

Items for Consideration of Council

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| Schedule of Outstanding Resolutions | 9 |
| Mayoral Minute | 15 |
| Items Deferred | 21 |
| 4. ORIGIN: Strategic Town Planning Unit | 21 |
| Northern Rivers Catchment Blueprints | 21 |
| 1. Notice of Rescission - Cr James, Cr Luff and Cr Boyd | 30 |
| Development Application DA02/1136 for a Mixed Commercial/Tourist Accommodation Development Including 8 Units at Lot 2 Sec 4 DP 9453 and Lot 3 Sec 4 DP 9453 No. 34 Marine Parade Kingscliff | 30 |
| Reports from Director Development Services | 45 |
| 1. ORIGIN: Development Assessment Unit | 47 |
| Development Application DA02/1408 for Alterations and Additions to an Existing Housing Development at Lot 16 DP 21680 No. 21 Moss Street, Kingscliff | 47 |
| 2. ORIGIN: Development Assessment Unit | 53 |
| Development Application DA02/1635 for Multi-Dwelling Housing Development over Proposed Lots 33 and 34 in the Subdivision of the Subject Land. The Multi-Dwelling Housing Development is in Two Stages: Stage 1 - 74 Units, Managers Residence, Recreation/Community Facilities, Internal Roads, Associated Landscaping & Visitor Car Parking; Stage 2 - 56 Units, Internal Driveway, Fencing & Landscaping at Lot 9 DP 822830, Lot 1 DP 823640, Kirkwood Road, Tweed Heads South | 53 |
| 3. ORIGIN: Development Assessment Unit | 87 |
| Development Application DA02/1915 for an Overland Conveyor for Condong Co-Generation Facility for Transport of Biomass to and from Co-Generation Plant at Lot 16 DP 255029, Lot 18 DP 255029, Lot 19 DP 255029, No. 123-153 McLeod Street Condong | 87 |
| 4. ORIGIN: Strategic Town Planning Unit | 107 |
| Retail Development Strategy | 107 |

Items for Consideration of Council

| | | |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| 5. | ORIGIN: Strategic Town Planning Unit | 113 |
| | Draft Tweed Local Environmental Plan 2000, Amendment No. 31 - Housekeeping Stage 1 (Administrative LEP Anomalies) - Amendment to Exhibited Document | 113 |
| 6. | ORIGIN: Development Assessment Unit | 115 |
| | Development Application DA03/0233 for a Rural Workers Dwelling at Lot 16 DP 1037891, Lot 17 DP 1037891 Pacific Highway, South Murwillumbah | 115 |
| 7. | ORIGIN: Strategic Town Planning Unit | 131 |
| | Northern Rivers Farmland Protection Project | 131 |
| 8. | ORIGIN: Strategic Town Planning Unit | 135 |
| | Advertisement of Draft Development Control Plan No 51 Version 1.0 - Tweed Coast Strategy | 135 |
| 9. | ORIGIN: Strategic Town Planning Unit | 139 |
| | Crime Prevention Plan | 139 |
| 10. | ORIGIN: Strategic Town Planning Unit | 143 |
| | Pottsville Beach Neighbourhood Centre - Alterations to Additional Building | 143 |
| 11. | ORIGIN: Development Assessment Unit | 147 |
| | Illegal Land Clearing at Lot 156 DP 628026 Creek Street, Hastings Point | 147 |
| | Reports from Director Corporate Services | 155 |
| 12. | ORIGIN: Director | 155 |
| | Rural Village Development Program 2002-2003 | 155 |
| 13. | ORIGIN: Administration Services Unit | 161 |
| | Renewal of Lease Lot 7 (Lot 2) DP 251005 Buchanan Street, South Murwillumbah to N M J & W G Stainlay | 161 |
| 14. | ORIGIN: Financial & Information Services Unit | 165 |
| | Making the Rate - 2003/2004 | 165 |
| 15. | ORIGIN: Director | 207 |
| | Membership of NOROC | 207 |
| | Reports from Director Engineering Services | 209 |
| 16. | ORIGIN: Water Unit | 209 |
| | Water Restrictions – Proposal for Consistent Water Restrictions for the North Coast | 209 |

Items for Consideration of Council

| | |
|---------------------------------------------------------------------------------------------------------------------|------------|
| 17. ORIGIN: Design Unit | 217 |
| Application to Close Road - Adelaide Street, Tweed Heads - Application by Police and Community Youth Club | 217 |
| 18. ORIGIN: Water Unit | 221 |
| Effluent Discharge from Vessels to the Tweed River | 221 |
| Reports from Director Environment & Community Services | 223 |
| 19. ORIGIN: Environment & Health Services Unit | 223 |
| Funding for Aboriginal Advisory Committee Support | 223 |
| 20. ORIGIN: Environment & Health Services Unit | 225 |
| Processing of Recyclables from Lismore | 225 |
| 21. ORIGIN: Environment & Health Services Unit | 229 |
| Tweed River Regional Art Gallery | 229 |
| Reports from Committees/Working Groups | 231 |
| 1. Minutes of the Local Traffic Committee Meeting held Thursday 19 June 2003 | 231 |
| 2. Minutes of the Tweed River Committee Meeting held Wednesday 11 June 2003 | 241 |
| 3. Minutes of the Tweed Coastal Committee Meeting held Wednesday 11 June 2003 | 247 |
| MINUTES CIRCULATED TO COUNCILLORS WITH THIS AGENDA NOT REQUIRING A COUNCIL DECISION | 252 |
| 4. Minutes of the Tweed Shire Council Disability Access Advisory Committee Meeting Held Thursday 15 May 2003. | 252 |
| 5. Minutes of the Tweed Shire Council Occupational Health & Safety Committee Meeting held on Thursday 12 June 2003. | 252 |
| 6. Minutes of the Sports Advisory Committee Meeting held on Tuesday 17 June 2003. | 252 |
| 7. Minutes of the Regional Companion Animal Committee Meeting held on 19 June 2003. | 252 |
| Orders of the Day | 253 |
| 1. Notice of Motion - Cr Beck | 253 |
| Knox Park - Duck Pond | 253 |
| 2. Notice of Motion - Cr Lawrie | 253 |
| CSR Readymix Quarry at Terranora | 253 |
| 3. Notice of Motion – Cr Brinsmead | 253 |
| District Shopping Centre - Kingscliff | 253 |

Items for Consideration of Council

| | | |
|----|---------------------------------------|------------|
| 4. | Notice of Motion - Cr Brinsmead | 254 |
| | Tweed Link | 254 |
| 5. | Notice of Motion - Cr Brinsmead | 254 |
| | Cudgen Creek | 254 |
| 6. | Notice of Motion - Cr Brinsmead | 254 |
| | Vehicle Access to Beaches | 254 |
| 7. | Notice of Motion – Cr Youngblutt | 254 |
| | Noxious Weeds – Camphor Laurel | 254 |

Items for Consideration of Council

CONFIDENTIAL

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| Reports from Director Engineering Services in Committee | 5 |
| 1. ORIGIN: Works Unit | 5 |
| Contract EC2003-55 Supply & Installation of Bus Shelters | 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: Design Unit | 9 |
| Land Acquisition for Road Widening - Fraser Drive and Leisure Drive, Tweed Heads | 9 |
| <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> | 9 |
| Reports from Director Environment & Community Services in Committee | 11 |
| 3. ORIGIN: Recreation Services Unit | 11 |
| HQ2003-72 - Parks Maintenance Contracts | 11 |
| <i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)</i> | |
| <i>(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business</i> | 11 |
| 4. ORIGIN: Recreation Services Unit | 15 |
| Park Naming - Jack Evans Boatharbour | 15 |
| <i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)</i> | |
| <i>(f) matters affecting the security of the council, councillors, council staff or council property</i> | 15 |

Items for Consideration of Council

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Schedule of Outstanding Resolutions

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.

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 scheduled for 26 June 2003, note held due to personnel being unavailable. Further meeting to be scheduled.

Schedule of Outstanding Resolutions

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 submitted to Council for August meeting.

18 DECEMBER 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.

Schedule of Outstanding Resolutions

19 FEBRUARY 2003

ORDERS OF THE DAY

- 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.

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: Landowners deferred presentation to Community Access meeting on 14 May 2003. Report to be submitted to Council.

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 being prepared by DSNR.

Schedule of Outstanding Resolutions

7 MAY 2003

ORDERS OF THE DAY

3. Cudgen Creek

Government Grant-Boat Ramps; Government Grant - Water; Cudgen Creek; Notice of Motion

354

Cr Youngblutt

Cr Beck

RESOLVED that:-

1. Cudgen Creek be rehabilitated forthwith to a navigatable condition for small craft from the mouth up to and beyond the boat ramp.
2. The spur wall on the southern training wall be removed.
3. The General Manager be asked to contact relevant Government departments regarding this project and our Local Member, Mr Neville Newell, for his assistance in obtaining Government funding.

Current Status: Action underway.

4 JUNE 2003

QUESTION TIME

Subdivision – Riveroak Drive, Murwillumbah

Riveroak Drive; GS4/91/16 Pt3; Subdivision Application Correspondence

Cr Beck

Asked that a report be brought forward on the development currently underway at Bray Park as the people who drive along Uki Road are aghast at what has happened?

The Acting General Manager advised that a report will be prepared on this matter and referred to Council.

Current Status: Development proceeding in accordance with Council approval.

Schedule of Outstanding Resolutions

18 JUNE 2003

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

- 9. Draft Development Control Plan No 16 - Subdivision Manual
GT1/DCP/16 Pt2; Subdivision Policy; Development Control Plan - DCP**

511

Cr Boyd

Cr Youngblutt

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

Current Status: Workshop to be organised.

QUESTIONS WITHOUT NOTICE

**Holding Lane for southbound traffic, Greenway Drive, South Tweed Heads
R2315 Pt1; Greenway Drive**

Cr Luff

Will Council urgently proceed to lengthen the holding lane for southbound traffic turning right into Greenway Drive in order to improve traffic flows.

The Acting Director Engineering Services will take the question on notice and report to Council in detail.

Current Status: This will be considered in conjunction with report on contract for Machinery Drive intersection. This will need to consider:

- Budget implications
 - Traffic light design.
-

Schedule of Outstanding Resolutions

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Mayoral Minute

Councillors,

1. Family Centre Community Projects Inc- Mobile Men's Shed

Community Services

19 June – attend the official handover of the towing vehicle for the Mobile Men's Shed which was generously sponsored by Southcoast Automotives and TwinTowns Services Club

2. Northern Rivers Farmland Protection Project

Northern Rivers Farmland Protection Project

19 June meeting with representatives of local farmers, Councillors and TS staff to discuss this project.

3. Chinderah VIC Project

TEDC/TACTIC – Tourism General

20 June attended a meeting at Gold Coast Airport with DES and representatives from TEDC and TACTIC

4. Friendship Force – Howick New Zealand

Friendship Force

23 June – On my behalf Cr Max Boyd greeted 14 people from the Friendship Force in Howick New Zealand who are visiting the area.

5. Murwillumbah War Widows Guild

Councillors' Invitations

23 June – attended the Annual General Meeting of the Murwillumbah War Widows Guild at the Murwillumbah RSL Club

6. Town Life Development Program

Town Life Development Program - General

23 June – attended meeting of the Town Life Development Program held at Burringbar

Mayoral Minute

7. Doon Doon Hall

Rural Halls/Doon Doon – LN8154

24 June – meeting with GM, Councillors, council staff and residents on site at Doon Doon Hall

8. SALT

Media-Other/Councillors' Invitations

24 June – media presentation on site SALT Construction Launch Kingscliff

9. Northern Rivers Area Health Service

Hospitals-Murwillumbah

24 June – afternoon tea with Board Members prior to Board Meeting at Murwillumbah Hospital

10. Murwillumbah Lions

Services Organisations - Lions

24 June – attended Murwillumbah Lions Changeover Dinner at Murwillumbah Services Club

11. Southern Cross University – Tweed Campus

Education Matters – Southern Cross University

26 June – Session with members of SCU External Quality Audit Panel at Tweed Campus

12. Country Energy

Electricity

26 June – meet at Tweed Heads with TSC GM and Managing Director and General Manager Networks Country Energy.

13. TEDC/TACTIC

TEDC/TACTIC

26 June – attend joint TEDC/TACTIC Board Meeting at Gold Coast Airport

Mayoral Minute

14. Cudgen Landholders

Northern Rivers Farmland Protection Project

26 June – attended Cudgen Landholders Meeting at Cudgen

15. Tweed River Jockey Club

Invitations

27 June – attended Murwillumbah Cup at Tweed River Jockey Club Murwillumbah

16. Business Excellence Awards

Business Excellence Awards

27 June – attended Business Excellence Awards at Tweed Heads Bowls Club

17. Tweed River Regional Art Gallery

Art Gallery – Doug Moran Art Prize- Tweed River Regional Foundation

28 June –meeting of Directors of Tweed River Regional Art Gallery and Tony Smith from Stacks Lawyers to discuss law suit hearing

18. Rotary Club of Mt. Warning

Services Organisations - Rotary

28 June –Rotary Club of Mt Warning Changeover Lunch at Murwillumbah

19. Cabarita Surf Life Saving Club

Surf Life Saving Clubs – Cabarita Beach

29 June –special meeting of Cabarita Surf Life Saving Club

20. Veterans' Affairs

Invitations

30 June –official opening Oxley Day Club by President RSL at Bray Park

Mayoral Minute

21. Kingscliff Meeting

Land Development - Kingscliff

30 June – attend meeting at Kingscliff to discuss development plans

22. Public Libraries Conference

Library - General

2 July – welcome delegates to Public Libraries Conference Twin Towns

23. Northern Rivers Area Health

Education Matters – Hospitals - Murwillumbah

2 July- meeting re old Nurses' Home Murwillumbah

24. Congratulations

Letters of Congratulations

Congratulations to our General Manager, Dr. John Griffin, on attaining his Master of Juris Prudence.

INVITATIONS ACCEPTED:

- 4 July - Tweed Media & Marketing Club Luncheon (Cudgen Lifesaving Club)
- 4 July – Tweed Theatre Company Presentation– “Fiddler On The Roof” (THCC)
- 5 July – Murwillumbah Apex Changeover Dinner (Murwillumbah Golf Club)
- 7 July – Jack Evans Boat Harbour Steering Committee (THCC)
- 7 July – Tweed River War Widows' Association – AGM (Sth Tweed Bowls Club)
- 9 July –Twin Towns Friends Assoc Morning Tea with Volunteers and Friends (HACC)
- 11 July –Tweed Heads Branch Red Cross AGM (Club Banora)
- 12 July – Kingscliff Soccer Club – 25 Year Celebration Dinner (South Tweed)
- 14 July – Citizenship Ceremony (THCC)
- 16 July – Blind & Vision Impaired Support Group Mid Year Christmas Party (Murwillumbah Bowls Club)

Mayoral Minute

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

- **31 July/1 August** Australian Defence Studies Centre “Safeguarding Australia – Frontline Issues: The 2003 Homeland Security Conference”, National Convention Centre Canberra
- **1 August** Monash University Centre of Policy studies “The City and the Bush”, Sofitel Melbourne
- **20 August** “Local Government Symposium: Current Legal Issues & Strategies”, Merchant Court Hotel Market Street Sydney
- **30 September/1 October** “Collaborative Indigenous Policy Development”, Hilton Hotel Cairns

ABSENCES FROM SHIRE BY EXECUTIVE, AND COUNCILLORS

EXECUTIVE

| Name | From | To | Location | Details |
|-------------|--------------|-----------|-----------------|-----------------------|
| DCS | 14 July 2003 | | Mullumbimby | GMs Subregional Forum |

Mayoral Minute

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Items Deferred

ITEM DEFERRED FROM MEETING 18 JUNE 2003

504

Cr Beck

Cr Marshall

RESOLVED that Council defers this item until after the Northern Rivers Farmland Protection Project public meeting to be held Thursday, 19 June 2003.

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

4. ORIGIN: Strategic Town Planning Unit

FILE REF: Total Catchment Management

REPORT TITLE:

Northern Rivers Catchment Blueprints

SUMMARY OF REPORT:

The Northern Rivers Catchment Blueprint has been adopted by the NSW State Government. The Blueprint includes the Tweed Local Government area. The Blueprint, prepared by the Northern Rivers Catchment Board, has been established to provide clear direction for action and investment by all stakeholders, including Councils, in the catchment's natural resources.

RECOMMENDATION:

That Council receives and notes the Northern Rivers Catchment Blueprint particularly the strategic planning implications explained in the report.

Items Deferred

REPORT:

BACKGROUND

The Minister for Land and Water Conservation announced on 8 December 1999 that the community-government partnership in managing natural resources would be strengthened by establishing 18 catchment management boards to replace 43 catchment management committees (CMCs) and 5 regional catchment committees (RCCs).

In the North Coast region there are three catchment management boards that commenced operation in May 2000. The boards are a “whole of government” initiative and are supported administratively by the Department of Sustainable Natural Resources (previously Land and Water Conservation).

The Northern Rivers catchment management area includes the catchments of the Tweed, Brunswick and Richmond Rivers and extends three nautical miles out to sea. The Northern Rivers region embraces six Local Government areas, including Tweed Shire.

The Northern Rivers Catchment Board (NRCMB) was established by the Minister for Agriculture and the Minister for Land & Water Conservation in June 2000.

The Catchment Blueprint has been prepared by the NRCMB to provide clear direction and investment by all stakeholders, including Council, in the catchment’s natural resources. The Northern Rivers Catchment Blueprint was endorsed by the NSW Government in late 2002. A major implication of the Blueprint is State and Federal funding available to stakeholders for environmental projects. Funding (eg, NHT) must now be consistent with the Blueprint.

THE BLUEPRINT

The first three key functions of the Board included the formulation of five (5) First Order Objectives with their associated Catchment Targets, Management Targets and Management Actions with emphasis on identification of hazard/risk areas of concern.

- **FIRST ORDER OBJECTIVES:** are the community’s value statements about the desired state and functioning of the area’s natural resources in the long term. They reflect what we want to see and what we are prepared to live with.
- **CATCHMENT TARGETS:** express the community’s values and objectives in measurable and time specific natural resource and environment management targets. They fundamentally shape the plan. Catchment targets integrate the environmental, social and economic outcomes that communities want, expressed in biophysical terms. Targets are a clear indication to government and the community of priorities for action, which is where funding and other support needs to be focussed.
- **MANAGEMENT TARGETS:** are the answers to the question “what has to be done to realise this catchment target”? To develop management targets the Board has identified risk or hazard areas of concern – areas that are having a major impact, and where the implementation of realistic targets and **MANAGEMENT ACTIONS** can result in a quantifiable change within given timeframes.

The first order objectives of the Blueprint are as follows:

- Naturally occurring plant and animal species populations and their communities, maintained, enhanced and where targeted, restored.

Items Deferred

Recognises that conserving and enhancing what remains of our rich, natural biodiversity is of critical importance to us all.

- Health and productive natural water systems which sustain the environment and the community.

Reflects the importance of protecting and improving our river, estuary, coastal and groundwater ecosystems to enhance the environment, provide safe drinking water and suitable supply and quality for water users into the future.

- Human settlement and landuse activities managed now and in the future, to achieve sustainability in our communities, our ecosystems and in natural resource use.

Acknowledges that the pressures of growth, poor landuse practices and conflicts in landuse are significant issues for this region. It is essential that we manage these issues effectively to benefit both the community and the environment.

- The economic, social and spiritual wellbeing of the Northern Rivers community recognised and promoted, specifically the cultural heritage values of the Bunjalung Nation, with maximisation of Aboriginal involvement in natural resource management.

Identifies the importance of community wellbeing, the contribution we all make to a diverse culture, and a community's need to maintain cultural and heritage values and a place in the human landscape.

- Land resources able to support sustainable economic activity and natural ecosystems.

Encompasses the need to manage our land to reduce erosion and land degradation, to improve farming practice and to maintain the resources that support the natural environment.

The Plan's emphasis is on identification of Natural Resource Environmental Management (NREM) issues which are having a significant impact. Unlike many other NREM strategies, the Plan focuses on establishing achievable, realistic measurable targets and actions which will result in quantifiable change in the short to medium term. The Plans also spell out who will be responsible for implementing actions.

In order to formulate a Catchment Management Plan that is strategic and targeted in its approach, the NRCMB identified the following critical NREM issue areas for the Northern Rivers region.

1. Biodiversity

- Loss and degradation of native vegetation in urban and rural area with associated loss and degradation of wildlife habitat and reduction in species diversity.
- Loss or degradation of riparian vegetation.
- Loss or degradation of wetlands.
- Poor conservation of aquatic and marine species, their ecosystems and increased pollution.

2. Water

- Insufficient environmental river flow and poor ecological health of rivers.

Items Deferred

- Streambank erosion.
- Pollution of the waterways from urban and rural landuse activities.
- Poor water management in reference to water supply allocation and reuse.

3. Landuse

- Population pressure on the land resource.
- Landuse related conflict.

4. Acid Sulfate Soils

- Fish kills, reduced water quality and loss of aquatic biodiversity associated with Acid Sulfate Soil.

5. Aboriginal Cultural Heritage

- Aboriginal cultural heritage issues relating in particular to protection and access to culturally significant sites.
- Lack of consultation/communication with the aboriginal community.

A copy of the Northern Rivers Catchment Blueprint has been circulated to all Councillors for their information.

Although the NRCMB's Blueprint is of an advisory nature, State Government Planning Departments must take into account the intent of the Plan in the formulation of regulatory documents.

The Board will also initiate and endorse proposals for projects (managed by other organisations or community groups) to achieve their planned targets. The objectives, targets and hazard areas identified in the Plan will be the basis for commissioning and/or assessing projects submitted for funding under many Commonwealth and State natural resource investment and grant programs (eg, Natural Heritage Trust Funding).

IMPLICATIONS FOR LOCAL GOVERNMENT

Local Government Authorities are a major stakeholder in the implementation of the Blueprint. The Blueprint identifies Local Government as the 'Lead Organisation' or 'Primary Driver' for nine (9) priority actions, and as a 'Primary Partner' for an additional thirty one (31) priority actions.

Table 1 identifies the nine (9) priority actions in which Local Government is the 'Lead Organisation/Primary Driver'.

Items Deferred

Table 1 – Priority Management Actions for Local Government – Lead Organisation

| Priority | Action No | Description | Timing | | Lead Organisation | Co-Op Organisation | Status | Indicative Cost |
|----------|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------|-------------------|---------------------------------------------------|--------|-----------------|
| | | | Start | Finish | Primary Driver | Primary Partner | | |
| 12 | 2.2.3 | Prepare and/or complete Coastline Management Plans (including Dune Management Plans) for Tweed, Byron, Ballina and Richmond Valley Council's, ensuring Blueprint targets are considered. | 2002 | 2007 | DLWC & Local Govt | Other State agencies, community | Ex | \$600,000 |
| 13 | 2.2.4 | Implement priority recommendations of Coastline Management Plans that contribute to achieving Blueprint targets. | 2003 | 2012 | DLWC & Local Govt | Landcare, Dunecare, community | En | \$30,000,000 |
| 15 | 4.1.2 | Implement planning and development controls for ASS Hotspots. | 2002 | 2003 | Local govt | PlanningNSW, DLWC | En | \$60,000 |
| 35 | 3.3.3 | Develop Integrated Water Cycle Plans to optimise the use of water, stormwater and sewage effluent. | 2003 | 2009 | Local govt & DLWC | Relevant State agencies, stakeholders & community | New | \$600,000 |
| 36 | 3.6.2 | Identify sustainable treated effluent end uses and develop innovative reuse programs. | 2002 | 2012 | Local govt & EPA | DLWC, Health Dept | Ex | Nil |
| 40 | 3.6.1 | All local governments to implement integrated water cycle plans that recognise and incorporate Blueprint targets. | 2003 | 2012 | Local Govt | DLWC, EPA, Health Dept | Ex | Nil |
| 52 | 2.3.3 | Approach owners of targeted lots, and producer-neighbours who are economically disadvantaged by the identified conflict, with positive suggestions for customised "win-win", least cost, resolution of conflict. | 2006 | 2010 | Local govt | NSW Ag, rural producer groups | New | \$1,265,000 |
| 56 | 1.5.4 | Complete estuary management plans within Tweed, Byron, Ballina, Richmond Valley and Lismore Shire Councils. | 2002 | 2007 | DLWC, Local govt | Other State agencies, community | Ex | \$300,000 |
| 57 | 1.5.5 | Implement priority recommendations of estuary management plans that contribute to Blueprint targets | 2002 | 2012 | Local govt | DLWC, Landcare, community | En | \$3,000,000 |

Tweed Shire Council has already begun to implement some of the priority actions. For example, priority action 2.2.3 and 2.2.4 require Local Government to prepare and complete a Coastline Management Plan for the Tweed and implement priority recommendations from the Plan. This process has been initiated by Council with the completion of the Coastline Hazard Study and

Items Deferred

commitment to preparation of a Coastline Management Strategy and Plan. Council has also implemented planning and development controls for acid sulphate soils (Action 4.1.2) in the preparation and gazettal of Tweed LEP 2000.

IMPLICATIONS FOR STRATEGIC PLANNING

The Blueprint has significant implications for strategic planning in Tweed Shire including Stage 2 review of Council's LEP (rural areas of the Shire), Council's Rural Settlement Strategy, and Council's review of the Tweed Strategic Plan. The implications are discussed in relation to the five (5) Catchment and Management Targets.

a) Biodiversity Catchment Target

An additional 5000 hectares of priority high conservation value (HCV) ecosystems outside reserves or State Forests brought under active management by 2012. Priority to be given to sites at highest risk.

The emphasis of the Biodiversity Catchment Target is 'high conservation value' (HCV) ecosystems. These HCVs are defined by a variety of process, including local government vegetation plans. Council has initiated this process with the completion of the Tweed Vegetation Management Strategy 1999. The current review of this Strategy (NHT Funding) is nearing completion (Tweed Vegetation Management Strategy 2003), and includes preparation of an LEP Amendment (Amendment No 21) and amendment to DCP 40 (Clearing Exemptions etc). The Vegetation Management Plan Steering Committee is assisting the Strategic Planning Unit to finalise these documents. Although the term 'active management' in the Blueprint does not include Council LEPs the Tweed Vegetation Management Strategy 2003 and the subsequent review of the Tweed LEP and DCPs will have substantial implications for landuse planning in Tweed Shire.

b) Landuse Planning Catchment Target

Natural resources (land, water and vegetation) in the rural environment managed sustainably and integrated within an appropriate land use planning framework to overcome three principle sources of conflict by 2012.

The three sources of conflict defined as:

- (a) Agricultural land;
- (b) Human settlement;
- (c) Small rural lots.

'*conflict*' means both:

- (d) differences in community opinions about general long term use of the landscape; and
- (e) neighbour conflicts over incompatible neighbouring land uses.

'*human settlement*' means urban areas, rural residential areas, and residential use of rural land but does not include residential use clearly ancillary to agricultural use of rural land eg, genuine farmhouse.

'*manage sustainably*' means managed so that the resource is available in the long term eg, agricultural land for growing food and fibre, quarry sites for efficient extractive industries, forest for

Items Deferred

timber production, water supply catchments for harvest of clean water, cultural sites for reflection and learning, habitat for other species, for learning and for tourism.

A 'priority management action' (Action 2.1.1) has already been initiated by the State Government to partly address this Catchment Target. PlanningNSW, through the Lismore Living Centres, has exhibited for public comment the 'draft Northern Rivers Farmland Protection Project'. The project aims to support agricultural lands in the Northern Rivers by protecting the land from the encroachment of urban development. This project was the subject of a separate report to Council at its meeting of 4 June 2003.

This project has implications for rural landuse planning by Council and State agencies including Council's LEP review, the Rural Settlement Strategy and review of the Tweed Strategic Plan.

(c) Water Catchment Target

Stress classification lowered by at least one management category in 80% of priority sub catchments by 2012.

Definition

'*Stress classifications*' are identified in the sub-catchment report cards found in the Stressed Rivers Assessment Report – Tweed, Brunswick and Richmond Catchments (DLWC, 1999). An explanation of the classifications can be found in this report. Management actions are aimed at reducing the stress in priority sub catchments to a lower management category and maintaining those sub catchments which are currently categorised as low stress at that level.

'*priority sub-catchments*' have been identified by the Northern Rivers Water Management Committee as priorities for water sharing plans or have been identified on the basis of their natural condition or high recovery potential as identified in the River Styles reports for the Richmond (Goldrick 1999) and the Tweed and Brunswick (Lampert, Ferguson and Brierley, 1999).

In the Tweed the 'water sharing plan priority sub catchments' by 2007 are:

- Upper Tweed River;
- Brays Creek;
- Pumpenbil Creek;
- Upper Oxley River;
- Mid Tweed River;
- Sheen Creek;
- Cobaki Creek;
- Piggabeen;
- Bilambil Creek.

Targeted streambanks in Tweed for rehabilitation and protection by 2012 are:

- Upper Tweed River;
- Mid Tweed River;

Items Deferred

- Upper Oxley River;
- Byrrill Creek;
- Brays Creek.

Other Water Management Targets include:

- A coordinated and integrated approach to water quality data collection, storage and reporting established and implemented by 2005.
- A minimum 10% reduction in 2000/2001 per capita reticulated water usage achieved by 2012.
- Best Management Practices (BMPs) to address water quality issues to be developed and promoted for key industries and local government by 2007, and adopted by local government and a minimum of 30% of those involved in key industries by 2009.
- All treated effluent discharged from municipal Sewerage Treatment Plants (STPs) is to be of reuse standard by 2012. Where suitable opportunities exist, at least 50% of dry weather discharges are to be reused.

All Water Management Targets have implications for Tweed Shire Council. A number of projects initiated by Council's Engineering Services Division, Tweed River Committee and Environment and Community Services Division relate to the Water Catchment Target.

(d) Acid Sulfate Soils Catchment Target

50% reduction in acid outflow from targeted Hotspots and specific problem sites by 2011.

Council's Environment and Community Services Division, in conjunction with the Tweed River Committee, have undertaken a substantial amount of work with various other stakeholders to address targeted ASS hotspots in the Tweed.

The Tweed LEP 2000 also introduced new planning controls, including ASS planning maps, to trigger assessments and management plans for works that may create impacts resulting from the disturbance of ASS. Tweed is recognised as a world leader in acid sulfate soil management through the efforts of Council and the Tweed River Committee, and other stakeholders.

(e) Aboriginal Cultural Heritage Catchment Target

The relationship the Aboriginal communities within the Bunjalung Nation have with cultural sites, natural resources and the environment is to be recognised and acknowledged through establishing effective involvement in decision making processes by 2012.

