

# Items for Consideration of Council

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<i>(d) commercial information of a confidential nature that would, if disclosed:</i>	
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<i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)</i>	
<i>(d) commercial information of a confidential nature that would, if disclosed:</i>	
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<i>(iii) reveal a trade secret</i>	9

# Schedule of Outstanding Resolutions

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## 5 DECEMBER 2001

### REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

#### 17. Proposed Tweed Natural High Campaign

Drug Related Matters

508

Cr Boyd

Cr Marshall

**RESOLVED** that Council:-

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

**Current Status:** The above campaign should coincide with the Tweed Coolangatta Crime Plan launch. The draft plan is now completed and will be presented to Council for consideration in March.

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## 19 DECEMBER 2001

### REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

#### 33. Future Doon Doon Hall

Rural Hall - Doon Doon (Land No 8154)

579

Cr Youngblutt

Cr Davidson

**RESOLVED** that:

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

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

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## Schedule of Outstanding Resolutions

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### 20 MARCH 2002

#### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

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

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

793

Cr Beck

Cr Marshall

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

**Current Status:** Report to meeting 5 March 2003.

---

### 3 APRIL 2002

#### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

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

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

852

Cr Marshall

Cr Boyd

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

**Current Status:** Report to meeting 5 March 2003.

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## Schedule of Outstanding Resolutions

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### 16 OCTOBER 2002

#### ORDERS OF THE DAY

1. **Rezoning - Lot 517 DP 529286, Lot 201 DP 1030080 and Lot 7032 DP 755701 Coast Road, Cabarita**  
**LEP; Land Nos. 42329; 45126; 41175; Notice of Motion**

393

Cr Beck

Cr Lawrie

**RESOLVED** that a report to Council on the zoning options for Lot 517 DP 529286, Lot 201 DP 1030080 and Lot 7032 DP 755701 be prepared.

**Current Status:** To be finalised.

---

### 6 NOVEMBER 2002

#### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

11. **Section 96 Application D97/0286.01 for an amendment to Development Consent D97/0286 for Brothel/Escort Service at Lot 1 DP 619871, No. 31-33 Morton Street Chinderah**

**PF3560/110 Pt2; Old Ppty**

420

Cr Boyd

Cr Beck

**RESOLVED** that a report be brought forward indicating the number of:

1. Approved brothels and their location.
2. Illegal brothels and their location, if they can be identified.

**Current Status:** Being investigated.

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## Schedule of Outstanding Resolutions

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### 20 NOVEMBER 2002

#### ITEMS DEFERRED

13. **Development Application 0689/2000DA for a Storage and Launching Facility for Tweed Coast Sea Rescue Squad at Lot 7018 DP 755701 Tweed Coast Road, Hastings Point**

**DA1180/425 Pt1; 1180.425; Land No 41178**

479

Cr Boyd

Cr Marshall

**RESOLVED** that the Mayor and Director Development Services (and/or his nominee) meet with representatives of the Tweed Coast Sea Rescue, and NSW Fisheries to discuss the position with this Development Application.

**Current Status:** Meeting being arranged.

---

### 4 DECEMBER 2002

#### ORDERS OF THE DAY

2. **Policy - Incentives for Conservation of Water**

**Notice of Motion; Water Management - Conservation**

560

Cr Beck

Cr Brinsmead

**RESOLVED** that as soon as possible Tweed Shire Council develops a policy to give incentives to developments that make provision for the conservation of water.

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

---

### 18 DECEMBER 2002

#### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

3. **Proposed Residential Development and Environmental Rehabilitation of Lot 16, DP 856265, Terranora Road, Terranora**

**GT1/LEP/2000 Pt1; LEP 2000; Land No 38026**

570

Cr Luff

Cr Marshall

**RESOLVED** that Council defers the processing of the rezoning for Lot 16 DP 856265, Terranora Road pending finalisation of a Planning Strategy for the Terranora Ridgeline.

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## Schedule of Outstanding Resolutions

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**Current Status:** Matter deferred pending report early 2003.

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### REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

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

#### Surf Life Saving; Casuarina Development

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:** policy to be prepared.

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## 22 JANUARY 2003

### QUESTION TIME

#### Advertising Structures

#### Advertising – Signs; Illegal Signage

Cr Luff

Have Council Rangers observed and reported on the legality or otherwise of the advertising structure on the high south of Chinderah just before the turn off to Tweed Valley Way? The structure appears to be a vehicle and supporting a sign advertising Tropical Fruit World.

The General Manager advised that this matter will be referred to the Director Development Services and Director Environment & Community Services for their attention.

**Current Status:** Action being taken.

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#### Earthworks – Stott Street, Bilambil Heights

#### DA4765/20 Pt5; Lot 2 DP 537490 Walmsleys Road; Land No 21838

Cr Luff

What, if any, action was taken by Council in regard to the allegation that earthworks by the developer of the retirement facility at Stotts Street, Bilambil Heights were left uncovered and

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## Schedule of Outstanding Resolutions

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unprotected so that they were causing a nuisance to residents because of dust, so that a risk existed that the disturbed earth would be eroded in the event of rain?

The General Manager advised that this matter will be referred to the Director Development Services.

**Current Status:** Memo to be issued to Councillors.

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### 5 FEBRUARY 2003

#### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

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

**DA5937/740 Pt3; Land No 41152**

69

Cr Beck

Cr Youngblutt

**RESOLVED** that Development Application K99/1682 for a six (6) lot subdivision at Lot 2 DP 1014553, Winders Place Banora Point be deferred.

**Current Status:** Development Application now amended. Report to Council for March meeting.

---

#### REPORTS FROM DIRECTOR CORPORATE SERVICES

6. **Enforcement Guidelines for Council**

**Ombudsman; ICAC; 688862**

74

Cr Boyd

Cr Davidson

**RESOLVED** that the General Manager schedule a Council briefing workshop to explore the practical applications of the guidelines in relation to responding to allegations of unlawful activities, use of discretion, option for action after investigation, strategies for prevention of unlawful activities and the powers available to Council.

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

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## Schedule of Outstanding Resolutions

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### QUESTION TIME

#### **Boat Ramps & Signage – Tweed River Water Ski Club**

**Boat Ramps**

#### **Cr Marshall**

What action has been taken in regard to the boat ramp and signage on the banks of the Tweed River at the rear of what used to be “Simmo’s Supermarket”, Murwillumbah for the “Tweed River Water Ski Club” which was brought to Council’s attention in September 2000?

The Director Development Services will provide a response upon investigation.

**Current Status:** Memo to be issued to Councillors.

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#### **Kynnumboon Bridge**

**Bridges - Kynnumboon**

#### **Cr Boyd**

What is the status of the parcel of land which adjoins the eastern approach to the new Kynnumboon Bridge?

The Director Engineering Services will investigate and provide a response to Council.

**Current Status:** Investigation reveals that the land is held in private ownership.

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# Schedule of Outstanding Resolutions

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# Mayoral Minute

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Councillors,

**1. Tweed Valley College**

**Councillors' Invitations**

10 February – Addressed high school and primary school students at Tweed Valley College Murwillumbah

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**2. Tweed Chamber of Commerce**

**Chamber of Commerce/Councillors' Invitation**

11 February – attended Tweed Chamber Breakfast at South Tweed Bowls Club.

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**3. SALT**

**DA02/1422 & 1423, DA02/1748**

11 February – attended Public Meeting on SALT at Kingscliff

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**4. NEW ART GALLERY**

**New Art Gallery/DA3488/12**

12 February – Met with Manager Northern NSW Office of DOTARS on site of new Art Gallery Murwillumbah

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**5. NRACC**

**Northern Rivers Area Consultative Committee**

13 February – NRACC Board Meeting Ballina

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**6. Bushfire Appeal**

**Mayor's Appeal Fund**

14 February – Media photoshoot in support of Bushfire Appeal Concert to be held in Murwillumbah

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## Mayoral Minute

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**7. 'A' Division Shires Association of NSW Annual Meeting**

**Shires Association General**

17 February – attend 'A Division Shire Association of NSW Annual Meeting at Casino with GM and DCS

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**8. Australian Junior Chamber of Commerce**

**Chamber of Commerce**

18 February – discuss establishment of new chapter of Australian Junior Chamber of Commerce in Murwillumbah or Tweed Heads

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**9. Southern Cross University**

**Education Matters Southern Cross University**

19 February – First Birthday Celebrations at Southern Cross University Tweed Campus

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**INVITATIONS ACCEPTED:**

- 20 February –NRMA Road Safety Exhibition South Tweed Heads
  - 20 February – Turn first sodd New Art Gallery Murwillumbah
  - 21-23 February – Personal Business in Sydney
  - 25 February – Ministerial Task Force Workshop Tweed Heads
  - 27 February – Tweed Community Based Heritage Study
  - 28 February – TEDC Board Meeting
  - 3 March – Tweed Heads War Widows Birthday Celebrations Twin Towns
- 

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

- Inaugural International Union of Local Authorities Asia-Pacific Congress – **9-11 April 2003** in Sydney
- Tent Summit – **11 & 12 April 2003** at Coonamble Racecourse

## Mayoral Minute

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### ABSENCES FROM SHIRE-EXECUTIVE--Period 14 February 2003 to 28 February 2003

<b>Name</b>	<b>From</b>	<b>Location</b>	<b>Details</b>
DCS	17 February 2003	Casino	Shires Association NSW "A" Division Meeting
DCS	19 February 2003	Sydney	Conflict Resolution Seminar
GM	17 February 2003	Casino	'A' Division Shires Association of NSW Annual Meeting
GM	26 February 2003	Sydney	Rate Pegging Task Force
GM	28 February 2003	Lismore	LGMA Branch Meeting

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# Mayoral Minute

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# Items Deferred

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## ITEM DEFERRED FROM MEETING HELD 5 FEBRUARY 2003

1. *Pacific Highway - Current Usage and Transport of Goods*

*R4031 Pt16; R4031; Notice of Motion*

91

*Cr Polglase*

*Cr James*

*RESOLVED that this item be deferred due to Cr Luff not being in attendance.*

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

**Pacific Highway - Current Usage and Transport of Goods**

**Road-Pac Hwy/Tweed Valley; R4031 Pt16; Notice of Motion**

That Council writes to the State and Federal Governments and local elected members and

1. Urges them to consider the long term need for provision of roads for transport of goods between Queensland and New South Wales; and
  2. Asks that they have regard to the current usage of the Pacific Highway and its impacts on the narrow coastal in the Tweed heads area; and
  3. Asks them to inform Council about their consideration of options for alternatives to use of the Pacific Highway, including options or plans to encourage use of the New England Highway or Summerland Way.
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## Items Deferred

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## Items Deferred

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5. *Fire Risk to Property*

*Bldg Code; Bushfire Protection; Fire Services; Notice of Motion*

95

*Cr Polglase*

*Cr Davidson*

*RESOLVED that this item be deferred due to Cr Luff not being in attendance.*

5. **Notice of Motion - Cr Luff**

**Fire Risk to Property**

**Bldg Code; Bushfire Protection; Fire Services; Notice of Motion**

That:-

1. Council requests information from relevant fire fighting bodies and others regarding design of buildings and property management, that minimises the risk of loss of property from fire.
  2. A subsequent report to Council includes that and other relevant information and any recommendations that might allow Council to amend or introduce policies that in nominated areas or circumstances, property owners are required to comply with in order to reduce the risk of loss of property by fire.
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## Items Deferred

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# Reports from Director Development Services

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

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

### **MATTERS FOR CONSIDERATION**

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

## Reports from Director Development Services

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## Reports from Director Development Services

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1. **ORIGIN:** Director

**FILE REF:** Acts & Ordinances - EPA

**REPORT TITLE:**

**Implementation of planFIRST**

**SUMMARY OF REPORT:**

A letter has been received from the Director-General of PlanningNSW, Ms Sue Holliday inviting nominations from Councillors to represent local government interests within the Northern Rivers Region forum that will be responsible for overseeing the preparation of the regional plan for the Northern Rivers. Relevant documentation is attached.

**RECOMMENDATION:**

That Council nominate a Councillor to be a Local Government representative on the Northern Rivers Regional Forum.

## Reports from Director Development Services

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**REPORT:**

As per summary.

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## Reports from Director Development Services

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**2. ORIGIN: Strategic Town Planning Unit**

**FILE REF: Strategic Planning Program**

**REPORT TITLE:**

**Strategic Planning Work Program**

**SUMMARY OF REPORT:**

Council's current Strategic Planning Work Program was adopted by Council on 5 June 2002. There are additional submissions for LEP Amendments that need to be considered for high priority – notably:

- For Tanglewood and Leisure Gardens, Pottsville;
- To reclassify Council land; and
- Cabarita Development Control Plan.

There is also ongoing pressure from local groups for a range of locality planning projects: Pottsville, Hastings Point, Murwillumbah, Fingal, Hastings Point.

Potential strategic planning projects continue to mount related to the growth being experienced in the Shire. Moreover, many of these projects have significant community and environmental implications which will require significant resources. There is very limited capacity to absorb additional projects.

In future, this Work Program will be reviewed or an integral part of the quarterly review of the Management Plan.

**RECOMMENDATION:**

That the following projects be endorsed as the Strategic Planning Work Program priorities for the period until the first quarterly review of the 2003/2004 Management Plan:

- Review of the Tweed Shire 2000+ Strategic Plan
- Tweed Coast Strategy and District Centre Strategy
- West Kingscliff planning – draft DCP9
- Rural Settlement Strategy and Rural Land Use Study
- Local Environmental Studies and draft Local Environmental Plans for:
  - a) Kings Forest
  - b) Black Rocks
  - d) South Pottsville; and
  - e) “Area E”, Terranora
- Various draft LEP Housekeeping and other amendments
- Human Services Delivery Plan
- Banora Point Community Centre

## Reports from Director Development Services

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- Public Transport Plan
- Economic Development Projects:
  - Industrial lands
  - Coolangatta Airport
  - Kingscliff Sewage Treatment Plant rezoning
- Flood Management
- Residential Development and Housing Affordability Strategies
- Bushfire Hazard DCP
- South Kingscliff Tourism site
- Vegetation Management Plan and accompanying LEP
- Crime Prevention Plan
- Community Facilities Policy and Program
- Coastal Hazard Policy
- Review of Chinderah Planning
- Draft LEP preparation for Tanglewood
- Draft LEP preparation for Leisure Gardens, Pottsville (including possible school site)
- Development Control Plan for Cabarita
- Draft LEP preparation for reclassification of Council land

## Reports from Director Development Services

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### REPORT:

Council's current Strategic Planning Work Program was adopted by Council on 5 June 2002 as follows:

*"That Council:-*

1. *Determines the priority work content for the Strategic Planning Program to be:-*
  - *Review of the Tweed Shire 2000+ Strategic Plan;*
  - *Kingscliff District Strategy and District Centre Strategy;*
  - *West Kingscliff planning*
  - *Rural Settlement Strategy and Rural Land Use Study;*
  - *Human Services Delivery Plan;*
  - *Banora Point Community Centre;*
  - *Banora Point Open Space Review;*
  - *Public Transport Plan;*
  - *Economic Development Projects:*
    - *Industrial lands*
    - *Farmers Markets*
    - *Coolangatta Airport*
    - *Kingscliff Sewage Treatment Plant rezoning*
  - *Flood Management;*
  - *Residential Development and Housing Affordability Strategies;*
  - *Local Environmental Studies and draft Local Environmental Plans for Kings Forest; Black Rocks, South Pottsville and "Area E", Terranora;*
  - *Bushfire Hazard DCP.*
2. *Notes that the following projects will have delayed (approximately 6 months) initiation/discontinued involvement:-*
  - *South Kingscliff Tourism site;*
  - *Vegetation Management Plan and accompanying LEP.*
  - *Crime Prevention Plan;*
  - *Community Facilities Policy and Program;*
  - *Coastal Hazard Policy;*
  - *Review of Chinderah Planning;*
  - *Various LEP Amendments, including the Hansen property, Sterling property, Melaleuca Station, "Latitude 28", Kings Beach;*
  - *Review of LEP arrangements for Tanglewood;*
  - *Extension of Leisure Gardens, Pottsville (including possible school site);*
  - *Locality Plans for Cabarita and Murwillumbah".*

The status of the items in the Program is set out in Table 1.

# Reports from Director Development Services

**Table 1**

<b>Project</b>	<b>Comment</b>
Review of the Tweed Shire 2000+ Strategic Plan	Brief Prepared
Kingscliff District Strategy and District Centre Strategy	Draft Strategy exhibited, report to Council 19/2/03.
West Kingscliff planning	Draft DCP report to Council 19/2/03.
Rural Settlement Strategy and Rural Land Use Study	Draft LEP S54 resolution submitted to PlanningNSW.
Human Services Delivery Plan	Awaiting population projections from Premier's Department.
Banora Point Community Centre	Draft design plans being prepared.
Banora Point Open Space Review	Completed.
Public Transport Plan	Draft Plan completed.
Economic Development Projects - Industrial lands - Farmers Markets - Coolangatta Airport - Kingscliff Sewage Treatment Plant rezoning	Rezoning projects under way – see below. DA lodged for Tumbulgum site. Draft LEP S54 resolution submitted to Council. Report to Council 19/2/03 – engagement of consultants
Flood Management	No work undertaken.
Residential Development and Housing Affordability Strategies	Draft Plan being prepared.
Local Environmental Studies and draft Local Environmental Plans for Kings Forest; Black Rocks, South Pottsville and "Area E", Terranora	Kings Forest: Black Rocks: Draft LEP exhibited. Area E: Awaiting funding from proponents to engage consultant.
Bushfire Hazard DCP	Reviewing work required in light of recent legislative changes.
South Kingscliff Tourism site	Council agreed to review draft DCP – no work to date.
Vegetation Management Plan and accompanying LEP	Draft LEP being discussed by Vegetation Management Committee.
Crime Prevention Plan	No work undertaken to date.
Community Facilities Policy and Program	Completion of draft Plan awaiting completion of Human Services Delivery Plan

## Reports from Director Development Services

Project	Comment
	of Human Services Delivery Plan.
Coastal Hazard Policy	No work undertaken to date.
Review of Chinderah Planning	No work undertaken to date.
Various LEP Amendments, including the Hansen property, Sterling property, Melaleuca Station, "Latitude 28", Kings Beach	Hansen property: Amendments to areas to be rezoned agreed by Council. Sterling property: Awaiting material from proponents. Melaleuca Station: Consultants engaged to prepare Environmental Study. Latitude 28: No LEP required. Kings Beach: No LEP required.
Review of LEP arrangements for Tanglewood	No work undertaken.
Extension of Leisure Gardens, Pottsville (including possible school site)	No work undertaken.
Locality Plans for Cabarita and Murwillumbah	No work undertaken.

In addition to those projects detailed in Table 1 on which no or little progress has been made, the following requests for an LEP Amendment have also been made:

1. The Tweed Byron Aboriginal Land Council and Marine Parks Ltd have requested a rezoning "to allow a commercial aquaculture project comprising of:
  - (1) An onshore production system, onsite hatchery using seawater pumped ashore at the northern end of Fingal Headland located proximate to the onshore sand moving facility; and
  - (2) To allow for a tourist resort, marina, golf course with a residential component in the south of Fingal Headland as discussed on site".
2. Black Rocks Estate Stages 9 and 10: A request was received from Darryl Anderson Consulting on behalf of Pottsville Development Corporation Pty Ltd to amend Tweed LEP 2000 to change the minimum lot size in respect of various lots in Stages 9 and 10 of Black Rocks Estate from 1,200m<sup>2</sup> to 700m<sup>2</sup>. The proponent argues that this Amendment is essential to the orderly sequencing of his development.  
This area north of this current proposal is the subject of a similar LEP Amendment No 40 which has been recently gazetted.
3. Darryl Anderson Consulting Pty Ltd has requested an amendment to enable a dwelling house on Lot 9, DP 866679, Bakers Road, Byangum.

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4. Amend the definition of 'attached dual occupancy'. This was previously included in 1987 LEP but was not included in TLEP 2000.
5. The Terranora Valley Village have requested that the property be zoned from 2(a) Low Density Residential to 5(a) Special Uses – Aged Persons Accommodation.
6. Request from Martin Findlater & Associates to rezone a part of the West Murwillumbah Urban Release Area from 1(c) to 2(c). The proponents have stated that:  
*“Greenview Developments seeks to rezone a part of Lot 1 DP 1046935 from 1(c) to 2(c). The reason for the request is to enable more efficient use of the land. Our client owns adjoining lands and is currently preparing a master plan for the locality. An extract of Council’s zone map is attached identifying the area concerned.  
We would request the rezoning be placed on Council’s priority list. Our client is prepared to contribute to Council’s cost so that the rezoning does not interfere with Council’s current and committed workload”.*
7. D Anderson Consulting Pty Ltd has requested to reclassify a road corridor through the public reserve at Frangella Drive, Murwillumbah, to facilitate the opening of a road to an area between Barnby Street and Frangella Drive which is zoned 2(c).
8. The Engineering Division has identified a number of parcels of land which should be reclassified from community land to operational land. This includes land identified at Cabarita Beach for public parking.

There is also ongoing pressure from local resident groups for a range of locality planning projects: Pottsville, Hastings Point, Murwillumbah, Fingal, Hastings Point.

Potential strategic planning projects continue to mount; this is hardly surprising given the growth being experienced in the Shire. Moreover, many of these projects have significant community and environmental implications which will require significant resources. Under these circumstances, it is considered that whilst there is minimal capacity to absorb additional projects, every endeavour should be used to accommodate the following additions:

- Draft LEP preparation for Tanglewood and Leisure Gardens, Pottsville;
  - Draft LEP preparation for reclassification of Council land;
  - Development Control Plan for Cabarita.
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- 3. ORIGIN: Development Assessment Unit**  
**FILE REF: DA02/1438 Pt1; Land No. 36276**

**REPORT TITLE:**

**Development Application DA02/1438 for 6 x 3 Bedroom Residential Flat Building at Lot 2 DP 844301, Marine Parade, Kingscliff**

**SUMMARY OF REPORT:**

Council is in receipt of an application for the erection of a residential flat building comprising 6 x 3 bedroom units comprising three residential storeys and a fourth storey, 1.6m high of approximately 15m<sup>2</sup>, that permits access to a small roof top terrace of approximately 50m<sup>2</sup>. The site improvements include an existing brick building and associated outbuildings, which is proposed to be demolished.

The proposal includes the provision of 12 car spaces, including 1 car wash down space, at basement level, which is restricted to rear (west) access from Kingscliff Lane only.

The proposed residential flat building is essentially in-keeping with other approved residential flat building in the locality.

**RECOMMENDATION:**

That :-

- A. The State Environmental Planning Policy No. 1 objections to Clause 16 of Tweed Local Environmental Plan 2000 regarding the height of the building and to Clause 32B of the North Coast Regional Environmental Plan regarding overshadowing of beaches or adjacent open space be supported and the concurrence of the Director-General of PlanningNSW be assumed.
- B. Development Application DA02/1438 for multi-dwelling housing development comprising 6 x 3 bedroom units at Lot 2 DP 844301, No.180 Marine Parade, Kingscliff be approved, subject to the following conditions:

**GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects prepared by C J Feltham Pty Ltd dated August 2002 and the addendums of 7 November 2002 and 2 December 2002 and development plans (as amended in RED) 01:21:02, 02:21:02, 03:21:02, 04:21:02, 05:21:02, 06:21:02, 07:21:02, 08:21:02A, 09:21:02A, 10:21:02A, 11:21:02A, 12:21:02, 13:21:02 and 14:21:02 prepared by Brian Kenny and dated 28 November 2002 and the landscape plan prepared by Verge Pty Ltd dated 1 November 2002, except where varied by these conditions.
2. No retaining walls or similar structures are to be constructed over Council's sewer main.
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
4. The erection of a building in accordance with a development consent must not be commenced until:

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- 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. 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.
  6. The basement level car park is not permitted to exceed 1.5m above finished ground level.
  7. Prominent and permanent signage is to be erected on ALL visitor spaces in accordance with the approved development plans that clearly indicates the Unit number to which they are allocated.
  8. Prominent and permanent signage is to be erected that clearly identifies the designated car wash bay and must clearly identify the prohibited visitor parking period between the hours of 7:00am and 12noon on Saturday and Sunday.
  9. All fencing within the building line is to be no greater than 1.2m in height.
  10. Enclosure of any car parking bay is prohibited.

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

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

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

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

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

- a. Tweed Road Contribution Plan: \$4,732.00  
S94 Plan No. 4 (Version 4.0)



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(Kingscliff)

- b. Open Space (Structured): \$2,262.00  
S94 Plan No. 5
  - c. Open Space (Casual): \$487.00  
S94 Plan No. 5
  - d. West Kingscliff - Drainage:  
0.06 ha @ \$16,070.00 \$964.20  
DCP No. 9 S94 Plan No. 7
  - e. Shirewide Library Facilities: \$2,012.00  
S94 Plan No. 11
  - f. Eviron Cemetery/Crematorium Facilities: \$396.00  
S94 Plan No. 13
  - g. Community Facilities (Tweed Coast) \$2,460.00  
(North Coast)  
S94 Plan No. 15
  - h. Emergency Facilities (Surf Lifesaving) \$645.00  
S94 Plan No. 16
  - i. Extensions to Council Administration Offices  
& Technical Support Facilities 1,224.63  
S94 Plan No. 18
  - j. Cycleways \$470.00  
S94 Plan No. 22
  - k. Regional Open Space (Structured) \$3,437.00  
S94 Plan No. 26
  - l. Regional Open Space (Casual) \$643.00  
S94 Plan No. 26
12. 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: | 5 additional units | \$14,000.00 |
| Sewer: | 5 additional units | \$11,463.00 |

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

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

13. The footings and floor slab are to be designed by a practising Structural Engineer after consideration of a soil report from an accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.
14. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for all footings and slabs, prior to the issue of a construction certificate.
15. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.
16. A construction certificate application for works that involve any of the following:-
  - connection of a private stormwater drain to a public stormwater drain
  - installation of stormwater quality control devices
  - erosion and sediment control works

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

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

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

All fill and cut batters shall be obtained wholly within the subject land.

18. 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

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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*.

19. 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) The proposed car wash bay must be bunded and runoff treated to remove oil and grit, prior to discharge. If levels permit, discharge of the treated runoff must be made in to the sewer network and a Tweed Shire Council Trade Waste application will be required. If connection to the sewer network is not achievable, connection must be made to the stormwater network.

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20. 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.
21. Other Stormwater Conditions
- (i) All pipe drainage off site is to be to Marine Parade, with connection via to the existing kerb and gutter.
  - (ii) Driveways 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%.
  - (iii) Driveway entrances must be graded to ensure Q100 stormwater runoff from the rear lane's (Kingscliff Lane) kerb and gutter does not enter the site.
  - (iv) It is preferred that the basement drains via gravity means, but 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 Drainage - 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.
  - (v) A contribution will be required to the West Kingscliff Drainage Scheme. This contribution is based on the estimated increase in impervious area due

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to the development. The required contribution is calculated as \$16,070 x (the increase in hectares of impervious area of the site).

- (vi) Peak stormwater discharge from the site must be limited (in events of intensity up to the ARI 100 year design storm), to a maximum of 200 l/s/ha. 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 from the driveway and basement areas is required to be pumped 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 the pipe discharge from the tank to Marine Parade's kerb and gutter must 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. 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 is to be via visual, overland flow into the kerb and gutter drainage network of Marine Parade or other approved permanent drainage systems.

22. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan which shall be submitted to and approved by the Director of Environment and Community Services **PRIOR** to the issue of a construction certificate.

The Plan shall specify how the waste is to be treated and/or where the waste is to be disposed of.

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

23. 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.
24. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised to the satisfaction of the Principal Certifying Authority and provided with a dish drain or similar at the base or otherwise retained to the satisfaction of the Principle Certifying Authority. All retaining works shall be completed to the satisfaction of the Principal Certifying Authority prior to start of building work. Please note timber retaining walls are not permitted.

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25. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
- (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
  - (ii) Certification of the works performed by the person carrying out the works is to be submitted to the PCA; and
  - (iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
    - (A) the method of protection; and
    - (B) the date of installation of the system; and
    - (C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
    - (D) the need to maintain and inspect the system on a regular basis.
- Note:** Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.
26. 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.
27. 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.
28. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:
- i. The person must, at the person's own expense:
    - a. preserve and protect the building from damage; and
    - b. if necessary, underpin and support the building in an approved manner.
  - ii. The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.

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29. 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.
30. Prior to commencement of any works on the site a plumbing and drainage inspection fee of \$469 is to be submitted to Council.
31. 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.
32. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.
33. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. **Note** All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the PCA prior to commencement of building works.
34. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Consulting Engineer shall be erected and maintained in a prominent position at the site to the satisfaction of the Director, Development Services. The sign is to remain in place until the Subdivision Certificate is issued.
35. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

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

### **DURING CONSTRUCTION**

36. 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).
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.
38. 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

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- b. completion of work
- 39. 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.
- 40. 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.
- 41. 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.
- 42. All new residential dwellings (and extensions comprising over 50% of the original floor area) are to fully comply with Councils Energy Smart Housing Policy (DCP39). In order to comply with DCP39 consideration must be given to the building envelope, orientation, insulation, ventilation, thermal mass, zoning, and hot water supply.
- 43. 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.
- 44. 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.
- 45. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
- 46. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.
- 47. 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.
- 48. 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.



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49. 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.
50. 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.
51. 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.
52. Swimming Pools (Building)
- A. The swimming pool is to be installed and access thereto restricted in accordance with Council's "Code for the Installation of New Swimming Pools" and Australian Standard AS 1926-1986 (Copy of code enclosed).
  - B. Swimming pools shall have suitable means for the drainage and disposal of overflow water.
  - C. The pool filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.
  - D. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction.
    - a. Steel reinforcing prior to the pouring of concrete.
    - b. Swimming pool safety fencing prior to filling the pool with water.

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- E. In the event that Council is not utilised as the inspection/certifying authority:-
- a. Within seven (7) days of the filling of the pool a Compliance Certificate in the prescribed form shall be submitted to Council together with the prescribed fee, by the Accredited Certifier to certify that all works have been completed in accordance with the approved plans and conditions of Consent and that the swimming pool safety fencing has been installed and complies with AS 1926.
  - b. The Certifying authority is to be given 24 hours notice in writing for an inspection of the swimming pool safety fencing prior to filling the pool with water.
53. Backwash from swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.
54. 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.
55. 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.
56. Demolition of building existing on site is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover Authority.
57. 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.
58. 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.
59. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742-1991 (Manual for Uniform

## Reports from Director Development Services

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Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.

60. 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.
61. 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.

62. 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.
63. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
  - A. Short Term Period - 4 weeks.

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

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.
64. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
65. The burning of builders waste on site by open fire is prohibited.
66. 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. 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

## Reports from Director Development Services

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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.

67. An oil and grease separator shall be installed to service all waters from the basement area.

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

68. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.

### **USE**

69. 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).
70. The swimming pool is not to be used for commercial purposes without prior Development Consent.
71. 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.
72. The LA10 noise level emitted from the premises shall not exceed the background noise level (LA90) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.
73. All waste materials shall be collected, stored and disposed to the satisfaction of the Director Environment and Community Services.
74. Lighting on the site shall not be permitted to detrimentally impact the amenity of any other premises.
75. Use of the swimming pool shall not be permitted to impact the amenity of any other premises.
76. Noise from plant and equipment shall not be permitted to impact the amenity of any other premises.

## Reports from Director Development Services

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### REPORT:

**Applicant:** Mr Brian Kenny

**Owner:** Mrs Gwenneth J Reisenweber, Mrs Valerie L Lowe

**Location:** Lot 2 DP 844301, Marine Parade, Kingscliff

**Zoning:**

**Cost:** \$1,100,000

### BACKGROUND

Council is in receipt of an application for the erection of a residential flat building comprising 6 x 3 bedroom units comprising three residential storeys and a fourth-storey that permits access to a small roof top terrace. The site improvements include an existing brick building that appears to have been on-site since, based on the ocean-liner styled architecture, the mid 1960's, which is proposed to be demolished.

The proposal includes the provision of 12 car spaces, including 1 car wash down space, at basement level, which is restricted to rear (west) access from Kingscliff Lane only.


The proposed building style is considered compatible with other approved residential flat buildings in the locality, however, the basement car-parking arrangement is distinguishable through its provision of stacked parking. As discussed in this report these issues are not considered of such overriding magnitude to give rise to a refusal of the application.

The building is generally three storey in height with the exception being a minor fourth-storey component that provides a covered (15m<sup>2</sup>) stairway access to a small 50m<sup>2</sup> observation/terrace area. A SEPP 1 – Objection has been provided for the variation to Council's height limit requirements and to the variation sought in respect of Clause 32B of the North Coast Regional Environmental Plan.

# Reports from Director Development Services

## SITE DIAGRAM



<p>© TWEED SHIRE COUNCIL 2003          Although all care has been taken with the production of this map, the TWEED SHIRE COUNCIL, its Employees, Officers and Consultants can not be responsible for any errors, omissions or inaccuracies in respect to the information included in this map.          DO NOT SCALE          COPY ONLY - NOT CERTIFIED          P. B. Box 810          Tweed Heads NSW 2484          Tel: 022 8870 2400          Fax: 022 8870 2403</p>	<p><b>Tweed Shire Council</b>          Lot 2 DP 844301,          Marine Parade, Kingscliff</p>		<p>STRATEGIC          PLANNING UNIT  <b>Site Plan</b>          Scale: N.T.S.          Sheet: 1 of 1</p>
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# Reports from Director Development Services



## Reports from Director Development Services

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### SITE DETAILS/PROPERTY DESCRIPTION

The subject land has an area of 806m<sup>2</sup> and presently accommodates an existing brick building and ancillary structures.

The land is generally level ranging from 7.5m AHD on the eastern boundary to 6.46m AHD on the western boundary, representing a change of 1.04m AHD over a distance of 37.1m providing a gradient of 2.8% or 1 in 35.7. The site is predominantly denuded of native vegetation with ornamental varieties representing the sites existing landscaping.

The applicant has provided advice, prepared by Border-Tech Geotechnical Engineering Services, on request that indicates that groundwater of the site is only likely to occur between 5 to 6 metres below existing natural ground levels, which precludes the subject proposal.

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

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

##### Tweed Local Environmental Plan 2000 (TLEP 2000)

The subject land is zoned 2(b) Medium Density Residential pursuant to the provisions of Tweed LEP 2000.

The objectives of the 2(b) zone state:-

##### *Primary objective*

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

##### *Secondary objectives*

- *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 residential flat building is considered to have been designed in accord with best practice urban design principles. The development is generally consistent with the modern architectural themes being employed in the design of apartment buildings within Kingscliff.

The development is contemporary by design and is consistent with the newly constructed and future desired apartment buildings for Kingscliff. It is generally accepted that the locality is undergoing a rapid change in the standard and quality of housing being constructed, which is consistent with the notion of gentrification. The proposed development is considered likely to contribute to the increasing high quality stock of dwellings on offer in the area and will assist in guiding future development in the immediate vicinity.



## Reports from Director Development Services

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The proposed density of the development is considered an appropriate response to the site characteristics, its context, and is considered to be an orderly and economic use of the land. In this regard the proposed development is considered to be consistent with the 2(b) Residential zone objectives.

### Clause 15 - Availability of Essential Services

The subject site is adequately serviced by way of existing stormwater, electricity, sewer and water connections. The proposal is considered to be consistent with the relevant provisions of Clause 15 of TLEP 2000.

Stormwater management has been addressed by the applicant and in combination with Council's Engineers proposed conditions of consent has been determined as satisfactory.

### Clause 16 – Height of Buildings

Clause 16 of the TLEP 2000 states:-

#### **16 Height of buildings**

##### *(1) Objective*

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

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

A three-storey height limit applies to the subject site in accordance with Clause 16 of TLEP 2000.

TLEP 2000 provides the following definition of a storey:-

*“(a) the space between two floors, or*

*(b) the space between a floor and any ceiling or roof immediately above it, or*

*(c) foundation areas, garages, workshops, storerooms and the like, where the height between natural ground level and the top of the floor immediately above them is 1.5 metres or more.”*

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

The proposed development incorporates a roof top terrace and associated entry structure providing access from the internal stairwell. The structure constitutes a fourth-storey and as such the Applicant has provided a SEPP 1 objection to the provisions of Clause 16. In this regard it is noted that Clause 16 is deemed to be a development standard and

## Reports from Director Development Services

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as such is open to variation on merit assessment that utilises the provisions of SEPP 1. The objection to the development standard is discussed below.

The proposed development incorporates a 4-storey construction within a 3-storey zone of restriction. The non-compliance provided for is not distinct, in that the extent of the variation relates to a small structure that is used as a means of access to the proposed roof terrace, which comprises a terraced area of approximately 50m<sup>2</sup>. It is contended that the 'fourth-storey' will be essentially imperceptible and thus the building will be largely perceived as being a three-storey residential development.

State Environmental Planning Policy No.1 - Development Standards, provides a mechanism by which Council may consent to a variation to a development standard where it is considered that strict adherence is both unnecessary and or unreasonable in the circumstances of the case.

The objective of the three-storey development standard, as discussed earlier, provided under Clause 16 of TLEP 2000 is to *'to ensure that the height and scale of development is appropriate to its location, surrounding development and the environmental characteristics of the land.'*

It is contended that the proposed configuration, in terms of building height, is consistent with the abovementioned objective based on the following justification:-

- *The proposed development is largely three-storeys, with the exception of the proposed internal stair access to the roof deck. The latter incorporates a 'fourth' storey for approximately 65m<sup>2</sup> (total area) with a height on the front elevation of 1.6m.*
- *The proposed roof deck will provide a useful amenity for future residents.*
- *The roof terrace is not visibly obtrusive or overarching from the street elevation and as such the roof design adds further architectural relief to the building mass.*
- *The additional height would have no real effect in terms of the level of overshadowing, loss of views or the like.*
- *The subject building is entirely consistent with the height and scale of adjoining developments and others within the locality.*

It is further contended that adverse visual impacts have been minimised by designing in accord with the following:

- *Providing for the practical impression of three (3) storeys only.*
- *Consistency with approved residential developments in the locality.*
- *Variation in building elements, thereby reducing the imposition of the structure upon the streetscape.*

It is considered that the SEPP 1 objection to the height limit requirement does have merit, particularly in light of the precedence that exists in Council's most recent

## Reports from Director Development Services

residential flat development approvals. On-site assessment of existing developments and discussion with Council's Development Assessment Officers in respect of approved but not yet constructed development in the Kingscliff area serve to further qualify the acceptability of the variation.

In addition to the above it is noted that the proposed building has been lowered on request so as to further attain Council's development provisions and to assist in minimising the impact upon the existing urban environment. With respect to the variation being proposed it is considered that to require strict adherence with the requirements of clause 16 would, in this instance, be inconsistent with previous application of the building height clause on other similar such approved developments in Kingscliff and would unnecessarily impact upon the design and functionality of the proposed building. The development standard is in this instance considered unnecessary to the extent of the proposed variation.

The photomontage pictured below serves as an indicative illustration only. It provides a more tangible interpretation of the proposed building however, it must be noted that adjacent buildings are omitted.



### Clause 35 - Acid Sulfate Soils

Pursuant to the provisions of Clause 35 of TLEP 2000, the subject site is identified as being located within Class 5 soils. Acid Sulfate Soils are not considered likely to be encountered.

### Clause 39 - Remediation of Contaminated Land

## Reports from Director Development Services

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Clause 39 of TLEP 2000 States:-

- (1) *Objective*
  - *to ensure that contaminated land is adequately remediated prior to development occurring.*
- (2) *State Environmental Planning Policy No 55-Remediation of Land applies to land to which this plan applies despite any other provision of this plan.*

The subject allotment appears prima facia to have supported a residential dwelling in excess of 25 years. There are no previous land use activities known to have occurred that would give rise to land contamination and or warrant further investigation. Council's Environment and Health Services Unit raises no issues in relation to land contamination.

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

The provisions of the NCREP 1988 are relevant to the proposed development. The relevant provisions are:-

**Clause 32(b)** States:-

- (1) *This clause applies to land within the region to which the NSW Coastal Policy 1997 applies.*
- (2) *In determining an application for consent to carry out development on such land, the council must take into account*
  - (a) *the NSW Coastal Policy 1997*
  - (b) *the Coastline Management Manual*
  - (c) *the North Coast. Design Guidelines.*
- (3) *The council must not consent to the carrying out of development, which would impede public access to the foreshore.*
- (4) *The council must not consent to the carrying out of development:*
  - (a) *on urban land at Tweed Heads, Kingscliff, Byron Bay, Ballina, Coffs Harbour or Port Macquarie, if carrying out the development would result in beaches or adjacent open space being overshadowed before 3pm midwinter (standard time) or 6.30pm midsummer (daylight saving time), or*
  - (b) *elsewhere in the region, if carrying out the development would result in beaches or waterfront open space being overshadowed before 3pm midwinter (standard time) or 7pm midsummer (daylight saving time).*

In pursuance of the provisions of Clause 32B of the NCREP it is quite apparent that development is not permitted to overshadow any beach or adjacent open space before 3.00pm (midwinter) or 6.30pm (midsummer). Whilst the provision in the Plan has traditionally been considered as a prohibition more recent events have established that Clause 32B(4)(b) is in fact a development standard that is open to variations that are

## Reports from Director Development Services

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proposed by utilising the provisions of State Environmental Planning Policy No.1 (SEPP 1) – Development Standards.

