

# Items for Consideration of Council

Schedule of Outstanding Resolutions	7
Mayoral Minute	13
Items Deferred	17
1. Notice of Rescission - Cr Beck, Cr Lawrie and Cr Marshall	17
<b>Illegal Clearing of Lot 14 Section 5 DP 14895 Seaside City, South Kingscliff</b>	17
Reports from Director Development Services	19
1. ORIGIN: Development Assessment Unit	21
<b>Development Application 1262/2001DA for a Subdivision Involving the Creation of Eight (8) Master Lots and Bulk Earthworks at Lot 200 DP 755740, Lot 201 DP 755740, Lot 202 DP 755740 and Lot 209 DP 755740 No. 73 Old Piggabeen Road, Cobaki Lakes</b>	21
2. ORIGIN: Development Assessment Unit	55
<b>Development Application DA02/0837 for the Filling of Land for Future Development at Lot 9 DP 1039569, Lot 2 DP 1000385, No. 43 Fraser Drive, Tweed Heads South</b>	55
3. ORIGIN: Development Assessment Unit	73
<b>Development Application 0821/2001DA.02 for Amendment to Development Consent 0821/2001DA for the Erection of a Dwelling at Lot 1 DP 348293, Lot 2 DP 8291 No. 3 Old Ferry Road, Murwillumbah</b>	73
4. ORIGIN: Development Assessment Unit	81
<b>Development Application DA02/1329 for a Respite Centre - Short Term Accommodation at Lot 9 DP 1036027 North Arm Road, Murwillumbah</b>	81
5. ORIGIN: Development Assessment Unit	93
<b>Development Application DA02/1387 for the Erection of a Dwelling House at Lot 12 DP 838447 No. 1497-1501 Kyogle Road, Uki</b>	93
Reports from Director Corporate Services	103
6. ORIGIN: General Manager	103
<b>Report of an Investigation Under Section 430 of the Local Government Act 1993 Regarding Tweed Shire Council</b>	103

## Items for Consideration of Council

7. ORIGIN: Administration Services Unit	107
<b>Pecuniary Interest Ordinary Returns and Register</b>	<b>107</b>
8. ORIGIN: Director	109
<b>City of Canada Bay Council - Proposed Amendment to Local Government Act</b>	<b>109</b>
9. ORIGIN: Director	113
<b>National General Assembly of Local Government</b>	<b>113</b>
10. ORIGIN: Administration Services Unit	115
<b>Request for Financial Assistance – Carol Coffee Traders</b>	<b>115</b>
<b>Reports from Director Engineering Services</b>	<b>117</b>
11. ORIGIN: Design Unit	117
<b>Proposed Closure of Road Reserve and Transfer to J &amp; H Papanikolas and Acquisition of Easement for Sewage 2 metres wide within Lot 14 in DP 818400 Royal Drive, Pottsville</b>	<b>117</b>
<b>Reports from Director Environment &amp; Community Services</b>	<b>121</b>
12. ORIGIN: Environment & Health Services Unit	121
<b>Cabarita Beach Sports Centre - Hire Fees</b>	<b>121</b>
13. ORIGIN: Environment & Health Services Unit	123
<b>Proposed Liberal/Coalition New South Wales Vandal Squad</b>	<b>123</b>
14. ORIGIN: Recreation Services Unit	127
<b>Bruce Chick Park</b>	<b>127</b>
<b>Reports from Committees/Working Groups</b>	<b>131</b>
1. Minutes of the Sports Advisory Committee Meeting held Tuesday 17 September 2002	131
2. Minutes of the Local Traffic Committee Meeting held Thursday 19 September 2002	134
MINUTES CIRCULATED TO COUNCILLORS WITH THIS AGENDA NOT REQUIRING A COUNCIL DECISION	141
3. Minutes of the Public Transport Working Group Committee Meeting held Thursday 22 August 2002	141
4. Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 12 September 2002	141
5. Minutes of the Occupational Health and Safety Committee Meeting held 12 September 2002	141
6. Minutes of the Tweed Shire Council Consultative Committee Meeting held Thursday 19 September 2002	141

## Items for Consideration of Council

---

7. Minutes of the Local Environmental Plan Advisory Committee Meeting held Tuesday  
24 September 2002 141

# Items for Consideration of Council

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

<b>Reports from Director Engineering Services in Committee</b>	<b>5</b>
1. ORIGIN: Water Unit	5
<b>EC2002-89 Manufacture, Supply &amp; Delivery of 450mm Pressure Pipe</b>	<b>5</b>
<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>	5
2. ORIGIN: Works Unit	9
<b>EC2002-101 Supply &amp; Laying of Asphaltic Concrete at Various Locations</b>	<b>9</b>
<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>	9
3. ORIGIN: Design Unit	11
<b>Sale of Proposed Lots 1, 3, 5 &amp; 7 and Lease of Proposed Lots 2, 4, 6 &amp; 8 to be Created by Road Closure Plan at Chinderah Bay Road, Chinderah</b>	<b>11</b>
<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>	11

---

# 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:** Policy currently being developed.

---

## 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:** The above campaign should coincide with the Tweed Coolangatta Crime Plan launch. This has been delayed due to the need to appoint a new consultant. Now expected in December.

---

## Schedule of Outstanding Resolutions

---

### 19 DECEMBER 2001

#### REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

**33. Future Doon Doon Hall**

**Rural Hall - Doon Doon (Ppty No: 1640.430)**

579

Cr Youngblutt

Cr Davidson

**RESOLVED** that:

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

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

---

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

**Notice of Motion; Building – Code; Building - General**

596

Cr Marshall

Cr Luff

**RESOLVED** that a suitable policy be developed to give effect to the matter of external roof and wall materials to ensure low light reflectivity characteristics and be in such colours as appropriate to compliment the area and amenity of the area and not be prominent against the background of the structure.

**Current Status:** Draft report prepared.

---

### 20 MARCH 2002

#### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

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

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

793

Cr Beck

Cr Marshall

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

---

## Schedule of Outstanding Resolutions

**Current Status:** Report will be provided after Tweed Rural Land Use Study has been evaluated..

### 3 APRIL 2002

#### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

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

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

852

**Cr Marshall**

**Cr Boyd**

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

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

### 19 JUNE 2002

#### ORDERS OF THE DAY

2. **Complying Development Applications**

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

1126

**Cr Lawrie**

**Cr Youngblutt**

**RESOLVED** that Council requests staff to:-

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

**Current Status:** Being investigated.

#### QUESTION TIME

**Census Population Data**

**Population Statistics**

**Cr Boyd**

What is the population of Tweed Shire?

The General Manager advised that the Strategic Planning Unit would provide a report to Council on the recently released census population data.

## Schedule of Outstanding Resolutions

---

**Current Status:** Report to Council Meeting 16 October 2002.

---

### 3 JULY 2002

#### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

3. **Development Application 0689/2000DA - Storage and Launching Facility for Tweed Coast Sea Rescue Squad at Lot 7018 DP 755701 Coast Road, Hastings Point DA1180/425 Pt1; 1180.425**

10

Cr James

Cr Davidson

**RESOLVED** that this item be deferred to have the opportunity to obtain further information from Fisheries NSW.

**Current Status:** Awaiting response from NSW Fisheries.

---

### 21 AUGUST 2002

#### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

7. **Erection of an Advertising Sign at Lot 1 DP 121377 No. 363 Carool Road, Carool DA02/1111 Pt1; 960.730**

190

Cr Beck

Cr Youngblutt

**RESOLVED** that that Development Application DA02/1111 for the erection of a advertising sign on Lot 1 DP 121377 No. 363 Carool Road, Carool be deferred pending determination of the application and request the applicant to provide additional information within 28 days to meet the statutory compliance requirements.

**Current Status:** Awaiting applicant's further submission.

---



## Schedule of Outstanding Resolutions

---

9. **Development Application K99/1682 for a Six (6) Lot Subdivision at Lot 2 DP 1014553 Winders Place, Banora Point**

188

Cr Boyd

Cr Marshall

**RESOLVED** that this matter be deferred on the request of the applicant.

**Current Status:** Awaiting applicant's further submission.

---

# Schedule of Outstanding Resolutions

---

THIS  
PAGE  
THIS  
PAGE  
IS  
IS  
BLANK  
BLANK

# Mayoral Minute

---

Councillors,

**1. Speed on Tweed**

**DA4510/10**

20-21 September attended various functions connected with Speed on Tweed event in Murwillumbah. Letter of appreciation from the organiser Roger Ealand forms an attachment to this Mayoral Minute.

---

**2. Quota International**

**Councillors' Invitations**

21 September – due to my involvement with other functions in the Shire, Cr Bronwynne Luff attended the opening of Quota International District 24's Annual Conference held at Greenmount Resort Coolangatta

---

**3. Murwillumbah Netball**

**Councillors' Invitations**

21 September was a spectator at Grand Final games of Murwillumbah Netball Competition and attended presentation dinner and presented trophies to winners and runners up of these games.

---

**4. Cudgen Surf Life Saving Club**

**Councillors' Invitations**

22 September attended demonstration and lunched with guest speaker General Peter Cosgrove

---

**5. Fund Raising Night**

**Councillors' Invitations**

23 September – attending Twin Towns/Seagulls Fund Raising Night at Seagulls

---

## Mayoral Minute

---

### 6. Bray's Creek Road

0730

26 September – with Director of Engineering, Mike Rayner, met with residents concerning proposed work to be carried out on Bray's Creek Road

---

### 7. Tweed Hospital Auxiliary

**Councillors' Invitations**

28 September – attended Tweed Hospital Auxiliary's fete held at Tweed Heads Civic Centre

---

### 8. Transplant Games

**Sport & Recreation General**

30 September – attended the opening of the Transplant Games at Twin Towns and lunched with the Governor General, His Excellency Right Reverend Peter Hollingsworth

---

### 9. Sino-Australian Business and Trade Seminar

**Conferences/Seminars**

27 September - due to my involvement with other functions in the Shire, Cr Lynne Beck attended the 30<sup>th</sup> Anniversary Sino-Australian Business Seminar held at Broadbeach

---

### 10. Pottsville Community Association

**Community Association**

The Pottsville Community Association, in response to Council's donation, have written expressing their appreciation of Council's support.

For Councillor's information.

---

#### INVITATIONS ACCEPTED:

- 3 October – Opening Body Corporate Services' Coolangatta Branch
  - 4 October – Wommin Bay Hostels Ltd. (morning tea) opening 30 Bed Ageing-In-Place Hostel
  - 8 October – Breakfast Tweed Training & Enterprise "Work for the Dole Graduation & Celebration"
-

# Mayoral Minute

## INFORMATION ON CONFERENCES TO BE HELD: (Councillors to advise Mayoral Assistant, Jan Green, if they wish to attend and/or require further details)

- Resource and Recovery Education (RARE) Professional Development Program – **30 October – 1 November in Sydney**
- Australian Airports Association National Convention **10-14 November in Adelaide S.A.**
- Local Government Community Services Association NSW State Conference, **13-15 November at Macquarie University North Ryde**
- Sustainable Economic Growth For Regional Australia (SEGRA) Sixth National Conference, **25-27 November Queanbeyan**
- 40<sup>th</sup> Annual ANZSES & 3<sup>rd</sup> National Cities for Climate Protection Annual Conference – 2002 Solar Harvest Conference, **27-29 November Newcastle**
- National Environment Conference 2003, **18-20 June 2003 Brisbane Entertainment & Exhibition Centre**
- 12<sup>th</sup> NSW Agriculture Biennial Noxious weeds Conference, **1-3 July 2003 Manning Entertainment Centre Taree**

## ABSENCES FROM SHIRE BY GENERAL MANAGER AND DIRECTORS

Name	Period	Location	Details
DCS	4 October 2002	Ballina	Sub Regional GM Forum - Brian Haratsis
DDS	3 October 2002	Sydney	Bushfires Forum and meeting Minister/Commissioner
DDS	4 October 2002	Ballina	Far North East NSW Sub-Regional Local Government Forum
DDS	7 - 11 October 2002		Annual Leave
DES	30 September 2002	Annual Leave	
GM	4 October 2002	Ballina	Far North East NSW Sub-Regional Local Government Forum
GM	21 October 2002	Ballina	GMs' Sub-Regional Group Meeting

# Mayoral Minute

---

THIS  
PAGE  
THIS  
PAGE  
IS  
IS  
BLANK  
BLANK

# Items Deferred

---

## ITEM DEFERRED FROM MEETING HELD 18 SEPTEMBER 2002

292

*Cr Beck*

*Cr Brinsmead*

**RESOLVED** that the Notice of Rescission listed in Confidential Orders of the Day be considered in Open Council.

324

*Cr Davidson*

*Cr Youngblutt*

**RESOLVED** that Council defers any action on this item until an organised Council inspection on 25 September 2002 at 5.00pm.

### 1. Notice of Rescission - Cr Beck, Cr Lawrie and Cr Marshall

#### Illegal Clearing of Lot 14 Section 5 DP 14895 Seaside City, South Kingscliff

#### GT1/LEP/2000/3 Pt7; Notice of Rescission

That Council resolution at Minute No c6 in relation to Item 1 of the Meeting held 4 September 2002 being:-

".....that:-

1. The owner of the Lot 14 Section 5 DP 14895, Seaside City, South Kingscliff be requested to submit to Council a rehabilitation plan to revegetate the property with native trees and shrubs endemic to the Coastal environment. Such Plan to be submitted within 21 days of the date of this resolution and works to be completed to Council's satisfaction within 6 months of the plan being approved by Council; and
2. Should the landowner not abide by the above resolution the matter be referred to Council's solicitors to initiate legal proceedings to obtain an order to carry out such works."

**be rescinded."**

## Items Deferred

---

THIS  
PAGE  
THIS  
PAGE  
IS  
IS  
BLANK  
BLANK



# Reports from Director Development Services

---

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

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

### **MATTERS FOR CONSIDERATION**

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

## Reports from Director Development Services

---

THIS  
PAGE  
PAGE  
IS  
BLANK  
IS  
BLANK

## Reports from Director Development Services

---

1. **ORIGIN:** Development Assessment Unit

**FILE REF:** DA3880/80 Pt1

**REPORT TITLE:**

**Development Application 1262/2001DA for a Subdivision Involving the Creation of Eight (8) Master Lots and Bulk Earthworks at Lot 200 DP 755740, Lot 201 DP 755740, Lot 202 DP 755740 and Lot 209 DP 755740 No. 73 Old Piggabeen Road, Cobaki Lakes**

**SUMMARY OF REPORT:**

An application has been received seeking approval for 8 master lots and bulk earthworks at the abovementioned land. The subject land has also been subject to other consents issued by Council over the Town Centre of Cobaki Lakes. It is considered that the proposed layout, size, shape and design of the proposed lots is still generally consistent with the approved master plan and the objectives of DCP 17 – Cobaki Lakes.

The significant difference in this instance is the proposed bulk earthworks, which intends to lower the height of an existing knoll from 38 metres AHD to approximately 8 metres AHD. This will involve the removal of 500,000m<sup>3</sup> of material used to fill all or parts of the proposed master lots. The knoll is located within the Town centre and East Ridge Precincts of the Cobaki Lakes site as identified by DCP 17 To support the lowering of this knoll the application is accompanied by a Landforming Impact Assessment and it is agreed that the visual impacts both internally and externally to the site will not be significantly impacted upon.

Under the circumstances of the application it is considered that the proposed development should be supported.

This application was previously reported to Council's meeting of 4 September 2002 where Council resolved to defer the item at the request of the applicant. Following which the proposed conditions were reviewed jointly between Council and the applicant. It is now considered that the proposed conditions are to the satisfaction of Council and the applicant.

**RECOMMENDATION:**

That Development Application 1262/2001DA for a subdivision involving the creation of eight (8) master lots and bulk earthworks at Lot 200 DP 755740, Lot 201 DP 755740, Lot 202 DP 755740 and Lot 209 DP 755740 No. 73 Old Piggabeen Road, Cobaki be approved subject to the following conditions:

**GENERAL**

1. The development shall be completed in general accordance with the Statement of Environmental Effects and Plan No 2764/9-7 Figures 2, 3 & 4 prepared by Cardno MBK and dated October 2001, except where varied by these conditions.
2. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.
3. The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual.
4. No retaining walls or similar structures are to be constructed over Council's sewer main.
5. Prior to commencement of work pursuant to this consent a **Construction Certificate** shall be obtained for the works proposed and required by this consent.

## Reports from Director Development Services

---

- a) copies of compliance certificates relied upon
  - b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
    - earthworks
    - roadworks
    - road furnishings
    - stormwater drainage
    - water supply works
    - sewerage works
    - landscaping works
    - sedimentation and erosion management plans
    - location of all service conduits (water, sewer, Country Energy and Telstra)
    - the approved Traffic Control Plan
    - the relevant maintenance manuals (eg. G.P.T's, water pump station)
- Note:** The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.
6. Notwithstanding any other condition of this consent, a Construction Certificate for bulk earthworks may be issued and the carrying out of bulk earthworks may be commenced prior to the issue of a Construction Certificate for all subdivision works subject to compliance with the following conditions: 2, 3, 9, 10, 17, 18, 22, 23, 24, 26, 27, 28, 33, 34, 35, 36, 37, 39, 41, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53 & 58.
  7. Details of all entry statements are to be submitted and approved by the Manager of Works and the Manager of Recreation Services prior to the release of the Construction Certificate. All entry statements are to be designed and constructed to provide for low maintenance. Council will not accept statements that require a significant maintenance contribution.
  8. In the event that site works expose any archaeological or cultural material, all work is to cease and officials of the National Parks and Wildlife Service, Tweed Byron Aboriginal Land Council are to be notified immediately.
  9. The only vegetation that can be removed is that directly required to be removed by earthworks, servicing of the development or providing a house site. No other vegetation is to be removed.
  10. The network of public bush walking trails relevant to the land occupied by Lots 1 to 8 of this consent shall be constructed in accordance with DCP No. 17 and detailed engineering plans to accompany the Construction Certificate application for each stage.
  11. The fire trails relevant to the land occupied by Lots 1 to 8 of this consent are to be constructed in accordance with the Bushfire Protection Management Plan prepared by Cardno and Davies dated November 1997. Details on the design and construction of these trails are to be submitted to with the construction certificate application for each stage.

## Reports from Director Development Services

---

12. All proposed cycleways shall have a minimum clearance of 800mm from the edge of the cycleway to the property boundary or any other physical obstruction within the footpath area.
13. All pathways and cycleways located within public roads are to be constructed from 20Mpa concrete, 100mm thick and placed on a compacted subgrade. The width of the pathway or cycleway shall vary depending on the expected pedestrian or cycle usage.
14. All multi purpose trails not located within public road reserves shall be constructed from 100mm gravel (CBR 45 min) and overlaid with 20mm asphaltic concrete. Controlled drainage shall be provided where necessary.
15. The land is to be filled to the design flood level of RL 2.8m AHD with provision to ensure that all habitable floors are 30mm above this level, ie. 3.1m AHD.
16. An Environmental Officer shall be engaged to implement this consent and monitor and oversee the environmental effects of development during construction phases. Such officer to be an appropriately (professionally) qualified environmentalist, tasks to be as set out in the Management Plan accompanying the Statement of Environmental Effects by Sinclair Knight Merz that was submitted with DA S94/194, as amended by conditions of consent:
  - i. All significant old growth trees which are to be retained as identified in the Species Impact Statement prepared by Peter Parker dated August 1999 (Figure 4.4) are to be clearly marked prior to commencement of works. This is to be monitored by the Environmental Officer to ensure that the trees are not damaged, destroyed or removed, with the exception of those trees to be removed as identified in the Flora and Fauna Assessment prepared by Peter Parker dated April 2002.
  - ii. Stock that currently graze over the site of Lots 1 to 8 of this consent shall be removed prior to the issue of a Subdivision Certificate.
17. Should any drain be connected to any natural watercourse and works required in the drain the proponent shall need to obtain a permit from NSW Fisheries under Section 198-202 of the Fisheries Management Act, 1994.
18. The Vegetation Rehabilitation Plan required by Condition 36 of Development Consent 94/438 is to be submitted and approved prior to commencing earthworks and prior to release of the Construction Certificate for the proposed development. All recommendations of the Vegetation Rehabilitation Plan are to be complied with prior to the release of the Subdivision Certificate to ensure that the rehabilitation is maintained by the developer for a period of 1 year or until the landscaping is established, whichever occurs first. The amount of bond shall be 20% of the estimated cost of the rehabilitation works.

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

19. A traffic control plan that complies with the provisions of the RTA document "Traffic Control at Work Sites" Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, and submitted to Council, prior to issue of the Construction Certificate. All works are to comply with the Occupational Health and Safety Act and the RTA document and the approval

## Reports from Director Development Services

particularly in respect to works on public roads. Safe public access shall be provided at all times.

20. **Prior** to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works (minimum \$1,000).

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

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

21. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. If filling is required, a plan of proposed drainage is to be submitted and approved by the PCA prior to the issue of a construction certificate.

22. Permanent Stormwater Quality Treatment

(a) Permanent stormwater quality treatment shall comply with "*Tweed Urban Stormwater Quality Management Plan*" (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction or Occupational Phase of Development". New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the "deemed to comply" provisions of *Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality* is deemed to comply with the objectives in 5.5.3.

(b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.

(c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.

(d) Specific requirements:

Unless stated otherwise, references in brackets refer to sections on devices in NSW EPA publication "Managing Urban Stormwater - Treatment Techniques, November 1997".

## Reports from Director Development Services

All water quality control works in and downstream from the subject subdivision, as detailed in the report by WBM Oceanics Australia "Cobaki Lakes Water Quality Assessment (1999) - Document 12221.1.1" in Section 5 "Stormwater Treatment Systems" are to be implemented as the permanent stormwater quality control system subject to the following:

(i) Location and sizing of trunk drainage and stormwater quality control devices are to be in general accordance with section 5.2, Table 5.1 and Figure 5.1 of the WBM report and Cardno MBK drawing Job No. 2764/7 Figure 12A, December 1999.

(ii) The area designated as "meadow drainage" is to be approximately 9.4ha or as otherwise approved by the Director of Development Services. This area is to be located generally as shown on Figure 12A above, but, its exact location and shape may vary due to topographical factors and detailed design. The required design criteria:

The cross section shall be designed as a wide, flat trapezoidal channel with sufficient capacity to accommodate ultimate Q100 flows from all upstream catchments. Batter slopes are not to exceed 25%.

The base of the trapezoidal channel shall be flat in cross section and designed as a filter strip (Ref 5.1). The base and batters shall be established with appropriate grass species.

A 3m wide all weather, heavy vehicle, maintenance access track (with access at both ends to Sandy Lane) shall be established on one side of the meadow drainage system. Where necessary for access continuity, all weather access or bridging across tributaries shall be provided.

An easement for drainage, benefiting Council shall be established over the meadow drainage system and access track. The easement shall be fenced out to prevent unauthorized vehicular and livestock access.

All stormwater entering the meadow drainage system shall be screened for gross pollutants and litter by means of litter racks (Ref 4.2).

(iii) Road and street drainage and gross pollutants.

Litter and gross pollutants greater than 50mm are to be retained for flows up to the ARI 3 month storm (deemed to be 0% of the ARI one year event) by means of litter baskets or pits (Ref 4.1) or litter racks (Ref 4.2). These devices are to be sized to require cleaning on average not more than six times per year, based on a yield of 1cu.m/ha/year. Whilst a sufficient number of litter/gross pollutant collection devices shall be provided to ensure all road stormwater is screened for litter and gross pollutants, the number of devices shall be minimized. Where practical, devices will be located downstream of entry pits at locations servicing a minimum 50 lots.

(iv) Pollution Control Pond C2 is to be a constructed wetland and designed in accordance with "Tweed Urban Stormwater Quality Management Plan" Appendix E - Tweed Shire Council Aus-Spec D7 - Stormwater Quality, section D7.9.7 and D7.9.8. Pollution Control Pond C2 shall be designed to service the ultimate development yield of eight (8) master lots only. The

## Reports from Director Development Services

design shall be compatible with the stormwater quality requirements associated with the ultimate Cobaki Lakes development.

- (v) Extended dry detention basin B13 shall be designed in accordance with (Ref 5.3) and sized to service the ultimate development yield of eight (8) master lots only. This design shall be compatible with the stormwater quality requirements associated with the ultimate Cobaki Lakes development.
- (vi) Vegetated filter strips are to be designed in accordance with (Ref 5.1). They are to be sized to provide 9 minutes average residence time for a design storm of 3 months (deemed to be 0.5 of the Q1 year event).
- (vii) Swale Drains shall be designed in accordance with (Ref 5.2).

