

# Items for Consideration of Council

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# Schedule of Outstanding Resolutions

## 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 February.

## 19 DECEMBER 2001

### REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

#### 33. Future Doon Doon Hall

Rural Hall - Doon Doon (Ppty No: 1640.430)

579

Cr Youngblutt

Cr Davidson

**RESOLVED** that:

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

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

## Schedule of Outstanding Resolutions

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### 20 MARCH 2002

#### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

- 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 in the near future.

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### 3 APRIL 2002

#### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

- Land East of Old Bogangar Road, Cudgen**

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

852

Cr Marshall

Cr Boyd

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

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

---

### 19 JUNE 2002

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

188

Cr Boyd

Cr Marshall

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

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

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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; 1180.9000; 1190.1258; 1190.1237; 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; 3560.110**

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

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

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.

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### 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

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**

**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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# Schedule of Outstanding Resolutions

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# Mayoral Minute

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Councillors,

**1. Gamajalah Education Centre Nobby's Creek**

**Councillors' Invitation**

19 December - Took part in a photoshoot at the new Gamajalah Education Centre at Pigeonberry Road Nobby's Creek.

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**2. Council Staff Christmas Party**

**Councillors' Invitations**

19 December – attended the Council Staff Christmas Party at the Branding Rail Murwillumbah.

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**3. Sue Vinnicombe – Campaign Office**

**Councillors' Invitations**

19 December - Attended the opening of Sue Vinnicombe's Campaign Office at 135 Pacific Highway South Tweed Heads followed by Christmas Drinks.

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**4. Citizenship Ceremony**

**GC5/6 Pt 5**

20 December – conducted a private Citizenship Ceremony for Mr. Brian Rogers at Murwillumbah

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**5. Police Shop Front - Pottsville**

**Councillors' Invitations**

21 December – attended the opening of the Police Shop Front at the Neighbourhood Centre at Pottsville.

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## Mayoral Minute

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**6. Casuarina Beach**

**Councillors' Invitations**

5 January – attended Launch of Casuarina Beach Endless Summer Sales Campaign at Collins Lane Casuarina

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**7. Presentation to Murwillumbah Chamber of Commerce**

**Councillors' Invitations**

14 January – attended presentation of \$44,000 funding cheque from RTA to Murwillumbah Chamber of Commerce to assist in advertising promotion of Murwillumbah.

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**8. Tweed Shire City of the Arts**

**Councillors' Invitations**

16 January – Meet with the Premier, the Hon. Bob Carr, to receive funding for Tweed Shire City of the Arts Programme 2003-2005

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**9. Citizenship Ceremony**

**GC5/6 Pt 6**

16 January – conducted private citizenship ceremony for Mrs Mary Lever at Murwillumbah

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**10. Cudgen Surf Life Saving Club**

**Councillors' Invitations**

17 January – Cudgen Surf Life Saving Club Country Titles

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**11. Southern Cross University – Tweed Campus**

**Councillors' Invitations**

17 January – welcome new students to Tweed Campus of Southern Cross University

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**12. Doyara on Dreamtime Kingscliff**

**Councillors' Invitations**

21 January – press conference Soyara on Dreamtime Murphy's Road Kingscliff

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# Mayoral Minute

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## INVITATIONS ACCEPTED:

- **23 January** Kingscliff Soccer Club photoshoot Kingscliff
  - **23 January** private Citizenship Ceremony Murwillumbah, Su Anderson
  - **26 January** Australia Day Celebrations - Burringbar
  - **31 January** Induction Rev. Sarah Williamson – Kingscliff Uniting Church
- 

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

- **16 General Local Government Aboriginal Network Conference** Liverpool Catholic Club Hoxton Park 12-14 March 2003
- 

## ABSENCES FROM SHIRE BY EXECUTIVE

### EXECUTIVE

Name	From	To	Location	Details
GM	23 January 2003		Sydney	Rate Pegging Task Force Meeting
GM	17 February 2003		Casino	'A' Division Shires Association of NSW Annual Meeting

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# Mayoral Minute

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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:** Strategic Town Planning Unit

**FILE REF:** Tugun Bypass

**REPORT TITLE:**

**Tugun Bypass**

**SUMMARY OF REPORT:**

The Queensland Government has exhibited the Stage 1 Environmental Impact Assessment (EIA) of the Tugun Bypass. Responses were required by 18 December 2002. Council was briefed by Queensland Main Roads on the Bypass at a workshop held on 11 December 2002.

The Bypass has been divided into two stages (See Figure 1 attached to business paper agenda):

- Stage 1 entirely within Queensland
- Stage 2 a short length in Queensland and the remainder in NSW.

The EIA exhibited by the Queensland Government deals only with Stage 1 and therefore does not directly affect land within Tweed Shire. However, for the following reasons the EIA does have relevance to this Council in terms of: -

- Firstly, Stage 1 is based on the selection of route C4 (previously supported by this Council), which will also determine the route for Stage 2 through Tweed Shire.
- Secondly, the EIA establishes the need for the Bypass.

Gold Coast City Council has requested this Council to make a joint submission to secure Federal funding.

**RECOMMENDATION:**

That Gold Coast City Council be informed that this Council does not have a particular preference in relation to current options. However, Tweed Shire Council has a strong desire to have plans for the Bypass finalised without further delay with the necessary funding in place.

## Reports from Director Development Services

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### REPORT:

The Queensland Government has exhibited the Stage 1 Environmental Impact Assessment (EIA) of the Tugun Bypass. Responses were required by 18 December 2002. Council was briefed by Queensland Main Roads on the Bypass at a workshop held on 11 December 2002.

The background to the Bypass has been canvassed over many years. In short, the Queensland Government is proposing to develop a new transport corridor to act as a cross-border link between Tugun Heights and Tweed Heads. The corridor will accommodate a road and rail link. The new road link is required to alleviate existing traffic congestion between Currumbin and Tweed Heads. The rail link is part of a proposed extension from Robina to Gold Coast Airport.

The Bypass has been divided into two stages (See Figure 1 attached to business paper agenda):

- Stage 1 entirely within Queensland
- Stage 2 a short length in Queensland and the remainder in NSW.

The EIA exhibited by the Queensland Government deals only with Stage 1 and therefore does not directly affect land within Tweed Shire. However, for the following reasons the EIA does have relevance to this Council

#### 1. Route Selection

Firstly, Stage 1 is based on the selection of route C4, which will also determine the route for Stage 2 through Tweed Shire.

Route selection for the bypass has been through a series of consultation and study processes. Option C4 (See Figure 2 attached to business paper agenda) was adopted, as reported to Council in February 2000. Following that decision a number of previously unknown constraints were identified which resulted in the following refinements of relevance to Council:

- Relocation of the Boyd Street overpass to the west and its footprint reduced to minimise the removal of sensitive habitat;
- Re-adjustment of the route from the National Estate to reduce potential impacts on sensitive areas within the Gold Coast Airport.

#### 2. Need for the Bypass

Secondly, the EIA establishes the need for the Bypass.

The Bypass is required to relieve traffic congestion in Queensland. It is also a key element in the development of an effective and sustainable transport for the Gold Coast. In achieving that residents of Tweed will benefit from:

- protecting a significant regional asset – Gold Coast Airport;
- extension of the rail line from Robina to Coolangatta;
- improved journey time for Tweed residents travelling to and from the Gold Coast for access to employment, shopping, education and recreation locations.

Council has received the following resolution (dated 13 December 2002) from Gold Coast City Council: -

## Reports from Director Development Services

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*“That Council take part in the joint submission with Tweed Shire Council to secure additional Federal funding for the advancement of the construction of the Tugun Bypass”.*

Plans for the Bypass and governmental agreements on funding are long outstanding. These plans should be finalised without further delay, and the necessary funding secured.

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## Reports from Director Development Services

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## Reports from Director Development Services

**2. ORIGIN: Planning & Infrastructure Unit**

**FILE REF: GT1/DCP/47 Pt1**

**REPORT TITLE:**

**Draft Development Control Plan No. 47 - Cut and Fill on Residential Land**

**SUMMARY OF REPORT:**

Uncontrolled cut and fill on residential allotments can cause instability (landslip), drainage, erosion and visual amenity problems to neighbouring lots. On some steeper lots, slab on ground construction is inappropriate as excessive cut and fill is required. Draft DCP47 is proposed to ensure the safety of high retaining walls and limit the depth of cut and fill excavation on residential lots unless it is demonstrated that the proposal will not adversely affect adjoining properties, is in harmony with the landform and geotechnically stable. The draft plan has been exhibited and no submissions have been received. A number of amendments are proposed to clarify the intent of the plan.

**RECOMMENDATION:**

That Council in accordance with clause 21 of the Environmental and Assessment Regulation 2000, approves draft Development Control Plan No. 47 – Cut and Fill on Residential land, with the following alterations:-

- |     |  |  |
|-----|--|--|
| (a) | Section 2.1.7  | Delete the words “(ie especially .....)”   |
| (b) | Section 2.1.9  | Delete   |
| (c) | Section 2.1.10   | Renumber to 2.1.9<br>Add the word “battered” before the words “cut” and “fill”<br>After the word “boundary” add “, where the overall height at any point exceeds 500mm”                                      |
| (d) | <u>Section 2.2 Geotechnical Requirements</u><br>Second dot point<br><br>Last dot point                                       | Renumber to 2.3<br>After the word “height” add the words “and the new work may affect the integrity of the wall or batters”<br>After the word “structures” add “by property owners”.                         |
| (e) | <u>Section 2.3 Variations to Cut and Fill Designs Requirements</u><br>Section 2.3.2 (now 2.2.2)<br>Section 2.3.3 (now 2.2.3) | Renumber to 2.2<br>Replace 8.1 with 2.1<br>After the word “excavation” add “or filling of land”  |
| (f) | <u>Section 2.4 Alternative Construction</u><br>Last dot point design”  | Delete “In-fill slabs” and substitute “Suspended slab  |
| (g) | <u>Section 2.5 Vegetation</u>  | Delete text below heading and substitute with “Erosion and sedimentation control measures must remain in place and be maintained until the exposed disturbed areas have been revegetated and/or stabilised.” |

## Reports from Director Development Services

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### REPORT:

#### 1. BACKGROUND

At the subdivision stage of development there is strict control of cut and fill earthworks and retaining walls to ensure that subdivision lots are properly shaped, drained and geotechnically stable.

At the dwelling construction stage there are no specific controls for cut and fill on individual allotments. In some cases this has led to cut and fill earthworks that have resulted in:

- Dangerous excavations
- Unsafe retaining walls
- High, steep and unstable embankments
- Diversion or concentration of stormwater runoff onto neighbouring land
- Building design that is not appropriate for the site conditions and slopes.
- Erosion

Cut and fill earthworks are often close to boundaries and unsafe works can seriously undermine the stability and landslip risk on neighbour's land and buildings.

This plan has been drafted to encourage cut and fill design that avoids these problems.

#### 2. SCOPE AND OBJECTIVES OF THE PLAN

This plan applies only to residential development.

The objectives of the Development Control Plan are:-

- To restrict and control excessive earth works in order to preserve as much as practicable the existing topography and amenity of the neighbourhood affected by the proposed development.
- To ensure that the building design is appropriate for site conditions with consideration given to the stability and privacy of the adjoining properties.
- To minimise the effect of disturbance on any land and ensure that dangerous excavations are avoided, or where necessary, are properly retained.
- To prevent the siltation of waterways and erosion of land disturbed by the development.
- To rehabilitate the site within a reasonable time frame upon completion of the development
- To minimise the removal and disposal of resultant spoil from the site.
- To retain topsoil on site.
- To ensure adequate provision is made for drainage in relation to cut and fill practices.

#### 3. CUT AND FILL DESIGN

The plan proposes design criteria that nominally restrict the depth of cut and fill on residential development to one metre, however there is provision for variation to this depth provided it can be shown that the excavation or filling of the site is in harmony with the natural landform/environment and will not adversely affect the adjoining properties whilst still achieving the objectives of the



## Reports from Director Development Services

plan. Applications for cut and fill greater than one metre in height must be accompanied by a geotechnical report certifying the stability/safety (for both the subject allotment and neighbouring land) of the earthworks and associated retaining walls.

#### 4. PUBLIC EXHIBITION

The draft plan was exhibited from 19 November 2002 for a period of 28 days. No submissions have been received.

The section numbering of the exhibited plan was adjusted to conform with current numbering conventions.

The Development Assessment Panel undertook an internal review of the draft on 8 January 2003 and proposes the following amendments:-

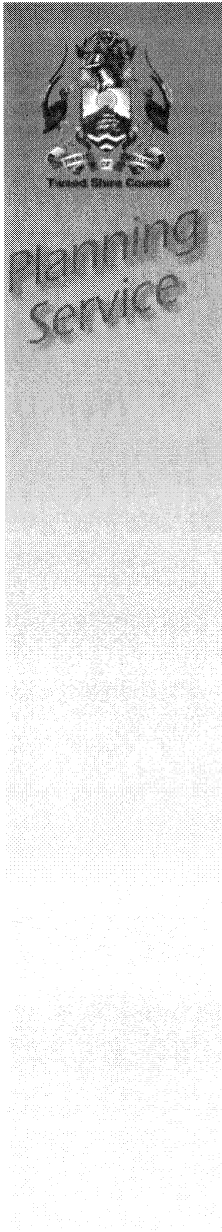
Proposed Amendment		Reason
(a)	section 2.1.7 Delete the words “(ie. Especially...)”	Not needed
(b)	section 2.1.9 Delete	Redundant, covered elsewhere
(c)	section 2.1.10 Renumber to 2.1.9	Original 2.1.9 deleted
	before the words “cut” and “fill” Add the word “battered”	Clarifies intent
	After the word “boundary” Add “, where the overall height at any point exceeds 500mm”	Deletes boundary setback requirement for small cuts and fill
(d)	section 2.2 Renumber to 2.3	Makes flow of document clearer
	second dot point After the word “height” add the words “and the new work may affect the integrity of the wall or batters”	Clarifies intent
	last dot point After the word “structures” add “by property owners”.	Makes it clear that responsibility for maintenance is with owner
(e)	section 2.3 Renumber to 2.2	Makes flow of document clearer
	section 2.3.2 (now 2.2.2) Replace 8.1 with 2.1	Correct numbering
	section 2.3.3 (now 2.2.3) After the word “excavation” add “or	Clarifies intent

## Reports from Director Development Services

Proposed Amendment		Reason
	filling of land”	
(f) section 2.4 last dot point	Delete “In-fill slabs” and substitute “Suspended slab design”	Better example of alternative construction technique
(g) section 2.5 Vegetation	Delete text below heading and substitute with “Erosion and sedimentation control measures must remain in place and be maintained until the exposed disturbed areas have been revegetated and/or stabilised.”	Clarifies intent

A copy of the draft DCP 47 as amended above follows at the end of this report.

# Reports from Director Development Services



TWEED SHIRE COUNCIL

## Draft Development Control Plan No 47

# Cut And Fill On Residential Land (Draft)

2001 (enter date of adoption)



TWEED SHIRE COUNCIL  
**Development Services Division**  
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**The Planning Service is on the web at:**  
[www.tweed.nsw.gov.au/planningservice](http://www.tweed.nsw.gov.au/planningservice)

# Reports from Director Development Services

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**TWEED SHIRE COUNCIL**

**CERTIFIED IN ACCORDANCE WITH  
THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979  
AND REGULATIONS**

GENERAL MANAGER

DATE:

**DRAFT DEVELOPMENT CONTROL PLAN No 47 -  
Cut And Fill On Residential Land**

**Versions/Edits**

Draft Version 1.1	Initial Plan operational from .....
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# Reports from Director Development Services

*Tweed Shire Council Planning Service*

**DRAFT DEVELOPMENT CONTROL PLAN NO 47 – CUT AND FILL ON RESIDENTIAL LAND**

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# Reports from Director Development Services

*Tweed Shire Council Planning Service*

## DRAFT DEVELOPMENT CONTROL PLAN NO 47 – CUT AND FILL ON RESIDENTIAL LAND

### **1.0 INTRODUCTION**

#### **1.1 What is the Name of this Plan**

The name of this plan is Draft Tweed Development Control Plan No 47 - Cut And Fill On Residential Land.

#### **1.2 Where does the Plan Apply?**

This Development Control Plan (DCP) applies all residential development within Tweed Shire..

#### **1.3 Status of this Plan**

This Plan has been prepared in accordance with Section 72 of the Environmental Planning and Assessment Act, 1979 (EP&A Act) and Part 3 of the Environmental Planning and Assessment Regulation 1994. This plan came into effect on.....

#### **1.4 Purpose of this Plan**

The purpose of this plan is to provide more detailed guidelines for the development of the land having regard to the amount of cut and fill permitted on domestic forms of construction.

#### **1.5 Local Environmental Plan**

This plan relates to Tweed Local Environmental Plan 2000 which is the principal instrument governing development in the Shire.

#### **1.6 Application of Plan**

Where a development application is lodged which relates to land to which this plan applies, Council shall take the provisions of this plan into consideration in determining that application. Compliance with the provisions of this plan does not necessarily imply that Council will consent to any application. Council must also take into consideration those matters listed under Section 79C of the Environmental Planning and Assessment Act, 1979. Where in the opinion of Council, an application satisfies the objectives set out in this plan Council may grant consent to the application notwithstanding that one or more of the development standards are not complied with.

#### **1.7 Objectives of the Development Control Plan**

The objectives of this Development Control Plan are as follows:

- a. To restrict and control excessive earth works in order to preserve as much as practicable the existing topography and amenity of the neighbourhood affected by the proposed development.
- b. To ensure that the building design is appropriate for site conditions with consideration given to the stability and privacy of the adjoining properties.
- c. To minimise the effect of disturbance on any land and ensure that dangerous excavations are avoided, or where necessary, are properly retained.
- d. To prevent the siltation of waterways and erosion of land disturbed by the development.
- e. To rehabilitate the site within a reasonable time frame upon completion of the development
- f. To minimise the removal and disposal of resultant spoil from the site.
- g. To retain topsoil on site.
- h. To ensure adequate provision is made for drainage in relation to cut and fill practices.

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# Reports from Director Development Services

Tweed Shire Council Planning Service

## DRAFT DEVELOPMENT CONTROL PLAN NO 47 – CUT AND FILL ON RESIDENTIAL LAND

### **2.0 SPECIFIC REQUIREMENTS OF THE DEVELOPMENT CONTROL PLAN**

#### **2.1 Cut and Fill Design**

**2.1.1** Adequate erosion control measures must be designed and installed in accordance with Tweed Shire Council's "Development Design Specification D7 - Stormwater Quality" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

**2.1.2** A detailed erosion and sediment control plan (prepared in accordance with D7 above) indicating the method for the temporary and permanent retention of cut and filled areas must accompany the development application.

**2.1.3** Cut and fill batters shall not exceed a slope of 1:2 (v:h) unless geotechnical reports result in Council being satisfied with the site stability (see 8.2). All batters are to be provided with both short term and long term stabilisation to prevent soil erosion.

**2.1.4** Stormwater or surface water runoff shall not be redirected or concentrated onto adjoining properties so as to cause a nuisance and adequate drainage is to be provided to divert water away from batters.

**2.1.5** Prior to the commencement of any bulk earthworks (cut and/or fill) topsoil must be removed from the proposed disturbed area and stockpiled for dressing the disturbed area upon completion of bulk works.

**2.1.6** Where filling greater than 500mm is required for a proposed development a detailed landscape plan indicating methods for disposing of both surface water and stormwater runoff must be submitted to Council with the development application.

**2.1.7** For residential dwellings the depth of excavation shall not exceed one metre and the depth of fill shall not exceed one metre so that the degree of both cutting and filling is minimised.

**2.1.8** Excavations in excess of one metre within the confines of the building may be permitted, to allow for basements, garages, etc. providing the excavations are adequately retained and drained, in accordance with engineering details.

**2.1.9** The top of any battered cut and the toe of any battered fill is not to be closer than 900mm to any property boundary, where the overall height at any point exceeds 500mm.

#### **2.2 Variations to Cut and Fill Design**

**2.2.1** Variations may be allowed if it can be shown that the excavation or filling of the site is in harmony with the natural landform/environment and will not adversely affect the adjoining properties whilst still achieving the objectives of this plan.

**2.2.2** All requests for variation to design criteria in 2.1 of this policy must be in writing setting out the reasons for requesting the variation and be supported by the abovementioned documents.

**2.2.3** Where Council approves of an excavation or filling of land that is in excess of one metre in height, the excavation shall be protected in accordance with the requirements of the Work Cover Authority.

**2.2.4** Where a property is burdened by stormwater or water and sewerage mains then Council will generally preclude any excavation or filling within that easement.

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# Reports from Director Development Services

*Tweed Shire Council Planning Service*

## DRAFT DEVELOPMENT CONTROL PLAN NO 47 – CUT AND FILL ON RESIDENTIAL LAND

### **2.3 Geotechnical Requirements**

Council requires an approved geotechnical and structural engineers report for earthworks in

- areas where there is a risk of landslip; or
- lots that are supported by, or adjoin higher lots that are supported by - existing retaining walls or cut/fill batters that exceed 1 metre in height, and the new work may affect the integrity of the wall or batter; or
- lots where proposed earthworks batter slope exceeds 1:2 (v:h); or
- proposals where the height of cut or fill will exceed one metre in height.

Council will assess the suitability of any cut or fill within these areas dependent upon the recommendation contained in the above reports.

The geotechnical and structural engineers report shall include

- an assessment of the stability of the proposal (for both the subject lot and adjoining land);
- recommended design criteria for earthworks, retaining walls and associated drainage;
- recommended location and design criteria for underground services in the zone of influence of the earthworks;
- recommended periodic maintenance requirements for earthworks, drainage and retaining structures by property owners.

Earthworks, revetments, retaining structures, associated drainage and underground services must be designed and constructed in accordance with this report. The construction certificate application shall include engineering design plans and specifications that implement the recommendations of the report.

### **2.4 Alternative Construction**

Alternatives to slab on ground construction are to be encouraged where it is obvious that due to the gradient and characteristics of the site, major excavation or filling as a result of raft slab construction, would be inappropriate.

Example of alternative construction include the following:

- Bearer and joist construction.
- Deepened edge beam.
- Split level design.
- Suspended slab design.

### **2.5 Vegetation**

Erosion and sedimentation control measures must remain in place and be maintained until the exposed disturbed areas have been revegetated and/or stabilised.

### **2.6 Plans Required With Development Applications**

The plans that accompany development applications for residential development with cut and fill earthworks must show:

- The plan location of cut and fill earthworks
- Location of top and bottom of cuttings, fill embankments, and associated batters and/or retaining walls and proximity to allotment boundaries.