The subject proposal provides for overshadowing of the adjacent public reserve (eastern side of Marine Parade). Based on the shadow diagrams, submitted to Council on request, as amended it is concluded that approximately 300m<sup>2</sup> of overshadowing is likely to occur at 7pm. Slightly less will occur at 6:30pm. The Applicant was subsequently advised that an objection pursuant to SEPP 1 is required for the proposed variation and that it must not be reliant upon the notion of precedence.

In response to Council's advice the Applicant has provided a well founded argument for the proposed variation that demonstrates to varying degrees that strict adherence to the provisions of Clause 32B(4)(b) is both unnecessary and unreasonable in the circumstances of this case. It is concurred that having regard to the nature of the development, its locality, the land-use zoning and approved development of a similar nature and with comparable non-compliances that the variation being sought is not unreasonable and should be supported in this instance.

**Clause 51** of the NCREP 1988 states:-

- (2) *The council shall not, without the concurrence of the Director, grant consent to a development application for the erection of a building over 14 metres in height.*
- (3) *In deciding whether to grant concurrence to a development application in respect of development referred to in subclause (2), the Director shall take into consideration the likely regional implications of the development as regards its social, economic and visual effect and the effect which it will or is likely to have on the amenity of the area.*
- (4) *The provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of development for the purpose of a building over 14 metres in height in the same way as those provisions apply to and in respect of designated development.*

The proposed residential flat building has a proposed maximum height no greater than 12metres and is therefore consistent with the relevant provisions of the Plan.

**Clause 81** of the NCREP 1988 states:-

- (1) *The council shall not consent to a development application for development on land within 100 metres of the ocean or any substantial waterway unless it is satisfied that:*
  - (a) *there is a sufficient foreshore open space which is accessible and open to the public within the vicinity of the proposed development,*
  - (b) *buildings to be erected as part of the development will not detract from the amenity of the waterway, and*
  - (c) *the development is consistent with the principles of any foreshore management plan applying to the area.*

## Reports from Director Development Services

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- (2) *Nothing in subclause (1) affects privately owned rural land where the development is for the purpose of agriculture.*

The proposed residential apartment building will not impede access to the public foreshore and it is not considered to be in such contrast with its surroundings so as to detract from the amenity of the area in the vicinity of the waterway.

### State Environmental Planning Policy No. 1 - Development Standards

The proposed development incorporates a 4-storey construction within a 3-storey zone of restriction. The non-compliance and the relevance of SEPP 1 has been discussed previously in this report.

### State Environmental Planning Policy (SEPP) 65 – Residential Development

SEPP 65 was gazetted in July 2002 and made provision that a consent authority is to take into account for all proposed residential development, as defined in Part 1 clause 3(1), including development applications not finally determined, the design quality principles contained in Part 2 section 6 through 18 of the Policy.

Having regard to the provisions of the Policy and the Applicant's assessment, which was submitted in support of the proposal on request, the proposed development is considered satisfactory.

### State Environmental Planning Policy (SEPP) 71 – Residential Development

SEPP 71 was gazetted on 1 November 2002 and as such the concurrence provisions are not relevant to the subject development application. However, the proposal is considered satisfactory in relation to the Clause 8 provisions.

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

There are no draft EPI's known to be in existence that have any bearing on neither the assessment nor determination of the subject proposal.

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

#### Variations Sought to Council's Requirements

Variations are sought relative to the compliance of the proposed building in relation to the building envelope provisions of Development Control Plan No.6 -Multi Dwelling Housing, as indicated in the illustrations below.

# Reports from Director Development Services

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**NOTES**

Verify all dimensions and levels before commencing work. All structural details to engineer's specifications. All materials and workmanship to comply with relevant codes and by-laws.

date 25-10-02 20:11:02

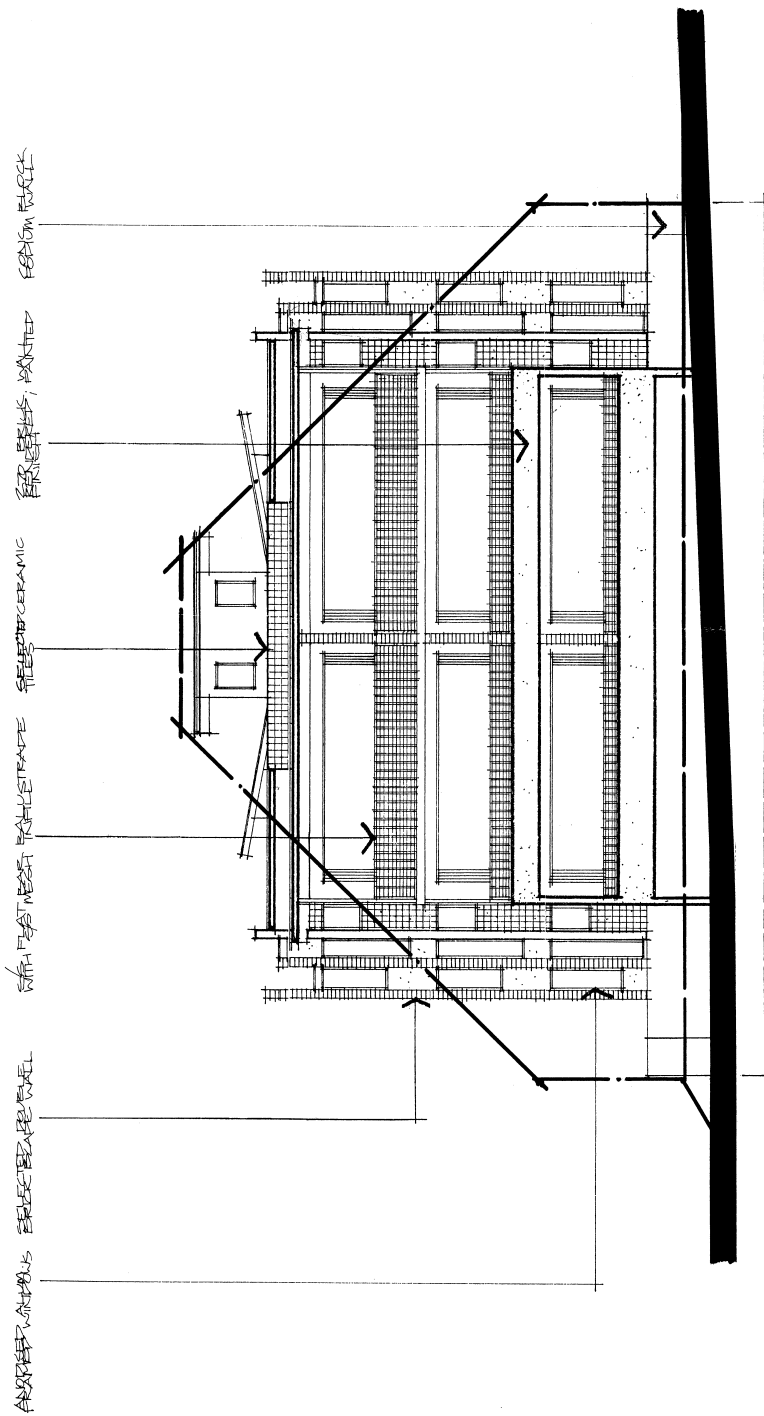
scale 1:100

drawing number 09:21:02 A

project  
**RESIDENTIAL DWELLING UNITS**

location  
LOT 2 DP 844 301  
180 MARINE PDE.  
KINGSCLIFF NSW

ABN 93117659401  
[kenny@bater.net.au](mailto:kenny@bater.net.au)



NORTH/EAST ELEVATION

BUILDING ENVELOPE ATTACHMENT

# Reports from Director Development Services

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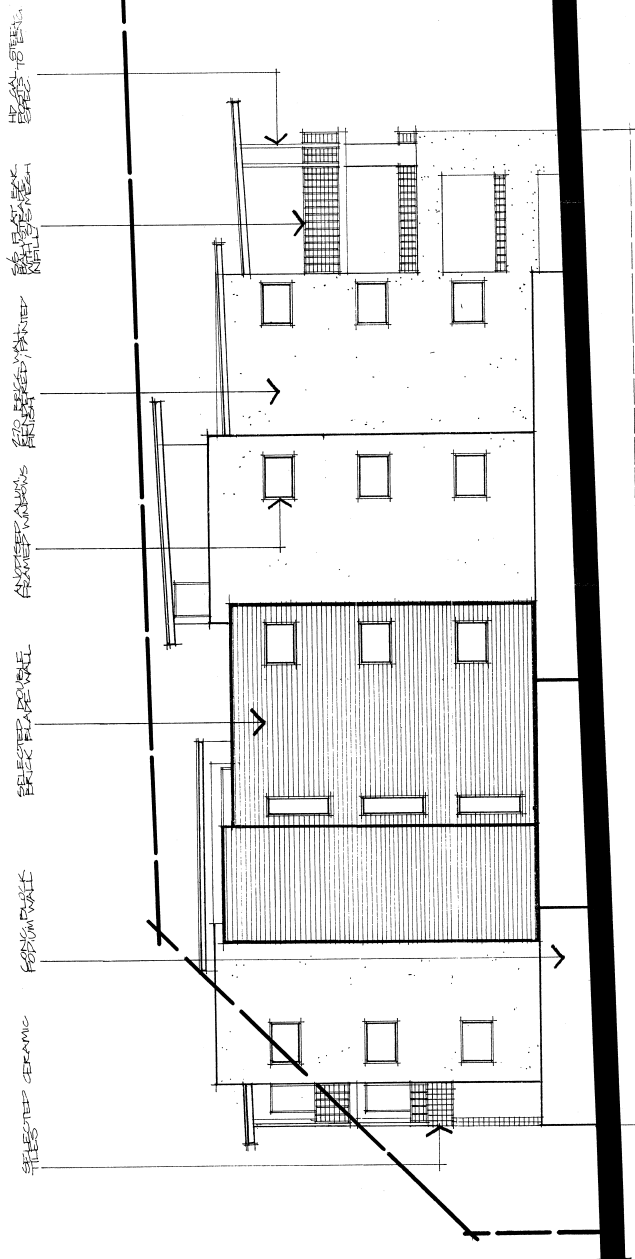
**NOTES**  
 Verify all dimensions and  
 levels before commencing  
 work. All structural details to  
 engineer's specifications. All  
 materials to be confirmed  
 to comply with relevant  
 codes and by-laws.

date 25/10/02 25/11/02  
 scale 1:100  
 drawing number 10/21/02

project  
**RESIDENTIAL DWELLING UNITS**

location  
 LOT 2 DP 844 301  
 180 MARINE PDE  
 KINGSCLIFF NSW

ABN 83117658401  
**kenny@bates.net.au**



NORTHWEST ELEVATION

BUILDING ENVELOPE: ATTACHMENT F

In this regard it is noted that the proposed development predominantly exceeds the building plane envelope through balcony/terraced areas, with only minor encroachment through the building. In assessing the appropriateness of the variation being sought the following matters were considered:-

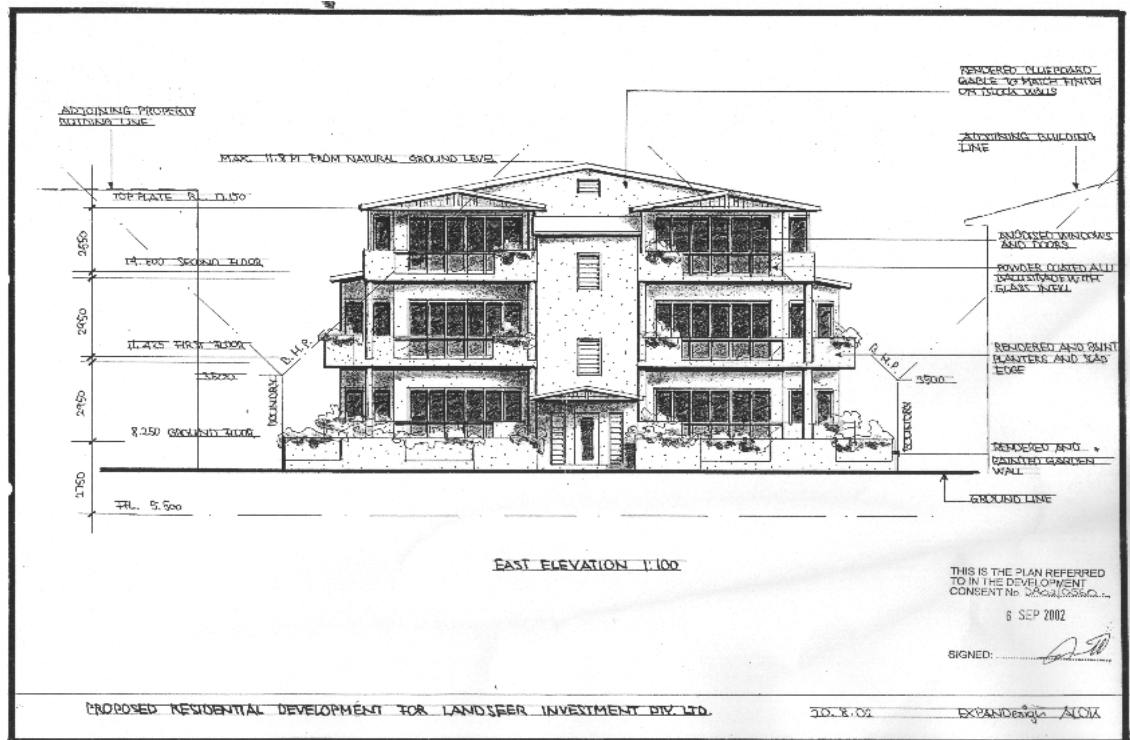


# Reports from Director Development Services

- Impact on existing built form;
- Impact on proposed building design and functionality if required to comply;
- Articulation of proposed building design;
- Impact of proposal on local amenity, aesthetically and on the existing streetscape;
- Assimilation of design; and
- Building separation.

The residential flat building, illustrated below, serves to identify the level on non-compliance previously accepted in the area. The depicted building, located at No.240 Marine Parade, was approved by Council at its ordinary meeting of 4 September 2002.

It can be seen that the building plane envelope encroaches the balconies and building in a manner and extent not dissimilar to that proposed, viewed from the front elevation.



Given the level of non-compliances most recently being experienced in relation to Council's building plane provisions it raises the question as to whether the provision is relevant by today's building practices and public expectations. On review of the guidelines and provisions provided in the Residential Flat Design Code & Pattern Book, prepared by the NSW Planning Department it is contended that the DCP provision is relevant and provides for a planning tool that has demonstrated itself in providing for flexibility of design and in achieving developments that offer high levels of functionality and liveability without compromising the existing urban fabric. In this

## Reports from Director Development Services

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regard it is concluded that Council's previous application of the building envelope provision is justified in cases where the departure from the provision is well founded and without adverse impact, as in this instance.

Having regard to the nature of the proposed encroachments into the building envelope and in light of the abovementioned considerations it is considered unreasonable to require strict adherence to the standard in this instance because of the likely impact upon the building design and the detrimental impact upon the liveability and functionality of the units. It is also noted that in relation to the building size that neighbouring property owners raised no objection to the design and scale of the development, with one property owner commenting on the overall good design of the development.

# Reports from Director Development Services

**TABLE OF COMPLIANCE – MULTI DWELLING HOUSING – RESIDENTIAL 2(b) Zone**

DEVELOPMENT PROVISIONS	DCP SOLUTION	PROPOSED DEVELOPMENT	COMPLIANCE (Y/N –See Comment)
Site Analysis (s.3.1.1)	Submission of a detailed site analysis plan	Provided	Satisfactory
Site Area	Not stipulated	806m <sup>2</sup>	--
Site Density	0.5:1 Floor space ratio (GFA) (404.67m <sup>2</sup> )	1000m <sup>2</sup>  0.8:1	It is generally accepted that the floor space ratio provision was not intended to apply to medium density development in the 2(b) zone because of its limiting nature. As such the variation being sought is not a matter requiring serious consideration. However, it is noted that the ratio is less than similar developments approved in the locality.
Boundary Set Backs (s.3.2.1(A2)):			
Front	6m	Min 6m	Satisfactory
Secondary frontage	3m	--	
Side	3m (min 1.5 balcony)	min 2m	See comment.
Rear	3m (min 1.5 balcony)	>3m	
Building Envelope (s.3.3.1(A1)):	(NGL)		
Max Height	12m	Minor encroachments	The proposed variation is discussed earlier in this report
Envelope	3.5m @ 45 <sup>0</sup>		
Streetscape	Elevation Plan		
s.3.2.1 (A3)	Illustrating building height of proposal relative to	Not provided	Site assessment has proven to be

## Reports from Director Development Services

TABLE OF COMPLIANCE – MULTI DWELLING HOUSING – RESIDENTIAL 2(b) Zone

DEVELOPMENT PROVISIONS	DCP SOLUTION	PROPOSED DEVELOPMENT	COMPLIANCE (Y/N –See Comment)
	adjoining properties.		Satisfactory
S.3.2.1(A1)	Sketch plan/photo illustrating existing streetscape and discussion of how proposal integrates	Relevant information provided	Satisfactory
Landscaping s.3.1.3 (A4)	30% of site or sum of number of dwellings multiplied by ratio in table 2 4 (min 241m <sup>2</sup> )	Utilising a Planimeter it is determined that no less than 300m <sup>2</sup> exists	Satisfactory
Car Parking	1.5/dwellings (DCP No.2) (9 paces)	12 spaces (tandem spaces)	See comment
Private Open Space	20% of site area (217m <sup>2</sup> ) One part 25m <sup>2</sup> One dimension @ 4m Accessible form living area	general compliance with dimensions and area	The proposed private open space areas are considered satisfactory in terms of size and functionality
Energy Conservation	NatHERS Assessment (DCP No.39)	Provided	Satisfactory
Shadow diagram (s.3.1.1(A1))	Identification of potential problems / shadow diagrams	Provided	Satisfactory See NCREP assessment

### Side Setbacks

It is noted that the proposed development fundamentally complies with the required setback provisions. However, two minor identical variations are sought on the northern and southern elevations. There exists encroachment of the ensuite bathrooms of all units to within 2metres of the boundary for a distance of approximately 3metres. There exists no openings within the encroaching elevations and they are not 'habitable rooms'. The impact of permitting the variation is considered negligible and in this instance may be supported. Not supporting the variations will impact upon the functionality of the ensuites without any distinguishable or tangible benefit to the overall building design and or neighbouring property.

## Reports from Director Development Services

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### Car Parking

The proposed development incorporates twelve car parking spaces, eight of which are in tandem. Development Control Plan No.2 – Parking Code, Section 3.71 states that tandem car parking is not generally favoured. The DCP states further that tandem spaces may be acceptable subject to satisfying stated prerequisites, which relate to ‘employee’ parking and not residential parking. It is clear that whilst the DCP does not strictly prohibit tandem parking for residential units it does neither advocate this arrangement.

The proposed arrangement may in this instance provide a satisfactory level of on-site parking that can be conditioned accordingly. It is considered that four units may each have exclusive use of two parking spaces, one of which could be conditioned for visitor parking in each case. This would leave one space per the remaining two units and two visitor spaces, one of which will double as a car wash down area, for their exclusive use. The visitor spaces and the carwash down area can be conditioned to have prominent signage directing their use and allocation. It would be proposed to condition the car wash down bay for this purpose from 7am to 12noon on Saturday and Sunday, with the remainder of the time serving as a visitor space. Essentially the arrangement would result in an excess of visitor parking and in relation to the impact upon tandem spaces any inconveniences would only occur as a result of visitors to that unit. In addition it is considered that no parking areas should be permitted to be enclosed by way of garage arrangement or the like, which would ordinarily restrict access to visitor parking.

The subject site was inspected on a number of occasions at different times of the day, , including Saturday and Sunday, and it was noted that on each occasion on-street parking was readily available. This is of particular note because it is generally accepted that developments comprising basement car parking utilise road side parking via their visitors because of its ease of access rather than the allocated spaces within the designated parking area. As indicated, neither on nor off street car parking is perceived as an impediment to the development.

### Development Control Plan No.43 - Kingscliff

The subject site is affected by the provisions of DCP No.43 - Kingscliff. The DCP identifies desirable building types and the form of development for specific areas or precincts within Kingscliff locality. The subject site is identified within the Kingscliff North Precinct, No.8 – Kingscliff Lane. The proposed development is consistent with provisions of Section 6.3.8 and with Class 3 type buildings as directed by the DCP.

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

Satisfactory.

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

The proposal is considered unlikely to result in any significant adverse impacts on the existing natural or built environment. The proposed development is generally consistent with the existing and desired future character of the area and it is not

## Reports from Director Development Services

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considered likely to result in any significant or adverse detrimental impacts in the locality.

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

The proposed development site is not unsuitable for the proposed development.

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

The proposed development was notified to adjoining and or potentially affected landowners from 23 September to 8 October 2002. Three objections have been received that raise issues in relation to car parking and traffic issues in the locality. It is considered that the on-site parking provision of the development is greater in provision than required by DCP-2, as discussed in this report. In relation to traffic issues in the locality it is contended that the traffic generation of the proposed development will not give rise to an overburden on the existing road network nor its determined capacity. The issues raised in respect of on-street parking issues are not a matter for further consideration in this proposal. As indicated earlier in this report the site was visited on a number of occasions and on each of which on-street parking at the development site was in ready supply. In relation to the issues of parking conflict in Zephyr Street it is contended that the issues, whilst they may have merit, require consideration in an appropriate forum and not as part of the proposed development, which is located on Marine Parade.

(e) **Public interest**

Having consideration to the matters raised in this report it can only be concluded that on a merit assessment the proposed development, whilst pushing the limits of what may be considered appropriate development, is not contrary to the public interest.

### OPTIONS

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

### LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

Should Council resolve to approve the development application there would be no direct financial impact upon Council's forward estimates.

### CONCLUSION

Notwithstanding a number of variations to the Council's provisions and the provisions of the NCREP in order for the proposed development to proceed the development does display and incorporate good urban design principles and is consistent with the contemporary apartment buildings being constructed in the locality. On merit assessment of the proposal it is concluded, that whilst the proposed development does not respond as well to the site as many other approved similar developments in the locality, it does (albeit marginally) on balance satisfy the development provisions and qualify for a conditional approval.

## Reports from Director Development Services

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- 4. ORIGIN:** Strategic Town Planning Unit  
**FILE REF:** DA1393/320 Pt2; Land No. 42906

**REPORT TITLE:**

**Banora Point Community Centre Establishment Committee**

**SUMMARY OF REPORT:**

The Banora Point Community Centre Establishment Committee has fulfilled its Brief and finalised its recommendations in respect of the use and design of the proposed Banora Point Community Centre. Council officers are currently finalising a draft design and more detailed planning for operational management of the Centre for consideration by Council when the recommendations of the Committee will be considered in detail.

The Establishment Committee has also requested that the Civic Liaison Officer include an item in the Tweed Link in respect of the recommendations of the Committee.

**RECOMMENDATION:**

That:

1. Until such time as a design for the Banora Point Community Centre is presented to Council for finalisation, the Recommendation Summary of the Banora Point Community Centre Establishment Committee, dated 6 February 2003, be received and noted.
2. Council expresses its thanks to the Members of the Committee for their contribution towards the design and operational planning of the Banora Point Community Centre.
3. The Civic Liaison Officer be requested to include an item in the Tweed Link in respect of the recommendation of the Banora Point Community Centre Establishment Committee.

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### REPORT:

At its meeting of 6 February 2003 the Banora Point Community Establishment Centre Committee resolved that the following Recommendation Summary of the Committee be forwarded to Council:

#### *“Meeting 27 June 2002*

- 1. The Committee agreed the S94 funds should not be refunded to developers.*
- 2. Council is requested to proceed with a building of approximately 1,000m<sup>2</sup>.*
- 3. The building should compliment, and not compete with, the existing Salvation Army facilities.*

#### *Meeting 15 August 2002*

*The Committee advised the following components be investigated for the initial design.*

##### *Internal*

- Community childcare facility;*
- Compliance with Disability Discrimination Act requirements;*
- Meeting rooms – 1 for approximately 100 people, and 2 others for 20 people (these 2 meeting rooms may be combined);*
- Shared resource centre/office;*
- Provision of private interview rooms;*
- Provision of cabling for a computer/technology centre.*

##### *Outdoor*

- Picnic and BBQ facilities;*
- Open-air amphitheatre;*
- Playground activity area (similar to Murwillumbah South Infants’ School);*
- Bike education trail;*
- Public toilet facilities;*
- Public seating in parkland precinct of development;*
- Walkways within the parkland precinct;*
- Nursery area and garden storage shed.*

##### *Council Resolution*

*That Council confirms to the Establishment Committee that:*

- 1. Banora Point Community Centre can incorporate a community preschool, provided:-*
  - (i) it is in accordance with Version 3 of Section 94 Plan No 3;*
  - (ii) does not consume a disproportionate amount of space in the Community Centre.*
- 2. Shared use of the current parking facilities in the Salvation Army Centre will be considered in conjunction with the Salvation Army when a final plan of the proposed Community Centre building and activities is available to enable assessment of the requirements for parking.*



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### *Meeting 19 September 2002*

- 1. The Committee voted 6:2 in favour of a preschool being incorporated into the Centre.*
- 2. It was agreed the preschool would be given 120m<sup>2</sup> of space in the Centre, and the Management Committee will work out specific details.*
- 3. It was unanimously agreed the plan showing the buildings on the southern boundary with parking and traffic flow centred on the eastern side, is the preferred option.*
- 4. It was unanimously agreed that the preferred configuration of the buildings is that they should be individual structures, and be independently air-conditioned within.*

### *Meeting 31 October 2002*

- 1. It was unanimously agreed that space for landscaping equipment, if required, is to be included.*
- 2. It was unanimously agreed that 80% of public amenities space should be assessable to the Centre, with the remaining 20% assessable to the public. It was noted that the Salvation Army has serious concerns about the concept of having public amenities visible from, and virtually in front of, their coffee shop. There was unanimous approval for Plan B”.*

Council officers are currently discussing with the project architect a design for the Centre which reflects the nominated requirements of the Committee, and the available budget. This design will be presented to Council when completed, along with an analysis of those requirements. Until such time as the recommendation of the Committee should be received and noted.

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## Reports from Director Development Services

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**5. ORIGIN: Director**  
**FILE REF: Development Assessment**

**REPORT TITLE:**

**Application Determination Policy**

**SUMMARY OF REPORT:**

One of the key elements of efficiently managing the development assessment process and providing a good level of service is to have a mutually understood policy with the development industry about quality of applications and supporting documentation and the criteria upon which Council will reject or refuse applications because of inadequacies of supporting information. This also provides for equitable treatment of applicants who do undertake pre-lodgement applications and invest time and resources in preparing quality applications. A key finding of the recently completed survey of applicants on quality of service in Development Assessment was that staff are under too much pressure to focus on the key issues of important applications. This policy is a key means of responding to this.

**RECOMMENDATION:**

That the Application Determination Policy contained in this report be placed on public exhibition for 28 days and be used as a working policy document for that 28 day exhibition period and until such time as Council reconsiders the Policy following public exhibition.

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### **REPORT:**

One of the key elements of efficiently managing the development assessment process and providing a good level of service is to have a mutually understood policy with the development industry about quality of applications and supporting documentation and the criteria upon which Council will reject or refuse applications because of inadequacies of supporting information. This also provides for equitable treatment of applicants who do undertake pre-lodgement applications and invest time and resources in preparing quality applications.

This policy amends that which was approved.

It is recommended that the Application Determination Policy set out below be placed on public exhibition for a period of 28 days and that the policy be used as a working document on development assessment management until Council's further consideration of a report on the public submissions received during the exhibition.

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*DRAFT*

# ***TWEED SHIRE COUNCIL***

## ***APPLICATION DETERMINATION POLICY***

*Originally Adopted: 15 May 1996 - Amended 2 September 1998*

*Version 1 – 13 February 2003*

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# ***TWEED SHIRE COUNCIL***

## ***Development Services Division Application Determination Policy***

### ***1.0 Introduction***

- 1.1*** *Tweed Shire has one of the highest growth and development rates in New South Wales and Australia – and this is accelerating. Many applications for development raise complex issues requiring demanding assessment and decision-making processes to achieve the correct balance between social, economic and environmental factors. As well as having the high growth and development rates, Tweed Shire has some very significant coastal and environmental issues.*
- 1.2*** *These factors creates a high workload for bot Council staff and Councillors when dealing with development applications and associated certificates. These applications require good management to ensure appropriate service to the customers as well as a high level of assessment and decision-making by Council having regard to the interests of the applicants, neighbours, local residents, interest groups and the community generally.*
- 1.3*** *This Policy amends the current Application Determination Policy adopted by Council in 1998. The Policy applies to development applications and certificates associated with subdivision and development that are the responsibility of the Development Services Division of the Council.*

### ***2.0 Objectives***

***2.1*** *The objectives of this Policy are: -*

- 1.*** *To provide for improved service to all customers involved in the Development Application and development certificate process.*
- 2.*** *To achieve enhanced effectiveness and efficiency in the assessment and decision-making processes.*
- 3.*** *To increase the focus of stakeholders and Council professional staff on the quality of outcomes and reduce emphasis on process times.*
- 4.*** *To ensure the appropriate response of staff priorities to applicants who submit well prepared, adequate and valid applications.*

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5. *To increase the level of partnership between Council and proponents in managing an effective and efficient development assessment and decision-making process.*

### **3.0 Service Commitment**

- 3.1 *Council has legal obligations to determine all applications promptly and an applicant has a right of appeal to the Land and Environment Court on the basis of a deemed refusal if development applications are not determined within 40 days – 60 days if the applications are for integrated development, designated development or concurrence is required from another authority under the Environmental Planning and Assessment Act, 1979 (as amended). If additional information is required from the applicant then the period of time taken to provide that information is not counted in the 40 or 60 day period.*
- 3.2 *The NSW Department of Local Government publishes annual statistics on the mean and median processing times for development applications by Council's in New South Wales.*
- 3.3 *There are targets for processing times for development applications in Council's Management Plan.*
- 3.4 *The key responsibility to which Council needs to commit is to ensure that the quality of development works and subdivision that result from the assessment and decision-making processes is of a high standard in each case.*
- 3.5 *Council's Management and staff seek to prioritise workload to respond to: -*
  - a. *the sequence of lodgement of development applications;*
  - b. *the public interest importance of applications;*
  - c. *the priorities that Councillors place on decision-making on certain applications;*
  - d. *equitable response to applicants who have invested time and resources in pre-lodgement and discussions and the preparation of good quality, well prepared applications.*

### **4.0 Obligations of Applicants**

- 4.1 *The New South Wales legislation applicable to planning, development and environmental issues is contained in many different pieces of legislation and is highly complex.*
- 4.2 *Good process of assessment and decision-making depends very significantly upon the quality of documentation comprising the original development application lodged with Council. The onus is upon applicants to provide quality applications to serve this process and have applications supported with all relevant and valid information and plans. Applicants need to consider very strongly the engagement of consultants and expertise to ensure such quality of applications.*
- 4.3 *Council will give priority responsiveness to applicants who have invested the time and professional resources in pre-lodgement discussions and preparing high quality of applications that enable efficient processes of assessment and decision-making by Council.*

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### 5.0 *Assessment and Decision-Making Processes*

- 5.1 *Where an application is not statutorily valid, the application will be rejected under delegation within 7 days of lodgement. To be statutorily valid an application must be submitted in the prescribed form accompanied by the appropriate fee (refer to Council's fees and charges), include the consent of all landowners and include all plans and necessary supporting information such as a Statement of Environmental Effects of an Environmental Impact Statement.*
- 5.2 *As provided for in Part 6 of the Environmental Planning and Assessment Regulations, Council can reject an application within 7 days after receipt if the application is illegible or unclear as to the development consent sought and this will be implemented by Council.*
- 5.3 *In accordance with Clause 51(2) of the Environmental Planning and Assessment Regulation: -*
- a. *Council will reject an application within 14 days if it is an application for development that requires concurrence but the application does not include the concurrence fees appropriate for each concurrence relevant to the development; or*
  - b. *The application is for integrated development but the application fails to identify all the approvals referred to in Section 91 of the Environmental Planning and Assessment Act and fails to include the approval fees appropriate for each approval relevant to the development or;*
  - c. *Is an application that requires a Species Impact Statement (SIS) in accordance with Section 78A(8)(b) of the Act but does not include such an SIS.*

*When an application is rejected under the above terms the application is for the purposes of the legislation considered never to have been made and the Council will refund the whole of any application fee paid.*

- 5.4 *If the application is concluded to be statutorily valid but is manifestly inadequate in terms of supporting information or conformity with Tweed LEP 2000 or relevant Development Control Plans, Policies and Codes, the application will be refused at the discretion of Council's Director of Development Services or Manager of Development Assessment.*
- 5.5 *If the Development Application is statutorily valid, generally adequate in terms of supporting information and plans and consistent with legal and policy requirements but raises issues that require further information or clarification, then the applicant will be advised by letter and requested to supply that information and/or clarification within 21 days of that letter. If the relevant information and/or clarification is not provided within that 21 day period then the application will be determined under delegation on the information provided or recommended to Council based upon the information currently provided.*



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5.6 *It is at the discretion of the Director of Development Services and/or Manager of Development Assessment to call a meeting with the proponents and any other stakeholders in relation to a particular development application to seek to negotiate the provision of additional information or indeed improvement in the content of the DA.*

5.7 *It is also at the discretion of the Director of Development Services and/or Manager of Development Assessment that if there is a significant policy issue raised by an application, and it is considered productive to the assessment process to do so, then a report will be submitted to Council to seek a resolution to clarify those issues notwithstanding that the total application cannot yet be determined at that time.*

### **6.0 Consultation**

6.1 *It is desirable and productive particularly for major sensitive or complex applications that proponents should consult key community groups and stakeholders prior to finalising the application for lodgement with Council.*

6.2 *Council provides a three tier system of pre-lodgement consultation for proponents to provide guidance and assistance in ensuring applications are valid, adequate and generally acceptable. These comprised:*

- a. *discussions with individual Council planners and other appropriate professional staff;*
- b. *consultation with Council's Development Assessment Panel;*
- c. *addressing the full Council at community access sessions*

*Council's Development Assessment Panel particularly is able to provide comprehensive advice prior to lodgement of applications and provides the service of presenting notes of the interview on screen display at the time and providing a hard copy print of those notes of the discussion for the benefit of the proponents as an agreed record of the meeting.*

6.3 *Where applications meet the criteria of legal and policy requirements and supporting applications and plan but there is significant resident, community and/or interest group objections then at the discretion of the Director of Development Services or requests of a Councillor a meeting can be called to seek to facilitate negotiations regarding the application. Those meetings shall comprise:*

- a. *the Director of Development Services and/or Manager of Development Assessment and the responsible planner for the application;*
- b. *any other Council professionals responsible for input into the application;*
- c. *other state government agencies that have significant advisory roles for the application;*
- d. *representatives of the main sectors of objection – neighbours, local residents, interest groups – usually a maximum of 5 such representatives are sought to attend;*
- e. *the Mayor and/or Deputy Mayor plus the Councillor requesting the meeting*

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*The meeting will usually take the course of an on site inspection and then adjournment to the nearest appropriate facility for negotiations and discussions. The meeting will be chaired by the Mayor or Deputy Mayor if present – if there is not a Councillor present then by the Director of Development Services or Manager of Development Assessment.*

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**6. ORIGIN: Development Assessment Unit**

**FILE REF: DA02/0383; Land No. 44439**

**REPORT TITLE:**

**Development Application DA02/0383 for a Tourist Facility (Boat Hire) at Lot 1 DP 773342 and Tweed River, No. 8599 Tweed Valley Way, Tumbulgum**

**SUMMARY OF REPORT:**

Council is in receipt of a development application for a boating facility located on the Tweed River south of the village of Tumbulgum. The subject land from which the boating facility gains access is located at the corner of Tweed Valley Way and Riverside Drive Tumbulgum.

The applicant has modified the proposed development during the course of assessment as state government agencies including Department of Land and Water Conservation and NSW Fisheries have raised issues that required addressing.

The proposed boating facility involves two pontoons for the use of two (2) houseboats and two (2) barbecue boats. There is associated off street car parking and an amenities block to support the proposal. The applicant intends to make these boats available for hire.

The proposed development includes the provision of rockwalls and a boat ramp. Dredging in the Tweed River, of approximately 1100 tonnes is also proposed. This application raises a number issues including the need for general terms of approval from various state government agencies, the purchase of Crown Land and the need to establish a lease area and appropriate tenures under the Crown Lands Act 1989.

The Development Application was lodged about 11 months ago. However, Department of Land and Water Conservation did not provide owners consent for an extensive time and Department of Land and Water Conservation and NSW Fisheries did not provide general terms of approval because of potential impacts on the rivers and extensive work and negotiations required to resolve these issues.

**RECOMMENDATION:**

That Development Application DA02/0383 for a tourist facility (boat hire) at Lot 1 DP 773342 and Tweed River, No. 8599 Tweed Valley Way, Tumbulgum be approved subject to the following conditions: -

**GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects prepared by Jim Glazebrook & Associates Pty Ltd dated December 2001 and Plans Nos Figures 1 to 6 inclusive prepared by Martin Findlater and Associates Pty Ltd and dated October 2002, and Plan prepared by Jo Hctor dated 25/11/2002 detailing boat berthing, 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. In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the

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disabled in accordance with the relevant provisions of AS1428- Design for Access and Mobility.

4. Compliance with all requirements of the "Tweed Shire Council Guidelines for the Installation of pontoons and Boat Ramps".
5. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
6. The existing fencing and vegetation that screens the property from the Tweed Valley Way shall be retained.
7. Prior to commencement of work pursuant to this consent a Construction Certificate shall be obtained for the works proposed and required by this consent.
  - a) copies of compliance certificates relied upon
  - b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
    - earthworks
    - rock retaining wall
8. 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.
9. Suitable title must be obtained from Department Land & Water Conservation for the lands the subject of this application.
10. The proposed amenities block shall be provided with a vegetation screen to the river and southern elevation of a thickness to screen the amenities block from view. Such vegetation screen shall consist of native vegetation suitable for the locality.
11. Advertising structures/signs to be the subject of a separate development application, where statutorily required.

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

12. 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

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work is to be completed in accordance with the approved plans prior to any use or occupation of the building.

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

All fill and cut batters shall be obtained wholly within the subject land.

14. 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 parking area and hardstand areas is to be directed to the filter strip/infiltration trench treatment system. The access road/boat ramp is to be graded and drained to maximise the catchment of runoff that can be treated by this system.
  - (ii) Roof runoff is to be disposed of on site by infiltration or other waste sensitive means. Direct piping of roof water runoff to waterways is not permitted.

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

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- (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) Work adjacent to water bodies must be carried out in a manner that prevents sediment being transported to the adjacent water body. Methods of controlling earthworks adjacent to water bodies may include:
    - Using a floating sediment fence to isolate polluted waters (the sediment fence must extend from the floats on the water surface to the bed of the water body to fully contain the polluted water.
    - Water filled dams can be used to exclude water from the work area.
    - Embankments and other works can be constructed behind a barrier (e.g. water inflated dam, sheet piling) and surfaces fully restored before removal of barrier.
    - Water may be excluded or diverted from the site by coffer dams or other measures to enable construction in a water free environment (This will require techniques for coffer dam (or other diversion systems) installation and removal that do not in themselves lead to production of sediment).
16. Construction Certificate drawings shall make provision for the design of earthworks, land forming and site regrading in accordance with "Development Design Specification D6 - Site Regrading" or to the satisfaction of the Director Engineering Services.
  17. All retaining walls are to be designed, by a suitably qualified geotechnical/structural engineer in accordance with AS 4678-2002- Earth Retaining Structures. A report that details compliance with the design provisions of this standard is to accompany the Construction Certificate drawings.
  18. Prior to the issue of the Construction Certificate, details of all structures including the pontoons and amenities building, are to be certified by a practicing structural engineer, certifying that the structures are able to withstand the nominated flood velocity and debris loading at the site in accordance with the latest flood modelling of the Tweed River at this site.

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19. The applicant is required to submit design detail for onsite pump out facilities with any Construction Certificate application to the satisfaction of the Director of Environment Community Services.

20. 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: \$3131

S94 Plan No. 4 (Version 4.0)

(Sector 10 - Keilvale)

**Heavy Haulage Component**

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

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

where:

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

and:

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

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

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

Admin. Administration component - 5% - see Section 6.5

21. 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.

