

Items for Consideration of Council

Schedule of Outstanding Resolutions	7
Mayoral Minute	13
Reports from Director Development Services	17
1. ORIGIN: Development Assessment Unit	17
Development Application DA02/1695 for a Shopping Centre Redevelopment at Lot 4 DP 616206 and Lot 1 DP 793260 Meridian Way, Tweed Heads – the ‘Endless Summer Shopping Centre	17
2. ORIGIN: Strategic Town Planning Unit	39
Tweed Coast Strategy	39
3. ORIGIN: Development Assessment Unit	49
Development Application DA02/1137 - Multi-Dwelling Housing comprising 2 x 4 Bedroom and 1 x 2 Bedroom Units at Lot 16 Section 4 DP 31209 No. 11 Cypress Crescent, Cabarita Beach	49
4. ORIGIN: Development Assessment Unit	61
Request to Refund Advertising Fees for Development Application DA03/0005 for a Green Keepers Shed (Burringbar District Sports Club) at Lot 7008 DP 92698 Fourth Avenue, Burringbar	61
5. ORIGIN: Development Assessment Unit	63
Redevelopment of Kingscliff Caravan Park	63
Reports from Director Corporate Services	65
6. ORIGIN: Director	65
SouthROC - Regional Road Group	65
7. ORIGIN: Director	69
Rainforest Way Project	69
8. ORIGIN: Administration Services Unit	71
Preparation of Licence Over Lots 10 and 11 in DP262383 Duroby Creek, Bilambil	71

Items for Consideration of Council

Reports from Director Engineering Services	73
9. ORIGIN: Water Unit	73
Tweed River Committee Support for the Fish Unlimited Project	73
10. ORIGIN: Design Unit	75
Withdrawal of Caveat 5360461 over Lot 2 DP 881169 Pursuant to Deed of Agreement made between Tweed Shire Council and Villa World Pty Ltd - Gollan Drive, Tweed Heads West	75
11. ORIGIN: Director	77
Third World Water Forum	77
Reports from Committees/Working Groups	89
1. Minutes of the Community Cultural Advisory Committee Meeting held Thursday 27 February 2003	89
2. Minutes of the Local Traffic Committee Meeting held Thursday 13 March 2003	94
3. Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 13 March 2003	104
MINUTES CIRCULATED TO COUNCILLORS WITH THIS AGENDA NOT REQUIRING A COUNCIL DECISION	109
4. Minutes of the Vegetation Management Plan Steering Committee Meeting held Tuesday 28 January 2003	109
5. Minutes of the Tweed Shire Council Consultative Committee Meeting held Thursday 20 March 2003	109
6. Minutes of the Tweed River Regional Art Gallery Advisory Committee Meeting 20 March 2003	109
Orders of the Day	111
1. Notice of Motion - Cr Lawrie	111
Bus Services - Terranora	111
2. Notice of Rescission - Cr Brinsmead, Cr Youngblutt and Cr Beck	111
Draft Tweed Local Environmental Plan 2000, Amendment No 39 - "Housekeeping" Stage 2 (Lake Kimberley) and Draft Development Control Plan No 3 - Banora Point West/Tweed Heads South (Amendment No 12)	111
3. Notice of Motion - Cr Marshall	112
Donations/Festivals Policies	112

Items for Consideration of Council

4.	Notice of Rescission - Cr Brinsmead, Cr Beck and Cr Lawrie	112
	Doon Doon Hall	112
5.	Notice of Motion – Cr Lawrie	112
	Tweed and Coolangatta Tourism Inc. - Request for Additional Funding	112

Items for Consideration of Council

C O N F I D E N T I A L

Reports from Director Engineering Services in Committee	5
1. ORIGIN: Works Unit	5
Tender EC2003-12 - Supply & Delivery of One (1) 60kW Track-Type Tractor (Dozer)	5
<i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)</i>	
<i>(d) commercial information of a confidential nature that would, if disclosed:</i>	
<i>(i) prejudice the commercial position of the person who supplied it, or</i>	
<i>(ii) confer a commercial advantage on a competitor of the council, or</i>	
<i>(iii) reveal a trade secret</i>	5
2. ORIGIN: Works Unit	11
Quotations for supply and Delivery of Ready Mixed Concrete - 2 * 5MI Reservoirs, Pottsville Road, West Pottsville	11
<i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)</i>	
<i>(d) commercial information of a confidential nature that would, if disclosed:</i>	
<i>(i) prejudice the commercial position of the person who supplied it, or</i>	
<i>(ii) confer a commercial advantage on a competitor of the council, or</i>	
<i>(iii) reveal a trade secret</i>	11
Reports from Director Environment & Community Services in Committee	13
3. ORIGIN: Recreation Services Unit	13
Tender - Building Works, South Tweed Sports Field, Fraser Drive	13
<i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)</i>	
<i>(d) commercial information of a confidential nature that would, if disclosed:</i>	
<i>(i) prejudice the commercial position of the person who supplied it, or</i>	
<i>(ii) confer a commercial advantage on a competitor of the council, or</i>	
<i>(iii) reveal a trade secret</i>	13
4. ORIGIN: Recreation Services Unit	17
Park Naming - Carlin Family - Jack Evans Boatharbour	17
<i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)</i>	
<i>(a) personnel matters concerning particular individuals</i>	17

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 April.

20 MARCH 2002

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

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

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

793

Cr Beck

Cr Marshall

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

Schedule of Outstanding Resolutions

Current Status: Report to be finalised.

16 OCTOBER 2002

ORDERS OF THE DAY

1. **Rezoning - Lot 517 DP 529286, Lot 201 DP 1030080 and Lot 7032 DP 755701 Coast Road, Cabarita**

LEP; Land Nos. 42329; 45126; 41175; Notice of Motion

393

Cr Beck

Cr Lawrie

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

Current Status: To be finalised.

6 NOVEMBER 2002

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

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

PF3560/110 Pt2; LN 14978

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.

Schedule of Outstanding Resolutions

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; Land No 41178

479

Cr Boyd

Cr Marshall

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

Current Status: Meeting being arranged.

4 DECEMBER 2002

ORDERS OF THE DAY

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

Notice of Motion; Water Management - General

560

Cr Beck

Cr Brinsmead

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

Current Status: Policy to be prepared.

18 DECEMBER 2002

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

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

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

570

Cr Luff

Cr Marshall

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

Schedule of Outstanding Resolutions

Current Status: Matter deferred pending report early 2003.

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

28a. Surf Life Saving Services - Casuarina Beach

Surf Life Saving; Casuarina Development

604

Cr Youngblutt

Cr Davidson

RESOLVED that

.....

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

Current Status: policy to be prepared.

5 FEBRUARY 2003

REPORTS FROM DIRECTOR CORPORATE SERVICES

6. Enforcement Guidelines for Council

Ombudsman; ICAC; DW 688862

74

Cr Boyd

Cr Davidson

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

Current Status: Workshop to be scheduled for May.

Schedule of Outstanding Resolutions

19 FEBRUARY 2003

ORDERS OF THE DAY

5. **Fire Risk to Property**
Bldg Code; Bushfire Protection; Fire Services; Notice of Motion

102

Cr Luff
Cr Boyd

RESOLVED that:-

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

Current Status: Report being prepared.

4. **Production Demonstration - Airboats Industries Australia Pty Limited**
SES; Notice of Motion

115

Cr Boyd
Cr Luff

RESOLVED that Council invites Airboats Industries Australia Pty Limited to demonstrate its product on the Tweed River to our local State Emergency Services representatives and others interested in this revolutionary craft.

Current Status: To be finalised.

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

ITEM DEFERRED FROM THE ORDINARY AGENDA

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

DA02/1815 Pt1; Land No. 39879

C26

Cr Beck
Cr Youngblutt

RESOLVED that this item be deferred until Mr McLaughlan and the proponents submit a revised Development Application addressing the issues of statutory prohibitions to the present application.

Schedule of Outstanding Resolutions

Current Status: Awaiting for applicant to lodge amendment.

19 MARCH 2003

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

3. Land East of Old Bogangar Road, Cudgen

GT1/LEP/2000 Pt1; GT1/LEP/A113 Pt6; LEP

208

Cr Lawrie

Cr Marshall

RESOLVED that this item be deferred for Cudgen landholders to address Council at a Community Access meeting.

Current Status: Awaiting contact from landholders.

ORDERS OF THE DAY

1. Rehabilitation of Cudgen Creek

Dredging - Cudgen Creek; Area 5 - Tweed River; Notice of Motion

227

Cr Youngblutt

Cr Lawrie

RESOLVED that the Tweed Coastal Committee be requested to provide Council with a report detailing what action has been proposed and taken to rehabilitate Cudgen Creek from the mouth up to and past the boat ramp.

Current Status: Report be prepared.

Mayoral Minute

Councillors,

1. RACQ Careflight

Donations

20 March – attended at Gold Coast Airport for photo session covering donation of Council to RACQ Careflight.

2. TEDC

TEDC

20 March – attended meeting of TEDC at Gold Coast Airport

3. Harmony Day

Aboriginal Matters General

21 March – attended Harmony Day Celebrations at Knox Park

4. Kingscliff Coast Guard Training Centre

Air Sea Rescue

21 March – with General Manager inspected water damage at Kingscliff Coast Guard Training Centre

5. Senior Citizens Week

Snr Citizens Week

23 March – attended a BBQ at the Branding Rail for Senior Citizens Week.

6. Lindisfarne – Lane Theatre Ensemble

Councillors' Invitations

25 March – attended Lane Theatre Ensemble production “Running Up A Dress” at Twin Towns.

Mayoral Minute

7. Tweed Coast Rescue

Air Sea Rescue

26 March – attended Boat Ramp at Cudgera Creek Hastings Point with Tweed Coast Rescue and Don Page

8. Meals On Wheels

Meals on Wheels

26 March – attended lunch for volunteers of Meals on Wheels at Tweed/Coolangatta Golf Club

9. Pottsville Small Business Corp

Councillors' Invitations

27 March – Breakfast Meeting at Pottsville

10. Tweed Coast Bitou Bush Control Steering Committee

Noxious Weeds

27 March – Tweed Coast Bitou Bush Strategy Workshop at Pottsville Environment Park

11. TEDC

TEDC

28 March – TEDC Board Meeting Murwillumbah

12. Gold Coast Airport

Airport Coolangatta/Tweed

28 March - Opening of new Gold Coast Airport International Terminal by Hon. Joe Hockey MP (Federal Minister for Tourism and Small Business)

13. PIA Congress Adelaide

Professional Associations/RIPI

29 March – 2 April attending PIA Congress in Adelaide with Mr. David Broyd, Director Development Services, and Cr. Bronwynne Luff

Mayoral Minute

INVITATIONS ACCEPTED:

- 4 April Citizenship Ceremony THCC
 - 7 April Centaur Primary School Anzac Day Service
 - 7 April Banora Point Residents Association Meeting – Tweed Heads
 - 8 April Casuarina Architecture Day & Opening of Display Unit
 - 11 April Youth Forum Discussion Panel THCC
 - 13 April Salvation Army “The On Fire Big Band” Concert Seagulls
 - 14 April Ministerial Taskforce Business & Traders’ Workshop THCC
-

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

- Fifth Australian Banana Industry Congress **4-7 June 2003** Townsville Entertainment & Convention Centre Qld
-

ABSENCES FROM SHIRE BY EXECUTIVE, MANAGERS AND COUNCILLORS

EXECUTIVE

Name	From	To	Location	Details
DCS	10 April 2003	14 April 2003		Annual Leave
DECS	31 March 2003	31 March 2003	Sydney	Local Liaison Meeting Government Committee
GM	3 April 2003		Sydney	Rate Pegging Task Force Meeting
GM	4 April 2003		Nowra	LGMA Council Meeting/Special Interest Group Divisional & Branch

Mayoral Minute

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Reports from Director Development Services

1. ORIGIN: Development Assessment Unit

FILE REF: DA02/1695 Pt6; LN: 24140

REPORT TITLE:

Development Application DA02/1695 for a Shopping Centre Redevelopment at Lot 4 DP 616206 and Lot 1 DP 793260 Meridian Way, Tweed Heads – the ‘Endless Summer Shopping Centre

SUMMARY OF REPORT:

Council has received a development application seeking consent to undertake a staged development to revitalise and further expand the Endless Summer Shopping Centre. Despite the lodgement of two sets of amended plans (and extensive feedback to the applicant) the application is unacceptable on various policy and technical grounds. The application is considered to be an over development of the site which would result in a centre that would not function efficiently or be in the public interest.

The application was referred to the Local Traffic Committee in accordance with the provisions of State Environmental Planning Policy No. 11 – Traffic Generating Developments. The committee determined that the application in its current form could not be supported. The proposed ingress and egress was considered to be dangerous and thus creating a negative impact on the adjoining distributor road, being Kennedy Drive. Furthermore, the internal parking and loading facilities were considered to be insufficient in number and efficiency.

It is acknowledged that the site has numerous constraints making it difficult to create a balanced design that will be successful economically. However, the proposed design does not address these constraints effectively despite numerous attempts at a re-design. Given the length of time the application has been with Council it is now considered necessary to determine the application. Whilst it would be desirable to see something done to revitalise the existing centre, the proposed design is not considered satisfactory thus warranting refusal of the application. Any future re-design should be the subject of a new development application.

RECOMMENDATION:

That Development Application DA02/1695 for a shopping centre redevelopment at Lot 4 DP 616206 and Lot 1 DP 793260 Meridian Way, Tweed Heads be refused for the following reasons: -

1. The application does not comply with Clause 8 – 1 (c) of Tweed Local Environmental Plan 2000, which reads as follows:

Reports from Director Development Services

- *The consent authority may grant consent to development only if:*
 - c. *It is satisfied that the development would not have an unacceptable cumulative impact on the community, locality or catchment that will be affected by its being carried out or on the area of Tweed as a whole.*
2. The application does not meet the primary objectives of the 3(b) General Business zone in Tweed Local Environmental Plan 2000, which reads as follows:
 - *To provide business centres in which the community's shopping, business, welfare and social needs can be met.*
 - *To provide business locations within residential areas, and to ensure that the scale and type of development is compatible with the character and amenity of the surrounding residential areas.*
 3. The application does not satisfy Clause 22 Development Near Designated Roads of the Tweed Local Environmental Plan 2000, the relevantly applicable points are as follows:

The consent authority may grant consent to development on land to which this clause applies only if it is satisfied that:

 - a. *The development (because of its nature, appearance, cumulative effect or illumination, or the intensity or the volume or type of traffic likely to be generated, or for another similar reason) is unlikely to constitute a traffic hazard or materially reduce the capacity or efficiency of the designated road, and*
 - b. *The location, standard and design of access points, and onsite traffic movement and parking arrangements, would ensure that through traffic movement on the designated road is not impeded, and*
 4. The application does not comply with the provisions contained within Development Control Plan No.2 – Site Access & Parking.
 5. The proposed loading bay facilities are not considered to be feasible.
 6. The application is not supported by the Local Traffic Committee;
 7. The application is considered to be an overdevelopment of the site, with little architectural merit and limited opportunity for outdoor dining or significant landscaping.
 8. The application will have a negative impact on the amenity of the adjoining residential streets and properties.
 9. The application does not provide adequate pedestrian safety throughout the site.
 10. The application is not in the public interest.

Reports from Director Development Services

REPORT:

Applicant: Blue Arc Network
Owner: Dercam Pty Ltd
Location: Lot 4 DP 616206 and Lot 1 DP 793260, Meridian Way Tweed Heads
Zoning: 3(b) General Business
Cost: \$1,500,000.00

BACKGROUND

Council is in receipt of a development application seeking consent to undertake a staged development to revitalise and further expand the Endless Summer Shopping Centre.

The subject sites are located on the northern side of Kennedy Drive 1.8km to the south west of the Tweed Heads CBD area, and are centrally located to the existing Endless Summer and West Tweed Heads residential areas. The site immediately adjoins residential development, with particular reference to existing residences located to the north of the site with access from Meridian Way. Existing residential dwelling houses also lie opposite the site to the south.

The site has a frontage to Kennedy Drive of 268.5 metres and an average depth of 39 metres to create a total site area of 7000m². The current centre is located on Lot 4 with facilities such as outdoor eating and parking areas being located on Lot 1. The existing centre provides for an existing gross floor area of 1600m² and 49 onsite parking spaces. There are two existing access points off Kennedy Drive with both points providing for entry and exit facilities. The subject site is generally level with a services easement (5.0 metres wide), which runs parallel to the northern property boundary. There is no significant vegetation with the exception of two Eucalypts, which will need to be removed as part of this application.

The application was originally lodged in October 2002 incorporating the provision of a signalised intersection at the corner of Diamond Place and Kennedy Drive. Accordingly the application was referred to the Roads & Traffic Authority (RTA) and advertised in the Tweed Link.

Council received an overwhelming response to the advertisement in the Tweed Link with in excess of 330 objections in the form of a signed form letter which allowed for individual comment, a petition containing approximately 50 names and signatures and a further ten individual letters of objection.

The first set of amended plans was then received on the 21 November 2002. The plans incorporated nine staff parking on the adjacent road reserve, more articulation in the design of the building, turning paths to accommodate a large rigid vehicle (not semi trailers), an acoustic fence in accordance with the submitted acoustic report, and waste disposal details.

The amended plans were not considered to be enough of a significant change to warrant re-advertising, however, the objectors were advised of the amended plans and given the opportunity to make further comment, in addition to the plans being forwarded to the RTA and each internal referral officer to make final comment on.

Senior Council Officers met with the applicant, architect and developer to discuss the shortfalls of the proposal (12 December 2002). Council clearly stated that the application in its current form was not supportable. The applicant requested the opportunity to lodge a second set of amended plans

Reports from Director Development Services

that would satisfy Council. Council stressed that to look favourably at the application major amendments would be required. At an absolute minimum Council recommended 80% compliance with the car parking requirements, a lower density, semi trailer access within the site, an overtaking lane for the service area, and an improved design that presents well to the street and has significant architectural merit.

At this stage Council was still awaiting the RTA response to the application. This response was received by Council prior to the final set of amended plans being received and subsequently resulted in the need for more changes to the final set of amended plans given that the RTA responded to the referral in the following manner:

“The RTA cannot support the provision of traffic signals for access to the Endless Summer Shopping Centre from Kennedy Drive”.

Council received the final set of amended plans on 18 February 2003. The application seeks approval for the redevelopment and expansion of the existing Endless Summer Shopping Centre, essentially the proposal incorporates the following key elements:

- The partial demolition of approximately 1200m² of existing structures on the site (retaining the existing surgery, bottle shop, and pie shop) and creating a total floor area of 1837m²;
- The provisions of 61 on-site car parking spaces;
- The provision for two loading bays at the rear of the site, and one bay adjacent to the garden centre;
- The provision of 20 bicycle parking spaces;
- The provision for 17 tenancies ranging from refreshment rooms, butchers, doctors surgery, chemist, and a grocery store (IGA);
- The establishment of landscaping within the adjoining road reserve and tables within the unformed road reserve (Please note that despite the plans indicating works on the road reserve Council, as land owner, has not authorised these works and they can not form part of this application. Council’s Works Manager has made the following comments in this regard: *“I see no reason to allow landscaping to encroach onto the road reserve in Kennedy drive. The footway will only be 3.5 metres wide and this is required for public utility services across the full width. Is such a highly pedestrian trafficked area any encroachment would be a long-term problem for Council. I also note on one of the drawings that there is shown tables on the unformed road reserve. It would be best if this were to be dealt with as a separate issue and not tied to the DA process.”*);
- The provision of a feature statement (and signage) including an entrance clock 10m high;
- The provision of acoustic fencing to the rear and eastern property boundaries;
- The provision of planter boxes throughout the site;
- Removal of two Eucalypts located within the south eastern corner of Lot 1;
- Provision of public toilet facilities;
- Provision of extensive lighting within the centre itself; and

Reports from Director Development Services

- Removal of the existing rockery adjacent to the nursery.

