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## **CONFIRMATION OF MINUTES**

### **Minutes of Council Meeting held 1 October 2003**

#### **UNDER SEPARATE COVER:**

1. Minutes of Meeting held 1 October 2003
- 

### **Minutes of Extraordinary Council Meeting held 8 October 2003**

#### **UNDER SEPARATE COVER:**

Nil.

1. Minutes of Extraordinary Council Meeting held 8 October 2003
-

## SCHEDULE OF OUTSTANDING RESOLUTIONS

### Schedule of Outstanding Resolutions

#### FOR COUNCILLOR'S INFORMATION:

18 December 2002

#### REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

##### 28a. Surf Life Saving Services - Casuarina Beach

604

Cr Youngblutt

Cr Davidson

**RESOLVED** that .....

3. The Director Development Services and Director Environment & Community Services in the long term considers and develops a policy in regard to the responsibility and obligations where a private developer proposes to pay for the provision of surf lifesaving services. This policy should also consider any necessary conditions of consent for future developments.

**Current Status:** Awaiting strategy report from NSW Surf Life Saving Association.

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18 June 2003

#### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

##### 9. Draft Development Control Plan No 16 - Subdivision Manual

511

Cr Boyd

Cr Youngblutt

**RESOLVED** that Council holds a workshop and inspections of sites in relation to Development Control Plan No. 16.

**Current Status:** Workshop to be organised.

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## REPORTS FROM COMMITTEES/WORKING GROUPS

### 2. Minutes of the Tweed Shire Council Disability Access Committee Meeting held Thursday 17 July 2003

### 8. Regional Access Meeting

769

Cr Boyd

Cr Carroll

**RESOLVED** that Council requests a report be brought forward on conducting an "access" survey.

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

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### 8. Travel Funding for Committee Members

772

Cr Boyd

Cr Carroll

**RESOLVED** that a report be brought forward to Council in the impacts of the allocation of a proportion of funds from the Disability Access Budget.

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

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1 October 2003

## REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

### 3. Development Application 0689/2000DA for a Storage & Launching Facility for Tweed Coast Sea Rescue Squad at Peninsula Street, Hastings Point

814

Cr Davidson

Cr Marshall

**RESOLVED** that Development Application 0689/2000DA for storage and launching facility for Tweed Coast Sea Rescue Squad at Lot 7018 DP 755701 Coast Road, Hastings Point, be approved in principle and the Director Development Services brings forward conditions for approval.

**Current Status:** Report to Council 5 November 2003.

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## REPORTS FROM DIRECTOR ENGINEERING SERVICES

### 10. Lower Oxley River Bank Stabilisation Project - Water Unit Contribution

817

Cr Beck

Cr Marshall

**RESOLVED** that this item be deferred to allow the community groups to address the Community Access meeting in November and to enable Council to contact the relevant Community Groups to update them on the project.

**Current Status:** Deferred to Council Meeting 19 November 2003

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## ORDERS OF THE DAY

### 1. Terranora Village

851

Cr Boyd

Cr Polglase

**RESOLVED** that Council staff brings forward a report which:

- a) covers the time that has elapsed since the approval was given for the neighbourhood shopping centre in the Terranora Village; and
- b) what action is recommended to be taken to secure its completed.

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

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### 2. Industrial Subdivision at Tringa Street, West Tweed Heads

852

Cr Boyd

Cr Luff

**RESOLVED** that staff furnish a report which details the sequence of events surrounding the commencement of construction of the access road to the industrial land off Tringa Street and which includes:-

- i) The date when staff first became aware of this activity;
- ii) What action was taken by staff following discovery?
- iii) An explanation as to why no action was apparently taken to recommend that legal proceedings should be commenced.

**Current Status:** Report being prepared.

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### 3. Industrial Land Adjacent Cobaki Creek

853

Cr Luff

Cr Boyd

**RESOLVED** that Council arranges a public meeting to provide information on the parcel of industrial land which adjoins Cobaki Creek, and is between Kennedy Drive and the Airport land. Council will particularly invite the landowner or representative to attend, and residents of Tringa, Gray and other nearby streets.

**Current Status:** Meeting to be arranged.

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### DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

#### 5a. Additional Information - Proposal to Operate the Tweed Shire Council Animal Impound Facility

861

That this item be deferred to allow Council to clarify the structure and legal entity of Friends of the Pound, their proposed management of the Pound and their ability to access the State Companion Animal Register.

**Current Status:** Report to November Meeting.

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## **MAYORAL MINUTE**

### **Mayoral Minute**

Councillors,

#### **1. Bogangar/Cabarita Beach Advisory Steering Committee**

2 October – meeting of the Bogangar/Cabarita Beach Advisory Steering Committee at Cabarita

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#### **2. Tweed Chess Competition**

4 October - Chess Competition at Tweed Heads

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#### **3. Bilambil Soccer**

4 October Bilambil Soccer U/12's V Indigenous Didgeridoos at Bilambil

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#### **4. Carlin Park**

5 October – Dedication of Carlin Park at Tweed Heads

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#### **5. Tweed Chess Competition**

5 October – presented trophies to winners of Tweed Chess Competition

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#### **6. Tweed Futures**

6 October – attended Banora Point Residents Association Tweed Futures meeting at Tweed

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#### **7. TACTIC**

7 October – attended preview new destination marketing campaign and TV Commercials at Twin Towns

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## 8. NRACC

9 October – meeting of NRACC at Ballina

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## 9. Gold Coast Soccer

11 October – Gold Coast Soccer Annual Presentation Dinner at Gold Coast

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## 10. Casuarina Beach Project

13 October – Telstra release Casuarina Beach Project at Casuarina

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### INVITATIONS ACCEPTED:

- 16 October – Tweed Futures Steering Committee
- 16 October – Silver Jubilee Celebration Election to Papacy of Pope John Paul 11 at Tweed Heads
- 17 October – TACTIC Chinderah VIC Project – GC Airport Boardroom
- 18 October – Opening Chillingham Community Centre
- 18 October – Coloon Kid's Fest Tweed Heads
- 18 October – Lindisfarne P & C Bi-Annual School Fete
- 27 October – Opening South Tweed Branch of Summerland Credit Union
- 28-31 October – Planning Institute Conference in Thredbo
- 1 November – Casuarina Ocean Festival Ceremony & Dinner
- 3 November – GM's Group Meeting + Mayors at Lismore
- 5 November – NRACC meeting in Canberra

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

- NSW Coastal Conference at Panthers Port Macquarie 4-7 November
- 

### ABSENCES FROM SHIRE BY EXECUTIVE, AND COUNCILLORS:

#### EXECUTIVE

Name	From	To	Location	Details
GM	13 October 2003	13 October 2003	Lismore	GM's Group Meeting
GM	24 October 2003	24 October 2003	Sydney	LGMA General Managers Forum

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## ITEMS DEFERRED

### [ID] Maintenance Limits - Glengarrie Road

#### ITEM DEFERRED FROM MEETING HELD:

1 OCTOBER 2003

**758**

**Cr Boyd**

**Cr Carroll**

**RESOLVED** that this item be deferred to allow the resident to address Community Access.

**ORIGIN:** Works Unit

**FILE REF:** R2230; Glengarrie Road; Roads - Maintenance Program

#### **SUMMARY OF REPORT:**

In January 2002 Council considered a request to extend the maintenance limits on Glengarrie Road Carool by 1.3 kilometres. This request was accepted only if the road was upgraded to a minimum of a two lane standard. The owner has again written requesting re-consideration of this matter and a copy of the letter forms part of this report.

Subsequent to the decision in January 2002 the road was widened in some places to allow a furniture van to gain access. This was at the owners' expense, but still did not bring the road to the standard expected.

#### **RECOMMENDATION:**

That Council again advises that it would only accept maintenance of the additional section of Glengarrie Road if it were widened to two lane standard.

**REPORT:**

In January 2002 Council considered a request to extend the maintenance limits on Glengarrie Road Carool by 1.3 kilometres. This request was accepted only if the road was upgraded to a minimum of a two lane standard. The owner has again written requesting re-consideration of this matter and a copy of the letter forms part of this report.

Subsequent to the decision in January 2002 the road was widened in some places to allow a furniture van to gain access. This was at the owners' expense, but still did not bring the road to the standard expected. Also at that time some of the other residents on the road objected to any upgrading.

While it is accepted that the resident does have some concern with negotiating the road there are significant other users of the road that travel the road without the need to contact Council. As reported previously it would require approximately \$85,000 to bring the road to a standard that Council would then accept as part of its' asset for maintenance.

It is recommended that Council not alter its' previous decision on this matter.

Civic & Cultural Centre  
Tumbulgum Road  
Murwillumbah NSW 2484  
PO Box 816  
Murwillumbah NSW 2484  
PH - (02) 66 70 2400  
FAX - (02) 66 70 2429

Angus Kent  
Lot 14 Glengarrie Rd  
C/O Bilambil Post Office  
Bilambil 2486 NSW  
4/7/03

PROGRAM.

GLENGARRIE RD.

TWEED SHIRE COUNCIL	
FILE No	R2230
DOCUMENT No	
RECD	5 AUG 2003
BOOK No	
ASSIGNED TO	MISSINGHAM, B.
HARD COPY	<input checked="" type="checkbox"/>
IMAGE	<input type="checkbox"/>

For the attention of the General Manager  
C/O Bob Missingham

I'd like to request that the Council undertakes maintenance on the Glengarrie Rd. Presently all maintenance stops at the Slash Pine intersection and unfortunately I have some significant concerns over the state of the road, the ability to access my property and the danger it represents.

- 1) Having an my elderly Mother living with us, access for her is essential and given the deterioration in the road I have found that she is unable to get in and out of the property with ease; to the point where shopping for food has become a real burden. Of special concern is the continuation of Glengarrie Rd past the Slash Pine turn; there is a cement slab that had deteriorated such that the steel reinforcing is now showing and that in the wet it's impossible for her to negotiate it. Also the overgrowth of the scrub on either side of the road had made it quite dangerous if you meet a car coming in the opposite direction because you cant see the side of the road and there are a number of very steep and unmarked drop off's.
- 2) I also have significant concerns that emergency services would be unable to access the property in the event that they are called out, especially at night, given that the sides of the road are for the most part unmarked and that there are no street signs, sign posts or other markings.
- 3) I also feel that the road surface needs some upkeep as recently I got a puncture (in the side wall of the tire) the size of a 20cent coin going over a rut. Also in the wet I've experienced slippage on the hairpin bends and on the cement slab and; with reference to point 1) above, my Mother refuses to go out because of this. Also recently a delivery truck slipped of the cement slab and was damaged, I've photos if required
- 4) During the last period of heavy rain it also looks like there are sections of the hill side where the road is 'cut out' that have been undermined and that have substantial growth on top. Slope stability may be a concern in the future.
- 5) In the event that there is any closure on this road either because of damage, slope slippage or tree falls, we would be stranded because this is the only access to the property
- 6) The beginning of the unsealed portion of the Glengarrie Rd. has developed some large potholes and it would also be appreciated if they could be filled.

Yours sincerely,

  
Angus Kent

**Copy of Council report dated 23 January 2002:**

*"RESOLVED that Council accepts an extension of the maintenance limit of Glengarrie Road only if the section is widened to two lane standard at the cost of the local residents."*

**SUMMARY OF REPORT:**

*A request has been received for Council to extend the maintenance limits on Glengarrie Road by 1.3 kilometres. The section of road is narrow and would require considerable upgrading before Council accepted maintenance responsibility.*

**RECOMMENDATION:**

*That Council accepts an extension of the maintenance limit of Glengarrie Road only if the section is widened to two lane standard at the cost of the local residents.*

**REPORT:**

*Council currently maintains Glengarrie Road Carool for a distance of 2.6 kilometres from Carool Road. The section maintained is generally of two lane standard with 1.5km sealed and 1.1km unsealed. A request has been made for Council to accept maintenance of a further 1.3km of the road.*

*This section of road has been maintained historically by the local residents and is narrow and generally only one lane width.*

*Before Council could accept maintenance of the road it would need to be brought to a standard that is acceptable for the general public to use. It is currently at a standard for a private access only.*

*The estimated cost to widen the road to two lane standard is \$85,000.*

*It is recommended that the applicants be advised that Council would require either the road to be widened to two lane standard or payment of the cost to upgrade prior to any extension of the maintenance limit."*

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**[ID] Amendment to Development Control Plan 39 - Energy Smart Homes (This report is the subject of a further report at Item EC-1 of this Agenda)**

**ITEM DEFERRED FROM MEETING HELD:**

**1 OCTOBER 2003**

**810**

**Cr James**

**Cr Boyd**

**RESOLVED** that this item be further deferred to allow a further report to be brought forward.

**ORIGIN:**

**Environment & Health Services**

**FILE NO: GT1/DCP/39 Pt1**

**SUMMARY OF REPORT:**

On 2 April 2003, Council resolved to prepare and exhibit Development Control Plan No 39 (Amendment No 1) – Energy Smart Homes Policy. The purpose of the amendment was to remove Section 4.9 - Water Heating to enable new home owners to install a water heating system regardless of its energy efficiency.

Submissions to the amendment were received from Maroochy Shire Council, Queensland Conservation Council, Brisbane City Council, Solahart Energy Saving Centre and the NSW Sustainable Energy Development Authority (S.E.D.A).

In addition to its submission, S.E.D.A have indicated that the S.E.D.A \$500 discount for solar hot water systems and heat pump hot water systems will remain in place until at least September 2003 and that new home-buyers will only be eligible for this discount if their council requires the installation of a greenhouse efficient hot water system.

**RECOMMENDATION:**

That Council defers consideration and adoption of Development Control Plan No 39, Amendment No 1, for a period of three (3) months.

## **REPORT:**

In April 2000 Tweed Shire Council adopted Development Control Plan No 39 – Energy Smart Homes Policy under the direction of the NSW Sustainable Energy Development Authorities (S.E.D.A's) 'Energy Smart Homes Program'.

On 2 April 2003 Council resolved to prepare and exhibit Development Control Plan No. 39 (Amendment No. 1) – Energy Smart Home Policy. The purpose of Amendment No 1 was to remove Section 4.9 Water Heating from the plan and thus remove Council provisions that require new homeowners to install a greenhouse efficient water heating system in the construction of a residential dwelling.

A copy of Council's resolution is attached.

## **Planning Issues**

Current controls are economically disadvantaging new home buyers in the Tweed Shire when compared to residents elsewhere in New South Wales by requiring residents to install greenhouse efficient water heating systems. The Tweed Shire being mostly unserved by reticulated gas forces residents to install either solar or heat pump hot water systems which are significantly more expensive to purchase than gas or electric hot water systems or to install bottled gas hot water systems which are more costly to operate.

In support of the amendment six other local Council's in New South Wales have adopted an Energy Smart Homes Policy without including a requirement for residents to install a greenhouse efficient hot water system.

## **Submissions**

The draft Plan was exhibited for 28 days beginning on Wednesday 7 May 2003. Submissions relating to the amendment were received from Maroochy Shire Council, Queensland Conservation Council, Brisbane City Council, Solarhart Energy Saving Centre and the NSW Sustainable Energy Development Authority.

A copy of each submission is attached.

The issues identified in the submissions include:

- warming and the emission of greenhouse gases into the atmosphere is becoming increasingly recognised as an important issue by governments and the communities around the world.
- Australia is the world's highest emitter of greenhouse gases per capita.
- Hot water use accounts for nearly 40% of an Australian households energy consumption.
- Installing an energy efficient hot water system enables a saving of 5 tonnes of greenhouse gas per household per annum.
- Appropriate policies to reduce the level of household energy consumption is one way of reducing greenhouse gas emissions and household running costs.



- 15 of the 50 N.S.W Councils with an energy efficient hot water component to their DCP do not have access to a reticulated gas supply.
- By comparison, solar hot water systems are the most cost effective of all systems to install and operate – even where reticulated gas is available.
- A discount of up to \$1000 from the Commonwealth Government still applies for installing an energy efficient hot water system.

In addition S.E.D.A have indicated that:

- The \$500 discount for solar hot water systems and heat pump hot water systems is expected to remain in place until at least September 2003.
- 265 discount vouchers valued at \$132,500 have been distributed to new home buyers in the Tweed Shire since DCP 39 was adopted in 2000.
- If s4.9 of DCP 39 is removed new home buyers in the Tweed Shire will not be eligible for the \$500 discount.

However, it is unclear how the adoption of the Plan, as exhibited, will affect existing holders of S.E.D.A vouchers.

As Council is aware, representatives from the Master Builders Association and the NSW Sustainable Energy Development Authority addressed Council's Community Access Meeting held on 9 July 2003 and outlined the current situation involving recent initiatives with the building industry to make the installation of solar hot water systems a more cost effective proposition.

In light of this, they suggested that Council defer a decision regarding the adoption of Amendment No 1 to Development Control Plan No 39 for a period of three months to enable further approaches to be made to the industry and for some additional initiatives to be pursued to resolve the current objections in relation to certain elements of the DCP.

## Options

To resolve the identified planning issues and those raised by received submissions, Council should proceed with one of the following options: -

1. Defer consideration and adoption of Amendment No 1 to the Development Control Plan for a period of three (3) months.
2. Proceed with the exhibited plan in accordance with Council's resolution of 2 April 2003.
3. Proceed with the plan as amended by the following: -

*"Section 4.9 Water Heating Systems*

### **Background Principles**

*In many instances water heating is the biggest greenhouse gas generator in the home. Greenhouse gas is recognised universally as a key contributor to global warming. Therefore, new home owners should be encouraged to install a greenhouse efficient water heating system.*

**Objective**

*To require the installation of greenhouse efficient water heating systems and water efficient devices that minimise greenhouse gas generation.*

**Preferred Outcomes**

*All dwellings should be fitted with an energy efficient hot water system which achieves a minimum greenhouse efficiency rating of 3.5 stars provided that they are cost effective when compared to the installation and running costs of a traditional electric hot water system.*

*Hot water storage should be located close to the most used hot water outlets (generally the kitchen) and household service areas should be grouped together to shorten hot water pipe runs.”*

**Conclusion:**

The total cost of a hot water system includes the purchase price, installation costs and, most significantly, the cost to run the system.

Cost comparisons between electric hot water systems and solar hot water systems indicate that solar is by far the more cost effective over the life of the home. A higher purchase price is more than compensated by the reduced running costs. In addition, a solar hot water system will reduce greenhouse gas generation by approximately 5 tonnes per annum. With 1.6% of NSW Development Applications in the Tweed Shire, this represents an annual abatement of over 2600 tonnes of greenhouse gases from Tweed households.

Given that Australia is the highest emitter of greenhouse gases (per capita) in the world, the requirement to install a greenhouse efficient hot water system that will save residents money over the life of their home is both economically viable and socially responsible.

In the circumstances identified at Council's Community Access Meeting, Option 1 is recommended to defer further consideration and/or adoption of the DCP for a period of three months.

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**[ID] Development Application DA03/0723 for an Emergency Accommodation for Single Men at Lot 100 DP 865105, Pacific Highway, Murwillumbah**

**ITEM DEFERRED FROM MEETING HELD:**

**1 OCTOBER 2003**

**813**

**Cr Boyd**

**Cr Carroll**

***RESOLVED** that a decision on this item be deferred to allow the applicant to address Community Access in October and to also invite the proponent to hold a meeting with residents of the nearby area.*

**ORIGIN:**

**Development Services**

**FILE NO: DA03/0723 Pt1; LN 39614**

**SUMMARY OF REPORT:**

A Development Application has been received for the conversion of the railway barracks at Railway Street, Murwillumbah into accommodation for single men. The accommodation contains four bedrooms plus quarters for a manger. The land is zoned 5(a) Special Uses (Railways) and is permissible with consent in the zone. The building has been used for emergency accommodation for men in the past, although the barracks apparently were not properly managed and residents not advised of their responsibilities in terms of good neighbourhood relations.

This proposal was placed on exhibition for a period of two weeks and adjoining neighbours were notified. Four submissions and a petition with 23 signatures was received objecting to the proposal raising various reasons why the proposal should not proceed including the impact the residents of the shelter may have on the amenity of the neighbourhood. Such concerns are well founded having regard to how the barracks were previously managed by other community groups.

In support of the proposal the applicant has responded that the Barracks will be managed in a much more proactive manner, residents properly screened, and quarters provided for an onsite manager. Having regard to this it is recommended that Council support the proposal and issue development consent for an initial one year period. At the end of this period the applicant will be required to apply to Council again to continue using the barracks for this purpose. If the Barracks have not been properly managed, and there have been complaints received, then Council will have the opportunity to refuse that application and the use of the barracks for temporary accommodation of single men will have to cease.

## **RECOMMENDATION:**

That Development Application DA03/0723 for an emergency accommodation for single men at Lot 100 DP 865105 Pacific Highway, Murwillumbah be approved subject to the following conditions: -

### **GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plans Nos 1 to 8 dated May 2003, 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 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.
5. Use of the barracks for the emergency accommodation for men is limited to Twelve (12) months from the date of the issue of the Occupation Certificate.

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

6. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore required that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.
7. 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.

### **DURING CONSTRUCTION**

8. 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).
9. 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.
  10. (a) All deteriorated and defective materials are to be replaced by sound materials.  
(b) The building is to be painted internally and externally.  
(c) The building is to be set up and completed in a tradesman like manner and to Council's satisfaction.  
(d) The building is not to be occupied until all work is completed and Council's approval to occupy has been granted.
  11. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
    - a. footings, prior to pouring of concrete
    - b. frame
    - c. final inspection prior to occupation of the building
  12. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
    - a. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
  13. 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.
  14. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
    - \* 43.5<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
    - \* 50<sup>0</sup>C in all other classes of buildings.A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.
  15. 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. A sign has been erected on the site identifying:
      - Lot number
      - Builder
      - Phone number of builder or person responsible for site.
    - ii. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
  16. Mains powered smoke alarms are to be installed in accordance with the Building Code of Australia.

17. The provision of two off street car parking spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.
18. 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.
19. Handling and disposal of asbestos products shall be in accordance with NSW Workcover requirements.
20. The builder is to liaise with NSW EPA prior to handling any potential lead based products to ensure that adequate management of potential risks.

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

21. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.
22. Portable fire extinguishers containing an extinguishing agent suitable for the risk being protected must be installed in accordance with Australian Standard AS 2444 "Portable Fire Extinguishers - Selection and Location" and Part E1.6 of the Building Code of Australia.
23. Prior to Occupation a sign to be erected on the outside of the barracks and clearly visible to the public from Station Street stating who is operating the barracks with a 24 hour phone number to enable reporting of antisocial behavior of residents.
24. Prior to the issue of the Occupation Certificate, all adjoining residents are to be provided with the contact details of the operators of the barracks including 24 hour phone numbers.
25. Prior to the issue of the Occupation Certificate an Emergency Management Plan for Flood and Fire is to be prepared and approved by the State Emergency Service. The plans shall be appropriately displayed in each bedroom and a designated common area.

#### **USE**

26. 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.
27. The barracks are not to be used for accommodating tenants with a criminal record, and appropriate screening is to be carried out by the operators to ensure this occurs.
28. A manager or supervisor is to reside at the barracks a minimum of four (4) night in any week. Such nights to include pension and other forms of social security payment days and weekends.
29. The operation of the premises shall comply with the relevant provisions of the Food Act 1989. In this regard the following shall be carried out to the satisfaction of the Director Environment and Community Services:
  - i. An easily accessible hand wash basin shall be provided within the food preparation area;

- ii. The food preparation area to be kept in a clean and orderly manner at all times; and
  - iii. A dishwasher or similar shall be provided to ensure adequate sanitising of eating, drinking and cooking utensils.
30. The operators of the barracks shall notify NSW Health prior to the occupation of the building under the provisions of the NSW Food Act 1989.

**REPORT:**

**Applicant:** Ms T Wilkinson  
**Owner:** State Rail Authority of NSW  
**Location:** Lot 100 DP 865105, Pacific Highway, Murwillumbah  
**Zoning:** 5(a) Special Uses (Railways)  
**Cost:** \$47,000.00

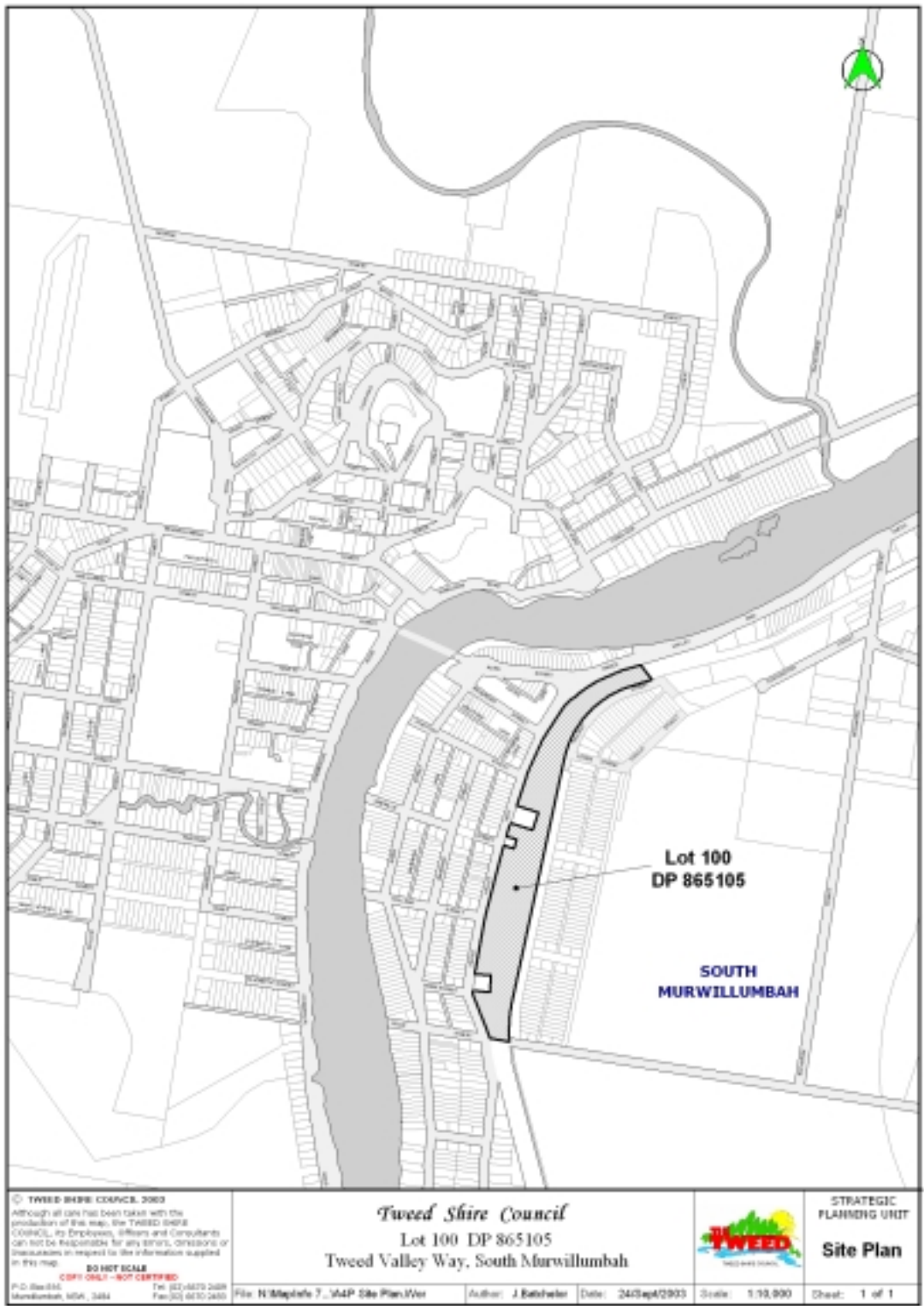
**BACKGROUND:**

A Development Application has been received for the conversion of the railway barracks at Railway Street, Murwillumbah into accommodation for single men. The accommodation contains four bedrooms plus quarters for a manger. The land is zoned 5(a) Special Uses (Railways) and is owned by the State Rail Authority. The building has been used for emergency accommodation for men in the past, although the barracks apparently were not properly managed and residents not advised of their responsibilities in terms of good neighbourhood relations. The applicants are not the same operator as previously and have proposed to manage the barracks in a much more proactive manner, screen residents and set out the ground rules for its tenants to ensure that the amenity of the neighbourhood is not compromised.

The proposed accommodation project will be run by the Tweed River Valley Fellowship Organisation, which in turn is funded by the Department of Community 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**

**Clause 8 Zones**

The proposal is located on land zoned 5(a) Special Uses (Railways). Under Tweed LEP 2000 the proposal is defined as a boarding house being “..a house let in lodgings or a hostel...” under item 2 of the zoning table uses allowed with consent include any use which is compatible with adjacent uses and with uses allowed (with or without consent in the adjacent zones.

Adjacent land to the proposal is zoned 2(a) Low Density Residential. Boarding Houses are permissible with Consent in this residential zone provided the provisions of clause 8(2) of the LEP are satisfied. Although such a requirement is not required under the 5(a) Zone, the applicant has provided the following information addressing clause 8(2)

1. The nature of the development is such that opportunities to establish like facilities are not common and largely dependent upon donations and the granting of property by government departments and individuals alike. In the absence of such generosity, facilities such as that proposed would simply not exist. Accordingly, the selection and use of the subject building is dictated by the mere fact that it is available for use and that there are no other suitable localities or structures available within the Tweed Shire.
2. The need for the proposed development is well documented, both in terms of Council's social policy, but also within the wider media. The proposal undoubtedly meets an urgent community need.
3. The proposal does not constitute a major employment generator.
4. No other sites exist within which the development can be funded, facilitated and utilised within close proximity to the subject site.
5. The subject building is considered to be generally consistent with both the scale and character of surrounding residential development. In terms of use, the proposal is of a scale consistent with the surrounding from a traditional residential use developments, with the 'barracks' containing accommodation for four (4) residents only. Whilst the nature of the proposed use is somewhat different from a conventional residential use, the occupants of the 'barracks' will reside there for accommodation purposes only, irrespective of their background of length of stay. In this regard, the proposed use could be considered to be generally consistent with the scale and nature of adjacent or surrounding developments.

6. The proposed use is entirely consistent with the secondary objective of the 5(a) Special Uses Zone.

It is considered the proposal containing a total of 5 bedrooms is consistent with the primary objective of the 2(a) zone, and provided the facility is properly managed, the proposed use of the barracks is compatible with adjacent land uses. In terms of management it is recommended as a condition of consent that a supervisor or manager reside in the barracks a minimum of 4 nights in any week including weekends and days that welfare payments are made.

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

Having regard to the scale of the development it is considered a social impact statement is not required. In terms of social impact the proposal is aimed at providing temporary accommodation for single men aged 24 years and upwards who are unable to find accommodation through the normal market measures. Such circumstances include men who are homeless due to financial circumstances, have a poor rental history or require emergency accommodation as a result of domestic violence. Prospective tenants with drug problems or requiring constant supervision will not be housed in this development. It is considered the proposal will provide a valuable service for a disadvantaged section of the community.

#### **Clause 35 Flooding**

The barracks have a floor level of 5.45 m AHD and 5.48 m AHD. This is below Council's minimum floor level for the area of 6.7 m AHD. In support of the proposal the applicant has submitted that residents will not be permanent and that accommodation in the facility is considered temporary. Therefore the ability for residents to evacuate during a flood having regard to the location of the site to the Pacific Highway, and the need to move personal effects can be easily attained.

In relation to the provisions of the clause the proposal will not increase the risk of flooding of adjoining land. To fully mitigate the flood potential the building would need to be raised by 1.3 metres. This is not proposed by the applicant and is potentially outside of their financial means.

The proposal was forwarded to Engineering Services whereby comment was provided from the manager of the Water Unit. No objection was raised to the development subject to a Flood Contingency/ Evacuation Plan being prepared and approved by the SES. An appropriate condition of consent has been recommended.

As the structure already exists, and having regard to the temporary nature of the future tenants, to raise the building by an additional 1.2 - 1.3 metres is not required in this instance.

### **North Coast Regional Environmental Plan 1988**

The proposal is not inconsistent with the provisions in the REP pertaining to residential development.

- (a) (ii) The Provisions of any Draft Environmental Planning Instruments  
No draft Environmental planning Instruments affect this proposal.

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

#### **DCP No. 2 Site Access and parking code.**

No car parking has been proposed on the plans submitted, however adequate area is available on site for the parking of vehicles and push bikes. Under DCP 2 a total of two spaces should be provided. An appropriate condition of consent is recommended requiring the provision of two vehicle spaces to be set aside for the development.

#### **DCP 5 Development of Flood liable Land**

As discussed above the floor level of the existing railway barracks is approximately 1.3 metres below council's adopted minimum floor level for this area. Having regard to the historical uses of the barracks, the temporary residential nature of the proposed use, and the ability for tenants to be evacuated to higher ground, it is considered that it is unnecessary for the building to be raised to the required floor level in this instance.

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

#### **Clause 94 of the EPA Regulations**

The proposal requires minor additions to the existing building and has been assessed in terms of Fire Safety Council's Building Services Unit have no objection to the proposal subject to the installation of smoke alarms and emergency evacuation lighting being installed as per the Building Code of Australia.

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

The proposal is on land within an existing urban location and will not have an adverse impact upon the natural environment. In terms of the built environment the proposal does have the potential to adversely affect the amenity of the neighbourhood and the area. Other community minded organisations have utilised the barracks over the past two decades for short - term emergency accommodation for men. However from the objections received to this development it is believed that the barracks were not managed effectively in terms of screening tenants, advising tenants of their rights and responsibilities in terms of respecting neighbourhood amenity, nor was there provision for an on-site manager.

This proposal attempts to correct these errors of the past by various management measures. These include

- Providing amenities for an on-site manager to live in the barracks;
- Screening tenants so that those with a drug dependency problems etc are housed elsewhere; and
- Removing those from the barracks that fail to conform with an established code of conduct;

Should the barracks be operated in this fashion, it is not believed the proposal will adversely impact upon the amenity of the neighbourhood. However as such projects are often funded by State and Federal governments and dependent on this funding it is important that once up and running the barracks are continued to be managed in this way. It is therefore recommended should Council approve this application that the consent be limited for an initial 12 month period. At the end of this period the applicant will need to re-apply to continue using the barracks. If the barracks have not been managed appropriately over this 12 month period, and complaints have been received, then council will have the opportunity to not re-issue the development consent.

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

**Surrounding Land Uses.** The site is located within a residential area and accessible to the Murwillumbah CBD by walking. The proposal being the use of two buildings containing 5 bedrooms is similar in size and scale to many dwelling houses. Provided the barracks are managed appropriately as discussed above a land use conflict is unlikely to arise with surrounding neighbours and it is envisaged that the proposal will operate not to dissimilar to the normal activities that occur in many residential neighbourhoods.

**Hazards.** As discussed above the land is flood prone and the floor level of the barracks is approximately 1.3 metres below Council's Minimum floor level. Having regard to the proposed use and the ability to evacuate the building, the flooding hazard is considered acceptable.

The site is considered suitable for the development

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

Three submissions and a petition were received objecting to the proposal on the following grounds:

Railway St is unsuitable due to its isolated nature.

The site is in close proximity to town and services and is not considered to be isolated.

Emergency accommodation for men will change the nature of the neighbourhood.

It is envisaged that the barracks will operate like any other household, and the use of this building is unlikely to alter the nature of the neighbourhood.  
No environmental impact study.

An EIS is not required under the regulations for this development proposal. However it is acknowledged that the information submitted initially with the application was inadequate. Further information has since been submitted addressing operational issues into how the barracks are to be run and operated

### **The building is located too close to the Riverview Hotel**

Such a comment suggest that the future residents of the barracks have an alcohol problem. The applicant has advised that potential tenants will be screened prior to be being placed and those with drug and alcohol problems are not to be accommodated at the barracks.

### **Concerns about the legitimacy of the proposal**

Uncertain as to what this comment means, and Council can only make a determination based on the information provided. As discussed above, should the application be approved, it is recommended that an initial consent be issued for 1 year. This will provide Council with a further opportunity to shut down the project should the barracks be poorly run and operated, and or tenants disrupt the amenity of the neighbourhood.

### **Property values**

This is not a valid ground for refusing the application and no information has been provided to quantify this claim  
Security and safety and past use of the building – Neighbours harassed by men asking for food and money.

As discussed above tenants are to sign a code of conduct and anti-social behaviour will not be tolerated by the managers of the barracks. It is acknowledged that previous use of the barracks for emergency accommodation was poorly supervised and managed. The difference with this project is that quarters are provided for an on-site manager to reside in the barracks when required, potential tenants will be screened, and tenants will be made to sign a code of conduct to ensure that they are aware of there responsibilities to their neighbours. Failure to comply with the code will result in tenants being evicted from the barracks.

### **Type of men being housed**

The applicant has advised that the barracks will be used to house men aged 24 years and older and typically those who are unable to find alternate accommodation within the rental housing market for financial reasons such as poor rental history or men who require accommodation on a short term basis due to domestic violence. The applicant has also advised that assistance will be provided to help tenants find employment or further their education. Potential tenants are to be screened so that those with a drug and alcohol

problems will not be housed at the barracks. Further tenants are to comply with a code of conduct and anti-social behaviour will not be tolerated.

