

Items for Consideration of Council

| | |
|---|-----------|
| Schedule of Outstanding Resolutions | 11 |
| Mayoral Minute | 21 |
| Items Deferred | 25 |
| 3a. ORIGIN: Development Assessment Unit | 25 |
| The Erection of Tourist Accommodation Comprising of 4 Units at Lot 6 DP9453 Section 3 No. 4 Sutherland Street, Kingscliff | 25 |
| 6a. ORIGIN: Development Assessment Unit | 37 |
| Proposed Rifle & Pistol Range at Lot 6, DP 619717 Fernvale Road, Fernvale | 37 |
| Reports from Director Development Services | 51 |
| 1. ORIGIN: Strategic Town Planning Unit | 53 |
| Request to Adjust Zonings – Flame Tree Park | 53 |
| 2. ORIGIN: Development Assessment Unit | 57 |
| Draft Tweed Local Environmental Plan 2000, Amendment No 15 – Lots 25, 26 and 29, DP 1000571, Snowgum Drive, Bilambil Heights, Marana Park Estate | 57 |
| 3. ORIGIN: Strategic Town Planning Unit | 61 |
| Draft Open Space Infrastructure Strategy, Review and Amendment of Section 94 Contributions Plan No 5 - Open Space, and Draft Section 94 Contributions Plan No 26 - Shirewide/Regional Open Space | 61 |
| 4. ORIGIN: Development Assessment Unit | 67 |
| Proposed Erection of a Dwelling House to be used for Bed and Breakfast Accommodation | 67 |
| 5. ORIGIN: Strategic Town Planning Unit | 79 |
| Draft Tweed Local Environmental Plan 2000 Amendment - Housekeeping (Stage 2) and Amendment to Development Control Plan No 40 - Exempt and Complying Development | 79 |

Items for Consideration of Council

| | | |
|-----|---|------------|
| 6. | ORIGIN: Development Assessment Unit | 103 |
| | The Construction of a Commercial Boating Jetty, Booking Office, Car Parking Area and Ancillary Facilities at Lot Reserve R89339 and Southern Boat Harbour River Terrace, Tweed Heads | 103 |
| 7. | ORIGIN: Development Assessment Unit | 125 |
| | The Use of an Existing Building for Project Marketing Office at Lot 1 DP553728 No. 4 Pacific Highway (East), Tweed Heads | 125 |
| 8. | ORIGIN: Strategic Town Planning Unit | 131 |
| | Parks and Reserves of the Tweed Caldera | 131 |
| 9. | ORIGIN: Development Assessment Unit | 137 |
| | Proposed Markets on the Twin Towns Site Wharf Street | 137 |
| 10. | ORIGIN: Development Assessment Unit | 145 |
| | The Erection of a Tourist Accommodation Comprising of 4 Units at Lot 6 DP9453 Section 3 No. 4 Sutherland Street, Kingscliff | 145 |
| 11. | ORIGIN: Strategic Town Planning Unit | 147 |
| | Draft Tweed Local Environmental Plan 2000, Amendment No 30 (Lot 1, DP 611481, Lot 1, DP 574910 and Lot 3, DP 708144, Kyogle Road, Uki) | 147 |
| | Reports from Director Corporate Services | 151 |
| 12. | ORIGIN: Director | 151 |
| | Voluntary Structural Reform General Managers Group Review | 151 |
| 13. | ORIGIN: Director | 157 |
| | Shed a Tier Congress | 157 |
| 14. | ORIGIN: Financial & Information Services Unit | 161 |
| | Second Round Donations 2001/2002 - Festivals Policy | 161 |
| 15. | ORIGIN: Financial & Information Services Unit | 163 |
| | Second Round Donations 2001/2002 - Donations Policy | 163 |
| 16. | ORIGIN: Director | 167 |
| | Annual Drug Awareness Week | 167 |
| 17. | ORIGIN: Director | 171 |
| | Quality Customer Service Standards and Dealing with Difficult People Policy | 171 |
| 18. | ORIGIN: General Manager | 181 |
| | Local Government Managers Association (LGMA) National Congress and International City and County Managers (ICMA) Association Best Practices Symposium 10-15 May 2002 | 181 |

Items for Consideration of Council

| | |
|---|------------|
| 19. ORIGIN: Director | 183 |
| Tweed and Coolangatta Tourism Inc (TACTIC) Deed of Agreement | 183 |
| 20. ORIGIN: Administration Services Unit | 187 |
| 2003 Election Procedures | 187 |
| 21. ORIGIN: Financial & Information Services Unit | 193 |
| Monthly Investment Report for Period Ending 28 February 2002 | 193 |
| Reports from Director Engineering Services | 199 |
| 22. ORIGIN: Director | 199 |
| Southern Boat Harbour Proposed Floating Jetty | 199 |
| 23. ORIGIN: Planning & Design Unit | 213 |
| Access to Property - Driveways | 213 |
| 24. ORIGIN: Planning & Design Unit | 215 |
| Pacific Highway – Chinderah to Yelgun - Renaming | 215 |
| 25. ORIGIN: Planning & Design Unit | 227 |
| Valuation to Easement Created in DP 1011993 - Easement to Drain Sewage 3 Wide & Variable | 227 |
| 26. ORIGIN: Water Unit | 233 |
| Floodplain Management Authorities of NSW | 233 |
| 27. ORIGIN: Water Unit | 235 |
| Letitia Spit Road - Sealing | 235 |
| 28. ORIGIN: Planning & Design Unit | 237 |
| Chinderah - Yelgun Bypass Signage | 237 |
| 29. ORIGIN: Planning & Design Unit | 247 |
| Proposed Bus Shelters - S94 Funds | 247 |
| 30. ORIGIN: Water Unit | 255 |
| Tweed Heads Banora Point Catchment Effluent Disposal Strategy | 255 |
| 31. ORIGIN: Director | 259 |
| Donation of Council Plant | 259 |
| 32. ORIGIN: Planning & Design Unit | 263 |
| National Black Spot Program | 263 |
| 33. ORIGIN: Planning & Design Unit | 265 |
| 2001-2002 Street Lighting Program | 265 |

Items for Consideration of Council

Reports from Director Environment & Community Services 269

| | |
|---|------------|
| 34. ORIGIN: Environment & Health Services Unit | 269 |
| Alcohol Free Zone – Tweed Heads and Kingscliff | 269 |
| 35. ORIGIN: Environment & Health Services Unit | 275 |
| Establishment of Alcohol Free Zone - Budd Park | 275 |
| 36. ORIGIN: Environment & Health Services Unit | 277 |
| Tweed River Regional Art Gallery Strategic Plan 2001-2004 | 277 |
| 37. ORIGIN: Recreation Services Unit | 279 |
| Naming of Park - The Oasis, Kirkwood Road | 279 |
| 38. ORIGIN: Environment & Health Services Unit | 283 |
| Desexing of Cats and Dogs | 283 |
| 39. ORIGIN: Environment & Health Services Unit | 287 |
| Future of Community Advisory Committee | 287 |
| 40. ORIGIN: Building Services Unit | 289 |
| Development Application 1125/2001 (Proposed Carport), Lot 378 DP 250956 No 42 Leeward Terrace, Tweed Heads | 289 |

Reports from Committees/Working Groups 301

| | |
|---|------------|
| 1. Minutes of the Tweed River Regional Art Gallery Advisory Committee Meeting held Thursday 28 February 2002 | 301 |
| MINUTES CIRCULATED TO COUNCILLORS WITH THIS AGENDA NOT REQUIRING A COUNCIL DECISION | 305 |
| 2. Minutes of the Tweed Coastline Management Plan Steering Committee Meeting held Wednesday 13 March 2002 | 305 |

Orders of the Day 307

| | |
|--|------------|
| 1. Notice of Motion - Cr Marshall | 307 |
| Tweed Shire Council - Referendum | 307 |
| 2. Notice of Motion - Cr Lawrie | 307 |
| Local Environmental Plan - Seaside City | 307 |
| 3. Notice of Motion - Cr Beck | 307 |
| Staffing | 307 |
| 4. Notice of Motion - Cr Beck | 307 |
| "Kids Alive" Water Safety Program | 307 |

Items for Consideration of Council

Workshops 309

1. Northern Road Network Workshop 309

Items for Consideration of Council

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

| | |
|--|-----------|
| Items Deferred in Committee | 5 |
| 1. ORIGIN: Development Assessment Unit | 5 |
| Illegal Clearing - Lot 156 DP 628026, Creek Street, Hastings Point | 5 |
| <i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)</i> | |
| <i>(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege</i> | 5 |
| Reports from Director Development Services in Committee | 17 |
| 1. ORIGIN: Development Assessment Unit/Business Services Unit | 17 |
| Lizzio Subdivision - Settlement of Land in Carmen Place and Maria Court, Condong | 17 |
| <i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)</i> | |
| <i>(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege</i> | 17 |
| 2. ORIGIN: Development Assessment Unit | 23 |
| Vehicles Associated with Motor Showroom at Lot 2 DP829670 Boyd Street, Tweed Heads being parked/displayed in Brett and Boyd Streets and Adjoining Site | 23 |
| <i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)</i> | |
| <i>(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege</i> | 23 |
| Reports from Director Engineering Services in Committee | 27 |
| 3. ORIGIN: Water Unit | 27 |
| EC2002-12 Manufacture, Supply & Delivery of 450mm Pressure Pipe | 27 |
| <i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)</i> | |
| <i>(d) commercial information of a confidential nature that would, if disclosed:</i> | |
| <i>(i) prejudice the commercial position of the person who supplied it, or</i> | |
| <i>(ii) confer a commercial advantage on a competitor of the council, or</i> | |
| <i>(iii) reveal a trade secret</i> | 27 |
| 4. ORIGIN: Water Unit | 29 |
| Outstanding Water Account | 29 |
| <i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)</i> | |
| <i>(b) the personal hardship of any resident or ratepayer</i> | 29 |
| 5. ORIGIN: Water Unit | 33 |
| EQ2001-61 Provision of In-House Consultancy Services for Water and Sewerage Projects | 33 |
| <i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)</i> | |
| <i>(d) commercial information of a confidential nature that would, if disclosed:</i> | |
| <i>(i) prejudice the commercial position of the person who supplied it, or</i> | |
| <i>(ii) confer a commercial advantage on a competitor of the council, or</i> | |
| <i>(iii) reveal a trade secret</i> | 33 |

Items for Consideration of Council

6. ORIGIN: Planning & Design Unit 34
- Sale of Proposed Lots 1, 3, 5 & 7 Lease of Proposed Lots 2, 4, 6, & 8 Created by Road Closure Plan at Chinderah Bay Road, Chinderah 34**
- Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)*
- (d) *commercial information of a confidential nature that would, if disclosed:*
- (i) *prejudice the commercial position of the person who supplied it, or*
 - (ii) *confer a commercial advantage on a competitor of the council, or*
 - (iii) *reveal a trade secret* 34

Schedule of Outstanding Resolutions

20 SEPTEMBER 2000

REPORTS FOR DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

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

335

Cr Luff

Cr Marshall

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

Current Status: Awaiting reply from LOGOV Risk Management.

21 MARCH 2001

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

5. Dilapidated Structures - Tumbulgum

PF0460/270 Pt1

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

C161

That Council:-

1. Undertakes the work to
 - a) Connect the dwelling situated at Lots 29/30 Section 2 DP 1223 No. 47-49 Bawden Street, Tumbulgum to the council sewer.
 - b) Demolish and remove the dilapidated/illegal ferneries/pergolas situated at Lots 29/30 Section 2 DP 1223 No. 47-49 Bawden Street, Tumbulgum.
 - c) Remove waste materials and disused motor vehicles as required from Lots 29/30 Section 2 DP 1223 No. 47-49 Bawden Street, Tumbulgum.
-

Schedule of Outstanding Resolutions

2. Receives a further report to be submitted on the matter of the repairs/maintenance to the dwelling situated at Lots 29/30 Section 2 DP 1223 No. 47-49 Bawden Street, Tumbulgum.

3. Raises a debt against the property to recover all costs.

Current Status: Premises are now connected to the sewer. Further assessment will now be made in relation to item 2 of the resolution.

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.

3 OCTOBER 2001

ORDERS OF THE DAY

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

Trees-Planting, Border Caravan Park, Notice of Motion

303

Cr Boyd

Cr Luff

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

Current Status: To be finalised.

Schedule of Outstanding Resolutions

7 NOVEMBER 2001

ORDERS OF THE DAY

10. Industry - Tweed Shire

Notice of Motion; Industrial Development - General

418

Cr Polglase

Cr Youngblutt

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

Current Status: Draft report prepared – under consideration with TEDC.

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: Further action has been deferred until after Youth Week at the end of March 2002.

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:

Schedule of Outstanding Resolutions

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.

34. Murwillumbah Civic & Cultural Centre Refurbishment and Entrepreneurial Strategies for Operating the Venue

Civic Centre - M'bah

580

Cr Boyd

Cr Marshall

RESOLVED that Council:

1. Invites Lyndon and Liz Terrachini of NORPA to meet with Council in a workshop and detail how their achievements have been accomplished.
2. Considers an allocation for stage 2 refurbishment in the 2002/2003 budget.
3. Considers stage 3 refurbishment in the 2003/2004 budget.

Current Status: Workshop to be arranged.

REPORTS FROM SUB-COMMITTEES

1. Minutes of the Community Cultural Development Committee Meeting held Thursday 1 November 2001

Cultural Development Committee

2. Murwillumbah Auditorium

Cultural Development Committee; Civic Ctr - Mbah

585

Cr Boyd

Cr Davidson

RESOLVED that Council staff compile a report detailing options for management and operations of the venue similar to the NORPA example. The report should also include a list of what still needs to be done to finalise the refurbishment, as per INARC Design Company's conceptual designs.

Current Status: Report to be completed after the Workshop.

Schedule of Outstanding Resolutions

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

Current Status: Policy to be developed.

23 JANUARY 2002

ORDERS OF THE DAY

1. Council Property - Maintenance

Notice of Motion; Museums; Rural Hall – General; Maintenance – Council Buildings

652

Cr Boyd

Cr Davidson

RESOLVED that:-

1. Council be supplied with a list of those buildings and other structures for which Council is responsible, eg country halls, museums etc, for which no funds are specifically earmarked in Council's budget;
2. A specific line item in our budget be included annually to ensure adequate funds are provided for asset management of these items.

Current Status: To be finalised.

20 FEBRUARY 2002

REPORTS FROM DIRECTOR CORPORATE SERVICES

17. Tweed Shire Council Lease from St George Building Society

PF4040/160; DW641143; Leases-Special

692

Cr Marshall

Cr Brinsmead

RESOLVED that Council defers this item pending an outcome on TACTIC funding and that the current month-by-month leasing arrangement continues.

Current Status: DSARD advised of Council resolution.

Schedule of Outstanding Resolutions

REPORTS FROM DIRECTOR CORPORATE SERVICES

5. Councillors Fees, Expenses and Facilities

Councillors – Fees; ICAC

705

Cr Marshall

Cr Luff

RESOLVED that Council defers this item until the ICAC Workshop is held on 27 March 2002.

Current Status: To meeting of 3 April 2002.

ORDERS OF THE DAY

2. Road Upgrades - Tweed Heads South

Notice of Motion; Leisure Dr; R3035 Pt2

722

Cr Lawrie

Cr Youngblutt

RESOLVED that Council conducts a workshop in the near future on the:-

1. Four-laneing of Leisure Drive, Banora Point;
2. Impact of that on the intersection of Machinery Drive and Minjungbal Drive with the combined impact of further residential traffic from the Shallow Bay residential area;
3. Upgrading of Fraser Drive;
4. Connecting of the two halves of Kirkwood Road, either by way of an overpass or tunnel;
5. Role, perceived and legal, of the Roads and Traffic Authority (RTA) in Council's traffic decision-making; and
6. Continued expansion of Flame Tree Park, with added traffic from Tweed Heights, Vintage Lakes Estate, Banora Heights, Terranora and Area E.

Current Status: Workshop to be held 27 March 2002.

3. Council Telephone System

Notice of Motion; Office Equipment - Telephones

723

Cr Beck

Cr Brinsmead

RESOLVED that the new telephone system be looked into as it is not giving the equivalent service that ratepayers previously were accustomed to receiving.

Current Status: Investigation commenced.

Schedule of Outstanding Resolutions

6 MARCH 2002

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

3. **Local Environmental Study and Draft Local Environmental Plan - Seaside City**
GT1/LEP/2000/5

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: See Orders of the Day Item 2 of this business paper.

REPORTS FROM SUB-COMMITTEES

1. **Minutes of the Aboriginal Advisory Committee Meeting held Thursday 10**
January 2002

Aboriginal Matters

1. **Job Leave**

Aboriginal Matters

762

Cr Carroll

Cr James

RESOLVED that this matter be deferred until further information becomes available concerning financial viability and the level of the traineeship which is being proposed.

Current Status: Awaiting further information.

ORDERS OF THE DAY

3. **Land Zoning – Cudgen**

Notice of Motion; GT1/LEP/A113 Pt6; LEP

774

Cr Polglase

Cr Lawrie

RESOLVED that Council requests the Director Development Services to submit a report to Council which:

1. Outlines the findings of the Public Hearing held by Mr P Walsh in respect of the rezoning of land at Old Bogangar Road, Cudgen in August 1999;
2. Reviews the decision of Council on 24 August 1999 to zone the land Rural 1(a) and Rural 1(b) reflecting agricultural land classification and other planning factors;

Schedule of Outstanding Resolutions

3. Identifies what circumstances have changed, if any, in respect of this area since that date; and
4. Identifies if amendments to the Tweed LEP 2000 are warranted.

Current Status: Report being prepared for meeting 3 April 2002.

QUESTION TIME

Kings Forest/Seaside City

GT1/LEP/2000/3 Pt5; LEP – Seaside City

Cr Boyd

Enquired could Council be provided with a report covering the sequential order of events which led up to the decision by the Director-General of the Department of Local Government to institute an investigation into issues concerning Kings Forest and Seaside City covering the period from the commencement of the investigation up to the present.

The General Manager responded that this matter had been addressed in his letter to Mr Murray but he will also prepare a response for Council.

Current Status: Report to be prepared.

Illegal Clearing

Illegal Land Clearing

Cr Boyd

Asked could Council be provided with a report which deals with all of the recent examples of illegal clearing and the actions subsequently taken by Council in each case.

The General Manager took this question on notice and will respond shortly.

Current Status: Report to be prepared.

Police Citizens Youth Club, Tweed Heads

2100.190 Leases Council Prop

Cr Marshall

Asked what is the reason why the lease with Council and the Police Citizens Youth Club, Tweed Heads, not been signed and finalised when it was due two (2) years ago on 1 January 2000.

The General Manager took this question on notice and will respond shortly.

Current Status: The lease to the Police & Community Youth Clubs Ltd of the Twin Towns Youth Club Hall has not been finalised due to the Minister for Land & Water Conservation (DLWC) has not formally given his consent to the lease.

- Draft lease forwarded to DLWC on 19 December 2000. Follow-up letter was forwarded on 21 March 2001 with nil response.

Schedule of Outstanding Resolutions

- 8 August 2001 letter from DLWC stated that the matter of the lease would be given high priority.
 - 4 September 2001 lease in final terms forwarded to DLWC.
 - 17 September 2001 letter from DLWC acknowledging receipt of the lease. To date no further reply.
 - 11 March 2002 letter to Crown Solicitors Office seeking their support to have this matter finalised.
 - 11 March 2002 letter to DLWC requesting that the lease be finalised and Minister's consent be obtained.
-

Schedule of Outstanding Resolutions

THIS
PAGE
THIS
PAGE
IS
IS
BLANK
BLANK

Mayoral Minute

Councillors,

1. Northern Rivers Area Health Service

Councillor Invitations – Hospital Tweed Heads

8 March -Attended the opening by the Premier, the Hon. Bob Carr of the Tweed Hospital State III clinical Services Building at Tweed Heads Hospital.

2. Northern Rivers Symphony Orchestra

Northern Rivers Chamber Orchestra

9 March – Karlene and I were guests at a performance by the Northern Rivers Symphony Orchestra and the’ Dragon Tenors’ at the New Seagulls Club

3. Tweed Chamber of Commerce

Councillor Invitations

12 March – attended the Tweed Chamber Breakfast at South Tweed Bowls Club

4. Johnny O’Keefe Memorial Association Inc

Councillor Invitations

14 March – Karlene and I were invited to attend the “Salute to Johnny O’Keefe” (to protect, preserve and promote the memory of Johnny O’Keefe) at the Twin Towns Service Club

5. Curious Art Chinderah

Councillor Invitations

15 March – opened the Exhibition at the Curious Art Gallery at Chinderah

6. Neighbourhood Watch Group Meeting

Neighbourhood Watch

19 March – will address the Tweed Valley combined Neighbourhood Watch Group meeting at Tweed Heads Bowls Club (organised by the Volunteer Police Service)

Mayoral Minute

7. TEDC Tourism Workshop

Tourism- General/TEDC

19 March – Tourism workshop hosted by TEDC in partnership with Queensland University, CRC Sustainable Tourism and TACTIC at Tweed Heads Bowls Club.

8. St Joseph's Community Centre

Councillor Invitation

20 March - Official Opening and Blessing Ceremony of re-location of St Joseph's Community Centre to Minjungbal Drive Tweed Heads South

INVITATIONS ACCEPTED

- **22 March Graduation Ceremony for Certificate 4 in Business Administration at Minjungbal Museum**
 - **21 March – Citizenship Ceremony (in conjunction with Harmony Day) at Tweed Heads Civic Centre**
 - **22 March – Opening 2000/2001 Doug Moran National Portrait Prize**
 - **23 March – Family Fun Day and Open new Display Village Flame Tree Park**
 - **24 March – Tweed Salvation Army 10 Anniversary & Thanksgiving Service**
 - **26 March – Meeting at Murwillumbah District Hospital**
 - **28 March – Breakfast Launch Latitude 28**
-

Mayoral Minute

ABSENCES FROM SHIRE BY GENERAL MANAGER AND DIRECTORS

➤ **General Manager (John Griffin)**

Nil

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

Nil

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

19 March 2002

Mullumbimby

Tweed/Brunswick Valley Committee Meeting

21 – 22 March 2002

Sydney

Lectures for University of Sydney "Planning Procedures & Practice"

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

Nil

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

13 March 2002

Carrara

Alternate Waste Technology Meeting

20 March 2002

Sydney

Local Government Liaison Committee Group Meeting

Mayoral Minute

THIS
PAGE
THIS
PAGE
IS
IS
BLANK
BLANK

Items Deferred

ITEM DEFERRED FROM MEETING 20 FEBRUARY 2002 AND 6 MARCH 2002

*3a. The Erection of Tourist Accommodation Comprising of 4 Units at Lot 6 DP9453
Section 3 No. 4 Sutherland Street, Kingscliff*

DA5345/280 Pt1

737

Cr Boyd

Cr Beck

RESOLVED that this item be deferred at the request of the applicant.

This item is the subject of a further report at item no 10 of this agenda

3a. ORIGIN: Development Assessment Unit

FILE REF: DA5345/280 Pt1

REPORT TITLE:

The Erection of Tourist Accommodation Comprising of 4 Units at Lot 6 DP9453 Section 3 No. 4 Sutherland Street, Kingscliff

SUMMARY OF REPORT:

Council is in receipt of a development application for the erection of multi dwelling housing comprising four (4) units and their use as tourist accommodation on the subject land.

The applicant has amended the original plans submitted in an attempt to propose a development that is more consistent with the site controls. However the proposal still requires the use of State Environmental Planning Policy No. 1 – Development Standards as the buildings include variations from the two storey height limitation.

In addition to varying the height to four (4) and three (3) storeys in part the development proposes variations to side setbacks and the building type identified for the precinct. The variations being sought are considered to be unsustainable. The proposed development is concluded to be substantially unacceptable for the site and in relation to the Tweed Local Environmental Plan and a number of Development Control Plans. Refusal on the grounds specified is recommended.

RECOMMENDATION:

That development application 0758/2001DA for the erection of tourist accommodation comprising of 4 units at Lot 6, DP 9453, CA/Section 3, No. 4 Sutherland Street, Kingscliff , be refused for the following reasons:

Items Deferred

- a) Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development exceeds the height limitation of the Tweed Local Environmental Plan 2000,
- b) Pursuant to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not meet the building type for the site provided under Development Control Plan No.43 – Kingscliff,
- c) Pursuant to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not meet the building setback requirements provided under development Control Plan No.6 – Multi Dwelling Housing,
- d) Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, in respect of the built environment impacts through precedence of that development to development of adjoining or other land in the locality,
- e) Pursuant to Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development is unsuitable for the site and is likely to impact on the existing amenity and character of the locality through the precedence of that development to development in the locality,
- f) Pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development undermines the planning objectives for the locality and precinct and would not be in the public interest.

Items Deferred

REPORT:

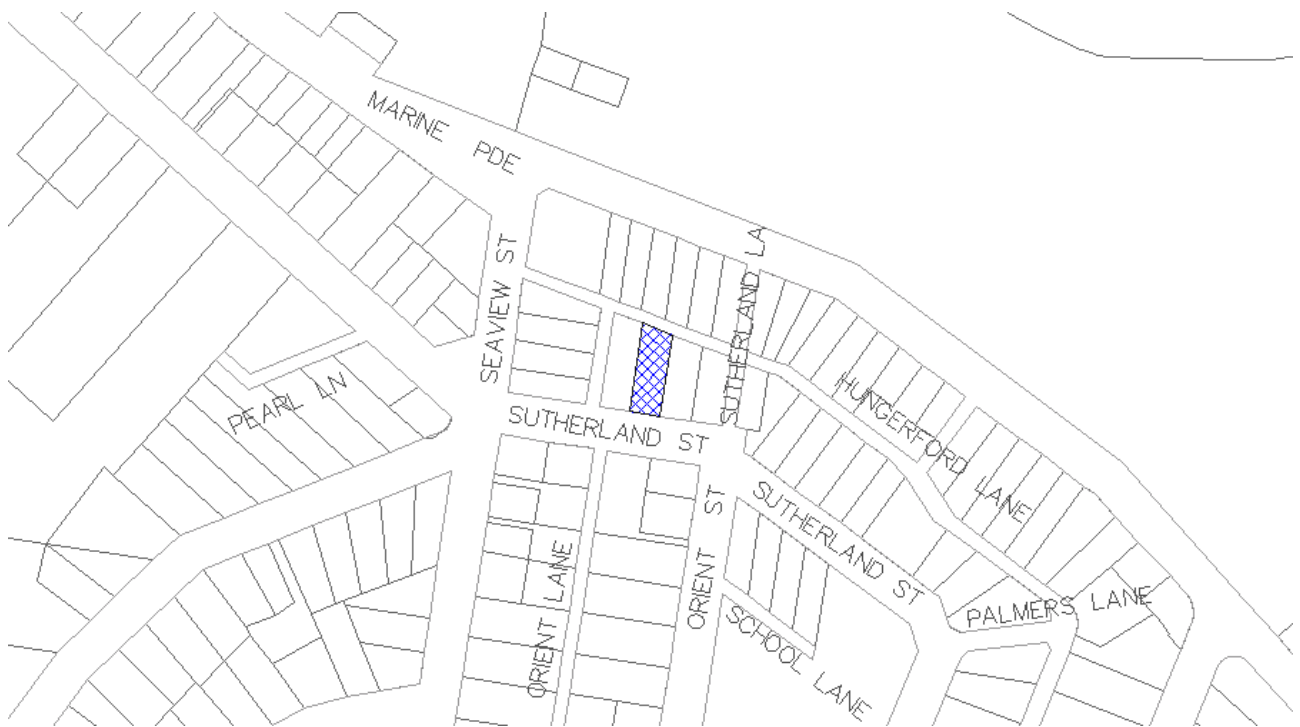
Applicant: Blue Arc Network
Owner: Mr Alan & Mrs Denyce Powell
Location: Lot 6, DP 9453, CA/Section 3, No. 4 Sutherland Street, Kingscliff
Zoning: 2(b) Medium Density Residential
Est Cost: 800000

BACKGROUND

Council is in receipt of a development application for the erection of tourist accommodation comprising 4 units on the subject land. The application has been accompanied by a Building Line Variation, Fence Height Variation and an objection under State Environmental Planning Policy No.1 – Development Standards to the height limitation of the subject land.

The applicant provided a revised set of plans on 13/2/2002 in attempt to modify the proposal to be in keeping with the development control plans and expectation of the locality. The application still requires a number of variations to the development control plans and the height limitation of the subject land.

SITE DIAGRAM



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

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

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

Items Deferred

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

Tourist accommodation is permissible with the consent of council in the subject zone providing the provisions of Clause 8(2) of the TLEP 2000 can be satisfied. Clause 8(2) requires the applicant to demonstrate to the satisfaction of the consent authority that:

- a) The development is necessary for any one of the following reasons:
 - i. It needs to be in the locality in which it is proposed to be carried out due to the nature, function or service catchment of the development,
 - ii. It meets an identified urgent community need,
 - iii. It comprises a major employment generator and
- b) There is no other appropriate site on which the development is permitted with consent development (other than as advertised development) in reasonable proximity, and
- c) The development will be generally consistent with the scale and character of existing and future lawful development in the immediate area, and
- d) The development would be consistent with the aims of this plan and at least one of the objectives of the zone within which it is proposed to be located.

The applicant has submitted that there is an urgent community need for tourist accommodation at Kingscliff and that the development will be a major employment generator through the employment of tradesmen during construction and the service industry in servicing the apartments.

The applicant contends that there is no other appropriate site on which the development is permitted with consent in reasonable proximity. The proposed development is contended to be consistent with the scale and character of the existing future lawful development and is consistent with the zone objectives.

Comment

The proposed tourist accommodation could be considered to be a need in the locality due to the importance of Kingscliff as a tourist destination. In terms of satisfying the three remaining requirements:

- The nearest area of land where tourist development is permissible with consent not requiring the use of Clause 8(2) is the areas zoned 3(b) within the township of Kingscliff. Other zones in the area where such is permissible with consent are 2(e) Residential Tourist and 2(f) Tourism located in the Casuarina and Catherine Street areas.
- The scale and character of the proposed development is not in keeping with the building type as identified in DCP No. 43 - Kingscliff or the Tweed Local Environmental Plan 2000 Height Limitation and Development Control Plan No.6 – Multi Dwelling Housing requirements. The standards contained in these instruments are indicative of the development expectations for the precinct in which the subject site is located.

Items Deferred

- The secondary objective of the zone allows for tourist development. While the proposed tourist accommodation is permissible the scale of the proposal is not considered to be consistent with the intended character of the precinct or consistent with the following aim of the plan:

To encourage sustainable economic development of the area of Tweed compatible with the area's environmental and residential amenity qualities.

The applicant has presented a position in his submission that could be considered to satisfy the provisions of Clause 8(2). However the justification presented is not considered to be sustainable.

Clause 15 of the LEP states that Council must not grant consent to development where the required essential services are not available. The subject land is within the urban area of Kingscliff and has the benefit of essential services.

Clause 16 of the LEP, through a height limitation plan, sets a maximum height or number of stories applicable to the land. The subject land is identified as being of a two (2) storey height limitation. The proposed building is in part four (4) stories and three (3) stories. The proposed building to Sutherland Street requires a SEPP 1 Objection to the two (2) storey development standard for the whole of the building. A full assessment of this standard is provided in this report.

Clause 17 of the LEP requires social or economic impact assessment for proposed development which is likely to have a significant social or economic impact in the locality. Further assessment of the proposed development is contained in this report under Development Control Plan No.45 – Socio-Economic Impact Assessment.

Clause 35 of the LEP requires an assessment of the proposed development in relation to impact on acid soil material. As the subject land is in a Class 5 acid sulfate soils area and does not immediately join property of a low soil class, further assessment of this matter by way of preliminary investigations is not required. The provisions of Clause 35 can be considered to be satisfied.

State Environmental Planning Policy No.1 – Development Standards

The development application is accompanied by an objection under SEPP1 to the building height development standard. The subject land is in a two storey height area. The objective of the height of building provisions is:

To ensure that the height and scale of development is appropriate to its location, surrounding development and the environmental characteristics of the land.

The applicant has submitted that the proposal is consistent with the objectives of the building height restriction, having regard to matters of amenity, privacy, bulk and scale, aesthetics and character.

The following points were offered by the applicant in support of the proposal (summarised):

- In terms of visual accessibility (passing traffic etc), the vast majority of exposure is afforded from the Sutherland Street frontage. This elevation will provide for two storeys only, thereby giving the visual and practical impression of compliance, not to mention, consistency with surrounding development.
- The proposed bulk and scale of the development is not inconsistent with other proposals within the immediate area, including development at the corner of Seaview & Sutherland

Items Deferred

Streets and additions to the ANZ bank building on Marine Parade. There is significant market demand for land within this area, thereby necessitating greater utilisation of space.

- The nature of the zoning will in time vary the character and built form of the locality via the promotion of higher densities and increased bulk and scale (relative to existing single dwellings). Future increases in density and bulk and scale will also come about by way of the sites proximity to commercial zoned land (which will also be subject to substantial redevelopment). In any event, the proposal represents a consistent approach to both the existing a likely future character of the area. The proposal is also considered to be consistent with the form and mass of adjoining residences to both the south and north.
- The proposal has been designed to mesh into the slope joining Sutherland Street and Hungerford Lane. The proposed stepping of the proposal ensures that it does not impose itself on the character of the locality, rather it assists in ensuring compatibility with adjoining properties and likely future developments.
- The site lends itself to higher density development given its relative location to the commercial centre and recently approved developments.
- Proposal is in sympathy with the objective of the height of buildings standard. There will be little impact to neighbouring residents, with minor view loss to residents on the opposite side of Sutherland Street.
- Complies with the objectives of the act.

Comment

The proposed development exceeds the building height limitations for all of the building to the Sutherland Street frontage, as follows:

- From the side elevation of the proposed building for 11.5 metres in length the building is three (3) stories in height. This equates to the building being 8.0m to 8.5m in height on the side elevation and to the Sutherland Street frontage. From the street level the proposed building is 7.0m to 8.5m in height.
- From the side elevation of the proposed building for 3.2 metres in length the building is four (4) stories in height. This equates to the building being 10.5m to 11.0m in height.

The proposed development exceeds the building height limitation for part of the building to the Hungerford Lane frontage, as follows:

- From the side elevation of the proposed building for 7.0metres in length the building is three (3) stories in height. This equates to the building being 7.0m to 8.0m in height on the side elevation and 8.5m to 9.5m in height from the Hungerford Street elevation.

The following comments are made in relation to the justification provided by the applicant.

- The examples the applicant refers to are in the three storey limitation area rather than the two (2) storey area.
- The subject land can be redeveloped without under utilisation and still comply with the height limitations of the site.
- Future redevelopment of the adjoining sites would also need to comply with the standards applicable. Redevelopment of adjoining properties will need to be undertaken in accordance

Items Deferred

with applicable standards to ensure a continuous wall of facades to Sutherland Street of a height greater than the expectation for a two storey development does not eventuate.

- The design does not step down the slope to the extent required to comply with the height limitations. The adjoining properties contain single dwelling houses that may in the future be redeveloped to contain multi dwelling housing. Such future proposals will also be required to step down the slope and comply with the height requirements and other requirements contained in development control plans.
- The site has not been identified for three storey development since the Tweed Local Environmental Plan 1987. The site has never been identified as 'lending itself to higher density development'. The headland and topographical features of the locality are intended to be preserved through the limitation of development to two (2) stories. Close proximity to the business zone has resulted in the site being identified as 2(b) Medium Density Residential rather than a lower density.
- The impact to adjoining neighbours comment has been limited to view analysis and has not addressed the overshadowing issues raised by the height limitation being exceeded.

The following report details the issues raised by the SEPP 1 such as residential amenity, impacts to streetscape, overshadowing and view assessment. The reasons provided by the applicant are not considered to justify the variation to height. It therefore is considered that the application should not be supported.

The applicant provided a further submission in relation to the height limitation on 14/2/2002 in relation to the precinct objectives held in DCP 43 – Kingscliff. The following points were made (summarised).

- The development of the site is consistent with the Medium density designation of the land and is not considered to be an over development.
- The building respects the slope and allows for the retention of views from adjoining properties. The amount of the building that steps down the slope is constrained by the height of development on Marine Parade, the levels on the site, access to the garages from Sutherland Street and the need to maximise views and breezes.
- The height of the Sutherland Street building is dictated by the height of the Hungerford lane building. If the Sutherland Street were to comply and be lowered into the ground, the living areas would face directly into the rear of the Hungerford Lane building.
- The subject site would not be visible along the Marine Parade elevation. The proposed four stories would not be dominant from Hungerford Lane as it would be hidden behind the building to the south and the proposed building on Hungerford Lane.

The comments made above in relation to the original SEPP 1 submission are considered to still be relevant in light of this more recent submission. The applicant has proposed a building design that is not considered to be appropriate for the subject land. Rather than attempting to vary the controls to this degree it is considered that the design should be more appropriate for the site.

Items Deferred

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

Development Control Plan No 2 - Site Access & Car Parking Code

| Standard | Requirement | Variation/complies |
|---------------------|-----------------------|--|
| On site car parking | 1/unit and 0.5/ staff | One covered space per unit is provided. There are no further spaces provided on site without such being stack parking. Does not comply with staff parking requirement. |

The applicant has submitted that the proposed development does not need to provide staff car parking as the subject land is within 50 metres from the Paradiso on the Beach development and this site will be managed in conjunction with that development.

This justification does not take into account service vehicles required for maintenance of the building and while the site may be in walking distance from the larger development the nature of tourist accommodation is such that the provision of staff parking should be afforded to the development site.

Development Control Plan No 6 - Multi-Dwelling Housing

The applicant has held the view that DCP 6 does not apply as the development is for tourist accommodation. DCP does apply to multi-dwelling housing and covers a wide variety of housing forms such as dual occupancy, terraces, villas, townhouses, integrated housing and three storey residential flat buildings.

Whilst the DCP does not refer to tourist development, the proposed tourist accommodation is to be provided in a four town houses. The built form is such that DCP 6 applies. The following table assesses the proposed development in relation to the provisions of DCP No.6.

| Standard | Requirement | Variation/complies |
|-------------------|---|---|
| Floor Space Ratio | 0.5:1.0 | Variation sought. The total floor area proposed is 742m ² including the garages. The site area is 642m ² resulting in a floor space ratio of 1.1:1.0. This is a significant variation. |
| Landscaped Area | 80m ² per unit = 320m ² | Complies Landscaped area proposed is 407m ² . |

Items Deferred

| Standard | Requirement | Variation/complies |
|-------------------------------|---|---|
| Setbacks from street boundary | 6.0m to Sutherland Street and 3.0m to Hungerford Lane | Variation sought. The front setback to Sutherland Street is encroached into by 1.5m of the building. The Hungerford Lane frontage is encroached into by the garden room located on Level 1 which is a terrace supported by perforated walls to the ground level. |
| Front fences and walls | 1.2m max if solid | A fence height variation is sought by the proposed development. |
| Building Envelope | 45° from 3.5m high at the boundary | Variation sought. The building envelope is substantially encroached into. Due to the slope of the land the areas of encroachment change over the site however such includes substantial areas of the roof, eaves and parts of the buildings at both the Sutherland Street and Hungerford Lane frontages. |
| Side setbacks | 3.0m | Variation sought. Encroachment refer to report. |
| Car Wash Areas | 1 required per 10 units. | Variation sought, no car wash bays proposed. |

Building Surveyors Report Front Building Line

Council's Building Surveyor recommended that approval be granted to vary the six metre building alignment to Sutherland Street to permit the construction of a dual occupancy with the western wall of the upper level stairwell standing up to 4.6 metres from the western property boundary.

The Director of Environment and Community Services has not objected to the building line variation providing all other aspects of the proposal are considered to comply. The proposed development is seeking a number of variations that are not considered sustainable under this development control plan.

Development Control Plan No 43 - Kingscliff

The subject land is within the Kingscliff Hill Precinct. The objectives of the Kingscliff Hill precinct are to:

Items Deferred

- Facilitate the development of the precinct as a predominantly low density residential area;
- Develop the Kingscliff Hill medium density zone as an attractive residential area, with buildings that respect the slope of the land and allow for the retention of views available from adjoining land;
- Encourage development to take advantage of available views and climatic effects;
- Ensure that development on visually prominent sites is relatively unobtrusive;
- Preserve the traditional character of existing laneways.

The subject land is identified as being suitable for Type 5 Buildings. These buildings step down the slope in such a way that there are no more than two (2) storeys at any one point. The proposed structure does not comply with the building type required, which presents as a single storey residence to the street frontage and steps down the slope with sections of the development being single storey.

The DCP also has requirements for development to Hungerford Lane. This is to ensure that development fronts the laneway with low fences and landscaping rather than a continuous row of garage doors blank walls or high fences. The proposal complies with this requirement to the extent that there are units fronting the lane, and landscaping and fencing is proposed.

The proposed development does not comply with the building type identified for the subject land or the building height plane and setbacks as required by DCP 6 that are reinforced in DCP 43. Given these deviations the proposed development is not considered suitable for the site.

(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

Built Environment

The proposed development exceeds the height limitations of the precinct. The impacts of the variation of the development on the built environment are significant as they result in the built form being two, three and four stories in height as opposed to the two storey limitation.

There are constraints with the land form that have resulted in dwelling houses in the precinct being considerable in height due to the fall of the land, however proposed redevelopment of these dwellings would need to comply with the provisions of the DCP's for the precinct.

The effect of the height of the proposed buildings, and the encroachments into the building height plane to adjoining properties will result in over shadowing. This over shadowing has been presented on plans with the application, however as the design of the Sutherland Street building has changed, the information contained on these diagrams is no longer relevant.

The encroachments into the side setbacks result in a reduction in privacy between the buildings and in the future potentially between multi dwelling housing developments. The three (3) metre setback is to ensure amenity to adjacent dwellings and land. Allowable encroachments into the side setbacks are pergolas, screens or sunblinds and roof terraces. The proposed development has sections of the buildings built to the boundary (garages), and setback 1.5m and 2.0m from the side boundary.

Items Deferred

While the design includes timber screens to windows it is considered that the side setback encroachments will reduce the residential amenity between the properties.

The proposed two buildings have a gap of approximately 2.0m and landscaping is provided to the terrace areas these features provide some relief from the bulk of the proposed buildings.

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

Topography

The subject land is relatively steep with a fall of 9.7 metres over the site. The Kingscliff Hill precinct has been identified as being suitable for the given building type due to the topographical constraints of the site. The proposed development is considered to be unsuitable for the subject land due to the fall over the site. An alternative design could comply with building type and still enable the land to be developed for multi dwelling housing.

Accessibility

As the subject land has the benefit of rear lane access from Hungerford Lane the site is not constrained by limited access. The original submission proposed access from Sutherland Street to two garages which was considered to be inappropriate as the proposed buildings limited access to and from the garages in a manner considered to be undesirable. These plans have been amended to enable access from the garages at the Sutherland Street frontage, as well as the access from Hungerford Lane.

Tourist Accommodation

The proposed multi dwelling housing is intended to be used as tourist accommodation. The adjoining land uses to the sides of the subject land are residential, with the properties fronting Marine Parade being commercial. The use of the multi dwelling housing as tourist accommodation is not considered to be out of character with the area.

The residences within the same precinct would appear to be utilised as primary places of residence. During the advertising period there were no objections received to the proposed development and the site being managed as tourist accommodation. There are other areas identified in Kingscliff as being more appropriate for tourist development.

The use of the land for tourist accommodation is not considered to be unreasonable, rather the proposed design of the buildings is considered to be inappropriate for the site.

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

The development application was advertised in accordance with Council's policy for a period of fourteen days during which no submissions were received.

(e) **Public interest**

The proposed development requires a number of variations to requirements held within the Tweed Local Environmental Plan 2000 and Council's Development Control Plans that apply to the site. These controls have provided planning objectives for development within the Kingscliff Hill Precinct which are relevant to land adjoining the subject site and within the locality.

Items Deferred

The level of variation being sought is considered to be unreasonable and unsustainable in the precinct. Adjoining properties and the redevelopment of other land within the locality will be required to have a greater regard for the controls than that given by the proposed development.

It is not in the general public interest to enable the planning objectives for the site to be undermined by the proposed development.

OPTIONS

1. Refuse the proposed development for the reasons provided.
2. Recommend that conditions be prepared and that Assumed Concurrence be utilised under State Environmental Planning Policy No. 1 – Development Standards to vary the height limitation to grant conditional consent for the proposed development.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

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

CONCLUSION

The application proposes development that has major variations to the Tweed Local Environmental Plan and a number of Development Control Plans. The extent of the variations is well beyond what could be considered reasonable.

The applicant has presented justifications which argue that the controls for the site are unreasonable or unnecessary. The site is limited by the nature of the fall over the site, 9.7 metres, and will need a design sensitive to the site constraints and the objectives of the precinct.

The proposal is concluded to be substantially unacceptable for the site and is therefore recommended for refusal.

Plans showing elevations are Annexure 1 to this report.

Items Deferred

ITEM DEFERRED FROM MEETING 6 MARCH 2002

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

6a. *Proposed Rifle & Pistol Range at Lot 6, DP 619717 Fernvale Road, Fernvale*

DA2040/210 Pt1

745

Cr Boyd

Cr Luff

RESOLVED that Item 6a being an Addendum item be deferred to the next meeting of Council.

6a. ORIGIN: Development Assessment Unit

FILE REF: DA2040/210 Pt1

REPORT TITLE:

Proposed Rifle & Pistol Range at Lot 6, DP 619717 Fernvale Road, Fernvale

SUMMARY OF REPORT:

The applicant has submitted a development application for a proposed Rifle Range at Lot 6 DP 619717, Fernvale Road, Fernvale. The land has an area of 126 hectares is zoned 1(a) Rural under Tweed Local Environmental Plan 2000, and has been used in the past for grazing of animals. The proposal is defined under Tweed LEP 2000 as a Recreational Area, and is permissible with Consent in the zone.

The application was advertised in the Tweed Link and adjoining and nearby residents were notified. Fourteen submissions and a petition with twenty signatures were received objecting to the proposed development on a range of grounds including safety, noise, adequacy of noise testing, and general impact on the amenity of the area. Additional information was sort from the applicant to address concerns raised from the submissions and it is recommended Development Consent be granted restricting approval to a 12 month period. This will enable Council to reassess the operation of the Rifle Range should the applicant wish to continue to operate from the site following this twelve month period.

RECOMMENDATION:

That Development Application 1208/2001DA for a proposed rifle & pistol range at Lot 6, DP 619717 Fernvale Road, Fernvale be approved subject to the following conditions for the following reasons:-

Items Deferred

PREREQUISITES

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

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

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

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

- a. Tweed Road Contribution Plan: \$52.65
(Sector 10 Kielvale – Commercial)

N.B. Road contributions based on the Rifle Range operating only for 12 months at One day per week)

GENERAL

2. The development shall be completed in general accordance with Plans Nos 1 and 2 prepared by Project International and dated October 2001, and Plan No. 3 dated October 2001 except where varied by these conditions.
3. 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.
4. No soil, sand, gravel, clay or other material shall be disposed of off the site.
5. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
6. In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with AS1428-1993 Parts 1 to 4 - Design for Access and Mobility.
7. 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.
8. 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.
9. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a. footings, prior to pouring of concrete
 - b. frame prior to the erection of brick work or any wall sheeting

Items Deferred

10. 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.
11. 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.
12. The rifle range is to be sited between the two knolls/ hillocks as indicated on Plan No. 2 prepared by Project International and dated October 2001 and as directed by the Licensing requirements of the NSW Police Force.
13. A Four-stranded Barbwire Fence or similar to be erected around the rifle range to the satisfaction for the Director of Development Service prior to the Rifle Range opening.
14. All gates and the fence surrounding the range is to be appropriately sign posted to the satisfaction of the Director of Development Services.
15. The operation of the Rifle Range is restricted as such:
 - One day per week;
 - Monday to Saturday 10.30 am to 4 pm and only two Saturdays in any single month;
 - The shooting of firearms on Sundays and Public Holidays is prohibited; and
 - A notice sign to be erected at the entrance to the property advising the public of the dates when the rifle range will be in operation each month. Detailed plans of the sign to be submitted to the Director of Development Services for approval
16. A maximum of five “baffles” to be constructed to shoot from. All shooting of firearms to take place from these “baffles”.
17. Any licences or approvals required from the NSW Police Force to be obtained prior to the Rifle Range becoming Operational.

Items Deferred

18. The Rifle Range is to operate on a temporary basis for a period not exceeding one year unless further approval is granted by Council to operate the range for a longer period of time. This 12 month period will commence with the issue of the appropriate license from the NSW Police Force. A copy of the license is to be forwarded to Council.
19. Adequate Public Liability Insurance to be kept up to date to cover the operations of the Rifle Range.
20. Firearms of the same calibre as those tested and recorded by Steven Cooper Acoustics in the Noise Assessment Report dated October 18, 2001 are to be fired at the rifle range, unless further approval has been is granted by Council.

PRESCRIBED (BUILDING)

21. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
22. 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.
23. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least **2 days** prior to work commencing.

ROADS/STREETS

24. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road. If the proposed development requires driveway access (or modification of access) onto a public road, prior to the issue of a construction certificate and prior to any works taking place on the public road, a detailed application for access/driveway under Section 138 of the Road Act must be submitted to and consent granted by Council. Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.
25. Provision of adequate vehicular access in accordance with Council's "Access to Property" pamphlet including the following specific work

Items Deferred

- i. Construct a 3 metre wide 100 mm thick gravel access including bitumen sealing from the road carriageway to a point 60 metres past the dwelling on the neighbouring property.
- ii. The works are to be completed to the satisfaction of the Director of Development Services.

ENVIRONMENT PROTECTION

26. 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.
27. 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.
28. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays.
29. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.
30. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan "*Tweed Shire Council Aus-Spec D7 - Stormwater Quality*" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond has been released.
31. A Lead Management Plan to be submitted and approved by the Director of Environment and Community Services prior to the Rifle Range becoming operational. The Plan is to be prepared by a suitably qualified person.
32. Approval is required under Section 68 of the Local Government Act 1993 for the installation of the composting toilet prior to the Rifle Range becoming operational.
33. Upon receipt of valid noise complaints to Council, the applicant upon written request from the Director of Environment and Community Services, shall submit a further Noise Impact Assessment Report from a suitably qualified person. The report shall provide recommendations to ameliorate any adverse noise impacts identified by Council. The Rifle Range shall cease operating until the report is prepared and any necessary ameliorative measures are put in place.

Items Deferred

REPORT:

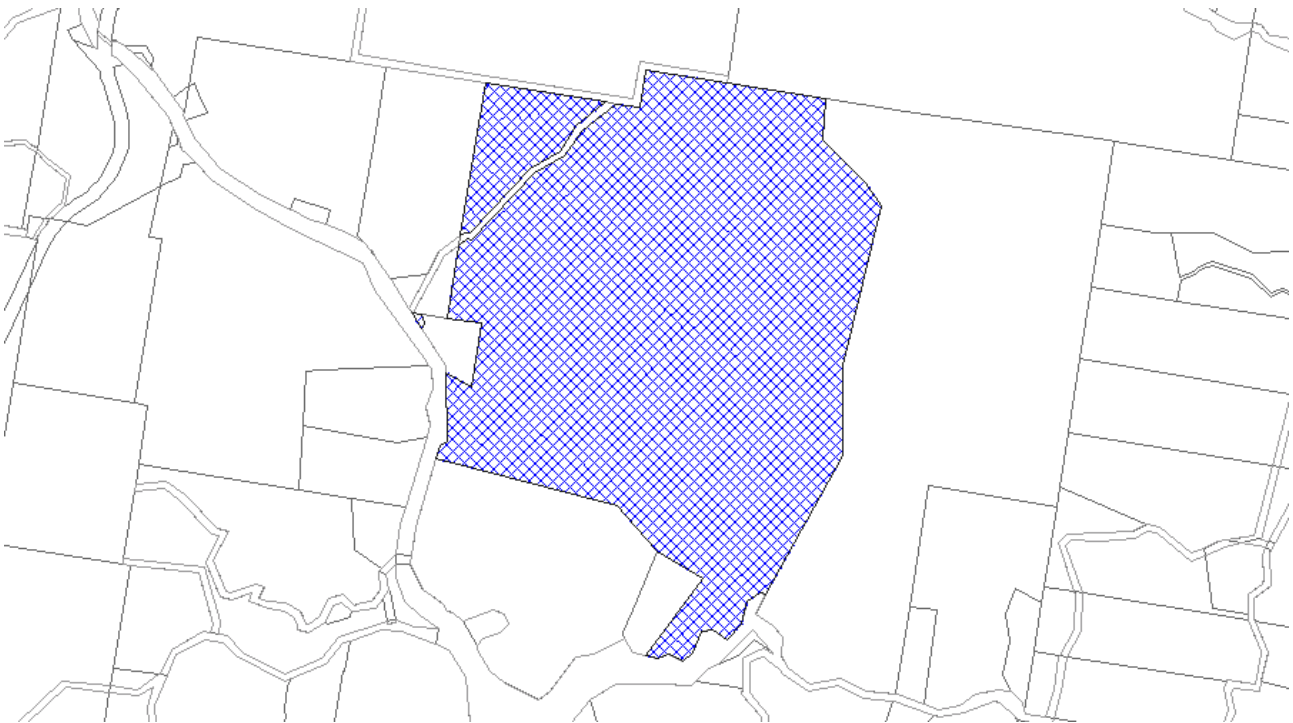
Applicant: Sporting Shooters Association of Australia (NSW) Tweed & Districts Branch Inc.
Owner: Messrs WJ, D, LJ & CS Dickinson
Location: Lot 6, DP 619717 Fernvale Road, Fernvale
Zoning: 1(a) Rural
Cost: \$625

BACKGROUND

Proposed rifle range is to be located on a property with an area of 126 hectares. The land is located to the south of Murwillumbah with access to the property from Fernvale Road. The rifle range is to be sited between two small knolls with the firing distance to targets to be no greater than 100 meters. Construction works include onsite toilet facilities, “baffles” to fire from, and targets. It has been proposed the range could be open 6 days per month, but the exact hours of operation have not been specified. It has been proposed that the range could accommodate a variety of weapons including shotguns, rifle and pistols.

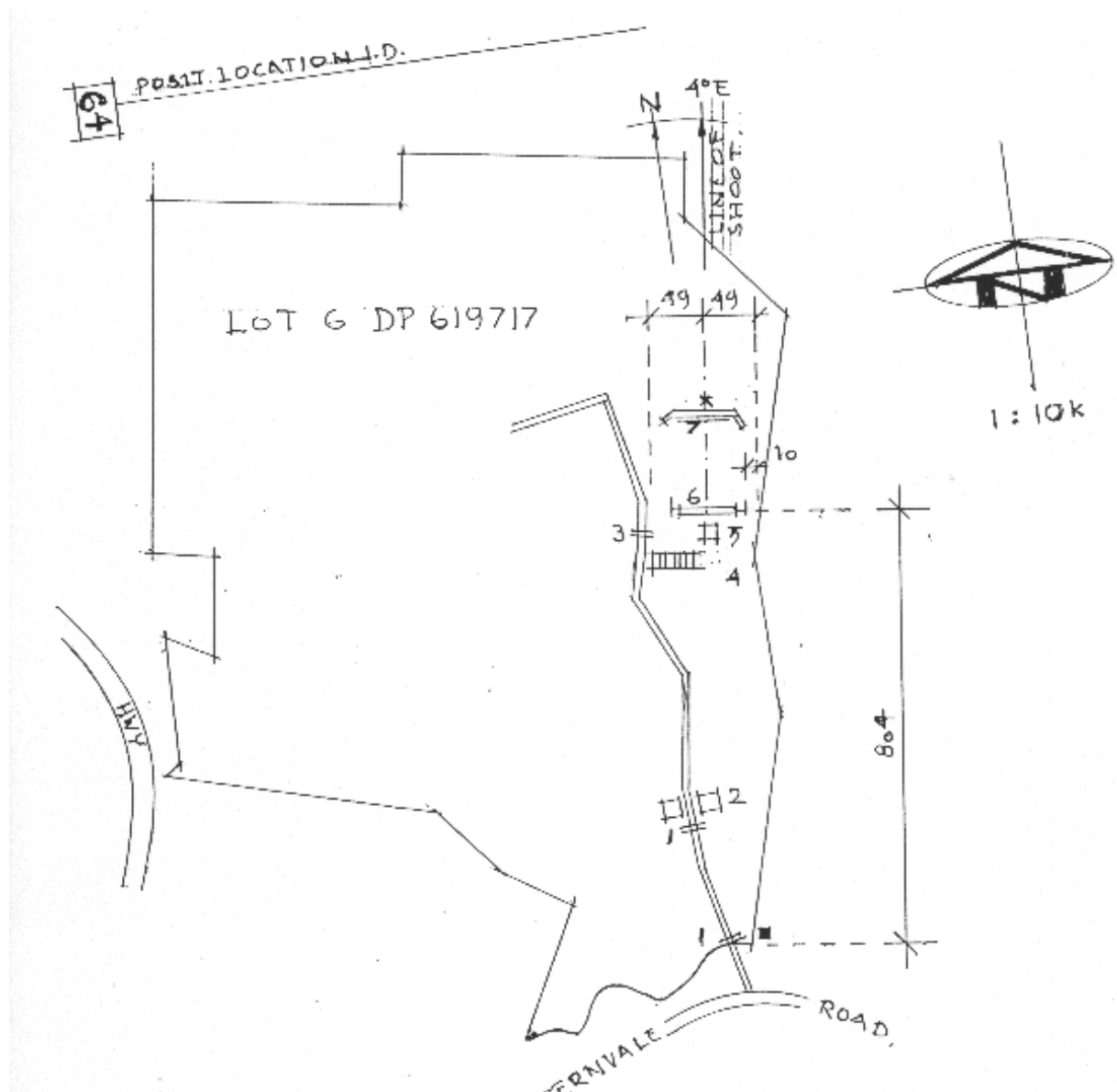
Should the application be approved the applicant would be required to obtain the necessary license from NSW Police Force prior to operation.

SITE DIAGRAM



Items Deferred

SITE PLAN: PROPOSED RIFLE RANGE



LEGEND TO LOCATION MAP

1. GATE ONTO PRIVATE PROPERTY (lockable)
2. YARDS (existing)
3. GATE (closing shooting range -lockable with warning regulation signs and flag)
4. CARPARKING SPACE (shooters only)
5. TOILET (with disabled access)
6. SHOOTING LINE
7. TARGETS

PROJECT INTERNATIONAL (NSW)
 A. R. von WINTERBERG PhD(Arch),PND (Envirt)
 Chartered Architects
 2 McAuleys Road TERRANORA NSW 2488
 Tel/Fax 4161(0)7 45 904 314
3/10.01
[Signature]

Items Deferred

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

(A) (I) THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

TWEED LOCAL ENVIRONMENTAL PLAN 2000

The proposed development is defined under Tweed Local Environmental Plan 2000 as a Recreation Area, being an area used for sporting activities or sporting facilities.

