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CONFIDENTIAL

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1. ORIGIN: Development Assessment Unit/Building Services Unit 5

Development Application 1338/2001DA for the Erection of a Rural Workers Dwelling at Lot 1 DP 772338 No. 68 Simpson Drive, Bilambil 5

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

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege 5

Reports from Director Engineering Services in Committee 19

2. ORIGIN: Works Unit 19

EC2002-42 - Tenders for the Supply of Contract Truck Haulage 19

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

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

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

(ii) confer a commercial advantage on a competitor of the council, or

(iii) reveal a trade secret 19

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Tenders - Building works, Cabarita/Bogangar Community Centre 25

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

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business 25

4. ORIGIN: Building Services Unit 27

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

(a) personnel matters concerning particular individuals 27

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

18 APRIL 2001

REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

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

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

(a) personnel matters concerning particular individuals

C188

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

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

Schedule of Outstanding Resolutions

3 OCTOBER 2001

ORDERS OF THE DAY

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

Trees-Planting, Border Caravan Park, Notice of Motion

303

Cr Boyd

Cr Luff

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

Current Status: Workshop proposed for 12 June 2002.

5 DECEMBER 2001

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

17. **Proposed Tweed Natural High Campaign**

Drug Related Matters

508

Cr Boyd

Cr Marshall

RESOLVED that Council:-

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

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

Schedule of Outstanding Resolutions

19 DECEMBER 2001

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

33. Future Doon Doon Hall

Rural Hall - Doon Doon

579

Cr Youngblutt

Cr Davidson

RESOLVED that:

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

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

5. Policy – Low Light Reflective Building Materials

Notice of Motion; Building – Code; Building - General

596

Cr Marshall

Cr Luff

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

Current Status: Report imminent.

6 MARCH 2002

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

3. Local Environmental Study and Draft Local Environmental Plan - Seaside City

GT1/LEP/2000/3 Pt6; LEP – Seaside City

741

Cr Brinsmead

Cr Lawrie

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

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

Schedule of Outstanding Resolutions

20 MARCH 2002

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

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

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

793

Cr Beck

Cr Marshall

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

Current Status: Report being prepared.

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

38. **Desexing of Cats and Dogs**

Companion Animals Committee

831

Cr Youngblutt

Cr Luff

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

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

ORDERS OF THE DAY

3. **Staffing**

Notice of Motion; Staffing Levels

839

Cr Beck

Cr Lawrie

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

Current Status: Report to be prepared.

Schedule of Outstanding Resolutions

3 APRIL 2002

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

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

GT1/LEP/A113 Pt6; LEP

852

Cr Marshall

Cr Boyd

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

Current Status: Awaiting release of the Study.

REPORTS FROM SUB-COMMITTEES

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

4. **Jack Evans Boat Harbour**

Aboriginal Matters

874

Cr Boyd

Cr James

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

Current Status: Awaiting further information.

1. **Aboriginal Heritage Study**

Aboriginal Matters

875

Cr James

Cr Luff

RESOLVED that a report be prepared on:

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

Current Status: Report being prepared.

Schedule of Outstanding Resolutions

ORDERS OF THE DAY

4a. Tweed Road Contribution Plan

Notice of Motion; Section 94 Plans

886

Cr James

Cr Marshall

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

Current Status: Report being prepared.

15 MAY 2002

QUESTION TIME

Tweed River – Clean Up

Area 5 – Tweed River; Rubbish – Illegal Dumping

Cr Boyd

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

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

Current Status: Options being reviewed.

Mayoral Minute

Councillors,

1. A Taste of Tweed

Councillor Invitations

17 May – attended A Taste of the Tweed, a regional cuisine program which was held at the Rainforest Centre Murwillumbah.

2. Citizenship Ceremony

GC6/5 Pt5

17 May – performed a private Citizenship Ceremony at Murwillumbah and presented Certificate to Mr. Daniell Charity.

3. Salvation Army

Banora Point Community Centre

21 May – attended a community organised meeting at Banora Point to discuss proposed Community Centre at Salvation Army Hall.

4. Citizenship Ceremony

GC6/5 Pt5

24 May – performed a public Citizenship Ceremony at Tweed Heads and presented certificates to 18 candidates and 4 children.

5. Debutante Ball – Mt St Patrick College

Councillor Invitations

24 May – attended the Mt. St. Patrick College P & C Association Debutante Ball held at the Sacred Heart Parish Hall in Murwillumbah.

6. 100 Years of Local Government Centenary Celebrations

Murwillumbah Centenary

26 May – attended the festivities at Murwillumbah to celebrate the Centenary of 100 Years of Local Government.

Mayoral Minute

7. Citizenship Ceremony

GC6/5 Pt5

31 May – Performed Private Citizenship Ceremony at Tweed Heads and presented certificate to Wilma Lees.

8. Wintersun 2002

Wintersun

31 May – attended the Wintersun Ball 2002 at Club Banora.

9. Eco Tourism

World Environment Day

1 June – attended Eco Tourism activities in Murwillumbah and met with Cr Mike Berwick Mayor of the Douglas Shire Northern Queensland.

10. Tugun bypass

Tugun Bypass

1 June – attended a public meeting at Tugun and met with the Tugun Progress Association and others to discuss the proposed Tugun Bypass Road.

INVITATIONS ACCEPTED:

- 8 June - Powerhouse Christian Centre Open Public Display Night Murwillumbah Civic Centre
- 9 June – Jepsprints Round Mountain and Dinner and Presentation of Trophies at Cudgen Leagues Club
- 10 June – 2002 Border Park Galaxy, Border Park Racecourse
- 14 June – Private Citizenship Ceremony Murwillumbah Dr. Phillip Allen
- 15 June - Cudgen SLSC 81st Season Presentation of Awards
- 16 June – 25th Anniversary Service Uniting Church Twin Towns Congregation

Mayoral Minute

ABSENCES FROM SHIRE BY GENERAL MANAGER AND DIRECTORS

➤ **General Manager (John Griffin)**

7 June 2002 LGMA Northern Rivers Branch Meeting
Casino

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

7 June 2002 SIA Meeting
Oxenford

13 June 2002 SouthROC Meeting
Redlands

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

16-17 May 2002 RAPI
Sydney

29 May 2002 Integrated Human Services Infrastructure Planning
Coffs Harbour for Growth Communities on the Far North Coast
(Jacqui Parry, Premier's Department)

4 June 2002 Comprehensive Coastal Assessment Committee -
Sydney PlanningNSW

18 June 2002 Industrial land meeting with Jo Gardner
Tweed Heads (PlanningNSW) & others

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

Nil

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

30 May 2002 CLAG Meeting
Gold Coast

Mayoral Minute

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Items Deferred

ITEM DEFERRED FROM MEETING 15 MAY 2002

ORDERS OF THE DAY

2. *Council Meeting Policy*

Notice of Rescission; Council Policies; DAP; Council – Meetings; DW670456

1006

Cr Brinsmead

Cr Youngblutt

RESOLVED that this matter be deferred to the meeting of 5 June 2002.

2. **Notice of Rescission - Cr Boyd, Cr Carroll and Cr James**

Council Meeting Policy

Notice of Rescission; Council Policies; DAP; Council – Meetings; DW670456

That Council resolution at Minute No 345 in relation to Item 3 Orders of the Day of the Meeting held Wednesday 17 October 2001 being:-

".....that pursuant of the Section 232 of the Local Government Act defining that the role of a Councillor "as a member of the governing body of the Council" is "to direct and control the affairs of Council," "to play a key role in the creation and review of the Council's policies," "to review the performance of the Council and delivery of services," "to provide leadership and guidance to the community, and "to facilitate communication between the community and the Council" pursuant also with the General Manager's initiatives already undertaken to promote a better flow of information and communication between Councillors and staff: and pursuant of Council's policy to foster a transparent and open process in the planning and development process:

Council clarifies its policy and its attitude in respect to meetings or talks with business persons and developers doing business and proposing to do business with Council, as follows:

1. *It is appropriate that the Mayor and/or any other Councillor attend any meeting of the Development Assessment Panel.*
2. *It is appropriate that the Mayor and/or any other Councillor should, upon the request of a development applicant (or any other party doing or proposing to do business with Council), meet with such an applicant in talks with relevant Council officers.*
3. *It is appropriate that the Mayor and/or any other Councillor should, if the need arises, initiate and be present at talks between a development applicant (or any other party doing or proposing to do business with Council) and relevant Council officers.*

Items Deferred

4. *It is appropriate that the Mayor and/or any other Councillor attend talks with any applicant (or any person doing business with Council) and Council officers at the request of Council officers.*
5. *The Mayor should liaise with the General Manager in all matters involving the Council staff.”*

be rescinded.

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: Strategic Town Planning Unit**
FILE REF: Industrial Development - General

REPORT TITLE:

Employment Generating Incentives Package

SUMMARY OF REPORT:

At its meeting on 7 November, 2001 Council resolved:

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

This report explores the investment incentives that Council already offers potential industrial, commercial and retail developments as well as reviewing alternative methods of attracting industries to establish within the Tweed.

Some investment incentives presented in this report are options that Council could pursue. Each example will have costs associated with it, whether it is financial or resources.

In September 2001 Council adopted an Economic Development Strategy. The focus of the Strategy is to promote economic development, and subsequently employment generation, in the areas of primary production, employment generating lands, tourism and cultural industries as well as education and training. The Vision of the Strategy is “to establish a culture that encourages job creating investment growth that is beneficial to the community of the Tweed”.

In seeking to achieve this Vision Council has undertaken numerous programs which promote employment generating investment into Tweed Shire.

Council’s strategic planning role is a vital contributor to local economic development.

This report examines Council’s commitments to economic development, and other methods of assistance. The level of commitment is substantial, including \$660,500 to TEDC, TACTIC and Tweed Town Centres Committee.

RECOMMENDATION:

That Council reaffirms the extent of its current commitment to employment generation in the Shire.

Reports from Director Development Services

REPORT:

BACKGROUND - NEED FOR AN INCENTIVES PACKAGE

A number of factors make job generation critical in the Tweed:

1. Unemployment in Tweed Shire is currently one of the highest in the State with 11.3% unemployment in the September, 2001 quarter.
2. That traditional industries of the Shire are facing decline presents unique challenges for economic development for the Tweed.
3. Over the last 20 years Commonwealth assistance to industry has declined dramatically through reductions in trade barriers and tariffs. This has increased the importance of state and local assistance.

At its meeting on 7 November, 2001 Council resolved:

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

This report explores the investment incentives that Council already offers potential industrial developments as well as reviewing alternative methods of attracting industries to establish within the Tweed. This report:

- Sets out the specific investment incentives available to Council;
- Identifies selection criteria to determine eligible companies;
- Identifies those incentives which would be most appropriate for Council to pursue.

WHAT IS AN INCENTIVE?

The Industry Commission's assessment of investment incentives in Australia is a mechanism through which regions compete for economic development. Nationally this represents a zero-sum game. That is where one region may win over a new industry another region will lose that industry.

State and local governments play a fundamental role in facilitating economic development and this has been articulated into most of their major objectives. However competition between states or regions for economic benefit through industry attraction can undermine good economic policy and the most effective allocation of funding of social and physical infrastructure.

What actually constitutes assistance is extremely difficult and complex to define. Incentives can range from quantifiable financial incentives to providing advice. Some incentives become even more difficult to define when they start to encroach on service and infrastructure provisions that Council have a mandate to provide.

However some general categories include;

- 'In kind' facilitation
- 'In kind' data/information service
- Cash grants
- Loans
- Loan guarantee

Reports from Director Development Services

- Land at concessional cost
- Rate holidays
- Concessional cost for capital works
- Local purchasing preference

Specific State (NSW) and Federal assistance packages can offer far more attractive financial bonuses than Council can achieve. But this will not specifically attract these businesses to the Tweed.

Local government financial assistance to industry attraction represents an average of between 2 – 3% on individual local government budgets Australia wide.

Table 1 - Government Assistance to Attract Industry

Commonwealth	\$10.2 billion
State	\$2.1 billion
Payroll Exemptions	\$4.8 billion
Local Government	\$0.18 billion
Total	\$17.28 billion

Source: State, Territory and Local Government Assistance to Industry, Industry Commission, 1996.

In 1996 the Federal Government's Industry Commission undertook an extensive study paper on the effects on industry assistance. In the industry focus group interviews conducted through this study it was identified that what particular businesses want from their dealings with Council is to be welcomed to the region. This is usually manifest in the planning process.

Extensive research in Australia and overseas over the last 10 years has consistently reached the conclusion that the best industry incentive local governments can offer are not direct financial incentives. Council can attract industry by providing the right 'lifestyle' choice. Furthermore, the International Economic Development Council conducted a survey in the United States which identified that a majority of location decisions for corporate headquarters were made on 'where the spouse wants to live'. This can be achieved by providing the right quality of social and physical infrastructure offering a unique combination of urban, business and natural environments.

EXISTING INVESTMENT INCENTIVES UNDERTAKEN BY COUNCIL

Currently Council is undertaking numerous means of attracting investment to the Tweed. These are specifically listed below (Table 2).

Council already undertakes some investment incentives and investment promotion (refer Table 4) but they are dispersed amongst Council's Divisions.

Reports from Director Development Services

Table 2 - Council's Assistance to Industry

2001/2002 Budget	% of Council Rates	2001/02	% Council Budget
Cross subsidisation of Farmland Rate	1.0	\$490,000 (Est)	0.4
Net cost to administer development services	0.5	\$250,000	0.2
Financial assistance to TEDC	0.3	\$150,000	0.1
Financial assistance to tourism industry, including TACTIC	0.48	\$235,808	0.2
Main St Coordinator (Tweed Town Centres Committee)	0.1	\$50,000	0.04
Financial assistance to festivals and events	0.06	\$31,930	0.03
Cross subsidisation of business rate (ie, maintaining business rate the same as residential rate	3.5	\$1,700,000(Est)*	1.7
(* Note – based on business rate for NSW Local Government areas)			
TOTAL	4.3	\$2,167,738	2.1

Reports from Director Development Services

Table 3 – Comparison Average Rate/Business Assessment 1999/2000

Average Rate per Business Assessment

Council	Aust. Class'n	1997/98 \$	1998/99 \$	Variation	1999/00 \$	Variation
Group 4						
Albury	7(URM)	3,448.99	3,594.03	+4.2%	3,674.85	+2.2%
Armidale	6(URS)	2,127.24	2,143.98	+0.8%	–	–
Armidale Dumaresq	6(URS)	–	–	–	2,125.23	–
Ballina	7(URM)	730.34	908.07	+24.3%	795.60	-12.4%
Bathurst	6(URS)	3,105.65	3,065.65	-1.3%	3,093.39	+0.9%
Bega Valley	6(URS)	937.50	943.40	+0.6%	966.53	+2.5%
Broken Hill	6(URS)	2,073.02	2,285.27	+10.2%	2,344.67	+2.6%
Byron	6(URS)	734.68	873.66	+18.9%	902.41	+3.3%
Casino	6(URS)	1,387.70	1,338.58	-3.5%	1,370.76	+2.4%
Cessnock	7(URM)	2,398.41	2,428.84	+1.3%	2,251.14	-7.3%
Coffs Harbour	7(URM)	2,458.72	2,327.02	-5.4%	2,302.76	-1.0%
Deniliquin	6(URS)	1,490.52	1,519.05	+1.9%	1,526.81	+0.5%
Dubbo	7(URM)	2,792.29	2,708.70	-3.0%	2,900.34	+7.1%
Eurobodalla	7(URM)	1,105.81	1,093.27	-1.1%	1,108.59	+1.4%
Glen Innes	6(URS)	1,218.10	1,244.36	+2.2%	1,284.64	+3.2%
Goulburn	6(URS)	2,829.31	2,911.41	+2.9%	3,120.54	+7.2%
Grafton	6(URS)	2,616.64	2,639.02	+0.9%	2,911.76	+10.3%
Great Lakes	7(URM)	907.32	990.59	+9.2%	980.09	-1.1%
Greater Taree	7(URM)	1,622.22	1,599.11	-1.4%	1,619.42	+1.3%
Griffith	6(URS)	1,166.86	1,216.04	+4.2%	1,278.07	+5.1%
Hastings	7(URM)	1,503.70	1,533.38	+2.0%	1,942.08	+26.7%
Kempsey	6(URS)	940.74	942.03	+0.1%	960.73	+2.0%
Kiama	6(URS)	1,261.74	1,268.46	+0.5%	1,264.71	-0.3%
Lismore	7(URM)	2,434.07	2,546.59	+4.6%	2,640.36	+3.7%
Lithgow	6(URS)	1,861.05	1,782.70	-4.2%	1,841.54	+3.3%
Maitland	7(URM)	2,504.81	2,535.91	+1.2%	2,565.32	+1.2%
Orange	7(URM)	2,525.94	2,371.63	-6.1%	2,494.08	+5.2%
Port Stephens	7(URM)	1,220.15	785.08	-35.7%	864.93	+10.2%
Queanbeyan	6(URS)	3,796.26	3,862.30	+1.7%	3,895.45	+0.9%
Shellharbour	7(URM)	2,582.93	2,503.13	-3.1%	2,390.42	-4.5%
Singleton	6(URS)	696.18	740.73	+6.4%	731.12	-1.3%
Tamworth	7(URM)	1,850.24	1,681.49	-9.1%	1,736.93	+3.3%
Tweed	7(URM)	1,555.65	1,832.38	+17.8%	1,802.23	-1.6%
Wagga Wagga	7(URM)	2,905.72	2,731.96	-6.0%	2,787.63	+2.0%
Wingecarribee	7(URM)	1,450.44	1,435.63	-1.0%	1,417.24	-1.3%
Group Average		1,985.73	1,947.59	-1.9%	1,999.97	+2.7%

Note: Based on Category 4 Councils

Source: NSW Local Government Comparative Indicators, Department of Local Government

Reports from Director Development Services

To attract a preferred type of employment generating industry to the Tweed it is important to have a consolidated approach to investment incentives. This will also need to be done in conjunction with incentives offered by State and Federal governments.

TYPES OF INVESTMENT INCENTIVES COUNCIL CAN EMPLOY

Given the findings of the Federal Government's Industrial Commission as well as the financial incentives provided by both State and Federal Government, it is not appropriate or effective for Council to undertake to provide cash incentives to assist employment-generating development.

It is important Council focus any investment incentives towards areas Council has resources, willingness and a mandate to undertake. A list of potential incentives is listed in Table 4. Currently the Tweed Economic Development Strategy has identified four particular industries which Council believe efforts should be invested to create employment and economic development. These areas are:

- Primary production;
- Tourism and cultural;
- Employment generating land;
- Community and training.

It is important to ensure all of these sectors are supported through an investment incentives package.

Particular investment incentives for these industries could include:

- Primary Production
 - LEP Amendments to ensure uses are in suitable zones (ie, forestry, aquaculture).
- Tourism
 - Direct officer assistance and advice to developments providing tourism infrastructure;
 - Undertake a review of requirements for tourism infrastructure.
- Employment Generating Lands
 - Ensuring adequate supply of suitable serviced land to accommodate employment generating industries;
 - Establish a complying development code for certain employment generating activities in zones 3(c) Commerce and Trade and 4(c) Industrial;
 - Review of business rating structure;
 - Direct enhanced officer assistance and advice to developments providing employment generation (Employment Generating Development Scheme);
 - Planning to facilitate more home based industries, businesses and employment.

From these guidelines it is recommended that a review include costs and sources of funds as well as presenting the more detailed proposals, which are limited to:

- Involvement in Shire wide and regional strategic planning to identify and promote future employment generating development lands;

Reports from Director Development Services

OTHER ISSUES

- Any discounting of a S94 contribution plan will require alternative funding arrangements to be considered to make up the shortfall.
- If no specific arrangements are made then these shortfalls will ultimately be met through general revenue, which ultimately represents a cost to all ratepayers.
- S94 is a regulatory tool that effectively enables a mechanism to offset the public cost for private development.
- Any special rate must be linked to a specific benefit to the landowner and is open to challenge in the Land & Environment Court.

TWEED ECONOMIC DEVELOPMENT CORPORATION (TEDC)

The Tweed Economic Development Corporation (TEDC) was asked to give comment on what they considered to be important issues affecting investment incentives. The full impact of its response is Annexure 1 to this report.

The key issues identified in this response are industry attraction by developing industrial land with infrastructure, which is done in collaboration with State Government. Secondly, identify specific industries to target by conducting a review of which Tweed industries demonstrate a competitive advantage.

In the draft 2002/03 Budget Council will expend \$660,500 on economic development within the Shire. Considering this, it would be appropriate to encourage TEDC and TACTIC to merge to allow greater efficiencies to economic development programs as well as allow savings in administration costs.

TEDC'S RESPONSE

In the preparation of this report a draft was forwarded to TEDC for comment. TEDC's response is Annexure 1. The specific issues raised are addressed below.

1. *As a matter of urgency, a Tweed industry audit needs to be conducted as a joint venture action between TEDC and TSC.*

Conducting an industry audit is considered an important step in establishing which industry sectors we need to be able to adequately accommodate in the future. Some of this work has already been done through the Tweed Economic Development Strategy. There may be some scope to jointly pursue funding sources to undertake a study of this nature, however this is not considered relevant as part of an incentives package.

2. *That specific industry growth opportunities be identified, for example, marine manufacturing industry, food processing industry, and other yet to be identified.*

This becomes an implementation on Point 1. The Tweed Economic Development Strategy provides a mechanism for identifying opportunities for key industry growth.

3. *That industry specific incentives be developed to include:*

- a) *provision of hard infrastructure eg, boat launching facility at Condong;*
- b) *industry specific high yield job and wealth creation incentives eg, rate holidays, water rate subsidies etc;*

Reports from Director Development Services

- c) *free and concessional water rates for up to 10 years for major industries;*
- d) *assistance with construction of internal roads;*
- e) *assistance with effluent disposal;*
- f) *leasing out of Council-owned and developed land for specified periods at minimal rates with an option to purchase; and*
- g) *rate holidays and/or substantial discounts for specified periods.*

The specific incentive opportunities identified cover concessions to the provision of infrastructure. These types of subsidies represent considerable capital cost. If Council were to subsidise these costs it would need to be borne from Council's existing budget allocations to Economic Development.

Estimated costings on these items cannot be determined, as each prospective development would be assessed on a case-by-case basis for eligibility.

- 4. *That a 'one stop shop' approval process be developed for specific, identified industries such as marine industry expansion to the proposed Tweed Valley Enterprise Park. Potential for recognised industry pre-approval as part of approval process – as happens in the Coomera Marine Precinct.*
- 5. *That the 'one stop shop' approval process investigate the possibility of, in specified areas and within specified criteria, gaining the pre-approval of State and Federal Government agencies such as EPA, DUAP, DLWC and NPWS for specific industries in order to cut short the approval periods and red tape.*

Again, this is an approach that warrants further investigation. This would involve coordination by planningNSW. Also the role of TEDC becomes important as a conduit between potential employment generating developments, Council and State Government Agencies.

- 6. *Funds made available on an 'as needs' basis for TEDC to actively promote identified industrial, investment and growth opportunities. For example, Gold Coast City Council has a budget of \$60,000 to attend specific industry trade shows and more to develop marketing "industry specific" material, brochures etc.*

Currently Council allocates \$660,500 to economic development comprising funding for TEDC, TACTIC and Tweed Town Centres Committee. A specific budgetary allocation for this purpose would require the reorganisation of the Economic Development Principal Activity within the Budget.

The opportunity cost to Council of expending this \$660,500 would be:

- 1. Allocation of the 3% rate base being allocated to other functions of Council,
- 2. Savings attributed to interest of approximately \$4 million (being approximately \$5 million repaid over 20 years to accommodate the economic development function for 5 years).

Government Collaboration and Promotion

Currently there are a considerable number of incentive and investment schemes offered by the NSW State Government and Federal Government. It is essential that Council is aware of what schemes

Reports from Director Development Services

are already offered and that no duplication occurs. Furthermore it may be prudent to leave direct financial and grant incentives to the State and Federal governments.

The joint promotion of the Tweed as a conducive business climate will need to be done in collaboration with Tweed Economic Development Corporation, Department of State and Regional Development and AusIndustry. This collaboration should move towards the establishment of one package that offers all relevant information in one source.

CONCLUSION

Council already fulfils a very significant economic promotion role (refer Table 3) that is spread across Council's Divisions and funded external agencies. To attract a preferred type of employment generating industry to the Tweed it is important to have a consolidated approach to investment incentives. This will also need to be done in conjunction with incentives offered by State and Federal governments.

Table 3: Existing Incentives Schemes

Incentive Scheme	Classification	Organisation
Local/Regional Incentives		
Tweed Investment Brochure	Promotional	TEDC
Business developer/Council facilitation	Administrative	TEDC
Invest Northern Rivers (Aquaculture, Forestry, Tourism, BioTech, Regional Cuisine, Multimedia, Environmental Science, Education)	Promotional	NRRDB
Direct Business Attraction	Promotional	TEDC
Tweed Shire Council		
Developer Bonuses		
<ul style="list-style-type: none"> Floor Space Ratios in zone 3(a) & 3(b) in Tweed Heads (TLEP 2000, DCP 18) 	Policy	Tweed Shire Council
Tweed Roads Contribution Plan (S94 No 4)		
<ul style="list-style-type: none"> In-kind contributions and credits 	Policy	Tweed Shire Council
<ul style="list-style-type: none"> Deferred Payments 	Policy	Tweed Shire Council
<ul style="list-style-type: none"> Job creating developments – 40% discounts (Excludes residential construction) 	Policy	Tweed Shire Council
All other S94 contributions plans do not apply to retail, industrial and commercial developments except for S94 Administration Offices (S94 Plan No 18), Offsite Parking (S94 Plan No 23)	Policy	Tweed Shire Council
State Government		
Country Centres Growth Strategy	Grant/ Coordination	NSW State Govt

Reports from Director Development Services

Incentive Scheme	Classification	Organisation
Living Centres	Grant	DUAP
Establishment Grant	Grant	DSRD
Expansion Grant	Grant	DSRD
Location Feasibility Analysis	Grant	DSRD
Business Planning and Technical Consultancy Subsidies	Grant	DSRD
Plant and Equipment/Key personnel Removal Costs	Grant	DSRD
Skills Training	Training	DSRD
Contributions Towards Infrastructure	Grant	DSRD
Offset Local Government Charges (Excludes DA Fees)	Grant	DSRD
Contribution to Regional Opportunities Investigations	Grant	DSRD
Contribution to Pay Roll Tax, Land Tax and Stamp Duty	Grant	DSRD
Country Centres Growth Strategy (Tweed)	Package	DSRD
Business Retention and Expansion Program	Package	DSRD
Agribusiness Alternatives Program	Package	DSRD
Federal Government		
Export Market Development Grants	Grant	AusTrade
Core Start	Grant	AusIndustry
Start Plus	Grant	AusIndustry
Start Premium	Grant	AusIndustry
Start Graduate	Grant	AusIndustry
Concessional Loans	Loan	AusIndustry
R & D Tax Concession	Tax Relief	AusIndustry
Innovation Investment Fund	Grant	AusIndustry
Partnerships for Development	Package	Invest Australia
Regional Headquarters Initiative	Package	Invest Australia
Feasibility Study Fund	Grant	Invest Australia
Export Finance and Insurance Corporation (EFIC) (Federal Government)	Assistance	EFIC
Numerous other Industry Specific Incentives		

Reports from Director Development Services

Table 4: Optional Investment Incentives Available to Council

Investment Incentive	Classification
Land Use Incentives	
Preferred Development Assistance (<i>proposed Employment Generating Development Scheme</i>)	Administrative/Financial
Developer Bonuses (LEP/DCP)	Policy
Identification and release of land from Council's operational land stock	Administrative
<ul style="list-style-type: none"> • Council as developer 	
<ul style="list-style-type: none"> • Joint Venture 	
<ul style="list-style-type: none"> • Outright sale 	
Pre-subdivision rate applies to developer, accumulate foregone rates and transfer to purchaser	Financial
Financial Incentives	
Rates Holiday	Policy/Financial
Reduced Commercial Rate	Financial
Discounting of DA fees	Financial
Tweed businesses develop a discount voucher scheme to newly established businesses	Financial
Discounting of S94 contribution charges for employment generating industries	Financial
Infrastructure Provision	
Provision of Infrastructure to employment generating areas	Financial
Fees and Charges (S608, 502, 501, 496 LG Act)	
Special Rate (S495 LG Act)	
Inclusionary Zoning and Specific Developer Contributions (S94 EP&A Act)	
General Rate increases (S508 LG Act)	
Borrowings/Loans (S621, 622, 623 LG Act)	
Grants	
Negotiated Agreements/Bargaining	
Joint Venture	
Asset Sales	

Reports from Director Development Services

Investment Incentive	Classification
Business Climate	
Business Networks	Promotional
Tweed Economic Development Strategy	Policy/Promotional
Lifestyle Promotion (Social Capital, attractive natural environment)	Promotional
Local Area Investment Promotion	
Support of local/regional economic development organisations	Promotional

Reports from Director Development Services

Annexure 1 – Response Received from Tweed Economic Development Corporation

22 February 2002

Mr Douglas Jardine
Manager, Strategic Town Planning Unit
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

Dear Douglas,

Re: TEDC Comment on Incentive Package Proposal

Thank you for the opportunity to comment on the report titled “Employment Generating Incentive Packages”.

The proposal would appear to be a very good overview of Council’s role in terms of the planning process, infrastructure provision and an outline of the generally available, broad based incentives. The incentives that are available and proposed are, in our view, general and broad based and not necessarily specific enough.

A review by TEDC of recent research in the field of investment attraction indicates a need for a specific, targeted, investment growth and attraction strategy supported by tailored incentive packages. Perusal of other economic development units and local government authorities also indicates a definite focus on incentives targeted specifically at an appropriate industry sector, supported by a more general package of incentives which are smaller in benefit terms, compared to the industry specific incentives.

Industry specific incentives are greater in terms of benefits provided based on the fact that industries have the capacity to deliver greater returns to the community in terms of job and wealth creation. For example, to give a 10% rate reduction across the board may, on the surface, seem to be an adequate incentive to some businesses, but if the particular project or business had a greater job or wealth creating capacity – that is, economic value to the broader community – then Council may consider a rate holiday for an established period. This could be with a ‘no repayment’ clause or with a levy on rates after the term has expired.

Investment growth statistics show (as a general rule):

.../2

Reports from Director Development Services

Tweed Economic Development Corporation

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- New start up – 2%
- Relocated to the region – 11%
- Expanded into region – 20%
- Existing business expansion – 66%

In the case of the Tweed it is only of recent times that we have recognised the need to actively encourage the growth of our industry base. Most of the Tweed's focus in the past has been to react to growth, particularly in the areas of land subdivision and residential growth associated with an increase in demand for retail, service provider industries and social and community services.

This approach has been understandable in the past, but now due to the recognition of the region's demographics and associated high unemployment/low employment participation rates and low average per capita disposable income – there is an emerging shift in thinking. That shift is in recognising the need to develop a broader industry base targeted at developing a new economy focused on (in no specific order) tourism, manufacturing, warehousing, distribution centres, etc.

It is for this reason that the TEDC sees the need to quite specifically and quite deliberately focus incentives to better target our chosen market segments.

To begin the process, there is clearly a need to identify the current industry base in the Tweed. This was TEDC's aim behind the initial Murwillumbah Future's Study, a study that was hijacked by the prescriptive demands of the funding organisation at the time. The Tweed therefore still has not identified or audited its industry base and until such time as this is done, the Tweed will continue to follow a hit and miss, scatter gun approach to the encouragement of industry investment growth and attraction. **Our target audience is those we reach by accident!** Further, until such time as we identify our industry base, we will be unable to accurately measure growth.

Infrastructure as an Incentive

Clearly the provision of hard infrastructure as an incentive in specifically targeted industries creates a climate for that industry's growth both in terms of expanding the local businesses and in promoting the opportunities for investment and growth in that specific industry. For example, the provision of boat launching facilities at Condong is clearly an incentive for that industry. The marine industry is a growing industry in the Tweed and has the potential to grow if infrastructure is part of the climate. There should not be a need to ask industry to contribute to the hard infrastructure, nor complete reliance on government grants to provide the necessary infrastructure.

The TEDC's economic impact assessment on the marine industry (current) clearly demonstrates the broad community benefits in economic terms (including for Council) of this new to the Tweed, industry. Gold Coast City Council – who are our competitors in the field of industry attraction – are a classic example of what is needed in the Tweed, having an aggressive, appropriately funded approach to specific industry attraction.

How do they do it? Coomera Marine Precinct recently sent two Economic Development Unit officers to the National Boat Show in Sydney, armed with brochures and packages to attract marine industry operators to the Gold Coast. Their budget to attend trade shows is \$60,000.

Reports from Director Development Services

Tweed Economic Development Corporation

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What is the Tweed's approach? Wait for businesses to come to the Tweed where we have no industrial land, limited hard infrastructure, limited incentives, no 'one stop shop' approval process, no marketing of opportunities, no recognition of industry base, no pro-active, funded approach to investment attraction (aggressive or otherwise!), and where we can't even get a concrete pad on the riverbank to park a crane to launch the boats built here. The result: no manufacturing, processing, warehousing or distribution centres and local industry that has to expand out of the Tweed. No job or wealth creating industry growth.

A further example of the proactive approach is that of Leeton Shire Council in the Riverina. Leeton Shire Council has set aside an enormous industrial land bank, which they own and develop. Their vision for industrial growth was developed based on an industry audit which obviously highlighted the opportunity of value adding in agricultural products. Leeton targets small enterprises employing 20 or more people and their incentives include:

- Discount leasing of land for five years to business at minimal rents and with an option to purchase after 5 years or continue leasing at commercial rates;
- providing land for 5 years at no cost to the business with the option to purchase after 5 years;
- no rates charged for the first 5 years, or discounting rates;
- providing free water for up to 10 years for major industries;
- discounting water rates and/or periods of free water depending on jobs created;
- assistance with construction of internal roads; and
- assistance with effluent disposal.

Example: For the proposed Berry juice factory (now established), Council payed for a water filtration plan and allowed the Berry Company to pay the cost back over 10 years.

Leeton Shire has to purchase water rights and have purchased \$1 million of water rights for industry development alone. Leeton adopts a "very much structured", merit-based approach to incentive packages.

A summary of incentives offered by other Councils is attached for your information.

TEDC's Suggested Actions and Incentives

1. As a matter of urgency, a Tweed industry audit needs to be conducted as a joint venture action between TEDC and TSC.
2. That specific industry growth opportunities be identified, for example, marine manufacturing industry, food processing industry, and others yet to be identified.
3. That industry specific incentives be developed to include:
 - a) provision of hard infrastructure, e.g., boat launching facility at Condong;
 - b) industry specific high yield job and wealth creation incentives, e.g., rate holidays, water rate subsidies, etc.;
 - c) free and concessional water rates for up to 10 years for major industries;
 - d) assistance with construction of internal roads;
 - e) assistance with effluent disposal;
 - f) leasing out of Council-owned and developed land for specified periods at minimal rates with an option to purchase; and
 - g) rate holidays and/or substantial discounts for specified periods.

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Tweed Economic Development Corporation

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4. That a 'one stop shop' approval process be developed for specific, identified industries such as marine industry expansion to the proposed Tweed Valley Enterprise Park. Potential for recognised industry pre-approval as part of approval process – as happens in the Coomera Marine Precinct.
5. That the 'one stop shop' approval process investigate the possibility of, in specified areas and within specified criteria, gaining the pre-approval of State and Federal Government agencies such as EPA, DUAP, DWLC and NPWS for specific industries in order to cut short the approval periods and red tape.
6. Funds made available on an 'as needs' basis for TEDC to actively promote identified industrial, investment and growth opportunities. For example, Gold Coast City Council has a budget of \$60,000 to attend specific industry trade shows and more to develop marketing "industry specific" material, brochures, etc.

Doug, these are some thoughts and I would be happy to discuss them with you further.

Yours sincerely,

**TWEED ECONOMIC DEVELOPMENT
CORPORATION LTD**

**TOM SENTI
DEPUTY CHAIR and
CHIEF EXECUTIVE OFFICER**

Reports from Director Development Services

Tweed Economic Development Corporation

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Tamworth

- Industrial land at Tamworth is owned and was developed by Tamworth City Council.
- Will negotiate on price of land but will not sell below development cost.
- Council will also negotiate on water costs to balance capital down stream drainage costs and will allow some fees to be paid off over ten years.
- Council will negotiate on other costs and charges depending on number of jobs created.

Dubbo

- Dubbo City Council owns and developed industrial land.
- Land sells from \$20/m² down to \$10/ m².
- Will negotiate price of industrial land with most sites 1800 m² to 2000 m².
- Negotiate discounts on head works charges and DA fees and associated costs depending on number of jobs created.
- Water charges are not negotiable and are based on user pays.

Albury Wodonga

- Industrial land owned by Albury Wodonga Development Corporation – purchased over past 20 years.
- Will negotiate on price but won't sell below Valuer-General's.
- Negotiate rate holidays from 3 to 5 years.
- Negotiate on gutters, fences, water and sewerage as well as Council fees depending on number of jobs created.
- Develop packages for various projects and, in appropriate cases, the energy providers also become involved and offer incentives.
- Albury Wodonga has purchased \$1.2 million site for future industrial land.

Coffs Harbour

- Offers establishment and/or relocation grants as part of a local incentives scheme, depending on number of jobs created and does not include government jobs.
- Coffs Harbour Councillors are very involved in the incentives program and actually promote and present the incentives.
- Also offer discounts on DA fees, Section 94 contributions, rate holidays, water and sewerage and arrange energy discounts as part of a package.
- The above are determined and based on the economic impact of the business and in most cases are negotiated individually.

Leeton Shire Council

- Offer discounts on DA fees and Section 94 contributions.
- Negotiate rate holidays and on energy costs.

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2. ORIGIN: Strategic Town Planning Unit

FILE REF: Development Consultants; Surf Lifesaving; Section 94 Plan

REPORT TITLE:

Engagement of Consultancy to Prepare a Surf Lifesaving Strategy

SUMMARY OF REPORT:

In view of the continued population growth along the Tweed Coast, it is considered that a comprehensive Surf Life Saving Strategy for the Tweed Coast is now essential. In view of the lack of staff resources to undertake the project in-house, a brief has been prepared for the engagement of a Planning Consultant to undertake the work, funded by S94 Contributions.

RECOMMENDATION:

That Council delegates to the Director of Development Services the engagement of a Consultancy to prepare a Surf Life Saving Strategy, to be funded from S94 Contributions.

Reports from Director Development Services

REPORT:

In November 1998 Council resolved that:

- “1. *In its budget deliberations gives full consideration to an interim increase in financial assistance to local surf clubs;*
2. *In conjunction with Surf Life Saving Australia and the local surf clubs, develops a strategic plan for surf club accommodation up to the year 2020 with a view to amending the existing Section 94 Plan for Emergency Services to assist funding of such accommodation.*
3. *In conjunction with Surf Life Saving Australia and the local surf clubs, develop a strategic plan for the effective delivery of surf life saving services to the year 2020 in the Tweed.*
4. *Cost the plan in 3 above.*
5. *Determine through consultation the community’s attitude to Council’s role in publicly funding this service. Consideration in the consultation process should be given to:*
 - a) *the share of funding that should be Council’s responsibility;*
 - b) *whether funding should be a broad based dedicated levy;*
 - c) *whether this levy should be varied for commercial and tourist properties;*
 - d) *whether funding should be sourced from the General Fund with a commensurate reduction in other services;*
 - e) *the application of Section 94 for part of this funding.*
6. *Develop funding criteria for benefiting clubs, eg level of commitment to their own fundraising, a commitment to exploit commercial opportunities arising from their unique locations and a commitment by clubs to review their recruitment strategies.*
7. *Investigates the potential for increased matching State and Federal funding.*
8. *Initiates, with the support of the NSW coastal councils a campaign through the Local Government and Shires Associations to increase the funding in 7. above.*
9. *Investigates the creation of a capital works fund to assist clubs to exploit commercial opportunities”.*

Following that resolution a meeting was held with representatives of the three local Surf Clubs and Surf Life Saving Australia. This resulted in an agreed position up to 2020, however further detailed discussions with each Club would have to be held to develop detailed costings.

In respect to the preparation of a Strategic Plan, those discussions concluded that:

“The Clubs envisage that up to the Year 2020 only the three existing clubs will provide the current volunteer surf life saving service. There should also be an increase in the numbers of paid life guards to provide a life saving presence, especially in the school holiday periods. Also the issues of safety and Occupational Health and Safety arising from contracting single life guards will also need addressing.

The volunteer clubs will continue to operate from their present location. However, in the case of Fingal, building upgrading is urgently required whereas in the case of Cabarita a new building is required as the existing building which is owned by Council is rapidly reaching the end of its useful lifespan.

Reports from Director Development Services

The current clubs are struggling to attract members, which is made more difficult because of the condition of the above two clubs premises, and therefore see no opportunity to form new clubs. This is also the view of Surf Life Saving Australia.

It is envisaged that currently patrolled beaches will remain as is and that the only way to provide an outreach to other beach areas is by fully equipped vehicles similar to those that are operated by Gold Coast City Council.

The use of static "outreach" posts or buildings is not generally favoured due to possible vandalism and theft and the costs associated with ongoing maintenance. Also the use of static remote phones or two-way facilities have similar problems while some trials are being conducted using these at Coffs Harbour it is felt that no action should be taken at this time".

No further action was taken by Council in respect of the Strategic Plan. However, in view of the continued population growth along the Tweed Coast, it is concluded that a comprehensive Surf Life Saving Strategy for the Tweed Coast is now essential.

The resultant Strategy will provide the basis for a review of Council's current S94 Contributions Plan for Surf Lifesaving Equipment in a similar manner to the recently completed Libraries and Open Space Strategies. It should therefore be funded from S94 Contributions.

A brief has been prepared for the engagement of a Consultancy to undertake the work. A copy of the brief is Annexure 1.

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3. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/LEP/2000/21 Pt2; LEP - Tweed Management Plan

REPORT TITLE:

Tweed Vegetation Management Strategy and Draft Tweed Local Environmental Plan 2000 (Amendment No 21)

SUMMARY OF REPORT:

The Vegetation Management Plan Steering Committee has reviewed the options for the preparation of draft Tweed LEP 2000 (Amendment No 21) - Vegetation Management and draft Tweed Regional Vegetation Management Plan (RVMP). The review was undertaken in response to comments and advice from State Agencies on the Committee's interim adopted planning framework (Appendix 1). It is recommended that Council advise the Department of Land and Water Conservation that at this stage Council does not wish to proceed with the preparation of a draft RVMP, but will instead prepare a draft Tweed LEP that is integrated with the current provisions of the Native Vegetation Conservation Act. Council will consider options for the longer term once the State Government has finalised the Clarence or Richmond Regional Vegetation Management Plan and has finalised the review of clearing exemptions under the Native Vegetation Conservation Act.

RECOMMENDATION:

That Council:

1. Advises the Department of Land and Water Conservation that at this stage Council does not wish to proceed with preparation of a draft Regional Vegetation Management Plan;
2. Finalises the Tweed Vegetation Management Strategy and prepares a draft Tweed Local Environmental Plan (Vegetation Management) that is integrated with the Native Vegetation Conservation Act (short term);
3. Advises the Department of Land and Water Conservation that Council wishes to retain the opportunity to have either a fully integrated Local Environmental Plan for Tweed Shire (Schedule 2 of the Native Vegetation Conservation Act) or an integrated Tweed Local Environmental Plan and Regional Vegetation Management Plan as potential long-term options.
4. Writes to the Minister of the Department of Land and Water Conservation to strongly request the Minister to initiate a review of the Native Vegetation Conservation Act and other relevant Acts to address legal and policy impediments that restrict Councils from being listed on Schedule 2 of the Native Vegetation Conservation Act.
5. Amends the 'Terms of Reference' of the Vegetation Management Plan Steering Committee in accordance with Recommendation 1 and 2 above.

Reports from Director Development Services

REPORT:

BACKGROUND

Council, at its meeting on 5 September 2001, resolved to prepare an Environmental Study and Shirewide draft Tweed Local Environmental Plan on vegetation management. Council also resolved to empower Council's Vegetation Management Plan Steering Committee to assist Council in the preparation of the draft LEP and to assist the Department of Land and Water Conservation to prepare a draft Tweed Regional Vegetation Management Plan. The objectives of the Steering Committee (Terms of Reference) are as follows:

"2.0 Objectives of the Steering Committee

- a) *Assist Council's Strategic Planning Unit and the Director of Development Services to:*
 - *Finalise the Tweed Vegetation Management Plan to provide a resource document for vegetation management and landuse planning in Tweed Shire;*
 - *Prepare a framework for the draft Tweed Local Environmental Plan (vegetation/catchment management) that compliments the draft Regional Vegetation Management Plan prepared for the Director-General of the DLWC;*
 - *Ensure land use plans incorporate a balance between social, economic, cultural and environmental factors;*
 - *Recommend a system for ongoing monitoring of bushland management in Tweed Shire;*
 - *Simplify and clarify administrative procedures relating to bushland management as they relate to vegetation management.*
- b) *Assist the Department of Land and Water Conservation in the preparation of a draft Tweed Regional Vegetation Management Plan that compliments Tweed Shire Council's draft Tweed LEP and in accordance with the Native Vegetation Conservation Act;*
- c) *Assist the DLWC and Council's Director of Development Services to integrate the draft Tweed LEP (vegetation/catchment management) and draft Tweed RVMP.*
- d) *Consult with relevant stakeholder groups and State agencies to achieve objectives a), b) and c).*
- e) *Committee meetings to be conducted in a manner to allow free expression of views and presentation of information from Members".*

STEERING COMMITTEE – ADOPTED FRAMEWORK

- In response to Council's resolution the Vegetation Management Plan Steering Committee considered and adopted a planning framework for the preparation of an integrated draft Tweed Local Environmental Plan and draft Tweed Regional Vegetation Management Plan. The final Tweed LEP would be administered by Tweed Shire Council. The Tweed Regional Vegetation Management Plan (TRVMP) would be administered by the Department of Land and Water Conservation. Two draft Regional Vegetation Management Plans (TRVMP) have

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been prepared for the Clarence and Richmond River catchment areas and are yet to be finalised.