Council has established the Aboriginal Liaison Committee to improve consultation between the Tweed Aboriginal community on various issues. Tweed Shire Council is also one of more than 20 Councils in the State to participate in the Aboriginal Mentoring Program. The Chairman of the Tweed Byron Local Aboriginal Land Council, Russell Logan, has been chosen to take part in the mentoring program that could eventually lead him to stand for election as a Councillor. The program was started to enable Aboriginal community members to gain a greater insight into Local Government.

Items Deferred

It is also likely that the Tweed Vegetation Management Strategy 2003 will provide recommendations to Council on consultation protocols with the Aboriginal community on future development proposals and landuse strategies to provide the Aboriginal community with an opportunity to identify development that may have a significant impact on Aboriginal sites.

Items Deferred

ITEM DEFERRED FROM EXTRAORDINARY MEETING 25 JUNE 2003

533

Cr Polglase

Cr Beck

RESOLVED that this matter be deferred to the next Ordinary Meeting following representations from the Minister for Infrastructure Planning and Natural Resources.

ORDERS OF THE DAY

1. Notice of Rescission - Cr James, Cr Luff and Cr Boyd

Development Application DA02/1136 for a Mixed Commercial/Tourist Accommodation Development Including 8 Units at Lot 2 Sec 4 DP 9453 and Lot 3 Sec 4 DP 9453 No. 34 Marine Parade Kingscliff

Notice of Rescission; DA02/1136 Pt2; LN: 11044

That Council resolution at Minute No 494 in relation to Item 1 of the Meeting held 18 June 2003 being:-

".....that the Development Application DA02/1136 for a mixed commercial/tourist accommodation development including 8 units at Lot 2 Sec 4 DP 9453 and Lot 3 Sec 4 DP 9453 No. 34 Marine Parade Kingscliff be approved subject to the following conditions: -

GENERAL

- 1. The development shall be completed in accordance with the Statement of Environmental Effects and Drawing No. SK01 Revision A - SK07 Revision A prepared by Pacific Projects Group and dated March 2003 (27/3/2003), except where varied by these conditions.*
- 2. The overall height of the building shall not exceed RL 18.4 metres (excluding any lift over run which shall be no greater than 1.5m above this nominated height). On completion of the building documentation from a surveyor shall be provided to ensure compliance with this condition.*
- 3. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.*
- 4. In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428- Design for Access and Mobility.*
- 5. Advertising structures/signs to be the subject of a separate development application, where statutorily required.*
- 6. The proposed future uses must be the subject of a separate approval.*
- 7. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.*

Items Deferred

8. *The erection of a building in accordance with a development consent must not be commenced until:*
 - a. *detailed plans and specifications of the building have been endorsed with a construction certificate by:*
 - (i) *the consent authority; or*
 - (ii) *an accredited certifier; and*
 - b. *the person having the benefit of the development consent:*
 - (i) *has appointed a Principal Certifying Authority; and*
 - (ii) *has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and*
 - c. *the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.*
9. *Works shall comply with the Stormwater Management Plan, Cozens Regan Williams Prove Pty Ltd dated June 2002.*

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

10. *The payment of a contribution of \$92,000 in lieu of the provision of 8 off street car parking spaces. The contribution to be paid in full prior to the issue of a Construction Certificate.*
11. *Section 94 Contributions*
 - (i) *Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.*

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

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

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

- a. *Tweed Road Contribution Plan: \$11,158.00*

S94 Plan No. 4 (Version 4.0)

(Sector 6 - Kingscliff)

Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 4.1 prior to the issue of a construction certificate or

Items Deferred

subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

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

where:

$\$Con_{TRCP - Heavy}$ *heavy haulage contribution*

and:

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

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

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

Admin. Administration component - 5% - see Section 6.5

- b. *Open Space (Casual):* \$1,321.00
S94 Plan No. 5
- c. *Community Facilities (Tweed Coast)* \$2,952.00
(North Coast)
S94 Plan No. 15
- d. *Emergency Facilities (Surf Lifesaving)* \$905.00
S94 Plan No. 16
- e. *Extensions to Council Administration Offices & Technical Support Facilities* \$1,311.83
S94 Plan No. 18
- f. *Cycleways* \$1,278.00
S94 Plan No. 22
- g. *Regional Open Space (Casual)* \$1,752.00
S94 Plan No. 26

12. A **certificate of compliance** (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

Items Deferred

Water: 1.292 ETs \$5,168.00

Sewer: 1.292 ETs \$4,231.00

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

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

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

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

14. *Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.*

15. *Permanent Stormwater Quality Treatment*

(a) Permanent stormwater quality treatment shall comply with "Tweed Urban Stormwater Quality Management Plan" (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction or Occupational Phase of Development". New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the "deemed to comply" provisions of Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality is deemed to comply with the objectives in 5.5.3.

(b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.

(c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development,

Items Deferred

prepared in accordance with Section D7.07 of Tweed Shire Council Aus-Spec D7 - Stormwater Quality.

(d) Specific requirements:

- (i) Roof runoff is to be discharged without stormwater quality treatment.*
- (ii) The proposed Ecosol RSF100 GPT is not accepted as it does not capture oils. An appropriately sized device must be provided in the Construction Certificate Application.*
- (iii) Car park, driveway and car washdown areas (assuming impervious) runoff is to be pre-treated to remove oil and sediment prior to entry to the on site storage tank.*
- (iv) The oil/grit arrestor proposed must also be sized to treat pollutants generated from cars parked in the basement. The installed device must also satisfy the following requirements.*
 - a. The retained volume of the oil/grit arrestor must be no less than 0.5m³ per 1000m² of the basement/undercover car park area.*
 - b. The minimum retained volume of an oil/grit arrestor is 0.75m³. Reference is made to AS/NZ3500.3.2.1998 National Plumbing and Drainage - Stormwater Drainage - Acceptable Solutions/Section 8/Figure 8.3 for typical oil/grit arrestors.*

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

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

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

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

17. The peak stormwater flow rate that may be discharged from the site to the public realm, in events of intensity up to the ARI 100 year design storm, shall be 200 l/s/ha. This may be achieved by on site detention (OSD), on site retention or a combination of both. Detention storage may be incorporated into surface depressions in landscaping or aboveground car parking areas. The maximum water depth under design conditions in aboveground vehicle parking areas shall be 200mm. OSD devices including discharge control pits (DCP) are to comply with standards in The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook, Third Edition, December 1999" except that permissible site discharge (PSD) and site storage requirements (SSR) in the handbook do not apply to Tweed Shire. All these works and the connection to Councils drainage system shall be constructed in accordance with design calculations, plans and specifications to be submitted with the construction certificate application and approved by the Director of Engineering Services.

Items Deferred

18. Any premises proposing to discharge into Councils sewerage system a waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by Councils Manager Water and concurrence received from the Department of Land and Water Conservation, if required, PRIOR to the issuing of a Construction Certificate to discharge to Councils sewerage system.
19. A. Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
- i. in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor licence number; and
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
 - ii. in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit number, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of **owner-builder work** in Section 29 of that Act,
- and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.
- B. A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
20. Erosion and Sediment Control During the Construction Phase of Development
- (a) Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with the "Tweed Urban Stormwater Quality Management Plan" (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan "Tweed Shire Council Aus-Spec D7 - Stormwater Quality" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until

Items Deferred

final approval is given and the maintenance bond (if required) has been released.

(b) The Construction Certificate Application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of Tweed Shire Council Aus-Spec D7 - Stormwater Quality.

21. *Provide cross sections of the footpath at Marine Parade through to the proposed ground floor area showing RL levels and grades so as to establish that disabled access in accordance with AS1428 can be provided to all areas of the ground floor and that general pedestrian movement along the pavement will be provided to the satisfaction of the Director of Engineering Services. General pedestrian movement requirements should be discussed with Council's Technical Officer of the Works Unit.*

The RL levels established to satisfy the above requirement should be considered with due regard to the 150 diameter stormwater detention discharge pipes noted in the Stormwater Management Plan.

22. *Provide an engineers design statement that the proposed excavation and necessary retaining can be achieved without affecting the integrity of the adjoining properties and structures thereon including the public roadway known as Hungerford Lane. The engineer is to advise in the above statement if it will be necessary to enter onto the adjoining land to carry out or do any work and if so consent from the affected landowners will be required for the specific work.*
23. *Provide design concepts of the proposed water meter location, sewer inspection shaft and any likely trade waste arrestor locations and the serviceability of same.*
24. *Provide details to demonstrate that the demolition and construction on the site can be carried out in a manner to minimise nuisance to surrounding properties and that traffic control, pedestrian diversion and construction loading and storage areas are available.*

PRIOR TO COMMENCEMENT OF WORK

25. *Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore required that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.*
26. *Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Consulting Engineer shall be erected and maintained in a prominent position at the site to the satisfaction of the Director, Development Services. The sign is to remain in place until the Subdivision Certificate is issued.*
27. *All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised to the satisfaction of the Principal Certifying Authority and provided with a dish drain or similar at the base or otherwise retained to the satisfaction of the Principle Certifying Authority. All retaining works shall be*

Items Deferred

completed to the satisfaction of the Principal Certifying Authority prior to start of building work. Please note timber retaining walls are not permitted.

28. *The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:*
- (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and*
 - (ii) Certification of the works performed by the person carrying out the works is to be submitted to the PCA; and*
 - (iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-*
 - (A) the method of protection; and*
 - (B) the date of installation of the system; and*
 - (C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and*
 - (D) the need to maintain and inspect the system on a regular basis.*
- Note:** *Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.*
29. *A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-*
- (a) a standard flushing toilet connected to a public sewer, or*
 - (b) if that is not practicable, an accredited sewage management facility approved by the council, or*
 - (c) if that is not practicable, any other sewage management facility approved by the council.*
30. *A sign must be erected on the site in a prominent, visible position stating:*
- a. that unauthorised entry to the work site is prohibited; and*
 - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.*
 - c. Lot number.*
31. *It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:*
- i. The person must, at the person's own expense:*
 - a. preserve and protect the building from damage; and*
 - b. if necessary, underpin and support the building in an approved manner.*
 - ii. The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of*

Items Deferred

intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.

32. *Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.*
33. *Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.*

Erosion and sediment control shall be in accordance with the "Tweed Urban Stormwater Quality Management Plan" (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan "Tweed Shire Council Aus-Spec D7 - Stormwater Quality" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond has been released.
34. *An application to connect to Council's sewer is to be submitted to and approved by Council prior to the commencement of any works on the site.*
35. *Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by Council prior to any discharge to sewer being commenced.*
36. *Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.*
37. *Prior to the commencement of any demolition works the name and contact details of the responsible contractor/person shall be provided to Council in writing.*

DURING CONSTRUCTION

38. *All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).*
39. *Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742-1991 (Manual for Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.*
40. *The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.*
41. *A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".*

Items Deferred

42. *All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead" and the WorkCover guidelines on working with and handling of asbestos.*
43. *Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.*
44. *The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.*
45. *Demolition of building existing on site is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover Authority.*
46. *The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:*
 - a. *footings, prior to pouring of concrete*
 - b. *slab, prior to pouring of concrete*
 - c. *frame prior to the erection of brick work or any wall sheeting*
 - d. *final inspection prior to occupation of the building*
 - e. *completion of work*
47. *It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.*
48. a. *All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.*
b. *All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.*
49. *If the work involved in the erection or demolition of a building:*
 - a. *is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or*
 - b. *building involves the enclosure of a public place,*
a hoarding or fence must be erected between the work site and the public place.
If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
Any such hoarding, fence or awning is to be removed when the work has been completed.

Items Deferred

An application for hoarding together with the prescribed fee is to be submitted to Council for approval prior to work commencing.

50. *Ensure adequate turfed area, or other suitable material, is incorporated and maintained into the proposed landscape of the property for use as a car wash-down area.*
51. *Access to the building for disabled persons shall be provided and constructed in accordance with the requirements of Part D3 of the Building Code of Australia and Australian Standard AS 1428.1.*
52. *If access for the disabled is required under Part D3 of the Building Code of Australia, facilities for the use of the disabled shall be provided as specified in Part F2.4 of the Building Code of Australia and shall be constructed to the requirements of Australian Standard AS1428.1.*
53. *All surface water collected from hard stand parking areas to be directed to Council approved pre-treatment facilities before discharge to approved discharge locations. Stormwater from covered or enclosed carpark areas shall not be discharged to the public sewer unless approved treatment facilities have been provided. Details are to be submitted to and approved by the Director of Environment and Community Services prior to installation*
54. *Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.*

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

55. *Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.*
56. *All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.*
57. *All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.*
58. *Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays or public holidays.*
59. *All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:*
 - A. *Short Term Period - 4 weeks.*

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

Items Deferred

B. Long term period - the duration.

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

- 60. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.*
- 61. Prior to and during construction provide a "shake down" area along the haul route located immediately before the intersection with the road reserve. The "shake down" area is to be 10 metres long, minimum 3.0 metres wide, constructed of minimum 50mm diameter crushed rock; or other such device approved by the Director of Engineering Services.*
- 62. The burning of builders waste on site by open fire is prohibited.*
- 63. The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed.*
- 64. The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of the buildings with direct line of sight to the proposed building.*
- 65. Any proposed cooling tower installation must also include details on the proposed means of back flow prevention to the water supply prior to installation.*
- 66. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.*
- 67. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:*
 - a. internal drainage, prior to slab preparation;*
 - b. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;*
 - c. external drainage prior to backfilling.*
 - d. completion of work.*
- 68. A. A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.*

B. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.
- 69. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.*
- 70. Where two (2) or more premises are connected by means of a single house service pipe, the owner of each premises must (unless all the premises are occupied by a single household or firm as a residence or place of business) ensure that a separate water meter, of a class and size approved by Council, is installed on each of those premises.*
- 71. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.*

Items Deferred

72. *Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.*
73. *Yard gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.*
74. *All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-*
- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and*
 - * 50⁰C in all other classes of buildings.*
- A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.*
75. *In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:*
- i. All required erosion and sedimentation control devices have been installed and are operational.*
 - ii. Required toilet facilities have been provided on the site.*
 - iii. A sign has been erected on the site identifying:*
 - Lot number*
 - Builder*
 - Phone number of builder or person responsible for site.*
 - iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.*
 - v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.*
76. *Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.*
77. *The full width concrete Footpaving on Marine Parade is not to be altered to provide ramps into the shops. The shops are to ensure all ramps or steps are contained internally if the floor slab is higher than the footpath level at the sites boundary with Marine Parade.*
78. *All stormwater runoff from the site is to be discharged via a new standard manhole, into the existing pipe drainage network in Marine Parade. No discharge is permitted to Hungerford Lane or adjacent land. The connection to Council's drainage system shall be constructed in accordance with design calculations, plans and specifications to be submitted with the construction certificate application and approved by the Director of Engineering Services.*

Items Deferred

79. *The driveway entrance shall be graded to ensure Q100 stormwater runoff from the Hungerford Lane kerb and gutter does not enter the site.*
80. *Provision shall be made for the installation of grease trap(s) to the satisfaction of the Director of Environment and Community Services.*
81. *Provision shall be made within the building to duct or convey future exhausted cooking gases above the roof level to the satisfaction of the Director of Environment and Community Services. Cooking gas discharges and ducting shall comply with AS1668.*
82. *All waste materials shall be collected, stored and disposed of to the satisfaction of the Director of Environment and Community Services.*
83. *Acid sulfate soils shall not be exposed or disturbed as part of the proposed works.*
84. *The site shall not be dewatered without the prior written consent of Council. Should dewatering be necessary, Council shall be notified in writing prior to such dewatering, and waters shall be monitored and tested as directed by Council, and in accordance with the Water Act, 1912.*
85. *Security fencing and hoardings shall be erected along the Marine Parade frontage to the satisfaction of the Director of Environment and Community Services and the NSW WorkCover Authority.*
86. *The third floor tourist accommodation units are not to increase the area of covered roof decks from that indicated on the approved plans. This condition has been imposed to reduce the bulk and scale of the building when viewed from the foreshore.*
87. *No part of the building other than the pedestrian awning are to protrude beyond the confines of the property boundary*

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

USE

89. *The use being restricted to the floor area designated on the approved plan.*
90. *The premises shall be suitably identified by Unit No. (where appropriate) and Street Number displayed in a prominent position on the facade of the building facing the primary street frontage, and is to be of sufficient size to be clearly identifiable from the street.*
91. *No items or goods are to be stored or displayed outside the confines of the premises.*
92. *The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.*
93. *The LA10 noise level emitted from the premises shall not exceed the background noise level (LA90) in any Octave Band centre frequency (31.5 Hz – 8KHz inclusive) by more than 5Db(A) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any*

Items Deferred

habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.

94. *A backflow containment device will be installed adjacent to Councils water meter installation at the property boundary in accordance with AS3500. The device is to be maintained in accordance with the provisions of AS3500 by the owner of the property at the owners expense.*
95. *Footpath dining activities shall not be conducted without the prior written approval of Council.*
96. *Lighting utilised on the site shall not be permitted to detrimentally impact the amenity of any other premises.*
97. *This application has approved 8 tourist accommodation units and 3 retail outlets. Any future change of use shall be subject to separate approval and may attract additional parking requirements and additional Section 94 contributions.*

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

98. *A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No DA02/1136 have been complied with.*
99.
 - i. *The creation of an access easement under Section 88B of the Conveyancing Act creating rights of ingress and egress by way of easement in favour of 30 Marine Parade is owned by the same owner as 32-34 Marine Parade or the owners are related parties. The purpose of the Section 88B instrument allowing ingress and egress is for the purposes of allowing the owner of 30 Marine Parade to utilise as a vehicle access point the entry from Hungerford Lane to 32-34 Marine Parade and to be able to access its own car park through the existing entrance and car park at 32-34 Marine Parade.*
 - ii. *The approved retail/commercial units are not to be used for restaurant or café use without prior development consent.*
100. *The lots are to be consolidated into one (1) lot under one (1) title. The plan of consolidation shall be registered with the Lands Titles Office prior to issue of the construction certificate.*

be rescinded."

Reports from Director Development Services

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

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

MATTERS FOR CONSIDERATION

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

Reports from Director Development Services

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Reports from Director Development Services

1. ORIGIN: Development Assessment Unit

FILE REF: DA02/1408 Pt1; LN 2157

REPORT TITLE:

Development Application DA02/1408 for Alterations and Additions to an Existing Housing Development at Lot 16 DP 21680 No. 21 Moss Street, Kingscliff

SUMMARY OF REPORT:

Council is in receipt of an Appeal in the Land and Environment Court NSW for the subject development. Council refused the development at its meeting of 18th December 2002 having had consideration for a report assessing the proposed development.

A number of reasons for refusal arose from the assessment of the application including the non-compliance with the two (2) storey height limitation. The proposed development would have resulted in further three (3) storey development in the two (2) storey residential area of Kingscliff.

Council's solicitors have commenced representation of Council at the first call over and further support for the defending of this appeal is sought.

RECOMMENDATION:

That Council instructs its Solicitors to defend the Appeal in the Land and Environment Court.

Reports from Director Development Services

REPORT:

Applicant: Mr N Pahoff and Mrs S Pahoff
Owner: The Owners Strata Plan 31991
Location: Lot 16 DP 21680, No. 21 Moss Street Kingscliff
Zoning: 2(b) Medium Density Residential
Cost: \$197,000.00

BACKGROUND

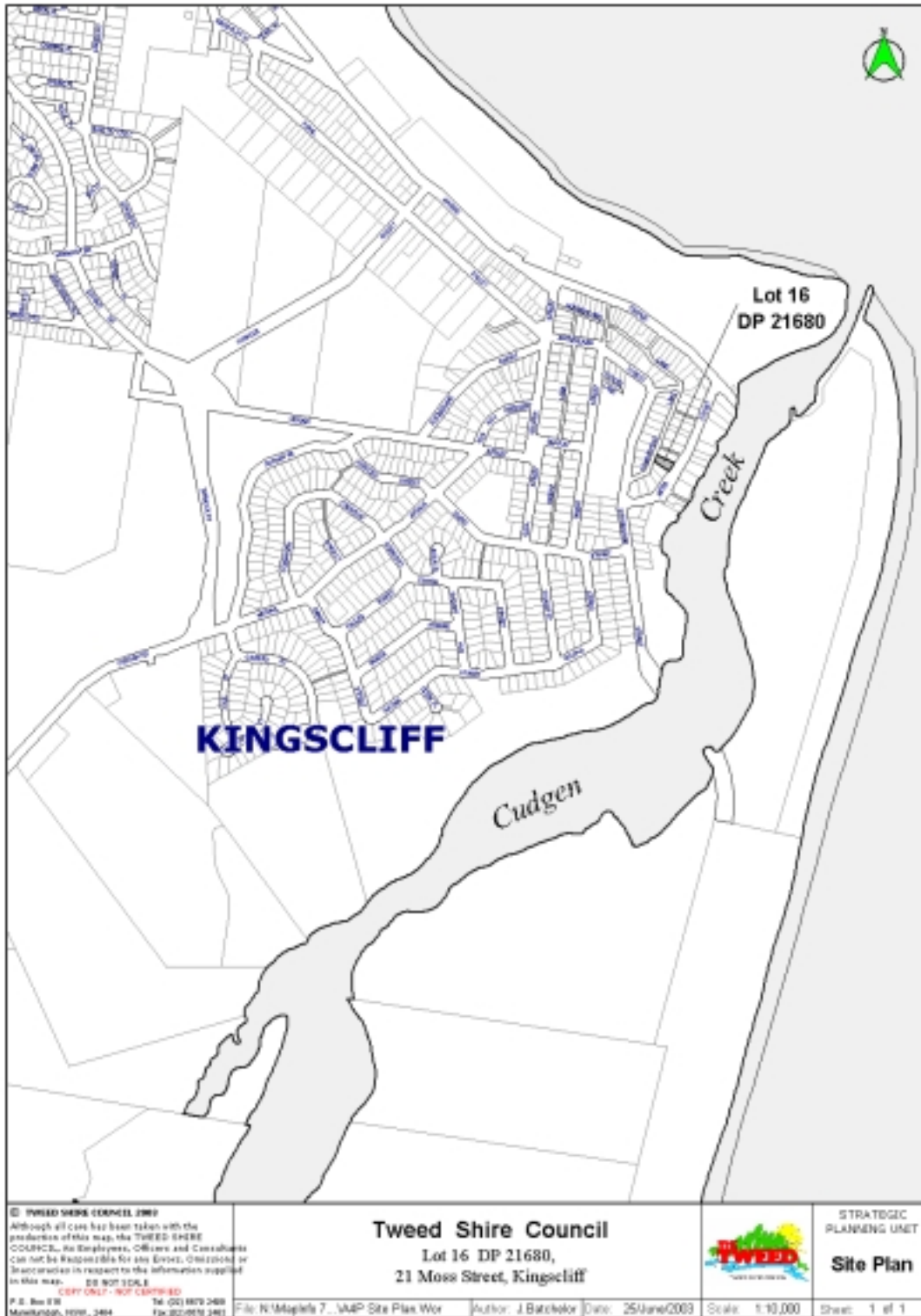
Council considered an assessment report for the proposed alterations and additions to an existing multi dwelling housing development that is accessed off Hungerford Lane Kingscliff. The proposal was for additional floor area for unit No.3, alterations and additions to the complex foyer and entry to the unit below.

The alterations and additions relied on the use of State Environmental Planning Policy No.1 – Development Standards in relation to the height limitation over the site. Council determined to refuse the application on 18th December 2002 for the following reasons for refusal:

1. The proposed development is not in accordance with the objectives of the zone under the Tweed Local Environmental Plan 2000 as the proposal does not achieve good urban design outcome.
2. The proposed development and its use of State Environmental Planning Policy No.1 – Development Standards is not considered appropriate and it has not been satisfactorily demonstrated that the two (2) storey height limit is unreasonable and unnecessary in this particular case.
3. The proposed development is not in accordance with the objectives for the precinct under Development Control Plan No. 43 – Kingscliff in that it does not respect the slope of the land.
4. The proposed development is not in accordance with the building ‘Types’ for the site as provided under Development Control Plan No. 43 – Kingscliff in that it does not step down the site and therefore maintaining a two storey height.
5. The bulk and scale of the proposed development is inappropriate for the locality.
6. The proposed development will set an undesirable precedent and is not in the public interest.

Reports from Director Development Services

SITE DIAGRAM



Reports from Director Development Services

JUSTIFICATION FOR REASONS FOR REFUSAL AND DEFENDING APPEAL

The following reasons for refusal issued by Council on 18th December 2002 are considered and justification provided for each reason.

1. The proposed development is not in accordance with the objectives of the zone under the Tweed Local Environmental Plan 2000 as the proposal does not achieve good urban design outcome.

Comment

The proposed development was not considered to be consistent with the zone objectives as the development will not achieve good urban design outcomes for the site. The alterations and additions result in a building that does not comply with the design outcomes for the precinct as provided for in the development control plan for the site.

2. The proposed development and its use of State Environmental Planning Policy No.1 – Development Standards is not considered appropriate and it has not been satisfactorily demonstrated that the two (2) storey height limit is unreasonable and unnecessary in this particular case.

Comment

The applicant made a submission in relation to the two (2) storey height limit being unreasonable or unnecessary. The assessment considered the surrounding development, environmental characteristics of the site and the topography of the Kingscliff Hill. View of the proposed development from the eastern side of Cudgen Creek was also considered.

The applicant's objection under SEPP 1 was considered to not be warranted under the circumstances as the height limitation is not considered to be an unreasonable or unnecessary standard.

3. The proposed development is not in accordance with the objectives for the precinct under Development Control Plan No. 43 – Kingscliff in that it does not respect the slope of the land.

Comment

The objectives of the precinct are:

- Facilitate the development of the precinct as a predominantly low density residential area,
- Develop the Kingscliff Hill medium density zone as an attractive residential area, with buildings that respect the slope of the land and allow for the retention of views available from adjoining land,
- Encourage development to take advantage of available views and climatic effects,
- Ensure that development on visually prominent sites is relatively unobtrusive,
- Preserve the traditional character of existing laneways.

Reports from Director Development Services

The proposed development was not considered to be consistent with the objectives for the precinct that are relevant to the site. The proposed development does not respect the slope of land. The impacts to views from the proposal are not as significant as the impact of creating a development which when viewed from the side and rear will be of a bulk that does not reflect the topography.

The proposed development in the absence of the existing vegetation would be obtrusive to the Kingscliff Hill and its environs. As such it was considered that the proposed alterations and additions are not consistent with the objectives of the precinct.

4. The proposed development is not in accordance with the building 'Types' for the site as provided under Development Control Plan No. 43 – Kingscliff in that it does not step down the site and therefore maintaining a two storey height.

Comment

The building type for the subject land is a 'Type 5' in DCP43. These buildings are to step down the slope of the land and be no more than two storeys in height. The objective for this requirement is to ensure the development reflects the topography of the locality, the natural features and limit view obstruction.

The proposed alterations and additions would significantly change the development to reduce the stepping down features of the existing development, resulting in a structure unlike that required and inconsistent with Council's DCP.

Therefore the development in its proposed form would undermine the intention of the objectives and provisions of DCP No. 43 and would establish a precedent that would undermine the DCP's future implementation.

5. The bulk and scale of the proposed development is inappropriate for the locality.

Comment

From the eastern side of Cudgen Creek the existing development is screened to a large extent by the existing vegetation. However this vegetation is not protected by a tree preservation order and relies on its preservation by the owners of the land. The bulk and scale of the proposed additions would result in visual impacts to the Kingscliff Hill.

While the applicant is proposing the additions to be consistent with the existing colours and materials this was not considered to be adequate in light of the bulk and appearance of the additions, which include a roof deck.

6. The proposed development will set an undesirable precedent and is not in the public interest.

Comment

The proposed additions were not considered to be in the public interest as they undermine the controls for the site. The proposed development did not present any justification for the controls being unreasonable or unnecessary and as such the application to vary the development standard was not supported.

Reports from Director Development Services

OPTIONS

1. Defend the Appeal in the Land and Environment Court.
2. Seek to negotiate conditions for consent orders in the Land and Environment Court.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

Council will incur its own costs in relation to defending the Appeal.

CONCLUSION

It is considered that the Appeal should be defended as the proposed development failed to satisfy Council's requirements in relation to a number of aspects as detailed in the reasons for refusal. Defence of such appeals is very important to retaining integrity of planning policies in Kingscliff.

Reports from Director Development Services

2. **ORIGIN:** Development Assessment Unit

FILE REF: DA02/1635 Pt2; LN 34814

REPORT TITLE:

Development Application DA02/1635 for Multi-Dwelling Housing Development over Proposed Lots 33 and 34 in the Subdivision of the Subject Land. The Multi-Dwelling Housing Development is in Two Stages: Stage 1 - 74 Units, Managers Residence, Recreation/Community Facilities, Internal Roads, Associated Landscaping & Visitor Car Parking: Stage 2 - 56 Units, Internal Driveway, Fencing & Landscaping at Lot 9 DP 822830, Lot 1 DP 823640, Kirkwood Road, Tweed Heads South

SUMMARY OF REPORT:

This development application is for the erection of 130 multi dwelling housing units in two stages with managers residence, recreation/community facilities, internal roads, associated landscaping and car parking. The proposed development is for the development of two allotments created in a subdivision of the subject land. Council has approved the subdivision of the land and earthworks have commenced.

While the proposed development is consistent with the planning objectives for the zone, an amendment of Development Control Plan No.3 – Banora Point West Tweed Heads South is required. This amendment is to change the designation of the land from Residential Tourist to Residential ‘B’. The proposed amendment was publicly exhibited with the development application. During the exhibition of the proposed development four submissions were received raising issues of objection on the application.

The issues relevant to the proposed development have been assessed and it is recommended that the development be approved subject to conditions.