It is probably reasonable though, that the screening of tenants should also exclude those with a criminal background and an appropriate condition of consent is recommended in this regard.

Concerned that there will not be qualified supervision on a 24 hour basis.

The proposal contains manager's quarters to enable staff to reside in the barracks when required. The applicant has also proposed that staff will also visit the barracks on a daily basis. Residents in the neighbourhood will be provided with a 24 hour phone number to report any unruly or anti-social behaviour to the operators of the barracks, should the manager not be onsite. Considering the history of the barracks and the alleged inability of previous operators to properly supervise tenants, it is recommended that the onsite manager reside at the Barracks a minimum of 4 nights in every 7 including weekends and days when welfare payments or unemployment benefits are paid.

(e) Public interest

Provided the proposal is run and operated as submitted by the applicant it is not envisaged the development will prejudice or compromise the public interest or create an undesirable precedent. Although there have been objections to the proposal, should the applicants had acquired the use of an existing dwelling house, development consent would not have been required as per State Environmental Planning Policy No. 9 Group Homes.

**OPTIONS:**

1. Approve the application with a limit of 12 months.
2. Refuse the application.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Should the applicant be dissatisfied with Council's determination, the applicant has recourse to have the matter heard in the Land and Environment Court, which has resource implications for Council.

**CONCLUSION:**

The proposal is considered to be consistent with the applicable planning requirements, and should the barracks be operated as proposed in terms of supervision, screening of tenants and the code of conduct, the proposal should not have an adverse impact on the amenity of the neighbourhood. Furthermore it provides a suitable use of the old railway barracks, which are falling into a state of dilapidation.

To put the applicants on notice though, it is considered consent should only be issued for an initial 12 month period commencing from the date of the issue of the occupation certificate. At the end of this period, the applicant will be required to either submit a fresh development application to seek a new, operational consent. This will provide Council with the opportunity to re-assess the proposal, and if it has been poorly managed and complaints have been received about the tenants, the application can be refused and the use of the barracks for this purpose will cease.

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## REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

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

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

#### MATTERS FOR CONSIDERATION

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

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**DS-1 [DS] Development Application DA03/0273 for Multi-Dwelling Housing  
Comprising 127 Units at Lot 119 DP 29195, Lot 142 DP 29195, No. 35  
Panorama Drive, Tweed Heads West**

**ORIGIN:**

**Development Assessment Unit**

**FILE NO: DA03/0273 Pt2**

**SUMMARY OF REPORT:**

Council is in receipt of a development application on the disused quarry site located at the intersection of Scenic Drive and Gull Place. The land also has frontage to Panorama Drive and presents a unique opportunity to be redeveloped to contain medium density housing within the old quarry while preserving the prominent tree ridgeline.

The subject land was identified as being suitable for this scale of development through a local environmental study process that resulted in the land being zoned in part 2(b) Medium Density Residential and 7(l) Environment Protection (Habitat) zone, with a 25m AHD and three storey height limitation. These planning controls have been in place on the subject land since 1991.

The proposed development is for 127 units. The proposal involves the erection of two buildings one being a 'tower building', containing 106 units, and the second being 'terrace units' containing 21 units. Both of the buildings are accessed from Gull Place.

The site is unique in that there are no specific Development Control Plans identifying the desired performance criteria of future development, rather the site relies on development guidelines identified through the local environmental study process and State Environmental Planning Policy No.65 – Quality of Residential Flat Development. The applicant has however responded to the relevant performance criteria contained in other Council controls for this type of development.

The development application is accompanied by an objection to the height standard under State Environmental Planning Policy No.1 – Development Standards. The applicant has demonstrated compliance with the underlying intention of the development standard.

The proposed development requires the general terms of approval of the Environment Protection Authority due to the nature and extent of earthworks required for the construction of the proposal.

The proposed development was publicly exhibited and received 72 submissions and a petition of 183 signatures.

The main issues with the proposed development are the intersection design for Scenic Drive/Gull Place, the noise generated during construction as the proposal involves significant earthworks, and the change in character of the locality with the development of medium density housing of the proposed height and scale.

These issues are assessed in the following Council report.

## **RECOMMENDATION:**

That : -

- A. Council utilises its Assumed Concurrence in relation to the Clause 16 Tweed Local Environmental Plan 2000 height variation sought under State Environmental Planning Policy No.1 – Development Standards.
- B. Development Application DA03/0273 for multi-dwelling housing comprising of 127 units at Lot 119 DP 29195, Lot 142 DP 29195, No. 35 Panorama Drive, Tweed Heads West be approved subject to the following conditions:

## **GENERAL**

- 1. The development shall be completed in accordance with the Statement of Environmental Effects and Plans Nos ADD101 RevA dated Feb 2003, ADD201 RevA to ADD208 RevA dated Feb 2003 inclusive, ADD211 RevA to ADD215 RevA dated Feb 2003 inclusive, SK-01-501 RevA to SK-01-502 RevA dated 21/2/2003 and AR301 RevA dated Jan 2003 prepared by Fulton Trotter and Partners, except where varied by these conditions.  
[GEN0010]
- 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.  
[GEN0050]
- 3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.  
[GEN0120]
- 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.

[GEN0150]

- 5. 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:
  - i. Easements for sewer, water supply and drainage over **ALL** services on private property.
  - ii. A three metre wide right of way for public access shall be provided parallel to the boundary splay between Scenic Drive and Gull Place.

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.

[GENNS01]

- 6. The applicant is required to obtain the necessary licences for the proposed development from the Environment Protection Authority.

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

- 7. 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. The landscaping plan should provide detail on the density and type of planting to be adopted in the landscape buffer area.

[PCC0010]

- 8. Any carparking or entry floodlighting shall not spill beyond the boundaries of the site. A plan of the lighting shall be approved by the Director of Development Services **PRIOR** to the issue of a Construction Certificate.

[PCC0030]

9. The applicant is required to satisfy the Environment Protection Authority requirements prior to issue of a construction certificate.

[PCCNS01]

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

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

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

- a. Tweed Road Contribution Plan: \$326,131.00  
S94 Plan No. 4 (Version 4.0)  
**(Sector 4\_4 Bilambil Heights)**

**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)	
\$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): S94 Plan No. 5	\$63,196.00
c.	Open Space (Casual): S94 Plan No. 5	\$13,509.00
d.	Shirewide Library Facilities: S94 Plan No. 11	\$55,777.00
e.	Bus Shelters: S94 Plan No. 12	\$2,240.00
f.	Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$10,797.00
g.	Emergency Facilities (Surf Lifesaving) <b>(REMSHIRE)</b> S94 Plan No. 16	\$18,724.00
h.	Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$32,530.13
i.	Cycleways S94 Plan No. 22	\$13,016.00
j.	Regional Open Space (Structured) S94 Plan No. 26	\$95,316.00
k.	Regional Open Space (Casual) S94 Plan No. 26	\$17,846.00

[PCC0050/PSC0005]

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 Clause 146 of the Environmental Planning and Assessment Regulations, 2000, 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: \$383,258.00  
Sewer: \$306,793.00

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

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

[PCC0070/PSC0004]

12. 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.

[PCC0190]

### 13. Permanent Stormwater Quality Treatment

- (a) Permanent stormwater quality treatment shall comply with "*Tweed Urban Stormwater Quality Management Plan*" (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction or Occupational Phase of Development" . New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the "deemed to comply" provisions of *Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality* is deemed to comply with the objectives in 5.5.3.
- (b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge.



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

- (c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
- (d) Specific requirements:
  - (i) Runoff from all hardstand/impervious areas (includes driveway, car park and hardstand landscape areas and excludes roof area) must be pre-treated to remove oil and grit, prior to discharge into the public stormwater system. Roof water runoff does not require treatment and must be discharged downstream of any pollutant treatment device.
  - (ii) Washdown runoff generated from the proposed basement area must also be sized to remove oil and grit pollutants and must be discharged into the sites sewer system, if levels permit. The installed pollutant device must also satisfy the following sizing requirements.
    - (a) The retained volume of the Oil/Grit arrestor must be no less than  $0.5\text{m}^3$  per  $1000\text{m}^2$  of the basement/undercover car park area.
    - (b) The minimum retained volume of an Oil/Grit arrestor is  $0.75\text{m}^3$ .
  - (iii) The appropriate number of car wash bays must be provided for the development. If these bays are to be constructed of impervious material, then all runoff from the bays must be banded to remove oil and grit pollutants prior to discharge. If levels allow, discharge must be via the sewer network and a Tweed Shire Council Trade Waste application will be required. If levels don't permit, connection can be made to the site stormwater network. Council prefers if these bays are constructed of pervious material.
  - (iv) The appropriate number of visitor car parking bays must also be provided for the development. If these bays are to be

constructed of impervious material, then all runoff from these bays must be treated to remove pollutants prior to discharge into the site's drainage network.

[PCC0230]

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

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

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

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

[PCC0240]

15. A. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:

- i. in the case of work to be done by a licensee under that Act:
  - (i) has been informed in writing of the licensee's name and contractor licence number; and
  - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
- ii. in the case of work to be done by any other person:
  - (i) has been informed in writing of the person's name and owner-builder permit number, or
  - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of **owner-builder work** in Section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

- B. A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

[PCC0310]

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

- (a) Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan *"Tweed Shire Council Aus-Spec D7 - Stormwater Quality"* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond (if required) has been released.
- (b) The Construction Certificate Application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
- (c) Diversion drains are to be provided along the western and northern boundaries of the site to divert clean water from external catchments around the site, as proposed in Jim Glazebrook & Associates 'Statement of Environmental Effects ' dated February 2003.

[PCC0320]

17. The applicant shall submit a full schedule of exterior colours for the proposed development to the satisfaction of and approval by the Director of Development Services.
18. The applicant shall submit details on the proposed location for employee car parking for the duration of the construction of the proposed development. This shall detail the location of such car parking, approval by owner and shall not compromise any other approved use of land. These details are to be to the satisfaction and approval by the Director of Development Services.

19. The applicant shall submit a hydraulic analyses demonstrating the adequacy of the existing 150 diameter water main for meeting fire fighting requirements.
20. The applicant is to submit detailed engineering plans for the Gull Place/Scenic Drive intersection, and associated kerb and gutter and pavement widening for Scenic Drive, in accordance with Sketch No.202038-SK-20/06/03 for the approval of the Director of Engineering Services. In the event that the Director of Engineering Services requires a round about, based on Black Spot funding to be determined in February 2004, a cash contribution of \$50,000 in lieu of the intersection works described above shall be provided, alternatively the protected turn lanes are to be constructed.
21. The lots are to be consolidated into one (1) lot under one (1) title. The plan of consolidation shall be registered with the Lands Titles Office prior to issue of the construction certificate.
22. A basement plan shall be provided identifying the 48 visitor car parking spaces with the majority located in the first block or entering the basement. This plan is to be to the satisfaction of and approved by the Director of Development Services.

[PCCNS01]

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

23. 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.
24. 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.
25. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:
  - i. The person must, at the person's own expense:

[PCW0060]

[PCW0070]

- a. preserve and protect the building from damage; and
  - b. if necessary, underpin and support the building in an approved manner.
- ii. The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.

[PCW0080]

26. 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.

[PCW0090]

27. 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.

[PCW0190]

28. 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.

[PCW0210]

29. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.

[PCW0230]

30. Prior to commencement of works all required plumbing and drainage inspection fees are to be submitted to Council.

[PCWNS01]

31. 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 Occupation Certificate is issued.

[PCW0030]

32. 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.

[PCW0220]

## DURING CONSTRUCTION

33. 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).

[DUR0010]

34. The provision of 192 off street car parking spaces, 48 visitor spaces are to be provided. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls. The visitor spaces are to be marked and signposted as for visitors.

[DUR0050]

35. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.

[DUR0060]

36. Provision shall be made for the collection of builder's solid waste in accordance with the following requirements:

- a. A temporary builder's waste chute is to be erected to vertically convey builder's debris to a bulk container.
- b. The chute shall be located in a position approved by the Principal Certifying Authority.
- c. A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust.

[DUR0070]

37. 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.

[DUR0080]

38. A garbage storage area shall be provided in accordance with Council's "**Code for Storage and Disposal of Garbage and Other Solid Waste**".

[DUR0090]

39. 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.

[DUR0130]

40. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

- a. footings, prior to pouring of concrete
- b. slab, prior to pouring of concrete
- c. frame prior to the erection of brick work or any wall sheeting
- d. final inspection prior to occupation of the building
- e. completion of work
- f. swimming pool safety fencing prior to filling the pool with water
- g. the fire protection of penetrations through any fire rated elements prior to covering
- h. steel reinforcing prior to pouring of concrete.

[DUR0170]

41. 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.

[DUR0200]

42. a. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- b. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

[DUR0210]

43. If the work involved in the erection or demolition of a building:
- a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or

- b. building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place.

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

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

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

[DUR0220]

44. All surface runoff from sealed driveway, car parking areas and the like, is to be piped to the street. Drainage from all uncovered carpark areas must comply with AS3500.3, Clause 3.4.5.2.

[DUR0770]

45. 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 or public holidays.

[DUR0900]

46. The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed.

[DUR0950]

47. Any proposed cooling tower installation must also include details on the proposed means of back flow prevention to the water supply prior to installation.

[DUR0970]

48. 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.

[DUR1020]

49. 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.

[DUR1030]

50. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.

[DUR1040]

51. Where two (2) or more premises are connected by means of a single house service pipe, the owner of each premises must (*unless all the premises are occupied by a single household or firm as a residence or place of business*) ensure that a separate water meter, of a class and size approved by Council, is installed on each of those premises.

[DUR1070]



52. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.

[DUR1090]

53. 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.

[DUR1110]

54. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-

\* 43.5<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and

\* 50<sup>0</sup>C in all other classes of buildings.

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

[DUR1160]

55. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:

- i. All required erosion and sedimentation control devices have been installed and are operational.
- ii. Required toilet facilities have been provided on the site.
- iii. A sign has been erected on the site identifying:
  - Lot number
  - Builder
  - Phone number of builder or person responsible for site.
- iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
- v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.

[DUR1200]

56. 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.

57. Backwash from swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.

[DUR1290]

58. The internal road and ramps must comply with AS2890.1.
59. No paving is to be constructed past the concrete footpath alignment on Gull Place directly opposite Inlet Drive.
60. The proposed concrete pathway on Scenic Drive is to have a pram ramp at the Gull Place intersection and on the shop side of Gull Place and extend the footpath to connect with the paths at the shopping centre.
61. No gardens are to be provided on the corner of Gull Place and Scenic Drive due to road widening on the corner to accommodate a future round about.
62. Kerb and gutter shall be constructed to Scenic Drive along with associated pavement widening and intersection works in accordance with Council's road construction standards.

[DURNS01]

63. A concrete ribbon footpath 1.2 metres wide and 100 millimetres thick is to be constructed on a compacted base along the entire frontage of the site to Gull Place only. No footpath is to be provided along the Scenic Drive frontage. The compacted base is to achieve 95% of maximum dry density determined in accordance with AS1289 5.4.1 for a minimum 100mm depth. A full depth construction joint is to be provided at 6.0 metre intervals and 20 millimetre deep groove joints provided every 1.5 metres, the balance area to be graded to the kerb and turfed. The footpath is to have a 3% crossfall which must be attained at each side boundary. This may result in work to be undertaken on the footpath at adjoining properties which must not exceed 1:14 and must be reinstated with turf. The footpaving is to be located 800 millimetres from the property boundary. The concrete footpath gradient shall be parallel to the top of kerb for the full frontage of the site and maintained unvaried across the (any) driveway cross-section. An inspection of the formwork is to be arranged with Council's Engineering Services Division prior to concrete being placed.

[DUR0520]

64. 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.

[DUR0430]

65. Testing for the presence of Potential Acid Sulfate Soils and Actual Acid Sulfate Soils shall be carried out in accordance with the ASSMAC guidelines of the full material overlying the rock floor of the original quarry at the time of construction. If such tests reveal the presence of PASS or AASS then such soil shall be managed in accordance with the provisions of the ASSMAC Guidelines and a management plan is to be submitted to Council for consideration and approval. Such management shall be to the satisfaction of Council's Director of Environment and Community Services.
66. It is a condition of this consent that the area directly in front of the collection area as referenced in the advice provided by Solo Resource Recovery and dated 12th May 2003 be designated and sign posted accordingly as a 'No Parking' area.  
[DURNS02]
67. Provision to be made for the designation of a durable and pervious car wash-down area/s. The area/s must be identified for that specific purpose and be supplied with an adequate water supply for use within the area/s. Any surface run-off from the area must not discharge directly to the stormwater system.  
[DUR0240]
68. 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.  
[DUR0730]
69. The water quality control pond shall be fully fenced in accordance with the requirements of AS1926 for children less than five (5) years of age.  
[DUR0810]
70. 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.  
[DUR0850]
71. 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.  
[DUR0870]

72. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles. [DUR0880]
73. 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. [DUR0890]
74. 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, unless otherwise approved of by the Environment Protection Authority:
- 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. [DUR0910]
75. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited. [DUR0920]
76. 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. [DUR0930]
77. The burning of builders waste on site by open fire is prohibited. [DUR0940]
78. Pre-treatment devices must be serviced by a Council approved waste contractor. The applicant will be required to enter into a service agreement with this waste contractor. Pre-treatment device service frequency will be approved by Councils Manager Water. [DUR1170]
79. The management measures contained in the Peter Parker Flora and Fauna report dated February 2003 shall be adopted during the construction.

80. Discharge of stormwater from the site is to be via connection into the existing gully pits in either Gull Place or Scenic Drive. No discharge is allowed onto neighbouring properties.
81. The driveway entrance must be designed in accordance with DCP2 and AS2890.1 (section 3.4(a)) with the maximum driveway gradient for 6m from the property boundary not exceeding 1:20 or 5%.
82. The driveway entrances must be graded to ensure Q100 stormwater runoff from Gull Place's kerb and gutter does not enter the site.
83. If pumps are required to drain the basement, the pumps utilised must be designed and installed in accordance with Section 9 of AS/NZS 3500.3.2.1998 (Natural Plumbing and Drainage3 - Part 3.2: Stormwater Drainage - Acceptable Solutions). Failsafe measures must be in place such that property (on site and adjacent) is protected in case of pump failure.
84. Peak stormwater discharge from the developed site must be limited (in events of intensity up to the ARI 100 year design storm), such that Post Development discharge from site does not exceed Pre Development discharge flows. This may be achieved by on site detention (OSD), on site retention or a combination of both. If On Site Detention (OSD) tanks are proposed, the tanks may be positioned such that runoff is required to be pumped from the driveway and basement areas into the tank, but roofwater must enter the tank by gravity means only. The tank may incorporate infiltration techniques to reduce the size of the tank required but pipe discharge from the tank to the site's legal point/s of discharge be via gravity means only. Pumps will not be accepted as a control of discharge. OSD devices including Discharge Control Pits (DCP) are to comply with standards in The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook, Second Edition 1994"). Permissible site discharge (PSD) and site storage requirements (SSR), do not apply to the Tweed Shire. The DCP must be installed within the drainage network, such that stormwater is discharged into the DCP prior to any discharge entering the OSD tank/s. The DCP must discharge into the OSD device, only once the maximum allowable site discharge rate is reached. Surcharging of the drainage network is only acceptable under storm events greater than an ARI 100 year design storm event. If infiltration is incorporated, the tank must be designed to completely empty (by means of infiltration) for a 3 month ARI storm event (deemed to be 40% of the ARI 1 year event) within a 24-hour period, with a safety factor of 2. Note, infiltration is not an acceptable method of treatment for Oil/Grit. Any overflow of the tank/s is to be via visual, overland flow into the kerb and gutter drainage networks of either Gully Place or Scenic Drive or other approved permanent drainage systems. Preliminary calculations indicate that an OSD tank exceeding 150m<sup>3</sup> is required.

85. All mechanical plant, air handling system plant or equipment and the like are to be acoustically shielded in accordance with recommendations from a qualified acoustic consultant and to the satisfaction of Council's Director of Environment and Community Services where required to ensure that the operation of such mechanical plant and equipment does not result in the emission of offensive noise to any neighbouring residential area or premises.
86. All mechanical plant, air handling plant, equipment and the like shall be positioned on the premises in locations that will not unreasonably interfere with the amenity of existing residential areas or premises in respect to noise, dust and visual or other air borne emissions.
87. In the event that dewatering operations are to be carried out on the site, all practical measures to the satisfaction of Council's Director of Environment and Community Services shall be undertaken to ensure that the operation of dewatering pumps and associated equipment do not result in the emission of offensive noise to any neighbouring residential area or premises.
88. Any dewatering pumps or associated equipment and sediment control pumps are to be located in a position on the site to the satisfaction of Council's Director of Environment and Community Services so as to not unreasonably interfere with the amenity of any existing residential area or premises in respect to noise, dust, visual or other air borne emissions.
89. In the event of any on site dewatering operations, a dewatering management plan specifying discharge quality criteria is to be submitted for consideration and approved by Council's Director of Environment and Community Services.
90. All artificial external lighting shall be shielded where required to the satisfaction of Council's Director of Environment and Community Services so that the spill of light or glare does not create a nuisance to any neighbouring residential area or premises.  
[DURNS03]
91. The proposed development is to fully comply with Councils Energy Smart Housing Policy (DCP39). In order to comply with DCP39 consideration must be given to the building envelope, orientation, insulation, ventilation, thermal mass, zoning, and hot water supply.  
[DUR1000]

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

92. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated

principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.

[POC0020]

93. A person must not commence occupation or use of the whole or any part of a new building (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0030]

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

[POC0060]

95. Prior to the issue of an occupation certificate the management measures, specifically in relation to weed eradication, contained in the Peter Parker Flora and Fauna report dated February 2003 shall be completed.

[POCNS01]

## USE

96. Swimming Pools (Building)

A. It is the responsibility of the pool owner to ensure that the pool fencing continues to provide the level of protection required regardless of and in response to any activity or construction on the adjoining premises. Due regard must be given to the affect that landscaping will have on the future effectiveness of the security fencing. (Section 7 Swimming Pool Act 1992).

B. The resuscitation poster must be permanently displayed in close proximity to the swimming pool. (Section 17 Swimming Pool Act 1992).

[USE0250]

97. 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.

[USE0160]

98. 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.

[USE0180]

# GENERAL TERMS OF APPROVAL FROM THE ENVIRONMENT PROTECTION AUTHORITY

## 1 Administrative conditions

### A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- The development application DA03/0273 submitted to Tweed Shire Council on 20 March 2003;
- The supplementary Reports submitted to the EPA from Council dated 26 June 2003; and
- All additional documents supplied to the EPA in relation to the development, including all documentation supplied in response to the EPA's letters to Council and advice received by Council.

### A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

## 2. DISCHARGES TO AIR AND WATER AND APPLICATIONS TO LAND

### P1 Location of monitoring/discharge points and areas

P1.1 The following points referred to in the table below are identified for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air or water from the point.

#### Air and Water

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Description of Location
1	Discharge to waters and effluent monitoring point	Discharge to waters and effluent monitoring point	Discharge from stormwater detention pond labeled as "SB1" on map titled "Figure 5 Erosion Control Plan" (Martin Findlater & Associates dated February 2003) submitted in the Statement of Environmental Effects for the development dated February 2003.

## 3 Limit conditions



## **L1. Pollution of waters**

**L1.1** Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

## **L2. Concentration limits**

**L2.1** For each monitoring/discharge point or utilisation area specified in the table/s below, the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentrations limits specified for that pollutant in the table.

**L2.2** Where a pH quality limit is specified in the Table, the specified percentage of samples must be within the specified ranges.

**L2.3** To avoid any doubt, this condition does not authorise the discharge of any other pollutants.

### **POINT 1**

<b>Pollutant</b>	<b>Units of measure</b>	<b>100% concentration limit</b>
Suspended soils	Mg/L	50
Oil & Grease	Mg/L	10
PH	PH	6.5 to 8.5

## **L6. Noise limits**

**L6.1** Prior to the commencement of construction activities, the licensee must submit an Excavation Noise Management Protocol to the EPA. The protocol shall include, but not be limited to:

- (a) identification of each work area;
- (b) identification of general activities that will be carried out and associated noise sources for each work area;
- (c) identification of all potentially affected noise sensitive receivers including residences, schools, commercial premises and noise sensitive equipment;
- (d) determination of appropriate noise and vibration objectives for each identified noise sensitive receiver;
- (e) assessment of potential noise impacts from the proposed construction methods including noise from construction vehicles and noise impacts from required traffic diversions;

- (f) examination of all reasonable and feasible noise mitigation measures including the use of alternative construction methods where potential noise impact exceed the relevant objectives;
- (g) description and commitment to work practices which limit noise;
- (h) description of specific noise mitigation treatments and time restrictions including respite periods, duration and frequency;
- (i) extent of noise monitoring;
- (j) construction timetabling;
- (k) numbers of vehicles proposed to transport extracted material off site;
- (l) position and size of stockpile of excavated material;
- (m) procedures for notifying residents of construction activities likely to affect their noise and vibration amenity; and
- (n) contingency plans to be implemented in the event of non-compliances and/or noise complaints.

**L6.2** Construction activities shall be restricted to the hours of 7.00am to 6.00pm (Monday to Friday); 8.00am to 1.00pm (Saturday) and at no time on Sundays and public holidays except for:

- (a) any works which do not cause noise emissions to be audible at any nearby residential property and other noise sensitive receivers;
- (b) the delivery of plant, equipment and materials which is required outside these hours as requested by Police or other authorities for safety reasons;
- (c) emergency work to avoid the loss of lives, property and/or to prevent environmental harm;
- (d) any other work as agreed by Council in consultation with the EPA, and considered essential to the project and where it can be demonstrated that it would achieve a better environmental outcome, through a Community Consultation Process.

**L6.3** Piling, rock hammering and any other activities which result in impulsive or tonal noise generation shall only be scheduled between the following hours unless otherwise agreed by the EPA:

- (a) 8am to 12pm, Monday to Saturday (except on Public Holidays); and
- (b) 2pm to 5pm Monday to Friday (except on Public Holidays).

Where these activities are undertaken for a continuous three hour period and are audible at noise sensitive receptors, a respite period of at least one hour must follow.

**L6.4** The excavation works and removal of excavated materials from the site must be completed within a continuous period of 40 working days excluding Saturdays (after 1pm) , Sundays and Public Holidays).

## **L7Waste**

**L7.1** The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

**L7.2** This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

#### **4 OPERATIONAL CONDITIONS**

##### **01 Stormwater/sediment control**

###### **01.1 Extraction Phase**

**01.2** A Soil and Water Management Plan (SWMP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The SWMP must be prepared in accordance with the requirements for such plans outlined in Managing Urban Stormwater: Soils and Construction (available from the Department of Housing).

###### **02 Dust**

**02.1** Activities occurring at the premises must be carried out in a manner that will ensure that any emissions of dust from the premises are not visible in the atmosphere beyond the boundary of the premises.

**02.2** Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

#### **5 MONITORING AND RECORDING CONDITIONS**

##### **M Requirement to monitor concentration of pollutants discharged**

**M1** For each monitoring/discharge point or utilisation area specified below (by point number), the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure and sample at the frequency, specified opposite in the other columns:

###### **POINTS 1**

<b>Pollutant</b>	<b>Units of measure</b>	<b>Frequency</b>	<b>Sampling Method</b>
------------------	-------------------------	------------------	------------------------

Oil & Grease	mg/L	Daily during any discharge	Grab sample
Total suspended solids	mg/L	Daily during any discharge	Grab sample
PH	PH	Daily during any discharge	Grab sample

### **M3 Monitoring Locations 1**

**M3.1** Monitoring at monitoring point 1 must commence after the first sedimentation pond is constructed.

### **M4 Reporting**

**M4.1** The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.

**M4.2** All records required to be kept by the licence must be:

- In a legible form, or in a form that can readily be reduced to a legible form;
- Kept for at least 4 years after the monitoring or event to which they relate took place; and
- Produced in a legible form to any authorised officer of the EPA who asks to see them.

**M4.3** The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;

- The time(s) at which the sample was collected;
- The point at which the sample was taken; and
- The name of the person who collected the sample

### **M5 Testing methods - concentration limits**

**M5.1** Monitoring for the concentration of a pollutant emitted to the air required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with a relevant local calculation protocol must be done in accordance with:

- Any methodology which is required by or under the POEO Act 1997 to be used for the testing of the concentration of the pollutant; or
- If no such requirement is imposed by or under the POEO Act 1997, any methodology which the general terms of approval or a

condition of the licence or the protocol (as the case may be) requires to be used for that testing; or

- If no such requirement is imposed by or under the POEO Act 1997 or by the general terms of approval or a condition of the licence or the protocol (as the case may be), any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The Clean Air (Plant and Equipment) Regulation 1997 requires testing for certain purposes to be conducted in accordance with test method contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW").

**M5.2** Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area required by condition M3 must be done in accordance with:

- The Approved Methods Publication; or
- If there is no methodology required by the Approved Methods Publication or by the general terms of approval or in the licence under the Protection of the Environment Operations Act 1997 in relation to the development or the relevant load calculation protocol, a method approved by the EPA in writing before any tests are conducted, unless otherwise expressly provided in the licence.

## **M6 Reporting conditions**

**M6.1** The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken, provide a summary of complaints relating to the development, report on progress on studies and investigations being undertaken.

## REPORT:

**Applicant:** Icehot Pty Ltd  
**Owner:** Icehot Pty Ltd  
**Location:** Lot 119 DP 29195, Lot 142 DP 29195, No. 35 Panorama Drive Tweed Heads West  
**Zoning:** Partly 2(b) Medium Density Residential and 7(l) Environmental Protection (Habitat)  
**Cost:** \$13,252,000.00

## BACKGROUND:

Council is in receipt of a development application over the subject land for multi dwelling housing consisting of 127 residential units. The land is located at the intersection of Scenic Drive and Gull Place and also has a frontage to Panorama Drive, Tweed Heads West.

### The Proposal

The proposed development involves the erection of two buildings one being for a 'tower building' containing 106 units. This building consists of eight levels of residential accommodation and a basement for car parking. The units in this building comprise of 8 x 1 bedroom units, 86 x 2 bedroom units, 6 x 3 bedroom units and 6 x 3 + study/bedroom units. One of these two bedroom units is proposed to be a manager's residence.

The 'tower building' is accessed from Gull Place. The 'tower building' is proposed to be at RL 27.0m AHD to the top of the roof, thereby exceeding the height limitation of the site by 2m.

The second building is for 'terrace units' containing 21 units comprising 20 x 2 bedroom units and a penthouse. This building is connected to the 'tower units' by a lift from the basement. The 'terrace units' step down the site from Panorama Drive with three levels of residential accommodation.

The 'terrace building' is accessed from Gull Place via the basement with no vehicle access from Panorama Drive. The 'terrace building' is predominantly three stories however the foyer area and roof top amenities constitute a fourth storey.

The proposed development is to be constructed in one stage. The earthworks involved in constructing the multi dwelling housing, being the removal of approximately 67,000m<sup>3</sup> of material, resulted in the application being assessed as integrated development requiring a permit from the Environment and Protection Authority.

While the applicant has not nominated the proposal as being housing for 55 + the proposal has been designed with all of the amenities future occupants in this age group would seek such as pool/recreation BBQ area and library/reading room area.

The applicant has submitted that the proposed development would have a live in manager and also result in the employment of 5 people for the daily running, management and maintenance of the complex.

Local Environmental Study and Amendment No.34 of the Tweed Local Environmental Plan 1987

The land was the subject of an amending local environmental plan in 1991 being Amendment No.34 to the Tweed Local Environmental Plan 1987. The aims of the Amendment Plan were:

- a) *to rezone land in the West Tweed Heads locality from zone 2(a) (Residential A zone) to zones 2(b) (Residential B zone) and 7(l) (Environmental Protection (Habitat) zone) under Tweed Local Environmental Plan 1987; and*
- b) *to amend the map marked "Tweed Local Environmental Plan 1987 – Heights of Buildings" to impose height restrictions on land in the West Tweed Heads locality.*

To amend the Tweed Local Environmental Plan 1987 in this regard, Council resolved that a local environmental study be prepared to determine the feasibility of rezoning the land from 2(a) Residential Zone to 2(b) Residential Zone. In this regard a consultant was commissioned by Council at the applicants expense to prepare the Environmental Study.

The Draft Plan was publicly exhibited and referred to the relevant state government agencies. Council considered a report in relation to the Draft Plan on 6<sup>th</sup> June 1991 and resolved:

- A. *Council amend the exhibited draft plan as outlined in this report summarised as follows:*
  - i) *Change the 7(d) Environmental Protection (Scenic Escarpment) Zone to 7(l) Environmental Protection (Habitat) Zone.*
  - ii) *Council amend the map marked "Tweed Local Environmental Plan 1987 Heights of Buildings" to incorporate height restrictions outlined in this report. (in part)*

Development Guidelines for the Site

The local environmental study recommended the following summary of development guidelines for the site.

*(1) The built form on the existing quarried floor area should either:*

- a) *Maintain the dramatic visual effect currently provided by the quarried face; or*

- b) *Restore the more gradual sloping/stepping down appearance of the natural land form.*

*In relation to (a), buildings should be either low rise (maximum three storeys above existing ground level) such that much of the scarp remains as a visible backdrop, or medium rise (maximum height of about RL 25m to approximately match the height of the quarry face) and sited so as to present a strongly vertical façade along the Scenic Drive frontage and at the scenic Drive/Gull Place corner of the site. The objective would be to maintain the dramatic visual effect of a high vertical wall within the vista along Scenic Drive and would have to be achieved with a high standard of design and architectural treatment (particularly for any façade above three storeys above finished ground level).*

*The built form on the elevated parts of the site should maintain a view of a heavily treed ridgeline with buildings set among trees. Buildings should not be higher than a single storey level (ie. 4.5 metres including roof) above the level of Panorama Drive and three storeys above finished ground level. A mixture of building heights would be most desirable.*

*In relation to (b), buildings should be no higher than a single storey level (ie. 4.5 metres including roof) above the level of Panorama Drive and three storeys above finished ground level. A mixture of building heights would be most desirable.*

- (2) *Any building or structure on the site should be of height less than the height of the existing tree canopy and should be constructed and finished with materials which blend in with the colours (greens, greys, browns, etc) and textures (timber etc) of the natural elements of the site.*

*Except that the walls of any medium rise building on the quarry floor could be finished in materials with a rich earthy colour (eg. cream, brick red, etc) if the dramatic quarry face visual effect is being sought.*

- (3) *The existing remnant forest vegetation in the southern corner of the site should be retained.*

- (4) *No tree on the site which:*

(a) *is of a rare or threatened species, or otherwise.*

(b) (i) *has a minimum circumference of 150cms measured at chest height from the adjoining ground level; or*

(ii) *is not less than 10 metres high;*

*should be cut down, lopped, removed or otherwise injured or destroyed without the express permission of the Council.*



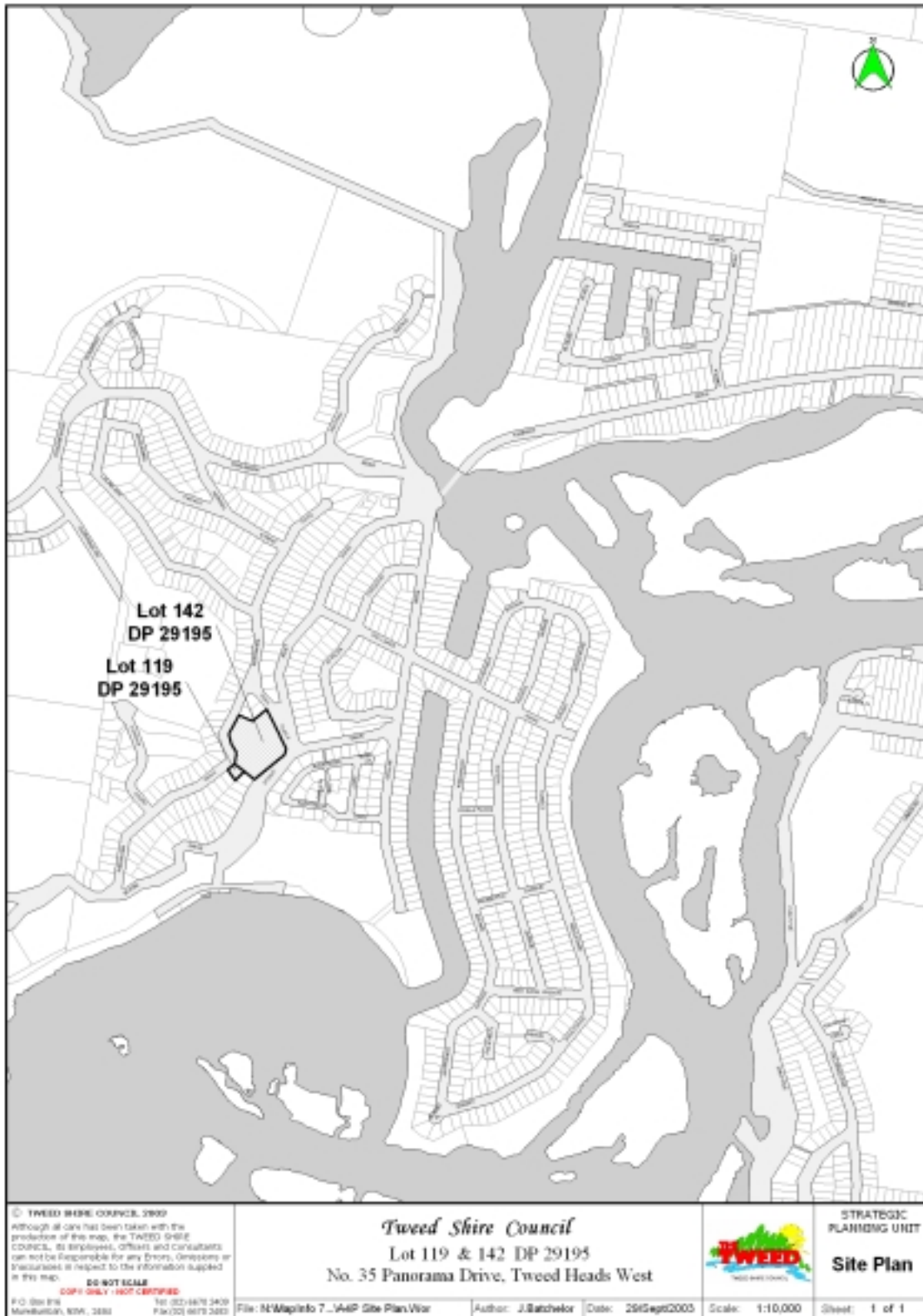
- (5) *Building approval(s) should be subject to the following geotechnical requirements:*
- (a) *Weathered and eroded crests of all rock slopes to be battered back and designed to prevent further erosion.*
  - (b) *Rock slopes to be cleared of loose material, inspected and where necessary, their soundness improved by localised support such as masonry infill or dowels.*
  - (c) *Stormwater drainage to be designed to prevent slope erosion or instability.*
  - (d) *A foundation site investigation to be carried out to determine foundation levels and design parameters, particularly in the soil areas.*
  - (e) *Foundations and retaining structures to be designed to take account of down-hill creep in the surface soils.*
  - (f) *Stability analyses to be carried out for all structures proposed to be placed above the quarry slopes.*

Following the gazettal of the Draft Plan on the 17/9/1991 the subject land has been identified as being for medium density residential development at the nominated height.