The proposed development will be carried out over three stages as follows:

- Stage 1** will incorporate the construction of the internal service vehicle access road and traffic management measures.
- Stage 2** will incorporate the construction of those shops identified within Lot 1 in DP 793260.
- Stage 3** will incorporate the construction of the remainder of the retail/commercial component, with particular reference to those structures proposed for Lot 4 in DP 793260

Reports from Director Development Services

SITE DIAGRAM



Reports from Director Development Services

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

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

Tweed Local Environmental Plan 2000

The subject site is located within the 3(b) General Business zone pursuant to the provisions of TLEP 2000.

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

The consent authority may grant consent to development only if

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

The primary objectives of the 3 (b) zone is as follows:

“To provide business centres in which the community’s shopping, business, welfare and social needs can be met.”

“To provide business locations within residential areas, and to ensure that the scale and type of development is compatible with the character and amenity of the surrounding residential areas.”

The secondary objectives of the 3(b) zone is:

“To provide for tourist orientated development.”

The proposed shopping centre extension and re-development is not considered to be compatible with the primary objectives of the zone. The centre, although commercial in nature, is an overdevelopment of the site, which is inconsistent with the character and amenity of the surrounding residential areas. The lack of sufficient on-site parking and the proposed ingress and egress will create an undesirable level of traffic congestion within the development site and on Kennedy Drive itself.

The objections Council received, in relation to this application, focussed primarily on traffic concerns. A community expectation for a development of this nature is satisfactory parking and ease in getting to and from the centre. The proposal as submitted does not satisfy this expectation and thus the community’s shopping, business, welfare and social needs are not met.

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

Furthermore, Council’s Local Traffic Committee has not supported the proposed internal traffic layout or the proposed method of site egress and ingress. The Committee determined that the increased traffic generation would cause an unacceptable traffic

Reports from Director Development Services

situation, specifically having regard to Kennedy Drive.

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

Clause 15 Availability of Essential Services of TLEP 2000 requires adequate services to be available for the proposed development. Centralised water, sewer and drainage services service the subject site, no constraints are envisaged in this regard.

Clause 16 Height of Buildings requires compliance with the three-storey statutory height limit that is applicable to the site. The proposed development is single storey and satisfies Clause 16

Clause 17 Social Impact Assessment requires Council to consider the potential social and economic impact that a development will have. See further comments under Development Control Plan 45.

Clause 22 Development Near Designated Roads requires the consent authority to have regard to a number of matters. The following two points are relevant to the proposal:

“The consent authority may grant consent to development on land to which this clause applies only if it is satisfied that:

- a. The development (because of its nature, appearance, cumulative effect or illumination, or the intensity or the volume or type of traffic likely to be generated, or for another similar reason) is unlikely to constitute a traffic hazard or materially reduce the capacity or efficiency of the designated road, and*
- b. The location, standard and design of access points, and onsite traffic movement and parking arrangements, would ensure that through traffic movement on the designated road is not impeded.”*

The application as proposed does not have the support of the Local Traffic Committee or the support from Council’s Development Engineer on the basis of traffic concerns. The application fails to satisfy Clause 22 of Council LEP.

Clause 34 Flooding requires Council to minimise future potential flood damage. If approval were granted to this proposal a condition of consent would be required to ensure flood free storage is available.

Clause 35 Acid Sulphate Soils, the subject site is identified as possessing Class 3 Acid Sulfate Soils on Council’s ASS Planning Maps. The proposed development will not result in the carrying out of works greater than 1m below the ground surface, nor will the re-development of the shopping centre result in the lowering of the water table within the locality.

Clause 50 Floor Space Ratio’s in Zones 3(a) and 3(b) at Tweed Heads specifies set FSR requirements. Compliance with this Clause is achieved subject to the amalgamation of the two allotments, alternatively a SEPP 1 objection would need to be received.

Reports from Director Development Services

North Coast Regional Environmental Plan 1988

Clause 47 of REP 1988 relates to plan preparation for commercial development. The proposal is considered to be consistent with the provisions of the North Coast Regional Environmental Plan 1988.

State Environmental Planning Policies

SEPP 11 – Traffic Generating Development

An assessment of the subject application has been undertaken in accordance with the provisions of State Environmental Planning Policy No. 11 (SEPP 11) – Traffic Generating Developments. In accordance with the SEPP the proposed development requires referral to Council's Development Committee (Traffic Advisory Committee) as development listed in Schedule 2 (c) as follows:

*“The erection of a building for the purpose of shops and commercial premises where the gross floor area of the building is or exceeds 1000m² or the **enlargement or extension** of a building used for the purposes of shops and commercial premises where the gross floor area of that enlargement or extension is or exceeds 1000m²”*

The existing gross floor area (GFA) of the complex is approximately 1600m² with 49 on-site parking spaces. The amended proposal will result in a total floor area of 1837m², with 61 on site parking spaces (the original plans detailed 1996m² of gross floor area and 66 onsite spaces).

The application was therefore referred to Council's Development Committee (Traffic Advisory Committee) to provide comment on, access to the site, the impact that the proposed centre will have on the road network; the impact that the proposed centre will have on the intersection of Kennedy Drive and the Pacific Highway exit and the proposed provisions for service vehicles.

The Traffic Advisory Committee provided the following comments:

“Local Traffic Committee comments required in relation to the provisions of SEPP11. The Nursery lessee will address the Committee. The Chairman advised that the Committee will only consider traffic safety/efficiency issues and that the Committee would consider the Plans and provide a report to the Development Control Unit.

The most significant concern of the Committee was right turn movements into and out of the site from Kennedy Drive and the impact on traffic efficiency given the proximity of the Ducat Street traffic signals.

It was noted that the average delay in the morning and afternoon peaks ranged from 2.1 to 3.7 seconds for right turns into the site in 2003 and 3.6 to 7 seconds in 2013. Whilst this maybe the average the delays and associated queues will be longer when the 'green' eastbound phase is operating at Ducat Street as minimal gaps in flow will occur. The proximity for such queues to the Ducat Street signals has the potential to cause dangerous weaving manoeuvres as vehicles waiting to turn right into Ducat Street try to avoid vehicles turning into the proposed

Reports from Director Development Services

development. This would not be a problem if the development was providing a dedicated right turn lane via channelisation which would isolate these movements from the west bound lanes on Kennedy Drive.

It was also noted that the delay (average) for vehicles turning right out of the development ranged from 20 seconds in 2003 to 105 seconds in 2013 resulting in a queue length of 6 vehicles that cannot be accommodated without blocking access to and from several car park spaces. AS2890 Pt1 Section 3.6 clearly states "no parking space manoeuvres shall be allowed to take place within the queuing area". Thus the design is clearly deficient in this regard and could cause queuing in Kennedy Drive as entering vehicles wait for the internal queue to clear so parking spaces can be accessed. Accordingly the car park needs to be redesigned to reflect the above.

The Committee noted that the traffic report submitted with the application states that at some point before 2013 right turns into the development and adjacent streets will need to be prevented and that alternative turning facilities such as a roundabout would be needed east of the site, however as no location or facility has been designed it is inappropriate to accept this proposal. The Committee recommends that "right turn" movements be banned from Kennedy Drive into the site now and be conditioned on any consent that may be issued and that plans showing how this will be achieved submitted without impacting on Council converting Kennedy Drive to 4 lanes at the site.

The Police representative expressed concern at the potential increased traffic conflict at the eastern exists from the development as the Crystal Waters Drive intersection has a relatively high accident rate, and after discussion the Committee is of the opinion that the exist from the car park should be deleted as two other exits exist and this would make control of turning vehicles easier. In regards to the service road exit, concern was expressed at the impact of slow moving trucks entering the traffic flow would have on Kennedy Drive needs further investigation.

The western most access has a dual entry purpose for delivery vehicles and customer car park access which would be acceptable if the trucks did not need to consume the 'exit' portion of the access to enter the site (see truck turning templates submitted). Obviously if exiting vehicles are queued at the access, (highly probable) the entering truck must wait on Kennedy Drive obstructing traffic. The Committee advises that this access is not acceptable as shown on the plans for this reason and must be redesigned.

It was also noted that the westernmost driveway appears to conflict with the existing bus stop and if so an alternative site needs to be shown. It was also considered that as part of the ESD principles in DCP 2 that good public transport access to the site should be provided via a relocated bus bay and bus shelter along the sites frontage.

The Committee also noted that some DCP2/AS2890 parts 1 & 2 compliance issue may exist and should be checked by the Development Control Unit such as cars

Reports from Director Development Services

reversing over the marked pedestrian crossings in the carpark and functionality of the loading dock area (see AS2890 Pt2 - Commercial Vehicle Facilities)."

As detailed above the Traffic Advisory Committee cannot support the application in its current form. Further discussion was undertaken with the applicant indicating that the proposal could be amended to incorporate a round a bout at the intersection of Norman Street and Kennedy Drive to satisfy the traffic concerns. This concept has not been formally lodged with Council, however, a round about is not considered to address all the traffic or other planning matters of concerns and would not justify approval of the application, given the other areas of non-compliance/function ability.

It should further be noted that Council's Development Engineer has recommended that the application be refused given the following areas of concern:

- *The anticipated traffic movements shall have a negative impact on the road network and is not supported by Councils Traffic Advisory Committee.*
- *Insufficient safe intersection sight distance has been provided from the eastern and western access/egress points*
- *The proposed eastern egress point impacts on the existing bus shelter and pick up /set down area.*
- *The impact of right turn movements when exiting/entering the sight shall have a negative impact on the road network*
- *The anticipated additional Annual Average Daily Traffic (AADT) generation shall a negative impact on the road network resulting in the lowering of the existing level of service to road users.*
- *Insufficient parking has been provided on the site in accordance with Councils DCP No2*
- *Heavy vehicles entering the sight shall have a negative impact on the road network as a result of lower manoeuvring speeds.*
- *Heavy vehicles entering the sight shall have a negative impact on the road network as a result of manoeuvring over the full eastbound pavement and travelling over the exit lane within the sight.*
- *Insufficient area has been provided at the eastern end of the sight to ensure exiting heavy vehicle turning paths do not traverse the adjoining boundary.*
- *Parking spaces provided in the proximity of pedestrian paths encourage the reverse movement to occur over the designated pedestrian paths.*
- *Insufficient manoeuvring area for parking space 61*
- *No detail of stormwater quality management systems in accordance with Councils adopted Design Specification D7*
- *No detail in relation to the embellishment of the western end of the sight for the provision of landscaping and picnic areas.*
- *The provision of landscaping for the sight shall in some areas encroach on the road reserve.*

Reports from Director Development Services

SEPP 71 Coastal Protection

This application was lodged on 14 October 2002, which was prior to the introduction of SEPP 71 (1 November 2002). Despite this, given the nature of the development it is considered necessary to have regard to Clause 8 – Matters For Consideration of the SEPP.

Clause 8 details 16 matters for consideration of which most matters relate to maintaining public access to and along the coastal foreshore, and ensuring the scenic qualities of the coast are protected. Therefore they not specifically applicable to this application. Clause 8 (d) is considered to be the most relevantly applicable provisions, which reads as follows:

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

As briefly mentioned above the application is considered to be an over development of the site which would result in a centre that would not function efficiently or be in the public interest.

The application does not comply with Clause 8 (d) of SEPP 71.

It should also be noted that the site is within 26 metres of the northern man made drainage reserve and 200 metres of Tweed River, however the Department of Land and Water Conservation did not consider it necessary to classify the proposal as Integrated Development under the Rivers & Foreshores Improvement Act 1948. If consent were to be granted a condition of consent would be required specifying that if excavation occurred within 40 metres of the drainage reserve a 3A permit would be required to be lodged and approved by the Department of Land and Water Conservation.

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

There are no Draft Environmental Planning Instruments applicable to this application.

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

Development Control Plan No. 2 – Car Parking

The following table details the non-compliance of the proposed development with the on site car parking provisions contained in DCP 2. It should be noted that the car parking rates have been worked out by dividing each individual use contained within the centre, and by further acknowledging that certain areas such as the restaurants/café have only been calculated on the dining area not total GFA.

Reports from Director Development Services

<u>Use</u>	<u>GFA</u>	<u>DCP 2 Classification</u>	<u>Staff Requirement</u>	<u>Customer Requirement</u>
T1 Hairdresser	40m ²	Item C10 Retail	0.5 spaces per 100m ² = 0.2	3.5 spaces per 100m ² = 1.4
T2 Tennant	82m ²	Item C19 Retail	0.5 spaces per 100m ² = 0.41	3.5 spaces per 100m ² = 2.87
T3 Tennant	61m ²	Item C19 Retail	0.5 spaces per 100m ² = 0.305	3.5 spaces per 100m ² = 2.135
T4 IGA	500m ²	Item C19 Retail	0.5 spaces per 100m ² = 2.5	3.5 spaces per 100m ² = 17.5
T5 Chemist	98m ²	Item C19 Retail	0.5 spaces per 100m ² = 0.49	3.5 spaces per 100m ² = 3.43
T6 Surgery	91.5m ²	Item H3 Health	2 spaces per room = 2	4 spaces per room = 4
T7 Bottle Shop	161m ²	Item C4 Retail	0.5 spaces per 100m ² = 0.805	3.5 spaces per 100m ² = 5.635
T8 Bakery	81.5m ²	Item C19 Retail	0.5 spaces per 100m ² = 0.4075	3.5 spaces per 100m ² = 2.8525
T9 Butcher	51m ²	Item C19 Retail	0.5 spaces per 100m ² = 0.255	3.5 spaces per 100m ² = 1.785
T10 Shop	57.5m ²	Item C19 Retail	0.5 spaces per 100m ² = 0.2875	3.5 spaces per 100m ² = 2.0125
T11 Shop	56m ²	Item C19 Retail	0.5 spaces per 100m ² = 0.28	3.5 spaces per 100m ² = 1.96
T12 Pizza	56m ² (Dining 24m ²)	Item D15 Dining	0.5 per staff = 1	1 spaces per 7m ² = 7.7143
T13 Real Estate	53m ²	Item G6 Commercial	0	1 spaces per 40m ² = 1.325
T14 Chinese	99m ² (Dining 54m ²)	Item D15 Dining	0.5 per staff = 1.5	1 spaces per 7m ² = 7.7143
T15 Shop	175m ²	Item C19 Retail	0.5 spaces per 100m ² = 0.875	3.5 spaces per 100m ² = 6.125
T16 Shop	145m ²	Item C23 Retail	0.5 spaces per 100m ² = 1	3.5 spaces per 100m ² = 5.075
T17 Garden Centre	30m ² (700m ²)	Item C15 Retail	0.5 per staff = 2	1space per 500m ² (min) = 5

Total Staff Spaces Required = 14.315

Reports from Director Development Services

Total Customer Spaces Required = 74.2479

Grand Total of On-Site Car Spaces Required = 88.5629 say 89 spaces

Clause 4.11 of DCP No. 2 supports reduced car dependent principles by encouraging bicycle parking areas and access to public transport facilities, and therefore allows a 20% reduction to the generation rate. A 20% reduction of 88.5629 spaces is a reduction of 17.7126 spaces, taking the onsite parking requirement to 70.8603 spaces – 71 spaces.

80% Grand Total of On-Site Car Spaces Required = 71

The applicant has provided 61 on site parking spaces and a bus drop off zone on Kennedy Drive. The application as submitted is deficient by 10 on site parking spaces in excess of the general allowable reduction as per Clause 4.11 of DCP No. 2.

The applicant has provided an argument for cross utilisation, which in normal circumstances would provide a degree of validity, however, the site is bound by residential properties and a main distributor road with no opportunity for parking to spill into adjoining streets or car parks.

Prior to the final set of amended plans being received Council Officers met with the applicant and their client to discuss the merits of the application and specifically requested that any further re-design would need to achieve full compliance with DCP No. 2 in relation to car parking. This request has not been met with the amended plan and is still considered mandatory.

It should also be noted that the surgery and refreshment rooms would necessitate a designated service vehicle/ambulance space per use, which would further restrict the available parking spaces for general customers.

The ten deficient parking spaces are not warranted in this instance and would create an unreasonable burden on the adjoining residential streets.

DCP 2 further specifies that one (1) delivery service vehicle parking space is required for each 1500m² of GFA, with a minimum of two spaces where a supermarket is involved. Further to this, a nursery requires 1 additional space. Therefore this development site is required to provide 3 designated service vehicle spaces. The application has numerically complied with this criterion, however, the efficiency of these loading bays is unsatisfactory. The service delivery lane is only 5 metres wide and does not allow for overtaking or the effective use of a forklift despite the indented service spaces. For a truck to unload from both sides and rear of the vehicle (which is required to ensure loads are evenly weighted) any delivery vehicle would have to park into the laneway itself, thus blocking any additional service vehicle entering the site and effectively creating a queue to exit the site or unload further up the delivery service lane. This is considered unsatisfactory and unwarranted in this instance.

Concern is further expressed that the plans indicate a median strip blocking the vehicles exiting the service lane from turning right. Thus making them turn left back into Tweed Heads itself, as there is no turning facility nearby. This reduces practicability for service vehicles wanting to turn right back onto the highway to continue travelling north.

Reports from Director Development Services

The service bay adjoining the nursery raises an additional concern in that the delivery space is proposed beyond the confines of the fenced area for the nursery, thus encroaching upon the existing fenced and leased land. Council has received correspondence from Woodward Lawyers suggesting that the lessee has been granted sole use and occupation for the full term of the lease (which has the option to be extended until 30 September 2009). Woodward lawyers continue by stating that any consent granted must be acted upon within five years and given the nursery is proposed as part of stage 1 this is not possible prior to lapse of development consent. Despite this Council has obtained owners consent for the lodgement of the application and has satisfied its legal obligation under the requirements of the Environmental Planning and Assessment Act 1979.

The proposed parking spaces, parking layout, and loading facilities are not considered to be satisfactory, having regard to DCP No. 2.

Development Control Plan No. 5 – Flood Liable Land

The subject site is identified as flood prone pursuant to the provisions of DCP No.5. In this regard, DCP No.5 identifies an adopted Design Flood Level of 2.65m AHD for residential development. Commercial development is not subject to this criterion, however, the development must be capable of providing flood free storage. If approval were to be granted a condition of consent would need to be imposed requesting detail of the proposed flood free storage prior to the Construction Certificate being issued.

Development Control Plan No. 45 – Socio Economic Impact Assessment

Having regard to the provisions of DCP No.45, a detailed social impact assessment is technically required for a retail development exceeding 1500m². The applicant has requested a variation from this criterion stating that:

“The proposed development incorporates the re-development of an existing shopping complex, resulting in the erection of an additional 400m² of GFA only. The proposed development is not considered to be of scale or nature requiring the preparation of a formal socio-economic impact statement.”

Clause 5.2 of DCP 45 specifies that Council may determine that a Socio-Economic Impact Assessment is not required, if it is determined that the application will have limited impact.

In this instance the proposed retail redevelopment of an additional 400m² is excused from requiring the lodgement of a Socio Economic Impact Assessment, as the application is being recommended for refusal.

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

The NSW Coastal Policy 1997 applies to the proposed development. The proposed development is considered to be generally consistent with the strategic actions and principals of this Policy.

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

Reports from Director Development Services

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

Bulk Scale & Design

The original application indicated a poor design that did not present well to the street. The applicant has commented *“that the amended plans represents a significant functional improvement to the operation of the proposal and provides considerable improvement to the aesthetic appeal of the complex”*.

The proposed development incorporates a single storey building that stretches almost the entire length of the site (268 metres). The amended plans have provided more articulation to this elevation by creating two feature points over the roofline and by creating more depth variation than that originally proposed.

However, Council still has the opinion that a more creative design could have been established. Council previously expressed interest in an amended plan, which would accommodate the retail component at the front of the site with parking behind. This type of development would present well to the street while providing a high level of pedestrian amenity with shop awnings creating shelter. Despite this advice, the applicant has argued that this type of design is not feasible and would not work economically.

The proposed design in terms of visual integrity is an improvement to that originally submitted, yet is still considered unsatisfactory in terms of architectural merit. Additionally, the number of tenancies is considered excessive given the lack of availability for onsite parking and landscaping.