DCP47 - 3



## Reports from Director Development Services

*Tweed Shire Council Planning Service*

### DRAFT DEVELOPMENT CONTROL PLAN NO 47 – CUT AND FILL ON RESIDENTIAL LAND

- Pre and post development ground levels on the allotment. Where cut and fill is in excess of one metre in height, or where earthworks are within one metre of an allotment boundary, the levels shall extend at least two metres (horizontally) into adjoining land (so that the impact on adjoining land may be assessed).
- Details of associated retaining walls, safety railings, batter treatment, drainage and landscaping. Drainage plans must demonstrate compliance with 8.1.4.
- Locations and depths of service trenches in areas affected by cut and fill.

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## Reports from Director Development Services

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## Reports from Director Development Services

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**3. ORIGIN:** Development Assessment Unit

**FILE REF:** PF0370/70

**REPORT TITLE:**

**Subdivision Certificate SC02/0056 for the Consolidation of Lots 6 and 7 DP 849367 Parkes Drive, Tweed Heads West**

**SUMMARY OF REPORT:**

Subdivision Certificate SC02/0056, being the consolidation of Lots 6 & 7 DP849367 Parkes Drive, Tweed Heads West, was issued on 14 October 2002.

Registration of the final plan of subdivision, and subsequent sale, cannot proceed due to the presence of a Restriction On Use annexed to the title of Lot 6 via a Section 88B Instrument.

The Restriction On Use states: -

*“(a) Until reticulated sewerage is provided to the land:*

- (i) no building shall be erected on the land;*
- (ii) there shall be no sale or dealings with the land other than a sale to the Roads & Traffic Authority of New South Wales.”*

Tweed Shire Council is the authority empowered to release, vary or modify the restriction.

To enable the plan of subdivision to be registered and the sale to be finalised, the Restriction On Use would need to be released or modified appropriately.

**RECOMMENDATION:**

That :-

1. Council consents to the modification to the Restriction On Use firstly referred to in the Section 88B Instrument annexed to DP849367 to inform prospective and subsequent owners that the land does not benefit from a connection to reticulated sewer via gravitational means.
2. Council executes and endorses all necessary documentation under the Common Seal of Council.

## Reports from Director Development Services

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### REPORT:

Subdivision Certificate SC02/0056, being the consolidation of Lots 6 & 7 DP849367 Parkes Drive, Tweed Heads West, was issued on 14 October 2002.



## Reports from Director Development Services

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Advice was received from Geoff Williams & Associates that the registration of the final plan of subdivision, and subsequent sale, cannot proceed due the presence of a Restriction On Use annexed to the title of Lot 6 via a Section 88B Instrument.

The Restriction On Use states;

*“(a) Until reticulated sewerage is provided to the land:*

*(iii) no building shall be erected on the land;*

*(iv) there shall be no sale or dealings with the land other than a sale to the Roads & Traffic Authority of New South Wales.”*

Tweed Shire Council is the authority empowered to release, vary or modify the restriction.

To enable the plan of subdivision to be registered and the sale to be finalised, the Restriction On Use would need to be released or modified appropriately.

The primary consideration is the connection of the land to reticulated sewer. The secondary considerations are the erection of buildings and the potential sale of the land to the Roads and Traffic Authority.

Advice received from Geoff Williams & Associates dated 13 December 2002 states that: -

*“if at any future date sewerage is required on Lot 6, then a private package pumping station could be installed to provide for sewerage reticulation.”*

Any proposed development of Lot 6 would be subject to a development application in which the demand for sewer reticulation would be assessed. There are a number of proprietary package sewer pump stations on the market that could be suitable subject to application assessment. Therefore the Restriction could be modified to inform any prospective purchaser that the land does not benefit from connection to reticulated sewer via gravitational means.

The proposed erection of buildings would be subject to the appropriate application process irrespective of the Restriction on use.

An extract from advice received from the Roads & Traffic Authority (RTA) dated 7 November 1997 states: -

*“...it should be noted that this project has not been included in the NSW Government’s draft ten year proposal for the Pacific Highway Reconstruction Program.*

*Should the property be affected, the Land Acquisitions (Just Terms Compensation) Act 1991 guarantees that, if and when the land is acquired by the Roads and Traffic Authority under the Act, the amount of compensation will not be less than market value...”*

It could be determined from the above extract that the RTA has no definite interest in the land to validate that portion of the Restriction On Use pertaining to the potential sale to the RTA.

In conclusion, there is sufficient evidence and reason to modify the Restriction On Use to inform prospective/subsequent owners that the land is not obtaining a benefit of connection to reticulated sewer via gravitational means. To modify the Restriction in this form would identify the constraints on the land but allow dealings to proceed. The restriction in its modified form will safeguard Councils interest should the plan of consolidation not be registered at the titles office.

## Reports from Director Development Services

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

**FILE REF:** GT1/LEP/2000/40 Pt1

**REPORT TITLE:**

**Draft Tweed Local Environmental Plan 2000, Amendment No 40 - Black Rocks Estate**

**SUMMARY OF REPORT:**

Draft LEP Amendment No 40 was publicly exhibited from 4 December 2002 to 10 January 2003 in accordance with the Environmental Planning and Assessment Act 1979 (Figure 1). No submissions were received from members of the general public but a submission was received from the RTA which had no objections to the proposed Amendment. Comments were received from the Coastal Council of NSW and National Parks and Wildlife Service as part of the Section 62 consultation process and PlanningNSW. These responses are addressed in this report.

It is recommended that the exhibited LEP Amendment be forwarded to the Minister for Planning for approval.

**RECOMMENDATION:**

That, in accordance with the Environmental Planning and Assessment Act 1979, Council forwards the draft Tweed Local Environmental Plan 2000, Amendment No 40 (Figure 1), to PlanningNSW and requests the Minister for Planning to make the Plan in accordance with Section 70 of the Environmental Planning and Assessment Act 1979.

## Reports from Director Development Services

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### REPORT:

At its ordinary meeting of 20 March 2002 Council, pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, resolved to amend a series of 'housekeeping' matters. Included in these matters was an amendment to an area at Black Rocks.

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 Stage 6 of Black Rocks Estate from 1200m<sup>2</sup> to 700m<sup>2</sup>. Specifically the plan applies to Lots 184-188, 195-198 and 203-207, DP 1037521, Pottsville.

The site is currently subject to Section 52 of the Tweed LEP 2000 restricting development of lot sizes to a minimum area of 1200m<sup>2</sup>. The existing minimum 1200m<sup>2</sup> lot size requirement was derived as a result of a Local Environmental Study prepared for the Black Rocks Estate in June 1992 by ERM Mitchell McCotter. The intention of the larger lot sizes was to minimise impacts on the landscape and scenic quality of the area. The larger lots provide greater opportunities for landscaping and reinstating vegetation.

The subject site was thought to contain scenic values because it was visible from vantage points such as the Coast Road. A field inspection of the site revealed the subject area to be relatively flat and consistent with the remainder of the Black Rocks estate that has already been subdivided and developed into lot sizes less than 1200m<sup>2</sup>. The subject area does not appear to be distinct from the earlier stages of development and is not perceived to be visually significant. Land south of Kellehers Road is elevated higher than the remainder of the site and is considered to be more visually prominent. The applicant proposes to subdivide to create lots varying in size between 766m<sup>2</sup> and 1146m<sup>2</sup>.

It is considered that the subject site would support allotments of a smaller area (minimum 700m<sup>2</sup>) without detrimentally impacting on the amenity and the aesthetic qualities of the area.

### PUBLIC AND STATE AGENCY CONSULTATION

Draft LEP Amendment No 40 was publicly exhibited from 4 December 2002 to 10 January 2003 in accordance with the Environmental Planning and Assessment Act 1979 (see Figure 1).

No submissions were received from members of the general public.

Pursuant to Section 62 of the Environment Planning and Assessment Act 1979, Council consulted with relevant State Government agencies. Responses were received from Coastal Council of NSW and National Parks and Wildlife Service as follows:

#### Coastal Council of NSW

Two submissions were received from Coastal Council.

Submission One, dated 25 July 2002:

*"The Coastal Council objects to item 17 'Black Rocks Estate' of the proposed draft LEP amendment. It has not been demonstrated that Tweed shire Council has investigate the issue of whether unauthorised clearing has occurred on these lands deemed to be of moderate concern for visual resource' in the 1992 Local Environmental Study. It is also of great concern to the Coastal Council that the topography of the lands may have been modified since assessment of the lands was undertaken in 1992 for the 'Black Rocks Environmental Study'...Any proposal to decrease the minimum lot size on these lands*



## Reports from Director Development Services

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*referred to as 'stage 6 of Black Rocks Estate should not be entertained prior to a study into the history of land clearance and landscaping of the site. Any further action to progress this amendment to the draft LEP may condone unacceptable behaviour and send the wrong message to landholders, developers and the community at large'.*

**Comment:** In reply to the above Council provided the Coastal Council with Notices of Determination relating to Stages 3 to 7 of the subject Black Rocks Estate. The site of the proposed amendment is within Stages 5 and 7. Conditions of approval included the filling of the land to the design flood level of RL 3.0m AHD in accordance with DCP 5 – Development of Flood Liable Land.

The 1992 Local Environmental Study's assessment of the area was based on investigations undertaken at natural ground level prior to the site being filled. As mentioned above filling of the area was undertaken to ensure compliance with DCP 5. Filling of the area resulted in the area being relatively flat.

Investigations by Council officers indicate that no unauthorised clearing has occurred on site.

Submission two, dated 31 October 2002 (in response to Council's comments above):

*"It is regrettable that planning decisions have been made in the past to facilitate filling of these lands leading to a modification of the topography of the landscape. Following inspection of the Black Rocks Estate by Julie Conlon, Executive Officer Coastal Council, it is recognised that this area and surrounds have been developed. Given this context of surrounding development and prior modification of the landscape Coastal Council does not object to the decrease in lot size as proposed".*

**Comment:** The advice from the Coastal Council is noted and enables Council to proceed with the processing of the draft Plan.

### **National Parks and Wildlife Service:**

*"The NPWS supports the reduction in lot size on the subject site, due to the site being flat and cleared of any vegetation. This would concentrate development in areas of lower conservation significance. However the reduction in lot size of any areas of higher conservation value is not supported".*

**Comment:** No amendment to the draft Plan required in response to the NPWS submission.

### **PlanningNSW (comments following Council's advice to them that it intends to prepare the draft LEP):**

*"Council is advised that there are concerns with regard to Item 10, relating to the amendment provisions to a portion of the Black Rocks estate enabling smaller allotments. While it is acknowledged that the subject land at Black Rocks is not 'relatively flat' and 'void of vegetation' the topographical map and air photo indicate that, in the year 1986, the subject land was part of a 'visually prominent' area and was vegetated. This was, perhaps, also the case when the Black Rocks Environmental Study was prepared (June 1992). The hatching shown in the Tweed Local Environmental Plan (LEP) 2000 was provided to ensure that the development would preserve or enhance the scenic quality of the land and surrounding land.*

## Reports from Director Development Services

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*In view of these discrepancies there needs to be an assessment to ascertain whether unauthorised clearing has taken place leading to the land's degradation and whether the land has, in fact, potential for revegetation.*

*The NSW Coastal Council Policy also applies to this land and requires an environmental study. An LES is necessary for this part of the proposal and section 57 and 61 of the Environmental Planning and Assessment Act 1979 will apply to this part of the draft plan.*

*The study should provide a detailed analysis of the original landscape, the existing topography and provisions to revegetate the area. The study will also need to address Coastal Policy issues”.*

**Comment:** Based on the comments received from the Coastal Council dated 31 October 2002, PlanningNSW advised on 12 November 2002 that there is no requirement for an Environmental Study.

### SECTION 69 REQUIREMENTS

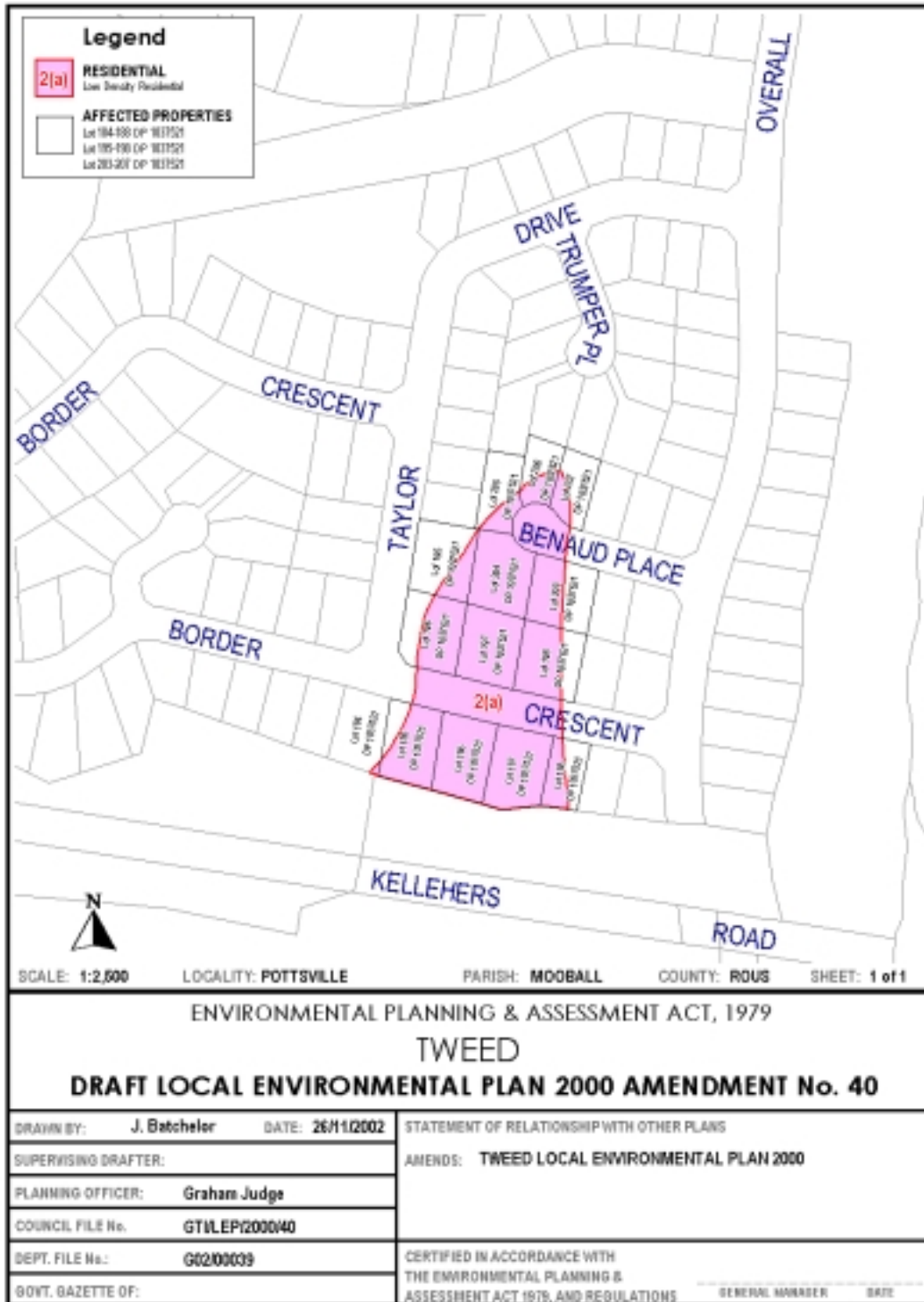
The amendment is within the Coastal Policy area and a Local Environmental Study (LES) is therefore required. Although PlanningNSW has advised that an LES is not required, the draft Plan is still inconsistent with Section 117 Direction - S26. Therefore Council's delegation to report directly to the Minister under Section 69 of the Act cannot be used and under these circumstances Council is required to provide to PlanningNSW a report pursuant to Section 68 of the EP&A Act setting out the consultation process. PlanningNSW will then forward their recommendation on the draft Plan to the Minister.

### CONCLUSION

It is recommended that the Plan be finalised by asking PlanningNSW to request the Minister for Planning to make the Plan generally in the form in which it was exhibited.

# Reports from Director Development Services

FIGURE 1



## Reports from Director Development Services

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## Reports from Director Development Services

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**5. ORIGIN:** Strategic Planning Unit

**FILE REF:** GT1/LEP/2000/15 Pt1

**REPORT TITLE:**

**Exhibition of Draft Tweed Local Environmental Plan 2000 (Amendment No. 15) - Lots 25, 26 and 29 DP1000571, Snowgum Drive, Bilambil Heights (Marana Park Estate)**

**SUMMARY OF REPORT:**

Draft Tweed LEP 2000 (Amendment No. 15) has been placed on exhibition and proposes to rezone land from 7(d) Environment Protection (Scenic/Escarpment) Zone to 2(a) Low Density Residential Zone (see figure 2). No objections having been received during the public exhibition of the draft plan and it is recommended that the draft Local Environmental Plan be adopted.

**RECOMMENDATION:**

That Council forwards draft Tweed Local Environmental Plan 2000 Amendment No. 15 as exhibited to the Minister for Planning and requests the Minister to make the Plan in accordance with Section 70 of the Environmental Planning and Assessment Act, 1979.

## Reports from Director Development Services

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### REPORT:

#### BACKGROUND

The current zones for the subject site are illustrated in Figure 1.

Council at its meeting of 6 December 2000, resolved to prepare a draft Local Environmental Plan (LEP) over Lots 21 and 22 DP 858902 and Lots 25 and 29 DP 1000571, Snowgum Drive, Bilambil Heights. Council resolved at its meeting of 20 March 2002 to include Lot 26 DP 1000571 within the above same draft LEP.

Development Consent S94/51 gave approval for a 40 lot residential subdivision, which approved allotments 13-18 and 29-39 either partially or wholly within the land zoned 7(d) Environment Protection (Scenic/Escarpment) by use of clause 10 of TLEP 1987 which permitted a variation between the 2(a) Low Density Residential Zone and 7(d) Environment Protection (Scenic/Escarpment). The purpose of the draft plan is to correct a zoning anomaly and have the land zoned 2(a) Low Density in acknowledgement of the future intended use.

#### DEPARTMENT OF URBAN AFFAIRS AND PLANNING (PLANNINGNSW)

Council was advised by DUAP that Sections 57 and 61 of the Environmental Planning and Assessment Act do not apply, and therefore an Environmental Study is not necessary. DUAP, however, indicated that Council should prepare a report which examines the physical suitability of the land to be developed for residential use and the report should also include a detailed environmental analysis as required by Clause 29 of the North Coast Regional Environmental Plan.

The draft Local Environmental Plan No. 15 was exhibited with an environmental analysis, which contained the above requirements.

#### SECTION 62 CONSULTATION

Prior to placing the draft Plan on public exhibition or certifying the draft Plan for public exhibition under Section 65 of the EP&A Act, Council consulted with a number of relevant Government Agencies and bodies:

- Coastal Council of NSW;
- National Parks and Wildlife Service;
- Department of Land and Water Conservation;
- Department of Urban Affairs and Planning;
- Environment Protection Authority.

Various letters were received back from the above Government agencies stating that Council should address issues such as geotechnical stability, erosion and sedimentation control measures, pollution and stormwater controls and visual impacts. The Coastal Council raised problems in their letter of 31 January 2002 and is summarised as follows:

*“Scenic Values (Strategic Action, Coastal Policy,(3.1.2)*

*Whilst it is noted from the aerial photo that the land is devoid of native vegetation, it is however located on a prominent and steep site identified in the Scenic Landscape Evaluation Report as being in an area of ‘high scenic value’. Your own report acknowledges that ‘the proposal will ultimately cause a major change to the visual amenity’. A more detailed visual*

## Reports from Director Development Services

*analysis of the subject proposal, including a photomontage, would assist decision makers in appreciating the impact of an extended residential area in this prominent location.*

*Urban Settlement (SA 6.1.2)*

*There is an inconsistency here with the Coastal Policy as the proposed 40 lots are not identified in a planning NSW endorsed strategy. Agreeing to such a variance could set a precedent. It is understood that Tweed Council is to review its existing 1991 Settlement Strategy to reflect current needs. Coastal Council has been recommending that this be undertaken and supports this initiative.*

*In summary, Coastal Council is concerned that the 'increased' visual impact the development may have in this scenic location and that these lots have not been identified in a settlement strategy endorsed by planning NSW."*

In response to comments made by the Coastal Council of NSW, Council provided them with additional information, including photographs (aerial and montage) in the environmental analysis. The Coastal Council advised in their letter of 12 June 2002 that they have no objection to the proposed amendment.

The issues raised by the other above Government agencies during the Section 62 Consultation stage were addressed in the environmental analysis, which was sent to the same government bodies during the public exhibition under Section 65 of the EP&A Act. Only one submission was received in relation to the exhibition of the draft LEP and this was from the National Parks and Wildlife Service stating that their interests are unlikely to be affected and as such no objections were received. It is considered that the Development Consent S94/51 (40 lot residential subdivision) contains conditions requiring infrastructure such as inter-allotment stormwater, sewer and a geotechnical report identifying areas of instability that will address the concerns raised by the various government agencies.

### **PUBLIC EXHIBITION OF THE DRAFT PLAN – 4 DECEMBER 2002 TO 10 JANUARY 2003**

The draft plan and exhibition material were placed on public exhibition (notice in Tweed Link) at the Murwillumbah and Tweed Heads Civic Centres between 4 December 2002 and 10 January 2003 pursuant to the provisions of the EP&A Act 1979. The Manager of Strategic Planning used his delegated authority to exhibit the draft plan in accordance with Section 66 of the Act. Relevant State Agencies and bodies were sent a copy of the draft plan and background information and invited to comment on the draft Plan. The proponent was also advised of the exhibition of the draft Plan and was given the opportunity to comment on the draft Plan by 10 January 2003. No objections were received in relation to the draft LEP.