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

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

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

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

24. Erosion and Sediment Control During the Construction Phase of Development

- (a) Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan *"Tweed Shire Council Aus-Spec D7 - Stormwater Quality"* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond (if required) has been released.
- (b) The Construction Certificate Application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
- (c) The Erosion and Sediment Control Plan (ESCP) submitted with any construction certificate for this consent must demonstrate compatibility with erosion and sediment controls for the whole site.

The timetable for the works (see AUS-SPEC D7, Section D 7.07 – 3 (g) third dot point), must encompass all works relevant to Lots 1 to 8 of this consent and must contain contingency measures for operation/maintenance/repair of erosion and sediment control works between stages and/or when subdivision works are suspended/abandoned for long periods of time.



## Reports from Director Development Services

In this regard the ESCP must demonstrate that a skeleton workforce will be available during periods of inactivity to monitor and maintain erosion and sediment control measures and that there will be a subdivider's representative contact person available at all times for Council to contact regarding erosion and sediment control issues.

25. The legal point of discharge for this development shall be Cobaki Creek. This legal point of discharge shall be secured by a drainage easement benefiting Tweed Shire Council. The Council will agree to vary the location and width of the easement if a satisfactory application is made addressing: -

1. Reasons for modifying the easement; and
2. Evidence that the modified easement has sufficient capacity to cater for the Q100 event.

All necessary trunk drainage and stormwater quality control devices are to be constructed downstream from the subject property to the legal point of discharge prior to the commencement of the bulk earthworks.

26. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:

- i. Construction of the following roads, drainage and associated works in accordance with the development consent plan AND the relevant provisions of DCP No. 16 - Subdivisions Manual, except where varied by conditions of this consent:

- Sandy Lane from the Town Centre to the western boundary of lot 4.
- Road No. 2 for the full frontage of lot 4.
- Road No. 77 from Road No. 2 to the cul-de-sac.
- The "future road" that traverses lot 1 and provides access to Parcel 2 or alternatively a right of carriageway may be registered over the proposed alignment of the road and the construction of the road may be secured with a satisfactory bank guarantee. If this alternative option is taken the applicant will be required to undertake the bulk earthworks for the road formation.

- ii. The construction of roundabouts at the intersection of:

*Cobaki Parkway and Sandy Lane; and  
Sandy Lane and Road No. 2*

The design of these roundabouts shall be in accordance with Austroads part 6, 'Roundabouts'.

27. Section 94 Contributions

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

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

## Reports from Director Development Services

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: \$17,808.00

7 lots @ 2,544 per lot

S94 Plan No. 4 (Version 4.0)

(Cobaki)

Alternatively, prior to the issuing of the Subdivision Certificate, documentary evidence shall be submitted demonstrating that the condition is deemed to be satisfied by virtue of works carried out. The value of the works carried out shall be calculated based on the rates in force in Section 94 Plan No. 4 at the date of issue of the Subdivision Certificate.

Credits are to be determined using the following formulae;

Value of works at Section 94 Plan Rates = number of lots credited

Contribution rate per lot

### Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 4.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

$$\text{\$Con}_{\text{TRCP - Heavy}} = \text{Prod.} \times \text{Dist} \times \text{\$Unit} \times (1 + \text{Admin.})$$

where:

$\text{\$Con}_{\text{TRCP - Heavy}}$  heavy haulage contribution

and:

Prod. projected demand for extractive material to be hauled to the site over life of project in tonnes

Dist. average haulage distance of product on Shire roads  
(trip one way)

$\text{\$Unit}$  the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)

Admin. Administration component - 5% - see Section 6.5

- b. Street Trees: \$300.30

7 lots @ \$42.90

S94 Plan No. 6

Alternatively, the applicant may provide street trees on site to an equivalent standard that would be required by Section 94 Plan No. 6. The location and species is to be approved by the Manager of Recreation Services. The trees

## Reports from Director Development Services

are to be maintained by the applicant for a period of 2 years or until such time as eighty percent of the lots in the street have dwellings erected on them.

- c. Shirewide Library Facilities: \$4,816.00  
7 lots @ \$688 per lot  
S94 Plan No. 11
- d. Bus Shelters: \$161.00  
7 lots @ \$23 per lot  
S94 Plan No. 12  

In lieu of the contribution the applicant may construct the bus shelters prior to the issue of the Subdivision Certificate for each stage subject to the agreement of bus operators in terms of the location.
- e. Eviron Cemetery/Crematorium Facilities: \$882.00  
7 lots @ \$126 per lot  
S94 Plan No. 13
- f. Emergency Facilities (Surf Lifesaving) \$1,407.00  
7 lots @ \$201 per lot  
S94 Plan No. 16
- g. Extensions to Council Administration Offices  
& Technical Support Facilities \$2,413.67  
7 lots @ \$344.81 per lot  
S94 Plan No. 18
- h. Cycleways \$1,120.00  
7 lots @ \$160 per lot  
S94 Plan No. 22
- i. Cobaki Lakes Community Facilities  
7 lots @ \$244 per lot \$1,708.00  
S94 Plan No. 10

28. A **certificate of compliance** (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

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

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

Water:	7 lots @ \$4000	\$28,000.00
Sewer:	7 lots @ \$3275	\$22,925.00

## Reports from Director Development Services

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

**Note:** The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an Accredited Certifier.

29. Subdivision work in accordance with a development consent must not be commenced until:-
  - (a) a construction certificate for the subdivision work has been issued by:
    - (i) the consent authority, or
    - (ii) an accredited certifier, and
  - (b) the person having the benefit of the development consent:
    - (i) has appointed a principal certifying authority, and
    - (ii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment, and
  - (c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the subdivision work.
30. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Consulting Engineer shall be erected and maintained in a prominent position at the site to the satisfaction of the Director, Development Services. The sign is to remain in place until the Subdivision Certificate is issued.
31. 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.
32. Where water is required to be drawn from Council's water reticulation system it shall be the applicants responsibility to notify the Engineering Services Division prior to taking water.

All drawn water shall be via a Tweed Shire Council metered standpipe. The location of the hydrant shall be nominated by Tweed Shire Council and all water shall be only used for the purposes nominated by the applicant for the duration of the construction activities.

### DURING CONSTRUCTION

33. No soil, sand, gravel, clay or other material shall be disposed of off the site.
34. 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.
35. 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.

## Reports from Director Development Services

36. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.
37. Prior to the application for a Subdivision Certificate a Compliance Certificate or Certificates shall be obtained from Council OR an accredited certifier for the following:-
  - (i) Compliance Certificate - Roads
  - (ii) Compliance Certificate - Water Reticulation
  - (iii) Compliance Certificate - Sewerage Reticulation
  - (iv) Compliance Certificate - Sewerage Pump Station
  - (v) Compliance Certificate - Drainage

- Note: 1. Where Council is requested to issue compliance certificates, applications for such certificates must be accompanied by documentary evidence from the Developers Supervising Consulting Engineer certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, DCP16 - Subdivision Manual and good Engineering Practice.
2. Where Council is requested to issue the construction certificate all compliance certificates and a Subdivision Certificate, Council will carry out the following inspections as deemed necessary by Council based on the rates contained in Council's current Fees and Charges:-

### **Roadworks**

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

### **Water Reticulation, Sewer Reticulation, Drainage**

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

## Reports from Director Development Services

---

- h. Final inspection - on maintenance
- i. Off maintenance

### **Sewer Pump Station**

- a. Excavation
- b. Formwork/reinforcement
- c. Hydraulics
- d. Mechanical/electrical
- e. Commissioning - on maintenance
- f. Off maintenance

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

- 3. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".
38. All lots must be graded and trimmed to prevent the ponding of surface water. Additionally, all lots must be adequately vegetated and action must be taken to prevent erosion from wind and/or water to the satisfaction of the Director, Development Services.
39. Demonstrate that adequate vehicular access can be provided in accordance with Council's "Access to Property" pamphlet.
40. All proposed road/streets, drainage and associated works within the subdivision shall be designed and constructed in accordance with the development consent plans AND the relevant provision of DCP No. 16 - Subdivisions Manual, except where varied by the conditions of this consent.
41. The owner or contractor must not undertake any work within the public road reserve without giving Council's Engineering Services Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.
42. 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.
43. The earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments". In general, material shall be placed in layers not exceeding 300mm in depth, watered and compacted to achieve the specified density ratio as monitored in Table 5.1 - Guidelines for Minimum Relative Compaction.

## Reports from Director Development Services

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

Furthermore, this geotechnical report shall certify that the fill which is placed on proposed lot 3 has achieved an acceptable rate of settlement as a consequence of the pre-loading treatment.

44. 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.
45. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
46. 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.
47. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
48. 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.
49. 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.
50. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.

### **PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

51. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No 1262/2001DA have been complied with.
52. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:
  1. Easements for sewer, water supply and drainage over ALL services on private property.
  2. Easements for stormwater drainage to satisfactorily secure legal drainage corridors from the subject development to a legal point of discharge.

## Reports from Director Development Services

---

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

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

53. Prior to the issue of a Subdivision Certificate, Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council.
54. Where new state survey marks and/or permanent marks are placed, a copy of the locality sketch relating to the marks shall be submitted with the final subdivision certificate application.
55. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the Director, Development Services PRIOR to the issue of a Subdivision Certificate. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.
56. Prior to registration of the plan of subdivision, a Subdivision Certificate shall be obtained.
  - (i) The following information must accompany an application:
    - original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees of \$118 per lot.
    - relevant development consent
    - detailed subdivision engineering plans endorsed with a construction certificate (where applicable)
    - evidence that the applicant has complied with all conditions of consent, that it is required to comply with before a subdivision certificate can be issued (where applicable)
    - a certificate of compliance from the relevant water supply authority (where applicable)
    - for subdivision involving subdivision works evidence that:
      - the work has been completed, or
      - agreement reached with the relevant consent authority regarding payment of the cost of work or as to the time for carrying out the work, or
      - security given to the consent authority with respect to the completion of the work
    - Work as Executed Plans for ALL works
  - (ii) Documentary evidence that all matters contained in Section 109J of the Act have been complied with.



## Reports from Director Development Services

---

- (iii) Written evidence from Council that the proposed road/street names have been approved.

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

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

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

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

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

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

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

59. The provision of reticulated water and sewerage supply to the Cobaki Lakes site is to be undertaken in accordance with the Sewerage and Water Infrastructure Strategy prepared by Sinclair Knight Merz dated June 1996. Any variation from this Strategy will be subject to approval by the Director of Engineering Services.

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

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

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.

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

## Reports from Director Development Services

---

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an Accredited Certifier.

62. The production of written evidence from Telstra Australia certifying that satisfactory arrangements have been made for the provision of underground telephone supply.
63.
  - i. The production of written evidence from Country Energy certifying that reticulation of underground electricity (residential and rural residential) has been completed; and
  - ii. The reticulation to include the provision of fully installed electric street lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council.
64. 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.

65. **(a) General provisions for Management Lots**

This refers to all proposed management lots and includes proposed lots 1, 2, 3, 4, 5, 6, 7 and 8. Prior to the issue of a Subdivision Certificate to create management lot(s) the following shall be required:

**(i) Infrastructure**

Sufficient permanent infrastructure must be constructed in the subdivision that creates the management lots so that they may be capable of being developed to their ultimate capacity by subsequent applicants without any requirements for provision or augmentation of external infrastructure. All proposed infrastructure that crosses management lot boundaries or runs adjacent to management lot boundaries must be constructed in the subdivision that creates the management lots.

Public roads through the site that connect with public roads in adjoining sites and roads adjacent to and accessing master lots are to be constructed. This shall include the construction of Cobaki Parkway from Boyd Street to the intersection of Sandy Lane and Cobaki Parkway.

**(ii) Interfaces with adjoining land**

Engineering plans and specifications are to accompany the construction certificate application which fully defines in 3 dimensions the interface of management lots with other land.

**(iii) Ultimate and Interim Drainage**

The interim period is defined as that time between the creation of a management lot and the ultimate completion of the subdivision creating small lots within the management lot.

Management lots shall be provided with interim and ultimate drainage inlets on the lots or at lot boundaries. The management lots shall be shaped to ensure all interim Q5 concentrated drainage and surface runoff from slopes longer than 40m is discharged to these inlets. Provision shall be made outside the management lots for acceptance and transport of ultimate and interim Q100 flows from the management lots. Drainage and stormwater

## Reports from Director Development Services

---

quality features required for the ultimate development of the subdivision shall be constructed from each management lot boundary downstream to the legal point of discharge.

**(iv) Easements**

Where infrastructure required to service a management lot, passes through another lot, easements in favour of Council shall be granted over the infrastructure and necessary access roads to such infrastructure.

**(b) Specific provisions**

**(i) Lot 8**

The shape of proposed lot 8 is such that concentrated stormwater runoff will be discharged from various locations onto adjoining land to the east and west. Necessary downstream drainage across other land for the ultimate development of lot 8 shall be constructed, and easements provided across such land to form drainage systems and easements that connect with the legal point of discharge at Cobaki Creek. The construction certificate application shall provide details of all such drainage works and easements.

Perimeter catch drainage shall be provided in lot 8 along the boundary of allotment 7 to intercept Q100 runoff from lot 8 and prevent it entering lot 7.

**(ii) Lots 1, 2 and 3**

These lots shall be graded to ensure surface runoff is directed towards Sandy Lane, alternatively lots shall be shaped and/or perimeter drainage installed to ensure surface runoff is not discharged onto adjoining or residual lots.

## Reports from Director Development Services

---

### REPORT:

**Applicant:** Cardno MBK Qld Pty Ltd

**Owner:** Leda Manorstead Pty Limited

**Location:** Lot 200 DP 755740, Lot 201 DP 755740, Lot 202 DP 755740, Lot 209 DP 755740, No. 73 Old Piggabeen Road Cobaki Lakes

**Zoning:** Part 2(c) Urban Expansion, part 2(e) Residential Tourist & part 6(b) Recreation.

**Cost:** 0.00

### PROPOSAL/BACKGROUND

Council has received a Development Application (1262/2001DA) for the subdivision of the subject land into eight (8) master lots and bulk earthworks. The proposed lots are as follows:-

- Lot 1 1.5ha and zoned 2(e) Residential Tourist.
- Lot 2 1.7ha and zoned 2(e) Residential Tourist.
- Lot 3 3.2ha and zoned 6(b) Recreation.
- Lot 4 5.9ha and zoned 2(c) Urban Expansion.
- Lot 5 1.2ha and zoned 2(e) Residential Tourist.
- Lot 6 1.3ha and zoned 2(e) Residential Tourist.
- Lot 7 3.2ha and zoned 2(e) Residential Tourist.
- Lot 8 6.5ha and zoned 2(c) Urban Expansion.

The proposed subdivision affects an area of approximately 24.5 hectares and is generally located within the Town Centre and East Ridge Precincts as identified in DCP 17-Cobaki Lakes.

Portions of the land subject to this application have been subject to other applications for subdivision, which have been approved. Consent S94/194 is for the subdivision of the Cobaki Lakes site into 730 residential lots and 13 en globo parcels. This consent approved master lots or en globo lots in the vicinity of the Town Centre. Proposed lots 1, 2, 3, 5, 6 and part of lot 7 are over land affected by consent S94/194. The proposed master lot configuration and layout is generally consistent with that approved by consent S94/194.

Consent K99/1124 approved 560 lots, which also included large management lots subject to future subdivision. The subdivision was also in the vicinity of the Town Centre. Proposed lots 4, 8 and part of lot 7 are over land affected by consent K99/1124. Proposed lot 8 was in fact a residue lot from the subdivision of consent K99/1124 known as lot 200. Part of proposed lot 7 is also over this residue lot. Again the master lot configuration and layout is generally consistent with consent K99/1124 with one exception. The alignment of the Local Collector Road No.2 (K99/1124) has been varied so as to intersect with Sandy Lane opposite the road to Parcel 2 (S94/194), thus forming a Central Town Centre Roundabout, around which the future elements of the Town centre will focus.

The bulk earthworks propose to remove approximately 500,000m<sup>3</sup> of material from an existing elevated knoll. At the present time proposed lot 7 contains a knoll to RL 38 metres. The area between the knoll and the Parkway is occupied by a 1 in 2 cut embankment formed during the Parkway earthwork construction. The result is a steep and unsightly hill. It is intended to lower this knoll to form a pad level of RL 8 to 10 metres AHD to accept future Residential B development.

## Reports from Director Development Services

---

This will reduce the height of the knoll by approximately 30 metres. The material won from the knoll will be used to fill proposed lots 3 and 4, and parts of lots 1, 2, 5 and 6, together with the balance of unfilled land in the approved fill zones on S94/194. No material will be removed from the site.

The applicant contends that the knoll has the effect of shielding and obstructing the vista of the Town centre from incoming traffic along the Cobaki Parkway, and the existing slopes of which render it unsuitable for realistic development within the 2(e) zone. The crown of the knoll also contains a small, existing private quarry which has been utilized for the construction of farm roads over the years.

To support the proposal to reduce the height of this knoll by approximately 30 metres the applicant has prepared and submitted a Landforming Impact Assessment for the bulk earthworks. This assessment will be discussed further in this report.

The following is a history of the development consents relating to the entire Cobaki Lakes site.

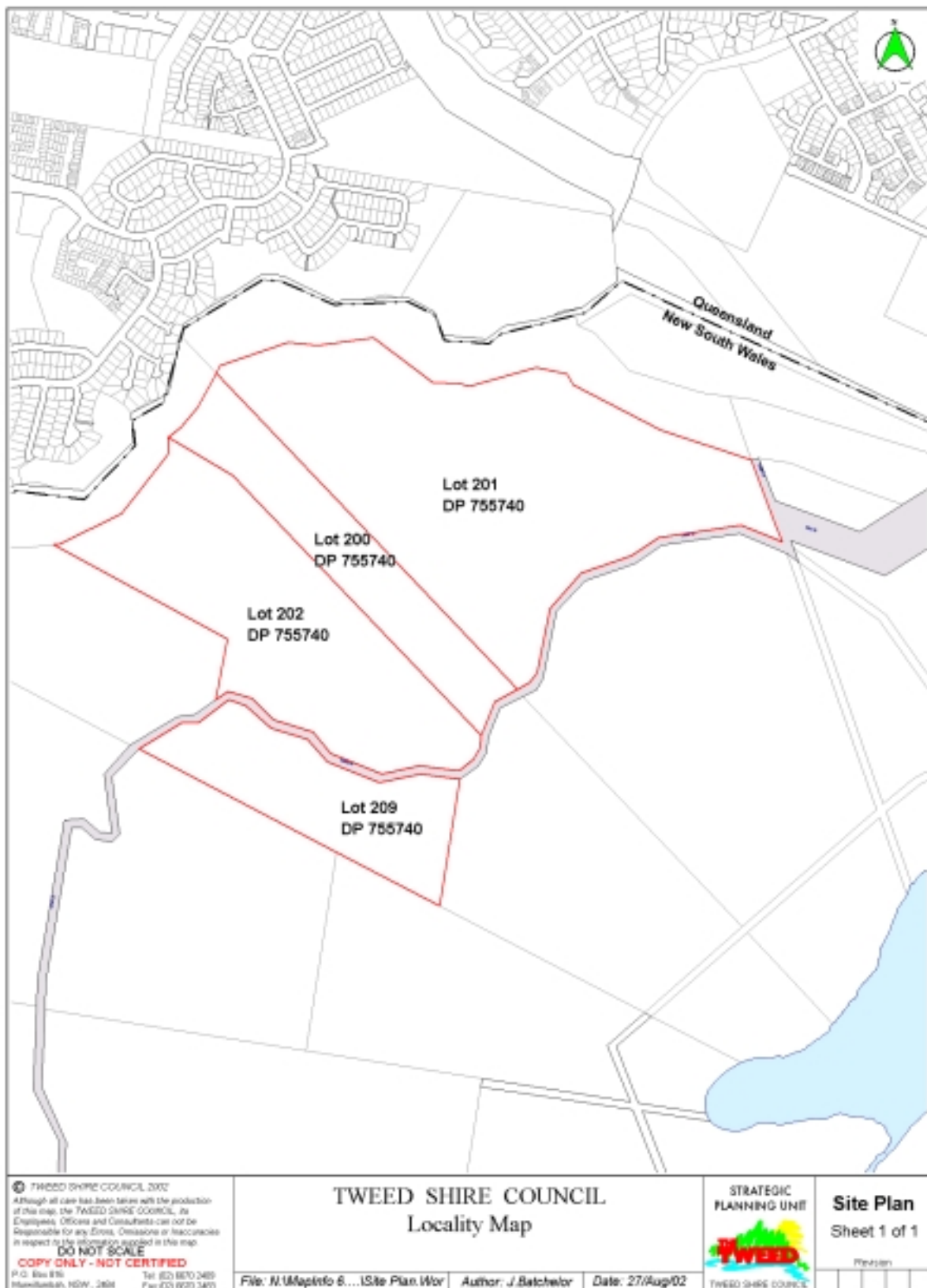
- \* On 5 January 1993 Council issued Development Consent 92/315 for the extension of Boyd Street, Tugun for approximately 1.3km into the site. Construction of this road commenced and is subject to a legal agreement between Council and the owners of the land and also between the owner and Gold Coast City Council.
- \* On 22 January 1995 Council issued Development Consent 94/438 for bulk earthworks over the site. The bulk earthworks approval envisages disturbance of approximately 1.2 million cubic metres of fill material and some of the elevated areas of the site and relocating the material to adjacent low lying areas enabling future residential development. The subject land contains two approved cut and two approved fill areas.
- \* On 19 September 1995 Council issued Development Consent S94/194 for the subdivision of the Cobaki Lakes site into 730 residential lots and 13 en globo parcels. The 730 residential lots to be developed on five of the en globo parcels 1-5. This part of the proposal is described as Stage 1A.
- \* On 21 October 1997 Council issued Development Consent S97/54 for the subdivision of parcels 7-10 into 430 residential lots plus open space lots and one lot for a shop. This subdivision is to be constructed in 7 stages and is described as phase 1B.
- \* On the 21 July 2000 Council issued Development Consent K99/1124 for the subdivision of the Cobaki Lakes site into 560 lots. Some of the lots created are large management lots, which will be subject to further subdivision.

Council has also issued an approval for construction of all lead in infrastructure. This includes water and sewer mains along Piggabeen Road.

Historically, the land to which this application relates has undergone extensive clearing so as to increase the amount of grazing land available. The land is still used for grazing purposes. The flats and lower slopes are extensively cleared whereas the steeper slopes and higher ground is more commonly vegetated. A small creek also passes through the land. Over the years the alignment of this creek has changed due to farm practices and improvements.