RECOMMENDATION:

That :-

- A. Council adopts Development Control Plan No. 3 amendment as exhibited and that the amendment comes into force on the date that it is published in the Tweed Link.
- B. Development Application DA02/1635 for multi-dwelling housing development over proposed Lots 33 and 34 in the subdivision of the subject land being in two stages: Stage 1 - 74 units, managers residence, recreation/community facilities, internal roads, associated landscaping & visitor car parking and Stage 2 - 56 units, internal driveway, fencing & landscaping at Lot 9 DP 822830 Lot 1 DP 823640, Kirkwood Road, Tweed Heads South be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plans Nos 2360 01 W to 06 W inclusive, 2360 08 W dated 13/5/2002, 2360CT-CB3-L-DIS 01C to 04C inclusive dated July 2002, 2360 CT-CT2 01B to 05B inclusive dated July 2002, 2360 CT-CT2-A 01B to 05B inclusive dated July 2002, 2360 CT-CT2-B 01B to 05B inclusive dated July 2002, 2360 CT-CT2-C 01A to 05A dated July 2002, 2360 CT-C2T2 01B to 05B inclusive dated July 2002, 2360 CT-AT 01B to 05B inclusive dated July 2002,

Reports from Director Development Services

2360 CT-ATD-01B to 05B inclusive dated July 2002, 2360 CT - FT 01B to 05B inclusive dated July 2002, 2360 CT - FT-MR 01B to 05B inclusive dated July 2002, 2360 CT - CB3 01B to 04B inclusive dated July 2002, 2360SITE.MAN 01B to 04B inclusive dated July 2002, 2360 REC-AREA 01B to 04B inclusive dated July 2002, 2360 02 A dated 16/9/2002 prepared by Alex Enborisoff Architects, Landscape Concept Plan 2002/1273 Sheets L01 to L06 dated July 2002 prepared by evolution landscape design, except where varied by these conditions.

2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
3. The erection of a building in accordance with a development consent must not be commenced until:
 - a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
 - b. the person having the benefit of the development consent:
 - (i) has appointed a Principal Certifying Authority; and
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.
4. The NSW Police shall be provided with emergency access codes for the proposed development.
5. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.
6. In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428- Design for Access and Mobility.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the

Reports from Director Development Services

current version/edition of the relevant Section 94 Plan current at the time of the payment.

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

STAGE 1

- | | | |
|----|----------------------------------------------------------------------------------------------|-------------|
| a. | Banora Point West/Tweed Heads South (DCP3) Open Space Passive (Casual): S94 Plan No. 1 | \$86,638.00 |
| b. | Tweed Road Contribution Plan: S94 Plan No. 4 (Version 4.0) (Sector 2 – Tweed South) | \$73,294.00 |

Heavy Haulage Component

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

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

where:

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

and:

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

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

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

Admin. Administration component - 5% - see Section 6.5

- | | | |
|----|------------------------------------------------------------|-------------|
| c. | Shirewide Library Facilities: S94 Plan No. 11 | \$32,614.00 |
| d. | Bus Shelters: S94 Plan No. 12 | \$1,309.00 |
| e. | Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13 | \$6,312.00 |
| f. | Emergency Facilities (Surf Lifesaving) S94 Plan No. 16 | \$10,946.00 |

Reports from Director Development Services

- g. Extensions to Council Administration Offices
& Technical Support Facilities \$19,011.58
S94 Plan No. 18
- h. Cycleways \$7,611.00
S94 Plan No. 22
- i. Regional Open Space (Structured) \$55,733.00
S94 Plan No. 26
- j. Regional Open Space (Casual) \$10,435.00
S94 Plan No. 26

STAGE 2

- a. Banora Point West/Tweed Heads South (DCP3)
Open Space Passive (Casual): \$66,752.00
S94 Plan No. 1
- b. Tweed Road Contribution Plan: \$56,643.00
S94 Plan No. 4 (Version 4.0)
(Sector 2 – Tweed South)

Heavy Haulage Component

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

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

where:

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

and:

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

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

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

Admin. Administration component - 5% - see Section 6.5

- c. Shirewide Library Facilities: \$25,201.00
S94 Plan No. 11
- d. Bus Shelters: \$1,008.00
S94 Plan No. 12

Reports from Director Development Services

- | | | |
|----|---------------------------------------------------------------------------------------------------|-------------|
| e. | Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13 | \$4,872.00 |
| f. | Emergency Facilities (Surf Lifesaving) S94 Plan No. 16 | \$8,446.00 |
| g. | Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18 | \$14,648.08 |
| h. | Cycleways S94 Plan No. 22 | \$5,880.00 |
| i. | Regional Open Space (Structured) S94 Plan No. 26 | \$43,067.00 |
| j. | Regional Open Space (Casual) S94 Plan No. 26 | \$8,064.00 |
8. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.
- Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.
- Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:
- STAGE 1**
- | | |
|--------|-----------|
| Water: | \$215,000 |
| Sewer: | \$176,031 |
- STAGE 2**
- | | |
|--------|-----------|
| Water: | \$168,000 |
| Sewer: | \$137,550 |
- These charges to remain fixed for a period of twelve (12) months from the date of this consent and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.
- Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an Accredited Certifier.
9. A. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
- i. in the case of work to be done by a licensee under that Act:

Reports from Director Development Services

- (i) has been informed in writing of the licensee's name and contractor licence number; and
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
 - ii. in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit number, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of *owner-builder work* in Section 29 of that Act,
- and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.
- B. A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
10. Prior to the Issue of a Construction Certificate all of the Conditions of Consent K98/0011 shall be complied with. Documentary evidence from the Land Titles Office shall be provided indicating the registration of proposed lots 33 and 34 being the parcels to which this development consent pertains.
11. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.
12. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. If filling is required, a plan of proposed drainage is to be submitted and approved by the PCA prior to the issue of a construction certificate. Drainage must be installed and operational prior to commencement of any building work.
- All fill and cut batters shall be obtained wholly within the subject land.
13. Permanent Stormwater Quality Treatment
- (a) Permanent stormwater quality treatment shall comply with "*Tweed Urban Stormwater Quality Management Plan*" (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction or Occupational Phase of Development". New development is required to

Reports from Director Development Services

comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the "deemed to comply" provisions of *Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality* is deemed to comply with the objectives in 5.5.3.

- (b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.
 - (c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
 - (d) Specific requirements:
 - (i) Runoff from all hardstand /impervious areas (including driveway internal roads, visitor car parks, hardstand landscape areas, etc and excluding roof areas) must be pre treated to remove oil and grit, prior to discharge off site.
 - (ii) Roof water run off does not require treatment and must be either discharged downstream of any pollutant treatment device or have the device adequately sized to cater for this additional flow.
 - (iii) The proposed car wash bays must be either constructed of pervious materials or else run off from these bays must be treated to remove oil and grit prior to discharge off site.
 - (iv) The proposed Gross Pollutant Trap to treat run off from the Community title subdivision must be located within the Community Title precinct of the development.
14. A construction certificate application for works that involve any of the following:-
- connection of a private stormwater drain to a public stormwater drain
 - installation of stormwater quality control devices
 - erosion and sediment control works

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

Reports from Director Development Services

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

15. A detailed plan of landscaping is to be submitted and approved by Council's Director, Development Services prior to the issue of a Construction Certificate. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building.
16. Prior to issue of a Construction Certificate, a plan with details on the acoustic fence shall be provided to Council's satisfaction detailing a combination of brick columns and lapped timber panels. The return at the intersection of Kirkwood Road and Fraser Drive shall be of brick. A landscaping bed shall be provided 0.5 metres wide for the full length of the acoustic fence. Details of the landscaping are to be submitted. The fence and landscaping details are to be to the satisfaction of the Director of Development Services prior to issue of a construction certificate.

PRIOR TO COMMENCEMENT OF WORK

17. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-
 - (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council, or
 - (c) if that is not practicable, any other sewage management facility approved by the council.
18. A sign must be erected on the site in a prominent, visible position stating:
 - a. that unauthorised entry to the work site is prohibited; and
 - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
 - c. Lot number.
19. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.
20. An application to connect to Council's sewer is to be submitted to and approved by Council prior to the commencement of any works on the site.
21. All required plumbing and drainage inspection fees are to be submitted to Council prior to the commencement of any works on the site.
22. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Consulting Engineer shall be erected and maintained in a prominent position at the site to the satisfaction of the Director, Development Services. The sign is to remain in place until the Occupation Certificate is issued.

Reports from Director Development Services

23. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

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

DURING CONSTRUCTION

24. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
25. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.
26. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.
27. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- a. footings, prior to pouring of concrete
 - b. slab, prior to pouring of concrete
 - c. frame prior to the erection of brick work or any wall sheeting
 - d. final inspection prior to occupation of the building
28. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.
29. All fire service connections are to be compatible with those of the NSW Fire Brigade.
30. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays or public holidays.
31. The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed.
32. All new residential dwellings (and extensions comprising over 50% of the original floor area) are to fully comply with Councils Energy Smart Housing Policy (DCP39). In order to comply with DCP39 consideration must be given to the building envelope, orientation, insulation, ventilation, thermal mass, zoning, and hot water supply.

Reports from Director Development Services

33. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a. internal drainage, prior to slab preparation;
 - b. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - c. external drainage prior to backfilling.
 - d. completion of work.
34. A. A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
B. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.
35. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
36. Where two (2) or more premises are connected by means of a single house service pipe, the owner of each premises must (*unless all the premises are occupied by a single household or firm as a residence or place of business*) ensure that a separate water meter, of a class and size approved by Council, is installed on each of those premises.
37. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
38. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.
39. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
 - * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C in all other classes of buildings.A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.
40. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
 - i. All required erosion and sedimentation control devices have been installed and are operational.
 - ii. Required toilet facilities have been provided on the site.

Reports from Director Development Services

- iii. A sign has been erected on the site identifying:
 - Lot number
 - Builder
 - Phone number of builder or person responsible for site.
 - iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
 - v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.
41. Swimming Pools (Building)
- A. The swimming pool is to be installed and access thereto restricted in accordance with Council's "Code for the Installation of New Swimming Pools" and Australian Standard AS 1926-1986 (Copy of code enclosed).
 - B. Swimming pools shall have suitable means for the drainage and disposal of overflow water.
 - C. The pool filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.
 - D. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction.
 - a. Steel reinforcing prior to the pouring of concrete.
 - b. Swimming pool safety fencing prior to filling the pool with water.
 - E. In the event that Council is not utilised as the inspection/certifying authority:-
 - a. Within seven (7) days of the filling of the pool a Compliance Certificate in the prescribed form shall be submitted to Council together with the prescribed fee, by the Accredited Certifier to certify that all works have been completed in accordance with the approved plans and conditions of Consent and that the swimming pool safety fencing has been installed and complies with AS 1926.
 - b. The Certifying authority is to be given 24 hours notice in writing for an inspection of the swimming pool safety fencing prior to filling the pool with water.
42. Backwash from swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.
43. Compliance with all noise mitigation measures recommended in the Noise Level Impact Assessment report by Craig Hill Acoustics (Revision 2) dated January 2003.
44. External lighting within the development will conform with the requirements relating to Lighting Zone C in the Gold Coast Airport Master Plan, in that level of illumination shall not exceed 150 candella measured at 30 above the horizontal, unless otherwise approved by Gold Coast Airport Limited.

Reports from Director Development Services

45. Except where varied by the Gold Coast Airports Master Plan requirements, lighting in the estate shall comply with AS/NZS 1158 for both road and pedestrian lighting.
46. Roofs of all proposed buildings are to be constructed of non-reflective materials.
47. All work shall comply with the recommendations contained in the Acid Sulfate Soil Management Plan report number 2002.48 dated December 2002 prepared by HMC Environmental Services.
48. The internal road network associated with the proposed community title development must safely accommodate the difference between the Q100 and Q5 flow rates, via overland flow.
49. Driveway entrances must be graded to ensure property has immunity against inundation of stormwater from the internal road networks up to a Q100 stormwater event.
50. The owner or contractor must not undertake any work within the public road reserve without giving Council's Engineering Services Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.
51. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
52. Provision to be made for the designation of a durable and pervious car wash-down area/s. The area/s must be identified for that specific purpose and be supplied with an adequate water supply for use within the area/s. Any surface run-off from the area must not discharge directly to the stormwater system.
53. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.
54. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
55. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.
56. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
57. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:

Reports from Director Development Services

A. Short Term Period - 4 weeks.

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

B. Long term period - the duration.

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

58. All engineering works required to be approved prior to the issue of a construction certificate are to be constructed in accordance with the approval.
59. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742-1991 (Manual for Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.
60. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the provision of an invert crossing at the kerb and gutter where required and paving of the driveway across the footpath to the front alignment to the satisfaction of the Director, Engineering Services. Twenty four (24) hours notice is to be given to Council's Engineering Services Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the vehicular access and its reconstruction. Paving bricks are not acceptable unless laid on a 100mm thick concrete base.
61. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped.
62. All proposed building pads are to be above the Q100 design flood level, including provision for any localised overland flow, such that at least 300mm freeboard is provided to the satisfaction of the Director Development Services.
63. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.
64. The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning.

Reports from Director Development Services

65. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

66. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.
67. A survey certificate signed by a registered surveyor is to be submitted to the PCA to certify that the habitable floor level of the building to be at a level of not less than RL 2.95m AHD.
68. Council is to be provided with a report by the Acoustic Engineer at completion of construction of each stage of the proposed development confirming that noise mitigation measures have been implemented in accordance with the Noise Level Impact Assessment Report.

USE

69. Swimming Pools (Building)
- A. It is the responsibility of the pool owner to ensure that the pool fencing continues to provide the level of protection required regardless of and in response to any activity or construction on the adjoining premises. Due regard must be given to the affect that landscaping will have on the future effectiveness of the security fencing. (Section 7 Swimming Pool Act 1992).
 - B. The resuscitation poster must be permanently displayed in close proximity to the swimming pool. (Section 17 Swimming Pool Act 1992).
70. Disposal and removal of waste from each dwelling in accordance with details submitted to and approved by Director of Environment & Community Services Division prior to any occupation of the building.
71. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

Reports from Director Development Services

REPORT:

Applicant: Kirkwood Estates Pty Ltd & Broadsteel Pty Ltd
Owner: Kirkwood Estates Pty & Ltd Broadsteel Pty Ltd
Location: Lot 9 DP 822830, Lot 1 DP 823640, Kirkwood Road Tweed Heads South
Zoning: 2(e) Residential Tourist
Cost: \$10,000,000.00

BACKGROUND

Council approved a subdivision over the subject land on 18 December 1998. The subdivision was for the creation of 34 urban allotments, two (2) public open space lots and a residue. The proposal before Council is for the development of two (2) of the proposed allotments being lots 33 and 34.

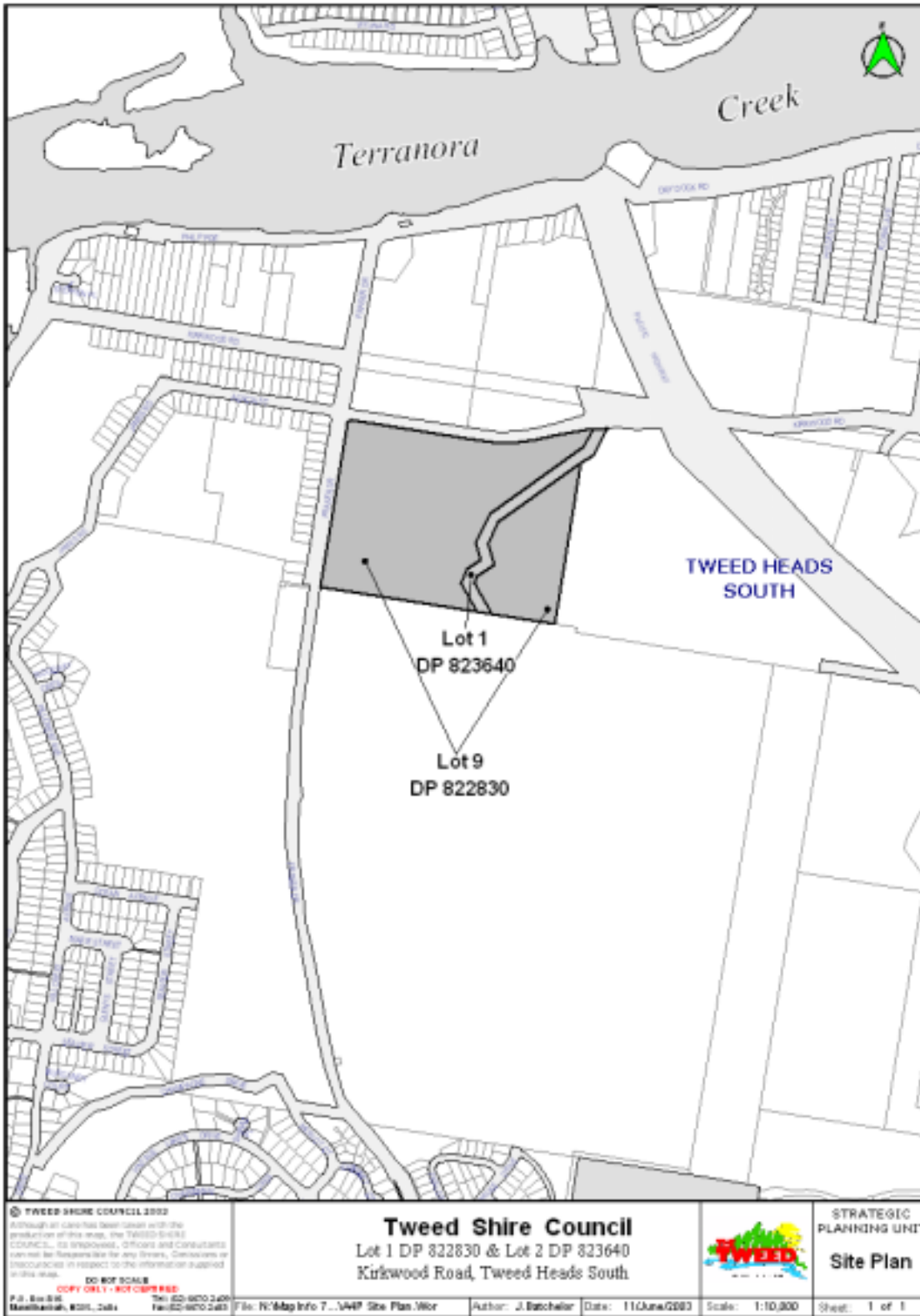
These two allotments are irregular in shape and have a combined area of 4.3ha. The proposal is to construct part 1 and part 2 storey multi-dwelling housing development containing 130 units, a manager's residence and a community recreational facility. The development will be undertaken in two (2) stages. Stage 1 involving the construction of 74 units, the managers residence, recreational and community facilities and Stage 2 being the construction of 56 units, the remaining internal driveway, fencing and landscaping. The units are to be strata titled.

The proposal is designed as a secure estate with fencing around the perimeter and security gates at the entrance. The fencing to Fraser Drive and the future Kirkwood Road is to be acoustic fencing with the fencing for the remaining frontage to be a combination of brick columns and powder coated pool type fencing with landscaping. These fences require a fence height variation and the proposed buildings require a building line variation.

The land the subject of the development proposal is designated Residential Tourist Development under Development Control Plan No. 3 – Banora Point West/Tweed Heads South. As the proposed development is residential in nature the applicant was advised that it will be necessary to amend the Development Control Plan as part of this application. As such an amendment to the Development Control Plan is assessed as part of this report.

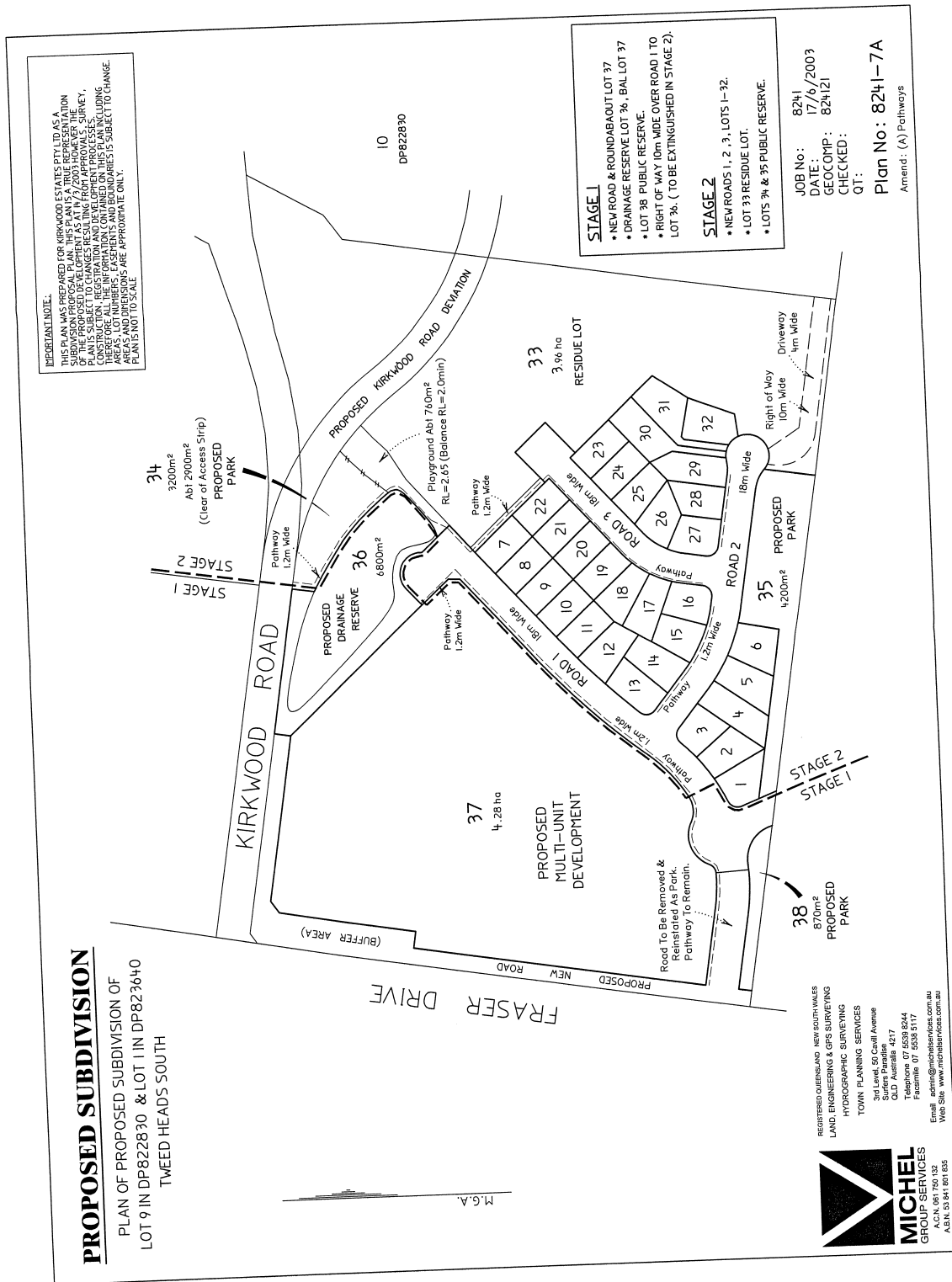
Reports from Director Development Services

SITE DIAGRAM



Reports from Director Development Services

SUBDIVISION PLAN



Reports from Director Development Services

UNIT DEVELOPMENT PLAN



SITE SUMMARY

RPD LOT 09 (DP 922930) & LOT 01 (DP 922640)
FRASER DRIVE
SOUTH TWEED HEADS

AREA CALCULATIONS
TOTAL SITE AREA 43,088.8 sqm
GROSS FLOOR AREA (GFA) 57,258 sqm
BREMUNDUP TERRACES (CLUSTER TYPES)
RES NO. FLOOR AREA (sqm) GFA (sqm) TOTAL AREA
CT-1-A 1 4 4022 4022
CT-1-B 1 4 4022 4022
CT-1-C 1 4 4022 4022
CT-1-D 1 4 4022 4022
CT-1-E 1 4 4022 4022
CT-1-F 1 4 4022 4022
CT-1-G 1 4 4022 4022
CT-1-H 1 4 4022 4022
CT-1-I 1 4 4022 4022
CT-1-J 1 4 4022 4022
CT-1-K 1 4 4022 4022
CT-1-L 1 4 4022 4022
CT-1-M 1 4 4022 4022
CT-1-N 1 4 4022 4022
CT-1-O 1 4 4022 4022
CT-1-P 1 4 4022 4022
CT-1-Q 1 4 4022 4022
CT-1-R 1 4 4022 4022
CT-1-S 1 4 4022 4022
CT-1-T 1 4 4022 4022
CT-1-U 1 4 4022 4022
CT-1-V 1 4 4022 4022
CT-1-W 1 4 4022 4022
CT-1-X 1 4 4022 4022
CT-1-Y 1 4 4022 4022
CT-1-Z 1 4 4022 4022
TOTAL TERRACES 131
TOTAL AREA 13,854.4

LANDSCAPE AREA 25,544.4 sqm
PROVIDED GFA (EXCLUDING GARAGES) 21,544.4 sqm
TOTAL GROUND COVER (EXCLUDING GARAGES) 25,544.4 sqm
LANDSCAPE AREA 25,544.4 sqm
PROVIDED LANDSCAPE AREA (647.7%) 647.7%
PRIVATE OPEN SPACE 8,818.8 sqm
REQUIRED PRIVATE OPEN SPACE (28%) 8,818.8 sqm
PROVIDED PRIVATE OPEN SPACE (28.3%) 8,818.8 sqm
CAR PARKING PROVISIONS
15 SPACES PER UNIT, 15 x 15 - 195 SPACES
VISITOR SPACES: 254 x 10 - 54 SPACES
REQUIRED PARKING SPACES = 248 SPACES
PROVIDED PARKING SPACES = 248 SPACES
TOTAL GARAGE SPACES TO TERRACES: 254
DESIGNATED VISITOR SPACES: 50 SPACES
EXTERNAL PRIVATE DRIVEWAY PARKING: 15 SPACES
TOTAL PARKING PROVIDED IN PROPOSED DEVELOPMENT: 319 SPACES
PROVIDED CAR WASH/DOWNDRAWS SPACES
2 x NOT PROVIDED

NOTE: PLAN TO BE READ IN CONJUNCTION WITH ENGINEERS' DRAWINGS AND LANDSCAPE PLANS
DEVELOPMENT SUMMARY
130 TERRACES (EACH WITH 3 BEDROOMS)
1x MANAGER'S RESIDENCE
131 RESIDENCES IN TOTAL

COMPRISING OF:
A) 56 LOWSET TERRACES (4 OF THESE TO BE DISABLE FRIENDLY IN DESIGN, CT-CB3-L-DIS AND CT-CB3-L-DIS PLANS)
B) 74 HIGHSET TERRACES
C) LOWSET MANAGER'S RESIDENCE
COMMUNITY SCHEME - STRATA PLAN
TO LIMIT/LOWER THE NOISE FACTORS:
a) CARPORT TO LIVING AREAS IN LEU OF TERRACES
b) NO DOWNLIGHTS TO BE USED
c) DENOTES DISABLE FRIENDLY TERRACE, REFER TO PLAN CT-CB3-DIS AND CT-CB3-L-DIS FOR LAYOUT OF FLOOR PLAN

LEGEND AND NOTES:
Ⓢ DENOTES PRIVACY SCREENS TO 2ND LEVEL WINDOWS THAT ARE OVERLOOKING NEIGHBORING COURTYARDS. SIZE OF THESE SCREENS TO BE 1200mm HIGH x 1800mm (MAXIMUM). THESE SCREENS ARE TO LIMIT THE VIEW INTO THESE PRIVATE OPEN SPACES.

NOTE: TERRACE/SITE NUMBER
76 IS STAGE 1 AS A WHOLE SITE
NOT TO SCALE

SITE PLAN
TOTAL SITE LAYOUT
1:1500

oasis Views
ALEX EMBROSICOFF
MOB: 0411 700 800
TEL: (07) 38231133
FX: (07) 38231133
EMAIL: alex@oasisviews.com.au
OASIS VIEWS - THE ART OF INTEGRITY
23/260 3RD, DENTON DRIVE, WALKER, QLD 4108

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 (TLEP 2000)

The subject land is zoned 2(e) Residential Tourist under the TLEP 2000. Multi-dwelling housing is permissible with development consent in the subject zone. The objectives of the 2(e) zone are: -

“Primary objective

- *to encourage the provision of family-oriented tourist accommodation and related facilities and services in association with residential development including a variety of forms of low and medium density housing and associated tourist facilities such as hotels, motels, refreshment rooms, holiday cabins, camping grounds, caravan parks and compatible commercial services which will provide short-term accommodation and day tourist facilities.*

Secondary objective

- *to permit other development which has an association with a residential/tourist environment and is unlikely to adversely affect the residential amenity or place demands on services beyond the level reasonably required for residential use.”*

The proposed development is not considered to undermine the 2(e) Residential Tourist zone in the locality as there are areas available in the 2(e) zone along Fraser Drive that will be able to be developed for tourist use.

The proposed development is considered to be consistent with the zone objectives, being medium density residential development in association with existing and future tourist development in the locality.

Clause 15 of TLEP 2000 requires satisfactory sewer and water arrangements to be available to the subject site prior to consent being granted for a proposed development. The proposed development will be established on land created in a subdivision and as part of that subdivision services will be made available to the site. A condition of consent would need to be imposed ensuring that the conditions of the subdivision approval have been complied with prior to the proposed development proceeding.

Clause 17 of TLEP 2000 requires Council to consider a social impact statement in respect to development that is likely to have a significant social or economic impact in the locality. The applicant has submitted a socio-economic impact assessment that is examined in this report.

Clause 22 of TLEP 2000 is applicable as the subject land has direct frontage to a designated road that being Fraser Drive. Vehicle access to the site is limited to the new internal road access to be constructed as part of the approved subdivision. There will be no direct vehicle access to Fraser Drive or Kirkwood Road as part of this application. The provisions of Clause 22 are considered to have been satisfied.

Reports from Director Development Services

Clause 32 of TLEP 2000 applies to this application as the subject land is within the 20 or higher Australian Noise Exposure ANEF contour. This clause requires Council when considering to grant consent to a residential development to consider the relevant Australian Standard. The Gold Coast Airport Limited were consulted with as part of assessing the proposed development. Their comments are addressed in the following report.

Clause 34 of TLEP 2000 is applicable to the proposed development as the subject land is likely to be subject of flooding. A condition of the development consent for the subdivision creating the two (2) allotments that the proposed development is on requires the land to be filled to the design flood level. As such the proposed development would be on land that would comply with Council's adopted flood level.

Clause 35 of TLEP 2000 has requirements in respect of the management of acid sulfate soils. The subject land is identified as being Class 2 acid sulfate soils. The land will be filled to a design flood level at a depth of approximately 2m. The works likely to intercept the natural ground level include the excavation for the swimming pool and possibly the installation of some services. As such the applicant has provided an acid sulfate soil management plan that Council's Environmental Health Surveyor has provided comment on.

Clause 37 of TLEP 2000 applies to the proposal as there is an electricity transmission line corridor over the subject land. Council cannot grant consent to development over this land unless it has considered any representation from the Electricity Authority. The electricity transmission line corridor is adjacent to Fraser Drive.