Clause 11 – 1(a) Rural Zone

Recreation areas are permissible with development consent in the zone. The development is not inconsistent with the objectives of the zone, and should not prevent the land being utilised for its primary purpose in the future. Rifle ranges by their nature are unsuitable in urban areas, and it is considered, with the imposition of appropriate conditions the Rifle Range can operate without impacting on the amenity or rural character of the area. These include conditions to restrict hours of operation to between 10.30 am and 4 pm Monday to Saturday and that the range be open only 1 day per week with a maximum of only two Saturdays in any month, and the number of “baffles” be restricted to 5.

Appropriate conditions are also recommended for the removal of spent shot and the like from the target area to prevent the spread of lead contamination into adjoining waterways.

Clause 35 Acid Sulphate Soils

The land is identified as Class 5 Acid Sulphate Soils, and therefore no such soils will be disturbed by constructing the Rifle Range.

North Coast Regional Environmental Plan 1988

Clause 12 Impact of Development on Agricultural Activities

The proposed rifle range will not impact on prime crop or pasture land, nor impact on adjoining or adjacent agricultural land, which is used for horticultural activities (bananas and passionfruit) and the grazing of animals.

Clause 82 Sporting Fields or Specialised Recreation Activities

Council is required to consider the suitability of access to sporting fields and recreation facilities under this clause. From a site inspection an unsealed access track services the Rifle Range from Fernvale Road. The access track is relatively steep at the entrance to the property and is adjacent to a dwelling on a neighbouring property. It is considered that two wheel drive vehicles would have difficulty negotiating this part of the access track. It has been recommended that the access to the property be upgraded by sealing the driveway into the property from Fernvale Road to a point 60 meters past the entrance gate to ensure an acceptable level of public access and to minimise dust and the like affecting the neighbouring dwelling.

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

Council has resolved pursuant to Section 54 of the Environmental Planning and Assessment Act 1979 to prepare Draft Tweed Local Environmental Plan 2000

Items Deferred

(Amendment No. 9) to rezone the land for industrial purposes. The proposal defined as a Recreation Area is also permissible with consent in the 4(a) Industrial Zone, and as such the draft LEP has no implications to the permissibility of the Rifle Range on the land. However should the land be rezoned and subsequently developed for industrial purposes as a staged development, the safety of the range will need to be re-assessed. As approval has been recommended for an initial twelve month period of operation, this will provide Council with the opportunity to re-assess the development with regard to the future industrial usage of the land.

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

DCP No. 2 – Site Access and Parking Code.

Adequate land is available on site for parking of vehicles when the rifle range is open. Appropriate conditions of consent recommended in relation to sealing of the accessway into the property.

DCP No. 42 – Notification of Development Applications

Proposal was advertised and exhibited in accordance with the DCP. Fourteen Submissions and a petition were received objecting to the proposal on a variety of grounds. These are discussed below.

(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 development has the potential to impact on both the built and natural environment from noise, stray munitions, and contamination of the waterway from lead shot and effluent, and construction activities. Each of these issues are addressed below.

1. Noise

The applicant has submitted an acoustic noise report, which tested a variety of firearm from the proposed site with measurements taken from four surrounding positions to the north, south, east and west. Firearms tested included rimfire rifles and pistols, revolvers, semi automatic pistols, rifles and shotguns. The testing indicated that a residence approximately 1 kilometre to the west of the rifle range was the worst affected property having Direct Line of Sight to the range. The larger calibre rifles and pistols were louder than the smaller rifles and pistols, with the 22 Rimfire Rifle being barely audible.

Using EPA guidelines for noise testing of rifle ranges Council's Environment and Health Services Unit have assessed the noise report. The difficulty in assessing such a proposal is that there are no clear EPA Guidelines as to what is an acceptable level of noise for a specified period of time. That is the guidelines provide for an assessment of a single noise event e.g. a single rifle shot, against background noise levels. The noise assessment does indicate that sound pressure levels to be experienced will be within EPA guidelines but on the upper end of the acceptable limit.

Consequently it has been recommended the number of baffles or shooting positions be limited to 5 and hours of operation restricted to Monday to Saturday 10.30 am to 4 pm, only 1 day per week, with a maximum of only two Saturdays in any month. Should Council receive further noise complaints regarding the operation the Rifle Range, Council will request a further Noise Impact Assessment Report. The report shall provide recommendations to ameliorate adverse

Items Deferred

noise impact. Such measures could include limiting the size of the calibre of rifles and pistols and the installation of noise insulation into the “baffles”.

2. Stray Munitions

The rifle range is to be sited between two knolls with the firing line being directed from one knoll into the side of the other knoll. Further shooters are required to fire from a “Baffle” which is a built enclosure with extended walls known as “wings” and an extended roof. The shooter when in a firing position should only have line of sight to the target. Therefore if a shooter misses the target, munitions should not stray any further than the knoll, and there is no need for a fallout area. Threat to life stock, property and human life is therefore all but eliminated. The applicant has also proposed as a safety measure the erection of flags and signage when the rifle range is in operation, and as a condition of consent it is recommended that a four stranded barb wire fence or the like be erected around the rifle range to provide a barrier to livestock and humans.

3. Effluent Disposal

The applicant is proposing to install a composting toilet and associated facilities on-site, which have been assessed by Council’s Environment and Health Services Unit as satisfactory having regard to the environment and anticipated usage. An approval is required under Section 68 of the Local Government Act for such a system, and appropriate conditions have been recommended.

4. Spent Shot

The applicant has proposed to remove periodically spent lead projectiles from the target area and recycle the lead accordingly. The target areas will have sand backstops that can be sifted to remove spent shot. The potential exists for lead to contaminate waterways and ground water systems. What has been proposed is considered to be inadequate and it is recommended that a Lead Management Plan be submitted to Council for approval prior to the Rifle Range opening.

Appropriate conditions of consent have been recommended.

5. Construction Activities

Appropriate conditions of consent have been recommended for the control of construction activities such as noise, sedimentation and erosion control measures and hours of work.

(c) Suitability of the site for the development

The suitability of the site is questionable. The range itself from a safety point of view is considered suitable as it is located between two knolls or hillocks, and the “baffles” will minimise the opportunity for stray munitions to land anywhere other than in and around the target area.

The property has an area of 126 Hectares, and adjoins large grazing and cane farm holdings to the north. However to the west, south and east the property is partially surrounded by development characterised by smaller landholdings and Rural Residential Development. Noise emanating from the Rifle Range is the greatest factor likely to cause a land-use conflict with neighbouring and surrounding landowners.

Items Deferred

Appropriate conditions have been recommended restricting usage and hours of operation with approval given initially for a 12 month period. Should noise continue to be an issue Council can request a further noise report requiring additional recommendation to reduce the impact of noise affecting neighbours. At the end of the 12 month period of operation, the applicant will have to seek further approval from Council to remain open, providing Council with the further opportunity to re-assess the proposal, and truly gauge what impact the rifle range has had on the amenity of the area.

The other area of concern that may cause a conflict is the access to the property which is relatively steep and rough for an unsealed access track, and located adjacent to a neighbouring dwelling. Vehicles may have difficulty negotiating this driveway without causing a nuisance to the neighbouring residence through dust generation and noise from spinning tyres, and two wheel drive vehicles may not be able to enter and leave the property during wet weather. As such it is recommended that the access be sealed from the road carriageway to a point past the entrance gate to where the access track levels out to mitigate this potential nuisance.

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

Fourteen Submissions and a petition were received from the exhibition and advertising of the Development Application. Issues raised are discussed below under Public Interest.

(e) Public interest

The applicant has submitted with the application a letter of support from TS Vampire – Naval Reserve Cadets, and the signatures of 6 residents who live in the vicinity of the proposed Rifle Range.

Council advertised and exhibited the development application in accordance with DCP No. 42. Adjoining and surrounding neighbours were also notified in writing of the proposal. Fourteen submissions and a petition with twenty signatures were received objecting to the proposal. The following issues have been raised and comments addressing those issues are provided.

1. Why can't they use existing rifle ranges in the area.

Comment: The Rifle Range at Dunbible (confirmed by NSW Police pers. comm. Constable Murray Baker 27/2/02) is inadequate for the firing of pistols, while the Pistol Club located in the Murwillumbah Industrial Estate is inadequate for the needs of the Applicant. Further the application has been submitted by the Tweed and Districts Branch of the Sporting Shooters Association of Australia (SSSA) who are seeking approval for their own range and which would provide them the freedom to organise shoot days in accordance with the needs of their membership, and therefore not subject to the requirements of other clubs.

2. Noise and its impact on the rural residential amenity of the area

Comment: As discussed above noise from the range has the potential to cause the greatest disruption to the amenity of the area. Noise testing has demonstrated that the proposal complies with the EPA requirements, but it is recognised that those requirements have their shortcomings. As such conditions of consent have been

Items Deferred

recommended restricting usage of the range to one day per week, a maximum of two Saturdays in any month, hours of operation 10.30 am to 4 pm, and approval is only initially for a 12 month period for the reasons stated above in the report. Further Reporting will also be required once the Range becomes operational and Council receives complaints regarding noise with the report including recommendations to mitigate any adverse noise identified by Council.

3. Hours of Operation and weekend tournaments

Comment: The applicant has not specifically allocated what day of the week or hours of operation of the range except that it may be used about 6 times a month. As such to preserve the amenity of the area it is recommended that the range be open only one day per week, between the hours of 10.30 am and 4 pm, no shooting on Sundays or Public Holidays, and only open on a maximum of two Saturdays per month.

4. Safety

Comment: The rifle range is to be sited between two knolls or hillocks on the subject property. The applicant has proposed to construct “baffles” to shoot from which should remove the ability for stray munitions from leaving the rifle range. Further it has been proposed that on shooting days all boundary fences and gates will be sign posted and red flags raised at the range to indicate that the firing range is in use. In addition to these measures it has been recommended that the immediate area surrounding the range be fenced and appropriately sign posted.

The risk and danger to stock, property and human life should therefore be all but eliminated. The applicant is also required to obtain a license from the NSW Police Force. The purpose of this license will examine and scrutinise in greater detail safety requirements and may require the applicant to undertake additional measures to what has been proposed or prescribed.

5. Contamination of Waterways from lead and effluent.

Comment: The applicant has proposed to clean up the target area of spent lead shots to prevent contamination of waterways. Appropriate conditions have been recommended requiring the submission of a Lead Management Plan to be submitted to Council for approval.

As the land is not connected to the sewer, the proposed the proposed composting toilet facility has been assessed by Council as satisfactory considering the likely usage of the facility. Effluent is unlikely to contaminate waterways if the facility is properly maintained.

6. Lack of Public Consultation from the Proponents

Comment: There is no requirement on the proponent to consult with the public in the preparation of this development application. The application has however been advertised and exhibited in accordance with DCP No. 42 allowing the public to comment freely on the proposal.

Items Deferred

7. Impact on Wildlife and farm animals

Comment: The land is generally cleared of vegetation having been used for horticultural and grazing activities in the past. It is unlikely that the rifle range operating 1 day per week will disturb wildlife. Further it is also recommended that the range be totally enclosed by a separate four-stranded barbwire fence. This will minimise the risk of cattle and other grazing animals from inadvertently entering the rifle range and also provide a clear barrier to human on the property.

8. Adequacy of Fernvale Road

Comment: The road is considered adequate to cater for traffic generated by this development, which will only operate 1 day per week. Conditions have been recommended for the access to the property to be upgraded.

NSW Police Force

The application was also forwarded to the NSW Police Force for comment who have requested that the rifle range be secured by an appropriate fence and the requirements of the Rifle Range License to be issued by the NSW Police Force. Appropriate conditions of consent have been recommended in relation fencing of the range.

Refund of Development Application Fees

Comment: The applicant has sought a refund of the fees being \$170 for the Development Application and \$500 for advertising. This is a matter for Council to consider, however it is recommended that the fee not be refunded as the operation of the rifle range will need to be scrutinised by Council Staff to ensure compliance with conditions of consent.

Section 94 Contributions

It is estimated the proposal would generate an additional 20 vehicle movements per day when the range is in operation. Under Section 94 Plan No.4 – Tweed Road Contributions, (Sector 10 Kielvale) contributions are applicable at a rate of \$351.00 per vehicle trip for a period of 20 years. However as the range will be limited to an initial 12 month approval and only one day per week Contributions are calculated as a proportion of this and an amount of \$52.65 is to be charged. Calculations are as follows.

$\$351 \times 20 \text{ Vehicle Trips} \times 0.05 \text{ (1 year out of 20)} \times 0.1429 \text{ (1 day per week)} \times 1.05 \text{ (Administration fee)} = \$52.65.$

It is therefore recommended that contributions be levied in accordance with the Contribution Plan No. 4 for an amount of \$52.65.

The proposal does not rely upon Council infrastructure for the supply of water and sewer and as such no headworks charges are applicable.

OPTIONS

1. Grant limited approval for an initial 12 month period as per the conditions of consent.
2. Refuse the development application.

Items Deferred

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

Should the application be approved this will have no direct financial impact upon Council's adopted budget or forward estimates.

CONCLUSION

The proposal has generated some concern from residents living adjacent to or in the vicinity of the proposed rifle range particularly in relation to noise impacts, safety concerns and the impact on the amenity of the area. The rifle range is sited between two hillocks and with the shooting of firearms from "baffles" the risk of stray munitions injuring livestock and humans has been minimised. It is therefore considered appropriate that should Council grant consent to this development, Conditions be placed on the consent restricting usage of the range to the hours and days indicated in the report, further reporting to be required should the range when in operation generate further noise complaints and limiting the approval to an initial 12 month period. With these conditions the rural amenity should be preserved, and if the range does not operate as expected, Council has the opportunity to reconsider its position, and either place further restrictions upon the rifle range or refuse to issue a further approval for it to operate. The applicant will also be required to obtain a Rifle Range License from the NSW Police Force, which will re-appraise a number of the safety matters that Council has been concerned with in the assessment of this application.

Reports from Director Development Services

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

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

MATTERS FOR CONSIDERATION

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

Reports from Director Development Services

THIS
PAGE
THIS
PAGE
IS
IS
BLANK
BLANK

Reports from Director Development Services

1. ORIGIN: Strategic Town Planning Unit

FILE REF: DA0659/55 Pt5

REPORT TITLE:

Request to Adjust Zonings – Flame Tree Park

SUMMARY OF REPORT:

A request has been received by Council from the Banora Point Residents' Association to rezone Lots 434 and 435, which are approved for cluster development, from 2(c) to 2(a) to give residents of the Estate some guarantee that no further cluster development would be permitted on the Flame Tree Park Estate. The effect of the request from the Residents' Association, if adopted by Council, would be to reduce the development potential of the land in accordance with the approved subdivision, effectively down zoning the land.

RECOMMENDATION:

That Council informs the Banora Point Residents Association that a draft Local Environmental Plan will not be prepared to rezone Lots 434 and 435, Flame Tree Park Estate from 2(c) Urban Expansion to 2(a) Residential.

Reports from Director Development Services

REPORT:

The following request has been received by Council from the Banora Point Residents' Association:

“At the February meeting of the above Association, the meeting was informed of an Amended Layout of DA 0659/55 Flame Tree Park Estate, which involved the introduction of lots 434 and 435 being capable of becoming cluster development sites.

A motion was passed and carried unanimously by members present, that an objection be lodged with Council, and that spot rezoning of these parcels of land from 2c to 2a to give residents of the Estate some guarantee that no further cluster development would be permitted on the Flame Tree Park Estate.

A number of residents of the Estate have joined the Association and have expressed the concerns of all residents who signed the earlier petition on the establishment of 33 x 1 bedroom cluster development, that they may need to go through the same exercise again with possibly the same result.

Many residents of Flame Tree Park have been informed of this proposal and anxiously await an outcome”.

Lots 434 and 435 are illustrated by Figure 1. Lot 432 was the subject of a Development Application which was recently granted by Council for 33 x 1 bedroom cluster developments.

The relevant planning history of this land is as follows:

- The land was included in the Banora Point Urban Release Area and zoned 2(c) Urban Expansion in Amendment No 3 to Tweed Local Environmental Plan (LEP) 1987.
- Development approval was granted on 10 August 1995 for the subdivision of Flame Tree Park, excluding Stage 4, which includes Lots 434 and 435.
- The Development Application for Stage 4 was reported to Council on 6 September 2000 for Stage 4 and approval granted. This included Lots 434 and 435, which were annotated on the approved plan as “potential future units”.

In order to meet the density requirements of DCP 3 the developers had chosen:

- not to disperse medium density development throughout the development;
 - to locate the majority of higher density development on Lots 433 – 435.
- The consent for Stage 4 was modified on 5 October 2000 to allow for the payment of contributions prior to subdivision.

The effect of the request from the Residents' Association, if adopted by Council, would be to reduce the development potential of the land as intended by the approved subdivision, effectively down zoning the land. Consequently, the request should be resisted. The NSW Department of Planning are unlikely to accept such a proposition.

At this stage the landowners have not been consulted, although they have been provided with a copy of this report. If Council is mindful to accord to the requests of the Residents' Association, a formal response from the landowners should be sought first.

Reports from Director Development Services

THIS
PAGE
THIS
PAGE
IS
IS
BLANK
BLANK

Reports from Director Development Services

2. ORIGIN: Development Assessment Unit

FILE REF: DA5115/180 Pt1; GT1/LEP/2000/15 Pt1

REPORT TITLE:

Draft Tweed Local Environmental Plan 2000, Amendment No 15 – Lots 25, 26 and 29, DP 1000571, Snowgum Drive, Bilambil Heights, Marana Park Estate

SUMMARY OF REPORT:

Council resolved previously to rezone the 7(d) zoned land to 2(a) Low Density Residential. Lot 26, DP 1000571 was not included as part of this resolution. Lot 26, DP 1000571 is currently zoned 7(d) Environmental Protection (Scenic/Escarpment) and is recommended to be rezoned to 2(a) Low Density Residential which is more consistent with the subject site.

RECOMMENDATION:

That:

- A. Council, pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, includes Lot 26, DP 1000571 Snowgum Drive, Bilambil Heights in Draft Tweed Local Environmental Plan 2000, Amendment No 15 to rezone the property from 7(d) Environmental Protection (Scenic/Escarpment) to Low Density Residential 2(a).
- B. The Director-General of planningNSW be informed that in Council's opinion a Local Environmental Study is not required as the Amendment is an addition to draft Tweed Local Environmental Plan 2000, Amendment No 15 wherein planningNSW agreed that a Local Environmental Study is not required.

Reports from Director Development Services

REPORT:

The subject site, Lot 26, DP 1000571 is currently zoned 7(d) Environmental Protection (Scenic/Escarpment) and is 651.9m² in area. The subject site contains an existing dwelling.

Development Consent S94/51 – 40 Lot Subdivision (5 Stages) of Lot 40, DP 832459 and Lot 2, DP 806530, Snowgum Drive, Bilambil Heights was issued on 6 December 1994. Council later received a Development Application proposing a boundary adjustment between Lots 21 and 22, DP 858902 and Lots 25 and 29, DP 1000571, Snowgum Drive, Bilambil Heights which were lots created from Development Consent S94/51. In assessing this application it became apparent that there was a zoning anomaly.

DRAFT LOCAL ENVIRONMENTAL PLAN NO. 15– AMENDMENT OF LOTS 25 AND 29 DP 1000571, SNOWGUM DRIVE, BILAMBIL HEIGHTS, MARANA PARK ESTATE

Council resolved previously to rezone Lot 25 and 29, DP 858402 from 7(d) zoned Environmental Protection (Scenic/Escarpment) to 2(a) Low Density Residential. It later became apparent that Lot 26 DP 1000571 was not included as part of this resolution. Lot 26, DP 1000571 is currently zoned 7(d) Environmental Protection (Scenic/Escarpment) but should be rezoned to 2(a) Low Density Residential which is more consistent with the subject site. The resultant DLEP No 15 is soon to go on exhibition.

The proposed rezoning is indicated in Figure 1 and the current zoning is indicated in Figure 2. It is recommended that Council, pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, includes Lot 26, DP 1000571, Snowgum Drive, Bilambil Heights in the current draft Local Environmental Plan No 15.

Reports from Director Development Services

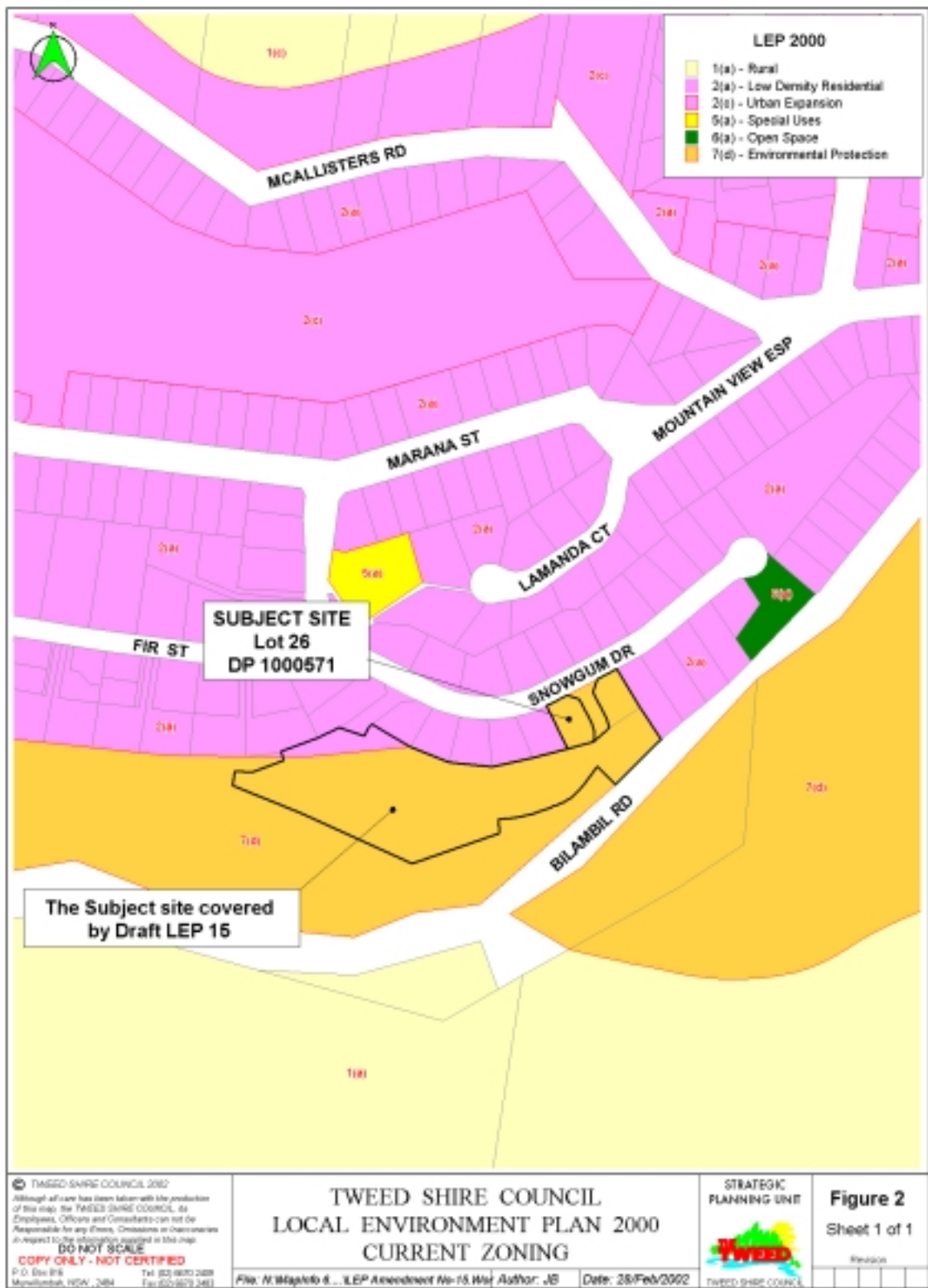


Figure 2

Reports from Director Development Services

- 3. ORIGIN:** Strategic Town Planning Unit
FILE REF: GT1/S94/5 Pt1; GT1/S94/26; Sect 94 Plan

REPORT TITLE:

Draft Open Space Infrastructure Strategy, Review and Amendment of Section 94 Contributions Plan No 5 - Open Space, and Draft Section 94 Contributions Plan No 26 - Shirewide/Regional Open Space

SUMMARY OF REPORT:

A draft Open Space Infrastructure Strategy has been finalised based on a report prepared by Council's consultants Gary Shields and Associates Pty Ltd, as a preamble to the major review of Council's Section 94 Contributions Plan No 5 for Open Space (CP5). It is over seven years since CP5 was originally adopted by Council, which was based on 2.83 ha of open space /1000 population, and the embellishment of existing open space to meet those needs.

The major review aimed to recognise changes in community needs and management requirements for public open space, in relation to anticipated population growth and reflect these changes in an amended contributions plan.

The draft Open Space Infrastructure Strategy contains 22 recommendations for Policies and Actions concerning future public open space and provision and management, incorporating a performance-based system to encourage an appropriate range of recreational/open space settings to meet likely future user needs within available resources. The draft Strategy identifies two levels of public open space provision by type, namely:

1. Local open space to serve the needs of residents of neighbourhoods and districts; and
2. Shirewide/regional level of open space for major sporting, recreational and casual open space requirements serving the whole population of the Tweed Shire.

In order to cater for such Shirewide/regional open space, draft CP26 is proposed for the provision and upgrading of Shirewide/regional open space.

RECOMMENDATION:

That Council adopts and endorses the draft Open Space Infrastructure Strategy, and the 22 recommended Policies and Actions, contained therein; for the purpose of public exhibition of the amended draft together with Section 94 Contributions Plan No 5 for Local Open space and the draft Section 94 Contributions Plan No 26 for Shirewide/Regional Open space, in accordance with Clause 27 of the Environmental Planning and Assessment Regulation.

Reports from Director Development Services

REPORT

BACKGROUND

Section 94 Contributions Plan No 5 – Open Space Contributions (CP 5) was originally prepared and adopted by Council in 1993. When prepared this Plan represented Council's Policy for the provision for additional public open space and the collection and administration of development contributions for open space. It applies to new residential and tourist accommodation development in all areas of the shire except the urban release areas of Banora Point West/South Tweed, Terranora Village, West Kingscliff, Cobaki Lakes, Kings Beach/Kings Forest, Seabreeze Estate and Kings Beach North.

These plans are based on a provision of 2.83ha of open space / 1000 population. Since their adoption a number of issues have been identified with respect to open space provision, primarily concerning the location, amount, function and maintenance of that provision; and the duration of Contribution Plans. As a consequence several policy and strategic initiatives have been undertaken by Council, and CP5 has undergone some adjustments to reflect changes in priorities in respect of open space acquisition and embellishment. The most recent was Amendment No 4 in July 1999.

The draft Open Space Infrastructure Strategy for Tweed Shire has been prepared with the assistance of Council's consultants Gary Shiels & Associates Pty Ltd, as the basis for a major revision of S.94 CP No 5. All Council divisions have been involved through the Section 94 Committee.

AIM AND METHODOLOGY

The aim of the Strategy is to guide Council and the community in the provision of a comprehensive open space network and recreational facilities which are appropriately located and of a high quality to satisfy future needs. This includes encouraging a range of recreational Open space opportunities and settings, and conserving areas of high and natural cultural value.

THE QUANTITATIVE STANDARD

The traditional approach to open space provision has been to set quantitative standards (i.e. setting an amount per 1,000 population). Council's current standards are:

- 1.7 ha/1000 population structured open space (i.e. playing fields and the like)
- 1.13 ha/1000 population casual open space (i.e. neighbourhood parks)
- 2.83 ha/1000 population total provision.

A review of existing public open space has been undertaken and the results set are set out in Table 1.

| Catchment | Population 2000 [^] | Structured ¹ (ha) | Casual ² (ha) | Total (ha) | Structured/1000 pop'n | Casual/1000 pop'n | Total/ 1000 pop'n |
|---|------------------------------|------------------------------|--------------------------|------------|-----------------------|-------------------|-------------------|
| 1. Terranora/ Tweed Heads/ Bilambil/ Cobaki | 39,100 | 49.1 | 100.5 | 149.6 | 1.26 | 2.57 | 3.83 |
| 2. Kingscliff/ KF/ KB | 12,300 | 15.2 | 60.0 | 75.2 | 1.58 | 6.25 | 6.11 |
| 3. Tw Coast sth of Bogangar | 6,300 | 17.2 | 44.2 | 61.4 | 1.91 | 7.02 | 9.75 |

Reports from Director Development Services

| Catchment | Population 2000[^] | Structured¹ (ha) | Casual² (ha) | Total (ha) | Structured/1000 pop'n | Casual/ 1000 pop'n | Total/ 1000 pop'n |
|---------------------|--|--|------------------------------------|-------------------|----------------------------------|-------------------------------|------------------------------|
| 4. M'bah Urban | 7,700 | 20.9 | 25.6 | 46.5 | 2.71 | 3.32 | 6.03 |
| 5. Rural Hinterland | 10,300 | 4.6 | * | 4.6 | 0.45 | * | 0.45 |
| Total | 75,700 | 105.6 | 230.3 | 337.3 | 1.39 | 3.04 | 4.46 |

Note ¹: Includes tennis courts, sports fields, equestrian grounds, but not swimming pools racecourse or showground

Note ²: Does not include bushland area.

[^] Estimate based on pro rata growth between 1996 Census and projected 2006 population

* Not relevant to rural areas

This indicates that the overall supply of open space is generally adequate within the shire as a whole, with an overall provision of 4.46 ha/1000 population. However it masks a number of variations throughout the Shire indicating open space is poorly or inadequately distributed or embellished in relation to the Shire's open space users and their needs. Moreover there is a marked emphasis of casual open space. This analysis does not provide a qualitative assessment of open space; that is, whether it is being used to capacity and at what level they are being used. Advice from Council's Recreation Services Manager is that sporting ovals are being used to their capacity.

A PERFORMANCE BASED APPROACH

The Strategy concludes that a quantitative standard be retained. It also indicates that open space is not just about playgrounds and playing fields. In the eyes of the community open space needs include walking tracks, sports facilities, picnic facilities, beaches, creeks and bushland and the like. Some of these facilities are the subject of other Council policies and plans, for example cycleways. Nevertheless, there are facilities, which are currently not catered for. Consequently, the draft Strategy concludes that a quantitative standard should be in conjunction with a performance-based system, with general and specific performance criteria for the location, design and sizing of various public open space settings.

- Sportsfields
- Parklands
- Bushlands/Environmental Parks
- Foreshores and Ancillary Open space

A hierarchy of open space is defined, as follows:

- **Local level facility**, primarily used by people within the local neighbourhood or district both active (sporting) and passive (casual) use; and
- **Shirewide level facility**, being major higher order sporting and recreational/environmental park facilities serving the Shire as a whole, arising from a need for such high order facilities for a Shire population currently in excess of 70,000.

The introduction of Shirewide facilities would cater to the whole Shire and provides for access by mobile adults and older children often relying on private vehicular or public transport. The Shire will have, within the next twenty years, reached a population level where higher order facilities for

Reports from Director Development Services

sporting and recreational needs are required. The Strategy also argues that this requirement is appropriate and justified having regard for the following additional factors:

- There is overlapping of demand and use of major or higher order open space facilities with the Gold Coast City area particularly in the eastern urban areas of the shire; and
- other Local Government Authorities such as Lismore have adopted policies for provision of Shire or City wide facilities.

This level includes open space settings, which have a high tourist usage.

Nominated facilities to meet longer term needs are set out in Table 2 together with a broad overview of costs location etc, including those already provided. These facilities have been identified based on a number of facts:

- Meet anticipated principal higher order needs for sporting activities;
- Allocate facilities around the Shire;
- Consolidate the use of existing facilities.

Table 2
District Sporting Facilities arising from growth 2001-2021

| Item | Potential Location | Development Costs | Land Costs | Total Costs |
|-------------------------|--------------------|-------------------|------------------------|-------------|
| Upgrade Aquatic Centre | Murwillumbah | \$1,500,000 | Nil | \$1,500,000 |
| 2 Court Indoor Facility | To be determined | \$1,500,000 | Nil – use Council land | \$1,500,000 |
| Grandstand and lighting | To be determined | \$2,000,000 | Nil – use Council land | \$2,000,000 |
| Athletics Track | Kingscliff | \$2,000,000 | Nil – use Council land | \$2,000,000 |
| Hockey Complex | Murwillumbah | \$155,000 | Nil – use Council land | \$155,000 |
| Softball | Piggabeen | | | |
| Rowing | | | | |

FUNDING AND MANAGEMENT ISSUES

The Strategy indicates that a more refined planning and management regime is required to meet the challenge of the open space needs of growth. Increasing demands and scarce financial resources require that the management and maintenance of open space should be subject to innovative funding and management mechanisms, including sponsorship, grants, community/user involvement in and responsibility for maintenance, advertising income generation, alternative revenue realizing measures, and multi-use and flexible design of facilities to meet changing needs.

Reports from Director Development Services

New assets should only be accepted by Council in a “hand over” state to ensure that the ongoing maintenance burden is minimized, and establishment costs should be factored into the overall cost of provision and upgrading of open space when funded by developer contributions.

Open space land assets should be evaluated from an upgraded Council database on open space, with a view to identifying duplication or lands not likely to be effectively used as open space. This could allow for open space land stocks to be rationalized if warranted and for some lands to be made available for alternative uses with local community support.

The performance measures should ensure a careful assessment of new open space in terms of its sustainability and usability, before its acceptance by Council at development assessment stage, together with a commitment to ongoing maintenance and a preparedness by Council to rationalise and re-allocate open space where justified.

CONCLUSIONS OF STRATEGY

The draft Strategy sets out a range of recommendations.

One particular set of recommendations must be highlighted, namely that the quantitative standard for open space should be increased to a total of **4 ha per 1,000 population**; 2.83ha/1,000 population as a basic standard for local parklands, sportsfields and foreshores, subject to the performance criteria; 1.17ha/1,000 population as a Shirewide bushland/environmental parks, foreshores and Sportsfield complexes. This standard is in line with the current provision of local open space in the Shire, as indicated by Table 1. At this stage the complete complement of land to be acquired has not yet been nominated. As the Plan is for a 20 year period some flexibility must be provided. At the outset of the Plan period the only nominated areas for acquisition and embellishment include the Kingscliff township and creek foreshore, Eviron Botanic Gardens, Cabarita Foreshore. This, together with the settings criteria, sets the standard for future acquisitions.

The facilities listed in Table 2, together with the shortfall in open space provision compared with existing levels represents a considerable investment to meet the needs of growth. Potential costs arising from these is of the order of the following:

- District sports facilities - \$7,000,000 (excluding the cost of land)
- Additional land and embellishments to bring provision up to 4.0ha/1000 population - \$14,000,000
- Total cost – \$21,000,000

The potential for alternate sources of funding over the period of the Plan (such as grants) should not be discounted. The options for Council range from ‘do nothing’ to ‘requiring full provision as nominated’. District sports facilities are nominated on existing Council land. The option open to Council is whether or not to require development to fund compensatory open space for that taken up by the facility. The estimated cost is \$1M. In view of the limited amount of land involved this option has been discounted.

PROPOSED SECTION 94 CONTRIBUTIONS PLAN RESPONSE

Based on the draft Strategy, it is concluded that:

Reports from Director Development Services

1. Section 94 Plan No 5 needs to be extended to the year 2006, and continued to be applied only to new development in areas outside the urban release areas, in respect of local public open space provision (ie, 2.83ha/1,000 pop).
2. A new Section 94 Contributions Plan (No 26) needs to be prepared in respect of the provision and upgrading of Shirewide Public Open Space. Most of the facilities to be initially designated as "Shirewide" comprises the existing major sportsfield complexes at Piggabeen Road (West Tweed Heads), the Kingscliff sportsfields at Wommin Bay Road, Arkinstall Park, and the Murwillumbah hockey field, with the funds and requirements to be transferred across from the existing Section 94 Plan No 5 to the new Section 94 Plan No 26 – Shirewide/regional Open Space. The Plan should apply to all residential and tourist accommodation development within the Shire, including urban release areas, thus ensuring equity across the Shire in the source of funds, having regard for the fact that the residents of all new Shire development will use these major sporting and recreational facilities.

An option of rationalizing all Section 94 plans relating to local open space was also examined, but was not considered feasible due to complex and different time scales and arrangements for open space provision within the various release areas.

The proposed contribution rates for public open space in lieu of dedication of open space in the Section 94 Plans are as follows:

| Type of Open Space | Levy per Detached Dwelling House | Levy per Medium Density Unit | Levy per bed / room (tourist accommodation) |
|---|----------------------------------|------------------------------|---|
| Local Structured Open Space ¹ | \$421.72 | \$275.74 | nil |
| Local Casual Open Space ¹ | \$147.39 | \$96.37 | \$56.69 |
| Shirewide/Regional Structured Open Space ² | \$1,177.00 | \$769.00 | nil |
| Shirewide/Regional Casual Open Space ² | \$221.00 | \$144.00 | \$85.00 |
| TOTAL | \$1,967.90 | \$1285.11 | \$141.69 |

Note 1 - applies to S94 CP 5 – whole shire excluding urban release areas to which CPs 1, 7, 10, 19, 20, 21 & 25 apply

Note 2 - applies to whole of shire, including urban release areas in S94 CP 26

Reports from Director Development Services

4. ORIGIN: Development Assessment Unit

FILE REF: DA5862/32 Pt1

REPORT TITLE:

Proposed Erection of a Dwelling House to be used for Bed and Breakfast Accommodation

SUMMARY OF REPORT:

Council is in receipt of a development application for the erection of a dwelling house to be used for Bed and Breakfast Accommodation. The proposed development involves the use of three (3) of the bedrooms and will be marketed towards disabled people and oncology patients who would benefit from the back up of a fully trained nurse.

The application is being referred to Council for determination as the applicant is seeking the waiving of the Tweed Road Contribution.

RECOMMENDATION:

That the proposed erection of a dwelling house to be used for bed and breakfast accommodation at Lot 19 DP1006946 Wedgetail Court, Dulguigan be approved subject to the following conditions:

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

CONTRIBUTIONS

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

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

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

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

- a. Tweed Road Contribution Plan: \$4586.40
S94 Plan No. 4 (Version 4.0)
Rural Inner Zone - Residential
- b. Open Space (Structured): \$642.00
S94 Plan No. 5
- c. Extensions to Council Administration Offices
& Technical Support Facilities \$714.00
S94 Plan No. 18
- d. Cycleways \$186.00
S94 Plan No. 22

Reports from Director Development Services

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

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

(i) Building Work

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

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

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

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

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

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

The specification is:

- to describe the construction and materials of which the building is to be built and the method of drainage, sewerage and water supply
 - state whether the materials proposed to be used are new or second hand and give particulars of any second hand materials used
- c) where the application involves an alternative solution to meet the performance requirements of the BCA, the application must also be accompanied by:
 - details of the performance requirements that the alternative solution is intended to meet, and
 - details of the assessment methods used to establish compliance with those performance requirements
 - d) evidence of any accredited component, process or design sought to be relied upon
 - e) except in the case of an application for, or in respect of, a class 1a or class 10 building:

Reports from Director Development Services

- a list of any fire safety measures that are proposed to be implemented in the building or on the land on which the building is situated, and
 - if the application relates to a proposal to carry out any alteration or rebuilding of, addition to, an existing building, a separate list of such of those measures as are currently implemented in the building or on the land on which the building is situated.
- f) Engineering plans and specifications for all civil engineering works required by this consent.

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

GENERAL

3. The development shall be completed in general accordance with Plans Nos 1386/01 - pages 1 and 2 prepared by Ian Webb-Building Design and Drafting and dated November 2001, except where varied by these conditions.
4. The proposed dwelling house shall be erected on the approved building platforms as provided by Consent Notice No. S97/75. The proposed dwelling site shall be no closer than 35m to the tree line on the southern side of the cleared area.
5. No soil, sand, gravel, clay or other material shall be disposed of off the site.
6. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
7. In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with AS1428-1993 Parts 1 to 4 - Design for Access and Mobility.
8. The provision of four (4) off street car parking spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.
9. Advertising structures/signs to be the subject of a separate development application, where statutorily required.
10. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.
11. 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.
12. 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.
13. 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. frame prior to the erection of brick work or any wall sheeting
 - c. final inspection prior to occupation of the building.

Reports from Director Development Services

14. The land is not to be cut so as to alter the established profiles or drainage gradients, but where the site is to be cut and filled, details of proposed site drainage and erosion and sedimentation control measures are to be submitted to the Principal Certifying Authority prior to start of building work.
15. 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 Council. All retaining works shall be completed to the satisfaction of the Principal Certifying Authority prior to start of work.
16. 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.
17. 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)

18. 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.
19. 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.

Reports from Director Development Services

20. 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.
21. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
22. 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.
23. 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)
24. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.
25. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

DISABLED (BUILDING)

26. 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.
27. 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.
28. 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.
29. 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

Reports from Director Development Services

Building Code of Australia and shall be constructed to the requirements of Australian Standard AS1428.1.

30. Tactile ground surface indicators for orientation of people with vision impairment are to be provided in accordance with Australian Standard AS1428.4-1992.
31. 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.

DRAINAGE/FLOODING

32. All surface and seepage waters liable to be a nuisance are to be collected and diverted clear of the building site by an approved drainage system separate to the roof water system.
33. Details of the intended method of water storage are to be submitted to the Principal Certifying Authority for approval prior to occupation of the completed dwelling. Please note that the minimum storage capacity required shall be 20,000 litres.

ENVIRONMENT PROTECTION

34. 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.
35. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
36. 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.
37. 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.
38. 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.
39. 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.

40. The burning of builders waste on site by open fire is prohibited.
41. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

Erosion and sediment control shall be in accordance with the *"Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2

Reports from Director Development Services

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

42. 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.
43. Installation and operation of the On Site Sewer Management system to be in general accordance with the amended On Site Sewer Management Design Report prepared by HMC Environmental Services, dated January 2002, except where varied by this consent.
44. Standard water reduction fixtures, as defined within AS1547-2000 A4.2D, to be installed and maintained.
45. The land application area for treated sewage effluent shall not be trafficable and clearly delineated.
46. The installation and operation of any diversion mound and/or cut-off drain, to minimise stormwater run-on to the effluent land application area shall be so designed to minimise soil erosion potential.
47. Method of land application of effluent shall be through subsurface irrigation.
48. A minimum soil depth of 400mm shall be attained prior to installation of any subsurface irrigation system.
49. The landscaping of the site shall utilise local native species only.
50. A Soil and Water Management Plan is to be submitted for approval prior to release of the Construction Certificate.

PLUMBING AND DRAINAGE

51. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting (Note: All water plumbing is to be under test at time of inspection);
 - b. external drainage prior to backfilling.
 - c. completion of work
52. 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.
53. Dry floor wastes shall not discharge over doors or windows or in any position where they cause a nuisance.
54. Temperature and pressure relief lines from hot water systems shall discharge in the open as prescribed in Australian Standard AS 3500.4.1990 Section 4.12.3.

Reports from Director Development Services

55. It is a condition of this consent to operate a system of sewage management that this clause is complied with.
- (i) The sewage management facilities used in the operation of the system must be maintained in a sanitary condition and must be operated in accordance with the relevant requirements of this Regulation.
 - (ii) A sewage management facility used in the operation of the system must not discharge into any watercourse or onto any land other than its related effluent application area.
 - (iii) The conditions (if any) of any certificate of accreditation issued by the Director-General of the Department of Health under this Division in respect of the plans or designs for any components of the sewage management facilities must be complied with.
 - (iv) The person operating the system of sewage management must provide details of the way in which it is operated, and evidence of compliance with the relevant requirements of this Regulation and of the conditions of the approval, whenever the Council reasonably requires the person to do so.
56. Pressed steel baths and shower trays are to be bedded in accordance with the method prescribed by the manufacturer.
57. The Council approved wet area flashing installer is to supply to the Principal Certifying Authority certification that all wet area flashings have been installed in accordance with the Manufacturer's Specifications, detailing the rooms or areas involved and the date of installation. Note: Only Council approved installers may carry out this work and reference must be made to Council to confirm that such installers are Council approved.
58. It is a condition of an approval to install, construct or alter a sewage management facility that the facility is not used (or used as altered) until the Council has given the applicant for approval notice in writing that it is satisfied that the facility has been installed, constructed or altered in substantial accordance with the approval.
59. The licensed Plumber/Drainer is to liaise with Council's Health and Building Surveyor to determine the location and design of the septic tank installation.
60. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
61. All drainage lines are to be continuously bedded in accordance with the provisions of Section 5.4 AS 3500.2 - 1990.
62. 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.
63. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C in all other classes of buildings.
- A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

Reports from Director Development Services

REPORT:

Applicant: Gillian Cooper

Owner: Ms Gillian E Cooper

Location: Lot 19 DP 1006946 Wedgetail Court Dulguigan

Zoning: Part zoned 1(a) Rural and 7(l) Environmental Protection (Habitat)

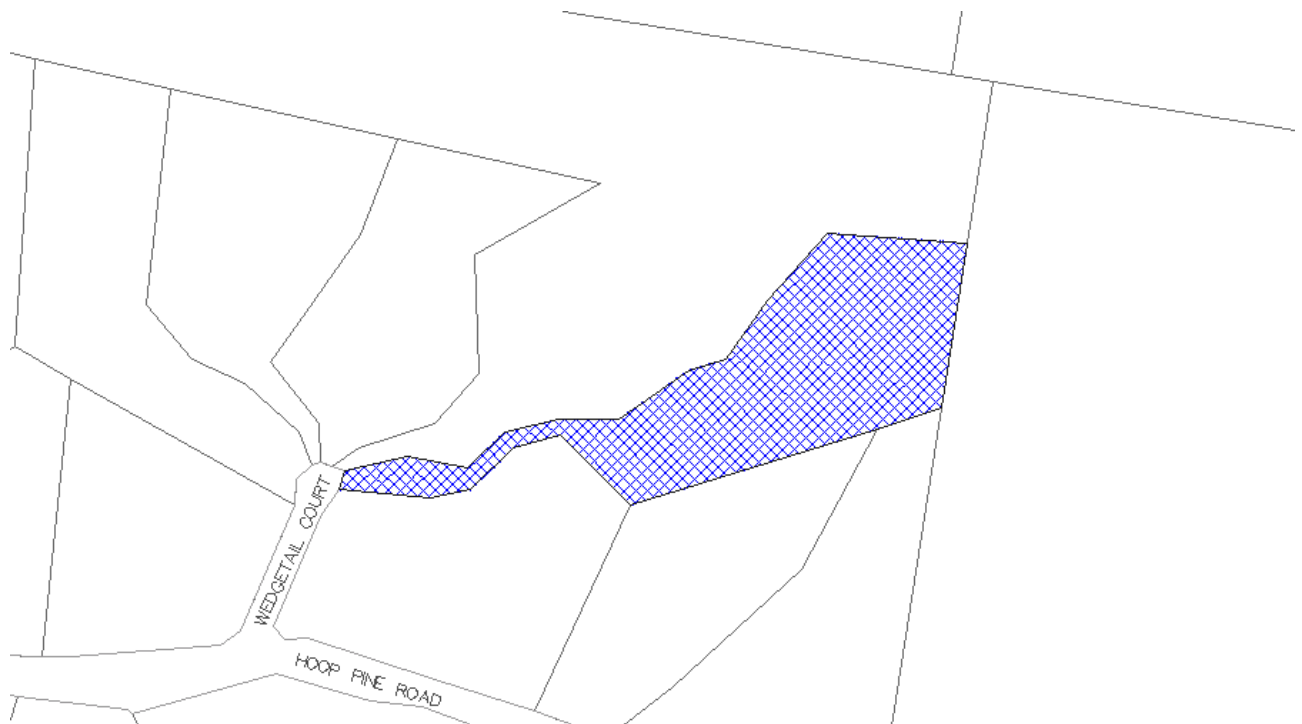
BACKGROUND

Council is in receipt of a development application for the erection of a dwelling house and its use as a bed and breakfast facility on the subject land. As the subject land contains an area of 7(l) Environmental Protection (Habitat) the proposed use is not complying development, rather requires development consent.

The proposed bed and breakfast facility involves the use of three of the bedrooms for guests. The applicant has submitted that she is a nurse and intends on using the bed and breakfast facility for accommodation of disabled persons and oncology patients. The intention of the applicant is to offer a retreat for persons with the backup of a fully trained nurse.

The application is being reported to Council as the applicant has requested that the Tweed Road Contribution Plan No.4 amount be waived for this application. The following report assesses the proposed development in relation to the relevant heads of consideration and the submission made.

SITE DIAGRAM



Reports from Director Development Services

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

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

Tweed Local Environmental Plan 2000

The subject land is partly zoned 1(a) Rural and 7(l) Environmental Protection (Habitat) under the Tweed Local Environmental Plan 2000 (TLEP). Bed and breakfast facilities are permissible with consent in the subject zone.

Clause 10 of the TLEP provides for complying development however despite such Clause 10(2)(b) prevents the use of complying development on land affected by various parts including Part 6 of the TLEP being the environment and resource provisions of the plan. As such the proposed bed and breakfast facility requires development consent.

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

Development Control Plan No.2 – Access and Car Parking is applicable to the proposed development as the car parking generated by the proposal will need to be contained wholly within the subject land.

The required rate of on site car parking is one space per bedroom and a further 0.5 spaces per staff. As the proposed development is for the use of three bedrooms, four (4) spaces will be required on site. It is considered that the subject land has adequate area to provide for the required on site car parking.

(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 subdivision that created the subject land identified the most appropriate building platform for the future dwelling house. The building platform has been identified as suitable as it provides the required bush fire buffer to the future dwelling house and also protects any threatened species on the subject land from the development.

The site does contain an area of Brush Box wet sclerophyll vegetation that includes the Red Bopple Nut, Long leaved Tuckeroo and Black Walnut. This area is distanced from the approved building platform and it is considered that through the requirement for a soil and water management plan on the site and its approval prior to the release of the construction certificate, the vegetation area will be protected.

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

The proposed development is for the erection of a dwelling house which was considered to be a suitable use at the time of the subdivision that created the allotment. There are no further planning issues in relation to the use of the proposed dwelling as a bed and breakfast facility.

(e) **Public interest**

The proposed development was notified for a two week period during which no objections were received. The proposed development is not considered to be in conflict with the general public interest in the locality.

Reports from Director Development Services

OPTIONS

1. Approve the proposed development with all of the required contributions including the \$4586.40 Tweed Road Contribution Plan No.4 (TRCP) rate.
2. Approve the proposed development with a reduced TRCP of \$1375.00.
3. Approve the proposed development with and waiver fees under the TRCP.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

The proposed development generates a charge under a number of contributions plans. The applicant has submitted the following in relation to the imposition of a \$4586.00 contribution under the Tweed Road Contribution Plan No. 4 (summarised).

As a nurse the opening of such a facility has been a lifetime ambition. The owner has had a number of friends and family die from cancer. The proposal is a dream and also an investment of life savings and commitment to making the Tweed a permanent home. There is no intention to sell the venture as a project to another operator. There is no such other nurse operated facility in the area.

The owner will collect patients from the Coolangatta Airport. As a single person she contends that the Bed and Breakfast facility will not even generate the four and half trips per day allowed by a normal household. For these reasons Council is asked to waive the requested contributions.

Council's Traffic and Transport Engineer has assessed this submission and advised that the traffic generated would be more like a resort where patrons fly in and are collected. If the use can be restricted by conditions of consent to only allow this sought of client it would be reasonable to reduce the Tweed Road Contribution by a further 70 % based on traffic studies of resorts where people fly in. This results in an amount of \$1375.00.

While the client is intending to operate the Bed and Breakfast facility in this manner the imposition of a condition of consent on the bed and breakfast to ensure all clients fly in is unenforceable.

Council resolved at its ordinary meeting of the 5th May 1999 (minute 1089):

“That unless exempted by legislation, development applications for works of public benefit submitted by or for charities, community groups, public bodies and religious organisations, which generate a demand for provision of increase in public amenities and services as identified in an adopted Section 94 Contribution Plan will be liable for the payment or contribution as set out in such plan.”

The above minute has been the position held in relation to the imposition of Section 94 contributions, and as the proposed development is commercial in nature and not a charity it is considered that the contributions should be imposed.

Reports from Director Development Services

CONCLUSION

The proposed development is considered to be a suitable use within the locality and does not raise any town planning objection. The proposed development would not normally have been reported to Council except that the applicant has requested the TRCP be waived.

It is considered that the proposed development should have fees imposed in accordance with the Tweed Road Contribution Plan No.4.

Reports from Director Development Services

5. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/LEP/2000/26 Pt1; GT1/DCP/40 Pt1; LEP - Housekeeping

REPORT TITLE:

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

SUMMARY OF REPORT:

The purpose of this report is to initiate the amendment of a series of housekeeping matters in the Tweed Local Environmental Plan 2000. This is the second stage of housekeeping amendments and deals with the following:

1. Coolangatta Airport
2. DCP 40, Complying Development - Schedule 2 and Schedule 3
3. Tweed LEP Amendment to reflect changes to DCP No 40
4. Lake Kimberley
5. SEPP 14 Wetlands
6. Rural Workers Dwellings
7. Building Heights
8. Land Subject to Road closure
9. Clause 30 Definition of "vegetation clearing"
10. Zones 3(a) and 3(b) – "Multi-dwelling houses"
11. Clause 57 – Protection of existing dwelling entitlement
12. Schedule 2 Heritage Items
13. Rural Industry
14. Deferred Areas
15. Master Planning
16. Farmers Markets
17. Black Rocks – Section 52 LEP provisions.
18. Fingal Head – "3(b) – General Business Zone", Queen Street

RECOMMENDATION:

That:

1. In accordance with Section 54 of the Environmental Planning and Assessment Act, 1979 Council prepares a draft Local Environmental Plan to amend a series of "housekeeping" matters generally in accordance with Recommendations 1 - 18 presented in this report relating to the following issues:
 1. Coolangatta Airport
 2. DCP 40, Complying Development - Schedule 2 and Schedule 3
 3. Tweed LEP Amendment to reflect changes to DCP No 40
 4. Lake Kimberley
 5. SEPP 14 Wetlands
 6. Rural Workers Dwellings
 7. Building Heights

Reports from Director Development Services

8. Land Subject to Road closure
 9. Clause 30 Definition of “vegetation clearing”
 10. Zones 3(a) and 3(b) – “Multi-dwelling houses”
 11. Clause 57 – Protection of existing dwelling entitlement
 12. Schedule 2 Heritage Items
 13. Rural Industry
 14. Deferred Areas
 15. Master Planning
 16. Farmers Markets
 17. Black Rocks – Section 52 LEP provisions.
 18. Fingal Head – “3(b) – General Business Zone”, Queen Street
2. The Director-General of Urban Affairs and Planning be requested to waive the requirement for a Local Environmental Study given the relatively nature of the “housekeeping” amendments being proposed.
 3. In accordance with Section 72 of the Environmental Planning and Assessment Act 1979 Council amends Development Control No 40 -Exempt and Complying Development generally in accordance with the amendments shown in DCP 40 appended to this report.
 4. Council exhibits the draft Plan in accordance with “Best Practice Guidelines – LEPs and Council Land” published by the Department of Urban Affairs and Planning.

Reports from Director Development Services

REPORT:

This report represents Stage 2 of the Tweed LEP 2000 housekeeping. Stage 2 will address the following:

1. Coolangatta Airport
2. DCP 40, Complying Development - Schedule 2 and Schedule 3
3. Tweed LEP Amendment to reflect changes to DCP No 40
4. Lake Kimberley
5. SEPP 14 Wetlands
6. Rural Workers Dwellings
7. Building Heights
8. Land Subject to Road closure
9. Clause 30 Definition of “vegetation clearing”
10. Zones 3(a) and 3(b) – “Multi-dwelling houses”
11. Clause 57 – Protection of existing dwelling entitlement
12. Schedule 2 Heritage Items
13. Rural Industry
14. Deferred Areas
15. Master Planning
16. Farmers Markets
17. Black Rocks – Section 52 LEP provisions.
18. Fingal Head – “3(b) – General Business Zone”, Queen Street

Below is a summary of the items listed above.

1. COOLANGATTA AIRPORT

Ian Rigby Consulting, on behalf of the Gold Coast Airport Limited, have requested a number of amendments to the Tweed LEP 2000. Below is a summary and commentary of the amendments being requested.

A. Clause 32 - Aircraft Noise & Schedule 1 - Meaning of Terms

Clause 32 of the Tweed LEP 2000 refers to AS 2021 – 1994 (Acoustics – Aircraft noise intrusion – Building siting and construction). Similarly, Schedule 1 of the Tweed LEP 2000 makes reference to this Australian Standard within the definition for ANEF.

This Australian Standard has been updated and the most recent version is AS 2021 – 2000 - Aircraft Noise Intrusion – Building Siting and Construction.

Recommendation 1A: It is recommended that clause 32 and Schedule 1 (definition for ANEF) of the Tweed LEP 2000 be amended by deleting reference to AS 2021 – 1994, and replacing it with

Reports from Director Development Services

AS 2021 – 2000 (as amended from time to time), to ensure it remains current on future revisions of this standard.

B. Clause 33 - Obstacles to Aircraft

Clause 33(2) currently states:

*“(2) When deciding whether to grant consent to development in the vicinity of Coolangatta or Murwillumbah Airports, the consent authority must **consider** any current obstacle limitation surfaces plan or procedures for air navigation services— aircraft operations plan prepared by the airport operator that has been notified to the Council.”*

Given the mandatory nature of the OLS and PANS-OPS surfaces, it has been requested to strengthen the wording of the clause by replacing the word “consider” with “give effect to”. This would further reinforce the provisions of the Airports (Protection of Airspace) Regulations 1996, which regards the airspace above any OLS and PANS-OPS surfaces as airport air space. The subject Regulations requires Council to notify the relevant airport operator of any prescribed controlled activity. The amendments proposed below (part of Recommendation 1C - requiring Council to consult with the relevant airport operator) would satisfy the provisions of this Regulation.

It has been requested to further amend sub clause 33(2) by deleting the last part of the paragraph that states “... **that has been notified to the Council**”. This is because the Airports (Protection of Airspace) Regulations 1996 does not indicate as a prerequisite that “prescribed airspace” needs to be “notified to the Council” to become an effective instrument pursuant to the Regulation. However, Section 6 of the Airports (Protection of Airspace) Regulations 1996, requires “*the airport-operator company for an airport must make available a chart of prescribed airspace around the airport, for inspection or purchase, and, if the prescribed airspace changes, must bring the chart up to date before the end of 14 days after the change*”. Therefore, it is felt that the provision requiring the relevant plans to be notified to Council should be retained to ensure Council’s development assessment officers are utilising the most up-to-date Plans provided to them by the airport operator.