Traffic/Access

The proposed development fails to satisfy numerous Council requirements and Australian Standards and also fails to obtain concurrence from Council’s Local Traffic Committee and Council’s Development Engineer. The application in its current form cannot be supported on traffic grounds alone.

Flora & Fauna

The subject site is absent of any significant vegetation with the exception of two Eucalypts, which will need to be removed as part of this application. If the application involved some form of significant vegetation to replace the existing trees no objection would be lodged to the removal of these trees.

Social & Economic

As detailed above Clause 5.2 of DCP 45 specifies that Council may determine that a Socio-Economic Impact Assessment is not required, if it is determined that the application will have limited impact.

In this instance the proposed retail redevelopment of an additional 400m² is excused from requiring the lodgement of a Socio Economic Impact Assessment, as the application is being recommended for refusal.

Reports from Director Development Services

(c) Suitability of the site for the development

The zoning of the land and the existing use of the land for commercial purpose obviously indicates that the site is capable of accommodating the proposed use. However, given the site constraints, any future development needs to be considerate of the limitations of the site. The proposed development while being permissible does not adequately address these constraints making the proposed development unsuitable for the site.

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

The proposal was originally advertised and notified for a period of 14 days from 23 October 2002 to 6 November 2002. With ten individual objections received, 350 signed form letters with the option of providing individual comments and additional petitions containing approximately 200 signatures.

The amended plans were re-advertised for a period of 14 days from 26 February 2003 to 12 March 2003. With 17 individual objections and approximately 260 signed form letters with additional space for individual comments. The grounds for objection are discussed in the below table.

It should also be noted that the amended plans were lodged with approximately 400 unsigned cards stating support for the proposal.

Table 1 - Issues raised in objection to the proposal

OBJECTION	IMPACT ASSESSMENT	COMMENT
A gross overuse of the site	As discussed in the bulk of the report the application is considered to be an overdevelopment of the site given the difficulty in achieving compliance with the parking provisions, the inadequate loading bays, and the lack of site landscaping.	This objection is concurred with and forms a reason for refusal
Insufficient onsite parking	The application does not satisfy the provisions of DCP No. 2 and is 10-car parking space short of the general allowable reduction per Clause 4.11.	This objection is concurred with and forms a reason for refusal
Limited manoeuvrability space for trucks and cars on site	Council's Development Engineer and the Local Traffic Committee have acknowledged the limited onsite manoeuvrability space and subsequently recommended refusal of the application	This objection is concurred with and forms a reason for refusal
Negative impact on adjoining residential streets and Kennedy Drive	Given the deficiency of onsite parking the potential for congestion both onsite and in the surrounding road network it is probable that the proposed development would create	This objection is concurred with and forms a reason for refusal

Reports from Director Development Services

OBJECTION	IMPACT ASSESSMENT	COMMENT
	an unreasonable impact on the adjoining residential development.	
Security hazard in the rear lane	The rear narrow service lane could create a security hazard, however, this could be overcome with sufficient lighting and security cameras.	This objection has some merit but is not grounds for refusal.
Meridian Way will be used as a car park	Given that the development proposes pedestrian access from Meridian Way through to the centre it is possible that Meridian Way could be utilised as an additional car park for the centre. This concern is accelerated given the ten deficient onsite parking spaces.	This objection is concurred with and forms a reason for refusal
Entry into the car park will bottle neck onto Kennedy Drive	The Local Traffic Committee have expressed concern with ingress and egress to the site and have therefore recommended refusal of the application	This objection is concurred with and forms a reason for refusal.
Service trucks will be noisy and impact on the local residents	The difficulty in having commercial zoned land in the vicinity of residential properties is the potential land use conflict. If approval were granted for the proposal conditions of consent could be imposed to limit hours of operation and overall noise outputs.	This objection has some merit but is not grounds for refusal.
There are not enough amenities proposed to cater for all the shops	Council's Building Surveyor has reviewed this situation and determined that compliance with the requirements of the BCA is achievable and could be conditioned.	This objection does not warrant amendment of the application.
There is no room in the service lane for LPG cylinders as required for restaurants etc	The service lane is narrow (5 metres), and it would be difficult to accommodate forklifts, gas cylinders and any additional materials in that lane without restricting truck movements.	This objection is concurred with and forms a reason for refusal.
The proposal will result in a loss of large existing outdoor areas	The proposed development has little onsite landscaping or opportunity for outdoor dining. This re-enforces that the proposal is an overdevelopment of the site and should not be supported.	This objection is concurred with and forms a reason for refusal.
Forklifts will not be able to be used if	The service lane is narrow (5 metres), and it would be difficult to	This objection is concurred with and forms a reason for refusal.

Reports from Director Development Services

OBJECTION	IMPACT ASSESSMENT	COMMENT
trucks use only the inset delivery bays	accommodate forklifts without restricting truck movements.	
The proposed waste bins are considered inadequate.	Council's Environmental Health Officer has reviewed this element of the proposal and has raised no objection, however, conditions of consent would need to be imposed.	This objection has some merit but is not grounds for refusal.
The application ignores the positive visual impact of the garden centre	The deletion of the garden rockery would have a negative visual impact on the site. If alternative significant vegetation was proposed the impact would be minimised, however, there is insufficient landscaping proposed	This objection is concurred with and forms a reason for refusal.
The area is flood prone	Floor free storage would be required and could be conditioned.	This objection does not warrant amendment of the application.
DA increase shops from 12 to 17 tenancies and only provides 12 additional car spaces	The deficient parking spaces has been addressed above	This objection is concurred with and forms a reason for refusal.
Pedestrian access unsafe onsite	The Traffic Committee have noted that the pedestrian crossings are located in close proximity to car spaces and would result in cars reversing over pedestrian crossings. This is unacceptable and has resulted in refusal of the application.	This objection is concurred with and forms a reason for refusal.
Shops have been built too close to residences at Meridian Way	There is no setback requirement for the site. The proposed 5-metre setback would be considered reasonable if the service lane was satisfactory.	This objection does not warrant amendment of the application.
Too much bitumen and not enough grass	The landscaping deficiency has been addressed previously.	This objection is concurred with and forms a reason for refusal.
Within 300m of Kennedy Drive there will be seven exits and four entries from the shopping centre and nearby streets.	The local Traffic Committee reviewed this issue and determined to refuse the current application.	This objection is concurred with and forms a reason for refusal.
A large supermarket will clog inadequate delivery bays and	The proposed supermarket is permissible with consent, however, full compliance with Council's	This objection does not warrant amendment of the application.

Reports from Director Development Services

OBJECTION	IMPACT ASSESSMENT	COMMENT
commandeer the parking	parking code is required.	
The application defies many Council development provisions	As detailed in the above report there are numerous areas of non-compliance, thus warranting refusal of the application.	This objection is concurred with and substantiates the recommendation for refusal.
The location of the video store is too close to the road and presents a visual barrier for traffic entering and existing the site	Local Traffic Committee has not identified this particular tenancy as an area of specific concern; however, the overall access/exit of the site is unsatisfactory.	This objection does not warrant amendment of the application.
Staff will end up using customer parking spaces	The application is ten spaces deficient of that required.	This objection is concurred with and substantiates the recommendation for refusal.
The existing centre isn't viable and this re-development will result in the same level of vacant tenancies.	There is no evidence to support this argument.	This objection does not warrant amendment of the application
The application encroaches upon leased land and a lawful consent cannot be issued	Council's obligation in accordance with the Environmental Planning and Assessment Act 1979 was to obtain "owners consent" for the lodgement of this application. This legal obligation has been satisfied, any further discretion regarding the legalities of a lease compared with ownership will need to be resolved as a private matter between the lessee and owner, outside the development application process.	This objection does not warrant amendment of the application.
The application does not present equity of services across the site. For example the toilets and disabled spaces are located at one location only.	DCP No. 2 does specify that equity should be imposed on beneficiaries. However, the site as a whole has satisfied the requirements for disabled access and toilet facilities.	This objection does not warrant amendment of the application.
The proposed median strips will prevent residents along Kennedy Drive from	Kennedy Drive is considered as a distributor road and as such will affect the residents living along this road. Whilst it is acknowledged that a	This objection does not warrant amendment of the application.

Reports from Director Development Services

OBJECTION	IMPACT ASSESSMENT	COMMENT
conveniently accessing their properties.	median strip would be inconvenient for residents the introduction of this is almost inevitable whether this proposal is approved or refused.	
The speed limit along Kennedy Drive will need to be reduced to 50km.	The Local Traffic Committee did not raise the speed limit as a significant issue in relation to this proposal.	This objection does not warrant amendment of the application.
The applicants expected deliveries of 50 per day seem to be an understatement.	There is no evidence contrary to this figure.	This objection does not warrant amendment of the application.
The measured traffic flow for the centre was detailed at 1369 per day, however the test was done on a rainy day with four vacant tenancies.	The Local Traffic Committee took this into consideration when reviewing the application.	This objection is concurred with and substantiates the recommendation for refusal.
The proposed bus stop will prevent trucks entering the site when a bus is present.	The Local Traffic Committee took this into consideration when reviewing the application.	This objection is concurred with and substantiates the recommendation for refusal.
The Endless Summer Garden Centre will no longer be capable of entering the garden centre of the year competition.	Whilst this is unfortunate and not desirable, Council has received owners consent and satisfied its legal obligation.	This objection does not warrant amendment of the application.

(e) Public interest

Given the number and overall quality of the objections received in relation to this proposal, this application is not considered to be in the public interest.

OPTIONS

1. Refuse the application in accordance with the recommendation.
2. Defer determination of the application and require the applicant to design a proposal that complies with Council's development control requirements.
3. Approve the application.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

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

Reports from Director Development Services

CONCLUSION

The subject site is currently in need of some form of revitalisation. However, the proposal before Council is concluded to be a highly unacceptable design outcome for the site. The site constraints make it imperative that whatever development occurs on the site will create an attractive design that will function efficiently and obviously be economically successful. The proposed design does not address these constraints effectively despite numerous attempts at a re-design. Whilst it would be desirable to see something done to revitalise the existing centre, the proposed design is not considered satisfactory thus warranting refusal of the application. Any future re-design should be the subject of a new development application.

Reports from Director Development Services

- 2. ORIGIN:** Strategic Town Planning Unit
FILE REF: GT1/29/3 Pt2; Tweed Coast Strategy

REPORT TITLE:

Tweed Coast Strategy

SUMMARY OF REPORT:

On 19 February 2003 Council considered a report on the submissions received in respect of the exhibition of the Draft Tweed Coast Strategy 2002 Discussion Paper; and a draft amendment to Development Control Plan (DCP) No 9 (West Kingscliff). Council resolved to hold a Workshop with stakeholders, which was held on 4 March 2003.

In view of the magnitude of growth on the Tweed Coast it is essential that Council has a comprehensive and robust planning framework to manage that growth. A key element in that Strategy must be the location of a District Town Centre to cater for the needs of present and future residents.

A great deal of time and effort is being expended in debating this issue. In view of the Development Application lodged by Gales Holdings for a retail development on Turnock Street (and the related appeal to the Land & Environment Court) it is essential that Council make a determination on this matter. To assist in this set out below is a summary of relevant issues:

Turnock Street remains the preferred location for the District Centre for the following reasons:

1. Accessibility to all parts of the Tweed Coast;
2. No adverse traffic impact on Kingscliff CBD;
3. Integrate with existing District facilities;
4. Integrate with residential development to create a sense of place.

RECOMMENDATION:

That:

1. Council prepares and exhibits a draft Development Control Plan the "Tweed Coast Strategy 2002" by amending the Draft Tweed Coast Strategy 2002 Discussion Paper as follows: -
 - a. Confirm Turnock Street, (adjacent to the existing Kingscliff Shopping Centre) Kingscliff as the site of the District Town Centre for the Tweed Coast.
 - b. Include an explanation of the green belt policy and an appropriate Policy Statement in Section 7.0 Environmental and Coastal Issues.
 - c. Environmental aspects:
 - recommend Council prepare a Koala Management Plan;
 - include all threatened species and species habitat wetland and significant vegetation communities;
 - include the habitat of the Mitchell's Rainforest Snail;
 - include east-west vegetated corridors at West Kingscliff.

Reports from Director Development Services

- d. Set out the requirements for beach access, integrated with the principles for the location of public parking areas.
 - e. Include relevant coastal regional facilities as set out in Council's adopted Open Space Strategy.
 - f. Replace 5.8 (Kingscliff) with "It is intended to undertake a comprehensive review of future parking for the existing Kingscliff CBD. Notwithstanding that intention, the need for a parking station to service the CBD should be retained which should be integrated into the District Centre on the southern side of Turnock Street".
 - g. The planning for the Chinderah Road – Turnock Street link include traffic controls to manage Crescent Street.
 - h. Include a site for emergency services on the Kingscliff STW site (assuming the treatment works are relocated).
 - j. The location and need for potential upgrading of the Kingscliff Amenities Hall be reviewed.
 - k. Reference should be made to Master Plans in Section 2 of the Discussion Paper and the Strategic Plan diagram.
2. The Discussion Paper to be completed for the area between Kingscliff and Cudgen Lake and in the longer term be extended to include:
 - the full length of the Tweed Coast from Fingal to Wooyung; and
 - broad locality plans for each of the coastal communities as a basis for detailed local planning.
 3. An incentives framework be evaluated to potentially achieve the coastal esplanade detailed in Section 7.1; and require a link from any esplanade at Lot 490 to the realigned Casuarina Way.

Reports from Director Development Services

REPORT:

INTRODUCTION

With ongoing population growth and the associated pressure for development, planning for the Tweed Coast has become the major strategic planning's theme for Council over recent months. The draft Tweed Coast Strategy – Discussion Paper has highlighted four (4) crucial components, namely:

- the location of a District Town Centre to service the coast;
- the establishment of green belts to contain urban areas;
- sensitive coastal foreshores; and
- strategic infrastructure.

Of these the District Town Centre is the most crucial, not least because a development application has been lodged for a major retail development in West Kingscliff. It is essential that, if Council is to retain the initiative in planning for the Tweed Coast, then decisions are required in respect of progressing the Strategy.

The preferred location of the District Town Centre was identified in the Kingscliff Centres Study. That Study was first considered by Council in August 2001. Since that date Council has held a number of Workshops as follows: September 2000, August 2001, January 2002, May 2002, August 2002, September 2002, February 2003 and March 2003. Some of these Workshops included community groups and landowner representatives. The Kingscliff Centres Study has been exhibited on two occasions, and the Draft Tweed Coast Strategy 2002 Discussion Paper once.

REPORT ON SUBMISSIONS

On 19 February 2003 Council considered reports in respect of:

- an analysis of the submission received on the exhibition of the draft Tweed Coast Strategy – Discussion Paper.
- a draft amendment to DCP9 – West Kingscliff to accommodate the District Town Centre at Turnock Street, Kingscliff.

At that meeting Council resolved that:

“given the crucially important planning decisions to be made in relation to the Draft Tweed Coast Strategy and draft DCP 9, an urgent workshop be convened involving:-

- *Mayor and Councillors*
- *Director Development Services, Manager Strategic Planning & Strategic Planner (Bruce Duffield)*
- *Director Engineering Services*
- *Patrick and Partners: Mike Cullen*
- *Gales Holdings: Dr Stephen Segal*
- *Diecke Richards: Peter Richards*
- *JHD Advisors Pty Ltd: retail consultants to Gales Holdings*

Reports from Director Development Services

- *Kingscliff Residents and Progress Associations President plus one other*
- *Tweed Coast Business Corporation President plus one other*
- *Tweed Coast Chamber of Commerce President plus one other*
- *Veitch Lister – traffic consultants*
- *Other representatives at the Mayor's discretion – recognising the need for a manageable number”.*

Since that decision the following has been undertaken:

1. Council Workshop held on 4 March 2003;
2. Council officers requested to attend a meeting of the Kingscliff Residents & Progress Association on 10 March 2003;
3. Discussions with NPWS concerning environmental issues at West Kingscliff;
4. Review of environmental factors in respect of land east of Old Bogangar Road.

Each of these is considered in turn.

COUNCIL WORKSHOP

As required, the Workshop was held on 4 March 2003. The attendance and notes of the meeting are set out in Appendix 1. Gales Holdings elected not to attend and the Tweed Coast Business Corporation were not represented. Leda attended on behalf of the current owners of Kings Forest. The principal outcomes of the workshop may be summarised as follows:

- The nature of the proposed District Centre was explained by Council's Consultant, M Cullen. He emphasised that Council should be planning for a District Town Centre, comprising an integrated retail, commercial and community facilities for the Tweed Coast. This Centre is not made up of only a retail centre. To split these Town Centre facilities into different locations would not provide for the necessary accessibility, efficiency and sense of place. He also provided an appraisal of the retail analysis prepared by JHD on behalf of Gales Holdings. A summary of his presentation and appraisal of the JHD analysis set out in Appendix 2.
- The traffic implications of growth in Kingscliff were explained in the following terms. Council's Traffic Consultants have modelled existing and proposed traffic volumes and level of service at Kingscliff. This model is based on the eventual land use as currently provided for in TLEP 2000, and the 3 options for the District Centre as set out in the Draft Tweed Coast Strategy. The results are set out in Table 1, which clearly demonstrates that:
 - There will be considerable growth in traffic irrespective of where the District Centre is located;
 - The location of the District Centre at Turnock Street makes little impact on those traffic levels;
 - Notwithstanding the growth in traffic the level of service remains high, because of the permeability of the area as a result of the additional roads proposed.

Reports from Director Development Services

Consequently, the issue facing Kingscliff is not the traffic arising from a District Centre, but the impact of the general growth in traffic and the resultant car parking. This in turn highlights the need for a comprehensive review of the planning for Kingscliff.

- Neither of the major landowners support a District Centre on their property. Leda indicated that they do not favour a District Town Centre located at Kings Forest. Gales Holdings do not support the preferred site at Turnock Street, but prefer a location nearer the Chinderah Interchange for a District Shopping Centre.
- Continued community confusion at the nature and impact of the preferred location of the District Centre at West Kingscliff or Kings Forest at Kingscliff.
- Call for an investigation of the opportunities for a further Cudgen Creek crossing to replace the existing bridge south of Kingscliff; and locating the District Centre on land east of Old Bogangar Road.

COMMUNITY COMMENT

Council officers were invited by the Kingscliff Residents & Progress Association to explain the details of the recommended preference for Turnock Street as the preferred location for the District Centre. The Association was concerned that there was a great deal of confusion about the exact nature of the various proposals for the District Centre.

The Manager of Strategic Planning, Bruce Duffield and Council's Consultant, Mike Cullen, made a short presentation to about 40 people, based on the presentation to the Workshop held on 4 March. A copy of the notes handed out by the Manager of Strategic Planning are set out in Appendix 3. The Association subsequently informed Council that:

"At their Special meeting 12 March 2003 meeting this Association moved the following motion:

"that KRPA writes to TSC to indicate our broad support of the principles of the Town Centre concept as present by Bruce Duffield, TSC and that KRPA notifies TSC that this Association therefore opposes the DA as presented by Gales Holdings as the DA does not incorporate the wishes of the community (see attached list) and that KRPA requests that TSC continue to provide opportunities for public input and consultation on these issues"

In addition the following communication has been received from the Tweed Coast Business Corporation:

"I presented some of the information to the Business Corporation this morning re the DA and DCP proposals. A resolution was passed "that the Tweed Coast Business Corporation supports the development of a DCP for west Kingscliff. It supports the inclusion of commercial/retail zoning for the 'regional town centre' that is located adjacent to and integrated with the existing retail centre and compliment existing infrastructure. We do not support the concept of fragmenting the retail commercial centre as reflected in the Segal Development Application.

Our corporation would like to meet with you at a dedicated workshop to discuss the DCP in particular the inclusion of retail and industrial zonings and the impact it will have on

Reports from Director Development Services

the existing Town Centre. The dates we have as a preference are Monday 24th March or Wednesday 26th March or Tuesday 25th March in order of preference”.

The Manager of Strategic Planning and Bruce Duffield will make a presentation to the Business Corporation on Monday, 31 March 2003.

ATTITUDE OF LANDOWNERS

Leda have made comments (see Appendix 6).