The subdivision development consent that applies to the land requires the restriction as to user over allotments under the electricity line corridor. These allotments are not to have any plantings that exceed 3.5m at maturity. The proposed landscaping plan for the development complies with this requirement. Country Energy has advised in relation to this proposal that they have no objection providing safe working clearances to existing electrical assets are maintained.

Clause 38 of TLEP 2000 applies to the proposed development as the subject land adjoins a future road corridor. The proposed development adjoins a buffer that would be dedicated as a public road as part of the subdivision. This buffer would form part of the unformed Kirkwood Road reserve to the north. The proposed development is setback a minimum distance of approximately 10m from the existing alignment of Kirkwood Road. The proposal would not affect the future alignment of the road. Council's Traffic and Transport Engineer raised no objection in relation to the proposed setbacks from the Kirkwood Road Reserve. Council's Building Surveyor also raised no objection to the building setbacks from the unformed road.

The proposal is considered to be consistent with the requirements of the TLEP 2000.

North Coast Regional Environmental Plan 1988 (NCREP 1988)

Clause 15 of the NCREP 1988 requires Council to consider a number of matters in relation to the proposed development and its impacts on the local waterways. The stormwater from the proposed development is to be directed into a sediment pond to the

Reports from Director Development Services

north so water would eventually discharge to Terranora Creek. Council's Infrastructure Engineer has advised that a number of conditions need to be imposed in relation to stormwater management.

Clause 32B of the NCREP 1988 applies to the proposed development as the subject land falls into the area covered by the NSW Coastal Policy. This clause requires Council to consider a number of relevant documents including the Coastal Policy 1997 and the North Coast Design Guidelines. The requirements of these two (2) documents are addressed in the following report.

Clause 43 of the NCREP 1988 relates to the proposed development. Clause 43 states that Council shall not grant consent to development for residential purposes unless it has considered a number of matters. Those relevant to the proposed development include:

- it is satisfied that the density of the dwellings have been maximised without adversely affecting the environmental features of the land,
- is satisfied that the proposed road widths are not excessive for the function of the road,
- it is satisfied that the road network has been designed so as to encourage the use of public transport and minimise the use of private motor vehicles.

In response to these requirements the applicant has submitted that the proposed development is designed in accordance with Council's Development Control Plan No. 6 – Multi-Dwelling Housing. The proposed development achieves a density of 1 dwelling per 329m² approximately maximising the development of the site. The applicant has submitted that there are no specific environmental features of the land that would restrict the site density.

Council's Traffic Engineer has advised that the traffic assessment for the proposed development has satisfied Council's requirements.

The proposed development is not considered to be in conflict with any specific provisions of the North Coast Regional Environmental Plan 1988.

State Environmental Planning Policies (SEPPs)

SEPP11 – Traffic Generating Developments

The proposed development was required to be referred to the Local Traffic Committee as a Schedule 2 item. The proposed development did not require referral to the Roads and Traffic Authority as the application does not rely on access from an arterial road or a road connecting with an arterial road.

The proposed development was referred to the Local Traffic Committee. The Local Traffic Committee considered the application and advised that no issues were raised in relation to the development other than how the development is to be serviced by buses.

The exact location of the bus stops is difficult to determine at this stage as the subdivision works are not completed. The occupants of the proposed development will be able to access bus services along Fraser Drive upon completion of the associated bus stop infrastructure. The Fraser Drive route has hourly bus services.

Reports from Director Development Services

The application has satisfied the requirements of SEPP 11.

SEPP44 – Koala Habitat Protection

This proposed development does not involve the removal of any native vegetation. As such SEPP44 does not apply to the proposed development.

SEPP55 – Remediation of Land

The SEPP requires an assessment of the likelihood of contamination of land as a result from previous land uses. The applicant has submitted that the previous land uses and land contamination issues were resolved as part of the subdivision development application. The applicant draws on findings from previous reports dated in 1998 to support the proposed development. Council’s Environmental Health Surveyor has advised that contamination was not an issue with the subdivision of the land.

SEPP71 – Protection of Coastal Land

The development application was lodged prior to the commencement of this State Policy. Consideration is still required under Clause 8 of this Policy. The following comments are made in relation to the provisions of Clause 8.

The subject land does not adjoin a coastal reserve or foreshore area. Therefore the proposal does not impact by way of shadows to reserves or limiting public access to reserves. The development of the subject land is not impacting on coastal processes, aquatic habitats or coastal waterbodies.

With regard to the items contained in Clause 8 of SEPP 71 it is considered that the proposed development is not in conflict with these provisions.

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

There are no draft planning instruments for which the proposed development or subject land require further assessment.

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

DCP2 – Site Access and Parking Code

The following table assesses the proposed development in relation to the requirements of DCP2.

| Standard | Requirement | Complies/Variation |
|---------------------------------|------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| On site car parking requirement | 1.5 spaces per unit & 25% visitor car parking spaces 197 required, 50 visitor car parking spaces required | The proposal is for 319 spaces however this includes tandem parking in the unit garages, and on some of the driveways. The proposal provides for 182 spaces that comply with DCP 2. A further 137 spaces are provided in the development however these spaces do not comply with DCP 2. |

Reports from Director Development Services

The proposed development requires a variation to DCP 2 requirements by 15 spaces. The proposed development does not present difficulty in providing these 15 spaces providing Council is willing to accept these being provided on internal driveways.

The applicant has identified 15 spaces on internal driveways and a further 122 spaces over the development within the garages. It is considered that the development has adequate additional parking to cater for these additional 15 spaces in areas not strictly in accordance with DCP 2, but still available for residents and visitors.

The variation to DCP 2 is considered reasonable.

DCP3 – Banora Point West/Tweed Heads South

The subject land is designated Residential Tourist Development under DCP3. The proposed development is accompanied by a proposed amendment to DCP3. The proposal is to alter the designation of the land from Residential Tourist to Residential 'B'. The proposed amendment to DCP3 was advertised with the proposed development.

Justification for Proposed Amendment

The applicant has submitted a justification for the proposed change of land designation prepared by Core Economics. The report by Core Economics examines the suitability of the site for residential tourist development from a market perspective. It also examines alternative uses for the site. The report by Core Economics concludes:

that given the current situation of the Tweed Heads tourism accommodation market coupled with future supply of caravan accommodation facilities at Tweed Billabong Caravan Park and 291 resort style units to be developed at the former Tweed Heads Rowing and Aquatic Club adjacent to the subject site, a development of additional tourism accommodation would lead to an oversupply of the market and would not enhance the regions ability to increase the number or market share of visitors. With the locational size constraints of the site there is limited capacity for lower end tourism development due to the lack of site dynamics and locational success factors. A development that would incorporate some type of residential component if not dedicated to residential development is not considered optimal for the site. The subject site does not have the site dynamics to sustain on site tourism accommodation uses. There is no capacity for adjoining facilities to use the subject site for expansion purposes as they either have the capacity for on site expansion or the road network would split the development which would provide sub-optimal operational solutions.

The applicant contends that as the site would not appear suitable for tourist purposes, alternative uses should be considered. The Core Economic report concludes that residential development would be considered to be an optimal use for the site. The applicant contends that the use of the site for medium density housing has considerable merit for the following points.

- The site is located on a public transport route within a reasonable distance to services and facilities

Reports from Director Development Services

- The site will be bound by public pathways and a cycleway
- The site is within 600m walking distance of an existing neighbourhood centre located along Dry Dock Road which contains a general store, takeaway, hairdresser and bottleshop
- The site is within 300m of a future neighbourhood shop which is nominated in DCP3
- The site is adjacent to a future neighbourhood park
- The site is flat thereby enabling ground level usable open space to be provided for dwellings at a higher density
- All urban standard utility facilities will be provided to the site
- The proposal supports urban consolidation principles
- Potential amenity and environmental impacts can be satisfactorily managed and medium density development on the site would be consistent with the zone objectives when viewed in the wider context

The applicant concludes by stating that the site has no unique physical or locational attributes that would make it particularly suited to tourist uses. Furthermore, opportunities for tourist development would be retained in the area. As such it is contended that DCP3 should be amended to enable the site to be used for this proposed residential purpose.

Council's Economic Planner has advised:

“that the assessment gives a reasonably accurate review of tourist accommodation. This has resulted in a good assessment of the lower end and higher end tourism market. The report did not take into account the upgrade of Kirkwood Road being a major east west connector. This could significantly alter the economic viability of future projects.

In relation to the preservation of the area for future tourism accommodation it is considered an appropriate conclusion that there has historically been limited scope for tourism development within the site. This is exemplified by the fact that no tourism development has previously been approved for the site.

This is exemplified by the claim that the site is not of significant size to accommodate a tourism establishment that can be self contained and differentiate itself from other tourism products within the locality. This is a fair conclusion.

However this does raise the concern of the fragmentation of the tourism accommodation area identified in Development Control Plan No.3. The review presented in the economic assessment is specific to this site. There is currently no holistic assessment of the future demands for tourist facilities for the area identified as tourism accommodation along Kirkwood Road and Fraser Drive.”

Reports from Director Development Services

Advertising of the DCP Amendment

Council's Manager of Strategic Planning used his delegation to enable the proposed development and Amendment to Development Control Plan No.3 to be publicly exhibited.

During the exhibition period four submissions were received one of which was a petition containing ninety signatures. Some of the issues that were raised were specific to the development, however the following points were made that are relevant to the proposed designation of the land to Residential 'B'.

- Purchased in the area knowing that there would not be permanent residential accommodation, rather recreation and tourism. This is a precedent. There is enough residential land in the Shire we should keep this recreation tourism land.
- Proposed rezoning and development would impact on our quality of life and security of tenure.
- It is not wise of Council to set a precedent by rezoning as development would proceed.

The above comments that were raised in the public submissions implied that the application is for a rezoning of the land. This is not the case. The subject land is zoned 2(e) Residential Tourist and the proposed development is permissible with consent in the zone. The proposal is to designate the land for Residential 'B' under DCP 3 thereby changing the plan for the DCP 3 area.

In relation to the above three points it is considered that the Core Economics report and Council's Economic Planner assessment would indicate that the land is suitable for the permanent residential use. Issues to do with the quality of the local area changing are addressed in relation to the proposed development.

The issue of precedent in relation to changing the designation of the land is not considered to be a justification for further amendments to the Development Control Plan. Each development application and associated amendment to the DCP would need to be assessed on its merits.

However it is noted that one of the issues raised by Council's Strategic Planner is the fragmentation of the Residential Tourist land in this area. There are larger areas of Residential Tourist land remaining in the immediate locality that may developed for that purpose. The proposed changes to the land designation and development are not considered to prevent the adjoining areas from being developed for residential tourist purposes.

The proposal does not require further assessment under DCP3.

DCP5 – Development of Flood Liable Land

The subject land will be filled to the required design flood level of RL 2.65m AHD as part of the subdivision consent. All of the proposed units will have the minimum floor level of RL 2.95m AHD. The development proposal is consistent with the requirements of this DCP.

Reports from Director Development Services

DCP6 – Multi-Dwelling Housing

The applicant has submitted a site analysis assessment for the proposed development, which concludes that the site is suitable for the proposal. The following table assesses the proposed development in relation to the requirements of DCP6.

| Standard | Requirement | Complies/Variation |
|--------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Site Density | 0.5:1 floor space ratio maximum & minimum landscaped area of 30% of the site | Proposal complies with the floor space ratio at 0.32:1. Minimum landscaped area required is 12,926.6m ² . Total landscaping area provided is 17,523m ² . Proposal complies |
| Streetscape and Building Appearance and Front setbacks | Building line Variation sought, refer to report. Building design not to be in strong visual contrast, variations in design. | The proposal requires a building line variation. This has been assessed and supported for the proposal. Design includes gables, hip roofs, verandahs, no garages facing public roads, low reflective roof and variations in colours. Proposal is considered to comply with building design elements, this report provides further assessment on the building line. |
| Fencing and walls | Front fence to corner blocks is to be 0.9m high, designed out of attractive materials. | The application requires a fence height variation that is addressed in this report. The proposal does not comply with this requirement. |
| Building envelope & siting | Building envelope projected at 45o over the site from a height of 3.5metres. | Proposal complies. |
| Views – visual & acoustic privacy | Privacy between dwellings, screening of views, separation. | The proposal is designed to screen private open space areas, living areas are on ground level with private open space adjoining, separation of driveways. Proposal generally complies. |
| Useable open space | 25m ² usable open space with a minimum dimension of 4metres. | Proposal complies. |
| Car parking | Comply with DCP No.2. | Elsewhere addressed in this report. |
| Landscaping design | Landscape plan for the site. | Landscape plan provided. Generally complies. |
| Energy conservation | Comply with DCP No.39. | Elsewhere addressed in this report. |
| Stormwater management | Stormwater management, turfed car wash bays. | Infrastructure Engineer is satisfied with design, turfed car wash bays proposed. Generally complies |

Reports from Director Development Services

| Standard | Requirement | Complies/Variation |
|---------------------------------------|----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Security site facilities and services | Storage and collection of garbage, mail, clothes drying. | Garbage to be collected on internal road in accordance with Solo waste requirements, mail collected at entry, secure fence provided and screening to clothes drying areas. Generally complies. |

The proposed development is considered to have satisfied the provisions of DCP6. The areas of non compliance are further addressed in this report.

DCP39 – Energy Smart Homes Policy

The applicant submitted Nathers Certificates for all of the proposed units. The proposed units have a range from 3.5 to 5 star ratings, that complies with Council’s requirements. Conditions of consent have been imposed in relation to the provisions of DCP 39.

DCP45 – Socio-Economic Impact Assessment

The applicant has submitted a socio-economic impact statement that Council’s Strategic Planners have assessed. The following comments are provided.

Design

Crime Prevention through Environmental Design principles are based on surveillance of public spaces. Concern was raised in relation to the ability for residents to observe the public areas from within the development.

It is noted that the design of the fencing involves the use of pool type fencing as panels between brick columns. This should afford some surveillance from the development to the public road.

Concern was raised in relation to the design facilitating break ins by screening criminal activity and preventing escape of residents.

While it is possible that the future residents may need to be vigilant in relation to internal security it is considered that as the development is contained and managed it is possible for internal crime issues to be contained.

Sustainability

Concern was raised that the design facilitates too many car parking spaces and that there should be less.

It is considered that the proposal needs to achieve the proposed on site level of parking to satisfy other Council policies on car parking, as such the design is not considered to require modification.

Where the question of sustainability is relevant is the access to local bus services, and the need for residents to have a bus stop in distance. There is an hourly bus service in the locality at present.

Reports from Director Development Services

Concern was raised that a large number of trip movements could be eliminated by providing services on the site. However it is noted that DCP3 identifies other parcels in the immediate locality as being the location of a local shop and that as this development is not State Environmental Planning Policy No.5 – Housing for Aged Persons or Persons with a Disability, such is not required.

The proposed development is not being targeted to an aged group rather is a development that may suit a range of persons in an economic group. The Developer has found that similar developments in the Shire have attracted a range of people.

In conclusion it is considered that the proposed development does not present any unsustainable social economic issues and that the development is suitable for the locality.

DCP47 – Cut and Fill on Residential Land

The proposed development does not require further earthworks, as the subdivision that creates the allotments on which that development is located will be filled to the required design level.

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

NSW Coastal Policy 1997

The subject land is affected by the NSW Coastal Policy. The policy sets out strategic actions and principles in relation to development control. The proposed development is not inconsistent with the provisions of the NSW Coastal Policy.

(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

Built Environment

The proposed dwelling units are to be constructed from concrete roof tiles and blueboard wall cladding with painted finishes. A variety of external colours are to be used to differentiate clusters of units throughout the development. The units are designed with entry statements that compliment the roof design. These features provide each unit with its own characteristics.

The development is complimented by landscaping and private open space to provide separation between units. Lighting is proposed on the development for security and safety purposes.

The Gold Coast Airports Limited reviewed the proposal and requested conditions be imposed in relation to the roof reflectivity and the lighting. These will be imposed as conditions of consent.

It is considered that the building design is of a reasonably high standard and that the development once completed will be similar in design with the built form of Banora Point.

The built environment is afforded relief by way of the open space that is within the subdivision that creates the lots the development is on. Open space provided in the

Reports from Director Development Services

subdivision exceeds the area required by Development Control Plan No. 3 for the subdivision. The subdivision plan is contained in this report to identify where the open space will be provided in relation to the development. The development provides footpath access to the open space from the development, providing connectivity between the built environment and open space.

North Coast Design Guidelines

The North Coast Design Guidelines provide guidelines for home design that addresses issues such as layout, climatic design, building form, rooflines, landscaping and access. The proposed development is considered to satisfy the requirements of these design guidelines. It is noted that Council's Development Control Plan No.6 – Multi Dwelling Housing contains provisions in relation to design. The proposed development is further assessed in relation to those controls in this report.

Building Line Variation

The proposed development is accompanied by a building line variation. The proposed buildings are setback 13.9 from the existing road reserve boundary of Fraser Drive and 15.024 metres from Kirkwood Road. The subdivision that creates the land the subject of the development requires a 10 to 20 metre buffer to Fraser Drive and a 10 metre buffer to Kirkwood Road to be dedicated as public road. This buffer is also required by the subdivision consent to be fully landscaped in accordance with an approved plan.

The proposed buildings would be setback a minimum of 3.9 metres and 5.024 metres respectively, from the future boundary of these road reserves. The design of the future road intersection of Fraser Drive and Kirkwood Road is not determined and consequently it is assumed that in the future this development may be more prominent when the road is built.

Council's Building Surveyor has advised that the Building Line Variation can be supported.

Fence Height Variation

The applicant is seeking a fence height variation in respect of fencing along the new public road, Fraser Drive and Kirkwood Road. The proposed fence along the public road frontage would be 1.8 metres high, with 2.1 metre high brick piers at 3.0 metres spacings. The proposed fence would comprise of a 600mm high face brick wall with 900mm high powder coated aluminium fence would be fixed between the brick piers. The piers will have a feature capping. Landscaping is also to be provided along this frontage.

The fencing to Fraser Drive and future Kirkwood Road is to be acoustic fencing timber lapped in design. This acoustic fencing will be afforded extensive screening by way of the landscaped buffer provided under the subdivision consent. In the future when Council determines the intersection design of the Fraser Drive and Kirkwood Road intersection this acoustic fence may potentially only be afforded a 3.5metre footpath width to the road.

Reports from Director Development Services

It is considered that a condition should be imposed on the consent prior to issue of a construction certificate that a plan detailing the acoustic fence be provided to Council's satisfaction detailing a combination of brick columns and lapped timber panels. Also a brick return at the intersection of Fraser Drive and Kirkwood Road instead of timber panel should be provided. In addition it is considered that a 0.5m wide landscaped bed be provided for the full length of the acoustic fence.

Council's Building Surveyor has advised that the fence height variation can be supported.

Crime Prevention and Security

The applicant referred the proposed development to the NSW Police for comment. The NSW Police advised that their assessment of the proposed development concluded that the development is in a low crime risk area. The increase in development may increase the current low crime risk area.

The NSW Police advised that they have inspected the gates currently installed in The Oasis estate and found these to be satisfactory. The proposed gate and fence is the same as that installed in The Oasis estate. The NSW Police advise that in relation to providing emergency vehicles access it is suggested that an access code could be allocated to the Police.

The Police advise that the estate boundary fencing needs to be of a reasonable height and suitable design to reduce the opportunity for persons climbing over whilst maintaining a level of security to the occupants of the estate. In terms of lighting it was recommended that the lighting is provided throughout the estate in accordance with the Australian Standards.

Given the above comments from the NSW Police it is considered that further justification for the fence height variation is provided. A number of conditions shall be imposed to ensure the comments from the NSW Police are reflected in any development consent.

Natural Environment

The proposed development does not result in adverse impacts to the natural environment. The approved subdivision involves earthworks to create the allotments on which the development is proposed. It is considered that the development of the topsoiled and grassed allotments from the subdivision is unlikely to result in a significant impact on threatened species, populations or communities or habitats.

The proposed development does not involve any earthworks on the area referred to as Kirkwood Hill. This issue was raised in a number of the submissions, however the proposal does not involve earthworks, rather the development of an allotment to be created in a Council approved subdivision.

Socio-Economic Environment

Socio economic assessment has been provided for the proposed development in other sections of this report.

Reports from Director Development Services

(c) Suitability of the site for the development

Noise

The applicant submitted a Noise Report for the proposed development. This report was appropriate as the land is affected by the 20-25 ANEF Contour in relation to Aircraft Noise. The applicant also addressed issues of road noise due to the development being located on Fraser Drive and future Kirkwood Road.

Council's Environmental Health Surveyor has advised that the building materials sound transmission class required for aircraft noise exceeds that required for road noise. The sound transmission class stated in the applicants noise consultants report, and the mechanical ventilation will be imposed as a condition of any approval.

Gold Coast Airport Limited advised that conditions would need to be imposed on any development consent requiring compliance with the noise report. In addition Council is to be provided with an acoustic engineers report at completion of the construction of each stage of the development confirming noise mitigation measures have been implemented.

It is considered that the imposition of conditions as required by both the Gold Coast Airport Limited and Council's Environmental Health Surveyor will ensure the development achieves an appropriate standard in relation to noise impacts.

Site Contamination

The assessment of the subdivision of the land that creates the allotments for the proposed development did not identify contamination as an issue.

Bushfire

The land the subject of the proposed development is not within 100 metres of the mapped areas of medium and high bushfire hazard. The land is not bushfire prone. The application did not require referral to the NSW Rural Fire Service.

Acid Sulfate Soils

The subject land is Class 2 and 5 Acid Sulfate Soils. The applicant submitted an Environment Management Plan that focused on the management of acid sulfate soils. The applicant was required to prepare an acid sulfate soils assessment conducted in accordance with the ASSMAC Manual and then develop the management plan for the assessment.

Council's Environmental Surveyor advised that a condition of consent should be imposed to ensure that the development is undertaken in accordance with the ASS Management Plan prepared by HMC environmental services. A condition of consent is to be imposed in this regard.

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

The proposed development was advertised in accordance with Council's Notification Policy and four submissions were received, one being a petition containing ninety signatures.

Reports from Director Development Services

The following table addresses the issues raised in the submissions.

| Issue | Comment | Assessment |
|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Noise | The Kirkwood Hill will be used to fill the site. The hill acts as a buffer for the Palms Village protecting southerly weather and noise from aircraft. | The proposal does not involve the earthworks for the site. The approved subdivision and approved earthworks are separate to this application. The proposal does not warrant refusal on this issue. |
| Development in the flight path | The proposal will result in the addition of 130 homes under the flight path. This is over development. | The proposed development is to comply with the acoustic report and be certified by an acoustical engineer prior to occupation. The Gold Coast Airport Limited have also recommended conditions. The land is zoned for the proposed use and providing the development is undertaken in accordance with conditions of consent it does not warrant refusal on this ground. |
| Reclassification of Land. | Purchased in the area knowing there would not be permanent residential accommodation, rather recreation and tourism. This is a precedent for other recreation tourism land. | Permanent residential accommodation is permissible in the zone. The change in the designation of the land has been assessed and justified. Future applications over other parcels of land will need to be assessed on their merits. The proposal does not warrant refusal on this issue. |
| During Construction Impacts | Dust nuisance, excessive noise, loss of privacy, increased traffic volume. | A number of conditions of consent are to be imposed to ensure the construction activity does not result in a significant impact to the local amenity. The proposal does not warrant refusal on this issue. |

Reports from Director Development Services

| Issue | Comment | Assessment |
|-----------------------|-----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Infrastructure Demand | The proposal will result on an unacceptable demand on infrastructure. | Council's Engineers have assessed the proposed development and recommended conditions of consent. The infrastructure has been assessed to be adequate for the proposed development. The proposal does not warrant refusal on this issue. |

(e) Public interest

During the public exhibition of the proposed development there was local interest in the proposal. This is represented by the number of signatures on the petition. Some of the issues raised on the petition are not considered to be directly relevant to the proposal as the earthworks and a lot of the activity currently occurring on the site relates to the Council approved subdivision.

The proposed development has been assessed in relation to Council's policies and is considered to be generally in accordance with Council requirements, therefore not undermining the standard of development expected by the wider community.

To enable the development to proceed it is necessary for Council to resolve to amend the Development Control Plan No.3 – Banora Point West Tweed Heads South. The change in designation to Residential 'B' from residential tourist has been assessed and justified given the attributes of the locality.

The proposed development is not considered to result in a conflict with the general public interest.

INFRASTRUCTURE CHARGES

The infrastructure charges have been calculated in accordance with Council's fees and charges and relevant Section 94 contributions. The Managers residence has been calculated at the rate of 1 ET with all other charges being at the unit rate.

OPTIONS

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

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

Should the applicant be dissatisfied with the determination of the development application they have a right for the matter to be reviewed by the NSW Land and Environment Court.

CONCLUSION

The proposed development provides an opportunity for housing in a more affordable location in the Shire. The proposed development is of a high standard and provides residential amenity for the future occupants. With other adjoining residential developments in the locality it is considered that

Reports from Director Development Services

the site will not be isolated rather have connectivity with other residential areas of Banora Point and South Tweed Heads.

The proposed development is generally in accordance with Council's policies and is considered to warrant conditional consent.

Reports from Director Development Services

3. ORIGIN: Development Assessment Unit

FILE REF: DA02/1915 Pt1; LN14833; Sewerage - Co-generation Condong Mill

REPORT TITLE:

Development Application DA02/1915 for an Overland Conveyor for Condong Co-Generation Facility for Transport of Biomass to and from Co-Generation Plant at Lot 16 DP 255029, Lot 18 DP 255029, Lot 19 DP 255029, No. 123-153 McLeod Street Condong

SUMMARY OF REPORT:

Council has received a development application for the construction of an overland conveyor from land east of the Tweed Valley Way to the Condong Sugar Mill. The conveyor is designed to carry fuel to power the proposed cogeneration plant. The overland conveyor will transport material such as cane trash, bagasse and wood such as camphor laurel and off cuts from sawmills from a stockpile area across Tweed Valley Way, vacant land adjacent to the Condong Bowls Club, McLeod Street and into the Sugar Mill. The purpose of the conveyor is to provide fuel to power the proposed cogeneration plant. The conveyor as proposed will have a height of approximately 6 metres above Tweed Valley Way and McLeod Street.

In addition to the road reserves of Tweed Valley Way and McLeod Street the proposal will be sited over three separate parcels of land described as Lots 16, 18, and 19 DP 255029. Lot 16 contains the sugar mill and is zoned 4(a) Industry. Lot 18 contains the Bowls Club and is zoned 1(b2) Agricultural protection. Lot 19 is also zoned 1(b2) Agricultural Protection and is utilised by the sugar mill as a depot by the Mill for the storage of equipment and the like. All three parcels are in the ownership of NSW Sugar Milling Co-operative Ltd.

Development Consent K00/0344 issued approval for the Cogeneration plant and the use of Lot 19 as an area for the stockpiling of fuel for the plant. Under this approval, fuel would be transported by trucks to and from the cogeneration plant. The proposed overland conveyor will remove the need for vehicles to transport this fuel and reduce traffic on the local road network by between 60 and 120 truck movements per day.

The proposal complies with the relevant State and Local planning controls and is recommended for approval subject to Conditions of Consent.

RECOMMENDATION:

That Development Application DA02/1915 for an overland conveyor for Condong cogeneration facility for transport of biomass to and from cogeneration plant at Lot 16 DP 255029, Lot 18 DP 255029, Lot 19 DP 255029, No. 123-153 McLeod Street Condong be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos MHN0309-10 and MNH0309 dated 17/7/01 and prepared by Barclay Mowlem Construction Ltd, except where varied by these conditions.

Reports from Director Development Services

2. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.
3. The erection of a building in accordance with a development consent must not be commenced until:
 - a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
 - b. the person having the benefit of the development consent:
 - (i) has appointed a Principal Certifying Authority; and
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.
4. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
5. A Landscape Plan to be submitted to Council's Director Development Services for approval prior to the issue of the Construction Certificate. The plan is to include but is not limited to plantings either side of the Overland Conveyor on Lot 18 and 19 DP 255029 adjacent to Tweed Valley Way to screen the development. The plan is to include species and number of plants to be planted and management regime. Only natives endemic to the area are to be used.
6. Approval to be sought and obtained from the Director of Planning NSW for the leasing of the road reserve in accordance with Section 149 of the Roads Act 1993. Such approval to be obtained prior to the issue of the construction certificate.
7. The support structures for the spans of the conveyor over the Tweed Valley Way and McLeod Street are not to be located on the road reserve.
8. The conveyor is to be enclosed and clad in colourbond or similar non reflective materials.
9. The overland conveyor shall provide for a minimum clearance of 7 metres above McLeod Street or Tweed Valley Way.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

10. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.
11. The footings and floor slab are to be designed by a practising Structural Engineer after consideration of a soil report from an accredited soil testing laboratory and shall be

Reports from Director Development Services

submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

12. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for the whole structure, prior to the issue of a construction certificate.
13. Prior to the issue of the Construction Certificate any alternative solution in relation to Building Code of Australia compliance is to be submitted to the PCA for approval with specific details in regard to compliance with the following sections of the Building Code of Australia
 - * Section C Fire Resistance
 - * Section D Access and Egress
 - * Section E Service and Equipment

The results of the alternative solution are to be accompanied by a report from a suitably qualified peer review panel confirming that the alternative solutions will satisfy the performance requirements contained in the Building Code of Australia.

PRIOR TO COMMENCEMENT OF WORK

14. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore required that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.
15. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised to the satisfaction of the Principal Certifying Authority and provided with a dish drain or similar at the base or otherwise retained to the satisfaction of the Principle Certifying Authority. All retaining works shall be completed to the satisfaction of the Principal Certifying Authority prior to start of building work. Please note timber retaining walls are not permitted.
16. A sign must be erected on the site in a prominent, visible position stating:
 - a. that unauthorised entry to the work site is prohibited; and
 - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
 - c. Lot number.
17. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least **2 days** prior to work commencing.
18. Sewer main within site is to be accurately located and the Principal Certifying Authority advised of its location and depth prior to start of any building works.
19. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of

Reports from Director Development Services

AS/NZS3500.3.2. **Note** All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the PCA prior to commencement of building works.

20. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

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

DURING CONSTRUCTION

21. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
- A. Short Term Period - 4 weeks.
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
 - B. Long term period - the duration.
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.
22. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
23. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.
24. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- a. footings, prior to pouring of concrete
 - b. frame
 - c. completion of work
25. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.
26. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.