# Reports from Director Development Services

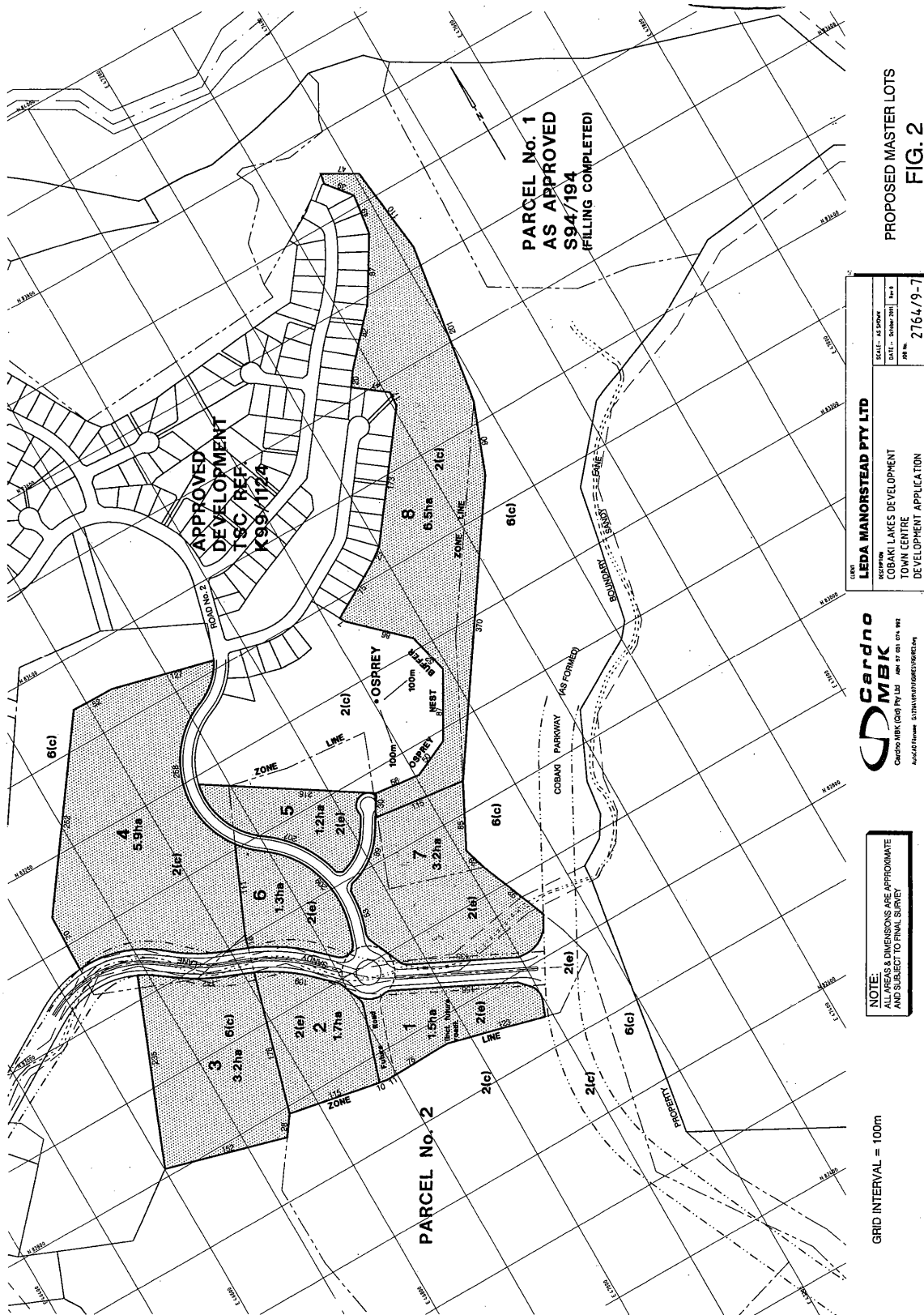
## SITE DIAGRAM





# Reports from Director Development Services

Figure 2



PROPOSED MASTER LOTS  
FIG. 2



## Reports from Director Development Services

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

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

Tweed Local Environmental Plan 2000

The subject land is zoned part 2(c) Urban Expansion, part 2(e) Residential Tourist and part 6(c) Recreation. The proposal is permissible within these zones subject to Council's consent.

**Clause 31 – Development adjoining waterbodies**

The objective of this clause is to protect and enhance scenic quality, water quality, aquatic ecosystems, bio-diversity and wildlife habitat and corridors and to provide public access.

In this instance a small creek passes through the subject land. As previously mentioned this creek has undergone changes over the years due to farming practices. It would appear that this creek when it reaches the lower slopes disperses out and has no defined banks. It would appear that the water may eventually reach Turners drain further south after overland flow. The creek is dry and only appears to run during heavy or prolonged periods of rainfall.

The application originally proposed to divert this small creek. However, upon survey and a site inspection it was revealed that this creek had already been diverted as proposed as a result of past agricultural practices. Earthen fill material is proposed to be placed within 40 metres of the high banks of the watercourse and the Department of Land and Water Conservation have now advised that a Part 3A Permit under the Rivers and Foreshores Improvement Act (1948) is not required for this purpose. If the fill was to be placed within the banks of the watercourse channel, a permit would be required.

Subsequently, it is considered unlikely that the development would adversely affect the quality of the water in this creek.

**Clause 34 – Flooding**

Proposed lots 3 and 4 are located in flood prone land. These two lots comprise a total area of approximately 9 hectares and are generally contiguous with the areas already approved for bulk earthworks (S94/438).

Proposed lots 3 and 4 will be filled to the adopted design flood level. Lot 3 is zoned 6(b) and is unlikely to be used for residential purposes. Whereas proposed lot 4 is zoned 2(c) Urban Expansion suitable for residential purposes.

A number of concept plans for the development of Cobaki Lakes have been proposed over the years. While the majority of urban areas are proposed to be sited on the higher parts of the site, some filling of flood prone land has been incorporated in the various concepts. WBM Oceanics Australia has carried out flood studies for these developments proposals to assess potential impacts.

The more recent of these overall studies is documented in the WBM Report No. 8853.R1.0 (WBM Oceanics Australia, 1995b) which details the flooding characteristics of the site and the impact assessment of the concept at the time (1995). The 1995

## Reports from Director Development Services

---

concept is generally the same to the current master plan excluding the golf course. It was then demonstrated that the pre-development peak flood levels for the local Cobaki Creek flood events are substantially lower than those for the overall Tweed River flood events.

The development proposal assessed in the previous 1995 report incorporated the following:-

- \* Filling around the fringe of the sites central lowlands areas;
- \* lakes in the central lowlands banded off from flooding;
- \* some optional additional filling of the central lowlands for golf course purposes; and
- \* roadways with culverts across the southern portion of the site at two alternative design levels (20 year and 5 year ARI).

Subsequent to this study, further consideration was also given to the flooding implications of amendments to the concept plan as proposed by K99/1124. WBM indicate that the changes proposed by K99/1124 are estimated to result in a situation similar to the previously assessed scenario incorporating the golf course.

Development Consent K99/1124 incorporated essentially the same filling for development around the fringes of the central lowlands as included in the 1995 concept, excluding the golf course. It is estimated that the available flood storage within the central lowlands will be greater than for the previous 1995 concept plan. Accordingly, the potential flood impacts from development consent K99/1124 will be less than that previously expected which were deemed to be reasonable.

The land subject to this application was also affected by consents K99/1124 and S94/194. The concepts or subdivision layout for consent K99/1124 and S94/194 are generally the same to that proposed by this application, with some minor amendments. Subsequently, it is considered that the Report prepared by WBM Oceanics which accompanied K99/1124 satisfactorily addresses the impacts of flooding for this development, which generally concludes that overall the development is unlikely to increase property damage as a result of flood events.

### **Clause 35 – Acid Sulfate Soils**

The subject land is classed 3 and 5 on Council's Acid Sulfate Soil Planning Maps.

An Acid Sulfate Soils Management Plan prepared by Gilbert and Sutherland dated August 1999 accompanied application K99/1124. This ASSMP was assessed by Council and considered to be satisfactory. This ASSMP also includes the land affected by the current application.

This ASSMP identifies a small area to the west of the subject site which has potential acid sulfate soils. The land identified as potential acid sulfate soils is located within proposed lots 2 and 3 which are low lying and subject to filling. Subsequently acid sulfate soils are unlikely to be encountered.

The application indicates that it is anticipated that some marine clays and potential acid sulfate soils may be encountered at the rear of lot 3 which are geotechnically unstable.

## Reports from Director Development Services

---

To overcome this problem the applicants advise that they intend to pre-load the rear of lot 3 and install settlement plates to monitor the likely settlement.

It is considered that the Acid Sulfate Soils Management Plan submitted with application K99/1124 should be included in the assessment of this application. This ASSMP has previously been assessed by Council and deemed to be reasonable. Subsequently any consent should include a condition to make reference to this ASSMP.

### North Coast Regional Environmental Plan 1988

#### **Clause 15 Development near a waterbody**

The subject site is upstream and well away from any significant watercourses such as Cobaki Creek. The majority of the stormwater and the like from the site is likely to be overland flow until it reaches another creek, stream or drain.

It is unlikely that the works associated with this approval will have an adverse impact on the quality of water in Cobaki Creek. To protect any contaminants or the like from reaching the waterway appropriate sedimentation and erosion control measures will be in place prior to works commencing.

### State Environmental Planning Policies

#### State Environmental Planning Policy No.44 – Koala Habitat Protection

A SEPP 44 assessment has been submitted with the application, which concludes that the site contains potential Koala habitat but not core Koala habitat and therefore a Plan of Management is not required.

#### **(a) (iii) Development Control Plans (DCPs)**

##### DCP 5 – Development of Flood Liable Land

Issues relating to the development of flood liable land have been discussed in the previous section relating to Clause 34 of the TLEP 2000. The flood prone lots will be required to be filled to the design flood level.

##### DCP 16 – Subdivisions Manual

The proposal is generally consistent with the various standards of this document. Any consent will be conditioned to include drainage and stormwater provisions.

##### DCP 17 – Cobaki Lakes

This is the principle DCP to guide future development and management of the Cobaki Lakes development site. It was initially adopted by Council in December 1992 and has had subsequent amendments. The proposal involves land in Precinct 8 – East Ridge and Precinct 9 – Town Centre. Each of these precincts have various objectives for their development. The following is an outline of the relevant objectives of each precinct, which require discussion. It should be noted that some of the objectives can only be achieved by suitable building design at the construction certificate application stage.

## Reports from Director Development Services

---

### **Precinct 8 – East Ridge – Objectives.**

- \* To minimise development on steep land because of detrimental visual impact and potential for accelerated erosion. The east ridge is proposed to be developed for ridge top units and medium density units. The steeper slopes of the ridge will remain as open space and all development will be located on the top of the ridge and the moderate slopes. A knoll of this ridge will be lowered by approximately 38 metres. This knoll has some relatively steep slopes, which will be removed to create a flat landform with a reduced height to approximately 10 metres. A landforming Impact Assessment accompanies the application and will be discussed further in this report. Generally it is considered that the landforming Impact Assessment supports and justifies the reduction in the height of this knoll.
- \* To extend and reinforce the open forested precinct character. It is considered that the forested character of the precinct will largely be retained and unlikely to be significantly disturbed by this application for masterlots. Future development application within this precinct should ensure that the forested character is preserved.
- \* To promote development which relates to the Town Centre. It is considered that the development will support and promote the Town Centre. It is also considered that with the reduction of the knoll it will allow better sight of the Town Centre, particularly from Cobaki Parkway.
- \* To ensure that development compliments the landscape qualities of the precinct. As discussed the development proposes to reduce the height of an existing knoll from RL 38 metres to RL 10 metres. This also includes the removal of approximately 500,000m<sup>3</sup> of material. This will alter the landform near the Town Centre and East Ridge. To support this the application is supported with a Landforming Impact Assessment. See section (b) of this report. It is considered that the proposed alterations to the landform are reasonable and are unlikely to have a detrimental impact on the scenic qualities both internally and externally.
- \* To contribute to the sense of entry to the residential sectors of the Cobaki Lakes site, whilst not dominating the local topographic and vegetation characteristics. It is considered that the development will not detract on this objective. All proposed residential areas will contribute to a sense of entry while retaining the majority of the vegetation and topographic qualities of the site.

### **Precinct 9 – Town centre – Objectives**

- \* To provide for integrated tourist accommodation facilities and/or medium density residential development in a bush setting. It is considered that the proposed development is consistent with this objective. The masterlots within the Town Centre are have been identified to provide predominantly medium density housing set in a “bush character”. The land to the north and east of the Town centre is well vegetated, comprising a number of large old growth trees. The further developments of these lots should also be encourage to provide extensive landscaping to support the bush character.

## Reports from Director Development Services

---

- \* To rehabilitate and, where possible, extend the open-forest association into the Town centre. See above objective.
- \* To provide and encourage a village square atmosphere with building development of the Town Centre centrally located to facilitate car parking, access and linkages to surrounding activities. It is considered that the size, shape and location of the proposed masterlots will support this objective. Further development applications for the development of these masterlots should ensure consistency with this objective. It is considered that following the approval of K99/1124 and S94/194 they have provided good linkages throughout the development by way of walking trails and paths, which support the Town Centre.
- \* To retain an open link between the centre and the golf course. The golf course is no longer proposed. The land is identified as open space. However, it is considered that the Town centre achieves an open link to this open space. Open space is generally located around the Town centre with good accessible links to the south. These lots will be subject to further development and at that time they should ensure that this link is encouraged.
- \* To provide for a first stage level of retail and commercial floorspace in the order of 5,000m<sup>2</sup> with the possible future extension to 15,000m<sup>2</sup>, subject to demand and the endorsement by a retail strategy plan. Proposed lot 1 is identified as the potential commercial area with an area of 1.5 hectares. Subsequently this should satisfy this objective. The development of the Town centre is at its very early stages and is likely to be subject to future applications and amendments. At the time when the Town Centre will be developed a strategy will then need to be provided. Until such time it is considered that the proposal meets this objective.
- \* To provide for the broad range of retail, commercial, food and beverage, recreational, entertainment and community uses in order to serve the Cobaki lakes community. See above objective.
- \* To create a focal point for the community which encourages social interaction. Proposed lot 1 is identified as the potential commercial lot around which will provide a focal point following further development.

The original master plan for Cobaki lakes was prepared and submitted with the first residential subdivision, which identified the overall development concept for the site. A revised masterplan was also submitted with application K99/1124. This revised masterplan incorporates changes to the original, which had been approved by way of the previous development consents. It also incorporated changes as a result of application K99/1124. The original masterplan and that approved by consent K99/1124 were considered to be consistent with the overall objectives of DCP 17. The proposed application only affects the Town centre and part of the east ridge and it is considered that the layout of this subdivision, which is likely to be subject to further development applications, is still consistent with the masterplan approved by consent K99/1124 and DCP 17.

- (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**

## Reports from Director Development Services

---

### Landform/Scenic Quality

As discussed the application also proposes bulk earthworks were an existing knoll at an RL of 38 metres will be reduced to a height of approximately 8 metres. Approximately 500,000m<sup>3</sup> of material is proposed to be removed from this knoll and placed on some of the proposed lots. No material will be removed from the site.

The knoll in question is located adjacent to the Town Centre and also forms part of the east ridge. This knoll has undergone disturbance in the past as it was used as a private quarry to extract material to upgrade and form roads on the farm. In addition the southern and eastern slopes of this knoll have been extensively disturbed to make way for the construction of the Cobaki Parkway. These slopes are steep and unsightly making it unsuitable for development intended in the 2(e) zone.

To support the proposal for the bulk earthworks the applicant has also prepared and submitted a Landforming Impact Assessment. The purpose of the assessment is to address the impact of lowering the height of this knoll on the landscape and scenic values from within the site and outside the site.

It is considered that the earthworks proposed are quite significant. However, when taking into consideration the entire site of Cobaki Lakes and its varying landform characteristics the impact is not so great.

The applicant has provided that the knoll has an elevation of 38 metres AHD whilst the ridge attains RL 45 metres at its highest point. The knoll is separated from the main ridge (east ridge) by a gully having an elevation of about RL 26 metres AHD.

The eastern side of the ridge has been cleared and degraded by the road formation for the Cobaki Parkway carried out in 2001. The eastern side of the knoll has also been degraded by the road construction and the entire eastern side of the knoll now comprises a road batter. The summit of the knoll is further degraded by the presence of an old stone quarry.

The knoll itself comprises steep slopes of up to 1 in 2, and contains a sparse tree cover. The knoll is zoned part 2(c) and part 2(e). The knoll has some steep slopes, which are undesirable for medium density development as intended by DCP 17.

Subsequently, it is proposed to lower this knoll to achieve a workable site profile to accommodate future medium density development and to "open up" the entry to the main body of the estate. In its present state this "entry" is overly constricted by the location and slope of the knoll.

The knoll currently occupies about 30% of the Town Centre precinct and contains the steeper slopes unsuitable for development. DCP 17 has identified these slopes as being unsuitable for development. It is considered that the proposed earthworks on the knoll will support the objectives of the Town centre precinct to create a focal point for community, which encourages social interaction and provide for medium density residential development. As discussed the slopes of the knoll are too steep in some areas to support development. This therefore reduces the development potential and encourages low-density residential development, which is not consistent with DCP 17 in the Town Centre precinct, which encourages medium density development.

## Reports from Director Development Services

---

Reference was also made to the 1995 Scenic Landscape Evaluation Report by Catherine Brouwer. This report indicates that the Cobaki region rates as only medium on the scale of scenic quality. The report refers primarily to the upper reaches of Cobaki Valley, the Broadwater and the McPherson Ranges. No particular significant landforms or features of Cobaki Lakes are mentioned in the report. Subsequently, it is considered that the earthworks are unlikely to be detrimental to any scenic landscape.

In relation to internal visual impacts the knoll is visible from the abutting Cobaki Parkway, from the south and western areas of the estate. The knoll is not visible from the north. From the east, the knoll is visible from the Parkway only, being the easternmost boundary of the land. Views from further east are obscured by vegetation.

When viewed from the south, the removal of the knoll is not likely to have any adverse impacts. The main ridge with a greater height will remain. Views to the west may improve, especially from the Town centre.

In relation to external views it would appear that the knoll is not readily identified from the majority of vantage points external to the site, other than at considerable distances to the south and partly east. From the east the knoll is only visible from intermittent and elevated viewing points, but only provides occasional views of the knoll. The east ridge is more predominant. From the south, the only views of the knoll are from great distances at Piggabeen, Bilambil Heights and Cobaki Valley. The knoll however, is not readily identified and appears to be consumed by the much higher and larger eastern ridge.

The lowering of the knoll is unlikely to have any significant adverse impacts on the scenic or landscape values both within the site or external to the site. It is considered that the knoll is not readily identified, but is rather consumed by the much larger and higher eastern ridge. The reduction in the knoll should also ensure that the objectives of the Town centre precinct are achieved.

### Flora and Fauna

A Flora and Fauna Assessment prepared by Peter Parker accompanied the application. Vegetation associations at the site included open woodland, scattered eucalypts and grassland. Several old growth trees were also recorded. The woodland subject to this application will not be cleared. However, approximately 44 eucalypts including five trees, which exhibit old growth features will require clearing. However, most of these old growth trees are located within open space and will be retained. The assessment does not identify any threatened or regionally significant plant species. The assessment concludes that it is unlikely that the proposed development will significantly affect threatened species, populations or ecological communities.

### Road Infrastructure and Access

The applicant propose the construction of the following road infrastructure;

- (i) The roundabout at the intersection of Cobaki Parkway and Sandy Lane as modified.
- (ii) Sandy Lane from the Town centre to the western boundary of Lot 4.
- (iii) Road No.2 for the full frontage of lot 4 as modified.

## Reports from Director Development Services

---

- (iv) Road No.77 from Road No.2 to the cul-de-sac.
- (v) The Road that traverses lot 1 and provides access to Parcel 2 and shown as “future road”.
- (vi) The road known as the “private road” which traverses lot 8.
- (vii) The roundabout at the intersection of Sandy lane and Road No.2.

Council’s Traffic and Transport Engineer has reviewed the subdivision road layout and has raised no objections to the proposal subject to assessment of the detailed intersection design that will be lodged with the Construction Certificate application.

### Water Supply and Sewerage

A Sewerage and Water Infrastructure Strategy was prepared by Sinclair Knight Merz in June 1996 and subsequently approved by the Director Engineering Services. The Water Supply and Sewerage Engineer has advised that this strategy is still current.

Condition 71 of Development consent K99/1124 requires the provision of reticulated water and sewerage supply to the Cobaki lakes development in accordance with the above Sewerage and Water Infrastructure Strategy.

It is proposed that a similar condition will be proposed on this consent.

### Drainage and Stormwater Management.

Council’s Infrastructure Engineer has provided a very comprehensive assessment regarding the drainage and stormwater management requirements for this development. The key points associated with this assessment are;

- \* All trunk drainage and stormwater quality control devices are to be constructed from the subject property to the ultimate point of discharge being Cobaki Creek.
- \* Easements or drainage reserve in favour of Council shall be established over all downstream drainage to Cobaki Creek.
- \* The existing erosion and sedimentation control management plans that have been approved over this site as part of previous development consents are considered inadequate. It would be desirable to require a new erosion and sedimentation control plan based on D7 that is applicable to the whole site.

The Infrastructure Engineer has also provided comprehensive draft conditions of consent to address the above key points.

It is recommended that these draft conditions be included in any notice of approval for this development.

Subsequently, it is considered unlikely that the development will create any significant adverse impacts to both the natural and built environments.

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

It is generally considered and accepted that the site is suitable for the proposed development. The site has had a long history and has a commitment given by the LEP amendment and DCP for residential development in this location.



## Reports from Director Development Services

---

It is considered that the proposal is generally consistent with the provisions of the TLEP 2000 and DCP 17. Where impacts are likely amelioration measures have been identified to reduce or overcome these impacts. This provides an environment/site that is suitable and compatible with the functioning development.

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

Public Submissions

The application was notified to adjoining and adjacent property owners and no submissions were received.

Public Authority Submissions

The Department of Land and Water Conservation and NSW Fisheries were requested to comment on the application and their comments are provided below.

**Department of Land and Water Conservation**

The application proposes the diversion of a section of an intermittent creek approximately 70m which passes through the site. Subsequently the application is an Integrated Development requiring an approval from DLWC.

On the 14 May 2002 DLWC advised that *“the proposed diversion of the unnamed watercourse would require a license under the provisions of Part 2 of the Water Act (1912). The diversion of a reach of the creek, for the development of a small part of a housing estate is in direct conflict with the objectives and principles of the NSW State Rivers and Estuaries Policy, the Urban Stream Management – Interim Instructions for DWR Staff (now DLWC) and the Northern Rivers Catchment management Board’s Catchment Blueprint.*

*It is considered that the proponent has sought to maximise the development potential of the site but has failed to take sufficient account of site constraints and potential for environmental impacts.*

*There are alternatives available to the developers at this stage of the development such as realigning some of the roads and re-configuring other lots in the neighbourhood to accommodate moving the lots away from the creek.*

*It is unlikely a license would be granted for the stream diversion as proposed”.*

The applicant was advised of the above and subsequently a number of site inspections were undertaken with Council Officers, DLWC and the applicant to discuss the stream diversion.

The applicant arranged to have the site surveyed and marked in order to identify the location of the site boundaries in relation to the creek. This revealed that the diversion that is proposed had already been carried out. The applicant has advised that the diversion was carried out 2 to 3 years ago, as part of the stock management operations on the farm.

Subsequently, in light of the above DLWC have now advised that as no excavation works are now required within 40 metres of the high banks of the watercourse a Part 3A permit under the Rivers and Foreshores Improvement Act (1948) is not required.

## Reports from Director Development Services

---

DLWC have also advised that a 3A Permit is not required to place earthen fill within 40 metres of the high banks of a watercourse. If fill was to be placed within the banks of the watercourse channel, a permit would be required.

The construction of the creek crossing involving culverts etc relates to development consent K99/1124 and when this development is implemented the necessary licenses/permits from DLWC will be sought as conditioned.

### **NSW Fisheries**

Due to the proposed diversion of the stream NSW Fisheries were also invited to comment. Although as discussed above this diversion has already been undertaken.

NSW Fisheries raised no objections to the development provided subject to a condition being placed on any consent requiring the proponent to demonstrate that the constructed canal/drain is not connected to any watercourse. Should the canal be connected and works in the canal be required the proponent will need to obtain a permit from NSW Fisheries under Section 198 – 202 of the Fisheries Management Act 1994.

The applicant was advised of the comments from NSW Fisheries and arranged a site meeting with relevant Officers from NSW Fisheries to discuss their comments. Following which NSW Fisheries provided further comments indicating that the habitat compensation for works such as redirecting a creek, where permitted, be calculated in a 2:1 basis.

Subsequently any consent will be conditioned to obtain the license from NSW Fisheries if required, which is likely.

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

The Cobaki Lakes development has a long history and a commitment to provide residential accommodation. The proposal does not change the concept of the masterplan and reinforces the commitment from the owner to commence the development.

The application was notified to adjoining and adjacent property owners and no submissions were received. Subsequently, it is considered that the development will not be contrary to the public interest.

### **OPTIONS**

Council can either:-

1. Approve the application subject to conditions.
2. Refuse the application.

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

If the applicant is dissatisfied with Council's determination they may appeal to the Land and Environment Court. No third party appeal rights exist.

### **CONCLUSION**

The Cobaki Lakes site has an extensive history and has a commitment for development following the adoption of DCP 17 and amendments to the LEP. Subsequently, a number of consents have been issued by Council for the subdivision of this land. Subsequently, a number of concept or

## Reports from Director Development Services

---

masterplans have been prepared and approved. The current masterplan was approved with consent K99/1124. The current application for 8 masterlots is considered to be generally consistent with the approved masterplan and DCP 17 with only some minor variations proposed, which are reasonable under the circumstances.

No significant adverse environmental impacts are expected as a result of this development.