REPLACEMENT FOR EXISTING CUDGEN CREEK BRIDGE

This issue was included in the report to Council on 19 February 2003, as follows:

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

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

DISCUSSIONS WITH NATIONAL PARKS & WILDLIFE SERVICE

West Kingscliff includes the habitat of threatened species, in particular Mitchell’s Rainforest Snail. The snail is endangered under the TSC Act, critically endangered under the Environmental Protection and Biodiversity Conservation Act 1999 and endangered (ENC2a) on the International Union for the Conservation of Nature Red List. Live specimens have been found in woodland south of Turnock Street and shells in woodland on the northern side.

In acknowledgment of the issue Council officers prepared a design for the District Town Centre, which excluded both areas of woodland from development. Furthermore, this design formed the basis of the draft amendment to DCP 9, which was reported to Council on 19 February 2003.

This Plan was presented to NPWS who responded as follows:

“The proposal to develop land on the north and south sides of Turnock Street and the construction of a road linking Turnock Street to Quigan Street is not supported. This proposal would further fragment habitat for Mitchell’s Rainforest Snail, increasing the degree of isolation. Isolated habitats will also be subjected to altered hydrological regimes and increased edge effects, which over time, will reduce the quality and viability of habitat.

An altered hydrological regime is expected to occur when a large amount of fill is placed in close proximity to snail habitat. The specific habitat requirements of Mitchell’s Rainforest Snail make it particularly susceptible to changes in hydrology. The fragmentation and isolation of habitat coupled with potential changes in hydrology and increased extent of edge effects may have a substantial and irreversible impact on snail habitat.

Reports from Director Development Services

Other Lands

Aspects of the proposal specified in DCP No 9 are supported. Further consideration should be given to:

- *The width and extent of the north-south greenbelt to ensure that it protects threatened species values in this area.*
- *The retention of suitable buffers to vegetation, particularly south of the proposed low density housing and road in lots 26C, 26D and 4.*

NPWS Recommendation

Proposed town centre – north and south of Turnock Street

It is recommended that an alternative proposal be investigated. This alternative involves the retention of all the land south of Turnock Street (i.e. part lots 12 and 13) for conservation within an environmental protection zone and consolidating development to the north side of Turnock Street (i.e. lots 1-9 and part lots 11 and 12; refer to map). The recommendation to consolidate development north of Turnock Street does not negate the need for environmental impact assessment and the likelihood of threatened species concurrence being required. As Council is aware, this area supports Mitchell's Rainforest Snail and other threatened species habitat.

The alternative proposal may involve the loss of some snail habitat north of Turnock Street but would ensure the protection and consolidation of snail habitat south of Turnock Street reducing the risk of long-term impacts from fragmentation, isolation, edge effects and altered hydrological regimes. An essential component of any proposal is that the hydrology of land south of Turnock Street remains unaltered”.

The full text of the response is set out in Appendix 4.

Following that response Council officers prepared an alternative design on the northern side of Turnock Street, which is reproduced in Figure 1. Both options on the northern and southern side of Turnock Street would meet the overall design objectives for the District Town Centre. Moreover, both options have been discussed with NPWS. The Service is not prepared to endorse either option, but acknowledges that a site could be found subject to no adverse impact on snail habitat as a result of the filling of land and any impact on water quality and water table. It is considered that this can be achieved.

DISCUSSION

Following the Council decision of 19 February 2003, no new arguments have been brought forward concerning the issues related to the Tweed Coast Strategy, in particular the District Town Centre. However, some local opinions have become clearer.

A great deal of time and effort is being expended in debating this issue. In view of the Development Application lodged by Gales Holdings for a retail development on Turnock Street (and the related appeal to the Land & Environment Court) it is essential that Council make a determination on this matter. To assist in this set out below is a summary of relevant issues:

1. What is happening along the Tweed Coast?

Reports from Director Development Services

The Tweed Coast is a mosaic of significant social, economic and ecological environments. It is also the focus of the growth pressures of the Shire. The population between Chinderah and Lake Cudgen is anticipated to grow from the current 7,000 to over 27,000 over the next 20 years.

2. How should Council respond to that growth?

Growth of this magnitude requires integrated planning to ensure that

1. needs of the current and future populations are met
2. essential infrastructure is integrated and programmed
3. individual developments are integrated with each other
4. adverse impacts are managed and mitigated
5. community interests are taken account of and competing interests are balanced

To achieve this integrated planning Council's options include

1. Creation of a strategy from individual development applications as they are lodged
2. Rely on Master Plans prepared by landowners/developers
3. Prepare a comprehensive Council strategy

3. What are the State Government requirements?

The State government has imposed a number of policy requirements for coastal development. The most recent is SEPP 71 – Coastal Protection. One of the stated aims of the Policy is to encourage a strategic approach to coastal management. If local determination of coastal planning issues is to be retained it is essential that Council has a comprehensive and robust planning policy framework for the coast to demonstrate to the Minister that it has an integrated and strategic approach to the Tweed coast.

4. What is Council seeking to achieve?

1. Consult with the community on the future of Kingscliff and the Tweed Coast
2. In 20 years be able to demonstrate that:
 - The needs of growth on the Tweed Coast have been met in an efficient and effective way
 - The impacts of growth on existing coastal communities have been managed and Kingscliff remains a **Special Place**
 - There is reciprocal support between the District Centre and all neighbourhood centers

5. Why does the Tweed Coast require a District Centre?

At present the coast only supports the provision of local, immediate needs for shopping, offices community facilities etc in a series of small centres. Residents have to travel to Murwillumbah, Tweed Heads or further for "higher order" facilities. The growth indicated in paragraph 1 above will bring a need for these facilities to be accessible within the District, which would be most effectively provided for in a comprehensive District Centre.

Reports from Director Development Services

6. What are the design principles for a District Centre?

1. Accessibility – will people easily access the center by car, public transport, walking?
2. Amenity
3. Local character – will the character of existing centers be maintained?
4. Sense of Place
5. Functional – will the center be efficient?
6. Needs – will the needs of the District be met?
7. Existing resources – will the center make the best use of existing resources and facilities?

7. What are the options for the District Centre?

The Draft Tweed Coast Strategy canvasses 3 options:

1. Turnock Street – a site north or south and adjacent to the existing Kingscliff Shopping Centre.
2. Kingscliff STW.
3. Kings Forest.

8. Why is Turnock Street the preferred location for the District Centre?

1. Accessibility to all parts of the Tweed Coast;
2. No adverse traffic impact on Kingscliff CBD;
3. Integrate with existing District facilities;
4. Integrate with residential development to create a sense of place.

OPTIONS

In broad terms the options for Council concern the completion of the Tweed Coast Strategy. If Council does not consider such a Strategy is necessary then no further work would be undertaken on the project. The consequences would be that:

- There would be no mechanism for the coordination and integration of development and related infrastructure;
- There would be no policy basis for the assessment and determination of the Gales Development Application for retail development;
- There would be no basis to argue with State Government that Council has the basis for itself determining Development Applications for major developments along the Tweed Coast.

If Council accepts the need to finalise a strategy for the Coast it remains to determine the content. On that basis it is recommended that the Draft Tweed Coast Strategy be completed in accordance with the recommendations made in the report to Council on 19 February 2003, namely:

Reports from Director Development Services

- “1. Council prepares and exhibits a draft Development Control Plan the “Tweed Coast Strategy 2002” by amending the Draft Tweed Coast Strategy 2002 Discussion Paper as follows: -
 - a. Confirm Turnock Street, (adjacent to the existing Kingscliff Shopping Centre) Kingscliff as the site of the District Town Centre for the Tweed Coast.
 - b. Include an explanation of the green belt policy and an appropriate Policy Statement in Section 7.0 Environmental and Coastal Issues.
 - c. Environmental aspects:
 - recommend Council prepare a Koala Management Plan;
 - include all threatened species and species habitat wetland and significant vegetation communities;
 - include the habitat of the Mitchell’s Rainforest Snail;
 - include east-west vegetated corridors at West Kingscliff.
 - d. Set out the requirements for beach access, integrated with the principles for the location of public parking areas.
 - e. Include relevant coastal regional facilities as set out in Council’s adopted Open Space Strategy.
 - f. Replace 5.8 (Kingscliff) with “It is intended to undertake a comprehensive review of future parking for the existing Kingscliff CBD. Notwithstanding that intention, the need for a parking station to service the CBD should be retained which should be integrated into the District Centre on the southern side of Turnock Street”.
 - g. The planning for the Chinderah Road – Turnock Street link include traffic controls to manage Crescent Street.
 - h. Include a site for emergency services on the Kingscliff STW site (assuming the treatment works are relocated).
 - j. The location and need for potential upgrading of the Kingscliff Amenities Hall be reviewed.
 - k. Reference should be made to Master Plans in Section 2 of the Discussion Paper and the Strategic Plan diagram.
2. The Discussion Paper to be completed for the area between Kingscliff and Cudgen Lake and in the longer term be extended to include:
 - the full length of the Tweed Coast from Fingal to Wooyung; and
 - broad locality plans for each of the coastal communities as a basis for detailed local planning.
3. An incentives framework be evaluated to potentially achieve the coastal esplanade detailed in Section 7.1; and require a link from any esplanade at Lot 490 to the realigned Casuarina Way”.

Note: A copy of the report is attached to the Agenda (Appendix 5).

Reports from Director Development Services

3. ORIGIN: Development Assessment Unit

FILE REF: DA02/1137; LN: 16407

REPORT TITLE:

Development Application DA02/1137 - Multi-Dwelling Housing comprising 2 x 4 Bedroom and 1 x 2 Bedroom Units at Lot 16 Section 4 DP 31209 No. 11 Cypress Crescent, Cabarita Beach

SUMMARY OF REPORT:

An application has been submitted for a two storey residential flat building at Cypress Crescent, Cabarita Beach/ Bogangar. The land contains an existing older style two storey residential flat building comprising three units in the form of 2 x 2 bedroom unit and 1 x 4 bedroom unit. The existing units were built during the 1960's and are constructed from brick and tile. The land has an area of 614 m2 and is located on the seaward side of Cypress Crescent, Bogangar, and is adjacent to the Coastal Reserve. The land is zoned 2(a) Low Density Residential, and a development of this magnitude in such a zone is prohibited. This application is seeking consent by utilising the existing use right provisions under the EPA Act 1979 and EPA Regulations 2000. The applicant is also seeking consent for the demolition of the existing building.

The application was initially for a three storey building containing 2 x 4 bedroom units and a 3 bedroom unit. The plans have since been amended following concerns raised by Council in relation to the proposal being an overdevelopment of the site. Although the proposal has been reduced to a two storey building it is considered the proposal is still an overdevelopment of the site. The development results in a net increase of overshadowing of the Coastal Reserve, is an intensification of an existing use, which is prohibited in the zone and is sited on land within the 50 to 100 year erosion zones. Consequently the application is recommended for refusal.

RECOMMENDATION:

That Development Application DA02/1137 for multi-dwelling housing comprising 2 x 4 and 1 x 2 bedroom units at Lot 16 Section 4 DP 31209 No. 11 Cypress Crescent, Cabarita Beach be refused for the following reasons: -

1. The proposal is an overdevelopment of the site.
2. The proposal is inconsistent with the objectives of the 2(a) Low Density Residential zone.
3. The proposal does not comply with Clause 51A of Tweed Local Environmental Plan 2000 in that the area of the lot is less than the area required in this Clause for 3 dwellings.
4. The proposal is inconsistent with Clause 36 of Tweed Local Environmental Plan 2000.
5. The proposal does not comply with Clause 32B of the North Coast Regional Environmental Plan 1988 in terms of coastal erosion and overshadowing of a beach or foreshore.
6. The site located within a Coastal Erosion Zone is unsuitable for a development of this magnitude.
7. The proposal is not in the public interest.

Reports from Director Development Services

REPORT:

Applicant: Ms B McKeering

Owner: Bronlen Pty Ltd

Location: Lot 16 Sec 4 DP 31209, No. 11 Cypress Crescent Cabarita Beach

Zoning: 2(a) Low Density Residential

Cost: \$735,000.00

BACKGROUND

A development application has been submitted for a residential flat building at Cypress Crescent, Cabarita Beach. The application was initially for a three storey building containing two four bedroom units and a three bedroom units. The plans have since been amended following concerns raised by Council in relation to the proposal being an overdevelopment of the site. The proposal has been reduced to a two storey building comprising 2 three bedroom units and 1 four bedroom unit.

The land currently contains a two storey residential flat building containing three dwellings. The land has an area of 614 m² and is located on the seaward side of Cypress Crescent, Bogangar, and is adjacent to the Coastal Reserve. The land is zoned 2(a) Low Density Residential, and a development of this magnitude in such a zone is normally prohibited. This application is seeking consent by utilising the existing use right provisions under the EPA Act 1979 and EPA Regulations 2000. The applicant is also seeking consent for the demolition of the existing building.

Reports from Director Development Services

SITE DIAGRAM



Reports from Director Development Services

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

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

Tweed LEP 2000

Clause 11 – 2(a) Low Density Residential Zone and Clause 51A Multi Dwelling Housing Densities in Zone 2(a)

Multi-dwelling Housing is permissible with consent in the 2(a) Low Density Residential Zone subject to compliance with Clause 51A of the LEP. That is 1 dwelling per 250 m² as the land is within 300 metres of land zoned 3(b) General Business. The subject site is within this 300 metres, however as the site has an area of 614 m² the proposal is seeking consent for a development with a density of 1 dwelling per 205 m². The proposal is therefore prohibited in the zone.

However the applicant is seeking approval as the existing residential flat building is a non-conforming use with existing use rights and under Section 108 of the EPA Act 1979 and Clause 41 of the EPA Regulations 2000, consent can be granted for an otherwise prohibited development.

In relation to the existing building, Council has confirmed that the existing building has been lawfully erected under separate approval issued during the 1960's. The existing building has a gross floor area of 258 m² or a floor space ratio of 0.42:1 and occupies approximately 189 m² of the site. The proposed building has a gross floor area of 330 m² or a floor space ratio of 0.53:1, and occupies 217 m² of the site. In considering this proposal, it is also necessary to weigh up other constraints and issues pertinent to this proposal. These are overshadowing of the coastal foreshore area and coastal erosion issues. From the shadow diagrams submitted the proposal will result in an increase in overshadowing of the foreshore reserve. Under the North Coast Regional Environmental Plan 1988 development shall not overshadow the foreshore reserve at 3 pm midwinter and 7 pm midsummer. The site is also located within the 50 to 100 year erosion lines in the recently completed WBM Hazard Definition Study, and as such, Council needs to consider such a risk in determining application along the coastal foreshore.

While medium density development is permissible in the zone, given that the site is within 300 metres of the Business Centre, it is no longer permissible at the scale as existing and as proposed. The proposal will continue and intensify a prohibited use, and having regard to the coastal erosion risk such an increase in residential density is not supported.

Clause 15 Essential Services.

Existing infrastructure servicing the development is considered adequate.

Clause 16 Height of Buildings

The land has a three-storey maximum height limit. The proposal containing a basement car park and two levels of residential above is, on merit, acceptable given this standard.

Reports from Director Development Services

Clause 35 Acid Sulphate Soils

The land is identified under Tweed LEP 2000 as Class 4 ASS. A preliminary ASS Assessment by HMC Environmental Services has been submitted with the application which concluded that no ASS is likely to be disturbed by the development. Concern was raised by the Environment and Health Services Unit in relation to groundwater levels as the site will need to be excavated for a basement car park. Information submitted by the applicant and their environmental consultant indicates that ground water levels, although unknown, should not be intercepted.

This conclusion was reached based on the acid sulphate soils assessment whereby ASS will not be disturbed during construction with groundwater, which is found below the upper level of any ASS, also not being disturbed. As such dewatering of the site is not required, and the applicant has not applied for a dewatering license under the Water Act 1912.

Clause 36 Coastal Erosion Outside Zone 7(f)

The application was forwarded to DLWC for comment in accordance with the Clause. The Department submitted that as the property is within the projected 50 to 100 year erosion events as identified under the WBM Tweed Coastline Hazard Definition Study, Council should consider the possible impacts of long-term shoreline recession and may wish to await the outcome of the Tweed Coastline Hazard Management Study and Plan prior to determination.

Comment: The Management Study and Plan is not likely to be finalised until the end of 2003/ early 2004, and Council will need to make a decision on the information to hand.

The applicant has submitted preliminary engineering detail demonstrating that the proposed building would be pierced down to R.L. 0.0. This measure has been considered by Council as satisfactory in similar locations adjacent to the Coast and subject to Coastal processes. As to whether or not this is an appropriate response in dealing with this hazard is not clear. Should an erosion event happen it is uncertain as to whether the piercing of the development to RL 0.0 will be sufficient to maintain the structural integrity of the building. Further should sand and other foundation material be washed out from under the development, the replacement of this material will need to be extracted from another site and it is unknown where the material would be sourced from. Until this was to happen the development would be visually unattractive to the foreshore. Having regard to the Precautionary Principle and in the absence of an adopted Coastline Management Hazard Study and Plan it is concluded that the development is not consistent with the provisions of Clause 36 of Tweed LEP 2000.

North Coast Regional Environmental Plan 1988 - Clause 32B

Under this clause Council must consider whether the development impedes public access to the foreshore area, have consideration to the Coastal Policy, the Coastline Management Manual and the North Coast Design Guidelines, and the clause prevents Council from granting consent to development which overshadow the beach before 3 pm midwinter and 7 pm (daylight saving time) Mid summer. Each of these issues are discussed in turn

Reports from Director Development Services

Public Access: The proposed development will not impede public access to the foreshore area or the beach, with access available from Pandanus Parade and Palm Avenue to the south and Cypress Crescent and the Cudgen Nature Reserve to the north.

NSW Coastal Policy: Matters raised by the Coastal Policy are discussed below.

Coastline Management Manual: The development has been designed with an option considered under the Coastline Management Manual for piercing the proposed development down to R.L. 0.0 to protect the proposed building from a Coastal Erosion Event. The manual does however discuss that such an option for protection may not be socially acceptable as the proposed building will be visually unattractive to the public should the building be threatened by an erosion event.

North Coast Design Guidelines: The development is consistent with the North Coast Design Guidelines

Overshadowing: The proposed development will cast a shadow onto the beach/foreshore area before the two time periods nominated under the REP for midwinter and midsummer. The applicant has submitted a SEPP No. 1 Objection to vary the development standard for the following reasons:

- The existing building currently overshadows the beach prior to the relevant times.
- Existing dunal vegetation on the foreshore area adds to further overshadowing of the beach prior to the relevant times.
- Immediate foreshore area is not considered to be useable passive open space, as it does not contain any public facilities, which would encourage the public to congregate at. Therefore overshadowing does not alienate physical use of the area.
- NSW Coastal Policy has guidelines relating to overshadowing of foreshore open space, but provides a comment, which indicates that such standards are difficult to achieve in urban environments. The applicant has submitted that this is the case, and the standard is inappropriate in this instance.

Comment – Shadow Diagrams have been submitted to show the shadow impact of the existing building, proposed building, and vegetation on the foreshore area. The diagrams however are not for the exact times as prescribed under the REP but it is considered give a fair indication as to the extent of the overshadowing into the foreshore reserve, when compared to the existing building. It is noted the existing building casts a shadow into the foreshore area in midsummer with an area of approximately 270m² and in midwinter with an area of 207m². The proposal casts a shadow of approximately 400m² in midsummer and 270m² in midwinter.

The proposal will therefore result in an increase in overshadowing of the foreshore reserve in mid winter of approximately 63 m² and 130 m² in midsummer. Having regards to the planning controls it is considered the increase in overshadowing is unacceptable and that a variation to the development standard not be granted in this instance.

Reports from Director Development Services

Dot point 3 of the above submission is not supported given that pedestrian access is available adjacent to the eastern boundary of the lots in Cypress Crescent.

SEPP 71 Coastal Development

The application was submitted prior to the SEPP being gazetted and does not apply as per the transitional provisions under Clause 25

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

No draft EPI's affect this proposal.

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

Development Control Plan No. 2 – Site Access and Parking Code

The applicant has proposed to provide 5 spaces within the basement car park, and a carwash bay in the open. Proposed car parking complies.

