Conditions relating to Development Consent K99/1450 for a Tourist Resort at 362 Carool Road, Carool.

The application requests the following changes:

1. Amendments to the staging of the proposal.
2. Deletion of the requirement to upgrade Carool Road.
3. Deletion of the requirement to pay contributions.
4. The staging of the payment of S94 Contributions.
5. Deletion of the requirement to consolidate all allotments into a single allotment.
6. Deferment of the requirement to submit a landscape plan until the buildings have almost been completed.
7. Deletion of the requirement to seal and line mark the carparking areas.
8. Deferment of the payment of contributions until each stage is complete.
9. The ability to allow visitors to the site to use the golf course (open it up to the public and groups).

Some of the modifications are considered acceptable, however a number are not. It is recommended that the applicant amends the application in accordance with recommendation 1.

RECOMMENDATION:

That:

1. The applicant be advised that Council is prepared to support modifications to Development Consent K99/1450 as follows:
 - a) Amendments to staging of the development as requested;
 - b) The amendment of Condition 2, Schedule B, to read as follows:
 - “2. Carool Road between the roundabout at the intersection of Carool Road and Bilambil Road and the development site is to be upgraded to provide a Type D pavement. This will involve the upgrading of two sections, as follows:

Reports from Director Development Services

- a. From 2.5km to 2.8km being widened by 1.0m;
- b. From 3.1km to 3.6km being widened on the top side bank.

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

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

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

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

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

2. The applicant be advised that Council is not prepared to support requested modifications to:

- a) Delete the requirement to upgrade Carool Road to Type D standard;
- b) Allow for the payment of Section 94 contributions over 5 years;
- c) Allow the payment of Section 94 contributions on completion of each Stage;
- d) Delete Condition 3 requiring consolidation of all allotments into a single allotment;
- e) Submit landscaping plans at the roof stage;
- f) Allow construction vehicles to use the existing access;
- g) Condition 62, which currently restricts the use of the golf course to guests staying at the resort.

3. The applicant be requested to amend the S96 application in accordance with 1. above. Should the applicant agree to this, that the consent be modified under delegated authority by the Director of Development Services.

4. Should the applicant not be prepared to amend the application as recommended, the application be refused as Council cannot approve part and refuse part of an application.

Reports from Director Development Services

5. The applicant be advised that a separate application in accordance with Section 96(2) of the Environmental Planning and Assessment Act 1979 is required to be submitted, along with the applicable fees, should he wish to amend the consent relating to the pro-shop to allow the issue of a construction certificate prior to 50% of the accommodation units being completed.

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

Reports from Director Development Services

REPORT:

Applicant: Penny Brothers
Owner: Penny Brothers Pty Ltd
Location: Lot 1, DP 121377 and Lots 250, 251, 263 and 264, DP 755685, 363 Carool Road, Carool
Zoning: 1(a) Rural

INTRODUCTION

An application has been received by Council under the provision of Section 96(2) of the Environmental Planning and Assessment Act 1979 to amend Development Consent K99/1450 for the construction of a tourist resort comprising a winery building, 16 accommodation units, 4 bungalows and an 18 hole golf course. The original consent was a “deferred commencement” consent. The three matters which had to be addressed for the consent to become operational have been satisfied and the consent is now operational.

The modification to the consent requested involves the following:

1. The applicant requests that the staging of the development be amended to allow Stage 3 to be constructed first followed by 1 and 2 or alternatively Stage 3 followed by 2 and 1.

Stage 3 involves an 18 hole golf course, which the earthworks were largely done without Council approval prior to this consent being issued, and the erection of 4 bungalows.

Stage 2 involves the erection of 16 accommodation units in four complexes, and Stage 1 the erection of the large “winery building” being the focus of the development.
2. Deletion of Condition 2 which requires Carool Road to be upgraded to Type D pavement, or alternatively the payment of \$40,000 to Council for these works to be undertaken prior to the issue of a Construction Certificate.
3. The applicant has requested S94 contributions be permitted to be paid off over five years consisting of four payments.
4. That the payment of Section 94 contributions for each Stage not be due until that Stage is complete.
5. That Condition 3 requiring the consolidation of all parcels of land which the development is located on not be required.
6. That Condition 11 be amended to allow the submission of a landscaping plan to be provided before roof stage of each individual Stage.
7. That Condition 53 be amended so as not to require the exiting access to the property to be physically closed off at the boundary, and that access via this driveway be controlled by signage.
8. That Condition 54 requiring the carpark area to be sealed and line marked be amended to allow no line marking and a sealed gravel surface.

Reports from Director Development Services

9. That Condition 62 be amended to allow the golf course to be used by “guests visiting or staying at the resort”. Condition 62 currently restricts the use of the golf course to “guests staying at the resort only”.

The merits of each of these requested amendments are discussed under the “Assessment” section of this report.

BACKGROUND/HISTORY

- | | |
|--------------------|--|
| 13 June, 2000 | Deferred Commencement Consent issued for tourist resort (K99/1450). |
| 26 September, 2000 | Condition 3 of Schedule A satisfied by provisions of satisfactory engineering design for access driveway and parking areas. |
| 6 December, 2000 | Council approves proposed colour scheme – this satisfied Condition 1 of Schedule A of Consent. |
| 8 December, 2000 | Development Consent granted for farm shed on property. |
| 3 January, 2001 | Development Consent granted for garage, swimming pool and golf pro shop. The golf pro shop cannot be constructed until 50% of accommodation units completed. |
| 8 January, 2001 | Subject Section 96 application to modify consent received. |
| 19 February, 2001 | Confirmation provided that the Stormwater Management Plan submitted is satisfactory and that consent is operational. |
| 24 January, 2001 | Meeting held with applicant to discuss proposed changes to consent. |

ASSESSMENT

The requested modifications related to changes to Conditions which would result in physical changes to the carpark, access arrangements and golf course usage. Other changes relate to staging of the development, payment of contributions requirements for the provision of a landscape plan, and consolidation of all allotments.

For Council to be able to approve an application under Section 96 of the Environmental Planning and Assessment Act 1979 they must be satisfied that the proposed modifications will result in substantially the same development as that originally approved.

It is considered that the modification would result in substantially the same development, and can be dealt with under the provisions of Section 96(2) of the EP&A Act 1979. It should be noted that Council in considering an application under Section 96(2) must either approve or refuse the application. It cannot approve part of the application and refuse part.

Provided below is an assessment of the merits of each of the requested changes to Consent K99/1450:

Reports from Director Development Services

1. Amendment to Staging

No objection is raised to the revised staging of the development to finalise the construction of the golf course and 4 bungalows first followed by the 16 accommodation units and main building, or alternatively the main building followed by the 16 accommodation units.

It should, however, be noted that the golf course is to be only used by guests staying at the resort (as described in the original development application by the applicant's consultant and reaffirmed by the traffic report).

This was reinforced by Condition 62 of the Consent. Therefore, the re-staging of the development would only make available the golf course to guests staying in the 4 bungalows.

The change in staging would require a number of conditions to be amended. It is considered reasonable that conditions relating to details of the sewerage treatment plant and water supply for the accommodation units and main building could be deferred until a Construction Certificate for these components was received.

Also, the requirement for the construction of the parking area could be deferred to the subsequent stages.

The timing of payment of contributions would also need to be amended.

2. Deletion of the Requirement to Upgrade Carol Road to Type D Standard (Condition 2).

The applicant has not provided any sound technical justification to why this Condition should be deleted, however there are grounds for a review of this requirement based on a misinterpretation on where the new development was to be accessed from. Council's Traffic Engineer has provided the following comments regarding the applicant's request to delete the requirement to upgrade Carol Road to a Type D standard, or alternatively pay a contribution of \$40,000 for these works to be done by Council:

"The applicant's consultant appears to have misunderstood the requirements for a road of Class D standard. As stated in my previous memo, the road remains at Class D at full development and the correct road traffic counts were used regardless of the inaccuracies claimed to have been made in the original traffic report.

A Class D standard is required for roads that carry between 150 – 500 vpd, and as stated by Mr Harry, even if total development does not exceed 500 vpd. The significance to the applicant of this threshold is that a Class E standard would be required if 500 vpd was exceeded (as ADT figures).

Therefore, as advised previously by the Manager of Works, construction needs to be undertaken to bring Carol Road up to an acceptable standard. The simple issue here is that a development is proposed which utilises a road that is substandard to carry the proposed traffic volumes in a safe and efficient manner, and such traffic includes tourist buses which would not use such a narrow, steep rural road if the proposed development did not proceed.

Reports from Director Development Services

Whilst the development offers benefits to the Shire the safety of residents that utilise Carool Road and financial implications for ratepayers of road upgrading is a major consideration.

The estimate of cost of upgrading of Carool Road required because of the development as prepared by the Manager of Works does need adjusting as the entrance road is at chainage 3.1km and not 3.6km as used in the original memo.

Accordingly, the Link 4 works from 2.5km to 2.85km is unchanged at \$21,000, and Link 5 from 2.85km to 3.1km is now \$6,000 as it is 250 metres long as opposed to the previously used 750 metres.

The total estimated cost of upgrading is now \$28,000 for the works specified in the Manager of Works' memo dated 22/7/99.

The above amount should be paid within 12 months of the revised Consent date, otherwise an increase based on the CPI will need to be applied".

Based on the above, it is recommended that this Condition remain subject to adjustments as detailed. These works or the monetary contribution should be paid prior to the issue of a Construction Certificate for any works in Stage 1 or 2 or prior to the issue of any Construction Certificate should Council allow the golf course to be open to the public.

3. The applicant has requested the Consent be amended to allow payment of Section 94 contributions over 5 years consisting of four payments.

Council's Section 94 Contribution Plans do not provide for the payment of contributions over a number of years with the exception of TRCP No 4 – Roads, which allows for contributions to be paid in four instalments over 3 years subject to a bank guarantee for the full amount being provided.

It is therefore considered acceptable to allow TRCP contributions for each stage to be paid off in instalments in accordance with the policy. All other contributions should be paid in full prior to the release of the Construction Certificate for each Stage.

The applicant, if he accepts this, should be requested to amend this part of the application to be consistent with Council Policy.

4. That payment of Section 94 Contributions for each Stage not be due until the Stage is completed.

It is normal practice for Council to require the payment of contributions prior to the issue of any Construction Certificate. This ensures that payments are received and avoids costly legal actions pursuing outstanding monies. It also avoids Council incurring losses when companies go into liquidation during construction.

It is recommended that this request not be supported.

5. That Condition 3 of the Consent requiring the consolidation of all parcels of land into a single allotment be deleted or amended to allow all buildings to be on a single allotment,

Reports from Director Development Services

with the exception of the golf pro-shop, and the golf course and pro-shop to be on a separate title.

The requirement to consolidate all parcels into a single allotment is normal practice when a single development is located over a number of lots to ensure the integrity of the development.

Particularly in this case, it is considered important that the development is on a single allotment as the different components of the development inter-relate to each other (eg, the effluent disposal area for the development is located on the golf course area, and the operation of the golf course is solely dependent on guests staying at the resort). Other components include parking provisions, access arrangements, water plant, water supply etc.

Allowing the development to be located over a number of land parcels may result in a number of independent parties having a separate interest in the development which would jeopardise the operation of the development as a whole and may lead to legal implications.

This request should not be supported.

6. That Condition 11 be amended to allow the landscape plan to be submitted before roof stage of each individual Stage.

It is normal policy to require the submission of a landscape plan prior to the approval of a Construction Certificate for a development. The applicant has argued that due to “erratic growth of plants due to regular strong winds, new buildings, include creating protection. Designs and demands for planting, and also availability, are changing constantly”.

These reasons don’t justify deferring the need for a landscape plan at the Construction Certificate Stage. It should be noted that the physical landscaping of the site is not required at this stage, but rather prior to the development being completed. Should there be a need to change the approved landscaping plan, then this could be done by simply submitting a revised plan at the time for endorsement.

It is recommended this Condition remain.

7. That Condition 53 be amended to allow vehicles to the existing residence, and some construction vehicles to use the existing access to the property.

Condition 53 requires the existing access over a Crown Road Reserve to be physically closed off at the boundary of site at the time the new access is constructed. The reason for this requirement was due to the unsafe nature of this access. The requirement to physically close it off could be achieved by the provision of a gate which could still allow access to existing residents, but prohibit access to guests to the resort. No construction traffic should be permitted to use this access for safety reasons.

It is considered that this Condition should remain, and that compliance with this Condition be negotiated with the owner to meet specific private access needs.

Reports from Director Development Services

8. That Condition 54 requiring the carpark area to be sealed and line marked be amended to allow no line marking and a sealed gravel surface.

Council's Traffic Engineer has raised no objection to the carpark area not being line marked.

It is considered that an alternative sealed finish to asphalt would be acceptable, however an unsealed crushed rock finish is not considered acceptable due to maintenance and erosion and sediment issues.

It is recommended that the requirement to line mark the carparking area be deleted.

9. That Condition 62 be amended to allow the golf course to be used by "guests visiting or staying at the resort".

Condition 62 currently restricts the golf course to use of guests staying at the resort. The issue was of critical relevance at the time of the Development Application, and the applicant was requested on a number of occasions to clarify who would be using the golf course and what the term "guests visiting the site" meant in relation to golf course usage.

The applicant's consultant confirmed that the golf course was strictly for the use of guests staying at the resort, and a traffic report submitted indicated that the golf course would generate no vehicle trips as it would only be used by guests staying at the resort.

The applicant now requests to change the wording on the Approval to "Visitors to the resort, including but not limited to guests and representatives of corporate and sporting associations". The wording proposed by the applicant clearly would allow any one to come and play golf at the club, as they could be deemed as visitors. This, in effect, would result in the golf course being open to the general public.

The applicant was advised by letter dated 15 August, 2000 that if he wished to pursue this issue that he would need to submit a revised traffic report detailing trip generation and additional parking requirements generated by the use of the golf course by people outside those staying at the resort. No such report has been provided.

The implications of what the applicant is requesting relate primarily to traffic. It is expected that traffic volumes to and from the development could significantly increase resulting in the further upgrading of Carool Road being required, additional parking on-site being required, the need to pay additional Section 94 contributions for roads, and raises issues relating to the capacity of Kennedy Drive. Kennedy Drive only has the capacity to accommodate approvals for an additional 9.5 trips.

As no traffic assessment has been provided to address these issues, it is recommended that Condition 62 be retained restricting the use of the golf course to guests staying at the resort only.

The applicant has also requested that a condition of consent relating to a separate development application for a golf pro-shop be amended. The condition prohibits a construction certificate from being issued for this building until 50% of the accommodation units are complete. The reason for this condition was to ensure the integrity of the consent for the tourist resort which restricted the golf to the use by guests staying at the resort only, which was consistent with the application submitted.

Reports from Director Development Services

This request cannot be determined as part of this application as the condition relates to a separate development consent, and no formal application or fees have been received to amend this consent. This amendment would also require advertising under the provision of the Environmental Planning & Assessment Act Regulations.

However, it is considered that should Council not support the request to allow extended use of the golf course as requested as part of this application, there would be no justification to amend the condition relating to the pro-shop. Should Council amend Condition 62, then the applicant should be invited to lodge a separate Section 96 application to amend the application relating to the pro-shop, and this application would need to be assessed on its merits.

The applicable application fee and advertising fee would need to be paid for this application.

PUBLIC SUBMISSIONS

The modification was notified to previous objectors for a period of 14 days in accordance with the requirements of the EP&A Act Regulations 2000. At the conclusion of the exhibition period, three (3) submissions were received objecting to the modification. Issues raised in the objections are provided below.

Issue	Reason	Comment
1. Development not substantially the same development.	Golf course will be available for public use which is substantially different to original proposal.	Without a traffic report detailing additional traffic generation, it is difficult to assess what impact the change would have, however when considered in context with the approved development, it is likely to be able to be considered as substantially the same development.
2. Failure to satisfy requirement for making of a Section 96(2) application.	Statutory requirement.	It is considered the development meets the intent of the requirements.
3. Golf course should not be open to public.	Carool Road is not suitable for additional traffic; impact on residents in the are.	Based on the information provided by the applicant, there is no justification to allow the golf course to be open to the public.
4. Bus loads of people are already being brought to the site.	In breach of consent. Causing traffic problems.	If this is the case, then it would be in contravention of the Consent.

Reports from Director Development Services

In carrying out this assessment of the modification, the provisions of Section 79C of the EP&A Act have been taken into consideration, however it should be noted that it is considered that insufficient information relating to additional traffic generation from the golf course changes were provided with the application.

The proposed modification will not result in any additional impacts on fauna or flora on the site.

CONCLUSION

A number of the proposed modifications do not warrant support, and therefore as Council cannot approve part of the application and refuse the other, it is suggested the applicant be requested to amend the application so as to be consistent with this report, and that the amended application be approved under delegated authority.

If the applicant is not prepared to amend the application, then the application be refused.

Reports from Director Development Services

THIS
PAGE
IS
BLANK

Reports from Director Development Services

4. ORIGIN: Development Assessment Unit

FILE REF: DA4420/94 Pt1

REPORT TITLE:

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

SUMMARY OF REPORT:

This report provides an assessment of a proposed Telecommunications Facility at Lot 8 DP 804836 No 349 Pottsville Road, Sleepy Hollow. The site is zoned 1(a) Rural and contains a rural tourist facility "Pioneer Plantation". The proposed tower is 30 metres high.

Although not statutorily required, the application was notified and advertised in accordance with Council policy. Four (4) submissions and one (1) petition with 25 signatures were received and are detailed in this report.

The most significant potential impact in relation to the proposal is the visual impact. However, given the nature of the proposed development, the location of the site and the general topography of the area, it is considered that the proposal is satisfactory in this regard.

The siting of the tower on land containing a rural tourist facility is not considered ideal. In relation to siting options, the Statement of Environmental Effects submitted by the applicant indicates that only one other site was evaluated in the site selection process and was discounted "primarily on radio frequency grounds". Given the limited consideration and assessment provided regarding the siting of the tower, it is recommended that the determination of the application be deferred pending the provision of additional information from the applicant to address this issue.

RECOMMENDATION:

That:

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

Reports from Director Development Services

REPORT:

Applicant: Optus Mobile Pty Ltd

Owner: Harsha Holdings PTY LTD

Location: Lot 8, DP 804836, No. 349 Pottsville Road, Sleepy Hollow

Zoning: 1(a) Rural

Est Cost: \$130,000.00

BACKGROUND

Council is in receipt of a development application from Optus Mobile Pty Ltd for the erection of a telecommunications facility (mobile phone base station) at Lot 8 DP 804836 Pottsville Road Mooball. The proposal is not a "Low Impact Facility" as defined in the Commonwealth Telecommunications Act 1997 and in accordance with that Act development consent is required from Council for the proposal.

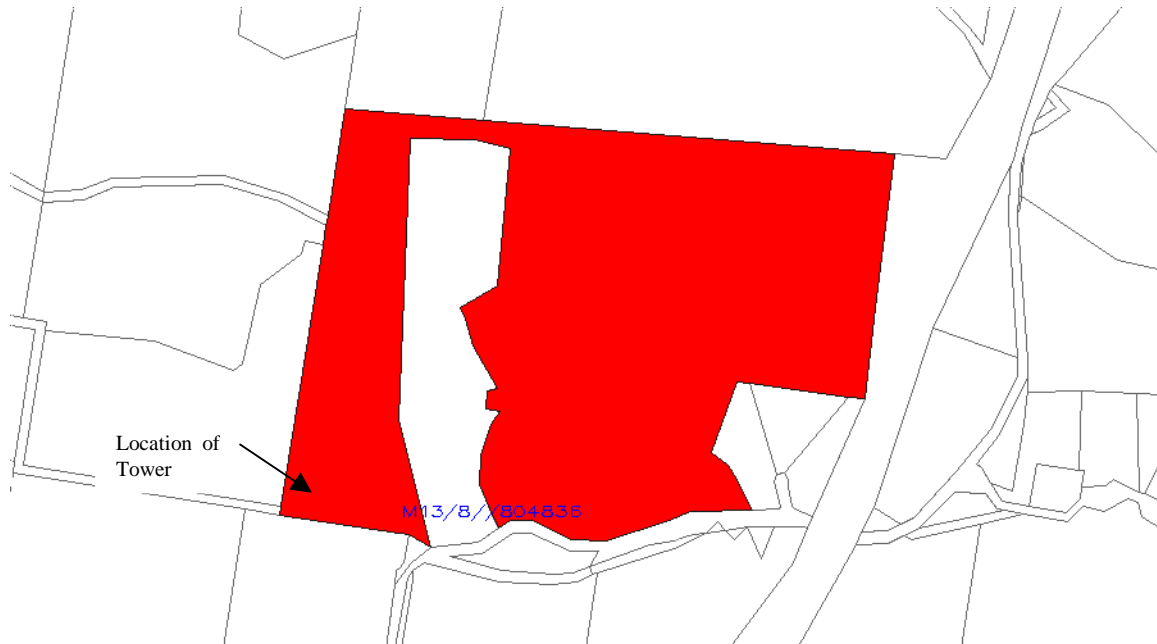
The subject site contains a rural tourist facility "Pioneer Plantation". The proposed development involves the installation of a 30 metre high telecommunications lattice tower supporting two (2) omni antennas pole mounted on a headframe and one (1) 600mm in diameter radio communications dish leg mounted to the lattice tower at 26 metres in height. All electronic equipment would be accommodated in an equipment shelter erected at the base of the lattice tower. The proposal will also involve the erection of security fencing. The area in which the base station will be sited is adjacent to the southern boundary of the property and approximately 350 metres to the west of the existing main Pioneer Plantation building.

The Statement of Environmental Effects submitted with the development application indicates that coverage to the Sleepy Hollow area requires upgrading. Although the area has Optus mobile telecommunications coverage, the level of service is poor and Optus customers are experiencing call "dropouts" because of capacity problems with surrounding base stations.

The site is zoned 1(a) Rural and telecommunications infrastructure is permissible with development consent.

Reports from Director Development Services

Site Diagram



Considerations Under Section 79c Of The Environmental Planning And Assessment Act 1979

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

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy No. 44 – Koala Habitat Protection – The site is not identified as potential Koala habitat and a Plan of Management is not required.

North Coast Regional Environmental Plan 1988 (NCREP 1988)

The proposal is considered to be consistent with the provisions of this Plan. Clause 12 of NCREP 1988 relates to the impact of development on agricultural activities. The proposed development is not considered likely to result in adverse impacts on the use of adjoining or adjacent agricultural land or cause a loss of prime crop or pasture land.

Tweed Local Environmental Plan 2000 (TLEP 2000)

The subject land is zoned 1(a) Rural under the TLEP 2000. The proposal is defined as “telecommunications infrastructure” which is permissible with consent in the 1(a) Rural zone. The proposal is considered to be consistent with the objectives of the zone.

Clause 22 of TLEP 2000 requires Council to be satisfied of a number of factors prior to granting consent to development on land which has frontage to a designated road, including the following:

- (a) the development is unlikely to constitute a traffic hazard or materially reduce the capacity or efficiency of the designated road, and

Reports from Director Development Services

- (b) the location, standard and design of access points, and on-site traffic movement and parking arrangements, would ensure that through traffic movement on the designated road is not impeded, and
- (c) the development, or proposed access to it, will not prejudice any future improvements to, or realignment of, the designated, and
- (d) where the land is in Zone 1(a), 7(a), 7(d), 7(f) or 7(l), the development is of a type that necessitates a location within proximity to the designated road for reasons other than only commercial advantage, and
- (e) the development is of a type that is not sensitive to traffic noise or, it is located or adequate measures are included to ameliorate any potential noise impact, and
- (f) the development would not detract from the scenic values of the locality, particularly from the point of view of road users.

Pottsville Road is a designated road. The proposed development will not generate sufficient traffic to constitute a traffic hazard, materially reduce the capacity or efficiency of the designated road, or impede traffic movement on the designated road. Access to the proposed tower will be gained via the existing access to "Pioneer Plantation" and the development will not prejudice any future improvements to, or realignment of the road. The development is required to be sited in the locality for reasons related to radio frequency grounds. The development is not a type that is sensitive to traffic noise. The proposed tower will be visible from both the Pottsville Road and from the proposed Yelgun to Chinderah Motorway. The proposed tower will be painted "mist green" and is located in an area of significant vegetation which will assist in screening it.

Clause 24 of TLEP 2000 applies to land zoned 1(a) Rural and requires the proposed tower to be setback 30 metres from Pottsville Road which is a designated road. The tower is setback approximately 180 metres from the Pottsville Road.

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

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

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

There are no DCPs which apply to this proposal.

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

There are no prescribed matters which affect this proposal.

(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

Context and Setting

The south-western corner of the site in which the tower is proposed is characterised by a ridge which runs in an east-west direction at an elevation of approximately 100 metres. The facility is

Reports from Director Development Services

proposed to be constructed within an area adjacent to a banana plantation. The site is located in a rural area which is used for a number of agricultural pursuits. The steeper and more elevated land in the general locality contains native forest. There are a number of dwellings in the locality with the closest located approximately 150 metres from the proposed tower.

Visual Impact

Due to the proposed height of the tower, its location on a ridgeline and the necessity for the antennae to be above the tree line to function properly, the tower and antennae will be visible from surroundings areas. The tower will be most visible as viewed from the north-east on Pottsville Road heading in a southerly direction. The tower will also be visible from the proposed Yelgun to Chinderah Motorway. The structure will be less visible from the west due to the intervening ridge system.

The applicant has submitted the following comments in relation to visual amenity:

“...the telecommunications tower will be located adjacent to significant vegetation which will assist in screening a portion of the facility from rural dwellings. In addition to the screened vegetation, the proposed facility will be painted “mist green” to blend in with the surrounding vegetation, thus minimising any adverse views.

Additionally, the equipment shelter will also be painted “mist green” to colour match with the proposed infrastructure. As such, adverse views of the Optus shelter will be mitigated.”

It is considered appropriate to paint the tower a blue / grey tone rather than a green colour so that it blends in with the sky when viewed from a distance. The existing vegetation surrounding the site of the proposed tower will reduce the potential visual impacts of the facility.

These facilities have a visual impact due to the selected locations for their siting generally being in elevated areas. These facilities are essential public infrastructure and given the proposed measures to reduce the potential visual impact, it is concluded that the proposal is acceptable in this regard.

Access/Traffic

Access to the site is proposed via the existing access to Pioneer Plantation and internal access tracks. Minimal traffic will be generated by the proposal following construction and the existing road network is capable of catering for it.

Environmental Impacts

The earthworks proposed include minor grading of the site and standard conditions will be placed on any consent concerning erosion control.

Social/Economic Impacts

The proposal will not create any adverse noise impacts on residents in the locality. The proposal is satisfactory in relation to electromagnetic radiation.

Reports from Director Development Services

The proposal will result in an improved mobile phone network and should not result in significant adverse social or economic impacts.

(c) Suitability of the site for the development

Adjacent developments do not represent a constraint to the proposed development. The land can be adequately serviced and potential environmental impacts can be satisfactorily managed. The Statement of Environmental Effects submitted with the development application provides a limited assessment of potential alternative sites. One site, Cowell Park, Pottsville Road, Mooball, was considered and discounted “primarily on radio frequency grounds, as the desired coverage from the proposed base station could not be achieved from this site”. The suitability of siting the proposed tower on land containing a rural tourist facility has not been adequately addressed by the applicant. It is recommended that the applicant be requested to provide a further, more detailed assessment of potential alternative siting options.