It is concluded from the preceding assessment that the application is suitable for conditional consent.

There is also a Construction Certificate for bulk earthworks submitted with this development application. At this stage the bulk earthworks Construction Certificate does not comply with numerous draft engineering conditions. Prior to the issue of the Construction Certificate for the bulk earthworks compliance with these conditions is required.

The applicant should be advised that the Construction Certificate cannot be issued until these conditions have been complied with.

---

## Reports from Director Development Services

---

THIS  
PAGE  
THIS  
PAGE  
IS  
BLANK  
IS  
BLANK

## Reports from Director Development Services

---

2. **ORIGIN:** Development Assessment Unit

**FILE REF:** DA02/0837 Pt1; 2150.880

**REPORT TITLE:**

**Development Application DA02/0837 for the Filling of Land for Future Development at Lot 9 DP 1039569, Lot 2 DP 1000385, No. 43 Fraser Drive, Tweed Heads South**

**SUMMARY OF REPORT:**

Council is in receipt of an application to undertake earthworks on the subject land in preparation for the sites future residential subdivision. The subject land is identified for residential purposes under Council's Development Control Plan No. 3 Banora Point West – Tweed Heads South and is predominantly designated Residential 'A' – Low Density Residential. As such, the proposed earthworks are considered to generally in accordance with the planned use of the land.

The subject land contains State Environmental Planning Policy No.14 – Coastal Wetlands and an associated Tall Open Ecotonal Forest. The proposed works are not in these vegetated areas.

The proposed earthworks are being reported to Council due to the prominence of the site, scale and intensity of the earthworks operation.

**RECOMMENDATION:**

That Development Application DA02/0837 for the filling of land for future development at Lot 9 DP 1039569, Lot 2 DP 1000385 No. 43 Fraser Drive, Tweed Heads South be approved by way of Deferred Commencement subject to the following conditions: -

**"DEFERRED COMMENCEMENT"**

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

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

**SCHEDULE "A"**

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

1. Prior to placement of any fill the applicant shall prepare a 'Geotechnical Site Investigation and Analysis' for the in-situ foundation material in accordance with AS1726 and AS3798-1996, shall be provided to the satisfaction of the Director of Development Services.

In general this investigation shall determine the subsurface conditions and provide anticipated settlement ranges for the foundation material when fill is placed.

This report should also provide recommendations in relation to the foundation design along with any requirements for preloading if settlement is expected.

2. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of fill and haulage routes shall be submitted to and approved by the Director of Development Services.

## Reports from Director Development Services

The approved haul route for the transportation of filling to the site is not to include Dry Dock Road, Tweed Heads South.

3. A detailed stormwater management plan for the operational or use stage of the development prepared in accordance with Section D7.07 of Tweed Shire Council Aus-spec D7 – Stormwater Quality and D7 Code of Practice for Soil and Water Management on Construction Works shall be provided to the satisfaction of the Director of Development Services.

### SCHEDULE B

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

### GENERAL

1. The development shall be completed in general accordance with the Statement of Environmental Effects and Plans Nos. 202009-01 Rev B & 202009-02 Rev A, prepared by Martin Findlater & Associates, dated 16th April 2002, except where varied by these conditions.
2. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.
3. The filling is to be carried out in accordance with the relevant parts of Development Control Plan No 16 - Subdivisions Manual.
4. No retaining walls or similar structures are to be constructed over Council's sewer main.
5. Prior to commencement of work pursuant to this consent a **Construction Certificate** shall be obtained for the works proposed and required by this consent.
  - a) copies of compliance certificates relied upon
  - b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
    - earthworks
    - roadworks
    - stormwater drainage
    - landscaping works
    - sedimentation and erosion management plans
    - the approved Traffic Control Plan

**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.

6. The earthworks shall be undertaken in accordance with the submitted Preliminary Acid Sulfate Soil Management Plan dated August 2002 and Soil and Water Management Plan dated 22 August 2002 prepared by Martin Findlater & Associates Pty Ltd.
7. The 10 metre wide buffer between the top of the fill batter and the existing vegetation as identified on Dwg No. 202009-01 Rev B shall be revegetated with native species. Plantings of native shrubs and small to medium trees shall be provided in the area marked and identified on the attached plan in RED.

# Reports from Director Development Services

## PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

8. A traffic control plan that complies with the provisions of the RTA document "Traffic Control at Work Sites" Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, and submitted for recording by Council, prior to issue of the Construction Certificate. All works are to comply with the Occupational Health and Safety Act and the RTA document and the approval particularly in respect to works on public roads. Safe public access shall be provided at all times.

9. Section 94 Contributions

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

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, 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.

### Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 4.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

$$\text{\$Con}_{\text{TRCP - Heavy}} = \text{Prod.} \times \text{Dist} \times \text{\$Unit} \times (1 + \text{Admin.})$$

where:

$\text{\$Con}_{\text{TRCP - Heavy}}$  heavy haulage contribution

and:

Prod. projected demand for extractive material to be hauled to the site over life of project in tonnes

Dist. average haulage distance of product on Shire roads (trip one way)

$\text{\$Unit}$  the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)

Admin. Administration component - 5% - see Section 6.5

10. **Prior** to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works (minimum \$1,000).

## Reports from Director Development Services

---

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

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

11. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. If filling is required, a plan of proposed drainage is to be submitted and approved by the PCA prior to the issue of a construction certificate.
12. The site is to be filled to a minimum of RL 2.65m AHD. The filling is to be retained by perimeter structural walls with concrete lined perimeter drainage, or other approved treatment, to a design submitted to and approved by the Director of Engineering Services prior to the release of the Construction Certificate. The filling plan of the site is to address the drainage on the site as well as any existing stormwater flows onto or through the site and the likely impact on stormwater drainage in the locality from the proposed filling.
13. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-
  - i. Access to be sealed from the shake down grid to Fraser Drive road seal in accordance with Condition 47.
  - ii. No access to the site via right turns from southbound lanes on Fraser Drive unless a 3.0 metre wide passing lane is constructed at the entrance.
  - iii. Left turn taper to be constructed at the access driveway and sealed.
14. A bond or bank guarantee of \$10,000 is to be lodged with Council prior to the issue of a construction certificate authorising the placement of any fill on the site. This bond will be drawn on by Council to undertake any rectification work directed but not completed or progressing to the satisfaction of the Director, Engineering Services within seventy two (72) hours from the date of serving any notice. The bond to be released upon completion of all work to the satisfaction of the Director, Engineering Services.
15. Permanent Stormwater Quality Treatment
  - (a) Permanent stormwater quality treatment shall comply with "*Tweed Urban Stormwater Quality Management Plan*" (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction or Occupational Phase of Development" . New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the "deemed to comply" provisions of *Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality* is deemed to comply with the objectives in 5.5.3.
  - (b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can designed into the site



## Reports from Director Development Services

development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.

- (c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality and D7 Code of Practice for Soil and Water Management on Construction Works*.

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

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

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

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

17. Erosion and Sediment Control During the Construction Phase of Development

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

- (b) The Construction Certificate Application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality and D7 Code of Practice for Soil and Water Management on Construction Works*.

18. Prior to the issue of Construction Certificate a revegetation management plan for the area identified in RED on the attached plan shall be prepared by a suitably qualified consultant and submitted to the Director of Development Services for approval.

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

19. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Consulting Engineer shall be

## Reports from Director Development Services

---

erected and maintained in a prominent position at the site to the satisfaction of the Director, Development Services. The sign is to remain in place until completion of the work.

20. 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.

### DURING CONSTRUCTION

21. No soil, sand, gravel, clay or other material shall be disposed of off the site.
22. 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.
23. 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.
24. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs will be deducted from the 1% bond or bank guarantee which is to be submitted prior to the issue of a Construction Certificate (the amount is based on 1% of the value of the works, minimum \$1000).
  - i) Prior to the commencement of works, details of the personnel responsible (with contact details) for keeping the roadways clean and free of any construction material is to be lodged with Council.
25. All lots must be graded and trimmed to prevent the ponding of surface water. Additionally, all lots must be adequately vegetated and action must be taken to prevent erosion from wind and/or water to the satisfaction of the Director, Development Services.
26. All proposed drainage and associated works within the site shall be designed and constructed in accordance with the development consent plans **AND** the relevant provision of DCP No. 16 - Subdivisions Manual, except where varied by the conditions of this consent.
27. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped.

## Reports from Director Development Services

28. No filling to be placed hydraulically within twenty metres (20m) of any boundary that abuts private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.  
No filling of any description is to be deposited, or remain deposited, within adjacent properties.
29. The earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments". In general, material shall be placed in layers not exceeding 300mm in depth, watered and compacted to achieve the specified density ratio as monitored in Table 5.1 - Guidelines for Minimum Relative Compaction.
30. The earthworks program shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with Appendix B, AS 3798-1996. In addition, the frequency of field density testing shall be to a Type 1 standard in accordance with Table 8.1 of AS 3798. The geotechnical report shall be accompanied by a certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798.
31. All stormwater discharged from the site including dewatering discharge is to be directed to a sediment pond prior to final discharge into any waterway. The sediment ponds or other approved devices are to be maintained in good condition until the maintenance bond is released.
32. 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.
33. 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.
34. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
35. 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.
36. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
37. 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.
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.

## Reports from Director Development Services

---

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 use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
41. 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.
42. The existing excavated drainage system through the site between Fraser Drive and James Road is to be preserved in its location and geometry so that its ability to convey trunk drainage from both catchments within the site and external to the site is not impaired.
43. The water quality control pond shall be fully fenced in accordance with the requirements of AS1926 for children less than five (5) years of age.
44. Prior to and during construction provide a "shake down" area along the haul route located immediately before the intersection with the road reserve. The "shake down" area is to be 10 metres long, minimum 3.0 metres wide, constructed of minimum 50mm diameter crushed rock; or other such device approved by the Director of Engineering Services.
  - i) The access is to be sealed from the shake down grid to the Fraser Drive road seal.
45. 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*.

## Reports from Director Development Services

---

### REPORT:

**Applicant:** Greenview Developments Pty Limited

**Owner:** Mr Robert T Sullivan and Mr William H Sullivan

**Location:** Lot 9 DP 1039569, Lot 2 DP 1000385, No. 43 Fraser Drive Tweed Heads South

**Zoning:** 2(c) Urban Expansion

**Cost:** 400000.00

### BACKGROUND

The proposed development is for earthworks over the subject land. These will involve the importing of approximately 110,000 cubic metres of fill to be placed over the low-lying areas of the subject land. This is intended to bring the levels of the land up to RL 2.65 as required for residential development. The subject land is around RL 0.7m AHD.

In the future Council will receive a subsequent development application for a residential subdivision over the subject land.

The land has been the subject of previous residential subdivision proposals, and more recently was subdivided to provide for the establishment of an educational facility access from Acacia Street.

# Reports from Director Development Services

## SITE DIAGRAM



© TWEED SHIRE COUNCIL 2002  
 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 or in respect to the information supplied in this map.  
**DO NOT SCALE**  
**COPY ONLY - NOT CERTIFIED**  
 P.O. Box 950      Tel: 075 9079 2400  
 Murrumbidgee, NSW, 2484      Fax: 075 9079 2403

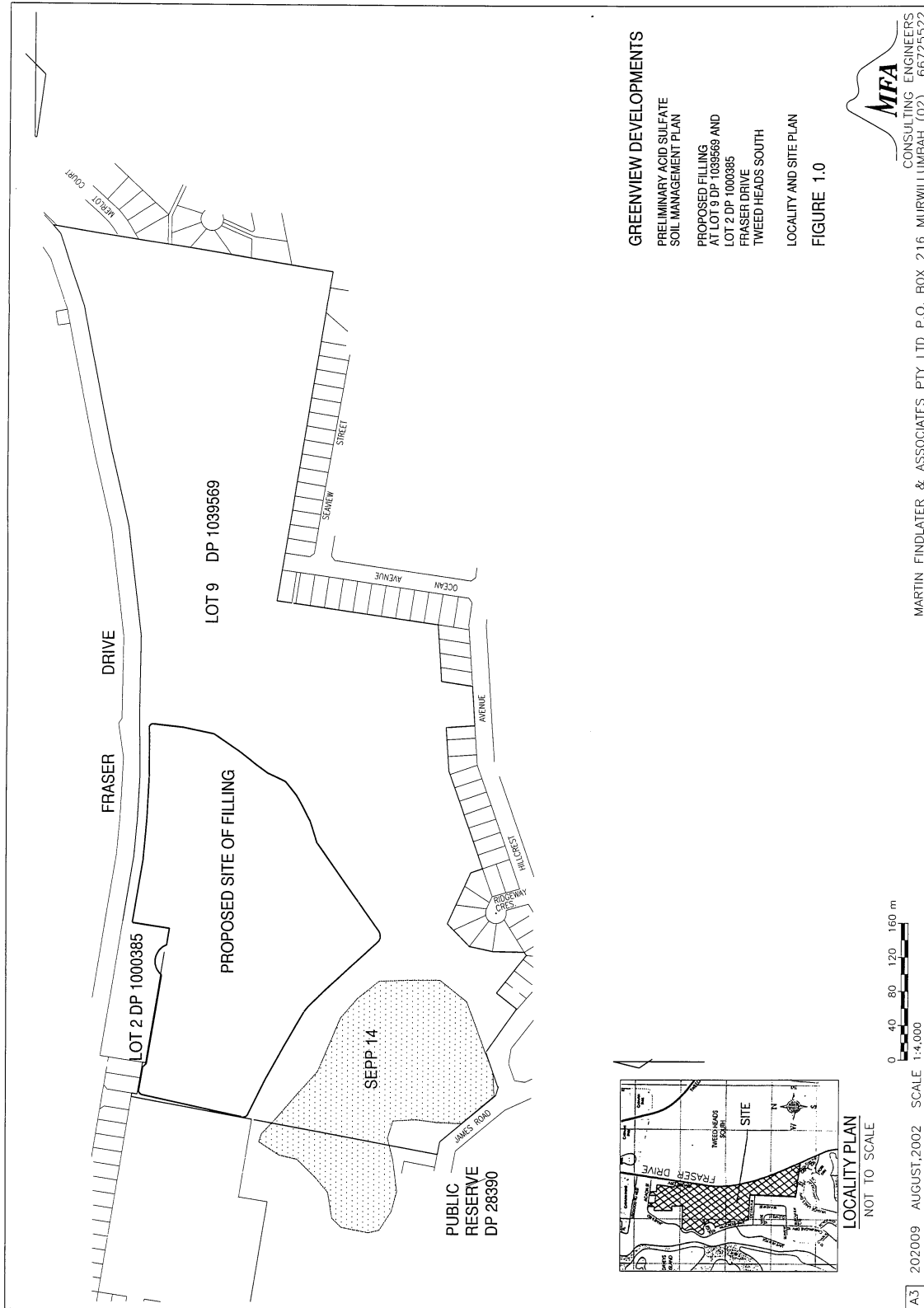
TWEED SHIRE COUNCIL  
 Lot 2 DP 1000385 & Lot 9 DP 1039569  
 43 Fraser Drive, Tweed Heads South  
 File: N:\MapInfo 7.1\Site Plan Wor    Author: J. Batchelor    Date: 23/Sept/02



Site Plan  
 Sheet 1 of 1  
 Revision

# Reports from Director Development Services

## LOCATION OF FILL



## Reports from Director Development Services

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

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

Tweed Local Environmental Plan 2000

The subject land is zoned 2(c) Urban Expansion under the Tweed Local Environmental Plan 2000. Earthworks are permissible with consent in the subject zone.

The objectives of the zone allow for residential and mixed use of land. Upon completion of the earthworks the site will comply with the minimum flood design levels and as such enable its use in accordance with the zone objectives.

Clause 22 of the LEP – development near designated roads is applicable to the proposal as Fraser Drive is a designated road. Council's Traffic Engineer has assessed the proposed development and requires a number of conditions be imposed to ensure the provisions of clause 2 can be satisfied. Further detailed assessment in relation to access and traffic impacts is detailed in this report.

Clause 34 of the LEP – flooding is applicable to the proposal as the subject land is currently below the design flood level. As such, Council must not grant consent to development on the subject land unless the extent and nature of the flooding hazard has been assessed, whether the development will increase risk of flooding in the vicinity whether the severity of flooding could be mitigated.

The applicant has submitted a report prepared by WBM Oceanics Australia concluding that the proposed filling does not increase the 100 year ARI flood level for the ultimate development of the site and it is unlikely that filling will decrease the level of flood immunity of any houses on the South Tweed floodplain.

The proposed development has been assessed to satisfy the requirements of clause 34 of the LEP.

Clause 35 of the LEP – acid sulfate soils is applicable to the proposed development as the site is identified as being of Class 2 acid sulfate soils. The applicant has provided a soil and water management plan and acid sulfate soil management plan which Council's Environmental Health Surveyor has assessed. Generally providing works are undertaken in accordance with these plans and conditions imposed by Council's Environmental Health Surveyor the impacts to acid sulfate soils should be managed.

Clause 37 of the LEP – transmission corridors is applicable to the proposed development as a corridor is shown over the subject land adjacent to Fraser Drive. In this regard Council cannot grant consent to the proposed development without having regard to comments provided by Country Energy on the proposed development.

Country Energy have advised Council that they have no objection to the proposed activity providing safe working clearances are provided to the existing electrical assets.

North Coast Regional Environmental Plan 1988

Clause 15 of the REP – development control rivers, streams and wetlands is applicable to the proposed earthworks in that consideration needs to be given to a number of matters to ensure habitat and environmental protection.



## Reports from Director Development Services

Clause 32B of the REP – development control coastal lands is applicable as the subject land is affected by the Coastal Policy.

The proposed earthworks are not considered to be in conflict with the provisions of the REP. The following report details where relevant the matters raised in the above clauses.

### State Environmental Planning Policies

#### State Environmental Planning Policy No.14 – Coastal Wetlands

The subject land contains Coastal Wetland No.18b. The proposed earthworks are not within the wetland and as such the provisions of this policy do not apply.

Council's Infrastructure Engineer has advised that the subject land drains through a system of excavated drains to a culvert under James Road, and then to Terranora Inlet. The proposal involves bunding the perimeter of the fill and drain towards the existing drain. As such, the proposal has been assessed to involve no impacts by modifying drain on the SEPP14 wetland.

#### State Environmental Planning Policy No.44 – Koala Habitat

The applicant has submitted an assessment under SEPP 44, which concludes that the site does not support core Koala habitat and as such a management plan is not required to be prepared.

#### State Environmental Planning Policy No.55 – Remediation of Land

The applicant has submitted in relation to this issue details from a previous land contamination assessment, which concluded that the site can reasonably be considered to be uncontaminated. In this regard Council's Environmental Health Surveyor requires a condition to ensure the fill being imported to the site is not contaminated rendering the land unsuitable for future residential development.

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

There are no draft environmental planning instruments applicable to the proposed development and subject land.

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

#### Development Control Plan No.3 – Banora Point West – Tweed Heads South

The subject land is designated in the DCP as being:

- Residential "A" density development,
- Public Open Space, which encompasses the SEPP 14 area,
- Stormwater Buffer, which is provided to the eastern side of the SEPP 14 encompassing existing vegetation abutting the SEPP 14,
- Local Shop site adjacent to Fraser Drive,
- Hazard Zone – Land Affected by Slip (Clause 14b),
- Distribution – Collector Road access point to Fraser Drive, and

## Reports from Director Development Services

- Electricity transmission line corridor adjacent to Fraser Drive.

In addition to these details as mapped there are requirements in the DCP that any development application for the residential subdivision of the land shall maximise the opportunity to retain the vegetation directly to the east of the SEPP 14, subject to providing adequate water quality devices and subject to adequate buffering of the vegetation.

In this regard the applicant has advised that the vegetation directly east of the SEPP 14 shall be retained. To ensure the proposed earthworks do not result impacts to this vegetation area conditions will be imposed to protect this vegetation in line with comments provided from National Parks and Wildlife Service.

Also the DCP requires water quality controls for development directing stormwater through the SEPP 14 area. The applicant has submitted soil and water management plans in this regard which Council's Environmental Health Surveyor has assessed as being adequate.

The proposed earthworks are not in conflict with the provisions of the DCP.

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

The proposed earthworks are to fill the site to the adopted design flood level of RL 2.65m AHD. As such the proposal is not in conflict with the provisions of this DCP.

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

The NSW Coastal Policy 1997 applies to the proposed development. The proposed development is considered to be generally consistent with the strategic actions and principles of this policy document.

**(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**

### Natural Environment

The subject land contains a large stand of State Environmental Planning Policy No.14 – Coastal Wetlands and a significant stand of Tall Open Ecotonal Forest. These vegetation areas are located on the west of the site, and are not affected by the proposed earthworks.

However it is noted from the submitted plans that the area of earthworks could be as close as 40 metres from the SEPP 14 vegetation meaning that the stand of vegetation to the east and abutting the SEPP 14 will be as close as 10 metres from the area of fill.

National Parks and Wildlife have advised that the margin of the filled area should be stabilised by planting native species as the proposed silt fences will provide only short-term protection for the Wetland and Tall Open Ecotonal Forest. The proposed 10 metre grassed buffer zone will not provide long term protection for the forest, and consequently supplementary plantings of native shrubs and small to medium trees would be necessary to mitigate impacts. This revegetation should take place so that the entire wetland is buffered from the development.

These comments are a reflection on the conservation status of Paperbark forests on the North Coast and the value of these species to threatened fauna.

## Reports from Director Development Services

---

As such a condition will be imposed requiring the identified 10 metres between the vegetation and the toe of the batter of the fill to be revegetated and that such revegetation plan detailing species and densities be provided to the Director of Development Services prior to Construction Certificate, thereby ensuring desired outcome is achieved.

### Road Network

The proposed development involves the filling of the subject land with approximately 110,000 cubic metres of fill of which approximately 20,000 to 80,000 cubic metres will be deposited on the site in a relatively short period of 40 to 60 days.

This is anticipated to generate up to 200 truck movements (two way) over a 10 hour day, equating to 20 trucks per hour. This will represent 4% of the peak hour traffic in Fraser Drive and 2.8% of the traffic on Dry Dock Road.

Council's Engineers have had regard for the applicants submitted engineering impact assessment report. The following outcomes from the assessment are to be reflected in conditions of consent:

- Dry Dock Road is not to be used as a haulage route,
- The access to the site is to be sealed from the shake down grid to Fraser Drive road seal,
- Fraser Drive is to be kept clean of all construction materials,
- No access to the site via right turns from the south bound lane of Fraser Drive unless a 3.0metre wide passing lane is constructed at the entrance,
- Left turn taper is to be constructed at the access driveway and sealed.

In addition to the above points, signage is required at the site identifying the names and contact details of personnel involved and Tweed Road Contributions will be applicable to the proposal.

The impacts to the road network are considered to be relatively significant for a short period until such time that the majority site is filled. The proposed conditions will mitigate some of these impacts and ensure a level of safety is afforded to Fraser Drive. It is more desirable to have the earthworks undertaken in a managed short-term period rather than a continual process, which generates longer term impacts to the residents in the locality.

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

The site has been assessed as being suitable for the proposed development. Council's policies that are applicable to the land reflect the desired outcome for residential development. The proposed earthworks are necessary to implement the intentions of these policies.

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

The proposed earthworks were notified for a fortnight during which two submissions were received. The following table details the issues raised.

## Reports from Director Development Services

Issue	Comment	Assessment
Flood Prone Land	Concern was raised that flood prone land should be left in its natural state, rather than be developed for housing.	The land has been zoned for residential use since the Tweed Local Environmental Plan 1987.  The proposal does not warrant refusal on this issue.
Impacts to Wildlife	Concern was raised that the fill will affect wildlife in area, birds feeding in area.	The proposed fill will not be impacting on the SEPP 14 or other abutting vegetation. Habitat areas for feeding will still be available in the local area.  The proposal does not warrant refusal on this issue.
Water Quality	Concern was raised that acid run off and water quality to the Broadwater from heavy rain.	The applicant has provided soil and water management plans that have satisfied Council's requirements.  The proposal does not warrant refusal on this issue.
Future Development	Concern was raised the site will be developed for relocatable homes.	It is understood that the intention of the developer is to submit a future development application for a residential subdivision over this land.  The proposal does not warrant refusal on this issue.
Local Road Network	Concern was raised that traffic congestion will result in Fraser Drive.	The proposed earthworks will generate a high number of truck movements in a short period of time. Council's Engineers requirements will be imposed in relation to this issue.  The proposal does not warrant refusal on this issue.