- The adopted planning framework for the Tweed is attached as Annexure 1 to this report. The framework relies on the completion of the Tweed Vegetation Management Strategy which will contain the background material for the preparation of the draft Plans. Ecograph have previously been commissioned to undertake this project.
- The Committee's adopted planning framework used a 'zoning approach' and a 'prescribed stream' map for both the draft Tweed LEP and draft TRVMP. The draft Plans would therefore rely on only one set of maps to ensure consistency and integration between the two Plans.

THE FRAMEWORK BY THE VEGETATION MANAGEMENT PLAN STEERING COMMITTEE

1. Environmental Zones – Relied on detailed information and ecological assessment that identifies private land as ecologically significant, particularly areas that have been the subject of detailed land use studies in response to urban development proposals and rezonings and detailed vegetation mapping. Remnant native bushland on publicly owned land will not need this level of detail eg, remnant bushland on Mt Nullum. It will also include areas mapped as SEPP 14 (Wetlands), SEPP 26 (Littoral rainforest) and Koala habitat identified in Koala Management Plans (SEPP 44). It was proposed that Council would control activities within these zones. At this stage these zones will be concentrated along the Tweed Coast where data on bushland remnants is more accurate.
2. Rural Protected Lands Zone – Rely on areas of mapped remnant bushland where information is not accurate or reliable to place bushland into an Environmental Protection zone. Will also include land above 18 degrees consistent with State Protected Lands mapping (Category (a)) under the Native Vegetation Conservation Act. The zone is intended to be more flexible than an Environmental Protection Zone and would rely more on the merits of a site assessment to make a determination on a development application.
3. General Rural Zone and Agricultural Protection Zone – Areas of the Shire mapped as substantially cleared below 18 degrees slope (note: some of these areas will still be affected by 'prescribed streams'). At this stage these zones will not appear in the draft RVMP. They will be excluded areas unless affected by a prescribed stream. This is a similar approach used under the current State Protected Land mapping under the Native Vegetation Conservation Act.
4. National Parks, Nature Reserves and State Forest Zones – Areas of State owned public land reserved as a National Park, Nature Reserve or State Forests. These areas will be mapped as a zone under the draft Tweed LEP and excluded from the draft Tweed RVMP.
5. Rural Residential Zone, Urban Zones, Business Zones, Tourist Zones, Special Use Zones, Open Space Zones – These non-rural areas would be excluded from the operation of the NVC Act and RVMP. Council would be the consent authority for activities, including clearing, within these areas.
6. Prescribed Streams – These streams will be mapped by Ecograph based on a drainage layer from DLWC. Streams up to 2nd or 3rd order would be mapped (yet to be finalised). DLWC would be the consent authority for clearing within, or within 20 metres of a prescribed stream, and will have a separate set of clearing exemptions (yet to be determined). This layer would replace the current prescribed streams map for the Tweed.

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CONSULTATION WITH STATE AGENCIES

- Council advised the Department of Urban Affairs and Planning (now planningNSW) of Council's resolution to prepare a draft LEP. The Department, in their response dated 26 October 2001 advised Council that an Environmental Study would be required. The Department also outlined issues that should be addressed in the Environmental Study and State Agencies that should be consulted in the preparation of the Study.
- Pursuant to Section 62 and 34A of the Environmental Planning and Assessment Act a number of relevant groups, state agencies and bodies were consulted regarding the preparation of the Environmental Study and draft Plan:
 - State Forests NSW
 - NSW Coastal Council
 - *NSW Fisheries
 - *NSW Agriculture
 - *Land and Water Conservation
 - *National Parks and Wildlife Service
 - Richmond Vegetation Committee
 - Clarence Vegetation Committee
 - *NOROC Forestry Taskforce
 - Byron Shire Council
 - Gold Coast City Council
 - Lismore City Council
 - Kyogle Shire Council
 - Beaudesert Shire Council
 - *Northern Rivers Catchment Board
 - *Native Vegetation Advisory Committee
 - Planted Forests Division (NSW Forests)
 - Tweed Byron Aboriginal Land Council

* Represents those groups/agencies that have provided a response to Council.

- Responses from these groups/agencies are attached as Annexure 2 to this report (Appendix 2).
- A State Agency Workshop organised by Council was attended by representatives from the Department of Land and Water Conservation, National Parks and Wildlife Service and NSW Agriculture on 29 October 2001. The objective of the Workshop was to present and discuss the Committee's adopted planning framework for preparation of the draft Tweed LEP and RVMP. The Workshop also provided an opportunity for these Agencies to better understand the

Reports from Director Development Services

framework before they formally responded to Council under Section 62 and 34A of the Environmental Planning and Assessment Act.

RESPONSE FROM LAND AND WATER CONSERVATION AND NATIONAL PARKS AND WILDLIFE SERVICE

- Further meetings were held with NPWS and DLWC in February 2002 because these Agencies raised major issues and concerns regarding the Committee's adopted framework under Section 62 and 34A of the Act. The Regional Manager of DLWC has not provided a detailed formal response to the Committee's framework, however Council has received advice from the DLWC provided by DLWC's Regional Vegetation Officer, David Hart (see Appendix 2).
- The response to the Committee's planning framework from DLWC and NPWS is summarised as follows:

DLWC Response:

- The current adopted framework for the draft RVMP to exclude substantially clearing areas from the operation of the Plan is inconsistent with the NVCA. An RVMP cannot add 'excluded areas' to those already listed in the Act.
- Any clearing that does not need consent from DLWC under a RVMP is deemed to be 'exempt clearing' and therefore does not require any other approval from other authorities, including Council or NPWS.
- The Minister of DLWC cannot delegate responsibility to another authority for managing native vegetation or vegetation on Regional Protected Land. It is therefore unlikely that DLWC would delegate control for managing vegetation to Council in Environmental Protection Zones or clearing ancillary to a development proposal.
- It is highly unlikely that the NVC Act will be amended to clarify or address any administrative or interpretation issues.
- There is potential for the draft RVMP to refer to the landuse zones and prescribed stream map under a draft TLEP rather than create a separate map for the draft RVMP.
- Concerns as to the status of the RVMP if Tweed Shire Council changes the LEP during the life of the Plan. Because this answer involves consideration of the operation of the EP&A Act, further advice is required. This will involve consultation with planningNSW. Council may wish to seek separate advice on this issue.
- DLWC would expect North Coast RVMPs to develop a high degree of consistency in their clearing exemptions, unless there are significant local circumstances requiring variation.
- Council and its Committee should therefore consider the findings from the recent Statewide review of exemptions as well as discussions conducted over the last three years as part of the development of Clarence and Richmond RVMPs.

NPWS Response:

- Concerns raised by NPWS that the proposed framework of rural protected lands zone and general rural zone do not adequately deal with vegetation below the vegetation

Reports from Director Development Services

mapping scale by Council's Consultant (1 hectare) including recent regrowth (post 1996), small isolated remnants and paddock trees.

- There may be potential for unacceptable environmental impacts from clearing undertaken by landowner self-assessment.
- The NPWS' preferred option (option 1), adopted by most other Regional Vegetation Committees, requires development consent for clearing of native vegetation above a minimum level of clearing exemptions for all zones across the planning area, irrespective of whether the vegetation is mapped or not.
- Adopting a precautionary approach would ensure that all native vegetation that may be of conservation significance can be assessed prior to any proposed clearing activity and where necessary, offsets to mitigate impacts negotiated.
- Isolated remnants and paddock trees in a predominantly cleared landscape may be of conservation value and should be properly assessed prior to clearing.
- An exemption for the clearing of native vegetation in the General Rural Zone within the Tweed Coast could result in pre-emptive clearing (with no assessment) for the development of those lands prior to the submission of a rezoning or development application to Council.
- Requirement for consent over all areas is likely to facilitate a better understanding by landowners of the clearing provisions because the need for consent or application of exemptions would be the same across the landscape and Northern Rivers Region.
- NPWS advised that if Council and the Committee wish to proceed with a second option (option 2) involving specific clearing exemptions in the General Rural/Agricultural Protection Zone, then there must be a precautionary approach taken to provide protection to threatened species and habitat and cultural heritage value.
- Although the second option is not the preferred option, the Service suggested a number of minimum conditions be applied to clearing exemption. The suggested restrictions or 'minimal clearing exemptions' by NPWS for the proposed General Rural Zone and Agricultural Protection Zone are part of their letter dated 26 March 2002 (attached as addendum).
- The Service acknowledges that the restrictions on minimal clearing exemptions (option 2) requires landowner self-assessment to interpret these exemptions, and would be difficult to enforce or monitor.

Response by Council to DLWC/NPWS Issues

Council officers and Council's Consultant, Ecograph, responded to the issues raised by DLWC and NPWS regarding the adopted Committee framework at a meeting in October 2001 and February 2002, as follows:

- Acknowledged that the NVC Act does not provide a mechanism for a RVMP to add excluded areas from the operation of the NVC Act;
- Acknowledged that isolated paddock trees and small remnants of native vegetation (less than 1 hectare) may not have been mapped by Ecograph. However these small patches of vegetation were considered only minor areas within the proposed General Rural Zone and

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Agricultural Protection Zones compared to the larger and more significant areas mapped by Ecograph proposed to be included into a rural protected land zone and environmental protection zones.

- The objective of the Committee's adopted planning framework is to focus limited Council, DLWC and NPWS resources into environmentally sensitive and significant areas of remnant bushland and riparian areas of the Tweed. It was not the intent of the planning framework to place limited resources into regulating clearing in areas already substantially cleared for agriculture on land below 18° slope and more than 20 metres from a prescribed stream.
- There is likely to be difficulty in monitoring and enforcing clearing controls in areas substantially cleared of native vegetation. If vegetation is not mapped, how do agencies monitor clearing?
- The NVC Act is legally unclear on the DLWC's role as a consent authority for clearing vegetation in urban and special use zones (Clause 9(a)). Clause 9(a) only excludes land designated "residential (but not rural-residential)", "village", "township", "industrial" or "business" under an environmental planning instrument. This clause does not appear to exclude urban zones designated as "urban expansion", "tourism", "commerce and trade", "waterfront enterprise", "special uses", "open space", or "recreation" contained in Tweed LEP 2000.
- It is unlikely that an assessment of an application to clear a single paddock tree or trees would be deemed significant under an 8-point test under the Threatened Species Act. Therefore why create regulations that would likely waste landowner, Council, DLWC and NPWS resources.
- Very small remnants and isolated paddock trees are likely to disappear from the landscape in the longer term (weed invasion, old age etc) unless actively managed by landholders. 'Over-regulation' in substantially cleared areas is likely to diminish the 'goodwill' that has developed over the years between landholders and local officers from the DLWC in managing vegetation. A more cooperative approach is required between landowners and State/local agencies in managing agricultural landscapes.
- The sustainable management of substantially cleared agricultural areas, is primarily the role of extension officers from DLWC, NSW Agriculture and NPWS to educate and encourage landholders to develop farm management plans that incorporate management of trees or ferns.
- It is more appropriate to use incentives for landholders to not only retain and manage existing bushland and paddock trees, but to rehabilitate/reforest the landscape.

REVIEW OF PLANNING FRAMEWORK OPTIONS

- A review of planning framework options was presented to the Steering Committee at its meeting on 23 April 2002 in response to advice received from DLWC and NPWS, and at the request of the Committee.
- Five (5) options were reviewed

Option 1 Tweed LEP (no RVMP and no integration with the NVC Act) Under this option Council prepares a draft Tweed LEP and there is no attempt by the Steering

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Committee or Council to integrate the draft LEP with the clearing provisions of the NVC Act or with a Regional Vegetation Management Plan.

This is not a preferred option because it does not represent an integrated approach to landuse planning. This option would potentially exacerbate the current inconsistencies and administrative complications between the Council LEP (administered by Council) and the provisions of the Native Vegetation Conservation Act (administered by the DLWC). The NVC Act overrides the Council LEP where the DLWC is the consent authority for clearing under the NVC Act. This is the potential to create further confusion regarding who is the consent authority for clearing vegetation (Council or DLWC?), potential for multiple clearing provisions for the one parcel of land, and confusion and complications over responsibilities for enforcement and prosecution for illegal clearing. The end result could be a convoluted and complicated planning framework on clearing and land use provisions.

Option 2 Tweed LEP integrated with the Native Vegetation Conservation Act

Under this option Council prepares a draft Plan to compliment the provisions contained in the Native Vegetation Conservation Act. The provisions of the NVC Act apply to the Tweed and are administered by the DLWC. This option is considered to be the preferred option in the short term. It enables Council to prepare an interim draft LEP until the Clarence and Richmond Regional Vegetation Management Plans have been finalised and the NVC Act has been amended in accordance with a review of Statewide clearing exemptions by the State Government. The State Government review will include findings from a recently established reference group to determine forestry exemptions. The option avoids the need for Council to provide substantial resources in resolving issues raised by State Agencies and the finalisation of both a draft LEP and a draft RVMP. Council will be in a better position to decide on a long-term strategy once the State Government has resolved issues with the NVC Act and finalised the Clarence and Richmond RVMP.

Options 3 and 4 Tweed LEP prepared to partially or fully exclude Tweed from the operation of the Native Vegetation Conservation Act

Under these options Council prepares a draft Tweed LEP to obtain either partial or full exclusion from the operation of the Native Vegetation Conservation Act in Tweed Shire. The draft LEP would be required to meet the objectives of both the Environmental Planning and Assessment Act and the Native Vegetation Conservation Act. Option 4, full exclusion from the NVC Act, was originally the preferred option by the Steering Committee and Council because it represented full integration of land use planning in one document that reflected conditions specific to the Tweed. These options are no longer preferred at this stage because they do not have the support of the Minister of DLWC.

Option 5 Integrated Tweed LEP and Tweed Regional Vegetation Management Plan

This is the current option adopted by Council. Under this option the Committee assists Council and the Director-General of DLWC to prepare an integrated draft Tweed LEP and draft Tweed Regional Vegetation Management Plan (draft RVMP). The draft RVMP is prepared in accordance with the objectives of the NVC Act whereby the DLWC is the consent authority for clearing in rural areas of the Shire. Specified clearing exemptions under a RVMP override any other Act (including Council LEPs).

Reports from Director Development Services

The Steering Committee adopted an interim framework for preparation of an integrated draft Tweed LEP and RVMP, however the NPWS and DLWC have raised policy and legal concerns regarding the adopted framework (see Section “Response from Land and Water Conservation and National Parks and Wildlife Service”).

The Steering Committee’s planning framework (see Section “Steering Committee – Adopted Framework”) will again need to be amended to be consistent with advice from the State Agencies. The DLWC does not support Council as a consent authority for clearing in rural areas (eg, environmental protection zones, clearing ancillary to other types of development). The NPWS does not support limited clearing controls in rural areas that are substantially clear of native vegetation, on land below 18° slope and more than 20 metres from a prescribed stream.

Based on advice from DLWC it is also highly likely that clearing exemptions developed by the Steering Committee should show a “high degree of consistency” with those developed by the Clarence and Richmond Vegetation Committees (draft RVMPs yet to be finalised).

Based on a review of the responses from NPWS and DLWC the advantages of placing substantial Council and Committee resources into the preparation of an integrated Tweed LEP and RVMP have been dissipated.

The option of preparing an interim Tweed LEP until the State Government finalises the Clarence or Richmond Regional Vegetation Plans and reviews the NVC Act (clearing exemptions) appears, at this stage, to be a more attractive option.

RESOLUTION BY STEERING COMMITTEE

- Based on the review of the planning framework options the Steering Committee unanimously resolved at its meeting on 23 April 2002 to recommend Council adopts Option 2.

“That Council:

- 1. Advises the DLWC that at this stage Council does not wish to proceed with preparation of a draft Regional Vegetation Management Plan;*
- 2. Finalises the Tweed Vegetation Management Strategy and prepares a draft Tweed Local Environmental Plan (vegetation management) that is integrated with the Native Vegetation Conservation Act (short term);*
- 3. Advises the DLWC that Council wishes to retain the opportunity to have either a fully integrated LEP for Tweed Shire (Schedule 2 of the NVC Act) or an integrated Tweed LEP and RVMP as potential long term options”.*

CONCLUSION

The preferred option by Council of preparing a comprehensive Tweed Local Environmental Plan (Tweed LEP) to obtain full exclusion from the operation of the Native Vegetation Conservation Act does not have the support of the Minister. Council’s second preferred option, an integrated Tweed LEP and Tweed Regional Vegetation Management Plan (Tweed RVMP) is becoming increasingly difficult to prepare. DLWC and NPWS have raised significant concerns/issues with the planning framework adopted by Council’s Steering Committee. It is highly likely that the framework will need to be amended to ensure the RVMP is consistent with draft Regional Plans prepared for the Clarence and Richmond River Catchments (**not yet finalised**) and the outcomes of the review of State clearing exemptions (**not yet finalised**).

Reports from Director Development Services

The difficulties and frustration of trying to implement integrated planning for vegetation management in the Tweed suggest that Council and Committee resources would, at this stage, be better utilised in assisting Council in finalising the Tweed Vegetation Management Strategy and preparation of a draft Tweed LEP (short term). This option would not include assisting DLWC in the preparation of a draft Tweed RVMP. In the long term Council can reconsider its options once the State Government has finalised the Clarence or Richmond RVMP and the Statewide clearing exemptions under the NVC Act. Council will then be in a better position to review State Government Policy on vegetation management before putting resources into developing a 'stand alone' Tweed LEP or integrated Tweed LEP and Tweed RVMP.

It is also recommended that Council requests the Minister of DLWC to initiate a review of the NVC Act, and possibly other State Acts, to address legal and policy impediments that restrict Councils from preparing 'stand alone' LEPs to obtain full exclusion from the operation of the NVC Act (Schedule 2).

The 'Terms of Reference' of the Council Steering Committee should be amended in accordance with Council's resolution.

Reports from Director Development Services

4. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/DCP/45 Pt1; DCP

REPORT TITLE:

Draft Development Control Plan No 45 - Socio-Economic Impact Assessment

SUMMARY OF REPORT:

On 5 September 2001 Council adopted Development Control Plan No 45 - Socio-Economic Impact Assessment (DCP 45) and has been in force since 18 September 2001.

In the implementation of this DCP it was identified that some procedural issues have hindered the achievement of its objectives. Subsequently the DCP has been revised to allow easier and better implementation. The objectives and intention of the DCP remains the same but there has been an extensive reworking to make the DCP clearer and more concise.

Therefore it is recommended that DCP 45 be amended accordingly.

RECOMMENDATION:

That Council:-

1. Adopts the following amendments to the exhibited draft Development Control Plan No 45 – Socio-Economic Impact Assessment:
 - a. In Section 4.0(a) after the words “will be required in” remove the word “two” and include the word “three”;
 - b. In Section 5.1(a) in the table change the “Criteria” for the land use type “club/recreational facility” from “>50 persons capacity” to “1,000m² GFA”;
 - c. That the Director, Development Services be delegated to authorise any minor grammatical amendments;
2. Adopts Development Control Plan No 45 – Socio-Economic Impact Assessment as amended pursuant to Clause 22 of the Environmental Planning and Assessment Regulation 2000;
3. Provides public notice of its decision.

Reports from Director Development Services

REPORT:

INTRODUCTION

On 5 September 2001 Council adopted Development Control Plan No 45 – Socio-Economic Impact Assessment (DCP 45) which was brought into force on 18 September 2001. The original draft was publicly exhibited for 1 month prior to its final adoption. During the original exhibition no submissions were received.

Since DCP 45 has been in force there have been several development applications that have required a Socio-Economic Impact Assessment (SIA). These SIAs have been prepared to a suitable standard through the guidance of DCP 45. In the implementation of this DCP it was identified that some procedural issues have hindered the achievement of its objectives.

Subsequently the DCP has been revised to allow easier and better implementation. The objectives and intention of the DCP remains the same but there has been an extensive rewording to make the DCP clearer and more precise.

BACKGROUND

The Tweed is now established as a ‘high growth’ area, and there have been many comments about the need to ensure quality in urban development, increase employment rates and some controversial issues about the compatibility of particular developments. It is important in these circumstances to establish a statutory framework that enables best practice procedures and outcomes. It has become normal practice to require detailed environmental impact assessments to be carried out for proposed developments in some circumstances, and there is an equal need to carry out detailed economic impacts and social impact assessments in some circumstances.

The purpose, content and implications of the draft DCP are to effectively implement Clause 17 of the Local Environmental Plan 2000. It concludes that the Development Control Plan will enable better development outcomes to be achieved by increasing the focus on social and economic issues in considering development applications.

The Environmental Planning & Assessment Act does include as one of many matters for consideration ‘social and economic impacts in the locality’ (S79(c)(1)(b)). Subsequently, when Council adopted the Tweed Local Environmental Plan 2000, a specific clause was included to help assess these impacts:

“17. Social impact assessment

(1) Objective

- To ensure proper consideration of development that may have a significant social or economic impact.*

(2) Where the consent authority considers that a proposed development is likely to have a significant social or economic impact in the locality or in the area of Tweed, the consent authority may only grant consent to the proposed development if it has considered a social impact statement in respect of the proposed development.

(3) The social impact statement must:

- (a) identify the likely future impacts of the development and the affected community; and*

Reports from Director Development Services

- (b) *analyse the impacts in terms of magnitude, significance, duration, effect on current and future conditions and community services, and the like;*
and
 (c) *determine and assess possible measures for the management or mitigation of likely impacts”.*

The objectives of the DCP have not been modified through this review. These are set out below;

“to ensure proper consideration of developments that may have a significant social or economic impact to effectively implement this the objectives of the draft DCP are as follows:

- (a) *To ensure that applications for certain developments that are likely to have a significant social and economic impact are properly considered, in accordance with Section 79C of the Environmental Planning and Assessment Act 1979, the Tweed Shire 2000+ Strategic Plan (policies 46 and 125) and the Tweed Local Environmental Plan 2000.*
- (b) *To set out Council’s requirements for Socio-Economic Impact Statements as identified in Clause 17 of the Tweed Local Environmental Plan 2000.*
- (c) *To achieve maximum benefit for the community from development activity, and mitigate negative impacts.*
- (d) *To achieve economic growth through employment generating activities that adopts the concepts of Ecologically Sustainable Development.”*

CONSULTATION AND CHANGES TO THE DRAFT

Consultation was undertaken prior to the redrafting of DCP45 with the Development Assessment Unit of Council, planning consultants and Tweed Economic Development Corporation. This process identified several improvements resulting from experience with the implementation of the DCP. The review identified some procedural changes; these changes were established into an amended draft DCP:

Consultation	Draft Changes to DCP 45
Council’s Development Services	<ul style="list-style-type: none"> • Included a section which allows developments with a minimal impact to be excluded from preparing a SIA. • Included a section recommending that pre-lodgement advice on DCP 45 be sought prior to lodging a Development Application. • Inclusion of a SIA requirement Matrix, to determine what specific development types will be required to incorporate into an SIA.
Tweed Economic Development Corp.	<ul style="list-style-type: none"> • Greater flexibility to determine when an SIA is required. • Review of what is required in an SIA. • Removal of inference to negative impacts to cover all impacts including positive.

Reports from Director Development Services

Consultation	Draft Changes to DCP 45
Planning industry generally	<ul style="list-style-type: none"> Consolidated and simplified the content. Included a flow chart to represent the required process.

The draft DCP45 was put on public exhibition from 27 March to 7 May. During this period there was one (1) submission received from Tweed Economic Development Corporation (TEDC) refer annexure 1. The following modifications and comments are made in relation to the submission;

The meeting recognised the conflict existing between the prospective nature of the document, which also advocates subjective judgements, eg. 4.0 (e) and 5.1 (c) inter alia.

- Section 4.0 advocates the right of Council to assess a development application on its merits. If a Socio-Economic Impact Assessment (SIA) is required for a particular development application then it is the responsibility of the proponent to provide the appropriate level of information so that Council's planning officers can make an appropriate recommendation to Council. This level of subjectivity is intentional so that Council's professional planning staff will specifically determine the range and detail of a particular SIA.
- The main function of DCP45 is to offer detail and guidelines to Clause 17 of the Tweed Local Environmental Plan 17. This subjectivity is necessary to ensure that DCP45 is consistent with LEP Clause 17.

It was considered that may of the circumstances where an SIA was required would have been addressed during the re-zoning process, and it seems repetitious to then request a developer to reassess a situation where an SIA had already been a fundamental consideration of the re-zoning, eg: a residential subdivision in a release area. Therefore, it was felt that an exemption to DCP45 needs to be assumed in such circumstances, provided the DA is in keeping with zoning requirements.

- The LEP amendment process (re-zoning process) requires consideration of State Environmental Planning Policies, the North Coast Regional Environmental Plan as well as any Section 117 ministerial directions. Site-specific conditions for particular areas (such as bus facilities, local shopping facilities, pedestrian / cycle facilities) are not usually dealt with in an LEP Amendment. The appropriate place for these matters is within a Development Control Plan. Subsequently enabling Clause 92A of the Environmental Planning and Assessment Regulations 2000 will allow a comprehensive assessment of socio-economic factors through a specific Master Plan or a Comprehensive Development Application. If it is considered that a previous development approval or a development control plan has addressed the necessary level of detail then Council's professional planning staff may exempt the development application from requiring an SIA through Clause 5.2 of the draft DCP45.

In Section 2.0, an example is given of a shopping centre, which was felt to detract from the meaning and context of the topic, and as such could be deleted or re-worded.

- This is considered a relevant example, as it is a common issue for retail developments to require comprehensive EIAs to determine the extent of their impacts. There is a considerable amount of case law history with appeals to shopping centre development decisions and identify what is considered a suitable level of assessment.

Reports from Director Development Services

Section 4 is confusing and may benefit from re-wording. There are three specific circumstances where an SIA is required not two.

- These changes have been made.

Most issues raised with Section 5.1 are dealt with in Point 1 above, however, the definition of the criteria relating to clubs is questioned, suggesting that it could be better defined as a spatial characteristic rather than "persons capacity."

- This is considered a relevant suggestion and the draft has been modified to have a threshold of 1,000m² GFA.

Section 5.2 might be reworded "If a proponent can satisfy Council that"

- These changes have been made.

OTHER ISSUES RAISED

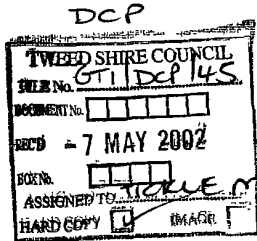
The draft DCP45 already identifies the requirements of an SIA. This outline has been modified from the *Better Communities Through Social Impact Assessment* prepared by NSW Government Social Policy Directorate.

The original DCP was publicly exhibited and adopted by Council during August by September. Further consultation has been undertaken by Council with industry groups, consultant planners and Council officers. The draft DCP was exhibited between April and May. It is considered unnecessary to conduct an industry workshop as outlined in the TEDC submission.

RECOMMENDATION

Through extensive consultation this DCP has been reworked into a usable and suitable document. Therefore it is recommended that the amended draft DCP 45 be adopted accordingly.

Reports from Director Development Services



6th May, 2002

General Manager
Tweed Shire Council
P O Box 816
Murwillumbah, 2484

Dear Dr Griffin,

Re: DCP 45

In accordance with our aim to work in partnership with all groups to form a conduit between community, business and governments, TEDC convened a meeting of stakeholders involved with preparing Socio-economic Impact Assessments (SIA) who will be affected by the amendments to DCP45.

The meeting recognised the conflict existing between the proscriptive nature of the document, which also advocates subjective judgements, eg 4.0 (e) and 5.1 (c) *inter alia*

There were several matters discussed which are worthy of note.

- It was considered that many of the circumstances where an SIA was required would have been addressed during the re-zoning process, and it seems repetitious to then request a developer to reassess a situation where an SIA had already been a fundamental consideration of the re-zoning, eg: a residential subdivision in a release area. Therefore, it was felt that an exemption to DCP45 needs to be assumed in such circumstances, provided the DA is in keeping with zoning requirements.
- In Section 2.0, an example is given of a shopping centre, which was felt to detract from the meaning and context of the topic, and as such could be deleted or re-worded.
- Section 4 is confusing and may benefit from re-wording. There are three specific circumstances where an SIA is required, not two.
- Most issues raised with Section 5.1 are dealt with in Point 1 above, however, the definition of the criteria relating to clubs is questioned, suggesting that it could be better defined as a spatial characteristic rather than "persons capacity".

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Reports from Director Development Services

- 2 -

- Section 5.2 might be reworded "If a proponent can satisfy Council that ..."

From another viewpoint, it was proposed that the document should focus more on how an SIA is composed, giving consideration to format and composition, rather than listing when and why an SIA is required. The rationale being that given the need for a DA under the original requirements of the Act, an SIA is also required, but the level of information required would vary with the circumstances of the development.

A further recommendation is that a closed workshop be convened by TEDC, bringing together key stakeholders from the community with members of Council Planning Department to create a meaningful dialogue which would lead to a useful document which will achieve the purpose of the DCP without undue difficulty to developers.

Yours sincerely,
**TWEED ECONOMIC DEVELOPMENT
CORPORATION LTD**



BILL STAINLAY
CHAIRMAN

Reports from Director Development Services

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Reports from Director Development Services

5. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/S94/5 Pt1; GT1/S94/26 Pt1; GT1/S94/5-A Pt1; S94

REPORT TITLE:

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

SUMMARY OF REPORT:

Council resolved at its meeting of 20 March 2002 that amended Contribution Plan No 5 – Local Open Space, draft Contribution Plan No 26 - Shirewide/Regional Open Space and the draft Open Space Infrastructure Policy be placed on public exhibition for 28 days. No submissions were received in response to the exhibition.

RECOMMENDATION:

That Council:

1. Adopts the Section 94 Developer Contributions Plan No 5 and the Section 94 Developer Contributions Plan No 26 as placed on public exhibition;
2. Gives public notice of its decision in accordance with the Environmental Planning and Assessment Regulations 2000, in the Tweed Link, specifying that the Contribution Plans come into effect on the date of the notice; and
3. Adopts the Open Space Infrastructure Policy as exhibited.

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REPORT:

PUBLIC SUBMISSION

There were no submissions received relating to the exhibited Plans and draft Open Space Infrastructure Policy.

PUBLIC EXHIBITION

A notice in the form required by the Environmental Planning and Assessment Regulation 2000 was placed in the Tweed Link on Tuesday, 9 April 2002 and the exhibition was for 28 days until 8 May 2002.

The Environmental Planning and Assessment Regulation 2000 (31) provides that:

“...a Council may:

- *approve the plan in the form exhibited*
- *approve the plan with such alterations as the Council thinks fit, or*
- *decide not to proceed with the Plan.*

Council must give public notice of its decision in a local newspaper within 28 days after the decision is made”.

It is recommended that Council publish a notice of approval of the Plans and the Policy in the Tweed Link in order to bring them into effect.

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6. ORIGIN: Development Assessment Unit

FILE REF: DA4917/235 Pt5; 4917.235

REPORT TITLE:

Development Application 0651/2001DA for the Establishment of a Residential Subdivision (111 Lots) (Stage 3) at Lot 903 DP 1017348, Sassafras Street, Pottsville

SUMMARY OF REPORT:

The subject site has a total area of 75.28 ha. The proposed development involves the subdivision of approximately 13.4 hectares of land into 111 residential allotments, comprising Stage 3 of Koala beach Estate. The land in which the subdivision is proposed is zoned 2(c) Urban Expansion.

The Statement of Environmental Effects prepared by Darryl Anderson Consulting Pty Ltd identifies the following key environmental constraints affecting the site:

- Areas zoned wetland and habitat to the west, south and east of stage 3;
- The need for bush fire and environmental buffers to the wetland and habitat areas;
- Existing Koala food trees on and adjacent to the proposed lots;
- The existing threatened plant species (Endiandra Muelleri);
- An existing threatened species of grass (Anthraxon Hispidus) adjacent to the north western corner of stage 3.

The proposed development also requires a 3A permit in accordance with the Rivers and Foreshores Act 1948 for works within 40 metres of a watercourse. The development therefore constitutes Integrated Development in accordance with the Environmental Planning and Assessment Act 1979.

The design of the proposed 111 lot subdivision reflects consideration of the site constraints and adjacent land zoned for environmental protection purposes. It is considered that the proposed development is not likely to result in significant adverse impacts on the natural environment subject to the imposition of conditions to ensure that adequate management measures are implemented.

RECOMMENDATION:

That Development Application 0651/2001DA for the establishment of a residential subdivision (111 lots) (stage 3) at Lot 903 DP 1017348, Sassafras Street, Pottsville, be approved subject to the following conditions:-

GENERAL

1. The development shall be completed in general accordance with the Statement of Environmental Effects and Figures 1 to 22 - 7080/1 prepared by Cardno MBK and dated April 2001, except where varied by these conditions.
2. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.
3. The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual.
4. No retaining walls or similar structures are to be constructed over Council's sewer main.

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5. Prior to commencement of work pursuant to this consent a Construction Certificate shall be obtained for the works proposed and required by this consent.
 - a) copies of compliance certificates relied upon
 - b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
 - earthworks
 - roadworks
 - road pavement
 - road furnishings
 - stormwater drainage
 - water supply works
 - sewerage works
 - landscaping works
 - sedimentation and erosion management plans
 - location of all service conduits (water, sewer, Country Energy and Telstra)
 - the approved Traffic Control Plan
 - the relevant maintenance manuals (eg. G.P.T's, water pump station)

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

6. Earthworks in proposed Stages 3a and 3b in general accordance with Figure 10 titled Cut/Fill Plan by Cardno MBK dated April 2001 may be carried out prior to the approval of the full suite of engineering plans required by Condition Nos 16 and 19 of this consent subject to compliance with Conditions 2, 3, 5 Earthworks, 7, 9, 12, 13, 14, 17, 18, 22, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34, 36, 37, 44, 45, 47, 48, 49, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 65, 67, 68, 76, 105 to 124.
7. The recommendations and findings of the Review of the Koala Management Plan prepared by the Australian Koala Foundation dated March 2002 are to be incorporated in an amended Koala Management Plan. The amended plan is to be submitted to and approved by PlanningNSW, Council and NSW National Parks and Wildlife Service prior to the release of the Construction Certificate for the bulk earthworks.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

8. 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.
9. 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

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

10. Section 94 Contributions

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

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

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

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

Stage 3a - 54 lots

- a. Tweed Road Contribution Plan: \$213,300.00
 54 lots @ \$3950
 S94 Plan No. 4 (Version 4.0)
 (Koala 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)

$\text{\$Unit}$ 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): \$28,026.00
 54 lots @ \$519
 S94 Plan No. 5

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- c. Open Space (Casual): \$12,690.00
54 lots @ \$235
S94 Plan No. 5
- d. Street Trees: \$2,316.60
54 lots @ \$42.90
S94 Plan No. 6
- e. Shirewide Library Facilities: \$37,152.00
54 lots @ \$688
S94 Plan No. 11
- f. Bus Shelters: \$1,242.00
54 lots @ \$23
S94 Plan No. 12
- g. Eviron Cemetery/Crematorium Facilities: \$6,804.00
54 lots @ \$126
S94 Plan No. 13
- h. Community Facilities (Tweed Coast) \$31,536.00
(South Coast)
54 lots @ \$584
S94 Plan No. 15
- i. Emergency Facilities (Surf Lifesaving) \$10,854.00
54 lots @ \$201
S94 Plan No. 16
- j. Extensions to Council Administration Offices
& Technical Support Facilities \$18,619.74
54 lots @ \$344.81
S94 Plan No. 18
- k. Cycleways \$8,640.00
54 lots @ \$160
S94 Plan No. 22
- l. Pursuant to the provisions of S94 Plan No. 5 proposed lot 341 shall be dedicated as passive open space and suitably embellished at no cost to Council including grassing, landscaping, seating, playground equipment and shade cover in accordance with detailed plans to accompany the Construction Certificate application. Where play equipment is installed a minimum area of 10m around the equipment is to be turfed and the remaining area seeded. In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the accesses to proposed Lot 341 shall facilitate access for the disabled in accordance with the relevant provisions of AS1428 - Design for Access and Mobility.

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Where a developer pays Council to acquire and install play equipment, Council will NOT install the equipment until a minimum of 20% of the lots in that stage of the development are occupied. The embellishment shall be completed prior to the issue of a Subdivision Certificate.

Stage 3b - 57 lots

- a. Tweed Road Contribution Plan: \$225,150.00

57 lots @ \$3950

S94 Plan No. 4 (Version 4.0)

(Koala 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)

$\text{\$Unit}$ 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): \$29,583.00

57 lots @ \$519

S94 Plan No. 5

- b. Open Space (Casual): \$13,395.00

57 lots @ \$235

S94 Plan No. 5

- c. Street Trees: \$2,445.30

57 lots @ \$42.90

S94 Plan No. 6

- d. Shirewide Library Facilities: \$39,216.00

57 lots @ \$688

S94 Plan No. 11

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- e. Bus Shelters: \$1,311.00
57 lots @ \$23
S94 Plan No. 12
- f. Eviron Cemetery/Crematorium Facilities: \$7,182.00
57 lots @ \$126
S94 Plan No. 13
- g. Community Facilities (Tweed Coast) \$33,288.00
(South Coast)
57 lots @ \$584
S94 Plan No. 15
- h. Emergency Facilities (Surf Lifesaving) \$11,457.00
57 lots @ \$201
S94 Plan No. 16
- i. Extensions to Council Administration Offices
& Technical Support Facilities \$19,654.17
57 lots @ \$344.81
S94 Plan No. 18
- j. Cycleways \$9,120.00
57 lots @ \$160
S94 Plan No. 22

11. 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:

Stage 3a

Water:	54 lots @ \$3840	\$207,360.00
Sewer:	54 lots @ \$3215	\$173,610.00

Stage 3b

Water:	57 lots @ \$3840	\$218,880.00
Sewer:	57 lots @ \$3215	\$183,255.00

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.

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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.

12. 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.

13. 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.
14. The site is to be filled to a minimum of RL 2.7m AHD. The filling is to be retained by perimeter structural walls with concrete lined perimeter drainage, or other approved treatment, to a design submitted to and approved by the Director of Engineering Services prior to the release of the Construction Certificate. The filling plan of the site is to address the drainage on the site as well as any existing stormwater flows onto or through the site and the likely impact on stormwater drainage in the locality from the proposed filling.
15. 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.
16. 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

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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:
- (i) Water Quality Control Ponds
- The ponds shall be designed as "constructed wetlands" in accordance with Tweed Shire Council Aus-Spec D7 and in particular the criteria in sections D7.9.6, D7.9.7, D7.9.8, D7.11-2.2 and Table 7.11-WS.
 - The ponds shall be located off stream and treat all subdivision runoff of up to Q3 months flow. Flows in excess of Q3 months are to be bypassed.
 - The ponds shall be provided with all weather access from a public road and the perimeter provided with all weather maintenance access. The ponds, inlet/outlet works and perimeter access shall be enclosed by a person proof fence.
 - Litter racks (see D7.11-2.21) are to be provided upstream of the pond to prevent litter and gross pollutants entering the pond.
 - The pond, surrounding enclosed area and access are to be located in a drainage reserve dedicated to Council.
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. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17° or steeper, such slopes shall be densely planted

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in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application.

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

- i) Contours and terraces where the height exceeds 1m.
 - ii) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
 - iii) Densely plant with sub-tropical (rainforest) native and exotic species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
 - iv) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.
 - v) The landscaping shall be completed to the satisfaction of the Director Development Services PRIOR to the issue of a Subdivision Certificate.
 - vi) A bond shall be lodged prior to the issue of the subdivision certificate to ensure that the landscaping is maintained by the developer for a period of 6 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.
19. The Engineering Plans and Specifications to accompany the Construction Certificate Application shall provide for:-
- i. The roads in the subdivision shall be generally in accordance with Figures 14.1 to Figure 14.38 by Cardno MBK and dated April 2001.
 - ii. Construct 1.2m wide footpaths to alignments shown on Figure 21 Pedestrian Movement and Connectivity by Cardno MBK and dated April 2001.
 - iii. Construct a 2.5m wide cycleway along the full length of Road 1 and along Road 2 from Lot 396 to the intersection with Road 1.
 - iv. Construct vertical face kerb and gutter along the full length of all roads with adjacent footpaths or cycleways. Construct roll top kerb and gutter to all other roads.
 - v. Construct a koala crossing/slow point on Road 1 adjacent to Lot 369.
 - vi. A bus route through the subdivision, with designated bus stops and shelters to the satisfaction of the Director Development Services.
 - vii. Design of a roundabout for the road link between Koala Beach and the Seabreeze Estate in accordance with Austroads Part 6 "Roundabouts". The roundabout shall have an outside diameter of 28 metres and incorporate pedestrian refuges in splitter islands. Cycleways and footpaths shall be designed to link to the refuges. All land identified as being required to accommodate the roundabout is to be dedicated at no cost to Council.
 - viii. Emergency vehicle access to the Asset Protection Zone as shown on Figure 20 Provision for Bush Fire Protection by Cardno MBK in accordance with the requirements of "Planning for Bush Fire Protection" dated December 2001 by PlanningNSW. Note trails shown shall be a minimum 4 metres wide with 1 metre cleared area either side of the trail. Trails shall be constructed of minimum

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- CBR35 material and a 150 thick reinforced with F62 mesh driveway shall be provided where the trail crosses the footpath. All trees on the route or within 5m of the route of the trail are to be shown on the plans.
- ix. Construct all weather maintenance access tracks along drainage paths and around water quality control ponds.
 - x. Construction of a stormwater drainage system that will convey all waters through the site to a legal point of discharge. The subsurface and overland drainage systems shall convey the respective flows from minor and major storm events. Clearly defined upstream catchment areas and supporting stormwater calculations shall be provided and approved by Tweed Shire Council prior to a Construction Certificate being issued.
 - xi. Construction of concrete driveways from the back of kerb to the property boundary for Lots 332 and 339.
 - xii. The design and construction standard for footpaths and cycleways shall comply with AUSPEC (TSC version).
20. The Statement of Landscape Intent prepared by EDAW dated 28 May 2001, shall be amended as follows:
- Deletion of: Peltophorum pterocarpum
Dieties grandiflora
Gazania
Hymenocallis littoralis
 - Inclusion of: Alocasuarina littoralis
21. The amended plan shall be submitted to Council prior to the release of the Construction Certificate.
22. The submission of a plan for the approval of Council identifying a building envelope (with minimum dimensions of 10m by 15m) for each of the allotments containing Koala Food Trees and/or Asset Protection zones, prior to the release of a Construction Certificate. The plan is to illustrate the location of the building envelopes in relation to the following constraints:
- Restriction on use for Bushfire Management
 - Koala food trees
 - Six (6) metre setback from road frontage.
- The approved plan is to be reflected in the creation of a restriction as to user under Section 88B of the Conveyancing Act. The restriction as to user shall require all dwelling houses to be constructed within the approved building envelope, unless otherwise approved by Council, and Council shall be the sole authority to vary the instrument. The wording of the restriction as to user is to be submitted to Council for approval prior to the release of the Subdivision Certificate.
23. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986

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(or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment.

24. The layout of Lots 370 to 374 is to be in general accordance with Drawing Nos. Sketch 05 Boulder Wall by Cardno MBK and dated May 2002. Tubular steel fencing in accordance with Council's Standard Drawing S.D.016 (G0044a) is to be installed on top of the boulder wall to the satisfaction of the Director of Engineering Services.

The northern boundaries of the affected lots are to be adjusted to be at or above the Q100 flow depth plus 300mm. Clearly defined upstream catchment areas and supporting stormwater calculations shall be provided and approved by Tweed Shire Council prior to a Construction Certificate being issued.

PRIOR TO COMMENCEMENT OF WORK

25. 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.
26. 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.
27. 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.
28. 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.
29. 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

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sediment controls shall remain in place until final approval is given and the maintenance bond has been released.

30. 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.

DURING CONSTRUCTION

31. No soil, sand, gravel, clay or other material shall be disposed of off the site.
32. 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.
33. 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.
34. Dogs, cats and other domestic animals are prohibited from entering this locality by a covenant applying to this land.

All persons associated with the development of this site and construction of this building are prohibited from permitting any such domestic animals to enter this subdivision locality.

Please note that this prohibition also applies to all contractors, sub-contractors and other trades persons accessing this site.

35. 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.
36. 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

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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. Asset protection zone access trails
- i. Final inspections - on maintenance
- j. 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".