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

Although not statutorily required, the proposed development was advertised and adjoining land owners notified of the proposed development. Four (4) submissions and one (1) petition with 25 signatures were received. The following grounds for objection were raised in relation to the proposed development:

Issue	Assessment	Comment
<p>Health Risk</p> <p>Banana packing shed approximately 50m away and homes within c. 150m – concern regarding radiation</p>	<p>Optus have provided information stating that on the basis of relevant research on EME to date, the proposed mobile telecommunication base stations will not pose a risk to human health. The standards set by the Australian Communications Authority for exposure to radio signals is 200 micro watts per square centimetre. The conclusions of tests performed by Optus are that RF fields at ground level from their base stations are up to 1000 times below the ACA standard of 200 microW/cm2. In relation to the proposed development the maximum field</p>	<p>It is considered that the potential health risk of the proposal does not warrant refusal of the application on the basis of information available.</p>

Reports from Director Development Services

Issue	Assessment	Comment
	<p>strengths that the site is expected to generate at peak usage have been calculated. The maximum power flux density level, has been calculated to be 0.076 micro/Wcm², at a distance of 18 metres from the site. This measurement is 0.038% of the current standard.</p>	
<p>Proposal will be visible from verandah of adjacent property</p>	<p>The proposed development will be visible from surrounding properties and roads. It is considered that given the proposed measures to mitigate the potential visual impact, the proposed tower is acceptable. Existing vegetation will screen the tower to some degree as viewed from surrounding properties. It is also proposed to require the tower to be painted a blue / grey colour which will reduce the potential visual impact of the tower.</p>	<p>The potential visual impact of the development is not considered to warrant refusal of the proposal.</p>
<p>Impact on Property Values</p> <p>Facility will devalue property</p>	<p>There is no information available to support this statement.</p>	<p>This issue does not warrant refusal of the application.</p>

(e) Public interest

The proposal is beneficial to the public interest in terms of the improved mobile phone service in the locality.

Reports from Director Development Services

LEGAL/FINANCIAL/RESOURCE IMPLICATIONS:

If the applicant is not satisfied with Council's determination, they have a right of appeal to the Land and Environment court.

OPTIONS:

Options in this instance appear to be as follows:-

1. Defer the application pending the provision of additional information addressing alternative siting options as per the recommendation.
2. Approve the application subject to conditions as per the recommendation.
3. Refuse the application.

CONCLUSION

The application has been reviewed by Council's Environment and Community Services Division and no objections raised to the proposal subject to conditions. The applicant has provided a limited assessment of potential alternative siting options. It is considered appropriate to defer the application pending the provision of additional information to address this issue.

Reports from Director Development Services

5. ORIGIN: Development Assessment Unit

FILE REF: DA4970/30 Pt1

REPORT TITLE:

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

SUMMARY OF REPORT:

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

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

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

RECOMMENDATION:

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

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

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

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

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

- a. Tweed Road Contribution Plan: \$1,820.00

Reports from Director Development Services

S94 Plan No. 4 (Version 4.0)

Kingscliff residential

- b. Open Space (Structured): \$426.00

S94 Plan No. 5

- c. Open Space (Casual): \$333.00

S94 Plan No. 5

- d. Shirewide Library Facilities: \$225.00

S94 Plan No. 11

- e. Eviron Cemetery/Crematorium Facilities: \$126.00

S94 Plan No. 13

- f. Community Facilities (Tweed Coast) \$492.00

(Insert whether North Coast or South Coast)

S94 Plan No. 15

- g. Emergency Facilities (Surf Lifesaving) \$256.00

S94 Plan No. 16

- h. Extensions to Council Administration Offices

& Technical Support Facilities \$344.81

S94 Plan No. 18

- i. Cycleways \$160.00

S94 Plan No. 22

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

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

Reports from Director Development Services

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

Water:	\$3,590
Sewer:	\$2,770

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

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

3. The development shall be completed in general accordance with Plans Nos P204WD00A Rev D, P204WD01A Rev D and P204WD02A prepared by Glen Petersen Architect and dated 1 February 2000, except where varied by these conditions.
4. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
5. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.
6. All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead".
7. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.
8. Demolition of building existing on site is to be carried out in accordance with the provisions of Australian Standard AS 2601-1991 "The Demolition of Structures".
9. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a. footings, prior to pouring of concrete
 - b. slab, prior to pouring of concrete
 - c. frame prior to the erection of brick work or any wall sheeting
 - d. final inspection prior to occupation of the building

Reports from Director Development Services

10. All necessary on site boundary retaining shall be carried out prior to start of works upon the building proper, with details of retaining walls being submitted to Council for approval prior to start of works.

Please note: Timber retaining walls will not be accepted.

11. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
- (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
 - (ii) Certification of the works performed by the person carrying out the works is to be submitted to the PCA prior to occupation of the building; and
 - (iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
 - (A) the method of protection; and
 - (B) the date of installation of the system; and
 - (C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - (D) the need to maintain and inspect the system on a regular basis.

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

12. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
- i. All required erosion and sedimentation control devices have been installed and are operational.
 - ii. Required toilet facilities have been provided on the site in accordance with Section 78i of the Environmental Planning & Assessment Amendment Regulations 1998.
 - iii. A sign has been erected on the site in accordance with Section 78H of the Environmental Planning & Assessment Amendment Regulations 1998.
 - iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.

Reports from Director Development Services

- v. That the licensee has complied with the provisions of Section 78c of the Environmental Planning and Assessment Amendment Regulations 1998.
- 13. The glazier is to supply the PCA with certification that all glazing complies with AS 1288-1994 and AS2047 of the Building Code of Australia.
- 14. Manufacturers certification is to be provided to the PCA from the Roof Truss manufacturer to certify the roof truss design.
- 15. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.
- 16. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-
 - (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council, or
 - (c) if that is not practicable, any other sewage management facility approved by the council.
- 17. A sign must be erected on the site in a prominent, visible position stating:
 - a. that unauthorised entry to the work site is prohibited; and
 - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
- 18. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.
- 19. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
- 20. A. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
 - i. in the case of work to be done by a licensee under that Act:

Reports from Director Development Services

- (i) has been informed in writing of the licensee's name and contractor licence number; and
- (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
- ii. in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit number, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of *owner-builder work* in Section 29 of that Act,

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

- B. A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
21. The erection of a building in accordance with a development consent must not be commenced until:
- a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
 - b. the person having the benefit of the development consent:
 - (i) has appointed a Principal Certifying Authority; and
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

Reports from Director Development Services

22. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least **2 days** prior to work commencing.
23. An automatic fire detection and alarm system, designed to ensure the occupants are given adequate warning so they can evacuate the building in an emergency, must be installed in Class 1a building, or dwelling or dual occupancy and within sole occupancy units in a townhouse.

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

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

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

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

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

24. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the provision of an invert crossing at the kerb and gutter where required and paving of the driveway across the footpath to the front alignment to the satisfaction of the Director, Engineering Services. Twenty four (24) hours notice is to be given to Council's Engineering Services Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the vehicular access and its reconstruction. Paving bricks are not acceptable unless laid on a 100mm thick concrete base.
25. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2-1998. **Note** All roof water must be connected to an interallotment drainage system where available.
26. All surface and seepage waters liable to be a nuisance are to be collected and diverted clear of the building site by an approved drainage system separate to the roof water system.

Reports from Director Development Services

27. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.
28. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays.
29. The burning of builders waste on site by open fire is prohibited.
30. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

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

31. The wall and roof cladding is to be of a non reflective nature to the satisfaction of the Principal Certifying Authority.
32. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a internal drainage, prior to slab preparation;
 - b water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - c external drainage prior to backfilling.
 - d completion of work.
33. A. A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
B. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.
34. An application to connect to Council's sewer is to be submitted to and approved by Council prior to the commencement of any works on the site.
35. The Council approved wet area flashing installer is to supply to the Principal Certifying Authority certification that all wet area flashings have been installed in accordance with the Manufacturer's Specifications, detailing the rooms or areas involved and the date of installation. **Note:** Only Council approved installers may carry out this work and reference must be made to Council to confirm that such installers are Council approved.

Reports from Director Development Services

36. Impervious floors, properly graded and drained are to be provided to all wet areas.
37. Yard gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.
38. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
 - * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C in all other classes of buildings.

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

Reports from Director Development Services

REPORT:

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

PROPOSAL:

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

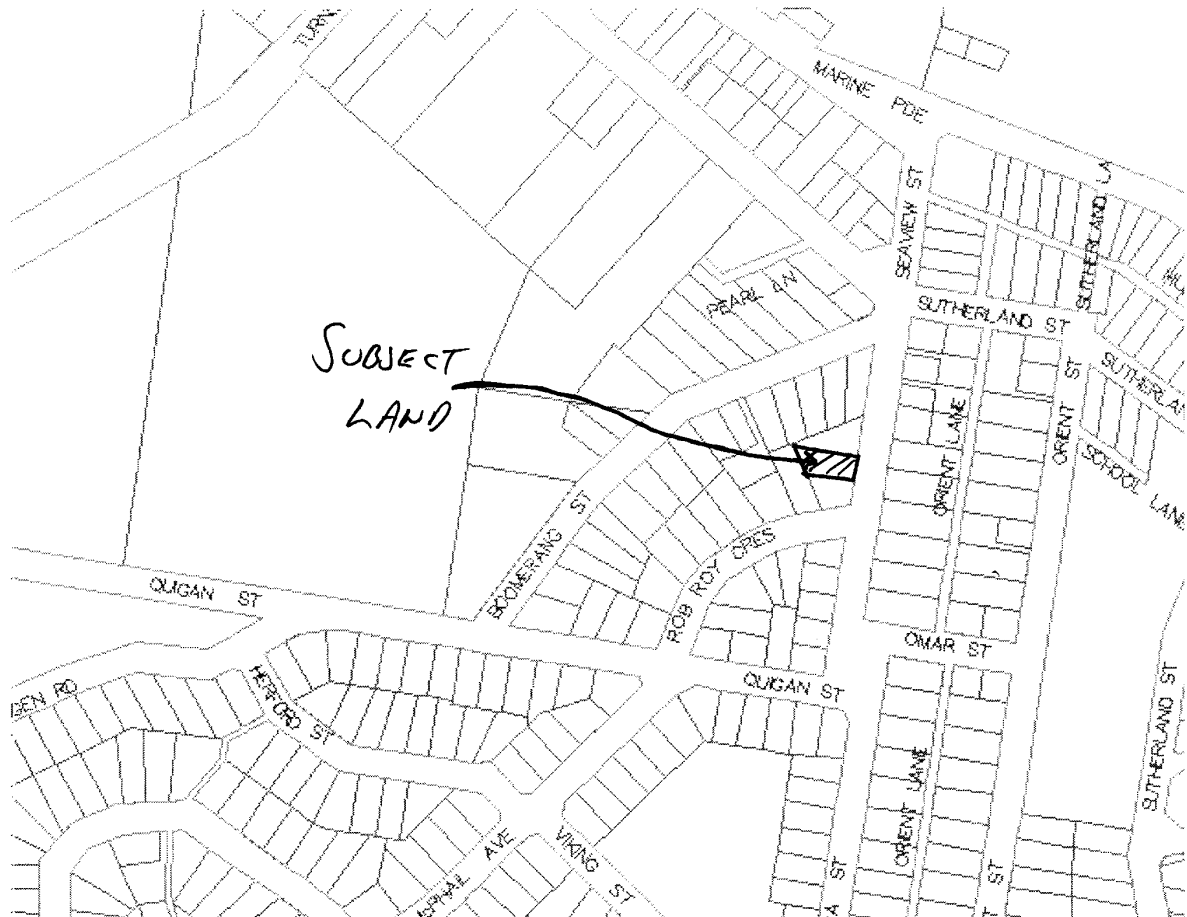
The subject land has a rectangular shape with an area of approximately 631m² with frontage to Seaview Street. The land has a moderate fall from Seaview Street. Existing improvements include a single storey weatherboard dwelling. This dwelling will be removed or demolished. The land is bounded by Seaview Street to the east, and dwellings to the north, west and south.

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

Reports from Director Development Services

LOCALITY PLAN:

Page 1 of 1



CONSULTATION:

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

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

Applicant's Response

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

Reports from Director Development Services

was incorporated into our drawing was prepared by a registered surveyor. It locates the decks and RL of same on all levels. We therefore maintain that our proposal is an accurate record of the existing conditions on site.

1. Elimination of northerly views – Deck A

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

2. Views from upper deck – Deck B

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

3. Deck D

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

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

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

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

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

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

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

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

Reports from Director Development Services

COMMENT:

The subject site is surrounded by 2 and 3 storey developments and it is accepted that at some stage the subject dwelling would also go to 2 storeys to be consistent with the surrounding development and to take advantage of the views which were not currently available. Subsequently, it is likely that any development at this site would block some views from adjoining properties. What needs to be considered is the extent and significance of this loss of views.

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

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

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

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

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

Comment

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

- Overshadowing onto adjoining properties.

Comment

Due to the topography of the land in the locality, the orientation of the property and the height and scale of the development, which is consistent with the locality, and it is envisaged the

Reports from Director Development Services

overshadowing from the development is not likely to create any significant adverse impacts. It is considered that adjoining properties will still have satisfactory solar coverage.

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

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

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

Comment

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

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

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

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

Comment

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

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

Comment

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

Reports from Director Development Services

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

ASSESSMENT:

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

(a) (i) Statutory Provisions

Tweed Local Environmental Plan 2000 (TLEP 2000)

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

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

Primary Objectives:

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

Secondary Objectives:

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

Item 2 of the 2(A) zone landuse table provides that multi-dwelling housing is permissible subject to Council’s consent if a density not greater than one dwelling per 250m² if the site is within 300m of a business centre listed in Schedule 8. In this instance the subject site has an area of 631m² and is within 300m of the Kingscliff Business Centre. Accordingly, the proposal complies in this regard.

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

Clause 16 – Height of buildings

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

(a) (iii) Any Development Control Plan

Development Control Plan No 2 – Site Access and Parking Code

Reports from Director Development Services

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

Development Control Plan No 6 – Multi-dwelling housing

The proposal is required to be assessed in light of the provisions of DCP 6 giving the erection of a dual occupancy. DCP 6 requires a minimum of 20% of the site area with a minimum of a 3m dimension to be allocated as usable open space. The required minimum usable space area is 126.2m². The actual usable open space area provided is calculated as 212.7m² or 33.7% of the site area. The proposal complies in this regard.

Development Control Plan No 6 also requires one part with an area of 25m² with a minimum dimension of 4m being allocated to each dwelling and being directly accessible from a living area of the dwelling. Both dwellings have direct access from the living areas to usable open space which satisfies this criteria.

Development Control Plan No 6 also outlines the criteria relating to floor space ratio standards for dual occupancy development. The maximum permissible floor space ratio is 0.5:1 or 315m². The proposed floor space ratio is 0.48:1 or 294.7m². This is in compliance with Development Control Plan No 6.

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

Draft Development Control Plan No 43 – Kingscliff

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

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

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

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

Reports from Director Development Services

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

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

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

(c) Suitability of the site for the development

The subject land is surrounded by 2 and 3 storey dwellings which is also the character of the street. It is accepted that at some stage the subject site would also be developed for either a 2 or 3 storey development to be consistent with adjoining development and to take advantage of the views. Nevertheless, such development still needs to take into consideration its likely impact and consistency in terms of scale, height and design etc with adjoining dwellings.

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

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

(d) Submissions

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

No public authority submissions were received.

(e) Public Interest

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

LEGAL/FINANCIAL/RESOURCE IMPLICATIONS:

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

OPTIONS:

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

1. That the application be refused.

Reports from Director Development Services

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

CONCLUSION:

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

Reports from Director Development Services

6. ORIGIN: Director

FILE REF: DA1190/115 Pt1; GT1/DCP/11 Pt5

REPORT TITLE:

Lot 490 South Kingscliff (former NSW Tourism Site)

SUMMARY OF REPORT:

On 26 February, 2001 the Steering Committee for Lot 490 (former NSW Tourism site) unanimously endorsed the preparation of a draft Development Control Plan relating to the land. This has to be seen in context of existing approvals and future development potential in Kingscliff, West Kingscliff and South Kingscliff. The Kingscliff District has emerged as a focal point for major short to medium term development in the Shire, and a Strategic Review is timely (as will be subject of a report to Council on 21 March, 2001).

RECOMMENDATION:

That Council prepares a draft Development Control Plan and draft Developer Contributions Plan in accordance with the Environmental Planning and Assessment Act 1979, as amended, for Lot 490, DP 47021 (Reserve 1002202), South Kingscliff.

Reports from Director Development Services

REPORT:

1. BACKGROUND

At its meeting of 26 February, 2001 the Steering Committee appointed by the Tweed Reserves Trust for Lot 490, DP 47021 (ex-NSW Tourism site) decided unanimously that a draft Development Control Plan should be prepared for the site. This has to be prepared in context of existing approvals, future development potential, and existing strategies and policies relating to Kingscliff, West Kingscliff and South Kingscliff. The DCP will be drafted in a coordinated manner with a Plan of Management for the site being prepared by the Department of Land and Water Conservation and in the context of the Strategic Review for the Kingscliff District – subject of a report to the next Council Meeting.

2. KEY ISSUES

The key issues for the preparation of a draft Development Control Plan for Lot 490 reflect the draft criteria for assessment of expressions of interest on the site, and are as follows:

- a) Sustained public road access through the site;
- b) Fulfil the principles of sustainable development, and protect and enhance the natural environment on the site – minimising environmental impact of any development proposals;
- c) Maintaining and improving public access to the coastal foreshore and the beach, and provide adequate, related public car parking;
- d) Improving the Cudgen Creek foreshore and related public access;
- e) The protection of public amenity;
- f) To ensure public benefits equitable with other development approvals within South Kingscliff – eg, cycleway provision and dunal rehabilitation and protection.

3. CONCLUSION

It is anticipated that preparation of the draft DCP for Lot 490 will take approximately eight weeks. This will be prepared in the context of the Kingscliff Strategic Review. It will also be prepared in a coordinated manner with the preparation of the draft Plan of Management for Lot 490 by the Department of Land and Water Conservation.

It is crucial that Council as the Planning Authority under the Environmental Planning and Assessment Act to fulfil its planning responsibilities for Lot 490 and for the Kingscliff District, and in relation to the former, this role is further emphasised by the related administration of Lot 490 by the Tweed Reserve Trust as a related, legally constituted body.

6a. ORIGIN: Development Assessment Unit

FILE REF: DA1041/100 Pt1

REPORT TITLE:

Two Lot Residential Subdivision and Erection of a Dwelling House at Lot 3 DP 617743 No 15B Charles Street, Tweed heads and the Disposal of Contaminated Soil at the Stotts Creek Waste Management Facility

SUMMARY OF REPORT:

This report considers an application for a two (2) lot subdivision and the erection of a dwelling house at the above address. The proposal incorporates the creation of an allotment with direct access to Razorback Road (to remain vacant) and an allotment with access to Charles Street (to accommodate proposed dwelling-house).

The site is presently vacant and provides for soil contamination as a result of past agricultural practices. In relation to the latter, it is proposed to dispose of contaminated soils via Council's Stotts Creek Waste Management Facility. Council's Environmental Health Unit has raised no objections in this regard. The site is visually prominent from several areas within both Coolangatta and Tweed Heads but is considered unlikely to create any adverse visual impacts.

Although the subject site is located within the 2(b) Medium Density zone, it is considered that site constraints such as slope and geotechnical stability preclude any significant attempt at higher density residential development.

The proposal is generally consistent with the relevant Council requirements and is considered to be a satisfactory addition to the subject area. The proposal is recommended for conditional approval.

RECOMMENDATION:

That Development Application 1063/2000DA for a two (2) lot subdivision, the erection of a dwelling house and the disposal of contaminated soils at the Stotts Creek Waste Management Facility in relation Lot 3 DP 617743, Charles Street, Tweed Heads, be approved subject to the following conditions:

Pre-requisites

1. 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.

Reports from Director Corporate Services

2. 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 s138 of the Roads Act must be submitted to and consent granted by Council. Applications for consent under s138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.
3. 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 Council's road reserve. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building.
4. 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.
5. **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.
6. (i) Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority 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.

Reports from Director Corporate Services

- a. Tweed Road Contribution Plan: 1 lot @ \$1,288 \$1,288.00
S94 Plan No. 4 (Version 4.0)
(Tweed Heads residential)
 - b. Open Space (Structured): 1 lot @ \$426.00 \$426.00
S94 Plan No. 5
 - c. Street Trees: 1 lot @ \$42.90 \$42.90
S94 Plan No. 6
 - d. Shirewide Library Facilities: 1 lot @ \$300.00 \$300.00
S94 Plan No. 11
 - e. Eviron Cemetery/Crematorium Facilities: 1 lot @ \$126.00 \$126.00
S94 Plan No. 13
 - f. Emergency Facilities (Surf Lifesaving) 1 lot @ \$201.00 \$201.00
S94 Plan No. 16
 - g. Extensions to Council Administration Offices
& Technical Support Facilities 1 @ \$344.81 \$344.81
S94 Plan No. 18
 - h. Cycleways S94 Plan No 22: 1 lot @ \$160 \$160.00
S94 Plan No. 22
7. A **certificate of compliance** (CC) under Part 3 Division 2 of the Water Supply Authorities Act 1987 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

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

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

Water:	\$3,590	\$3,590
Sewer:	\$2,970	\$2,970

Reports from Director Corporate Services

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.

8. 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
- state whether the materials proposed to be used are new or second hand and give particulars of any second hand materials used

Reports from Director Corporate Services

- 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.

(ii) 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
 - accessway
 - stormwater drainage
 - water supply works
 - sewerage works
 - landscaping works
 - sedimentation and erosion management plans

Reports from Director Corporate Services

- 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.

9. 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.
10. **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.

General

11. The development shall be completed in general accordance with Plans Nos Plan Nos.W.D.0.00, W.D.1.00, W.D.1.01, W.D.1.02, W.D.2.00, W.D.2.01, W.D.3.00, W.D.3.01, W.D.3.02 prepared by prepared by Paul Uhlmann Architects and dated March, July & August 2000, except where varied by these conditions.

Reports from Director Corporate Services

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 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 for ALL services on private property,
 2. Right of Carriageway
 3. Restriction as to user to be placed over both titles in regard to the limited water supply pressure available to the site.

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

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

18. 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.
19. 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.
20. 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

Reports from Director Corporate Services

Director, Development Services. The sign is to remain in place until the Subdivision Certificate is issued.

21. Where new state survey marks and/or permanent marks are placed, a copy of the locality sketch relating to the marks shall be submitted with the final subdivision certificate application.
22. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.
23. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the Director, Development Services **PRIOR** to the issue of a Subdivision Certificate. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.
24. No retaining walls or similar structures are to be constructed over Council's sewer main.
25. 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.
26. 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 \$115 per lot – 2 lots @ \$115 = \$230.
 - 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)

Reports from Director Corporate Services

- a certificate of compliance from the relevant water supply authority (where applicable)
 - if a subdivision is the subject of an order of the Land and Environment Court under section 40 of the Land and Environment Court Act 1979 evidence that required drainage easements have been acquired by the relevant council
 - for subdivision involving subdivision works evidence that:
 - the work has been completed, or
 - agreement reached with the relevant consent authority regarding payment of the cost of work or as to the time for carrying out the work, or
 - security given to the consent authority with respect to the completion of the work
 - Work as Executed Plans for **ALL** works
- (ii) Documentary evidence that **all** matters contained in Section 109J of the Act have been complied with.
- (iii) Written evidence from Council that the proposed road/street names have been approved.

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

27. 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 - Accessways
- (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

Reports from Director Corporate Services

the following inspections as deemed necessary by Council based on the rates contained in Council's current Fees and Charges:-

Accessway

- a. Pre-construction commencement erosion and sedimentation control measures
- b. Completion of earthworks
- c. Excavation of subgrade
- d. Pavement - sub-base
- e. Pavement - pre concrete pour – formwork/reinforcement
- f. Final inspections - on maintenance
- g. Off Maintenance inspection

Water Reticulation, Sewer Reticulation, Drainage

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

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

3. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Supply Authorities Act, 1987 to be certified by an "accredited certifier".
28. 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:

Reports from Director Corporate Services

- (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.

29. 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.

30. All proposed accessways, 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.
31. 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.
32. 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.
33. Concrete driveways are to be constructed in accordance with the approved plan dimensions and be a minimum 3.0m wide, 150mm thick and reinforced with F72 mesh. The driveways shall provide sufficient manoeuvring area to allow vehicles to exit both properties in a forward direction. The submitted engineering plans shall demonstrate the required manoeuvring.
34. 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.
35. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped.
36. 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

Reports from Director Corporate Services

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.

37. 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*.
38. The earthworks shall be carried out in accordance with AS 3798-1996, "Guidelines on Earthworks for Commercial and Residential Developments". In general, material shall be placed in layers not exceeding 300mm in depth, watered and compacted to achieve the specified density ratio as monitored in Table 5.1 - Guidelines for Minimum Relative Compaction.
39. 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.
40. Internal stormwater lines are to be connected directly into road drainage pits if available along the frontage of the site.
41. 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.

Reports from Director Corporate Services

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

42. 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.

All work on live sewers must be carried out by Council's Engineering Services Division at the Applicant's cost. The Applicant shall apply to the Engineering Services division to arrange a quotation for undertaking the new sewer connection.

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

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

43. 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. This work shall be carried out by the Engineering Services Division at the Applicant's cost. The applicant shall apply to the Engineering Services Division to arrange a quotation for the new water connections and water meter installations. 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.

44. The production of written evidence from Telstra Australia certifying that satisfactory arrangements have been made for the provision of underground telephone supply.
45. i. The production of written evidence from Northpower certifying that reticulation of underground electricity (residential and rural residential) has been completed; and 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.
46. 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.
47. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.

Reports from Director Corporate Services

48. 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.
49. 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.
50. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17^o or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application.

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

- i) Contours and terraces where the height exceeds 1m.
 - ii) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
 - iii) Densely plant with sub-tropical (rainforest) native and exotic species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
 - iv) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.
 - v) The landscaping shall be completed to the satisfaction of the Director Development Services **PRIOR** to the issue of a Subdivision Certificate.
 - vi) A bond shall be lodged prior to the issue of the subdivision certificate to ensure that the landscaping is maintained by the developer for a period of 6 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.
51. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
 52. 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.
 53. 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.

Reports from Director Corporate Services

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.

54. All remediation works are to be carried out strictly in accordance with the Remediation Action Plan for Remediation of Contaminated Material on Lot 3 DP 617743, Charles Street, Tweed Heads as prepared by Gilbert & Sutherland Pty Ltd and dated February 2001.
55. The Environmental Consultant shall submit certification, upon completion of remediation works, that all works and recommendations have been carried out in accordance with the Remediation Action Plan and that the site is suitable for the proposed development. Such certification must be submitted to the satisfaction of Director Environment & Community Services.
56. All occupational health and safety issues associated with the implementation of the Remediation Action Plan shall be carried out in strict accordance with the relative requirements of NSW Workcover Authority.
57. Notification of the owner of Lot 721 DP 821914 of the arsenic contamination of detected on their property as a result of test carried out on the subject property.
58. Notification to Council of the names and details of the contractor (and any representative contractor) and builder prior to works associated with the Remediation Action Plan commencing.
59. Any proposal to provide lighting to the proposed tennis court shall be subject to a separate development application.
60. Surrender of development consent No.K00/306 prior to works commencing.
61. Compliance with all conclusions and recommendations contained within the Geotechnical Stability Assessment by Earthtech Consultants dated March 2000.

Reports from Director Corporate Services

REPORT:

Applicant: Paul Uhlmann Architects

Owner: Mr Stephen I & Mrs Lisa White

Location: Lot 3, DP 617743, No. 15B Charles Street, Tweed Heads

Zoning: 2(b) Medium Density Residential

Est Cost: \$700,000

BACKGROUND

This report considers an application for a two (2) lot subdivision and the erection of a dwelling house at the above address. The proposal incorporates the creation of an allotment with direct access to Razorback Road (to remain vacant) and an allotment with access to Charles Street (to accommodate proposed dwelling-house).

The site is presently vacant and provides for soil contamination as a result of past agricultural practices. In relation to the latter, it is proposed to dispose of contaminated soils via Council's Stotts Creek Waste Management Facility. Council's Environmental Health Unit has raised no objections in this regard. The site is visually prominent from several areas within both Coolangatta and Tweed Heads and is considered unlikely to create any adverse visual impacts.

