

# Items for Consideration of Council

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# Schedule of Outstanding Resolutions

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## 20 SEPTEMBER 2000

### REPORTS FOR DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

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

335

Cr Luff

Cr Marshall

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

**Current Status:** Council's Risk Management Consultant currently in Council. Policy to be finalised.

---

## 18 APRIL 2001

### REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

3. **Houses on Road Reserve - Reserve Creek Road**  
**R4660 Pt4; Reserve Creek Rd**

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

C188

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

**Current Status:** Meeting held with some of the owners. Further meetings planned.

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## Schedule of Outstanding Resolutions

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### 5 DECEMBER 2001

#### REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

##### 17. Proposed Tweed Natural High Campaign

Drug Related Matters

508

Cr Boyd

Cr Marshall

**RESOLVED** that Council:-

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

**Current Status:** Discussions under way with Queensland Alcohol and Drug Foundation.

---

### 19 DECEMBER 2001

#### REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

##### 33. Future Doon Doon Hall

Rural Hall - Doon Doon

579

Cr Youngblutt

Cr Davidson

**RESOLVED** that:

1. This item be deferred until the Bilambil Sports Fields purchase is finalised and Council is certain what it is going to cost to bring the whole area into good condition.
2. Council supports, in principle, the preservation of the Doon Doon Hall.

**Current Status:** Estimates are being prepared for the works to be carried out at the Bilambil Sportfields.

---

##### 5. Policy – Low Light Reflective Building Materials

Notice of Motion; Building – Code; Building - General

596

Cr Marshall

Cr Luff

**RESOLVED** that a suitable policy be developed to give effect to the matter of external roof and wall materials to ensure low light reflectivity characteristics and be in such colours as



## Schedule of Outstanding Resolutions

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appropriate to compliment the area and amenity of the area and not be prominent against the background of the structure.

**Current Status:** Report imminent.

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### 6 MARCH 2002

#### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

3. **Local Environmental Study and Draft Local Environmental Plan - Seaside City**  
**GT1/LEP/2000/3 Pt6; LEP – Seaside City**

741

Cr Brinsmead

Cr Lawrie

**RESOLVED** that further communication with the owners of Seaside City regarding rezoning issues be deferred until Councillors have more information about the present status of the planning process.

**Current Status:** Report to Council in conjunction with Department of Local Government Investigation report.

---

### 20 MARCH 2002

#### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

5. **Draft Tweed Local Environmental Plan 2000 Amendment - Housekeeping (Stage 2) and Amendment to Development Control Plan No 40 - Exempt and Complying Development**

**GT1/LEP/2000/26 Pt1; GT1/DCP/40 Pt1; LEP – Housekeeping; DCP**

793

Cr Beck

Cr Marshall

**RESOLVED** Council regarding Item 14 – Deferred Areas, not proceeds with the rezoning of Lot 1 DP803772 and Lot 1 DP810063, Cudgen Road, Cudgen to 1(a) Rural and requests the Director Development Services to bring forward a report on the possibility of rezoning these two lots to Residential 2(a).

**Current Status:** Report being prepared.

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#### REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

38. **Desexing of Cats and Dogs**

**Companion Animals Committee**

831

Cr Youngblutt

Cr Luff

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## Schedule of Outstanding Resolutions

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**RESOLVED** that this matter be deferred to allow consultation with the “Friends of the Pound”.

**Current Status:** Consultation taken place – issues being researched and report to Council.

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### ORDERS OF THE DAY

#### 3. Staffing

**Notice of Motion; Staffing Levels**

839

Cr Beck

Cr Lawrie

**RESOLVED** that a report be brought forward regarding the adequacy of the staffing numbers in the Planning and Building Departments as soon as possible.

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

---

## 3 APRIL 2002

### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

#### 1. Land East of Old Bogangar Road, Cudgen

**GT1/LEP/A113 Pt6; LEP**

852

Cr Marshall

Cr Boyd

**RESOLVED** that this matter be deferred pending a report from the Director Development Services after the release of the Rural Land Use Study from the Tweed Economic Development Corporation.

**Current Status:** Awaiting release of the Study.

---

### REPORTS FROM SUB-COMMITTEES

#### 3. Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 March 2002 **Aboriginal Matters**

#### 4. Jack Evans Boat Harbour

**Aboriginal Matters**

874

Cr Boyd

Cr James

**RESOLVED** that this item be deferred until further information is received by Council.

**Current Status:** Awaiting further information.

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## Schedule of Outstanding Resolutions

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1. **Aboriginal Heritage Study**

**Aboriginal Matters**

875

Cr James

Cr Luff

**RESOLVED** that a report be prepared on:

1. The need for an Aboriginal Heritage Study and
2. Options for the form and scope of such a study.

**Current Status:** Report being prepared.

---

### ORDERS OF THE DAY

4a. **Tweed Road Contribution Plan**

**Notice of Motion; Section 94 Plans**

886

Cr James

Cr Marshall

**RESOLVED** that a report be prepared on the need to adjust the Tweed Road Contribution Plan in light of the significant reduction in trips assumed for resort tourist development approvals at Casuarina Beach. The report should include an outline of options available to adjust the Plan so that there is no adverse effect on overall contributions collected for the program of works proposed in the plan.

**Current Status:** Report being prepared.

---

## 15 MAY 2002

### ITEMS DEFERRED

1. **Roadside Stalls**

**Notice of Motion; Roadside Stalls; LEP; DW667457**

980

Cr Luff

Cr James

**RESOLVED** that this matter be further deferred.

**Current Status:**

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## Schedule of Outstanding Resolutions

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### QUESTION TIME

#### Tweed River – Clean Up

#### Area 5 – Tweed River; Rubbish – Illegal Dumping

#### Cr Boyd

Enquired what action can be taken to clear up the river bank beside the Pacific Highway between J H Williams Park and Boral.

The Director Engineering Services replied that the question would be taken on notice.

**Current Status:** Manager Recreation Services and Manager Works are intending to have the existing bahna grass flailed to road level and subsequently apply herbicide to retard future growth. This method will be monitored with a view to developing a permanent solution.

---

## 5 JUNE 2002

### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

- Draft Open Space Infrastructure Policy, Amendment of Section 94 Contribution Plan No 5 - Local Open Space and Draft Section 94 Plan No 26 - Shire Wide/Regional Open Space**

GT1/S94/5 Pt1; GT1/S94/26 Pt1; GT1/S94/5-A Pt1; S94

1031

Cr Lawrie

Cr Beck

**RESOLVED** that this item be deferred for the holding of a workshop on this issue.

**Current Status:** Workshop tentatively booked for 4.00pm Wednesday 26 June 2002.

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### REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

- Acquisition of Crown Land being Lot 1 in DP 1040811 at Bogangar - Les Burger Field**

Les Burger Field; 1190.1240

1057

Cr James

Cr Beck

**RESOLVED** that Council defers this matter to allow further assessment of the evaluation.

**Current Status:**

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# Mayoral Minute

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Councillors,

**1. Far North East New South Wales Sustainable Region Advisory Committee  
Sustainable Regions Program**

7 June – attended Consultation Forum at Murwillumbah to establish regional priorities under the Federal Government’s \$100.5 Million Sustainable Regions Program.

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**2. Citizenship Ceremony**

**Citizenship**

7 June – presented Citizenship Certificate to Maureen Lorenzen at a Private Citizenship Ceremony at Tweed Heads.

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**3. Powerhouse Christian Centre Murwillumbah**

**Councillor Invitations**

8 June – opened Public Display Night at the Murwillumbah Civic Centre for the Powerhouse Christian Centre.

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**4. JetSprints – Round Mountain**

**Councillor Invitations**

9 June – attended a V8 jetboat race meeting held by the Tweed Valley Jetsprint Club at the Round Mountain track and later presented awards at the presentation dinner at Cudgen Leagues Club.

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**5. 2002 Border Park Galaxy**

**Councillor Invitations**

10 June – attended the 2002 Border Park Galaxy Greyhound Races held at the Border Park Racecourse Tweed Heads.

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# Mayoral Minute

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**6. Minister for Planning**

**Development General**

12 June – met with the Minister for Planning at Tweed Heads.

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**7. Citizenship Ceremony**

**Citizenship**

14 June -conducted private citizenship ceremony at Murwillumbah presented certificate to Dr. Philip Allen.

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**8. Rotary Changeover Dinner**

**Councillor Invitations**

14 June – Attended the Tweed Heads South Rotary Changeover Dinner at the Opal Room Tweed Heads Bowls Club.

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**9. Rotary Changeover Breakfast**

**Councillor Invitations**

15 June - attended Rotary Club of Mt Warning AM Changeover Breakfast at Greenhills Murwillumbah.

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**10. Cudgen SLSC**

**Surf Life Saving; Councillor Invitations**

15 June attended Cudgen Surf Life Saving Club's 81<sup>st</sup> Season Presentation of Awards at Cudgen Headland SLSC Kingscliff.

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**11. Uniting Church Twin Towns Congregation**

**Councillor Invitations**

16 June attended the Twin Towns Congregation of the Uniting Church 25 years Anniversary service and lunch at Coolangatta.

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**12. Tweed Chamber Breakfast**

**Councillor Invitations**

18 June Tweed Chamber Breakfast – Launch Tweed Sun Newspaper.

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# Mayoral Minute

## INVITATIONS ACCEPTED:

- 19 June – meet with Comander Tarleton of Tweed Byron Command to discuss Police Accountability Community teams
- 25 June – Murwillumbah Lions Annual Changeover Dinner, Murwillumbah RSL
- 29 June – Going to gaol for Red Cross Fundraiser Tweed City Shopping Centre
- 29 June – Kingscliff Ambulance Station Presentation & Commissioning of New First Aid Vehicle

## ABSENCES FROM SHIRE BY GENERAL MANAGER AND DIRECTORS

### ➤ General Manager (John Griffin)

<b>14 June 2002</b> <b>Sydney</b>	Workshop to Prepare Position Paper on Local Government Reform
<b>20 June 2002</b> <b>Ballina</b>	LGMA NSW Divisional Council Meeting
<b>21 June 2002</b> <b>Ballina</b>	LGMA Northern Rivers Branch Meeting

### ➤ Director Corporate Services (Ian Carpenter)

<b>21 June 2002</b> <b>East Ballina</b>	LGMA Northern Rivers Branch Meeting
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### ➤ Director Development Services (David Broyd)

<b>18 June 2002</b> <b>Tweed Heads</b>	Industrial land meeting with Jo Gardner (PlanningNSW) & others
<b>20-21 June 2002</b> <b>Sydney</b>	RAPI Executive Meeting
<b>29-30 June 2002</b> <b>Canberra</b>	RAPI Business Planning Workshop
<b>1 July 2002</b> <b>Sydney</b>	Launch of PIA at Deacons

### ➤ Director Engineering Services (Mike Rayner)

<b>4 July 2002</b> <b>Sydney</b>	Water Directorate Executive Committee Meeting & DLWC / LGSA Liaison Committee
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# Mayoral Minute

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

<b>19 June 2002</b> <b>Sydney</b>	Local Government Liaison Committee Group Meeting
<b>20 June 2002</b> <b>Brisbane</b>	Meeting Architects re New Art Gallery & Visit Ipswich Art Gallery
<b>27-28 June 2002</b> <b>Shoalhaven</b>	ASSMAC Meeting at Shoalhaven

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# Reports from Director Development Services

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

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

### **MATTERS FOR CONSIDERATION**

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

## Reports from Director Development Services

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## Reports from Director Development Services

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

**FILE REF:** DA1393/320 Pt1; Banora Pt Community Centre

**REPORT TITLE:**

**Banora Point Community Centre**

**SUMMARY OF REPORT:**

This Report reviews the outcome of the public meeting held on 21 May 2002, and further consultation required by Council's resolution of 17 April 2002. At the conclusion of the public meeting there was a general consensus to support further advancement of a Community Centre through the Establishment Committee process, to try to arrive at a detailed proposal for Council approval, taking into account the issues raised. By widening the Committee representation all age groups and many interests could be canvassed in the design process.

Appropriate modifications have been drafted for the Committee Terms of Reference and Protocols (Annexure 1).

**RECOMMENDATION:**

That Council:

1. Notes the tabled Research Report on Banora Point Community Centre prepared by Market Facts (Qld) Pty Ltd;
2. Adopts the revised Terms of Reference for the Banora Point Community Centre Establishment Committee (Annexure 1);
3. Determines the revised membership of the Establishment Committee so as to include the Tweed River Valley Fellowship Inc, Ms Diane Smith and Ms Lynn Lazer (in addition to existing members).

## Reports from Director Development Services

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### REPORT:

#### BACKGROUND

On 17 April 2002 the Council resolved:

*“that before Council makes a final resolution, a well publicised, educative public meeting be held with a representative of Market Facts in attendance to explain the outcome of the survey.”*

*“that this matter be held in abeyance until discussions are held between representatives of the Salvation Army, the Department of Education and Council to address the community needs of the area, with Council’s priority being the provision of community facilities in acknowledgement of the result of the survey.”*

#### PUBLIC MEETING – 21 MAY 2002

Approximately eighty people attended the meeting at the Salvation Army Centre. Among the attendees were many members of the Banora Point Residents Association. The meeting was chaired by the Mayor, and presentations were made by the Director, Development Services on the planning process for the proposed Centre since 1988, and by independent consultant Lesley Gibbs of Market Facts (Qld) Pty on the methodology and results of the Community Survey (reported to Council on 17 April). Councillors Lawrie and Luff were present, and vigorous discussion took place.

#### Issues Arising from the Comments:

- **Diversity of View** – There was a diverse range of views expressed and a mix of supportive and objecting comments to the Centre. There was an absence of representation of some local interests such as families and young people.
- **Community benefits** - The planning for a Community Centre and its benefits for the future community were more readily understood. There was a tendency to focus on personal security, anti-social behaviour and property values. However, a Community Centre is part of a long term urban planning strategy to strengthen community values and support healthy social activities.
- **Beautification** - Open space and its embellishment was favoured both by speakers at the meeting and respondents to the survey. The concept proposals for a Centre already contain an emphasis on informal recreation. Within the constraints of funding legislation, ways should be explored to realise this preference effectively in the design of the site.
- **Committee** - The principle of using an Establishment Committee to lead to community management of a Centre was accepted, but the representation on the present Committee may need to be reconsidered to allow wider participation.

#### NEXT STAGE OF COMMUNITY CENTRE DESIGN – REVIEW OF ESTABLISHMENT COMMITTEE

At the conclusion of the public meeting there was a general consensus to support further advancement of a Community Centre through the Establishment Committee process, to try to arrive at a detailed proposal for Council approval, taking into account the issues raised. By widening the Committee representation all age groups and many interests could be canvassed in the design process.

## Reports from Director Development Services

The operation of the Establishment Committee, voting membership by Council Officers and the Design Consultant has received some criticism. Initially, six votes resided with Council officers and the Consultant; at the first Committee Meeting on 21 June 2001 voting was discussed and it was decided to reduce voting to two Council Units only (E&HS and SPU). It is now suggested that Council officers be non-voting executive members.

Appropriate modifications have been drafted for the Committee Terms of Reference and Protocols (Annexure 1).

Following the public meeting on 24 May 2002 the Mayor advised Councillors by memo as follows:

*“At the Public Meeting on 21 May general agreement was reached to continue developing the design and content of a Community Centre for Banora Point by means of community consultation through the Establishment Committee set up by Council’s resolution of 4 April 2001. It was considered, however, that the Committee should have as wide a membership as possible, and should not be dominated by Council officers. I have agreed with Councillor Lawrie that we should move quickly to re-constitute the Committee to advance the proposal.*

*I am proposing to call immediately for further expressions of interest from organisations and groups to join the Committee.”*

Notices calling for expressions of interest to join the Establishment Committee have been placed in the Tweed Link. The Notice identified groups from which representation would be particularly welcomed – women, men, young people, older or less mobile people, Aboriginal people, and people with low incomes. By 13 June three responses had been received:

- Leone Crayden, Tweed River Valley Fellowship Inc. This organisation has previously submitted a proposal to participate in the Centre.
- Diane Smith, 47 Avondale Drive, Banora Point, who has an interest in the support of people with a disability.
- Lynn Lazer, experienced manager of community organisations and parent resident in Banora Point.

Discussions have been held with two other organisations who may respond – further information may be presented at the Council meeting.

### **CONSULTATION WITH DEPT OF SCHOOL EDUCATION AND THE SALVATION ARMY:**

Consultation as resolved by the Council on 17 April has been carried out. The DSE was happy to have Councils supplement facilities at High Schools, such as assembly hall enhancements or community rooms. The DSE is not disposed to use sports facilities located some distance from the High School site, and will be providing its own gymnasium, which will also be used for assembly purposes. A joint approach to providing playing fields could be looked at – the High School site (5.4ha) is a minimum size for 1,000 students.

It should be noted that many community services and activities operate during school hours, and a school location would only be suitable for evening activities, not a full-time community centre.

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## Reports from Director Development Services

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**2. ORIGIN: Development Assessment Unit**

**FILE REF: DA1540/3620 Pt3**

**REPORT TITLE:**

**Revised Proposal for Retirement Village at Lot 1 DP 881733**

**SUMMARY OF REPORT:**

An enquiry has been received by Council from Jim Glazebrook and Associates as to whether proposed amendments to a consent for a retirement village in Leisure Drive, Banora Point can be dealt with as a modification of consent pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979.

The amendments are considered to be substantial incorporating a two storey central complex containing high care facilities and serviced rooms. The number of units have significantly changed. It is considered that the amended proposal is substantially different to that originally approved and requires the submission of a new Development application.

**RECOMMENDATION:**

That Jim Glazebrook and Associates be advised that a new Development Application will be required for the proposal to develop the Retirement Village/Aged Care Facility on the corner of Leisure Drive and Darlington Drive as proposed by Queensland RSL.

## Reports from Director Development Services

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### REPORT:

Jim Glazebrook and Associates have made a submission (attached) regarding proposed changes to an existing approved retirement village at Banora Point, which is yet to be built. The question has been asked whether the changes proposed to that of the original approval can be dealt with pursuant to the provisions of Section 96 of the Environmental Planning and Assessment Act, 1979. The original proposal contained the following: -

- 164 single storey units in blocks of 2, 3 or 4 units
- community building with associated pool and facilities
- units were primarily self care units containing either 1 or 2 bedrooms, kitchen and laundry services
- no hostel or high care units were proposed

The revised proposal contains the following: -

- 60 high care suites contained in a two storey building and basement car parking
- 60 serviced apartments (low care units) to be contained in two (2) separate single storey wings of the central complex
- 101 single storey independent living units
- reception and administration building contained in central complex
- recreation hall and pool (relocated from original approval)
- single storey units are either single free standing dwellings or contained in blocks of two or three
- internal road layout has changed to accommodate redesign
- a total of 221 suites/units
- staging of development has changed

Section 96 of the Environmental Planning and Assessment Act, 1979 allows for a consent to be modified provided Council is satisfied the development is substantially the same development. Section 96(2)(a) states as follows:-

*“A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all) under this section, and ...”*

It is considered that it would be difficult to conclude the amended proposal is substantially the same development when you have regard that:-



## Reports from Director Development Services

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- The revised proposal includes a 2 storey building containing 60 high care units and underground basement car parking. The original proposal did not contain any high care units and was restricted to single storey self-contained units.
- The revised proposal includes two single storey wings containing a total of 60 serviced apartments. The original consent contained no serviced apartments and was restricted to single storey.
- The total number of units will increase from 164 to 221 as a result of the amended proposal.
- The configuration of single storey units has changed.
- The internal road layout has changed.
- The high care rooms, low care rooms, administration and ancillary services will be contained in a single complex with basement car parking up to two storeys in height in parts.
- The size and scale of the central complex is significantly different to any buildings approved as part of the original approval.

It is therefore concluded the revised proposal should not be dealt with under the provisions of Section 96 of the Environmental Planning and Assessment Act, 1979 and therefore requires the submission of a separate development application.

### **LEGAL/RESOURCE/FINANCIAL IMPLICATIONS**

By accepting the changes as being substantially the same development and processing an application under the provisions of Section 96 of the Act, Council would expose itself should the validity of the consent be challenged.

### **CONCLUSION**

The proposed amendments to the existing consent for a retirement village in Banora Point will result in a substantially different development to that originally approved in terms of the Environmental Planning and Assessment Act, 1979. Therefore the proposal should be dealt with as a new development application and Jim Glazebrook and Associates should be advised accordingly.

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

**FILE REF:** GT1/S94/10 Pt1

**REPORT TITLE:**

**Amendment of Section 94 Contribution Plan No 10 - Cobaki Lakes**

**SUMMARY OF REPORT:**

Section 94 Contributions Plan No.10 – Cobaki Lakes has previously been amended for the following reasons:

1. Deleting the pre school and childcare facilities from both the Town Centre and the South West sector. This change has been implemented as the recent trend has been for the private sector to construct and operate childcare and pre school centres, with the State and Commonwealth Governments also assisting with the funding of pre schools.

The works schedule has been amended to allow for the resources that were to be allocated towards the childcare and pre school centres to be allocated towards upgrading the remaining community facilities. An attached childcare facility has also been added to the multi use hall in the South West sector. Both childcare facilities are intended to cater for the users of the multi use halls only.

In particular, a multi use hall with an attached childcare facility in the Town Centre has been added to the schedule, to be constructed at the 1,000 lot threshold level. This will allow community groups to access meeting rooms, offices and other facilities at an early stage in the development of the estate.

The following draft amendments are now recommended: -

1. Deleting the library from the plan. As part of the recently amended Libraries Contribution Plan No.11 the Tweed Heads library is to be further extended to accommodate the expected population at Cobaki. Consequently there is no requirement for a new library at Cobaki.
2. This version also updates the estimated costs from 1994 to 2002 costs, the 10% Administration Levy has also been added and the occupancy rates have been revised.

**RECOMMENDATION:**

That Council endorses the public exhibition for 28 days of the draft amendments to Developer Contributions Plan No 10 – Cobaki Lakes – in accordance with Clause 31 of the Environmental Planning and Assessment Regulations, 2000 as follows: -

1. Deleting the library from the plan. As part of the recently amended Libraries Contribution Plan No.11 the Tweed Heads library is to be further extended to accommodate the expected population at Cobaki. Consequently there is no requirement for a new library at Cobaki.
2. Updating the estimated costs to 2002 dollar values, adding the 10% Administration Levy and revising the occupancy rates.

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### REPORT:

Section 94 Contributions Plan No.10 – Cobaki Lakes has previously been amended for the following reasons:

1. Deleting the pre school and childcare facilities from both the Town Centre and the South West sector. This change has been implemented as the recent trend has been for the private sector to construct and operate childcare and pre school centres, with the State and Commonwealth Governments also assisting with the funding of pre schools.

The works schedule has been amended to allow for the resources that were to be allocated towards the childcare and pre school centres to be allocated towards upgrading the remaining community facilities. An attached childcare facility has also been added to the multi use hall in the South West sector. Both childcare facilities are intended to cater for the users of the multi use halls only.

In particular, a multi use hall with an attached childcare facility in the Town Centre has been added to the schedule, to be constructed at the 1,000 lot threshold level. This will allow community groups to access meeting rooms, offices and other facilities at an early stage in the development of the estate.

Further amendments are now recommended as follows:-

1. Deleting the library from the plan. As part of the recently amended Libraries Contribution Plan No.11 the Tweed Heads library is to be further extended to accommodate the expected population at Cobaki. Consequently there is no requirement for a new library at Cobaki.
2. Updating the estimated costs to 2002 dollar values, adding the 10% Administration Levy and revising the occupancy rates.

### CONTRIBUTION RATE

As a result of the amendment the contribution rate has been reduced from \$255 per lot to \$244 per lot.

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## Reports from Director Development Services

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4. ORIGIN: Development Assessment Unit

FILE REF: DA4100/10 Pt2

**REPORT TITLE:**

**The Redevelopment of an Existing Hotel/Motel at Lot 1 DP 247808 Pandanus Parade, Cabarita Beach**

**SUMMARY OF REPORT:**

This development application is to redevelop the existing hotel/motel at Pandanus Parade, Bogangar (Cabarita Beach), and involves the demolition of the existing building and structures and the construction of a new three storey building. The new building comprises a hotel, restaurant, retail shops, café, conference and gym facilities, manager's quarters, 61 units for tourist accommodation, and car parking.

The site is prominent to not only Bogangar but also to the Tweed Coast in general being adjacent to the Public Entrance to the beach and central to the business district. The application was reported to Council on 19 December 2001 for determination, whereby Council resolved that the Director of Development Services was to negotiate with the applicant to improve the design of the development and resolve the shortfall in car parking. Council's concerns were that the application did not fully address the built and natural attributes of the site, had a shortfall in parking of 41 spaces and no information was provided to demonstrate that the proposal satisfied the overshadowing provisions of the North Coast Regional; Environmental Plan 1988.

After further discussions between Council Officers and the Applicant, amended plans and additional detail have been submitted to Council that address the above issues. The NSW Coastal Council were consulted over the proposal, and have recognised that the net overshadowing effect of the development is similar or less than the current overshadowing effect of the existing hotel. A copy of their submission is attached as Attachment 1. The application is therefore recommended for approval subject to Conditions of Consent.

**RECOMMENDATION:**

That :-

- A. Council supports the submission pursuant to State Environmental Planning Policy No. 1 with regard to the overshadowing provisions of Clause 32B(4) of the North Coast Regional Environmental Plan 1988 and assumes the concurrence of the Director-General of PlanningNSW.
- B. Development Application 0323/2001DA for the redevelopment of an existing hotel/motel at Lot 1, DP 247808 Pandanus Parade, Cabarita Beach be approved subject to the following conditions:-

**“DEFERRED COMMENCEMENT”**

**This consent shall not operate** until the applicant satisfies the consent authority by producing satisfactory evidence relating to the matters set out in Schedule “A”. Such evidence is to be provided within twelve (12) months of the date of notification.

Upon the consent authority being satisfied as to compliance with the matters set out in Schedule “A”. The consent shall become operative and take effect from the date of notification under Section 67 of the Environmental Planning and Assessment Regulations subject to the conditions set out in Schedule “B”.

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### **SCHEDULE "A"**

#### **Conditions imposed pursuant to Section 80(3 )of the Environmental Planning and Assessment Act, 1979 and Section 67 of the Regulations as amended.**

1. The applicant shall submit to Council, within twelve (12) months of the date of this notice the following information:-
  - a. Detailed plans (in triplicate) and the proposed method of construction relative to the subject sites location within a coastal erosion zone. Such plans are to adequately demonstrate that the design of the proposed buildings will ensure structural design and construction to withstand erosion events and foreshore recession. Such plans are to be prepared by a suitably qualified and practising structural engineer and architect/building designer and be approved by the Director of Development Services. In this regard, the applicant shall consult with Council in relation to the proposed Coastal Hazards Identification Study if applicable.