## Reports from Director Development Services

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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: 5 ET's @ \$4000 \$20,000

Sewer: 6.5 ET's @ \$3275 \$21,288

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

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

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

22. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
- (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
  - (ii) Certification of the works performed by the person carrying out the works is to be submitted to the PCA; and
  - (iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
    - (A) the method of protection; and
    - (B) the date of installation of the system; and
    - (C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
    - (D) the need to maintain and inspect the system on a regular basis.
- Note: Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.
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



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- 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. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.
26. 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.
27. Prior to the commencement of any work a 3A Permit shall be obtained from the Department of Land and Water Conservation and a s.201 Permit be obtained from NSW Fisheries.

### **DURING CONSTRUCTION**

28. 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).
29. 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.
30. 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.
31. 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
32. 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.

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33. Access to the building for disabled persons shall be provided and constructed in accordance with the requirements of Part D3 of the Building Code of Australia and Australian Standard AS 1428.1.
34. Prominently displayed signs and symbols must be provided to identify for disabled persons all routes and areas where architectural barriers do not exist. Such access must comply with the requirements of Australian Standard AS 1428 Parts 1 and 2.
35. If access for the disabled is required under Part D3 of the Building Code of Australia, facilities for the use of the disabled shall be provided as specified in Part F2.4 of the Building Code of Australia and shall be constructed to the requirements of Australian Standard AS1428.1.
36. Disabled car parking spaces are to be provided at the rates provided for under Part D3.5 of the Building Code of Australia and constructed in accordance with Australian Standard AS2890.1.
37. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the provision of an invert crossing at the kerb and gutter where required and paving of the driveway across the footpath to the front alignment to the satisfaction of the Director, Engineering Services. Twenty four (24) hours notice is to be given to Council's Engineering Services Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the vehicular access and its reconstruction. Paving bricks are not acceptable unless laid on a 100mm thick concrete base.
38. The provision of 4 off street car parking spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.
39. Where the kerb is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.
40. 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.
41. 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.
42. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
  - A. Short Term Period - 4 weeks.

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

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

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43. The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of the buildings with direct line of sight to the proposed building.
44. 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.
45. 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.
46. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.
47. Yard gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.
48. 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.
49. 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.

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50. 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.
51. Any pontoons or piles would need to be painted white and equipped with reflectors for public safety.
52. Sewage effluent tanks are to be installed within any houseboat vessel, and any other vessel deemed necessary by NSW Waterways, associated with the operations of the business activity. Such sewage holding tanks are to be of sufficient capacity to cater for the full capacity of the vessels involved such that in no circumstances is effluent to be permitted to discharge from the vessels other than to Council approved disposal facilities.
53. All waste held, generated or stored on the vessels is to be contained on the vessel and only disposed of at an approved waste disposal site.
  - i) The owner/operator of any vessel must ensure that written records of the time, date, place and pump out facility used and estimated volume of all sewage disposals from the vessel are maintained.
  - ii) Upon request provide these records to NSW Waterways or an authorised officer at Council.
54. An adequate potable water supply shall be provided for use of the occupants of all vessels.
55. The management of acid sulfate soils shall be undertaken in accordance with the Preliminary Acid Sulfate Soil Management Plan prepared by MFA August 2002, except where varied by other conditions or where varied with the approval of the Director of Environment and Community Services.
56. The pH of discharged tail waters shall only be undertaken within a 0.2 unit change of the receiving water pH.
57. The rising main to be constructed within one metre from the road reserve boundary and if relocation of this main will be required the rising main owner will meet the full cost of this relocation.
58. The proposed river revetment wall shall be moved further in stream so the vertical rear wall of the revetment is located between chainage 36.000 and 38.000 on Figure 4.0 dated October 2002 prepared by MFA Consulting Engineers.
59. Any excavations to a depth greater than 0.5m from the natural ground surface must be treated at appropriate liming rates based on laboratory tests.
60. Post treatment testing of the dredged material shall be undertaken to determine the effectiveness of the Acid Sulfate Soil treatment, and further acid sulfate soil control measures be undertaken if required.
61. Safety procedures for storage and handling of hydrated lime must be implemented.
62. Tailwaters must be treated prior to release or discharge, to ensure tailwater pH is within the range 6.5 to 8.0.

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63. The Acid Sulfate Soil Management Plan must include procedures for imported fill, if such fill contains acid sulfate soil material.

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

64. 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.
65. All retaining walls are to be designed, by a suitably qualified geotechnical/structural engineer. The certification is to be submitted with the Occupation Certificate application and shall state that the retaining walls have been designed and constructed in accordance with AS4678-2002 - Earth Retaining Structures and are structurally sound.

### **USE**

66. 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.
67. Except as may be expressly provided in the approval, the approval holder must comply with section 120 of the Protection of the Environment Operations Act 1997 prohibiting the pollution of waters.
68. No vessel maintenance shall be undertaken on-site without the prior written approval of the Director of Environment and Community Services.
69. No hazardous fuels shall be stored on-site without the prior written approval of the Director of Environment and Community Services.
70. The tourist facility shall be limited to the berthing of two house boats and two barbeque boats.

### **GENERAL TERMS OF APPROVAL UNDER PART 3A OF THE RIVERS AND FORESHORES IMPROVEMENT ACT 1948 (Permit to undertake excavation within 40m of a stream)**

71. The proposed rock retaining wall along the river bank shall be a maximum of one (1) metre in height above natural ground level and setback from mean high water mark (MHWN) approximately two (2) metres.
72. The proposed rock retaining wall along the landward side of the mangroves shall be setback a minimum of one (1) metre from the landward edge of the peg roots of the grey mangroves and shall be no more than one (1) metre in height above natural ground level.
73. The proposed rock retaining wall adjacent to Riches Creek shall be setback from the MHWM to the survey markers and provided on the diagonal as shown on Figure 1.0 dated October 2002.
74. Erosion and sediment control measures shall be employed for the duration of construction works to minimise silts and sediments from entering the adjoining Tweed River.

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75. Excavated material may contain potential acid sulfate soils and shall be tested. If present then appropriate management measures shall be employed to control any acid sulfate soil impacts in accordance with the ASMACC Manual.
76. Excavation operations shall be conducted so as not to damage or cause erosion of the adjoining riverbank.

**GENERAL TERMS OF APPROVAL UNDER SECTION 201 OF THE FISHERIES MANAGEMENT ACT (Permit To Carry Out Dredging Or Reclamation Work and Permit to cut remove damage or destroy marine vegetation on public water land or an aquaculture lease on the foreshore of any such land or lease)**

77. The dredging and/or reclamation work be carried out under either a 3A permit under the Rivers and Foreshore Improvement Act 1948 or a permit issued under s198-202 of the Fisheries Management Act 1994.
78. That the existing *Phragmites sp* be retained rather than removing these plants and re-establishing them later, this may require a slight increase in the area between the two rock walls.
79. The landward most retaining wall should be less than 1 metre in height and positioned at least one metre back from the peg roots of the grey mangroves at the downstream end of the property.

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### REPORT:

**Applicant:** Mr Joseph Hocter and Mrs Patricia N Hocter

**Owner:** Mr Joseph Hocter and Mrs Patricia Hocter

**Location:** Lot 1 DP 773342 & Tweed River, No. 8599 Tweed Valley Way, Tumbulgum

**Zoning:** 1(a) Rural and uncoloured land.

**Cost:** \$140,000.00

### BACKGROUND

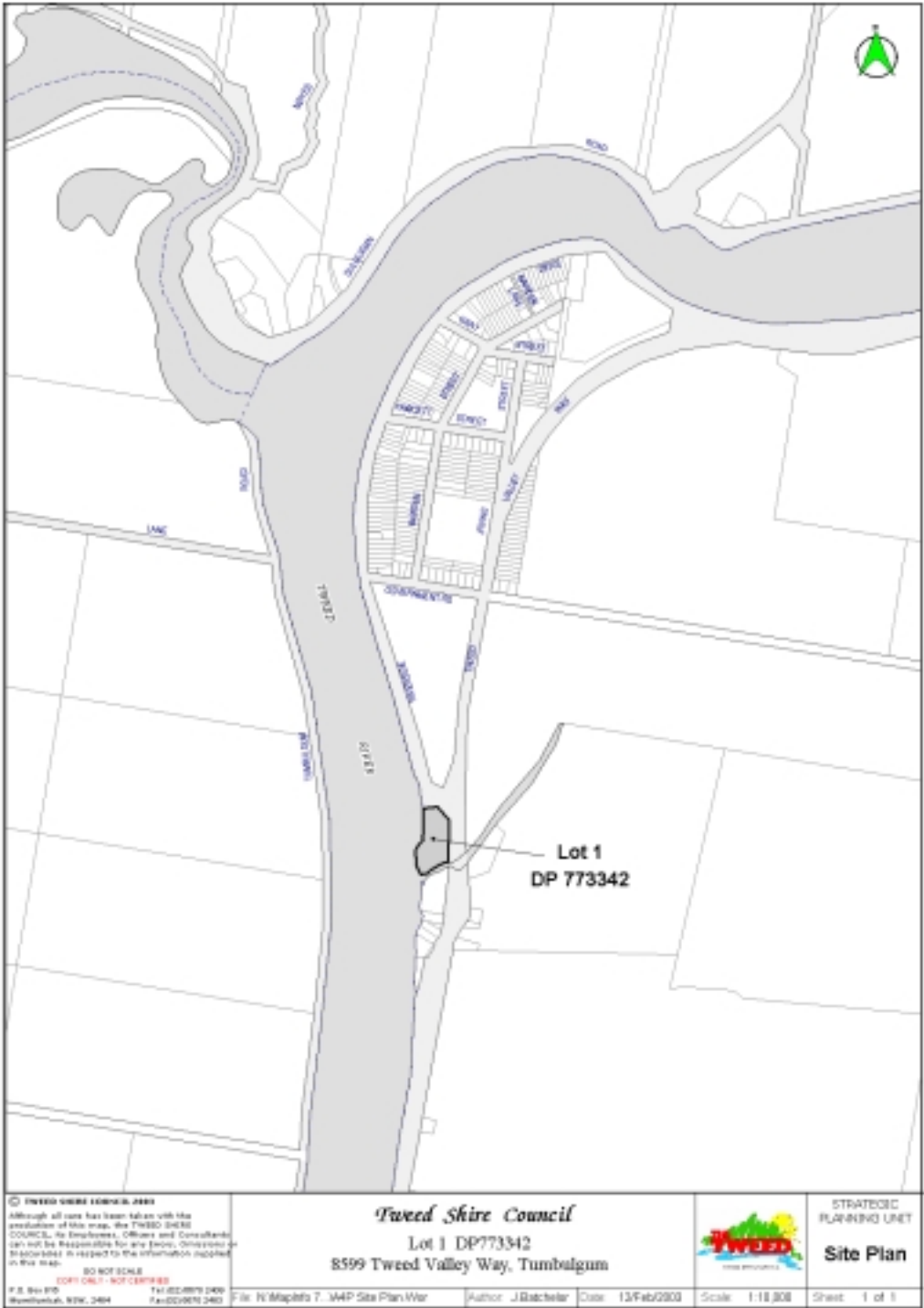
The subject land currently supports a single dwelling house on an area of approximately 6900m<sup>2</sup>. In addition to this area the owner holds a licence over approximately 1766m<sup>2</sup> of accreted Crown Land between his land and the Tweed River, providing access to the river.

The subject land is relatively low lying and is predominantly mowed lawn and camphor laurel trees around the dwelling house, with a mature stand of Grey Mangroves adjoining along the edge of the Tweed River, with the river banks having the benefit of Phragmites which provide an important role in relation to bank stabilisation.

The subject land is identified in an accretion section of the Tweed River, meaning that a boating facility such as that proposed would require dredging of the river to enable adequate draw for vessels.

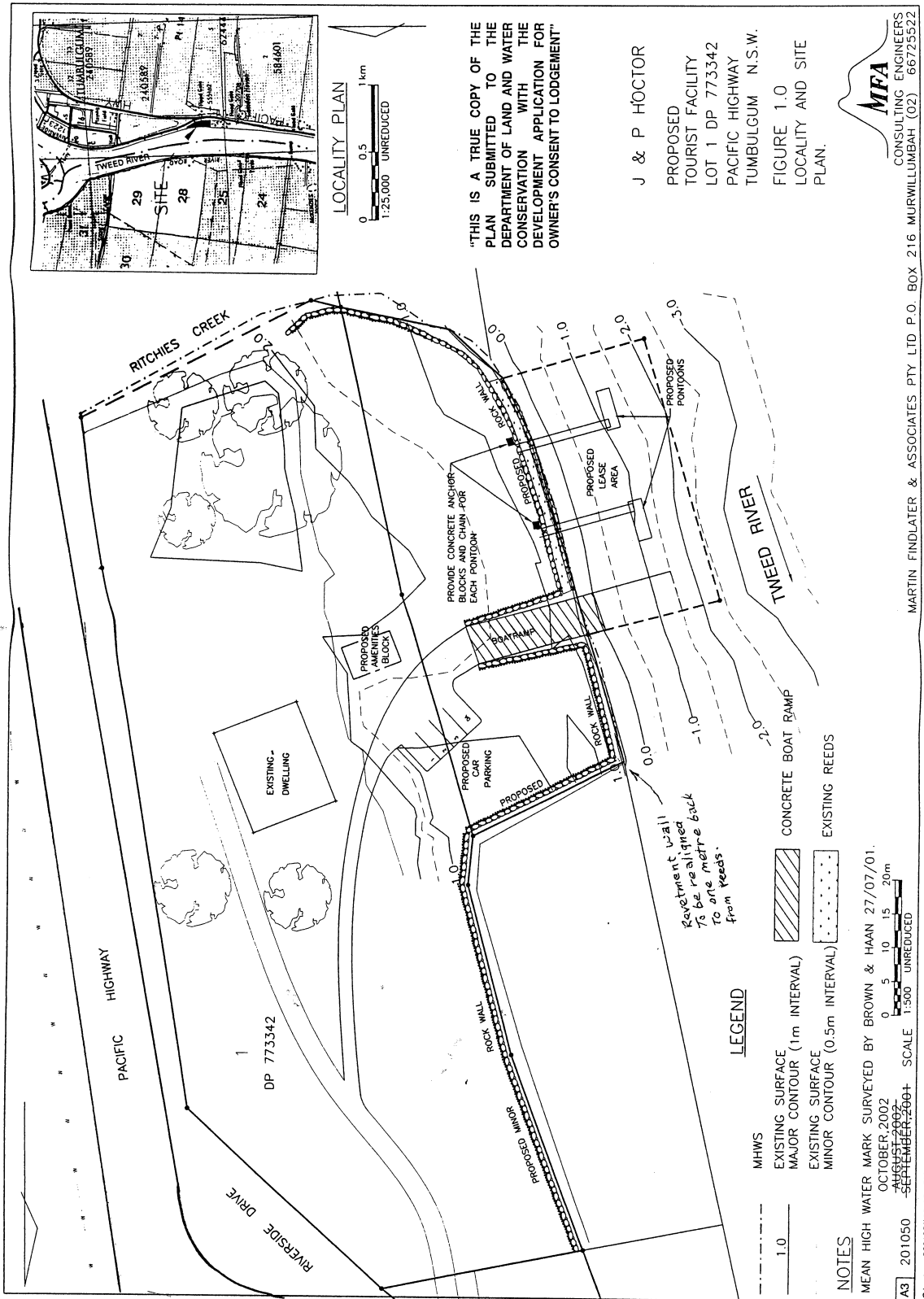
# Reports from Director Development Services

## SITE DIAGRAM





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

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

Tweed Local Environmental Plan 2000

The subject land is zoned 1(a) Rural under the Tweed Local Environmental Plan 2000. There is also the area of land within the Tweed River, which is uncoloured. The objectives of the 1(a) Rural zone are:

To enable the ecologically sustainable development of land that is suitable primarily for agricultural or natural resource utilisation purposes and associated development.

- To protect rural character and amenity.
- To enable other types of development that rely on the rural or natural values on the land such as agri and eco tourism.
- To provide for development that is not suitable in or near urban areas.
- To prevent the unnecessary fragmentation or development of land which may be needed for long term urban expansion.
- To provide non urban breaks between settlements to give a physical and community identity to each settlement.

The applicant contends that the proposed development is consistent with the zone objectives as the proposal:

- Is in keeping with the rural character and amenity of the locality,
- It is a tourism orientated development which relies on natural features of the locality, particularly the Tweed River,
- It does not otherwise prejudice strategic planning goals related to fragmentation of land for future urban development and the retention/creation of non urban breaks between settlement.

The proposed development is in keeping with a number of the objectives of the 1(a) Rural zone, and is not detrimentally inconsistent with the primary objectives of the zone.

Tourist Facilities are permissible with consent in the 1(a) Rural zone, as such Council is able to consider the proposed development.

Clause 13 of the TLEP is applicable to the development of the uncoloured land being the portion of land in the Tweed River affected by the proposal. The objectives of this clause are:

- To enable the control of development on unzoned land.
- To ensure that development of unzoned land is compatible with surrounding development and zones.

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- To ensure that development of certain waters takes account of environmental impacts and other users of the waters.

In deciding whether to grant consent to development on unzoned land, the consent authority must consider:

- Whether the proposed development is compatible with development permissible in the adjoining zone and the character and use of existing development in the vicinity, and
- In the case of unzoned land that is below the mean high water mark of the ocean or an estuary, bay lake or river:
- Whether or not the proposed development would alienate the use of the waters of the ocean, estuary, bay, lake or river from recreational uses or from commercial fishing and, if so, whether there is sufficient area in the locality for those uses to mitigate the adverse effects of the proposed development on those uses, and
- The provisions of any coastal, estuary or river plan of management in force from time to time that applies to the unzoned land or land within the vicinity, and
- Any impact the proposed development may have on the natural environment.

As previously stated the proposed development is considered to be consistent with the adjoining land zone and is permissible with consent. To adequately address the provisions of this clause the following report provides a full assessment to assist in satisfying the requirements of this clause.

Clause 15 of the TLEP requires essential services to be available or suitable arrangements to be made for the servicing of development. Council's Water and Sewer Design Engineer assessed the proposed development and concluded that the proposed sewer rising main be privately owned and operated. It is considered that the private rising main should be constructed within one metre from the road reserve boundary and that should this require relocation the rising main owner will meet the full cost of this relocation.

Conditions would need to be imposed to ensure the requirements of Clause 15 are satisfied. Normal headworks charges will apply including 1ET for connection of the existing dwelling house to the sewer.

Clause 22 of the TLEP is applicable as the subject land has frontage to a designated road. In considering the proposed development Council needs to satisfy itself that the provisions of Clause 22(4) have been met. Council's Traffic Engineer was referred the proposed development and advised that the intersection with the Pacific Highway is adequate for the development. The development gains access from Riverside Drive as such many of the provisions of this clause do not require further assessment.

Clause 24 of the TLEP requires setbacks to designated roads. The proposed development would need to be setback a minimum of 30 metres from the designated road, being the Pacific Highway. The proposed development complies with this requirement.

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Clause 31 of the TLEP has provisions for development adjoining waterbodies. The objectives of this clause are:

- To protect and enhance scenic quality, water quality, aquatic ecosystems, bio-diversity and wildlife habitat and corridors.
- To provide adequate public access to waterways.

Consent must not be granted to development on land to which this clause applies unless Council is satisfied that:

- The development will not have a significant adverse effect on scenic quality, water quality, marine ecosystems, or the biodiversity of the riverine or estuarine area or its function as a wildlife corridor or habitat, and
- Adequate arrangement for public access to and use of foreshore areas have been made in those cases where the consent authority considers that public access and use of foreshore areas are appropriate and desirable requirements, and
- The development is compatible with any coastal, estuary or river plan of management adopted by the Council under the Local Government Act 1993 that applies to the land or to land that may be affected by the development, and
- It has considered the impact of increased demand from domestic water supply on stream flow.

The proposed development does not impact on any public access to the waterway as the subject land immediately abuts the Tweed River and is not a foreshore area used for public recreation. The proposed development is not inconsistent with the Tweed River Estuary Bank Management Plan. Matters in relation to this plan are separately addressed in this report. The proposed development will not impact upon the stream flow through increased demand of water supply. The site has the benefit of reticulated water.

The impact of the proposed development on the scenic quality of the Tweed River and the environment is further addressed in this report. It is concluded that the proposed development would not be a significant adverse impact to the environment.

Clause 34 of the TLEP is applicable as the subject land is flood prone. The proposed development does not involve any uses that are incompatible with the flood prone land. Council's Engineering Services have advised that the proposed development is not considered to be inconsistent with Development Control Plan No.5 – Development of Flood Liable Land.

Clause 35 of the TLEP requires the management of acid sulfate soils. The applicant has submitted an acid sulfate soils management plan that Council's Environmental health Surveyor has advised is satisfactory. A number of conditions are to imposed in relation to this issue to ensure no environmental harm results from the works and dredging of in and near the Tweed River.

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### North Coast Regional Environmental Plan 1988

Clause 12 of the REP requires Council to consider the impacts of the proposed development on the use of adjoining or adjacent agricultural land. The proposed development is not considered to have an adverse impact on adjoining agriculture. The subject land does not contain prime crops or pasture.

Clause 15 of the REP requires Council to consider a number of matters prior to consenting to development within or adjoining, in this case, a river. The proposed development is not considered to adversely impact on the quantity of flows in the river, or public access to foreshore, and providing the proposal is carried out in accordance with conditions of consent water pollution is not likely to occur. This clause also requires Council to consider the need to conserve the existing amateur and commercial fisheries. The proposed development is adjacent to a haul area used by the local commercial fishers. This issue has been considered by NSW Fisheries and is further addressed in the submission received. The proposed development is not considered to compromise the provisions of Clause 15 of the REP.

Clause 32B of the REP is applicable as the subject land is affected by the Coastal Policy. Council needs to take into consideration the provisions of the Coastal Policy and North Coast Design Guidelines when considering the proposed development. There are no specific provisions in the North Coast Guidelines that are applicable to tourist facilities of this type and scale. The provisions of the Coastal Policy addressed in this report. The proposed development does not involve over shadowing of public reserves. As such, no further assessment is required under this clause.

Clause 75 of the REP requires Council to consider a number of matters prior to granting consent to tourist development. The proposal does not involve the provision of tourist accommodation, and is considered with the imposition of conditions to meet the water and sewerage requirements and road requirements of this clause. Council also needs to be satisfied that the development will not be detrimental to the scenery or other significant features of the natural environment. Scenic impact of the proposal is further addressed in this report.

Clause 81 of the REP requires Council to be satisfied that building erected will not detract from the amenity of the waterway, that sufficient foreshore open space is available to the public and that the proposal is consistent with the principles of a foreshore management plan. Tumbulgum provides a reserve along the river bank, which provides foreshore open space to the public in the immediate locality. An assessment of the proposal in relation to The Tweed River Estuary Bank Management Plan is provided in this report. The proposal is not considered to be in conflict with this plan. Issues associated with the proposed works and amenity impacts on the waterway are addressed.

### State Environmental Planning Policies

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

As the subject land has been used only for rural residential purposes the risk of land contamination in relation to the proposed development is considered to not be of a level

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to require further investigation. Council's Environmental Health Surveyor has not raised any concerns with this issue.

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

The subject development application was lodged prior to this Policy coming into effect. The proposed development did not require referral to PlanningNSW for concurrence. However the relevant provisions of Clause 8 of the Policy are addressed in the various sections of this report.

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

The proposed development does not require further assessment in relation to any exhibited draft plans.

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

### Development Control Plan No.2 – Access and Car Parking

The applicant has submitted that the provisions of this plan that are applicable to Marinas and Boating Facilities are excessive and contends that the proposed development could reasonably provide four off street car parking spaces, with adequate space being available for more informal car parking.

DCP 2 requires 30 spaces per launch which given the scale of the proposed development is considered to be excessive.

As the proposed development is for two houseboats and two barbeque boats it is considered reasonable that one space be provided for each boat. The subject land is adequate in size to accommodate informal parking that would be screened from the public road by the existing fencing. The departure from DCP2 requirements is considered justified.

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

Council's Engineering Services have advised that the proposed development is considered to generally comply with the provisions of DCP 5.

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

### NSW Coastal Policy 1997

The Coastal Policy includes a number of goals and strategic actions in relation to the coast. Goal No.3 seeks to protect and enhance the aesthetic qualities of the coastal zone. The subject land has a stand of Grey Mangroves that are large and screen part of the property from the Tweed River. Also the site has Phragmites established along the bank. These two features of the site are of environmental importance and afford an aesthetic quality to the site when viewed from the river and adjoining lands.

The applicant has proposed a river revetment wall and dredging in the inter-tidal area where the existing Phragmites are predominantly located. The applicant has submitted to replace these plants. Department of Land and Water Conservation have recommended that in order to protect these Phragmites and retain a viable inter-tidal area the river revetment wall should be moved further in stream so that the vertical rear

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wall is located to afford the Phragmites protection, thereby not needing to be replaced, rather retained.

It is noted from correspondence from the applicant that the advice from Department of Land and Water Conservation is being acknowledged and incorporated into the design.

To ensure the proposed development is not in conflict with the Coastal Policy conditions of consent are to be imposed to ensure the aesthetic qualities of the coastal zone are protected.

**(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**

Scenic Impacts

The proposed development raises scenic issues in relation to the proposed engineering structures and the changes in the locality with boats being moored.

The proposed development involves the erection of two rockwalls, one that would be no more than one metre in height along the river bank, and the second being approximately 2.5 metres in height and located in the river. The second rock wall is only exposed at low tide when approximately 800 millimetres of the wall may be seen. Between these two walls is an area of Phragmites that grow to a height that would enable screening of the smaller rockwall.

The proposed engineering structures would be screened by the Phragmites and moored boats. At low tide the exposed rock wall is likely to be screened in part by the moored boats thereby reducing the visual impacts to the river.

The scenic amenity of the river in the immediate locality will change with the proposed mooring of two houseboats and two barbeque boats. Currently the area is not characterised by moored boats, as the majority of boating activity concentrates on the village of Tumbulgum.

The subject land is located outside of the village of Tumbulgum however there are a number of smaller rural allotments in the vicinity that give the location a rural residential character. The land is in close proximity to the village and is not perceived to be isolated from the facilities available in the village area. The proposed tourist facility will be mainly viewed from the river and properties adjoining the site immediately to the south.

The changes in the scenic amenity of the river are not considered to significantly reduce the qualities of the Tweed River.

Marine and Riparian Vegetation

The Tweed Shire Upper Tweed Estuary Management Plan identifies the Tweed River foreshore at the proposed boating facility to have a high visual quality. Department of Land and Water Conservation have advised that this high rating is considered to be attributed due to the presence of natural riparian vegetation such as the Grey Mangroves and Phragmites.

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The proposed development will not be impacting on the Grey Mangroves as the proposed minor rockwall to the landward side of the mangroves will need to be clear from any peg roots. The applicant will also be required to retain the existing Phragmites. These conditions are contained in the general terms of approval issued by NSW Fisheries.

### Dredging Impacts

The proposed development involves approximately 1100 tonnes of material be dredged from the lease area. The proposal seeks to dredge material to a depth of up to 2.0m. The applicant has not provided testing of material for this aspect of the proposal. As such conditions will imposed in relation to this fill. No state government agencies have raised objection to the proposed dredging.

### Water Quality Impacts

The development application was accompanied by limited detail on the on site pump out facilities in relation to the boats. Design details will be required prior to the issue of any construction certificate in relation to this aspect of the proposal. Additionally, Council's Environmental Health Surveyor has advised that no hazardous fuels are to be stored on the site.

The tail waters from the proposed dredging are also to be managed to ensure there is not impact to the water quality. A number of conditions of consent would be imposed from Council's Environmental Health Surveyor and Department of Land and Water Conservation to ensure water quality objectives are maintained. It is noted that while the Acid Sulfate Soils Management Plan is considered to be satisfactory no approval of this plan permits the pollution of waters as defined under the Protection of the Environment Operations Act 1997.

### Users of the Tweed River

The village of Tumbulgum is utilised by a number of recreational boat users that increases the boating activity in the vicinity of the development on weekends. NSW Waterways have advised that the proposed development should be painted white and provided with reflective markers to ensure safety to other users of the river.

### Tweed River Estuary Bank Management Plan

Council's River Management Co-ordinator advised that any revetment works should be in accordance with the subject management plan. Any existing aquatic vegetation should be retained in front of the revetment walls and not be impacted on by the revetment. The inclusion of soft options is advisable. The original application submitted to Council was for a concrete wall, which would not be acceptable. The applicant modified the proposal for a rockwall.

The Tweed River Committee considered the subject development application on 17/4/2002 and resolved that the following comments be forwarded to the Development Control Unit.



## Reports from Director Development Services

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1. Expresses major concerns regarding the need for, and extent of, the proposed rock revetment wall, noting that the Tweed Estuary Management Plan does not identify any bank erosion at this site;
2. Questions the need to fill Crown Land for the purpose of the proposed boat hire operations; and
3. Considers that there is likely to be a detrimental impact on the existing streamside vegetation of mangroves and Phragmites through the proposed filling and placement of a rock revetment wall.

The applicant was advised of these concerns and subsequent on site meetings were undertaken with the applicant and Department of Land and Water Conservation, NSW Fisheries, Council Officers from the Water Unit, Environment and Health Services Unit and the Development Assessment Unit.

From the site inspection and advice of the various parties the applicant modified the application to meet some of the concerns raised by the Tweed River Committee. It is noted that Council's Water Unit have not raised an objection to the proposed development in its final form.

However Council's Environment and Health Services Unit have advised that they do not support rock revetment walls to the north of the pontoons surrounding the mangroves. The reasoning for this is that the area:

- Does not show evidence of erosion,
- Has not been identified in the Tweed River Estuary Bank Management Plan as being subject to erosion,
- Will not be subjected to proposed filling operations nor the site for any proposed ancillary structures,
- Is isolated from the general activities by an access road, and
- Is recognised as an area of accretion.

In summary Council's Environmental Health Surveyor advised that softer engineering practices should be considered.

Council's Environmental Health Surveyor raises the valid issue that the proposed retaining wall on the landward side of the mangroves is not required for any reason, rather is to assist the applicant in beautifying the subject land. NSW Fisheries also require the proposed wall to be a minimum of one metre away from the peg roots of the mangroves.

## Reports from Director Development Services

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It is considered that the proposed minor wall is unnecessary and not required for any engineering reason, however it will prevent the owner from impacting on the peg roots of the mangroves by mowing them off, and inadvertently damaging the mangroves by way of machinery or any activity on the land. As such, the proposed minor wall would be supported with the imposition of the conditions required by NSW Fisheries.

### Built Appearance

The proposed amenities block is to be rendered and painted in keeping with the appearance of the existing building on the block. The applicant has advised that landscaping will be provided around the structure to beautify the area.

The existing fencing and vegetation on the site screens the building from Tweed Valley Way and reduces the impacts of the buildings and proposed pontoons to the public road. A condition is recommended to ensure the fencing and vegetation is retained.

It is considered that a condition of consent should be imposed requiring a vegetation screen to the river of the proposed amenities building, rather than just landscaping.

### Crown Land

The proposed development involves the use of Crown Land being an area currently leased from the Crown by the applicant and part of the Tweed River. The area of accreted Crown Land being approximately 1766m<sup>2</sup> (licence No.308875) is that to which filling is proposed. The filling is to sculpt the land surface to the river bank and proposed retaining wall being no more than one metre in height.

The areas of the Tweed River proposed for the tourist facility would be subject to the applicant entering an agreement with the Crown and there would be conditions imposed on any such lease. The applicant currently has a Non-Claimant Native Title application with the Federal Court. Department of Land and Water Conservation have advised that the applicant will need to demonstrate an ability to enter into a lease prior to the Federal Court finalising this matter.

Council is able to consider the proposed development even though part of the land the subject of the application is not freehold. Council is not exposed in relation to the issue of compensation under the Native Title Act 1993.

### Noise

Council's Environmental Health Surveyor has advised that the proposed development is likely to generate a noise nuisance, as such conditions in relation to noise management would be imposed.

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

The subject land is considered suitable for the development in that it is of a size to support the proposal, and located immediately adjacent to the Tweed River. There are no environmental hazards, which would make the site unsuitable for the proposed development.

## Reports from Director Development Services

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

Public Authorities

Department of Land and Water Conservation

The proposed development was referred to the Department of Land and Water Conservation for their General Terms of Approval under the Rivers and Foreshore Improvement Act 1948. This Act only applies to freehold land and activities undertaken on Crown Lands are exempt from the Act. The applicant has an application with the Federal Court being a non claimant native title application in relation to the Crown Lands being sought for purchase. Upon transfer of the accreted Crown land to freehold title the proposed works would require a 3A Permit.

The proposed development was not initially accompanied by adequate information, which resulted in the Department requiring further detail in the first instance.

Following the receipt of more detailed information the Department of Land and Water Conservation have issued their General Terms of Approval. The general terms are includes on the proposed conditions of consent and would need to be met to the satisfaction of Department of Land and Water Conservation. The applicant will need to obtain the 3A permit from the Department prior to any works commencing.

Additionally the Department has provided detail comment on the following issues.

- Riparian Vegetation
- Dredging
- Acid Sulfate Soils

The Department of Land and Water Conservation also have a role in relation to this proposal as the owners of the Crown Land. The proposal being considered by Council is for plans endorsed by the Crown as being those to which owners consent is issued.

The applicant has submitted subsequent plans with Council to indicate how the general terms of approval of the Department will be met. It is noted that these plans and their detail will need to be assessed by the Department upon application for a 3A Permit, and are not those to which any approval could be issued as they are not endorsed by the Crown.

NSW Fisheries

The proposed development was referred to NSW Fisheries as permits are required under the Fisheries Management Act 1994 for the dredging reclamation and revetment works.

NSW Fisheries declined to issue their General Terms of Approval, which resulted in the applicant making representation to respond to the concerns of the Department.

NSW Fisheries subsequently issued their General Terms of Approval with conditions that will be imposed on the development consent. The applicant will be required to obtain the necessary permits prior to any work commencing and it is noted that NSW Fisheries have conditioned the application to ensure the Grey Mangroves distanced from the retaining wall and that the existing Phragmites be retained.

## Reports from Director Development Services

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NSW Fisheries also have a role in relation to the commercial fishers of the Tweed River. It is noted that the Department have had to convene a meeting with the applicant and the commercial fishers as earlier representations made to the commercial fishers, significant stakeholders on the Tweed, did not include the proposed dredging.

While the content of any agreement between the two parties is not information available, it is understood that some reconciliation between the parties has been made at this stage. Notwithstanding this NSW Fisheries have issued their General Terms of Approval.

NSW Fisheries have advised that the commercial fishers record no objection to the proposed development providing the fishers are able to use a small sandy beach downstream of the boat ramp. The use of this area is not considered to require a condition to enforce an agreement between parties.

### Waterways

The Waterways Authority advised that navigational impacts of the proposed development are not significant, however the waterway is popular with waterskiers and transit traffic. The applicant needs to be aware of the impacts of such traffic and flood loadings on his pontoons and boats. The Authority raised no objection to the proposal providing any pontoons or piles are painted white and equipped with reflectors for public safety.

### Public Submissions

The proposed development was advertised for a fortnight during which thirteen (13) letters of support were received and two (2) letters of objection. A further letter of objection was received and representation made to Community Access on 11/12/2002. The following table addresses the issues raised in the objections.

## Reports from Director Development Services

Issue	Comment	Assessment
Flooding	Concern was raised that the proposed filling of land would result in flood impacts to adjoining properties.	<p>The proposed filling is on the accreted Crown Land, which forms the river bank. Impacts to flooding have been considered by Council's Engineers and no objection to the proposal was raised.</p> <p>The application does not warrant refusal on this issue.</p>
Erosion	Concern was raised that the proposed rock walls will result in erosion to adjoining properties. Concern was also raised that boats using the facility would also result in more bank erosion.	<p>Department of Land and Water Conservation require as a condition that operations be conducted so as to not cause erosion of the adjoining riverbank. Also the rock wall needs to be connected with the bank at the Riches creek end to ensure erosion does not become an issue.</p> <p>The proposed boats are not considered significantly increase the erosion risks to the properties in the immediate area.</p> <p>The application does not warrant refusal on this issue.</p>
Potential Noise	Concern was raised that the development should not permit the use of jet skis due to the noise generated. Concern was raised that the noise and water movement will impact on recreational fishing.	<p>The proposed development is not for jet ski use. The impacts of the proposed development to the fisheries has been considered by NSW Fisheries who have issued their terms for approval.</p> <p>The scale of the development is not considered to be such adversely impact on recreational fishing in the area.</p> <p>The application does not warrant refusal on this issue.</p>

## Reports from Director Development Services

Issue	Comment	Assessment
Pollution	Concern was raised in relation to disposal of waste products and potential fuel spillage.	Council's Environmental Health Surveyor has assessed this issue and would require a number of conditions of approval as the proposed pump out facility would need to occur in accordance with strict requirements. Also a condition would be imposed prevent the storage of fuel on site.  The application does not warrant refusal on this issue.
Precedent	Concern was raised that the proposed filling of the River would result in others wanting the same.	The proposed development is not for the filling of the River, rather the filling of an area of Crown Land that has accreted adjoining the subject land, and the dredging of an area of the river.  Each proposal before Council would need to be assessed on its merits.  The application does not warrant refusal on this issue.
Water Flow	Concern was raised that the proposed development would impact on the river flow.	The proposed development is for open style structures, which will not prevent water flow.  The application does not warrant refusal on this issue.

In addition the issues raised in the above table the submission provided to Council at Community Access also raised concern in relation to the scenic impacts, which are addressed in this report.

(e) **Public interest**

The proposed development raises conflicting submissions from the local community. The objections received raise valid issues that have been assessed and considered in relation to the proposal. The issues raised in the objections have been considered in light of the applicant submissions and technical advice from the interested state government agencies.

## Reports from Director Development Services

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It is considered that the proposed development will not compromise the general public interest in the locality and providing the development is undertaken in accordance with the conditions of consent the environment should not be adversely impacted.

### OPTIONS

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

### LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

The applicant has the right of appeal if dissatisfied with the determination of the application.

### CONCLUSION

The proposed development is considered to raise a number of environmental issues that have been complex and initially of concern to the state government agencies involved in the proposal. The documentation that has accompanied the application has not fully addressed all of the issues on the application, however a number of conditions are to be imposed that would result in matters being satisfied prior to issue of a construction certificate and prior to commencement of works.

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## Reports from Director Development Services

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## Reports from Director Development Services

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- 7. ORIGIN: Development Assessment Unit**  
**FILE REF: DA02/1815 Pt1; Land No. 39879**

**REPORT TITLE:**

**Development Application DA02/1815 for a rural workers dwelling at Lot 1 DP 873622, No. 515 Carool Road, Carool**

**SUMMARY OF REPORT:**

Council has received a development application seeking consent to construct a rural workers dwelling at No. 515 Carool Road, Carool. The application has been accompanied by a SEPP 1 objection to vary the 40ha minimum development standard contained within Clause 18 (3) of Tweed Local Environmental Plan 2000. However, the requirements to obtain consent for a rural workers dwelling rely primarily on the existing agricultural needs of the site.

It is acknowledged that the property supports a number of different activities including a small tree crop orchard, a worm farm, 15 head of cattle (possibly increasing to 50 head of cattle), and an animal establishment (being Coolangatta Pet Motel). Despite these multiple activities, the definition of agriculture specifically excludes animal establishments and therefore, the function of the Coolangatta Pet Motel on this site cannot be considered in determining the level of agricultural merit to permit the rural workers dwelling.

Based on the existing agricultural uses on the site, those being, 15 head of cattle, 100 Macadamia trees, 60 Bowen Mango Trees and a worm farm, the application does not meet the requirements of Tweed Local Environmental Plan 2000. Therefore the application in its current form cannot be supported.

**RECOMMENDATION:**

That Development Application DA02/1815 for a rural workers dwelling at Lot 1 DP 873622, No. 515 Carool Road Carool be refused for the following reasons:

1. The application does not satisfy the requirements of Clause 8 (1) (b) Consent Considerations of Tweed Local Environmental Plan 2000.
2. The application does not comply with Clause 18 (2) (b) of Tweed Local Environmental Plan 2000, which reads as follows:  
“the existing agricultural operation genuinely necessitates that rural workers reside on the farm and the operation has the economic capacity to support them”.
3. The SEPP 1 Objection is not justified in this instance. The 40ha development standard contained within Clause 18 (3) of the Tweed Local Environmental Plan 2000 is considered to be reasonable and appropriate.
4. Approval of this application would set an unwarranted precedent for other properties within the Shire.
5. The application is not in the public interest.

## Reports from Director Development Services

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### REPORT:

**Applicant:** Tony Bulke and Ann Bulke  
**Owner:** Mr Antanas P Bulke and Mrs Ann S Bulke  
**Location:** Lot 1 DP 873622, No. 515 Carool Road Carool  
**Zoning:** 1(a) Rural  
**Cost:** \$95,000

### BACKGROUND

An application has been received seeking approval to construct a rural workers dwelling on the northern part of Lot 1 DP 873622, No. 515 Carool Road, Carool.