Although the subject site is located within the 2(b) Medium Density zone, it is considered that site constraints such as slope and geotechnical stability preclude any significant attempt at higher density residential development.

The proposal is generally consistent with the relevant Council requirements and is considered to be a satisfactory addition to the subject area. The proposal is recommended for conditional approval.

PROPOSAL

Council is in receipt of an application for the erection of a dwelling house and the carrying out of a two (2)-lot subdivision at Lot 3 in DP 617743, commonly referred to as No.15 Charles Street, Tweed Heads. The proposal also incorporates the excavation and transferral of contaminated soil to Council's Stotts Creek Waste Management Facility.

The subject property is located within the 2(b) Medium Density Residential Zone and possesses an existing consent for a single dwelling house (K00/36), which has yet to be acted upon. The present applicant wishes to gain consent for a revamped design and for the creation of an allotment (Lot B) at the top of the site with direct access to Razorback Road. The proposed house will be located on the lower proposed allotment (Lot A) with direct access (via a right of carriageway) to Charles Street. All services pertinent to both allotments are proposed to be transported via easements to Charles Street.

The proposed dwelling house incorporates an elaborate contemporary design, inclusive of ancillary swimming pool and tennis court. Construction materials to be utilised provide predominantly for timber sheet cladding, metal roofing and stone tile walls. The proposal also incorporates the use of feature timber batten screens to selected windows and doors.

Reports from Director Corporate Services

The subject application is not without issues, with reports submitted by the applicant identifying levels of contamination in excess of EPA requirements, difficulties in gaining owner's consent to vary the terms of the existing right of carriageway and inconsistencies with the objectives of the zone. In addition, the subject site is visually prominent from several places within both Tweed Heads and the adjacent township of Coolangatta.

In relation to the contamination of the site, the applicant proposes to excavate and dispose of the contaminated soil in Council's Stotts Creek landfill facility.

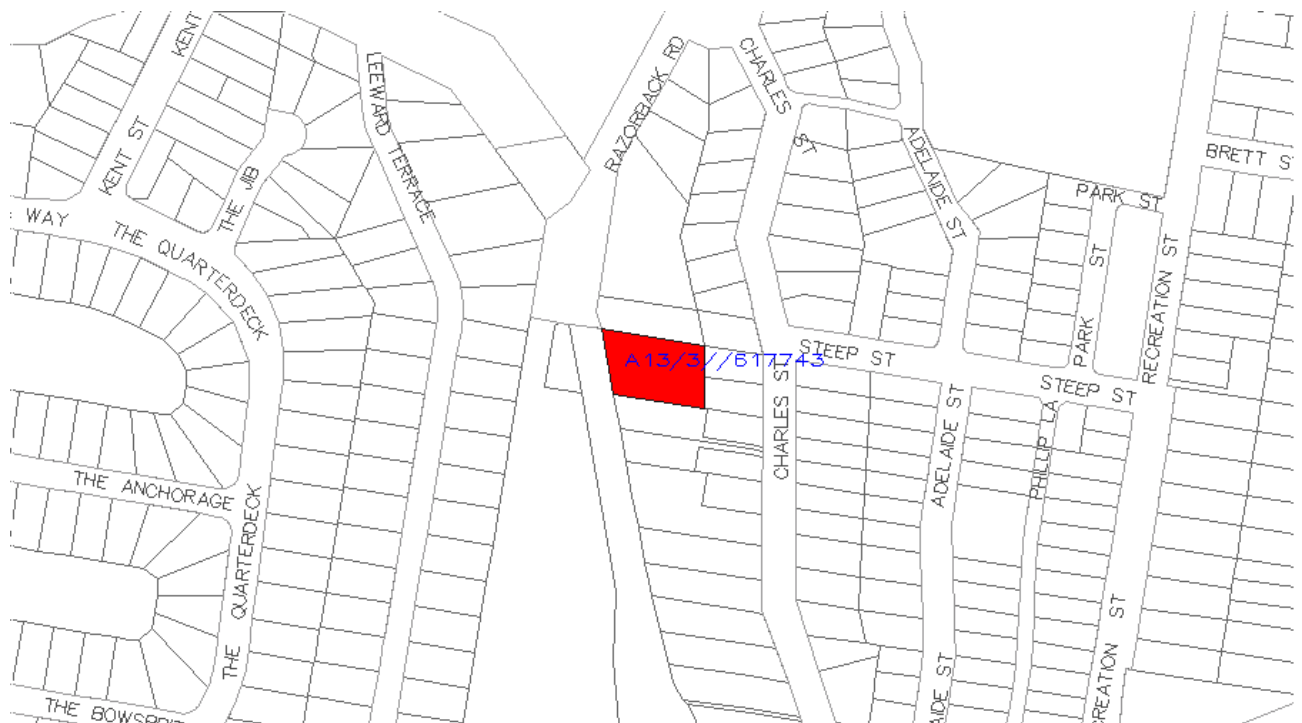
The applicant has previously met with Council's Development Assessment Panel in relation to the proposal (11 August 2000). Comments provided by the panel have been factored into the assessment of the proposal.

Development Consent has previously been issued for a two (2) lot subdivision of the subject site (S94/191). This consent has never been acted upon and has subsequently lapsed.

The applicants have recently purchased a small portion of the crown road reserve (Razorback Road) to the north of the site, in order to provide a legal point of access to the northern proposed allotment.

Figures contained within this report refer to both the subject site and the proposed development.

SITE DIAGRAM



Reports from Director Corporate Services

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

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

State Environmental Planning Policy No.55 – Contaminated Sites

The proposed development incorporates the excavation of contaminated soil from the site and subsequent disposal at Council's Stotts Creek landfill facility. In this regard, the applicant has submitted a management plan and occupational health and safety plan to the satisfaction of Council's Environment & Health Services Unit. The proposal is considered to be consistent with the relevant provisions of SEPP No.55.

North Coast Regional Environmental Plan 1988 (NCREP 1988)

The proposal is considered to be consistent with the relevant provisions of the NCREP 1988.

Tweed Local Environmental Plan 2000 (TLEP 2000)

The proposal is located within the 2(b) Medium Density Residential Zone and is permissible with the consent of Council.

The primary objective of the 2(b) zone is to encourage the provision of medium density housing. Although the proposal is quite clearly inconsistent with this objective, it is considered that the present zoning of the site is not a clear indication of its suitability in terms of accommodating any form of medium density housing. In this regard, the site is constrained by both slope and geotechnical suitability, thereby effectively limiting the sites ability to accommodate any form of higher density residential development. This view was further supported by Council's Development Assessment Panel at its meeting dated 11 August 2000. Furthermore, the proposal is of a significant size and scale, thereby giving a similar visual appearance to that of a medium density development.

Given the above, it is considered that a refusal of the proposal on the basis of inconsistency with the zone objectives would be difficult to sustain.

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

The proposal is subject to assessment against the relevant provisions of Development Control Plan No.16 – Subdivision Manual. Council's Subdivision Engineer has undertaken an assessment of the proposal and raised no objections in relation to compliance with the provisions of DCP No.16.

The provisions of Draft DCP No.18 – Tweed Heads, affect the proposal. This document contains design guidelines for proposals within the northern Tweed

Reports from Director Corporate Services

Heads area, with particular controls provided for individual precincts within this area. In this regard, the proposal is located within the Razorback precinct, which is characterised by residential development on the eastern slope of Razorback Hill. The Draft DCP identifies townhouse development as the preferred form of development within the Razorback area, primarily in order to maximise usage of the sloping topography. The proposal is considered to be inconsistent with this objective, however, as discussed earlier, the site is considered to be more consistent with the establishment of single dwelling houses. This view has also been supported by Council's Development Assessment Panel (DAP – 11 August 2000). The proposal is considered to be consistent with the two (2)-storey height limit provided for within the Draft DCP.

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

The regulations to the act identify the Coastal Policy as a matter to be considered in the assessment of relevant applications. The proposal does not incorporate any inconsistencies with the policy.

(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 subject site provides for approximately 2600m² of sloping, sparsely vegetated land. The site incorporates a rocky terrain and has previously been utilised as a banana farm, along with other forms of small cropping. The site is adjoined by a vacant crown reserve to the north and established residential properties to the south and east. Razorback Road runs parallel to the west.

Soil analysis carried out by the applicant has identified 'hot spot' areas of contamination associated with the historical use of the site (Bananas, Small Crops). The applicant proposes to remove these 'hot spot' areas from the site and dispose of the subject material at Council's waste management facility (Stotts Creek). Initially the applicant proposed to dispose of the contaminated soil upon the site, beneath the proposed tennis court. Although this proposal was considered generally satisfactory, the placement of a 'contamination notification' on any future S.149 certificate for the property was not to the applicant's liking. The proposed disposal of contaminated soil to Council's waste management facility has been supported by the submission of a detailed Remediation Action Plan for Remediation of Contaminated Material. This report outlines the method, reasoning and occupational health and safety implications of the proposal. Council's Environment & Health Services Unit have assessed the proposal and raised no objections subject to compliance with relevant conditions.

No significant vegetation is evident on the subject site, with construction unlikely to create any significant adverse impacts in this regard.

The proposal incorporates the use of the existing right of carriageway (from Charles Street) for access and also the placement of services relevant to each proposed allotment. Although legal access (on paper) has been in place for many years, no

Reports from Director Corporate Services

physical provision has ever been implemented. The applicant has furnished Council with a letter from the affected landowner giving consent to a variation of the existing easement to allow for services, in addition to providing formal access to the proposed Lot A. No adverse impacts are considered likely in relation to the physical implementation of the latter.

No adverse impacts are considered likely in relation to adjoining properties i.e. privacy, shade or noise. In this regard, standard conditions are proposed in relation to the use of both the pool and tennis court.

As stated previously, the subject site is visually prominent from several areas within the Tweed Heads / Coolangatta area. The proposed dwelling house is located within the upper and lower boundaries of the slope and is considered unlikely to detract from the existing visual amenity of the area. The proposal has been designed to integrate with the slope (stepped) and provide for infill development consistent in scale with adjoining properties. The proposal is considered to be of a high aesthetic quality and design, incorporating a variety of construction materials and finishes to provide visual relief. No lighting is proposed in relation to the tennis court at this stage.

The proposed elevated allotment is considered to be of greater concern in relation to potential adverse visual impacts. In this regard, the applicant has submitted concept elevation and building envelope plans for a large single storey dwelling house. It is considered that the submitted concept plans satisfactorily demonstrate that a dwelling house can be accommodated without creating a vertical encroachment over the existing elevation of Razorback Road. Other relevant details would need to be addressed upon receipt of a formal application.

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

Although zoned for medium density development, the subject site is considered constrained by both slope and geotechnical suitability. In this regard, the subject site is considered more suited to lower density development forms such as that proposed. The latter would also assist in maintaining a non-intrusive visual amenity for the site.

The geotechnical report submitted by the applicant concludes that there is no evidence of past instability and that a dwelling house can be satisfactorily accommodated on the subject site subject to detailed foundation / footings design.

Council's Engineering Services Division has raised no objections to the proposed access arrangements; however, the imposition of an 88B restriction identifying low water pressure is recommended.

Suitable arrangements can be made in relation to services and access to the site without creating any significant adverse impacts, whilst no adverse impacts are considered likely to occur in relation to adjoining residences. In regards to the latter, a suitable condition should be imposed requiring any lighting of the proposed tennis court to be subject to a further development application.

Reports from Director Corporate Services

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

Neighbouring residents were notified of the proposal and given 14 days in which to make submissions. The owner of the adjoining property affected by the existing right of carriageway submitted a letter of objection to Council during this period. This letter basically objected to any variance of the right of carriageway to allow the placement of services in same. Although a potentially prohibitive factor, an agreement has since been reached between the applicants and the subject owner. In this regard, written consent has been received in relation to the proposed variation.

(e) Public interest

The proposed development is considered unlikely to create neither significant adverse impacts nor compromise the public interest.

LEGAL / RESOURCE / FINANCIAL IMPLICATIONS

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

OPTIONS

The following options are considered available to Council:-

1. That the application be approved as per the recommendation.
2. That the application be refused.

CONCLUSION

Although not without issues of concern, the proposed development is considered unlikely to create any adverse impacts within the locality. In this regard, the proposed contemporary design is likely to be consistent with the future design character of the area, whilst also being unlikely to adversely impact upon the existing character of the area or provide for a deleterious visual impact. The proposed subdivision is considered to be consistent with the relevant Council requirements. Notwithstanding existing site contamination, it is considered that subject to compliance with suitable conditions of consent, no adverse impacts are considered likely to occur. Having regard to the provisions under S.79C of the EP&A Act, 1979, the proposed development is recommended for conditional approval.

Reports from Director Corporate Services

Reports from Director Corporate Services

7. ORIGIN: Director

FILE REF: Councillors - Conferences

REPORT TITLE:

"People, Place and Partnerships" - A NSW Government & Community Conference

SUMMARY OF REPORT:

The Department of State and Regional Development has forwarded information on "People, Place and Partnerships", a NSW Government and Community Conference to be held in Sydney on 22 and 23 March 2001. This information is brought to Councillors attention for determination of attendance.

RECOMMENDATION:

That:

1. Council determines Councillor attendance at "People, Place and Partnerships", a NSW Government and Community Conference.
2. Any proposed attendance be notified to Mrs Jan Green, Mayoral Assistant.

Reports from Director Corporate Services

REPORT:

The Department of State and Regional Development has forwarded information on "People, Place and Partnerships", a NSW Government and Community Conference to be held in Sydney on 22 and 23 March 2001.

This conference offers a valuable opportunity to exchange information and ideas on key initiatives and successes, and explore the lessons learnt about place management, capacity building, community renewal, corporate social responsibility and working in partnership with communities. Along with lively debate on strengthening communities and collaboration, the program will encourage innovation and networking to assist policy, program and project development.

Key topics include:

- The role of communities and government in capacity building;
- The impact of new technology;
- The role of technology in community renewal;
- The role of business in building communities;
- Showcasing leadership, entrepreneurship and participation;
- Place management in practice;
- Strengthening Aboriginal communities.

The Conference will be opened by the Hon Bob Carr, Premier of New South Wales with the Keynote Speaker being Job Bright, CEO, New Deal for Communities, England.

The detailed Program forms an attachment to this Business Paper.

FINANCIAL IMPLICATIONS

Registration:

One day \$110.00 per person

Two days \$177.00 per person (subsidies are available).

Airfares \$375.54 (special) or approx. \$600

Accommodation \$120 approx.

If it is determined that Councillors participate, advice should be given to Mrs Jan Green, Mayoral Assistant.

Reports from Director Corporate Services

8. ORIGIN: Director

FILE REF: Filming in the Shire

REPORT TITLE:

Filming in the Tweed Shire - Amendment to Fees and Charges

SUMMARY OF REPORT:

The NSW Department of Local Government issued a Filming Protocol in September 2000 encouraging Local Governments to review their Fees and Charges and processing of Filming locations on Council controlled land.

RECOMMENDATION:

That:

1. Council adopts the following Fees and Charges for film locations on Council controlled land as outlined in the Department of Local Government's Filming protocols as, amended by the Director General from time to time:

Lodgement fees:

\$100 for 1-2 days filming

\$200 for greater than 2 days filming

Location Approval fees – (Per day, 50% for half day)

Occasional activities with minimal impact: \$0

Occasional / infrequent low impact filming activities: \$200

Occasional / infrequent medium impact or regular low impact filming activities: \$600

Occasional high impact or regular medium impact filming activities: \$1000

Filming activities which would have considerable impact for extended periods and require extensive notification and consultation: \$1400

Additional Fees:

Premiums for late or urgent applications:

100% of lodgement fees, plus 30% on approval fee.

2. The scale of Fees and Charges for film locations be advertised for 28 days in accordance with Section 612 of the Local Government Act 1993.
3. The Film and Television Office (NSW) be notified that Council has adopted Fees and Charges in accordance with the State Filming Protocol.

Reports from Director Corporate Services

REPORT:

The NSW Department of Local Government issued a Filming Protocol in September 2000 encouraging Local Governments to review their Fees and Charges and processing of Filming locations on Council controlled land.

WHY CHANGE THE FEES AND CHARGES FOR FILMING LOCATIONS?

The current Fees and Charges for filming locations adopted by Council last year were incorrectly adopted due to a typing error.

Filming or photographing Crown Reserves under Trusteeship of Tweed Shire Council, Council owned community land, Council owned operational land and Council roads	
• Motion Picture - ½ day (up to 4 hrs)	\$300.00
• Still Photography - ½ day	\$500.00
• Motion Picture - Full day	\$150.00
• Still Photography – ½ day (up to 4 hrs)	\$250.00
• Late application fee - within 7 days of use	\$250.00
• Late application fee – within 3 days of use	\$350.00

Council has an obligation under their legislation to treat parties fairly and to balance the interests of stakeholders in exercising their functions.

WHY ADOPT THE RECOMMENDED FEES AND CHARGES IN THE STATE PROTOCOL OF FILMING?

The Film Protocol has been prepared as a partnership between Councils, the film industry and Government. As such, it relies on developing a relationship based on respect and trust with each party recognising the role and interests of the others. In this way, mutually beneficial outcomes may be achieved.

JUSTIFICATION OF THE RECOMMENDED FEE STRUCTURE:

Lodgement fees: Recovers the cost of administrating each filming application. The filming period is used as an indicator of the complexity of the proposal and therefore the cost of Council to consider it.

\$100 for 1-2 days filming

\$200 for greater than 2 days filming

Approval fees- impact and frequency: Film productions vary considerable in size and impact, and consequently in the amount of council action required to manage or assist the production, and in the degree to the community use of locations.

Occasional activities with minimal impact: \$0

Occasional / infrequent low impact filming activities: \$200

Occasional / infrequent medium impact or regular low impact filming activities: \$600

Reports from Director Corporate Services

Occasional high impact or regular medium impact filming activities: \$1000

Filming activities which would have considerable impact for extended periods and require extensive notification and consultation: \$1400

Additional Fees and Charges: The lodgement and approval fee is intended to cover reasonable direct costs associated with the processing of the application and the provision of standard Council services required to support the film production subject to that application (eg. processing, post filming site inspections). Any additional service charges must be for services over and above the Council's standard serving activities (eg. traffic diversion, waste collection, extra community consultation and extraordinary site monitoring). The premiums for late or urgent application can be considered if the timeframe is less than the Council's standard time frame for determination.

Premiums for late or urgent applications:

100% of lodgement fees, plus 30% on approval fee.

SUMMARY OF THE LOCAL GOVERNMENT ACT FOR ADVERTISING OF FEES & CHARGES (ACT 612)

According to Section 612, public notice of the amount for a proposed fee must be given in the draft Management Plan for the year in which the fee is to be made. However, this does not apply to an approved fee determined by a Council for an application made in a filming proposal, if the fee is consistent with a scale or structure of fees set out in a filming protocol. It is recommended that we adopt the fee structure outlined in the State Protocol opposed to the current fee structure, which has been adopted with typographic errors. Therefore not allowing the appropriate fees to be levied.

Reports from Director Corporate Services

THIS
PAGE
IS
BLANK

Reports from Director Corporate Services

9. ORIGIN: Administration Services Unit

FILE REF: Councillors - Conferences

REPORT TITLE:

The Local Government Managers Australia 2001 Forum 'Walking the Tightrope'

SUMMARY OF REPORT:

Council has received advice from the Local Government Managers Australia (LGMA) regarding the 2001 Forum 'Walking the Tightrope' to be held in Sydney on Monday, 28 May 2001.

RECOMMENDATION:

That Council authorises those Councillors interested in attending the Local Government Managers Australia 2001 Forum and that the Mayor's Secretary be advised so that the necessary arrangements can be made.

Reports from Director Corporate Services

REPORT:

Council has received the following advice from the LGMA regarding the 2001 Forum 'Walking the Tightrope' to be held in Sydney on Monday, 28 May 2001:

"The Geac/LGMA Forum has justifiably maintained its position as "the highest profile one day local government seminar in Australia".

The Forum is designed to appeal to a broad cross section of local government practitioners and elected members – the 2001 program promises to both enlighten and to entertain delegates.

The Forum's program will incorporate prominent and entertaining speakers covering a wide range of industry relevant topics and issues, such as:

- *"Consultation versus Decision Making" – an interactive Panel Session featuring leading local government Councillors and staff.*
- *"Councils going down the drain": financial viability of Councils – the real story.*
- *Local Government Inquiry what it really means – Commissioner Kevin Sproats.*
- *Law & Order with Police Commissioner Peter Ryan.*
- *Environmental Management/Awareness."*

FINANCIAL IMPLICATIONS

Registration

Cost \$270 (GST inclusive)

Hotel (per night)

Approx. Cost \$120

Flight

Approx. Cost \$300 - \$650 (depending upon available specials)

Budget Allocation for 2000/01 = \$22,600

Year to date expenditure = \$12,634

Remaining Funds = \$9,966

Reports from Director Corporate Services

10. ORIGIN: Director

FILE REF: Councillors – Conferences, Shires Assn of NSW - Conferences

REPORT TITLE:

Shires Association of NSW 2001 Annual Conference - 29 & 30 May 2001

SUMMARY OF REPORT:

The Shires Association of NSW has provided Council with an information booklet on the 2001 Annual Conference to be held Tuesday, 29 and Wednesday, 30 May 2001 in the Grand Ballroom of the Wentworth Hotel, Sydney.

This information is brought to Councillors attention for determination of attendance.

RECOMMENDATION:

That:

1. Council determines Councillor attendance at the Shires Association of NSW 2001 Annual Conference to be held Tuesday, 29 and Wednesday, 20 May 2001 in Sydney.
2. Any proposed attendance be notified to Mrs Jan Green, Mayoral Assistant.

Reports from Director Corporate Services

REPORT:

The Shires Association of NSW has provided Council with an information booklet on the 2001 Annual Conference to be held Tuesday, 29 and Wednesday, 30 May 2001 in the Grand Ballroom of the Wentworth Hotel, Sydney.

The following information is provided in regard to the Conference:

WHAT IS IN THE DRAFT CONFERENCE PROGRAM?

The draft program is listed below. It is subject to change as speakers confirm their availability or otherwise. Starting and finishing times for each day will not change.

Monday, 28 May

5.30pm President's Cocktail Reception to be held in the Garden Court Restaurant at Wentworth Hotel to welcome delegates to the 2001 Conference. All registered participants are invited.

7.00pm Close of Evening

Tuesday, 29 May

9.00am Official Opening Ceremony – Premier of NSW (to be invited)

10.00am Business Sessions

Adoption of Standing Orders

Consideration of Procedural, Constitutional and Association matters followed by motions in sequential order.

11.45am Presentation of Australia Day Awards

12.00pm Presentation by the Lord Mayor of Brisbane City Council – What is involved in motivating Councils? (topic yet to be determined)

Time for questions

12.30pm Lunch

1.30pm Ministerial Address – The Hon. Harry Woods MP – Minister for Local Government – with time for questions.

2.00pm

3.00pm The Hon. Duncan Gay MLC – Opposition Spokesman for Local Government

4.00pm Consideration of motions

4.30pm Conference adjourns

6.45pm Conference Dinner – Delegates and guests are welcomed by Cr Chris Vardon

Reports from Director Corporate Services

Address by dinner sponsors – after dinner entertainment will be performed by Mr Pixie Jenkins

Wednesday, 30 May

8.30am Ministerial Address – The Hon Carl Scully – Minister for Roads

Time for questions

9.30am Presentations by Nominees for Vice-President

9.45am Consideration of Motions

11.00am Update on activities of Local Government Financial Services – Mr Warwick Hilder – Chief Executive Officer

11.30am Plenary Sessions: Waste

Mr Les McMahon – Cross Regional Co-ordinator General Manager – NSW Waste Board

Waste Boards and their achievements

Mr Steven Sykes – NetWaste Representative/Director Corporate Services, Orange City Council

Waste Management regions in NSW

Mr Gerry Gillespie – General Manager – South Eastern Waste Board

Formation of waste boards from a waste management region

15 minutes questions

12.15pm Consideration of Motions

1.00pm Lunch

2.00pm Consideration of general motions not otherwise dealt with

4.15pm Closing Ceremony – including induction of incoming President and Executive Members

4.30pm End of Conference

HOW DO YOU SUBMIT MOTIONS?

Motions seeking to vary existing policy or to address new or emerging policy issues will be classified as Category One and scheduled for debate at the Conference.

Motions reaffirming existing policy, or calling for actions to be taken within existing policy, will be classified as Category Two. Such motions will be referred to the Executive for consideration, unless they are individually brought forward for debate with the agreement of the Conference.

Motions must be received by 5.00pm on Monday, 2 April 2001.

Reports from Director Corporate Services

HOW DO PARTICIPANTS REGISTER?

A registration form must be completed and returned by Monday, 23 April 2001.

A fee of \$308 (inclusive of GST) for each registered participant is payable for attendance at the Conference business sessions. This covers the cost of the President's Reception; Business Papers; Reports; Proceedings of the Conference; morning and afternoon teas and lunches on two days; delegate and observer badges and other administrative support. This fee does NOT cover the cost of attending the Conference dinner, social functions or other events held in conjunction with the Conference.

Partners are not required to register. There is no charge for partners unless they attend the Conference Dinner or other social functions.

Refunds for cancellations of registrations will be made up to Monday, 7 May 2001, less a \$25 administrative fee. After Monday, 7 May, no refunds will be made.

WHAT IS IN THE SOCIAL PROGRAM?

President's Cocktail Reception

The President will be hosting a Cocktail Reception on Monday, 28 May 2001 in the Garden Court Restaurant at the Wentworth Hotel commencing at 5.30pm and concluding at 7.00pm.

Conference Dinner

The Annual Conference Dinner and Entertainment (cabaret act or similar) will be held on Tuesday, 6 June in the Grand Ballroom of the Wentworth Hotel. Pre-dinner drinks will be served from 6.45pm in the Grand Ballroom. Dinner will be served from 7.00pm. Cost of this event is \$85 per person (inclusive of GST).

Please note! For the Annual Conference Dinner all guests will be allocated tables in advance. Complete tables of 10 will be grouped together. Smaller numbers will be grouped as best possible to make tables of 10. Unless stated otherwise they will attempt to place you on tables with participants from our Council. The dinner seating plans will be distributed at the Conference to identify which table Council has been allocated to.

The renowned fiddler player Mr Pixie Jenkins will perform entertainment for the night.

Partner's Tour

This year a tour of the Fox Studios Backlot at Moore Park has been organised. A coach will depart from the back entrance of the Wentworth Hotel on Tuesday morning at 10.00am sharp and travel to Fox Studios. The day's tour will conclude at 4.00pm when the coach will return to Wentworth Hotel at 4.30pm. The cost of the full day tour and lunch will be \$63 per person (inclusive of GST).

ASSOCIATED EVENTS

Local Government Managers Australia (formerly IMM)

Monday, 28 May 2001 – LGMA Forum

Reports from Director Corporate Services

The LGMA will again be holding its annual one-day forum on Monday, 28 May 2001 at the Westin Hotel Grand Ballroom, No 1 Martin Place, Sydney.

The theme is "Walking the Tightrope". The Forum will address such important issues as:

- Excellence in customer service
- Environmental management/awareness
- Law and Order
- The Sproat's Inquiry
- The financial viability of councils

OUTSTANDING SERVICE AWARDS

Councils were previously advised of the Associations' initiative in developing a prestigious award to provide recognition to those who have given outstanding service to Local Government. At this year's Annual Conference Dinner a special ceremony is proposed to present the Outstanding Service Awards to recipients.

To enable the processing of awards for the Conference, Councils are asked to advise the Association if nominees for the award will be attending the Conference.

ACCOMMODATION

A special Conference accommodation rate has been arranged with the Wentworth Hotel.

The cost is:

- Standard room - \$160 per room per night – inclusive of GST
- Deluxe room - \$185 per room per night – inclusive of GST

WHAT PRINTED MATERIALS WILL BE PROVIDED?