### **SCHEDULE B**

**NOTE: THIS PART OF THE CONSENT WILL NOT BECOME OPERABLE UNTIL COUNCIL ADVISES THAT THE MATTERS CONTAINED IN SCHEDULE A ARE SATISFIED.**

#### **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

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

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

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

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

#### **Stage 3**

- a. Open Space (Structured): 25 beds @ \$179      \$4,475.00  
S94 Plan No. 5
- b. Open Space (Casual): 25 beds @ \$128      \$3,200.00  
S94 Plan No. 5
- c. Extensions to Council Administration Offices \$6,226.00  
& Technical Support Facilities: 25 beds @ \$238 plus  
4 Shops @ \$69

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S94 Plan No. 18

- d. Cycleways: 25 beds @ \$62 \$1,550.00

S94 Plan No. 22

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

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

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

### Stage 3

Water: 4.325 ET \$16,608.00

Sewer: 4.325 ET \$13,905.00

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

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

### GENERAL

3. The development shall be completed in general accordance with Plan Nos 2002/S/02A, 04A, 05A, 6B, 07A, 08A, 09A, 10B and 11A drawn by Pat Twohill Pty Ltd and dated April 2002, except where varied by these conditions.
4. A landscape plan to be submitted and approved by the Director of Development Services prior to the commencement of work. The plan shall incorporate native plants endemic to the area, and bicycle racks for the provision of 12 bicycles on the terrace area of Level 1. The existing Pandanus Palms along the southern boundary are to be retained and protected during construction. Landscaping and the provision of the bicycle racks shall be completed in accordance with the approved plans prior to occupation of the building and to the satisfaction of the Director of Development Services.
5. The residential units are to be used only for the purpose of short term tourist accommodation.
6. The gym is only to be used by guests staying at the Hotel.
7. The residential component adjacent to the southern boundary is to have a height no greater than 20 m AHD.
8. Footpaving along the frontage of the building to Pandanus Parade and Coast Road to be of a similar material and style to that used on the Pedestrian Terrace at Level

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1. Details to be submitted to and approved by the Director of Development Services prior to the issue of the construction certificate.
9. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.
10. 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.
11. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742-1991 (Manual for Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.
12. Advertising structures/signs to be the subject of a separate development application, where statutorily required.
13. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.
14. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".
15. In accordance with Section 109F(1) 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.
16. The island at the entrance to the car park is to be removed to enable delivery vehicles to manoeuvre within the car park area.
17. The car park is to be open to enable public access. No gates or doors are to be installed which would prevent patrons of the resort, hotel, shops or ancillary facilities from entering the car park.
18. Prior to issue of a Construction Certificate a detailed schedule of colours and finishes for the building is to be submitted and approved by the Director of Development Services. Colours and finishes are to be of a non-reflective nature.

### **BUILDING**

19. All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead" and the WorkCover guidelines on working with and handling of asbestos.
20. Demolition of building existing on site is to be carried out in accordance with the provisions of Australian Standard AS 2601-1991 "The Demolition of Structures" and to the relevant requirements of the WorkCover Authority.



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21. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
  - a. footings, prior to pouring of concrete
  - b. slab, prior to pouring of concrete
  - c. frame prior to the erection of brick work or any wall sheeting
  - d. final inspection prior to occupation of the building
  - e. completion of work
  - f. swimming pool safety fencing prior to filling the pool with water
  - g. the fire protection of penetrations through any fire rated elements prior to covering
22. 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.
23. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
  - i. All required erosion and sedimentation control devices have been installed and are operational.
  - ii. Required toilet facilities have been provided on the site.
  - iii. A sign has been erected on the site identifying:
    - Lot number
    - Builder
    - Phone number of builder or person responsible for site.
  - iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.

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- v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.
- 24. The glazier is to supply the PCA with certification that all glazing complies with AS 1288 and AS2047 of the Building Code of Australia.
- 25. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.

### **PRESCRIBED (BUILDING)**

- 26. 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.
- 27. 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.
- 28. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:
  - i. The person must, at the person's own expense:
    - a. preserve and protect the building from damage; and
    - b. if necessary , underpin and support the building in an approved manner.
  - ii. The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.
- 29. 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.
- 30. 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).

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31.
  - a. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
  - b. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
32. If the soil conditions require it:
  - a. retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
  - b. adequate provision must be made for drainage.
33. If the work involved in the erection or demolition of a building:
  - a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
  - b. building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.
34. 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.
35. A person must not commence occupation or use of the whole or any part of a new building (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units)
36. Prior to occupation of the building a Occupation Certificate is to be obtained. If Council is requested to issue the Occupation Certificate, the application must be accompanied by relevant Compliance Certificates or documentary evidence of compliance.

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37. 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.
38. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.

### **ENGINEERING (BUILDING)**

39. On completion of work a certificate signed by a practising structural engineer is to be submitted to the PCA to certify the structural adequacy of the structure.

### **FIRE (BUILDING)**

40. All fire service connections are to be compatible with those of the NSW Fire Brigade.

### **DISABLED (BUILDING)**

41. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore required that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.
42. Access to the building for disabled persons shall be provided and constructed in accordance with the requirements of Part D3 of the Building Code of Australia and Australian Standard AS 1428.1.
43. Prominently displayed signs and symbols must be provided to identify for disabled persons all routes and areas where architectural barriers do not exist. Such access must comply with the requirements of Australian Standard AS 1428 Parts 1 and 2.
44. If access for the disabled is required under Part D3 of the Building Code of Australia, facilities for the use of the disabled shall be provided as specified in Part F2.4 of the Building Code of Australia and shall be constructed to the requirements of Australian Standard AS1428.1.
45. Tactile ground surface indicators for orientation of people with vision impairment are to be provided in accordance with Australian Standard AS1428.4-1992.
46. Disabled car parking spaces are to be provided at the rates provided for under Part D3.5 of the Building Code of Australia and constructed in accordance with Australian Standard AS2890.1.

### **SWIMMING POOLS (BUILDING)**

47. A. The swimming pool is to be installed and access thereto restricted in accordance with Council's "Code for the Installation of New Swimming Pools" and Australian Standard AS 1926-1986 (Copy of code enclosed).
- B. Swimming pools shall have suitable means for the drainage and disposal of overflow water.

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- C. The pool filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.
  - D. It is the responsibility of the pool owner to ensure that the pool fencing continues to provide the level of protection required regardless of and in response to any activity or construction on the adjoining premises. Due regard must be given to the affect that landscaping will have on the future effectiveness of the security fencing. (Section 7 Swimming Pool Act 1992).
  - E. The resuscitation poster must be permanently displayed in close proximity to the swimming pool. (Section 17 Swimming Pool Act 1992).
  - F. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction.
    - a. Steel reinforcing prior to the pouring of concrete.
    - b. Swimming pool safety fencing prior to filling the pool with water.
  - G. In the event that Council is not utilised as the inspection/certifying authority:-
    - a. Within seven (7) days of the filling of the pool a Compliance Certificate in the prescribed form shall be submitted to Council together with the prescribed fee, by the Accredited Certifier to certify that all works have been completed in accordance with the approved plans and conditions of Consent and that the swimming pool safety fencing has been installed and complies with AS 1926.
    - b. The Certifying authority is to be given 24 hours notice in writing for an inspection of the swimming pool safety fencing prior to filling the pool with water.
48. Backwash from swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.

### **ROADS/STREETS**

- 49. 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.
- 50. 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.
- 51. Pram ramps are to be constructed at road intersections in accordance with Council's Plan No. A4-96 to the satisfaction of the Director of Engineering Services and in accordance with Council's Standard Plan No. A4-96. Mountable or roll top kerb does not meet pram ramp requirements, and therefore requires a pram ramp to be constructed as above.
- 52. 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

## Reports from Director Development Services

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of a construction certificate and prior to any works taking place on the public road, a detailed application for access/driveway under Section 138 of the Road Act must be submitted to and consent granted by Council. Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

53. The following engineering plans and specification are to be submitted to and approved by Council's Engineering Services Division prior to the issue of a Construction Certificate and are to provide for:
- i) Linemarking of the Pandanus Parade/ Coast Road intersection to provide a right turn lane from Coast Road into Pandanus Parade in accordance with Austroads Part 5 Intersections.
  - ii) Paving along the Coast Road frontage of the site to provide footway access to Pandanus Parade. Such paving shall result in no net loss of car parking spaces. The layout and construction standards to be in accordance with DCP 2 Site Access and Parking Controls
  - iii) All entrances, vehicle and car park entries to the development to be 300 mm above the local catchment Q100 flood level. Clearly defined upstream catchment areas and supporting stormwater calculations shall accompany the engineering design plans. The plans shall also show internal and entry levels and any reshaping of Coast Road verge/ footpath/ car park area required to achieve the 300 mm freeboard.
  - iv) The existing drive through at Pandanus Parade to be resealed, kerbed and guttered and line marking provided for additional on-street car parking to the satisfaction of the Director of Development Services.

### **DRAINAGE/FLOODING**

54. All fill is to be graded so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. If filling is required, a plan of proposed drainage is to be submitted with the Construction Certificate. Drainage must be installed and operational prior to commencement of any building work.  
All fill or cut batters shall be contained wholly within the subject land.
55. All surface water collected from hard stand parking areas to be directed to Council approved pre-treatment facilities before discharge to approved discharge locations. Stormwater from covered or enclosed carpark areas shall not be discharged to the public sewer unless approved treatment facilities have been provided. Details are to be submitted to and approved by the Director of Environment and Community Services prior to installation
56. Installation of a suitable perimeter drainage system, utilising lined drains and subsoil drains where required to a design submitted and approved by the Director, Engineering Services. The drainage system is to be installed and functioning prior to the placement of any fill hydraulically.
57. 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

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- 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.

### 58. Permanent Stormwater Quality Treatment

- (a) Permanent stormwater quality treatment shall comply with "*Tweed Urban Stormwater Quality Management Plan*" (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction or Occupational Phase of Development". New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the "deemed to comply" provisions of *Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality* is deemed to comply with the objectives in 5.5.3.
- (b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.
- (c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
- (d) Specific requirements:  
Stormwater runoff from the development site is to be treated on site and conveyed in an underground pipeline to a point of discharge immediately downstream of the existing gross pollutant trap in the coastal reserve. The plans and specifications of these and any works on public land must be submitted and approved by the Director of Engineering Services prior to the issue of a construction certificate.

### ENVIRONMENT PROTECTION

59. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.

## Reports from Director Development Services

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60. 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.
61. 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.
62. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17<sup>o</sup> 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.
63. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
64. The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning.
65. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
- A. Short Term Period - 4 weeks.  
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
  - B. Long term period - the duration.  
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.



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66. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
67. The burning of builders waste on site by open fire is prohibited.
68. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.
69. 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.
70. The roof and wall cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of buildings with direct line of sight to the proposed building.
71. Owners of buildings served by plant involving the operation of "cooling towers", "evaporative condensers" or "tepid water systems" must submit to Council, half yearly, a report detailing the maintenance, cleansing and chemical treatment of such plant every three (3) months in accordance with Part 6 of the NSW Public Health Act.
72. Any proposed cooling tower installation must also include details on the proposed means of back flow prevention to the water supply prior to installation.
73. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.
74. The LA10 noise level emitted from the premises shall not exceed the background noise level (LA90) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.
75. All waste material shall be stored & disposed of to the satisfaction of the Director of Environment and Community Services.
76. The pool operation hours and usage shall not impact upon the amenity of any adjacent premises.
77. Lighting used within the development shall not impact upon the amenity of any adjacent premises.
78. Noise levels and discharges from any air conditioning plant shall not impact upon the amenity of any adjacent premises.

## Reports from Director Development Services

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79. Footpath dining is not permitted unless a footpath dining agreement has been formalised with Council for the use of the prospective area.
80. Any excavation to be carried out in accordance with the Acid Sulphate Soils Management Plan prepared by Cozens Regan, Williams and Prove dated April 2001 - Report Number T.09.02.
81. An acoustic noise report to be submitted to and approved by the Director of Environment and Community Services demonstrating that air conditioning, refrigeration plant, pool filtration pumps, lift well plant and the like is appropriately insulated to ensure adjoining properties are not adversely affected, prior to the release of the construction certificate.
82. Ducting and the like to be installed in accordance with Australian Standard 1668.2 to permit exhaust gases and fumes to be discharged at roof level.
83. Gas tanks to comply with the requirements of work cover.
84. Construction work including the entering and leaving of vehicles is to be restricted to between the hours of 7 am and 6 pm Monday to Friday and 7 am to 2 pm Saturdays. No work is to occur on Sundays or Public Holidays.

### **TRADE WASTE**

85. Any premises proposing to discharge into Councils sewerage system a waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by Councils Manager Water and concurrence received from the Department of Land and Water Conservation, if required, PRIOR to the issuing of a Construction Certificate to discharge to Councils sewerage system.
86. Pursuant to Section 68 of the Local Government Act, 1993 to ensure there is no unacceptable discharge to Councils sewerage system an approved pre-treatment device (eg. Oil/grease traps, separators, etc) shall be installed to details approved prior to the issuing of a Construction Certificate. The development will be required to meet discharge standards in accordance with Councils Trade Waste Policy.
87. Pre-treatment devices must be serviced by a Council approved waste contractor. The applicant will be required to enter into a service agreement with this waste contractor. Pre-treatment device service frequency will be approved by Councils Manager Water.
88. A hose tap shall be provided adjacent to a grease arrester for cleaning purposes and shall be fitted with a RPZD for the purpose of back flow prevention. Appropriate signage shall also be provided adjacent to the hose cock identifying that the water is not suitable for drinking.
89. Three copies of detailed hydraulic plans shall be submitted with all trade waste applications showing size, type and location of pre-treatment devices. Including all plumbing and drainage installations to these devices which shall comply with AS3500.
90. A trade waste agreement will be issued and a permit number allocated once the device has been installed, inspected and Council has received a copy of the Waste Contractor's Service Agreement

## Reports from Director Development Services

91. Trade Waste application fee will be applicable as per Councils Fees and Charges.

### **PLUMBING AND DRAINAGE**

92. 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 (Note: All water plumbing is to be under test at time of inspection);
  - c. external drainage prior to backfilling.
  - d. completion of work
93. 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.
94. An application to connect to Council's sewer together with the prescribed fee is to be submitted to and approved by Council prior to the commencement of any works on the site.
95. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
96. Back flow prevention devices shall be installed where ever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.
97. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.
98. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- \* 43.5<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
  - \* 50<sup>0</sup>C in all other classes of buildings.
- A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.
99. A backflow containment device will be installed adjacent to Councils water meter installation at the property boundary in accordance with AS3500. The device is to be maintained in accordance with the provisions of AS3500 by the owner of the property at the owners expense.

## Reports from Director Development Services

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### REPORT:

**Applicant:** Almoni Pty Ltd  
**Owner:** Almoni Pty Ltd  
**Location:** Lot 1, DP 247808 Pandanus Parade, Cabarita Beach  
**Zoning:** 3(b) General Business Zone  
**Cost:** \$8,000,000

### BACKGROUND

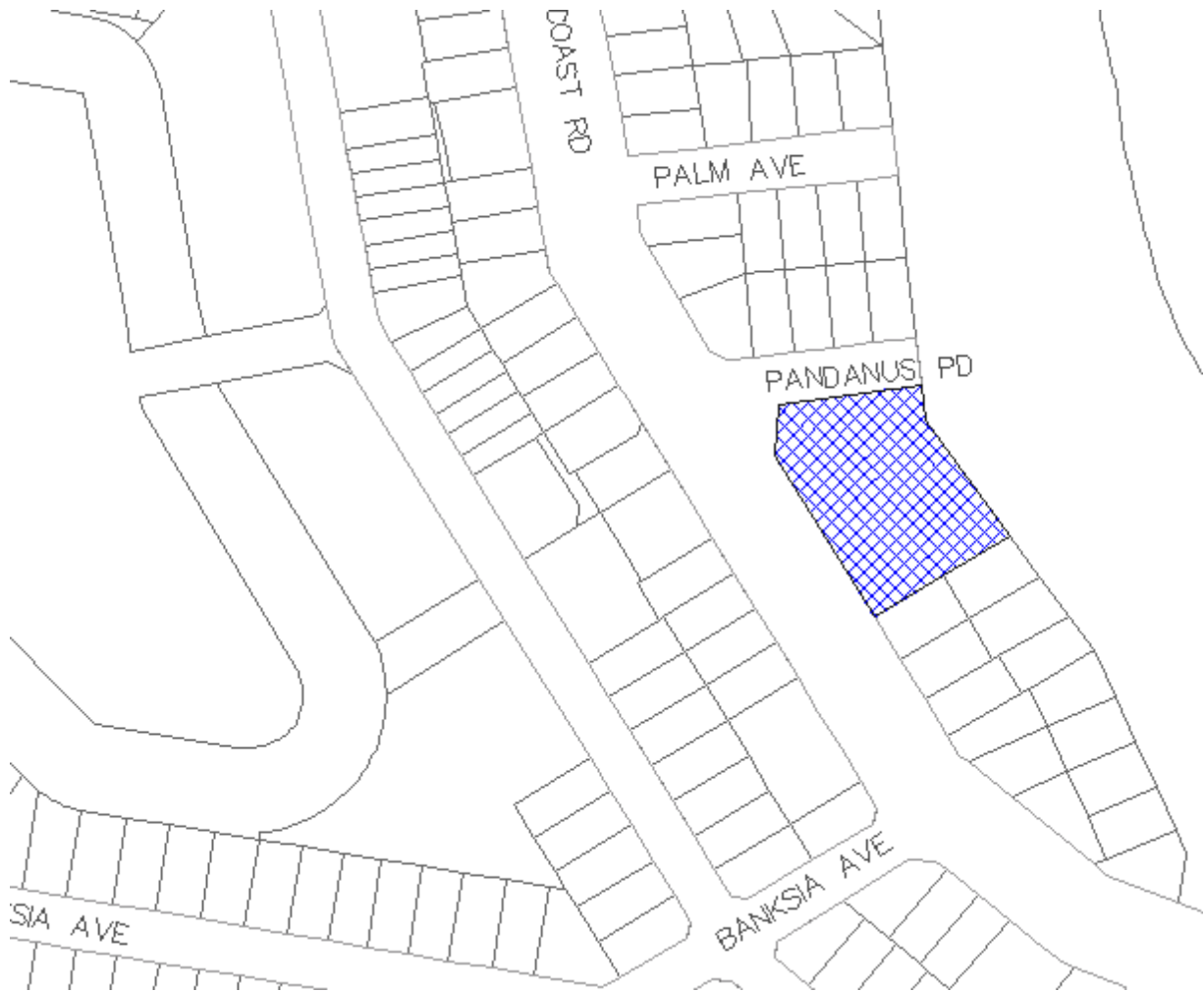
The development application to redevelop the existing hotel/motel at Pandanus Parade, Cabarita Beach, and involves the demolition of the existing building and structures and the construction of a new three storey building. The new building comprises a hotel, restaurant, bottleshop, retail shops, café, conference and gym facilities, manager's quarters and 61 units for tourist accommodation. The development will be constructed in three stages to enable the primary function of the hotel to remain in operation during construction.

The existing hotel comprises bar facilities, tourist accommodation and a bottleshop and was constructed during the 1980's. The hotel at present fronts the beach and Pandanus Parade and has a large covered patio area, which faces to the east. The existing accommodation also faces to the east overlooking the beach. The Bottleshop is located on the corner of Coast Road and Pandanus Parade.

The site is unique on the NSW Coast - prominent to not only in Cabarita Beach/Bogangar but also to the Tweed Coast in general being adjacent to the Public Entrance to the beach and central to the Business District. The land is zoned 3(b) General Business Zone and has an area of 5490 m<sup>2</sup>. Surrounding and adjoining land is zoned 2(a) Low Density Residential to the South, 6(a) Open Space to the East, 5(a) Special Uses (Surf Lifesaving) to the North, and 3(b) General Business and 2(b) Medium Density Residential to the West.

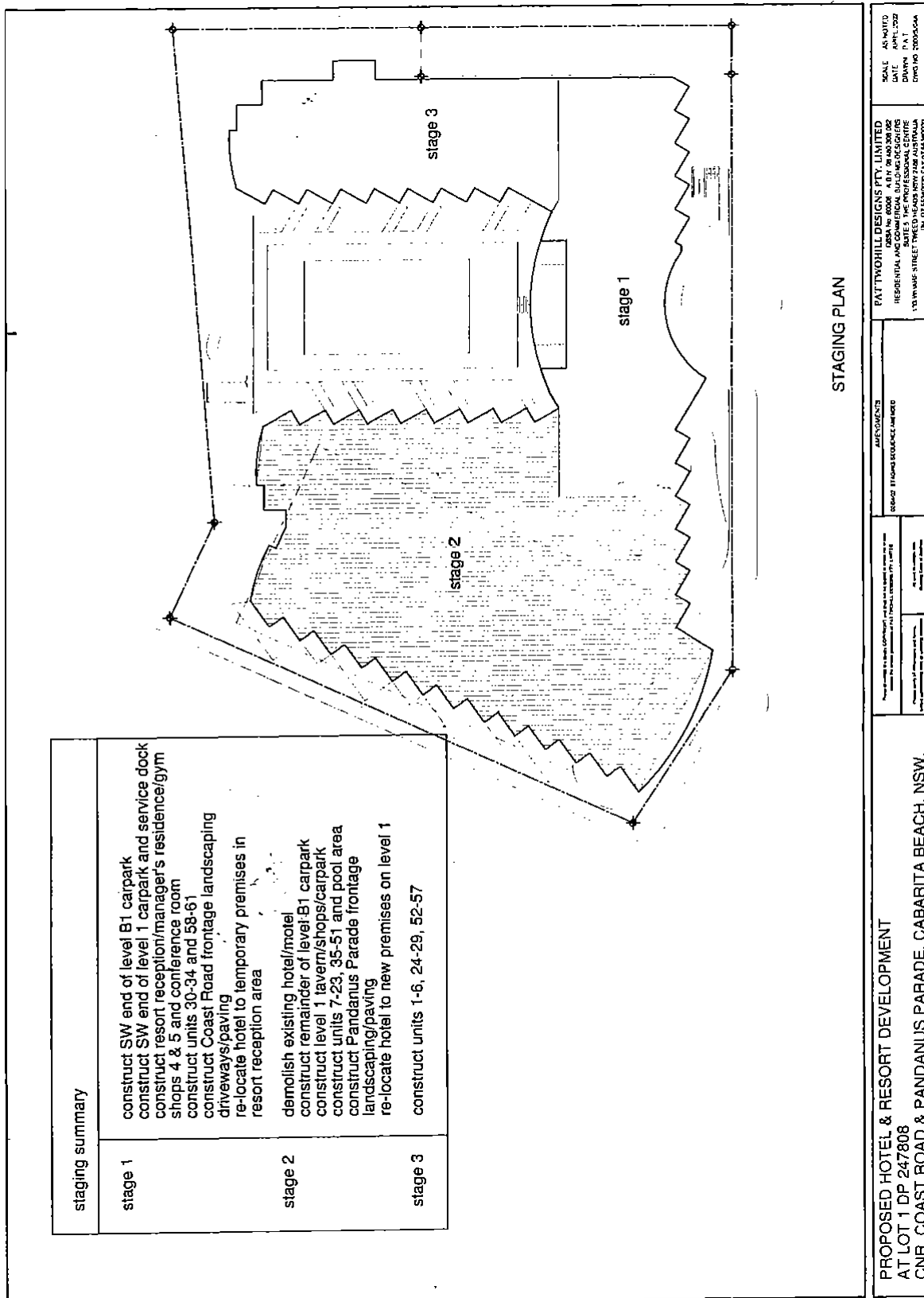
# Reports from Director Development Services

## SITE DIAGRAM



# Reports from Director Development Services

## STAGING PLAN



staging summary	
stage 1	construct SW end of level B1 carpark construct SW end of level 1 carpark and service dock construct resort reception/managers residence/gym shops 4 & 5 and conference room construct units 30-34 and 58-61 construct Coast Road frontage landscaping driveways/paving re-locate hotel to temporary premises in resort reception area
stage 2	demolish existing hotel/motel construct remainder of level B1 carpark construct level 1 tavern/shops/carpark construct units 7-23, 35-51 and pool area construct Pandanus Parade frontage landscaping/paving re-locate hotel to new premises on level 1
stage 3	construct units 1-6, 24-29, 52-57

**STAGING PLAN**

PROPOSED HOTEL & RESORT DEVELOPMENT AT LOT 1 DP 247808 CNR. COAST ROAD & PANDANUS PARADE, CABARITA BEACH, NSW.	APPROVED STAGE 1 FOUND SEQUENCE NUMBER	PATTWORTHILL DESIGNS PTY. LIMITED RESIDENTIAL AND COMMERCIAL ARCHITECTS SUITE 5 THE PROFESSIONAL CENTRE 133 WINDMILL STREET TWEED HEADS NSW 2472 AUSTRALIA PH: 07 55322277 FAX: 07 55322283
Please refer to the 'CONTRACT' for full details of the work to be done. The design is the property of PATTWORTHILL DESIGNS PTY. LIMITED. No part of this design may be reproduced without the written consent of PATTWORTHILL DESIGNS PTY. LIMITED.	AS NOTED SCALE DATE DRAWN P.A.T. CHECKED DATE	APPROVED DATE

## Reports from Director Development Services

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

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

##### Tweed Local Environmental Plan 2000 (TLEP)

The subject land is zoned 3(b) General Business under the provisions of TLEP 2000. The zone objectives are as follows:-

##### **Zone objectives**

##### **Primary objectives**

- \* to provide business centres in which the community's shopping, business, welfare and social needs can be met.
- \* to provide business locations within residential areas, and to ensure that the scale and type of development is compatible with the character and amenity of the surrounding residential areas.

##### **Secondary objectives**

- \* to provide for tourist orientated development.
- \* to encourage upper floor residential or tourist accommodation.

It is considered the proposal being a mixed development comprising retail shops, cafes, restaurants, a hotel and tourist accommodation is generally consistent with the objectives of the zone. The proposal deviates from the LEP in that under the 3(b) Zone, tourist accommodation is permissible at street level. Six of the tourist units are located at a level equivalent to Coast Road, however these units are sited along the southern side of the development and do not face either Pandanus Parade or Coast Road. It is also noted in support of this deviation the existing development has a number of ground floor tourist units. Under the Existing Use Right Provisions in the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulations 2000, Council can grant consent for a prohibited development if it is enlarging, expanding, altering, extended, intensifying or rebuilding an existing use.

With regard to these provisions and considering the siting of these units on the land within the total development concept, the requirements of the 3(b) Zoning table do not prevent Council from issuing consent for the development. The proposal satisfies the objectives of the zone and to replace these six units with commercial units does not serve any planning purpose or provide a public benefit. It is considered these street level units can be approved pursuant to the existing use provision of the Environmental Planning and Assessment Act, 1979.

##### **Clause 15 – Availability of Essential Services**

The land is adequately service with water, sewer and stormwater infrastructure. Appropriate conditions of consent have been recommended for the augmentation of these services.

## Reports from Director Development Services

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### **Clause 16 – Height of Buildings**

The land has a three storey height limit under Tweed LEP 2000. The development comprises a basement car park with three storeys above. Under Tweed LEP 2000 the basement car park is not included as a storey as the majority of it is below natural ground level. The proposed development satisfies the three storey height limit.

### **Clause 17 Social Impact Assessment**

As the proposal will replace the existing hotel/ motel with a new hotel/ motel of a similar scale, it is considered that a Social Impact Assessment is not required.

### **Clause 22 Development Near a Designated Road**

The proposed development adjoins the Coast Road which is a Designated Road under Tweed LEP 2000. Access/Egress to the proposed development from Coast Road is via an access way to a proposed public car park within the Road Reserve. A second access will also be available from Pandanus Parade. The proposal was forwarded to the RTA and the Local Traffic Committee for comment. A number of matters were raised by the RTA in relation to the developments impact on through traffic within the Car park, upon Coast Road and pedestrian safety. In general though it was considered the development would not effect the efficiency or capacity of Coast Road or represent a hazard to traffic to Coast Road. Appropriate Conditions have been proposed to ensure that through traffic movements on Coast road are not impeded. It is considered the proposal will not prejudice any future improvements to the Coast Road.

Concern had been raised though in relation to the Loading Dock. Vehicles, delivery trucks, garbage trucks etc will need to reverse into or out of the Loading Dock across a footpath, which represents a safety risk for pedestrians. The applicant has amended the plans by incorporating the loading dock into the underground car park, and removed the need for delivery vehicles to reverse across this footpath.