Recommendation 1B: That subclause 33(2) not be amended.

C. Further additions to Clause 33

It has been requested to insert the following subclauses as part of Clause 33.

- “(4) When deciding whether to grant consent to development in the vicinity of Coolangatta or Murwillumbah Airports, the consent authority shall take into consideration whether the proposed development if approved would have the potential to increase the hazard to aircraft operations through bird strike.*
- (5) The consent authority shall not grant consent to development in the vicinity of Coolangatta Airport which would involve illumination that would contravene the most recently approved Restricted Light Zone Map for Coolangatta Airport.*
- (6) The consent authority shall not grant consent to any controlled activity within the prescribed airspace of Coolangatta Airport, unless it is satisfied that any necessary approval under the Airports (Protection of Airspace) Regulation 1996 has been granted.*

Reports from Director Development Services

- (7) *For the purpose of this Clause the following terms have the respective meanings ascribed to them:*

“Controlled activity” - Any activity falling within the meaning of controlled activity in Section 182 of the Airports Act 1996.

“OLS” - Obstacle Limitation Surface within the meaning of the Airports (Protection of Airspace) Regulations 1996 (as amended).

“PANS-OPS” - Procedures for Air Navigation Services – Aircraft Operations within the meaning of the Airports (Protection of Airspace) Regulations 1996 (as amended).

“Prescribed airspace” - The prescribed airspace for Coolangatta Airport ascertained in accordance with the Airports (Protection of Airspace) Regulation 1996 (as amended).”

Proposed sub-clause (4) is requested to be inserted as a result of the hazards to aircraft operations as a result of birds. Particular land uses or types of landscaping and site treatment that can lead to increases in bird populations, especially through creation of food sources. Proposed sub clause (4) will require Council to consider this matter with regards to development in the vicinity of airports.

Proposed sub-clause (5) is requested to be added to enable Council to take into consideration a “restricted light zone map for Coolangatta Airport” when considering development in the vicinity of the Airport. The issue of light/illumination is a controlled activity pursuant to the Airports (Protection of Airspace) Regulation 1996, and would hence be covered by proposed sub-clause (6).

Proposed sub-clause (6) reinforces the requirement for a proponent to obtain approval from the Secretary and for Council to notify the airport operator of any proposal for a controlled activity.

Proposed sub-clause (7) is self-explanatory, providing a definition for the terminology utilised within Clause 33 of the Tweed LEP 2000.

It is considered that the objectives of the amendments proposed above can be satisfied by the following:

Deleting existing Clause 2 and inserting:

- “(2) When deciding whether to grant consent to any controlled activity within an area covered by an Obstacle Limitations Surface Plan or Procedures for Air Navigation Services – Aircraft Operations Plan for Coolangatta or Murwillumbah Airports, Council shall consult with the relevant Airport Authority.*

- (4) For the purpose of this Clause the following terms have the respective meanings ascribed to them:*

“Controlled activity” - Any activity falling within the meaning of controlled activity in Section 182 of the Airports Act 1996.

“OLS” - Obstacle Limitation Surface within the meaning of the Airports (Protection of Airspace) Regulations 1996 (as amended).

“PANS-OPS” - Procedures for Air Navigation Services – Aircraft Operations within the meaning of the Airports (Protection of Airspace) Regulations 1996 (as amended).

“Prescribed airspace” - The prescribed airspace for Coolangatta Airport ascertained in accordance with the Airports (Protection of Airspace) Regulation 1996 (as amended).”

Reports from Director Development Services

It is considered that the above amendment would satisfy the request of the proponent and affords an opportunity for the relevant airport authority to provide expert advice with regard to development that may affect airport operations.

Recommendation 1C: It is recommended that Tweed LEP 2000 be amended by inserting subclauses 33(4) and (5) as detailed above.

D. Development Control Plan No 40 – Exempt and Complying Development

The following changes to Council's DCP 40 have also been requested:

Insert in Clause 2.2 (In What Circumstances Don't the Exempt Development Provisions Apply) the following new Clause:

- (e) *development which constitutes "controlled activities pursuant to the Airports (Protection of Airspace) Regulations 1996 for which approval is required under those Regulations".*

Insert in Clause 3.3 (When Can A Complying Development Certificate Be Issued?) the following new Clause:

- (d) *is not development which constitutes "controlled activity" pursuant to the Airports (Protection of Airspace) Regulations 1996 for which approval is required under those Regulations".*

These new sub-clauses will ensure that development that may project into prescribed airspace or create other prescribed hazards will be determined by Council and airport authorities.

Recommendation 1D: recommended that DCP 40 be amended to include clause 2.2(e) and Clause 3.3(d) above.

2. DEVELOPMENT CONTROL PLAN NO 40 – EXEMPT AND COMPLYING DEVELOPMENT

Development Control Plan No 40 is proposed to be amended in a number of instances. The amendments refer to:

- Exempt Development
- Complying Development
- Schedule 1 – Exempt Development
- Schedule 2 – Complying Development Requirements
- Schedule 3 – Complying Development Conditions

A. Exempt Development

At its Extraordinary meeting held on 10 August 1999, Council resolved that Tweed LEP 1998 be amended as follows:

"(a) 'Exempt Development' for the 7(a), 7(d), 7(f) and 7(l) zones be amended to include only the following categories of exempt development:

"Item 1 – Exempt Development

- *Home occupation;*
- *Noxious weed control;*

Reports from Director Development Services

- *Bushfire hazard reduction*

and, where appropriate, these categories be removed from item 2, 3, 5 and 6 'Noxious Weed Control' and 'bushfire hazard reduction' be permissible with Council's consent in circumstances where it is not exempt under DCP 40."

This resolution does not appear to have been reflected in Tweed LEP 2000. It is proposed to amend Tweed LEP 2000 and DCP 40 by inserting the following as Clause 2(d) of the Tweed LEP 2000 and Clause 2.2(f) of DCP 40:

"Land that is within Environmental Protection Zones 7(a), 7(d), 7(f), and 7(l), except for:

- *Home occupation;*
- *Noxious weed control;*
- *Bushfire hazard reduction"*

B. Complying Development

It is proposed to amend Clause 3.3(c)(viii) to delete reference to "flood Liable" and replace with reference to "below the 1:100 year flood level". This would ensure consistency with the wording within Tweed LEP 2000. Refer to attached DCP 40 illustrating the proposed amendment.

C. Schedule 1 – Development Exempt

- It is proposed to amend Schedule 1 by introducing "Carports" as exempt development provided certain provisions can be met. Council's Health and Building officers have recommended this amendment.
- Amend provisions for Farm Sheds by introducing additional requirements relating to setbacks from designated roads and critical habitats.
- Amend provisions relating to outdoor security lighting by deleting "outdoor sports lighting" as exempt development.
- Amend provisions relating to Patios and Pergolas by amalgamating these land uses and their respective development requirements.

Please refer to attached DCP 40 illustrating the proposed amendment.

D. Schedule 2 – Complying Development Requirements

Council's Engineering Services and Health and Building Officers have recommended the following amendments.

- Private certifiers have no power to authorise works on public land that may be necessary to carry out the development. These works include driveways across public road reserves and drainage works. The proposed amendments to Schedule 2 of DCP 40 will require these approvals/consents to be issued from Council prior to the issue of a complying certificate. Your attention is referred to the attached amended DCP 40, which illustrates all the changes proposed to be effected.
- Schedule 2 of DCP 40 is also proposed to be amended to incorporate energy efficiency provisions for single dwellings. The proposed amendment will require dwelling houses to have at least a 3.5 star rating pursuant to the House Energy Rating Scheme (NatHERS). The proposed amendment is consistent with the provisions of DCP 39 –

Reports from Director Development Services

Energy Smart Homes Policy. Please refer to the attached draft document illustrating the proposed amendment.

- iii. Amend reference to carports or garages associated dwelling houses by adding “which are not used for habitable, commercial or industrial purposes and does not exceed 40m² in area”.
- iv. Amend provisions relating to cut and/or fill to remove the wording “combined”.
- v. Amend provisions relating to swimming pool setback from front boundary.

Please refer to attached DCP 40 illustrating the proposed amendment.

E. Schedule 3 – Complying Development Conditions

Council’s Engineering Services and Health and Building Officers have recommended the following amendments.

The amendments being proposed to Schedule 3 of DCP 40 are intended to:

- i. Recognise Council’s role in section 68 of the Local Government Act approvals and section 138 of the Roads Act consents as separate from that of the complying development certifying authority;
- ii. Update erosion and sediment control conditions to conform with Council’s adopted “Urban Stormwater Management Plan”;
- iii. Expand and clarify Council’s stormwater drainage requirements;
- iv. Amend provisions relating to Bed and Breakfast to include requirements for the provision of “a system activated by a smoke alarm is to be installed to assist in the evacuation of occupants in the event of fire”.

Your attention is referred to the attached amended DCP 40, which illustrates all the changes proposed.

Recommendation 2: That Tweed LEP 2000 be amended in accordance with changes proposed in A above, that that DCP No 40 is amended in accordance with A, B, C, D and E above, and the changes appended to this report.

3. TWEED LEP AMENDMENT TO REFLECT CHANGES TO DCP NO 40

To effect the above proposed changes to DCP 40 it is necessary to amend relevant clauses within Tweed LEP 2000 that refer to this document.

The following clauses of Tweed LEP 2000 will need to be amended:

“9 Exempt development

- (1) *Development of minimal environmental impact listed in Schedule 1 to Tweed Development Control Plan No 40, as adopted by the Council on 1 March 2000 is exempt development, despite any other provisions of this plan.*

10 Complying development

- (1) *Development listed in Schedule 2 to Tweed Development Control Plan No 40, as adopted by the Council on 1 March 2000 is complying development if: ...*
- (2) *Despite subclause (1), development is complying development only if it:*

Reports from Director Development Services

- (a) *meets the applicable requirements in Schedule 2 to Tweed Development Control Plan No 40, as adopted by the Council on 1 March 2000, and ...*
- (3) *A complying development certificate is subject to the conditions for the development set out in Schedule 3 to Tweed Development Control Plan No 40, as adopted by the Council on 1 March 2000.*

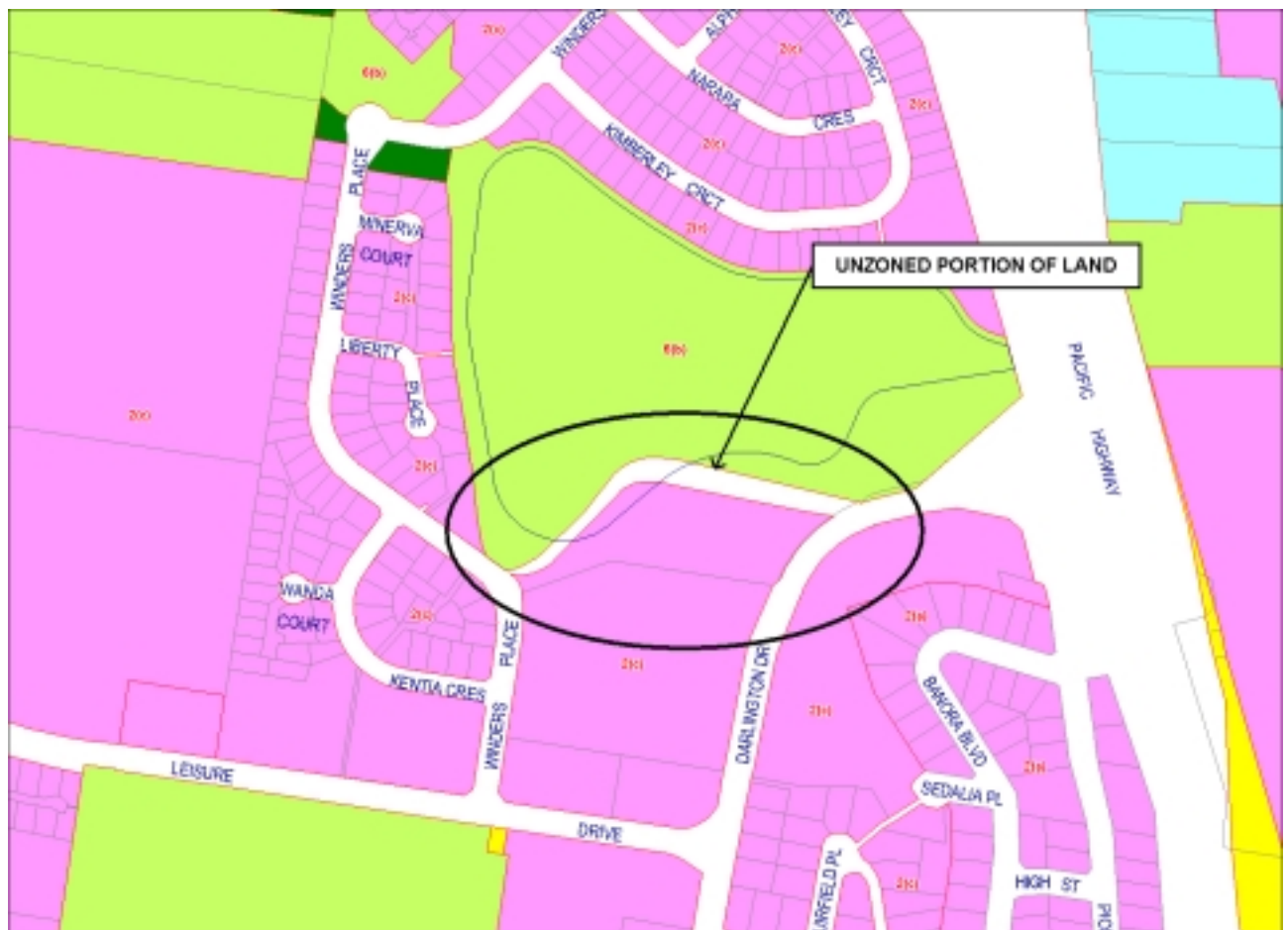
The above clauses will need to be amended to reflect the amended DCP No 40 as well as the new date that Council adopts the amended DCP.

Recommendation 3: That Clauses 9 and 10 of Tweed LEP 2000 be amended to reflect the new date of Council adoption of DCP 40.

4. LAKE KIMBERLEY

This proposed LEP mapping amendment refers to the area illustrated below and in particular to the uncoloured area of land that is circled in Figure 1 – Lake Kimberley.

Figure 1 – Lake Kimberley



This part parcel of land is currently not zoned. At its Ordinary Meeting on 19 December 2001, Council resolved the following:

- “1. That Council endorses the proposal to Bradshaw Developments in terms of \$551,085 to acquire parcels 1, 2 and 5 in option 2, plus 1566m² adjacent to Winders Place (annexure 5) as public open space with a consequent draft amendment to DCP No 3

Reports from Director Development Services

– Banora Point/South Tweed, amendment as sought to LEP of amendment no. DA K99/1682.

2. Compensates Bradshaw Developments \$22,500, being half the cost of the bridge.
3. Acknowledges Bradshaw Developments forthcoming application and intent to construct a sewerage pump station and/or stormwater.”

Recommendation 4: It is recommended that the subject parcel of land be zoned in accordance with Council’s resolution of 19 December 2001 to delineate zone 6(a) and Zone 2(c).

5. SEPP 14 WETLANDS

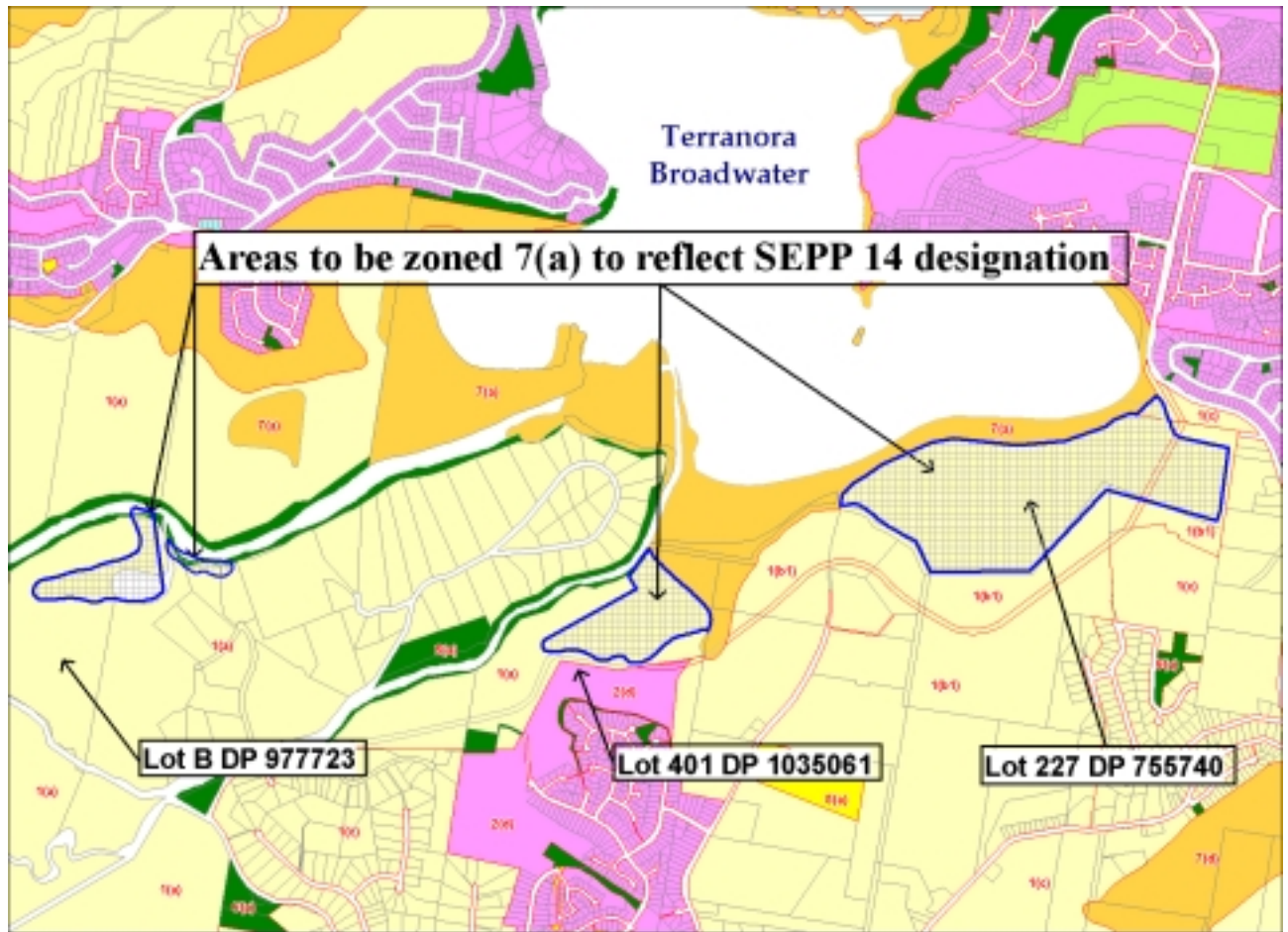
State Environmental Planning Policy No 14 was updated on the 17th of March 2000. A review of our existing Zoning maps have revealed that although the majority of SEPP 14 Wetland throughout the Shire is covered by this zone there are recent additions to these maps that should be reflected in Tweed LEP 2000 (see Figure 2a and 2b). The new areas of State Environmental Planning Policy 14 Wetlands (SEPP 14) identified within the Tweed Shire should be reflected within the Tweed LEP 2000. The proposed amendments will mirror the SEPP 14 maps.

Figure 2a – New SEPP 14 Coastal Wetlands – Tweed Heads/Banora Point Area



Reports from Director Development Services

Figure 2b – New SEPP 14 Coastal Wetlands – Terranora/Banora Point



Recommendation 5: It is recommended that the LEP maps are amended to ensure the 7(a) Environmental Protection (Wetlands and Littoral Rainforests) Zone reflect recent additions to SEPP 14 mapping by DUAP as shown in Figure 2a and 2b.

6. CLAUSE 18(3) RURAL WORKERS' DWELLING

Clause 18(3) of the Tweed LEP 2000 reads as follows:

“(3) Consent must not be granted to the erection of a rural worker’s dwelling on an allotment of land having an area of less than 40 hectares in Zone 1 (a), 1 (b2) or 7 (d) or an allotment of less than 10 hectares in Zone 1 (b2).”

The clause makes no reference to land zoned 1(b1) and enables the erection of rural workers dwelling on land zoned 1(b2) comprising of a minimum of 10 hectares. The intent of this clause was to enable rural workers dwellings on prime agricultural land that have potential for more intense agricultural activity 1(b1) zone and not the 1(b2) zone (sugar cane areas). Tweed LEP 1987 made provision for the erection of a rural workers dwelling on both 1(b1) and 1(b2) zones provided the land has a minimum lot size of 40 hectares. The LEP should be flexible enough to allow rural workers dwellings on smaller lots in zones 1(b1) because of the potentially greater intensity of agricultural activity on class 1 and 2 agricultural land.

Reports from Director Development Services

Recommendation 6: It is recommended that clause 18 (3) of the Tweed LEP 2000 be amended as follows to ensure consistency with the provisions of the Tweed LEP 1987:

“(3) Consent must not be granted to the erection of a rural worker’s dwelling on an allotment of land having an area of less than 40 hectares in Zone 1 (a), 1(b2) or 7(d) and 10 hectares in Zone 1(b1).”

7. BUILDING HEIGHTS

The issue of building heights is currently addressed within the Tweed LEP through the following provisions:

“Clause 16 Height of buildings

(1) *Objective*

to ensure that the height and scale of development is appropriate to its location, surrounding development and the environmental characteristics of the land.

(2) *Consent must not be granted to the erection of a building which exceeds the maximum height or number of storeys indicated on the Height of Buildings map in respect of the land to which the application relates.”*

“Schedule 1 Meaning of Terms

height, in relation to a building *the greatest distance measured vertically from any point on the building to the natural ground level immediately below that point.*

Height of Buildings map *the series of maps marked “Tweed Local Environmental Plan 2000—Height of Buildings”, as amended by the maps listed in Part 3 of Schedule 6.”*

Storey means:

- (a) *the space between two floors, or*
- (b) *the space between a floor and any ceiling or roof immediately above it, or*
- (c) *foundation areas, garages, workshops, storerooms and the like, where the height between natural ground level and the top of the floor immediately above them is 1.5 metres or more.*

For the purpose of counting the number of storeys in a building, the number is to be the maximum number of storeys of the building which may be intersected by the same vertical line, not being a line which passes through any wall of the building”.

The current problems encountered with the issue of building heights and storey’s relate to the interpretation of what a storey is, how it should be measured, and what should be included when considering or assessing a building height, or storey.

Recommendation 7: That the Tweed LEP 2000 provisions regulating building height are amended to refer to ‘finished ground level’ by:

- i. amending definition for ‘building height’;

Reports from Director Development Services

- ii. introducing a definition for ‘finished ground level’;
- iii. amending definition for ‘storey’

in the following manner:

1. The definition for building height be amended to reflect “finished ground level” rather “natural ground level”, hence the definition would read:

“height, in relation to a building *the greatest distance measured vertically from any point on the building to the **finished ground level** immediately below that point.”*

2. A definition for “finished ground level” be introduced:

“finished ground level”, in relation to land, means –

- a. *where land is within an area designated by the council as flood liable land, the Adopted Design Flood Level, adopted by Council; or*
- b. *where land is not within such an area, the level of the land (after earthworks) as approved by the council, or where no earthworks are proposed, the natural ground level of the land”.*

3. The definition for storey be amended to read:

“Storey means:

- (a) *the space between two floors, or*
- (b) *the space between a floor and any ceiling or roof immediately above it, or*
- (c) *foundation areas, garages, workshops, storerooms and the like, where the height between **finished ground level** and the top of the floor immediately above them is 1.5 metres or more.*

A storey which exceeds 4.5 metres is counted as two storeys.

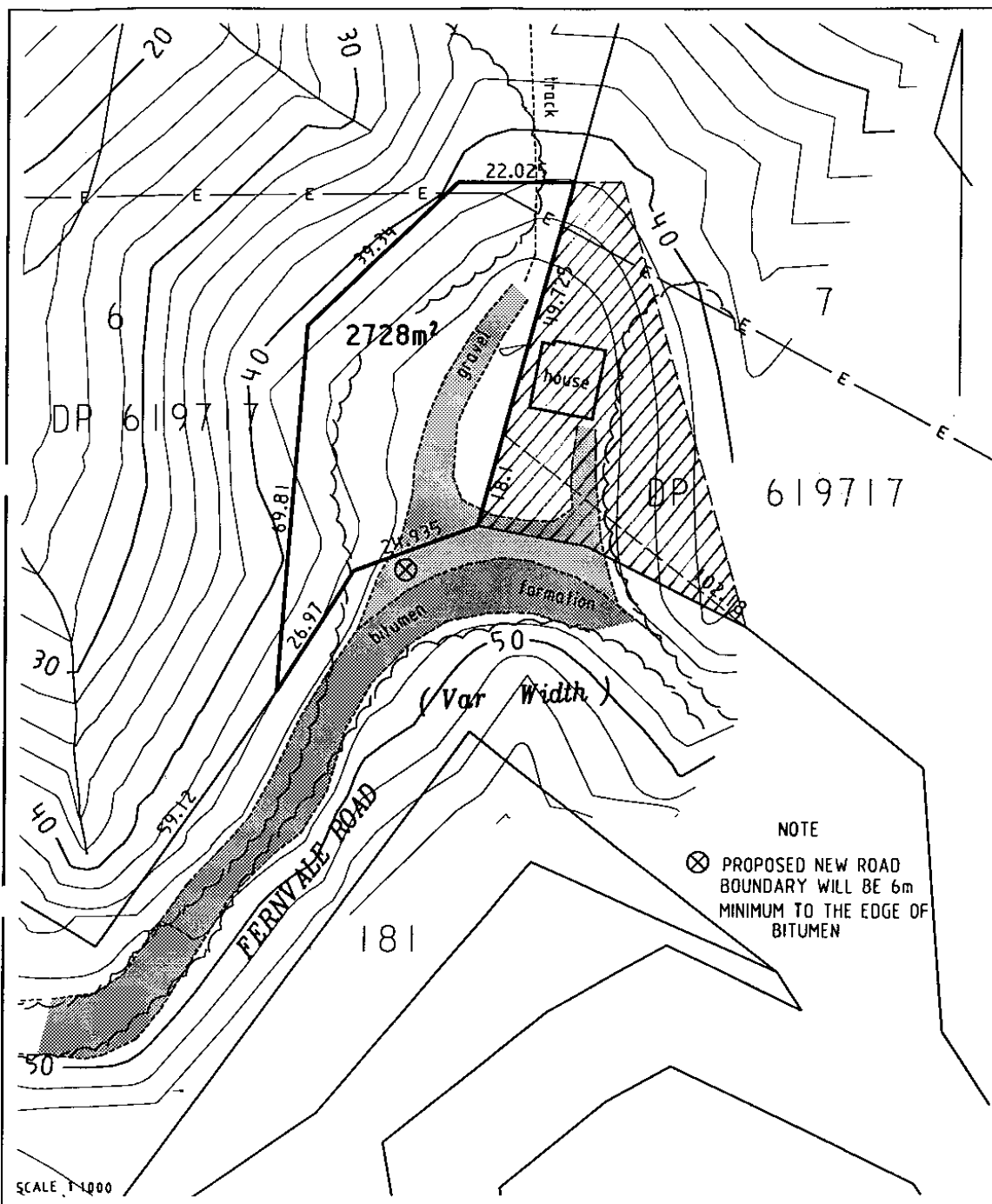
For the purpose of counting the number of storeys in a building, the number is to be the maximum number of storeys of the building which may be intersected by the same vertical line, not being a line which passes through any wall of the building”.

8. LAND SUBJECT TO ROAD CLOSURE

On 16 May 2001 Council resolved to close part of Fernvale Road, Fernvale, adjacent to Lot 6, DP619717. Refer to Figure 3 below.

Reports from Director Development Services

Figure 3 – Fernvale Road – Road Closure



| | | |
|---|----------------|---|
| Scale 1 1000 | Drawn 04/05/01 | JOB No 6353H3 |
| BROWN & HAAN Pty Ltd CONSULTING SURVEYORS Suite 7, "Carinya" Cor Commercial Rd & King St MURWILLUMBAH 2484 | | PROPOSED ROAD CLOSURE OF PART OF FERNVALE ROAD AT FERNVALE FOR: WJ, D, LJ & CS DICKENSON |
| PO Box 161 Phone/fax 02 6672 1256 | | |

Reports from Director Development Services

The resolution did not require the consolidation of land into Lots 6 DP619717. A separate lot is to be created and registered. The land is uncoloured, so therefore the provisions of Clause 13 would apply to the lot. Amongst other things, the erection of a dwelling would become permissible, contrary to the LEP which requires a 40 hectare minimum in the Rural 1(a) zone.

Recommendation 8: That the land referred to in Figure 3 above be zoned 1(a), consistent with the surrounding land use zoning.

9. CLAUSE 30 DEFINITION OF “VEGETATION CLEARING”

Clause 30 of the Tweed LEP 2000 currently states:

“30 Definition of “vegetation clearing”

For the purpose of this Part, vegetation clearing means any one or more of the following:

- (a) cutting down, felling, thinning, logging or removing any vegetation, or*
- (b) killing, destroying, poisoning, ringbarking, uprooting or burning vegetation, or*
- (c) severing, topping or lopping branches, limbs, stems or trunks of native vegetation, or*
- (d) substantially damaging or injuring native vegetation in any other way.”*

Subclause (c) and (d) currently refer solely to “native” vegetation. It is considered that this clause should apply to all vegetation and not be restricted to just native vegetation.

Recommendation 9: That Clause 30(c) and (d) be amended by removing the term “native”.

10. ZONES 3(A) AND 3(B) – “MULTI-DWELLING HOUSES”

Correspondence has been received from Darryl Anderson Consulting Pty Ltd regarding the provisions relating to zones 3(a) and 3(b), in particular how multi-dwelling units are dealt with. The land use tables pertaining to 3(a) and 3(b) currently prohibit “multi-dwelling houses” unless it is located above non-residential ground floor level development. The provision requires the whole ground floor of any site to be developed for shops, commercial premises etc.

Tweed LEP 1987 provided that within zones 3(a), 3(b), 3(c), 3(d) and 3(e), residential flat buildings were prohibited “other than those attached to shops or commercial premises”. It is contended that, on reflection, the repealed LEP provided better urban design outcomes and flexible merit based assessment on a case-by-case basis.

It is requested that Tweed LEP 2000 be amended by omitting the current reference to multi-dwelling housing in item 4 of the 3(a) and 3(b) zones and inserting the following;

“Multi-dwelling housing (unless attached to shops, commercial premises or other non-residential development)”

Similarly, it has been requested to undertake similar amendments in relation to “dwelling houses” by inserting the wording after dwelling houses in Item 4 of the Land Use table for zones 3(a) and 3(b);

“(unless attached to shops, commercial premises or other non-residential development)”

Notably, Tweed LEP 1987 also prohibited dwelling houses within zones 3(a) and 3(b).

Recommendation 10: It is recommended that Tweed LEP 2000 be amended by inserting “Multi-dwelling housing (unless attached to shops, commercial premises or other non-residential development)” within Item 4 of the zoning table pertaining to zone 3(a) and 3(b). However, it is not recommended that second request mentioned above be pursued.

Reports from Director Development Services

11. CLAUSE 57 – PROTECTION OF EXISTING DWELLING ENTITLEMENT

Pursuant to Tweed LEP 2000, Council cannot grant approval for a dwelling house on land zoned 1(a) unless it's on a lot with an area in excess of 40 hectares, or is an allotment referred to in Clause 57 (Savings Provision). DUAP have advised that should Council approve a subdivision utilising SEPP No 1 (ie. Lot less than 40 hectares) the savings provisions do not apply to this lot. Further, as the dwelling house provisions are located within the zoning table, they are not a development standard and cannot be varied by a SEPP No. 1 objection.

Tweed LEP 2000 should be amended to avoid this problem. It is suggested that it be amended by amending Clause 57 in the following manner:

“57 Dwelling entitlement

- (a) *Nothing in this plan prevents a person, with development consent, from erecting a dwelling house on an allotment lawfully consented to, before the appointed day and on which a dwelling house could lawfully have been erected immediately prior to the appointed day.*
- (b) *Nothing in this plan prevents a person, with development consent, from erecting a dwelling house on an allotment lawfully created under the provisions of this plan for the purpose of a dwelling house, after the appointed day.”*

Recommendation 11: That Clause 57 of the Tweed LEP 2000 be amended in the manner described above.

12. SCHEDULE 2 HERITAGE ITEMS

Schedule 2 of the Tweed LEP 2000 provides a list of Heritage Items throughout the Tweed Shire. The Sacred Heart Parish in Murwillumbah was the subject of a Conservation Policy undertaken to fulfil the obligations of a condition of Development Approval associated with the redevelopment of the existing Mt St Patrick Primary and Secondary Schools and upgrading of the Convent. The Policy found the following buildings to have heritage significance:

- Presentation House (The former Convent)
- The Church of the Scared Heart
- The Church Hall (former Church of the Sacred Heart)
- The Sacred Heart Presbytery

All these items are located on the one property, Lot 2 on DP225827, 143 Murwillumbah Street, Murwillumbah.

Schedule 2 of the Tweed LEP 2000, lists the above property, however it only lists the Sacred Heart Presbytery Building as an item of Local Heritage significance. Given the findings of the Conservation Policy for the subject site it is considered that the three other buildings mentioned above also be listed under the subject property description.

Recommendation 12: That Schedule 2 Heritage Items of the Tweed LEP be amended to add the following buildings under the listing pertaining to Lot 2 DP225827, 143 Murwillumbah Street, Murwillumbah.

- Presentation House (The former Convent)

Reports from Director Development Services

- The Church of the Scared Heart
- The Church Hall (former Church of the Sacred Heart)

13. RURAL INDUSTRY

Schedule 1 – Meaning of Terms of Tweed LEP 2000, presently define Rural Industry as:

“rural industry handling, treating, processing or packing of primary products in the locality and includes the servicing in a workshop of plant or equipment used for rural purposes in the locality.”

It is proposed to amend the above definition by including the word “grown” in the following manner:

*“rural industry handling, treating, processing or packing of primary products **grown** in the locality and includes the servicing in a workshop of plant or equipment used for rural purposes in the locality.”*

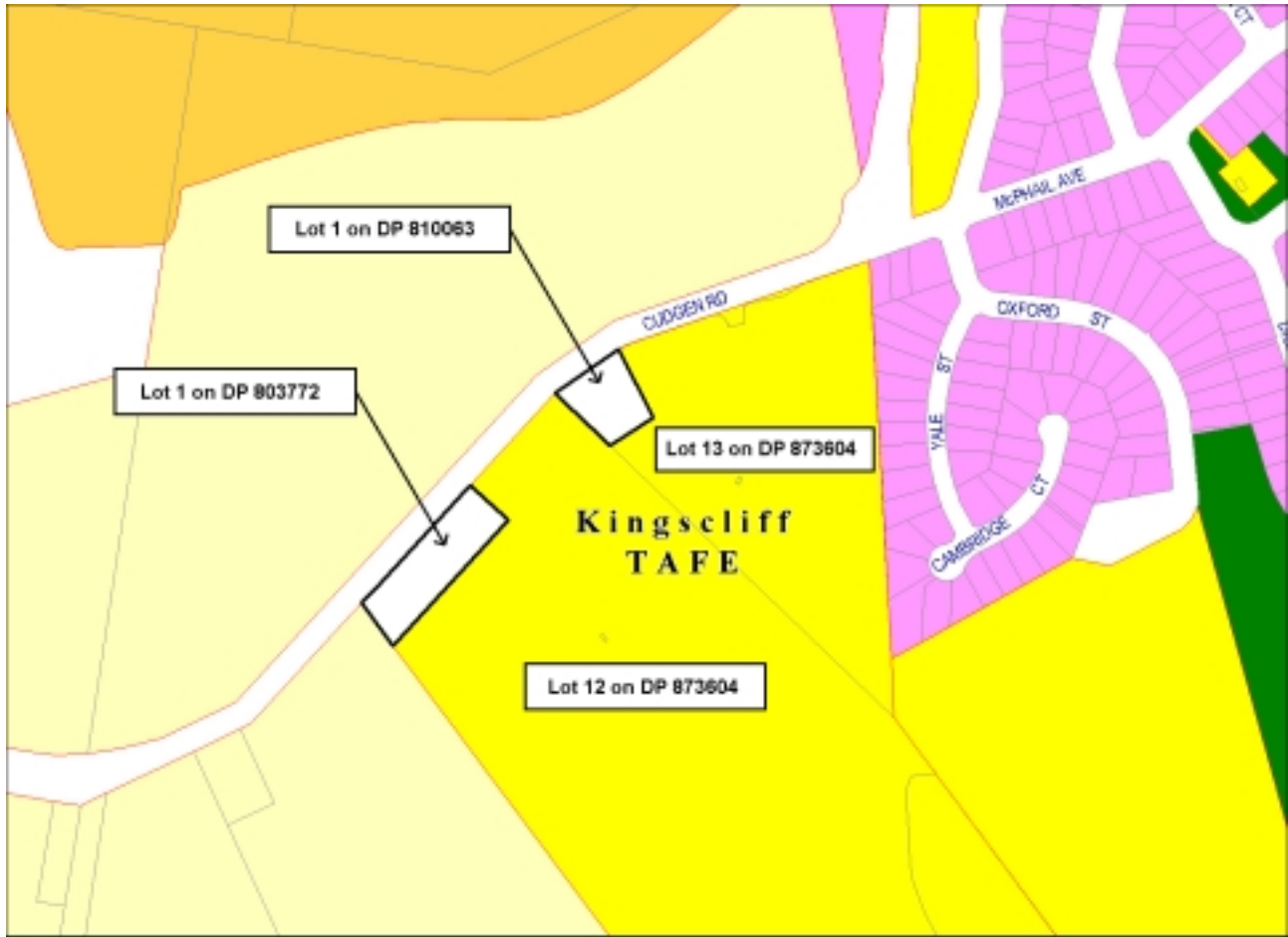
Recommendation 13: recommended that the definition for rural industry within Schedule 1 of Tweed LEP 2000 be amended in the manner described above.

14. DEFERRED AREAS

Figure 4 below, illustrates two parcels of land that are designated as “deferred areas” within the Tweed LEP 2000 Maps. Tweed LEP 1987 originally zoned the subject parcels of land as 1(d) (Development Investigation Zone). Tweed LEP 1987 (Amendment No.51) saw the surrounding parcel of land zoned as 5(a) Special Uses (Technical College). The subject land remained zoned 1(d) (Development Investigation Zone) and was designated as a deferred area under Tweed LEP 2000.

Reports from Director Development Services

Figure 4: Deferred Areas, Cudgen Road, Cudgen



Both the subject parcels of land are freehold title, privately owned and have dwelling houses constructed upon them. Part of Lot 1 on DP 803772, is being used for agriculture. It is considered, that given the existing nature of the subject lands and taking into account the immediate surrounding land uses, the subject lands should be zoned 1(a) Rural. This would satisfy the existing land uses for the site.

Recommendation 14: recommended that Lot 1 on DP803772 and Lot 1 on DP810063, Cudgen Road, Cudgen be zoned as 1(a) Rural.

15. MASTER PLANNING

Section 92A of the Environmental Planning and Assessment Regulation 2000 provides for the ability for Council to request preparation of a Development Control Plan, Section 94 Plan or a Master plan prior to granting consent to a development application. For this provision to come in force the necessary clause needs to be inserted within Council's LEP. Providing for the ability for Council to request a DCP, S94 Plan or a Master plan will ensure Council adopts a sound holistic approach to particular developments and generally provide for better planning. It would enable Council to pursue ecological sustainable development by taking into consideration all social, economic, environmental and physical infrastructure needs of the proposed development.

Reports from Director Development Services

Recommendation 15: Recommended that Council amend Tweed LEP 2000 to incorporate the provisions of Section 92A of the EP&A Regulation 2000 in the following manner:

By inserting the following Clause after Clause 53A of the Tweed LEP 2000:

“53A Master Plans

(1) Objective

- *To ensure proper consideration of development that may have significant social, environmental, and/or economic impact.*

(2) Pursuant to this clause, where the consent authority considers that a proposed development is likely to have a significant impact in the locality, a development application must not be determined by Council (unconditionally or subject to conditions) unless:

- (a) a development control plan has been approved for the land, and/or***
- (b) a contributions plan has been approved for the land, and/or***
- (c) there is a master plan for the land that has been available for inspection by the public since it was made or adopted,***

as the case may require.

(3) Notwithstanding subclause (2) Council may waive the need for the preparation of a development control plan, a contributions plan or a master plan should it determine the development does not warrant such investigations”.

16. FARMERS MARKETS

The Tweed LEP currently defines “markets” as:

“a temporary outlet for the sale of local crafts and goods, a large proportion of which are not available through normal commercial outlets:

- a) Which operates on one day of a week only, and*
- b) Which does not require the erection of permanent structures.”*

The definition does not provide for the operation of “farmers markets” because “a large proportion” of the produce sold at these markets are available through commercial outlets. To ensure Farmers Markets are provided for the definition for “markets” within the LEP needs to be amended.

Recommendation 16: Recommended that Council amend Tweed LEP by amending the definition “markets” so that it reads:

“a temporary outlet for the sale of local crafts and goods which:

- a) operates on one day of a week only, and*
- b) does not require the erection of permanent structures.”*

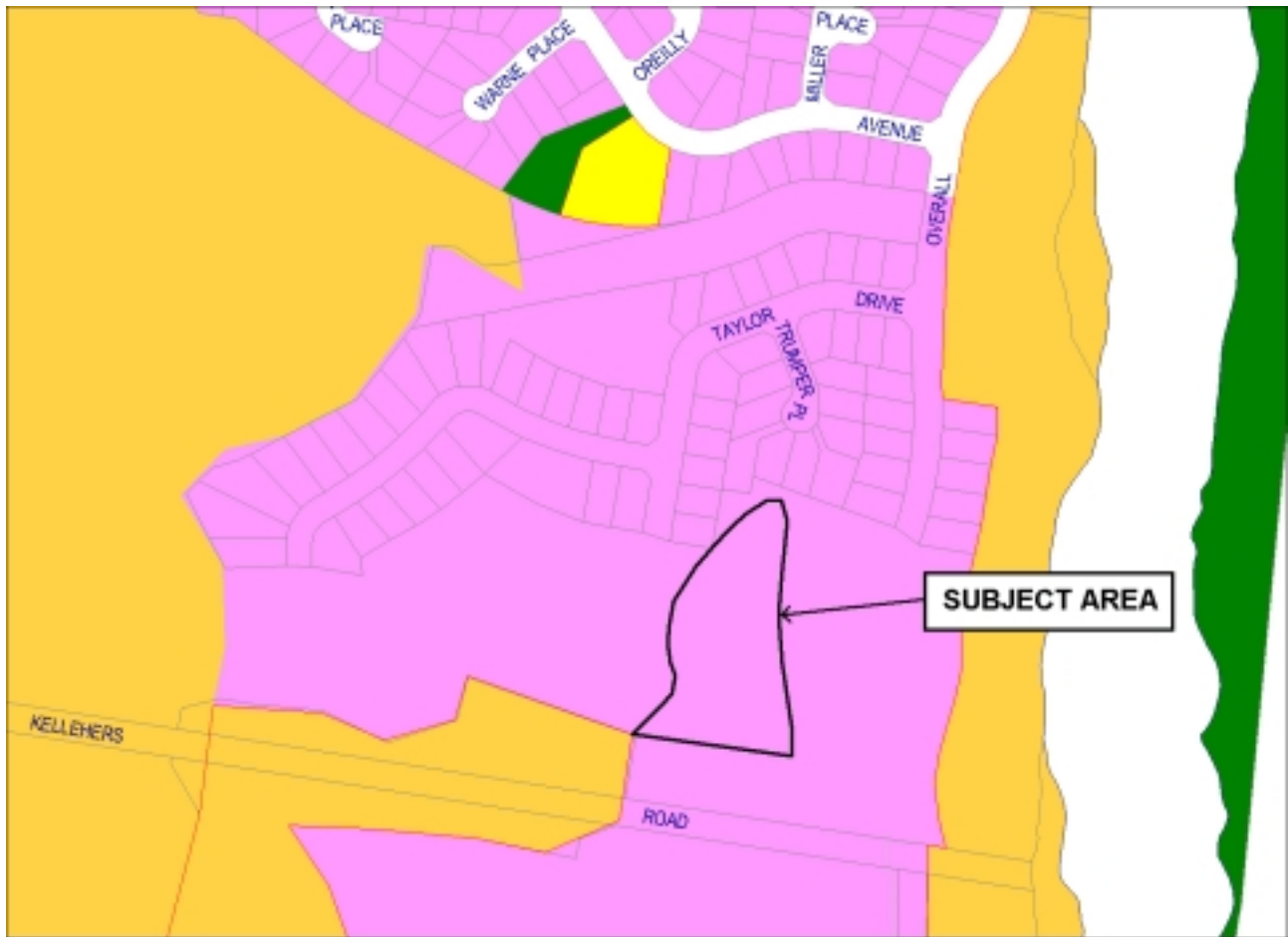
17. BLACK ROCKS ESTATE

A request has been received from Darryl Anderson Consulting on behalf of Pottsville Development Corporation Pty Ltd to amend Tweed LEP 2000 to change the minimum lot size in respect of the hatched area affecting stage 6 of Black Rocks estate from 1200m² to 700m².

The subject area of land is illustrated below in Figure 5.

Reports from Director Development Services

Figure 5 – Part of Black Rocks Estate, Pottsville



The site is currently subject to Section 52 of the Tweed LEP 2000 restricting development of lots sizes within that particular shaded area to a minimum area of 1200m². The existing minimum 1200m² lot size requirement was derived as a result of a Local Environmental Study prepared for the Black Rocks estate in June 1992 by ERM Mitchell McCotter. The intention of the larger lot sizes was to minimise impacts on the landscape and scenic quality of the area. The larger lots provide greater opportunities for landscaping and reinstating vegetation.

The subject site was thought to contain scenic values because it was visible from vantage points such as the Coast Road. A field inspection of the site revealed the subject area to be relatively flat and consistent with the remainder of the Black Rocks estate that has already been subdivided and developed into lot sizes less than 1200m². The subject area is void of vegetation and does not appear to be distinct from the earlier stages of development and is not perceived to be visually significant. Land sound of Kellehers Road is elevated higher than the remainder of the site and is considered to be more visually prominent. The applicant proposes to subdivide to create lots varying in size between 766m² to 1146m².

It is considered that the subject site would support allotments of a smaller area (minimum 700m²) without detrimentally impacting on the amenity and the aesthetic qualities of the area.

Reports from Director Development Services

Recommendation 17: Recommended that Council amend Section 52 of Tweed LEP 2000 to enable the development of lots of minimum 700m² over the subject shaded area of Black Rocks Estate as illustrated in Figure 5 above.

18. FINGAL HEAD – GENERAL BUSINESS ZONE, QUEEN STREET

Correspondence has been received by Council to review the current 3(b) General Business Zone at Queen Street, Fingal. The subject area is illustrated in Figure 6 below.

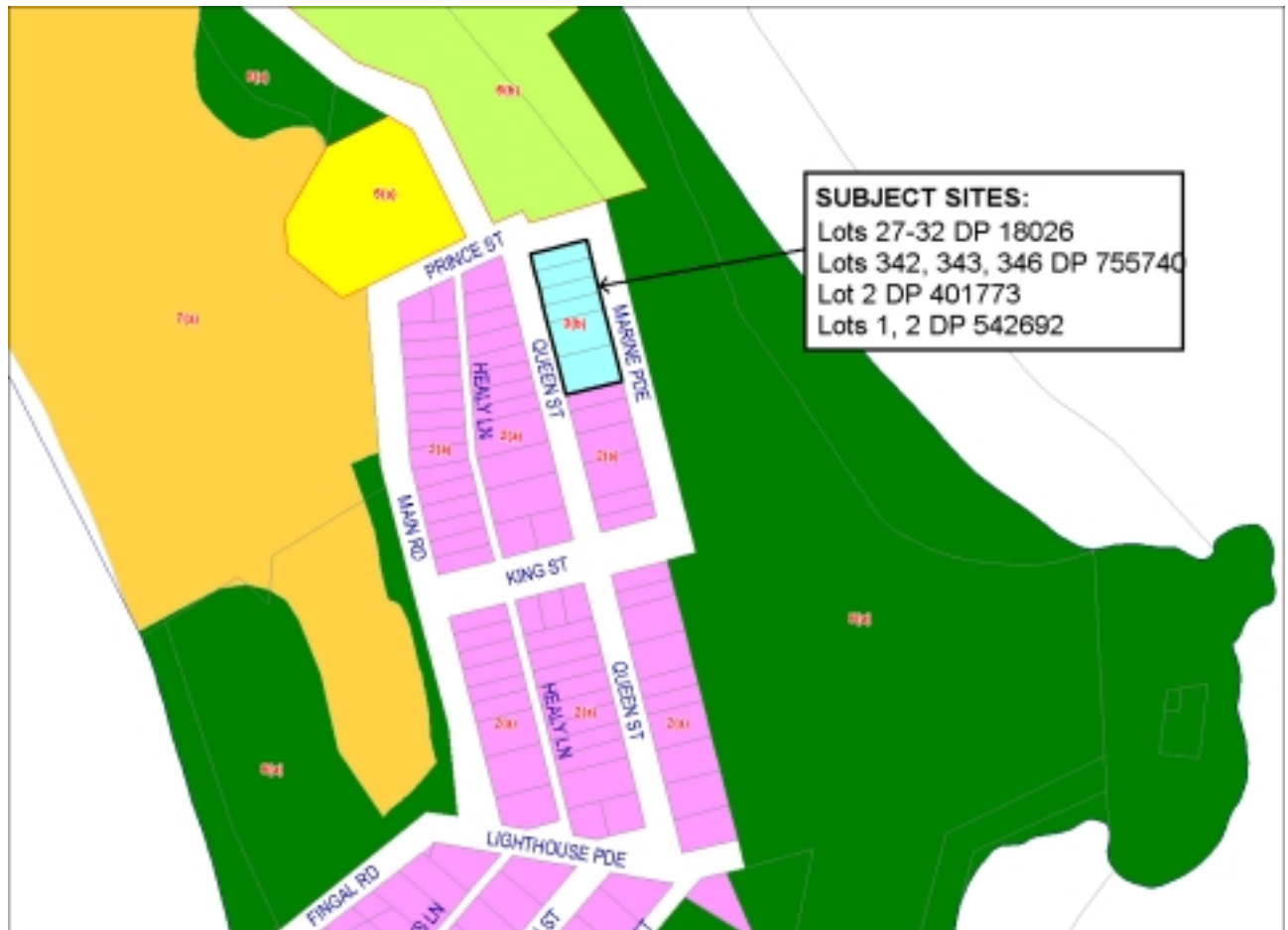


Figure 6

The Fingal Head Community Association has requested Council to review the need for the provision of a commercial district in the subject area. The issues pertaining to reviewing the zone of this particular site are numerous and require a greater level of investigations. Issues that need to be addressed include:

- Coastal Policy
- Public Consultation
- Consultation with Key Stakeholders
- Economic market analysis
- Demand/supply needs assessment

Reports from Director Development Services

- Social analysis
- Traffic assessment
- Local environmental study
- North Coast REP
- Relevant SEPPs
- Possible preparation of a DCP or Masterplan

As can be seen the issues that need to be considered and satisfied appear to extend beyond the scope of what would generally be considered a housekeeping LEP review. Therefore this issue should be considered as a stand-alone item and be treated as part of a separate LEP amendment.

Recommendation 18: Recommended that Council address the above matter as a separate issue to this housekeeping LEP and resolve to include it within a future Works Program for the Strategic Planning Unit.

STATUTORY MATTERS

Council Documents – Tweed LEP, DCPs and Tweed Shire 2000+ Strategic Plan

The issues listed above will amend Council's LEP, both the written document and the maps. The changes being made are considered generally administrative matters and are not expected to have significant impacts on the overall aims and objectives of Tweed LEP 2000.

Council's DCP 40 – Exempt and Complying Development will be amended as a result of some of the changes being proposed. The changes being proposed are not considered significant as they basically reflect other state legislation and other Council policy and procedures.

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

Regional Plans

North Coast Regional Environmental Plan

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

State Legislation

NSW Coastal Policy

A Section 117 Direction under the Environmental Planning and Assessment Act, 1979, requires Council to Consider the Coastal Policy in the preparation of Local Environmental Plans. The Direction requires draft LEPs to give effect to, and be consistent with, the Policy and requires Local Environmental Studies to accompany rezoning applications for land within the coastal zone. A number of the changes being proposed by this LEP amendment fall within the Coastal Zone and as such would require the preparation of a Local Environmental Study. However, the Director General

Reports from Director Development Services

can waive the need for an environmental study where the rezoning is considered to be of a minor nature or where adequate environmental information already exists as a result of previous studies.

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

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

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

Section 117 Directions

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

SEPP 14 – Coastal Wetlands

The changes affecting SEPP 14, proposed by this LEP amendment will bring Council's LEP, 7(a) Zone boundaries, up to date with the alignment of SEPP 14 boundaries as gazetted on 17 March 2000. The changes proposed are consistent with the provisions of SEPP 14.

CONCLUSION

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

It is recommended that the proposed LEP Amendment be supported and that Council requests the Director General of Urban Affairs and Planning to waive the requirement for a Local Environmental Study as the proposed LEP is generally of a minor nature.

Reports from Director Development Services

THIS
PAGE
THIS
PAGE
IS
IS
BLANK
BLANK

Reports from Director Development Services

6. ORIGIN: Development Assessment Unit

FILE REF: DA4030/3875 Pt1

REPORT TITLE:

The Construction of a Commercial Boating Jetty, Booking Office, Car Parking Area and Ancillary Facilities at Lot Reserve R89339 and Southern Boat Harbour River Terrace, Tweed Heads

SUMMARY OF REPORT:

Council has investigated the future use of the Southern Boatharbour District over a number of years. The Tweed Heads Southern Boatharbour Management Strategy was formulated and adopted by Council for the future strategic planning of this precinct. As a result of this Strategy, Council has prepared and lodged an application for the following proposal.

The application proposes improvements and construction of facilities on land and water between the existing 'De Costi Seafood' premises and toilet block on the eastern side of River Terrace, Tweed Heads. This locality is defined as land adjacent to, and within the Southern Boatharbour precinct of Tweed Heads. Such will include;

- ❖ The demolition of the existing public finger wharf
- ❖ The construction of a precast concrete or plastic deck with nine floating pontoons providing 18 berths
- ❖ The construction of a 3m x 6m booking office immediately adjacent to the wharf
- ❖ The construction of a bitumen sealed carpark on the land between the riverbank and River Terrace that currently contains two informal parking areas.
- ❖ The construction of a bus parking area parallel to the kerb incorporating a pick up drop off zone and pedestrian walkway with direct access to the wharf.
- ❖ Repairs to the existing retaining wall as required adjacent to the jetty
- ❖ The construction of concrete walkways to link the existing footpath at the corner of Wharf Street and Keith Compton Drive in the north and the existing footpath adjacent to the existing commercial marina to the south.
- ❖ Provision of a water supply, sewerage pump out and power outlets to the berths
- ❖ Placement of various picnic seating and landscaping.

It is considered that, having regard to the issues raised by the submissions received during the advertising period and assessment by Council staff, some amendment to the original proposal was warranted. Accordingly, further information was requested and a revision of the proposed carpark design. This additional information was submitted together with a more appropriate carpark layout.

Having regard to this additional information and the amended design, the proposal is considered to have merit and is recommended for conditional approval.

RECOMMENDATION:

That Development Application 1227/2001DA for the construction of a commercial boating jetty, booking office, car parking area and ancillary facilities at Lot Reserve R89339 & Southern Boat Harbour River Terrace, Tweed Heads be approved subject to the following conditions:-

Reports from Director Development Services

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

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

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

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

| | | |
|--------|-----------------|------------|
| Water: | 4.6 ET @ \$3840 | \$17644.00 |
| Sewer: | 4.6 ET @ \$3215 | \$14789.00 |

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

2. The development shall be completed in general accordance with approved plans prepared by Tweed Shire Council and dated October 2001, except where varied by these conditions.
3. 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.
4. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
5. 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.
6. Landscaping of the site shall be carried out in accordance with the submitted landscaping plans. The landscaping to be completed prior to occupation of the building, to the satisfaction of the Director, Development Services.
7. The provision of thirty-nine (39) off street car parking spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.

Reports from Director Development Services

8. Advertising structures/signs to be the subject of a separate development application, where statutorily required.
9. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a. footings, prior to pouring of concrete
 - b. slab, prior to pouring of concrete
 - c. frame prior to the erection of brick work or any wall sheeting
 - d. final inspection prior to occupation of the building.
10. 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.
11. Carspaces to be designed to prevent vehicle overhang obstructing pedestrians. Such to be achieved by either moving the kerb line back 0.5m preferred or kerb blocks in each space.
12. Appropriate lighting and signage to be included as part of the development to the satisfaction of the Director Development Services.
13. Individual booking offices within the subject berthing facility are not permitted.
14. The wharf to be designed to ensure sufficient manoeuvring for vessels into respective berths.

PRESCRIBED (BUILDING)

15. 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).
16. 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.
17. The erection of a building in accordance with a development consent must not be commenced until:

Reports from Director Development Services

- 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.

ACCESS/EGRESS

18. All required egress doors are to, at all times, be openable from within the building by single handle downward action or pushing action without recourse to a key and on a single device located between 900 millimetres and 1.2 metres from the floor unless exempted under the provisions of Part D2.21 of the Building Code of Australia. No barrel bolts are to be fitted.

ROADS/STREETS

19. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road. If the proposed development requires driveway access (or modification of access) onto a public road, prior to the issue of a construction certificate and prior to any works taking place on the public road, a detailed application for access/driveway under Section 138 of the Road Act must be submitted to and consent granted by Council. Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.
20. A concrete ribbon footpath 2.2 metres and 75 millimetres thick is to be constructed on a compacted base along the entire frontage of the site to River Terrace. The compacted base is to achieve 95% of maximum dry density determined in accordance with AS1289 5.4.1 for a minimum 100mm depth. A full depth construction joint is to be provided at 6.0 metre intervals and 20 millimetre deep groove joints provided every 1.5 metres, the balance area to be graded to the kerb and turfed. The footpath is to have a 3% crossfall which must be attained at each side boundary. This may result in work to be undertaken on the footpath at adjoining properties which must not exceed 1:14 and must be reinstated with turf. The footpaving is to be located 800 millimetres from the property boundary. The concrete footpath gradient shall be parallel to the top of kerb for the full frontage of the site and maintained unvaried across the (any) driveway cross-section. An inspection of the formwork is to be arranged with Council's Engineering Services Division prior to concrete being placed.
21. The proposed footpath is to be constructed to enable use as a cycleway and a link with the existing cycleway/pedestrian paths.