All registered participants for business sessions will be mailed a Conference package containing Business Paper/Conference Report/Action Statement a month before the Conference.

All registered participants will be mailed a copy of the Record of Decisions and the revised Policy statements within a month of the Conference.

Additional copies of the Conference package can be ordered. Orders must be received by Monday, 2 April 2001.

Reports from Director Corporate Services

THIS
PAGE
IS
BLANK

Reports from Director Corporate Services

11. ORIGIN: Director

FILE REF: Council Meetings

REPORT TITLE:

Policy - Council Workshops

SUMMARY OF REPORT:

The Mayor and the other elected representatives have raised concerns with the number and appropriateness of workshops involving the whole of Council.

The following is a policy that has been endorsed by the Executive Management Team for application by the organisation in determining the appropriateness of workshops with Council.

RECOMMENDATION:

That the Policy on Council Workshops, as outlined below, be adopted:

- “1. *Each request for a workshop with Council must be referred to the Divisional Director responsible for the activity for:*
 - a) *assessment of the justification;*
 - b) *determine if consultation with full Council appropriate or whether a special interest meeting is more effective;*
 - c) *establish whether the matter could proceed directly to Council by report.*
2. *If the Director believes a full Council workshop is essential, a request is to be brought to the attention of the next available EMT meeting for approval and scheduling.*
3. *Where a special interest briefing is considered an effective approach in canvassing elected members views, a notice of the briefing is to be circulated to the Mayor, Councillors and EMT.*
4. *The General Manager is the final authority in determining workshop scheduling priorities.”*

Reports from Director Corporate Services

REPORT:

The Mayor and the other elected representatives have raised concerns with the number and appropriateness of workshops involving the whole of Council.

The following is a policy that has been endorsed by the Executive Management Team for application by the organisation in determining the appropriateness of workshops with Council:

1. Each request for a workshop with Council must be referred to the Divisional Director responsible for the activity for:
 - a) assessment of the justification;
 - b) determine if consultation with full Council appropriate or whether a special interest meeting is more effective;
 - c) establish whether the matter could proceed directly to Council by report.
 2. If the Director believes a full Council workshop is essential, a request is to be brought to the attention of the next available EMT meeting for approval and scheduling.
 3. Where a special interest briefing is considered an effective approach in canvassing elected members views, a notice of the briefing is to be circulated to the Mayor, Councillors and EMT.
 4. The General Manager is the final authority in determining workshop scheduling priorities.
-

Reports from Director Corporate Services

12. ORIGIN: Financial Services Unit

FILE REF: PF3040/70, Rates – Exemptions, Aboriginal Matters

REPORT TITLE:

Exemption from Payment of Rates by Aboriginal Land Councils

SUMMARY OF REPORT:

The Minister for Aboriginal Affairs is considering exempting a property in Tweed Shire owned by the Tweed Byron Local Aboriginal Land Council from the payment of rates.

RECOMMENDATION:

That Council considers this matter.

Reports from Director Corporate Services

REPORT:

The Minister for Aboriginal Affairs has the Statutory Authority under the Aboriginal Land Rights Act to exempt land owned by an Aboriginal Land Council from the payment of rates.

The Minister has notified Tweed Shire Council that Tweed Byron Local Aboriginal Land Council has received title of Lot 273 DP 755740 at Letitia Road, Fingal Head. The current rates on this property are \$1,702.85.

Before the Minister considers the proposal of exempting this property from rates, Council has been invited to discuss this issue and pass any comments on to the New South Wales Department of Aboriginal Affairs.

Under Section 43 of the Aboriginal Land Rights Act 1983 if this property is exempted from the payment of rates it will remain exempt until such time as the land is used for commercial or residential purposes.

This is the first occasion that current rateable property could be determined to become non-rateable. In the past there have been instances where non-rateable land has been declared exempt under the Aboriginal Land Rights Act.

There is a likelihood that further instances of proposed exemptions of rateable properties will occur in the future.

Reports from Director Corporate Services

13. ORIGIN: Director

FILE REF: Festivals – Policy, Donations

REPORT TITLE:

Festivals Policy - Second Round - 2000/2001

SUMMARY OF REPORT:

Further to the adoption of Council's Policy on festivals, applications were sought for the second round of donations are now submitted for Council's determination.

RECOMMENDATION:

That Council:

1. Determines the applications for festivals submitted by various parties, as in accordance with the adopted Policy, and the funds voted in the 2000/2001 years budget.
2. Authorises the Director Corporate Services to make payment up to the value of the 1999/2000 approved allocations to Mooball Fish 'n' Nana.
3. Not calls for second round applications, due to budgetary constraints.

Reports from Director Corporate Services

REPORT:

Council, at its meeting held 21 April 1999, adopted the Festivals Policy.

The 2000/2001 budget allocation for festivals is \$31,000.00, less an amount of \$786.00 previously allocated.

The applications now form an attachment to this Business Paper for Councillors perusal.

A summary of applicants, amount requested and purpose is as follows:-

Applicant	Amount Requested	Purpose
Tweed Coolangatta Chess Club Inc.	\$5,000.00	Australian Chess Federation Grand Prix Level 3 to be held 13-14 October 2001 at the Civic Centre, Tweed Heads to promote a National Chess Tournament.
Greenback Tailor Fishing Competition	\$1,500.00	Trophies and prizes for Fishing Competition to be held 8-9 June 2001.
Art, Food & All that Jazz Festival	\$8,000.00	To promote Kingscliff as a tourist destination, showcase local artists, food producers, and entertainers.
Wintersun	\$8,250.00	The Wintersun Festival prime objective is to produce a family festival of national standard attracting visitors to the Tweed and southern Gold Coast.
Tweed Valley Banana Festival & Harvest Week	\$9,500.00	To showcase and promote the Tweed and fundraise for local charities and emergency services.

Council has four (4) Festivals that it automatically grants funds from its budget allocation. In 1999/2000 the allocation for those four (4) Festivals were as follows:-

Applicant	Amount Allocated
Greenback Tailor Fishing Competition	\$1,500.00
Mooball Fish 'n' Nana	\$1,500.00
Wintersun	\$7,500.00
Tweed Valley Banana & Harvest Week	\$7,500.00

Reports from Director Corporate Services

There were further amounts expended on the Wintersun & the Tweed Valley Banana & Harvest Festival through “in-kind” support.

Council has received requests from the Greenback Tailor Fishing Competition, Wintersun and Tweed Valley Banana Festival & Harvest Week requesting funds from the 2000/2001 budget allocation, however it is understood that the remaining Festival will require funding prior to the end of this year.

The amount of donations requested (\$32,250.00), as well as the Mooball Fish ‘n’ Nana (\$1,500.00), total \$33,750.00.

Reports from Director Corporate Services

THIS
PAGE
IS
BLANK

Reports from Director Corporate Services

14. ORIGIN: Administration Services Unit

FILE REF: Volunteers, Sponsorship, Landcare

REPORT TITLE:

Sponsorship of the Regional Landcare Forum to be held in Ballina in August 2001

SUMMARY OF REPORT:

A letter has been received from the Landcare Regional Forum Organising Committee requesting financial support for the Regional Landcare Forum to be held in Ballina in August 2001. A copy of the letter is reproduced in this report for Councillors information.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

A letter has been received from the Landcare Regional Forum Organising Committee requesting financial support for the Regional Landcare Forum to be held in Ballina in August 2001. A copy of the letter is reproduced below:

“We are inviting Tweed Shire Council to become a sponsor for the Regional Landcare Forum, to be held in Ballina in August 2001 celebrating ‘the Spirit of Landcare’ and the International Year of the Volunteer. Enclosed is an information sheet about Landcare and the Forum. The Landcare Forum organising committee and all landcarers are volunteers who give many hours of their time working towards sustainable natural resource management. Many Landcare groups are found in the Tweed Local Government area.

We are asking that council provide a donation of \$600 (or more) to the Forum to sponsor landcarers in your local council area to attend the Forum. These volunteers provide an important environmental, economic, social and aesthetic service to local councils and the broader community and are often working on council managed land. Your support in celebrating the achievements of landcarers in your local government area is greatly appreciated.....”

NORTHERN RIVERS REGIONAL LANDCARE FORUM, AUGUST 2001

“The Landcare groups of the northern rivers region, last year decided to conduct their second Regional Landcare Forum. The ‘Spirit of Landcare’ Forum is to be held at Ballina RSL from Friday 10th August to Sunday 12th August. The first Forum held in 1998, was an overwhelming success, with over 200 landcarers attending the Forum over two days. The 2001 Landcare Forum will provide a venue to inform, educate, motivate and inspire our members and the broader community about the importance of protecting our natural heritage and celebrate the International Year of the Volunteer.

Landcare is the fastest growing volunteer community organisation in Australia. The term ‘landcare’ is used to encompass all networks, which are working towards improved natural resource management, including Rivercare, Dunecare, Coastcare and Bushcare. There are over 150 Landcare groups in our region, which covers the Tweed, Brunswick and Richmond catchments.

Landcare groups are formed by people with a common concern for the quality of land and water in their local area. They undertake a wide range of projects to deal with their issues of concern, including on ground works, research, education and community awareness. In our local area projects include restoration and conservation of the Big Scrub rainforest, revegetation and stabilisation of coastal dunes and littoral rainforests, riparian erosion control and revegetation, management of acid sulphate soils, research into soil health, water quality monitoring, catchment planning and conservation of threatened and endangered species, through habitat extension and protection.

Landcare groups play an important role in developing and strengthening communities, through sharing of information and linking disparate parts of the community with a common ‘landcare’ ethic, leading to increased social cohesion within communities.

Reports from Director Corporate Services

The year 2001 is the Year of the Volunteer. The objectives of the Year of the Volunteer are:

- to recognise and celebrate the outstanding contribution volunteers make to a strong, cohesive Australian society;*
- to have community, business, the media and government work together to build an Australian society that encourages and nurtures a culture of volunteering;*
- to support Australian communities in their engagement in valuable and productive voluntary activities.*

The Regional Landcare Forum supports these objectives and will provide a celebration and acknowledgement of all Landcare volunteers and help establish greater links with, and support from, the local and regional business community, local and state government and non-government agencies and the broader community.

The landcare forum will provide landcare groups and individuals with: skills and training in environmental and social aspects of their volunteer work; scientific and technical knowledge and links with agencies providing particular aspects of knowledge; and wide support network within their own community; and importantly, motivation and inspiration to continue and celebrate their achievements.

To provide the knowledge, skills, inspiration and support to landcarers a number of high profile environmentally motivating speakers have been invited to attend the Forum either as a keynote speaker, or leader of the many plenary sessions and workshops. These presenters are professionals who will provide up to date, relevant and inspiring information to our landcare volunteers. To enable this to occur, funding is required. While some landcare groups obtain funding for their own ground works, no funding is available to the organising committee to help run the Forum. We are therefore looking for sponsorship from various government and non-government agencies, local business and the broader community to help support the Forum and the celebration of the Year of the Volunteer.

Our previous forum was successful in obtaining sponsorship from various agencies and businesses from within the local and wider community. We are hopeful to obtain sponsorship from our local area to successfully run the 2001 Forum. Many landcare volunteers are not able to afford the Forum fees. We would like to be able to sponsor these volunteers to keep costs to them to a minimum, as they already provide a huge volunteer contribution to the community.

Our total costs for the conference are estimated to be \$28,100. This figure can be broken down into different categories:

<i>Speakers cost (including air fares, travel, accommodation, catering)</i>	<i>\$11,200</i>
<i>Printing stationary (registration, program, proceedings)</i>	<i>\$3,750</i>
<i>Advertising</i>	<i>\$2,000</i>

Reports from Director Corporate Services

<i>Catering (250 people, 3 days)</i>	<i>\$9,400</i>
<i>Forum Committee costs</i>	<i>\$1,000</i>
<i>Credit card registration costs</i>	<i>\$550</i>
<i>Miscellaneous</i>	<i>\$200</i>

Sponsorship of the Forum would be recognised and supported, depending on the level of sponsorship. All sponsors will be acknowledged at the Forum and on the Forum program. Depending on the level of sponsorship, other benefits can be offered, such as acknowledgement of your sponsorship within advertising of the Forum, through media and/or written material and possible use of the landcare logo in your business activities. Sponsorship can be in the form of a cash donation (which is tax deductible) or through in kind sponsorship....”

Reports from Director Corporate Services

15. ORIGIN: Director

FILE REF: Insurance – Public Liability

REPORT TITLE:

Release of Report by the Public Bodies Review Committee - "Public Liability Issues Facing Local Councils"

SUMMARY OF REPORT:

The NSW Public Bodies Review Committee recently tabled the Committee's report on "Public Liability Issues Facing Local Councils".

The report identified a range of public liability issues that place a significant potential burden on local councils.

The Committee has made a number of recommendations that are supported by the Local Government & Shires Association for their adoption by the NSW Government.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

The NSW Public Bodies Review Committee recently tabled a report titled “Public Liability Issues Facing Local Councils”.

The Committee in its report has considered that local authorities due to the large range of services they provide are exposed to “onerous public liability exposure”.

The Committee has recommended action in areas where they are exposed to sign claims through “trips and falls” and that a “good faith immunity” be extended to this area similar to that existing for flood prone and contaminated land. The Committee also considered, in relation to road liability “non-feasance” rule should remain.

Nine recommendations were put forward by the Committee and in summary these are:

1. That the Local Government Act be amended to provide for exemption from public liability for damage, loss or injury sustained by pedestrians tripping or falling on property under the control of councils provided that the council has acted in good faith;
2. That the test of good faith be that action taken in relation to pedestrian access areas was taken, or was omitted to be taken, in relation to a recognised standard;
3. That the standard be developed by “relevant stakeholders”, including the Department of Local Government and the Associations;
4. That the operation of this immunity be reviewed after five years and, if it is found to have been successful in reducing the cost of public liability insurance for councils and the number and level of injuries in pedestrian access areas, consideration be given to expanding the model into other areas of non-profit making council activity;
5. That council insurance pools providing public liability insurance to NSW councils structure their formula for contributions by member councils to offer a significant financial incentive to councils which implement high quality risk management programs;
6. That the central claim registry currently being operated by the insurance pools report information on claim trends to councils on a regular basis for risk management purposes;
7. That the central claims register continue to monitor trends in claims, settlements and verdicts relating to injuries sustained on council land through the pursuit of hazardous recreational activities with a view to deciding whether a further good faith immunity needs to be recommended for councils in relation to these activities in the future;
8. That there be a legislative requirement for those who have fallen and injured themselves on a council pedestrian access area notify the council within three months from the date of the incident if there is any possibility that they intend to make a claim; and
9. That the principle of non-feasance for the repair of roads remain in place or that statutory immunity from liability for the repair of roads should be provided subject to councils meeting a reasonable standard of maintenance agreed by an external authority.

Copies of the Committee’s report will have been placed in the Councillors office library.

Reports from Director Corporate Services

16. ORIGIN: Director

FILE REF: Council Management

REPORT TITLE:

Australian Local Government Association (ALGA) Information Package

SUMMARY OF REPORT:

The Australian Local Government Association (ALGA) has provided a package of information for Council consisting of:

- Resolutions booklet from the 2000 National General Assembly of Local Government.
- Australian Local Government Association Annual Summary 1999-2000.
- Letter regarding Journey of Healing – 26 May 2001.
- Journey of Healing information flyer.
- Letter regarding National Reconciliation Week – 27 May – 3 June 2001.
- Letter and how to guide regarding Local Symbols of Reconciliation: What Can We Do!

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

The Australian Local Government Association (ALGA) has provided a package of information for Council consisting of:

- Resolutions booklet from the 2000 National General Assembly of Local Government.
- Australian Local Government Association Annual Summary 1999-2000.
- Letter regarding Journey of Healing – 26 May 2001.
- Journey of Healing information flyer.
- Letter regarding National Reconciliation Week – 27 May – 3 June 2001.
- Letter and how to guide regarding Local Symbols of Reconciliation: What Can We Do!

This package of information is available from the Corporate Library by contacting the Executive Secretary.

Reports from Director Engineering Services

17. ORIGIN: Planning & Design Unit

FILE REF: Road Closures – General, Bloodwood Place

REPORT TITLE:

Proposed Road Closure - Bloodwood Place, Nunderi

SUMMARY OF REPORT:

An application has been received to close and purchase part of a public road reserve now considered unnecessary due to the deviation of Clothiers Creek Road. The application does not fully comply with Council's road closure policy.

RECOMMENDATION:

That Council refuses the application for road closure in Bloodwood Place.

Reports from Director Engineering Services

REPORT:

An application has been received from C E & P M Reeve, the owners of Lot 16 DP 870463, to close and purchase part of a public road known as Bloodwood Place.

Approval to the closure will facilitate the construction of a residence over the subject land and the adjacent property.

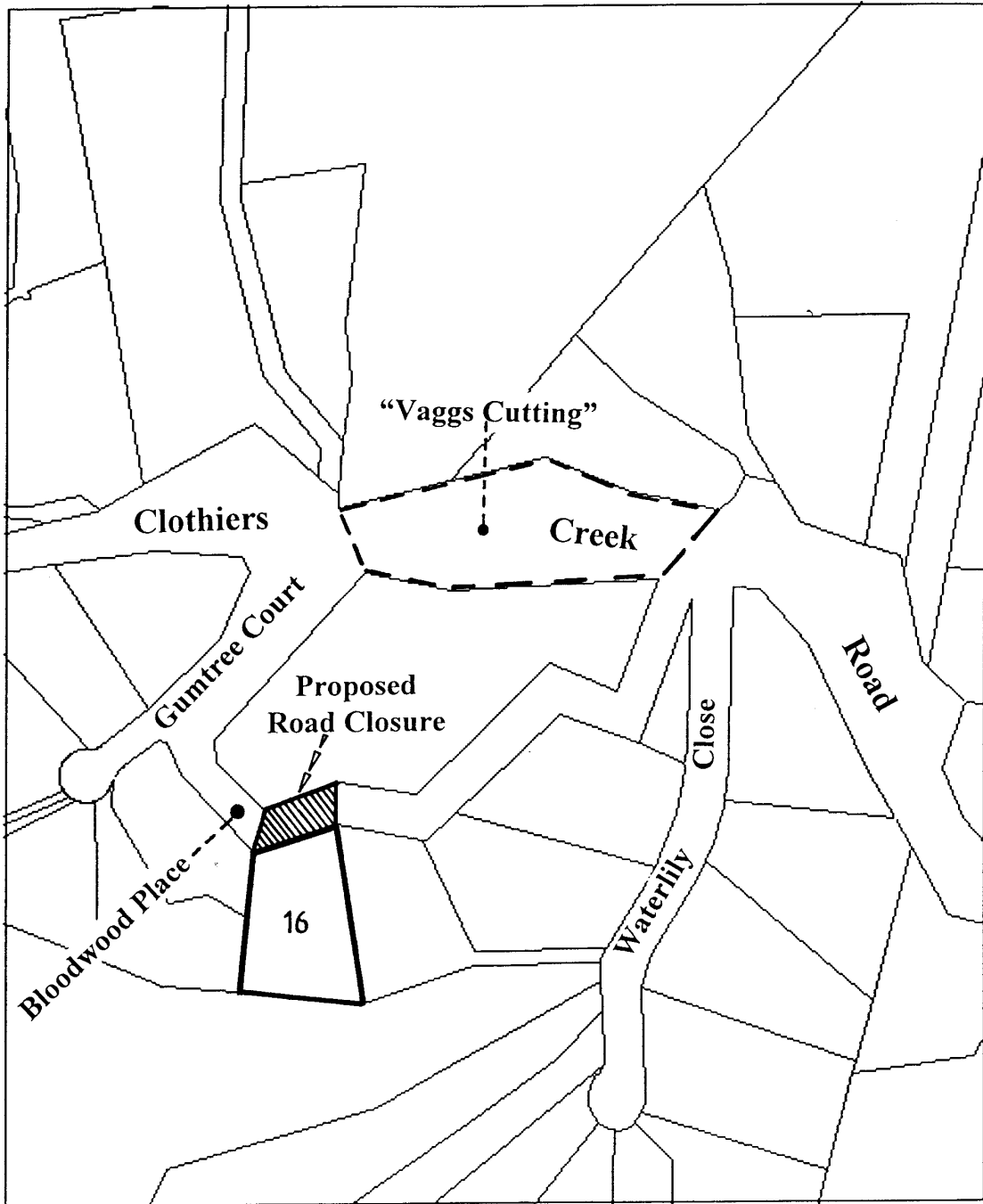
As depicted on the diagram attached, Gumtree Court and Bloodwood Place comprise part of a road reserve previously known as Clothiers Creek Road now rendered unnecessary by the deviation of Clothiers Creek Road through "Vaggs Cutting". Dependent on approval, it is intended to transfer the closed road to the Reeves for a nominal sum in lieu of land granted by them for the "Vaggs Cutting" deviation.

The application does not comply with Council's road closing policy as the closure would effectively negate the potential for vehicle, cycle, pedestrian or equestrian use.

However, should Council approve the closure, the resolution should include the following statement and conditions:-

1. Council approves the closing of part of Bloodwood Place adjacent to Lot 16 DP 870463,
2. The applicant bears all legal and survey costs involved,
3. Easements for services be created for public authority reticulation services, if any,
4. The land be purchased for the nominal sum of \$1.00,
5. The titles to the closed road and adjacent property be consolidated, and
6. All necessary documentation be executed under the Common Seal of Council.

Reports from Director Engineering Services



Reports from Director Engineering Services

THIS
PAGE
IS
BLANK

Reports from Director Engineering Services

18. ORIGIN: Planning & Design Unit

FILE REF: DA1190/325 Pt1

REPORT TITLE:

Lease of Road Reserve for Car Parking Spaces at Lot 31-33 Coast Road, Bogangar

SUMMARY OF REPORT:

Following negotiations on privately owned on-street parking in Bogangar Mr Charlie Freriechs has proposed a lease arrangement to cover the current occupancy.

RECOMMENDATION:

That:-

1. Council requires Mr Freriechs to immediately enter into a standard formal lease agreement for the occupancy of public road reserve at Bogangar and seeks reimbursement of the \$100 per annum backdated to 1996 plus an increased lease fee of \$150 per annum commencing immediately.
2. All costs to be met by the applicant and an agreement formalised under the Common Seal of Council. Such agreement to allow termination with 12 months notice in writing from either party.

Reports from Director Engineering Services

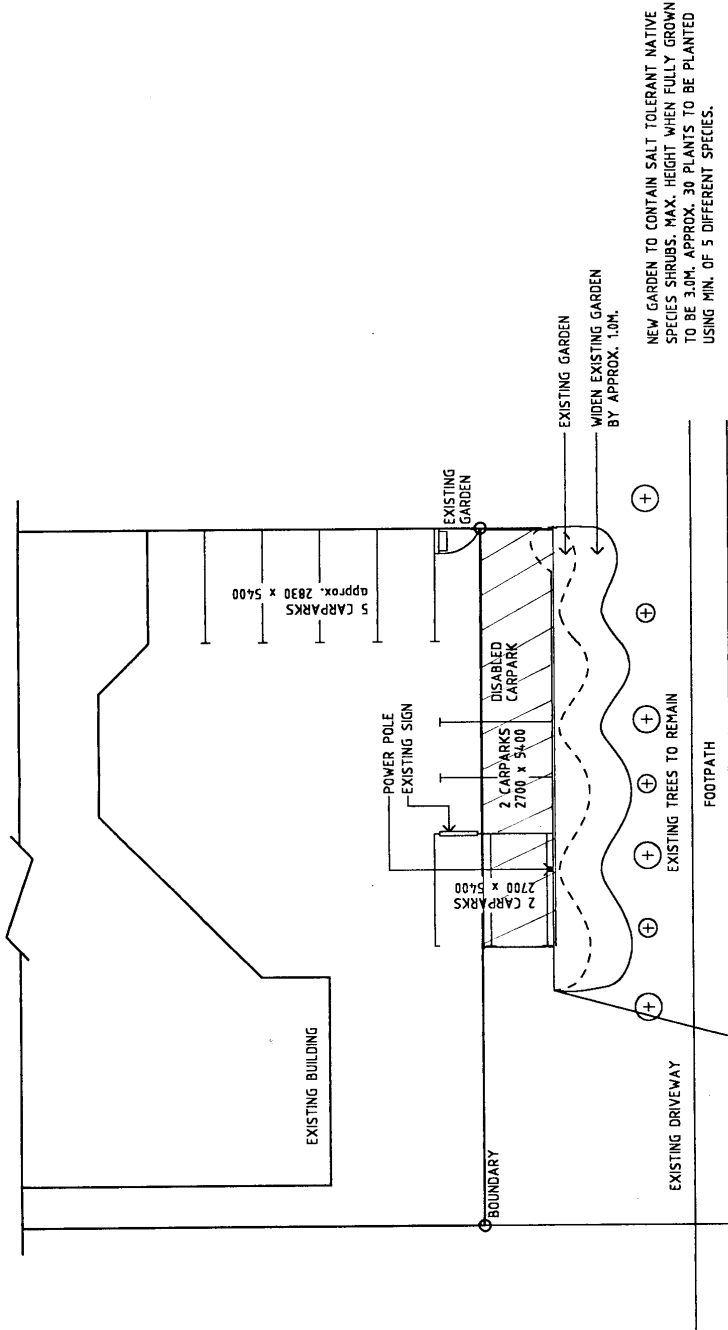
REPORT:

In 1996 Mr Charlie Freriechs sought to expand the approved parking in an existing development consent at Bogangar (“Ace Plaza”) by adding two car parks on the existing (very wide) Coast Road footpath verge to be accessed from the existing customer car park. As there was no inconvenience to the public and a general demand for retail parking in Bogangar, this proposal was approved subject to his entering into a standard lease agreement with a rental of \$100 per annum.

No legal agreement has yet been signed by Mr Freriechs.

Mr Freriechs has since sealed an area in excess of the agreed area of road reserve. The revised layout however remains acceptable to Council and no remedial action is a proposed. A new lease fee covering this area needs to be set. A figure of \$150 per annum is now proposed.

Reports from Director Engineering Services



<p>DATE : 27/11/2000 SCALE : 1 : 200 SHEET No. : 1 of 1 PLAN No. : 117</p>	<p>PROPOSED AMENDED LANDSCAPE PLAN Lots Nos. 16 & 17 COAST ROAD BOGANGAR</p>	<p>TWEED COAST DESIGN DRAFTING</p> <p>5735 COAST Rd. BOGANGAR N.S.W. 2488 Ph : 02 6616 7461 Mob : 0407 624 610</p>
---	--	---

Reports from Director Engineering Services

Reports from Director Engineering Services

THIS
PAGE
IS
BLANK

Reports from Director Engineering Services

19. ORIGIN: Water Unit

FILE REF: Floodplain Management – Annual Conference

REPORT TITLE:

NSW Floodplain Management Conference

SUMMARY OF REPORT:

Advice has been received that the NSW Floodplain Management Conference is to be held in Wentworth from 8 – 11 May 2001.

It is normal for Council to be represented by the Manager Water, John Henley and any interested Councillors.

RECOMMENDATION:

That Council authorises those Councillors interested in attending and that the Mayor's Secretary be advised so that the necessary arrangements may be made.

Reports from Director Engineering Services

REPORT:

Advice has been received that the NSW Floodplain Management Conference is to be held in Wentworth from 8 – 11 May 2001.

It is normal for Council to be represented by the Manager Water, John Henley and any interested Councillors.

Reports from Director Engineering Services

20. ORIGIN: Planning & Design Unit

FILE REF: R2060 Pt3 and Fingal Rd

REPORT TITLE:

Fingal Road Upgrading

SUMMARY OF REPORT:

On 19 April 2000 Council considered a report outlining a proposal to upgrade Fingal Road from No. 19 Fingal Road to Lagoon Road. Council resolved to place on exhibition a plan outlining the proposed works and actively seek comments from the community.

A number of submissions were received.