### **Clause 35 Acid Sulphate Soils**

The land has been identified under Tweed Local Environmental Plan 2000 as Class 4 Acid Sulphate Soils. The applicant has prepared and submitted an Acid Sulphate Soils Management Plan in accordance with the provisions of the LEP as it has been proposed to undertake substantial excavations of the site for the car park. The submitted plan is satisfactory.

### **Clause 36 Coastal Erosion Outside Zone 7(f)**

The proposed development is on land adjacent to Cabarita Beach and maybe subject to Coastal Erosion. The southern part of the site which is founded on bedrock, is unlikely to be affected. The study undertaken by the Department of Public Works during the 1970's indicated that half of the property was seaward of the immediate impact line. Further studies undertaken recently by WBM Oceanics suggest the property is actually landward of the immediate impact lines and the 50 year hazard lines. The WBM Oceanics Study would also support the applicant's information of the existence of bedrock in the southern half of the property as the erosion lines do not continue through the subject property.



## Reports from Director Development Services

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The application was referred to the Department of Land and Water Conservation for comment. The Department have not objected to the development, but have advised that it may be more appropriate for Council to await the outcome of the Tweed Shire Coastline Definition Study, as the earlier study (by Public Works) requires updating. As stated above this study has now been completed by WBM Oceanics, and the risk to the site has been assessed as landward of the 50 year erosion line.

Information submitted by the applicant indicates that the footings of the proposed development will be piered to the bedrock underlying the site. The footings of the development are to be designed to resist scour to RL -0.0 and the superstructure to be capable of resisting wave attack to RL +6.0. The risk to the development being adversely affected by Coastal processes is limited and with regard to the structural integrity of the building, the development would not be affected.

It is therefore considered unlikely that the development will be adversely affected by coastal processes provided the development is designed having regard to this risk. Appropriate conditions are recommended requiring design details to be submitted to Council for approval. Council has required in the past that such a condition for a development likely to be affected by Coastal Processes be a condition of a deferred Commencement Consent. In this instance a deferred Condition of Consent would be appropriate.

### **Clause 47 Advertising Signage**

Conceptually signage has been proposed to be incorporated into the facade facing Coast Road conveying to the passing public that the subject building is a resort/hotel. The concept is not out of character for a commercial area, will not adversely affect the locality, or the scenic qualities of the Cabarita Beach Area, or lead to visual clutter considering the bulk and scale of the building. Should this application be approved further development applications would be required for the signage where Statutorily required.

### **State Environmental Planning Policies**

#### **SEPP 11 – Traffic Generating Development.**

The proposed development is defined under Schedule 2 as a Traffic generating Development being a licensed premises under the Liquor Act, 1982, or the Registered Clubs Act 1976, with provision for 50 or more motor vehicles. The proposal was forwarded to the RTA for comment who have advised that the proposal would not adversely impact on the Pandanus Parade/ Coast Road intersection. The Authority did express concerns in relation to a potential vehicle conflict between vehicles trying to enter the underground car park, Council's car park and the delivery trucks etc entering into the loading dock. A letter with the RTA's comments was sent to the applicant on November 1, 2001 seeking design changes in relation to the loading dock and suitable manoeuvring areas. These changes have been made as per the above comments. Other issues raised by the RTA can be addressed with suitable conditions of consent with regard to vehicles entering and leaving the development.

#### **SEPP 64 – Advertising and Signage**

Signage submitted with the application is generally indicative and as a condition of consent, Council will require the submission of a further development application for signage where applicable

## Reports from Director Development Services

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### North Coast Regional Environmental Plan 1988 (NCREP 1988)

#### Clause 32B Development Control – Coastal Lands

This is a key issue and under this provision of the NCREP, Council must not grant consent to development that would impede public access to the foreshore, or would result in overshadowing of the beach or waterfront open space before 3 pm midwinter or 7 pm midsummer (Daylight Saving Summertime). This has direct implications to this development application as the area to the east of the Hotel made up of the dunes, beach and grassed area is zoned 6(a) open space.

The proposal will have no impact on beach access, and the existing access from Pandanus Parade is not affected by the proposal. The development adjoins the Coastal reserve, however the beach is some distance from the proposed development varying from approximately 30 to 50 metres from the eastern property boundary. A grassed area and a vegetated dune separates the beach from the property.

The applicant has submitted that the proposal satisfies the provisions of this clause in the REP for the winter time frame. From the shadow diagram submitted in midwinter at 3 pm the buildings shadow if any at all would fall upon the residential property to the south east. As this property is in effect elevated above the hotel site, No adverse overshadowing is expected on the dwelling. The proposal satisfies the winter requirements.

In Midsummer at 7 pm the shadow will extend across the Coastal Reserve affecting the grassed area and extending into the vegetated dune area. Shadow diagrams submitted show the existing hotel at 7 pm midsummer casts a shadow across this area and extending onto the beach proper. The area of this shadow is approximately 4250 m<sup>2</sup>. The shadow diagrams of the proposed development at this time show a similar overshadowing affect of the beach, and although the dimensions of the shadow are different, due to the U shaped design of the development, the area of the shadow is approximately 4000 m<sup>2</sup>.

The applicant has submitted a State Environmental Planning Policy No.1 Objection to the development standard arguing that the proposal casts a shadow with a similar net effect as the existing development.

In support of this variation the following is also recognised:

1. That the existing development under the existing use right provisions in the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulations 2000 is now a prohibited development. That is the development was approved in 1985 prior to the commencement of the North Coast REP 1988, which now prohibits Councils from approving such a development in accordance with Clause 32B.

However the Existing Use Right provisions enable consent authorities to grant consent for the rebuilding, enlarging or intensification of a prohibited development. Council can therefore support this proposal even though it does not comply with Clause 32B of the North Coast REP.

2. Development Consent T4/3520 was issued on March 8, 1985 for the erection of 51 Motel Units and additions and alterations to the existing hotel. This consent provided for a motel being four storeys in height to be constructed on the site. To date the only three storeys of motel units have been constructed overlooking

## Reports from Director Development Services

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Cabarita Beach. Should the applicant construct this fourth storey the overshadowing effect would be far greater than the current proposal.

The NSW Coastal Council were consulted over the proposal, and have recognised that the net overshadowing effect of the development is similar or less than the current overshadowing effect of the existing hotel. There is an eminent State Environmental Planning Policy on coastal development that will contain specific guidelines in relation to overshadowing. The policy however is yet to be placed on exhibition or gazetted and therefore carries no weight at present as an environmental planning instrument.

Having regard to the above, it is considered that the SEPP1 objection to vary the development standard should be supported in this case. There is no public benefit in maintaining the planning control considering the existing development is becoming aged and the positive benefits to the Cabarita Beach Precinct by the replacement of it with a new building.

Council has assumed concurrence of the Director of Planning NSW in this instance to vary this development standard in accordance with the Department of Urban Affairs and Planning Circular No. B 1, dated 17 March 1989. A variation should therefore be granted in this instance to vary the overshadowing requirements of Clause 32B of the Regional Environmental Plan as there is no net increase in the overshadowing of public open space as a result of this development.

### **Clause 33 Development Control – Coastal Hazard Areas**

Council before granting Consent must have regard to the Coastline Management Manual, require as a condition of consent that disturbed foreshore areas are to be rehabilitated and require that access across the foredune areas to be confined to specified points. In relation to the Coastline Management Manual, it is considered that the structural integrity of the proposed building being sited and perched on a bedrock shelf is unlikely to be affected by Coastal processes. This is recommended as an option by the manual in the design of buildings within an area likely to be affected by Coastal erosion, and will enable the building to remain standing if the sand and material underneath is eroded away by a storm event. Should this happen it is recognised that the building may not be visually appealing, but would enable a longer term plan of management to be implemented.

It is noted the recently completed Coastal Hazard Definition Study has been prepared in accordance with the Coastline Management Manual. The study found the property was landward of the 50 year erosion lines. Council is yet to prepare a Coastal Management Study and Coastal Management Plan

### **Clause 75 Development Control – Tourism Development**

Adequate access by road is available to the site from Coast Road and Pandanus Parade. Adequate arrangements exist for the provision of water, sewer, and stormwater infrastructure to the site.

### **Clause 81 Development Control – Development Adjacent to the Ocean or a waterway**

The development has adequate access to the Coastal reserve which is adjacent to the site. It is considered the proposal will not detract from the amenity of the beach or foreshore area and is an improvement on the existing Hotel/ Resort development. The proposal is not inconsistent with the applicable Foreshores Plan of Management.

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

No draft EPI's affect this proposal

## Reports from Director Development Services

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

#### DCP No. 2 Site Access and Parking Code

The development provides for 123 car parking spaces over two levels – Basement and Ground Floor, with bicycle racks, loading bays and garbage storage areas provided on the ground floor. The applicant has removed the drive – through bottle shop from the design of the building and this will add an additional five spaces to the public car park. The car parking required is calculated in the table below.

Use	Required Rate	Parking Required
Tourist accommodation	1/unit	61
Managers residence	1	1
Shops 4 (232m <sup>2</sup> )	4/100m <sup>2</sup>	9.3
Bottle Shop (100m <sup>2</sup> )	1/10m <sup>2</sup>	10
Bar (80m <sup>2</sup> )	1/3.5m <sup>2</sup>	22.9
Restaurant (70m <sup>2</sup> )	1/7m <sup>2</sup>	10
Outdoor Lounge/Dining (70 m <sup>2</sup> )	1/7m <sup>2</sup>	10
Poker Machine Area (28 m <sup>2</sup> )	1/15m <sup>2</sup>	1.9
Conference Room (88m <sup>2</sup> )	1/15m <sup>2</sup>	5.9
Staff (average 14 for hotel Bottle Shop, Restaurant & Accommodation)	1-2 staff	7
<b>Total Parking Required</b>		<b>139 spaces</b>

The applicant is seeking a reduction in car parking of 20 % on the grounds of reducing car dependency and the principles of ESD for the Non residential component of the development under the provision of DCP 2. This would reduce the car parking required by 15.5 spaces to 123.5 spaces. To support this reduction the applicant has argued that the development site and the Cabarita CBD is serviced by public transport, and pedestrian and cycleway links. Bicycle racks have been provided for the development and a local bus stop is located at the front of the development.

The 20 % reduction in car parking can be supported on this basis and is consistent with DCP 2 principles. There is also an overlap in the use of the car parking spaces between the shops, restaurant, cafes and hotel. Similar discounts have been applied elsewhere in the shire for developments of comparable scale and style.

Therefore a total of 123 spaces are required and 123 are provided. As the development is only short 0.5 spaces, it is considered a further reduction can be supported as the removal of the drive through component of the bottleshop will enable an additional five spaces to be provided in the public domain in Pandanus Parade. Appropriate conditions of consent are recommended for car parking access and further approvals required under Section 138 of the Roads Act.

## Reports from Director Development Services

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

**Coastal Policy:** The Coastal Policy reinforces the overshadowing provisions of the NCREP 1988 and articulates the importance of protecting beaches and waterfront open space from overshadowing before 4pm midwinter and 7pm midsummer. The proposal was forwarded to NSW Coastal Council who have commented that the Policy recognises the difficulties of complying with this standard in highly urbanised environments and that a LEP or DCP is suggested to be developed to recognise local conditions. In the absence of such controls the Coastal Council have advised that:-

*“... Tweed Council is encouraged to determine this matter in the spirit of the Coastal Policy that does give a limited degree of flexibility. For example, the impact of overshadowing that currently occurs from the existing development to that of the proposed development”.*

Additional shadow diagrams were requested by the Coastal Council to determine when the shadow first appears over the beach and for 4pm midwinter, however the applicant has requested Council determine the application on the information provided. A copy of the Coastal Council's submission is attached as Attachment 1.

#### **Coastal Erosion Issues**

The land itself as defined in the WBM Oceanics Coastal Hazard definition Study is landward of the 50 year erosion event. Proposed development has been designed to withstand a storm event by piercing the footings to a bedrock shelf that underlies the site. The development is generally consistent with the coastal policy with the exception of overshadowing of foreshore open space. This issue has previously been discussed and considered acceptable.

**Demolition Code:** Council's Building Services Unit have no objection to the demolition of the existing hotel and associated accommodation, subject to Conditions being placed on the consent.

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

The proposed development is unlikely to impact on the natural environment as the site is already heavily developed with an existing hotel and associated tourist accommodation located within an urban environment.

As to the developments impact on the built or urban environment, a number of design issues were originally raised. These included the resiting of the hotel/ bar away from the beach to front Coast road, the lack of an entry statement considering the sites presence on the corner of Coast Road and Pandanus Parade, the potential conflict between pedestrians and vehicles entering the car park, drive through bottleshop and loading dock, and the disjointed presentation to the beach and Coast Road.

From discussions with the applicant, Council and Council's Design Consultant (and author of the Cabarita Beach Precinct Study), Peter Richards, various components of the proposal have been redesigned. These include:

1. The hotel and restaurant component have been resited to remain in their current location facing the beach;

## Reports from Director Development Services

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2. The loading dock as discussed above, has been incorporated into the car park and the drive through has been deleted from the plans;
3. Balconies have been incorporated in the residential units fronting the beach to enable guests to take full advantage of the coastal vistas; and
4. The design of the corner of the building fronting Coast Road and Pandanus Parade has incorporated features to address this aspect.

In conclusion the design of the development has been improved substantially from the original scheme and Council's initial concerns have been suitably addressed.

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

The site in general being located on the beach, central to the Cabarita Beach/Bogangar Business District, and at the entrance to Pandanus Parade which leads onto the beach is considered to be suitable for a development comprising of a mixture of uses such as retail shops, cafes, restaurants, tourist accommodation and a hotel, and would act as a focal point for the area. The existing development appears aged and the replacement with a new facility would have a positive impact on the Cabarita Beach Precinct. Appropriate arrangements can be made to service the site with water, sewer, and stormwater, and the local road network can satisfy the additional traffic this development would generate.

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

One submission was received from an adjoining land holder which is discussed below. Two submissions were received from State Government Departments being the Roads and traffic Authority and the Department of land and Water Conservation. Issues raised have been addressed accordingly as discussed previously in the report.

### **NSW Coastal Council**

The proposal was forwarded to the NSW Coastal Council for comment in regard to the Overshadowing Issue of the coastal reserve. Their comments have been discussed above.

### (e) **Public interest**

Proposal was placed on exhibition and adjoining neighbours were notified. One submission was received in relation to the height of the building and the impact the development may have on there visual amenity, privacy, construction hours, the protection of an existing pandanus tree, and the use of non reflective material and colours. The matter has been clarified with the submission of additional information, and appropriate conditions of consent could be recommended should this application be approved addressing the above matters.

Council has prepared a draft Precinct Plan for the Cabarita Business District including Cabarita Beach Surf Lifesaving Club Land and the adjoining Council Carpark. In terms of the precinct plan the proposed development is not inconsistent with the provisions of this document.

It is considered the proposed development will have a positive impact on Cabarita Beach/Bogangar. The development is of a similar nature to the existing development in relation to usage and will not prejudice or compromise the public interest

## Reports from Director Development Services

### Section 64 Headworks and Section 94 Contributions.

Contributions are to be levied in accordance with the applicable Section 94 Plans and Councils fees and charges for water and sewer headworks. The Equivalent Tenement of the existing development is calculated as follows.

#### Existing Cabarita Hotel/ Motel

36 Motel Units @ 0.33 ET/ Unit	11.88 ET
Hotel 17 Cisterns/ Urinals @ 0.5 ET/ Cistern	8.5 ET
Restaurant 64 m <sup>2</sup> @ 8ET/ 1000 m <sup>2</sup>	0.51 ET
Bottleshop 117 m <sup>2</sup> @ 1 ET/ 1000 m <sup>2</sup>	0.117 ET
<b>Total</b>	<b>21.007 ET</b>

#### Proposed Redevelopment of Hotel/ Motel

61 Motel Units @ 0.33 ET/ Unit	20.13 ET
Hotel 6 Cisterns/ Urinals @ 0.5 ET/ Cistern	3.0 ET
Restaurant 140 m <sup>2</sup> @ 8ET/ 1000 m <sup>2</sup>	1.12 ET
Bottleshop 100 m <sup>2</sup> @ 1 ET/ 1000 m <sup>2</sup>	0.10 ET
Retail Shops 232 m <sup>2</sup> @ 1 ET/ 1000 m <sup>2</sup>	0.232 ET
Managers Residents @ .75 ET	0.75 ET
<b>Total</b>	<b>25.332 ET</b>

The difference between the existing and proposed development is 4.325 ET. Contributions are calculated on this basis for water and sewer headworks.

<b>Water 4.325 ET</b>	\$16608.00
<b>Sewer 4.325 ET</b>	\$13905.00

S.94 Contributions are applicable for tourist accommodation under S.94 Plans No. 5, 18 and 22. Contributions are also applicable for new shops under S. 94 Plan No. 18. As the development contains an additional 25 motel units and four new shops the following contributions apply.

S.94 Plan No. 5 Open Space	
Structured Open Space 25 beds @ \$179	\$4,475.00
Casual Open Space 25 beds @ \$128	\$3,200.00

S.94 Plan No. 18 Council Administration Offices	
25 beds @ \$238.00 plus 4 shops @ \$69.00	\$6,226.00

## Reports from Director Development Services

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S.94 Plan No. 22 Cycleways  
25 beds @ \$62.00  
\$1,550.00

The applicant has submitted in relation to Road Contributions the new development will generate a lesser traffic flow to the existing development. A traffic analysis has been submitted with the application to demonstrate this, which has been assessed by Council's Traffic Engineer, who has agreed with conclusions of the analysis. As such it is recommended that the development not be levied for road contributions.

### OPTIONS

1. Refuse this application
2. Approve this application

### LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

This application has no direct financial implications to Council's forward budgeting, however should the applicant be dissatisfied with council's determination of the application, they have a right of appeal in the Land and Environment Court.

### CONCLUSION

It is considered that the proposed redevelopment of the Cabarita Hotel is to be supported in terms of improving the built amenity of the Bogangar/ Cabarita Beach Central Business District. The land upon which the hotel is located is highly visible to Coast Road and provides the "entrance" to Cabarita Beach via Pandanus Parade. The proposal does not prejudice or compromise the Public Interest, is permissible under the relevant planning legislation and generally complies the various DCP's affecting this type of development. Although the development does not satisfy the strict requirements of North Coast REP 1988 in relation to overshadowing of the beach in midsummer at 7 pm, there are valid reasons to support a variation to these overshadowing standards pursuant to SEPP No.1. In conclusion it is recommended the development application for the redevelopment of the Cabarita Hotel be approved subject to Conditions of Consent.

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## Reports from Director Development Services

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5. ORIGIN: Development Assessment Unit

FILE REF: DA4600/80 Pt1

**REPORT TITLE:**

**Development Application K99/0141.01 for a Rural Residential Subdivision Creating Two (2) Lots at Lot 2 DP 1020594 Rayles Lane, Terranora**

**SUMMARY OF REPORT:**

Council is in receipt of an application to modify the original consent which created the subject land. The original consent included the requirement for a Section 88B instrument under the Conveyancing Act which included a number of restrictions to user including the prohibition of access from Carrington Court for proposed Lot 2.

The application before Council seeks the deletion of the subject restriction. Council's Engineers have assessed the proposed modification and have advised that providing the pavement is provided to a 6 metre wide pavement with kerb and gutter the proposed modification can be supported.

**RECOMMENDATION:**

That :-

- A. Application K99/0141.01 to modify Development Consent K99/0141 for a rural residential subdivision creating two (2) lots at Lot 2 DP 1020594 Rayles Lane, Terranora be modified as follows:-
- i. Condition No. 7(iii) be deleted and the words "deleted" be inserted.
  - ii. The addition of new conditions as follows:-
    24. Prior to commencement of work pursuant to this consent a **Construction Certificate** shall be obtained for the works proposed and required by this consent.
      - a) copies of compliance certificates relied upon
      - b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
        - earthworks
        - roadworks
        - road pavement
        - road furnishings
        - stormwater drainage
        - water supply works
        - sewerage works
        - landscaping works
        - sedimentation and erosion management plans
        - location of all service conduits (water, sewer, Country Energy and Telstra)
        - the approved Traffic Control Plan

## Reports from Director Development Services

- the relevant maintenance manuals (eg. G.P.T's, water pump station)

**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.

25. 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.
26. **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 88B instrument is issued.
27. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-
- i. Extension of Carrington Road from the existing edge to the property boundary of Lot 2 DP 1020594 with a six metre pavement width, including kerb and gutter on both sides.
28. Prior to the release of the 88B instrument a Compliance Certificate or Certificates shall be obtained from Council **OR** an accredited certifier for the following:-
- (i) Compliance Certificate - Roads
  - (ii) Compliance Certificate - Drainage
- Note:** 1. Where Council is requested to issue compliance certificates, applications for such certificates must be accompanied by documentary evidence from the Developers Supervising Consulting Engineer certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, DCP16 - Subdivision Manual and good Engineering Practice.
2. Where Council is requested to issue the construction certificate all compliance certificates and a Subdivision Certificate, Council will carry out the following inspections as deemed necessary by Council based on the rates contained in Council's current Fees and Charges:-

### Roadworks

## Reports from Director Development Services

- a. Pre-construction commencement erosion and sedimentation control measures
  - b. Excavation of subgrade
  - c. Pavement - sub-base
  - d. Pavement - pre kerb
  - e. Pavement - pre seal
  - f. Final inspections - on maintenance
  - g. Off Maintenance inspection
- 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 Management Act 2000 to be certified by an "accredited certifier".
29. Before the commencement of the relevant stages of road construction, reports shall be submitted to Council from a Registered NATA Consultant demonstrating.
- a. That the pavement has been designed and constructed in accordance with subgrade analysis as per Austroads Pavement Design, A Guide to the Structural Design of Road Pavements.
  - b. That the pavement materials used comply with the specifications in RTA Form Q3051 (June 1998)
  - c. That the pavement layers have been compacted to RTA specifications.
  - d. That supervision of Bulk Earthworks has been to Level 1 and/or Level 2 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.
30. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.
31. 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.
32. 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 Development Services

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

33. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
34. Prior to the issue of a **88B instrument**, Works as Executed Plans shall be submitted in accordance with the provisions of DCP16 - Subdivisions Manual.

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

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

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

- B. All documentation be completed under the Common Seal of Council.

## Reports from Director Development Services

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### REPORT:

**Applicant:** B & P Surveys

**Owner:** C & S Fraser

**Location:** Lot 2 DP 1020594, Rayles Lane Terranora

**Zoning:** 1(c) Rural Living Zone

**Cost:** 0.00

### BACKGROUND

- 1/4/1999 Council issued consent for the two lot subdivision of Lot 2 DP 831044 creating two parcels one of which is the subject land. The report assessing the subdivision at the time imposed the Restriction as to User for proposed Lot 2 denying access from Carrington Court as the frontage is unformed.
- 4/6/1999 Council issued consent to modify the development consent by varying the requirement for underground power permitting the installation of overhead powerlines.
- 3/11/2000 Council issued consent to modify the development consent by varying the Restriction as to User for proposed Lot 2 to read that no structures shall be erected within the easement for electricity. This Restriction as to User was for maintenance and health and safety reasons.
- 21/3/2002 Council received the subject application to modify the development consent.
- 26/4/2002 Council received a submission from Darryl Anderson on behalf of the applicant to support the application made.

# Reports from Director Development Services

## SITE DIAGRAM



## Reports from Director Development Services

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### CONSIDERATIONS UNDER SECTION 96(1A) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

#### **Minimal Environmental Impact**

The proposed modification will result in vehicle access to the subject land from Carrington Court. The proposed modification would result in the addition of vehicle movements on Carrington Court by approximately 6.5 vehicles per day, being the number of vehicle movements adopted in the Tweed Road Contribution Plan for a dwelling house.

The standard of Carrington Court is considered to be relatively high with a formed pavement and kerb and gutter. Carrington Court does not extend in its formation to the subject land, rather the road reserve has a driveway access which leads to the driveway for 21 Carrington Court.

To provide the road formation to the subject land there is a stand of landscaping which will be affected and may require removal. The vegetation has formed a landscape screen and is not a significant vegetation stand. As such, the requirement to construct the road to the property boundary is considered to generate minimal environmental impact.

Council's Developments Engineer has advised that Carrington Court will need to be extended from the existing edge to the property boundary of lot 2 DP 1020594 with a six metre pavement width, including kerb and gutter on both sides. With the imposition of these works the proposed modification is considered to be able to be supported. The applicant has verbally acknowledged that as Carrington Court is the preferred access point should those works be imposed by conditions of consent then the works will need to be undertaken.

#### **Substantially the Same Development**

The application to modify the development consent by way of lifting the Restriction as to User for Lot 2 access is not considered to substantially change the development. The development consent issued by Council was for a two lot subdivision which with modification will remain as a two lot subdivision.

Where the proposal is modified is that the access for Lot 2 will be gained from Carrington Court as opposed to Rayles Lane. To ensure this access is provided with minimal environmental impact to the other residents of Carrington Court, the road formation will be required to be extended to the property boundary with kerb and gutter.

The addition of one dwelling house gaining access from Carrington Court and its associated vehicles are not considered to be at a level that would adversely impact on the local residents.

#### **Notification**

The proposed modification did not require notification under Council's Policy. The applicant has submitted a letter which is endorsed by on signature of "the immediate neighbours on Carrington Court". It is unclear as to the name and address of the signature.

Council received a submission from one of the adjoining property owners who raised concern in relation to the proposed access to the subject land from Carrington Court. As the adjoining land owner approached them to seek their support to their proposal for access they made a submission directly to Council not supporting the access. The following table details the submission and provides the following comment.

## Reports from Director Development Services

Issue	Comment	Assessment
Lot has not had the benefit of access from Carrington Court.	Issue is raised that the property owners would have known when they purchased the property that the 88B instrument restricted access.	It is open to the current owners to make the application that is before Council to have the restriction lifted.  This issue does not warrant refusal of the application.
Loss of Privacy	Extensions to Carrington Court would result in a loss of privacy due to additional traffic on road and traffic passing the subject land where currently no vehicles pass.  Through construction of the road extension trees would be removed and privacy reduced.	The proposed amendment would increase traffic past the subject land to a level commensurate with a dwelling house. The objector considers this level of impact to be detrimental to privacy, it is considered that through planting screen the privacy may be preserved. Whether the subject land is access from Carrington Court or Rayles Lane there will be a dwelling house in this area which will affect change the outlook of this property.  The trees to be removed are in the road reserve and while the objector has come to expect these trees to be there, they are in the road reserve. The road extension of Carrington Court will result in the objectors property appearing more as a corner block rather than at a dead end street.  This issue does not warrant refusal of the application.
Road safety	Concern was raised that the extension of the road will create a safety risk for the children of the objector as traffic will pass the subject land.	Road safety is not considered to be jeopardised through the road extension. There may be need for fencing to property boundaries to be provided and children to be aware of the road environment around their home.  This issue does not warrant refusal of the application.

Having had regard for the submission received it is considered that there are no planning reasons raised as to why the proposed modification can not be supported. It is acknowledged however that there will be changes in the area through the erection of a dwelling house changing the rural outlook and the addition of vehicles on Carrington Court commensurate with a dwelling house.



## Reports from Director Development Services

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### Public interest

The proposed application to deleted the restriction as to user which currently limits the access of the subject land to Rayles Lane is not considered to be in conflict with the general public interest in the area. Through the addition of a dwelling house to Carrington Court it is not considered that wider public interest matters would be compromised.

### OPTIONS

1. Approve the application to Modify Development Consent K99/141 with the imposition of conditions requiring Carrington Court formation to be completed prior to the use of Council's Seal.
2. Refuse the application to Modify Development Consent K99/141.

### LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

The applicant has the right of appeal to the Land and Environmental Court if dissatisfied with the determination.

