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Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)

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Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)

(d) commercial information of a confidential nature that would, if disclosed:

(i) prejudice the commercial position of the person who supplied it, or

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Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)

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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: Awaiting release of the Study.

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.

Schedule of Outstanding Resolutions

3. Bruce Chick Park

Notice of Motion; Bruce Chick Park; DW678989

1127

Cr Boyd

Cr Marshall

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.

Current Status: Plan and cost involved being prepared.

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.

Current Status: Report to Council Meeting 18 September 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.

Schedule of Outstanding Resolutions

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.

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

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Mayoral Minute

Councillors,

1. Yelgun to Chinderah Freeway

Pacific Motorway

23 August – attended a “thank you” morning tea for volunteer members of the organising Committee for the opening of the Yelgun to Chinderah Freeway (Council Chambers Foyer)

2. TEDCO Land Use Study

TEDC

23 August – attended TEDCO’s launch of the Rural Land Use Study Report (Murwillumbah Auditorium)

3. Art Gallery

Art Gallery- Tweed Valley Regional Foundation

23 August – with John Griffin attended a meeting in Sydney with Mr. Mark Moran to discuss issues concerning the Art Gallery.

4. TS Vampire

Councillors’ Invitation

24 August – attended the Annual Inspection & Ceremonial Parade of TS Vampire at Dry Dock Road South Tweed Heads

5. Banana Festival

Tweed Valley Banana Festival

24 August – attended the Banana Festival Ball at Murwillumbah

6. Bush Poets Breakfast

Councillors’ Invitation

25 August – attended Bush Poets Breakfast at Tweed Heads

Mayoral Minute

7. Lifeworx Christian Church

Councillors' Invitations

25 August – attended opening celebration and Worship Party of Lifeworx Christian Church at Tweed Heads

8. Acid Sulfate Soils Conference

Acid Sulfate Soils/Conferences - General

26 August – Welcome address to attendees of Acid Sulfate Soils Conference Twin Towns
Attended Civic Reception for the Acid Sulfate Soils Conference at Tweed Heads

9. Banana Festival

Tweed Valley Banana Festival

27 August – opened Banana Festival Art Show at Jessie McMillan Hall Murwillumbah
29 August – was a guest at the Banana Festival Sponsors Night in Murwillumbah

10. Legacy Week

Councillors' Invitations

4 September – lay wreath at Murwillumbah Services Memorial Club Legacy ceremony and attend Hook Memorial Lunch.

INVITATIONS ACCEPTED

- 6 September – Welcome Breakfast for Friendship Force from Houston USA
- 8 September – Red Cross 50th Anniversary celebrations Murwillumbah
- 8 September – Tweed & District Historical Society Book Launch “Look Back” by Peter Winter (Volume 2)

Mayoral Minute

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

- 2002 Main Roads Southern Queensland Technical Symposium 9-11 October to be held at the Roma Bungil Cultural Community Centre. Theme is “*Working together in the outback: Simply better business*”
- 2002 Ecotourism Association of Australia International Conference to be held in Cairns 21-25 October

ABSENCES FROM SHIRE BY GENERAL MANAGER AND DIRECTORS

Name	From	To	Location	Details
GM	2 September 2002		Sydney	Rate Pegging Task Force Meeting
GM	6 September 2002		Casino	LGMA Northern Rivers Branch Meeting
GM	12 September 2002		Sydney	Corruption Prevention Network Conference
DCS	3 September 2002	3 September 2002	Parramatta	IPAA - Integrated Governance Seminar
DCS	11 September 2002	13 September 2002	Twin Waters Resort Sunshine Coast	SIA Annual Conference
DES	4 September 2002	6 September 2002	Brisbane	River Symposium Conference
DES	10 September 2002	13 September 2002	Batemans Bay	LGSA Water Management Conference and Water Directorate Regional Executive Committee

Mayoral Minute

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Items Deferred

ITEM DEFERRED FROM MEETING 21 AUGUST 2002

ORDERS OF THE DAY:

1. *Speech Communication Day*

Notice of Motion; Communications Committee; Community Access

221

Cr Polglase

Cr Marshall

RESOLVED that this matter be deferred to a meeting where Cr Lawrie is in attendance.

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

Speech Communication Day

Notice of Motion; Communications Committee; Community Access

That Council investigates the promoting of an annual 'speech communication day' and thereafter awards certificates to each class in every school in the Shire acknowledging participation in the event.

Items Deferred

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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

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Reports from Director Development Services

1. **ORIGIN:** Development Assessment Unit
FILE REF: Subdivision Application Correspondence: Casuarina Development DA1180/385 Pt11

REPORT TITLE:

The Establishment of a Residential Subdivision Comprising Nineteen (19) Lots & Remediation Works at Lot 70 DP 1031933, Tweed Coast Road Kingscliff

SUMMARY OF REPORT:

Council at its meeting of 21 August 2002 resolved to defer determination of this application as a result of the applicant requesting a number of changes to conditions just prior to the meeting. A meeting with the applicant's representative was conducted to discuss these changes and the revised recommendation is provided below.

It should be noted that based on previous agreements regarding the dedication of public open space it was agreed that it is reasonable that the land zoned 7(f) contained in lot 241 can remain in private ownership.

RECOMMENDATION:

That : -

- A. Development Application 0101/2001DA for the establishment of a residential subdivision comprising 19 lots & remediation works at Lot 70 DP 1031933, Tweed Coast Road Kingscliff be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in general accordance with Figure No. 3 Rev B prepared by Cardno MBK and dated 20 June 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. All bulk earthworks, stormwater drainage, road construction and public infrastructure associated with the northern precinct civil works Construction Certificate shall be completed to Council's satisfaction and all public roads, reserve, drainage systems and any other public infrastructure shall be dedicated to Council.
4. Prior to commencement of work pursuant to this consent a **Construction Certificate** shall be obtained for the works proposed and required by this consent. The following information must accompany applications for a construction certificate for building & subdivision work.

(i) Subdivision Work

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

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

Reports from Director Development Services

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

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

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

5. In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with AS1428-1993 Parts 1 to 4 - Design for Access and Mobility.
6. 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.

Table 5.4 Stormwater Treatment Objectives for Post Construction (Occupational) Phase of Development

Pollutant			
Nutrients	Maximum permissible load that may be discharged kg/ha/year		
	Average year (1719mm)	Wet Year (2185mm)	Dry Year (929mm)
Suspended solids (SS)	300	400	120
Total Phosphorus (TP)	0.8	1.1	0.35
Total Nitrogen (TN)	4.5	6	1.5

Reports from Director Development Services

Litter	Retention 70% of annual litter load greater than 5mm
Coarse sediment	Retention of 90% of annual load of sediment coarser than 0.125 mm
Oil and grease (hydrocarbons)	<10 mg/litre in flows up to 40% of Q1 peak.

- (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".

- Roof drainage. All future roof drainage is to be discharged to infiltration trenches located on each contributing allotment or on other land appropriately title burdened to the contributing allotment. Infiltration trenches shall be designed in accordance with the following criteria:
 - As a minimum requirement, trenches are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) and infiltrate this storm within a 24 hour period, with a safety factor of 2, before surcharging occurs
 - Surchage overflow from the infiltration area to the street gutter, interallotment or public drainage system must occur by visible surface flow.
 - Runoff is to be pre treated to remove contaminants prior to entry into the absorption areas (to maximise life of absorption areas between major cleaning/maintenance overhauls).
 - If the site is under strata or community title, the strata/community title plan is to ensure that the absorption areas are contained within common areas that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).

Reports from Director Development Services

- Where consistent with other land use requirements, grassed swale drainage (Ref 5.2) is to be used in preference to pipes or hard lined channels.
Note: Swales are not preferred as a substitute for kerb and gutter
 - where on street parking is required, unless cars can be excluded from swale area
 - on roads serving small lots with numerous driveways
 - where gradients are <1% or >5%)
 - Oil/Grit Separators (ref 4.7), permanent pool 30m³ per impervious hectare with 50-70% of this volume in first chamber are to be provided in the underground road/hardstand stormwater drainage systems to remove sediment, litter and oil/grease prior to discharge into the east/west swale drain/infiltration areas. For the purpose of this consent, this condition is satisfied if the Humeceptor Model STC3 proposed at 9/1 in drawing 7079/1/24-14 of the North Precinct Civil Works Construction Certificate is upgraded to a Humeceptor Model STC5 as proposed in Drawing (which accompanied this application) Job 7079/1-60 Figure 4 “Finished Surface Contours, Road Centrelines, Proposed Stormwater Drainage, Overland Flow Paths”. This requirement may only be varied with the agreement of the Director of Engineering Services.
 - Infiltration basins (ref 5.6) shall be provided prior to Controlled Outlet No 11, to infiltrate runoff from stormwater flows of up to 40% of ultimate $Q_{1 \text{ year}}$. Infiltration basin sizing shall be determined on a catchment basis. A “catchment” shall be the total area draining controlled outlet No.11. This consent is satisfied if the coastal and east/west swale drains and infiltration basins designated in the North Precinct Civil Works Construction Certificate are constructed and dedicated to Council. No topsoil, mulch or other vegetative matter is to be used on infiltration basin surfaces and no establishment, operation or maintenance procedures are permitted that may reduce surface permeability.
7. Except as may be expressly provided in the approval, the approval holder must comply with section 120 of the Protection of the Environment Operations Act 1997 prohibiting the pollution of waters.
 8. No soil shall be removed from the site as part of the earthworks or remediation works.
 9. Access to earthworks and excavated areas on the site shall be restricted to the satisfaction of the Director of Environment & Community Services. The applicant shall ensure that the public do not have access or exposure to the excavations for site remediation.
 10. All wastes shall be collected, stored and disposed to the satisfaction of the Director of Environment & Community Services.
 11. There shall be no sewer connection through the 7(f) zone.

Reports from Director Development Services

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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

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

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

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

- a. Tweed Road Contribution Plan:

18 lots @ \$2948/lot \$53,064

S94 Plan No. 4 (Version 4.0)

(Sector 7c – Kings Beach – Residential)

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)

Reports from Director Development Services

- | | |
|--------|---|
| \$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:
18 lots @ \$42.90 \$772.00
S94 Plan No. 6
 - c. Shirewide Library Facilities:
18 lots @ \$688.00 \$12,384.00
S94 Plan No. 11
 - d. Bus Shelters:
18 lots @ \$23.00 \$414.00
S94 Plan No. 12
 - e. Eviron Cemetery/Crematorium Facilities:
18 lots @ \$126.00 \$2,268.00
S94 Plan No. 13
 - f. Emergency Facilities (Surf Lifesaving)
18 lots \$256.00 \$4,608.00
S94 Plan No. 16
 - g. Extensions to Council Administration Offices
& Technical Support Facilities
18 lots @ \$344.81 \$6,207.00
S94 Plan No. 18
 - h. Kings Beach Open Space
18 lots @ \$637.00 \$11,466.00
S94 Plan No. 19
 - i. Kings Beach Cycleways
18 lots @ \$160.00 \$2,880.00
S94 Plan No. 19
 - j. Kings Beach Community Facilities
18 lots @ \$497.00 \$8,946.00
S94 Plan No. 19
14. A **certificate of compliance** (CC) under Part 3 Division 2 of the Water Supply Authorities Act 1987 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.
- Pursuant to Section 109J of the Environmental Planning and Assessment Act, 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

Reports from Director Development Services

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: 18 lots @ \$4000.00 \$72,000.00

Sewer: 18 lots @ \$3275.00 \$58,950.00

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

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

15. **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.

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

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*.

18. The inter-allotment drainage system (IAD) proposed in Drawing Job 7079/1-60 Figure 4 "Finished Surface Contours, Road Centrelines, Proposed Stormwater Drainage, Overland Flow Paths" shall be deleted.

Reports from Director Development Services

19. The reticulated sewerage system is to be designed so that no works are required to be undertaken within the 7(f) zone.

PRIOR TO COMMENCEMENT OF WORK

20. **Prior** to the commencement of work the applicant shall submit to Council evidence that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared in accordance with either:-
- a. Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
 - b. AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
21. 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.
22. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road. If the proposed development requires driveway access (or modification of access) onto a public road, prior to the issue of a construction certificate and prior to any works taking place on the public road, a detailed application for access/driveway under Section 138 of the Road Act must be submitted to and consent granted by Council. Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.
23. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of fill shall be submitted to the satisfaction of the Director Development Services.

DURING CONSTRUCTION

24. No soil, sand, gravel, clay or other material shall be disposed of off the site.
25. 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.
26. The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual.

Reports from Director Development Services

27. 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.
28. 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.
29. A barrier fence shall be constructed along the top of the rock retaining wall located between the east/west swale and proposed Lots 229, 230, 235 and 236.
30. 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.
31. All proposed road/streets, drainage and associated works within the subdivision shall be designed and constructed in accordance with the development consent plans referred to in Condition 9 **AND** the relevant provision of DCP No. 16 - Subdivisions Manual, except where varied by the conditions of this consent.
32. 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.
33. The provision of adequate vehicular access in accordance with Council's "Access to Property" pamphlet, including the provision of an invert crossing at the kerb and gutter and paving of the driveway across the footpath to the front alignment. Twenty four (24) hours notice is to be given to Council's Engineering Services Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the vehicular access and its reconstruction.
34. The concrete driveway across the footpath is to be constructed in accordance with the approved plan and be a minimum of 150 millimetres thick reinforced with F82 mesh.
35. The earthworks shall be carried out in accordance with AS 3798-1996 "Guidelines on Earthworks for Commercial and Residential Developments". In general, material shall be placed in layers not exceeding 300mm in depth, watered and compacted to achieve the specified density ratio as monitored in Table 5.1 – Guidelines for Minimum Relative Compaction.
36. The subject land shall be shaped in general accordance with Cardno MBK drawing 7079/1-60, Figure 4, "Finished Surface Contours, Road Centrelines, Proposed Stormwater Drainage, Overland Flow Paths" except for:
 - a. Proposed Lot 224 shall be shaped to its final level.

Reports from Director Development Services

- b. The earthworks transition from final levels to existing levels shall occur in the land to the west of the above road.
37. 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.
38. (a) Partial disposal of allotment runoff by infiltration, for stormwater treatment. Runoff from all roofs, hardstand and impervious surfaces is to be discharged to infiltration trenches located on the subject allotment:-
- As a minimum requirement, trenches are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) and infiltrate this storm within a 24 hour period, with a safety factor of 2, before surcharging occurs. Surcharging overflow from the infiltration area must occur by visible surface flow.
 - Runoff is to be pre treated to remove contaminants prior to entry into the absorption areas (to maximise life of absorption areas between major cleaning/maintenance overhauls).
 - If the site is under strata or community title, the strata/community title plan is to ensure that the infiltration areas are contained within common land that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).
- The design infiltration rate shall be determined as follows:-
- * Conduct percolation tests on the site in accordance with Appendix B of A.S. 1547-1994, Disposal Systems for Effluent from Domestic Premises,
 - * if the above yields a result <6m/day, this rate may be used for design
 - * if the result is >6m/day, the rate for design may not exceed 6m/day unless this rate is confirmed by independently determining the coefficient of permeability of the soil in accordance with AS 1289.6.7.3. Notwithstanding these tests, the maximum infiltration rate that may be used for design and sizing purposes is 12m/day.
- The owner shall be responsible for perpetual maintenance of the stormwater disposal and infiltration system to ensure its continual operation at design capacity and to ensure no adverse affects on other land or property.
39. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.

Reports from Director Development Services

40. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
41. 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.
42. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
43. 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.
44. 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.
45. 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.
46. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited unless otherwise approved by the Director of Environment and Community Services.
47. All activities associated with the subdivision are to comply with the Protection of the Environment Operations Act, 1997.
48. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.
49. Remediation works for radioactive materials shall be completed in accordance with the Casuarina Beach North Precinct Remediation Plan For Subdivision of Lot N70, Cardno MBK 14 June 2002.
50. All materials above the depth of 2.5m from the ground surface within the subject allotment shall be remediated such that the maximum radiation level is 0.35uGy/hr.
51. ASS shall be identified and treated in accordance with the Acid Sulfate Soils Investigation and Management Plan, Sinclair Knight Merz, September 1998.
52. 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

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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.

53. The burning of builders waste on site by open fire is prohibited.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

54. The existing sewer which traverse proposed Lots 236 and 237 shall be removed when no longer operational. This work shall occur prior to the issue of the Subdivision Certificate and be performed under Council supervision.
55. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No 0101/2001DA have been complied with.
56. 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. A restriction to user requiring all roofwater from dwellings shall be discharged to an approved infiltration pit located on the subject property. The infiltration pit shall be approved by the Principal Certifying Authority.
 3. A restriction to user on Lots 228 to 240 inclusive requiring that no excavation is permitted below a depth of 2.5m below existing surface level unless a gamma radiation survey has been carried out and submitted to Council and the written approval of Council obtained for the proposed works.

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.

57. The following restrictions apply to dog and cat ownership and control on all residential lots:-
- A.
 - i. Owners of dogs within the development shall have their yards fenced so as to securely contain a maximum of one (1) dog per allotment and the ownership of cats within the development shall be restricted to one de-sexed cat per allotment and such cats shall be restrained within the house or a secure night cage between the hours of 6.00pm and 6.00am.
 - ii. No dog shall be registered without the construction of a dog-proof compound, which must be approved by Council and the relevant fee paid by the applicant.

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- iii. No owner can retrieve a dog that has been impounded unless they can demonstrate to Council they have a secure compound.

These ownership and control requirements shall be reinforced by a Restrictions as to User under Section 88B of the Conveyancing Act, 1919-1964.

A Section 88B Instrument creating the restriction as to user shall contain a provision enabling the restriction to be revoked, varied and modified only with the consent of Council.

58. 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.
59. 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.
60. 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.
61. 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.
 - relevant development consent or complying development certificate
 - detailed subdivision engineering plans endorsed with a construction certificate (where applicable)
 - for a deferred commencement consent evidence that the applicant has satisfied the consent authority on all matters which must be satisfied before the consent can operate
 - evidence that the applicant has complied with all conditions of consent, that it is required to comply with before a subdivision certificate can be issued (where applicable)
 - a certificate of compliance from the relevant water supply authority (where applicable)
 - if a subdivision is the subject of an order of the Land and Environment Court under section 40 of the Land and Environment Court Act 1979 evidence that required drainage easements have been acquired by the relevant council
 - for subdivision involving subdivision works evidence that:
 - the work has been completed, or

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- agreement reached with the relevant consent authority regarding payment of the cost of work or as to the time for carrying out the work, or
- security given to the consent authority with respect to the completion of the work
- Work as Executed Plans for **ALL** works

(ii) Documentary evidence that **all** matters contained in Section 109J of the Act have been complied with.

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

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

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

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

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

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

Roadworks

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

Reports from Director Development Services

Water Reticulation, Sewer Reticulation, Drainage

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

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

3. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Supply Authorities Act, 1987 to be certified by an "accredited certifier".
63. 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.**
64. 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.
65. (i) **PRIOR** to lodging an application for a Subdivision Certificate, the applicant shall obtain the written approval of Council to the proposed road/street names. Approved names are to be in accordance with Council's Road Naming Policy adopted on 7 August 1996 and are to be shown on the Plan of Subdivision accompanying the application for a Subdivision Certificate.
- (ii) To avoid confusion resulting from duplication of private driveway/accessway name and public road/street names, the applicant shall submit to Council for approval the proposed name(s) of any private driveway/accessways.

Reports from Director Development Services

The names shall be approved **PRIOR** to lodgement of any plan of subdivision in respect of the development.

Names which duplicate existing and approved street names will not be approved.

66. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-
- i. The construction of proposed road No. 14 and the extension of road No. 2 with a 7.5m wide pavement including a minimum 25mm AC surfacing, compacted gravel pavement and layback kerb and channel. The kerb alignment of each cul-de-sac shall have a minimum radius of 9.0m. The road reserves shall be 14.0m wide.
 - ii. The existing kerb and gutter of the cul-de-sac of Road No. 2 shall be removed and the footway area re-instated to the satisfaction of the Director Development Services.
67. 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.
68. The existing sewer line located within lots 236 and 237 shall be removed prior to the issue of the Subdivision Certificate.
69. Prior to issuing a Subdivision Certificate, Town Water shall be provided to each lot including a minimum size 25mm outside diameter water service terminated 1.0m inside the property boundary of each lot in accordance engineering with plans to accompany the Construction Certificate application. The reticulation shall be designed and constructed in accordance with DCP16 - Subdivisions Manual.
- Note:** The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.
70. The production of written evidence from Telstra Australia certifying that satisfactory arrangements have been made for the provision of underground telephone supply.
71. i. The production of written evidence from NorthPower certifying that reticulation of underground electricity has been completed; and

Reports from Director Development Services

- ii. Prior to the issue of a Subdivision Certificate, the reticulation to include the provision of fully installed electric street and parkland pathway lights to the relevant Australian Standard. Such lights are to be capable of being energised following a formal request by Council. The proposed location and style of lighting standards (clear of other public utilities, private accesses and street trees) are to be submitted with the Construction Certificate Application.
72. Prior to issue of the subdivision certificate, certification, to the satisfaction of the Director of Environment & Community Services, shall be provided to Council regarding the following matters:
- i. verification of the extent and depth, if any, of radioactive materials (above the background level of 0.1uGy/hr) which may exist on the proposed residue lot 224, and radiation levels of that material.
 - ii.
 - a. verification on all sites where remediation has occurred that radiation levels to a depth of 2.5m are within the limits (maximum 0.35uGy/hr) specified in the approved Remediation Plan.
 - b. verification that radiation levels of the material placed at depth under the unformed crown road located at the northern boundary of the Northern Precinct do not exceed NSW Department of Health Guidelines for radiation levels under roads, and provide an indication of the actual radiation levels present.
 - c. verification that the radiation levels of material placed in Lot N70 as a consequence of prior remediation activities do not exceed NSW Department of Health Guidelines for residential land use.
 - iii. advice on radiation levels likely to exist beneath existing roads within the Northern Precinct, particularly those near or adjacent to the remediated areas.
- B. A notation be placed on any Section 149 certificate issued pursuant to the Environmental Planning and assessment Act, 1979 for Lots 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239 and 240 stating as follows: -
- “The site has previously been subject to sand mining operations. As a consequence, there may be radioactive sand present at depths greater than 2.5m below the surface. The radioactivity is caused by naturally occurring materials, which may have been concentrated by the processing operations. Radiation levels in the upper 2.5m, and at the surface, are below acceptable levels for continuous human habitation pursuant to Government environmental guidelines.”*

Reports from Director Development Services

REPORT:

As per summary.

Reports from Director Development Services

2. **ORIGIN:** Strategic Town Planning Unit
FILE REF: GT1/DCP/3 Pt8; Sewerage Treatment - Banora Pt: Development Control Plant

REPORT TITLE:

Sewerage Treatment Plant Buffer

SUMMARY OF REPORT:

On 3 July 2002 Council resolved to publicly exhibit a draft amendment to Development Control Plan No 3 – Banora Point West – Tweed Heads South. The purpose of this amendment was to lift the restrictions on development within 200 metres of the sewerage treatment plant at Banora Point.

RECOMMENDATION:

That Council, in accordance with Clause 21 of the Environmental Planning and Assessment Regulations 2000:

1. Adopts the Development Control Plan No 3 – Banora Point West – Tweed Heads South amendment as exhibited in respect of the following:
 - a. Delete Section 6.2(1),
 - b. Insert a new Section 6.2(1) as follows:

“Development within Sewerage Treatment Works Buffer

The objectives of this policy are:

1. *To permit the development of the land while reducing risks to the health of employees of industrial development.*
2. *To prevent any intensification of residential development in the buffer zone.*
3. *To ensure the continued use of an essential community facility is not jeopardized.*

No additional dwellings will be permitted within the established buffer area for the Treatment Works.

Industrial development within the buffer area is to be designed so that uses not requiring permanent or prolonged work station occupation (such as parking, open air storage) will be at that part of the lot closest to the Treatment Works. Open air ventilation of all buildings must be from the opposite side to the Works, and air conditioning must be provided in any commercial or office component of the building.

In respect of buildings for the processing and storage of foodstuffs or other materials likely to be contaminated or tainted by exposure to airborne odours, Council will require a formal statement from a suitably qualified consultant that there are no adverse public health impacts arising from the location of the building within the nominated buffer area”.

2. Gives public notice of the amendment.

Reports from Director Development Services

REPORT:

On 3 July 2002 Council resolved to publicly exhibit a draft amendment to Development Control Plan No 3 – Banora Point West – Tweed Heads South. The purpose of this amendment was to lift the restrictions on development within 200 metres of the sewerage treatment plant at Banora Point.

The draft amendment was exhibited for 28 days and no submissions have been received. A copy of the draft was also forwarded to the Banora Point Residents Association for comment. No submission has been received.

The specific amendment is to delete the existing section relating to the sewerage treatment plant buffer and replaces it with the following amended section:

“Development within Sewerage Treatment Works Buffer

The objectives of this policy are:

- 1. To permit the development of the land while reducing risks to the health of employees of industrial development.*
- 2. To prevent any intensification of residential development in the buffer zone.*
- 3. To ensure the continued use of an essential community facility is not jeopardized.*

No additional dwellings will be permitted within the established buffer area for the Treatment Works.

Industrial development within the buffer area is to be designed so that uses not requiring permanent or prolonged work station occupation (such as parking, open air storage) will be at that part of the lot closest to the Treatment Works. Open air ventilation of all buildings must be from the opposite side to the Works, and air conditioning must be provided in any commercial or office component of the building.

In respect of buildings for the processing and storage of foodstuffs or other materials likely to be contaminated or tainted by exposure to airborne odours, Council will require a formal statement from a suitably qualified consultant that there are no adverse public health impacts arising from the location of the building within the nominated buffer area”.

It is recommended that Council adopt the amendment and bring the amendment into for through publicly notification.

The report and resolution from Council’s meeting of 3 July 2002 is attached.

Reports from Director Development Services

3. ORIGIN: Strategic Town Planning Unit
FILE REF: LEP 18; GT1/LEP/2000/18 Pt1

REPORT TITLE:

Draft Tweed Local Environmental Plan 2000, Amendment No 18 - Recreational Beach Activities

SUMMARY OF REPORT:

Draft Tweed Local Environmental Plan - Amendment No 18 was publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979 (as amended) between Wednesday 5 June 2002 and Friday 5 July 2002.

Submissions were received from members of the general public and from various State Government Agencies. These submissions have been addressed within this report and, where deemed appropriate, within the LEP Amendment.

It is considered that the proposed LEP Amendment be forwarded to the Minister for Planning to make the Plan.

RECOMMENDATION:

That Council:

1. Amends Tweed Local Environmental Plan 2000, Amendment No 18, by replacing the wording in brackets in the last paragraph to read “...(*erected and dismantled within a 24 hour period*)...”.
2. Forwards draft Tweed Local Environmental Plan 2000, Amendment No 18, to the Minister for Planning and requests the Minister to make the Plan in accordance with Section 70 of the Environmental Planning and Assessment Act 1979.

Reports from Director Development Services

REPORT:

INTRODUCTION

Council last dealt with this item at its Ordinary meeting of 21 November 2001, where in accordance with Section 54 of the Environmental Planning and Assessment Act 1979, it resolved to prepare draft LEP Amendment No 18.

Draft LEP Amendment No 18 intends to make permissible, subject to Council consent, facilities which are ancillary to the recreational use of the beach within the 7(f) Environmental Protection (Coastal Lands) Zone. A copy of the exhibited draft Plan (written document and zoning map) is attached (Appendix A).

STATE AGENCY CONSULTATION

Pursuant to Section 62 of the Environmental Planning and Assessment Act 1979, Council consulted with relevant State Government Agencies. Responses were received from the Department of Land and Water Conservation (DL&WC), the Environmental Protection Authority (EPA), and NSW Fisheries, National Parks and Wildlife Service (NPWS), and NSW Mineral Resources. Below is a summary of each of their responses:

- **NSW Mineral Resources:** advised that the proposal will not adversely impact upon mining or exploration.
- **NSW Coastal Council:** advised that they did not object to the intent of the amendment. However, they suggested clarification with respect to the structures intended to be erected and the duration that a given structure will be allowed to remain on a given site. The definition of 'recreational beach activities' was amended accordingly to incorporate the advice provided by the NSW Coastal Council.
- **DL&WC:** DLWC advised it supports the intention of the proposal to allow only minor, non-threatening activities. Advice received from DLWC related mainly to operational and development application aspects of proposed development within the 7(f) Zone and the role of Council through the Tweed Coast Reserve Trust. Where relevant, these comments were incorporated within the proposed LEP Amendment, whereas other issues raised were omitted because they were considered operational matters and would better be dealt with through operational and coastal management plans.
- **NSW Fisheries:** advised that the proposed amendment will not adversely impact on fish (including aquatic invertebrates), fish habitat and aquatic biodiversity and so has no objection to the Amendment.

PUBLIC EXHIBITION

The draft LEP was firstly publicly exhibited between 5 December 2001 and 31 January 2002, and then was re-exhibited, (after an amended Council resolution of 6 March 2002), between Wednesday, 5 June 2002 and Friday, 5 July 2002 in accordance with Section 66 of the Environmental Planning and Assessment Act 1979. In addition to this, correspondence (including a copy of the draft LEP) was forwarded to relevant State Agencies for their consideration and comment.

Reports from Director Development Services

One submission during the first period of public exhibition (5 December 2001 and 31 January 2002) was received from Peter Macgregor, Property Consultant. The submission received requested a couple of changes to the draft LEP Amendment that was exhibited at the time. These included:

- An expanded term of the land use to be incorporated within Item 2 in the Table to Clause 11 for Zone 7(f) from ‘*recreational beach activities*’ to – “*Recreational beach activities including access to the beach for the purpose of undertaking such activities*”.

It is considered that this change is not warranted as the existing definition already incorporates provisions for approved access points in accordance with a Dune Management Plan.

- Rewording of the second paragraph of the proposed definition in the following manner:

“The location of facilities are not to be within, or require access into, the frontal dune system or vegetated dunal areas other than approved access points as contained in the Dune Management Plan (as may be amended from time to time) as approved for dunal areas fronting the lands known as Casuarina Beach.”

The proposed change makes specific reference to Casuarina Beach. It is considered that the definition should not reference any beach in particular and instead provide a generalised definition so that it may be applied to other beaches within the Tweed Shire (7(f) Zone) that may also endeavour to undertake “recreational beach activities” on their beaches.

During the second period of public re-exhibition no submissions were received from individual members of the general public, however, two submissions were received from State Government Agencies, namely NSW Coastal Council and DLWC. Below is a summary of both Agencies’ submission.

- **DLWC:** reiterated their earlier submission during the Section 62 Consultation phase. Hence no changes to the draft Plan are considered warranted.
- **NSW Coastal Council:** requested the following:
 1. The definition explicitly state what type of structures will be allowed;
 2. The duration that a given structure will be allowed to remain on a given site within the 7(f) Zone. They have requested that the term temporary be further defined to read:
‘... (will be erected and dismantled within a 24 hour period) ...
 3. That it should also be stated what types of occasions Council will consider allowing structures to remain for periods of time in excess of 24 hours within the 7(f) Zone.

In relation to Item 1, this request is questioned, given the proposed definition stipulates structures have to be of a ‘recreational beach activity’ nature, are to be of a temporary nature, and are to be consistent with an approved Management Plan. Whatever structure is ever erected is not envisaged to be of a significantly impacting nature given the existing parameters already afforded by the definition. By explicitly stating every type of structure, Council would have to list every conceivable type of structure that could be erected. In the event that in the future there is a proposal for a recreational activity that was not initially envisaged, the use would be prohibited. Council would be required to refuse approval to the proposed activity or go through the entire LEP Amendment process

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once again. This would prove to be a limiting and onerous imposition. It is considered that the current definition provides enough certainty as well as flexibility as to the types of “recreational beach activities” that can be undertaken within the 7(f) Zone.

In relation to defining what is meant by ‘temporary’, this isn’t considered to be a significant change and will not affect the intent of the proposed Plan, hence the Plan can be amended accordingly.

In relation the NSW Coastal Council’s third request a similar argument is propositioned as to that referred to in Item 1. It is felt that the existing definition provides Council enough certainty and affords it enough flexibility to determine the nature of the “recreational beach activities” that can be undertaken within the 7(f) Zone. It is considered unnecessary to amend the draft Plan to incorporate this request from the NSW Coastal Council.

Appendix B provides an amended draft LEP No 18, incorporating, where considered warranted, the submissions received during the public exhibition period.

CONCLUSION

Draft LEP Amendment No 18 proposes to allow the provision of ‘recreational beach activities’ within the 7(f) Environmental Protection Zone (Coastal Land) within the Tweed Shire. Council has not received any submissions objecting to the intent of the proposed Plan. The Plan has been amended to incorporate, where considered appropriate, relevant submissions received by Council. It is considered that the Plan is now ready to be made.

It is recommended that the Plan be finalised by requesting the Minister to make the plan in the form illustrated in Appendix B which amends the draft Plan that was publicly exhibited by amending the definition of “recreational beach activities” by replacing the wording in brackets in the last paragraph to read “...(*erected and dismantled within a 24 hour period*)...”.

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APPENDIX A

draft

TWEED LOCAL ENVIRONMENTAL PLAN 2000 (AMENDMENT No. 18)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the local environmental plan under the *Environmental Planning and Assessment Act 1979*.

Minister for Planning.

Reports from Director Development Services

draft

Tweed Local Environmental Plan 2000 (Amendment No 18)

1. Name of Plan

This plan is *Tweed Local Environmental Plan 2000 (Amendment No. 18)*.

2. Aims of Plan

This plan aims to make permissible, subject to Council consent, facilities which are ancillary to the recreational use of the beach within the 7(f) Environmental Protection (Coastal Lands) Zone.

3. Land to which plan applies

This plan applies to all land within the local government area of Tweed Zoned 7(f) Environmental Protection (Coastal Lands).

4. Amendment of Tweed Local Environmental Plan 2000

Tweed Local Environmental Plan 2000 is amended by:

- a) including in alphabetical order in Item 2 of the matter in the Table to clause 11 for Zone 7(f) Environmental Protection (Coastal Lands) the following:

- recreational beach activities

- b) including in alphabetical order in Schedule 1 Meanings of terms the following:

recreational beach activities temporary facilities and/or activities, on public land, which are ancillary to the recreational use of the beach such as the sale of refreshments and/or hire of non-motorised surf equipment or beach gear (ie. umbrellas, chairs, mats, lockers etc). This term does not include:

- the erection of permanent structures; and
- the use or hire of motorised vehicles and equipment; and
- activities/facilities that has the potential to degrade the coastal environment; and
- activities/facilities that has the potential to negatively impact on the well-being and amenity of beach users.

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The location of facilities are not to be within, or require access into, the frontal dune system or vegetated dunal areas other than approved access points as contained in the Dune Management Plan (as may be amended from time to time).

For the purpose of this definition, the term temporary applies to activities, facilities and structures that operate for the duration of one day (can be erected and dismantled in the same day), unless otherwise approved by Council.

Reports from Director Development Services

APPENDIX B

draft

TWEED LOCAL ENVIRONMENTAL PLAN 2000 (AMENDMENT No. 18)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the local environmental plan under the *Environmental Planning and Assessment Act 1979*.

Minister for Planning.

Reports from Director Development Services

draft

Tweed Local Environmental Plan 2000 (Amendment No 18)

5. Name of Plan

This plan is *Tweed Local Environmental Plan 2000 (Amendment No. 18)*.

6. Aims of Plan

This plan aims to make permissible, subject to Council consent, facilities which are ancillary to the recreational use of the beach within the 7(f) Environmental Protection (Coastal Lands) Zone.

7. Land to which plan applies

This plan applies to all land within the local government area of Tweed Zoned 7(f) Environmental Protection (Coastal Lands).

8. Amendment of Tweed Local Environmental Plan 2000

Tweed Local Environmental Plan 2000 is amended by:

c) including in alphabetical order in Item 2 of the matter in the Table to clause 11 for Zone 7(f) Environmental Protection (Coastal Lands) the following:

- recreational beach activities

d) including in alphabetical order in Schedule 1 Meanings of terms the following:

recreational beach activities temporary facilities and/or activities, on public land, which are ancillary to the recreational use of the beach such as the sale of refreshments and/or hire of non-motorised surf equipment or beach gear (ie. umbrellas, chairs, mats, lockers etc). This term does not include:

- the erection of permanent structures; and
- the use or hire of motorised vehicles and equipment; and
- activities/facilities that has the potential to degrade the coastal environment; and
- activities/facilities that has the potential to negatively impact on the well-being and amenity of beach users.

Reports from Director Development Services

The location of facilities are not to be within, or require access into, the frontal dune system or vegetated dunal areas other than approved access points as contained in the Dune Management Plan (as may be amended from time to time).

For the purpose of this definition, the term temporary applies to activities, facilities and structures that operate for the duration of one day (*erected and dismantled within a 24 hour period*), unless otherwise approved by Council.

Reports from Director Development Services

4. ORIGIN: Development Assessment Unit

FILE REF: DA02/0400 Pt1; 5937.527

REPORT TITLE:

Review of Determination of Development Application DA02/0400 for the Erection of Advertising Signage at Lot 1 DP 860947 No. 67 Winders Place, Banora Point

SUMMARY OF REPORT:

An application was received seeking approval for an existing pole sign at the Palm Lakes Resort, Winders Place, Banora Point. The advertising sign measures 3.5m x 3.5m and is elevated 1.8m from the ground. This gives the structure an overall height of 5.3m. In addition the sign will advertise another Palm Lake Resort located at Deception Bay, Queensland.

The application was reported to the Development Assessment Panel meeting 21 June 2002 at which the panel unanimously resolved to refuse the application.

The applicant was notified of the refusal and has now requests a review of the determination.

Under the circumstances, particularly considering that State Environmental Planning Policy No. 64 prohibits advertisements in open space zones, it is considered that the application should not be supported.

RECOMMENDATION:

That the Development Assessment Panel decision of 21 June 2002 to refuse Development Application DA02/0400 for the erection of advertising signage at Lot 1 DP 860947, No. 67 Winders Place Banora Point be reaffirmed.

Reports from Director Development Services

REPORT:

Applicant: Trevine Pty Ltd

Owner: Walter Elliott Holdings Pty Limited

Location: Lot 1 DP 860947, No. 67 Winders Place Banora Point

Zoning: Part 2(c) Urban Expansion & Part 6(b) Recreation

Cost: 0.00

BACKGROUND

An application was received seeking approval for an existing pole sign at the Palm Lakes Resort, Winders Place, Banora Point.

The sign was brought to Council's attention by way of a complaint. Following which a check of Council's records did not indicate any approval for the sign. Subsequently, the owner of the land submitted a Development Application to seek approval for the structure.

The owner was also notified that the existing sign, which extended above the roofs of the dwellings at the locality, was excessive in size and was unsightly in a residential locality.

Nevertheless, the owner still sought approval for the existing sign, without any modifications.

The advertising sign measures 3.5m x 3.5m and is elevated 1.8m from the ground. This gives the structure an overall height of 5.3m. In addition the sign will advertise another Palm Lake Resort located at Deception Bay, Queensland.

The application was reported to the Development Assessment Panel (DAP) meeting 21 June 2002 where DAP unanimously resolved to refuse the application for the following reasons: -

1. State Environmental Planning Policy No.64 – Advertising and Signage prohibits advertisements in open space zones.
2. The proposal is inconsistent with the objectives of Development Control Plan No.15 Advertising Signs Code.
3. The sign is excessive in size and detracts from the residential amenity and built form of the locality and does not advertise the development on the site but rather another development in a different State.
4. The proposal is contrary to the public interest.