RECOMMENDATION:

That Council:-

1. Adopts the proposal to upgrade Fingal Road with a new road alignment providing at least 7.5m between residential property boundaries and the kerb and gutter.
2. Proceeds with the preparation of detailed engineering documentation and development application.

Reports from Director Engineering Services

REPORT:

On 19 April 2000 Council considered a report outlining a proposal to upgrade Fingal road from No. 19 Fingal Road to Lagoon Road. Council resolved to place on exhibition a plan outlining the proposed works and actively seek comments from the community.

A plan showing the proposed works and a brief description was sent to all resident and ratepayer groups within the shire. The plans were also on display at the Murwillumbah and Tweed Heads Council offices as well as adjacent to the proposed works on Fingal Road. A letter was sent to each land owner with an attached plan showing the proposal as it related to the individual property.

The proposal for the road upgrading is to locate the kerb and gutter on the eastern side of the road a minimum of 7.5m from the residential property boundaries. The proposed road width is 9.0m with an AC surface and roll top kerb and gutter on the residential property side only. A 2.5m shared cycleway/pedestrian path would be located near the river bank and the existing pavement would be removed and replaced with turf. The pavement level would be constructed above high tide level.

The following groups were generally in support of the proposal:-

- Tweed District Residents & Ratepayers Association
- A petition signed by 111 residents and visitors of Fingal Head
- Eric Leape, 27 Fingal Road
- Tyalgum Progress Association
- Chinderah Districts Residents Association (with concerns)
- Cabarita Beach Tourist & Progress Association Inc
- East Banora Residents Association
- Burringbar & District Progress Association

The following groups/individuals were not in support of the proposal:-

- Gary McLauchlan, 42 Fingal Road
- Livia and Norman Bell, 29 Fingal Road
- Beven Lamb, 60 Fingal Road
- Lindy Marson, 25 Fingal Road
- Douglas Marson, 25 Fingal Road
- Noel & Sue Chapman, Owners of 57 Fingal Road
- Clive & Bette Anderson, 24 Fingal Road

Reports from Director Engineering Services

- Ian Ludeke, 26 Fingal Road
 - David McDougal & Gail Burns, 26a Fingal Road
 - Olga Vidler, 3 Wommin Lake Crescent
 - Pooningbah Community Aboriginal Corporation
 - Petition from residents between no 46 and 62 Fingal Road (16 properties)
-

Reports from Director Engineering Services

THIS
PAGE
IS
BLANK

Reports from Director Engineering Services

21. ORIGIN: Planning & Design Unit

FILE REF: R1540 Pt2

REPORT TITLE:

Darlington Drive Chicane Between Ash and Amaroo Drives

SUMMARY OF REPORT:

Council currently has funds available to remove the single lane slow point on Darlington Drive between Ash and Amaroo Drives. It is proposed to replace the device with a two lane slow point similar to those used on Marine Parade at Kingscliff.

RECOMMENDATION:

That a two lane slow point be constructed on Darlington Drive between Ash Drive and Amaroo Drive to replace the existing single lane slow point utilising funds in the current works program.

Reports from Director Engineering Services

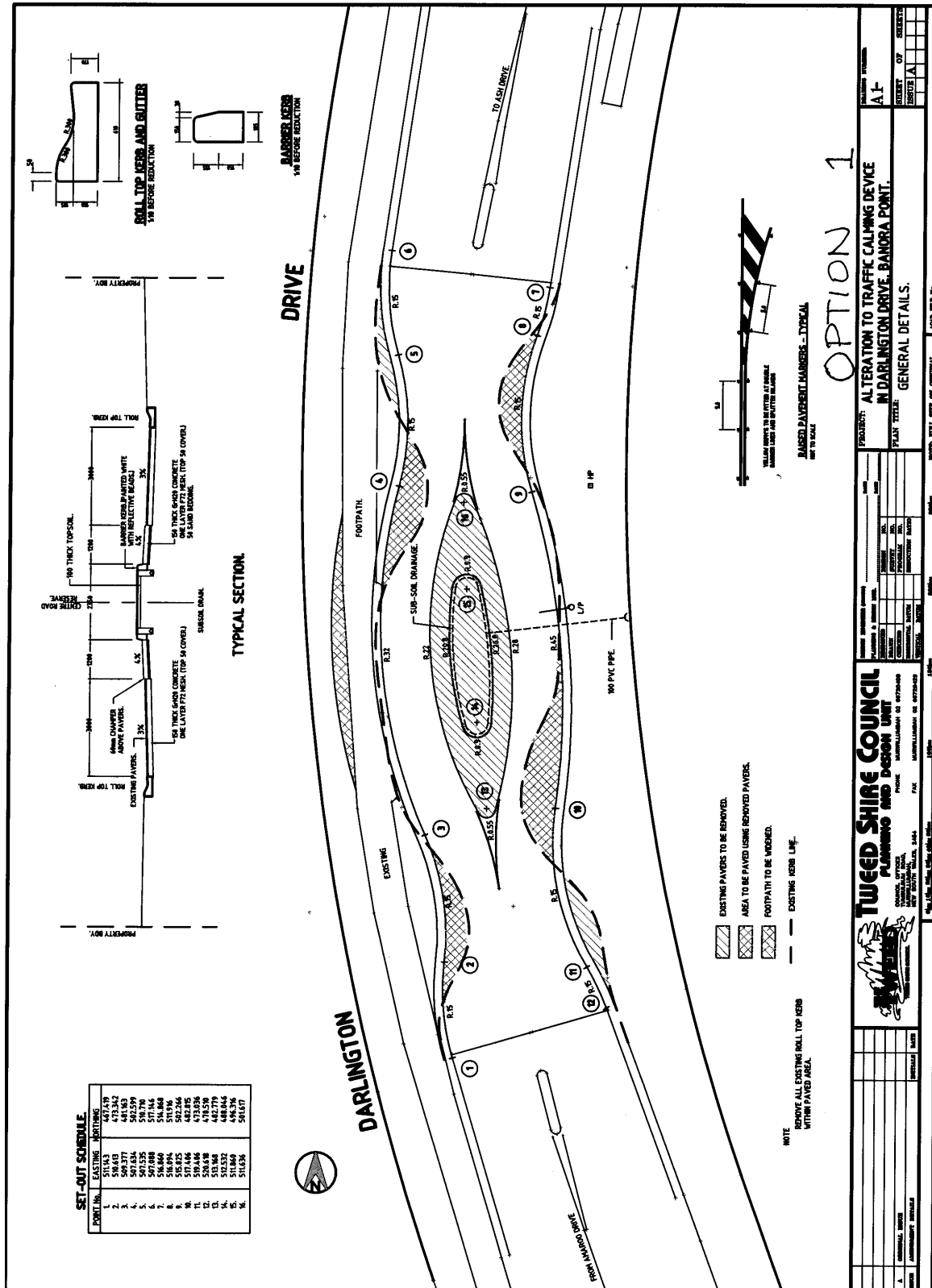
REPORT:

The existing slow point which was constructed as part of the original subdivision is only wide enough for one lane of traffic flow and as a result a "Give Way" sign control has had to be installed on the southern end of the slow point to formalise traffic flow through the device. With the growing volumes of traffic in the area this method of control has become unsatisfactory.

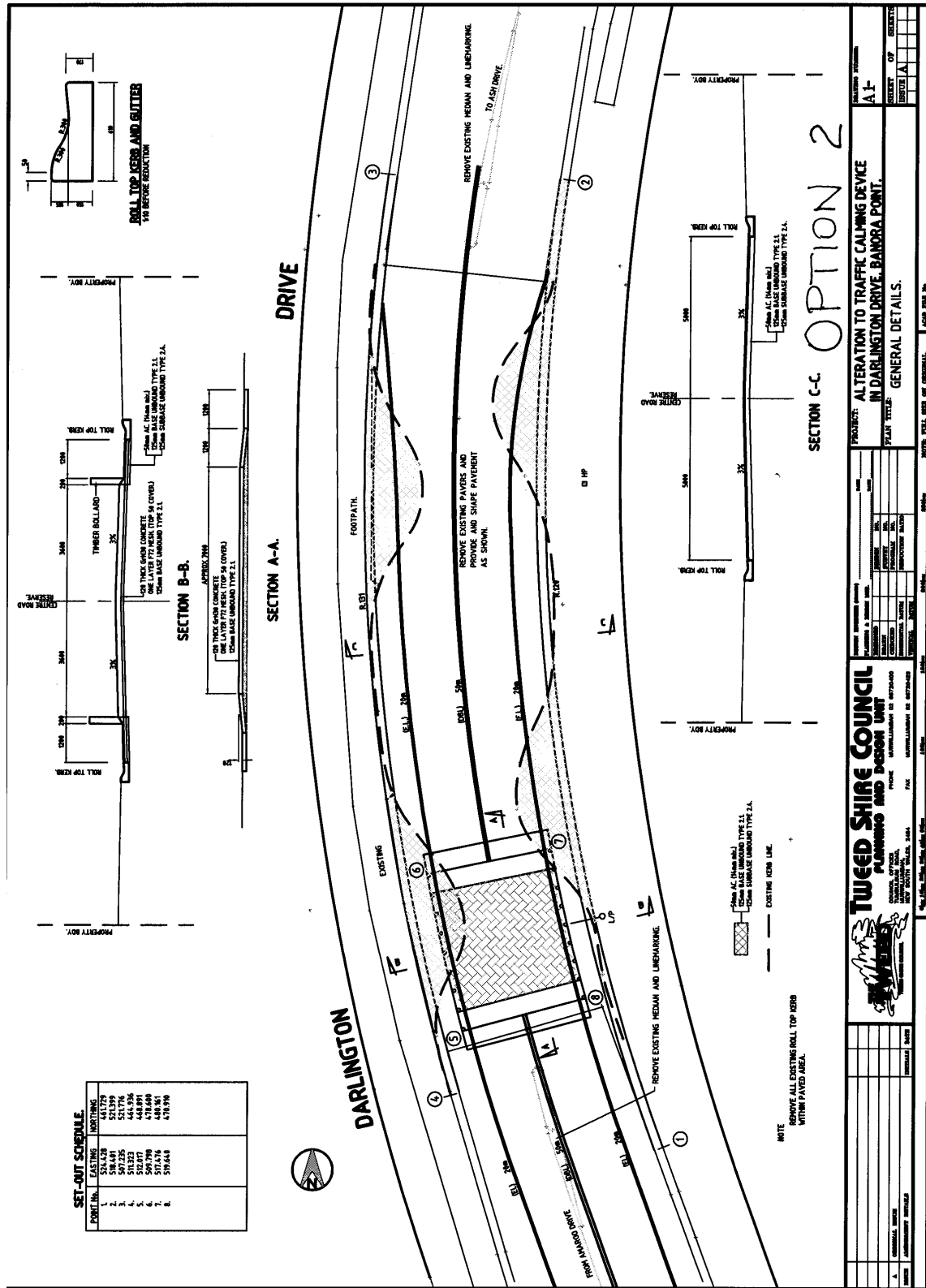
Council has allocated funds in the current works programme to remove the device and replace it with an alternative. Discussions were held with the Banora Point Progress Association regarding this issue with the Association initially preferring a raised platform (option 2) rather than the option of a two lane slow point similar to those on Marine Parade, Kingscliff and the Coast Road at Pottsville. It was explained to the Association that raised platforms were generally not supported in residential areas due to the high level of noise generated especially at night, whereas the two lane slow points generate much lower traffic noise levels as vehicles do not have to negotiate raised platforms.

A letter has been forwarded to the Banora Point Progress Association advising them that the preferred option is the two lane slow point and asking them to make any further comments regarding the matter. No comments have been received and it is therefore proposed to construct the two lane slow point shown as Option 1 on the plans reproduced below.

Reports from Director Engineering Services



Reports from Director Engineering Services



Reports from Director Engineering Services

Reports from Director Engineering Services

22. ORIGIN: Planning & Design Unit

FILE REF: PF3840/512

REPORT TITLE:

Transfer of Council Land to the National Parks & Wildlife Service - Old Bogangar Road, Cudgen

SUMMARY OF REPORT:

To formalise negotiations with the National Parks & Wildlife Service for the acquisition of land from the Cudgen Nature Reserve for the realignment of Old Bogangar Road it is intended to transfer Lot 9 DP 1001039 and Lot 10 DP 879313 to the service as compensation and for addition to the Cudgen Nature Reserve

RECOMMENDATION:

That:-

1. Council approves the closure of part of Old Bogangar Road, being Lot 9 DP 1001039, and its transfer to the National Parks and Wildlife Service,
2. Council approves the transfer of Lot 10 DP 879313 to the National Parks and Wildlife Service, and
3. All necessary documentation be executed under the Common Seal of Council.

Reports from Director Engineering Services

REPORT:

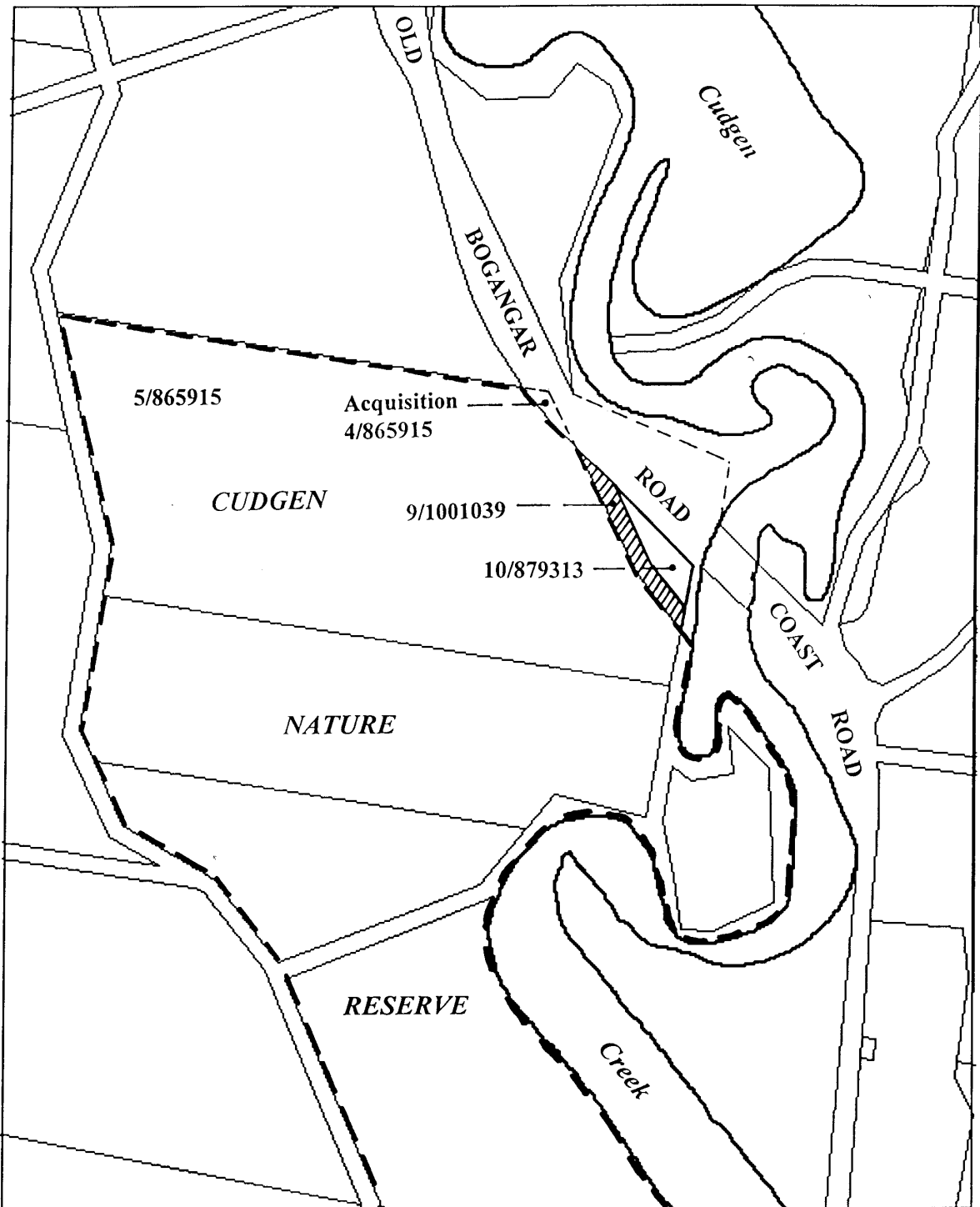
Council may recall various acquisitions, several years ago, to enable the realignment and upgrading of Old Bogangar Road between Cudgen road and the new bridge over Cudgen Creek.

Two of the acquisitions involved the purchase of land (being Lot 532 DP43312) from the Tweed Byron Local Aboriginal Land Council and the acquisition of Lot 4 DP 865915 from the National Parks and Wildlife Service's "Cudgen Nature Reserve".

The service agreed to the acquisition provided that any land in the vicinity no longer required for road purposes was transferred to the Service for addition to the Cudgen Nature Reserve.

As shown on the diagram attached, Lot 10 DP 879313 is the residue of the purchase from the Tweed Byron Local Aboriginal Land Council after bridge works and approaches and Lot 9 DP 1001039 (show hatched) is now unnecessary road following the opening/dedication of the Coast Road by Consolidated Properties Pty Ltd through their "Casuarina Beach" development.

Reports from Director Engineering Services



Reports from Director Engineering Services

THIS
PAGE
IS
BLANK

Reports from Director Engineering Services

23. ORIGIN: Planning & Design Unit

FILE REF: GR3/12/9 Road Closures - Mooball

REPORT TITLE:

Proposed Road Closure of Part of Kellehers Road, Pottsville (Black Rocks Estate)

SUMMARY OF REPORT:

The developers of Black Rocks Estate at Pottsville have made application to close part of Kellehers Road to enable better subdivision design of future stages of the estate. A new road will be dedicated in lieu of the closure providing direct access to Mooball Creek and the future Black Rocks bridge site.

RECOMMENDATION:

That:-

1. Council supports the closing of part of Kellehers Road,
2. The applicants bear all legal and survey costs involved,
3. The concurrence of the Department of Land & Water Conservation that the proposed closure process is acceptable be obtained prior to advertising,
3. The purchase price of the road be waived in lieu of the proposed new road opening,
4. Gazettal not to occur prior to issue by Council of a deposited plan of subdivision creating the substitute road to an adequate width and geometric standard,
5. Easements are created over public authority utility services, if any, and
6. All necessary documentation be executed under the Common Seal of Council.

Reports from Director Engineering Services

REPORT:

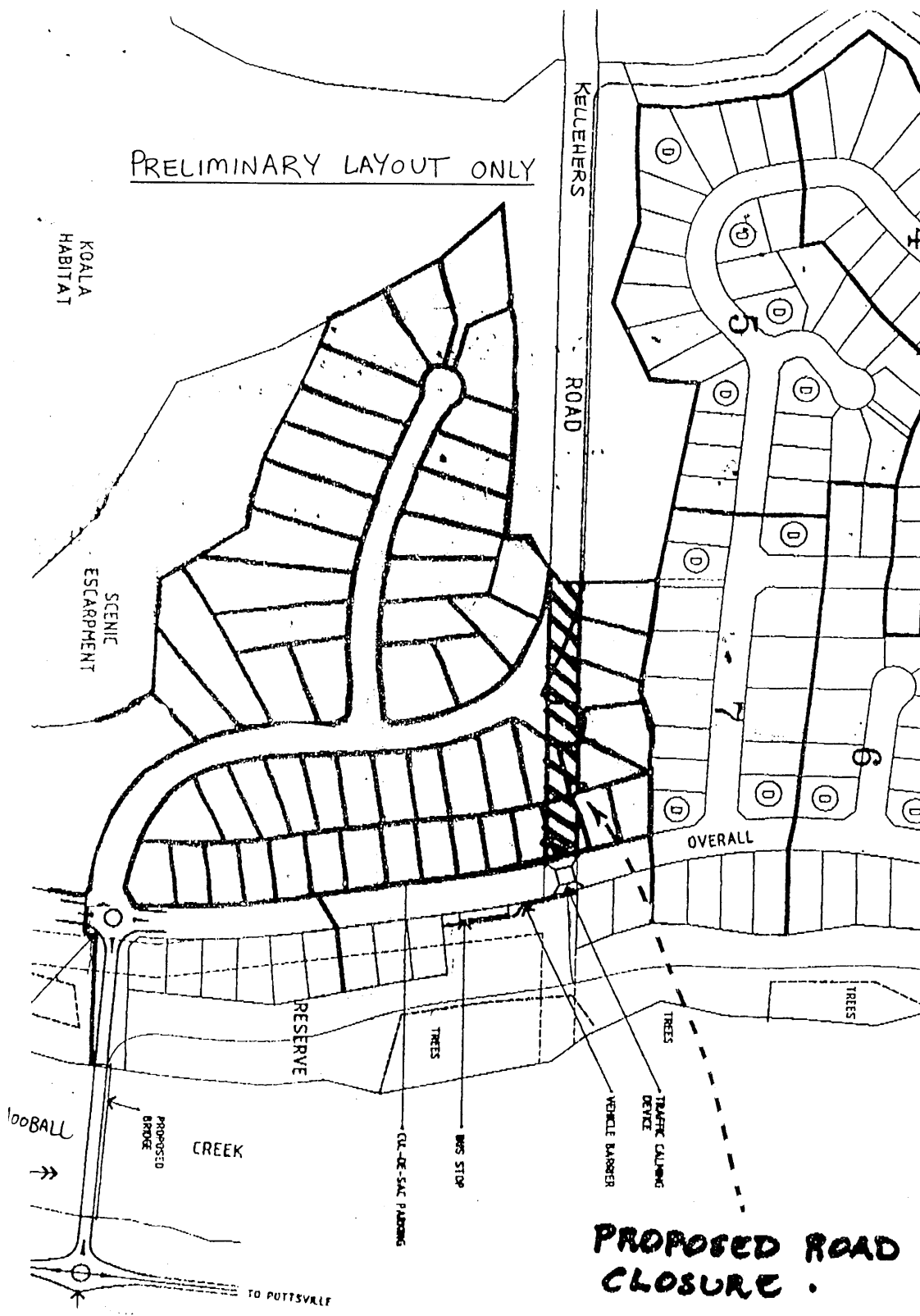
An application has been received from N C White & Associates (Surveyors), on behalf of Pottsville Development Corporation Pty Ltd, to close part of Kellehers Road within the Black Rocks Estate at Pottsville.

The applicant has enclosed a sketch *“of a preliminary layout indicating the proposed deviation of Kellehers Road to be incorporated into the subdivision design of future stages of Black Rocks Estate. The dedication of the new alignment of Kellehers Road to the proposed bridge site will ensure access to Mooball Creek.”*

The road opening is predicated on a successful development application for a new bridge over Mooball Creek at Black Rocks, which is currently before Council. Should this be refused, then the proposed realignment would be inappropriate. Consequently the recommendation defers transfer pending the resolution of these matters.

Although the applicant will bear all legal and survey costs of closing the formed public road the purchase price should be waived in lieu of the proposed new road opening.

Reports from Director Engineering Services



Reports from Director Engineering Services

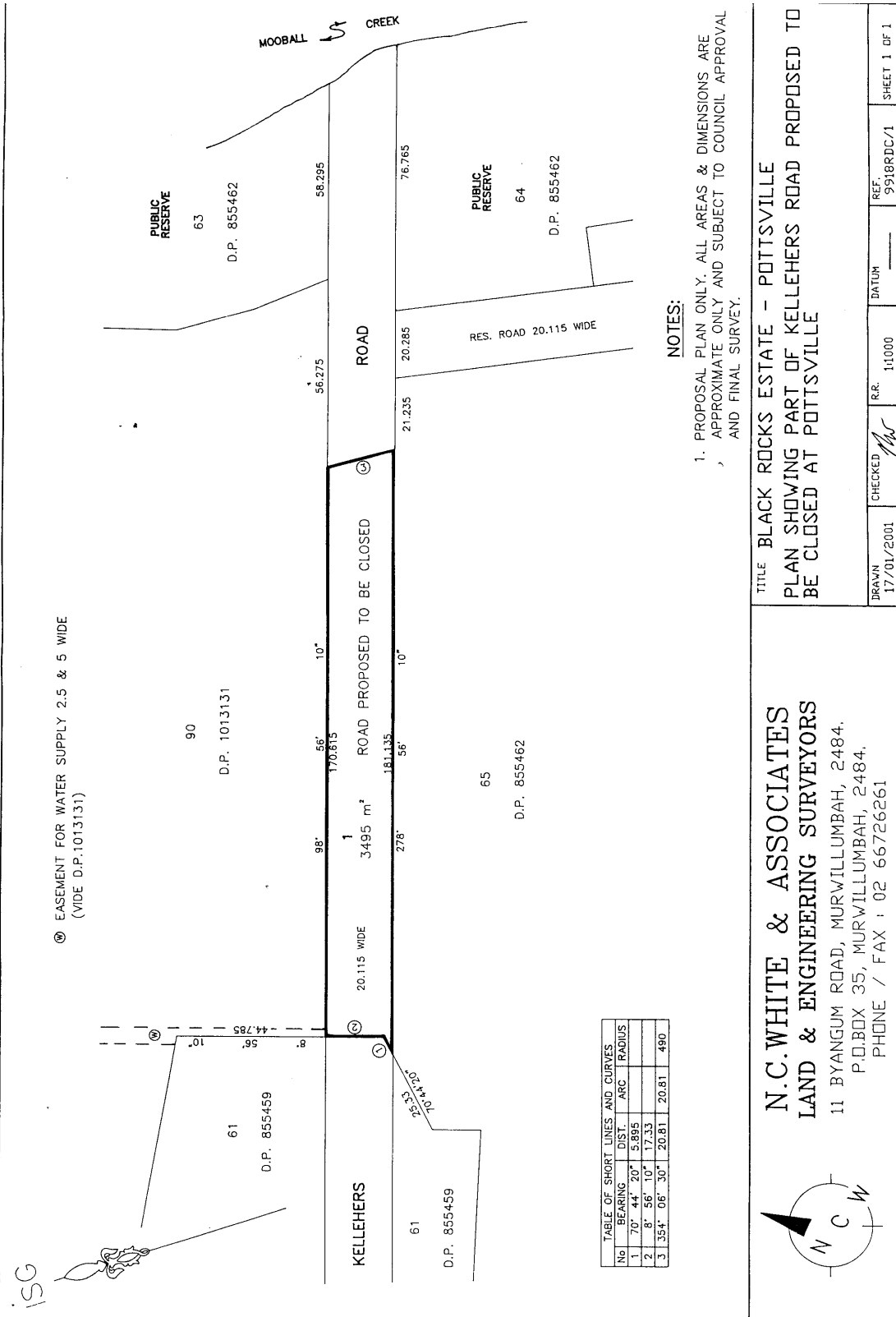


TABLE OF SHORT LINES AND CURVES

No	BEARING	DIST.	ARC	RADIUS
1	70° 44' 20"	5.895		
2	8° 56' 10"	17.33		
3	355° 06' 30"	20.81	20.81	490

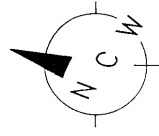
NOTES:

1. PROPOSAL PLAN ONLY. ALL AREAS & DIMENSIONS ARE APPROXIMATE ONLY AND SUBJECT TO COUNCIL APPROVAL AND FINAL SURVEY.

**N.C.WHITE & ASSOCIATES
LAND & ENGINEERING SURVEYORS**
11 BYANGUM ROAD, MURWILLUMBAH, 2484.
P.O.BOX 35, MURWILLUMBAH, 2484.
PHONE / FAX : 02 66726261

TITLE BLACK ROCKS ESTATE - POTTSVILLE
PLAN SHOWING PART OF KELLEHERS ROAD PROPOSED TO BE CLOSED AT POTTSVILLE

DRAWN 17/01/2001	CHECKED <i>MS</i>	R.R. 1:1000	DATUM ---	REF S918RDC/1	SHEET 1 OF 1
---------------------	----------------------	----------------	--------------	------------------	--------------



Reports from Director Engineering Services

Reports from Director Engineering Services

24. ORIGIN: Planning & Design Unit

FILE REF: GT1/S94/23

REPORT TITLE:

Offsite Parking Contributions Plan No 23 - Fingal Head Amendment

SUMMARY OF REPORT:

Version 1.2 of *Section 94 Contributions Plan No. 23 Offsite Parking* has been drafted to include an additional area, the business zone of Fingal Head. It has been publicly exhibited and one submission received. It is proposed to adopt the plan as drafted.