#### Tweed Local Environmental Plan 2000

The controls that were adopted for the site under Amendment No.34 were carried over to the Tweed Local Environmental Plan 2000. The proposed development application attempts to adopt the identified controls and form a proposal within the above outlined development guidelines.

**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 subject land is partly zoned 2(b) Medium Density Residential and 7(l) Environmental Protection (Habitat) under the Tweed Local Environmental Plan 2000. The area of the land the subject of the proposed multi dwelling housing is zoned 2(b) Medium Density Residential. The proposal does not involve any works in the 7(l) Environment Protection (Habitat) zone.

The objectives of the 2(b) Medium Density Residential zone are:

- *To provide for and encourage development for the purpose of medium density housing that achieves good urban design outcomes.*
- *To allow non-residential development which supports the residential use of the locality.*
- *To allow for tourist accommodation that is compatible with the character of the surrounding locality.*
- *To discourage the under-utilisation of land for residential purposes, particularly close to the Tweed Heads sub-regional centre.*

The definition of multi dwelling housing is:

*"More than one dwelling on an allotment, but does not include a rural worker's dwelling."*

The proposed development is considered to be consistent with the zone objectives as the proposal is for medium density residential housing that achieves urban design outcomes identified as being suitable for the site. The proposal has been designed with regard to the design principles contained in State Environmental Planning Policy No.65 – Quality of Residential Flat Development (SEPP65) and is considered to achieve a high design outcome for the site. The proposal and its urban design qualities are addressed in full in this report. The proposed development is not for tourist accommodation.

The proposed development does not result in under utilisation of the site as the proposal utilises the building envelope identified for the site to maximise the density of residential units provided without compromising the urban design outcomes for the site.

It is considered that the proposed development is not in conflict with the objectives of the zone and may be considered by Council.

Clause 15 of the TLEP states that consent should not be granted for development on any land unless essential services are available or arrangements satisfactory to the consent authority are made. The applicant submitted that essential services are available to the site.

Council's Water and Sewer Engineer did not raise an objection to the proposed development.

Clause 16 of the TLEP provides a building height plan for the subject site and identifies the land as having a building height limitation of three stories in the elevated area near Panorama Drive and a 25m AHD height limitation in the area previously quarried fronting Scenic Drive.

The application is accompanied by an objection to this height limitation under State Environmental Planning Policy No.1 – Development Standards as the proposed development exceeds the height limitation. This aspect of the development is further assessed in this report.

Clause 17 of the TLEP requires a social impact assessment where the consent authority considers that the proposal is likely to have a significant social or economic impact in the locality. The applicant has provided a socio economic impact assessment for the proposed development.

Council's Strategic Planning Unit provided comments on the Socio-Economic Statement and raised no objection to the proposal and its location. The only issue the proposal raises in this regard is incremental increase in demand on services and facilities and difficulty in meeting the demands of an expanding community. The Strategic Planning Unit advised that this issue would arise from any other development catering for the 50+ age group.

Clause 22 of the TLEP is applicable as the subject land fronts a Council designated road, this being Scenic Drive. The consent authority may consent to a development application providing it is satisfied in relation to the following relevant provisions.

- (4) *The consent authority may grant consent to development on land to which this clause applies only if it is satisfied that:*
  - (a) *the development (because of its nature, appearance, cumulative effect or illumination, or the intensity or the volume or type of traffic likely to be generated, or for another similar reason) is unlikely to constitute a traffic hazard or materially reduce the capacity or efficiency of the designated road, and*
  - (b) *the location, standard and design of access points, and on-site traffic movement and parking arrangements, would ensure that through traffic movement on the designated road is not impeded, and*
  - (c) *the development, or proposed access to it, will not prejudice any future improvements to, or realignment of, the designated road, and*

- (d) *where the land is in Zone 1 (a), 7 (a), 7 (d), 7 (f) or 7 (l), the development is of a type that necessitates a location in proximity to the designated road for reasons other than only commercial advantage, and*
- (e) *the development is of a type that is not sensitive to traffic noise or, if it is, it is located or adequate measures are included to ameliorate any potential noise impact, and*
- (f) *the development would not detract from the scenic values of the locality, particularly from the point of view of road users, and*
- (g) *where practicable, access to the land is provided by a road other than the designated road, and*

The applicant submitted an engineering report that addressed traffic issues and a statement of environmental effects raising the following points in relation to this clause.

- Access to the site is proposed from Gull Place, in accordance with the findings of the Local Environmental Study. No vehicular access is proposed from Scenic Drive.
- Traffic noise was not identified as a constraint to the development of the site for medium density housing purposes in the Local Environmental Study.
- Visual impacts have been considered from both the local impact and the distant views and an assessment provided.
- A detailed traffic assessment has been prepared and submitted.
- Traffic issues have been addressed in the Statement of Environmental Effects.

The provisions of Clause 22 are further addressed in this report and an assessment of the environmental impacts of the proposal on the local road network is addressed.

Clause 28 of the TLEP contains provisions in relation to development on land within the 7(l) Environmental Protection (Habitat) zone. As the proposed development does not involve any works on land zone 7(l) the provisions applicable to Council in considering the proposal are the following consent considerations.

- a) The likely effects of the development on the flora and fauna found in the locality, and
- 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 are to be mitigated.

The applicant has submitted a Flora and Fauna report assessing the impacts of the proposal on the natural environment. The submitted documentation is assessed further in this report under environmental impacts.

Clause 35 of the TLEP provides for the management of acid sulfate soils. The subject land is mapped as being Class 5 acid sulfate soils. The applicant has submitted that the development is unlikely to affect local groundwater conditions. Council's Environmental Health Surveyor has raised no objection in relation to this issue.

#### North Coast Regional Environmental Plan 1988

Clause 32(b) of the REP applies to the land as the land is covered by the NSW Coastal Policy 1997. The Council must take into account a number of documents when considering the proposed development. These documents are the NSW Coastal Policy 1997 and the North Coast Design Guidelines.

The North Coast Design Guidelines contain guidelines for tall buildings. These guidelines include general statements regarding overshadowing of public reserves and beaches, views and amenity. The North Coast Design Guidelines detail that public reserves and beaches should be protected from overshadowing and any wall effects which may adversely affect the view and amenity of others from tall buildings. Careful consideration is also to be given to the impact of such buildings or surrounding buildings on the local coastal environment on the views to ridges and backdrops and on the image or sense of local identity of the town or locality in which they are proposed.

The proposed development is not overshadowing any public reserves or beaches. The site is distanced from the Terranora Broadwater and the River and there are no immediate reserves adjoining the site. The proposed development has been assessed in terms of the height of the building ridgeline and backdrop and the existing Eucalyptus.

The plans and documents submitted to Council detail that the tall building is still lower than/equivalent to the quarry wall and as such the existing backdrop of Eucalyptus on the hill will remain as a main feature and landmark in that locality.

The building form as designed is broken up into smaller elements and has some stepping through the façade to provide variety in the appearance of the building. These features as well as the proposed colours in the façade assist in making the development blend in with the natural environment.

The design features of the development are further assessed in this report and it is considered that they are not in conflict with the North Coast Design Guidelines.

In addition, Clause 32(b) requires an assessment of the proposal in relation to the NSW Coastal Policy. This is addressed further in this report.

Clause 43 of the NCREP relates to urban residential development and this clause states that council shall not grant consent for residential purposes unless: -

- (a) It is satisfied that the density of the dwellings have been maximised without adversely affecting on the environmental features of the land,
- (b) That it is satisfied that the proposed road widths are not excessive for the function of the road,
- (c) That it is satisfied where development involves long-term residential use of caravan parks, the normal criteria for location of dwellings has access to services and physical suitability of the land have been met, and
- (d) It is satisfied that the road network has been designed so as to encourage the use of public transport and minimise the use of private motor vehicles.

The applicant has submitted that the density of the development is 1 unit per 96m<sup>2</sup> of site area. The proposed density appropriately maximises development of the site within statutory planning and environmental constraints whilst maintaining satisfactory density, amenity and recreational opportunities for residents. The applicant also submits that the erosion and sedimentation control measures that would need to be implemented with the proposal and that this will mitigate against any adverse impacts on the environment.

In response to this, it is considered that the proposal achieves the intention of Clause 43 of the REP as the development form as a tall building minimises the environmental impact onto the environmental features of the land which include the hill and escarpment and its vegetation, and instead utilises the area of the land that is scarred by the previous quarrying activity. Therefore, it is considered that the proposed density has been maximised without adversely affecting the natural features of the land. Issues to do with the suitability of the road environment and the local road network are further addressed in this report.

Clause 51 of the REP requires the concurrence of the Director-General of the Department for development applications for buildings over 14m in height. Council has assumed concurrence under the REP for developments that exceed 14m in height. Council's assumed concurrence instrument enables Council to consider development that exceeds 14m in height under the Tweed Local Environmental Plan 2000. Therefore, Council is able to use its assumed concurrence instrument when considering the accompanying statement under State Environmental Planning Policy No. 1 in regard to an objection to the height limitation.

## State Environmental Planning Policies (SEPPs)

### SEPP1 – Development Standards

An objection under SEPP1 accompanies this development application. It has been made in respect of the 3 storey height limitation and the 25m AHD height limitation contained in Clause 16 of the Tweed LEP 2000. The Tweed LEP prescribes two separate building heights over the subject land. These are: -

- 25m AHD for the lower eastern portion of the site on the corner of Scenic Drive and Gull Place; and
- 3 storey above finished ground level for the remainder of the site where such height does not exceed 4.5m above the level of the nearest part of the centre line Panorama Drive whichever is the lowest point.

Within the area of the development affected by the 25m AHD height limit, the proposed development has a height of 27m AHD to the roof with additional minor encroachments for lift overruns. The proposed terrace units are predominantly 3 storeys however, a component is 4 storeys by definition. These 4 storey areas are the foyer areas adjacent to the lift where the upper and lower steps of the terraces join and where a shower and toilet are proposed for the roof terrace. The objective of the standard is to ensure *“that the height and scale of development is appropriate to its location, surrounding development and environmental characteristics of the land”*. The applicant has provided a submission as to why the departure from the development standard should be supported. In summary the applicants justification for the departure from the development standards are: -

- i. The original local environmental study from which the height controls were determined indicated that the development within the eastern portion of this site should have a maximum height of about RL 25m AHD to approximately match the height of the quarry face. The quarry face actually varies from approximately RL 20m from its northern and southern ends to over RL 32m in the centre. Therefore the height control was not determined by a specific site reference point, but rather an approximate level. The quarry face is well above RL 25m AHD in the centre. The building has been designed to fall within the height of the quarry face. The local environmental study prepared at the time for the amending plan indicated that the objective of this height control *“would be to maintain the dramatic visual effect of a vertical wall within the vista along Scenic Drive and would have to be achieved with a high standard of design and architectural treatment.”* The proposal achieves this objective which is demonstrated in the architectural statement.
- ii. The additional building height above RL 25m AHD would not significantly alter the visual impacts for the development. The architectural statement submitted with the application concludes that *“in order to reduce the*



*apparent main height of the building, the structure has been kept with a sweeping curve skillion roof that cantilevers and floats visually above the main built body of the façade. The wall behind would be largely glazed and recessed to maximise its impact on the elevations from below. The building would also sit on a plinth of heavier weight and darker materials so we should have only the appearance of 6 floors on the main curving façade.”*

- iii. The fourth storey component in the foyer of the terrace units is the result of the transition between the upper step and lower step of the building. This additional storey is essentially internal to the overall 3 storey building.
- iv. The building would be lowered into the hill by earthworks so that the majority of the building would be below the level of Panorama Drive. One of the intentions of the original local environmental study was to limit the height in the location to a maximum of 1 storey above the level of Panorama Drive. The proposed development achieves this.
- v. The toilet and shower on the roof top terrace do not affect the overall height or building design.
- vi. The non-compliance with the height limits would not exacerbate amenity impacts, views, privacy, overshadowing on adjacent properties.

### **Comment**

The applicants submission that the proposed quarry face varies in heights correlates with the findings of the site inspection where heights were staked on the site. The site inspection demonstrated that the proposed building would in fact be lower than the actual quarry face in some components and would be clear of the ridgeline which is heavily vegetated with the adjacent Eucalyptus. The proposed development will achieve the ability of maintaining the dramatic visual effect of the high vertical wall by way of the design of the building, but it does not encroach on the other environmental features that were identified in the LES, such as the heavily vegetated ridgeline.

The 'terrace units' exceed the 3 storey height limitation and create a fourth storey due to the transitions within the building. It is considered that the terrace units satisfies the intention of that development standard as identified in the LES as the proposed development is no greater than 1 storey above the level of Panorama Drive and in fact is lower or equivalent to the centre line of the road in part. By exceeding the height limitation from 3 storeys to 4 storeys the applicant is not resulting in a development that reduces the ability of other properties gaining a view and it does not impact on the privacy or create overshadowing to other properties in that area.

The proposed development includes a tall building being referred to as the 'tower building'. The exceedence of the height limitation by 2m has been

assessed as not generating a significant impact to adjoining properties in the area by way of loss of views, privacy or overshadowing. It is considered that should the applicant have been asked to lower the height of the building to RL 25m AHD and comply with the height limitation for the site, that the development would not alleviate any perceived impact on adjoining properties. The majority of the objections received raised concern about the site being identified as being suitable for a building of this height. It is considered that the site is suitable for a building of this height given the actual height of the old quarry face and the ability for a development such as this to be designed so as to accommodate the space that has been created by the old quarry, thereby working with the landscape and achieving the dramatic visual effect being the objective behind that height control. It is considered that the objection to the height limitation can be supported.

It is considered that the proposed development achieves the underlying intention of the development standard. The 25m AHD height control is a crude reflection of the intent as identified in the local environmental study process.

This report further assesses the issues of overshadowing and privacy impacts under the performance criteria for Development Control Plan No.6 – Multi Dwelling Housing.

In conclusion it is considered that it is warranted that Council use its assumed concurrence in relation to the height variation being sought.

### **SEPP65 – Quality of Residential Flat Development**

SEPP65 applies to the proposed development. This SEPP aims at improving the design quality of residential flat development in NSW and provide a number of design quality principles for which residential flat development should be assessed against. The applicant has submitted as part of the Statement of Environmental Effects an architectural statement addressing all the principles contained in this SEPP.

#### **Principle No. 1 – Context**

The applicant has submitted that context has been a strong influence in the development of the proposed design. The site is currently characterised by the “big scar” being the quarry face of a predominantly treed hill. On a larger scale the site is located on the edge of one of the many hill spurs that dominate the caldera of the Tweed Valley. The site is also dominated by the bulk of the Seagulls tower that sits on the alluvial plain below. The proposed design responds to this context and the intent of the LES for the site by infilling the quarry face and building within the steep cliff face context.

There has been an attempt within the design to maximise the development to within the quarry therefore minimising the visual impact of the development on neighbouring sites. Part of the development is located in the upper area of the site just above the level of the tower. The form of the building responds to the

context by providing a new vertical face to the site much like the existing cliff but giving it more form and interest. The façade design has a random quality that provides a transition between the river plain and the forest hills in the background. In looking back at the hills, the view is dominated by large trees with the occasional house form jutting out beyond the greenery in a random display of colour and form. The design utilises a variety of curved verandah forms and screens and handrail types to provide a mosaic of colour and texture. The design is to create an effect that is a cross between the colours and forms of coloured leaves and sticks that you find on the forest floor along with the forms made out as the strata somewhat like a quarry face.

### Comment

It is considered that the proposed development has been designed with considerable regard to Principle 1 being context. The architect has defined the key natural and built features in the area and attempted to come up with a suitable design in accordance with the desired future character as provided under Council's LEP.

### Principle 2 – Scale

The applicant has submitted that the curved nature of the plan provides some exciting possibilities for the elevational treatment and the designers are keen to maintain a sense of unity by continuing the curves in plan and elevation using the balcony screens, balustrades and windows. In order to reduce the apparent height of the main buildings the structure has been capped with a sweeping curved skillion roof that cantilevers and floats visually above the main body of the façade. The wall behind would be largely glazed and recessed to maximise its impacts on the elevations from below. The building would also sit on a plinth of heavier weight and darker materials giving the appearance of 6 floors on the main curving façade.

The tower form would dominate the appearance from street level with the terraces above having a minimal impact on the scale of the development with them being recessed well back from the tower face. The scale of the building is somewhat reduced in bulk because the site is already dominated by a large quarry face. The design seeks to improve the amenity of the area by concealing this rock face and replace it with well articulated buildings and interesting building façade. In terms of the aspect to Panorama Drive the development has minimal impact with the building forms well below the allowable levels along the street. Views will be preserved to the horizon for all housing located on the upper side of Panorama Drive.

### Comment

The applicant has addressed the issue of scale in relation to the proposed development and addressed the issues of bulk and height of the development in relation to the surrounding buildings and the environment. It is considered that the applicants have addressed Principle No. 2 adequately.

### Principle No. 3 – Built Form

The applicant has submitted they have used a sweeping bell shape plan to its greatest potential. This results in the upturns to the balconies on the last 3 modules at the end of the building progressively lowering as they are placed higher up the façade. The balconies are also made slender at the ends to give the building a striking slick modern appearance that will be further enhanced by the thin ends of the cantilevered roof. The covered form of both the tower building and the terrace building will reduce or minimise impacts that may have arisen due to the building setback lines. Only very small parts of the buildings are built up to the setback lines with the building receding well back as it curves around the side. The buildings offer excellent amenity to Gull Place in terms of streetscape and interest at street level. The building engages the public domain in a positive way with all units opening out towards Gull Place and Scenic Drive. The development also functions well with the ability to provide privacy at street level with raised planting areas and the recreational part of the site is contained behind the tower and one level.

#### Comment

The applicant has addressed the built form for the site and the buildings purpose adequately in terms of the alignment and setback and the proportions of the building and how they have manipulated the building elements. The applicant has also addressed the issue of public domain. It is considered that the proposed development does not have an adverse impact on the public domain, however has been designed in all respects to minimise impacts to the public domain.

### Principle 4 – Density

The applicant has submitted that the main density of population for the site has been located adjacent to Scenic Drive and Gull Place within the old quarry void. This density is appropriate given the accessibility of all units to ground level on Gull Place. The development site will contain large areas of untouched areas of natural vegetation including the western part of the site, the lower and terrace configuration allows for reasonable densities while leaving large parts of the site for landscaping.

#### Comment

It is considered that the proposed development has achieved good density over the site and has achieved this density with minimal environmental impact to the features that have been identified over the site. The density is in accordance with what was identified with the LES for the site and it is considered to be sustainable in relation to the public infrastructure in the area, access to public transport in the area and availability of facilities.

### Principle 5 – Resource, Energy and Water Efficiency

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The applicant has submitted that the steep nature of the site and topography makes the site very difficult in terms of development and design. The design responds to this positively by retaining the large area of forest on the southern part of the site. As a trade off for this large area, the rest of the site has been utilised by modifying the topography to achieve the proposed larger building. The component of the site, the subject of the development, will involve extensive removal of material and this will allow the construction of the building. By dealing with the site in this manner it is possible to leave major areas of the site as is. The flat areas that are formed as part of the civil works can then be utilised for the economic construction of units that have a great sense of amenity with access to breezes and light. The applicant has submitted that all of the units perform well passively having excellent orientation to either the north, east or the south. No units face the west and all of the units are well shaded with extensive eaves and overhanging and verandas. All of the units have extensive glazed areas that open out onto the verandas ensuring the units remain cooler in the summer with limited need for air-conditioning. The natural slope of the land to the west is capitalised upon, as the hill shades most of the buildings as the sun moves towards the horizon line in the afternoon.

#### Comment

The applicant has submitted energy efficiency ratings for the proposed units as part of the application. Their submission in relation to principle 5 acknowledges the environmental impacts during construction as part of the extensive earthworks, but identifies this as being a trade off to retain the majority of the site. It is considered that principle 5 has been addressed in the development.

#### Principle No. 6 – Landscape

The applicant has submitted that the main feature of the landscaping will be the preservation and enhancement of the area currently protected on the site by way of the environmental protection zone. It is proposed that a significant amount of the soft landscaping is provided along Scenic Drive and Gull Place in the form of raised planters that will provide privacy to those residents located on the ground floor level. These planters will also be utilised for larger trees that can provide a soft foreground to the tower units behind. The application is also accompanied by a landscaped architects report.

#### Comment

The proposed development has proposed a landscape design and adopted some deep rooting planting locations on the site that can be provided and not be impacted on by the basement. Landscaping has been designed having regard to privacy to residents as well as providing a suitable presentation of the development to the public domain. Landscaping has also been provided in the areas where the development adjoins other residential properties and

has respected the neighbours amenity in that regard. It is considered that the proposed design has had full regard for principle 6.

#### Principle No. 7 – Amenity

The applicant has submitted that amenity is the single most important design element for the project that makes the project not only desirable but aesthetically pleasing. The curved forms have been utilised to maximise the views the site offers from each unit by curving the building. The external perimeter is utilised for glazing of verandah areas thereby making each unit highly desirable and comfortable. The concept also ensures that the most active and interesting face of each tower and terrace is viewed from the street. Conversely the curved shape restricts each units exposure to the harsh western aspect which can be utilised only by pedestrian access and vertical circulation. All of the internal layouts of units ensure living areas have the best aspect along with the master bedrooms. The internal areas are characterised by large open plans from front to rear with wet areas restricted to the area of each unit. The whole site is entirely accessed as a pedestrian from Gull Place with its lift servicing each building and the car park below.

#### Comment

The proposed developments optimised amenity features such as room dimensions and shapes, access to light, ventilation, visual and acoustic privacy, the outlook and ease of access throughout the development as being addressed by way of the lifts and the connectivity between the terrace units and the main building. It is considered that the applicant has adequately addressed principle 7.

#### Principle No. 8 – Safety and Security

The applicant has submitted that the design offers excellent on site and off site security. External security is imposed by providing some passive surveillance with the public domain including Gull Place and Scenic Drive. Pedestrian traffic will also increase in this public zone and the quality of the space facing Gull Place will ensure that security is improved along these boundaries. The underground basement car parking will have restricted access and the external common areas to be utilised by residents and guests are located one level above Gull Place. Access to these areas will be restricted via the main reception entry area. The applicant has submitted that while there will be limited outlook to the west up onto Panorama Drive due to the topography, the situation will not be any worse than what currently exists with the street well supervised to overlooking of the houses on the upper side of Panorama Drive.

#### Comment

It is considered that the proposed development has addressed safety and security. The proposed development has a high level of exposure and

overlooking of the public domain area as that is the orientation of each of the units. The issue of on site safety and security has also been adopted in the design. It is considered that the applicant has adequately addressed principle 8.

#### Principle No. 9 – Social Dimensions

The applicant has submitted that the application will suit many of the lifestyles of many people within the community and will offer inexpensive units that have access to the following: -

- Great views
- At grade access to local shops on the opposite side of Gull Place
- At grade access to Seagulls
- Close proximity to Tweed Heads via Kennedy Drive
- A range of unit configurations to suit various lifestyles
- Adequate parking with direct access to a major service road
- Direct access to the Terranora recreational area
- Excellent comfortable location
- Excellent on site recreational facilities including pool, open space and amenity areas and recreation rooms

#### Comment

It is considered that the applicant has had regard for the demand for social dimensions of the future residents on site regard providing services and facilities to enable residents to establish relationships. The applicant has also identified all of the other social, infrastructure available in and around the area. Social impacts of the proposal have been assessed. It is considered that the applicant has adequately addressed principle 9.

#### Principle No. 10 – Aesthetics

The applicant submitted that the development offers a wonderful opportunity to fix what is an unattractive and difficult site and replace it with a dynamic building form that responds to its natural context. The quarry face will disappear and be replaced by visual interesting and dynamic form characterised by the sweeping nature of the plan and overlaid by a rich deeply textured coloured façade. The development will infill the side of the hill which is characterised by a large visual hole in the natural and built landscape. The main façade will now dominate the view from Scenic Drive as one drives west and up towards Terranora. The buildings main façade will be a great visual appeal and interest. The buildings will be modern pieces of architecture that respond well and utilise materials of their time. They will have a light visual quality due to the use of materials and the articulation of the roof façade.

#### Comment

The applicant has had regard for the aesthetic of the building design and address elements such as the textures and materials and colours and responded to the environment and context that the site provides. Principle 10 has been adequately addressed.

### Conclusion

The proposed development meets the requirements of SEPP65. It is considered that the proposed development would provide a long-term residential housing asset to the neighbourhood, benefiting the local communities and the environment. It is designed to improve the adjacent streetscapes and public open spaces when viewed from Scenic Drive and Gull Place and that the proposal achieves the intention of the planning policies for the site.

### SEPP71 – Coastal Protection

The subject site is within the coastal zone and as such SEPP71 – Coastal Protection applies. The site is not affected by any environmentally sensitive location by the policy. While the proposed development exceeds 13m in height it is not considered to be state significant development as Council's Assumed Concurrence instrument enables Council to consider the application. The proposed development did not require any referral to PlanningNSW and as such Council must take into consideration the matters contained under Part 2 of the Policy.

Clause 8 provides for the matters for consideration of Council. The proposed development is considered to be in accordance with the aims of the policy. The proposed development is not adjacent to any foreshore area and does not impede any form of public access to coastal foreshore reserves, beaches or other coastal attributes. It is not in a coastally visual prominent location, adjacent to any beach or coastal vegetation, marine environment or rock platform.

The main aim of the policy that is considered to be applicable to the development application is contained in Clause 2(i)(k) which reads *“to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area”*.

It is considered that the proposed development is consistent with this aim as the particular site has been identified by way of the local environmental study process as being suitable for a building of this scale, type and bulk and that the development is appropriate. The proposed development protects the scenic quality of the surrounding area by being sited below the Eucalyptus contained on the ridgeline, the natural qualities of the site which are covered by the environmental protection area are maintained.



In relation to the other heads of consideration under Clause 8 the proposed development does not impede any pedestrian access to a coastal foreshore. It is considered to be a suitable development for its location as identified under the Tweed LEP, it is not likely to cause any detrimental impact or significant loss of views from a public place. The proposed development does not impact on the environment of any threatened species or marine vegetation. The applicant has submitted that in relation to the matters relevant under Clause 8:

- The site is located approximately 300m away from natural waterways
- The proposal does not generate the need to provide any new public access to or along a foreshore. The only possible public access to the foreshore would be to Boyds Bay to the south of the site along a partly unsealed road. This road leads to an oyster lease and processing plant where public access is not desirable
- The design of the development and its visual impact have been addressed and considered to be supportable
- The site is not affected by coastal processes
- The management measures would be implemented to minimise impacts on water quality
- The proposal would not have a significant impact on flora and fauna
- There are no known heritage items or in close proximity of the site

The applicant has also submitted that in relation to part 4 of SEPP71 the proposal would not affect any right of access to public of the public to a foreshore. That effluent would be disposed of by way of a reticulated system and that the development will not discharge untreated sewer to the sea or a creek.

It is considered that the proposed development generally complies with the provisions of SEPP71. There are a number of matters for consideration contained in Clause 8 of SEPP71 which are further addressed in this report in relation to any likely environmental impacts.

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

Draft Tweed Local Environmental Plan No. 46 was exhibited between 16 April 2003 and 14 May 2003 and detailed an amendment to the definition of a storey to reflect the finished ground level rather than the natural ground level in addition to incorporating that any space in excess of 4.5 metres should be categorised as two storeys.

This amendment does not affect the proposed development as there are no storeys that incorporate a space in excess of 4.5 metres. The natural ground level and finished ground level for the ground floor would be the same. As such the amendment does not have an affect on the proposed development.

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

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## DCP2 – Site Access and Parking

The applicant submitted an assessment of the proposed development in relation to the provisions of Development Control Plan No.2 – Site Access and Parking. The on site car parking complies with the provisions of DCP 2 however the applicant is seeking a variation on the number of bicycle spaces.

<b>Standard</b>	<b>Requirement</b>	<b>Complies/variation</b>
On site Car Parking	1.5 per unit @ 127 units = 191 of which 25% for visitors = 48 visitor spaces	192 spaces are provided in the basement. The proposal complies. The 48 visitor spaces are also to be provided in the basement. A condition of consent will require these 48 visitor spaces to be marked and signposted as for visitors. The visitor spaces are to be the first block of parking on entering the basement, with final agreement prior to issue of a construction certificate.
Bicycle parking	2 per unit = 254	45 proposed, variation sought. While the applicant has marked 45 spaces in the security caged enclosures in the basement, it is considered that there is at least space for a further 15 bicycle.
Delivery Vehicles	1 per 50 units = 3	3 loading bays are located at ground level adjacent to the roundabout. Proposal complies.

The variation to the bicycle parking is considered to be able to be supported as the level of utilisation of the bicycle enclosures can be managed by the body corporate. While the proposal is for 127 units it is unlikely that there would be a demand for 254 bicycle spaces. The proposed bike enclosures are considered to be adequate for the proposal.

The applicant has also identified in this section of the submission that the basement is only to provide two car wash bays instead of the 13 that would be required if calculated at the rate of 1 per 10 units. It is noted that this standard does not strictly apply to the proposal. The applicant has submitted that given the proximity to 24 hour car wash facilities on Kennedy Drive the need for 13 car wash bays is unlikely to be generated. The provision of two car wash bays is considered to be adequate for the proposal.

The proposal complies with the on site car parking requirements of DCP 2.

## DCP6 – Multi-Dwelling Housing

DCP 6 only applies to multi dwelling housing development up to three storeys in height. This DCP does not apply to the proposal and does not provide any specific performance criteria applicable for the assessment of the development application.

The applicant has submitted that the design and amenity objectives set out in this DCP were considered during the design process and the resultant design reflects the performance criteria.

The performance criteria contained in DCP6 are a general statement of means of achieving the objectives. They are not meant to be overly limiting in nature. Instead, they provide designers and developers an opportunity to work through a variety of design criteria. Not all performance criteria would be applicable to every development.

The performance criteria considered to assist in the assessment of the proposed development include the following.

- Site analysis - taking into consideration likely impact on surrounding development particularly with regard to overshadowing privacy and obstruction of views. Topographical features of the site and surrounding properties such as slope, existing natural vegetation and opportunities for the creation of views and vistas. The character of surrounding development particularly street setbacks, subdivision and road patterns. Opportunities to link into existing open space, pedestrian and cycle networks.

### Comments

The applicant has submitted that the primary factors that have determined the building location, orientation and footprint are the site topography and available views. The portions of the site that can be built on are essentially the quarry floor, and the terrace adjacent to Panorama Drive.

As the site presents topographical constraints the proposed development can only occupy the areas as identified in the local environmental study. This has resulted in a proposal that is orientated to the public streets being Gull Place and Scenic Drive. The development therefore does not overlook adjoining property. The applicant has provided heights in relation to adjoining land that confirms that the proposal does not obstruct views of adjoining properties. The development is also orientated such that the shadow impacts of the development do not reduce amenity to adjoining residential land.

The proposed development does not impact on the natural vegetation area contained in the 7(l) Environmental Protection (Habitat) zone. The development achieves the opportunity for views for the proposed development. The proposal has also been designed to comply with the building setbacks. The site does not present a strategic pedestrian or cycleway link in the locality however the proposal includes pedestrian link and

pathway along Gull Place and connecting to Panorama Plaza. This performance criteria appears to have been satisfied.

- Site layout - integrating with the surrounding environment through buildings facing streets and public open spaces with their entries visible, buildings streetscapes and landscapes relating to the site topography and to the surrounding neighbourhood character. Visual links to views or features of significance are created or maintained. Dwellings designed to maximise solar access to living areas and open space area. The principle area of private open space is located away from the public street frontage.

#### Comment

The applicant has submitted that the layout is restricted by the identified site access restrictions from the Local Environmental Study process. The opportunity for views towards the south east, east and north east has also influenced the layout of the proposed development. The applicant has submitted that the site topography, location and orientation of adjacent dwellings and the height controls ensure that the development would have an acceptable impact on surrounding development.

The proposed development design is limited by there being only one suitable access to the site. The proposed development has been designed with regard to the height limitation and orientated the proposed units to capture any available views, with consideration of adjacent dwelling sites, levels and views. This performance criteria appears to have been satisfied.

- Site Density - in areas subject to redevelopment, new development is compatible with the desired future character of the locality.

#### Comment

The applicant has submitted a comparison of the proposed development with relevant controls contained in Development Control Plan No.18 – Tweed Heads in relation to size of balconies and total open space. The proposal has a total landscaped area of over 9000m<sup>2</sup> with each unit having a balcony ranging in area from 15m<sup>2</sup> to 29m<sup>2</sup>. The provisions of DCP 18 that provide for developments of this scale would require units to have a balcony of a minimum area of 8m<sup>2</sup> and 3135m<sup>2</sup> of open space.

The proposed development is of a density of one dwelling per 96m<sup>2</sup>. Due to the building envelope the site is able to support a substantial landscaped area.

Given the site has no specific density controls or alternate controls for landscaped area, it is considered that the comparison with other controls for similar developments is justified. The application clearly exceeds the density

requirements for other similar developments. This performance criteria has been satisfied.

- Streetscape building appearance and front setback - the scale and appearance of new development is compatible and sympathetic to existing development in the locality, or desired future character of the locality, particularly on the perimeter of the development site and where that locality or development site has some heritage significance or distinctive character.

#### Comment

The applicant has submitted that streetscapes are defined by a combination of public elements and private elements. Public elements are the street verges and footpaths and private elements are street setbacks, fences and building facades.

The applicant has submitted that the buildings offer excellent amenity to Gull Place in terms of streetscape and interest at street level. The buildings would be largely below the level of Panorama Drive and therefore the impact on this streetscape would be minimal. The proposed setback would be a minimum of 6 metres from all property boundaries which complies with Council's building line policy.

The proposal has a curved building line that results in the front setback increasing from 6 metres in sections and following the street frontages rather than presenting as a flat frontage. This improves the presentation of the building to the streetscape with relief being provided in the design of the façade of the building.

The public elements of the streetscape would not be compromised by the development as Council's Traffic Engineer requires the provision of footpaths and pram ramps for a safe and appropriate pedestrian environment. This performance criteria has been satisfied.

- Amenity and Character - setbacks are progressively increased as wall heights increase to reduce bulk and overshadowing while maintaining adequate daylight and sunlight. Building siting and height that are related to land form, with minimal cut and fill. Building forms that enable a sharing of views with neighbours. Building bulk that is generally distributed to reduce impact on neighbours and on the public street. Building heights similar to those in the public streetscape, with higher buildings sited behind and out of direct view from the street. Adequate separation between facing dwellings for privacy.