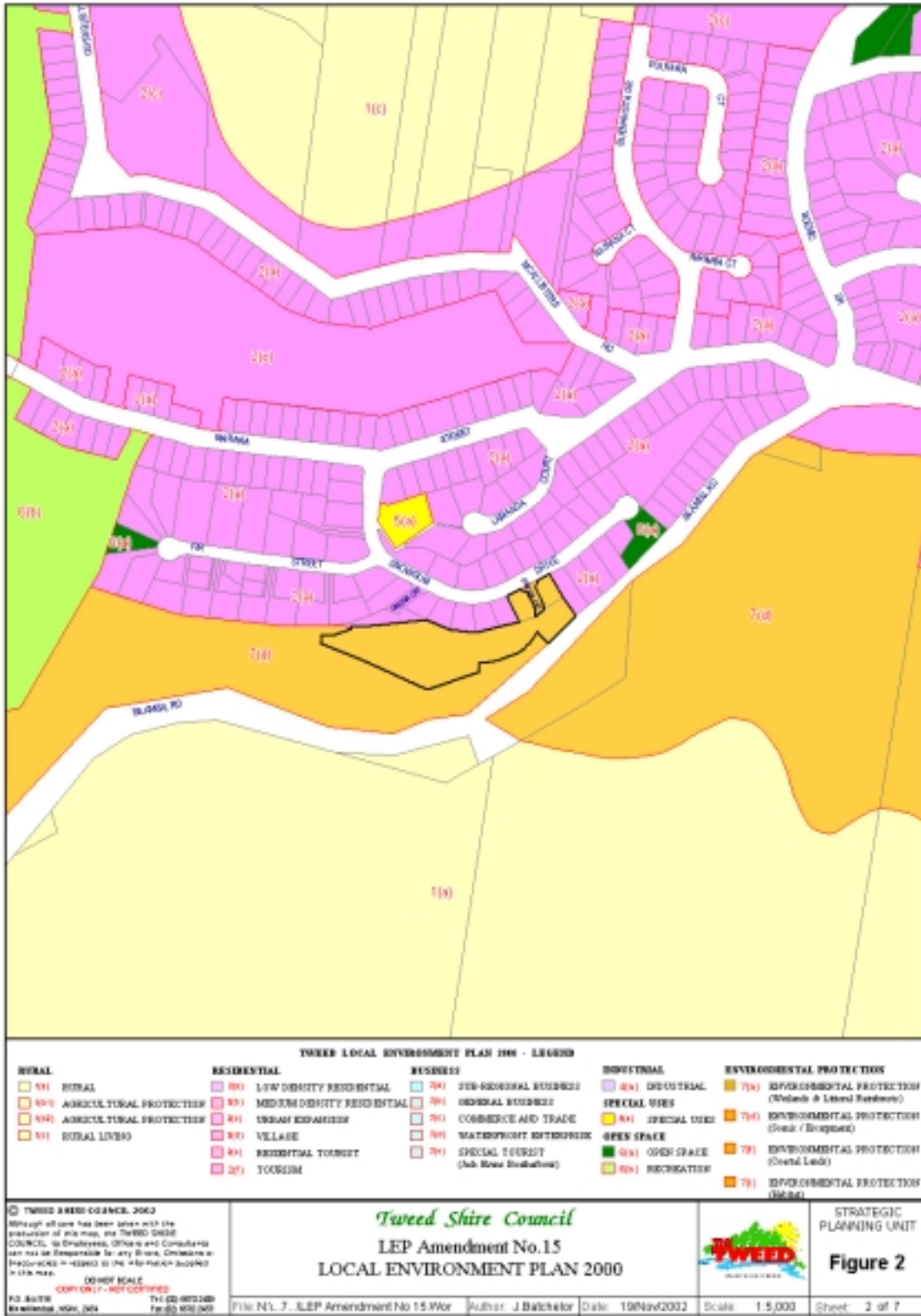
### **CONCLUSION**

The purpose of the Draft Plan is to adjust the zone boundary on this land so as to rezone land from 7(d) Environment Protection (Scenic/Escarpment) that has been subject to an existing residential subdivision which was issued pursuant to clause 10 of TLEP 1987 (zone boundary variation clause), to 2(a) Low Density Residential.

Additional information was provided to address the initial concerns of the government agencies and as such there are no objections to the proposed draft LEP.

# Reports from Director Development Services

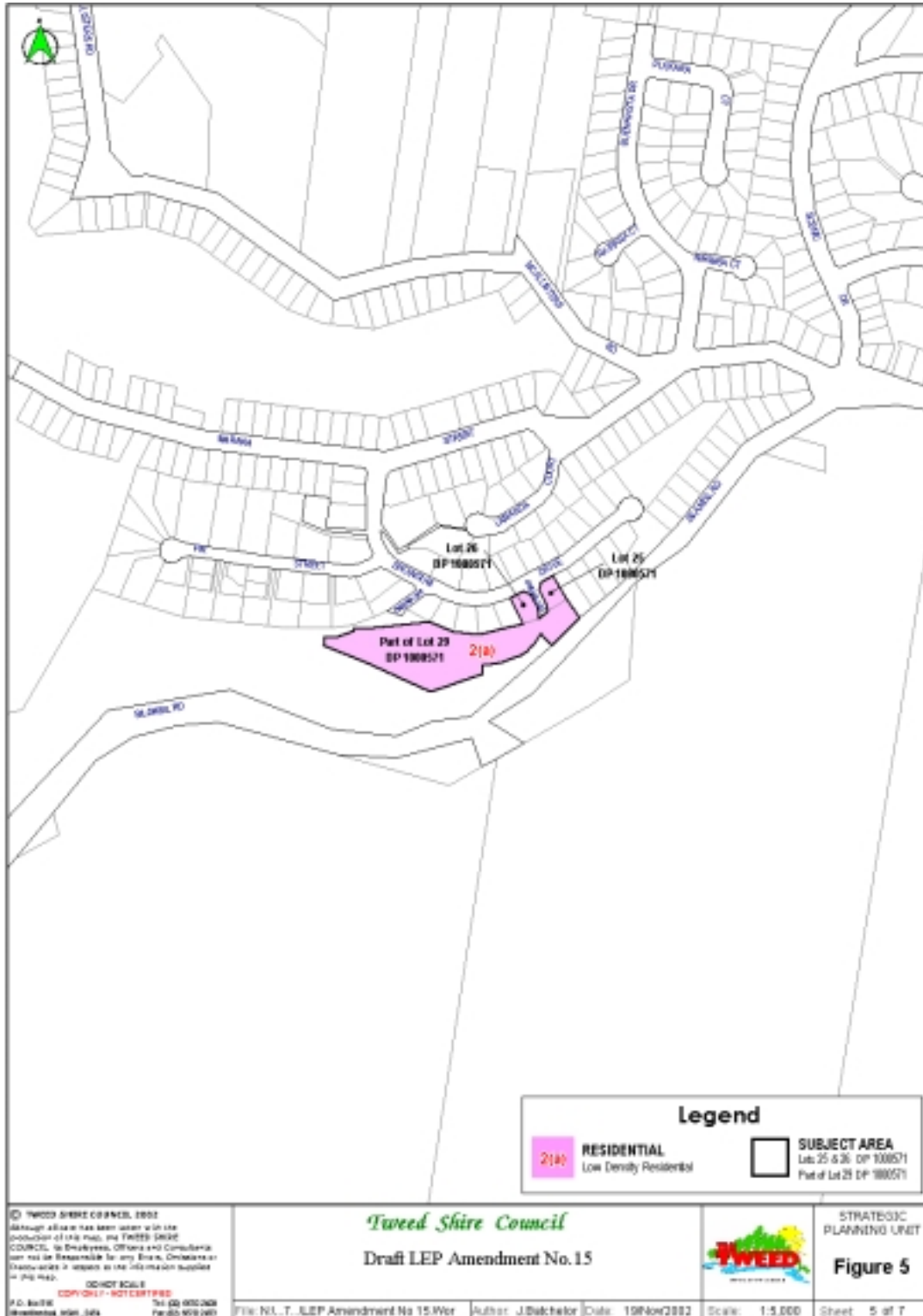
FIGURE 1 – CURRENT ZONE





# Reports from Director Development Services

FIGURE 2 – EXHIBITED AND RECOMMENDED DRAFT PLAN



## Reports from Director Development Services

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## Reports from Director Development Services

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**6. ORIGIN: Development Assessment Unit**

**FILE REF: DA02/0474 Pt2**

**REPORT TITLE:**

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

**SUMMARY OF REPORT:**

On 5 June 2002 Council refused the above development application for 5 reasons. The applicants lodged an appeal in the Land and Environment Court against the refusal and at a Council meeting on 17 July 2002 it was resolved to defend the appeal. As the original report recommended approval Consultants were engaged to defend Council's decision. The matter was heard by Commissioner Hussey on 16, 17, 18 and 19 December 2002. The Commissioner upheld the appeal and has issued consent for the brothel subject to 59 conditions.

**RECOMMENDATION:**

That this report be received and noted.

## Reports from Director Development Services

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### REPORT:

Council at a meeting on 5 June 2002 refused a development application for alterations and additions to an existing industrial building for the establishment of a 16 suite brothel at Lot 1 DP 610969 No. 57-61 Ourimbah Road, Tweed Heads. The reasons for the refusal were as follows: -

- “1. *The application does not comply with all of the requirements of Development Control Plan No. 31 – Brothels Policy.*
2. *The application does not comply with Development Control Plan No. 45.*
3. *The proposal is out of character with the adjacent urban area particularly having regard to the proximity of churches and schools in the locality.*
4. *The significant public objections to the proposal.*
5. *The proposal is not in the public interest.”*

The applicants lodged an appeal against Council’s decision in the Land and Environment Court and at a Council meeting on 17 July 2002 it was resolved to defend the appeal. As the original report recommended approval Consultants were engaged to defend Council’s decision.

The matter was heard by Commissioner Hussey over 4 days from 16 to 19 December 2002. The first three days were at the Murwillumbah Court House and the final day was at the Ballina Court House.

During the hearing the applicants amended their plans to reduce the number of suites proposed from 16 to 15.

Town Planning Consultant Mr I Palmer of GHD gave evidence on Council’s behalf in relation to the general town planning issues and Town Planning Consultant Ms R Saltman of RM Planning Pty Ltd gave evidence in relation to the social and economic impacts of the proposal. Three residents from the nearby residential areas gave evidence in support of Council, as did the Principal of the Lakeside Christian College.

Commissioner Hussey has handed down his decision and has upheld the appeal and approved the development subject to 59 conditions.

A copy of the Court Orders and the Record of Hearing is attached to this Agenda for the information of Councillors.

The submission to the Commissioner in relation to the conditions included limiting the hours of operation of the brothel to 6pm and 6am and limiting the consent for an initial period of 12 months.

These conditions are consistent with Development Control Plan No. 31 – Brothel Policy however the Commissioner declined to apply these conditions.

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# Reports from Director Corporate Services

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**7. ORIGIN:** Administration Services Unit

**FILE REF:** Conferences

**REPORT TITLE:**

**Attendance at Conferences by Councillors**

**SUMMARY OF REPORT:**

The current Policy on the attendance at conferences by Councillors has been reviewed with the addition of two new clauses.

**RECOMMENDATION:**

That the Policy on the attendance at conferences by Councillors be amended by the addition of:-

C5.3.9 The cost for attendance at conferences/seminars is not to exceed \$5,000.00 per Councillor per annum. Costs to include expenses relating to registration, travel, accommodation, meals and sundry items.

C5.3.10 A report is to be prepared and submitted to Council on the conference/seminar within four (4) weeks of attendance.

## Reports from Director Corporate Services

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### REPORT:

The current Policy on attendance at conferences by Councillors is as follows:

#### **C5.3 Attendance at Conferences**

- C5.3.1 The Councillor will indicate with as much certainty as possible at the relevant Council meeting the fact they, he or she wishes to attend. A Council resolution to cover that attendance shall be passed at that meeting.
- C5.3.2 The Councillor will contact the Mayor's Secretary within one week of the Council resolution to confirm his/her intention to attend and to also advise the most convenient times for departing and returning.
- C5.3.3 At the same time, the Councillor will also indicate any special requirements such as cash advances, rental cars, accommodation, etc.
- C5.3.4 Advice must also be given as to whether a spouse or partner will be travelling with the Councillor.
- C5.3.5 When all of this information has been provided, the Mayor's Secretary will proceed to make all of the travel arrangements and will liaise with the Councillor to ensure maximum satisfaction.
- C5.3.6 Should a Councillor have to alter the arrangements due to an emergency or unforeseen circumstances, contact will be made with the Mayor's Secretary as soon as possible to allow the necessary changes to be made.
- C5.3.7 To play their part in keeping all costs, especially airfares and registrations, to an absolute minimum, Councillors will be required to make their decisions as precisely and as early as possible and unless there is an emergency or some unforeseen circumstance, the travel arrangements made by the Mayor's Secretary will stand.
- C5.3.8 Any excess costs incurred as a result of changes made after completion of travel bookings by the Mayor's Secretary and not due to an emergency or unforeseen circumstance must be paid for by the Councillor.

The proposed two new clauses are:

- C5.3.9 The cost for attendance at conferences/seminars is not to exceed \$5,000.00 per Councillor per annum. Costs to include expenses relating to registration, travel, accommodation, meals and sundry items.
- C5.3.10 A report is to be prepared and submitted to Council on the conference/seminar within four (4) weeks of attendance.

## Reports from Director Corporate Services

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**8. ORIGIN:** Director  
**FILE REF:** ICAC; Code of Conduct

**REPORT TITLE:**

**Council Business Ethics Policy**

**SUMMARY OF REPORT:**

Council at its meeting of 21 August 2002 adopted a Business Ethics Policy. The Policy was advertised for a period of 28 days and no submissions have been received.

**RECOMMENDATION:**

That the draft Council Business Ethics Policy as advertised by adopted by Council namely:-

***“Background***

*A business ethics policy outlines the moral standards which will guide the organisation in carrying out its business. It is the morality based structural framework which guides decision making and behaviour by all members of the organisation - in all of their actions in relation the work required by their role within the organisation. This framework exists concurrently with the legislative, regulatory and other policy requirements which mandate or otherwise affect the business of the organisation.*

*The business ethics of an organisation are based on the principles and values which are held/espoused by the organisation.*

*The following business ethics policy is based on the principles of*

- *Accountability & Transparency*
- *Respect for others and for legal authority*
- *Stewardship and Community Leadership*

***Policy Objective***

*To provide clear ethical guidance to Councillors and staff regarding the conduct of Council business.*

***Policy Statement***

*Councillors and staff will conduct their role within the business of Council in such a way as to maintain the highest level of community accountability, community stewardship and leadership whilst maintaining respect for individuals and the rule of law.*

***Implementation***

1. *Councillors and staff will comply with all requirements of state legislation and regulation relating to local government administration and land development.*
2. *Councillors & staff will comply with requirements of Councils policies and procedures in particular the Code of Conduct and Procurement Policy.*
3. *Behavioural guidance in matters of responsibilities and circumstances is provided by the detail in these policies.*
4. *The requirements of these policies will be brought to the attention of persons who deal with Council on business matters.*
5. *Councillors will maintain a clear separation between their work as advocates of particular matters and their work as a member of Council as a determining body.*

## Reports from Director Corporate Services

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6. *Councillors and staff will adopt a conservative approach to the avoidance and declaration of actual or potential conflict of interest and or pecuniary and non-pecuniary interest in matters which become the business of Council.*
7. *Councillors and staff will be particularly meticulous with regard to the requirements of the Code of Conduct and Implementation 5 in relation to land development matters.*
8. *Councillors and staff will act honestly and impartially and observe all requirements of equity and procedural fairness in their dealings with people and organisations who are involved in business with Council.*
9. *Councillors and or staff who believe that their ability to operate within these guidelines has been compromised by the actions of others are required to advise the Mayor or General Manager respectively and withdraw from further action on the matter of business until completion of investigation and action by the Mayor or General Manager.*
10. *A Councillor and or staff member who does report such a matter will be protected by Councils Protected Disclosures Policy and the relevant State legislation.*

### ***Policy Responsibility***

*Director Corporate Services”*



## Reports from Director Corporate Services

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### REPORT:

Council at its meeting of 21 August 2002 approved the advertising of the draft Council Business Ethics Policy. Notice of Council's proposed policy was placed in the Tweed Link edition of the 29 October 2002 with the closing date for submissions the 28 November 2002. No submissions have been received in relation to the draft Council Business Ethics Policy.

It is therefore recommended that the advertised policy namely:-

#### ***“Background***

*A business ethics policy outlines the moral standards which will guide the organisation in carrying out its business. It is the morality based structural framework which guides decision making and behaviour by all members of the organisation - in all of their actions in relation the work required by their role within the organisation. This framework exists concurrently with the legislative, regulatory and other policy requirements which mandate or otherwise affect the business of the organisation.*

*The business ethics of an organisation are based on the principles and values which are held/espoused by the organisation.*

*The following business ethics policy is based on the principles of*

- *Accountability & Transparency*
- *Respect for others and for legal authority*
- *Stewardship and Community Leadership*

#### ***Policy Objective***

*To provide clear ethical guidance to Councillors and staff regarding the conduct of Council business.*

#### ***Policy Statement***

*Councillors and staff will conduct their role within the business of Council in such a way as to maintain the highest level of community accountability, community stewardship and leadership whilst maintaining respect for individuals and the rule of law.*

#### ***Implementation***

1. *Councillors and staff will comply with all requirements of state legislation and regulation relating to local government administration and land development.*
2. *Councillors & staff will comply with requirements of Councils policies and procedures in particular the Code of Conduct and Procurement Policy.*
3. *Behavioural guidance in matters of responsibilities and circumstances is provided by the detail in these policies.*
4. *The requirements of these policies will be brought to the attention of persons who deal with Council on business matters.*
5. *Councillors will maintain a clear separation between their work as advocates of particular matters and their work as a member of Council as a determining body.*
6. *Councillors and staff will adopt a conservative approach to the avoidance and declaration of actual or potential conflict of interest and or pecuniary and non-pecuniary interest in matters which become the business of Council.*

## Reports from Director Corporate Services

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7. *Councillors and staff will be particularly meticulous with regard to the requirements of the Code of Conduct and Implementation 5 in relation to land development matters.*
8. *Councillors and staff will act honestly and impartially and observe all requirements of equity and procedural fairness in their dealings with people and organisations who are involved in business with Council.*
9. *Councillors and or staff who believe that their ability to operate within these guidelines has been compromised by the actions of others are required to advise the Mayor or General Manager respectively and withdraw from further action on the matter of business until completion of investigation and action by the Mayor or General Manager.*
10. *A Councillor and or staff member who does report such a matter will be protected by Councils Protected Disclosures Policy and the relevant State legislation.*

### ***Policy Responsibility***

*Director Corporate Services”*

Be formally adopted by Council.

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## Reports from Director Corporate Services

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**9. ORIGIN:** Director  
**FILE REF:** Council Management

**REPORT TITLE:**

**Unfunded Mandate/Natural Resource Management**

**SUMMARY OF REPORT:**

The President's of the Local Government Association NSW and the Shires Association NSW have written outlining concerns that the associations have as the increasing cost to local government of the unfunded mandate for the role that local government is playing in natural resource management provision. The associations believe that local government should not be expected to provide ongoing funding or any forms of rebates to support natural resource management planning, programs or projects.

**RECOMMENDATION:**

That Council supports the position of the Local Government Association NSW and the Shires Association of NSW that Local Governments should not be expected or required to provide rate rebates or concessions to fund natural resources management planning, programs or projects.

## Reports from Director Corporate Services

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### REPORT:

#### BACKGROUND

The Presidents of the Local Government Association and the Shires Associations NSW have written to the Mayor regarding the concerns the Associations have to Local Governments capacity to contribute to and continue to fund natural resource management programs. Their letter states:

*“I write to you concerning local governments’ capacity to further contribute to natural resource management.*

*The Lgov NSW Executive has recently affirmed as its policy position that Local Government does not believe that rate rebates or concessions should be used as a mechanism to fund NRM planning, programs or projects. We would appreciate it if you could bring this to the attention of your council’s representatives on Catchment Management Boards, Water Management Committees and Regional Vegetation Management Committees.*

*Lgov NSW, while recognising the overwhelming tasks set for natural resource management committees across the state, has been very impressed by the dedication that local elected representatives have made to these local and regional planning processes.*

*Local Government, since its inception, has played a core role in natural resource management (NRM). Its many tasks in this field include the provision of water infrastructure, strategic planning, funding and business performance, plumbing and drainage regulation, public health and environmental standards.*

*Not only has Local Government taken on a broad range of tasks in NRM it has also borne much of the costs.*

*The recently released report by the Australian Bureau of Statistics (ABS) “Environment Expenditure, Local Government, Australia 2000-01” reveals that Australian local government spent a total of \$2.5 billion of measures to protect the environment, and \$1.8 billion of natural resource management in 2000-01. This is much more in aggregate than the Commonwealth or the State Governments’.*

*As Local Government’s unfunded mandate continues to grow, councils are expected to stretch further their financial resources, severely limited by rate capping.*

*Within the planning of natural resource management it is becoming a familiar expectation of other stakeholders, that Local Government will offer incentives, including rate rebates, to encourage good practices in NRM.*

*While there is genuine interest in encouraging good practice, these cost cannot be borne by Local Government. Lgov NSW has recently affirmed that it does not believe that Local Government should be expected or required to provide rate rebates or concessions to fund NRM planning, programs or projects.*

*It would be appreciated if you could advocate this policy position in discussions with other stakeholders involved in natural resource management committees.”*

## Reports from Director Corporate Services

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It is recommended that Council endorse the Associations position in relation to Local Governments unfunded mandate, severe limitations to funding as a result of imposed State Government rate capping and the limited financial resources of Local Government particularly in relation to the costs of providing rate rebates or concessions to fund natural resources management planning, programs or projects.

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## Reports from Director Corporate Services

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## Reports from Director Corporate Services

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**10. ORIGIN:** Director

**FILE REF:** DA02/1329 Pt1; Donations

**REPORT TITLE:**

**Multicap - Request for Funding Support**

**SUMMARY OF REPORT:**

The Chairman of the Multicap fundraising committee has written seeking Council's support to provide an additional cash donation towards costs of establishing the Mt Warning Respite House.

Council at its meeting of 3 November 1999 had resolved to support the project with a \$20,000 donation. This was further confirmed at its meeting of 4 April 2001 when advice was received that the proposed site had been varied to North Arm Road, Murwillumbah.

**RECOMMENDATION:**

That Council determines this matter.

## Reports from Director Corporate Services

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### REPORT:

#### BACKGROUND

Council at its meeting of 3 November 1999 resolved to make a \$20,000 contribution towards the establishment of a multicap respite care centre on Council land at Kyogle Road, Bray Park. Subsequent to this decision Council authorised the re-allocation of that donation from the Bray Park site to an alternate site at North Arm Road, Murwillumbah. Council confirmed its support for the ongoing establishment of this centre on this new site at its meeting on 4 April 2001.

On the 8 August 2001 Multicap provided advice regarding the current status of community support to the project, this advice received by Council on 15 August 2001 indicated that “the level remains at that stated in our last press release which publicly advised that \$280,000 has been pledged to the project, in the form of cash and gifts-in-kind to be donated over 3 years.”

At its meeting of 10 October 2001 Council received further information from the Executive Director of Multicap advising of the current status of progress of the project and confirming commitments to the project of \$280,000.

Multicap in August 2002 sought funding under the Tweed Community Development Support (Expenditure CDSE) Scheme. Indications are that the application was not successful.

The Chairman of the fundraising committee has written seeking Council’s consideration for a further cash donation towards the project. Their letter indicates that the committee is seeking to raise a further \$150,000.

In addition to the \$20,000 committed by Council the committee is seeking a further donation of \$30,000 from Council’s 2003/2004 Budget.

#### HISTORY AND PURPOSE OF MULTICAP

In 1995, parents of 5 multiple handicapped children approached existing organizations in an attempt to have their children accepted for training and possible education. Such organizations, although very sympathetic were unable to accept because of their multiple handicaps.

On 21 February 1957, a letter was received from the Minister for Public Instruction stating: “*On the basis of investigations made into the cases mentioned, it has been found that, owing to severe multiple retardation, these children cannot be classed as educable*”.