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37. Before the commencement of the relevant stages of road construction, reports shall be submitted to Council from a Registered NATA Consultant demonstrating.
 - a. That the pavement has been designed and constructed in accordance with subgrade analysis as per Austroads Pavement Design, A Guide to the Structural Design of Road Pavements.
 - b. That the pavement materials used comply with the specifications in RTA Form Q3051 (June 1998)
 - c. That the pavement layers have been compacted to RTA specifications.
 - d. That site fill areas have been compacted to the specified standard.
 - e. That supervision of Bulk Earthworks has been to Level 1 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.
38. All lots must be graded and trimmed to prevent the ponding of surface water. Additionally, all lots must be adequately vegetated and action must be taken to prevent erosion from wind and/or water to the satisfaction of the Director, Development Services.
39. 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.
40. Provision of temporary turning areas for refuse vehicles at the end of roads which will be extended in subsequent stages until such time as the road is extended or a dedicated turning area is provided at the end of the road. These temporary turning areas shall be constructed with a minimum 150mm pavement (CBR 45) and shall have a right of carriageway registered over the turning area until such time as the road is extended.
41. The owner or contractor must not undertake any work within the public road reserve without giving Council's Engineering Services Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.
42. Provision of adequate vehicular access in accordance with Council's "Access to Property" pamphlet.
43. 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.
44. Pram ramps are to be constructed at road intersections in accordance with Council's Plan No. A4-96 to the satisfaction of the Director of Engineering Services and in accordance with Council's Standard Plan No. A4-96. Mountable or roll top kerb does not meet pram ramp requirements, and therefore requires a pram ramp to be constructed as above.
45. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped.

Reports from Director Development Services

46. No filling to be placed hydraulically within twenty metres (20m) of any boundary that abuts private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.

No filling of any description is to be deposited, or remain deposited, within adjacent properties.

47. i. Dedication of the proposed drainage reserve at no cost to Council.
ii. An accurate plan of the proposed drainage reserve shall be submitted to Council 60 days prior to lodgement of Application for Subdivision Certificate (form 13) to allow the land to be classified.

Failure to comply with this condition may result in delays in the issue of the Subdivision Certificate.

48. 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.

49. The earthworks program shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with Appendix B, AS 3798-1996. In addition, the frequency of field density testing shall be to a Type 1 standard in accordance with Table 8.1 of AS 3798. The geotechnical report shall be accompanied by a certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798.

50. 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.

51. The water quality control ponds shall be fully fenced in accordance with the requirements of AS1926 for children less than five (5) years of age.

52. i. The site of the sewage pumping station shall be transferred to Council in fee simple, at no cost to Council within 28 days of the date of registration of the plan of subdivision.

- ii. An accurate plan of the sewage pumping station site shall be submitted to Council 60 days prior to lodgement of the Application for Subdivision Certificate (form 13) to allow the land to be classified.

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.

53. 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.

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54. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
55. 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.
56. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
57. 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.
58. 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.
59. 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.
60. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
61. Prior to and during construction provide a "shake down" area along the haul route located immediately before the intersection with the road reserve. The "shake down" area is to be 10 metres long, minimum 3.0 metres wide, constructed of minimum 50mm diameter crushed rock; or other such device approved by the Director of Engineering Services.
62. The burning of builders waste on site by open fire is prohibited.
63. 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.
64. Soils within the areas identified as class 2 on the acid sulfate soils planning maps shall not be disturbed or exposed in a manner which is likely to generate acid sulfate runoff.
65. The applicant shall comply with the recommendations of Part 26.6 of the Eight Part Tests of Significance Stage 3 Koala Beach Estate Pottsville (Ray Matrix Pty Ltd, July 2001).
66. All works shall be carried out in accordance with the Erosion and Sediment Control Plan The Ridge, Cardno MBK, May 2001.
67. All works shall be carried out in accordance with the Stormwater Management Plan The Ridge, Cardno MBK, May 2001.

Reports from Director Development Services

68. All works shall be carried out in accordance with the Water Quality Monitoring Program The Ridge, May 2001.
69. All stormwater runoff shall be directed to an on site detention pond, and shall not be discharged direct to any watercourse.
70. All works shall be carried out in accordance with the amended plans of management for 7(l) Environmental Protection (Habitat) and 7(a) Environmental Protection (Wetland and Littoral Rainforest) zones.
71. Any works required on the public reserve (Aboriginal Site 6) shall be carried out in accordance with the Management Plan.
72. Dedication of the proposed public reserve lots 345, 359, 369 and 427 at no cost to Council.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

73. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No 0651/2001DA have been complied with.
74. 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 and access benefitting Council are to be created along the Stage 3 drainage pipelines, water courses and access tracks from the drainage outfall to a lawful point of discharge being the downstream defined natural watercourse.
 3. Restriction on user on Lots 371, 372, 373 and 374 prohibiting the construction of retaining walls or placing of fill along the northern boundaries adjacent to the water course.
 4. An easement for support is to be created to benefit Council and burden Lots 371 and 372. The owners of the lots burdened must not interfere with the retaining wall and the support they offer or use the site of the easement or any other part of the lot burdened in a way which may detract from the stability of or the support provided by the retaining wall. The easement shall also allow Council to enter the lots burdened and carry out any maintenance necessary to ensure the stability of the walls.

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.

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75. 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. This shall include the bushfire trail.
76. 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.
77. 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.
78. 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.
79. Prior to the issue of a Subdivision Certificate, Works as Executed Plans shall be submitted in accordance with the provisions of DCP16 - Subdivisions Manual.

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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.

80. 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.

81. Prior to the issue of a Subdivision Certificate and also prior to the end of defects liability period, a CCTV inspection of the stormwater pipes will be required to demonstrate that the standard of the stormwater system is acceptable to Council.

Any defects identified by the inspection are to be repaired using any one of the following repair techniques or such other technique as may be approved by the Director of Engineering Services.

- Tiger Patch patch liner;
- Econoliner;
- PL Quick Sleeve System;
- Flexi-Bond method

All costs associated with the CCTV inspection and repairs shall be borne by the applicants.

82. 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.

83. 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

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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.

84. The production of written evidence from Telstra Australia certifying that satisfactory arrangements have been made for the provision of underground telephone supply.
85.
 - 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.
86. 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.
87.
 - (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.
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.
88. Prior to the Final Practical Inspection and also prior to the off maintenance inspection all stormwater pipelines, pits (including GPTs) Water Quality Control Ponds (WQCPs) and sediment and erosion control measures are to be cleaned of silt and debris. A record of the amount of silt/debris collected in GPTs and WQCP is to be supplied to Tweed Shire Council. All costs associated with the cleaning and recording shall be borne by the applicant.
89. Surveys are to be undertaken of the Bush Thick-Knee as recommended in the Eight Part Test of Significance prepared by the Australian Koala Foundation dated July 2001. The results of the surveys and proposed protective measures as appropriate are to be submitted to Council and the NSW NPWS prior to release of the Subdivision Certificate. The recommendations contained in the NSW NPWS letter dated 14 May 2002 are to be included in the report.
90. Amended Plans of Management for the land zoned 7(l) Environmental Protection (Habitat) and 7(a) Environmental Protection (Wetland and Littoral Rainforest) and the reserve supporting the Green-Leaved Rose Walnut are to be submitted to the satisfaction of Council, prior to the release of the Subdivision Certificate. The amended

Reports from Director Development Services

plans are to be prepared by a suitably qualified person and address the following matters in detail:

- Measures to progressively remove exotic weeds.
- Measures to ensure native vegetation is regenerated.
- Measures to ensure threatened species habitat is conserved.
- Details regarding the proposed timeframe and inspection regime for the implementation of the works.

The plans are to be submitted for the approval of Council's Manager Recreation Services.

91. Prior to the issue of a subdivision certificate Maintenance Manuals for GPTs and WQCPs must be submitted to Tweed Shire Council for the approval of the Director of Engineering Services.

KOALA MANAGEMENT

92. All relevant amelioration measures in the Koala Plan of Management submitted with the application to be implemented, including:-
- (a) Where possible retention of all *Banksia Integrafolia* species greater than 125mm diameter at breast height to be protected, tagged and shown on Engineering Plans and incorporated in Subdivision design.
 - (b) Retention of all Koala home range trees, multi-use trees, primarily browse trees, and other trees except the fig tree on Lot 341 which is in poor condition and must be removed, identified in Figures 7A, 8A, 8B, 8C & 8D accompanying the Development Layout and Engineering Report prepared by Cardno MBK and dated May 2001.
 - (c) All trees identified in (a) and (b) to be fenced, flagged or labeled prior to commencement of construction (evidence of such to be submitted to Council prior to any work commencing and throughout construction) and Section 88B restrictions as to user on the title of each lot created where such trees occur to prohibit disturbance, damage or removal.
 - (d) Restriction as to user under Section 88B of the Conveyancing Act to be imposed on the title of all lots, providing that domestic dogs and cats must NOT be permitted or kept or otherwise brought onto the Searanch site. All access roads to the site to be signposted to that effect. The restriction shall contain a provision enabling the restriction to be revoked, varied or modified only with the consent of Council.
 - (e) All earthworks or bushfire management measures involving tree removal from areas known to be utilised by koalas must not proceed until the area has been inspected by an officer of the Australian Koala Foundation, or their nominated representative. Tree clearing operations will be temporarily suspended within a range of 50m from any tree which is concurrently occupied by a koala and will not resume until the koala has moved off on its own accord out of the area.
 - (f) Road design standards, appropriate speed control devices and koala crossing area shall be incorporated into the subdivision design to the extent that they restrict

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- motor vehicles to a maximum speed of 40kph within that area of the Searanch site proposed for development.
- (g) Restrictions as to user under section 88B of the Conveyancing Act to ensure that all swimming pools installed by future residents of the Searanch community must possess a stoup rope (minimum 50mm diameter), on end of which is secured to a stable poolside fixture, the other of which must trail in the pool at all times, and that fencing in the proposed development area should not be encouraged. However, where fencing is considered necessary for privacy or security reasons, a minimum ground clearance of 200mm must be maintained. Swimming pool fences must maintain a maximum clearance of 100mm to comply with the Swimming Pool Fence Regulations.
 - (h) Kerbside plantings for the purpose of landscaping the proposed urban subdivision must incorporate a minimum of 1 koala food tree for every two residential allotments.
 - (i) The importance of the Searanch site for koala conservation and the potential role of the community in managing the population must be communicated to intending purchasers/residents.
 - (j) This property is burdened as to the type of plant species that can be planted and those that cannot. The owner is directed to conform with the restrictions relating to plant species as contained in their Section 88B Restriction as to User.
93. The applicant shall comply with the recommendations of Part 7.4 of the Eight Part Tests of Significance Stage 3 Koala Beach Estate Pottsville (Ray Matrix Pty Ltd, July 2001).
94. The Subdivision is to be carried out in accordance with the recommendations contained in the Eight Part Test of Significance prepared by the Australia Koala Foundation dated July 2001.

ABORIGINAL HERITAGE

95. The Aboriginal site identified as Site 6 in the report entitled "Cultural Heritage Assessment of part of the Searanch Site Pottsville, North East NSW" prepared by Eleanor Crosby 1994 is to be included within a public reserve.
96. A plaque is to be placed within the public reserve to reflect the Aboriginal heritage value of the site. The plaque is to be designed and worded in conjunction with the local Aboriginal community and the NPWS.
97. A Management Plan is to be prepared for the public reserve, which will have the purpose of protecting and conserving the Aboriginal heritage values of the site. The plan among other things is to specify that all native vegetation is to be retained, no earthworks are to occur and that the reserve is to contain no play equipment and/or any other similar constructions. The management plan is to be approved by both Council and the NPWS Northern Aboriginal Heritage Unit, Coffs Harbour, prior to the release of the Subdivision Certificate.
98. An 88B Instrument prepared under the Conveyancing Act 1919, is to be placed over the public reserve to ensure that the reserve is managed in accordance with the approved Aboriginal heritage management plan. Documentary evidence to be submitted to Council.

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99. The applicant shall comply with the recommendations of the Cultural Heritage Assessment, Turnix Pty Ltd, September 1994 and the recommendations of the Tweed Byron Local Aboriginal Land Council letter of 15 June 2001.
100. Aboriginal relics which have been relocated under a large fig tree shall be protected in accordance with those measures specified under part 5.3 of the Development Layout and Engineering Report (Cardno MBK, May 2001).

BUSHFIRE MANAGEMENT

101. Bushfire hazard reduction measures to be carried out to the satisfaction of Council's Bushfire Control Officer and in general accordance with Figure 20 Provision for Bush Fire Protection by Cardno MBK dated April 2001. The siting of the access track/fire trail and asset protection zones are to be surveyed for any mature Koala food or use trees by a qualified professional. Should such trees be located, they are to be retained unless approval for removal is provided by AKF.
102. The proposed development is to be carried out in accordance with the Bushfire Management Plan prepared by Cardno MBK and dated April 2001, except as varied by Council. The plan is to be amended to incorporate the following:
 - (a) Manual (or brush cutter) fuel management of ground cover within that part of the buffer encroaching on the 7(l) Environmental Protection (Habitat) zone within the tree line.
 - (b) Signs detailing the fuel management measures shall be erected, details of proposed signage to be submitted to Council for approval.
 - (c) The extent of the asset protection zone located within the 7(l) Environmental Protection (Habitat) Zone is to be clearly and permanently marked to the satisfaction of Council.

Measures (b) and (c) are to be carried out prior to the release of the Subdivision Certificate (ie. Prior to the final civil works inspection). The amendments detailed above are also required to be reflected in the management plan for the 7(l) Environmental Protection (Habitat) Zoned land, the Buffer Area Management Plan and the Maintenance Plan for the Bush Fire Management Zones. The amended plans are to be submitted to Council prior to the release of the Construction Certificate.

103. An Asset Protection Zone in accordance with Figure 20 Bushfire Management by Cardno MBK shall be located at the rear of Lots 410, 411, 412, 413, 355, 356 & 357 and shall provide for:
 - i. no buildings except swimming pools are to be constructed;
 - ii. area to be kept generally free of ground litter and fire susceptible plant species;
 - iii. any fencing to be constructed in non-combustible material.

These prohibitions shall be reinforced by a Restriction on User on each lot created under Section 88B of the Conveyancing Act.

104. Dedication of the proposed Asset Protection Zone and access/fire trail at no cost to Council.
105. Prior to the issue of a Subdivision Certificate a maintenance plan for the Asset Protection zones must be submitted to and approved by the Manager Recreation Services. The plan shall include (as a minimum the following sections:-

Reports from Director Development Services

- (i) Introduction - location, subdivision details
- (ii) Description - zone boundaries and locations
- (iii) Bush Fire Management - objectives, issues, options
- (iv) Recommendations
- (v) Maintenance Plan - to explain what maintenance is required, when and where it is required and how it is to be undertaken, including machinery, methods, manpower and equipment. The Maintenance plan is to incorporate the following:
 - (a) The Inner Protection Zone (or fuel free zone) is to be able to be easily maintained by a slasher. The Inner Protection Zone is to be of a manageable slope $<25^{\circ}$ and the surface is to be free of rocks, logs, etc that may impede access, damage machinery or pose safety issues to the operator or the public. An inspection regime for the fire trail shall be included.
 - (b) Maintenance measures are to achieve a maximum fuel loading of 8 tonnes per hectare within the Outer Protection Zone (or fuel reduced zone). Details of proposed manual/brush cutter clearing of fuel so as not to impact on significant trees are to be provided.

An inspection of the Bush Fire Management works is to be carried out by Council Officers prior to the release of the subdivision certificate (ie. Prior to the Final Civil Works Inspection).

DEPARTMENT OF LAND & WATER CONSERVATION - GENERAL TERMS OF APPROVAL

- 106. The works area shall be revegetated to reduce erosion potential as soon as works are completed.
- 107. Vegetation native to the local area only are to be used in the revegetation program (except grasses for initial soil stabilisation).
- 108. If required, the site shall be fenced off to prevent stock access while the site is undergoing restoration and revegetation.
- 109. Any fill shall be protected to prevent it from being eroded.
- 110. Any structural works shall be secure to withstand flow velocities at the bankfull discharge of the stream.
- 111. No materials shall be used that may pollute the stream.
- 112. No materials may be used that may create a risk to public safety.
- 113. All scrub, undergrowth and timber removed from the area of operation shall be disposed of so that the debris cannot be swept back into the stream during a flood.
- 114. If in the opinion of any reasonable officer of the Department of Land and Water Conservation any work is being carried out in such a manner as it may damage or detrimentally affect the stream or damage or interfere in any way with any work, the operation in that section of the said stream shall cease forthwith upon written or oral direction of such officer.
- 115. A copy of this letter of permission shall be made available to officers of the Department upon request.

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116. This permit does not give you the right to occupy any land without the owners consent, nor does it relieve you of any obligation which may exist to also obtain permission from Local Government and other Authorities who may have some form of control over the site of the work and/or the activities you propose to undertake.
117. The site shall be restored and revegetated to the satisfaction of the Department of Land and Water Conservation.
118. The permit holder and the owner or occupier of the land are responsible for any excavation, removal or placement of material or construction of works undertaken by any other person or company at the site.
119. This permit is not transferable to any other person or Company and does not allow operations at any other site.
120. The permit does not allow an extractive industry at the site.
121. This permit is issued with the provision that operations shall be carried out on freehold land. Should operations be on Crown land, this permit is rendered null and void.
122. Operations shall be conducted in such a manner as not to cause damage or interfere in any way with vegetation on adjacent banks.
123. Operations shall be conducted in such a manner as not to cause damage or increase the erosion of adjacent bed and banks.
124. Sediment control measures shall be provided for the duration of works and until the site is stabilised.
125. If the permit conditions have been breached the permit holder shall restore the site to the satisfaction of the Department. If the works as directed are not completed then the permit holder shall pay a fee prescribed by the Department for the initial breach inspection and all subsequent inspections.

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REPORT:

Applicant: Cinereus Beach Pty Ltd c/- Darryl Anderson Consulting Pty Ltd
Owner: Cinereus Beach Pty Ltd
Location: Lot 903 DP 1017348 Bottlebrush Drive, Pottsville (Koala Beach)
Zoning: Part 2(c) Urban Expansion, Part 7(a) Environmental Protection (Wetlands & Littoral Rainforest) and Part 7(l) Environmental Protection (Habitat)
Estimated Value: \$2,200 000

BACKGROUND/SUBJECT SITE

The subject site is described as Lot 903 DP 1017348 and is located to the west of the existing road formation of Sassafras Street, Koala Beach. The site has an area of 75.28 hectares. The subject site varies in elevation from approximately RL 2.0m AHD to approximately RL 26.0m AHD.

Development Consent No. S94/176 for Stage 1 of Koala Beach Estate comprising 101 allotments was approved by Council on 19 October 1995 and has been developed. Stage 2 comprising 67 allotments was approved by the Minister for Urban Affairs and Planning on 26 September 1999 and has largely been developed.

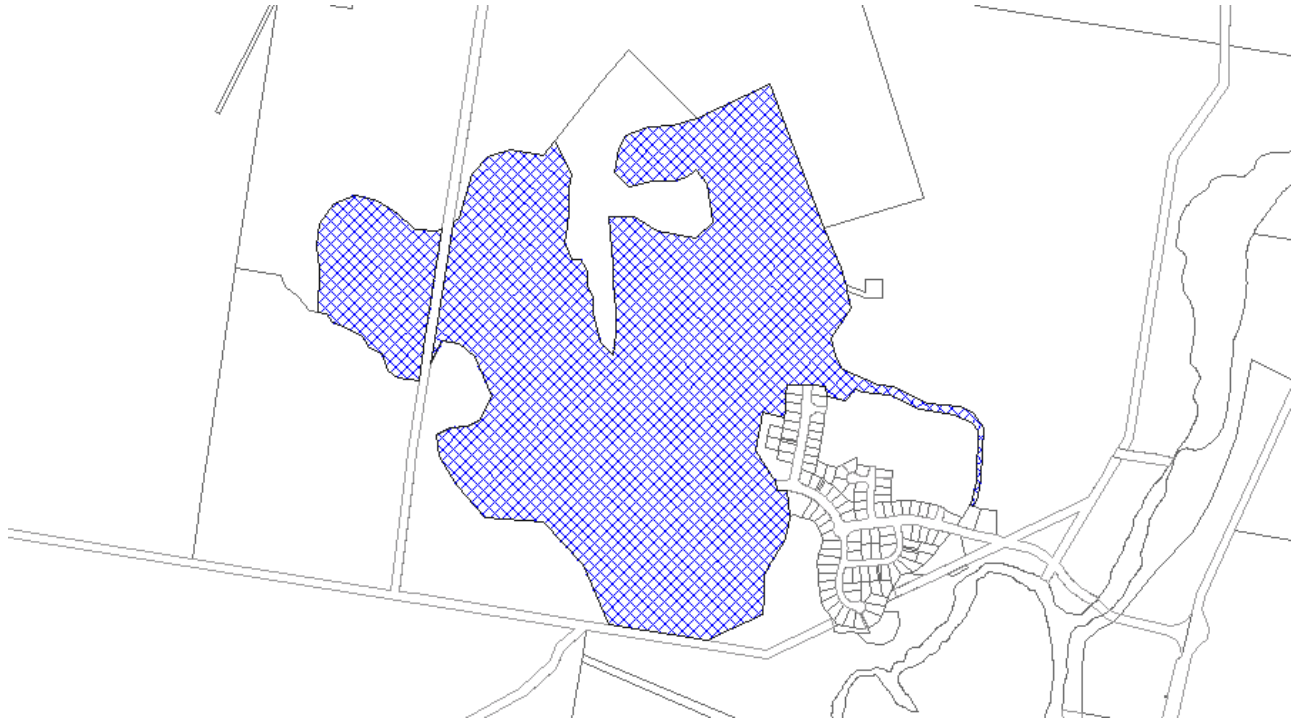
A separate Development Application was lodged concurrently with the subject application for Stage 4 comprising an eleven (11) lot subdivision to the north of the existing road formation of Bottlebrush Drive. The Stage 4 subdivision was approved to be carried out in the following stages:

- Stage 1 – subdivision of the parent lot to create Lot 904 with an area of 2.585 hectares and a residue lot 905 with an area of 72.2 hectares.
- Stage 2 – subdivision of Lot 904 created in Stage 1 into 11 residential lots with areas ranging from 751m² to 1228m² and two open space lots with areas of 1.374 hectares and 270m².

The development application for Stage 4 (0655/2001DA) was approved by Council on 5 December 2001.

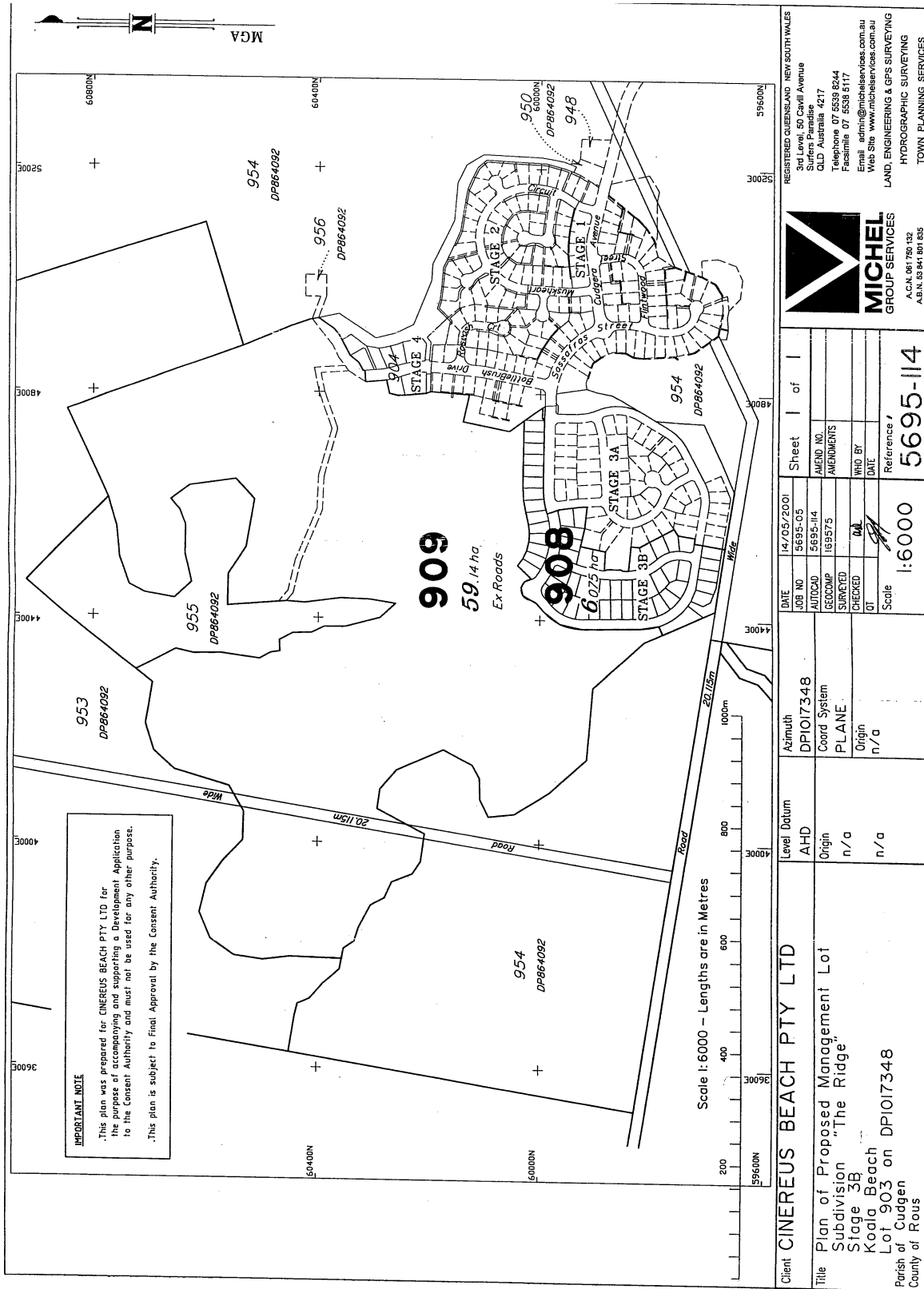
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FIGURE 1 – LOCALITY PLAN



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PROPOSED DEVELOPMENT PLAN

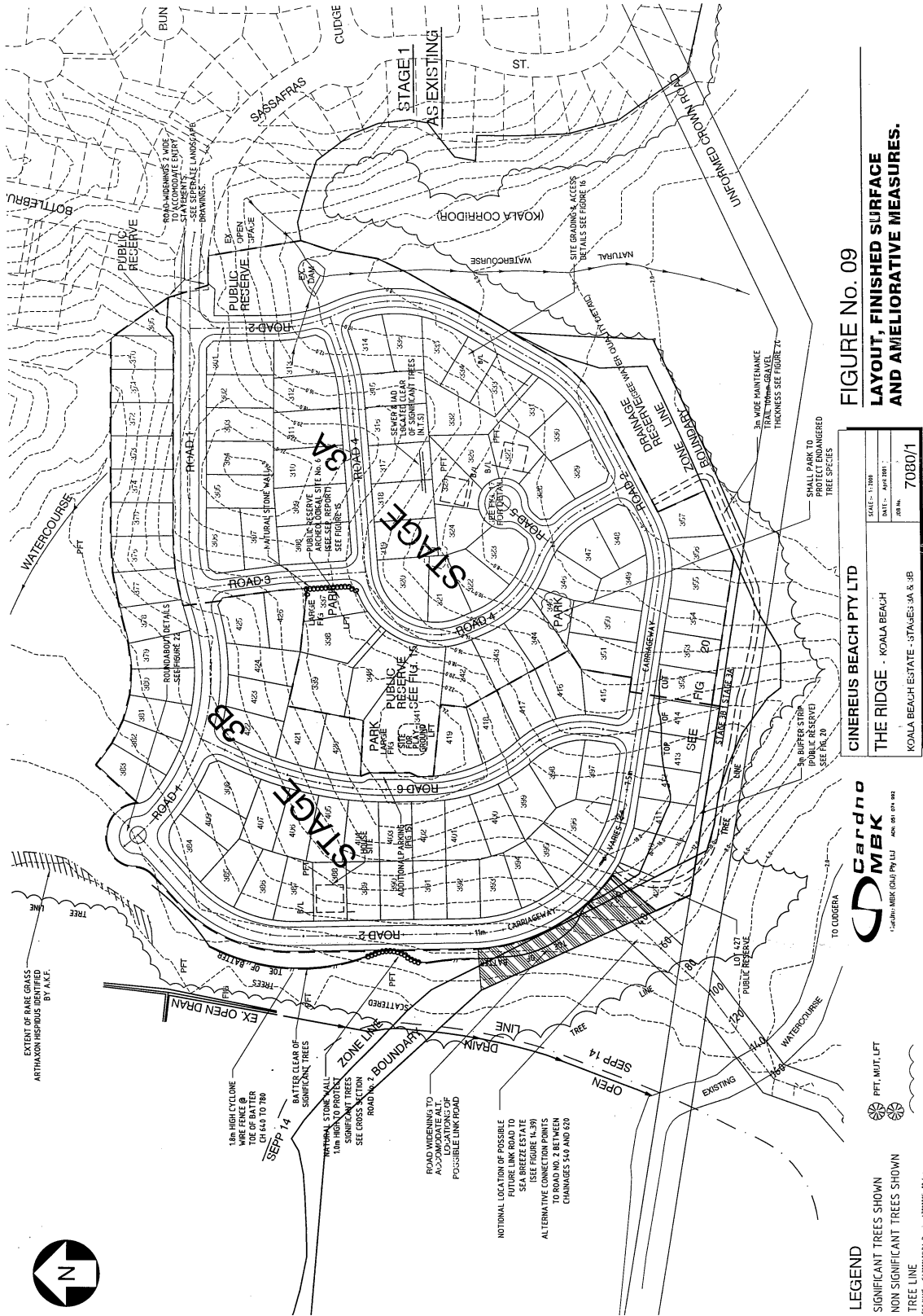


IMPORTANT NOTE
 This plan was prepared for CINEREUS BEACH PTY LTD for the purpose of accompanying and supporting a Development Application to the Consent Authority and must not be used for any other purpose.
 This plan is subject to Final Approval by the Consent Authority.

Client CINEREUS BEACH PTY LTD Title Plan of Proposed Management Lot Subdivision "The Ridge" Stage 3B Koala Beach Lot 903 on DPI017348 Parish of Cudgen County of Rouss		Azimuth DPI017348 Coord System PLANE Origin n/a	Level Datum AHD Origin n/a n/a	DATE 14/05/2001 JOB NO 5695-05 AUTOCAD 5695-114 GEOCOMP 169575 SURVEYED CHECKED DT Scale 1:6000	Sheet of AMEND NO AMENDMENTS WHO BY DATE Reference / 5695-114	REGISTERED QUEENSLAND NEW SOUTH WALES 3rd Level, 50 Cavill Avenue Surfers Paradise 4217 QLD Australia Telephone 07 5539 8444 Facsimile 07 5539 8117 Email admin@michelgroupservices.com.au Web Site www.michelgroupservices.com.au MICHEL GROUP SERVICES LAND, ENGINEERING & GPS SURVEYING HYDROGRAPHIC SURVEYING TOWN PLANNING SERVICES A.C.N. 061 793 132 A.B.N. 59 841 801 855
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PROPOSED DEVELOPMENT PLAN



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PROPOSED DEVELOPMENT

The subject application seeks approval for the subdivision of lot 903 DP 1017348 as follows:

Phase 1 - Subdivision of the parent parcel to create lot 906 with an area of approximately 7.48 ha and lot 907 with an area of approximately 65.22ha.

Stage 3A – Subdivision of proposed lot 906 to create

- 54 residential lots with areas ranging from 700m² to 1198m²
- 4 open space lots (lot 337 - 600m², lot 341 - 2825m², lot 359 - 3891m² & lot 345 – 439m²)
- 1 drainage lot (lot 358 - 6057m²)

Stage 3B – Subdivision of proposed lot 907 to create

- 1 Management lot 908 (6.075ha) and residual lot 909 (59.14ha)
- Subdivision of Lot 908 into 57 residential lots with areas ranging from 700m² to 900m²
- 2 open space lots (lot 427 - 1377m² and lot 369 - 364m²)

Stages 3A and 3B also involve the construction of roads and the provision of services to each of the allotments. It is proposed to carry out the bulk earthworks prior to the civil works (and prior to the issue of a construction certificate for the civil works).

The area in which the 111 residential lots are proposed comprises approximately 13.4 hectares in the south of the site. The Eight Part Test of Significance prepared by the Australian Koala Foundation indicates that "...much of the southern 80 hectares proposed for residential development has been cleared of the original forest communities and now includes a mixed exotic and native grassland supporting stands of trees".

The Statement of Environmental Effects prepared by Darryl Anderson Consulting Pty Ltd identifies the following key environmental constraints as applying to the site:

- Areas zoned wetland and habitat to the west, south and east of stage 3;
- The need for bush fire and environmental buffers to the wetland and habitat areas;
- Existing Koala food trees on and adjacent to the proposed lots;
- The existing threatened plant species (Endiandra Muelleri);
- An existing threatened species of grass (Anthraxon Hispidus) adjacent to the north western corner of stage 3.

The proposed development also requires a 3A permit in accordance with the Rivers and Foreshores Act 1948 for works within 40 metres of a watercourse. The development therefore constitutes Integrated Development in accordance with the Environmental Planning and Assessment Act 1979.

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

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

Tweed Local Environmental Plan 2000 (TLEP 2000)

Clause 11 – The zones

The subject site is partly zoned 2(c) Urban Expansion, 7(a) Environmental Protection (Wetland & Littoral Rainforest) and 7(l) Environmental Protection (Habitat) in accordance with the provisions of TLEP 2000. The proposed residential lots are located within the land zoned 2(c) Urban Expansion. The primary objective of the 2(c) Urban Expansion zone is:

- to identify land for urban expansion (which will comprise mainly residential development focused on multi-use neighbourhood centres) and to ensure its optimum utilisation consistent with environmental constraints and the need to minimise residential land take.

The secondary objectives of the zone are:

- to allow associated non-residential development which meets the recreation, shopping, commercial, employment and social needs of future residents.
- to ensure that sensitive environmental areas within and outside the zone are protected from any adverse impacts of development.
- to enable planning flexibility to achieve the other objectives of the zone by providing detailed guidelines through development control plans.

The proposed development responds to the environmental constraints affecting the land and is considered to be consistent with the zone objectives.

Dwelling houses are permissible with Development Consent within the 2(c) zone if each is on an allotment of at least 450m². The proposed lots range in area from 700m² to 1198m² and comply with the minimum 450m² required for a dwelling house.

Clause 15 – Availability of Services

Clause 15 of TLEP 2000 requires the consent authority to be satisfied that a water supply and facilities for the removal of sewer and drainage are available to the land prior to granting development consent for the carrying out of development on any land.

Existing water supply and sewerage services will be extended to service the proposed subdivision. Proposed drainage arrangements for the subdivision are considered satisfactory.

Clause 17 – Social Impact Assessment

The objective of Clause 17 of TLEP 2000 is to ensure proper consideration of development that may have a significant social or economic impact. Where the consent authority considers that a proposed development is likely to have a significant social or economic impact in the locality, the consent authority may only grant consent to the

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proposed development if it has considered a social impact statement in respect of the proposed development. The social impact statement must:

- (a) identify the likely future impacts of the development and the affected community, and
- (b) analyse the impacts in terms of magnitude, significance, duration, effect on current and future conditions and community services, and the like, and
- (c) determine and assess possible measures for the management or mitigation of likely impacts.

A Socio-economic Impact Statement was submitted in relation to the subject application and concludes that the proposed development is unlikely to result in any significant socio-economic impact in the locality or the Tweed generally, subject to appropriate mitigation and management measures.

Clause 20 – Subdivision in Zones 1(a), 1(b), 7(d) and 7(l)

Clause 20 of TLEP 2000 requires a minimum lot size of 40 hectares for the subdivision of land zoned 7(l). The proposed residue allotment is approximately 59.14 ha in area and therefore complies with the minimum lot size specified by Clause 20.

Clause 25 – Development in Zone 7(a) Environmental Protection (Wetlands and Littoral Rainforests) and on adjacent land

Clause 25 of TLEP 2000 applies to development in zone 7(a) Environmental Protection (Wetland & Littoral Rainforest) and on adjacent land. The clause requires the consent authority to consider the following matters prior to granting consent to the carrying out of development on land within zone 7(a) or on land adjacent to land zoned 7(a):

- (a) The likely effects of the development on the flora and fauna found in the Wetlands or Littoral Rainforest,
- (b) The potential for disturbance of native flora and fauna as a result of intrusion by humans and domestic and feral animals, increased fire risk, rubbish dumping, weed invasion and vegetation clearing, and
- (c) A plan of management showing how any adverse effects arising from the development can be mitigated, and
- (d) The likely effects of the development on the water table, and
- (e) The effects on the wetlands or littoral rainforest of any proposed clearing, draining, excavating or filling.

The proposed residential lots are located adjacent to land zoned 7(a). The Australian Koala Foundation has prepared an eight part test of significance in relation to the proposed development and concludes that a Species Impact Statement is not required in relation to the proposed subdivision. A Plan of Management has been submitted with the development application identifying potential adverse impacts of the development on the land zoned 7(a) and measures to mitigate the potential impacts. The separation between the 7(a) zone boundary and the proposed residential allotments comprises "...a proposed 18m wide road reserve together with a "buffer" area approximately 35 m wide

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at its narrowest point and 60 m wide at its widest point". The proposed development is not considered likely to result in significant adverse impacts on the adjacent 7(a) land subject to the imposition of conditions, including a condition requiring the submission of amendments to the Plan of Management for the land zoned 7(a).

Clause 28 – Development in Zone 7(l) Environmental Protection (Habitat) and on adjacent land

Clause 28 of TLEP 2000 applies to development in zone 7(l) Environmental Protection (Habitat) and on adjacent land. Clause 28(3) requires the consent authority to have regard to any representations made by NSW Fisheries and the National Parks & Wildlife Service prior to granting development consent on land within zone 7(l). Referrals to Government Agencies are addressed later in this report.

Clause 28(4) requires the consent authority to take into consideration the following matters prior to granting consent to development on or adjacent to land within zone 7(l):

- (a) The likely effects of the development on the flora and fauna found in the locality.
- (b) The potential for disturbance of native flora and fauna as a result of intrusion by humans and domestic and feral animals, increased fire risk, rubbish dumping, weed invasion and vegetation clearing.
- (c) A plan of management showing how any adverse effects arising from the development are to be mitigated.

The proposed residential lots adjoin land zoned 7(l) which comprises the residual allotment. As previously noted the Australian Koala Foundation has undertaken an eight part test of significance in relation to the proposed development. A plan of management has been submitted by the applicant as required in accordance with Clause 28(4)(c). It is considered that the proposed development is not likely to result in significant adverse impacts on the adjacent land zoned 7(l) subject to the imposition of conditions, including amendments to the Plan of Management for the 7(l) zoned land.

Clause 34 - Flooding

Clause 34 of TLEP 2000 applies to flood prone land, and requires Council to consider the following matters prior to granting consent for development on land which is subject to flooding:

- (a) the extent and nature of the flooding hazard affecting the land, and
- (b) whether or not the development would increase the risk or severity of flooding of other land in the vicinity, and
- (c) whether the risk or severity of flooding affecting the development could be reasonably mitigated, and
- (d) the impact of the development on emergency services, and
- (e) the provisions of *Tweed Development Control Plan No. 5 – Development of Flood Liable Land* and any other relevant development control plan.

Part of the residual lot is subject to flooding however no physical works are proposed within this area. Part of proposed Lot 357 comprising c. 100m² is also subject to

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flooding and will require approximately 50m³ of fill. The extent of flooding is considered minor and the proposed filling of part of this allotment is not likely to increase the risk or severity of flooding of other land in the vicinity. The development is not likely to have any significant impact on emergency services and is generally consistent with the provisions of DCP No. 5 regarding flood liable land.

Clause 35 – Acid sulfate soils

Clause 35 contains provisions regarding Acid Sulfate Soils. Part of the residual lot is identified as Class 2 land on the Acid Sulfate Soil Planning Map. No works are proposed within this area of the site. The area in which the residential lots are proposed is identified as containing Class 5 soils in accordance with the Acid Sulfate Soil Planning Map. Development consent is required for works within 500 metres of Class 1, 2, 3 or 4 land which are likely to lower the watertable below 1 metre AHD in adjacent 1, 2, 3 or 4 land. The proposed works are unlikely to lower the watertable.

No preliminary soil assessment or management plan is therefore required to accompany the development application.

Clause 44 – Development of land within likely or known archaeological sites

Clause 44(1) states that the consent authority may grant consent to the carrying out of development on an archaeological site that has Aboriginal heritage significance (such as a site that is the location of an Aboriginal place or relic within the meaning of the *National Parks and Wildlife Act 1974*), or a potential archaeological site that is reasonably likely to have Aboriginal heritage significance only if:

- (a) it has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site prepared in accordance with any guidelines for the time being notified to it by the Director-General of National Parks and Wildlife, and
- (b) it has notified the Director-General of its intention to do so and taken into consideration any comments received from the Director-General within 28 days after the notice was sent, and
- (c) it is satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.

A Cultural Heritage Assessment was undertaken in relation to part of the 'Searanch' site in 1994 by Eleanor Crosby, Consulting Archaeologist. An aboriginal site (site 6) was identified within Stage 3 of the estate. The Statement of Environmental Effects submitted with the development application indicates that a copy of the report was forwarded to the NSW National Parks & Wildlife Service in March 2001. Correspondence in response from the NSW National Parks & Wildlife Service was forwarded to the applicant confirming that "...no further archaeological surveys are required for Stages 3 and 4 of the proposed Koala Beach residential subdivision". The comments provided by NSW National Parks and Wildlife Service in relation to the subject development application are addressed later in this report.

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North Coast Regional Environmental Plan 1988

Clause 12 Impact of development on agricultural activities

Clause 12 of NCREP 1988 states that Council shall not consent to an application to carry out development on rural land unless it has first considered the likely impact of the proposed development on the use of adjoining or adjacent agricultural land and whether or not the development will cause a loss of prime crop or pastoral land. The land on which the subdivision is proposed is zoned 2(c) Urban Expansion. The adjoining land is identified as Class 4 and Class 5 land in terms of agricultural suitability and is not currently used for agricultural purposes. The proposed development is not considered likely to cause a loss of prime crop or pastoral land nor impact on the use of adjoining or adjacent agricultural land.

Clause 15 Development control wetlands or fishery habitats

Clause 15 states that Council shall not grant consent to carry out development for any purpose within, adjoining or upstream of a river or stream, coastal or inland wetland or fishery habitat area or within the drainage catchment of a river or stream, coastal or inland wetland or fishery habitat unless it has considered the following matters:

- (a) the need to maintain or improve the quality or quantity of flows of water to the wetland or habitat;
- (b) the need to conserve the existing amateur and commercial fisheries;
- (c) any loss of habitat which will or is likely to be caused by the carrying out of the development;
- (d) whether an adequate public foreshore reserve is available and whether there is adequate public access to that reserve;
- (e) whether the development would result in pollution of the wetland or estuary and any measures to eliminate pollution;
- (f) the proximity of aquatic reserves dedicated under the Fisheries Management Act 1994 and the effect the development will have on these reserves;
- (g) whether the watercourse is an area of protected land as defined in section 21AB of the Soil Conservation Act 1938 and any measures to prevent soil erosion;
- (h) the need to ensure that native vegetation surrounding the wetland or fishery habitat area is conserved; and
- (i) the recommendations of any environmental audit or water quality study prepared by the Department of Water Resources of the Environmental Protection Authority and relating to the river, stream, wetland, area or catchment.

The potential impact of the development on the adjacent 7(a) Wetland is addressed previously in this report. A Plan of Management has been prepared in relation to the 7(a) land and it is considered that the proposed subdivision is unlikely to result in any significant impacts on the wetland, subject to the imposition of conditions. A threatened fish and marine vegetation assessment has been prepared in relation to the proposed development by James Warren and Associates. The report states that stormwater

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treatment measures proposed are considered sufficient to control any hydrological or water quality impacts on streams receiving waters from wetland areas adjacent to the Koala Beach Estate.

Clause 32B Development control – coastal lands

Clause 32B applies to land to which the NSW Coastal Policy 1997 applies and requires Council to take the following matters into account in determining a development In determining an application to carry out development on land to which this clause applies the consent authority must take into account:

- (a) The NSW Coastal Policy 1997.
- (b) The Coastline Management Manual.
- (c) The North Coast Design Guidelines.

The proposed development is considered to be consistent with the provisions of the above policy documents.

Clause 43 Development control – residential development

Clause 43 of NCREP 1988 requires Council to be satisfied of a number of factors, including the following, prior to granting consent to development for residential purposes:

- (a) That the density of the dwellings have been maximised without adversely affecting the environmental features of the land.
- (b) That the proposed road widths are not excessive for the function of the road.
- (d) That the road network has been designed so as to encourage the use of public transport and minimise the use of private motor vehicles; and
- (e) That erosion will be minimised in accordance with sedimentation and erosion management plans.