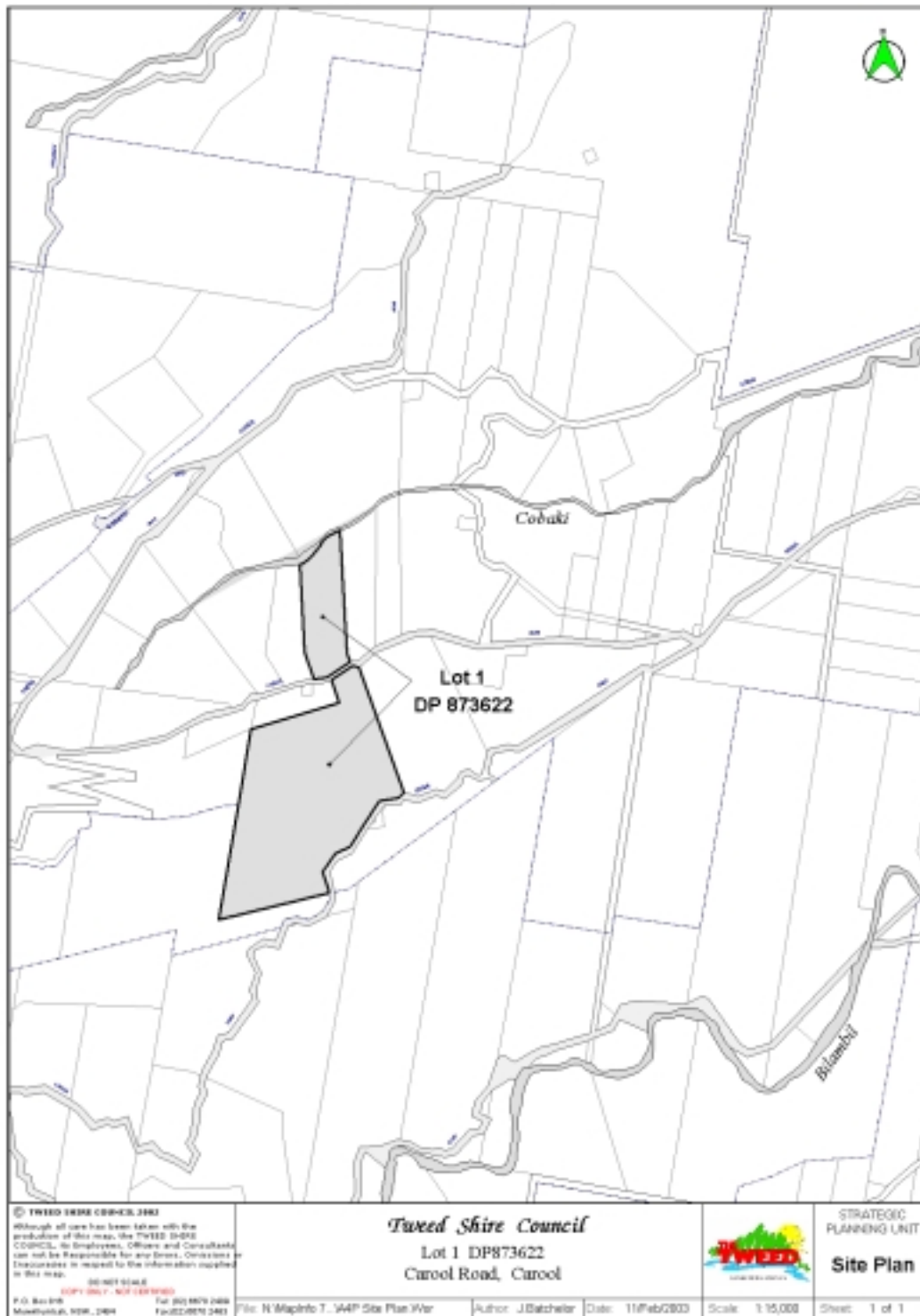
The subject site is a 30.86ha allotment, which is, zoned 1(a) Rural. The land has flat, moderate and steep slopes and is mostly cleared with some large stands of trees remaining over the property. The site is divided by Carool Road itself and is therefore comprised of two components. The southern part of the property (being the higher section of the site), has an approximate site area of 25.62ha and the northern part of the property (being the lowest section of the site), has an approximate area of 5.24ha. The existing improvements on the southern part of the property include the main dwelling house, the machinery sheds, the existing animal establishment and associated car park, and a small tree crop orchard comprising 100 Macadamia trees and 60 Bowen Mango trees. The northern part of the property (which backs onto Cobaki Creek) accommodates the stockyard, worm farm, two dams and associated pumps and a cleared section of land to accommodate the proposed rural workers dwelling.

The rural workers dwelling is proposed on the northern side of Carool Road which has a separate driveway to that of the main dwelling house. The access down to the proposed house site is off set from the existing main entrance and is in part covered with loose gravel. The single storey dwelling has a proposed gross floor area of 121.81m<sup>2</sup>, comprising three bedrooms, two bathrooms, a combined living and dining area, family room, kitchen, a verandah and a double lock up garage.

The subject site has an extensive development history including alterations and additions to the existing dwelling, extensions to the existing animal establishment, and a new machinery shed. However, these applications have no bearing on the processing of this application.

# Reports from Director Development Services

## SITE DIAGRAM



## Reports from Director Development Services

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

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

Tweed Local Environmental Plan 2000

**Clause 11 – Zone Objectives**

The subject land is zoned 1(a) Rural under the provisions of the Tweed Local Environmental Plan (TLEP) 2000. The proposed rural workers dwelling is permissible with development consent in this zone.

The objectives of the 1(a) Rural zone are:

***Primary Objectives***

- *To enable the ecologically sustainable development of land that is suitable primarily for agricultural or natural resource utilisation purposes and associated development.*
- *To protect rural character and amenity.*

***Secondary Objective***

- *To enable other types of development that rely on the rural or natural values of the land such as agri- and eco-tourism.*
- *To provide for development that is not suitable in or near urban areas.*
  - *To prevent the unnecessary fragmentation or development of land which may be needed for long-term urban expansion.*
  - *To provide non-urban break between settlements to give a physical and community identity to each settlement.*

The proposed rural workers dwelling is not considered to compromise the objectives of the zone, however, it must also satisfy the provisions of Clause 8(1) of the TLEP 2000:

**Clause 8 Consent Considerations**

*The consent authority may not grant consent to development (other than development specified in Item 3 of the table to Clause 11) only if:*

- a) *It is satisfied that the development is consistent with the primary objective of the zone within which it is located, and*
- 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 the Tweed as a whole.*

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The proposed rural workers dwelling is not considered to comply with Clause 8(1)(b), given the specific objective under Clause 18 Rural Workers Dwellings in the TLEP 2000:

*To enable the provision of on farm accommodation for rural workers only where there is a genuine need for them to live on site and there is a demonstrated capacity of the existing farm to support their employment.*

Discussions with Mr. Rik Whitehead from NSW Agriculture on 6 February 2003 indicated that when having consideration for the existing agricultural uses on the site (excluding the Pet Motel) he could not see a genuine need for a rural workers dwelling. Furthermore, the applicant has been unable to provide sufficient detail to indicate that the existing farm income (excluding the Pet Motel) could warrant and/or support further full time employee's.

The proposed rural workers dwelling does not satisfy Clause 8 of TLEP 2000.

### **Clause 15 – Availability of Essential Services**

In accordance with Clause 15, the proposed rural workers dwelling must have adequate provision for essential services. Council is satisfied that the dwelling can be appropriately serviced by an approved onsite effluent treatment. The dwelling would gain its water supply from one of the two dams located on the site and would be close to an existing electricity line. These services would be considered satisfactory.

### **Clause 18 – Rural Workers Dwelling**

This Clause enables the provision of on farm accommodation for rural workers where there is a genuine need for them and it has been demonstrated that the farm can support their employment. This clause specifies that consent may be granted for a rural workers dwelling only if Council is satisfied that:

- a) *Its erection will not impair the use of the land for agriculture, and*
- b) *The existing agricultural operation genuinely necessitates that rural workers reside on the farm and the operation has the economic capacity to support them, and*
- c) *The resident of the rural workers dwelling is to be employed on that farm, and*
- d) *The erection of a rural workers dwelling would not result in there being any more than one rural workers dwelling on the farm, and*
- e) *The dwelling will not be built on land classified as Class 1 or 2 agricultural land by the Department of Agriculture.*

The application as it currently stands does not comply with the provisions of Clause 18. The application fails to satisfy Clause 18(b), and despite its compliance with the other four criteria full compliance is required.

The application does not satisfy Clause 18 (b) as the existing agricultural operation does not genuinely necessitate a rural worker to reside on the property. TLEP 2000 defines agriculture as *including horticulture and the use of the land for any purpose of*

## Reports from Director Development Services

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*husbandry, including the keeping or breeding of livestock, poultry or bees, and the growing of fruit, vegetables and the like. It does not include forestry, or the use of an animal establishment or a retail plant nursery.* Therefore, the existing agricultural activities on the allotment, which includes 15 head of cattle (possibly increasing to 50 head of cattle), 100 Macadamia trees, 60 Bowen Mango Trees and a worm farm, does not genuinely necessitate a rural worker to reside on the property. NSW Department of Agriculture has reviewed the application three times, below is a history of these reviews and the final verbal comments received on 6 February 2003:

Written comments dated 4 December 2002:

*NSW Agriculture has a number of issues and concerns with this proposal, namely:*

- 1. The report by the owners and consultant states that there is a need for a full time employee to be housed on the farm though there is lack of justification provided.*
- 2. The proposed increase in the cattle numbers to 50 head in the future may not be sustainable on 30ha and in any case is not sufficient justification to support a full time manager.*
- 3. The proposed dwelling appears to be separated from the block containing the primary dwelling by Carool Road. This means they will not share the same driveway and splitting the dwellings in this manner has the potential to lead to pressure for subdividing the property.*
- 4. The application lacks supporting financial documentation in accordance with our guideline.*
- 5. There is no evidence produced to show that there is no alternative accommodation available except to state that "accommodation maybe available in the locality in illegal or converted buildings".*

*This development application as submitted does not comply with our guidelines for rural workers dwellings. There is lack of justification provided as to why the dwelling is required for the productive and efficient operation of the farm for agricultural purposes. Justification for the dwelling on any basis related to pet motel business or any other non-agricultural reasons are matters not for this agency to determine but Council within the provisions of the LEP.*

The applicant responded to this referral response by providing further written documentation, following this Council received further written comments from NSW Agriculture dated 9 January 2003:

*"The proposed rural workers dwelling though not complying precisely with our guidelines, would appear to be beneficial to the efficient and practical operation of this mixed enterprise property.*

*The subject property appears to support a number of commercial enterprises including a small commercial tree crop orchard, worm farm, beef cattle and kennel complex. There appears to be a substantial array of farm plant and equipment to support the operations of the property. The kennels are considered a substantial*

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*fixed capital infrastructure investment and a demonstration of the business approach of the applicants to the property.*

*Given the mixed business nature of this operation, the size of the property, the demonstrated necessity for one or more workers to assist in the efficient operation of the business and the capital investment involved, the Department is prepared to accept the proposal as submitted. With respect to the financial capacity of the business, it is accepted in good faith that the owners/applicant could produce the relevant figures on request. With respect to the location of the second dwelling it is accepted in good faith that this location is the most suitable location for the dwelling in relation to the needs and security of the property and the owners have no desire to seek subdivision of this part of the property.*

*Council is urged to undertake a site inspection of the property as deemed necessary. This Department has a single planning and development officer dealing with 18 LGA's across the north coast and it is far beyond our resources to undertake a site inspections that are more efficiently and appropriately undertaken by local Council officers"*

Council's Assessment Officer discussed this referral response with the Department on 6 February 2003. Council expressed concerns that the response was vague, presumptuous and that it relied on the kennel complex as an agricultural use to support the application for the rural workers dwelling. After explaining that an animal establishment was specifically excluded from the definition of agriculture, the Department concluded that there was little agricultural merit to the application.

It is therefore concluded that the application does not satisfy Clause 18 (b) as the existing agricultural operation does not genuinely necessitate a rural worker to reside on the property. Furthermore, the applicant has failed to demonstrate that the existing agricultural uses alone have the economic capacity to support the proposed rural workers.

Clause 18 (3) specifies that *consent must not be granted to the erection of a rural workers dwelling on an allotment of land having less than 40 hectares in Zone 1(a), 1(b2) or 7(d) or on an allotment of less than 10 hectares in Zone 1(b).*

The subject property has a total site area of 30.86 ha, which falls below the minimum allotment size required by Clause 18. Accordingly the applicant has included an objection pursuant to State Environmental Planning Policy No. 1. This objection is discussed below under the heading of "State Environmental Planning Policies".

### North Coast Regional Environmental Plan 1988

Clause 12 provides that consideration must be given to the likely impact on the proposed development on the use of the adjoining or adjacent agricultural land and whether the development will cause loss of prime agricultural land and whether the development will cause a loss of prime crop or pasture land.

Dams and cattle grazing area border the proposed building site. The introduction of a house with a gross floor area of 121m<sup>2</sup> would not result in a loss of prime agricultural land.

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The surrounding land is used for cattle grazing and any associated agricultural purposes, the introduction of an additional house would not result in any land use conflict given the dwelling would be occupied by a farm worker, who would be aware of adjacent farming activities, therefore, the potential for conflict would be further diminished.

### State Environmental Planning Policies

#### State Environmental Planning Policy No. 1 – Development Standards

Clause 18 of Tweed Local Environmental Plan 2000 requires a minimum allotment size of 40 hectares to accommodate a rural workers dwelling. As the size of the subject allotment is below this minimum area being 30.86ha, a State Environmental Planning Policy No. 1 - Development Standards is required.

The applicant provided an objection to the standard as follows:

- a) *Clause 11, Table 1(a) Rural does not prohibit the erection of a rural workers cottage. However, Clause 18 set a standard in sub Clause (3).*
- (3) *Consent must not be granted to the erection of a rural workers dwelling on an allotment of land having an area of less than 40ha in Zone 1(a), 1(b2) or 7(d) or an allotment of less than 10 hectares in Zone 1(b2).*
- b) *The standard is unreasonable not just in this case, but in every case where merit can be established. The 40ha anachronism, believed to have come from a philosophy that 100 acres was a suitable dairy farm unit early in the 1900's paralyses potential viable land utilisation in coastal and hinterland areas, and here we are in 2002 only now making a tentative attempt to accept the changes in rural industry.*  
*The successful activity of the owner in establishing the animal facility while maintaining cattle on this class V land of 31 ha, much unusable, illustrates the inappropriateness of the 40 ha imposition as a blanket requirement. Manpower needs do not relate to areas of land, but to the activities thereon.*
- c) *The objective of the standard is to prevent multiple buildings on the rural holdings where not justified. Proliferation of this, for family or rental purposes, would increase pressure on services to outer areas, where costs of such are substantially higher than in urban precincts.*
- d) *In the subject circumstance, the very nature of the principal activity, which must be located remote from close settlement, deems that the application is not inconsistent with the objective of the standard.*

The above justification relies upon the nature of the activities on the site, specifically the animal establishment. However, as discussed above the objective of Clause 18 is clear in that there must be a genuine need for the rural worker to live on site. It has been established that the existing animal establishment cannot be included in the assessment of the existing agricultural merit of the property and thus the remaining agricultural uses alone cannot genuinely necessitate a rural worker to be housed on site.



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It is therefore concluded that the application in its current form does not substantiate a valid argument to conclude that the existing development standard is unreasonable or unnecessary in the circumstances of the case.

Having regard to the objectives behind the development standard and the submission quoted above, the SEPP 1 objection is not supported in this instance.

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

In accordance with the requirements of this Policy, the applicant submitted a signed declaration from Mr Arthur Bonser who has lived at No 484 Carool Road for the past 54 years. This declaration stated that No 515 Carool Road was originally used as dairy farm, until 50 years ago when the land was then used for small crops on and off for 15 years – mainly zucchini and tomato's and mostly on the flat near Carool Road. The land then lay to waste for twenty years until the current owners purchased the property cleared the land and rebuilt an old dam. Council's Environmental Health Officer after a thorough investigation confirmed that the subject dwelling site had not been subjected to any chemical spraying or occupied by a building or used as storage for such chemicals, nor has it been a disposed area for oils or other industrial wastes. Therefore, the subject dwelling site is not considered to be contaminated land.

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

There are no Draft Environmental Planning Instruments that affect this proposal.

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

#### Development Control Plan No. 39 Energy Smart Housing

The proposed dwelling would be capable of compliance with this control by installing an energy efficient hot water system.

#### Development Control Plan No. 42 Public Notification Policy

In accordance with the Plan, the application was not required to be notified or advertised.

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

There are no 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**

#### Access

The proposed rural workers dwelling would utilise a separate driveway off Carool Road to that of the main dwelling house. This is due to the divided nature of the property by Carool Road itself. However this arrangement does not comply with the Essential Requirements detailed in the Department of Agriculture brochure "Can I Build a Rural Workers Dwelling" which specifies that: "*the dwelling must have the same road access as the principal farm dwelling*". Although this document is advisory rather than statutory it is considered that this is another area of non compliance which individually

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may have been disputed, however, combined with all other aspects of non compliance is considered unsatisfactory.

### Context & Setting

Carool Road itself separates the proposed building location from the main dwelling house. The applicant's reasons for this is the need to maintain an element of privacy between the houses, to maintain the existing security of the property by way of retaining a boom gate to the southern section of the property, and to keep costs low by keeping the current location of the electrical wiring. The proposed dwelling site would be considered reasonable if significant merit could be established.

### Flora & Fauna

The erection of a house in the proposed location would not disturb any existing flora or fauna.

### Unwarranted Precedent

The application if approved would create an unwarranted precedent for other properties with similar levels of agriculture, and a similar allotment size. When considering only the existing level of agriculture (excluding the animal establishment) there is not a genuine need for a rural workers dwelling. Should approval be granted it would be considered an undesirable outcome that would severely compromise the integrity of Clause 18 of TLEP 2000.

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

### Bushfire Hazard Assessment

The subject site falls within a low-medium bushfire hazard area, and the application was therefore referred to the local NSW Rural Fire Service for comment. The following comments were received from the Department

*“The application must comply with Planning for Bushfire Protection 2001, if the proposed new residence is within 100m of a medium to high bushfire hazard or 30 m of low hazard Minimum. An Asset Protection Zone of 20 metres would be required surrounding the proposed new residence.*

If approval were granted for this application, a condition of consent would be required reflecting the above comments.

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

### NSW Department of Agriculture

As detailed above the application was referred to NSW Agriculture for comment following two formal written referral responses and verbal advice received on 6 February 2003. The Department concluded that based on the existing agricultural uses of the site including 15 head of cattle, 100 Macadamia trees, 60 Bowen Mango Trees and a worm farm there is not a genuine need for a rural workers dwelling.

It should also be noted that the Department made the following assessment on the prospect of increasing the head of cattle to 50:

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*“The proposed increase in cattle numbers to 50 head in the future may not be sustainable on 30 ha and in any case is not sufficient justification to support a full time manager”.*

The application is unsatisfactory having regard to the Departments concerns.

### Internal Comments

Council’s Environment & Health Unit undertook a thorough investigation regarding the proposal, specifically, in relation to land contamination. Following this investigation no objections were raised subject to standard conditions of consent.

Council’s Building Services Unit reviewed the application and raised no objection to the proposal subject to standard conditions of consent.

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

The application is not considered to be in the public interest. The application does not meet the requirements of Tweed Local Environmental Plan 2000 and does not have the support of the Department of Agriculture. Should approval be granted the application would create an unwarranted precedent for other properties, furthermore, it would result in an undesirable outcome that would severely compromise the integrity of Clause 18 of TLEP 2000.

### **OPTIONS**

1. Refuse the application for the reasons detailed above.
2. Approve the application and issue a conditional consent.

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

Should the applicant be dissatisfied with the determination of this application they may seek an appeal with the Land & Environment Court.

### **CONCLUSION**

It is acknowledged that the property supports a number of different activities including an animal establishment, however, despite these multiple activities, the definition of agriculture specifically excludes animal establishments and therefore, the function of the Coolangatta Pet Motel on this site cannot be considered in determining the level of agricultural merit to permit the rural workers dwelling.

Based on the existing agricultural uses on the site, those being, 15 head of cattle, 100 Macadamia trees, 60 Bowen Mango Trees and a worm farm, the application does not meet the requirements of Tweed Local Environmental Plan 2000 and does not have the support of NSW Agriculture. Therefore the application in its current form should not be supported.

## Reports from Director Development Services

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## Reports from Director Development Services

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**8. ORIGIN: Development Assessment Unit**

**FILE REF: DA02/1693; Land No. 44773**

**REPORT TITLE:**

**Development Application DA02/1693 for a subdivision to create 16 residential allotments & a residual lot at Lot 113 DP 1031933, Tweed Coast Road Kingscliff**

**SUMMARY OF REPORT:**

An Appeal has been lodged with the Land and Environment Court in relation to the proposed development. The proposed development was for a sixteen (16) lot residential subdivision with four of the proposed lots being for dual occupancy.

The Development Assessment Panel considered a report on the proposal on 11/12/2002, which recommended refusal of the application. The reasons for refusal are detailed in this report.

**RECOMMENDATION:**

That the matter be referred to Council's solicitors with instructions to defend the appeal.

## Reports from Director Development Services

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### REPORT:

**Applicant:** Kings Beach (No 2) Pty Ltd  
**Owner:** Kings Beach (No 2) Pty Ltd  
**Location:** Lot 113 DP 1031933, Tweed Coast Road Kingscliff  
**Zoning:** 2(e) Residential Tourist  
**Cost:** Not Stated

### BACKGROUND

A development application was lodged for the subdivision of sixteen (16) residential allotments ranging in size from approximately 542m<sup>2</sup> to 887m<sup>2</sup> in the northern precinct of Casuarina Beach between Casuarina Way and Riberry Drive. Four (4) of the proposed allotments were nominated as dual occupancy lots. The application was considered by the Development Assessment Panel on 11 December 2002 and was refused.

The reasons for refusal were:

1. The proposed subdivision is not consistent with the objectives of the zone under the Tweed Local Environmental Plan 2000.
2. The shape and orientation of proposed lots 192, 181, 193 and 194 will not achieve compliance with 3.4.2 of Development Control Plan No.11 – Kings Beach.
3. The shape and orientation of proposed lot 193, 194, 195 and 196 will not achieve compliance with 4.2 of Development Control Plan No.39 – Energy Smart Homes Policy in relation to future dual occupancy development.
4. The proposed subdivision will not achieve the requirements of Clause 4.2 of Development Control Plan 39 – Energy Smart Homes Policy.
5. The shape and orientation of proposed lots 192, 193, 194, 195, 196, 181 and 187 will result in unsuitable building envelopes for future residential development.
6. The proposed subdivision is not accompanied by required engineering documentation to make a satisfactory engineering determination on the development.
7. The proposed subdivision does not provide adequate access to proposed lot 192.
8. The proposed subdivision is not in the public interest.

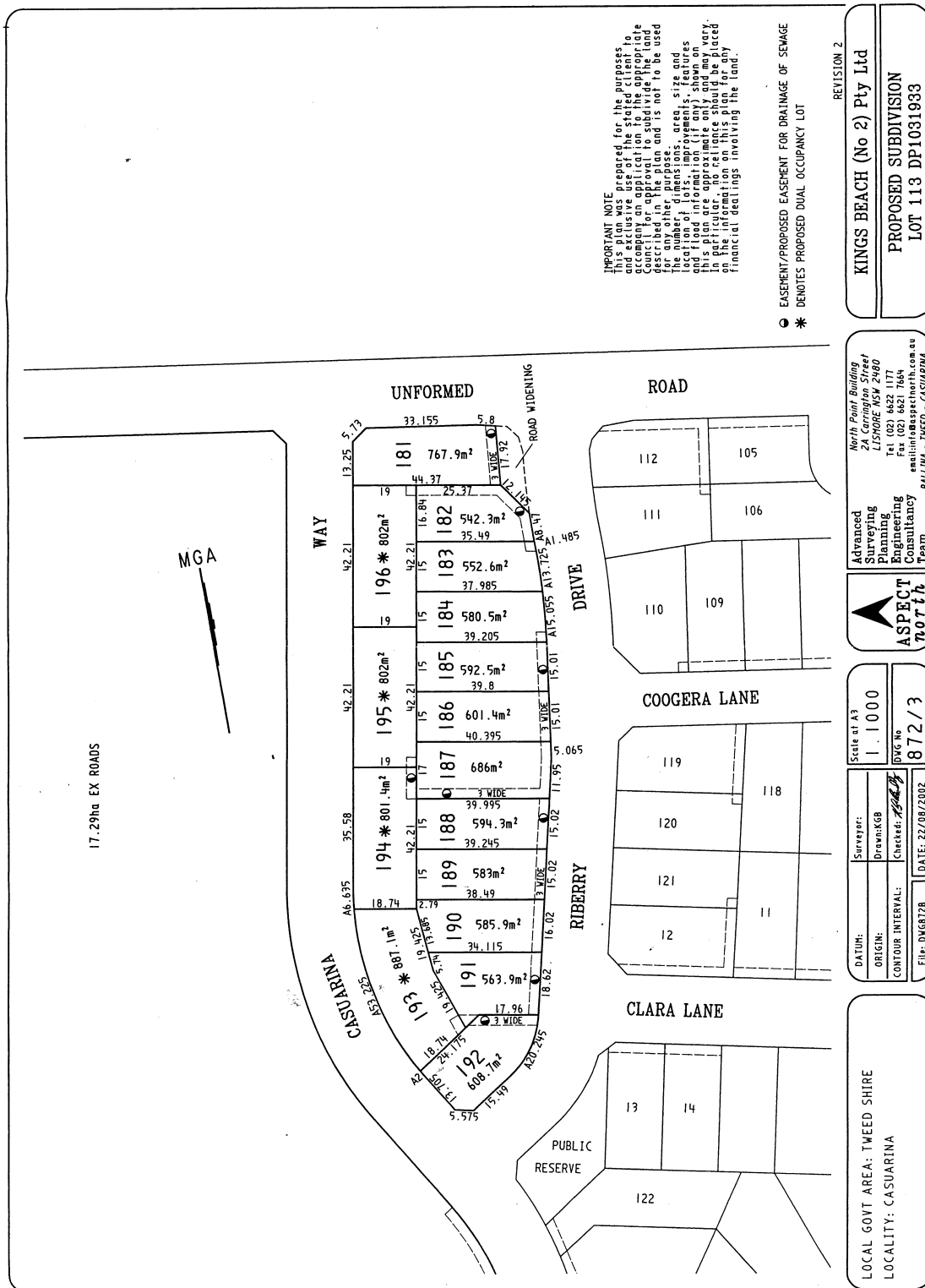
The above reasons for refusal were both statutory reasons and reasons based on the merits assessment of the proposed subdivision. A copy of the proposed plan of subdivision is included.

# Reports from Director Development Services

## SITE DIAGRAM



# Reports from Director Development Services





## Reports from Director Development Services

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### REPORT

Notification has now been received that the applicants have appealed the decision to refuse in the Land and Environment Court. A telephone call over is set down for 10am on 17 February 2003. Council's file has been referred to Stacks to respond to the call over.

### LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

The legal proceedings are a Class 1 matter. It would be expected that Council would incur our own legal costs for this proceeding.

### CONCLUSION

It is concluded that Council should defend the decision to refuse the development application.

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**9. ORIGIN:** Strategic Town Planning Unit

**FILE REF:** GT1/DCP/9 Pt 2; Subj: DCP; Land Development - Kingscliff

**REPORT TITLE:**

**Draft Development Control Plan No 9 (Version 2) - West Kingscliff**

**SUMMARY OF REPORT:**

Draft Development Control Plan No. 9 – Version 2 is an endeavour to build upon the “special place” that Kingscliff is and to ensure high quality development and environmental management for West Kingscliff. It includes recommendations and design concepts for a Town Centre adjacent to Turnock Street west of the existing township – about 1500-20,000m<sup>2</sup> (which compares with Tweed City – 42,000m<sup>2</sup>).

**RECOMMENDATION:**

That the draft Development Control Plan No 9 (Version 2) (Annexure 1), be placed on public exhibition for 28 days in accordance with the Environment Planning and Assessment Regulation with the Director of Development Services being delegated to make typographical and/or formatting changes necessary before public exhibition.

## Reports from Director Development Services

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### **REPORT:**

This amendment to Development Control Plan No 9 (DCP 9) – West Kingscliff has been produced in response to issues arising from the exhibition of the Discussion Paper for Draft Tweed Coast Strategic Plan and the urgent need to update the Development Control Plan, given the draft Masterplan of Gales Holdings Pty Ltd and the lodgement of two development applications in West Kingscliff.

The border to the DCP area has been adjusted to include areas to the west of Tweed Coast Road that are to be used for sporting fields and for the relocation of the Sewerage Treatment Plant (STP). The boundary has also been moved back away from the coast to align with the area covered by DCP 43 – Kingscliff.

### **ACCESS**

The DCP has been amended to include a broader set of objectives for access and infrastructure with the underlying principles of planning for “pedestrians first”. The provision for public transport provides for a public transport hub in the form of a transport interchange with adjacent car parking and taxi rank facilities in the activity centre of the urban area of Kingscliff.

The DCP also requires a network road system to be provided that is permeable, legible and connected, ensuring that it is easily understood and allows for choice of route to destinations - thereby spreading the affects of increased traffic and reducing the impact generally of traffic in the Kingscliff area.

Guidance is provided in the plan in the provision of car parking related to development to ensure that it does not become dominant in the built environment while providing for the needs of the community. To satisfy some of the need a public car park is proposed directly behind the existing retail area to allow access from the vehicle to into the town and to the beach and in the future to the expanded retail and commercial area of the town. It will also adjoin the proposed transport interchange to allow for a park and ride scenario.

### **RESIDENTIAL DEVELOPMENT**

The residential development in the West Kingscliff area is provided for in the plan with medium density housing in the area surrounding Turnock Street due to its proximity to the Town Centre, the tourist precinct of Marine Parade and the beach. Medium density development is also considered relevant for the area to the north adjacent to Ozone Street.

Low density housing has been forecast for the area to the west of the Turnock Street roundabout to the Tweed Coast Road bordered in the north by existing low density development and mobile homes and to the south by areas of forest. There has been a reduction in the estimated population yield for the area from the original DCP 9 from 5,700 to 4,000 in the main through the increase in land earmarked for conservation and greenbelts in the plan. Generally this has occurred as more information has become available since the plan was first produced.

### **PUBLIC REALM**

This section on open space has been expanded to include some guidance on public space such as footpaths and the town square to ensure shade and shelter in the urban area and a more consistent approach to streetscape design.

## Reports from Director Development Services

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An area has been identified for a regional level sports field to the north of Cudgen Village and west of the Tweed coast Road.

### **NATURAL ENVIRONMENT**

This section provides for the protection and management of significant areas of vegetation and fauna habitat and areas of landscape that are needed for their visual and scenic qualities.

It is proposed that a greenbelt be provided as a spine to the areas in a north/south direction. The majority of the vegetation already exists and will act as a buffer between the residential and the business industrial areas of the northern most part of the DCP area. These areas will need to be extended with planting along the north/south drain. This will then link to the conservation areas in the south that is to provide a backdrop for the residential areas between the Tweed Coast Road and the Turnock Street roundabout.

From information provided to Council as part of a development application, areas of forest on both sides of Turnock Street will require conservation as habitat for the Mitchell's Rainforest Snail; a nationally endangered species. These areas provide a greenbelt between the existing residential areas and the expanding town and medium density development in the Turnock Street area. Part of the northern conservation area is proposed for the extra use as a managed area for stormwater inundation for above 5 year flood events. If this is viable it ensures a reduction in the land needed elsewhere for this purpose.

### **DRAINAGE & WATER QUALITY**

This section has been extensively remodelled to recognise the need to conserve water and reduce the effects of stormwater on the environment due to runoff from urban areas.

An area of 0.8ha, suitable for use as a stormwater drainage detention basin is required to satisfy the affects of the existing developed areas to the north of Turnock Street during flood event on future development down stream. There are three options for the provision of this area. One is to provide a 8,000square metre basin to the north of Gales Holdings area and an adjacent area on land owned by the Bowling Club, the second would require the construction of a drain the length of Gales Holdings land from the Bowling Club land to the east/west drain south of Turnock Street. This option would provide the 8,000 square metres along the length of the drain. The third option and the one provided in the proposed DCP is to utilise the conservation land north of Turnock Street as a drainage basin. The area of land in this basin is far greater to what is required and therefore there would only be a short inundation period. This third option would need to be investigated further and a management regime provided to ensure there is no adverse affects to the lands prime use, conservation of a fauna habitat. It does however mean that the area of loss of developable land is reduced.

### **COMMUNITY FACILITIES**

This section points to a possible need in the future to relocate some of the emergency facilities in Kingscliff to a site more directly accessible to the arterial road network to ensure ease of access throughout the Tweed Coast. There is also a need for a community centre to cater for a growing and vital community in Kingscliff.

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### **KINGSCLIFF CENTRAL URBAN AREA**

This section has been added to provide for an expanded town centre to Kingscliff so that it may function in the future as a district centre. The proposal is to allow for a town of 10,000m<sup>2</sup> – 20,000m<sup>2</sup>. This matches well with the 20,500m<sup>2</sup> retail area of Murwillumbah District Centre for the Tweed Valley. It is also only half the size of 42,000m<sup>2</sup> Tweed City Mall.

The requirements built into the plan look to ensuring a centre that allows for continuity of the character and uniqueness of Kingscliff. It provides for a mixed use centre effectively using the land to its fullest by requiring a minimum of two storeys to all street frontages and ensuring an active street frontage to Turnock Street. This it is hoped will ensure a vibrant town centre with a human scale.

The location of large areas of car parking to the front of buildings is frowned upon as is long areas of wall to street frontages and the internalising of the retail component into large malls. This will allow for a more pedestrian feel to the built environment similar to that found along Marine Parade and so much valued by the residents of Kingscliff and tourists alike.

The proposed central core to this urban area is a public area consisting of a transport interchange, public car park and town square. The collocation of a new community building in this area could further improve the sense as the heart of the town for this area. It is proposed that the public facilities are linked by the town square to Turnock Street and the major retail, commercial and residential areas of the town.

To ensure that the expansion occurs without affecting the existing business in the community and to provide for a constantly growing and viable town the first stage has been provided for directly behind and linking to the exist retail areas. A requirement of the plan is to require the first stage to be two thirds developed prior to release of any further stages.

### **BUILDING DESIGN**

This section is a direct copy from DCP 43 – Kingscliff to ensure consistency of quality in residential design throughout the Kingscliff area.

### **CONCLUSION**

As discussed above, Development Control Plan 9 – West Kingscliff has been significantly altered and updated to provide a basis for the development of the West Kingscliff area into the future. The plan provides for the provision of industrial and business enterprise land to north, a mix of housing types throughout the area, regional sporting fields and a mixed use town centre catering for expansion of the existing commercial area of Kingscliff and the upgrading of the town to the centre for the district.

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## Reports from Director Development Services

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**10. ORIGIN: Director**

**FILE REF: GT1/LEP/2000/3 Pt8; LEP - Seaside City**

**REPORT TITLE:**

**Seaside City - Local Environmental Study and Draft Local Environmental Plan**

**SUMMARY OF REPORT:**

At its meeting of 22 January 2003 Council resolved to require the Director of Development Services to report to the Council meeting of 19 February 2003 regarding the status of the Local Environmental Study and draft Local Environmental Plan for Seaside City. All of the documentation that the McInnes Group has undertaken to provide to Council following the completion of the Deed of Termination and the public statement of exoneration has not yet been received. It is intended that the Director of Development Services prepare a draft brief following receipt of the completion documentation and then consult PlanningNSW and Richtech Pty Ltd before seeking submissions from selected consultants to complete the Study and draft Local Environmental Plan – in accordance with the recommendations of the Department of Local Government Investigation report.

**RECOMMENDATION:**

That this report be received and noted.

## Reports from Director Development Services

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### REPORT:

#### INTRODUCTION

At it's meeting of 22 January 2003 Council resolved as follows: -

- "1. The Seaside City project be temporarily removed from consideration with in the Tweed Coast Strategy; until*
- 2. The Director Development Services reports to Council by mid-February 2003 to allow consideration of the McInnes material relevant to the LES of Seaside City."*

#### DEPARTMENT OF LOCAL GOVERNMENT INVESTIGATION REPORT

The Department of Local Government Investigation Report included recommendations – as subsequently endorsed by Council by resolution – as follows: -

1. That Council having terminated or otherwise brought the appointment of the McInnes Group to a close and if Council wishes to proceed with the process of undertaking an Environmental Study of the Seaside City lands with a view to a possible rezoning of all or part of those lands and to do so with the assistance of external consultants should proceed immediately revise in part the specification for the work (so that what is now required is a rigorous review and reappraisal of work completed to date as well as the completion of all other outstanding work contemplated by the revised specification issued on 23 March 2001), secure the agreement of PlanningNSW and Richtech to that revised specification and then undertake a further limited expressions of interest process before appointing a new consultant to do the job.
2. To this end, that (assuming they are all willing and able to do the work) this only going back to two of the four consultants who were on the shortlist (either the four (4) who were asked on 23 March 2001 to respond to the further revised brief agreed at Grafton), therefore excluding the McInnes Group and Feros, and inviting them to submit new quotes to do the work set out in the revised agreed specification. An appropriate deadline for responses to be received should be set in such a way that it is both fair and reasonable to the consultants in question and ensures that the process of getting the Environmental Study back on track is undertaken as expeditiously as possible.
3. When those bids are in they will need to be duly assessed and a determination made as to which is the preferred bidder. This assessment and determination can either be made by Council's Director of Development Services, Mr David Broyd and his staff in accordance with Council's existing delegations and adopted policies and procedures or by the elected body, but in my view it would be more appropriate for the appointment to be made by Mr Broyd acting under his delegated powers and not by the elected Councillors.
4. That on the other hand if the appointment is made by Mr Broyd there is no reason why Mr Broyd should first provide a strictly confidential briefing for the information of Councillors only on the process and to his recommended appointee if that is considered warranted or required by the Councillors.
5. That there is no need for Richtech to participate in any hands on way in the assessment and selection process. This particularly as on balance I do not consider it would be



## Reports from Director Development Services

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appropriate for Richtech to be asked to contribute any further funds to help pay for the Environmental Study process. Furthermore, both Richtech and DUAP as it then was had participated in and signed off on the process of determining of deciding which consultants should be on the short list as I believe should have been the case before so now I recommend that the actual choice of which consultant on the short list should be awarded the contract is Council's and Council's alone.

### **PROVISION OF DOCUMENTATION BY THE MCINNES GROUP**

The position of the McInnes Group is set out in the letter from David McInnes of 27 January 2003 – Annexure 1. At the time of writing this report any further planning information (as reflected in the last paragraph of Mr McInnes' letter) together with the report by the sub-consulting engineer are yet to be received.

### **POSITION OF RICHTECH PTY LTD**

At the request of Richtech Pty Ltd the Mayor, General Manager and Director of Development Services met with Messrs Wilson, Bruce Barclay and McGregor of Richtech Pty Ltd on 19 December 2002. The essential submissions of Richtech and outcomes of that meeting are summarised as follows: -

1. Richtech Pty Ltd would like to put the past four (4) years aside and move the LES process ahead in a spirit of co-operation between Council officers and Richtech representatives.
2. Richtech submit that a good approach would be for Council officers to complete the LES works not yet completed – being in their view more efficient than the involved processes of new brief tenders, supervision of consultant, Council editing, reporting etc.
3. That the specification to work to in determining work to be completed should be the specification as issued by DUAP on 4 April 2001.
4. That the LES target date for completion should be the end of February 2003.

The Director of Development Services advised that: -

- a. He was required to report to the Council meeting of 19 February 2003 in terms of reviewing the documentation provided by the McInnes Group and how to proceed to complete the LES and draft LEP – and including the issue of whether the LES and draft LEP should be finalised by Council's Strategic Planning staff or proceed to engage consultants.
- b. The General Manager advised that Council also wished to complete the process in a spirit of co-operation and that once the McInnes material was to hand that the matter could be moved forward quickly. The Mayor emphasised that the process hereon must be totally transparent.
- c. Representatives of Richtech Pty Ltd also submitted that the Bulford Report stated that it was the responsibility of the Council to complete the LES and that in completing the LES/LEP work, Council could do the work itself or outsource the work if it so desired. Paragraph 5 on page 58 of the Bulford Report and other pages were referred to by representatives of Richtech Pty Ltd.

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Explanation of the three (3) development applications lodged for areas within Seaside City also took place.