#### Comment

The setbacks of the proposed building increase by way of the curved building façade to the frontage. The side setbacks vary based on the position of the building on the site and topography. The overshadow impacts from the proposed development mainly occur within the site due to the orientation of the site and the topography (ie quarry wall). Scenic Drive is also covered by shadow at 3pm midwinter. The areas of shadow impact do not impact on any public open space or private residences. It is considered that the proposal does not generate an adverse shadow impact.

The siting and height of the proposed building has been designed with regard to the landform and sites the proposed tower building no higher than the quarry wall. It is also considered that the terrace units are sited with the land form and do not present as four storey development when viewed from Panorama Drive.

The proposed development does require significant earthworks to enable the construction of the basement. These earthworks have been assessed by the Environment protection Authority and more detailed assessment on this aspect of the development is addressed in this report.

The proposed buildings are considered to enable view sharing and due to the topography the buildings do not obscure current views.

Distribution of the building bulk is adopted into the design by way of the variable building setback to the public street. Also building bulk is attempted to be reduced by way of the proposed façade treatment.

It is considered that the proposed development provides adequate separation from adjoining residences and achieves the amenity and character performance criteria.

- Views visual and acoustic privacy – Existing views should not be substantially affected where it is possible to design for the sharing of views. The general objective is for views not to be obscured by new development. Direct overlooking of main internal areas and private open spaces of other dwellings is minimised by building layout, location and design of windows and balconies, screening devices and landscape or by remoteness. Internal living and sleeping areas designed to be protected against uncontrollable high levels of sound through the building structure.

### Comment

The proposed development does not change the views from residences to the west of the site, on the opposite side of Panorama Drive as the units are predominantly below the level of Panorama Drive. The dwelling located at 120 Panorama Drive is two storeys with a balcony on the second level. The level of the balcony is higher than the proposed development.

There is a vacant allotment located at 52 Gull Place that has a level building pad at RL22mAHD. This property is the immediate neighbour to the proposed development. The proposed development provides a landscape buffer to this property that ranges in width from 15metres to 5metres. The proposed building is at its closest point 20 metres from the property boundary with no.52 Gull Place. Due to the curved building shape and setbacks the future dwelling house on 52 Gull Place will be able with design achieve some views and maintain good solar access to the north due to the orientation of the allotment.

In terms of visual impacts in the locality it is acknowledged that tall buildings have the potential to impact on the views of the surrounding residents. The majority of the residences in the locality are unable to obtain direct views of the proposal due to the steep topography of the site. The vacant block located at 52 Gull Place will be able to overlook the development and therefore it is considered that the landscaping buffer needs to be dense to remove the sense of being located adjacent to a tall building. The proposal is considered to have addressed this performance criteria.

### Conclusion

The above identified performance criteria have been considered in relation to the assessment of the proposed development. These criteria provide a guide as to the performance requirements for multi dwelling housing. It is considered that the proposal has have regard to these criteria and been designed to minimise likely impacts.

### Development Guidelines for the Site

As detailed in the background of this report there were development guidelines identified for the site through the local environmental study process. The proposed development has been assessed and it is considered that it is a very positive response to the significant and adverse visual effect currently provided by the quarry. The proposal has been designed to approximately match the height of the quarry face.

The design also achieves the guideline of a strongly vertical façade along the Scenic Drive frontage and Scenic Drive/Gull Place corner of the site. The proposed development is considered to achieve a high standard of design and architectural treatment.

The 'terrace units' have been designed to be no higher than a single storey above the level of Panorama Drive. The 'terrace units' also have a mixture of height that was identified as being most desirable in the guidelines.

Exterior finishes of the proposal will be finalised prior to issue of a construction certificate, however it is noted from the architectural statement that the greens, greys, timber and earthy tones expressed in the guidelines are the intent of the applicant.

The proposed buildings maintain the heavily treed ridgeline. The 10-15 brushbox and eucalypts to be removed are less than 10 metres in height. The only tree to be removed that does not comply with the guideline is the one significant tree that is assessed in detail under the natural environment section of this report. The guideline allows for the removal of this tree with the approval of Council.

There are a range of geotechnical guidelines identified that the applicant has addressed as part of the Geotechnical and stability report.

It is considered that the proposed development has satisfied the development guidelines as identified through the local environment study process for the site.

#### DCP39 – Energy Smart Homes Policy

The applicant has provided NatHERS certificates for the proposed development. The proposed units meet the required 3.5 stars. The proposed development is to have a gas hot water system complying with the DCP requirement.

#### DCP45 – Socio-Economic Impact Assessment

The proposed development required a socio-economic impact assessment as it is multi dwelling housing with more than 50 units. The applicant prepared a socio-economic assessment that Council's Strategic Planning Unit has assessed. The statement covers the issues required and generally speaking there are no major areas of concern on social or economic grounds.

The use is considered to be justified by its location adjacent to a local commercial centre with good public transport access. The development would contribute to forming a sustainable local neighbourhood centre and reducing low density residential sprawl.

#### DCP47 – Cut and Filling on Residential Land

DCP 47 is applicable to residential development in the Shire. As the proposed development involves substantial earthworks a geotechnical and site stability assessment of the site has been undertaken. The proposed development was also referred to the Environment Protection Authority (EPA) as the amount of earthworks requires a permit. The EPA required further information that was assessed and conditions imposed as general terms of approval.

It is considered that in the event that Council is of the view to approve the proposal a range of conditions would be imposed in relation to the earthworks. The proposed development complies with DCP 47 as the required study has been undertaken and documentation provided.

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



## **NSW Coastal Policy 1997**

The subject land is affected by the NSW Coastal Policy. The applicant has submitted that the application is consistent with the relevant provisions of the policy, in particular: -

- The proposal would not alienate or impede access to any public land, there would no shadow impacts on public open space. The proposal would achieve the intent of the height controls and contextually the building design suitably response to its environment with respect to siting, bulk and height while contributing positively to the lack of future character of development in the locality in terms of articulation of building facades, choice of building materials, energy efficient design and landscape treatment.

### Comment

The proposed development is considered to be generally consistent with the objectives and strategic actions contained in the NSW Coastal Policy. The site is not identified as being in an area of high natural or built aesthetic quality. The site is proposed to be developed in accordance with the expected use of the site and is clear of the land within the 7(l) Environmental Protection (Habitat) zone.

**(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**

### Visual Impact

Consideration has been given to a number of aspects of visual impact from the proposed development. The proposal has the visual impact of being development of a site that has been a disused quarry for a number of years, and the visual impact of the design of the development.

The site will change from being a disused quarry to a residential development. The proposed building has adopted the development guidelines intended for the site reflecting the attributes of the natural environment, rock and vegetation. The site is prominent, with frontage to public roads. The proposed development will substantially change the visual amenity of this area to the travelling public.

The proposed buildings have been designed with regard to the attributes of the site. The applicant has indicated that this is also to be reflected in the exterior finishes to be adopted in the building. The roof material for the development is to be of a low reflectivity so that the roof does not impact on the future residents in the 'terrace units', adjoining residences or detract from the vegetation screening.

The applicant has indicated that there are a number of greens and greys that could be suitable for the roof material. This would not compromise the energy rating of the development as the use of insulation will still ensure compliance. These colours assist in ensuring the roof is appropriate to the natural environment when viewed through the trees.

The face of the buildings are to incorporate balconies of lighter colour, with panels over handrails to be in green, greys and ochres, in keeping with the natural environs.

The base of the 'tower building' is intended to be dark, reflecting a rock base. The colours through the façade of the building change, becoming lighter and finishing with the top level of the building using more glass being lighter, thereby altering the bulk and appearance of the building.

Rock retaining walls are to be utilised on the site instead of concrete or similar. This is to reflect the rock nature of the quarry. The end walls of the proposed building are to be provided with differential treatment breaking up the end wall towards Gull Place, however the Scenic Drive end wall is not able to be easily viewed from a public place.

The use of texture and colour, differential setback and play of light across the building façade will ensure the development is not of a blocky regular appearance. Visually the development is considered to achieve a high standard for the site.

### Loss of Views

The assessment of the proposed development under the performance criteria for DCP 6 details how the proposed design has considered a site analysis and limited obstruction of views due to the topographical features of the site.

Due to the heights of adjoining and surrounding dwellings the proposed development does not have an unacceptable impact on any views.

### Building Environment and the Design

The existing built environment contains single dwelling houses, dual occupancies and is a combination of single and two storey development. The built environment contains commercial uses along Scenic Drive being Panorama Plaza and the Seagulls Club being located in the local environs.

The proposed development has been designed as two buildings. This design has enabled the 'terrace units' to be set into the landscape, and based on the submitted plans is below the centre line of Panorama Drive. Due to the nature of the topography the 'terrace units' will predominantly be screened with at most the top floor being viewed from the street. This results in the 'terrace units' not adversely impacting on the residential built environment of Panorama Drive.

When viewed from Scenic Drive and Gull Place the development will appear as two separate buildings, the 'tower building' being more prominent on the site. The subject land is not surrounded by low density housing, as the Environmental Protection zone provides a buffer. The residential properties in the Seagulls club precinct are orientated within and are screened by fencing to Gollan Drive / Scenic Drive.

The more immediate properties to the development may be able to view the development in part between landscaping. The proposal does however include substantial landscaped screening of substantial width. Combined with careful selection of external finishes it is considered that the proposal will not compromise the residential amenity of the built environment.

### Road Environment

The application was accompanied by an engineering report that included a traffic assessment. Council's Traffic Engineer considered this report in his assessment and required further information from the applicant. Specifically this addressed the performance of Gull Place/Scenic Drive intersection and its adequacy.

Council's Traffic Engineer advised that the proposed intersection treatment consisting of a protected right turn and left turn lane in Scenic Drive will greatly eliminate the conflict that currently occurs with rear end collisions. Council's Traffic Engineer advised that Council has lodged a Black Spot application to construct a round about at this intersection and its success should be known by February 2004.

Council's Traffic Engineer has recommended that a number of conditions can be imposed to ensure an appropriate intersection upgrade occurs, being a roundabout should Council be success with the Black Spot application or a protected right turn and left turn lane. A number of other conditions have also been recommended in relation to construction of footpath and other Council requirements.

The application was considered by the Local Traffic Committee on 14/8/2003 and agreed that the Gull Place and Scenic Drive intersection was adequate subject to detailed design.

It is considered that the assessment of the application and detailed consideration of the road safety elements has satisfied the provisions of clause 22 of the Tweed Local Environmental Plan 2000.

The majority of the objections for the proposed development raised the inadequacy of the existing intersection and safety as a significant issue. Council is aware of the need to improve this intersection and is endeavouring to secure Black Spot funding for the intersection. In the absence of a Black Spot funded roundabout the applicant will be required to provide an alternate

intersection that is considered to adequately address these concerns raised in the objections received.

Other local road network issues that have been raised by the proposed development include impact of additional traffic on Kennedy Drive. This leads to delays on various residential street intersections and concern was raised that the proposed development would generate significant number of traffic increasing existing difficulty.

Council's Traffic Engineer advised that as a total proportion of the traffic on Kennedy Drive the development impact is minimal. Alternative intersection treatments at Lakes Drive and Gollan Drive are being considered separately to this application.

The volume of Kennedy Drive is set by the capacity of the two lane bridge. The subject site was catered for in the threshold limit, being land zoned for medium density residential purposes.

The proposed development raised a number of local road network issues however it is considered that the application has satisfied Council's requirements and conditions of consent would ensure a suitable outcome is achieved.

#### Natural Environment

The subject land does contain an area of 7(l) Environment Protection (Habitat) zone, however this area of the site is not to be developed. The proposed buildings and services are clear of the natural habitat area.

The application is accompanied by a Flora/Fauna report that details the features of the site. Within the environmental protection zone two individuals of the vulnerable stinking crytocarya were recorded. There are no earthworks or building works proposed in the area.

The flora/fauna report proposed management measures to ensure the protection of this habitat area including the installation of sediment traps and erosion control devices to the west of the environmental protection zone. Also the flora/fauna report recommended the eradication of the weeds located in the environmental protection zone.

The remaining area of the site is characterised by exotic grasses and shrubs on the lower slopes and scattered eucalypts and grasses on the upper slopes. From detailed site inspection identifying the footprint of the proposed buildings it is apparent that the open woodland association that contained some scattered brushbox and eucalypts, with a grass understorey, will be impacted upon by tree removal. This area is not part of the environmental protection zone, however it is adjacent to this area.

The flora/fauna report identified 10-15 eucalypts and brushbox, all being 10 metres and less in height requiring removal. From site inspection this number would appear accurate and due to the scatter nature of the trees, they do not currently provide a significant role as a buffer to the environmental protection zone.

The flora/fauna report identified one significant tree, a grey ironbark of approximately 30m in height, that requires removal. This tree is the closest tree to the environment protection zone. From site inspection it was noted that this the only significant tree to be removed. It is not the only significant tree on the land as the environmental protection zone contains a number of substantial trees, that are visually prominent and provide habitat purposes.

In terms of fauna the report stated that the depauperate habitats at the development site are unlikely to prove significant for threatened species. There are no koala food trees, under schedule 2 of State Environmental Planning Policy No.44 – Koala Habitat, on the site.

In terms of vulnerable bat species it is considered likely that foraging for food on flowering eucalypts would occur in the environmental protection zone. However the small amount of habitat available and its fragmentation and isolation from other habitat areas reduces the significance of the site for threatened terrestrial fauna.

Given the findings within the flora/fauna report and observations from site inspection it is considered that the proposed development is not likely to result in a significant impact to the natural environment. The removal of one significant tree has been assessed as reasonable given the findings of the flora/fauna report.

#### During Construction and the Earthworks

The proposed development is substantial in size and requires significant earthworks. The proposal involves the removal of 67,000m<sup>3</sup> of soil. The Environment Protection Authority has assessed the proposed earthworks and require a number of general terms of approval to be included on any consent issued.

The EPA have advised that the noise generated by the excavation works for the development will exceed EPA guidelines. There are residences in close proximity to the development site and there are limited measures available to reduce the noise impacts from the operation of excavators and trucks on the site. Given the relatively short duration of the excavation works and lack of noise attenuation measures available the EPA issued their general terms of approval without specific site noise limits but have included a time limit of 40 working days for the excavation works and a condition requiring the preparation of a 'Excavation Noise Management Protocol'.

Noise during construction is likely to be a significant issue for the local community. A further significant issue during construction is the impact of vehicle parking on the local streets. There is no available on street car parking in the locality. As such all construction vehicles will need to be located on the site. The site is significantly constrained topographically. The applicant has advised that once the basement is built it can be used for car parking during construction of the remaining components of the development.

While this will be ample area upon completion of the basement there is the issue of construction vehicles up to that stage. The applicant has advised that they have been investigating alternate car parking options for employees, and recognise that arrangements will need to be made prior to any construction certificate being issued. As such a condition of consent will be imposed requiring the approval of the Director of Development Services of the alternate parking arrangement for employees for the construction phase of the development.

### Social Impacts

The proposed development is not considered to raise significant social issues. There are a range of impacts during the construction of the development that will be experienced by the local residents, however upon completion of the development it is not considered that the proposal would result in significant social impacts.

Council's Strategic Planning Unit have assessed the social economic impact assessment and find it to be a supportable development given its access to services and facilities and proximity to Tweed Heads.

It is noted that a number of objections raised concern that the development would end up being a public housing project with limited facilities for the housing group or children on site. It is considered unlikely that the Department of Housing will purchase any of the units within the development. It is not considered that the future residents of the proposed development will bring any adverse social impacts to the local residential community.

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

### Geotechnical Stability

The development application is accompanied by a Geotechnical and site stability assessment. The report contains guidelines and recommendations on: -

- Footing and slab construction,
- Retaining wall design,
- Site preparation,
- Excavation characteristics and earthworks,

- Slope stability and stabilisation works.

The Geotechnical issues with the site are significant however the applicant has submitted that they are not an absolute constraint. Council is aware that the top section of the site at Panorama Drive where the 'terrace units' are located is an area where slip problems have occurred in the past.

The proposed development would need to be undertaken in accordance with the relevant Australian Standards and good hillside engineering and building practices. Conditions of consent are recommended to ensure construction is undertaken in accordance with the requirements of the submitted report and certified.

#### Contamination

Based on the site history that accompanied the development application Council's Environmental Health Surveyor has not raised any objection to the proposal based on contamination.

#### Bushfire

The subject site is not mapped as being bushfire prone.

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

The subject development application was publicly exhibited for a fortnight during which 72 submissions were received. The following table addresses the concerns raised in the submissions received. A petition against the proposed development was received which included 183 signatures. The following table addresses the concerns raised in the submissions received.

<b>Issue</b>	<b>Concern</b>	<b>Assessment</b>
Overdevelopment of the Site	The majority of the submissions received raised concern regarding the proposal and likely overdevelopment of the site. Most of the submissions also raised the concern that the proposal was not in keeping with the area.	In response to this issue the applicant has submitted that they consider the scale of the development is appropriate having regard to the zoning of the land and the fact that this type of development was anticipated for the site. Also the building setback complies with the minimum 6m from both Scenic Drive and Gull Place at its closest points. The applicant has submitted that the building would be setback over 20m

Issue	Concern	Assessment
		<p>from the closest residential boundary and given that the proposal has a site coverage of only 24.2% and a total landscape area of 9000m<sup>2</sup> the applicant contends that the proposal is not an overdevelopment of the site.</p> <p>The assessment of the proposed development finds that the design meets Council's requirements and is not an over development of the site. The proposal maximises densities without undermining the environmental values of the site.</p> <p>The proposal does not warrant refusal for this reason.</p>
Zoning and Permissible	The majority of the submissions received raised concerns that the proposal should not be permissible in the land use zone. Concern was also raised that the zoning of the site is not in keeping with the zone of the surrounding residential areas.	<p>The applicant has submitted that the development is for multi-dwelling housing which is permissible with development consent in the 2(b) Medium Density zone. The applicant has also stated that the Tweed Local Environmental Plan 2000 (TLEP 2000) does not contain definitions for high or medium density housing. The applicant compares the high density controls in other areas of Tweed Heads affected by DCP18 and the required minimum area of open space per unit. In this regard the applicant illustrates that should the proposed development have been in a high density control area, the site would only have needed to provide 3135m<sup>2</sup> of open</p>



Issue	Concern	Assessment
		<p>space. Instead, the proposed development exceeds that amount by providing landscaped open space of 9000m<sup>2</sup> and consequently contends that the comparison of this proposed development with high density housing is not relevant.</p> <p>The proposed development is permissible with consent and complies with the objectives of the zone. It is understood from the objections that a number of residents would appear to not have been aware that the site has been identified for units since 1991.</p> <p>The proposal does not warrant refusal for this reason.</p>
Height of the Proposal	<p>Concern was raised that the height of the proposal should not be supported. Concern was raised that the applicant is attempting to exceed the height limitation of RL 25m AHD by 2m and that Council should not use its assumed concurrence to approve this SEPP1 objection to height. In relation to height concern was raised that there would be issued such as loss of views, loss of privacy, overshadowing of adjoining properties.</p>	<p>In response to this issue the applicant has referred to the LES prepared for the site when establishing the height controls. This particular study which was completed in 1991 indicated that the development completed in the eastern portion of the site should have a maximum height of about RL 25m AHD to approximately match the height of the quarry face. The applicant contends that the quarry face actually varies from approximately RL 20m at its northern and southern ends to over RL 32m in the centre. Therefore, the applicant contends the height control was not determined by a specific site reference point,</p>

Issue	Concern	Assessment
		<p>rather an approximate level. The quarry face is well over RL 25m AHD in the centre. The proposed building is designed to fall within the height of the quarry face. The applicant refers to their submissions under SEPP1 and contends that the height above RL 25m AHD would not significantly alter the visual impacts of the development. The applicant further contends that the area of the site affected by the 3 storey height limitation is exceeded to create a 4 storey component due to the foyer of the terrace area as a result from a transition between the upper step and the lower step of the building. The applicant details that the building would be lower into the fill by the earthworks so that the majority of the building would be below the level of Panorama Drive. One of the intentions of the original LES was to limit the height of this location to a maximum of 1 storey above the level of Panorama Drive. The applicant contends that the proposal achieves this. The applicants contends that the height of the proposal would not exacerbate any amenity impacts on adjoining properties. Floor levels have been obtained from the adjoining dwellings. The applicant has provided these levels to demonstrate their view that the</p>

Issue	Concern	Assessment
		<p>development would not impact on any views. This aspect of the proposed development is further assessed in this report. The submissions also raised concern that Council did not have the ability to use its assumed concurrence for the proposed height variation. This aspect of the proposed development is comprehensively assessed in this report.</p> <p>The assessment report has addressed the use of Council's assumed concurrence in relation to heights and impacts to the immediate adjoining property.</p> <p>The SEPP1 has been assessed and is considered to be able to be supported for reasons detailed. The height variation is not considered to result in any further impacts than would be experienced by a building complying with the height development standard. In this instance the numerical standard is a crude reflection of intent. The proposal meets the objective behind the standard as detailed in the LES.</p> <p>The proposal does not warrant refusal for this reason.</p>
Aesthetics and Design	Concern was raised that the proposed development has not adequately addressed the provisions of	In response to this concern that has been raised the building architect has provided a statement: - <i>"The development</i>

Issue	Concern	Assessment
	<p>SEPP65 – Quality of Residential Flat Building Development. This was also reflected in concern that was raised regarding the massive scale and bulk of the building, the orientation of the units, the colour treatment on the front facade of the building, location of clothes drying areas and the density of the development.</p>	<p><i>offers a wonderful opportunity to fix what is an unattractive and difficult site and replace it with a dynamic building form that responds to its natural context. The ugly quarry face will disappear and be replaced by visually interesting and dynamic form characterised by the sweeping nature of the plan and overlaid with a rich deeply textured coloured façade. The development will infill the side of the hill which is characterised by a large visual hole in the natural and built landscaped. While the development envisaged will have a reasonably large density, its overall curved form will minimise its visual impact on Scenic Drive. The main façade will now dominate the view from Scenic Drive as one drives west up the hill towards Terranora. The buildings main façade will be of great visual appeal and interest with the use of various verandah forms and fenestrations. The texture and colour of the façade should provide a great deal of amenity and activity on</i></p>

Issue	Concern	Assessment
		<p><i>the existing streetscape. The buildings will be modern pieces of architecture that respond well and utilise materials of their time. They will have a light visual quality due to the use of materials and the articulation of the roof and façade. It will not be a visually heavy bulky building. The thinly detailed edges to the building including roofs, balcony design and its curving nature will give the building a quality that is light and responsive to the natural and low density environment. The building will at last remove the ugly quarry from the streetscape and provide a sense of completeness to the area which has suffered visually due to the ongoing use as and old quarry.”</i></p> <p>In response to the concern raised that the applicant has not addressed SEPP65, a full assessment of the proposal in relation to SEPP65 and the architectural statement is addressed in this report. It is considered that the applicant had an extensive assessment of SEPP 65 that meets the design principle requirements.</p>

Issue	Concern	Assessment
		The proposal does not warrant refusal for this reason.
Shadow Impacts	Some of the submissions received indicated that the proposal would create shadow impacts.	<p>The applicant has submitted that shadow diagrams were made available for public viewing as part of the development application exhibition process. The applicant contends that the shadow diagrams indicate that there will be no shadow impacts adversely affecting residents.</p> <p>The proposed development, as detailed in the DCP6 component of the report, does not generate shadow impacts to adjoining residences due to the orientation of the site. In this regard it is considered that the site is suitable for the proposal.</p> <p>The proposal does not warrant refusal for this reason.</p>
Construction Impacts	Some of the submissions received raised concern about the construction impacts which would include noise and vibration from the actual earthworks as well as car parking of construction employees during the construction phase.	<p>The applicant has submitted that upon completion of the basement all site construction employee vehicles would be able to be parked in the basement. This will limit adverse impacts to the local area for the remaining components of the development. For the interim period the applicant will be required to advise Council of the alternate parking arrangements for employees prior to issue of a construction certificate.</p> <p>Noise impacts have been identified as being a major issue for the earthworks component and therefore</p>

Issue	Concern	Assessment
		<p>the EPA have limited the general terms of approval to require these works to be undertaken in 40 days.</p> <p>It is acknowledged that the local residents will be impacted upon during this phase of the development. However it is also considered that following the completion of the earthworks the site should be able to be managed so as to not cause disturbance to local residents.</p> <p>The proposal does not warrant refusal for this reason.</p>
Infrastructure	<p>Concern was raised that the infrastructure available to the site may not be adequate to service the development. This included concern about the sewer and water.</p>	<p>The applicant has submitted that the engineering impact assessment lodged with Council as part of the development application details how the site can be adequately serviced by water, sewer and drainage infrastructure. Council's Water and Sewer Engineer has advised that the proposal can be serviced by existing infrastructure and will require conditions on any approval.</p> <p>The proposal does not warrant refusal for this reason.</p>
Traffic	<p>Concern was raised that the continuation of local road network is not adequate for the proposed development. This is raised in nearly all of the submissions in relation to the intersection of Scenic Drive and Panorama</p>	<p>In response to the issue that the applicant did the traffic counts during school holidays, the applicant has detailed that the assessment of traffic impact on Gull Place, Inlet Drive was used to weigh traffic volumes increased by 50%. The increase was intended to account for the survey</p>

Issue	Concern	Assessment
	<p>Drive and the location of the site. Concern was raised about the type of intersection and its safety. Other intersections that were referred to in some of the submissions include the Gollan Drive intersection, the Inlet Drive intersection. Other traffic issues that were raised included the question of the capacity of Kennedy Drive. Concern was also raised that the traffic report submitted with the application was misleading.</p>	<p>occurring during the school holidays. The applicant has also submitted alternate intersection design that Council's Traffic Engineer has assessed and found to be acceptable. The issues in relation to the local road network are addressed in the report.</p> <p>The proposal does not warrant refusal for this reason.</p>
<p>On site Car Parking</p>	<p>Concern was raised that the existing road network has no capacity for casual on street car parking. That the site needs to be able to cater for all visitor car parking and that during construction there would be car parking impacts in the locality.</p>	<p>The applicant has submitted that the on site car parking complies with the provisions of DCP2 – Site Access and Parking Code.</p> <p>A DCP 2 assessment is contained in this report. The application complies with on site car parking requirements.</p> <p>The proposal does not warrant refusal for this reason.</p>
<p>Stability of the Site</p>	<p>Concern has been raised about the stability of the site and the engineering capacity for the development to be constructed on the property.</p>	<p>The applicant has accompanied the development application with a Geotechnical and site stability report. Any approval will require the development to meet the recommendations of the report and any relevant standards. The site has significant Geotechnical issues however providing the required engineering is adopted, this should not</p>



Issue	Concern	Assessment
		<p>limit the development of the site.</p> <p>The proposal does not warrant refusal for this reason.</p>
Open Space	<p>Concern was raised that there would be inadequate private open space on the development.</p>	<p>The proposal exceeds the open space requirements. It is considered that the recreational facilities provide further areas for residents to use.</p> <p>The proposal does not warrant refusal for this reason.</p>
Impacts to adjoining owners	<p>Concern was raised regarding the impacts of the proposed development to the immediate residents of the development site. These concerns involved loss of views and loss of privacy, including amenity impacts associated with the garbage service, ventilation shafts for the basement potential lighting impacts from the development.</p>	<p>These concerns have arisen from the immediate neighbour and they have been carefully reviewed in assessing the proposal. It is acknowledged that the proposed development is substantial. It may have been expected that the site would support a single dwelling house of smaller unit development however this has not been Council planning for this site.</p> <p>Detailed consideration has been given to the impacts on the immediate adjoining owner of the vacant block (contained in DCP6 assessment). It is considered that the proposal does afford the immediate neighbours with a buffer. Further conditions of consent can be imposed in relation to the issues of lighting and waste management that would minimise some of the concerns raised.</p> <p>The proposal does not warrant refusal for this reason.</p>

Issue	Concern	Assessment
Natural Environment Impacts	Concern was raised that the proposed development would have significant adverse impacts on the natural environment and the environment of threatened species.	This aspect of the development has been fully assessed in this report. One significant tree is to be removed with a further 10 – 15 brushbox and eucalypts being removed. These impacts have been assessed and it is concluded that there is not likely to be a significant impact to the environment. The proposal does not warrant refusal for this reason.

**(e) Public interest**

The proposed development raised a significant number of objections during the advertising process. The concerns raised in the submissions have been fully considered in the assessment of the application. Some of the concerns raised were followed up with responses from the applicant. In relation to the impacts to the local road network, further information was required.

It is apparent that some of the local residents have been surprised by the proposal and not aware that the site has been identified for medium density housing of this scale since 1991. Therefore in assessing the proposal consideration has been given to the development guidelines that were originally identified in the local environmental study for the site to ensure the objectives for the sites development are achieved.

The subject land is unique in that it does not have a specific development control plan, rather relies on SEPP 65 and more generally performance objectives contained in DCP 6.

The applicant has had regard for the history of the site and the relevant controls and created an architectural design that reflects the elements of the site, these being the natural vegetation and rock foundation.

The proposal provides benefits to the local community through employment during construction and operation. There are associated multipliers effects from a development of this size. The proposal is a high standard of development for the subject site, given its constraints.

The proposal will result in significant changes to the local residential character. The site analysis undertaken by the architect has achieved the best outcome for the site and where possible limited impacts to the residences.

It is in the public interest that the site be developed in accordance with the planning instruments applicable and from assessment it is concluded that this would be achieved without a detrimental impact to the general public interest.

**OPTIONS:**

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

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Should the applicant be dissatisfied with the determination of the application they may seek a remedy in the NSW Land and Environment Court.

**POLICY IMPLICATIONS:**

Nil.

**CONCLUSION:**

The subject site presents a unique opportunity in the Tweed Shire to develop medium density housing within an old disused quarry. Environmental attributes of the site were identified as part of the local environmental study processes undertaken in 1991. From this process development guidelines were identified and height limitation adopted for the site.

Since this process the state government have implemented State Environmental Planning Policy No.65 – Quality of Residential Flat Development that sets out principles to be adopted in the design of development such as that proposed. The architect utilised the development guidelines and state policy to formulate the proposal while still having regard to other performance criteria Council would normally adopt when assessing like proposals.

The proposed development seeks a variation to the height limitation under State Environmental Planning Policy No.1 – Development Standards. This has been assessed as being reasonable given that the proposal achieves the intent of the standard.

Other variations sought relate to bicycle parking and number of car wash bays. The proposal provides these facilities however at a reduced rate given the likelihood of demand.

The development application lodged with Council and further information submitted through the assessment process has satisfied Council's requirements in terms of adequacy. An acceptable solution has been proposed in relation to the significant issue of the intersection design.

The Environment Protection Authority has issued general terms of approval for the proposed earthworks and through the imposition of conditions of consent it is considered that the proposal will not generate a significant impact. The scale of the proposed development will necessitate thorough management from the developers perspective and given the detail of consideration demonstrated thus far it is considered that methods to minimise impacts will be adopted.

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**DS-2 [DS] Demolition and Erection of Multi-Dwelling Housing Comprising 4 x 3 Bedroom Units at Lot C DP 9527 No. 8 Recreation Street, Tweed Heads**

**ORIGIN:**

**Development Assessment Unit**

**FILE NO: DA03/0757**

**SUMMARY OF REPORT:**

Council is in receipt of a development application from Thomas Homes & Constructions Pty Ltd & J & M Hession for the demolition of an existing single-storey residential cottage and the erection of a two storey residential development consisting of four units in two buildings connected by single storey garages.

The application was originally lodged in May of 2003. However, a preliminary assessment of the application indicated numerical non-compliances with Council's controls, large areas of hardstand areas, which detract from the streetscape appeal, and a lack of consideration for the high-density objective for the area and Council's six-storey height limitation area. These concerns were expressed to the applicant in August 2003 where issues such as design, and the future character of the area were discussed. Council officer's presented the applicant with an opportunity to amend the plans to address these areas of concern and specifically try to increase part of the building height to better achieve a development that one day achieves an area of high density development that utilises the six storey height limit.

The applicant declined this opportunity of re-design and has requested the determination of the application in its current form. The applicant provided that other options were investigated, however, neither option they investigated significantly improved the issues raised, mainly because of the need to comply with the vertical building envelope, or the economic viability.

However, on review of the two alternative designs considered by the applicant, it is not considered that all options were investigated to their full potential. The applicant provided that one of the main reasons they could not incorporate a basement or increase the height of the building to three or four storeys was due to the building envelope requirements of DCP No. 6. However, if a four storey building was proposed the provisions of DCP No. 6 would not apply, instead DCP No. 18 would apply which allows a 72° angle for the building height plane rather than a 45° angle as required by DCP No. 6.

As the height of the building is only two storeys this application has been assessed against the provisions of DCP No. 6 instead of the design criteria contained within DCP No. 18. However, the application still fails to comply with the numerical controls

contained within DCP No. 6 – Multi Dwelling Housing. A further merit assessment of the proposal indicates that the application should be refused.

**RECOMMENDATION:**

That Development Application DA03/0757 for the demolition & erection of multi-dwelling housing comprising of 4 x 3 bedroom units at Lot C DP 9527, No. 8 Recreation Street Tweed Heads be refused for the following reasons: -

1. The development application is contrary to the 2(b) Medium Density zone objectives contained within Clause 11 of Tweed Local Environmental Plan 2000, in relation to adequate supply and diversity of housing opportunities and discouragement of under utilisation of land.
2. The development application is contrary to Clause 8 of Tweed local Environmental Plan 2000, in relation to unexpected cumulative impacts.
3. The development application is contrary to The North Coast Regional Environmental Plan 1988, specifically the following matter for consideration:
  - (a) *it is satisfied that the density of the dwellings have been maximised without adversely affecting the environmental features of the land,*
4. The development application is contrary to State Environmental Planning Policy No. 71 – Coastal Protection, specifically the following matter for consideration:
  - d) *the suitability of development given its type, location, and design and its relationship with the surrounding area.*
5. The development application is contrary to Development Control Plan No. 6 – Multi Dwelling Housing, specifically including (but not limited to) Part 3 – Design Elements.
6. The development application is contrary to Development Control Plan No. 18 – Tweed Heads, specifically including (but not limited to) the nominated objectives and visions for the Tweed Heads area generally and the specific objectives for the Western Precinct;
7. The development application is not considered to be in the public interest.

## **REPORT:**

**Applicant:** Thomas Homes & Constructions P/L & J & M Hession  
**Owner:** Thomas Homes & Constructions Pty Ltd, Mr NJ Hession and Mrs MN Hession  
**Location:** Lot C DP 9527, No. 8 Recreation Street Tweed Heads  
**Zoning:** 2(b) Medium Density Residential  
**Cost:** \$480,000.00

## **BACKGROUND:**

Council is in receipt of a development application from Thomas Homes & Constructions Pty Ltd & J & M Hession for the demolition of an existing single-storey residential cottage and the erection of a two storey residential development consisting of four units in two buildings connected by single storey garages.

The subject site is located south of the main central business district of Tweed Heads on the eastern side of Recreation Street. The site has a narrow 15-metre frontage to Recreation Street and an average depth of 60 metres to create a total site area of 910.56m<sup>2</sup>. The site is reasonably flat with levels varying between 3.37m RL and 4.1m RL. A single storey cottage currently occupies the site. The application proposes the demolition of this building to facilitate the development.