## Reports from Director Development Services

---

Due to the scale of the earthworks Council referred the proposal to the National Parks and Wildlife Service, Department of Land and Water Conservation and NSW Fisheries. These authorities were given 28 days from the date of referral to provide comment. National Parks and Wildlife were the only agency that made comment. It is considered that Council has all relevant authority comments at its disposal for consideration in determining the application.

(e) **Public interest**

The proposed earthworks are considered to not be in conflict with the general public interest in the locality. The number of submissions received are a reflection that the majority of residents in the locality understand that the land is intended for residential purposes, and that such earthworks will be required.

More interest is held by the local residents in the form of the future residential subdivision and its impacts in terms of immediate boundaries and views.

The proposed works will be managed to ensure the vegetation stands on the western area of the site are protected. It is considered that the proposal will not be in conflict with the general public interest in the locality.

### **OPTIONS**

1. Approve the proposed development in accordance with the recommended conditions of consent.
2. Refuse the application.

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

The applicant has a right of appeal to the Land and Environment Court should they be dissatisfied with the determination.

### **CONCLUSION**

The proposed earthworks is considered to be generally consistent with the relevant planning instruments for the subject land. The applicant's submission has provided the mitigation measures required to ensure the proposed earthworks can be managed to ensure the environmental outcomes for the site are maintained. It is considered by issuing a deferred commencement consent Council will have the opportunity to ensure impacts by way of haulage routes, stormwater and geotechnical issues are managed.

---

# Reports from Director Development Services

---

THIS  
PAGE  
THIS  
PAGE  
IS  
IS  
BLANK  
BLANK

## Reports from Director Development Services

---

**3. ORIGIN: Development Assessment Unit**

**FILE REF: DA5570/565 Pt2**

**REPORT TITLE:**

**Development Application 0821/2001DA.02 for Amendment to Development Consent 0821/2001DA for the Erection of a Dwelling at Lot 1 DP 348293, Lot 2 DP 8291 No. 3 Old Ferry Road, Murwillumbah**

**SUMMARY OF REPORT:**

Council is in receipt of an application to amend the subject development consent for the erection of a two-storey dwelling house on the subject land being No. 3 Old Ferry Road Murwillumbah.

The development consent included a condition requiring on site stormwater detention to be provided to the proposed dwelling house in the absence of a constructed Council stormwater system in the locality. It is this condition that the applicant is seeking be modified given advice provided from Council's Engineering Division on the timing of upgrade to Sunnyside Lane.

In addition the applicant is seeking a modification to the plan by way of the addition of a balcony to the first floor master bedroom to the southern elevation providing views to the Tweed River. The proposed balcony is provided with fixed privacy screening to adjoining residences.

The notification of the proposed modifications to adjoining residences has raised objection. The issues raised in the objections are assessed in the following report, including overdevelopment of the site, loss of outlook, loss of privacy, impacts to the building line, stormwater impacts and impacts to the character of the locality.

**RECOMMENDATION:**

That Development Application 0821/2001DA.02 for an amendment to Development Consent 0821/2001DA for the erection of a dwelling at Lot 1 DP 348293 and Lot 2 DP 8291 No. 3 Old Ferry Road, Murwillumbah be amended as follows: -

**Condition No.1 be modified to read:**

1. The development shall be completed in general accordance with Plan No.0109 Sheet No.WD1A prepared by Lyon Architects dated July 2001, except where varied by these conditions.

**Condition No.18 be modified to read:**

18. All stormwater from roof catchment and surface waters to be connected directly into road drainage pits if available, or to kerb and gutter located in Sunnyside Lane, to the satisfaction of the Director of Engineering Services.

## Reports from Director Development Services

---

### REPORT:

**Applicant:** Nathan Espie  
**Owner:** K & L Byatt  
**Location:** Lot 1 DP 348293, Lot 2 DP 8291, No. 3 Old Ferry Road Murwillumbah  
**Zoning:** 2(a) Low Density Residential  
**Cost:** \$124,000.00

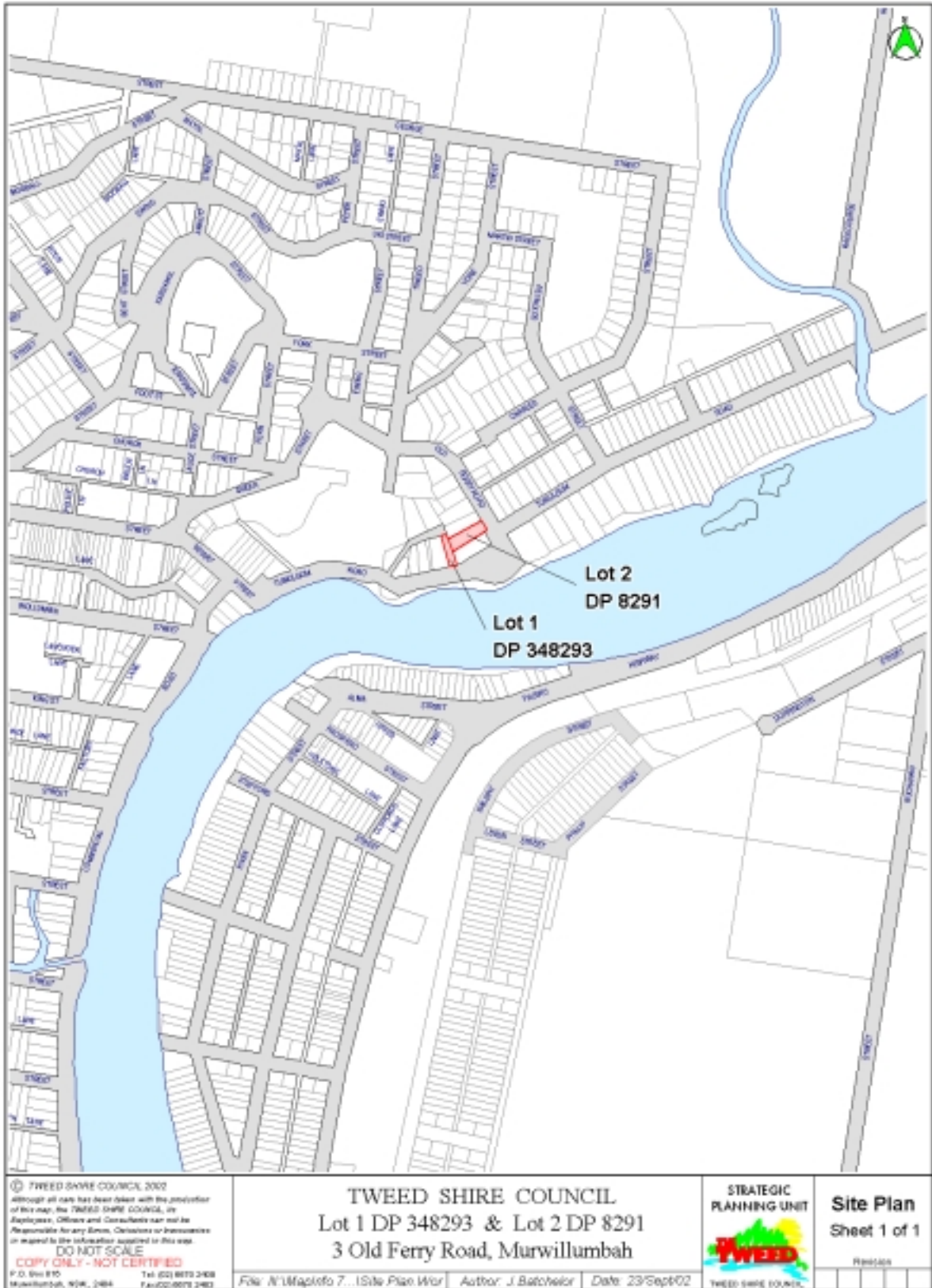
### BACKGROUND

- 23/8/2001 Council received a development application for the erection of a dwelling house on the subject land.
- 5/12/2001 Council considered a report for the proposed dwelling house and resolved to approve the proposal subject to a number of conditions of consent, being consent notice 0821/2001DA.
- 23/1/2002 Council considered a report in confidential regarding the processing of the development application and resolved:
- “1. *The General Manager be authorised to send a copy of the report, together with the attached investigation report to the Director of Local Government.*
  2. *The report be received and noted.*”
- 3/7/2002 Council received a Construction Certificate application (02/0846) for the erection of the dwelling house approved by development consent 0821/2001DA.
- 4/7/2002 Council received the subject application to modify development consent 0821/2001DA.



# Reports from Director Development Services

## SITE DIAGRAM



## Reports from Director Development Services

---

### CONSIDERATIONS UNDER SECTION 96(2) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

The proposed modifications are considered to result in substantially the same development to the extent that the proposal will remain as a single dwelling house of two-storey construction with limited modifications. The issues raised in the submissions received have been considered. The proposed development is considered to be "substantially the same" as initially approved.

#### On site Stormwater Detention

The modifications being sought include the deletion of the requirement for an onsite stormwater detention system. The applicant proposes to connect to the existing gutter in Sunnyside Lane and should the extensions and improvements to Sunnyside Lane occur prior to the commencement of the house construction it will be possible to connect to the new gutter, which will form part of the road works.

Council's Construction Engineer has advised that the expected timing for the Sunnyside Lane upgrade is March 2003. As such it is considered that the proposed dwelling house will be able to manage stormwater so as not to adversely impact on adjoining residences. The deletion of the onsite detention system requirement is considered to essentially result in the same development and not increase impacts to the local area.

#### Plan Changes

The modifications being sought include the addition of a balcony from the Master Bedroom on the second floor with elevation to the south and views of the Tweed River. The proposed plans detail the provision of privacy screening to both sides of the balcony, which are permanent and prevent the residents of the proposed dwelling from overlooking the existing adjoining residences and also screening the future residences from any loss of privacy.

As the proposed balcony comes off the Master Bedroom it is considered highly unlikely that this addition will be a place where visitors will be entertained as access is obtained through the bedroom.

The approved plan included a covered patio on the ground level of the proposed dwelling house in this location. The additions to the first floor are located over the approved cover patio and designed to provide a hip roof.

The proposed additions are considered to be relatively minor in nature and are not considered to result in impacts that would result in the proposed dwelling house no longer being substantially the same development.

#### Summary

The proposed modifications to the approved development are considered to be of a scale and nature to enable consideration as a section 96(2) application to modify the development consent.

#### **Consulted with Relevant Minister in relation to any Concurrence Conditions**

The conditions being modified were not imposed by any concurrence authority.

#### **Notified the Application**

The proposed modifications were notified to adjoining property owners for a fortnight. During this

## Reports from Director Development Services

period three submissions were received, of which two were by way of objection. The following assessment is made of the issues raised in the submissions.

### Consideration of Submissions Received

The following table details the issues raised in the submissions.

Issue	Comment	Assessment
Overdevelopment of the site.	Concern was raised that the extensions to the roof over the proposed first floor balcony will result in an over development of the site	<p>The proposed modifications are not considered to result in an over development of the site. The balcony is 2m x 5m and is not considered to be significant in scale or appearance to generate an over development of the site.</p> <p>As such it is considered that this issue does not warrant the refusal of the application.</p>
Loss of Outlook	Concern was raised that the additions to the roof line will reduce outlook to the river, and that the additions would result in "the looming effect" of the approved dwelling.	<p>With the proposed first floor balcony being covered by a hip roof not a gable the reduction in outlook impacts are reduced.</p> <p>The original application received no objections in relation to views. With the approved dwelling house occupying the same extent of the site it is considered that the objections in relation to outlook are based on the additions.</p> <p>It is acknowledged that the outlook in the locality will change by way of the erection of a dwelling house, and that the additions as part of this will change the outlook. However the balcony is relatively small being 5m x 2m and these additions are not considered to be a significant impact to outlook.</p> <p>As such it is considered that this issue does not warrant the refusal of the application.</p>
Reduction in privacy	Concern was raised that the use of the proposed first floor balcony will impact on privacy of adjoining yards.	<p>The applicant has advised in relation to this issue that the balcony will be screened on both the eastern and western ends ensuring views are 100% orientated towards the Tweed River. These permanent privacy screens are timber slats which are slanted upwards thereby preventing both the residents viewing adjoining property and the</p>

## Reports from Director Development Services

Issue	Comment	Assessment
		<p>neighbours overlooking the balcony.</p> <p>The plans detail such screening and it is considered that as the balcony is orientated to view the river and not adjoining residences, impacts to privacy will be minimal.</p> <p>As such it is considered that this issue does not warrant the refusal of the application.</p>
Impacts to the Building Line	Concern was raised that the first floor additions further impact on the building line and are inconsistent with the objectives of the Policy.	<p>The original approval was for a dwelling house that was setback 2 metres from the Tumbulgun Road boundary. The proposed additions to the first floor are still within the same setback as approved with the original application.</p> <p>This report addresses the issues which are the objectives under Council's Building Line Policy. Given the site constraints the variation to the building line was supported with the original application.</p> <p>The modifications are not considered to raise additional impacts in this regard.</p> <p>As such it is considered that this issue does not warrant the refusal of the application.</p>
Inconsistent with character of area.	Concern was raised that the proposed development is inconsistent with the heritage character of the area.	<p>The area is not identified under the Tweed Local Environmental Plan as being a heritage conservation area.</p> <p>The character of the area is not considered to be further reduced by the modifications. This issue is a matter that was relevant with the assessment of the original application for a dwelling house.</p> <p>As such it is considered that this issue does not warrant the refusal of the application.</p>
Overshadowing impacts	Concern was raised that the additions will increase the overshadowing of adjoining property.	<p>The applicant has provided a shadow diagram detailing the additional area of over shadow from the proposed additions.</p> <p>The additional area of shadow at</p>

## Reports from Director Development Services

Issue	Comment	Assessment
		<p>9.00am for summer is minor with the shadow being clear of the adjoining swimming pool by 12noon.</p> <p>As such it is considered that this issue does not warrant the refusal of the application.</p>
<p>Stormwater impacts to adjoining residences.</p>	<p>Concern was raised that the deletion of the OSD requirement will impact adjoining residences and on the information submitted that Council could not assess the application.</p>	<p>The applicant provided detail of a temporary stormwater management arrangement to the existing kerb in Sunnyside Lane should the road improvements as schedule in March 2003 not be completed upon construction of the dwelling house.</p> <p>Council's Infrastructure Engineer has supported this submission and has no objection to the deletion of the subject condition.</p> <p>As such it is considered that this issue does not warrant the refusal of the application.</p>

### SECTION 96(3) RELEVANT MATTERS UNDER SECTION 79C(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

Tweed Local Environmental Plan 2000

The subject land is zoned 2(a) Low Density Residential under the provisions of the Tweed Local Environmental Plan 2000. The proposed dwelling house is permissible with consent in the subject zone.

It is considered that the proposal is consistent with the zone objectives and as such may be considered.

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

The subject land is zoned 2(a) Low Density Residential which is affected by Draft Local Environmental Plan No.27 which relates to the multi dwelling housing provisions of the subject zone. The draft plan does not affect the proposed modification application.

**(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 original report to Council of 5<sup>th</sup> December 2001 addressed issues in relation to the proposed dwelling house and impacts to the environment.

The proposed additions are not considered to generate further matters of impact requiring detailed assessment. The built environment will be modified by way of the

## Reports from Director Development Services

---

balcony addition however as detailed in this report the impacts to adjoining properties are not considered to be exacerbated by way of the additions.

The stormwater condition modification is not considered to alter the requirement for management of stormwater from the proposed development. As such, environmental impacts to adjoining properties are considered to be minimal.

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

The previous report of 5<sup>th</sup> December 2001 assessed the site to be suitable for the proposed development. It is considered that the proposed modifications do not raise further matters to be assessed in relation to suitability of the site.

**(e) Public interest**

The proposed application to modify the consent is not considered to be of a substantial nature to generate impacts to the general public interest.

### OPTIONS

1. Modify the development consent 0821/2001DA as recommended.
2. Refuse the modification of development consent 0821/2001DA.

### LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

A right of appeal exists to the Land and Environment Court should the applicant be dissatisfied with the determination of the application.

### CONCLUSION

The proposed modifications are considered to be generally minor in nature and constitute substantially the same development. The nature of the impacts resulting from the modifications are considered to be relatively minor. The applicant has proposed privacy screening for the first floor balcony and the connection with Council's kerb and gutter for stormwater. As such the proposal is not considered to generate significant impacts to the environment.

Consideration has been given to the issues raised in the submissions. Given the site constraints and limitations it is considered that the proposed modifications are reasonable.

---

## Reports from Director Development Services

---

**4. ORIGIN:** Development Assessment Unit

**FILE REF:** DA02/1329 Pt1

**REPORT TITLE:**

**Development Application DA02/1329 for a Respite Centre - Short Term Accommodation at Lot 9 DP 1036027 North Arm Road, Murwillumbah**

**SUMMARY OF REPORT:**

Council is in receipt of a development application for the establishment of a respite centre on the subject land at North Arm Road Murwillumbah. The land is opposite the Murwillumbah Golf Course and adjoins the Mountain View Retirement Village.

The proposed structure is of brick and tile appearance and generally complies with Council's requirements.

During public notification of the proposal one submission by way of objection was received. The following report addresses the issues relevant to the proposed development.

**RECOMMENDATION:**

That Development Application DA02/1329 for a Respite Centre - short term accommodation at Lot 9 DP 1036027 North Arm Road, Murwillumbah be approved subject to the following conditions: -

**GENERAL**

1. The development shall be completed in general accordance with the Statement of Environmental Effects and Plans No 2400/wd/01Af prepared by Pat Twohill Design Pty Ltd and dated July 2002 and Figure 1.0 prepared by Martin Findlater & Associates Pty Ltd dated July 2002, except where varied by these conditions.
2. Advertising structures/signs to be the subject of a separate development application, where statutorily required.
3. The erection of a building in accordance with a development consent must not be commenced until:
  - a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
    - (i) the consent authority; or
    - (ii) an accredited certifier; and
  - b. the person having the benefit of the development consent:
    - (i) has appointed a Principal Certifying Authority; and
    - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
  - c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

## Reports from Director Development Services

---

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

4. Section 94 Contributions

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

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

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

- a. Tweed Road Contribution Plan: \$1,044.00  
S94 Plan No. 4 (Version 4.0)  
(Sector 9)

5. The footings and floor slab are to be designed by a practising Structural Engineer after consideration of a soil report from an accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.
6. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

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

7. 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.
8. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised to the satisfaction of the Principal Certifying Authority and provided with a dish drain or similar at the base or otherwise retained to the satisfaction of the Principle Certifying Authority. All retaining works shall be completed to the satisfaction of the Principal Certifying Authority prior to start of building work. Please note timber retaining walls are not permitted.
9. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:



## Reports from Director Development Services

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

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

10. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-
  - (a) a standard flushing toilet connected to a public sewer, or
  - (b) if that is not practicable, an accredited sewage management facility approved by the council, or
  - (c) if that is not practicable, any other sewage management facility approved by the council.
11. A sign must be erected on the site in a prominent, visible position stating:
  - a. that unauthorised entry to the work site is prohibited; and
  - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
  - c. Lot number.
12. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least **2 days** prior to work commencing.
13. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. **Note** All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the PCA prior to commencement of building works.

### **DURING CONSTRUCTION**

14. 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.
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

## Reports from Director Development Services

---

- Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
16. 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.
  17. 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.
  18. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
    - a. footings, prior to pouring of concrete
    - b. slab, prior to pouring of concrete
    - c. frame prior to the erection of brick work or any wall sheeting
    - d. final inspection prior to occupation of the building
    - e. completion of work
  19. 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.
  20. 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.
  21. If access for the disabled is required under Part D3 of the Building Code of Australia, facilities for the use of the disabled shall be provided as specified in Part F2.4 of the Building Code of Australia and shall be constructed to the requirements of Australian Standard AS1428.1.
  22. 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.
  23. 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.
  24. The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of the buildings with direct line of sight to the proposed building.
  25. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
    - a. internal drainage, prior to slab preparation;
    - b. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
    - c. external drainage prior to backfilling.
    - d. completion of work.
  26. A. A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.  
B. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.

## Reports from Director Development Services

27. 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.
28. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
  - \* 43.5<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
  - \* 50<sup>0</sup>C in all other classes of buildings.A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.
29. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
  - i. All required erosion and sedimentation control devices have been installed and are operational.
  - ii. Required toilet facilities have been provided on the site.
  - iii. A sign has been erected on the site identifying:
    - Lot number
    - Builder
    - Phone number of builder or person responsible for site.
  - iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
  - v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.
30. 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.

### **PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

31. 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.
32. 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).
33. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.

## Reports from Director Development Services

---

34. Prior to the occupation of the respite centre all of the works bonded under consent 0068/2001DA are to be provided.

### USE

35. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.
36. The proposed respite centre shall be limited to a maximum of 5 clients at any one time.

## Reports from Director Development Services

---

### REPORT:

**Applicant:** Multicap

**Owner:** Multicap

**Location:** Lot 9 DP 1036027, North Arm Road Murwillumbah

**Zoning:** 2(c) Urban Expansion

**Cost:** \$240,000.00

### BACKGROUND

Council is in receipt of a development application for a respite centre on the subject land. The proposed development involves the erection of a single storey brick and tile centre that has the appearance of a single dwelling house. The site will require cut to approximately 0.5 metres that will be used to create a level building platform on the site.

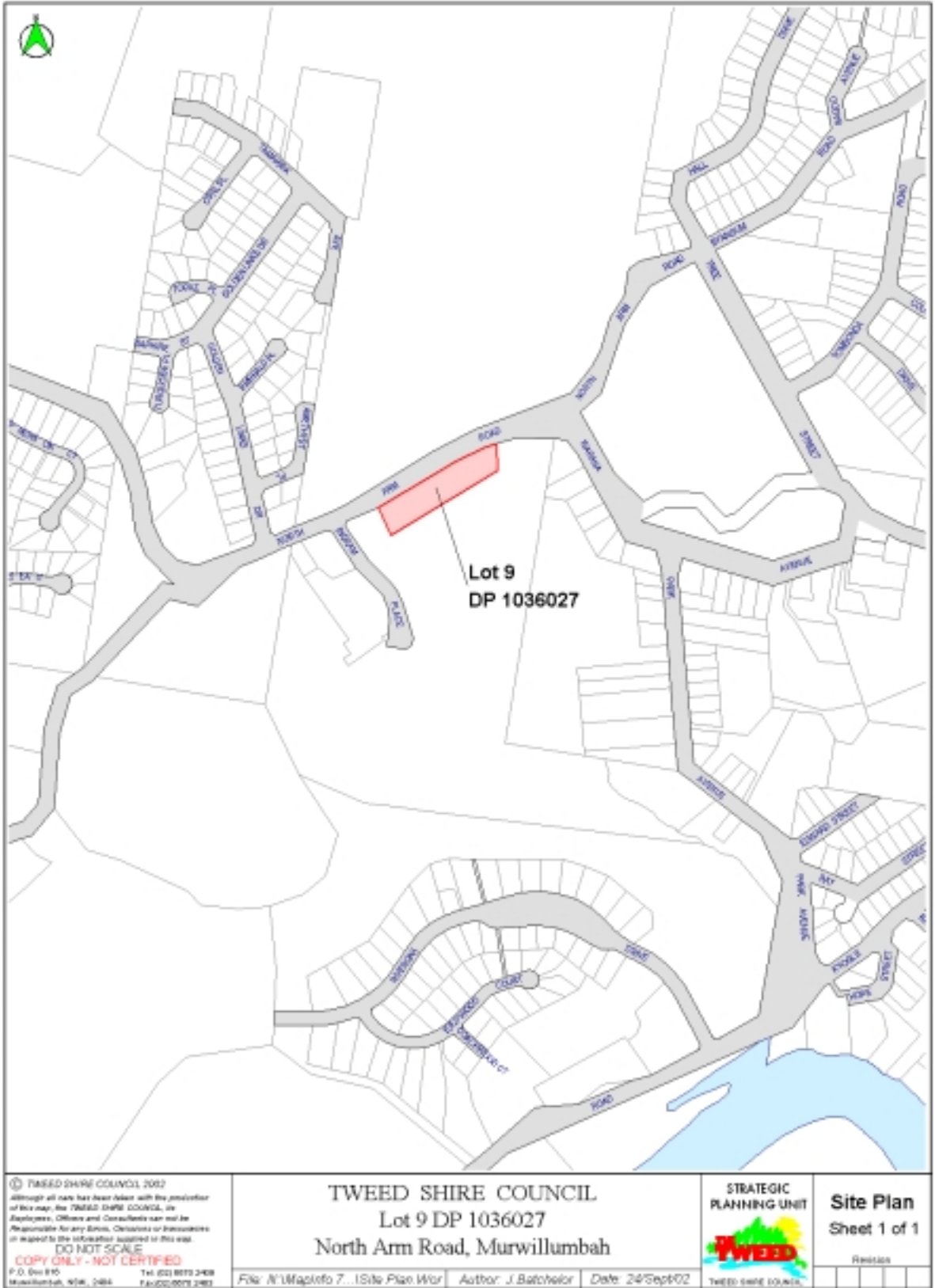
The facility has the ability to accommodate five disabled people at any one time. The proposal involves a maximum of four clients staying overnight and will employ two full time carers with a further 2-3 part time staff as required.