The Development Assessment Panel also resolved to give the owners notice to remove the subject sign within 21 days.

The owner was notified of the refusal following which requested a review of the determination, which is now being considered by Council.

Reports from Director Development Services

SITE DIAGRAM



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

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

Tweed Local Environmental Plan 2000

The subject land is zoned part 2(c) Urban Expansion and part 6(b) Recreation. The sign is located within the 6(b) zone only.

Clause 47 – Advertising Signs – It is considered that the sign is not consistent with the objectives of this clause. In that the sign conveys a message for another similar development in a different State (Deception Bay – QLD). The sign extends above the roofs of the residential dwellings nearby and is large in size and unsightly and does not conform with the character of the locality.

Subclause 3 also provides that for advertisements on land within open space should direct the public to a lawful business. In this instance the subject advertisement is directing people to another site in another State – Deception bay, Queensland. It is considered that the sign does not obviously comply in this regard.

State Environmental Planning Policies

State Environmental Planning Policy No.64 – Advertising and Signage.

The provisions of the policy provide that advertisements are prohibited within the open space zone. The subject land on which the proposed advertisement is located is zoned Recreation and subsequently prohibits this development in accordance with this SEPP.

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

Development Control Plan No.15 – Advertising Signs Code.

It is considered that the proposed sign is not consistent with the objectives of this plan. It is considered that the advertisement will detract on the scenic beauty and amenity of the residential locality. In addition the advertisement does not compliment and is not compatible with the residential character of the locality.

The advertisement is excessive in size and will extend above the roof line of the dwellings in the locality. In addition the advertisement does not advertise the development on the site, rather another site at Deception Bay, Queensland.

(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

It is considered that the proposal is likely to have a negative impact on both the natural and built environments of the locality. As discussed the advertisement is considered to be excessive in size with the sign extending above the roof line of dwellings in the locality and subsequently, is easily identified. This is likely to detract on the residential and natural environments of the locality.

When the complaints about the existing sign were received concerns were then raised in relation to the sign being excessive, unsightly and detracting on the residential amenity of the locality.

Reports from Director Development Services

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

For reasons already discussed in this report it is considered that the site is not suitable for the proposed development. It is likely that the sign proposed will detract on the residential amenity of the locality.

(e) **Public interest**

It is considered that the proposed development will be contrary to the public interest for reasons already discussed in this report. This is already evident by the complaints received for the existing sign where concerns were raised in relation to the sign being excessive and not complimenting the residential amenity or built form of the locality.

OPTIONS

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

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

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

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

CONCLUSION

Having regard to the above assessment it is considered that the proposed advertisement is excessive in size and does not compliment the residential amenity or built form of the locality.

In addition, SEPP 64 prohibits advertisements in open space zones.

Accordingly, the proposal is recommended for refusal again.

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5. ORIGIN: Development Assessment Unit

FILE REF: DA3880/80 Pt1; 3880.80

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 500,000m³ 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.

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. In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428- Design for Access and Mobility.
5. No retaining walls or similar structures are to be constructed over Council's sewer main.
6. Prior to commencement of work pursuant to this consent a **Construction Certificate** shall be obtained for the works proposed and required by this consent.

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- 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.
7. 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 other civil works subject to:
 1. Compliance with all relevant conditions of consent; and
 2. Approval of the bulk earthworks plans by the Director of Development Services.
 8. 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.
 9. Compliance with all conditions of Development Consent 94/438 (earthworks).
 10. 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.
 11. 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.
 12. The network of public bush walking trails shall be constructed in accordance with DCP No. 17 and detailed engineering plans to accompany the Construction Certificate application for each stage.
 13. The fire trails are to be constructed in accordance with the Bushfire Protection Management Plan prepared by Cardno and Davies dated November 1997. Details on

Reports from Director Development Services

- the design and construction of these trails are to be submitted to with the construction certificate application for each stage.
14. 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.
 15. All pathways and cycleways located within public road with road reserves 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.
 16. 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.
 17. The land 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.
 18. 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 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 shall be removed prior to the issue of a Subdivision Certificate.
 19. Should the canal/drain be connected to any natural watercourse and works required in the canal/drain the proponent will need to obtain a permit from NSW Fisheries under Section 198-202 of the Fisheries Management Act, 1994.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

20. A detailed plan of landscaping is to be submitted and approved by Council's Director, Development Services prior to the issue of a Construction Certificate. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building.
21. 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 particularly in respect to works on public roads. Safe public access shall be provided at all times.

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22. **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.

23. 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.

24. 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".

All water quality control works in and downstream from the subject subdivision, as detailed in the report by WBM Oceanics Australia "Cobaki Lakes Water

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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 a minimum of 9.4ha. 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 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.

(v) Extended dry detention basin B13 are to be designed in accordance with (Ref 5.3) and sized in accordance with Cardno MBK Drawing Job No. 2764/7 Figure 12A, December 1999.

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- (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).

25. 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.

26. 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 be site comprehensive and be expanded to cover all works approved on the Cobaki Lakes site. It will therefore revise and replace all previous erosion and sediment control plans for the Cobaki Lakes site and ensure consistent management of erosion and sediment control works on the site.

The timetable for the works (see Aus-Spec D7, section D7.07-3(g) third dot point), must encompass all works approved on the Cobaki Lakes site 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.

In this regard the ESCP must demonstrate that a skeleton workforce will remain on site 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.

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27. The ultimate point of drainage discharge for this development shall be Cobaki Creek. Legal continuity of reserves or easements and physical capacity for the Q100 year discharge must be provided and constructed through this subdivision from the points of discharge of the subdivision to the ultimate discharge point at Cobaki Creek. The progressive subdivision of the site must provide lawful points of discharge with legal and physical continuity to Cobaki Creek at each stage of title creation, despite the discharge being into the applicants own (for the time being) land.

No works on the land being the subject of this application shall commence until:

1. All trunk drainage and stormwater quality control devices are constructed downstream from the subject property to the ultimate point of discharge; and
 2. Easements or drainage reserves in favour of Council are obtained over all downstream drainage infrastructure (including stormwater quality devices and meadow drainage) and accesses to such infrastructure from the subject property boundary to the point of discharge.
28. The drain partly shown on Cardno MBK Drawing Job No. 2764/7 Figure 12A and dated December 1999 and extends from and includes the extended dry detention basin B14, down stream to the ultimate point of discharge for this development on Cobaki Creek shall be designed and constructed. Plans and specifications of all stormwater drainage works on public land and connections to the public drainage system are to be submitted with the Construction Certificate application and approved by the Director of Engineering Services.

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 traverse lot 1 and provides access to Parcel 2.
 - 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'.
29. 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

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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: \$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:-

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

where:

$\$Con_{TRCP - Heavy}$ 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)

$\$Unit$ 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

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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 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

30. 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

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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.

PRIOR TO COMMENCEMENT OF WORK

31. 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.
32. 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.
33. 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.
34. 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.
35. 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

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for the purposes nominated by the applicant for the duration of the construction activities.

DURING CONSTRUCTION

36. No soil, sand, gravel, clay or other material shall be disposed of off the site.
37. 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.
38. 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.
39. 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.
40. 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

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- 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
- 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".
- 41. 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.
- 41. Provision of adequate vehicular access in accordance with Council's "Access to Property" pamphlet.
- 42. 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.
- 43. 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.
- 44. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the provision of an

Reports from Director Development Services

invert crossing at the kerb and gutter where required and paving of the driveway across the footpath to the front alignment to the satisfaction of the Director, Engineering Services. Twenty four (24) hours notice is to be given to Council's Engineering Services Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the vehicular access and its reconstruction. Paving bricks are not acceptable unless laid on a 100mm thick concrete base.

45. 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.

46. 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.

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.

47. 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.
48. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
49. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.
50. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
51. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays.
52. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
- A. Short Term Period - 4 weeks.

Reports from Director Development Services

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

B. Long term period - the duration.

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

53. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

54. Work as executed plans are to be provided to Council detailing:-

- (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;
- (iii) plans are to show the two inspection points perpendicular to two side boundaries and a depth below natural surface to pipe culvert for each inspection shaft.

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.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

55. 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.
56. 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 Cobaki Creek.

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.

57. 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.
58. 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.

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59. 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.
60. 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.
- (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.

61. 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.

Reports from Director Development Services

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.

62. 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.

63. 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.

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

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

65. The production of written evidence from Telstra Australia certifying that satisfactory arrangements have been made for the provision of underground telephone supply.
66. 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.
67. 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.
68. 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.

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69. (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 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 full define 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 quality features required for the ultimate development of the subdivision shall be constructed from each management lot boundary downstream to the 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 are contiguous with

Reports from Director Development Services

the ultimate 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. Lots shall be shaped and/or perimeter drainage installed to ensure surface runoff is not discharged onto adjoining or residual lots.

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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 500,000m³ 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.

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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.

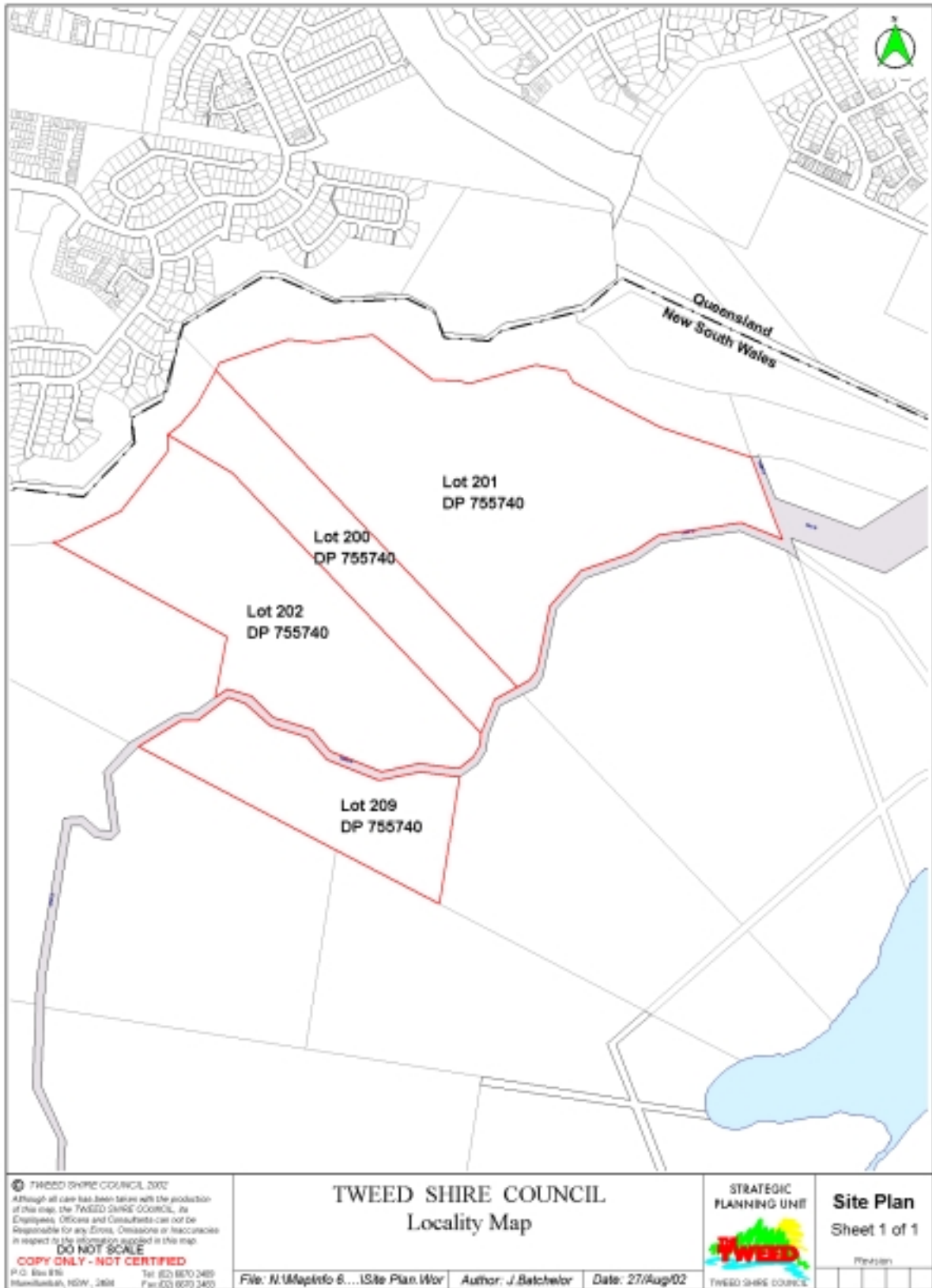
- * On 5 January 1993 Council issued Development Consent 92/315 for the extension of Boyd Street, Tugun for approximately 1.3km into the site. Construction of this road commenced and is subject to a legal agreement between Council and the owners of the land and also between the owner and Gold Coast City 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.

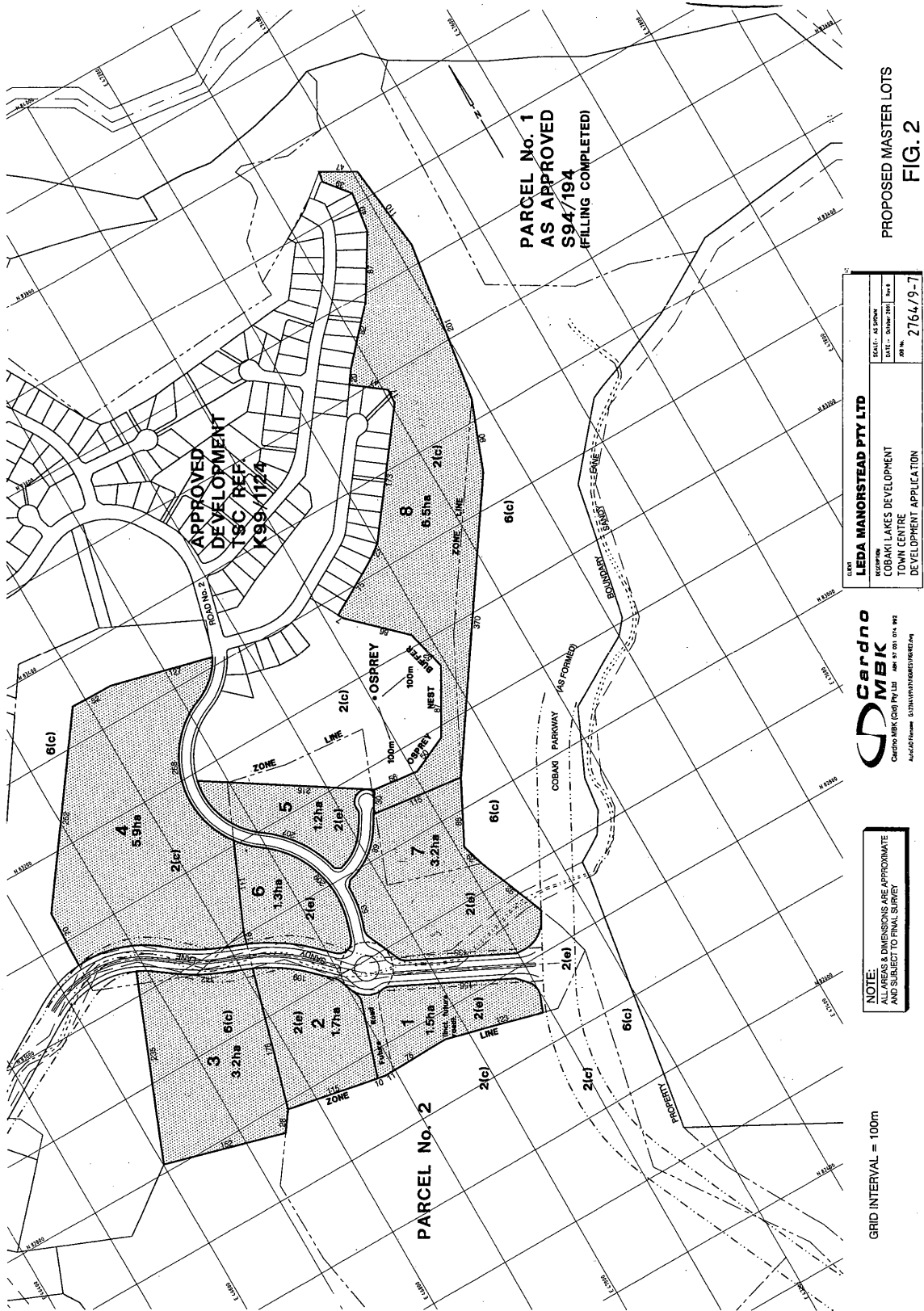
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SITE DIAGRAM



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Figure 2



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

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

Tweed Local Environmental Plan 2000

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

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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 bunded 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.

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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.

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

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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 500,000m³ 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.
- * 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

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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 5,000m² with the possible future extension to 15,000m², 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

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

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500,000m³ 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 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 this knoll may jeopardise 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. Further, the knoll would, to a large extent, restrict the opening up of the Town Centre.

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

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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.
- (iv) Road No.77 from Road No.2 to the cul-de-sac.

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- (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.

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

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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.

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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

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been issued by Council for the subdivision of this land. Subsequently, a number of concept or 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.

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6. ORIGIN: Development Assessment Unit

FILE REF: DA02/0815 Pt1; 3620.30

REPORT TITLE:

Development Application DA02/0815 - Multi Dwelling Housing Development Comprising 6 Units and Demolition of Existing Buildings at Lot 352 DP 755701 No. 7 Murphys Road, Kingscliff

SUMMARY OF REPORT:

Council is in receipt of an application to redevelop the subject land to contain a multi dwelling housing development comprising 6 units. The proposed development results in overshadowing of the coastal reserve. Other issues raised by the proposal include bushfire risk access to the coastal reserve and coastal erosion. The following report details the coastal erosion issues and highlights the need for policy in this area.

RECOMMENDATION:

That Development Application DA02/0815 for a multi dwelling development comprising 6 units and the demolition of existing buildings at Lot 352 DP 755701 No. 7 Murphys Road, Kingscliff be approved subject to the following conditions: -

"DEFERRED COMMENCEMENT"

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

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

SCHEDULE "A"

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

1. The applicant shall submit to Council detailed plans in triplicate of the proposed method of construction to adequately demonstrate that the design of the proposed buildings will ensure compatibility to withstand erosion events as a result of foreshore recession. Such plans are to be prepared by a suitably qualified and practising structural engineer and architect/building designer and be approved by the Director of Development Services.

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 SK001 to 008 prepared by Pacific Projects Group

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- and submitted with the development application, landscape plan LP-WD-01 prepared by Imagine Design Group dated 07/2002, except where varied by these conditions.
2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
 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.
 4. Lighting shall not be permitted to detrimentally impact the amenity of any other premises.
 5. All of the solid external walls are constructed of concrete block and all floors and concrete reinforced slabs in accordance to AS 3959.

The roof will be fully enclosed with no exposed rafters or beams with a metal sheet roof.

All sections of glass within 10 metres of the eastern boundary shall be specified as toughened glass.

No timber will be used in the external construction of the building in accordance with AS 3959

All concrete block weep holes will be blocked in accordance with AS3959 section 3.8.1.

Openings within 10 metres of the eastern boundary will be made ember proof. Bifold doors shall be fitted with weather strips and draught excluders to prevent burning debris penetration.
 6. 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.
 7. No retaining walls or similar structures are to be constructed over Council's sewer main.
 8. Prior to commencement of work pursuant to this consent a **Construction Certificate** shall be obtained for the works proposed and required by this consent.
 - 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/kerb and gutter

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- road pavement
- 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.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

9. Access from the subject land to the east shall be denied with the provision of a suitable fence until such time as a formalised access network within the coastal reserve is provided. Details of the proposed fence is to be submitted and approved by the Director of Development Services prior to issue of a construction certificate for the development.
10. 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.
11. 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 workswill 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.
12. A. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
 - i. in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor license number; and
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or

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

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

- B. A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
13. Prior to the issue of construction certificate the applicant shall provide Council with detailed plans for the provision privacy screening to the southern and northern elevations to ensure privacy to adjoining properties. Such privacy screening shall be of a fixed nature and could include the use of external louvres or opaque film on the glass surfaces. Such shall be to the satisfaction of the Director of Development Services.
 14. 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 particularly in respect to works on public roads. Safe public access shall be provided at all times.
 15. 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.
 16. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-
 - i. Construction along the full Murphy Road frontage of the proposed development vertical face kerb and gutter on an approved alignment along with associated sub-surface and over-land stormwater drainage systems and asphalt road pavement from the lip of the new kerb and gutter to the edge of the existing asphalt pavement including tapers.
 17. Permanent Stormwater Quality Treatment

Reports from Director Development Services

- (a) Permanent stormwater quality treatment shall comply with the Stormwater Management Plan prepared by Cozens Regan Williams Prove and dated May 2002.
18. Erosion and Sediment Control During the Construction Phase of Development shall comply with Drawing 02133/C2 Issue A by Cozens Regan Williams Prove and dated May 2002.
19. 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: \$4,738.00

S94 Plan No. 4 (Version 4.0)

(Sector 6)

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. Open Space (Structured): \$2,263.00

Reports from Director Development Services

- S94 Plan No. 5
 - c. Open Space (Casual): \$487.00
S94 Plan No. 5
 - d. Shirewide Library Facilities: \$2,012.00
S94 Plan No. 11
 - e. Eviron Cemetery/Crematorium Facilities: \$396.00
S94 Plan No. 13
 - f. Community Facilities (Tweed Coast) \$2,460.00
(North Coast)
S94 Plan No. 15
 - g. Emergency Facilities (Surf Lifesaving) \$644.00
S94 Plan No. 16
 - h. Extensions to Council Administration Offices
& Technical Support Facilities \$1,225.00
S94 Plan No. 18
 - i. Cycleways \$470.00
S94 Plan No. 22
 - j. Shirewide/Regional Open Space (Structured) \$3,427.00
S94 Plan No. 26
 - k. Shirewide/Regional Open Space (Casual) \$645.00
S94 Plan No. 26
20. 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 Clause 79H of the Environmental Planning and Assessment Regulations, 1994, a Construction Certificate shall **NOT** be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.
- Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:
- Water: \$14,000
Sewer: \$11,463.00
- These charges to remain fixed for a period of twelve (12) months from the date of this consent and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.
- Note:** The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an Accredited Certifier.

Reports from Director Development Services

PRIOR TO COMMENCEMENT OF WORK

21. 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.
22. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-
 - (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council, or
 - (c) if that is not practicable, any other sewage management facility approved by the council.
23. A sign must be erected on the site in a prominent, visible position stating:
 - a. that unauthorised entry to the work site is prohibited; and
 - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
 - c. Lot number.
24. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:
 - i. The person must, at the person's own expense:
 - a. preserve and protect the building from damage; and
 - b. if necessary, underpin and support the building in an approved manner.
 - ii. The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.
25. 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.
26. An application to connect to Council's sewer is to be submitted to and approved by Council prior to the commencement of any works on the site.
27. 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.

Reports from Director Development Services

28. 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

29. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
30. All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead" and the WorkCover guidelines on working with and handling of asbestos.
31. 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.
32. Demolition of building existing on site is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover Authority.
33. 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
34. 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.
35. 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.

Reports from Director Development Services

36. 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.
37. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
38. Where two (2) or more premises are connected by means of a single house service pipe, the owner of each premises must (*unless all the premises are occupied by a single household or firm as a residence or place of business*) ensure that a separate water meter, of a class and size approved by Council, is installed on each of those premises.
39. 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.
40. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C in all other classes of buildings.
- A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.
41. 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.
42. A garbage storage area shall be provided in accordance with Council's "**Code for Storage and Disposal of Garbage and Other Solid Waste**".
43. Provision to be made for the designation of a durable and pervious car wash-down area/s. The area/s must be identified for that specific purpose and be supplied with an adequate water supply for use within the area/s. Any surface run-off from the area must not discharge directly to the stormwater system.
44. All surface water collected from hard stand parking areas to be directed to Council approved pre-treatment facilities before discharge to approved discharge locations.

Reports from Director Development Services

Stormwater from covered or enclosed carpark areas shall not be discharged to the public sewer unless approved treatment facilities have been provided. Details are to be submitted to and approved by the Director of Environment and Community Services prior to installation

45. Regular inspections shall be carried out by the Supervising Engineer / Foreperson 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.

46. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.
47. All 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.
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.
51. The burning of builders waste on site by open fire is prohibited.
52. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.
53. All works shall comply with the Stormwater Management Plan, Cozens Regan Williams Prove P/L, May 2002.

Acid sulfate soils shall not be disturbed or exposed during the proposed works.

Should it be necessary to dewater the site excavations a dewatering license will be required from NSW Department of Land and Water Conservation. Discharge waters shall be monitored by a suitably qualified person for pH and suspended solids prior to

Reports from Director Development Services

- any such discharging occurring. Waters shall not be permitted to be discharged from the site unless the SS levels are below 50mg/L and pH falls within the range 6-8.
- Dunal vegetation shall not be disturbed, removed or damaged during the site works.
54. No soil, sand, gravel, clay or other material shall be disposed of off the site.
 55. 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.
 56. All retaining walls in excess of 1.0 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.
 57. 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.
 58. Before the commencement of the relevant stages of road / kerb and gutter construction, reports shall be submitted to Council from a Registered NATA Consultant demonstrating.
 - a. That the pavement has been designed and constructed in accordance with subgrade analysis as per Austroads Pavement Design, A Guide to the Structural Design of Road Pavements.
 - b. That the pavement materials used comply with the specifications in RTA Form Q3051 (June 1998)
 - c. That the pavement layers have been compacted to RTA specifications.
 - d. That site fill areas have been compacted to the specified standard.
 - e. That supervision of Bulk Earthworks has been to Level 2 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.
 - f. That pavement testing has been completed in accordance with Table 8.1 of AS 3798-1996.
 59. 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.
 60. Where the kerb is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.
 61. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
 62. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.

Reports from Director Development Services

63. 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.
64. Provision of adequate vehicular access in accordance with Council's "Access to Property" pamphlet.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

65. 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.
66. 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.

USE

67. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.
68. The LA10 noise level emitted from the premises shall not exceed the background noise level (LA90) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.

Reports from Director Development Services

REPORT:

Applicant: Pacific Projects Group (Developments) Pty Ltd
Owner: Mrs Maureen L Holliday
Location: Lot 352 DP 755701 No. 7 Murphys Road, Kingscliff
Zoning: 2(b) Medium Density Residential
Est. Cost: \$1,900,000

BACKGROUND

Council is in receipt of an application for multi dwelling housing on the subject land at Murphy's Road Kingscliff. The proposed development involves the erection of a three (3) storey building containing six (6) units for residential purposes. The existing structures on the site are to be demolished.

The proposed building will be constructed from rendered block work. The features of the building include the use of powder coated louvres on the side elevations to provide privacy and solar access into the dwelling units. The building utilises glass balustrades on the beach elevation and roof deck reducing the visual prominence of the structure. The colours detailed in the three dimensional elevation further highlight the depth and variations in the proposed building.

The applicant has deleted the proposed front fences and intends to provide landscaping to the Murphy's Road frontage. The proposed building includes a basement with 12 car parking spaces and a car was bay at grade in front of the proposed building. The basement will have a security access system with intercom service to each unit, enabling visitors to access the basement and car parking.

The subject land is located between Murphy's Road and the Crown Reserve adjacent to Dreamtime Beach. The application was referred to Department of Land and Water Conservation for comment. Coastal erosion risk, over shadowing of the coastal reserve and bushfire risk are issues addressed in the following report.

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(b) Medium Density Residential under the provisions of the Tweed Local Environmental Plan 2000. The proposed development is consistent with the objectives of the zone.

Clause 15 of the TLEP requires Council to ensure development occurs on land with the benefit of essential services. The subject land has the benefit of reticulated water and gravity sewer from Murphy's Road. The proposal will involve the provision of new kerb and gutter for stormwater connection.

Clause 16 of the TLEP provides a height limitation plan identifying the subject land to have a limitation of three storeys. The proposed basement is 1.4m above natural ground level, therefore not constituting a storey. The roof deck does not involve any awnings that would constitute a fourth storey. Access to the roof deck is obtained via an open spiral stair well from the second floor deck, thereby not requiring a roof landing and doorway. The proposed development complies with the limitation.

Clause 17 of the TLEP applies to proposed development where it is considered that the proposal is likely to result in a significant social or economic impact on the locality. The proposed development is not considered to necessitate a social impact assessment.

Clause 35 of the TLEP ensures the management of acid sulfate soils. The subject land is identified as being in Class 5 and the applicant has submitted that soils will not be disturbed. Council's Environmental Health Surveyor has recommended that a condition of consent be imposed to ensure acid sulfate soil disturbance does not occur.

Clause 36 of the TLEP requires Council to consult with the Department of Land and Water Conservation where Council is of the opinion that the site may be subject to coastal erosion. Department of Land and Water Conservation have advised that from the Tweed Shire Coastline Hazard Definition Study the site is unlikely to be affected by the coastline hazards within the 50 and 100 year planning timeframes.

As such it is considered that the advice from Department of Land and Water Conservation does not raise any issues in relation to coastal erosion that would require further investigations by the applicant.

The proposed development is considered to generally comply with all of the relevant provisions of the TLEP.

North Coast Regional Environmental Plan 1988

The proposed development is accompanied by an application under State Environmental Planning Policy No.1 – Development Standards in relation to clause 32B(4)(a). This clause requires:

- a) *on urban land at Tweed Heads, Kingscliff, Byron Bay, Ballina, Coffs Harbour or Port Macquarie, if carrying out the development would result in*

Reports from Director Development Services

beaches and adjacent open space being overshadowed before 3pm midwinter or 6.30pm midsummer.

The applicant has submitted from the shadow diagrams that the proposed development will result in overshadowing of the foreshore open space prior to the prescribed times.

The applicant has submitted that the standard is unreasonable and unnecessary for the following reasons:

- The foreshore reserve is heavily vegetated
- Existing buildings in Murphy's Road result in overshadowing of the foreshore reserve and the beach prior to the relevant times.
- The area of overshadowing in mid summer is approximately 275m² being insignificant.
- The areas being overshadowed are not useable passive open space areas and do not contain any public amenities or facilities which the community would be expected to use
- Shadow does not extend to the beach area.

The applicant has submitted that the NSW Coastal Policy 1997 provides principles however in relation to this matter it states:

'The suggested standard in this principle may be difficult to apply in highly urbanised environments. An LEP or DCP which is tailored to local conditions and which has the overriding objective of minimising overshadowing may be required in these situations.'

The applicant has submitted that it is apparent from the note that it is difficult to achieve the objective of nil overshadowing of waterfront open space or beach areas in urban areas and therefore the standard is not appropriate in the circumstances.

Comment

It is considered that the reasoning provided by the applicant can be supported and it is noted that the area of the coastal reserve is heavily vegetated and does not provide for passive recreation as other areas of coastal land nearby.

The proposed development is generally consistent with the other objectives and principles contained in the Coastal Policy.

The site has been inspected by a representative of the Coastal Council who indicated that a 10m setback from the eastern boundary would be appropriate with regards to overshadowing of the foreshore reserve.

The applicants have provided shadow diagrams for both the proposed 6m setback and suggested 10m setback. These plans show little difference between the two setbacks in relation to overshadowing impacts.

State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development

The following table details the principles and requirements of the SEPP and provides comment in relation to the proposed development.

Reports from Director Development Services

Principle	Requirement	Complies/variation
Context	New buildings will contribute to the quality and identity of the site	Complies
Scale	The proposed bulk and height needs to achieve the scale identified for the desired future character of the area	Complies, refer to LEP and DCP 43 requirements
Built Form	Appropriate built form in terms of building alignments, proportions, building type and the manipulation of building elements	Complies
Density	Density appropriate for the site and its context in terms of floor space yields	Generally complies, refer to DCP 6 requirements
Resource Energy and water	Efficient use of natural resources energy and water through out its full life cycle including construction	Complies, refer to DCP 39 requirements
Landscape	Landscape design should optimise useability privacy and social opportunity equitable access and respect for neighbours amenity and provide for practical establishment and long term management	Complies, the proposed landscaping will be of a standard able to be managed over the life of the development.
Amenity	Provide amenity through the physical spatial and environmental quality of a development	Complies.
Safety and Security	Optimise safety and security both internal to the development and for the public domain	Complies, surveillance of the street is provided.
Social Dimensions	The development should optimise the provision of housing to suit the social mix and needs of the future community	Complies, development is of a standard for permanent occupation.
Aesthetics	Aesthetics should respond to the environment and context and contribute to the desired future character of the area	Complies, the proposal is of a high standard and will improve the built form of the Murphys Road precinct.

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

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

Reports from Director Development Services

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

Development Control Plan No. 2 – Access and Car Parking

The following report details the compliance of the proposed development with on site car parking provisions.

Standard	Requirement	Complies/variation
On Site Car Parking	1.5/dwelling 25% marked as visitors.	9 required, 12 proposed, complies. One of these additional spaces is limited in terms of manoeuvrability and will need to be combined with the adjoining space.

Development Control Plan No. 6 – Multi Dwelling Housing

The following table assesses the proposed development in relation to the provisions of this DCP.

Standard	Requirement	Variation/complies
Floor Space Ratio	0.5:1.0	The site is approximately 1011m ² . The proposed development has a floor area in the order of 1000m ² . As such the floor space ratio is exceeded.
Landscaped Area	80m ² per unit = 480m ²	457m ² proposed, variation sought.
Setbacks from street boundary	6.0m to Murphy's Road	Complies
Front fences and walls	1.2m max if solid	No front fences proposed.
Building Envelope	45° from 3.5m high at the boundary	Minor encroachment on the eastern elevation.
Side setbacks	3.0m	Complies
Car Wash Areas	1 required per 10 units.	Complies

Floor Space Ratio

The proposed development seeks a number of variations. The Floor Space Ratio requirements of DCP 6 are not intended to apply to medium density development in the 2(b) Medium Density Residential zones. As such, the variation being sought is not considered to be a matter requiring serious consideration.

Reports from Director Development Services

Building Envelope

The proposed development has balconies on the eastern elevation. The balcony of the second floor has a roof terrace over, which extends to provide weather protection for the second floor balcony. It is the extension of the roof terrace which impacts on the building envelope.

The encroachment into the building envelope is considered to be relatively minor and as the over shadow of the coastal reserve to the east is not exacerbated by the encroachment the development is considered to be able to be supported.

Development Control Plan No. 39 – Energy Efficient Housing

The following report assesses the proposed development.

Standard	Requirement	Complies/variation
Unit Energy rating	3.5 stars minimum	Complies, units range from 4 to 5 stars.
Hot Water System	3.5 stars minimum	Complies, hot water system will be a minimum of 3.5 stars.

A condition of consent should be imposed ensuring the hot water system meets energy efficient requirements.

Development Control Plan No. 43 - Kingscliff

The subject land is in the Kingscliff North Precinct. The land is identified as being suitable for a Type 3 building type which is a three storey residential flat building above a semi-basement parking area.

Other criteria for the building type are:

- Three stories setback from street alignment,
- Parking underneath with laneway access where achievable,
- A combination of recessed and protruding verandah elements,
- Min of 2.5m wide verandahs for 75% of façade,
- Front fences no more than 1.2m in height.

The proposed development generally complies with these design elements. The verandah to the Coastal Reserve end of the block occupies 100% of the façade. The Murphy's Road frontage of the building does not however have verandahs. This is due to the units being orientated to the Coastal Reserve and the front units have verandahs to the side which are provided with privacy screening.

The variation to the design elements in this regard is considered to be able to be supported. There are no further objectives contained in the DCP requiring assessment for the site.

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

Reports from Director Development Services

Overshadowing

The over shadowing from the proposed development is both to the coastal reserve and adjoining properties. The applicant has submitted a SEPP No.1 application in relation to the overshadowing seeking a variation to the development standard. This has been addressed in this report.

In addition the proposed development results in overshadowing of the property to the south during the winter period, being an impact on the amenity of the adjoining residence. The property to the south had alterations and additions to an existing attached dual occupancy approved in April 1997. The building is a three storey development and occupies the eastern end of the allotment.

As the allotments along Murphys Road are east west in orientation it is unavoidable that there will be overshadowing to neighbours. It is noted from Council's files that the development to the south has the living meals and balcony areas on the southern elevation and it is considered that these areas will not be significantly impacted upon by the development. It is agreed that there will be overshadowing however it is considered that the shadow impacts will not adversely impact on the living areas of the adjoining dual occupancy.

Coastal Erosion

The proposed development was referred to NSW Department of Land and Water Conservation for comment in relation to the coastal erosion risks. The response from DLWC conferred that the subject land is affected by coastline hazards. The study identifies the land as being landward of the hazard zones and accordingly is unlikely to be affected by the hazards within the 50 and 100 year planning timeframes.

Prior to the Tweed Shire Coastline Hazard Definition Study by WBM Oceanics Council was utilising the hazards as identified in Draft Development Control Plan No. 8 – Development of Land Liable to Coastal Erosion. The draft DCP identified the land as being in the area where no development will be permitted seaward of the 100 year impact line.

The draft DCP also stated that no building shall be erected on an allotment of land to which this clause applies within 25 metres of the eastern most boundary of that allotment. The proposed setback is 6 metres from the eastern property boundary.

The applicant provided a report from an engineer addressing the coastal hazards using the WBM Oceanics report. The engineer has assessed the information available in terms of risk to the proposed structure and adopted a worst case scenario. This being impacts of storm surges greater than the fifty year event and with this the erosion of supporting sand to a depth of approximately RL 0.0. The engineer has not provided footing design at this stage however has recommended that the footings be designed to meet the worst case scenario and that such could be imposed by a condition of consent.

Council's Manager of the Water Unit has advised that the standard to which the footings would be designed are adequate providing they are not in conflict with the conditions and approval given to the motel at the corner of Marine Parade and Wommin Bay Road. It is noted that the consent for the motel was deferred commencement and

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requires detailed plans demonstrating that the proposed buildings would withstand erosion events from foreshore recession, and be prepared by a structural engineer.

The proposed development would be deferred commencement subject to engineering design and approval by the Director of Development Services.

Bushfire Risk

The proposed development was referred to the Fire Control Officer for an assessment of the fire risks associated with the development. The Fire Control Officer has advised:

“that the bush fire risk is low. Vegetation to the east is narrow and the fire path is from the north so that ember attack would be lateral and not direct. The six metre setback coupled with the incorporation of proposed building standards according AS3959 should provide adequate protection to the proposed development. The seven properties to the north and the existing easement to the foreshore also afford protection to the development. Adequate reticulated water supplies, that may be utilised for fire fighting purposes already exist along Murphys Road.”

There should be no problems with the proposed development from a bushfire perspective as long as the proposal conforms with setbacks and building standards.

Impacts to Coastal Reserve

The proposed development adjoins the coastal reserve. The coastal reserve is identified in a Draft Plan of Management for Tweed Coast Reserve. The subject land is identified on the Plan of Management as being of Nature Conservation value.

Some of the precinct issues that are raised in the plan of management are residential encroachments of rubbish dumping garden clippings off Murphy's Road and firebreaks or hydrant maintenance off Murphy's Road. Access issues from the residential properties to the beach also need to be addressed.

The applicant is aware of the need to formalise the access issues on the eastern side of these properties and recognises the environmental values of the coastal reserve. The applicant has been in consultation with the Manager of Recreation Services to ascertain what the future access and revegetation options are for the Coastal reserve.