Development Control Plan No. 6 – Multi Dwelling Housing

The proposed site is level, clear of vegetation, and contains an existing residential flat building two storeys in height and a swimming pool. The property is adjacent to two residential flat buildings either side containing 6 units each. Both of these building are double storey, and the proposal in terms of bulk, scale and density maintains the Status Quo. The proposal complies with most of the requirements of DCP No. 6 as the following table demonstrates.

Standard	Requirement	Variation/complies
Floor Space Ratio	0.5:1.0	The total floor area of the three dwellings is approximately 330m ² . The site area is 614m ² which equates to a floor space ratio is 0.53:1.0. The development does not comply with the FSR.
Landscaped Area	80m ² per unit = 240m ²	The proposed development provides a total of 300 m2 of landscaping to the site and complies with landscaping area requirements. The existing swimming pool is to be retained. A conceptual landscape plan has been submitted with the plans, which appears satisfactory.
Setbacks from street boundary	6.0m to Cypress Cr	The proposed building is setback approximately 10 meters from the street and complies.
Front fences and walls	1.2m max if solid	No new fencing is proposed between the front building line and the front boundary. Existing

Reports from Director Development Services

Standard	Requirement	Variation/complies
		fencing to be retained around swimming pool and adjacent to 13 Cypress Crescent to be retained.
Building Envelope	45° from 3.5m high at the boundary	The development all but complies with the BHP other than some minor encroachments from the eaves on the side boundaries. Such encroachments are considered acceptable.
Side and rear setbacks	BCA Requirements (3 metres)	The proposed building complies with the rear setback to the Coastal Reserve. Elements of the building encroach on the side setbacks. The Kitchens of Units 1 and 2 on the ground floor encroach by 750 mm and bedroom 1 of Unit 1 also encroaches by a similar amount. Being on the ground floor such an encroachment will have a negligible impact on neighbour's amenity.
Private Open Space	20% of site area and balconies with minimum dimensions of 2 metres and area of 10 m ² .	With over 300m ² of the site area being dedicated to landscaping, approximately 49% of the site is landscaped. The ground floor units have balconies accessible from the living areas with an area of 13.5 m ² and dimensions of 4.5m x 3m. The unit above has a balcony double this area with dimensions of 9 m x 3 m. Proposal complies with Private Open Space.

Development Control Plan No. 39 – Energy Smart Homes Policy

Applicant has submitted a NatHERS Certificate demonstrating that the three dwellings comply with the Policy in relation to Energy Efficiency.

DCP 42 Notification Policy

The original proposal was notified in accordance with the policy and three submissions were received, one in support and two objecting to the proposal. The issues raised in the objections are discussed below.

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

Reports from Director Development Services

Demolition Code

Applicant has submitted a Demolition Plan, which has been assessed as satisfactory by Council's Building Services Unit.

Coastal Policy

Three issues from the Coastal Policy are pertinent to this proposal. They are Coastal Erosion, Public Access and Overshadowing of the foreshore reserve. Each are discussed below in turn.

Coastal Erosion: The land is located between the 50 and 100 year erosion lines and the applicant has submitted that the development will be designed to withstand a coastal erosion event with the building pierced down to R.L. 0.0. As discussed above it is unknown as to whether this is an appropriate response in dealing with this hazard.

Public Access: Public access to foreshore areas will not be affected or restricted from the redevelopment of this site.

Overshadowing

In relation to overshadowing of the foreshore reserve, the Coastal policy recommends beaches and waterfront open space should not be overshadowed before 4 pm midwinter and 7 pm midsummer, however notes that this may be difficult to achieve in highly urbanised environments. The proposal is to be sited within an built environment replacing an existing residential flat building with a slight increase in bulk and scale resulting in an increase in overshadowing of the foreshore reserve. As discussed it is considered the increase in overshadowing is unacceptable in midsummer and mid winter.

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

The land contains an existing residential flat building and is already substantially developed. No clearing of vegetation is required, and the new building is sited almost upon the existing footprint. Consequently the proposed development is unlikely to have an adverse impact upon the natural environment.

The proposal is considered to reflect current coastal design trends in materials and rooflines and replaces an existing building, which has become aged and dated. In terms of visual impact on the locality it is considered the proposal does not adversely impact on the streetscape or general coastal environment.

(c) Suitability of the site for the development

The land is located within the 50 to 100 year erosion lines as defined by the Tweed Shire Coastline Hazard Definition Study. Although the applicants have proposed a design solution to ensure the building is structurally sound during an erosion event in the absence of an adopted Coastline Hazard Management Study and Plan, it is uncertain as to whether this is an appropriate response to this hazard. Therefore having regard to the hazard risk the site is considered unsuitable for redevelopment on this scale.

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

Reports from Director Development Services

The application in it's original format (ie three storeys) was notified in accordance with the notification policy. Three submissions were received one in support and two objecting to the proposal on the following grounds.

- **Inadequate Car Parking**

Car parking complies with the DCP 2

- **Road network and existing infrastructure inadequate to cater for this development**

The proposal has been assessed by Councils Engineering Services who have no objection to the development in this regard.

- **Proposed development is not low density and not detached housing, and the development does not achieve good urban design objectives as the density scale and height is not compatible with the primary objectives of the zone, and the Proposal does not comply with the LEP requirements of 1 dwelling per 250 m² of site area.**

The land has existing use rights for a residential flat building comprising three units. It is considered the two storey proposal, as amended, is not an unattractive building design and is at a scale and height compatible with surrounding development. The development however results in an overall increase in the gross floor area of around 10 % and an increase in site area of approximately 5%, and while medium density development is permissible in the zone, it is no longer permissible at the scale as existing and as proposed. The proposal will continue and intensify a use, which is now prohibited in the zone, and having regard to the coastal erosion risk such a residential density is no longer supported.

- **Amenity**

The proposal is similar in bulk, scale, height and density to the existing development and will not adversely impact upon the residential amenity of the neighbourhood.

- **DLWC Submission**

In addition to the coastal erosion issues as discussed above, the Department also raised issues in relation to the management of the adjoining Crown Reserve and the requirements of adjoining landowners to observe the various restrictions under the Crown Lands Act in regards to clearing, waste dumping, unauthorised access and encroachment. It is noted other landowners adjacent to the reserve have utilised this space for their own purposes and this issue should be further examined by the Reserves Trust to ensure the reserve is maintained for public use.

(e) **Public interest**

Having regard to the increase in overshadowing of the foreshore reserve, the risk of the property being adversely affected by a coastal erosion event and the development being a prohibited development within 2(a) Low Density Residential Zone, the development has the potential to compromise the public interest.

Building Services Unit

Reports from Director Development Services

No objection raised and should the application be approved conditions of consent have been recommended.

Environment and Health Services Unit

No objection raised and should the application be approved specific conditions have been recommended in relation to Acid Sulphate Soils and Dewatering of the site and other conditions in relation to the management of environmental issues.

Engineering Services

No objection raised and should the application be approved conditions of consent have been recommended.

OPTIONS

1. Refuse the application as recommended; or
2. Approve the application with appropriate conditions.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

The applicant has recourse through Land and Environment Court to appeal any decision made by Council. This will have a financial implication upon Council's budget in defending any such appeal.

CONCLUSION

The proposed multi-dwelling house development is contemporary in design and would replace an existing residential flat building, which has become aged and dated. However medium density development is no longer permissible at the scale as existing and as proposed within the 2(a) Low Density Residential Zone. The proposal will continue and intensify the residential density and use, which is now prohibited in the zone, and having regard to the coastal erosion risk and the impact of overshadowing upon the coastal foreshore such a residential density is not supported. The development application is therefore recommended for refusal.

Reports from Director Development Services

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Reports from Director Development Services

4. ORIGIN: Development Assessment Unit

FILE REF: Tom O'Connor Reserve; DA03/0005 Pt1

REPORT TITLE:

Request to Refund Advertising Fees for Development Application DA03/0005 for a Green Keepers Shed (Burringbar District Sports Club) at Lot 7008 DP 92698 Fourth Avenue, Burringbar

SUMMARY OF REPORT:

Conditional development consent DA03/0005 for a green keepers shed at the Burringbar District Sports Club was issued 13 March 2003. The application was advertised which attracted a fee of \$500, which was paid by the applicant, Burringbar District Sports Club Limited.

The applicant now requests that the advertising fee of \$500 be refunded.

It is not Council policy to refund development application fees once an application has been determined. Accordingly it is considered that in this instance the request to refund the advertising fee should not be supported as it may create an undesirable precedent.

RECOMMENDATION:

That the request to refund the advertising fee paid for Development Application DA03/0005 for a green keepers shed (Burringbar District Sports Club) at Lot 7008 DP 92698 Fourth Avenue, Burringbar not be supported as it may create an undesirable precedent and there are no funds in the Donations account.

Reports from Director Development Services

REPORT:

Applicant: Burringbar District Sports Club Ltd
Owner: Department OF Land & Water Conservation
Location: Lot 7008 DP 92698, Fourth Avenue Burringbar
Zoning: 2(d) Village
Cost: \$4,900.00

BACKGROUND

Conditional development consent DA03/0005 for a green keepers shed (Burringbar District Sports Club) at Lot 7008 DP 92698 Fourth Avenue, Burringbar was issued 13 March 2003.

The application was advertised and also notified to adjoining and adjacent property owners. No submissions were received.

The applicant has requested that the advertising fee of \$500 be refunded. The applicant seeks exemption from the advertising fee for the erection of a greenkeepers shed as it is ancillary to existing sporting facilities.

COMMENT

The proposed development was required to be advertised under the provisions of Development Control Plan No. 42 – Public Notification of Development proposals. This attracts an advertising fee of \$500, which the applicant paid.

It is not Council practice to refund development application fees once an application has been determined. Any refund may set an undesirable precedent. Therefore it is recommended that the advertising fee should not be refunded and option 2 below should be supported.

OPTIONS

1. Refund the advertising fee of \$500.
 2. Not refund the advertising fee of \$500.
-

Reports from Director Development Services

5. ORIGIN: Development Assessment Unit

FILE REF: DA02/2079; LN: 32241

REPORT TITLE:

Redevelopment of Kingscliff Caravan Park

SUMMARY OF REPORT:

This report provides Council with an update of the current status of the development application for the redevelopment of the Kingscliff Caravan Park.

The Minister for Planning has notified Council that he wishes to determine the development application as he considers it of environmental significance to the site. Department of Land and Water Conservation have also raised issues in relation to determination of the development application. The development application submitted to Council was publicly exhibited with 27 submissions being received. The application, Department of Land and Water Conservation comments and public submissions have all been forwarded to PlanningNSW.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Development Services

REPORT:

The development application for the redevelopment of the Kingscliff Caravan Park was lodged on 18 December 2002.

Following lodgement of the application it was referred to PlanningNSW pursuant to Clause 11 of State Environmental Planning Policy No. 71 – Coastal Protection. It was also referred to the Department of Land and Water Conservation pursuant to Tweed Local Environmental Plan 2000 requirements, as the land was located within 1 in 100 year Coastal Erosion Hazard line.

On 17 March 2003 PlanningNSW advised Council by letter advising that the Minister for Planning had formed the view that the proposal is a matter of significance for State Environmental Planning and therefore issued a Direction that the application be referred to him for his determination under Section 88A of the Environmental Planning and Assessment Act. Attached is a copy of the letter and Section 88A Direction received from PlanningNSW.

The affect of this Direction is that the Minister becomes the consent authority rather than Council.

Prior to the Minister calling the application up a response had been received from the Department of Land and Water Conservation (DLWC). DLWC advised as follows: -

“In this regard DLWC advises that as owner of the subject land, it objects to the current DA and requires that the application be held in abeyance pending completion of the Coastline Management Plan (CMP) and the more detailed level of planning described below”.

DLWC submission will be a matter for PlanningNSW to consider in determining the application.

The application was also advertised for a period of 14 days. At the conclusion of the exhibition period 27 submissions had been received. These submissions have also been forwarded to PlanningNSW.

At the date of writing this report no further correspondence had been received from the Minister's office.

Reports from Director Corporate Services

6. ORIGIN: Director

FILE REF: SROC

REPORT TITLE:

SouthROC - Regional Road Group

SUMMARY OF REPORT:

The Southern Regional Organisation of Councils at its January 2003 meeting adopted a resolution to establish a Regional Road Group that includes membership comprising the SouthROC Councils, Department of Main Roads Metropolitan and South East Districts, with Brisbane City Council and Tweed Shire Council as observers to the Group

RECOMMENDATION:

That Council supports the nomination of Cr Max Boyd as the Tweed Shire Council representative to the Southern Regional Organisation of Councils' Regional Road Group.

Reports from Director Corporate Services

REPORT:

The Southern Regional Organisation of Councils (SouthROC) organisation at its January 2003 meeting adopted a resolution to formalise the formation of a Regional Road Group.

Their letter to the General Manager dated 5 March 2003 states:

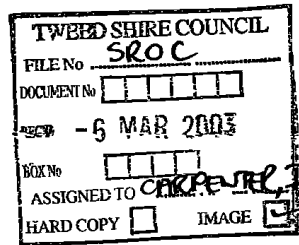


- Beaudesert • Gold Coast • Logan
- Redland • Tweed

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 Phone (07) 3411 5563, Mobile 0414 180 214
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5 March 2003

Dr John Griffin
 General Manager
 Tweed Shire Council
 PO Box 816
 MURWILLUMBAH NSW 2484



Dear Dr Griffin

Regional Road Group – LGAQ-Main Roads Alliance

At its January meeting, SouthROC passed the following resolution:

1. That SouthROC formalise the formation of a Regional Road Group (RRG) comprising the SouthROC Councils and Department of Main Roads Metro District and South East District with representatives of Brisbane City Council and Tweed Shire Council to be included in that Group as Observers.
 - ◆ That SouthROC request each Council involved to endorse formation of the RRG and nominate its Elected Member Representative who will sit on the RRG
 - ◆ Each of the Main Roads Districts be invited to nominate their Representative to sit on the RRG
2. That upon formation of the RRG, the Group endorse the formal establishment of the Technical Committee reporting to SouthROC to comprise two Technical Officers nominated by each Council, together with representatives of the Main Roads Metro and South East Districts with representatives of Tweed Shire and Brisbane City Council as Observers
3. That for the initial 12 month period, Chairmanship of the Technical Committee be as offered by the Director City Works of Logan City Council with Secretarial Support also being provided by Logan City Council.


Reports from Director Corporate Services

4. That the Terms of Reference for the Technical Committee be as follows, subject to any change from time to time that may be determined by the RRG:
- ◆ Recommending to the RRG, the Local Roads of Regional Significance
 - ◆ Co-ordinate basic asset management practices and assisting in the collection of minimum data set requirements.
 - ◆ Recommendations in relation to possible project co-ordination and delivery
 - ◆ Investigate the feasibility of developing a five year Works Program.
 - ◆ Investigate prioritisation procedures and weighting methodology if such Program is feasible.
 - ◆ Provide advice on investment strategies based on proposed vision for the network.
 - ◆ Opportunity to increase joint purchasing and resource sharing.
 - ◆ Reviewing and planning for improved sharing of research and technology.
 - ◆ Change management procedures and communication practices.

The purpose of this letter is to request your council to consider Recommendation 1 and, if it is supportive of the inclusion of your council as an observer, to follow up with necessary actions involving the nomination of an elected representative and an officer for the Technical Committee.

Should you have any queries, please contact me on any of the above numbers

Yours sincerely



Mike Halliburton
Coordinator

Given that the road infrastructure, its relationship and its impact on Tweed Shire it is considered appropriate that a Tweed Shire Councillor be nominated as a representative to the Regional Road Group.

It is therefore recommended that Cr Max Boyd be nominated as the Tweed Shire Council's representative to the Southern Regional Organisation of Councils' Regional Road Group.

Reports from Director Corporate Services

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Reports from Director Corporate Services

7. ORIGIN: Director

FILE REF: Rainforest Way; Joint Tourism Committee

REPORT TITLE:

Rainforest Way Project

SUMMARY OF REPORT:

Progression of the Rainforest Way project has been facilitated by the formation of the Rainforest Way Implementation Group and a Executive Committee comprised of Chair Linus Bagley, JTC Representative Cr Max Boyd, CERRA Representative Janet Cavanaugh, Northern Rivers Tourism Representative Rod Caldicott.

To adequately resource the project an application had been submitted to the north east NSW Sustainable Regions Program for funding to enable the engagement of a full time project officer. Advice has been received that this application was not successful therefore the project is seeking financial support from members Councils.

RECOMMENDATION:

That Council considers providing an allocation in the 2003/2004 Budget of \$5,000.00 as Council's contribution towards the Rainforest Way Project.

Reports from Director Corporate Services

REPORT:

BACKGROUND

As a regional tourism product the Rainforest Way Project has been developed through a participative program through Northern Rivers Tourism Inc.

At a meeting of Rainforest Way stakeholders, a Rainforest Way Implementation Group was formed on the 6 February 2003 to assist in progressing the project. An outcome of this meeting was the establishment of a Executive Committee comprising Chairman Linus Bagley, JTC Representative Cr Max Boyd, CERRA Representative Janet Cavanaugh and Northern Rivers Tourism Representative Rod Caldicott.

An application had been lodged with the north east NSW Sustainable Regions Committee in seeking funding support for the project, however this application has not been successful. The committee is therefore seeking the support of each local government authority across the region to contribute an amount of \$5,000.00 to enable the engagement of a full time project officer to drive the Rainforest Way Program forward. The key stakeholders of this project are identified as the Councils of Gold Coast, Beaudesert, Tweed, Kyogle, Richmond Valley, Lismore and National Parks & Wildlife Services, Queensland Parks and Wildlife Services, Tourism Queensland and Tourism New South Wales.

Attached is the Rainforest Way project development programming costings and background information for Councillor's information.

It is therefore recommended that Council consider including in the 2003/2004 budget an amount of \$5,000.00 to represent Tweed Shire Council's contribution towards this project.

Reports from Director Corporate Services

8. ORIGIN: Administration Services Unit

FILE REF: DA0530/840 Pt1; LN 30553; DW 881314

REPORT TITLE:

Preparation of Licence Over Lots 10 and 11 in DP262383 Duroby Creek, Bilambil

SUMMARY OF REPORT:

An application has been received from Ms Valerie Morris for a licence for agistment over Lots 10 and 11 in DP 262383 for the purpose of running cattle and horses

RECOMMENDATION:

That a licence be granted to Ms Valerie Morris for the agistment of cattle and horses on Lots 10 and 11 in DP 262383 Duroby Creek, Bilambil for a period of two (2) years with an option for a further two (2) years at a rental of \$1,162 per annum subject to CPI increases.

Reports from Director Corporate Services

REPORT:

An application has been received from Ms Valerie Morris for a licence over Lots 10 and 11 in DP 262383 Duroby Creek, Bilambil.

A valuation was sought from the State Valuation Office as to the rental value of this land.

The valuation was determined at \$1,162.00 per annum.

The land in question is part public reserve and partly owned by Council. Council officers in other Council units have no interest in this land and it is recommended that the land be licensed to Ms Morris.

Previously there has been a lease on this land to the Weekes brothers who have sold their property.

Reports from Director Engineering Services

9. ORIGIN: Water Unit
FILE REF: Estuary Management

REPORT TITLE:

Tweed River Committee Support for the Fish Unlimited Project

SUMMARY OF REPORT:

Following an approach from Wetland Care Australia, The Tweed River Committee has issued a letter of support, subject to Council approval, for the 'Fish Unlimited' project. This is an initiative that aims to restore wetlands due to their value as fish nursery habitats. It has been determined that TRC and Wetland Care Australia may be able to pool resources to undertake priority projects previously identified in the Tweed River Estuary management Plan.