The applicant has submitted the following information in relation to the environmental features of the land and the design of the subdivision:

“The Koala Beach site generally is sensitive in that it provides habitat values for various species of birds and animals. As a consequence it is necessary to ensure that lot sizes are relatively large to minimise adverse impacts and avoid the need to damage or remove certain vegetation. The proposal for 111 residential lots only equates to a yield of approximately 9 lots per ha (The North Coast Planning Strategy identifies a target yield of 15 dwellings per ha) this is nevertheless considered to be a reasonable balance, having regard to the environmental constraints applying to the land.

In addition, the width of Sassafras Street (20m and 18m) reflects its hierarchical status consistent with Development Control Plan No. 21. The proposed lots will have convenient access to a potential bus route/bus stop as indicated on the application plans”.

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It is considered that the density of the proposed subdivision is a suitable response to the environmental constraints of the land. The widths of proposed roads are not excessive and standard erosion and sedimentation controls will be implemented.

Clause 66 Development control – adequacy of community and welfare services

Clause 66 of the NCREP 1988 requires Council to consider the adequacy of community and welfare services available to land prior to granting consent to a development application for the subdivision of land intended for residential purposes. It is considered that existing community and welfare services are capable of catering for the additional residential allotments. Section 94 contributions will be levied for the development for community facilities.

State Environmental Planning Policies

State Environmental Planning Policy No. 11 – Traffic Generating Developments (SEPP No. 11)

The proposed 111 lot subdivision is not identified in Schedule 1 of SEPP No. 11. While the subdivision of land into 50 or more allotments is identified in Schedule 2 of SEPP No. 11, the subject land does not have direct vehicular or pedestrian access to an arterial road, or an access within 90 metres of the intersection of an arterial road and a road connecting with an arterial road. The provisions of SEPP No. 11 are therefore not applicable to the proposed development.

State Environmental Planning Policy No. 44 – Koala Habitat (SEPP No. 44)

The subject site constitutes Core Koala Habitat in accordance with the provisions of SEPP No. 44.

Clause 9 of SEPP No. 44 requires the preparation of a Plan of Management in accordance with Part 3 of the policy for land that is Core Koala Habitat prior to Council granting consent to a development application for development on the land. Clause 13 requires the approval of the Plan of Management by the Director of the Department of Urban Affairs and Planning.

A Koala Management Plan for the whole of the proposed Searanch Koala Beach residential development was prepared in December 1994 and subsequently amended. The original plan and subsequent amendments were approved by the Director General of the Department of Urban Affairs and Planning. The proposed development will be carried out in accordance with the Koala Plan of Management (as amended).

Further, it should be noted that comments provided by the NSW National Parks and Wildlife Service in relation to the subject application and the development application for Stage 4 (0655/2001DA), included a recommendation that a review of the effectiveness of the Koala Management Plan and its application to Stages 1 and 2 of the development be undertaken, prior to the granting of development consent. Council did not adopt the recommendation that a review be undertaken prior to the issuing of development consent for Stage 4 however, a condition was imposed requiring the review to be undertaken prior to the release of the Subdivision Certificate for the Stage 4 subdivision, and submitted to Council and the NSW National Parks and Wildlife Service.

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The Australian Koala Foundation has prepared a report titled "Review of the Koala Beach Koala Management Plan" dated March 2002. The report contains recommendations for amendments to the Koala Management Plan to be incorporated prior to the release of the Subdivision Certificate for Stage 3 of the development. The review was forwarded to the NSW National Parks and Wildlife Service. The service responded in correspondence dated 14 May 2002 that the report "...has been reviewed and is supported". An appropriate condition of development consent is recommended to ensure the recommendations contained in the review are incorporated in an amended Koala Management Plan for the site.

It should also be noted that the review was referred to PlanningNSW. A response dated 14 May 2002 referred to a Department of Urban Affairs and Planning letter dated 30 December 1997 requiring the submission of a "...Koala Management Plan for subsequent stages of the project for consideration and approval". A review of this letter indicates that the letter referred to approved amendments to the Koala Plan of Management related to Stage 2 and noted that the "KPOM will need to be submitted again prior to the commencement of subsequent stages of the project for consideration and approval". Discussions with PlanningNSW prior to the lodgement of the development applications for Stages 3 and 4 of the development did not raise a requirement to prepare a further KPOM for Stages 3 and 4, nor was any referral role identified for Stage 3 of the development. A review of the KPOM has been undertaken and a condition requiring amendments to the KPOM to incorporate the recommendations of the review, and submission of the amended KPOM to PlanningNSW prior to the release of the Subdivision Certificate for Stage 3 is considered to satisfy the requirements of the 1997 letter.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55)

SEPP No. 55 requires the consent authority to consider whether land is contaminated prior to granting consent the carrying out of any development. Preliminary soil testing has been submitted by the applicant and reviewed by Council's Environmental Health Officer, it is concluded that the land subject of the application is unlikely to be contaminated and that no further testing is required to address this issue.

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

No draft plans are applicable to the proposed development.

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

Development Control Plan No. 5 – Development of Flood Liable Land (DCP 5)

A small area of proposed Lot 357 is subject to flooding and is proposed to be filled with c. 50m³ to comply with the design flood level.

Development Control Plan No. 16 – Subdivision Manual (DCP 16)

The proposed residential allotments comply with the 450m² minimum allotment size specified in accordance with Table 6.1 of DCP16 – Subdivision Manual. The proposal is generally consistent with the provisions of the DCP in relation to urban subdivision.

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Development Control Plan No. 21 – Searach (DCP 21)

The Development Control Plan for Koala Beach Estate contains overall objectives, management issues, plans and strategies, environmental design elements, and development application requirements. The proposed 111 residential lots are located within an area of DCP 21 identified as “detached housing subdivision” and the indicative development layout is therefore consistent with the provisions of Clause 3.2.

Clause 3.3 requires a Traffic Management Plan for each successive subdivision application. A Traffic Management Plan has been submitted by the applicant.

Clause 3.4 requires the preparation of a Koala Management Plan. A Koala Management Plan has been prepared and approved for the site by the Director General of the Department of Urban Affairs and Planning. The proposed development is consistent with the approved Koala Management Plan (as amended). As previously noted, a review of the Koala Management Plan has been undertaken by the Australian Koala Foundation and recommendations have been made regarding the incorporation of amendments to the plan prior to the release of the Subdivision Certificate for Stage 3.

Clause 3.5 requires the preparation of an Open Space Management Plan for each development application for subdivision. An Open Space Management Plan has been submitted with the subject application.

Clause 3.6 requires the preparation of a Water Quality Stormwater and Erosion Management Plan for each development application for subdivision which involves earthworks. A Water Quality Management Plan has been prepared and submitted with the application and reviewed by Council’s Planning & Design Unit. The information submitted is concluded as satisfactory, subject to the imposition of conditions.

Clause 3.7 requires the submission of a Bushfire Management Plan for development adjoining or abutting areas identified as subject to risk of medium or high bushfire hazard. The area in which the Stage 3 subdivision is proposed adjoins areas identified as having moderate and high bushfire hazard. A Bushfire Management Plan has been submitted by the applicant.

Clause 3.9 requires a Flood Liable Land Development Plan for any application involving filling of extensive areas of flood liable land on the western part of the site particularly, and prior to the widening of Christies Creek to form a proposed lake. DCP 21 states that a plan will required to be prepared and submitted in conjunction with any application which involves significant filling of the flood basin. The minor filling required for part of proposed Lot 357 is not considered to constitute significant filling and a Flood Liable Land Development Plan is therefore not required for the proposed development.

The information submitted with the development application satisfies the above requirements of DCP 21.

Section 4 of DCP21 contains environmental design elements, performance criteria and performance measures. The proposed 111 lot subdivision is considered to be generally consistent with the provisions of this Section.

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Development Control Plan No. 42 – Public Notification of Development Proposals (DCP 42)

The subject application was advertised and notified in accordance with the requirements of DCP 42. No submissions were received in response to the advertising and notification process.

Development Control Plan No. 45 – Socio-economic Impact Assessment (DCP 45)

DCP 45 was adopted to provide detail regarding the requirements of Clause 17 of Tweed Local Environmental Plan 2000, and identifies certain types of development as requiring the preparation and submission of a Socio-economic Impact Statement. Development for the purpose of subdivisions comprising 50 or more allotments is required to be accompanied by a Socio-economic Impact Statement. The applicant has submitted a Socio-economic Impact Statement which is addressed in the section of this report dealing with the provisions of Tweed Local Environmental Plan 2000.

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

As previously noted the proposed development is considered to be consistent with the provisions of the NSW Coastal Policy 1997.

(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

Flora and Fauna

An eight part test report has been prepared by the Australian Koala Foundation addressing the potential impacts of the proposed 111 lot subdivision in terms of flora and fauna in accordance with the provisions of Section 5A of the Environmental Planning and Assessment Act 1979. The following extracts from the report provide a summary of the design features of Stage 3 of the development and the potential impacts of the proposal:

Stage 3 comprises 13.4 hectares in the southeast of the site and ranges from low hills and gentle slopes to low-lying areas near the southern and southeastern margins. A small dam is present in the northeast of the site.

*Vegetation is dominated by open grassland (mainly the exotic pasture species *Setaria*), although scattered trees and small stands of trees are present on the crowns and upper slopes of low hills in the central and eastern portions of the site. Main tree species present are Hoop Pine (*Araucaria cunninghamii*), Small-leaved Fig (*Ficus obliqua*), and Strangler Fig (*F. watkinsiana*), Brush Box (*Lophostemon confertus*), Swamp Oak (*Casuarina glauca*), Red Ash (*Alphitonia excelsa*) and Pink Bloodwood (*Corymbia intermedia*). Several large Figs and Hoop Pines remain in association with an old dwelling site.*

*A single specimen of Green-leaved Rose Walnut (*Endiandra Muelleri* ssp *bracteata*) was located on the Stage 3 site. This plant is listed as Endangered on Schedule 1 of the Threatened Species Conservation Act 1995 (TSC Act). A small reserve is proposed to protect this tree in situ. An additional 'Endangered' (TSC Act) plant species, the grass *Arthraxon hispidus*, was located in a small patch adjacent to the northwestern margin*

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of Stage 3. This species is also listed under the Federal Environment Protection & Biodiversity Conservation Act 1999 as 'Vulnerable'.

A number of identified Koala food trees, as well as multiple and single-use trees occur on Stage 3. These trees have been surveyed and will be protected in accordance with the provisions of the Koala Management Plan.

Activities proposed for Stage 3 would involve the replacement of 13.4 hectares of grassland and scattered trees with 111 residential allotments.

Initial activities will include the survey of lots, construction of road including associated footpaths and nature strips and provision of underground infrastructure (power, water, sewerage) to the 111 lots. The extent of cut and fill approximates 50% of the area extent of Stage 3. Two stormwater retention ponds would be excavated to intercept over-ground flow during and after the construction phase.

A 30 metre wide fire management zone would surround Stage 3. Twenty metres of this zone (closest to residential allotments) is designated 'fuel free' and is required to have no more than 10% canopy cover and periodic slashing to reduce groundlayer vegetation. The remaining portion of this zone is designated 'fuel reduced' where canopy cover may approximate 50% and some slashing of groundlayer vegetation would also be required.

Other potential impacts associated with residential developments include proliferation of tracks, trail-bike use, dumping of garden waste including weed propagules, firewood collection, increased incidence of bushfire, egg collection, and deliberate harm to wildlife.

Indirect impacts on habitat and fauna may result from factors such as inadequate treatment of wastewater, escape of nutrients from gardens into adjacent habitats, and the release (deliberate or accidental) of ornamental fish into waterways. The provision of ponds or water features give Cane Toads additional locations to breed. Propagules of garden plants often invade nearby bushland. Interception and disposal of stormwater may alter hydrological regimes.

Especially during the construction phase when large areas of unconsolidated soil and clay would be exposed, disposal of runoff from Stage 3 would have the potential to affect hydrological and biological regimes within the adjacent Swamp Sclerophyll forest and in Cudgera Creek. Suitable mitigation actions would be required during construction.

Ultimately the provision of a large area of sealed road and other impermeable surfaces will produce significant runoff especially during the intense rainfall events, which are not uncommon in the region. The manner of disposal of such water from Stage 3 also has the potential to affect hydrological and, therefore, biological regimes within the adjacent Swamp Sclerophyll forest and Cudgera Creek. In order to minimise such impacts, runoff would be directed into two water retention ponds.

The report states that the development is not located on land identified as critical habitat, nor is it likely to significantly affect threatened species, populations or ecological communities or their habitat, subject to the implementation of a range of specified ameliorative measures. The report concludes that a species impact statement

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is not required. A number of mitigation measures are identified in the Statement of Environmental Effects to address potential impacts of the proposed development on the environment, as follows:

- Provision of generous buffers to the adjacent 7(l) and 7(a) wetland and habitat zones;
- Continuing prohibition on dog and cat ownership within the estate;
- Retain Koala food trees;
- Transfer high conservation value land surrounding the residential land to Tweed Shire Council;
- Preparation of a suite of Management Plans to mitigate potential adverse impacts.

A threatened fish and marine vegetation assessment has also been prepared in relation to the proposed development by James Warren and Associates. No threatened fish species are considered likely to occur on the site and the proposed development is concluded as being unlikely to result in significant impacts on threatened fish and marine vegetation habitat. The report also states that stormwater treatment measures proposed are considered sufficient to control any hydrological or water quality impacts on streams receiving waters from wetland areas adjacent to the Koala Beach Estate.

Soil and Water

Proposed stormwater management is considered satisfactory subject to the imposition of conditions.

Bush Fire Management

A Bush Fire Management Plan has been submitted in relation to the proposed 111 lot subdivision. The following extracts from the plan summarise the potential bushfire hazard and proposed bushfire management measures incorporated in the subdivision proposal:

In terms of Bushfire Risk, the lands abutting the development envelope are described as:

***NORTH** A lightly and scattered treed depression and natural watercourse, zoned for future development. This land fits the description of "LOW OPEN WOODLAND" and constitutes "LOW RISK", for which no special provisions are necessary.*

***EAST** A 20 metre wide cleared strip and thence narrow (10m – 35m) strip of woodland which was previously dedicated as Public Open Space (Koala Corridor). This area is generally level and contains some watercharged ground and a natural watercourse.*

As this land is separated by the cleared strip, a 15m road and 6m building line (total 40m+) from the closest residence in the development proposal, it is considered that the easterly aspect requires no special Bushfire protection measures other than the maintenance of the cleared 20m strip referred to above.

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SOUTH The development envelope is abutted in the south by a wooded ridge which lies below the future lots. An unformed Crown Road lies adjacent to the southern boundary, whilst the main, irregular tree line canopy varies between 15 and 60 metres from the property boundary. The tree line could be classified as "LOW OPEN FOREST" whilst the risk factor could be classified as "Medium to High". This woodland contains Cudgera Creek and a tributary thereof, and some watercharged ground at the eastern side of the ridge.

Bushfire protection measures would apply to the southern boundary of the land.

WEST The western boundary of the Development envelope is abutted by a heavily timbered area for which the Bushfire Risk classification is "HIGH". However, the general main tree line is located on level ground and lies up to 80 metres from the proposed building line and is separated by a proposed road containing town water supply.

An existing open drain lies generally concurrent with the main tree line. Given proper attention to layout detail, no special bushfire prevention measure would be necessary along the western boundary.

The development proposes an Asset Protection Zone along the southern boundary of the subdivision ranging from 30 to 40 metres and incorporating:

- The provision of a 5 metre buffer between the Southern Boundary of the land, and the rear boundary of lots 352 – 357 (Stage 3A) and lots 410 – 414 (Stage 3B). The buffer strip is to be dedicated a Public Open Space.
- The construction of a 3 metre wide gravel fire / maintenance trail, partially within the buffer strip, and partially within the unformed Crown Road.
- The imposition of a restrictive building line on the lots 356, 357 and lots 410 to 413 inclusive. It is intended to create an 88B restriction on the land within the Asset protection Zone, which prohibits the erection of dwelling houses and other combustible structures within this area.

The Asset Protection Zone consists of an Inner Protection Zone (Fuel Free Zone) and an Outer Protection Zone (Fuel Reduced Zone). Part of the Asset Protection Area is located within the 7(l) zone however, the area is largely cleared and will not require the removal of significant vegetation. A small portion of the Outer Protection Zone (Fuel Reduced Zone) is located 5 to 7 metres within the existing tree line. This strip is "...immediately within the sparse and irregular edge of the existing tree line, and has been authorized by the Australian Koala Foundation".

The Bush Fire Management Plan has been reviewed by the NSW Rural Fire Service. The service has advised that the proposed Asset Protection Zones (APZ's) comply with the guidelines "Planning for Bush Fire Protection 2000." It is concluded that the proposed Bush Fire Management measures are satisfactory subject to the imposition of conditions.

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Visual Impacts

The Statement of Environmental Effects submitted with the development application includes the following assessment of the potential visual impacts of the proposed subdivision:

The proposed stage 3 residential allotments are partly located on a ridgeline which extends from approximately RL 2.0 m AHD to approximately RL 26 m AHD.

The site is well screened by existing topographic features including ridges and vegetation.

In November 1995, Katherine Brouwer (Landscape Architect) prepared a Scenic Evaluation Report for Tweed Shire which assessed the land to which stage 3 relates as having high scenic quality and located in scenic management zones B and C as best can be determined from the maps accompanying the report.

Volume 1 of the Tweed Shire Scenic Evaluation Report indicates that scenic landscape management zone B is assigned to;

“Those areas where the similar combinations are not as critical as zone A but the values are still highly significant to the maintenance of the scenic quality and landscape character of the shire and locality.”

And Landscape Management zone C is assigned to;

“Those areas of medium to medium low scenic quality and moderate scenic sensitivity.”

Within zone B, landscape alterations are allowed, but;

“only if they have no visual dominance or alteration of scenic quality or landscaped character. Alterations allowed as extensions of existing use without significantly changing the landscaped character or as minor landscaped changes. In the first 2 years the development may be apparent but not dominant and subsequently not apparent.”

Within zone C;

“Generally small to medium scale developments allowed without major or significant change to the scenic quality overall landscaped character of the locality.

Alterations may be apparent but in similar scale and density to surrounding new structures. Screening of development (if appropriate) with vegetation in character with surrounding area to be affective within 5 years.”

Some disturbance of the existing landscape will be required to create the stage 3 allotments and the proposed roads. Existing trees will be retained where possible (including prominent Fig trees) and earthworks are limited to that required to achieve compliant road and lot grades. Stage 3 is not located on a visually prominent ridge and is screened from views by existing vegetation and topography.

In addition, private title restriction regulate the type of dwelling which may be erected on lots and restrict foundation types such that minimal disturbance results. These

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measures are consistent with the scenic management zone objectives for zone B and C. In addition, landscaping of the proposed roads and the future lots will assist in mitigating any potential short term adverse visual impacts.

The site is partly screened by existing vegetation and topography and it is considered that the proposed development will not result in significant adverse impacts on the visual amenity of the area.

(c) Suitability of the site for the development

The proposed 111 residential allotments are located within that portion of the site zoned 2(c) Urban Expansion. The proposed subdivision is considered an appropriate response to the environmental constraints of the land. The proposed development is generally consistent with the relevant provisions of applicable Environmental Planning Instruments and Development Control Plans.

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

Department of Land and Water Conservation (DLWC)

The proposed development involves work within 40 metres of a water course and requires a 3A Permit in accordance with the Rivers and Foreshores Improvement Act 1948. The development therefore constitutes Integrated Development in accordance with Section 91(1) of the Environmental Planning and Assessment Act 1979. The application was referred to DLWC. DLWC advised in correspondence dated 13 August 2001 that it would issue a 3A Permit with conditions where required, for excavation of material for footings, and infrastructure associated with this development. In correspondence dated 20 September 2001, Council sought clarification in relation to the location of the northern boundary of lots 370 to 375 in relation to the watercourse. Following further consultation with the applicant and the Department of Land and Water Conservation amended plans were submitted for this area of the subject site. By fax dated 29 May 2002, the Department of Land and Water Conservation have advised that they accept these amended plans and will support the implementation of the amended plans where the proposed retaining walls directly adjacent the creek are either removed or moved well away from the creek and its riparian zone. Their advice confirmed General Terms of Approval issued on 13 August 2001 are still appropriate for the development. These General Terms of Approval have been included in the recommended conditions of consent.

Other Public Authorities – NSW National Parks & Wildlife Services (NSW NPWS)

Whilst there is no formal requirement for referral of the subject application to the NSW National Parks & Wildlife Service the eight part test report prepared by the Australian Koala Foundation pursuant to Section 5A of the Environmental Planning and Assessment Act 1979 was referred to NPWS for comment.

Following referral of the development application for Stages 3 and 4 to NSW NPWS, a request for additional information and general comments were provided by the service in relation to the applications. The following table provides a summary of the issues raised in relation to Stage 3 and the applicant's response.

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NSW NPWS ISSUE	APPLICANT'S RESPONSE	COMMENT
<p>In principle the Koala Management Plan and the recommendations contained therein are supported. However, prior to applying the plan to Stages 3 & 4, the effectiveness of the Koala Management Plan in its application to Stages 1 & 2 of the Koala Beach development should be reviewed.</p>	<p>A review dated March 2002 was undertaken by the Australian Koala Foundation and submitted to Council.</p>	<p>A condition was imposed on the development consent for Stage 4 requiring the submission of a review of the Koala Management Plan prior to the release of the Subdivision Certificate. A review was undertaken by the Australian Koala Foundation and referred to the NSW National Parks and Wildlife Service. A letter from the service dated 14 May 2002 indicates that the report "has been reviewed and is supported." An appropriate condition is recommended for the Stage 3 development to ensure that the recommendations of the review are reflected in an amended Koala Management Plan.</p>
<p>Eight-Part Test of significance prepared by the AKF recommended that targeted surveys should be undertaken for the Long-nosed Potoroo and for the Bush Thick-knee. This recommendation is supported. However, it is also necessary to identify what protective measures will be undertaken should either of these species be identified as a result of the surveys.</p>	<p>The AKF has advised (letter dated 22/10/01) that investigations into the Long-nosed Potoroo have failed to record any evidence of the species on the site. Council is therefore requested to impose a condition on the Stage 3 development consent requiring completion of the Long-nose Potoroo Survey Report prior to release of the Subdivision Certificate for Stage 4.</p> <p>A Bush Thick-knee survey dated February 2002, prepared by the Australian Koala Foundation has been submitted to Council in accordance with a condition of development consent for Stage 4. This was</p>	<p>A survey in relation to the Long-Nosed Potoroo was undertaken (dated October 2001) in accordance with a condition of consent for the Stage 4 development. The survey failed to record any evidence of recent or current use of the site by the Long-nosed Potoroo and it is therefore considered that protective measures are not required.</p> <p>A condition of consent was imposed on the Stage 4 development requiring the Bush Thick-knee survey to be undertaken prior to the issue of the Subdivision Certificate. A survey dated February 2002 was prepared by the Australian Koala Foundation and referred to the NSW NPWS</p>

Reports from Director Development Services

NSW NPWS ISSUE	APPLICANT'S RESPONSE	COMMENT
	<p>considered necessary as a precaution in case any Bush Thick-knees had established nesting or roosting sites prior to commencement of construction activities. It is requested that this be required prior to the issue of the Subdivision Certificate.</p>	<p>for comment. The NPWS recommended several additions to the document in correspondence dated 14 May 2002. It is considered appropriate to impose a condition requiring the submission of a survey (incorporating the additions recommended by the NSW NPWS), prior to the issue of a Subdivision Certificate for Stage 3.</p>
<p>Management Plans for 7(l) Environment Protection (Habitat) zoned land, and 7(a) Environment Protection (Wetlands and Littoral Rainforests) zoned land inadequate. Plans should address in detail those measures proposed to ensure that exotic weeds are progressively removed, native vegetation regenerated and threatened species and threatened species habitat are conserved. Plan should be prepared by an appropriately qualified person experienced in the field of bush regeneration and threatened species management.</p>	<p>The issues raised are matters of detail which can be readily included as a condition of the consent.</p>	<p>It is agreed that a condition requiring additional detail to be incorporated in the management plan prior to the issue of the construction certificate, is appropriate to address this issue.</p>
<p>Details of the location and design of any proposed nutrient control measures/structures should be provided prior to any development consent.</p>	<p>Following on-site discussion and assessment of the information submitted with the development application, Council officers have agreed to the proposed Stage 3 stormwater drainage and water quality control arrangements. Stage 3 complies with the Tweed Urban Stormwater Quality Management Plan and is consistent with normal practice.</p>	<p>Proposed stormwater management arrangements for Stage 3 are considered satisfactory subject to conditions.</p>

Reports from Director Development Services

NSW NPWS ISSUE	APPLICANT'S RESPONSE	COMMENT
<p>The proposed residential development immediately abuts and drains towards the wetlands, SEPP 14 Coastal Wetlands and Cudgera Creek. It is considered that the future residential development will result in edge effects including potential increase in nutrients, sediments and other pollutants in runoff, increased human access, increased fire risk, changes in hydrology, introduction of weeds, and rubbish dumping, including the dumping of garden refuse.</p> <p>In an inter-agency review of the Coffs Harbour Draft Local Environmental Plan (NSW Government 1996), state natural resource management agencies recommended 50 metre buffers as a minimum for areas of State, regional or local environmental significance, including wetlands. In light of this agreement it is considered that a minimum of a 50 metre buffer should be provided between the development and the wetland boundary. Ideally the buffer should be zoned for the purposes of conservation and should not be developed or disturbed for any other purpose.</p> <p>It is recommended that a perimeter road should bound the Stage 3 development. A perimeter road provides a distinct edge between residential and conservation zoned land.</p> <p>Where native vegetation in the</p>	<p>The zone boundary was drawn approximately 20 metres clear of the then existing mapped vegetation lines. Subsequently cadastral boundaries were fixed generally along the edge of the vegetation in accordance with the agreements reached between Council and the landowners at the time of rezoning of the land. The agreement reached between Council and landowners at the time of rezoning included the transfer at no cost to Council of some 177ha of high conservation value land surrounding the site. It was implicit in the agreement reached that the location of zone boundaries and the transfer of the high conservation value lands included adequate buffers at that time. To now require a 50 m buffer based on a standard apparently derived for the Coffs Harbour Draft LEP and which does not have any statutory or policy force is considered to be unreasonable and inappropriate in the circumstances of this case. It is submitted that the proposed buffers are adequate having regard to the zoning and planning history of this site and in particular given that generous buffers were allowed at the time the zone boundaries were determined and the high conservation lands were transferred to Council.</p>	<p>The Council report relating to the approval of Stage 2 indicates that the delineation of the zone boundaries incorporated a 20 metre buffer from the vegetation line. Land zoned 7(l) lies between the southern boundary of the lots and the land zoned 7(a). The area between the lots and the vegetation is largely cleared and it is considered that the management plans prepared in relation to the 7(a) and 7(l) land will incorporate adequate measures to manage potential conflicts.</p> <p>In the assessment report prepared for the Stage 4 application it was noted that the appropriateness of the location of the asset protection zones within the 7(l) should be re-considered in the larger future stages. The subject stage is significantly larger in terms of the number of allotments however, the encroachment of the asset protection zone (fuel reduced zone) into the 7(l) land involves only a minor part of the vegetated area. It is considered that adequate management measures can be incorporated to ensure that the protection zones do not result in significant adverse impacts. It is considered that the objectives of the 7(a) and 7(l) zone will not be compromised by the development. On the basis of the previous site history,</p>

Reports from Director Development Services

NSW NPWS ISSUE	APPLICANT'S RESPONSE	COMMENT
<p>conservation zone has been previously cleared and or disturbed, it is recommended that these areas be planted out with vegetation indigenous to the local area and maintained under a bushland management plan.</p> <p>Of particular concern are those lots proposed to the south of Stage 3 (11 lots in total), where the development abuts the wetland vegetation. The applicant's proposal to place a bush fire asset protection area within the area identified as an environmental buffer to the wetland and in certain instances within conservation zoned lands and residential lots is not supported as it is likely to result in future management problems. Any asset protection measures undertaken within the 7(l) Environmental Protection (Habitat) Zone are considered to compromise the objectives of the 7(l) zone. Additionally, it is considered that the requirement to undertake bush fire asset protection measures within the environmental buffer will diminish the buffer's value.</p>	<p>The NPWS suggestion that the buffers be planted out is also inappropriate and unreasonable as those buffers also serve a common function of bush fire hazard reduction and environmental protection, in so far as the edge effects are concerned.</p>	<p>it is concluded that the proposed asset protection zones are acceptable.</p>
<p>It appears that filling will be required within or in close proximity to a watercourse to the north of Stage 3. Such filling is not supported.</p>	<p>Amended plans submitted to address this issue.</p>	<p>The amended plans deletes the requirement for filling in this area. DLWC have confirmed the amended plans are acceptable.</p>
<p>A number of exotic and non-indigenous native species which have the potential to become environmental weeds are included in the Statement of Landscape Intent.</p>	<p>Requested that a condition of consent be imposed to preclude inappropriate species from the planting schedule.</p>	<p>This issue is able to be adequately addressed by conditions.</p>
<p>In regard to the Aboriginal heritage values of the site it is</p>		<p>Conditions will be imposed as recommended.</p>

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NSW NPWS ISSUE	APPLICANT'S RESPONSE	COMMENT
<p>acknowledged that the NPWS has responded to the applicants consultant, Darryl Anderson on 2 July and 6 July 2001. The following conditions of consent, which are based on the NPWS previous correspondence dated 2 and 6 July 2001, are recommended to be applied to any development consent granted:</p> <ul style="list-style-type: none"> • The Aboriginal site identified as Site 6 in the report entitles "<i>Cultural Heritage Assessment of Part of the Searanch Site, Pottsville, North East NSW</i>" prepared by Eleanor Crosby 1994 is to be included within a public reserve. • A plaque is to be placed within the public reserve to reflect the Aboriginal heritage value of the site. The plaque is to be designed and worded in conjunction with the local Aboriginal community and the NPWS. • A management plan is to be prepared for the public reserve, which will have the purpose of protecting and conserving the Aboriginal heritage values of the site. The plan among other things is to specify that all native vegetation is to be retained, no earthworks are to occur and that the 		

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NSW NPWS ISSUE	APPLICANT'S RESPONSE	COMMENT
<p>reserve is to contain no play equipment and or any other similar constructions. The management plan is to be approved by both Council and the NPWS Northern Aboriginal Heritage Unit, Coffs Harbour.</p> <ul style="list-style-type: none"> • An 88B Instrument prepared under the <i>Conveyancing Act</i> 1919, is to be placed over the public reserve to ensure that the reserve is managed in accordance with the approved Aboriginal heritage management plan. 		

Other Public Authorities – NSW Fisheries

There is no formal requirement for the application to be referred to NSW Fisheries however, the threatened fish and marine vegetation assessment submitted with the application was referred to NSW Fisheries for comment. No comments were received from NSW Fisheries.

(e) **The Public Interest**

The proposed is generally consistent with the statutory provisions applying to the land and it is concluded that approval for the proposed development will not compromise the public interest.

OPTIONS

Council's options in this instance appear to be as follows:

1. Approve the application subject to conditions as per the recommendation.
2. Refuse the application.

LEGAL/FINANCIAL IMPLICATIONS

Should Council refuse the application the applicant has the right of appeal to the Land & Environment Court.

CONCLUSION

The design of the proposed 111 lot subdivision reflects consideration of the site constraints and adjacent land zoned for environmental protection purposes. The application has been amended to

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address concerns raised by the Department of Land and Water Conservation in relation to proposed works in the vicinity of the watercourse to the north of the proposed subdivision. It is considered that the proposed development is not likely to result in significant adverse impacts on the natural environment subject to the imposition of conditions to ensure that adequate management measures are implemented. It is concluded that the development is an appropriate response to the environmental constraints affecting the land and warrants approval.

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7. ORIGIN: Development Assessment Unit

FILE REF: DA02/0474 Pt1; 3970.50

REPORT TITLE:

Development Application DA02/0474 for Alterations and Additions to an Existing Industrial Building for a Brothel Establishment at Lot 1 DP 610969, No. 57-61 Ourimbah Road, Tweed Heads

SUMMARY OF REPORT:

Council is in receipt of a development application for the addition and alteration of an existing industrial unit at Ourimbah Road, Tweed Heads, for the relocation of "Le Penthouse" brothel establishment, which currently operates from No.25 Wharf Street, Tweed Heads.

The proposal is seeking two variations to the prescribed requirements provided in Council's adopted Development Control Plan No.31 – Brothels Policy.

RECOMMENDATION:

That Development Application DA02/0474 for an alterations and additions to an existing industrial building for a brothel establishment at Lot 1 DP 610969, No. 57-61 Ourimbah Road Tweed Heads, be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in general accordance with the Statement of Environmental Effects and accompanying plans prepared by Darryl Anderson Consulting Pty Ltd dated February 2002, except where varied by these conditions of consent.
2. 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.
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.

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5. All external artificial lighting including security lighting is to be shielded where required to prevent the spill of light onto other premises causing a nuisance.
6. The provision of thirty eight (38) off street car parking spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.
7. The premises may operate 24 hours a day seven days a week.
8. 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.
9. Advertising structures/signs not approved by this consent are to be the subject of a separate development application, where statutorily required.
10. The cost for the replacement of the complex's business identification signage is to be borne wholly by the Applicant unless otherwise agreed by the owner/occupiers of the existing uses.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

11. Any premises proposing to discharge into Councils sewerage system a waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by Councils Manager Water and concurrence received from the Department of Land and Water Conservation, if required, PRIOR to the issuing of a Construction Certificate to discharge to Councils sewerage system.
12. **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.

Tweed Road Contribution Plan: \$53,367.18
S94 Plan No. 4 (Version 4.0)
(Tweed Heads - Sector 1)
Extensions to Council Administration Offices
& Technical Support Facilities \$69.00
S94 Plan No. 18
13. 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

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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.

14. 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: 16 Suites @ \$1267.20each \$20,275.20

Sewer: 16 Suites @ \$1060.95each \$16,975.20

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

15. 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.
16. 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.
17. 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.

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18. 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.
19. Prior to commencement of any works on the site a plumbing and drainage inspection fee of \$201.00 is to be submitted to Council.
20. 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.
21. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by Council prior to any discharge to sewer being commenced.
22. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.
23. The name and contact details of the contractor responsible for the implementation and compliance with provisions of the Stormwater Management Plan, prepared by Cozens, Regan, Williams and Prove Pty Ltd and dated 8 February 2002 are to be supplied to Council's Director Environment and Community Services prior to works commencing on the site.

DURING CONSTRUCTION

24. 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).
25. 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.
26. 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.
27. 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.
28. 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

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- d. final inspection prior to occupation of the building
 - h. steel reinforcing prior to pouring of concrete
29. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.
30. 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.
31. 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.
32. 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.
33. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
34. Area below the spa is to be graded, drained and ventilated.
35. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
36. 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.
37. 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.
38. A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.
39. 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:

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- 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.
40. 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.
41. Suitable arrangements acceptable to Council's Director Environment and Community Services are to be made for the removal of all waste material resulting from construction works and the on-going operations of the business.
42. 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.
43. 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.
44. 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.
45. 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.
46. 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.
47. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
48. The burning of builders waste on site by open fire is prohibited.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

49. 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

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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.

50. 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.
51. All bar and food preparation areas and equipment must comply with the requirements of the Australian Food Standards Code as called into force by the Food Regulation 2001.

USE

52. 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.
53. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.
54. Owners of buildings served by plant involving the operation of "cooling towers", "evaporative condensers" or "tepid water systems" must submit to Council, half yearly, a report detailing the maintenance, cleansing and chemical treatment of such plant every three (3) months in accordance with Part 6 of the NSW Public Health Act.
55. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

Reports from Director Development Services

REPORT:

Applicant: Mavrik Pty Ltd
Owner: Tweed Coast Property Holdings Pty Ltd
Location: Lot 1 DP 610969, No. 57-61 Ourimbah Road, Tweed Heads
Zoning: 4(a) Industrial
Est. Cost: \$1.3 million

BACKGROUND

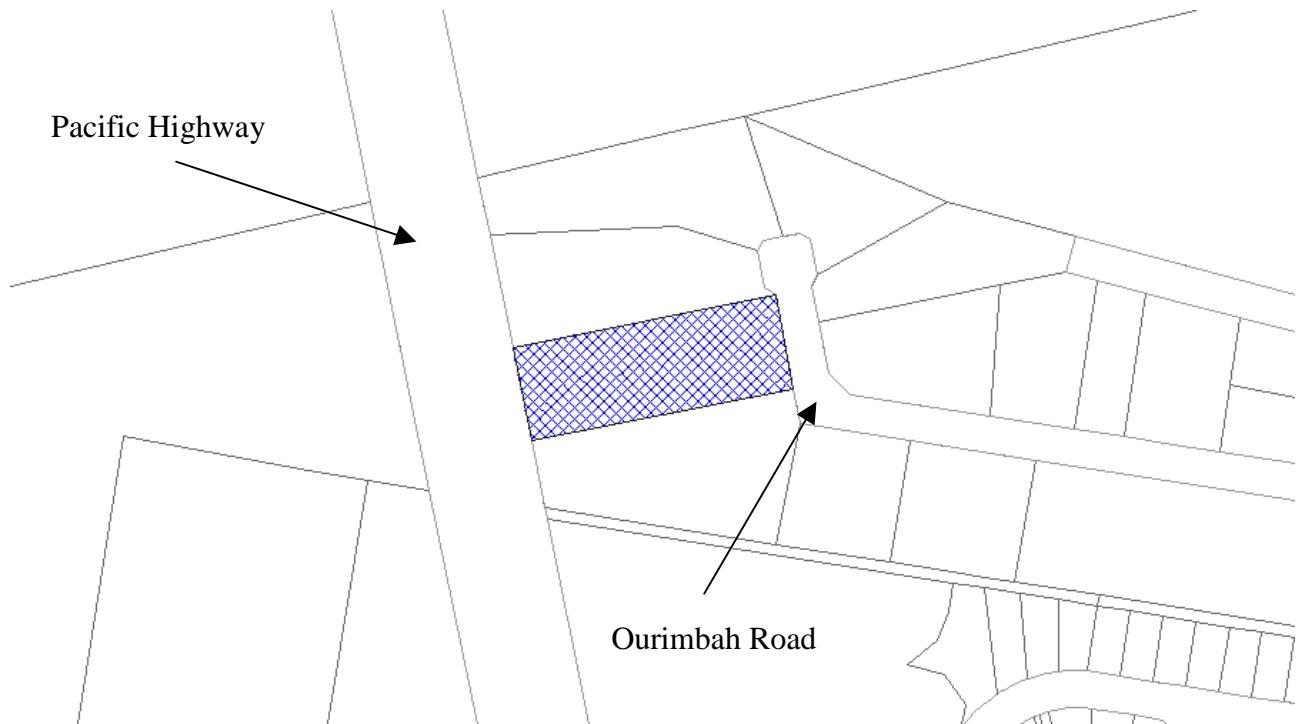
The subject proposal is for the erection of a new building for the purposes of housing an existing brothel establishment, which is seeking to relocate from its current premises at No.25 Wharf Street, Tweed Heads. It is anticipated that the relocation of the business to a purpose built and designed premises will provide for upward of sixty employment positions.

The proposed development works include:-

- the provision of an additional 29 vehicle parking spaces;
- part demolition of Unit No.1 and the subsequent relocation of the existing office and display area into a proposed new two-storey area to be constructed on the northern elevation of the existing unit;
- construction of a two-storey building comprising:
 - Ground floor (780m²)
 - undercover parking areas, including mini bus bay
 - lounge areas
 - reception
 - staff amenities
 - First floor (744m²)
 - 16 suites
 - office areas
 - conference room
 - sick bay
 - security personnel office
 - staff amenities
- the erection of a Porte-cochere on the front elevation;
- the erection of a 1.92m² business identification sign on the front site boundary;
- the erection of a new premises tenant sign on the northern eastern frontage; and
- landscaping on the front and side boundaries.

Reports from Director Development Services

SITE DIAGRAM



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

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

Tweed Local Environmental Plan 2000

The proposed development activity is a permissible use in the 4(a) Industry zone pursuant to Tweed Local Environmental Plan 2000.

The primary and secondary objectives of the 4(a) zone are:-

Primary objectives

- * *to provide land primarily for industrial development.*
- * *to facilitate economic activity and employment generation.*

Secondary objective

- * *to allow non-industrial development which either provides a direct service to industrial activities and their work force, or which, due to its type, nature or scale, is inappropriate to be located in another zone.*

The proposed development is satisfactory with respect to these objectives.

In respect of Clause 35 – Acid Sulfate Soils, Council’s Environment and Health Service Unit has assessed the proposal as being satisfactory.

Reports from Director Development Services

State Environmental Planning Policy No. 64 – Advertising Structures

The applicant has provided an assessment of the proposed signage pursuant to the criteria in Schedule 1 of the Policy. In this regard the proposed signage is considered satisfactory.

North Coast Regional Environmental Plan (NCREP) 1988

Clause 47 of the NCREP 1988 is the only provision applicable to the subject land. It is however a provision geared more toward plan preparation rather than development assessment. The proposed development is not considered contrary to the provisions of the NCREP 1988.

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

There are no draft environmental planning instruments known to be in existence that would have any bearing on the neither assessment nor determination of the subject proposal.

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

Development Control Plan No.2 – Parking Code

The proposed development complies with the car parking provisions provided in DCP No.31 – Brothels Policy, which is modelled on DCP No.2 – Parking Code.

Development Control Plan No.5 – Flood Liable Land

The existing and proposed development of the subject site is satisfactory with respect to the provisions of the DCP.

Development Control Plan No.15 – Advertising

The DCP provides that freestanding pole signs shall not exceed a height of 15metres or exceed a signage area of 44m². The proposed business identification sign situated on the front façade is at a height of 2.7metres and has a signage area of 1.92m². In respect of the provisions of the DCP relating to industrial zones contained in Section 5.3 the proposed business sign is considered satisfactory.

In relation to the proposed new complex business identification sign it is also considered satisfactory with respect to the DCP provisions and is generally considered an improvement of the existing structure. However, it is considered that the cost of the new signage should be wholly at the expense of the Applicant and should not burden existing businesses unless otherwise agreed to by them.

In respect of an issue raised by a neighbouring business that their existing sign may be obscured by the proposed signage it is considered that this is not likely to be the case. Inspection of the site indicated that on approach to the businesses along Ourimbah Road sufficient line of sight existed for the purposes of viewing the subject signage. However, it was noted that the sign itself is not orientated to maximise visual interaction and would be better utilised if it were rotated on its axis.

Reports from Director Development Services

Development Control Plan No.39 – Brothels Policy

The following table compares the level of compliance of the proposal with the specific requirements provided in Section 4.0 of Council's adopted Development Control Plan No.31 – Brothels Policy:-

DEVELOPMENT STANDARD	DCP No.39 REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIES
s.4.1 - Parking	1 space per 40m ² GFA @ 1494m ² = 38 spaces	38 spaces	Yes
s.4.2 - Signage	non-interference with amenity of neighbourhood	not considered likely to interfere with existing amenity	Yes
s.4.3 - Location	- not in a shopfront situation in a shopping street	the site is not located in a shopping street	Yes
	- not where conflict or adverse impacts exist with surrounding uses	there exists no evidence from the existing brothel to suggest the likely presence of any significant conflict or impacts with the proposed surroundings	Yes
	- no points of public access to be located near or within direct view of a church, school, children's recreational play area or the like	The orientation of the building and location of access points provides adequate screening of access points	Yes
	- no points of access to be located directly opposite, adjacent to or within 50m of a bus stop	the nearest bus stop is a significant distance to the east of the proposed brothel and visibility is obscured by other existing development	Yes
s.4.4 - Hours of Operation	6pm to 6am	the proposal seeks 24hr operating hours	No (see comment)
s.4.5 - Initial Limits on Development Consents	12 months	The proposal seeks an unlimited development consent	No (see comment)

Comment

The variations sought to the DCP are addressed below:-

s.4.4 Hours of Operation

Section 4.4 of DCP No.31 states:

"Hours of operation are to be limited to those of between 6pm and 6am. That is, no trading will be permitted from 6am to 6pm daily."

In respect of Section 4.4 of the DCP the Applicant has sought a variation to the stated requirements based on the following justification:

- the Land and Environment Court (L & E Court) in approving the establishment at 25 Wharf Street, Tweed Heads, permitted a 24 hour seven day week operating period

Reports from Director Development Services

- the current operating hours have not resulted in any adverse impacts or disturbances on the neighbourhood, which is part of the Tweed Heads Central Business District
- similar management and operational arrangements will be implemented at the new premises to assist in mitigating external disturbance
- experience has demonstrated that a 24hr operating period does not give rise to any environmental or amenity impacts and that on this basis limiting the business trading hours is unnecessary

Comment

In respect of the above it is considered that several of the applicant's arguments have merit. Therefore, to adequately assess the appropriateness of the proposed variation in the context of the proposed development consideration must be given to the following:

- Tweed Local Environmental Plan 2000 - zone objectives
- Report of the Brothels Task Force – Department of Urban Affairs and Planning
- Land and Environment Court Judgement - Mavrik Pty Ltd v Tweed Shire Council
- Development Control Plan (DCP) No.31

Tweed Local Environmental Plan (TLEP) 2000 - zone objectives

The relevant primary objective of the 4(a) Industrial land use zoning as provided by TLEP 2000 states:

“to facilitate economic activity and employment generation.”