### CONCLUSION

It is considered that the application to modify the development consent through the use of Council Seal to remove the Restriction as to User can be supported. The applicant will however be required to construct Carrington Court to the required standard and have completed these works to Council's satisfaction prior to the use of the Seal to modify the 88B instrument.

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## Reports from Director Development Services

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# Reports from Director Corporate Services

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**6. ORIGIN: Director**  
**FILE REF: DW676973; Memorials**

**REPORT TITLE:**

**Memorial to Honour the Late Cr Pat Dixon**

**SUMMARY OF REPORT:**

The Mayor, Cr Warren Polglase has received a request from the Local Government and Shires Associations of NSW seeking a financial contribution to establish a memorial to honour the memory of the late Cr Pat Dixon.

**RECOMMENDATION:**

That Council:-

1. Makes a financial donation for the establishment of the Cr Pat Dixon Memorial Scholarship.
2. Determines the level of donation.

# Reports from Director Corporate Services

## REPORT:

The Mayor, Cr Warren Polglase has received a request from the Local Government and Shires Associations of NSW seeking a financial contribution to establish a memorial to honour the memory of the late Cr Pat Dixon. A copy of the letter appears below:



## LOCAL GOVERNMENT and SHIRES ASSOCIATIONS of NSW

GPO Box 7003 SYDNEY NSW 2001 • 215 Clarence St SYDNEY NSW AUSTRALIA  
Phone (02) 9242 4000 • Fax (02) 9242 4111 • E-mail lgasa@lgasa.org.au

Our Ref: R02/0017: Out: 5036  
Further contact: Jeanne Townsend

22 May 2002

Cr Warren Polglase  
Mayor of Tweed  
Tweed Shire Council  
PO Box 816  
MURWILLUMBAH NSW 2484

Dear Cr Polglase

FILE No. ....	
SUBJECT No ...	
DOCUMENT No	□ □ □ □
REC. 7 8 MAY 2002	
DOCUMENT TYPE	□ □
LOCATION CODE	□ □
ED.P. PROCESSED	□ □

TWEED SHIRE COUNCIL	
FILE No.	MEMORIALS
DOCUMENT No.	□ □ □ □
REC'D	31 MAY 2002
BOOK No.	□ □ □ □
ASSIGNED TO	CR PAT DIXON
HARD COPY	<input type="checkbox"/>
IMAGE	<input checked="" type="checkbox"/>

We write to seek your help in establishing a fitting memorial to honour the memory of the late Cr Pat Dixon.

Cr Dixon was a role model for Aboriginal and Torres Strait Islander people who were councillors, employees of councils or were interested in serving on councils. Her many interests also included development of Local Government policy as a means of encouraging reconciliation.

Cr Dixon's involvement with Local Government spanned 18 years. After being elected as a councillor, Pat became a Policy Officer with the Department of Local Government and played a pivotal role in providing advice and support to newly elected Aboriginal Local Government councillors and Aboriginal council employees. Her work as National Indigenous Policy Coordinator at the Australian Local Government Association influenced other states to employ Aboriginal Policy Officers at our member Associations and had direct input to the federal government.

More recently Cr Dixon again broke new ground becoming the first indigenous Vice President of the Local Government Association.

The Associations have decided to establish the Cr Pat Dixon Memorial Scholarship, to focus on indigenous leadership development.

The Associations are seeking financial contributions to establish a Memorial Scholarship which will advance the career of two Aboriginal and Torres Strait Islander councillors or council employees to undertake tertiary and workshop based studies.

The funds raised will be placed in a trust account and a Committee will be established to administer and award the Scholarship.

The Memorial will enable:

- One Aboriginal or Torres Strait Islander Local Government councillor or employee of council to undertake the Bachelor of Social Science Course at the University of New England, with the scholarship to cover the three years of the agreed course

*Report to Council  
19/5*

## Reports from Director Corporate Services

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- One Aboriginal or Torres Strait Islander Local Government councillor or employee of council to be sponsored to undertake workshop based career path modules through LGSA Learning

The Associations believe that a Program of this type is the most appropriate way of providing some form of ongoing recognition of Pat Dixon's contribution to Local Government. It brings together two of Pat's main interests – increasing the representation of Aboriginal and Torres Strait Islander people in Local Government and the professional development of Local Government Aboriginal and Torres Strait Islander councillors and employees.

Councils are invited to make a one-off contribution to the Fund. We ask that Council considers this matter and advises us of the outcome as soon as possible. We ask this because we are hoping to launch the Program for the year 2003 intake and as you will appreciate it is necessary to set up the base trust fund soon.

We urge-your-Council to make a generous contribution to what we believe will become a most prestigious Memorial.

Yours sincerely



Cr Peter Woods OAM  
President  
*Local Government Association of NSW*



Cr Mike Montgomery  
President  
*Shires Association of NSW*

## Reports from Director Corporate Services

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## Reports from Director Corporate Services

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**7. ORIGIN:** Director  
**FILE REF:** DW677205; SROC

**REPORT TITLE:**

**SouthROC Business Plan**

**SUMMARY OF REPORT:**

The redrafted business plan for SouthROC was amended at the meeting on 2 May 2002 and is to be adopted at the meeting scheduled for 13 June 2002.

**RECOMMENDATION:**

That Council's representatives endorse the SouthROC Business Plan at the next meeting of the regional group of Councils.

## Reports from Director Corporate Services

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### REPORT:

Over the past three months the SouthROC region has reviewed and redrafted its Business Plan for formal adoption at the meeting scheduled for Thursday, 13 June 2002. At the last meeting of the SouthROC group of Councils minor amendments were made to the Draft Business Plan. These have been circulated to member Councils for consideration since the amended sections are highlighted.

Council's acceptance of the draft, as amended (copy attached), is recommended to enable Council delegates to support endorsement of the plan at the next meeting of the regional group of Councils.

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## Reports from Director Corporate Services

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**8. ORIGIN: General Manager**

**FILE REF: Farmers Markets**

**REPORT TITLE:**

**Farmer's Market Proposal - Tumbulgum**

**SUMMARY OF REPORT:**

There is an increasing demand for Farmer's Markets across Australia. The basis of these markets is that consumers can purchase fresh produce directly from growers. It has been considered that this style of market is very suitable for local produce growers in the Tweed to market directly to the consumers. This report proposes a concept where growers can sell their produce from a common location that is operated and administered by Council.

**RECOMMENDATION:**

That Council endorses the preparation of more detailed costing and preliminary design work of the proposed Tumbulgum Farmer's Market for submission to the Department of Transport and Regional Solutions' Far North East New South Wales Sustainable Region Advisory Committee and other consultative processes.

## Reports from Director Corporate Services

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### REPORT:

#### INTRODUCTION

There is a growing pressure from the farming community to be allowed to establish roadside stalls to sell produce grown on their properties. However this can lead to increased risk to road safety. This paper proposes an alternative where a consolidated market can be established in a centralised location to allow individual farmers to be licensed to sell from this location. The benefit of this approach is that it will allow controls to be put in place to ensure that the produce that is sold has been grown in the Tweed and not imported from other areas outside the Shire. The proposal also allows for primary produce that is grown and processed in the Shire to be sold at these Farmer's Markets.

Several locations were reviewed for their suitability however a site located at Tumbulgum was considered the most appropriate.

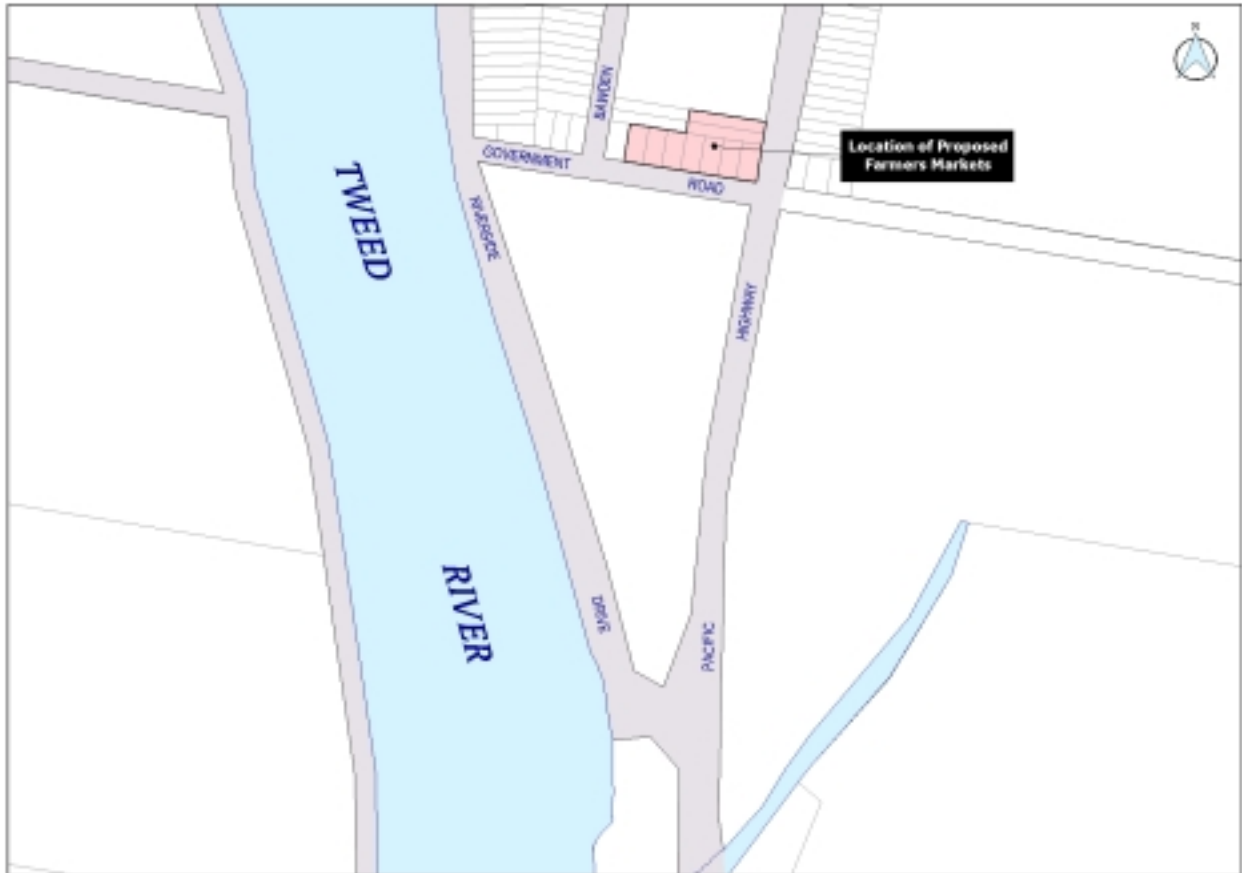
#### LAND REQUIREMENTS

The proposed Farmer's Markets will require some specific site requirements. These are;

1. That the adjoining road is not a RTA designated road,
2. The location has a clear line of sight on the adjoining road,
3. The proposed location is level (flooding is not an issue if no permanent structures other than proposed toilet facilities are to be developed.),
4. It is not within a sewerage treatment buffer area,
5. The site dimensions would need to be;
  - a. Rectilinear,
  - b. Nominal size of 4,000m<sup>2</sup>
  - c. One access point,
  - d. Room to accommodate 12 parking spaces for stallholders' vehicles plus 10 visitor parking spaces. (Note: DCP 2 Site Access and Parking Code identify that *Markets* will be assessed on merit.)

# Reports from Director Corporate Services

## PROPOSED SITE FOR FARMER'S MARKET AT TUMBULGUM



**Figure 1: Proposed Location and Modifications for the Farmer's Markets at Tumbulgum.**

This site comprises several small lots owned by Council and classified as operational land. Currently the southwestern block is used as a pumping station. The proposed modifications to the road layout are not essential for the establishment of the site as without the establishment of any permanent structures. However this does leave potential for future permanent development of the site.

# Reports from Director Corporate Services

Flood Liability	The area is flood liable. This would not effect the development of a Farmer's Market as the proposed structures are not intended for permanent occupation.
Vegetation	The site is substantially cleared.
Traffic Safety	The proposed area would require modifications to the existing traffic conditions as proposed in Figure 1.
Zone	Under the existing zone 2(d) Urban Village a "Shop" is allowable with consent. The proposed Farmer's market would be defined as a "Shop" under the Tweed LEP 2000.
Area	Total area of existing operational land – approximately 4,000m <sup>2</sup> . (defined as cross hatched area in Figure 1).

## PLANNING

Under this proposal a Farmer's Market would mean it would be operational 7 days a week with or without the erection of permanent structures. Under these circumstances a Farmer's Market would be defined as a "Shop" in the Tweed LEP 2000. It would not be defined as a "Market" as it is intended to be operational 7 days a week where the definition of a "Market" is for a market that is conducted one day a week.

Under the definition of a "shop" it will need to be located within either an uncoloured road reserve or within a zone identified below;

2(c) Urban Expansion
2(d) Village
2(e) Residential Tourism
2(f) Tourism
3(a) Sub regional Business
3(b) General Business
3(d) Waterfront Enterprise
3(e) Jack Evans Boatharbour
5(a) Special Uses

**Note:** 3(c) Commerce and Trade zone may be considered under certain circumstances.

Considering the zone of the proposed location of the markets it is not necessary to make any changes to the LEP for this particular type of development. However if a Farmer's Market is to be considered for other rural locations within a rural zone an LEP amendment that would include a new definition will need to be considered. To undertake an LEP amendment to accommodate this type of development could take up to 9 months. A draft definition is included below;

A draft definition has been prepared and is described below;

## Reports from Director Corporate Services

*Farmer's Market means a place or building on land owned or controlled by Council where a variety of temporary stalls are used for the selling or offering for sale of raw primary produce grown within the area of this plan and agricultural produce processed in a rural industry within the area of this plan.*

As previous advice from Stacks has pointed out that a Development Control Plan may be a suitable policy format to give more specific detail of a Farmer's Market.

The definition given above has been assessed against the objectives of each of the zones within the LEP. The following table outlines the zones where this type of development should be allowable with consent. Due to the potential for the development to operate as a retail facility from a permanent structure 7 days a week it is not appropriate within some zones. In particular 3(c) Commerce and Trade and 4(a) Industrial. There should be some room for discretion within 6(a) Open Space as Council controls most 6(a) zones and should be listed under Item 3 within this zone.

*Development allowed only with consent (Item 2)*

1(a) Rural
1(b) Agricultural Protection
1(c) Rural Living
2(d) Rural Village

*Development allowed only with consent and must satisfy the provision of clause 8(2)*

6(a) Open Space
-----------------

### LEGISLATIVE CONTROL

Considering that some form of control over the vendors need to be established there are several ways which enforcement of conditions may be carried out. There are provisions in the Local Government Act to allow signage to be erected on certain categories of land and infringement of the specified directions can incur an on the spot fine. The alternatives would include using the Environmental Planning and Assessment Act to enforce infringements to the Tweed LEP 2000.

This will allow enforcement through fines rather than more involved legal procedures under enforcing compliance under the Environmental Planning and Assessment Act.

Under S.632 of the Local Government Act there are provisions to allow Council's Rangers to issue on the spot fines to persons contravening the direction displayed in a Council sign. This would be an appropriate method to prohibit the sale of produce without a licence. Operational Land as defined under the Local Government Act is considered a "Public Place" and S.632 of the Local Government Act can be used.

Licensing for trade and commerce on community land or exhibition of goods for sale on a public road can be organised under S.68 of the Local Government Act.

The main issue here is whether the land for this purpose would be better identified as a "public place" as defined under the Local Government Act so that S. 632 can be enabled for signage and S. 68 for licensing. Or is it better kept defined as "Operational Land" as defined under the Local Government Act so that Council to take advantage of undertaking commercial activities under this classification.

# Reports from Director Corporate Services

## INFRASTRUCTURE

These amounts are very broad estimates only. The estimates proposed below will need to be more accurately assessed when preliminary design work is undertaken.

<b>Development Costs</b>	
Design	\$30,000
Drainage and Earthworks	\$20,000
Road Construction	\$100,000
Permanent Market Buildings	\$50,000
<i>Note: 2 x 330m<sup>2</sup> (9.15mx36m) Colour bond sheds each with 6 x 55m<sup>2</sup> allocated to each stallholder.</i>	
Internal Works at a nominal area of 2,500m <sup>2</sup>	\$100,000
<i>Note: A single access point represents a cost effective internal layout (\$40/sqm). Area and costs also include parking and other internal movement network.</i>	
Public Toilet Facilities	\$25,000
Initial marketing and advertising signage	\$30,000
<b>Sub Total (Estimate Only)</b>	<b>\$355,000</b>
<b>Possible Development Costs</b>	
Contributions (S.94)	\$50,000
Provision of water & sewer for permanent toilet facilities	\$50,000
<b>Total (Estimate Only)</b>	<b>\$455,000</b>

## MANAGEMENT

### Handling and storage

All handling and storage of food should be done in accordance with Council's code for the *sale of food at markets and one-day events*. This includes provisions for appropriate storage and handling, hand of food, washing facilities, types of stalls and that no animals are allowed within the market area.

### No. of Stalls

The number of stalls will be in varying demand depending on seasonal crops. There will also need to be a restriction on the number of licences so that the demand for stall space can adequately be policed. This restriction may also need to specify the types of produce that can be sold on each particular licence. This will limit seasonal runs on stall space.

Each stall will require enough space to adequately display and market the produce. A nominal space of 55m<sup>2</sup> is initially identified.

### Hours of Operation

Considering the proposed rural locations for the operations it is appropriate that the operations be conducted between 7am and 4pm and between 7am and 7pm during daylight savings on a 7-day a week basis. It would be suitable to have Council's rangers to be available at set up so to undertake adequate policing of the stall areas.

## Reports from Director Corporate Services

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### **Signage**

Traffic safety signage will be required. It is considered that the cost of this signage will not be significant and will be covered by the infrastructure costing presented above.

Controls for signage for each individual vendor will need to comply with DCP 15 – signage as well as SEPP 64.

### **Toilet Facilities**

Toilet facilities will need to be made available, including access to disabled toilets. It is proposed that initially this be made available as portable toilets. Appropriate signage would need to be erected to indicate to market patrons' location of all available toilet facilities including the location of available disabled toilet facilities.

### **Types of Goods for Sale**

It is proposed that in the initial stages that produce only will be sold. This will restrict any sale of value added produce such as preserves and jams. Sale of value added produce will require more stringent inspections by Council's environmental health officers to determine health regulations are complied with in the preparation of the food and that the production of the food meets the requirements.

### **LICENSING**

#### **Licence Agreement**

The licence will form a contractual arrangement between Council and the vendor with regard to use of the market space. It will also become the responsibility of the stallholders to comply with any conditions of the development approval for a Farmer's Market.

#### **Fee Structure**

It is considered appropriate that a fee structure that is set at a nominal rate to allow growers within the Tweed access to the sale area. A flat fee structure with one annual fee can be used. Alternatively a monthly fee of \$20/month or \$100/year can be used to cover for seasonal crops variations.

This will not recoup very much of the capital expenditure for infrastructure or the ongoing maintenance and administration costs.

#### **Slots / Licensing Availability**

There will need to be some control over the number of licences issued, as there will be only a limited amount of space. As discussed earlier one way of policing this is to allow for the licences to include a provision for the particular types of produce that each vendor is allowed to sell. This will restrict the amount of vendors who can sell during seasonal peaks. Specific provisions for cancellation of licences need to be made available for vendors found selling produce that is not grown within the Tweed or that the vendors are selling produce that they are not licensed to sell.

### **RECOMMENDATION**

That Council endorses the preparation of preliminary design work and costing for this project to be undertaken at the proposed location at Tumbulgum. These estimates will then be reported back to Council for further considerations.

## Reports from Director Corporate Services

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## Reports from Director Corporate Services

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**9. ORIGIN:** Director  
**FILE REF:** Sustainable Regions Program

**REPORT TITLE:**

**Sustainable Regions Program - Deed of Grant**

**SUMMARY OF REPORT:**

The Department of Transport and Regional Services have provided a grant for a capacity building and development project to be undertaken through the Far North East NSW Sustainable Regions Advisory Committee. The Deed of Grant for the amount of \$144,100.00 is required to be signed and sealed by Council.

**RECOMMENDATION:**

That the Deed of Grant between the Commonwealth of Australia and Tweed Shire Council for the Far North East NSW Sustainable Regions Program – Capacity Building and Development Project be signed and executed under the Common Seal of Council.

## Reports from Director Corporate Services

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### REPORT:

Council recently entered an agreement with the Federal Department of Transport and Regional Services to host the Far North East NSW Sustainable Regions Program. An Executive Officer has been engaged for a period of 12 months to support the Advisory Committee and Minister and develop the Sustainable Regions Program.

Under the Program, a grant has been provided to progress one of the key objectives of the program. This objective calls for the development of community capacity and planning for a sustainable future. The project has six key objectives:

1. Development leadership and succession in the region;
2. Establishing networks in the region;
3. Developing possible, probable and desired scenarios for the future sustainable development of the region;
4. Facilitating interaction between the Sustainable Regions Advisory Committee and the community and
  - raising the awareness of the Sustainable Regions Program Committee,
  - obtaining community input into the project,
  - obtaining feedback on the project;
5. Facilitating a culture of involvement in the region; and
6. Identifying/developing a long term mechanism for leading and encouraging sustainable development in the region.

Funding has been provided of an amount of \$144,100.00 to enable the Program to progress through four stages. The Program is scheduled to be conducted over three (3) years with two (2) milestone payments/report dates.

The project involves a partnership between the Department of Transport and Regional Development, the Department of Family and Community Services, State Government and local community networks, including the major educational institutions within the region. The Program also links with State Government agencies and services for the region.

A Deed of Grant has been prepared between the Commonwealth of Australia and Tweed Shire Council and is to be signed and sealed by Council.

All costs associated with the Program are to be met from the Sustainable Regions Program.

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## Reports from Director Corporate Services

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**10. ORIGIN:** Financial & Information Services Unit

**FILE REF:** Local Govt & Shires Assn - General; Shires Assn of NSW - General

**REPORT TITLE:**

**2001 Audited Accounts of Local Government Association of NSW and Shires Association of NSW**

**SUMMARY OF REPORT:**

Accounts of the Local Government Association of NSW and Shires Association of NSW are provided for information of Council.

**RECOMMENDATION:**

That this report be received and noted.

## Reports from Director Corporate Services

### REPORT:

Council recently received copies of the 2001 Audited Accounts of the Local Government Association of NSW and the Shires Association of NSW.

In past years only the consolidated accounts of the two Associations have been published and have not shown the detailed level of income and expenditure attributable to each. From this year, in the interests of transparency, and in recognition of the fact that many councils are members of both Associations, copies of both sets of statements are being provided to all members for information.

Any interested parties may obtain a copy of these statements from the Financial & Information Services Unit.

A brief assessment of the Financial Statements of both Associations is listed below:-

As at 30 June 2001	Local Govt Assoc \$'000	Shires Assoc \$'000
1. Operating Expenses	3782	2600
2. Operating Income	3974	2881
3. Operating Surplus	192	281
4. Investments #	259012	258401
5. Property Plant & Equipment *	5479	5398
6. Asset Revaluation Reserve	4750	4750
7. Accumulated Surplus	10237	9821
8. Total Equity	14987	14571

# Investments are predominately made up of Deposits from councils of \$248m with the Local Government Financial Service (LGFS) which is the investment arm of both Associations

\* Both Associations carry on business from 215-217 Clarence Street, Sydney and the value of their equity in the building is \$5m each.

## Reports from Director Corporate Services

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**11. ORIGIN: Financial & Information Services Unit**

**FILE REF: Monthly Investment Report**

**REPORT TITLE:**

**Monthly Investment Report for Period Ending 31 May 2002**

**SUMMARY OF REPORT:**

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

**RECOMMENDATION:**

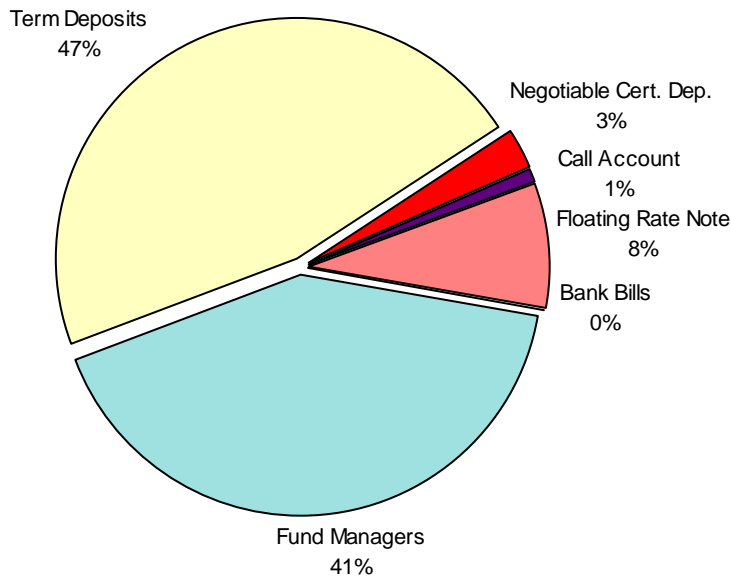
That this report be received and noted.