### **THE SEASIDE CITY LANDOWNERS GROUP**

A Seaside City landowners group has been formed and this is chaired by Mr Bruce Barclay of Richtech Pty Ltd. The resolutions of the first meeting of that Group are contained in a letter from Mr Barclay, which has been previously circulated to Councillors together with the reply of the Director of Development Services. This letter and that reply are also annexed to this report – Annexure 2.

It is fully acknowledged that the Seaside City landowners as whole should be made fully aware of the status of planning for Seaside City and the process towards completion of the LES and draft LEP.

### **PROCESS FOR COMPLETION OF THE LOCAL ENVIRONMENTAL STUDY AND DRAFT LOCAL ENVIRONMENTAL PLAN**

There are additional factors that need to be brought to bear: -

- a. The increased focus by NSW State Government on Coastal Planning Policies as manifested in SEPP71 and the finalisation of the Coastal Design Guidelines.
- b. The Coastal Management Plan being undertaken by Umweldt Pty Ltd as commissioned by Council and the Department of Land and Water Conservation is being progressed and has relevance as to Council policy for the coastal hazards identification and related coastal foreshore planning and management that is pertinent to Seaside City – Umweldt Pty Ltd are briefing Council on 12 March 2003.

The complete documentation provided by the McInnes Group to date is a Confidential Annexure to this report. There is further documentation to be provided by the McInnes Group to complete the planning documentation and to provide the sub-consultants report on engineering matters. Whilst further delays are regrettable there is a clear need for the Director of Development Services to await the presentation of the full documentation by the McInnes Group before finalising a draft brief.

Hence the process for completion of the LES and draft LEP is proposed as follows – and has been previously conveyed in large parts to landowners at Seaside City: -

1. The provision of complete documentation by the McInnes Group.
2. The review of that documentation by the Director of Development Services and the drafting of a brief for completion of the LES and draft LEP.
3. Consultation regarding that draft brief by the Director of Development Services with PlanningNSW and other key State Government agencies.
4. Consultation on the draft brief with Richtech Pty Ltd.
5. Provision of the revised brief when completed to the four (4) consultants who originally submitted to undertake the Seaside City LES and draft LEP as recommended in the Department of Local Government Investigation Report.

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6. The selection of the preferred consultants by the Director of Development Services in consultation with Council and in terms of the recommendations of the Department of Local Government Investigation Report.
7. The Mayor convene a workshop of all Seaside City landowners and State Government agencies with Council and the newly engaged consultants to explain the history, discuss key issues and the process towards completion of the Study and draft LEP.

Council must consider a budget allocation to fund the completion of the LES and draft LEP in accordance with the revised brief and a recommendation will be made to Council on the amount at the appropriate time.

Given the history of the planning for this site and the Department of Local Government Investigation Report it is considered critical to have a peer review of the work completed to date and have independent consultants complete the LES and draft LEP on behalf of Council in accordance with the process recommended above.

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### **10a. ORIGIN: Strategic Town Planning Unit**

**FILE REF: Tweed Coast Strategy**

### **REPORT TITLE:**

**Draft Tweed Coast Strategy 2002 Discussion Paper**

### **SUMMARY OF REPORT:**

The Discussion Paper was exhibited from 25 August to 8 November 2002. Finalisation of this Strategy is a key responsibility of Council as a planning authority particularly given the development pressures on the Tweed Coast. The State Government has greatly increased its policy focus on the NSW Coast – including SEPP71. One means by which Council may be able to legitimately secure delegations from the Minister for Planning for Development Application determinations is by having adopted strategies such as this.

Attached to this report is the Discussion Paper which was exhibited – Appendix 1.

### **RECOMMENDATION:**

That: -

1. Council prepares and exhibits a draft Development Control Plan the “Tweed Coast Strategy 2002” by amending the Discussion Paper as follows: -
  - a. Confirm Kingscliff as the site of the District Centre for the Tweed Coast.
  - b. Include an explanation of the green belt policy and an appropriate Policy Statement in Section 7.0 Environmental and Coastal Issues.
  - c. Environmental aspects:
    - recommend Council prepare a Koala Management Plan;
    - include all threatened species and species habitat wetland and significant vegetation communities;
    - include the habitat of the Mitchell’s Rainforest Snail;
    - include east-west vegetated corridors at West Kingscliff.
  - d. Set out the requirements for beach access, integrated with the principles for the location of public parking areas.
  - e. Include relevant coastal regional facilities as set out in Council’s adopted Open Space Strategy.
  - f. Replace 5.8 (Kingscliff) with “It is intended to undertake a comprehensive review of future parking for the existing Kingscliff CBD. Notwithstanding that intention, the need for a parking station to service the CBD should be retained which should be integrated into the District Centre on the southern side of Turnock Street”.
  - g. The planning for the Chinderah Road – Turnock Street link include traffic controls to manage Crescent Street.
  - h. Include a site for emergency services on the Kingscliff STW site (assuming the treatment works are relocated).

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- j. The location and need for potential upgrading of the Kingscliff Amenities Hall be reviewed.
- k. Reference should be made to Master Plans in Section 2 of the Discussion Paper and the Strategic Plan diagram.
2. The Discussion Paper to be completed for the area between Kingscliff and Cudgen Lake and in the longer term be extended to include:
  - the full length of the Tweed Coast from Fingal to Wooyung; and
  - broad locality plans for each of the coastal communities as a basis for detailed local planning.
3. An incentives framework be evaluated to potentially achieve the coastal esplanade detailed in Section 7.1; and require a link from any esplanade at Lot 490 to the realigned Casuarina Way.

# Reports from Director Development Services

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## REPORT:

### 1. INTRODUCTION

The draft Tweed Coast Strategy 2002 Discussion Paper was exhibited between 25 August 2002 and 8 November 2002, during which period 40 submissions were received. This report will

- Present and analyse the issues raised in those submissions; and
- Recommend what amendments arising from submissions are required to the Strategy.

### 2. BACKGROUND TO THE DISCUSSION PAPER

The Tweed Coast is the focus of significant growth pressures in the Shire. In the area between Kingscliff and Cudgen Lake there is the potential to increase the resident population from the current 7,000 to over 25,000 over the next 20 years or so. There are also significant tourist pressures, both day-trippers and those requiring accommodation. The purpose of the Tweed Coast Strategy is to provide the framework for the essential planning for the coast to:

- Accommodate this anticipated development of the coast;
- Meet the requirements of the current communities; and
- Protect the essential values of the coast.

To achieve this the Discussion Paper includes a Vision Statement and a number of Policy Principles designed to create 'high quality development environment and services and facilities for the local communities'.

Specifically, the Discussion Paper deals with:

- The location of the future town centre and a hierarchy of subordinate centres to service the coast.
- The establishment of green belts to identify and contain urban areas
- The protection and use of sensitive coastal foreshore areas to provide for public access
- The identification of strategic infrastructure, particularly that required by agencies other than Council.

It is emphasised, therefore, that the Discussion Paper is not a restatement or replacement of existing strategic policy; neither is it meant to be a 'one-stop policy framework for the Tweed Coast.

### 3. SUBMISSIONS

A total of 40 submissions were received, including the following organisations, major landowners and government agencies:

- Planning NSW
- NPWS
- RTA
- EPA
- NSW Fisheries

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- Coastal Council of NSW
- NSW Agriculture
- Northern Rivers Catchment Board
- Richtech P/L
- Casuarina Beach
- Seaside City landowners
- Gales Holdings
- Kingscliff Residents and Ratepayers Assoc

In addition to those submissions Council held a second Tweed Coast Strategy Workshop on 19 November 2002 at which a number of issues were raised by participants. Those issues are detailed in Appendix 2 and have been included in the analysis of submissions detailed in this report.

Many submissions raised similar issues, at times with contrary points of view. Rather than replicate the same analysis for each submission for brevity issues raised have been consolidated and analysed under a number of broadly based generic headings. However, to ensure that respondents are able to clearly read how their submission has been dealt with, Appendix 3 includes a summary of the issues raised in each submission and where that issue is dealt with in this report. Furthermore, each of the submissions received will be available for inspection by a Councillor prior to the Council meeting of 19 February 2003.

#### 4. INTENT OF THE STRATEGY

Submissions raised issues, which in broad terms concerned the intent of the Strategy.

**4.1 Area of the Strategy:** Submissions argued that Kingscliff, Fingal, Chinderah and Cudgen should be considered as one area.

Comment: The Discussion Paper deals with the area from Kingscliff to Cudgen Lake, as indicated by Figure 1, and does not deal with Fingal and Chinderah. This was deliberate as the Discussion Paper focuses on that part of the coast which is under the greatest pressure; and for that reason should be completed as soon as possible. However, in the longer term the Strategy should deal with all of the Tweed Coast, from Fingal to Wooyung

The Discussion Paper addresses the relationship between the constituent communities of the coast by ensuring that not only are the broader needs of its residents catered for but also their individual character is retained. Again in the longer term the Strategy should provide the basis for detailed local planning for each coastal community.

#### **Recommendation:**

The Discussion Paper be completed for the area between Kingscliff and Cudgen Lake and in the longer term be extended to include

- the full length of the Tweed Coast from Fingal to Wooyung; and
- broad locality plans for each of the coastal communities as a basis for detailed local planning.



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**4.2 Rezone residential zones:** One submission argued that residential zones should be changed as the community does not want expansion.

Comment: Whilst this submission can be addressed in terms of commitments made to these zones, this sentiment underlies much of the response to the Discussion Paper. There is concern at the scale and speed of development along the coast and the implications for those who currently enjoy the relatively undeveloped nature of the coast. These sentiments underline the importance of this Strategy, notwithstanding the considerable community debate and agitation it has created. The Strategy raises hard issues which demand a response.

The Discussion Paper deals with land already zoned for development, and to a significant extent owned by developers who have already made a significant investment commitment to their implementation. Moreover Council itself has made significant commitments to a range of implementation strategies to provide the necessary infrastructure for this development.

**Recommendation:**

No change to the Discussion Paper warranted.

**4.3 Casuarina Master Plan:** Consolidated Properties have submitted that the Casuarina Beach Master Plan, which includes provision for retail and commercial development, should be acknowledged in the Discussion Paper.

Comment: Development at Casuarina is now being implemented in accordance with various adopted planning controls, including the Casuarina Master Plan. Furthermore the concept of Master Plans has been formally adopted by the State Government with the introduction of SEPP 71. Accordingly, reference should be made to this form of planning control in Section 2 of the Discussion Paper.

**Recommendation:**

Reference should be made to Master Plans in Section 2 of the Discussion Paper and the Strategic Plan diagram.

**4.4 Gales Holdings Structure Plan:** Gales Holding, which is the major landowner of West Kingscliff, submitted that the Discussion Paper pre-empted the detailed structure plan that is presently being prepared for their property. Furthermore, the Discussion Paper also pre-empted a retail study.

Comment: As set out in Section 1.4, "*it is critical that an integrated planning strategy be established as an efficient and effective way to deliver Council's policies for the district*". In short the purpose of the Discussion Paper is to provide the essential guidance to the Structure Plan being prepared for the Gales property – the appropriate role for Council as the planning authority.

**Recommendation:**

No amendment to the Discussion Paper is warranted

**4.5 Seaside City Environmental Study:** The major landowners of this subdivision argued that until the Environmental Study for Seaside City has been completed it should be excised from the Strategy.

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Comment: Council resolved on 18 December 2002 that the Seaside City project be temporarily removed from consideration with in the Tweed Coast Strategy; until the Director Development Services reports to Council by mid-February 2003 to allow consideration of the McInnes material relevant to the LES of Seaside City. At this stage therefore, Seaside City is to be excluded from the draft Tweed Coast Strategy.

**4.6 Fingal does not want Kingscliff day trippers:** This is beyond the purpose of the Strategy.

**Recommendation:**

The comment be noted.

### 5. TWEED COAST DISTRICT CENTRE

**5.1 Location:** The Discussion Paper identified a hierarchy of centres, the development of which was supported by PlanningNSW. The Coastal Council supported the need for the District Centre but considered that valuable environmental communities exist in both Kings Forest and Kingscliff. Three (3) options for the location of a District Centre were nominated, and submissions were received in respect of each of those, together with further locations, as follows:

Kings Forest: Submissions supported this location for the following reasons:

- plenty of room;
- good access;
- ability to be planned as a total concept;
- more central location;
- residents will live there in the full knowledge of the future centre.

However, it was also argued that Kings Forest cannot be nominated as there area unresolved issues and respect of the Release Area.

Turnock Street: One letter of support was received for this option. Also objections were made to this location for the following reason:

- roads do not cater for the development, and new roads would be required to accommodate it;
- there is no need for a large shopping centre, particularly in view of the recently approved extensions to the existing shopping centre;
- the location is inconsistent with the seaside character of Kingscliff and out of scale with the village;
- it would affect property values;
- it would affect lifestyles;
- it is too close to Tweed City;
- another supermarket would have severe consequences on the existing shopping centre;
- poor location in terms of retail function;
- develop the land for multi-dwelling housing, expand the existing shopping centre;

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- no community support.

Kingscliff Sewerage Treatment Plant Site: This was nominated in submissions as an alternative to Kings Forest, for reasons of plenty of room and close to industrial areas with good access. PlanningNSW does not support this option as:

- it is remote from the main areas of Kingscliff and Kings Forest;
- it is not strategically located and would encourage local traffic onto the Pacific Motorway.

Alternative Sites: Submissions nominated the following other locations for a District Centre:

- Pottsville as a good alternative for a hospital and shopping complex;
- Centres at either end of the coast: Kingscliff near the motorway (eastern side of Chinderah Road); and Cudgera interchange;
- Consolidate the existing shopping centre. Relocate the current Gales development application behind the existing centre, remove the service station from Pearl Street; and improve access to the centre;
- Gales Holdings agree with a location in Kingscliff, and prefer the northern part of their property.

Gales Holdings also questioned the proposed neighbourhood centres concept as being unrealistic.

As will be detailed later the NPWS made an extensive submission on a number of environmental issues which directly impact on two of the options: Kingscliff and Kings Forest. The thrust of that submission is that within these two localities are areas of environmental significance, which must be taken account of. In the case of Kingscliff this includes the habitat of the Mitchell's Rain Forest Snail, and areas of woodland and wetland, which are proposed to be used for access roads to serve the Centre. The issues at Kings Forest concern the Environmental Study and DLEP.

Comment: As noted above the Discussion Paper identified a hierarchy of centres, and options for a Town Centre with a preferred location for the District Centre at Kingscliff (Turnock Street). The necessary road infrastructure to support that location is also nominated.

As expected there has been considerable community and landowner debate about the location of the District Centre. Many of these comments, it is suggested, are made from a short term, local area perspective. At the outset of a review of submissions it is appropriate to reiterate what the Discussion Paper is setting out to achieve. In the simplest of terms the Tweed Coast between Kingscliff and Cudgen Lake will grow to a population of over 25,000. A population of this size will require a range of higher order retail, commercial, community etc facilities, which need to be accommodated in a town centre. That town centre needs not only to be well designed but also located to provide the optimum accessibility by all future residents of the District.

Consequently, the Discussion Paper did not look at the immediate needs of Kingscliff but those for the next 20 years for the District as a whole. PlanningNSW have commented that *"a site more central to the future population would be much more sustainable and greatly improve the liveability of the locality"*.

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The critical issue in the resultant debate has been the community's perception that if located at Turnock Street it would harm the existing character of Kingscliff, to which 3 essential points must be made:

1. The impact of a town centre on Kingscliff has been overstated. Traffic modelling by Council's consultants has concluded that the nominated road network to accommodate the Centre will not create any adverse traffic impact.
2. The locally perceived character of Kingscliff is already undergoing significant change:
  - Redevelopment of existing zoned land, particularly for tourist purposes;
  - Tourist related development at the expense of commercial zoned land;
  - Growth in visitor numbers; and
  - The resultant increased traffic and parking.

The point is not to criticise the economic growth of Kingscliff but to put its future in a realistic perspective. Kingscliff's future is not a small seaside village but a significant coastal town. Whilst the built environment and character of that town will be no less important than it is now: it will certainly be a lot different to today. Therefore to relate a long term District Centre to the character of a rapidly changing village is misleading.

3. Appropriate measures are available to manage the impact of the District Centre, and those measures must relate to a comprehensive plan for the entirety of Kingscliff.

In terms of location the preferred location remains to be Kingscliff, for reasons of accessibility to the whole future Tweed coast community, as set out in the previously established consultants report. It remains to determine if there are relevant environmental constraints, as inferred by the NPWS, to the confirmation of a site for the Centre. The particular constraints are:

- **Mitchell's Rainforest Snail:** Shells and live specimens of the Mitchell's Rainforest Snail, which is on the endangered list of the Commonwealth Government, have been found by Gales Holding consultant, as indicated by Figure 1. However, even allowing for the protection of the habitat area of the snail there still remains more than adequate land to accommodate the Centre on the southern side of Turnock Street, again as indicated by Figure 1.
- **Significant vegetation:** In order to provide the necessary access to the Centre two link roads from Chinderah Road are required. One of these, from Crescent Street to Turnock Street, skirts the edge of woodland with conservation value. The NPWS is concerned at not only the loss of significant habitat but also the fragmentation of that habitat by roads, without the benefit of compensatory mitigation. The road at issue is at the interface between woodland and housing and therefore there are not seen to be any strategic impediment to the road.

A separate report on a revised DCP for West Kingscliff is included in this Agenda. It includes the proposed detailed planning controls for a District Centre at Kingscliff.

### Recommendation:

The Discussion Paper be amended to confirm Kingscliff – adjacent to Turnock Street and west of the existing centre - as the site of the District Centre for the Tweed Coast.

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**5.2 Retail Study:** One submission argued that a retail study is required to finalise the Strategy.

Comment: For the purposes of the Strategy it is considered that the work undertaken to date to identify the preferred location for the District Centre is adequate.

**Recommendation:**

No amendment to the Discussion Paper is warranted.

**5.3 Design requirements:** Submissions highlighted design considerations for the Centre:

- locate schools in the centre;
- link town centre to the library;
- create a destination with a sense of place;
- people friendly;
- climate control; and
- public transport, cycle and pedestrian links.

Comment: The design of the District Centre is as critical to its future success as defining its location. Sections 4.2 and 4.3 of the Discussion Paper sets out relevant design principles to be translated into a DCP, which is the subject of a separate report on this agenda.

**Recommendation:**

No amendment to the Discussion Paper is warranted.

## 6. ENVIRONMENTAL PROTECTION

A number of submissions highlighted the importance of protecting the natural environment of the area. In particular there was support for green belts, and protection of rural lands, particularly prime farmland, east of Old Bogangar Road.

**6.1 Green Belt:** Whilst support was expressed for the concept of green belts there were questions about its definition, and maintenance.

Comment: The recommended Basis for Draft Tweed Coast Structure Plan includes Section 9.3 Protected Green Belt. It emphasises that the Green Belt has essentially been defined by the environmental values and resources of the area: significant vegetation, wetlands and prime farmland. The significance of the use of the green belt is that it is not an independent policy layer as such but a concept which brings the protection of the environmental resources together under the one collective banner to ensure the containment and separation of coastal communities, thereby assisting in the definition of their individual character. Its integrity is to be maintained by a number of measures set out in Section 9.3 of the Discussion Paper.

However, there is neither a discussion in the Discussion Paper of the Green Belt concept before appearing in the Recommended Basis; nor have the nominated measures been included as a specific policy statement. This ambiguity needs to be remedied if the objectives are to be achieved.

**Recommendation:**

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The Discussion Paper be amended to include an explanation of the green belt policy and an appropriate Policy Statement in Section 7.0 Environmental and Coastal Issues.

**6.2 Kings Forest:** One submission agreed with the recent recommendations of the NPWS concerning Kings Forest that 70% of the land should be retained as a nature park.

Comment: The Discussion Paper assumes the development of the Kings Forest Urban Release Area. The recommendations of the NPWS have yet to be fully examined as part of the Kings Forest project. Therefore any decision on the recommendations as part of the Discussion Paper would be premature. This submission should be dealt with as part of the Kings Forest project.

**Recommendation:**

No amendment to the Discussion Paper is warranted

**6.3 Environmental protection:** A number of submissions highlighted the importance of maintaining environmentally sensitive areas, including a need for a greater ratio of land to nature and park facilities. Others argued insufficient capacity in the Discussion Paper to balance environmental factors with other factors. The Coastal Council and PlanningNSW argued for east-west corridors to separate villages.

The NPWS made an extensive submission, which in summary includes the following points:

- Much of the land identified for urban expansion is environmentally sensitive
- Inadequate mitigation measures have been proposed in the Discussion Paper
- The West Kingscliff urban release area includes the habitat of the threatened Mitchell's Rainforest Snail (*Thersites mitchellae*) and other threatened species
- Transport links through sensitive areas, which will further fragment remnant vegetation, unless the strategy includes policies to mitigate such impacts
- Infrastructure is located in sensitive areas

As a result of these arguments the service has strongly recommended the following measures be undertaken prior to further processing the Strategy:

- Prepare a Koala Plan of Management for Tweed Coast
- Identify and map in Strategy – Threatened species and species habitat wetland and significant vegetation communities.
- Identify and map habitat and potential habitat of the Mitchell's Rainforest Snail.
- Public beach access and high use beach area located so as to avoid identified threatened breeding areas.
- Environmental buffers widths reviewed to meet the recommendations of NPWS and NSW Fisheries.
- Ensure asset protection zones are included within the development proposal.
- Nutrient control and stormwater devices are included in the development proposal.
- Public Open Space should be provided within/surrounding the proposed town centres.

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- Review of protected green belts should be undertaken in light of the NPWS Key habitats and Corridors layer.
- Public Access to Cudgen Nature Reserve should be discouraged.
- Review of Aboriginal site locations and additional archaeological studies in areas proposed for development.
- Consult with Environment Australia.

Comment: The Discussion Paper includes a discussion and range of Policy Statements in respect of Coastal Open Space, Cudgen Creek Riparian Buffer (to be discussed in Section 6.5 below), and Vegetation Management in West Kingscliff.

Whilst the Service's recommendations raise a number of issues in view of the overall intent of the Strategy the Service has not raised any issues which have not been taken into account during its preparation. Moreover, those significant habitats which are already zoned Environmental Protection have been included in the Discussion Paper. Nevertheless, it would be appropriate to make a more specific reference to some of the issues raised if the Discussion Paper is to be responsive to the environmental attributes of the District. In particular, the Discussion Paper should:

- recommend Council prepare a Koala Management Plan;
- include all threatened species and species habitat wetland and significant vegetation communities;
- include the habitat of the Mitchell's Rainforest Snail.

The review of the green belt in the light of key habitat and corridors is a longer term project which could not be included at this juncture. The issue of beach access and buffer widths is dealt with elsewhere in this report.

Submissions were made highlighting the importance of east-west vegetated links in South Kingscliff to provide separation between urban areas. There is a natural corridor in West Kingscliff which should be protected. This will be discussed in greater detail in the report in this agenda on the West Kingscliff DCP.

There is also potential for a 200m corridor on the northern and southern margins of Seaside City in Crown Road Reserves.

### **Recommendation:**

The Discussion Paper be amended to:

- recommend Council prepare a Koala Management Plan;
- include all threatened species and species habitat wetland and significant vegetation communities;
- include the habitat of the Mitchell's Rainforest Snail;
- include east-west vegetated corridors at West Kingscliff.

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**6.4 Water Quality:** A number of submissions highlighted the importance of maintaining water quality, in particular keeping creeks pristine, to achieve the principles of Ecologically Sustainable Development; the need for monitoring and key environmental targets and no road drainage into waterways.

The EPA considers that the principles of Integrated Water Cycle Management (IWCM) and Water Sensitive Urban Design (WSUD) are critical components of sustainable water cycle management. Design concepts should address all water supply, stormwater and wastewater needs (including reuse and ultimate disposal) in order to effectively minimise future impacts on ground and surface water systems to reduce the impacts of urban development on the environment and achievable sustainable development. Mechanisms are required that allow at least a proportion of stormwater runoff to be captured, stored and used to reduce demands on reticulated town water supplies and reduce stress within the waterways from which they are extracted.

The EPA have recommended a Water Cycle Management Study (WCMS) be prepared as a major input to the Tweed Coast Strategy to provide valuable background data and information to quantify the benefits that would accrue from the implementation of appropriate IWCM and WCMS measures. In particular the initiatives identified by the EPA for inclusion in planning instruments include:

- Require all new dwellings to incorporate an appropriately sized water tank for the purpose of garden watering, toilet flushing, household hot water etc.
- Direct the runoff from driveway pavements onto grassed lawn areas rather than into the stormwater collection system.
- Require the use of grassed swale systems rather than traditional kerb and channel use of source controls such as grassed swales and infiltration basins to collect and dispose of stormwater that cannot be utilised through capture and reuse strategies.
- Explore opportunities for the reuse of treated Sewerage Treatment Plant effluent.

Comment: The Discussion Paper does not include any specific discussion on water quality requirements; and includes only the specific Policy Statement 6.2.13 concerning run off entering Cudgen Creek. Whilst overall support for the approach proposed by the EPA may be given in general terms, it is not the place in a strategic document to provide detailed controls. In addition these are controls which may be applicable on a Shirewide level.

### **Recommendation:**

No amendment to the Discussion Paper is warranted.

**6.5 Riparian buffers:** A number of submissions argued for a 50m riparian buffer, including around Lot 490. Others argued that the nominated 80m is unrealistic as it would inhibit development in Seaside City

The EPA, NSW Fisheries and NPWS consider the 20m minimum buffer set out in the Discussion Paper is not sufficient to protect these systems from adverse water quality impacts. Policy. NSW Fisheries have stated that as a precautionary approach, foreshore buffer zones at least 50 metres wide should be established and maintained, with their natural features and vegetation preserved.



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Such buffer zones may need to be fenced or marked by signs. The width of these buffer zones may need to be increased to 100 metres or more where they are adjacent to ecologically sensitive areas.

NSW Fisheries have submitted that Stormwater Drainage policy could expand to incorporate NSW Fisheries policy, which requires discharges of stormwater etc not to be located within 50 metres of fish habitats such as seagrass and mangroves.

Comment: Section 7.2 of the Discussion Paper sets out the buffer requirements for Cudgen Creek. These include riparian buffers a minimum of 50m: however, where the buffer adjoins 7(a) or 7(l) land the buffer need only have a minimum of 20m. Effectively this zoned land becomes a part of the buffer. It is considered that these arrangements fulfil the intent of creating a riparian buffer.

The draft DCP for Lot 490 has to date included a 50m buffer.

**Recommendation:**

No amendment to the Discussion Paper is warranted.

### 7. COASTAL ISSUES

**7.1 Ocean setback:** Submissions were made in respect of minimum ocean setbacks of varying distances, particularly at SALT (minimum of 150m and ceded to Council). The Coastal Council requested inclusion of coastal processes and SEPP71.

Comment: The planning for this section of the coast is critical as it must accommodate a number of sensitive issues:

- coastal erosion processes,
- public access to coastal land,
- protection of sensitive coastal environments, and
- protection of views from the beach.

Given the intentions of the Discussion Paper it is not considered necessary to include a description of coastal process. Section 7.1 includes adequate background statement. If considered necessary a reference could be included indicating where the technical details can be obtained on these processes.

The Discussion Paper does not include any ocean setbacks. It relies on existing controls as set out in TLEP 2000, which themselves are currently the subject of review in the Tweed Coastal Study. Until the review is completed there is no justification for amending current controls. Nevertheless it is still essential to deal with the issues of public access and the like in these areas. The fundamentals of this are adequately set out in the Policy Statements in Section 7.1.

**Recommendation:**

No amendment to the Discussion Paper is warranted

**7.2 Coastal esplanade and parking:** The Discussion Paper includes provision for a coastal esplanade (Section 7.1) and car parking. A range of submissions were received concerning this issue, as follows

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- Concern at the statement in Section 7.1 that to achieve the esplanade “*there will have to be negotiated concessions in the interests of tourists and economic development*” appears to be an escape clause and requires close attention.
- no legal basis for the requirement of 300 car spaces per km along the foreshore.
- An esplanade at Seaside City is not in keeping with modern planning initiatives and would result in conflict with pedestrians.
- SALT should be required to provide parking based on the 300 spaces standard.
- Car parking can be provided in the 7(f) zone.
- Seaside City - concern at the need for and funding of an esplanade and associated parking when one is not required at either Casuarina or SALT.
- Section 5.8.5 does not advise who is to provide land as open space.
- Who provides Surf life saving facility at Seaside City to compliment the parking otherwise there will be drownings as people surf near where they park.

Comment: The statement in Section 7.1 reflects the commercial reality of the development industry. However, the relevant Policy Statement (7.1.4) refers only to such an esplanade being provided with no references to incentives as to its implementation. The Strategy should include an appropriate framework to ensure this.

The requirement for 300 car parking spaces per km has been the subject of Council policy for some considerable time. It has also formed the basis for other Council strategies (eg S94 Plan No 19 Kings Beach/Kings Forest). The Discussion Paper confirms this policy and development applications are being determined in the light of this requirement.

The approved development of Casuarina Beach does not include an esplanade. The proposed plans of the SALT development, which have yet to be approved by the Minister for Planning, similarly do not include an esplanade. Seaside City and Lot 490 remain the only lengths of the South Kingscliff coast for which the form of development has yet to be finalised: and there are still considerable benefits to be gained from an esplanade along at least a part of the coast. The provisions in 5.8.4 for an esplanade at Lot 490 should remain. However, there are remaining issues requiring attention in the Strategy, namely:

- how the esplanade is to be achieved, particularly in the light of the comments made above in respect of section 7.1
- a link from any esplanade at Lot 490 to the realigned Casuarina Way

### **Recommendation:**

An incentives framework be evaluated to potentially achieve the coastal esplanade detailed in Section 7.1; and require a link from any esplanade at Lot 490 to the realigned Casuarina Way

**7.3 Beach Access:** This issue was raised only in respect of development at South Kingscliff, covering a wide range of topics. Comments of the NPWS have already been noted; Casuarina Beach argued they have already provided generous beach access without the need to dedicate

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coastal foreshore land. Others argued that there should be no exceptions to well spaced parking. Seaside city is concerned at the need for life saving facilities at parking and access points.

Comment: Beach access and associated car parking must be dealt with on a comprehensive basis. The Discussion Paper in 5.8.2 sets out the basic requirements for parking, although this is not integrated with beach access requirements. Parking areas are to be identified in conjunction with Cabarita Surf Life Saving Club.

Beach access and associated car parking have been finalised for Casuarina and therefore to that extent the requirements of the Discussion Paper have been met. However, there still remains SALT, Lot 490 and Seaside City.

### Recommendations:

The Discussion Paper should be amended to set out the requirements for beach access, integrated with the principles for the location of public parking areas.

#### 7.4 Beach Facilities in Parks: *See 8.5*

**7.5 Seaside City:** Issues in respect of the esplanade and Seaside City have already been discussed. Submissions also raised the following additional concerns:

- Ownership precludes any re-arrangement;
- Until the Environmental Study for Seaside City has been completed that land should be excised from the Strategy;
- car parking in Lorna Street is unacceptable;
- Seaside City should be the subject of the same planning requirements as Casuarina and SALT;
- Section 5.8.5 does not advise who is to provide land as open space;
- Who provides Surf life saving facility at Seaside City to compliment the parking otherwise there will be drownings as people surf near where they park;

Comment: Council resolved on 18 December 2002 that the Seaside City project be temporarily removed from consideration with in the Tweed Coast Strategy; until

The Director Development Services reports to Council by mid-February 2003 to allow consideration of the McInnes material relevant to the LES of Seaside City.

### 8. COMMUNITY INFRASTRUCTURE

**8.1 Hastings School Site:** Two relevant submissions were received. One concerned the land at Coast Road/Elfran Avenue, Hastings Point reserved for a High School which, it was argued, should be retained for that use or as parkland. The other submission raised the general comment that there was no mention of how DET plans will fit the Discussion Paper.

### Recommendation:

No amendment to the Discussion Paper is warranted.

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**8.2 Commuter Bus for Elderly:** Whilst access to public transport is an issue facing other sectors of the Tweed Coast community, there are limited options open to Council to remedy, particularly in terms of the Discussion Paper.

**Recommendation:**

No amendment to the Discussion Paper is warranted.

**8.3 Hospital west side of Chinderah Road:** This issue should await input from the relevant State Government Agencies.

**Recommendation:**

No amendment to the Discussion Paper is warranted.

**8.4 Facilities for the youth:** Facilities are required for the youth to encourage constructive integration in new residential areas.

Comment: As stated at the outset of this report Council's objective for new urban release areas in the Tweed 2000+ Strategic Plan is to ensure a high quality of urban design which requires a range of facilities and services for all community members. Whilst many of these do not fall within the responsibility of Council, the Discussion Paper can do a great deal to achieve them. Council is following through a number of issues to address this and related issues: the Human Services Delivery Plan (in conjunction with the Premiers Department), Public Transport Plan.

**Recommendation:**

No amendment to the Discussion Paper warranted

**8.5 Open Space standards:** Submissions highlighted the low expenditure on parks, the lack of facilities in parks, the need for showers at each beach access, BBQ's in every suburb, and dune viewing areas (accessible by the disabled). There was also expressed at the contradiction in open space standards between the Discussion Paper and S94 Plan No. 25. The major Seaside City landowner argues that p40 of the Strategy is unrealistic and that 7.1.3 to 7.1.5 should be deleted.

Comment: Council has adopted an Open Space Strategy. Based on this the prime strategic concerns for Council are:

- All proposed open space meets the standards set out in Council's Open Space Strategy;
- Local open space in new residential areas is programmed to keep pace with the release of housing, and hence keep pace with need;
- The availability of resources to embellish existing open space
- The timing of S94 funds for the provision of regional facilities.

The development of new facilities is adequately managed through the S94 contributions management and relevant development standards. Existing open space facilities are generally considered to be acceptable with any upgrading being dependent upon Council's budget priorities. Over recent years expenditure on open space has significantly increased.

Council's intention along the coast for regional open space facilities as set out in its adopted Open Space Strategy should be included in the Tweed Coast Strategy

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### **Recommendation:**

The Discussion Paper be amended to include relevant coastal regional facilities as set out in Council's adopted Open Space Strategy.

### **8.6 Planning for Village Communities:**

#### **9. CYCLEWAYS, FOOTPATHS**

Submissions identified the following needs:

- ensure pedestrian access.
- need extra facilities, including to South Kingscliff, Casuarina and Pottsville
- Footpath link Casuarina and Pottsville.
- Replace Cudgen Bridge with pedestrian and cycleway access.

Comment: Council has an overall footpath and cycleway strategy, which is reflected in the Discussion Paper and much of which has been implemented. There are no additional strategic links to be identified.

### **Recommendation:**

No amendment to the Discussion Paper warranted.

Parking (Kingscliff): Parking in Kingscliff is considered to be inadequate - car park, Marine Parade and Turnock Street too narrow for angle parking. Gales Holding propose public parking adjacent to their proposed local convenience centre on Turnock Street; and object to parking on their land as it is valuable residential land and would have a negative impact on adjoining residential areas. Any public parking should be to the east close to the area requiring the parking.

Comment: Section 5.8 of the Discussion Paper sets out the proposed policy requirements: angled street parking and a S94 funded car park at the northern junction of Turnock and Pearl Street to meet parking arising from development that cannot be provided on-site. This facility will be connected to the CBD by a high standard pedestrian footpath.

Parking is a critical component in the planning for Kingscliff. It is essential that there is sufficient parking to ensure the continued economic prosperity of the village but not at the expense of its amenity. One of the greatest threats to the character of Kingscliff as a seaside village is traffic and the associated parking. Whilst parking is essential to the on-going trade in the village it has the danger of destroying the very thing that attracts people there.

The Discussion Paper has been carefully reviewed. The District centre is to be planned to avoid creating traffic in the village. It remains to deal with parking in the village. It is intended to undertake a comprehensive review of future parking for the existing Kingscliff CBD. Notwithstanding that intention, the need for a parking station to service the CBD should be retained which should be integrated into the District Centre on the southern side of Turnock Street.

### **Recommendation:**

The Discussion Paper to be amended to replace 5.88 with "It is intended to undertake a comprehensive review of future parking for the existing Kingscliff CBD. Notwithstanding that

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intention, the need for a parking station to service the CBD should be retained which should be integrated into the District Centre on the southern side of Turnock Street”.

### 10. BUILDING HEIGHTS:

A number of submissions were made concerning the need for a better definition of the height of buildings. Currently the Tweed LEP 2000 defines this in terms of storey, which is defined by the Plan. The submissions argued for maintenance of 3 storeys not heights defined in metres; or building heights to remain the same but with metres not storeys. Others argued that there should be no change to building height controls until the necessary study has been undertaken.

Comment: Section 8.3 of the Discussion Paper details that Council will undertake a study to consider the appropriateness of changing the building height controls in Kingscliff from storeys to metres AHD. In November 2002 Council resolved to prepare as an interim measure a draft DCP to establish a maximum height limit for 2 and 3 storey commercial and residential developments. The resultant Draft DCP 48 – Building Heights has been exhibited and is the subject of a separate report in this Agenda. It still remains for Council to undertake the identified Study.

#### Recommendation:

No amendment to the Discussion Paper is warranted.

### 11. TRAFFIC:

**11.1 West Kingscliff Link Road:** See discussion on town centre.

**11.2 Kingscliff – South Kingscliff Link:** Concern was raised at the impact of traffic as a result of this link across Cudgen Creek: the resultant traffic will have a detrimental impact on Kingscliff. An alternative access road has been nominated: across Cudgen Creek to Old Bogangar Road

Comment: This link is also seen by some sections of the Kingscliff community as being essential to ensure the economic benefit of the development of South Kingscliff for Kingscliff. It provides a direct connection between the development and Kingscliff. Moreover, it has been an issue that has been canvassed over many years. The current policy position, following community debate, is the retention of the link. Other than changes in public perceptions of the link, there have been no changes in circumstances to warrant a change to current policy.

The alternative bypass route would require a new crossing of Cudgen Creek as well as traversing sensitive wetlands, and prime agricultural land. Furthermore having regard to the existing distributor road network there is no need for the bypass.

#### Recommendation:

No amendment to the Discussion Paper is warranted.

**11.3 Crescent Street, Cudgen:** One submission argued for the closure of the road. Another submission was concerned that it would link directly into West Kingscliff via the proposed link road from Chinderah Road to Turnock Street. This link road has already been discussed in section ? of this report.

Comment: The closure of Crescent Street has been the subject of vigorous community debate, which resulted in keeping the road open. The concern at the link through to Turnock Street is real and adequate controls need to be put into place.

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### **Recommendation:**

The planning for the Chinderah Road – Turnock Street link include traffic controls to manage Crescent Street.

**11.4 Traffic Management:** a number of detailed issues were raised concerning:

- the preference for a roundabout rather than lights.
- allowing left turn at lights.
- maintain design speeds on distributor road.
- An expanded Kingscliff village would create difficult pedestrian traffic conditions along Turnock Street
- Pearl Street roundabout inadequate.

Comment: Other than the concern at Pearl Street the issues raised are not specific to the Tweed Coast.

Currently there is no need for the enlargement of the Pearl Street roundabout. Provision has been made for this when required, although this will require the acquisition of adjoining property to achieve.

### **Recommendation:**

No amendment to the Discussion Paper is warranted.

**11.5 Casuarina Way:** The developers have argued that Casuarina Way should not be re-aligned without their approval.

Comment: This submission arises from Section 5.5.2 and 5.5.3 of the Discussion Paper. These set out the criteria for the re-alignment of Casuarina Way in the event of any proposals seeking such an outcome. The point of these requirements is to ensure that the functionality of the road is maintained. Council is not seeking a re-alignment.

### **Recommendation:**

No amendment to the Discussion Paper is warranted.

**11.6 RTA submission:** The RTA made a detailed submission in support of the draft Plan. It made the comment that traffic studies should be undertaken for the proposed areas of development to determine the overall impact of the additional volume of traffic generate on the surrounding road network and particularly the arterial road network. Take into account key issues:

- Sect 2.3 RTA's "Guide to Traffic Generating Developments"
- Total traffic impacts on road network incl. Activities in area
- Intersection site distances
- Existing and proposed access conditions
- Detail of servicing and parking arrangements for commercial development
- Public transport routes and infrastructure

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- Section 94 plans for improvements to the road network
- Social Infrastructure should not have direct access to arterial roads
- Current AUSTRROADS standards should be adopted when designing any necessary upgrading of the surrounding road infrastructure.
- Developments listed in Sch. 1 of SEPP 11 to be assessed by North Coast Regional Advisory Committee.

Comment: The Strategy reflects extensive traffic studies undertaken by Council over many years. Otherwise, the RTA has raised a number of points of detail which are already dealt with in Councils planning controls.

**Recommendation:**

No amendment to the Discussion Paper is warranted.

### 12. OFFICER COMMENTS

Additional issues have been identified by Council Officers as follows.