In considering the proposal access to the coastal reserve from the eastern boundary is considered to be premature in light of the absence of any formalised and structured access system. As such it is recommended that access to the coastal reserve from the subject land be denied until such time that a management plan or development control plan identifies what is required in the reserve and that such works have been undertaken.

This will ensure that once the development is completed that access from the site does not further impact on the coastal reserve until adequate access measures have been implemented.

Privacy

The proposed development impacts on the privacy of the adjoining allotments as there are conflicts with living areas in the proposal looking into bedroom areas of the existing development to the south.

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The applicant has indicated that to resolve this issue fixed louvers could be installed along the southern and northern elevations to prevent cross views from being obtained. Alternatively it is also possible to use film over the glass of the proposed development resulting in opaque glass thereby preventing any cross view.

The applicant is prepared to have this matter dealt with post determination by way of a condition prior to issue of any construction certificate that the plan identifying louvre or film option be submitted to Council for the approval of the Director of Development Services.

(c) Suitability of the site for the development

Coastal Erosion

The subject land has been identified in the latest Coastal Hazards study as being outside of the 100 year event line, meaning that the building envelope is not identified as being at risk of coastal erosion.

Contamination and Acid Sulfate Soils

The subject land is not identified as being subject to sandmining. Council's Environmental Health Surveyor did not raise any concern in relation to contamination and the subject land. It is also considered unlikely that any acid sulfate soils will be disturbed as part of this application. The site is identified as being Class 5 soils.

There are no other risks identified as being relevant to the subject land.

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

The proposed development was notified for a two-week period during which one submission was received. The following table assesses the issues raised in the submission. A late submission was also received from an adjoining owner, which raised issues of privacy and overshadowing and non-compliance with aspects of Council's Development Control Plans. The issues raised in the late submission have been addressed in this report.

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Issue	Concern	Assessment
On site car parking	Concern was raised whether on site car parking is adequate.	Proposal complies with Council's Development Control Plan No.2 requirements. The proposal does not warrant refusal on this issue.
Construction Impacts to Neighbouring Properties	Concern was raised that the proposed development will result in cracks to the adjoining dwelling.	The applicant has advised that prior to construction a delapidation survey will be undertaken of adjoining properties and should damage occur during construction rectification will be undertaken. The proposal does not warrant refusal on this issue.

(e) Public interest

The proposed development is not considered to undermine the general public interest in the locality. The development is adjoining the coastal reserve, which requires management and improvement. At this time there are no development control plans or management plans in place for the ongoing management of the coastal reserve.

The importance of the coastal reserve in this area is significant and while there are no controls in place the applicant has acknowledged that the adjoining reserve requires management and is willing to consult with recreational services to achieve outcomes. Until such time as those outcomes and the pedestrian network the east is established it is recommended that access from the development to the east be denied.

The proposal development also raises wider public interest issues in relation to the redevelopment of land in an area with potential bushfire risk. The proposal has demonstrated that a standard of bushfire protection can be afforded to the property and as such risk to life is considered to be managed by the development.

The proposed development will result in further housing in the Murphys Road precinct which has been identified as being subject to coastal erosion. The report has addressed this issue and it is considered that deferred commencement consent can ensure the building is built to prevent any erosion impact.

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The proposal has been considered in light of the most up to date knowledge of coastal erosion risk to the land and given the design of structure is considered to have adopted a precautionary approach to development of the subject land.

There are no further public interest matters raised by the application.

LEGAL/FINANCIAL/RESOURCE IMPLICATIONS

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

OPTIONS

1. Approve the application in accordance with the recommendation above.
2. Refuse the application.

CONCLUSION

The proposed development is considered to be of a high standard of design and will raise the standard of housing in the Murphys Road precinct. The subject land has a number of constraints which have been addressed. The proposed development is considered to warrant a deferred commencement consent and the imposition of conditions to ensure a high standard of development.

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7. ORIGIN: Development Assessment Unit

FILE REF: DA02/0560 Pt1; 3340.1690

REPORT TITLE:

Development Application DA02/0560 - Multi Dwelling Housing Comprising 6 Dwellings in Three (3) Floors with Parking Under at Lot 5 Section 7 DP 758571 No. 240 Marine Parade, Kingscliff

SUMMARY OF REPORT:

Council is in receipt of an application to redevelop the subject land to contain a residential flat building with 6 units. The proposed development raises two main issues these being shadow impacts to the coastal reserve opposite the development and a variation to the building envelope.

RECOMMENDATION:

That Development Application DA02/0560 for multi dwelling housing comprising 6 dwellings in 3 floors with parking under at Lot 5 Section 7 DP 758571 No. 240 Marine Parade, Kingscliff 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 Nos 1-3, 5 Rev 3 prepared by Byron Design and Construction Pty Ltd and dated 19/6/2002 and Plan No.4 and eastern elevation prepared by Byron Design and Construction Pty Ltd and dated 20/8/2002, 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. No retaining walls or similar structures are to be constructed over Council's sewer main.
4. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
5. 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.

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6. This consent does not permit the dewatering of the site during construction. Should it be found that dewatering is required a dewatering licence should be obtained from NSW Department of Land and Water Conservation.
7. The proposed development shall be installed with hot water systems, which comply with Council's Development Control Plan No.39 - Energy Efficient Housing requirements.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

8. All fill is to be graded at a minimum of 1% so that it drains to the street or rear lane 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.
9. The basement car parking is to be protected against the inflow of water. A detailed design of the basement stormwater pump out system is to be provided and the system is to be designed for a storm event with a 10 year average return interval (ARI 10) and the consequences of pump failure and the 100 year ARI storm event must be addressed and included with the above details prior to the issue of a Construction Certificate.
10. 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.
11. A. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
 - i. in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor licence number; and
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
 - ii. in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit number, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of *owner-builder work* in Section 29 of that Act,and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

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- B. A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
12. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan, which shall be submitted to and approved by the Director of Environment and Community Services **PRIOR** to the issue of a construction certificate.
- The Plan shall specify how the waste is to be treated and/or where the waste is to be disposed of.
13. 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*.
14. 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.

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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.

15. The peak stormwater flow rate that may be discharged from the site to the public realm, in events of intensity up to the ARI 100 year design storm, shall be 200 l/s/ha. This may be achieved by on site detention (OSD), on site retention or a combination of both. Detention storage may be incorporated into surface depressions in landscaping or car parking areas. The maximum water depth under design conditions in vehicle parking areas shall be 200mm. OSD devices including discharge control pits (DCP) are to comply with standards in The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook, Second Edition 1994") except that permissible site discharge (PSD) and site storage requirements (SSR) in the handbook do not apply to Tweed Shire. All these works and the connection to Councils drainage system shall be constructed in accordance with design calculations, plans and specifications to be submitted with the construction certificate application and approved by the Director of Engineering Services.
16. 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*.
17. 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.

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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: \$4,738.00
 S94 Plan No. 4 (Version 4.0)
 (Sector 6)

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. Open Space (Structured): \$2,263.00
 S94 Plan No. 5
- c. Open Space (Casual): \$487.00
 S94 Plan No. 5
- d. West Kingscliff - Drainage:
 0.050 ha @ \$16,070 \$804.00
 DCP No. 9 S94 Plan No. 7
- e. Shirewide Library Facilities: \$2,012.00
 S94 Plan No. 11
- f. Eviron Cemetery/Crematorium Facilities: \$396.00
 S94 Plan No. 13
- g. Community Facilities (Tweed Coast) \$2,460.00
 (North Coast)
 S94 Plan No. 15
- h. Emergency Facilities (Surf Lifesaving) \$644.00
 S94 Plan No. 16

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- i. Extensions to Council Administration Offices
& Technical Support Facilities \$1,225.00
S94 Plan No. 18
 - j. Cycleways \$470.00
S94 Plan No. 22
 - k. Shirewide/Regional Open Space (Structured) \$3,434.00
S94 Plan No. 26
 - l. Shirewide/Regional Open Space (Casual) \$644.00
S94 Plan No. 26
18. 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 Clause 79H of the Environmental Planning and Assessment Regulations, 1994, a Construction Certificate shall **NOT** be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

Water: \$14,000

Sewer: \$11,463

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.

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

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21. A sign must be erected on the site in a prominent, visible position stating:
 - a. that unauthorised entry to the work site is prohibited; and
 - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
 - c. Lot number.
22. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least **2 days** prior to work commencing.
23. 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.
24. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of fill shall be submitted to the satisfaction of the Director Development Services.
25. Prior to commencement of any works on the site a plumbing and drainage inspection fee of \$335.00 is to be submitted to Council.
26. An application to connect to Council's sewer is to be submitted to and approved by Council prior to the commencement of any works on the site.
27. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.
28. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:
 - i. The person must, at the person's own expense:
 - a. preserve and protect the building from damage; and
 - b. if necessary, underpin and support the building in an approved manner.
 - ii. The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.

DURING CONSTRUCTION

29. 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

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- Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
30. No soil, sand, gravel, clay or other material shall be disposed of off the site.
 31. 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.
 32. 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.
 33. A garbage storage area shall be provided in accordance with Council's "**Code for Storage and Disposal of Garbage and Other Solid Waste**".
 34. All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead" and the WorkCover guidelines on working with and handling of asbestos.
 35. 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.
 36. Demolition of building existing on site is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover Authority.
 37. 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. steel reinforcing prior to pouring of concrete
 - d. frame
 - e. the fire protection of penetrations through any fire rated elements prior to covering
 - f. final inspection prior to occupation of the building.
 38. 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.
 39.
 - a. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
 - b. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
 40. If the work involved in the erection or demolition of a building:
 - a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or

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b. building involves the enclosure of a public place,
a hoarding or fence must be erected between the work site and the public place.

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

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

Any such hoarding, fence or awning is to be removed when the work has been completed.

41. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.
42. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.
43. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
 - * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C in all other classes of buildings.

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

44. 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.
45. 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.
46. 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.

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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.

47. 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.
48. 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.
49. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
50. The burning of builders waste on site by open fire is prohibited.
51. 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.
52. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the provision of an invert crossing at the kerb and gutter where required and paving of the driveway to the satisfaction of the Director, Engineering Services. Twenty four (24) hours notice is to be given to Council's Engineering Services Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the vehicular access and its reconstruction. Paving bricks are not acceptable unless laid on a 100mm thick concrete base.

In accordance with AS2890.1-1993 the maximum gradient of the access driveway for the first six (6) metres from the property boundary shall not exceed 5%.
53. Where the kerb is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.

The existing driveway to the Marine Parade frontage is to be removed and the kerb and gutter and adjacent asphalt pavement reinstated to the satisfaction of the Director of Engineering Services.

Reports from Director Development Services

54. A concrete ribbon footpath 1.2 metres wide and 75 millimetres thick is to be constructed on a compacted base along the entire frontage of the site to Marine Parade. The compacted base is to achieve 95% of maximum dry density determined in accordance with AS1289 5.4.1 for a minimum 100mm depth. A full depth construction joint is to be provided at 6.0 metre intervals and 20 millimetre deep groove joints provided every 1.5 metres, the balance area to be graded to the kerb and turfed. The footpath is to have a 3% crossfall, which must be attained at each side boundary. This may result in work to be undertaken on the footpath at adjoining properties, which must not exceed 1:14 and must be reinstated with turf. The footpaving is to be located 800 millimetres from the property boundary. The concrete footpath gradient shall be parallel to the top of kerb for the full frontage of the site and maintained unvaried across the (any) driveway cross-section. An inspection of the formwork is to be arranged with Council's Engineering Services Division prior to concrete being placed.
55. No filling is 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.
56. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
57. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
58. 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.
59. Acid Sulfate Soils shall not be disturbed or exposed during the proposed works.
60. Ensure adequate turfed area, or other suitable media, is incorporated and maintained into the proposed landscape of the property for use as a car wash-down area.
61. 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.
62. 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.
63. 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.
64. 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

65. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
66. Where two (2) or more premises are connected by means of a single house service pipe, the owner of each premises must (*unless all the premises are occupied by a single household or firm as a residence or place of business*) ensure that a separate water meter, of a class and size approved by Council, is installed on each of those premises.
67. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

68. 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.
69. 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).
70. 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.
71. Prior to occupation of the building **or** the issue of a Subdivision Certificate, all disused invert crossings are to be removed and replaced with kerb and gutter and all disused driveway across the footpath are to be removed and replaced with topsoil and turf to the satisfaction of the Director, Engineering Services.

USE

72. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.
73. The LA10 noise level emitted from the premises shall not exceed the background noise level (LA90) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.

Reports from Director Development Services

REPORT:

Applicant: Landseer Investments Pty Ltd
Owner: Landseer Investments Pty Ltd
Location: Lot 5 Sec 7 DP 758571, No. 240 Marine Parade Kingscliff
Zoning: 2(b) Medium Density Residential
Est. Cost: \$1,300,000

BACKGROUND

Council is in receipt of a development application for a Residential Flat Building incorporating six (6) x three (3) bedroom residential dwellings. The proposed development when submitted was a four (4) storey development. However the applicant has amended the submitted plans and reduced the height of the structure to three storeys. The proposed development will involve the demolition of an existing dwelling house.

The applicant has submitted an application under State Environmental Planning Policy No.1 – Development Standards in relation to the resultant overshadowing of the coastal reserve from the development. The applicant has modified the design of the building in an attempt to reduce the impacts to the building envelope to support the proposed development.

The subject land is in the middle of the block, which is bound by Ocean Street in the south and Terrace Street in the north. The subject land has rear lane access. The land is central to the open space recreation areas and has easy access to the Kingscliff CBD.

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(b) Medium Density under the Tweed Local Environmental Plan 2000. The primary objective of the zone provides for medium density housing that achieves good urban design outcomes. The proposed development is considered to be consistent with the objectives of the zone.

Clause 16 provides for a Height of Buildings plan for the subject land. The subject land has a three-storey height limitation. The proposed development complies.

Clause 35 of the LEP provides for the management of acid sulfate soils. The subject site is in a Class 5 area and the applicant has concluded that no material will be disturbed. A condition of consent is included to ensure that no acid sulfate soil material is disturbed.

The proposed development is generally consistent with the provisions of the TLEP.

North Coast Regional Environmental Plan 1988

The proposed development is accompanied by an application under State Environmental Planning Policy No.1 – Development Standards in relation to clause 32B(4)(a). This clause requires:

- a) *on urban land at Tweed Heads, Kingscliff, Byron Bay, Ballina, Coffs Harbour or Port Macquarie, if carrying out the development would result in beaches and adjacent open space being overshadowed before 3pm midwinter or 6.30pm midsummer.*

The applicant has submitted from the shadow diagrams that the proposed development will not result in any overshadow before 3.00pm midwinter. However the proposed development will result in shadow at 6.30pm midsummer with an expected cast in the order of 300m².

The applicant has submitted that the NSW Coastal Policy 1997 provides for comments under the heading of ‘Design and Locational Principles for Consideration in LEPs , DCPs and Development Control. In this regard and with reference to the overshadowing standard within the NCREP 1988 the policy states:

‘The suggested standard in this principle may be difficult to apply in highly urbanised environments. An LEP or DCP which is tailored to local conditions and which has the overriding objective of minimising overshadowing may be required in these situations.’

The applicant has submitted that the subject site is highly urbanised, with the proposal representing an infill development of an existing residential allotment. The proposal is consistent with the current overriding objectives of the Tweed LEP in that medium density development of the height proposed is promoted. Given the locational characteristics of the area and the scale of the reserve opposite, strict compliance with the standard is considered unjustifiable and unnecessary.

Reports from Director Development Services

Comment

It is considered that the development of the site will result in overshadowing of the opposite reserve is relatively inconsequential with 300m² and limited duration of shadow given the overall area of the open space reserve.

The adjacent developments along Marine Parade also result in similar overshadow patterns and it is considered that the proposed development should not be restricted as there would be inequity in the consideration of development along Marine Parade and impacts to the coastal reserve.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

The following table details the principles and requirements of the SEPP and provides comment in relation to the proposed development.

Principle	Requirement	Complies/variation
Context	New buildings will contribute to the quality and identity of the site	Complies
Scale	The proposed bulk and height needs to achieve the scale identified for the desired future character of the area	Complies, refer to LEP and DCP 43 requirements
Built Form	Appropriate built form in terms of building alignments, proportions, building type and the manipulation of building elements	Complies
Density	Density appropriate for the site and its context in terms of floor space yields	Complies, refer to DCP 6 requirements
Resource Energy and water	Efficient use of natural resources energy and water through out its full life cycle including construction	Complies, refer to DCP 39 requirements
Landscape	Landscape design should optimise useability privacy and social opportunity equitable access and respect for neighbours amenity and provide for practical establishment and long term management	Complies, the proposed landscaping will be of a standard able to be managed over the life of the development.
Amenity	Provide amenity through the physical spatial and environmental quality of a development	Complies.
Safety and Security	Optimise safety and security both internal to the development and for the public domain	Complies, surveillance of the street is provided.

Reports from Director Development Services

Principle	Requirement	Complies/variation
Social Dimensions	The development should optimise the provision of housing to suit the social mix and needs of the future community	Complies, development is of a standard for permanent occupation.
Aesthetics	Aesthetics should respond to the environment and context and contribute to the desired future character of the area	Complies, the proposal is consistent in building materials and external appearance and method of construction as other developments characterising the streetscape.

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

There are no draft LEPs applicable to the subject land.

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

Development Control Plan No. 2 – Access and Car Parking

The following report details the compliance of the proposed development with on site car parking provisions. The applicant has advised that the basement security door will be provided at the grate area which will enable spaces 10 and 7 to be access by people without access to the security basement.

Standard	Requirement	Complies/variation
On Site Car Parking	1.5/dwelling 25% marked as visitors.	9 spaces required 12 proposed. 25% of 9 spaces is 2.25 therefore two should be marked for visitors. The two spaces marked as 7 and 10 on the basement plan are proposed to be the visitor spaces. The proposal complies.

The applicant has submitted from his Engineer confirmation that the visitor spaces are accessible due to the width of the space being 3.6m and the aisle width being 4.5m, ensuring the design template works.

Development Control Plan No. 6 – Multi Dwelling Housing

The following table assesses the proposed development in relation to the provisions of this DCP.

Reports from Director Development Services

Standard	Requirement	Variation/complies
Floor Space Ratio	0.5:1.0	Variation sought. The proposal results in 1.47:1 FSR.
Landscaped Area	80m ² per unit = 480m ²	Variation sought. The proposal has 415.5m ² landscaped area, therefore seeking a variation by 65m ² .
Setbacks from street boundary	6.0m to Marine Parade	Complies with front setback. There is no rear lane setback other than the BCA.
Front fences and walls	1.2m max if solid	Proposal is 1.2m high solid fence, complies.
Building Envelope	45° from 3.5m high at the boundary	Variation sought with building encroachments.
Side setbacks	3.0m	Variation sought, 6m on each side setback is reduced to 2m.
Car Wash Areas	1 required per 10 units.	One car wash proposed, complies.

Floor Space Ratio

The proposed development seeks a number of variations. The Floor Space Ratio requirements of DCP 6 are not intended to apply to medium density development in the 2(b) Medium Density Residential zones. As such, the variation being sought is not considered to be a matter requiring serious consideration.

Landscaped Area

The landscaped area is under by 65m². This is considered to be minor in light of each balcony area having the benefit of planter boxes, and that the subject land is opposite a large open space recreation area. Future residents of the site will be able to access the recreation area for additional open space.

Reports from Director Development Services

Building Envelope

The proposal includes a building envelope encroachment that has been assessed as being relatively significant. From an assessment perspective the following points are raised in relation to the building envelope.

Construction of a Type 3 Building is typically provided with weight bearing walls, which result in each level overlaying to form an apartment building. The projection of a building envelope on the subject site and proposal results in encroachments on the second floor, that are not easily resolved from a construction perspective.

A three-storey apartment style building on the subject land is difficult to provide without compromising the building envelope. Alternatively the argument is that there should not be a building envelope if it is being compromised. Other buildings along Marine Parade present in a similar building bulk and form which raises the importance of the façade treatment of the proposal should encroachments occur in to the envelope.

The applicant is cognizant of the encroachments to the building envelope and redesigned the building to provide for a stepped in design on the top floor to reduce the impacts to the building envelope. This has been undertaken to reduce the bulk appearance of the second floor, extending the glass balustrade to the outer corner of the building reducing the visual bulk and repartition of the lower levels.

It is also felt that the external colour scheme could provide a range of colours with the purpose of defining the variation and depth of the façade.

Impacts to adjoining properties from the building envelope encroachment is considered to be relatively minor and will not further the impacts of overshadow to their properties or reduce privacy.

Side Setbacks

The proposed building includes in the design two minor three metre long and one metre wide encroachments into the side setback. These are intended to provide window openings to the east and west for light and ventilation as well as being variation of the building design to the side boundaries.

These side setback encroachments are considered to be minor and can be supported.

Summary

The proposed development has been modified from the original submission to a three-storey development with less variations required. The building envelope variation is considered to be significant however through the use of colour and variation with glass balustrades it is considered that the bulk and appearance of the encroachment will be reduced and as such can be supported. Specific conditions in this regard are to be imposed.

Development Control Plan No. 39 – Energy Efficient Housing

The following report assesses the proposed development.

Reports from Director Development Services

Standard	Requirement	Complies/variation
Unit Energy rating	3.5 stars minimum	Proposal is a combination of 3.5, 4 and 5 stars, complies.
Hot Water System	3.5 stars minimum	Proposal originally was for solar however the applicant is proposing the heat pump system instead, complies.

A condition of consent should be imposed ensuring the hot water system meets energy efficient requirements.

Development Control Plan No. 43 - Kingscliff

The subject land is in the Kingscliff North Precinct. The land is identified as being suitable for Type 3 Buildings, which are predominantly apartment buildings with semi-basement parking. Other elements to be incorporated include:

- Three storey height limitation (complies),
- Verandahs to ideally 75 % of the façade length (81% complies),
- Parking underneath with rear lane access (complies),
- Front fences not to exceed 1.2m in height (complies),
- Variations in height and setback to provide amenity and character (complies).

In relation to all of these elements the proposed development complies.

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

The subject land is affected by the Coastal Policy. The proposed development is generally consistent with the objectives of the Policy, and an assessment in relation to the over shadow of the coastal reserve has been provided in this report.

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

The subject land is located in the urban environs of Kingscliff. The site does not support any significant vegetation. It is not considered that the proposal will result in an impact to the natural environment.

The proposed development may result in the need to dewater a basement. As the applicant has not detailed such in this application it is considered necessary to condition the consent that appropriate approvals will be required from Department of Land and Water Conservation for any dewatering of the site.

The proposed development will form part of the Marine Parade Northern Precinct of Kingscliff, which is predominantly apartment buildings. The Marine Parade streetscape is a combination of

(c) Suitability of the site for the development

The site is generally considered to be suitable for the proposed development.

Reports from Director Development Services

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

The proposed development was notified for a two-week period during which two (2) submissions were received. The following table assesses the issues raised in the submissions.

Issue	Concern	Assessment
Loss of Privacy	<p>Concern was raised from the units on the southern side of 242 Marine Parade that the existing units at 242 Marine Parade will look directly onto the northern side of the proposed balconies.</p> <p>The objector recommended that screening and timber louvres should be incorporated to reduce privacy loss and allow for winter sun.</p>	<p>The northern elevation of the proposed development is the elevation for which concern is raised.</p> <p>The windows on the northern elevation are relatively minor and not provided at a height for general viewing and loss of privacy.</p> <p>Use of the proposed balconies will be partially blocked in the areas where the planters and solid balustrades are proposed. The sections of the balconies with glass balustrades may experience a reduction in privacy.</p> <p>This issue is not considered to warrant the refusal of the application.</p>
On site Car parking and impacts of proposal on rear laneway.	<p>Concern was raised that the proposed development will result in car parking down the laneway.</p>	<p>The lane way has no parking signs and is not an area to be used for car parking. The proposed development has additional spaces and is proposing to provide visitor spaces outside of the secure basement.</p> <p>This issue is not considered to warrant the refusal of the application.</p>

(e) Public interest

The proposed development is not considered to compromise the general public interest of the locality.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

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

Reports from Director Development Services

OPTIONS

1. Approve the application in accordance with the recommendation above.
2. Refuse the application.

CONCLUSION

The proposed development raises two issues, which have been assessed, these being the overshadowing of the coastal reserve and the impacts to the building envelope. The impacts of the proposed development to the coastal reserve have been assessed and it is considered that the proposed development can be supported and that assumed concurrence should be used in granting consent to the proposal.

The impacts to the building envelope have been reduced by variations to the plans submitted. The applicant has dropped the height of the proposed development to comply with the height limitations and has also attempted to reduce the impacts of the building design on the building envelope by reduce the bulk of the second floor. The proposal still requires a variation to the building envelope provisions of DCP 6 and the application has been supported in this report.

Reports from Director Development Services

8. ORIGIN: Development Assessment Unit

FILE REF: DA02/1159 Pt1; 5440.681

REPORT TITLE:

Application to Rezone Lot 12 DP 1005206 and Lot A DP 327759 Terranora Road, Terranora to allow a 56 Lot Rural Residential Subdivision - Applicant made Pursuant to Section 72J of the Environmental Planning and Assessment Act 1979

SUMMARY OF REPORT:

Council has received an application pursuant to Section 72J of the Environmental Planning and Assessment Act, 1979 seeking to relocate the zone boundary between the 1(c) Rural Living zone and the 7(d) Environmental Protection (Scenic Escarpment) zone to facilitate a 56 lot rural residential subdivision at Lot 12 DP 1005206 and Lot A DP 327759 Terranora Road, Terranora. A previous application for a 49 lot subdivision could not be approved by Council due to the location of the zone line under Tweed Local Environmental Plan 2000. It was agreed that the location of the zone line should be reviewed as it was apparent that it had changed from that of Local Environmental Plan 1987. No new location was agreed to. In reviewing the appropriate location of this zone line physical constraints and characteristics of the site have been considered and it is recommended the line be located consistent with these site attributes. It is also recommended that any draft Local Environmental Plan should contain provision to protect the very significant scenic value of the site. The proposed subdivision would need to be amended to be consistent with this proposed draft Local Environmental Plan. The amended subdivision layout contains an additional 5 lots within the Visual Catchment areas. This is unacceptable.

RECOMMENDATION:

That :-

1. In accordance with Section 54 of the Environmental Planning and Assessment Act, 1979 Council prepares a draft Local Environmental Plan to:
 - a. Amend the location of the zone boundary between the 1(c) Rural Living zone and 7(d) Environmental Protection (Scenic Escarpment) zone in accordance with Figure 1.
 - b. Restrict minimum subdivision areas to one hectare in scenic catchment areas 1, 2 and 3 indicated on Figure 3.
 - c. Restrict building heights to one storey in scenic catchment areas 1, 2 and 3 indicated on Figure 3.
 - d. Control the use of building materials in scenic catchment areas 1, 2 and 3 on Figure 3 to ensure that materials used are compatible with the scenic landscape.
2. The applicant be requested to amend the subdivision layout to be consistent with the provisions of the draft Local Environmental Plan prior to exhibition of the plan.

Reports from Director Development Services

REPORT:

Applicant: Cardno MBK (QLD) Pty Ltd
Owner: Chiltern Hunt (Australia) Pty Ltd
Location: Lot 12 DP 1005206 and Lot A DP 327759 Terranora Road, Terranora
Zoning: Part 1(c) Rural Living and Part 7(d) Environmental Protection (Scenic/Escarpment)
Est. Cost: Nil

BACKGROUND

A development application for subdivision was submitted by Cardno MBK (QLD) Pty Ltd on behalf of the owners Chiltern Hunt (Australia) Pty Ltd on 7 September 1999. This application involved the proposed creation of 42 residential lots of an average size of 7085.71m² plus a residue lot of 51ha, roads and a 2000m² open space lot.

This proposal was assessed by Council's Subdivision Unit, Environmental Health Unit and Engineering Services Division. A preliminary development application report was prepared in December 1999. This report identified a number of issues which needed to be resolved or otherwise the application would be recommended for refusal.

The applicant was contacted on 20 December 1999 and was advised of 14 key issues which needed to be addressed with a view to negotiating improved outcomes. A meeting was held between the applicant, landowners and Council officers on 1 February 2000 and subsequently a further Council letter on 10 February 2000 nominated the actions required in relation to the 14 issues identified in Council's previous letter.

Tweed Local Environmental Plan 2000 (Tweed LEP 2000) was subsequently gazetted on 6 April 2000 resulting in a number of lots in the proposed subdivision being below the 1ha standard required in that Plan.

On 21 June 2000, the applicant lodged a comprehensive submission purporting to address the outstanding issues, including a written objection under State Environmental Planning Policy No. 1 (SEPP1) to the minimum lot size standard of 1ha. The concurrence of the Director of Department of Urban Affairs and Planning (DUAP) was sought to the SEPP1 objection, and in a letter dated 2 August 2000, DUAP advised that concurrence had not been granted to vary the subdivision development standard for Zone 1(c) in Tweed LEP 2000.

The submission of the additional information addressed satisfactorily the majority of the 14 issues, which were originally identified as outstanding with the exception of the issues in relation to visual impact and effluent disposal. A number of subsequent meetings were conducted with the applicant both on site and in Council offices to discuss these issues. At a meeting on 30 July 2001 the outstanding issues were further discussed and the option of sewerage for the subject property was put to the applicant. On 19 September 2001 the applicant tabled an amended proposal, which included 2 additional lots and the subdivision was proposed to be sewerage by a reticulated system with the exception of lots 1-3. The amended proposal was formally lodged on 26 September 2001 and allowed lots which were sewerage to be a minimum of 4000m².

This proposal was reported to Council on 19 December 2001. At this time it was discovered that the proposed subdivision extended outside land zoned 1(c) under Tweed LEP 2000 encroaching significantly into land zoned 7(d) Environmental Protection (Scenic). This triggered an investigation of the exact location of the zone line running through the property and it was evident

Reports from Director Development Services

that this line had shifted to the north as a result of Tweed LEP 2000 being gazetted. It was also evident that the exact location of where the zone line should be could not be established with any certainty as in the case of the 1987 Ministerial maps the subject land fell onto a number of sheets with varying scales. Various interpretations of where the location of the zone line have been made over the past few years with no certainty.

The landowner made a submission in regards to draft LEP 1998 in respect of a discrepancy between the LEP 1987 zone line and the proposed line in this draft LEP. This submission in 1999 also requested that additional land to the south be included as 1(c) zoned land. Council on 1 September 1999 resolved that no amendments be made to draft Tweed LEP 1998 as exhibited as a result of this submission unless there is a discrepancy between the Ministers Tweed LEP 1987 maps and the exhibited draft Tweed LEP 1998.

The Manager, Subdivisions at the time also made an interpretation in relation to the development application for subdivision on where he considered the subject line to be. The Manager, Subdivision interpreted the line to correlate with the proposed subdivision layout.

Council has now received a development and rezoning application seeking to relocate the zone line to the south to accommodate a 56 lot rural residential subdivision.

It is evident from the history regarding this application that there is a level of uncertainty on where the subject zone line between the Rural Living 1(c) and 7(d) Environmental Protection (Scenic) zone should be or is located.

The purpose of this report is to consider the merits of relocating the zone line to the south as requested by the applicant and to whether Council wishes to proceed with a draft LEP to facilitate this occurring. This report does not provide a detailed assessment pursuant to Section 79 of the Environmental Planning and Assessment Act, 1979 of the subdivision proposal.

SUBJECT LAND

The subject land is located at the intersection of Terranora Road and McAuleys Road. The subject land comprises 2 existing lots being Lot 12 DP 1005206 and Lot A DP 327759. The land has a total area of 96.2ha. Under the provisions of Tweed LEP 2000 the land is zoned Part 1(c) Rural Living, Part 7(a) Environmental Protection (Wetlands), Part 7(d) Environmental Protection (Scenic/Escarpment) and Part 1(a) Rural.

The subject land has frontage to Terranora Road (1030m) and McAuleys Road (650m). Terranora Road is a designated road.

The subject land is roughly dissected by the Telstra installation and two other lots. The Telstra lot contains a prominent telecommunications tower and the two abutting lots each contain an occupied dwelling house. The area to the west of the telecommunications tower is approximately 8ha comprising generally cleared grazing land, having surface slopes ranging from level to about 17% between McAuleys Road and the transmission easement, and slopes up to 25% thereafter. This area provides extensive views along the Tweed River to the ocean and is visible from the Pacific Highway south of Chinderah in the Melaleuca Station area. The land east of the Telstra land comprises some 29ha and the applicant has stated that this is arguable the most attractive land of its type in the Terranora region, if not in the whole of the Tweed Shire. This land comprises cleared grass land which runs along an elevated section of the Terranora ridgeline and commands panoramic views in all directions, but particularly to the north and east. Southerly views to the south and south east are also available. The Norfolk Island pines are visible from Oaks Avenue.

Reports from Director Development Services

The land the applicant seeks to subdivide contains slopes ranging from level to isolated small areas up to 17% with the general ground slope in the range of 3-10%. The highest point contains the remains of the original homestead, Terranora Lodge, which was destroyed by fire some years ago. An old cottage exists on the north east quadrant of the land. The original gravel driveway, now in despair by erosion, is flanked on either side by a row of mature Norfolk Island Pines, which form a significant landmark feature. The site contains a distinct escarpment edge where the slope of the land and vegetation separates the open grassland.

ASSESSMENT OF REZONING REQUEST

There are varying interpretations of the location of the zone line between the 1(c) Rural Living land and the 7(d) land. Therefore in considering this application it is considered that Council should review the zoning based on physical characteristics of the land and objectives of Council's Strategic Plan 2000+ and establish well founded Environmental Protection and Rural Living zones on the land.

Council's Strategic Plan 2000+ states:

“Council will include identified significant areas of natural vegetation, scenic areas, fauna habitat and corridors, and fishery habitats and protect them by environmental protection zones. Planning controls within such zones will be structured to provide certainty for the retention of the environmental qualities of these areas.

The scenic areas of the Tweed as identified in the Scenic Evaluation Study will be protected from incompatible development.”

Tweed Shire Strategic Plan 2000+ also states:

“Open space greenbelts will be addressed by limiting development of Area E at Terranora to the north facing slope of the Terranora Ridge, so the southern face remains as a forested backdrop to the Tweed River and agricultural land”.

It is therefore considered that the physical location of the zone boundary between the 7(d) and 1(c) zoned land should be based on the environmental characteristics of the land and the principles listed in the Tweed Shire 2000+ Strategic Plan.

It is evident from a site inspection that there is a distinct vegetation line which defines the edge of the southern escarpment where the slope significantly changes. This physical line would appear the most practical location for the zone boundary between the 1(c) and 7(d) Environmental Protection zones. Attached is a map showing the location of this line in reference to Tweed LEP 2000 (current zone boundary), Tweed LEP 1987 and the applicants proposed zone boundary. As can be seen the applicants proposed boundary is generally further to the south than that of the edge of the escarpment and vegetation line. This is considered inappropriate and is not recommended for support.

The proposed zone boundary should be located just off the tree line to allow adequate area for the provision of a bushfire access trail at the rear of any future properties. This would be consistent with the principle contained in the document “Planning for Bushfire Protection” and the Minister for Planning's Section 117(2) Direction G20.

It is recommended that Council resolve to prepare a draft LEP to locate the zone line as shown on Figure 1 and that the applicant be requested to amend the current subdivision layout to comply with the location of this boundary.

Reports from Director Development Services

VISUAL IMPACT IN CONTEXT WITH REVISED SUBDIVISION LAYOUT

As previously mentioned this report does not provide a detailed assessment of the revised subdivision layout however, there are issues of relevance in considering a draft LEP amendment in context with visual impact of the proposal.

The revised subdivision layout submitted by the applicant includes an additional 7 allotments to that originally negotiated with the applicant. The 1(c) zoned land contains 3 prominent visual catchments, which are visible when viewed from the south ie. Kingscliff, the Pacific Highway and new Motorway. Significant negotiations occurred with the applicant in regards to protecting these visual catchment areas and as a result the previous application proposed larger lots in excess of 1ha within these visual catchment areas. The applicant has now reduced the size of allotments in these areas down resulting in a higher density of development in these critical locations.

To achieve the objectives of the Strategic Plan 2000+ it is considered that lot sizes should be a minimum of 1ha within these areas and any draft LEP prepared should incorporate such provisions. In addition building forms should be controlled in these areas. This could be done through provisions being incorporated into any draft LEP restricting the height of dwellings to single storey in these locations and the types of building materials and colours used.

As part of the previous subdivision proposal Friends of Terranora made a submission in regards to the lot sizes and in particular they stated:

“Large ridgetop lots 17, 25, 39 to 43 should have the strongest possible planning protection (even an LEP clause) to prevent further subdivision.”

The applicant in their submission claims that Friends of Terranora by submission in June 2000 supported 6000m² lots. This may be true as an overall statement for lot sizes within the subdivision however, it is clear from their latest submission that the community valued the protection of the scenically visible areas on the site.

The applicant in support of smaller lots within the elevated areas of the property has submitted a revised visual impact assessment by Greg O'Brien and Associates. The revised assessment is based on an earlier assessment and comparative analysis between this proposal and that proposal. The original assessment was not accepted and subsequent negotiations with the applicant resulted in larger lots being proposed in the visually prominent catchment areas. The applicant is now seeking smaller lots once again in these areas and has attempted to justify this by a visual assessment, which was previously not accepted in full.

The basis for seeking additional lots is the cost of servicing lots 1, 2, 3 and 4 with reticulated sewer. No economic justification has been provided in support of this claim.

STATUTORY CONSIDERATIONS

North Coast Regional Environmental Plan (NCREP)

The following provisions of the NCREP relates to the preparation of draft LEPs for rezoning land for Rural Residential purposes.

Clause 20 states as follows:

“(1) The council should not prepare a draft local environmental plan for rural land permitting rural residential small lot development unless:

(a) it has prepared a rural land release strategy for the whole of its area; and

Reports from Director Development Services

- (b) *the director has approved the strategy; and*
- (c) *the draft plan is generally consistent with that strategy”.*

Comment

Council as yet has not prepared a rural land release strategy for the Tweed Shire. However, it is considered that the subject proposal is not intending to release a new rural residential area for subdivision but rather correct anomalies, which have occurred as a result of past mapping. On that basis it is recommended that Council submit to PlanningNSW that a rural residential strategy is not required to be in place in this instance.

Clause 29 states as follows:

“A draft local environmental plan should:

- (a) *retain existing provisions allowing the making of tree preservation orders;*
- (b) *not alter or remove existing environmental protection, scenic protection of escarpment preservation zonings or controls within them, without undertaking a detailed analysis to determine whether there will be adverse environmental effects resulting from such action; and*
- (c) *include significant areas of natural vegetation including rainforest and littoral rainforest, riparian vegetation, wetlands, wildlife habitat, scenic areas and potential wildlife corridors in environmental protection zones; and*
- (d) *contain provisions which require that development in domestic water catchment areas or on land overlying important groundwater resources does not adversely affect water quality; and*
- (e) *require consent for the clearing of natural vegetation in environmental protection, scenic protection or escarpment preservation zones”.*

Comment

The above clause is of significant relevance in considering the appropriate location of the zone line separating the 1(c) and 7(d) land. The proposed zone line as recommended to Council has been based on the existing vegetation and scenic escarpment running along the Terranora Ridge. Recommendations for larger lots on the top of the ridge and in areas of visual prominence is consistent with protecting scenic areas as specified in (c) above.