The respite centre is organised and run through a community reference group which case manage referrals to ensure that placement in the centre is in appropriate groupings based on disability.

Multicap have been involved in trying to establish a respite facility in the Murwillumbah area since 1999.

# Reports from Director Development Services

## SITE DIAGRAM



# Reports from Director Development Services

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

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

Tweed Local Environmental Plan 2000

The subject land is zoned 2(c) Urban Expansion zone under the provisions of the Tweed Local Environmental Plan 2000. The objectives of the zone provide for associated non-residential development, which meet the social needs of the residents.

The local environmental plan defines a respite centre as being:

*Land used for the provision of respite care for aged persons or people who are physically, mentally, or socially disadvantaged.*

Respite Care Centres are permissible with consent in the subject zone.

Clause 15 of the LEP – availability of services is applicable to the proposal in that consent should not be granted without such being available. Services are available to and within the general area of the site. As such Council can consider the proposal.

The proposed development generally complies with the provisions of the Tweed Local Environmental Plan 2000.

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

There are no draft environmental plans applicable to the subject land or proposed development.

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

Development Control Plan No.2 – Access and Car Parking

The following table assesses the proposed development in relation to the provisions of DCP No.2.

Standard	Requirement	Complies/variation
On site car parking	1/10 beds = 1 based on 4 clients. 0.5/staff = 2.5 based on 5 staff	The proposal includes 5 spaces, one being the garage, complies.

The proposed development complies with the on site car parking requirements of DCP No.2.

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

There are no matters under the regulations applicable to the proposed development.

**(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**

Natural Environment

The subject land is within the urban environs of Murwillumbah. The site does not contain any natural vegetation of significance. There is a stand of relatively large

## Reports from Director Development Services

---

camphor laurels that dominate the property frontage and have prevented the establishment of significant native vegetation.

### Built Environment

The proposed respite centre is the appearance of a single storey dwelling house of brick and tile construction. The proposed building complies with the required building setbacks and is consistent with the building fabric generally found in the locality.

The proposed development involves approximately 0.5metre cut and fill to provide a level building platform. To the rear of the subject land is the Mountain View retirement Village. The retirement units closest to the subject land are distanced from the common boundary by a internal service road.

### Social Environment

The social impacts of the proposed development are considered to be beneficial and of importance in terms of community health and well being.

The proposal does not raise any further issues requiring assessment.

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

The site is considered to be suitable for the proposed use.

### Road Environment

The subject land has the benefit of adequate road frontage and sight distance for access. The applicant will need to construct kerb and gutter for the full frontage of the subject land. Previous development consent 0068/2001DA required the construction of the kerb and gutter. These works were bonded to allow the issue of the subdivision certificate. A condition of consent will be imposed requiring the works as bonded under this consent to be provided prior to occupation certificate for the respite centre.

The applicant has prepared a traffic generation analysis, which calculated the daily trip rate to be 10. The applicant has provided a submission in relation to trip ends that Council's Traffic Engineer has assessed.

The subject land has the benefit of 6.5 trip ends as generated by a dwelling house. As such the development involves the addition of 3.5 trip ends, which require the imposition of a Tweed Road Contribution in accordance with the Section 94 Contribution Plan No.4.

A condition of consent will be imposed to ensure the collection of the required contribution.

### Servicing

The proposed development will require the extension of the sewer to the property and connection of services to enable the proposed development. The sewer will be extended from Ingram Place. These works were also bonded under 68/2001DA and consequently will need to be provided prior to occupation certificate for the respite centre.



## Reports from Director Development Services

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

The proposed development was notified to adjoining property owners and advertised in the Tweed link for two weeks during which three submission of which one was an objection and two were letters of support. The following table details the issues raised in the objection.

Issue	Comment	Assessment
Inappropriate Location	Concern was raised that the development was too close to North Arm Road and would be affected by the noise and dust from the road.	The applicant has designed the facility to cater for their requirements. The proposed building will be setback 6.0metres from North Arm Road and will be afforded landscaping to screen from road.  The proposal does not warrant refusal on this issue.
Stormwater Impacts	Concern was raised that the development will increase stormwater run off to the adjoining retirement village.	The applicant has provided an engineering report addressing this issue. Council's Engineers are satisfied that proposal meets Council's requirements.  The proposal does not warrant refusal on this issue.
Privacy	Concern was raised that the proposal will impact on privacy of adjoining retirement village, as there will be sight seer's on week ends.	The subject land falls to the south east and as such is of higher elevation than the adjoining retirement village. The applicant has proposed fencing and landscaping to the rear that will limit the ability for visitors to the respite centre over looking the adjoining development.  The proposal does not warrant refusal on this issue.

### (e) Public interest

The proposed development is in the general public interest as it will result in the provision of a service, which is currently lacking and a need within the community. The importance of the service provided by respite centres in terms of wider community health and benefit outweighs any of the issues that have been raised. It is considered that any of the adverse comments in relation to the proposal will be unfounded upon the operation of the facility.

## Reports from Director Development Services

---

### OPTIONS

1. Approve the proposed development in accordance with the recommended conditions.
2. Refuse the proposal.

### LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

The applicant has a right of appeal to the Land and Environment Court should they be dissatisfied with the determination.

### CONCLUSION

The proposed respite centre will provide significant benefit to the local area. The proposed development is generally in accordance with Council's policy requirements for the site.

The subject land is considered to be suitable for the development and impacts likely to be generated are considered to be minimal and able to be managed by way of conditions of consent.

---

## Reports from Director Development Services

---

**5. ORIGIN:** Development Assessment Unit

**FILE REF:** DA02/1387 Pt1; 2970.1274

**REPORT TITLE:**

**Development Application DA02/1387 for the Erection of a Dwelling House at Lot 12 DP 838447 No. 1497-1501 Kyogle Road, Uki**

**SUMMARY OF REPORT:**

Council is in receipt of a development application for the erection of a single-storey dwelling located on the Kyogle Road south of the Mount Warning Hotel, described as Lot 12 DP838447 Nos. 1497-1501 Kyogle Road, Uki.

The site has an area of 7.18ha that comprises an area zoned 2(d) Village of approximately 1500m<sup>2</sup> and an area zoned 1(a) Rural of approximately 7.03 hectares.

The dwelling house is proposed within the 1(a) Rural area however, pursuant to Clause 11 of the Tweed Local Environmental Plan (Tweed LEP 2000) land-use zoning table for the 1(a) Rural zoning dwelling houses are prohibited on allotments less than 40 hectares unless otherwise specified. As it is a prohibition as opposed to a development standard the provisions of State Environmental Planning Policy No.1 – Development Standards cannot be utilised to vary the stated requirement.

In order to facilitate the erection of the dwelling in the 1(a) Rural zoned area the Applicant has requested Council to amend Tweed LEP 2000. It is therefore proposed that this be achieved by amending Schedule 3 of the LEP.

**RECOMMENDATION:**

That Council: -

1. Pursuant to Section 54(1) of the Environmental Planning and Assessment Act 1979 prepares a draft Local Environmental Plan to amend Tweed Local Environmental Plan 2000 to include Lot 12 DP 838447, No. 1497-1501 Kyogle Road, Uki into Schedule 3 to enable development for the purpose of a dwelling house, or
2. Pursuant to Section 54(1) of the Environmental Planning and Assessment Act 1979 prepares a draft Local Environmental Plan to amend Tweed Local Environmental Plan 2000 to include Lot 12 DP 838447, No. 1497-1501 Kyogle Road, Uki into Schedule 3 to enable development for the purpose of a single dwelling house only, and
3. Pursuant to Section 54(4) of the Environmental Planning and Assessment Act 1979 inform PlanningNSW of its intention to prepare a draft Local Environmental Plan, and
4. Advises the Director-General of PlanningNSW that it does not consider a Local Environmental Study is not required in this instance.

## Reports from Director Development Services

---

### REPORT:

**Applicant:** Mr Noel V Bugden

**Owner:** Mr Noel V Bugden

**Location:** Lot 12 DP 838447, No. 1497-1501 Kyogle Road Uki

**Zoning:** 1(a) Rural

**Cost:** \$120,000.00

### BACKGROUND

The subject land is located on the Kyogle Road south of the Mount Warning Hotel and is described as Lot 12 DP838447 Nos.1497-1501 Kyogle Road, Uki and has an area of 7.18ha.

The land has a dual zoning of part 2(d) Village of approximately 1500m<sup>2</sup>, representing 2.1% site area, and part 1(a) Rural of approximately 7.03ha. The land ranges from about RL 20m AHD on the northern boundary adjacent to Kyogle Road to about RL 70m AHD at the southern site boundary. Rowlands Creek forms the northeastern boundary of the site for a length of approximately 150m.

The Applicant proposes to erect a single-storey dwelling on the south-eastern part of the site, see Figure 2 below, which is zoned 1(a) Rural however, the erection of a dwelling is only currently permissible over the allotment within the area zoned 2(d) Village. The remainder of the allotment does not comply with the 40 hectare minimum allotment size provided by the current Tweed LEP 2000 for the erection of a dwelling on 1(a) Rural zoned land and in order to facilitate the dwelling a building entitlement must first be obtained.

The Applicant contends that the reason for siting a dwelling on the 1(a) Rural area is that the 2(d) Village zoned area is unsuitable for the following reasons:-

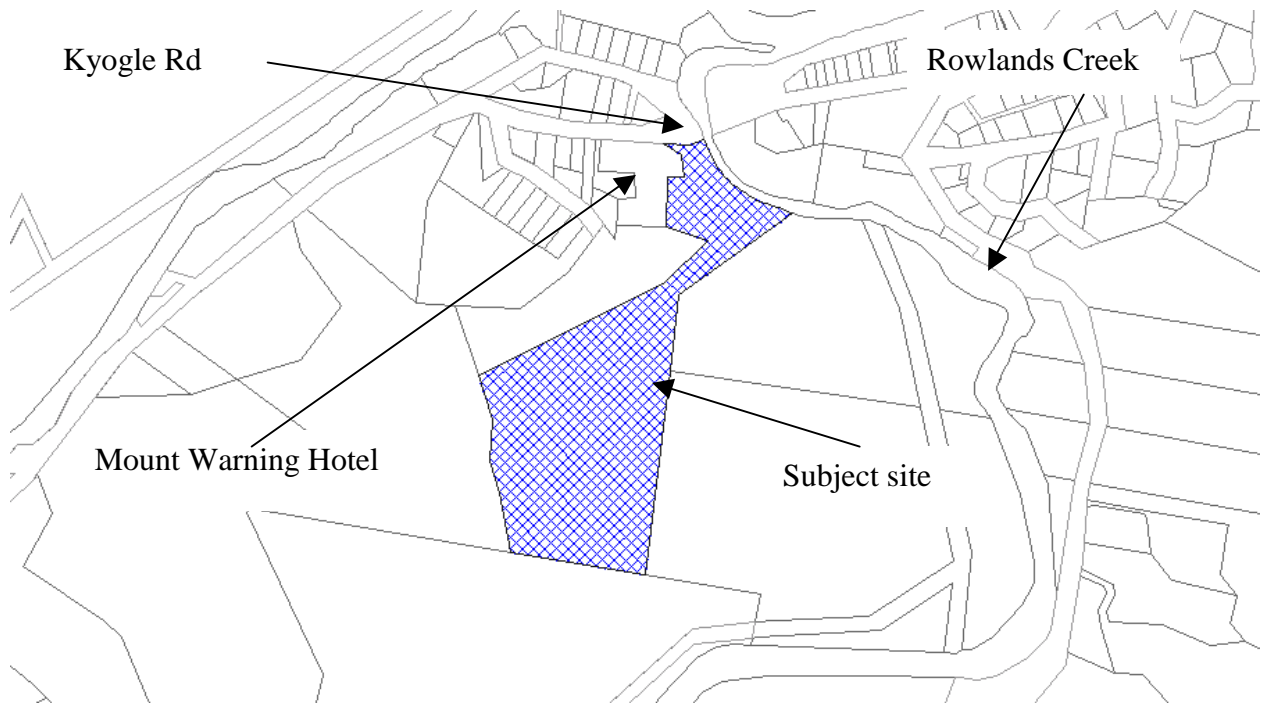
- It is located adjacent to the hotel car park and would therefore experience diminished amenity arising from vehicles entering and leaving the car park
- The site is exposed to traffic noise from Kyogle Road;
- The site may be flood prone
- The dwelling would need to be sited within close proximity to the bank of Rowlands Creek, which would limit the potential for regeneration of the riparian zone.

It is apparent from the subdivision plans submitted with the subdivision development application GS4/92/142, see Figure 1 below, approved by the Development Assessment Panel on 5 February 1993, that the desired and identified building area falls within the 1(a) Rural zoned area. On approval of the development application for subdivision, application was made to the Department of Planning on 26 February 1993 for concurrence to vary the 40 hectare minimum development standard contained in clause 25(3) of the then Tweed LEP 1987. However, application to secure a building entitlement was not sought by the Applicant, and therefore not sought by Council in seeking concurrence from the Department of Planning.

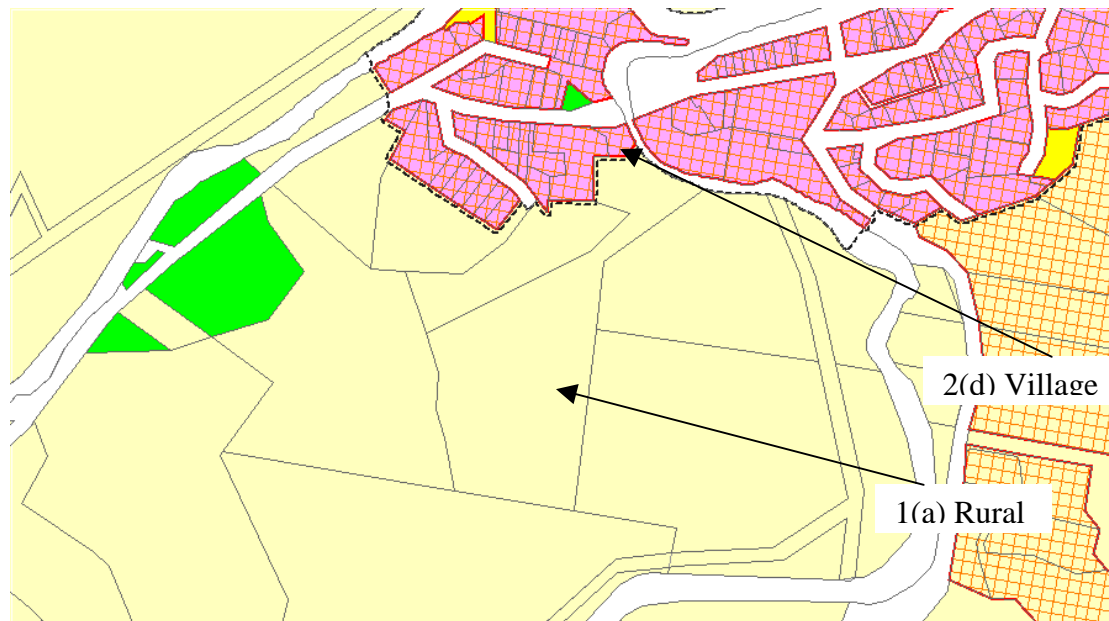
In order to enable the erection of a dwelling in the 1(a) Rural zoned area, in line with the Applicant's original subdivision plans, an LEP amendment has been submitted to Council with an accompanying Development Application in accordance with Section 72J of the Environmental Planning and Assessment Act 1979.

# Reports from Director Development Services

## SITE DIAGRAM



## Zoning Plan





## Reports from Director Development Services

---

### PLANNING CONTROLS

The subject site is zoned part 2(d) Village and part 1 (a) Rural under the provisions of Tweed Local Environmental Plan 2000. Clause 11 of the LEP (Zoning Tables) requires, in the case of land zoned 1(a), 40 hectares for a dwelling house. The subject lands 1(a) Rural component is approximately 7.03ha.

In respect of Clause 11 of the TLEP 2000 the 40-hectare requirement is not an amenable development standard open to variation utilising the provisions of State Environmental Planning Policy No. 1 but is a prohibition. In this regard the only options available to enable the erection of the dwelling is by way of amendment to the Tweed LEP 2000.

### LEP AMENDMENT

To enable the erection of a dwelling over that part of the land zoned 1(a) Rural Council can amend the Tweed LEP 2000 by either:

1. Amend the 1(a) Rural Zone to enable dwelling houses or allotments less than 40 hectares in area; or
2. Include the subject land in Schedule 3 (Development of Specific Sites) of the Tweed Local Environmental Plan 2000.

The number of allotments currently existing in the rural zones of the Shire that are in a similar situation to the subject property, that is, affected by dual zonings that have the effect of prohibiting development over approximately 98% of the site, is considered to be minimal. In this regard the cumulative impact is not considered to be of such significance to warrant refusal of the variation.

There exists no compelling reason for Council, particularly in the absence of a rural lands study or evaluation to amend the Tweed LEP 2000 in line with option 1, as detailed above, which would have the effect and potential of facilitating a significant increase in development in the rural areas of the Shire. Rather, Clause 35 – Development of Specific Sites enables Council to permit development for additional purposes on land referred to in Schedule 3 of the Tweed LEP 2000, subject to development consent. It is considered that listing the subject land under Schedule 3, in-line with option 2 as detailed above, is a more appropriate response because it will neither alter the 1(a) Rural zoning of the land nor compromise the intended future development pattern of the rural parts of the Shire, which may otherwise occur through land-use intensification.

### NORTH COAST REGIONAL ENVIRONMENTAL PLAN

Clause 21 of the North Coast Regional Environmental Plan relates to Plan preparation for dwellings on rural land. It relates to the identification of suitable minimum allotment sizes particularly as they relate to the desirability of retention of land for commercial farming in the long-term and the local circumstances.

As this proposal involves an existing lot and does not propose further subdivision this clause is not directly relevant to this amendment.

### AVAILABILITY OF SERVICES

Council in its letter of 21 June 2002 from the Water Unit to the Applicant stated the following:-

## Reports from Director Development Services

---

### “Sewerage Service

*This service is available to Lot 12 in DP 838447 in the vicinity of Kyogle Road frontage subject to the payment of headworks charges (current at the time of application), the extension of the gravity system from the nearest manhole to the property boundary at the full cost of the applicant, and the availability of sufficient capacity within the system.*

### Water Service

*This service is available to Lot 12 in DP 83 ) 8447 along its Kyogle Road frontage subject to the payment of headworks charges and connection fees (current at the time of application), the extension of the reticulation system from the nearest main to the property boundary at the full cost of the applicant, the availability of sufficient capacity within the system and on the condition that the water pressure at the property boundary would be insufficient to service any dwelling above RL20 and that in this situation the applicant would be required to install their own balance tank and booster pump or similar to maintain sufficient water pressure.”*

In relation to the above two matters are noted. Firstly, water service is currently available to the site and details of the required ballast tank and booster pump would be required, as imposed by condition of development consent, to accompany the construction certificate application. Secondly, in the event that the Uki sewerage scheme has not been commissioned at the time of determination a deferred development consent can be issued that requires satisfactory arrangements for reticulated sewerage to the proposed dwelling. Furthermore, the Applicant requested Council’s Water Unit on 27 June 2002 to reserve capacity within the proposed sewerage system for the proposed dwelling house.

### Drainage

Upgrading of the access road and construction of the proposed dwelling will alter the runoff characteristics of the lot. Catch drains will be provided adjacent to the access road to direct flows to existing dams and hardstand/roof water runoff from the dwelling will be directed to rubble pits and landscaped areas prior to any discharge to surrounding water bodies. Preliminary details of water quality control measures have been provided by the Applicant.

Only minor works are proposed to upgrade the existing driveway adjacent to Rowlands Creek including placing of gravel and forming of small table drains. Disturbance will be minimised and will be limited to a short period of approximately one week following which the area will be rehabilitated to minimise runoff and sedimentation of the creek.

### **DESIGNATED ROADS**

Kyogle Road is a designated road. The proposal comprises access to Kyogle Road at one location via an upgraded driveway in accordance with Council’s Access to Property Policy. At this point in time the proposal whilst seeking a building entitlement over part of the existing allotment is not proposing a significant increase in traffic over and above that ordinarily expected to occur as a result of developing the subject land.

### **CONTAMINATED LAND**

The Applicant has provided advices from the previous landowner whom in conjunction with other family members had owned the land from 1935 to 1988 and states inter alia the land has only been used for grazing purposes. The Applicant advises that the land has since only been used for that purpose.



## Reports from Director Development Services

---

### VISUAL LANDSCAPE ISSUES

The site of the proposed dwelling house on lot 12 is on an elevated ridge located at about RL 70m AHD.

In November 1995, Catherine Brouwer (Landscape Architect) prepared a Scenic Evaluation report for Tweed Shire which assessed the land to which this application relates as having a medium to low scenic quality and located in scenic management zones C and or D. Volume 1 of the Tweed Shire Scenic Evaluation Report indicates that scenic land management zones C and D is assigned to:

*“Those areas in medium to medium to low scenic quality and moderate sensitivity and those areas in medium to low scenic quality with a moderate to low scenic sensitivity rating.”*

The report further indicates that scenic management zone objectives for zones C and D respectively are:

*Zone C. Generally small to medium scale developments allowed without major or significant changes to the scenic quality overall landscape character of the locality.*

*Alterations may be apparent but in similar scale and density to surrounding use structures. Screening of development (if appropriate) with vegetation in character with surrounding areas is to be effective within 5 years.*

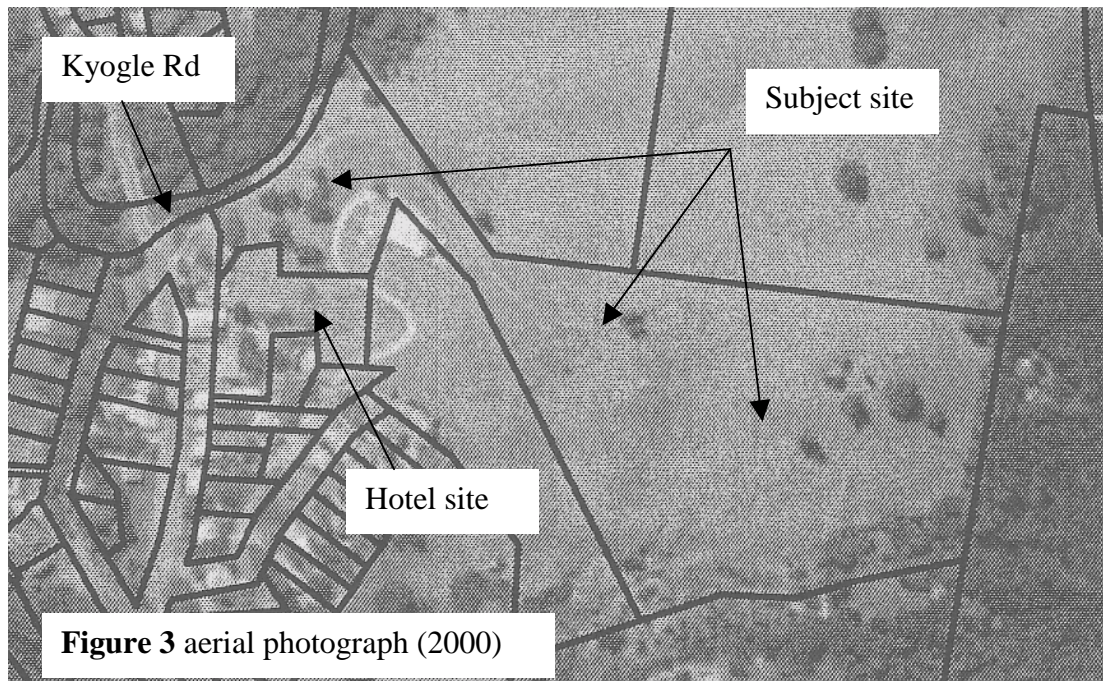
*Zone D. Development may be visually prominent but planned in character with surrounding land uses and landscape.*

*Consideration must still be made to scenic features and landmark values and the role the area plays in particular scenic or distinctive views from the major and designated scenic routes and modes. Clearing of vegetation and changes in typical height or scale of development could impact on the scenic value of other zones. Such modifications must be considered in the context of the setting, unit and its landscape value.*

The proposed dwelling is single storey in design and is to comprise a selection of dark toned low reflective external cladding materials that will significantly mitigate potential adverse impacts on the landscape and scenic quality of the locality. Appropriate landscaping of the building, details of which will be required with the construction certificate application, can further mitigate potential impacts.