In 1961, a survey was conducted by the Remedial Education Centre of the University of Queensland into the number of multiple handicapped children residing in Brisbane. Two meetings were called of all interested person and the first Committee – resulting in the Multiple Handicapped Association of Qld (Multicap) – was formed.

On 9 September 1963, Multicap began a training centre which would operate 5 days a week, and in 1964/65 – the first full-time teacher was appointed at Multicap’s own centre and home at 27 Mountford Road, New Farm. There were 23 children enrolled, ranging in age from 4 years to 22 years.

1970 saw the Federal Government at this time introduce their Handicapped Children (Assistance) Act of 1970, and Multicap applied for and received recognition as an approved school and organisation under the Act.

In 1978/79 – Probably the most far reaching decision was soon to be made. Multicap received a copy of a draft report on ‘The Role of Voluntary Associations in Queensland’ compiled by the



## Reports from Director Corporate Services

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Advisory Council for Special Education under the Chairmanship of Professor Betty Watts of the University of Queensland. Summing up, the report recommended that *the administration of all education services to handicapped persons should be assumed by the State Education authority.*

This was a tremendous departure from the original concept. In short, it was being said that the Department of Education should undertake administration and conduct of education services to the children and that Multicap would undertake expanded provisions and services for the adult handicapped, including the residential accommodation aspect for both children and adults.

Today, Multicap provides a range of centre and community-based care and support services for children and adults with disabilities, their families and the community with services located throughout Queensland and Northern New South Wales.

It is Multicap's mission to *deliver solutions for people with disabilities, their families and the community through the integrated application of creative expertise.*

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## Reports from Director Corporate Services

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## Reports from Director Corporate Services

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**11. ORIGIN: Director**

**FILE REF: Festivals - Other; Sponsorship**

**REPORT TITLE:**

**Ozzie Connects - Sponsorship**

**SUMMARY OF REPORT:**

Mr Ken McNamara of Terranora has written seeking Council's sponsorship support for a "Barby Over Oz" fundraising appeal. The appeal titled "Ozzie Connects Australian Crisis Appeal" is stated by Mr McNamara to "raise funds for Australians who have been hit by disaster, whether in bushfires, flood, earthquakes, cyclones, storm damage, drought, house fires or any other Australian crisis that needs help to assist with food, clothing, money and accommodation as soon as possible".

**RECOMMENDATION:**

That Council declines the opportunity to be a major sponsor of the Ozzie Connects Australian Crisis Appeal on this occasion.

## Reports from Director Corporate Services

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### REPORT:

Following the launch of the Ozzie Connects Appeal held at the Tweed City Shopping Centre on 21 November 2002 the initiator, a Mr K McNamara of Terranora, is seeking to expand the Appeal to raise \$1 million by a 5,000 kilometre walk through 110 towns commencing at Tweed City Shopping Centre to Brisbane, Adelaide, Melbourne and Sydney and return commencing on 20 February 2003.

Mr McNamara has written to Council requesting their support as a major sponsor for the “Ozzie Connects” – “Australians Helping Australians – Australian Crisis Fund for the Red Cross” Appeal. The details of his proposal are outlined in the attached information provided by Mr McNamara.

Sponsorship by Council for an appeal of this nature has not been provided for in Council’s Policy and in addition, Council’s current budget provides no expenditure provisions for this type of sponsorships at the scale envisaged by the proponent.

It is therefore recommended that Council on this occasion not participate as a major sponsor of this fundraising initiative.

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## Reports from Director Corporate Services

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**12. ORIGIN:** General Manager

**FILE REF:** ICAC

**REPORT TITLE:**

**Reports into Allegations Concerning Tweed Shire Council - Independent Commission Against Corruption**

**SUMMARY OF REPORT:**

Upon the tabling of the "Bulford Report" the Director General of the Department of Local Government referred certain matters to the Independent Commission Against Corruption. The Commission of the ICAC has provided a response to the Director General and copied this to the General Manager. A copy of this is included with this report.

The ICAC letter inter alia refers to "Councillor Brinsmead's decision not to vacate the Chair when the censure motion was moved against him". The General Manager has difficulty with the following statement, "It would have been preferable if the subject of the censure motion does not Chair the meeting considering the censure motion. This should be done by a suitably independent person to avoid any conflicts of interest or apprehension of bias", given the requirements and content of the Local Government Act 1993. The General Manager will pursue this matter with the ICAC Commissioner and the Director General, Department of Local Government and subsequently further report to Council.

**RECOMMENDATION:**

That this report be received and noted.

## Reports from Director Corporate Services

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**REPORT:**

As per Summary.

# Reports from Director Corporate Services



INDEPENDENT COMMISSION AGAINST CORRUPTION

Our ref: E02/0942 - E02/0944

Mr G Garry Payne  
Director-General  
Department of Local Government  
Level 10, Civic Tower  
66-72 Rickard Road Cnr Jacobs Street  
BANKSTOWN, NSW 2200

Dear Mr Payne,

## Report into allegations concerning Tweed Shire Council

I am writing to inform you of the outcome of the Commission's examination of matters you referred to us following your recent inquiry into Tweed Shire Council under s.430 of the *Local Government Act 1993*.

After examining the available material the Commission has determined not to investigate this matter further. This is because there is no evidence of, or likelihood of discovering, corrupt conduct. The reasons for concluding so are:

- The report itself, and related information provided by the Department of Local Government (DLG), does not disclose evidence of specific corrupt conduct.
- The inquiry leading to the s.430 report and debate following the report, have been lengthy, public and acrimonious. It is highly unlikely that any evidence of a probative nature would now still be intact or discoverable. Consequently, the prospects of a successful investigative outcome are remote. Given these factors, the expenditure of considerable resources on investigating this matter further is not warranted.

Additional factors in our decision not to investigate further include:

- The issues of concern have been comprehensively aired, scrutinised and addressed through the s.430 report. The s.430 report makes many recommendations that, if implemented, will substantially address the problems evidenced.
- The Council has already implemented a number of measures recommended in the report, including investigating or reviewing behaviour identified as problematic. The process of implementing the recommendations is ongoing with oversight from the DLG and legal avenues for enforcement available if necessary.
- The ICAC is addressing many of the issues arising from this inquiry through work being undertaken in the *Taking the devil out of development* suite of products aimed at improving the capacity of local councils to resist corruption in exercising planning and development functions. A discussion paper and interim report have been released so far and a further report recommending statutory reforms to the planning system and Local Government Act has recently been released (copy attached). This work addresses the corruption risks identified in the s.430 report. Specifically, many reforms are aimed at improving the management of lobbying, political donations, interaction of council staff, councillors and developers and dealing with conflicts of interest.

ALL CORRESPONDENCE TO GPO BOX 500 SYDNEY NSW 2001  
TELEPHONE (02) 8281 5999 FACSIMILE (02) 9264 5364  
[www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)

## Reports from Director Corporate Services

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The Commission does, however, note two matters of concern. The first of these is the decision of Council not to explore further options for dealing with Planning NSW's repeated requests to suspend the LES study to await the outcome of the s.430 report. It appears the Council relied on heavily qualified advice relating to a different set of circumstances as justification for its position when it may have been more prudent for it to seek further professional advice in order to properly consider Planning NSW's requests.

The second issue relates to Councillor Brinsmead's decision not to vacate the Chair when the censure motion was moved against him. It would be preferable if the subject of a censure motion does not Chair the meeting considering the censure motion. This should be done by a suitably independent person to avoid any conflicts of interest or apprehension of bias.

A copy of this letter has been sent to the General Manager, Tweed Shire Council.

Yours faithfully



Irene Moss AO  
Commissioner

18 December 2002



## Reports from Director Corporate Services

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**13. ORIGIN:** Administration Services Unit

**FILE REF:** ICAC

**REPORT TITLE:**

**ICAC – “Fighting Fraud: Guidelines for State and Local Government”**

**SUMMARY OF REPORT:**

The attached publication being “Fighting Fraud: Guidelines for State and Local Government” has been produced by the Independent Commission Against Corruption to assist in the provision of quality government services to the community in NSW.

**RECOMMENDATION:**

That this report be received and noted.

## Reports from Director Corporate Services

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### REPORT:

During the year 2002 the Independent Commission Against Corruption produced a discussion paper on fraud. Some 43 written responses were received to the discussion paper, as well as comments and suggestions received from practitioners in Local, State and Federal Governments.

As a result, the Independent Commission Against Corruption have now released their main publication to help fight fraud titled – “Fighting Fraud: Guidelines for State and Local Government”.

The Independent Commission Against Corruption suggest that by following the guidelines agencies and Councils will be better able to meet the threats to their efficiency and effectiveness that fraud can present. Also the publication will assist in the provision of quality government services to the community in NSW.

A copy of the publication “Fighting Fraud: Guidelines for State and Local Government” is attached for your information.

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## Reports from Director Corporate Services

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**14. ORIGIN: Financial & Information Services Unit**

**FILE REF: Financial Reporting**

**REPORT TITLE:**

**Financial Report for Period Ending 31 December 2002**

**SUMMARY OF REPORT:**

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

**RECOMMENDATION:**

That this report be received and noted.

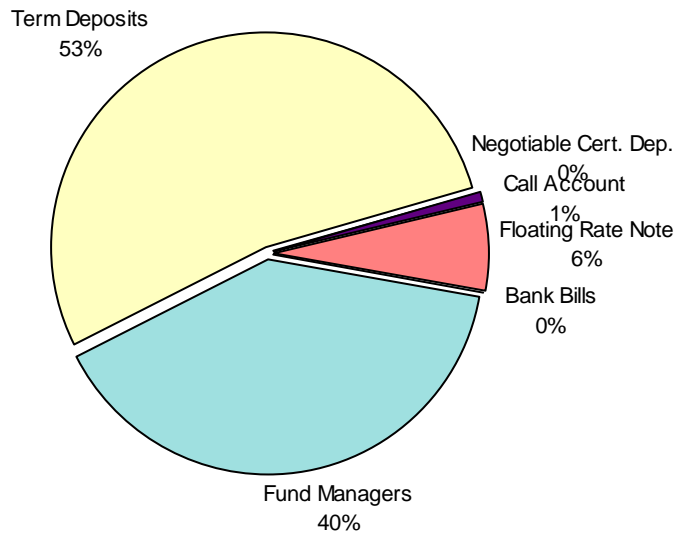
# Reports from Director Corporate Services

## REPORT:

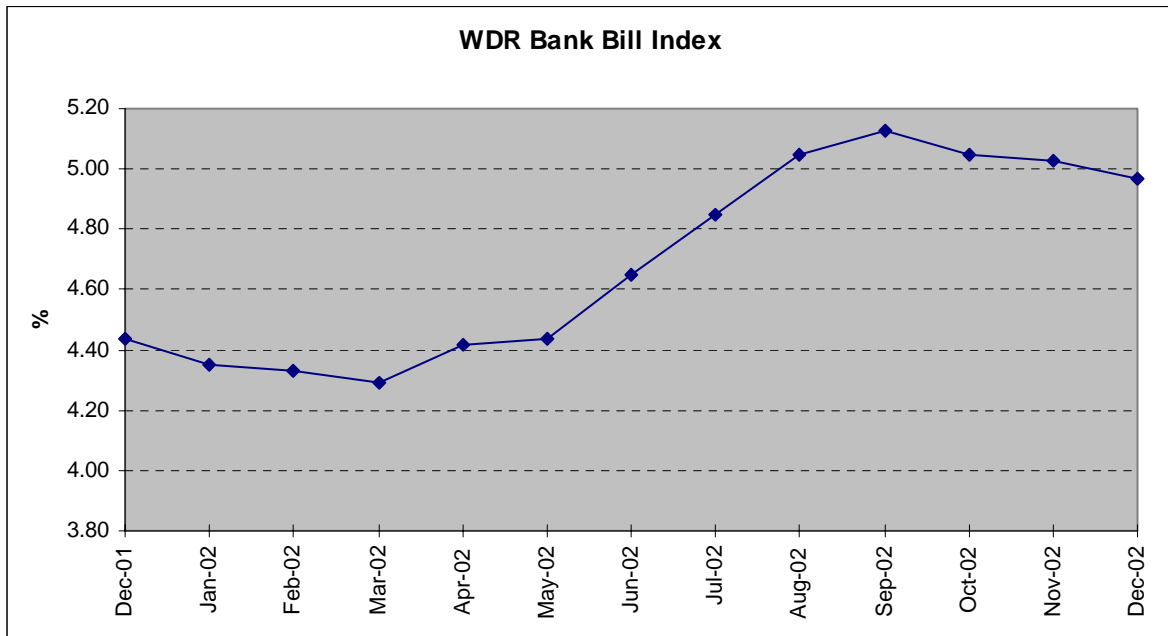
This report is provided to Council to advise details of monies Council has invested in accordance with Section 625 of the Local Government Act 1993.

### 1. CURRENT INVESTMENT PORTFOLIO BY CATEGORY

**% of Funds Invested by Category**



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

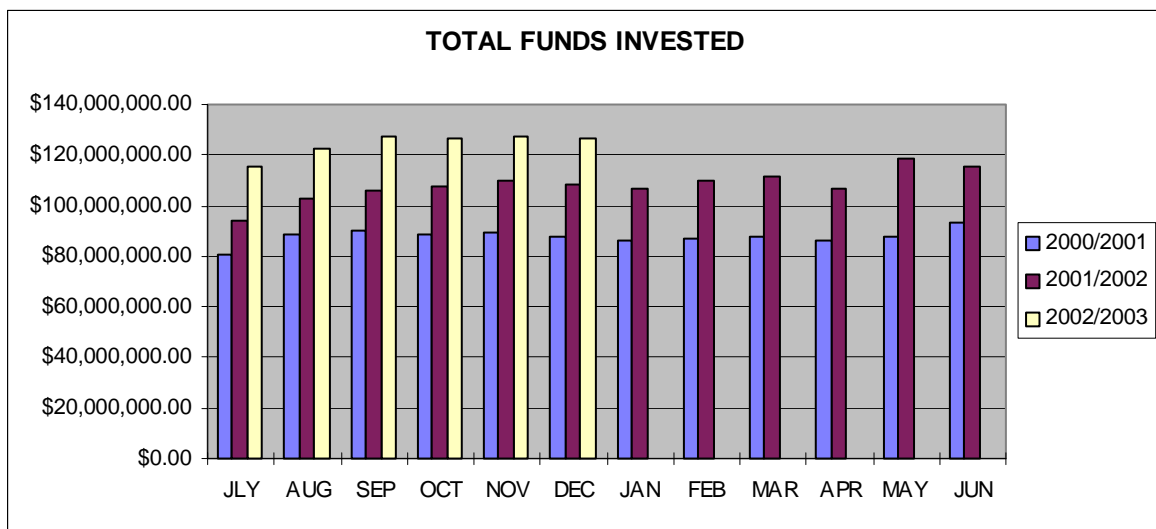


# Reports from Director Corporate Services

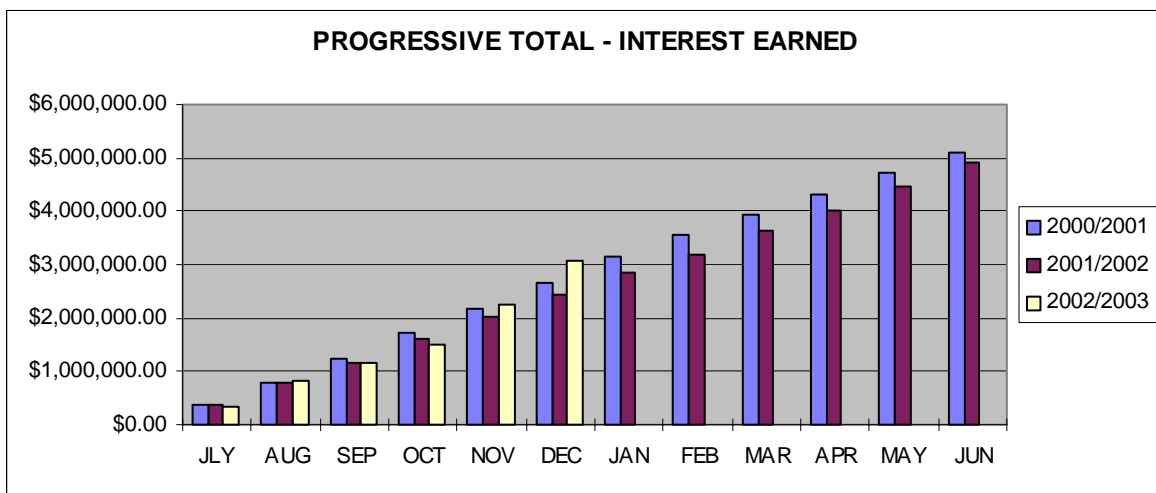
## 3. ANNUALISED RATE OF RETURN FOR FUND MANAGERS

Fund	30 Days	90 Days	1 Year
ANZ	4.99	4.99	4.84
Alliance	5.01	4.92	4.85
Deutsche	5.30	4.84	4.80
Macquarie Diversified	5.13	4.88	4.99

## 4. MONTHLY COMPARISON OF TOTAL FUNDS INVESTED



## 5. ANNUAL PROGRESSIVE TOTAL OF INTEREST ON TOTAL FUNDS INVESTED



## 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.

## Reports from Director Corporate Services

Putting this overbearing situation to one side, an interesting development that may impact on interest rate markets over the long term is the recent announcement of the US\$670 billion plan to provide stimulus to the US economy.

In terms of interest rate direction, economists see no adjustments for the next few months.

### 7. INVESTMENT SUMMARY AS AT 31 DECEMBER 2002

#### GENERAL FUND

BANKS		
	38,948,125.00	
FUND MANAGERS		
	5,485,208.90	
LOCAL GOVT. FIN. SERVICES		
	7,500,000.00	
CALL		
	<u>1,025,804.97</u>	<b><u>52,959,138.87</u></b>

#### WATER FUND

BANKS		
	8,500,000.00	
FUND MANAGERS		
	27,939,113.56	
LOCAL GOVT. FIN. SERVICES		
	<u>4,000,000.00</u>	<b><u>40,439,113.56</u></b>

#### SEWERAGE FUND

BANKS		
	8,500,000.00	
FUND MANAGERS		
	16,718,080.83	
LOCAL GOVT. FIN. SERVICES		
	<u>8,000,000.00</u>	<b><u>33,218,080.83</u></b>

#### TOTAL INVESTMENTS

**126,616,333.26**

It should be noted that the General Fund investments of \$52.9 million are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

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

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

## Reports from Director Corporate Services

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**R R Norvill CPA**  
Responsible Accounting Officer  
Manager Financial and Information Services

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## Reports from Director Corporate Services

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# Reports from Director Engineering Services

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**15. ORIGIN:** Director

**FILE REF:** Canals, Boat Ramps, pontoons, Jetties

**REPORT TITLE:**

**Canal Management**

**SUMMARY OF REPORT:**

Council at its meeting of 20 November 2002 (item 474) resolved to review the Policy on the maintenance of canals throughout Tweed Shire. This report provides an overview of current policies and guidelines relating to tidal and non-tidal canals, boat ramps, pontoons and private jetties.

**RECOMMENDATION:**

That Council notes the existing policies and standards in relation to canals and associated infrastructure.

## Reports from Director Engineering Services

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### REPORT:

#### HISTORY

On 5 April 2000 Council considered a report in relation to canal maintenance. That report provided an overview of existing canals:-

*“Within Tweed Shire there are currently 8 canal developments comprising:*

*Gollan Dr, Tweed Heads, “Seagulls Estate”*

*Wyuna Rd, Tweed Heads, “Bluewaters Estate”*

*Ducat St, Tweed Heads, “Endless Summer Estate”*

*Crystal Waters Dr, Tweed Heads, “Crystal Waters Estate”*

*Plover Pl, Tweed Heads, “Tweed Waters Estate”*

*Old Ferry Rd, Banora Point, “Oxley Cove Estate”*

*Cabarita Rd, Bogangar, “Friday Island Canal”*

*Overall Dr, Pottsville, “Pottsville Waters Estate”*

*Canals 1 to 6 all provide full access and tidal exchange with the Tweed River / Terranora Inlet. Construction details and standards for the “Seagulls” and “Bluewaters” canals have never been sighted, having been constructed in the late 1950’s and 1960’s. It appears, however, that they may have been constructed with revetment walls on the canal boundaries, although very few old walls now remain. They do not appear to have been constructed with beach frontages.*

*Canals 3 to 6 were constructed to a beach frontage profile with the property boundary at about the low water line or approximately 2.5m on the water side of the revetment wall. This profile and boundary location was adopted by the Council of the time to ensure that each landowner was responsible for their beach frontages.*

*The canal at Bogangar is freshwater with no effective tidal movement. It was constructed to provide a “wet perimeter” (ie. no beach) with a revetment wall frontage to all lots created with the construction of the canal. Lots in Cabarita Road were created prior to the canal construction and were not provided with revetment walls at the time the canal was constructed.*

*The canal at Pottsville was constructed with limited tidal exchange, tidal flows being restricted to a 600mm and a 900mm pipe at each end of the canal. It was constructed with a “wet perimeter” and engineer designed revetment walls. The walls were located on the lots and hence are the responsibility of the landowner.”*

#### TIDAL CANALS

The 5 April 2000 report described historical maintenance within tidal canals:-

*“In the tidal canal systems, maintenance to date has been limited by the funds available to the removal of silt accumulated at stormwater outlets by dredging or other mechanical means, the maintenance by sand pumping on to the beach frontages of public reserve lots and a small amount of dredging in the entrance to the Wyuna Road canal. At Pottsville some modifications have been undertaken to the tidal pipe culverts in consultation with residents to improve flushing and water quality. At Bogangar some attempts have been made at aquatic vegetation control by removal.*

## Reports from Director Engineering Services

*In the past there has been no Council adopted maintenance standard, with Council's response to requests for work being largely reactive. It is considered desirable that Operational Plans be adopted which stipulate the intervention level for maintenance of the waterways.*

*An Operational Plan has been developed to address the ongoing maintenance requirements of the Bogangar Drainage Canal so that it meets its social, environmental, operational and statutory requirements.*

*The Operational Plan describes the existing environment and values of the Canal. It defines the management issues for a multi-purpose canal and discusses management options.*

*The management of aquatic plants is the major issue in Bogangar Canal.*

*Methods of control include the use of herbicides or flocculants, mechanical control through harvesting and manual removal; biological control and improved water quality through reduced nutrient input from the catchment.*

*The Operational Plan recommends an integrated approach utilising several control strategies and monitoring the growth of aquatic plants. A draft Operational Plan is an attachment to this report."*

Consequently, Council adopted the following Maintenance Standards for Tidal Canals:-

Objective:	To maintain a navigable channel for boating traffic. To maintain the beach frontages of public land.
Criteria:	Provide a central boating channel with a minimum depth of 1m at mean low water with a width of one-third of the canal width, subject to NSW Fisheries approval. Maintain beach frontages to at least a similar standard to immediately abutting lots.