It is considered that the application as submitted by the applicant with increased lot densities in these areas and the location of the zone boundary in vegetated areas over the escarpment is not consistent with the objectives of clause 29 and should therefore not be supported.

NSW Coastal Policy

The land is within 1km of the Tweed River and is therefore within the coastal zone, to which the NSW Coastal Policy 1997 applies. Section 117 Direction S26 requires that an LES be prepared prior to alteration of existing zonings within the coastal zone.

It is submitted that in this case as the proposed LEP amendment is substantially correcting anomalies, which exist regarding the location of the existing zone boundary, then an LES is not warranted. Council will need to request PlanningNSW to waive this requirement.

Reports from Director Development Services

The application will however need to be forwarded to the NSW Coastal Council for comment as part of the Section 62 consultation.

DELEGATION OF FUNCTIONS UNDER SECTION 65(1) RELATING TO CERTIFICATION THAT A PROPOSED DRAFT LEP MAY BE PUBLICLY EXHIBITED

Council officers have delegations from the Director of PlanningNSW under certain circumstances to issue a certificate to allow the exhibition of a draft Local Environmental Plan. Delegations cannot be exercised where a draft LEP introduces planning controls to permit rural residential development, or urban development on land where not currently permissible and those planning controls are not in accordance with a rural residential or urban strategy for the development of that land which has been agreed to by the Director-General.

It is concluded that delegations to issue a Section 65 certificate would not apply in this case. However, it may be argued that the proposed LEP amendment is merely correcting an anomaly in the existing planning instrument rather than rezoning additional land for rural residential purposes. Therefore should Council resolve pursuant to Section 54 to proceed with the preparation of a draft LEP then PlanningNSW should be requested to clarify whether Council has delegations to issue the Section 65 Certificate.

SECTION 117(2) DIRECTIONS

A number of Section 117(2) Directions would be applicable in the preparation of a draft LEP for the site. These would include: G2, G8, G20, G21 of particular relevance is G20 in relation to development in bushfire prone areas and G21 requiring the protection of natural or aesthetic areas of significance. The draft plan is intended to contain such provisions.

OPTIONS

1. Resolve to prepare a draft LEP as per the recommendation.
2. Resolve not to prepare a draft LEP.
3. Resolve to prepare a draft LEP consistent with the applicant's proposal.

CONCLUSION

This proposal maximises the potential for subdivision and has little regard to the physical characteristics of the land and protecting the scenic quality of the area. An additional 5 lots have been included in the visual catchment areas identified. This is unacceptable. The location of the zone line should be determined based on the physical characteristics of the land. The preparation of a draft LEP is recommended along these lines and also containing provisions to ensure the protection of the scenic value of the area.

Reports from Director Development Services

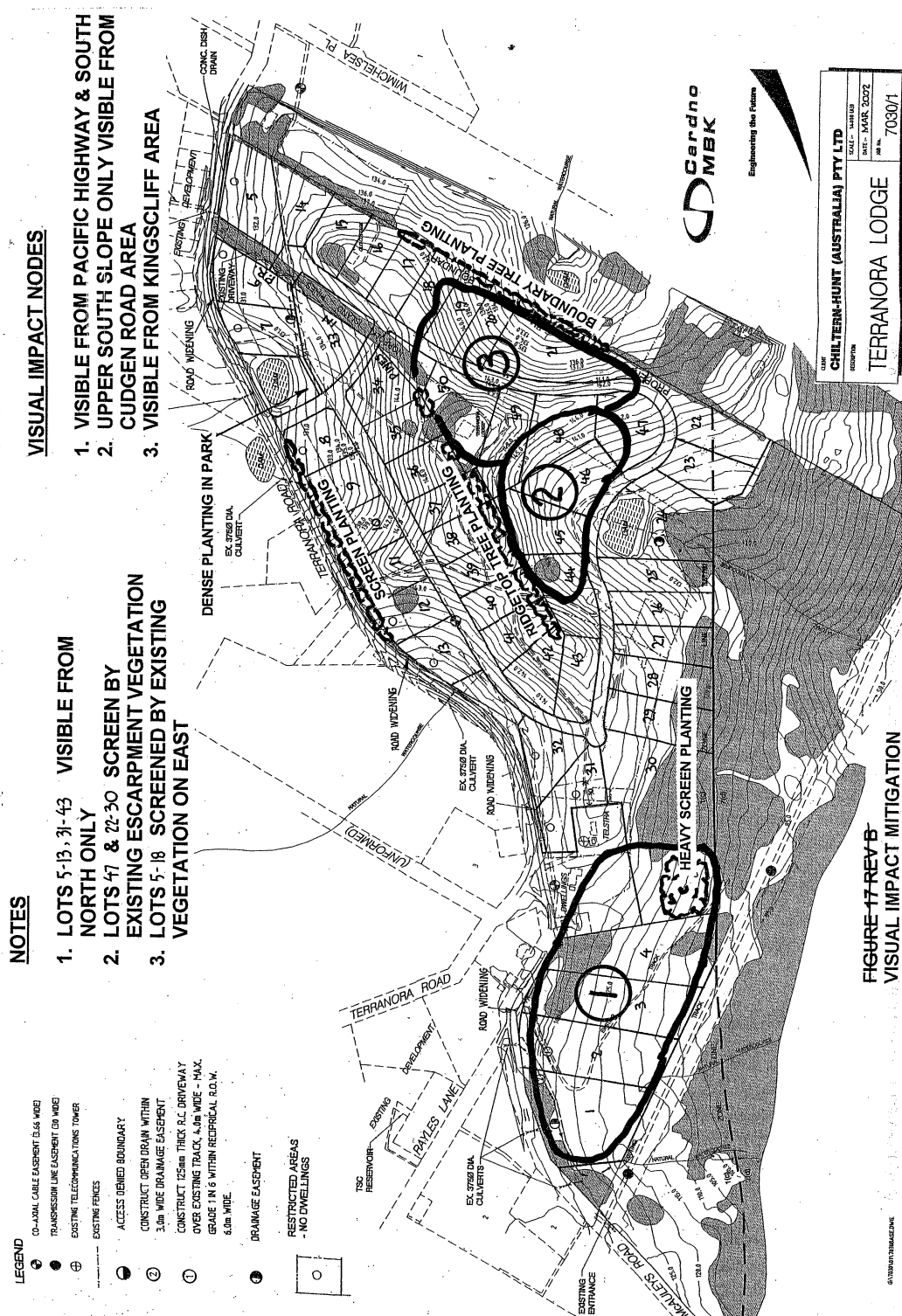
Figure 2



Reports from Director Development Services

Figure 3

Figure 3



Reports from Director Development Services

9. ORIGIN: Development Assessment Unit

FILE REF: DA3120/100 Pt1; 3120.100

REPORT TITLE:

Development Application 0661/2001DA.01 for an Amendment to Development Consent 0661/2001DA for a Three (3) Lot Industrial Subdivision at Lot 3 DP 717401 No. 22 Lundberg Drive, Murwillumbah

SUMMARY OF REPORT:

Council is in receipt of a further application to amend the subject development consent in relation to two conditions, one relating to on site car parking and the second relating to kerb and gutter requirements.

Council considered a report on the subdivision consent at its meeting of 7th August 2002 where amendments to the consent were resolved. However as the car parking and kerb and gutter changes were not part of the application a subsequent amendment application was required, this being the subject of this report.

RECOMMENDATION:

That the Section 96 application to amend Conditions 16 and 28 of Development Consent 0661/2001DA for a three (3) lot industrial subdivision at Lot 3 DP 717401 No. 22 Lundberg Drive, Murwillumbah be refused as the proposed changes would be inconsistent with Development Control Plan No. 2 and Council's current standards for subdivision.

Reports from Director Development Services

REPORT:

Applicant: B & P Surveys

Owner: Fruit Ingredients Australia

Location: Lot 3 DP 717401, No. 22 Lundberg Drive Murwillumbah

Zoning: 4(a) Industrial

Cost: 0.00

BACKGROUND

The original proposed plan of subdivision identified a number of car parking spaces for each allotment of the subdivision. The development consent imposed the requirement for on site car parking in accordance with the proposed plan in terms of numbers of spaces and also required construction and landscape screening.

The applicant has submitted that the proposed lot 13, which contains the Fruit Processing Plant does not require 26 on site car parking spaces, rather that 16 spaces be provided. Also the applicant has submitted that spaces identified on the proposed allotments are to have a varying construction standard from concrete, compressed gravel and bitumen and grass. Also the applicant has submitted that no landscaping is required adjacent to the car park for proposed lot 13.

The original subdivision consent required the installation of kerb and gutter for the proposed lot frontages to Lundberg Drive where there currently is no kerb and gutter. The applicant has submitted that this would be of substantial cost impost and as such should be left for the future owners of the other allotments, while proposed lot 13 will have kerb and gutter installed.

Reports from Director Development Services

SITE DIAGRAM



© TWEED SHIRE COUNCIL 2001
 Although all care has been taken with the production of this map, the TWEED SHIRE COUNCIL, its Employees, Officers and Consultants can not be responsible for any errors, omissions or inaccuracies in respect to the information presented on this map.
COPY ONLY - NOT CERTIFIED
 P.O. Box 978 Tweed Heads NSW 2486 Tel: (82) 8870 2400 Fax: (82) 8870 2401

TWEED SHIRE COUNCIL
 Lot 3 DP 717401 & Lot 12 DP 1000868
 22 Lundberg Drive, Murwillumbah
 File: N:\Info\Info d... Site Plan Wor Author: J. Batchelor Date: 31/May/02

STRATEGIC PLANNING UNIT

 TWEED SHIRE COUNCIL

Site Plan
 Sheet 1 of 1
 Revision: _____

Reports from Director Development Services

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

Minimal Environmental Impact

Car Parking

The proposed changes to the car parking for proposed lot 13 are based on there being a total of 25 employees which work in shifts of up to 15 people. The applicant has not made a submission in relation to the provisions of Development Control Plan No. 2 – Access and Car Parking.

The 7th August 2002 report to Council stated that the applicant could accompany an application to amend the consent with a submission under the DCP and that such would be considered.

Under DCP No. 2 the car parking calculation is based on floor area not number of staff. As the applicant is not reducing the size of the factory and offices the number of spaces applicable to the development under DCP No. 2 have not reduced.

Consequently the request to amend Condition No. 16 cannot be supported. A reduction in the construction standard of the on site car parking is considered to generate a dust nuisance and impact to the environment.

The purpose of the landscape screening in the condition is to further reduce the dust impacts from the development.

Kerb and Gutter

The applicant has submitted that the cost impost of the kerb and gutter condition is the reason why the standard is unreasonable. This is not a technical justification as to why Council should vary the standard.

The application to vary the kerb and gutter condition is not supported as the current standard for kerb and gutter is to minimise ongoing road maintenance of shoulder and table drains and damage to footpaths from use of the area. The applicant may contend that there is not footpath being damaged, however the road reserve extends beyond the pavement and the continual informal access to the property and disturbance of the frontage of the development has generated a large area of earth exposed and consequently dust nuisance. The installation of kerb and gutter would formalise the entry and exit points to the property and enable installation of a landscaping screen to the development.

It is noted that previously under consent No 98/26 the applicant managed to have the kerb and gutter condition modified to only relate to the frontage of the factory building with the remaining kerb and gutter to be bonded. The bonding did not occur, the kerb and gutter was not provided and consequently the site is still of a poor standard today.

Substantially the Same Development

The modifications requested would substantially still result in the same development.

Notification and Consideration of Submissions

The proposed modification did not require notification. There are no submissions to consider in relation to the proposed development.

Reports from Director Development Services

OPTIONS

1. Refuse the application to amend the consent for the reasons provided.
2. Amend conditions 16 and 28 of the consent to read:

Condition No. 16

Proposed lot 13 shall provide 16 off-street car parking spaces, proposed lot 14 shall provide 5 off-street car parking spaces and proposed lot 15 shall provide 2 off street car parking spaces. The car parking areas shall be constructed of a combination of concrete, compressed gravel bitumen and grass. These car parking spaces are to be provided prior to the release of subdivision certificate.

Condition No. 28

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

- i. Construct along the full length of proposed lot 13 of the subdivision vertical face kerb and gutter on a 13m wide alignment, including any road widening that may be necessary along the associated sub-surface and over land stormwater drainage system.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

The following financial/resource implications are raised by the application:

1. Continued damage to Council's footpath due to the lack of kerb and gutter for proposed lot 14 and lot 15.
2. Continued use of the public roads for casual car parking.

CONCLUSION

It is concluded that the proposed amendments to the development consent should not be supported as they are not in accordance with Council's Policies or current subdivision standards.

Reports from Director Development Services

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Reports from Director Development Services

10. ORIGIN: Director

FILE REF: Kingscliff District-Review of Strategic Issues; GT1/29/3 Pt2

REPORT TITLE:

Draft Kingscliff District (North Tweed Coast) Strategy

SUMMARY OF REPORT:

On 21 August 2002 Council deferred endorsement of the public exhibition of the Draft Kingscliff District Strategy. This enabled a productive workshop to be conducted involving the main stakeholder organisations on 22 August 2002 – mainly focussing upon the issue of the location and design of the future major town centre to serve the Tweed Coast. Although this draft strategy only covers a sector of the Tweed Coast there was a common view at the workshop that the strategy should be renamed the Tweed Coast Strategy. Certainly the Strategic Plan can evolve into a Tweed Coast Strategy over approximately 2 years – the Pottsville Strategy was adopted by Council in 1999 and the results of Council’s Coastline Management Plan can be progressively incorporated. The “gap” would be Cabarita Beach to Hastings Point.

The draft Strategy should be placed on public exhibition to include the future town centre for the Tweed Coast being located immediately west of the existing Kingscliff township. The predominant view of stakeholders at the Workshop did not support this proposal. The main option for Council is to exhibit the draft Strategy as a Discussion Paper incorporating the options for location of the town centre for public discussion – being immediately west of the Kingscliff township within the future Kings Forest development and in the north western sector of the Gales Holdings property. There is a time imperative in terms of enabling Council decision making on the location of the town centre before the finalisation of the master plan by Gales Holdings for the remaining development of West Kingscliff.

RECOMMENDATION:

That Council either: -

1. a. Places the draft Strategy on public exhibition as the North Tweed Coast Draft Strategic Plan for 28 days as is enclosed with the Business Papers to enable comments from major stakeholders such as representative organisations in the district and landowners and for general public comment.
- b. Notes that it will be referenced in Development Assessment reports to Council and to the Development Assessment Panel whilst acknowledging that the draft Strategy has no actual legal or policy status by Council at this stage - **OR**
2. Places the draft North Tweed Coast Strategy on public exhibition for 28 days as a Discussion Paper and including the potential locations for the future town centre to serve the Tweed Coast as options – being: -
 - i. immediately west of the Kingscliff township;
 - ii. the north western sector of Gales Holdings property; and
 - iii. within the future Kings Forest Development.

Reports from Director Development Services

REPORT:

On 21 August 2002 Council resolved to defer endorsement for public exhibition of the draft Kingscliff District Strategy. This enabled a productive workshop focussing upon the future location of the town centre for the Tweed Coast to be conducted on 22 August 2002. Particularly given the discussion at the Workshop there is an option for Council to consider of exhibiting the draft Strategy as a Discussion Paper incorporating the potential locations of the town centre – being immediately west of Kingscliff township, the north western sector of Gales Holdings property and within the future Kings Forest Development as options.

There was a common view at the Workshop that the Strategy should be named the “Tweed Coast Strategy”. Council has previously adopted a Pottsville Strategy in 1999. Council is about to embark on the Coastline Management Study and Plan that should be completed within about 12 month and this will enable significant incorporation of new planning and environmental management provisions into the Strategy. Tweed Shire is also the location for the pilot study for Comprehensive Coastal Assessment that is part of the overall state governments coastal package. This will lead to significant data identification and analysis that will also contribute significantly to the evolving quality of this Strategy. The “gap” remaining will be Bogangar/Cabarita Beach to Hastings Point and related hinterland.

CONCLUSION

Further copies of the Draft Strategy are enclosed with this Business Paper. For clarity it is recommended that the Strategy be termed “The Draft North Tweed Coast Strategic Plan”. The conclusion of the Director of Development Services remains that the best location for the future town centre to serve the Tweed Coast is immediately west of the Kingscliff township. It is certainly acknowledged that the implications in terms of traffic, noise, scale of additional built form and general visitation to Kingscliff are significant issues and adequate responses need to be made to the Kingscliff Residents and Ratepayers Association and Tweed Coast Business Corporation. There is a time imperative in terms of Gales Holdings intending to complete the master plan for the remaining development of West Kingscliff within 3 months. Clearly a Council decision on this location of the town centre needs to precede the finalisation of this master plan – or a contingency plan be put in place to safeguard adequate land for such a town centre when Council is in a position to make the decision.

Detailed notes of the Workshop and changes to section 4 of the draft Strategy in accordance with Option 2 within the recommendation are also enclosed separately with the Business Papers with covering memorandum – to indicate to Council how this section will be rephrased in accordance with Option 2 should that become the resolution of Council.

Reports from Director Corporate Services

11. ORIGIN: Administration Services Unit

FILE REF: Public Liability - Insurance

REPORT TITLE:

Roadside Grazing

SUMMARY OF REPORT:

Further to Council's notification that Council's Public Liability cover does not include liability incurred through roadside grazing a direction is required as to Council's intention on roadside grazing.

RECOMMENDATION:

That Council does not allow roadside grazing on any of the roads that are under its care, control and management

Reports from Director Corporate Services

REPORT:

Council has received advice through the LGOV Weekly circular 32/02 dated 8 August 2002 that Council's public liability cover does not include liability through roadside grazing.

Contact has been made with officers from the Rural Lands Protection Board who advise that there are no designated stock routes within Tweed Shire, thus if a person made an application to graze stock on the roads within the Shire such approval would first need to be given by Council, and then the permit to graze the stock on the roads would be given by the Rural Lands Protection Board.

In view of the advice that Council insurance cover does not extend to liability incurred through roadside grazing and other issues that would be involved in roadside grazing, it is recommended that Council does not allow roadside grazing on any of the roads that are under the care, control and management of Tweed Shire Council.

Reports from Director Corporate Services

12. ORIGIN: Director

FILE REF: Library Development Grant – Richmond Tweed Regional Library
DW691210

REPORT TITLE:

Country Public Libraries Association of New South Wales - Funding Support

SUMMARY OF REPORT:

The Country Public Libraries Association of New South Wales have written to the Mayor outline concerns regarding the low level of funding provided by the State Government for public libraries.

The Association is requesting Council to write to the Premier of New South Wales and the local State Member encouraging them to address the enormous disparity that now exists between the State Government and Local Government funding for local government libraries.

RECOMMENDATION:

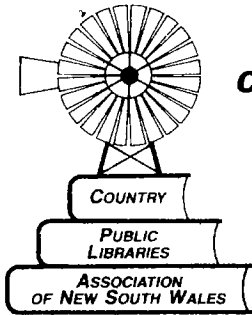
That Council:-

1. Supports the initiative of the Country Public Libraries Association of NSW.
2. Writes to the Premier of New South Wales and the Local State Member encouraging them to address the enormous disparity that now exists between the State Government and Local Government funding for local government libraries.

Reports from Director Corporate Services

REPORT:

The Country Public Libraries Association of New South Wales has written to the Mayor outlining a number of concerns regarding the funding of public libraries. Their letter states:



COUNTRY PUBLIC LIBRARIES ASSOCIATION OF NEW SOUTH WALES *LIBRARY - RICHMOND TWO REGIONAL LIB*

FILE No.
SUBJECT No ..
DOCUMENT No [][][][]
REC - 16 AUG 2002
DOCUMENT TYPE [][]
LOCATION CODE [][]
E D P PROCESSED

TWEED SHIRE COUNCIL
FILE No. <i>LIBRARY LEVEL</i>
DOCUMENT No [][][][]
REC'D 21 AUG 2002
ASSIGNED TO <i>CAITHERINE I</i>
HARD COPY <input type="checkbox"/> IMAGE <input checked="" type="checkbox"/>

PO Box 90
Queanbeyan NSW 2620

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

9th August 2002

Dear Mr Mayor

I am writing on behalf of the Country Public Libraries Association of NSW to seek your support in requesting the State Government to significantly increase the current low levels of funding it provides for public libraries.

The Country Public Libraries Association of NSW (CPLA), represents the interests of rural, regional and remote public libraries across the state. Our membership covers the 140 local government areas outside of metropolitan Sydney and our members take a vital interest in improving library services to the public. These public libraries provide services to 2.5 million people [ABS 2001 Census] across widely disparate communities in rural and regional New South Wales.

As you are probably aware, for many individuals the local public library is the key source of access to a wide range of information resources, and for a large number of residents in rural and regional areas, public libraries are the sole source of free access to the Internet and online information. The CPLA is committed to ensuring equity of access to information both electronic and print for all residents in our communities.

In New South Wales the contribution of the State Government to the funding of public libraries has declined sharply in real terms since 1980. During this period the Local Government contribution has increased by over \$170m per annum, a staggering 700% increase in 20 years, whilst the State Government contribution has increased by only \$11.2m. In comparison with Victoria and Queensland the NSW Government provides close to only half the per capita funding allocated to public libraries in those states.

Since 1980, the membership of New South Wales public libraries has increased strongly from 35% to 50% of the total population, representing a 40% increase in the use of public libraries. However, the State Government has failed to increase its support appropriately, and has in effect shifted the increased costs for public library services onto Local Government authorities, and now provides only 9% of the required annual funding.

AW

Reports from Director Corporate Services

- 2 -

In 2001 the CPLA joined forces with the Metropolitan Public Libraries Association and the Local Government and Shires Associations to strongly lobby the State Government to address these funding disparities and increase its annual per capita funding from \$3.18 to \$6 00. This entails a total increase in state government funding of \$19.33 million in 2002/2003 rising to \$21.33 million in the years thereafter. The Premier of NSW indicated his support for such an initiative by his Government, and a combined CPLA/MPLA/LGSA Cabinet Submission was prepared for inclusion in the Budget Estimates for 2002/2003.

However, the State Government did not accept our combined bid for increased funding, and instead of the requested increase of \$19.33 million in 2002/2003, we received a totally inadequate funding increase of only \$1 25 million for all public libraries in the State.

This is a very disappointing result and the CPLA is eager to send a strong message to the Premier and the State Government that the issue of the funding disparities for public libraries between State and Local Government in NSW needs to be addressed as a matter of urgency.

At the CPLA Conference in Batemans Bay in July 2002, a unanimous resolution was passed by our membership requesting that all NSW Councils and Libraries individually write to the NSW Premier and to their Local Members, expressing their disappointment at the recent Cabinet decision to not significantly increase the State Government's contribution to funding for NSW public libraries.

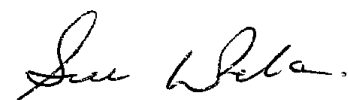
I am writing to request that your Council write to the Premier and your local State Member, requesting the State Government to act now to address both the low levels of funding for your local public libraries, and the enormous disparity that now exists between the State Government and Local Government funding for local public libraries.

The CPLA has collected a significant amount of facts, figures and information to highlight the pressing need for the State Government to address the inequities in funding for public libraries. These have been enclosed for your information and to use in your letter to the Premier and your Local Member.

The management and staff at your Council library service are well aware of the issues relating to public library funding and will be able to provide specific examples of how the increased funding from State Government is needed to improve, enhance and develop their services to meet the needs of their community for library and information services

Your support in this important matter is greatly appreciated.

Yours sincerely



Cr Sue Whelan
CPLA Deputy Chairman

cc Library Manager

Reports from Director Corporate Services

As indicated in their letter the Association is seeking Council support to write to the Premier and to the local State Member drawing to their attention funding issues impacting on the delivery of public library services to the community.

It is recommended that Council determine the most effective action in relation to this request.

Reports from Director Corporate Services

13. ORIGIN: Administration Services Unit

FILE REF: Public Holiday

REPORT TITLE:

Tweed River Jockey Club - Half Day Holiday for Melbourne Cup Race Day

SUMMARY OF REPORT:

A letter has been received from the Secretary, Tweed River Jockey Club, requesting that Council gives consideration to the granting of a half-day holiday for the Melbourne Cup Race Day to be held on Tuesday, 5 November 2002.

The letter is reproduced in this report.

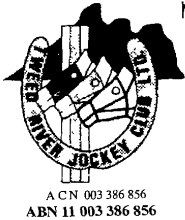
RECOMMENDATION:

That Council determines this matter.

Reports from Director Corporate Services

REPORT:

A letter has been received from the Secretary of the Tweed River Jockey Club requesting that Council gives consideration to the granting of a half-day holiday for the Melbourne Cup Race Day to be held on Tuesday, 5 November 2002. The letter is reproduced for Councillor's information:-

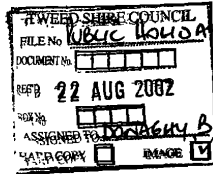


Tweed River Jockey Club Ltd.

P.O. Box 313, Murwillumbah, NSW 2484
Fax No. (02) 6672 4323
EMAIL- mbahracecourse @ better. net.au

Secretary
Bev Holland
(02) 6672 2671
6672 3672

Chairman:
Bernie Quinn
(02) 6672 3644



21st August 2002

Dr. John Griffin
Manager
Tweed Shire Council
P O Box 816
Murwillumbah. NSW 2484

Dear Sir,

The Board of Directors of the Tweed River Jockey Club have instructed me to write to you asking that consideration be given to a half day holiday be granted for Melbourne Cup day on Tuesday 5th November 2002

In previous years this Club has had excellent support from the Business Houses of Murwillumbah, which has mainly been brought about by them allowing their staff a half-day holiday to support our local race meeting.
The Melbourne Cup race meeting is the most profitable meeting of the year for us and we depend greatly upon it for our survival.

There are a considerable number of horses being trained on the track here at Murwillumbah, all of which brings money into the town.

I have been writing to you for twelve years now asking that consideration be given to a half-day holiday to enable people to attend our race meeting on Melbourne Cup day, it is hoped that this year you and your Committee will approve our application for such.

Yours faithfully,

Bev Holland,
Secretary.



Reports from Director Corporate Services

14. ORIGIN: Administration Services Unit

FILE REF: Boat Ramps: Leases – Council Property: Fees and Charges

REPORT TITLE:

Leases Over Boat Ramps

SUMMARY OF REPORT:

A number of Development Applications have been received and approved for boat ramps. A condition of the Development Application required a lease over Council land of approximately ten (10) square metres. A rental valuation now needs to be determined.

RECOMMENDATION:

That the lease fee for residential boat ramps where they are on Council land, be one hundred dollars (\$100.00) per annum.

Reports from Director Corporate Services

REPORT:

Council, in an endeavour to legalise boat ramps within the Shire, has now requested that a Development Application be submitted for all new boat ramps where these are located on Council land.

A condition on the Development Consent requires the owner to enter into a lease agreement over the Council land, being approximately ten (10) square metres. A fee of two hundred dollars (\$200.00) was determined as being the lease fee, with the lessee to prepare the lease and bear the cost, as well as providing a public liability insurance cover.

A number of people have strongly objected to the lease fee of two hundred dollars (\$200.00) especially when there are a number of boat ramps throughout the Shire on Council land that do not pay any lease fee. This matter has been referred to the Tweed River Committee.

In view of the above and to create a more equitas situation it is recommended that the lease fee for residential boat ramps where they are on Council land be one hundred dollars (\$100.00) per annum.

Reports from Director Corporate Services

15. ORIGIN: Director

FILE REF: Communications Committee – Best Practice

REPORT TITLE:

Tweed Shire Council Community Consultation Best Practice Guidelines.

SUMMARY OF REPORT:

Council's Communications Committee over the past four months have reviewed the community consultation process as outlined in the Communications Policy. The outcome has been the preparation and endorsement of a Draft Consultation Best Practice Guidelines document.

RECOMMENDATION:

That the Draft Community Consultation Best Practice Guidelines be adopted.

Reports from Director Corporate Services

REPORT:

Council's Communications Policy was reviewed by Council's Communications Committee approximately twelve (12) months ago.

Over the past four (4) months the Committee has reviewed the effectiveness of the community consultation component of the Communication Policy. Draft guidelines of best practice consultation have been developed by the Committee as a Draft Consultation Protocol and considered by Council's Executive Management Team.

It is recommended that the Draft Community Consultation Best Practice Guidelines be adopted and placed on the public exhibition for twenty-eight (28) days to seek community feedback.

Reports from Director Corporate Services

DRAFT

Consultation

Best Practice Guidelines

Purpose

The Community Consultation Best Practice Guidelines (the Guidelines) provides a guide to successful and effective consultation processes. It does not seek to override current statutory obligations, but seeks to provide advice on mechanisms for enhancing community consultation outcomes. It also seeks to inform subsequent improvement to statutory processes in the future.

To ensure that consultation is genuine and is seen as genuine by the community, commitment to the consultation process should be demonstrated by Councillors, as well as senior officers and program managers.

What is Consultation?

Consultation is a central principle in sound planning and decision making. It allows local government to make informed decisions about issues that affect residents. The consultation process aims to maximise opportunities for residents to be informed, and to have their concerns heard and taken into account, before a decision is made by Council. It involves methods that range from information sharing through to participatory decision making, and which ensure Council is aware of the views of residents affected by any decision or policy change.

The Council is committed to effective community consultation as it can contribute to building social capital through enhancing the relationship between government, community and the private sector.

Consultation provides an opportunity to identify major differences, as well as areas of agreement. These can be taken into account by Council in its decision making process. To be effective, appropriate consultation needs to commence early in any decision making process. The choice of appropriate consultation methods should be based on input from relevant key informants and stakeholders, who will have an understanding of how best to access and involve those residents who are most affected by or interested in a potential decision or policy change.

Reports from Director Corporate Services

Consultation methods vary depending on the goal and outcome. Any or all of the methods outlined below can be used as part of the consultation process. It should be noted that while information sharing or market research do not, on their own constitute consultation, they can be usefully employed as part of the overall process:

- focus group
- advisory committee
- consultative committee
- public forum
- on-line forum
- network
- community meeting
- consumer forum
- seminar
- discussion paper
- workshop
- interview
- report
- campaign
- complaint resolution
- response to inquiries
- on-line submission
- polling
- social research
- search conference
- public inquiry or hearing
- submission
- conference
- phone-in
- computer graphics to show effect of proposed development

Why Consult?

Consultation enables residents to contribute their energy and ideas to ensure informed decisions are made. Undertaking consultation is especially important in situations where:

- There is genuine flexibility of an outcome, to allow participatory decision making;
- Council has a need to acquire more information; and/or
- Council wants to assess the impact of a possible decision;
- Even when the outcome is known consult for educational purposes.

Reports from Director Corporate Services

When to Consult

Council decisions about when to consult are best made on a case by case basis. The following questions can be used to guide decisions about when to consult the community.

- Does the issue directly affect a significant group in the community?
- Will the proposal significantly affect the rights and entitlements of Shire residents?
- Does the issue directly and significantly affect the natural environment?
- Are significant numbers of people, or particular groups, likely to have strong views on the issue?
- Is the proposed change or issue likely to directly affect the quality of life for people of the Tweed Shire and is the impact likely to be long term?
- Does the proposal entail significant expenditure and/or a re-allocation of resources?
- Does the proposal have potential to provide a range of opportunities to particular communities and/or to the general community?
- Does the Council have sufficient information to make a decision about an issue that affects a small number of people?

Timing the consultation

In order to achieve a successful consultation outcome, it is crucial to define the parameters before commencing the consultation process. There may be times when it is advisable for key stakeholders themselves to be involved in developing the parameters of the consultation.

Deciding on appropriate consultation methods is best commenced early in the project, thereby allowing key decision-makers sufficient time to advise on the most appropriate methods. It is important not to commence consulting so late that residents' views cannot influence the outcome.

Consultation can be one-off, short-term or ongoing, depending on the required outcome.

A consultative council or representative body can assist the Council with one-off advice or be involved in a longer-term consultation.

An important question to consider is whether the project timeframe will allow sufficient time to fully consult. Different consultation methods require different timeframes. For issues requiring comprehensive consultation, community groups need a minimum of 6 weeks to consult their constituents and respond.

Incomplete, poorly planned and managed consultation will reduce community confidence in future attempts at consultation.

Consulting the community at a time when people's ability to respond is automatically limited should be avoided wherever possible. Such times include the Christmas season, school holidays and major religious and cultural events. The timing of the consultation needs to allow for a flexible response to an unexpected event affecting the community. Conducting a number of consultation

Reports from Director Corporate Services

sessions over a range of times, for example after work hours or on weekends, not during meal times, will maximise participation across the community.

How to Consult

Planning the consultation strategy

Successful consultation is the result of putting the following important planning steps into practice.

Clearly define the aims and parameters of the consultation.

1. Engage the key participants and stakeholders in the consultation.
2. Choose the appropriate range of methods to engage all stakeholders in the consultation.
3. Use strategies that maximise people's ability to participate.
4. Ensure coordination and avoid duplication.
5. Provide feedback on the outcome of the consultation and resulting decisions to all participants, and to groups with an interest.

To ensure effective and inclusive consultation, the following issues need to be considered.

Identify any conflict of interest.

- Make sure that facilitators and scribes used at focus groups and workshops are clear about their role and have been briefed and/or trained. A trial run can help.
- Ensure that the venues for the consultation sessions allow maximum participation, by assessing the location for access by people with disabilities and by public transport. It is advisable to assess the suitability of equipment and furniture, and the availability of parking and child care etc.
- Ensure that privacy and confidentiality guidelines are adhered to in relation to comments collected during the consultation.
- Anticipate and plan for any specific support that may be needed to enable some groups to participate in the consultation.

Clear aims and parameters

Careful planning is the most important component of effective consultation. When the Council's consultation aims and parameters are made clear from the start, the focus on key issues and objectives can be better maintained during the course of the consultation.

Consulting in the context of clear aims and parameters will not only assist the Council with decision making, it will enhance the community's confidence in the Council's commitment to conduct effective consultation processes.

Reports from Director Corporate Services

Key questions

To achieve the maximum results from the planning stage, the following critical questions need to be answered.

- What is the aim and purpose of the consultation?
- What information does the Council need to convey to the residents?
- What information does the Council need to obtain from the residents?
- Who will be affected by the decisions resulting from the consultation?
- Who should be consulted?
- What would be the best time to conduct the consultation?
- What is the optimum length of time to be allocated for consultation?
- What risks may be associated with the consultation timeframe, subject matter and relevant past events and experiences?
- What other related activities and consultations have occurred recently or may be planned?
How can the consultation be coordinated to take these into account?
- How will the information from the consultation be used and by whom?
- What will be the process for implementing decisions resulting from the consultation?
- How will the outcomes of the consultation and the final decision be conveyed to the participants and to those with an interest?
- What information is required by residents to ensure they are able to participate in an informed and meaningful way?
- What follow-up will be undertaken with participants?
- How and when will evaluation be carried out? What will be evaluated and by whom?
- Who will manage the consultation?
- What resources are available for the consultation?

Statement of Intent

The answers to the above questions can form the basis of a Statement of Intent, which should be developed for each consultation process. This Statement should be clear to all participants to ensure that everyone is aware of the aim, process, parameters and likely outcomes.

As a minimum, the Statement of Intent should:

- state a clear aim and timeframe;
- outline the methods proposed for consulting, evaluating and giving feedback; and
- identify decision-makers and contact details for providing comment and receiving further information.

Making the Statement of Intent known publicly will improve the level of community awareness about pending consultations, and at the same time provide a mechanism for avoiding duplication and improving coordination of consultation.

Reports from Director Corporate Services

Engaging key participants

The first step in determining who needs to be involved in a particular consultation is to identify who will be affected by the outcome of any resulting decisions and who may have relevant information to contribute. This process usually involves the use of existing networks and channels of communication to identify who has an interest in the objectives and outcomes of the consultation.

Where there are no existing channels of communication, other Departments, consultative and advisory groups and relevant representative organisations may provide sufficient information to commence the process. Representative bodies and community groups may also provide an efficient and effective avenue for accessing key community members and specific groups.

When accessing key community members and groups for the purposes of consultation it is important to recognise that it has taken time and care to establish relationships with and between sectors and every effort should be taken to preserve these relationships. Allowing adequate time to identify key participants and conduct this research should be timetabled into the process, if the consultation is to be a success.

Potential stakeholders could include:

- consumer groups;
- service providers;
- representative organisations;
- residents who may be affected by, or who have a legitimate interest in the outcome of the decision.

Encouraging involvement

The stakeholders identified at the beginning of the process can assist in developing a more comprehensive list of residents who will be, or could be, affected by decisions to be made as a result of consultation.

The strategies listed below are effective methods for identifying potential stakeholders.

- Presentations and announcements at relevant meetings.
- Letters and invitations to consumer groups and representative organisations.
- Leaflets and posters displayed at shopfronts, libraries and other public places.
- Notices may be included in regular mail-outs, pay-slips and with relevant bills requesting payment for Council services.
- Announcements and notices in the Tweed Link, on radio and television and in print media.
- Email groups and discussion forums.
- Notices on the relevant homepage, electronic bulletins and the internal email system.

Reports from Director Corporate Services

Choosing appropriate methods

Key stakeholders will include residents from special interest groups for whom consultation mechanisms will need to be adapted to meet their specific needs. For example, Aboriginal and Torres Strait Islander people, people from linguistically and culturally diverse backgrounds, different gender, people with disabilities, people with mental health needs, older people and young people. Representation of relevant sections of the community is essential to ensure a comprehensive consultation process. To achieve good representation of special interest groups, the appropriate community based organisations should be contacted.

The outcome of the consultation will be influenced by the methods used and the effectiveness of planning undertaken. Consultation methods need to be designed in the context of the objectives, subject, target groups and timeframe. The choice of methods should be made early in the process in collaboration with stakeholders, and be based on a clear rationale for the involvement of particular groups.

In choosing appropriate consultation methods, the following issues need to be considered in the early stage of planning the consultation strategy.

- The timeframe available for consultation.
- The size and characteristics of the target groups.
- An analysis of the benefits, constraints and costs of consulting.
- Potential benefits and risks of the various consultation methods in the context of the subject of the consultation.
- An understanding of the values and culture of stakeholders and how this will impact on the choice of consultation method.
- Tailoring the consultation methods to encourage the involvement of stakeholders who are the target of the consultation, for example, ensuring that transport and childcare are available where relevant.
- The availability of resources for the consultation, including people, skills, time and finances.
- Adaptability and flexibility of the consultation methods.

Providing information

Providing information is the first step in the consultation process. It is important to the success of the consultation to be honest and transparent about why the consultation is occurring. The initial information should outline the parameters of the consultation and provide relevant background to the issues.

- The parameters should include:
 - the aims of the consultation;
 - methods of consultation;
 - steps in the process;
 - who will ultimately make the decisions as a result of the consultation;
 - the timeframe; and
 - how and when the feedback will occur.

Reports from Director Corporate Services

The information could be in the form of a discussion paper, pamphlet, information seminar, newspaper article or be presented using electronic or other forms of media. The most important element in deciding the format is an understanding of the target audience.

Information should be expressed in plain English, be concise and be in an appropriate format and language. If the issue involves technical terminology, this will need to be simplified or clearly explained to ensure that stakeholders and participants understand the terminology. Acronyms should be avoided unless defined clearly in a glossary.

It is also important to ensure that all information is provided in sufficient time to enable participants to be prepared and fully informed and to ensure that their time can be used efficiently. Information may need to be provided in advance and perhaps further clarified with participants to ensure that there is common understanding of the issues and objectives.

Gathering information

The information gathered during a consultation process is very important, as it informs the rationale for any recommendations that arise from the consultation process.