RECOMMENDATION:

That Council offers the following support and contributions to Wetland Care Australia for the Fish Unlimited project through the DOTSRS Sustainable Regions Program:-

1. Allocations from the Fingal Peninsular Wetland Rehabilitation budget for works that attain the objectives of the Kerosene Inlet and Sponsors Lagoon Rehabilitation Plan.
2. Contributions for other on-ground wetland enhancement or creation works within the Tweed River Estuary.
3. A cash contribution of up to \$5, 000 toward the salary of a dedicated wetland officer to assist with the development of wetland enhancement projects funded through the Tweed River Committee Program.
4. In-kind support through access to GIS mapping, aerial photography and other information held by Council.

Reports from Director Engineering Services

REPORT:

At its meeting on the 12th of February 2003, the Tweed River Committee ratified the offer of support to Wetland Care Australia for the "Fish Unlimited" Project. Fish unlimited is a project proposal which is being pursued by Wetland Care Australia through the DOTARS Sustainable regions Program.

The following support and contributions were offered to Wetland care Australia for wetland enhancement projects within Tweed Shire:-

1. Allocations from the Fingal Peninsular Wetland Rehabilitation budget for works that attain the objectives of the Kerosene Inlet and Sponsors Lagoon Rehabilitation Plan.
2. Contributions for other on-ground wetland enhancement or creation works within the Tweed River Estuary.
3. A cash contribution of up to \$5, 000 toward the salary of a dedicated wetland officer to assist with the development of wetland enhancement projects funded through the Tweed River Committee Program.
4. In-kind support through access to GIS mapping, aerial photography and other information held by Council.

It would be advantageous for the TRC and Wetland Care Australia to work together to implement pre-identified priority projects within wetland zones of the Tweed Estuary. If Wetland Care Australia's application to DOTARS is successful, further collaboration will be undertaken to define possible projects and details or TRC support.

Reports from Director Engineering Services

10. ORIGIN: Design Unit
FILE REF: DA2270/600 Pt 8

REPORT TITLE:

Withdrawal of Caveat 5360461 over Lot 2 DP 881169 Pursuant to Deed of Agreement made between Tweed Shire Council and Villa World Pty Ltd - Gollan Drive, Tweed Heads West

SUMMARY OF REPORT:

A letter has been received from Seagulls Club seeking the removal of Caveat 5360461 registered on their land at Gollan Drive, Tweed Heads West, comprised in Lot 2 DP 881169.

Council lodged the Caveat pursuant to a Deed of Agreement entered into with the developer, Villa World Pty Ltd, when the land was subdivided in 1999. The land at the time of the Deed was not subject to a Contribution Plan pursuant to section 94 of the Environmental Planning and Assessment Act, 1979 for community facilities.

The developer sought the granting of development consent prior to the adoption of a Contribution Plan by Council and the Agreement provided an avenue whereby Council could provide consent prior to the adoption of the Plan which would ensure payment of any developer contributions pursuant to section 94 subsequent to consent being granted.

Council records indicate that the sum payable by the developer pursuant to the Deed was paid on 20 January, 2000 and no further contribution monies are outstanding with regard to the development. Council is now obliged to remove the Caveat pursuant to the Agreement.

RECOMMENDATION:

That:-

1. Council approves the removal of Caveat 5360461 pursuant to Deed of Agreement between Tweed Shire Council and Villa World Pty Ltd;
2. All necessary documentation be endorsed under the Common Seal of Council.

Reports from Director Engineering Services

REPORT:

As per Summary of Report.

Reports from Director Engineering Services

11. ORIGIN: Director

FILE REF: Engineering - Conferences / Seminars

REPORT TITLE:

Third World Water Forum

SUMMARY OF REPORT:

I attended the Third World Water Forum in Kyoto from 16 March to 23 March 2003. The conference was a global event attracting participants from 182 countries. The Conference highlighted the struggles that many countries have in providing basic water supply and sanitation for their communities. It reinforced how fortunate Australia is and the imperative to maintain a sustainable water resource for long-term survival.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Engineering Services

REPORT:

FORUM CONTEXT

The Third World Water Forum was held in the Japanese cities of Kyoto, Osaka and Shiga from the 16 to 23 March 2003.

I was fortunate to represent Council as one of 150 invited community action participants from around the world. Council's selected community action related to its Tweed River Management work.

WORLD WATER COUNCIL

The Forum was conducted under the auspices of The World Water Council, an international non-profit umbrella organisation. The Council brings together more than 300 organisations worldwide including Non-Government Organisations (NGO's), public and private sector organisations, UN Agencies and the World Bank, to form a unique network comprising several hundred thousand individuals.

The objectives of the World Water Council were identified when the organisation was established in 1996:-

- To raise awareness at all levels of decision-making, from the highest authorities to the public at large;
- To provide a platform on which to debate and identify critical water issues of local, regional and global importance on the basis of ongoing assessments on the state of world water;
- To place and maintain the need for good water management on both the national and international agenda;
- To elaborate a common strategic vision on integrated water resources management on a sustainable basis, and to promote the implementation of effective policies and strategies worldwide;
- To promote peaceful cooperation in international river basins.

To achieve these objectives, the activities of the Council are organised around four main lines:-

- Raising awareness of the importance of water issues with the public at large;
- Providing a forum where important issues are debated among diverse stakeholders, where light can be shed on controversial issues;
- Building a network where members can share information and resources, and collaborate on projects;
- Advocating and lobbying to ensure that water issues rise on the agenda of politicians and decision makers.

The World Water Council is financed by membership fees, donations and grants. It is heavily funded by the Netherlands Government and Japan Government.

Reports from Director Engineering Services

FORUM STRUCTURE

351 separate sessions on 38 interlocking themes were dealt with across the three neighbouring cities over 8 days.

Some 24,000 participants from 182 countries attended the forum along with a 700 strong security force. Leading international figures in attendance included:-

- Former Japanese Prime Minister Ryutaro Hashimoto
- President of the Phillipines
- Crown Prince of Netherlands
- Imperial Crown Prince of Japan
- Former Soviet President Mijail Gorbachov
- French President Chirac delivered a live address from France, having decided not to leave the country at the last moment because of the (then) threat of war

Ministers were invited from every country. Through the week actions were bought through from all of the themes for debate and adoption at Ministerial Conferences held on the second last day of the Forum.

An 8 page preliminary forum statement was released at the conference conclusion. The preliminary Forum Statement is an attachment to this report. The actions and outcomes are clearly global in nature.

MAJOR FORUM ISSUES AND THEMES

- Water and poverty
- Water for peace
- Water and governance
- Integrated water resource management and basin management
- Water, food and environment
- Water and climate
- Water and cities
- Water supply, sanitation, hygiene and water pollution
- Water, nature and environment
- Agriculture, food and water
- Water, education and capacity building
- Floods
- Water and energy
- Water and cultural diversity

Reports from Director Engineering Services

- Groundwater
- Water and information
- Financing water infrastructure
- Water and transport
- Dams and sustainable development
- Public private partnership

Quite clearly (and rightly) the outcomes very much focussed on providing people with basic access to drinking water and sanitation.

A water timeflow clock provided a visual, stark reminder to all participants of the global position. Constantly changing numbers on the digital countdown depicted the slowly increasing numbers of people without basic water supply and sanitation.



AUSTRALIAN PERSPECTIVE

There were a dozen or so Australians at the Forum. Almost all attended a session run by the Australian Government. This included presentations on COAG water reforms, capping of extraction from the Murray Darling Basin and a report from AUSAID on its current direction.

Australia's poverty based aid is currently \$1.8B, which is 2% of GNP. AUSAID is aimed to assist developing countries reduce poverty and achieve sustainable development. The focus is very much on the Asia-Pacific region:-

- PNG 19%
- Pacific 9%
- East Asia 26%
- South Asia 6%

Reports from Director Engineering Services

- Africa 7%
- Multilaterals 33%

Water is a key priority in the aid program, with \$80M allocated in the current financial year largely directed at China, Vietnam, India, Indonesia and PNG.

Links to the poverty analysis that underpins program strategies are:-

- Strengthening water governance
- Strengthening trans-boundary water management
- Improving the efficiency of delivery systems through applied research and support for small scale infrastructure\

Aid is no longer focussed on project based initiatives.

TWEED PERSPECTIVE

This was not a conference where a bundle of new technology or government regulation, policy and direction could be bought back to Council for local application.

It was not a conference where you were handed conference papers.

It was a conference where tables of glossy publications and CD's were available, limited only by one's ability to physically bring such home.

It was an opportunity to appreciate the value of the resource that we have and the absolute imperative of protecting that resource for future generations.

The majority of poster presentations came from non-government organisations involved in third world water actions, particularly West Africa, the Americas and South East Asia.

An Indian gentlemen had great difficulty understanding Tweed's water issues. He had never had the need to think beyond survival actions, in providing basic water supply and sanitation to village communities in his country.

Olita works in the slums (informal settlements) of Nairobi, providing self-help programs to those communities in sanitation and water supply. He saw the Tweed as a vision for his community and took a CD of Tweed's poster. The possibility of a sister project between Tweed and such a project is something that could be pursued.

While I was fortunate enough to represent Council on this occasion it would be remiss of me not to acknowledge the work of John Henley and Jane Lofthouse in the establishment and development of Council's River and Waterways Programs over a long period of time.

Reports from Director Engineering Services

PRELIMINARY FORUM STATEMENT (March 21 draft)

Preamble

We, the participants of the 3rd World Water Forum, are solemnly committed to facing the global water challenges and to meeting the goals set forth at the Millennium Summit of the United Nations in New York (2000), the International Freshwater Conference in Bonn (2001) and the World Summit on Sustainable Development in Johannesburg (2002).

Freshwater is a precious and finite resource central to sustainable development, economic growth, social stability and poverty alleviation. The Ministerial Declaration of the 2nd World Water Forum in The Hague, 2000, identified meeting basic water needs, securing food supply, protecting ecosystems, sharing water resources, managing risks, valuing water and governing water wisely as the key challenges for our direct future.

The 3rd World Water Forum, March 16-23 2003, held 351 sessions covering 33 themes¹ and 5 regions. This summary statement offers but a glimpse of the issues, actions, commitments and recommendations that we shall support and carry through in order to achieve a safe and secure water future for all.

Key Issues

In addressing the challenge of balancing increasing human requirements for adequate water **supplies** and improved **health** and **sanitation** with **food** production, **transportation**, **energy** and **environmental** needs, most countries will require more effective **governance**, improved **capacity** and adequate **financing**. Inclusive, community level public participation is fundamental to achieving these goals. Our common basic requirement for water is an opportunity for cooperation and **peace**.

Safe clean water for all

Increasing water use efficiency through developments in **science and technology** and improved demand management are essential. But these alone may not be sufficient to meet the growing demand for water in most developing regions and particularly in **cities**. All options to augment the available water **supply**, including increased storage through the use of **groundwater** recharge and **dams**, need to be considered, ensuring that all those who will be affected will also benefit. The recommendations from the World Commission on Dams (2002) can be used as a reference. A wider adoption of good practice is required in order to avoid the **environmental** and social costs and risks of the past.

Excessive resource development, uncontrolled urban discharges, industrial **pollution**, **agricultural** intensification and changes in the global **climate** have caused widespread degradation of surface waters and aquifers. When combined with increased vulnerability to **floods** and other disasters, these factors hinder prospects for economic and social development, **poverty** alleviation and **environmental sustainability**.

Governance

Many countries face a **governance** crisis, rather than a water crisis. Good water **governance** requires effective and accountable socio-political and administrative systems adopting an **integrated water resources management** (IWRM) approach with transparent and participatory

¹ The 33 themes, including issues, topics, major groups, and special programs have been highlighted throughout the "Key Issues", as have the 5 regions that were the focus of regional days. It should be noted that some issues, like food, were actually the focus of more than one theme (e.g., Water, Food and Environment and Agriculture, Food and Water). Each theme and region has prepared a statement which is annexed to this document.

Reports from Director Engineering Services

processes that address ecological and human needs. Primary responsibility rests with governments to make water a priority by adopting sector strategies and plans that recognise the principle of secured access to water and sanitation for all human beings, and by implementing policies that utilise all available resource options.

Capacity Building

The need for **capacity building, education** and access to **information** for enhanced effectiveness in water management is unquestioned. These critical elements of the water development process are often treated as an add-on to programmes, with scant regard to local capacity-building institutions, **gender** mainstreaming, **cultural diversity** and traditional knowledge or to long-term commitment.

Financing

Financing infrastructure for the water sector comes mainly from the public sector of developing countries and is "topped-up" with contributions from foreign aid, international financial institutions, commercial loans and private equity. Despite the link between water security, development and poverty alleviation, overall investment in water resources management has been seriously neglected. According to the Vision and other estimates, developing and transitional countries will require \$180 billion annually in order to produce global water security over the next 25 years. This will require greater efficiency and better financial management. Several models for combining public, donor and/or private funding have been attempted, and the results have been mixed. The debate concerning **public-private partnerships** has not been resolved.

Participation

In many regions, countries and local communities have come to realise that water is a multi-stakeholder issue, and that partnerships of all interested and affected parties are a viable mechanism to translate IWRM into practice. Major groups including **CEOs, unions, indigenous people, water journalists, parliamentarians, youth** and **children** all have a point of view and deserve the right to be heard. Yet large segments of society, especially women and the poor, are not given a voice. There is a need for a closer examination of participation based on race, ethnicity, economic status, age, and religion to ensure inclusiveness.

Regional Issues

Although most of the issues outlined above are global, some are of particular concern in certain regions. **Asia and the Pacific** face a main water challenge due to the growth in both water demand and population. Pervasive poverty has confined **Africa** to a vicious cycle of underdevelopment, conflict, and suffering. In the **Americas**, large investments in water-related projects and macroeconomic reforms have failed to stimulate sustainable economic growth. Dwindling water resources are threatening people's livelihood, the environment, and economic growth in the **Middle East-Mediterranean**. And **Europe's** water resources are subject to considerable pressure due to the relatively high population density, significant industrial activity and intensive agricultural production.

Actions

Creating Global Awareness and political support

The Habitat Agenda (1996), the Millennium Summit (2000) and the World Summit on Sustainable Development (2002) have underscored the importance of water for development and have set goals and targets for priority action. The human right to water was defined in a General Comment by the UN Committee on Economic, Social and Cultural Rights (2002).

Governance has become firmly established within the water community and more than 40 countries have developed or are in the process of developing new water laws. The Bonn Conference and World Summit in Johannesburg have provided increased political awareness of water governance issues, and many partnerships have been established or strengthened (involving public, private and civil society stakeholders). Continent-wide, the Africa Ministers Council on Water (AMCOW) and the Africa Water Task Force (AWTF) were established to lead the development of sound policies, coordinate water initiatives and prepare the NEPAD water agenda based on the Africa Water Vision and Framework for Action. The Africa Water Facility will

Reports from Director Engineering Services

serve as a conduit and facilitator for pooled funds for capacity building and investment support in Africa. Similar continental coordination is ensured by OAS - IWRN in the Americas.

Dialogues on water governance have been held in over 30 countries. New national policies, strategies and laws for water resources development and management are being developed in a large number of countries, most often following the principles of IWRM. This often led to restructuring of the institutional framework, including river and lake basin organisations, and empowered communities and water users associations.

Agreements have recently been reached on many shared rivers (Ganges, Incomati, Senegal, Pungwe-Buzi-Sava, Sava, Chu-Talas) and lakes (Victoria, Malawi/Niassa/Nyasa), and broader regional agreements further promote basin cooperation (SADC Water Protocol, EU Water Framework Directive). These and other long-standing structures illustrate how water can serve as a source for peace rather than conflict. In several of the world's most important basins, the international community is providing financial assistance and expertise to stimulate cooperation, such as the Nile Basin Initiative or the Nubian Sandstone Aquifer Regional Strategy. However, many longstanding water related disputes still remain unresolved and the growing demand for finite freshwater resources heightens the risk of future conflicts developing.

The UN, the Water Supply and Sanitation Collaborative Council (WSSCC) and some stakeholders have started to monitor the number of people requiring access to drinking water and sanitation through the Joint Monitoring Programme.

Building Bridges

Programmes such as the Dialogue on Water, Food and Environment and CGIAR's Challenge Program on Water and Food have been established to bridge the gap between the food and environment sectors and to develop mechanisms to increase the productivity of water for food and livelihoods in a manner that is environmentally sustainable and socially acceptable.

The Dialogue on Water and Climate and the Associated Programme on Floods have been building bridges between water managers, climatologists, hydrologist and disaster management organisations, as well as raising awareness amongst water policy makers, water managers and society about the need for better adaptation to climate change and increasing meteorological hazards.

The sustainability of groundwater represents one of the major water challenges. Programs such as GroundWater Management Advisory Team and the Internationally Shared Aquifer Resources Management provide technical support to local initiatives to better understand and manage these resources.

Local Action

There is an increasing number of initiatives worldwide where societal goals are met to prevent pollution whilst the services of ecosystems are protected, for example through watershed protection. These actions, the majority of which are undertaken at the local-level, deserve wider-scale application.

Several local and regional scale initiatives on disaster preparedness and adaptation to climate variability (and change) have been launched, but funding for such activities has been very limited and most have yet to mainstream their recommendations into national policy.

It is estimated that developing and transitional countries spend around \$80 billion annually on all parts of the water sector. As stated above, more than double that amount will be needed to meet Millennium Development Goals. Pooled risk funds, and municipal credit ratings are increasingly used tools that allow local authorities and communities to have access to financing.

The number of stakeholders included in different consultation processes continues to increase. Gender-sensitive participatory processes at the community level have proved effective, and in some countries they are supported by gender inclusive policies. But generally the overall participatory decision-making process is fuzzy and protracted, and decisions are frequently delayed or cancelled. Education on integrated water resources management needs to continue

Reports from Director Engineering Services

to be made available to all stakeholders. Greater attention should be given to water education in primary and secondary school, and higher-level water-sector education and training needs to be re-oriented towards IWRM.

Keystone Commitments

Over 100 commitments were made, and it would be too lengthy to list them all here. Most of these are detailed in the thematic and regional statements, others were reported in the session reports. The climate theme accounted for more than 20, and gender issues produced 13.

AT GLOBAL LEVEL

- The benefits of sound water management become more apparent if linked to the WEHAB framework, which includes health, energy, biodiversity, productivity, socio-economic development and poverty alleviation. Recognition of the wide spectrum of water management benefits will stimulate governments to give water a higher priority on their policy agenda and associated budget allocation. The World Water Council is committed to develop and implement with a consortium of International financial institutions, UN agencies, international non-governmental organisations, and research institutions a programme aiming to precisely identify and highlight the benefits brought by sound water management and provide governments with appropriate tools and analysis so that they may be considered in priority setting, planning, development, management, and budgeting for the water sector.
- UNESCO and the World Water Council are committed to promote, develop and support the establishment and operation of an independent, easily accessible facility that can help solving problems related to trans-boundary waters by providing on request access to experienced technical advisers, tools, training sessions and mediators.
- UN-HABITAT signed a memorandum of understanding with the Asian Development Bank (ADB) to create a programme to build the capacity of Asian cities to secure and manage pro-poor investments and to help the region meet the Millennium Development Goals (MDG) of halving, by 2015, the proportion of people without safe drinking water and basic sanitation. The programme will cover a pipeline of US\$10 million in grants from ADB and UN-HABITAT for the first two phases and US\$500 million in ADB loans for water and sanitation projects in cities across Asia over the next five years. Additional funding for Water for Asian Cities has also been made available to UN-HABITAT by the Government of Netherlands.
- The partner international organisations and research institutes (WWC, UNESCO-IHE, FAO, KIP, IFPRI, IWMI and SOAS) are committed to continue their efforts and to lobby for financial support to develop a better understanding of the concept of Virtual Water, its application and its impact and to provide governments with information and tools to consciously utilise virtual water trade as an effective way to promote water saving and make it an integral part of government's national and regional water, food and environmental policies.
- A broad consortium of organisations (GWP, NRC, FAO, WWC, IWA, WMO, UNEP, IUCN, UNESCO, UNDP, WB, ISDR) which supported the International Dialogue on Water and Climate, are committed to continue building bridges between the climate and water sector, and develop activities to better cope with climate impacts. These organisations will form a "International Water and Climate Alliance".
- The United Nations Development Programme (UNDP) commits to a Community Water Initiative, aimed at building on the power of the local community to solve water and sanitation challenges. Its aim is to provide innovative communities with small grants to expand and improve their solutions to the water and sanitation crisis. The Community Water Initiative has an estimated target budget of \$50 million for 2003-2008.