#### 12.1 Emergency services

With the anticipated development along the Tweed Coast there will be a commensurate increase in need for emergency services facilities (police, ambulance, fire and SES). Whilst each of these is already represented on the coast there is concern that in the longer term each of these will have to seek upgraded facilities as their current sites are limited. Informal discussions have been held with these services but to date no strategies have been forthcoming from these services as to how they are to deal with the anticipated long term growth of the coast. The concern is that unless sites are identified early there may not be the opportunity to provide the optimum location for their facilities. Therefore on the understanding that

- future sites for emergency services are essential
- the major site determinant is accessibility, and
- there are advantages in a joint site

a site has been nominated on the yet to be rezoned Kingscliff STW site.

**Recommendation:**

The Discussion Paper be amended to include a site for emergency services on the Kingscliff STW site (assuming the treatment works are relocated).

#### 12.2 Kingscliff Amenities Hall

There has been considerable recent debate about the future of this facility. The relevant factors may be summarised as follows:

- The building is small and in need of renovation;
- It occupies a strategic position on the ocean foreshore;
- Kingscliff has no other community space;



## Reports from Director Development Services

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- With the growth of Kingscliff a larger facility will be required;
- Developer Contributions are being collected for a west Kingscliff facility.

**Recommendation:**

The need for the Kingscliff Amenities Hall be reviewed.

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## Reports from Director Development Services

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# Reports from Director Corporate Services

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**11. ORIGIN: Director**

**FILE REF: TACTIC**

**REPORT TITLE:**

**Tweed Brand**

**SUMMARY OF REPORT:**

At a presentation by the General Manager of Tweed and Coolangatta Tourism Inc. at the Community Access Meeting held on 12 February 2003 Council was introduced to the outcome of a Tweed Branding exercise undertaken by Tweed and Coolangatta Tourism Inc. Tweed and Coolangatta Tourism Inc are seeking an indication from Council as to their support for their brand tag "The Tweed - Naturally".

**RECOMMENDATION:**

That Council endorses the initiatives of Tweed and Coolangatta Tourism Inc in establishing a Tweed Brand and tag line that incorporates the Tweed logo and inclusion of the word "naturally".

## Reports from Director Corporate Services

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### REPORT:

Council at its community Access Meeting of 12 February 2003 received a presentation from the General Manager of Tweed and Coolangatta Tourism Inc on a range of matters being pursued by that organisation. The organisation provided advice that it had concluded an initiative of developing a Tweed brand and tag line for use by all sectors of the Tweed.

The letter formally requesting Council's endorsement of the initiative states:

*"Further to our presentation to Council on 12<sup>th</sup> February 2003, we are hereby requesting Council endorsement for the Tweed Brand and tag line as presented.*

*As discussed, the tag line and brand have been developed using a "cross representational" group representing a range of stakeholders across the Tweed and has involved significant input from the community.*

*As further discussed during our presentation, we will be working across all sectors of the Tweed to increase usage of the logo and tag line with a view to enhancing / building the Tweed Brand.*

*Please do not hesitate to contact us if you require any further information regarding this issue.*

*Yours faithfully*

*Terry Watson  
General Manager  
Tweed & Coolangatta Tourism Inc"*

It is recommended that Council confirm its endorsement provided in response to the presentation by the General Manager of Tweed Coolangatta Tourism Inc.

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## Reports from Director Corporate Services

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**12. ORIGIN: Director**

**FILE REF: TEDC**

**REPORT TITLE:**

**Tweed Economic Development Corporation (TEDC) Quarterly Performance Report - October to December 2002**

**SUMMARY OF REPORT:**

The Tweed Economic Development Corporate, Chief Executive Officer's quarterly performance report to October to December 2002 is detailed in this report.

**RECOMMENDATION:**

That this report be received and noted.

## Reports from Director Corporate Services

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### REPORT:

In accordance with the terms of the agreement between Tweed Shire Council and the Tweed Economic Development Corporate, following is the Chief Executive Officer's report on the activities of the Tweed Economic Development Corporation for the period October to December 2002

### CHIEF EXECUTIVE OFFICER'S QUARTERLY PERFORMANCE REPORT:

#### 5.1 Grant and Funding Applications

TEDC has recently held discussions with a professional organization that specialises in funding and grant applications. The Company has submitted a proposal to TEDC on the various projects developed by TEDC, which require funding.

The Board of TEDC has agreed to engage the company to assist with the funding of future projects.

##### 5.1.1 TEDC Strategic Plan Review

TEDC has established a Strategic Plan Review committee who are in the process of the annual reviewing of the TEDC Strategic Plan. Part of the process of review this year includes a workshop with senior staff members of TSC, which has been set down for Friday February 14<sup>th</sup> 2003.

The involvement of council representatives will build a strong working relationship with TSC and enable better co-ordination and planning of projects and schedules.

##### 5.1.2 Tweed Shire Input/Output Economic Analysis Model

TEDC is well advanced with the proposal to develop a Tweed Shire Input/output Economic Analysis Model. Meetings have been held with Professor Steve Noakes of the CRC Griffith University, Professor Guy West Senior Economist at University of Qld, and representatives of a funding agency.

The indications are that this project has support and will be funded. The model when developed will prove a valuable tool in assessing the broad based economy of the Tweed with a particular focus on measuring impacts of economic activity including job growth numbers.

##### 5.1.3 TEDC Membership

The current financial membership of TEDC is 30.

As part of TEDC's Strategic Plan and Policy review, TEDC is also reassessing policy on memberships and sponsorships.

##### 5.1.4 Update on Current TEDC Programs

###### Tweed Valley Industrial Park.

The DA is currently before TSC awaiting approval. Indications from the proponents indicate that the proposed first stage of this development is sold out subject to TSC approval. TEDC has introduced several potential purchasers to the proponents and continues to liaise and facilitate enquiries.

## Reports from Director Corporate Services

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### Chinderah Bay Marina

TEDC continues to work with the proponents of this project and again has introduced potential clients to the proponents. This project is expected to commence early 2003.

### Tweed River Link Project

Interest and support for this project continues to grow. TEDC hosted a visit from the Acting Prime Minister and Minister for Transport the Hon. John Anderson on Wednesday January 29<sup>th</sup> 2003. TEDC transported the Acting Prime Minister by boat to Murwillumbah where the Tweed River Link Project was explained and the site of the Condong Boat Launch Pad was inspected.

A funding application for the next stage of the project is under consideration by a Federal Government Funding Body.

### The Condong Boat Launch Pad

TEDC has received Federal Government Funding support of \$48,400:00 from the Sustainable Regions Program for this significant Marine Industry project. The project is a fundamental infrastructure facility required by the growing Marine manufacturing industry in Murwillumbah and the Tweed. The proposed launch pad will serve a dual purpose in that it will be used by both the Marine manufacturing industry to launch boats and also used by the Tweed community, as a public facility as part of the overall plans for the Condong Boat Ramp area fostered by Tweed River Management.

Note: TEDC has received several serious inquiries from other Marine manufactures that are interested in relocating to the Tweed.

### Tweed Heads CBD Task Force

The Task Force was a TEDC initiative and TEDC has a continuing role as a member of the Task Force. The Task Force is about to begin a Key Stakeholders Community Consultation Workshop process as part of developing the Tweed Heads CBD Master plan.

### TEDC Community Projects Officer

The TEDC Community Projects Officer has now completed the Tweed Rural Villages Master plan, which identified various community projects and needs. Over the past several weeks the TEDC Projects Officer has worked closely with TSC EMT to identify projects, which could be funded by the TSC \$100,000:00 Rural Village Allocation.

These funds have now been allocated equitably to the Rural Villages and the TEDC Community Projects Officer will have an on-going role in managing the distribution of these funds on behalf of TSC.

The project has been a TSC/TEDC partnership project, which provides direct benefits to the community.

## Reports from Director Corporate Services

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### TEDC Tweed Chambers Liaison Group

TEDC continues to host meetings of the Tweed Chambers Liaison Group. The forum has led to improved communications between the Chambers of Commerce of Tweed Heads, Murwillumbah, Kingscliff, Pottsville and TEDC.

### TEDC Website

The TEDC has now completed the reconstruction of the TEDC website. The website was reconstructed at no charge by Nathan Senti who donated his services. The normal cost to develop such a site is in the vicinity of \$3,000:00. Part of the reconstructed site is the production of a monthly e~bulletin.

The e~bulletin is a communication document which is freely available on the website but is also emailed direct to members and other interested parties.

It is interesting to note that the first publication in November of 2002 only 42 e~bulletins were dispatched to members and interested parties. The 2<sup>nd</sup> edition of December 2002/January 2003 saw an increase in requests to 155 copies of the e~bulletin and with the February edition the number of requests continues to increase. Clearly the reconstructed website and the e~bulletin have received high recognition and comment by interested parties.

The number of hits on the TEDC website have increased dramatically.

### Future TEDC Projects

TEDC proposes to host an Economic Forum in the first half of the New Year. The purpose of the economic forum is to promote the benefits of broad based approach to sustainable economic development. It is proposed to invite suitably qualified persons to present expert comment on various aspects of economic growth opportunities.

TEDC continues to work up a proposal to develop a broad based Economic Vision and Strategy for Tweed Shire. The Economic Model is a significant part of this project.

The TEDC is in the process of developing an industry database for the Tweed. The purpose is to identify a Tweed Industry base with the aim to establish industry groups, identify growth opportunities, and assist existing industries to grow, promote industry growth opportunities, and develop an industry marketing strategy.

**Note:** The Gold Coast City Council over the past twelve months promoted the availability of Industrial land at Yatala. The budget totalled \$240,000:00 and included \$160,000:00 GCCC and \$60,000:00 government agency funds.

The marketing program resulted in the sale of 52 industrial lots at a net land sale value of \$13Million dollars.

Construction of facilities by the private party purchasers of the land has commenced and it is expected that the majority of the 52 lots sold will be housing buildings, factories etc within 18 months. The investment dollars and job numbers will provide an enormous economic input to SE Qld.



## Reports from Director Corporate Services

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In the Tweed we are still floundering with the approval of large lot industrial land in Murwillumbah. TEDC has been promoting the need for large lot industrial land for almost six (6) years. As mentioned previously the first stage appears sold out on paper, subject to DA approval, which clearly justifies TEDC's efforts.

The fact that TEDC does not have funds available to market industrial land availability (when available) really is a sad indictment on the Tweed in its efforts to address the economics of our demographics which includes higher than average unemployment.

The development, marketing and promotion of large lot industrial land is and should be seen as a number one priority for the Tweed. There is no doubt at TEDC that there is an opportunity to grow this sector of the Tweed economy and recent events in the Gold Coast and Tweed are testimony to the potential.

### Signs on Tweed Motorway

TEDC continues to negotiate and facilitate meetings between Sports & Outdoor Media and Tweed landowners to site and construct suitable signs on the Tweed Motorway.

### DSRD Community Economic Development Conference

The TEDC is submitting a proposal to host the NSW DSRD Community Economic Development Conference.

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## Reports from Director Corporate Services

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## Reports from Director Corporate Services

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**13. ORIGIN:** Financial & Information Services Unit

**FILE REF:** Financial Reporting

**REPORT TITLE:**

**Financial Report for Period Ending 31 January 2003**

**SUMMARY OF REPORT:**

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

**RECOMMENDATION:**

That this report be received and noted.

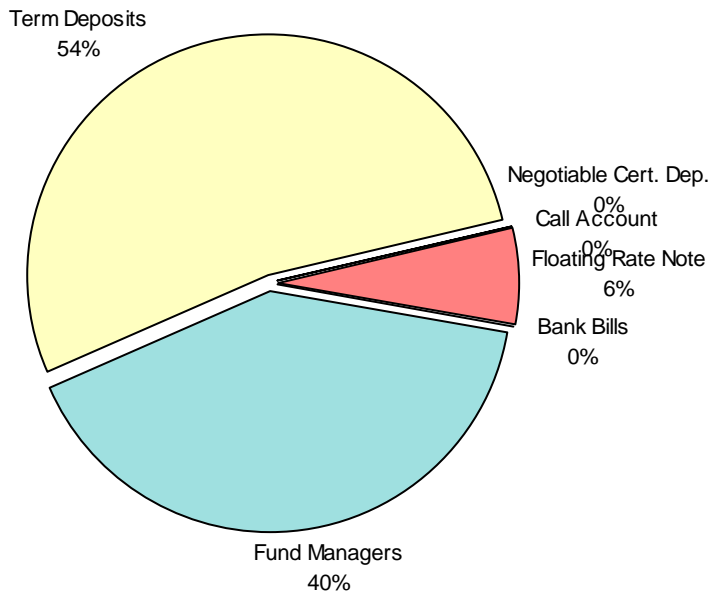
# Reports from Director Corporate Services

## REPORT:

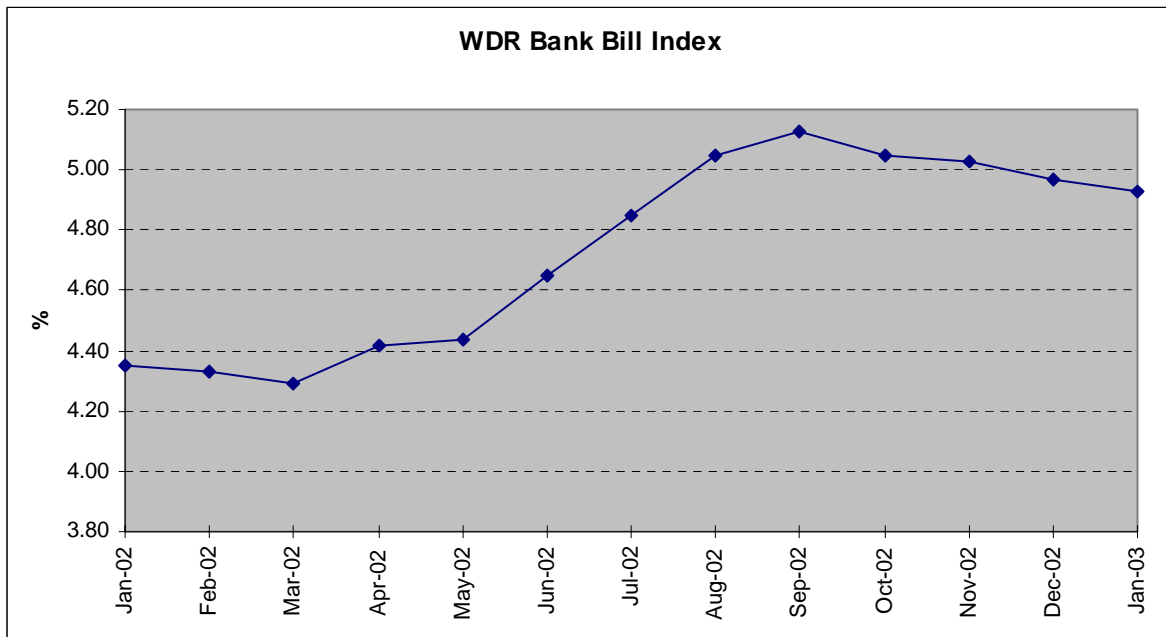
This report is provided to Council to advise details of monies Council has invested in accordance with Section 625 of the Local Government Act 1993.

### 1. CURRENT INVESTMENT PORTFOLIO BY CATEGORY

**% of Funds Invested by Category**



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

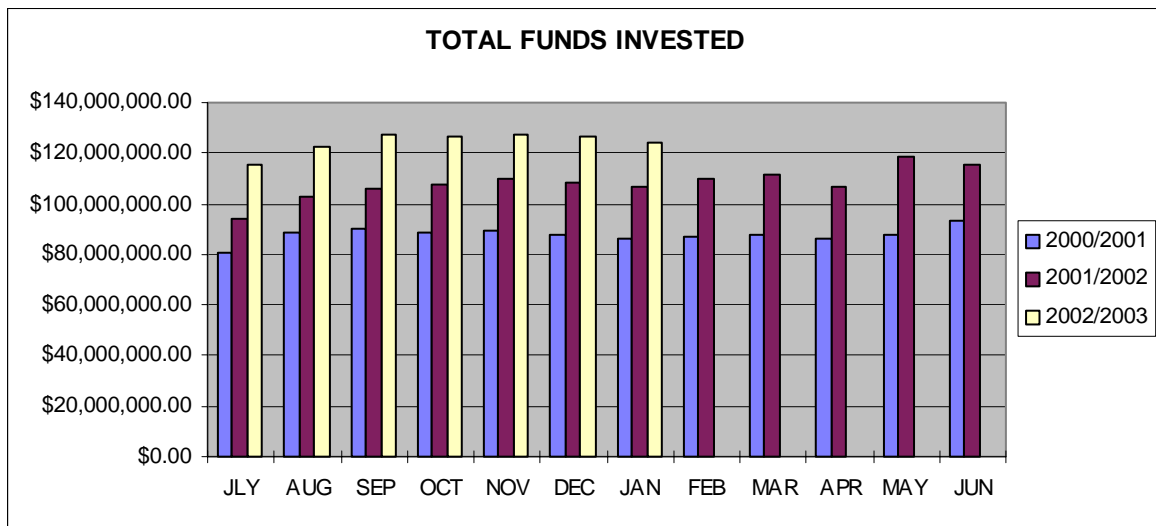


# Reports from Director Corporate Services

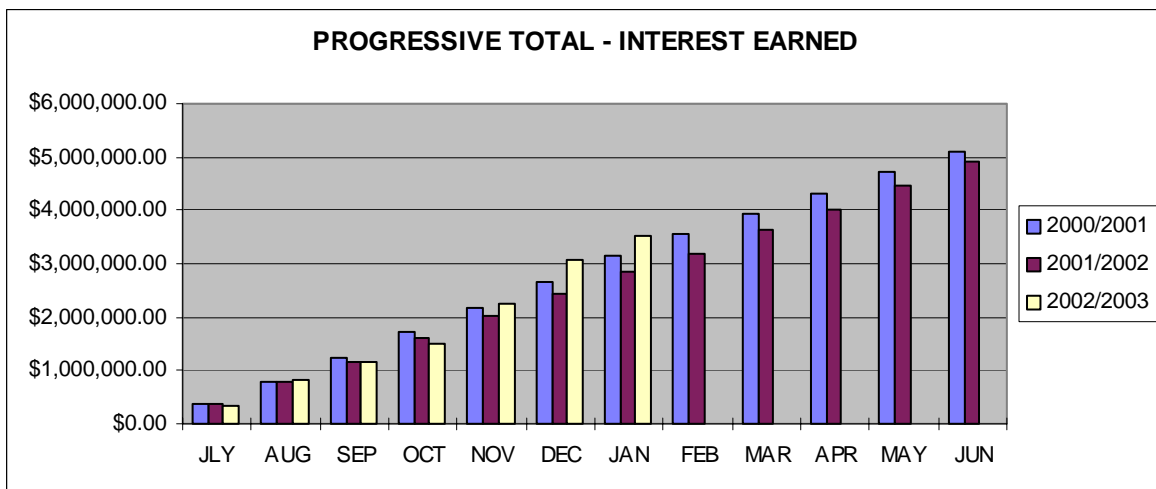
### 3. ANNUALISED RATE OF RETURN FOR FUND MANAGERS

Fund	30 Days %	90 Days %	1 Year %
ANZ	5.24	5.07	4.89
Alliance	5.38	5.12	4.87
Deutsche	5.67	5.59	4.84
Macquarie Diversified	5.13	5.08	5.02

### 4. MONTHLY COMPARISON OF TOTAL FUNDS INVESTED



### 5. ANNUAL PROGRESSIVE TOTAL OF INTEREST ON TOTAL FUNDS INVESTED



## Reports from Director Corporate Services

### 6. MARKET COMMENTARY

The Market is still beset by indecision, as the outcome of the situation in Iraq remains the key to any investment strategy for the short term.

The Reserve Bank of Australia again did not alter official cash rates from 4.75% at its February meeting. This has been the outcome of seven previous meetings and the short-term yield curve is now inverted, which indicates that a majority of investors are expecting an easing in monetary policy.

Some economists are tipping an interest rate cut of 0.25% as early as next month.

### 7. INVESTMENT SUMMARY AS AT 31 JANUARY 2003

#### GENERAL FUND

BANKS	
27,448,125.00	
FUND MANAGERS	
5,496,422.84	
LOCAL GOVT. FIN. SERVICES	
6,500,000.00	
CALL	
25,874.00	<b>39,470,421.84</b>

#### WATER FUND

BANKS	
11,000,000.00	
FUND MANAGERS	
28,006,577.93	
LOCAL GOVT. FIN. SERVICES	
4,000,000.00	<b>43,006,577.93</b>

#### SEWERAGE FUND

BANKS	
18,000,000.00	
FUND MANAGERS	
16,778,446.81	
LOCAL GOVT. INV. SERVICE	
7,000,000.00	<b>41,778,446.81</b>

#### TOTAL INVESTMENTS

**124,255,446.58**

It should be noted that the General Fund investments of \$39.4 million are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

## Reports from Director Corporate Services

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### STATUTORY STATEMENT - LOCAL GOVT FINANCIAL MANAGEMENT REGULATIONS (SEC.19)

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



**R R Norvill CPA**  
Responsible Accounting Officer  
Manager Financial Services

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## Reports from Director Corporate Services

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## Reports from Director Corporate Services

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**14. ORIGIN: Administration Services Unit**

**FILE REF: GI1/4 Pt8**

**REPORT TITLE:**

**Quarterly Council Vehicle Accident Report - 1 October 2002 to 31 December 2002**

**SUMMARY OF REPORT:**

Following is a summary relating to accidents in which Council vehicles have sustained damage during the three (3) month period to 31 December 2002.

**RECOMMENDATION:**

That this report be received and noted.

## Reports from Director Corporate Services

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### **REPORT:**

Ten (10) incidents occurred involving Council vehicles during the period.

Of these there were four (4) instances where a Council vehicle was hit by a thrown object or stone, two (2) where a Council vehicle connected with an object, two (2) where a Council vehicle was hit by another vehicle, one (1) where a Council vehicle caused damage to a parked vehicle and one (1) where a Council vehicle was hit by another vehicle not causing damage to the Council vehicle.

The total cost of repairs to Council vehicles was \$3,538.44.

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## Reports from Director Corporate Services

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**15. ORIGIN:** Corporate Development Unit

**FILE REF:** Quarterly Corporate Report

**REPORT TITLE:**

**Quarterly Corporate Report**

**SUMMARY OF REPORT:**

The Quarterly Corporate Report covering the period 1st October to 31st December 2002 is presented for Council's information.

**RECOMMENDATION:**

That this report be received and noted.

## Reports from Director Corporate Services

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### **REPORT:**

In accordance with Section 407 of the Local Government Act the General Manager must report to Council each quarter as to the extent to which the performance targets set by the Council's current Management Plan have been achieved during that quarter.

The Quarterly Corporate Report is still being progressively redeveloped to provide progress feedback on designated priorities within the principle activity categories as specified in the Management Plan 2002-2005. These Quarterly Reports will be combined at the conclusion of the financial year and included in the annual report to the Department of Local Government, Council and the community.

# Reports from Director Corporate Services

## Activity: 1. Recreation

### 1. OBJECTIVE:

*To provide high quality open space and a range of recreation facilities, which meet the needs, and expectations of the community in a safe, cost effective and efficient manner.*

### 2. PRIORITIES:

2002 / 2005 Priorities	First Quarter Progress	Second Quarter Progress	Third Quarter Progress	Fourth Quarter Progress
<ul style="list-style-type: none"> <li>Establish Tweed Regional Botanic Gardens</li> </ul>	Economic impact assessment and impact study completed	Report being prepared for Council		
<ul style="list-style-type: none"> <li>Finalise Open Space Strategy and prioritise the development of regional facilities.</li> </ul>	Finalised and adopted by council. Regional Facility CP26 Adopted by Council.	Completed		
<ul style="list-style-type: none"> <li>Provide local open space facilities in pace with the urban release program.</li> </ul>	Amendment to CP5 and CP26 and open space infrastructure policy adopted by Council	Completed		
<ul style="list-style-type: none"> <li>Rehabilitate and develop Sutherland Point.</li> </ul>	Toilet block completed BBQ and Picnic facilities purchased to be installed	No further progress since first quarter		
<ul style="list-style-type: none"> <li>Develop land at Cabarita – Round Mountain Sports Facilities including Skate Park</li> </ul>	Attained 2.3 hectares of land from Department of Land and Water Conservation. Development Application for skate facilities lodged and being assessed.	Development Application Approved.		
<ul style="list-style-type: none"> <li>Establish a central control system for all Council irrigation areas</li> </ul>	Pending as resources allow	No further progress since first quarter		
<ul style="list-style-type: none"> <li>Develop extensive passive open space facilities in Council reserve on Amaroo Park and Darlington Drive. Banora Point</li> </ul>	CP1 being reviewed to allocate funds for this project.	No further progress since first quarter.		

# Reports from Director Corporate Services

<ul style="list-style-type: none"> <li>Establish Community Land / Sports fields at Chillingham</li> </ul>	Finalising purchase of land	Purchase progressing		
<ul style="list-style-type: none"> <li>Upon acquisition of Bilambil Sports Complex, upgrade, maintain and develop facilities to a standard consistent with Councils Sports Fields Plan of Management.</li> </ul>	Upgrade in progress.	Upgrade ongoing		
<ul style="list-style-type: none"> <li>Increase level of service to Council parks</li> </ul>	Service level increased consistent with increase in budget allocation	Service levels maintained		
<ul style="list-style-type: none"> <li>Replace, upgrade and purchase of new playground equipment.</li> </ul>	No budget allocation in 02/03. Maintain existing equipment within budget restraints	Installed new equipment at Cabarita Headland (section 94). Other equipment installed as per Development Approval consent conditions.		

### 3. KEY PERFORMANCE CRITERIA:

Department of Local Government Performance Indicators	Actual 00/01	Est. 01/02	Est. 02/03	Year to Date Estimates
<ul style="list-style-type: none"> <li>Net expenditure on recreation per capita / per annum.</li> </ul>	\$44	\$45	\$46	\$50.14
<b>Tweed Shire Council Performance Indicators</b>				

### 4. ACTIVITY RESOURCES SUMMARY:

Resources	
Assets	\$61,725,000
Estimated Expenditure 2002/2003	\$5,029,362
Staff (Equivalent Full Time Staff)	70 Persons

## Reports from Director Corporate Services

### Activity: 2. Health and Community Services

#### 1. OBJECTIVE:

*To identify community needs and increase the wellbeing of members of the community.*

#### 2. PRIORITIES:

2002 / 2005 Priorities	First Quarter Progress	Second Quarter Progress	Third Quarter Progress	Fourth Quarter Progress
<b>Waste Management</b>				
<ul style="list-style-type: none"> <li>Implement Environmental Management Plans for Waste Depots</li> </ul>	Council approved oil recycling collection facility	Work commenced on land fill extraction		
<b>Health Services</b>				
<ul style="list-style-type: none"> <li>Continue surveillance of food premises</li> </ul>	Ongoing	Ongoing		
<ul style="list-style-type: none"> <li>Upgrade level of service to public toilets</li> </ul>	Pioneer Park Works Completed	Rowing club completed. Fingal planning completed		
<b>Emergency Services</b>				
<ul style="list-style-type: none"> <li>Continue coordination of Tweed Local Disaster Plan</li> </ul>	Last meeting held June	Meeting held November 2002.		
<ul style="list-style-type: none"> <li>Implement Fire Management Plan</li> </ul>	Report for council being prepared	Implementation Committee meeting held December 2002		
<b>Regulatory Control</b>				
<ul style="list-style-type: none"> <li>Transfer of Parking Officers from NSW Police Service</li> </ul>	Completed August. Officer appointed	Completed		
<ul style="list-style-type: none"> <li>Progress compliance with the Disability Discrimination Act requirements</li> </ul>	Report for council being prepared	Report nearing completion		
<b>Community Facilities and Services</b>				
<ul style="list-style-type: none"> <li>Develop Murwillumbah Public Pool to a Regional Standard</li> </ul>	Report to be drafted for Council	Report to go to council New Year		
<ul style="list-style-type: none"> <li>Development of the Art Gallery</li> </ul>	Site works commenced	Bulk site works completed		
<ul style="list-style-type: none"> <li>Continue upgrade of Murwillumbah Auditorium</li> </ul>	Yet to be commenced	Upgrade completed		
<ul style="list-style-type: none"> <li>Development of Pandanus Pde Surf Lifesaving Club</li> </ul>	DA to be lodged in October	DA being assessed.		

# Reports from Director Corporate Services

<ul style="list-style-type: none"> <li>Develop community facilities at Banora Point, Bogangar, Murwillumbah and expand HACC Centre, South Tweed</li> </ul>	<p>Banora Point Establishment Committee finalising plans. Bogangar community facilities renovated.</p>	<p>Banora Point preliminary planning completed Bogangar Main building works completed Murwillumbah preliminary planning underway HACC South Tweed No funding Available</p>		
<ul style="list-style-type: none"> <li>Maintain community facilities database as an information service</li> </ul>	<p>Maintain and updated as necessary</p>	<p>Maintain and updated as necessary</p>		
<ul style="list-style-type: none"> <li>Review provision of library facilities in Murwillumbah to larger facilities</li> </ul>	<p>Library Strategy Completed with resulting in an confirmation that existing Library Facilities large enough.</p>	<p>Completed</p>		
<ul style="list-style-type: none"> <li>Enhance Museum facilities at Tweed Heads and Murwillumbah</li> </ul>	<p>Funding allocated in 02/03 budget for refurbishments at both locations.</p>	<p>Minor Works Commenced Tweed Heads</p>		
<ul style="list-style-type: none"> <li>Implement the Tweed Social Plan:                             <ul style="list-style-type: none"> <li>- Establish and Manage Banora Point Community Centre</li> <li>- Develop a Multi-purpose facility in Murwillumbah</li> <li>- Employ an ATSI Worker</li> <li>- Employ an Aged Worker</li> <li>- Employ a Youth Development Officer</li> <li>- Develop local community plans</li> </ul> </li> </ul>	<p>Establishment Committee finalising plans</p> <p>Proceeding</p> <p>Not funded in 02/03 budget</p> <p>Not funded in 02/03 budget</p> <p>Not funded in 02/03 budget</p> <p>No work to date</p>	<p>Establishment Committee finalised plan</p> <p>Proceeding</p> <p>Not funded in 02/03 budget</p> <p>Not funded in 02/03 budget</p> <p>Not funded in 02/03 budget</p> <p>No work to date</p>		
<b>Cultural Development</b>				
<ul style="list-style-type: none"> <li>Implement the Cultural Program developed in line with the existing Tweed Shire Council Cultural Policy</li> </ul>	<p>Adopted by Council.</p>	<p>Ongoing</p>		



## Reports from Director Corporate Services

<ul style="list-style-type: none"> <li>Maintain, manage and promote the cultural facilities in Tweed</li> </ul>	City of the Arts application being prepared with the inclusion of the current art gallery building as the designated home.	City of the Arts Application Submitted		
<ul style="list-style-type: none"> <li>Facilitate development of Museums and support Historical Societies</li> </ul>	Tweed River Coordination museum development application submitted to State Government requesting \$33,000 - outcome pending announcement by minister	Funds received from NSW Ministry for the Arts (\$28,000) to engage consultant to Tweed River Coordinated Museums Development		
<ul style="list-style-type: none"> <li>Explore development of Museums and support Historical Societies</li> </ul>	Heritage Study Commenced	Community meetings held. Funds received from Heritage office NSW - 2 consultants and local coordinators appointed.		
<ul style="list-style-type: none"> <li>Explore development of integrating historical societies into cultural programs</li> </ul>	Pursue employment of a professional museum consultant to work with Museum and Historical societies	Awaiting consultants report		
<b>Community Development</b>				
<ul style="list-style-type: none"> <li>Promote and develop collaborative planning between individual community services programs</li> </ul>	Ongoing	Ongoing		
<ul style="list-style-type: none"> <li>Pursue a facilitator dedicated to coordinating &amp; implementing the Disability Discrimination Act Action Plan</li> </ul>	No funding provided in Budget	No funding provided in Budget		

# Reports from Director Corporate Services

<ul style="list-style-type: none"> <li>Develop a shire-wide focus for Senior Citizen's Week &amp; Expo</li> </ul>	<p>Festival funds secured from council to assist with preparation for Seniors expo 2003. Seniors Week Committee have organised new events for 2003. Funding Application submitted to Department of Ageing, Disability and Home Care.</p>	<p>Seniors Expo planned for 1<sup>st</sup> May 2003. Coordinator employed by Seniors Week Committee for work with Councils Community Worker for Expo. Events planned for whole of the Tweed Shire during Seniors Week 16-23 March. Clubs funding applied for. Funding of \$2100 received from Council for seniors week. Nominations for Seniors Week Premiers Awards submitted to premiers Department.</p>		
<ul style="list-style-type: none"> <li>Maximise external funding applications/submissions on behalf of the Tweed Community</li> </ul>	<p>Assist with completing and referring community funding applications to community groups</p>	<p>Conducted Workshops on how to write funding applications and assisted individuals and community groups write applications.</p>		

### 3. KEY PERFORMANCE CRITERIA:

Department of Local Government Performance Indicators	Actual 00/01	Est. 01/02	Est. 02/03	Year to Date Estimates
<ul style="list-style-type: none"> <li>Recycling collection per capita</li> </ul>	47.07kg	50kg	52kg	25kg
<ul style="list-style-type: none"> <li>Domestic waste collection per capita</li> </ul>	262.74kg	270kg	280kg	140kg
<ul style="list-style-type: none"> <li>Cost for domestic waste collection per service</li> </ul>	\$110.74	\$84.50	\$83	\$83.50
<ul style="list-style-type: none"> <li>Average residential garbage charge per service</li> </ul>	\$143.88	\$131.50	\$131	\$140
<ul style="list-style-type: none"> <li>Library book borrowing per capita</li> </ul>	5.97	5	5	6
<ul style="list-style-type: none"> <li>Library operating expenditure per capita</li> </ul>	\$15.15	\$15.80	\$17	\$7.94
<ul style="list-style-type: none"> <li>Community Service expenditure per capita</li> </ul>	\$6.04	\$5.20	\$6	\$2
Tweed Shire Council Performance Indicators				
<ul style="list-style-type: none"> <li>Staged implementation of Tweed Shire Disaster Plan</li> </ul>	-	100%	100%	100%
<ul style="list-style-type: none"> <li>Percent of total domestic waste recycled</li> </ul>	17.9%	20%	20%	16.4%

### 4. ACTIVITY RESOURCES SUMMARY:

Resources	
Assets	\$28,350,000
Estimated Expenditure 2001/2002	\$17,602,828
Staff (Equivalent Full Time Staff)	37 Persons

# Reports from Director Corporate Services

## Activity: 3. Economic Development

### 1. OBJECTIVE:

*To encourage economic activity that enhances the standard of living of residents through the promotion of a wide range of development opportunities through the Council sponsored economic development agencies and commercial undertakings.*

### 2. PRIORITIES:

2002 / 2005 Priorities	First Quarter Progress	Second Quarter Progress	Third Quarter Progress	Fourth Quarter Progress
<ul style="list-style-type: none"> <li>Pursue restructure of Tweed Economic Development and Marketing Agencies to deliver higher value economic growth outcomes</li> </ul>	Meeting with TEDC and TACTIC held - No change to structure and relationship	Relationship confirmed in formal Funding Agreement with Council for TEDC and TATIC		
<ul style="list-style-type: none"> <li>Develop Tweed Economic Indicator Model</li> </ul>	Being incorporated into Economic Development Strategy Review 2003	Economic Development Strategy Review Underway		
<ul style="list-style-type: none"> <li>Purse employment generation funding – sustainable regions</li> </ul>	Farmers Market expression of interest was not successful round one.	Meeting held by General Manager and the Executive Management Team with the Sustainable Regions Project Executive Officer in November 2002. Alternative options for expression of interest proposed.		
<ul style="list-style-type: none"> <li>Assist in the integration of lands suitable for enterprise development</li> </ul>	Currently undertaking 3 LEP amendments for employment generating lands and progressing in consultation with TEDC.	3 LEP amendments for employment generating lands and consultation with TEDC progressing		
<ul style="list-style-type: none"> <li>Establish &amp; develop Villages in the shire through projects and signage</li> </ul>	Discussion progressing with TEDC – waiting on appointment of Main Street Coordinator	Main Street Coordinator progressing Meetings and Consultation with village groups to identify priorities.		

# Reports from Director Corporate Services

<ul style="list-style-type: none"> <li>Develop Chillingham IT Building</li> </ul>	Support provided to Uki Buttery Project – Bank Loan Guarantee	Meeting of Executive Management Team with Progress Association scheduled for January 2003		
<ul style="list-style-type: none"> <li>Formulate strategies (achieving highest and best use action plans) for development of Council’s property holdings and land investment funds.</li> </ul>	Under Preparation	Preparation of asset audit and policy – for council determination.		
<ul style="list-style-type: none"> <li>Investigate development of land at Wardrop Valley</li> </ul>	Progressing with private sector	Discussions Progressing Proponents submitted Development Application for subdivision		
<ul style="list-style-type: none"> <li>Tweed Valley Country Centre Growth Strategy</li> </ul>	Meeting with DSARD – review of project	Projects Programming through TEDC		

### 3. KEY PERFORMANCE CRITERIA:

Department of Local Government Performance Indicators	Actual 00/01	Est. 01/02	Est. 02/03	Year to Date Estimates
<b>Tweed Shire Council Performance Indicators</b>				
<ul style="list-style-type: none"> <li>TEDC &amp; TACTIC funding lodgement reports – lodgement requirements</li> </ul>	4	4	4	2

### 4. ACTIVITY RESOURCES SUMMARY:

Resources	
Assets	\$Nil
Estimated Expenditure 2002/2003	\$1,346,716
Staff (Equivalent Full Time Staff)	2 Persons

## Reports from Director Corporate Services

### Activity: 4. Natural and Built Environment

#### 1. OBJECTIVE:

*To conserve the unique bio-diversity and scenic quality of the Tweed whilst ensuring sustainable quality development.*

#### 2. PRIORITIES:

2002 / 2005 Priorities	First Quarter Progress	Second Quarter Progress	Third Quarter Progress	Fourth Quarter Progress
<b>Development Assessment</b>				
<ul style="list-style-type: none"> <li>Develop a protocol for all stakeholders for assessment processes and decision-making on all applications associated with development assessment</li> </ul>	Draft Service Level Protocols being prepared for internal referral of Development Applications	Internal Service Level Protocols completed and endorsed by EMT 12/12/02.		
<ul style="list-style-type: none"> <li>Progressively improve quality of physical, social and economic outcomes resulting from Development Assessment decisions</li> </ul>	Continual monitoring and assessing of Development Application Reports	Continual monitoring and assessing of Development Application Reports		
<ul style="list-style-type: none"> <li>Optimise the quality of public infrastructure through development assessment to maximise public safety and minimise operating costs</li> </ul>	Quality of infrastructure reviewed prior to issue of sub division certificates	Quality of infrastructure reviewed prior to issue of sub division certificates		
<ul style="list-style-type: none"> <li>Continuous Review of the effectiveness of assessment processing</li> </ul>	Customer survey of applicants for Development Assessment Unit to be distributed October 2002. Returned completed surveys currently being evaluated	Survey results analysed – final report being reviewed to determine appropriate responses.		
<b>Strategic Planning</b>				
<ul style="list-style-type: none"> <li>Complete comprehensive review of the Tweed Shire 2000+ Strategic Plan</li> </ul>	Brief prepared. Issue papers being prepared	Strategy being formulated.		