The proposed development is anticipated to provide upward of sixty employment positions and is likely to contribute significantly to the economic diversity and prosperity of the Shire. However, to achieve a level of viability and sustainability the operating environment must, as with any other business activity, be tailored to the proposed development. In this regard the variation sought in respect of the hours of operation is not considered contrary to the primary objective of the zone for the following reasons:

- extending operating times will have no effect on the land-use zoning in facilitating further economic activity;
- extending the operating times will assist in securing the sustainability and viability of the business, which in turn secures employment positions;
- extending the operating times of the proposed development is not likely to have an impact on the employment generation capability of other businesses in the locality or on the land-use zoning; and
- there may exist the opportunity for further economic development and employment generation in the form of associated service providers and or ancillary businesses.

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Furthermore, the judgement of the NSW Land and Environment Court in the matter of Mavrik Pty Ltd v Tweed Shire Council (10689 of 1996) reinforces the notion that the proposed development may have a positive economic effect in stating:

“when the brothel was operating at the subject premises, it produced a positive result for businesses in the immediate locality. Rather than having a detrimental effect on other commercial activity, the evidence strongly supports the conclusion that other businesses are anxious for the brothel use to be approved as they have already noticed a decline in their own commercial activity during the period since the unlawful use for a brothel ceased.”

The secondary objective of the 4(a) Industrial land-use zoning as provided by TLEP 2000 states:

“to allow non-industrial development which either provides a direct service to industrial activities and their work force, or which, due to its type, nature or scale, is inappropriate to be located in another zone.”

The proposed development is not generally considered the type of non-industrial support or ancillary service provider referred to by way of the secondary objective. Nor is the proposed development, based on reference to decisions of the NSW Land and Environment Court, necessarily an inappropriate business activity to be located in another zone. However, Council has determined it via the adoption of prohibitive exclusion in other zones, as provided by TLEP 2000, to be a development activity only suited to the 4(a) Industrial zoned lands.

In respect of the suitability of the zone per se it is appropriate to recognise that environmental planning involves the laying out of urban areas with due care for the health, comfort and amenity of inhabitants and for the efficiency of industrial, commercial and other economic uses. This is achieved by ensuring that compatible land uses are grouped together and incompatible uses separated. In this regard, Council considered the appropriateness of the subject land for the existing land-use zoning and by virtue of its Local Environmental Plan deemed the site suitable for the proposed development, subject to the proposal satisfactorily achieving the objects of the Environmental Planning and Assessment Act, 1979, in particular the orderly and economic use of the land.

In light of the above, it is concluded that the variation being sought to the operating hours of the proposed development is not contrary to the stated objectives. In this regard it must be noted that unnecessarily restricting the operating hours would act as a further prohibition to the development and would undermine the zoning objectives and the objectives of the Disorderly Houses Amendment Act, 1995.

Report of the Brothels Task Force – Department of Urban Affairs and Planning

The Disorderly Houses Amendment Act, 1995 abolished the common law offence of keeping a brothel, making brothels a legitimate commercial land use regulated through environmental planning instruments, such as Tweed Local Environmental Plan 2000, under the Environmental Planning and Assessment Act, 1979. The intent of the reform was to allow brothels to be regulated in much the same way as any other business. In this regard, it must be noted that the hours of operation imposed on other forms of commercial and industrial business within the Shire is based purely on a merit

Reports from Director Development Services

assessment of the development proposal and not as a prescriptive requirement, as in the instance.

In light of the above, it is necessary to consider the broader implications of limiting the operating hours of the proposal. As such, the limiting of operating hours to preclude those times when a significant proportion of business is likely to occur may have a detrimental impact on the economic viability of the business. By comparison the viability of the brothel in terms of operating hours is not dissimilar to many fast food outlets, service stations and restaurants, which are generally permitted to operate beyond the stated hours of operation and within the same 4(a) Industrial zoning. Whilst these land use activities may not attract the same intensity of moral objection they do none the less provide similar impacts to that likely to occur as a result of the proposal.

On the face of it, the un-viability of the proposal may be considered by certain parts of the community as a positive effect. However, further examination illustrates that negative effects are more than likely to occur where an inability for a legal brothel exists, which may establish undesirable benefits as:

- an increase / encourage street sex work;
- the impact on local community / amenity is not controlled through development consent provisions;
- illegal operators are vulnerable to corrupt conduct; and
- illegal operators are less likely to access occupational health and safety programs.

In light of the above, the proposed variation to the operating hours is considered justifiable. This is considered particularly so when considering that the proposed development complies with the zoning objectives and is unlikely to impact on the viability of neighbouring businesses.

Land and Environment Court Judgement - Mavrik Pty Ltd v Tweed Shire Council

In response to the issues raised by the Applicant it is considered necessary to explore the issues provided by the NSW Land and Environment Court in its judgment of the existing brothel, at 25 Wharf Street, Tweed Heads, in the matter of Mavrik Pty Ltd v Tweed Shire Council (10689 of 1996) so as to establish whether sufficient merit exists for the justification. The Court provided:

“The DCP also provides that the hours of operation of a brothel are to be limited to between 6.00pm and 6.00am. The Court is satisfied that in the circumstances of the subject premises in such a discreet location, and after having regard to the existing environment within this specific section of Tweed Heads, there is no justification for limiting hours of operation.”

The existing premises at 25 Wharf Street, Tweed Heads are located on the main thoroughfare through the town, which is in essence the gateway between NSW and Queensland. The premises are also located in very close proximity to bowling and other clubs, restaurants, private and tourist accommodation and Jack Evans Boat Harbour, in what can only be described as a high profile / populated area.

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A number of site inspections of both the existing and proposed locations has resulted with the determination that neither one location is more undesirable for the siting of a brothel than the other. However, it must be noted that the proposed location of the new premises is more discreet and not as exposed to the general public. This is not to say that providing unrestricted operating hours will not be without undesirable behaviour, as suggested in the public submissions, but based on the information held in Council's records there exists no significant evidence to suggest that unruly or detrimental activities will occur as a result of extending operating hours to include ordinary business hours.

In light of the above, the findings provided in the judgment of the NSW Land and Environment Court is concurred with to the extent of the proposed new location and in so doing the justification provided by the applicant in this regard is considered to have merit.

Development Control Plan (DCP) No.31

The DCP, Section 1.3 – aims of the plan, states:

“The aim of this Plan is to provide planning controls for the determination of development applications for brothels that may be received by the Tweed Shire Council as a result of the proclamation of the Disorderly Houses Amendment Act, 1995.”

The DCP does not provide any objectives, rationale or aims for providing prescriptive development requirements other than that stated above. Ordinarily a proposal in the 4(a) Industry zone would have its hours of operation determined on a merits based assessment, which would include examination and consideration of the nature of the proposed development and its likely impacts on the locality.

The DCP is not a statutory planning instrument and the requirements contained therein are not development standards pursuant to the Environmental Planning and Assessment Act 1979, but are provided as a guide only and as such any proposed variation may be approved, on merit assessment, by Council.

In light of the above, it is considered essential to have regard to the issues raised in this report in determining the appropriateness of imposing hours of operation so as not to undermine the aims of the Disorderly Houses Amendment Act, 1995 and the provisions of the Environmental Planning and Assessment Act, 1979.

Having considered the Applicant's justification for the proposed variation and having considered the merits of the case it is concluded that the hours of operation provided in the DCP are both unnecessary and unreasonable in this instance. In this regard it is proposed that the hours of operation be extended to include the hours between 6.00am and 6.00pm.

s.4.5 Initial Limits on Development Consents

Section 4.5 of DCP No.31 states:

“Development consents granted to brothel applications may be initially limited to a period of twelve (12) months. At the completion of this period, Council will re-evaluate the proposal in terms of any complaints received regarding the

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approval operations, and compliance with any conditions of development consent.”

In respect of the stated objective it is noted that the requirement provides a distinctive choice as to whether or not an initial time period is imposed, i.e. “*may be initially limited*”. Having considered the merits of the case, in particular the initial investment and expense the Applicant will incur it is considered inappropriate to limit the operation of development consent. This is also based on the fact that no evidence exists to demonstrate that brothel operators are more likely to fail to comply with conditions of consent than any other business operator or in considering that it is generally not the practice to impose limited timed development consents on other industries that are also likely to give rise to complaint.

In so far as enforcement issues relating to compliance with conditions of consent or in dealing with matters that attract complaint Council has the opportunity to pursue such matters through established means, the Environmental Planning and Assessment Act, 1979.

Development Control Plan No.45 – Socio-economic Impact Assessment

Council’s Economic and Social Planners have had the opportunity to assess the Socio-economic Impact Statement provided by the Applicant and raise no objection to the proposal.

(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

Having regard to the issues raised throughout this report it is concluded that there will exist no significant impact on the natural and built environments, socially or economically.

(c) Suitability of the site for the development

The potential matters for consideration in respect of the generic category of S.79C(1)(c) – Suitability of the site for the development, are addressed below:

Are the constraints posed by adjacent developments prohibitive?

The constraints posed by adjacent developments include such matters as;

- proximity of the proposal to school and churches
- relationship to residential lands
- location of bus stop
- impact on existing businesses

Reports from Director Development Services

- impact on local road network

The pedestrian and vehicular movements to and from Lakeside Christian College have been closely examined in a report provided by the Applicant. The assessment had consideration of the following:

- school size, catchment area and travel arrangements;
- general observations and site layout;
- bus transportation;
- walking and cycling;
- chapel services and outdoor activities; and
- validation of observations via discussion with college administration staff.

There may exist situations whereupon local school children may pass the proposed brothel but it would appear this is only likely to occur as a result of school related activities, at which point the children should be supervised. It has also been noted that a times when children are likely to be in the vicinity of the brothel casual surveillance is likely to be at its highest.

Having considered the findings of the report and based on observations from inspections of the subject site and surrounds it is concluded that no significant impact or interactions are likely to occur as a result of the proposal between the school / school children and the subject site.

The relationship with the residential housing estate is not considered a development constraint in respect of the proposed brothel. It has been established that only a small number of properties are able to view the subject site from their first floor and that the brothel building is likely to be less visually intrusive than the existing development. No lawful access exists in the immediate vicinity of the subject site to the housing estate that would permit school children to access Ourimbah Road via the adjacent bus depot. Furthermore, it is noted that it would not be a favourable location for school children to gain access Ourimbah Road because the bus stop is located 450metres to the southeast.

The local road network is more than capable of supporting additional traffic movements. Whilst it is accepted that the likely noticeable traffic impact will occur outside of traditional working hours it is contended that the noise impact of normal vehicular traffic movements will not be of any significant magnitude.

There does not exist any evidence to suggest that the proposed development will have any detrimental impact on the functioning of existing businesses in the locality.

Would development lead to unmanageable transport demands and are there adequate transport facilities in the area?

The proposed development is not considered likely to significantly increase the demand for transport facilities or services over and above that which exist in the locality.

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Council's Traffic and Transport Engineer has provided advice to the effect that the proposed development will not have a significant impact on Ourimbah Road or at the intersection with Ducat Street. No objection is raised to the proposed development.

Based on the nature of the business and in accordance with Council's adopted Contribution Plan No.4 the proposed development will be subject to a contribution levy of \$53,367.18.

Are utilities and services available to the site and adequate for the development?

The proposed development site is serviced by all essential services and they are considered satisfactory for the proposed use.

The subject land is zoned 4(a) Industrial, which makes provision for the permissibility of brothels within the zone. Having considered the nature of the proposal, its proposed location and the issues discussed in this report it is considered that there exists no prohibitive factors that would render the site unsuitable for the intended use.

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

The development proposal was notified to adjoining and potentially affected properties and an advert placed in the Tweed Link in accordance with Development Control Plan No.42 – Public Notification of Development Proposals from 17 April 2002 to 2 May 2002. Council received forty-four (44) submissions, including five (5) petitions comprising ninety-six (96) signatories.

Thirty-one (31) of the submissions/petitions are in objection to the proposal and the issues identified are addressed in Table 1. The remaining thirteen (13) submissions are in support of the proposal and the issues are identified are addressed in Table 2.

In respect of the submissions received it is of note that those in objection to the proposal only represent 1.53% (6.3% including petitions) of the properties notified, which on the face of the perceived issues is an extremely small number. The submissions received in support of the proposal represent less than 1%, however, based on general observation it is a significant number to receive in support of what is often considered a contentious and potentially offensive form of development.

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Table 1 Issues raised in objection to the proposal

OBJECTION	IMPACT ASSESSMENT	COMMENT
Proximity to schools	Lakeside Christian college is the closest school to the proposed development site. It is situated 200m to the south. The subject site is totally obscured by neighbouring developments eliminating any visual intrusion. The Council bus stop, which is utilised by school children, is situated 450m to the southeast and has no visual relationship with the subject site. A site inspection of the immediate area, including the fence line to the rear of the adjacent bus depot, revealed that no legal access exists that would permit passage by school children en route to nearby schools. In respect of the informal bus stop, allegedly, at the gates of the local bus company, there exists no visual relationship with the subject site.	Does not warrant amendment or refusal of application.
Proximity to school bus stop	See above.	Does not warrant amendment or refusal of application.
Proximity to family residences	The proposed development site is wholly contained within an established industrial area. There exists a residential housing estate adjacent to the neighbouring bus depot, however the number of residences able to view the subject site is very limited and would only be from the first floor. No formal access exists in the vicinity of the subject site to the housing estate.	Does not warrant amendment or refusal of application
Proximity to church	The nearest church is that of Jesus Christ of latter Day Saints. It is situated 600m east of the subject site and has no visual or physical relationship with the subject site.	Does not warrant amendment or refusal of application
Will increase the number undesirable characters in the area	No material has been provided that identifies what constitutes an undesirable character nor has any evidence been provided to support the claim of an increase in numbers.	Does not warrant amendment or refusal of application
Out of character with adjoining land	As identified in this report, the proposed development is not considered significantly out of character with its immediate vicinity	Does not warrant amendment or refusal of application

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OBJECTION	IMPACT ASSESSMENT	COMMENT
Will retard development potential	No evidence has been provided to support the claim. However, it is noted that some submissions are claiming a potential increase in business within the zone, which is ordinarily associated with development growth.	Does not warrant amendment or refusal of application
Will be highly visible	The proposed building is only highly visible on approach via Ourimbah Rd, neighbouring properties and a small number of residential properties in the nearby housing estate. The proposed building will have an ordinary façade and will be suitably landscaped. There will exist no building features that would immediately identify the premises as a brothel.	Does not warrant amendment or refusal of application
Increased traffic and associated noise	There exists no doubt that the proposed activity will contribute to an increase in traffic movements. This is likely to be noticeable outside of traditional operating hours of 6am to 6pm. However, there exist no evidence to suggest that the drivers of vehicles using the Ourimbah Rd for the purposes of gaining access to the brothel will engage in the type of dangerous and offensive driving behaviour currently experienced in Ourimbah Rd. In this regard the vehicles associated with the brothel are not anticipated to cause significant traffic disturbance, but may have the positive effect of deterring recreational drivers.	Does not warrant amendment or refusal of application
Detrimental impact on residential property values	There exists no evidence to suggest that property values will be affected by the erection of a brothel. Internet resources were utilised in an attempt to qualify proposed assumptions but no evidentiary material was found.	Does not warrant amendment or refusal of application
No other industry would want to be near or associated with a brothel	Whilst it is accepted that not all business operators would like to be near or associated with a brothel, submissions received by Council indicate that a significant number of local businesses are viewing the proposal as a positive commercial enterprise	Does not warrant amendment or refusal of application

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OBJECTION	IMPACT ASSESSMENT	COMMENT
Increasing the number of brothels increases the rate of divorce	No evidence has been provided to Council or has been sighted using internet resources that unequivocally establishes a direct correlation between the number of brothels and the number of marriage breakdowns (divorce)	Does not warrant amendment or refusal of application
Council in approving a brothel supports the spread of sexually transmitted disease, including HIV	It is the amendment to State not Local legislation that has brought about the legitimacy of brothels as a business. Whilst certain individuals, groups or religions may consider the proposal morally wrong, it is not Council's position to challenge the opinions or beliefs of one in favour of the values of another. Council has a responsibility to ensure that all proponents or persons having dealings within the Shire are duly treated in a fair, equitable and democratic manner, irrespective of their personal or moral beliefs. In respect of the issue relating to sexually transmitted disease it is the responsibility of the business operator and the sex worker to ensure that they comply with the requirements of NSW Health and WorkCover NSW. In response to the notion that Council supports the transmission of any disease it is both a preposterous and offensive suggestion.	Does not warrant amendment or refusal of application
Illuminates a lack of moral leadership	See above.	Does not warrant amendment or refusal of application
Undermines women's dignity and esteem	Materials sighted whilst researching the topic of brothel establishments and sex workers per se indicated that commentators in this field expressed views that suggest that whilst the stated issue may be true in some cases the opposite is also true in others. Notwithstanding this, there exists no compelling Australian research provided to Council that would warrant further investigation of the alleged impacts of the proposed brothel	Does not warrant amendment or refusal of application

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OBJECTION	IMPACT ASSESSMENT	COMMENT
<p>The proposed site is enveloped by residential housing to the north, east and south</p>	<p>The proposed development site is within an established industrial area and adjoins industrial premises to the north, east and south with the Pacific Highway to the west. There exists a residential area in the locality, however only a small number of properties would be able to view the subject site from the first floor. Furthermore, there exists no direct legal access point from Ourimbah Rd, in the vicinity of the subject site, to the housing estate. Discussions with the operator of the neighbouring bus company revealed that some individuals gain unlawful access to the residential area via access through the bus depot site. In this regard exposure of those individuals to the brothel is not a matter for consideration and shall have no bearing on the assessment of the proposal</p>	<p>Does not warrant amendment or refusal of application</p>
<p>School children may be exposed to clients of the brothel en route to and from school</p>	<p>There exist no lawful points of entry in the immediate vicinity of the subject site to the residential housing estate or bus stop. In this regard the unsupervised exposure of children to the clientele of the proposed brothel is likely to be minimal. It is acknowledged that the school does apparently utilise the local area for its long distance running. However, the children would be in the vicinity of the subject site at times when casual surveillance by other persons, notwithstanding coaching staff, would be at a reasonably high level.</p>	<p>Does not warrant amendment or refusal of application</p>
<p>The body corporate and management of the grove has worked very hard to keep bad elements, especially drug users and other undesirables from taking up residence in the Grove</p>	<p>There exists no relevant evidence via research or experience with existing brothels within the Tweed Shire to support the claim of increased external drug abuse or the like. In relation to the management practices alleged of the body corporate Council does not purport to encourage or support the alienation of any individual or group for their beliefs, moral standing, opinions, weaknesses or shortcomings but encourages compassion and assistance to those who are less fortunate or are in need of community assistance.</p>	<p>Does not warrant amendment or refusal of application</p>

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OBJECTION	IMPACT ASSESSMENT	COMMENT
Will increase drug abuse and selling in the area	See above	Does not warrant amendment or refusal of application
Will cause embarrassment to existing workers	It is accepted that some embarrassment may occur to local workers during the initial period if the proposed development is approved.	Does not warrant amendment or refusal of application
Extra security would be needed	The proposal makes provision for in house security staff and surveillance equipment.	Does not warrant amendment or refusal of application

Table 2 Issues raised in support of the proposal

ISSUE	IMPACT ASSESSMENT	COMMENT
The opening of a brothel will increase the security of an area which is currently largely ignored	It is acknowledged that existing security within the industrial area is poor and that the brothel establishment may assist in redressing this issue by virtue of the level of security employed on site and by mobile surveillance	Does not warrant amendment or refusal of application.
The increase in drive by trade is likely to increase business	It is generally accepted that increasing the number of potential customers to an area will have a positive affect on some businesses, although the true effect has not been evidenced	Does not warrant amendment or refusal of application.
The lawfulness of the brothel is a step in the right direction	It is concurred that legitimising a brothel via the regulatory system will assist in ensuring appropriate regulations and guidelines are complied with and should assist in mitigating any detrimental impact on the local community	Does not warrant amendment or refusal of application.
The brothel will increase employment and attract new business	No evidence has been provided to qualify this position, although it is expected that drive by trade may increase	Does not warrant amendment or refusal of application.
The proposed location is more suitable than the current location		Does not warrant amendment or refusal of application.
The brothel provides an important adult / community service	It is accepted that individual needs and expectation differ within the community and in this regard it is noted that significant demand appears to exist for brothel services	Does not warrant amendment or refusal of application.
The professional and discreet nature of the existing brothel will be a benefit to surrounding businesses		Does not warrant amendment or refusal of application.
The brothel will attract tourists to the area	It is noted that the applicant provides statistics that indicate 18% of existing business is from overseas tourists and a further 28% from other visitors to the Tweed/Gold Coast area	Does not warrant amendment or refusal of application.

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ISSUE	IMPACT ASSESSMENT	COMMENT
The existing brothel employs a number of security staff. Should the new location not be approved some jobs will be lost	It is noted that should the proposal not proceed a number of employment positions will be lost, including security staff	Does not warrant amendment or refusal of application.

(e) Public interest

A total of 44 submissions have been received by Council. In general the submissions raised a number of legitimate concerns and matters in relation to the erection of a brothel establishment in Ourimbah Road, Tweed Heads.

However for the reasons referred to earlier in this report, they are not considered to be of such magnitude or provide overwhelming evidence to warrant the refusal of the development application in this instance.

OPTIONS

1. Approve the application with appropriate conditions of consent.
2. Refuse the application and provide grounds for refusal.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

Should Council resolve to approve the development application there would be no direct financial impact upon Council's adopted budget or forward estimates. However, should Council resolve to refuse the application the Applicant, through the NSW Land and Environment Court, could pursue legal avenues for the approval of the subject development application and this would involve Council in legal expenses.

CONCLUSION

In summary, although the proposal has attracted a number of submissions it is considered that the development will generally be compatible with the existing industrial development and local environment. It has been established that the existing operation in Wharf Street has operated for a number of years without significant incident or complaint.

In respect of the many moral issues raised in the submissions received it is considered that to refuse the proposal on purely these grounds would be difficult to sustain should the matter be pursued in the Land and Environment Court.

On balance it is considered that the proposal is suitable for conditional approval.

Reports from Director Development Services

8. ORIGIN: Strategic Town Planning Unit
FILE REF: GT1/LEP/2000/26 Pt1; LEP- Housekeeping

REPORT TITLE:

Draft Tweed Local Environmental Plan 2000, Amendment No 26 - Housekeeping (Stage 2) and Amendment to Development Control Plan No 40 - Exempt and Complying Development

SUMMARY OF REPORT:

The purpose of this report is to initiate the amendment of a series of housekeeping matters in the Tweed LEP 2000. Council last dealt with this matter at its Ordinary meeting of Wednesday 20 March 2002, where it resolved to defer consideration of a number of items subject to a Workshop. Correspondingly, a workshop was held on Wednesday 8 May 2002. This report re-submits these issues for Council actioning.

The amendments this report deals with are:

1. DCP 40, Complying Development - Schedule 2 and Schedule 3;
2. Tweed LEP Amendment to reflect changes to DCP No 40;
3. Lake Kimberley.

RECOMMENDATION:

That:

1. In accordance with Section 54 of the Environmental Planning and Assessment Act, 1979 Council prepares a draft Local Environmental Plan to amend a series of "housekeeping" matters as follows:
 - i. Exempt Development provisions for the 7(a), 7(d), 7(f) and 7(l) zones;
 - ii. Amendment to Clauses 9 and 10 of Tweed LEP 2000 to reflect the date of Council adoption of an amended DCP 40 – Exempt & Complying Development;
 - iii. Amendments to zoning of land adjacent to Lake Besef, Banora Point, in accordance with Council's resolution of 19 December 2001.
2. Council, in its opinion, advises the Director-General of PlanningNSW that a Local Environmental Study is not required given that the relatively minor nature of the "housekeeping" amendments being proposed.
3. In accordance with Section 72 of the Environmental Planning and Assessment Act 1979 Council amends Development Control No 40 -Exempt and Complying Development generally in accordance with Item 1 – Development Control Plan No 40 – Exempt and Complying Development of this report, listed as:
 - A. Exempt Development;
 - B. Complying Development;
 - C. Schedule 1 – Development Exempt;
 - D. Schedule 2 – Complying Development Requirements;
 - E. Schedule 3 – Complying Development Conditions.

Reports from Director Development Services

4. Exhibits the draft Plan in accordance with “Best Practice Guidelines – LEPs and Council Land” published by PlanningNSW.

Reports from Director Development Services

REPORT:

This report represents Stage 2 of the Tweed LEP 2000 housekeeping. The issues to be addressed include:

1. Development Control Plan No 40 – Exempt and Complying Development;
2. Tweed LEP Amendment to reflect changes to DCP No 40;
3. Lake Kimberley.

Below is a summary of the items listed above.

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

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

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

A. Exempt Development

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

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

“Item 1 – Exempt Development

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

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

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

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

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

Reports from Director Development Services

B. Complying Development

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

C. Schedule 1 – Development Exempt

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

Please refer to attached DCP 40 illustrating the proposed amendment.

D. Schedule 2 – Complying Development Requirements

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

- i. Private certifiers have no power to authorise works on public land that may be necessary to carry out the development. These works include driveways across public road reserves and drainage works. The proposed amendments to Schedule 2 of DCP 40 will require these approvals/consents to be issued from Council prior to the issue of a complying certificate. Your attention is referred to the attached amended DCP 40, which illustrates all the changes proposed to be effected.
- ii. Schedule 2 of DCP 40 is also proposed to be amended to incorporate energy efficiency provisions for single dwellings. The proposed amendment will require dwelling houses to have at least a 3.5 star rating pursuant to the House Energy Rating Scheme (NatHERS). The proposed amendment is consistent with the provisions of DCP 39 – Energy Smart Homes Policy. Please refer to the attached draft document illustrating the proposed amendment.
- iii. Amend reference to carports or garages associated dwelling houses by adding “which are not used for habitable, commercial or industrial purposes and does not exceed 40m² in area”.
- iv. Amend provisions relating to cut and/or fill to remove the wording “combined”.
- v. Amend provisions relating to swimming pool setback from front boundary.

Please refer to attached DCP 40 illustrating the proposed amendment.

E. Schedule 3 – Complying Development Conditions

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

Reports from Director Development Services

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

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

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

Recommendation 1: That Tweed LEP 2000 be amended in accordance with changes proposed in A above.

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

2. Tweed LEP Amendment to reflect changes to DCP No 40

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

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

"9 Exempt development

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

10 Complying development

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

The above clauses will need to be amended to reflect the amended new date that Council adopts the amended DCP.

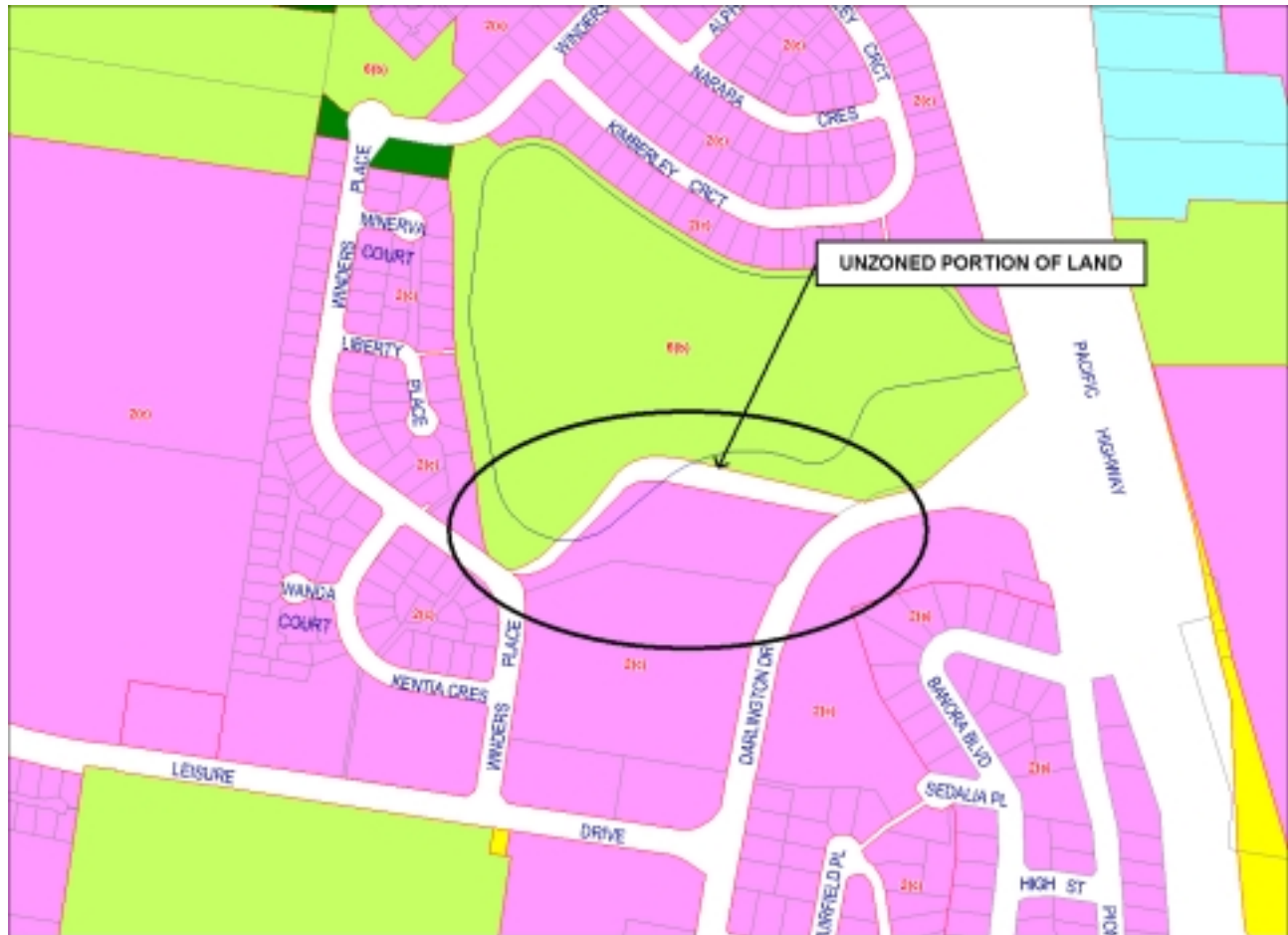
Recommendation 3: That Clauses 9 and 10 of Tweed LEP 2000 be amended to reflect the new date of Council adoption of DCP 40.

3. Lake Kimberley

Reports from Director Development Services

This proposed LEP mapping amendment refers to the area illustrated below circled in Figure 1 – Lake Kimberley.

Figure 1 – Lake Kimberley



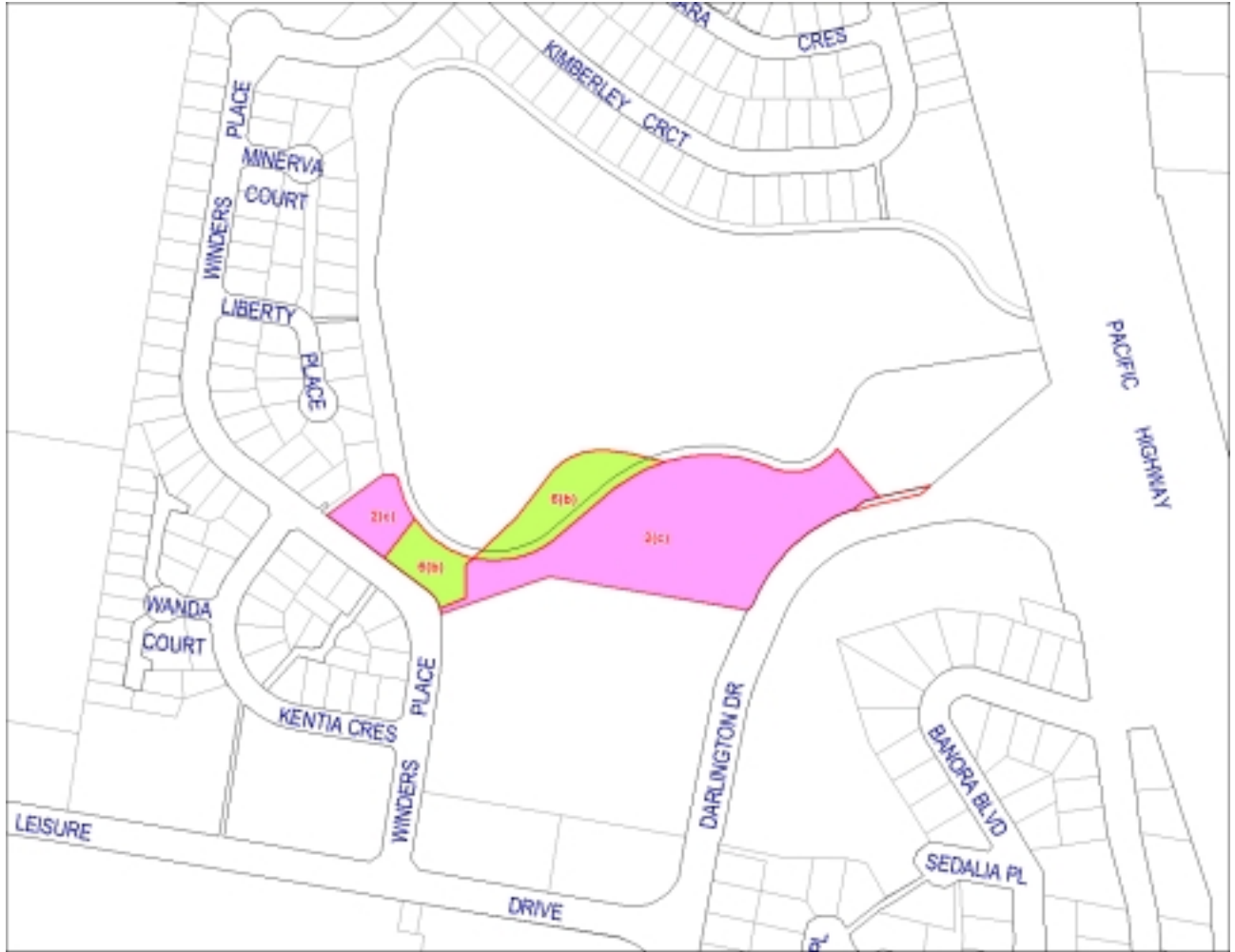
Part of the subject land is currently not zoned. At its Ordinary Meeting on 19 December 2001, Council resolved the following:

1. That Council endorses the proposal to Bradshaw Developments in terms of \$551,085 to acquire parcels 1, 2 and 5 in option 2, plus 1566m² adjacent to Winders Place (annexure 5) as public open space with a consequent draft amendment to DCP No 3 – Banora Point/South Tweed, amendment as sought to LEP of amendment no. DA K99/1682.
2. Compensates Bradshaw Developments \$22,500, being half the cost of the bridge.
3. Acknowledges Bradshaw Developments forthcoming application and intent to construct a sewerage pump station and/or stormwater.”

Given the above resolution it is envisaged that the subject land would be zoned in accordance with Figure 2 below.

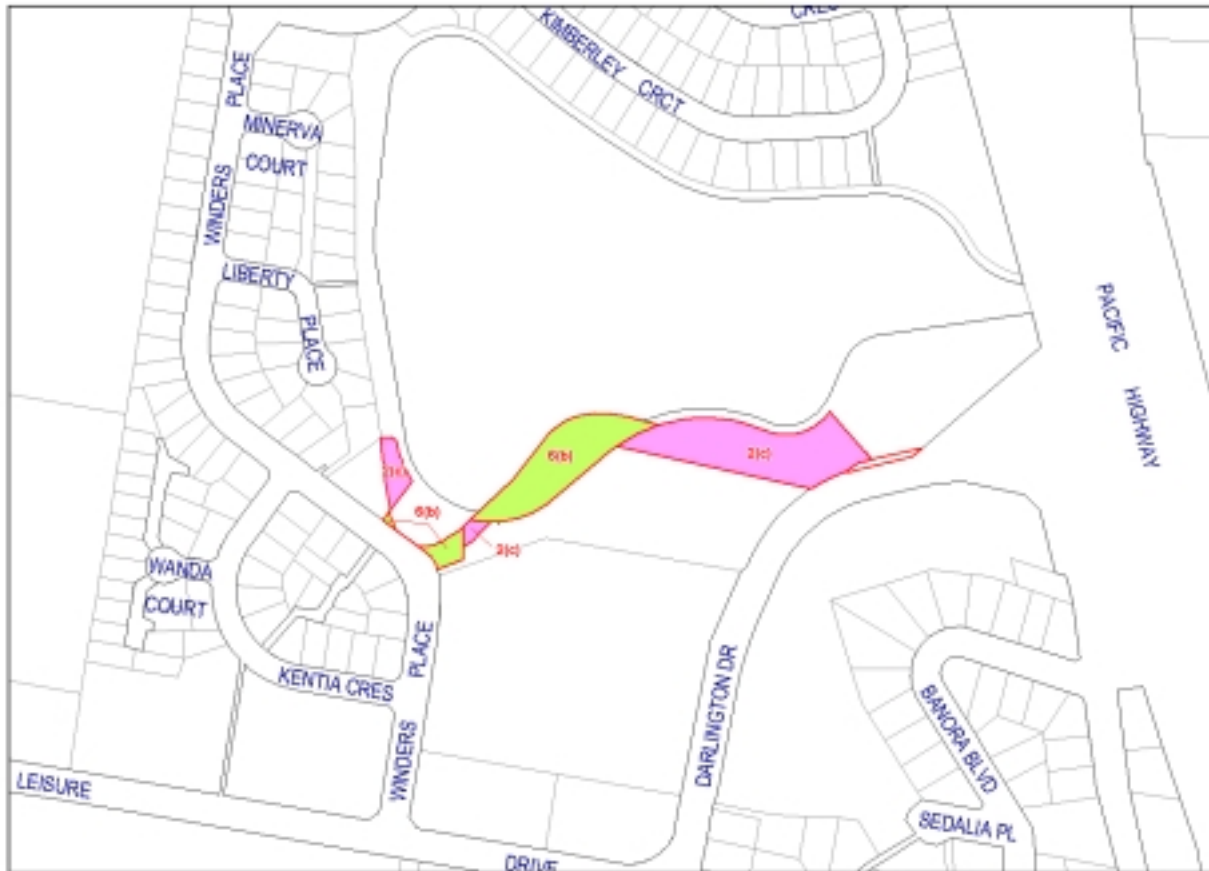
Reports from Director Development Services

Figure 2 – Lake Kimberley, Zoning in accordance with Council Resolution of 19 December 2001



Reports from Director Development Services

Figure 3 – Zone amendments required to achieve Figure 2



Recommendation 4: It is recommended that land be zoned in accordance with Council’s resolution of 19 December 2001 to delineate zone 6(a) and Zone 2(c), as indicated in Figure 3.

STATUTORY MATTERS

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

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

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

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

Regional Plans

North Coast Regional Environmental Plan

There are a number of clauses within the North Coast REP that are applicable to this proposed LEP amendment. However, given the minor nature of the proposed LEP amendments it is not considered that any of these amendments will have any significant impact on the provisions, aims

Reports from Director Development Services

and objectives of the NCREP. As illustrated within the main body of this report, the amendments being proposed are regarded as generally administrative matters that will rectify a number of anomalies existing within the Tweed LEP 2000.

State Legislation

NSW Coastal Policy

A Section 117 Direction under the Environmental Planning and Assessment Act, 1979, requires Council to Consider the Coastal Policy in the preparation of Local Environmental Plans. The Direction requires draft LEPs to give effect to, and be consistent with, the Policy and requires Local Environmental Studies to accompany rezoning applications for land within the coastal zone. A number of the changes being proposed by this LEP amendment fall within the Coastal Zone and as such would require the preparation of a Local Environmental Study. However, the Director General can waive the need for an environmental study where the rezoning is considered to be of a minor nature or where adequate environmental information already exists as a result of previous studies.

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

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

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

Section 117 Directions

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

CONCLUSION

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

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

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9. ORIGIN: Development Assessment Unit

FILE REF: DA5720/860 Pt1; 5720.860

REPORT TITLE:

Erection of an Advertising Sign at Lot 1 DP 634560 No. 4 Urliup Road, Bilambil

SUMMARY OF REPORT:

Council has received a development application for the erection of an advertising sign for the golf course that is part of the Carool Winery tourist resort development at 363 Carool Road, Carool. At the time the original consent was issued for the resort the applicant submitted that the golf course would not be available for general public use and therefore was not taken into account when calculating Section 94 contributions. These circumstances appear to have since changed and is reflected by the wording and need for the sign. Therefore it is recommended that any consent for the sign should be issued on the requirement that approvals are obtained for the golf course to be used by the general public. This could be achieved by the issue of deferred commencement consent as recommended.

RECOMMENDATION:

That Development Application 0343/2002DA for the erection of an advertising sign at Lot 1 DP 634560 No. 4 Urliup Road, Bilambil be approved on a deferred commencement basis.

"Deferred Commencement"

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

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

SCHEDULE "A"

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

A. That approval be obtained for the use of the golf course component of the tourist resort approved by Development Consent K99/1450 for general public use.

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 plans approved by Council and the Statement of Environmental Effects, except where varied by these conditions of consent.
2. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.

Reports from Director Development Services

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

Pursuant to Section 80A(1)(d) of the Environmental Planning and Assessment Act, 1979 development may only be carried out in accordance with this consent for a period of 15 years from the date on which the development is commenced.

PRIOR TO COMMENCEMENT OF WORK

4. 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.
5. 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.
6. 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

7. 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).
8. No soil, sand, gravel, clay or other material shall be disposed of off the site.
9. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a. completion of work
10. 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.
11. 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.
12. 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.
13. The burning of builders waste on site by open fire is prohibited.

Reports from Director Development Services

14. All excavation works associated with the erection of the advertising structure are to be clear of the area of contamination as indicated on figure 2 of the Supplementary report Additional soil sampling former Cattle Tick Dip Site Uriup Road Bilambil dated April 1996 prepared by CMPS & F Environmental. No disturbance of identified contaminated material is to result as a consequence of any works associated with this consent.

USE

15. The sign is not permitted to be illuminated.

Reports from Director Development Services

REPORT:

Applicant: Mrs Michele Fay
Owner: Mrs Michele Fay
Location: Lot 1 P 634560 No. 4 Urliup Road, Bilambil
Zoning: 2(d) Village

BACKGROUND

A development application has been received for the erection of an advertising sign at Lot 1 DP 634560 No. 4 Urliup Road, Bilambil.

The sign proposes to advertise and direct the public to the golf course and tourist facility located at 363 Carool Road, Carool. The dominant wording of the sign states "Tweed Greens Golf Club Visitors Welcome 3k" at the bottom of the sign are the words "Penny Ridge Resort".

The sign is to be mounted on a 600-700m rock wall and is 3m long and will have a maximum height of 2.2m measured from the ground.

The sign is proposed to be located on the northwest corner of the intersection of Carool Road and Urliup Road.

Council on 13 June 2000 granted consent for a tourist resort comprising a boutique winery, bungalows, tourist accommodation and golf course. The applicant for this application at the time indicated that the golf course was only to be used by guests staying at the resort. Traffic, parking and Section 94 contributions were assessed on this basis and a condition placed on the original consent restricting the use of the golf course to guests staying at the resort only.

A Section 96 application to modify the original consent was approved by Council on 18/4/2001. This modification amended Condition 61 to read as follows:-

"61. The golf course is restricted to use by guests visiting or staying at the resort".

Officers at the time of assessment of this modification raised concern that the re-wording of this condition in affect allows for any member of the general public to use the golf course. If this was the case then revised Section 94 contributions should be applied. The applicant at the time assured Council that it would not become a public golf course.

The wording of the sign tends to indicate the golf course is available for general public use and discussions with the applicant regarding a current development application for expansion of the pro-shop to include a bar and kitchen confirmed that it is intended to offer memberships for the golf course.

It is recommended that should Council support this application that it should be in the form of a deferred commencement consent requiring the current application for the pro shop to be amended to seek approval for the general public to use the golf course and a revised traffic impact analysis be submitted with this application.

Reports from Director Development Services

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

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

Tweed Local Environmental Plan 2000 (TLEP 2000)

The subject land where the sign is proposed to be erected is zoned 2(d) Village under the provisions of Tweed Local Environmental Plan 2000 (TLEP 2000).

The advertisement is permissible with consent under this zoning.

Clause 47 of the LEP applies specifically to advertising signs. The sign is not inconsistent with this clause and is not identified as prohibited signage.

State Environmental Planning Policies

State Environmental Planning Policy No. 64 (SEPP64)

Advertising and signage applies to the subject development. Strictly under this SEPP signage in residential zones is prohibited however is permissible in mixed use zones. The 2(d) zone provides for a wide range of uses including shops, commercial premises and residential uses and for the purpose of the SEPP is considered to be a mixed-use zone. Therefore the subject sign is considered to be permissible under this SEPP.

SEPP64 also requires the applicant to carry out an assessment of the impact of the sign on the locality. The applicant has provided a satisfactory assessment pursuant to this requirement.

It is considered the sign is consistent with the provisions of this State Policy.

North Coast Regional Environmental Plan 1988 (NCREP)

The NCREP also applies to the subject land. The sign is not inconsistent with this plan.

(a) (ii) The provisions of any draft environmental planning instrument

No applicable draft environmental planning instruments apply to the development.