# Reports from Director Corporate Services

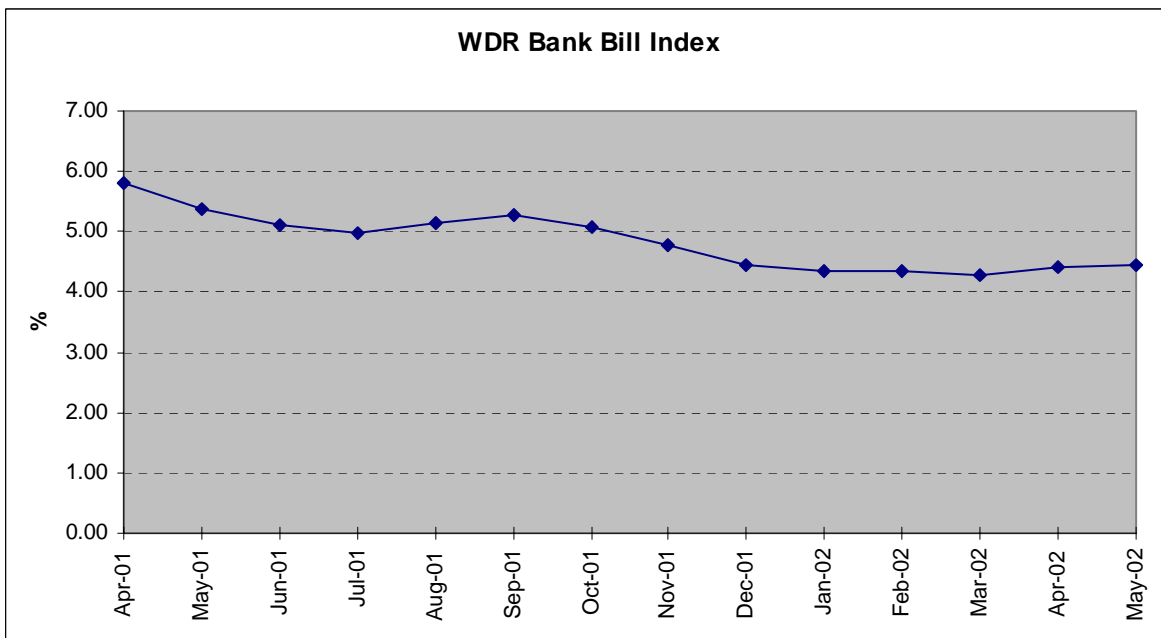
## REPORT:

### 1. CURRENT INVESTMENT PORTFOLIO BY CATEGORY

**% of Funds Invested by Category**



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

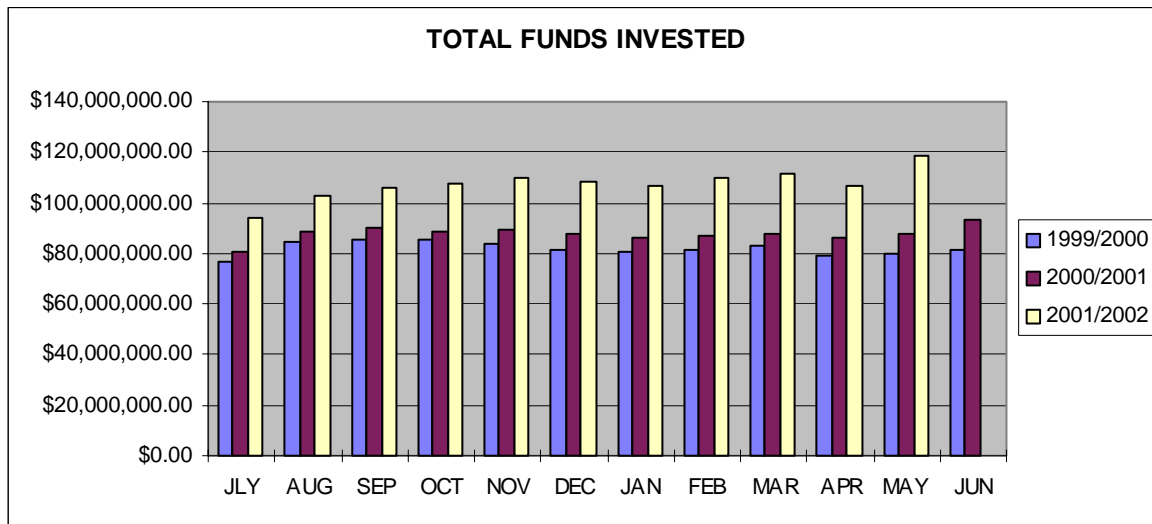


# Reports from Director Corporate Services

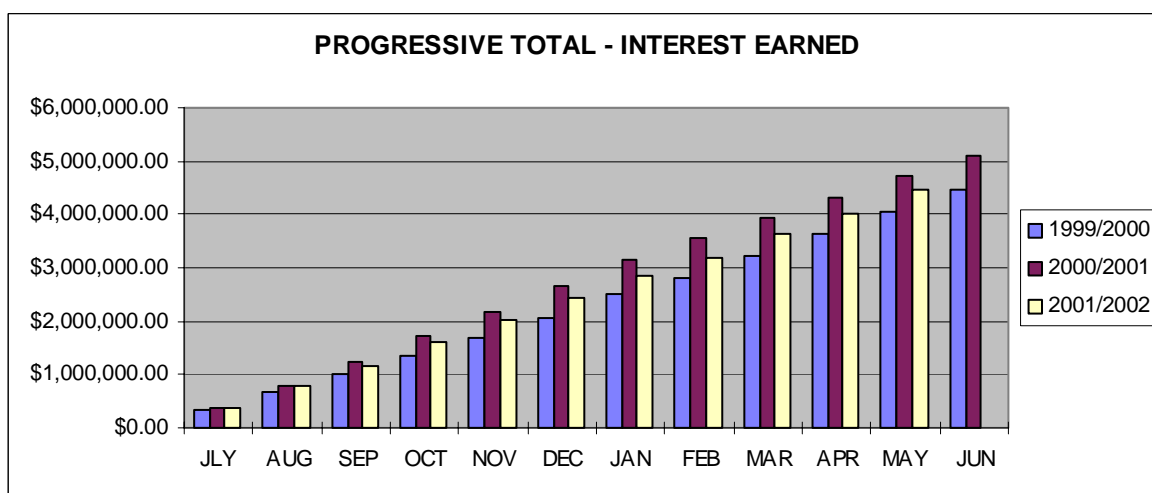
## 3. ANNUALISED RATE OF RETURN FOR FUNDS MANAGERS – NET OF FEES

Fund	30 Days %	90 Days %	1 Year %
ANZ	4.38	4.57	4.63
Alliance	4.14	4.42	4.56
Deutsche	4.56	4.84	4.90
Macquarie Diversified	4.81	5.01	5.08

## 4. MONTHLY COMPARISON OF TOTAL FUNDS INVESTED



## 5. ANNUAL PROGRESSIVE TOTAL OF INTEREST ON TOTAL FUNDS INVESTED



# Reports from Director Corporate Services

## 6. MARKET COMMENTARY

On 31 May, Reserve Bank of Australia, Governor MacFarlane appeared before the House of Representatives Committee on Economics, Finance and Public Administration for his semi-annual monetary policy testimony. He commented that the RBA believed there was a high risk of the economy overheating if official rates remained at their current level. He advised that the Board would continue to raise rates unless unforeseen developments eventuated.

## 7. INVESTMENT SUMMARY AS AT 30 APRIL 2002

### GENERAL FUND

BANKS	37,489,500.00	
FUND MANAGERS	5,459,057.78	
LOCAL GOVT. FIN. SERVICES	7,000,000.00	
CALL	1,025,345.26	<b>50,973,903.04</b>

### WATER FUND

BANKS	6,000,000.00	
FUND MANAGERS	27,277,889.00	
LOCAL GOVT. FIN. SERVICES	4,000,000.00	<b>37,277,889.00</b>

### SEWERAGE FUND

BANKS	6,000,000.00	
FUND MANAGERS	16,287,340.55	
LOCAL GOVT. INV. SERVICE	8,000,000.00	<b>30,287,340.55</b>

**TOTAL INVESTMENTS** **118,539,132.59**

It should be noted that the General Fund investments of \$50.9 million are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

### Statutory Statement - Local Govt Financial Management Regulations (Sec.19)

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



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



# Reports from Director Engineering Services

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**12. ORIGIN:** Works Unit  
**FILE REF:** Memorials/Roadside Crosses

**REPORT TITLE:**

**Roadside Tributes - Policy**

**SUMMARY OF REPORT:**

The draft policy on handling of roadside tributes has been advertised for public comment. Five responses were received and are included as part of this report. The responses do not specifically refer to the policy but the policy as written can address each of the concerns raised.

**RECOMMENDATION:**

That the policy on Roadside Tributes as follows be adopted.

***“ROADSIDE TRIBUTES DRAFT POLICY***

*This policy provides guidance for operational staff in advising on, or removing, roadside tributes such as flowers or small crosses of similar size.*

***Advice***

*The placement of roadside flowers is a matter for individual families. Tweed Shire Council respects their wishes and will provide sympathetic advice for those seeking it.*

*Anything more substantial than flowers or small, lightweight wooden crosses of similar size to a floral tribute should not be placed in the road reserve. Families should be advised that anything larger could itself become a road or pedestrian safety hazard.*

*Advice should be given that, although there is no limit to the time a tribute can remain, the Council will remove any tribute that appears to have been neglected.*

***Removal***

*In the event that there are concerns regarding a tribute, it can be removed subject to the following processes being adopted. These concerns may arise from Council staff or contractors or may be as a result of representations from the public.*

1. *Concerns are considered and a recommendation for removal is prepared for approval by the Director Engineering Services providing either of the following criteria are met:-*
  - *The size or material of the tribute has the potential to cause adverse road safety impact, or*
  - *Deterioration of the floral tribute indicates that it may no longer be maintained and may soon pose a hazard or drainage problem etc.*

## Reports from Director Engineering Services

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- *The nature or size of the tribute has the potential to be a pedestrian hazard in urban footpath areas*
  - *The owner of the property fronting the tribute or those in the near vicinity objects to its placement for periods longer than considered necessary.*
2. *If possible, the approved recommendation is discussed with the family or other persons responsible for placing the tribute.*
  3. *Agreement is reached regarding the action to be taken and whether it should be done by Council or the family. Should agreement not be reached then the Director Engineering Services will make the final decision on necessary action.*
  4. *If it is agreed that the Council will undertake the removal, the final recommendation is submitted for the approval of the Director Engineering Services.*
  5. *In undertaking removal, Council staff and / or contractors will show respect for the feelings of the bereaved and every effort will be made to return any materials removed to the family in an appropriate manner, time and place.”*

## Reports from Director Engineering Services

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### **REPORT:**

The draft policy on Roadside Tributes as presented to Council at its meeting on 3 April 2002 has been advertised for public comment. Five submissions have been received, none of them specifically referred to the policy. However, each of the concerns raised has been addressed in the policy. There is no intention to remove existing tributes that are being maintained and do not pose a hazard that could create a public liability claim.

The policy is intended to allow staff to adequately handle questions raised, regarding the placing of tributes and complaints. It provides also a mechanism for removal of any tribute that is neglected when objections are raised. Submissions received are an attachment to this Business Paper.

### **ROADSIDE TRIBUTES DRAFT POLICY**

This policy provides guidance for operational staff in advising on, or removing, roadside tributes such as flowers or small crosses of similar size.

#### **Advice**

The placement of roadside flowers is a matter for individual families. Tweed Shire Council respects their wishes and will provide sympathetic advice for those seeking it.

Anything more substantial than flowers or small, lightweight wooden crosses of similar size to a floral tribute should not be placed in the road reserve. Families should be advised that anything larger could itself become a road or pedestrian safety hazard.

Advice should be given that, although there is no limit to the time a tribute can remain, the Council will remove any tribute that appears to have been neglected.

#### **Removal**

In the event that there are concerns regarding a tribute, it can be removed subject to the following processes being adopted. These concerns may arise from Council staff or contractors or may be as a result of representations from the public.

1. Concerns are considered and a recommendation for removal is prepared for approval by the Director Engineering Services providing either of the following criteria are met:-
  - The size or material of the tribute has the potential to cause adverse road safety impact, or
  - Deterioration of the floral tribute indicates that it may no longer be maintained and may soon pose a hazard or drainage problem etc.
  - The nature or size of the tribute has the potential to be a pedestrian hazard in urban footpath areas
  - The owner of the property fronting the tribute or those in the near vicinity objects to its placement for periods longer than considered necessary.
2. If possible, the approved recommendation is discussed with the family or other persons responsible for placing the tribute.
3. Agreement is reached regarding the action to be taken and whether it should be done by Council or the family. Should agreement not be reached then the Director Engineering Services will make the final decision on necessary action.

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## Reports from Director Engineering Services

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4. If it is agreed that the Council will undertake the removal, the final recommendation is submitted for the approval of the Director Engineering Services.
  5. In undertaking removal, Council staff and / or contractors will show respect for the feelings of the bereaved and every effort will be made to return any materials removed to the family in an appropriate manner, time and place.
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## Reports from Director Engineering Services

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**13. ORIGIN:** Water Unit

**FILE REF:** Beaches – Erosion; Beaches – Duranbah Beach

**REPORT TITLE:**

**Dune Management Plan for Duranbah Beach - Financial Assistance**

**SUMMARY OF REPORT:**

The Minister for Land and Water Conservation, John Aquilina, MP, has advised Council that financial assistance of up to \$5,000 will be made available to Council on a 1:1 basis for preparation of a Dune Management Plan for Duranbah Beach.

This funding has been made available through the Department of Land and Water Conservation's Coastal Management Program. It is matched by \$5,000 provided in the 2001/2002 budget of Council for Coastal Management Planning.

**RECOMMENDATION:**

That Council accepts the offer of financial assistance from the Department of Land and Water Conservation for up to \$5,000 on a 1 to 1 basis and votes the expenditure of \$5,000 from the Coastal Management Planning budget of Council to match the offer.

## Reports from Director Engineering Services

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### REPORT:

The Minister for Land and Water Conservation, John Aquilina, MP, has advised Council that financial assistance of up to \$5,000 will be made available to Council on a 1:1 basis for preparation of a Dune Management Plan for Duranbah Beach.

This funding has been made available through the Department of Land and Water Conservation's Coastal Management Program. It is matched by \$5,000 provided in the 2001/2002 budget of Council for Coastal Management Planning.

Duranbah Beach, adjacent to the mouth of the Tweed River, suffered severe erosion in early 2001 generating considerable community concern.

Erosion and/or realignment of this popular surfing beach was predicted in the Environmental Impact Statement prepared for the Tweed River Entrance Sand Bypassing Project (TRESBP). Following discussion with staff involved with the TRESBP, Council resolved to seek a grant of \$5,000 from the Department of Land and Water Conservation's Coastal Management Program to be matched dollar for dollar by Council for preparation of a dune management plan for Duranbah Beach, consistent with the TRESBP.

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## Reports from Director Engineering Services

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**14. ORIGIN:** Water Unit

**FILE REF:** Estuary Management – Tweed Coastal Committee

**REPORT TITLE:**

**Tweed Coast Estuaries Management Plan - Financial Assistance**

**SUMMARY OF REPORT:**

The Minister for Land and Water Conservation, John Aquilina, MP, has advised Council that financial assistance of up to \$40 000 will be made available to Council on a 1:1 basis for Stage Four implementation of the Estuary Management Plan for Cudgen, Cudgera and Mooball Creeks.

This funding has been made available through the Department of Land and Water Conservation's Estuary Management Program. It is matched by \$40,000 provided in the 2001/2002 budget of Council to finance Council's contribution for implementation of the Tweed Coast Estuaries Management Program.

**RECOMMENDATION:**

That Council accepts the financial assistance from the Department of Land and Water Conservation's Estuary Management Program on a 1 to 1 basis and votes the expenditure of \$40,000 from the Tweed Coast Estuaries Management Program of Council to match the offer.

## Reports from Director Engineering Services

### REPORT:

The Minister for Land and Water Conservation, John Aquilina MP, has advised Council that financial assistance of up to \$40 000 will be made available to Council on a 1:1 basis for implementation of Stage Four of the Estuary Management Plan for Cudgen, Cudgera and Mooball Creeks.

This funding has been made available through the Department of Land and Water Conservation's Estuary Management Program. It is matched by \$40,000 provided in the 2001/02 budget of Council to finance Council's contribution to the Tweed Coast Estuaries Management Program.

The funds are to be used for the implementation of the Estuary Management Plan for Cudgen, Cudgera and Mooball Creeks. The following draft works program is to be confirmed at the next meeting of the Committee:-

**Estuary Management Plan  
Cudgen, Cudgera and Mooball Creeks  
2002 Program**

Riparian Buffer Zone Rehabilitation on Cudgen, Cudgera and Mooball Creeks	\$10,000
Bank Management Plan for Cudgen, Cudgera and Mooball Creeks	\$5,000
Mooball Creek Bank Stabilisation Projects	\$15,000
Water Quality Monitoring – in Cudgen, Cudgera and Mooball Creeks	\$10,000
Cudgen Creek Boardwalk	\$40,000
<b>TOTAL</b>	<b>\$80,000</b>



## Reports from Director Engineering Services

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**15. ORIGIN:** Water Unit  
**FILE REF:** Nicholl Park; Jetties; Pontoons

**REPORT TITLE:**

**Pontoon for Nicholl Park Heritage Wharf, Murwillumbah - Financial Assistance**

**SUMMARY OF REPORT:**

The Minister for Land and Water Conservation, John Aquilina, MP, has advised Council that financial assistance of up to \$37,500 will be made available to Council on a 1:1 basis for installation of a pontoon at the Nicholl Park Heritage Wharf, Murwillumbah.

This funding has been made available through the Department of Land and Water Conservation's Waterways Program. Matching funds are available in the 2001/2002 Waterways Loan Funding budget of Council.

**RECOMMENDATION:**

That Council accepts the financial assistance of up to \$37,500 from the Department of Land and Water Conservation's Waterways Program for installation of a pontoon at the Nicholl Park Heritage Wharf on a 1 to 1 basis and votes the expenditure of \$37,500 from the Waterways Loan Funding of Council to match the offer.

## Reports from Director Engineering Services

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### REPORT:

The Minister for Land and Water Conservation, John Aquilina, MP, has advised Council that financial assistance of up to \$37,500 will be made available to Council on a 1:1 basis for installation of a pontoon at the Nicholl Park Heritage Wharf, Murwillumbah.

This funding has been made available through the Department of Land and Water Conservation's Waterways Program. Matching funds are available in the 2001/2002 Waterways Loan Funding budget of Council. These funds are available due to a successful funding application for the upgrade of Kennedy Drive Boatramp, enabling funds allocated for this project to be reallocated.

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## Reports from Director Engineering Services

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**16. ORIGIN:** Water Unit

**FILE REF:** Canals; Boating

**REPORT TITLE:**

**Vessel Speed Restrictions on Canal Waterways**

**SUMMARY OF REPORT:**

The NSW Waterways Authority has signposted the canals of Oxley Cove, Endless Summer, Crystal Waters, Seagulls and Wyuna Road as 4 knot speed restricted waterways. They are not, however, currently gazetted as speed restriction areas.

To enforce the speed limits on these navigable waters the NSW Waterways Authority needs to gazette these waterway areas as speed restriction areas. Prior to undertaking this gazettal, the Waterways Authority wishes to confirm that Council does not have any objections to this proposal.

**RECOMMENDATION:**

That Council endorses the gazettal, by the NSW Waterways Authority, of speed restriction areas in the canals of Oxley Cove, Endless Summer, Crystal Waters, Seagulls and Wyuna Road.

## Reports from Director Engineering Services

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### REPORT:

The NSW Waterways Authority has signposted the canals of Oxley Cove, Endless Summer, Crystal Waters, Seagulls and Wyuna Road as 4 knot speed restricted waterways. They are not, however, currently gazetted as speed restriction areas.

All of these canals are drainage reserves owned by Council and are currently classed as either Community or Operational Lands. To enforce the speed limits on these navigable waters the NSW Waterways Authority needs to gazette these waterway areas as speed restriction areas. Prior to undertaking this gazettal, the Waterways Authority wishes to confirm that Council does not have any objections to this proposal.

The gazettal of the canals as speed restricted waterways does not impact the management of these canals other than the intended purpose of the Waterways Authority being able to enforce the 4 knot speed limit.

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## Reports from Director Engineering Services

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**17. ORIGIN:** Works Unit

**FILE REF:** Works Program - 2002/2003

**REPORT TITLE:**

**2002 / 2003 Works Program**

**SUMMARY OF REPORT:**

The proposed Works Program for 2002/2003 is submitted for Council's consideration. The program is consistent with the five year forward program. With regular surveys being carried out for the Pavement Management System some roads have been brought forward in the program. With the increasing cost to provide necessary traffic control and safer working conditions for staff some projects have been deferred one year. Most projects submitted are aimed at preservation of the existing assets.

**RECOMMENDATION:**

That the 2002/2003 Works Program as submitted be adopted.

## Reports from Director Engineering Services

### REPORT:

The proposed Works Program for 2002/2003 is submitted for Council's consideration. The program is consistent with the five year forward program. With regular surveys being carried out for the Pavement Management System some roads have been brought forward in the program. With the increasing cost to provide necessary traffic control and safer working conditions for staff some projects have been deferred one year. Most projects submitted are aimed at preservation of the existing assets.

The roads to Recovery Program has been reduced by the Federal Government to \$657,000 this financial year but it has indicated that the shortfall will be made up in the 2003/2004 Program. The Roads to Recovery Program is made up entirely of sealing gravel roads in accordance with the priorities as previously advised to Council.

<b>1. Urban Road Construction</b>	<b>\$1,820,000</b>
Bawden Street Tumbulgum	110,000
Condong Street Murwillumbah	105,000
Panorama Drive Tweed Heads	60,000
Peninsula Drive Bilambil Heights	175,000
Banora Terrace Bilambil Heights	116,500
River Terrace Chinderah	125,000
Myrtle Street Murwillumbah	98,500
Sunnyside Lane Murwillumbah	90,000
Grevillea Street Bogangar	110,000
Queen Street Fingal Head	280,000
Old Ferry Road Terranora	215,000
Orient Lane Kingscliff	40,000
Ducat Street Tweed Heads	95,000
Concrete Footpaths	75,000
Townners Avenue Bogangar	125,000
	<b>\$1,820,000</b>

<b>2003/2004</b>	
Concrete Footpaths	
Gray Street Tumbulgum	McAllisters Road intersection
Walsh Street Chinderah	Mitchell Street Uki
Marshall Road Uki	Coolman Street Tyalgum
Cominan Avenue	Reynolds Street Murwillumbah
Coral Street	Peninsula Drive Bilambil Heights
William Street	Old Ferry Road Murwillumbah
Floral Avenue	Altair Street Tweed Heads
Elanora Avenue Pottsville	

## Reports from Director Engineering Services

<b>2004/2005</b>	
Concrete Footpaths	
Wollumbin Street Tyalgum	Lundberg Drive
Broadwater Esplanade	Fern Street
Seaview Road Banora Point	Lalina Avenue
Oyster Point Road	Parry Street
Rutile Street	Proudfoots Lane
Quarry Road	
<b>2005/2006</b>	
Concrete Footpaths	
Rayward Avenue	Overall Drive
Pearce Street	Buckingham Drive
Broadwater Esplanade	Edward Avenue
Nullum Lane	Terranora Road (Blue Haze)
Wentworth Lane	Nullum Street

<b>2006/2007</b>	
Concrete Footpaths	
Riverside Drive Tumbulgum	
Nullum Street	
Machinery Drive	
Kennedy Drive	
Towners Avenue Bogangar	

<b>2. RURAL ROADS CONSTRUCTION</b>	<b>\$1,266,069</b>
Gravel Resheeting	100,069
Stokers Road	100,000
North Arm Road	190,000
Cudgera Creek Road / SH 10 intersection	180,000
Pottsville Road	220,000
Brays Creek Road	160,000
Cudgen Road	175,000
Carool Road	141,000
	<b>\$1,266,069</b>

Carry over – Clothiers Creek Road	250,000
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## Reports from Director Engineering Services

<b>2003/2004</b>	
Gravel Resheeting	Carool Road
Cane Road	Nobbys Creek Road
Dulguigan Road	North Arm Road
Leddays Creek Road	Round Mountain Road

<b>2004/2005</b>	
Gravel Resheeting	Cobaki Road
Pottsville Road	Eviron Road
Duranbah Road	Dulguigan Road
Cudgen Road	Burringbar Road

<b>2005/2006</b>	
Gravel Resheeting	
Upper Crystal Creek Road	Eviron Road
Yugari Road	Cobaki Road
Racecourse Road	Piggabeen Road

<b>2006/2007</b>	
Gravel Resheeting	
Eviron Road	Piggabeen Road
Cudgen Road	Stokers Road

<b>3. ROADS TO RECOVERY PROGRAM</b>	<b>\$657,706</b>
Survey & Design	20,000
Limpinwood Valley Road	220,000
Byrill Creek Road	119,706
Reserve Creek Road	150,000
Letitia Spit Road	48,000
Commissioners Creek Road	110,000
	<b>\$657,706</b>

<b>2003/2004</b>	
Survey & Design	
Minnows Road	Richard's Deviation
Tyalgum Creek Road	Round Mountain Road



## Reports from Director Engineering Services

<b>4. FEDERAL ASSISTANCE GRANT</b>	<b>\$1,300,000</b>
Advanced survey & Land Acquisition	100,000
Kyogle Road (50% contribution)	200,000
Piggabeen Road	500,000
Fingal Road	400,000
Scenic Drive	100,000
	<b>\$1,300,000</b>

<b>2003/2004</b>	
Advanced Survey & Land Acquisition	
Tyalgum Road	Clothiers Creek Road (range)
Byangum Bridge Approaches	Wommin Bay Road
<b>2004/2005</b>	
Advanced Survey & Land Acquisition	
Byangum Bridge Approaches	Piggabeen Road – residential
Chillingham Road	Wommin Bay Road

<b>5. REPAIR PROGRAM</b>	<b>\$203,000</b>
Kyogle Road	203,000

<b>6. 3 x 3 PROGRAM</b>	<b>\$152,000</b>
Coast Road – Bogangar – north	152,000

<b>7. BRIDGE REPLACEMENT PROGRAM</b>	<b>\$1,000,000</b>
Boatharbour Bridge	800,000
South Pumpenbil Bridge	200,000
	<b>\$1,000,000</b>
<b>2003/2004</b>	
Byangum Bridge	

<b>2004/2005</b>	
Byangum Bridge	

<b>2005/2006</b>	
Quinns Bridge	

## Reports from Director Engineering Services

<b>8. DRAINAGE</b>	<b>\$600,000</b>
Francis Street	65,000
Murwillumbah Street	60,000
Wyuna Road	20,000
Hogans Road	15,000
Fingal Village	100,000
Floral Avenue	100,000
Banora Terrace	68,500
Banora Terrace / Broadwater Esplanade	50,000
Botany Crescent	60,000
Bent Street	30,000
Tamarind Avenue	31,500

<b>2003/2004</b>	
Floral Avenue	Fingal Village
Broadwater Esplanade / Banora Terrace	Seaview Road

<b>2004/2005</b>	<b>2005/2006</b>
Murwillumbah Trunk Main	Murwillumbah Trunk Main
Minjungbal Drive / Machinery Drive	

<b>9. REHABILITATION PROGRAM</b>	<b>\$245,000</b>
<b>Murwillumbah</b>	
Lundberg Drive	28,100
Bellevue Avenue	10,200
Durroon Avenue	3,300
Elouera Terrace	7,000
	<b>\$48,600</b>
<b>Tweed Heads</b>	
Wyuna Road	17,500
Blue Waters Crescent	17,000
St Kilda Crescent	12,800
Inlet Drive	22,000
Gull Place	1,200
Simpson Drive	5,000
Terranora Parade	8,600
Yvonne Crescent	3,100
	<b>\$87,200</b>

## Reports from Director Engineering Services

<b>Tweed Coast</b>	
Marine Parade	21,500
Lighthouse Parade	5,400
Pacific Street	3,000
Zephyr Street	3,100
	<b>\$33,000</b>
<b>Banora Point</b>	
Boyle Avenue	7,800
Watter Crescent	3,700
Echuca Crescent	4,300
James Crook Drive	9,200
Mibbin Parade	6,800
Peter Street	7,900
Admiralty Place	2,600
Commodore Court	9,400
Midship Court	5,300
Seafarer Place	4,600
	<b>\$61,600</b>
<b>Terranora</b>	
Figree Road	8,400
Shamara Road	6,200
	<b>\$14,600</b>
<b>2003/2004</b>	
<b>Murwillumbah</b>	<b>Tweed Heads</b>
Banner Street	Thompson Street
Peri Street	Leeward Terrace
Frangella Drive	Murraba Crescent
Commercial Road	The Anchorage
Ingram Place	The Jib
<b>Tweed Coast</b>	Kennedy Drive Access
Seabrae Court	Red Barn Avenue
Surfside Crescent	Sunset Boulevarde
Kingscliff Lane	<b>Banora Point</b>
Cabarita Road	Anthony Avenue
<b>Terranora</b>	Seaview Street
Dobbys Crescent	Bosun Boulevarde
Gladioli Avenue	Captains Way
	Old Ferry Road

## Reports from Director Engineering Services

<b>10. FOOTPATH &amp; CYCLEWAY CONSTRUCTION</b>	
<b>FOOTPATHS</b>	<b>\$150,000</b>
Byangum Road – Barnby St to Joshua St	30,000
Terranora Road	18,500
Toolona Avenue	15,000
Oyster Point road – Bridge to Anderson Street	9,500
Cudgen Road – McPhail Ave to Library	12,500
Florence Street	8,750
Boyd Street	22,000
River Street Murwillumbah – School to Smith St	8,500
Brisbane Street – Hartigan St to James St	6,000
Wattle Avenue – Banksia Ave to Poinciana Ave	6,250
<b>CYCLEWAY</b>	<b>\$150,000</b>
Bogangar to Casuarina	150,000

## Reports from Director Engineering Services

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**18. ORIGIN:** Director

**FILE REF:** Contracts/Quotation - Sewerage; Terranora Broadwater

**REPORT TITLE:**

**Supply of 300mm Diameter Pressure Pipe Terranora Broadwater Sewer Rising Main**

**SUMMARY OF REPORT:**

Contract EC2002-29 is for the supply of 4,960 metres of 300mm and 250mm diameter PVC pressure pipe. The pipe is required for four separate sewer rising main projects to be undertaken by Council in 2002. The projects are a combination of asset replacement and capital upgrading works. Tenders were called prior to final designs being completed. The quantities were combined into one tender as an initiative to obtain the best priced unit rates on a larger quantity as against four smaller tender quantities.