Methods chosen for consultation need to be flexible and efficient. A creative approach may encourage a higher rate of participation by the target group. The quality of the information gathered is improved when qualitative and quantitative methods are used. If the choice of method involves meetings, workshops, or conferences, it is advisable to seek stakeholders' recommendations when selecting a facilitator and/or consultant.

The community will have more confidence in the consultation process if it is clear that the information provided will affect the outcome and will not be used inappropriately.

Respecting resources and time constraints of all parties is an important aspect of the consultation process. The parameters of the consultation will have been clarified at the beginning of the process. It is important that all participants understand how unanticipated events, outside the consultation process (such as major political or policy changes) can have a significant impact on decisions.

An early commitment needs to be made by all parties to complete the consultation process before announcing or making public any decisions. This will enhance the credibility of the process and the community's confidence. If the consultation process is unexpectedly compromised, there needs to be an acknowledgment that this has occurred, and the process re-negotiated by all parties or terminated.

Reports from Director Corporate Services

Maximising participation

The consultation process should aim to maximise the opportunities of residents to make their concerns heard and be taken into account before the Council makes a final decision. Skilful communication is an essential element of consultation. Participation may be maximised through:

- demonstrating cooperation and a commitment to reaching agreement;
- ensuring that all documents are easy to read and are expressed in plain English;
- showing respect for the views of all parties;
- demonstrating a willingness to listen;
- encouraging ongoing dialogue;
- using existing communication pathways, including on-line pathways;
- ensuring that all parties have been easily able to access the consultation process;
- ensuring that all participants have been adequately heard and will not be disadvantaged by their involvement in consultation;
- basing the consultation on mutual respect and professionalism;
- valuing participants' knowledge and skills;
- thorough planning to ensure people's time is not wasted;
- creative strategies to explore areas of disagreement;
- providing access to resources which enable residents to participate;
- ensuring that consultation is a two way process, which involves all parties in gaining information and knowledge; and
- incorporating a feedback process, which informs consultation participants and others, with a legitimate interest, about the outcomes and decisions, and the timeframe for implementation.

A key aspect of maximising participation is to allow sufficient time for consumer groups and representative bodies to contact and gain feedback from their members.

Feeding back outcomes and decisions

Participants in a consultation process should be provided with clear timeframes showing when the outcomes will be known. Timeframes should be developed during the initial planning process and in conjunction with advice from key informants and participants where possible. The planning process should identify which participants need feedback and how this will be given. There needs to be recognition that not all participants will require feedback on all issues.

Feedback on the outcome of decisions following consultation needs to be provided to participants in a timely manner, no longer than four months after the completion of the consultation.

Reports from Director Corporate Services

Reports on the outcomes of consultation should be expressed in plain English and include:

- acknowledgment of participants' contributions;
- a record of the consultation methods and process;
- demonstrated evidence that participants have been heard;
- an outline of the decisions made; and
- a record of how final decisions were reached.

Feedback from consultation should be developed with an understanding of special needs groups and be presented in a manner appropriate to those groups. For example, people from culturally and linguistically diverse backgrounds may need to be informed in their own language. Where community input has been received on-line, on-line feedback may need to be provided.

A commitment is needed by all parties to complete the consultation before any announcement or decision is made. This ensures credibility of the consultation process. The results of consultation need to be available to all participants, even when the consultation has resulted in no action being taken.

Evaluating the consultation strategy

The evaluation strategy needs to be identified in conjunction with the initial planning of the consultation process. The strategy should include mechanisms to allow for review and modification during the consultation process. The methodology for the evaluation should not be disproportionately large in relation to the consultation.

The evaluation of consultation methods and outcomes are both important aspects of evaluating the consultation process. Evaluation needs assess performance against the objectives of each consultation process and assess how residents perceived the effectiveness of the process.

It is important that the consultation process itself is evaluated to identify its strengths and weaknesses. This will enable future modification of any aspects of the process and methods which have not worked as well as anticipated.

Reports from Director Corporate Services

16. ORIGIN: Administration Services Unit

FILE REF: Councillors Fees

REPORT TITLE:

Councillor's Fees, Expenses and Facilities

SUMMARY OF REPORT:

Council's Policy in relation to Gifts, Benefits and Hospitality varies between the Conduct of Conduct, the Procurement Policy and Councillors Fees, Expenses and Facilities. It is recommended to amend the policies to ensure consistency across the three Policies.

RECOMMENDATION:

That Council's Code of Conduct and Procurement Policies be varied to reflect the requirements of the Gifts, Benefits and Hospitality to Councillors subclause within the Councillors' Fees, Expenses and Facilities Policy by:

1. amending the Code of Conduct Clause C6.7 to read:

"Councillors, members of staff or delegates must not by virtue of their official position, accept or acquire for a personal advantage, any gift, gratuities and hospitality other than a token kind or moderate form of hospitality other than as permitted by the Local Government Act 1993.

Councillors, members of staff or delegates must not seek or accept gifts where these would lead them to being compromised or being seen by a reasonable person to be compromised. Councillors, members of staff and delegates should avoid giving any indication that such gifts, gratuities or hospitality would be accepted or that they may influence decisions.

Offers of gifts, benefits, travel or hospitality for partners, relatives or friends, should generally not be accepted, other than of a token kind or moderate form of hospitality.

A Councillor is to inform the Council of the receipt of any non-nominal value gift, benefit, travel or hospitality. Similarly, a member of staff is to inform the General Manager of the receipt of any substantial gift, benefit, travel or hospitality. Gifts and travel in excess of a nominal value must be disclosed in the annual returns of disclosures of pecuniary interest and other matters for Councillors and in the Council's Register of Gifts for Council Staff.

A register of gifts is to be maintained by the General Manager.

"Nominal Value" is defined as having a value of less than \$20.00 on any one occasion and less than a cumulative value of \$100.00 per annum."

2. amending the Procurement Policy C3.44.4.4 "Gifts and Hospitality" to read:

"Council Officers must not by virtue of their position accept or acquire for any personal advantage any gift, gratuities and hospitality from contractors and suppliers, both current or potential or their representatives, other than a token kind or moderate form of hospitality or as permitted by the Local Government Act 1993.

In accordance with Council's Code of Conduct (C6.7), Council Officers who receive gifts and travel in excess of a "nominal value" must disclose such gifts and hospitality in the Council Register of Gifts.

Reports from Director Corporate Services

If an Officer is approached and offered gifts, commissions or bribes, or is approached in any irregular manner the matter should immediately be reported to their Director.

Council Officers are to inform the General Manager of the receipt of any no-nominal value gift benefit travel or hospitality.”

Reports from Director Corporate Services

REPORT:

Council's Policy in relation to Gifts, Gratuities and Hospitality in the Code of Conduct and the Procurement Policy although similarly worded are in substance different, to the policy "Councillor's Fees, Expenses and Facilities" as adopted at the Council meeting held on 17 April 2002.

The Policy for Councillor's Fees, Expenses and Facilities contains the following in relation to Gifts, Benefits and Hospitality to Councillors:-

"Gifts and hospitality should only be token in nature and accepted only when to refuse would give offence.

Token is defined as:-

- *Tea or coffee or light refreshments*

Token examples:

- *Baseball cap*
- *Tie*
- *Note pad*
- *Key ring.*

At the time that this part of the Policy was reviewed by Council it considered advise from the NSW Independent Commission Against Corruption (ICAC) and subsequently amended the Policy to reflect the advice provided. It is now proposed to Council's Code of Conduct and the Procurement Policy to remove any elements that may be perceived as inconsistencies in the intent of the three (3) policies.

CODE OF CONDUCT

Policy Clause C6.7 (Gifts, Gratuities and Hospitality) currently states:

"Councillors, members of staff or delegates must not by virtue of their official position, accept or acquire for a personal advantage, any gift, gratuities and hospitality other than a token kind or moderate form of hospitality other than as permitted by the Local Government Act 1993.

Councillors, members of staff or delegates must not seek or accept gifts where these would lead them to being compromised or being seen by a reasonable person to be compromised. Councillors, members of staff and delegates should avoid giving any indication that such gifts, gratuities or hospitality would be accepted or that they may influence decisions.

Offers of gifts, benefits, travel or hospitality for partners, relatives or friends, should generally not be accepted, other than of a token kind or moderate form of hospitality.

A Councillor should inform the Council of the receipt of any substantial gift, benefit, travel or hospitality. Similarly, a member of staff should inform the General Manager of the receipt of any substantial gift, benefit, travel or hospitality. Gifts and travel in excess of \$100.00 must be disclosed in the annual returns of disclosures of pecuniary interest and other matters.

A register of gifts is to be maintained by the General Manager."

Reports from Director Corporate Services

COUNCIL'S PROCUREMENT POLICY

This Policy states that Clause C3.44.4.4. (Gifts and Hospitality).

“Council Officers must not by virtue of their position accept or acquire for any personal advantage any gift, gratuities and hospitality from contractors and suppliers, both current or potential or their representatives, other than a token kind or moderate form of hospitality or as permitted by the Local Government Act 1993.

In accordance with Council's Code of Conduct (C6.7), Council Officers who receive gifts and travel in excess of \$ 100.00 must disclose such gifts and hospitality in the annual return of pecuniary interest and other matters.

If an Officer is approached and offered gifts, commissions or bribes, or is approached in any irregular manner the matter should immediately be reported to their Director.

Council Officers are to inform the General Manager of the receipt of any substantial gift benefit travel or hospitality.”

To ensure that there is now risk of misunderstanding of the requirements of policies for both Councillors and Council officers it is recommended that the Code of Conduct and the Procurement Policies be amended to reflect the intent of the Councillors, Fees, Expenses and Facilities Policy.

Code of Conduct

“Councillors, members of staff or delegates must not by virtue of their official position, accept or acquire for a personal advantage, any gift, gratuities and hospitality other than a token kind or moderate form of hospitality other than as permitted by the Local Government Act 1993.

Councillors, members of staff or delegates must not seek or accept gifts where these would lead them to being compromised or being seen by a reasonable person to be compromised. Councillors, members of staff and delegates should avoid giving any indication that such gifts, gratuities or hospitality would be accepted or that they may influence decisions.

Offers of gifts, benefits, travel or hospitality for partners, relatives or friends, should generally not be accepted, other than of a token kind or moderate form of hospitality.

A Councillor is to inform the Council of the receipt of any non-nominal value gift, benefit, travel or hospitality. Similarly, a member of staff is to inform the General Manager of the receipt of any substantial gift, benefit, travel or hospitality. Gifts and travel in excess of a nominal value must be disclosed in the annual returns of disclosures of pecuniary interest and other matters for Councillors and in the Council's Register of Gifts for Council Staff.

A register of gifts is to be maintained by the General Manager.

“Nominal Value” is defined as having a value of less than \$20.00 on any one occasion and less than the cumulative value of \$100.00 per annum.”

Procurement Policy

“Council Officers must not by virtue of their position accept or acquire for any personal advantage any gift, gratuities and hospitality from contractors and suppliers, both current or potential or their representatives, other than a token kind or moderate form of hospitality or as permitted by the Local Government Act 1993.

Reports from Director Corporate Services

In accordance with Council's Code of Conduct (C6.7), Council Officers who receive gifts and travel in excess of a "nominal value" must disclose such gifts and hospitality in the Council Register of Gifts.

If an Officer is approached and offered gifts, commissions or bribes, or is approached in any irregular manner the matter should immediately be reported to their Director.

Council Officers are to inform the General Manager of the receipt of any no-nominal value gift benefit travel or hospitality."

Reports from Director Corporate Services

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Reports from Director Corporate Services

17. ORIGIN: Financial & Information Services Unit

FILE REF: Monthly Investment Report

REPORT TITLE:

Monthly Investment Report for Period Ending 31 July 2002.

SUMMARY OF REPORT:

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

RECOMMENDATION:

That:-

1. The July 2002 Investment Report be received and noted.
2. The amended Investment Policy extract as follows be adopted:-

Authorised Investments

All investments must be denominated in Australian Dollars. Authorised Investments would include but not necessarily be limited to:

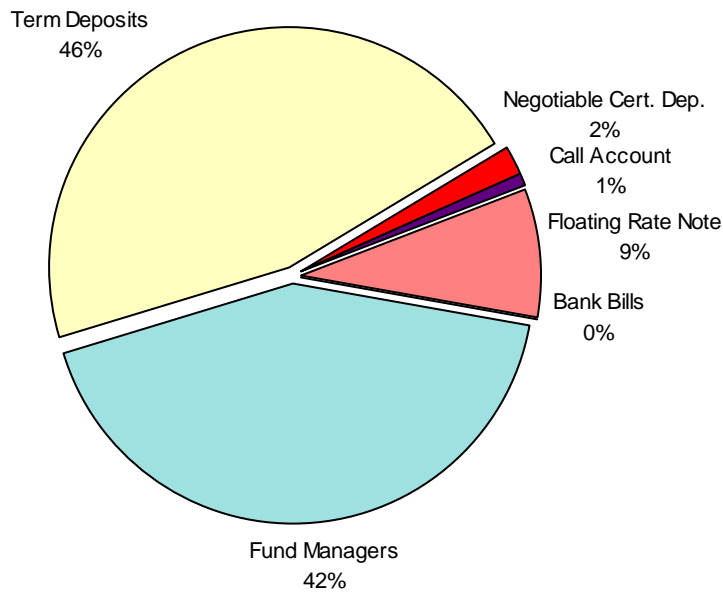
- *Local/State/Commonwealth Government Bonds, Debentures or Securities;*
- *Managed funds with a minimum long term credit rating of "A" (S&P Australian Ratings) or better, or Moodys Investors Services equivalent.*
- *Deposits in prescribed securities that either have a minimum long term credit rating of "A" or short term rating of "A1" from Standard & Poors or Moody Investor Services equivalent.*
- *Interest bearing deposits/securities issued by a licensed bank, building society or credit union;*
- *Investments with NSW Treasury Corp/Hourglass Investment Facility; and*
- *Deposits with the Local Government Investment Services ("LGIS")*

Reports from Director Corporate Services

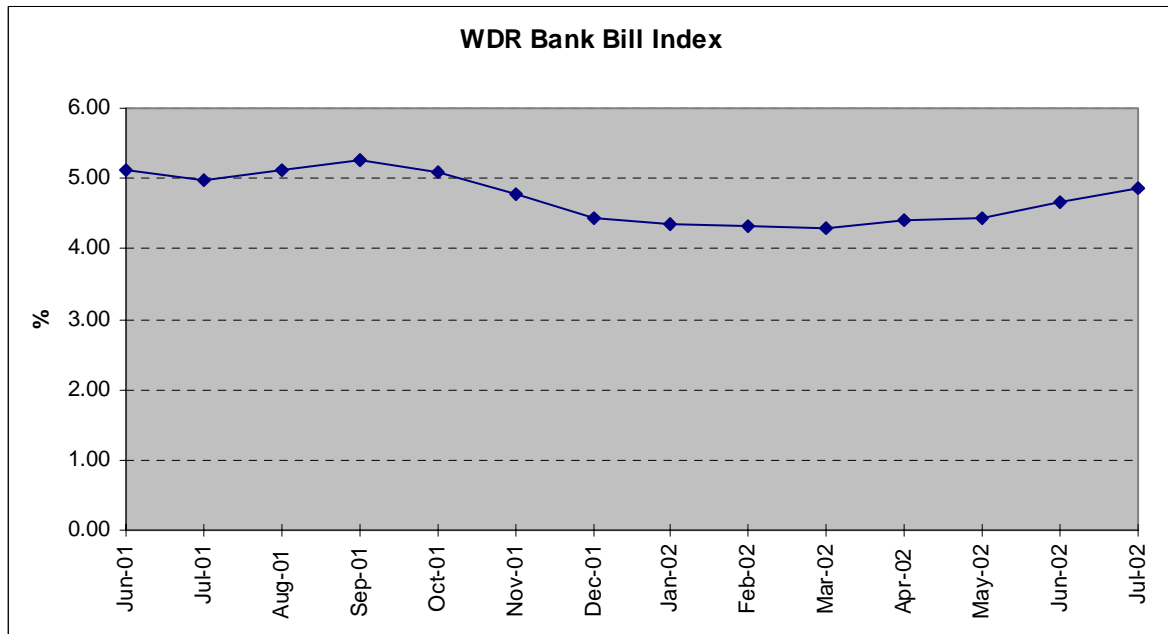
REPORT:

1. CURRENT INVESTMENT PORTFOLIO BY CATEGORY

% of Funds Invested by Category



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

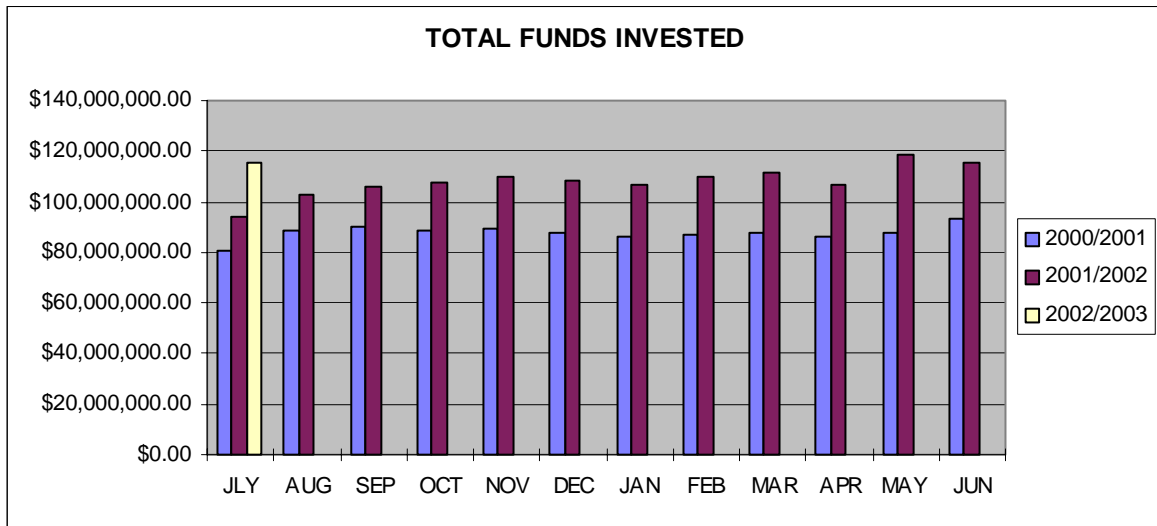


Reports from Director Corporate Services

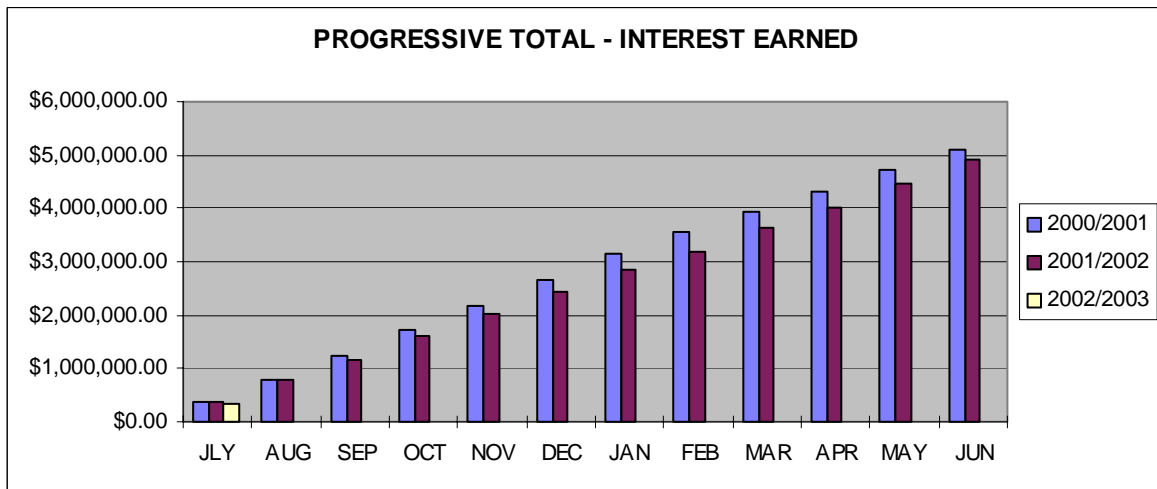
3. ANNUALISED RATE OF RETURN FOR FUNDS MANAGERS – NET OF FEES

Fund	30 Days %	90 Days %	1 Year %
ANZ	5.24	4.90	4.64
Alliance	5.62	4.51	4.45
Deutsche	4.44	4.72	4.83
Macquarie Diversified	5.13	5.08	5.01

4. MONTHLY COMPARISON OF TOTAL FUNDS INVESTED



5. ANNUAL PROGRESSIVE TOTAL OF INTEREST ON TOTAL FUNDS INVESTED



Reports from Director Corporate Services

6. MARKET COMMENTARY

At its August meeting the Reserve Bank of Australia left official interest rates unchanged at 4.75% as was expected by the market. Many economists now feel that there will only be one more tightening of 25 basis points before the end of the year.

The market has also concluded that the odds of a cut in interest rates by the US Federal Reserve has increased substantially.

7. INVESTMENT SUMMARY AS AT 30 JUNE 2002

GENERAL FUND

BANKS	27,489,500.00	
FUND MANAGERS	5,434,735.02	
LOCAL GOVT. FIN. SERVICES	6,000,000.00	
CALL	1,025,465.92	39,949,700.94

WATER FUND

BANKS	9,500,000.00	
FUND MANAGERS	27,339,746.97	
LOCAL GOVT. FIN. SERVICES	4,000,000.00	40,839,746.97

SEWERAGE FUND

BANKS	10,500,000.00	
FUND MANAGERS	16,377,505.78	
LOCAL GOVT. INV. SERVICE	8,000,000.00	34,877,505.78

TOTAL INVESTMENTS **115,666,953.69**

PROPOSED POLICY CHANGE

Existing Policy

Authorised Investments

All investments must be denominated in Australian Dollars. Authorised Investments would include but not necessarily be limited to:

- *Local/State/Commonwealth Government Bonds, Debentures or Securities;*
- *Managed funds (securities) issued by a fund manager (or its ultimate parent company), who has a minimum long term credit rating of "A" (S&P Australian Ratings) or better, or Moody Investor Services equivalent.*

Reports from Director Corporate Services

- *Deposits in prescribed securities that either have a minimum long term credit rating of "A" or short term rating of "A1" from Standard & Poors or Moody Investor Services equivalent.*
- *Interest bearing deposits/securities issued by a licensed bank, building society or credit union;*
- *Investments with NSW Treasury Corp/Hourglass Investment Facility; and*
- *Deposits with the Local Government Investment Services ("LGIS")*

Proposed Policy

Authorised Investments

All investments must be denominated in Australian Dollars. Authorised Investments would include but not necessarily be limited to:

- *Local/State/Commonwealth Government Bonds, Debentures or Securities;*
- *Managed funds with a minimum long term credit rating of "A" (S&P Australian Ratings) or better, or Moodys Investors Services equivalent.*
- *Deposits in prescribed securities that either have a minimum long term credit rating of "A" or short term rating of "A1" from Standard & Poors or Moody Investor Services equivalent.*
- *Interest bearing deposits/securities issued by a licensed bank, building society or credit union;*
- *Investments with NSW Treasury Corp/Hourglass Investment Facility; and*
- *Deposits with the Local Government Investment Services ("LGIS")*

It should be noted that the General Fund investments of \$39.9 million are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

Reports from Director Corporate Services

STATUTORY STATEMENT – LOCAL GOVERNMENT FINANCIAL MANAGEMENT REGULATIONS (SEC. 19)

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



Responsible Accounting Officer
Manager Financial Services

Reports from Director Engineering Services

18. ORIGIN: Water Unit

FILE REF: Floodplain Management Plan – East Murwillumbah/Dorothy Street

REPORT TITLE:

NSW Floodplain Management

SUMMARY OF REPORT:

Council at its meeting of 19 June 2002 resolved that officers bring forward a report on the estimated costs in relation to raising the Murwillumbah East Levee and the Dorothy Street Levee.

The estimated cost for the East Murwillumbah and Dorothy Street Levies is \$1.1M. This includes the construction of an earth levee that will preclude the 1 in 100 year flood event.

RECOMMENDATION:

That:-

1. This report be received and noted.
2. Council forwards a submission to the Department of Land and Water Conservation seeking re-prioritisation of the East Murwillumbah and Dorothy Street project for the reasons as outlined in this report.

Reports from Director Engineering Services

REPORT:

Council at its meeting of 19 June 2002 resolved that officers bring forward a report on the estimated costs in relation to raising the Murwillumbah East Levee and the Dorothy Street Levee.

The estimate is based on Cardno MBK's Floodplain Management Report dated 8/99 which indicates that at that date the cost of the East Murwillumbah Levee would be \$493,900 and the Dorothy Street Levee \$397,500. The current \$1.1M is based on annual CPI increases of 5%.

The combined East Murwillumbah and William / Dorothy Streets project has a benefit to cost ration of 0.91. This is a relatively low ratio and accordingly this project does not have a high priority on the Flood Mitigation Authority's priority ranking.

The Murwillumbah Flood Plain Management Plan was adopted by Council at its meeting of the 19 April 1989. The principle actions to date have been:-

- a) 100 year levee protection to town centre.
- b) 5 year levee protection to South Murwillumbah.
- c) House raising scheme upstream of Colin Street and Bray Park where houses affected by main levee raising.
- d) Voluntary acquisition scheme for properties within the River, Colin and Greville Streets High Hazard Floodway area.
- e) No change to other areas as benefit / cost ratios are very low.

The outcomes have been:-

- Significant potential damage reduction for the commercial area of the township with corresponding large benefit to cost ratios.
- Some potential damage reduction for residential areas in areas associated with impacts from the raising of the main town levee.
- Maintenance of the existing potential damage risk for the residential areas unrelated to the commercial areas and main levee raising impacts.

The components of the work undertaken to date as part of the Murwillumbah Flood Plain Management Plan have various benefit to cost ratios as identified in the Plan:-

- Murwillumbah Levee 6.8
- South Murwillumbah house raising 0.38
- South Murwillumbah Levee 6.1
- Bray Park house raising 0.64
- Cumulative benefit to cost ratio 4.75

The East Murwillumbah and Dorothy Street component was deferred from the 1989 Murwillumbah Flood Plain Management Plan for the following reasons:-

1. Additional flood mitigation options for East Murwillumbah were uneconomic, as projected costs far outweighed the potential benefits and the existing level of flood protection of about 1 in 10 years provided a reasonable degree of protection.

Reports from Director Engineering Services

2. Houses in the William / Dorothy Street area had not experienced severe inundation in recorded history, despite the area appearing to be at risk from events greater than 1 in 10 years. Further work on the area was considered necessary.

At that time the East Murwillumbah project had a benefit / cost ratio of 0.13 which was much lower than all other components of the scheme.

It is noted that some works already completed as part of the 1989 Murwillumbah Floodplain Management Plan had a lower benefit to cost ratio than the deferred works.

This report recommends that Council prepares a submission to the Department of Land & Water Conservation seeking re-assessment of the East Murwillumbah and Dorothy Street project on the basis of it being an uncompleted component of the 1989 Murwillumbah Floodplain Management Plan and that the project be re-prioritised on this basis.

Reports from Director Engineering Services

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Reports from Director Engineering Services

19. ORIGIN: Design Unit

FILE REF: Leases – Council Property: Access to Property; Access to Property;
Roads – Closures – General; Broadwater Esplanade; R0700; GR3/12/7

REPORT TITLE:

Application to Close and Purchase Part of Road Reserve - Broadwater Esplanade, Bilambil Heights - Adjacent to Lot 362 in DP 31041

SUMMARY OF REPORT:

Mr Chris Harris has made an application to close and purchase part of the road reserve adjacent to his property at Broadwater Esplanade, Bilambil Heights.

The property was purchased in January, 2002 where a concrete driveway and poles for a car port were already constructed within the road reserve.

Mr Harris seeks to acquire ownership of the driveway and the carport.

Mr Harris' application complies with Council's policy on "Road Closures & Private Purchase" and the closure and purchase would legalise the access to his property.

RECOMMENDATION:

That:-

1. Council approves the closing of part of the road reserve of Broadwater Esplanade, Bilambil Heights;
2. The applicant bears all the survey and legal costs;
3. The title of the closed road be consolidated with the adjacent land;
4. Easements be created over public authority reticulation services, if any; and
5. All necessary documentation be executed under Common Seal of Council.

Reports from Director Engineering Services

REPORT:

Mr Chris Harris has made an application to close and purchase part of the road reserve adjacent to his property at Broadwater Esplanade, Bilambil Heights.

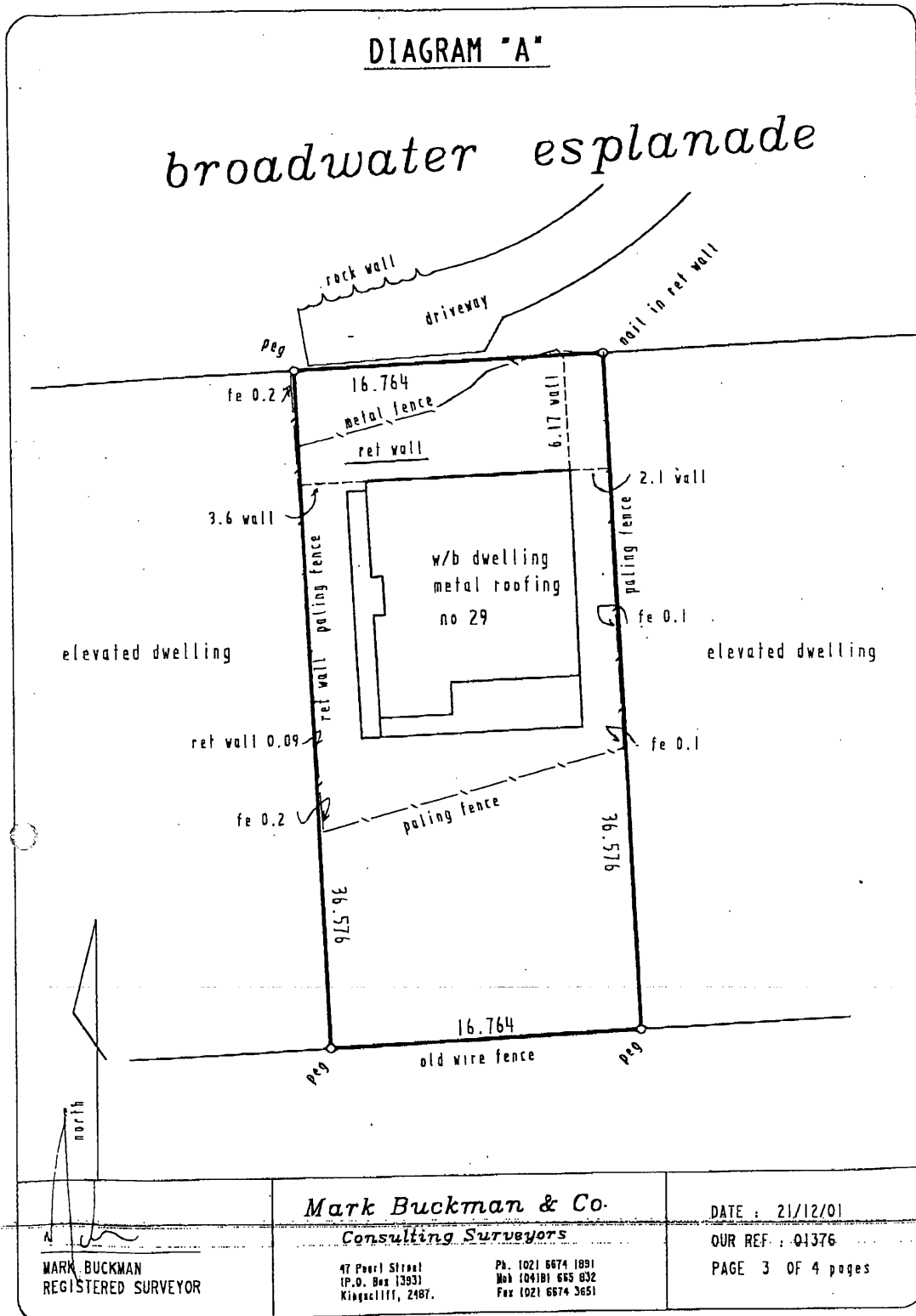
The property was purchased in January, 2002 where a concrete driveway and poles for a car port were already constructed within the road reserve. The property slopes away from the road and the driveway approach is from the east, dropping steeply to the concreted carport within the road reserve.

Mr Harris wishes to acquire ownership of the driveway and the carport and his application complies with Council's policy on "Road Closures & Private Purchase". The closure and purchase would legalise the access to his property.

At an inspection of the property with Mr Harris, he was advised that the Council would only agree to the acquisition extending to, but not including the rock wall which forms the northerly bank of the driveway.

A copy of a plan of survey follows showing the driveway within Broadway Esplanade:-

Reports from Director Engineering Services



Reports from Director Engineering Services

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Reports from Director Engineering Services

20. ORIGIN: Works Unit

FILE REF: Leisure Drive; R3035 Pt2

REPORT TITLE:

Leisure Drive Upgrading Works

SUMMARY OF REPORT:

Council considered a report titled "*Tweed Shire Road Network – Kirkwood Road*" which included proposed works for Leisure Drive. Council's resolution on the 19 December 2001 read "*detailed design work be commenced for Option 2 (being the upgrade of Leisure Drive and Darlington Drive from Leisure Drive (should have read Fraser Drive) to the Pacific Highway) to four lane standard to be commenced as a three year program from 2002 to 2004*".

The above resolution raised concerns with sections of the community and as a result Council held a Workshop on the 27 March 2002. Subsequently stakeholder meetings were held with various groups directly affected by the proposal as well as the Banora Point Residents Association. Letters from the stakeholders and assessment of their comments is included in this report. The extent of the proposed roadworks in Leisure Drive is also refined in the report.

RECOMMENDATION:

That the following works on Leisure Drive Banora Point proceed to detailed design and construction:-

1. Leisure Drive – Fraser Drive to 150 metres east of Eucalyptus Drive, including:-
 - (i) Traffic signals at Fraser Drive and Eucalyptus Drive
 - (ii) Signalised pedestrian crossings across Fraser Drive, Leisure Drive and Eucalyptus Drive as part of the above signals
 - (iii) Widening with the road pavement to four lanes
 - (iv) Footpaving both sides of Leisure Drive

There have been no objections to this work other than the Banora Point Residents Association (whose preference is to defer the works until Kirkwood Road is constructed, which is not practical).

2. Darlington Drive Motorway to Leisure Drive Roundabout, including:-
 - (i) Complete missing link of upgrading between the completed works at both roundabouts
 - (ii) Includes kerb and gutter, 13 – 14 metre wide pavement footpaving
 - (iii) Footpaving both sides

No objections have been received from the stakeholders regarding this section of the project.

Reports from Director Engineering Services

3. Leisure Drive – Darlington Drive to about 200 metres west of Winders Place, including:-
 - (i) Traffic signals at Winders Place
 - (ii) Footpaving both sides of Leisure Drive between Darlington Drive and Greenway Drive
 - (iii) Signalised pedestrian crossing at Winders Place signals
 - (iv) Linemarking of four lanes

Reports from Director Engineering Services

REPORT:

1. INTRODUCTION

Council at its meeting on 19 December 2001 considered a report titled "Tweed Shire Road Network – Kirkwood Road" which resolved the following:-

1. *The Roads and Traffic Authority be:-*
 - a) *Forwarded a copy of this report.*
 - b) *Requested to confirm that sufficient space for a 2 lane bridge over Terranora Inlet be formally nominated and protected within the RTA Highway reserve to enable Option 1 below.*
 - c) *Advised that a single lane on-ramp to the Highway from Darlington Drive is adequate to operate at Level of Service C for the current and future volumes of traffic at the intersection.*
 - d) *Advised that concept design for the Highway upgrade to 6 or 8 lanes at the Darlington Drive on-ramp is the responsibility of the Roads and Traffic Authority and is outside Council's planning jurisdiction and specialist knowledge.*
2. *Subject to recommendation 1 being satisfactorily achieved:-*
 - a) *Option 1 in this report (being the construction of a new link road between Kirkwood Road and Kennedy Drive including a new local traffic bridge over Terranora Inlet within the Roads and Traffic Authority highway corridor) be pursued.*
 - b) *Detailed design work be commenced for Option 2, (being the upgrade of Leisure Drive and Darlington Drive from Leisure Drive to the Pacific Highway to four lane standard to be commenced as a three year program from 2002 to 2004.)*
 - c) *The Lakes Drive Bridge development application be withdrawn and the project removed from the Tweed Road Development Strategy and Tweed Road Contribution Plan No. 4.*
 - d) *The process of amending the Tweed Road Development Strategy and Tweed Road Contribution Plan to accommodate parts 1, 2 and 3 above be commenced immediately.*
 - e) *The Planning & Design Unit recommence design investigation and environmental assessment of the Naponyah Road connection from Mahers Lane to Fraser Drive including inviting discussions with affected landowners over likely and necessary acquisitions.*
3. *Council approves the allocation of funds from the Section 94 Plan as shown in the Schedule of Works for the detailed design and construction of the Leisure Drive / Fraser Drive intersection to be constructed this financial year."*

It should be noted that Part 1 of the above resolution has been completed except for Part b, which is the subject of a separate report on this Agenda. Given that compliance with Part b is expected to take at least 12 months to complete it is considered advisable to proceed with Part 2 of the resolution referred to above.

Reports from Director Engineering Services

This report discusses the progress to date with Part (2b) of the resolution regarding the upgrading of Leisure Drive.

After the above resolution was publicised some concern was expressed as to the detail and need for the above project and Council at its meeting on 23 February 2002 resolved to hold a 'Workshop' addressing the Leisure Drive project and other distributor road issues in the Banora Point area.

Accordingly, a workshop was held on 27 March 2002 where the issues regarding Leisure Drive were discussed.

At the same time it was decided that further consultation should take place with major stakeholders along Leisure Drive and the Banora Point Residents Association.