Reports from Director Development Services

DRAINAGE/FLOODING

22. Provision to be made for a flood free storage area for stock and equipment susceptible to water damage.
23. Subject to the requirements of Northpower, all electrical wiring, power outlets, switches, etc, should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level should be suitably treated to withstand continuous submergence in water.
24. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

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

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

25. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2-1998. **Note** All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the PCA prior to commencement of building works.
26. All surface and seepage waters liable to be a nuisance are to be collected and diverted clear of the building site by an approved drainage system separate to the roof water system.

SERVICES

Sewer

27. Sewer main within site is to be accurately located and the Principal Certifying Authority advised of its location and depth prior to start of any building works.
28. An inlet to the pump-ashore sewerage system shall be provided at each berth.

S68 STORMWATER

29. The erosion and sediment control works shall be carried out in accordance with Council's *Code of Practice for soil and water management on construction sites*.

ENVIRONMENT PROTECTION

30. 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.
31. 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.
32. 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.
33. 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.

Reports from Director Development Services

34. 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.
35. 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.
36. All stormwater gully lintels shall have the following notice **cast** into the top of the lintel: **'DUMP NO RUBBISH, FLOWS INTO CREEK'** or similar wording to the satisfaction of the Director of Development Services.
37. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
38. The burning of builders waste on site by open fire is prohibited.
39. 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.
40. The repair of the damaged riverbank retaining walls adjacent to the subject wharf is to be carried out in conjunction with this approval to the wharf.
41. The use of the wharf by commercial activities that do not possess the necessary approvals is not permitted.
42. Public access to wharf is to be maintained and visible at all times.
43. Buses and similar means of transport engaged in the transfer of persons associated with the operation shall have their engines turned off if stationary for more than one (1) minute.
44. All plant and motor units associated with the sewer pump facility are to be acoustically treated to prevent loud and offensive noise as required to the satisfaction of Councils Director Environment and Community Services.
45. All solid waste generated on site is to be stored and removed to the satisfaction of Councils Director of Environment and Community Services

Reports from Director Development Services

46. All artificial external lighting installed onsite or associated with the facility and its use is to be shielded where required to prevent the spill of light causing nuisance to adjacent residences to the satisfaction of Councils Director of Environment and Community Services

HAZARD/FIRE

47. A Plan of Management to be prepared and submitted to Council for the use of Hazardous Materials and responses to emergency situations such as chemical spills and fire. The Plan shall also address possible sources of pollution management such as oil spills, chemical use to wash vessels and maintenance of vessels using the facility. This Plan of Management shall be to the satisfaction of the Director Development Services prior to the commencement of the use.

ADVICE: The applicant be advised that the Department of Land & Water Conservation encourage the use of a recording mechanism to document which vessels are using the pump-ashore system, how often they use it and how many litres are being pumped out of individual vessels.

Reports from Director Development Services

REPORT:

| | |
|-------------------|---|
| Applicant: | Tweed Shire Council |
| Owner: | |
| Location: | Lot Reserve R89339 & Southern Boat Harbour River Terrace, Tweed Heads |
| Zoning: | 3(d) Waterfront Enterprise |
| Cost: | \$0 |

BACKGROUND

The NSW Dept of Land and Water Conservation, Tweed Council, the Tweed Heads Finger Jetty Committee and the Tweed River Management Plan Advisory Committee funded a study to prepare a Management Strategy for the Southern Boatharbour. Consultants Sinclair, Knight Merz completed the Study in September 1998. One of the Action Recommendations of this Strategy was to encourage the redevelopment of the public wharf on the site of the proposal for limited commercial tourist boat activities (including floating marina facilities).

As a result of these action recommendations, DLWC issued a license to the Tweed Shire Council in July 2001 over the subject site of the Southern Boatharbour of approximately 3150m². This license enables Council to carry out investigations for the purposes of obtaining all necessary approvals for a public wharf and berthing facility for Charter Boats. The subject application is the result of these investigations being for the demolition of the existing wharf and construction of a commercial boating jetty, booking office, car parking area and ancillary facilities.

PROPOSAL

The application proposes improvements and construction of facilities on land and water between the existing 'De Costi Seafood' premises and toilet block on the eastern side of River Terrace, Tweed Heads. This locality is defined as land adjacent to, and within the Southern Boatharbour precinct of Tweed Heads. Such will include;

- ◆ The demolition of the existing public finger wharf
- ◆ The construction of a precast concrete or plastic deck with nine floating pontoons providing 18 berths
- ◆ The construction of a 3m x 6m booking office immediately adjacent to the wharf
- ◆ The construction of a bitumen sealed carpark on the land between the riverbank and River Terrace that currently contains two informal parking areas.
- ◆ The construction of a bus parking area parallel to the kerb incorporating a pick up drop off zone and pedestrian walkway with direct access to the wharf.
- ◆ Repairs to the existing retaining wall as required adjacent to the jetty
- ◆ The construction of concrete walkways to link the existing footpath at the corner of Wharf Street and Keith Compton Drive in the north and the existing footpath adjacent to the existing commercial marina to the south.
- ◆ Provision of a water supply, sewerage pump out and power outlets to the berths
- ◆ Placement of various picnic seating and landscaping.

Reports from Director Development Services

SITE DIAGRAM



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

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

Tweed Local Environmental Plan 2000

The proposal is defined under Tweed Local Environmental Plan 2000 as a boating facility and/ or cruise craft dock, both of which are permissible with Consent in the 3(d) zone. The primary objective of the zone is;

- *To encourage development related to waterfront and marine activities, recreation or tourism.*

The proposed development is considered to be in accordance with the objectives of the zone and therefore Council may have consideration for the proposed development.

Clause 13 Development of Uncoloured Land

The Boatharbour is uncoloured land under Tweed LEP 2000. The proposal is permissible with consent in the adjoining 3(d) Waterfront Enterprise Zone and is consistent with the objectives of that zone.

Development within uncoloured land must give consideration to a number of issues as part of the determination process. Being a commercial jetty within a waterway the proposal will alienate part of the waterway from general public usage, i.e. recreational fishing. However it is considered that there is sufficient area elsewhere within the Boatharbour, Terranora Inlet and the Tweed River to accommodate these recreational activities.

Reports from Director Development Services

The proposal is also consistent with the three relevant strategies for the boat harbour that have identified the need for improved boating facilities for commercial/ tourist operators and better car parking. These strategies are:

- The Lower Tweed Estuary River Management Plan, PWD (Sept. 1991);
- Tweed Heads Southern Boatharbour Management Strategy, DLWC (Sept. 1998);
- Lower Tweed Boating Strategy, TSC (1997)

The proposal has the potential to impact on the environment and in particular the water way during the construction phase. The proposed method of construction and the use of pre-cast materials will help to mitigate any adverse impacts. Appropriate conditions have also been included for sedimentation and erosion control during the construction phase of the project. The proposal will improve the existing facilities through the provision of sewerage pump out facilities, benefiting boat operators and the environment of the Tweed River.

Clause 15 Availability of Services

Water, sewer, power and telecommunication can be augmented to service this development.

Clause 17 Social Impact Statement

The proposal is not considered of such a scale that a S.I.S requires preparation. The proposal is considered to have a positive economic impact by expanding the number of births available for commercial/ tourist operators that will generate further employment and income for the local economy. The ongoing management of the Jetty by Tweed Council and imposition of appropriate conditions will address any potential adverse social impacts. The formalisation of the existing carparking areas and construction of footpaths will significantly improve the public amenity of the area while reducing the potential impact on the environment.

Clause 31 Development Adjoining Waterbodies

Having regard to the information lodged in support of the application it is considered that the application can satisfy the requirements of this Clause as;

- The development will not have a significant adverse environmental impact on the scenic quality, water quality marine ecosystems and biodiversity.
- The construction of public footpaths and jetty will improve the accessibility of the locality to the public following completion of the development.
- The proposal is consistent with the relevant Management Plans applicable to the locality.
- The proposal includes works to repair damaged areas of the stabilisation walls along the riverbanks.

Reports from Director Development Services

Clause 34 Flooding

The design flood level for the locality is RL 2.65 AHD. In the event of a flooding event of this severity, the jetty pontoon is designed to float to this height, avoiding inundation and damage.

The proposed office building will be subject to inundation. Appropriate conditions will be included in any consent to ensure building materials and wiring can withstand flood levels.

Other proposed construction including the carparking and footpaths will not be affected by inundation and will not increase the affect of any flooding on the locality.

Clause 35 Acid Sulphate Soils

The Boatharbour is identified under Tweed LEP 2000 as Class 1 ASS. An ASS Management Plan has been submitted and assessed as satisfactory by Council's Environment and Health Unit. The foreshore reserve area adjacent is identified as Class 5 land. Accordingly no further investigation is necessary.

North Coast Regional Environmental Plan 1988

Clause 15 Development Control - Wetlands or fishery Habitats

The proposal does not affect any wetlands or fishery habitats and is consistent with the relevant provisions of the clause.

Clause 81 Development Adjacent to the Ocean or a Waterway

It is considered there is adequate foreshore open space around the Boatharbour along the northern and eastern banks that will remain open to the public as parkland. The proposal is consistent with the various management plans and strategies relevant to the Boatharbour. The booking office is minor in scale and size and will not detract from the amenity of the waterway.

State Environmental Planning Policies

There are no SEPP's applicable to the subject land or proposed development.

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

No Draft EPI's affect this proposal

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

DCP No.2 Site Access and Parking Code

A major component of this application is the construction of a large hardstand carpark over two existing informal carpark areas along the river foreshore.

This Development Control Plan does not provide guidelines for carparking for this type of facility. Accordingly, the carparking proposed will be based upon an analysis provided by the applicant. An assessment of this analysis is provided in a latter section of this report.

The construction of the carpark will be in accordance with the requirements of Development Control Plan No.2

Reports from Director Development Services

DCP No.5 Development of Flood Liable Land

As previously discussed, Clause 34 of the Tweed LEP applies to the land. Accordingly, DCP No. 5 is also applicable to the development.

The jetty will not be affected by inundation, as design will accommodate for flooding water levels. Appropriate conditions will also be imposed upon any consent granted to ensure compliance with the DCP in regards to building materials, electrical wiring and the provision of flood free areas for stock within the booking office.

Tweed Heads Strategy 2000+

The subject land is located in the Southern Boatharbour District under the 2000+ Strategy. The desired future character seeks to promote the working nature of the boat harbour and the marine theme. The marine and fishing activities form a focus of the boat harbour. Tourist activities and facilities are considered highly desirable in accordance with this Strategy. It is considered that the proposal is consistent with the Strategy and is not in conflict with any design guidelines contained within this document.

Tweed Heads Southern Boatharbour Management Strategy

The proposal, being marine and tourist related is consistent with the adopted vision for the locality as identified by this management plan.

The site of the jetty is identified within the overall management strategy for marine related commercial activities. The strategy also identifies public linkages and carparking consistent with the proposed development.

The management plan includes various Action Recommendations that are outlined below. This table will identify if the recommendations are proposed or whether such will be a condition of any consent granted.

| Action Recommendation | Proposed By Applicant | Condition of Consent |
|---|--|----------------------|
| Development along foreshore to be consistent with activity precincts. | The proposal is consistent with the identified activities. | No |
| Encourage redevelopment of Public Wharf for commercial tourist boat activities | The proposal is consistent with this recommendation | No |
| Ensure public access to the new public wharf is maintained and readily visible | Public Access will be maintained and visible through appropriate conditions of consent | Yes |
| Establish a continuous pedestrian and cycle link along the foreshore of the boatharbour | The proposal will incorporate this link as part of the construction of the carpark. | Yes |
| Plant more shade trees in the carparking area near the public wharf and finger mooring jetty, consistent with Councils tree planting and landscaping policy | Tree planting has been incorporated within the carpark and landscaping plan | Yes |

Reports from Director Development Services

| | | |
|--|---|-----|
| Provide lighting to Australian Standards along the proposed pedestrian link and in key public areas. | The implementation of these requirements will be a condition of consent | Yes |
| Ensure that appropriate design standards are used in designing spaces and facilities for the boatharbour including Crime Prevention through Environmental Design | An assessment of the project concludes that the proposal is consistent with the objectives of Crime Prevention through Environmental Design | No |
| Ensure any new development on land adjoining the boatharbour provides adequate parking facilities | The application includes adequate parking to accommodate the jetty facilities | Yes |
| Ensure that signage in public areas promotes public use | No signage has been proposed as part of the application. | No |
| Improve and extend the carpark near De Costi Seafoods | This is incorporated into the proposal | No |
| Require the incorporation of the existing toilet block into any future redevelopment. | The toilet block is proposed to be retained as part of this redevelopment | No |
| Provide appropriate directional signage for pedestrians and cyclists and other users along the foreshore of the boatharbour | This condition will be included within any consent granted | Yes |

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

The regulations prescribe the Coastal Policy as an additional matter for consideration in assessing applications affecting land identified. The Coastal Policy affects land to which this application pertains.

The proposal does not involve any development that will overshadow open space or works affecting coastal processes to which this policy relates. The development does however involve work along the foreshore.

This development will not be contrary to the aims and objectives of the Coastal Policy in that the work is minor in scale and nature and will not limit public access to the foreshore whilst improving the amenity of this locality.

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

Context and Setting

The locality is best described as in need of upgrading and beautification. The locality has the potential to become an attraction for both residents in the locality and tourists visiting the Tweed. The current lack of footpaths for public access, sealed parking facilities, seating and limited landscaping results in the area not achieving its full potential as a public recreation site. The construction of a well-designed carpark incorporating seating, landscaping and footpaths would provide continuous access from the eastern side of the boat harbour through to the commercial jetty to the south of the subject site.

Reports from Director Development Services

The demolition of the existing jetty and construction of a new larger jetty will improve the scenic quality of the area and the repair of the damaged retaining walls in conjunction with these works will also improve the overall appearance of the locality.

In regards to the bulk and scale of the development, the booking office and sewerage pumpout will be the only structures in addition to the new jetty. This building, being single story and 3m x 6m in area is not considered excessive in size or scale for the locality.

The jetty will result in a number of boats being relocated to the wharf that are currently moored elsewhere in the locality. These boats will slightly reduce the visibility for the public at ground level east across the harbour. However, views to significant points such as Mount Warning will not be affected.

It is recognised that the sealing of this area that currently contains scattered grassed area gravel and mature trees may have the potential to visually affect the scenic qualities of the locality. It is considered that through considerate design, the areas scenic values will be maintained and enhanced through the retention of most of the existing mature trees, the implementation of a formal landscaping plan and the addition of public facilities such as seating and footpaths.

Impacts on surrounding properties

The proposal is compatible with the adjoining properties such as De Costi Seafood and the commercial fishing wharf.

The additional commercial tourist boats and associated vehicles utilising the carpark have the potential to adversely affect adjoining properties to the west in Monastery Lane. It is determined that the number of parking spaces available will be adequate for the number of visitors anticipated. Parking facilities as well as set down and pick-up areas for buses will also be provided to effectively manage traffic along River Terrace. These residents do not have vehicular access from River Terrace. Accordingly, parallel parking will be available along the entire western side of River Street for overflow parking.

Due to the commercial nature of the activities on the jetty, certain conditions will be implied to ensure residents' amenity from noise pollution is not adversely affected. Noise associated with bus movements, vehicle air conditioning and night charters will require management measures to ensure the amenity of residents above is not adversely affected. It is considered that the imposition of these conditions will be sufficient to ensure the amenity of the residents is improved from the existing situation that has no management controls.

Due to the elevated position of residents along Monastery Lane and the small scale of the structures proposed, the visual amenity of the residents is unlikely to be significantly affected. As the area is to be significantly upgraded and visually improved as a result of the proposal, it is considered that the visual amenity of the adjoining residents will be enhanced following completion of the development.

Access, Transport and Traffic

The proposal involves the construction of a bus parking bay and formalisation of two informal carparks on the foreshore area adjacent to the existing finger wharf. Pedestrian linkages and accessways will also be created in conjunction with the improvements.

Reports from Director Development Services

The design of the proposed carpark has been revised following recommendations of the traffic engineer and discussions regarding the location of the footpath in relation to existing linkages and vegetation. The revised parking area conforms to these recommendation and is considered satisfactory. It will provide linkages to the north and south of the site and provide adequate areas for mature trees to remain and the addition of picnic tables and seating to the locality.

The Tweed Charter Boat Operators Association provided an analysis of all operators and their need for carparking. Consultants for the project "Darryl Anderson Consulting Pty Ltd" provided an assessment of the carparking requirements of the project having regard to this analysis as outlined below;

"An analysis of those (from the Tweed Charter Boat Association) figures indicates that car parking demand generated by current operations ranges from 7 to 43 spaces. The information also indicates that parking for between 2 and 4 coaches and 1 mini bus would be required. As advised in our letter to Council dated 12 January 2002, the amended car parking layout provides for 38 off street car parking spaces together with a reserved on street parking area capable of accommodating up to 3 large coaches or 5 to 6 mini buses.

Clearly, the proposed arrangements adequately cater for the demand generated by existing operations in the majority of circumstances, however should peak off street parking requirements exceed the available 38 spaces there is more than adequate on street parking available in River Terrace between Wharf Street (South) and Wharf Street (North). This section of River Terrace is 300 m in length and excluding driveway accesses and areas within 6 m of intersections, approximately 80 on street parallel spaces are available. In addition, should peak demand for coaches exceed 4 spaces then adequate area is also available to accommodate an additional coach adjacent to the area reserved for the 3 large coaches.

In summary, it is noted from the information provided by Tweed Charter Operators Association that existing departures and returns are staggered. Also, most operators have arrangements in place to collect passengers from other locations thus minimising the number of vehicle trips to and from the site and the need to provide for on site parking."

Having regard to the analysis and these comments above, it is concluded that the carpark will adequately cater for the users of the jetty at most times. During times where demand may exceed supply, there are ample areas along River Terrace for parallel parking. It should be emphasised that these times will be limited based on current information available and the carpark will be adequate for vehicles when accompanied by the bus bays on River Terrace and the staggering of commercial operations.

The issue in relation to road contributions has been reviewed by Council's Traffic and Transport Engineer who advises that as this facility will only be used by commercial operators who will require separate development consents, it would be more appropriate and equitable that these contributions be levied at that time when more accurate traffic estimates will be available for its use.

Reports from Director Development Services

Public Domain

The redevelopment and improvements to the foreshore area will vastly improve the public recreational opportunities in the locality by providing pedestrian and cyclist linkages around the Southern Boatharbour locality.

Utilities

There is an existing sewerage pump station and public toilets located 30m south of the jetty.

A small pump station will be located within the booking office and connection points provided at each berth to facilitate collection of sewerage from vessels and disposal to Councils reticulation system.

Each berth will have access to water and power on the jetty facility.

Water Quality and Pollution

The provision of a pump out station facility for the jetty will allow all vessels to remove solid waste from storage tanks into Councils reticulation system. Other potential water pollution from boats would be in the form of contamination by engine fluids and other contaminated such as deck wash fluids and the like. Any consent granted shall require the preparation, approval and implementation of a Plan of Management.

Erosion and Sedimentation Control

The imposition of appropriate consent conditions for the control of sediment and erosion in conjunction with the proposal is appropriate in this instance. The flat nature of the site will reduce the probability of erosion during construction and in the long term. Due to the unsealed nature of the existing carparks, the proposal will improve the current facility in regards to the potential of the boatharbour to be contaminated by sediment.

The applicant has also submitted a preliminary Erosion and Sediment Control Plan and Stormwater Management Plan that have been reviewed by Councils Environmental Unit and deemed satisfactory.

Flora and Fauna

The harbour bed below and surrounding the jetty does not support any seagrass or marine vegetation. NSW Fisheries support this conclusion.

The original application required the removal of several mature trees within the proposed carpark and adjacent footpath. A redesign of the footpath location will retain most of the existing trees, maintaining the visual amenity and shade they currently provide.

The proposal is relatively minor and does not require removal or disturbance of any significant native vegetation or habitat and therefore is not likely to significantly effect threatened species, populations or their habitats. A species impact statement is therefore not required having regard to the matters for consideration in Sections 5A and 5C of the EPA Act, 1979.

Noise

The proposal does have the capacity to increase noise levels in the locality. Residents have previously lodged noise complaints with Council in regards to commercial boat activities.

Reports from Director Development Services

Many of the current activities are unauthorised uses. Council is currently pursuing unauthorised operators separately. Any consent granted following the perusal of these activities will impose appropriate conditions to ensure the amenity of the area is maintained. Similarly, this proposal, if approved, will be the subject of appropriate conditions to maintain the amenity of surrounding residents.

The sewer pump-out facility is also a potential noise source. Accordingly, a condition will be imposed on the consent to ensure the facility meets certain noise criteria and may require some acoustic treatment.

Solid Waste

Appropriate conditions will be placed on any consent granted to ensure the satisfactory removal of any solid wastes

Hazard Risk

The mooring of boats to the jetty will require appropriate measures be implemented in case of accidents such as fire.

The EPA has produced guidelines for the management of Hazardous Material including emergency responses to spills in marinas. The proposal will be required to include a management plan to cover these aspects to Council prior to commencement of the jetty. A condition of consent will be included in and consent granted.

Safety, Security and Crime Prevention

The proposal has been assessed having regard to the guidelines for '*Crime Prevention and the Assessment of development Applications*'.

The following aspects of the development conform to these guidelines;

- Good surveillance through the provision of clear sightlines, effective lighting and open style landscaping.
- Effective access control through the provision of footpaths and the creation of attractive open spaces that will attract public gatherings
- A feeling of ownership of the area by attracting public gatherings through the provision of picnic tables, landscaping and footpath linkages with other areas in the locality.
- Space management through the ongoing maintenance and upkeep of the area to ensure it remains well used and attractive.

Social and Economic

The Southern Boatharbour Management Strategy identified the social and economic needs of the community when making Action Recommendations for the precinct.

The development will reflect these recommendations and provide a positive social interaction development for both residents and visitors alike regardless of their choice of passive or active recreation needs.

The proposal will provide a significant boost for the tourist industry and associated services by providing a managed and regulated base for all approved operators.

Reports from Director Development Services

Cumulative Impacts

It is considered appropriate that Council seeks compliance of unauthorised commercial operators separately from this proposal. The cumulative impacts of this action will eventually result in authorised operators having a well managed and regulated landbase for their operations.

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

The site has been identified for the proposed use within the Southern Boatharbour Management Strategy.

The sealed carpark and associated walkways, seating and landscaping will result in an overall development suited to the scenic location and an appropriate link to the entire foreshore precinct.

The location of the booking office and bus drop off zone will facilitate good access for visitor to the area and minimise pedestrian thoroughfare through parking areas.

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

The proposed development does not require advertising or notification under the Local Environmental Plan, however, given the public interest issues the application was publicly notified and submissions received are assessed under item (e) Public Interest.

Public Authority Submissions Comment

DLAWC

The Department supports the concept for the establishment of a berthing facility to accommodate commercial charter vessels subject to the following matters being addressed:

1. The facility must also provide public wharf facilities;
2. Adequate clearance must be provided between the proposed new facility and the finger wharf to the south-east to allow for the manoeuvring of vessels into their respective berths;
3. Adequate clearance must also be provided between the proposed new facility and the wharf fronting De Costi Seafoods to allow for the manoeuvring of vessels into their respective berths;
4. The facility is for the berthing of vessels only. The Department does not support the erection/construction/mooring of "booking offices" within the subject berthing facility;
5. For the adequate planning and provision of shore-based infrastructure for the support of the proposed facility (i.e. parking, amenities etc); and
6. All fairway widths comply with Australian standards and Marina Guidelines.

Comment: The consent will be conditioned to ensure these matters are complied with.

Waterways

The Authority supports the proposed commercial boating jetty in principle and we wish to make the following further comments:

Reports from Director Development Services

- there should preferably be an inlet to the pump-ashore sewage system at each berth, rather than a mobile pump or single point pumping station, so as to give the maximum encouragement to all operators to be environmentally responsible.

Comment: Condition of Consent

- a recording mechanism (similar to that used at Pyrrnont on Sydney Harbour) should be installed so that a record can be kept of which vessels are using the pump-ashore system, how often they use it and how many litres are being pumped out of individual vessels, as this information will prove to be invaluable for audit purposes; the Authority would be pleased to provide further information on the recording mechanism at any time.

Comment: Advice in Consent

- three of the Authority's private mooring licence holders are effected by the proposal and their moorings will need to be relocated; we understand that the Tweed River Committee has allocated some \$5,000 of funds towards covering the cost of these relocations.

Comment: This will be a private arrangement between TSC and the mooring owner.

- the proposed development will afford an opportunity to free up a number of mooring sites and berths and to reorganise the future mooring of vessels in the southern boatharbour.

NSW Fisheries

NSW Fisheries has reviewed the submission and has inspected the site (18.9.01) and wishes to advise that no concerns have been raised following the review and inspection. NSW Fisheries therefore advises that no permit is required under NSW Fisheries legislation in this instance.

Internal Comments

Environmental Health Unit

This division has assessed the proposal, particularly in regard to Acid Sulfate Soils, Contaminated Land, Erosion and Sediment Control, Noise, Solid Waste and Lighting. This division is satisfied that the development will not have an adverse effect on the locality subject to certain conditions to address these particular issues. The consent will be conditioned accordingly.

Traffic Engineer

The surrounding road network is adequate to cater for any increase in traffic generated by the development.

It should be noted the traffic engineer did not support the original carpark. The revised plan was based on all recommendations made by the traffic engineer's original assessment.

Building Services Unit

No objections subject to conditions.

Reports from Director Development Services

(e) Public interest

The development application was publicly notified from 28/12/01 to 11/01/02. During this period nine submissions were received. It should be noted that of these submissions, three were from the same author.

One of these submissions was from the Tweed District Ratepayers and Residents Association. Following perusal of the proposed development, this Association "acknowledges the Southern Boatharbour is the designated commercial harbour for Tweed Heads and supports the maritime concept in Tweed Heads 2000+ and DCP 18." The association also raised a number of issues in regards to the design and operation of the proposed commercial wharf. These issues are included within the following table for reference.

The following issues were raised as points of objection;

| Issue | Assessment | Comment |
|---|--|---|
| Noise Levels excessive from buses late night charters and service provisioning | The current noise problems are recognised and are occurring due to the lack of regulation of commercial operators. This consent will result in various restrictions for operator's use of the wharf to ensure noise pollution is removed as a problem in the locality. | The consent will be conditioned accordingly. This issue does not warrant refusal of the application |
| Water Pollution. An increase in commercial boats in the slow flowing section of the harbour will increase water pollution, in particular, oil slicks/ scum in the water. Lack of sewerage pumpout by some operators will adversely affect water quality. All boatowners should be required to have holding tanks on board | Only operators with appropriate consent from TSC will be permitted to use the jetty. All approved operators will be required to use holding tanks and pumpout to the sewerage facility adjacent to the proposed jetty. A Management Plan will also be required for operational aspects of the development including water pollution and emergency situations. | The consent will be conditioned accordingly. |
| Increased traffic congestion and traffic hazards as a result of bus and vehicle movements. Existing hazard for traffic leaving and entering Wharf Street. | The creation of a recognised bus zone and formal parking area will permit the orderly flow of traffic along River Street and into the parking areas. It is considered that the current road system has the capacity to cater for the traffic levels anticipated as a result of this proposal. | The consent will be conditioned accordingly. This issue does not warrant refusal of the application |
| Loss of Park Land | The site of the proposed carpark already contains two informal parking areas. The creation of a formal parking area will incorporate areas of landscaping, grass and picnic tables for passive recreation. Only minimal grassed area will be lost with improved use of the existing area | The consent will be conditioned accordingly to require a landscaping plan to be submitted and implemented. This issue does not warrant refusal of the application |

Reports from Director Development Services

| Issue | Assessment | Comment |
|---|---|---|
| Inadequate time for lodging of submissions | The application was advertised for the required two-week period. Any individual requests for an extension of time would be addressed on their merits at the time. Any submissions received after the closing date are also considered during the assessment process | See assessment. |
| Removal of trees for bitumen unnecessary | Most of the mature trees will be retained due to the removal of the footpath adjacent to River Terrace | The consent will be conditioned accordingly. This issue does not warrant refusal of the application |
| Issues of the Management Strategy should be addressed as part of this proposal | All aspects of the proposal are consistent with the Management Strategy. | These issues are noted and are consistent with the proposal. |
| Overdevelopment of the Site. | Adequate areas have been provided for the mooring and manoeuvring of vessels. The carpark will incorporate areas of grass, retain trees and provide picnic tables for visitors. | This issue does not warrant refusal of the application |
| Air Pollution- Fumes from idling buses results in air pollution for residents | Any consent granted will require buses to turn-off engines if stationary for more than one minute to prevent air or noise pollution | The consent will be conditioned accordingly. This issue does not warrant refusal of the application |
| The marina should be located on the other side of the harbour or south of the tick gates adjacent to the 'swamplands' | It is considered that the location of the marina is more appropriate in the proposed location due to the access to River Terrace and lack of disturbance of sensitive water plants such as the mentioned swamplands or mangroves | This issue does not warrant refusal of the application |
| Hazard Assessment should be carried out | Any approval will require the preparation of a Hazard Management Plan. | This issue does not warrant refusal of the application, however, does require appropriate conditioning. |
| No additional urban water runoff should occur as part of the proposal | A preliminary stormwater runoff management plan has been assessed and found to be satisfactory. | This issue does not warrant refusal of the application, however, does require appropriate conditioning. |
| Council should have a master plan for the shoreline maritime and ancillary uses | Council has adopted the Southern Boatharbour Management Strategy. This application is consistent with the overall Strategy for this precinct. | This issue does not warrant refusal of the application |
| All intending occupiers should lodge development applications with Council | Council will only permit operators with the necessary approvals to operate from the commercial jetty | This issue does not warrant refusal of the application |
| The formulation of a Section 94 Plan for landscaping and beautification of foreshore areas in the Southern Boatharbour Precinct | | |
| Signage should be consolidated/restricted to the proposed co-operative booking office | The application does not propose any signage in relation to the development. The consent will be conditioned requiring any signage to gain separate development consent, where statutorily required. | This issue does not warrant refusal of the application. |

Reports from Director Development Services

The public interest in the locality is clearly the use of the foreshore for recreational purposes, in a well-managed and regulated manner. The proposal will benefit both commercial tourist operators and their customers but all other users of the precinct. It is also in the public interest that the surrounding resident's amenity is not affected by the proposal. These issues of concern will be adequately addressed by appropriately conditioning any consent granted.

OPTIONS

1. Further investigate other areas for the facility. This investigation has previously been carried out through the Southern Boatharbour Management Strategy. This location was concluded as the most appropriate
2. Leave the area in its current state. The area is under utilised and unattractive. The existing jetty is not adequate to cater for the number of commercial tourist boats operating. The proposal will incorporate a beautification process and permit better management of the commercial/tourist boats.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

The proposal will result in an increase in the demand for use of utility services. Appropriate fee structures will ensure these additional costs are recouped.

Council, being caretakers of the facility will require to enter into legal agreements with all operators on the jetty. These operators will first require development approval from Council

CONCLUSION

The proposed development satisfies the aims and objectives of Tweed Local Environmental Plan 2000 and is permissible with consent in the 3(d) and uncoloured land. The proposal is unlikely to prejudice the public interest, affect the amenity of the area, nor have any adverse impact on the natural environment. Having regard to the above Section 79(C) Assessment, the proposed construction of a commercial boating jetty, booking office, car parking area and ancillary facilities is recommended for conditional approval.

Reports from Director Development Services

7. **ORIGIN:** Development Assessment Unit

FILE REF: DA4030/3620 Pt1

REPORT TITLE:

The Use of an Existing Building for Project Marketing Office at Lot 1 DP553728 No. 4 Pacific Highway (East), Tweed Heads

SUMMARY OF REPORT:

In December 2001, the subject development commenced without the necessary development consent from Tweed Council. Following discussions with Council, the subject application was lodged for assessment and determination.

The use being for a project marketing office for the proposed Latitude 28 development will be contained within an existing vacant building previously utilised for NSW Tourism. It is proposed that the use will cease following the construction of a display unit on the latitude 28 development site, following approval by Council. A limited consent is therefore considered appropriate.

The use would normally not require development consent, being complying development for a change of use, however, due to the location of the premises on the old Pacific Highway, a designated Road, development consent is necessary. The existing carparking and access for the site is considered appropriate for the proposed development.

The development is considered appropriate for the site and no objections have been raised by the various internal departments for its conditional approval. The main issue is that the use is the marketing of Latitude 28 development for which a development application is current and about which Council has no determined position. The applicant will be advised however that this approval does not in any way pre-empt or have a bearing on, Council's merit assessment and determination of the Latitude 28 development application.

RECOMMENDATION:

That Development Application 1356/2001DA for the use of an existing building for project marketing office at Lot 1, DP 553728 No. 4 Pacific Highway (East), Tweed Heads be approved subject to the following conditions:-

GENERAL

1. The development shall be completed in general accordance with Floor Plan Unnumbered, dated December 2001, drawn by DBI Design; Site Plan No. 5040 SK-06, dated December 2001, drawn by DBI Design, except where varied by these conditions.
2. The use being restricted to the floor area designated on the approved plan.
3. The provision of five (5) off street car parking spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.
4. Advertising structures/signs to be the subject of a separate development application, where statutorily required.
5. No items or goods are to be stored or displayed outside the confines of the premises.
6. A garbage storage area shall be provided in accordance with Council's "**Code for Storage and Disposal of Garbage and Other Solid Waste**".

Reports from Director Development Services

ENVIRONMENT PROTECTION

7. 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.
8. This consent is to lapse three years from the date of approval.

Reports from Director Development Services

REPORT:

Applicant: Andrener Pty Ltd
Owner: Mr Athol & Mrs Anne Warner
Location: Lot 1, DP 553728 No. 4 Pacific Highway (East), Tweed Heads
Zoning: 3(e) Special Tourist (Jack Evans Boatharbour
Cost: \$0

BACKGROUND

The building is currently being used for the proposed Project Marketing Office without development Consent. Prior to this use, the building was vacant for some time following the vacation of a NSW Tourism Marketing office.

SITE DIAGRAM



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

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

Tweed Local Environmental Plan 2000

The site is zoned 3(e) Special Tourist (Jack Evans Boatharbour) in accordance with Tweed LEP 2000. The proposal for the purposes of the LEP is defined as a commercial premise. Commercial premises are permissible with consent in the 3(e) zone.

The objective of the zone is as follows:

- *To provide for tourist orientated commercial, retail, service, residential and waterfront facilities and activities and public buildings which support and are an integral part of the renewal of certain areas in the vicinity of the Jack Evans Boatharbour, but only at a scale which enhances the character of the locality*

Reports from Director Development Services

The proposal is consistent with the objective subject to the marketing target being granted Development Consent. Following consent, the proposal would be a temporary measure integral to the renewal of the area in the vicinity of the Jack Evans Boatharbour.

Clause 15-Essential Services; The proposal involves the occupation of an existing building. All essential services are available to this building. The occupation will not require any additional services.

Clause 16-Height of Building; The proposal is contained within an existing building. No additions to the building are proposed.

Clause 17-Social Impact Assessment; The scale and nature of the development does not warrant the preparation of a SIA. The proposal does not fall within the requirements of SIA as contained within Development Control Plan No. 45

Clause 35-Acid Sulfate Soils; No building works are required, therefore, no disturbance of the ground will be necessary, removing the risk of exposure of acid sulfate soils.

Clause 22 -Development near Designated Roads; The development is the use of an existing building. The site is commercially zoned and the proposal is relatively minor in scale. The access will service an existing carpark catering for five spaces. The site has separate entry and exit points and has no other points of access via another public road. Accordingly, it is considered that the development is not inconsistent with the aims and objectives of this Clause.

Clause 47-Advertising Signage; No details of proposed signage are provided. The consent will be conditioned requiring a further application for signage, if statutorily required.

Clause 51 Development in 3(e) Zone Jack Evans Boatharbour; The proposal involves the occupation of an existing building. This occupation will not result in any adverse environmental impacts upon the Jack Evans Boatharbour locality.

North Coast Regional Environmental Plan 1988

Clause 81- The subject building is located adjacent to Chris Cunningham Reserve, adjacent to the Jack Evans Boatharbour. The proposal is the occupation of an existing commercial building. This occupation will not affect the current status of the locality in regards to accessibility to the foreshore, the amenity of the walkway and the principles of the foreshore management plan applying to the area.

State Environmental Planning Policies

There are no State Environmental Planning Policy's applicable to the subject land or proposal.

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

There are no Draft Local Environmental Plan's or REPs applicable to the subject site or proposed use.

Reports from Director Development Services

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

Development Control Plan No.2 - Access and Carparking

The proposal has a GFA of 111.95sqm. This area incurs the following parking requirements; 2.8 for staff/customers; 0.6 spaces for delivery vehicles and 1.11 spaces for bicycle parking. The development has provision for 5 vehicles on site. These spaces are sufficient to cater for light vehicles, delivery trucks and bicycle parking.

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

The Coastal Policy applies to the subject land. The proposal is not considered to be in conflict with the Policy. The proposed development is for a commercial use within a commercial zone. As the proposal is for the occupation of an existing building, no adverse effects on the existing amenity of the foreshore are anticipated.

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

Context and Setting

The building was utilised for use by the NSW Tourism for marketing purposes. The building has remained vacant for some time. The building is somewhat isolated from the primary commercial district however, is existing and well located for the proposed specific marketing purpose. The site is also contained within a commercial zoned locality. A temporary consent is considered an appropriate restriction for any consent granted to ensure consent lapses for this purpose following completion of the Latitude 28 onsite display unit.

The site prior to the unauthorised occupation for the proposed purpose was in a state of disrepair and visually unsightly, to the detriment of the adjacent foreshore. The occupation of the building has resulted in the site being maintained and visually improved.

It is proposed that up to two employees will be on site at any one time and the office will be open between 8.30am and 6pm, 7 days per week. No objection is raised to these operating hours.

Access, Transport and Traffic

The driveway for the isolated building is directly via Wharf Street, a Designated Road. This driveway is an existing access.

No objection is raised to the use of the existing dual accessways for the development.

Specific Market Targeting

The proposal intends to market a specific development project, Latitude 28, located on the western side of Wharf Street, immediately opposite the subject site. This development has not been granted development consent from TSC at this time, and is currently being assessed. Consideration must be given to approval of a use for a specific purpose that may prejudice or pre-empt a pending approval.

The applicant will be suitable advised that any consent granted for this development will not pre-empt any determination of the Latitude 28 Development.

Reports from Director Development Services

(c) Suitability of the site for the development

Surrounding Landuses

The subject building is existing and well positioned for the purposes of marketing Latitude 28 proposed for a site directly across Wharf Street. The site does impose upon the Chris Cunningham reserve however is under private ownership and zoned for commercial purposes. Therefore the proposal is considered appropriate for the site, subject to the Latitude 28 proposal being granted development consent

Flora and Fauna

No works are required for the development. Accordingly, there is no risk for flora or fauna in the locality.

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

The proposal did not require advertising or notification under the LEP. Accordingly, no submissions were received.

The proposal did not require advertising in accordance with Councils Notification Policy. No submissions have been received in regard to the development.

(e) Public interest

The public interest in the locality is the use of existing buildings in the commercial zone for permissible purposes. It is also in the interest of the locality for vacant offices to be occupied and maintained for the purposes of visual amenity. Having regard to the separate issues regarding the approval of the Latitude 28 development, a project marketing office contained within the subject building is considered in the public interest.

OPTIONS

1. Deferred commencement requiring any development consent of Latitude 28 to operationalise;
2. Refusal of the application as it is pre-emptive of determination of the Latitude 28 development.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

The limiting of the consent may result in some legal action at the time of the expiration of the consent if the occupants do not vacate. However, this is unlikely, as the applicants have stated that the site is only a temporary measure until a display unit is completed on-site.

CONCLUSION

The proposed development in itself satisfies the aims and objectives of Tweed Local Environmental Plan 2000 and is permissible with Consent in the 3(e) Special Tourist Zone. The proposal is unlikely to affect the amenity of the area, or have any adverse impact on the natural environment. Having regard to the above Section 79(C) Assessment, the proposed project marketing office is recommended for conditional approval. However, it needs to be emphasised to the applicant that a consent does not have any bearing on Council's assessment and decision-making on the current Latitude 28 development application.

Reports from Director Development Services

8. ORIGIN: Strategic Town Planning Unit

FILE REF: NPWS; Parks - General

REPORT TITLE:

Parks and Reserves of the Tweed Caldera

SUMMARY OF REPORT:

The National Parks & Wildlife Service (NPWS) is currently exhibiting a draft Plan of Management for the Parks and Reserves of the Tweed Caldera.

The draft Plan includes proposed actions in respect of Breakfast Creek Car Park at Mt Warning NP and water supply dams.

As noted in Figure 1 the Parks and Reserves of the Tweed Caldera are a significant component of the Tweed community. The Service should be supported in their endeavours to conserve their values to ensure they remain a vital part of the landscape. Two specific items are detailed in the report, namely Breakfast Creek Car Park and water supply from National Parks. The Service should be invited to consult Council in the implementation of the relevant goals.

RECOMMENDATION:

That Council informs the National Parks & Wildlife Service of its support for its Draft Plan of Management "Parks and Reserves of the Tweed Caldera" and invites the Service to consult with Council in respect of the proposed actions concerning Breakfast Creek Car Park and water supply.

Reports from Director Development Services

REPORT:

The National Parks & Wildlife Service (NPWS) is currently exhibiting a draft Plan of Management for the Parks and Reserves of the Tweed Caldera. This includes the following:

Limpinwood Nature Reserve*
Mt Warning National Park*
Border Ranges National Park*
Numinbah Nature Reserve*
Nightcap National Park*
Snows Gully Nature Reserve
Mt Jerusalem National Park*
Mebbin National Park*
Goonengerry National Park

Those within the Tweed Shire are marked by (*).

The purpose of the Plan is to provide:

“a framework on how the planning area will be managed in the years ahead. The plan aims to inform NPWS staff, the community and other agencies and has been prepared following extensive consultation. It proposes desired outcomes, guidelines and actions to protect the values to address the issues affecting the planning area. These relate to the conservation of natural and cultural heritage and the management of visitor use, other authorised activities and park management operations”.

The importance of these Parks and Reserves to the Tweed is reflected in the extract from the Plan contained in Figure 1.

The following Management Vision is nominated in the draft Plan for the Parks and Reserves:

“they are managed as a vital part of the rich natural, cultural and social landscape of the far north coast hinterland. In particular, the NPWS in partnership with the community manage these areas to conserve their World Heritage values, high biodiversity and rich cultural attributes”.

The draft Plan sets out a series of Management Strategies to achieve that vision. Issues of particular interest to Council include the following:

The Breakfast Creek car park at Mt Warning NP: The Service considers it to be at its maximum capacity based on environmental and infrastructure constraints. This area is principally a track head for the popular Summit Walk and ancillary short walk to the Lyrebird Lookout and is the most popular visitor destination in the Tweed Caldera. The Service considers a detailed review of alternative visitor access options is required to reduce visitor impacts, maintain the desired recreation setting and improve parking patterns.

The Plan nominates the following Action:

- *“Undertake a feasibility study for a transport system such as a shuttle bus service to transfer visitors to and from the walking track head at Breakfast Creek. This would*

Reports from Director Development Services

operate during peak visitation periods with the intent to reduce traffic and parking congestion whilst maintaining visitation at a sustainable level.

- *Identify parking bays at Breakfast Creek to improve parking patterns including an emergency vehicle bay and bus parking and turnaround if feasible.*
- *Promote alternative visitor opportunities in the Tweed region to reduce visitor pressure on the Summit walking track in the Mt Warning NP.”*

Water Supply Dams: Clarrie Hall Dam encroaches on and contains catchment within Mt Jerusalem NP. The Service has no record of former or existing legal agreements for the dam. The dam was planned and built by the PWD in the early 1980s before being given to Council in the mid 1900s. It therefore predates the gazettal of the National Park. The Byrill Creek Dam site adjoins Mebbin NP. However, this is not scheduled for construction in the life of this draft plan so the Service considers it should be considered for future park management.

The Plan nominates the following Action:

- *“Review existing interests relating to municipal water supply arrangements with Rous County Council and Tweed Shire Council to address dam encroachment and catchment issues in Nightcap and Mt Jerusalem NPs respectively for the purpose of licensing these uses. Under any licences, include provisions for designated dam areas, access, permitted activities, consent requirements and management responsibilities”.*

As noted in Figure 1 the Parks and Reserves of the Tweed Caldera are a significant component of the Tweed community. The Service should be supported in their endeavours to conserve their values to ensure they remain a vital part of the landscape. With regard to the specific items concerning Breakfast Creek and water supply, the Service should be invited to consult directly with Council in the implementation of the relevant goals.

Reports from Director Development Services

Figure 2 – Extract from NPWS draft Plan of Management, Parks and Reserves of the Tweed Caldera

1.5 Summary of Key Values

The landscapes of the planning area are part of the identity, spirituality, connection and resource base for local Aboriginal people including the Nganduwal, Galibal, Gidhabul and Widjabal Aboriginal peoples. They contain a complex network of mythological and significant sites that are closely interrelated and bound together by their 'Dreaming.' Despite being dispossessed during the early European settlement of the Region, the local Aboriginal peoples maintain a diversity of living cultures and a unique and deep felt attachment to these lands.

The planning area is of international significance as recognised by the inclusion of the majority of the area in the Central Eastern Rainforest Reserves (Australia) World Heritage Property (World Heritage CERRA). It comprises the central component of the World Heritage area and represents natural heritage of international significance as ancient rainforest communities, high biodiversity and unique geological landforms.

It is the rainforests of the planning area that are central to its listing as part of the World Heritage CERRA. It contains a large refuge of ancient rainforest communities, plants and animals with evolutionary links to Gondwana. In combination with the contiguous Lamington and Springbrook NPs, the Tweed Caldera contains the largest node of sub-tropical rainforest in Australia.

The inclusion of parts of the planning area in the World Heritage CERRA is also due to its high biodiversity. This rich biodiversity is largely the function of its vegetation which is extremely diverse. In addition to extensive areas of subtropical rainforest, there are large areas of wet and dry sclerophyll forest and pockets of sub-montane heath. These communities contain the principal habitats of a large number of threatened plant and animal species.

This diversity of vegetation provides a range of habitat types which support a wide range of native animal groups and species. Of particular significance is the border region containing Border Ranges NP and Limpinwood and Numinbah NRs which has the highest concentration of marsupial, bird, snake and frog species in Australia.

The planning area also contains landforms of international significance which are recognised under the World Heritage Convention as being outstanding examples of ongoing ecological processes. The eroded remnants of the Tweed shield volcano represent one of the largest and best examples of an erosion caldera in the world. This crater-shaped landform known as the 'Tweed Caldera' has been created by 23 million years of erosion. It is centred at Mt Warning which is the more erosion resistant solidified main chamber of the former volcano. This central mountain massif is encircled by other remnants of the volcano which form a dramatic escarpment consisting of the McPherson, Tweed, Nightcap and Koonyum Ranges.

The Tweed Caldera dominates the landscape of the far north coast of NSW and is of regional landscape significance. It provides the mountainous backdrop to the major townships of Murwillumbah, Kyogle, Lismore, Byron Bay and Mullumbimby. These landforms significantly contribute to the sense of place and identity of the people of the far north coast of NSW and are an integral part of the rich natural and cultural fabric of the region.

Reports from Director Development Services

The planning area also contains declared and identified Wilderness Areas. These are the Lost World and Warrazambil Wilderness Areas and the identified Levers Wilderness Area in Border Ranges NP. These and other large remote areas of the Tweed Caldera allow natural systems to function with minimal human interference. They are important for providing opportunities for solitude and self-reliant bushwalking and remote camping. They are visually spectacular and can be easily viewed from the many lookouts, vantage points and roads within the Tweed Caldera.

The overall scenic qualities of the Tweed Caldera are representative of the landscape prior to European settlement and beyond to ancient times and are of historic significance. Mt Warning is historically associated with the European discovery of the East Coast of Australia through its naming by Captain Cook as a prominent landmark to warn early mariners of the Point Danger reefs. Of particular historic significance is that the planning area were former forestry lands involved in all stages of development of the regional forestry industry. The planning area was also the subject of both early and contemporary conservation campaigns to halt logging which eventually lead to the dedication of many of these forests as National Park.

The unspoilt World Heritage rainforests of the planning area provide an integral component of the nature-based recreation and tourism opportunities in the region. Along with the nearby Byron Bay and Tweed coasts, these idyllic settings are the backbone of the region's tourism industry and an important part of the outdoor lifestyle of the growing regional population.

The planning area contains thirteen day use areas and three camping areas linked by a vast network of scenic roads and walking tracks. In particular, the Tweed Range Scenic Drive in Border Ranges NP is reputed to be the longest and most accessible rainforest scenic drive in Australia and provides access to a number of day use and camping areas. There is also a diverse range of spectacular walks including the summit walk in Mt Warning NP, a renowned mountain walk from 'base to top.' Other popular walks take visitors through ancient Antarctic beech forest in Border Ranges NP and lowland rainforest beneath towering escarpment waterfalls in Nightcap NP.

Reports from Director Development Services

THIS
PAGE
THIS
PAGE
IS
IS
BLANK
BLANK

Reports from Director Development Services

9. ORIGIN: Development Assessment Unit
FILE REF: DA3668/200 Pt1; Farmers Market

REPORT TITLE:

Proposed Markets on the Twin Towns Site Wharf Street

SUMMARY OF REPORT:

Council has received a Development Application for the establishment of a growers market in Tweed Heads. Adequate parking is available on-site and in the immediate area. The market is planned to operate on every second and fourth Saturday of the month between 6:00am and 11:00am. Two submissions were received, one in support and one against. The one against raised concerns regarding competition. The application is recommended for approval.

RECOMMENDATION:

That Development Application 0091/2002DA for the use of Lot 4 DP1007168 for the purpose of a Growers Market on every second and fourth Saturday of the month be approved subject to the following conditions:

GENERAL

1. The development shall be completed in general accordance with the plans approved by Council, Statement of Environmental Effects and Market Management Plan, except where varied by these conditions of consent.
2. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.

Prior to Commencement

3. Prior to the commencement of the use a plan detailing the number, location and size of all signage is to be submitted to Council and approved by the Director of Development Services. This plan is to show the location of pathways, head clearance of any elevated signs, details on when they are to be put out and removed and wording. Signs are to be located in positions which do not impact on the safety of motorists or result in creating pedestrian obstructions or hazards.
4. Submission of a Traffic Management Plan prior to commencement of the first market.
5. Full details of all public liability insurance are to be submitted to Council for consideration prior to the market commencing operations. Such public liability insurance shall specifically indemnify Council from any claim arising from or incidence resulting from the holding or conducting of the market.

Use

6. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction and operation of the development shall be repaired to the satisfaction of the Director of Engineering Services.
7. Products sold at the markets are restricted to locally made and grown products.
8. The use to be conducted so as not to cause disruption to the amenity of the area and in particular so as not to cause a nuisance to residents in the locality by way of noise, dust, fumes or the like.

Reports from Director Development Services

9. Hours of operation of the market are restricted to between 6:00am and 11:00am on every second and fourth Saturday of the month.
10. This approval does not permit the following:
 - a. the provision of entertainment devices (e.g. jumping castle or mechanical or electric operated devices).
 - b. any public address system or amplified music.
11. All rubbish generated by the markets is to be collected and disposed of at an appropriate location at the conclusion of each market. The area is to be left in a tidy condition at the conclusion of the market.
12. All stall holders and other persons associated with the operation or conducting of the market are to take all reasonable measures to ensure that the creation of offensive noise to adjacent residential areas is avoided at all times. Such measures are to be to the satisfaction of Council's Director of Environment & Community Services.
13. All fire extinguishers shall be designed, installed and serviced in accordance with the provisions of AS2444-2001.
14. Appropriate signage is to be erected to indicate to market patrons location of all available toilet facilities including the location of available disabled toilet facilities. Such signage is to be erected prior to the market operating and is to be removed at the conclusion of the market operations.
15. All staff engaged in the handling or preparation of food for sale are to comply with the requirements of Council's code for the sale of food of markets and one day events.
16. All signage erected for the purpose of conducting the market is to be removed at the conclusion of the market.
17. This consent shall cease to operate from the time a Construction Certificate is issued for the construction of the second Twin Town Resort Tower on the site.

Reports from Director Development Services

REPORT:

Applicant: Charles, Ella and Clinton Parsons

Owner: Twin Towns Services Club Ltd

Location: Lot 4 DP1007168 Wharf Street & Navigation Lane, Tweed Heads (Twin Towns Site)

Zoning: 3(a) Sub-regional Business

BACKGROUND/PROPOSAL

A Development Application has been received to conduct a Farmer/Producer Growers Market on the Twin Towns Site, Tweed Heads. The area to be used is located on the western side of Wharf Street fronting Wharf Street with parking to be provided on the vacant land fronting Stuart Street and also within the existing Twin Towns Resort carpark. The markets are proposed to be conducted on every second and fourth Saturday of each month between the hours of 6:00am and 11:00am. It is proposed to sell only fresh produce grown within the region and home made cuisine not sold through other distribution outlets within the region. The application proposes a total of 70 stalls. The operator currently operates a similar market at Mudgeeraba.

The operator estimates that between 1,000 and 1,500 cars will attend the markets each day. It is estimated that in excess of 500 plus parking spaces off street are available to cater for people visiting the site.

ASSESSMENT UNDER SECTION 79(C)(1)

a (i) The Provisions of Any Environmental Planning Instrument

Tweed Local Environmental Plan 2000 (TLEP)

The market is proposed to be carried out within the existing parking area on the Twin Towns Site located on the western side of Wharf Street. The subject land is zoned 3(a) Sub-regional Business under the provisions of Tweed Local Environmental Plan 2000.

Under TLEP "Market" is defined as follows:

"A temporary outlet for the sale of local crafts and goods, a large proportion of which are not available through normal commercial outlets:

a. which operates on one day of a week only; and

b. which does not require the erection of permanent structures."

The proposed market is for the sale of fresh produce and homemade cuisines grown and made within the local area and will only operate twice per month. No permanent structures will be erected and therefore the use fits within this definition. Markets are permissible with consent within the 3(a) zone.

The primary objective of the 3(a) zone is as follows:

"To encourage the development and rejuvenation of the Tweed Heads core business as a sub-regional centre primarily for tourist, cultural, retail and commercially orientated development including a choice of accommodation."

It is considered the proposed market is consistent with the primary objective of the zone and will assist in rejuvenating and bringing people back into this area as well as providing a cultural and retail experience for people attending the markets.

Reports from Director Development Services

The proposed development is not inconsistent with any State Environmental Planning Policies (SEPP) or the North Coast Regional Environmental Plan (NCREP).

(ii) Any Draft Planning Instrument that is or has been placed on exhibition and details of which have been notified to the consent authority

No draft Environmental Planning Instruments (EPI) are applicable to this proposal.

(iii) Any Development Control Plans

Under the provisions of Development Control Plan No. 2 – Site Access and Parking Code – there are no specific parking requirements for markets. The Plan requires parking requirements to be assessed on merit.

The markets are proposed to be carried out between the hours of 6:00am and 11:00am on the first and fourth Saturday of each month. It is estimated by the applicant between 1,000 and 1,500 cars will attend each market, but only about 100 to 200 at any one time as people will arrive over staggered periods. The applicant has indicated that in excess of 500 spaces are available within the Twin Towns Site located on the vacant lot fronting Stuart Street and within the existing Twin Towns Resort carpark. Parking will be accessed via Stuart Street. In addition to the onsite parking within the Twin Towns Site significant parking is available within the Wharf Street Road Reserve and also along Stuart Street.

It is considered that sufficient parking is available to cater for the proposed market particularly having regard to the hours of operation of the market between 6:00am and 11:00am on a Saturday morning where immediate parking demand for Twin Towns Club would be at a minimum along with on street parking.

This situation may however change at the time the second Twin Towns Tower is erected as a large percentage of the on-site parking proposed occupies the Tower site. It is therefore recommended that should Council approve this application the consent should lapse at the time a Construction Certificate is issued for this building.

(iv) Any Matters Prescribed by the Regulations

The NSW Coastal Policy applies to the subject land. The proposed markets are not inconsistent with the provisions of this Policy.

b The likely impacts of the development, including environmental impacts on both the natural and built environment, and social and economic impacts of the locality

Traffic

It is proposed that parking will be provided within the existing Twin Towns Site and traffic will access parking areas via Stuart Street. The application proposes to utilise the services of either the Lions Club or Rotary Club to provide parking marshals to direct cars to available parking. It is also proposed to erect temporary signage to direct the travelling public to available parking spaces. No details of the exact location or type of signage has been provided. Should Council approve the application it is recommended that a signage plan be

Reports from Director Development Services

submitted and approved prior to the operation of the first market to ensure that any signage does not impede site distances of traffic and also pedestrian movement within the area.

The application was referred to Council's Traffic Engineer for consideration. With the exception of the signage issue no objections were raised to the proposal.

c Suitability of the Site for the Development

The area where the market is proposed is located in the central business area of Tweed Heads. The Twin Towns Resort is located to the north and commercial shops are located to the south. The area to be utilised for market stalls is within the existing marked carparking area on the Twin Towns Site fronting Wharf Street. The site is flat and easily accessible by both vehicle and pedestrians. It is also in close proximity to a bus stop allowing for easy access via public transport.

It is considered the site is suitable for the proposed development.

d Public Submissions

The application was advertised in the Tweed Link for a period of 14 days and notified to adjoining property owners. At the conclusion of the exhibition period two submissions were received. One in support of the proposal and one objecting to the proposal.

The submission in support of the proposal was received from the Northern Rivers Regional Cuisine Project. This submission provided support for the Farmers Markets for the following reasons:

1. Farmers Markets play an important role in rural development by encouraging a climate of entrepreneurialship and innovation, attracting agricultural tourists and promoting alternative forms of agriculture.
2. They enable growers and producer to get better prices for their products by cutting out the middle man.
3. They provide an opportunity to develop marketing skills and to develop and trial new products. The markets are often a stepping stone to wider markets. In particular they allow the low cost market testing of new products and provide a mechanism for emerging enterprises to make the change from small time production into full time jobs.
4. The greatest benefit to consumers is availability of the freshest foods at reasonable prices. Consumers also value direct contact with growers and producers which provides an opportunity to learn about production methods and seasonality.
5. Communities benefit from the markets as well. One of the spin offs of market is the development of new businesses. From an economic perspective, towns that support farmers markets report that instead of competing, the markets actually complement existing businesses. At their most frequent the farmers markets are generally held for four hours, once a week. If stall holders are also able to sell their products through existing retail outlets (open up to 7 days) then they can direct customers to those outlets for ongoing supplies. In some communities retail outlets perceive farmers markets as contributing to their businesses by bringing them in contact with suppliers of local produce. Where local food and beverage supplies are not available through existing retail outlets, this provides an opportunity for a new business to start up. Communities

Reports from Director Development Services

also benefit through supporting sustainable agriculture and bio-diversity and the farmers, markets provide an opportunity to showcase regional cuisine and encourage tourism spending in the locality.