**RECOMMENDATION:**

That Council re-tenders the pipe supply contract for the Terranora Broadwater Sewer Rising Main.

## Reports from Director Engineering Services

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### REPORT:

Contract EC2002-29 is for the supply of 4,960 metres of 300mm and 250mm diameter PCV pressure pipe. The pipe is required for four separate sewer rising main projects to be undertaken by Council in 2002. The projects are a combination of asset replacement and capital upgrading works. Tenders were called prior to final designs being completed. The quantities were combined into one tender as an initiative to obtain the best priced unit rates on a larger quantity as against four smaller tender quantities.

When tenders subsequently closed on the 27 March 2002 the final design for the Terranora Broadwater Sewer Rising Main had not been completed. This is an asset replacement project requiring the replacement of 2500m of sewer rising main on the edge of Terranora Broadwater around Dog Bay from Broadwater Esplanade to Seagulls Estate.

Because of the proximity of oyster leases and the sensitive environment of the Terranora Broadwater security of this main during both construction and its operational life is a major consideration. Consequently the final design and construction method were reviewed by Council's Water Supply and Sewerage Design Engineer and Council's Construction Engineer. Both officers identified major construction constraints within the corridor of where the new pipeline was to be laid. They had concerns about the potential short and long-term pipeline integrity due to these constraints. To address these concerns it was decided that alternative pipeline material other than PVC be considered for the Terranora Broadwater project.

Consequently Contract EC2002-29 was reported to Council at its meeting of the 1 May 2002. The 2500m of pipe required for the Terranora Broadwater project was deleted from the original tender schedule for the reasons as outlined above.

The required 2500m of pressure pipe was re-offered in tender no. EC2002-52. This tender closed on the 22 May 2002. At the close of tenders only one (1) submission had been received. The material offered in the submission received was Hobas GRP pipe with an alternate offer of blue Rhino mPVC pressure pipe.

Tyco Water (the manufacturers of ductile iron cement lined pipe) advised subsequent to the closing of tenders that they had inadvertently missed the tender advertisement.

Depending on the tendered prices, subsequent whole of life cost assessment, security during construction and operational life, DICL pipe should be considered as a potential material for this project.

The options available to Council are:-

1. Award the contract under EC2002-29 as PVC.
2. Award the contract under EC2002-52 as either Hobas GRP pipe or Blue Rhino mPVC pressure pipe.
3. Recall tenders inviting all pipe manufacturers to re-tender.

Given the circumstances outlined above it is recommended that Council proceed with Option 3.

## Reports from Director Engineering Services

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**19. ORIGIN:** Water Unit

**FILE REF:** Estuary Management – Tweed Coastal Committee; Coastal Management

**REPORT TITLE:**

**Tweed Coastline Management Study and Management Plan - Financial Assistance**

**SUMMARY OF REPORT:**

The Minister for Land and Water Conservation, John Aquilina, MP, has advised Council that financial assistance of up to \$100,000 will be made available to Council on a 1:1 basis for preparation of the Tweed Coastline Management Study and Management Plan. This follows the completion of the Tweed Coastline Hazard Definition Study completed in 2001.

This funding has been made available through the Department of Land and Water Conservation's Coastal Management Program. It is matched by \$100,000 provided in the 2001/2002 and 2002/2003 budgets of Council for Coastal Management Planning.

**RECOMMENDATION:**

That Council accepts the offer of financial assistance from the Department of Land and Water Conservation for up to \$100,000 on a 1 to 1 basis and votes the expenditure of \$100,000 from the Coastal Management Planning 2001/2002 and 2002/2003 budgets of Council to match the offer.

## Reports from Director Engineering Services

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### REPORT:

The Minister for Land and Water Conservation, John Aquilina, MP, has advised Council that financial assistance of up to \$100,000 will be made available to Council on a 1:1 basis for preparation of a Tweed Coastline Management Study and Coastline Management Plan (TCMSMP) in accordance with the NSW Government Coastline Management Manual.

This funding has been made available through the Department of Land and Water Conservation's Coastal Management Program.

At the meeting of 23 January 2002 (minute 650) Council resolved to proceed with the development of a Tweed Coastline Management Study and Coastline Management Plan and provide \$25,000 in the 2001/2002 budget review and up to \$75,000 in the 2002/2003 budget as 50% of the estimated cost.

The tenders for preparation of the TCMSMP will close on 17 July 2002.

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## Reports from Director Engineering Services

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**20. ORIGIN:** Water Unit

**FILE REF:** Floodplain Management - Annual Conference

**REPORT TITLE:**

**NSW Floodplain Management Authorities Annual Conference**

**SUMMARY OF REPORT:**

The 42nd Annual Conference of the Floodplain Management Authorities of NSW was hosted by Kempsey Shire Council at Kempsey and attended by over 200 delegates from 30 April - 3 May 2002. The Conference was opened by the Federal Minister for Regional Services, Territories and Local Government the Hon. Wilson Tuckey, MP.

**RECOMMENDATION:**

That this report be received and noted.

## Reports from Director Engineering Services

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### REPORT:

The 42nd Annual Conference of the Floodplain Management Authorities of NSW was hosted by Kempsey Shire Council at Kempsey and attended by over 200 delegates from 30 April - 3 May 2002. The Conference was opened by the Federal Minister for Regional Services, Territories and Local Government the Hon. Wilson Tuckey, MP who highlighted in his opening address:-

- The proposed inquiry by the Federal Government into direct funding of flood mitigation works and other State Government sections such as health and policing.
- The Federal Government's commitment to funding 33% of flood mitigation works.

Specific matters of interest to Council during the Conference were:-

- There was a strong emphasis again throughout the Conference on the recently released Floodplain Management Manual that requires consideration of rare flood events greater than the 1:100 year flood in any assessment of development on a floodplain. Flood liable land in the new manual is now defined as land susceptible to flooding by the probably maximum flood (PMF). Such an event is likely to be significantly higher on the Tweed than the 1:100 year flood event.
- The 2003 Conference is to be held in February (25 – 28) prior to the NSW State Election and will be hosted by Forbes Shire Council. Councillors are requested to consider their attendance at this Conference.
- Cr Chris Holstein from Gosford City Council was elected as Deputy Chair.
- There were various changes to the Constitution.
- A presentation was made to Mr John Henley in recognition of his contribution to the Authorities over 29 years. John is held in high regard by all members of the FMA and Government representatives.
- The Conference adopted a prioritisation schedule for all flood mitigation proposals in NSW. This schedule will be submitted to the State Advisory Committee for submission to the Federal Government. The East Murwillumbah / Dorothy Street Flood Levee Project only rates 91<sup>st</sup> in the 124 projects submitted to the State Advisory Committee. This project is therefore unlikely to receive funding in the foreseeable future unless there is a significant increase in Federal Government funding or political re-prioritisation.
- There were various papers reviewing the Kempsey flood disaster of March 2001 and how it compared to previous floods of 1949, 1950 and 1963. There were presentations from SES, Council and the Bureau of Meteorology dissecting their management of the issues. A masters student also presented some interesting figures on the cost to business of the flood damage. Total direct damage amortised to \$2.5 million averaging at \$28,000 per business. Lost sales amounted to approximately \$2 million and loss of profit at \$200,000. The flood event recorded was estimated at a 1 in 12 year event.

# Reports from Director Environment & Community Services

**21. ORIGIN:** Building Services Unit  
**FILE REF:** DA02/0569 Pt1; 3220.410

**REPORT TITLE:**

**Building Enclosure Below Council's Design Flood Level - Lot 5 DP 248042 10 McLeod Street, Condong**

**SUMMARY OF REPORT:**

A development application has been received for additions and alterations to the existing fibro dwelling located at the above property.

The existing dwelling is located in a high hazard flood storage area and works to the proposed ground floor area would contravene Council's Development Control Plan No 5 – Development of Flood Liable Land, which generally limits enclosed areas below flood levels to 50m<sup>2</sup>.

The proposed works include raising the dwelling approximately 700mm, constructing a timber verandah along the northern and eastern elevations and the creation of additional enclosed areas and rooms to the lower floor area.

**RECOMMENDATION:**

That Council invites the applicant to amend the proposal to comply with 50m<sup>2</sup> enclosure requirements of Development Control Plan No 5 and in the event that the applicant does not agree to amend the proposal that this application be refused as it will not conform with requirements of the Development Control Plan No 5.

# Reports from Director Environment & Community Services

## REPORT:

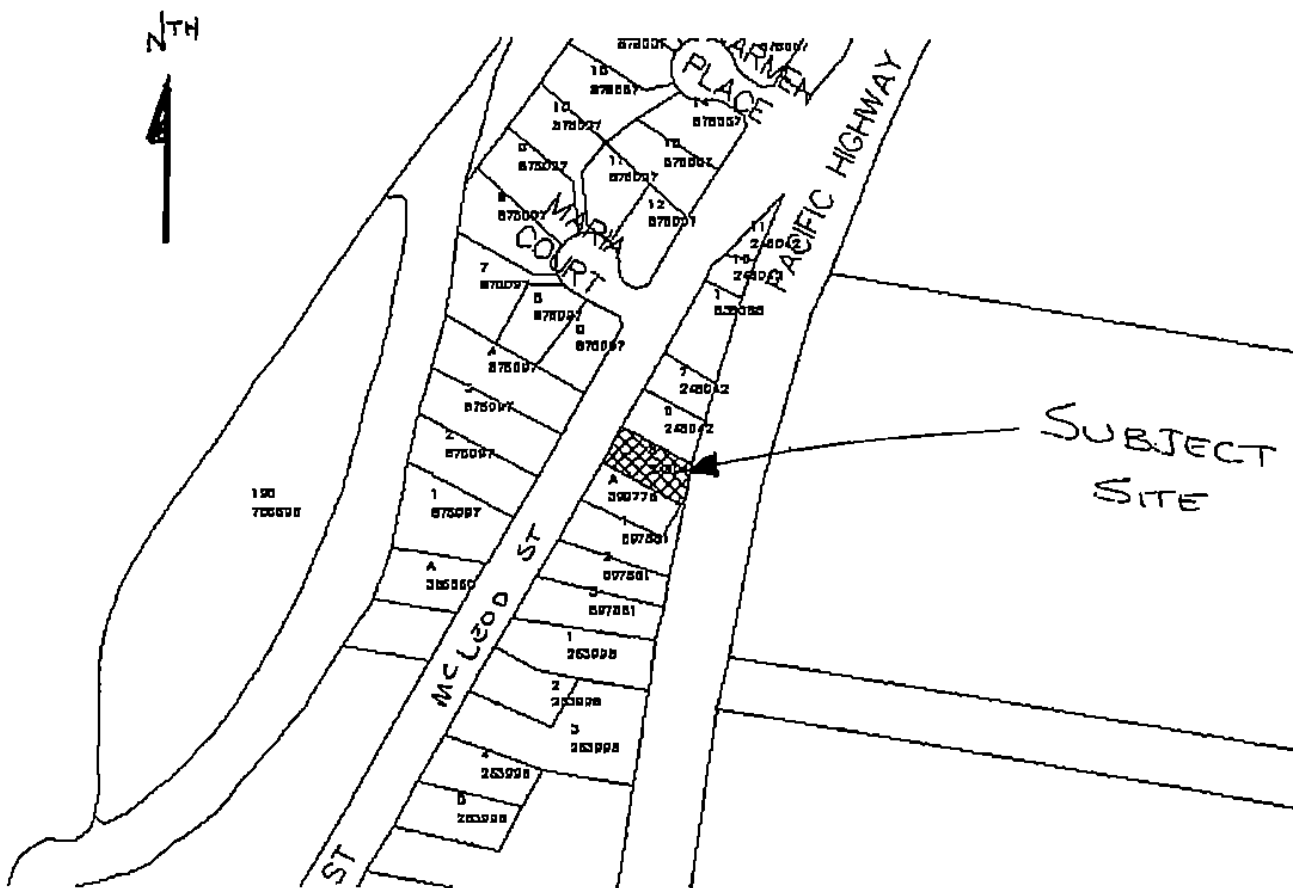
### SITE

The subject site is located on the eastern side of McLeod Street and also has a frontage to the Pacific Highway.

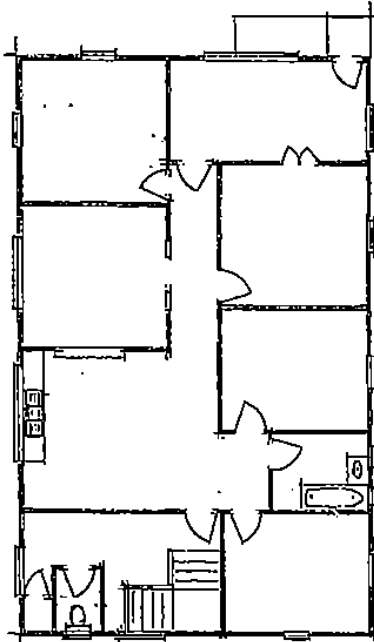
The site is defined as flood liable and a minimum floor level of RL 5.3 AHD is required for habitable floors.

The existing dwelling is timber frame, fibro clad with a metal roof, consists of two (2) levels and was constructed in 1956.

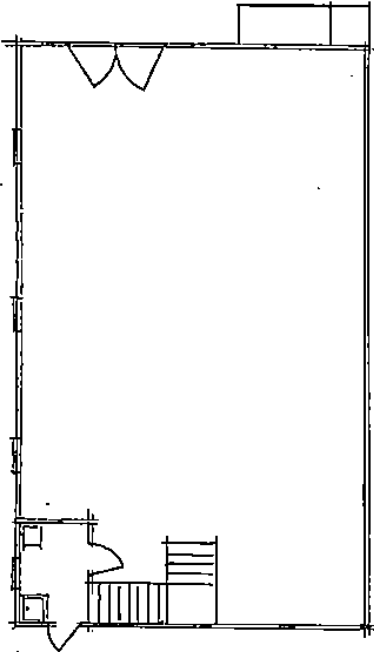
The land is zoned 2(a) Residential



# Reports from Director Environment & Community Services



UPPER FLOOR

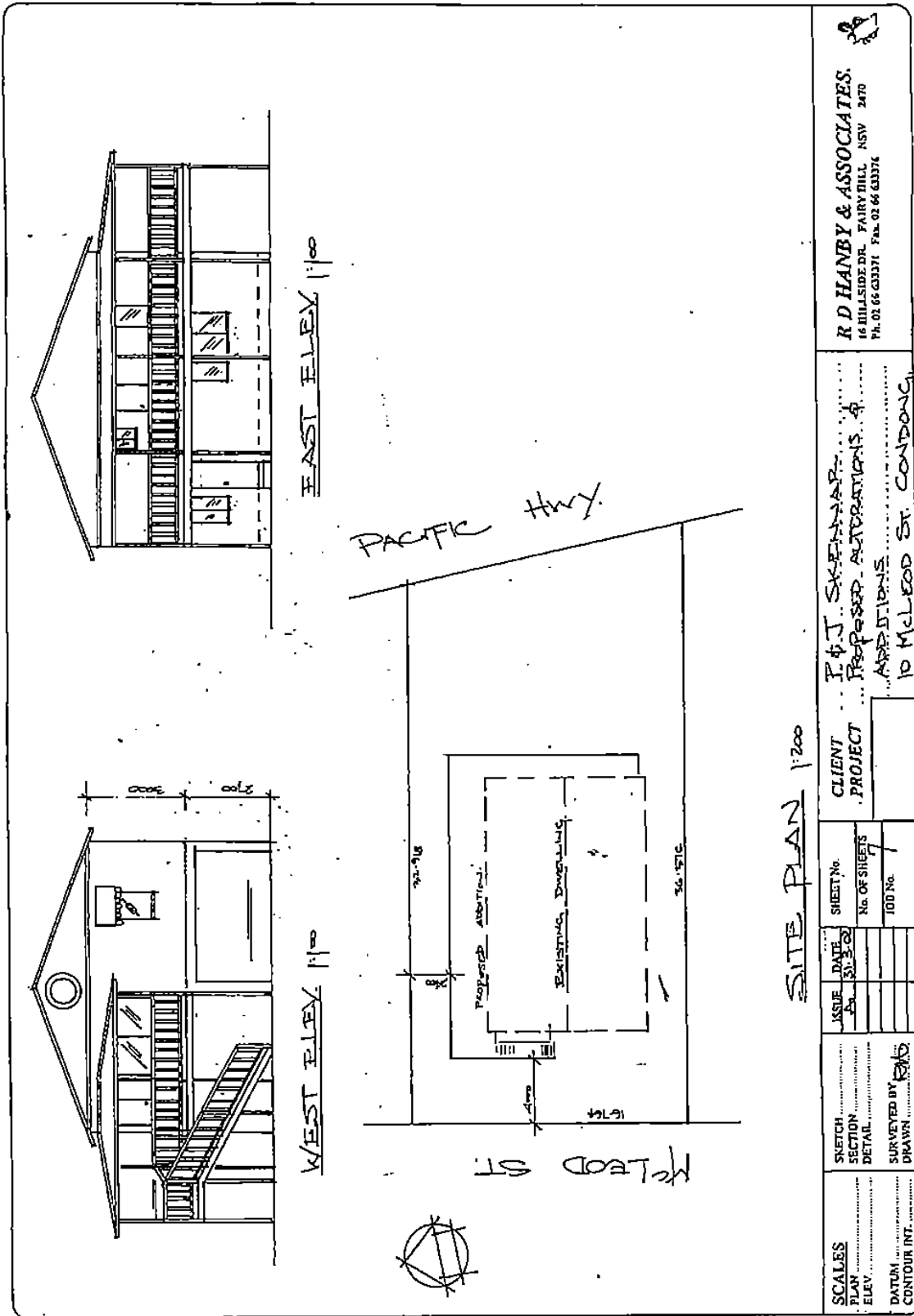


LOWER FLOOR

EXISTING FLOOR PLANS

SCALES PLAN ELEV. DATUM CONTOUR INT.	SKETCH SECTION DETAIL SURVEYED BY DRAWN	ISSUE No.	DATE 31.3.02	SHEET No. No. OF SHEETS JOB No.	CLIENT PROJECT F. J. SKENNAR PROPOSED ALTERATIONS APARTMENTS 10 McLEOD ST. CONDONGI	R. D. HANBY & ASSOCIATES. 16 HILLSIDE DR. FAIRVIEW NSW 1400 PH. 01 66 63371 FAX. 01 66 63316
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# Reports from Director Environment & Community Services



<p><b>R D HANBY &amp; ASSOCIATES.</b>                  16 HILLSIDE DR. FAIRY HILL NSW 2470                  Ph. 01 66 63371 Fax. 01 66 63376</p>	<p>CLIENT <b>P. &amp; J. SKELLYN</b>                  PROJECT <b>PROPOSED ALTERATIONS &amp; ADDITIONS</b>                  10 MCLEOD ST. CONDONG</p>
<p>ISSUE DATE                  20 01 02</p>	<p>SHEET No.                  No. OF SHEETS                  17                  100 No. 7</p>
<p>SKETCH SECTION                  DETAIL</p>	<p>SURVEYED BY                  DRAWN</p>
<p>SCALES                  PLAN                  ELEV.</p>	<p>DATUM                  CONTOUR INT.</p>

# Reports from Director Environment & Community Services

SOUTH ELEV 1:100

NORTH ELEV 1:100

SCALES PLAN ..... ELEV ..... DATUM ..... CONTOUR INT. ....	SKETCH SECTION DETAIL ..... SURVEYED BY <i>RAV</i> ..... DRAWN .....	ISSUE DATE ..... No. OF SHEETS ..... 100 No. .....	CLIENT <i>F. &amp; J. SWEENEY</i> ..... PROJECT <i>PROPOSED ALTERATIONS &amp; ADAPTATIONS</i> ..... ADDRESS <i>10 McLEOD ST. CONDONG</i> .....	<div style="text-align: right;"> <p> <b>R D HANBY &amp; ASSOCIATES.</b>                      16 HILLSIDE DR. FAIRY HILL. NSW 2470                      Ph. 01 66 633371 Fax. 01 66 633376                 </p> </div>
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# Reports from Director Environment & Community Services

**PLAN - GROUND LEVEL**

**R D HANBY & ASSOCIATES.**  
 16 HILLSIDE DR. FAIRY HILL, NSW 2470  
 Ph. 02 66 63371 Fax. 02 66 63376

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**CLIENT** P & J SKENNAR  
**PROJECT** PROPOSED ALTERATIONS & ADDITIONS  
 10 McLEOD ST. CONDONG.

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ISSUE	DATE	SHEET No.	No. OF SHEETS
As	31.3.02	7	7
SKETCH SECTION		SURVEYED BY	
DETAIL		DRAWN	
		RHD	

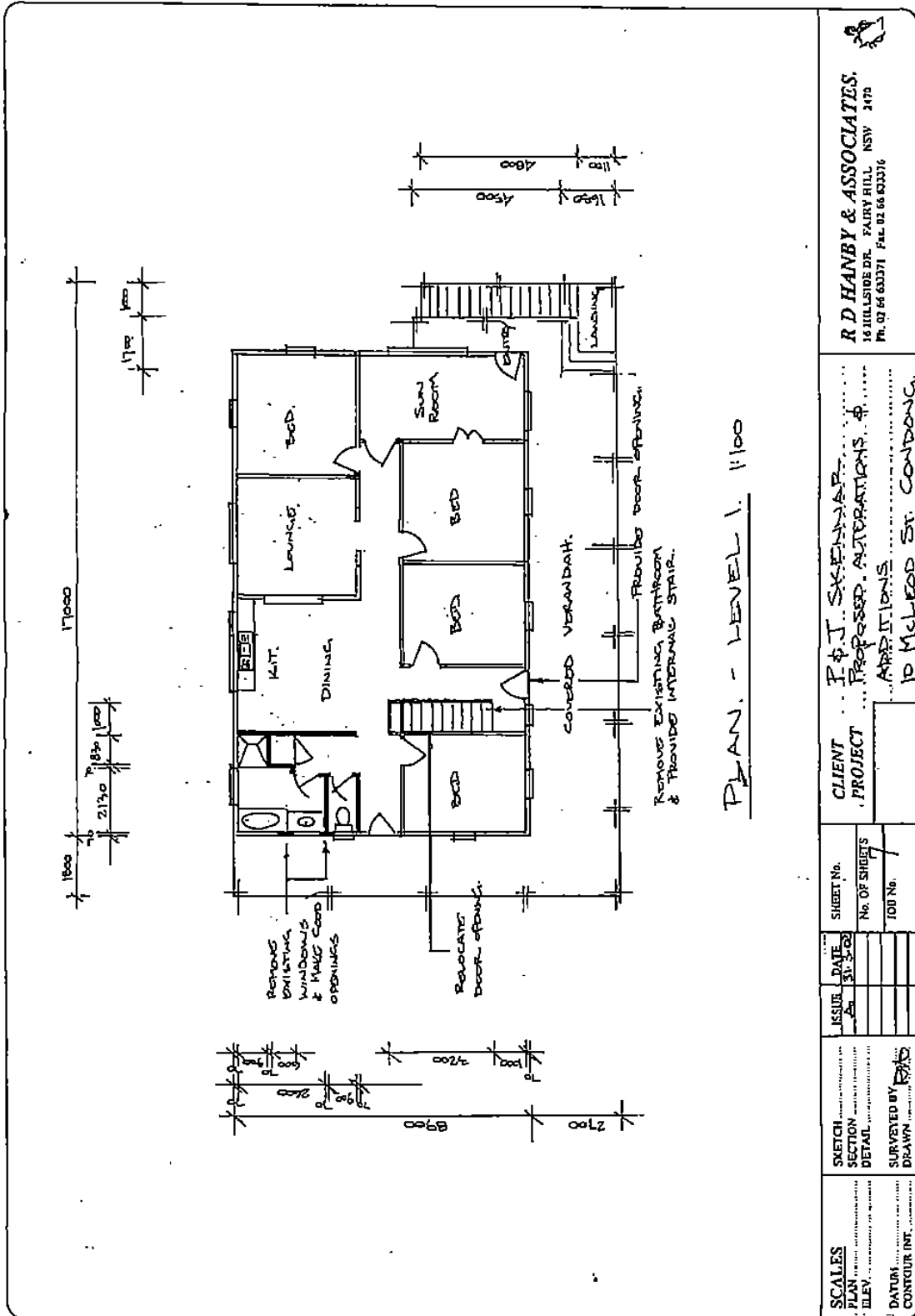
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**SCALES**  
 PLAN .....  
 ELEV. ....  
 DATUM .....  
 CONTOUR INT. ....

AMENDED PLAN



Reports from Director Environment & Community Services



 <b>R D HANBY &amp; ASSOCIATES.</b> 16 HILLSIDE DR. FAIRY HILL, NSW 2470 PH: 02 64 602371 FAX: 02 66 622376			
CLIENT <u>P. &amp; J. SKELLY</u>			
PROJECT <u>PROPOSED ALTERATIONS &amp; ADAPTATIONS</u>			
DRAWN BY <u>ADAPTATIONS</u>			
DATE <u>10 MCLLEOD ST. CONDOING</u>			
ISSUE	DATE	SHEET No.	FOI No.
	31.5.02		7
SKETCH SECTION		No. OF SHEETS	
PLAN		1	
ELEV.		1	
DATUM		1	
CONTOUR INT.		1	
SURVEYED BY <u>R.D.</u>		DRAWN BY <u>R.D.</u>	

## Reports from Director Environment & Community Services



## Reports from Director Environment & Community Services



### REPORT

A Development Application has been submitted proposing alterations and additions to the existing dwelling which includes the raising of the dwelling by 700mm, creating additional rooms to the lower floor area, as well as the construction of a verandah to the northern and eastern elevations.

The existing lower floor area is enclosed on three (3) sides having timber frame walls with fibro cladding, the northern wall is clad with 100mm timber slats with a 20mm spacing.

The lower floor area is currently used as a car garage, for general storage and a laundry is located at the rear of the building.

The upper level contains four (4) bedrooms along with other habitable living areas and is proposed to be raised to a level of RL5.6 AHD (300mm above the minimum required RL of 5.3AHD).

The applicant has advised that the existing garage floor level is approximately RL 3.505.

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

The following excerpt is from Council's Development Control Plan (DCP) No 5, part 8.3 relating to development within the Murwillumbah/Tumbulgum and Condong areas:-

*“Development The habitable areas of all residential buildings are to be at a level of not less than Council's adopted minimum floor level for development in each locality.*

*In those localities from and including South Murwillumbah to Condong and Tumbulgum the area below Council's design flood level is not to be*

## Reports from Director Environment & Community Services

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*totally enclosed. Consideration will be given on application, to permitting the enclosure of laundry, stairway entry and double garage space, provided that such an enclosure does not significantly restrict flood flows.*

*An area of 50m<sup>2</sup> will generally encompass these facilities. Any larger enclosures will only be considered when the application can demonstrate that the additional area enclosed will not provide any greater restriction to flood flow.*

*The free flow of flood water must be a major consideration in the design of any area to be enclosed.*

*The restriction of a total enclosed area below the design flood level of 50m<sup>2</sup> minimises the risk for potential loss and damage to property and contents when any enclosed area is inundated in times of flood.*

The proposal has a total lower floor area of approximately 125m<sup>2</sup> with the dwelling located within a high hazard flood storage area which is well in excess of the 50m<sup>2</sup> limitation of DCP No 5.