Accordingly meetings were arranged with the following stakeholders:-

- (a) Banora Point Shopping Complex
- (b) Centaur Public School P & C
- (c) Club Banora
- (d) Twin Towns Services Hostel Association Limited (Winders Lodge)
- (e) Banora Point Residents Association

2. PROPOSED UPGRADING LEISURE DRIVE AND DARLINGTON DRIVE

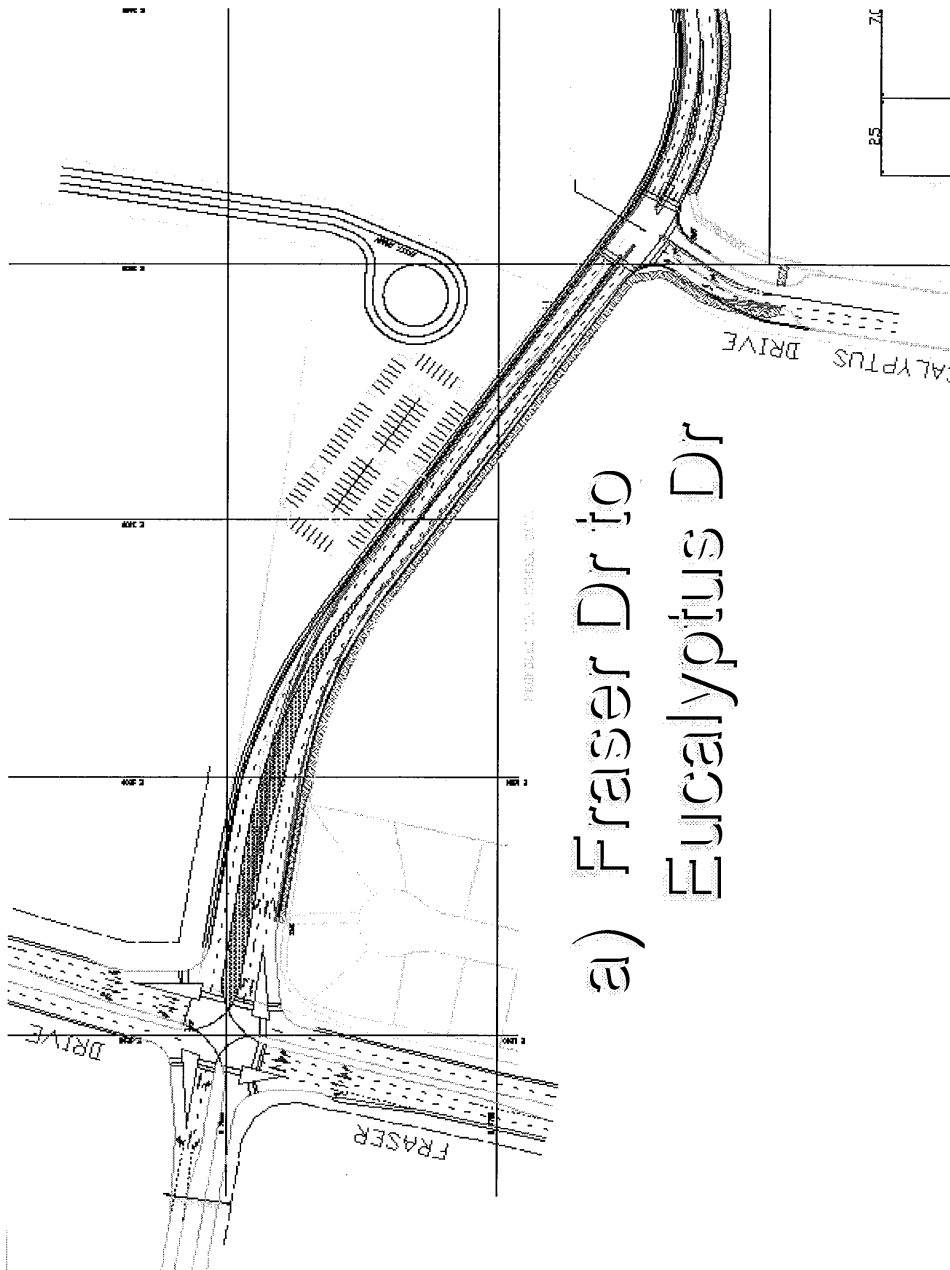
The proposed project put to all the above stakeholders is as follows:-

Leisure Drive is broken down into three parts:-

Reports from Director Engineering Services

Part A – Leisure Drive – Fraser Drive to 150 metres east of Eucalyptus Drive

- Traffic signals at Fraser Drive and Eucalyptus Drive
- Signalised pedestrian crossings across Fraser Drive, Leisure Drive and Eucalyptus Drive as part of the above signals
- Widening the road pavement to four lanes including footpaving both sides

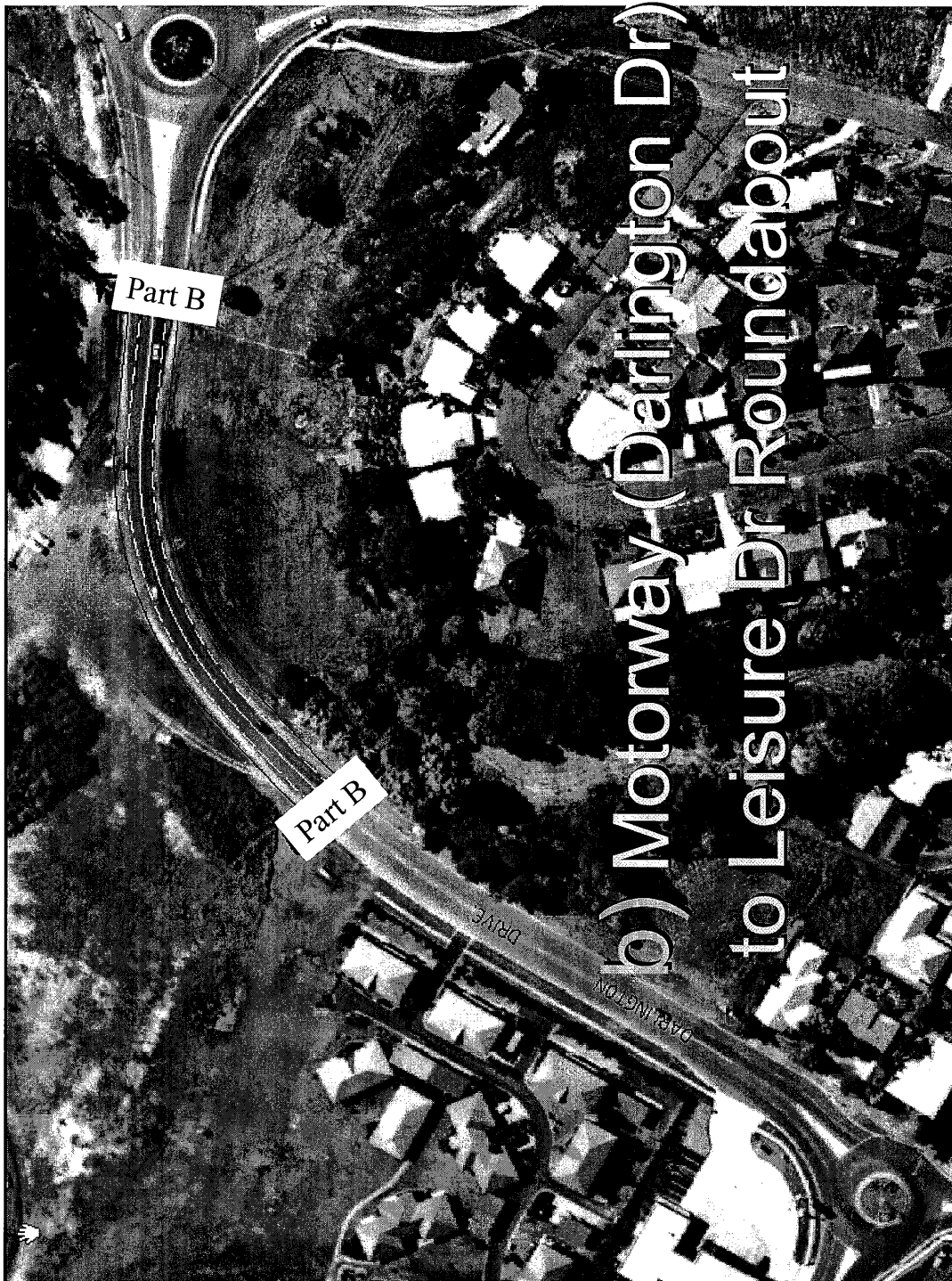


Reports from Director Engineering Services

Part B – Darlington Drive Motorway to Leisure Drive Roundabout

- Complete missing link of upgrading between the completed works at both roundabouts
- Includes kerb and gutter, 13 – 14 metre wide pavement and footpaving
- Linemarking of the missing section to provide four lanes

Reports from Director Engineering Services



Part C – Leisure Drive – Darlington Drive to about 200 metres west of Winders Place

- Traffic signals at Winders Place including signalised pedestrian crossing
- Footpaving both sides of Leisure Drive between Darlington Drive and Greenway Drive
- Create new Club access at Winders Place traffic signals with access to shops through the Club car park

Reports from Director Engineering Services

- Linemarking for four traffic lanes



Reports from Director Engineering Services

FURTHER UPGRADING IS REQUIRED

Ultimately there may be community demand to extend the above works for the full length of the segment of Leisure Drive between Greenway Drive and Winders Place. This work is not being considered as part of the current proposals and does not include a planned construction horizon. However it should be noted that the extension would be logical and provide greater efficiency for road users by eliminating the need to merge into one lane and diverge again into two lanes.



Reports from Director Engineering Services

The arguments in support of the proposed works based on current and predicted traffic volumes and the needs of pedestrians, particularly the aged and improved access to existing developments have been documented in the Council Workshop Presentation and previous reports.

3. FORMAL RESPONSES FROM STAKEHOLDER MEETINGS

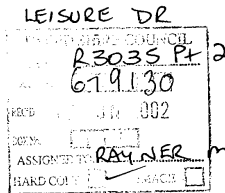
Copies of the written responses received from the above stakeholders after the meetings are reproduced below:-

3 (i) Letter from Banora Point Shopping Centre:-



Professionals Coolangatta Tweed
 54 Griffith Street, Coolangatta
 Queensland 4225
 PO Box 359, Coolangatta
 Queensland 4225
 Phone (07) 5536 2744
 Fax (07) 5536 2626
 Email: profcoolangatta@bigpond.com
 www.professionalsrealestate.com.au

*Paul: See this and the previous letter. I think we could start preparing our report to Council.
 Thanks
 17/6/02*



12th June, 2002

noted 17/6/02

|||||
 The Manager
 Tweed Shire Council
 PO BOX 816
 MURWILLUMBAH NSW 2484

Dear Sir, **ATTENTION MIKE RAYNER**

RE: LEISURE DRIVE, BANORA POINT UPGRADE

I refer to your letter of 10th May last and wish to advise that I am authorised to respond on behalf of Yi Fong International in respect of the above matter.

I have been instructed to advise that Yi Fong International support the proposal in principle, however the representatives of the company would need to provide input on the proposed access linking the two car parks.

If you require any further response at this point please do not hesitate to contact me:-

Yours sincerely,
HAYWOOD & PETERSEN REAL ESTATE

Carl Petersen
 Carl Petersen
 Principal

Licensed Real Estate Agents,
 Auctioneers, Stock & Station Agents,
 Business Agents, Property Agents and
 Valuers
 Contact your Real Estate Professional
 Offices throughout Australia and New Zealand

Professionals for Property
 Border Property Pty Ltd ACN 092 931 238 Trading as Professionals Coolangatta Tweed

Reports from Director Engineering Services

3 (ii) Letter from Centaur Primary School P & C:-

FILE No.	152055
DOCUMENT No.	1891415
RECD	12 AUG 2002
BOX No.	
ASSIGNED TO	K. B. 122
HARD COPY	<input checked="" type="checkbox"/>
IMAGE	<input type="checkbox"/>

Centaur Primary School
P&C Association
P.O Box 614
Banora Point, N.S.W
2486.

Dear Mr Rayner,

I apologise for the lateness of this letter but I thought it had actually been sent. I am writing on behalf of our P&C to let the council know that we give our support to the proposed upgrade of Leisure Drive. We would like to thank council for including us in this process and for taking the time to come to the school and meet with us and answer any questions we may have had regarding the upgrades affect on the safety of our children. The only suggestion we would make is that where it is proposed that the crossing on the corner of Leisure Drive and Eucalyptus Drive be on the High School side of Leisure Drive, and then across Eucalyptus Drive in an L shape, that this be changed to a complete U shaped crossing and this we allow for young children walking to school from the south side of Leisure Drive to cross only once and then walk straight up Eucalyptus Drive on the Primary school side. We hope you are able to assist us in making this small change because we believe this will be much safer for our children on their journey to and from school. Once again we thank you for listening to our concerns and taking steps to help us provide a safe environment for our children to learn.

Yours sincerely,

Merran Marriott (P&C Secretary)

Reports from Director Engineering Services

3 (iii) Letter from Club Banora

TWIN TOWNS SERVICES CLUB

Pacific Highway, Tweed Heads NSW Australia
PO Box 369 Tweed Heads NSW 2485
Ph: (07) 5536 2277
Fax: (07) 5536 2753
Email: ttsc@twintowns.com.au
Web: www.twintowns.com.au
A.B.N 61 001 042 833

LEISURE DR

TWEED SHIRE COUNCIL
FILE No. 23035 Pt 2
DOCUMENT No. 16873811
RECD 12 JUL 2002
BOX No. []
ASSIGNED TO: Morgan P
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July 2002

Your Ref: R3035 Pt2

The General Manager
Tweed Shire Council
P O Box 816
MURWILLUMBH NSW 2484

Attn: Mr Paul Morgan

Dear Sir,

Re: Leisure Drive Banora Point Upgrade

I refer to your letter dated 10 May 2002.

I advise that this Club's position in relation to the proposed Leisure Drive, Banora Point upgrade is as follows:-

1. The Club will strongly oppose the installation of traffic lights at Winders Place, extension of Winders Place into the Club's property and connection of the Club's property to the Banora Point Shopping Centre. The Club has consulted its professional advisers in relation to Council's proposal, and the advice received is that Council's proposal would require the Club redirecting traffic from Winders Place, through the existing carpark, to the existing entrance to the Club Banora building west of Winders Place. Associated with this would be relocation of infrastructure including the existing bowling greens and services. Also, a substantial reduction in the number of available carparking spaces at Club Banora would result. The Club's quantity surveyors have estimated the cost of the infrastructure work involved at approximately \$1,500,000. This is not a cost which the Club is prepared to bear.
2. The Club would not object to installation of traffic lights at the present main entrance to Club Banora. The Club's view is that this would also serve to alleviate problems associated with traffic entering and egressing Winders Place, as it would create a sufficient break in traffic whilst stopped at the lights if installed at the main entrance to Club Banora to enable traffic to safely enter and egress Winders

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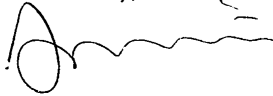
Reports from Director Engineering Services

Page 2
10 July 2002
Tweed Shire Council

3. The Club will strongly object to any restriction on entry to or egress from the existing main entrance to Club Banora (such as by installing a median strip opposite that entrance).
4. The Club strongly objects to upgrading of Leisure Drive to four lanes unless the action referred to at paragraph numbered 2 above is undertaken contemporaneously.

If you wish to discuss this matter further, please do not hesitate to contact me.

Yours faithfully,



A D MITCHELL
Board Chairman

Reports from Director Engineering Services

3 (iv) Letter from Twin Towns Services Hostel Association Limited (Winders Lodge):-



Twin Towns Services Hostel Association Limited

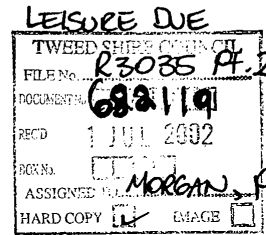
ACN 003 846 642 ABN 97 117 521 292

Trading as: WINDERS LODGE
and
WINDERS COTTAGES

26th June 2002

Tweed Shire Council
PO Box 816
Murwillumbah NSW 2484

Attention: Director Engineering Services
Mr Mike Rayner



Dear Mr Rayner,

Re: Traffic Issues Tweed Heads South
Council Ref: R3035 Pt2

As per our meeting with Council Officers on 7th June 2002 we wish to respond to the proposed changes to Leisure Drive.

Due to our involvement with Aged and Retired Persons, our main concern is the safe passageway of our residents when negotiating Leisure Drive. Our residents continually require to cross Leisure Drive to visit the Banora Village Shopping Centre, Club Banora and access the bus stop.

Over the years Leisure Drive has become busier and our residents have difficulty crossing Leisure Drive in a safe manner. We support a project that would enhance the current unsafe pedestrian situation. Access to and from Winders Place has also become more difficult for our residents that still drive a motor vehicle.

If you require any more information please contact the undersigned.

Yours sincerely,

Gail Bruce
Administration Manager

Winders Place, Banora Point, NSW 2486
Telephone: (07) 5524 5211 Fax: (07) 5524 8466

Reports from Director Engineering Services

3 (v) Letter from Banora Point Residents Association:-

BANORA POINT RESIDENTS ASSOCIATION

P.O. Box 881,
TWEED HEADS, 2485
Phone: 5524 2957
Fax: 07 5524 2957

PRESIDENT: Reg Payne
VICE PRESIDENTS: Rod Bates
John Murray
SECRETARY: Ray Tate

Monday, 26 August 2002

Dr. John Griffin & all Councillors,
Tweed Shire Council,
P.O. Box 816,
MURWILLUMBAH, N.S.W. 2484

Dear John,

RE: Functional Road Hierarchy - Banora Point/Tweed Heads South.

TWEED SHIRE COUNCIL	
FILE No.	
DOCUMENT No.	
RECD	27 AUG 2002
BOX No.	
ASSIGNED TO	
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COPIES FOR
COUNCILLORS
TAKEN 27/8

At the Associations August meeting attended by the Mayor, Councillor Warren Polglase, Councillor Gavin Lawrie, Director of Engineering, Mike Rayner and the Traffic Engineer, Paul Morgan, two motions were put forward by members and carried after receiving a presentation by Mike Rayner on the proposed upgrading of roads in Banora Point/Tweed Heads South.

1. That the Tweed Shire Council not support any further rezoning of land west of Banora Point until Banora Point/Tweed Heads South Traffic Management Plan has been produced and accepted by residents of central Banora Point and Tweed Heads South.
2. That the Tweed Shire Council adopts, as a priority, the upgrading of the Kirkwood Road link from Fraser Drive to the rear of Tweed City Shopping Centre over any planned upgrades to Leisure Drive.

This issue has raised more ire in the Banora Point area than any other issue and the proposal to funnel large volumes of traffic through central Banora Point is not an outcome that residents will suffer.

Mike Rayner stated that the Banora Point Shopping Centre Management had agreed to the proposal of widening Leisure Drive; not according to the 7 medical practitioners who treat residents who are mainly elderly at their surgery located in the Centre.

To place traffic lights at the corner of Winders Place and Leisure Drive (which is proposed), is both illogical and dangerous due to the congestion it will cause for residents entering and leaving the Banora Point Shopping Village and blocking the Darlington Drive/Leisure Drive round-a-bout.

Reports from Director Engineering Services

- 2 -

A much preferred option would be for the installation of pedestrian lights to be installed on the pedestrian crossing that now exists.

The Association would ask for further dialogue with the Tweed Shire Council on solutions to a very serious matter which we feel could endanger the lives of residents.

Yours sincerely,


RAY TATE
Secretary/Treasurer.

4. REVIEW OF SUBMISSIONS

As can be seen, out of the five stakeholder meetings two have objected to the proposed works being Club Banora and the Banora Point Residents Association.

4.1 Club Banora Response

The letter from Club Banora objects to the proposal to relocate their main access to opposite Winders Place. This would have provided their patrons with a much safer controlled access to the development but the Club feels this benefit is outweighed by the perceived need to undertake major works on site which involves moving the bowls greens.

Whilst disappointing this objection can easily be accommodated by deleting the access to the Club opposite Winders Place, which is now recommended.

The Club's letter further goes on to say they will only object to the upgrading to four lanes if Council does not construct a signalised intersection at the main entrance to the Club. They argue signals at the entrance would create gaps in traffic flow at Winders Place.

Clearly, this objection is baseless as the reverse also applies in that signals at Winders place will create gaps in traffic flow at the Club entrance thereby benefiting the Club in any case.

Signals at the Club entrance are not supported as the pedestrian crossing desire line is at Winders Place. Furthermore it is considered inappropriate to spend public money signalling a private entrance road.

It should be noted that Club access was designed by the Club and future traffic flows would have been an issue considered by the Club in its planning and development applications, however if the Club is of the opinion that their access is now in need of upgrade they are free to discuss the Club providing signals at their intersection and a development application could be lodged for such work.

4.2 Banora Point Residents Association Response

The Banora Point Residents Association raise two main points, the first in relation to rezoning is not a matter for this report and is being considered by Council's Development Services Division.

The second point relates to constructing Kirkwood Rod ahead of Leisure Drive upgrading.

Reports from Director Engineering Services

As previously reported, without a connection to the Tweed Heads Bypass it is considered that the cost benefit of this work would not be justifiable, however, the Kirkwood Road extension connection to the Motorway is a part of Council's Road Development Strategy and is being pursued and is subject to a separate report to Council.

The Association also objects to traffic signals at Winders Place and request only pedestrian signals. It is considered more efficient to combine the pedestrian signals with traffic signals at Winders Place as this benefits turning traffic, pedestrians and creates gaps in traffic flow for turning traffic at the Club and Advocate Place. The issues of queuing can be managed and will be addressed as part of any detailed design works. The claim that the works will channel large volumes of traffic through Banora Point are incorrect as traffic generated from the land already zoned will utilise Leisure Drive along with all existing traffic whether the road is upgraded or not. Therefore the traffic using Leisure Drive is generated within the Banora Point area and clearly it provides no attraction to through traffic coming into the area other than that wishing to access attractors such as the club and shopping centre.

4.3 Banora Point Shopping Complex Response

The agent for the above development has responded on behalf of the owners supporting the proposal in principle. It should be noted however that this included a shared access with Club Banora opposite Winders Place, which has now been deleted due to the Club's objection. The agent has been notified of this change but no response has been received to date. However it is still considered that the signals will be beneficial to vehicles exiting the shopping centre.

4.4 Centaur Primary School P & C

The P & C have also supported the proposal. The suggested alterations to the signalised pedestrian crossings across Leisure Drive has been accommodated in the preliminary design. The P & C thanked Council for listening to the School's concerns and taking steps to make a safer school environment.

4.5 Twin Towns Hostel Association Limited (Winders Place)

The organisation advises that they support the project as it enhances the current unsafe pedestrian situation in the vicinity of Winders Place and also improved access into and out of Winders Place.

After considering the above submissions it is therefore recommended that the works described above proceed to detailed design and construction with the exclusion of the proposed access road to Club Banora opposite Winders Place.

Reports from Director Engineering Services

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Reports from Director Engineering Services

21. ORIGIN: Works Unit

FILE REF: Kirkwood Road; R2920 Pt3

REPORT TITLE:

Tweed Shire Road Network - Kirkwood Road Motorway Connection

SUMMARY OF REPORT:

The Roads and Traffic Authority have offered to partially fund a detailed corridor study for the Roads and Traffic Authority proposed 'local' road link between Kirkwood Road and Kennedy Drive within the Roads and Traffic Authority road reserve. This is the Roads and Traffic Authority's preferred alternative to allowing north facing ramps at Kirkwood Road to the Motorway (Pacific Highway). The cost of the study is estimated to be \$50,000 based on a 50/50 split.

Council's position on this is well documented, with a strong preference for north facing ramps at Kirkwood road, rather than another parallel bridge over Terranora Inlet and a connecting service road.

The proposed corridor study will address the environmental and technical feasibility of the proposal by the Roads and Traffic Authority. A timeframe of 12 months is envisaged. In the absence of any change to the Road and Traffic Authority's position in relation to the Kirkwood Road ramps this report reluctantly recommends proceeding with the corridor study.

RECOMMENDATION:

That Council:-

1. Accepts the Roads and Traffic Authority's offer to undertake a Corridor Study between Kirkwood Road and Leisure Drive at a cost to Council of \$50,000.00.
2. Allocates the sum of \$50,000.00 for the study from the Tweed Road Contribution Plan No. 4.
3. Votes the expenditure of \$50,000.00 for the above Corridor Study.

Reports from Director Engineering Services

REPORT:

As Council is aware the critical issue that determines if the construction of the missing section of Kirkwood Road is economically viable is having access to the Tweed Heads Motorway.

Council's preferred option is two north facing ramps directly onto the Motorway at Kirkwood Road but this is resisted by the Roads and Traffic Authority which has suggested an alternative. The alternative being a 'local' road and new bridge being constructed between Kennedy Drive and Kirkwood Road within the Roads and Traffic Authority's road reserve corridor.

At its meeting on 19 December 2001 Council resolved as follows:-

"1. The Roads and Traffic Authority be:-

- a) *Forwarded a copy of this report.*
 - b) *Requested to confirm that sufficient space for a 2 lane bridge over Terranora Inlet be formally nominated and protected within the RTA Highway reserve to enable Option 1 below.*
 - c) *Advised that a single lane on-ramp to the Highway from Darlington Drive is adequate to operate at Level of Service C for the current and future volumes of traffic at the intersection.*
 - d) *Advised that concept design for the Highway upgrade to 6 or 8 lanes at the Darlington Drive on-ramp is the responsibility of the Roads and Traffic Authority and is outside Council's planning jurisdiction and specialist knowledge.*
2. *Subject to recommendation 1 being satisfactorily achieved:-*
- a) *Option 1 in this report (being the construction of a new link road between Kirkwood Road and Kennedy Drive including a new local traffic bridge over Terranora Inlet within the Roads and Traffic Authority highway corridor) be pursued.*
 - b) *Detailed design work be commenced for Option 2, (being the upgrade of Leisure Drive and Darlington Drive from Leisure Drive to the Pacific Highway to four lane standard to be commenced as a three year program from 2002 to 2004.)*
 - c) *The Lakes Drive Bridge development application be withdrawn and the project removed from the Tweed Road Development Strategy and Tweed Road Contribution Plan No. 4.*
 - d) *The process of amending the Tweed Road Development Strategy and Tweed Road Contribution Plan to accommodate parts 1, 2 and 3 above be commenced immediately.*
 - e) *The Planning & Design Unit recommence design investigation and environmental assessment of the Naponyah Road connection from Mahers Lane to Fraser Drive including inviting discussions with affected landowners over likely and necessary acquisitions.*
3. *Council approves the allocation of funds from the Section 94 Plan as shown in the Schedule of Works for the detailed design and construction of the Leisure Drive / Fraser Drive intersection to be constructed this financial year."*

Reports from Director Engineering Services

The Roads and Traffic Authority responded by letter dated 5 March 2002 advising that to confirm the above arrangement a detailed corridor study would be required. The Roads and Traffic Authority's letter is as follows:-

10/438.1187 PTS:REK
Mr Peter Stevens (02) 6640 1361
peter_stevens@rta.nsw.gov.au

KIRKWOOD RD

TWEED SHIRE COUNCIL	
FILE No.	R2920 Pt 3
DOCUMENT No.	[] [] [] [] [] []
RECD	- 5 MAR 2002
NOX No.	[] [] [] []
ASSIGNED TO	MORGAN P
HARD COPY	<input checked="" type="checkbox"/>
IMAGE	<input type="checkbox"/>



Roads and Traffic
Authority
www.rta.nsw.gov.au

ABN 64 480 155 255

Northern Region

31 Victoria Street
Grafton NSW 2460
Telephone (02) 6640 1300
Facsimile (02) 6640 1301
PO Box 576
Grafton NSW 2460
DX 7610 Grafton

General Manager
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

Subject: Tweed Shire Road Network

Dear Sir

I refer to Council's letter of 31 January 2002 in which the prime issue seems to be the adequacy of the existing Pacific Highway road reserve to accommodate both a widened carriageway for highway and a local road connection across Terranora Inlet.

As Council is aware, the Roads and Traffic Authority (RTA) has undertaken some preliminary design work. However to advance the investigations to a stage where separate corridors could be fixed it would be necessary to confirm the terrain model and develop a reasonably detailed concept design covering the final configuration along with a number of alternative stage implementations. Such a task would be costly (up to \$100,000) and time consuming, however I agree that it is necessary to give continuity.

I propose that Council and the RTA share the costs of this investigation and that a joint steering group be established to firstly agree on the scope of the study, the preferred delivery strategy and to identify external constraints and the cost sharing arrangements for this research.

I await Council's further advice.

Yours sincerely

- 5 MAR 2002

P J Collins
Regional Manager, Northern Client Services

Council responded that before accepting the offer more extensive public consultation would be required regarding Leisure Drive. Now this additional consultation has concluded (see Leisure Drive report on this Agenda) and given the strong support for the Kirkwood Road link construction by the Banora Point Residents Association it is considered essential that the Roads and Traffic Authority Study be undertaken.

Reports from Director Engineering Services

It is therefore recommended that Council accepts the Roads & Traffic Authority's offer and provide \$50,000 from the Tweed Road Contribution Plan NO. 4 to fund Council's share of the Study.

Once completed a report can be put to Council on the feasibility and costs of all Kirkwood Road options.

Reports from Director Engineering Services

22. ORIGIN: Design Unit

FILE REF: Geographical Names Board; Casuarina Development; Kings Forest Development

REPORT TITLE:

Revision / Naming of Localities

SUMMARY OF REPORT:

At a meeting held on 7 November, 2001 it was resolved to favour the new locality of "Casuarina" extending from the High Water Mark on the eastern side of Cudgen Creek south to northern boundary of the Cudgen Nature Reserve. This motion was rescinded on 21 November, 2001.

At a meeting held on 17 July, 2002 it was resolved by Council to approve the name of the locality as "South Kingscliff".

Council contacted the Geographical Names Board following this meeting and requested they approve "South Kingscliff" and proceed with the public display of a plan showing the extent of the locality and inviting submissions with regard to the name. No reply was received. However, the Board visited the Tweed Shire shortly afterwards, in the first week of August, and one of the issues raised by them was the naming of the locality.

During their visit, a public forum was arranged by the Board where a representative of the Kingscliff Ratepayers Association submitted that the Association did not oppose the locality being named "Casuarina" but did have reservations with the locality extending beyond the development of "Casuarina Beach".

The following day the Board held discussions with Council and the proponent for the Casuarina Development to discuss the name and extent of the proposed locality of "Casuarina".

The Board declared its reservations regarding the use of cardinal points in the name of a locality, advising that exceptions are made where long-term use of the name including a cardinal point could be proven.

Mr Lachlan Grantley advised that the Casuarina developers would agree to a locality named "Casuarina" extending from the northerly boundary of the Cudgen Nature Reserve, northwards to the southern boundary of the "Seaside City" subdivision.

The Board suggested that to avoid the creation of a very small locality between Kingscliff and the proposed "Casuarina", the locality of Kingscliff should extend to and include, the "Seaside City" subdivision.

RECOMMENDATION:

That:-

1. Council-

- a. Rescind the motion passed by Council on 17 July, 2002 to approve the name of the proposed locality, shown as "Casuarina" on the GNB Map 3810/A as "South Kingscliff";
- b. Determines that the proposed locality be named "Casuarina" and that it would extend from the northern boundary of the Cudgen Nature Reserve, northwards to the southern boundary of the "Seaside City" subdivision, encompassing the

Reports from Director Engineering Services

development known as “Casuarina Beach” only. That the locality of Kingscliff extend southwards to the northern boundary of “Casuarina Beach” development and include the “Seaside City” subdivision; and

3. Application be made to the Geographical Names Board of NSW for its approval of the proposed locality of “Casuarina”, and to display the amended locality boundary for public comment and ultimate gazettal.

Reports from Director Engineering Services

REPORT:

At a meeting held on 17 July, 2002 it was resolved by Council to approve the name of the locality as "South Kingscliff".

Council contacted the Geographical Names Board following this meeting and requested they approve "South Kingscliff" and proceed with the public display of a plan showing the extent of the locality and inviting submissions with regard to the name. No reply was received. However, the Board visited the Tweed Shire shortly afterwards, in the first week of August, and one of the issues raised by them was the naming of the locality.

During their visit, a public forum was arranged by the Board where a representative of the Kingscliff Ratepayers Association submitted that the Association did not oppose the locality being named "Casuarina" but did have reservations with the locality extending beyond the development of "Casuarina Beach".

The following day the Board held discussions with Council and the proponent for the Casuarina Development to discuss the name and extent of the proposed locality of "Casuarina".

The Board declared its reservations regarding the use of cardinal points in the name of a locality, advising that exceptions are made where long-term use of the name including a cardinal point could be proven.

Mr Lachlan Grantley advised that the Casuarina Beach developers would agree to a locality named "Casuarina" extending from the northerly boundary of the Cudgen Nature Reserve, northwards to the southern boundary of the "Seaside City" subdivision.

The Board suggested that to avoid the creation of a very small locality between Kingscliff and the proposed "Casuarina", the locality of Kingscliff should extend to and include, the "Seaside City" subdivision.

Council's consideration of the boundary between the localities of the proposed "Casuarina" and Kingscliff took into account that no natural geographical features existed to provide a discernable boundary between the localities, other than Cudgen Creek, hence the initial proposal to extend "Casuarina" to Cudgen Creek.

However, the letter from Mr Anderson and the opinions provided by the Kingscliff Ratepayers Association both object to "Casuarina" extending beyond the actual development of "Casuarina Beach".

In discussions with the Board, it was suggested that the boundary between "Casuarina" and Kingscliff become the southern boundary of the "Seaside City" subdivision. All lands north of, and including "Seaside" are zoned 2(f) Tourism. The Tweed LEP provides that dwelling houses (unless for caretakers) are prohibited and any development in those areas will therefore not be residential, unlike "Casuarina", and that the transition between the types of development would demarcate the boundary in lieu of a geographical feature.

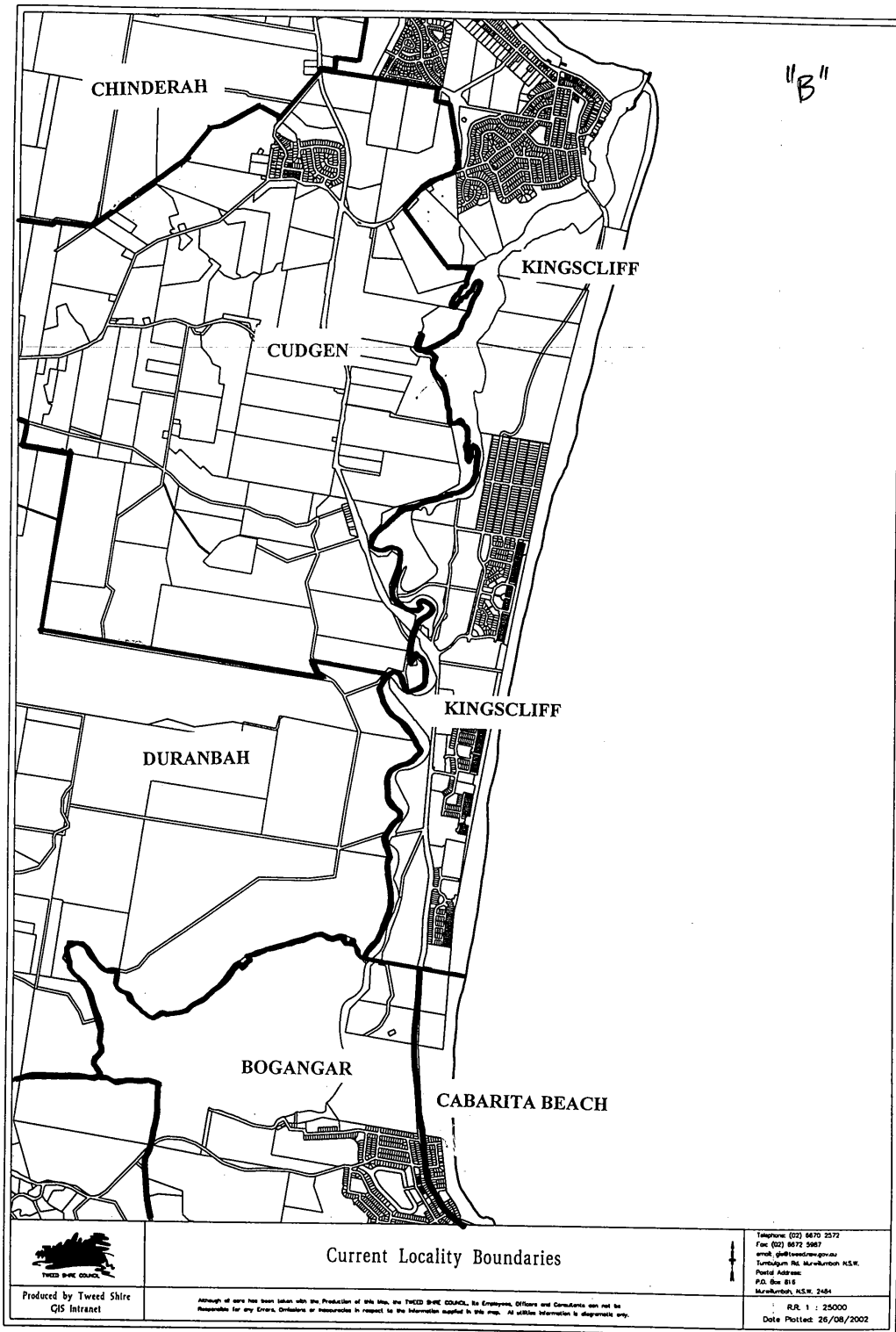
Following is a map, marked "A", showing the proposed boundary between "Casuarina" and Kingscliff, and the other map, marked "B" shows the current locality boundaries:-

Reports from Director Engineering Services

The two proposals are illustrated in the following plans:-



Reports from Director Engineering Services



Reports from Director Engineering Services

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Reports from Director Environment & Community Services

23. ORIGIN: Environment & Health Services Unit

FILE REF: Public Toilet: Surf Lifesaving Club - Cabarita Beach

REPORT TITLE:

Public Toilets

SUMMARY OF REPORT:

Council has previously adopted a priority list for new toilets and associated works. This report sets out the current situation and also makes recommendation for expenditure of the new toilet allocation in the 2003 budget.

RECOMMENDATION:

That Council:-

1. Notes this report;
2. Allocates the Mooball main street toilet as the main priority for the 2003 budget public toilet upgrade, with the remainder to the new public toilet in the proposed Cabarita Surf Club building;
3. Allocates \$20,000 from the toilets upgrade program for renovations to Fingal Surf Club building because of their assistance to the siting of the public toilets within this building.

Reports from Director Environment & Community Services

REPORT:

Council has previously adopted a priority list for new toilets and associated works. This is set out below with a comment as to the current situation.

As well, in the current budget Council has allocated \$100,000 for public toilet construction and it is recommended that these funds be allocated to the new toilet block at Mooball which is part of the Mooball main street upgrade program with the remainder going to the provision of new public toilets inside the proposed new Cabarita Surf Club building.

New Toilet Opposite Waugh Street, Chinderah

Comment: Location agreed to with representatives of Chinderah Progress Association. Design works commenced.

New Toilet Fingal Beach

Comment: Negotiations completed with Surf Club Committee and agreement reached to relocate toilets into surf club building. This will allow demolition of existing block. Agreement has also been reached with Dudgeon Family to demolish the existing shark tower and replace same with a suitable monument.

It is also advised that through the generosity of the surf club to allow the public toilet facilities to be relocated to inside the surf club that Council will save the community concerns in locating a new toilet block in the very limited public area and will save in excess of \$20,000 in building costs. As the surf club house is in urgent need of renovation, especially as it doubles as a community meeting hall it is recommended that Council provides to the Club \$20,000 in the form of renovations.

New Toilet Riverside Drive, Tumbulgum

Comment: Action to obtain comment on location of block will commence in the near future.

New Toilet Lizzio Park

Comment: No action at this time.

Cudgen Headland Toilets

Comment: Completed.

Pioneer Park Toilet Sewer Connection

Comment: Design completed and pumpwell on order.

Boys Bay Boat Hire & Tweed Heads Rowing Club Sewer Connection

Comment: Design completed and pumpwell on order.

Knox Park, Murwillumbah

Comment: Design to be finalised.

Reports from Director Environment & Community Services

24. ORIGIN: Environment & Health Services Unit
FILE REF: Rural Halls - Crystal Creek; 3780.3240

REPORT TITLE:

Membership of Crystal Creek Hall Management Committee

SUMMARY OF REPORT:

Council has resolved to take on the ownership of the Crystal Creek Hall and manage its day to day operation by the appointment of a Management Committee.