Reports from Director Development Services

27. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays or public holidays.
28. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
 - i. All required erosion and sedimentation control devices have been installed and are operational.
 - iii. A sign has been erected on the site identifying:
 - Lot number
 - Builder
 - Phone number of builder or person responsible for site.
 - iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
29. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
30. House drainage lines affected by the proposal are to be relocated to Council's satisfaction. Inspection of drainage works prior to covering is required.
31. The provision of five off street car parking spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

32. Prior to the issue of the Occupation Certificate the air space over Tweed Valley Way and McLeod Street containing the overland conveyor shall be defined using the Australian Height Datum reduced levels by a subdivision for lease purposes over public roads. This subdivision for lease purposes shall be endorsed by Tweed Shire Council and shall be registered at the Land and Property Information Office prior to the issue of the Occupation Certificate.
33. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.
34. On completion of work a certificate signed by a practising structural engineer is to be submitted to the PCA to certify the structural adequacy of the structure.

USE

35. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.

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36. No lighting is to spill from the Conveyor onto adjoining properties or residences which may cause a nuisance.

Reports from Director Development Services

REPORT:

Applicant: NSW Sugar Milling CO-OP Ltd

Owner: NSW Sugar Milling CO-OP Ltd

Location: Lot 16 DP 255029, Lot 18 DP 255029, Lot 19 DP 255029, No. 123-153 McLeod Street
Condong

Zoning: 4(a) Industry, 1(b2) Agricultural protection and Uncoloured land

Cost: \$486,000.00

BACKGROUND

Condong Sugar Mill are proposing to construct a power station (co-generation plant) to generate electrical power and process steam from combustible materials such as cane trash, bagasse and camphor laurel and other waste products from sawmills such as off cuts and saw dust. Council under Development Consent K00/0344 approved the co-generation plant on 11/12/2000. It is proposed to transport fuel to the co-generation plant from land east of Tweed Valley Way to the Sugar Mill by way of an overland conveyor. The conveyor will also transport cane trash back to the stockpile site from the mill following separation. This application is seeking development consent for this overland conveyor.

The proposal will be sited over the road reserves of the Tweed Valley Way and McLeod Street and three separate parcels of land described as Lots 16, 18, and 19 DP 255029 owned of NSW Sugar Milling Co-operative Ltd. Lot 16 contains the sugar mill and is zoned 4(a) Industry. Lot 18 contains the Bowls Club and is zoned 1(b2) Agricultural protection. Lot 19 is also zoned 1(b2) Agricultural Protection and is utilised by the sugar mill as a depot by the Mill for the storage of equipment and the like. The overland conveyor will transport material from a stockpile area over Tweed Valley Way, across vacant land adjacent to the Condong Bowls Club, over McLeod Street and into the Sugar Mill. The conveyor will have a height of approximately 6 metres above Tweed Valley Way and McLeod Street.

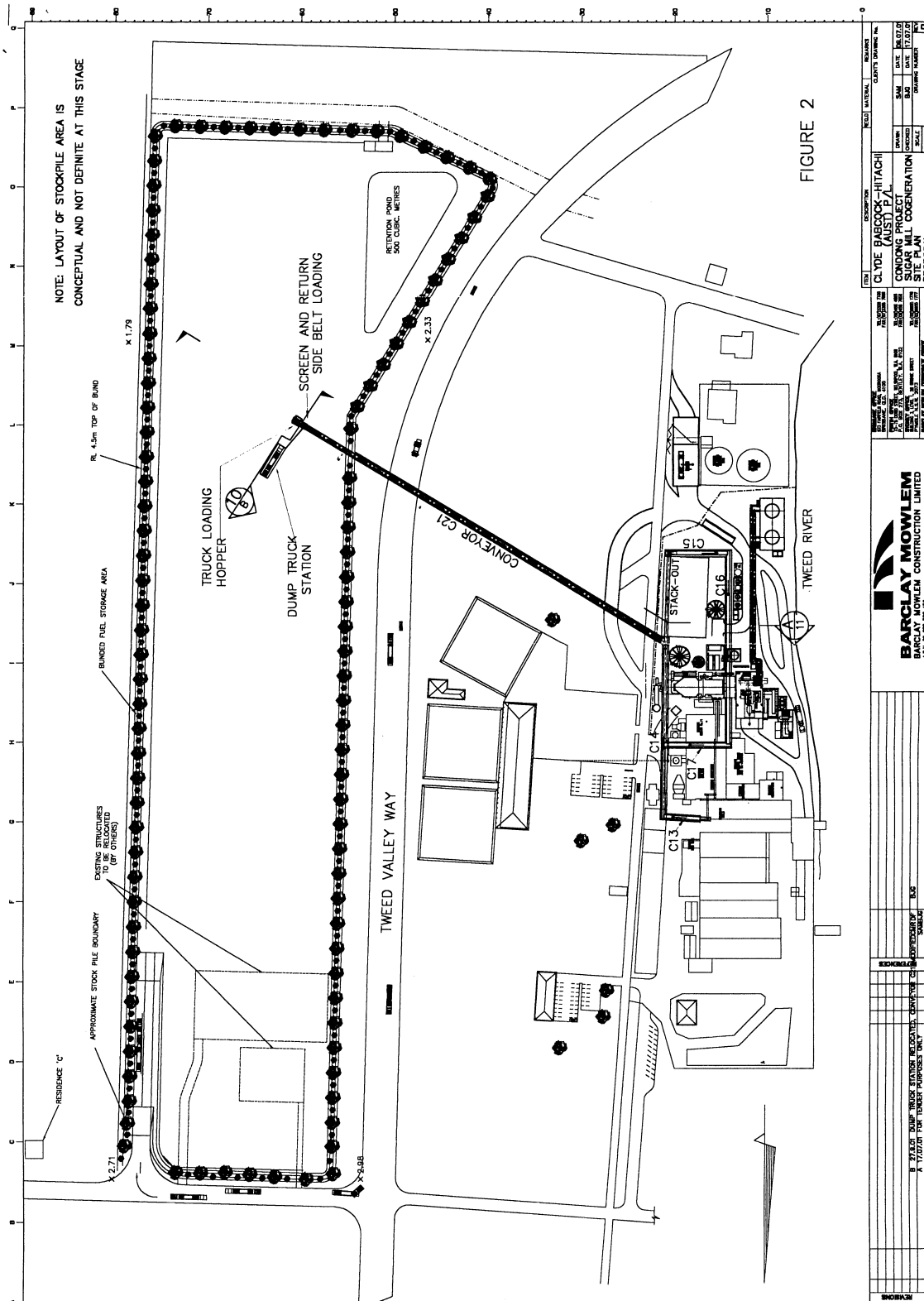
Reports from Director Development Services

SITE DIAGRAM

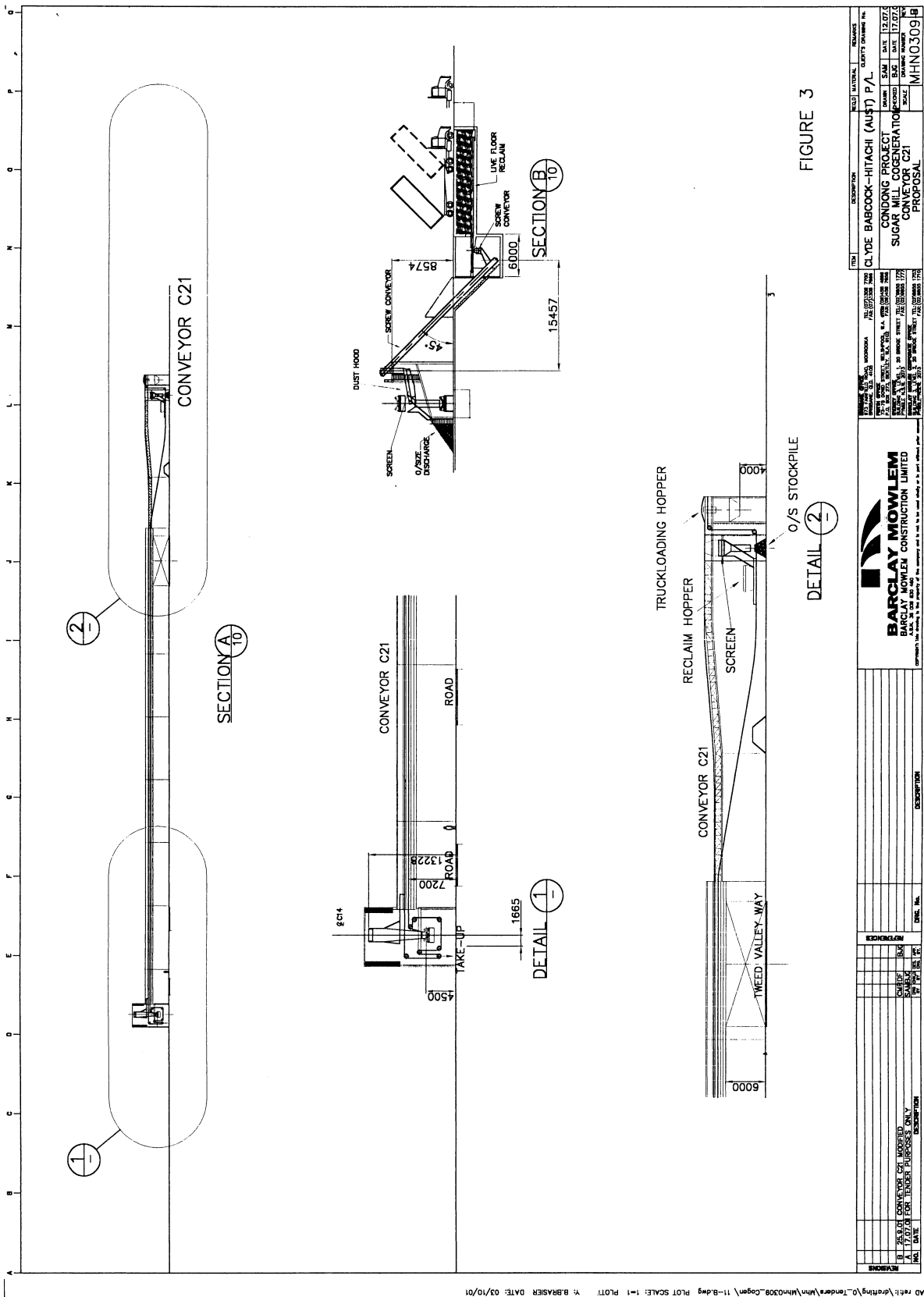


Reports from Director Development Services

APPLICANTS SITE PLAN



Reports from Director Development Services



| REVISIONS | | | DESCRIPTION | | | CLIENT'S DOCUMENT No. | | |
|-----------|----------|-----|-------------|----------|-----|-----------------------|----------|-----|
| NO. | DATE | BY | NO. | DATE | BY | NO. | DATE | BY |
| 1 | 12/07/02 | ... | 1 | 12/07/02 | ... | 1 | 12/07/02 | ... |
| 2 | 17/07/03 | ... | 2 | 17/07/03 | ... | 2 | 17/07/03 | ... |
| 3 | | | 3 | | | 3 | | |
| 4 | | | 4 | | | 4 | | |

| | | | | | |
|-------------------------|--|--|-----------------------|-------|--|
| PROJECT | | | CLIENT'S DOCUMENT No. | | |
| CONDONG PROJECT | | | MARK | DATE | |
| SUGAR MILL COGENERATION | | | PROJECT | SCALE | |
| CONVEYOR C21 | | | PROPOSAL | | |
| DRAWING NUMBER | | | PROJECT NUMBER | | |
| MH0309 | | | MH0309 | | |

| DESIGNER | | | CHECKER | | | APPROVER | | |
|----------|------|----|---------|------|----|----------|------|----|
| NO. | DATE | BY | NO. | DATE | BY | NO. | DATE | BY |
| 1 | | | 1 | | | 1 | | |
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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 proposal as it is ancillary to the co-generation facility is best defined as a generating work – *Land used for the purpose of making or generating gas, electricity or other forms of energy.*

Clause 8 Zones

The proposal is permissible with consent in the 4(a) Industry zone under Item 2 and is consistent with the objectives of the zone. The proposal is also permissible with consent in the 1(b) Agricultural Protection Zone under Item 3 of the zoning table. In determining this application Council must consider the provisions of Clause 8(2) of the LEP. In relation to the matters under Clause 8(2) the following is submitted

- (a) The proposal is a necessary component of the co-generation plant and is required to provide fuel to power the plant.
- (b) There are no other available sites adjacent to the Sugar Mill that could be utilised for storage and conveying of fuel to the co-generation plant.
- (c) The proposal is not out of character with the area with the land currently being utilised by the mill for the storage of equipment associated with the sugar milling industry and approved to be used as a stockpile area for fuel for the cogeneration plant.
- (d) The proposal will not lead to a fragmentation of agricultural land and is compatible with surrounding farming activities.

Clause 22 Designated Roads

The Tweed Valley Way is identified as a designated road under the LEP. Of Concern is the height of the structure and positioning of support structures. From the plans submitted the proposal will have a 6 metre clearance over Tweed Valley Way and McLeod Street. Boat Manufacturers in the Murwillumbah Industrial Estate currently transport craft to the ramp at Condong for launching in the river. To assist this fledgling industry Council is currently upgrading facilities at this ramp. Boats transported are primarily leisure yachts and recreational boats. A submission has been received from one of these manufacturers stating they have no objection to the proposal provided a clearance of 7 metres is provided to facilitate this industry.

Council Traffic Engineer has advised that the proposal will have a significant positive impact upon the local road network by removing between 60 and 120 truck movements per day from the road. Structural supports will need to be sited on private property and this will enable Council to widen the road pavements in the future if needed.

Visually the conveyor will be somewhat prominent as it crosses over the Tweed Valley Way and not dissimilar in impact to RTA Heavy Vehicle Monitoring Equipment on the Highway. On the Sugar Mill side of Tweed Valley Way the Conveyor will in part be

Reports from Director Development Services

screened by a large Fig Tree adjacent to Tweed Valley Road. To further screen the conveyor it is recommended that an appropriate number of additional natives be also planted either side of the conveyor and adjacent to Tweed Valley Way. It is noted that the natives will not have the desired effect immediately, but over a period of time should provide further screening for the development and reduce its visual impact. It is also proposed that a condition be placed on the consent requiring the conveyor to be enclosed in colorbond or similar materials.

In terms of the provisions of the Clause, it is considered the development will not have an adverse impact upon the road network, will not constitute a traffic hazard, nor prejudice any future improvements to the road.

Clause 24 Setbacks to Designated Roads

Under the LEP a 30 metre setback to Tweed Valley Way is required. As the conveyor crosses over the road it is impossible for the development to comply with the development standard and a SEPP No. 1 Objection has been submitted. The applicant has submitted the following in support of a variation:

- The structure will not impede traffic movement nor generate any additional pedestrian or traffic activity on or in close proximity to the highway;
- The nature of the use requires the structure to traverse the road in order to convey biomass from the stockpile site to the mill;
- The nature of current land uses to which the application relates, comprising industrial development or associated industrial uses;
- Proposal will comply with the necessary RTA design guidelines; and
- The road is no longer an RTA road but a local road under the ownership of Tweed Shire Council

Having regard to the above it is recommended that the setback requirements under Clause 24 be waived in this instance.

Clause 35 Acid Sulphate Soils

The site is identified under the Tweed LEP as Class 3 and 4 Acid Sulphate Soils. As such it is unlikely that ASS will be disturbed during construction of the conveyor.

North Coast Regional Environmental Plan 1988

The proposed development is compliant with the provisions in the SEPP pertaining to Industrial Development under Clause 47. In relation to development on agricultural land the development will not prejudice the use of adjoining farms for the growing of sugar cane or lead to further fragmentation of rural land, and is not inconsistent with the provisions of this clause.

SEPP 55 Remediation of Lands

Contamination issues have been adequately addressed for the Co-generation Plant and the proposed overland conveyor will not increase the risk to health of employees or the environment.

Reports from Director Development Services

SEPP 71 Coastal Protection

As the proposal is on land near the Tweed River the proposal was referred to Planning NSW who advised that the department does not need to be involved in the matter. The proposal is not inconsistent with the provision of the SEPP as listed under Clause 8.

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

No draft Environmental Planning Instruments affect this proposal

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

DCP 2 Site Access and Parking Code.

In relation to this policy adequate room is available onsite for the parking of vehicles at the stockpile site and it is recommended as a condition of consent provision be made for the parking of five vehicles for staff and maintenance crews.

DCP 42 Notification Policy

The proposal was notified and advertised in accordance with the Policy. Two submissions objecting to the proposal were received which are discussed in detail below.

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

Coastal Policy

The proposal is on land identified under this policy. The proposal will not be adversely affected by nor have an impact upon coastal processes. The development is not inconsistent with the policy.

(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**

Environmental Impacts

The proposal will require the removal of a jacaranda tree and a small leaf fig tree near McLeod Street tree and the lopping and trimming of branches of a large fig tree. The jacaranda is not native to Australia and both Fig species are not listed as threatened or endangered under the Threatened Species Conservation Act 1995.

Noise Impacts

The applicant has submitted an Acoustic Assessment which has been assessed by Councils Environment and Health Services Unit whereby it was considered modelling indicates intrusive noise impacts will be below acceptable noise amenity levels.

Scenic Amenity

As discussed above the conveyor will have a visual impact upon the landscape and in particular Tweed Valley Way. Appropriate Conditions have been recommended in relation to alleviating this impact including the use of colorbond or similar material, external cladding materials to be regularly maintained and not let become degraded, and vegetation screening either side of the conveyor up to the edge of Tweed Valley Way.

Reports from Director Development Services

Road Impacts

The proposal will remove the need for stockpiled material to be transported to the mill by truck and will therefore have a positive impact upon the local road network. The applicant will need to carry out a subdivision of air space over the road for lease purposes for the conveyor.

Construction Activities

Appropriate conditions of consent recommended to control construction activities such as hours of work, noise levels, and the installation of appropriate sedimentation and erosion control measures.

(c) Suitability of the site for the development

The proposed siting of the conveyor is in direct line of site between the Mill and the area to be used for stockpiling of fuel for the co-generation plant. Properties in the vicinity of the Mill and Stockpile site are owned by the Condong Sugar Milling Cooperative Ltd other than a cane farm to the south of Lot 19, a Cane farm to the north of Lot 19 opposite on Clothiers Creek Road and a rural residential allotment on Clothiers Creek Road. All three allotments have dwellings upon them. As discussed above noise impacts from the proposal have been assessed and no adverse impacts are anticipated. In terms of external lighting none is proposed other than at the Mill and the Stockpile. Appropriate conditions of consent recommended to ensure that lighting does not spill onto adjoining properties. The proposal will not overshadow adjoining land.

In terms of siting the proposal is considered satisfactory.

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

Council has received four submissions to the proposal with two objecting to the development, and public submissions from the EPA and Planning NSW.

PlanningNSW

The department was contacted in relation to SEPP 71 Coastal Protection advising that Council could determine the proposal having regard to Clause 8 of the SEPP.

Environmental Protection Authority

The EPA are of the opinion the development should be treated as integrated development and have recommended general terms of approval for permits under the Protection of the Environment Operations Act 1997. The EPA have formed this view as the DA seeks to amend a proposal for which the EPA have previously issued GTA. That is Development Consent K00/0344 for the cogeneration plant and stockpile area. It is acknowledged that the proposed overland conveyor does amend the overall proposal in terms of removing the need for vehicles to truck fuel to and from the Mill from the stockpile site. However the Conveyor as such is not identified as integrated development. Further should conditions in the form of general terms of approval be placed on the Development Consent for the Overland Conveyor, they are not enforceable under the Development Consent for the Co-generation Plant.

Reports from Director Development Services

The matter was referred to the applicant who has provided legal advice that concluded that the proposal is not integrated development. Advice from Council's Solicitors has also been sought and they concur with the applicant conclusion. Copies of the EPA letter, the applicant's legal advice and Council's Solicitors advice is attached to this agenda in the Confidential section.

It should also be noted that the general terms of approval by the EPA for the Co-generation Plant are only valid for a period of three years from the date of issue of Development Consent K00/0344. That is 11 December 2003. After this period the EPA can then re-visit the issue prior to the formal issue of their permits

Boat Manufacturers

A boat manufacturing industry is developing in the Murwillumbah Industrial Estate. In support of this industry Council is currently preparing to upgrade boat launching facilities at the Condong Ramp, whereby the boat manufacturers transport marine craft to the ramp from the industrial estate on the back of semi trailers or trucks. The route taken will require the vehicles to travel under the proposed overland conveyor, and there is no other feasible alternative.

One submission was received from Chincogan Catamarans advising they have no objection to the proposal subject to clearance from the road to the bottom of the conveyor of 7.00 metres is provided to facilitate their industry as discussed above. This can be provided at either McLeod Street or Tweed Valley. Appropriate Conditions of Consent have been recommended to ensure this clearance is provided.

Objections

Two submissions have been received objecting to the proposal. The following issues have been raised:

- Lack of Time to Object

Comment: The public were given a two week period to comment on the proposal in accordance with DCP 42 Notification Policy.

- No opportunity to comment on the co-generation plant

Comment: Co- generation proposal was advertised in the Tweed Link on 27/3/2000 and placed on exhibition for a month from April 3 to May 8, 2000. According to Council's records the objector was notified.

- Land is not zoned for industrial use

Comment: Proposal is defined as ancillary to a generating works and is permissible with consent in the 1(b) Agricultural Zone.

- Vehicle Movements and traffic generation

Comment: Without the proposed conveyor material would need to be trucked to and from the mill from the stockpile by heavy vehicle as approved under Development Consent K00/0344. Council's Traffic and Transport Engineer has advised the proposed conveyor will reduce traffic movements from between 60 and 120 truck movements a

Reports from Director Development Services

day. This will have a positive impact upon the road network and is of benefit to adjoining landowners in terms of reducing road noise and emissions and road safety.

- Hours of Operation and Noise

Comment: No restrictions have been placed on Development Consent K00/0344 for the co-generation plant. As such it would be inappropriate to restrict the operating hours of the overland conveyor as the applicant may then be required to truck material to the mill from the stockpile to enable the plant to continue operating 24 hours per day as originally proposed. Such a scenario would limit the potential benefits of the conveyor in terms of reduced noise, emissions and traffic.

The applicant has advised that the conveyor will normally operate 12 – 16 hours per day but may operate up to 24 hours per day in certain circumstances. An Acoustic report submitted with the application has been assessed by Council's Environment and Health Services Unit who have not objected to the proposal. Standard Conditions of Consent have been recommended in relation to the use of the conveyor not disrupting the amenity of the locality.

- External Lighting and impacts upon neighbouring property

Comment: Lighting has been proposed for the stockpile end of the conveyor and at the Mill end. It is not anticipated that such lighting will affect adjoining properties. Non-the-less it is recommended as a condition of consent that any external lighting mounted on the conveyor does not spill onto adjoining properties or cause a nuisance to residences.

- No detail provided in relation to lighting for access into Clothiers Creek Road.

Comment: Proposal is for an Overland Conveyor not for the stockpile itself as approved under Development Consent K00/0344.

- Bunding

Comment: This has been approved under Development Consent K00/0344.

- Stockpile

Comment: This has been approved under Development Consent K00/0344.

- Land Contamination

Comment: Council is satisfied that the proposal will not increase health risks or adversely affect the environment.

- Flood issues in relation to Stockpile

Comment: Application is for an overland conveyor not for the stockpile.

- Air Quality from the loading unloading of the conveyor

Comment: The Conveyor is to be fully enclosed which will ensure that emissions from material being conveyed to the mill will be kept at a minimum. At loading areas where fuel handling is to occur misting is to be conducted to reduce wind borne dust and

Reports from Director Development Services

particulate emissions. Appropriate conditions of consent have been placed on Development Consent K00/0344 in relation to air quality.

- Inconsistent with the agricultural zoning of the land

Comment: Proposal is permissible with consent in the 1(b) Agricultural Protection Zone.

- Adverse Impacts upon adjoining property prices

Comment: This is not considered to be grounds for refusal.

- The application does not include an Environmental Impact Statement.

Comment: The proposed development is not identified under Schedule 3 of the Environmental Planning and Assessment Regulations 2000 as designated development and a statement is not required.

- Camphor Laurel is not a noxious weed

Comment: Camphor Laurel is not listed as a noxious weed in Tweed Shire, but is non the less an invasive woody weed. Issued raised relates to the stockpile and is not applicable to this application.

- Co-generation Plant should be scrutinised for economic and environmental sustainability and the schemes green power accreditation may be removed by state authorities. The stockpile may also be a health hazard

Comment: The Co-generation Plant and stockpile has already been approved as discussed above and such matters are not relevant to this development application for the overland conveyor.

In addition to the submissions a member of public addressed community access and raised a number of issues concerning the Co-Generation Plant and this Development Application. The following comments are provided:

- A neighbour adjoining the proposed site was not notified of the development application for the Co-generation plant.

Comment: Council records indicate the proposed co-generation plant was advertised in the Tweed Link on March 28, 2000. One hundred and twenty one 121 adjoining and surrounding landowners were in McLeod Street, Clothiers Creek Road and on the Pacific Hwy were notified of the proposed Co-generation plant and invited to view the development application and lodge a submission. The Application was exhibited at the Civic and Cultural Centre in Murwillumbah and Council's Tweed Heads Office from 3 April to 8 May 2000. According to Council's records the neighbour in question was notified.

- Traffic and Truck Movements to the proposed stockpile;
- Hours of Operation of the Co-generation plant
- Stockpile and visual impact of the bund

Reports from Director Development Services

- Stormwater Management for the Stockpile site
- Air Quality from the Co-generation Plant

Comment: The above issues are not of relevance to the Development Application for the Overland Conveyor Belt and have been addressed in the original Development Application for the Co-generation Plant.

- Noise

Comment: As discussed above the applicant has submitted an acoustic report, which has been assessed by Council's Environment and Health Services Unit as satisfactory and appropriate conditions of consent have been recommended in terms of operating the conveyor in relation to neighbourhood amenity. It is noted to place any restrictions on the hours of operation of the conveyor would in all likelihood result in the mill having to truck material to and from the stockpile to the plant while the conveyor is shutdown. Thus reducing the potential benefits of the conveyor to surrounding landowners in terms of reduced noise, traffic and emissions.

- Has Council referred the application to the Environmental Protection Authority for comment.

Comment: The development application for the co-generation plant was identified as integrated development requiring permits under the Protection of the Environment Operations Act 1997. The application was referred to the Environmental Protection Authority who issued general terms of approval for those permits. Conditions recommended by the EPA covered issues such as water pollution, air emissions, noise limits, Construction hours, and monitoring and reporting.

- Overland Conveyor requires an Environmental Impact Statement (EIS).

Comment: Proposal not identified as designated development under Schedule 3 of the Environmental Planning and Assessment Regulations 2000 and an EIS is not required.

- No Species Impact Statement

Comment: The proposed overland conveyor does not affect any species of Flora or Fauna listed under the Threatened Species Conservation Act 1995.

(e) **Public interest**

It is considered the proposal will not prejudice or compromise the public interest.

OPTIONS

1. Approve the application as recommended.
2. Refuse the application.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

The applicant has recourse to appeal any determination made by Council in the Land and Environment Court, which has legal and financial implications to Council.

Reports from Director Development Services

CONCLUSION

The proposed over land conveyor will remove the need for vehicles to truck fuel to and from the Co-generation Plant. This will provide a number of additional benefits to the community in terms of reduced traffic generation; improved noise, and air quality – certainly as compared to the original proposal and as approved under Development Consent K00/0344 to transport fuel from the stockpile to the mill. Although two lengthy objections were received to this application, it is concluded that the proposed overland conveyor should be recommended for conditional consent.

Reports from Director Development Services

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4. ORIGIN: Strategic Town Planning Unit

FILE REF: Retail Development Strategy

REPORT TITLE:

Retail Development Strategy

SUMMARY OF REPORT:

It is submitted that Council needs to urgently complete planning for retail developments to serve the population growth within the Shire. To date, Council has not endorsed a strategic outline for the anticipated size and location of anticipated future retail developments.

It is important to undertake this strategic assessment now so that future retail developments are placed in a shire wide framework and to prevent an ad hoc and piecemeal approach that will eventually undermine future strategic directions, character, good accessibility and services provided to the community – particularly in the coastal sector of villages in the Shire.

This report recommends that Council undertake a shire wide retail strategy that will achieve two outcomes:

1. To investigate the retail sectors within the Tweed and identify existing and future demands;
2. To articulate this future retail floor space in relation to size, scale and interrelationship with existing retail centres and recommended locations to serve future population.

There has been a prolonged period of Council and community debate on the location of the future regional Town Centre following the Patrick Partners report and subsequent reports to Council and Discussion Paper on the Tweed Coast Strategy submitted by the Director of Development Services. This Study is intended to be, in part, a further substantial peer review of these previous reports and debate. It is submitted that it is incumbent upon Council to prepare such a Retail Strategy so that decision-making on this critical issue is lead by Council on behalf of the community and not potentially by the particular interests of a certain developer.

RECOMMENDATION:

That Council endorses the Consultant's Brief (Annexure 1) for the preparation of a Retail Strategy for the Tweed Shire to be forwarded to a minimum of three suitably qualified Consultants to submit proposals and quotations to respond to this Brief.

Reports from Director Development Services

REPORT:

BACKGROUND

Currently Council does not have an integrated Shire wide retail centres strategy for the Tweed. Policies relating to retail development are currently contained in some Development Control Plans (DCPs). These DCPs have been adopted over a ten-year period and reflect different styles of retail development. The increasing development pressures that are present in the Shire create an essential need for a comprehensively articulated retail centres network.

The strategic role of Councils is to forward plan for retail centres incorporating good urban design, and allowing competition without undermining economic viability of established local centres.

Some of Council's existing planning policies and studies identify a localised retail structure. The Strategic Plan identifies that shops and retail centres, along with commercial and community facilities that can service local trade, should be located within a 5 minute walking distance from residential areas. This is one of the underpinning factors for sustainable neighbourhoods. A 400-metre radius is used as a general rule in applying this urban design principle.

Although this is not definite rule it is addressed in further detail in many of Council's DCPs. Council is in the process of redrafting DCP 16 – Subdivisions Manual. In this review the concept of a 400-metre radius is being reconsidered. The proposal being considered is for a desirable distance to be 500-metre radius and an ultimate radius of 850 metres.

- i. Development Control Plan 1 – Terranora;
- ii. Development Control Plan 3 – Banora Point – Tweed Heads South;
- iii. Development Control Plan 14 – Murwillumbah West;
- iv. Development Control Plan 17 – Cobaki Lakes;
- v. Development Control Plan 18 – Tweed Heads;
- vi. Development Control Plan 43 – Kingscliff;
- vii. Pottsville Strategy;
- viii. Draft Tweed Coast Strategy and Kingscliff Centres Strategy.