(a) (iii) Any Development Control Plan (DCP)

Development Control Plan No. 15 – Advertising Signage

DCP15 applies to the proposal. The application is consistent with this policy.

(b) Suitability of the site for the development

The surrounding locality may be described as having a rural village character with a mix of larger residential allotments, community and commercial development in the immediate vicinity.

The subject land is setback from the road and the scale of the sign is considered acceptable however any illumination of the sign should not be permitted as this would have the potential to impact on adjoining properties in the area and also may reduce the safety of motorists in the area. Any consent should be conditional to prohibit the illumination of the sign.

Reports from Director Development Services

(c) **The suitability of the site for the development**

The subject site contains a disused cattle dip. The siting of the sign is outside the affected area and will not result in any disturbance to this area. Council's Environment and Health Unit has reviewed the proposal with reference to the proximity of the dip site and has raised no objections subject to conditions.

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

The application was required to be notified to adjoining property owners pursuant to the provisions of Council's DCP No. 42 for a period of 14 days.

At the conclusion of this period no submissions were received.

No submissions were received from any public authorities.

(e) **The Public Interest**

The proposed application is not considered to be detrimental to the public interest provided the use of the golf course by the general public is formalised and relevant contributions are paid to ensure the community is not subsidising the development.

OPTIONS

1. Approve the application as recommended.
2. Refuse the application.
3. Approve the application without the deferred commencement requirement.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

Should the applicant be dissatisfied with Council's determination a right of appeal to the Land and Environment Court is available.

CONCLUSION

Council has previously approved a tourist resort incorporating a golf course. The applicant indicated at the time of this approval the golf course was not intended to be a public golf course. These circumstances appear to have changed and the current application for a proposed sign reflects this in the wording. The siting and the design of the sign is considered to be satisfactory however it is recommended that approvals should be obtained to reflect the change in circumstances prior to the sign being permitted to be erected.

This could be controlled by Council consenting to the application on a deferred commencement basis.

Reports from Director Development Services

10. ORIGIN: Strategic Town Planning Unit

FILE REF: Strategic Planning Program

REPORT TITLE:

Strategic Planning Work Program

SUMMARY OF REPORT:

This is the periodic review of the Strategic Planning Unit Work Program by Council. The projects for which the Unit is responsible far exceed the capacity of the current level of resources to deliver within the short to medium term. Council's prioritisation is therefore crucial.

Council notes that non-priority projects within the Unit Work Program will be undertaken at the earliest opportunity and that a number of key projects will have delayed initiation. The Council's capacity to undertake effective strategic planning goes to the heart of the Department of Local Government Investigation Report.

RECOMMENDATION:

That Council:-

1. Determines the priority work content for the Strategic Planning Program to be:-
 - Review of the Tweed Shire 2000+ Strategic Plan;
 - Kingscliff District Strategy and District Centre Strategy;
 - West Kingscliff planning
 - Rural Settlement Strategy and Rural Land Use Study;
 - Human Services Delivery Plan;
 - Banora Point Community Centre;
 - Banora Point Open Space Review;
 - Public Transport Plan;
 - Economic Development Projects:
 - Industrial lands
 - Farmers Markets
 - Coolangatta Airport
 - Kingscliff Sewage Treatment Plant rezoning
 - Flood Management;
 - Residential Development and Housing Affordability Strategies;
 - Local Environmental Studies and draft Local Environmental Plans for Kings Forest; Black Rocks, South Pottsville and "Area E", Terranora;
 - Bushfire Hazard DCP.
2. Notes that the following projects will have delayed (approximately 6 months) initiation/discontinued involvement:-
 - South Kingscliff Tourism site;
 - Vegetation Management Plan and accompanying LEP.

Reports from Director Development Services

- Crime Prevention Plan;
- Community Facilities Policy and Program;
- Coastal Hazard Policy;
- Review of Chinderah Planning;
- Various LEP Amendments, including the Hansen property, Sterling property, Melaleuca Station, "Latitude 28", Kings Beach;
- Review of LEP arrangements for Tanglewood;
- Extension of Leisure Gardens, Pottsville (including possible school site);
- Locality Plans for Cabarita and Murwillumbah.

Reports from Director Development Services

REPORT:

The purpose of this report is for Council to establish and adopt a Strategic Planning Work Program for the next 6 months.

On 20 June 2001 Council resolved that the Strategic Planning Work Program for the period to December 2001 would comprise the following:

“Continuation of existing Local Environmental Plan Amendments and Studies currently in progress, with the exception of:-

- (a) the Local Environmental Plan Amendment for Area E. This project to be held in abeyance until such time as the Kirkwood Road/Tweed Bypass access issues are resolved; and*
- (b) the Local Environmental Plan for Kings Forest.*
- *Proposed Local Environmental Plan Amendments:*
 - *Chinderah – Stirling Land;*
 - *Melaleuca Station, Lot 704 on DP 1000580;*
 - *Tweed Local Environmental Plan 2000 Housekeeping Amendments – Exempt and Complying Development, Signage, Coolangatta Airport, Administrative Local Environmental Plan Amendments;*
 - *Sea Breeze Estate, Pottsville;*
 - *Mooball Road, Pottsville;*
 - *Riveroak Drive;*
- *Review of Development Control Plan No. 5 – Development of Flood Liable Land;*
- *Preparation of Coastal Hazard Policy;*
- *Preparation of Bushfire Hazard Control Development Control Plan.*

The inclusion of Proposed Local Environmental Plan Amendments in the Work Program is only to proceed to the preparation of a Section 54 Report. Further work will proceed on each proposal only if Council resolves to prepare a draft Local Environmental Plan.”

Table 1 sets out a review of current projects; and Table 2 a list of potential projects which have either recently been proposed or are in the pipeline and scheduled to be undertaken by the Strategic Planning Unit.

RESOURCES

The Strategic Planning resources available to Council are limited. Since the consideration of the previous works program, a Strategic Planner has resigned from Council.

There are a considerable number of projects currently in the program and it is imperative that the projects are clearly prioritised and coordinated. No doubt each project has a priority to its proponent. However, it is suggested that the potential projects be priorities based on:

- Are required as an essential element to achieve the review of the Strategic Plan;
- Completion commitments;
- The community benefit to be gained from devoting Council resources to them.

Reports from Director Development Services

Included in Table 1 and Table 2 is an assessment of those projects which, in terms of the above criteria, are considered to have a high priority and those which are considered should be deferred.

Table 1 merely lists current projects and their assessed priority. It does not include an assessment of the resources required to complete them. Some of these, by their nature, will require more than one planner to work on them; in particular the Strategic Plan Review, the Rural Settlement Strategy, and the Kingscliff District Strategy.

There are projects on the current Program well in excess of the capacity of current resources.

Two additional Strategic Planners have been included in the draft Budget and will enable the scope of work of the Unit to be extended. However, at this stage, and until those staff are in place, there is not only no identifiable scope for additional projects, but also no scope to continue the high priority projects detailed in Table 1. On best management estimates, resources including 2 net additional positions will only accommodate the following:

- Review of Strategic Plan;
- Economic Development Projects
- Kingscliff District Strategy and District Centre Strategy;
- West Kingscliff;
- Rural Settlement Strategy;
- Local Environmental Study, draft LEP and accompanying Structure Plan, DCP and S94 Plan for Kings Forest.
- Local Environmental Study and draft LEP for Black Rocks, South Pottsville.
- Local Environmental Study draft LEP and accompanying Structure Plan, DCP and S94 Plan for "Area E", Terranora;
- Human Services Delivery Plan – Tweed Coast;
- Public Transport Plan;
- Residential Development and Housing Affordability Strategies;
- Bushfire Hazard DCP.

This means that there is very limited or no scope for the following important projects:

- Coastal Hazard Policy;
- Community Facilities Policy and Program;
- Crime Prevention Plan;
- DCP 3 Audit of Open Space;
- Extension of Leisure Gardens, Pottsville (including possible school site);
- Flood Policy;
- Locality Plans for Cabarita and Murwillumbah;
- Review of Chinderah Planning;

Reports from Director Development Services

- Review of LEP arrangements for Tanglewood;
- South Kingscliff Tourism site;
- Various LEP Amendments, including the Hansen property, Sterling property, Melaleuca Station;
- Vegetation Management Plan and accompanying LEP.

OPTIONS

Basically, there are two options open to Council:

- Work within existing resources with the consequent reduction in projects that are to be dealt with as a priority;
- Provide additional resources sufficient to complete Council's identified Strategic Planning Program.

Various options have been pursued to extend the resource capability of the Strategic Planning Unit. These have included:

- Re-allocation of the duties of existing staff. Within the Strategic Planning Unit the only opportunity is the S94 Planner. This would impact on the functioning of this activity at a time when S94 infrastructure is a major part of Council's overall activities;
- Negotiations and commitments with developers to fund specific projects (eg, Kings Forest and Area E). There are also limits to the effectiveness of this options as those projects will still have to be managed/supervised by existing staff who, as already noted, are already fully committed. It is critical that independence and probity also be openly ensured in the management of this option.

Reports from Director Development Services

Table 1 - Current Work Programme
Key: P = High priority in terms of criteria nominated in report
D = Defer

Project	Progress/Comments	Priority
Strategies		
Strategic Plan review	Draft brief prepared	P
Review of Residential Development Strategy (1991)	Strategy essentially replaced by Tweed Shire 2000+ Strategic Plan but position needs review.	P
Economic Development Strategy	Strategy adopted by Council on 23 January 2002. Project to be completed with: inclusion in Management Plan 2002, establishment of quarterly report, and implementation of projects identified in the Strategy	P
Social Plan	Draft Social Plan Update 2002/3 completed for inclusion in draft Management Plan 2002.	P
Crime Prevention Plan	Brief completed work not to commence until Steering Committee established	D
Community Facilities Policy and Program	Draft completed	D
Human Services Delivery Plan	Brief prepared and work commenced	P
Kingscliff Centres Strategy	Draft Strategy re-exhibited and Council workshop held 29 May	P
Kingscliff District Strategy	Draft Strategy completed for Council consideration 5 June	P
West Kingscliff Review, incorporating review of DCP 9 – West Kingscliff	On-going discussions with proponents	P

Reports from Director Development Services

Project	Progress/Comments	Priority
Coastal Hazard Policy	No SPU involvement	D
Economic (Investment) Incentives	Report to Council anticipated June 2002	P
Regional Vegetation Management Plan, and draft LEP	Report to Council June 2002	P
Rural Settlement Strategy	A draft Rural Settlement Strategy has been prepared, alternative strategy prepared by LEP Advisory Committee. Further work deferred until TEDC Rural Land Study completed.	P
Housing Affordability Study		P
Cabarita Precinct Plan	No further work undertaken following Council decision concerning Cabarita Surf Club	P
Coolangatta Industrial Land	Meeting with Government Agencies organised following Council resolution	P
Review of Chinderah Planning Study	Submission awaited from Progress Association before reporting to Council	D
Farmers Markets	Report being prepared	P
Public Transport Plan	Draft Plan being prepared	P
S94 Plans		
Open Space	Exhibition of Open Space Strategy and Draft S94 Plan completed. Report to Council 5 June 2002	P
Banora Point Community Centre	Consultants report on survey reported to Council and public meeting held	P
Libraries		

Reports from Director Development Services

Project	Progress/Comments	Priority
Development Control Plans		
Socio-Economic Impact Assessment	Review of Plan on exhibition and report to Council 5 June 2002	P
South Kingscliff Tourism Site	Draft DCP and Plan of Management exhibited, Steering Cttee reviewing viability of development	P
Flood Policy	Necessary following introduction of revised NSW Flood Plain Management Manual. Part of Strategic Plan review.	P
DCP3 – audit of open space	Commenced	P
DCP3 – Lake Besef	Revised d/a received from proponents, defer until S54 resolution made by Council for accompanying LEP amendment (Housekeeping 2 refers)	P
Bushfire Hazard Control DCP	Council resolved to engage consultants to review LEP and prepare DCP.	P
Tweed LEP Amendments		
Hansen property (Amendment No 7).	Section 62 consultation completed. Supplementary Study of parts of the property to be prepared.	D
Land Reclassification (Amendment No 6)	Submitted to Minister for approval.	D
Kings Forest (Amendment No 20)	LES and Draft LEP exhibited – Further action deferred in accordance with Council resolution of 13 June 2001.	P
Seaside City (Amendment No 3)	LES preparation commenced. Pending DLG investigation report.	
Greenview Estate	Draft Plan submitted to Minister for approval	
Kingscliff STW	S62 consultations completed and consultant's brief for preparation of Environmental Study completed	P
Fernvale/Wardrop Valley Industrial (Amendment No 9)	Proponents requested to fund preparation of draft LEP and ES.	D

Reports from Director Development Services

Project	Progress/Comments	Priority
Marana Park, Bilambil	Amendment to area covered by DLEP, revised S54 notice to be sent to planningNSW and S62 consultations	D
Cobaki Lakes (LEP Amendment No 2)	Project being undertaken by a consultant at the cost of the applicant.	D
Gales Holdings - Lot 3 on DP 826298, Chinderah, (LEP Amendment No 19)	Exhibition completed and project deferred for inclusion in W Kingscliff project.	D
Casuarina Beach - Tourist Facilities (Amendment No 18)		D
Black Rocks, Pottsville.	Project being undertaken by a consultant (GeoLink) at the cost of the applicant. Environmental Study being finalised	P
Area E, Terranora	Council has adopted a road strategy for Kirkwood Road, which allows for the re-commencement of the project. The review of the Naponyah Road extension is under way; and S62 consultations undertaken prior to the preparation of a consultant's brief for completion of the Environmental Study and draft LEP.	P
Chinderah - Stirling Land	Further advice awaited from the proponents	D
Melaleuca Station - Proposed Service Station.	Objection from RTA, alternate sites being investigated	D
Tweed LEP 2000 – Housekeeping Part 1	S62 consultations completed, draft LEP being prepared	P
Tweed LEP 2000 – Housekeeping Part 2	S54 notice to planningNSW in respect of items adopted by Council Further Council report in respect of deferred items	P
Riveroak Drive, Bray Park - Lot 2 DP 830595	S62 consultations completed, draft LEP on exhibition	D

Reports from Director Development Services

Project	Progress/Comments	Priority
Mooball Road, Pottsville – proposed 3(c) Commerce and Trade	Objections from Coastal Council and NPWS. Proponent investigating alternative developments for the property	D

Table 2 - Potential Works Program Projects

Key: P = High priority in terms of criteria nominated in report

D = Defer

Project	Progress/Comments	Priority
LEP Amendments		
Drafting/mapping anomaly, Lot 1 DP 807182, Terranora.		D
Lot 9 DP263998, and Lot 10 DP262031, McLeod Street, Condong (Subdivision)	Rezoning to formalise a past subdivision approval.	D
Tanglewood	Consultants on behalf of landowners have completed a property review. Rezoning application lodged, including industrial land	D
Sea Breeze Estate, Pottsville	This property was rezoned to residential in 1996 after additional growth was included for it in the RDS in 1992. The RDS only allowed for an additional population of 2,500 around Pottsville. This was taken up by Koala Beach and the expanded Leisure Gardens. The remainder of the property remained zoned 1(d). As part of the negotiations in respect of the DCP for the property, there were discussions as to the zoning of residential areas for further housing and a school site.	D
Coast Road, Cabarita	Rezoning request to commercial for this property. Similar to a proposal for other properties along Coast Road submitted in respect of draft Tweed LEP 1998, deferred to Stage 2. This matter has yet to be dealt with and will be addressed in the forthcoming work program.	D

Reports from Director Development Services

Project	Progress/Comments	Priority
Coronation Avenue, Pottsville	Rezone small area of land between SEPP 14 Wetland and Coronation Avenue from 1(a) to 2c. Primary issues include Coastal Policy, Environment, Agriculture, and the statutory planning requirements.	D
LEP Review - Stage 2	There were a number of draft LEP 2000 submissions to review zonings. Council resolved to include these in Stage 2. They include: <ol style="list-style-type: none"> 1. Cudgen Village (review of rezonings). 2. Dalton Street, Terranora (Rezone from Rural 1(c) to Residential 2(a). 3. Kennedy Drive, Tweed Heads (rezone Commercial). 4. Gales Holdings, West Kingscliff. 5. Church Lane, Murwillumbah - rezone from residential to commercial. Issues to be considered include, mixed land uses, conflicting land uses, access and car parking. 	D
Lot 9 DP 866679, Bakers Road, Byangum	Amendment of Schedule 3 of the LEP to enable the subject parcel of land to have a dwelling entitlement.	D
Finalisation of the Rural Settlement Strategy will require an LEP Amendment.	On hold pending the findings and recommendations of the Rural Settlement Strategy	P
Submissions relating to rural residential subdivisions.	On hold pending the findings and recommendations of the Rural Settlement Strategy	D
Strategies		
Locality Plans – Fingal, Pottsville, Murwillumbah, Cabarita	Following the successful completion of locality planning for Pottsville, Kingscliff and Tweed Heads, there is an urgency for similar treatment to Murwillumbah Fingal and Cabarita; and to complete Pottsville with a DCP.	D
Tourism Infrastructure		D

Reports from Director Development Services

Project	Progress/Comments	Priority
Tourism DCP		D
Quarry material		D

Reports from Director Development Services

11. ORIGIN: Development Assessment Unit

FILE REF: Questions Without Notice; Illegal land Clearing

REPORT TITLE:

Report on Incidents of Illegal Clearing in the Past 12 Months – Question without Notice - Cr Boyd

SUMMARY OF REPORT:

This report details the incidents of illegal clearing in the past 12 months and Council's resolutions in relation to each matter.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Development Services

REPORT:

At the Council meeting of 6 March 2002 Cr Boyd moved the following question without notice: -

“Could Council be provided with a report which deals with all of the recent examples of illegal clearing and the actions subsequently taken in each case”.

This report provides a summary of incidents of illegal clearing and Council resolutions in the past 12 months.

1. Clearing of vegetation at Lot 1 DP 1009372 Piggabeen Road, Tweed Heads West

A significant area of vegetation was cleared on the above property without approval. The matter was reported to the Council meeting of 1 August 2001 where Council resolved: -

“Council’s Solicitors be directed to proceed with appropriate legal action in relation to this breach”.

In accordance with this resolution legal action was commenced with a view of obtaining consent orders for a rehabilitation plan, bond and Council recovering costs.

The owner of the land met on a number of occasions with Council officers and Councillors to discuss this matter.

On 21 November Council resolved to put a stay of proceedings on the matter and a full report be brought forward to the next meeting.

The owner of the land submitted a rehabilitation plan, which primarily proposed natural regeneration of the site.

Council had incurred legal costs of \$6841.64 to this point and the report submitted to Council recommended that Council should pursue costs.

At the meeting of 5 December 2001 Council resolved: -

“That Council agrees to consent orders being modified to reflect the agreement reached with the respondent”.

No costs against the respondent were pursued.

2. Clearing of vegetation at Lot 5 DP 830660 and Lot 167 DP 755701 Ozone Street

On Friday 12 October 2001, Council officers inspected the above site and found that substantial clearing had occurred. The area cleared was just under 2 hectares and vegetation cleared consisted of mature native trees.

This incident of clearing was reported to Council on 21 November 2001 after substantial investigation. Council at this meeting deferred consideration of this matter.

On 6 February 2002 the matter was reconsidered and Council resolved: -

“That Council not proceed with appropriate legal action in relation to this breach under the Environmental Planning and Assessment Act, 1979 in respect to clearing undertaken on Lot 5 DP 830660 and Lot 167 DP 755701 Ozone Street, Chinderah”.

This motion was amended at the Council meeting of 20 February 2002 to read as follows:

Reports from Director Development Services

“Council not proceed with legal action in relation to this alleged breach under the Environmental Planning and Assessment Act, 1979 in respect to clearing undertaken on Lot 5 DP 830660 and Lot 167 DP 755701 Ozone Street, Chinderah”.

3. Clearing at Lot 156 DP 628026 Creek Street, Hastings Point

An inspection on 28 January 2002 of the above land took place following a complaint. It was evident at this inspection that a portion of the property had been cleared. Council had previously advised the owner of the need for development consent for clearing.

Council at this meeting resolved: -

“That this matter be deferred to allow Mr Scott Elliot from Walter Elliot Holdings Pty Ltd to address community access”.

The matter was reported back to the Council meeting of 20 February 2002 where Council resolved as follows: -

“That Council defers any decision in relation to this matter until Bolster and Co Solicitors have been give the opportunity to provide within 30 days a history of previous use of the property from the deceased estate”.

The matter was reconsidered on 3 April 2002 where it was resolved as follows: -

“That no legal proceedings be undertaken as subsequent photographs showing a history of land clearing back into the 1980’s by the previous owner of the land that showed that Walter Elliot Holdings Pty Ltd were not doing illegal clearing but maintenance of the property”.

4. Clearing of vegetation within Lot 500 DP 727420 (Crown Land) Casuarina Beach

Council officers investigated a complaint of clearing occurring on Lot 500 (Crown Reserve) Casuarina in late January. The inspection revealed the vegetation had been cleared within the subject Reserve in front of residential properties.

The matter was reported to the Council meeting of 20 February 2002 where Council resolved: -

“That in the absence of any clear evidence of who was responsible for unauthorised clearing of land on Lot 500 DP 727420 (Crown land) Casuarina, Council takes no further action”.

Reports from Director Development Services

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Reports from Director Corporate Services

12. ORIGIN: Administration Services Unit

FILE REF: Donation; Plant & Motor Vehicle - General; Telstra; DA3590/4 Pt1;
Telstra - Land Activity

REPORT TITLE:

Council Support for the Establishment of Mount Burrell Cultural Gardens & Bush Theatre

SUMMARY OF REPORT:

A request has been received from the Mount Burrell Cultural Gardens & Bush Theatre Group for Council's support for their project.

RECOMMENDATION:

That Council delegates to the General Manager to determine the level and kind of support for the Mount Burrell Cultural Gardens & Bush Theatre Group, to a maximum amount as determined by Council.

Reports from Director Corporate Services

REPORT:

Further to Council report on this matter (meeting of 20 March 2002 – copy attached), a meeting was held with the Public Officer, Mrs Michelle McCarthy who advised that funding has been granted from Regional Solutions, however, before final approval is granted, the support of Tweed Shire Council is required.

A copy of the latest letter from Mrs McCarthy follows for Council's information:

Reports from Director Corporate Services

MOUNT BURRELL

CULTURAL GARDENS & BUSH THEATRE

ABN: 88 077 958 648

390 Mt. Burrell Road
Mt. Burrell NSW 2484

Telephone/Fax: (02) 6679 7083
Mobile: 0408-891 133

28th May 2002

Dr John Griffin,
General Manager,
Tweed Shire Council,
P.O. Box 816
MURWILLUMBAH NSW 2484

C.C. Mr Brian Donaghy

Dear Dr Griffin,

RE: MT. BURRELL CULTURAL GARDENS

With regards to recent discussions with government officials, regional community groups and local businesses, it has been strongly suggested that I speak to you personally to discuss details of the above proposed development.

Our association has been overwhelmed by national and international encouragement to further this initiative which can be described as a cultural community centre, set amidst a native (biodynamic) botanic garden. For your information, I have attached information about the centre which will provide a basic presentation of the proposed development. Due to it's strong focus on the pressing environmental, cultural and social issues which are now demanding global attention and co-operation, this centre is attracting national and international interest daily. (Please see 'Attachment D'). Perusal of the attachments will verify that this development will implement programmes to address and alleviate many critical issues of local and national importance, (i.e. education, health, employment & economy). The aims and objectives of the centre focus upon pressing regional priorities such as rural & urban inequities, youth suicide, unemployment, cultural intolerance & environmental degradation [Please see 'Attachment B'].


In December 2000 a funding application was submitted to the Regional Solutions Programme which has resulted in numerous discussions with local, state and federal government officials during the past 18 months. A recent meeting with the Hon. Wilson Tuckey, Minister for Regional Services, Territories and Local Government, clarified that the value of the proposed project must be increased before the federal government will allocate funding for infrastructure. The Minister strongly suggested that an in-kind contribution from the Tweed Council would make a significant impact upon the final funding decision. Since speaking personally with the Minister, our funding application has reached the final stage of assessment after a comprehensive review process. After many months of long hours and negotiations, I am pleased to announce that the review committee have reached a favourable decision but, as indicated by Mr Tuckey, they have stipulated that funding will only be allocated once council support has been confirmed.

Therefore, on behalf of the committee, I would like to request in-kind support from the Tweed Council (e.g. use of machinery such as backhoe digger). I feel it is imperative to emphasise the importance of council's response to this request as the determination of funding now relies solely upon council's decision to contribute. I appeal to yourself and the councillors to consider this request favourably as the allocation of funding from Regional Solutions will not only bring in a large amount of incremental revenue to the Shire, but result in the development of an important facility that serves the Tweed community and acts as a role model for local, state and federal governments seeking to overcome both rural, cultural and environmental problems throughout regional Australia. The benefits of incremental revenue to this region should not be overlooked by council, as the funding amount to be received is above and beyond what other community developments in this area acquire.

In conclusion, a small contribution from the Tweed Council will significantly assist the development of an innovative regional community education centre and tourist icon which will practice pioneering techniques to promote environmental awareness, cultural reconciliation and encourage interest, research, development and new technologies concerning Australia's native vegetation. An affiliation between the Tweed Shire Council and the Mt. Burrell Cultural Gardens will result in great opportunities for residents of the Tweed Shire and provide a rewarding educational and cultural experience for all participants.

Should you have any queries, I may be contacted on the above listed numbers. On behalf of the committee, I would like to thank you for considering this request for support.

Yours sincerely,


Michelle McCarthy
Public Officer

... 'Tell me and I will forget' ... 'Show me and I might remember' ... 'Involve me and I will understand' ...

Reports from Director Corporate Services

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Reports from Director Corporate Services

- 13. ORIGIN:** Administration Services Unit
FILE REF: DW671039, Coat of Arms, Media - Other

REPORT TITLE:

Use of Council's Logo

SUMMARY OF REPORT:

Council has been approached with a request from the General Manager of the Tweed Newspaper Company to use Council's logo with "Valley of Contrasts" on the masthead of the Daily News.

A number of organisations and businesses throughout the Shire use the logo without the words Tweed Shire Council underneath. The same would apply to the Daily News.

The use of this corporate logo is being widely recognised as meaning "The Tweed."

RECOMMENDATION:

That the Mayor's actions in authorising the Tweed Newspaper Company to use the logo artwork and the words "Valley of Contrasts" on the masthead of the Daily News be ratified.

Reports from Director Corporate Services

REPORT:

Council has been approached with a request from the General Manager of the Tweed Newspaper Company to use Council's logo with "Valley of Contrasts" on the masthead of the Daily News, refer below:

The Tweed Newspaper Company Pty Ltd

PO Box 6336 Tweed Heads South NSW 2486 A.C.N 000 006 431
ABN 69000006431

May 2, 2002

Dr. John Griffen
General Manager
Tweed Shire Council
PO Box 816
Murwillumbah
NSW 2484

COAT OF ARMS

TWEED SHIRE COUNCIL
FILE No MEDIA-OTHER
DOCUMENT No [] [] [] [] [] []
RECD - 3 MAY 2002
BOX No [] [] [] []
ASSIGNED TO GRIFFEN
HARD COPY <input type="checkbox"/> IMAGE <input checked="" type="checkbox"/>

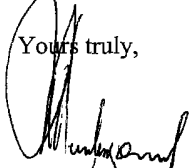
Dear Sir,

I am considering making changes to the masthead of the Daily News. The aim is to improve our links with the local community by inserting the word "Tweed" into the Daily News and displaying the 'Valley of Contrasts' logo to the left. A copy is attached.

Would you please give consideration to granting permission for use of the logo. All other promotional material for the paper such as banners, tents, etc would also therefore carry the artwork.

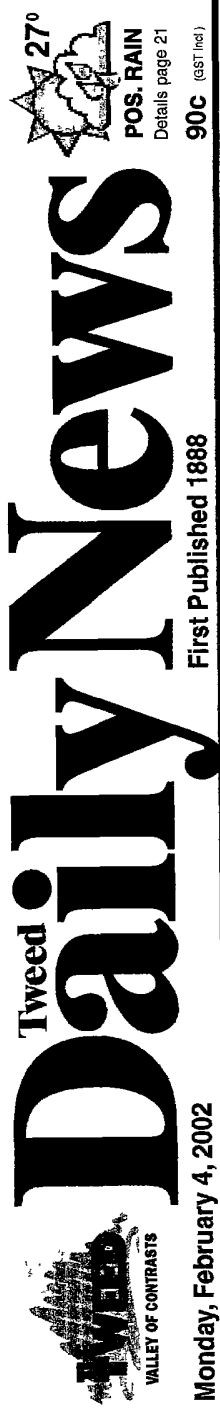
I look forward to your reply.

Yours truly,



Rod Habgood
General Manager
Tweed Newspaper Company

Reports from Director Corporate Services



It is recommended that the Mayor's actions in authorising the Tweed Newspaper Company to use the logo and artwork and the words "Valley of Contrasts" on the masthead of the Daily News be ratified.

Reports from Director Corporate Services

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Reports from Director Corporate Services

14. ORIGIN: Director

FILE REF: Industrial Development - General; Visits by Dignitaries

REPORT TITLE:

Australia International Trade Association (AITA) 30th Anniversary Sino-Australian Exchange Program

SUMMARY OF REPORT:

Council has received advice from the Australia International Trade Association (AITA) regarding the 30th Anniversary Sino-Australian Exchange Program to be held in Sydney in late September early October 2002.

Council has been invited to participate in the Program. The invitation provides the opportunity to address the participants and outlines the features of the Tweed with regard to trade, education and tourism.

RECOMMENDATION:

That the Mayor be authorised to attend the 30th Anniversary Sino-Australian Exchange program to be held in Sydney later this year.

Reports from Director Corporate Services

REPORT:

Council has received advice from the Australia International Trade Association (AITA) regarding the 30th Anniversary Sino-Australian Exchange Program to be held in Sydney in late September early October 2002.

Council has been invited to participate in the Program (refer below). The invitation provides the opportunity to address the participants and outlines the features of the Tweed with regard to trade, education and tourism.



30th Anniversary Sino-Australian Exchange Program

Australia
International
Trade Association

Sydney office:
Head Office:

TEL: +61 2
9269 0588
9269 0180
FAX: +61 2
92610693

Labor Party Building

Suite 5 Level 1, 377
Sussex ST, Sydney 2000
N.S.W.
Australia

EMAIL:
aitaoffice@aita.com.au

Thirty years ago Cultural, Educational and Trade Exchanges were commenced with China by the Federal Government of Australia.

The Right Honourable Gough Whitlam, Prime Minister of Australia at that time, was instrumental in gaining support and commencing negotiations between China and Australia and opening the door to what is now a strong and ever growing relationship between the two countries.

We at the Australian International Trade Association (AITA) wish to celebrate the 30th Anniversary of that relationship by hosting a Festival in Australia around the end of September early October 2002.

The AITA is currently working with many agencies and organisations within China to promote Australian trade, education and culture. I have attached a list of some of the organisations that we currently have agreements with throughout China.

There will be a large number of delegates brought to Australia by our Association from numerous backgrounds and we are now seeking your participation to ensure that the event is a great success. Our council membership is spread from the Gulf Savannah region in Northern QLD to City of Perth in WA. We also have arrangements with a number of Educational Institutions and varied associations around Australia

It is envisaged that each council, who nominate, will be able to provide a representative to address the participants and explain the great opportunities that are available in your Council region, whether they be Trade orientated or focused on Education or Tourism.

Reports from Director Corporate Services



Australia International Trade Association

Sydney office:
Head Office:

TEL: +61 2
9269 0588
9269 0180
FAX: +61 2
92610693

Labor Party Building

Suite 5 Level 1, 377
Sussex ST, Sydney 2000
N.S.W.
Australia

EMAIL:
aitaoffice@aita.com.au

This is a great chance for your council to present its best features to a diversified group as well as other Councils from around Australia. You may bring, and set up, any relevant promotional material and there will be plenty of translators available to assist with questions etc. from the delegates when required.

There will be no cost or charges for participating. If you decide to send a representative to the event costs incurred will have to be covered by council. We will help with any arrangements that will assist you and keep your costs to a minimum.

Or alternatively, if your council is unable to send a representative, you may forward promotional documentation and we will set up a display for you and do our best to present your region to the visitors. Once we have received all the nominations from councils and associations we will work out dates and venues and send out a more detailed schedule for final consideration.

At this time we are just ascertaining numbers and any additional ideas that our members may have regarding presentations, functions etc during the Festival period. This is an important period for Australia to gain even more momentum and further establish itself in the lucrative Chinese marketplace.

If Educational Institutions in your region would like to promote their products at the Festival they may also notify the AITA of their wish to attend and we will discuss the arrangements etc with them. We are able to help arrange travel and accommodation for all our members, via our associated travel agency and will do our best to keep associated costs for participants as low as possible.

You do not need to be a member of the Association to participate. We are here to promote all of Australia not just a few selected areas.

If you would like to know more or wish to notify your intention to participate, please contact our Public Relations Officer on 02 92690588. Alternatively, you may contact our office by email or by fax on 02 92836711. Or visit our Website www.aita.com.au.

Regards

Steven Moon
Manager
AITA Sydney

The attendance of the Mayor and General Manager, or his delegate, provides Council with the opportunity to market, with the assistance of the Tweed Economic Development Corporation (TEDC) and Tweed and Coolangatta Tourism Inc. (TACTIC), business opportunities in the Tweed.

Reports from Director Corporate Services

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Reports from Director Corporate Services

15. ORIGIN: General Manager
FILE REF: Showground; Museums

REPORT TITLE:

Tweed River Agricultural Society Ltd

SUMMARY OF REPORT:

Mr Bob Robertson, President of the Tweed River Agricultural Society Ltd and Mr Ian Ross, Secretary, have met with the General Manager to advise on the current status of the Museum Building Project at the Showground and to seek further financial assistance from Council for the Society.

RECOMMENDATION:

That Council:-

1. Advises the Tweed River Agricultural Society Ltd that it will defer the repayment of the \$40,000 loan until November 2004.
2. Requires the General Manager to submit proposals to Council that would provide \$25,000 by deleting, deferring or altering projects within the proposed 2002/2003 Budget.

Reports from Director Corporate Services

REPORT:

Mr Bob Robertson, incoming President of the Agricultural Show Society and Ian Ross, Secretary, have met with the General Manager to advise progress of the program associated with the Museum Building at the Murwillumbah Showground and to put forward proposals for assistance sought from Tweed Shire Council.

Council has provided \$20K direct grant and a \$40K repayable loan (repaid at \$6,000 per annum).

The requirement to install a disabled lift in the facility is presenting a financial challenge (estimated at \$60,000).

Messrs Robertson and Ross have requested that the \$6,000 payment made for 2001 be returned and other repayments delayed until the Society is in receipt of the Certificate of Occupancy (expected November 2003).

The General Manager proposed that the Year 2001 payment not be returned but future payments be delayed for a three year period (to November 2004). This, it was indicated, would be a suitable alternative to the Society's request.

Mr Robertson advises that sponsorship is being sought to allow the Annual Show to operate with free admission, however such will not be in place for the Year 2002 Annual Show. He is seeking a one-off grant from Council for \$25,000 to allow the Show to operate with free admission.

With the current budget formulation there would need to be a corresponding decrease in a project (or projects) to allow \$25,000 to be provided.

Reports from Director Corporate Services

16. ORIGIN: Director

FILE REF: DW676259; Tourist Information Centre - Murwillumbah; NPWS; Agreements

REPORT TITLE:

World Heritage Rainforest Centre - Memorandum of Understanding

SUMMARY OF REPORT:

A Memorandum of Understanding (MOU) between the National Parks & Wildlife Services (NPWS) and Tweed and Coolangatta Tourism Inc. (TACTIC) designed to define the responsibility and the working relationship between both parties in the operation of the World Heritage Rainforest Centre whilst previously unsigned has now been renegotiated.

Council forms part of the agreement and is required to sign the MOU.

RECOMMENDATION:

That the General Manager be authorised to sign the Memorandum of Understanding (MOU) between the National Parks & Wildlife Services (NPWS), Tweed and Coolangatta Tourism Inc. (TACTIC) and Tweed Shire Council relating to the operation of the Murwillumbah World Heritage Rainforest Centre.

Reports from Director Corporate Services

REPORT:

Following the redevelopment of the World Heritage Rainforest Centre, an attempt was made to prepare a Memorandum of Understanding (MOU) between the National Parks & Wildlife Services (NPWS) and Tweed and Coolangatta Tourism Inc. (TACTIC) to define the working relationship between the tenant TACTIC and sub-tenant NPWS.

The agreement was not signed and over the past three (3) months negotiations have concluded with the preparation of a draft MOU between the National Parks & Wildlife Services (NPWS), Tweed and Coolangatta Tourism Inc. (TACTIC) and Tweed Shire Council.

A copy of the agreement is attached.

It is recommended that Council authorise the General Manager to sign the agreement on behalf of Council.

Reports from Director Corporate Services

17. ORIGIN: Administration Services Unit

FILE REF: Councillors - Fees

REPORT TITLE:

Mayor and Councillors Annual Remuneration 2002/2003

SUMMARY OF REPORT:

The Local Government Remuneration Tribunal has handed down its report and determination on the fees paid to Councillors and Mayors for the period 2002/2003.

RECOMMENDATION:

That Council determines:-

1. The annual fee for the Mayor for the period 1 July 2002 to 30 June 2003.
2. The annual fee for Councillors for the period 1 July 2002 to 30 June 2003.

Reports from Director Corporate Services

REPORT:

The determination of the Local Government Remuneration Tribunal has been received. The Tribunal has awarded an increase in Councillor fees and reassessed some Councils. The adjustment was to recognise the increased responsibilities placed upon Mayors and Councillors in the time period since an increase in fees was last granted.

The Tribunal increased all minimum and maximum fees by 3% for Councillors and Mayor. It is interesting to note that in the Tribunal report it stated that it intends to examine more closely the regional developments of Category 3 Councils. The Tribunal will be seeking information from those Councils on developments since the last major review in 1995.

Tweed Shire Council remains in Category 3 and the annual fees are as follows:

Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
\$5,510.00	\$12,125.00	\$11,330.00	\$25,605.00

* This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249 (2)).

The current fee being paid to Councillors is \$11,770.00 and the Mayor \$36,630.00.

Council is to determine and fix the annual fee in accord with Section 248 and 249 of the Act, application on and from 1 July 2002.

Reports from Director Corporate Services

18. ORIGIN: Director

FILE REF: TACTIC

REPORT TITLE:

Tweed and Coolangatta Tourism Inc. (TACTIC) Monthly Performance Report - April 2002

SUMMARY OF REPORT:

Tweed and Coolangatta Tourism Inc (TACTIC) monthly performance report for April 2002 is provided in accord with the Agreement in criteria in Clause 5.1.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

The agreement between Council and TACTIC requires the organisation to report on a monthly basis its performance in accord with a number of specific requirements as detailed in Clause 5.1. The details are provided for the month of April 2002.

5.1.1 The number and category of financial members of TACTIC:

	February 2002	March 2002	April 2002
Corporate Members	3 (including 10 businesses)	3 (including 10 businesses)	3 (including 10 businesses)
TACTIC Members	137	139	141
Service Members	19	19	19
Total	159	161	163

5.1.2 The visitor numbers to the World Heritage Rainforest Centre and the Tweed Heads Tourism Centre:

	February 2002	March 2002	April 2002
World Heritage Rainforest Centre	1752 (including 132 from bus groups)	2225 (including 322 from bus groups)	2486 (including 172 from bus groups)
Tweed Heads Visitors Centre	714	739	785
Total	2466	2964	3271

The two centres undertake a survey on the type of enquiries received:

World Heritage Rainforest Centre Tweed Heads Tourist Information Centre

Type of Enquiry	No of Enquiries	%	Variance from 2001	Type of Enquiry	No of Enquiries	%	Variance from 2001
Tourism	681	59	+10.41	Tourism	323	65	+39.82
National Parks	230	20	+244	National Parks	26	5	+1100
Street Directions	120	10	+23.3	Street Directions	51	11	+920
Bus Timetables	8	1	-33.3	Bus Timetables	26	5	+160
Other	113	10	+39.5	Other	71	14	+7.5

5.1.3 The provision by TACTIC to Council of updates on current programs conducted by TACTIC:

Internet Site

- The webmaster, Jenny Hungerford, is reviewing the search engines and 'visibility' of the site as well as performing weekly updates and system checks.
- Ongoing liaison with Tweed Shire Council and Town Centres Program is proving very successful for the awareness and education of local operators and event organisers.

Reports from Director Corporate Services

- Inclusion of the website in all marketing material is ongoing and a strong focus for strategic marketing.

Review of operations of the tourist Information Centre

Staff and Volunteers

- An advertisement was placed in the local and regional papers for a Tourism Executive Officer/General Manager. Two applicants were interviewed for the position. Based on selection criteria one candidate was particularly strong in their understanding of and practical experience in Tourism Businesses. The position was offered to the successful applicant, Mr Terry Watson, with a contract to be negotiated and an immediate start.
- Overnight 24 hour experiences are being coordinated for all staff and volunteers at Binna Burra Lodge.
- Volunteers are assisting in an end of year assets review.
- Clean up of the WHRC gardens and guttering is organised for early May.
- TACTIC is assisting in the launch of TATSE THE TWEED food group by hosting a testing of local produce at the WRHC on Friday, 17 May to be officially opened by Hon. Larry Anthony MP.

Strategic Marketing Plan

- Strategic Plan Consultant, Terry Watson has begun interviewing Board of Directors and staff and will be providing an update to the Board at the next meeting. A survey and possibly a workshop will be held for members over the next few weeks.

Networking

- The next Network Night to be held at Kingscliff TAFE has been postponed until Wednesday 15 May where Consultant, Terry Watson, will discuss the strategic plan.

Group Bookings

- TACTIC is currently developing accommodation booking sheets for the Speed on Tweed festival for September 2002 utilising the TACTIC 1800 number.

5.1.4 The comparison between quarterly profit and loss statement and the budget:

See attached Profit and Loss Statement, Balance Sheet, Accounts Receivable and A/P Ageing Summary for April 2002.

5.1.5 The provision by TACTIC to Council of a monthly bank reconciliation:

See attached reconciliation statement for the General Account for April 2002.

5.1.6 The level of involvement by TACTIC in Australian Tourism Exhibition Trade Shows:

TACTIC will be represented at a cooperative Northern Rivers Regional Stand at both ATE and the Sydney on Show expo for the meetings and incentive market. TACTIC will be

Reports from Director Corporate Services

represented at the Domestic Tourism Exhibition (DTE) in July at Conrad Jupiters. Involvement at the Toowoomba Home Show was not proving financially viable.

5.1.7 The provision by TACTIC to Council of details of promotional activities conducted by TACTIC (further to 5.1.3):

TACTIC Marketing Committee

- The next Marketing Committee meeting will be held mid May.

Shopping Centre Promotions

- The next shopping centre promotion is at Grafton on 23 & 24 May prior to Wintersun Carnival and the Jetsprint Boat Races.

Advertising

- A series of advertisements and editorials have been booked with the Freedom Air Inflight Magazine "A Touch of Freedom" commencing May 2002. Negotiations are underway to establish a number of cooperative marketing opportunities for members through Freedom Air.

Domestic Marketing

- Bus and Coach Mailout has been distributed to over 500 organisations and social groups within a four hour radius. Some operators have asked for additional copies and more are kept on hand to give to new groups as they become known to us.

Familiarisations

- A famil is being coordinated with Northern Rivers Tourism for a journalist from NRMA Open Road Magazine for the July/August edition.

5.1.8 The amount of retails sales:

Quarterly and Year to Date Sales Figures *

WHRC & THVC	Total Profit Retail	Tours Comm.	Accomm Comm.	Total Sales Income	Variance from 2001	%	No. of Bookings
Feb	1682.00	165.20	352.20	2199.40	1571.83	+39	22
March	1313.00	175.60	615.57	2104.17	2727.69	-29	39
April	1004.26	138.60	487.55	1630.41	2264.51	-28	36
Total	3999.26	479.40	1455.32	5933.98			
YTD	12125.66	12878.50		23648.58	21134.06	+10.6	

*All figures are in dollars

Reports from Director Corporate Services

5.1.9 The number and value of the booking system growth:

	February 2002	March 2002	April 2002
Number	22	39	36
Total	\$2,199.00	\$2,104.17	\$1,630.41

5.1.10 Minutes of Tweed and Coolangatta Tourism Incorporated:

Please find attached the minutes of the TACTIC Board meeting held on Friday, 1 May 2002.

Reports from Director Corporate Services

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Reports from Director Engineering Services

19. ORIGIN: Design Unit

FILE REF: DA2970/2490 Pt1; Kyogle Rd; Tweed Link; 2970.2490

REPORT TITLE:

Application for Public Gate Across Road Reserve - Kyogle Road Terragon

SUMMARY OF REPORT:

At a meeting held on 3 April, 2002 an application for a public gate across a road reserve on Kyogle Road, Terragon was tendered to Council. The following was resolved by Council:-

“That Council advertises in the Tweed Link, the proposal for a public gate across the road reserve on Kyogle Road, inviting written submissions for a period of 28 days from the date of the advertisement.”