Similar proposals have been placed before Council for determination in recent years, these applications were for properties at Fingal Head, and generally the same principles apply in this situation.

On those occasions the Building Services Unit requested advice from the then Manager of Council's Water Unit on the background, objectives and legal ramifications of DCP No 5.

This advice is reproduced as follows:-

*"DCP No 5 embodies Council's floodplain management plan as developed and adopted after lengthy consultation and review. A major aim of the plan was to contain the increase in potential flood damage by limiting the potential for flood damage to new dwellings.*

*The area below flood level that may be enclosed was limited to 50m<sup>2</sup>.*

*Desirably no area should be enclosed, however, it was accepted that in many areas it is impractical to raise garage areas and laundries. It was also accepted that security often required the enclosure of a stairwell/entry area. The area of 50sq metres is consistent with the current NSW Government Floodplain Development Manual and draft Floodplain Management Manual.*

*Approvals consistent with DCP 5 should provide Council with the indemnity available under the Local Government Act. Approvals contrary to DCP 5 potentially leave Council liable in the event of any future litigation.*

This present application was referred to Council's Development Assessment Panel on 22 May 2002 where the Panel advised:-

*"...the Development Assessment Panel considers that consent is not appropriate due to non-compliance with DCP No 5".*

Council's Manager Water also provides the following advice.

*"DCP 5 restricts enclosure of areas below the Flood Planning Level to a laundry, stairway entry, and double garage. This development clearly includes additional enclosed areas which when flooded will increase the potential for flood damage and the associated*

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## Reports from Director Environment & Community Services

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*costs. One of the primary aims of DCP 5 and Floodplain Management is to reduce the annual cost of flood damage in New South Wales which is currently estimated at \$110m.*

*The current Floodplain Management Manual (January 2001) also requires consideration be given to the cumulative impacts of these developments.”*

In reply to Council's initial advice to the applicant that the proposal was non-compliant with DCP No 5 the following submission was presented to Council:-

## Reports from Director Environment & Community Services

### **R D HANBY & ASSOCIATES.** *BUILDING DESIGNERS PROPERTY DEVELOPMENT PROJECT MANAGEMENT*

April 26<sup>th</sup> 2002

The General Manager  
Tweed Shire Council  
PO Box 816  
MURWILLUMBAH 2484

Dear Sir,

Re: Proposed Alterations & Additions,  
10 McLeod Street Condong.

Further to the concerns raised by Council staff in relation to the impact on flooding by the proposed alterations and additions at No. 10 McLeod Street, Condong the following detail is provided.

#### **The Site**

The land is located on the eastern side of McLeod Street in a fully developed residential area. The dwelling on the site was constructed in 1956. The structure consists of a timber frame, fibro clad and metal roof. The dwelling includes two levels providing four bedrooms and other habitable areas on the upper level. The ground level provides a laundry, storage area and garage space.

The southern, eastern and western walls of the building are fully enclosed with a timber stud wall and fibro cladding.

The northern wall consists of a timber frame. Cladding is provided with 100mm timber boards erected vertically with 20mm spacing between.

Full detail of the site, existing development and proposed works are included within the development application presented to Council.

#### **Existing Levels**

Field surveys have been undertaken to determine the floor and natural surface level within and adjacent to the existing dwelling. Levels were also taken on the garage floor of the dwelling opposite, kerb invert and upper floor level of the dwelling in question. Levelling had been based on State Survey Mark No 84709 located in the kerb approximately 60m north of the site. However discussions with staff of the Land Information Centre advised that due to the questionable accuracy of this mark, a reduced level could not be provided.

An assumed level has therefore been adopted following discussion with the owner of the dwelling opposite. It was tabled that the floor level of that dwelling is 150mm below Councils adopted minimum floor level for residential development (5.30 - 0.15 = 5.15).

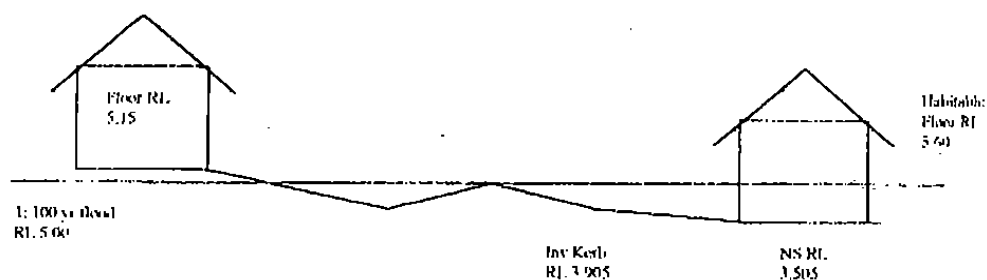
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# Reports from Director Environment & Community Services

The following table provides survey detail,

Back Sight	Intermediate sight	Fore sight	Reduced level	Remarks
0.300			5.15	Floor level of dwelling opposite (Assumed)
	1.490		3.960	SSM 84709
	1.545		3.905	Invert of Kerb
	1.945		3.505	NS @ garage floor (No.10)
	- 0.15		5.60	Habitable floor level (No.10)
		0.299	5.15	Floor level of dwelling opposite (Assumed)



The above detail indicates the depth of water in relation to the adopted flood level within the dwelling shall be 1.495m. As such the owners acknowledge the need to prohibit habitable development below this level. Amendments to the design floor plan provided by the owner now indicate the lower level to comprise of workshop, storage areas, laundry and amenities.

It is acknowledged that within the definition of "habitable area" areas for recreational purposes provided that any furnishings therein are of a moveable nature may be excluded. Any future use of the lower level shall comply with this requirement.

### Council Standards.

*Tweed Shire Council DCP No. 5*

Part 8.3 of DCP5 refers to residential development on flood liable lands. In regard to development it is tabled that no habitable areas are to be located less than Councils adopted minimum floor level within various localities.

It is also tabled that the area below Councils design flood level not be totally enclosed. However consideration shall be given to larger areas when the application can demonstrate that the additional area enclosed will not provide and greater restriction to flood flow.

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## Reports from Director Environment & Community Services

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### **Floodplain Development Manual, the management of flood liable land, 2001**

When considering the impact of any development in flood liable land the prime concerns are considered to be,

- the impact of the development on the flood plain
- the impact of the development on the flood characteristics on adjoining properties, and
- the potential danger to personal safety

The following information tables the requirements of the manual should the land be considered flood prone.

#### *Hydraulic Hazard Categories*

All tables indicating the development guidelines within the manual table development consideration 4a. and in most cases 1. These table,

1. Any portion of a building or structure subjected to inundation should be built of flood compatible materials.
- 4a. The flood policy exempts minor development and additions from special controls

It is not supported that no special controls be placed on flood affected buildings however it does indicate the minor nature of impact.

#### *Flow Characteristics*

When flood events occur, waters flow from the broader catchment of the Tweed Valley to the south. As such proposed alterations are located within the shadow of existing development. Many dwellings, fully enclosed or on filling provide a buffer to flood water velocity ensuring only the effects of inundation are of concern. The existing walls facing south, east and west are fully clad with fibro sheeting and have shown no sign of structural damage as a result of flood flow. Some indication as to damage as a result of inundation however can be identified.

#### *Flood Levels*

The proposed additions are considered extremely minor. It would appear the major issue raised is for construction material of the northern wall. The existing slatted cladding is proposed to be replaced by masonry block along with the other three elevations.

It is considered that the change in structure shall have an impact so minor on flooding it cannot be measured. The construction shall not be detrimental to the flow characteristics of a flood as it is located on the downstream side of the structure. Any concern for the displacement of waters is not considered as the wall alone will not prevent the inundation of waters to the lower level. Future improvements shall ensure the garage floor shall also drain to the opening to remove any existing ponding problems at this level.

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## Reports from Director Environment & Community Services

### *Structural Characteristics*

The proposed alterations shall remove the aging lower level frame work. This shall be undertaken with the provision of masonry blocks and universal beams to support the existing dwelling above.

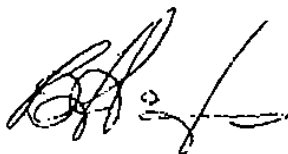
Existing construction materials are not seen as flood compatible and some indication of fatigue are evident. The proposed alterations incorporating flood compatible materials shall ensure the structural integrity of the building is maintained

### **Conclusion.**

It is considered that the proposed alterations and additions to No.10 McLeod Street Condong, comply with the minimum standards tabled within Councils DCP 5. In making this conclusion the following points are tabled,

- The construction techniques to be undertaken on the lower level is the upgrading of an existing fully enclosed area and as such are not seen as not changing the existing development nor being detrimental to flood characteristics.
- The dwelling is located within the shadow of existing development and not subject to the effects of flood velocity or debris
- The three walls facing the direction of flood flow are considered fully impervious. The remaining wall is facing downstream and constructed using a slatted building technique. Replacement of this wall with masonry is considered extremely minor. It should be noted the impact is restricted to a height of 1.494m for a length of 15m.
- The alterations shall provide a more flood compatible structure.
- The proposal addresses Councils strategy to minimise future potential flood damage both by structural protection and by planning controls.

It is therefore considered that the proposed alterations and shall not affect the flooding characteristics of the floodplain nor will it endanger the safety of the occupants and as such should gain favourable consideration from Council.



R D Hanby

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## Reports from Director Environment & Community Services

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### CONCLUSION

Although it may be argued that the existing lower floor area, which is enclosed on three (3) sides with fibro cladding and timber slats on the fourth side, does provide an existing enclosed area of approximately 125m<sup>2</sup>, it is considered that the proposed works should conform with the current requirements of DCP 5.

The dwelling was constructed prior to the introduction of DCP 5 and considering the extent and scope of works proposed, compliance with the DCP as it stands today, is not considered unreasonable.

It is acknowledged that the proposed works are unlikely to affect the flood from characteristics of the locality, due to the fact that three (3) sides of the lower floor area are already solid walls, however, the potential for damage to property and contents must be considered when assessing such applications.

The options available to Council are:-

1. Approve the application as submitted, allowing total enclosure of the lower floor area, which has an area of approximately 125m<sup>2</sup> below the design 1:100 flood level of RL5.3 AHD.
  2. Refuse the application on the grounds of its non-compliance with Council's Development Control Plan No 5 – Development of Flood Liable Land.
  3. Invite the applicant to submit an amended plan complying with the 50m<sup>2</sup> enclosure requirements of DCP No 5.
  4. Approve the application as submitted subject to a full Hydraulic Engineers' Report certifying that the proposed additions and alterations will not significantly restrict flood flows.
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## Reports from Director Environment & Community Services

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**22. ORIGIN:** Environment & Health Services Unit  
**FILE REF:** Budget; Art Gallery - Mistral Rd; 3488.12

**REPORT TITLE:**

**Department of Transport & Regional Services Contract**

**SUMMARY OF REPORT:**

As part of the funding package for the new Art Gallery, Council is advised that the Department of Transport and Regional Services has forwarded its contract for the provision of \$330,000.00 for Council acceptance.

**RECOMMENDATION:**

That Council:-

1. Accepts the funds from the Department of Transport and Regional Services.
2. Votes the expenditure accordingly.
3. Completes all necessary documentation under the Common Seal of Council.

## Reports from Director Environment & Community Services

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**REPORT:**

As per summary of report.

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## Reports from Director Environment & Community Services

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**23. ORIGIN:** Building Services Unit

**FILE REF:** DA02/0443; 5960.40

**REPORT TITLE:**

**Building Enclosure Below Council's Design Flood Level Lot 621 DP755740 Wommin Lake Crescent, Fingal Head**

**SUMMARY OF REPORT:**

A development application has been received by Council for the demolition of an existing house and rebuilding a two storey dwelling at Lot 621 DP755740 No 7 Wommin Lake Crescent, Fingal.

The proposed dwelling is in a flood prone area and the ground floor area would contravene Council's Development Control Plan No 5 which generally limits enclosed areas below flood levels to 50m<sup>2</sup>. The proposed enclosed area is 97m<sup>2</sup>, however is supported by an engineering flood assessment.

**RECOMMENDATION:**

That Council approves the application as submitted subject to the following conditions, thus allowing a full enclosure of 97m<sup>2</sup> below the design flood level:-

**GENERAL**

1. The development shall be completed in general accordance with the plans approved by Council and the Statement of Environmental Effects, except where varied by these conditions of consent.
2. No retaining walls or similar structures are to be constructed over Council's sewer main.
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
4. 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.

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

5. The footings and floor slab are to be designed by a practising Structural Engineer after consideration of a soil report from an accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

## Reports from Director Environment & Community Services

6. 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 including the construction of new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.
7. A. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
  - i. in the case of work to be done by a licensee under that Act:
    - (i) has been informed in writing of the licensee's name and contractor licence number; and
    - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
  - ii. in the case of work to be done by any other person:
    - (i) has been informed in writing of the person's name and owner-builder permit number, or
    - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of *owner-builder work* in Section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.
- B. A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

### **PRIOR TO COMMENCEMENT OF WORK**

8. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised to the satisfaction of the Principal Certifying Authority and provided with a dish drain or similar at the base or otherwise retained to the satisfaction of the Principle Certifying Authority. All retaining works shall be completed to the satisfaction of the Principal Certifying Authority prior to start of building work. Please note timber retaining walls are not permitted.
9. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
  - (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
  - (ii) Certification of the works performed by the person carrying out the works is to be submitted to the PCA; and

## Reports from Director Environment & Community Services

- (iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
  - (A) the method of protection; and
  - (B) the date of installation of the system; and
  - (C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
  - (D) the need to maintain and inspect the system on a regular basis.

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

10. 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.
11. 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.
  - c. Lot number.
12. 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.
13. 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. Note All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the PCA prior to commencement of building works.

### **DURING CONSTRUCTION**

14. 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).
15. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.
16. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

## Reports from Director Environment & Community Services

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17. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
  - a. footings, prior to pouring of concrete
  - b. slab, prior to pouring of concrete
  - c. frame prior to the erection of brick work or any wall sheeting
  - d. final inspection prior to occupation of the building
  - e. completion of work
18. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.
19. 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.
20. Building materials used below Council's minimum floor level of RL 3.3m AHD must not be susceptible to water damage.
21. 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.
22. 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.
23. The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of the buildings with direct line of sight to the proposed building.
24. All new residential dwellings (and extensions comprising over 50% of the original floor area) are to fully comply with Council's 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.
25. 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.
26.
  - A. A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
  - B. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.



## Reports from Director Environment & Community Services

27. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.
28. Yard gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.
29. The finished floor level of the building should finish not less than 225mm above finished ground level.
30. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
  - \* 43.5<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
  - \* 50<sup>0</sup>C in all other classes of buildings.A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.
31. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
  - i. All required erosion and sedimentation control devices have been installed and are operational.
  - ii. Required toilet facilities have been provided on the site.
  - iii. A sign has been erected on the site identifying:
    - Lot number
    - Builder
    - Phone number of builder or person responsible for site.
  - iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
  - v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.
32. 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.

### USE

33. The building is to be used for single dwelling purposes only.

## Reports from Director Environment & Community Services

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### REPORT:

A development application has been received for a new double story dwelling on flood prone land at 7 Wommin Lake Crescent, Fingal. The new dwelling will replace an existing single storey dwelling, which is to be demolished. This existing dwelling has an enclosed floor area below the flood level of approximately 100m<sup>2</sup>.

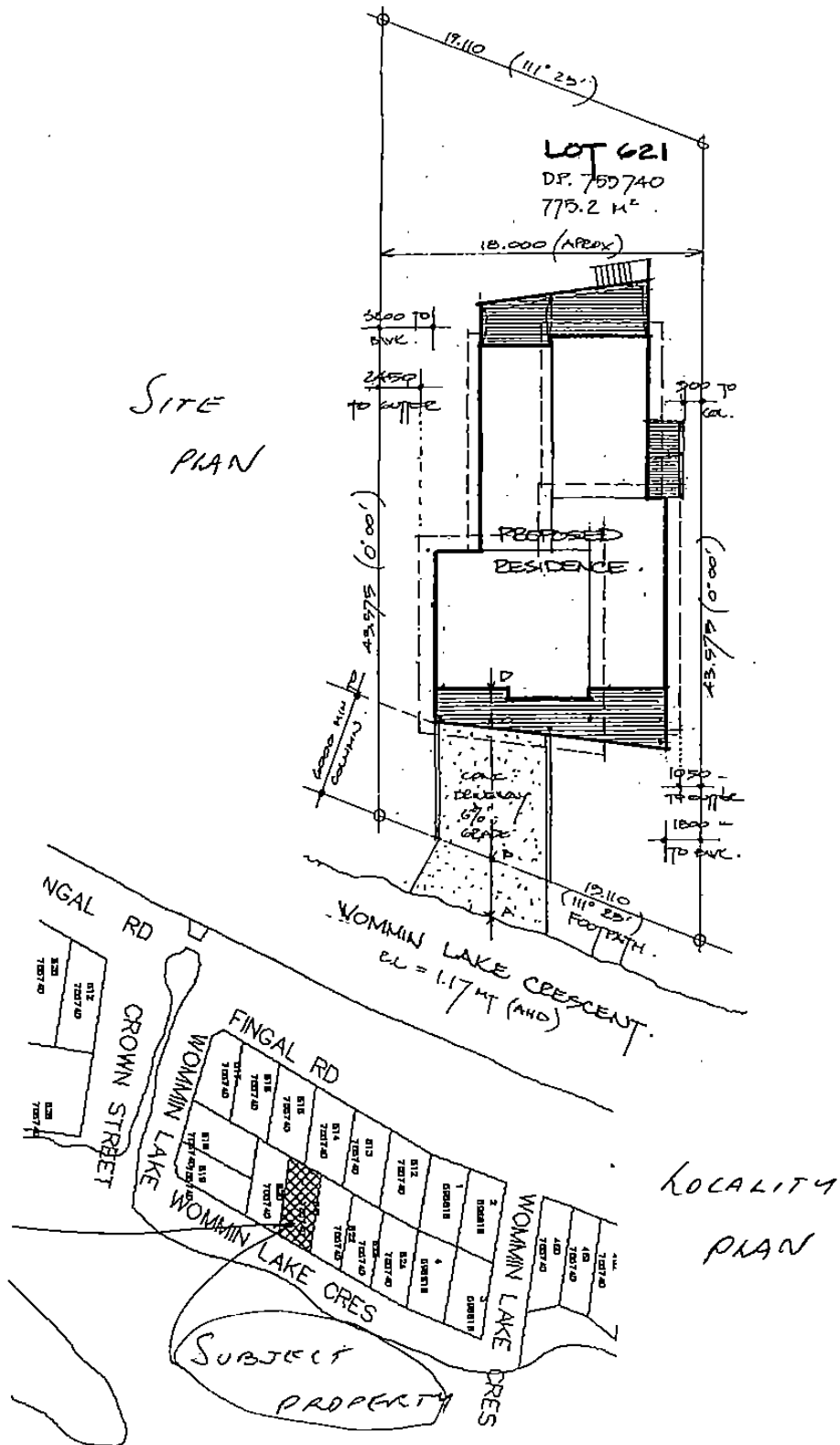
The ground floor plan of the proposed dwelling is not consistent with Council's Development Control Plan (DCP) No 5 as more than 50m<sup>2</sup> is proposed to be enclosed below the design flood level of 3.0m AHD. The natural ground level is noted at approximately 1.3m AHD and all habitable areas are designed above the required design floor level of 3.3m AHD.

The development application was first submitted with a ground floor enclosed area of 120m<sup>2</sup> but was amended for current consideration to 97m<sup>2</sup> following notification from Council of the issues and controls of DCP 5.

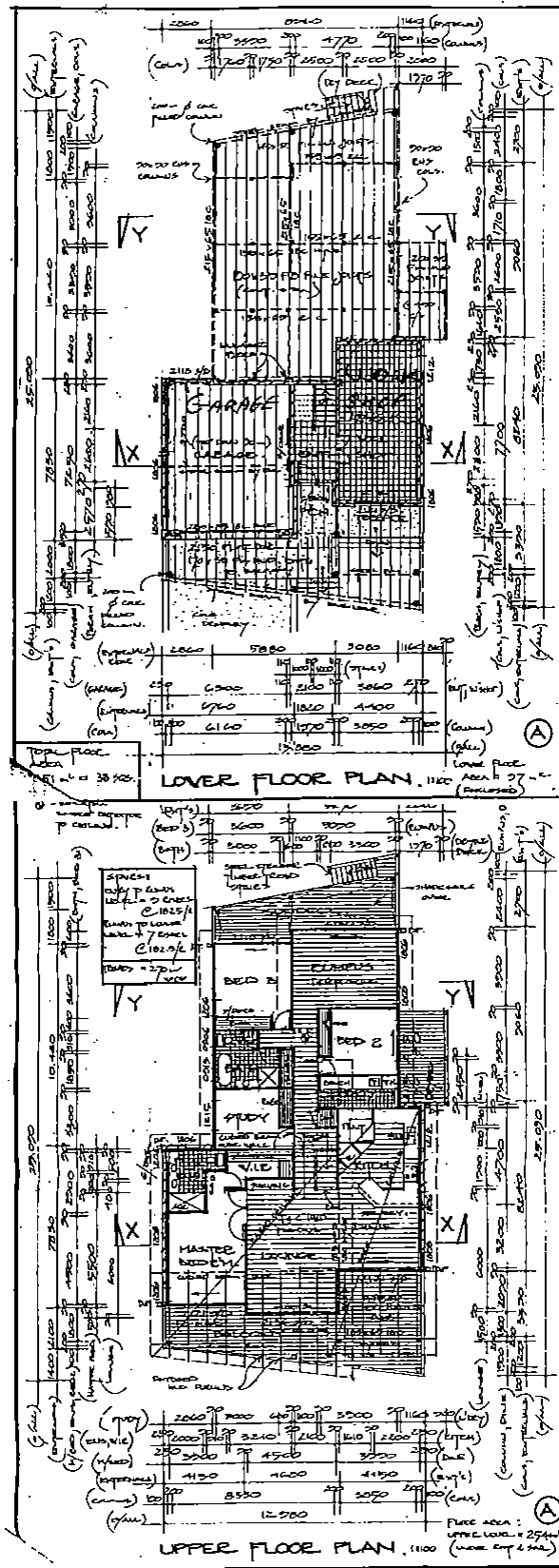
Recent site inspection of Wommin Lake Crescent by Council's Building Surveyor reveals that none of the existing buildings in the street comply with DCP 5 with respect to the requirement for 50m<sup>2</sup> enclosure.

The following site/locality plan and proposed floor plan are provided for clarification:

# Reports from Director Environment & Community Services



# Reports from Director Environment & Community Services



## Reports from Director Environment & Community Services

The requirements of DCLP No 5 have been discussed with the owner who requests that Council gives consideration to the additional 47m<sup>2</sup> squared of enclosed area, having provided a report from WBM Oceanics on the likely impacts of this particular development.

The WMB Oceanics report is as follows:

Offices:	Directors:
Brisbane Denver USA Karratha Melbourne Morwell Newcastle Sydney Vancouver	W R B Morrison AM FTSE BE MEngSc PhD MIEAust CPEng AMASME  W W Barlow BE FIEAust CPEng RPEQ MRINA CEng AMSNAME  D C Patterson BE BSc DipHE(Delft) MEngSc CPEng MIEAust  P R Fry BScEng MScEng CPEng MIEAust Grad Dip Mgt  A B McAlister BE (Hons) MEngSc CPEng MIEAust  R P Smith BE MIEAust CPEng



Our Ref: : L.B13095.002.doc

4 June, 2002

Steve Hubbard  
7 Wommin Lake Crescent  
Fingal Head NSW 2487

Dear Sir

### RE: IMPACT OF HOUSE CONSTRUCTION AT 7 WOMMIN LAKE CRESENT, FINGAL HEAD

We refer to your request to provide advice on the likely flooding impacts of your proposed house construction (at 7 Wommin Lake Crescent) on flooding behaviour.

Council has limited (through DCP 5) the enclosed area on the ground floor in floodprone areas of 50 m<sup>2</sup>. Based on the plans supplied to WBM by PFK Building Design (fax of 21/5/02), the proposed house will have an enclosed area of approximately 100 m<sup>2</sup>. Figure 1 shows the approximate location of the property in relation to the Tweed River and Wommin Lake (house area not shown on map).

We have assessed the likely flood impacts of the ground floor of the house by considering the following.

- The orientation of the house;
- The location of houses upstream (as interpreted from aerial photography);
- The flow velocities along this part of the floodplain.

These issues are considered individually below.

#### Orientation of House

The width of blockage (perpendicular to the direction of flow) of the lower floor is approximately 9m. The total width of the property (perpendicular to the direction of flow) is in the order of 50m. Hence, a large proportion of the property will remain open for flood flow.

Furthermore, it is noted that the 50m<sup>2</sup> limit does not place any restrictions on the width of blockage. Hence, 50m<sup>2</sup> could comprise of a blockage of, say, 15m x 3.2m which would result in a wider blockage than the 100m<sup>2</sup> proposed.

## Reports from Director Environment & Community Services

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### Location of Houses Upstream

Based on available aerial photography, it appears that the house upstream of the subject property has a similar orientation as the proposed house.

It is assumed and likely that the distance to the next upstream house is in the order of 10m. Hence, based on these assumptions, the house will be constructed in the flood 'wake' of this upstream house and will not create any additional blockage of the flood flow.

### Flow Velocities

The results of the 1% Annual Exceedance Probability flood event (ie. the '1 in 100 year flood') indicates that the flow along this left bank of the floodplain has a peak flow of approximately 150 m<sup>3</sup>/s flowing at a peak velocity of 0.25 m/s.


This velocity is relatively low in relation to floodplain velocities on other parts of the Tweed River floodplain. The flood gradient in this area is relatively flat due to its proximity to the ocean. As such, velocities are low and the potential for impacts from floodpath blockage is also low.

As well, the majority of the overbank flow in this part of the floodplain would be in Wommin Lake as it is a much more efficient flowpath than the residential areas.

### Conclusions

Based on the above, it can be concluded that the potential for the proposed house to result in increased velocity and flood levels in the local vicinity is low due to the existing partial blockage of this flowpath by other houses further upstream and downstream.