PREVIOUS REVIEWS OF THE RETAIL STRUCTURE OF THE TWEED COAST

In 2001 Patrick and Partners were engaged to review the centres hierarchy of Kingscliff. The draft Kingscliff Centres Study has been presented to Council. This draft puts forward 3 options for the location of a district centre within the Kingscliff locality.

1. Kings Forest.
2. Kingscliff Centre (Extension).
3. Tweed Coast Road (Existing Sewerage Treatment Plant).

The report has identified that the Tweed Coast should be able to support a district centre within the next 5 years.

The findings in the study have been culminated into a draft review of the Development Control Plan No. 9 – Kingscliff West. This is currently still under review.

Reports from Director Development Services

In late 2002 Gales Holdings lodged a Development Application with Council for a 4,400m² retail development on Turnock St, Kingscliff. This Application has been supported by an economic assessment of retail developments and an assessment of future demand within the retail catchment. During the exhibition of the Development Application several objections were lodged outlining alternative findings to the future demand and supply of retail floor space within the Kingscliff district.

In preparing a report to Council an independent economic planning consultant was engaged to review these retail demand and supply thresholds.

This particular Development Application has raised considerable community debate on the future locations on retail centres within the Tweed Shire, and in particular the Tweed Coast. The size, scale and urban design of future retail centres, as well as their positioning in relation to the existing town centre, are also becoming a particularly important issue.

The Development Application for a retail centre in Kingscliff has stirred a community debate on where retail locations should be within the Tweed Shire. However there is no strategic Shire wide strategy on the future size and location of retail centres. Over the next few years, considerable pressure will be placed on Council to make decisions on the appropriate size and location of retail centres.

It is important to undertake this strategic assessment now so that future retail developments are placed in a Shire wide framework and to prevent an ad hoc and piecemeal approach that will eventually undermine future strategic directions and would mean that the decision would be lead potentially by a particular developer's interests and not by Council on the communities behalf.

EXISTING RETAIL STRUCTURE OF THE TWEED

In April Ballina and Byron Shire Councils commissioned a retail/commercial consultant (Ibecon) to undertake an assessment of the retail network for their respective Shires. This work was undertaken collaboratively and reviewed the four northern rivers Shires, Ballina, Byron, Lismore and Tweed. In this comprehensive assessment the existing retail structure of the Tweed is identified as follows:

Population Projections (Ibecon)

| | 2001 | 2011 | 2021 | 2026 |
|-----------------------------------|---------|---------|---------|---------|
| Tweed Part A (Tweed Heads) | 47,144 | 62,000 | 76,000 | 81,000 |
| Tweed Part B (Remainder of Shire) | 27,714 | 35,000 | 45,000 | 50,000 |
| Richmond / Tweed Region | 216,717 | 265,400 | 307,500 | 326,000 |

Note: 2001 figures are based on the 2001 census. Ibecon has developed projections for the Ballina Retail Strategy.

These population projections indicate the growth that is anticipated in the Tweed Shire over the next 25 years. These projections are important to forecast the future retail developments that can be anticipated.

Reports from Director Development Services

Existing Retail Structure – Tweed Shire

| <i>Retail Type</i> | <i>Gross Lettable Area (GLA) m2</i> |
|---------------------------------------------|-------------------------------------|
| Part A | |
| Structured Centres (inc. Tweed City) | 56,453 |
| Town Centre (Tweed Heads) (inc. Tweed Mall) | 25,117 |
| Industrial (inc. Bunnings, Harvey Norman) | 51,854 |
| Other Locations | 13,543 |
| | |
| Part B | |
| Structured Centres | 6,443 |
| Town Centre (Murwillumbah) (inc. Sunnyside) | 23,686 |
| Industrial | - |
| Other Locations | 13,691 |

Source: Ballina Retail Strategy, Ibecon, 2002.

In April Council engaged Core Economics to conduct a workshop on retail development in the Tweed for Council staff. The purpose of the workshop was to review the structure of the land use planning policy and identify any gaps in relation to the retail network within the Tweed.

It was identified from this workshop that there is a need for a Retail Strategy in the Tweed to adequately determine site and location of future retail developments within the Shire.

Core Economics in a review of the population growth rates and existing retail network of the Tweed have made the following observations:

- That a shopping centre anchored by a full range discount department store is an unlikely scenario for the Tweed Coast. Currently Tweed City has three discount department stores. These stores cater for a population base of between 90,000 and 120,000 persons. This is larger than the current population base of the Tweed, however some of the catchment will be drawn from Queensland.
- A potential population for the Tweed Coast of 30,000 persons will support 3 full scale supermarkets.

THE NEED FOR A RETAIL STRATEGY

A Retail Strategy will give a clear strategic direction for the anticipated future location and size of retail developments. A future Strategy will need to establish a data set that will back up the arguments of the Strategy. The future population projections for proposed growth areas of the Tweed will determine future retail demands. The anticipated timing of growth areas is also important because new retail developments should not diminish the current amenity offered by the existing retail developments.

Recent case history in the Land and Environment Court has indicated that a Strategy is a suitable method of establishing all of the information to determine the appropriate weight to be given to the

Reports from Director Development Services

social and economic considerations in accordance with Section 90(1)(d) when assessing a substantial retail development application.

Under Clause 39 of the North Coast Regional Environmental Plan any retail, commercial or business activities need to take the following issues into consideration.

“A draft local environmental plan should not provide for the establishment of significant retail, commercial or business development unless:

- (a) the expansion is adjacent to or adjoins the existing commercial centre, or*
- (b) if the expansion is not adjacent to or adjoining the existing centre, that development is in accordance with a commercial/retail expansion strategy prepared by the council, published for public discussion and:
 - (i) be available, without charge, for public inspection and comment at the office of the council during normal office hours, and*
 - (ii) be forwarded by the council for their information to such public authorities as, in the opinion of the council, have responsibilities reasonably requiring them to be aware of the strategy”.**

By developing a retail strategy for the Shire there is scope to have it endorsed by PlanningNSW as a retail expansion strategy.

DRAFT TERMS OF REFERENCE FOR A TWEED RETAIL STRATEGY

The preparation of the draft Retail Strategy will need to address the terms of reference listed below.

- ”(a) conduct a review of the existing retail network of the Tweed and surrounding areas;*
- (b) determine oversupplies and shortfalls within the different retail sector;*
- (c) give due consideration to the independent process in place to review the economic aspects of Tweed Heads CBD by the Ministerial Taskforce for Tweed Heads;*
- (d) recommend areas for future retail centres, including potential size and scale within a strategic timeframe;*
- (e) propose any modifications to Council’s existing land use policy structure in respect to retail; and*
- (f) propose the recommendations in terms of a potential Commercial / Retail Strategy which is to be prepared in accordance with the North Coast Regional Environmental Plan”.*

RECOMMENDATIONS

The important factor in determining a preferred retail network for the future of the Tweed is to establish the potential retail demands and subsequent retail developments that will cater to these demands. It is then a network of future locations can be established and developed into policy.

To develop a policy for retail developments in the Tweed it is important to firstly undertake the preparation of a Retail Strategy.

It is recommended that Council endorse the preparation of a Retail Strategy.

Reports from Director Development Services

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Reports from Director Development Services

5. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/LEP/2000/31 Pt1; Local Environmental Plan - 2000/31

REPORT TITLE:

Draft Tweed Local Environmental Plan 2000, Amendment No. 31 - Housekeeping Stage 1 (Administrative LEP Anomalies) - Amendment to Exhibited Document

SUMMARY OF REPORT:

Draft Tweed Local Environmental Plan 2000, Amendment No. 31, was publicly exhibited from 2 October 2002 to 29 October 2002 and Council resolved on 20 November 2002 that Council forwards the draft Amendment to the Minister for Planning and requests the Minister to make the Plan.

Included in this Amendment was an issue relating to the following:

Part 5 Roads – amend Clauses 22(2) and (4) of Tweed LEP 2000 to include reference to Zone 5(a).

During the Section 62 consultation process with the State agencies, the RTA also requested that Clause 22(3) of Tweed LEP 2000 be amended by deleting reference to ‘RTA Road’ and replacing it with the term ‘Proposed Classified Road’. The LEP Instrument was subsequently amended prior to the exhibition of the draft Plan to take account of this request.

Following comments from Parliamentary Counsel as part of the process of finalising the material to be forwarded to the Minister it was discovered that the final version of the LEP Instrument, while amending the wording as outlined above, omitted to make reference to the need to amend the zone map by replacing land identified as 5(a) special Uses ‘RTA Road’ with 5(a) Special Uses ‘Proposed Classified Road’.

It is recommended that Council adopts the change to the amended LEP as set out above in accordance with the Environmental Planning and Assessment Act and the Minister be requested to make the amended Plan.

RECOMMENDATION:

That:

1. Council amends the exhibited draft Tweed Local Environmental Plan 2000, Amendment No. 31 by amending the legend on the zone map within the meaning of Tweed Local Environmental Plan by replacing the words “RTA Road” (Clause 22(3)) with the words “Proposed Classified Road”;
2. Council forwards the amended Plan to the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration) and requests the Minister to make the Plan in accordance with Section 70 of the Environmental Planning and Assessment Act 1979.

Reports from Director Development Services

REPORT:

Council last dealt with this item at its Ordinary meeting of 7 November 2001 where it resolved to prepare draft LEP, Amendment No. 31. Included in this Amendment was an issue relating to the following:

Part 5 Roads – amend Clauses 22(2) and (4) of Tweed LEP 2000 to include reference to Zone 5(a).

During the Section 62 consultation process with the State agencies, the RTA also requested that Clause 22(3) of Tweed LEP 2000 be amended by deleting reference to ‘RTA Road’ and replacing it with the term ‘Proposed Classified Road’. The LEP Instrument was subsequently amended prior to the exhibition of the draft Plan to take account of this request.

Draft LEP Amendment No. 31 was publicly exhibited from 2 October 2002 to 29 October 2002 and Council resolved on 20 November 2002 that the draft Amendment be forwarded to the Minister for Planning and requests the Minister to make the Plan.

Following comments from Parliamentary Counsel as part of the process of finalising the material to be forwarded to the Minister it was discovered that the final version of the LEP Instrument, while amending the wording as outlined above, omitted to make reference to the need to amend the zone map by replacing land identified as 5(a) Special Uses ‘RTA Road’ with 5(a) Special Uses ‘Proposed Classified Road’.

A Council resolution is therefore required to adopt the change to the amended LEP. As the exhibited LEP contained reference to the change in wording described it is not considered necessary that the LEP Amendment be re-advertised.

CONCLUSION

It is recommended that Council adopt the change to the amended exhibited LEP as set out above and the Minister be requested to make the Plan in accordance with Section 70 of the Environmental Planning and Assessment Act 1979.

Reports from Director Development Services

6. ORIGIN: Development Assessment Unit

FILE REF: DA03/0233 Pt1; LN 24176

REPORT TITLE:

Development Application DA03/0233 for a Rural Workers Dwelling at Lot 16 DP 1037891, Lot 17 DP 1037891 Pacific Highway, South Murwillumbah

SUMMARY OF REPORT:

Council has received a development application seeking consent to convert an existing dairy building (after renovation) into a rural workers dwelling at Mistral Road, South Murwillumbah. The dairy would be converted to a single storey rural workers dwelling containing two (2) bedrooms, bathroom, kitchen, laundry and living room.

The Anthony family previously lodged a Development Application for subdivision of their land into three allotments, one of which, Lot 15 DP 1037891, was dedicated to Council to accommodate the new art gallery. The residue allotments, Lot 16 & 17 continue to be used by the Anthony family for beef cattle breeding purposes. Lot 15 formerly accommodated a rural workers dwelling, which was used to accommodate workers employed by the Anthony family and engaged in farming activities on the property. This dwelling has been removed to enable construction of the art gallery.

The Anthony's now wish to replace the rural workers dwelling by converting the existing dairy building located on Lot 16 DP 1037891, to a habitable form and utilising it for permanent residential occupancy by a rural worker.

The application is generally compliant with all the applicable planning controls, however, the applicant has requested that credit be granted to any applicable Section 94 contributions based on the existence of a previous rural workers dwelling which was demolished to accommodate the new art gallery.

A search of Council's records has not revealed any documentation regarding the approval of the rural workers dwelling that was recently demolished. It is understood that the dwelling had been in excess of sixty years old and subsequently no Council records exist. The proposed building conversion, to accommodate a new rural workers dwelling, has not been lodged on the basis of existing use rights, and for planning purposes has been lodged independently of all previously lodged applications. Therefore, in accordance with the provisions of Council's numerous S94 Contribution Plans, the applicable fees have been adopted and incorporated into the recommendation.

RECOMMENDATION:

That Development Application DA03/0233 for a rural workers dwelling at Lot 16 DP 1037891, Lot 17 DP 1037891 Pacific Highway, South Murwillumbah be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plans Nos 1 of 5 - 5 of 5 prepared by Garry W Fidler Architect and dated 8.12.2002, except where varied by these conditions.

Reports from Director Development Services

2. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
4. The erection of a building in accordance with a development consent must not be commenced until:
 - a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
 - b. the person having the benefit of the development consent:
 - (i) has appointed a Principal Certifying Authority; and
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.
5. The installation of any onsite sewerage management system shall be in general accordance with the report prepared by HMC Environmental dated Nov 02 or except where varied with the written consent of the Director Environment and Community Services.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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

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

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgom Road, Murwillumbah and Brett Street, Tweed Heads.
 - a. Tweed Road Contribution Plan: \$1,936
S94 Plan No. 4 (Version 4.0)
(Murwillumbah - Sector 9)
Heavy Haulage Component

Reports from Director Development Services

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

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

where:

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

and:

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

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

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

Admin. Administration component - 5% - see Section 6.5

- | | | |
|----|---------------------------------------------------------------------------------------------------|----------|
| b. | Open Space (Structured): S94 Plan No. 5 | \$774 |
| c. | Open Space (Casual): S94 Plan No. 5 | \$167 |
| d. | Shirewide Library Facilities: S94 Plan No. 11 | \$688 |
| e. | Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13 | \$126 |
| f. | Emergency Facilities (Surf Lifesaving) S94 Plan No. 16 | \$215 |
| g. | Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18 | \$344.81 |
| h. | Regional Open Space (Structured) S94 Plan No. 26 | \$1,177 |
| i. | Regional Open Space (Casual) S94 Plan No. 26 | \$221 |
7. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless

Reports from Director Development Services

all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

Water: \$4,000

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

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

8. Provide engineers certificate on the structural adequacy of the existing structure.

PRIOR TO COMMENCEMENT OF WORK

9. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised to the satisfaction of the Principal Certifying Authority and provided with a dish drain or similar at the base or otherwise retained to the satisfaction of the Principle Certifying Authority. All retaining works shall be completed to the satisfaction of the Principal Certifying Authority prior to start of building work. Please note timber retaining walls are not permitted.
10. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
 - (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
 - (ii) Certification of the works performed by the person carrying out the works is to be submitted to the PCA; and
 - (iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
 - (A) the method of protection; and
 - (B) the date of installation of the system; and
 - (C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - (D) the need to maintain and inspect the system on a regular basis.

Note: Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.

11. A sign must be erected on the site in a prominent, visible position stating:
 - a. that unauthorised entry to the work site is prohibited; and
 - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
 - c. Lot number.

Reports from Director Development Services

12. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.
13. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. Note All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the PCA prior to commencement of building works.
14. Any approval to install any onsite sewerage management system is obtained prior to installation of said system.

DURING CONSTRUCTION

15. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
16. All engineering works required to be approved prior to the issue of a construction certificate are to be constructed in accordance with the approval.
17. The provision of two (2) off street car parking spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.
18. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a. footings, prior to pouring of concrete
 - b. slab, prior to pouring of concrete
 - c. frame prior to the erection of brick work or any wall sheeting
 - d. final inspection prior to occupation of the building
19. Provision of adequate vehicular access in accordance with Council's "Access to Property" pamphlet. Such to specifically include the following:
20. Details of the intended method of water storage are to be submitted to the Principal Certifying Authority for approval. Please note that the minimum storage capacity required shall be 20,000 litres.
21. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.
22. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays or public holidays.
23. All new residential dwellings (and extensions comprising over 50% of the original floor area) are to fully comply with Councils Energy Smart Housing Policy (DCP39). In order to comply with DCP39 consideration must be given to the building envelope, orientation, insulation, ventilation, thermal mass, zoning, and hot water supply.
24. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

Reports from Director Development Services

- a. internal drainage, prior to slab preparation;
 - b. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - c. external drainage prior to backfilling.
 - d. completion of work.
25. A. A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
- B. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.
26. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.
27. Area below the spa is to be graded, drained and ventilated.
28. Yard gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.
29. The finished floor level of the building should finish not less than 225mm above finished ground level.
30. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C in all other classes of buildings.
- A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.
31. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
- i. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
32. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

Reports from Director Development Services

34. It is a condition of an approval to install, construct or alter a sewage management facility that the facility is not used (or used as altered) until the Council has given the applicant for approval notice in writing that it is satisfied that the facility has been installed, constructed or altered in substantial accordance with the approval.
35. An approval to operate any onsite sewerage management facility is obtained prior to commencement of use of said facility.

USE

36. The dwelling is to be occupied only by a person engaged in agricultural pursuits on the property.
37. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.
38. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.
39. It is a condition of this consent to operate a system of sewage management that this clause is complied with.
 - (i) The sewage management facilities used in the operation of the system must be maintained in a sanitary condition and must be operated in accordance with the relevant requirements of this Regulation.
 - (ii) A sewage management facility used in the operation of the system must not discharge into any watercourse or onto any land other than its related effluent application area.
 - (iii) The conditions (if any) of any certificate of accreditation issued by the Director-General of the Department of Health under this Division in respect of the plans or designs for any components of the sewage management facilities must be complied with.
 - (iv) The person operating the system of sewage management must provide details of the way in which it is operated, and evidence of compliance with the relevant requirements of this Regulation and of the conditions of the approval, whenever the Council reasonably requires the person to do so.
40. The effluent disposal system is to be installed in accordance with the Onsite Sewerage Management Design Report prepared by HMC Environmental Services No 2002.60.

Reports from Director Development Services

REPORT:

Applicant: Mr D Anthony and Mrs M Anthony
Owner: Mr JD Anthony
Location: Lot 16 DP 1037891 & Lot 17 DP 1037891, Pacific Highway, South Murwillumbah
Zoning: Part 1(a) Rural & Part 1(b2) Agricultural Protection
Cost: \$55,000.00

BACKGROUND

Council has received a development application seeking consent to convert an existing dairy building (after renovation) into a rural workers dwelling at Mistral Road, South Murwillumbah. The dairy would be converted to a single storey rural workers dwelling containing two (2) bedrooms, bathroom, kitchen, laundry and living room.

The property is described as Lots 16 & 17 DP 1037891 Mistral Road, South Murwillumbah. It has a combined area of approximately 85.02 hectares and has frontage to Tweed Valley Way, Mistral Road, the North Coast Railway Line, Dunbible Creek and the Tweed River.

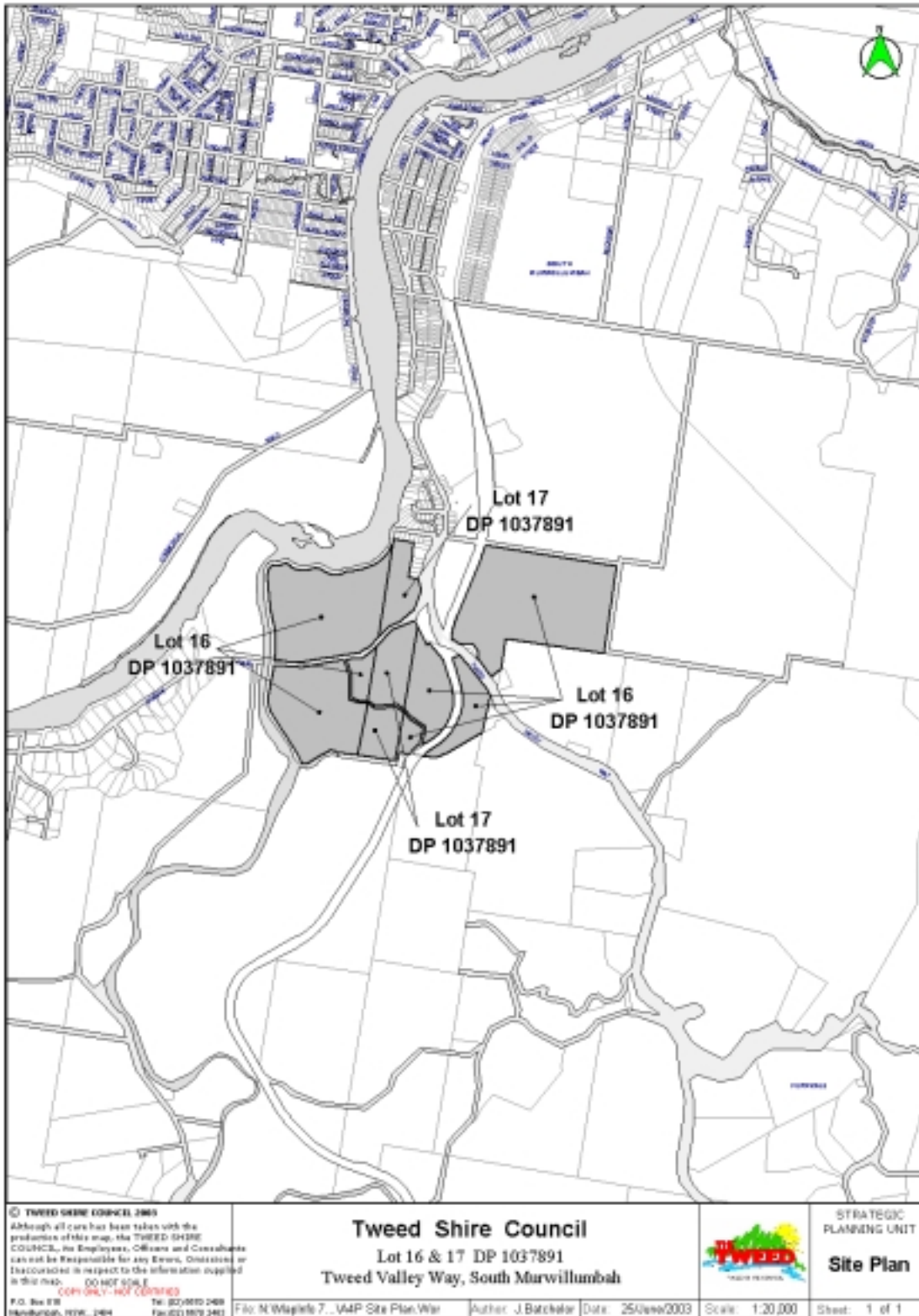
The property is utilised for agricultural pursuits including beef cattle breeding and the growing of associated feed crops. The property has numerous buildings scattered over the site and include the proposed rural workers dwelling (existing dairy building), the owner's residence, and various machinery and storage sheds housing farm machinery, feed and fertilisers.

The rural workers dwelling is proposed on Lot 16, which has a total area of 71.53 hectares. The dairy is located on the northern side of Mistral Road and will utilise the existing driveway that leads to the main dwelling house. The single storey dwelling has a proposed gross floor area of 68.5m², comprising two bedrooms, one bathroom, a combined living and dining area, kitchen, and a terrace area.

The subject site obviously has an extensive development history involving subdivision and the subsequent dedication of land for the art gallery. However, as mentioned above a search of Council's records has not revealed any documentation regarding the approval of the rural workers dwelling that was recently demolished. It is understood that the dwelling had been in excess of sixty years old and subsequently no Council records exist. The proposed building conversion, to accommodate a new rural workers dwelling, has not been lodged on the basis of existing use rights, and for planning purposes has been lodged independently of all previously lodged applications. Therefore, in accordance with the provisions of Council's numerous S94 Contribution Plans, the applicable fees have been adopted and incorporated into the recommendation.

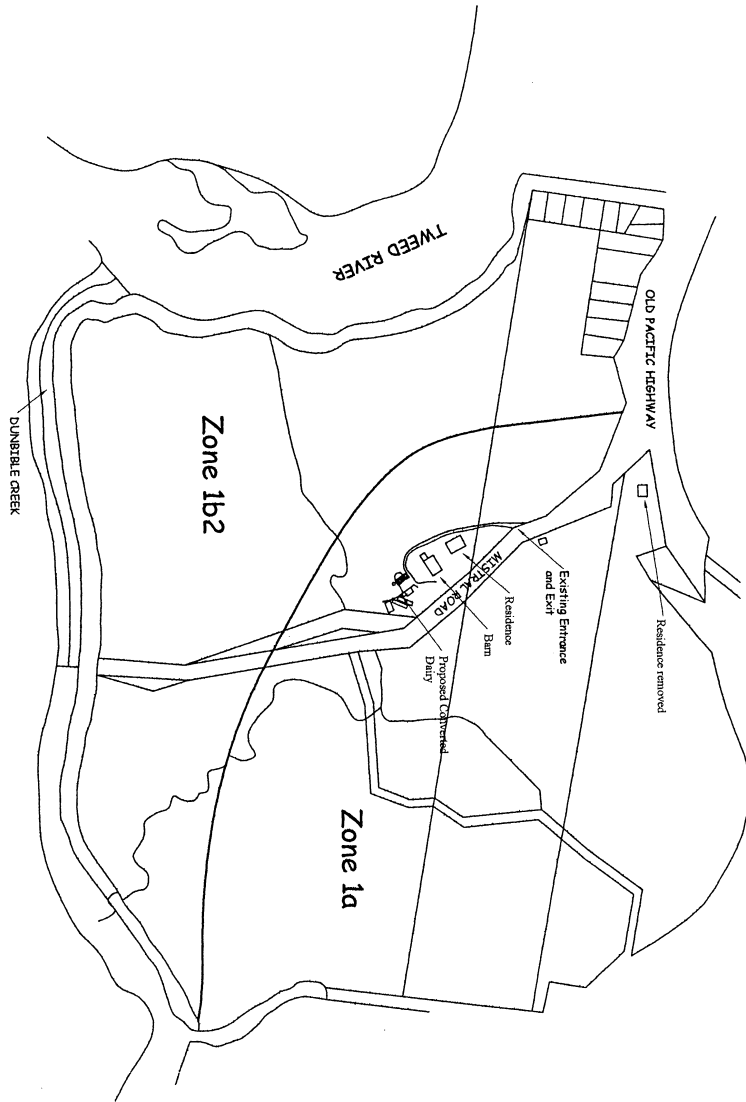
Reports from Director Development Services

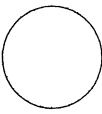
SITE DIAGRAM



Reports from Director Development Services

SITE LAYOUT PLAN



| | | | | | |
|-------------------------------------------|-----------------------------------|-----------------|-------------------------------------------------------------------------------------|------------------------------------------------|----------------------------------------|
| JOB No. 50202 DRAWING No. 1 OF 5 | RENOVATION COW BAILS | SCALE 1:5000 |  | 8-12-2002 For Dev App n only. AMENDMENTS | GARY W FIDLER ARCHITECT 66723179 |
| | ANTHONY RESIDENCE SUNNYMEADOWS | | | | |

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 land is zoned part 1(a) Rural and part 1(b2) Agricultural protection under the provisions of the Tweed Local Environmental Plan (TLEP) 2000. The proposed rural workers dwelling is permissible with development consent in both of these zones, however, the proposed dwelling would be entirely located within the 1(a) Rural zone.

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

Primary Objectives

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

Secondary Objective

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

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

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

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

In accordance with Clause 8(1)(b) the proposed rural workers dwelling must also satisfy the provisions Clause 18 Rural Workers Dwellings in the TLEP 2000:

Clause 18 – Rural Workers Dwelling enables the provision of on farm accommodation for rural workers where there is a genuine need for them and it has been demonstrated

Reports from Director Development Services

that the farm can support their employment. This clause specifies that consent may be granted for a rural workers dwelling only if Council is satisfied that:

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

The application was referred to the NSW Department of Agriculture to ensure that the application presents a genuine need as required by Clause 18. The referral comments received from the Department are below:

The application and submission as lodged would appear to generally satisfy the requirements as set out in our guideline on rural worker's dwellings. The proposal has merit in that:

- *The workers dwelling is linked to a largish property with an established agricultural use;*
- *A workers dwelling for the property previously existed;*
- *The workers dwelling will re-use the former dairy bales thereby utilising an existing building, preserving agricultural heritage and create a modest dwelling for a farm worker;*
- *The same road access as used by the principal dwelling will be utilised;*
- *The dwelling will not alienate prime crop and pasture land; and*
- *Conflicts between the dwelling and adjoining land uses is unlikely.*

The proposal while submitting that the farm will generate sufficient income to support the employee provides little detail and justification to this claim except that annual income is in the order \$60,000 is expected from the sale of 100 weaners. There is no detail as to operating costs (fixed and variable) though this could be offset by the breeding and sale of stud cattle as proposed. In addition, limited justification is offered as to the necessity of onsite accommodation when Murwillumbah township is nearby and the owners appear to be involved in the day to day management of the farm.

Overall, the proposal whilst containing limited justification on two key factors, would appear to be highly desirable from a property management perspective and is considered on balance to have primarily a positive contribution to agriculture and the efficient and productive operation of the subject property.

Reports from Director Development Services

Based on these comments and an assessment of the application it is considered that the conversion of the dairy to a rural workers dwelling will not impair the use of the land for agricultural purposes, and that there appears to be a genuine need for a worker to reside on the property. Furthermore, the application will not result in there being any more than one rural workers dwelling on the farm. To ensure compliance with Clause 18 the application has been conditioned to ensure that the resident of the dwelling is to be employed on that farm.

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

Lot 16 has a total site area of 71.53ha, which satisfies the minimum allotment size required by Clause 18.

Therefore, having had consideration for the zone objectives, Clause 8 consent considerations and Clause 18 – Rural Workers dwellings the application is considered to be satisfactory.

In accordance with Clause 15, the proposed rural workers dwelling must have adequate provision for essential services. Council is satisfied that the dwelling can be appropriately serviced by an approved onsite effluent treatment. The dwelling would gain its water supply from the town water supply connected to the property. These services would be considered satisfactory.