An advertisement was published on 16 April, 2002 in Issue 264 of The Tweed Link.

The submission period has now expired with no written submissions having been received.

RECOMMENDATION:

That Council approves the issue of a public gate permit across a road reserve on Kyogle Road, Terragon conditional upon the applicants painting the gate white and the words “Public Gate” be placed across it and the gate to remain unlocked at all times.

Reports from Director Engineering Services

REPORT:

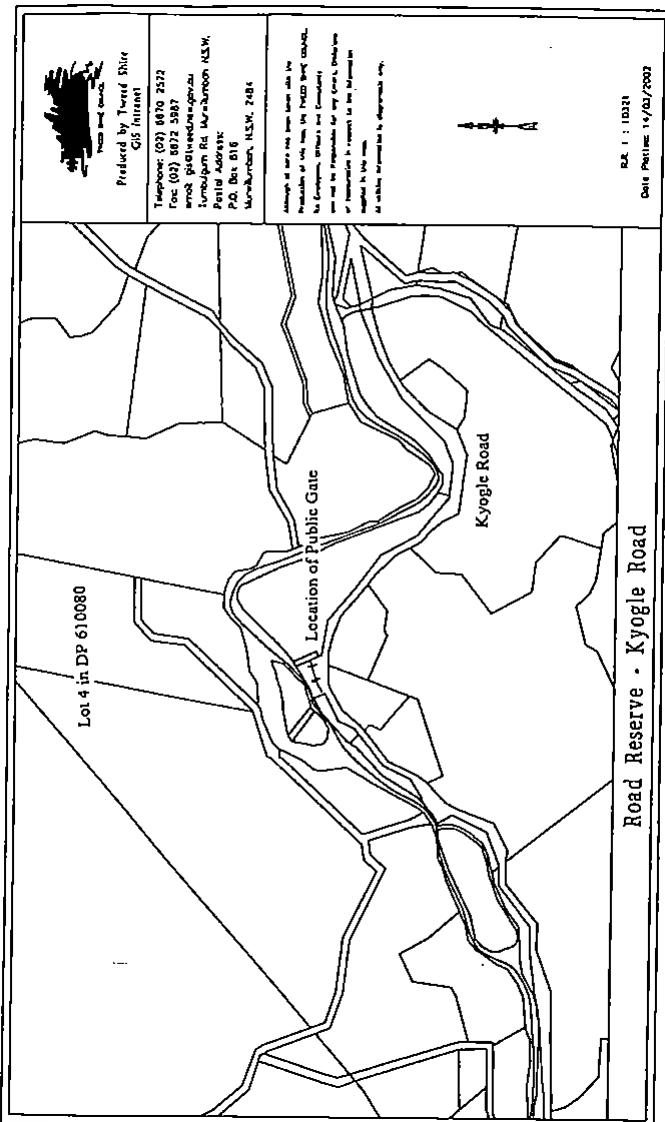
At a meeting held on 3 April, 2002 an application for a public gate across a road reserve on Kyogle Road, Terragon was tendered to Council. The following was resolved by Council:-

“That Council advertises in the Tweed Link, the proposal for a public gate across the road reserve on Kyogle Road, inviting written submissions for a period of 28 days from the date of the advertisement.”

An advertisement was published on 16 April, 2002 in Issue 264 of The Tweed Link.

The submission period has now expired with no written submissions having been received.

A plan showing the location of the public gate follows:-



Reports from Director Engineering Services

20. ORIGIN: Design Unit

FILE REF: R1071; Pt1; Caravan Parks - Tweed Heritage; Chinderah Bay Rd;
Ozone St

REPORT TITLE:

Proposed Closure & Purchase of Part of Road Reserve - Part of Ozone Street and Chinderah Bay Drive, Chinderah

SUMMARY OF REPORT:

An application has been received from Chris Lonergan and Associates on behalf of Tweed Heritage Caravan Park to close and purchase part of the road reserve forming the corner of Ozone Street and Chinderah Bay Drive, Chinderah.

The site is currently utilised by the caravan park as access to the park and has been maintained and landscaped by the park.

The proposed closure will not affect the width of either Ozone Street or Chinderah Bar Drive. However, the area sought to be purchased currently provides open space alongside Chinderah Bay Drive, opposite foreshore areas. A proposed plan of "The Esplanade" identifies the subject parcel as a potential "Informal Recreation Area" providing "*.....an area with BBQ and picnic facilities tucked within the existing vegetation....*" and noting that "*..Minor revegetation works may occur to enhance sense (sic) of naturalness.*"

Council would not derive any benefit from the closure as the subject road reserve forms part of an unformed public road and under section 38(2) of the Roads Act, 1993 compensation is payable to the Crown.

RECOMMENDATION:

That Council does not approve the proposed closure and purchase of the unformed Public Road – part of Ozone Street and Chinderah Bay Drive, Chinderah.

Reports from Director Engineering Services

REPORT:

An application has been received from Chris Lonergan and Associates on behalf of the Tweed Heritage Caravan Park to close and purchase part of the road reserve which forms the corner of Ozone Street and Chinderah Bay Drive, Chinderah.

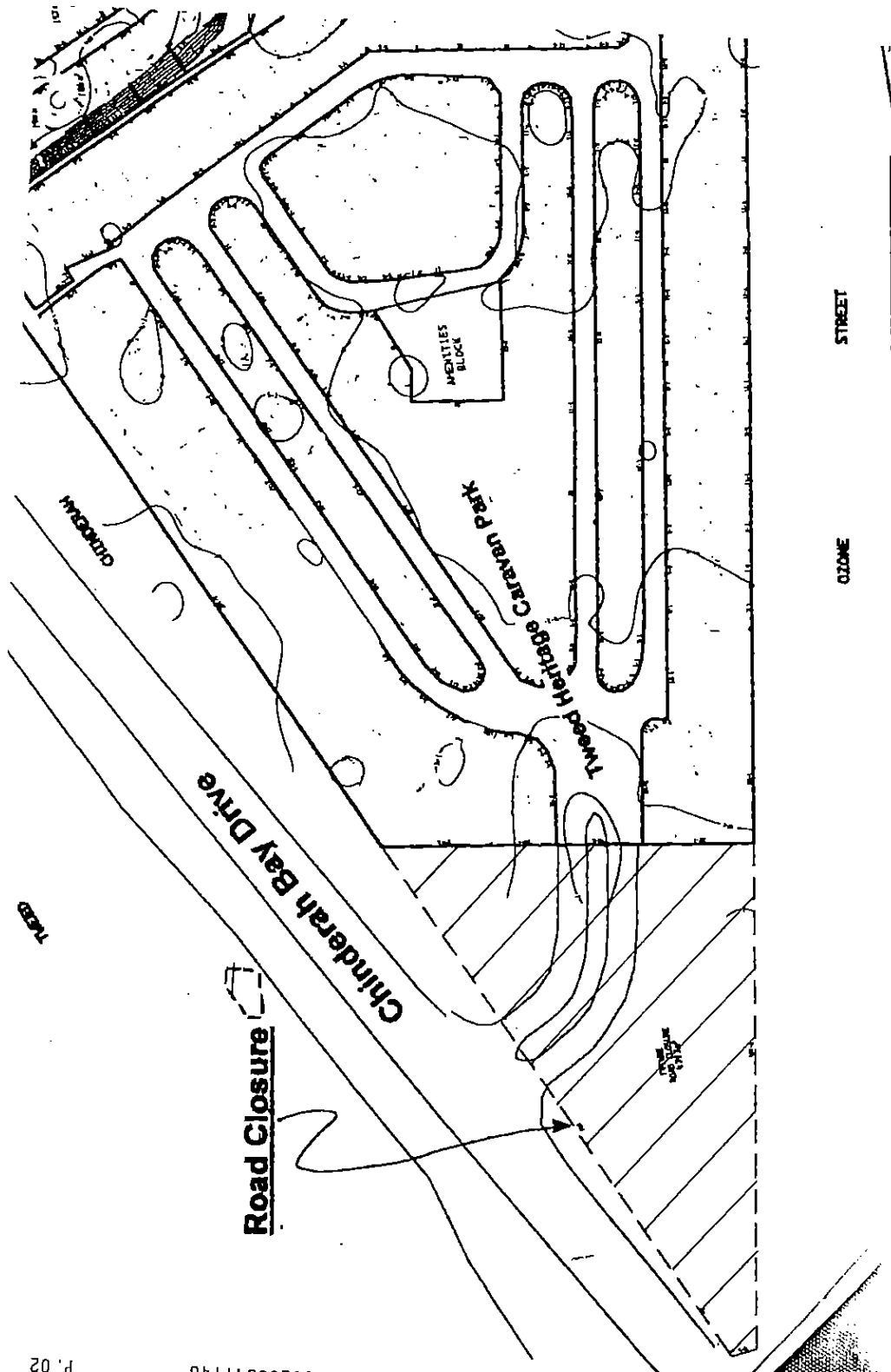
The site is currently utilised by the caravan park as access to the park and has been maintained and landscaped by the park.

The proposed closure will not affect the width of either Ozone Street or Chinderah Bar Drive. However, the area sought to be purchased currently provides open space alongside Chinderah Bay Drive, opposite foreshore areas of the Tweed River. A proposed plan of "The Esplanade" identifies the subject parcel as a potential "Informal Recreation Area" providing "*.....an area with BBQ and picnic facilities tucked within the existing vegetation....*" and noting that "*..Minor revegetation works may occur to enhance sense (sic) of naturalness.*"

Council would not derive any financial benefit from the closure as the subject road reserve forms part of an unformed public road. Section 38(2) of the Roads Act, 1993 provides that any compensation, with regard to an unformed public road, is payable to the Crown.

A plan of the subject parcel and its location follows:-

Reports from Director Engineering Services



Reports from Director Engineering Services

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Reports from Director Engineering Services

21. ORIGIN: Design Unit

FILE REF: R4060; Land - Acquisitions; Easements; Palm Ave; Pandanus Parade

REPORT TITLE:

Acquisition of Easements for Drainage within Crown Reserve 1001008, Palm Avenue and Pandanus Parade Cabarita Beach

SUMMARY OF REPORT:

At a meeting held on 12 April, 2000 it was resolved that:-

- “1. The Tweed Coast Reserve Trust approves the acquisition of an easement for drainage 3.2 wide within Crown Reserve 1001008, for augmentation of the stormwater drainage system at Palm Avenue, Cabarita Beach;*
- 2. All necessary documentation be executed under the Common Seal of Council.”*

It has subsequently been considered necessary to acquire another easement to address the drainage problems at Pandanus Parade. A plan delineating both easements has been registered as DP1040813.

Both easements cover existing pipes within the Reserve.

It is now necessary to seek Council's consent to the acquisition on both of the easements to formalise Council's rights to use, repair and maintain the drainage works within the Easements created in DP 1040813.

RECOMMENDATION:

That:-

1. Council approves the acquisition of an Easement to Drain Water 3 wide and an Easement to Drain Water 5 wide within Crown Reserve 1001008, for augmentation of the stormwater drainage system at Palm Avenue and Pandanus Parade, Cabarita Beach under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 and the Local Government Act, 1993 for drainage purposes;
2. All necessary documentation be executed under the Common Seal of Council.

Reports from Director Engineering Services

REPORT:

At a meeting held on 12 April, 2000 it was resolved that:-

- “1. *The Tweed Coast Reserve Trust approves the acquisition of an easement for drainage 3.2 wide within Crown Reserve 1001008, for augmentation of the stormwater drainage system at Palm Avenue, Cabarita Beach;*
2. *All necessary documentation be executed under the Common Seal of Council.*”

It has subsequently been considered necessary to acquire another easement to address the drainage problems at Pandanus Parade. A plan delineating both easements has been registered as DP1040813.

Both easements cover existing pipes within the Reserve.

It is now necessary to seek the Reserve Trust’s consent to the acquisition on both of the easements to formalise Council’s rights to use, repair and maintain the drainage works within the Easements created in DP 1040813.

The Department of Land & Water Conservation has granted its approval to the acquisition of the easements within Crown Land Reserve 1001008, compensation will be payable to the State of NSW and to the Trust.

A copy of DP 1040813 follows showing the original easement approved as “V” and the subsequent easement marked as “W”:-

Reports from Director Engineering Services

DP1040813

TWEED CABARITA BEACH CUDGEN ROUS

PLAN OF PROPOSED ACQUISITION OF EASEMENT TO DRAIN WATER 3' WIDE & EASEMENT TO DRAIN WATER 5' WIDE

THE SHYAM CROWN LAND EASEMENT

Lot 104 X 5460-4

Level 104

Length: 104 m to 104 m. Production Date: 11/02/02

PLAN OF PROPOSED ACQUISITION OF EASEMENT TO DRAIN WATER 3' WIDE & EASEMENT TO DRAIN WATER 5' WIDE

THE SHYAM CROWN LAND EASEMENT

Lot 104 X 5460-4

Level 104

Length: 104 m to 104 m. Production Date: 11/02/02

COMPARISONS

1) PHCB FD'C - PHCB FD'D
173°05'35" ME 261-53
163°52'16" ME 261-485 DP 31209

2) COR REFIXED "D" - DH AT COR FD'E
19°39'30" ME 74-94
10°25'55" ME 74-94 DP 31209 & DP 29748

DIAGRAM "A"
REDUCTION RATIO 1:500

DIAGRAM "B"
REDUCTION RATIO 1:500

DIAGRAM "A"
REDUCTION RATIO 1:500

DIAGRAM "B"
REDUCTION RATIO 1:500

FOUR	H G A CO-ORDINATES	R L H CLASS	V CLASS	C S F
PH 41442	555174-431 6866240-855	9-597	B	0-999637
PH 41476	5551685-150 6866051-814	2-182	B	0-999638
PH 42046	5551985-925 6865998-200	5-018	B	0-999638
SSP 1581	5551717-383 6866047-441	B-451	C	0-999637

SOURCE: SCIMS 11-07-2001

PLAN FORM 2

SIGNATURE AND SCALE ONLY

Green Land Director Approval

Surveyor's Declaration

Shedule Certificate

Warning: CHANGING OR FOLLOWING WILL LEAD TO REFLECTION

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22. ORIGIN: Water Unit

FILE REF: Tweed River Management Plan; Conferences; Tweed River Committee

REPORT TITLE:

Riversymposium 2002, Brisbane

SUMMARY OF REPORT:

The 2002 *Riversymposium*, the conference associated with the Brisbane City *Riverfestival*, will be held 3-6 September 2002. Last year, Council's Tweed River Management Plan Advisory Committee (now Tweed River Committee) was recognised at the *Riverprize* 2001 Ceremony as one of four finalists in the National *Riverprize*. It was determined that a nomination would be made for the 2003 *Riverprize*.

Tweed Shire will be involved this year with a pre-conference excursion, the "Border Rivers Tour" to be held predominantly in the Tweed Valley.

RECOMMENDATION:

That:-

1. The Chair of the Tweed River Committee and Tweed Coastal Committee attend the Conference and
2. Council determines other Councillor attendance at the Conference.

Reports from Director Engineering Services

REPORT:

The 2002 *Riversymposium*, the conference associated with the Brisbane City *Riverfestival*, will be held 3-6 September 2002. Last year, Council's Tweed River Management Plan Advisory Committee (now Tweed River Committee) was recognised at the *Riverprize* 2001 Ceremony as one of four finalists in the National *Riverprize*. Council was presented with a trophy but unfortunately was not the winner of the \$25,000 *Riverprize*. It was determined that a nomination would be made for the 2003 *Riverprize*.

Tweed Shire will be involved this year with a pre-conference excursion, the "Border Rivers Tour" to be held predominantly in the Tweed Valley.

The *Riversymposium* is considered to be a premier international conference dealing with river management issues with a very high quality of presentations. Case studies featured this year include the Aral Sea Uzbekistan, Derwent River Tasmania, Mississippi River USA and Ord River Western Australia.

Reports from Director Engineering Services

23. ORIGIN: Works Unit

FILE REF: Pacific Hwy - Down Centre; Coast Rd - Down Centre; Advertising - Directory/Tourism Signs; Street - Naming

REPORT TITLE:

Tourist Route No. 38 Coastal Villages

SUMMARY OF REPORT:

Council has recently applied to have the Old Pacific Highway designated as a State Tourist Route which will include the recently adopted name of "Tweed Valley Way". The application has been approved and given the Tourist Route No. of TR40. This signage will be included in the Yelgun to Chinderah Motorway Signage Scheme. Council has an approved Tourist Route taking in the coastal villages which has been in existence for some time and is known as TR38 but is unnamed. The Roads and Traffic Authority and Tourism NSW have suggested that for consistency that this Tourist Route be named "Tweed Coast Way" which will reflect the "Tweed Valley Way".

The Roads and Traffic Authority is seeking an urgent decision on this matter so that the name can be incorporated into the Yelgun to Chinderah Sign Posting Scheme.

RECOMMENDATION:

That Council adopts the name of Tweed Coast Way for Tourist Route 38.

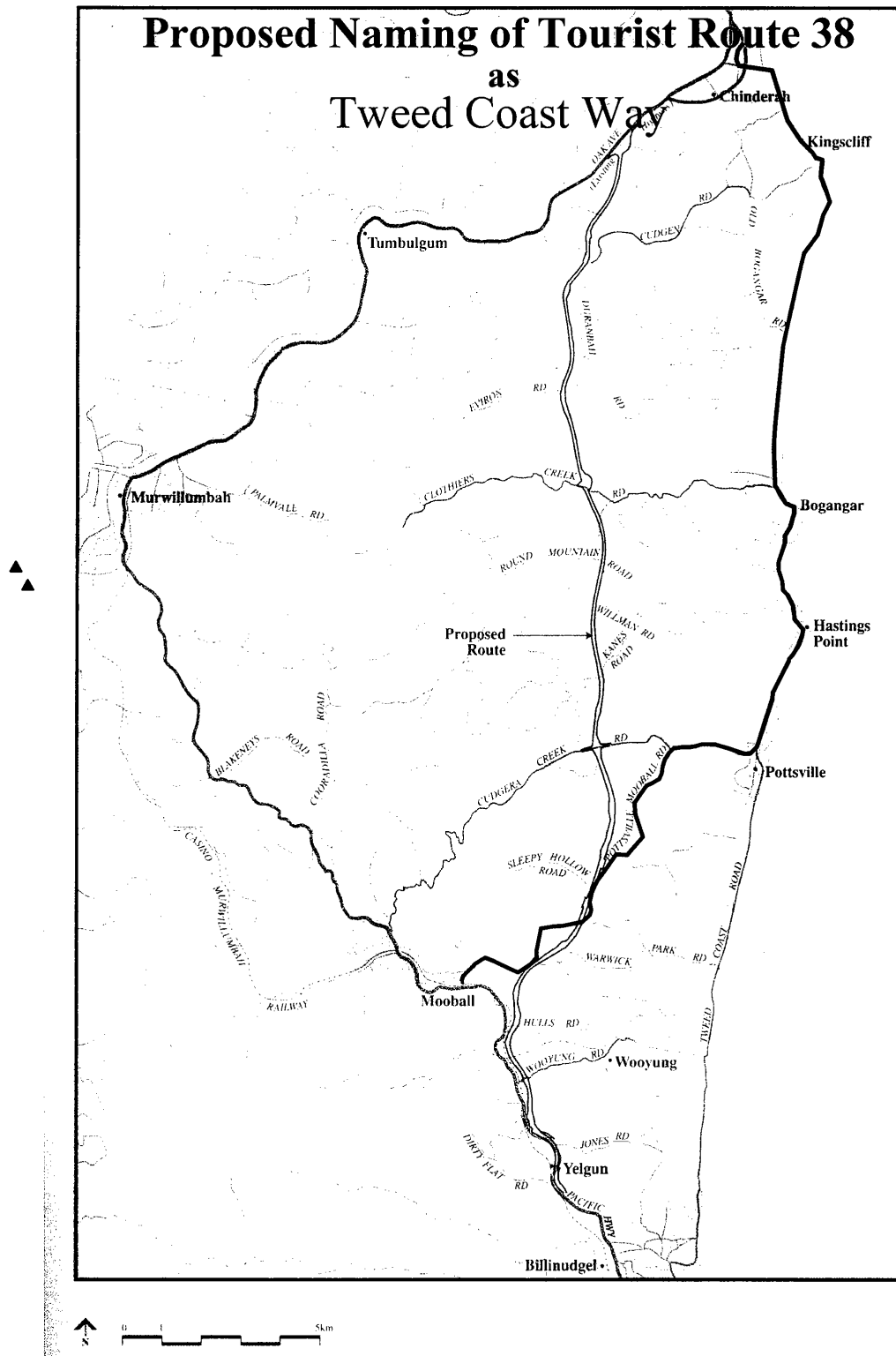
Reports from Director Engineering Services

REPORT:

Council has recently applied to have the Old Pacific Highway designated as a State Tourist Route which will include the recently adopted name of "Tweed Valley Way". The application has been approved and given the Tourist Route No. of TR40. This signage will be included in the Yelgun to Chinderah Motorway Signage Scheme. Council has an approved Tourist Route taking in the coastal villages which has been in existence for some time and is known as TR38 but is unnamed. The Roads and Traffic Authority and Tourism NSW have suggested that for consistency that this Tourist Route be named "Tweed Coast Way" which will reflect the "Tweed Valley Way".

The current Tourist Route 38 commences at Mooball along the Mooball / Pottsville Road to Pottsville then along the Old coast Road to Kingscliff travelling along Sutherland Street, Seaview Street, Marine Parade, Wommin Bay Road to Chinderah Bay Drive which was the Old Pacific Highway. Part of this process would be to make appropriate amendments to the Tourist Route to reflect the current road network. The Tourist Route 38 is shown below:-

Reports from Director Engineering Services



The only change to Tourist Route 38 would be that it will follow Casuarina Way along the coast into Kingscliff and at the Chinderah end will follow Chinderah Bay Drive back on to the Chinderah Interchange.

Reports from Director Engineering Services

It is considered that naming Tourist Routes gives the routes greater significance and is more attractive to tourists and in this instance integrates well with the Tweed Valley Way. By incorporating 'Tweed' in the name of both Tourist Routes identifies these routes as belonging to the Tweed area, which will be beneficial in any future marketing that incorporates tourist drives.

The Roads & Traffic Authority is seeking an urgent decision on this matter so that the name can be incorporated into the Yelgun to Chinderah Sign Posting Scheme.

It is therefore recommended that Council adopts the proposed name of Tweed Coast Way.

Reports from Director Engineering Services

24. ORIGIN: Infrastructure & Planning Unit
FILE REF: GT1/DCP/16 Pt1; DCP; Subdivision Policy

REPORT TITLE:

Interim Site Regrading Policy for Subdivisions

SUMMARY OF REPORT:

It is proposed to adopt *Development Design Specification D6 – Site Regrading* as an interim policy for guidance of large scale earthworks, geotechnical (landslip) risk and retaining walls on subdivisions. This is an interim measure pending the adoption of an amended DCP No.16 – Subdivision Manual.

RECOMMENDATION:

That Council, adopts *Development Design Specification D6 – Site Regrading* as an interim policy for subdivision site earthworks, retaining walls and geotechnical risk assessment.

Reports from Director Engineering Services

REPORT:

1. CURRENT TRENDS IN DWELLING AND SUBDIVISION EARTHWORKS DESIGN

In past years concrete slabs on the ground were mostly used for dwelling construction on relatively flat sites with piers and timber floors used on sloping sites.

Over time the concrete slab technique has become more dominant and is favoured by builders because of its economical cost in a very competitive market environment.

Slab floors need a flat earth building platform and unless the home site is already flat, cut and fill earthworks are required to achieve the required shape. On gently sloping sites this can be achieved without substantial earthworks, however on steeper sites it calls for extensive cuttings, earth batters and/or retaining walls.

In hilly areas, in response to market demand for flat building platforms, the subdivision industry is now constructing large scale terrace type landforms which use high retaining walls and/or cuttings to produce flat building platforms.

2. LARGE SCALE EARTHWORKS AND RETAINING WALLS IN RESIDENTIAL SUBDIVISIONS

The trend to produce terraced subdivision landforms responds to the economies of the cottage building industry, there are however a number of issues causing concern:-

- Invasive earthworks with high cut and fill increase the risk of geotechnical (landslip) failure. Whilst the probability of failure may be low when appropriate geotechnical investigation and engineering design are carried out, failures nevertheless can still occur and the consequences may be serious. Landslip in occupied areas can result in damage to property, structures, injury and loss of life.
- There was a significant retaining wall failure in a recent subdivision (Malua/Bulwarra Place).
- Long term stability of high retaining walls and cuttings is often dependent on effective drainage systems. Drain maintenance and repair are difficult to guarantee in subdivisions, particularly where multiple ownership interallotment drainage systems are used.
- High cuts and fills and retaining walls can be visually unsightly

Land use planning principles suggest that building form should preferably adapt to the environment rather than changing the environment (ie the landform) to suit a building technique preference. In sites with significant gradients, it may be preferable to restrict the permissible amount of cut and fill earthworks, thus requiring builders to use alternate flooring systems to the slab on ground.

This report addresses site regrading, earthworks and retaining walls in subdivisions to provide flat building platforms. Similar issues may also arise in the post subdivision stage where individual builders may cut and fill steep allotments to facilitate slab on ground construction, but, this phase is not addressed in the report.

3. PROPOSED AMENDMENTS TO DCP 16 – SUBDIVISION

DCP 16 – Subdivisions is currently being redrafted in response to the 1998 amendments to the Environmental Planning and Assessment Act 1979, amendments to a raft of state government planning policies (bushfires, contaminated land, coastal development etc), and adoption of the national Aus-Spec specifications for subdivision engineering works. At this stage it is expected that

Reports from Director Engineering Services

a draft amended DCP16 will not be submitted to Council before July and allowing for public exhibition, industry consultation and further possible amendments it is not likely to be adopted by Council before September.

The new draft DCP16 will contain guidelines for subdivision earthworks/retaining walls/geotechnical risk assessment, however, due to the time delays in its adoption and the urgent need to introduce guidelines, it is proposed that Council now adopt an interim policy. This policy can be reviewed with the public exhibition of amended DCP16 and its attached design specifications.

4. DEVELOPMENT DESIGN SPECIFICATION D6 – SITE REGRADING

In recent residential subdivisions there have been retaining walls of up to 8m in height. It is proposed to adopt a policy that will limit the heights of retaining walls and cuttings on subdivision boundaries. *Development Design Specification D6 – Site Regrading* is attached to this report, it is based on one of the national Aus-Spec documents, amended for Tweed Shire conditions. The specification provides guidance on:-

- Appropriate use of subdivision site regrading and earthworks
- Preservation of drainage systems
- Landforming geometric criteria
- Limitations on retaining wall and cutting heights (see Table D6.1 below)
- Protection of services
- Geotechnical risk assessment
- Standards for lot filling and preparation
- Cut and fill batter slopes
- Treatment of natural watercourses, aquatic environments and riparian vegetation
- Staging of works

Below is a table from the proposed policy that limits the height of batters and retaining walls:-

“TABLE D6.1

MAXIMUM COMBINED HEIGHT OF BATTERS AND RETAINING WALLS ON ALLOTMENT BOUNDARIES (M)

<i>Type of Subdivision</i>	<i>Side and Rear Boundaries</i>	<i>Street Boundary</i>	
		<i>Above Street Level</i>	<i>Below Street Level</i>
<i>Residential</i>	2.5	1.8	3.6
<i>Industrial</i>	5	2.5	5
<i>Business</i>	5	1.2	2.4
<i>Rural Living</i>	1.2	1.2	2.4”

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25. ORIGIN: Design Unit
FILE REF: Les Burger Field; 1190.1240

REPORT TITLE:

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

SUMMARY OF REPORT:

Council sought, and received, the approval of the Department of Land and Water Conservation to the acquisition of Crown Land, within Lot 518 in DP 729387 which forms part of Reserve 40253 and now known as Lot 1 in DP 1040811. The subject area is part of the Les Burger Field at Bogangar and the acquisition formalises the access and use of the area by local sports groups.

A plan creating the area to be acquired has been registered as DP 1040811 and the Crown Land will be acquired through the processes of the Land Acquisition (Just Terms Compensation) Act 1991 under the Local Government Act, 1993 and compensation will be payable to the State of NSW.

RECOMMENDATION:

That:-

1. Council approves the acquisition of Crown Land, being Lot 1 in DP 1040811 under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991 and the Local Government Act, 1993; and
2. All necessary documentation be endorsed under the Common Seal of Council.

Reports from Director Engineering Services

REPORT:

Council sought, and received, the approval of the Department of Land and Water Conservation to the acquisition of Crown Land, within Lot 518 in DP 729387 which forms part of Reserve 40253 and now known as Lot 1 in DP 1040811. The subject area is part of the Les Burger Field at Bogangar and the acquisition formalises the access and use of the area by local sports groups.

At a meeting held on 13 June, 2001 a resolution was made by Council seeking Mr Neville Newell to make representation to the Department of Land & Water Conservation on Council's behalf requesting the subject area be placed under Council's management without the requirement for Council to purchase the land.

Mr Newell wrote to the Minister for Land and Water Conservation and received a reply on 28 August, 2001 to the effect that Treasury directions prohibit the allocation of Crown Land to local government authorities for their specific purposes at no cost and that the Department of Land and Water Conservation had advised that Council will need to acquire the subject land.

Accordingly, a plan creating the area to be acquired has been registered as DP 1040811 and the Crown Land (now referred to as Lot 1 in DP 1040811) will be acquired through the processes of the Land Acquisition (Just Terms Compensation) Act 1991 under the Local Government Act, 1993 and compensation will be payable to the State of NSW.

Council holds a valuation from the State Valuation Office dated 24 April, 2001, which estimated a combined value of \$195,000.00 for both parts of Lot 1, which comprise areas of 1.624 hectares and 7597m², a total of 2.383 hectares.

The Manager for Recreation Services has allocated funds for the acquisition from the section 94 Works Program, specifically the Local Structured Open Space Fund.

A copy of DP 1040811 follows:-

Reports from Director Engineering Services

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Reports from Director Engineering Services

26. ORIGIN: Design Unit

FILE REF: DA1222/35 Pt1; 1222.35

REPORT TITLE:

Cancellation of Easement for the Drainage of Sewage Burdening Lot 24 in DP 1030322

SUMMARY OF REPORT:

An application has been received from McLauchlan Surveying Pty Ltd seeking the cancellation of an Easement for the Drainage of Sewage created in DP 1030322, in compliance with condition number 32 in Development Consent 0073/2002 DA.

RECOMMENDATION:

That Council:-

1. Approves the cancellation of the Easement for the Drainage of Sewage created in DP 1030322; and
2. Executes all necessary documentation under the Common Seal of Council

Reports from Director Engineering Services

REPORT:

An application has been received from McLauchlan Surveying Pty Ltd seeking the cancellation of an Easement for the Drainage of Sewage created in DP 1030322 in compliance with condition number 32 in Development Consent 0073/2002 DA.

Council is the benefiting authority and also has the authority to vary, release or modify the easement.

A copy of a letter from Council to McLauchlan Surveying Pty Ltd follows detailing Council's requirement regarding the cancellation of the Easement.

A copy of DP 1030322 follows, with the subject easement within Lot 24 hatched:-

Reports from Director Engineering Services



Please Quote Council Ref: DA1222/35 Pt 1
For Enquiries Please Contact: Steve Borger
Telephone (02) 6670 2440

1106mc01.doc

8 May 2002

McLauchlan Surveying Pty Ltd
PO Box 710
TWEED HEADS 2485

Attention: Basil McLauchlan

Dear Sir

Development Application 0073/2002DA
Lot 24 DP 1030322 Collins Lane, Kingscliff

I acknowledge receipt of your letter dated 29 April 2002 relating to the sewage and drainage easement at the above property and confirm that Council permits construction of the dwelling to continue on the site.

Your attention is also drawn to Condition No. 32 of the Development Consent 0073/2002DA which states:

"The existing sewer easement is to be removed from the land title and 88B instrument prior to occupation of the building."

For further information please contact Barry Stegeman or Steve Borger on the above telephone number.

Yours faithfully

R Paterson
Manager Building Services



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

27. ORIGIN: Environment & Health Services Unit
FILE REF: Waste Management; Conferences - General

REPORT TITLE:

Waste 2002 Conference and Workshops

SUMMARY OF REPORT:

Council has been advised of the proposed fifth Waste Management Conference and Workshops which will be held on 16-18 October 2002 at Novotel Opal Cove Resort, Coffs Harbour.

RECOMMENDATION:

That Council authorises the attendance of any Councillor/s wishing to attend the fifth Waste Management Conference and Workshops to be held 16-18 October at Coffs Harbour.

Reports from Director Environment & Community Services

REPORT:

As per Summary.

Reports from Director Environment & Community Services

28. ORIGIN: Environment & Health Services Unit
FILE REF: Licences - Special Permits; Council Policies

REPORT TITLE:

Policy Amendment - Special Beach Vehicle Permits

SUMMARY OF REPORT:

When applications are submitted for a Special each Vehicle Permit, a request is made for additional information relating to the proof of ownership of a currently registered 4WD vehicle in the name of the applicant or whose spouse, parent or child have proof of ownership of a currently registered 4WD vehicle.

As the permit is issued in the name of the applicant who fits the criteria for obtaining a Special Beach Vehicle Permit, a request is made that in the event that a person, other than the permit holder drives the vehicle on the beach, the actual holder of the Special Permit must be a passenger in that vehicle.

These processes need formalising

RECOMMENDATION:

That:-

1. When a Special Beach Vehicle application is submitted registration details showing proof of ownership of a 4WD vehicle by the applicant or spouse, parent or child (who is the holder of the Roads and Traffic Authority Disabled Parking Permit) are to be provided as part of the application.
2. Holders of the Roads and Traffic Authority Disabled Parking Permit must be a passenger in the vehicle in the event of a person other than the permit holder driving the vehicle on the beach. Failing to comply with this requirement may result in Council taking action in the form of an infringement notice and/or disqualification of the permit.

Reports from Director Environment & Community Services

REPORT:

Special Beach Vehicle Permits are issued to individuals who have a disability and find difficulty in accessing the beach due to their condition. To alleviate beach access problems for such individuals the Director of Environment and Community Services Division has been authorised by Council to issue Beach Vehicle Permits in special circumstances that are considered appropriate.

Due to the growing number of applications submitted for Special Beach Vehicle Permits and the apparent difficulty in obtaining an Amateur Beach Vehicle Permit, it is felt that some applicants may be abusing the privilege and allowing the vehicle to be used by others to access the beach without the presence of the disabled person. A Special Beach Vehicle Permit is issued to an individual, solely for the purpose of that individual to access the beach due to their disability.

To alleviate this problem, Council's Rangers will conduct checks on individual permits whilst patrolling the beaches. Upon viewing the permit located on a vehicle, Rangers are able to determine whether or not the permit in question is a Special Beach Vehicle Permit and then a check can be completed to ascertain the presence of the disabled parking permit holder.

Reports from Director Environment & Community Services

29. ORIGIN: Environment & Health Services Unit

FILE REF: Civic Centre-Tweed Heads Hire; Northern Rivers Chamber Orchestra

REPORT TITLE:

Tweed Heads Auditorium Use - Northern Rivers Symphony Orchestra (NRSO)

SUMMARY OF REPORT:

The Northern Rivers Symphony Orchestra has requested free use of the Tweed Heads Auditorium. Council currently allows five (5) concerts per year and 70 hours of rehearsals free of charge.

RECOMMENDATION:

That Council reaffirms its current concession to the Northern Rivers Symphony Orchestra for use of the Tweed Heads Auditorium being five (5) concerts per year and seventy (70) hours of rehearsals free of charge.

Reports from Director Environment & Community Services

REPORT:

A request as set out below has been forwarded to Council by the Northern Rivers Symphony Orchestra (NRSO):-



NORTHERN RIVERS SYMPHONY ORCHESTRA INC.

6 Old Ferry Road Banora Point NSW 2486

Ph. No. 07 55 24 1125

TWEED SHIRE COUNCIL	
FILE No.	CIVIC CTR - T.H - HIRE
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REC'D	26 APR 2002
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IMAGE	<input checked="" type="checkbox"/>

26th April 2002

Mr Geoff Edwards
Manager
Environment & Health Services
Tweed Shire Council,
MURWILLUMBAH NSW 2484

Dear Mr Edwards,

With regard to conversations with the Mayor, Mr. Warren Polglase, I would like to request your re-consideration of the use of the Civic Centre by the Northern Rivers Symphony Orchestra

Currently the Council allows the orchestra some rehearsal and performance time free of charge. However the allowance is insufficient for the orchestra's needs and we pay for the additional time we use

So that the orchestra can continue to provide quality performances to the residents of the Tweed at an affordable price, I would be pleased if you would give favourable consideration to the orchestra using the Civic Centre free of charge.

Yours sincerely,

Rosalie Sloane
Rosalie Sloane
Secretary

Council has previously considered the issue of the use of the Tweed Heads Civic Centre by the NRSO at its meeting held 21 March 2001 where it was resolved:-

“... that:-

1. Council grants the Northern Rivers Symphony Orchestra the use of the auditorium free of charge for:

Reports from Director Environment & Community Services

- a) *up to five occasions per year for concerts.*
 - b) *up to 70 hours per year for rehearsals.*
2. *In the case of practice, the orchestra will have free use only if there is no clash with fee-paying clients."*

Outside the above hours the NRSO pays \$10 per rehearsal and normal hire fee for a concert.

This year the NRSO has proposed only two concerts at the Tweed Heads Civic Centre and the 70 hours of rehearsals on current usage is expected to expire about mid July. There are currently bookings for rehearsals at Tweed for a further 45/50 hours this year.

In 2003 the NRSO has already pre-booked rehearsals totalling approximately 150 hours and two concerts. While the NRSO is undoubtedly an asset to the region, it does have the capacity for fundraising through ticket sales to concerts.

Its current concession is not extended to any other group and if free use is provided a precedent will be set which may lead to more such requests.

Reports from Director Environment & Community Services

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Reports from Director Environment & Community Services

30. ORIGIN: Environment & Health Services Unit

FILE REF: Alcohol Free Zones

REPORT TITLE:

Alcohol Free Zone - Tweed Heads and Kingscliff

SUMMARY OF REPORT:

On 20 March 2002 Council considered a report regarding the re-establishment of alcohol free zones at Tweed Heads and Kingscliff. The report was prepared following a request from the NSW Police Service that the zones be re-established for a further three years. Council approved that the proposal be placed on public advertisement in accordance with the Act.

The advertisement and notification period closed on 1 May 2002. Two letters of support were received.

As no objections were received, the proposal has the support of the Police Service and the zones have been effective in assisting Police to curb anti-social behaviour and alcohol related incidents, officers recommend that Council approve re-establishment of the zones.

RECOMMENDATION:

That Council approves the re-establishment of alcohol free zones 24 hours per day for a period of 3 years at Tweed Heads and Kingscliff, from 17 March and 5 May 2002 respectively, over streets and car parking areas detailed on the map attached to this report, in accordance with the provisions of the Local Government Act and excluding areas occupied by approved outdoor dining areas used in conjunction with food outlets, while those outlets are open for trading, subject to Director Environment and Community Services having delegated authority to approve variations in special circumstances.

Reports from Director Environment & Community Services

REPORT:

In 1998 the Police Service requested that alcohol free zones be established at Kingscliff and Tweed Heads to minimise disturbances experienced on New Years Eve and to curb anti-social behaviour and alcohol related incidents. The zone proved successful and Council resolved to establish the alcohol free zones for a period of three years.

Restrictions are established over roads, part of roads, footpaths and public car parking areas by the establishment of an alcohol free zone in accordance with the provisions of the Local Government Act and relevant Department of Local Government Guidelines. The public are made aware of the restrictions at the sites by placement of signs. These restrictions currently apply to sections of Marine Parade, Seaview, Pearl and Turnock Streets, Kingscliff and Wharf Street, Tweed Heads in accordance with the attached maps, excluding areas utilised for approved footpath dining activities.

The NSW Police Service recently requested in writing that the zones be re-established for a further three year period. The current alcohol free zones at Tweed Heads and Kingscliff, expire on 17 March and 5 May 2002 respectively

On 20 March 2002 Council considered a report regarding the re-establishment of alcohol free zones at Tweed Heads and Kingscliff. Council approved that the proposal be placed on public advertisement in accordance with the Act.

The advertisement and notification period closed on 1 May 2002. Two letters of support were received, one each from the Kingscliff Ratepayers and Progress Association and the Twin Towns Services Club.

CONCLUSION:

The current alcohol free zones at Tweed Heads and Kingscliff will expire on 17 March and 5 May 2002. The restrictions are not considered prohibitive in the sense that they still allow reasonable activities and enjoyment of public areas. However the restrictions do provide scope for the Police Service to use discretion in regulating alcohol possession and consumption.

As no objections were received and the proposal has the support of the NSW Police Service it is recommended that Council approves re-establish of the alcohol free zone 24 hours per day for a period of 3 years at Tweed Heads and Kingscliff, from 17 March and 5 May 2002 respectively, over streets and car parking areas detailed on the map attached to this report, in accordance with the provisions of the Local Government Act and excluding areas occupied by approved outdoor dining areas used in conjunction with food outlets, while those outlets are open for trade.

Reports from Director Environment & Community Services

31. ORIGIN: Building Services Unit
FILE REF: DA2142/95 Pt1; 2142.95

REPORT TITLE:

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

SUMMARY OF REPORT:

Council has received a Section 96 application to modify Consent No 1044/2001DA. Condition No 6 of the consent required that:-

6. *Landscaping of the site shall be carried out in accordance with the submitted landscaping plans. The landscaping to be completed prior to occupation of the building, to the satisfaction of the Director, Development Services.*

The fence is to be only 900mm high and is to be constructed in accordance with the amended site Plan No. 1300 by Dignum Design and dated September 2001. The courtyards are to be fenced off from each so as to provide privacy and comply with Council's Fence Heights Policy. Landscaping is to be provided along the driveway to reduce the impact of the driveway and garages on the streetscape. Mature landscaping species (Minimum 1.8m high) are to be used in the rear courtyards so as to provide privacy for the tenants. To reduce the length of the fence and improve the streetscape the fence is not to extend past the western side of Residence A as indicated in red on the approved landscaping plans.

The applicant wants to vary the conditions to increase the height of the fence fronting Franklin Street from 900mm to 1.8mm in height.

RECOMMENDATION:

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

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

Reports from Director Environment & Community Services

REPORT:

BACKGROUND:

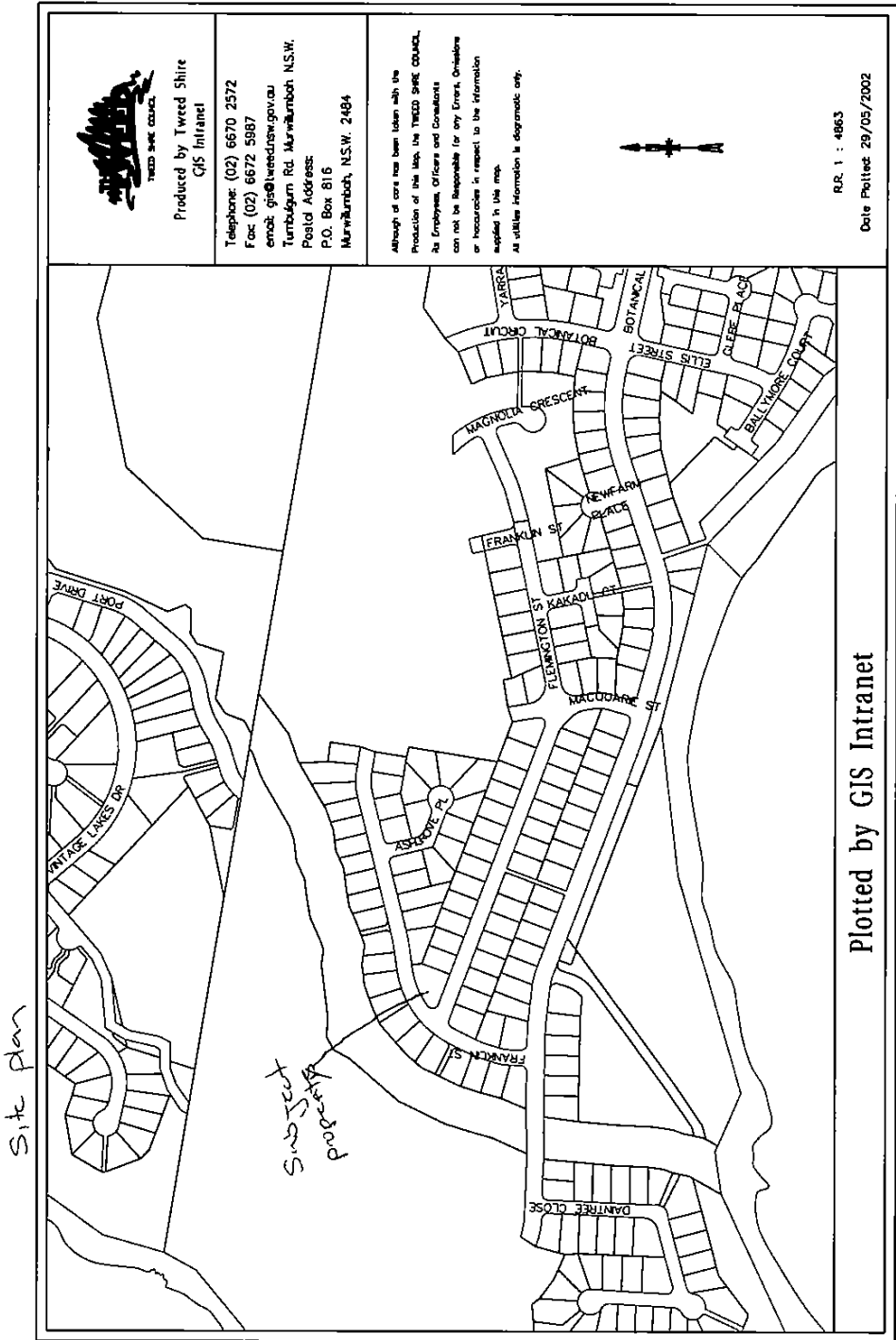
Council approved the erection of a dual occupancy at Lot 603 DP 1020273 Franklin Street, Banora Point on 12 December 2001. The development application for the dual occupancy included a 1.8m high fence along the Franklin Street property boundary.