## Reports from Director Corporate Services

<ul style="list-style-type: none"> <li>Complete an integrated planning framework embodying the Tweed 2000+ Strategic Plan, Shire Local Environment Plan and other Locality Plans for strategic areas of the Shire; Kings Forest, Kings Beach, West Pottsville, West Kingscliff, Fingal, Murwillumbah and Terranora.</li> </ul>	Kingscliff Strategy, Integrated Human Service Delivery Plan and Vegetation Management Plan nearing completion.	Kingscliff: Draft exhibited. Submissions to be reviewed. Human Service Delivery Plan awaiting population projections from the premiers department. Vegetation Management Plan Draft LEP to be finalised by vegetation management committee.		
<ul style="list-style-type: none"> <li>Develop a Public Transport Strategy</li> </ul>	Draft anticipated to be submitted to Council December 2002	Draft completed internal review being undertaken.		
<ul style="list-style-type: none"> <li>Prepare annual Social Plan and Economic Development Strategy</li> </ul>	Reviewing structure of documents in anticipation of Integrated Human Services Development Plan findings.	Structure reviewed and 2003/04 plans being drafted.		
<ul style="list-style-type: none"> <li>Assessment/prioritisation and maximisation of grant applications to TSC for community projects in Tweed</li> </ul>	Ongoing	Ongoing		
<b>Environmental Management</b>				
<ul style="list-style-type: none"> <li>Complete second stage review of Tweed Local Environmental Plan</li> </ul>	The Vegetation Management Plan, a major component of this project is near completion.	The Vegetation Management Plan, a major component of this project is being finalised		
<ul style="list-style-type: none"> <li>Implement activities identified in the Estuary Management Plan</li> </ul>	Ongoing per TRC recommendations	Ongoing per TRC recommendations		
<ul style="list-style-type: none"> <li>Ensure implementation of the new Water Management Legislation, as it is appropriate to the needs of the Tweed</li> </ul>	Awaiting adoption of Catchment Management Plan	Catchment Management Plan Approved by Minister.		
<ul style="list-style-type: none"> <li>Implement Tweed River Management Plan</li> </ul>	Ongoing per TRC recommendations	Ongoing per TRC recommendations		
<ul style="list-style-type: none"> <li>Complete the Coastal Hazards Study</li> </ul>	Completed	Completed		
<ul style="list-style-type: none"> <li>Finalise Council's agreement to the Coastal Hazards Study</li> </ul>	Completed	Completed		

## Reports from Director Corporate Services

<ul style="list-style-type: none"> <li>Carry out and further flood mitigation works</li> </ul>	Council endorsement for revised application for East Murwillumbah Levee	Revised application submitted for East Murwillumbah and Dorothy St Levee		
<ul style="list-style-type: none"> <li>Support the principals of Ecologically Sustainable Development throughout Council activities.</li> </ul>	Ongoing	Ongoing		
<ul style="list-style-type: none"> <li>Coastline Management Plan</li> </ul>	Commenced Consultant engaged September 2002	Draft Values Assessment Received by Council		
<ul style="list-style-type: none"> <li>Council contribution to environmental improvement through the Sustaining the Tweed (Agenda 21) Program</li> </ul>	Council has begun trailing 100% post consumer recycled envelopes. Street seat made from recycled plastic milk bottles are being installed. The Environmental Management System is being integrated into the existing Safety Management System – “Workplace Management System”	Council has extended the trial of recycled envelopes and is continuing to install street seating made from recycled plastic milk bottles. The 10,000th visitor walked through the Smart House for ideas on energy efficiency and resource sustainability in November 2002. Environmental risk management continues to be integrated into the Workplace Management System.		
<ul style="list-style-type: none"> <li>Development of Coastal Sector Strategy Plan</li> </ul>	Ongoing	Ongoing		

### 3. KEY PERFORMANCE CRITERIA:

Department of Local Government Performance Indicators	Actual 00/01	Est. 01/02	Est. 02/03	Year to Date Estimates
<ul style="list-style-type: none"> <li>Mean turnaround time (days) for development applications</li> </ul>	36.15	39	39	31
<ul style="list-style-type: none"> <li>Median turnaround time (days) for development applications</li> </ul>	22	29	29	22
<ul style="list-style-type: none"> <li>Legal costs as a percentage of Development Services budget</li> </ul>	3.05%	1.4%	1.4%	1.7%
<ul style="list-style-type: none"> <li>Expenditure on environmental management per capita</li> </ul>	\$20.82	\$20	\$20	\$5.99
<b>Tweed Shire Council Performance Indicators</b>				
<ul style="list-style-type: none"> <li>Development Control - costs per capita per annum</li> </ul>	\$35	\$35	\$35	\$20.79
<ul style="list-style-type: none"> <li>Quality of public infrastructure created through development minimise defects and operating costs</li> </ul>	100%	100%	100%	100%
<ul style="list-style-type: none"> <li>Mean turnaround time (days) for Construction Certificates</li> </ul>	43 est.	43	43	6

## Reports from Director Corporate Services

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### 4. ACTIVITY RESOURCES SUMMARY:

Resources	
Assets	\$70,596,000
Estimated Expenditure 2001/2002	\$6,164,695
Staff (Equivalent Full Time Staff)	39 Persons



## Reports from Director Corporate Services

### Activity: 5. Infrastructure Planning

#### 1. OBJECTIVE:

*To prepare strategic plans, design plans and public policies for engineering infrastructure that are consistent with Council's strategic land use planning, reflect current Best Practice, and are underpinned by demonstrable financial capability.*

#### 2. PRIORITIES:

2002 / 2005 Priorities	First Quarter Progress	Second Quarter Progress	Third Quarter Progress	Fourth Quarter Progress
<ul style="list-style-type: none"> <li>Review the Tweed Road Contribution Plan to reflect changes in land use planning and community expectations.</li> </ul>	Version 4.5 drafted and exhibited September 2002. To be adopted by Council October 2002.	Version 4.6 drafted. To go to Council 22/1/03.		
<ul style="list-style-type: none"> <li>Implementation of AUSPEC</li> </ul>	Awaiting advice from the Development Services Division.	Report drafted and sent to Council 4/12/03. Currently on exhibition.		
<ul style="list-style-type: none"> <li>Maintain in-house pre-construction services at 70% of total client requirements</li> </ul>	Rate Maintained	Rate Maintained		
<ul style="list-style-type: none"> <li>Undertake design of 4 lane upgrade of Leisure Drive – Fraser Drive to Sextons Hill interchange by December 2002.</li> </ul>	Survey Commenced	Survey completed. Design of stage 1 60% completed. Consultants engaged for signal design.		
<ul style="list-style-type: none"> <li>Complete Kingscliff and West Tweed Sewerage Strategies</li> </ul>	Kingscliff 100% Complete West Tweed 50% Complete	Kingscliff Completed West Tweed 70% Complete		
<ul style="list-style-type: none"> <li>Broaden survey and property service unit into full business unit.</li> </ul>	Yet to be investigated	Yet to be investigated		

# Reports from Director Corporate Services

### 3. KEY PERFORMANCE CRITERIA:

Department of Local Government Performance Indicators	Actual 00/01	Est. 01/02	Est. 02/03	Year to Date Estimates
<b>Tweed Shire Council Performance Indicators</b>				
<ul style="list-style-type: none"> <li>Percent of production met in-house</li> <li>Adopt AUSPEC as part of DCP 16 by December 2002.</li> </ul>	-	70%	70%	70%
	-	95%	100%	95%

### 4. ACTIVITY RESOURCES SUMMARY:

Resources	
Assets	\$50,000
Estimated Expenditure 2002/2003	\$1,356,417
Staff (Equivalent Full Time Staff)	22 Persons

## Reports from Director Corporate Services

### Activity: 6. Roads and Transport

#### 1. OBJECTIVE:

*To provide a transport infrastructure system that allows safe, convenient and comfortable pedestrian and vehicular traffic movement to, from, and within the Tweed Shire.*

#### 2. PRIORITIES:

2002 / 2005 Priorities	First Quarter Progress	Second Quarter Progress	Third Quarter Progress	Fourth Quarter Progress
<ul style="list-style-type: none"> <li>Upgrade Tweed Heads Works Depot</li> </ul>	Design in progress	Additional funding required and will be discussed at meeting on 31/1/2003		
<ul style="list-style-type: none"> <li>Implementation of adopted 2002-2005 drainage construction program</li> </ul>	All design completed Healey Lane Fingal completed	Designs completed Healy Lane Rosemount Ct completed		
<ul style="list-style-type: none"> <li>Implement adopt bridge replacement program for 2002-2005 (Boatharbour Bridge, Quinns Bridge, Byangum Bridge)</li> </ul>	Boat harbour Bridge commenced	Boat harbour Bridge 60% complete		
<ul style="list-style-type: none"> <li>Implement adopt urban road / road construction program for 2000-2003. (Peninsula Drv, Banora Tce, Sunnyside Lane, Myrtle St, Elanora Ave, Broadwater Esp, Seaview Rd, Duligugan Rd, Pottsville Rd, Duranbah Rd, North Arm Rd, Burringbar Rd.)</li> </ul>	The following works have been completed or commenced Bawden St, Grevillea St, Old Ferry Road, Stokers Road, Brays Creek Road, Limpinwood Valley Rd, Letitia Spit Road, Fingal Road, Kyogle Road.	The following works have been completed or commenced Bawden St, Grevillea St, Old Ferry Road, Stokers Road, Brays Ck Rd, L'wood Valley Rd, Fingal Road, Kyogle Road, Condong St, River Tce, Sunnyside Lane, Ducat St, Cudgen Rd, Carol Rd, Byrill Ck Rd, Scenic Dve		
<ul style="list-style-type: none"> <li>Public Transport Routs development</li> </ul>	In progress	In progress		
<ul style="list-style-type: none"> <li>Community Road Safety Plan</li> </ul>	In progress	In progress		

# Reports from Director Corporate Services

<ul style="list-style-type: none"> <li>• Footpaths/ramps development.</li> </ul>	Program finalised	Contract let Work to commence in Feb		
<ul style="list-style-type: none"> <li>• Cycle Plan Development</li> </ul>	Contact Cancelled	Contact Cancelled		

### 3. KEY PERFORMANCE CRITERIA:

Department of Local Government Performance Indicators	Actual 00/01	Est. 01/02	Est. 02/03	Year to Date Estimates
<b>Tweed Shire Council Performance Indicators</b>				
<ul style="list-style-type: none"> <li>• Reseal 7km rural roads within time and budget</li> </ul>	7	7	7	10
<ul style="list-style-type: none"> <li>• Asphalt re-sheet 34,000m<sup>2</sup> urban roads within time and budget</li> </ul>	30000	35000	35000	64,000
<ul style="list-style-type: none"> <li>• Road maintenance cost per km urban sealed roads</li> </ul>	\$3700	\$3800	\$3800	3500
<ul style="list-style-type: none"> <li>• Road maintenance cost per km rural sealed roads</li> </ul>	\$3400	\$3500	\$3500	3100
<ul style="list-style-type: none"> <li>• Road maintenance cost per km rural unsealed roads</li> </ul>	\$3400	\$3500	\$3500	2400

### 4. ACTIVITY RESOURCES SUMMARY:

Resources	
Assets	\$279,793,000
Estimated Expenditure 2002/2003	\$21,268,577
Staff (Equivalent Full Time Staff)	148 Persons

## Reports from Director Corporate Services

### Activity: 7. Water and Sewerage

#### 1. OBJECTIVE:

*To provide a high quality and reliable water and sewerage service that meets community expectations and assists economic development.*

#### 2. PRIORITIES:

2002 / 2005 Priorities	First Quarter Progress	Second Quarter Progress	Third Quarter Progress	Fourth Quarter Progress
<ul style="list-style-type: none"> <li>Spillway upgrade strategy for Clarrie Hall Dam to meet new rainfall run-off criteria</li> </ul>	Preparing tender documents for concept design	DLWC report on spillway upgrade advised to include it in the 5 to 10 year program. Concept on hold		
<ul style="list-style-type: none"> <li>Trunk main replacement Murwillumbah to Tumbulgum and Bogangar to Pottsville</li> </ul>	Bartletts Lane to Tumbulgum to commence at end of year. Bogangar to Pottsville under construction	Bartletts Lane to Tumbulgum to commence in fourth quarter. Bogangar to Pottsville 95% complete.		
<ul style="list-style-type: none"> <li>Design and construction of new reservoirs and plumbing stations to meet growth demands</li> </ul>	Hall Dr SPS 70%. PAD Construction West Pottsville Reservoirs Completed	Hall Dr SPS completed.		
<ul style="list-style-type: none"> <li>Introduction of positive demand management program to achieve sustainable water management</li> </ul>	Media Program ongoing. Currently preparing brief for bulk supply strategy incorporating review of demand management program.	Drought Management has taken precedents. Media and customer services activities have been successful.		
<ul style="list-style-type: none"> <li>Implement new water-pricing policy based on user pays principal</li> </ul>	Adopted by Council and being implemented in 2002/03	First water bills to be issued February 2003		
<ul style="list-style-type: none"> <li>Develop and adopt augmented plans at Kingscliff and Hastings Point</li> </ul>	Preparing tender documentation for both plants	Kingscliff STP Interim Works received. DA lodged for Hastings Point STP Aug. EIS on exhibition for Kingscliff's New STP.		

## Reports from Director Corporate Services

<ul style="list-style-type: none"> <li>Design upgrade of Banora Point Treatment Plan</li> </ul>	Called tenders for Stage 2 Community consultation of Effluent Disposal Strategy	Contract Awarded for stage 2 consultation process.		
<ul style="list-style-type: none"> <li>Finalise strategy for Kingscliff / South Kingscliff catchment</li> </ul>	Ongoing	Ongoing		
<ul style="list-style-type: none"> <li>Develop asset replacement program for Murwillumbah and Tweed Heads Sewerage System</li> </ul>	In early planning phase	Process has be identified		
<ul style="list-style-type: none"> <li>Complete development and introduction of telemetry control sewerage treatment systems</li> </ul>	70% Complete and Ongoing	75% complete and ongoing		
<ul style="list-style-type: none"> <li>Construct Boat Ramp</li> </ul>	Awaiting Waterways Grant Approval for Dry Dock Rd, Lake Drive, Chinderah	Awaiting Waterways Grant Approval for Dry Dock Rd, Lakes Drive, Chinderah		
<ul style="list-style-type: none"> <li>Construct Flood Mitigation</li> </ul>	Council endorsement for revised application for East Murwillumbah Levee	Revised proposal submitted to Floodplain Management Authority.		

### 3. KEY PERFORMANCE CRITERIA:

Department of Local Government Performance Indicators	Actual 00/01	Est. 01/02	Est. 02/03	Year to Date Estimates
<ul style="list-style-type: none"> <li>Average sewerage account (\$/Assessment)</li> </ul>	\$411.15	\$419	\$435	420
<ul style="list-style-type: none"> <li>Total sewerage operating costs (\$/Assessment)</li> </ul>	\$389.01	\$210	\$220	210
<ul style="list-style-type: none"> <li>Average water account (\$/Assessment)</li> </ul>	\$236.49		\$270	270
<ul style="list-style-type: none"> <li>Total water operating costs (\$/Assessment)</li> </ul>	\$309.21		\$155	155
<b>Tweed Shire Council Performance Indicators</b>				
<ul style="list-style-type: none"> <li>Economic real rate of return sewerage</li> </ul>	5.47%	4.5%	4.0%	4.0%
<ul style="list-style-type: none"> <li>Economic real rate of return water</li> </ul>	3.52%	3.5%	3.0%	3.0%
<ul style="list-style-type: none"> <li>Water quality complaints (Per 1000 Assessment)</li> </ul>	2.0	2.0	2.0	2.0%
<ul style="list-style-type: none"> <li>Water Consumption Interruption Frequency (Per 1000 Assessment)</li> </ul>	40	40	40	40
<ul style="list-style-type: none"> <li>Water Average Customer Outage Time/Property (minutes)</li> </ul>	120	120	120	120

### 4. ACTIVITY RESOURCES SUMMARY:

Resources	
Assets	\$326,519,000
Estimated Expenditure 2002/2003	\$50,205,995
Staff (Equivalent Full Time Staff)	82 Persons

# Reports from Director Corporate Services

## Activity: 8. Civic Governance

### 1. OBJECTIVE:

*To provide representative and responsive government, sound management of the resources of Council, ensure statutory requirements are met and provide services to the organisation in the most cost effective, safe and timely manner.*

### 2. PRIORITIES:

2002 / 2005 Priorities	First Quarter Progress	Second Quarter Progress	Third Quarter Progress	Fourth Quarter Progress
<ul style="list-style-type: none"> <li>Implementation of Occupational Health and Safety Workplace Management Systems</li> </ul>	Council Safe II review 50% complete.	Council Safe II review 80% complete.		
<ul style="list-style-type: none"> <li>Review management structure and implement Management Development Program.</li> </ul>	Draft structure circulated for comment. MDP launched and participants identified. Modular program scheduled	Module 1 Integro program conducted October 2002. Ezine and Management seminar series commenced four staff enrolled in academic study.		
<ul style="list-style-type: none"> <li>Review Council's Corporate Policies.</li> </ul>	Code of Conduct review complete	Code of conduct staff training 5% complete		
<ul style="list-style-type: none"> <li>Develop a financial management strategy to maximise grants and financial resource performance.</li> </ul>	Financial performance indicators established and grants application system implemented	Financial performance indicators established and grants application system implemented		
<ul style="list-style-type: none"> <li>Implement outstanding modules of new Financial/Regulatory software</li> </ul>	Three modules to be installed during 2002/03	Three modules to be installed during 2002/03		
<ul style="list-style-type: none"> <li>New Financial/Regulatory software/implementation costs</li> </ul>	Within Budget	Within Budget		
<ul style="list-style-type: none"> <li>Develop and implement Councils ethical organisation strategies, codes and practices</li> </ul>	Business Ethics Policy adopted by Council	Policy advertised and report prepared for Council Meeting 22/01/03. Corporate value statements adopted by Council.		

# Reports from Director Corporate Services

<ul style="list-style-type: none"> <li>Statutory Financial Reporting in accordance with the Local Government Act</li> </ul>	Completed by Due Date	Completed by Due Date		
<ul style="list-style-type: none"> <li>Internal audit programs to be implemented</li> </ul>	2002/03 Established	2002/03 Established		
<ul style="list-style-type: none"> <li>Review staff office accommodation facilities</li> </ul>	Site assessment progressing	Staff planning / steering committee established		
<ul style="list-style-type: none"> <li>Explore redevelopment opportunities for Tweed Coast Holiday Park Reserve</li> </ul>	Workshop with trustees to be held 9/10/02 to introduce options	Progressing		
<ul style="list-style-type: none"> <li>Develop Lease option for Lot 490 Crown Land</li> </ul>	Short listing tenders in progress	Trust briefing / workshop scheduled for 29/1/03.		
<ul style="list-style-type: none"> <li>Develop and Implement Council's Risk Management Strategy</li> </ul>	Consultant Report Completed	Draft strategy / policy report prepared.		

### 3. KEY PERFORMANCE CRITERIA:

Department of Local Government Performance Indicators	Actual 00/01	Est. 01/02	Est. 02/03	Year to Date Estimates
<ul style="list-style-type: none"> <li>Average rate per residential Assessment.</li> </ul>	\$541.13	\$556	\$569	\$569
<ul style="list-style-type: none"> <li>The unrestricted current ratio (measure of liquidity).</li> </ul>	1.94	1.54	1.54	1.54
<ul style="list-style-type: none"> <li>Debt service ratio (measure of extent of debt servicing on operating revenue).</li> </ul>	11.69%	11.80%	11%	11%
<ul style="list-style-type: none"> <li>Average interest rate paid.</li> </ul>	4.52	6.8	6.6	7.8%
<ul style="list-style-type: none"> <li>Council dependence on rates.</li> </ul>	42.98%	43%	41%	41%
<ul style="list-style-type: none"> <li>Statutory financial reporting by due date</li> </ul>	66%	100%	100%	100%
<b>Tweed Shire Council Performance Indicators</b>				
<ul style="list-style-type: none"> <li>Workers compensation premium costs per employee.</li> </ul>	\$1,990	\$2,490	\$2,240	\$1,094
<ul style="list-style-type: none"> <li>Percent respond to correspondence within 14 days</li> </ul>	90.12%	95%	96%	94.49%
<ul style="list-style-type: none"> <li>Reduce costs in relation to the defending of Public Liability Claims</li> </ul>	-	-	5%	5%
<ul style="list-style-type: none"> <li>Average occupancy rate for trust caravan parks (excluding holiday vans)</li> </ul>	39%	41%	45%	45%
<ul style="list-style-type: none"> <li>Staff to population ration</li> </ul>	6.7	6.7	6.7	7.1

### 4. ACTIVITY RESOURCES SUMMARY:

Resources	
Assets	\$17,125,000
Estimated Expenditure 2002/2003	\$11,110,552
Staff (Equivalent Full Time Staff)	69 Persons



# Reports from Director Engineering Services

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**16. ORIGIN:** Works Unit  
**FILE REF:** Drainage-General; Budget

**REPORT TITLE:**

**Future Major Drainage Works**

**SUMMARY OF REPORT:**

Council has been providing \$400,000 to \$600,000 from loan funds in recent budgets for stormwater drainage works throughout the Shire. These funds have been sufficient to complete repairs to drainage lines that have required reconstruction due to age and some flooding incidents. However it is not sufficient to complete major works needed to augment the systems that are now overloaded as a result of upstream developments that have occurred progressively over many years. Additional funding is being sought in future budgets to complete the work nominated in this report.

**RECOMMENDATION:**

That Council considers the provision of an additional \$1,000,000 per year over the next 5 years in the 2003/2004 budget.

## Reports from Director Engineering Services

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### **REPORT:**

Council has been providing \$400,000 from loan funds in recent budgets for stormwater drainage works throughout the Shire. These funds have been sufficient to complete repairs to drainage lines that have required reconstruction due to age and some flooding incidents. However it is not sufficient to complete major works needed to augment the systems that are now overloaded due to upstream developments over many years.

These works include the following projects:-

#### **MURWILLUMBAH MAIN STREET**

This project requires the entire trunk drainage line to be reconstructed in both Proudfoots Lane and Murwillumbah Street. The existing drain in places is the old creek. It is located under buildings and has caused many problems with flooding and odour in recent years. A design has been completed which will remove the line from under buildings and improve the hydraulics in heavy rain periods. It should be noted that no improvements could be made to Proudfoots Lane until this drainage work is completed.

Estimated cost \$1,200,000

#### **MINJUNGBAL DRIVE.**

There have been major problems in Minjungbal Drive from Machinery Drive to Shallow Bay Drive over a considerable time. While there is an existing line in Minjungbal Drive it is insufficient to cater for the increased runoff. To rectify the problem a new line will be required from Machinery Drive to either Shallow Bay Drive or Kirkwood Road. Preliminary designs have been completed. The proposed roadworks at the intersection will not solve the problem but pipes will be laid as part of the construction for connection in the future.

Estimated cost \$700,000

#### **BILAMBIL HEIGHTS**

A large open drain traverses private property between Banora Terrace and Broadwater Esplanade, which has been scouring and changing direction significantly with the increased development and road reconstruction in the area. The drain requires major rock lining to ensure that it remains stable in the future. Some preliminary survey and design work has been completed.

Estimated cost \$600,000

#### **FINGAL**

Designs for improvement to the trunk drainage in Fingal Village have been completed. The village has seen increased development with associated quicker runoff. The existing system was never designed for the current water volumes. In general because of the flat slopes pipe sizes are large and estimated costs are high. Council has received numerous complaints about local flooding in the village area and the proposed major works will eliminate these problems.

Estimated cost \$450,000

#### **POTTSVILLE**

The older area of Pottsville Village has inadequate trunk drainage to cater for the increased development. Some preliminary design has been completed.

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## Reports from Director Engineering Services

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Estimated cost \$400,000

### **KINGSCLIFF**

With the increased development in the area from Marine Parade to Kingscliff Street the existing pipes are inadequate to cope with the existing runoff with the resultant overland flow causing problems and inundation of property. Preliminary designs have been completed.

Estimated cost \$2,300,000

The estimated total cost of the required upgrade to major systems is \$5.6 Million. This cannot be funded from the existing allocations if the repair of minor failures is to continue.

It is recommended that Council consider in the 2003/2004 Budget deliberations an additional loan allocation of \$1 Million per year for the next 5 years.

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## Reports from Director Engineering Services

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## Reports from Director Engineering Services

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**17. ORIGIN: Design Unit**  
**FILE REF: R1801; R5460**

**REPORT TITLE:**

**Compulsory Acquisition for Roads Purposes - Extension of Eastlakes Drive, South Tweed Heads**

**SUMMARY OF REPORT:**

Traffic congestion in South Tweed has necessitated the construction of future road works to further utilise the newly formed Shallow Bay Drive as specified in DCP 3 (see diagram). This will draw traffic from Minjungbal Drive approaching Machinery Drive and feed it onto Shallow Bay Drive, onto an extension of Eastlakes Drive and then onto Soorley Street, South Tweed Heads.

The connection will also be beneficial to residents of the Soorley Street area who will have access to a signalised intersection providing much improved right turn opportunities onto Minjungbal Drive to the existing Soorley Street egress.

By completing the connection of Shallow Bay Drive to Elsie Street (and thereby Soorley Street) further improvements to the Machinery Drive intersection can be made by extending the right turn land on Minjungbal Drive into Tweed City shopping centre by eliminating the temporary "Seagull" island at Soorley Street.

DP 1039375 registered on 23 August, 2002 created the extension of Shallow Bay Drive, and it is now necessary to create the extension of Eastlakes Drive .

The extension of Eastlakes Drive requires the acquisition of part of Lot 2 in DP 833498, an area of approximately 1020m<sup>2</sup> from the landowner, Reysson Pty Ltd.

Council wrote to the landowner on several occasions, 23 August and 24 September, 2002 seeking consent to the acquisition, with no reply. It has now become necessary to proceed with the acquisition to enable the future roadworks to proceed on schedule.

As no response has been received, a compulsory acquisition should now proceed under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991.

**RECOMMENDATION:**

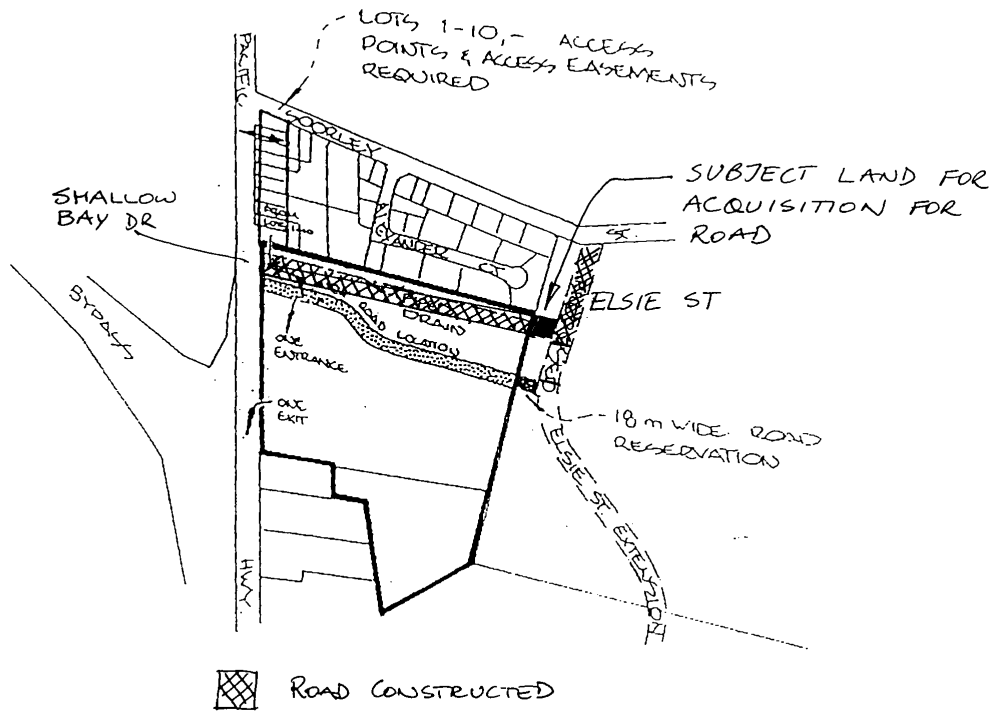
That:-

1. Council approves the compulsory acquisition of an area approximating 1020m<sup>2</sup> from Reysson Pty Ltd, the landowner of Lot 2 in DP 833498 under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991 for the purposes of the Roads Act, 1993;
2. All necessary documentation be endorsed under the Common Seal of Council.

# Reports from Director Engineering Services

## REPORT:

As per summary.



## Reports from Director Engineering Services

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**18. ORIGIN: Design Unit**

**FILE REF: R2970 Pt10; Bridges - Byangum**

**REPORT TITLE:**

**Replacement of Bridge over Tweed River at Byangum**

**SUMMARY OF REPORT:**

Submissions for the design and documentation of a replacement bridge on Kyogle Road at Byangum were called in July 2001. Brown and Root Services Pty Ltd, now known as KBR Pty Ltd, were awarded the project. Public consultation commenced in February 2002 with the erection of a display of various options. A number of submissions were received and are detailed in the Community Consultation Report reproduced at the end of this report. The preferred option is a 5 span skewed prestressed concrete bridge to be located upstream of the existing bridge. Land acquisition is required for the new bridge and is detailed in a separate report. The estimated cost of bridge construction is \$4.3 Million. Construction is planned to commence in mid 2004.

**RECOMMENDATION:**

That Council:-

1. Adopts the proposed design by Brown & Root for a skewed bridge to replace the existing bridge at Byangum over the Tweed River.
2. Proceeds with the lodgement of a development application for construction of the bridge.

## Reports from Director Engineering Services

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### REPORT:

Submissions for the design and documentation of a replacement bridge on Kyogle Road at Byangum were called in July 2001. Brown and Root Services Pty Ltd now known as KBR Pty Ltd were awarded the project. Public consultation commenced in February 2002 with the erection of a display of various options. A number of submissions were received. These are detailed in the Community Consultation Report reproduced at the end of this report.

The preferred option is to replace the existing low level bridge with a skew prestressed concrete bridge located immediately upstream of the existing bridge with a raised deck level approximately 3.5m higher than existing. This will give the bridge increased flood immunity of approximately 1 in 5 years. Both horizontal and vertical alignment of the Bridge will be improved as well as providing a corridor for pedestrians, cyclists and services. The proposed Bridge consists of 5 x 24m spans and is 12m wide. Modification of the Bakers Road / Kyogle Road intersection is required for improved safety. To pursue the proposed design land acquisitions are necessary from an adjacent land owner and the Crown.

Community responses comprised comments and inquiries regarding:

- tourist amenity to be addressed in the design of the proposed bridge eg pedestrian footway to view Mt Warning from the new bridge
- traffic concerns, particularly in relation to entering Kyogle Road from driveways adjacent to the bridge
- the impact on the surrounding habitat and riparian environment from the construction of the bridge
- concerns regarding the existence of significant archaeological sites due to past Aboriginal campsites at the junction of two arms of the Tweed River

A design plan for the replacement bridge has been prepared, with the community comments and concerns having been addressed. Refer drawing BCB008-C-DK-013 following in this business paper.

A preliminary estimate of bridge and road construction costs is \$4.3 million. It is proposed to start construction of the bridge in April 2004 with completion in early 2005, subject to funding.



# Reports from Director Engineering Services

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## COMMUNITY CONSULTATION REPORT

### Final Report—Community Consultation Process for the replacement of the Bridge over the Tweed River at Byangum

#### 1 Purpose

To report on the Community Consultation process for the replacement of the bridge over the Tweed River at Byangum. The justification for replacement of this bridge has been discussed in technical design reports for this project and this report covers the outcome of the community consultation process.

#### 2 Summary of the Community Consultation Process

Initiating the community consultation process involved submission of a draft Community Consultation Plan, prepared by the Community Consultation Coordinator at the beginning of the project. In this draft plan, it was envisaged that upon conclusion of the community consultation process, after issues had been raised and subsequently addressed, the final report would be prepared. This report is in fulfilment of and concludes the whole community consultation process. As part of the process, the following steps were undertaken.

##### **Draft Community Involvement Plan**

The development of a Draft Community Involvement Plan occurred at the commencement of the project. The Draft Plan outlined the proposed goals and objectives of the project, issues, inputs, community involvement activities, ongoing consultation requirements and resources for the project.

##### **Public Display**

A public display was held on the Ground Floor at Tweed Shire Council Monday to Friday, 8.30am to 4.30pm from 21 February to 6 March 2002, which involved the production of a two A3 posters which summarised the project background, the

# Reports from Director Engineering Services

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proposal, including specific proposed activities, issues addressed, details of construction and traffic work, how to be involved in the consultation process and details of the public display. (Refer Appendix 1).

*Issues addressed at the public display included:*

- Flora and Fauna management
- Water Quality
- Erosion and Sediment Control
- Cultural Heritage
- Noise and Air Quality
- Access and Safety, and
- Site Rehabilitation.

### **2.3 Freecall 1800 627 971 Hotline**

A Freecall 1800 627 971 hotline operated throughout the project period to enable the public to provide comment or voice their concerns and was monitored on a daily basis by the Community Consultation Coordinator. Three messages were left on this hotline. These are summarised in Table 1.

### **2.4 Monitoring Email and telephone**

Monitoring of email and telephone occurred throughout the project duration. As mentioned above three messages were received and responded to by the Community Consultation Coordinator.

### **On-site meeting**

An on-site meeting was held with Adrian Piper (Heritage sub consultant) and John Roberts (a local Aboriginal who assisted Adrian), to view the site and the surrounding area. The Community Consultation Coordinator also supervised the Heritage report and findings.

### **Information Sheet**

An Information sheet was produced in February 2002, to coincide with the Public Display at Tweed Shire Council. This also included a 'Community Response Form', for people to complete and submit at the public display. They could either be faxed or posted to the Community Consultation Coordinator by Wednesday 6<sup>th</sup> March 2002. (Refer Appendix 2 - Information Sheet and responses).

*Questions asked in the Community Response Form:*

- What are your interests in the project
- Do you think that there are issues or details that should be reviewed or modified in the detailed design?
- Do you have any other comments?

# Reports from Director Engineering Services

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## Letters and submissions

Further to Mr Dawson's discussion with Ian Munro and as the proposed concept design potentially impacted upon his property, a letter and concept design was sent to Mr Stanley Dawson of 625 Kyogle Road, Byangum, to advise that the concept design will be available for public comment. (Refer Appendix 3). No correspondence was received from Mr Dawson.

All letters, feedback and submissions were recorded, and acknowledged and /or responded to. As noted above, responses received via the Freecall hotline or community response form were tabulated and are summarised in Table 1.

## 3 Conclusions and Actions Taken

Key issues raised in the course of the community consultation process included concerns with any proposed impacts on the existing view to Mt Warning, pedestrian safety and concerns that local traffic conditions may worsen with the new bridge. Concerns that the proposed site may be an area of Aboriginal significance were also raised.

These issues have been addressed in the following manner:

- The project area will have a 70km/per hour zone for safety
- Heritage issues have been addressed via recommendations from Adrian Piper and the Tweed Aboriginal Land Council (Refer Heritage Report)
- The bridge design was discussed with Council
- All members of the construction team will be made aware of how to address heritage issues.

The Community Consultation process provided a means by which local residents and members of the community provided input into the project and raised issues of concern for consideration and action by the project team.

# Reports from Director Engineering Services



**Table 1** Byangum Bridge Project - key issues raised in community responses during public display at Tweed Shire Council, Tumbulgum Road, Murwillumbah - from 21 February 2002 until 6 March 2002

Name	Date	Phone/Fax number	E-mail	Community Response Form	1800 hotline	Property owner	Inquiry	Response	Outstanding issues
Mr Jack Roakam	1 & 4 March 2002	02 6679 7179		Yes	Yes		<p>On Friday 1 March Mr Roakam left a message on the 1800 hotline regarding the bridge. He mentioned the following:</p> <ul style="list-style-type: none"> <li>He lives in the vicinity of the bridge</li> <li>Many visitors use the bridge</li> <li>Suggested having a pedestrian footpath on the Mt Warning side of the bridge and maybe a viewing platform as well.</li> <li>Mr Roakam did not specifically ask that we return his call, but KP called on 4 March to confirm we had received his message and see if he had any additional issues he wanted to raise.</li> </ul>	<p>KP returned his call on Monday 4 March to confirm that we had received his message and asked if there were any issues he particularly wanted to discuss. Mr Roakam raised the following:</p> <ul style="list-style-type: none"> <li>The footpath is on the Murwillumbah side and should be on the other side</li> <li>There is a beautiful view to Mt Warning and this should be utilised</li> <li>Maybe a fence for pedestrian safety should be installed around the viewing platform?</li> <li>So many tourists risk their lives to take photos</li> <li>Mr Roakam also suggested even a small parking lot either side of the bridge or in the vicinity of the bridge would be a good idea for tourists</li> <li>Mr Roakam doesn't want an ugly concrete structure - he suggested it should be 'creative'.</li> </ul> <p>The Project Engineer at Hallburton KBR further suggested:</p> <ul style="list-style-type: none"> <li>The footpath could be provided on the upstream side if "quasar" issues prevailed. If so, this would need consideration of parking locations and where the approach paths were intended to lead</li> <li>Debris impacts on the upstream side of the bridge was a consideration. There is less strength in the units under the footpath as they are a single unit not stressed to the rest of the deck and the pedestrian rails would normally be of lighter structural design</li> <li>They would need to further discuss with the bridge designers and Council</li> </ul>	<p>The Project Engineer would need to further discuss the bridge designers and Council</p>
Mr Cyril Boylett	7 - 8 March 2002	02 6672 5868		Yes	Yes	Yes - 665 Kyogle Road, near Byangum Bridge	<p>On 7 March a message was left on the 1800 hotline and the following issues were raised by Mr Boylett:</p> <ul style="list-style-type: none"> <li>He didn't manage to see the public display but wanted to raise a few issues on the 1800 hotline</li> <li>The current speed of traffic is already a problem</li> <li>There are a number of blind corners</li> <li>It is difficult for residents to exit their properties and enter the road</li> <li>Speed restrictions should be associated with the new bridge, especially coming off the bridge on the Kyogle side.</li> </ul>	<p>In response to the message on the 1800 hotline, KP returned the telephone call on 5 March. In regards to the 80 kmph request, it was advised that the project area would have a 70 kmph speed limit.</p> <ul style="list-style-type: none"> <li>Mrs Boylett raised the following: <ul style="list-style-type: none"> <li>They reside about 5 houses down from the bridge on the southern side</li> <li>At the moment the bridge slows traffic down which is a positive thing</li> <li>With the new bridge, the traffic conditions might be worse, as people may speed due to traffic speeding past their driveway</li> <li>Mr &amp; Mrs Boylett currently have difficulty reversing out of their driveway onto Kyogle Rd, Mrs Boylett suggested having an 80 kmph zone off the bridge and into the "village", but KP mentioned that the improved road alignment would have a 70kmph zone.</li> </ul> </li> </ul>	<p>Colin Webber to express Vivien's concern to Ian Munro at Council.</p>
Ms Vivien Royston	7 & 13 March 2002	02 6679 1100	Yes	Yes	Yes - Blackwood Road		<p>A final copy of the Community Response Form was received on 7 March 2002. The following issues were raised:</p> <ul style="list-style-type: none"> <li>Vivien lives nearby the bridge</li> <li>Vivien asked whether a full EIS has been undertaken.</li> </ul>	<p>In response to the Community Response Form, KP returned Vivien's questions with a phonecall on 13 March 2002. Issues raised in the Community Response Form were also given to the project engineer.</p> <ul style="list-style-type: none"> <li>The following issues were discussed: <ul style="list-style-type: none"> <li>Vivien is a member of the 'Tweed Byron Greens' Group and is concerned with impacts on the surrounding habitat and riparian environment</li> <li>KP mentioned that we have been employed by Tweed Shire Council to undertake environmental investigations for the project</li> <li>Vivien mentioned that Cr Henry James is very knowledgeable</li> <li>KP suggested she would mention this concern to the Project Engineer, who would pass it onto Ian Munro at Council, rather than Cr Henry James at this stage.</li> </ul> </li> </ul>	
Ms Stella Wheelton	18 March	02 6679 7088		Yes - 18 March	Yes - 14 March	Prerty Gully Co-Op - UKI	<p>Stella is studying Aboriginal Archaeology &amp; has been working on the Prerty Gully Owners - the Binjaling estate, which includes some of the most sacred and significant sites of the Tweed Children</p> <ul style="list-style-type: none"> <li>Stella does think that there are issues/details that should be reviewed or modified. The existing and proposed site for the bridge have traditional Campsites</li> </ul>	<p>Stella left a message on the 1800 hotline on 14 March and KP returned her call to acknowledge her message and discuss any further issues.</p> <ul style="list-style-type: none"> <li>Issues raised in the Community Response Form were given to the project engineer</li> </ul>	

BCD/006-C-DO-005  
24 January 2003

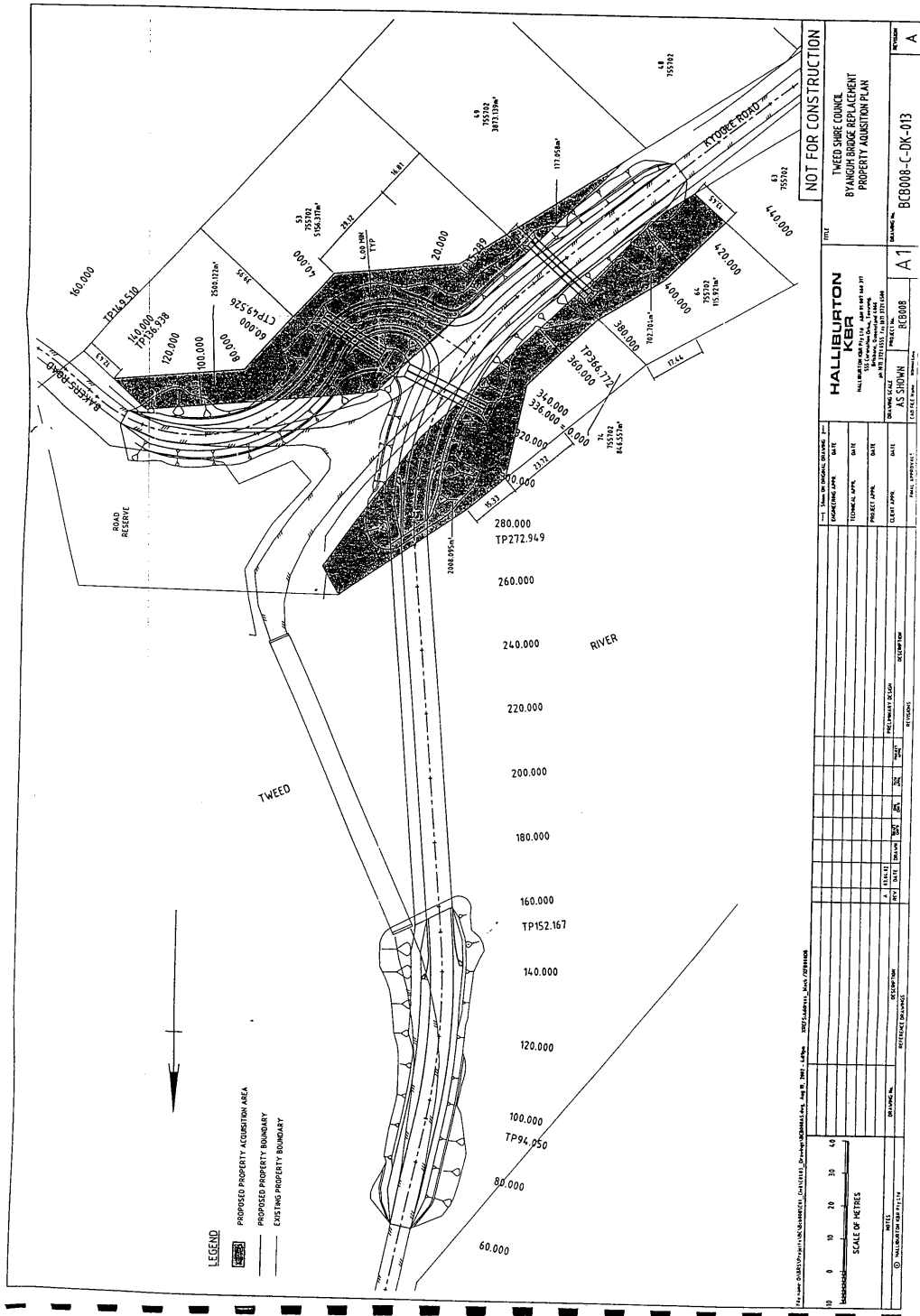
# Reports from Director Engineering Services

Name	Date	Phone/Fax number	E-mail	Community Response Form	1800 hotline	Property owner	Inquiry	Response	Outstanding issues
							<p>for the Eumaling Nation, and the junction of the two main rivers, at the entry to the sacred "Wollumbin Mountain". This site has evidence of Aboriginal significance and another crossing would be better.</p> <ul style="list-style-type: none"> <li>• Stella can produce evidence - tangible and oral, to substantiate the argument against further degradation of these historical places. They should be preserved and honoured for the treasures they are.</li> </ul>		

**KBR**

BCB008-C-J02-005  
24 January 2003

# Reports from Director Engineering Services



## Reports from Director Engineering Services

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**19. ORIGIN: Design Unit**

**FILE REF: GR3/12/6 Pt2; Road - Closures - Cudgen; Road Reserve Creek Road**

**REPORT TITLE:**

**Proposed Closure and Purchase of Crown Road within Lot 3 DP1008938 - Reserve Creek Road, Reserve Creek**

**SUMMARY OF REPORT:**

Council may recall a report made to Council at a meeting held on 18 December, 2002 where it was resolved that Council objected to the closure of a Crown Road sought by the applicant, but would not object to a realignment of the Crown Road, generally to the north, in the vicinity of the house site.