Yours faithfully  
WBM Oceanics Australia



Greg Rogencamp  
Associate

# Reports from Director Environment & Community Services

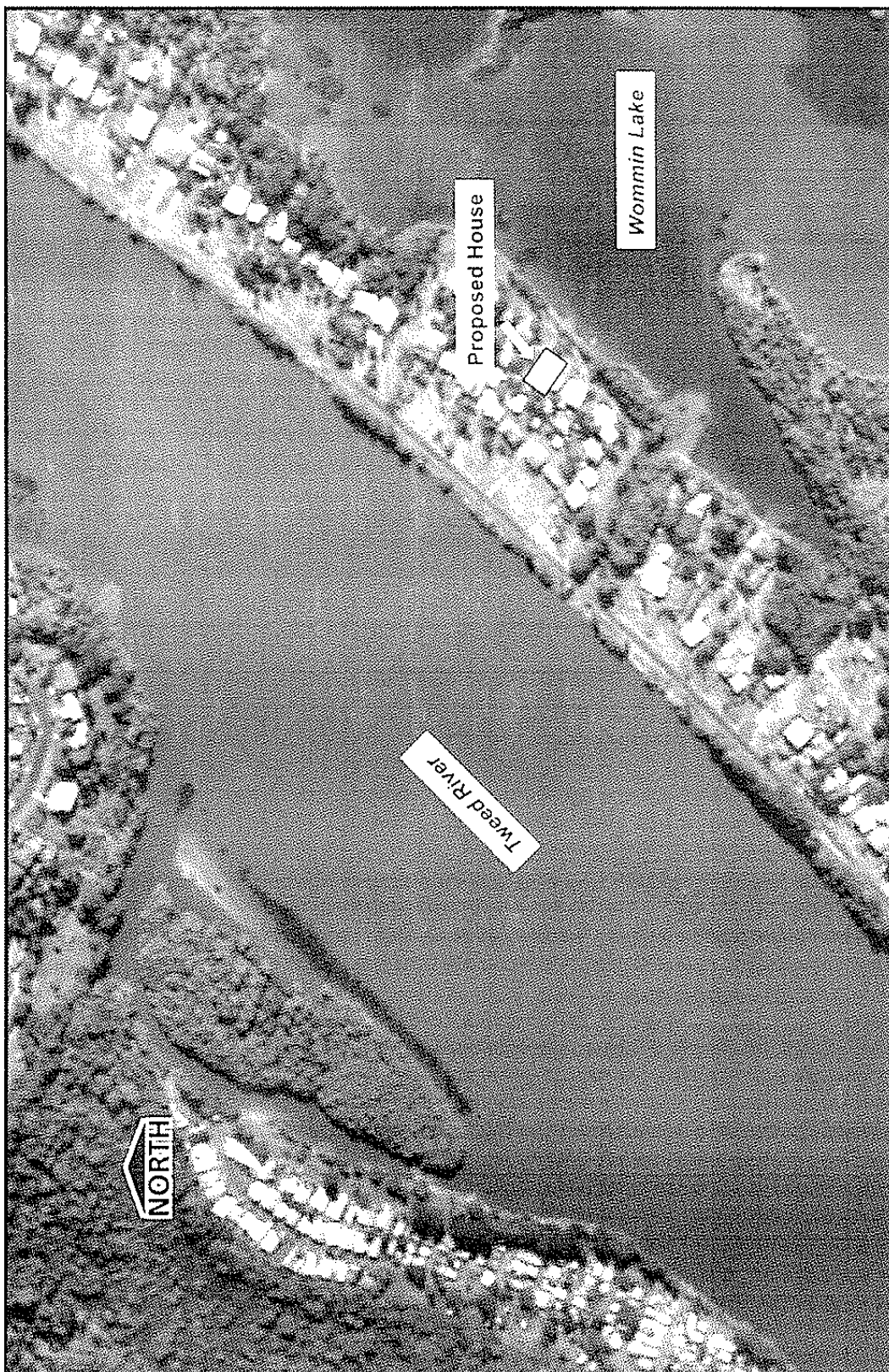


Figure 1

Locality Map

Map of Tweed Shire Council, 1998

## Reports from Director Environment & Community Services

Council's DCP No 5 states in part:

### TWEED SHIRE COUNCIL PLANNING SERVICE

#### DEVELOPMENT CONTROL PLAN NO. 5 - DEVELOPMENT OF FLOOD LIABLE LAND

##### **Development**

The area below Council's design flood level is not to be totally enclosed. Consideration will be given on application, to permitting the enclosure of laundry, stairway entry and double garage space, provided that such an enclosure does not significantly restrict flood flows.

An area of 50 m<sup>2</sup> will generally encompass these facilities. Any larger enclosures will only be considered when the application can demonstrate that the additional area enclosed will not provide any greater restriction to flood flow.

The free flow of flood water must be a major consideration in the design of any area to be enclosed.

In fill development of residentially zoned land will be permitted with the exception of allotments within the extreme hazard zones identified in the Cameron McNamara report of September, 1984.

Council has in the past 2 years approved enclosures of 107m<sup>2</sup> and 89m<sup>2</sup> in the same general area.

The Building Services Unit has requested advice from Council's Manager of Water with regard to the proposal and to the background, objectives, and legal ramifications of DCP No 5.

This advice is as follows:

*"DCP 5 restricts enclosure of areas below the Flood Planning Level to a laundry, stairway entry, and double garage. This development clearly includes additional enclosed areas which when flooded will increase the potential for flood damage and the associated costs. One of the primary aims of DCP 5 and Floodplain Management is to reduce the annual cost of flood damage in New South Wales which is currently estimated at \$110m. The current Floodplain Management Manual (January 2001) also requires consideration be given to the cumulative impacts of these developments."*

The comments from above do not appear to be reflected in the DCP where it specifically refers to development and states:

*"An area of 50m<sup>2</sup> will generally encompass these facilities. Any larger enclosures will only be considered when the application can demonstrate that the additional area enclosed will not provide any greater restriction to flood flow.*

*The free flow of flood water must be a major consideration in the design of any area to be enclosed."*

It would appear that this requirement of the DCP has been satisfied by the WMB Oceanics report provided.

In the light of the above it appears that Council has the following options for resolution:



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## Reports from Director Environment & Community Services

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1. **Approve the application as submitted subject to the following conditions, thus allowing a full enclosure of 97m<sup>2</sup> below the design flood level subject to conditions.**
  2. **Refuse the application as submitted having considered that it does not comply with Council's DCP No 5.**
  3. **Require amendments to the current application to comply with the 50m<sup>2</sup> enclosure requirements of DCP 5.**
-

## Reports from Director Environment & Community Services

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## Reports from Director Environment & Community Services

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

**FILE REF:** Cultural Development - Funding

**REPORT TITLE:**

**NSW Ministry for the Arts - Fifth City of the Arts**

**SUMMARY OF REPORT:**

Council is advised that the Fifth City of the Arts Program which could provide Tweed Shire Council with up to \$300,000 over the 2 year period 2003-2004 and 2004-2005, is now inviting applications from Local Government Authorities in country areas of New South Wales.

**RECOMMENDATION:**

That Council's Cultural Development Officer co-ordinates, facilitates and develops the submission of an application to the NSW Ministry for the Arts - Fifth City of the Arts Program.

## Reports from Director Environment & Community Services

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### REPORT:

Council is advised that the NSW Ministry for the Arts is now inviting applications from Local Government Authorities in country areas of New South Wales for the management of the Fifth City of Arts Program.

Every two years, the NSW Government designates a country centre in the state as the City of the Arts. The Blue Mountains was the inaugural City of the Arts (1995-97); Broken Hill was the Second City of the Arts (1997-99), Armidale the Third City of the Arts (1999-2001) and Hastings is currently the Fourth City of the Arts (2001-2003).

Under the City of the Arts Program, the designated centre and its local government authority will receive assistance of up to \$150,000 per year for the two years 2003-2004 and 2004-2005 in order to:

- co-ordinate a two-year program of cultural activities and projects
- strengthen existing arts services and resources in the community
- stimulate the development of an active arts community in the region.

The basic aim of the Program is to help stimulate and enhance the cultural life of people living in country areas by providing a focus for regional cultural initiatives.

The Ministry for the Arts will favour applications which, in its opinion:

- promote employment opportunities for professional artists and arts workers
- foster innovation in the arts
- develop audiences for the arts in country areas.

Applications are due by 22 November 2002 and will be assessed on evidence of the following:

- how the program will fit in with other local strategies or events such as marketing, tourism and economic development strategies
- standards of excellence in the proposed program of activities
- provision of support to arts organisations
- how the proposal will increase community participation in the arts
- level of community support for the project
- level of assistance to be contributed by applicant local government.

Tweed's commitment to economic development, coupled with its current strategies to develop a sustainable and viable cultural industry makes it an ideal candidate for the following reasons – Tweed Shire has:

- developed a Cultural Policy that is designed to stimulate and maximise our local cultural/arts industry
- a Social Plan in place that will inform and guide our strategies for implementing cultural policy objectives
- a Public Art Policy near completion

## Reports from Director Environment & Community Services

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- local tourism and regional development strategies in place which emphasise sustainable economic development
- a greater number and high level of cultural programs and assistance for cultural activities in our region
- a largely untapped resource in the enviable number of arts and cultural industry professionals residing in our Shire
- an extremely strong, cohesive and supportive arts and cultural community our Shire.

In order to make application, Council would need to submit:

- an innovative proposal summarising our vision and proposed plan as the Fifth City of the Arts
- an overview of our present cultural program
- an estimate of the proposed budget for cultural infrastructure and cultural activities over the next two years
- details of support or potential support from other funding bodies, government agencies and sponsors of our cultural program
- details of the potential for local artists and local community and cultural groups to be involved in the two-year Program.

Although grants are not available under this program for activities the Ministry considers should be maintained wholly by the local government authority or by the local community, funding is available to assist with the salary of a City of the Arts program co-ordinator and the fees of professional arts workers.

In summary, for the reasons stated above, it is considered that Council is in an ideal position to apply for this grant. If successful, this grant would maximise the economic viability and sustainability of our burgeoning arts and cultural industry, as well as providing added impetus to Council's current economic and tourism strategies. The Fifth City of the Arts Program presents an opportunity to upgrade the Shire's cultural infrastructure.

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## Reports from Director Environment & Community Services

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## Reports from Director Environment & Community Services

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

**FILE REF:** HACC; Aged Services

**REPORT TITLE:**

**Response to Council's Letter to Ministers on Home Care Crisis**

**SUMMARY OF REPORT:**

In January 2002 Tweed Aged Interagency notified Council of lack of Home Care Services in Tweed. Council contacted relevant State and Federal Ministers to highlight the issue and recommend adequate funding.

Responses have been received from the Hon Larry Anthony MP, the Hon Kevin Andrews MP and Mr Neville Newell MP (see body of report for copies of letters).

**RECOMMENDATION:**

That this report be received and noted.

## Reports from Director Environment & Community Services

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### REPORT:

In January 2002 Tweed Aged Interagency notified Council of lack of Home Care Services available in Tweed Shire. Council recommended that relevant State and Federal Ministers be contacted to highlight the issue and recommend adequate funding.

On 4 February a letter was sent from Council to the Hon Larry Anthony MP, Neville Newell MP, and Vince Boss, HACC Development Officer.

The following letters of response have been received:-

The Hon Larry Anthony MP. A copy of his letter follows as well as a copy of the media release from Mr Anthony.

The Hon Larry Anthony MP has also forwarded to Council a copy of the letter his office received from the Hon Kevin Andrews MP, Minister for Ageing. A copy of this letter is also attached.

Mr Neville Newell MP. A copy of his letter follows.



# Reports from Director Environment & Community Services

Letter & Media Release – The Hon Larry Anthony MP

PARLIAMENT OF AUSTRALIA



HOUSE OF REPRESENTATIVES

## Larry Anthony MP

Federal Member for Richmond  
Minister for Children & Youth Affairs



6 February 2002

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

HACC

TWEED SHIRE COUNCIL
FILE No. AGED SERVICES
DOCUMENTS: [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]
EXCD 11 FEB 2002
NO. [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]
ASSIGNED TO: GRIFFIN M
HEARD COPY <input type="checkbox"/> IMAGE <input checked="" type="checkbox"/>

Dear Dr Griffin

Thank you for your letter of 4 February detailing a crisis in Tweed Home Care services. My staff have also advised me of calls received in this office from constituents who are unable to obtain home care services.

In October last year, the then Minister for Aged Care, the Hon Bronwyn Bishop MP and the NSW Minister for Ageing and Disability, jointly announced HACC funding for NSW. The electorates of Richmond and Page were allocated over \$12.5 million but decisions on funding for individual projects are made by the NSW Government which administers the HACC program (see attached release).

HACC funding was substantially increased in the last Budget and the Department of Veterans Affairs also began Home Care services for veterans in addition to the HACC programs. This was a new initiative and it was hoped the program would ease some of the demand on HACC services.

There is no question that the demand for service is outstripping supply and I have brought the needs of the Tweed area to the attention of the new Minister for Ageing, the Hon Kevin Andrews MP.

Given that it is the NSW Department of Ageing and Disability that allocates funding to individual programs, you may also wish to approach the State members representing this region for their support.

I will continue to lobby the Minister for additional funding for the Tweed, both in the present year and in the lead up to the 2002 Budget in May.

Yours sincerely

Larry Anthony MP  
Federal Member for Richmond  
LA:jcb

PO Box 6996 Tweed Heads South 2486 ph: 07 5524 2466 fax: 07 5524 9366  
www.larry.com.au Toll Free: 1800 812 125 larry.anthony.mp@aph.gov.au

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## Reports from Director Environment & Community Services

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### Media Release

**Bronwyn Bishop**  
**Minister for Aged Care**



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05 October 2001

### **\$1 BILLION FOR NATIONAL HOME AND COMMUNITY CARE PROGRAM**

The Home and Community Care Program allowing older Australians to stay in their own homes will receive more than \$1 billion in annual funding, Federal Aged Care Minister Bronwyn Bishop announced today.

Following today's approval of all State/Territory HACC Annual Plans, Mrs Bishop announced the HACC Program has increased by \$80.429 million or 8.54% over 2000-2001 funding.

This year, the Commonwealth has made available \$615.582 million which represents an increase of \$48.4 million. Total program funding is \$1.012 billion.

Mrs Bishop said the HACC Program is a central element of the Howard Government's aged care policy.

"The HACC Program provides a comprehensive, coordinated and integrated range of basic maintenance and support services for frail aged people, people with a disability and their carers," Mrs Bishop said.

"The Program also supports these people to have a higher level of independence within their community. It enhances their quality of life and allows older Australians the option of remaining at home rather moving to an aged care facility."

HACC services include community nursing, personal care, meals, home help, home modification and maintenance, transport and community based respite care.

The Commonwealth contributes approximately 60% of funding for the HACC Program nationally, with the States/Territories contributing the remaining 40%.

Under the HACC Amending Agreements, State and Territory governments are responsible for the day to day administration of the Program. They are also required to seek the Federal Minister's agreement to the allocation of regional funding.

**Media Contact:**

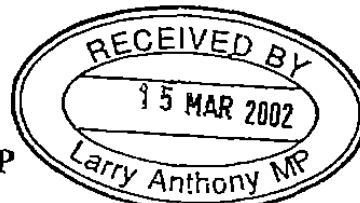
Andrew Cummins, Mrs Bishop's office on (02) 6277-7280 or 0401 995 733

# Reports from Director Environment & Community Services

The Hon Kevin Andrews MP, Minister for Ageing – Letter to Hon Larry Anthony MP



The Hon Kevin Andrews MP  
Minister for Ageing



AGED SERVICES  
GOV GRANT - COMMUNITY OPION!

TWEED SHIRE COUNCIL	
FILE No.	HACC
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RECD	19 MAR 2002
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The Hon Larry Anthony MP  
Minister for Children and Youth Affairs  
PO Box 6996  
TWEED HEADS SOUTH NSW 2486

Dear Minister

Thank you for your representations of 6 February 2002 on behalf of Dr John Griffin, General Manager of the Tweed Shire Council, concerning Home and Community Care (HACC) Programme funding to the Tweed region.

This financial year, funding available for New South Wales to deliver HACC services equates to some \$318 million with \$190 million of this being provided by the Commonwealth. This is an increase of almost 9% over funding in 2000-01.

As you are already aware, both the Commonwealth and State Governments approve the allocation of HACC funding to a regional level. The Tweed area is located in the Far North Coast HACC region of New South Wales. The 2001-02 New South Wales Annual Plan shows that this region was allocated \$13.5 million, an increase of 8% over funding for 2000-01.

The planning process conducted by the New South Wales Government is based on the three year Regional Planning Cycle for older people, people with disabilities and the carers of these groups. In addition to this, the New South Wales Government states that consultations took place with regional advisory groups, public sessions and focus forums.

While I understand the difficulties Dr Griffin faces, the fact remains that the New South Wales Government is responsible for the day-to-day administration of the Programme.

Parliament House Canberra ACT 2600 Telephone (02) 6277 7280 Facsimile (02) 6273 4138

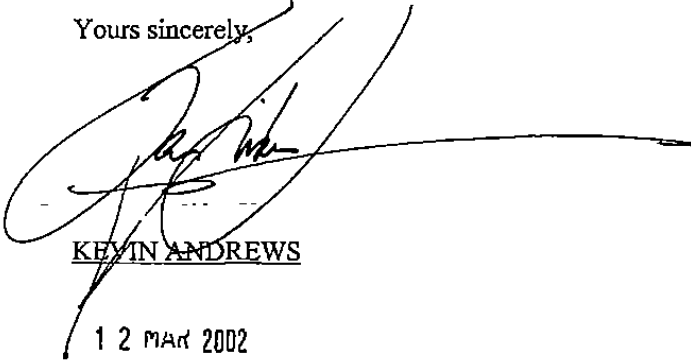
## Reports from Director Environment & Community Services

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If Dr Griffin wishes to raise concerns regarding the current HACC planning processes, he should contact the New South Wales Department of Ageing, Disability and Home Care on (02) 9364 6942. Alternatively, he could raise his concerns with the New South Wales Minister for Ageing, the Hon Faye Lo Po' MP.

I trust that this assists in your response to Dr Griffin.

Yours sincerely,



KEVIN ANDREWS

12 MAR 2002

## Reports from Director Environment & Community Services

Letter from Mr Neville Newell MP

Parliament of New South Wales Legislative Assembly



**Neville Newell MP**  
State Member for Tweed



Tuesday May 7, 2002

Dr John Griffin  
General Manager  
Tweed Shire Council  
PPO Box 816  
Murwillumbah NSW  
2484

Dear Dr Griffin,

Thank you for giving me the opportunity to address this crisis that many Tweed residents are now facing.

As you may be aware I have been calling on the Federal Government, through the member for Richmond, Larry Anthony, to contribute its share of the funding to enable the Tweed Services associated with Home Care to be able to function.

Last November, the NSW Industrial Relations Commission awarded salary increases of between 5.4 and 7.5 per cent for non-government community workers. A further increase of 3 per cent will apply from November 2002.

The pay increases should be jointly funded by the NSW State and Commonwealth Governments.

While the NSW Government responded immediately, the Commonwealth has refused to pay 37 per cent share of the \$184.8 million needed to fully fund the pay increase - leaving a significant shortfall.

The State Government has agreed to pay \$116 million over three years, but the Commonwealth has refused to commit \$68.8 million to its share of the salary increases.

The Federal Government is stalling on a pay increase - determined by the independent arbiter - for people working with some of the most vulnerable people in our community.

I am very concerned about the situation and have also been receiving some very distressful calls from elderly residents of the Tweed in need of urgent home care services.

Shop 2, Tweed City  
PO Box 6695  
Tweed Heads South NSW 2486

*Country Labor*

Phone: (07) 55 234 816  
Fax: (07) 55 234 817  
email: [neville.newell@parliament.nsw.gov.au](mailto:neville.newell@parliament.nsw.gov.au)

## Reports from Director Environment & Community Services

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I have voiced my concerns to the media, spoken in Parliament about the issue and I am currently collecting signatures on a petition from residents who are calling for the Federal Government to contribute its share.

I will be continuing my activities to get the funding needed.

Thank you for giving me the opportunity to address this issue and I am pleased that the council has also seen fit to act on behalf of the elderly and frail members of our community.

Kind regards



Neville Newell MP  
Member for Tweed



**Dr J Griffin**  
General Manager

# Reports from Committees/Working Groups

## 1. Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 9 May 2002

Dune Care

**VENUE:**

Pottsville Environment Centre

**TIME:**

5.00pm

**PRESENT:**

**Committee Members:** Cr Henry James, Janette Davison, Mick Stewart, Kay Bolton, Len Greer, Stewart Brawley, Cliff Chadburn,  
**Informal:** Steve Lawson (DLWC), Andy Erskine (ENVITE), Arthur Rawlinson, Ron Butler, Rhonda James, Blyth Short (Recorder)

**APOLOGIES:**

Cr Max Boyd, Kate McKenzie, Ian Anderson, Frank McLeod

**MINUTES OF PREVIOUS MEETING:**

**Moved:** L Greer

**Seconded:** S Brawley

**RESOLVED** that the Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 14 March 2002 be accepted as a true and accurate record of the proceedings of that meeting.

### Guest Speaker - Steven Lawson (Department Land & Water Conservation)

Mr Lawson advised the object of the project is to maintain the entrance to the river and supply sand to the beaches north of the river mouth. Current sand outlets are at Durambah (via temporary pipe work) and Kirra Point (fixed outlet). The initial set up phase is to trial delivering times, locations and quantities of sand pumping onto the beaches at Durambah and Kirra Point. Considerations are made to both the delivery of sand for surf quality or to build up the beach to prevent further erosion/maintenance.

## Reports from Committees/Working Groups

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EIS Impacts included Letitia Spit and Duranbah. Predictions included: localised beach recession of up to 90m along the northern end of Letitia Spit and changes in beach and surfing conditions at Duranbah as a result.

Approval Conditions included: Monitoring of beach retreat along Letitia Spit, Duranbah Surf Quality Management Strategy and monitoring of Duranbah surf quality and beach amenity (remote sensing devices will be trailed).

General discussion for half an hour relating to the Sand Bypass effects on Duranbah Beach.

---

### **Guest Speaker - Andy Erskine (Environmental Training & Employment Inc - ENVITE)**

Mr Erskine outlined that ENVITE assists with vegetation restoration, Green Corp programs, preparing restoration plans for specific sites, Coast Care funding, and hosts workshops for propagation. He advised that the application for Coast Care Funding for Tweed Beaches has been successful. This program will include: Pottsville, Fingal, Kingscliff, Cabarita Beach, and Hastings Point. Mr Erskine will come along to the meeting in July to discuss program further with committee members.

---

### **BUSINESS ARISING:**

#### **1. Dune Care Records**

Cr James advised that most of the required information is being recorded by the Department of Land & Water Conservation with the monitoring and evaluation project.

---

#### **2. Rural Bush Fire Service**

As there were two guest speakers invited to the current meeting the Senior Fire Officer will be invited to the July meeting.

---

#### **3. Casuarina Beach - Dune Monitoring Committee**

**Dune Care**

General discussion.

**Moved: L Greer**  
**Seconded: Kay Bolton**

### **RECOMMENDATION:**

That:-



## Reports from Committees/Working Groups

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- A. Given the licence conditions for the Casuarina Beach Dune Management Plan specifies that the monitoring Committee includes two members of the Tweed Dune Care Advisory Committee, Henry James and Mick Stewart be nominated to the positions.
  - B. The chair of the Monitoring Committee be informed of the nominations.
- 

### 4. Natural Heritage Trust

S Brawley advised that planning for the aerial spraying of Bitou bush is underway. Expression of interest has been advertised for the development of the Bitou Strategy and its implementation.

---

### 5. Dune Care Conference

#### Dune Care

The conference will be held at Lennox Head and is \$95 per person. General discussion.

**Moved:** Cr H James

**Seconded:** L Greer

#### RECOMMENDATION:

That Council funds seven registration fees for the Annual Dune Care Conference on 23-24 August 2002 from the Dune Care support budget.

---

### 6. Insurance and incorporation - Community Groups

L Greer advised that the workshop held in April was very successful. It is the responsibility of community groups to ensure they are incorporated, have public liability and all works are covered under their liability coverage.

---

### 7. Workcover Certificates

C Chadburn advised that it costs \$220 per person to attain chemical users accreditation. It is Council's responsibility to ensure volunteers are trained and keep records of chemical usage.

---

#### CORRESPONDENCE:

### 8. Whale-watcher's Boardwalk Proposal (Karen Dale)

Council received a suggestion to construct a whale-watcher's boardwalk at the front of the Volunteer Marine Rescue Tower in Kingscliff. General discussion.

## Reports from Committees/Working Groups

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Suggested to forward the request onto the Kingscliff Enviro Club to pursue.

---

### GENERAL BUSINESS:

#### 9. NSW Coastal Conference

The NSW Coastal Conference will be held in conjunction with the National Coastal Conference over 3 days at Tweed Heads. The Tweed River Committee is providing 2 places for their representatives to attend. Registration closes 30 Aug 02. Registration is \$555 per person. General discussion.

Received and noted.

---

#### 10. Coast Care Funding

Coast Care Funding applications close 6 June 02.

---

### NEXT MEETING:

The next meeting of the Tweed Dune Care Advisory Committee will be held 11 July 2002 at the Pottsville Environment Park.

The meeting closed at 7.30 pm

#### **Director's Comments:**

1. That Council adopts the recommendation under item 3 Casuarina Beach – Dune Management Committee.
2. That Council adopts the recommendation under item 5 Dune Care Conference.

### DIRECTOR'S RECOMMENDATIONS:

#### 3. Casuarina Beach - Dune Monitoring Committee

Dune Care

#### Committee Recommendation:

That

- A. Given the licence conditions for the Casuarina Beach Dune Management Plan specifies that the monitoring Committee includes two members of the Tweed Dune Care Advisory Committee, Henry James and Mick Stewart be nominated to the positions.
- B. The chair of the Monitoring Committee be informed of the nominations.

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

*As per committee recommendation*

## Reports from Committees/Working Groups

### 5. Dune Care Conference

**Dune Care**

#### **Committee Recommendation:**

That Council funds seven registration fees for the Annual Dune Care Conference on 23-24 August 2002 from the Dune Care support budget.

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

*As per committee recommendation*

## Reports from Committees/Working Groups

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

2. **Minutes of the Community Cultural Development Advisory Committee Meeting held Thursday 18 April 2002**
  3. **Minutes of the Extraordinary Tweed River Committee Meeting held Monday 13 May 2002**
  4. **Minutes of the Regional Companion Animal Committee Meeting held 6 June 2002**
  5. **Minutes of the Aboriginal Advisory Committee Meeting held Friday 7 June 2002**
-

# Orders of the Day

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**1. Notice of Motion - Cr Lawrie**

**Section 149 Certificates**

**Notice of Motion; Development - s149 Certificates; DW677324**

That Council records on all s149 certificates whether the Lot in question has/has not a building entitlement.

---

**2. Notice of Motion - Cr Lawrie**

**Complying Development Applications**

**Notice of Motion; Building Code; DW678238**

That Council:-

1. Rationalises its Complying Development Application process from the need for five (5) separate applications involving duplication of information, to one (1) detailed application.
  2. Conducts a survey of other applications for the purpose of like rationalisation.
- 

**3. Notice of Motion - Cr Boyd**

**Bruce Chick Park**

**Notice of Motion; Bruce Chick Park; DW678989**

That:-

1. A plan be developed for road access and parking at Chick Park;
  2. An estimate of cost be prepared for such work to be carried out.
-

## Orders of the Day

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### 4. Notice of Rescission - Cr Lawrie, Cr Polglase and Cr Boyd

#### **Section 96 Application to Modify Consent No 1044/2011DA - Erection of an Attached Dual Occupancy at Lot 603 DP 1020273 No 8 Franklin Street, Banora Point**

#### **Notice of Rescission; DA2142/95 Pt1; DW678639**

That Council resolution at Minute No 1063 in relation to Item 31 of the Meeting held Wednesday 5 June 2001 being:-

*".....that the Section 96 application 1044/2001DA submitted by T & T Building for the variation of Condition No 6 of Development Consent 1044/2001 be refused for the following reasons:-*

- 1. The size and length of the fence would be out of character with the existing open streetscape within the area.*
- 2. The applicant has not complied with the landscaping requirements of Condition No 6 by planting mature plants which would provide required privacy to the tenants of the subject property.*
- 3. The proposal will set an unwanted precedent in the area for fences constructed within Council's Building Line.*

**be rescinded."**

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# Workshops

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Councillors,

Following are details of upcoming Workshops of Council:-

**1. Open Space Infrastructure Policy & Contributions Plans Workshop**

**Date:** 26 June 2002  
**Time & Duration:** 4.00pm – 5.00pm  
**Organiser:** Geoff Herridge  
**Resolved by Council:** TENTATIVE

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**2. Economic Incentives Workshop**

**Date:** 26 June 2002  
**Time & Duration:** 5.00pm – 6.00pm  
**Organiser:** Mark Tickle  
**Resolved by Council:** TENTATIVE

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**3. Briefing – TACTIC Strategic Plan Workshop**

**Date:** 26 June 2002  
**Time & Duration:** 6.00pm – 7.00pm  
**Organiser:** Ian Carpenter  
**Resolved by Council:** TENTATIVE

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# Workshops

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