Clause 22 - Development Near Designated Roads requires the consent authority to consider the impact of the development on the Tweed Valley Way (designated Road). In response to this clause the applicant has made the following comments:

The development is unlikely to constitute a traffic hazard or adversely impact on the capacity, efficiency, and safety of the road. The following matters are relevant to the consideration of Clause 22:

- *The development would not affect any future road upgrading or realignment of the road;*
- *The proposed rural workers dwelling would be setback approximately 300 metres from Tweed Valley Way. Given this setback is unlikely to be sensitive to traffic use;*
- *The building is existing and is compatible with the rural character of the locality and would not detract from the scenic qualities of the area;*
- *The proposal utilises an existing building. No new structure is proposed;*
- *The proposal does not necessitate the construction of any new access points on Tweed valley Way; and*
- *Access to the land is gained from Mistral Road not Tweed Valley Way.*

These comments are concurred with and are deemed to satisfy the provisions of Clause 22 of Tweed LEP 2000.

Reports from Director Development Services

Clause 24 prescribes minimum setbacks for buildings from designated roads, In this regard, buildings must be setback a minimum distance of 30 metres from tweed valley Way. The proposed rural workers dwelling would meet this standard.

Clause 31 requires consideration of the impacts of development on adjoining water bodies with particular emphasis on scenic quality, water quality, aquatic ecosystems, flora and fauna and public accessibility.

With respect to visual impacts, the building already exists and therefore there would be nor adverse impacts on the visual amenity of the locality.

There are no changes to access or use of the foreshore areas as a result of the proposed development.

No vegetation is to be removed or otherwise impacted and as such it is unlikely that adverse impacts on flora or fauna would occur.

The application is considered to satisfy the provisions contained within Clause 31 of Tweed LEP 2000.

North Coast Regional Environmental Plan 1988

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

The conversion of a dairy to a rural workers dwelling with a gross floor area of approximately 80m² would not result in a loss of prime agricultural land.

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

State Environmental Planning Policies

State Environmental Planning Policy No. 55 – Remediation of Land

In accordance with the requirements of this Policy, the applicant submitted a history of the development site that did not reveal any reason to believe that the land was contaminated. Council's Environmental Health Officer after an investigation confirmed that the site was not considered to be contaminated land.

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

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

Reports from Director Development Services

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

Development Control Plan No. 2 Onsite Parking

The applicant has provided that two off street parking spaces will be available off the existing driveway from Mistral Road in accordance with the requirements of the DCP. The application has been conditioned accordingly.

Development Control Plan No. 39 Energy Smart Housing

The proposed dwelling would be capable of compliance with this control by installing an energy efficient hot water system. Appropriate conditions of consent have been imposed.

Development Control Plan No. 42 Public Notification Policy

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

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

The application has been reviewed by Council's Building Surveyor to ensure the transfer in building class is appropriate, however, there are no other matters prescribed by the Regulations that are considered to apply.

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

Access

The proposed rural workers dwelling would utilise the same driveway off Mistral Road to that of the main dwelling house. This arrangement ensures compliance with the Essential Requirements detailed in the Department of Agriculture brochure "Can I Build a Rural Workers Dwelling" which specifies that: "*the dwelling must have the same road access as the principal farm dwelling*".

Context & Setting

The conversion of the existing dairy to a rural workers dwelling is appropriate for the location and setting. It will improve the appearance of the building and replace the old workers cottage from Lot 15.

Flora & Fauna

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

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

Bushfire Hazard Assessment

The subject site falls outside a marked bushfire hazard area, and therefore the application does not require referral to the local NSW Rural Fire Service for comment.

Reports from Director Development Services

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

NSW Department of Agriculture

As detailed above the application was referred to NSW Agriculture for comment. The Department concluded that the application was satisfactory.

Internal Comments

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

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

(e) Public interest

The application is not considered contrary to the public interest. The application meets the requirements of Tweed Local Environmental Plan 2000 and has the support of the Department of Agriculture. However, should approval be granted to the application without the recommended S94 Contributions an unwarranted precedent for other properties, may result

OPTIONS

1. Approve the application in accordance with the recommended conditions;
2. Approve the application subject to the deletion of the S94 Contributions; or
3. Refuse 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.

CONCLUSION

The application is generally compliant with all the applicable planning controls, and should therefore be approved subject to conditions of consent. The applicant's request for credit for any applicable Section 94 contributions is a matter for Council to assess having regard to the way in which negotiations occurred during the dedication of land for the art gallery. However, the proposed building conversion, to accommodate a new rural workers dwelling, has not been lodged on the basis of existing use rights, and for planning purposes has been lodged independently of all previously lodged applications. Therefore, in accordance with the provisions of Council's relevant S94 Contribution Plans, the applicable fees have been adopted and incorporated into the recommendation.

Reports from Director Development Services

7. ORIGIN: Strategic Town Planning Unit

FILE REF: Northern Rivers Farmland Protection Project

REPORT TITLE:

Northern Rivers Farmland Protection Project

SUMMARY OF REPORT:

PlanningNSW, through the Lismore Living Centres, has exhibited for public comment the draft Northern Rivers Farmland Protection Project. The Project is intended to support agriculture and agricultural lands in the Northern Rivers by protecting land from the encroachment of urban development.

In accordance with the Council resolution of the meeting of 4 June 2003, a meeting was held with representative local farmers. The meeting raised a number of issues that local farming organisations would express through individual written submissions to PlanningNSW. A major outcome of the meeting was to ask the Minister to extend the submission period for an additional eight (8) weeks.

RECOMMENDATION:

That Council requests a review to the Farmland Protection Project Maps in respect of the farmland protection designations over the following areas:

- i. Land identified in Terranora (Lot 227, DP 755740, Terranora Road, Terranora);
- ii. Pocket of land at Cudgen (Lot 3, DP 828298, Tweed Coast Road, Cudgen);
- iii. Future Byrrell Creek Dam;
- iv. Clarrie Hall Dam;
- v. Cobaki Lakes;
- vi. Tanglewood;
- vii. Lot 2, DP 611021, Chinderah;
- viii. Lot 20, DP 1009550 and Lot 4, DP 876253, Bogangar;
- ix. Land at Seabreeze Estate and Koala Beach Estate;
- x. Melaleuca Station, Lot 703 & Part Lot 704, DP 1000580, Chinderah;
- xi. Tweed Heads West.

Reports from Director Development Services

REPORT:

Council at its Ordinary Meeting of 4 June 2003 resolved as follows: -

“That Council endorses the principle of protection of prime agricultural land, however, does not support the approach proposed by the Northern Rivers Farmland Protection Project on the basis that:

- 1. Council has reservations regarding the accuracy and generalisation of mapping.*
- 2. The project results in a further layer of regulatory constraints which is unnecessary having regard to the provisions of the Tweed LEP 2000 and the NSW Agriculture land classification maps.*
- 3. The project pre-empts the outcomes of the Tweed LEP Rural Lands Review.*
- 4. Write to the Minister of Infrastructure, Planning and Natural Resources and Director-General of that Department seeking extension of the period for public submissions to 4 July 2003 to enable Council to reconsider this issue on 2 July 2003.*
- 5. Convene, at the Mayor’s invitation, a meeting of representative local farmers with Councillors and appropriate staff to enable property consultation before Council determines its position”.*

In accordance with point 5 of the above Resolution a meeting was held with local farmers on Thursday, 19 June 2003. Farmers representing a variety of farming organisations and different localities of the Tweed Shire attended. The meeting provided a forum for farming representatives to express their respective views concerning the Northern Rivers Farmland Protection Project and also provided farmers with knowledge of how to structure formal submissions to the Project to ensure their views are heard and considered. The main elements arising from the meeting included:

1. Support aims of Project to protect existing and potential land currently being used to farm sugar cane (Cane Growers’ Association).
2. Various farmers criticised the process – particularly lack of public consultation and opportunity for farming representatives to have input into the Project.
3. Various farmers advised of their fear that having their land designated as Regionally or State significant farmland would have the effect of devaluing their properties. There are no provisions to compensate farmers for economic loss resulting from proposed Project provisions.
4. Economic viability. Farmers advised of the difficulties experienced with non-viable farming land and questioned the Project’s recommendation to designate these lands as Regional and State significant farmland.
5. Bureaucratic Layers. Questioned the need to introduce an additional bureaucratic planning layer. Considered unnecessary given the planning provisions that are already in place through the EP&A Act, North Coast REP, Council’s LEP and the role played by NSW Agriculture.
6. Questioned Accuracy of the mapping. Farmers questioned the accuracy of the mapping and the process that was undertaken to justify these maps and the corresponding designation. Land designated as Regionally significant land at Tyalgum, Pumpenbil and Brays Creek was questioned given the area was classified as Class 4 land in the

Reports from Director Development Services

1998 Agricultural Land Classification Maps for the Shire. The State significant land identified around parts of Cudgen/Duranbah was also questioned given the topographic/slope and erodibility conditions of some parts of the area.

7. Planning Controls. Various farmers raised concern over the proposal to not provide for any new dwelling entitlements and no more rural workers dwellings. Concern was also expressed at the inflexibility of the planning controls being proposed. Planning provisions should also encourage tourist development and other value adding development to support farming enterprises.
8. Questioned what impact the Project would have on Council projects such as the Rural Settlement Review currently being prepared.

The meeting realised a number of outcomes including:

- Emphasis on need for individual farming organisations to formally lodge written submissions to the Living Centres Program based in Lismore, PlanningNSW and the Minister.
- Written submissions should have technical detail to help support their respective positions. Qualitative technical data should be provided in addition to other issues being expressed in the written submissions. This may require farming organisations to employ professional technical consultants to provide advice on issues such as soil qualities of land, economic viability, climate and land characteristics to support their submissions.
- Farming industries (Cudgen/Duranbah and Tyalgum) to arrange further individual meetings inviting Lismore Living Centres representative, NSW Agriculture and soils experts to attend. Council officers have provided respective representatives with contact details of these organisational and individual experts.

The main outcome arising from the meeting was the resolution to request PlanningNSW (Lismore Living Centres) and the Minister to extend the public exhibition and submission period to enable farmers and farming industries to respond to the proposal being put forward by the Farmland Protection Project. It was requested to ask the Lismore Living Centres and the Minister for an extension of time of eight (8) weeks, and to put them on notice that respective farming representatives are going to lodge formal submissions and that technical advice is being sought to support their submissions.

OTHER COMMENTS

In the report to Council on 4 June 2003, the Director of Development Services recommended that Council writes to PlanningNSW requesting the Farmland Protection Project Map be reviewed in respect of proposed farmland protection designations of the following areas:

1. Land identified in Terranora (Lot 227, DP 755740, Terranora Road, Terranora);
2. Pocket of land at Cudgen (Lot 3, DP 828298, Tweed Coast Road, Cudgen);
3. Future Byrill Creek Dam;
4. Clarrie Hall Dam;
5. Cobaki Lakes;
6. Tanglewood;

Reports from Director Development Services

7. Lot 2, DP 611021, Chinderah;
8. Lot 20, DP 1009550 and Lot 4, DP 876253, Bogangar;
9. Land at Seabreeze Estate and Koala Beach Estate;
10. Melaleuca Station, Lot 703 & Part Lot 704, DP 1000580, Chinderah;
11. Tweed Heads West.

This position still remains, and it is considered that it should form the first part of Council's formal written submissions to the Project. A copy of the report and resultant resolution of 4 June 2003 Council meeting are Annexure 1. A Map of the subject land(s) forms an attachment to this Business Paper and is marked Annexure 2.

Reports from Director Development Services

8. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/DCP/51 Pt1; Development Control Plan

REPORT TITLE:

Advertisement of Draft Development Control Plan No 51 Version 1.0 - Tweed Coast Strategy

SUMMARY OF REPORT:

Council, at its meeting of the 2 April 2003, resolved to prepare and exhibit a draft Development Control Plan by amending the Tweed Coast Strategy 2002. The consequent draft Development Control Plan is Annexure 1. It is proposed that the Draft Development Control Plan No 51 Version 1.0 - Tweed Coast Strategy be exhibited for a period of 28 days as required by Clause 18(2) of the Environmental Planning & Assessment Regulations 2000.

Given the high level significance of the issues and policies, the draft Development Control Plan is recommended to Council for endorsement to place on public exhibition rather than the normal practice of direct endorsement by the Director of Development Services.

RECOMMENDATION:

That Draft Development Control Plan No 51 Version 1.0 – Tweed Coast Strategy be advertised for public comment for a period of 28 days.

Reports from Director Development Services

REPORT:

Council, at its meeting of the 2 April 2003, resolved to prepare and exhibit a draft Development Control Plan by amending the Tweed Coast Strategy 2002. The text of Council's resolution was as follows:-

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. *Include an explanation of the green belt policy and an appropriate Policy Statement in Section 7.0 Environmental and Coastal Issues.*
 - b. *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.*
 - c. *Set out the requirements for beach access, integrated with the principles for the location of public parking areas.*
 - d. *Include relevant coastal regional facilities as set out in Council's adopted Open Space Strategy.*
 - e. *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".*
 - f. *The planning for the Chinderah Road – Turnock Street link include traffic controls to manage Crescent Street.*
 - g. *Include a site for emergency services on the Kingscliff STW site (assuming the treatment works are relocated).*
 - h. *The location and need for potential upgrading of the Kingscliff Amenities Hall be reviewed.*
 - i. *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

The consequent draft Development Control Plan is Annexure 1. It is proposed that the Draft Development Control Plan No 51 Version 1.0 - Tweed Coast Strategy be exhibited for a period of 28 days as required by Clause 18(2) of the Environmental Planning & Assessment Regulations 2000.

Given the high level significance of the issues and policies, the draft Development Control Plan is recommended to Council for endorsement to place on public exhibition rather than the normal practice of direct endorsement by the Director of Development Services.

Reports from Director Development Services

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9. ORIGIN: Strategic Town Planning Unit

FILE REF: Crime Prevention

REPORT TITLE:

Crime Prevention Plan

SUMMARY OF REPORT:

This report seeks endorsement for nominations to an Advisory Committee to oversee preparation of a Crime Prevention Plan for the Shire - excluding Tweed Heads for which a Crime Prevention Plan has been completed.

RECOMMENDATION:

That Council: -

1. Endorses the Terms of Reference for the Crime Prevention Plan Advisory Committee.
2. Endorses the nominations to the Crime Prevention Plan Advisory Committee listed below:
 - Neville Douglas,
 - Graham Eggins,
 - Stewart Crawford,
 - Gordon Levinson,
 - Mike McLoughlin,
 - Yvonne Corrigan,
 - Ken Golding,
 - Jessica Walker,
 - Gary Matthews,
 - Dorothy Sommerville.
3. Delegates to the General Manager to seek and determine further nominations for Membership of the Committee for representation of youth interests, Aboriginal organisations and people with a non-English speaking background.
4. Nominates and endorses Councillor Luff to be a member of the Advisory Committee.

Reports from Director Development Services

REPORT:

Following Council's resolution of 15 May 2002 to prepare a Crime Prevention Plan, attention focused on the Tweed/Coolangatta Community Safety Action Plan. This Plan having been completed in May 2003, a similar plan is now required for the remainder of the Shire.

Nominations were therefore called by notice in Tweed Link on 10 June. The following nominations were received by the closing date, 24 June; they are listed under the categories of representation set out in the notice:

Category:

- **Business & Community Service Organisations**
Neville Douglas (Probus, Lions, Meals on Wheels, Neighbourhood Watch)
- **Church Organisations**
Graham Eggins (Minister of the Baptist Church, Cabarita)
- **Law Enforcement & Juvenile Justice**
Stewart Crawford (Crime Prevention Officer, Tweed/Byron Police)
Gordon Levinson (Volunteer in Policing, Neighbourhood Watch District Coordinator)
- **Education, Health & Community Services**
Mike McLoughlin (President, Police Citizens Youth Club; Boystown Family Care)
Yvonne Corrigan (Northern Rivers Gambling Service)
- **Aboriginal Organisations**
- **Women's & Men's Organisations**
Ken Golding (Men's Shed Project Coordinator, The Family Centre)
- **Young People**
Jessica Walker (Youth Development Officer, The Family Centre)
- **Older People & People with a Disability**
Gary Matthews (Retired Police Officer, previously involved in Blue Light Discos and rape crisis centre; Condong Neighbourhood Watch)
Dorothy Sommerville (University of the Third Age, Tweed Coast; Pottsville Neighbourhood Centre; Family Planning Advisory Committee)
- **People with a Non-English Speaking Background**

All the nominees have expertise and experience relevant to crime prevention, and it is recommended that all of them be accepted.

Reports from Director Development Services

No nominations have been received from Aboriginal Organisations or from People with a Non-English Speaking Background.

It is therefore requested that Council agree to delegate acceptance of any further nominations to the General Manager.

TERMS OF REFERENCE OF THE CRIME PREVENTION PLAN ADVISORY COMMITTEE

The draft Terms of Reference are set out below.

CONCLUSIONS

The nominees provide a broad range of experience and a mixture of community and Government representatives. They will be able to consider and finalise the Brief, and determine an effective approach to planning for crime prevention for the Shire.

Reports from Director Development Services

**COMMUNITIES WORKING TOGETHER
A COMMUNITY DEVELOPMENT PLAN FOR THE TWEED SHIRE
BETTER COMMUNITIES ADVISORY COMMITTEE
TERMS OF REFERENCE**

Committee Terms of Reference:

- To advise the Council concerning the process to be followed in preparing the Crime Prevention Plan, including:
 - consulting the community and engaging appropriate stakeholders,
 - researching literature and analysing crime statistics,
 - identifying local strategies for crime prevention,
 - assessing priorities between crime prevention projects.
- To assist the formation of partnerships and identification of resources for Plan implementation.

Committee Chair:

The Chair of the Committee is the Manager, Strategic Planning.

Committee Coordinator:

The Committee Coordinator is the Social Planner.

Protocols:

- The quorum for a meeting of the Committee is 7 members.
- The Committee must keep minutes of the proceedings of each meeting, and a copy be made available to each member. All members are to be given equal access to information and the opportunity to participate effectively throughout the process.
- A copy of the proceedings must be provided to the Director, Environment & Community Services, the Director, Development Services, and reported to the Council.
- If the position of an appointed member becomes vacant, Tweed Shire Council may appoint another person to fill the vacancy.
- A position on the Committee can be deemed to be vacant if a member is absent from three consecutive meetings for which reasonable notice has not been given to the Chairperson.
- Members on the Committee must act with impartiality and integrity, and respect the public interest; ensure that the work of the Committee is not compromised or affected by any conflict of interest; and maintain confidentiality when confidential material is discussed.
- The Committee may establish Working Groups comprising members of the Committee and individuals outside the Committee to undertake specific tasks identified by the Committee.

Reports from Director Development Services

10. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/S94/15 Pt1; DA02/1921 Pt1; S94 Plan; LN 18799, 41415; Pottsville Neighbourhood Centre

REPORT TITLE:

Pottsville Beach Neighbourhood Centre - Alterations to Additional Building

SUMMARY OF REPORT:

A request has been received from the Pottsville Beach Neighbourhood Centre for additional funding of \$8,473 for further works in relation to the newly acquired Council building at the Pottsville community centre.

The proposed alterations to the new building are consistent with the intentions of the current Plan and therefore it is considered that an amendment to the Plan is not required. It is recommended that Council agree to the use of some of remaining funds under Developer Contribution Plan No. 15 for alterations to the additional building.

RECOMMENDATION:

That Council approves expenditure of \$8,473 from Developer Contribution Plan No. 15 for further works in relation to the Council building at the Pottsville Community Centre.

Reports from Director Development Services

REPORT:

BACKGROUND

Council purchased the old Pottsville School and 0.4ha of land from DLWC in 1999 as the major focus of its community facilities for the south coast area.

On 20 November 2002 Council resolved to use \$17,920 from Contribution Plan No 15 for the purchase of an additional building to house expanded functions of the Pottsville Community Centre. The \$17,920 represented the remainder of the \$50,000 funds approved by Council on 1 March 2000 for the refurbishment of the Pottsville school buildings under CP 15. Council was advised that the addition of the above building was not envisaged in CP 15 but was considered to be consistent with the intentions of the current Plan and therefore an amendment to the Plan was not warranted.

A request for \$8,473 has been received from the Pottsville Beach Neighbourhood Centre for additional funding for works to be undertaken to this building, as follows:

- Modification to existing bathroom and toilet for disability access as quoted from Tweed Bathrooms.
\$748.00
- Construction of fire access to rear of building (as quoted by Kingscliff TAFE Campus pre-apprentice program).
\$4,785.00
- Construction of additional fire access incorporated in the elevated walkway between this building and adjacent disability accessible building as per builder's estimate.
\$2,010.00
- Supply and installation of building security sensors and other electronic equipment to link with existing security (alarm) system as quoted by Tweed Coast Protective Services.
\$300.00
- Supply and installation of fire protection devices as quoted by Quell Fire and Safety.
\$630.00

As with the purchase of the building the above request is not part of the approved work program under CP 15.

FUNDING IMPLICATIONS

Section 94 Contribution Plan No 15 provided a total of \$551,000 for purchase of the former Pottsville School, refurbishment/upgrading of the buildings as a Neighbourhood Centre and work at the Stingrays Club. The S94 Plan envisaged refurbishment of the existing meeting hall, office space for visiting services, toilets etc, but does not specifically envisage the provision of any additional buildings or alterations to these buildings.

The alterations to the house will cost a total of approximately \$8,473. Outstanding commitments under the Plan relate to the final payment for the Pottsville school buildings (to be paid June 2004)

Reports from Director Development Services

and final work at the Stingrays Club. These proposed works are required to bring the building to a standard for use as an accessible and useable community facility.

Including these commitments there are funds available under the Plan to pay for the above request.

CONCLUSION

The use of the funds to provide disabled access and would benefit the incoming community and add to the value of the existing facility. The proposed alterations to the new building are consistent with the intentions of the current Plan and, as the contribution rate does not require amending, it is considered that an amendment to the Plan is not required.

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11. ORIGIN: Development Assessment Unit

FILE REF: PF1431/190 Pt5; LN 18879; Illegal Land Clearing

REPORT TITLE:

Illegal Land Clearing at Lot 156 DP 628026 Creek Street, Hastings Point

SUMMARY OF REPORT:

Council resolved on 6 November 2002 for Council's Solicitors be instructed to commence legal proceedings in the Land and Environment Court against the owner of the property being Walter Elliot Holdings Pty Ltd for clearing within the 7(a) Environmental Protection (Wetlands and Littoral Rainforest) zone without development consent. A without prejudice meeting was held between Council's Solicitors, the Director of Development Services, the landowners and the landowners legal representatives whereby Court Orders were agreed to. Formal Consent Orders were issued by the Court on 13 May 2003. The Orders included that the landowner pay Council's costs in this matter.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Development Services

REPORT:

On 2 September 2002 Council officers inspected Lot 156 DP 628026 Creek Street, Hastings Point in response to information received by Council concerning the slashing of an area of bushland. The inspection revealed an area of rush land within the 7(a) Environmental Protection (Wetlands and Littoral Rainforest Zoned had been slashed.

Under Clause 25 of Tweed Local Environmental Plan 2000 a person must not clear vegetation within the 7(a) Environmental Protection (Wetlands and Littoral Rainforest) Zone without development consent. The landowner claimed the works were carried out to remove groundsel and were exempt development under DCP 40 Exempt and Complying Development. However having regard to the methods employed to carry out the clearing, it was considered that development consent was required under Tweed LEP 2000.

The matter was reported to Council and on 6 November, Council resolved that: -

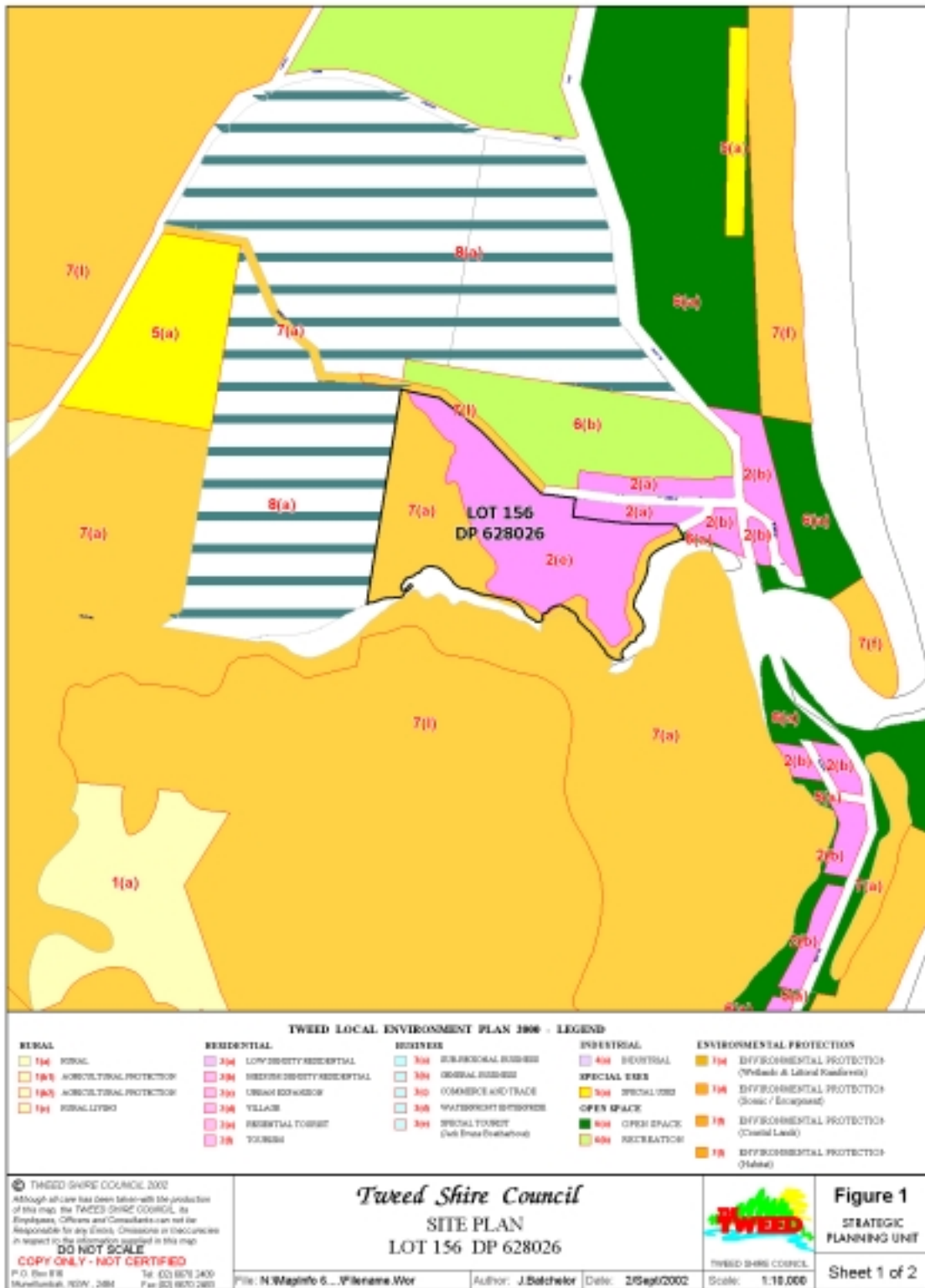
“...Council’s Solicitors be instructed to commence legal proceedings in the Land and Environment Court against the owner of the property being Walter Elliot Holdings Pty Ltd for clearing within the 7(a) Environmental Protection (Wetlands and Littoral Rainforest) Zone without development consent.”

FIGURE 1 – AREA OF SLASHED RUSH LAND



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FIGURE 2 SITE/ ZONING PLAN – LOT 156 DP 628026



Reports from Director Development Services

FIGURE 3 – AREA OF INVESTIGATION (HATCHED)



Reports from Director Development Services

Council's Solicitors filed for Class 4 Proceeding in the Land and Environment Court and the matter was set down for hearing on 28 July 2003. Council engaged Peter Parker Environmental Consultants to inspect the site and provide evidence to the Court. A without prejudice meeting was held between Council's Solicitor, the Director of Development Services, the landowners, and the landowner's Solicitor on 12 May 2003 whereby Court Orders were agreed to in principle.

On 13 May 2003 Consent Orders were issued by the Land and Environment Court (these are set out below). In summary the Court declared that the clearing of the vegetation in the 7(a) Environmental Protection (Wetlands and Littoral Rainforest) Zone required development consent and that the landowner be required to carry out rehabilitation of the site including the erection of a 4 strand wire fence separating the wetland area from the remainder of the property, and noxious weeds to be eradicated by hand weeding and chemical destruction on a twice yearly basis. The Consent Orders also required the landowner to pay Council's Costs.

Written submissions have been received from concerned residents in the Hastings Point area and the local Progress Association as to the progress of these proceedings. The Association will be advised accordingly of the Consent Orders.

Reports from Director Development Services

CONSENT ORDERS

U 6 M

In the Land and Environment Court of New South Wales

No. 41092 of 2002

Tweed Shire Council

Applicant

Walter Elliot Holdings Pty Ltd
ACN 005 277 038

First Respondent

Walter Elliot

Second Respondent

Order

The Court notes, by consent, that:

1. The applicant discontinues the proceedings against the second respondent.

The Court declares, by consent, that:

2. The clearing of vegetation on and owned by the first respondent being Lot 156 in DP 628026 ("the subject land") which is zoned 7A under the Tweed Local Environmental Plan 2000 requires consent pursuant to Part IV of the Environmental Planning and Assessment Act 1979, except insofar as any such activity is exempt development.

The Court orders, by consent, that:

3. The first respondent, its servants, agents and contractors, and each of them, are restrained from carrying out, or causing or permitting to carry out, clearing of vegetation on the subject land in breach of the declaration contained in par 2.
4. The first respondent will carry out rehabilitation of the subject land as follows:-
 - (a) construction of a four-strand plain wire fence with split timber posts, spaced at three metre intervals. The first respondent will maintain the fence so constructed in good order and repair and the fence will be constructed on the line indicated on the map annexed to these orders and marked "A".
 - (b) the first respondent will undertake eradication of noxious weeds within an area referred to in par 2 by hand weeding and chemical destruction twice yearly, once in the months of March and April and once in the months of

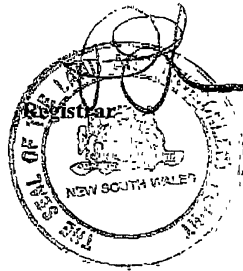
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September and October.

5. The first respondent to pay the applicant's costs of the proceedings as agreed or assessed.

Ordered: 13 May 2003

By the Court



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Reports from Director Corporate Services

12. ORIGIN: Director

FILE REF: DW920898; TEDC; Village Development Strategy

REPORT TITLE:

Rural Village Development Program 2002-2003

SUMMARY OF REPORT:

A quarterly report has been received outlining progress on the Rural Village Development Program from the Community Projects Officer, Ms Cath Donaldson, engaged with the Tweed Economic Development Corporation (TEDC).