RECOMMENDATION:

That Council, in accordance with Clause 31 of the Environmental Planning and Assessment Regulation 2000, approves the Draft Section 94 Contributions Plan No. 23 - Offsite Parking - Version 1.2 in the form it was publicly exhibited.

Reports from Director Engineering Services

REPORT:

1. AMENDMENT TO INCLUDE FINGAL HEAD BUSINESS ZONE

There are six lots zoned General Business at Fingal Head located between Marine Parade and Queen Street. There are limited opportunities to provide on-site parking due to level constraints to access from Queen Street and the Best Practice Urban Design requirement to have continuous shop frontages (with no vehicle crossings breaking the shopping strip frontage) in Marine Parade.

It is proposed to use Section 94 Contributions to finance an expansion of public parking in the Marine Parade road reserve. The estimated cost to expand the public car parking from 40 to 61 spaces is \$61,060. (There is no significant loss of public open space involved in the creation of these spaces.)

The proposed contribution rate is \$3,366 per space, which includes construction and administration costs.

Draft version 1.2 of *Section 94 Contributions Plan No 23 Offsite Parking* has been drafted to include the business zone of Fingal Head in the plan. A copy of draft version 1.2 of the contribution plan follows in this business paper.

The following is a summary of the proposed Fingal Head contribution rate and the current rates for other localities.

Tweed Heads	15,460
Murwillumbah	9,190
Kingscliff	11,500
Bogangar/Cabarita Beach	9,855
Pottsville	10,105
Fingal Head	3,366

The rate for Fingal Head is considerably cheaper than the rates for other areas as there is no land acquisition costs with parking being provided on an existing road reserve.

The availability of an offsite parking contribution option will facilitate development of the Fingal Head business zone in the most aesthetically attractive café precinct format.

2. PUBLIC EXHIBITION AND SUBMISSIONS

Draft Version 1.2 of the plan was exhibited for a period of twenty-eight (28) days commencing Tuesday 30 January 2001.

One submission has been received, from Olga Vidler and Elizabeth Allan of 3 Wommin Lake Crescent, Fingal Head. They generally support the proposal but raise a number of issues:

Reports from Director Engineering Services

Issue raised in submission	Response
<p><i>“Existing public parking adjacent to open space zoning and the business zone in Fingal Head is very heavily used, and inadequate, during peak tourist times.”</i></p>	<p>The contribution plan will only finance new spaces to cater for the additional demand generated by new development in the business zone. It cannot be used to finance existing car parking deficiencies. The proposed plan will finance additional car parking spaces for new development and will not reduce existing numbers of spaces.</p>
<p><i>“When Council considers any development application for the Business Zone at Fingal Head, it should be a priority that the DA makes every effort to provide as much parking ONSITE as is possible. This should be done to protect the Open Space zoning’s Primary Objective “to satisfy the open space and recreational needs of local residents and visitors to the area etc.”</i></p>	<p>It is desirable to have continuous shop frontages (with no vehicle crossings breaking the shopping strip frontage) in Marine Parade. Level differences on the Queen Street frontage render vehicle access difficult from that direction. These constraints limit the amount of suitable on-site parking that can be provided. The current parking area in Marine Parade is estimated to have a capacity of 40 spaces. It is proposed to re-configure and reconstruct this area to provide a total of 61 spaces, an increase of 21 spaces. The gains in car spaces are due to re-configuring the existing bitumen area and making more efficient use of the space, the proposal will not consume additional useable “open space” on the Marine Parade area.</p>
<p><i>“There is only minimal Public Transport to Fingal Head during the weekdays and even less during school holidays and week ends. The existing and future offsite parking should be available to the non-users of any Business Development in that zoning.”</i></p>	<p>The proposed offsite parking, to be financed by this contributions plan, will be in a public road reserve and available to both users and non users of the business development in the adjacent business zone.</p>

The submission does not raise issues that require the draft plan as exhibited to be further amended.

Reports from Director Engineering Services



Tweed Shire Council

SECTION 94 CONTRIBUTIONS PLAN

NO. 23

OFFSITE PARKING

DRAFT VERSION 1.24

Reports from Director Engineering Services

TWEED SHIRE COUNCIL

**CERTIFIED IN ACCORDANCE WITH
THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
AND REGULATIONS**

**GENERAL MANAGER
DATE**

**S94 CONTRIBUTION PLAN NO. 23
OFFSITE PARKING**

In Force 16 November 1999

VERSION 1.1 Original Plan
Draft Version 1.2 Amendment to include Fingal Head

Reports from Director Engineering Services

TABLE OF CONTENTS

1.0 INTRODUCTION

1.1 PURPOSE OF THE PLAN

1.2 LAND TO WHICH THE PLAN APPLIES

1.3 SCOPE OF THE PLAN

1.4 SECTION 94

2.0 RELATIONSHIP TO OTHER COUNCIL PLANS

3.0 ESTABLISHING THE NEXUS

3.1 THE RELATIONSHIP BETWEEN EXPECTED DEVELOPMENT AND THE DEMAND FOR ADDITIONAL PUBLIC CAR PARKING

3.2 WHAT IS THE EXPECTED DEMAND FOR CAR PARKING

3.3 SUPPLY PROCEDURES

3.4 WHERE SHOULD PUBLIC CAR PARKING BE PROVIDED

4.0 TIMING OF CONTRIBUTIONS

5.0 DEDICATION OF LAND AND MATERIAL PUBLIC BENEFITS

6.0 FORMULAE FOR CONTRIBUTIONS

7.0 WORKS PROGRAM

7.1 ESTIMATES OF COSTS

7.2 STAGING

8.0 CONTRIBUTION RATES

9.0 CONTRIBUTIONS REGISTER AND ACCOUNTING

10.0 ANNUAL STATEMENT

11.0 REVIEW OF PLAN

Reports from Director Engineering Services

SUMMARY OF CONTRIBUTION RATES

Current Contribution Rates per Unsupplied Car Parking Space

Tweed Heads	15,460
Murwillumbah	9,190
Kingscliff	11,500
Bogangar/Cabarita Beach	9,855
Pottsville	10,105
Fingal Head	3,366

* Shading denotes added text

Reports from Director Engineering Services

1.0 INTRODUCTION

1.1 PURPOSE OF THE PLAN

The purpose of this plan is to enable levying of contributions for the provision of car parking in the commercial centres of Tweed Heads, Murwillumbah, Kingscliff, Bogangar/Cabarita Beach and Pottsville, that are required as a consequence of development in these areas and for car parking that has been provided in anticipation of such development.

Development projects will normally provide off street parking on the development site in accordance with the provisions of Development Control Plan No. 2. Where development projects are unable to provide the required number of car parking spaces on site, this contributions plan provides the alternative of contributing towards the cost of an equivalent number of public car parking spaces in the locality.

1.2 LAND TO WHICH THE PLAN APPLIES

The plan applies to land in the Central Business District Cores of Tweed Heads, Murwillumbah, Kingscliff, Bogangar/Cabarita Beach, ~~and~~ Pottsville and Fingal Head as defined in fig.1.

1.3 SCOPE OF THE PLAN

This plan aims to provide contributions from developments which under-supply site parking required by DCP2, for provision of public car parking. The proposed plan life is 10 years.

1.4 SECTION 94

This plan explains and justifies contributions for public car parking levied in accordance with S94 of the Environmental Planning and Assessment Act on developments within the plan area.

Section 94 of the Environmental Planning and Assessment Act 1979 permits Council to levy contributions from developers to fund the increasing demand for public services and amenities generated by the carrying out of development. The contribution may take the form of monetary contributions, the dedication of land free of cost, or the construction of works.

Section 94 of the Act requires that there must be a "nexus" between conditions imposed on a development consent relating to public services and the amenities demanded by the development. The Section 94 criteria for contributions is -

- i. it must be for, or relate to, a planning purpose;
- ii. it must fairly and reasonably relate to the subject development; and
- iii. it must be such as a reasonable planning authority, duly appreciating its statutory duties, could have properly imposed.

2.0 RELATIONSHIP TO OTHER COUNCIL PLANS

This contribution plan should be read in conjunction with Tweed Local Environmental Plan 1987 and Development Control Plan No.2 Site Access and Parking Code.

3.0 ESTABLISHING THE NEXUS

3.1 THE RELATIONSHIP BETWEEN EXPECTED DEVELOPMENT AND THE DEMAND FOR ADDITIONAL PUBLIC CAR PARKING

Reports from Director Engineering Services

Development in the business areas to which this plan applies is expected to generate a demand in the locality of the development, for the number of off-street car parking space shown in Development Control Plan No.2. This demand will normally be satisfied by providing these spaces on the development site.

If it is not expedient or there is insufficient land to provide all the car parking spaces on site, there will be a deficit of unsupplied spaces. In such cases Council may offer the alternative of requiring contributions for provision, in the locality, of an equivalent number of public car parking spaces and associated access facilities. Such contributions may be for new parking spaces to be provided as a consequence of the development or that have already been provided in anticipation of the development.

3.2 WHAT IS THE EXPECTED DEMAND FOR CAR PARKING

3.21 Demand Estimation

Estimation of demand for public car parking in each centre covered by this plan will be subject to wide variance as the following matters are difficult to estimate

- The number, type and size of future developments in each area that will generate car parking requirements
- The proportion of car parking that will be supplied on site and the proportion unsupplied that will be the subject of this contributions plan.

Having regard to these estimation difficulties the following estimates of demand for car parking caused by new development are used as the basis of this plan.

SHOPPING CENTRE	ESTIMATED UNSUPPLIED DEMAND PER YEAR	ESTIMATED UNSUPPLIED DEMAND FOR THE LIFE OF THIS PLAN (10 YEARS)
Tweed Heads	40	400
Murwillumbah	10	100
Kingscliff	25	250
Bogangar/Cabarita Beach	15	150
Pottsville	10	100
<u>Fingal Head</u>	<u>2.1</u>	<u>21</u>

3.22 Apportionment

After considering surveys of parking supply and demand in the areas covered by this plan, it is considered that provision of on site off parking by existing development and the current supply of public car parking spaces satisfies the demand from existing development.

No apportionment of costs is made in this plan for a contribution from existing development.

3.3 SUPPLY PROCEDURES

Reports from Director Engineering Services

Due to the difficulties in accurately estimating demand in this plan it is proposed to adopt the following supply methodology

- The specific locations and sizes of public car parking areas will not be nominated in this plan [\(except for Fingal Head\)](#)
- The plan will include the criteria for the appropriate location of the facility, its estimated cost and other relevant factors (Section 94 Contributions Manual, Second Edition, Department of Urban Affairs and Planning, 1997, Section 4.4.2)
- The selection and purchase of specific sites for future construction as public car parking areas from contributions to this plan will be deferred until there are sufficient contributions in each area to purchase sites that comply with the criteria.
- Construction of public car parking facilities on purchased sites will be deferred until there are sufficient contributions to fund such construction or the rate of contributions is such that it warrants obtaining a loan to finance the construction.

3.4 WHERE SHOULD PUBLIC CAR PARKING BE PROVIDED

3.41 General Principles

Development in the business areas to which this plan applies will generate a demand for parking. In most cases this demand may be satisfied by provision of parking spaces on site, adjacent to the site or in easy walking distance of the site. Due to the density of existing development, demand for higher level usage and the principles of urban design it is not generally desirable to locate public car parking in the CBD Core. Public car parking is more appropriately located in the surrounding CBD Frame (the lower intensity commerce and trade areas surrounding the CBD core) and these parking areas should be linked to the CBD Core by high standard pedestrian facilities (paved pedestrian footways, covered footways, intermediate rest areas with landscaped areas and seating).

3.42 Site Selection Criteria

The following criteria apply to the selection of sites for public car parking areas to be funded by this plan

- The site shall preferably be within the CBD Frame of the contributing area. It may be within the CBD core if no suitable sites are available in the Frame (see fig.1).
- The site shall have shape, topography and drainage of a standard to permit economic development for car parking purposes
- The site shall be connected to, or be capable of being connected to, the contributing area by a reasonably direct, paved footway
- The site shall be of sufficient size to be economically developed as a public car park and a size that is consistent with the cash flow of contributions

Reports from Director Engineering Services

- The site location shall be in accordance with current urban design principles
- The cost of the site shall not be excessive when compared to other land in the locality

4.0 TIMING OF CONTRIBUTIONS

Contributions will be required as a condition of development consent.

Payment is to be made prior to release of a construction certificate.

5.0 DEDICATION OF LAND AND MATERIAL PUBLIC BENEFITS

A decision as to whether to accept the dedication of land or the provision of a material public benefit/works "in kind" in lieu of a monetary contribution, will be at the discretion of Council. Factors Council will take into consideration include:

- the extent to which the land/material public benefit/works satisfies a community need;
- the extent to which the land/material public benefit/works satisfies the purpose for which the contribution was sought;
- the valuation of the material public benefit or works in kind.
- whether the site complies with site selection criteria.
- [The optimum outcome for Fingal Head business zone is considered to be public parking rather than parking on individual lots.](#)

6.0 FORMULAE FOR CONTRIBUTIONS

The formula for calculating the amount of contribution will be based on consideration of

- The current cost of acquiring the necessary land
- The current cost of providing car parking and associated facilities ie. Car parking area, landscaping and connecting covered footways
- increases in land acquisition and building costs, based on the CPI (all groups, Brisbane)
- A 10% levy applies to all Section 94 charges to cover the costs associated with administration, development and review of Section 94 Plans.

7.0 WORKS PROGRAM

7.1 ESTIMATES OF COSTS

Estimating rates

Construction costs [\(except Fingal Head\)](#)

M2 per car parking space	30
--------------------------	----

Reports from Director Engineering Services

Landscaping area per space	3
Area of connecting pathway per space	1.5
Car Parking construction cost per m2	50.00
Landscaping cost per m2	10.00
Footpath paving and roof cost per m2	150.00

Construction cost per space $30 \times 50 + 3 \times 10 + 1.5 \times 150 = \$1,755$

Construction Costs - Fingal Head (to expand existing public car parking area)

<u>Existing car spaces</u>	40
Ultimate additional spaces to be provided	<u>21</u>
<u>Estimated cost to construct new spaces</u>	<u>61,160</u>

Construction cost per space _____ = \$3,060

LAND COSTS (including valuation and acquisition costs)			CONSTRUCTION COSTS	TOTAL COSTS
Location	Cost/m ²	Cost/Space	Construction Cost/Space	
Tweed Heads	410	12,300	1,755	14,055
Murwillumbah	220	6,600	1,755	8,355
Kingscliff	290	8,700	1,755	10,455
Bogangar/Cab. Bch	270	8,100	1,755	9,855
Pottsville	245	7,350	1,755	9,105
<u>Fingal Head</u>	<u>0</u>	0	<u>3,060</u>	<u>3,060</u>

7.2 STAGING

Subject to demand factors detailed in 3.2 the following is the anticipated staging of provision of facilities under this plan.

Public Car Parking Spaces to be provided under this Contributions Plan			
STAGING			
SHOPPING CENTRE	Estimated Requirements in Short to Medium Term	Estimated Requirements in Long Term	Additional in Long Term
Tweed heads	200	200	
Murwillumbah	50	50	
Kingscliff	125	125	
Bogangar/Cabarita Bch	75	75	
Pottsville	50	50	
<u>Fingal Head</u>	<u>10</u>	<u>21</u>	

8.0 CONTRIBUTION RATES

Contribution rates shall be calculated in accordance with the following formula

Reports from Director Engineering Services

$C = (CC + LC) \times (100 + A)\%$ where

C = amount of contribution per car parking space

CC = Construction costs

LC = Land costs

A = Administration levy %(10%)

Current Contribution Rates per Unsupplied Car Parking Space

Tweed Heads	15,460
Murwillumbah	9,190
Kingscliff	11,500
Bogangar/Cabarita Beach	9,855
Pottsville	10,015
<u>Fingal Head</u>	<u>3,366</u>

9.0 CONTRIBUTIONS REGISTER AND ACCOUNTING

Council has established an identifiable account for the management of S94 contributions, showing separate categories of contribution. The following separate categories have been established:

- Car Parking - Commercial areas of Tweed Heads, Murwillumbah, Kingscliff, Bogangar/Cabarita Beach, Pottsville and Fingal Head.

Contributions must be spent on provision of public car parking for the commercial area from which the contribution originated. Interest will be calculated on funds held for each category and credited a appropriate.

Council will maintain a register of all contributions received. The register will record:

- the origin of each contribution by reference to the development consent and commercial area to which it relates;
- the type of contribution received, eg. money, land, works "in kind";
- the amount of the contribution and the purposes(s) for which it was levied;
- the name of the contributions plan the contribution is being levied under;
- the date of receipt of the contribution;
- how, when and where the contribution has been used.

The register will be available for public inspection, free of charge, at any time during normal office hours.

Council may permit the short-term transfer of funds on a priority basis. This will only be done on the basis that:

- full details of the transfer and subsequent reimbursement of funds are recorded;
- the transferred funds are returned to the relevant categories by future contributions;
- there is a reasonable expectation that future contributions will be obtained to enable reimbursement of the category from which monies have been transferred;

Reports from Director Engineering Services

- the purpose for which the contributions are transferred is a purpose identified in the Works Program.

Council is not permitted to transfer funds between the S94 account and other funds of Council, for example the General Fund.

10.0 ANNUAL STATEMENT

In accordance with Clause 35 of the Regulation Council will produce an annual statement of contributions received which summarises, by purpose and area, details relating to contributions. This information will be available for public inspection, free of charge, at any time during normal office hours.

11.0 REVIEW OF PLAN

This contribution Plan will be subject to regular review by Council, so as to:

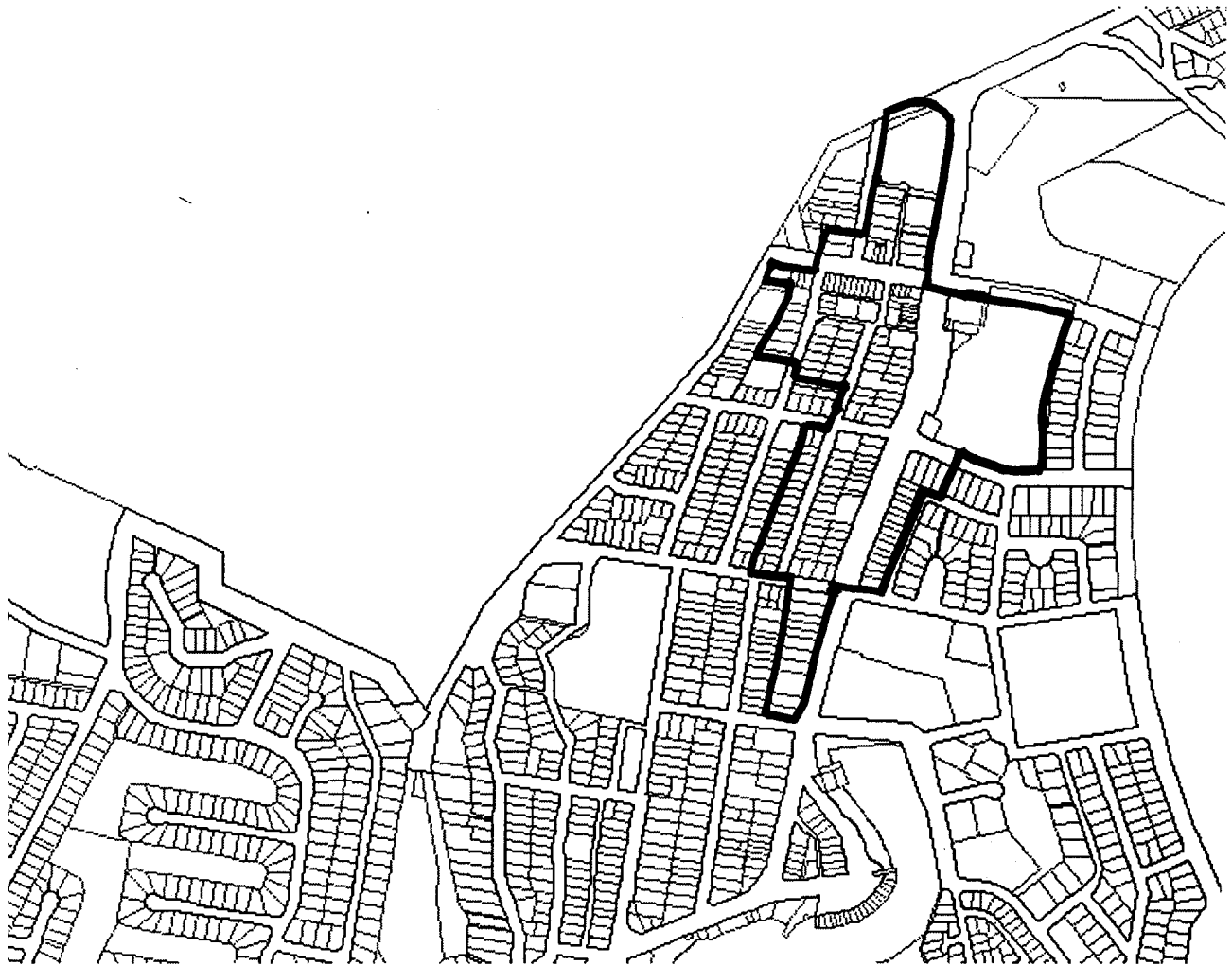
- monitor car parking trends and community needs;
- ensure that contribution levels reflect current land values and construction costs;
- enable the alteration of work schedules if development and demand for car parking levels differ from original expectations.
- enable alteration of the plan to reflect the actual costs associated with the land and construction costs of public car parking site selected in accordance with Section 3.3.

Any material change in the plan, with the exception of the annual adjustment of contribution amounts, will require that the plan be amended in accordance with S94AB of the Environmental Planning and Assessment Act, 1979. This will require full public exhibition of the amended plan and consideration of submissions received.

From the date of the first review of this Plan CPI increases (all groups, Brisbane) will be added to land acquisition and construction costs.

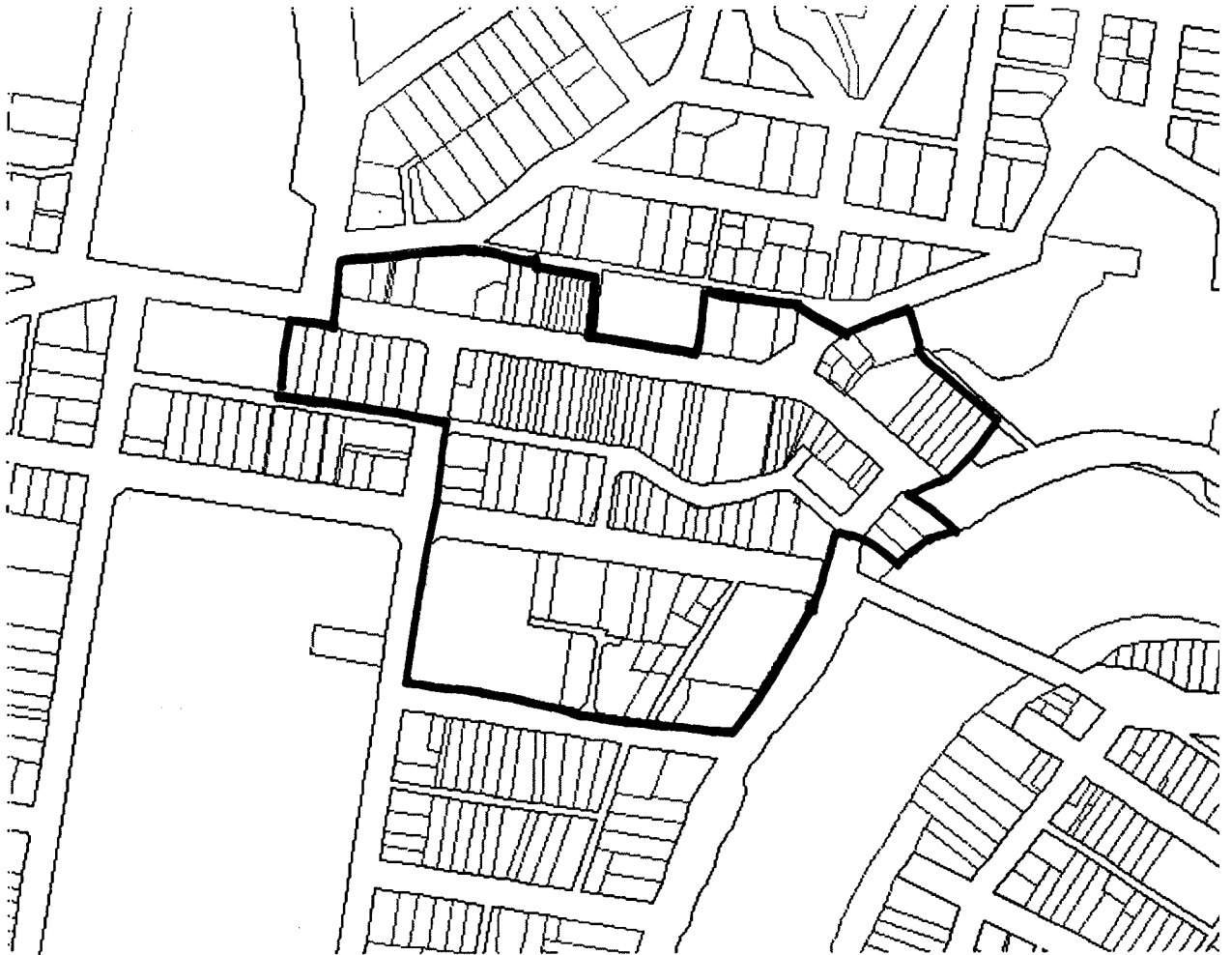
Reports from Director Engineering Services