Council's current budget has generally allowed the above standard to be met.

### OPERATIONAL PLANS – NON TIDAL CANALS

Several non-tidal canals (drainage reserves) exist throughout the urban areas of Tweed Shire. Ongoing requests for maintenance of these reserves generally relates to the removal of vegetation and the management of nutrient and gross pollutant inputs.

Operational plans are in place for the Bogangar Canal and the Banora Point Drainage system west of Club Banora to Trutes Bay. An operational plan is currently being prepared for the drainage reserve surrounding Club Banora.

The operational plans specify various works to be undertaken, such as maintaining a clear waterway surface area of approximately 70% of the canal.

### CANAL INFRASTRUCTURE

The following policies are in place in relation to Private Jetties and Pontoons:-

#### ***"N6.2 Private Jetties and Pontoons***

##### ***N6.2.1 Canals***

## Reports from Director Engineering Services

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### *Canals*

*Pontoons may be permitted upon application to Council.*

*Pontoons for installation in Canals are to be designed and constructed to withstand the expected loading from wind, wave action, berthing loads and flood debris loads. Pontoons must conform to the following guidelines:*

- a) All materials used in the construction are to be suitably corrosive resistant.*
- b) Pontoon floats are to be specifically manufactured for this purpose from fibreglass, aluminium, concrete or similar suitable material.*
- c) The pontoon and walkway is to be suitably tied to anchor blocks at ground level behind the revetment wall. No fixed piles or anchorages are to be installed within the Canal.*
- d) Pontoons may extend to a maximum of 12 metres from the face of the revetment wall and must be wholly located within the frontage of the lot.*
- e) Boats moored at the pontoon must not exceed the length of the property frontage to which the pontoon attaches and must be so tied that the boat does not extent past the boundary lines from the property to which the pontoon is attached.*
- f) The property owner must consent in writing to:*
  - i) remove the structure, at no cost to Council, if directed, to permit Canal maintenance;*
  - ii) indemnify Council against any claims arising from accidents, etc and related to the structure, such evidence to be provided to Council on renewal of licences;*
  - iii) maintain the structure in a safe and tidy condition;*
  - iv) accept that the approval to a structure does not establish a landlord/tenant relationship nor grant any exclusive rights to any part of the Canal;*
  - v) all pontoons should be licensed each year.*
- g) The design must present a low visual profile and be aesthetically acceptable.*
- h) Private jetties will not be permitted.*

### **N6.2.2 Private Property with High Water Mark Boundaries - Excepting Canals**

- a) Private jetties and pontoons may be permitted upon application to Council, subject to the necessary Permissive Occupancy being obtained from the Land Board Office and approval from any other relevant Authority.*
- b) Pontoon construction to be in accordance with item 7.4.1 above.*
- c) Full structural details are to be submitted to Council for approval prior to commencement of construction of any jetty.*

### **N6.2.3 Public Reserve Foreshores**

- a) No further private jetties nor pontoons will be permitted.  
Existing structures will be permitted to remain at Council's pleasure while Permissive Occupancies are current or where structures have been otherwise approved by Council."*

### **BOAT RAMPS**

Council's guidelines for the installation of boat ramps provide the following information:-

*"Ramps are to be constructed of concrete and must conform to the following guidelines:-*

## Reports from Director Engineering Services

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1. *Concrete to be not less than 150mm thick on the Canal side of the revetment wall.*
2. *Isolation joints are to be provided on either side of the revetment wall so that the slabs are not supported by it and can move independently.*
3. *Adequate cut-off walls are to be provided to prevent scouring under the slabs. Cut-off walls of 600mm depth at the end of the slab and 300mm at the side of the slab as a minimum should normally be provided.*
4. *Ramps should be wholly located within the frontage of the lot.*
5. *The outer end of the ramp is to be no more than 100mm above the level of the Beach.*
6. *The owner shall obtain public liability insurance to the value of \$5,000,000, documentary evidence of this is to be supplied to Council prior to the finalisation of the lease agreement.*
7. *A lease agreement to be entered into with Council in respect of the use of that part of the public land (canal/drainage easement etc) owned by Council, occupied by the proposed boat ramps.*
8. *A lease fee shall be applicable in accordance with Councils fees and charges.*

### **APPLICATIONS**

*Development Applications must be submitted, accompanied by detailed plans of the proposed structure and a site plan specifying the location of the proposed pontoon / ramp in relation to the revetment wall and property boundaries.”*

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## Reports from Director Engineering Services

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## Reports from Director Engineering Services

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**16. ORIGIN: Design Unit**

**FILE REF: R3620**

**REPORT TITLE:**

**Acquisition for Road Purposes - Lots 1 to 5 DP 1044178 - Formalisation of Formation of Murphys Road, Kingscliff**

**SUMMARY OF REPORT:**

Council has made an application to the Department of Land & Water Conservation to acquire land from the Crown from various Crown Land parcels in Kingscliff to formalise the status of Murphys Road as public road, formed to create access to the Wommin Bay Hostel.

A survey plan has been prepared and registered under the Roads Act, 1993 for the acquisition of Lots 1 to 5 in DP 1044178.

The Department has consented to the acquisition under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991, with no compensation payable to the Crown.

**RECOMMENDATION:**

That:-

1. Council approves the acquisition of Lots 1 to 5 in DP 1044178 as public road under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991 for the purposes of the Roads Act, 1993; and
2. All necessary documentation be endorsed under the Common Seal of Council.

## Reports from Director Engineering Services

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### REPORT:

Council has made an application to the Department of Land & Water Conservation to acquire land from the Crown from various Crown Land parcels in Kingscliff to formalise the status of Murphys Road as public road, formed to create access to the Wommin Bay Hostel.

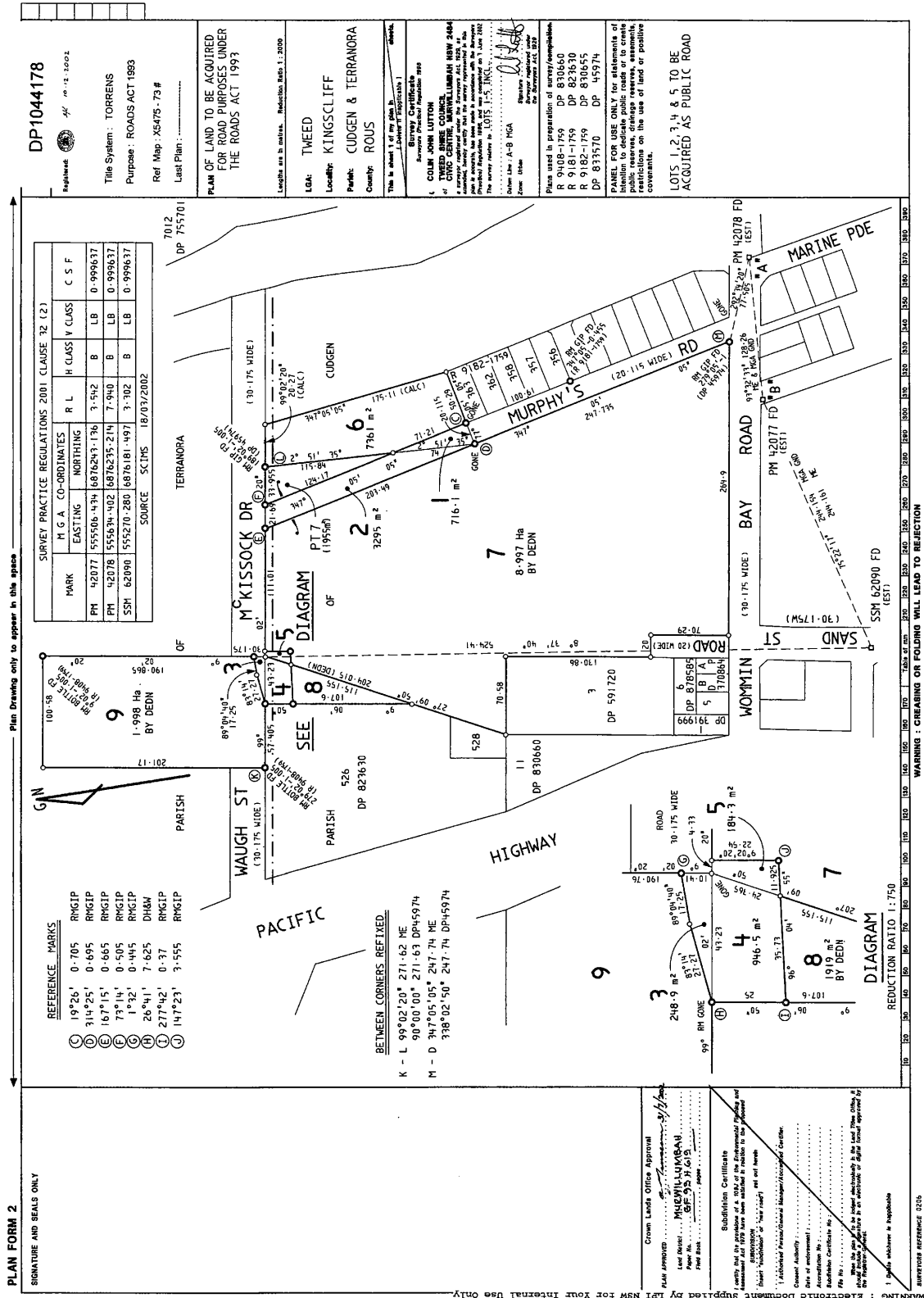
A survey plan has been prepared and registered under the Roads Act, 1993 for the acquisition of Lots 1 to 5 in DP 1044178.

The Department has consented to the acquisition under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991, with no compensation payable to the Crown.

A copy of DP 1044178 follows:-



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## Reports from Director Engineering Services

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**17. ORIGIN:** Design Unit

**FILE REF:** DA1020/245 Pt3

**REPORT TITLE:**

**Classification of Land as Operational - Cabonga Pty Ltd - Vintage Lakes Stage 8A - Tweed Heads South**

**SUMMARY OF REPORT:**

Cabonga Pty Ltd, the developers of the Vintage Lakes Estate at Tweed Heads South propose to transfer proposed Lot 41 to Council as a drainage reserve.

The proposed Lot 41 should be classified as Operational under the provisions of section 31 of the Local Government Act, 1993.

**RECOMMENDATION:**

That the land proposed to be transferred to Council as a Drainage Reserve, described as proposed Lot 41 in the subdivision of Lot 1 in DP 1044389 be classified as Operational under section 31 of the Local Government Act, 1993.

## Reports from Director Engineering Services

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### REPORT:

Cabonga Pty Ltd, the developers of the Vintage Lakes Estate at Tweed Heads South propose to transfer proposed Lot 41 to Council as a drainage reserve.

The proposed Lot 41 should be classified as Operational under the provisions of section 31 of the Local Government Act, 1993.

A copy of the proposed plan showing proposed Lot 41 follows:-



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## Reports from Director Engineering Services

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**18. ORIGIN:** Design Unit

**FILE REF:** PF4280/420

**REPORT TITLE:**

**Acquisition of Land - Lot 37 Section 18 DP 28390 being 88 Philp Parade, Tweed Heads South**

**SUMMARY OF REPORT:**

Mr David Anderson is the owner of Lot 37 which is within an old subdivision that formed part of the extension of Philp Parade, Tweed Heads South. Council considered that most of the Lots were impractical to service with access road and sewerage due to the steep terrain. Development of these Lots was difficult so Council made offers to purchase these parcels.

An offer to purchase Lot 37 was made to Mr Anderson in 1993, with no reply received, however, Mr Anderson contacted Council in September, 2002 offering the land for purchase by Council. A valuation was sought from the State Valuation Office. The determination of value as at 31 October, 2002 was between **\$25,000.00** and **\$30,000.00**. A copy of the valuation was forwarded to Mr Anderson who replied advising that he accepted that \$25,000.00 was a fair and reasonable price, requesting that Council bear all costs associated with the transfer.

The land is zoned 6(a) Open Space and Clause 29 of the Tweed LEP, which relates to Zone 5(a) and 6(a), provides that should an owner of land approach Council to acquire the land, Council must acquire the land unless the land may be required to be provided as a condition of consent to the carrying out of development. There is no such development.

**RECOMMENDATION:**

That:-

1. Council approves the purchase of Lot 37 Section 18 DP 28390 from Mr David Anderson for the sum of **\$25,000.00 (GST inclusive)** and that Council bears all costs associated with the purchase, including Mr Anderson's legal costs:
2. That the land be classified as community for open space purposes; and
3. Council executes and endorses all necessary documentation under the Common Seal of Council.

## Reports from Director Engineering Services

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### REPORT:

Mr David Anderson is the owner of Lot 37 which is within an old subdivision that formed part of the extension of Philp Parade, Tweed Heads South. Council considered that most of the Lots were impractical to service with access road and sewerage due to the steep terrain. Development of these Lots was difficult so Council made offers to purchase these parcels.

An offer to purchase Lot 37 was made to Mr Anderson in 1993, with no reply received, however, Mr Anderson contacted Council in September, 2002 offering the land for purchase by Council. A valuation was sought from the State Valuation Office. The determination of value as at 31 October, 2002 was between **\$25,000.00** and **\$30,000.00**. A copy of the valuation was forwarded to Mr Anderson who replied advising that he accepted that \$25,000.00 was a fair and reasonable price, requesting that Council bear all costs associated with the transfer.

The land is zoned 6(a) Open Space and Clause 29 of the Tweed LEP, which relates to Zone 5(a) and 6(a), provides that should an owner of land approach Council to acquire their land, Council must acquire the land unless the land may be required to be provided as a condition of consent to the carrying out of development. There is no such development in this instance.

Funds are reserved specifically for these acquisitions as Clause 29 of the LEP obliges Council to purchase land affected by these zones.

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## Reports from Director Engineering Services

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**19. ORIGIN:** Design Unit

**FILE REF:** Street Scaping - Mooball

**REPORT TITLE:**

**Mooball Village Main Street Project**

**SUMMARY OF REPORT:**

As the construction of the Chinderah to Yelgun section of the Pacific Highway would bypass Murwillumbah and the rural villages, Council previously resolved to develop a Gateway to the Shire for the Southern entrance at Mooball. It was envisaged that funding for the Gateway could be progressively obtained from State and Federal Government Grants. Consultation for the Mooball Main Street Project began in early 2001. A summary of the community consultation is included in this report. A master plan for the Main Street has now been prepared and a location for the proposed toilet block has been nominated.

**RECOMMENDATION:**

That Council:-

1. Adopts the Mooball Village master plan revision dated January 2003 prepared by GeoLink Environmental Management & Design.
2. Proceeds to call tenders for the construction of a toilet block at the location shown on the master plan.

## Reports from Director Engineering Services

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### REPORT:

As the construction of the Chinderah to Yelgun section of the Pacific Highway would bypass Murwillumbah and the rural villages, Council previously resolved to develop a Gateway to the Shire for the Southern entrance at Mooball. It was envisaged that funding for the Gateway could be progressively obtained from State and Federal Government Grants. Consultation for the Mooball Main Street Project began in early 2001. A master plan for the Main Street has now been prepared and a location for the proposed toilet block has been nominated.

A summary of community consultation prepared by the Town Centre's Coordinator is as follows:-

- *Community action planning undertaken in May 2001 with Main Street Program Facilitator – Jenny de Greenlaw.*
- *Mooball Moovers (MM) formed and begin to hold regular monthly meetings.*
- *July 2002 – Mooball Moovers present issues to Council at a Community Access Meeting.*
- *August 2002 – Council call a special meeting of the Executive Management Team, Mooball Representatives and invite Town Centres Co-ordinator Cath Donaldson.*
- *Preliminary draft design of possible work presented to community at a public meeting held October 2001.*
- *Town Centres involved in public meetings etc.*
- *Letters sent to Rail Services requesting use of land October 2001.*
- *Rail Services agree to this with certain conditions.*
- *Council continue to correspond with NSW Rail.*
- *Revised Draft design presented to the community for feedback in February 2002.*
- *Community agree in principle to revised improvements in February 2002.*
- *Council adopt budget allocation for toilet block and 1<sup>st</sup> stage footpath approximately \$95,500.00.*
- *TSC (Mike Rayner) approaches Town Centres re submission to Sustainable Regions to fund majority of project.*
- *Town Centres Co-ordinator and Mooball Moovers agree to applications to source further funding for the project.*
- *April 2002 – Mooball Moovers hold an advertised public meeting. 30 residents attend including Geoff Edwards, Cr Youngblutt and Mayor Polglase. The meeting is chaired by Bernie Quinn. Vote taken on toilet block by show of hands recorded, all in favour.*
- *June 2002 – submit expression of interest to Sustainable Regions asking for over \$200,000. Application was unsuccessful.*
- *June 2002 – Mooball Moovers and Town Centres submit a Department of Planning Living Centres grant program for an urban design framework. Application was successful for \$11,250.*
- *Mooball Moovers advertise that a meeting will be held where a vote will be taken regarding the toilet location. Outcome of vote – 9 to 1 in favour of the toilet block being located in front of the Moo Moo Café. One (1) letter received from a resident outlining objection to the location of the toilet block.*

## Reports from Director Engineering Services

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- *Town Centres program ceases June 2002.*
- *In October 2002 Cath Donaldson as Community Project Officer for TEDC engages in a review of July 2001 community action plan.*
- *At a general Mooball Moovers meeting the objectors in attendance ask for revote. The Mayor and Cr Youngblutt are in attendance. The Mooball Moovers decline, as they believe the vote was taken at a full public meeting with good attendance and the toilet position was supported.*
- *In October 2002 GeoLink engaged to do consultancy for master plan design in consultation with the community.*
- *Consultants start work in late October. Master plan to be completed by mid December.*
- *The community were consulted on furnishings, colours and style of design elements. Mooball Moovers agree to EXALOO style for toilets.*
- *Those objecting write letter expressing their opposition to the construction of a toilet block in the village and state reasons including vandalism, unattractiveness, loss of investment of property. Petition sent to Geoff Edwards, Mike Rayner, Mayor Polglase, Cr Youngblutt, Cath Donaldson and the President of Mooball Moovers.*
- *28 November 2002 – objection letter sent to Neville Newell. Copy sent to TSC General Manager and all Councillors.*
- *11 December 2002 – objection presented at a Community Access Meeting.”*

The Consultants have been requested to amend the master plan to incorporate concerns by both residents and Council's engineering staff.

### **LEASE OF LAND FROM RAIL INFRASTRUCTURE CORPORATION (RIC)**

The Design Unit has contacted RIC with a view to increasing the current lease area to incorporate all of the lands west of the rail line in the village area. RIC advised that a lease could be extended to include this area but requires a land contamination report to accompany the application. As the first stage of this development includes the construction of a toilet block and effluent disposal area the preparation of a contamination report and subsequent lease application will be undertaken by the Environmental and Health Services Unit.

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## Reports from Director Engineering Services

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**20. ORIGIN:** Design Unit

**FILE REF:** R1431

**REPORT TITLE:**

**Application to Close & Purchase Public Road - Creek Street, Hastings Point**

**SUMMARY OF REPORT:**

An application has been received by Council from Walter Elliott Holdings Pty Ltd to close and purchase part of Creek Street, Hastings Point, adjacent to Lot 156 DP 628026.

Creek Street, beyond its formation, travels westwards through the Cudgen Nature Reserve, where it is zoned 7(a) Environment Protection (Wetland and Littoral Rainforest). That part of Creek Street sought to be closed is zoned 7(l) Environment Protection (Habitat).

Council's "Policy on Road Closures and Private Purchase" provides that a road is not eligible for closure where the "road is capable of providing physical access to other roads, public and private properties or Public and Crown Reserves". Creek Street travels through part of the Cudgen Nature Reserve at Hastings Point, and joins up with Round Mountain Road. This road has the potential to become an alternate access to the Nature Reserve from Creek Street or Round Mountain Road.

Due to the zoning of the road and because the road provides a potential access to Cudgen Nature Reserve it is not considered to be eligible for closure and subsequent consolidation with the applicant's landholding.

**RECOMMENDATION:**

That Council does not approve the road closure and purchase of part of Creek Street, Hastings Point adjacent to Lot 156 in DP 628026.

## Reports from Director Engineering Services

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### REPORT:

An application has been received by Council from Walter Elliott Holdings Pty Ltd to close and purchase part of Creek Street, Hastings Point, adjacent to Lot 156 DP 628026.

Creek Street, beyond its formation, travels westwards through the Cudgen Nature Reserve, where it is zoned 7(a) Environment Protection (Wetland and Littoral Rainforest). That part of Creek Street sought to be closed is zoned 7(l) Environment Protection (Habitat).

An on site inspection revealed that the road reserve has been planted with exotic and native species adjacent to the caravan park which is located to the north of the road on Lot 1 in DP 1014298.

Some trees on the boundary of Lot 156, the applicant's land, appear to have occurred naturally and these are primarily native species. It appears that the road reserve has been regularly slashed, the surface of the road is grassed excepting one part which is just bare earth.