The application was notified to surrounding residents and strong opposition was received to the dual occupancy and fence. After assessment of the application and submissions and in consultation with the applicant the dual occupancy was approved and the height of the fence reduced to 900mm with mature screening plants to provide privacy to the occupants of the building.

The applicant has now submitted a Section 96 Application to vary Condition No 6 of the consent seeking permission to increase the height of the fence to 1.8m (the same height that was originally proposed).

Reports from Director Environment & Community Services

Site Plan



Reports from Director Environment & Community Services

The Section 96 application to modify the consent was notified to surrounding property owners and several submissions have been received by Council.

There are two letters of objection to the fence and they have been reproduced below:-

Letter 1

Proposed Height Variation - Lot 603 DP 1020273 8 Franklin St Banora Point

1. Thank you for the opportunity to comment on the above proposed fence height variation. We understand that the fence height had been an issue for the original development application, by way of objection to the 1.8m fence height. Understandably, some neighbours objected to the height of 1.8m and possibly, more importantly, the type of fence that may have been constructed. Development consent for the duplex with, as we understand, a 0.9m picket fence for the Franklin St boundary, had been completed prior to the purchase of our present property.
2. The revised proposal seeks to reinstate the 1.8m fence based mostly on privacy and noise/visual prominence of traffic/pedestrians for the occupants. It is agreed that as the development stands, there is the need for increased privacy not only for the duplex residents, but also as importantly, the properties facing the duplex on Franklin St. However, we feel that privacy can be attained with the present fence and judicious use of mature plants. The issue of traffic noise for the duplex is no more an issue than for many other such duplex corner situations for which the residents do not have 1.8m fencing for noise reduction and, indeed, other residences that have no such fencing. Although not stated in the application, we understand the fence may be required to contain large animals within the property which can not be achieved with the present 0.9m fence. However, we do not believe that this should be the driving force for the fence. The duplex development was progressed with both units facing Flemington St, and the 0.9m Franklin St fence requirement to satisfy neighbourhood objections. The duplex residents were no doubt aware of this at the time of approval, knowing that their animals would require the higher fence. We believe that this application is now a back-handed way to achieve the original duplex development proposal as submitted to council. We believe the original neighbour complaints to the 1.8m fence remain valid (although we are not aware of the exact nature of their objections). The fence would not be an issue if the duplex development had been approved for one unit facing each of the streets, as have most duplex developments in Flame Tree Park.
3. Our objection to the proposed 1.8m fence is that a wooden fence of 1.8m height for the length of the Franklin St boundary, particularly 50m plus in length, is out of character with the development of the 'open space' feel of Franklin St, and the open nature of the Flame Tree development generally. Even with use of plants, the 1.8m fenceline will remain out of character and detract from the visual appearance of the streetline from our property with the potential to

Reports from Director Environment & Community Services

ect property value. Future constructions in the duplex 'backyard', such as garden sheds etc, will affect the visual streetscape from our property, as even these would project over a 1.8m fence. Indeed, light nuisance from four spotlights mounted on the fascia of the duplex already affect our property and, even the 1.8m fence will not block this nuisance. Therefore, we believe, judicious uses of appropriate mature trees and shrubs provides the best privacy for both the duplex residents and neighbours on Franklin St.

4. The development application does not address the type of fence to be erected other than it is to be constructed of timber. If the 1.8m fence is to be approved by Council, we believe its construction type should be specified in any approval, and the opinion sought of those neighbours most affected on the most acceptable type of fence construction before such approval.

5. Finally, we have no objection to the disclosure of our names to the applicants as part of this submission.

X

Reports from Director Environment & Community Services

Letter 2

With reference to our letter 5.11.01 you will note we did not object to the height of fence Franklin St. boundary. We asked for consideration for a brick and picket fence.

Our approval of above D.A. stated "900mm high picket fence - landscaping will be mature and 1.8m high - privacy to be maintained with 1.8m high landscaping."

We are now looking at a 900mm high paling fence with one only tree approx. 1.8m high. It is our opinion this does not comply with approved D.A.

The application seeking to modify 'Development Consent' from a 900mm to 1.8m high fence along Franklin St. boundary does not state type of fence or intended landscaping.

We strongly oppose a 1.8m lap and cap fence which is common on side and rear boundaries of residential properties this estate; not a suitable fence approx. 3.8m long on a major street boundary obtrusive to us, neighbours and streetscaping.

We are prepared to discuss, on site, the type of fence to be constructed once landscaping with Council Staff and a representative of J.+H. Building Pty Ltd.

Reports from Director Environment & Community Services

Two letters of support and a petition containing 24 signatures supporting the fence were also submitted and have been reproduced below:-

Letter 1

WE HAVE NO REPEAT NO
OBJECTION TO THE FENCE HEIGHT ON THE PROPERTY
AT NO 8 FRANKLIN STREET BEING MODIFIED TO
1.8^M ALONG THE FRANKLIN STREET BOUNDARY
AS THIS WILL GIVE THE OCCUPANTS SOME
PRIVACY AND ALSO ENHANCE OUR STREET
THE OCCUPANTS ALSO HAVE A LARGE DOG THAT
NEEDS A HIGHER FENCE TO CONTAIN IT.
NOTE, WE PREVIOUSLY NEVER OBJECTED TO
A 1.8 METRE FENCE.
THE YOUNG OCCUPANTS HAVE HAD TO GO TO
A LOT OF NEEDLESS EXPENSE JUST TO
SATISFY SOME SELFISH PEOPLE.

Letter 2

We the undersigned, being adjoining owners, have no objections to the boundary fence of Lot 603 Franklin Street, being modified from 900 mm to 1.8 M.

Since the Duplexes have been completed, we don't feel that the 1.8 M fence would be out of character, in fact it would be in keeping with all other corner blocks in the sub-division.

Also, we feel that everybody deserves privacy in their own yard, and as it stands at the moment the owners are on public exhibition.

~~We the undersigned, being owners of properties in the vicinity of Lot 603 Franklin Street, Flame Tree Park, have no objections to the boundary fence being modified from 900mm to 1.8m.~~

~~We do not feel that a 1.8m fence would be out of character, in fact it would be in keeping with all other corner blocks in the estate.~~

~~A 1.8 metre fence will allow the owners of the 2 duplexes a little privacy in their own backyard.~~

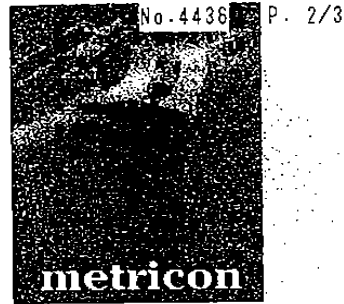
NOTE: 24 Signatures were attached to this letter.

Reports from Director Environment & Community Services

SUBMISSION PETITION

Correspondence has also been received from Metricon, the developers in relation to the fence and is reproduced below. It should be noted that the two letters of objection were received from the most affected property owners located directly opposite the fence on the western side of Franklin Street. These objections mainly deal with the height, length and plain appearance of the fence.

May 2002 9:27 METRICON QLD



15 May 2002

Our Ref: FIP L603
Your Ref: DA2142/95

The General Manager
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

Attn: Phil Clark

Re: Flame Tree Park – Lot 603, 8 Franklin Street, Banora Point.

We refer to the above and to the fencing constructed along the Franklin Street frontage of the property and thank Council for the invitation to submit some relevant issues from our perspective.

On 6 November 2001, we responded to Council's letter of 23 October 2001 in relation to the proposed erection of an attached dual occupancy. Subsequent to viewing the proposal, we had no objection provided that the proposal complied with all estate covenants and Council regulations.

The estate covenant for Flame Tree Park is contained within a Section 88B Instrument for each relevant stage. Part of the Section 88B Instrument stipulates that all boundaries must be fenced excluding the front boundary and the side boundaries forward of the building line with 1800mm overlapped timber palings and capping. In the case of corner allotments, our convention is to treat the front of the dwelling as the front for fencing purposes and to fence the boundary on the other road frontage with recessed bays to soften the aesthetic impact from the street. Some residents enhance these bays with landscaping.

Since the construction of the low picket fence along the Franklin Street frontage of Lot 603, some residents have expressed their concerns that the fence does not comply with the estate covenant and is not consistent with the remainder of the estate. In fact, many people have chosen to live at Flame Tree Park because of the confidence and security of a comprehensive estate covenant.

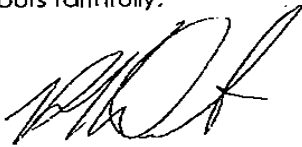
Reports from Director Environment & Community Services

Some residents in the vicinity of Lot 603 have also expressed sympathy towards the residents of the units that due to the height of the fence, they have no privacy from the street.

We are also concerned that as the Section 88B Instrument is attached to the title and the fencing does not comply with this Instrument, the owners may have significant difficulties if they decide to sell the properties in the future.

We trust that Council will consider the above issues and should you require any further information or clarification, do not hesitate to contact our office.

Yours faithfully,



Russell Dunster
Project Supervisor

The applicant in their submission has outlined privacy as the main reason for the fence. Council, in its original assessment of the application, considered the privacy of the occupants of the building. The application was conditioned to provide mature plants to screen the property and provide privacy.

It should be noted that the applicants have not satisfactorily complied with Condition No 4 requiring mature plants. It is considered that the provision of mature plants will provide the necessary privacy the occupants require.

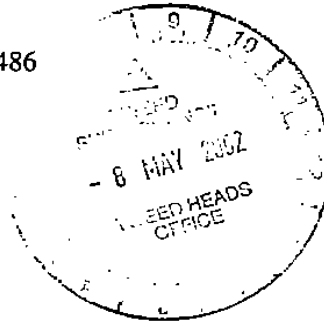
The applicant has also nominated other 1.8m high timber fences within Council's Building line in the estate to support their application. Council's Building Services Unit is currently investigating these fences as a search of Council Records has failed to find approval for most of the fences.

A copy of the applicant's submission has been reproduced below for Council's information.

Reports from Director Environment & Community Services

PO Box 6084
SOUTH TWEED HEADS NSW 2486

The General Manager
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484



TWEED SHIRE COUNCIL	
FILE No.	DA2142 9.5
DOCUMENT No.	6777689
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Attn: Mr Phil Clarke

Dear Sir

RE: SECTION 96 APPLICATION
LOT 603 CNR FRANKLIN & FLEMINGTON STREETS
FLAME TREE PARK ESTATE

lot 603 RP1020273

We write this letter in support of Section 96 application lodged on our behalf by Mark Stapleton & Associates Pty Ltd.

The first question we feel compelled to ask is why the original development application lodged by T & T Building showing a 1.8m high boundary fence was denied. The covenant contained in the Section 88B Instrument for the estate states that

"no boundary fence shall be erected unless it is 1.8m in height and is overlapped timber panelled with a cap affixed"

which is exactly what was shown. Having had the developer of the estate peruse our application at Council and provide no objection to the application, we were positive that an approval would be forthcoming. This was not to be the case.

Following the refusal of this application, our builder had to reduce the fence height to 0.9m and alter the construction to a picket type fence. This method of construction both contravenes the Section 88B and is by anyone's opinion "unsightly".

As can be seen in the attached photographs, taken solely within the Flame Tree Park Estate, 1.8m corner fencing has been approved in every other instance and there are no other 0.9m high picket fences visible. It could be considered a minor oversight should this be a limited occurrence, however, as shown by the number of photographs and in detail in the lower photograph taken in Franklin Street/Botanical Circuit the length of this boundary fence is in excess of 20m and appears in the main thoroughfare just around the corner from our residence.

The main reason that we have lodged this application is for privacy. Not only do we want to maintain our own privacy, we feel it is an invasion on our surrounding neighbours privacy to have our living areas so visible. For those residents that have a public reserve bounding their properties, at least they can be safe in the knowledge that their every move is not being monitored as ours is. This is all we ask, that we are able to replace the 0.9m high picket fence with a 1.8m high overlapped timber panel capped fence with planter boxes in order to keep our privacy.

Reports from Director Environment & Community Services

Tweed Shire Council
7 May 2002

-2-

In addition to this, the financial cost which is currently in excess of \$3,000.00 to undertake this project should also not be ignored. We have paid for the original application and variation through our building contract, a fence height variation fee which was subsequently denied, this current Section 96 application fee, together with the mounting costs of replacing landscaping which is continually stolen due to its availability resulting from an easily targeted 0.9m fence height.

Our only hope is that the final cost involved with this long and unnecessary saga is the replacement cost of the 0.9m high fence with the 1.8m fence should this approval be granted as has so obviously been the case in numerous other instances within this estate.

Yours faithfully



D J Kucan and K A Sanders

enc

Reports from Director Environment & Community Services

32. ORIGIN: Environment & Health Services Unit

FILE REF: Food Business Notification

REPORT TITLE:

Introduction of Food Business Notification System in New South Wales

SUMMARY OF REPORT:

A new food law requiring all food businesses to notify an appropriate enforcement agency of their contact details and nature of their business was brought into effect in New South Wales on the 24 February 2002. Food businesses are defined as any business that sells any food and would include a wide range of businesses such as chemists and bottle shops.

Council may act as an agent for food business notification on behalf of New South Wales. Legislation allows Council to charge a fee for service for receiving and registering food business notifications - a maximum of \$50 for 1 to 5 premises per owner, and \$10 for each additional premise.

RECOMMENDATION:

That Council:-

1. Acts as an agent for food businesses wishing to fulfil their legal obligation to notify an enforcement agency of their operation.
2. In accordance with the provisions of Section 612 of the Local Government Act 1993, gives public notice of a proposed fee of \$50 (\$50 for 1 to 5 premises per owner, and \$10 for each additional premise) for the receipt and registration of food business notification.

Reports from Director Environment & Community Services

REPORT:

A new food law requiring all food businesses to notify an appropriate enforcement agency of their contact details and nature of their business was brought into effect in New South Wales on the 24 February 2002. Food businesses are defined as any business that sells food and would include businesses such as chemists and bottle shops.

Local Government has been proposed by New South Wales Health as the 'appropriate enforcement agency' for this notification. To encourage and support Local Government involvement, the New South Wales Government recently introduced the Food Amendment (Notifications) Regulation 2002 that allows the Director-General of New South Wales Health to make arrangements with a Council to:

- (i) accept notification from food businesses;
- (ii) charge up to \$50 for processing these notifications and;
- (iii) enter notification details on a New South Wales internet database.

Provision has also been made by New South Wales Health to allow businesses to access the internet database and register their notification themselves. Self notification does not attract a charge.

There is significant workload and expense associated with promoting, administering and enforcing the notification system for all food businesses as defined by the new law and the promotion and enforcement aspects should presently remain with New South Wales Health.

It is practical that Council acts as an agent for food business notification on behalf of New South Wales and charges a fee for service as proposed by the Food Amendment (Notifications) Regulation 2002 - a maximum of \$50 for up to 5 premises per owner, and \$10 for each additional premise.

Reports from Director Environment & Community Services

33. ORIGIN: Environment & Health Services Unit

FILE REF: Senior Citizens Week

REPORT TITLE:

Senior Citizens Week/Seniors Expo

SUMMARY OF REPORT:

Senior Citizen's week, held in March, was a success in both Tweed and Murwillumbah. All events were well attended. Seniors Expo, held on 2 May in Murwillumbah, was attended by over 1000 people and was an outstanding success. Murwillumbah & Districts Senior Citizens Week Committee secured festival funds to employ a co-ordinator to assist them in the five months of planning.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Environment & Community Services

REPORT:

SENIOR CITIZEN'S WEEK 2002

Council's Community Worker – Aged & Disability assists the Murwillumbah & Districts Senior Citizens Week Committee.

Senior Citizens Week events in Tweed Heads were organised by Mr Don Morgan who received a grant (approximately \$200) from the Department of Ageing Disability and Home Care and a grant from Council for \$1050. \$300 of this grant was passed to Murwillumbah & Districts Senior Citizens Week Committee to cover insurance costs. It was a very successful week and events were very well attended.

Senior Citizens Week in Murwillumbah was organised by the Murwillumbah & Districts Senior Citizens Week Committee (age range 38-97). The Committee received a grant of \$380 from the Department of Ageing Disability & Home care and a grant from Council of \$1050. The Committee also sought donations from the local community. This year the response from local business and community groups was excellent, enabling the committee to absorb the extra insurance premium (\$600 for one week) and provide an innovative and fun program including a masked ball, a boat trip, a farm trip, riparian barbecues and internet classes in addition to the traditional events. All events were well attended and feedback has been excellent.

SENIOR'S EXPO 2 MAY 2002

The third annual Tweed Senior's Expo was organised by the Murwillumbah & Districts Senior Citizens Week Committee. The Committee applied for, and was successful in securing, \$3000 from Council's Festival Funding. The funds were used to employ a co-ordinator for 5 months to work with the Committee to organise the event. A fee of \$50 was charged to profit organisations for stalls.

The Committee received enormous support and generosity from the Seventh Day Adventist Church, without which it would not have been possible to hold such a successful event. Volunteering Tweed also provided exceptional support during set-up and on the day.

The event was held at the Seventh Day Adventist Complex in Murwillumbah. The Committee provided a regular free shuttle bus from Murwillumbah and a free bus for the Tweed Coast. There was extensive advertising.

There were 72 stalls and continuous workshops and demonstrations throughout the day. Press coverage was excellent. Over 1000 people attended the event, and the feedback from stallholders and the public has been phenomenal.

The organisers wish to thank Council for its support.



Dr J Griffin
General Manager

Reports from Committees/Working Groups

1. Minutes of the Tweed Shire Council Disability Access committee Meeting held Thursday 21 March 2002

Disability Access Cttee

VENUE:

HACC Centre, Heffron Street South Tweed Heads

TIME:

3.30pm

PRESENT:

Maggie Groff, Bill McKennariey, Ron Douglas, Graham Williams, Stephen Pollitt, Stefan Zak, Una Cowdroy

APOLOGIES:

Mick O'Brien, Cr Max Boyd, Cr Wendy Marshall, Ross Cameron, Ray Clarke, Gail Martin.

MINUTES OF PREVIOUS MEETING:

Moved: Una Cowdroy

Seconded: Steve Pollitt

RESOLVED that the meeting held Thursday 15 November 2001 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

1. Outdoor Dining Policy

Disability Access Cttee

The Committee discussed its concerns regarding the Policy.

Action: Maggie to clarify the following concerns with Manager Environment and Health and request definitive response to location of clear path of travel for pedestrians on footpaths, the location being either:

- Adjacent to property alignment

Reports from Committees/Working Groups

- In centre of footpath
 - On kerbside of footpath (contradictory to traffic bylaws)
-

2. Disability Ramp – Tweed Civic Centre

Twd Civic Centre, Disability Access Cttee

Work has been completed. Stefan Zak still has concerns that it is not suitable for scooters. This subject is finalised.

3. Pedestrian Crossing – cnr Nullum St and Wollumbin Street

Pedestrian Crossings, Disability Access Cttee

The Committee agreed to keep this on the agenda for further review.

4. Access to Shops at Kennedy Drive

Kennedy Drive, Disability Access Cttee

Ross Cameron has written to proprietors. No replies to date. Ross to report at next meeting.

Moved: Steve Pollitt

Seconded: Stefan Zak

RESOLVED that Ross Cameron provides a written or verbal report for next meeting.

5. Casuarina Beach Estate – Chains Across Access Paths

Casuarina Beach Dev, Disability Access Cttee

The Committee has been informed the chains are maintenance chains during construction to stop cars driving on paths. At this stage they are not permanent. This item is removed from the agenda.

6. Draft Letter to Committee Members

Disability Access Cttee

There is a lack of members attending meetings. A letter drafted by Bill Mckennariey requesting preferred dates and times was distributed and discussed.

Action: Maggie to mail letters to members not at meeting.

Reports from Committees/Working Groups

CORRESPONDENCE INWARDS:

7. Outdoor Dining Policy

Outdoor Dining Policy, Disability Access Cttee

Memo from Don Buckley, Director Environment and Community Services advising he has referred our enquiries regarding the Outdoor Dining Policy to Manager Environment and Health Services to determine from Committee our concerns. Concerns have been discussed and itemised in Business Arising.

8. Ocean Access – Beach Wheelchair

Disability Access Cttee

Email from Heather Tannock. There is concern from one client that the beach wheelchair cannot go in the ocean. A response has been sent explaining that this beach wheelchair is for pushing on the beach only, as it floats and is therefore dangerous and difficult to control in the ocean. No further action.

9. Cudgen Headland Surf Lifesaving Club – Wheelchair Access

Surf Lifesaving Club, Disability Access Cttee

Letter from Ian McKenzie informing us that wheelchair access beside Cudgen Headland Surf Lifesaving Club is silting up, and requesting an accessible vantage point for wheelchairs at North Kingscliff. A letter of acknowledgement was sent to Mr McKenzie. He was also notified that the wheelchair ramp was still being constructed when he viewed it, and it is now finished. The Committee felt it would be difficult to construct a vantage point at North Kingscliff due to dune instability.

Moved: Ron Douglas

Seconded: Stefan Zak

RESOLVED that a letter be sent to Ian McKenzie detailing erosion and sand movement problems at North Kingscliff.

10. Mountain View Retirement Village – Footpath to Bus Shelter

Footpaths-Request for Bus Shelter Sheds, Disability Access Cttee

Letter of response from Martin Brims Manager Mountain View Retirement Village informing the Committee that it is not their responsibility to provide a footpath to the bus shelter outside Murwillumbah Nursing Home. No further action.

Reports from Committees/Working Groups

11. Beach Wheelchair

Disability Access Cttee

Letter from Davis Graham thanking the Committee for providing the beach wheelchair. A copy of the letter has bent forwarded to Kingcliff Beach Holiday Park. No further action.

12. Disabled Parking Space – Cudgen Headland Surf Club

Surf Lifesaving, Disability Access Cttee

Letter from Kingscliff Ratepayers & Progress Association detailing that there is no disabled parking space at the surf club, and that it is difficult for wheelchair users to negotiate commercial footpaths on Marine Parade due to outdoor dining. A letter of acknowledgement has been sent. The Committee discussed disability parking. There is a disabled parking space at the surf club but it is often obstructed by a skip. Manager Environment & Health Services has, prior to this letter, contacted Solo to ask them to remove skip.

Moved: Stefan Zak

Seconded: Ron Douglas

RESOLVED an elevated sign be placed at the disabled parking space at Cudgen Headland Surf club and that a letter be sent to the Secretary of the Surf Club requesting the space is kept free of clutter.

RECOMMENDATION:

That the placement of an elevated sign at the Cudgen Headland Surf Club indicating disabled car parking space be referred to the Local Traffic Committee for consideration.

13. Kingscliff Ratepayers and Progress Association

Outdoor Dining Policy, Disability Access Cttee

Moved: Steve Pollitt

Seconded: Stefan Zak

RESOLVED that the Disability Access Committee requests the assistance of the Director Environment and Community Services regarding the letter from Kingscliff Ratepayers & Progress Association attached to the minutes, as a definitive policy on the Outdoor Dining issue has not been forthcoming.

14. Tweed Bridge Club – Repair of Access Ramp

Disability Access Cttee

Letter from Tweed Bridge Club requesting repair of disabled access ramp. A letter of acknowledgement has been sent. As the ramp was considered a possible danger it was investigated. Plans for repair have been drawn up and approved.

Reports from Committees/Working Groups

15. Beach Access – Kingscliff

Disability Access Cttee

7. Letter from J. Brockwell regarding beach access. A letter of acknowledgement was sent with details of Council's beach wheelchair and ramp at Kingscliff. No further action.
-

16. Survey – Northern Rivers Area Health Service

Disability Access Cttee

Northern Rivers Area Health Survey regarding falls prevention program. It was agreed to discuss this at a later date.

17. Sealed Footpaths, Darlington Drive

Darlington Drive, Disability Access Cttee

Letter from Una Cowdroy on lack of sealed footpaths in Darlington Drive, Banora Point.

Moved: Stefan Zak

Seconded: Ron Douglas

RESOLVED that Mrs Cowdroy's letter be forwarded to the Traffic Committee for consideration to be included in the footpath budget.

RECOMMENDATION:

That Mrs Cowdroy's letter regarding lack of sealed footpaths on Darlington Drive be forwarded to the Traffic Committee for consideration to be included in the footpath budget.

18. Regional Meeting – Australian Building codes Board Directions Report “Disability Standard on Access to Premises”

Building Code, Disability Access Cttee

Letter from Lismore City Council inviting members of Tweed Disability Access committee to regional meeting on 29 April 2002 to discuss Australian Building Codes Board Directions Report ‘Disability Standard on Access to Premises’.

Moved: Ron Douglas

Seconded: Una Cowdroy

RESOLVED that Council be requested to authorise a representative and two Committee delegates to attend a Regional Meeting on 29 April 2002 to discuss Australian Building Codes Board Directions Report ‘Disability Standard on Access to Premises’.

Bill McKennariey noted that the BCA report is on website.

Moved: Una Cowdroy

Seconded: Stefan Zak

RESOLVED that Council purchases a copy for Access Committee use. They are \$99.

Reports from Committees/Working Groups

GENERAL BUSINESS:

19. Late Apologies

Disability Access Cttee

Steve Pollitt raised the issue that apologies were documented on notes of the meeting held 17 January 2002 that were not mentioned at the meeting. There was no quorum at this meeting. The apologies for two Committee members were sent to Maggie Groff via email and phone message and were not received until after the meeting. As they had been sent before the meeting they were included in documentation. Steve raised his concern on general lateness of apologies.

NEXT MEETING:

The next meeting of the Committee will be held at the HACCC Centre, Heffron Street, Tweed Heads South on 16 May 2002 commencing at 3.30pm – 5.30pm

The meeting closed at 6.45pm

Director's Comments:

Item 18 – Advice has been received that this publication can be downloaded from the Web at no cost. Ross Cameron took two representatives to the meeting.

DIRECTOR'S RECOMMENDATIONS:

12. Disabled Parking Space – Cudgen Headland Surf Club

Surf Lifesaving, Disability Access Cttee

Committee Recommendation:

That the placement of an elevated sign at the Cudgen Headland Surf Club indicating disabled car parking space be referred to the Local Traffic Committee for consideration.

Director's Recommendation:

As per committee recommendation.

17. Sealed Footpaths, Darlington Drive

Darlington Drive, Disability Access Cttee

Committee Recommendation:

That Mrs Cowdroy's letter regarding lack of sealed footpaths on Darlington Drive be forwarded to the Traffic Committee for consideration to be included in the footpath budget.

Director's Recommendation:

As per committee recommendation.

Reports from Committees/Working Groups

2. Minutes of the Aboriginal Advisory Committee Meeting held Wednesday 3 April 2002

Aboriginal Matters

VENUE:

Tweed Heads Civic Centre Meeting Room

TIME:

10.30am

PRESENT:

Cr M R Boyd, Jodi Sampson, Clarence Phillips, Jackie McDonald, Chris Morgan, Jenny Jones, Ellen Oldfield, Russell Logan, Anita Summers, Geoff Edwards, and Denise Saunders (Minutes).

APOLOGIES:

Tina Piddock, Frank Krasna, Andrew Riley, Janette Saunders, Lyndal Smith, Jenni Funari. Russell Logan apologised for the lack of attendance at previous meetings.

MINUTES OF PREVIOUS MEETING:

Moved: Russell Logan

Seconded: Jodi Sampson

RESOLVED that the Minute of the meeting held Friday 1 March 2002 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

1. Taree Conference

Russell Logan has informed the Committee that he will be presenting the outcome of the conference at the next meeting.

2. Place Names

It was discussed that a list of names be drawn up for future use in the naming of streets/places within the Tweed Shire. It was decided that the Tweed Elders be part of the steering committee for the list of names.

3. River Festival

Discussion ensued about the possible involvement of the ATIC community in the festival.

Reports from Committees/Working Groups

4. Jack Evans Boatharbour

Discussions on this subject have been deferred until further information is received from Council.

5. Aboriginal Heritage Study

Council has resolved that a report for the need for Heritage Study in the Bunjalung region be provided. A committee has been established to facilitate such report including funding for the study.

6. Richmond Tweed River Library

Council has adopted the recommendation and forwarded same to the General Manager of the RTRL.

7. Local Government Week

Cr Max Boyd proposed that the committee explore the Itinerary options.

GENERAL BUSINESS:

1. Letter of Support

Jenny Jones has asked that a letter of support be prepared for Jodi Sampsons job at the Northern Rivers Area Consultative Committee. It was resolved that such a letter be forwarded.

2. NAIDOC Week Proposal

Aboriginal Matters

The proposal as set out below was presented to the Committee:

“Spellbound Television in association with Sony Australia and Harvey Norman is presenting two exciting initiatives “Recognition Rights, and Reform” Colouring-in and Essay/creative writing Competitions in accordance with NAIDOC Week 2002.

Reports from Committees/Working Groups

NAIDOC Week 2002 – July 7th – 14th

The ultimate aim of these initiatives is to provide both primary and secondary students with a greater understanding of the importance of reconciliation. The competitions are broadly based around this year's national NAIDOC theme being Recognition, Rights and Reform. The colouring-in competition will be open to all primary school students and the essay/creative writing competition will be open to all secondary students. (How has Reconciliation changed your community?) Max 500 words.

The logistics of the initiative will involve packages being sent to all school principals (statewide) inviting students to participate in the competitions. Prizes will be awarded to both the winning school and student in the following manner; winning schools will be awarded a computer, and a full-school concert featuring internationally renowned indigenous performers Bobby McLeod and Archie Roach or Troy Cassar-Daley. The winning student will be awarded a mini home entertainment system including a 34cm television, DVD player, CD player and the top 10 DVD and CD discs. Two Regional/Country prizes will be awarded to students being an all expenses paid family trip to Sydney including car hire, accommodation, and a Wonderland Family pass.

The judging of entries will be adjudicated by a panel including; Aboriginal elders, indigenous personality Aaron Pedersen and a member of the National Indigenous Arts Advocacy Association. The judging will take place on Friday 21st June 2002 to enable the winning school enough time to prepare for their 'Indigenous Concert'.

The organiser of this competition has requested that Council contributes \$300 towards running costs.

RECOMMENDATION:

That Council provides the funds subject to confirmation that the competition will include Tweed schools.

3. Mentoring Program

Russell Logan advised that he would be following up the mentoring program opportunity with Tweed Shire Council.

4. Tribal Warrior Project

It was advised that the Tribal Warrior Project which has been operating within Sydney Harbour is considering providing the project to the Tweed Shire. This will allow ATSIC youth the opportunity to obtain skills in boating as well as other training opportunities.

Reports from Committees/Working Groups

NEXT MEETING:

The next meeting will be held Friday 7 June 2002.

The meeting closed at 12.30pm.

Director's Comments:

Item 2 NAIDOC Week Proposal – the donations fund is fully expended. Council may wish to make the donation as an over-expenditure

DIRECTOR'S RECOMMENDATIONS:

2. NAIDOC Week Proposal

Aboriginal Matters

Committee Recommendation:

That Council provides the funds subject to confirmation that the competition will include Tweed schools.

Director's Recommendation:

That the Committee's recommendation be endorsed, subject to notation of Director's comment regarding the Donations Fund.

Reports from Committees/Working Groups

3. Minutes of the Local Traffic Committee Meeting held Thursday 16 May 2002

Traffic Committee

VENUE:

Peter Border Room

TIME:

Commencing at 9.00am.

PRESENT:

Committee Members: Mike Baldwin, Roads and Traffic Authority; Steve Henderson, NSW Police; Mr Neville Newell, MP, Member for Tweed.

Informal: Chairman: Mr Paul Morgan, Mr Ray Clark and Maree Morgan, Tweed Shire Council.

APOLOGIES:

Mr Don Page MP, Member for Ballina; Cr George Davidson, Tweed Shire Council

MINUTES OF PREVIOUS MEETING:

RESOLVED that the Minutes of the Local Traffic Committee Meeting held Thursday 18 April 2002 were tabled at the meeting and accepted by the Committee as a true and accurate record of the proceedings.

BUSINESS ARISING:

GT2/1 Pt3 451

1. Piggabeen Road, Piggabeen

R4300 Pt7 DW650295

This matter was previously discussed by the Local Traffic Committee at its meeting on 14 December 2000 (item 1) and is reproduced as follows:-

“Request received for assistance to alleviate the problem of speeding vehicles along Piggabeen Road past Green Valley Way.

It was decided that a speed survey / traffic count should be performed on Piggabeen Road past Green Valley Way when resources permit. The speed survey will identify the appropriate speed zoning. The other two issues in the Applicant’s letter are being dealt with separately.

Also Council’s mobile radar speed unit will be situated on Piggabeen Road as resources permit.

RECOMMENDATION:

That a speed survey / traffic count be undertaken on Piggabeen Road when resources are available and the applicant be advised accordingly.”

Further correspondence has been received stating that:-

Reports from Committees/Working Groups

“there have been numerous occasions of vehicles exceeding the speed limit in the residential area of Piggabeen.....The road sign positioned on Piggabeen Road past Cobaki Village Broadwater which indicates no speed limit applies has encouraged drivers to ignore safe driving conditions and frequently drive very dangerously. The Progress Association would like to see the ‘no speed limit’ sign replaced with 80kph and similar speed signage thereafter to the residential area of Piggabeen”.

At the meeting held on 15 February 2002 the item was further discussed and is reproduced as follows:-

“The Police Representative stated that they had been in attendance on Piggabeen Road in December 2001 and that residents had been advised of the outcome.

The Road Safety Officer suggested that the complainant be advised that the derestricted sign does have a speed limit maximum of 100kph and that there would shortly be a re-education campaign on such signage in rural areas. This was agreed to by the Committee. For Council’s information.”

The item has been brought forward again for review of speed survey results.

The speed counts requested have not been finalised. This item is to be resubmitted to the next meeting of the Committee to be held in June.

For Council’s information.

5. Kennedy Drive, Tweed Heads West

R2830 Pt5 -

The following item was discussed at the meeting held on 14 March 2002 (item 5) and is reproduced as follows:-

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

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

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

For Council’s information.”

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

For Council’ information.

Reports from Committees/Working Groups

9. Coast Road, Pottsville

R1181 Pt12; DW662789

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

“Request received for Local Traffic Committee assistance and advice in relation to children crossing Coast Road at the roundabout at the southern end of the Pottsville Beach Primary School. It is also reported that there was an accident recently at the roundabout and the safety rails were knocked down.

Another area of concern is that cars stop to let the children cross but as they were crossing the vehicles started moving forward.

The Committee requested further information. The RSO undertook to visit the site when school recommences and seek advice from the school. To be brought forward to the next meeting. The possibility of removing the “Advisory School Children” sign to another location was discussed and should be assessed.

For Council’s information.”

The matter is to be deferred to the next meeting of the Committee in June.

For Council’s information.

GENERAL BUSINESS:

Part A

1. Numinbah Road, Nobbys Creek Road & Blackwoods Road

R3780, R3710, R0560 - DW665902

Request received for the installation of “Give Way” signs at the intersections of Numinbah Road and Nobbys Creek Road and the intersection of Numinbah Road with Blackwoods Road.

It was suggested that edges line be installed to better define the road directions and the installation of “Give Way” signs at Nobbys Creek Road and Blackwoods Road.

It was also noted that there is to be a new bridge in the “Boat Harbour” area that will redefine this intersection.

RECOMMENDATION:

That linemarking on the edge of the road pavement and the installation of “Give Way” signs at the intersection at Nobbys Creek Road and Blackwoods Road with Numinbah Road.

Reports from Committees/Working Groups

2. Marine Parade, Kingscliff

R3340 – DW670962

Request from the Kingscliff's "Art, Food and All That Jazz" festival committee for the proposed traffic management plan to be approved.

Organisers have submitted a Traffic Management Plan for the event and the Committee has no objection subject to Council's normal conditions for temporary road closures. It should be noted that the festival organiser were advised of the Committee's concurrence before the event.

For Council's information

3. Upper Burringbar Road

R5690 – DW671500

Rail Infrastructure Corporation proposes to upgrade the existing railway crossing on Upper Burringbar Road at Burringbar. Roadworks are requested and Committee requested to assess the signals and signs to be upgraded. Suggested scenarios for these works include:

- a) Do nothing and retain existing signage.
- b) Construct signals only with new signage (removal of existing signage)
- c) Construct the full works – signals, signage and roadworks.

The Committee considered that item (c) above be supported to construct the full works for the railway crossing upgrades as this was determined as the safest solution.

RECOMMENDATION:

That State Rail Authority be advised that the Committee supported option (c) to construct the full works for the upgrading of railway crossings along Upper Burringbar Road.

4. Scenic Drive Tweed Heads West

R4930 Pt2 – DW671407

A request has been received to lower the speed limit on Scenic Drive, Tweed Heads West in the vicinity of the Panorama Shops.

The Committee noted that a pedestrian refuge exists and as Scenic Drive is one of Council's major "distributor" roads that the 60 kph speed limit be retained.

The Committee did not support a lowering of the speed limit as Scenic Drive is a "distributor" road and doesn't comply with the RTA Urban Distributor Roads guidelines for a 50 kph zone. However a speed count will be undertaken when resources permit to identify any speed issues and results supplied to the Police for action as if deemed necessary.

Reports from Committees/Working Groups

For Council's information.

5. Road Safety Issues – Brett & Boyd Streets Tweed Heads

R0700 – DW662957

Late agenda Item. Petition received from the residents in Brett & Boyd Street, Tweed Heads regarding road safety issues.

Brett & Boyd Streets from cross roads and visibility is restricted by parked vehicles. New linemarking has been completed to define the travel lanes and parking lanes and no stopping signs erected at the corners.

Traffic volume counts in 1998 was 6086 vpd, and increased to 6,800 vpd, a rise of only 800 vehicles per day.

It was noted that the need and demand for parking has increased in the Boyd Street area due to commercial development.

These issues have been addressed in previous meetings and as the above works have only been recently completed, that the situation be monitored to determine their effectiveness.

For Council's information.

6. Road Safety Issues – Cudgen Road & Chinderah Road, Cudgen

R1460, R1070

Late agenda item tabled at meeting:-

Traffic counts have been undertaken at the abovementioned location which indicate that a high percentage of drivers are exceeding the speed limit. It is proposed to make written representations to the Roads & Traffic Authority nominating the intersection of Cudgen Road and Chinderah Road for the installation of a speed camera at this location and that data be collected for the application.

RECOMMENDATION:

That Council writes to the Roads & Traffic Authority requesting the installation of a speed camera at the intersection of Cudgen and Chinderah Roads, Chinderah.

Part B

1. Minjungbal Drive, Tweed Heads (Homemart)

DA4030/2822 Pt1

Request for modification of Condition 33 of Development Consent K00/264 which contains several sub-clauses dealing with vehicular and pedestrian traffic.

Reports from Committees/Working Groups

The Developer requests reassessment of the conjoined left in/left out access at the southern end of complex and well as provision of a covered walkway.

The applicant proposes to install stop signs at the internal "T" intersection for the service station traffic onto the main access road. Potential conflict with the internal traffic flows in the development. The traffic exiting the service station would be too close to the traffic entering from Minjungbal Drive which creates the high potential for collisions with volumes entering via the left in. The potential queuing on Minjungbal Drive could create a traffic hazard for through traffic, therefore the Committee did not support the modification.

The Committee did not support the request for the following reasons:-

- a) The exit lane from the service station is too close to the proposed left in entry, which has the potential to cause accidents due to the very short distance between the two movements.
- b) Vehicles exiting the service station exit may potentially block the left entry from Minjungbal Drive while cars in front attempt to enter the traffic flow on Minjungbal Drive. Thereby creating queues of traffic waiting to enter the site from Minjungbal Drive. The Committee did note however, in this regard, the kerb side parking lane could be used as a queuing area.
- c) The service station building is constructed in such a manner that it limits sight distance to a few metres for traffic travelling south along the main spine access within the shopping complex. It was considered that this is a major safety issue if high volumes of traffic started to head west as a result of the proposed left in at Minjungbal Drive.
- d) The Committee noted that the current configuration was built around the owner's design and that the proposed modification was clearly not catered for in the original design and does not comply with the relevant sight distance requirements and queuing areas.

For Council's information.

NEXT MEETING:

The next meeting is scheduled for Thursday 20 June 2002.

The meeting closed at 10.30am

<i>Director's Comments:</i>

<i>NIL</i>

[document9]

Reports from Committees/Working Groups

DIRECTOR'S RECOMMENDATIONS:

1. Numinbah Road, Nobbys Creek Road & Blackwoods Road

R3780, R3710, R0560 - DW665902

Committee Recommendation:

That linemarking on the edge of the road pavement and the installation of "Give Way" signs at the intersection at Nobbys Creek Road and Blackwoods Road with Numinbah Road.

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

3. Upper Burringbar Road

R5690 – DW671500

Committee Recommendation:

That State Rail Authority be advised that the Committee supported option (c) to construct the full works for the upgrading of railway crossings along Upper Burringbar Road.

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

6. Road Safety Issues – Cudgen Road & Chinderah Road, Cudgen

R1460, R1070

Committee Recommendation:

That Council writes to the Roads & Traffic Authority requesting the installation of a speed camera at the intersection of Cudgen and Chinderah Roads, Chinderah.

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

Reports from Committees/Working Groups

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

4. **Minutes of the Communication Committee Meeting held Monday 15 April 2002 (Adjourned from 18 March 2002)**
 5. **Minutes of the Community Cultural Development Advisory Committee Meeting held Thursday 18 April 2002**
 6. **Minutes of the Tweed District Service Level Agreement Committee held 24 April 2002**
 7. **Minutes of the Tweed Shire Local Emergency Management Committee Meeting held 14 May 2002**
 8. **Minutes of the Communication Committee Meeting held Thursday 16 May 2002**
 9. **Minutes of the Sports Advisory Committee Meeting held Tuesday 21 May 2002**
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Orders of the Day

1. Notice of Rescission - Cr Polglase, Cr Brinsmead and Cr Lawrie

Development Application 0758/2001DA for the Erection of Tourist Accommodation Comprising 4 Units at Lot 6 Section 3 DP 9453, No. 4 Sutherland Street, Kingscliff

Notice of Rescission; DA5345/280 Pt1; 5345.280; DW670457

That Council resolution at Minute No 934 in relation to Item 2 of the Meeting held Wednesday 1 May 2002 being:-

".....that Development Application 0758/2001DA for the erection of tourist accommodation comprising 4 units at Lot 6 Section 3 DP 9453, No. 4 Sutherland Street, Kingscliff be refused for the following reasons:-

1. *The proposed development exceeds the height limitation of the Tweed Local Environmental Plan 2000 (79C(1)(a)(i) EP&A Act 1979), and the objection lodged under State Environmental Planning Policy No. 1 is not acceptable.*
2. *The proposed development does not meet the building type for the site provided under Development Control Plan No.43 – Kingscliff (79C(1)(a)(iii) EP&A Act 1979).*
3. *The proposed development does not meet the building setback requirements provided under development Control Plan No.6 – Multi Dwelling Housing (79C(1)(a)(iii) EP&A Act 1979).*
4. *The undesirable precedent that would be set by the development for potential development of adjoining or other land in the locality (79C(1)(b) EP&A Act 1979).*
5. *The proposed development is unsuitable for the site and is likely to impact on the existing amenity and character of the locality through the precedence of that development to development in the locality (79C(1)(c) EP&A Act 1979).*
6. *The proposed development undermines the planning objectives for the locality and precinct and would not be in the public interest (79C(1)(e) EP&A Act 1979)."*

be rescinded.

2. Notice of Motion - Cr Youngblutt

Alcohol Free Zones – Tweed Shire

Notice of Motion; Police; Alcohol Free Zones; Nullum Street

That:-

1. Signs be erected in Nullum Street prohibiting the consumption of alcohol;

Orders of the Day

2. Council writes to the Police Minister and Mr Neville Newell demanding that action be taken to address and control the drunken and lawless behaviour in the Tweed Shire which has grown to become a menace to ratepayers.
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3. Notice of Motion - Cr Youngblutt

New Art Gallery

Notice of Motion; New Art Gallery; Art Gallery - General

That the Curator 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.

4. Notice of Motion - Cr Youngblutt/Cr Beck

New Art Gallery - Costings

Notice of Motion; New Art Gallery; DA3488/12 Pt1

That the Art Gallery Construction Committee submits to Council, detailed specifications for the new art gallery with all costings. A comparison with the initial plan is also requested, showing where costs and specifications vary.