The second submission was received from Kingscliff Market Management and objected to the proposal for the following reasons:

1. The proposed market would operate on the same days as the Kingscliff Markets.
2. The Kingscliff Markets currently contains a farmers market section. The proposed market would result in direct competition, with produce coming over the border in opposition to local growers.
3. It is claimed that from a recent visit to the Mudgeeraba markets that it was evident that there was strawberries which were labelled "grown in Victoria" being sold and capsicum and other produce which did not look fresh. It was also claimed that processed Italian food lines, electric juicers and other items were being sold at these markets which would not be considered "farmers items".
4. The sky rocketing costs of public liability and product insurance for stall holders, not to mention public liability for managers have resulted in all markets struggling to survive.

It is claimed that five markets have closed between Brisbane and the Gold Coast in the last two weeks due to insurance costs. As a result of this the approval of another market would place additional pressure on existing markets.

5. The submission suggests that Mr Parsons could change his dates as the dates proposed are the same as the Kingscliff Markets.
6. It is claimed that other markets and business people would be greatly effected if this new market is allowed to start.
7. It is stated that the Kingscliff Market Management donate \$1,000 yearly to local charities as well as around \$6,000 yearly to Council in fees. The submission raises questions on how much Mr Parsons is donating.
8. This submission makes a guess that the proposed market could take as much as \$30,000 to \$40,000 out of the area. And claims that the market will not contribute towards tourism as a result of its location.

Comment

The submission in objection to the proposal is largely based on concern regarding competition. This is not a valid planning ground to refuse a development application solely, unless it can be demonstrated that the proposed development will result in an overall social or economic impact to the broader community. It is considered that this market, although in direct competition with existing markets in the area, will not have a detrimental impact on the broader community or economic development of the area. If anything this market may assist in revitalising the central Tweed Heads Business Area benefiting existing shop owners and businesses within the area.

The other issues raised in this submission are not relevant planning grounds for Council to refuse the application.

Reports from Director Development Services

The points raised in the submission of support indicate a net community benefit as a result of the proposed development and provides support for the proposal.

e Public Interest

It is considered the proposed growers market has a potential to benefit local growers as well as local businesses in the central Tweed Heads business area by attracting more people to the area.

The proposal will impact on traffic within the area, however, it is considered that this can be managed adequately by the provision of adequate on site parking and traffic marshalling.

It is considered the proposed growers market is in the public interest.

LEGAL/FINANCIAL/RESOURCE IMPLICATION

Should Council refuse the application the applicant has a right of appeal to the Land and Environment Court. No third party appeal rights exist to objectors.

OPTIONS

1. Approve the application subject to conditions.
2. Refuse the application.

CONCLUSION

The proposed development is permissible with consent under the Tweed Local Environmental Plan 2000. Adequate on site parking within the Twin Towns Site is available as a result of the hours of operation being outside peak demand periods for the Club. In addition to this there is significant on street parking in the immediate area to accommodate the development. No amplified music is proposed as part of the markets and there is limited potential for impacts on residents in the immediate area. The site is well accessed by public transport and road. The development will also provide an outlet for farmers within the local area to promote and sell their produce while providing fresh produce to the public. It is therefore recommended that the proposed development be approved subject to conditions.

Reports from Director Development Services

THIS
PAGE
THIS
PAGE
IS
IS
BLANK
BLANK

Reports from Director Development Services

10. ORIGIN: Development Assessment Unit

FILE REF: DA5345/280 Pt1

REPORT TITLE:

The Erection of a Tourist Accommodation Comprising of 4 Units at Lot 6 DP9453 Section 3 No. 4 Sutherland Street, Kingscliff

SUMMARY OF REPORT:

Council at its meeting of the 20th February 2002 resolved that the item be deferred at the request of the applicant. At the meeting of the 6th March 2002 the item was again deferred at the request of the applicant.

The applicant is proposing to submit a revised set of plans for the proposed development. Any revised plans will require re-advertising for a period of fourteen days and subsequently an assessment and report will be prepared.

The application is clearly inconsistent with a range of Local Environmental Plan and Development Control Plan Provisions. The application has also been inadequately supported by relevant plans and information.

The following options are available to Council:

1. Determine the application in accordance with the recommendation in the relevant Item Deferred.
2. Request the applicant to withdraw the application and submit a new application with revised plans and documentation that are in accordance with Council policies.
3. Continue to defer the item until such stage in the future that the matter can be determined.

RECOMMENDATION:

That Development Application 0758/2001DA for the erection of tourist accommodation comprising of 4 units at Lot 6 DP9453 Section 3 No. 4 Sutherland Street, Kingscliff be determined in terms of Item Deferred 3a.

Reports from Director Development Services

REPORT:

As per Summary.

Reports from Director Development Services

11. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/LEP/2000/30 Pt1; LEP; 1533; Kyogle Road

REPORT TITLE:

Draft Tweed Local Environmental Plan 2000, Amendment No 30 (Lot 1, DP 611481, Lot 1, DP 574910 and Lot 3, DP 708144, Kyogle Road, Uki)

SUMMARY OF REPORT:

Advice has been received from planningNSW concerning draft Tweed Local Environmental Plan 2000, Amendment No 30. The Department refers to Clause 20 of the North Coast Regional Environment Plan, which specifies:

“that a Council should not prepare a draft local environmental plan for rural land permitting rural residential or small holding development unless:

- a. it has prepared a Rural Land Release Strategy for the whole of this area; and*
- b. the Director has approved of the Strategy; and*
- c. the draft Plan is generally consistent with the Strategy”.*

planningNSW has requested Council to defer consideration of the rezoning until such time as the review of the Rural Strategy is completed.

RECOMMENDATION:

That Council defers further action of draft Local Environmental Plan 2000, Amendment No 30 until the Rural Settlement Strategy for the Shire has been completed.

Reports from Director Development Services

REPORT:

Council last considered this matter at its Ordinary meeting of Wednesday, 19 December 2001, where it resolved:

- “1. Pursuant to Section 54 of the Environmental Planning and Assessment Act 1979 (as amended), prepares a draft Local Environmental Plan to rezone Lot 1 DP 611481, Lot 1 DP574910 and Lot 3 DP 708144 Kyogle Road, Uki from Rural 1(a) to Rural 1(c);
2. Advises the Director-General of planningNSW that in this case it does not consider that a Local Environmental Study is warranted;
3. Makes a submission to the Director-General of planningNSW that completion of Council’s review of Rural Planning Provisions in the Tweed Shire 2000+ Strategic Plan and Tweed LEP 2000 is not warranted as a pre-requisite to preparation of this particular draft Local Environmental Plan, given:
 - a. the location of the subject land between the existing village of Uki and the Uki Sportsground;
 - b. the public benefits that will result from the proposal in terms of upgrading the Uki Sportsground;
 - c. it is very unlikely that there will be a precedent set in view of the location of the land, the community benefits, and the proposed development of only three net additional lots”.

Pursuant to Section 54 (4) of the Environmental Planning and Assessment Act 1979, Council officers informed planningNSW of the above resolution. planningNSW responded as follows:

“Whilst the proposal the subject of the rezoning includes the dedication of land for the upgrading of the Uki Sportsground concern is held over the use of this public benefit to provide justification for rural residential development not in accordance with any adopted strategy. As you are aware Clause 20 of the North Coast Regional Environmental Plan specifies that a Council should not prepare a draft Local Environmental Plan for rural land permitting rural residential, small holding development unless:

- a. it has prepared a Rural Land Release Strategy for the whole of this area; and*
- b. the Director has approved of the Strategy; and*
- c. the draft Plan is generally consistent with the Strategy.”*

Further, planningNSW has requested Council to:

“defer consideration of the rezoning until such time as the as the review of the rural strategy is completed.”

The Rural Settlement Strategy is currently on hold pending finalisation of the Rural Viability Study being coordinated by the Tweed Economic Development Corporation. Upon completion of this study, expected to be April 2002, Council’s LEP Advisory Committee will be able to consider the findings and recommendations of this study to enable it to finalise its proposed Rural Settlement Strategy, for presentation to Council.

CONCLUSION

The Council resolution sought exemption for this particular draft LEP given the related public benefits. However, given the position of planningNSW and the request by the Department for

Reports from Director Development Services

Council not to consider the subject rezoning proposal until completion of review of the rural strategy, it is now recommended that the subject draft LEP Amendment be deferred pending completion of the Rural Settlement Strategy.

Reports from Director Development Services

THIS
PAGE
THIS
PAGE
IS
IS
BLANK
BLANK

Reports from Director Corporate Services

12. ORIGIN: Director

FILE REF: Voluntary Structural Reform

REPORT TITLE:

Voluntary Structural Reform General Managers Group Review

SUMMARY OF REPORT:

The Mayor and General Managers of the Ballina, Lismore, Richmond Valley, Kyogle, Byron and Tweed have been meeting since 1998 in accordance with the terms outlined in the Memorandum of Understanding (MOU).

The MOU has developed in response to the Minister for Local Governments desire for Councils to voluntarily progress structural reform issues.

The General Managers have continued to meet on a monthly basis in progressing six (6) program areas and a number of ad-hoc sub-regional issues.

The Mayors attendance at these meetings has declined to less than six (6) monthly.

A review of the effectiveness of this forum has resulted in a recommendation that the Voluntary Structural Reform Group be disbanded and that the General Managers continue to meet as this has been a valuable forum for progressing strategies and operational sub-regional issues.

RECOMMENDATION:

That:

1. The Voluntary Structural Reform Group be disbanded.
2. The sub-regional General Managers Group meet on a monthly basis to progress strategic and operational at a sub-regional level as outlined in the provisional agenda.
3. A task be assigned to the General Managers' Group to bring together and organise a quarterly regional forum hosted by individual Councils on specific issues.

Reports from Director Corporate Services

REPORT:

PROJECT HISTORY

The General Managers and Mayors of the Councils in the sub-region commenced meeting in 1998 in response to a call by the Local Government Minister for Councils to review their boundary structures on a voluntary basis. Voluntary structural reform principles were developed by the Local Government Shires Association NSW to assist in this voluntary process.

Phase 1 of the project group involved the development of a program brief with the support of funding through the Local Government Shires Association Voluntary Structural Reform package. A consultant was engaged and prepared a project brief together with a Memorandum of Understanding. The Memorandum of Understanding (MOU) reflects a desire of the sub-regional group of Councils to research and explore a number of options associated with structural reform. Of these the following options were identified:

1. Boundary adjustments to address.
2. Resource sharing of a substantive nature.
3. Corporatisation of service delivery areas.

Specifically the member Councils agreed to develop a project brief for application for additional funding as phase 2 of the project. The brief focused attention on:

1. Investigation, research and documenting information for the assessment of the options.
2. Provide comprehensive data for analysis appoints of commonality and difference between the Councils.
3. Consult with communities likely to be effected by the review.

The specific areas identified for detailed assessment included:

1. Boundary Adjustments.
2. Resource Sharing.
3. Review existing resource sharing arrangements.
4. Performance comparative data.
5. Corporatisation of service delivery areas.
6. Information Technology.
7. Community Services – Social Plan.
8. Building Certificate Fees.

It should be noted that the General Managers have continued to meet and progress structural reform matters at the completion of Stage I without the support of any additional funding from Stage II from the Local Government and Shires Association.

PROJECT REVIEW

At the November 2001 meeting the General Managers resolved to undertake a view of the project. With the assistance of a facilitator, the General Managers assessed the effectiveness and value of the group in progressing expectations as outlined in the MOU.

Reports from Director Corporate Services

In carrying out the exercise the Group was challenged by the following questions:

1. Do we continue – Yes, No and for what?
2. How else could we do the exercise?
3. What has been the Groups' effectiveness to date?
4. What could be make-up of an ongoing group?
5. Are there clear objectives/priorities for the future?
6. A need to develop a further proposal?

The discussions centred on the accomplishment of the group in having identified seven (7) project areas and engaged Master Planning Services to develop project frameworks to identify key issues and develop recommendations and implementation plans in respect to each of the projects identified.

Project targets that achieved a significant benefit to member councils included the GST implementation project, other projects such as the purchasing and the construction and maintenance of projects have produced some benefits and are ongoing, ie, the IT project. The Development Approvals project requires additional funding to enable terms of reference and independent assessment to proceed. The emergency services project was deferred.

It is the Group's view that a number of projects were progressed to a satisfactory level primarily because:

1. Specific objectives and deadlines were established.
2. There was commitment to the gathering and sharing of information.
3. The project was driven by a "Champion".
4. There was staff ownership and continuity.

Other areas of the projects failed to achieve the level of expectation primarily due to:

1. A lack of political commitment.
2. There was not perceived to be a benefit to all member Councils.
3. There was no one body identified to follow through.
4. There was a lack of machinery and structure.
5. There were insufficient resources.
6. In some cases there was a mismatch with staff structure networks a lack of staff ownerships or perceived threats to current structures.

The group has been most effective in:

1. Sharing of information of benefit to member Councils.
2. Dealing with significant emerging regional issues.

There is an ongoing commitment and willingness to develop solutions of value for application across the sub-region.

Reports from Director Corporate Services

THE FUTURE

It was agreed that there was significant benefit for the group to continue to meet as it provides a valued mechanism to progress regional co-operation and deliver positive outcomes in regard to:

- Regional strategies.
- Regional economic and social development.
- Interface re state and regional activities, a clearinghouse of information and knowledge.
- Identification of emerging issues and development of solutions in a collaborative environment and collective action with state agencies and enhanced resource utilisation.

To better progress these matters, some structural change to the format of the meetings is recommended. It is suggested that the Group be re-constituted and titled the General Managers Group, to meet on a monthly basis.

The General Managers Group proposes to meet with the Mayors and Chairpersons of the participating Councils every six months.

STATEMENT OF PURPOSE

The General Managers Group will co-operatively develop and implement strategies and operational solutions of value to the effective and efficient delivery of Local Government services to member Councils.

TERMS OF REFERENCE

The purpose of these meetings is to foster co-operation between participating Councils in order to:

- Develop co-ordinated strategies around regional issues.
- Enhance the economic and social development of the region.
- Provide a consistent interface with State Government regional activities and programs.
- Enhance resource utilisation within and between Councils.
- Initiate collective action in relation to State and Federal Government agencies as appropriate.
- Provide a clearinghouse of information and knowledge at senior management level.
- Identify emerging issues of regional significance and develop collaborative responses as appropriate.

STRATEGIC AND OPERATIONAL PRIORITIES

1. Strategic
 - “Improving regional co-ordination” – schedule a series of local forums (3 per year) identify the region/sub-regional problem, develop joint position paper, presentation of paper at forum.
 - Seek sub-regional representation at Premiers Regional Co-ordination Management Committee (Jacqui Parry).
2. Sub-regional Co-operation

Reports from Director Corporate Services

- Development of operational models to progress Local Government service improvements to sub-region.
- The following models to be applied either jointly or individually in progressing items listed on the provisional agenda:
 - Model One – Identify area for review, scope project, draft specification, analyse service provision, develop service improvement model.
 - Model Two – Identify area of good practice in a council, develop model of common service.
 - Model Three – engage external consultant, undertake research to identify potential improvements, developed service delivery model.
 - Model Four – explore amalgamation/restructure options.
 - Model Five – empower into council functions/professional meetings, establish feedback loop to General Managers.

PROVISIONAL AGENDA

Strategic Issues

- Assess management plans relativity to regional strategies
- Regional and economic development
- Tourism
- Affordable housing
- Intra regional social/transport links (traffic/transport infrastructure)
- Employment development
- Industrial lands register

Operational Issues

- Regional Library Services
- Human Services
- Accounting
- Plant
- Nursery facilities
- Division of labour between councils
- Human Resources
- Organic Waste
- Water Management
- Roadworks

Reports from Director Corporate Services

The draft report, prepared by the General Managers' Group, was considered by a meeting of the Mayors and General managers on Monday, 11 March 2002.

The minutes of that meeting are attached and included the following recommendation, that:

1. The Voluntary Structural Reform Group be disbanded.
 2. The sub-regional General Managers Group meet on a monthly basis to progress strategic and operational at a sub-regional level as outlined in the provisional agenda.
 3. A task be assigned to the General Managers' Group to bring together and organise a quarterly regional forum hosted by individual Councils on specific issues.
-

Reports from Director Corporate Services

13. ORIGIN: Director
FILE REF: Council Management

REPORT TITLE:

Shed a Tier Congress

SUMMARY OF REPORT:

The Mayor has received details of a Beyond Federation network and its activities in considering a series of Shed a Tier Congresses.

The Congress is seeking Council's suggestions for a suitable Congress theme and/or speaker.

RECOMMENDATION:

That Council determines its position in regard to this request.

Reports from Director Corporate Services

REPORT:

Information has been provided by the Beyond Federation Network in relation to a series of Shed a Tier Congresses. Details of previous Congresses in 2001, together with the organisations charter appears below:

Shed a Tier Congresses

helping to build a better Australia through government system reform

Pursuant to its Charter (see accompanying), the *Beyond Federation* network plans to conduct a series of *Shed a Tier Congresses*, each of which will be based on a particular theme or location. Following the first two *Shed a Tier Congresses* in 2001, Congresses from 2002 onward are planned to cover a comprehensive breadth of functional themes such as:

- the Murray Darling Challenge, water and the environment generally;
- health care;
- education;
- sustainable futures;
- democracy;
- justice, policing and the legal system;
- business, industry and economy;
- planning;
- emergency services, safety, fire and floods;
- the rich-poor gap, welfare and poverty;
- foreign affairs;
- transport and communications.

| | |
|---------------------|-------------------------------------|
| TWEED SHIRE COUNCIL | |
| FILE No. | COUNCIL MANAGEMENT |
| DOCUMENT No. | [] [] [] [] [] [] [] [] |
| REC'D | 14 FEB 2002 |
| BOOK No. | [] [] [] [] [] [] [] [] |
| ASSIGNED TO | CARPENTER I |
| HARD COPY | <input type="checkbox"/> |
| IMAGE | <input checked="" type="checkbox"/> |

These theme-based Congresses will hear keynote speakers and conduct focused workshops directed toward the establishment of a specific *Plan of Action* for the constitutional reform needed to achieve optimal government structures – as a means to achieving best possible public outcomes across the functional areas considered.

Similarly, locality-based Congresses, conducted in a diversity of rural and urban areas, will explore and recommend government structures that can best serve the venue locality and localities and regions generally.

Following each Congress, a Communiqué will be prepared which states the time, place and theme of the Congress, a list of persons present, the name of the chairperson and speakers, points of discussion, resolutions arrived at, petitions established, and the relevant *Plan of Action*.

Each individual Congresses will provide a depth of focus on an area of critical importance to Australia’s future, and opportunities to explore constructive reform options. Collectively, Congresses will provide multiple opportunities to help work towards a greatly improved overall system of government.

If you have a suggestion for a suitable Congress theme, or would like to speak at a Congress, or can suggest a suitable speaker, please contact Mark Drummond by e-mail at markld@ozemail.com.au, or at 5 Loddon St, Kaleen, ACT 2617, or by phone on 02 6255 0772.

All constructive ideas and thoughts will be welcomed: If you wish to have particular issues addressed at any Congress, or wish to become involved in the activities of the Beyond Federation network and/or the Shed a Tier Congresses in any capacity, please contact Mark Drummond (as above) at your convenience.

Thank
 you
 if you
 shed
 a
 tier
 14/2/02

Reports from Director Corporate Services

Beyond Federation Charter

Beyond Federation was established, on 8 January 2002, to encourage improvements to our Constitution and system of government that will benefit Australia and all Australians.

Members of Beyond Federation recognise ...

- The unsustainably high cost of the 'three tier' system of government in Australia, and the need to free up government resources to advance better outcomes for individuals, communities, groups, the environment, the economy, industry and businesses;
- That state and federal politicians have forced structural reforms on to local government, industry, business, employment, organisations and individuals, but have not taken necessary action to reform their own sphere;
- The need for the Australian Constitution to be the evolving document envisioned by its founders;
- The diversity of our country, and the desire and ability of people and communities – in cities and in each viable local region – to deal with their own local issues without excessive interference from centralised government;
- The desire of Australians to be rid of burdensome and inappropriate differences, between states and territories and sometimes between urban and rural areas, in laws, regulations and access to services, including such essentials as medical treatment, water, energy, communications and transport; and
- The need for uniform national laws.

Beyond Federation Supports ...

- A system of government that is: democratic, understandable, accountable, just, equitable, affordable, efficient, stable yet flexible, and socially, environmentally and economically sustainable; functionally effective in areas such as the environment, health and education; and centralised and decentralised in an appropriate balance;
- A Commonwealth government strengthened to be more responsive to the opportunities and needs of our country as a whole, and to our global circumstances;
- In place of existing state governments: local/regional structures that are close to and responsive to the opportunities and needs of people and communities;
- Congress meetings, and other collaborations, within and between communities, and within and between representative functional groups, to propose desirable reforms to our system of government;
- Continuing academic research to propose desirable government system reforms to enhance Australian life;
- Consensus-building, education, representation, organisation, legislation and constitutional changes to achieve needed reforms.

Members of the Beyond Federation network include:

- individuals from across the political spectrum;
- the Shed a Tier lobby group (<http://www.shedatier.com.au/>);
- the Foundation for National Renewal (<http://www.national-renewal.org.au/Links/states.html>);
- the Abolish States Collective (<http://www.geocities.com/davidbofinger/asc.htm>);
- the Abolish State Governments! (The Community Republicans) political party and the Regional Governments Now! lobby group (www.ablesoft.net/shedatier); and

The Congress has sought the Mayor's suggestion as to:

1. A suitable Congress theme.
2. Willingness to speak at the Congress and/or suggestions of a suitable speaker.

It is recommended that Council consider and determine the appropriate response.

Reports from Director Corporate Services

THIS
PAGE
THIS
PAGE
IS
BLANK
IS
BLANK

Reports from Director Corporate Services

14. ORIGIN: Financial & Information Services Unit

FILE REF: Festivals-Policy; Donations

REPORT TITLE:

Second Round Donations 2001/2002 - Festivals Policy

SUMMARY OF REPORT:

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

RECOMMENDATION:

That Council supports the following festivals from the balance of funds voted in the 2001/2002 budget:

| | |
|---|---------|
| 1. Greenback Tailor Charity Fishing Competition | \$1,500 |
| 2. Art, Food & All That Jazz Festival | \$8,430 |
| 3. Mooball Fish 'n' Nana | \$1,500 |
| 4. Wintersun | \$7,500 |
| 5. Tweed Coolangatta Chess Club | \$1,500 |

Reports from Director Corporate Services

REPORT:

Council, at its meeting held on 21 April 1999, adopted the Festivals Policy. As a result of the Policy, the second round of applications for 2001/2002 have been received and are documented for Council's consideration.

The 2001/2002 budget allocation for festivals is \$31,930.00. An amount of \$11,500.00 was allocated in the first round donations, with \$20,430.00 remaining for allocation in the second round.

| Applicant | Amount Requested | Purpose |
|---------------------------------|-------------------------|---|
| Greenback Fishing Competition | \$1,500.00 | Annual Greenback Tailor Charity Fishing Competition |
| Tweed Coolangatta Chess Club | \$5,000.00 | Tweed Heads Chess Open (11-13 October 2002) |
| Tyalgum Festival Committee Inc. | \$5,000.00 | Festival of Classical Music |
| Kingscliff Business Corporation | \$10,000.00 | Art, Food & All That Jazz Festival |
| Mooball Fish 'n' Nana | \$1,500.00 | 13 th Annual Fish 'n' Nana Carnival (5-6 May 2002) |
| Wintersun | \$7,500.00 | Wintersun Festival |

The total amount request for festivals in the second round of donations for 2001/2002 is \$30,500.00.

In the first round of donations for 2001/2002, funds were distributed as follows:

| | |
|--|--------------------------------|
| Tweed Banana Festival | \$8,500.00 (for 2002 Festival) |
| Murwillumbah & District Senior Citizens Week Committee | \$3,000.00 |

In the 2000/2001 budget allocation for festivals, funds were distributed as follows:

| | |
|-------------------------------|------------|
| Tweed Banana Festival | \$8,500.00 |
| Art, Food & All That Jazz | \$7,214.00 |
| Greenback Fishing Competition | \$1,500.00 |
| Mooball Fish 'n' Nana | \$1,500.00 |
| Wintersun | \$7,500.00 |
| Tweed Coolangatta Chess Club | \$2,000.00 |
| Rotary Club 2001 Convention | \$1,500.00 |

Reports from Director Corporate Services

15. ORIGIN: Financial & Information Services Unit

FILE REF: Donations

REPORT TITLE:

Second Round Donations 2001/2002 - Donations Policy

SUMMARY OF REPORT:

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

RECOMMENDATION:

That Council determines the applications for donations, as in accordance with the adopted Policy, and the funds voted in the 2001/2002 budget.

Reports from Director Corporate Services

REPORT:

Council, at its meeting held on 17 March 1999, adopted the Donations Policy. As a result of the Policy, the second round of applications for 2001/2002 have been received and are now documented for Council's consideration.

The 2001/2002 budget allocation for donations is \$15,000.00. An amount of \$11,784.00 was allocated in the first round donations, with \$3,216.00 remaining for allocation in the second round.

| Applicant | Donation Requested | Purpose |
|--|---------------------------|---|
| Tweed Valley Jetsprint Club Inc. | \$15,000.00 | 2 ride-on mowers, 2 catcher mowers, 2 brushcutters and 1 8kva generator. |
| Rachel Stocks | | Costs associated with representing Australia in the Kyokushin Karate World Titles in Boston USA in June. |
| Mt Burrell Community Centre Reserve Trust | \$181.80 | Gate, attachments, chain & lock, galvanized sheeting and blackboard paint. |
| Murwillumbah Veteran Golfers | | Seeking commitment from sponsors for NSW Veteran Golf Association Championships in 2004. |
| Ashley Renton | \$1,200.00 | Purchase second-hand computer, printer, software & stationary. |
| Rotary Club of Tweed Heads South | \$4,500.00 | To purchase materials to build a BBQ and gazebo together with tables and seating. Construction and labour to be supplied by Rotary. |
| Burringbar Village Arts Centre | \$250.00 | Bond for electricity connection to gallery space. |
| Uki Residents' Association Inc. | \$1,561.00 | The supply and installation of one information shelter kit 103 Sherbrooke. |
| Terranora Retirement Village Computer Club | \$500.00 | To purchase a more up-to-date 2 nd hand computer, computer desk and printer. |

Reports from Director Corporate Services

Club computer, computer desk and printer.

The total approximate amount of donations requested is \$23,192.80.

At Council's meeting of 6 February 2002 it was resolved to allocate a further \$2,500.00 for the donation of surplus computer equipment.

| Applicant | Benefits |
|--|--|
| Tweed Valley Arts Council Inc. | Access to free or low cost cultural activities organised or auspiced by TVAC plus cultural support for existing and new events. |
| Curious Art Minus Zero No Limited Co-operative Ltd | The wider community will benefit by increased economic development and cultural tourism. |
| Uki Out of School Hours Association | Provides out of school hours care to school children which permits parents access to employment, training and recreational activities. |
| Sarah's Daughters | To have own office equipment instead of having to use the equipment Lakeside Church. |
| Computer Association Tweed Seniors Inc. (CATS) | For the members of CATS. |

To date Council has donated one computer to the Tweed River Historical Society and one computer to the Lower Tweed River Historical Society.

In the first round of donations for 2001/2002, funds were distributed as follows:

| | |
|---------------------------------------|------------|
| 1 st Chinderah Scout Group | \$1,000.00 |
| Blind & Vision Impaired | \$1,000.00 |
| Blind Citizens | \$750.00 |
| Cooloon Childrens Centre | \$2,000.00 |
| Tweed Palliative Care | \$2,000.00 |
| Tweed District Rescue Squad | \$3,917.00 |

APPLICATION CRITERIA

- No financial assistance will be given to privately owned businesses/companies.

Reports from Director Corporate Services

- Organisations must be Tweed based or the funds are to be used on a service or activity for Tweed.
 - No financial assistance will be given to Government Departments or agencies or for support of Government owned facilities.
 - No financial assistance will be given to sporting organisations as these organisations have ample other avenues for financial assistance.
 - The funds are not to be used for a social activity for members of the organisation exclusively.
-

Reports from Director Corporate Services

16. ORIGIN: Director

FILE REF: Drug Related Matters

REPORT TITLE:

Annual Drug Awareness Week

SUMMARY OF REPORT:

The town of Port Macquarie have written outlining a Drug Summit program to be held on 28 and 29 June 2002, followed by a gala day and drug-free walk on Sunday, 30 June 2002 in the township of Port Macquarie.

Council may consider having a representative attend the Summit.

RECOMMENDATION:

That:

1. Any interested Councillor(s) be authorised to attend the Drug Summit program to be held on 28 and 29 June 2002 in Port Macquarie.
2. The Mayor's Secretary makes the necessary registration arrangements.

Reports from Director Corporate Services

REPORT:

Advice has been received from Margaret McKay, President of the “Keep Our Kids Alive – I Say No To Drugs” Inc, Port Macquarie outlining their drug-free community program. The program incorporates the 4th Annual Drug Awareness Week from 24-30 June 2002 that is claimed to have had a significant impact on reducing the spread of this problem within the town since its inception.

As part of the program a drug summit has been scheduled for 28 and 29 June 2002, followed by a gala day and drug-free walk on Sunday, 30 June 2002.

The organisers have advised Council in order to seek Council’s level of interest in having representatives attend the summit.

The cost of the two-day summit per representative is \$125.00.

A copy of Port Macquarie’s Drug-Free Community Statement appears below:

Reports from Director Corporate Services

Port Macquarie Wants To Be A Drug – Free Community

Every night across Australia, parents go to bed afraid of that phone call that will tell them that their child has been found dead from a drug overdose or killed in a car accident while drunk.

We dream of our town being without drugs. A town without the pain and loss and hopelessness and suffering that drugs cause.

So we continue to work .

We want to reach more children, more often, with messages that tell them of the dangers of drugs. And as we speak to them we want to listen to them carefully , so that we can speak to them better.

We want to send a message of hope to all communities in trouble with drugs ; a message that treatment can work.

We want to maintain our focus , but we also want to stay open to new ideas and new ways.

We want to keep on learning.

At its core , the drug problem is not about police or cartels, policies or politics.

It's about our kids.

It's about our kids making decisions about drugs. Decisions that can affect them for the rest of their lives.

Our mission is to help them make the right decision.

We want our children to grow up drug-free.

We know we have a long way to go. It will be little by little, child by child, town by town.

But we will get there!

We will work with passion and discipline, with our hearts and our heads , to help make Port Macquarie drug-free.

Is this what you want for your town?

Reports from Director Corporate Services

THIS
PAGE
THIS
PAGE
IS
IS
BLANK
BLANK

Reports from Director Corporate Services

17. ORIGIN: Director
FILE REF: Customer Service

REPORT TITLE:

Quality Customer Service Standards and Dealing with Difficult People Policy

SUMMARY OF REPORT:

From time-to-time the organisation has been confronted with situations that have resulted in significant resources being allocated to addressing sometimes matters where the concerned person has been unable to be satisfied.

To address these reasonably remote events, the following policy objectives have been defined:

1. To provide guidance to staff in dealing with ratepayers, residents/clients.
2. To ensure that Council resources are used efficiently and effectively when dealing with people.
3. To ensure that all residents and clients are treated fairly and reasonably.

The Policy has been developed through wide consultation with the organisation, management and the Communication Committee.

RECOMMENDATION:

That the Quality Customer Service Standards and Dealing with Difficult People Policy be adopted as follows:

“Quality Customer Service Standards and Dealing with Difficult People Policy

POLICY OBJECTIVES:

1. *To provide guidance for staff in dealing with ratepayers, residents/clients.*
2. *To ensure that Council resources are used efficiently and effectively when dealing with people.*
3. *To ensure that all residents and clients are treated fairly and reasonably.*

POLICY PROTOCOL

SERVICE COMMITMENT

1. *Council staff shall strive to meet the needs of our ratepayers, residents and clients in a professional and ethical manner with courteous and efficient service. Staff shall, wherever possible:*
 - a) *treat all people with respect and courtesy;*
 - b) *listen to what residents/ratepayers have to say;*
 - c) *respond to resident/ratepayer enquiries promptly and efficiently;*
 - d) *act with integrity and honesty when liaising with residents/ratepayers/clients;*
 - e) *consult residents/ratepayers and clients about service needs;*

Reports from Director Corporate Services

- f) *apply Clause 14 when dealing with an abusive, rude or difficult resident/ratepayer/client.*

STANDARDS OF SERVICE

2. *Council staff shall respond to correspondence received from residents, ratepayers and clients (written, faxed or emailed) within fourteen (14) days, in accordance with Policy C3.16. Where the correspondence cannot be responded to within 14 days an acknowledgement advice must be sent within the 14 days.*
3. *Telephone calls to Council shall be answered as quickly and efficiently and where practical within five (5) rings.*
4. *Council staff shall answer incoming calls by clearly and appropriately identifying themselves. Unanswered calls shall divert to another member of staff or voice mail.*
5. *Staff making outgoing calls shall identify themselves by name and council/division/branch, as appropriate, and shall clearly outline the purpose of the call.*
6. *Reception area and customer service centre staff shall greet residents, clients and visitors as quickly as possible and in a professional and helpful manner.*
7. *Staff required to visit a resident/client external to Council facilities will, where appropriate, attempt to contact the person first and make an appointment. At the beginning of a Council visit, staff shall clearly identify themselves (via their ID card) and the purpose of the visit.*

RESIDENT/RATEPAYER/CLIENT WHO CANNOT BE SATISFIED

8. *Enquirers who cannot be satisfied include members of the public or groups who do not accept that Council is unable to assist them, provide any further assistance or level of service than has been provided already and/or disagree with the action Council has taken in relation to their complaint or concern.*
9. *If in the opinion of the General Manager a resident, ratepayer, client cannot be satisfied and all appropriate avenues of internal review or appeal have been exhausted and the person continues to write, telephone and/or visit Council the following actions may be taken:*
 - a) *the General Manager may write to the resident/ratepayer/client restating Council's position on the matter if necessary and advising that if the person continues to contact Council regarding the matter Council may:*
 - i) *not accept any further phone calls from the resident/ratepayer/client*
 - ii) *suggest alternative avenues of support/advice*
 - iii) *not grant any further interviews*
 - iv) *require all further communication to be put in writing*
 - v) *continue to receive, read and file correspondence but only acknowledge or otherwise respond to it if:*
 - *the complainant provides significant new information relating to their complaint or concern; or*

Reports from Director Corporate Services

- *the complainant raises new issues which in the General Manager's opinion, warrant fresh action*
- b) *the General Manager shall advise councillors of any correspondence issued in accordance with clause 9(a).*
- c) *the resident/ratepayer/client shall be given an opportunity to make representations about Council's proposed course of action*
- d) *if the resident/ratepayer/client continues to contact Council after being advised of Council's proposed course of action, the General Manager may, after considering any representations from the person, advise the person that any or all of points i) - iv) above will now apply, and inform the person of their rights to pursue other options.*
- e) *the suspension of interaction between Council and the party will, only in respect to the specified matter, apply for a specified period of between three and six months as determined by the General Manager.*
- f) *staff are to be advised of the nature and extent of suspension action.*

RESIDENTS/RATEPAYERS/CLIENTS WHO MAKE UNREASONABLE DEMANDS

10. *People who make unreasonable demands include members of the public whose demands on Council start to significantly and unreasonably divert Council's resources away from other functions or create an inequitable allocation of resources to other residents/ratepayers/clients. Such demands may result from the amount of information requested, the nature or scale of services sought or the number of approaches seeking information, assistance or service.*
11. *If in the opinion of the General Manager a resident/ratepayer/client is making unreasonable demands on Council and the person continues to write, telephone and/or visit the agency the following actions may be taken:*
 - a) *the General Manager may write to the customer advising them of Council's concern and requesting that they limit and focus their requests and that if the customer continues to place unreasonable demands on the organisation Council may:*
 - i) *not respond to any future correspondence and only take action where, in the opinion of the General Manager the correspondence raises specific, substantial and serious issues; or*
 - ii) *only respond to a certain number of requests in a given period*
 - b) *the General Manager shall advise councillors and staff of any correspondence issued in accordance with clause 4(a)*
 - c) *the customer shall be given an opportunity to make representations about Council's proposed course of action via Community Access*
 - d) *if the person continues to contact Council after being advised of Council's proposed course of action, the General Manager may, after considering any representations from the person, advise the person that either or both of points i) - ii) above will now apply and inform of their rights to pursue other options.*

Reports from Director Corporate Services

- e) *the suspension of interaction between Council and the party will, only in respect to the specified matter, apply for a specified period of between three and six months as determined by the General Manager.*
- f) *staff are to be advised of the nature and extent of suspension action.*

PEOPLE WHO CONSTANTLY RAISE THE SAME ISSUE WITH DIFFERENT STAFF

- 12. *If in the opinion of the General Manager a resident/ratepayer/client is constantly raising the same issues with different staff the following actions may be taken:*
 - a) *the General Manager may notify the person that:*
 - i) *only a nominated staff member will deal with them in future*
 - ii) *they must make an appointment with that person if they wish to discuss their matter; or*
 - iii) *all future contact with Council must be in writing*
 - b) *the General Manager shall advise councillors and staff of any notification issued in accordance with clause 5(a)*
 - c) *the person shall be given an opportunity to make representations about Council's proposed course of action via Community Access*

RESIDENTS/RATEPAYERS/CLIENTS WHO ARE RUDE, ABUSIVE OR AGGRESSIVE

- 13. *Rude, abusive or aggressive behaviour may include rude or otherwise vulgar noises, expressions or gestures, verbal abuse of either a personal or general nature, threatening or offensive behaviour, physical violence against property or physical violence against a person.*
- 14. *If in the opinion of any staff member rude, abusive or aggressive comments or statements are made in telephone conversations or interviews, the staff member may:*
 - a) *warn the caller that if the behaviour continues the conversation or interview will be terminated*
 - b) *terminate the conversation or interview if the rude, abusive or aggressive behaviour continues after a warning has been given*
- 15. *Where a conversation or interview is terminated in accordance with clause 14(b), and the staff member deems it appropriate, the General Manager or the relevant Director/Manager is to be notified of the details as soon as possible.*
- 16. *If in the opinion of the General Manager any correspondence to Council contains personal abuse, inflammatory statements or material clearly intended to intimidate, it will be returned to the sender and not otherwise acted upon.*

GENERAL

- 17. *In all of the situations referred to in this policy, adequate documentary records must be made and maintained on the appropriate Council file in accord with Policy No. C3.9.*
- 18. *Where the General Manager determines to limit access to Council in any of the ways specified in this policy, the General Manager must advise the Council as soon as possible of the relevant circumstances and the action taken and forward such advice,*

Reports from Director Corporate Services

where appropriate, to the ICAC, Department of Local Government and the NSW Ombudsman for information.”

Reports from Director Corporate Services

REPORT:

Over the past three (3) years staff have on occasions expressed significant difficulties in resolving complaints. These complaints have been addressed, however in reasonably rare occurrences the complainant continues to pursue the matter with demands that far exceed level of responses that are considered to be fair and reasonable.

Resources are committed to lengthy repeat reviews of decisions diverting the organisation effective application of staff away from other important activities. On other occasions staff have responded to alleged acts of vandalism and the like, only to find that the claims were false.

A Policy has been developed with the following objectives to address these issues:

1. To provide guidance to staff in dealing with ratepayers, residents/clients.
2. To ensure that Council resources are used efficiently and effectively when dealing with people.
3. To ensure that all residents and clients are treated fairly and reasonably.

In support of these objectives, the Policy includes service commitments and standards of service, together with process parameters in which to address residents/ratepayers that cannot be satisfied, or where there are unreasonable demands placed upon the organisation, or where the same issue is raised with different staff across the organisation consistently.

In addition, guidelines are provided on how the organisation staff are to respond to ratepayers, residents/clients who are rude, abusive or aggressive.

The Policy states:

“Quality Customer Service Standards and Dealing with Difficult People Policy

POLICY OBJECTIVES:

1. *To provide guidance for staff in dealing with ratepayers, residents/clients.*
2. *To ensure that Council resources are used efficiently and effectively when dealing with people.*
3. *To ensure that all residents and clients are treated fairly and reasonably.*

POLICY PROTOCOL

SERVICE COMMITMENT

1. *Council staff shall strive to meet the needs of our ratepayers, residents and clients in a professional and ethical manner with courteous and efficient service. Staff shall, wherever possible:*
 - a) *treat all people with respect and courtesy;*
 - b) *listen to what residents/ratepayers have to say;*
 - c) *respond to resident/ratepayer enquiries promptly and efficiently;*
 - d) *act with integrity and honesty when liaising with residents/ratepayers/clients;*
 - e) *consult residents/ratepayers and clients about service needs;*
 - f) *apply Clause 14 when dealing with an abusive, rude or difficult resident/ratepayer/client.*

Reports from Director Corporate Services

STANDARDS OF SERVICE

2. *Council staff shall respond to correspondence received from residents, ratepayers and clients (written, faxed or emailed) within fourteen (14) days, in accordance with Policy C3.16. Where the correspondence cannot be responded to within 14 days an acknowledgement advice must be sent within the 14 days.*
3. *Telephone calls to Council shall be answered as quickly and efficiently and where practical within five (5) rings.*
4. *Council staff shall answer incoming calls by clearly and appropriately identifying themselves. Unanswered calls shall divert to another member of staff or voice mail.*
5. *Staff making outgoing calls shall identify themselves by name and council/division/branch, as appropriate, and shall clearly outline the purpose of the call.*
6. *Reception area and customer service centre staff shall greet residents, clients and visitors as quickly as possible and in a professional and helpful manner.*
7. *Staff required to visit a resident/client external to Council facilities will, where appropriate, attempt to contact the person first and make an appointment. At the beginning of a Council visit, staff shall clearly identify themselves (via their ID card) and the purpose of the visit.*

RESIDENT/RATEPAYER/CLIENT WHO CANNOT BE SATISFIED

8. *Enquirers who cannot be satisfied include members of the public or groups who do not accept that Council is unable to assist them, provide any further assistance or level of service than has been provided already and/or disagree with the action Council has taken in relation to their complaint or concern.*
9. *If in the opinion of the General Manager a resident, ratepayer, client cannot be satisfied and all appropriate avenues of internal review or appeal have been exhausted and the person continues to write, telephone and/or visit Council the following actions may be taken:*
 - a) *the General Manager may write to the resident/ratepayer/client restating Council's position on the matter if necessary and advising that if the person continues to contact Council regarding the matter Council may:*
 - i) *not accept any further phone calls from the resident/ratepayer/client*
 - ii) *suggest alternative avenues of support/advice*
 - iii) *not grant any further interviews*
 - iv) *require all further communication to be put in writing*
 - v) *continue to receive, read and file correspondence but only acknowledge or otherwise respond to it if:*
 - *the complainant provides significant new information relating to their complaint or concern; or*
 - *the complainant raises new issues which in the General Manager's opinion, warrant fresh action*

Reports from Director Corporate Services

- b) *the General Manager shall advise councillors of any correspondence issued in accordance with clause 9(a).*
- c) *the resident/ratepayer/client shall be given an opportunity to make representations about Council's proposed course of action*
- d) *if the resident/ratepayer/client continues to contact Council after being advised of Council's proposed course of action, the General Manager may, after considering any representations from the person, advise the person that any or all of points i) - iv) above will now apply, and inform the person of their rights to pursue other options.*
- e) *the suspension of interaction between Council and the party will, only in respect to the specified matter, apply for a specified period of between three and six months as determined by the General Manager.*
- f) *staff are to be advised of the nature and extent of suspension action.*

RESIDENTS/RATEPAYERS/CLIENTS WHO MAKE UNREASONABLE DEMANDS

- 10. *People who make unreasonable demands include members of the public whose demands on Council start to significantly and unreasonably divert Council's resources away from other functions or create an inequitable allocation of resources to other residents/ratepayers/clients. Such demands may result from the amount of information requested, the nature or scale of services sought or the number of approaches seeking information, assistance or service.*
- 11. *If in the opinion of the General Manager a resident/ratepayer/client is making unreasonable demands on Council and the person continues to write, telephone and/or visit the agency the following actions may be taken:*
 - a) *the General Manager may write to the customer advising them of Council's concern and requesting that they limit and focus their requests and that if the customer continues to place unreasonable demands on the organisation Council may:*
 - i) *not respond to any future correspondence and only take action where, in the opinion of the General Manager the correspondence raises specific, substantial and serious issues; or*
 - ii) *only respond to a certain number of requests in a given period*
 - b) *the General Manager shall advise councillors and staff of any correspondence issued in accordance with clause 4(a)*
 - c) *the customer shall be given an opportunity to make representations about Council's proposed course of action via Community Access*
 - d) *if the person continues to contact Council after being advised of Council's proposed course of action, the General Manager may, after considering any representations from the person, advise the person that either or both of points i) - ii) above will now apply and inform of their rights to pursue other options.*
 - e) *the suspension of interaction between Council and the party will, only in respect to the specified matter, apply for a specified period of between three and six months as determined by the General Manager.*

Reports from Director Corporate Services

- f) *staff are to be advised of the nature and extent of suspension action.*

PEOPLE WHO CONSTANTLY RAISE THE SAME ISSUE WITH DIFFERENT STAFF

12. *If in the opinion of the General Manager a resident/ratepayer/client is constantly raising the same issues with different staff the following actions may be taken:*
- a) *the General Manager may notify the person that:*
 - i) *only a nominated staff member will deal with them in future*
 - ii) *they must make an appointment with that person if they wish to discuss their matter; or*
 - iii) *all future contact with Council must be in writing*
 - b) *the General Manager shall advise councillors and staff of any notification issued in accordance with clause 5(a)*
 - c) *the person shall be given an opportunity to make representations about Council's proposed course of action via Community Access*

RESIDENTS/RATEPAYERS/CLIENTS WHO ARE RUDE, ABUSIVE OR AGGRESSIVE

13. *Rude, abusive or aggressive behaviour may include rude or otherwise vulgar noises, expressions or gestures, verbal abuse of either a personal or general nature, threatening or offensive behaviour, physical violence against property or physical violence against a person.*
14. *If in the opinion of any staff member rude, abusive or aggressive comments or statements are made in telephone conversations or interviews, the staff member may:*
- a) *warn the caller that if the behaviour continues the conversation or interview will be terminated*
 - b) *terminate the conversation or interview if the rude, abusive or aggressive behaviour continues after a warning has been given*
15. *Where a conversation or interview is terminated in accordance with clause 14(b), and the staff member deems it appropriate, the General Manager or the relevant Director/Manager is to be notified of the details as soon as possible.*
16. *If in the opinion of the General Manager any correspondence to Council contains personal abuse, inflammatory statements or material clearly intended to intimidate, it will be returned to the sender and not otherwise acted upon.*

GENERAL

17. *In all of the situations referred to in this policy, adequate documentary records must be made and maintained on the appropriate Council file in accord with Policy No. C3.9.*
18. *Where the General Manager determines to limit access to Council in any of the ways specified in this policy, the General Manager must advise the Council as soon as possible of the relevant circumstances and the action taken and forward such advice, where appropriate, to the ICAC, Department of Local Government and the NSW Ombudsman for information."*

Reports from Director Corporate Services

It is relatively uncommon that Council staff are confronted with any of above situations, however they have occurred in the past and this mechanism provides a process to ensure aggrieved parties are handled in a professional, effective and responsible manner.

Reports from Director Corporate Services

18. ORIGIN: General Manager

FILE REF: Best Practice; Professional Assn - General; Seminars/Conferences - General

REPORT TITLE:

Local Government Managers Association (LGMA) National Congress and International City and County Managers (ICMA) Association Best Practices Symposium 10-15 May 2002

SUMMARY OF REPORT:

The LGMA National Congress will be held along with the ICMA Best Practices Symposium in Sydney from 10-15 May 2002. This will be the first ICMA Best Practices Symposium to be held outside the USA.

A copy of the program is attached.

RECOMMENDATION:

That Council authorises the attendance of the Mayor at the LGMA National Congress and ICMA Best Practices Symposium in Sydney from 10-15 May 2002.

Reports from Director Corporate Services

REPORT:

As per summary of report.

Reports from Director Corporate Services

19. ORIGIN: Director

FILE REF: TACTIC

REPORT TITLE:

Tweed and Coolangatta Tourism Inc (TACTIC) Deed of Agreement

SUMMARY OF REPORT:

The three (3) year term funding agreement with Tweed and Coolangatta Tourism Inc. (TACTIC) is to conclude at midnight on 30 June 2002.

The agreement requires, at Clause 9.1:

“A meeting of Council and the Board of TACTIC shall be arranged not less than three (3) months before the expiration of this Agreement, with the specific purpose of assessing the value and ongoing terms and conditions for renewal of this Agreement.”

A meeting between TACTIC and Council took place on Wednesday, 13 February 2002.

The report to the Council meeting of 19 December 2001 provide details of performance criteria that defines the relationship between Council and the organisation, together with a copy of the Annual Report and Audited Financial Statement for the financial year 2000-2001.

RECOMMENDATION:

That Council determines its position in relation to the operation of the Murwillumbah Visitors Information Centre and the promotion and marketing of the Tweed as a tourism destination.

Reports from Director Corporate Services

REPORT:

The agreement reached between Council and Tweed and Coolangatta Tourism Inc. (TACTIC) for a three (3) year period is to cease on 30 June 2002. During the term of the agreement TACTIC have provided monthly reports outlining their performance against the following specific criteria. Their reports indicate that over the past three (3) years (December 1998 – December 2001) the following results have been delivered:

- The number and category of financial members of TACTIC:
Results: Membership numbers have declined from 177 to 154 (a reduction of 12.9%).
- The visitor numbers to the World Heritage Rainforest Centre (WHRC) and the Tweed Heads Tourist Information Centre:
Results: Visitor numbers for the WHRC have declined from 2201 to 1827 per month and the Tweed Heads Visitors Centre have declined from 1850 to 698 (total visitation rates have fallen by 37.8%).
- The provision by TACTIC to Council of updates on current programs conducted by TACTIC:
Results: Updates provided of monthly progress on the internet site, central reservation system, strategic marketing plan, networking and group bookings.
- The comparison between monthly profit and loss statement and the budget:
Results: Provided on a monthly basis.
- The provision by TACTIC to Council of a monthly bank reconciliation:
Results: Provided on a monthly basis.
- The level of involvement by TACTIC in Australian Tourism Exhibition Trade Shows:
Results: Details provided on international marketing, Australian Tourism exhibitions, holiday shows and expos attended.
- The provision by TACTIC to Council of details of promotional activities conducted by TACTIC:
Results: Details provided on a monthly basis of attendance at Travel Australian Business Seminars (International) and local domestic shopping centre promotions and familiarisations.
- The amount of retail sales:
Results: Retail sales revenue has increased from \$2,554.90 to \$3,165.00 per month (an increase of 23.9%).
- The number and value of the booking system growth:
Results: Value of accommodation, tours and commission bookings has increased from \$2,590.00 to \$6,750.00 per month (160%).
- The level of attendance at Board meetings by the members of the Board of TACTIC:
Results: Details provided.

The agreement specifies at Clause 9.1:

“A meeting of Council and the Board of TACTIC shall be arranged not less than three (3) months before the expiration of this Agreement, with the specific purpose of assessing the value and ongoing terms and conditions for renewal of this Agreement.”

Reports from Director Corporate Services

A meeting took place between Council and TACTIC representatives on Wednesday, 13 March 2002.

At that meeting TACTIC requested that the agreement be reviewed with the funding increased to \$300,000.00 per annum to provide additional financial resource to engage a Tweed Tourism Manager to adequately promote the Tweed.

TACTIC representatives also outlined the value of the Visitors Information Centres in the delivery of effective services to tourists and the general community.

Council has a number of options available that have been briefly explored and need to be considered in determining Council's relationship with TACTIC, the Tweed Economic Development Corporation (TEDC), the Regional Tourism Organisation (RTO), Tourism NSW and other tourism related organisations, including the Area Consultative Committee. A brief summary of these options are:

1. The funding agreement with TACTIC be extended by a further period of at least two (2) years at the current funding level of \$290,000.00 per annum.
2. Council ceases its funding commitment with TACTIC and cancels the lease between TACTIC and Council for the WHRC.
3. Council negotiates with National Parks and Wildlife Services (NPWS) to establish a joint agreement to operate the tourist information centre and interpretive centre at the WHRC.
4. Council operates the visitor information centre, including the interpretive centre.
5. Council negotiates an agreement between itself and TEDC for the marketing of the Tweed and operation of the Murwillumbah Visitor Information Centre.
6. Council seeks a partnership agreement with the RTO and/or Ballina Information Centre and NPWS to operate the Murwillumbah Visitor Information Centre and interpretive centre.

These options are generated in consideration of a number of issues:

- The interpretive centre at the WHRC, Murwillumbah has not been adequately maintained and is in need of refurbishment. Indications are that it requires approximately \$130,000.00 to remodel the centre and to replace most of the electronic equipment that has failed, as it was of not of a commercial grade when installed.
- The marketing of the Tweed as a destination currently is fragmented across a number of organisations. The Ballina Visitors Centre has an allocation of \$150,000.00 to actively market tourism in this part of the State.
- Volunteers play an important part in supporting the tourism industry in the Tweed.
- The support of Tourism NSW and the RTO are important to ensure that Tweed tourism products are strongly marketed to international and domestic markets.
- TACTIC has the experience and understanding of Tweed tourism products and is in a strong position to support those products.
- TEDC and TACTIC have sought to collaborate on matters of destination marketing. This initiative should be continued.

Reports from Director Corporate Services

- Funding may be available through the Area Consultative Committee to support the development of tourism at a sub-regional level.
- The NPWS and the areas of World Heritage listed National Parks are important tourism assets of appeal to both international and domestic visitors.

As the agreement requires three (3) months notice, Council needs to determine its position as to its relationship with TACTIC prior to 29 March 2002.

Reports from Director Corporate Services

20. ORIGIN: Administration Services Unit

FILE REF: Elections - General

REPORT TITLE:

2003 Election Procedures

SUMMARY OF REPORT:

The following information concerning voting at the September 2003 Local Government elections and the registration of parties under the Local Government Act 1993 has been received from the State Electoral Office and is now submitted for Councillors information.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

The following information has been received from the State Electoral Office concerning changes to the Local Government Act 1993 affecting the conduct of the 2003 Local Government elections:-

IMPORTANT NOTE

REGISTRATION OF PARTIES UNDER THE LOCAL GOVERNMENT ACT 1993

At the present time one of the requirements for registration of a party under the provisions of the Local Government Act 1993 is that it must have one hundred members who are enrolled electors or have at least one member who is a member of a council.

New provisions relating to the registration of parties will come into effect on 1 June 2002. The major effects of these amendments are:-

- a party will be required to have 100 members who are enrolled electors and will no longer be eligible for registration because one of its members is a member of a council.
- an application for registration of a party will be required to be accompanied by declarations of membership signed by 100 members who are enrolled electors.
- two or more parties will not be able to rely on the same person to qualify for registration.

Parties already registered as at 1 June 2002 have until 1 June 2003 to apply for continued registration meeting the new requirements otherwise they will not be able to have their name or abbreviation thereof placed on ballot-papers or be treated as a registered party in connection with the nomination of endorsed candidates at the September 2003 general elections.

A party which is first registered after 1 June 2002 will not be able to have its name or an abbreviation thereof placed on ballot-papers or be treated as a registered party in connection with the nomination of its endorsed candidates at the September 2003 general elections unless registered under the new provisions by 13 August 2002.

Parties may be registered under the present requirements after 1 June 2002 but unless an application for registration is made under the new provisions by 1 June 2003 registration will lapse on 7 September 2003. However, it must be remembered that parties registered under the new provisions after 13 August 2002 cannot contest the September 2003 elections.

Set out below are examples demonstrating the general position in relation to parties contesting the September 2003 elections.

- (1) *Party A* is registered as at 1 June 2002. To contest the September 2003 election it must apply for registration under the new provisions by 1 June 2003. If the application is approved Party A may contest election

Reports from Director Corporate Services

If no application is made by 1 June 2003 or the application is refused the party will cease to be registered on 7 September 2003 and cannot contest the election but may contest any by-election up until that date.

- (2) *Party B* is not registered as at 1 June 2002 but applies for registration under new provisions after that date and is registered on 9 August 2002 - it may contest September 2003 election and any prior by-election.
- (3) *Party C* is not registered as at 1 June 2002 but applies for registration under new provisions after that date and is registered on 14 August 2002 or later - it cannot contest September 2003 election but may contest by-elections prior thereto.
- (4) *Party D* registers under existing provisions after 1 June 2002 may contest by-elections up until September 2003 election but cannot contest this election unless an application for registration under the new provisions is approved by 13 August 2002.

The Electoral Commissioner seeks advice from 60 persons selected randomly from the 100 providing a declaration of membership form and will not approve registration until at least 45 confirmation advices are received.

Therefore any parties seeking registration under the new provisions should do so at the earliest opportunity particularly those applying for the first time after 1 June 2002 as these must be registered by 13 August 2002 in order to participate in the September 2003 elections.

Declarations of membership lodged are available for public inspection.

Further details and forms are available on the office website at www.seo.nsw.gov.au under "Election Information" the "Party Registration". Information is also available from this office by contacting Brooke Dawson, Michael Nevin or Catherine Furlong.

STATE ELECTORAL OFFICE

Level 20, 207 Kent Street, Sydney 2000
GPO Box 832, Sydney 1043
Telephone: 9200 5999 Fax: 9241 6011

Reports from Director Corporate Services

STATE ELECTORAL OFFICE

VOTING AT THE SEPTEMBER 2003 LOCAL GOVERNMENT ELECTIONS

Amendments to the Local Government Act 1993 relating to grouping of candidates and method of voting will apply to the Local Government elections to be held in September 2003. By-elections prior to this election will not be subject to these amendments.

The effects of these amendments are as follows:-

1. Grouping of Candidates

- a group of candidates may have a group voting square "above the line" where at least two groups apply to have such a square on the ballot-paper. The names of candidates in the group will still be shown "below the line" under the group voting square.
- a group cannot have a group voting square "above the line" in a divided Council area unless the number of candidates in the group is at least equal to the number to be elected, e.g. if three candidates are elected for a ward a group must comprise at least that number of candidates before being entitled to have a group voting square.
- a group cannot have a group voting square "above the line" in an undivided Council area unless the number of candidates in the group is at least equal to half the number of candidates to be elected, e.g. if nine candidates are elected a group must comprise at least five candidates before being entitled to have a group voting square.
- the amount of the deposit to be paid by a candidate in a group of five or more candidates is five times the deposit for one candidate divided by the number of candidates in the group, e.g. the deposit for each candidate in a group of ten candidates is $\frac{\$125 \times 5}{10} = \62.50

2. Method of Voting

- voting by means of group voting tickets will no longer apply.
- persons voting "above the line" must indicate a first preference for a group by placing "1" in the group voting square. That ballot-paper is taken to have recorded on it a first preference vote for the first candidate in the group and subsequent preferences for others in the group in the order of their appearance within the group.