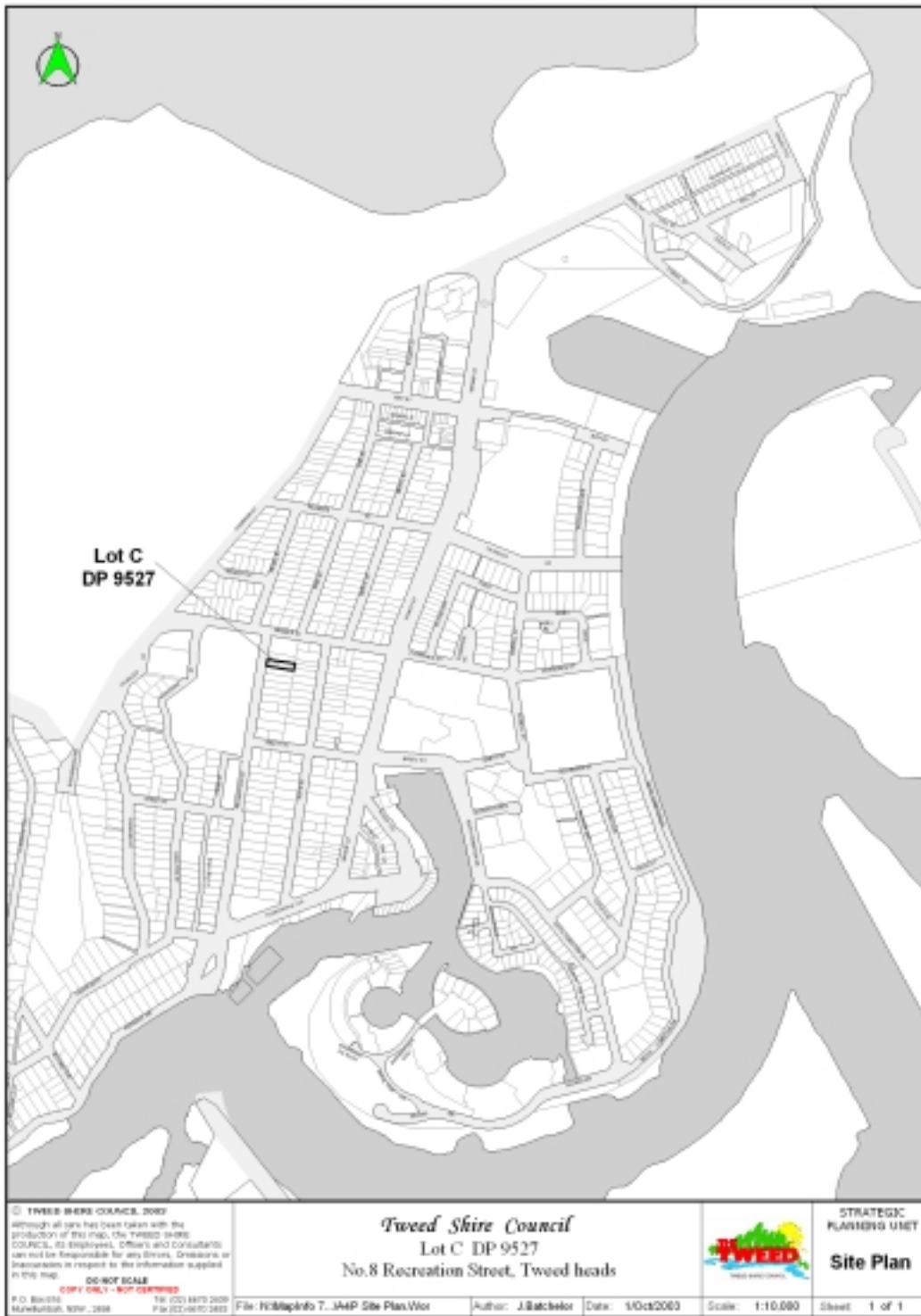
The surrounding development includes a mixture of commercial and residential development, however, is mainly characterised by 2 and 3 storey multi-dwelling housing with the exception of the adjoining No. 10 Recreation Street, which contains an older style dwelling currently used as a doctors surgery. The built form of the area would have been traditionally low-medium density residential development with a change occurring to accommodate multi-dwelling housing developments of up to 6 storeys, being the desired future character of the area as detailed in Tweed LEP 2000 and DCP No. 18 – Tweed Heads.

The proposed development comprises a multi-dwelling housing development containing 4 units. The building has been designed to appear as two buildings with six garages/carports linking the two elements of the building.

The development does not comply with the numerical requirements of Council and fails to achieve the desired future character of the area and has therefore has been recommended for refusal.



**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 subject site is located within the 2(b) Medium Density Residential zone pursuant to the provisions of TLEP 2000.

Clause 8 of Tweed Local Environmental Plan 2000, specifies that:

*"The consent authority may grant consent to development only if*

- (a) It is satisfied that the development is consistent with the primary objectives of the zone in which it is located;*
- (b) It has considered those other aims and objectives of this plan that are relevant to the development, and*
- (c) It is satisfied that the development would not have an unacceptable cumulative impact on the community, locality or catchment that will be affected by its being carried out or on the area of Tweed as a whole.*

The primary objectives of the 2 (b) zone is as follows:

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

The secondary objectives of the 2(b) zone are;

- To allow for non residential development which supports the residential use of the locality;*
- To allow for tourist accommodation that is compatible with the character of the surrounding locality;*
- To discourage the under-utilisation of land for residential purposes, particularly close to the Tweed Heads sub regional centre.*

The proposed development is not consistent with the primary objective of the zone, as the proposal is not considered to represent good urban design, as the building does not present well to the street. The building has a large amount of hardstand area associated with the driveway, a proposed high front fence, and lacks substantial landscaping to soften the development.

Furthermore, the secondary objective specifically discourages the under utilisation of land in this area. The subject site has the benefit of a six-storey height limitation, and whilst this is the maximum height allowable the subject development has made no attempt to satisfy the vision of the area, which seeks to utilise residential land for high-density purposes.

The proposed development is not considered to be compatible with the primary or secondary objectives of the subject zone.

Furthermore, Council is not satisfied that the development would not have an unacceptable cumulative impact on the community. The development application would present significant infrastructure in the form of low to medium density housing in an area, which has the capacity for a real re-development surge to accommodate high-density residential development. This application would prohibit the potential for consolidation of the subject site and the adjoining property, which currently has an old single storey building, which is currently being utilised, as a doctor's surgery. These two properties would ideally be consolidated to create an allotment size suitable for high-density development in accordance with the objectives of the zone.

By approving development of this nature (low to medium density housing) in an area nominated for high-density development the integrity of Council's height controls are compromised. Heights of buildings are always a controversial issue, particularly in the coastal villages where there is a lot of pressure to exceed the nominated height limits whether it be two or three storeys in height. However, one reason we can comfortably restrict heights to this level in the villages is because we do have areas in Tweed Heads itself where the height limits are higher. If we do not utilise these areas the pressure to exceed the height limits in our villages will only increase.

By approving a two storey building of substantial infrastructure it restricts future re-development options in the area. If Council were later to receive a development application consisting of four, five or six storeys adjoining this development a major consideration would be the impact that the new building's shadow would cast over the recently approved two storey building, notwithstanding that the six storey building would have better complied with the objectives of the zone.

The proposed development is not considered to be compatible with Clause 8 (c) of the LEP by creating an unacceptable cumulative impact on the community.

Clause 15 of the TLEP requires Council to be satisfied that the subject land has the benefit of essential services prior to issuing consent. The subject land has the benefit of services and is considered able to support the proposed development.

Clause 16 of the TLEP requires development to be carried out in accordance with the height limitation plan. The subject land is identified as having a six-

storey height limitation with an objective to ensure that the height and scale of development is appropriate to its location, surrounding development and the environmental characteristics of the land.

Whilst the building is only two storeys, and therefore numerically complies with Clause 16, the development is not considered to satisfy the vision for the area to better utilise the land for high-density development.

Clause 17 Social Impact Assessment requires Council to consider the potential social and economical impact that a development will have. The application does not technically trigger the need for a Socio Economic Impact Statement, This application may provide additional housing for the community but it would do so compromising the integrity of the objective of the zone and the intent of the height controls. These outcomes are not considered to be in the public interest or that best meets the social and economic needs of the community.

Clause 35 of the TLEP requires an acid sulfate soils management plan be assessed where the proposed development is likely to interfere with acid sulfate soils. The subject land ranges from RL 3.37m AHD to approximately RL 3.57m AHD and is identified as a Class 2 acid sulphate soil area and therefore an Acid Sulphate Soil Management Plan is required. Council's Environmental Health Officer has reviewed the application and is satisfied that conditions of consent could be imposed to satisfy Clause 35.

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

Clause 43 of NCREP 1988 provides as follows:-

#### ***43 Development control—residential development***

- (1) *The council shall not grant consent to development for residential purposes unless:*
  - (a) *it is satisfied that the density of the dwellings have been maximised without adversely affecting the environmental features of the land,*
  - (b) *it is satisfied that the proposed road widths are not excessive for the function of the road,*
  - (c) *it is satisfied that, where development involves the long term residential use of caravan parks, the normal criteria for the location of dwellings such as access to services and physical suitability of land have been met,*
  - (d) *it is satisfied 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) *it is satisfied that site erosion will be minimised in accordance with sedimentation and erosion management plans.*

Council is not satisfied that the density of the proposed development has been maximised. Four dwellings on an allotment of land with a total site area of 910.56m<sup>2</sup> in a six-storey height limitation area is not considered to be a high-density development. Council is receiving applications in the Tweed Heads area for 4 unit developments on blocks of land less than 400m<sup>2</sup>, which incorporate a basement level and do not adversely affect the environmental features of the land or the residential amenity of adjoining properties. Furthermore, the application has numerical non-compliances with Development Control Plan No. 6 – Multi Dwelling Housing for landscaping, side boundary setbacks, front fence height and the building height plane, which are considered unacceptable. However, if the development was for a higher density use incorporating a building greater than three storeys in height, DCP No. 6 would not be applicable and the application could be assessed in accordance with DCP No. 18 for Tweed Heads.

Although the road network is capable of supporting the development and site erosion is considered manageable the development is not considered a reasonable response to the desired future land use character of the area and will result in the creation of a development that does not add to the streetscape but rather detract from it.

The proposal is considered to be inconsistent with the relevant provision of Clause 43 of NCREP 1988.

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

This SEPP applies to all residential flat buildings, however, the SEPP further provides that a residential flat building is defined as a building that comprises 3 or more storeys and 4 or more self contained dwellings, As the building is only two storeys in height this SEPP does not technically comply. However, the ten guiding principals form a good basis for a merit assessment and have been incorporated into this report under the heading of likely impacts of the development.

#### State Environmental Planning Policy No. 71 – Coastal Protection

Clause 8 of the Policy details sixteen matters for consideration for land within the coastal zone. The most applicable is as follows:

- d) *the suitability of development given its type, location, and design and its relationship with the surrounding area.*

The application has not adequately satisfied all matters for consideration specifically having regard for the lack of consideration for the desirable future

character of the area and the lack of innovative design which could have improved the impact of the building on streetscape in the locality.

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

Draft Tweed Local Environmental Plan No. 46 was exhibited between 16 April 2003 and 14 May 2003 and detailed an amendment to the definition of a storey to reflect the finished ground level rather than the natural ground level in addition to incorporating that any space in excess of 4.5 metres should be categorised as two storeys. This amendment does not have an affect on the assessment of this application.

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

Development Control Plan No.2 – Access and Car Parking

Off street car parking needs to be supplied in accordance with DCP2. The following table assesses the proposed development in relation to the requirements of the DCP.

Standard	Requirement	Complies/variation
On site car parking	1.5 per dwelling 25% for visitors = 6 spaces and 1.5 marked for visitors	6 spaces are proposed which comprise 4 individual garage spaces and 2 nominated visitor parking spaces. With one car wash bay adjacent to the garbage store parallel to Recreation Street.

The proposed development is considered to comply with DCP2 in that the required number of spaces has been provided.

Development Control Plan No.6 – Multi Dwelling Housing

The requirements for the proposed development in relation to DCP 6 are assessed in the following table:

Standard	Requirement	Variation/complies
Floor Space Ratio	0.5:1.0	The total floor area of the units excluding the basement is 506.8m <sup>2</sup> . The site area is 910.56m <sup>2</sup> . The floor space ratio is 0.55:1. This criteria is not normally applied to residential flat buildings, however, the near compliance with this control demonstrates the under utilisation of the site.
Landscaped Area	80m <sup>2</sup> per unit = 320m <sup>2</sup>	The proposed development provides 229m <sup>2</sup> of actual

Standard	Requirement	Variation/complies
		landscaping. However, the site incorporates a further 93.84m <sup>2</sup> of brick type paving throughout the site, which is not normally included in ground level landscaping, and therefore the application does not comply with this criterion.
Private Open Space	Total Minimum Area of 20% of the site area = 182.1m <sup>2</sup>	The development only incorporates 67m <sup>2</sup> of private open space and does not comply with the criterion.
	Minimum Dimension of 3m	The patios do provide a minimum dimension of 3m.
	One part with an area of 25m <sup>2</sup> with a minimum dimension of 4m.	Not one unit has an area of private open space measuring 25m <sup>2</sup> with or without a minimum dimension of 4m and therefore does not comply.
Setbacks from street boundary	6.0m to Recreation Street	Complies
Side setbacks	3.0m	The proposed setbacks vary between 1.5-3m and therefore do not comply.
Front fences and walls	1.2m max if solid	The proposal includes a 1400mm high front fence and therefore does not comply
Building Envelope	45° from 3.5m high at the boundary	Does not comply – Encroachments exist at the second level.
Car Wash Areas	1 required per 10 units.	There is one car wash bay provided parallel to Recreation Street.

### Landscaping

In accordance with the Acceptable Solutions contained within DCP No. 6 each unit is required to have a minimum landscaped area of 80m<sup>2</sup> per unit. This equates to 320m<sup>2</sup> in total.

The subject application has provided 229.3m<sup>2</sup> of landscaping at ground level, which does not satisfy the required landscaping. The calculated landscaped area excludes all concrete paving throughout the site including the driveway and further excludes all ground floor level balconies and brick paving. If the ground level balconies and brick paving were included the application would achieve compliance.

However, the application is not considered to have integrated the landscaping into the design but rather that landscaping has been provided within the side

boundary setbacks where the building has not encroached into the boundary setback area.

### Private Open Space

The development only incorporates 67m<sup>2</sup> of private open space, however, these areas do not measure 25m<sup>2</sup> and do not have minimum dimensions of 4m. Furthermore, as there are two units for each different building section with one occupying the entire ground floor and the other occupying the entire first floor. This results in an uneven distribution of private open space, as the units on the first floor have no ground floor open space and must rely upon the small balconies provided.

### Front Fence Height

The application proposes a solid 1.4m front fence, which incorporates 600mm x 400mm rebates within the fence itself. A solid front fence reduces the streetscape amenity by limiting the appearance of any landscaping that could soften the development. The proposed rebates are not considered to improve this element of the proposal.

### Side Boundary Setbacks

The application encroaches into the southern boundary setback of 3m by 2.1m for a length of 20 metres for the garages and carports and encroaches by 1.5m for a length of 16 metres to accommodate bathrooms at the first and ground floor plan. These encroachments, while not creating additional overshadowing or loss of view, result in substantial departures from the Plan.

### Building Height Plane

The proposed building envelope substantially complies with this criterion with some encroachment on the eastern elevation due to the pitch of the roof. This is not considered to be of substantial concern.

### Summary

The application does not comply with the numerical requirements of DCP No. 6. The application fails to satisfy the requirements for landscaping, private open space, front fence height, side setbacks, and the building height plane. Furthermore, the design is not considered to have a high streetscape appeal and lacks sufficient articulation.

The number of non compliances indicate that the design format chosen is perhaps not appropriate for such a narrow site, and that perhaps a better design outcome could be achieved if a basement was incorporated rather than trying to fit all car parking at ground floor level.



The application fails to adequately satisfy the objectives, performance criteria and acceptable solutions contained within DCP 6 and therefore the merits of this application do not warrant approval.

### Development Control Plan No 18 – Tweed Heads

This Plan applies to all forms of development within the area defined by the bold black line in Figure 1 of the DCP. Therefore the general vision for properties affected by the DCP and the specific precinct objectives and preferred outcomes for the Western Precinct contained with the Tweed Heads DCP affect the subject site. However, the Design Guidelines contained within Sections 9.0, 10.0 and 11.0 of the DCP do not apply, as the building is only two storeys in height. In lieu of these guidelines the provision contained within DCP 6 apply.

The vision statement for Tweed Heads is as follows:

*“To project Tweed Heads as a residential and tourist mecca providing a variety of cultural, recreational and retail experiences, people friendly streetscapes, attractive buildings and a choice of accommodation in a naturally beautiful environment.”*

The applicable objectives of the identified vision for Tweed Heads are to create a town that exhibits the following characteristics:

***Residential streetscapes:*** *Streetscapes in residential zones will exhibit a variety of façade and roof forms, set amidst landscaped surrounds. Entrances to all buildings will be clearly identifiable from the street and causal supervision of the street and other public places will be available from all buildings.*

***Landscaping:*** *The landscaping of public areas and private development will be of a high standard. The landscaping of the central Tweed Heads area should reflect the indigenous vegetation of the local area.*

The proposed development is not considered to have a high level of streetscape appeal or have extensive landscaping that surrounds the development. Given the encroachments into the side boundary setbacks and the extensive amount of hardstand area for the driveway landscaping appears only where the building footprint is prohibited. Landscaping has not been integrated into the design but rather occurred as a secondary thought. Furthermore, the proposed high front boundary fence reduces the Recreation Street elevation and further exacerbates the amount of hardstand area.

The subject site falls within the western precinct of the DCP, and is categorised as a high-density residential precinct. It allows for a range of building heights, from 50m AHD in the north, 12 storeys in the centre, down to 6 storeys in the south. The Plan further acknowledges that the area offers many redevelopment opportunities.

The objectives of the high-density residential precincts are to:

- *Develop the precinct primarily as high density residential areas which respect existing residential amenity;*
- *Provide additional choice in housing accommodation to cater for an increasing variety of household types;*
- *Facilitate an increased residential population in proximity to the sub regional centre of Tweed Heads to maximise economic and social benefits;*
- *Promote the efficient use of residential land;*
- *Develop a streetscape that reflects the climate, topography, and lifestyle of the locality.*

Whilst the development increases the current yield of the property and will provide additional housing choice it is not considered to be high-density development or a development of high streetscape appeal. This type of development is not considered to promote the efficient use of residential land given the site has the benefit of a six-storey height limit, and while six storeys may not be consistent with the existing character of the area the applicant has failed to create a development that better addresses the future desirable character of the area.

The precincts specific strategic policies relate primarily to landscaping. The Plan specifies that the residential precincts should be characterised by attractive, landscaped streets. Furthermore, the landscaping should integrate with the sites building design and blend new development into the overall streetscape. As previously mentioned the landscaping has not been integrated into the design of the building but rather occurs within the building setback area only, and given this setback has been comprised in places, the overall landscaping has been further reduced.

The precinct-preferred outcomes conclude by specifying that in the high-density residential precinct developments may be supported where the proposal is in accordance with the following applicable criteria;

- The vision for Tweed Heads;
- The precinct objectives;
- The strategic policies;
- The provisions of DCP 6 – Multi-dwelling housing, where the development is of a residential nature and comprises three storeys or less.

As detailed in the assessment above the application fails to satisfy the above, visions, aims and objections, strategic policies, and the numerical requirements of DCP No. 6 and therefore the application should not be supported.

## Development Control Plan No.39 – Energy Efficient Housing

The applicant has advised that the proposed development will have a complying 4 star hot water system. Units 1 & 2 have a 5 star rating and Units 3 & 4 have a 4 star rating thus complying with the requirements of DCP39.

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

The NSW Coastal Policy 1997 applies to the proposed development site. The proposed development is considered to be inconsistent with the following strategic goal of the Policy.

*6.2 To promote compact and contained planned urban development in order to avoid ribbon development, unrelated cluster development and continuous urban areas on the coast;*

The proposed development does not utilise the land for high-density development, which would be consistent with the zoning of the land. This application therefore produces significant infrastructure that lacks consideration for the future desired character of the area.

There are no additional matters prescribed by the Regulations that are considered to apply.

### **(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**

#### Compatibility with Adjoining Land Uses

The surrounding development varies between single storey cottages to three storey residential flat buildings.

The land uses in this area are changing to accommodate predominantly units and whilst it is considered that this type of the development is consistent with the changing nature of this area, the subject application does not adequately satisfy the numerical controls applicable to unit development or the future desired density in accordance with the height control for the site.

Good urban design should respond and contribute to its context. The proposed development is not considered to contribute to the localities future desired character but rather seeks produce development that conforms to the existing character and density.

#### Over Shadowing

The application has been supported with shadow diagrams that demonstrate, the shadow predominantly affecting the property to the south (single storey cottage currently being utilised as a doctors surgery). However, the shadow

cast will only be evident in winter and does not produce non-compliance with the requirements contained within DCP 6. It is considered that the aspect of the subject land and the two storey height of the proposed building is such that the adjoining developments would not be wholly affected by the overshadowing from the development and that a reasonable level of residential amenity could be afforded if approval were granted.

### Privacy

The proposed development incorporates several balconies, which are oriented generally towards the north or west. Neighbouring properties have not raised any concern with the proposal or specifically with privacy.

### Bulk Scale & Design

The bulk and scale of the development is not of planning concern, given that the subject site has a maximum height control of 6 storeys, however, the design raises concern regarding the numerical non compliances with DCP 6 and the level of hardstand area produced as a result of the design.

Good design should provide an appropriate scale with regard to bulk and height to suit surrounding buildings and try to address the future desired character of an area. The lack of utilisation of the six-storey height limitation coupled with the fact that even at two storeys the building cannot comply with Council's building height, side boundary setback and the landscaping indicates that the design of this development is inappropriate for this site.

Good urban design should recognise that landscape and buildings operate as an integrated and sustainable system. This application has not provided adequate or useable open space. Given the level of hardstand areas there is little opportunity for deep soil planting. Landscaping has only been provided in the designated setback areas and does not complement or integrate with the building itself.

Good urban design should provide a high level of amenity. The layout of the units being nominated on a single floor rather than a series of two storey town houses results in an uneven distribution of amenity between the units. The upper floor units have inadequate open space compared to the ground floor units which can easily utilise common property areas.

Good design should optimise safety & security. The proposed development does have balconies, which overlook the street to create an observation platform, however there is no clear definition between public and private space.

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

The zoning of the land and recently re-developed sites in the area obviously indicates that the site is capable of accommodating a residential flat building.

Notwithstanding, this application has been assessed against the current applicable controls, and has resulted in a recommendation of refusal due to the numerical and merit assessment that has been undertaken.

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

The development application was notified to surrounding properties and advertised for a period of two weeks closing on 2 July 2003. During this period no objections were received. However, the southern adjoining property owner provided a letter stating no intention of selling his land for re-development purposes as he intended to occupy the premises for the next 15 years.

**(e) Public interest**

Council has approved the nominated height control maps for the Tweed Shire, which seeks to maximise development potential in the Tweed Heads area. To allow significant infrastructure that does not utilise these controls and prevents future re-development would compromise the integrity of the planning height maps. When pressure is placed on our height controls in the coastal villages, adherence with the plan can be justified by the local government areas ability to approve higher densities in the Tweed Heads Area. If these areas are not utilised to their potential pressure in our villages will only increase. The public interest is the adherence to Council Policy. There are many issues of non-compliance with this proposal and therefore to approve this application would be in conflict with the general public interest in the locality.

**OPTIONS:**

1. Refuse the application in accordance with the recommendation;
2. Request conditions of consent to enable the application to be approved by Council.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Should Council determine to refuse the application, the applicant may lodge an appeal with the Land & Environment Court that Council would have to determine to defend.

**POLICY IMPLICATIONS:**

This application has the potential of compromising the integrity of Council's height control maps for the Tweed Heads area. Strategically, with pressures placed on height controls in other locations including the coastal villages - adherence with the plan can be justified by the local government areas ability to approve higher densities in the Tweed Heads area. If these areas are not utilised to their potential, pressures may increase in other locations.

**CONCLUSION:**

The proposed development application does not conform to current Council policy as contained in Tweed LEP 2000, DCP 6 and DCP 18. The proposal seeks to maximise development potential with little effort to satisfy the desired future character of the area.

The application has flaws, which have not been adequately addressed. Given the opportunities that the applicant has been presented with to amend the application and the lack of change to the application it is now considered prudent to determine the application.

**UNDER SEPARATE COVER:**

Nil.

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**DS-3 [DS] Unauthorised Advertising Sign at Lot 1 DP 779842 No. 154 Kennedy Drive, Tweed Heads West**

**ORIGIN:**

**Development Assessment Unit**

**FILE NO:** DA2830/1690 Pt2

**SUMMARY OF REPORT:**

A local resident who was concerned about traffic and pedestrian safety, drew Council's attention to a recently erected unauthorised sign close to a pedestrian crossing. The signboard advertised new residential apartments open for display and purchase at a site approximately 250 m away up Gray Street. The two connected billboards each measured approximately 2m x 3m and were angled so as to be read from either direction by motorists travelling along Kennedy Drive. The owner, developer and real estate company were all written to but failed to remove the unauthorised signage.

At its meeting on 19 March 2003, Council resolved to initiate legal action.

The developer has now removed the signage prior to the matter being heard before the Land and Environment Court.

No further action is required.

**RECOMMENDATION:**

That this report be received and noted.



**REPORT:**

As per summary.

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## REPORTS FROM ACTING DIRECTOR CORPORATE SERVICES

### CS-1 [CS] Walker's Guide to the Tweed Proposal

#### ORIGIN:

Acting Director

#### SUMMARY OF REPORT:

Council, at its meeting of 21 May 2003, considered a proposal received by the Mayor from Pemros Publications to produce a publication titled "A Walker's Guide to the Tweed Shire" and resolved:

*"that the:*

- 1. General Manager explores in collaboration with Tweed and Coolangatta Tourism Inc. (TACTIC) the feasibility of establishing a similar publication to that titled "A Walker's Guide to the Gold Coast" for the Tweed Shire.*
- 2. Full details be established and a report provided to Council of the full cost implications and benefits of such a publication."*

Details are incorporated in this report.

#### RECOMMENDATION:

That Council:

1. Considers an allocation of funds for the production of a publication titled "A Walker's Guide to the Tweed Shire" in the 2004/2005 Budget.
2. Writes to the General Manager of TACTIC, Terry Watson, advising of Council's resolution.

## REPORT:

Council, at its meeting of 21 May 2003, considered a proposal received by the Mayor from Pemros Publications to produce a publication titled "A Walker's Guide to the Tweed Shire" and resolved:

*"that the:*

- 1. General Manager explores in collaboration with Tweed and Coolangatta Tourism Inc. (TACTIC) the feasibility of establishing a similar publication to that titled "A Walker's Guide to the Gold Coast" for the Tweed Shire.*
- 2. Full details be established and a report provided to Council of the full cost implications and benefits of such a publication."*

A letter was forwarded to TACTIC on 2 June 2003 requesting their support to *"explore the concept so that an appropriate response can be provided back to Council on the matter."*

The Director Corporate Services, Ian Carpenter met with the General Manager of TACTIC, Terry Watson in July 2003 to discuss the interest/value of the publication to TACTIC. Terry Watson has investigated the concept and advises that there are two significant issues that require clarification prior to the book being published - product development and production. The issues are detailed below:

### **Product Development**

There isn't currently a wide enough range of product to be put into a publication. TACTIC has formed a Walks Development Group with representatives from Koala Wanderers, bushwalking clubs and Tweed Shire Council to develop a walking product. Meetings have also been held with NPWS, Qld Parks Service, Gold Coast Airport and others who are developing walks around the Caldera. It is envisaged that TACTIC will be in a position to produce a book with a wide range of product (in terms of length, time, difficulty, etc) within six (6) months.

### **Production**

Currently there is not a sufficient brief, however a quote was obtained in July to print 4 colours, 56-page book with an estimated cost of \$8,426 for 2,000 copies or \$11,297 for 5,000. These prices do not include quotes for design.

It is recommended that the project be revisited in 12 months time when the product is more developed and it can be marketed effectively.

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

There has been no provision of funds in the 2003/2004 Budget to produce a publication.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

1. Email advice from TACTIC (DW 956361)
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**CS-2 [CS] Placement of Statue of "Churaki Comi The First Lifesaver"**

**ORIGIN:**

**General Manager**

**SUMMARY OF REPORT:**

Attached is a letter received from The Warragum Picture Co P/L relating to the placement of a statute "Churaki Comi The First Lifesaver".

A suggested reply has been prepared for Council's consideration and is also attached.

**RECOMMENDATION:**

That Council endorses forwarding the letter to The Warragum Picture Co P/L contained in the report.

**REPORT:**

Reproduced below is a letter received from The Warragum Picture Co P/L relating to the placement of a statute "Churaki Comi The First Lifesaver", as well as a suggested reply:



# The Warragum Picture Co. P/L

P.O. Box 402 Coolangatta Q 4225 A.C.N. 099 446 045 Phone (61) 0755 364 939  
www.warragum.com FAX 07 5536-4939 Email: bradct@email.com tghayes@email.com

Mr Ian Carpenter  
Civic and Cultural Centre  
P.O Box 816  
Murwillumbah NSW 2484

SELF LIFESAVING  
MEMORIALS

TWEED SHIRE COUNCIL
FILE No. TOURISM - GENERAL
DOCUMENT No. [ ] [ ] [ ] [ ] [ ] [ ]
RECD 30 JUN 2003
BOOK No. [ ] [ ] [ ] [ ]
ASSIGNED TO: CARPENTER I
HARD COPY <input type="checkbox"/> IMAGE <input checked="" type="checkbox"/>

June 27 / 2003

YOUR REFERENCE : 907688

Dear Mr Carpenter,

Earlier this year we made a request to your council for the placement of a statue of "Churaki Comi The First Lifesaver" However to be on the median strip adjoining the "Border Marker" In the "Daily News" earlier this week there appeared a story regarding the "Johnny O'Keefe" statue to be placed on the border in virtually the same position Has anyone approached you about this. It seems an inappropriate placement as "Johnny O'Keefe" is not one of our local heroes and has no significance at all to neither Tweed Heads or Coolangatta. .

We found the article very disturbing as we have already commissioned the sculptor and are awaiting a cost quote for the making, transport and erection of the piece

We don't want to enter into a competition with "Wintersun", however we believe Churaki is a far more suitable placement I, like many people in the area have a connection to him My Aunt and great Aunt knew him well as they had lived in Tweed Heads during the 1890,s 1900,s There are many people touched by Churaki The Turner family, have his fathers name included in the name of every boy child due to him saving their grandfather when Comi, Churaki's father chased him off the wharf in Chunderah in the 1890,s.

We need some direction on this. The statue could be placed on Greenmount hill but we feel Churaki belongs to both towns because of his strong connections with the people of the Tweed and his great friendship with the Farrell family

We believe his bones now rest with his father in the Leticia Spit cemetery at Fingal I enclose for you the only recorded information to hand from the "Tweed Star".

Yours faithfully,

Thomas G Hayes



THE LEGEND OF CHURAKI COMI: THE FIRST LIFESAVER

© copyright 2003 by Thomas G. Hayes The warragum Picture Co (07)5526 4939  
EXTRACT FROM THR "TWEED STAR"

A Faithful Friend - a local story.

This is how "Captain Kirkwood", the old time sailing master who braved the perils of the bar before Tweed Heads was, told us the story:

"Some years ago Churika Comi, the last of the full blooded aboriginals, was dying. He begged me on his death bed to enclose all his papers within his coffin, for Churaki reasoned thus - "I bin pay 'em everybody. I show 'em paper. They say: This fella bin good man, more better him go along heaven. He died and I carried out his dying behest's to the best of my ability. That was seven or eight years ago, but, yesterday when going through some old papers, I came across the following",....

The Royal Humane Society of Australia . Melb. July 7 1911

Mr. Churaki Comi  
Coolangatta via Tweed Heads, N.S.W

Dear Sir,

I am instructed by the General Court of Directors of The Royal Humane Society of Australasia to write to you this letter of commendation of your successful efforts in rescuing Mr McGonigle from a drowning at Coolangatta Beach on March 5 1911. My directors feel that your promptitude resulted in the saving of a life, and that you are entitled to have your name included in the roll of those who have received the commendation of this society.

Your Faithfully

R W E. Wilmot  
Secretary.

"I realised in a second that, inadvertently I had not been faithful to my trust. What was to be done? I can only suggest that this letter be printed in the local paper. I believe that Churaki Comi will see it and forgive me of my offence."

THE BORDER STAR 22 01.21

His name was Churaki, son of Comi. In Bunjalung language, Comi (gomay) means big. Both are now at rest at the Fingal Cemetery, after their bones were relocated there some time ago. He not only received a letter of commendation from The Royal Humane Society, whose patron on chief was His Most Gracious Majesty, King George V, but he is also listed in the society's published history book, 1874 - 1974 "7000 Brave Australians". This was not his first rescue, he is documented in notes by Paddy Fagan called "Early History of Coolangatta" prior to the opening of Greenmount Surf Club in 1909, the first lifesaving club in Queensland. Churaki did valuable work in rescuing bathers in difficulties. Others have told how he ran to Brunswick Heads and back in record time, for some one in need of urgent medical help.

## **JO'K ready to take stand**

JOHNNY O'Keefe will soon stand tall in Tweed Heads/Coolangatta.

The fund-raising campaign to bring a giant bronze JO'K statue to the Tweed has succeeded.

The statue is almost complete and is planned to be unveiled in October, on the 25th anniversary of the Wild One's death.

Twin Towns Services Club marketing manager Phil Villiers yesterday said the JO'K Memorial Association Committee was due to meet tomorrow and an announcement was planned for Friday confirming the unveiling date and location for the statue near the Qld/NSW border.

The 3.5m-high statue, by Sydney-based sculptor Alex Kolozsy, was only partially-completed as a clay mould, due to a lack of funds, and was in danger of deteriorating beyond repair.

Tweed business people organised a series of concerts along the eastern seaboard to raise money to have the statue bronzed and given a home on the Tweed, to help promote the Wintersun Festival.

### **SUGGESTED REPLY:**

*"Thank you for your letter dated 27 June 2003 relating to a proposal for the placement of a statue of "Churaki Comi The First Lifesaver".*

*The information that you have regarding the siting of the Johnny O'Keefe statue on the border median strip is incorrect, the location that has been determined is on the Twin Towns Resort side of Wharf Street slightly east of the air bridge between the Twin Towns Resort and the Twin Towns Services Club.*

*I would suggest that discussions with the local surf lifesaving clubs would be beneficial in suggesting suitable locations that could be considered by either the Gold Coast City Council or the Tweed Shire Council, or both Councils.*

*Tweed Shire Council would have no objection to the statute being placed on Greenmount Hill given that the use of the beaches in this area by the local community is not affected by the border between Queensland and New South Wales.*

*Yours faithfully,*

*Dr J Griffin  
General Manager*

*cc CEO, GCCC  
DECS"*

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

Nil.

### **POLICY IMPLICATIONS:**

---

Nil.

**UNDER SEPARATE COVER:**

1. Letter dated 27 June 2003 from The Warragum Picture Co Pty Ltd (DW 922785)
-

**ORIGIN:**

**Financial & Information Services**

**SUMMARY OF REPORT:**

This report is the first quarter statutory budget review for this financial year and summarises the major expenditure and income changes to the 2003/04 Budget based on current projects to 30 June 2004. This statutory report is prepared in accordance with Local Government Financial Regulations Section 6 and 7. Council will have a balanced budget in the General Fund whilst Water and Sewer Funds are in accordance with budget expectations.

**RECOMMENDATION:**

That:

1. The Quarterly Budget Review Statement as at 30 September 2003 be adopted.
2. The expenditure and income as detailed below be voted and adjusted in accordance with the revised total expenditure and income for the year.

GENERAL FUND		NEGATIVE (Contribute to Deficit \$	POSITIVE (Contribute to Surplus) \$
1.	Financial Assistance Grants		76,837
2.	HR Administration	7,500	
	IR Officer (Part Year)	30,000	
	HR Training	20,000	
	Salary Savings		58,000
3.	Sec 603 Rate Certificate – additional income		10,000
	Finance Support Staff	10,000	
4.	Grants Commission ( FAGs)		106,000
	Federal Local Roads – increase Budget allocation	106,000	
5.	Flood Mitigation Construction		60,000
6.	Demolition & removal Boyds Bay Jetty	19,000	
7.	Far North Coast Weeds 2003/2004 Contribution		3,413
8.	Murwillumbah Cemetery Upgrade Reserve – RTA land sales	26,000	26,000
9.	Workers Compensation Premium	63,550	
10.	Public Toilet s – Operating costs	35,000	
11.	Aged Care additional staff support	18,000	
12.	ECS staff – Building Services support	28,000	
13.	Building Services Surplus C/F from 2002/2003		115,000
14.	NSW Fire Brigades – Annual Contribution		10,700
15.	Development Services Projects	280,450	
	Uki DCP	20,000	
	Development Services Surplus C/F from		206,000

<b>GENERAL FUND</b>		<b>NEGATIVE (Contribute to Deficit \$</b>	<b>POSITIVE (Contribute to Surplus) \$</b>
	2002/2003		
.16.	Speed on Tweed – Volunteers Hats	1,500	
17.	Alcohol Free Zone Signs	6,950	
	<b>TOTAL</b>	<b>671,950</b>	<b>671,950</b>
<b>WATER FUND</b>			
1	Bank/Aust Post Charges Revenue Reserve	41,000	41,000
<b>SEWERAGE FUND</b>			
1	Bank /Aust Post Charges Revenue Reserve	41,000	41,000

## REPORT:

### BUDGET REVIEW 30 SEPTEMBER 2003 (QUARTERLY BUDGET REVIEW)

The following Financial Statement is submitted in accordance with the Local Government Act 1993 – Financial Management Regulations Sections 6 and 7 and shows details of Council's financial position for the period ending 30 September 2003 and estimated end of year financial position as at 30 June 2004.

This statutory Budget Review is prepared at the close of each quarter and shows the financial result between budgeted income and expenditure adopted by Council and the revised total expenditure and estimated total income on present trends for the year.