## Reports from Director Development Services

As illustrated in Figure 3 the subject site is predominantly denuded of all significant vegetation.



Having regard to the site location, the existing character of the locality and the existing environmental and scenic qualities of the land the Director-General of PlanningNSW should be requested to dispense with the requirement for a Local Environmental Study in the circumstances of this case and for the following reasons:-

1. No change in the zoning of the land is required;
2. A dwelling house could be erected on that part of the lot adjacent to Kyogle Road and zoned 2(d) Village. This application only proposes to "relocate" the dwelling site to the southern part of the land;
3. No change in use of the lot will occur as a result of this application;
4. Minimal disturbance of the land is required to enable the dwelling house to be erected as the proposed dwelling site is well buffered from adjacent property boundaries (approximately 10m) and is located within an area clear of significant vegetation;
5. The proposed dwelling is of single storey design, with dark toned low reflective roof cladding and medium colour faced brick walls which will mitigate potential adverse impacts on the landscape and scenic quality of the locality and which is consistent with the design styles of the locality;
6. All essential services are either available or are soon be available to the proposed dwelling site;
7. The proposal does not give rise to any significant environmental or strategic planning issues and will simply facilitate the erection of one dwelling on the existing lot;
8. Locating the dwelling house on the southern side of the lot is more appropriate as it is well be clear of Rowlands Creek and avoids amenity impacts; and

## Reports from Director Development Services

---

9. The proposed development will not significantly inhibit the lands existing, albeit limited, agricultural potential.

### OPTIONS

1. Pursuant to Section 54(1) of the Environmental Planning and Assessment Act 1979 prepares a draft Local Environmental Plan to amend Tweed Local Environmental Plan 2000 to include Lot 12 DP 838447, No. 1497-1501 Kyogle Road, Uki into Schedule 3 to enable development for the purpose of a dwelling house, or
2. Pursuant to Section 54(1) of the Environmental Planning and Assessment Act 1979 prepares a draft Local Environmental Plan to amend Tweed Local Environmental Plan 2000 to include Lot 12 DP 838447, No. 1497-1501 Kyogle Road, Uki into Schedule 3 to enable development for the purpose of a single dwelling house only, and
3. Pursuant to Section 54(4) of the Environmental Planning and Assessment Act 1979 inform the Department of Urban Affairs and Planning of its intention to prepare a draft Local Environmental Plan, and
4. Advises the Director-General of PlanningNSW that it does not consider a local environmental study to be required in this instance.

### CONCLUSION

Having regard to matters raised in this report the erection of the proposed single-storey dwelling house is considered to be reasonable in the circumstances of the case. As Tweed LEP 2000 does not have provision to enable the approval of the dwelling it is necessary that the subject land be included in Schedule 3 of the LEP in order for the proposal to proceed.

In addition to the above Council is requested to seek the dispensation of the Director-General of PlanningNSW for the necessity to prepare a Local Environmental Study having regard to the circumstances of this case and in light of the existing environmental characteristics of the subject land and its locality.

On balance the proposed facilitating LEP amendment and dispensation of a Local Environmental Study is considered satisfactory.

---

## Reports from Director Development Services

---

THIS  
PAGE  
THIS  
PAGE  
IS  
BLANK  
IS  
BLANK

# Reports from Director Corporate Services

---

**6. ORIGIN:** General Manager  
**FILE REF:** Councillors-General; Code of Conduct; LEP-Seaside City; GT1/LEP/2000/3 Pt7

**REPORT TITLE:**

**Report of an Investigation Under Section 430 of the Local Government Act 1993 Regarding Tweed Shire Council**

**SUMMARY OF REPORT:**

The Director General, Department of Local Government has written to the Mayor in regard of "The particular recommendation in question was that in which Mr Bulford recommended (at page 160 of the Report) that the matter of Cr Brinsmead's participation in and voting on his censure motion of 18 April 2001 be promptly considered by Council pursuant to its Code of Conduct, and any related policy or procedure adopted by Council, with a view to determining what action, if any, should be taken in respect of any breach of the Code by the Councillor as appropriate.

The Department and the Minister are concerned as to the adequacy and timelines of Council's response to the recommendation".

The letter was tabled and received by Council at Meeting 18 September 2002.

Included in the report is a suggested response to the Director General.

**RECOMMENDATION:**

That the Mayor be authorised to forward the letter as detailed in the report, to the Director General, Department of Local Government.

## Reports from Director Corporate Services

---

### REPORT:

The Director General, Department of Local Government has written to the Mayor in regard of "The particular recommendation in question was that in which Mr Bulford recommended (at page 160 of the Report) that the matter of Cr Brinsmead's participation in and voting on his censure motion of 18 April 2001 be promptly considered by Council pursuant to its Code of Conduct, and any related policy or procedure adopted by Council, with a view to determining what action, if any, should be taken in respect of any breach of the Code by the Counsellor as appropriate.

The Department and the Minister are concerned as to the adequacy and timelines of Council's response to the recommendation".

The letter was tabled and received by Council at Meeting 18 September 2002.

The consideration of the censure motion referred to, took place at Council Meeting of 18 April 2001 not as stated 4 April 2001. At that meeting the Manager Administration Services Mr Brian Donaghy and the General Manager Dr John Griffin both advised in response to a question that in accordance with Council's Code of Meeting Practice that there was no issue to prevent Cr Brinsmead taking part in consideration and voting on the matter either as a Councillor or as Chairman of the meeting in his role as Deputy Mayor.

Cr Brinsmead had given no indication of conflict of pecuniary interest in this item during the meeting.

Council resolved a number of recommendations inter alia

*"3 (g) "that Cr Brinsmead to furnish to Council within 21 days, advice as to his participation in and voting of his censure motion of 4 April 2001, having regard to Council's Code of Conduct.*

*Council is to advise the Minister for Local Government and the Director General, Department of Local Government once an opinion has been formed"*

The opinion was formed at Council's Meeting of 21 August 2002, and a letter informing the Minister of Council's decision was forwarded on 22 August 2002.

The following is a suggested response to the Director General, Department of Local Government: -

"Mr G Payne  
Director General  
Department of Local Government

Dear Mr Payne

I refer to your letter of 17 September 2002 (FF01/0095 DTS73803), which I tabled at Council Meeting 18 September 2002.

The matters raised in your letter have been considered by Council and it is the view that notwithstanding the detailed advice and opinion offered in your letter that information provided by way of Council's resolution remains. It is acknowledged that there may have been a paucity of information surrounding the decision-making and it is confirmed that the newspaper report you have referred to reflects accurately aspects of the debate/discussion.

Items to be acknowledged that the consideration of the censure motion of 18 April 2001 preceded the findings and views expressed by Mr Bulford in his Report which was tabled in Parts 1 and 2 on 20 March 2002 and 19 June 2002.

## Reports from Director Corporate Services

---

At the Meeting of 18 April 2001 both the Manager Administration Services Mr Brian Donaghy and the General Manager Dr John Griffin advised in response to a question that in accordance with Council's Code of Meeting Practice there was no issue to prevent Cr Brinsmead taking part in consideration and voting on the matter either as a Councillor or as Chairman of the Meeting in his role as Deputy Mayor.

Cr Brinsmead had given no indication of conflict of pecuniary interest in this item during the meeting.

In regard to the timeliness of Council's response to the recommendation, on 18 July 2002, a copy of the minutes of meeting held on 17 July 2002, was sent to the Director General, Department of Local Government, relating to a Report of Investigation under Section 430 of the Local Government Act 1993 regarding Tweed Shire Council.

Council resolved a number of recommendations inter alia

*“(g) that Cr Brinsmead to furnish to Council within 21 days, advice as to his participation in and voting of his censure motion of 4 April 2001, having regard to Council's Code of Conduct.*

*Council is to advise the Minister for Local Government and the Director General, Department of Local Government once an opinion has been formed”*

Council trusts that this will clarify the matter.

Yours faithfully,

**Cr Warren Polglase**  
Mayor”.

## Reports from Director Corporate Services

---

THIS  
PAGE  
THIS  
PAGE  
IS  
IS  
BLANK  
BLANK



## Reports from Director Corporate Services

---

**7. ORIGIN: Administration Services Unit**

**FILE REF: Pecuniary Interest**

**REPORT TITLE:**

**Pecuniary Interest Ordinary Returns and Register**

**SUMMARY OF REPORT:**

Sections 449 and 450A of the Local Government Act requires the General Manager to obtain returns disclosing interest of Councillors and designated persons and to table these returns at the first meeting held after the last date for lodgement (being 30 September 2002). Ordinary returns completed under this section relate to the period 1 July 2001 to 30 June 2002.

**RECOMMENDATION:**

That this report be received and noted.

## Reports from Director Corporate Services

---

### REPORT:

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

Section 450(a)(2) requires the General Manager to table the returns at the first meeting of Council held after the last day for lodgement of the returns, the date being 30 September 2002.

The returns relate to the period 1 July 2001 to 30 June 2002.

---

## Reports from Director Corporate Services

---

**8. ORIGIN:** Director

**FILE REF:** Elections – Referendums; Wards & Ridings

**REPORT TITLE:**

**City of Canada Bay Council - Proposed Amendment to Local Government Act**

**SUMMARY OF REPORT:**

The Mayor, Councillor Polglase has received a letter from the General Manager of the City of Canada Bay Council advising of a Council resolution supporting the introduction and passage of amendments to Part 3, Division 2, Section 15 and 16 of the Local Government Act 1993.

This amendment would "specifically allow Councils to conduct a constitutional referendum of electors for the purpose of determining Council boundaries".

The letter seeks Council's assistance to encourage the government to introduce and adopt such an amendment to the Act.

**RECOMMENDATION:**

That Council determines its position in relation to the request from the City of Canada Bay Council for proposed amendments to the Local Government Act 1993.

## Reports from Director Corporate Services

---

### REPORT:


The Mayor has received a letter from the General Manager from the City of Canada Bay Council bringing to Tweed Shire Council's attention a resolution made by this Council on 20 June 2001. The resolution seeks Council's support to encourage the State Government to introduce and pass an amendment to the Local Government Act, specifically in relation to Part 3, Division 2, Section 15 and 16 of the Act.

Their letter states:

# Reports from Director Corporate Services

FILE No ...  
 SUBJECT No ...  
 DOCUMENT No ...  
 REC'D 7 8 AUG 2002  
 DOCUMENT TYPE ...  
 LOCATION CODE ...  
 E.D.P. PROCESSED

*Electrons - Resolutions*  
 TWEED SHIRE COUNCIL  
 FILE No *RESOLUTIONS - WARDOS + RIONES*  
 DOCUMENT No ...  
 REC'D 10 SEP 2002  
 BOX No ...  
 ASSIGNED TO *CHAPMAN*  
 HARD COPY



## City of Canada Bay Council

Civic Centre Marlborough Street Drummoyne NSW 2047  
 Locked Bag 1470 Drummoyne NSW 1470  
 Tel 9911 6555 \* Fax 9911 6550  
 council@canadabay.nsw.gov.au

The Mayor  
 Tweed Shire Council  
 PO Box 816  
 MURWILLUMBAH NSW 2484

Dear Mayor

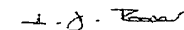
It has been brought to my attention that a resolution of Council made on 20<sup>th</sup> June 2001 was not acted upon. I apologise for the delay in bringing Council's resolution to your attention.

At the meeting of Council held on 20<sup>th</sup> June 2001 consideration was given to a Notice of Motion from Councillor Michael Cantali concerning amendments to the Local Government Act. Consequently Council resolved:

- 1) That Council write to the Minister for Local Government, the Hon. Harry Woods MP, the Shadow Minister for Local Government, the Hon. Mr Duncan Gay MLC and all other members of the NSW Parliament, seeking support for the introduction and passage of amendments to Part 3, Division 2, Section 15 and 16 of the Local Government Act 1993 to specifically allow Councils to conduct a constitutional referendum of electors for the purpose of determining Council boundaries.
- 2) That Council write to the Local Government Association of NSW and the Shires Association of NSW to seek their assistance in lobbying the State Government to introduce the amendments referred to in 1) above
- 3) That Council write to all other Councils in NSW seeking their support in lobbying the Government on this matter.

In accordance with the resolution Council seeks the support of your Council in lobbying the Government for the introduction and passage of amendments to Part 3, Division 2, Section 15 and 16 of the Local Government Act 1993 to specifically allow Councils to conduct a constitutional referendum of electors for the purpose of determining Council boundaries.

Yours faithfully



Lea Rosser  
 General Manager

21 August 2002  
 A510.2,A275.5

*Reply to Council  
 if necessary  
 P 2/8*

130 029 350

DX 21021 DRUMMOYNE

DataWorks Document Number: 695029

Council determination on this request is recommended.

## Reports from Director Corporate Services

---

THIS  
PAGE  
THIS  
PAGE  
IS  
IS  
BLANK  
BLANK

## Reports from Director Corporate Services

---

**9. ORIGIN:** Director

**FILE REF:** Councillors-Conferences

**REPORT TITLE:**

**National General Assembly of Local Government**

**SUMMARY OF REPORT:**

The National General Assembly of Local Government is to be held for the first time outside of Canberra. Alice Springs has been chosen as the venue for the Assembly to be held from 3 to 6 November 2002.

The Mayor, Cr. Warren Polglase, has expressed an interest in attending the National General Assembly of Local Government.

**RECOMMENDATION:**

That the Mayor, Cr. Warren Polglase, be authorised to attend the National General Assembly of Local Government from 3 to 6 November 2002 in Alice Springs.

## Reports from Director Corporate Services

---

**REPORT:**

As per Summary.

---



## Reports from Director Corporate Services

---

**10. ORIGIN:** Administration Services Unit

**FILE REF:** Donations

**REPORT TITLE:**

**Request for Financial Assistance – Carol Coffee Traders**

**SUMMARY OF REPORT:**

Carol Coffee Traders is seeking financial assistance from Council to assist in their plans to hold the Taste the Tweed function.

**RECOMMENDATION:**

That Council determines this matter.

## Reports from Director Corporate Services

---

### REPORT:

Carool Coffee Traders is seeking financial assistance/in kind support from Council to assist in their plans to hold the Taste the Tweed function.

A copy of their letter is reproduced as follows for Councillor's information:-

September 18, 2002

Dear Mr Polglase,

The Taste The tweed group is holding an important function on Tuesday November 12, 2002. Three leading chefs will present breakfast, lunch and dinner, using local Tweed products, to other chefs and media. This is a fantastic opportunity to showcase our products and an important tourism opportunity for the Tweed.

The group is funding part of the event and Regional Cuisine is funding the host, Peter Howard. We are holding the event at the Tweed Shire Council auditorium and kitchen at Murwillumbah. We are seeking funding from the Tweed Shire Council for the hire of the venue, \$255 and kitchen utensils and crockery.

I would greatly appreciate your consideration of this request and look forward to your favourable response. Invitations to the event will be distributed shortly and I hope you will be able to attend.

Thank you for your continued support of local products.

Yours sincerely,

Council is able to consider waiving of the fee for the hire of the Auditorium, however the hire of the kitchen, kitchen utensils and crockery should be negotiated with Mr David Martain who is the current leaseholder of these facilities.

---

# Reports from Director Engineering Services

**11. ORIGIN:** Design Unit  
**FILE REF:** R4855; Royal Drive

**REPORT TITLE:**

**Proposed Closure of Road Reserve and Transfer to J & H Papanikolas and Acquisition of Easement for Sewage 2 metres wide within Lot 14 in DP 818400 Royal Drive, Pottsville**

**SUMMARY OF REPORT:**

Council is seeking to close and transfer part of the road reserve of Royal Drive, Pottsville, adjacent to Lot 14 in DP 818400. The owners of Lot 14, Mr and Mrs Papanikolas, transferred to Council part of their land for a Sewer Pump Station (Lot 13 in DP 818400) for no consideration in 1992.

Council is intending to construct a Sewage Rising Main along the northerly boundary of Lot 14 within a proposed 2 metres wide easement, and to provide compensation for both the transfer of Lot 13 and acquisition of the proposed easement. Mr and Mrs Papanikolas have agreed to accept the transfer of part of the road reserve fronting Royal Drive as appropriate compensation.

Council, as the roads authority, will initiate the road closure with the Department of Land and Water Conservation on behalf of Mr and Mrs Papanikolas.

**RECOMMENDATION:**

That:-

1. Council approves an application being made to the Department of Land & Water Conservation to the closure and transfer of unnecessary road reserve of Royal Drive adjacent to Lot 14 in DP 818400;
2. The Lot created by the road closure be transferred to J & H Papanikolas as compensation and then consolidated with Lot 14 in DP 818400;
3. Council approves the acquisition of an Easement for Sewer Rising Main 2 metres wide over Lot 14 in DP 818400;
4. Easements be created over public authority reticulation services within the closed road reserve, if any; and
5. All necessary documentation be endorsed and signed under common seal of Council.

## Reports from Director Engineering Services

---

### REPORT:

Council is seeking to close and transfer part of the road reserve of Royal Drive, Pottsville, adjacent to Lot 14 in DP 818400. The owners of Lot 14, Mr and Mrs Papanikolas, transferred to Council part of their land for a Sewer Pump Station (Lot 13 in DP 818400) for no consideration.

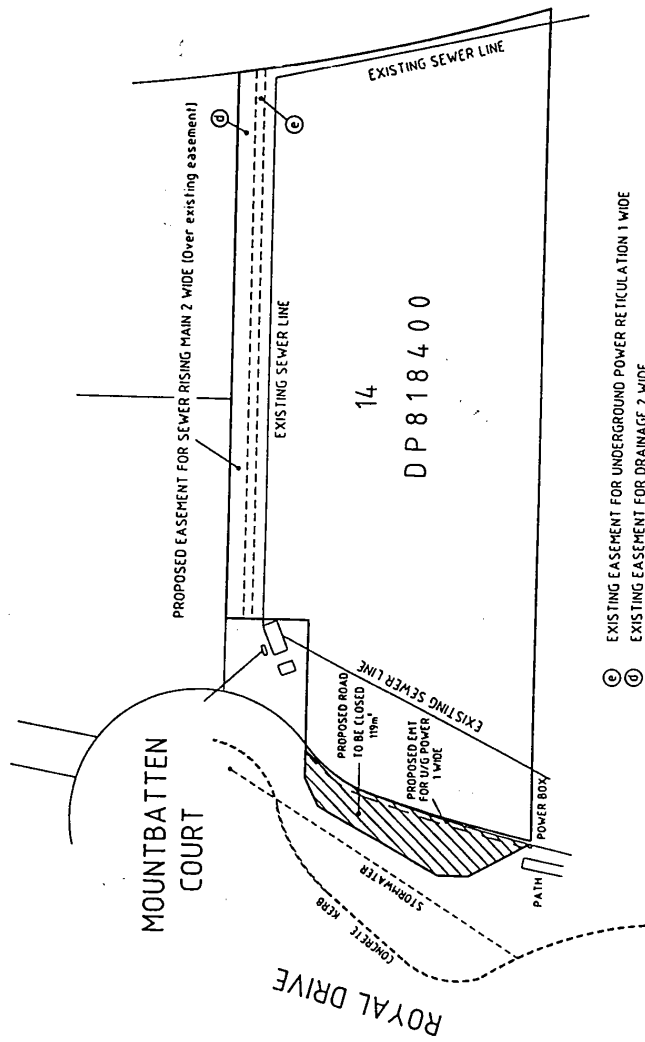
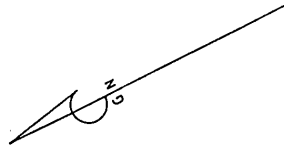
Council is intending to construct a Sewage Rising Main along the northerly boundary of Lot 14 within a proposed 2 metres wide easement, and to provide compensation for both the transfer of Lot 13 and acquisition of the proposed easement. Mr and Mrs Papanikolas have agreed to accept the transfer of part of the road reserve fronting Royal Drive as appropriate compensation.

A letter dated 14 August, 2002 was sent to surrounding neighbours inviting submissions with regard to the proposed road closure, no responses have been received.

Council as the roads authority will initiate the road closure with the Department of Land and Water Conservation on behalf of Mr and Mrs Papanikolas.

A copy of a plan indicating the area to be closed and transferred follows:-

# Reports from Director Engineering Services



<b>TWEED SHIRE COUNCIL</b> PLANNING AND DESIGN UNIT 4475-4485 100017th Street, Tweed Heads NSW 2486 Phone: (08) 9525 2500 Fax: (08) 9525 2501 Email: <a href="mailto:planning@twweedshire.nsw.gov.au">planning@twweedshire.nsw.gov.au</a>		PROJECT: POTTSVILLE SEWERAGE PLAN TITLE: PROPOSED EASEMENT FOR SEWER RISING MAIN 2 WIDE WITHIN LOT 14 DP818400 & ROAD CLOSURE SHEET 1 OF 1 SH. ISSUE 1
PROJECT ENGINEER: [Blank] DRAWN BY: [Blank] CHECKED BY: [Blank] DATE: [Blank]	PROJECT ENGINEER: [Blank] DRAWN BY: [Blank] CHECKED BY: [Blank] DATE: [Blank]	PROJECT: POTTSVILLE SEWERAGE PLAN TITLE: PROPOSED EASEMENT FOR SEWER RISING MAIN 2 WIDE WITHIN LOT 14 DP818400 & ROAD CLOSURE SHEET 1 OF 1 SH. ISSUE 1

## Reports from Director Engineering Services

---

THIS  
PAGE  
PAGE  
IS  
BLANK  
IS  
BLANK

# Reports from Director Environment & Community Services

**12. ORIGIN:** Environment & Health Services Unit  
**FILE REF:** GC12/5-200238 Pt1; Les Burger Field

**REPORT TITLE:**

**Cabarita Beach Sports Centre - Hire Fees**

**SUMMARY OF REPORT:**

The Cabarita Beach Sports Centre upgrading has been completed.

Draft hire fees have been advertised in accordance with the Local Government Act, 1993 and no objection was received from the community.

It is recommended that the fees as advertised be adopted.

**RECOMMENDATION:**

That Council:-

1. Adopts the hire fees for the Cabarita Beach Sports Centre as advertised.
2. Does not vary the adopted fees.

## Reports from Director Environment & Community Services

### REPORT:

The Cabarita Beach Sports Centre upgrading has been completed.

Draft hire fees have been advertised in accordance with the Local Government Act, 1993 and no objection was received from the community.

The draft fees were as follows:

	Hall	A2235	Fee
1.	Religious and Community Groups	Hour	12.40
		½ day	36.00
		Full day	60.00
2.	Private Functions/Commercial Ventures	Hour	23.80
		½ day	71.00
		Full day	119.00
	<b>Office</b>		
1.	Religious and Community Groups	Hour	6.20
		½ day	17.60
		Full day	30.00
2.	Private Functions/Commercial Ventures	Hour	12.40
		½ day	36.00
		Full day	60.00

The proposed fees are not intended to impact existing arrangements for use of the canteen, change rooms, toilets or associated areas with local sporting groups and this use will remain subject to the existing licence agreements. If however those sporting groups wish to use the community hall or offices, they will be subject to any adopted fees.

The fees need to be reasonable in terms of providing some income for use and maintenance of the building, and relevant to Council's capital expenditure on the property. However, the fees also need to be priced to facilitate affordable regular use of the facilities by the community. Regular use of the facility will result in community ownership of the building and general area, which will reduce the likelihood of vandalism or similar issues.

As no objection was received to the above fees, it is recommended that Council adopt the fees.