Reports from Director Engineering Services

AT NATIONAL LEVEL

- The Kenya Ministry of Water Resources is committed to achieving the Millenium Development Goals, to increasing the proportion of Kenya's rural and urban populations who have access to safe and reliable water supplies, and to reforming the institutions governing water resources in the country.
- Brazil commits to a gender mainstreaming policy, welcoming cooperation with the Gender and Water Alliance, primarily for the "Zero Thirst" Programme that is still being developed.
- River Bureau, Ministry of Land, Infrastructure and Transport of Japan will support inland waterway transport activities that contribute to community revitalisation and urban rejuvenation, establishing a system that can quickly respond to earthquakes and other disasters. It will also provide technical assistance and capacity strengthening to developing countries.

LOCAL/BASIN

- Kenya Rainwater Association is committed to starting an initiative, "The Nyando Basin Food Security Support Project through rainwater harvesting" in the Nyando River Basin in Western Kenya. This is an initiative which is community driven, targets 2000 households and 300 HIV/AIDS patients and orphans per year and is based on provision of water tanks, ecological sanitation units, EM introduction and environmental protection with an emphasis on soil fertility and tree numbers improvement.

Recommendations

The participants of the third World Water Forum recommend the following actions to be taken up as commitments to achieve our goals and responsibilities as water community:

1. *Alliances, Partnerships, Networking, Participation and Dialogue*

Governments, civil society and industry continue to develop ways of collaborating, combining their strengths and skills with those of the others, creating a new ethic of responsible water-use in society through advocacy, information sharing and education. This can only succeed if governments are clear on their strategies and priorities for the water sector, and plan accordingly. Donors, NGOs, IFIs, companies and others will assist, but there has to be real political "ownership" from host governments as a precondition.

Local people, authorities, the research community, farmers, industries, women and minority groups are empowered and involved in the development of basin and aquifer strategies, agreements and institutions. Stakeholder representatives and local authorities are given a permanent and official role in decision-making and implementation. The water-related knowledge, practices and rights of communities in all cultural contexts and their contributions are recognised and better integrated in water management and environmental stewardship. Private companies contribute to achieving the MDG goals by twinning and helping in capacity building.

Governments, industry, agriculture, and people in their daily lives contribute to eradicating existing pollution and ensuring that economic development does not result in increased pollution.

2. *Nature and Ecosystems*

We increasingly see examples where societal goals are met whilst the services of ecosystems are protected. These actions deserve wider-scale application:

- Protection and restoration of ecosystems and aquifers for water services;
- Implementation of environmental flows for downstream ecosystems and users;
- Development of multi-stakeholder approaches for integrated action;

Reports from Director Engineering Services

- Integrated adaptive management of land, mountain, forest and water resources;
- Basin-wide pollution prevention and treatment plans;
- Innovative financing and legal frameworks for environmental protection;
- Water-demand management.

3. *Financing and Investment*

Governments translate water laws, strategies, and plans into realistic budget estimates and financing plans for water in all WEHAB sectors. Governments and local authorities take adequate measures to reduce risk and improve cost recovery, necessary to encourage investment. Primary responsibility for such investments rests with national governments. Donors stand by commitments to increase aid for water.

International agencies and multilateral and bilateral donors give priority in allocating support to countries that are establishing strategies for integrating and coordinating water issues for all water-related sectors and that are increasing investments based on sound planning. Governments and donors give particular attention in their investment strategies to pro-poor, affordable and appropriate technologies and approaches. Governments, donors and the private sector will develop a range of public financial instruments, accessible to local water managers for development and management of infrastructure that provide water to the poor at an affordable cost.

4. *Policy and Strategic Planning*

Governments and local authorities acknowledge that water is essential to development and poverty reduction and therefore give water priority in all development agendas. The benefits of water and good water management are better quantified so that they may be considered in priority setting, planning, development, management, and budgeting for the water sector.

Governments commit themselves to mainstreaming water in strategies and master plans for all WEHAB sectors and to the preparation of Integrated Water Resources Management (IWRM) plans by 2005 in accordance with the WSSD Plan of Implementation.

National and local governments in collaboration with basin agencies, industries and local communities develop and implement basin-wide pollution treatment and prevention plans; encourage basin and coastal area-wide partnerships and develop financial, legal and institutional incentives for pollution prevention. They also develop comprehensive and integrated flood and drought management policies and adopt strategies for the mitigation of the effects increasing climate variability and all natural disasters. The plans are made with the participation of stakeholders and linked to national poverty reduction strategies adopting user and community-based water demand management as a strategy of first choice. In their planning governments implement the ecosystem approach to water management integrating land and water resources management with special attention to environmental protection and resource conservation. Trade in virtual water is considered as a serious option to enable such ecosystem approach.

Governments consider appropriate targets for water for productive water use namely, increasing food production, to achieve targets for decreasing malnourishment and rural poverty, without increasing global diversions of water to agriculture over the 2000 level. In this regard, mandate international organizations to establish a baseline and monitor progress towards these targets and report to the Ministerial Conferences associated with the World Water Forum series.

5. *Institutions and Legislation*

Governments start or continue reforms of public water institutions, drawing on public-private cooperation, twinning, private know-how, and other options. Governments promote good governance in water management and service delivery, ensuring cost-efficiency, transparency and accountability through increased stakeholder participation and public, private partnerships. The donor community should commit an increased percentage of their funds for establishing better water governance systems. Extra support should be given to countries with sensible socio-

Reports from Director Engineering Services

economic policies to help implement laws and build administrative capacity for efficient public institutions.

Governments, donors and NGO's focus their attention to capacity building of the decentralised agencies in their new institutional context, so that they can work effectively in a participatory, people- and service-oriented approach with user groups, communities, and households. Central agencies also have to be transformed, so that they can take up their new roles and responsibilities.

6. *Data Gathering and Sharing*

Recognising that access to timely, credible and relevant hydrological and meteorological information is essential to for better resource management, planning and decision making, governments and international institutions build the capacity for increased data monitoring and dissemination. Such information is especially needed for flood and disaster management, and must be made publicly available free of charge to all relevant stakeholders, particularly in transboundary basins. Agencies, ministries and governments that have been withholding data and information under the assumption that "knowledge is power" must be persuaded to revisit their policies.

7. *Special consideration under current international situation*

On March 20th, military action was taken against Iraq. However unfortunate and undesirable war might be, it became a reality. All that we can do now, is to do our best to help refugees and internally displaced persons to obtain a secure shelter, with access to safe water, sanitation and food. People in Iraq, particularly in rural areas and in the northern part of the country, may be faced with the burden of being cut off from power and fresh water supplies. It is hoped that the protection of water infrastructure during armed conflict, and its subsequent rehabilitation, will be given special attention at the Ministerial Conference.

Reports from Committees/Working Groups

1. Minutes of the Community Cultural Advisory Committee Meeting held Thursday 27 February 2003

Cultural Development – Advisory Committee

VENUE:

Rous Room, Tweed Shire Council

TIME:

3.30am.

PRESENT:

Cr Max Boyd (Chair), Cr Barbara Carroll, Lesley Buckley (CDO), Glenda Nalder, Greg Manson, Bill Bainbridge, Gary Corbett (AGD), Geoff Edwards (MEHS) (left early)

APOLOGIES:

Judith Sutton

MINUTES OF PREVIOUS MEETING:

No Minutes were presented from previous meeting

BUSINESS ARISING:

Nil

GENERAL BUSINESS:

The Committee resolved to complete the process of planning the direction of the City of the Arts Program.

1. ATSI Program

Cultural Development – Advisory Ctee; Museum

Moved: Greg Manson

Seconded: Gary Corbett

RESOLVED that the Committee offer Russell Logan the vacant membership of the Community Cultural Advisory Committee and to investigate through the indigenous member of the Committee a mutually advantageous partnership with Minjungbal Museum.

Reports from Committees/Working Groups

CARRIED

2. Disability Worker

Moved: Cr Barbara Carroll

Seconded: Glenda Nalder

RESOLVED that a working party be formed from the key disability service providers for further development of the project.

CARRIED

3. Youth Development Officer

Moved: Greg Manson

Seconded: Cr Barbara Carroll

RESOLVED that the Committee invite the Youth Development Officer to be the Team Leader of the City of the Arts' Youth Initiatives, in particular Big Hart.

CARRIED

4. Tactic

Moved: Cr Barbara Carroll

Seconded: Bill Bainbridge

RESOLVED that the Committee invite a representative of TACTIC & TEDCO to attend briefing sessions with the Community Cultural Advisory Committee regarding the 5th City of the Arts Programs.

CARRIED

5. TAFE

Moved: Cr Barbara Carroll

Seconded: Greg Manson

RESOLVED that the Community Cultural Advisory Committee invites a representative of TAFE to be a member of the Community Cultural Advisory Committee.

CARRIED

6. Media Campaign and Promotions

Moved: Greg Manson

Seconded: Gary Corbett

Reports from Committees/Working Groups

RESOLVED that the CDO report back to the Community Cultural Advisory Committee on the avenues for the development of a stand alone web site for the 5th City of the Arts.
CARRIED

7. Aboriginal Identified Position

Moved: Greg Manson

Seconded: Glenda Nalder

RESOLVED that the Community Cultural Advisory Committee recommend to the Tweed Shire Council that an Aboriginal Identified Liaison Officers Position be funded in the 2003/2004 budget. **CARRIED**

RECOMMENDATION:

That an Aboriginal Identified Liaison Officers Position be funded in the 2003/2004 budget.

8. Further Funding

Moved: Cr Max Boyd

Seconded: Cr Barbara Carroll

RESOLVED that the CDO approach Mr Larry Anthony, Member for Richmond regarding funding possibilities for the 5th City of the Arts.
CARRIED

9. Tweed Valley Arts Council

Moved: Gary Corbett

Seconded: Bill Bainbridge

RESOLVED that the CDO enter into further negotiations with the Tweed Valley Arts Council regarding the Homegrown Film Project and to report to the Committee on the progress of the discussions.
CARRIED

10. ATSI Site Works Project

Moved: Cr Max Boyd

Seconded: Glenda Nalder

RESOLVED that the CDO, in consultation with the indigenous community as to their desires and needs, provide a further report to the Committee on the ATSI Site Works Project.
CARRIED

Reports from Committees/Working Groups

11. Camphor Project

Moved: Gary Corbett

Seconded: Greg Manson

RESOLVED that the CDO provide a further report on the development and implementation of the Camphor Project.

CARRIED

12. Festivals and Events Liaison Officer

Moved: Cr Max Boyd

Seconded: Bill Bainbridge

RESOLVED that the Chair of the Committee, Cr Max Boyd and the CDO approach the Mayor to ascertain his level of support for the employment of a Festivals and Events Liaison Officer.

CARRIED

13. Further Council Funding

Moved: Cr Barbara Carroll

Seconded: Cr Max Boyd

RESOLVED that Tweed Shire Council provide funding for the 5th City of the Arts Program to ensure that commitments made to the successful \$300,000 application are met on time in the 2003/2004 budget period.

CARRIED

RECOMMENDATION:

That Council provides funding for the City of the Arts Program to ensure that commitments made to the successful \$300,000 application are met on time in the 2003/2004 budget period.

NEXT MEETING:

The next meeting of the Community Advisory Committee will be held 27 March 2003.

The meeting closed at 7:30pm

Reports from Committees/Working Groups

Director's Comments: Please refer comments listed below.

DIRECTOR'S RECOMMENDATIONS:

5. TAFE

Committee's Recommendation

That the Community Cultural Advisory Committee invites a representative of TAFE to be a member of the Community Cultural Advisory Committee.

Director's Recommendation: That the committee's recommendation be endorsed.

7. Aboriginal Identified Position

Committee Recommendation:

That an Aboriginal Identified Liaison Officers Position be funded in the 2003/2004 budget.

Director's Recommendation: That Council advises, in relation to the recommendation at Item 7, that funds will not be available in the budget for the Liaison position.

13. Further Council Funding

Committee Recommendation:

That Council provides funding for the City of the Arts Program to ensure that commitments made to the successful \$300,000 application are met on time in the 2003/2004 budget period.

Director's Recommendation: That in relation to the Item 13, Council advises the Community Cultural Advisory Committee of any projects as part of the City of the Arts Program which do not get the anticipated funding support from the nominated sources will have to be reviewed at that time.

Reports from Committees/Working Groups

2. Minutes of the Local Traffic Committee Meeting held Thursday 13 March 2003

Traffic Committee

VENUE:

Peter Border Room

TIME:

Commencing at 9.00am.

PRESENT:

Committee Members: Cr George Davidson; Tweed Shire Council; Mike Baldwin, Roads and Traffic Authority; Andrew Lawler, NSW Police; Mr Neville Newell, MP, Member for Tweed.

Informal: Chairman: Mr Paul Morgan, Mr Ray Clark and Sandra Zietlow, Tweed Shire Council. Denise O'Brien, Development Services attended the meeting in reference to Part B of the Agenda.

APOLOGIES:

Mr Don Page MP, Member for Ballina

MINUTES OF PREVIOUS MEETING:

RESOLVED that the Minutes of the Local Traffic Committee Meeting held 13th February, 2003 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

11. Cudgen Road, Cudgen

Cudgen Road; Traffic Ctee; DW718893; R1460 Pt 4; DW722803, 723112, 723113

This item was discussed at the meeting held on 13 February 2003 (item 11) and is reproduced as follows:-

“Request received for Local Traffic Committee advice in relation to the driveway access to the fruit stall on Cudgen Road. It is reported that a collision recently occurred just outside 611 Cudgen Road.

Given that the site distance has been determined to be inadequate for the speed zone on the road and the lack of sealed shoulders, the Committee considers that the fruit stall should close and the matter referred to the Manager Development Control.

For Council’s Information.”

It has been brought forward for further discussion as more correspondence has been received on this issue.

Reports from Committees/Working Groups

The Committee discussed the issues raised regarding Cudgen Road and expressed their concerns in reference to the entrance of the fruit stall.

A large quantity of Letters received from various Residents, Business and Local Schools supporting a 60kph speed limit reduction for Cudgen Road were tabled and considered by the Committee.

The RTA representative advised that the RTA Speed Zone Guideline state that you cannot reduce speed zones in rural areas to 60kph. It was also noted that the speed zone issue has only been raised since the crash at the stall entrance. The speed zone was not the problem, an inappropriate access from Cudgen Road was the main contributing factor. The Committee again reiterated that the owner Manager Development Control should contact the stall owner and if not approval request that the owner to pursue gaining formal approval which will require the access to be upgraded to meet sight distance criteria similar to the Pritchards stall on Cudgen Road.

Decided that the Manager Development Control be requested to pursue formal approval for the fruit stall including driveway access upgrading.

For Council's information.

9. Cudgera Creek Road/Mooball Road B Double Route

Cudgera Creek Road; Pacific Motorway; Pottsville Road; R1470 Pt2; DW 689417

The following was discussed at the meeting held on 15 August 2002 (item 9) and is reproduced as follows:-

“Request received for B-Double access from the freeway at the Cudgera Creek Road interchange to the Shackell Transport Depot located on the Mooball – Pottsville Road (total distance 2.5km).

The Committee did not support the request given the current sub-standard alignment of Cudgera Creek Road and the current problems discussed in item 7 above. The road is planned to be upgraded in the near future and once completed it is envisaged that the application would then be deemed acceptable. Until that time the owner should be advised that B-Doubles laden or unladen are not permitted to utilise this section of road and that Police will be enforcing all aspects of road user breaches on this stretch of road.

For Council's information.”

Mr Shackell has requested a B-Double inspection. The Committee needs to set a date that members can be present.

It was decided that Committee members meet on-site at Cudgera Creek 8am on 13th March 2003 to inspect the site for the use of B-Doubles.

Members of the Committee attended a site meeting at 8.00am on 13th March 2003 to observe Shackles Transport B-double travel from the depot to the Pacific Highway and return. It was observed that the vehicle did not cut across double centrelines along the route. It was

Reports from Committees/Working Groups

considered that due to the narrow pavement on Cudgera Creek Road the Committee will support the route application with the restriction that school bus hours between 7.00am – 9.00am and 2.00pm to 4.00pm be excluded. It should be noted the Police Representative does not agree and wants to restrict operation to between 6.00pm to 6.00am (ie night time hours only).

RECOMMENDATION:

That a 25m B Double Route be approved for Cudgera Creek Road from Motorway Interchange to Mooball Road and Mooball Road from Cudgera Road to Shackles Transport Depot excluding the hours 7.00am to 9.00am and 2.00pm to 4.00pm school days.

GENERAL BUSINESS:

Part A

2. Clothiers Creek Road

Clothiers Creek Road; R1160 Pt 6

A request has been received for the 14.5t load limit signs on Clothiers Creek Road to have the letters “GVM” replace “Gross”. The meeting was advised that the Australian Standard specifies that the wording should be “Gross”. Therefore the signage will have to remain as is.

The Police Representative advised that the wording should be kept as “Gross” if it is stated in the Australian Standard and it was agreed that the current signage is adequate to enable Police and RTA inspector enforcement.

For Council’s information.

3. Winders Place

Traffic Roundabouts; Kimberley Circuit; Winders Place; R5937; DW723588

It has been reported that parents are parking on the roundabout waiting for children from St Martha’s school in Doyle Drive, morning and afternoon blocking traffic flow around the roundabout.

A request for a “No Stopping” sign to be placed just prior to the roundabout on Winders Place has been received.

The Committee discussed the parking problems. The Safety Officer will monitor the problem and liaise with the Principal of St Martha’s School regarding parking in both Leisure Drive and Winders Place. The Committee noted that police can take action against vehicles parked in the cul-de-sac if they are obstructing traffic.

For Council’s Information.

Reports from Committees/Working Groups

4. Terranora Road, Terranora

Terranora Road; R5341 Pt3

Request received regarding dangerous parking of vehicles in front of the Store in both directions crossing double centre lines and “U” turning at the store. Vehicles also parked on the footpath where children access the school bus. The footpath corridor needs defining by linemarking or symbols. Formalisation of parking required at store frontage may also be required.

The Committee supports marking of a footpath on the pavement linking to the concrete footpaving at each end of the site. In regard to buses, the store owner advised that the issue with school children has decreased since the Road Safety Officer negotiated with the bus operator. However if the school buses picked up at the eastern end of the store the problem would be resolved.

The Committee suggested that the Safety Officer liaise with Surfside Buslines to arrange bus pick ups at the most desirable location.

For Council’s information.

5. Solander Street, Tweed Heads

Solander Street; Parking – Illegal; R5120; DW720769; DW717396

Concerns have been received regarding parked vehicles on both sides of Solander Street making sight distance on egress from driveways very difficult and obstructing the local bus service at the corner of Powell and Solander Streets.

The Road Safety Officer suggested that “No Parking” Signs to be installed on the southern side of the kerb at Solander Street from the driveway at No. 4 around the outside of the curve into Powell Street. Also that “No Parking” signs be installed from the entrance to the Ambulance Station on the inside of the curve to 15m into Powell Street.

RECOMMENDATION:

That:-

1. “No Parking” Signs be installed on southern side of the kerb at Solander Street from the driveway at No. 4 around the outside of the curve into Powell Street.
 2. “No Parking” signs be installed from the entrance to the Ambulance Station on the inside of the curve to 15m into Powell Street.
-

6. Kirkwood Road, Tweed Heads

Kirkwood Road; Fraser Drive; R2920 Pt3

A request has been received regarding speeding traffic on Kirkwood Road.

The Committee discussed the vehicles speeding on Kirkwood Road and noted that it is a no through road and only forms a circuit used by local residents. It has no through traffic using

Reports from Committees/Working Groups

it. The Police advised that if Council do a speed count in the area they will target the street as resources permit.

Decided that Council should carry out a traffic speed survey and forward information to Tweed Heads Police.

For Council's information

7. Wardrop Street, South Murwillumbah

Wardrop Street; R5800

A request has been received for the installation of a signposted handicapped parking space on Wardrop Street to allow access to the school for a new student.