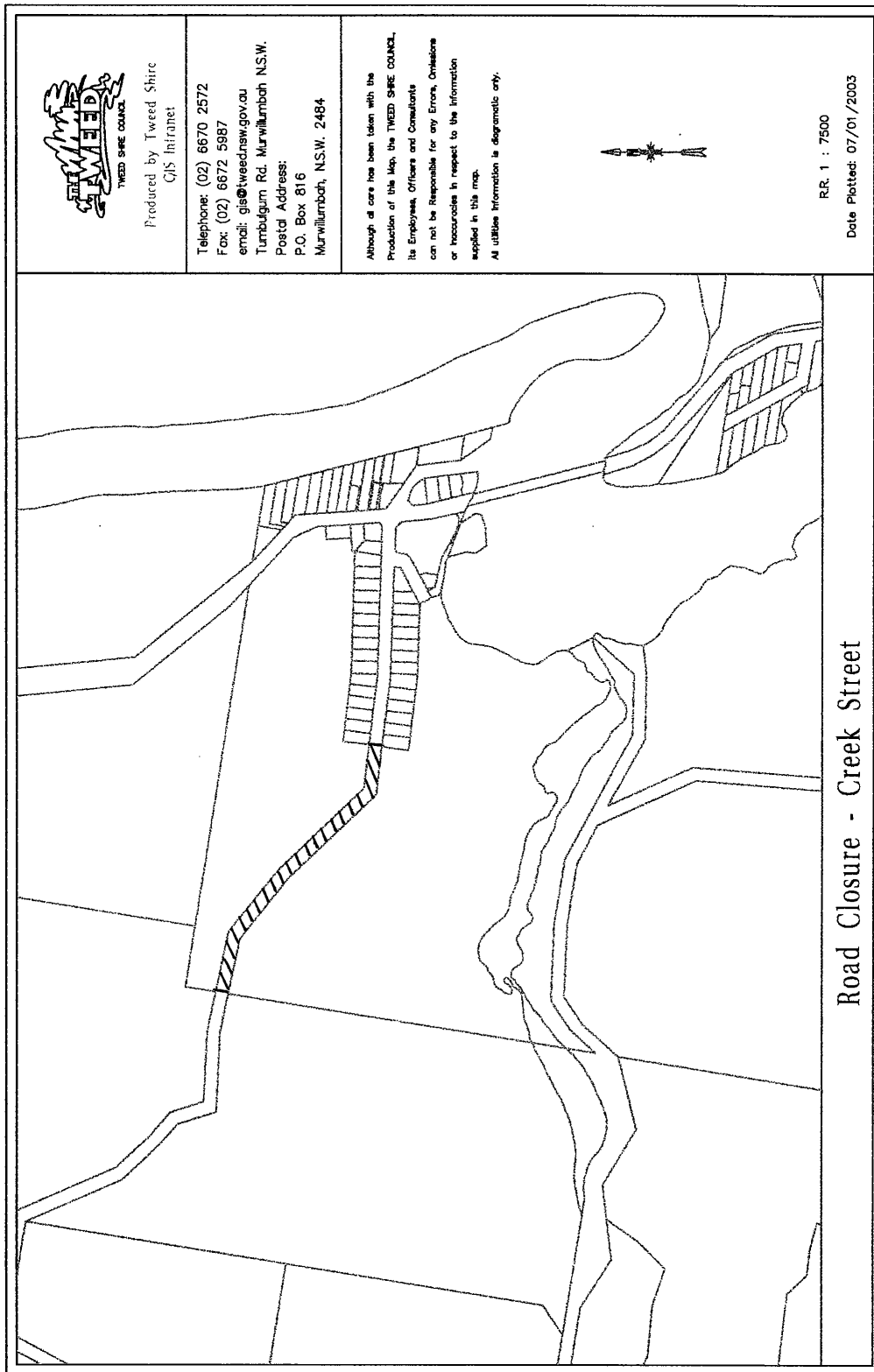
Council's "Policy on Road Closures and Private Purchase" provides that a road is not eligible for closure where the "road is capable of providing physical access to other roads, public and private properties or Public and Crown Reserves". Creek Street travels through part of the Cudgen Nature Reserve at Hastings Point, and joins up with Round Mountain Road. This road has the potential to become an alternate access to the Nature Reserve from Creek Street or Round Mountain Road.

Council's records indicate that a 300mm rising main lies along the entire length of the road, this factor, together with the protective zoning of the road and the singular access to the southern zone of the Cudgen Nature Reserve, the road is not considered to be eligible for closure and subsequent consolidation with the applicant's landholding.

Further, the road should remain open to provide a potential access for bush fire hazard mitigation works.

A copy of a plan follows which shows that part of the road sought to be closed as hatched:-

# Reports from Director Engineering Services



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## Reports from Director Engineering Services

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**21. ORIGIN:** Design Unit

**FILE REF:** Sewerage Treatment - Burringbar

**REPORT TITLE:**

**Acquisition of Land for Burringbar Sewerage Facility - Lot 8 & Part Lot 10 in DP 820055 from Quinn**

**SUMMARY OF REPORT:**

At a meeting held on 18 December, 2003 it was resolved by Council at Item 17 to finalise the purchase of Lot 8 and part of Lot 10 in DP 820055.

To pursue the purchase all relevant documentation will need to be executed by Council under its Common Seal and it is necessary that a resolution be made in this regard.

It is also necessary to resolve to classify the land as operational following settlement.

**RECOMMENDATION:**

That :-

1. Council endorses the execution of all necessary documentation in the purchase of Lot 8 and part Lot 10 in DP 820055 under the Common Seal of Council; and
2. The land be classified as operational under the Local Government Act, 1993 following settlement.

## Reports from Director Engineering Services

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### REPORT:

At a meeting held on 18 December, 2003 it was resolved by Council at Item 17 to finalise the purchase of Lot 8 and part of Lot 10 in DP 820055.

To pursue the purchase all relevant documentation will need to be executed by Council under its Common Seal and it is necessary that a resolution be made in this regard.

It is also necessary to resolve to classify the land as operational following settlement.

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## Reports from Director Engineering Services

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**22. ORIGIN:** Design Unit

**FILE REF:** GS4/96/135 Pt21

**REPORT TITLE:**

**Transfer of Lots 83, 84 and 85 in DP 1027531 and Lot 82 in DP 1031933 being Pump Station Lots Pursuant to Development Consent - Casuarina Beach, Kingscliff**

**SUMMARY OF REPORT:**

Following the registration of DP 1027531 and DP 1031933, and pursuant to Development Consent S96/135, the solicitor for the developer of Casuarina Beach has provided a Transfer document to enable the transfer of the lots created in these plans for pump stations to Council.

**RECOMMENDATION:**

That:-

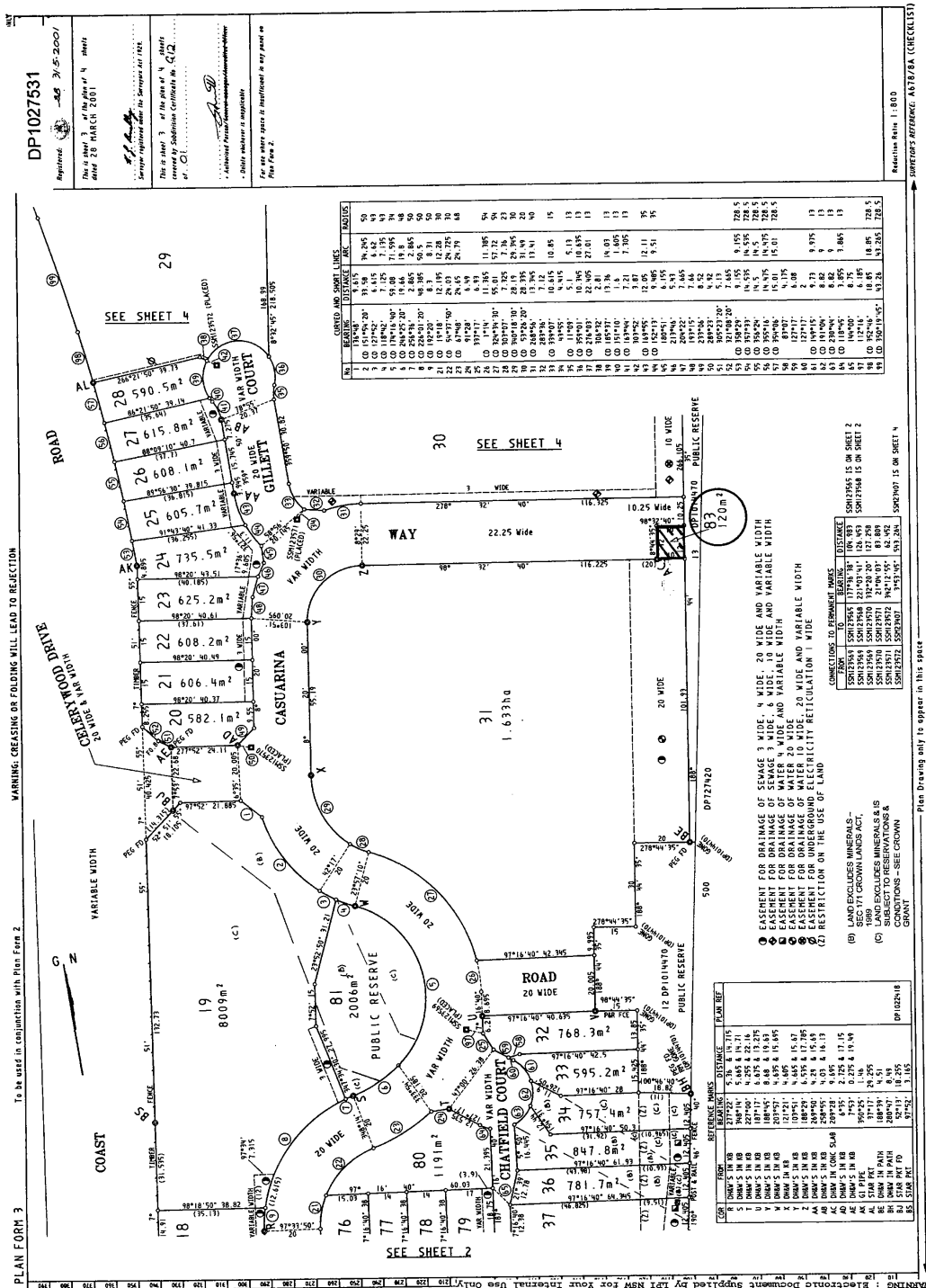
1. Council consents to the transfer of Lots 83, 84 & 85 in DP 1027531 and Lot 82 in DP 1031933 to Council by registration of a Transfer;
2. The lots be classified as operational under the Local Government Act, 1993; and
3. Council endorses all necessary documentation under the Common Seal of Council.

# Reports from Director Engineering Services

## REPORT:

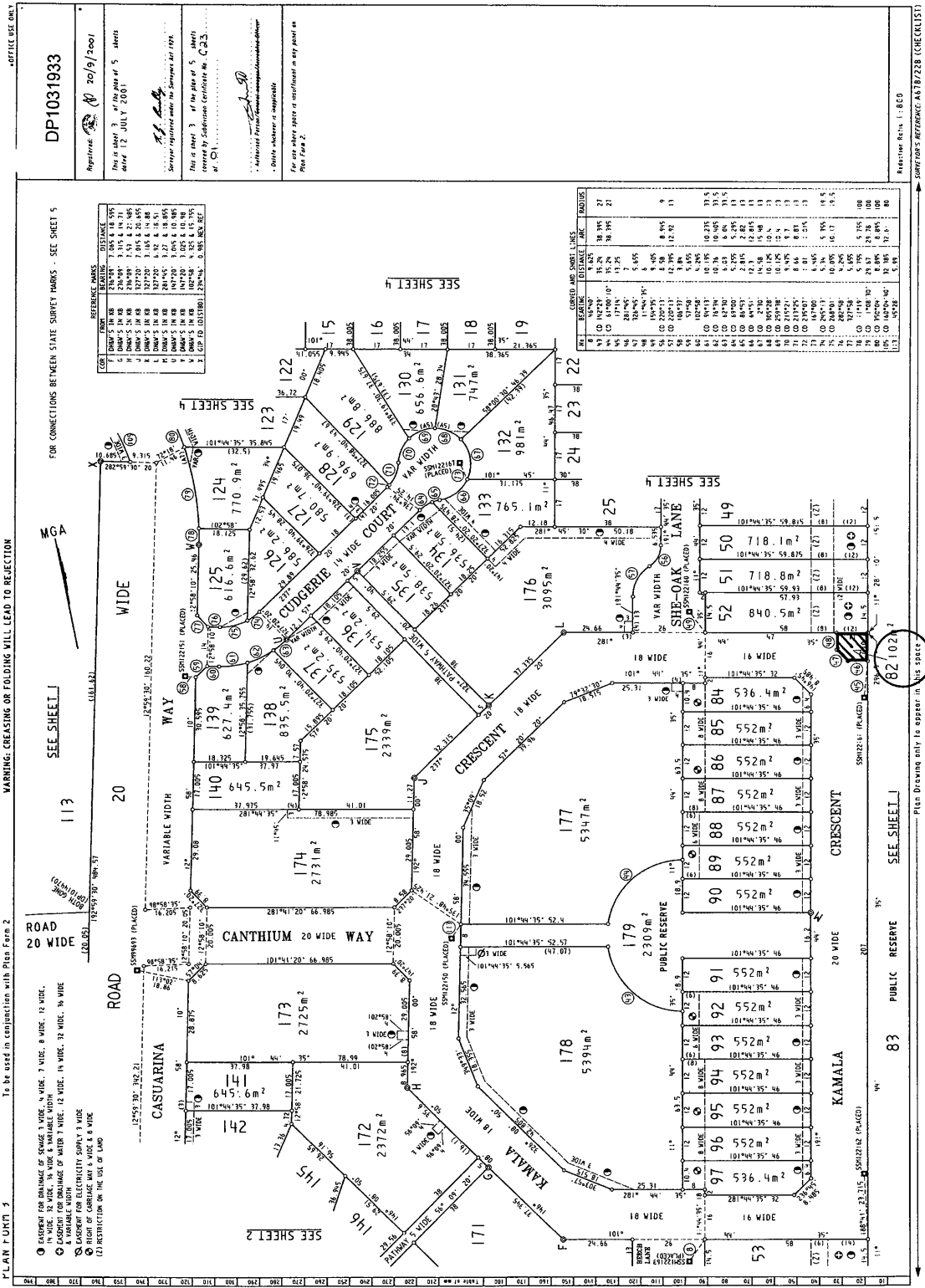
Following the registration of DP 1027531 and DP 1031933, and pursuant to Development Consent S96/135, the solicitor for the developer of Casuarina Beach has provided a Transfer document to enable the transfer of the lots created in these plans for pump stations to Council.

Copies of the relevant pages of these Deposited Plans follow showing the location of the pump stations:-





# Reports from Director Engineering Services



## Reports from Director Engineering Services

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**23. ORIGIN:** Director

**FILE REF:** Water Management - Policy - Pricing, Sewerage Management - General

**REPORT TITLE:**

**Water Supply and Sewerage Performance Report**

**SUMMARY OF REPORT:**

Tweed Shire Council reports annually at a state and national level on its water supply and sewerage performance. Comparison reports against specific criteria are subsequently issued.

These reports have again been consolidated into a single Water Supply and Sewerage Performance Monitoring Report 2000/2001 for Tweed Shire Council.

**RECOMMENDATION:**

That Council:-

1. Notes the Water Supply and Sewerage Performance Report for 2000/2001.
2. Places copies of the report in the Murwillumbah and Tweed Heads Civic Centres and advises of such in the Tweed Link.

## Reports from Director Engineering Services

### REPORT:

As Council would be aware, Tweed Shire Council reports on a wide range of operating criteria on an annual basis to the Minister for Land & Water Conservation. In response to the data provided Council receives performance comparison reports against all NSW operators. As Council has more than 10,000 connections its results are also included in the monitoring report for the Australian Non-Major Urban Water Utilities.

For the benefit of reporting to Council and the community these reports have again been consolidated in the Water Supply & Sewerage Performance Monitoring Report 2000/2001. A copy of the report has been provided separately to Councillors. This report recommends that copies of the report be made available at both Civic Centres. A full report of the 2000/2001 NSW Water Supply and Sewerage Performance Comparisons report is available from the Director Engineering Services.

Of particular interest is Council's comparison with the major authorities. The major authorities are those with connections of 50,000 assessments. They include all of the metropolitan authorities and Gold Coast City Council. The table below details Council's performance against the major authority average for the key criteria.

### TWEED'S PERFORMANCE COMPARISON WITH MAJOR AUTHORITIES

CRITERIA	TWEED	MAJOR AUTHORITY AVERAGE
Average Residential Consumption (kL/property)	220	280
Unaccounted for Water (%)	6	11
Economic Real Rate of Return	3.4	4
Water Quality Complaints (per 1,000 properties)	2.4	2
Water Customer Interruption Frequency (per 1,000 properties)	1.5	82
Water Average Customer Outage Time/Property (minutes)	0.5	6.8
Water – Number of Breaks (per 100km main)	6	17
Water Operating Costs (\$/property)	190	225
Wastewater Economic Real Rate of Return (%)	5.5	2.1
Wastewater Average customer Outage Time (minutes per property)	25	14
Sewage Overflows (per 100km main)	1.1	9
Wastewater Operating Cost (\$/property)	220	210
Business Performance – Debt to Equity	0.04	.33
Average Water Bill for Residential Customers (\$/property)	236	325
Average Wastewater Bill for Residential customers (\$/property)	405	350

There are 69 non-major utilities. On any assessment Tweed Shire Council continues to perform strongly.



## Reports from Director Engineering Services

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**24. ORIGIN:** Design Unit

**FILE REF:** GS4/95/5 Pt16

**REPORT TITLE:**

**Boundary Adjustment with Council Owned Land at Flame Tree Park to Rectify Boundary Encroachment**

**SUMMARY OF REPORT:**

When Lots 240 and 243 to 246 inclusive were created in DP 1015373, the common boundary of these Lots to the adjacent drainage reserve, Lot 236 was incorrect. These Lots share a common boundary with the drainage reserve where a crib wall has been constructed. The wall encroaches marginally onto the drainage reserve and to rectify the encroachment a plan of subdivision has been drawn whereby the boundary is to be moved fractionally, between 9cms and 20 cms into the drainage reserve..

DP 1015373 forms part of the Flame Tree Park estate and the drainage reserve forms part of the Western Drainage Scheme at Banora Point. The developers, Metricon Qld Pty Ltd and Lanlex No. 49 Pty Ltd have prepared the necessary plan to rectify the encroachment.

It is necessary for Council to execute the plan, requiring the common seal to be affixed, to enable the plan to be registered.

**RECOMMENDATION:**

That Council:-

1. Consents to the boundary adjustment between Lots 240, 243 to 246 inclusive and the Drainage Reserve comprised in Lot 236 by registration of a subdivision plan; and
2. Executes and endorses all necessary documentation under the Common Seal of Council.

## Reports from Director Engineering Services

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### REPORT:

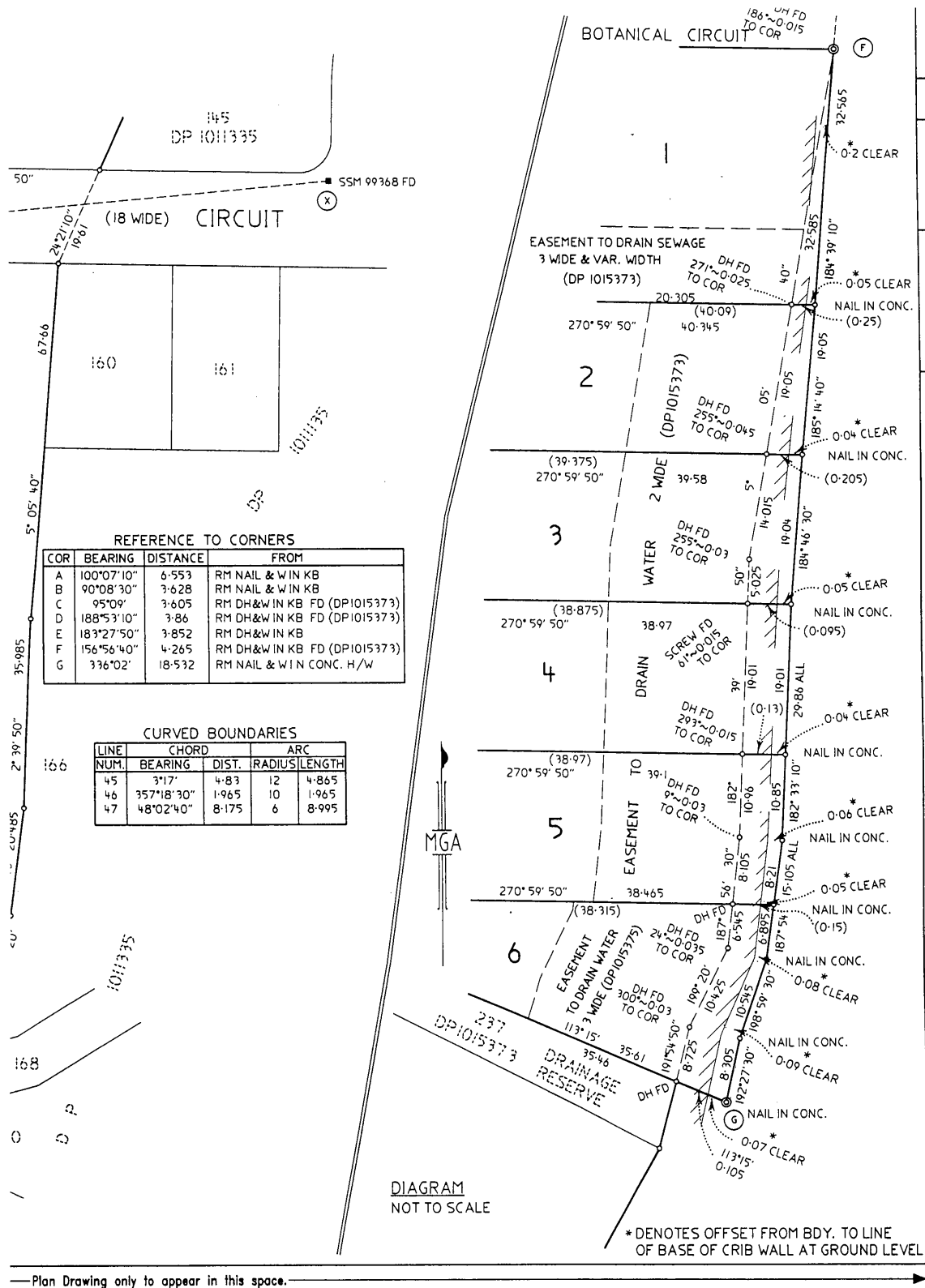
When Lots 240 and 243 to 246 inclusive were created in DP 1015373, the common boundary of these Lots to the adjacent drainage reserve, Lot 236 was incorrect. These Lots share a common boundary with the drainage reserve where a crib wall has been constructed. The wall encroaches marginally onto the drainage reserve and to rectify the encroachment a plan of subdivision has been drawn whereby the boundary is to be moved fractionally, between 9cms and 20 cms into the drainage reserve.

DP 1015373 forms part of the Flame Tree Park estate and the drainage reserve forms part of the Western Drainage Scheme at Banora Point. The developers, Metricon Qld Pty Ltd and Lanlex No. 49 Pty Ltd have prepared the necessary plan to rectify the encroachment.

It is necessary for Council to execute the plan, requiring the common seal to be affixed, to enable the plan to be registered.

A copy of part of the plan follows showing the correction to the boundaries marked with an \* and distance:-

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**25. ORIGIN:** Planning & Infrastructure Unit

**FILE REF:** GT1/S94/4

**REPORT TITLE:**

**Tweed Road Contribution Plan, Arterial Network Revision 2002 Amendment**

**SUMMARY OF REPORT:**

Draft Version 4.6 of the Tweed Road Contribution Plan No 4 contains amendments to add improvements to the intersection at Minjungbal Drive/Machinery Drive and Leisure Drive upgrades to the works programme. No changes are proposed to sector contributions. The draft plan has been exhibited and no submissions have been received. It is proposed to adopt the plan as exhibited.

**RECOMMENDATION:**

That Council, in accordance with clause 31 of the Environmental Planning and Assessment Regulation 2000, approves the draft Tweed Road Contributions Plan, being Contributions Plan No 4 – Version 4.6, in the form it was publicly exhibited.

# Reports from Director Engineering Services

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## REPORT:

### 1. BACKGROUND

The current version of Tweed Road Contribution Plan No 4 - *Version 4.5* (TRCP) was adopted by Council to include trip generation rates for Tourist Resort Development. It was adopted by Council on 16-10-02 taking effect on 13-11-02.

There are now a number of additional works that are required to optimise the Tweed Shire arterial road network. Draft Version 4.6 has been prepared to incorporate these additional roadworks items into the works schedule.