3.1 TWEED HEADS



Reports from Director Engineering Services

FIG 1 MURWILLUMBAH



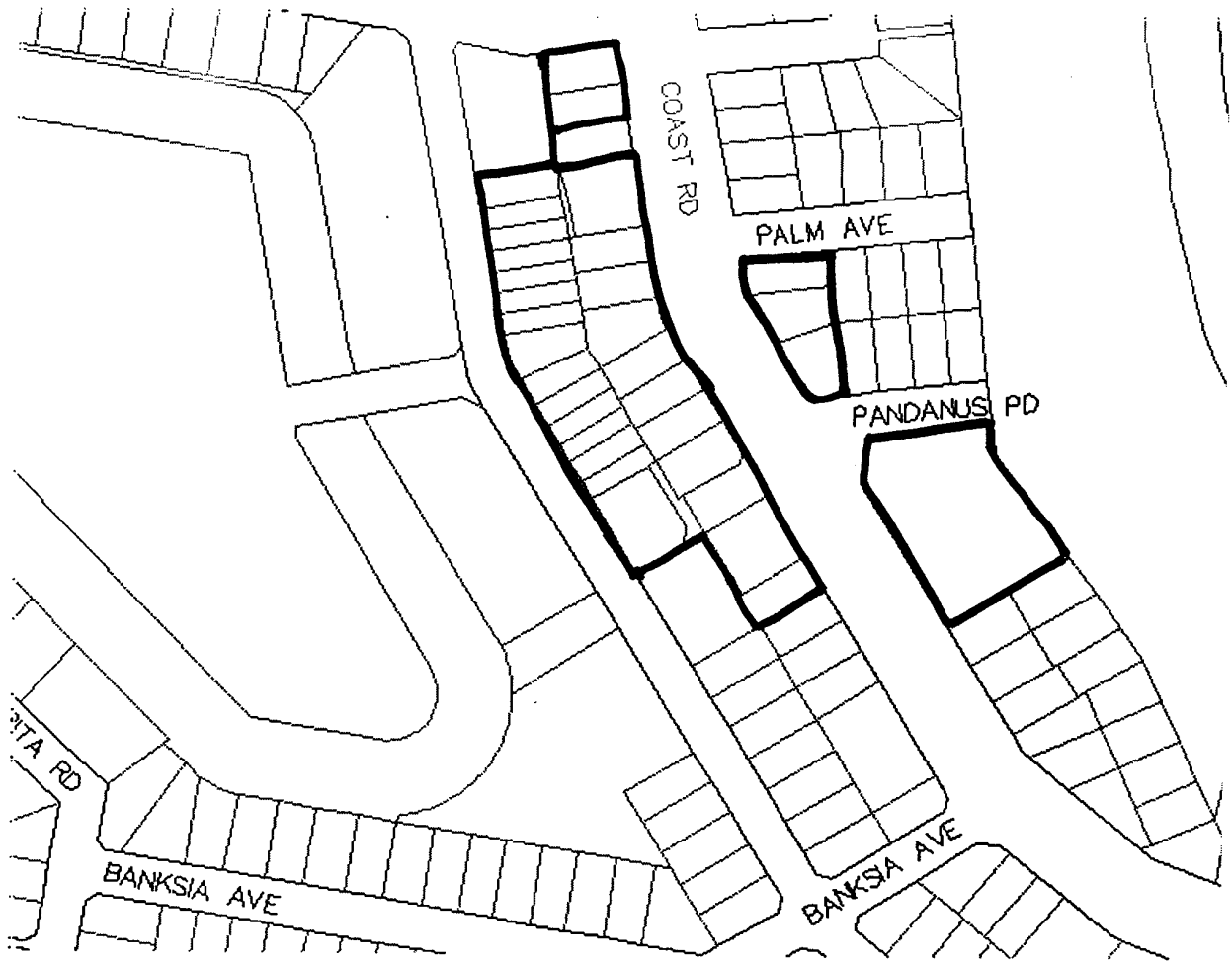
Reports from Director Engineering Services

· FIG 1, KINGSCLIFF



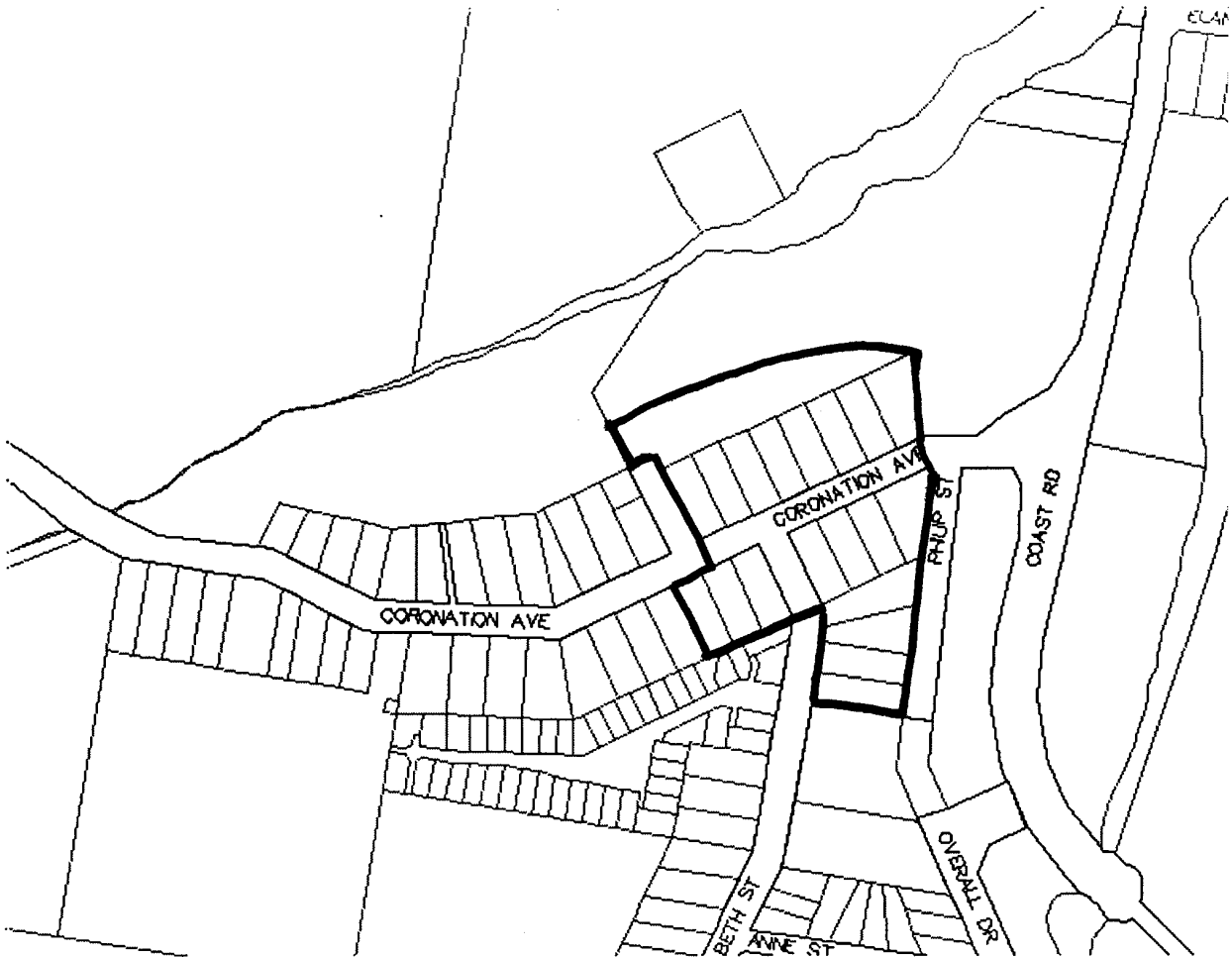
Reports from Director Engineering Services

FIG 1, BOGANGAR/CABARITA BEACH



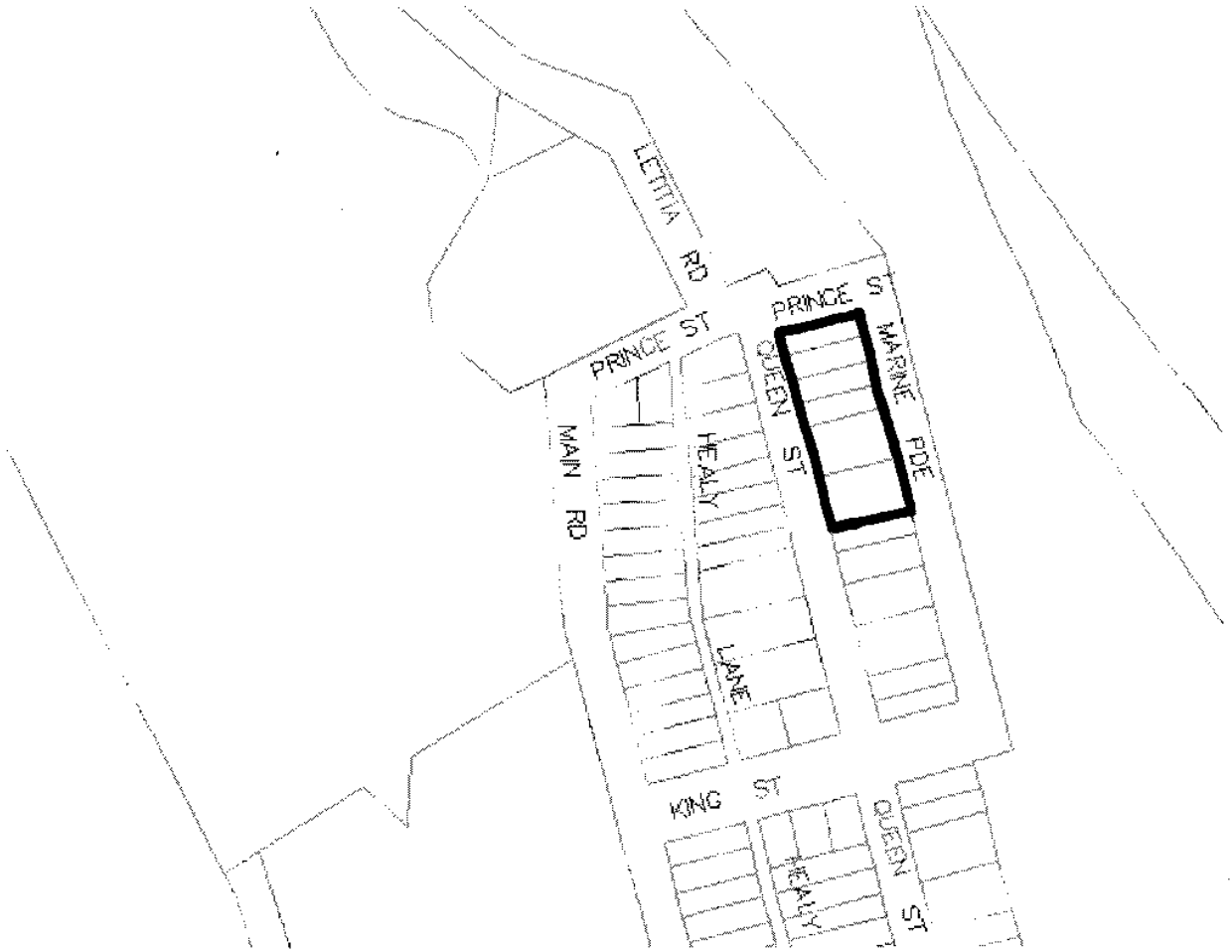
Reports from Director Engineering Services

FIG 1 POTTSVILLE



Reports from Director Engineering Services

FIG 1 FINGAL HEAD



Reports from Director Environment & Community Services

25. ORIGIN: Environment & Health Services Unit

FILE REF: Councillors-Conferences, Garbage – Waste Management

REPORT TITLE:

Waste 2001 Conference

SUMMARY OF REPORT:

Advice of the abovementioned Conference has been received. A copy of the Conference Program is attached.

RECOMMENDATION:

That Council authorises those Councillors interested in attending and the Mayor's Secretary be advised by 10 March 2001 so that necessary arrangements can be made.

Reports from Director Environment & Community Services

REPORT:

Coffs Harbour city Council is hosting the Waste 2001 Conference on 4-6 April 2001 at the Novotel Resort.

The theme of the conference is "*Towards Resource Management*" and a number of interesting speakers have been arranged.

A copy of the conference program is attached to this Business Paper.

Reports from Director Environment & Community Services

26. ORIGIN: Environment & Health Services Unit

FILE REF: Centenary of Federation

REPORT TITLE:

Centenary of Federation Peoplescape Project

SUMMARY OF REPORT:

Tweed Shire Council has been invited, along with 632 Local Government areas, to participate in the national Peoplescape project. The project is an initiative of the National Council for the Centenary of Federation Secretariat.

To celebrate the spirit of Australia, individuals and organisations will have the opportunity, using a life-size person-shaped "*canvas*" to create a representation of their person hero, someone whom they feel has significantly affected their lives, their community or their country.

Each Council will be allocated 1 cut-out figure and will need to identify a "*person of importance*" to our local community by April 2001.

RECOMMENDATION:

That Council agrees to participate in this significant community art project and advertises for nominations to identify the Tweed's "*person of importance*".

Reports from Director Environment & Community Services

REPORT:

Council is advised that Tweed Shire Council has been invited, along with 632 Local Government areas, to participate in the national *Peoplescape* project. The project is an initiative of the national Council for Centenary of Federation Secretariat.

BACKGROUND INFORMATION

During 2001 Australians will be invited to participate in one of the largest community art installations undertaken in this country. To celebrate the spirit of Australia, individuals and organisations will have the opportunity, using a life-size person-shaped “*canvas*” to create a representation of their personal hero, someone whom they feel has significantly affected their lives, their community or their country.

In November 2001 these figures will be brought together in the nation’s capital to form a “*Peoplescape*”. Thousands of ‘people’ will be installed in Canberra, standing in rows that will stretch from Old Parliament House, up the lawns of Federation Mall, to spill over the grassy banks of the new Parliament House.

The opening of the Peoplescape installation will be premiered with an exciting and innovative televised event, live from Canberra, using the stories represented in the Peoplescape as a launching pad.

LOCAL GOVERNMENT PARTICIPATION

Each Council has been invited to produce a Peoplescape figure. Council will be allocated 1 cut-out figure and will need to identify a “*person of importance*” to our community by mid-April.

The organisers will provide:

1. (1) Blank figure
2. Maker’s Kit – comprehensive guidelines to making the figure
3. Door to door transport of the figure to Council and the completed canvas to Canberra

the organisers will not provide:

1. Artist’s fees
2. Art materials

It is estimated that the cost of materials and Artist to create the design would be modest, around \$600. Such would be funded from the current budget. The Tweed Centenary of Federation Committee would identify an appropriate artist/s to facilitate this creative process.

As a decision regarding the Tweed’s ‘special person’ nomination needs to be finalised by April it is proposed to advertise the project via the Tweed Link and Daily News asking the community to consider and nominate a ‘special person’ to be represented in the installation.

The Tweed Centenary of Federation Committee will collate the nominations and advise Council for ratification of the “*person of importance*”.

Reports from Director Environment & Community Services

Reports from Director Environment & Community Services

27. ORIGIN: Recreation Services Unit

FILE REF: Road – Bosun Blvd, Rubbish – Illegal Dumping, Vandalism, Park - Maint

REPORT TITLE:

Access Track at End of Bosun Boulevard, Oxley Cove

SUMMARY OF REPORT:

At its meeting held 6 December 2000, Council considered a report addressing a request to post and chain off access to the dirt road at the end of Bosun Boulevard, Oxley Cove. The following resolution ensued:

“...that this item be deferred to allow a further report to be brought forward from staff investigating a suitable location for installing an appropriate barrier.”

RECOMMENDATION:

That Council does not install barriers to the access track at the end of Bosun Boulevard, Oxley Cove.

Reports from Director Environment & Community Services

REPORT:

At its meeting held 6 December 2000, Council considered a report addressing a request to post and chain off access to the dirt road at the end of Bosun Boulevard, Oxley Cover. The report and resultant resolution area as follows:

Resolution:

"...that this item be deferred to allow a further report to be brought forward from staff investigating a suitable location for installing an appropriate barrier."

"REPORT:

Council has received a request to post and chain off access to the dirt road at the end of Bosun Boulevard, Oxley Cove. The request from a resident in Admiralty Place is reproduced in full:-

Dear Sir,

We live at Oxley Cove & are requesting that the council, Post & chain off, the dirt road at the north end of Bosuns Blv. (which leads to the point where our canal system opens into the river), this is wetlands, & council no longer maintains this road, & by closing it, it would stop the "hoons" drag racing along the straight & doing wheelies on the point, where they have drunken parties sometimes until 3 am & then drive home. !!

This used to be a nice picnic spot, a great place for children to swim, ride their bikes & fish, now they have to be careful for even at 3 pm, they could be hit by a speeding car or a bottle hurled out of the window of a car at high speed. These "hoons" are also leaving behind refuse, car motors, broken chairs, rolls of clear & black plastic(great for our waterways) dozens of beer & spirit bottles & cans, bongs & syringes.

There will be a bad accident if nothing is done, already we have had two cars "lose it" & go over the edge.

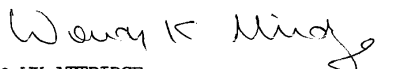
Council have put a speed sign at the blind corner where the dirt road meets the bitumen, but they ignore this & have ended up on the grass verge of the house across the road, imagine if children were coming around the corner at that time.

I have already rung the council & the ranger I spoke to is going to come out & have a look & hopefully get the litter cleaned up, & erect another sign (fine for littering) the last one was chopped down & used for their fire, (they don't care whether there is a fire ban on.)

There is an oyster lease at the end of the far point & also an aboriginal graveyard, the owners would have to have keys for access.

I hope you see fit to do as we have requested.

Yours sincerely



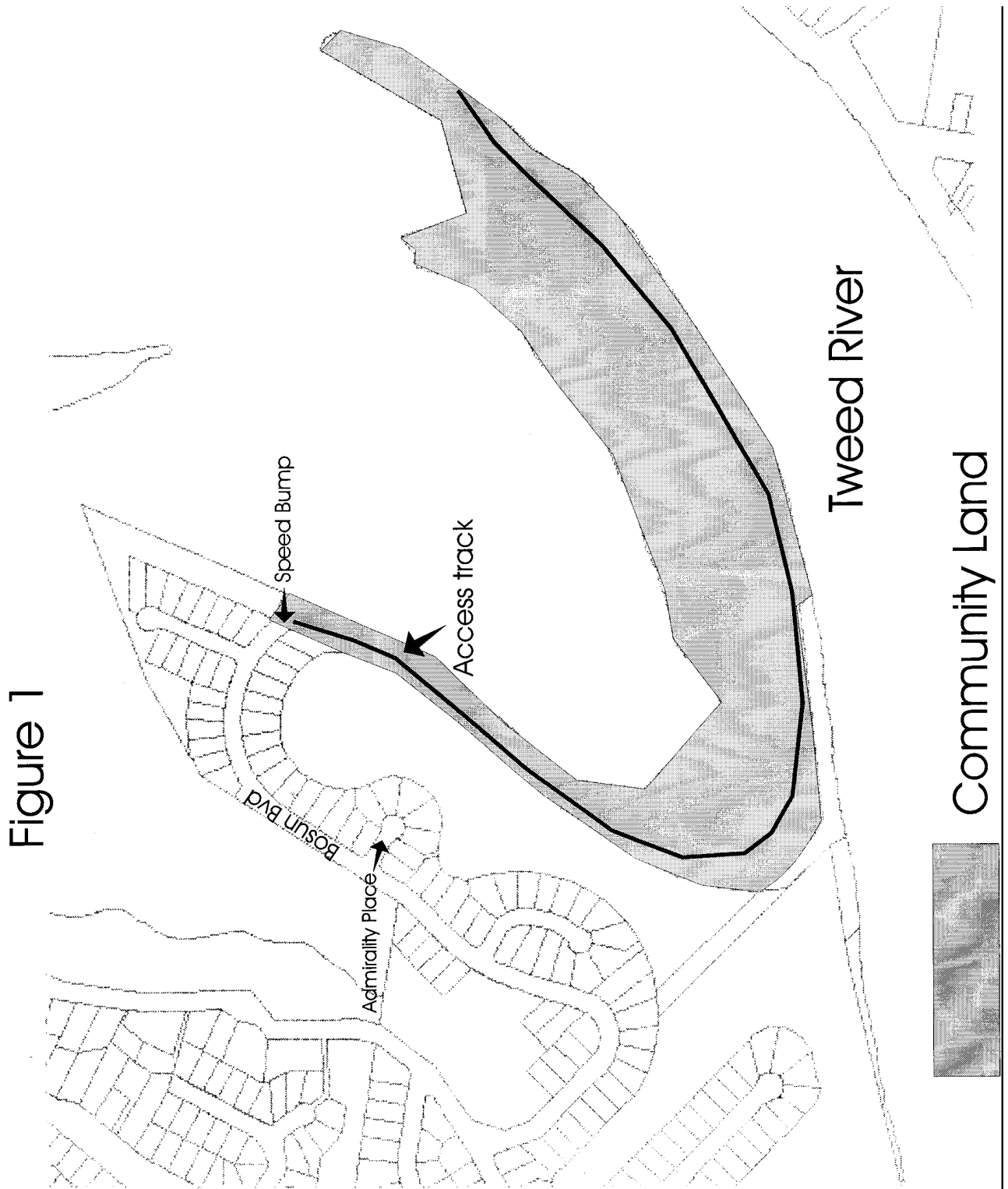
LE & WK ATTRIDGE.

Reports from Director Environment & Community Services

This road provides access to a significant portion of riverfront community land (figure 1). Council received past complaints from residents opposite the access road regarding dust from vehicles accessing the area. Subsequently, Council installed a 'speed bump' in attempt to alleviate the problem.

Figure 1 – Old Report

Reports from Director Environment & Community Services



Reports from Director Environment & Community Services

However, as this is not a public road but an access road to the reserve, funds are unavailable to repair or maintain the road on a regular basis or beyond its current state. Although not ideal, the current condition of the track serves to limit traffic speed and associated problems.

Given the distance from Bosun Boulevard to the river, to exclude vehicular access would effectively exclude access for the majority of people and as this road provides access to popular sites for fishing, it is conceivable that its closure may also present issues with parking in Bosun Boulevard and Seafarer Place.

With reference to the 'drag racing' and cars speeding around the blind corner where the dirt road meets the bitumen, the condition of the track would severely limit attempts at 'drag racing' and a concrete speed hump has been installed at the point where the bitumen road meets the track.

Council records indicate that this is the only complaint of this type to be received."

The access track from the end of Bosun Boulevard to the 'elbow' of the community land is bordered on one side by the canal and associated beaches/shores and on the other side by mangroves and Chinderah Bay (Figures and 2). Consequently there are no opportunities to install a barrier along this section of track as there is insufficient room to provide for parking or turning of vehicles.

Reports from Director Environment & Community Services

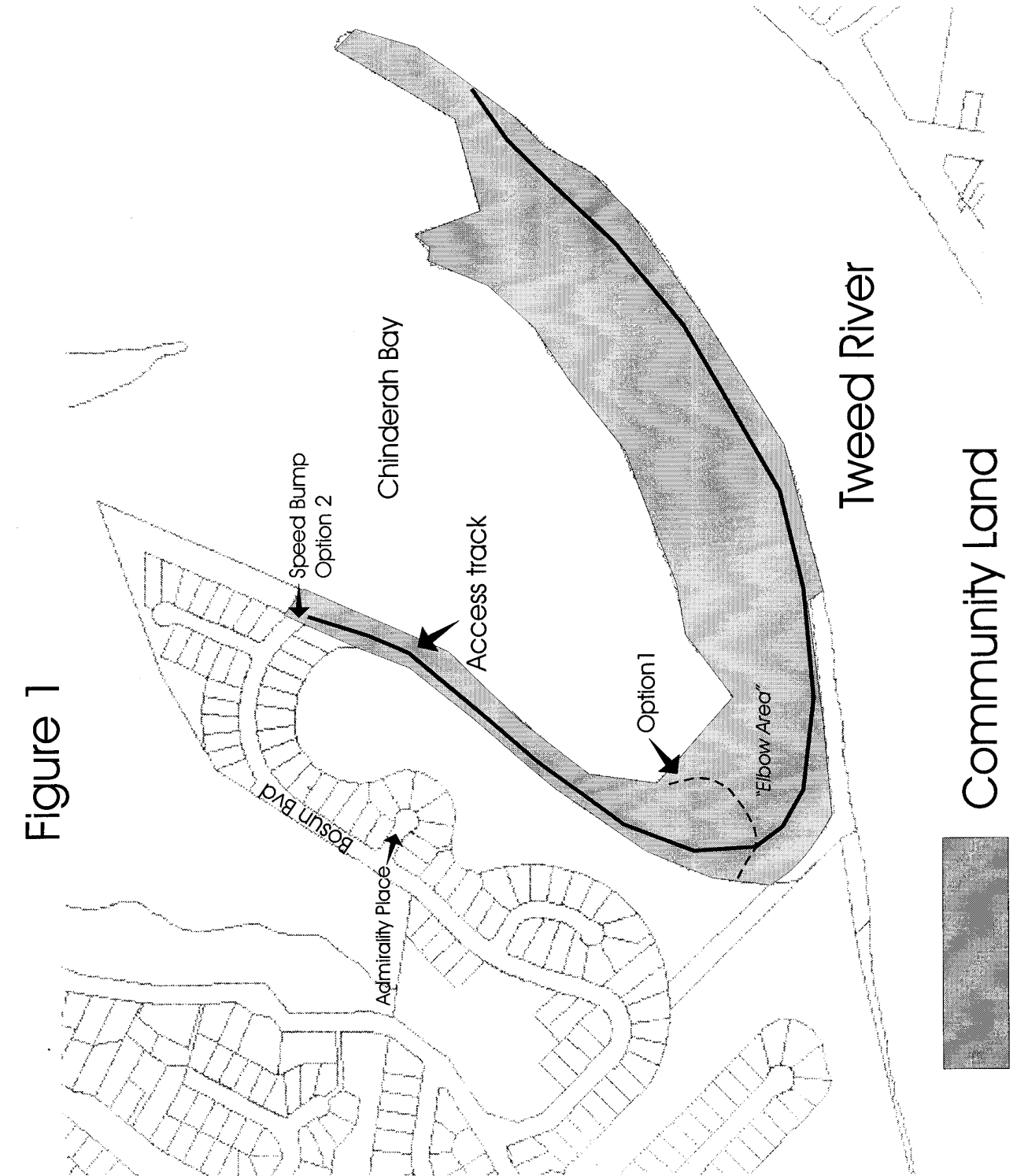


Figure 1

Reports from Director Environment & Community Services

This leaves three options:

1. To install a barrier at the open area of the 'elbow'. This may serve little purpose as this area is currently utilised for parking and recreation and a barrier at this location will not address the issues raised in the letter from Mr & Mrs Aldridge.
2. To install a barrier at the end of Bosun Boulevard. As mentioned in the report of 6 December, this will present significant parking issues in Bosun Boulevard and Seafarer Place. Additionally, this may serve to exclude access for the majority of the community to a significant area of community land and a popular recreation area.
3. Do not install any barriers.

DISCUSSION:

As discussed in the report of 6 December 2000, the speed bump at the beginning of the track and the condition of the track effectively continues to limit the speed of vehicles.

Additionally, Council staff monitoring and maintaining the area and Council Rangers do not report excessive rubbish in the area and Council records indicate this is the only complaint received to date.

Should Council consider erecting a barrier at the end of Bosun Boulevard, it may be worth notifying the public of intent to do so to further gauge the effect this action may have on the community.

CONCLUSION:

With consideration to potential issues associated with a barrier located as in option 2, the ineffectiveness of a barrier as at option 1 and the popularity of this area for recreation, it is recommended option 3 be adopted by Council.

Reports from Director Environment & Community Services

THIS PICTURE WAS TOO LARGE TO DISPLAY

**A "HARD" COPY DOCUMENT WITH PICTURE IS AVAILABLE FOR PERUSAL AT
COUNCIL OFFICES AND LIBRARIES**

Reports from Director Environment & Community Services

THIS PICTURE WAS TOO LARGE TO DISPLAY

**A "HARD" COPY DOCUMENT WITH PICTURE IS AVAILABLE FOR PERUSAL AT
COUNCIL OFFICES AND LIBRARIES**

Reports from Director Environment & Community Services

28. ORIGIN: Environment & Health Services Unit

FILE REF: Civic Ctr - Mbah

REPORT TITLE:

Possible Alterations to the Council Chamber

SUMMARY OF REPORT:

Council has resolved that a report be brought forward for consideration of costs for the improvement/lighting of the Council Chamber.

This report proposes such works.

RECOMMENDATION:

That Council gives consideration in the upcoming budget deliberations to funding the estimated cost of \$25,000 for improvements to the Council Chamber.

Reports from Director Environment & Community Services

REPORT:

Council, at its meeting of 7 February resolved:-

That:-

- 1. Consideration be given to the allocation of funds within the 2001/2002 budget for the refurbishment of the Council Chambers and adjoining Councillor room.*
- 2. A report be brought forward for consideration of costs for the improvement/brightening of the surroundings by way of painting and lighting.*

Item 1 will appear for consideration in the draft Budget and item 2 is the subject of this report.

Council is advised that in 1995 as part of the deliberations for the addition to the Murwillumbah Civic Centre it was proposed that a new Council Chamber be constructed over the car park area in front of the auditorium. This proposal, which included direct access for Councillors, possible public use for meetings and office use, was rejected by the Council of the day.