The Committee discussed the request for a handicapped parking space and agreed that it should be installed and signposted as requested.

RECOMMENDATION:

That a disabled parking bay be signposted in the 90° angle car space closest to the school in Wardrop Street.

8. Tweed Valley Way – Speed Zoning

Tweed Valley Way; R4031 Pt16

Murwillumbah to Yelgun speed zone signage rationalisation was tabled for discussion.

The Committee discussed the speed zone signage review undertaken using the NLIMITS RTA Program (copy attached) and recommends the speed limit be 90kph on Tweed Valley Way from Murwillumbah to Stokers Siding Road and from Dixon Road to the Yelgun intersection.

The speed limit on Burringbar Range to be changed from 70kph to 80kph on Stokers Siding Road to Dixon Road. Split speed zones were discussed but enforcement and driver understanding was considered to be potentially confusing. The RTA will arrange for the alterations to the speed cameras to reflect the new speed zone.

All truck speed zones signs are to be removed.

RECOMMENDATION:

That the speed limit on Tweed Valley Way be altered as follows:-

1. From 100m south of Minnows Road (at southern end of Murwillumbah) to Stokers Road (6.3km) becomes 90kph;
2. Stokers Road to Dixons Road (Burringbar Range) (5.6km) becomes 80kph;

Reports from Committees/Working Groups

3. Dixons Road to Yelgun Interchange to 90kph excluding the Burringbar and Mooball 60kph zone.

9. Keith Compton Drive, Tweed Heads

Keith Compton Drive; R2800 Pt1; DW878572

A request has been received to install “No Parking” signs on Keith Compton Drive along the Anchorage side of the street from Navigation Way to the Bus Stop. The Committee noted the issue was one of pedestrians crossing the road and safe locations may be available.

The Committee recommends that the Safety Officer meet on-site with residents to discuss safer crossing movements.

For Council’s information.

10. Pedestrian Access Mobility Plan Proposed Works (PAMPS)

Pedestrian Access Mobility Plan

The following PAMPS projects were discussed by the Committee:-

1. Turnock Street, Kingscliff - Relocate Zebra Crossing 6m West
2. Tumbulgum Road, Murwillumbah – Install Pedestrian Refuge and or kerb blisters outside Library
3. Wollumbin Street, Murwillumbah at Nullum Street – Install refuge and or kerb ‘blisters’ adjacent to Community Health Centre and Gun Registry
4. Overall Drive Pottsville – Create pedestrian refuge at shops by removing part of the centre median at the start of the turn lane
5. Marine Parade, Kingscliff – Modify raised platform adjacent to Bowls Club by reducing grades on approach ramps.

It was noted that the Tumbulgum Road refuge would result in the loss of 6 car spaces adjacent to the levee opposite the library to enable the refuge to be constructed. The Committee supported the proposed works of the Pedestrian Access Mobility Plan and associated regulatory signage and noted all pedestrian refuges need to comply with the Technical Direction 2002/10.

RECOMMENDATION:

That “No Stopping Zones” be approved at the following pedestrian facilities:-

1. Turnock Street, Kingscliff
2. Tumbulgum Road, Murwillumbah
3. Wollumbin Street, Murwillumbah at Nullum Street

Reports from Committees/Working Groups

4. Overall Drive Pottsville

Part B

1. Endless Summer Shopping Centre

DA02/1695

Local Traffic Committee comments required in relation to the provisions of SEPP11. The Nursery lessee will address the Committee. The Chairman advised that the Committee will only consider traffic safety/efficiency issues and that the Committee would consider the plans and provide a report to the Development Control Unit.

Ms Lynne O'Hehir and Mrs June Saville are the lease holders for the Nursery in the Endless Summer Shopping Centre and expressed their concerns in reference to perceived major traffic issues that will arise from this proposed development. They claimed the proposed plan for Endless Summer Shopping Centre would not be feasible. If this proposed development is granted they stated that their business will lose customers and be closed within 6 months.

They have various delivery trucks coming in and out during the day. She is very concerned that there will be more than 50 trucks per day with the new proposed development. Only three loading bays are proposed on-site, one near the Nursery, one at the IGA and one at Savilles. The Nursery has no facilities to offload onto these loading bays. With the proposed plans from the Developers there is no room for semi trailers to actually park on-site. She noted that everything has to happen at the western end of the site which means that vehicles will be entering and exiting from this point. She is very concerned that there is going to be gridlock on-site which will spill out onto Kennedy Drive.

They are very concerned about 4 exits and 3 entries to and from the site and claim this will not work.

They also claim residents on Kennedy Drive across from this proposed development have voiced their concerns regarding the lack of access to their property.

Denise O'Brien advised the Developers are the new owners and lodge the DA with the old owners consent.

Ms O'Hehir presented 224 objections to the Committee for the proposed development.

After Ms O'Hehir and Mrs Saville left the meeting the Committee discussed the traffic issues in relation to this proposed development.

The most significant concern of the Committee was right turn movements into and out of the site from Kennedy Drive and the impact on traffic efficiency given the proximity of the Ducat Street traffic signals.

Reports from Committees/Working Groups

It was noted that the average delay in the morning and afternoon peaks ranged from 2.1 to 3.7 seconds for right turns into the site in 2003 and 3.6 to 7 seconds in 2013. Whilst this may be the average the delays and associated queues will be longer when the 'green' eastbound phase is operating at Ducat Street as minimal gaps in flow will occur. The proximity for such queues to the Ducat Street signals has the potential to cause dangerous weaving manoeuvres as vehicles waiting to turn right into Ducat Street try to avoid vehicles turning into the proposed development. This would not be a problem if the development was providing a dedicated right turn lane via channelisation which would isolate these movements from the west bound lanes on Kennedy Drive.

It was also noted that the delay (average) for vehicles turning right out of the development ranged from 20 seconds in 2003 to 105 seconds in 2013 resulting in a queue length of 6 vehicles that cannot be accommodated without blocking access to and from several car park spaces. AS2890 Pt1 Section 3.6 clearly states "*no parking space manoeuvres shall be allowed to take place within the queuing area*". Thus the design is clearly deficient in this regard and could cause queuing in Kennedy Drive as entering vehicles wait for the internal queue to clear so parking spaces can be accessed. Accordingly, the car park needs to be redesigned to reflect the above.

The Committee noted that the traffic report submitted with the application states that at some point before 2013 right turns into the development and adjacent streets will need to be prevented and that alternative turning facilities such as a roundabout would be needed east of the site, however as no location or facility has been designed it is inappropriate to accept this proposal. The Committee recommends that "right turn" movements be banned from Kennedy Drive into the site now and be conditioned on any consent that may be issued and that plans showing how this will be achieved submitted without impacting on Council converting Kennedy Drive to 4 lanes at the site.

The Police representative expressed concern at the potential increased traffic conflict at the eastern exits from the development as the Crystal Waters Drive intersection has a relatively high accident rate, and after discussion the Committee is of the opinion that the exit from the car park should be deleted as two other exits exist and this would make control of turning vehicles easier. In regard to the service road exit, concern was expressed at the impact slow moving trucks entering the traffic flow would have on Kennedy Drive, which needs further investigation.

The western most access has a dual entry purpose for delivery vehicles and customer car park access, which would be acceptable if the trucks did not need to consume the 'exit' portion of the access to enter the site (see truck turning templates submitted). Obviously if exiting vehicles are queued at the access, (highly probable) the entering truck must wait on Kennedy Drive, obstructing traffic. The Committee advises that this access is not acceptable as shown on the plans for this reason and must be redesigned.

It was also noted that the westernmost driveway appears to conflict with the existing bus stop and if so an alternative site needs to be shown. It was also considered that as part of the ESD principles in DCP 2 that good public transport access to the site should be provided via a relocated bus bay and bus shelter along the sites frontage.

Reports from Committees/Working Groups

The Committee also noted that some DCP2/AS2890 parts 1 & 2 compliance issues may exist and should be checked by the Development Control Unit such as cars reversing over the marked pedestrian crossings in the carpark and functionality of the loading dock area (see AS2890 Pt2 – Commercial Vehicle Facilities).

For Council's information.

NEXT MEETING: 17TH APRIL, 2003

The meeting closed at 11.50am

Director's Comments:

NIL

[document24]

DIRECTOR'S RECOMMENDATIONS:

- 9. Cudgera Creek Road/Mooball Road B Double Route**
Cudgera Creek Road; Pacific Motorway; Pottsville Road; R1470 Pt2; DW 689417

Committee Recommendation:

That a 25m B Double Route be approved for Cudgera Creek Road from Motorway Interchange to Mooball Road and Mooball Road from Cudgera Road to Shackles Transport Depot excluding the hours 7.00am to 9.00am and 2.00pm to 4.00pm school days.

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

- 5. Solander Street, Tweed Heads**
Parking – Illegal; Solander Street; R5120; DW720769; DW717396

Committee Recommendation:

That:-

1. "No Parking" Signs be installed on southern side of the kerb at Solander Street from the driveway at No. 4 around the outside of the curve into Powell Street.
2. "No Parking" signs be installed from the entrance to the Ambulance Station on the inside of the curve to 15m into Powell Street.

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

Reports from Committees/Working Groups

7. Wardrop Street, South Murwillumbah

Wardrop Street; R5800

Committee Recommendation:

That a disabled parking bay be signposted in the 90° angle car space closest to the school in Wardrop Street.

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

8. Tweed Valley Way – Speed Zoning

Tweed Valley Way; R4031 Pt16

Committee Recommendation:

That the speed limit on Tweed Valley Way be altered as follows:-

1. From 100m south of Minnows Road (at southern end of Murwillumbah) to Stokers Road (6.3km) becomes 90kph;
2. Stokers Road to Dixons Road (Burringbar Range) (5.6km) becomes 80kph;
3. Dixons Road to Yelgun Interchange to 90kph excluding the Burringbar and Mooball 60kph zone.

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

10. Pedestrian Access Mobility Plan Proposed Works (PAMPS)

Pedestrian Access Mobility Plan

Committee Recommendation:

That "No Stopping Zones" be approved at the following pedestrian facilities:-

1. Turnock Street, Kingscliff
2. Tumbulgum Road, Murwillumbah
3. Wollumbin Street, Murwillumbah at Nullum Street
4. Overall Drive Pottsville

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

Reports from Committees/Working Groups

3. Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 13 March 2003

Dunecare

VENUE:

Cabarita Beach Sports Centre

TIME:

5.00pm

PRESENT:

Committee Members: Cr Max Boyd, Cr Henry James, Ms Kate McKenzie (Land Care Co-ord), Janette Davison (Cabarita Beach), Arthur Rawlinson (Pottsville Dune Care), Kay Bolton (Fingal), Mike Stewart (Twin Towns Coastal Care), Ian Anderson (Kingscliff North), Frank McLeod (Department of Land & Water Conservation), Mr Stewart Brawley, Mr Rodney Keevers

Informal: R James, Victor Cusack, Ron Butler, Andy Erskine, Blyth Short (Recorder)

APOLOGIES:

Nil

MINUTES OF PREVIOUS MEETING:

Moved: Cr James

Seconded: S Brawley

RESOLVED that the Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 9 January 2003 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

1. Work Cover Certificates

R Keevers advised that he is waiting on information from some of the Dune Care Groups and would like to start the training after Easter. Training required for volunteers will be clarified at this time. General discussion.

2. Natural Heritage Trust - Bitou Bush Control Strategy

R James advised that another run of aerial bitou bush spraying would be conducted in different areas. Department of Land and Water funding applications have been applied for additional works. H James advised that at the Bitou Bush Control Workshop, 27 March draft maps of the coast would be available for comment.

The question was raised, is there going to be any spraying on Aboriginal Land at Fingal. R James advised that several attempts have been made to liaise with the Tweed Byron Aboriginal Land Council.

Reports from Committees/Working Groups

National Parks and Wildlife Services are looking at spraying bitou bush on Ukerebagh Island.

3. Environmental Training & Employment - EnviTE

A Erskine presented draft Vegetation Plans of Management for Cabarita Beach, Fingal Head, Hastings Point and Kingscliff. General discussion. Individual Dune Care Groups are requested to provide written comments back to A Erskine by the May Dune Care meeting. A Erskine will continue to liaise with individual dune care groups on site over the next few months. S Brawley will file CD's of the draft Coastal Vegetation Plans of Management.

CORRESPONDENCE:

4. Casuarina Dune Care

Dune Care Committee

S Brawley advised that Casuarina Dune Care group have formed and requested invitation to attend the Tweed Dune Care Advisory meetings. Subsequently, Rose Wright was introduced to the committee. General discussion. R Wright informed that the committee formed late in 2002 and the groups current aim is to educate local residents about living with the dunes.

Moved: M Stewart

Second: Cr James

RECOMMENDATION:

That Council accepts Rose Wright as the elected representative of the Casuarina Dune Care Group on the Tweed Dune Care Advisory Committee.

5. Pottsville Dune Care, Elfran Avenue Beach Access

Dune Care Committee

V Cusack requested a water tap and shower be installed at the Elfran Avenue beach access. R Keever advised that the cost to install a back flow prevention valve is estimated at \$5,000. S Brawley noted that the recent drought has highlighted concerns with water consumption of showers and taps and that they wouldn't be considered at every beach access. Additionally, the total Dune Care support budget for the coast totals \$5,000. General discussion regarding the Dune Care support budget for 2003/2004.

Moved: K Bolton

Second: K McKenzie

RECOMMENDATION:

That Council strongly considers supporting an additional funds allocation of \$20,000 for the Dune Care Support in the 2003/2004 budget.

Reports from Committees/Working Groups

GENERAL BUSINESS:

6. Salt Development

V Cusack enquired what progress had been made regarding the committees recommendation to endeavour to maximise the area of public land from the eastern tree line to the property boundary at Salt, preferably a minimum of 150m. S Brawley advised that the issue had been referred to the Director Development Services for consideration. The committee all agree that the dunes must be maintained to a significant standard.

7. Rural Bush Fire Service

Committee request that the Fire Control Officer be invited to attend the May Tweed Dune Care Advisory meeting to open up communications.

8. Removal of Euphorbia tree - Fingal Head

K McKenzie requested the removal of the Euphorbia tree at Fingal Head. R Keevers advised of concerns of the highly toxic and reactive nature of the sap of the tree. He is working on workplace procedures for the removal of the tree.

9. Letitia Spit - Fingal Head

K Bolton requested Tweed Shire Council not seal Letitia Spit road until a Plan of Management is in place to cater for the problems such as illegal rubbish dumping, parking, off road accesses, degradation of wetland and dunal areas, protection of migratory bird habitat, and alignment of road away from Kerosene Bay. General discussion.

Moved: K Bolton

Second: K McKenzie

RECOMMENDATION:

That Council not seal Letitia Spit road until a Plan of Management is in place to cater for the problems such as illegal rubbish dumping, parking, off road accesses, degradation of wetland and dunal areas, protection of migratory bird habitat, and alignment of road away from Kerosene Bay.

Reports from Committees/Working Groups

10. Far North Coast Weeds Forum (FNCWF) – Coffs Harbour

R Keevers advised that at the FNCWF a positive response was received for the Tweed Shire Bitou Bush Control Strategy, particularly regarding the collaborative approach by Government Departments (Far North Coast Weeds, Department Land and Water Conservation, National Parks and Wildlife Services, Tweed Shire Council, Tweed Dune Care Advisory Committee) and the community liaising together.

R Keevers advised that Coffs Harbour City Council have implemented an environmental levy of \$25-30 per year to fund ongoing projects such as the bitou bush weed strategy. These funds are managed through a committee.

11. Vegetation Vandalism signs

F McLeod advised that the Department of Land and Water Conservation have 2 large signs available for Council to erect where vegetation has been vandalised on Crown Land.

12. Duranbah Beach Plan of Management

M Stewart handed out the new Duranbah Beach Plan of Management. Submission noted.

13. Fingal Head access path

K McKenzie enquired when the headland access path could commence. S Brawley advised that no work could begin until the Heritage Plan of Management is completed. F McLeod will forward a draft copy to Council.

NEXT MEETING:

The next meeting of the Tweed Dune Care Advisory Committee will be held 8 May 2003 at the Cabarita Beach Sports Centre.

The meeting closed at 7.00 pm

Director's Comments: That Council considers the recommendations under Items 5 and 9.

Reports from Committees/Working Groups

DIRECTOR'S RECOMMENDATIONS:

4. Casuarina Dune Care

Casuarina Dune Care

Committee Recommendation:

That Council accepts Rose Wright as the elected representative of the Casuarina Dune Care Group on the Tweed Dune Care Advisory Committee.

Director's Recommendation: That Council considers the Committee's recommendation.

5. Pottsville Dune Care, Elfran Avenue Beach Access

Tweed Dune Care Advisory Committee

Committee Recommendation:

That Council strongly considers supporting an additional funds allocation of \$20,000 for the Dune Care Support in the 2003/2004 budget.

Director's Recommendation: That Council considers the Committee's recommendation.

Reports from Committees/Working Groups

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

4. **Minutes of the Vegetation Management Plan Steering Committee Meeting held Tuesday 28 January 2003**
 5. **Minutes of the Tweed Shire Council Consultative Committee Meeting held Thursday 20 March 2003**
 6. **Minutes of the Tweed River Regional Art Gallery Advisory Committee Meeting 20 March 2003**
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Reports from Committees/Working Groups

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Orders of the Day

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

Bus Services - Terranora

Bus Services - Stops; Traffic Safety; R5431 Pt4; Terranora Road; Notice of Motion

That Council reviews the school student bus pick-up arrangements in front of the Terranora General Store in view of the constant potential danger of physical injury to a student.

2. **Notice of Rescission - Cr Brinsmead, Cr Youngblutt and Cr Beck**

Draft Tweed Local Environmental Plan 2000, Amendment No 39 - "Housekeeping" Stage 2 (Lake Kimberley) and Draft Development Control Plan No 3 - Banora Point West/Tweed Heads South (Amendment No 12)

GT1/LEP/2000/39 Pt1; LEP - Housekeeping Stage 2 - Lake Kimberley; GT1/DCP/3 Pt9 – DCP – Banora Point West/Tweed Heads South

That Council resolution at Minute No 210 in relation to Item 4 of the Meeting held 19 March 2003 being:-

".....that Council:

- 1. Amends draft Local Environmental Plan Amendment No 39 and draft Development Control Plan No. 3 (Amendment No 12) in accordance with Option 2 (Annexure 2).*
- 2. Forwards the corresponding draft Local Environmental Plan 2000, Amendment No. 3, 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.*
- 3. Implements the corresponding amendment to Development Control Plan No 3 – Banora Point West / Tweed Heads South in accordance with Option 2 (Annexure 2).*
- 4. Requests the Director of Development Services to negotiate acquisition of land from Bradshaw Developments that is appropriate to implement these draft Local Environmental Plans and draft Development Control Plan amendments.*

be rescinded."

Orders of the Day

3. Notice of Motion - Cr Marshall

Donations/Festivals Policies

Donations; Festivals - Policy; Notice of Motion

That Council reviews the Donations Policy and Festivals Policy by holding a Workshop prior to a report being brought forward with the results of the Workshop with a direction to discontinuing these Policies.

4. Notice of Rescission - Cr Brinsmead, Cr Beck and Cr Lawrie

Doon Doon Hall

PF1640/430 Pt1; LN:8154; Rural Hall - Doon Doon; Notice of Rescission

That Council resolution at Minute No 225 in relation to Item 18 of the Meeting held 19 March 2003 being:-

“... that Council advises the Doon Doon Hall Committee it has no objection in principle to the sale of the hall and land by the Committee subject to all necessary approval being obtained.”

be rescinded.

5. Notice of Motion – Cr Lawrie

Tweed and Coolangatta Tourism Inc. - Request for Additional Funding

TACTIC; Notice of Motion

That Tweed Shire Council gives “in principle” approval to the request by Tweed and Coolangatta Tourism Inc. (TACTIC) in letter dated 12 February 2003 for increased funding of \$36,000.00 in the 2003/2004 financial year, such funding to be conditional upon TACTIC obtaining/raising the additional funding referred to in its letter.