The resolution to approve a realignment of the Crown Road arose directly from the necessity to retain the Crown Roads network in the Reserve Creek area.

Advice from the Department of Land & Water Conservation has been received to the effect that any Crown road realignment would result in that realignment becoming Council Public Road. The Department is reluctant to approve the realignment on that basis and it is now necessary to revisit the issue of closing the Crown Public Road as the applicants, Mr and Mrs Beard are faced with having no option other than the road closure to facilitate approval for their house on the Crown Road.

Advice from the Development Assessment Unit states that the creation of a Council Public Road generates an obligation on the applicant to form the road to a standard acceptable to Council as soon as possible following the creation of the road. This is undesirable as the existing Crown Public Road is unformed.

The creation of a Right of Public Access in Council's favour, being the realignment of the road, will create all rights arising from a Crown Public Road without the obligation to form the road. A Right of Public Access can be registered on Lot 3 prior to the closure of the road to ensure that a right of access is retained throughout the road closure process.

The road does not provide access to any other property, formed road, and contains no wildlife corridor or any significant flora.

**RECOMMENDATION:**

That:-

1. Council:-

- a) raises no objection to the partial closure of the Crown Public Road within Lot 3 in DP 1008938;
- b) approves the creation of a Right of Public Access to retain the continuity of the Crown Public Road network in the Reserve Creek area; and

2. All necessary documentation be endorsed under the Common Seal of Council.

## Reports from Director Engineering Services

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### REPORT:

Council may recall a report made to Council at a meeting held on 18 December, 2002 where it was resolved that Council objects to the closure sought but would not object to a realignment, generally to the north, in the vicinity of the house site.

The resolution to approve a realignment of the Crown Road arose directly from the necessity to retain the Crown Roads network in the Reserve Creek area.

Advice has been received from the Department of Land & Water Conservation that any road realignment created would result in that realignment becoming Council Public Road. The Department is reluctant to approve the realignment on that basis and it is now necessary to revisit the issue of closing the Crown Public Road as the applicants, Mr and Mrs Beard are faced with having no option other than the closure to facilitate approval for the house on the Crown Road. Any refusal to close the road will result in financial difficulty for the Beards, compounding other difficulties faced by them to date.

Advice from the Development Assessment Unit states that the creation of a Council Public Road generates an obligation on the applicant to form the road to a standard acceptable to Council as soon as possible following the creation of the road. This is undesirable as the existing Crown Public Road is unformed.

The creation of a Right of Public Access in Council's favour, being the realignment of the road, will create all rights arising from a Crown Public Road without the obligation to form the road. A Right of Public Access can be registered on Lot 3 prior to the closure of the road to ensure that a right of access is retained throughout the road closure process.

The road does not provide access to any other property, formed road, and contains no wildlife corridor or any significant flora.



# Reports from Director Engineering Services

**PLAN FORM 2 (APPROVED FORM 1)**  
SIGNATURES AND SEALS ONLY

USED BY: TWEED SHIRE COUNCIL  
DATE: 15 FEB 2003  
PROJECT NO: 1008938

PREPARED BY: [Signature]  
DATE: 15 FEB 2003  
PROJECT NO: 1008938

DATE OF EXPIRY: 15 FEB 2003  
PROJECT NO: 1008938

28 Paces Street  
Loughry SA 5032

Proposed Right of Public Access 10.06 wide

Crown Road sought to be closed

DIAGRAM A  
SCALE 1:1,000

DIAGRAM B  
SCALE 1:1,000

**DP1008938**

Registered Plan No: 1-2-2000  
SEE CERTIFICATE

The System: TOWNRENS  
Purpose: SUBDIVISION  
Ref. Map: PARISH  
Left Plan: DP 855630

PLAN OF SUBDIVISION OF LOT 3 IN DP 855630 AND EASEMENT FOR BORE & WATER SUPPLY I WIDE AND VARIABLE ON LOT 2 IN DP 855630

Length in metres: Reaction Rate: 8000

LGA: TWEED SHIRE  
Suburb/Locality: RESERVE CREEK  
Parish: CUDGEN  
County: ROUS (NS)

This is a plan for the purpose of the provisions of the Survey Act 1976 and the Survey Regulations 1976.

THE SURVEYOR'S OFFICE HAS CHECKED THIS PLAN AND IS SATISFIED THAT THE INFORMATION CONTAINED THEREIN IS TRUE AND CORRECT AND THAT THE PLAN IS IN ACCORDANCE WITH THE SURVEY ACT 1976 AND THE SURVEY REGULATIONS 1976.

Plan used: preparation of survey/completion  
DP 855630 DP 45101 DP 55412  
DP 51234 DP 53414 DP 80101  
FOR 275 AND FOR 11)

Plan used only for the purpose of the provisions of the Survey Act 1976 and the Survey Regulations 1976. This plan is not to be used for any other purpose without the consent of the Surveyor-General.

1. EASEMENT FOR BORE & WATER SUPPLY I WIDE & VARIABLE  
2. POSITIVE COVENANT  
3. RESTRICTION ON USE  
4. RESTRICTION ON USE  
5. RESTRICTION ON USE  
6. RESTRICTION ON USE  
7. RESTRICTION AS TO USER  
8. EASEMENT FOR WATER SUPPLY I WIDE & VARIABLE

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

## Reports from Director Engineering Services

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## Reports from Director Engineering Services

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**20. ORIGIN: Water Unit**

**FILE REF: DW715124; Floodplain Management**

**REPORT TITLE:**

**Gazettal of Floodplain Management Manual**

**SUMMARY OF REPORT:**

Council has received a letter from the Floodplain Management Authorities of NSW (FMA) advising members of their correspondence with the Deputy Premier, Dr Andrew Refshauge, in relation to the non-gazettal of the revised Floodplain Management Manual 2001.

**RECOMMENDATION:**

That this report be received and noted.

# Reports from Director Engineering Services

## REPORT:

Council has received a letter from the Floodplain Management Authorities of NSW (FMA) advising members of their correspondence with the Deputy Premier, Dr Andrew Refshauge, in relation to the non-gazettal of the revised Floodplain Management Manual 2001.

The following letters indicate the Floodplain Management Authorities concern at the non-gazettal of the Floodplain Management Manual 2001 and its impact on legal protection.

Chairman Cr Allan Ezzy  
TELEPHONE 0408 864 283  
FAX 02 9896 4483

Deputy Chairman Cr Chris Holstein  
TELEPHONE 0418 432 731

ABN 67 007 279 179

Please address all correspondence  
to the Executive Officer

13 December 2002



*Caring for People and the Environment*

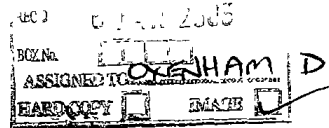
Executive Officer Wilton Boyd

Tamworth City Council  
PO Box 555  
Tamworth NSW 2340

TELEPHONE (02) 6755 4532  
FAX (02) 6755 4295  
E-mail [a.galvin@tamworth.nsw.gov.au](mailto:a.galvin@tamworth.nsw.gov.au)

Our Ref Andrew Galvin

*FLOODPLAIN MANAGEMENT*



Members

Subject Floodplain Management Manual

A number of members have expressed concern about the non gazettal of the Floodplain Management Manual .

I have recently received a response from Deputy Premier Refshauge regarding our concerns with this issue. I have requested that a copy of this letter be circulated for the information of members.

It is disappointing to note that nearly some two years after the launch of the latest Floodplain Management Manual that it is still to be gazetted

Legal protection is provided to Council's who approve development in terms of the manual and its gazettal is seen as important in this regard.

Members may be assured that I will be monitoring the situation closely and following up with the Deputy Premier should this issue not be resolved satisfactorily

Yours faithfully

Cr Allan Ezzy  
Chairman

# Reports from Director Engineering Services



NEW SOUTH WALES

DEPUTY PREMIER  
MINISTER FOR PLANNING  
MINISTER FOR ABORIGINAL AFFAIRS  
MINISTER FOR HOUSING

TWEED SHIRE CO.	
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GPO Box 3451  
SYDNEY 1043

Phone (02) 9228 4499  
Fax (02) 9228 4400

FIS		1.171
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Floodplain Management Authorities of NSW		
Tamworth City Council	NFA	

Your Ref.  
Our Ref M02/07129M

29 NOV 2002

Cr A Ezzy  
Chairman  
Floodplain Management Authorities of NSW  
Tamworth City Council  
PO Box 555  
TAMWORTH NSW 2340

Attention
Date f

Dear Cr Ezzy

I refer to your letter expressing concern that the Floodplain Management Manual dated January 2001 has not yet been gazetted.

As you will be aware, I was involved in the launch of the upgraded Floodplain Management Manual. The new manual represents a significant step forward in floodplain management with particular emphasis being placed on addressing associated ecological issues. Further, this new manual has now been incorporated as part of the NSW planning system and requires councils to consider such matters under Section 79C of the Environmental Planning and Assessment Act. This was effective from the date of the launch of the new manual.

Gazettal of the manual provides a mechanism for councils to be free from liability for floodplain management that has been carried out in accordance with the manual. It is the Government's intention to continue with this arrangement but in a manner that provides this protection for action taken under both manuals. The Crown Solicitor is in the process of providing advice to the Department of Planning to ensure that the level of legal protection you are concerned about exists.

For example, the definition of flood prone land has changed under the two manuals. The new manual recognises up to the Probable Maximum Flood level whereas most current planning schemes only use the 1 in 100 year level. As

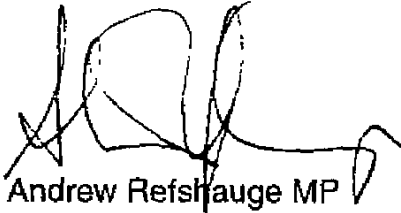
## Reports from Director Engineering Services

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soon as I have received legal confirmation that both circumstances can be properly covered, I will then be in a position to proceed with the gazettal of the manual.

I hope this information is of assistance.

Yours sincerely



Andrew Refshauge MP  
**Deputy Premier**  
**Minister for Planning**  
**Minister for Aboriginal Affairs**  
**Minister for Housing**

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# Reports from Director Environment & Community Services

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

**FILE REF:** HACC; Donations

**REPORT TITLE:**

**HACC Centre, Tweed Heads South**

**SUMMARY OF REPORT:**

The Blind and Vision Impaired Support Group has requested complimentary use of the meeting room at the HACC Centre, Tweed Heads South for their meetings in 2003 as specified in the body of the report. A similar request was granted for 2002. It is recommended that Council agrees to similar arrangements to those made in 2002.

**RECOMMENDATION:**

That Council charges the usual fee to the Blind and Vision Impaired Support Group for use of the meeting room in the HACC Centre at Tweed Heads South for their meetings as per the attached schedule and makes a donation back to them of the charge.

## Reports from Director Environment & Community Services

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### REPORT:

Council, at its meeting of 23 January 2002 resolved:-

*“.....that Council charges the usual fee to the Blind and Visually Impaired Support Group for use of the meeting room in the HACC Centre at South Tweed Heads for the meetings as per the attached schedule and makes a donation back to them of the charge.”*

Council has now received correspondence from the same group requesting complimentary use of the small meeting room at the HACC Centre, Tweed Heads South on the following dates for the year 2003:-

February	19	Noon to 2pm
March	19	Noon to 2pm
April		Bye
May	21	Noon to 2pm
June	18	Noon to 2pm
July		Bye
August	20	Noon to 2pm
September	17	Noon to 2pm
October	19	Noon to 2pm
November	19	Noon to 2pm

The request appears reasonable and it is suggested that Council makes similar arrangements to those adopted for 2002.

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## Reports from Director Environment & Community Services

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**22. ORIGIN:** Environment & Health Services Unit  
**FILE REF:** On-Site Sewage Management Strategy

**REPORT TITLE:**

**Tweed Shire Council On-site Sewage Management Strategy**

**SUMMARY OF REPORT:**

At its meeting of 16 October 2002 Council considered the draft Tweed Shire Council On-site Sewage Management Strategy Options Report and resolved that the draft Tweed Shire Council On-site Sewage Management Strategy be released for public comment in accordance with Section 7.0 of the Strategy.

The draft Tweed Shire Council On-site Sewage Management Strategy was subsequently released for comment on 5 November 2002 with comments requested by 4 December 2002.

Nine responses were received as follows:

- Five from members of the public;
- One from the Chillingham Community Association;
- Three from state government bodies, the Northern Rivers Area Health Service, the New South Wales Environment Protection Authority and the Department of Land and Water Conservation; and
- One from the Tweed River Advisory Committee.

Responses from the Tweed River Advisory Committee and state government bodies were positive and supportive. Responses from the community showed that some concern remains regarding cost, processes and the need for regulation.

All submissions expressing concern were responded to by Council using information from the Strategy with no subsequent return correspondence. Community concerns do however highlight the importance of information sharing and education in the implementation of the Strategy and Section 10 of the Strategy *Information and Education* will need to underpin all other activities undertaken.

The Strategy can now be used by Council to implement state legislative requirements that have existed since 1998. As a first step of implementation it is recommended that a three month moratorium for receiving applications for approval to operate an on-site sewage management system be allowed (with accompanying promotion and education).

**RECOMMENDATION:**

That Council endorses:

1. The Tweed Shire Council On-site Sewage Management Strategy for implementation;
2. A three month moratorium for receiving applications for approval to operate an on-site sewage management system; and
3. The appointment of two full time appropriately qualified staff to implement the Strategy.

## Reports from Director Environment & Community Services

### REPORT:

At its meeting of the 16 October 2002 Council considered the Tweed Shire Council On-site Sewage Management Strategy Options Report and resolved that:

- “1. *the recommended options from Sections 9.1, 9.2, 11.17, 13.7, and 15.11 of the draft Strategy be adopted;*
2. *the Draft Tweed Shire Council On-site Sewage Management Strategy (within recommended options integrated) be released for public comment in accordance with Section 7.0 of the Strategy.*
3. *in-principle approval be given to the appointment of two full time appropriately qualified staff to implement the Strategy.”*

The Draft Tweed Shire Council On-site Sewage Management Strategy was released for comment on the 5<sup>th</sup> November 2002 with comments requested by the 4<sup>th</sup> December 2002. The consultation process was accompanied by a range of publicity that included:

- An introductory article in the Tweed Link of the 29th October.
- An article regarding Council’s resolution in the Daily News of the 29th October 2002.
- An article regarding Council’s resolution in the Tweed Sun of the 23rd October 2002.
- A public notice in the Tweed Link of 5th November 2002.
- A 5th November 2002 addition to the Tweed Shire Council web page containing information on the Strategy and public consultation.

Nine written responses were received as follows:

Origin	Comment	Response
Member of public x 2.	Owns an Aerated Waste Treatment System (AWTS) that requires quarterly servicing. Council’s proposed inspections create an additional unnecessary check and cost.	<ul style="list-style-type: none"> <li>▪ Aerated Waste Treatment Systems have</li> <li>▪ Servicing is often not performed well.</li> <li>▪ Servicing usually does not include irrigation system.</li> <li>▪ When failure occurs systems are of</li> <li>▪ Servicing checks that system is operational but does not ensure legislated standards are being met.</li> </ul>
Member of public x 1.	What has happened with \$30 fee paid in 1999?	The \$30 fee accompanied an Application for Approval to Operate. Applications are held by Council and will be processed when the Strategy is approved.
Member of public x 2.	Concern over burden of proposed fee.	Fees will be charged as infrequently as practically possible and have been set at cost recovery level only.

## Reports from Director Environment & Community Services

Chillingham Community Association	Detailed – copy attached.	Detailed – copy attached.
Tweed River Advisory Committee	Strategy fully supported.	None required.
Northern Rivers Area Health Service	Positive comment.	None required.
New South Wales EPA	Strategy supported. Some suggestions for fine tuning included.	Length of time (7 days) that AWTS service providers are required to submit reports - extended to 14 days. Risk assessment classification process slightly modified so that excessive numbers of systems will not be classified as high risk.
Department of Land and Water Conservation	Strategy supported (response received after closing date).	None required.

Two main issues were contained within responses by the community (including telephone queries). Firstly, concern about the need for regulation, which was often caused by a misunderstanding that on-site sewage management requirements have originated with Council. Secondly, concern about inspections and fees.

These concerns are addressed within the Strategy and the Strategy was used to reply to public comments. No subsequent return correspondence was received to Council's reply to submissions. Council's responses are summarised below.

Regulation, the need to obtain Council approval to operate an on-site sewage management system and the requirement to operate that system to specific standards, derives from a New South Wales government amendment to the Local Government Act. This amendment has been supplemented by combined Department of Local Government, EPA and Department of Land and Water Conservation research and guidelines that provide supporting evidence for regulation as well as establishing principles that set direction which all Councils in New South Wales are obliged to use in decision making, ensuring a coordinated approach throughout both the shire and the state.

Inspections by qualified officers are necessary to ensure standards are met and appropriate advice and guidance can be provided to owners. The Strategy outlines in detail what inspections will involve and before Council officers visit premises owners will receive further information about what will be happening.

Fees have been kept to a minimum, established at a level so as to cover costs for implementation only. Frequency of fees will be at a maximum once every two years while for many residents it will be as low as six yearly, the same is applicable to inspections. To summarise – systems will be assigned a risk of high, medium or low. High risk is two yearly approval renewal and inspection, medium risk is four yearly approval renewal and inspection, and low risk is six yearly approval

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## Reports from Director Environment & Community Services

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renewal and inspection. There is potential, which will be encouraged, that the extra attention paid to high risk systems will result in system modification and operational improvements that will result in a drop in risk category from high to medium or low.

### CONCLUSION

It is recommended that the Tweed Shire Council On-site Sewage Management Strategy be adopted by Council for implementation. This implementation must be underpinned by Section 10 of the Strategy *Information and Education* so that the community and business have ample opportunity to be informed and knowledgeable about their roles and responsibilities in on-site sewage management.

It is also recommended that upon the commencement of the Strategy a moratorium of three months be allowed in which all owners of system who have yet to apply for approval to operate an on-site sewage management may apply without penalty. This moratorium will also be used as an opportunity for promotion and education.

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## Reports from Director Environment & Community Services

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**23. ORIGIN:** Environment & Health Services Unit  
**FILE REF:** Revenue - Fees and Charges; Dog-Pound

**REPORT TITLE:**

**Policy Amendment – (1) Sale of Dog to New Owner and Surrender of Greyhounds (for purpose of euthanasia) and (2) Impounding of Articles of Motor Vehicles**

**SUMMARY OF REPORT:**

At its meeting of 20 November 2002 Council resolved:

*“that:-*

- 1. The minimum cost of purchasing a dog from Council's impounding facility be increased to \$40.*
- 2. The fee associated with surrendering a greyhound to Council's impounding facility be increased to \$50.*
- 3. The above proposed increase in fees be advertised in accordance with the requirements of the Local Government Act 1993.”*

As no objections have been received during the required advertising period it is requested that Council adopt the new associated fees.

Also due to an oversight in the current fees and charges the release fees associated with the impounding of an article and a motor vehicle were omitted. It is requested that the fees be included as follows:

- Impounded Article - \$50 per article (the associated cost relates to administration, conveyance of the article to the impounding yard and the storage of the said article).
- Impounded Motor Vehicle - \$100 release fee
  - Actual cost of conveying vehicle to the impounding yard (as per the contract price)
  - 20% administration cost

**RECOMMENDATION:**

That:-

1. Council adopts the new associated fees as per Council's resolution of 20 November 2002.
2. The cost of \$50 for the release of an impounded article be included in Council's Fees and Charges.
3. The cost of \$100 for the release of an impounded vehicle be included in Council's Fees and Charges.

## Reports from Director Environment & Community Services

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**REPORT:**

As per Summary.

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## Reports from Director Environment & Community Services

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**24. ORIGIN:** Environment & Health Services Unit  
**FILE REF:** Sustaining the Tweed; Greenhouse Effect

**REPORT TITLE:**

**Milestone 2 of the Cities for Climate Protection Campaign**

**SUMMARY OF REPORT:**

In October 2002, Doctor David Kemp, Federal Minister for the Environment and Heritage wrote to all Local Governments encouraging them to consider the outcomes of the Local Leaders in Sustainability Forum and to pursue Local Government actions recommended by the forum. A key recommendation of the forum was the fast tracking of the Cities for Climate Protection (CCP) Campaign.

The CCP Campaign is an international initiative that provides funding and technical assistance to local governments to promote the reduction of greenhouse gas emissions in their area.

Tweed Shire Council resolved to become a participant in the CCP Campaign at its meeting on the 17 December 1997.

Since Council made that resolution in 1997, Milestone 1 (Milestones outlined below) of the CCP Campaign has been reached and a number of greenhouse gas reduction projects undertaken. However in order to gain maximum benefit from funding opportunities and technical assistance, Tweed Shire Council needs to formally complete Milestone 2 by agreeing on a set of emission reductions goals.

Councils who reach Milestone 2 before 28 February 2003 are eligible for \$4000 from the Australian Greenhouse Office for the development of a Local Action Plan to reduce greenhouse gas emissions in the area.

It is important to note that the endorsement of an emissions reduction goal does not create any obligations for Council, but rather it allows Council to receive the benefit of funding opportunities and technical assistance for greenhouse gas reduction initiatives in the local area. The emissions reduction goal is something to aspire too, and is not a target that is set in concrete, it can be changed or altered as Council moves through the program.

**RECOMMENDATION:**

That Council endorses:-

1. The goal of reducing corporate greenhouse gas emissions to 20% below 1996 levels by 2010
2. The goal to reduce community greenhouse gas emissions per capita to 20% below 1996 levels by 2010
3. The application for Australian Greenhouse Office funding to prepare a Local Action Plan to meet the Milestone 3 requirements of the Cities for Climate Protection Campaign.

## Reports from Director Environment & Community Services

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### REPORT:

#### WHAT IS CITIES FOR CLIMATE PROTECTION?

Cities for Climate Protection is a campaign of the International Council for Local Environmental Initiatives (ICLEI), with over 550 local governments from around the world participating.

CCP empowers local governments to cut greenhouse gas emissions. It provides local governments with a strategic milestone framework, helps them to identify the emissions for their councils and communities, set a reduction goal and develop and implement an action plan to reach that target.

In Australia, the CCP Campaign is delivered by the ICLEI in collaboration with the Australian Greenhouse Office (AGO). In Australia there are currently 163 local governments, representing 65% of Australia's population, participating in the program. The target for ICLEI and the AGO is to have 200 councils in the program by 2003.

Participating in 'Cities for Climate Protection - Australia' allows councils and their communities to effectively measure and reduce their greenhouse emissions.

In October 2002, Doctor David Kemp, Federal Minister for the Environment and Heritage wrote to all Local Governments encouraging them to consider the outcomes of the Local Leaders in Sustainability Forum and to pursue Local Government actions recommended by the forum. A key recommendation of the forum was the fast tracking of the Cities for Climate Protection Campaign.

#### BENEFITS OF THE CCP CAMPAIGN:

The benefits of the CCP campaign are extremely wide ranging whether you consider them in environmental, economic or social and public health terms. They include:

- Ensuring the highest levels of energy efficiency means lower energy costs, for council and for the community. Saved money may then be directed into other worthwhile activities like employment or other community projects. *Adelaide City Council saved \$14000 at no capital cost simply by switching on the energy saving features of its computers.*
- A direction towards energy efficiency can establish new markets and industries, perhaps providing local employment and business opportunities. *Newcastle cut one-third off its million-dollar electricity bill while creating 6,600 person hours of employment in energy efficiency.*
- Reduced reliance on fossil fuels can have pronounced effects on local air quality and the subsequent public health costs. *Liverpool City Council (NSW) is converting its entire vehicle fleet to natural gas. Council estimates that over ten years it can save \$1 million for a fleet of ten garbage trucks and \$100,000 for every ten passenger or light commercial vehicles through lower fuel costs.*

#### EXAMPLES OF CCP FUNDING FOR COUNCILS WHO HAVE SET EMISSION REDUCTION GOALS:

- Councils who reach Milestone 2 before 28 February 2003 are eligible for \$4000 from the AGO for the development of a Local Action Plan to reduce greenhouse gas emissions in the local area.



## Reports from Director Environment & Community Services

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- The ACT Government has been awarded \$168,000 to deliver two projects - a subsidy scheme for residential wall insulation and an upgrade of heating, ventilation and air conditioning systems to make them more efficient.
- Adelaide City Council has been offered \$175,000 to retrofit traffic signals with LED lanterns.
- City of Gosnells in WA has been offered \$24,000 to undertake a rebate scheme to promote the use of compact fluorescent lights.
- City of Port Phillip in Victoria has been offered \$81,840 to undertake a lighting retrofit program.
- Hornsby Shire Council in Sydney has been offered \$100,000 to install a hybrid solar thermal power system to power a community library.
- Maroochy Shire in Queensland has been offered \$7,000 to undertake an energy efficient showerhead rebate scheme.
- Maroondah City Council in Victoria has been offered \$94,000 to trial a gas-fired micro-generator.

### **CCP MILESTONES:**

1. Establish a base year 'emissions inventory' and 'forecast' for the community and corporate sector.
2. Set emissions reduction goal(s).
3. Develop and adopt a greenhouse reduction strategy - the Local Action Plan.
4. Implement the greenhouse Local Action Plan.
5. Monitor and report on emissions and implementation of actions and policies.

### **WHY A 20% REDUCTION GOAL FOR MILESTONE 2**

A 20% reduction goal is recommended for three main reasons:

- The 20% reduction goal was initiated in Canada when the City of Toronto became the first city in the world to set a greenhouse gas emissions target and it became known as the 'Toronto target'. Toronto endorsed the goal in 1990, aiming to reduce CO2 emissions by 20% from 1988 levels by 2005. By 1995, emissions had dropped 7% from 1990 levels.
- The Intergovernmental panel on Climate Change (IPCC), an international body of over 2,500 scientists convened by the World Meteorological Organisation and the United Nations Environmental Program to study this issue, has made it clear that emissions need to be reduced by more than 20% to achieve stabilisation of greenhouse gas concentrations.
- Local governments all over the world have embraced this target. Local governments have stepped forward to take the lead and set an example for their national government as well as the global community. More than 150 local authorities and municipal organisations from more than 50 countries worldwide support a 20% reduction goal, which represents more than 250 million people. An increasing number of Australian councils are endorsing 20% reduction goals, and many are now endorsing higher goals for their corporate emissions. For

## Reports from Director Environment & Community Services

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example the City of Hobart has endorsed a 70% corporate reduction goal (from 1996 to 2010).

### TWEED COUNCIL'S ACTIONS TO DATE:

Council has completed Milestone 1 of the CCP Campaign and undertaken a number of initiatives aimed at reducing local greenhouse gas emissions. These include:

- The development and adoption of an Energy Smart Homes Policy (Development Control Plan 39) to reduce domestic electricity consumption and associated greenhouse gas emissions.
- Construction of an environmentally friendly, energy smart demonstration home to provide new and existing homeowners with a range of ideas to reduce domestic electricity consumption and associated greenhouse gas emissions.
- Electricity audits of the Tweed Heads and Murwillumbah Civic Centres to identify where savings can be made to reduce electricity bills and greenhouse gas emissions.
- Lighting Retrofit of the Murwillumbah Civic Centre where two fluorescent tubes in each ceiling fixture were replaced with a single more energy efficient tube and a reflector. This project has more than halved the office lighting bill and reduced air conditioner maintenance costs significantly. The lighting retrofit project has also resulted in greenhouse gas reductions of over 100 tonnes per year.
- Creation of a 'Revolving Energy Fund' whereby savings made from the Murwillumbah Office lighting retrofit are used to fund further greenhouse gas reduction initiatives.
- The development of a 'methane flaring facility' to reduce the amount of greenhouse gas emissions generated by the landfill.
- Promoting greenhouse reduction issues via various media, the annual State of the Environment report, brochure production and the Council web site.

As is evident above, Tweed Shire Council is currently achieving significant greenhouse gas reduction measures that have economic, social and environmental outcomes, however in order to gain maximum benefit from technical assistance and funding opportunities, Tweed Shire Council needs to formally complete Milestone 2 by agreeing on a set of emission reductions goals.

It is important to note that the endorsement of an emissions reduction goal does not create any obligations for Council, but rather it allows Council to receive the benefit of funding opportunities and technical assistance for greenhouse gas reduction initiatives in the local area.

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# Reports from Committees/Working Groups

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## 1. Minutes of the Sports Advisory Committee Meeting held Tuesday 21 January 2003

**Sports Advisory Committee**

**VENUE:**

Tweed Heads Civic Centre

**TIME:**

5.00pm

**PRESENT:**

**Committee Members:** Crs Warren Polglase, Phil Youngblutt; Mr Stewart Brawley, Mr Merve Edwards, Ms Leanne Sharp, Mr Peter Moschogianis, Ms Glennys Kenny, Mr Ray Jarrett

**Informal:** Mrs Blyth Short (Recorder)

**APOLOGIES:**

Cr Youngblutt and Linda Threlfo

**CONFIRMATION OF MINUTES:**

**Moved:** M Edwards

**Seconded:** L Sharp

**RESOLVED** that the Minutes of Sports Advisory Meeting held Tuesday 19 November 2002 be accepted as a true and accurate record of the proceedings of that meeting.

**BUSINESS ARISING:**

### 1. Barry Smith Hockey Fields

**Barry Smith Hockey Field**

The disabled car park request for Barry Smith Hockey Field was taken to the local traffic committee to resolve. Consequently, the disabled car park space will be marked out by the end of the month.

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## Reports from Committees/Working Groups

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### 2. Tumbulgum Rangers Sports Club (TRSC)

**Brian Breckenridge Field**

The erection of a safety/spectator fence between the Brian Breckenridge clubhouse and the field has been completed.

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### 3. NSW Department Sport & Recreation

B Short advised that a questionnaire regarding "It's Your Business" and Child Protection seminars offered by the department were sent to approximately 50 clubs. Council received one reply.

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### 4. NSW Department Sport & Recreation Regional Grants

S Brawley advised that the regional grants have not been announced.

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#### CORRESPONDENCE:

### 5. Tweed Heads Seagulls Rugby League Football Club (THSRLFC)

**Piggabeen Sports Complex; Assets Reserve Trust Fund**

THSRLFC have submitted an Assets Reserve Trust Fund application for financial assistance of \$5,000 for erection of a digital scoreboard (2.7m x 1.5m) total project will cost \$10,000. G Kenny requested a balance of the Assets Reserve Trust Fund (ARTF). S Brawley advised that there are sufficient funds available. The THSRLFC contribute to the ARTF and therefore they are eligible to apply for funding.

**Moved:** G Kenny

**Second:** Cr Polglase

#### RECOMMENDATION:

That Council contributes \$5,000 to the Tweed Heads Seagulls Rugby League Football Club from the Assets Reserve Trust Fund to erect a digital scoreboard at the Piggabeen Sports Complex.

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### 6. Terranora Equestrian Club (TEC)

**Terranora Equestrian Club; Assets Reserve Trust Fund**

TEC have submitted an Assets Reserve Trust Fund application for financial assistance of \$3,708.40 for the repair of horse corrals; total project to cost \$7, 416.80. TEC contribute to the ARTF and therefore are eligible to apply for funding.

## Reports from Committees/Working Groups

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**Moved:** G Kenny

**Second:** M Edwards

**RECOMMENDATION:**

That Council contributes \$3,708.40 to Terranora Equestrian Club from the Assets Reserve Trust Fund to repair horse corrals at the Terranora Equestrian Ground.

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**7. Seagulls Junior Rugby League Football Club (SJRLFC)**

SJRLFC request permission to brick the existing slab on the far left side of the electrical room near the BBQ area. The facility will be used as a storage and canteen area. General discussion. S Brawley to liaise with the club regarding this issue.

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**GENERAL BUSINESS:**

**8. Murwillumbah Services Soccer Club**

**Jim Devine Field; Queens Park Field**

H Ehemann advised that with MSSC have been experiencing problems with consistent break-ins to the clubhouse. The members have suggested that a caretaker is put into the clubhouse. S Brawley advised that he would liaise with G Edwards from Council regarding the recent caretaker at Les Burger Field, Cabarita Beach.

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**9. South Tweed Sports Facilities (STSF)**

STSF tenders for the new building facility and refurbishment of canteens closed 15 Jan 03. Twin Towns Juniors have been working on improving the licensed facility at the South Tweed Sports Grounds.

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**10. Casuarina Sports Grounds**

Grounds will be available for the winter 2003 season. Rugby Union and Hockey will be utilising the facilities in 2003.

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**11. Sports Ground Licence Fees**

S Brawley advised Council has been requested on a few occasions to consider halving the fee for season usage of fields when one club is only using fields, one or two nights per week. He

## Reports from Committees/Working Groups

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advised that during summer there are a few touch football clubs which fall into this category and struggle to meet the six-month licence fee of \$1309.35. General discussion. S Brawley advised that the Sports Fields Management Plan will be revised and these issues will be considered. Committee members agree to the suggested change and leave the issue to the discretion of S Brawley to decide.

**Moved:** Cr Polglase

**Seconded:** H Ehemann

**RESOLVED** that when one club is the sole licensee of a field for a season the license fee will be halved. The committee appoint the Manager Recreation Services delegated authority regarding sports field licensing.

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### 12. Sports Grounds Licenses

R Jarrett requested clarification of liability when cricket and soccer training are operating on the same field (Reg Dalton) during the summer evenings. S Brawley advised that the cricket have a licence and soccer is out of season without a licence therefore would not be covered for liability. Council are meeting with the Kingscliff Sports Field users to discuss short and long term solutions to the facilities.

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### 13. Seabreeze Sports Fields

S Brawley advised that 4ha of sports fields at Seabreeze Estate were due to be ready however, the fields are extremely sub standard and will not be available in the near future. Council and the sporting users of Pottsville are being consulted regarding requirements for the new grounds.

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#### NEXT MEETING:

The next meeting of the Sports Advisory Committee will be held 18 February 2003 at the Cabarita Beach Sports Centre.

The meeting closed at 6.00 pm

<b>Director's Comments:</b>
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<i>Nil</i>
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[document3]

## Reports from Committees/Working Groups

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### DIRECTOR'S RECOMMENDATIONS:

5. **Tweed Heads Seagulls Rugby League Football Club (THSRLFC)**  
**Piggabeen Sports Complex; Assets Reserve Trust Fund**

#### Committee Recommendation:

That Council contributes \$5,000 to the Tweed Heads Seagulls Rugby League Football Club from the Assets Reserve Trust Fund to erect a digital scoreboard at the Piggabeen Sports Complex.

<i>Director's Recommendation:</i> <i>That the Committee's Recommendation be endorsed.</i>
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6. **Terranora Equestrian Club (TEC)**  
**Terranora Equestrian Club; Assets Reserve Trust Fund**

#### Committee Recommendation:

That Council contributes \$3,708.40 to Terranora Equestrian Club from the Assets Reserve Trust Fund to repair horse corrals at the Terranora Equestrian Ground.

<i>Director's Recommendation:</i> <i>That the Committee's Recommendation be endorsed.</i>
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## Reports from Committees/Working Groups

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# Orders of the Day

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

**Drought Proof Tweed Shire**

**Drought; Water Restrictions; Dams-Byrrill Creek - General; Notice of Motion**

That a report be brought forward as soon as possible in regard to attempting to drought proof the Tweed Shire by:-

1. Planning for the Byrrill Creek Dam be commenced
  2. Investigating the Department of Land and Water Conservation the use of underground water in cases of emergency, as we are experiencing now
  3. Consideration of any other viable alternatives.
- 

2. **Notice of Motion - Cr Boyd**

**Kings Forest**

**GT1/LEP/2000/20 Pt 6; LEP-Kings Forest; ICAC; Notice of Motion**

That Council requests the General Manager to undertaken an investigation into those responsible for generating the fraudulent documents referred to by Justice Campbell in his judgement handed down in the NSW Supreme Court on 7 November 2002.

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3. **Notice of Motion - Cr Boyd**

**Shark Proofing - Jack Evans Boatharbour**

**Jack Evans Boatharbour; Notice of Motion**

That in view of the recent deaths of two people on the Gold Coast as a result of shark attack in canals, Council considers its legal position and explores the desirability of shark proofing a section of Jack Evans Boatharbour.

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## Orders of the Day

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**4. Notice of Motion - Cr Boyd**

**Production Demonstration - Airboats Industries Australia Pty Limited**

**SES; Notice of Motion**

That Council invites Airboats Industries Australia Pty Limited to demonstrate its product on the Tweed River to our local State Emergency Services representatives and others interested in this revolutionary craft.

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**5. Notice of Motion - Cr Boyd**

**Budget Allocation - Tweed River Historical Society**

**Land No 19917; Museums; Loans-Annual Program; Notice of Motion**

That in view of the pressing need to replace the old RSL Hall component of the Tweed Heads Historical Maritime Museum and the long standing request from the Tweed River Historical Society for extensions to its Museum, Council includes an amount of \$800,000 in its next loan program for these two projects to enable work on both to proceed as soon as possible.

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**6. Notice of Motion - Cr James**

**Kings Forest**

**Kings Forest; ICAC Corruption; Notice of Motion**

That Council writes to the Minister for Police to ask him to ensure that full and speedy investigation is undertaken into the forgery of development approvals and other Council documents relating to the subdivision of land at Kings Forest.

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