Accordingly to utilise the existing chamber it is proposed that a cost effective means of brightening the surrounds but still retaining the "feel" of the original chamber and its acoustic properties would be to carry out the following works:-

1. Provide a rail around the chamber approximately 1.2m from the floor. Provide gyprock above the rail and paint.
2. Provide a suspended ceiling to the cork ceiling in the centre of the chamber.

Also to comply with Council obligations to provide disabled access to the chamber it is proposed to provide a door through the wall near the gateway that provides access to the floor of the Chamber from the public gallery.

To comply with the Australia Standard for this area the existing partition containing the gate will have to be relocated approximately 300m forward into the Chamber and a new gate provided in the remaining division partition.

A plan for the proposal is included at the end of this report.

Preliminary costing for these works indicated that \$25,000 should be provided in the budget.

Reports from Director Environment & Community Services

THIS PICTURE WAS TOO LARGE TO DISPLAY

**A "HARD" COPY DOCUMENT WITH PICTURE IS AVAILABLE FOR PERUSAL AT
COUNCIL OFFICES AND LIBRARIES**

Reports from Director Environment & Community Services

THIS
PAGE
IS
BLANK

Reports from Director Environment & Community Services

29. ORIGIN: Recreation Services Unit

FILE REF: GS4/96/135 Pt17, Parks – Naming, Casuarina Beach Development

REPORT TITLE:

Naming of Parks - Casuarina Beach

SUMMARY OF REPORT:

Council has received a submission from Consolidated Properties regarding the naming of the proposed parks in Casuarina Beach.

RECOMMENDATION:

That Council calls for comments regarding the naming of the public parks in Casuarina Beach as listed in this report.

Reports from Director Environment & Community Services

REPORT:

Council has received a submission from Consolidated Properties regarding the naming of proposed parks in Casuarina Beach.

Council's policy for naming of public reserves states:-

- a) Public reserves should be given the name of historical and/or Aboriginal significance or the names of eminent persons, past or present, may be used.
- b) Proposals for naming public reserves shall be advertised for twenty (21) days for public comment.

The names submitted are of Aboriginal origin being:-

Jindoo Park (great spirit)	Garri Park (the sun)
Darama Park (great spirit)	Gulbee Oval (water)
Booragul Parkland (summer or warm place)	Nungi Parkland (fishing line)
Weowie Park (water spirit)	

A proposal to name the sportsfields "Heroes Fields" has also been submitted. The concept in naming the area Heroes Fields is to install plaques, monuments etc around the park recognising sporting "heroes". In this, it may be considered a generic name of eminent persons.

The location of the proposed parks is shown on figure 1 below (to be presented at a larger scale to Councillors at the time of the Council meeting).

As the proposed names are consistent with Council policy, it is recommended Council calls for comment regarding the naming of the park public reserves in Casuarina Beach as listed above.

Reports from Director Environment & Community Services

THIS PICTURE WAS TOO LARGE TO DISPLAY

**A "HARD" COPY DOCUMENT WITH PICTURE IS AVAILABLE FOR PERUSAL AT
COUNCIL OFFICES AND LIBRARIES**

Reports from Director Environment & Community Services

THIS
PAGE
IS
BLANK

Reports from Director Environment & Community Services

30. ORIGIN: Environment & Health Services Unit

FILE REF: Acid Sulfate Soils, Environmental Trust Grants

REPORT TITLE:

Funding for Research into Acid Sulfate Soils on Caneland

SUMMARY OF REPORT:

Council has been successful in applications under the Federal Coastal Acid Sulfate Soils Program (CASSP) (\$228,810) and the State Environmental Trust-Environmental Research Program (\$158,415) for funding totalling \$387,225 over 3 years to develop better management practices on land affected by acid sulfate soils.

This funding will help test and implement techniques being trialled on caneland at McLeods Creek. It is expected these strategies will be transportable to other affected areas.

RECOMMENDATION:

That Council:-

1. Accepts the Coastal Acid Sulfate Soils Program (CASSP) and the State Environmental Trust-Environmental Research Program funds totalling \$387,225.
2. Votes the expenditure.

Reports from Director Environment & Community Services

REPORT:

BACKGROUND

Sugar cane production is a major agricultural landuse on the northern NSW coast. The sugar industry provides an economic mainstay for the Tweed Shire Council areas for instance, and almost the entire Tweed River floodplain is devoted to cane production. The Tweed River floodplain is, however, almost entirely comprised of ASS. Indeed, surveys show all coastal lowlands of NSW (approximately 0.5M ha) are underlain by ASS.

Most research and management guidelines for agricultural areas of Australia underlain by ASS have emphasised the reduction of further acidity generation from sulfide oxidation. This is important, however, it is not addressing the most important problem, that of best management of existing acidity.

Research to date shows that the quantity of *existing* acidity in the canelands ASS of McLeods Creek floodplain, is equivalent to about 50 tonne of sulfuric acid per hectare. The discharge of acidity to estuaries from ASS floodplains such as McLeods Creek on the Tweed River or from Tuckean Swamp on the Richmond River is, however, less than 0.5y/ha/y. It is unclear as to the degree to which drainage has been the cause of this acidity, however the drain system is the conduit by which acidity is rapidly transferred to the estuary. Clearly, for improved management of ASS, the critical aims must be to eliminate further acid production from sulfide oxidation, but also to retain acidity in the floodplain and to neutralise acidity that enters drains, before it reaches the estuary as it moves along the hydrological pathway from the ASS profiles to the estuary.

The University of New South Wales (UNSW) and the Australian National University (ANU) have been undertaking research, in conjunction with Tweed Shire Council (TSC) and the landholders, on McLeods Creek at Stotts Creek for approximately ten years

This work has greatly increased the state of knowledge of acid sulfate soils with a number of management techniques being developed. Much of the information collected is now reflected in guidelines for the management of these soils. One estimate is that the export of acidity from McLeods Creek has been reduced by 80% with changes in farm management over the last four years.

PROJECTS:

The two projects recently funded are complementary and will be sited on Robert Quirk, Allan Quirk and Robert Hawken's properties on McLeods Creek. Landholders in this area have been very supportive of research over many years. The projects are as follows.

Firstly, canegrowers will develop practicable techniques of land management, that can be adopted by farmers without economic penalty, so as to avoid creation of new acidity and minimise acidity export to drains.

- a. hill planting and green cane harvesting compared to planting on the flat with traditional burning.

Reports from Director Environment & Community Services

- b. trial elimination of mole drains on half blocks under hill planting/green cane and hill planting/burn options.
- c. trial liming of field drains and headlands with agricultural lime and mill ash treatments; and
- d. trial incorporation of mill ash as a surface acidity ameliorant.

Secondly, the project team will develop and demonstrate sustainable methods of acidity neutralisation in drains, adapted from techniques being developed in the mining industry.

- (a) The use of drop-in modules of various aggregates including limestone in drains to neutralise run-off waters but remain porous.
- (b) Trial use of mill ash from Condong Mill for neutralisation of acidity.
- (c) Developing methods to harvest the iron monosulfide (black sludge) found on the bottom of drains for use in the petrochemical industry.
- (d) Trialling an active lime dosing system with flow dependent dosing.

The high quality of these projects is reflected in the fact that the Environmental Trust approved only 10 grants from 145 applications and the CASSP grant was one of only 8 successful for the whole of Australia.

Thirdly, the TSC staff and project coordinator will demonstrate methods of floodgate and drainage management that decrease problems with acidophilic mosquitos via improved fish habitat that follows improved water quality.

Reports from Director Environment & Community Services

THIS
PAGE
IS
BLANK

Reports from Director Environment & Community Services

31. ORIGIN: Recreation Services Unit

FILE REF: Old Ferry Road, Road Closure – Tnora, Parks – Maint & Improvements, Illegal Dumping

REPORT TITLE:

Old Ferry Road, Oxley Cove

SUMMARY OF REPORT:

At its meeting held 21 February 2000 Council resolved “... *that Council investigates the alleged misuse of the dirt track to the left at the end of Old Ferry Road, Oxley Cove, and the possible installation of bollards or other vehicle limiting devices, and the re-positioning of the 'No Dumping Rubbish' sign at the end of the sealed portion of Old Ferry Road*”.

RECOMMENDATION:

That Council retains the track to the left of Old Ferry Road, Oxley Cove in its current status.

Reports from Director Environment & Community Services

REPORT:

At its meeting held 21 February 2001 Council resolved:-

"... that Council investigates the alleged misuse of the dirt track to the left at the end of Old Ferry Road, Oxley Cove, and the possible installation of bollards or other vehicle limiting devices, and the re-positioning of the 'No Dumping Rubbish' sign at the end of the sealed portion of Old Ferry Road".

With regard to the misuse of the dirt track, Council has received a request from some of the residents of Old Ferry Road, Commodore Court and Captains Way requesting consideration to closure of this road. The issues cited for this request are incidences of illegal camping, lighting of fires, parties, rubbish dumping, motor bikes, cars driving at high speeds, launching of boats and charter boats utilising the area as a pick up area.

Council maintenance staff do not report excessive problems of litter in the area and Council rangers advise that whilst they receive occasional calls to attend issues of rubbish dumping, they are not excessive.

As with the area of Bosun Boulevard, this is a very popular recreation area. Whatever actions Council pursues will require careful consideration and possible consultation. Aside from the abovementioned letter, Council has received verbal requests to ensure access remains to the peninsular and the access track upgraded.

OPTIONS

1. Leave the track open as currently exists. This will not address the concerns of the residents referred to above but will retain access to the remainder of the community.
2. Install traffic calming devices and bollards on the access track. This will address the issues of speeding vehicles. To install two concrete "speed humps" and bollards to prevent cars circumventing the humps will cost approximately \$5,000.
3. Terminate access at a point along the track. Figures 1, 2 and 3 demonstrate that there are grassed areas along the track that may provide for parking were the track blocked at these points. However, the grassed areas contain a slight slope and are prone to bogging of cars in wet conditions. The use for car parking will have obvious adverse effect on these grassed areas. As referred to above, this is a popular recreation area and closure is likely to create a reaction. Consequently, should Council pursue this option, it would be recommended that Council notifies the community of its intent to do so and invite comment. This option would incur a cost of approximately \$1,000.

With reference to the re-positioning of the 'No dumping Rubbish' sign, this will be relocated to the beginning of the access track (Figure 3).

CONCLUSION:

Whilst the residents facing this area may have some valid concerns, this area has been a popular recreation site prior to the surrounding development and continues to be so. Additionally, in

Reports from Director Environment & Community Services

considering the comments from Council maintenance staff and rangers that this area does not raise undue management issues compared to other sites within the Shire, to block access may raise more issues than it addresses.

Installation of speed limiting devices may effectively slow vehicles. However, the costs of the devices and on-going maintenance in relation to the extent of the problem may prove impractical.

Consequently, it is recommended that Council pursues Option 1 and leave the track in its current status.

THIS PICTURE WAS TOO LARGE TO DISPLAY

**A "HARD" COPY DOCUMENT WITH PICTURE IS AVAILABLE FOR PERUSAL AT
COUNCIL OFFICES AND LIBRARIES**

Reports from Director Environment & Community Services

THIS PICTURE WAS TOO LARGE TO DISPLAY

**A “HARD” COPY DOCUMENT WITH PICTURE IS AVAILABLE FOR PERUSAL AT
COUNCIL OFFICES AND LIBRARIES**

Reports from Director Environment & Community Services

THIS
PAGE
IS
BLANK

Reports from Director Environment & Community Services

32. ORIGIN: Environment & Health Services Unit

FILE REF: Concerts, Youth Matters

REPORT TITLE:

Counterpoint Workshop

SUMMARY OF REPORT:

Council has resolved to support a Workshop to develop policies for the management of Counterpoint events. These policies now appear as an attachment to the business paper.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Environment & Community Services

REPORT:

Council, at its meeting of 20 September 2000 resolved that Council “...provides up to \$1,000.00 from the Youth Support budget to help finance a two day residential workshop for the 16 Counterpoint Committee members to develop policies for the management of Counterpoint events and to review the structure and objectives of the Counterpoint organisation.”

This Workshop has now taken place and the Counterpoint Policy and Procedures documentation, which is an attachment to this business paper, has been produced.

This document will be reviewed following upcoming concerts to keep it updated and relevant.

Reports from Director Environment & Community Services

32a. ORIGIN: Environment & Health Services Unit

FILE REF: Police Matters

REPORT TITLE:

Crime Prevention Plan - Coolangatta/Tweed Heads

SUMMARY OF REPORT:

Council has previously resolved to endorse the development of the above, such to be funded jointly by both State Governments.

Advice of the approval for the funding has now been received and therefore Council should formally accept the grant and vote the funding for the project.

RECOMMENDATION:

That Council accepts the grant from the New South Wales Attorney General's Department of \$40,000 and votes the expenditure for the development of a Crime Prevention Plan for the Tweed Heads/Coolangatta area.

Reports from Director Environment & Community Services

REPORT:

Council is reminded that at its meeting of 20 December 2000 it resolved to endorse a joint crime prevention proposal between Gold Coast City Council, Queensland Department of the Premier and Cabinet, NSW Attorney General's Department and Council to develop a crime prevention plan for the Tweed Heads/Coolangatta area. Such to be funded jointly by both State Governments.

NSW Attorney General's Department has now advised that the funding in the sum of \$40,000 has been approved.

Accordingly Council should formally accept the grant and vote the expenditure for the project.

Reports from Director Environment & Community Services

32b. ORIGIN: Environment & Health Services Unit

FILE REF: Drugs

REPORT TITLE:

Needle Syringe Program Vending Machine

SUMMARY OF REPORT:

This report outlines the events concerning the installation and subsequent removal of the above vending machine at the new Community Health premises, Cnr Wollumbin and Nullum Streets, Murwillumbah.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Environment & Community Services

REPORT:

Council is advised that as part of the Murwillumbah Co-location Project the Northern Rivers Area Health Service, Murwillumbah Community Health team has relocated to the building on the corner of Wollumbin and Nullum Streets.

In mid-January a discussion was held with the service concerning the possible relocation of the needle syringe program's vending machine from its existing location near the Murwillumbah Hospital emergency entrance to the new building, such to be located within an alcove facing Wollumbin Street.

A follow up letter was received by Council on 29 January 2001.

Further discussions were held in early February with the service and advice sought from Council's Development Assessment Unit as to the need for development consent. This need was confirmed for such installation on the outside of the building.

Prior to conveying this advice back to the Service, it became apparent that the vending machine had been installed within an alcove and the Development Assessment Unit was advised and asked to inspect.

Formal notification of the need for consent was forwarded to Community Health on Thursday, 1 March and the vending machine was subsequently removed on Friday, 2 March.

Community Health has indicated their intention to seek development consent for the installation of the machine.



Dr J Griffin
General Manager

Reports from Committees/Working Groups

1. Minutes of the Public Transport Working Group Committee Meeting held Tuesday 13 February 2001

GT1/41 Pt3

VENUE:

Tweed Heads Civic Centre Meeting Room

TIME:

3.00pm

PRESENT:

Committee Members: Cr Bronwynne Luff, Don Stubbs, Terry Plant

Informal: Robin Spragg, Ray Clark (TSC); Stephanie Cooper (PTDP)

APOLOGIES:

Barbara Rahmate

MINUTES OF PREVIOUS MEETING:

Moved: Terry Plant

Seconded: Stephanie Cooper

RESOLVED that the Minutes of the Public Transport Working Group Committee meeting held Wednesday 17 January 2001 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

1. Policy Document Review

GT1/41 Pt3

- (a) TAFE Student Transport – not discussed
- (b) Expansion of Community Transport – not discussed
- (c) Draft Tweed Heads DCP No 18:

Reports from Committees/Working Groups

The DCP has been re-drafted with some reference to public transport. Copies were requested so that comments could be made to next meeting.

2. Major Development Review

GT1/41 Pt3

(a) Land Use/Transport Integration:

No further progress at present with DUAP Regional Framework or Guidelines. DUAP is promoting a Workshop on Transport and Access on 14/3 in Grafton (since postponed to a future date) – speakers include David Taylor (DoT, Sydney) and Martin Thomsett (QT, Brisbane).

3. Studies and Submissions

GT1/41 Pt3

(a) Regional Solutions Program:

Prior to preparing an Action Plan for 2001, it was desirable to call for new members of the Committee. The original report setting up the Committee was circulated, so that appropriate representation of groups and areas could be identified.

RECOMMENDATION:

That Council authorises the Committee to seek expressions of interest to fill available places on the Public Transport Committee, being members to represent:

Murwillumbah/Rural District (2)

Tweed Heads District (2)

Tweed Coast District (1)

Preference would be given to members who could also represent older people, people with a disability, young people, or community services organizations.

4. Surfside Market Survey

GT1/41 Pt3

Survey is proceeding, no results yet.

Reports from Committees/Working Groups

GENERAL BUSINESS:

5. Tweed Public Transport Promotion - Action Plan

GT1/41 Pt3

Stephanie presented an Action Plan. Initial stages have been completed – letters sent to 40 clubs, pubs and restaurants, and 4 taxi groups. So far 3 positive replies. In view of time scale, members will contact clubs over the next week to see if a minimum of 10 are willing to participate. If not, paid advertising could not be afforded.

There was discussion of slogans and wording for the flyer, with a number of useful ideas: - Operation Home Run; Free Travel, Easter 12-14 April; Have a Night Out with Us; etc.

Good Friday was not a busy night, and it was agreed to change free bus services to Thursday, 12 and Saturday, 14 April.

Taxis would provide a 20% discount on the free days, but only where the participating taxi groups operated.

Ray provided details of the RTA Road Safety Campaign for Easter.

6. Access Committee

GT1/41 Pt3

Implementation of bus stop improvements was discussed at the Access Committee. Three of the sites were covered by the new TIP grant projects; others may be able to be addressed if there are grant funds available.

7. Request for Seat - Ducat Street

GT1/41 Pt3

Request was from the Aboriginal Hostel – it was likely a seat would be justified.

NEXT MEETING:

The next meeting of Public Transport Working Group Committee will be held on Tuesday, 13 March, 2001 at the Tweed Heads Civic Centre.

The meeting closed at 5.30pm.

Director's Comments: Noted

Reports from Committees/Working Groups

DIRECTOR'S RECOMMENDATIONS:

3. Studies and Submissions

GT1/41 Pt3

Committee Recommendation:

That Council authorises the Committee to seek expressions of interest to fill available places on the Public Transport Committee, being members to represent:

Murwillumbah/Rural District (2)

Tweed Heads District (2)

Tweed Coast District (1)

Preference would be given to members who could also represent older people, people with a disability, young people, or community services organizations.

<i>Director's Recommendation:</i> <i>Recommendation endorsed.</i>

Reports from Committees/Working Groups

2. Minutes of the Sports Advisory Committee Meeting held Tuesday 20 February 2001

Sports Advisory Committee

VENUE:

Tweed Heads Civic Centre

TIME:

5.00 pm

PRESENT:

Committee Members: Cr Warren Polglase, Cr Phil Youngblutt; Mr Merve Edwards, Mr Kevin Brennan, Ms Leanne Sharp, Mr Peter Moschogianis, Mr Ron Brisby, Ms Glennys Kenny, Mr Andrew Walker, Mr Stewart Brawley.

Informal: Mrs Blyth Short (Recorder)

APOLOGIES:

Cr Davidson, and Ken Baldwin

CONFIRMATION OF MINUTES:

Moved: Leanne Sharp

Seconded: Peter Moschogianis

RESOLVED that the Minutes of Sports Advisory Meeting held Tuesday 16 January 2001 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

2. Piggabeen Sports Complex

Piggabeen Sporting Complex

The committee was advised of the ongoing discussions underway between all sporting clubs who utilise the Piggabeen Fields. This year the summer grand final of Softball and the commencement of Rugby League are on the same weekend. Stewart Brawley has received and sent correspondence in relation to this facility and the issues of sharing of the canteen, toilets, rubbish bins and erection of goal posts for League.

S Brawley clarified that under the Local Government Act, a licence gives the clubs temporary or intermittent use of a field, that more than one licence can be issued at a time, and the area is shared with the general public. Dual usage of fields requires compromise and flexibility between clubs.

Reports from Committees/Working Groups

4. Rugby Union - Banora Green

Banora Green

Coolangatta Tweed Barbarians Rugby Union will be utilising the field at Banora Green in the 2001 winter season. The club is currently underway with field preparations.

CORRESPONDENCE:

1. Resignation of Ross Conlon

Sports Advisory Committee

Ross Conlon has resigned from the committee. The committee to forward a letter of acknowledgment for his efforts over the last year. There will be no need to refill this position as the committee is now back to its original size.

GENERAL BUSINESS:

2. Bilambil Sports Grounds

Bilambil Sports Complex

The committee was advised of the unstable financial situation at the Bilambil Sports Grounds. The committee all agreed that these grounds are a valuable asset to the community. It would be impossible to accommodate the users of these fields at other grounds as they are already operating at capacity.

Moved: Merve Edwards

Second: Andrew Walker

RECOMMENDATION:

That Council pursues all options to ensure the Bilambil Sports Grounds remain available for community use. Should the opportunity to purchase the grounds become available, this would be the preferred option.

NEXT MEETING:

The next meeting of the Sports Advisory Committee will be held 20 March 2001 at the Murwillumbah Buchanan Depot.

The meeting closed at 5.45 pm

Director's Comments:

Council is pursuing the matter of the Bilambil Sports Grounds.

Reports from Committees/Working Groups

DIRECTOR'S RECOMMENDATIONS:

2. Bilambil Sports Grounds

Bilambil Sports Complex

Committee Recommendation:

That Council pursues all options to ensure the Bilambil Sports Grounds remain available for community use. Should the opportunity to purchase the grounds become available, this would be the preferred option.

<i>Director's Recommendation:</i>
--

<i>Nil</i>

Reports from Committees/Working Groups

3. Minutes of the Cabarita Beach SLSC Clubhouse Working Party Committee Meeting Held Tuesday 27 February 2001

File Surf Lifesaving, Cabarita Headland

VENUE:

Cabarita Beach Surf Lifesaving Club

TIME:

6.10pm

PRESENT:

Cabarita Beach Surf Life Saving Club – Peter Skaines (Chairman), Anita Raftery, Bruce Douglas (alternate delegate)

TSC Staff – Don Buckley (Director Environment & Community Services), Geoff Edwards (Manager Environment & Health Services), Meredith Smith (Minutes Secretary)

Far North Coast Surf Life Saving Branch – Wilson Cregan (President)

Cabarita Beach Bogangar Residents' Association Inc – Tim Smerd, Terry Kane

APOLOGIES:

Fred Perlenfein, Cr George Davidson, Cr Henry James.

MINUTES OF PREVIOUS MEETING:

Decision: that the Minutes of the Cabarita Beach SLSC Clubhouse Working Party meeting held 30 January 2001 be accepted as a true and accurate record of the proceedings of that meeting.

Moved D Buckley/W Cregan (Carried unanimously)

BUSINESS ARISING:

3. Maintenance Issues

Surf Lifesaving, Cabarita Headland

G Edwards advised that work had been carried out to tie-off wires, tighten fasteners and attend to minor electrical work and that he assumed all required work was now complete.

Discussion with the Engineer indicated that levels had been re-checked and at this stage there was no indication of movement or change in the building.

The next report from the Consulting Engineer is due 20 March 2001.

Reports from Committees/Working Groups

AGENDA ITEMS:

1. Outcome of Council's Workshop held Wednesday, 14 February 2001
Surf Lifesaving, Cabarita Headland

D Buckley advised that the first draft of the Coastal Study will be presented to members of the Tweed River Management Plan Advisory Committee (TRMPAC)/Coastal Committee who are due to meet on 4 April 2001. He further advised that the Coastal Study is the catalyst of actions for this Working Group.

D Buckley commented that Council had been advised that there might be some commercial opportunity within the proposed Cabarita Surf Club precinct and had preliminary discussions on the placement of the actual club. No Council decisions regarding the Club had yet been made. He referred to the contents of a letter sent to the Club regarding the outcome of Workshop and advised that this Group needs to work out a Strategy to see what can be achieved in the interim prior to release of the draft Coastal Study.

T Kane advised that the expected progress of the Coastal Study following consideration by TRMPAC could result in recommendations from that Committee to Council.

D Buckley indicated that the Coastal Study was an important planning document in that it establishes lines where certain activity can occur. The draft Study would need to be ratified by Department of Land and Water conservation.

GENERAL BUSINESS:

2. Update of Club Actions
Surf Lifesaving, Cabarita Headland

A Raftery updated the group on current actions, advising that the Club is currently going through the process of seeking ideas from designers/architects and organising meetings to go through concept plans. It was proposed to brief the architects as a group, peruse concept plans and then arrange individual meetings. This process has been made difficult as Council decision making hinges on release of the Coastal Study.

3. Far North Coast Surf Lifesaving
Surf Lifesaving, Cabarita Headland

W Cregan advised that the overall concept at Cabarita has been placed on the Agenda of the State meeting in May with the first priority being to consolidate Cabarita and with possible outposts at Pottsville and Casuarina Beach to follow in the future.

He further advised the position regarding the Club's capital assistance funding application with the Department of Sport & Recreation with a decision on the application expected within 2 weeks. He indicated that a request from the Department for further information could be

Reports from Committees/Working Groups

viewed as a positive sign that the application was being seriously considered. When advice is received from the Department it will be e-mailed to members for their information.

4. Car Parking/Height Limits

Surf Lifesaving, Cabarita Headland

General discussion took place regarding height limits and car parking with Geoff Edwards advising that advice given at the Council meeting by the Director Development Services indicated a 5A zone with a 3 storey limit.

D Buckley advised that car parking calculations will be impacted by any proposed commercial development issues.

5. Strategy

Surf Lifesaving, Cabarita Headland

General discussion took place on a strategy to progress decision making on the Club's future.

The Group agreed that a decision is required from Council on what land will be available by early April 2001 to allow the Club to proceed with its negotiations with architects and to allow the project to be completed by the 2002/2003 season.

RECOMMENDATION:

That Council that makes a decision on what land will be available by early April 2001 to allow the Club to proceed with its negotiations with architects and to allow the project to be completed by the 2002/2003 season.

NEXT MEETING:

The next meeting of Cabarita Beach SLSC Clubhouse Working Party will be held Tuesday, 10 April 2001

The meeting closed at 7.05pm.

<i>Director's Comments: Nil</i>

Reports from Committees/Working Groups

DIRECTOR'S RECOMMENDATIONS:

5. Strategy

Surf Lifesaving, Cabarita Headland

Committee Recommendation:

That Council that makes a decision on what land will be available by early April 2001 to allow the Club to proceed with its negotiations with architects and to allow the project to be completed by the 2002/2003 season.

Director's Recommendation: <i>The Committee recommendation is endorsed.</i>
--

Reports from Committees/Working Groups

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

- 4. Minutes of the Companion Animal Committee Meeting held 5 February 2001**
 - 5. Minutes of the Joint Meeting between Redland Shire Council, Logan City Council, Tweed Shire Council and Gold Coast City Council held 8 February 2001**
-

Orders of the Day

1. Notice of Rescission - Cr Beck, Cr Marshall and Cr Youngblutt

Tyalgum Waste Depot Operations

Notice of Rescission, Garbage - Tyalgum

That Council resolution at Minute No 768 in relation to Item 14 of the Meeting held 21 February 2001 being:-

".....that:-

- 1. Council seeks submissions from the community on option 1, closure of the landfill and option 3, conversion of operation from landfill to transfer station with the submission to address whether the writer is prepared to pay much higher disposal fees to cover operating costs.*
- 2. Council charges the garbage administration fee for properties not previously identified as chargeable for that fee from and including the 2001/2002 rate year and the actual pro-rata service fee for those residents in the Tyalgum area who elect to commence use of the garbage service prior to 30 June 2001."*

be rescinded."

1a. Notice of Motion - Cr Lawrie

Donation Towards Rotary District 9640 Convention

Notice of Motion, Donations, Civic Business

That Council donates an amount of \$1,500 towards the cost of the 2001 Rotary District Convention.

Orders of the Day

THIS
PAGE
IS
BLANK