Reports from Director Corporate Services

A person has the option of marking a second or subsequent preference "above the line" by placing "2" and subsequent members in group voting squares. In these cases the person is taken to have indicated preferences to candidates in the second or subsequent group/s in their order of appearance within the group/s.

For example, assume groups A, B and H each have 15 candidates therein and an elector marks "1" in the group voting square for group B; "2" in the square for group H and "3" in the square for group A. The person is deemed to have voted "1" – "15" for the candidates in group B; "16" – "30" for candidates in group H and "31" – "45" for candidates in group A.

- persons may still vote below the line but must indicate preferences for at least as many candidates as there are to be elected.
-

Reports from Director Corporate Services

THIS
PAGE
THIS
PAGE
IS
BLANK
IS
BLANK

Reports from Director Corporate Services

21. ORIGIN: Financial & Information Services Unit

FILE REF: Monthly Investment Report

REPORT TITLE:

Monthly Investment Report for Period Ending 28 February 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:

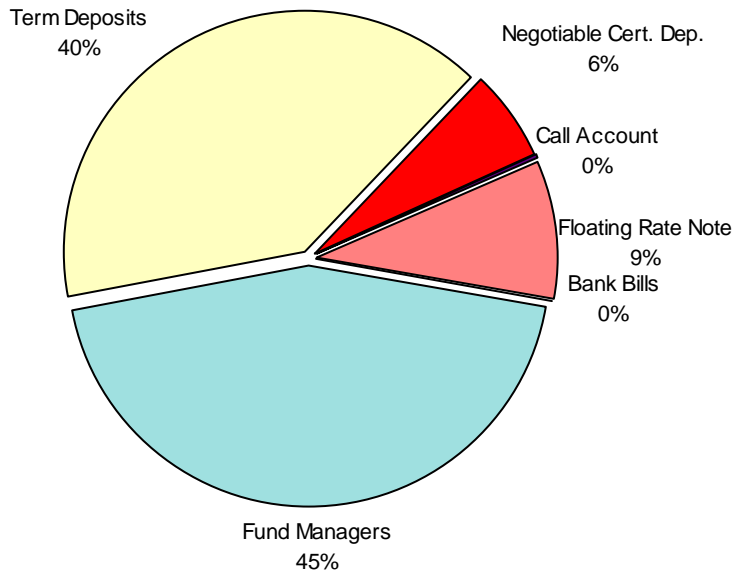
That this report be received and noted.

Reports from Director Corporate Services

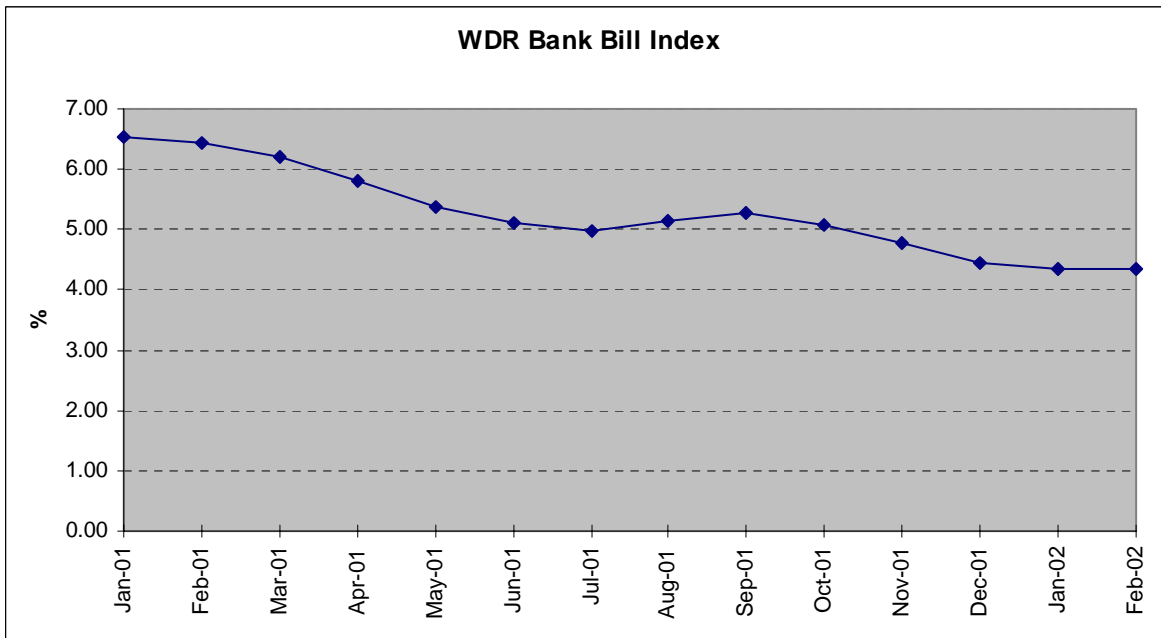
REPORT:

1. CURRENT INVESTMENT PORTFOLIO BY CATEGORY

% of Funds Invested by Category



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

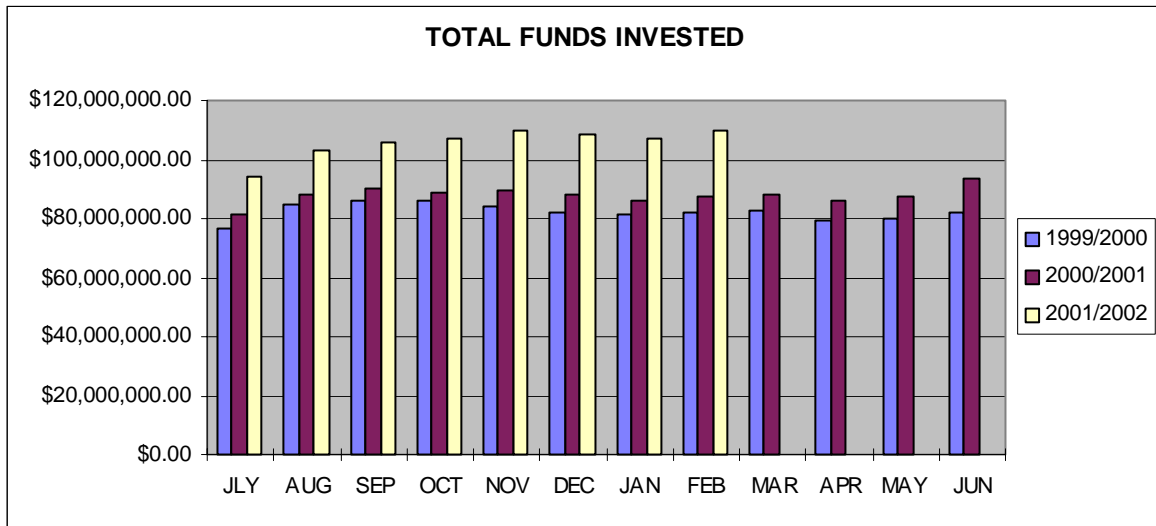


Reports from Director Corporate Services

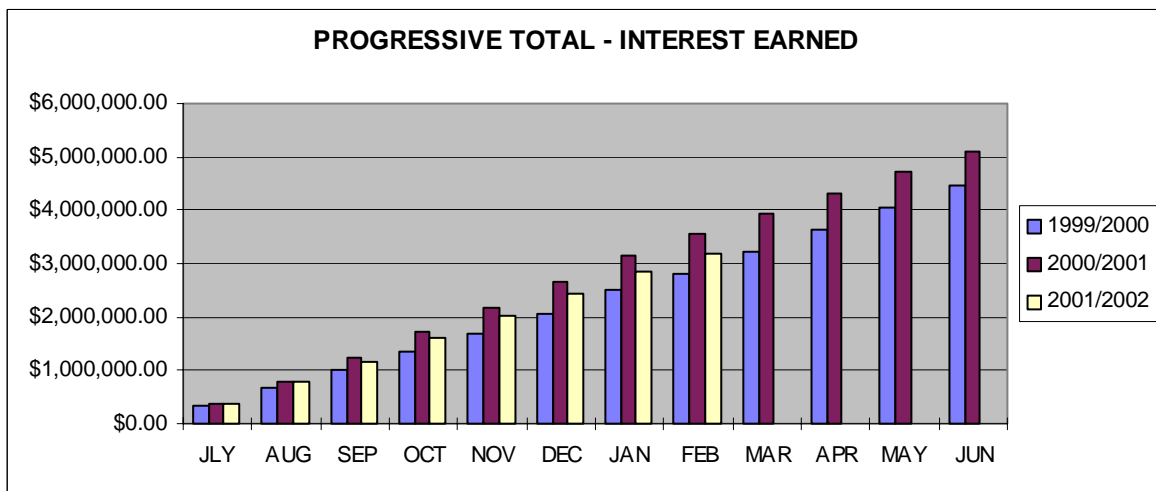
3. ANNUALISED RATE OF RETURN FOR FUNDS MANAGERS – NET OF FEES

| Fund | 30 Days | 90 Days | 1 Year |
|-----------------------|---------|---------|--------|
| | % | % | % |
| ANZ | 4.61 | 4.43 | 4.89 |
| National Mutual | 4.22 | 4.78 | 4.81 |
| Deutsche | 5.37 | 5.09 | 5.15 |
| Macquarie Diversified | 5.09 | 4.96 | 5.21 |

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

Financial markets are now anticipating a rising interest rate environment. The first increase in interest rates is expected as soon as the third quarter of this calendar year.

With inflation still relatively restrained, it is not expected that any increases in interest rates will be as aggressive as those in recent years.

7. INVESTMENT SUMMARY AS AT 31 DECEMBER 2001

GENERAL FUND

| | | |
|---------------------------|---------------|----------------------|
| BANKS | 29,016,662.72 | |
| FUND MANAGERS | 5,399,075.43 | |
| LOCAL GOVT. FIN. SERVICES | 7,000,000.00 | |
| CALL | 25,182.20 | 41,440,920.35 |

WATER FUND

| | | |
|---------------------------|---------------|----------------------|
| BANKS | 5,000,000.00 | |
| FUND MANAGERS | 26,966,305.91 | |
| LOCAL GOVT. FIN. SERVICES | 4,500,000.00 | 36,466,305.91 |

SEWERAGE FUND

| | | |
|--------------------------|---------------|----------------------|
| BANKS | 6,000,000.00 | |
| FUND MANAGERS | 16,107,666.01 | |
| LOCAL GOVT. INV. SERVICE | 9,500,000.00 | |
| CALL | 500,000.00 | 32,107,666.01 |

TOTAL INVESTMENTS **110,014,892.27**

It should be noted that the General Fund investments of \$41.4 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.

Reports from Director Corporate Services

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 Corporate Services

THIS
PAGE
THIS
PAGE
IS
BLANK
IS
BLANK

Reports from Director Engineering Services

22. ORIGIN: Director
FILE REF: Jetties & Southern Boatharbour

REPORT TITLE:

Southern Boat Harbour Proposed Floating Jetty

SUMMARY OF REPORT:

On 20 June 2001 Council resolved to pursue the possibility of constructing under its ownership a berthing facility in the Southern Boat Harbour.

This report provides a broad based financial assessment of the proposal and recommends that Council indicate its intention to proceed subject to confirming more detailed project costings.

RECOMMENDATION:

That subject to the issue of development consent:-

1. Council constructs a commercial berthing facility in the Southern Boat Harbour under its ownership and management subject to loan financing being available and formal commitments being received from the prospective tenants.
2. A further report be brought forward recommending proposed leasing fees.

Reports from Director Engineering Services

REPORT:

On 20 June 2001 Council resolved to prepare a development application for a proposed floating jetty at the Southern Boat Harbour. At the same time Council considered a proposal from the Tweed River Charter Operator's Association for Council to under write the proposed facility. At that time Council was advised that it may be more appropriate for Council to maintain ownership of the facility and to fund its construction through loan borrowings. Council resolved to pursue the commercial viability of the facility based on the projected income from mooring fees. The original proposal from the Tweed River Charter Operator's Association is attached at the end of this report.

A plan of the proposed floating jetty is attached to this report.

Based on the Development Approval recommended to Council the development costs are estimated at \$464,906.

Based on a design life of 20 years and an interest rate of 7% the estimated capital cost equates to an annual cost to Council of \$43,700. Allowing for an annual maintenance cost of \$5,000 and administrative charges of \$1,000 a total cost of some \$49,700 (say \$50,000) would represent Council's minimum 'break-even' income requirement.

PROJECTED INCOME

Floating berth rents for a 12m monohull at similar facilities are detailed below:-

| Marina | Day | Week | Month | 13 Weeks | 52 Weeks |
|----------------|-------------------|----------|----------|------------|----------|
| Southport YC | \$36 | \$163 | \$581 | \$1,199 | \$4,154 |
| RQYS Manly | \$16.50 / \$27.50 | \$98 | \$285 | \$855 | \$3,420 |
| Scarborough | \$19 | \$77 | \$285 | \$791 | \$2,950 |
| Raby Bay | \$35 | \$122 | \$349 | \$1,109 | \$4,043 |
| Gladstone Port | \$20.95 | \$118.25 | \$415.25 | \$1,183.50 | \$3,817 |

(figures taken from The Courier Mail 21/12/01)

The existing commercial operators would potentially occupy 15 of the 16 commercial moorings. Given the increased boating capacity predicted on the Tweed as a result of the improvements to the Tweed River entrance there is minimal risk for Council in not being able to lease the 16 moorings over the life of the jetty. Based on an annual return of \$50,000 an annual income of \$3,125 per mooring would be required. This would appear to be less than current market rates and the facility could well provide a substantial return to Council over time. Based on the total berthing length available of some 200m an amount of less than \$4.80 per metre per week is required for the facility to be commercially viable.

In July 2001 the Department of Land & Water Conservation issued a licence to Tweed Shire Council over an area of the Southern Boat Harbour of approximately 3,150m² for the potential establishment of a berthing facility. Council is currently Corporate Manager of the Reserves Trust for the adjacent Crown Reserve 89339 within which the various land based facilities are proposed.

The Association's original proposal was for Council to under write the Association's debt. In subsequent discussions with the Association members they have indicated their preferred option would be for Council to own and manage the facility outright. Given that many of the operators are competitors and in light of the historical conflicts between commercial operators in the Southern

Reports from Director Engineering Services

Boat Harbour any arrangement where Council was not in control would eventually probably see such conflicts continuing.

A grant of \$45,500 from the Waterways Asset Development and Management Program contributes half of the estimated cost for provision of the public wharf component. A further grant may be available to assist with provision of the sewer pumpout facility.

ESTIMATED COSTS:

| | |
|-----------------------------|------------------|
| Jetty Construction | \$240,574 |
| Piling establishment | 3,000 |
| Water & Sewer Contributions | 21,306 |
| Sewer Pumpout | 15,586 |
| Provision of Services | 35,975 |
| Car Park (39 spaces) | 42,765 |
| Landscaping | 14,800 |
| Bank Revetment | 50,000 |
| Booking Office/Kiosk | 40,000 |
| Project Management | 46,400 |
| Sub-Total | \$510,406 |
| Less WADAMP grant of | \$45,500 |
| TOTAL | \$464,906 |

This report therefore recommends that Council, subject to the issue of development consent, proceeds to construct the berthing facility in the Boat Harbour in the financial year 2002/2003 subject to the Charter Operator's formal commitment to lease moorings. It is proposed to report back to Council with recommended leasing fees.

Reports from Director Engineering Services

Tweed River Charter Operators Association

Proposed Marina Facility Southern Boat Harbour, Tweed Heads

Land Based Component

It has been the understanding of the TRCOA, and the committee has previously been given assurances from Council representatives, that the land based component of the facility ie the car park, would be the Council's responsibility.

The current ramp would be able to be relocated to another site on the Tweed River.

Public Portion

The public portion of the jetty has been calculated using the number of modules and pylons that would be required if only the 12m jetty with the 20m public finger was constructed.

Tendering and Construction

The TRCOA believes that selective tendering would be appropriate for determining the contractors engaged and that the project supervisor for the tendering process and construction of the facility would best being a Council representative.

Tweed River Charter Operators Association

Tweed River Charter Operators Association (TRCOA) is an incorporated entity with strong membership support. Meetings are held regularly and are well attended with members contributing time and effort to tasks at hand. The member operators all have viable, established businesses with an estimated turnover of \$4,934,000. The operators cater for an average of 63,960 customers per year and employ 51 staff. With expenditure on fuel, bait, tackle, catering etc together with accommodation taken by customers, and estimated \$7,352,960 is generated by the charter operators operating from and on the Tweed River.

Development Application (DA)

Tweed Shire Council to facilitate the application.

Reports from Director Engineering Services

Tweed River Charter Operators Association

Proposed Marina Facility Southern Boat Harbour, Tweed Heads

Ongoing Management

TRCOA sees three main options for the ongoing management responsibility of the facility.

- TRCOA under a management agreement with Tweed Shire Council
- Tweed Shire Council; or
- Department of Land and Waterway Conservation

TRCOA would like to apply the first of these options. The Association was formed 5 years ago and has proven its viability and necessity as an organising force in the industry. The members of TRCOA have a vested interest in the facility and would therefore be sure to manage the facility to its optimum.

Forecast Assumptions

The members of TRCOA have once again (at the meeting held on Thursday 5 April 2001) shown their full support of this project and offered their commitment to taking up long term leases of berths on the facility once constructed.

Lease charges would be calculated upon length of the vessels using the facility. There would also be a requirement for contribution to a sinking fund for maintenance of \$27.50/m per annum (to a maximum of \$500/berth/annum).

Maintenance on this type of facility is low. For example the Raby Bay facility that was constructed 8 years ago, the maintenance costs for the last 18 months for a 130-berth facility (the proposed Tweed facility is only 16-berths) have only been in the proximity of \$1500.

Financing

It is proposed that the TRCOA obtain finance for the construction project. The National Australia Bank has agreed in principal to lending the monies to TRCOA if Tweed Shire Council will agree to be guarantor to the finance.

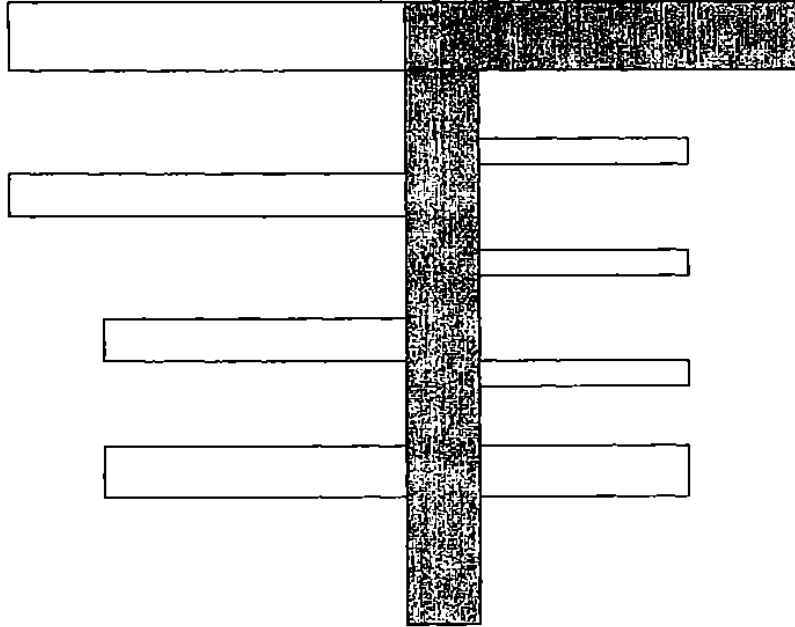
Please see the attached documentation for details of financing proposal.

A waiver on the lease fees, etc for the site from Council for the term of the loan would assist in ensuring the serviceability of the loan and be another positive aspect with regard to the application for finance.

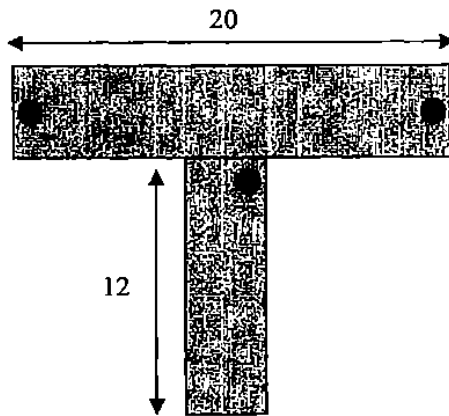
Reports from Director Engineering Services

Tweed River Charter Operators Association Proposed Marina Facility

Southern Boat Harbour, Tweed Heads



Proposed Marina facility for the Southern Boatharbour, Tweed Heads. The public portion of the facility is shaded. This section only partially funded by public, however will all be available for public use.



Proposed Marina facility for the Southern Boatharbour, Tweed Heads if there was no private portion to the jetty. This is the section for which public funding is sought

Reports from Director Engineering Services

Tweed River Charter Operators Association

Proposed Marina Facility
Southern Boat Harbour, Tweed Heads

| | |
|-------------------------------|----------------------|
| Facility Cost | 295,135.00 |
| GST | 29,513.50 |
| Total Cost of facility | \$ 324,648.50 |

(per quote received from The Jetty Specialist - this quote reconfirm as of April 2001)

| | | |
|---|------------------|----------------------|
| Public Facilities (10 modules + pilons) | 56,089.00 | |
| Running Services | | |
| Electricity | 14,071.00 | |
| Water, fire & Sullage lines | 21,904.00 | |
| Establishment of piling barge | 3,000.00 | |
| | <u>38,975.00</u> | |
| GST | 3,897.50 | |
| | 42,872.50 | |
| Public portion 10% | 4,287.25 | |
| Total Public Portion | | 60,376.25 |
| Charter Operators Berths | 118,198.00 | |
| GST | 11,819.80 | |
| 90% of Services | <u>36,585.25</u> | |
| | 168,603.05 | |
| Remainder of Central Spine | 78,524.60 | |
| Total Private Portion | | 247,127.65 |
| Portable Sullage pump out unit | 15,586.00 | |
| GST | <u>1,558.60</u> | |
| Pump Out Facility | | 17,144.60 |
| | | \$ 324,648.50 |

Desired funding

Public component

| | | |
|---|------------------|----------------------|
| 50% Tweed Shire Council | 30,188.13 | |
| 50% State Government Grant | 30,188.13 | |
| State Government Grant towards pumpout facility | <u>10,000.00</u> | |
| | | 70,376.25 |
| Remainder to be financed by Tweed River Charter Operators Association | | 254,272.25 |
| | | \$ 324,648.50 |

Proposed that the monies required by Tweed River Charter Operators Association be funded by debt financing guaranteed by the Tweed Shire Council. Together with additional finance to cover repayments until facility is completed and income earning. Loan will be drawn down as per payment instalments required by contractor. Please see projections for proposed servicing of debt.

Reports from Director Engineering Services

Tweed River Charter Operators Association

Proposed Marina Facility Southern Boat Harbour, Tweed Heads

Berths to be leased to charter operators, with leasing fees calculated upon the length of the vessels moored (as per standard practice with existing marina facility) together with a contribution to a sinking fund for facility maintenance and future major works.

| | | |
|---------------------------------------|----|-----------|
| Projected mooring available for lease | | 16.00 |
| Average weekly lease fee | \$ | 45.00 |
| Projected weekly income | \$ | 720.00 |
| Projected yearly income | \$ | 37,440.00 |

These income projections do not include payments towards the marina sinking fund

| | | |
|-----------------------------------|----------------------------------|--------------------------|
| Estimated funding required | | |
| | Facility cost | 254,272.25 |
| | Estimated four months repayments | <u>10,800.00</u> |
| | | 265,072.25 |
| Estimated funding required | Say | <u><u>270,000.00</u></u> |

These calculations are based on an estimated interest rate of 8% using a simple interest calculation

Reports from Director Engineering Services

3rd August 2000

Mr Robert Berger & Mr Len Mc Pherson
Tweed River Charter operators Association Inc.
C/- 161 Pacific Highway
MURWILLUMBAH NSW. 2484

Dear Robert and Len,

Ref: New Charter Operators Marina Base.

Thank you for the opportunity to provide pricing for your proposed new Marina facility in the Southern Boat Harbour at Tweed Heads.

The Jetty Specialist has extensive design and construction experience within the Marina industry and are recognised as a quality supplier to Industry and Government throughout Eastern Australia.

Our staff and company take pride in providing the most technologically advanced system available today for your project, and this is supported by our 3 year warranty as attached.

The unique technology utilised in the construction of our system maximises your investment by reducing maintenance whilst extending longevity. This is achieved by using materials that are impervious to marine growth and degradation and resistance to rust and corrosion.

To this end I have pleasure providing the following information and pricing for your consideration.

Reports from Director Engineering Services

General Marina System Construction & Componentry

1. Main walkway pontoon module construction is of solid polystyrene foam flotation, encased and sealed in 2mm thick HDPE sheet (as used for commercial dam liners) with a 50mpa double galvanised mesh reinforced, 125mm broom finished 50mpa concrete deck.
2. Finger pontoon construction is as above with a single layer of galvanised mesh reinforcing with a 100mm thick 50mpa concrete deck.
3. Through bolts are stainless steel and are positioned at 300mm centres through cast in PVC sleeves.
4. Triangle connection brackets are heavy duty marine grade aluminium with polyethylene infills.
5. Perimeter walers are CCA treated spotted gum hardwood with overlaid ends on all joins.
6. Continuous perimeter fendering is polyester with a "D" shaped closed cell foam inner which is stitched into position top and bottom and secured to the walers with stainless steel staples.
7. Pile roller brackets are all heavy duty commercial 8 roller aluminium brackets and polyethylene infills.
8. Cleats are of solid cast aluminium construction for smaller and medium berths with an option of heavy duty polished cast stainless steel cleats for the large berths.
9. Fire hose reels and cabinets are constructed of rotational moulded polyethylene with a sealed bearing and mounted on an aluminium upstand. The extinguisher cabinet is also constructed of rotational moulded polyethylene, mounted on the aluminium upstand and both are UV stabilised and come with a 9kg dry chemical extinguisher
10. Fire hydrants are mounted on a stainless steel upstand.
11. Design drafting is included.
12. Engineering design and certification is included.

Reports from Director Engineering Services

Tweed River Charter Operators Marina

Quantities &/Or Dimension

To Supply and Install, subject to our Standard Terms & Conditions as stated over:

- 18 Floating berths of various lengths and widths as per our drawing No.JSP-SM-272 attached.
- 8 commercial 8 roller pile brackets and surrounds.
- 16 knee brackets with polyethylene infills.
- 3 End brackets and pile surrounds with polyethylene infills.
- 9 by 2x240 volt marina pedestal with 2 water taps each.
- 3 fire hose reel and hose with 9kg dry chemical extinguishers and upstands.
- 1 Double and 1 single fire hydrant on stainless steel upstand.
- All bolts and fixings to be stainless steel.
- - All timber walers are CCA treated Spotted Gum.
- 60 standard and 30 marina solid cast aluminium cleats.
- Running of power,water,fire services and sullage pump out lines from shore line out along the marina.
- 1 by 10metre by 1300mm commercial dual hand rail aluminium walkway.
- Supply handle pitch and drive 8 steel piles with high density polyethylene sleeves fully capped and sealed.
- Supply and transport to site including craneage and installation.
- Engineering design certification and drafting.

Reports from Director Engineering Services

Total investment is \$295,135.00 plus G.S.T. \$29,513.50

The break up is as follows:

| | | | |
|--|--------|--------------|----------------------|
| Public facilities | Marina | \$122,376.00 | |
| Running of electrical | | | \$ 14,071.00 |
| Running of water, fire and sullage lines | | \$ 21,904.00 | |
| Portable sullage pump out unit | | \$ 15,586.00 | |
| Establishment of piling barge | | \$ 3,000.00 | |
| <u>Sub Total</u> | | | \$176,937.00 |
| <u>Charter Operators berths</u> | | | \$ 118,198.00 |

Our quotation does not include:

1. Any statutory applications and approvals.
2. Running and connection of all services on shore.

Completed delivery and installation is to take effect within fourteen weeks of date of order (subject to your approvals being in place).

Our Terms of Payment and conditions are as follows:

- 10% deposit on signing of order
- 20% on completion of piling
- 65% on remainder of installation of floating modules
- 5% on certification of practical completion.

We trust this meets with your approval and I look forward to being of further service.

Yours faithfully,
The Jetty Specialist

Peter Taylor
Commercial Marketing Manager

Reports from Director Engineering Services

TERMS AND CONDITIONS OF PURCHASE

1. Property in and title to the goods shall remain with The Marina Specialist Pty Ltd trading as The Jetty Specialist until payment by the client [purchaser] of all amounts due from the client to The Jetty Specialist under this order agreement as specified herein have been paid.
2. Installation and connection of electrical wiring and plumbing services to the completed installed product is not included unless otherwise specified.
3. Any change in Sales Tax or the introduction of GST or similar indirect tax relating to the products specified herein after the date of this order will be passed onto the client at cost.
4. If the client shall fail to make due payment of any monies due by the client to The Jetty Specialist on whatever account then until all such monies are paid, The Jetty Specialist shall be entitled to withhold delivery of the goods or any part thereof and The Jetty Specialist shall be entitled to elect to be no longer bound by this agreement.
5. In the event that the client shall fail to pay any sums due by them to The Jetty Specialist for a period of fourteen [14] days after notice requiring payment of the sum so due, but without prejudice to the right of The Jetty Specialist to recover from the client any sums payable for such goods as may have already been supplied.
6. No liability will be accepted for any extra costs associated with the installation of piles, the pontoon, boardwalk or other structure agreed to be supplied under this agreement where insufficient hydrographic detail has been supplied by the client of the sea bed, or where submerged objects, rock or rocks or other obstacles are encountered necessitating the engagement of dredges, excavators, barges, cranes, divers or such like to remove the articles to the extent that final complete installation can occur. Any additional costs associated with removal of these objects will be advised to the client, inclusive of any machinery hire or sub contractors to be engaged and these costs shall be additional costs to the agreed price herein and shall be met by the client.
7. Upon installation of the specified products in good condition and order to the site, in part or full, the client accepts responsibility for insurance or risk of damage to the goods at this point regardless of whether full payment has been received by The Jetty Specialist or not.
8. Should the client cancel the order any monies spent by The Jetty Specialist shall be met by the client. [i.e. application fees, construction to date, etc.]

WARRANTY

1. All goods designed, constructed, supplied and installed by our company are warranted for a minimum of twelve months from date of installation against any faulty workmanship or material.
2. Goods supplied with aluminium fittings constructed and installed by our company are covered by a three year warranty against faulty workmanship or materials.
3. Goods supplied with Stainless Steel fittings constructed and installed by our company are covered by a three year warranty against faulty workmanship or materials.
4. Any sub-contracted work or materials supplied and installed or constructed by others not associated with our companies appointed works are not warranted under this agreement.
5. The Company will warrant any sub-contracted work controlled or contracted under our management and supervision associated with these agreed works for a period of twelve [12] months against any faulty workmanship or materials.
6. Any piling work associated with this agreement is subject to a conditional warranty whereby all care and attention will be used by our staff in the construction or installation of any piles associated with these works, however no responsibility will be taken for man made obstructions, undisclosed sea bed obstructions or unknown sea bed conditions such as rocks, that are encountered during the piling process that cause a misalignment or otherwise of the said piles. An extra charge will apply at our standard hourly rate for delays arising from these unforeseen circumstances.
7. The Jetty Specialist or subsidiary companies and sub-contractors appointed and controlled by our company under this works agreement accept no liability for damage caused to the supplied goods by way of normal wear and tear, civil commotion, riots, sabotage or damage caused by extraneous circumstances beyond our control or outside the normal engineer designed applications for the product.

Reports from Director Engineering Services

23. ORIGIN: Planning & Design Unit

FILE REF: Access to Property - Driveway

REPORT TITLE:

Access to Property - Driveways

SUMMARY OF REPORT:

Council resolved at its meeting on 19 December 2001 to advertise the following Policy documents for public comment:-

- Driveway Access to Property – Design Specification
- Driveway Access to Property – Construction Specification
- Driveway Access to Property Guidelines

The exhibition period resulted in only one minor alteration with no responses received from the public or industry contractor.

RECOMMENDATION:

That the following documents be formally adopted as Council Policy:-

1. Driveway Access to Property – Design Specification
2. Driveway Access to Property – Construction Specification
3. Driveway Access to Property Guidelines

Reports from Director Engineering Services

REPORT:

As resolved by council at its meeting on 19 December 2001 the following documents were advertised for public comment for a period of 28 days:-

- Driveway Access to Property – Design Specification
- Driveway Access to Property – Construction Specification
- Driveway Access to Property Guidelines

The advertising period has expired and no comments or submissions were received from the public.

One minor addition has been made to the Design Specification in Section 4.5 “Rural Roads” which has been amended as follows. (NOTE: Changes are in bold type):-

“4.5 Rural Roads

Driveways must include a stormwater culvert within any existing table drain as shown on the standard drawing in Section 6 Drawing 3.

They must be no closer than 1.2 metres to the edge of the traffic travel lane and should have a guide post erected on the “approach” side of the culvert.

It should be noted that keeping the culvert inlet clean of debris and repairing erosion at the culvert outlet is the responsibility of the property owner serviced by the driveway.”

The above is only a minor alteration and given no public submissions were received it is recommended that the above documents be formally adopted by Council.

Reports from Director Engineering Services

24. ORIGIN: Planning & Design Unit

FILE REF: R4031 Pt15; Pacific Motorway; Pacific Hwy Mbah; Street - Naming

REPORT TITLE:

Pacific Highway – Chinderah to Yelgun - Renaming

SUMMARY OF REPORT:

Council at its meeting on 19 December 2001 resolved the following:-

“That Council supports the inclusion of the name “Rainforest Way” for the Old Pacific Highway between Chinderah and Yelgun to be shown on the ‘Signposting Scheme’ to be advertised for public comment by the Roads and Traffic Authority.”

Unfortunately the Roads and Traffic Authority did not include Council’s proposed name on the ‘Signposting Scheme’ that was exhibited. Subsequently it was decided that because of this omission comments should be sought through the Tweed Link on the proposed name for the section of the Pacific Highway from Chinderah to Yelgun.

RECOMMENDATION:

That Council determines this matter.

Reports from Director Engineering Services

REPORT:

Council at its meeting on 19 December 2001 resolved to advertise the proposed name for the Old Pacific Highway between Chinderah and Yelgun being ‘Rainforest Way’ for comment and alternative names.

The following advertisement was placed in the Tweed Link issues 253 (15 January 2002), 256 (5 February 2002) and 259 (26 February):-

“DO YOU APPROVE?

Rainforest Way has been selected as the name for the old Pacific Highway between Chinderah and Yelgun. It will be included on the Signposting Scheme to be advertised for public comment.

You are invited to have your say on the name.

Yes, I approve of Rainforest Way

No, I don’t agree with Rainforest Way. Do you have another suggestions

.....

Please cut out and return this form to The Tweed Link PO Box 816 Murwillumbah NSW 2484

Replies need to be received by February 28, 2002”

A total of 219 responses were received mostly on the tear off slip contained in the Tweed Link.

Of these, 83 supported Rainforest Way and 133 preferring a variety of different names and 3 suggesting dual names for the sections north and south of Murwillumbah.

The following list summarises the results in order of popularity.

| | Name | Number of Responses |
|----|---------------------------|----------------------------|
| 1. | Rainforest Way | 83 |
| 2. | Tweed Valley Way | 25 |
| 3. | Murwillumbah Way | 24 |
| 4. | Mt Warning Way | 11 |
| 5. | Old Pacific Highway | 9 |
| 6. | Tweed River Drive | 8 |
| 6. | Tweed Valley Drive | 8 |
| 7. | Wollumbin Way | 4 |
| 7. | Burringbar Range Drive | 4 |
| 8. | Contrast Drive | 3 |
| 8. | Hinterland Way | 3 |
| 8. | Murwillumbah Drive | 3 |
| 8. | Tweed Valley Scenic Drive | 3 |

Reports from Director Engineering Services

| | Name | Number of Responses |
|-----|-------------------------------|---------------------|
| 9. | Riverside Drive | 2 |
| 9. | Riverside Road | 2 |
| 9. | Scenic Valley Drive | 2 |
| 9. | Tweed Scenic Drive | 2 |
| 9. | Valley Way | 2 |
| 10. | Bushwaker Drive | 1 |
| 10. | Canecutters Way | 1 |
| 10. | Captain Cook Rainforest Drive | 1 |
| 10. | Green Hills Drive | 1 |
| 10. | Mountain Drive | 1 |
| 10. | Mountain Way | 1 |
| 10. | Murwillumbah Road | 1 |
| 10. | Murwillumbah Scenic Way | 1 |
| 10. | Murwillumbah Tourist Way | 1 |
| 10. | Oak Avenue Way | 1 |
| 10. | Oceanic Way | 1 |
| 10. | Old Murwillumbah Highway | 1 |
| 10. | Pacific By-pass | 1 |
| 10. | Pacific Highway | 1 |
| 10. | Paradise Drive | 1 |
| 10. | Pioneer Way | 1 |
| 10. | Range Valley Circuit | 1 |
| 10. | River Bend Way | 1 |
| 10. | River Way | 1 |
| 10. | Rural Drive/Way | 1 |
| 10. | Sunline Drive | 1 |
| 10. | The Mooball Run | 1 |
| 10. | Tweed Way | 1 |
| 10. | Valley of Contrasts Way | 1 |
| 10. | Valley View Drive | 1 |

Reports from Director Engineering Services

| | Name | Number of Responses |
|-----|--------------|---------------------|
| 10. | Yelderah Way | 1 |

These names can be further classified into general themes such as the names based on Tweed or the names based on Murwillumbah.

| Grouping | No. of Responses |
|--|------------------|
| Tweed Valley/River/Scenic | 53 |
| Murwillumbah/Drive/Road/Scenic/Tourist/Way | 31 |
| Mountain/Drive/Way/Mt Warning View Drive/Way | 18 |
| Old Murwillumbah Highway/Old Pacific Highway/Pacific By-pass/Pacific Highway | 13 |
| River/Bend Way/Way/Riverside/Drive/Road | 6 |
| Valley of Contrasts Way/View Drive/Way | 7 |

Seven of the responses were in the form of a letter and all are reproduced below for consideration:-

Reports from Director Engineering Services

Mrs June Birkett,
918 Numinbah Rd.,
Crystal Creek NSW 2484
(02) 66791227

Dear Sir,

We moved here three years ago and have hosts of visitors from Sydney, Taree and Brisbane areas. When they visit they all say the same thing, "You live in Paradise here"
So I would like to see the name similar to,

- Gateway to Paradise
- Paradise Gateway
- Paradise Way

sincerely

DO YOU APPROVE?

Rainforest Way has been selected as the name for the old Pacific Highway between Chinderah and Yelgun. It will be included on the Signposting Scheme to be advertised for public comment.
You are invited to have your say on the name.

Yes I approve of Rainforest Way.

No, I don't agree with Rainforest Way. Do you have any other suggestions *As Page attached.*

Please cut out and return this form to The Tweed Link PO BOX 816, MURWILLUMBAH NSW 2484
Replies need to be received by February 22, 2002.

P.S "Murwillumbah Way" does suggest a place but also brings up thoughts of heat and Flood

Reports from Director Engineering Services

DO YOU APPROVE?

Rainforest Way has been selected as the name for the old Pacific Highway between Chinderah and Yelgun. It will be included on the Signposting Scheme to be advertised for public comment.

You are invited to have your say on the name.

Yes, I approve of Rainforest Way.

No, I don't agree with Rainforest Way. Do you have any other suggestions

CAPTAIN COOK

| | |
|---------------------|--------------------------|
| TWEED SHIRE COUNCIL | |
| FILE No. | |
| DATE | 15 FEB 2002 |
| RECD BY | DRIVE |
| BOX No. | |
| ASSIGNED TO | |
| HARD COPY | <input type="checkbox"/> |
| IMAGE | <input type="checkbox"/> |

Please cut out and return this form to The Tweed Link PO Box 816, MURWILLUMBAH NSW
Replies need to be received by February 28, 2002

I THINK IT IS OF GREAT SIGNIFICANCE THAT CAPTAIN COOK NAMED MT. WARNING. AN HISTORICAL FOCUS ATTACHED TO THE "FACT" OF OUR RAINFORESTS, COULD BE MARKETED MORE EASILY THAN "ANOTHER" RAINFOREST DRIVE OF SOME SORT OR THE OTHER.

CAPTAIN COOK IS CERTAINLY KNOWN BY MOST AUSTRALIANS. OF COURSE AN INDIGENOUS NAME IS ALSO APPROPRIATE, BUT NOT EASILY RECOGNIZABLE. I THINK THE NAME I HAVE PROPOSED IS CERTAINLY WORTHY OF CONSIDERATION FOR MANY WORTHY POINTS.

YOURS AFFECTIONATELY,
R. FRANKS.

Reports from Director Engineering Services

Lot 1, Grants Rd
Uki 2484
PACIFIC HWY
Phone 6679 5220
PACIFIC MOTORWAY
STREET NAMING

Tweed Link
Tweed Shire Council
PO Box 816
Murwillumbah 2484

| | |
|---------------------|-------------------------------------|
| TWEED SHIRE COUNCIL | |
| FILE No. | 25495 P/B |
| DOCUMENT No. | 6534/96 |
| REC'D | - 7 FEB 2002 |
| BOX No. | [] |
| ASSIGNED TO | MORGAN, P. |
| HARD COPY | <input checked="" type="checkbox"/> |
| IMAGE | <input type="checkbox"/> |

2719

As requested in the issue of 15 January 2002, please accept my suggestion of **TWEED VALLEY WAY** as a preferred name for what will become the old Pacific Hwy between Yelgun and Chinderah.

I think the use of the name "Rainforest Way" is likely to raise expectations in the unfamiliar user of this road that generous examples of sub tropical rainforest might be observed along its route. This, of course is not the case. The section of the road north of Murwillumbah is dominated by cane fields with the roadside vegetation to the south characterised by some of our most prolific introduced species like camphor laurel and lantana.

It is granted that there are some small areas of rainforest that can be accessed via Murwillumbah but this constitutes only one of the many attractions that can await the visitor to our beautiful part of Australia. Indeed, the Council as well as the tourism industry currently promote the attractions of our area under the banner of the 'Tweed Valley'.

I believe that naming the route from the new Highway to our area as the **Tweed Valley Way** will more easily associate the visitor with the marketing which already comes out of our region.

I trust you will take account of this suggestion when a decision is taken by Council.

Thank you.


Barry Longland

5 February 2002

DO YOU APPROVE?

Rainforest Way has been selected as the name for the old Pacific Highway between Chinderah and Yelgun. It will be included on the Signposting Scheme to be advertised for public comment. You are invited to have your say on the name.

- Yes I approve of Rainforest Way
- No, I don't agree with Rainforest Way. Do you have any other suggestions **TWEED VALLEY WAY**

Please cut out and return this form to The Tweed Link PO BOX 816, MURWILLUMBAH NSW 2484
Replies need to be received by February 22, 2002.

Reports from Director Engineering Services

Sacred Heart Parish Murwillumbah



POSTAL: P.O. Box 45, Murwillumbah, N.S.W. 2484
PHONE/FAX: Ph: (02) 6672 1118 Fax: (02) 6672 5938
ADDRESS: Cnr. Main St. & Queensland Rd, Murwillumbah, NSW

Sacred Heart Murwillumbah Our Lady of Perpetual Succour South Murwillumbah St. Brigid's Burringbar St. Michael's Crystal Creek St. Joseph's Tumbulgum St. Patrick's Tyalgum St. Columba's Uki

25 February 2002

Ms Marilyn Smith
Editor
Tweed Link
PO Box 816
MURWILLUMBAH NSW 2484

*Entered from
copy to
GM.
Records*

TWEED SHIRE COUNCIL
FILE No. _____
DOCUMENT No. [] [] [] [] [] []
RECD 26 FEB 2002
DEPT No. [] [] [] []
ASSIGNED TO _____
HARD COPY IMAGE

Dear Marilyn,

I refer to Tweed Link dated 5 February 2002 where, on the back page, comments are invited regarding the renaming of the old Pacific Highway between Chinderah and Yelgun.

I would like to suggest the name "Wollumbin Way" as it suggests a geographical location as well as using one of the Aboriginal names prominent in the Tweed Shire. Mount Warning was known as Wollumbin to the Bundjalung people who lived in this area. Wollumbin (Mount Warning) is the most prominent landmark in the area and is clearly visible from most points along the route of the old highway from Chinderah to Yelgun.

The name "Rainforest Way" seems unsuitable as it does not indicate a geographical location – it could be almost anywhere in New South Wales or Queensland. I also think "Rainforest Way" would be misleading to tourists who would expect from such a name, that they would be driving through or near rainforest.

Hopefully these comments are of some help.

Yours sincerely,

Fr. Paul McDonald

cc. Mr Warren Poiglase, Mayor
Dr John Griffin, Tweed Shire Council

Reports from Director Engineering Services



PACIFIC HWY
MOTORWAY PACIFIC

R.4031 P.114

| |
|--|
| TWEED SHIRE COUNCIL |
| FILE NO. 2513713 R.4031 P.114 |
| DOCUMENT No. 2513713 |
| RECD 19 FEB 2002 |
| BOX No. [] |
| ASSIGNED TO [] |
| HARD COPY <input checked="" type="checkbox"/> IMAGE <input type="checkbox"/> |

RAYNER M

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

18 February 2002 2514

Dear John,

Re: Renaming of Pacific Highway

The Tweed Economic Development Corporation Ltd (TEDC) wishes to comment on the renaming of the current Pacific Highway between Yelgun and Chinderah in view of the forthcoming opening of the new Motorway.

TEDC is firm in its belief that any name(s) chosen should incorporate features that are unique to the Tweed. The most readily identifiable symbols of the Tweed are Mount Warning and the Tweed River and it would be logical to use these features in the "branding" that the renaming of the current Pacific Highway will imply. Suggestions put forward by community members and supported by the TEDC include **Tweed River Drive** (for the section from Murwillumbah to Chinderah) and **Mount Warning Way/Drive** or **Murwillumbah Drive** (for the section from Murwillumbah to Yelgun) or **Tweed Valley Drive** (for the whole stretch).

These suggestions are both emotive of attractive features and/or are practical in locating the road in the minds of travellers and visitors to the Tweed.

The currently mooted suggestion of "Rainforest Way", in the view of the TEDC, unfortunately fails to identify unique features of the Tweed and is readily confused with the Rainforest Way out of Lismore, the Rainforest Way out of Kyogle to Canungra, the Forest Way south of Grafton and any one of half a dozen other very similar names for roads between Sydney and the Queensland border and west to Tamworth.

While controversy over naming roads may seem frivolous, in this case the naming of these stretches of road sends an important message – and incentive – to those who may be enticed not to bypass the Tweed. If the impact of the Motorway bypass on Murwillumbah is to be minimised, it is imperative that even such simple steps as naming the old roads is recognised as holding some benefit in marketing the Tweed to potential visitors.

Yours sincerely,
TWEED ECONOMIC DEVELOPMENT CORPORATION LTD

TOM SENTI
DEPUTY CHAIR and CHIEF EXECUTIVE OFFICER

c.c. Mike Rayner, Director Engineering Services and Tweed Shire Councillors

telephone 02• 6672 6130 • facsimile 02•6672 6739
 PO Box 27 • 41- 43 Commercial Road Murwillumbah NSW Australia 2484
 email: mail@tedc.com.au • web site: www.tedc.com.au
 A.B.N. 28 080 607 414 A.C.N. 080 607 414

Reports from Director Engineering Services



JH & EJ WILLIAMS PTY. LTD. A.C.N. 000 117 359 A.B.N. 43 000 117 359
P.O. Box 102, Murwillumbah N.S.W. 2484 Australia

Telephone: (02) 66 72 1313 Int: (61) 2 66 72 1313 Facsimile: (02) 66 72 3466 Int: (61) 2 66 72 3466
Email: Administration: admin@jhwilliams.com.au Email: Seed Division: seed@jhwilliams.com.au

STREET - NAMING
PACIFIC HWY

| |
|--|
| TWEED SHIRE COUNCIL |
| FILE No. R4031 P.14 |
| DOCUMENT No. 0560220 |
| RECD 19 FEB 2002 |
| BOX No. [] |
| ASSIGNED TO KAYNER M |
| HARD COPY <input checked="" type="checkbox"/> IMAGE <input type="checkbox"/> |

2574

BJW:gy

19 February, 2002

The General Manager
Tweed Shire Council
P O Box 816
MURWILLUMBAH NSW 2484

For attention Mr. Mike Rayner

Dear Mike,

RE: RE-NAMING OF OLD PACIFIC HIGHWAY

There has been a considerable amount of discussion amongst the Directors of our company, and other business operators in Murwillumbah, on the issue of the re-naming of the old Pacific Highway, which passes Murwillumbah.

We feel the proposed name, *The Rainforest Way*, is totally unacceptable. It fails to provide an adequate solution due to the fact that it does not represent the area, and more importantly, the town of Murwillumbah, which could be severely affected by the by-pass.

The directors of J. H. & E. J. Williams Pty. Ltd. would like to register their recommendation that the old Pacific Highway be re-named *The Murwillumbah Way*. This name would truly represent the area, because all roads lead into and out of Murwillumbah and it would ensure that Murwillumbah's name remains the central focus of any signage scheme.

We will appreciate your due consideration of our request and invite your comments.

The outcome of your deliberations will be of great interest to us.

Yours faithfully,
J. H. & E. J. WILLIAMS PTY. LTD.

B. J. Williams
MANAGING DIRECTOR

Reports from Director Engineering Services

5 POTTSVILLE Rd,
MOOBALL 2483
08-02-02

To the Editor,

I feel very strongly that Mt. Warning should feature in the name of the old Pacific Highway.

There are many beautiful rainforests in Australia - BUT only ONE MT. WARNING !!

I feel MT. Warning should be promoted with our beautiful Tweed Valley.

Sincerely,
Bernadette Kelly

DO YOU APPROVE:

Rainforest Way has been selected as the name for the old Pacific Highway between Chinderah and Yelgun. It will be included on the Naming Scheme to be advertised for public comment. You are invited to have your say on the name.

Yes I approve of Rainforest Way.

No, I don't agree with Rainforest Way. Do you have any other suggestions "MT. WARNING WAY"

MT. WARNING - the SENTINEL - Guarding the TWEED VALLEY

Put out and return this form to The Tweed Link PO BOX 816, MURWILLUMBAH NSW 2484

Replies need to be received by February 22, 2002. The VALLEY of CONTRASTS

B. B. Kelly 02-66771242

Reports from Director Engineering Services

Given the wide views expressed by the community, a decision needs to be made on the preferred name.

It must be noted however that a name needs to be selected as an application to Tourism New South Wales for the route of the Old Pacific Highway to be officially designated a formal Tourist Route.

Council's application needs to be made before April as the approval body is meeting in mid April and will determine the application if submitted.

For Council's determination.

Reports from Director Engineering Services

25. ORIGIN: Planning & Design Unit

FILE REF: DA0062/5 Pt1; 2270.600; Easements

REPORT TITLE:

Valuation to Easement Created in DP 1011993 - Easement to Drain Sewage 3 Wide & Variable

SUMMARY OF REPORT:

Council has received a request from the solicitors acting for the registered proprietors of Lot 1 in DP 101193 to execute a plan and associated documentation to allow the variation of an Easement to Drain Sewage 3 Wide and Variable.

The Easement to be cancelled burdens lots 1 to 29, 35, 36, 38 and lots 40 to 43 in DP 1011993 with Tweed Shire Council receiving the benefit of the Easement. Council is also the authority empowered to release, vary or modify any Restrictions, Easements or Positive Covenants referred to in the plan.

RECOMMENDATION:

That:-

1. Council approves the variation of the Easement to Drain Sewage 3 Wide and Variable created in DP 1011993 in relation to Lot 1 in DP 1011993; and
2. All necessary documentation be endorsed and executed under the Common Seal of Council.

Reports from Director Engineering Services

REPORT:

Council has received a request from the solicitors acting for the registered proprietors of Lot 1 in DP 101193 to execute a plan and associated documentation to allow the variation of an Easement to Drain Sewage 3 Wide and Variable within Lot 1.

The Easement to be cancelled burdens Lots 1 to 29, 35, 36, 38 and Lots 40 to 43 in DP 1011993 with Tweed Shire Council receiving the benefit of the Easement.

Council is the authority empowered to release, vary or modify any Restrictions, Easements or Positive Covenants referred to in the plan.

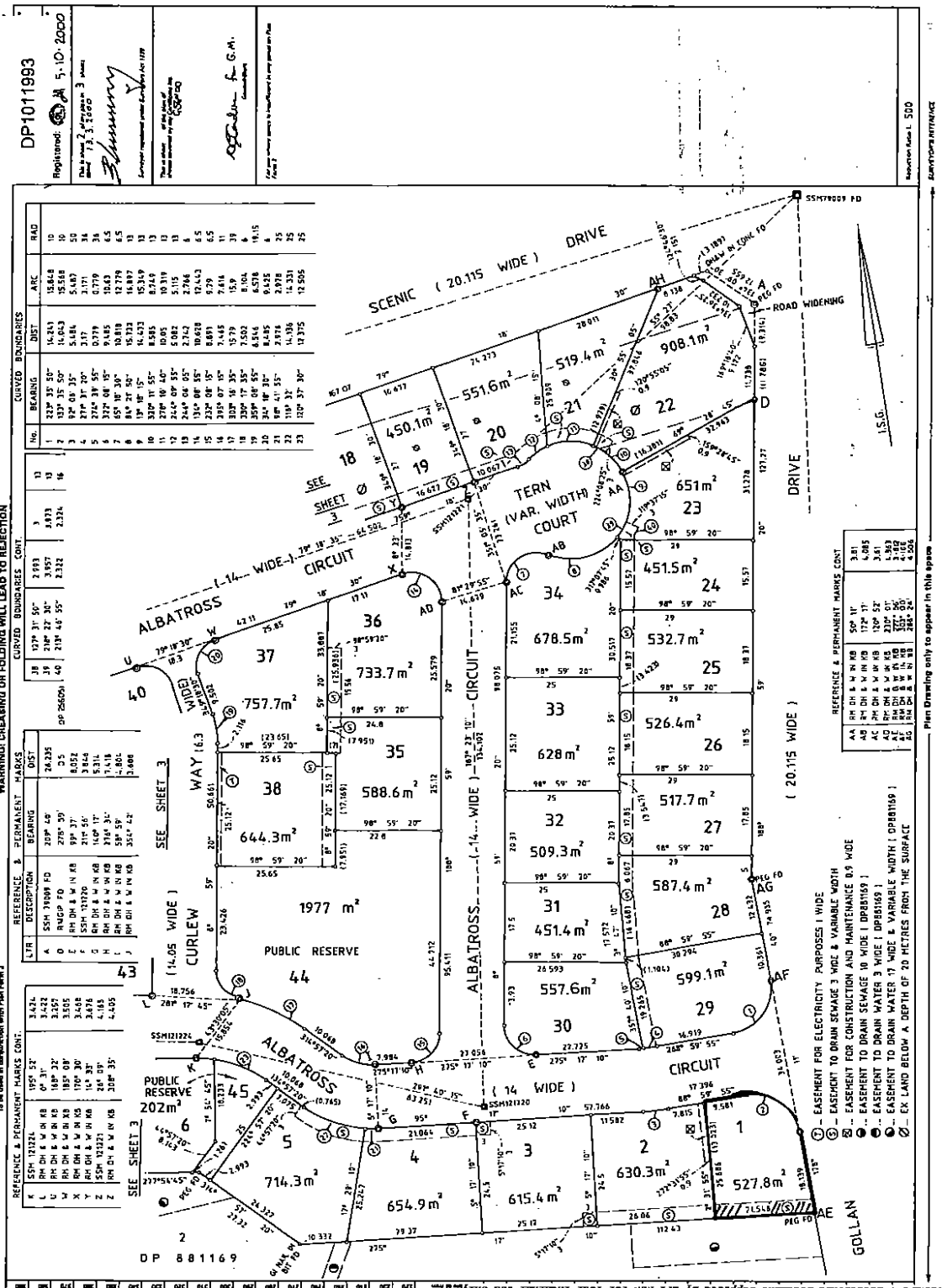
Negotiations with the registered proprietors to vary the Easement arise from a construction on Lot 1 encroaching onto the Easement. Council has agreed to accept the variation of an Easement to Drain Sewage 10 Wide affecting Lot 2 in 881169 (the adjacent property) by making Council the benefiting authority of that Easement within Lot 2. This variation to the Easement within Lot 2 provides Council with unfettered access to both Easements.

The Variation of Easement will be registered by the lodgement of a plan showing the Variation and a Variation of Easement Form at Land & Property Information NSW.

A copy of DP 1011993 follows showing the location of the Easement hatched within Lot 1.

A copy of the proposed plan showing the amended boundary of the Easement within Lot 1 and the location of the Easement to Drain Sewage 10 Wide within Lot 2 in DP 881169 also follows, together with a copy of the Variation of Easement form.

Reports from Director Engineering Services



Reports from Director Engineering Services

Form: 20EV
 Release: 1
 www.lpi.nsw.gov.au

VARIATION OF EASEMENT

Leave this space clear. Affix additional pages to the top left-hand corner.

New South Wales
 Section 47(5A) Real Property Act 1900

PRIVACY NOTE: this information is legally required and will become part of the public record

| | | | | |
|---------------------|---|---|--|--|
| (A) TORRENS TITLE | Servient Tenement 1/1011993 | | Dominant Tenement TWEED SHIRE COUNCIL | |
| (B) EASEMENT VARIED | Number 1011993 | | Nature EASEMENT TO DRAIN SEWERAGE | |
| (C) LODGED BY | Delivery Box | Name, Address or DX and Telephone Reference: | CODE R | |
| (D) APPLICANT (1) | Registered proprietor of the dominant tenement TWEED SHIRE COUNCIL | | | |
| (E) APPLICANT (2) | Registered proprietor of the servient tenement GARRY RAYMOND CRACKNELL and MARLENE CHRISTINA CRACKNELL | | | |

- (F) The applicants, having varied the above easement as set out in deposited plan _____, apply to have the variation
 (G) recorded on the relevant folio _____ of the Register.
 (H) The consent of NOT APPLICABLE _____ is annexed
 hereto marked NOT APPLICABLE
- DATE _____

I certify that the person(s) signing opposite, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed this instrument in my presence.

Certified correct for the purposes of the Real Property Act 1900 by the authorised officer named below.