### 2. ARTERIAL ROAD NETWORK, PROPOSED ADDITIONAL ROADWORKS

#### 2.1 MACHINERY DRIVE/MINJUNGBAL DRIVE INTERSECTION

This intersection has become one of the major bottlenecks in the South Tweed area and Council has resolved to upgrade the intersection.

This intersection is a key element of the arterial road network and would be an appropriate inclusion into the TRCP works schedule.

Estimated Cost: \$323,000

#### 2.2 LEISURE DRIVE

Council has resolved to proceed with limited upgrading of Leisure/Darlington Drive. The proposed inclusions into the TRCP are:

- (a) Upgrade Darlington Drive from Tweed Heads Bypass to Leisure Drive

Estimated Cost: \$495,000

- (b) Upgrade Leisure Drive from Darlington Drive to about 200m past Winders Place

Estimated Cost \$510,000

- (c) Upgrade Leisure Drive from Fraser Drive to Eucalyptus Drive

Estimated Cost \$600,000

### 3. IMPACT OF ADDITIONAL WORKS ON TRCP FINANCES

The Minjungbal Drive/Machinery Drive intersection, and Leisure Drive upgrades will add \$1,928,000 to the works programme. These works will be funded from the general (sectors 1 –13) pool of funds. It is not proposed at this stage to raise contribution rates to meet this additional expenditure, as the deletion of the Lakes Drive Bridge and uncertainty regarding the Kirkwood Road interchange make it difficult to estimate the net impact on TRCP finances.

It is considered that this issue should be kept under constant review and when there is more certainty regarding the final configuration of the arterial road network, the TRCP model should be rerun to establish revised sector contributions, and the TRCP be amended accordingly.

### 4. DRAFT VERSION 4.6 AMENDMENTS TO SECTION 94 CONTRIBUTION PLAN NO. 4 - TWEED ROAD CONTRIBUTION PLAN

The following amendments are proposed for Draft Version 4.6 of the above plan:-

- (a) Amend Section 5.1 "Works" by inserting the following paragraph at the end of existing text

## Reports from Director Engineering Services

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“Version 4.6 of this plan amends Table 5.1(b) “Works Schedule” and Schedule 6 “TRDS Project Costings” by adding additional items 139 and 140:-

*“139 Minjungbal Drive / Machinery Drive Intersection, Total Cost \$323,000*

*140 Leisure Drive Upgrades*

*(a) Upgrade Darlington Drive from Tweed Heads Bypass to Leisure Drive*

*Total Cost: \$495,000*

*(b) Upgrade Leisure Drive from Darlington Drive to about 200m past Winders Place*

*Total Cost \$510,000*

*(c) Upgrade Leisure Drive from Fraser Drive to Eucalyptus Drive*

*Total Cost \$600,000”*

*(b) Amend “CONTRIBUTION PLAN No 4 VERSIONS/EDITIONS” by adding*

*“Draft Version 4.6 amends the works programme by the addition of road intersection works at Minjungbal Drive/Machinery Drive and Leisure Drive upgrades.”*

### **5. PUBLIC EXHIBITION**

The draft contribution plan was placed on public exhibition from 17 December 2002 for a period of 28 days. No submissions have been received.

### **6. IMPLEMENTATION**

Adoption of this plan will provide the finances to enable the timely implementation of intersection works at Minjungbal Drive/Machinery Drive and limited upgrading of selected sections of Leisure Drive.

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# Reports from Director Environment & Community Services

**26. ORIGIN:** Building Services Unit

**FILE REF:** Building - General

**REPORT TITLE:**

**Policy - Low Light Reflective Building Materials**

**SUMMARY OF REPORT:**

On 19 December 2001 Council resolved:-

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

A long historical background exists relating to this subject and involving fundamental conflicts of purpose.

This report identifies the issues and options available.

**RECOMMENDATION:**

That Council:-

1. Continues its current approach by assessing requests and applications on their respective merits, having regard to the impacts on surrounding residents and the scenic quality of the area, and applying conditions considered appropriate to control colours and reflectivity of building materials.
2. Prepares a Development Control Plan to address the issues raised in this report relating to reflectivity of building materials.

## Reports from Director Environment & Community Services

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### REPORT:

Council, at its meeting held 19 December 2001 resolved:-

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

### BACKGROUND:

A long history is documented on Council's files, of complaints being received from persons claiming that their amenity has been reduced as a result of buildings being constructed in locations which they overlook, utilising light coloured and/or highly reflective wall and roof surfaces, which cause visual discomfort through glare and reflectivity.

Council has previously considered the following report submitted to Council Meeting held 21 July 1993, however the recommendation was not adopted at that time:-

24. ORIGIN: Building Services Unit  
FILE NO: GB2/1 Pt 8  
PROGRAM/FUNCTION: Building  
POLICY: Nil  
SUBJECT NO: 512

### REPORT TITLE:

**Building Materials of a Reflective Nature**

### SUMMARY OF REPORT:

Enquires and complaints have identified the need to address the question of the use of reflective roof and wall building materials and to control and restrict their use.

### RECOMMENDATION:

That the following conditions be applied to those building applications where it is considered necessary, to control and restrict the use of certain reflective building materials;

*"External roof and wall materials are to have low light reflectivity characteristics and be in earth-tone colours integrated to complement the amenity of the area and not be prominent against the background.*

*Galvanised metal and white roofs and walls are generally not acceptable, and specific Council approval must be obtained if these light-coloured materials are proposed for use."*

and a formal policy be developed to give effect to this matter.

## Reports from Director Environment & Community Services

### REPORT:

A growing number of enquires submissions and complaints are being received by Council from residents in regard to alleged damage being caused to the visual environment by white or unpainted galvanised iron structures being erected within the Shire. The greater proportion of enquires relate to structures within the rural areas, particularly the Uki valley area where one claim states that "*the damage has now become a despoiling factor in the once beautiful valley.*"

A lesser, but significant number of objections are received from persons after receiving advice of building applications under the notification procedures carried out in discharge of Council's duties under the provisions of the Local Government Act. In all instances the objections relate to the use of unpainted galvanised iron, or white or light coloured roof and wall surfaces which cause glare and reflection to those affected, or detract from the visual environment.

Approaches to building applicants proposing to use such reflective materials and requesting the use of less reflective materials are often countered by the applicants' assertion that the use of darker, less reflective materials will result in their building being less energy efficient, due to the increased heat build-up caused through absorption of sunlight and the associated increased operational costs involved in cooling the building. Such assertions are well founded as it is a fact that the colour of materials has a profound effect on heat absorbed by the material concerned.

A compromise can be found by the use of lighter colours and tones in conjunction with the use of insulating materials.

Enquiry to other councils in the area has revealed that several councils have already addressed the problem and have restrictions in force.

Byron Shire Council's Development Control Plan requires that "*no roof should have a highly reflective surface; and metal roof should have a colourbond or equivalent finish in a colour approved by Council*" and a standard building approval condition is imposed as follows:

*"Roof Wall Cladding: External roof and wall cladding to be non-reflective and in earth-tone colours, suitably integrated to compliment the amenity of the area. Suitable colours include browns, greens, dark beige, gold tones and autumn reds. Approval by Council is required for the use of any other colours including white and grey tones."*

Ballina Shire Council's Development Control Plan states that within a zone 7(d) or 7(i):

*"The council shall not grant consent to the erection of a building on land to which this clause applies unless it has made an assessment as to whether it should impose conditions relating to:*

- (a) the height and location of the building; and*
- (b) the colour of materials, so as to ensure that the building blends with the surrounding landscape and other development and preserves or enhances the scenic quality of the land."*

## Reports from Director Environment & Community Services

7(d) being Environmental Protection (scenic/escarpment) and 7(i) being Environmental Protection (urban buffer).

A standard condition is imposed as follows:

*"SCENIC QUALITY*

1. *A schedule of all building materials and finishes being submitted to and approved by Council's Chief Town Planner and Chief Health and Building Surveyor.*
2. *The roof material shall have a low reflective index characteristic and the colour shall not be prominent against the background. Note: Galvanised metal roofs and roofs coloured white or blue are not acceptable."*

The Tweed Local Environmental Plan 1987 provides for the following control in zone 7(d) "Scenic/Escarpment":

*"36 (3) The Council shall not consent to the erection of a building on land to which this clause applies unless it has made an assessment as to whether it should impose conditions relating to:*

- (a) the height and location of the building; and*
- (b) the colour of materials;*

*so as to ensure that the building will blend with the surrounding landscape and other development and will preserve or enhance the scenic quality of the land and surrounding land."*

Any applications for dwellings etc in the 7(d) zone are the subject of a development application and these issues are addressed at that stage. The problem exists however in regard to other zonings where in many cases the only application necessary is a building application, and at present Council has no formal policy in regard to colour of building materials.

Valid arguments exist for both the protection of the visual environment by the prohibition of galvanised or light coloured materials; and for the increased energy efficiencies which can be derived from the use of light coloured reflective materials.

Individual site characteristics can also be an important factor and in certain instances it may be possible to use reflective materials on particular sites which are protected or isolated and do not result in any adverse impacts when viewed from other properties.

Taking account of all of the issues, it is considered that Council should apply a building condition to building approvals where considered necessary which, controls the use of materials as follows:

*"External roof and wall materials are to have low light reflectivity characteristics and be in earth-tone colours, integrated to compliment the amenity of the area and not be prominent against the*

## Reports from Director Environment & Community Services

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*background. Galvanised material and white roofs and walls are generally not acceptable and specific Council approval must be obtained if light coloured materials are proposed for use."*

By requiring specific Council approval for galvanised or white coloured materials, the applicant is afforded the opportunity to demonstrate any special circumstances which should be taken account of in determining the matter, and a decision can then be made on the individual case merits.

**“PROPOSED** that the following conditions be applied to those building applications where it is considered necessary, to control and restrict the use of certain reflective building materials;

*“External roof and wall materials are to have low light reflectivity characteristics and be in earth-tone colours integrated to complement the amenity of the area and not be prominent against the background.*

*Galvanised metal and white roofs and walls are generally not acceptable, and specific Council approval must be obtained if these light-coloured materials are proposed for use.”*

*and a formal policy be developed to give effect to this matter and that the ARIA and other relevant organisations be consulted during the policy formulation process.”*

A further report was submitted to Council Meeting held 1 December 1993:-

7. **ORIGIN:** Director

**FILE NO:** GB2/1 Pt 8

**SUBJECT NO:** 512

**PROGRAM/FUNCTION:** Building Control/Development Control

**POLICY:** Nil

**REPORT TITLE:**

**Building Materials**

**SUMMARY OF REPORT:**

At the Council meeting on 21 July 1993 a motion to develop a policy on the use of reflective materials in buildings was lost. Council does however still need to consider the issue individually in relation to Building and Development Applications.

**RECOMMENDATION:**

That this report be received and noted.

# Reports from Director Environment & Community Services

**REPORT:**

Council will recollect that the following report was submitted to Council on 21 July 1993 and the Council's action was as detailed.

"1079  
 Cr Wilson  
 Cr Nowland

24. *Building Materials of a Reflective Nature* *GB2/1 Pt 8 512*

*PROPOSED that the following conditions be applied to those building applications where it is considered necessary, to control and restrict the use of certain reflective building materials;*

*"External roof and wall materials are to have low light reflectivity characteristics and be in earth-tone colours integrated to complement the amenity of the area and not be prominent against the background.*

*Galvanised metal and white roofs and walls are generally not acceptable, and specific Council approval must be obtained if these light-coloured materials are proposed for use."*

*and a formal policy be developed to give effect to this matter and that the ARIA and other relevant organisations be consulted during the policy formulation process.*

***Voting For***

- Cr Boyd*
- Cr Cooper*
- Cr Graham*
- Cr Nowland*
- Cr Wilson*

***Voting Against***

- Cr Beck*
- Cr Buchanan*
- Cr Gittoes*
- Cr Polglase*
- Cr Smith*

*' The Motion was Lost on the casting vote of the Mayor. "*

There has been some discussion at Council meetings since that time that reference should not be made to materials to be used in recommendations for Council approval because of the impact of the previous decision.

It is taken from the defeat of the motion to develop a policy for requiring non reflective materials that Council did not wish to have such a policy.

The decision cannot, however be taken to override Council's necessity to take into consideration when dealing with building applications the type of material to be used, the impact of those materials on the visual environment and any submission which may be made by "affected persons" in relation to the application.

Regulation 12(1) of the Local Government (approvals) Regulations 1993 requires:-

## Reports from Director Environment & Community Services

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*"In determining an application for approval to erect a building the Council must take the following matters into consideration:*

*(c) design, materials, stability building line and height."*

Section 90 (e) of the Environmental Planning and Assessment Act also requires that Council take into consideration "the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of that development" when dealing with a development application.

Also under Council's Local Environmental Plan Clause 36(3) relates to colour of materials in 7(d) Environmental Protection (Scenic/Escarpment) zones and states:-

*"(3) The Council shall not consent to the erection of a building on land to which this clause applies unless it has made an assessment as to whether it should impose conditions relating to:*

*(a) the height and location of the building; and*

*(b) the colour of materials,*

*so as to ensure that the building will blend with the surrounding landscape and other development and will preserve or enhance the scenic quality of the land and surrounding land."*

It can be seen from the above that although Council resolved not to adopt a policy on the use of reflective materials in buildings, Council is nonetheless required to take the matter into consideration in the individual case when dealing with applications.

It is upon this basis that some development and building approvals are conditional upon reflective materials not being used.

This report was subsequently received and noted by Council.

Since that time, Council has assessed applications submitted on their respective merits and where considered appropriate, has applied conditions to Approvals and consents to the effect that roof and wall cladding is to have low reflectivity where they would otherwise cause nuisance to the Occupants of buildings with direct line of sight to the proposed building. In some other cases Council has required roof and wall cladding to be finished in medium to darker earth tone colours having low reflectivity characteristics.

The hailstorm event in Kingscliff in January 2002 re-focused attention on this issue from the perspective of existing building roof replacements.

Because of the relatively minor nature of the re-roofing works carried out, basically involving the replacement of older damaged roof sheeting with new materials, no Council application or consent was deemed to be necessary where damaged roofing materials were being replaced with similar materials of similar weight characteristics.

This action resulted in many enquiries and complaints being received by Council from persons claiming to be detrimentally affected by glare and reflectivity from roof replacements on adjoining and adjacent properties, where new replacement materials were light coloured, particularly white or zinalume.

## Reports from Director Environment & Community Services

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The Kingscliff Ratepayers and Progress Association at that time advised that they had resolved to write to Council and state their support for the Policy of non-reflective roofing to reduce the neighbourhood glare of sunlight.

At the same time a number of enquiries were received from persons wanting to replace their darker roof sheeting using a white or light coloured material to benefit from reduced heat build-up in the roof resulting from light coloured materials, because of the lighter coloured materials greater reflectivity and reduced absorption and transfer of heat.

Zincalume materials should probably be considered separately because of their variable reflectivity characteristics which alter with age.

When first installed, new zincalume finishes are mirror-like and highly reflective and are often the subject of complaints. Then, over a relatively short period of time (say twelve months) the surfaces oxidise and take on a duller, darker and more matt appearance which is far less reflective than white or very light coloured finishes.

In addition, claims exist that zincalume materials have a longer life expectancy than similar painted materials.

### ISSUES

Two diametrically opposed objectives exist. The objective of reducing or removing a complaint source to neighbours due to glare or reflectivity from wall and roof surfaces is achieved by ensuring all such surfaces are dark coloured and matt finished.

The objective of reducing heat build-up in buildings and pursuing energy efficiency initiatives is achieved by ensuring all such surfaces are very light coloured and highly reflective.

As well as colour and reflectivity, other issues are involved including building siting, orientation, inclination of surfaces, geographic location relating to ridgelines and valleys, colour compatibility with surrounds, etc. All of these issues should be addressed to ensure that scenic qualities of all areas are conserved and enhanced.

Materials other than sheeting also need to be considered to have regard to tiled roof materials of glazed terra cotta and light coloured and white concrete tiles. Mirror glass walls are also an issue.

It is considered that zincalume materials should not be prohibited as they are architecturally favoured, popular, provide for building diversity and are considered historically important.

All levels of Government are currently pursuing and promoting energy efficiency initiatives in an effort to conserve and make best use of available resources, and provisions relating to Energy Efficiency in buildings are soon to be included in the Building Code of Australia.

It is considered necessary that Council identify its preferences in regard to this question, to enable enquiries to be responded to in a consistent manner.

### OPTIONS

Various options exist including:-

1. Council continues its current approach by assessing requests and applications on their respective merits, having regard to the impacts on surrounding residents and the scenic quality of the area, and applying conditions considered appropriate to control colours and reflectivity of building materials.



## Reports from Director Environment & Community Services

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2. Council prepares a Development Control Plan to control the colour and reflectivity of building materials on their respective merits, having regard to the issues raised in this report.
3. Council prohibits, by adopting an appropriate Development Control Plan and applying appropriate conditions contained in Development consents, the use of white, light coloured, highly reflective materials for external roof and wall surfaces because of their adverse affect on surrounding neighbours due to glare and reflectivity, and requires all such materials to be of darker earth colours and tones, and include requirements for the installation of insulation to respond to energy-efficiency objectives.
4. Council permits, without restriction, the use of white, light coloured highly reflective materials for external roof and wall surfaces because of their positive energy efficiency benefits; and acknowledges that the amenity of surrounding neighbours may be adversely affected due to glare and reflectivity from such materials.

### CONCLUSIONS:

Option 1 maintains the status quo and is considered the easiest to administer.

Option 2 would require the articulation of all of the relevant considerations when determining a development application including reflective materials..

Option 3 would certainly avoid the worst examples of glare but it would also greatly restrict Councillors discretion to approve light coloured materials on their individual merit.

Option 4 would heavily impact on certain affected neighbours and compromise the scenic qualities of the shire.

Whatever the approach taken, Council's policy should be formally set out so that the community and developers have a clear statement of Council's intent, and can prepare appropriate material when preparing a development application or submission. A Development Control Plan is the most appropriate policy format as it is also required to go through a community consultation process, and it is considered that a Development Control Plan should be developed in the future to address this issue.

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**27. ORIGIN:** Building Services Unit

**FILE REF:** Building - General

**REPORT TITLE:**

**Complying Development Applications - Forms Required**

**SUMMARY OF REPORT:**

Orders of the Day of 19 June 2002 resolved that staff investigate rationalising the number of application forms necessary for Complying Development Applications and other Applications.

This Report identifies the issues involved and reviews some options and concludes that the preferred option is to retain the current arrangement.

**RECOMMENDATION:**

That Council retains the current arrangement involving the completion by the Applicant of the various forms relating to the various applications, which comprise the total Complying Development Certificate Application process.

## Reports from Director Environment & Community Services

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### REPORT:

#### BACKGROUND

Orders of the Day from the Council meeting of 19 June 2002 resolved that Council requests staff to:

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

#### CURRENT ARRANGEMENTS

Council is advised that under the current arrangement, a person making an Application to Council for a Complying Development Certificate to construct a typical house, may be obliged to complete and lodge the following application forms:

1. Application for Complying Development Certificate, which also includes a checklist to ensure application is appropriate and complete.
2. Application for Sewer Connection or an Application to Install a Waste Treatment Device as the case may be. If a Waste Treatment Device is proposed, then an additional Application to Operate a Sewage Management Facility is required.
3. Application for Water Service Connection.
4. Application for Approval of Stormwater Drainage works.
5. Driveway Access to Property Application.
6. Application for Permit to do Plumbing/Drainage work. (See Note A)
7. Building and Construction Industry Long Service Levy Payment Schedule. (See Note B)

**Note A:** This Application for Permit to do Plumbing/Drainage work is actually the responsibility of the plumber to submit as work progresses, however Council has in the past encouraged applicants to lodge this application concurrently with the Complying Development Certificate Application to avoid delays and inconvenience to the applicants as work progresses.

**Note B:** This levy payment is a State Government requirement and Council provides this payment facility as a service to the public.

#### OBSERVATIONS

From the above, it can be seen that each of the application forms relates to a separate and different function and some of which are administered by different units within Council.

Of the above seven functions, functions 1, 2 and 6 are administered by the Environment & Community Services Division's Building Services Unit and Environment and Health Unit, functions 3, 4 and 6 are administered by the Engineering Services Division's Water and Planning and Infrastructure Units, while function 7 is administered by the Corporate Services Division's Financial and Information Services Unit acting in its capacity as Agent for the Building and Construction Industry Long Service Payments Corporation. This is not a Council form as such, and the details contained in this form are prescribed by the Long Service Levy Corporation.

## Reports from Director Environment & Community Services

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After lodgement with Council by the applicant, the application forms are then distributed to the various units responsible for assessment and determination, as each application relates to a different aspect or process involved in the overall application.

Function 7 basically involves Council acting as a collection agency for the Corporation as a convenience to the public by enabling the public to pay this levy directly through Council in conjunction with the lodgement of their application.

### COMMENT

The requirement for the multitude of application forms stems from the fact that Council is a multi-function authority administering functions ranging from assessing Development, Construction Certificate and Complying Development Certificate Applications to being the water and sewer supply authority controlling connection and supervision of works associated with such activities.

In many other local government areas, especially those within the jurisdiction of Drainage Boards such as the Metropolitan Water, Sewerage and Drainage Board, a number (up to four) of these functions are controlled and regulated by the Drainage Board, with only functions 1 and 5 (and perhaps function 7) being administered by Council.

In such Drainage Board areas, the relevant authorities would require various application forms for the various functions.

### REVIEW OF CURRENT PROCESS

A review of the current process has been carried out and it has been established that all of the current functions involving submission of an application form for Complying Development and other similar applications (such as Development and Construction Certificate Applications) are necessary and need to be maintained to properly assess and control these functions.

### OPTIONS

Several options exist with various benefits and drawbacks as follows:

#### Option 1

Retain the current arrangement which involves the completion by the applicant of a number of forms relating to the various processes and functions which are carried out by different Council Operational Units.

It is acknowledged that this is somewhat time consuming and frustrating for the applicant completing the forms.

#### Option 2

Develop an application form format which comprises of a common cover sheet containing all of the core material necessary for inclusion in each of the applications concerned.

This common cover sheet would then be completed by the applicant, photocopied as many times as necessary by the Council employee receiving the application and a copy attached to each other individual application deemed necessary and then distributed to the various work units responsible.

This process will certainly reduce the applicant's time involved in completing many application forms involving repeating core information, however it will have the disadvantage of consuming more of the receiving officers time in copying and assembling applications. This could at best

## Reports from Director Environment & Community Services

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result in delays for other customers at the Counter, or at worst, the need to provide additional staff resource to respond.

In addition, this arrangement would invariably involve the core information sheet being quite long and detailed to accommodate all core material necessary for all application types. Separate information in a separate section of what will need to be a detailed and comprehensive application form will need to be completed for each type of application being submitted.