Also, it is considered that similar to the South Tweed Heads Community Hall, Council should adopt a stance that no free use or fee reduction should be provided.



## Reports from Director Environment & Community Services

---

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

**FILE REF:** Vandalism

**REPORT TITLE:**

**Proposed Liberal/Coalition New South Wales Vandal Squad**

**SUMMARY OF REPORT:**

Mr John Brogden, MP, New South Wales Liberal Leader, has written to Tweed Shire Council regarding a proposed New South Wales 'Vandal Squad'. Mr Brogden has requested that the issue of vandalism and the proposed Vandal Squad be brought to Council's attention and that Council provide input to his office.

No detail of the Vandal Squad is provided apart from the creation of a legal requirement that all spray paint cans be sold from behind the counter or a locked cabinet. It would be appropriate that Council respond to Mr Brogden supporting the aim of reducing vandalism and requesting further detail of the operation and resourcing of the proposed Vandal Squad, particularly in regional areas.

**RECOMMENDATION:**

That Council responds to Mr Brogden, stating support for the aim of reducing vandalism and requesting further detail of the operation and resourcing of the proposed Vandal Squad, particularly in regional areas such as Tweed Shire.

## Reports from Director Environment & Community Services

---

### REPORT:

Mr John Brogden MP, New South Wales Liberal Leader, has written to Tweed Shire Council regarding a proposed New South Wales 'Vandal Squad' (letter attached). Mr Brogden has requested that the issue of vandalism and the proposed Vandal Squad be brought to Council's attention and that Council provide input to his office.

No detail of the Vandal Squad is provided apart from the creation of a legal requirement that all spray paint cans be sold from behind the counter or a locked cabinet. It would be appropriate that Council respond to Mr Brogden supporting the aim of reducing vandalism and requesting further detail of the operation and resourcing of the proposed Vandal Squad, particularly in regional areas.

# Reports from Director Environment & Community Services

  
**John Brogden**  
NSW LIBERAL LEADER  
Parliament House Macquarie Street Sydney NSW 2000  
tel 9230 2270 fax 9221 8208 email pittwater@parliament.nsw.gov.au

03 SEP 2002

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

TWEED SHIRE COUNCIL	
FILE No.	Vandalism
DOCUMENT No.	
RECD	6 SEP 2002
BOX No.	
ASSIGNED TO	Griffin, J
HARD COPY	<input type="checkbox"/>
IMACF	<input checked="" type="checkbox"/>

Dear Dr Griffin

I am writing to you about the Coalition's proposal to establish a Vandal Squad within the NSW Police to target the growing incidence of vandalism across NSW.

In July I travelled to New York to look at how crime rates were dramatically reduced over the last decade. I did this to see if there were any crime and safety initiatives that would be applicable to Sydney and NSW.

The New York Police Department have had great success fighting vandalism. In NSW vandalism is a serious problem with reports of malicious damage to property increasing, reaching 96,000 cases in 2001. The Coalition recognises that vandalism degrades communities and intimidates law-abiding people, preventing them from using public spaces. Vandalism has significant economic costs and hidden social costs. It also sends a signal that law enforcement is overlooking some crimes and it breeds more crime.

I have recently announced that a Liberal/National Coalition Government will establish a Vandal Squad to crack down on criminal vandalism and graffiti. We will also make it a legal requirement that all spray paint cans be sold from behind the counter or a locked cabinet, acknowledging the fact that 90% of spray paint cans used for graffiti are stolen.

This initiative will form only part of our policy of not giving up on any category of crime. Every crime matters and therefore under a Coalition Government no crime will go unaddressed.

Please bring this matter to the attention of the council. I am interested in their response to this initiative to establish a Vandal Squad. I invite the council to contact my office with their input.

Yours sincerely

  
JOHN BROGDEN MP

## Reports from Director Environment & Community Services

---

THIS  
PAGE  
THIS  
PAGE  
IS  
IS  
BLANK  
BLANK

## Reports from Director Environment & Community Services

---

**14. ORIGIN: Recreation Services Unit**

**FILE REF: Bruce Chick Park**

**REPORT TITLE:**

**Bruce Chick Park**

**SUMMARY OF REPORT:**

At its meeting held 19 June 2002 Council Resolved that:

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

Councils Design Unit has prepared a plan and costing as per the above resolution.

**RECOMMENDATION:**

That this report be received and noted.

## Reports from Director Environment & Community Services

---

### REPORT:

At its meeting held 19 June 2002 Council resolved that:

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

The access road and carpark in Chick Park is generally in a state of disrepair with significant pot holing. This is largely caused by inadequate draining.

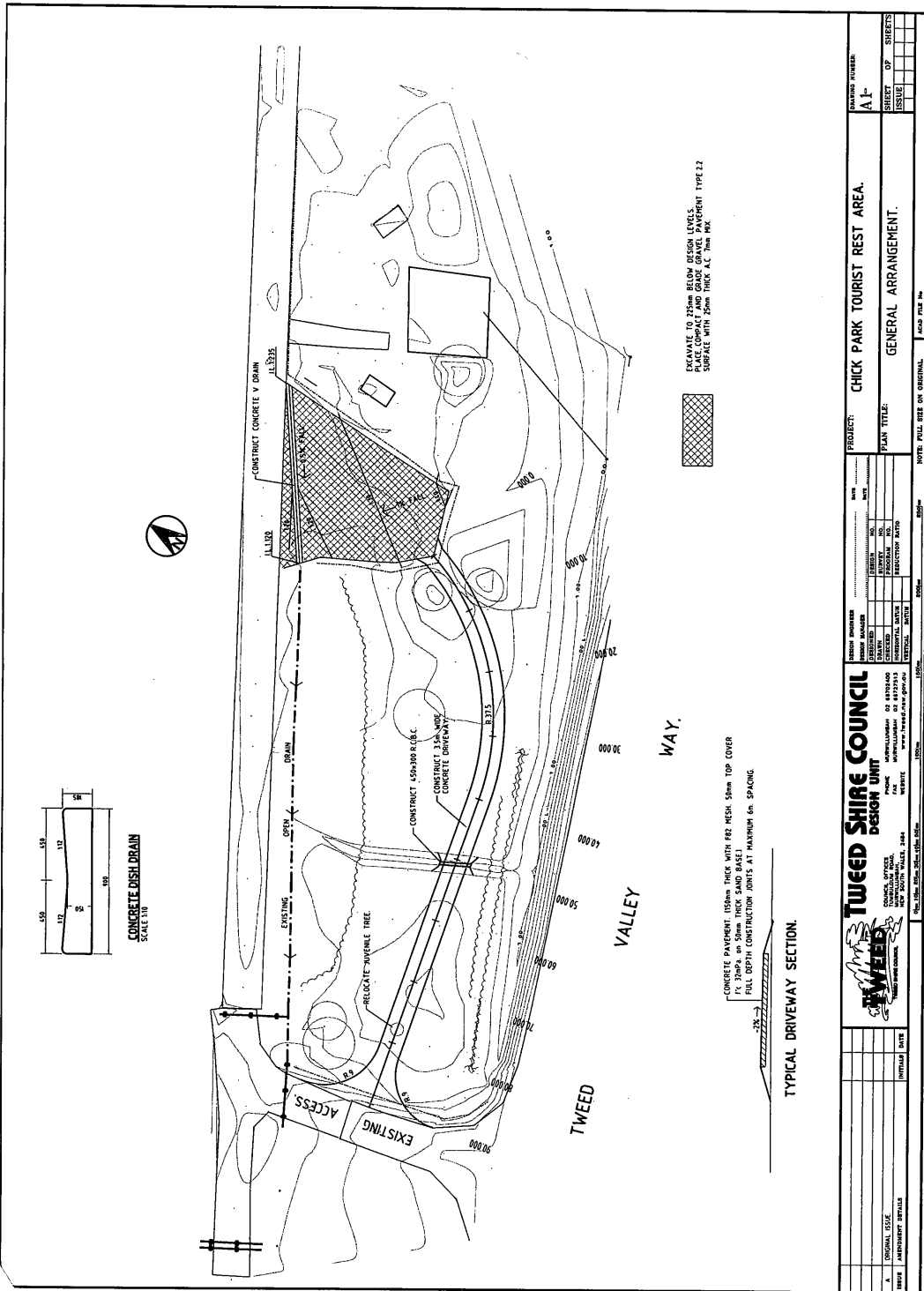
Caravans and motor home style vehicles frequent the park often staying overnight. There appears to be some difficulty in these vehicles turning around in the carpark to exit the park, particularly if there are other vehicles present.

Subsequently, Councils Design Unit has prepared a plan and costing to improve the current access, carpark and drainage and construct a link to complete a loop road. The plan is attached the costings are summarised below:

- To improve current access and parking area by improved drainage and repaving \$18,496.00
- To improve current access and parking area by improved drainage and repaving  
and construct circuit road \$35,646.00

This item was considered in the 1992/93 budget deliberations but did not receive funding.

# Reports from Director Environment & Community Services



## Reports from Director Environment & Community Services

---

THIS  
PAGE  
THIS  
PAGE  
IS  
IS  
BLANK  
BLANK



# Reports from Committees/Working Groups

---

## 1. Minutes of the Sports Advisory Committee Meeting held Tuesday 17 September 2002

### Sports Advisory Committee

**VENUE:**

Murwillumbah, Buchanan Depot

**TIME:**

5.00 pm

**PRESENT:**

**Committee Members:**, Cr Davidson, Cr Polglase, Cr Youngblutt; Mr Stewart Brawley, Mr Merve Edwards, Ms Leanne Sharp, Ms Glennys Kenny, Mr Hubert Ehemann.

**APOLOGIES:**

Cr Max Boyd, and Mr Peter Moschogianis

**CONFIRMATION OF MINUTES:**

**Moved:** Cr Youngblutt

**Seconded:** Cr Davidson

**RESOLVED** that the Minutes of Sports Advisory Meeting held Tuesday 20 August 2002 be accepted as a true and accurate record of the proceedings of that meeting.

**BUSINESS ARISING:**

### 1. Grand Stands

S Brawley advised feedback from clubs indicated they may have limited use for the stands and the hire costs may prove prohibitive. Suggest the stands be put on hold and revisited in the future.

---

### 2. Pottsville Beach Neighbourhood Centre Inc

Advised concern regarding lack of recreation facilities for young people in Pottsville.

## Reports from Committees/Working Groups

---

S Brawley advised committee of communications with sports groups within Pottsville and planned meeting to discuss planning for future of imminent fields at Seabreeze and Black Rocks.

S Brawley to notify Neighbourhood Centre of above and forward concerns to Strategic Planning Unit.

Cr Davidson noted a lack of effective halls in schools in the area. Cr Davidson sited Ocean Shores as an example of a well designed and sized facility.

**Moved: Cr Davidson**

**Second: M Edwards**

**RECOMMENDATION:**

That Council contact the Department of Education to request a well designed and sized hall be included in the planning for the future school at Pottsville (Seabreez)

---

**CORRESPONDENCE:**

**3. Kingscliff District Soccer Club**

**Assets Reserves Trust Fund**

Application from Kingscliff District Soccer Club for financial assistance to paint the interior and exterior of the club house. Committee agreed that whilst this may not be constructing new capital works, it was maintaining existing assets and was worthy of support. Total cost of paint supply, preparation and application is \$2,900. Requested amount is \$1,450.

**Moved: P Youngblutt**

**Second: G Kenny**

**RECOMMENDATION:**

That Council contribute \$1,450 to Kingscliff Soccer Club from the Assets Reserve Trust Fund to paint the interior and exterior of the Clubhouse.

---

**GENERAL BUSINESS:**

**4. Athletic performance**

Committee members noted some of the successful performances by Tweed based teams this year.

---

## Reports from Committees/Working Groups

### 5. Murwillumbah Netball Association

S Brawley informed that Council is assisting Murwillumbah Netball Association to apply for funding through the Department of Sport and Recreation to upgrade their facilities including change rooms and toilets.

#### NEXT MEETING:

The next meeting of the Sports Advisory Committee will be held the Cabarita Beach Community Centre, Les Burger Field.

The meeting closed at 5.30 pm

#### *Director's Comments:*

1. That Council contacts the Department of Education as outlined in the Recommendation at Item 2.
2. The funds requested in Item 3 by the Kingscliff Soccer Club will be approved under Delegated Authority.

[document2]

#### DIRECTOR'S RECOMMENDATIONS:

### 2. Pottsville Beach Neighbourhood Centre Inc

Sports Advisory Committee

#### Committee Recommendation:

That Council contact the Department of Education to request a well designed and sized hall be included in the planning for the future school at Pottsville (Seabreez)

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

### 3. Kingscliff District Soccer Club

Assets Reserves Trust Fund

#### Committee Recommendation:

That Council contribute \$1,450 to Kingscliff Soccer Club from the Assets Reserve Trust Fund to paint the interior and exterior of the Clubhouse.

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

## Reports from Committees/Working Groups

---

### 2. Minutes of the Local Traffic Committee Meeting held Thursday 19 September 2002

**Traffic Committee**

**VENUE:**

Peter Border Room

**TIME:**

Commencing at 9.00am.

**PRESENT:**

**Committee Members:** Cr George Davidson; Tweed Shire Council; Mike Baldwin, Roads and Traffic Authority; Snr Constable Steve Henderson, NSW Police.

**Informal:** Chairman: Mr Paul Morgan, Judith Finch Tweed Shire Council.

**APOLOGIES:**

Mr Neville Newell, MP Member for Tweed, Mr Don Page MP, Member for Ballina, Mr Ray Clark.

**MINUTES OF PREVIOUS MEETING:**

**RESOLVED** that the Minutes of the Local Traffic Committee Meeting held Thursday 15 August 2002 were tabled at the meeting and accepted by the Committee as a true and accurate record of the proceedings.

**BUSINESS ARISING:**

#### 13. Tweed Valley Way, Chinderah

**R4031 Pt15**

The Committee raised concerns that the 80kph speed zone as traffic merges on to the Motorway at Chinderah (heading north) has not been upgraded.

The RTA Representative advised that the merge on to the Highway (heading north) at 80kph is temporary as access is being organised with turning lanes and will be left as is for the time being as the design is currently under way.

The Committee requested that the RTA Representative arranges for the 80kph sign be removed or covered until the design issues are resolved.

**RECOMMENDATION:**

That the sign stating 80kph on the Tweed Valley Way, Chinderah (heading north) to join/merge with the Pacific Motorway be removed and replaced with a 110kph zone.

**GT2/1 Pt3 451**

#### 10. The Quarterdeck, Tweed Heads

**R4490 DW693244**

Previously discussed at the meeting held on 18 July 2002 (item 10). The recommendation is reproduced as follows:-

## Reports from Committees/Working Groups

---

*“That the access road be physically closed at The Jib subject to written agreement from the three (3) affected householders that they support the closure and are willing to move their garbage disposal bins to a location appropriate for collection.”*

Two objections have been received to the closure of The Jib. After considering the objections from 2 out of 3 owners the Committee was guided by the advice of the locals that they have not observed any accidents and recommends taking no further action.

The Police Representative advised that should complaints be received via their Tweed Heads office then officers would be tasked for specific enforcement.

### **RECOMMENDATION:**

That Council does not proceed with the partial closure to traffic at The Jib.

---

### **8. Darlington Drive, Banora Point**

**R3035 Pt2; R1540; DW677554**

Brought forward from meeting held 20 June 2002 (item 8) and reproduced as follows:-

*“Request received for the possible construction of a median strip to prevent right turning traffic into Winders Lodge from Darlington Drive, where traffic has exited the roundabout near the highway at the northern exit of Sextons Hill, while traffic is traversing a left hand sweeper curve heading towards Banora Point shops.*

*The Committee noted that widening this section of Darlington Drive to four lanes is being investigated by Council and that a central median may be part of the design. It was decided that the issue should be deferred until Council considers a report from the Engineering Services Division on the Leisure Drive / Darlington Drive upgrade project expected to be in August 2002.*

*For Council’s information.”*

Brought forward from meeting held 15 August 2002 (item 8) and reproduced as follows:-

*“The Chairman advised that a report should be brought forward to Council in September 2002 and that the item should be deferred to the September meeting of the Local Traffic Committee.*

*For Council’s information.”*

The Committee discussed the recent resolution of Council to upgrade and widen this section of Darlington Drive to four lanes which will overcome the problem of vehicles turning right into the aged care facility holding up through traffic. The Committee recommended that no further action is required.

For Council’s information.

---

## Reports from Committees/Working Groups

---

### 5. Kennedy Drive, Tweed Heads West

R2830 Pt5

The following item was discussed at the meetings held on 14 March, 16 May, 18 July 2002 and 15 August 2002 (item 5) and is reproduced as follows:-

*“Request received for assistance with parking problems experienced on Kennedy Drive outside the Matilda Motel.*

*Photographs of the problem have been made available for discussion at the Local Traffic Committee meeting. The Committee identified that this entire section of Kennedy Drive has significant traffic related problems and that continually dealing with isolated complaints does not provide the best overall solution.*

*The Committee decided that a review of traffic management for the length of Kennedy Drive from the Motorway to the Bridge needed to be undertaken. This review to be brought forward to the Local Traffic Committee meeting of May 2002.*

*For Council’s information.”*

From the meeting held 16 May 2002:-

*“The resources for the speed counts to be undertaken have not been available and due to other works being undertaken in this locality the speed counts are to be reported to the July meeting of the Committee.*

*For Council’ information.”*

From the meeting held 18 July 2002:-

*“Deferred to the next meeting to enable all data to be available.*

*For Council’s information.”*

From the meeting held 15 September 2002:-

*“The Chairman advised that this is still in progress however interim results of traffic surveys were tabled and discussed.*

*To be brought forward to the Local Traffic Committee meeting of September 2002.*

*For Council’s information.”*

After a review of the traffic count data and site observations it is recommended that no further action is warranted as the results are within the ranges expected. No other complaints have been received and the only works needed are minor road widening just east of Gray Street, which is being pursued separately.

The Committee decided that no further action is required.

For Council’s information.

---

## Reports from Committees/Working Groups

---

### 9. Buckingham Drive, Pottsville

**R0581 Pt1**

The following item was discussed at the meeting held on 18 July 2002 (item 9) and is reproduced as follows:-

*“Request received for assistance with reducing the speed of traffic using Buckingham Drive, Pottsville. It is claimed that since opening up the street at the western end it has become a racetrack for both cars and trail bikes with speeds reaching up to 80kph.*

*The Committee noted that Buckingham Drive whilst extended is still a cul-de-sac.*

*The Chairman advised that speed counts would be undertaken and referred to the next Local Traffic Committee meeting to enable a more informed discussion on the complaint.*

*For Council’s information.”*

From meeting held 15 August 2002:-

*“To be deferred to the meeting to be held on 19 September 2002.*

*For Council’s information.”*

The Chairman reported that counts showed the 85<sup>th</sup> percentile is 56kph (westbound) and 85<sup>th</sup> percentile 57kph (eastbound). Based on the traffic count data it was noted that a significant speeding problem does not exist in Buckingham Drive. However if residents take details of offending vehicles and are prepared to make formal statements the Police have advised they will pursue individual cases.

For Council’s information.

---

### 10. Coronation Avenue, Pottsville

**R1360; DW688781**

The following item was discussed at the meeting held 15 August 2002 (item 10) and is reproduced as follows:-

*“Request received for the 50kph and 60kph speed limit signs to be replaced to their former positions west of 1/46 Coronation Avenue. It is unclear as to what the actual issue is as the 60kph zone has been extended to the new Seabreeze roundabout.*

*The complaint is to be investigated and brought forward to the September meeting.*

*For Council’s information.”*

The issue arose out of the Seabreeze Subdivision developer mistakenly relocating the signs without approval. However they have been reinstated in the original position.

For Council’s information.

---

## Reports from Committees/Working Groups

---

### GENERAL BUSINESS:

#### Part A

##### 1. **Satinwood Place, Chillingham**

**R4914 Pt1 DW693060**

Request received for temporary closure of Satinwood Place, Chillingham at the Numinbah Road end adjacent to the Chillingham Public Hall from 7:30am to 1:30pm on Saturday 19 October 2002. Temporary closure is requested for the official opening ceremony and unveiling of a commemorative plaque for Chillingham's Bean Tree Walk which commences at 10:00am.

The Committee supports the closure of Satinwood Place subject to the compliance with all Council temporary road closure standard conditions.

### RECOMMENDATION:

That approval be given for temporary closure of Satinwood Place at the Numinbah Road end from 7:30am to 1:30pm on Saturday 19 October 2002 subject to the compliance with all Council temporary road closure standard conditions.

---

##### 2. **Blundell Boulevard, Tweed Heads South**

**R0610 Pt1**

Request received for extension of the "No Parking" signs on Blundell Boulevard, Tweed Heads South adjacent to St Joseph's Hostel as it is reported as unsafe on the curve when vehicles park on both sides of the road.

The Committee noted the high demand for parking in the area. However Blundell Boulevard has been constructed at a width suitable for two parking lanes and two lanes of through traffic. It is a 50kph speed zone and can be readily negotiated at this speed. The Committee recommended that no action be taken other than monitoring the situation.

For Council's information.

---

##### 3. **Coast Road, Pottsville**

**R1181 Pt12**

Request received for the installation of a bus zone on Coast Road opposite the Pottsville Caravan Park in the last 3 parking bays (northern) adjacent to the Market Site. This would negate the need for the bus to stop next to the oval when heading north. The request is supported by Surfside Buslines.

It was noted that the first 3 formed parking bays would need to be taken for the installation of a bus zone.



## Reports from Committees/Working Groups

### RECOMMENDATION:

That the northern three formed parking bays on Coast Road opposite the Pottsville Caravan Park be used for the installation of a bus zone.

#### 4. Terranora Road, Terranora

**R5431 Pt4; DW694953, 696116**

Request received for the installation of a convex safety mirror to be installed on Terranora Road opposite number 366 to allow increased sight distances for exiting a private driveway. Mr Frank will pay associated costs and accepts that the speed of approaching vehicles may make the distorted image even greater.

The Committee supported the request for installation of a convex safety mirror at no. 366 Terranora Road subject to the applicant paying the costs and being made fully aware of the mirror's limitations. The RTA Representative stated that the diameter of the mirror should comply with RTA specifications.

### RECOMMENDATION:

That the Committee supports the installation of a convex safety mirror opposite to no. 366 Terranora Road subject to the owner meeting the costs.

## Part B

Nil

### NEXT MEETING:

The next meeting is scheduled for 17 October 2002.

The meeting closed at 10:00am

### *Director's Comments:*

*NIL*

[document3]

### DIRECTOR'S RECOMMENDATIONS:

#### 13. Tweed Valley Way, Chinderah

**R4031 Pt15**

### Committee Recommendation:

That the sign stating 80kph on the Tweed Valley Way, Chinderah (heading north) to join/merge with the Pacific Motorway be removed and replaced with a 110kph zone.

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

## Reports from Committees/Working Groups

### 10. The Quarterdeck, Tweed Heads

R4490 DW693244

#### Committee Recommendation:

That Council does not proceed with the partial closure to traffic at The Jib.

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

### 1. Satinwood Place, Chillingham

R4914 Pt1 DW693060

#### Committee Recommendation:

That approval be given for temporary closure of Satinwood Place at the Numinbah Road end from 7:30am to 1:30pm on Saturday 19 October 2002 subject to the compliance with all Council temporary road closure standard conditions.

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

### 3. Coast Road, Pottsville

R1181 Pt12

#### Committee Recommendation:

That the northern three formed parking bays on Coast Road opposite the Pottsville Caravan Park be used for the installation of a bus zone.

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

### 4. Terranora Road, Terranora

R5431 Pt4; DW694953, 696116

#### Committee Recommendation:

That the Committee supports the installation of a convex safety mirror opposite to no. 366 Terranora Road subject to the owner meeting the costs.

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

## Reports from Committees/Working Groups

---

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

3. **Minutes of the Public Transport Working Group Committee Meeting held Thursday 22 August 2002**
  4. **Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 12 September 2002**
  5. **Minutes of the Occupational Health and Safety Committee Meeting held 12 September 2002**
  6. **Minutes of the Tweed Shire Council Consultative Committee Meeting held Thursday 19 September 2002**
  7. **Minutes of the Local Environmental Plan Advisory Committee Meeting held Tuesday 24 September 2002**
-

## Reports from Committees/Working Groups

---

THIS  
PAGE  
THIS  
PAGE  
IS  
BLANK  
IS  
BLANK