### PROPOSED BUDGET CHANGES AND COMMENTS ON ADJUSTMENTS

GENERAL FUND		NEGATIVE (Contribute to Deficit) \$	POSITIVE (Contribute to Surplus) \$
1.	Financial Assistance Grants Budget \$ 4,920,000 Actual \$ 4,996,837 General Purpose Grant Increase		76,837
2.	H.R. Administration – Additional Support IR Officer New Position ( Part Year) HR Training Salary Savings	7,500 30,000 20,000	58,000
3.	Sec 603 Rate Certificate – additional income Finance Support Staff – additional hours	10,000	10,000
4.	Grants Commission ( FAGs) – increase in Grant Federal Local Roads – increase Budget allocation	106,000	106,000
5.	Flood Mitigation Construction – savings loan costs- Reduction in capital works program		60,000
6.	Demolition & removal Boyds Bay Jetty Budget \$ 40,000 Revised Budget \$ 59,000	19,000	
7.	Far North Coast Weeds 2003/2004 Contribution – Budget \$ 100,000 Actual \$ 97,487		3,413
8.	Murwillumbah Cemetery Upgrade – roadworks, landscaping & additional allotments Reserve – RTA land sales	26,000	26,000
9.	Workers Compensation Premium – increased Premium	63,550	
10.	Public Toilet s – Operating costs Budget \$ 450,000 Revised Budget \$ 485,000 1999/2000 \$ 362,000	35,000	
11.	Aged Care additional staff support – 16 hours per week – to provide additional support services for the Aged community	18,000	
12.	ECS staff – Building Services support – new position Part year only	28,000	
13.	Building Services Surplus carried forward from 2002/2003		115,000

<b>GENERAL FUND</b>		<b>NEGATIVE (Contribute to Deficit) \$</b>	<b>POSITIVE (Contribute to Surplus) \$</b>
14.	NSW Fire Brigades – Annual Contribution Budget \$ 256,900 Revised Budget \$ 246,200		10,700
15.	Development Services Projects– Preparation of: Strategic Plan, Kings Forest Integrated Planning, Management Plan, Local Area Plans, Draft LES & Draft LEP Plans, Rural Strategy, Section 149 Certificate Audit & Development Engineer (Part Year) – New Position Uki DCP – Approved Council Meeting 17/9/03 Development Services Surplus carried forward from 2002/2003	280,450	206,000
16	Speed on Tweed – donation towards purchase of volunteers hats	1,500	
17	Alcohol Free Zone Signs – Approved Council Meeting 16 August 2003	6,950	
	<b>TOTAL</b>	<b>671,950</b>	<b>671,950</b>
<b>WATER FUND</b>			
1	Bank/Aust Post Charges Revenue Reserve	41,000	41,000
<b>SEWERAGE FUND</b>			
1	Bank/Aust Post Charges Revenue Reserve	41,000	41,000

### **GENERAL FUND**

Based on current projection the General Fund is expected to remain as a “balanced budget” for the last 9 months of the financial year. Furthermore, any approval for funding of additional programs must be offset by a reduction in an alternative program.

### **WATER FUND**

The Water Fund remains in a sound financial position with sufficient reserves to meet any unexpected costs.

### **SEWER FUND**

This fund also remains in a sound financial position with sufficient reserves to meet any unexpected costs.

**Statutory Statement – Local Government Financial Regulations  
(Sections 6 & 7) by “Responsible Accounting Officer”**

*The responsible accounting officer of a council must: -*

*(b) If any instance arises where the actual income or expenditure of the council is materially different from its estimated income or expenditure, report the instance to the next meeting of the council.*

**9. (1)** *Not Later than 2 months after the end of each quarter, the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure (including the sub-estimates) set out in the management plan that the council has adopted for the relevant year, a revised estimate of the income and expenditure for that year.*

*(2) (a) a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure; and if that position is unsatisfactory, recommendations for remedial action.*

**Statutory Statement**

**I consider that the financial position of Council is satisfactory “having regard to the original estimate of income and expenditure”.**



R. R Norvill FCPA  
**“Responsible Accounting Officer”**  
**Manager Financial and Information Services**  
**Tweed Shire Council**



**LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATION 1993**

**SCHEDULE 1 - FORMS**

**FORM 1**

**Summary of Estimates of Income and Expenditure for the Year ended 30 June 2004**

**Revised as at 30 September 2003**

Function	Original		Revised		Net Cost	
	Expenditure	Income	Expenditure	Income	Original	Revised
Administration	11432	1124	11512	1210	10,308	10302
Public Order & Safety	1394	757	1383	757	637	626
Health	642	96	642	96	546	546
Community Services & Education	641	221	641	221	420	420
Housing & Community Amenities	14845	14840	15143	14840	5	303
Water Supplies	7254	12159	7295	12159	(4,905)	(4864)
Sewerage Services	10889	20736	10930	20736	(9,847)	(9806)
Recreation & Culture	7588	6147	7607	6147	1,441	1460
Mining, Manufacturing & Construction	1488	1725	1516	1725	(237)	(209)
Transport & Communication	17180	15123	17199	15123	2,057	2076
Economic Affairs	4255	4238	4255	4238	17	17
General Purpose Revenues		28858	0	28964	(28,858)	(28964)
	77608	106024	78123	106216	(28416)	(28093)

*Add Expenses not involving flow of funds*

Depreciation

Increase in employees leave entitlements

**Sub-total**

Original	Revised	Original	Revised
(18,470)	(18,470)		
(18,470)	(18,470)	(46,886)	(46,563)

*Add non-operating funds employed*

Carrying amount of assets sold

Cost of real estate assets sold

Loan funds used

Other debt finance

Repayments by deferred debtors

**Sub-total**

(1,346)	(1,346)		
(4,695)	(4,695)		
(6,041)	(6,041)	(52,927)	(52,604)

*Subtract funds deployed for non-operating purposes*

Acquisition of assets

Development of real estate

Advances to deferred debtors

Repayment of loans

Repayment of other debts

**Estimated Budget Result - Surplus**

70,817	70,923		
	0		
	0		
3,790	3,790		
74,607	74,713	21,680	22,109

**Reconciliation with Program Budget:**

Add net increase in restricted assets	(25,683)	(26,112)
Deduct Interest on Restricted Assets not included in budget	4,003	4,003
Program Budget Deficit/(Surplus)	-	-

**Comprising:**

General Fund	-	-
Water Fund	-	-
Sewerage Fund	-	-

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

Nil.

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**CS-4 [CS] 2002/2003 Statutory Financial Reports / Audit Report**

**ORIGIN:**

**Financial & Information Services**

**SUMMARY OF REPORT:**

Council's Statutory General Purpose Financial Reports in accordance with Section 413 (2) (c) of the Local Government Act, 1993 for the financial year ended 30 June 2003 have been completed and audited. The Reports, including significant accounting policies and associated independent Audit Report from Thomas, Noble and Russell (TNR), presents Council with a financial overview of its operations for the year 2002/03.

This financial result for the year reveals that Council's finances are in a favourable position and that the internal financial management practices are sound.

The Financial Reports for 2002/03 are now presented to Council for adoption.

Mr Kevin Franey and Mr Geoff Dwyer, partners of TNR will address Council at 6.00pm on issues that have arisen during the course of the audit. They will also be available to answer questions from Councillors.

**RECOMMENDATION:**

That Council adopts the 2002/03 tabled Financial Reports prepared conforming with Section 413 (2) (c) of the Local Government Act, 1993 as follows: -

1. The financial statement is drawn up in accordance with:
  - a) - the Act and the Regulations;
  - that Statements of Accounting concepts;
  - the Local Government Code of Accounting Practice and Financial Reporting; and
  - the Australian Accounting Standards.
- b) Accounting policies be adopted.
- c) The reports present fairly the Council's financial position and other records.

## REPORT:

### BACKGROUND

Council's General Purpose Financial Report, including significant accounting policies for year ended 30 June 2003 have now been completed and audited, with the auditor's report received. In accordance with the provisions of the Local Government Act, and the Local Government Financial Regulations, Council must implement the following actions to allow the reports to be finalised, i.e.

- a) adopt the financial reports and financial policies;
- b) fix a meeting date to present the reports to the public, and
- c) advertise, for a minimum period of seven (7) days, that the Statements and the Auditor's Reports are available for public inspection.

In order to comply with these guidelines, Council advertised on Wednesday 8 October 2003, that the reports are to be presented to Council at this meeting and that the reports are available for public inspection.

A copy of the Financial Reports will be tabled at this meeting.

These reports were completed by Council and audited by Council's auditors, Thomas Noble and Russell, within the statutory timeframe set by NSW Government legislation.

### LEGISLATION REQUIREMENTS

The Local Government Act, 1993 ("the Act") relating to the preparation of Council's annual financial reports requires that: -

1. Section 413 – A council must prepare financial reports for each year, and must refer them for audit as soon as practicable after the end of that year.
2. Section 413 (2) – A council's financial reports must include:
  - (a) a general purpose financial report;
  - (b) any other matter prescribed by the regulations; and
  - (c) a statement in the approved form by the council as to its opinion on the general purpose financial report.
3. Section 413 (3) – The general purpose financial report must be prepared in accordance with the Act and the regulations and the requirements of:
  - (a) the publications issued by the Australian Accounting Research Foundation, on behalf of the Australian Society of Certified Practising Accountants and the Institute of Chartered Accountants in Australia, under the title Australian Accounting Standards; and
  - (b) such other standards as may be prescribed by the regulations.

4. Section 416 – A council's financial reports for a year must be prepared and audited within 4 months after the end of the year concerned.
5. Section 418 – Upon receiving the Auditor's Report, the Act requires the Council to give at least 7 days public notice of the meeting at which it proposes to present its audited financial reports, together with the Auditor's Report, to the public.
6. Section 420 – Any person may make submissions in respect of the Council's audited financial reports or the Auditor's Report.
7. Section 428 – The audited financial reports must be included in the Council's annual report.
8. Clause 19 of the Local Government (Financial Management) Regulation, 1993 requires that the Statement under Section 413 (2) (c) on the annual financial report must be made by resolution of the Council and signed by the Mayor, at least one (1) other Councillor, the General Manager and the Responsible Accounting Officer.

#### **COUNCIL'S RESPONSIBILITY**

Council is responsible for the preparation of the financial reports and adequate disclosures. This includes the maintenance of adequate accounting records and internal controls, the selection and application of accounting policies, and the safeguarding of the assets of Council. As the Responsible Accounting Officer, Manager, Financial and Information Services, Mr Reg Norvill has stated the accounting records have been maintained in accordance with Section 412 of the Act and in a manner that permitted the timely preparation of the General and Special Purpose Financial Reports for the year ended 30 June 2003.

Update No. 11 to the Local Government Code of Accounting Practice and Financial Reporting was issued in May of this year and is relevant to accounting periods ending 30 June 2003.

The Operating Result for the year for General Fund is generally in accordance with budget expectations. Revisions have been made through the year in quarterly Budget Reviews to ensure Council has a sound financial result for the year.

The Water and Sewerage Funds' end of year financial results have had unexpended work that will be carried over to 2003/04. Both Funds also remain financially stable.

#### **BENEFITS AND PURPOSE OF ANNUAL FINANCIAL REPORTING**

The primary benefits of financial reporting are:

- It makes Council accountable to the community for its financial management

- It provides the community and other interested parties with access to information about the current financial status of Council and its operational performance for the period in question.

The purpose of financial reporting, or the preparation of annual financial statements, is to communicate information about the financial position and operating results of Council to those who need to know or have an interest in Council operations.

Parties who have an interest in, or need to know financial reporting information include:

- councillors and management;
- residents/ratepayers;
- government departments and public authorities;
- community groups; and
- financial institutions

The users of financial reporting information are varied and financial statements must, therefore, be structured to meet all their respective requirements. This is achieved through conformity with the Australian Accounting Standards, which apply to the majority of business operations in Australia.

## **GOVERNMENT CONTROLS**

NSW legislation strongly controls the external financial reporting requirements of Council.

## **ANNUAL FINANCIAL REPORTING SYSTEM**

### ***General Purpose Financial Reports***

Under the requirements of Australian Accounting Standards, in particular AAS 27, Council is required to prepare the following reports for each financial year.

#### ***Operating Statement***

This shows the operating result and change in net assets from operations for the year.

#### ***Statement of Financial Position***

This discloses the assets, liabilities and equity of Council.

#### ***Statement of Cash Flows***

This shows information about cash flows associated with Council's operating, financing and investing activities.

#### ***Statement of Changes in Equity***

This reconciles opening and closing balances for each class of equity during the reporting period and gives details of any movement in these classes of equity.

#### ***Notes to the Financial Statements***

These disclose the accounting policies adopted by Council and provide additional material necessary for evaluating and interpreting the financial statements.

**In addition to the General Purpose Financial Reports, Council must also submit the Auditor's Reports in accordance with Section 417(1) of the Act and Council's Certificate in accordance with Section 413(2)(c) of the Act.**

### ***Special Schedules***

The Department of Local Government, the Local Government Grants Commission and the Department of Land and Water Conservation require a series of schedules. These provide additional details on Council's net cost of services; internal and external loans; operating statements and statements of net assets committed for water and sewerage services; and information on water and sewerage rates and charges.

### **AUDIT MANDATE**

Council's Auditors, Thomas Noble and Russell, have completed the audit of Council's general purpose financial reports for the year ended 30 June 2003 under Section 417 of the Local Government Act 1993.

The audit included:

- An examination of the financial information for the purpose of expressing and opinion on financial statements to help establish the credibility of those statements
- An examination of financial information for the purpose of reporting on the legality and control of operations and the probity of those dealing with public funds, and including the expression of an opinion on an entity's compliance with the statutory requirements and regulations that govern the activities of Council.

Council's auditor must prepare two reports to Council (Section 417 (1)): -

- A report on the general purpose financial report, and
- A report on the conduct of the audit.

As soon as practicable after receiving the auditor's reports, Council must send a copy of the audited financial reports and the auditor's reports to the NSW Department of Local Government.

### **MANAGEMENT RESPONSIBILITY - AUDIT**

The performance of an audit or the provision of an audit report does not in any way absolve or relieve management of its responsibility such as the maintenance of adequate accounting policies and the preparation of financial information such as budget preparation and the quarterly budget reviews submitted to Council each three months. Council has a strong internal management reporting practices in place that ensures all costs and income are monitored and acted upon on a weekly basis.

Management has the responsibility to safeguard Council assets and prescribe policies and procedures that are consistent with the economic and efficient use of resources.



## PERFORMANCE INDICATORS

Council remains in a sound financial position regarding its short-term liquidity. The key financial performance ratios, as shown in the statements and listed in the following table, remain at satisfactory levels.

Performance Indicator	2002/03	2001/02	2000/01
Current Ratio	5.29	5.451	4.6
Unrestricted Current Ratio (Gen)	2.50	2.07	1.57
Debt Service Percentage (Gen)	9.87%	14.62%	12.58%
Rate and Annual Charges Coverage Ratio	24.03%	39.09%	42.98%
Rates and Annual Charges Outstanding (\$)	5.69%	6.30%	7.36%

To clarify the meaning and implication, a basic definition of each indicator is listed below.

- a) Current Ratio - The total cash or cash convertible assets available to meet liabilities within the next twelve months, or current period, expressed on a dollar for dollar basis.
- b) Unrestricted Current Ratio – This is the same as the current ratio except it excludes assets and liabilities, which relate to activities that are restricted to specific purposes by legislation. This is a measure of Council’s liquidity.
- c) Debt Service Ratio – The amount used to repay borrowings as a percentage of total operating revenues. The indicator shows the amount of revenue necessary to service annual debt obligations.
- d) Rate Annual Charges Coverage Ratio Percentage – This percentage is based on rates and annual charges revenues as a percentage of total operating revenues. This is a measure of Council’s dependency on rate income. State average is approximately 50%.
- e) Rates and Annual Charges Outstanding Percentage – This percentage is based on the amount outstanding as a percentage of the amount to be collected for rates and annual charges. This indicator measures the effectiveness of Council in recovering legally owed debts.

## FINANCIAL OVERVIEW - GENERAL COMMENTS

While the above performance indicators reflect a sound position, the result has only been achieved through tight control over Council finances. Council’s infrastructure needs continue to exceed available funds and the demand for works and services continue to grow as the population of the Shire increases. As experienced during the recent deliberations for the 2003/04 Management Plan & Budget, funding for operational and capital works continues to remain tight. This situation is not anticipated to change.

**COUNCIL OF TWEED SHIRE**  
**STATEMENT OF FINANCIAL PERFORMANCE**

for the year ending 30 June 2003

Original Budget* 2003 \$'000	Notes	Actual 2003 \$'000	Actual 2002 \$'000
<b>EXPENSES FROM ORDINARY ACTIVITIES</b>			
23,092	Employee costs	23,285	21,422
2,801	Borrowing costs	2,643	2,621
19,135	Materials & contracts	16,005	17,012
18,183	Depreciation	19,977	18,106
6,700	Other expenses from ordinary activities	7,745	8,663
3,900	Loss from the disposal of assets	1,470	6,791
<u>73,811</u>	<b>TOTAL EXPENSES FROM ORDINARY ACTIVITIES</b>	<u>71,125</u>	<u>74,615</u>
<b>REVENUE FROM ORDINARY ACTIVITIES</b>			
39,256	Rates & annual charges	39,038	40,047
15,530	User charges & fees	14,399	12,424
4,764	Interest	6,575	5,199
650	Other revenues from ordinary activities	505	443
9,643	Grants & contributions provided for non-capital purposes	12,393	11,094
<u>69,843</u>	<b>REVENUES FROM ORDINARY ACTIVITIES BEFORE CAPITAL AMOUNTS</b>	<u>72,910</u>	<u>69,207</u>
<u>(3,968)</u>	<b>SURPLUS(DEFICIT) FROM ORDINARY ACTIVITIES BEFORE CAPITAL AMOUNTS</b>	<u>1,785</u>	<u>(5,408)</u>
<u>26,727</u>	Grants & Contributions provided for capital purposes	<u>89,563</u>	<u>33,238</u>
<u>22,759</u>	<b>SURPLUS(DEFICIT) FROM ORDINARY ACTIVITIES AFTER CAPITAL AMOUNTS</b>	<u>91,348</u>	<u>27,830</u>
<u>22,759</u>	<b>SURPLUS(DEFICIT) FROM ALL ACTIVITIES</b>	<u>91,348</u>	<u>27,830</u>
<u>22,759</u>	Surplus(Deficit) attributable to Council	<u>91,348</u>	<u>27,830</u>

\* The original budget as approved by Council Refer Note 16  
The accompanying notes form an integral part of the financial statements

**COUNCIL OF TWEED SHIRE**

**STATEMENT OF FINANCIAL POSITION**  
as at 30 June 2003

		Actual 2003 \$'000	Actual 2002 \$'000
	Notes		
<b>CURRENT ASSETS</b>			
Cash assets	6	66,983	56,489
Receivables	7	5,968	6,226
Inventories	8	838	1,531
Other	8	947	637
<b>TOTAL CURRENT ASSETS</b>		<u>74,736</u>	<u>64,883</u>
<b>NON-CURRENT ASSETS</b>			
Cash assets	6	68,385	61,869
Receivables	7	1,492	1,613
Property, plant and equipment	9	766,339	688,651
<b>TOTAL NON-CURRENT ASSETS</b>		<u>836,216</u>	<u>752,133</u>
<b>TOTAL ASSETS</b>		<u>910,952</u>	<u>817,016</u>
<b>CURRENT LIABILITIES</b>			
Payables	10(a&c)	7,951	5,476
Interest bearing liabilities	10(a&c)	3,735	3,923
Provisions	10(a,b&c)	2,436	2,505
<b>TOTAL CURRENT LIABILITIES</b>		<u>14,122</u>	<u>11,904</u>
<b>NON-CURRENT LIABILITIES</b>			
Payables	10(a)	567	462
Interest bearing liabilities	10(a)	33,593	33,802
Provisions	10(a&b)	8,257	7,783
<b>TOTAL NON-CURRENT LIABILITIES</b>		<u>42,417</u>	<u>42,047</u>
<b>TOTAL LIABILITIES</b>		<u>56,539</u>	<u>53,951</u>
<b>NET ASSETS</b>		<u>854,413</u>	<u>763,065</u>
<b>EQUITY</b>			
Accumulated surplus		853,571	762,223
Asset Revaluation Reserve		842	842
<b>TOTAL EQUITY</b>		<u>854,413</u>	<u>763,065</u>

The accompanying notes form an integral part of the financial statements

COUNCIL OF TWEED SHIRE

STATEMENT OF CASH FLOWS

for the year ending 30 June 2003

	Notes	Actual 2003 (\$'000)	Actual 2002 (\$'000)
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<u>Receipts:</u>			
Rates & annual charges		39,378	40,326
User charges & fees		14,095	11,825
Interest		6,527	4,987
Grants and Contributions		27,278	26,387
Other		131	278
<u>Payments:</u>			
Employee Costs		(23,085)	(20,013)
Materials & Contracts / Other		(20,209)	(24,224)
Interest		(2,715)	(2,649)
Net cash provided by (or used in) operating activities	11(b)	41,400	36,917
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
<u>Receipts:</u>			
Increase in deposits held in trust		117	0
Sale of real estate assets		755	409
Sale of property, plant and equipment		924	1,013
Payments from deferred debtor		66	142
<u>Payments:</u>			
Decrease in deposits held in trust		0	(61)
Purchase of property, plant and equipment		(25,718)	(18,911)
Advances to deferred debtors		(137)	(24)
Net cash provided by (or used in) investing activities		(23,993)	(17,432)
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>			
<u>Receipts:</u>			
Borrowings & advances		3,676	5,928
<u>Payments:</u>			
Borrowings & advances		(4,073)	(3,747)
Net cash provided by (or used in) financing activities		(397)	2,181
Net increase/(decrease) in cash assets held		17,010	21,666
Cash Assets at beginning of reporting period	11(a)	118,358	96,692
Cash Assets at end of reporting period	11(a)	135,368	118,358

The accompanying notes form an integral part of the financial statements

## COUNCIL OF TWEED SHIRE

### STATEMENT OF CHANGES IN EQUITY

for the year ending 30 June 2003

	2003 \$'000	2002 \$'000		
	Notes Ref	Accum Surplus	Asset Revaluation Reserve	Total Equity
Balance at beginning of the reporting period		762,223	842	763,065
Changes in equity recognised in the statement of financial performance		91,348		91,348
Adjustment due to compliance with revised Accounting Standards				
Transfers to Asset Revaluation Reserve				
Transfers from Asset Revaluation Reserve				
Distributions to/from outside equity interests				
<b>Balance at end of the reporting period</b>		<b>853,571</b>	<b>842</b>	<b>854,413</b>
		734,393	842	735,235
		27,830		27,830
		762,223	842	763,065

The accompanying notes form an integral part of the financial statements

Note 6b

**DETAILS OF MOVEMENTS & UTILISATION OF RESTRICTED CASH ASSETS**

Restrictions	Notes	Movements		Proposed Utilisation of Restriction				
		Opening Balance 30-Jun-02 \$' 000	Transfers To Restriction \$' 000	Transfers From Restriction \$' 000	Closing Balance 30-Jun-03 \$' 000	Less than 1 Year	Between 1 and 5 Years	Greater than 5 Years
<b>External</b>								
Specific Purpose Unexpended Loans	6a	524	0	(524)	0			
Security Deposits	6a,10	563	603	(486)	680	113	567	
Developer Contributions	6a,17	13,353	11,870	(8,553)	16,670	7,168	9,502	
RTA Contributions	6a	70	2,556	(2,548)	78	78		
Specific Purpose Unexpended Grants	6a,14	2,609	10,215	(10,350)	2,474	2,370	104	
Water (not in reserves)	6a	4,293		(3,343)	950	950		
Water (Capital Upgrade - CRR)	6a	21,724	4,569	(4,331)	21,962	11,129	10,833	
Water (Asset Replacement - ARR)	6a	16,736	6,566	(3,100)	20,202	6,679	13,523	
Sewerage (not in reserves)	6a	1,564	1,369	(364)	2,569	2,569		
Sewerage (Capital Upgrade - CRR)	6a	6,225	3,257	(831)	8,651	6,168	2,483	
Sewerage (Asset Replacement -ARR)	6a	30,559	5,235	(2,884)	32,910	6,161	26,749	
DWM - Bin Replacement	6a	1,012	318	(90)	1,240	90	360	790
DWM - Recycling	6a	658	102	(31)	729	100	460	169
DWM - Land Rehabilitation	6a	393	110	(44)	459	50	140	269
DWM - Zoning costs -Stotts Ck Depot	6a	69	4	0	73	0	73	0
DWM - EIS report - Stotts Ck Depot	6a	82	3	0	85	0	85	0
DWM - Roadworks - Garbage Collect.	6a	0	41	(28)	13	13	0	0
DWM - Provision for Financial Assur.	6a	1,160	139	0	1,299	0	0	1,299
DWM - Landfill Environment M'nt.	6a	557	230	(46)	741	50	691	0
DWM - Implementation Waste Disp.	6a	125	134	0	259	0	259	0
Caravan Park Cash Assets	6a	2,745	1,694	(1,147)	3,292	3,292		
Special Rate - Koala Beach	6a	24	14	(9)	29	0	29	0
<b>Total</b>		<b>105,045</b>	<b>49,029</b>	<b>(38,709)</b>	<b>115,365</b>	<b>46,980</b>	<b>65,858</b>	<b>2,527</b>

**Note 6b cont'd**

**Restrictions**

	Notes	Movements					Less than 1 Year \$'000
		Opening Balance 30-Jun-02 \$'000	Transfers To Restriction \$'000	Transfers From Restriction \$'000	Closing Balance 30-Jun-03 \$'000		
<b>Internal</b>							
<u>Included in Liabilities</u>							
Employees Leave Entitlements	6a	4,135	509	(422)	4,222	4,222	4,222
Unexpended Loans	6a	2,598	3,676	(3,364)	2,910	2,910	2,910
Unexpended Grants	6a	1,051	1,559	(1,667)	943	943	943
<u>Asset Management Reserves</u>							
Future Quarry Purchases	6a	23	0	(23)	0	0	0
Financial Serv Computer	6a	63	103	0	166	166	166
Community Facilities	6a	80	54	(60)	74	74	74
Sportsfields - Asset M'tment	6a	121	4	(7)	118	118	118
Fire Control - Risk M'tment Plan	6a	5	0	0	5	5	5
Civic Centre Asset M'tment	6a	136	6	(126)	16	16	16
Waterways Asset Management	6a	30	1	(11)	20	20	20
Swimming Pools Asset M'tment	6a	23	54	(25)	52	52	52
Asset Management Reserve - Office Ext.	6a	95	255	(64)	286	286	286
Tweed Heads Hacc	6a	48	35	(31)	52	52	52
Murwillumbah Community Centre	6a	5	2	0	7	7	7
Land Sales - Cemetery Asset M'tment	6a	156	8	0	164	164	164
<u>Other</u>							
Special Projects - 50% Land Dev	6a	35	2	(20)	17	17	17
Workers Comp. Cont. Reserve	6a	208	7	(47)	168	168	168
Contingency - Loan Guarantee	6a	25	0	0	25	25	25
Land Development	6a	0	729	0	729	729	729
Non-DWM Land Rehabilitation	6a	96	24	(28)	92	92	92
Non-DWM M'tment Plan Depots	6a	6	0	0	6	6	6
Non-DWM Zoning Stotts Ck.Dep	6a	5	0	0	5	5	5
Non-DWM EIS Report	6a	45	3	0	48	48	48
		<b>8,989</b>	<b>7,031</b>	<b>(5,895)</b>	<b>10,125</b>	<b>10,125</b>	<b>10,125</b>

**Note 6b cont'd**

Restrictions	Notes	Movements					Less than 1 Year \$' 000
		Opening Balance 30-Jun-02 \$' 000	Transfers To Restriction \$' 000	Transfers From Restriction \$' 000	Closing Balance 30-Jun-03 \$' 000		
<b>Internal (continued)</b>							
Non-DWWM Roadworks Carb. Coll.	6a	0	21	(39)	(18)	(18)	
Non-DWWM Prov Fin Assurance	6a	181	76	0	257	257	
Non-DWWM Landfill Env. M'tment	6a	25	3	(29)	(1)	(1)	
Non-DWWM Quirks Quarry	6a	198	10	0	208	208	
Coastal M'tment Planning	6a	26	1	0	27	27	
Beach Vehicle Licence Income	6a	95	57	(29)	123	123	
Skate Park - Tweed Coast	6a	16	0	(16)	0	0	
Sewerage M'tment Facilities	6a	71	3	0	74	74	
Agenda 21	6a	43	0	(8)	35	35	
Consulting	6a	32	11	0	43	43	
Access Funding	6a	44	51	0	95	95	
Road Land Sale	6a	104	5	0	109	109	
Works Carried Forward	6a	2,389	248	0	2,637	2,637	
Revolving Energy Fund	6a	6	9	0	15	15	
Art Gallery Construction	6a	20	303	0	323	323	
Maternity Leave Reserve	6a	28	70	(32)	66	66	
Smart House - Sale Proceeds	6a	0	155	0	155	155	
Museum - Asset Management	6a	0	120	(26)	94	94	
Tweed River Art Gallery Construction	6a	0	161	0	161	161	
<b>Total</b>		<b>12,267</b>	<b>8,335</b>	<b>(6,074)</b>	<b>14,528</b>	<b>14,528</b>	
<b>Total Restrictions</b>		<b>117,312</b>	<b>57,364</b>	<b>(44,783)</b>	<b>129,893</b>	<b>61,508</b>	<b>2,527</b>



**AUDIT LETTER FROM THOMAS, NOBLE & RUSSELL, COUNCIL'S AUDITORS:**

Lismore, 15<sup>th</sup> October 2003

Mayor and Councillors  
Council of Tweed Shire  
Civic and Cultural Centre  
MURWILLUMBAH NSW 2484

Dear Sir,

We advise that we have completed our audit of the Council's general purpose and special purpose financial reports for the year ended 30 June, 2003 under section 417 of the Local Government Act 1993.

In accordance with that section we now report on the conduct of the audit.

**1. AUDITORS' RESPONSIBILITIES**

In order that your Councillors may appreciate our responsibilities as auditors, we take this opportunity to briefly discuss the scope of our audit.

In accordance with our contractual arrangements with Council we have undertaken to perform an attest (risk based) audit. The definition of an attest audit is:

"the minimum audit work necessary to enable an opinion to be expressed as to whether the financial report is presented fairly in accordance with the requirements of the Local Government Act 1993, Australian Accounting Standards and Accounting Concepts so as to present a view which is consistent with an understanding of the Council's financial position, the results of its operations and its cash flows."

**Forming an opinion**

Our function as auditors is to examine the general purpose and special purpose (National Competition Policy) financial statements presented to us by the Council. As auditors of the Council we are not responsible for the preparation of the financial reports nor for the maintenance of proper and adequate accounting records and proper systems of internal control. These responsibilities, together with the requirement to present financial reports which give a true and fair view of the state of the Council's affairs and of its results are imposed on the Councillors by the Local Government Act and Regulations 1993.

As auditors of Council we are not required to:

- 1) Review and assess the adequacy of Council's:

- a) management plans;
  - b) quarterly budget reviews;
  - c) insurance cover; and
  - d) infrastructure improvement / maintenance planning and monitoring.
- 2) Form an opinion on, or advise Council on the probity of its decisions, however we ensure that the financial effect of Councils decisions are adequately disclosed in the general purpose and special purpose financial reports in accordance with applicable Accounting Standards, Statements of Accounting Concepts and other mandatory professional requirements.

The responsibility of the abovementioned rests with Council.

## 2. FINANCIAL MANAGEMENT PRACTICES

In accordance with the requirements of the Local Government Act and Regulations Council must prepare detailed budgets for all operations. As part of the budgetary process Council is responsible for authorising all expenditures and variations to budget. Council's policy in general fund is to operate with a balanced budget.

The quarterly review of Council's budget progress is a very important process in ensuring that the financial targets established by Council are met. We are aware that management place a high level of importance in ensuring that budgets are complied with. To maintain Council's financial position there needs to be a continued level of accountability and responsibility by senior management.

All decisions of Council need to be made with appropriate consideration of their financial impact.

## 3. OPERATING RESULT

Council's surplus from all activities for 2003 totalled \$91,348,000. This compares to a surplus in 2002 of \$27,830,000. This result can be summarised as follows:-

	Year ended 30/06/03 \$'000	Year ended 30/06/02 \$'000	Year ended 30/06/01 \$'000
Expenses from ordinary activities	(50,185)	(48,475)	(43,218)
Revenues from ordinary activities	<u>72,347</u>	<u>69,207</u>	<u>64,889</u>
Result from ordinary activities before depreciation	22,162	20,732	21,671
Depreciation expense	<u>(19,977)</u>	<u>(18,106)</u>	<u>(17,753)</u>
Result from ordinary activities before capital amounts	2,185	2,626	3,918
Capital grants and contributions	27,837	32,022	23,444

Gain / (loss) on disposal of assets	(1,470)	(2,764)	(3,908)
Significant items (See 3.1)	<u>62,796</u>	<u>(4,054)</u>	<u>-</u>
Surplus from all activities	<u>91,348</u>	<u>27,830</u>	<u>23,454</u>

The major components of this change in net assets are analysed below.

### **Variations to 2002 by Income / Expenditure**

The result from ordinary activities before capital amounts, gain / (loss) on disposal of property, plant and equipment and significant items has decreased from a surplus of \$2,626,000 for the 2002 year to a surplus of \$2,185,000 in the 2003 financial year. Some of the components contributing to the decrease in the result from ordinary activities before capital amounts include:

#### **Revenue**

- i) *increased general rates income \$1,479,000*

General rates income has increased in accordance with the rate-pegged increment of 3.3% and the number of rateable properties in the shire.

- ii) *increased non-domestic waste management annual charges \$428,000*

Non-domestic waste management annual charges have increased due to a greater volume of waste disposed at Stotts Creek originating from the Gold Coast area.

- iii) *decreased water annual charges income \$2,817,000*

- iv) *increased water user charges \$1,707,000*

For the 2003 financial year Council amended its access and volumetric rates of charging for water.

Water annual charges income has decreased as a result of a reduction in the access charge from \$226 in 2002 to \$105 in 2003.

Water user charges has increased on the 2002 financial year as a result of a change to Council's charge formula. For the 2002 financial year water was charged at \$0.75 / kilolitre on consumption over 250 kilolitres per annum, whilst for the 2003 financial year water has been charged at a flat rate of \$0.60 / kilolitre. Whilst water user charges has increased actual water consumption has decreased due to drought conditions and resulting water usage restrictions.

- v) *increased interest income \$1,376,000*

The increase in interest revenue is a result of additional funds being placed on investment.

## **Expenditure**

*i) increased employee costs \$3,139,000*

Salaries and wages have increased largely as a result of an award increase of 3.3% in November 2002, and an increase of 44 in the number of equivalent full time employees.

*ii) decreased employee leave entitlements expense \$250,000*

An amendment made to the Local Government Act in 2002 now allows employees to access long service leave entitlements after 5 years service rather than 10 years. In 2002 Council had to increase its long service leave provision significantly to satisfy this amendment.

*iii) increased contributions and donations \$351,000*

Additional contributions made in the 2003 financial year include \$108,000 to Tweed and Coolangatta Tourism Incorporated, \$100,000 to NSW Fire Brigade, \$60,000 to Richmond Tweed Regional Library and \$33,000 to the village development program.

*iv) decreased operating lease rentals \$328,000*

Operating lease rentals have decreased largely as a result of reimbursement of \$115,000 of rentals paid in the 2002 financial year for computer equipment. Also a saving of approximately \$100,000 has been achieved via renegotiating leasing arrangements.

### **3.1 SIGNIFICANT ITEMS**

Council's consolidated surplus of \$91,348,000 for the 2003 financial year has been impacted by the following revenues and expenses totalling \$62,796,000 that are significant in size and / or nature:

#### **REVENUES**

*i) RTA Dedication of Tweed Valley Way \$61,726,000*

During the year Council resolved to accept care and control of the Tweed Valley Way following construction of a freeway section of the Pacific Highway. Council has recognised this road and associated infrastructure assets at fair value in the financial report.

*ii) RTA Lump Sum Maintenance Contribution \$563,000*

As part of the above dedication Council received a lump sum maintenance contribution from the RTA. The contribution is to fund future maintenance on the Tweed Valley Way.

iii) *Reversal of Provision for Loss – Statewide Mutual \$507,000*

Council is a member of Statewide Mutual, which provides insurance cover for professional indemnity, public liability and other insurable risks. In accordance with the company's constitution each member Council must fund its share of losses incurred by the company.

As at 30 June 2002 Statewide Mutual had incurred losses of approximately \$47m. A substantial proportion of these losses were underwritten by HIH Insurance Limited. A liability equivalent to Council's share of the losses at 30 June 2002 of \$879,000 was recognised in Council's 2002 general purpose financial report.

During the 2003 financial year Statewide Mutual made a significant surplus leading to a reduction in losses incurred. Council's share of the surplus being \$507,000 has reduced the liability recognised in 2002. As at 30 June 2003 Statewide Mutual has incurred losses of approximately \$10.781m. Council's share of the losses at 30 June 2003 is \$372,000.