These sections will need to be separated and re-collated with the cover sheet to form several new "separate" forms.

This process also may have the potential for parts of the applications to be mislaid as it increases the chances of human error.

### CONCLUSION

In considering all of the issues involved it is concluded that for the time being the preferred option is to retain the current arrangement, as the advantages to the public of implementing Option 2 are not considered sufficient to outweigh the disadvantages resulting to Council's staff and the assessment process in general and may well add to customers frustration in the event that longer delays are involved.

In the longer term, it is proposed to comprehensively review the current application form regime, with the objective of combining various application forms where possible and practicable so that one application form serves the needs of similar types of application eg. water supply, sewerage connection, etc.

The production of the single cover sheet application form containing all necessary core information will continue to be investigated with the objective of at least reducing the duplication of core information in all of the individual application forms required.

This may be more appropriate and responsive to needs in the future for e-lodgement of applications.

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## Reports from Director Environment & Community Services

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

**FILE REF:** Public Toilets

**REPORT TITLE:**

**Public Toilet Facilities - Stokers Siding**

**SUMMARY OF REPORT:**

Council has received a number of requests for the provision of a public toilet facility within the Village of Stokers Siding. Further requests include an overall Village Plan for Stokers Siding.

The current Public Toilets Program does not include the provision of a public toilet within Stokers Siding and investigations are needed to address the matter.

**RECOMMENDATION:**

That Council refers the request to Tweed Economic Development Corporation for consideration as part of the Village Development Program.

## Reports from Director Environment & Community Services

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### REPORT:

Julie Rainow, Stokers Siding Pottery, has approached Council to consider the installation of a public toilet facility within the village of Stokers Siding.

To date Ms Rainow has allowed public use of the toilet with Council assisting in the supply of toilet rolls, disinfectant and an occasional pump-out. However the system now appears to be failing and Council's Environment and Health Services Unit Officers have recommended she no longer offer her facilities to the public.

Ms Rainow is concerned the lack of public facilities will detrimentally affect the village tourist trade.

Council is now in receipt of three (3) sets of correspondence:

1. Neville Newell MP has forwarded 3 letters from Stokers Siding businesses; General Store, Garage and Pottery supporting the provision of facilities.
2. Northern NSW Ecotourism Ass – providing support for public facilities, a BBQ area and a bush fire brigade.
3. Letter signed by 5 residents requesting an overall village plan with suggestions.

A number of siting issues need to be addressed in the investigation for the provision of a public toilet facility within the village of Stokers Siding:

- a) Council does not own any land within the village area however possible siting may be available with consent from the State Rail Authority.
- b) Environmental and public health constraints will limit available options for on-site sewage treatment and disposal.
- c) The village is not supplied with reticulated water.
- d) The possible need for an overall main street plan for the village.

No funds have been allocated within Council's Public Toilets Program for the planning and provision of any such facility within Stokers Siding.

It is therefore recommended that Council refers this matter to Tweed Economic Development Corporation for the Village Development Program.

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# Reports from Committees/Working Groups

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## 1. Minutes of the Local Traffic Committee Meeting held Thursday 12 December 2002

**Traffic Committee**

**VENUE:**

Peter Border Room

**TIME:**

Commencing at 9.00am.

**PRESENT:**

**Committee Members:** Cr George Davidson; Tweed Shire Council; Liz Warren and Lance Vickery, Roads and Traffic Authority; Sgt Bill Darnell and Snr Constable Steve Henderson, NSW Police; Mr Neville Newell, MP, Member for Tweed.

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

**APOLOGIES:**

Mike Baldwin (RTA), Mr Don Page MP, Member for Ballina.

**MINUTES OF PREVIOUS MEETING:**

**RESOLVED** that the Minutes of the Local Traffic Committee Meeting held Thursday 21 November 2002 were tabled at the meeting and accepted by the Committee as a true and accurate record of the proceedings.

**BUSINESS ARISING:**

**GT2/1 Pt3 451**

### 5. Florence and Wharf Streets, Tweed Heads

**R5091 Pt13; R2100 Pt99; DW701977**

Brought forward from the meeting held 21 November 2002 (item 5) and the item is reproduced as follows:-

*“A request has been received for the installation of right turn “red and green” arrows to be placed on the traffic signals at the intersection of Florence and Wharf Streets Tweed Heads. This is for the traffic turning right out of Florence Street (west) into Wharf Street (south) to make it safer for pedestrians crossing at this intersection.*”

## Reports from Committees/Working Groups

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*The RTA Representative advised if the following criteria are met a pedestrian protection installation is unnecessary:-*

- *Crossing is clearly visible*
- *Turning traffic is light*
- *Turns from one lane*
- *Speed of turning traffic is low*

*The RTA representative advised that the above criteria are met and therefore the 'arrows' weren't required, however he will investigate further in terms of turning traffic volumes.*

*For Council's Information."*

The RTA rep advised that the intersection has been observed and that the total time for Florence Street does not get used and the traffic is much lighter than before the Boyd Street lights were put in. No pedestrians were observed at that time and the junction seemed to be performing well.

The Committee noted that as roads got wider there can be problems with pedestrians crossing however at this site there does not appear to be many pedestrians, which can increase problems as drivers are not used to their presence.

### **RECOMMENDATION:**

That no further action be taken at this stage.

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### **9. Sand Street, Kingscliff**

**R4880; DW703653**

Brought forward from the meeting held 21 November 2002 (item 9) reproduced as follows:-

*"A request has been received for a site inspection to be conducted at the corner of Sand and Surf Street, Kingscliff to assess the restricted sight vision.*

*The Committee suggested that a site inspection be arranged to further pursue this matter and report back to the next Committee meeting. Police Representative advised that at least 5 trees need to be removed.*

*For Council's Information."*

### **RECOMMENDATION:**

That extensive trimming of trees to improve sight distance be carried out at the corner of Sand and Surf Street, Kingscliff and that the crew ensures the bottom branches are trimmed to ensure visibility from vehicles is clear.

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## Reports from Committees/Working Groups

### 14. Ourimbah Road, Tweed Heads West

**R3970 Pt2**

This item was discussed at the Local Traffic Committee meeting held 21 August 2002 and is reproduced as follows:-

*“Late item. Application received for B-Double use of Ducat Street. The Committee raised concerns with the use of Minjungbal Drive due to traffic congestion already in existence. Legislation does not allow time restrictions to be placed on approvals and even if an individual operator agreed to certain time restrictions the route approval enables any B-Double operator to utilise it once approved. Whilst the proposed use by the Applicant of only one movement at night other operators could take advantage of the approval which is undesirable due to existing congestion in the area. It is considered that the potential impact on traffic flow along Minjungbal Drive and on Kennedy Drive is unacceptable and that the B-Double route approval is in existence only because these roads were previously the Pacific Highway and the approvals not recorded when the Bypass was completed. The Committee considered that an alternative route may be available through Queensland and suggests the applicant pursue this option.*

*For Council’s information.”*

A further letter has been received and is tabled for further comment at today’s meeting.

The Committee noted that there had been an increase in B-doubles throughout the Shire as well as related accidents.

The Committee did not support the request based on its discussion on the issue at the previous meeting.

For Council’s information.

## GENERAL BUSINESS:

### Part A

#### 1. Mistral Road, Murwillumbah

**R3488 Pt1**

Request received to relocate the 60kph speed zone on Mistral Road. Due to the new access road to the art gallery and the frequency of use it is considered appropriate to relocate the existing 60kph zone signs which are adjacent to the access road a further 200m to the west to ensure motorists have slowed down before getting to the access road intersection.

The RTA representative requested that the whole 60kph zone be redefined from the intersection with Tweed Valley Way.

## Reports from Committees/Working Groups

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### RECOMMENDATION:

That the 60kph signs be relocated as proposed on Mistral Road 200m further west.

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#### 2. Fingal Road, Fingal Head

**R2060 Pt1; DW703650, 709485**

Request received for the installation of a 50kph speed zone on Fingal Road.

Sight distance of the intersection with Wommin Lake Crescent was discussed and decided that sight is adequate and that generally traffic speeds through the area have been reduced facilitating more time to negotiate the intersection.

Decided that once current works on Fingal Road are completed the Committee will reconsider a 50kph zone for the whole length of Fingal Road.

For Council's information.

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#### 3. Dry Dock Road, Tweed Heads South

**R1680 Pt2; DW708734**

Petition request received for reconsideration by the Local Traffic Committee of requested road alterations outside The Palm Village.

The requests are:-

1. Lack of entry lane
2. Realignment of road
3. Provision of a pedestrian crossing
4. Reduction of speed limit
5. Removal of parking bays to a more suitable area

The Committee noted that there is not a history of accidents at this location. It was noted that Dry Dock Road is a collector road and reduction to a 50kph speed limit would not meet Roads and Traffic Authority guidelines.

1. A left turn lane already exists into the easternmost entrance. Residents should be encouraged to use easternmost entrance. Alternatively, as previously advised to the park owners, Council would agree to an additional left hand turn lane at the western entrance provided all costs are met by the owner.
2. There are no geometric inconsistencies that would warrant expenditure of the nature required to meet this request.
3. The RTA of New South Wales warrant specifications for a pedestrian crossing are not met at this location and based on current traffic volumes of 7,227 vehicles per day a minimum of 60 pedestrians over 3 x 1 hour periods would be required to meet these

## Reports from Committees/Working Groups

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warrants. The pedestrian refuge is located in the best location to balance sight distance in both locations.

“Elderly pedestrians” warning signs will be installed.

4. A reduction in the speed limit is not supported due to the function as a trunk collector road.
5. Whilst the perceived concerns about visibility are noted the parking bays are in a suitable area currently.

### RECOMMENDATION:

That:-

1. Council writes to the owner of the Shopping Village and Caravan Park advising of the Committee’s recommendations.
2. ‘Elderly Pedestrians’ advisory signage be erected on the approaches to the Palm Village Caravan Park entrance on Dry Dock Road, Tweed Heads South

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#### 4. **Tweed Valley Way**

**R5495 Pt7 DW704637**

A post-opening safety audit of the project revealed that the 2km length of road was below the 4km minimum length required for the posting of a 110km/hr speed limit.

The Committee decided that the 100km/hr speed limit should remain on Tweed Valley Way due to the merging to one lane for northbound traffic at the Highway interchange.

For Council’s information.

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#### 5. **B-Double Route Kennedy & Minjungbal Drives, Tweed Heads**

**R2830 Pt5; R3454 Pt1; Traffic – Weight of Vehicles**

This route was gazetted by the RTA because these roads were the Pacific Highway until the Bypass was completed.

It is inappropriate for 25m B-doubles to use Kennedy Drive and as 25m B-doubles cannot physically turn into Machinery Drive it is virtually pointless having the route gazetted.

The Chairman requested that the RTA rescind the 25m B-double routes currently on Kennedy Drive and Minjungbal Drive as side roads are inaccessible and as such gives B-Double operators expectations that cannot physically be met.

The Committee decided that the 25m B-Double use of Kennedy Drive and Minjungbal Drive should be rescinded.

## Reports from Committees/Working Groups

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### RECOMMENDATION:

That Council request the Roads and Traffic Authority to rescind the currently gazetted 25m B-Double route on Kennedy Drive between the Motorway and Terranora Terrace and from Terranora Terrace along Minjungbal Drive to the Motorway interchange at South Tweed.

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#### 6. Oaks Avenue Northbound Speed Limit Increase

**R4041 Pt1**

Given that the RTA guidelines do not prohibit split zones Oaks Avenue northbound should be 110kph as it was when it was highway. This would create 8km of 110kph rather than the current 6km.

As discussed at item 4 above the Committee decided that the 100km/hr speed limit should remain on Tweed Valley Way due to the merging to one lane for northbound traffic at the Highway interchange.

For Council's information.

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#### 7. Pacific Highway, Tweed Heads (Tweed Heads Bypass)

**R4035 Pt4**

It has been reported that vehicles are accessing the northbound on-ramp to the motorway from Minjungbal Drive, South Tweed at the bottom of Sextons Hill by driving through the median. Request received for the Local Traffic Committee to assess the situation due to the safety of pedestrians and other road users compromised by the above.

This item has been referred to the RTA for fencing to stop vehicles turning.

For Council's information.

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#### 8. Off Ramp Pacific Highway to South Tweed Heads

**R4035 Pt4**

Sight distance for pedestrians crossing Minjungbal Drive at this site is reduced by shrubs and curvature of the off-ramp. Discussion took place regarding the agreement with the RTA and the Developer of Homemart on the Tweed.

The Committee recommended that the RTA formally advise Council of what that the developer is required to do to improve the off-ramp in line with the conditions of consent for this development.

In the meantime it was decided that the RTA would organise for trimming of the vegetation to assist pedestrians as well as the installation of rumble bars on the inside of the edge line on the northern side.

For Council's information.

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## Reports from Committees/Working Groups

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*Cr Davidson left the meeting at 10:45am*

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### 9. Tweed Valley Way

**R5495 Pt7**

Late item tabled by the Police Representative regarding the turning into BlackWatch. The Police Representative requested that signage be installed prohibiting turning right into BlackWatch.

The Committee noted that the crossover in the median at BlackWatch should be physically closed to prevent right hand turns from Tweed Valley Way, however this access also services cane service roads. The item should be deferred until the next meeting to allow members to inspect on site.

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## Part B

### 4. 1. Wharf Street, Tweed Heads

**DA02/1824 – R5901 Pt 1**

Request received for the Local Traffic Committee's assessment and comment on the development application.

Noted that the DA only contains 150 car parking spaces however DCP 2 requires over 300 which means that the DA should be referred by the Planners to the Regional Traffic Committee.

For Council's information.

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### **NEXT MEETING:**

A schedule of meetings for 2003 was handed out. Decided that January meeting would only be held if items warrant it.

The meeting closed at 11:20am.

<b><i>Director's Comments:</i></b>
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<i>Nil.</i>
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## Reports from Committees/Working Groups

### DIRECTOR'S RECOMMENDATIONS:

#### 5. Florence and Wharf Streets, Tweed Heads

**R5091 Pt13; R2100 Pt99; DW701977**

#### Committee Recommendation:

That no further action be taken at this stage.

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

#### 9. Sand Street, Kingscliff

**R4880; DW703653**

#### Committee Recommendation:

That extensive trimming of trees to improve sight distance be carried out at the corner of Sand and Surf Street, Kingscliff and that the crew ensures the bottom branches are trimmed to ensure visibility from vehicles is clear.

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

#### 1. Mistral Road, Murwillumbah

**R3488 Pt1**

#### Committee Recommendation:

That the 60kph signs be relocated as proposed on Mistral Road 200m further west.

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

#### 3. Dry Dock Road, Tweed Heads South

**R1680 Pt2; DW708734**

#### Committee Recommendation:

That:-

1. Council writes to the owner of the Shopping Village and Caravan Park advising of the Committee's recommendations.
2. 'Elderly Pedestrians' advisory signage be erected on the approaches to the Palm Village Caravan Park entrance on Dry Dock Road, Tweed Heads South

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



## Reports from Committees/Working Groups

**5. B-Double Route Kennedy & Minjungbal Drives, Tweed Heads  
R2830 Pt5; R3454 Pt1; Traffic – Weight of Vehicles**

**Committee Recommendation:**

That Council request the Roads and Traffic Authority to rescind the currently gazetted 25m B-Double route on Kennedy Drive between the Motorway and Terranora Terrace and from Terranora Terrace along Minjungbal Drive to the Motorway interchange at South Tweed.

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

## Reports from Committees/Working Groups

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### 2. Minutes of the Public Transport Working Group Committee Meeting held Thursday 12 December 2002

GT1/41 Pt3

**VENUE:**

Board Room, Tweed Heads Civic Centre

**TIME:**

10.00am

**PRESENT:**

**Committee Members:** Bill McKenniarey, David Bishara, Cr Bronwynne Luff, Don Stubbs

**Informal:** Shauna McIntyre (PTDP), Robin Spragg (TSC).

**APOLOGIES:**

Ray Clark, Barbara Rahmate, Cr Wendy Marshall.

**MINUTES OF PREVIOUS MEETING:**

**Moved:** Don Stubbs

**Seconded:** Bill McKenniarey

**RESOLVED** that the Minutes of the Public Transport Working Group Committee meeting held Thursday 28 November 2002 be accepted as a true and accurate record of the proceedings of that meeting subject to the inclusion of reference to discussion of a Main St Taxi Shelter.

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**CORRESPONDENCE:**

**Outwards:** Nil

**Inwards:** Coolangatta Coachlines, 20 November  
Lismore PTAP Minutes – October, 4 December

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**BUSINESS ARISING:**

**1. Policy Document Review**

GT1/41 Pt3

**(a) Sustainable Local Transport Plan**

Council consideration has been deferred for further consultation about the policy implications – expected at January 22 meeting. Copies of the draft Plan were circulated. Feedback referred to the transport system run by Palliative Care, which includes clients of other support groups such as Cancer Support; and the funding for transport provided by NSW Health.

**(b) NSW Government Transport Levy on Development**

The Minister for Planning has announced a levy of \$15,000 per block on certain developments to fund transport infrastructure (\$180M). It is not clear whether this applies

## Reports from Committees/Working Groups

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only to Sydney. Before drawing this to Council's attention, more information should be obtained.

### (c) Responsibility for Bus Stop Locations

There are two situations: Council may be responsible for all stops/locations, or on school routes where there are no signs or shelters the bus company is responsible. Surfside recommends posts in the ground rather than hail and ride; its review of school services proposes fixed routes where posts can be used; there are no defined distances between stops. Legalities need to be investigated.

### RECOMMENDATION:

That Council identifies a process whereby bus stop locations are identified in built-up areas, and clarifies the role of operators.

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## 2. Major Development Review

### (a) Mudgeeraba Hinterlink

The trial demand-responsive service was a prototype for service changes being proposed in the Surfside Tweed Timetable Review.

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## 3. Studies and Submissions

### (a) Surfside Timetable Review – Scheduled Services

David described proposals being considered in the first review since 1997. Surfside is a commercial operator, and all costs have to be covered – there is no Government funding for schedule services. Surfside also has a contract for school services, paid on the basis of numbers of school passes, not their usage.

On schedule services minimum service levels must be met. All six routes in Tweed do meet these service levels. Patronage is only increasing slowly. Research shows that the most significant factors are:

- Services are not direct;
- Services are not frequent;
- Times of operation, weekends etc.

Fares were not mentioned as a deterrent, and are outside Surfside control. The challenge is to achieve directness without losing accessibility for the passenger. Present routes are neither very direct nor very accessible.

## Reports from Committees/Working Groups

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The answer appears to be trunk lines of route using large buses, linked to local demand-responsive feeder services using mini-buses. The Mudgeeraba trial has produced about 30 trips per day (so far), not enough to cover the cost of the mini-bus, but transferring passengers to Route 2. Its problems include the length of time taken for drop-offs, and the absence of an afternoon timetable for people going outwards. The Airport Link is another prototype – it also loses money, but saves costs on the trunk routes. It was suggested this system increases goodwill of passengers, provided interchange between services is well handled.

Current proposals are to terminate the Kingscliff-Robina Route 11 Trainlink at Tweed Heads, and create a Tweed trunk route from Kingscliff via Tweed Heads to Bilambil Heights (601) with a 15-30 minute interval service. Other existing services would be trunk routes, but without the small deviations. Feeder services would not be frequent, but would cover the deviations, such as to Fingal, Oyster Pt, Casuarina, Noble Park etc. There would be interchanges between feeders and trunk routes at Tweed Mall, Tweed City, Kingscliff, and some smaller centres.

One point noted is that the phasing of the series of signals at Tweed City is delaying the Route 11 schedule, and possible improvements need to be addressed.

Further progress with the Timetable Review will be reported.

### **(b) Sustainable Regions Program – Round 2**

There has been a call for further submissions. The proposal for a regional rail service on the existing track has been put forward.

### **(c) 2002 Country Transport Infrastructure Grant Received**

A works program to utilise the \$145,000 grant on the Tweed Heads-Pottsville trunk route is being prepared, in consultation with Surfside Buslines.

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## **GENERAL BUSINESS:**

### **4. Bus Shelter Requests**

Negotiations will be undertaken with Elizabeth Morely Court in Banks Avenue for improved facilities.

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### **5. Tweed City**

No further information yet on the proportion of customers using buses.

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## Reports from Committees/Working Groups

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### 6. NSW Obesity Summit

This health conference held in September gave attention to the predominant use of cars as a major factor in the problem of widespread obesity. Recommendations from the conference were distributed for future discussion.

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### 7. Coolangatta Coachlines

Council has received advice that a new coach service from Surfers Paradise to Ballina is proposed. It was noted that parts of the route would have restrictions on picking up passengers due to local service contracts.

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### 8. Transport NSW Seed Funding

Submissions are about to be called for a round of grants in the New Year for modest local transport projects. The Committee agreed that Council officers should do cost estimates and be ready to apply. This may be suitable for the Main Street taxi canopy project.

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### 9. Transport Access Guides

RTA and SEDA have produced advice encouraging major traffic generators and event organisers to promote use of sustainable transport on their programs and business cards. It was suggested that RTA be asked to hold a regional workshop to promote the idea among local organisations.

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#### **NEXT MEETING:**

The next meeting of Public Transport Working Group Committee will be held on the second Thursday in February 2003 (to be confirmed when LTC dates are known).

The meeting closed at 12.15pm.

<b><i>Director's Comments:</i></b>
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<i>Nil</i>
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## Reports from Committees/Working Groups

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### DIRECTOR'S RECOMMENDATIONS:

#### 1. Policy Document Review

GT1/41 Pt3

#### Committee Recommendation:

That Council identifies a process whereby bus stop locations are identified in built-up areas, and clarifies the role of operators.

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

3. Minutes of the Meeting between Gold Coast City Council and Tweed Shire Council held  
10 December 2002
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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 Brinsmead**

**Policy Review - Dredging Tweed River**

**Notice of Motion, Dredging-Tweed River**

That Council reviews its policy about dredging the Tweed River with a view to formulating a realistic action plan/timetable to achieve the vision of opening a viable boating channel from the Tweed Bar to Murwillumbah as a high priority transport/tourism/recreation infrastructure project.

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**2. Notice of Motion - Cr Brinsmead**

**Policy Review - Dredging (Cudgen Creek)**

**Notice of Motion, Dredging-Cudgen Creek**

That Council reviews its policy about dredging the mouth of the Cudgen Creek with a view to formulating an action plan to dredge this part of the Creek in 2003 as an urgent priority for Kingscliff.

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**2a. Notice of Motion - Cr Lawrie**

**Land and Environment Court Decision - Brothel Ourimbah Road, Tweed Heads**

**Notice of Motion; DA02/0474 Pt2; Land and Environment Court**

That Council urgently obtains an opinion from Murray Tobias QC on the prospects of the success of an appeal against the recent decision of the Land and Environment court regarding the "mega-brothel" in Ourimbah Road, Tweed Heads.

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# Orders of the Day

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# Orders of the Day

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# Orders of the Day

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