RECOMMENDATION:

That Council appoints the persons listed below as the Crystal Creek Hall Management Committee:-

Aubrey Gresham
Madge Gresham
Barry Glasby
Sylvia Conroy
Denis Conroy
Ray Kuhnell
Shirley Kuhnell
Rita Loughman
Dale Chilcott
Irene Chilcott
Clare Roatz

Reports from Director Environment & Community Services

REPORT:

Council has resolved to take on the ownership of the Crystal Creek Hall and manage its day to day operation by the appointment of a Management Committee.

Accordingly expressions of interest have been called from interested people for such a management committee and those listed below have submitted their names:

Aubrey Gresham
Madge Gresham
Barry Glasby
Sylvia Conroy
Denis Conroy
Ray Kuhnell
Shirley Kuhnell
Rita Loughman
Dale Chilcott
Irene Chilcott
Clare Roatz

In relation to the above, all have been involved in previous committees to manage the hall.

Accordingly it is recommended that Council appoints all the above applicants to the Crystal Creek Hall Management Committee.

Reports from Director Environment & Community Services

25. ORIGIN: Building Services Unit

FILE REF: DA02/0778 Pt1; 5171.30

REPORT TITLE:

Development Application DA02/0778 for a Dwelling at Lot 3 DP 828188, No 45 Spring Lane, Murwillumbah

SUMMARY OF REPORT:

Council has received an application to construct a two storey dwelling on the subject property. The property is a battle-axe shape block with access from Spring Lane; the rear boundary of the property abuts Myrtle Street. The property has a significant fall of approximately 4 metres from the Myrtle Street road surface to the rear boundary (Myrtle Street frontage) of the property and there is a further four (4) metres fall from this rear boundary of the property to the northern front boundary fronting Spring Lane. The two storey dwelling is of a unique design with high parapets at either end of the building and large windows facing North. The applicant has advised that the dwelling is to be painted in earth colours with a terracotta coloured roof. The application was notified to surrounding property owners and substantial objections were received to the proposed dwelling. These objections have been considered in the assessment of the application and copies included in the report for Council's information

RECOMMENDATION:

That Development Application DA02/0778 for a dwelling at Lot 3 DP 828188, No 45 Spring Lane, Murwillumbah be approved subject to the following conditions:-

GENERAL

1. The development shall be completed in general accordance with the plans approved by Council and the Statement of Environmental Effects, except where varied by these conditions of consent.
2. No retaining walls or similar structures are to be constructed over Council's sewer main.
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
4. The erection of a building in accordance with a development consent must not be commenced until:
 - a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
 - b. the person having the benefit of the development consent:
 - (i) has appointed a Principal Certifying Authority; and
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

Reports from Director Environment & Community Services

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. The footings and floor slab are to be designed by a practising Structural Engineer after consideration of a soil report from an accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.
 6. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.
 7. A. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
 - i. in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor licence number; and
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
 - ii. in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit number, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of **owner-builder work** in Section 29 of that Act,and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.
 - B. A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
8. All roof waters from the dwelling and storm water run off from the drive way and hard stand areas are to be disposed of through properly jointed pipes to the street gutter, . All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZ3500.3.2. Note: A detailed stormwater and drainage plan is to be submitted to and approved by the PCA prior to issue of the Construction Certificate.
9. Prior to commencement of Building works details from a structural engineer confirming the structural adequacy of the existing masonry block retaining wall on the northern side boundary are to be provided to the PCA.

Reports from Director Environment & Community Services

10. Prior to commencement of works the existing earth bank adjacent to the northern side boundary is to be battered and at an angle of not less than 45 degrees and stabilised with vegetation or alternatively retained to the satisfaction of the PCA.
11. Landscaping is to be provided along rear of the dwelling, between the Myrtle Street property boundary and the dwelling in accordance with the letter submitted to Council from R & W Dawes. The trees are to be planted wholly within the property and not on Council's road reserve.

DURING CONSTRUCTION

12. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
13. 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.
14. 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.
15. 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.
16. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a. footings, prior to pouring of concrete
 - b. slab, prior to pouring of concrete
 - c. frame prior to the erection of brick work or any wall sheeting
 - d. final inspection prior to occupation of the building
 - e. completion of work
 - f. swimming pool safety fencing prior to filling the pool with water
 - g. the fire protection of penetrations through any fire rated elements prior to covering
 - h. steel reinforcing prior to pouring of concrete
 - i. frame
 - j. stormwater drainage connection to inter allotment drainage system prior to back filling.
17. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the provision of an invert crossing at the kerb and gutter where required and paving of the driveway across the footpath to the front alignment to the satisfaction of the Director, Engineering Services. Twenty four (24) hours notice is to be given to Council's Engineering Services Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the vehicular access and its reconstruction. Paving bricks are not acceptable unless laid on a 100mm thick concrete base.
18. 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 Environment & Community Services

19. 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.
20. All new residential dwellings (and extensions comprising over 50% of the original floor area) are to fully comply with Councils Energy Smart Housing Policy (DCP39). In order to comply with DCP39 consideration must be given to the building envelope, orientation, insulation, ventilation, thermal mass, zoning, and hot water supply.
21. 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.
22. 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.
23. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.
24. 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.
25. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
 - * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C in all other classes of buildings.A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.
26. 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.

Reports from Director Environment & Community Services

- v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.
- 27. 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

- 28. 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.

USE

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

Reports from Director Environment & Community Services

REPORT:

Applicant: Mr Gregory K Neinert

Owner: Mr Robert A Dawes and Mrs Wendy J Dawes

Location: Lot 3 DP 828188, No. 45 Spring Lane Murwillumbah

Zoning: 2(a) low density residential

Cost: 180000.00

BACKGROUND

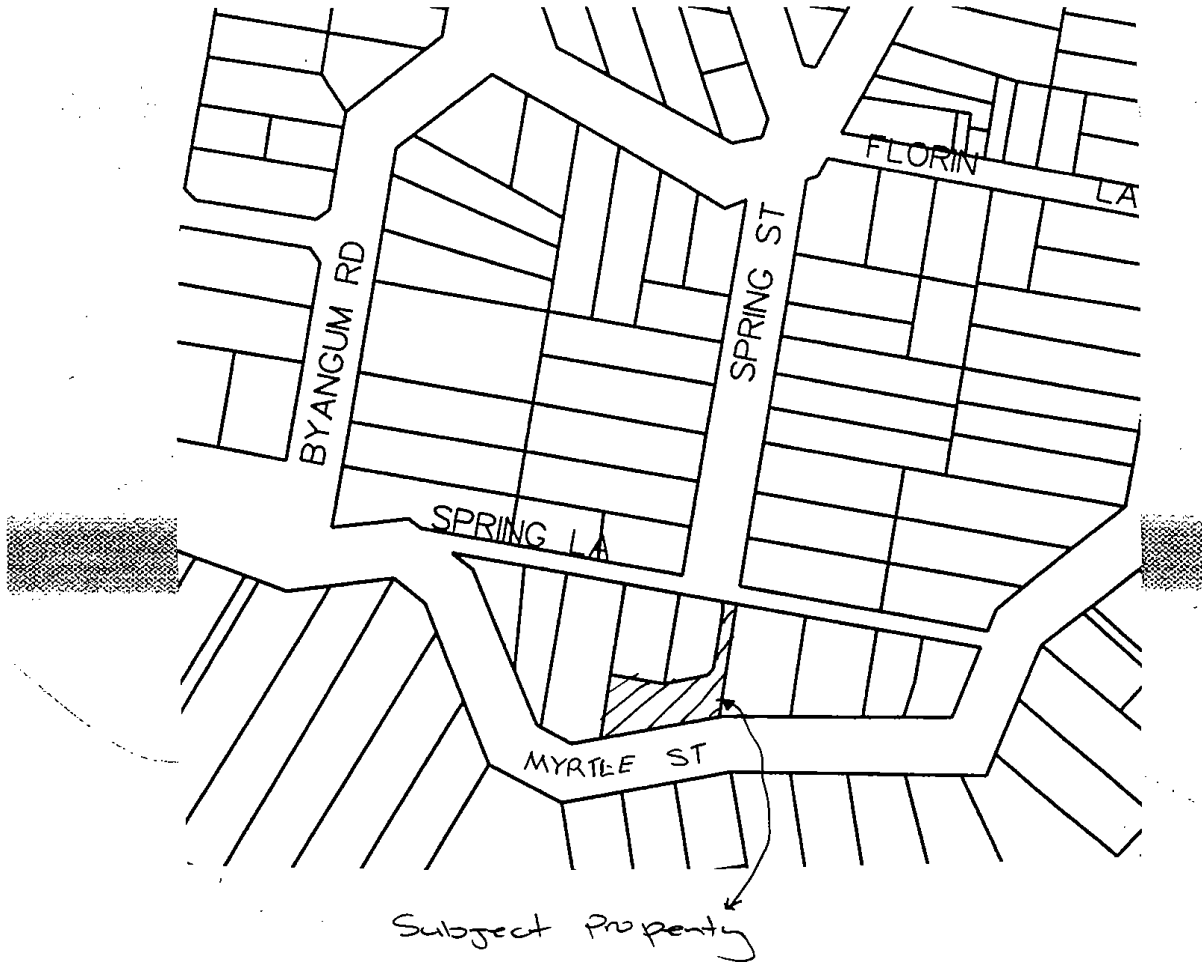
Council has received an application to construct a two storey rendered brick, tiled roof dwelling on the subject property. The property is a battle-axe shape block located on the southern side of Spring Lane with vehicular access to the property from Spring Lane, the rear boundary of the property abuts Myrtle Street. The property is quite steep and has an approximate fall of 4 metres from the Myrtle Street Road surface to the Myrtle Street boundary of the property and then a further fall of about four (4) metres from the rear (southern Myrtle Street) property boundary to the northern boundary which is the rear property boundary of properties facing Spring Lane. The dwelling is to be constructed on a vacant block of land which was created in 1992 by subdividing two previously existing allotments and combining the two sections which fronted Myrtle Street and providing vehicle access to the third lot so created via a narrow battle-axe shape section of land to Spring Lane in an established residential area. The size of the property is 852 square metres and the floor area of the dwelling is 245 square metres which covers 28% of the site.

The Development Application was notified to surrounding property owners and a significant number of objections have been received by Council to the Application.

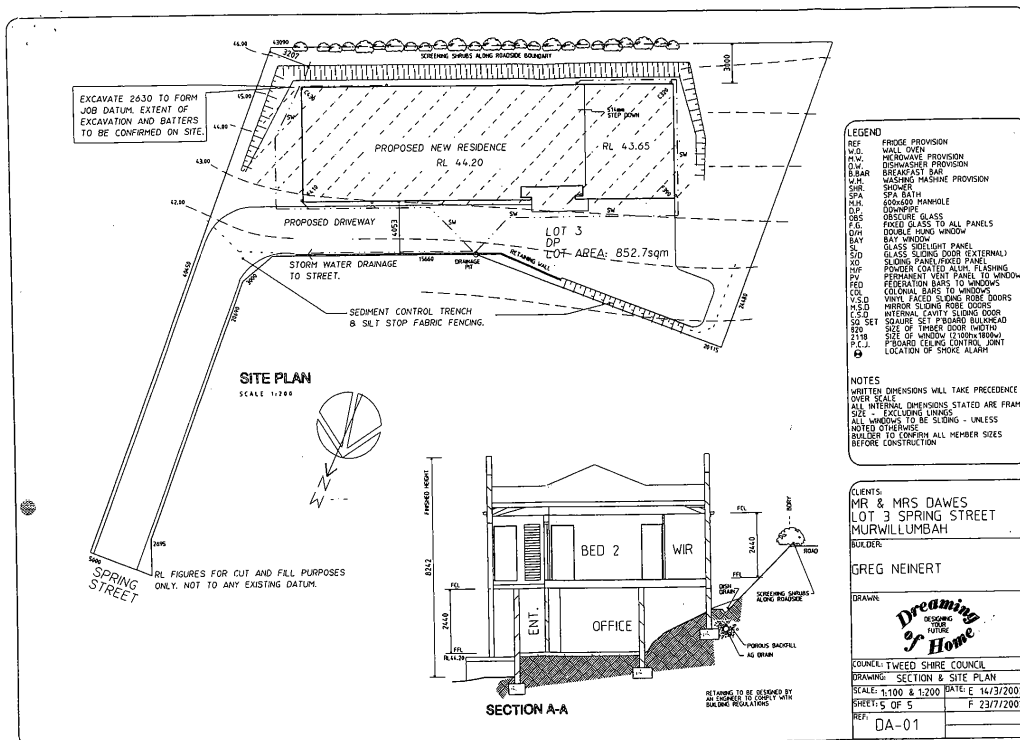
Reports from Director Environment & Community Services

SITE DIAGRAM

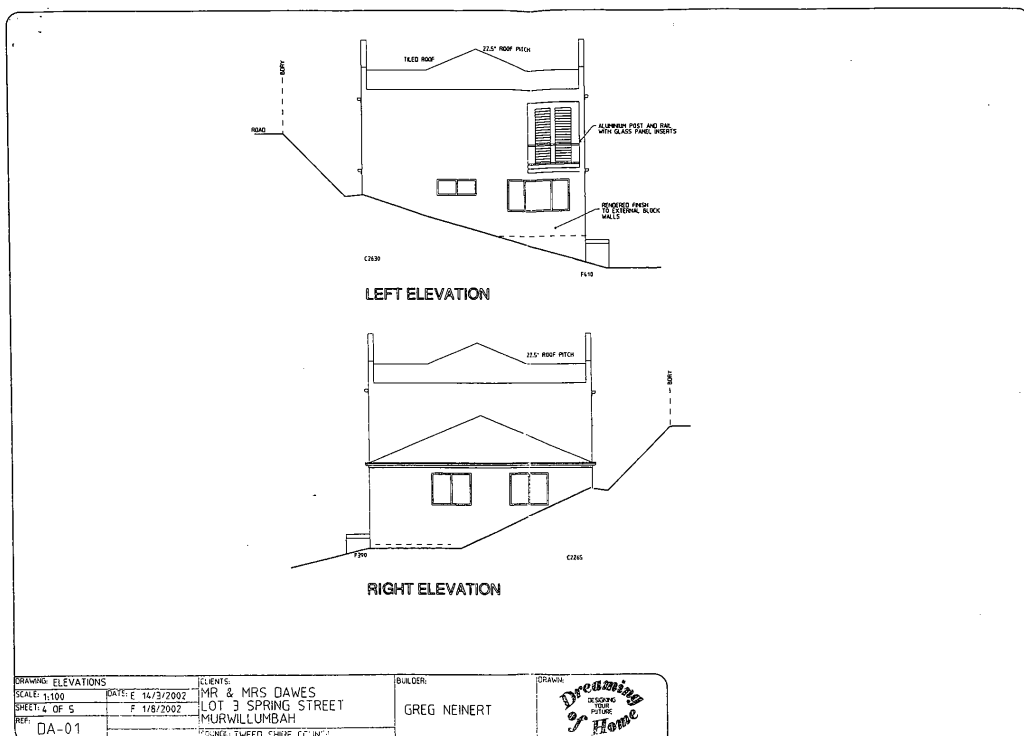
Site Plan



Reports from Director Environment & Community Services



Reports from Director Environment & Community 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 1 (a) low density residential under the provisions of the Tweed LEP 2000. The dwelling is consistent with the primary objectives of the Zone which is “ To provide for and maintain a low density residential environment with a predominantly detached housing character and amenity”

North Coast Regional Environmental Plan 1988

The development is considered to be consistent with the relevant provisions of the North Coast regional Environmental Plan 1988.

State Environmental Planning Policies

No State Environmental Planning Policies affect this property.

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

There are no draft environmental Planning Instruments that affect this property.

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

Development Control Plan No. 2- Site & Parking Code

Vehicle access and on site car parking is consistent with the requirements of the Development Control Plan.

Reports from Director Environment & Community Services

Development Control Plan No 39 –Homes Energy Smart Policy

The dwelling complies with the requirements of Development control Plan No 39. The dwelling has a northerly aspect with large windows facing north to obtain maximum solar access to the living areas of the dwelling.

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

Satisfactory

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

The proposed dwelling is to be located in an established residential area, which comprises mainly one and two storey weatherboard corrugated iron roofed dwellings.

It is considered that the dwelling will have an impact on the area. The property is currently a vacant block of land so any development of the site will impact on adjoining property owners. Impacts of the development are considered consistent with the expected impacts associated with any single dwelling on a property in a residential area. The dwelling has large north facing windows which overlook the adjoining properties in Spring Lane and will result in a reduction in privacy to these lower properties. The rear yards of these properties in front of the proposed dwelling contain landscaping and partially shield the development from these properties and provide a degree of privacy to existing residents.

Dwellings to the south in Myrtle Street behind the development are located on top of the hill, well above the development and it is expected that views from these dwellings will not be significantly affected.

The applicant proposes to landscape the property and provide substantial tree planting along the Myrtle Street frontage to help shield the rear southern elevation of the dwelling from the residences in Myrtle Street and screen the plain appearance of the dwelling when viewed from Myrtle Street due to the small number and size of windows and lack of building articulation.

Concern has also been expressed over the possible storage of builders material on Spring Lane and Myrtle Street and site deliveries during construction of any dwelling on the property. These issues can be addressed by conditions on the development consent should the application be approved.

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

The property is an unusual battle-axe shaped block with a significant fall from the rear southern boundary of the property to the front northern boundary of the property in the order of 4 metres. Due to the unusual shape of the property the applicant is now prepared to site the dwelling 3 metres from Myrtle Street. .

The initial proposal to Council involved the dwelling being located 1.5 metres from the Myrtle Street property boundary and several of the objectors raised concerns over the dwelling being located only 1.5 metres from Myrtle Street. Consequently after

Reports from Director Environment & Community Services

negotiations, the owners agreed to the current proposal involving the siting of the dwelling at a distance of three metres from the Myrtle Street boundary.

Under Councils Building line policy Myrtle Street is considered the secondary street frontage and a 3 metre set back is acceptable in this instance. An existing concrete block retaining wall and earth batter exist on the lower northern boundary of the property. Several of the objections from neighbours questioned the structural adequacy of the wall and batter, concern was also raised over existing site drainage, which discharges storm water to adjoining properties. In the event of approval of the development application these concerns can be addressed with suitable conditions on the development application. All services are provided to the site and appear adequate for the proposal. No physical impediment is apparent which would prevent the dwelling being constructed on the property. The applicant's Consultant in their submission have advised that all storm water from the roof of the dwelling and hard stand areas will be collected and piped to Spring Lane.

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

The application was notified to surrounding property owners in accordance with Council's Notification Policy. The application was notified to 7 surrounding property owners and council received 11 objections, against the proposal from surrounding residents. Councils Traffic Engineer also expressed concern with a 1.5 metre set back from Myrtle Street and requested the dwelling be set back at least 3 metres from Myrtle Street. Correspondence was forwarded to the applicant outlining the concern of council and those of surrounding residents. A copy of this correspondence has been reproduced below for Council's information.

Reports from Director Environment & Community Services



Please Quote Council Ref: DA02/0778

32366

Your Ref No:

PC/LK

For Enquiries Please Contact: Phil Clark

DAFurther1

Telephone Direct (02) 6670 2440

28 June 2002



Mr Gregory K Neinert
C/- PO Box 243
BANORA POINT NSW 2486

Dear Sir/Madam,

**Development Application DA02/0778 for a dwelling
Lot 3 DP 828188, No. 45 Spring Lane Murwillumbah**

Reference is made to the above application and I advise as a result of the notification of your application to surrounding property owners, numerous submissions objecting to the proposal have been received. Extracts of a few of the objections have been reproduced for your perusal, many of the objections are similar in their concerns.

A.

1. The application does not comply with Council's own building line and setback requirements and would require a dispensation with such compliance.
2. In it's existing form the proposed development would be entirely out of character with the existing streetscape of Myrtle Street being primarily houses constructed in the 50's and 60's and low-key in character.
3. The proposed development would aggressively impinge upon the streetscape and its amenity to those who use the street for walking and leisure, and also to those who visit the reserve above beside the water reservoir as a lookout.
4. The proposed development would substantially and unfairly interfere with the visual and environmental amenity of all houses in the vicinity.
5. The proposed development is excessive in height and bulk for the land area available and the surrounding dwellings.

B. Site Coverage

1. Excessive building and hard surface site coverage.
2. Limited open space.

Setback Requirement

1. Non compliance to Local Government requirements re. Secondary frontage/boundary setback of 3 metres.

Site Impact

1. Excessive use of large areas of hard surface
2. North elevation – glare potential
3. Potential of radiant heat from horizontal as well as vertical surfaces.



CIVIC AND CULTURAL CENTRE, MURWILLUMBAH
P.O. BOX 816, MURWILLUMBAH, N.S.W. 2484
TELEPHONE: (02) 6670 2400 FAX: (02) 6670 2429

PLEASE ADDRESS ALL COMMUNICATIONS TO THE GENERAL MANAGER
ABN 90 178 732 496
www.tweed.nsw.gov.au

Reports from Director Environment & Community Services



Aesthetics

1. Far too pretentious and ostentatious facade of the north facing elevation.
2. Unsympathetic streetscape to Spring Street, Spring Lane and Myrtle Street.
3. The violation adversely impacts on my privacy.
4. Parapets to a two storey house extends height, dominates and visually out of character.
5. House design not sympathetic with built environment of predominately 1940's Californian bungalows.
6. Overpowering visual impact on streetscape for Myrtle Street and Spring Street.

Drainage and site stabilisation

1. Inadequate handling of surface water run off and retaining walls.
2. Inadequate stormwater drainage from house, sullage collection pit, driveway and street collection.

C.

1. This proposed building would have a severe impact on Myrtle Street. The style is totally out of context with the unique character, heritage and visual beauty of Myrtle Street, qualities that should be encouraged, not disregarded.

The height of the building is also of concern, especially as it will be against the Myrtle Street boundary. It is very hard for me to judge the degree of impact on my view as I have no way to measure the height accurately but regardless of what view I lose, I have very strong objections to what the developer proposes to replace this vista with. No doubt this could include, apart from *the wall*, possible/probable ancillary items such as television/sky antennae; solar hot water panels; ventilation. I also consider that these items along with the roof could present glare problems.

I am concerned that I could, in the future, be looking at a large brick wall. I am also concerned that the 1.5m boundary will not allow for planting and screening of this wall. Has the planned road upgrade on Myrtle Street been taken into account? If so, what impact will this have on the 1.5m setback?

D.

1. It is considered that the proposed dwelling does not satisfactorily address the Myrtle Street Streetscape. It appears that little thought has gone into providing an aesthetically pleasing building when viewed from the rear. However, the buildings appearance would be more acceptable if the dwelling adhered to the required building line setback.
2. Loss of privacy to properties fronting Spring Street as large windows will overlook these properties.
3. Builders vehicles and visitors to the site will park in Myrtle Street further limiting parking and causing traffic problems in the already narrow street.

Accordingly before Council gives further consideration to your application you are offered the opportunity to respond in writing to the abovementioned matters. Council is open to you to present counter argument and/or amended your proposal in any way.

In accordance with Council's Application Determination Policy, please ensure that above matters are addressed and a response forwarded to Council within 21 days from the date of this letter, following which, Council will determine the application based on the information submitted.

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Reports from Director Environment & Community Services



In the meantime if you have any queries in respect to this matter please contact Mr Phil Clark of Council's Building Services Unit

Yours faithfully

R Paterson 
Manager Building Services



CIVIC AND CULTURAL CENTRE, MURWILLUMBAH
P.O. BOX 816, MURWILLUMBAH, N.S.W. 2484
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In response to Council's correspondence amended plans were submitted to Council locating the dwelling 3 metres from the Myrtle Street property boundary and showing the height of the dwelling in relation to Myrtle Street. Correspondence was also received from Mark Stapleton & Associates

Reports from Director Environment & Community Services

on behalf of the applicant addressing the objections from neighbours. This correspondence has been reproduced below for Council's information.

FROM : MARK STAPLETON & ASSOCIATES 0 FAX NO. : 07 55232722

Jul. 19 2002 12:10PM P2



Building Consultants &
Accredited Private Building Inspectors

2
Unit 10 Corporate House
Corporation Circuit
Tweed Heads South NSW 2486
PO Box 243 Banora Point NSW 2486
PH: 07 5523 2629
FAX: 07 5523 2722
Email: admin@inspections-msa.com

mark stapleton & associates

Pty Ltd
ABN 42 090 491 982

18 July, 2002

The General Manager
Tweed Shire Council
PO Box 816
Murwillumbah NSW 2484

Attention: Phil Clark

Dear Sir

Lot 3 DP 828188 No. 45 Spring Lane Murwillumbah - DA02/0778

I refer to the above and your recent letter and in relation to the points raised in the objections raised by the neighbours, advise as follows:

1. Setback – my client has agreed to relocate the dwelling to 3 metres from the Myrtle Street frontage. This will move the dwelling 1.5 metres further down the slope whilst also reducing the height of the building when viewed from Myrtle Street.
2. Character – The proposed allotment of land is part of an approved subdivision, which permits a single dwelling on the property. Whilst the surrounding dwellings were constructed in the 1950's and 1960's, there is no difference in this area to Kingscliff, where there are numerous modern dwellings being constructed amongst established dwellings, which have been in existence for 30-50 years.
3. Site Coverage – The subject site is 852.7m². The building covers 380 square metres of the site, which is not considered an overdevelopment of the site.
4. Streetscape – The dwelling is screened from Spring Lane by the existing two storey dwellings in front of the property. In regard to the streetscape from Myrtle Street, the dwelling has been resited 3.0m from the rear boundary, which will in turn reduce its height in the area to little more than one storey in height. The rear wall will be screened with native shrubs, which will reduce the impact on the locality in this area.
5. Loss of Privacy – The majority of dwellings in the locality of the property are two storeys in height. Whilst the adjoining owner may have had their privacy in the past, there would be some expectation that a dwelling would be constructed on the allotment and that the privacy that they have maintained in the past could be altered with the construction of a two storey dwelling on the property.

.../2

Reports from Director Environment & Community Services

FROM : MARK STAPLETON & ASSOCIATES 0 FAX NO. : 07 55232722

Jul. 19 2002 12:11PM P3

18 July 2002
Tweed Shire Council

Page 2

6. Glare Potential and Reflection – The dwelling will be painted in earthy colours, which will lessen the visual impact on the locality. The dwelling will have a terracotta coloured roof, which is non-reflective. The planting at the rear of the building will also reduce glare and reflection.
7. Drainage – Both stormwater and surface water from the site will be piped to Spring Lane. The catchment of water from the roof and hardstand area will actually assist the lower level properties, which would have been accepting the surface water runoff from the vacant allotment for some time.
8. Hardstand Area – The hardstand area is only for the driveway. There is adequate area in the remainder of the yard for landscaping.
9. Height and Bulk – The dwelling is two storeys in height, which is consistent with most of the dwellings in the locality.
10. There are no problems associated with traffic viewing in this area due to the location of the dwelling.

In view of the above, I believe that the issues raised by the neighbours have been addressed and I ask that further consideration be given to the application to allow construction to commence as soon as possible.

Yours faithfully



Mark Stapleton
Director

The application was subsequently renotified as a result of the amended plans and four (4) objections were received to the proposal. The subsequent change in the number of responses are considered to indicate a more positive response to amended plans involving changing the location of the dwelling and showing the height of the dwelling to Myrtle Street.

The four (4) objections to the application are primarily concerned about the bulk and scale of the development and suitability of the development for the property. The letters of objection have been reproduced below for Council's information.

A fifth objection to the proposal was received by Council on 27 August 2002 outside the required notification period along the same lines as the other objections.

Reports from Director Environment & Community Services

Letter of Objection 1

6th August, 2002

Dear Sir/Madam,

Re Application No. DA 02/0778
Spring Lane, Murwillumbah

5171-30

TWEED SHIRE COUNCIL	
FILE No.	DA02/0778 A)
DOCUMENT No.	161901595
RECD	16 AUG 2002
BOOK No.	
ASSIGNED TO	CLARK P
HARD COPY	<input checked="" type="checkbox"/>
IMAGE	<input type="checkbox"/>

Site Coverage:

- 1) Excessive building and hard surface site coverage.
- 2) Limited open space.

Setback Requirements:

- 1) Although compliance is now addressed, the open space is detrimentally reduced.

Site Impact:

- 1) Excessive use of large areas of hard surfaces, detrimental impact on storm-water run off to street and adjoining properties.
- 2) North elevation - glare potential and overpowering mass of building.
- 3) Potential of glare and radiant heat from horizontal as well as vertical structured surfaces.

Aesthetics:

- 1) Far too pretentious and ostentatious facade of the north facing elevation.
- 2) Unsympathetic streetscape to Spring Street, Spring Lane and Myrtle Street.
- 3) The visual dominance violates adversely and impacts on my privacy.
- 4) Parapets to a two storey house increases height and mass of the building, which dominates visually, intrudes on and overpowers my privacy.
- 5) House design not sympathetic with built environment of predominately 1940's Californian bungalows.
- 6) Overpowering visual bulk impacts adversely on streetscape for Myrtle Street and Spring Street.

Drainage and site stabilisation:

- 1) Inadequate handling of stormwater run off and retaining walls.
- 2) Drainage from house, sullage collection pit, driveway and street collection substandard.

As a disabled owner/occupier of 47 Spring Lane, my carer and I are concerned about potential blocked access to our property, site rubbish storage and removal. Vehicle parking by tradesmen and suppliers. Concerned about site working hours/noise and vehicular congestion. Site toilet cleanliness and building site deliveries.

As a resident who is visually and mobility impaired, I would also ask that all building materials be delivered to the site from Myrtle Street. Due to the danger of mud and debris unavoidably dropped on Spring Lane and Spring Street from the building site, the potential for a cul de sac constructed in Myrtle Street, and the consequences of through traffic using Spring Lane and Spring Street may create a hazardous obstacle course for my daily walk/exercise into town and return in a taxi.

Because only minor changes have been made to the original D.A., dated 28th May 2002, my concerns and objections have not altered dramatically.

I have no objection to my name being disclosed to the applicant.

Reports from Director Environment & Community Services

Letter of Objection 2

Your reference: DA02/0778 : Notification of Developemtn Application No DA02/0778
Lot 3 DP 828188 No 45 Spring Lane, Murwillumbah

I have viewed the amended Development Application plans. There appear to be minimal changes and I would appreciate being informed of the exact differences between the former plans and these recently submitted plans.

I reiterate my previous objections, being:

- Aesthetics: In terms of aesthetics, it would appear that the design and structure of this proposed residence would be more in sync with Sanctuary Cove or Casuarina Beach than the ambience of Myrtle and surrounding streets of Murwillumbah.
- Water Pressure: Residents of Myrtle Street have continuously experienced low and inconsistent water pressure. From a personal perspective, I have lived in Myrtle Street for some 14 years, yet in spite of frequent notification, Council have been unable or unwilling to rectify my inadequate water pressure. What will be the effect when another residence is built immediately "down the hill"?
- Water Pressure: I noted that Council recently appeared to connected my water metre to the development at 45 Spring Lane.. How will this affect my already inadequate water pressure?
- Visitor Parking: How will the upgrading and proposed changes to Myrtle Street effect parking and access to this new Residence - as this might prove to be immediate problems during building operations and ongoing visitor access.

In conclusion, so as to gain a better visualisation of the plans, future developments and an understanding as to how the house would sit on the actual site , it is requested that Council arrange an On Site Meeting with local residents. Perhaps such a meeting might include a graphic visualise display, perhaps utilising a pole, to indicate the actual height of the building.

Reports from Director Environment & Community Services

Letter of Objection 3

**Notification of Objection,
Development Application No. DA02/0778
Lot 3 DP828188, No 45 Spring Lane, Murwillumbah**

After viewing the **amended Development Application plans** I am submitting the same list of objections.

1) Drainage:

After seeing the plans I am extremely concerned with the stormwater run off, my property is directly below this block of land and I honestly didn't think the council would ever allow anyone to build on this block because of the uncontrolled surfaces and because Myrtle Street is not kerbed and guttered. The previous owner of this block should be shot. He has pipes protruding out of the bank above my property which drains water from his block straight out onto mine. I have attached photos to my previous objection dated 11th June which show the pipes.

I would appreciate it if you would come and have a look at this block from my angle. Just call me and if I'm not home, come anyway, go up to the back of my block but make sure you have a look at the back lefthand corner and the righthand side as well, I think you will be in for a surprise.

2) Retaining Wall;

What retaining wall? I am disgusted at the so called retaining wall which is situated behind the back left hand corner of my back yard. See photo attached to previous objection sent 11th June. What you can't see are 5 exposed pipes built into the bottom of the wall below the driveway. I'll be honest and say I have no idea how to build a retaining wall, but I certainly know you have to have proper drainage first and not just throw a few bricks and rocks together. By the way, the wall is being held up by a pine log because it's starting to give. Please come and have a look.

When I viewed the plans I really expected to see a retaining wall right across the back of my property continuing around to my neighbours land (49 Spring Lane). I am very unhappy.

Also, on the plan it mentions a sediment control trench - what is it? Is this something they are building instead of a retaining wall?

3) Privacy and Visual Impact:

- a) Are you really going to allow a house of this size to be built on this type of block.
- b) The houses in Murwillumbah have so much character and this type of house does not fit in with the surrounding homes. It is going to spoil our special little area.
- c) I will also have their driveway right above my backyard and I am worried about the noise.
- d) One of the reasons I bought this house was because of the privacy of the backyard and the peace and quiet of the area and now my neighbours either side and myself will have this 2 storey house looking straight into our backyards and a driveway right above us.
- e) I also feel that Myrtle Street will be spoiled by having this huge back wall on display. This is such a beautiful little street and it will lose it's character.

Reports from Director Environment & Community Services

Letter of Objection 4

The General Manager,
Tweed Shire Council,

19 August 02

DA - OBJ

5171.30

Dear Sir,

Notification of objection

Amended Development Application No. DA02/0778
Lot 3 DP 828188
No. 45 Spring Lane, Murwillumbah

TWEED SHIRE COUNCIL	
FILE No.	DA02/0778 PA.1
DOCUMENT No.	69110718
RECD	20 AUG 2002
BOX No.	1111
ASSIGNED TO	Clark, P
HARD COPY	<input checked="" type="checkbox"/>
IMAGE	<input type="checkbox"/>

Having viewed the application outlined in your letter, we raise objection on the following grounds, not necessarily in order of importance:

1) Impact on Myrtle St.

We understand that the setback required for a secondary frontage is 3 metres under Council's Building Line Policy and that this will allow the applicant to site the dwelling within 3 metres of their Myrtle St property boundary, supposedly the rear of the property.

What we object to is how this dwelling can be reasonably regarded as being in Spring Lane when it will be sited so close to Myrtle St and so far from Spring Lane while we, their next-door neighbours are regarded as living in Myrtle St.

Quite obviously, anyone who has had a look could tell its major impact will be on Myrtle St and not on Spring Lane.

Before this subdivision was approved, and without reference to us as next door neighbours, there were **NO DWELLINGS** with a Spring Lane address, not one. All 9 dwellings whose house frontages and only vehicle-access are on the southern side of Spring Lane were regarded by Council as being in Myrtle St.

Suddenly, after the subdivision, the new block (which runs along Myrtle St,) and the remains of the two blocks which were cut up to create it are given Spring Lane addresses.

We found ourselves with next door neighbours who apparently live in a different street. We asked Council to investigate and clear up the confusion by giving all the houses with frontages onto Spring Lane that address but the response was that it was too difficult and the only thing they could do to remedy our situation was **change the house numbers next door.**

So how does it happen that we and others who requested a Spring Lane address can't have it yet a new subdivided block can? And in gaining a Spring Lane address for the new block, the applicant is able to claim that, since it is rated to Spring Lane and not to Myrtle St **like us, their next-door neighbour**, they can build a house on that block that is bound to have a detrimental effect on our privacy and amenity.

Because the only way to fit the house on that ill-conceived block is to artificially make Myrtle St the secondary boundary and build as close as possible to it as was evidenced by the original application to halve the allowed building setback.

So currently, we are rated at 49 Myrtle St, even though our house fronts onto Spring Lane just like the three neighbouring blocks, but they are rated on Spring Lane.

Page 1/4

Reports from Director Environment & Community Services

We object to the proposal on the grounds that the original subdivision was done using a planning facility, namely Council's right to nominate the rated address as Spring Lane, when we have been denied the same right for at least as good a reason. And that the consequences of the rating decision, ie that the newly subdivided block is in Spring Lane and not Myrtle St., will apparently allow a dwelling to be built within 3 metres of the Myrtle St boundary when, if the block were rated to the same address as its next-door neighbour, the setback would have to be six (6) metres.

Just because a block has its access to a certain street appears not to be the determining factor in its rated address. Look at the remaining 7 blocks with Spring Lane access but which remain with Myrtle St addresses. There is no different reason, setting aside this block from ours, for the new block to be rated onto Spring Lane. We believe it is just an artifice to allow a development on a poorly planned sub-division.

The block is badly-shaped despite its size, making the proposed dwelling crowd the street. None of the houses on this side of Myrtle St. is anywhere near this close to their boundary, so the proposed building will be out of character with the street. You will be aware that Myrtle St is a gentle curving street, popular with walkers because of its relatively quiet nature and for the views it affords over the town and valley. We often walk that way of an evening. Our children use that route to school every school day, as do dozens of others.

The disguising factor here is that, while the development application is for a Spring Lane address, because the battle-axe driveway, the building will be much more visible from Myrtle St, so its major impact will be on the character of that street. What this building will present to Myrtle St. is its back view, and by the look of the window styles on the drawings, that part of the house will contain the toilets and bathrooms.

We notice also in the Tweed Link of May 21, 2002, that Myrtle St. is included in Council's urban/rural road construction program for 2002/03. We can only imagine that this will actually widen the road, bringing house and road even closer together.

Therefore, we object to the application on the ground that it turn allows an inappropriate development, out of character with the neighbourhood and representing an unattractive visual imposition because of its proximity to the street.

We feel the amended drawings are misleading in that they portray the dwelling to be concealed behind shrubbery growing on the roadside.

We hope that no such planting would be allowed given the unresolved traffic issues there and any concealing shrubbery would have to emerge from within the property boundary which is at the bottom of the Myrtle St embankment.

2) Drainage.

We hold concerns for the drainage of stormwater off the uncontrolled hard surfaces of the developed block. We have enough of a problem as it stands with water flowing onto our property from Myrtle St. which is not kerbed and guttered.

2/4

Reports from Director Environment & Community Services

3) Retaining walls.

We have concerns for the method, or lack thereof, proposed for retaining earth that has been moved on the block.

Along the whole northern (downhill) side of the block, and extending to the boundary which abuts our property, the previous owners placed earth to form a raised, flat area which will be the extension of the driveway.

The bank of earth created is over two metres high. A retaining wall, extending up from the driveway, curves around behind No. 47 Spring Lane and stops just past the boundary with No. 47A, and stops.

The built-up bank continues across the block to our boundary with no retaining system. This area, closest to our property, as proposed by the DA, is adjacent to the building's garage and will apparently be used for vehicle turning and parking.

We are deeply concerned about the adequacy of the unretained earthfill, and its ability to sustain long-term vehicular use in its present configuration.

Under the earthfill, there are two buried pipes, similar to PVC downpipe, which collect stormwater off the block at the line where the slope flattens out, and take it out beneath the bank, emitting it uncontrolled towards the property immediately below, No. 47a Spring Lane.

Already in place, there are masonry retaining walls, built personally by the previous owner, to form the driveway. We raise here our concerns regarding the structural integrity of those walls, the builder's qualifications, the materials used, the nature of its construction and the adequacy of its performance, especially as it will supposedly support a driveway.