### 3.2 OPERATING RESULT BEFORE CAPITAL GRANTS, CONTRIBUTIONS AND DONATIONS, DEPRECIATION EXPENSE AND PROFIT / LOSS ON SALE OF ASSETS

Council's operating surplus for general fund before capital grants, contributions, donations, profit/(loss) on sale of assets and depreciation expense represents recurring income over recurring expenditure and allows Council to fund new capital works, repay loans and replace retiring assets.

The general fund operating surplus before capital grants, contributions, donations, profit / (loss) on disposal of assets and depreciation expense for the year ended 30 June, 2003 can be disclosed by Council activity as follows:-

	<b>2003 *</b>	<b>2002 *</b>	<b>2001 *</b>
	<b>Actual</b>	<b>Actual</b>	<b>Actual</b>
	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>
<b><i>General Fund Activities</i></b>			
Administration / Governance	(11,765)	(11,312)	(10,545)
Public Order & Safety	(758)	(679)	(604)
Health	(508)	(616)	(449)
Community Services & Education	(138)	(61)	(175)
Housing and Community	(2,699)	(2,872)	(2,148)
Recreation and Culture	(5,000)	(4,363)	(3,922)
Mining, Manufacturing & Construction	788	639	63
Transport and Communication	(3,334)	(5,610)	(4,395)

Economic Affairs	(700)	(574)	(268)
General Purpose Revenues	<u>30,292</u>	<u>27,109</u>	<u>26,450</u>
<b>General Fund Operations Result Before Depreciation</b>	<b>6,178</b>	<b>1,661</b>	<b>4,007</b>
General Fund Depreciation	<u>(13,022)</u>	<u>(11,187)</u>	<u>(11,020)</u>
General Fund Result After Depreciation	<u>(6,844)</u>	<u>(9,526)</u>	<u>(7,013)</u>
<b><i>Restricted Activities</i></b>			
Domestic Waste Activities	1,103	1,646	1,310
Crown Caravan Parks	1,941	1,700	1,625
Water Supplies	6,230	7,134	6,886
Sewerage Services	7,780	7,350	7,843
Depreciation Expense	<u>(6,955)</u>	<u>(6,921)</u>	<u>(6,733)</u>
<b><i>Surplus Before Capital Items</i></b>	<u><b>3,255</b></u>	<u><b>1,383</b></u>	<u><b>3,918</b></u>

The above surplus of \$3,255,000 includes net significant revenues of \$1,070,000 as detailed at 3.1 ii) and iii) to this report. The 2002 surplus of \$1,383,000 includes significant expenses of \$1,243,000.

\* Results presented on a net basis.

### **Explanation of major variances between actual results for the 2003 and 2002 financial years:-**

#### ***Administration / Governance***

The increase in deficit for the administration / governance function is largely attributable to increases in provision for employee benefits of \$294,000, award wages of approximately \$100,000, the employment of additional staff \$120,000 and software costs of \$90,000 in the Corporate Support area. In addition, administration and governance was also impacted by \$300,000 for Engineering & Works arising from employment of additional staff and the effects of competency and performance driven salary increases. Also attributing to the increased deficit are Valuer General land valuation fees of \$105,000 and an increase in software maintenance of \$218,000. Partly offsetting these increases in expenditure was a reduction in the provision for insurance losses associated with Statewide Mutual Limited of \$507,000.

#### ***Recreation and Culture***

The operating deficit for recreation and culture has increased largely as a result of cost escalations associated with the cultural areas, predominantly museum \$40,000, art gallery \$64,000, contribution to Library Service \$60,000, and community centres/halls \$130,000. Also attributing to the increase are additional swimming pool maintenance and staffing costs \$140,000 and a general increase in the parks and gardens area.

#### ***Mining, Manufacturing & Construction***

The operating surplus for mining, manufacturing and construction has improved as a result of revenue associated with increased development within the shire.

**Transport and Communication**

The operating deficit for transport and communication has decreased due to additional operational funding received for the dedication of the Tweed Valley Way from the RTA (Refer to section 3.1(ii)), and a reduction in roads maintenance expenditure back to 2001 levels. The expenditure on roads maintenance has reduced as a result of an increase in the level of capital works performed in the 2003 financial year.

**General Purpose Revenues**

The increase in general purpose revenues is largely attributable to a \$1,479,000 increase in general rates income, a \$534,000 increase in the financial assistance grant and increased interest on investments of \$919,000.

**General Fund Depreciation**

The increase in general fund depreciation is largely attributable to depreciation on the Tweed Valley Way, which was dedicated to Council on 30 September 2002.

**Domestic Waste Activities**

Domestic waste management has returned a decreased surplus, which is largely attributable to the number of actual services not reaching the budgeted expectations upon which the annual charge was calculated.

**Crown Caravan Parks** (refer to Section 4 for detailed explanations)

**Water** (refer to Section 3.3 for detailed explanations)

**Sewer** (refer to Section 3.4 for detailed explanations)

**3.3 WATER SUPPLIES**

(i)	Actual * 2003 \$'000	Original Budget 2003 \$'000	Variance \$'000	Actual * 2002 \$'000	Actual * 2001 \$'000
Water supply activities can be summarised as follows:-					
Management Expenses	2,297	2,527	230	1,944	1,990
Operating Costs	3,175	3,531	356	2,976	2,596
Other	286	206	(80)	232	203
Depreciation / Asset Rep. Res.	2,970	2,935	(35)	2,935	2,857
Loss on Disposal of Infrastructure	871	-	(871)	391	618
Interest	<u>66</u>	<u>69</u>	<u>3</u>	<u>95</u>	<u>138</u>
<b>Total Expenses</b>	<b><u>9,665</u></b>	<b><u>9,268</u></b>	<b><u>(397)</u></b>	<b><u>8,573</u></b>	<b><u>8,402</u></b>
 Rates and availability charges	 2,681	 2,802	 (121)	 5,451	 5,179

User charges	4,161	5,053	(892)	2,737	2,300
Interest	2,126	2,140	(14)	1,947	2,165
Other	662	339	323	571	434
Grants	287	362	(75)	357	346
Contributions - Developers	<u>4,524</u>	<u>3,430</u>	<u>1,094</u>	<u>6,045</u>	<u>3,466</u>
Total Revenue	<u>14,441</u>	<u>14,126</u>	<u>315</u>	<u>17,108</u>	<u>13,890</u>
Operating Result	<u>4,776</u>	<u>4,858</u>	<u>(82)</u>	<u>8,535</u>	<u>5,488</u>

\* Results presented prior to internal elimination entries.

<b>(ii) Key Indicators</b>	<b>2003</b>	<b>2002</b>	<b>2001</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
Average rate per assessment	94	191	190
Management and Operating Cost per assessment	191	173	168

### (iii) Explanations for Variances

#### Expenditure

Management expenses differed to budget largely as a result of revision of activity based costing charges and additional employees. Operating costs differed to budget largely due to an operating budget item of \$290,000 relating to new water meters which has actually been capitalised. Council does not budget for loss on disposal of infrastructure.

#### Revenue

For the 2003 financial year Council amended its access and volumetric rates of charging for water (Refer to section 3). The reduction in user charges to original budget was primarily due to water restrictions over the drought period. Other income exceeded budget largely as a result of water connection fees which exceeded budget expectations by approximately \$215,000. Developer Contributions are difficult to budget for.

## 3.4 SEWERAGE SERVICES

<b>(i)</b>	<b>Actual *</b>	<b>Original</b>	<b>Variance</b>	<b>Actual *</b>	<b>Actual *</b>
	<b>2003</b>	<b>Budget</b>	<b>\$'000</b>	<b>2002</b>	<b>2001</b>
	<b>\$'000</b>	<b>2003</b>		<b>\$'000</b>	<b>\$'000</b>
		<b>\$'000</b>			
Sewerage services operating result can be summarised as follows:-					
Management Expenses	2,204	2,367	163	1,833	1,748
Operating Costs	3,988	3,924	(64)	4,042	3,465



Other	294	217	(77)	311	233
Depreciation / Asset Rep Res	3,517	3,486	(31)	3,486	3,308
Loss on Disposal of Infrastructure	556	-	(556)	52	82
Interest Expense	<u>830</u>	<u>848</u>	<u>18</u>	<u>896</u>	<u>908</u>
Total Expenses	<u>11,389</u>	<u>10,842</u>	<u>(547)</u>	<u>10,620</u>	<u>9,744</u>
Rates and Service					
Availability Charges	10,335	10,041	294	10,044	9,480
User Charges	768	658	110	1,066	1,083
Interest	1,901	1,771	130	1,814	1,726
Other	79	23	56	35	164
Grants					
- DLAWC	1,585	2,173	(588)	340	274
- Other	350	355	(5)	356	349
Contributions					
- Developers	<u>5,649</u>	<u>4,820</u>	<u>829</u>	<u>8,236</u>	<u>4,915</u>
Total Revenue	<u>20,667</u>	<u>19,841</u>	<u>826</u>	<u>21,891</u>	<u>17,991</u>
Operating Result	<u>9,278</u>	<u>8,999</u>	<u>279</u>	<u>11,271</u>	<u>8,247</u>

\* Results presented prior to internal elimination entries.

<b>(ii) Key Indicators</b>	<b>2003</b>	<b>2002</b>	<b>2001</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
Average Rate per Assessment	397	390	373
Management and Operating Expenses per Assessment	236	230	205

**(iii) Explanation for Variances**

Expenditure

Management expenses differed to budget largely as a result of consultancy fees being approximately \$200,000 less than expected. Council does not budget for loss on disposal of infrastructure.

Revenues

Revenue from sewer grants is lower than original budget as a result of capital projects not proceeding. Developer Contributions are difficult to budget for.

**4. BUSINESS ACTIVITIES**

In accordance with National Competition Legislation effective 1 July, 1998, Council has identified the following business activities to prepare special purpose financial reports:

- a) Water Fund
- b) Sewer Fund
- c) Tweed Coast Holiday Parks Reserve Trust
- d) Commercial Waste Operations
- e) Building Certification
- f) Land Development

Council declared business activities with gross revenue exceeding \$2m have been classified as a Category 1 business with operating details and assets disclosed on a gross basis in Council's special purpose financial report. Those declared businesses with an annual turnover less than \$2m are classified as Category 2 businesses. Under the National Competition guidelines Council is required to apply taxation principles to each business similar to those that would apply if they were operating in the commercial sector. Taxation equivalents applied in the special purpose financial reports include land tax and income tax equivalent to the company taxation rate of 30%. Where the business activity has significant borrowings a debt guarantee fee has been calculated to measure the variance between Council secured borrowing and those conditions achievable without Council support.

Provide below is a summary of the financial performance of Council's declared business activities for the year ended 30 June 2003:

<b>Activity 2003</b>	<b>Operating Revenue \$'000</b>	<b>Operating Expenses \$'000</b>	<b>Result prior to capital amounts \$'000</b>	<b>Return on capital %</b>	<b>Council Subsidy \$'000</b>
Water	9,897	9,748	149	0.2%	N/A
Sewer	13,339	11,401	1,938	1.9%	N/A
Holiday Parks	4,014	2,769	1,245	9.7%	685
Commercial Waste	1,431	682	749	95%	0
Building Certification	295	170	125	N/A	0
Land Development	755	830	(75)	N/A	548

<b>Activity 2002</b>	<b>Operating Revenue \$'000</b>	<b>Operating Expenses \$'000</b>	<b>Result prior to capital amounts \$'000</b>	<b>Return on capital %</b>	<b>Council Subsidy \$'000</b>
Water	11,063	8,675	2,388	2.0%	N/A

Sewer	13,315	10,729	2,586	2.5%	N/A
Holiday Parks	3,819	2,851	968	7.7%	965
Commercial Waste	618	367	251	54.1%	0
Building Certification	350	320	30	N/A	0
Land Development	409	480	(71)	N/A	0

## Comments On Financial Performance of Declared Businesses

### a) **Water and Sewer Fund Operations**

(see sections 3.2 and 3.3 of this report for detailed analysis of operating result).

As per National Competition guidelines it is expected that monopoly operations such as water and sewer will provide a break-even rate of return. The rate of return is calculated by dividing the operating result before capital items plus interest expense by the written down value of property, plant and equipment.

The rate of return achieved by Councils water and sewer funds is sufficient to enable funding of current capital improvements, the maintenance of existing assets and the repayment of loans.

### b) **Tweed Coast Holiday Parks Reserve Trust**

Tweed Coast Holiday Parks Reserve Trust is a Council business unit managing the Crown Reserve Caravan Parks controlled by Council. During the financial year Council's general fund received a contribution of \$793,000 from the Trust to enable Council to maintain other controlled Crown reserves throughout the shire. Tweed Coast Holiday Parks Reserve Trust operating result from ordinary activities before capital items for the 2003 financial year was \$1,245,000 (2002: \$968,000) and has increased largely as a result of increased occupancy rates throughout all parks.

The rate of return for Tweed Coast Holiday Parks is less than the nominated benchmark rate (15%) of return for similar operations existing in the commercial sector. The difference between the actual rate of return and the required rate of return represents a notional subsidy from Council of \$685,000.

The actual rate of return for Council's holiday park operations is impacted by the product mix of each site as compared to the land value of each site. Many of Council's holiday parks have a very high land value as a result of their prime coastal location. Tweed Coast Holiday Parks are situated on Crown land.

### c) **Commercial Waste**

Commercial waste operations include collection and receiving of all waste other than waste relating to Domestic Waste Management. Commercial waste activities reported a surplus from ordinary activities before capital amounts for the 2003 financial year of \$749,000 (2002: \$251,000). This increase in profit is largely attributable to revenues for waste received from the Gold Coast area. Council regularly assesses the allocation of costs between commercial and domestic waste management based on the tonnage of waste received at the Stotts Creek waste depot. The percentage of waste attributable to commercial has increased from 25% in 2002 to 39% in the 2003 financial year. This has influenced the operating result by increasing expenses. In addition, a significant non-cash revenue item of \$327,000 has been brought to account in 2003 relating to the increase in property plant and equipment attributable to commercial waste arising from the percentage changes detailed above.

Commercial waste operations resulted in an actual rate of return of 95%. This rate of return is high due to the low levels of assets required for day to day operations.

**d) Building Certification**

Council's building certification operations has returned a surplus of \$125,000 for the 2003 financial year (2002: \$30,000). This result has increased in conjunction with the level of building development within the shire. The 2003 operating result has also improved on 2002 as a result of Council reviewing the cost allocations associated with producing revenue from contestable services.

**e) Land Development**

Funds from Council's land development activities are used to subsidise the purchase of community facilities at Piggabeen. At the end of 2003 Council has completed its subdivision of residential land with the last 11 lots sold during the 2003 financial year.

Upon completion of the residential development a loan from Councils land acquisition reserve of \$548,000 was outstanding. This loan represented the purchase of the Piggabeen community facilities that were not funded from the sale of residential lots. Council intends to reimburse the outstanding debt existing in the land acquisition reserve through the use of section 94 monies when they become available. Council has disclosed the funding of the loan from the land acquisition reserve to its land development business activity as a subsidy from Council.

**5. CAPITAL GRANTS AND CONTRIBUTIONS**

Capital grants received during the period amount to \$3,334,000 and largely consisted of grants for bushfire control, Roads to Recovery, the art gallery, cycleways / walkways, bus shelters, pedestrian facilities, the environment and grants from the Department of Land and Water Conservation for sewerage augmentation.

Capital contributions received during the period amounted to \$86,229,000. This can be broken down as follows:-

	<b>2003</b>	<b>2002</b>	<b>2001</b>
	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>
Section 94 - Cash Contributions	4,694	4,444	2,884
Section 64 Contributions	6,402	7,950	4,116
Roads and Traffic Authority	425	279	352
Non cash dedication of Tweed Valley Way	61,726	-	-
Non cash contributions from developers	11,473	17,494	14,149
Other contributions	<u>1,509</u>	<u>222</u>	<u>-</u>
	<b><u>86,229</u></b>	<b><u>30,389</u></b>	<b><u>21,501</u></b>

At 30 June, 2003 Council had \$16,670,000 held as a restricted asset for S94 contributions. S64 receipts are treated as a recoupment of infrastructure constructed in prior years and accordingly there are no unexpended S64 contributions. Council places all such receipts into internal reserves. Unexpended S94 contributions comprised:

PLAN	TOTAL CONTRIBUTION PLANS		CONTRIBUTIONS NOT UNDER A PLAN CLAUSE 41L (4)		TOTALS	
	2003 \$'000	2002 \$'000	2003 \$'000	2002 \$'000	2003 \$'000	2002 \$'000
Open Space	3,729	3,137	302	288	4,031	3,425
Community Facilities	2,466	1,886	350	344	2,816	2,230
Car Parking	907	83	-	802	907	885
Street trees	53	36	-	-	53	36
Roads	7,700	5,414	32	30	7,732	5,444
Traffic facilities	-	-	129	120	129	120
Bridges	-	-	(242)	353	(242)	353
Footpaths / Cycleways	172	73	57	54	229	127
Drainage	312	293	156	149	468	442
Other	547	291	-	-	547	291
<b>Restricted Assets</b>	<b>15,886</b>	<b>11,213</b>	<b>784</b>	<b>2,140</b>	<b>16,670</b>	<b>13,353</b>

## 5.1 GAIN / (LOSS) ON SALE OF ASSETS

Council's loss on sale of assets comprise the following items.

<b>2003</b>	<b>2002</b>
<b>\$'000</b>	<b>\$'000</b>

Profit on sale of land held for resale	350	204
Profit on sale of plant and equipment	64	(144)
Loss on write-off of roads reconstructed	(371)	(2,379)
Loss on write-off of water and sewer infrastructure replaced	(1,413)	(445)
Loss on sale of property	<u>100</u>	<u>(4,027)</u>
	<u>(1,470)</u>	<u>(6,791)</u>

## 6. STATEMENT OF FINANCIAL POSITION

### 6.1 NET CURRENT ASSETS

#### 6.1.1 CASH AND INVESTMENTS

Council has net current assets of \$60,614,000 as at 30 June 2003. Net current assets however contains \$46,980,000 of externally restricted cash in the form of special purpose grants, unexpended loans for water and sewer funds, developers contributions and restricted water, sewer, domestic waste management and Crown Reserve Caravan Park funds. Also included in Council's net current assets is \$3,103,000 of externally restricted receivables relating to water, sewerage and domestic waste management revenues.

In addition Council has allocated \$14,528,000 to internally restricted cash to fund long term commitments.

After funding internal and external restrictions Council has unrestricted cash of \$5,475,000.

### 6.2 NON-CURRENT ASSETS AND LIABILITIES

Council has a net non-current asset position of \$793,799,000 which consists largely of externally restricted investments not budgeted for expenditure in 2004, property, plant and equipment, water, sewer and drainage infrastructure, Council controlled road infrastructure, loans, and provisions for employee entitlements. Council's net non-current asset position has improved as a result of the RTA dedicating the Tweed Valley Way to Council.

#### 6.2.1 PROPERTY, PLANT AND EQUIPMENT

During the year Council capitalised the following property, plant and equipment:

	<b>2003</b>	<b>2002</b>
	<b>\$'000</b>	<b>\$'000</b>
Non-cash Developer Contributions		
- Open space	658	1,852
- Roads and Drainage Network	6,839	9,310

- Water Supply Network	1,012	1,484
- Sewerage Network	2,759	4,848
- Land and Buildings	205	-
Non-cash RTA Contribution		
- Tweed Valley Way	61,726	-
Non-cash Grants		
- Bush Fire Council	210	175
- PWD - Sewer	2,580	340
Council Constructed / Purchased Assets		
- Land and Buildings	2,002	1,875
- Plant and Equipment/Vehicles	2,427	2,518
- Roads and Drainage Network	10,543	8,085
- Water Supply Network	6,752	4,360
- Sewerage Network	3,161	2,273
- Other Structures	<u>45</u>	<u>274</u>
	<u>100,919</u>	<u>37,394</u>

The major elements of Council's constructed / purchased assets for the 2003 financial year were:

	<b>\$'000</b>
Tweed Regional Art Gallery	970
Cabarita Community Centre	272
Isuzu FSR 700	194
Fingal Road	348
Peninsula Drive	269
Reserve Creek Road	349
Townners Avenue	234
Boat Harbour Bridge	1,037
Black Rocks Bridge	1,326
Lavender Creek Stormwater Works	307
Sewer Rising Mains	1,618
Water Reticulation	4,782

Property, plant and equipment acquisitions has greatly increased on 2002 due largely to the recognition of road infrastructure assets associated with the Tweed Valley Way totalling \$61,726,000.

## 6.2.2 LOANS

Council's overall debt position has decreased during the last twelve months by \$397,000 with external borrowings for General Fund increasing by \$983,000. During the financial year General Fund borrowed \$3,676,000 to fund the following projects:

\$

i)	Roads and Drainage	1,100,000
ii)	Bridge construction	1,000,000
iii)	Construction of Tweed Regional Art Gallery	1,000,000
iv)	Pandanus Parade / SLSC	250,000
v)	Construction of Public Toilets	100,000
vi)	Open Space	100,000
vii)	Flood Mitigation	86,000
viii)	Construction of Boat Ramps	40,000

#### Movement in Loans by Fund on a Net Basis

Activity	Balance 01/07/2002 \$'000	New Loans Raised \$'000	Principal Repaid \$'000	Balance 30/6/03 \$'000	Movement Increase / (Decrease) \$'000
General	27,260	3,676	(2,693)	28,243	983
Sewerage	9,443	-	(943)	8,500	(943)
Water	1,022	-	(437)	585	(437)
Total	37,725	3,676	(4,073)	37,328	(397)

## 7. PERFORMANCE INDICATORS

	<i>General</i>		<i>Water</i>		<i>Sewer</i>		<i>Consolidated 2002</i>	
	<i>2003</i>	<i>2002</i>	<i>2003</i>	<i>2002</i>	<i>2003</i>	<i>2002</i>	<i>Tweed</i>	<i>Cat. 5 Average</i>
Unrestricted Current Ratio	2.50	2.07	24.04	29.16	5.50	7.49	2.50	1.85
Debt Service Ratio	9.87%	14.62%	5.23%	4.55%	13.55%	11.93%	9.92%	7.55%
Outstanding Rates and Annual Charges	5.23%	7.11%	8.36%	5.06%	5.95%	4.84%	5.69%	7.33%

### ***Commentary on Performance Indicators***

The above represents the key performance indicators outlined in Note 13 to the financial statements on an activity by activity basis. In addition, we have provided Council with a comparison of Council's ratio's calculated on a consolidated basis to the Category 5 Council average (as at 30 June 2002) as supplied by the



Department of Local Government. Category 5 councils include Newcastle, Wollongong, Shoalhaven and Lake Macquarie.

### ***Unrestricted Current Ratio***

The unrestricted current ratio represents Council's capacity to meet its commitments from current assets net of externally restricted cash, investments and receivables.

Factors influencing Council's unrestricted current assets ratio include:

- planning and budgetary controls
- cash management and the timing of cash flows
- the level of internally restricted assets
- credit management policies and economic circumstances

### ***General Fund Unrestricted Current Ratio***

Council's general fund unrestricted current ratio has improved on 2002 from 2.07 to 2.50 largely as a result of Council increasing its unrestricted cash by \$4,429,000 and internal reserves by \$2,261,000. The major reserve increases are attributable to unexpended loans, land development and works carried forward.

### ***General Fund Long-Term Objectives***

It is important to note that the unrestricted current ratio does not reflect Council's capacity to fund long term infrastructure needs nor the state of the infrastructure itself. Council needs to assess its infrastructure requirements and develop strategies to ensure the long-term viability (ability to provide services) of its assets. As at 30 June 2003 Council has estimated that it would cost approximately \$99,800,000 to rehabilitate its general fund infrastructure assets to a "satisfactory standard". Estimated annual costs to maintain infrastructure at this "satisfactory standard" is estimated to be \$5,100,000 per annum. Council currently spends \$3,700,000 per annum on maintaining its general fund infrastructure.

### ***Sewer and Water Fund Unrestricted Current Ratio***

The unrestricted current ratio for water and sewer activities may fluctuate significantly. Yearly fluctuations may result from the build up of internal reserves and the impact of lower debt levels and will continue to fluctuate in the future as further funds are collected and expended on infrastructure improvements.

### ***Debt Service Ratio***

This indicator assesses the degree to which revenues from ordinary activities are committed to the repayment of debt. Factors influencing a council's debt service ratio include:

- the rate of new development in the shire

- Council's debt policy
- interest rate movements and loan terms
- capital investment strategies and capital contributions policies
- the level of cash reserves available to reduce the level of borrowings
- the state of Council's infrastructure / age of assets.

Council's general fund debt service ratio has decreased from 14.62% to 9.87%. This ratio was impacted in 2002 by the effect of repaying an internal loan of approximately \$1,300,000 associated with the Piggabeen development. Without the effects of this repayment Council's general fund debt service ratio would have been approximately 11% for the 2002 financial year. The reduction in the debt service ratio from 11% to 9.87% is a function of Council maintaining approximately the same debt service commitments whilst revenue levels continue to increase.

### ***Rates and Annual Charges Outstanding Percentage***

This indicator assesses the effectiveness of Council's revenue collection. Factors influencing Council's rates and annual charges outstanding ratio include:

- Council's rating policy
- credit management policies
- the socioeconomic characteristics of the area
- environmental factors influencing ratepayers ability to satisfy their obligations.

Council's general fund rates and annual charges outstanding percentage has decreased from 7.11% in 2002 to 5.23% in 2003. The decrease is attributable to Council allocating additional resources to internal debt collection. Water funds rates and annual charges outstanding percentage has been impacted by the significant decrease in water annual charges levied. This decrease is attributable to Council's amendment to its access and volumetric rates of charging for water (Refer to Section 3).

## **8. OTHER MATTERS**

### **8.1 INTERNAL CONTROL ENVIRONMENT**

We have previously forwarded a report to the General Manager commenting on Council's systems of internal control and management procedures. No significant breakdowns of internal control were encountered during the course of our audit nor did we become aware of the existence of items comprising material error, sufficient to cause us to issue a qualified audit opinion.

Subject to the foregoing comments the books of account and records of the Council were maintained in good order and condition and the information and explanations required during the course of our work were readily supplied by the General Manager and his staff.

Yours faithfully  
**THOMAS NOBLE & RUSSELL**

Per:

.....  
K R FRANEY (Partner)  
Registered Company Auditor

**THOMAS NOBLE & RUSSELL  
CHARTERED ACCOUNTANTS**

**COUNCIL OF TWEED SHIRE**

**INDEPENDENT AUDIT REPORT**

**Scope**

The financial report comprises the statement of financial position, statement of financial performance, statement of cash flows, accompanying notes to the financial statements, and the Councillors' declaration for Tweed Shire Council (the Council), for the year ended 30 June 2003.

The Council is responsible for the preparation and true and fair presentation of the financial report in accordance with the Local Government Act 1993. This includes responsibility for the maintenance of adequate accounting records and internal controls that are designed to prevent and detect fraud and error, and for the accounting policies and accounting estimates inherent in the financial report.

**Audit Approach**

We have conducted an independent audit in order to express an opinion on the financial report to the Council. Our audit was planned and performed in accordance with Australian Auditing Standards in order to provide reasonable assurance as to whether the financial report is free of material misstatement. The nature of an audit is influenced by factors such as the use of professional judgement, selective testing, the inherent limitations of internal control, and the availability of persuasive rather than conclusive evidence. Therefore, an audit cannot guarantee that all material misstatements have been detected.

We have performed procedures to assess whether in all material respects the financial report presents fairly, in accordance with the Local Government Act 1993, including compliance with Accounting Standards and other mandatory financial reporting requirements in Australia, a view which is consistent with our understanding of the Council's financial position, and of its performance as represented by the results of its operations and cash flows.

We have formed our audit opinion on the basis of these procedures, which included:

- examining, on a test basis, information to provide evidence supporting the amounts and disclosures in the financial report, and
- assessing the appropriateness of the accounting policies and disclosures and the reasonableness of significant accounting estimates made by the Council.

While we considered the effectiveness of management's internal controls over financial reporting when determining the nature and extent of our procedures, our audit was not designed to provide absolute assurance on internal controls.

### ***Independence***

As auditor, we are required to be independent of the Council and free of interests which could be incompatible with integrity and objectivity. In respect of this engagement, we have followed the independence requirements set out by The Institute of Chartered Accountants in Australia, the Local Government Act 1993 and the Auditing and Assurance Standards Board.

In addition to our statutory audit work, we were engaged to undertake other services for the Council. These services are disclosed in Note 3d to the financial statements. In our opinion and that of the Council, the provision of these services has not impaired our independence.

### ***Audit Opinion***

In our opinion:

- (a) Council's accounting records have been kept in accordance with the requirements of the Local Government Act, 1993, Chapter 13, Part 3, Division 2; and
- (b) The Council's financial reports:
  - i. have been prepared in accordance with the requirements of that Division; and
  - ii. are consistent with the Council's accounting records; and
  - iii. present fairly the Council's financial position and the results of its operations and cashflows; and
- (c) all information relevant to the conduct of the audit has been obtained; and
- (d) there are no material deficiencies in the accounting records or financial reports that have come to light in the course of the audit.

**THOMAS NOBLE & RUSSELL**  
CHARTERED ACCOUNTANTS

.....  
K R FRANEY (Partner)  
Register Company Auditor

Dated at LISMORE this 15th day of October 2003.

**THOMAS NOBLE & RUSSELL  
CHARTERED ACCOUNTANTS**

**COUNCIL OF TWEED SHIRE  
SPECIAL PURPOSE FINANCIAL REPORT**

**INDEPENDENT AUDIT REPORT**

**Scope**

The financial report comprises the statement of financial position, statement of financial performance, accompanying notes to the financial statements, and the Councillors' declaration for Tweed Shire Council (the Council), for the year ended 30 June 2003.

The Special Purpose Financial Report has been prepared for distribution to the Council and the Department of Local Government for the purpose of fulfilling the requirements of National Competition Policy reporting. We disclaim any assumption of responsibility for any reliance on this report or on the financial report to which it relates to any person other than the Council or the Department of Local Government or for any purpose other than for which the report was prepared.

The Council is responsible for the preparation and true and fair presentation of the financial report in accordance with the Local Government Act 1993. This includes responsibility for the maintenance of adequate accounting records and internal controls that are designed to prevent and detect fraud and error, and for the accounting policies and accounting estimates inherent in the financial report.

**Audit Approach**

We have conducted an independent audit in order to express an opinion on the financial report to the Council. Our audit was planned and performed in accordance with Australian Auditing Standards in order to provide reasonable assurance as to whether the financial report is free of material misstatement. The nature of an audit is influenced by factors such as the use of professional judgement, selective testing, the inherent limitations of internal control, and the availability of persuasive rather than conclusive evidence. Therefore, an audit cannot guarantee that all material misstatements have been detected.

We have performed procedures to assess whether in all material respects the financial report presents fairly, in accordance with the Local Government Act 1993, including compliance with Accounting Standards and other mandatory financial reporting requirements in Australia, a view which is consistent with our understanding of the Council's financial position, and of its performance as represented by the results of its operations and cash flows.

We have formed our audit opinion on the basis of these procedures, which included:

- examining, on a test basis, information to provide evidence supporting the amounts and disclosures in the financial report, and
- assessing the appropriateness of the accounting policies and disclosures and the reasonableness of significant accounting estimates made by the Council.

While we considered the effectiveness of management's internal controls over financial reporting when determining the nature and extent of our procedures, our audit was not designed to provide absolute assurance on internal controls.

### ***Independence***

As auditor, we are required to be independent of the Council and free of interests which could be incompatible with integrity and objectivity. In respect of this engagement, we have followed the independence requirements set out by The Institute of Chartered Accountants in Australia, the Local Government Act 1993 and the Auditing and Assurance Standards Board.

In addition to our statutory audit work, we were engaged to undertake other services for the Council. These services are disclosed in Note 3d to the general purpose financial statements. In our opinion and that of the Council, the provision of these services has not impaired our independence.

### ***Audit Opinion***

In our opinion, the Council's Special Purpose Financial Report:

- i. has been prepared in accordance with the requirements of those applicable Accounting Standards detailed in Note 1 and the Local Government Code of Accounting Practice and Financial Reporting; and
- ii. is consistent with the Council's accounting records; and
- iii. presents fairly the financial position of Council's nominated Business Activities and the results of their operations.

**THOMAS NOBLE & RUSSELL**  
CHARTERED ACCOUNTANTS

.....  
K R FRANEY (Partner)  
Register Company Auditor

Dated at LISMORE this 15th day of October 2003

**TWEED SHIRE COUNCIL**

**FINANCIAL STATEMENT REQUIRE BY SECTION 413 (2) (C)**  
**OF THE LOCAL GOVERNMENT ACT, 1993**

We, the undersigned do hereby state on behalf of the Council that, in our opinion:-

- (a) The accompanying financial reports for the year ended 30 June 2002 have been prepared in accordance with the Local Government Act 1993 and regulations thereto, Statements of Accounting Concepts, the Local Government Code of Accounting Practice and Financial Reporting and Australian Accounting Standards:  
and
- (b) the financial reports present fairly the Council's financial position and operating result as at the end of that financial year; and
- (c) the financial reports accord with the Council's accounting and other records:  
and
- (d) we do not know of anything that would make the financial reports false or misleading in any way; and
- (e) the financial reports include such information and explanations as will prevent those reports from being misleading because of any disqualification that is included in the statement.

Signed at Murwillumbah in accordance with a resolution of Council passed on 30 October 2002.

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W J Polglase  
Mayor

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G Davidson  
Deputy Mayor

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Dr J Griffin  
General Manager

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R R Norvill  
Responsible Accounting  
Officer

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**



Nil.

**UNDER SEPARATE COVER:**

Nil.

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**CS-5 [CS] Tweed and Coolangatta Inc (TACTIC) Monthly Performance Reports  
- April and June 2003**

**ORIGIN:**

**Acting Director**

**SUMMARY OF REPORT:**

Tweed and Coolangatta Tourism Inc (TACTIC) monthly performance reports for April and June 2003 are provided in accordance with the Agreement criteria.

**RECOMMENDATION:**

That this report be received and noted.

## REPORT:

The agreement between Council and TACTIC requires the organisation to report on a monthly basis its performance in accordance with a number of specific requirements. The following details are provided for the months of April and June 2003.