Signature of witness:

Signature of authorised officer:

Name of witness:
 Address of witness:

Authorised officer's name:
 Authority of officer:
 Signing on behalf of:

I certify that the person(s) signing opposite, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed this instrument in my presence.

Certified correct for the purposes of the Real Property Act 1900 by the registered proprietor of the dominant tenement.

Signature of witness:

Signature of registered proprietor of the dominant tenement:

Name of witness:
 Address of witness:

All handwriting must be in block capitals.

Page 1 of _____

LAND AND PROPERTY INFORMATION NSW

Reports from Director Engineering Services

COPY

Form: 01TG
 Release: 1.2
 www.lpi.nsw.gov.au

TRANSFER GRANTING EASEMENT

Leave this space clear. Affix additional pages to the top left-hand corner.

New South Wales
 Real Property Act 1900

PRIVACY NOTE: this information is legally required and will become part of the public record

(A) **TORRENS TITLE**

| | |
|-------------------------------|--|
| Servient Tenement 2/881169 | Dominant Tenement TWEED SHIRE COUNCIL |
|-------------------------------|--|

(B) **LODGED BY**

| | | |
|--------------|-----------------------------------|-----------|
| Delivery Box | Name, Address or DX and Telephone | CODE |
| | Reference: | TG |

(C) **TRANSFEROR**

NORTH SYDNEY LEAGUES CLUB LIMITED

(D)

The transferor acknowledges receipt of the consideration of \$ 1.00 and transfers and grants

(E) **DESCRIPTION OF EASEMENT**

EASEMENT TO DRAIN SEWAGE 10 WIDE AFFECTING THE PART OF LOT 2 DP881169 SHOWN IN DP881169 AS "EASEMENT TO DRAIN SEWAGE 10 WIDE"

out of the servient tenement and appurtenant to the dominant tenement.

(F)

Encumbrances (if applicable):

(G) **TRANSFeree**

TWEED SHIRE COUNCIL

DATE

(H)

Certified correct for the purposes of the Real Property Act 1900 by the corporation named below the common seal of which was affixed pursuant to the authority specified and in the presence of the authorised person(s) whose signature(s) appear(s) below.

Corporation:
 Authority:

Signature of authorised person:
 Name of authorised person:
 Office held:

Signature of authorised person:
 Name of authorised person:
 Office held:

Certified correct for the purposes of the Real Property Act 1900 by the authorised officer named below.

Signature of authorised officer:
 Authorised officer's name:
 Authority of officer:
 Signing on behalf of:

I certify that the person(s) signing opposite, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed this instrument in my presence.

Signature of witness:
 Name of witness:
 Address of witness:

All handwriting must be in block capitals.

Page 1 of _____

LAND AND PROPERTY INFORMATION NSW

Reports from Director Engineering Services

26. ORIGIN: Water Unit

FILE REF: Floodplain Management Authorities (FMA)

REPORT TITLE:

Floodplain Management Authorities of NSW

SUMMARY OF REPORT:

The quarterly meeting of the FMA on 28 February 2002 addressed the concerns of many Council members at the late announcement, once again, of funding for floodplain management projects. Under the State and Federal Government's Funded Program, grants for the 2001/2002 year have only been announced in the last week of February 2002. While this Council is not affected, neighbouring Councils with major construction programs will now have difficulty in achieving desired expenditure levels by 30 June 2002.

RECOMMENDATION:

That:-

1. This report be received and noted.
2. Interested Councillors be authorised to attend the Annual Conference at Kempsey from 1 –3 May 2002.

Reports from Director Engineering Services

REPORT:

The quarterly meeting of the FMA on 28 February 2002 addressed the concerns of many Council members at the late announcement, once again, of funding for floodplain management projects. Under the State and Federal Government's Funded Program, grants for the 2001/2002 year have only been announced in the last week of February 2002. While this Council is not affected, neighbouring Councils with major construction programs will now have difficulty in achieving desired expenditure levels by 30 June 2002.

The East Murwillumbah and Dorothy Street levee project has again not received funding and it has been resubmitted again for funding under the Federal Government Regional Flood Mitigation Program (RFMP). With the current demands on this program it appears unlikely that this project will receive funding in the next four years, unless circumstances change.

The FMA is currently pursuing a commitment to at least 3 year funding programs from both State and Federal Governments. They are optimistic about this being achieved at a Federal Government level but pessimistic about success at State level.

The Annual Conference of the FMA is to be hosted by Kempsey Shire on 1, 2 and 3 May 2002 at Kempsey. Forbes Shire Council are hosts for the 2003 Conference, which is scheduled for 25 – 28 February 2003, prior to the NSW Government election.

Reports from Director Engineering Services

27. ORIGIN: Water Unit

FILE REF: Letitia Road; Sand By-pass; R3040

REPORT TITLE:

Letitia Spit Road - Sealing

SUMMARY OF REPORT:

Ongoing discussions with the Tweed River Entrance Sand Bypassing Project have identified the desirability of sealing Letitia Spit Road to facilitate access to the project as well as recreational access by the community to Letitia Spit.

RECOMMENDATION:

That:-

1. Council offers to seal and maintain Letitia Spit road in return for a contribution of \$48,000 from the Tweed River Sand Bypassing Project.
2. The work be funded from the 2002/2003 Roads to Recovery Program.

Reports from Director Engineering Services

REPORT:

To facilitate the approval of the Tweed River Entrance Sand Bypassing Project (TRESBP) Council, at its meeting on 2 June 1999, accepted the transfer of the land on which the existing road stands as Public road but resolved that it:-

“Will not accept responsibility for the construction or maintenance of the subject road”.

Subsequently, in response to community interest in obtaining public access to the jetty, Council resolved to seal the road as its full contribution towards the provision of public access and the construction of the necessary associated facilities by the Department of Land & Water Conservation.

The provision of public access is still being pursued with TRESBP, albeit slowly. Before it can occur, issues need to be resolved in relation to the lease over the jetty site with the landowners, TBALC, as well as issues not addressed in the contract with the operator, the Tweed River Entrance Sand Bypassing Company (TRESBC) and the original approval and agreements.

The road was constructed and maintained as a gravel road during the construction of the project by the contractor. TRESBC has ceased maintenance out of concerns for its potential liability and the limited use of the road by its staff. In contrast, public usage of the road grew rapidly during the construction of the jetty and has remained high, as recreational use of the peninsula and breakwater has returned. Whilst Council has erected signs advising users that it does not maintain the road, there is a real risk that any damages claim that may result from an accident or incident will pursue Council's responsibilities and liabilities.

In discussions with TRESBP it has been proposed that sealing of the road would be of significant benefit to both the project and the broader community who wish to use Letitia Spit for recreation. Accordingly, it has been suggested at a Working Group Meeting of TRESBP that an equitable solution would be for Council to seal and maintain the road, at an estimated construction cost of \$96,000 if the project was to make a contribution to Council of \$48,000, i.e. 50:50. On the basis of the current level of usage of Letitia Spit, it is considered inevitable that Council will be forced to maintain the road and accordingly sealing is desirable. It is felt that this contribution is reasonable under the circumstances. Council's contribution could also be seen as a very small contribution to a project that will significantly benefit the Tweed.

Reports from Director Engineering Services

28. ORIGIN: Planning & Design Unit

FILE REF: R5495 Pt6; Traffic - Directional Signs; Pacific Motorway

REPORT TITLE:

Chinderah - Yelgun Bypass Signage

SUMMARY OF REPORT:

The RTA has publicly exhibited the Directional Signposting Scheme for the Chinderah - Yelgun Bypass. The report discusses issues regarding the signage relevant to Council.

RECOMMENDATION:

That the Roads and Traffic Authority be requested to make the following amendments to the advertised Chinderah to Yelgun Directional Signposting Scheme:-

1. Oak Avenue – Northbound signage advising motorway access is from the right hand lane.
2. Northbound at turnoff connection to old Highway proposed sign needs to be double sided to clearly emphasise the Murwillumbah turnoff.
3. A tourist diagrammatic sign for the Tweed Coast be provided facing Southbound traffic north of the Chinderah Interchange and existing signage altered accordingly and the same sign for Southbound traffic south of the Cudgera Creek Interchange.

Reports from Director Engineering Services

REPORT:

The Roads & Traffic Authority have publicly exhibited the Directional Signposting Scheme for the Chinderah to Yelgun Motorway seeking comments.

In November 2001, the RTA was provided with comments on the original proposal and the following table summarises Council's comments:-

| Sheet | Northbound | Southbound | RTA Comments |
|--------------------------------|--|---|---|
| 50001 Ch.00 | Council requires a "Tourist Drive" sign in this location to encourage trips to Murwillumbah & National parks (G1-202) | - | Agreed |
| Ch.500 | Include "Tourist Drive" on Murwillumbah exit sign. | - | Agreed |
| 51001 | At Murwillumbah turnoff G2-1 signs required at the intersection with tourist drive. | At Murwillumbah turnoff G2-1 signs required at the intersection with tourist drive. | Agreed |
| Ch.51700 | - | Mooball, Burringbar use Murwillumbah exit required as per northbound. | Agreed |
| 53001 Ch53500 | Welcome to Tweed Shire sign required as per Council's standard design. Approval only sign to be provided and installed by Council. | - | In principle agreement Tweed Shire Council to formally apply with details. |
| 59001 Ch.59700-59600 | Sleepy Hollow Road D-4 chevron should face both directions on Sleepy Hollow Road. <ul style="list-style-type: none"> 25kmh speed limit signs are not permissible under the RTA guidelines. 90° curve warning ahead with 25kmh advisory plates required at each approach to the bend. | - | Agreed <ul style="list-style-type: none"> Agreed Agreed |
| 60001 Ch.60800 | Tourist Road sign graphically showing coastal villages naming Pottsville, Bogangar and Kingscliff. | - | Agreed |
| 61001 Ch.61650 | Cudgera Creek Road turnoff should have "Tourist Drive" included. | - | To be resolved |
| 62001 Ch.62700 | Cudgera Creek Road turnoff should have "Tourist Drive" included. | - | To be resolved |

Reports from Director Engineering Services

| Sheet | Northbound | Southbound | RTA Comments |
|--|--|--|--|
| RS200 Cudgera Creek Road Interchange | Cudgera Creek Road eastbound requires G4-1 sign including Pottsville, Hastings Point, Bogangar, Cabarita, Casuarina and Kingscliff with "Tourist Drive" plate on top. <ul style="list-style-type: none"> Why is 80kmh speed limit sign applied to Cudgera Creek Road east of interchange | - | Agreed except Casuarina <ul style="list-style-type: none"> Agreed de restriction sign |
| 68001 Ch.68400 | Include "Casuarina" on exit sign. | - | Not agreed see reason below |
| 69001 Ch.69450 | Include "Casuarina" on exit sign. | - | Not agreed see reasons below |
| RS300 Clothiers Creek Road Interchange | Western roundabout add Murwillumbah to the two directional signs at the roundabout. <ul style="list-style-type: none"> Northbound offramp add Murwillumbah to directional sign just before roundabout. Eastern Roundabout add Murwillumbah to all directional signs at the roundabout in both directions. Clothiers Creek Road west towards motorway add Murwillumbah to the "Tweed Heads Brisbane" direction sign. Clothiers Creek Road – east bound towards coast install G4-1 with "Tourist Drive" highlighting Bogangar, Cabarita, Casuarina and Hastings Point. | - | Agreed <ul style="list-style-type: none"> Agreed Agreed Agreed Agreed except Casuarina |
| 70001 | Add Casuarina to exit sign. | | Not Agreed |
| 71001 Ch.71100 | - | Add sign "Casuarina use Bogangar Exit" or add Casuarina to sign at Ch.71350. | Not Agreed RTA don't think a couple of houses constitute destination |
| 72001 Ch.72150 | - | Add Casuarina to next exit sign | Not Agreed RTA don't think a couple of houses constitute destination |

Reports from Director Engineering Services

| Sheet | Northbound | Southbound | RTA Comments |
|------------------------------------|--|---|------------------------|
| | | | constitute destination |
| 75001 Ch.75700- 75600 | Add Cudgen Road at each side of tunnel | Add Cudgen Road name sign at each side of tunnel | Agreed |
| 77001 Ch.77101 | Change sign to Tourist Road signage and associated signs | - | Agreed |
| 79001 | - | 2km past extent of work change signage to Tourist Drive signage for Murwillumbah and associated existing signs (GI-202) <ul style="list-style-type: none"> Near Barneys Point Bridge include graphically displayed tourist drive signage (GI-202) for Tweed Coast and associated signage | Agreed Agreed |
| RS401 | - | Replace 100kph signage with existing 110 kph signs as on Oaks Avenue. | |

The majority of these comments have been accommodated with the above Signposting Scheme with the exception of the Tweed Shire Welcome signage, which requires further investigation into a suitable location, and a tourist diagrammatic directional sign for the Tweed Coast to be located north of the Chinderah Road Interchange. Similar signage to be provided for northbound traffic south of the Cudgera Creek Road Interchange.

The lack of such signage has been a problem for several years and would be extremely beneficial for tourists and visitors to the coastal villages. A letter from the Kingscliff & District Business Corporation is attached in this regard.

Reports from Director Engineering Services



Kingscliff & District Business Corporation

P.O. Box 1014 Kingscliff NSW 2487
Tel/Fax: 02-6674 5584; Mobile: 0402-994 783
E-mail: greentech@bigpond.com

DIRECTORY SIGNS
PACIFIC MOTORWAY

| |
|--|
| TWEED SHIRE COUNCIL |
| FILE No. <u>R 5495 P16</u> |
| DOCUMENT No. <u>12591070</u> |
| RECD - 7 MAR 2002 |
| BOX No. <input type="checkbox"/> |
| ASSIGNED TO <u>RYNER</u> |
| HARD COPY <input checked="" type="checkbox"/> IMAGE <input type="checkbox"/> |

D

March 6, 2002

The Honourable Neville Newell
Member for Richmond
Tweed City Shopping Centre
Minjungbal Drive
TWEED HEADS SOUTH NSW 2486

Dear Neville

RE: KINGSCLIFF DIRECTIONAL SIGNAGE ON THE CHINDERAH-YELGUN BYPASS

I've recently seen a plan showing the proposed directional signage off the Chinderah-Yelgun Bypass to the various Towns in the Tweed Shire.

It is with great concern that I see that Kingscliff is only mentioned once and that is in the central section of the bypass near the Cabarita exit.

There is no mention of Kingscliff at the Oaks Avenue exit.

Whilst it is admirable that there has been a lot of mention of the loss of business to Murwillumbah following the opening of the bypass, there has been no mention of the loss of business to the Tweed Coast including Kingscliff when the bypass opens.

I would have thought that your Government would have been more even handed and fairer in its treatment of Tweed Coast Towns in the directional signage that is to be placed on the bypass so that no one community suffers more than another.

With that in mind, the Corporation requests that you urgently review the directional signage to be placed on the bypass so that Kingscliff "gets a fair go".

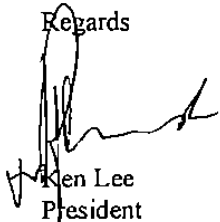
The issue of signage to Kingscliff on the present road system has been raised with the RTA on a number of other occasions, but the reply to date has been unsatisfactory.

Reports from Director Engineering Services

Despite reassurances from both RTA and Tweed Shire Council at a public forum on 23 August 2001 that there would be consultation on this and other issues relating to the bypass, our letters requesting consultation have been ignored.

Any positive intervention that you can achieve on behalf of your constituents in Kingscliff would be much appreciated.

Regards



Ken Lee
President

cc. RTA Northern Regional Office
31 Victoria Street
Grafton NSW 2460

*noted
Mike Rayner
11/8/02*

cc. Tweed Shire Council
Att: Mike Rayner
PO Box 816
MURWILLUMBAH NSW 2484

cc. The Honourable Mr Bob Carr
Parliament House
Macquarie Street
Sydney NSW 2000

cc. The Honourable Ms Kerrie Chickarovski
Parliament House
Macquarie Street
Sydney NSW 2000

The following comments are made on the exhibited plans:-

Oak Avenue Interchange

Oak Avenue – Northbound signage advising motorway access is from the right hand lane.

Clothiers Creek Interchange

No suggested alterations.

Cudgen Creek Interchange

No suggested alterations.

Yelgun Connection

Northbound at turnoff connection to old Highway proposed sign needs to be double sided to clearly emphasise the Murwillumbah turnoff.

Reports from Director Engineering Services

The comments received by Council in regard to the above RTA proposal is that the interchanges at Cudgera Creek Road and Clothiers Creek Road do not include signposting to Murwillumbah and a copy of a letter form TEDCO is reproduced below:-



| | |
|---------------------|-------------------------------------|
| TWEED SHIRE COUNCIL | |
| FILE No. | RS495 P/B |
| DATE | |
| W.D | |
| NO. | |
| ASSIGNED TO | RAYNER M |
| HARD COPY | <input checked="" type="checkbox"/> |
| IMAGE | <input type="checkbox"/> |

Mr Mike Rayner
Director, Engineering Services
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

19 February 2002

Dear Mike,

Re: Clothiers Creek Interchange Signage

The Tweed Economic Development Corporation (TEDC) recently had the opportunity to review the AbiGroup/RTA signage proposals for the Yelgun to Chinderah Motorway. In general terms, all signage would appear to service the interests of the greater Tweed region – with two exceptions.

In the case of the Clothiers Creek interchange it has been noted that on the Motorway, there are no Murwillumbah directional signs on either the northern or southern approaches to the interchange. In a previous letter to you, dated 5 February 2002, we outlined the economic significance of Clothiers Creek Road, in particular, to Murwillumbah.

It is the same with the Cudgera Creek interchange – again there are no Murwillumbah exit signs on the Motorway. The reluctance to direct traffic along Cudgera Creek Road, in its present state, is appreciated. However, that may not always be the case and in terms of economic importance, it may require political intervention to facilitate an upgrade schedule with the specific objective of minimising potential negative economic impact on Murwillumbah by establishing construction/upgrade time frames.

It would seem a denial of the economic significance of both passing and “local” commuter traffic, not to provide clear directional signage to Murwillumbah at every opportunity.

The TEDC requests, in strong terms, that Tweed Shire Council address these issues as soon as possible in order to minimise any detrimental economic effect the Motorway will have on Murwillumbah.

Yours sincerely,

**TWEED ECONOMIC DEVELOPMENT
CORPORATION LTD**

**TOM SENTI
DEPUTY CHAIR and
CHIEF EXECUTIVE OFFICER**

Reports from Director Engineering Services

Five routes to Murwillumbah have been investigated and the distances and times taken to travel these routes from the southern end of the motorway near Yelgun have been determined and shown on the map below:-

SINCLAIR KNIGHT MERZ

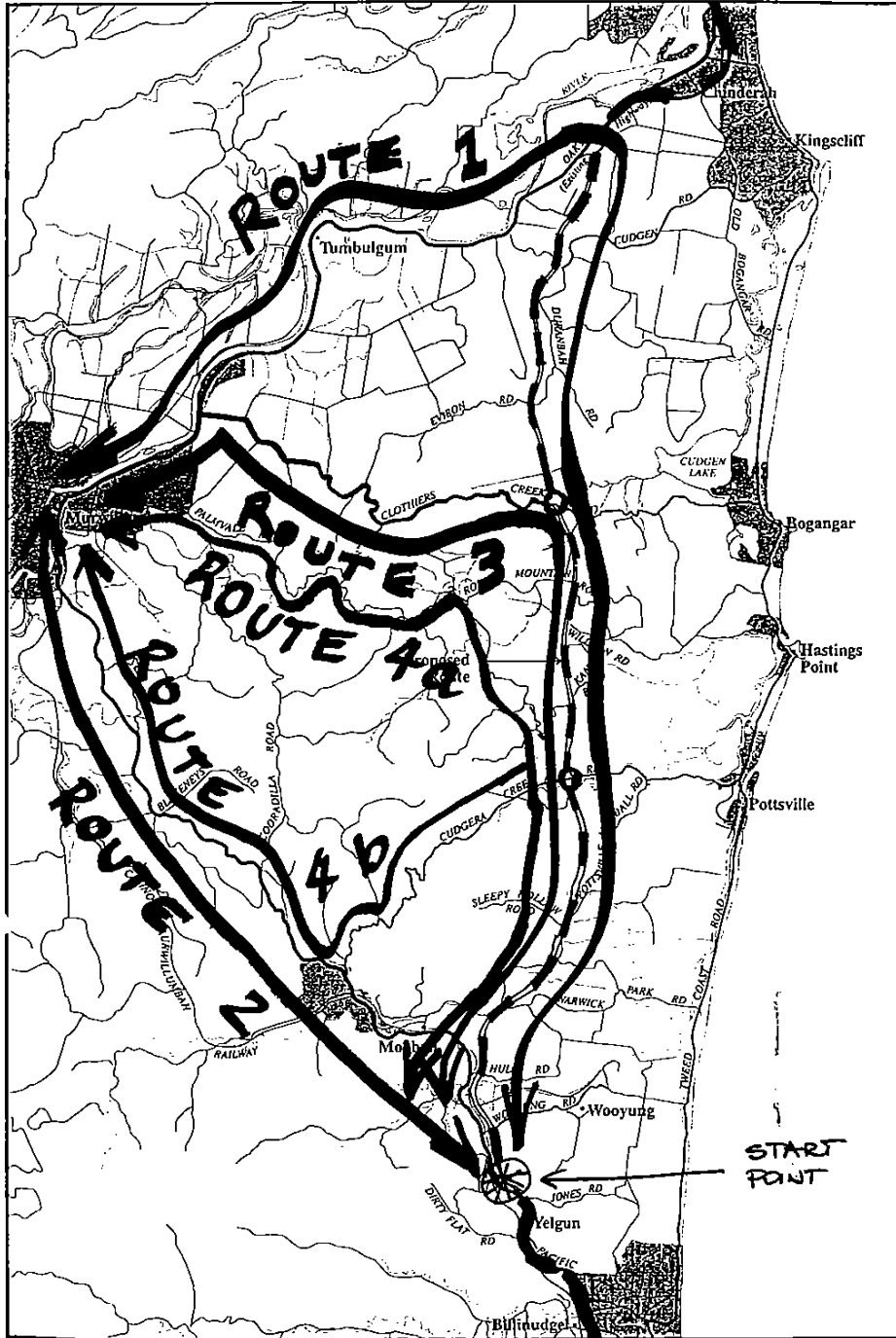


Figure 7.1
LOCAL ROAD NETWORK

Reports from Director Engineering Services

The travel distance and time taken are summarised in the table below:-

| Route | Distance (km) | Time (minutes) |
|-------|---------------|----------------|
| 1 | 43.1 | 27.5 |
| 2. | 27.4 | 25 |
| 3. | 32.3 | 25.5 |
| 4a. | 32.8 | 32 |
| 4b. | 37.6 | 33.5 |

The routes are described as follows:-

ROUTE 1 YELGUN TO OAKS AVENUE INTERCHANGE TO MURWILLUMBAH

The total distance of this route is 43.1km and has a travel time of 27.5 minutes.

ROUTE 2 YELGUN INTERCHANGE TO ALMA STREET

This route utilises the existing Pacific Highway and is 27.4km long with a 25 minute travel time.

ROUTE 3 YELGUN INTERCHANGE TO CLOTHIERS CREEK INTERCHANGE TO MURWILLUMBAH

This route is 32.3km long and takes 24.5 minutes of travel time. The section from the Clothiers Creek Interchange to Murwillumbah (Alma Street) is 15.3km with a travelling time of 16 minutes. This route involves traversing the Condong Range and is winding and narrow.

ROUTE 4 YELGUN INTERCHANGE TO CUDGERA CREEK INTERCHANGE

4a Via Cudgera Creek Road / Round Mountain Road / Palmvale Road

This route is 32.8km long and takes 32 minutes to travel. It is a poor standard route with several kilometres of narrow gravel road on a substandard alignment.

4b Via Cudgera Creek Road / Old Pacific Highway

This route is 37.6 km long and takes 33.5 minutes to travel. The Cudgera Creek Road section is on a poor alignment and is narrow.

Route 4a or 4b are considered inappropriate to have traffic from the Motorway directed to them. Such traffic will be unfamiliar with the area and after leaving a high standard road to be confronted with a very slow journey along potentially dangerous roads as described above is inappropriate. These routes have a poor alignment, minimal warning signage and are so narrow on some bends vehicles cannot pass. If towing caravans or trailers, such a route would be extremely difficult and dangerous and well below the expectations of drivers following signage from the Motorway.

Similarly, but to a lesser extent, to direct traffic off the Motorway on to Clothiers Creek Road travelling to Murwillumbah would be below most driver's expectations. Again, whilst this route is at least sealed, the alignment over the Condong Range is below current design standards, lacks safety guardrail over significant lengths and would be extremely difficult for vehicles towing vans and trailers to negotiate. Furthermore, due to the alignment a 14.5 tonne load restriction exists over the range, which is likely to frustrate heavy vehicle drivers as they would rightly expect a route signposted from a Motorway to be unrestricted.

Reports from Director Engineering Services

The RTA proposal to signpost Murwillumbah from the Yelgun and Oak Avenue interchanges is considered adequate and in keeping with the expectations of drivers unfamiliar to the area, of a relatively safe route of reasonable standard suitable for all vehicles. It should also be noted that local drivers will be aware of the Routes 3 and 4 and will make choices based on personal preference.

Reports from Director Engineering Services

29. ORIGIN: Planning & Design Unit
FILE REF: Shelter Sheds; Section 94 Plan

REPORT TITLE:

Proposed Bus Shelters - S94 Funds

SUMMARY OF REPORT:

Council currently holds a balance of \$29,946.00 in Section 94 Contribution Plan No. 12. It is proposed to construct 5 bus shelters at various locations within the Shire utilising these funds. The proposed shelters comply with the intent of the Contribution Plan.

RECOMMENDATION:

That Council authorises the sum of \$29,946.00 from Section 94 Plan No. 12 to be expended providing bus shelters at the following locations:-

1. Ducat Street, Tweed Heads (north side) at the walkway through to Flamingo Place.
2. Ourimbah Road, Tweed Heads at the stop near the entrance to The Grove Apartments.
3. Kingscliff Street, Kingscliff (west side) at the stop closest to Beach Street.
4. Wharf Street, Tweed Heads southbound at the stop between the entrances to River Terrace.
5. Ti-Tree Road, Cabarita west side near the corner of Sandalwood.

Reports from Director Engineering Services

REPORT:

Council currently has a balance of \$29,946.00 in the Section 94 Plan No. 12 for the provision of Bus Shelters.

The bus operators were requested, through the Public Transport Committee, to submit details of the locations of the busiest bus stops along their routes in terms of passengers picked up.

The following list was supplied by Surfside Buslines:-

1. Ducat Street, Tweed Heads (north side) at the walkway through to Flamingo Place.
2. Ourimbah Road, Tweed Heads at the stop near the entrance to The Grove Apartments.
3. Kingscliff Street, Kingscliff (west side) at the stop closest to Beach Street.
4. Wharf Street, Tweed Heads southbound at the stop between the entrances to River Terrace.
5. Coast Road, Hastings Point (northbound) at the entrance to Tweed Coast Holiday Village.
6. Ti-Tree Road, Cabarita west side near the corner of Sandalwood.
7. Ash Drive, Tweed Heights east side near the corner of Amaroo Drive.
8. Sunset Boulevard, West Tweed east side opposite Poinsettia Street.
9. Pottsville waters, Overall Drive west side near the shops.
10. Lochlomond Drive, north side Tweed heights opposite Bonny Glen.

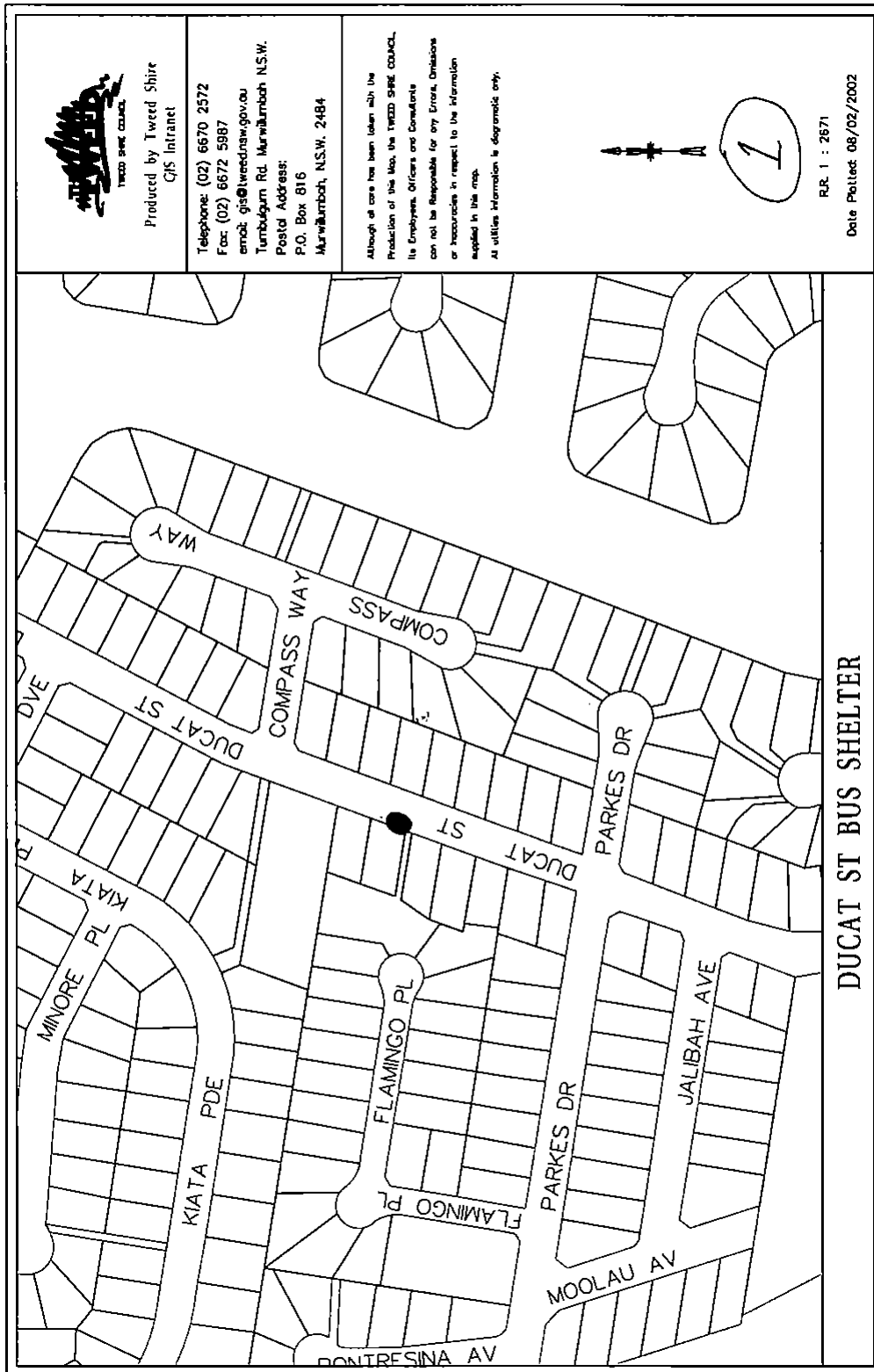
The first 6 locations have all been inspected and with minor adjustments to ensure minimal adverse impact on adjoining property owners, are all feasible except for no. 5 on the coast Road at Council's caravan park, which is physically impossible without land acquisition.

The average cost of a standard bus shelter installed is \$6,000.00. It is therefore proposed to use the S94 funds to construct the bus shelters at the following locations:-

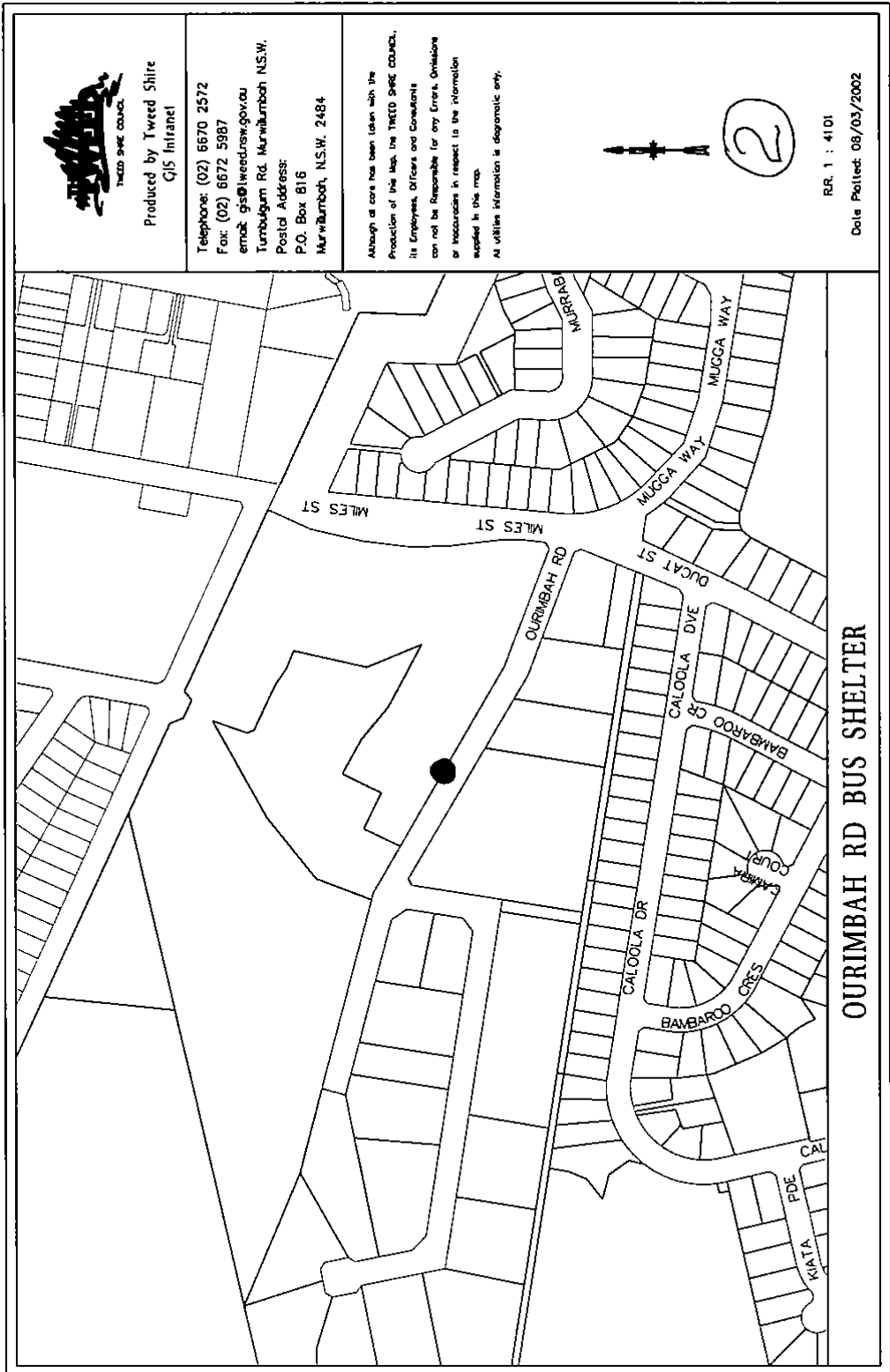
1. Ducat Street, Tweed Heads (north side) at the walkway through to Flamingo Place.
2. Ourimbah Road, Tweed Heads at the stop near the entrance to The Grove Apartments.
3. Kingscliff Street, Kingscliff (west side) at the stop closest to Beach Street.
4. Wharf Street, Tweed Heads southbound at the stop between the entrances to River Terrace.
6. Ti-Tree Road, Cabarita west side near the corner of Sandalwood.

The general locations of the proposed shelters are shown in the following diagrams.

Reports from Director Engineering Services



Reports from Director Engineering Services



Produced by Tweed Shire
GIS Intranet

Telephone: (02) 6670 2572
Fax: (02) 6672 5987
email: gis@tweedsw.gov.au
Tumbulgum Rd, Murwillumbah N.S.W.
Postal Address:
P.O. Box 816
Murwillumbah, N.S.W. 2484

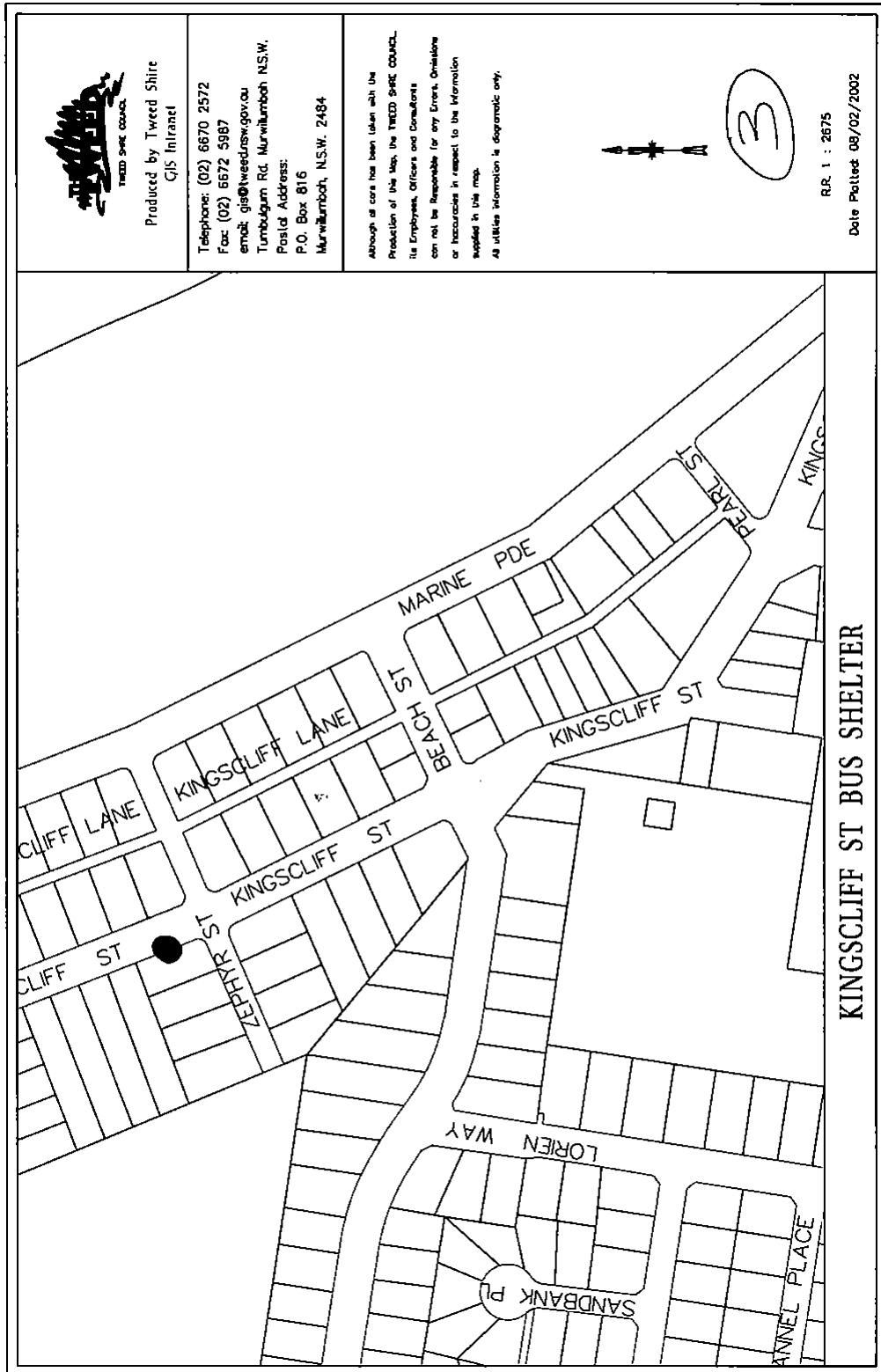
Although all care has been taken with the
Production of this Map, the TWEED SHIRE COUNCIL,
its Employees, Officers and Consultants
can not be responsible for any Errors, Omissions
or Inaccuracies in respect to the information
supplied in this map.
All utilities information is diagrammatic only.



2

RR. 1 : 4101
Date Plotted: 08/03/2002

Reports from Director Engineering Services



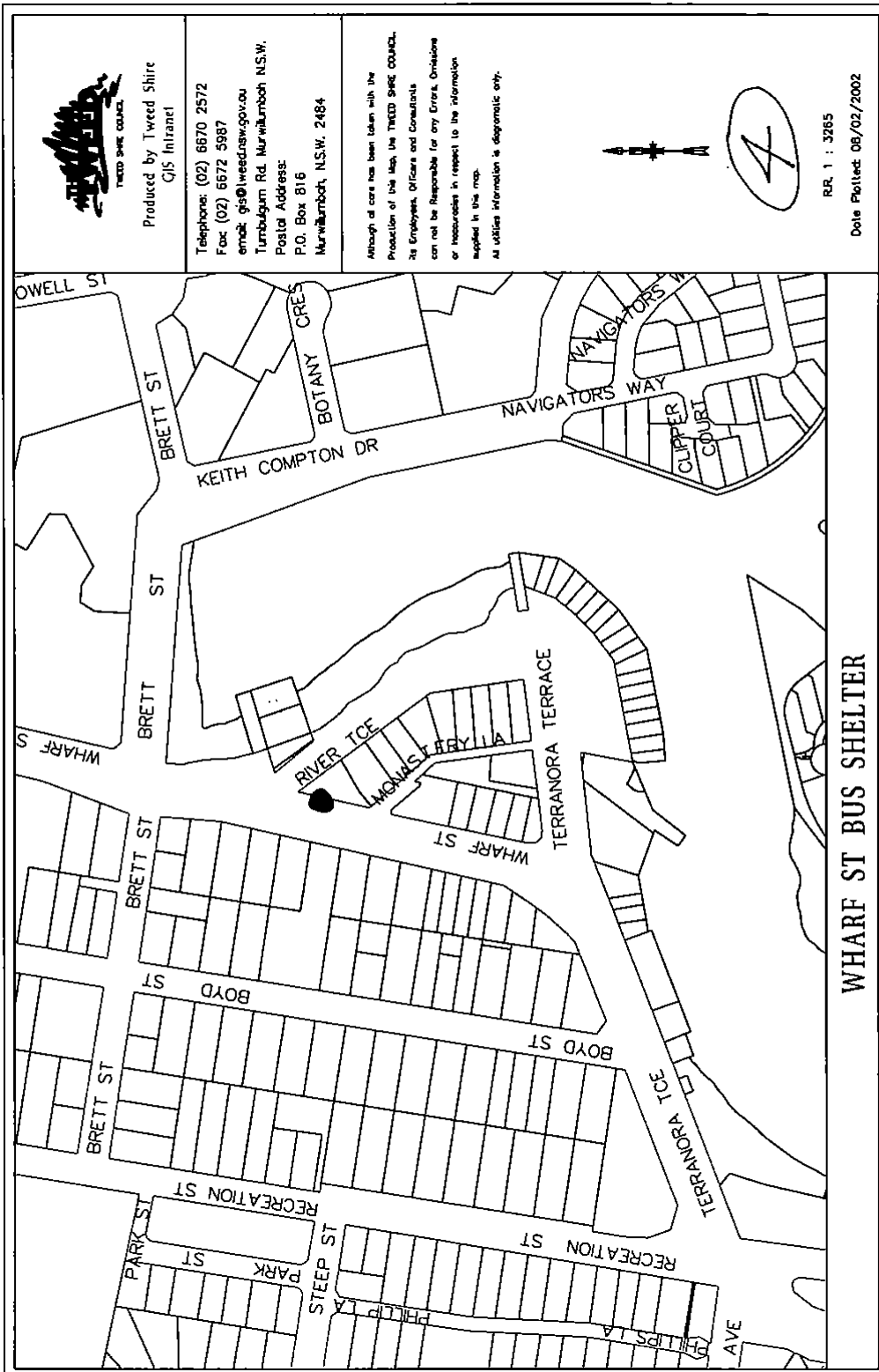
Produced by Tweed Shire
GIS Intranet

Telephone: (02) 6670 2572
Fax: (02) 6672 5987
email: gis@tweed.nsw.gov.au
Turnbulgum Rd. Murwillumbah N.S.W.
Postal Address:
P.O. Box 816
Murwillumbah, N.S.W. 2484

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

RR 1 : 2675
Date Plotted 08/02/2002

Reports from Director Engineering Services



Reports from Director Engineering Services



Reports from Director Engineering Services

It is requested that Council authorise the expenditure of the \$29,964.00 from Contribution Plan No. 12 to provide the above listed bus shelters.

Reports from Director Engineering Services

30. ORIGIN: Water Unit

FILE REF: Sewerage Treatment - Banora Pt; Sewerage Treatment - Tweed Hds

REPORT TITLE:

Tweed Heads Banora Point Catchment Effluent Disposal Strategy

SUMMARY OF REPORT:

The preferred strategy for effluent disposal from the Banora Point West and Tweed Heads Sewage Treatment Plants is a continuation of discharge at the existing Terranora Inlet outlets but with significantly enhanced effluent quality to satisfy adopted water quality criteria. It is now timely to consult with stakeholders and the broader community on this strategy.

RECOMMENDATION:

That Consultants be engaged to facilitate a consultation program as outlined in the report and a final strategy recommendation be reported to Council.

Reports from Director Engineering Services

REPORT:

Consultants Egis in February 2000 prepared a report for Council on strategic options for the future management of treated sewerage effluent discharged from Treatment Plants at Tweed Heads West and Banora Point.

Reproduced below is the Executive Summary from this report:-

“1 Introduction

The current population in the Tweed Heads - Banora Point catchment is predicted to increase threefold in the next 30 years. The additional sewage load will be connected to Banora Point STW. Banora Point STW can be readily upgraded to cater for the increased load, however the EPA has indicated that Council must resolve certain water quality issues before increases in the current discharge licence will be considered.

This Report summarises the findings of the recent reports prepared in relation to impact on water quality in the Tweed Estuary (particularly Terranora Creek, Terranora Broadwater and Cobaki Broadwater) resulting from effluent discharge. The Report identifies options for effluent disposal for Council's consideration and leads to a preferred position.

2 Water Quality

Key water quality problems in the Lower Tweed Estuary have been identified in the Interim Water Quality Management Plan and in summary are:

- *High bacterial levels*
- *Nutrient and sediment accumulation in the Terranora and Cobaki Broadwaters*
- *Acid sulphate soils.*

The Effluent Disposal Strategy therefore seeks to identify disposal options that address the issues of nutrient accumulation and high bacterial levels.

*Council has adopted water quality objectives as determined by TRMPAC (now TRC) that will be the indicators of management performance for subsequent activities in the catchment **including effluent disposal**. In relation to the Tweed estuary they are set to preserve the environmental values of:*

- *Aquatic ecosystem protection*
- *Production of edible raw shellfish*
- *Primary body contact recreation (swimming and action sports)*
- *Secondary body contact recreation (boating)*

3 Effluent Disposal Options

From an environmental and non-economic assessment of effluent disposal options the viable options can be consolidated into two fundamental alternatives:

Remove effluent from Terranora Creek and relocate discharge point to Tweed River with or without improved effluent quality, or

Continue to discharge effluent into Terranora Creek with improved effluent quality from both Tweed Heads West STW and Banora Point STW.

Reports from Director Engineering Services

4 Relocate Discharge to Tweed River

In addition to the current discharge point at Dry Dock three alternative discharge points in the well flushed reaches of the Tweed River were modelled for effluent disposal. The three discharge points considered were:

- At the eastern end of Kirkwood Road, (near Golf Club)
- Off Ukeregabh Island, and
- At the eastern end of Francis Street.

Based on the results of the modelling it was concluded that:

- Receiving water quality improves when the effluent outfall is relocated closer to the entrance of the Tweed River.
- There appears to be no benefit in extending the outfall point from Ukerebagh Island to Francis Street.
- Receiving water quality improves when the effluent quality is enhanced particularly for faecal coliform removal.
- Nitrogen and phosphorus within Terranora Inlet generally halved as a result of effluent quality improvement.
- For discharges at Dry Dock and Kirkwood Road there is some minor retention of pollutant in the estuary under extreme neap tidal conditions.
- Continuous discharge has the largest adverse impact on water quality.

5 Improve Effluent Quality

Discharge to Terranora Creek with improved effluent quality to the target values nominated account for nutrient concentrations in the receiving waters that are estimated to be an order of magnitude less than the Water Quality Objectives in the most sensitive reaches of the estuary.

High levels of effluent disinfection provide acceptable barriers to the risk of illness in humans, from either ingestion of effluent contaminated water during primary contact recreation or the consumption of oysters grown in waters potentially contaminated by effluent, that will enable continued discharge of effluent to Terranora Creek to be considered.

6 Preferred Position

Comparison of Disposal Options

| Effluent Disposal | To Terranora Creek | | To Tweed River |
|------------------------------|--------------------|------------|----------------|
| | Enhanced | Advanced | Current |
| Effluent Quality | | | |
| Nutrient Accumulation | Minimal | Negligible | Nil |
| Health Risks | Very Low | Negligible | Negligible |
| Capital Costs | | | |
| 62,500 EP | \$8.8M | \$16.1M | \$14.9M |
| 75,000 EP | \$9.4M | \$18.6M | \$14.9M |
| 100,000 EP | \$11.5M | \$23.6M | \$14.9M |
| Operating Costs \$/ML | \$20 | \$150 | \$17.5 |

Reports from Director Engineering Services

Discharge of enhanced effluent quality for both Tweed Heads West and Banora Point STW to Terranora Creek at Dry Dock is the preferred disposal option as it satisfies three primary objectives:

Accumulation of nutrients in the estuary is minimal. Nutrient levels are an order of magnitude less than the set Water Quality Objectives (Appendix C).

The risks to human health from primary contact recreation and consumption of shellfish have been assessed as very low (Appendix A).

Represents lowest capital cost option (Appendix D).”

Enhanced treatment will provide 99.99% disinfection efficiency.

After considering this report at a workshop Council resolved on 15 March 2000:-

“Council, in the first instance, seeks Environment Protection Authority (EPA) approval of a strategy to increase the licensed discharges at the existing outfalls to 75,000ep for Banora Point and 12,000ep for Tweed Heads, with significantly enhanced effluent quality.”

Subsequent discussions with EPA staff have indicated a lack of support for any interim increase in licence capacity and a desire for Council to resolve an ultimate strategy.

It is now considered timely to revisit the outcomes of earlier community consultation undertaken prior to the Egis report that indicated a preference for the relocation of the outfalls to a location close to the mouth of the river. Such an option is feasible but more costly than council's preferred option of upgrading the treatment process to produce a high quality effluent for continued discharge at the current outfall sites.

The following program is now proposed to advance this strategy:-

- (a) Scoping meeting with relevant Government Departments.
- (b) Focus meetings with key stakeholder groups:-
 - Chamber of Commerce
 - Progress Association
 - Oyster Industry
 - Professional Fishermen
- (c) Public display of report and options with Tweed Link feature seeking community input.
- (d) Final report to Council.

Reports from Director Engineering Services

31. ORIGIN: Director

FILE REF: Donation; Plant & M/V - General; Telstra; DA3590/4 Pt1

REPORT TITLE:

Donation of Council Plant

SUMMARY OF REPORT:

A request has been received from the Mount Burrell Cultural Gardens & Bush Theatre which is effectively for Council donation of use of a backhoe and operator for half a day for the installation of a Telstra cable to the development.

RECOMMENDATION:

That Council determines whether or not it wishes to make a cash donation to the Mount Burrell Cultural Gardens & Bush Theatre.

Reports from Director Engineering Services

REPORT:

The following letter has been received from the Mt Burrell Cultural Gardens and Bush Theatre:-

MOUNT BURRELL

CULTURAL GARDENS & BUSH THEATRE

ABNS 88 077 958 648

PLANT+MV - GENERAL 190 Mt Burrell Road
Mt Burrell NSW 2484

TELSTRA

Telephone/Fax: (02) 6679 7083
Mobile: 0402 891 133

20th February 2002

Mr Warren Poiglase,
Mayor, Tweed Shire Council,
P.O. Box 816
MURWILLUMBAH NSW 2484

| |
|-----------------------|
| FILE No. |
| SUBJECT No. |
| DOCUMENT No. [][] |
| REC: 20 FEB 2002 |
| DOCUMENT TYPE [][] |
| LOCATION CODE [][] |
| DATE PROCESSED [][] |

| |
|--|
| TWEED SHIRE COUNCIL |
| FILE No. 283590/405 Pt 1 |
| DOCUMENT No. [][] |
| REC'D 21 FEB 2002 |
| ASSIGNED TO: [] |
| HARD COPY <input checked="" type="checkbox"/> IMAGE <input type="checkbox"/> |

Dear Mayor Poiglase,

RE: TELSTRA - TWEED COUNCIL PARTNERSHIP / MT. BURRELL CULTURAL GARDENS

With regards to our telephone conversation earlier today, I write to request assistance from the council in conjunction with Telstra who have agreed to donate their services for the installation of telephone cable.


Stage 1 has recently commenced which involves upgrading roadways, establishing paths, tracks, disabled access, telephone and electricity services. Verification from the Minister for Regional Services that a recent federal government funding application will be looked upon favourably after confirmation that stage 1 has been completed, means that this most important initial stage of developments is relying on as much community assistance as possible to enable its completion.

A number of local businesses have recently shown great support and contributed to this development by means of donating essential services and equipment such as gravel, blue metal, drainage materials, fencing, solar panels, etc. After discussions with Telstra officials, it has been agreed that communication materials and services will be donated. Unfortunately, specific machinery shortages have insisted upon additional support. After a recent situation where the Byron Shire Council and Telstra joined forces to assist a community project in Bangalow, Telstra have requested equivalent help from the Tweed Council.

I would like to take this opportunity to emphasise the importance of this most crucial stage of development and encourage the Tweed Council to assist by means of providing a backhoe digger for a 1.5km (cable) trench. It is estimated that this assignment will take approximately half - 1 day to complete and Telstra have specified that they will accommodate council by providing their services on a day that machinery is available. Tweed Council support will ultimately lead to the continuation and completion of further stages and significantly assist to set up and maintain this educational community and cultural centre which will be a vital regional facility.

I would like to thank you for considering this request and we look forward to hearing from you very soon. Please keep in mind that confidentiality will be highly respected and demonstrated should this be required to enable approval of this request.

Yours sincerely,


Michelle McCarthy
Public Officer

... 'Tell me and I will forget' ... 'Show me and I might remember' ... 'Involve me and I will understand' ...

Reports from Director Engineering Services

COMMENT

The request is effectively for Council donation of use of a backhoe and operator for half a day for the installation of a Telstra cable to the development. The estimated cost of the request is \$500 allowing for travelling time and overtime for the operator.

If Council provided the backhoe as requested Council will effectively have to find a source of funds for the work to be undertaken. It would therefore seem to be a more practical arrangement if Council wished to support the development, that Council make a donation of the equivalent amount and that the organisation then engage the services of a private contractor to undertake the work. This would negate a need for Council to be involved in the logistics. Depending on the organisational skills of the group the half a day envisaged could well turn into something much longer.

Reports from Director Engineering Services

THIS
PAGE
THIS
PAGE
IS
IS
BLANK
BLANK

Reports from Director Engineering Services

32. ORIGIN: Planning & Design Unit
FILE REF: Govt Grant - Black Spot Program

REPORT TITLE:

National Black Spot Program

SUMMARY OF REPORT:

The Roads and Traffic Authority (RTA) has advised Council that the former Road Safety Black Spot Program will cease on 30 June 2002 and be replaced with the National Black Spot Program which will run for a period of four (4) years. Councils are invited to make applications for funding under this new program.

RECOMMENDATION:

That the following projects be submitted to the Roads and Traffic Authority (RTA) for Black Spot Program funding consideration:-

1. McAllisters Road/Scenic Drive Intersection
2. Gray Street/Kennedy Drive Intersection
3. Brett Street/Boyd Street Intersection
4. Pacific Highway near Cudgen Road at McLeods Creek.

Reports from Director Engineering Services

REPORT:

The RTA has advised Council that the Federal Government Road Safety Black Spot Program will cease at 30 June 2002 but will be replaced with a new program called "The National Black Spot Program" which will run for four (4) years.

Councils are being requested to submit projects for funding before the closing date for 2002-2003 being 28 March 2002.

The new program has reduced the crash criteria as follows:

- The selection criteria for black spots has been relaxed to a minimum of 3 casualty crashes in the most recent 5 years of crash data.
- Road length criteria have to have an average of 0.2 casualty crashes per kilometre per annum over the most recent 5 years of crash data.
- The maximum project cost has been increased to \$750,000.

These new criteria will be used to determine eligibility for the 2002-2003 Program however, all projects must still satisfy the economic criteria of a BCR of 2.0 or greater.

It should be noted that the Selection Criteria and Administration Procedures will not be available until May 2002, some two months after applications close.

An analysis of the RTA crash data for Tweed Shire indicates the worst locations in the shire are at the Terranora/Pacific Highway intersection and the Wommin Bay Road/Chinderah Bay Drive (Old Highway) intersection.

Other locations that appear to meet the new criteria are the Pacific Highway at McLeods Creek and the intersection of Brett & Boyd Streets, Tweed Heads.

Councils previously unsuccessful applications for traffic signals at Gray Street & Kennedy Drive and a roundabout at the intersection of Scenic Drive and McAllisters Road do not appear to meet the new criteria however this can not be determined until the selection criteria is released in May as it may allow for projects based on Road Safety Audits.

It is therefore proposed that the previous applications along with applications for Boyd & Brett Streets and the Pacific Highway at McLeods Creek be submitted to the RTA for consideration. The application for the Highway is considered appropriate as it is likely to come under Councils control as soon as the Chinderah to Yelgun Motorway is complete. The Roads and Traffic Authority has lodged an application for Wommin Bay Road and Chinderah Bay Drive on Council's behalf due to the relatively high crash data.

Reports from Director Engineering Services

33. ORIGIN: Planning & Design Unit
FILE REF: Street Lighting - Annual Program

REPORT TITLE:

2001-2002 Street Lighting Program

SUMMARY OF REPORT:

It is estimated that Council's Street Lighting Budget will provide for \$80,000 for new infrastructure. This report identifies a proposed works program for new street lighting infrastructure to be constructed subject to detailed quotations from Country Energy.

RECOMMENDATION:

That the following street lighting infrastructure projects be installed subject to detailed quotations:

1. Darlington Drive (east)
2. Fingal Road
3. Tulrnock/Pearl Street roundabout
4. "5" ways Kingscliff
5. Nullum St
6. Wharf St pedestrian crossings
7. Ozone St roundabout
8. Beach St roundabout
9. Minjungbal Dr
10. Machinery Dr
11. Brett St

Reports from Director Engineering Services

REPORT:

Council currently has a street lighting budget allocation of \$659,000. Of that a substantial amount is operating costs covering the cost of the electricity used and the maintenance costs which amounts to an estimated total of \$579,000.