We request Council investigate the existing retaining wall, the built-up area of earth that has no retaining wall, and the existing drainage arrangements, regardless of the outcome of any objections to the DA in question.

We would also point out that, as the block has no vehicular access to Myrtle St., a significant amount of construction traffic will have to use this driveway, as well as the turning/parking bay mentioned previously.

In this regard, we foresee the developer having to deliver significant amounts of material and plant from Myrtle St. during the building process, and we have concerns for the suitability of the street being used for this purpose.

4) Privacy.

We have concerns for our privacy given the height of the proposed building, its being sited high on the slope above us, and the fact that it has large front windows looking right over into our backyard and onto our deck.

When we bought our property, the block now proposed for development was our neighbour's vegetable garden. We now find that someone wants to build a two-storey dwelling there, with large windows so they can enjoy the view.

We can only feel that if the proposed building is allowed, our propensity for quiet enjoyment of our own backyard and decking will be severely diminished.

This aspect of the DA is consequently of great concern to us.

3/4

Reports from Director Environment & Community Services

5) Bulk.

The height and width of the proposed building present an overbearing and unacceptable variation to the character of the neighbourhood and the amenity of the next door neighbours, especially in the position it is proposed to be sited. There is no other dwelling anything like this in the street. Given its height and location, we feel it will tower over us.

6) Other General Considerations.

We feel the design and placement of the proposed dwelling has been dictated by the constraints of the block, to the detriment of the neighbours. We feel that the development will have a **negative impact on housing values in the street.** **Parking and traffic in Myrtle St.** are also important issues. Council will be aware of traffic problems in Myrtle St. and Spring Lane due to their narrowness and their becoming more popular since Florin La. was closed. We understand Council has met with residents on this issue. The proposed solution, to trial a 'no through road' access on Myrtle St, is almost certain to direct more traffic along Spring Lane which is a real one-lane street.

We foresee that with the property being so close to Myrtle St., and access and egress difficult via the battle-axe driveway, that the residents and their guests will be tempted to park in Myrtle St. and access the property that way, with consequent worsening of the traffic problems in that street.

We understand that when Hargreaves subdivided the blocks, he intended to build here himself, until he learnt he would not be given access to Myrtle St. because of traffic considerations. He subsequently built the battle-axe driveway up from Spring Lane and sold the property.

It has always been apparent to us that any development on this block would be a compromise, because of its shape, its transverse alignment and the lack of access to Myrtle St. But when the subdivision was created, we were not notified, nor given the opportunity, as neighbours, to object nor express an opinion on it.

We feel that the subdivision was flawed from its inception. To allow the creation of a new block out of the conjoined **backyards** of two existing blocks, on the side of a hill, at right angles to every other block in the street and without access to the closest street frontage is simply an appalling result, fraught with difficulties.

A notification to the neighbours at the proposed subdivision stage would have been helpful in alerting council to neighbourhood feelings and obvious future difficulties. To turn around now and ask the neighbours to accept a diminution of their privacy and the visual amenity and character of the neighbourhood, via a development which can only be achieved because of the artifice of rating it to a different street to the one it is actually in, to accommodate a building which is simply too big for the block which was ill-conceived in the first place, beggars belief.

(e) **Public interest**

The development is a two storey dwelling in an older part of Murwillumbah which has a mixture of one and two storey weather board dwellings. Many of the objectors raised concerns over the appearance of the dwelling on the streetscape and that the dwelling was out of character with the style of other dwellings in the area and that it was too ostentatious.

The design of the dwelling is dissimilar to and a little out of character with other dwellings in the area particularly the parapets to both ends of the dwelling. Even though the dwelling is located behind residences fronting Spring Street, due to the slope of the land it is envisaged that the second storey of the dwelling will still impact on the street scape of Spring Street and Spring Lane.

Notwithstanding the above, over time, building styles do change, which is normally reflected in the changing design of dwellings in residential areas. The effect of this type of design on the streetscape is very subjective. The applicant proposes to paint the

Reports from Director Environment & Community Services

dwelling in earth colours with a terracotta coloured roof to blend in with the streetscape and complement the design of the dwelling which was based on the design of the Imperial Hotel in Murwillumbah. Council, throughout the Shire, is seeing an increase in numbers of applications of new dwellings in established areas as sites are redeveloped which is providing a variety of designs in existing residential areas.

OPTIONS

A number of options exist for Council including:-

1. Council can approve the application in accordance with the recommendation and attached conditions; or
2. Council could require the applicant to amend the plans to remove the parapets from both front and rear elevations to reduce the bulk, scale, height, and cause the building to be of more similar appearance to others in the area; or
3. Council could defer the application and request amended plans designing the dwelling more in keeping with the existing character of the area, and the existing dwelling form and styles; or
4. Council could refuse the application on the grounds that the proposal is not keeping with the character of the area and not in the public interest.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

Should the application be refused the applicant has recourse to have the matter appealed in the Land and Environment Court, which has resource implications for Council in defending such Appeal.

CONCLUSION

The dwelling will have an impact on the adjoining property owners, as the site is currently vacant any development of the site will impact on neighbours. Adjoining property owners have expressed strong concern over the bulk and scale and character of the development. These issues are very subjective. The inclusion of a new dwelling in an established area also has the potential to complement the existing streetscape and provide variety of design. The location of the dwelling complies with the set back requirements of council and meets the primary objectives of the Zone 2 (a) zoning.

In these circumstances it is considered appropriate for Council to conditionally approve of this Development Application.

Reports from Director Environment & Community Services

26. ORIGIN: Environment & Health Services Unit

FILE REF: New Art Gallery; 3488.12

REPORT TITLE:

Tweed River Art Gallery - Strategic & Business Plan

SUMMARY OF REPORT:

Council at its meeting of 5 June 2002 resolved:

“That the Director of the Art Gallery, Mr Garry Corbett, be requested to provide Council with a business plan for the new art gallery operations, listing anticipated income and where and how this varies from the existing gallery operation costs, as costs have now escalated to \$500,000 per annum with further costs to come.”

This information is now provided.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Environment & Community Services

REPORT:

Council at its meeting of 5 June 2002 resolved:

“That the Director of the Art Gallery, Mr Garry Corbett, be requested to provide Council with a business plan for the new art gallery operations, listing anticipated income and where and how this varies from the existing gallery operation costs, as costs have now escalated to \$500,000 per annum with further costs to come.”

This information is set out below:

Reports from Director Environment & Community Services



Tweed Shire Council

Tweed River Regional Art Gallery

Strategic and Business Plan

2001 - 2004

Prepared by: Gary Corbett
Art Gallery Director

Endorsed by the Art Gallery Advisory Committee: 28 February 2002

Adopted by Tweed Shire Council: 20 March 2002

Last Printed: 27 August, 2002

Reports from Director Environment & Community Services



Tweed Shire Council

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Reports from Director Environment & Community Services



Tweed Shire Council

EXECUTIVE SUMMARY

The Tweed River Regional Art Gallery is a part of the Environment and Health Services Unit of the Environment and Community Services division. The Art Gallery provides a range of services to the community, including:

- Temporary Exhibitions program
- Public program
- Collection and preservation of Visual arts and crafts objects that have significance to the community
- Art-related advice to the community, including appraisal of art objects, advice on management of exhibits, advice on applications for government grants, etc
- Management of Art programs

The Art Gallery employs 4 permanent staff who are committed to the Gallery's efficient and effective operation.

This plan provides clear direction for the Art Gallery in terms of organisational performance and establishing a framework for the measurement of the Gallery and individual performance against agreed and documented outcomes.

The Art Gallery aims to provide quality products and services whilst being competitive against external benchmarking. This focuses attention on the following key areas:

- Resources
- Promotion of Artistic interests within the region
- Promotion of the Gallery and the services that it provides to the community
- Housing of the Doug Moran National Portrait prize
- The development of an art collection of national significance
- Creating both a natural and man-made environment that is a model for economic, cultural and environmental sustainability

The Art Gallery always attempts to manage and deliver its services in the most effective manner, whilst continually challenging its operational efficiency and quality of service.

Reports from Director Environment & Community Services



Tweed Shire Council

1.0 INTRODUCTION

This plan provides clear direction for the Art Gallery in terms of organisational performance and the establishment of a framework for the measurement of both the Art Gallery as a whole and individual performance against agreed and documented outcomes. This plan also outlines the Art Gallery's commitment to supporting the Tweed Shire Council in fulfilling its vision, mission, and goals.

From time to time, the Art Gallery might need to reconsider its current missions, objectives and strategies and possibly make changes to the original document. Although the mission statement is unlikely to change significantly in the near future, its objectives and strategies require annual review.

Reports from Director Environment & Community Services



Tweed Shire Council

2.0 PROFILE

2.1 CORE BUSINESS

The Art Gallery provides a range of services for the Tweed Shire community. Its core business activities include:

- Temporary Exhibitions
- Public Programs
- Acquisition and maintenance of artworks

The Art Gallery makes use of the following facilities:

- Tweed River Regional Art Gallery

The Art Gallery primarily serves the following sections of the community:

- General public
- Local and regional Artists

Reports from Director Environment & Community Services

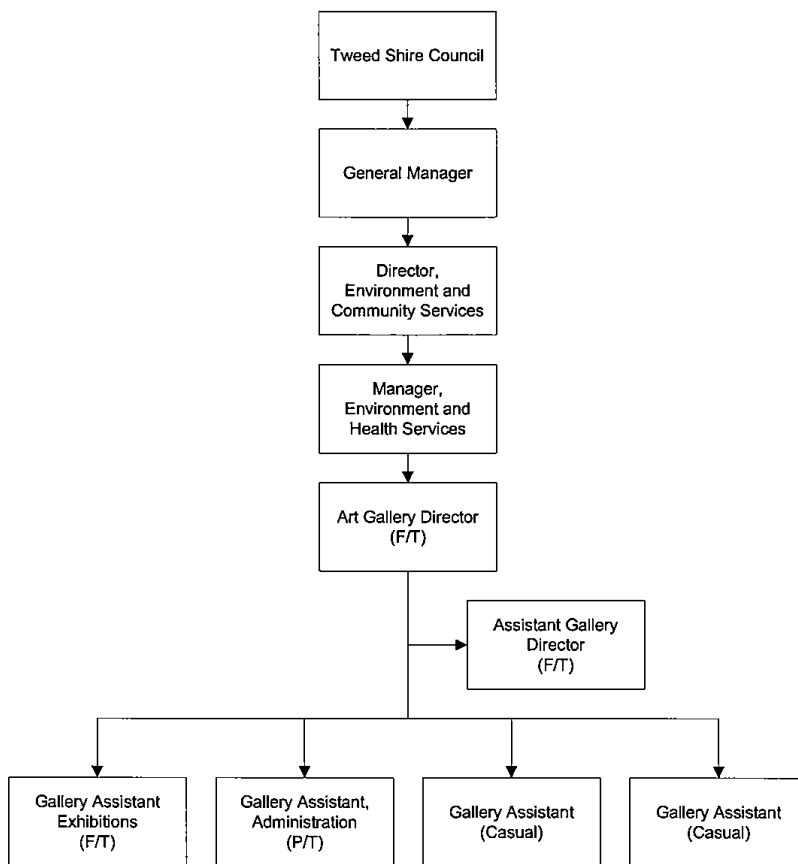


Tweed Shire Council

2.2 MANAGEMENT AND PERSONNEL

The Tweed Shire Council's Art Gallery is a part of the Environment and Health Services Unit of the Environment and Community Services division. The Art Gallery employs 4 permanent staff who are committed to the Gallery's efficient and effective operation. The following Organisation chart further outlines the Art Gallery's position within the organisation along with the roles of its staff.

**TWEED RIVER REGIONAL ART GALLERY AS PART OF THE
TWEED SHIRE COUNCIL'S ORGANISATIONAL CHART**



Reports from Director Environment & Community Services



Tweed Shire Council

2.3 VISION, MISSION, GOALS & PRINCIPAL ACTIVITIES

The Art Gallery shares the Tweed Shire Councils vision:

"The Tweed is to become the premier area in which to live, work, and visit."

It supports the Tweed Shire Councils Mission:

"In partnership with the community, balance peoples' aspirations for development and enhancement of the unique environment by providing affordable quality services in a competitive manner."

The Art Gallery's mission statement is:

"Support the Tweed Shire Council in its endeavours to service the community."

The Art Gallery also shares the Tweed Shire Councils Principal Activities, in particular Civic Governance:

"To provide representative and responsive government, sound management of the resources of council, to ensure statutory requirements are met and provide services to the organisation in the most cost effective and timely manner."

Reports from Director Environment & Community Services



Tweed Shire Council

3.0 CUSTOMER ANALYSIS

3.1 ANALYSIS OF CUSTOMER DEMAND FOR PRODUCTS AND SERVICES

The Art Gallery's customers include:

Primary Clients

- Shire Residents
- Local and regional artists

Secondary Clients

- General Public
- Tweed Shire Council Staff
- Tourists

Of these primary clients, the main demand for the Art Gallery's services is from the Shire Residents. Local Artists also use the Gallery to exhibit their work.

Reports from Director Environment & Community Services



Tweed Shire Council

4.0 STRATEGIC MANAGEMENT

4.1 STRATEGIC DIRECTION

The key strategy for the Art Gallery is to provide quality services whilst providing those services effectively, as measured by external benchmarking. This approach will focus attention on the following key areas:

- Resources
- Promotion of Artistic interests within the region
- Promotion of the Gallery and the services that it provides to the community
- Housing of the Doug Moran National Portrait prize
- The development of an art collection of national significance
- Creating both a natural and man-made environment that is a model for economic, cultural and environmental sustainability

With these areas, the current business operations will concentrate on improvements in a number of important areas, which support day-to-day business activities. These include:

- Planning to ensure that the services provided by the Gallery match the expanding population of the Tweed Shire.
- Increasing the level of services provided to an expanding number of artists.
- Minimising the impact of the move to the new Art Gallery on the services provided by the gallery.
- Increasing income through entrepreneurial activities
- Increasing the number of visits by tourism operators and bus companies.

The Art Gallery must manage and deliver its services in the most effective manner and continually challenge its operative efficiency and quality of service to deliver an efficient and effective service. This business process must be the subject of continuous review and improvement as we work to develop the best means of providing our customers with the services that they require.

Reports from Director Environment & Community Services



Tweed Shire Council

4.2 PRIORITIES

This section outlines the Art Gallery's priorities for the period 2001 to 2004.

Plan to ensure that services provided by the Gallery match the expanding population of the Tweed Shire.

The Shire's population is expected to dramatically rise from 72,000 (est. 2001) to 85,000 (est. 2006). The Council projects that the bulk of the increase will be in the Tweed Heads/ Coast areas and will comprise older or retired persons. This demographic group has higher expectations in cultural activities and participation.

Increase the level of services provided to an expanding number of artists.

The region comprising South Eastern Queensland and the NSW Local Authorities of Tweed, Byron, Lismore, Ballina and Kyogle has one of the largest populations of practicing artists outside the larger metropolitan centres. This target group has requirements and expectations that need to be met through the development and implementation of services offered through a Regional Gallery. The Tweed River Regional Art Gallery is well placed to capitalise on this.

Minimise the impact of the move to the new Art Gallery on the services provided by the gallery.

The construction of the new Gallery will create a facility that will become a significant regional resource, bringing additional economic benefits to the Tweed Shire.

Increase income through entrepreneurial activities

The Council will need to increase its funding support to the new Gallery. There are, however greater opportunities to supplement the Gallery's budget through entrepreneurial activities such as the Café lease and the workshop activities.

Increase the number of visits by tourism operators and bus companies.

The current Gallery is unable to capitalise on the Tourist market. The new Gallery presents greater opportunities to target tourism operators and tourists. The new Gallery will have greater parking and larger Gallery spaces that will also include a Café with spectacular views. An enhanced level and range of services will also be provided. The current staffing levels and expertise does not enable the Gallery to effectively promote its activities to a wider audience.

Reports from Director Environment & Community Services



Tweed Shire Council

4.3 OBJECTIVES

The purpose of this section is to list the Art Gallery's strategic objectives for the next 3 years, and to outline how Gallery staff will achieve those objectives. These objectives are based on the Gallery's strategic priorities. The objectives are:

- To ensure that the Gallery has the required financial and staffing resources
- To extend the understanding and appreciation of visual arts and crafts practice to a wider audience and to provide employment opportunities for the region's arts and crafts practitioners.
- To promote the gallery and its programs and activities.
- To house the Doug Moran National Portrait prize.
- To develop a collection of national significance.
- To create a natural and man-made environment that is a model for economic, cultural and environmental sustainability.

The following sub-sections describe how Gallery staff will achieve these objectives.

Ensure that the Gallery has the required financial and staffing resources

To achieve this objective, Gallery staff will:

- Develop, implement & maintain a strategic plan for the years 2001-2004
- Increase employee skills level and satisfaction
- Identify and approach potential sponsors & grant agencies
- Meet customer needs by an improvement in service levels
- Implement new technology, systems and procedures

Extend the understanding and appreciation of visual arts and crafts practice to a wider audience, and provide employment opportunities for the region's arts and crafts practitioners.

To achieve this objective, Gallery staff will:

- Employ an Exhibitions and Public Programs Officer (F/T)
- Develop an Exhibitions and Public Programs Policy
- Encourage and promote customer loyalty and commitment to the Gallery
- Develop and implement Exhibitions Program
- Lend/borrow works of art to/from other Galleries and Private Collections
- Provide employment opportunities for the region's arts and crafts practitioners.
- Volunteer guide services Training

Promote the gallery and its programs and activities

- Employ an Administrative & Marketing Officer (F/T)
- Develop a marketing and promotions plan
- Liaise with the Friends of the Gallery
- Staff to attend functions and meetings (car)
- Liaise with the various media organizations for our mutual benefit
- Target tourist organizations
- Construct & maintain Information Centre

Reports from Director Environment & Community Services



Tweed Shire Council

House the Doug Moran National Portrait prize

- Maintain links with the Doug Moran National Portrait Prize Committee
- Ensure that the appropriate Museum Standards of environmental controls are adequate and monitored regularly
- Permanent Gallery Space allocated

Develop a collection of national significance

- Develop an Acquisition/ De-accession Policy
- Develop a Conservation Plan
- Identify sources of funds for the acquisition of artworks
- Ensure that the appropriate Museum standards of environmental controls are adequate and monitored regularly
- Maintain high levels of curatorial work and scholarship

Create a natural and man-made environment that is a model for economic, cultural and environmental sustainability

- Develop a landscaping & conservation plan
- Develop a sustainable development plan
- Develop an Access plan
- Develop a Public Art Program

Reports from Director Environment & Community Services



Tweed Shire Council

5.0 ACTION PLAN

The following Action Plan outlines a range of actions and strategies for the Art Gallery to implement between 2001 and 2004 with the aim of fulfilling its strategic direction, priorities, and objectives.

5.1 Ensure that the Gallery has the requisite financial and staffing resources

Strategy/Action	Who will do it?	When will it be done?	How much will it cost?	Where will the funds come from?	How will we measure it?
Develop, implement & maintain a strategic plan for the years 2001-2004	Art Gallery Director (AGD) & Art Gallery Advisory Committee (AGAC)	Adopted 20 March 2002	Staff time	N/A	Adoption by AGAC & TSC Reviewed annually
Increase employee skills level and satisfaction	AGD Staff	On-going	\$8,600 (current budget)	TSC	Number of programs attended Employee Performance evaluation
Identify and approach potential sponsors & grant agencies	AGD in consultation with AGAC	On-going	Staff time	N/A	Number of applications Number of offers
Meet customer needs by an improvement in service levels	AGD Staff	On-going	\$83,160 (current budget)	TSC	Survey results Attendances Membership Staff evaluation
Implement new technology, systems and procedures	AGD	May 2003	\$8,000 (enhanced budget item)	TSC	Effective & efficient work practices Staff evaluation

Reports from Director Environment & Community Services



Tweed Shire Council

5.2 Extend the understanding and appreciation of visual arts and crafts practice to a wider audience, and to provide employment opportunities for the region's arts and crafts practitioners

Strategy/Action	Who will do it?	When will it be done?	How much will it cost?	Where will the funds come from?	How will we measure it?
Employ an Exhibitions & Public Programs Officer (F/T)	TSC Position is currently permanent part time 4 days pw	July 2002		TSC MFA Workshop Income	
Develop an Exhibitions & Public Programs Policy	Staff	End Feb 2002	Staff time	N/A	Completion & adoption Staff evaluation Yearly review
Encourage and promote customer loyalty and commitment to the Gallery	Staff Friends	On-going	Staff & Volunteer time	N/A	Survey results Membership Visitors book Volunteer responses
Develop & implement Exhibitions Program	Staff	On-going	\$87,050 (current budget)	TSC Sponsors Grants	Attendances
Lend/borrow works of art to/from other Galleries & Private Collections	Assistant Director (AD)	On-going	Staff time		Number of works borrowed or loaned Timely service Staff evaluation
Provide employment opportunities for the region's arts and crafts Practitioners.	Exhibitions & Public Programs Officer (EPP0)	On-going	\$7,000 (current budget)	TSC Sponsors	Number of artists employed Number of programs Visitation
Volunteer guide services Training	AD Admin & Marketing Officer (AMO)	May 2003	\$5,000 (new item)	TSC	Number of courses Number of volunteers trained

Reports from Director Environment & Community Services



Tweed Shire Council

5.3 Promote the Gallery and its programs and activities

Strategy/Action	Who will do it?	When will it be done?	How much will it cost?	Where will the funds come from?	How will we measure it?
Employ an Administrative & Marketing Officer (F/T)	TSC Position is currently permanent p/t 1.5 days pw	July 2003		Café Lease TSC	Not fully funded by Council in the 2002-2003 budget
Develop a marketing and promotions plan	AGD AGAC AD AMO	March 2003	Staff time	N/A	Completion & adoption of plan Change in the name of the Gallery Develop logo & style guide
Liaise with the Friends of the Gallery	AD AMO	On-going	Staff time	N/A	Timely & efficient registration of database Quality of Newsletter Mail outs
Staff to attend functions and meetings (car)	Staff	On-going	\$8,000 (new item)	TSC	Number of functions attended
Liaise with the various media organizations for our mutual benefit	AD AMO	On-going	\$12,000 (current budget)	TSC	Number of Media Releases & reports generated Stories generated
Target tourist organizations	AMO	On-going	Staff time	N/A	Number of approaches Number of visitors Number of repeat visits
Construct & maintain Information Centre	Architect AGD AD AMO	May 2003		Construction costs	Completion Visitor satisfaction Volunteer feedback

Reports from Director Environment & Community Services



Tweed Shire Council

5.4 House the Doug Moran National Portrait prize

Strategy/Action	Who will do it?	When will it be done?	How much will it cost?	Where will the funds come from?	How will we measure it?
Maintain links with the Doug Moran National Portrait Prize Committee	AGD Council	On-going	Staff time and travel	Travel and Professional Development budget	Membership of Tweed River Regional Art Gallery Foundation
Ensure that the appropriate Museum Standards of environmental controls are adequate and monitored regularly	AD	On-going	See Obj 5	TSC	Staff evaluation
Permanent Gallery Space allocated	AGD	May 2003	Gallery Construction Costs	Construction costs	Staff evaluation Exhibition programming

5.5 Develop a collection of national significance

Strategy/Action	Who will do it?	When will it be done?	How much will it cost?	Where will the funds come from?	How will we measure it?
Develop an Acquisition/ De-accession Policy	AGD	Completed	Staff time	N/A	Completed Reviewed every three years
Develop a Conservation Plan	AGD AD	June 2002	Staff time	N/A	Completed Reviewed every three years Staff Evaluation
Identify sources of funds for the acquisition of artworks	AGD	On-going	\$10,000 seed funding (new item)	TSC FTRRAG MFA Sponsors	Increase in funds Number of approaches & applications
Ensure that the appropriate Museum standard of environmental controls are adequate and monitored regularly	AD	On-going	\$10,800 (current budget)	TSC	Staff evaluation
Maintain high levels of curatorial work and scholarship	AGD	On-going	Exhibitions Program	TSC MFA FTRRAG	Exhibition schedule

Reports from Director Environment & Community Services



Tweed Shire Council

5.6 Create a natural and man-made environment that is a model for economic, cultural and environmental sustainability

Strategy/Action	Who will do it?	When will it be done?	How much will it cost?	Where will the funds come from?	How will we measure it?
Develop a landscaping & conservation plan	Landscape Architect in consultation with New Art Gallery Committee & Agenda 21 Officer	June 2002	Staff time	New Gallery Budget	Staff evaluation. Completion. Community satisfaction
Develop an sustainable development plan	Architect Currently in Architects brief	June 2002	Staff time	New Gallery Budget	Staff evaluation. Completion.
Develop an Access plan	Architect Council Staff	December 2002	Staff time	New Gallery Budget	Completion. Bus route to Gallery. Walking & Cycle tracks developed. Report on discussions with State Rail & Ritz Rail.
Develop a Public Art Program	AGD Staff AGAC	Dec 2002	Staff time	Sponsors	Completion Staff Evaluation

Reports from Director Environment & Community Services



Tweed Shire Council

6.0 OUTCOMES

Implementation of these strategies and actions means that the gallery will achieve the following outcomes:

- An effective and efficient arts facility means that the Gallery is recognised as a model in the delivery of visual arts & crafts services
- Increased visitation means greater income opportunities
- Increased usage by schools means enhanced appreciation and understanding of the visual arts in the community
- Enhanced employment opportunities for artists means economic benefits for the community
- A focussed and relevant collection means enhanced promotional and marketing opportunities, which leads to greater customer loyalty

7.0 POLICIES

Policy	Responsible Officer	Timing	Evaluation
Develop, implement & maintain a Strategic Plan for the years 2001-2004	AGD	Adopted 20 March 2002	Reviewed annually
Develop an Exhibitions & Public Programs Policy	AGD & Eppo	End Feb 2002	Staff evaluation Annual Review
Develop a marketing and promotions plan	AGD/AD/AMO	End March 2003	Annual Review
Develop an Acquisition/De-accession Policy	AGD	Completed	Reviewed every 3 years
Develop a Conservation Plan	AGD & AD	June 2002	Reviewed every 3 years
Develop a Landscaping & Conservation Plan	Landscape Arch/Agenda 21 Officer/AGD	June 2002	Reviewed every 3 years
Develop a Sustainable development Plan	Architect/AGD	June 2002	Reviewed every 3 years
Develop an Access Plan	Architect/Consultant/AGD	December 2002	Reviewed every 3 years

Reports from Director Environment & Community Services



Tweed Shire Council

8.0 FINANCIAL STATEMENTS

Art Gallery Budget Predictions 2001 – 2005

Operating Expenses	2001/02	2002/03	2003/04	2004/05
A2250 Prizes	(16050)	(12300)	(15850)	(16,000)
A2253 Art Gallery Salaries	(147220)	(161668)	(180000)	(185000)
A2255 Art Gallery Operations	(102796)	(106950)	(153000)	(160000)
A2257 Art Gallery Exhibitions & Retail	(58360)	(70040)	(81000)	(85000)
A2260 Moran Collection Maintenance	(20000)	(20000)	(25000)	(27000)
A2264 Projects	(2750)	0	0	0
A2265 Interest	(26143)	(74935)	(116952)	(115306)
Subtotal	(373319)	(445893)	(571802)	(588306)

Revenue	2001/02	2002/03	2003/04	2004/05
A2250 Prizes	14750	9000	14750	15000
A2253 Ministry for the Arts Grant	14000	14000	14000	0
A2257 Art Gallery Exhibitions & Retail	43000	45400	21000	21000
A2264 Projects	19200	37000	62000	65000
A2341 Art Gallery Other Income	12310	2800	48800	50000
A2342 Art Gallery Grant Income	10000	0	15000	35000
Subtotal	113260	108200	175550	186000

Net Result (Revenue less expenses)	(260,059)	(337,693)	(396,252)	(402,306)
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Capital expenditure construction costs	2001/02	2002/03	2003/04	2004/05
A2265 Principal	(14147)	(27487)	(39968)	(41143)
Subtotal	(14147)	(27487)	(39968)	(41143)

Net Cash Result (Net Result plus Capital expenditure construction costs)	(274206)	(365180)	(436220)	(443449)
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Proposed Capital Works	2001/02	2002/03	2003/04	2004/05
A2262 New Gallery funding	200000	2900000	0	0
Subtotal	200000	2900000	0	0

Notes

1. No provision made for depreciation
2. Borrowing costs of interest and principal relate to new Art Gallery operations. Gallery expected to commence operations in 2003/04.

Reports from Director Environment & Community Services

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Reports from Committees/Working Groups

1. Minutes of the Sports Advisory Committee Meeting held Tuesday 20 August 2002

Sports Advisory Committee

VENUE:

Tweed Heads Civic Centre

TIME:

5.00 pm

PRESENT:

Committee Members: Crs Warren Polglase, Max Boyd, Phil Youngblutt; Mr Stewart Brawley, Mr Merve Edwards, Ms Leanne Sharp, Mr Peter Moschogianis, Ms Glennys Kenny, and Mr Ray Jarrett

Informal: Mrs Blyth Short (Recorder)

APOLOGIES:

Cr George Davidson, and Linda Threlfo

CONFIRMATION OF MINUTES:

Moved: R Jarrett

Seconded: P Moschogianis

RESOLVED that the Minutes of Sports Advisory Meeting held Tuesday 16 July 2002 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

5. South Tweed Facilities

Dave Burns and Ron Wilkinson Field

S Brawley advised that another meeting with the users of the facility and Twin Towns Services Club was held 19 August. Building plans have been finalised and will be costed with contributions from each organisation determined. Council will also apply for funding through the NSW Department of Sport and Recreation Regional Sports Facility Program.

Reports from Committees/Working Groups

CORRESPONDENCE:

1. Tweed District Cricket Association (TDCA)

Tweed District Cricket Association requested clarification as to the increase of the Sports Field Licence fees. S Brawley advised that the formula for establishing the fee is based on a 20% recovery cost of the total sports field maintenance budget. The increase in license fees of \$200.00 per field was the result of a significant increase in maintenance budget due to the acquisition of Bilambil Sports Fields and sports fields at Casuarina Beach. This increase was unforeseeable by Council.

2. Cudgen Junior Cricket Club & Cudgen Community Tennis Club Assets Reserve Application Fund

Cudgen Junior Cricket Club & Cudgen Community Tennis Club have submitted an Assets Reserve Trust Fund application to erect 2 practise cricket wickets on a concrete base and erect a all weather shelter shed for spectators and players. The total cost of the project is \$11,332 and the clubs are requesting \$3,885. General discussion.

Moved: M Edwards
Second: Cr Youngblutt
Moved unanimously.
RECOMMENDATION:

That Council contributes \$3,885 from the Sports Field Assets Reserve Trust Fund to Cudgen Junior Cricket Club for the erection of 2 practise cricket wickets and an all weather shelter shed at the Cudgen Sports Field.

3. Australian Tennis Professional Coaches Association Ltd

ATCPCA writes regarding the Commonwealth's endorsement of the new Australian Quality Training Framework standards which encourage the recognition of vocational courses for coaches that are accredited under the Act. Council is advised to request all users of tennis facilities to ensure they are aware of the new accreditation under the Act. S Brawley advised that Council would write the Tennis Clubs within the Shire.

4. NSW Country Cricket Association

NSWCCA writes advising (South Tweed Colts Cricket Club (STCCC)) that they have received funding of \$3,500 towards the cost of installation of a turf practise wicket at Dave Burns Field, South Tweed Heads.

R Jarrett informed the committee it is envisaged that the facility at South Tweed Heads will be developed into an Academy for junior cricket in the Tweed area.

Reports from Committees/Working Groups

The maintenance of the practise wickets will be fully funded by the club through various sources.

GENERAL BUSINESS:

5. Public Insurance update

S Brawley handed out information regarding public liability insurance in relation to the sport and recreation industry taken from a NSW Sport and Recreation Sports bulletin. S Brawley advised that whilst attending a Departmental seminar related to this issue he was informed that duty of care lies with both Council and Clubs utilising public facilities. Sporting clubs should consider formulating Risk Management Policies and practises. Volunteers assisting with in-kind works on public land will also need to be appropriately training in site specific projects. General discussion. This information will be highlighted in the Sports News bulletin.

6. Grand Stands

Sports Advisory Committee: Stan Sercombe Oval

Information and a summary of portable grand stands were handed out to the committee. General discussion. S Brawley advised that Council receives regular requests for existing stands to be moved from venue to venue. If the committee wish to pursue the option the stands would be hired out at a minimal fee to cover transportation costs and operate from a booking system.

M Boyd suggested that around the sports ground grass mounds could be used to accommodate viewing of events such as those at Stan Sercombe Oval, Murwillumbah.

S Brawley advised that this option would only be viable at limited sites. Issues of approvals and processes for the erection and location of stand requires further clarification.

W Polglase expressed that he would like to see the money spent on the fields themselves.

Moved: M Boyd

Seconded: W Polglase

RESOLVED that Council write to all sporting clubs to request feed back on the portable stands. The issue will be discussed at the September meeting.

Reports from Committees/Working Groups

7. Les Burger Sports Field - Cabarita Beach Community Centre

L Sharpe advised that the building renovations are due to completed by the end of August and local sporting clubs are impressed with the results. Council will be advertising hire fees for public comment over the next 28 days.

NEXT MEETING:

The next meeting of the Sports Advisory Committee will be held 17 September 2002 at the Murwillumbah Buchanan Depot.

The meeting closed at 5.45 pm

Director's Comments:

The funds recommended in Item 2 are being approved under "delegated authority" as there is no action required by Council.

[document2]

DIRECTOR'S RECOMMENDATIONS:

2. Cudgen Junior Cricket Club & Cudgen Community Tennis Club Assets Reserve Application Fund

Committee Recommendation:

That Council contributes \$3,885 from the Sports Field Assets Reserve Trust Fund to Cudgen Junior Cricket Club for the erection of 2 practise cricket wickets and an all weather shelter shed at the Cudgen Sports Field.

Director's Recommendation: *That this item be approved under delegated authority.*

Reports from Committees/Working Groups

2. Minutes of the Public Transport Working Group Committee Meeting held Thursday 25 July 2002

Public Transport Committee

VENUE:

Meeting Room, Tweed Heads Civic Centre

TIME:

10.00am

PRESENT:

Committee Members: Barbara Rahmate, Bill McKenniarey

Informal: Robin Spragg, Ray Clark, Paul Morgan (TSC); Jacob Baldwin, Peter Tomlinson (Community Awareness Taskforce)

APOLOGIES:

Cr Wendy Marshall, Mark McAskill, Douglas Jardine

MINUTES OF PREVIOUS MEETING:

Moved: Bill McKenniarey

Seconded: Barbara Rahmate

RESOLVED that the Public Transport Working Group Committee meeting held 20 June 2002 be accepted as a true and accurate record of the proceedings of that meeting.

Prior to the agenda items, members of the **Community Awareness Taskforce** gave a presentation about their proposals for a more integrated local transport system.

The term used for the concept is Transnet. It would establish an office, which would act as a hub for transport information. Enquiries would be directed to the most suitable available type of transport, rather like a taxi radio centre, but linked to a wide range of local transport services.

There was discussion of issues such as the basis of participation by other transport operators, and the practicalities of regulations and contracts. It was mentioned that a transport database for Tweed has just been created, which may be a first step towards the aim of reducing fragmentation in the supply of transport.

The Taskforce is conducting consultations throughout the North Coast Region, and it was agreed to keep in touch with developments.

Reports from Committees/Working Groups

BUSINESS ARISING:

1. Policy Document Review

Public Transport Committee; Railways General

(a) Public Transport Development Strategy

A program for the preparation of the Strategy by end of year had been circulated. This provided for PT Committee consideration of a Strategy Framework in July, and Committee review of the First Draft in August.

A six-page Framework had been circulated for discussion.

In discussion, points made were:

- The objectives of the Strategy need to be measurable;
- The newly opened freeway might be used to provide express public transport services, for example, from Seabreeze Estate at Pottsville to Chinderah roundabout via the freeway;
- There was a need for incremental funding increases to expand the network of services to cover the Shire;
- It might be useful to focus on the four main user groups of transport, older people, young people, tourists and workers.

The working title given to the Framework was “A Sustainable Local Transport Plan for the Tweed”, which reflected the contribution it would make to sustainability and the style of similar strategies for Local Government Areas, such as one recently prepared for Redland Shire.

Further development of the Strategy would be presented in August, and then there would be a round of consultation of stakeholders.

(b) Murwillumbah-Byron Bay Railway

There has been no progress regarding moves to ensure upgrading of the rail infrastructure. Bill mentioned that at a recent consultation people had lobbied for a commuter-type rail service in the region. The Committee agreed to ask Council to make a further approach to Neville Newell, on the basis that ‘Council would see it as a major benefit to Tweed Shire to see the line upgraded’.

That the Council be requested to write to the Hon. Neville Newell in support of the upgrading of the Murwillumbah-Casino railway line, and the introduction of regional passenger services for the benefit of Tweed’s growing population.

Earlier this year action was taken by the Mayor, supported by other regional Mayors, to ask Mr Newell to approach the Minister on the same topic. It is understood no response has been received.

Reports from Committees/Working Groups

RECOMMENDATION:

That the Council be requested to write to the Hon. Neville Newell in support of the upgrading of the Murwillumbah-Casino railway line, and the introduction of regional passenger services for the benefit of Tweed's growing population.

3. Studies and Submissions

(a) Tweed Valley Transport Information Service

Work has been completed on the transport database, and discussions are being held on the best methods of promoting and distributing the information. It is envisaged that a launch will be organised shortly.

Bill indicated that DAISI (Disability Information Service) would be very interested in having the disk as part of its service.

GENERAL BUSINESS:

4. Kingscliff Shopping Centre – Bus Interchange

Discussions between Council and the developers of a proposed large centre in Turnock Street have included provision of a major new bus interchange, to enable public transport to become the major form of access for shopping. The developers have been discouraged by a response from Surfside Buslines to the effect that the operator would not use an interchange in such a centre. Surfside was not represented at this Committee meeting, so the issue will be deferred.

Other items on the Agenda were not discussed owing to insufficient time.

NEXT MEETING:

The next meeting of Public Transport Working Group Committee will be held on Thursday 22 August 2002 at 10am at the Tweed Heads Civic Centre.

The meeting closed at 12 noon.

Director's Comments: Nil.

[document11]

Reports from Committees/Working Groups

DIRECTOR'S RECOMMENDATIONS:

1. Policy Document Review

Public Transport Committee; Railways General

Committee Recommendation:

That the Council be requested to write to the Hon. Neville Newell in support of the upgrading of the Murwillumbah-Casino railway line, and the introduction of regional passenger services for the benefit of Tweed's growing population.

<i>Director's Recommendation:</i> <i>That the Committee's recommendation be endorsed.</i>

Reports from Committees/Working Groups

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

3. **Minutes of the Occupational Health and Safety Committee held 14 August 2002.**
 4. **Minutes of the Tweed Shire Council Consultative committee Meeting held Thursday 15 August 2002**
 5. **Minutes of the Banora Point Community Centre Establishment Committee Meeting held Thursday 15 August 2002**
 6. **Minutes of the Burringbar Sewerage Community Reference Group Committee Meeting held Thursday 15 August 2002**
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Reports from Committees/Working Groups

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Orders of the Day

1. Notice of Motion - Cr Beck

Sign Policy

Advertising-Directory Sign; Council Policies; Notice of Motion

That the Sign Policy be reviewed.

Orders of the Day

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