### FINANCIAL HIGHLIGHTS FOR APRIL 2003

#### a. Month's Results

- **Gross Profit** - \$38,346
- **Expenditure** - \$25,911
- **Profit / Loss** - \$12,435
- **Budgeted Profit / Loss** - **(\$221)**
- **Variance from Budget** - \$12,656

#### Reasons for Variance

- Granada
- \$1,691 Memberships
- Bus & Coach Mail outs

#### b. Year to Date Results

**Profit / Loss** - \$54,210  
**Budgeted Profit / Loss** - \$36,607  
**Variance from Budget** - \$17,603

#### c. Cash at Bank 23 April 2003

\$131,047.03 (plus Term Deposit \$50,000, Cash in Hand \$550)

## RESERVATIONS & SALES

#### a. Visitor Numbers to Visitor Information Centres

WHRC					Tweed Heads				
	2003	%	2002	Variance		2003	%	2002	Variance
<b>Total Visitors</b>	2,791		2,486	12.27%	<b>Total Visitors</b>	3,366		785	328.79%
<b>Type of Enquiry</b>					<b>Type of Enquiry</b>				
Tourism	770	53.77%	681	13.07%	Tourism	583	71.00%	323	80.50%
National Parks	242	22.34%	230	5.22%	National Parks	21	1.00%	26	-19.23%
Street Directions	168	11.70%	120	40.00%	Street Directions	110	9.00%	51	115.69%
Bus Timetables	21	1.26%	8	162.50%	Bus Timetables	55	5.00%	26	111.54%
Other	122	10.93%	113	7.96%	Other	80	14.00%	71	12.68%
<b>TOTAL</b>	<b>1,323</b>		<b>1,152</b>	<b>14.84%</b>	<b>TOTAL</b>	<b>849</b>		<b>497</b>	<b>70.82%</b>

### Highlights

- 18% increase in total visitation to WHRC over last year
- Tweed 81% over last year

#### b. Year to Date

	2002/03	2001/02	Variance	2002/03	2001/02	Variance
		WHRC		Tweed Heads		
Sept Qtr	6,885	7,598	-9.38%	1,401	2,524	-44.49%
Dec Qtr	6,976	6,226	12.05%	5,537	2,059	168.92%
Jan Qtr	5,405	4,415	22.42%	3,041	1,830	66.17%
Jun Qtr	0	0	#DIV/0!	0	0	#DIV/0!
<b>Total</b>	<b>19,266</b>	<b>18,239</b>	<b>5.63%</b>	<b>9,979</b>	<b>6,413</b>	<b>55.61%</b>

### Highlights

- Visitation to WHRC almost 6% over last year for first three quarters
- Visitation to Tweed up almost 56% over previous financial year to date

#### c. Reservations System

- Software installed
- Ready for launch

#### d. Chinderah VIC Working Group

Awaiting Conceptual drawings from architect

## MARKETING

#### a. Strategic Creative Concept

Tenders have been pitched

#### b. Retail product line

- Shots finalised
- Establishing Tender process for Photographers

#### c. Map

Ready for Launch

#### d. Public Relations

Claire working on Media releases and Action Plan

#### e. Festivals & Events

Awaiting Lesley Buckley's return

## MEMBERSHIP

### Current Members

Service Members	27
Tactic Members	140
Corporate Members	5
Corporate Affiliates	4
Reciprocal	3

**Current Total Members 179**

### New members to be ratified

**Service 3**

Bogangar General Store  
Moo Moo Café  
Tumbulgum Progress Association

**TACTIC 3**

Tweed River Seaplane Service  
TreeTops Eco Centre  
Tweed Coast Holiday Parks

**Total Members end April 2003 185**

### Current Membership Projects

Review of member benefits currently being undertaken

## FINANCIAL HIGHLIGHTS FOR JUNE 2003

### a. Month's Results

**Gross Profit - \$32,565**  
**Expenditure - \$33,961**  
**Profit / Loss - (\$1,396)**  
**Budgeted Profit / Loss - (\$3,247)**  
**Variance from Budget - \$1,851**  
**Reasons for Variance**

### Revenue

- \$947 return from Term Deposit

- No co-op marketing funds received (\$750)
- Membership \$1,627 over budget
- Retail Sales \$2,756 over budget – the highest month ever for retail. Maps accounted for around \$1,765
- Travel commissions \$315 over budget

### **Expenditure**

- (\$1,597) for Human Resources - we're mean & lean
- \$6,546 over spend for Marketing as previously discussed
- WHRC expenditure \$1,049 under budget

#### *b. Year to Date Results*

**Profit / Loss** – \$75,002  
**Budgeted Profit / Loss** - \$15,117  
**Variance from Budget** - \$59,885

#### *c. Cash at Bank 11 June 2003*

**\$163,461** (Cash on hand \$112,911, Term Deposit \$50,000, Floats \$550)

## **RESERVATIONS & SALES**

#### *a. Visitor Numbers to Visitor Information Centres*

<b>WHRC</b>					<b>Tweed Heads</b>				
	<b>2003</b>	<b>%</b>	<b>2002</b>	<b>Variance</b>		<b>2003</b>	<b>%</b>	<b>2002</b>	<b>Variance</b>
<b>Total Visitors</b>	2,471		2,143	15.31%	<b>Total Visitors</b>	3,277		641	411.23%
<b>Type of Enquiry</b>					<b>Type of Enquiry</b>				
Tourism	657	56.39%	564	16.49%	Tourism	663	68.63%	252	163.10%
National Parks	250	21.46%	189	32.28%	National Parks	15	1.55%	5	200.00%
Street Directions	105	9.01%	117	-10.26%	Street Directions	95	9.83%	29	227.59%
Bus Timetables	21	1.80%	8	162.50%	Bus Timetables	74	7.66%	31	138.71%
Other	132	11.33%	117	12.82%	Other	119	12.32%	57	108.77%
<b>TOTAL</b>	<b>1,165</b>		<b>995</b>	<b>17.09%</b>	<b>TOTAL</b>	<b>966</b>		<b>374</b>	<b>158.29%</b>

### *Highlights*

- Steady increase of almost 19% in visits to the WHRC.
- 138% increase in total visitation to Tweed from previous year

b. *Year to Date*

	2002/3	2001/02	Variance	2002/3	2001/02	Variance
		WHRC		Tweed Heads		
Sept Qtr	6,885	7,598	-9.38%	1,401	2,524	-44.49%
Dec Qtr	6,976	6,226	12.05%	5,537	2,059	168.92%
Jan Qtr	5,405	4,415	22.42%	3,041	1,830	66.17%
Jun Qtr	2,533	2,170	16.73%	1,887	933	102.25%
<b>Total</b>	<b>21,799</b>	<b>20,409</b>	<b>6.81%</b>	<b>11,866</b>	<b>7,346</b>	<b>61.53%</b>

*Highlights*

- Visitation to WHRC increased to almost 7% compared to previous year to date
- Visitation to Tweed up almost 61.53% over previous financial year to date

c. *Retail Sales*

May 2003	
Number of Sales	611
Average \$ per Sale	\$9.10
Average \$ per Visitor	\$4.59

*Highlights*

- Touring Maps accounted for 28% of retail sales for WHRC
- Tweed Mall sold 136 maps
- Sales figure for retail sales included wholesale map sale, which has increased the average sale amount.

d. *Reservations System*

Revised Terms & Conditions

e. *Chinderah VIC Working Group*

Awaiting Conceptual drawings from architect

f. *Group Bookings*

GROUP NAME	DATES	NO. BOOKINGS TO DATE	VALUE TO DATE
Country Public Libraries Association	2 <sup>nd</sup> – 4 <sup>th</sup> July 2003	31	\$15,721.50
Country Public Libraries Association	2 <sup>nd</sup> – 4 <sup>th</sup> July 2003	4 Awaiting payment	\$1,604.00
Karen McCloy Wedding	5 <sup>th</sup> July 2003	Nil	
City of the Arts Launch	3 <sup>rd</sup> August 2003	Nil	
Coolangatta Tweed Heads Veterans Week of Golf	11 <sup>th</sup> – 15 <sup>th</sup> August 2003	1	\$ 275.00
HMAS Ganges Association Re-Union	5 <sup>th</sup> – 7 <sup>th</sup> September 2003	2	\$1,170.00
Woods/Davidson Wedding	13 <sup>th</sup> September 2003	Nil	
Winter Swimming Championships	13 <sup>th</sup> & 14 <sup>th</sup> September 2003	Nil	
Speed on Tweed	20 <sup>th</sup> & 21 <sup>st</sup> September 2003	Nil	
Vietnam Veterans Re-Union	17 <sup>th</sup> – 20 <sup>th</sup> October 2003	4	\$ 906.00
Vindicatrix Re-Union	31 <sup>st</sup> October – 2 <sup>nd</sup> November	4	\$1,188.00

**MARKETING**

a. *Budget*

- Total allocation: \$187,000
  - Television commercial \$160,000
  - TC Visitors Guide \$11,000
  - Various \$16,000

b. *Television*

- Finalising Creative Brief
- Tenders will be sought to produce
- Submissions closing date: 1st July 2003
- Approval of successful tender: 13th July 2003
- Finalise shooting: 31st July 2003
- Delivery of final TVC's 31st August 2003
- Beach & Hinterland concepts have been identified as priority to complete

c. *Raising \$60,000 in co-operative funds*

- Terry presenting to Combined Clubs
- A potential sponsors cocktail function is being coordinated to raise funds
- Concept brochures being developed

d. *Website*

- Links policy to be reviewed
- Marketing committee recommendation
- "That a reciprocal link be offered free of charge to all Festivals & Events"



e. *Retail product line*

- Map is selling well and offered to members at wholesale price for minimum purchase of 20
- Panoramic shoot ongoing – selection of some shots made

f. Public Relations

Claire developing Visiting Journalist Program & community based PR

g. *Festivals & Events*

- Awaiting reply for final round of funding submitted to DSRD
- Volunteering Tweed offered suggestion of Admin Support

h. *Photo Shoot*

- Brief sent out to 3 photographers
- Tender documents due be

i. *NRT Destination Marketing Campaign*

- Recommendation from the Marketing Committee
- “That TACTIC contribute \$5,000 to a proposed destination marketing campaign by NRT”

**MEMBERSHIP**

**Current Members**

Service Member	36
Tactic Members	147
Corporate Members	5
Corporate Affiliates	4
Reciprocal	3

**Current Total Members** **195**

**Total Members end June 2003** **206** (Treetops Eco Centre still to pay – 207)

**Members carried over to 2004 (don't have to renew at 1 July 2003)**

Service Members	16
Tactic Members	17
Corporate Members	2

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

Nil.

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## REPORTS FROM DIRECTOR ENGINEERING SERVICES

ES-1 [ES] Classification of Land as Operational - Black Rocks Estate

### ORIGIN:

Design

FILE NO: DA2805/35 Pt5

### SUMMARY OF REPORT:

The developers of Black Rocks Estate, Stage 8, are obliged pursuant to condition 63 of development consent to transfer proposed Lot 230 to Council as a sewer pump station.

The proposed Lot 230 should be classified as Operational under the provisions of section 31 of the Local Government Act, 1993.

### RECOMMENDATION:

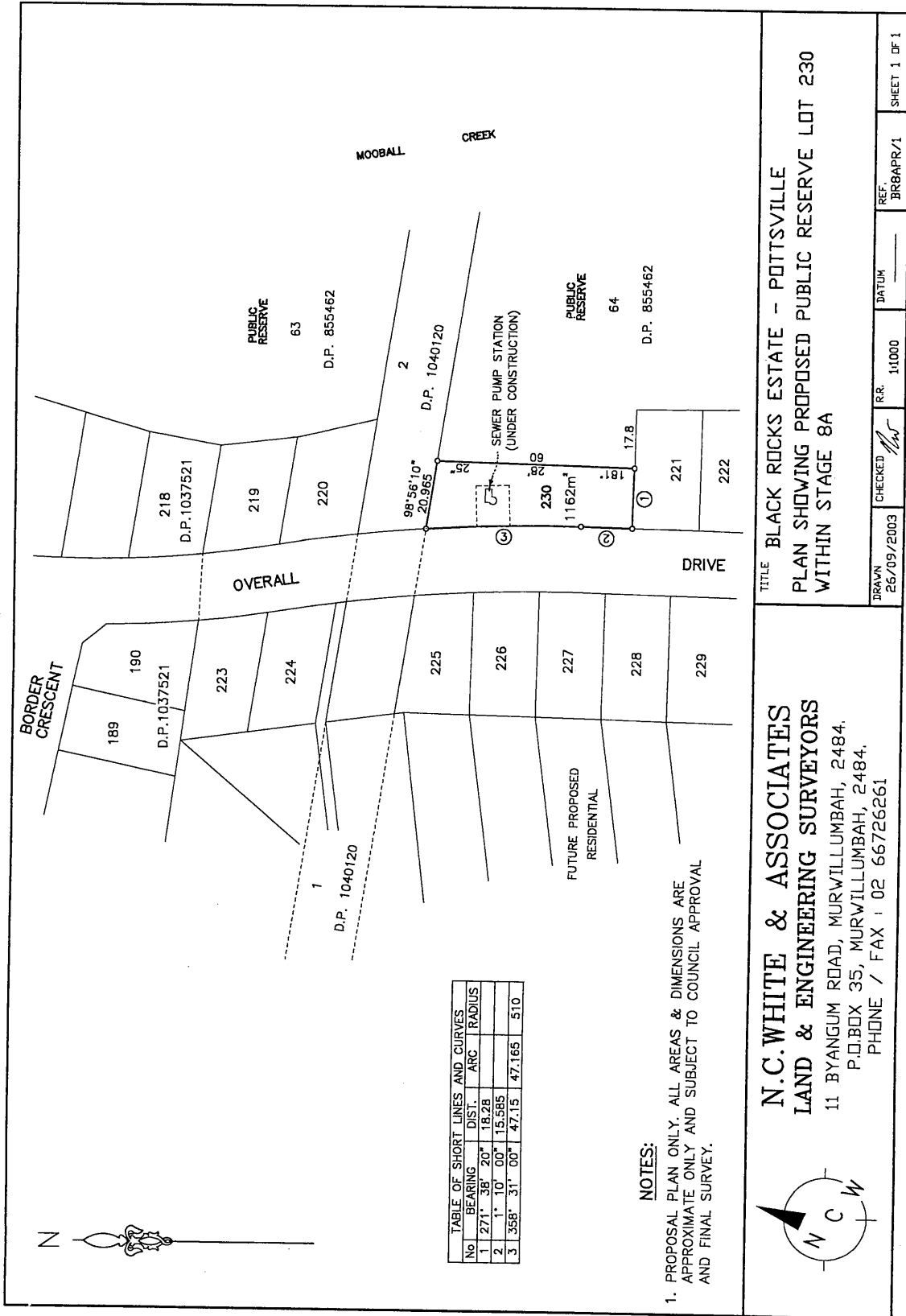
That the land proposed to be transferred to Council as a sewer pump station, described as proposed Lot 230 in the subdivision of Lot 65 in DP 855462 be classified as Operational under section 31 of the Local Government Act, 1993.

**REPORT:**

The developers of Black Rocks Estate, Stage 8, are obliged pursuant to condition 63 of development consent to transfer proposed Lot 230 to Council as a sewer pump station.

The proposed Lot 230 should be classified as Operational under the provisions of section 31 of the Local Government Act, 1993.

A copy of the plan showing proposed Lot 230 and the proposed sewer pump station follows:-



TITLE **BLACK ROCKS ESTATE - POTTSVILLE**  
**PLAN SHOWING PROPOSED PUBLIC RESERVE LOT 230 WITHIN STAGE 8A**

DRAWN 25/09/2003  
 CHECKED [Signature]  
 R.R. 1:1000  
 DATUM  
 REF. BRBAPR/1  
 SHEET 1 OF 1

**N.C. WHITE & ASSOCIATES**  
**LAND & ENGINEERING SURVEYORS**  
 11 BYANGUM ROAD, MURWILLUMBAH, 2484.  
 P.O.BOX 35, MURWILLUMBAH, 2484.  
 PHONE / FAX : 02 66726261

**PLAN SHOWING PROPOSED PUBLIC RESERVE LOT 230 WITHIN STAGE 8A**

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

Nil.

---

**ES-2 [ES] Renaming of Pacific Highway between Yelgun & Chinderah as 'Tweed Valley Way'**

**ORIGIN:**

**Design**

**FILE NO: R4031 Pt17; R5495 Pt8**

**SUMMARY OF REPORT:**

At a meeting held on 20 August 2003 it was resolved by Council to advertise its intentions to rename the length of the former Pacific Highway between Yelgun and Chinderah as "Tweed Valley Way".

An advertisement was published in the Tweed link on 2 September 2003 seeking written submissions or objections to the renaming. One submission has been received suggesting "Valley Road".

**RECOMMENDATION:**

That:-

1. Council adopts the name ***Tweed Valley Way*** for the length of the former Pacific Highway between Yelgun and Chinderah; and
2. The renaming of the road be gazetted under the provisions of the Roads (General) Regulation, 1994 and the Roads Act, 1993.



## **REPORT:**

At a meeting held on 20 August, 2003 it was resolved by Council to advertise its intentions to re-name the length of the former Pacific Highway between Yelgun and Chinderah as "Tweed Valley Way".

An advertisement was published in the Tweed Link on 2 September, 2003 seeking written submissions or objections to the re-naming.

One submission has been received suggesting "Valley Road", a copy of the letter follows.

It appears that there is general acceptance of "Tweed Valley Way" in the community by virtue of the lack of submissions and it is therefore recommended that the old highway be formally gazetted as such.

7 September 2003

J Tomson  
PO Box 1136  
Coolangubra 4225

General Manager  
Tweed Shire Council  
PO Box 816  
Murwillumbah 2484

STREET-NAMING

PACIFIC HWY

R44031 Pt 17

TURNBULL N

Dear Sir/Madam,


RE: File No 3495 Pt 8. Renaming of Public Road  
Tweed Valley Way

Since the naming of this road I have been calling it another name.  
I have been calling the old Pacific highway, 'Valley Road'. For some  
reason it appeals to me.

I am a local resident and have lived in Murwillumbah for 24  
~~of~~ of my nearly 50 years of existence on this Earth of ours.

Thank you for listening to my comments on this matter and I hope  
'Valley Road', can be an option for the Renaming of 'Tweed Valley Way'.

Kind Regards,

  
Jonathan Tomson.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

Nil.

---

**ES-3 [ES] Lease Renewal of Home & Community Care Building, Heffron Street, Tweed Heads South with Tweed Valley Respite Services Inc**

**ORIGIN:**

**Design**

**FILE NO: PF2430/200 Pt7; Leases - Council Property**

**SUMMARY OF REPORT:**

At a meeting held on 18 December, 2002 it was resolved by Council to enter into further lease agreements with Home Care Service of NSW, Tweed River Home Modification & Maintenance Association Inc and Australian Red Cross for a further period of 3 years with a 3 year option.

The resolution also provided for the renewal of the current lease with Tweed Valley Respite Services for a period of 1 (one) year.

Tweed Valley Respite are now seeking a term of two (2) years with an option for a further one (1) year. This variation is to provide tenure to Tweed Valley Respite at the HACC Centre until alternative premises are completed, which was initially anticipated within the next year. However, delays in the project have compelled Tweed Valley Respite to seek a longer term at the HACC Centre.

**RECOMMENDATION:**

That:-

1. Council enters into a lease agreement with Tweed Valley Respite Service Inc for a part lease of the Home and Community Care Building for a period of two (2) years with a one (1) year option;
2. Rental increases occur annually by CPI; and
3. All necessary documentation be executed under Common Seal of Council.

**REPORT:**

At a meeting held on 18 December, 2002 it was resolved by Council to enter into further lease agreements with Home Care Service of NSW, Tweed River Home Modification & Maintenance Association Inc and Australian Red Cross for a further period of 3 years with a 3 year option.

The resolution also provided for the renewal of the current lease with Tweed Valley Respite Services for a period of 1 (one) year.

Tweed Valley Respite are now seeking a term of two (2) years with an option for a further one (1) year. This variation is to provide tenure to Tweed Valley Respite at the HACC Centre until alternative premises are completed, which was initially anticipated within the next year. However, delays in the project have compelled Tweed Valley Respite to seek a longer term at the HACC Centre.

A copy of a letter received from Tweed Valley Respite Service Inc follows:-

Executive Officer  
Ph: (07) 5523 0310  
Fax: (07) 5524 5154  
tresp@norex.com.au

Administration  
Ph: (02) 6674 2267  
Fax: (02) 6674 2019  
Email: tresp@norex.com.au

Host Family and  
Brokerage Program  
Ph: (07) 5524 8185  
Fax: (07) 5524 8735  
tresp@norex.com.au

Community Access  
and Day Programs  
Ph: (07) 5524 8099  
Fax: (07) 5524 5154  
tresp@norex.com.au

ATLAS Program  
Ph: (07) 5524 8099  
Fax: (07) 5524 5154  
tresp@norex.com.au

"The Cottage"  
Ph: (02) 6674 2267  
Fax: (02) 6674 2019  
tresp@norex.com.au

Care-4 U. Holidays  
Ph: (02) 6674 2267  
Fax: (02) 6674 2019  
tresp@norex.com.au

**Tweed Valley Respite Service Inc**

PO Box 1411  
Kingscliff NSW 2487  
Telephone: (02) 6674 2267  
Fax: (02) 6674 2019  
Email: [tresp@norex.com.au](mailto:tresp@norex.com.au)

RURAL HALL - SOUTH TWEED  
COMMUNITY CENTRE  
LEASES - COUNCIL PROP  
LN: 25751

Ref: PF2430/30200 Pt 7

24<sup>th</sup> September 2003

Attention: Nela Turnbull  
Property Officer  
Engineering Services  
Tweed Shire Council

TWEED SHIRE COUNCIL	
FILE No	PF2430/200 Pt 7
DOCUMENT No	111111
RECD	24 SEP 2003
BOX No	1111
ASSIGNED TO	TURNBULL N
HARD COPY	<input checked="" type="checkbox"/>
EMAGE	<input type="checkbox"/>

Dear Nela,

Further to your forwarding of leasing documents received July 2<sup>nd</sup> and our recent conversation in reference to renewal of leasing arrangements for office space in the South Tweed HACC Complex from January 1<sup>st</sup> 2003 by Tweed Valley Respite Service Inc; I confirm that we would prefer to enter a leasing arrangement for two years with an option to renew for a further year.

This is a variation on the arrangement previously negotiated, for one year only, on the basis that the organisation would be moving to a centralised premise within that time. That project has now been delayed and therefore we will require tenure for two years with an option to renew as a safeguard in the event of further delays.

Thank you for your assistance in this matter and please contact me if any further information is required.

Regards

Barb Carroll  
Executive Officer

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

Nil.

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**ES-4 [ES] The Parapet and Terranora Road Sewer Extension**

**ORIGIN:**

**Design**

**SUMMARY OF REPORT:**

A request has been received from several property owners in The Parapet and Terranora Road to extend the existing sewerage system in the new Glen Ayr Estate to service their property.

Health and environmental concerns have been raised by residents from on-site effluent disposal systems in use on premises at The Parapet and Terranora Road due to steep blocks and clay soils.

In view of the close proximity of the existing reticulated sewerage system and to alleviate potential problems it is proposed to extend the sewerage system at Glen Ayr Estate to the south side of Terranora Road to provide an opportunity to properties along Terranora Road and The Parapet to connect to the sewerage system.

**RECOMMENDATION:**

That Council:-

1. Adopts the charge of \$1,666 per equivalent tenement (in addition to S64 contributions) for connection into the Glen Ayr Estate sewerage system extension.
2. Votes \$25,000 from Sewer Rates Revenue to fund the Glen Ayr System extension.
3. Advertises the proposed charge for 28 days for public comment.



## REPORT:

A request to extend the sewerage system at Glen Ayr Estate to service properties at Terranora Road and The Parapet has been received. This request is on behalf of possibly up to twenty households who could benefit from sewerage connection to the existing reticulation in the Glen Ayr Estate Stage 10. Health and environmental concerns have been raised from on-site effluent disposal systems in use on premises at The Parapet and Terranora Road due to steep blocks and clay soils.

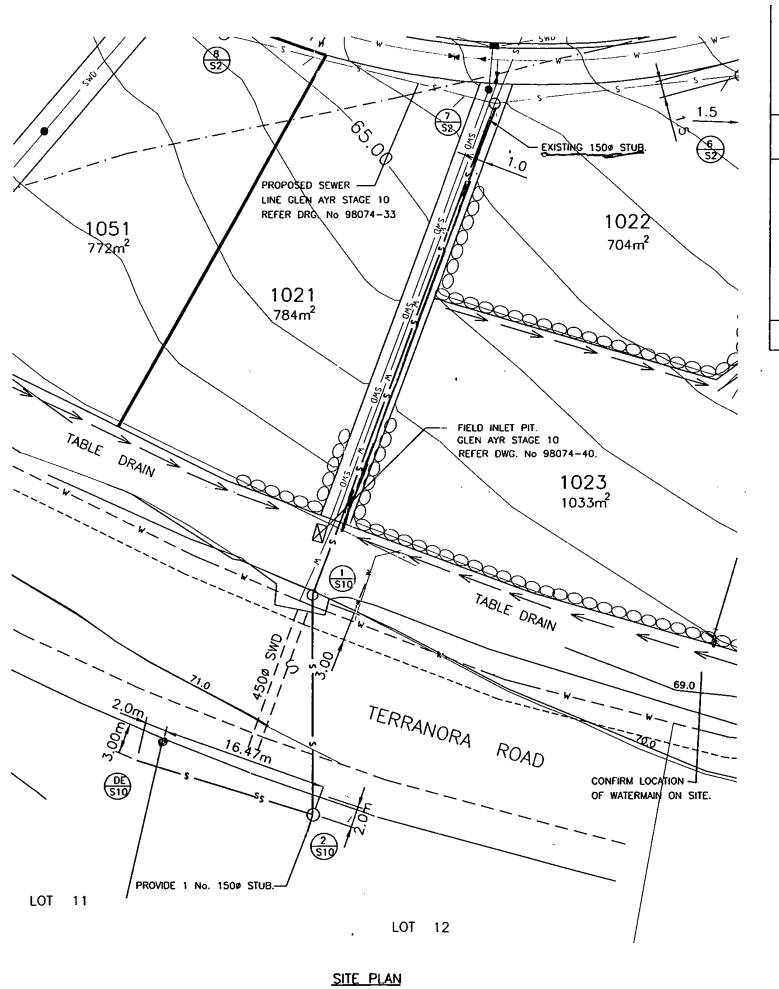
In order to facilitate the connection the consulting engineers, Martin Findlater & Associates were engaged by Mr Goodall of 10 The Parapet to design the proposed extension. The proposed works have been approved on DA5440/872 dated 28 October 1999. 51 metres of the proposed extension is located on public footpath in Glen Ayr Estate.

The total cost of the proposed extension is \$25,000 inclusive of GST.

It is recommended that Council meet the cost of the proposed extension. This cost could be recouped over a period of time by charging a special Terranora Road and The Parapet sewerage charge to the properties willing to connect to the proposed extension in addition to a standard headworks charge.

The charge is calculated by distributing \$25,000 (the cost of the extension) across the 15 lots, equating to approximately \$1,666 per lot.

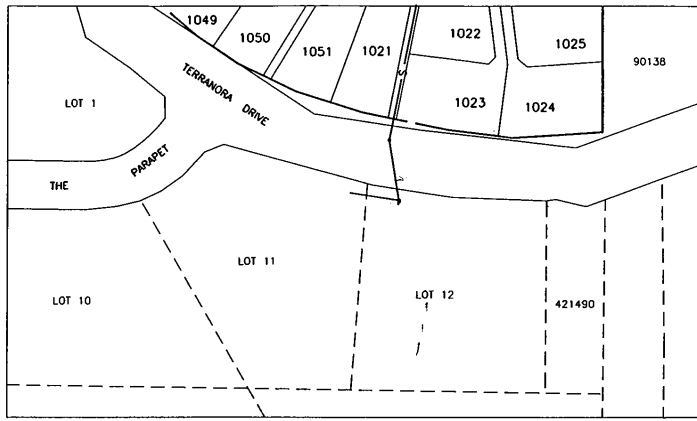
The following diagrams show the proposed extension:-



**NOTES**

1. REFER TO PUBLIC WORKS DEPARTMENT DRG. No. ST 50. JUNCTION DETAILS, DWG. No. ST 500B FOR STANDARD AND DWG. No. ST520 & 521 FOR CONCRETE BULKHEAD
2. ALL SEWER WORKS TO BE CARRIED OUT TO PUBLIC WORKS SPECIFICATION AND GUIDELINES.

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	<b>McLauchlan Surveying Pty Ltd</b> Consulting Surveyors 22 Bevel Street, Tweed Heads S.E.W. 2485 P.O. Box 200 Tweed Heads S.E.W. 2485 Telephone (07) 9536447 Fax (07) 95367488		P O Box 216 Fax (02) 6672 5607 Ph (02) 6672 5522
			Dra Chf  Apr Dat



LOCALITY PLAN  
SCALE 1:1000

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

Nil.

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## REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

EC-1 [EC] Development Control Plan 39 - Amendment

### ORIGIN:

Environment & Health Services

FILE NO: Development Control Plan; DCP 39; GT1/DCP39 Pt1

### SUMMARY OF REPORT:

On Wednesday 2 April 2003, Council resolved to prepare and exhibit Development Control Plan No 39 (Amendment No 1) – Energy Smart Homes Policy. The amendment removes Section 4.9 - Water Heating to enable new homes to have any type of water heating system installed, regardless of its energy efficiency rating.

On Wednesday 16 July 2003, Council resolved to defer consideration and adoption of Development Control Plan No 39, Amendment No 1, for a period of three months to enable the NSW Sustainable Energy Development Authority (SEDA) to review its energy smart hot water discount scheme and meet with the local building and plumbing industry to address issues related to the energy efficient hot water component of DCP 39.

A summary of the outcomes of SEDA's discussions with the local building and plumbing industry is provided in the body of the report.

In addition to these discussions, SEDA have advised Council that as of 30 September 2003 the \$500 discount scheme for energy efficient hot water systems has been discontinued, however due to negotiated manufacturer discounts the scrapping of the discount scheme will only increase hot water system prices by \$250 and not \$500 as previously thought (detailed in the report).

### RECOMMENDATION:

That Development Control Plan No 39 retains the requirement to install an energy efficient hot water system in new homes or major alterations or additions

## **REPORT:**

SEDA have provided the following comments on the manufacturer discounts, the \$500 discount, and the energy smart seminar presentations.

### **Manufacturer Discounts:**

Reduced prices on solar and heat pump water heating systems have been negotiated with water heater dealers [Solahart, Quantum, Edwards], in the Tweed Shire. The local industry, including the major project home builders, are currently accessing these cheaper deals. If the water heating component of the Energy Smart Homes Policy is removed these cheaper deals will not be available and this will directly impact on the industry.

### **SEDA \$500 Discount:**

The SEDA \$500 discount for energy smart hot water systems is made up of a \$250 contribution from SEDA and a \$250 contribution from the hot water manufacturers.

The water heating manufacturers have publicly committed to continuing to provide their \$250 contribution even though the SEDA discount scheme has not been continued.

Therefore the price difference on solar and heat pump water heaters for new home owners/renovators is only \$250, which should make solar and heat pump acceptable choices for home-owners.

### **Renewable Energy Certificates Rebate:**

In addition to the manufacturers ongoing \$250 discount, the Federal Governments Renewable Energy Certificates (RECs) initiative provides a rebate of up to \$1000 for the purchase of energy smart hot water systems. RECs were developed as a direct result of the *Commonwealth Renewable Energy (Electricity) Act 2000* to reduce greenhouse gas emissions from the use of electricity.

### **SEDA Energy Smart Seminars:**

An information session designed to educate local builders and plumbers about how to build Energy Smart homes was held at Club Banora from 4-6pm on Tuesday, 23 September 2003.

35 attendees (from 45 RSVPs) took part in the session, hosted by Bernard Hockings. (Bernard is an environmental consultant with over 20 years experience in the building industry). The session covered energy efficiency and hot water issues from an industry perspective, including information on local, state and federal regulation covering these areas (e.g. energy efficiency clauses to be included in the Building Code of Australia in 2004). Bernard reinforced the message that Energy Smart homes are not more costly or difficult to build, but simply require better planning in the initial design stages.

Anecdotal and formal feedback collected from participants indicated that the majority considered energy efficiency measures to be 'common sense' and an effective way to

achieve marketing advantages for their businesses. Many stayed after the seminar had concluded to ask questions of Bernard.

A community seminar on 'living energy smart' was also held at Club Banora and was well received by over forty Tweed residents who were interested in finding out how to reduce their household energy bills and associated greenhouse gas emissions.

SEDA also ran a Council workshop on 'energy smart homes' on Wednesday 24 September 2003. During this workshop SEDA representatives demonstrated the cost effectiveness of purchasing and running an energy smart hot water system when compared to an electric hot water system.

The following options exist for Council in relation to DCP 39:

1. That Development Control Plan No 39 retain the requirement to install an energy efficient hot water system in new homes or major alterations and additions.
2. Proceed with the exhibited plan (DCP 39, Amendment 1) in accordance with Council's resolution of 2 April 2003 which removes the energy smart hot water component of DCP 39.

**CONCLUSION:**

The negotiated manufacturer discounts for energy efficient hot water systems in the Tweed Shire, the demonstrated cost effectiveness of energy efficient hot water systems and the general acceptance of DCP 39 by the building industry support the continuance of DCP 39 in its original format (i.e. retaining the requirement to install energy efficient hot water systems).

However if Council feels that an amendment to DCP 39 is warranted, then DCP 39, Amendment No 1, is an available alternate outcome (i.e. removal of the hot water component of DCP 39).

It is therefore recommended that option 1 above be adopted by Council.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

Nil.

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## REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

### Item-1 Minutes of the Tweed Dune Care Advisory Committee Meeting held 11 September 2003

#### FOR THE CONSIDERATION OF COUNCIL:

**VENUE:** Casuarina Beach Sports Centre

**TIME:** 5.00pm

#### PRESENT:

**Committee Members:** Cr Max Boyd, Cr Henry James, Arthur Rawlanson (Pottsville Dune Care), Gary Thorpe (Hastings Point), Ian Anderson (Kingscliff North), Peter Langley (Kingscliff Enviro Club), Mr Frank McLeod, Mr Stewart Brawley, Mr Rodney Keevers.

**Informal:** Vic Brill, Rhonda James, Ron Butler

#### APOLOGIES:

Nil

#### MINUTES OF PREVIOUS MEETING:

**Moved:** Cr James

**Seconded:** S Brawley

**RESOLVED** that the Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 10 July 2003 be accepted as a true and accurate record of the proceedings of that meeting.

#### BUSINESS ARISING:

##### 1. Volunteer Training

Chemical training course has commenced 10 and 11 September 2003. Chainsaw users course will commence 23 September. The chainsaw course is full and members will be notified if any vacancies arise. Week beginning 15 September, tractor/slasher training for Fingal Dune Care will commence. Contractors will commence Occupational Health & Safety training 12 September. Follow up training for new members and those that missed initial training will be conducted in the future.

---

##### 3. Aerial Spray Program

Results to date are patchy; there is no obvious explanation. R Keevers outlined additional ground spraying that has been undertaken by Council and Far North Coast Weeds. Cr Boyd suggested a report to Council outlining works and results to date.

---



#### **4. Cabarita Beach School Site**

There has been some germinating of propagules respread from the Cabarita School site to the Salt site.

---

#### **5. Fingal Headland Path**

Awaiting findings on Heritage Management Plan and landscape plan for Fingal lighthouse and headland.

---

#### **6. Work for the Dole**

Run through EnVite. Hastings Point and Fingal have submitted listings of work to be done. Information from Kingscliff, Pottsville and Cabarita Beach Dune Care groups is requested.

---

#### **7. Pottsville Beach School**

Regeneration planting completed. Arthur Rawlinson noted the enthusiasm of the school.

---

### **GENERAL BUSINESS:**

#### **1. Clean Beach Awards**

S Brawley tabled nominations forms for clean beach awards.

---

#### **2. Weeds Mapping**

R Keevers advised of the Weeds Forum Tue 17 Canvas & Kettle Murwillumbah. The forum will cover identification of new weeds and mapping of their location in the Shire. General community 11.30 am start.

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#### **3. Fencing & Walkways**

R Keevers advised Council staff have a program of works for repairs of fencing and walkways on the coast. R Keevers request groups to advise of any areas that require attention.

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#### **4. Tree Poisonings**

R Keevers advised that more trees have been poisoned at Casuarina in the southern precinct; approximately 30 trees, mainly Macarangas with some Banksias. The following item from meeting held 8 May was raised.

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*“S Brawley advised that Tim Rabbidge has vandalism signs 2m x 1.5m available if Council wishes to install them. General discussion. R Wright addressed the committee on the destruction of vegetation and advised that she will address Casuarina Beach Town Hall Committee with a proposal to solve the problems without signs being erected. Casuarina Beach Dune Care representative to report the outcome at the next Dune Care Advisory Committee meeting for further consideration.”*

It was noted that this option has not been successful.

**Moved: P Langley**

**Second: Cr James**

**RECOMMENDATION:**

That Council install the signs offered by the Department of Infrastructure, Planning & Natural Resources in the dunes at Casuarina at the most appropriate sites.

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**5. Bitou Bush Aerial Spraying**

Frank McLeod will discuss success of Aerial spraying with John Toth (aerial Spray contractor) on Tuesday 16 September.

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**6. Department Land & Water**

Frank McLeod advised that applications for funding through the Department of Lands closes on 30 September 2003.

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**7. Australian Maritime Safety (AMSA)**

AMSA may have funding available for maintenance around lighthouses. F McLeod will pursue.

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**8. Fire Control Officer**

With consideration to up coming fire season, Cr Boyd requested invitation to Fire Control officer to be reiterated for next meeting.

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**NEXT MEETING:**

The next meeting of the Tweed Dune Care Advisory Committee will be held 13 November 2003 at the Cabarita Beach Sports Centre.

The meeting closed at 6.10pm

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**DIRECTOR'S RECOMMENDATION:**

That Council adopts recommendation under Item 4-Tree Poisoning.

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## ORDERS OF THE DAY

Nil.

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## **CONFIDENTIAL MATTERS**

### **CONFIRMATION OF MINUTES**

**Minutes of Confidential Council Meeting held 1 October 2003**

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**Minutes of Confidential Extraordinary Council Meeting held 8 October 2003**

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### **ITEMS DEFERRED**

**[ID] Proposals to Operate the Tweed Shire Council Animal Impounding Facility  
(This report is the subject of a further report at Item CS-C1 of this Agenda)**

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### **REPORTS FROM DIRECTOR DEVELOPMENT SERVICES**

Nil.

### **REPORTS FROM DIRECTOR CORPORATE SERVICES**

**CS-C1 [CS] Proposal to Operate the Tweed Shire Council Animal Shelter**

#### **REASON FOR CONFIDENTIALITY:**

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

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

## REPORTS FROM DIRECTOR ENGINEERING SERVICES

### ES-C1 [ES] Tender EC2003-145 - Supply & Delivery of One (1) Prime Mover

#### REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (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
- 

### ES-C2 [ES] Proposed Sale of Lot 1 DP 578307 - Pollards Quarry, Dulguigan Road, Dulguigan

#### REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (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
-

## REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

**EC-C1 [EC] HQ2003-158 Stotts Creek Inert Landfill Facility: Stage One Development - Construction of Leachate Pond, Roadwork & Associated Drainage**

### REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or
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    - (iii) reveal a trade secret
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