This leaves approximately \$80,000 to put towards improvements to the street lighting infrastructure within the Shire.

The existing infrastructure is being progressively evaluated to identify locations that are deficient in terms of compliance with the Australian Standards. The roads classified as distributor roads are being evaluated first, followed by trunk collectors and collectors. Local streets will generally comply with the standards but will be investigated upon complaint.

Once the road network evaluation is complete it will enable a structured works program to be developed and will enable street light requests from the community to be prioritised in conjunction with the above program.

Currently Council's list of outstanding requests for street lights is as follows:

| Site | Locality | Comments | Priority | Est. Cost \$ |
|---|-------------------|--|----------|--------------|
| Darlington Drive east | Banora Point | Trunk collector. On road footpath. | 1 | 15,000 |
| 55 Fingal Road pole no. 43138 | Fingal | Trunk collector road with adjacent cycleway | 1 | 1,000 |
| Turnock/Pearl Stroundabout | Kingscliff | Distributor Road/Distributor Rd intersection | 1 | 2,000 |
| 5 ways Kingscliff | Kingscliff | Distributor Road Intersection on steep grades | 1 | 2,000 |
| Ozone St/Kingscliff St | Kingscliff | Roundabout. New light | 1 | 1,000 |
| Beach St/Kingscliff St | Kingscliff | Upgrade light | 1 | 500 |
| Corner High School Lane and Nullum Street | Murwillumbah | Collector road. Upgrade Nullum Street | 1 | 5,000 |
| Wharf St pedestrian crossing (x 3) | South Tweed Heads | Upgrade to standard | 1 | 18,000 |
| Minjungbal Dr | South Tweed Heads | Install new lights | 1 | 7,000 |
| Machinery Dr | South Tweed Heads | Install new lights | 1 | 7,000 |
| Brett Street, eastern end | Tweed Heads | Long gap between lights – also new raised platform and university entrance | 2 | 5,000 |
| Church car park, wollumbin St | Murwillumbah | Private property but available for public parking | 3 | 1,000 |
| Around 29 Coronation Avenue Pottsville | Pottsville | Distributor road existing lights in proximity | 3 | 1,000 |

Reports from Director Engineering Services

| Site | Locality | Comments | Priority | Est. Cost \$ |
|---|-------------------|--|----------|--------------|
| Bay Street car park western end near old fire station | Tweed Heads | Upgrade carpark | 3 | 5,000 |
| Between park on Highway to Anderson St | Banora Point East | Local road. Re-examine when walkway installed. | 4 | 1,000 |
| Additional light for Roberta Cr | Bilambil Heights | Local road. No footpath in place. | 4 | 1,000 |
| Dry Dock Road near Bypass | South Tweed Heads | Collector road lights already each side of bridge | 4 | 2,000 |
| Boyd Street THDS | Tweed Heads | Existing lights of constant spacing | 4 | 3,000 |
| Florence Street THDS | Tweed Heads | Existing lights at constant spacing | 4 | 3,000 |
| Steps to Orient Lane | Kingscliff | Local access | 5 | 2,000 |
| Commercial Rd Mbah b/t Condong and Prince | Murwillumbah | Complies with local road standards | 5 | 1,000 |
| Mbah b/t Condong and Prince | Murwillumbah | Complies with local road standards | 5 | 1,000 |
| Around 42 Seaview | South Tweed Heads | Local road | 5 | 1,000 |
| Fraser Drive | South Tweed Heads | To be upgraded to distributor or trunk collector status when reconstructed | 5 | N/a |

The average cost of a street light on an existing pole is \$1,000 and a street light on a new pole is \$2,500.

Based on the above figures it is proposed to request Country Energy to provide quotations for the following projects:

1. Darlington Drive (east)
2. Fingal Road
3. Tulrnock/Pearl Street roundabout
4. "5" ways Kingscliff
5. Nullum St
6. Wharf St pedestrian crossings
7. Ozone St roundabout
8. Beach St roundabout
9. Minjungbal Dr
10. Machinery Dr
11. Brett St

Reports from Director Engineering Services

It is then proposed to install the facilities listed in order as above based on the quotes and the available budget allocation after all operating costs are covered.

Reports from Director Environment & Community Services

34. ORIGIN: Environment & Health Services Unit

FILE REF: Alcohol Free Zones; Police

REPORT TITLE:

Alcohol Free Zone – Tweed Heads and Kingscliff

SUMMARY OF REPORT:

In 1998 the Police Service requested that alcohol free zones be established at Kingscliff and Tweed Heads. These zones were intended to minimise disturbances experienced on New Years Eve and to curb anti-social behaviour and alcohol related incidents. The zones proved successful and on 17 February and 5 May 1999 Council resolved to establish the alcohol free zones over certain streets, as indicated on the attached maps, for a period of three years.

The NSW Police Service has also requested that the zones be re-established for a further three year period.

In anticipation of the expiry of the current three year period, it is appropriate that the proposed extension of the alcohol free zones be advertised for 14 days and certain key interest groups be notified in writing, as required by the Local Government Act, 1993.

RECOMMENDATION:

That Council approves the placement on advertisement of a proposal to re-establish alcohol free zones 24 hours per day for a period of 3 years at Tweed Heads and Kingscliff, from 17 March and 5 May 2002 respectively, over streets and car parking areas detailed on the map included in this report, in accordance with the provisions of the Local Government Act and excluding areas occupied by approved outdoor dining areas used in conjunction with food outlets, while those outlets are open for trading.

Reports from Director Environment & Community Services

REPORT:

In 1998 the Police Service requested that alcohol free zones be established at Kingscliff and Tweed Heads to minimise disturbances experienced on New Years Eve and to curb anti-social behaviour and alcohol related incidents. The zone proved successful and on 17 February and 5 May 1999 Council resolved to establish the alcohol free zones for a period of three years.

Restrictions are established over roads, part of roads, footpaths and public car parking areas by the establishment of an alcohol free zone in accordance with the provisions of the Local Government Act and relevant Department of Local Government Guidelines. These restrictions currently apply to sections of Marine Parade, Seaview, Pearl and Turnock Streets, Kingscliff and Wharf Street, Tweed Heads in accordance with the attached maps, excluding areas utilised for approved footpath dining activities.

The NSW Police Service has requested that the zones be re-established for a further three year period as follows:

ISSUE

Application to Renew the Alcohol Free Zones in Tweed Heads and Kingscliff sectors.

BACKGROUND

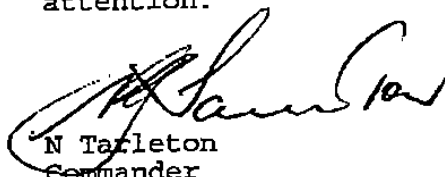
Approximately 3 years ago Alcohol Free Zones were established in the Tweed Heads and Kingscliff Central Business District following an application by local Police. Tweed Shire Council has indicated that the AFZ's require a Police report to renew the designated alcohol free areas for a further term of 3 years.

COMMENT

Application is hereby made to have the current Alcohol Free Zones renewed in the above areas. The establishment of these areas has assisted Police and the community and have shown to be effective in the reduction of alcohol related crime and anti social behaviour in the respective areas. It is requested that the Zones be continued for another authorised period.

RECOMMENDATION

This report be forwarded to Mr Brad Pearce, Senior Health and Building Surveyor for Tweed Shire Council for his information and attention.



N Tarleton
Commander
Tweed / Byron Local Area Command
22 February 2002

The public are made aware of the restrictions at the sites by placement of signs.

In Kingscliff the alcohol free zone is complimented by a restriction under Section 632 of the Local Government Act which prohibits the possession or consumption of alcohol in Faux and Lions Park between the hours of 10.00pm and 7.00am.

Reports from Director Environment & Community Services

In the case of anti-social behaviour involving alcohol the restrictions provide the Police with an option in requiring the people concerned to 'move on'. The Police Service uses discretion and only issues Penalty Notices in problem cases.

The relevant Guidelines require that an alcohol free zone proposal be placed on public exhibition and that certain parties be consulted. These specific notifications are proposed to be completed during the public advertisement period, and the results reported to Council.

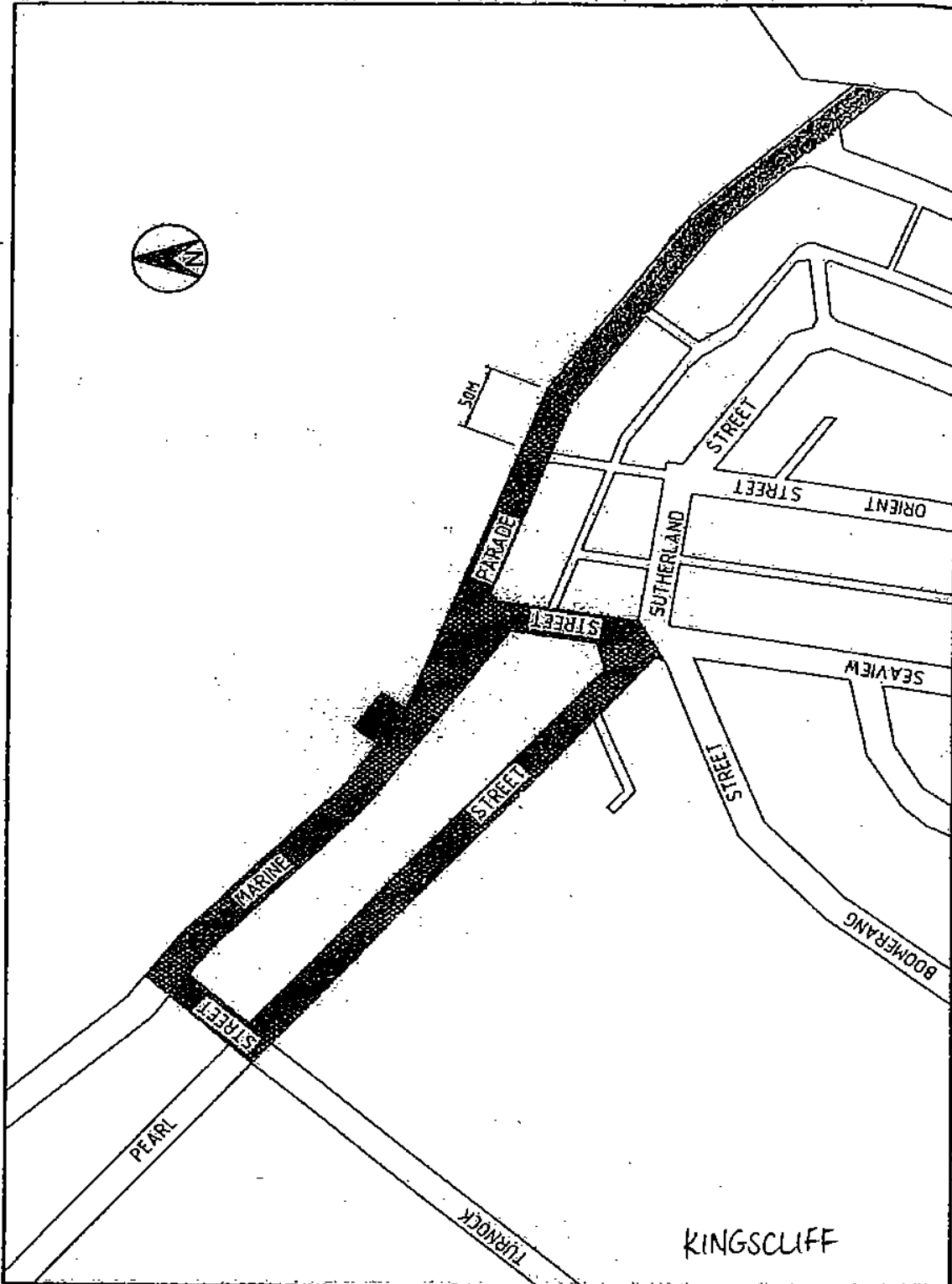
CONCLUSION:

The current alcohol free zones at Tweed Heads and Kingscliff will expire on 17 March and 5 May 2002. These restrictions are not considered prohibitive in the sense that they still allow reasonable activities and enjoyment of public parks. However the restrictions do provide scope for the Police Service to use discretion in regulating anti social behaviour.

It is recommended that Council approves the placement on advertisement of a proposal to re-establish an alcohol free zone 24 hours per day for a period of 3 years at Tweed Heads and Kingscliff, from 17 March and 5 May 2002 respectively, over streets and car parking areas detailed on the map attached to this report, in accordance with the provisions of the Local Government Act and excluding areas occupied by approved outdoor dining areas used in conjunction with food outlets, while those outlets are open for trade.

Reports from Director Environment & Community Services

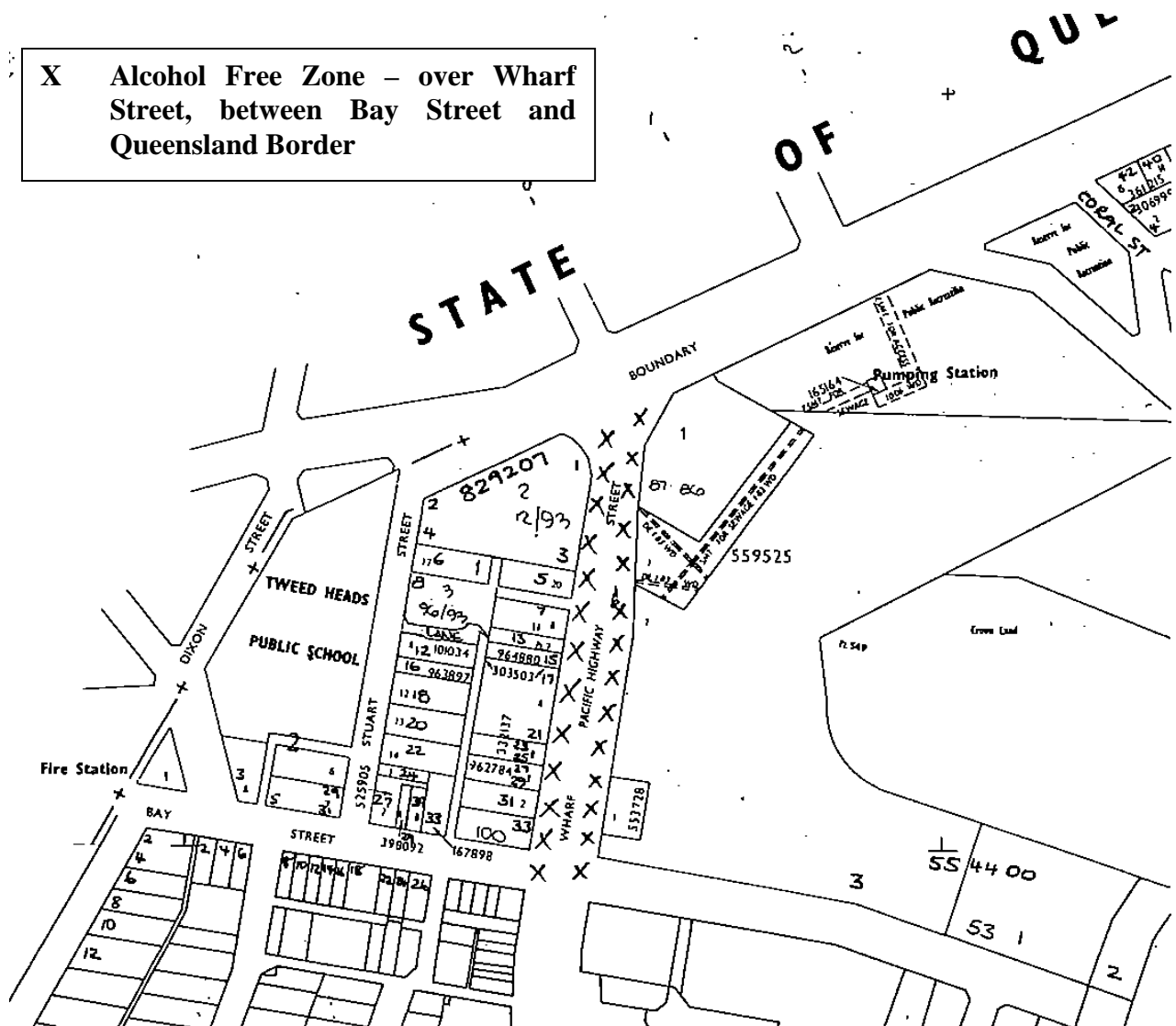
Kingscliff



Reports from Director Environment & Community Services

Tweed Heads

X Alcohol Free Zone – over Wharf Street, between Bay Street and Queensland Border



Reports from Director Environment & Community Services

THIS
PAGE
PAGE
IS
BLANK
IS
BLANK

Reports from Director Environment & Community Services

35. ORIGIN: Environment & Health Services Unit

FILE REF: GP1/11; Alcohol Free Zones; Parks - Budd Park

REPORT TITLE:

Establishment of Alcohol Free Zone - Budd Park

SUMMARY OF REPORT:

Alcohol consumption within Budd Park is prohibited by notice of Council. Due to legal limitations this prohibition does not extend to the Budd Park car park and concern has been raised to Council about the consumption of alcohol in this area.

Council has conferred with the Murwillumbah Station of the NSW Police Service regarding the need for an alcohol free zone to be established in the Budd Park car park under Section 644 of the Local Government Act. The Police Service has responded in writing that they are very supportive of such a proposal.

Alcohol Free Zones may be established for up to 3 years and require a defined period of public and targeted consultation to be undertaken.

RECOMMENDATION:

That Council undertakes public consultation in accordance with the provisions of Section 644 and 644A of the Local Government Act 1993 on the proposed establishment of an alcohol free zone in the Budd Park car park for a 3 year period.

Reports from Director Environment & Community Services

REPORT:

BACKGROUND:

Pursuant to the Local Government Act Council may prohibit activities, such as the consumption of alcohol, in public places by the use of notices. Notices to this effect have been in place at the Budd Park reserve since 1994.

When seeking to ban alcohol consumption in a public place that is a public road or car park, Council is not permitted to use notices but must declare the road or car park an alcohol free zone under Section 644B of the Local Government Act. This declaration must be preceded by a process of public consultation as defined in Section 644A of the Act. The Budd Park car park has not been through this process.

Community members and the Police Service have expressed concern to Council regarding alcohol consumption and anti-social behaviour in the Budd Park car park area. The Murwillumbah Station of the NSW Police Service has stated in writing to Council that they are very supportive of a proposal for the car park to be declared an alcohol free zone. The establishment of alcohol free zones provides police with options beyond their existing 'move on' powers including the confiscation of alcohol or the issue of Penalty Notices in problem cases.

The Local Government Act sets out a clear process for the establishment of an alcohol free zone in Sections 644, 644A and 644B. This process requires that the initial proposal be publicly advertised, and certain parties specifically notified of the proposal. Following consultation, comments and feedback are provided to Council via report and Council may resolve to establish an alcohol free zone.

CONCLUSION:

It is recommended that Council approves the public consultation of a proposal to establish an Alcohol Free Zone 24 hours per day for a period of 3 years at Budd Park, Murwillumbah car parking area, in accordance with the provisions of the Local Government Act.

Reports from Director Environment & Community Services

36. ORIGIN: Environment & Health Services Unit

FILE REF: Art Gallery - General

REPORT TITLE:

Tweed River Regional Art Gallery Strategic Plan 2001-2004

SUMMARY OF REPORT:

The Tweed River Regional Art Gallery Advisory Committee at its meeting held 28 February 2002 resolved to unanimously endorse the Art Gallery Director's Report on the Draft Strategic and Business Plan 2001-2004.

RECOMMENDATION:

That :-

1. This report be received and noted;
2. Council adopts the Tweed River Regional Art Gallery Strategic & Business Plan 2001-2004.

Reports from Director Environment & Community Services

REPORT:

The Art Gallery Director in consultation with the Art Gallery Advisory Committee drafted a strategic plan for the years 2001-2004. The plan has been written as a document that will inform the development of the new Gallery and provide a sustainable and economically viable plan to provide the appropriate levels of funding to manage the new Gallery.

The Tweed River Regional Art Gallery Strategic and Business Plan 2002-2004 is an attachment to this business paper.

Reports from Director Environment & Community Services

37. ORIGIN: Recreation Services Unit

FILE REF: Parks - Naming; GS4/98/31 Pt6

REPORT TITLE:

Naming of Park - The Oasis, Kirkwood Road

SUMMARY OF REPORT:

At its meeting held 21 November 2001, Council considered a request from the developers of the Oasis on Kirkwood road, Tweed Heads South to hold a public competition to name the park within the subdivision.

Council resolved:

“...that Council advises it has no objection to a public competition to name the park (Lot 901) of the Oasis, Kirkwood Road, Tweed Heads South subject to:

- 1. The name complies with Council policy ER.6 Public Reserves Naming*
- 2. It is acknowledged the winning name may not necessarily be adopted by Council*
- 3. The proposed name will be advertised as per Councils policy and finally resolved by Council”*

The competition has subsequently been held with the recommended choice being “Harold Pearce Park”

RECOMMENDATION:

That Council calls for comment on the naming of the park (lot 901) Falcon Way, The Oasis, "Harold Pearce Park".

Reports from Director Environment & Community Services

REPORT:

At its meeting held 21 November 2001, Council considered a request from the developers of the Oasis on Kirkwood road, Tweed Heads South to hold a public competition to name the park within the subdivision.

Council resolved:

“...that Council advises it has no objection to a public competition to name the park (Lot 901) of the Oasis, Kirkwood Road, Tweed Heads South subject to:

- 1. The name complies with Council policy ER.6 Public Reserves Naming*
- 2. It is acknowledged the winning name may not necessarily be adopted by Council*
- 3. The proposed name will be advertised as per Councils policy and finally resolved by Council”*

The competition has subsequently been held with the recommended choice being “Harold Pearce Park”

The submission for Harold ‘Pop’ Pearce is as below.

Reports from Director Environment & Community Services

28 January, 2002

6 Rutile St
CHINDERAH NSW 2487
Phone: 02 . 66 742 090

The Oasis "Name the Park" Competition
PO Box 1528
BROADBEACH Qld 4218

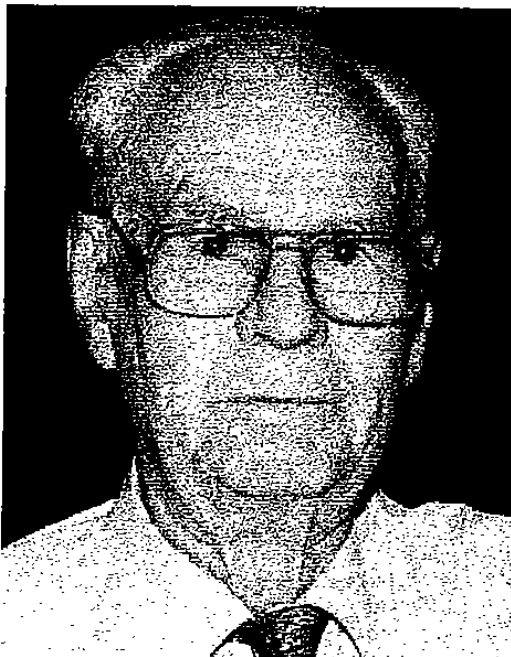
Dear Sir/Madam

We are writing to submit a suggested name for your beautiful new park in the new Oasis residential development, off Kirkwood Rd, South Tweed Heads.

Our Grandfather:

HAROLD "POP" PEARCE

Pop has a special bond with South Tweed, and particularly Kirkwood Road. In 1948 Pop purchased 15 acres of land on Kirkwood Road. This land had previously been uninhabited and was wild, bushy scrub. Despite others discouraging remarks (some called him "mad"!), he cut a road into the property and made a home for his beloved family. Over the many years Pop lived at



Kirkwood Road, 5 of his 8 children set up their own homes on this property with their spouses and children. Pop, and the extended Pearce family, lived at his Kirkwood Road property until 1980, when the Tweed Heads Coolangatta Golf Club extended and Pop moved to Chinderah.

Pop Pearce was a well respected local identity. Before living at Kirkwood Road, Pop worked as a Butcher at Bilambil and also in the local cane fields. In the early 50's, Pop began a career in the local sand mines, when he worked at Murphy's and later the Cudgen Sand Mines. He began on the tables and worked his way up to supervisor. Over the years, Pop employed many local men. He is fondly remembered by many, particularly in the aboriginal and islander community, as someone who gave them a break in life by giving them their first job.

Reports from Director Environment & Community Services

Above all, Pop was a terrific family man. A real character, known and loved by many within our local Tweed Community and dearly loved by his many children, grandchildren and great-grandchildren.

When Pop passed away in 1999, his funeral was a testament to how much he was loved and respected, with an enormous turnout of a variety of different people from within the Tweed Community.

We believe naming this park the Harold "Pop" Pearce Park will capture the essence of this beautiful place, as when we think of Pop we think of family, friends, fun times and a coming together of many different people within our community.

The irony is, a number of Pop's extended family live in close proximity to this lovely park and many of his great-grandchildren have already enjoyed playing on the fabulous play equipment. It seems fitting that this park, frequented by a number of his family, will proudly share his name.

Many of Pop's family had intended to submit his name as an entry for your competition and after we all talked about it, we decided to submit one entry on behalf of Pop's 8 children, 25 grandchildren and 25 great-grandchildren.

Should our combined entry be successful, our family would like to donate the prize, of a new IBM Netvista Computer (and accessories) to the Tweed Heads South Primary School, where many of Pop's grandchildren went to school.

We eagerly await your decision in the naming of this special park. Should you require any further information, please don't hesitate to contact us on the above number.

Yours faithfully



Jamie & Fiona Holland

The Oasis has also included alternative names should Harold Pearce Park not be considered appropriate.

Council's policy for Public Reserves – Naming states:

- a) *Public Reserves should be given names of historical and/or Aboriginal significance or the names of eminent persons, past or present, may be used.*
- b) *Proposals for naming public reserves shall be advertised for 21 days for public comment.*

It is considered the name Harold Pearce Park is consistent with this policy. Therefore it is recommended that Council calls for comment on the naming of the park (lot 901) Falcon Way, The Oasis - "Harold Pearce Park".

Reports from Director Environment & Community Services

38. ORIGIN: Environment & Health Services Unit

FILE REF: Companion Animals Committee

REPORT TITLE:

Desexing of Cats and Dogs

SUMMARY OF REPORT:

At the Regional Companion Animals Committee meeting of 7 February 2002 officers from the various member Councils were requested *to prepare a report to their Council canvassing the issue and putting forward a policy which requires compulsory desexing of all cats and dogs which are SOLD from the respective pounds*'.

A case can be made that many of the problems experienced by the community in relation to cats and dogs can be related to unwanted and unowned animals. Therefore many of these problems could be overcome if the numbers of unwanted litters are reduced.

Council could directly address unwanted litters as a source of stray animals and subsequent community disturbance by adopting a policy which prohibits the sale of dogs and cats to new owners from the Pound, unless those animals are desexed. This does not cover release to the existing owner of the animal.

RECOMMENDATION:

That Council adopts the following policy:

1. *A dog or cat which is to be sold to a new owner from the Council Pound facility shall be desexed prior to sale, or the fee for desexing shall have been paid to Council prior to sale.*
2. *This policy shall not be applicable to a cat or dog which is being released or returned to its existing owner.*

Reports from Director Environment & Community Services

REPORT:

The Local and Regional Companion Animal Committees have discussed on a number of previous occasions that many of the problems experienced by the community in relation to cats and dogs can be related to unwanted and unowned animals. Therefore many of these problems could be overcome if the numbers of unwanted litters are reduced.

The view is held by some people in the companion animal 'industry' that all cats and dogs except those owned by registered breeders, should be desexed. However it would be difficult to achieve wide community acceptance of such a change.

The case has also been made that owners of existing animals should be convinced, through community education, to have their animals desexed. This would of course be voluntary and it is unlikely that all owners of existing animals could be convinced to have their cats and dogs desexed. It would be worthwhile for this issue to be addressed through Council's community education efforts.

At the Regional Companion Animals Committee meeting of 7 February 2002 the matter was discussed as follows:

'Councillor Marshall suggested a media campaign be introduced requesting the public to desex their existing animals, and also suggested that a promotional day or 'paws for cause' day be held with the money raised going to charity. It was suggested that member Councils need to adopt a policy requiring compulsory desexing of all cats and dogs which are SOLD from the respective pounds. This does not include animals which are returned to an existing owner.

Tweed advised that they have a quote of \$175 - \$195 (variable dependant of animal's gender) for desexing, microchipping and vet check of animals prior to sale. Lismore can obtain a similar service for \$140.

Officers are requested to prepare a report to their Council canvassing the issue and putting forward a policy which requires compulsory desexing of all cats and dogs which are SOLD from the respective pounds'.

Whilst the greater number of cats and dogs which currently exist in the community are not under Council control, Council could directly address unwanted litters as a source of stray animals and subsequent community disturbance by adopting a policy which prohibits the sale of dogs and cats to new owners from the Pound, unless those animals are desexed.

This approach is not viewed as unconventional, and many Councils in NSW already have such a policy in place. Further, the RSPCA and the Queensland Animal Welfare League have adopted policies whereby it is not permissible to purchase either a cat or dog from their facilities which has not been desexed.

In the past 14 months the vast majority of cats and dogs sold from Council's Pound have been sold through the Tweed Heads RSPCA. This is more cost effective for the new owner and the animal is microchipped, desexed, vaccinated and vet checked prior to sale.

There are however some animals currently sold direct to the new owner from the Pound. In this case the animal will not be desexed prior to sale.

As an indication of the cost of adopting the proposed policy to the new owner, officers have received a verbal costing as follows from a local veterinarian:

Reports from Director Environment & Community Services

COST INDICATION – DESEXING AND MICROCHIPPING

| | Dogs | Cats |
|---------------|-------------|-------------|
| Male | \$120 | \$70 |
| Female | \$140 | \$90 |

Council currently charges the new owner \$50 for microchipping of animals when they are sold. When this amount is deducted from the above amounts, the resulting net cost for desexing the animals is viewed as very reasonable.

Substantial efforts have been made by the Friends of the Pound group to re-house animals from the Pound, and avoid euthanasia. Increased purchase costs to new owners can make it more difficult to re-house animals. However, the increased cost is seen as an important element of being a responsible pet owner.

POLICY ADVERTISEMENT

When Council considers adopting a policy related to approvals or orders it is required to advertise that policy in accordance with section 160 of the Local Government Act, 1993.

In this instance the proposed policy does not relate to either approvals or orders and therefore public advertisement is not mandatory. The policy relates to Council's internal procedures and minimum requirements in relation to the sale of animals in Council's custody. Also, as indicated above, the proposed policy is consistent with existing policies of other Councils and the RSPCA and Animal Welfare League.

Therefore it is not considered necessary to publicly advertise the policy prior to adoption is necessary.

DRAFT POLICY

Given that there is a valid case that cats and dogs be required to be desexed prior to sale from Council's Pound, officers propose that the following policy be adopted:

1. A dog or cat which is to be sold to a new owner from the Council Pound facility shall be desexed prior to sale, or the fee for desexing shall have been paid to Council prior to sale.
2. This policy shall not be applicable to a cat or dog which is being released or returned to its existing owner.

Reports from Director Environment & Community Services

THIS
PAGE
THIS
PAGE
IS
IS
BLANK
BLANK

Reports from Director Environment & Community Services

39. ORIGIN: Environment & Health Services Unit

FILE REF: Community Advisory Committee; Aboriginal Matters

REPORT TITLE:

Future of Community Advisory Committee

SUMMARY OF REPORT:

The Community Advisory Committee meeting of 17 January 2002 (Item 2) recommended to Council that:

- This committee be wound up and letters sent to organisations on the mailing list informing them of such.
- Consideration and direction be given to status and operation of current working groups.

This report recommends that the Community Advisory Committee be dissolved.

RECOMMENDATION:

That the Community Advisory Committee be dissolved.

Reports from Director Environment & Community Services

REPORT:

The Community Advisory Committee meeting of 17 January 2002 (Item 2) recommended to Council that:

- This committee be wound up and letters sent to organisations on the mailing list informing them of such.
- Consideration and direction be given to status and operation of current working groups.

The Tweed Shire Council meeting of 20 February 2002, Reports from Sub-Committees, Item 718 resolved that the Community Advisory Committee's recommendation be referred to the Director Environment and Community Services for consideration with relevant staff.

Following on from this the Aboriginal Advisory Committee meeting on 1 March 2002 agreed to assist and oversee the Aboriginal Working Group.

The Community Advisory Committee was previously reviewed at the end of 2000 due to lack of attendance. It continued during 2001 only as a forum to discuss the Community Development Plan issue papers. This forum is no longer required.

Issues previously discussed at Community Advisory Committee meetings are now divided amongst the Aged, Disability and Tweed Interagency Groups.

It is therefore recommended that the Community Advisory Committee be dissolved.

Reports from Director Environment & Community Services

40. ORIGIN: Building Services Unit

FILE REF: DA3030/230 Pt1

REPORT TITLE:

Development Application 1125/2001 (Proposed Carport), Lot 378 DP 250956 No 42 Leeward Terrace, Tweed Heads

SUMMARY OF REPORT:

An application has been received to construct a steel framed pitched roof carport over an existing car parking deck attached to the dwelling located on the subject property. The property is a steeply sloping site, located on the eastern side of Leeward Terrace. The dwelling and the carport are located at the rear of the property well above the Leeward Terrace roadway with vehicle access to the dwelling via Razorback Road.

The existing car parking deck and associated dwelling were approved under Building Application 55/96. At the time of this approval considerable consultation occurred between Council and the applicant to ensure that the ridge of the dwelling and proposed car parking deck were not constructed above the ridge line of Razorback Hill to ensure public views were maintained over the property from Razorback Reserve and Razorback lookout and the Road area.

RECOMMENDATION:

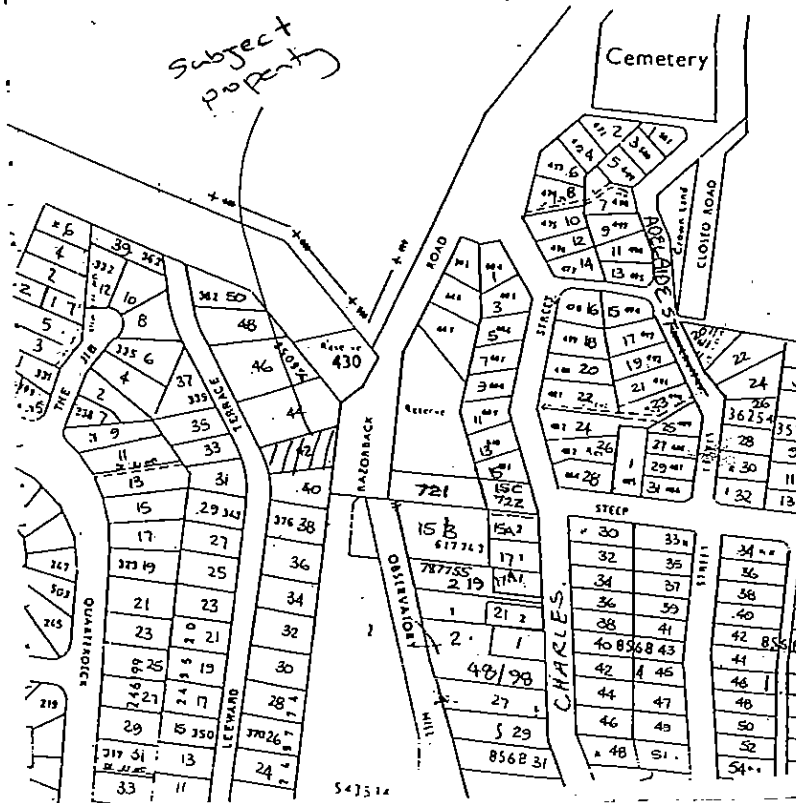
That the application to construct a carport over the existing parking deck is not in the public interest and the application be refused to ensure the future amenity and enjoyment by the public of the views and vistas from Razorback Hill.

Reports from Director Environment & Community Services

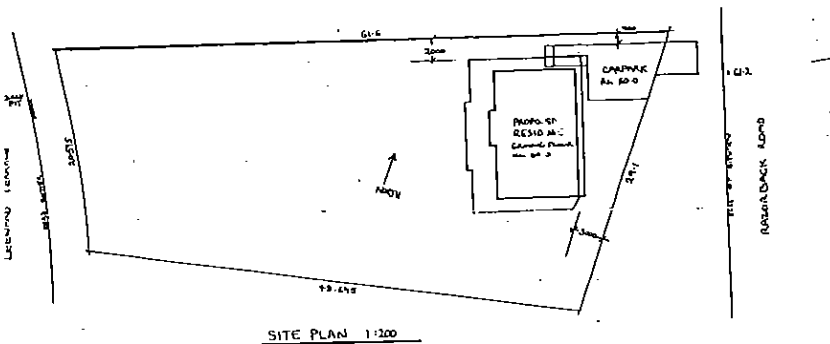
REPORT:

History

Building Application 55/96 was received by Council to construct a three storey dwelling on the subject property. The property is a very steep site with a fall of approximately 28 metres from the rear of the property Razorback Road to the front street, Leeward Terrace. The dwelling was to be located at the rear of the property in a very prominent location with vehicle access off Razorback Road to an elevated deck attached to the dwelling.



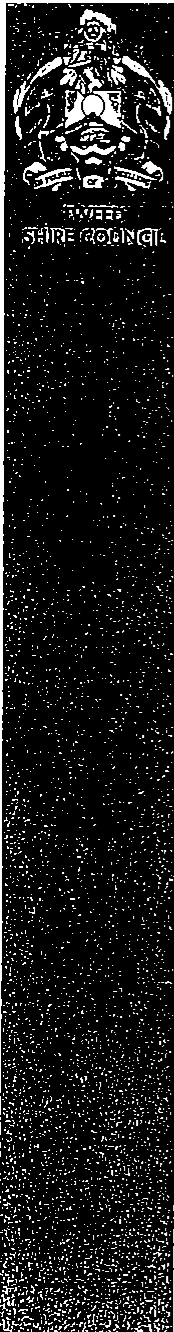
Locality Plan



Reports from Director Environment & Community Services

The height of the dwelling and its location at the rear of the property meant that the roof line of the dwelling was to extended approximately 3 metres above the ridgeline of Razorback Hill restricting views and vistas from the Razorback Reserve.

Council's Development Assessment Panel in the assessment of the application required substantial amendments to the design of the dwelling to ensure that views and vistas for the public using Razorback Reserve would still be maintained. A copy of Council's correspondence dated 8 February 1996 to V Merrin and P Twohill 19 April 1996 is reproduced for Council's information:



PLEASE QUOTE
COUNCIL REF. No.: PF3030/230

YOUR REF. No.

FOR ENQUIRIES
PLEASE CONTACT: Mark Roworth

TELEPHONE
DIRECT: (066) 720440

L05s17

8 February 1996

Ms V Merrin
3 Carmichael Close
Coolangatta 4225

Dear Ms Merrin

Building Application 55/96
Lot 378 DP 250956 No. 42 Leeward Terrace Tweed Heads

I refer to the above and advise that before further processing of your application can proceed, you are required to provide amended plans indicating the following:-

1. The building being located in minimum of six metres from the Razorback frontage of the subject site.
2. The ridge of the roof of the house and any other structure on the allotment being no higher than the level of Razorback Road.
3. A longitudinal section through the driveway from the car parking area to the kerb and gutter or edge of bitumen showing the natural surface levels of the site and the proposed finished driveway levels drawn to a scale of 1:50.

Your application will be further processed on receipt of the above information.

Yours faithfully

R Paterson 
Manager Building Services

Reports from Director Environment & Community Services



PLEASE QUOTE
COUNCIL REF. No: PF3030/230

YOUR REF. No :

FOR ENQUIRIES
PLEASE CONTACT: Rick Paterson

TELEPHONE
DIRECT. (066) 720440

L15s27

19 April 1996

The Manager
Pat Twohill Designs Pty Ltd
Suite 5 The Professional Centre
133 Wharf Street
Tweed Heads 2485

Dear Sir/Madam

**Building Application 55/96
Lot 378 DP 250956 No. 42 Leeward Terrace Tweed Heads**

Receipt of your letter dated 12 April 1996 is acknowledged together with amended proposal as detailed in your plans dated April 1996 Drawing No's. 1796/5/01,02,03.

This amended proposal was reviewed at Council's Development Assessment Panel meeting held on 17 April 1996, at which time the panel concluded that your proposal could be approved subject to compliance with the following:-

1. Height of Building
No part of the building is to extend above the level of the Razorback Road in front of the proposed carparking platform (shown as RL 61.1 on your plan), to reduce the visual impact of the building and maintain the existing street scape and public amenity.
2. Geotechnical Stability
As a consequence of the above, the Panels preference is for the building to be re-sited below the area originally proposed, and well clear of the top of the slip area identified in the geotechnical assessment prepared by Moreton Geotechnical Services Pty Ltd.

As this geotechnical assessment concluded that the site is only marginal for the previously proposed development and in fact recommended against siting the building in the location now proposed, it will be necessary for this amended proposal to be re-assessed and supported by Moreton Geotechnical Services Pty Ltd.

Reports from Director Environment & Community Services

Page 2

3. Colour of Building

As a consequence of the highly visible nature of the site and building, building materials and particularly roof materials are to be of earth-tones and colours having low reflectivity characteristics so as to blend with the surroundings.

Details of proposed colours of walls and roofs are to be submitted to Council for further consideration.

4. Vehicular Access Structure in Road Reserve

Because of the potential for damages litigation against Council, Council's Policy precludes the construction of structures within road reserves, however due to the circumstances of this case, Council would be prepared to permit a vehicular access structure within the road reserve subject to:-

- a. Access structure within road reserve, is to be designed and certified as structurally sufficient for its purpose by a practising Structural Engineer.
- b. Prior to start of works evidence is to be submitted to Council that the Owners insurance policies have been extended to indemnify Tweed Shire Council, as well as the landowner against any liability claim relating to the structure erected within the road reserve. This policy shall be renewed annually and a copy of the policy submitted to Council on an annual basis.

Prior to proceeding further with final working plan details, it is recommended that the geotechnical issues raised in item 2 above are satisfactorily addressed and resolved with the Engineers concerned.

Provided the above issues can be resolved, Council will proceed with the further assessment of this application on receipt of amended working plans.

Further enquiries relating to this matter should be directed to myself or Mr Ross Cameron.

Yours faithfully



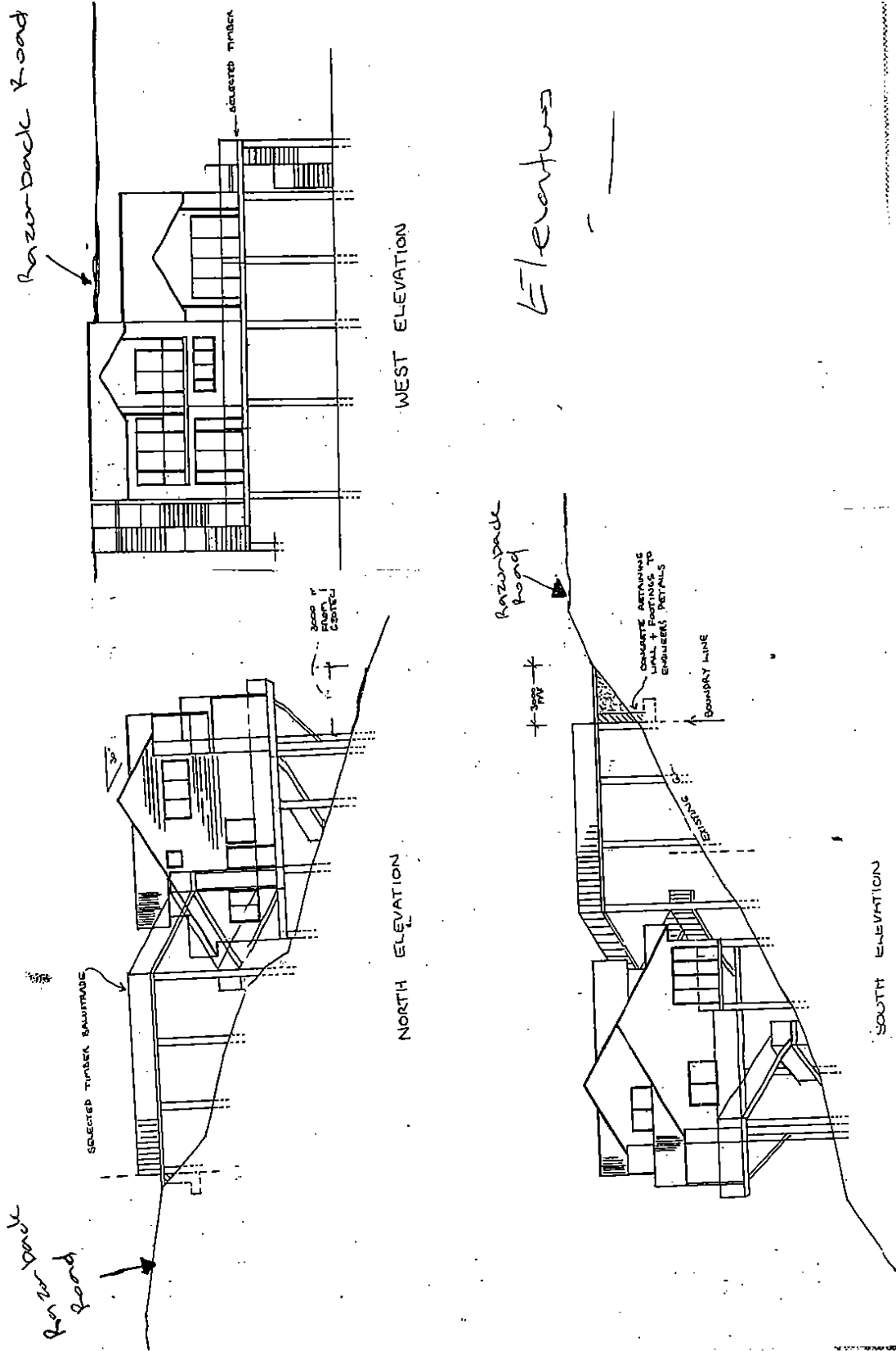
R Paterson
Manager Building Services

After lengthy negotiations with the applicant amended plans were submitted complying with Council's correspondence dated 19 April 1996. Council subsequently approved a high set, two-storey dwelling on the property with the ridge of the dwelling level with Razorback Road.

Elevations of the building are reproduced below:

Reports from Director Environment & Community Services

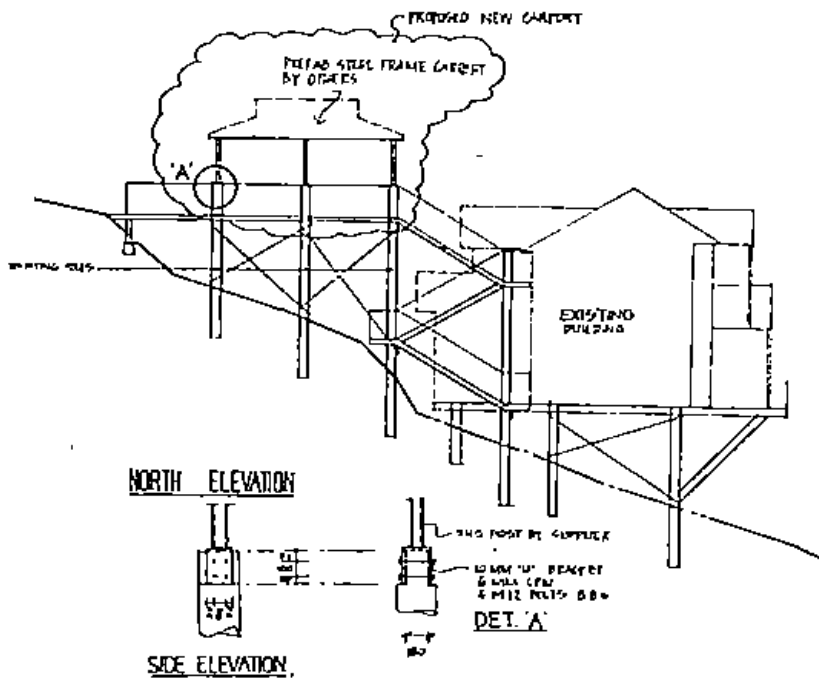
Elevations approved BA 55/96



Reports from Director Environment & Community Services

Council was concerned to ensure than an unwanted precedent was not set in the area and that views and vistas were maintained for the public using Razorback Reserve who may visit this Reserve to view both east and west from the roadway.

Development Application 1125/2001 was submitted to Council on the 20 September 2001 to construct a carport over the existing car parking deck up to the Razorback Road property boundary, within Council's building line. In accordance with Council's building line policy adjoining property owners were notified of the proposed carport application. No response has been received to the notification letters sent by Council. The height of the carport will be approximately 3 metres above Razorback Road. The height issues affecting the proposal for the original dwelling are still relevant for this carport application.



A brief report was submitted to Council's Development Assessment Panel (DAP) outlining the history of the approval for the dwelling and seeking comments in relation to this current application.

DAP considered that the consent could not be granted for this proposal due to its height above the ridgeline, as previously identified to the applicant during the approval of the dwelling in 1996. Correspondence dated 4 December 2001 (reproduced below) was forwarded to the applicant advising of DAP's advice, including previous correspondence dated 8 February 1996 to V Merrin and 19 April 1996 to P Twohill:

Reports from Director Environment & Community Services



Please Quote
Council Ref: DA3030/230 Pt 1

[hbltr]

Your Ref No:

For Enquiries
Please Contact: Ross Cameron

Telephone (02) 6670 2440

l26j02.doc

4 December 2001

Ms V Merrin
C/- PO Box 243
BANORA POINT 2486

Dear Madam

Development Application 1125/2001da
Lot 378 DP 250956 No. 42 Leeward Terrace, Tweed Heads

Reference is made to the above and your application to erect a carport over the existing car parking deck.

Council's Development Assessment Panel has considered your application and advised that consent for the proposal could not be granted.

Council in previous correspondence to Mr P Twohill dated 19 March 1996 and Ms V Merrin 8 February 1996 advised that Council would not grant consent for a structure above the ridgeline of Razorback Road. Copies of this correspondence have been attached for information.

The dwelling and car parking slab were approved by Council after long negotiation regarding the height of the buildings to ensure minimum impact of views from below and the road in front of the dwelling on Razorback Road.

In view of the above a report will be prepared recommending the refusal of the application.

Should you require further information regarding the above, please contact Ross Cameron of Council's Environment & Community Services Division.

Yours faithfully

R Paterson
Manager Building Services

Att.

The applicant contacted the Mayor in relation to Council's correspondence and the Mayor requested that the application be referred to Council for its determination.

Reports from Director Environment & Community Services

A further report was prepared to DAP including photographs identifying that since the approval of the dwelling substantial growth of vegetation on Council's road reserve has occurred which has restricted the views and vistas from Razorback Road.

DAP carried out a site inspection of the property on the 10 January 2002 in response to the above-mentioned report and made the following comments:

- a. *The prime purpose of the Razorback Reserve and roadway is to protect the enjoyment of the views and landscape available to the East and West of the reserve. The panel is of the view that any private development proposals that diminish the experience intended to be available to the public should not be supported.*
- b. *The proposed carport would interfere with views from Razorback and is therefore not supported.*
- c. *Existing exotic vegetation on the road reserve should be removed in consultation with Manager Recreation Services. This will be referred to him from the panel.*
- d. *Building Control Unit will follow up on completed height of building, safety balustrading to driveway ramp, and public indemnity (bridge).*
- e. *There may be an opportunity to provide compliant covered parking on site at a lower level between Razorback Road and the dwelling using the existing earth ramp. This could be achieved by sale of part of the road reserve to the proponents. This would also overcome the public liability issue related to the access bridge and facilitate a S.88B restriction on objects obstructing visibility within the potential closed road."*

The approximate locations of the proposed carport:



Reports from Director Environment & Community Services



Council's Manager Recreation Services inspected the site at the request of DAP and made the following recommendations:

"The above property was inspected on 18 January 2002. The vegetation in the road reserve consists of predominantly Tipuana tipu (Tipu tree) with Jacaranda and Cassia fistula (Golden shower).

Whilst these trees are located on a relatively steep embankment, their removal should not present any issues as an understorey of Wedelia (Singapore daisy) will provide protection to the ground surface. However, the trees should be removed leaving the root system in-ground.

Reports from Director Environment & Community Services

It should be noted that there is likely to be a seed bank of Tibuana at the site requiring some on going maintenance to prevent regrowth.

It is also worth noting that Singapore daisy is widely regarded as an environmental weed. Consequently, its removal and replacement with low growing natives or groundcovers would be ideal. However, once again this would require a level of subsequent maintenance to suppress the Singapore daisy and establish the native plantings.”

Council's Manager Recreation Services has further advised that the costs associated with the restoration and maintenance of the road reserve are to remove and poison stumps \$500; and \$100 per month maintenance expense. This expense is considered appropriate to ensure views and vistas are maintained from Razorback Road, which is Tweed Heads premier lookout location for Tweed residents and visitors alike to view the Tweed Heads and Coolangatta area.

Any consent issued for this proposal would also create an individual precedent and make it difficult for Council to deny further requests from adjoining and adjacent property owners for similar building proposals and this resultant cumulative effect could greatly reduce the opportunity for public views.



Dr J Griffin
General Manager

Reports from Director Environment & Community Services

THIS
PAGE
THIS
PAGE
IS
BLANK
IS
BLANK

Reports from Committees/Working Groups

1. Minutes of the Tweed River Regional Art Gallery Advisory Committee Meeting held Thursday 28 February 2002

Art Gallery - General

VENUE:

Tweed River Regional Art Gallery, Murwillumbah

TIME:

5.30pm

PRESENT:

Cr M Boyd, J Flett, G Corbett, A Schardin, J Opit, M Anthony, J. Sutton, R Watson, G Edwards, P Ottley.

APOLOGIES:

Cr L Beck, P Sochacki.

MINUTES OF PREVIOUS MEETING:

Moved: M Anthony

Seconded: R Watson

RESOLVED that the Minutes of the Tweed River Regional Art Gallery Advisory meeting held Thursday 6 September 2001 be accepted as a true and accurate record of the proceedings of that meeting.

Carried.

BUSINESS ARISING:

Nil

GENERAL BUSINESS:

1. Minutes of 6 December Meeting

Moved: Cr Boyd

Seconded: J Flett

RESOLVED that the meeting of 6 December 2001 was postponed, as there were insufficient members present to form a quorum.

Reports from Committees/Working Groups

2. Correspondence

Moved: R Watson

Seconded: J Flett

RESOLVED that the correspondence was received and noted.

Carried.

3. Art Gallery Director's Report for July/August 2001

Moved: R Watson

Seconded: J Sutton

RESOLVED that that the report was received and noted.

Carried

4. Art Gallery Directors Report for September/October 2001

Moved: J Sutton

Seconded: R Watson

RESOLVED that the report was received and noted.

Carried

5. Art Gallery Director's Report for November 2001

Moved: J Flett

Seconded: J Opit

RESOLVED that the report was received and noted.

Carried

6. Art Gallery Director's Report on the Draft Strategic and Business Plan 2001-2004

Moved: J Sutton

Seconded: J Opit

RESOLVED that the report as amended should be endorsed and referred to Tweed Shire Council for adoption.

Reports from Committees/Working Groups

Carried unanimously

7. New Name for the New Gallery

Art Gallery

The Committee debated the new title for the new art gallery.

Moved: J Flett

Seconded: J Opit

PROPOSED that the gallery be called Tweed River Gallery.

The motion was defeated.

Moved: J Sutton

Seconded: R Watson

RESOLVED that the new title "Tweed River Art Gallery" be recommended to the Tweed Shire Council.

Carried

RECOMMENDATION:

That Council adopts "Tweed River Art Gallery" as the name for the new art gallery.

8. Art Gallery Director's Report - Recent Acquisitions

Moved: M Anthony

Seconded: R Watson

RESOLVED that the report was received and noted.

Carried

9. Art Gallery Director's Report for December/January 2002

Moved: J Opit

Seconded: J Flett

RESOLVED that the report was received and noted.

Carried

Reports from Committees/Working Groups

10. General

The Committee congratulated the Art Gallery Director and Staff on the level of work that has gone into the presentation of the reports. In particular the Committee commented on the Strategic Plan.

NEXT MEETING:

The next meeting to be advised.

The meeting closed at 7.20pm.

| |
|------------------------------------|
| <i>Director's Comments:</i> |
|------------------------------------|

| |
|------------|
| <i>Nil</i> |
|------------|

DIRECTOR'S RECOMMENDATIONS:

7. New Name for the New Gallery

Art Gallery

Committee Recommendation:

That Council adopts "Tweed River Art Gallery" as the name for the new art gallery.

| |
|--|
| <i>Director's Recommendation:</i> |
|--|

| |
|---|
| <i>As per committee recommendation.</i> |
|---|

Reports from Committees/Working Groups

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

2. **Minutes of the Tweed Coastline Management Plan Steering Committee Meeting held Wednesday 13 March 2002**
-

Reports from Committees/Working Groups

THIS
PAGE
THIS
PAGE
IS
IS
BLANK
BLANK

Orders of the Day

1. Notice of Motion - Cr Marshall

Tweed Shire Council - Referendum

Notice of Motion; Elections – Wards & Ridings; Referendums

That the Tweed Shire Council conducts a referendum at the time of the next Local Government elections in September 2003, on the introduction of a Ward system of voting for the Tweed Shire and the election of the Mayor by the people, that full education and information be made available to the community on the subject, including differences, costs, advantages, disadvantages of wards, divisions, ridings and the undivided voting systems prior to the referendum taking place.

2. Notice of Motion - Cr Lawrie

Local Environmental Plan - Seaside City

Notice of Motion; LEP - Seaside City; GT1/LEP/2000/3 Pt5

That the Director Development Services provides for the next Council meeting, a detailed chronology of events from 15 March 2000 to date regarding the Local Environmental Study and Draft Local Environmental Plan – Seaside City.

3. Notice of Motion - Cr Beck

Staffing

Notice of Motion; Staffing Levels

That a report be brought forward regarding the adequacy of the staffing numbers in the Planning Department as soon as possible.

4. Notice of Motion - Cr Beck

"Kids Alive" Water Safety Program

Notice of Motion; Pool - General; Sponsorship

That Council contacts Mr Laurie Lawrence regarding bringing the "Kids Alive" Water Safety Program to the Tweed Shire.

Orders of the Day

THIS
PAGE
THIS
PAGE
IS
IS
BLANK
BLANK

Workshops

Councillors,

Following are details of upcoming Workshops of Council:-

1. Northern Road Network Workshop

Date: 27 March 2002

Time & Duration: 4.30 – 6.30pm

Organiser: Mike Rayner

Resolved by Council: No

Workshops

THIS
PAGE
THIS
PAGE
IS
IS
BLANK
BLANK