Ms Donaldson has also provided a copy of correspondence received from the Tumbulgam Community Association requesting the transfer of funds from the multi-purpose bus shelter and additional monies for three village entry signs and landscaping.

RECOMMENDATION:

That:-

1. This report be received and noted.
2. The allocation of funds to the Tumbulgam multi-purpose bus shelter be reallocated to the village entry signs project.

Reports from Director Corporate Services

REPORT:

Following is the quarterly report from the Community Projects Officer, Ms Cath Donaldson, engaged with the Tweed Economic Development Corporation (TEDC):

“This report is to provide an update on the projects for each of the five (5) villages involved in the Rural Village Development program (RVD) and identify monies yet to be released. There is an understanding that the current 2002-2003 RVD funding monies yet to be claimed will be rolled over into next year’s funding for 2003-2004.

It was recommended at the 6th June meeting that Ian carpenter and the relevant Managers and staff involved in the RVD program meet with Cath Donaldson at the end of July, then every 2 months to further update the program and introduce any new submissions from villages as they become available.

It was agreed that the possible new villages who would be eligible could be, Stokers Siding, Burringbar, Crabbes Creek and Fingal.

It was also recommended that Geoff Hussey (TSC Safety training officer) be involved in coordinating a free training program re occupational health and safety issues. This would involve volunteers in all the communities under the RVD program. It would be most beneficial to implement this over the next few months. The Tweed Training & Enterprise Co’s Volunteering Tweed program could also facilitate such a role, as they currently undertake such training for their own volunteers.

It was recommended at the 6th June meeting that from now all individual projects over \$2000 attract (3) quotes as per Council policy.

TUMBULGUM

The 5 projects include:

- 1. Village entry signs including landscaping*
- 2. Multi- purpose bus shelter*
- 3. A Community Noticeboard*
- 4. Free Community event*
- 5. Historic interpretation Art & signs*

This community have requested that they recommend a change to the Multi purpose bus shelter. They have had a negative response to the siting of a bus shelter in the village and have asked that the allocation of funds for that project be transferred to the Village entry signs project. On the recommendation of Council staff in relation to the siting of the entry signs it was recommended that there be three instead of two. Ian Munro is investigating the cost of these and will liase with Stewart Brawley regarding the remaining amount, which can be allocated to the landscaping. It was recommended and agreed that Council will be responsible for the installation of the signs and landscaping. The Community have agreed on a site. There will be no funding claim for this project.

The remaining projects have not submitted a claim for funding as yet.

Outstanding to claim \$4,000

Reports from Director Corporate Services

MOOBALL

The Mooball community projects includes a Bus shelter/multi purpose shelter and a gateway tourism map and information board

The community have undertaken a Master planning process, which gives them a design and future-planning tool for the village. As the major works involve State Rail land, there has been ongoing communication with the relevant authorities regarding conditions relating to a formal lease arrangement in order for the works to commence.

Until that lease is signed off, no work can start. The community are receiving quotes for a Council recommended 'Landmark' kit, which will be designed and modified to suit their needs and fit the design of the Exaloo toilet. The Council will order this and be ready to install once the lease is in place. The Community will not need to submit a funding claim, as this kit will be purchased through Council.

UKI

The 5 community projects are:

- 1. Buttery as business centre refurbishment*
- 2. Bus shelter*
- 3. Sweetnam Park Garden Interpretation sign*
- 4. Youth Project*
- 5. Community noticeboard*

This community have put in a claim for the Renovations of the Buttery, for the Interpretation sign and the youth project (part).

Total outstanding to claim is \$8,224

TYALGUM

The 5 Community projects are:

- 1. Incorporation fees*
- 2. River and nature Walking tack for disabled*
- 3. Village brochure and web design*
- 4. Upgrade of showgrounds*
- 5. Sound Baffle for hall*

Claims to date have been for Upgrade of showgrounds. The website and the incorporation fees. Totalling \$7,125. The community has been working closely with Council on the survey and feasibility of the walking track. The preliminary work has been complete and Council are ready to survey. The Community is engaging with the Tweed Valley CTC to do the web design. The walking track funding allocation will be a Council internal project and will therefore not require a funding claim.

Outstanding to claim \$1500

Reports from Director Corporate Services

CHILLINGHAM

The Chillingham community has only one project that is the renovations of the Community Centre to house the CTC.

The community have made funding claims to date for the bulk of this project there is only \$1,129.50 remainder. Council Manager Stewart Brawley is overseeing the project.

Outstanding to Claim \$1,129.50”

Following is the correspondence received from the Tumbulgum Community Association requesting the transfer of funds from the multi-purpose bus shelter and additional monies for three village entry signs and landscaping:

TUMBULGUM COMMUNITY ASSOCIATION *“Meeting place of waters”*

President - Ann Carkery Ph 66766041
Secretary – Denise Wilson Ph 66766202

P.O. Box 51
Tumbulgum 2490

19 June 2003

Ref: 14/03

Tweed Shire Council
PO Box 816
Murwillumbah NSW 2484

Attention Ian Carpenter

Dear Ian,

Re: Rural Village Development

We refer to the Tumbulgum Community Association meeting of Tuesday 18 March 2003 where a resolution was moved, seconded and carried that the multi purpose shelter not proceed. However all agreed that it would be unfortunate that the funds would therefore not be granted to “Tumbulgum” for this project.

At this time we are requesting a change in the use of funding allocation and request that additional monies be allocated to the village entry signs (3) and landscaping.

Your favourable consideration in this regard is greatly appreciated.

Yours faithfully,


Ann Carkery
President

For and on behalf of Tumbulgum Community Association

Reports from Director Corporate Services

For Councillors information.

Reports from Director Corporate Services

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Reports from Director Corporate Services

13. ORIGIN: Administration Services Unit

FILE REF: PF0850/110; Leases - Council Property; LN 14460

REPORT TITLE:

Renewal of Lease Lot 7 (Lot 2) DP 251005 Buchanan Street, South Murwillumbah to N M J & W G Stainlay

SUMMARY OF REPORT:

Council currently has a lease over the abovementioned land to N M J & W G Stainlay at a yearly rental of \$500 subject to CPI increases. A request has been received from N M J & W G Stainlay for renewal of this lease.

RECOMMENDATION:

That :-

1. Council grants a lease over area 1.762 hectares to Nicola Mina Jean and William George Stainlay for a period of five (5) years at a yearly rental of \$500.00 subject to CPI increases.
2. Any necessary documentation be completed under the Common Seal of Council.

Reports from Director Corporate Services

REPORT:

Councill currently has granted a lease over Lot 7 (Lot 2) DP 251005 Buchanan Street, South Murwillumbah, area 2.375 hectares N M J & W G Stainlay for a yearly rental of \$500.00 for the purpose of growing sugar cane. Such lease expired on 31 December 2002.

Mr & Mrs Stainlay have been tenants over the land for the past five (5) years which adjoins Council's Murwillumbah Depot.

Council's Engineering Division has advised that they require part of the land currently rented, thus the amount of land being rented to Mr & Mrs Stainlay has been reduced from 2.375 hectares to 1.762 hectares.

Negotiations with Mr & Mrs Stainlay have resulted in the rental remaining the same although the amount of land being re-leased has been reduced.

The current lessees have been exemplary tenants and it is recommended that the lease be renewed on the same terms and conditions as previously negotiated.

Reports from Director Corporate Services

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Reports from Director Corporate Services

14. ORIGIN: Financial & Information Services Unit

FILE REF: Budget; Rates - Levying

REPORT TITLE:

Making the Rate - 2003/2004

SUMMARY OF REPORT:

The basis of this report is the formal Making of the Rate for 2003/2004

RECOMMENDATION:

That :-

1. Council makes the 2003/2004 rates in accordance with the provisions of sections 405, 406, 493, 494, 495, 496, 501, 553 and 508 of the Local Government Act 1993:-

(a) Ordinary Rates (section 494)

(i) Residential Rate

A Residential Rate of .5072 cents in the dollar on the rateable land value of all applicable rateable land in the Tweed Shire Council area classified Residential with a minimum rate of four hundred and eighty two dollars (\$482.00) in respect of any separate parcel of rateable land.

(ii) Farmland Rate

A Farmland Rate of .3658 cents in the dollar on the rateable land value in the Tweed Shire Council area classified Farmland with a minimum rate of four hundred and eighty two dollars (\$482.00) in respect of any separate parcel of rateable land.

(iii) Business Rate

A Business Rate of .5072 cents in the dollar on the rateable land value of all applicable rateable land in the Tweed Shire Council area classified Business with a minimum rate of four hundred and eighty two dollars (\$482.00) in respect of any separate parcel of rateable land.

(b) Annual Charges (Section 495, 553, 501)

(i) Sewerage Annual Charge

A sewerage annual charge on the rateable land value of all applicable rateable land in the Tweed Shire Council area with an annual charge of four hundred and thirty dollars (\$430.00) in respect of any separate parcel of rateable land.

Reports from Director Corporate Services

(ii) Water Annual Charge

Residential assessments – a service charge of \$106.00

Business assessments – a service charge based on meter size being \$106.00 times the Meter Size Multiplier consumption factors as detailed in Table 1.

A volumetric charge of \$0.62 per kilolitre for all consumption.

Vacant assessments rated to water – a service charge of \$106.00.

Properties will be levied the water service charge in accordance with the Local Government Act including the description of what land may be subject to the water service charge.

| Consumption Scale | | Consumption Factors | | | | | | | | | | |
|-------------------|--------|---------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| kl | kl | Meter size (mm) | | | | | | | | | | |
| from | to | 20 | 25 | 32 | 40 | 50 | 80 | 100 | 150 | 200 | 250 | 300 |
| 0 | 290 | 1.000 | 0.640 | 0.391 | 0.250 | 0.160 | 0.063 | 0.040 | 0.018 | 0.010 | 0.006 | 0.004 |
| 291 | 454 | 1.000 | 1.000 | 0.610 | 0.391 | 0.250 | 0.980 | 0.063 | 0.028 | 0.016 | 0.010 | 0.007 |
| 455 | 743 | 1.000 | 1.000 | 1.000 | 0.640 | 0.410 | 0.160 | 0.102 | 0.046 | 0.026 | 0.016 | 0.011 |
| 744 | 1,160 | 1.000 | 1.000 | 1.000 | 1.000 | 0.640 | 0.250 | 0.160 | 0.071 | 0.040 | 0.026 | 0.018 |
| 1,161 | 1,814 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 0.391 | 0.250 | 0.111 | 0.063 | 0.040 | 0.028 |
| 1,815 | 4,640 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 0.640 | 0.284 | 0.160 | 0.102 | 0.071 |
| 4,641 | 7,250 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 0.444 | 0.250 | 0.160 | 0.111 |
| 7,251 | 16,314 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 0.563 | 0.360 | 0.250 |
| 16,315 | 29,000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 0.640 | 0.444 |
| 29,001 | 45,314 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 0.694 |
| Over 45,314 | | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 |

Meter Size Charge

| | |
|-------|-------------|
| 20mm | \$106.00 |
| 25mm | \$165.63 |
| 32mm | \$271.36 |
| 40mm | \$424.00 |
| 50mm | \$662.50 |
| 80mm | \$1,696.00 |
| 100mm | \$2,650.00 |
| 150mm | \$5,962.50 |
| 200mm | \$10,600.00 |
| 250mm | \$16,562.50 |
| 300mm | \$23,850.00 |

(iii) Tumbulghum Sewerage Annual Charge

A Tumbulghum Sewerage Annual Charge for all rateable land which will be serviced by the Tumbulghum Sewerage Scheme of the Tweed. A sewerage annual charge of two hundred and fifty dollars (\$250.00) in respect of any separate parcel of rateable land within the Tumbulghum area. The following is a description applicable land:-

- LOT 47 SEC 3 DP 1223
- LOT 46 SEC 3 DP 1223

Reports from Director Corporate Services

LOTS 44-45 SEC 3 DP 1223
LOT 37 SEC 3 DP 1223
LOT 36 SEC 3 DP 1223
LOTS 34-35 SEC 3 DP 1223
LOT 31 SEC 3 DP 1223
LOT 30 SEC 3 DP 1223
LOT 34 SEC 2 DP 1223
LOTS 32-33 SEC 2 DP 1223
LOTS 29-30 SEC 2 DP 1223
LOT 28 SEC 2 DP 1223
LOT 37 SEC 1 DP 1223
LOT 1 DP 357241
LOT 2 DP 357241
LOT 41 SEC 1 DP 1223
LOT 42 SEC 1 DP 1223
LOTS 43-44 SEC 1 DP 1223
LOT 50 SEC 1 DP 1223
LOT 51 SEC 1 DP 1223
LOT 52 SEC 1 DP 1223
LOT 53 SEC 1 DP 1223
LOT 54 SEC 1 DP 1223
LOT 55 SEC 1 DP 1223
LOTS 56-57 SEC 1 DP 1223
LOTS 58-59 SEC 1 DP 1223
LOT 60 SEC 1 DP 1223
LOT 2 DP 626425
LOT 10 SEC 6 DP 1223
LOTS 5-6 SEC 6 DP 1223
LOTS 11-12 SEC 5 DP 1223
LOT 2 DP 739552
LOT 5 SEC 4 DP 1223
LOT 6 SEC 4 DP 1223
LOT 7 SEC 4 DP 1223
LOT 50 DP 1911
LOT 49 DP 1911
LOT 21 SEC 2 DP 1223
LOT 22 SEC 2 DP 1223
LOT 23 SEC 2 DP 1223
LOT 67 SEC 6 DP 1223
LOT 68 SEC 6 DP 1223
LOT 3 SEC 6 DP 1223 16.08 X 32.18
LOT 2 SEC 6 DP 1223 16.08 X 32.18
COR LOT 1 SEC 6 DP 1223 17.09 X 32.18
COR LOT 36 SEC 1 DP 1223 22.35 X 32.18
LOT 35 SEC 1 DP 1223

Reports from Director Corporate Services

LOT 34 SEC 1 DP 1223 14.07/21.11X32.97/32.18
LOT 33 SEC 1 DP 1223 10.0L X 40.84/39.42
COR LOT 1 SEC 4 DP 1223
LOT 2 SEC 4 DP 1223
LOT 9 SEC 4 DP 1223 18.49 X 35.38
LOT 5 SEC 7 DP 1223
LOTS 3/4 SEC 7 DP 1223
COR LOT 1 SEC 7 DP 1223
LOTS 6-7 SEC 7 DP 1223
LOT 30 DP 240589 A0061.0084
LOTS 55/56 SEC 6 DP 1223
LOT 63 & 30-31 SEC 1 DP 1223
LOTS 28/29 SEC 1 DP 1223
LOT 27 SEC 1 DP 1223
LOT 26 SEC 1 DP 1223 10.06X55.32/54.71
LOTS 24/25 SEC 1 DP1223 20.12X55.32/56.72
LOTS 20/21 SEC 1 DP 1223 20.12X58.04/58.72
LOT 14 SEC 1 DP 1223
LOT 2 DP 799347
LOT 3 DP 799347
LOT 201 DP 865762
LOT 18 SEC 2 DP 1223 & LOT 1 DP 624442
LOT 15 SEC 2 DP 1223 10.06X52.1/52.5
LOTS 9/10 SEC 2 DP 1223 20.12X54.31/55.32
LOT 8 SEC 2 DP 1223
LOTS 6 & 7 DP 1223 SEC 2
LOT 2 DP 563652
LOT 1 DP 584974
LOT 2 DP 584974
LOT 5 SEC 3 DP 1223 10.06X50.29
LOT 6 SEC 3 DP 1223 18.29/8.23X50.29
LOTS 7/8 SEC 3 DP 1223
LOTS 9/10 SEC 3 DP 1223
LOT 11 SEC 3 DP 1223
LOT 12 SEC 3 DP 1223 LOT 48 DP 1911
LOTS 18/20 SEC 3 DP 1223 30.18X50.29
LOT 21 SEC 3 DP 1223 10.06X50.29
LOTS 22/23 SEC 3 DP 1223 20.12X50.29
LOT 24 SEC 3 DP 1223 10.06X50.29
LOTS 25-27 SEC 3 DP 1223
LOT 45 SEC 1 DP 1223
LOT 46 SEC 1 DP 1223
LOT 47 SEC 1 DP 1223
LOT 1 DP 626425
LOT 1 DP 574621

Reports from Director Corporate Services

LOT 16 SEC 2 DP 1223
LOT 35 SEC 2 DP 1223
LOT 25 SEC 2 DP 1223
LOT 24 SEC 2 DP 1223
LOT 17 SEC 2 DP 1223
LOT 1 DP 739552
LOT 4 SEC 6 DP 1223
LOT 53 SEC 3 DP 1911
LOT 52 SEC 3 DP 1911
LOT 54 DP 1911
LOT 55 DP 1911
LOTS 64/66 SEC 6 DP 1223
LOT 59 SEC 6 DP 1223
LOT 9 SEC 6 DP 1223
LOT 7-8 SEC 6 DP 1223
LOT 41 DP 812273
LOT 40 DP 812273
LOT 48 SEC 1 DP 1223
LOT 49 SEC 1 DP 1223
LOT 62 SEC 6 DP 1223
LOTS 26-27 SEC 2 DP 1223
LOT 15 SEC 1 DP 1223
LOT 63 SEC 6 DP 12233
LOTS 9-13 SEC 1 DP 1223
LOT 4 SEC 4 DP 1223
LOT 61 SEC 1 DP 1223
LOT 31 SEC 6 DP 1223
LOT 1 DP 839857
LOT 2 DP 839857
LOT 8 SEC 4 DP 1223
LOTS 29-30 SEC 6 DP 1223
LOT 19 SEC 1 DP 1223
LOT 16 SEC 1 DP 1223
LOT 57 SEC 6 DP 1223
LOT 58 SEC 6 DP 1223
LOT 29 SEC 3 DP 1223
LOT 28 SEC 3 DP 1223
LOT 105 107 DP 1011315
LOTS 60 & 61 SEC 6 DP 1223
LOT 17 DP SEC 1 DP 1223
LOT 18 SEC 1 DP 1223
LOT 4 SEC 1 DP 1223
LOTS 5 & 6 SEC 1 DP 1223
LOT 50 DP 1034037
LOT 51 DP 1034037

Reports from Director Corporate Services

LOTS 15-16 SEC 5 DP 1223
LOTS 17-18 SEC 5 DP 1223

(iv) Uki Sewerage Annual Charge

A Uki Sewerage Annual Charge for all rateable land which will be serviced by the Uki Sewerage Scheme of the Tweed. A sewerage annual charge of three hundred dollars (\$300.00) in respect of any separate parcel of rateable land within the Uki area. The following is a description of the applicable land –

LOT 2 DP 535919
LOT 1 DP 535919
LOTS 153 170 DP 755730
LOT 171 DP755730
LOT 152 DP755730
LOT 173 DP755730
LOT 150 DP 719951
LOT 1 DP 774800
LOT 2 DP 973705
LOT B DP970550 18.29X40.23
LOT A DP971647 18.29X40.23
PH NULLUM LOT 4 SEC 1 DP10909
LOT 11 D.P. 618030
LOT 10 D.P.618030 18.83/19.165 X 37/39.045
LOT 7 SEC 1 DP 10909
PSH NULLUM LOT 8 SEC 1 DP 10909 38.4 FTGE
LOT B DP 369388
LOT A DP 369388
LOT 2 DP 549954
LOT 31 D.P. 624684
LOTS 1-2 DP 8107
LOT 3 DP 8107
LOTS 4/5 DP 8107 90/27.64X28.5/31.85
LOTS 7/8 DP 8107 33.83/34.08X33.68/38.22
LOT 233 DP 721129
LOT 1 DP400980 3.66/18.75X52.86/71.27 IRR
LOT 2 DP400980 21.62/17.86X29.79/32.99
LOT 1 DP 661876
LOT A & PT LOT B DP385579 18.47/9.37X57.12/56.49
PT LOT 183 DP 755730
LOT 1 SEC 3 DP 11045
LOT 2/3 SEC 3 DP 11045
LOT 6 SEC 3 DP 11045
LOT 12 DP 618030
LOT B DP 103527 & LOT 235 DP 727458
LOT A DP 103527

Reports from Director Corporate Services

LOT 122 DP755730

LOT 1 DP 103459

LOT 1 DP547960

LOT 1 DP 936275

LOT 127 DP755730 33.22X60.91/58.52

LOT 128 DP755730

LOT 1 DP 571326

LOT 2 DP 571326

LOT 147 DP755730

LOT 146 DP755730

LOT 163 DP 755730

LOT 148 DP755730

LOT 149 DP 755730

LOT 164 DP755730

LOT 160 DP755730

LOT 159 DP 755730

LOT 2 DP 611868 36.26/27.43X22.665/28.93

LOT 1 DP 611868

LOT A DP 399999

LOT B DP 399999 32.92/30X30.51/28.93

LOT 1 DP 609206

LOT 3 DP 700324 25.43/42.62 X 24.11/44.875IRR

LOT 4 DP 700324

LOT 23 DP 263408

LOT 22 DP 263408

LOT 211 DP 263408

LOT 1 DP 255027

LOT 1 DP 625486

LOT 4 DP 255027

LOT 5 DP 255027

LOT 6 DP 255027

LOT 7 DP 255027

LOT 31 DP 632890

LOT 2 DP 263408

LOT 5 DP 263408

LOT 7 DP 263408 67.8/IRR 116.5 X 53.02/67.10

LOT 4 DP 263408

LOT 161 DP 755730

LOT 20 DP 263408

LOT 25 DP 263408

LOT 18 DP 263408

LOT 232 DP 721129

LOT 2 DP 731343

LOT 1 DP 731343

Reports from Director Corporate Services

PARISH NULLUM LOT 9 DP 778348
LOT 10 DP 263408 50X90
LOT 9 DP 263408
LOT 240 DP 729473
LOT 3 DP 792359
LOT 2 DP 792359
LOT 30 DP 632890
LOT 15 DP 263408
LOT 14 DP 263408
LOT 13 DP 263408
LOT 12 DP 263408
LOT 3 DP 814658 SUBJECT TO DRAINAGE EASEMENT
LOT 1 DP 822828 LOT 1 DP 263408
LOT 166 DP 755730
LOT 12 DP 829544
PSH NULLUM LOT 167 DP 755730
PSH NULLUM LOT 165 DP 755730
LOT 1 DP 709540 & LOT 241 DP 729473
LOT 1 DP 870671
LOT 2 DP 870671
LOT 3 DP 871831
LOT 1 DP 861822
LOT 154 DP 755730
LOT 1 DP 876643
LOT 2 DP 876643
PSH NULLUM LOT 155 DP 755730
LOT 4 SEC 3 DP 11045
LOT 5 SEC 3 DP 11045
LOT 1 DP 1002893
LOT 2 DP 1002893 -
LOTS 1-6 DP 7188 LOTS 2-3 SEC 2 DP 10909 &
LOT 9 DP 825218 LOTS 11-12 DP 838447
LOT 10 DP 825218 SUBJ TO DRAINAGE E'MENT
LOTS 1-2 DP 817081

(v) **Bilambil Road Sewerage Annual Charge**

A Bilambil Road Sewerage Annual Charge for all rateable land which will be serviced by the Bilambil Road Sewerage Scheme of the Tweed. A sewerage annual charge of three hundred dollars (\$300.00) in respect of any separate parcel of rateable land within the Bilambil area. The following is a description of the applicable land –

LOT 856 DP 32094
LOT 857 DP 32094
LOT 858 DP 32094
LOT 859 DP 32094
LOT 860 DP 32094

Reports from Director Corporate Services

LOT 861 DP 32094
LOT 862 DP 32094
LOT 864 DP 32094
LOT 865 DP 32094
LOT 866 DP 32094
LOT 867 DP 32094

(vi) Tweed Heads Streetscaping Special Rate

A Tweed Streetscaping Special Rate of .1313 cents in the dollar on the rateable land value of applicable land in the Tweed Shire Council area. The following is a description of the applicable land –

LOT 7 DP 167898
LOT 1 DP 1052992
LOT A DP 398092
LOT 2 DP 525905
LOTS 2-6 DP 224382
LOT 3 DP 110355
LOT 1 DP 306057
LOT A DP 313926
LOT 1 SP 5287
LOT 2 SP 5287
LOT 3 SP 5287
LOT 4 SP 5287
LOT 5 SP 5287
LOT 6 SP 5287
LOT 2 DP 229412
LOT 5 DP 549037
LOT 6 DP 549037
LOT 1 SP 10552
LOT 2 SP 10552
LOT 3 SP 10552
LOT 4 SP 10552
LOT 1 DP 534136
LOT 2 DP 101111
LOTS 3-4 DP 420750
LOTS 1-2 DP 420749
COR LOTS 32/35 DP 237678 SPL COR 73.15 X 50.8
LOT 64 DP 237806 16.99X29.26/36.58 SPL COR
LOT 2 DP 549328 14.5/12.14X36.58/36.65
LOT 1 DP 549328 14.33IRR/12.12IRRX36.65/36.58
LOT 61 DP 237806 12.19X36.58
LOT 60 DP 237806 12.19X36.58
LOTS 58/59 DP 237806 24.38X36.58
LOT 57 DP 237806 12.19X36.58
LOT 56 DP 237806 12.19X36.58
LOT 55 DP 237806 12.19X36.58

Reports from Director Corporate Services

LOT 54 DP 237806
LOT 53 DP 237806 12.19X36.58
LOT 52 DP 237806
LOT 1 SP 14263
LOT 2 SP 14263
LOT 3 SP 14263
LOT 4 SP 14263
LOT 5 SP 14263
LOT 1 DP 525413
LOT 1 DP 553728 24.38X37.80
LOT 1 DP 777183 SUBJ TO E'MENTS
LOT 9 DP 964880 LOT 1 DP 303503
LOT A DP 332137 49.911 X 50.292
LOT B DP 332137 LOT 1 DP 962785 LOT 1 DP 962784 LOT 2 SEC
1 DP 758279
LOT 100 DP 775892
LOT 3 DP 329933
LOT 1 DP 17554
LOT 2 DP 17554
LOT 3 DP 17554 5.64/5.72 X 25.15/25.32
LOT 4 DP 17554
LOT 5 DP 17554 4.52/4.47X26.42/26.95
LOT 6 DP 17554
LOT 7 DP 17554 29'9/30'XIRR90'10/93'9
COR LOTS 2 & 3 DP 519757 30.26.92IRR X 43.41/50.
LOT 1 DP 222704 14.99/15.09 X 42.98/43.31
LOT 1 DP 609342
LOTS A & B DP 373378
LOTS 1 & 2 SEC 4 DP 4570 33.35/33.2 X 40.34/39
LOT 30 SEC 4 DP 4043 LOT 1 DP 329246 LOT 2
LOT 6 SEC 4 DP 4570 LOT A DP 341926 &
LOT 10 SEC 4 DP 4570 15.16/15.09 X 33.51/35.08
LOT 11 SEC 4 DP 4570 15.16/15.09 X 35.08/34.62
LOTS 15 SEC 4 DP 4570 LOT 16 SEC 4 DP 4043
LOT 1 SP 14262
LOT 2 SP 14262
LOT 3 SP 14262
LOT 4 SP 14262
LOT 5 SP 14262
LOT 6 SP 14262
LOT 7 SP 14262
LOT 8 SP 14262
LOT 9 SP 14262
LOT 10 SP 14262
LOT 1 SP 32143

Reports from Director Corporate Services

LOT 2 SP 32143
LOT 3 SP 32143
LOT 4 SP 32143
LOT 1 SEC 5 DP 759009 & LOT 23 DP 776673
LOT 672 DP 755740 LOT 3 DP 520173 LOT 1 DP 245697 LOTS 2-3
DP 561138 LOT 1 DP 820693
LOT 19 SEC 4 DP 4043 LOTS 12/14 SEC 4 DP 4570
LOT 1 DP 866236
LOT 1 DP 1007168 EMENT(S)
LOT 2 DP 1007168
LOT 4 DP 1007168
LOT 1 SP 57664
LOT 2 SP 57664
LOT 3 SP 57664
LOT 4 SP 57664
LOT 5 SP 57664
LOT 6 SP 57664
LOT 7 SP 57664
LOT 8 SP 57664
LOT 9 SP 57664
LOT 10 SP 57664
LOT 11 SP 57664
LOT 12 SP 57664
LOT 13 SP 57664
LOT 14 SP 57664
LOT 15 SP 57664
LOT 16 SP 57664
LOT 17 SP 57664
LOT 18 SP 57664
LOT 100 DP 1021860

(vii) Koala Beach Special Rate

A Koala Beach Special Rate of .0810 cents in the dollar on the rateable land value of applicable land in the Tweed Shire Council area. The following is a description of the applicable land:-

LOT 953 DP 864092
LOT 1 DP 86409
LOT 2 DP 864093
LOT 3 DP 864093
LOT 4 DP 864093
LOT 5 DP 864093
LOT 6 DP 864093
LOT 7 DP 864093 EASEMENT(S) SUBJ TO ROC
LOT 8 DP 864093 SUBJ TO DE & SUBJ TO ROC
LOT 9 DP 864093
LOT 10 DP 864093

Reports from Director Corporate Services

LOT 11 DP 864093
LOT 12 DP 864093 SUBJ TO SEWER E'MENT
LOT 13 DP 864093 SUBJ TO DE
LOT 16 DP 864093
LOT 17 DP 864093

LOT 18 DP 864093
LOT 19 DP 864093
LOT 20 DP 864093
LOT 21 DP 864093
LOT 30 DP 864094
LOT 31 DP 864094
LOT 32 DP 864094
LOT 33 DP 864094
LOT 34 DP 864094
LOT 35 DP 864094
LOT 36 DP 864094
LOT 37 DP 864094
LOT 38 DP 864094
LOT 39 DP 864094
LOT 40 DP 864094
LOT 41 DP 864094
LOT 42 DP 864094
LOT 43 DP 864094

LOT 44 DP 864094
LOT 45 DP 864094
LOT 46 DP 864094 SUBJ TO SEWER E'MENT
LOT 47 DP 864094 SUBJ TO DE
LOT 48 DP 864094
LOT 49 DP 864094 SUBJ TO DE
LOT 50 DP 864094 SUBJ TO DE
LOT 51 DP 864094
LOT 52 DP 864094
LOT 53 DP 864094
LOT 54 DP 864094
LOT 55 DP 864094
LOT 56 DP 864094
LOT 57 DP 864094
LOT 58 DP 864094
LOT 59 DP 864094
LOT 60 DP 864094

LOT 61 DP 864094
LOT 62 DP 864094

Reports from Director Corporate Services

LOT 63 DP 864094
LOT 64 DP 864094
LOT 65 DP 864094
LOT 66 DP 864094
LOT 67 DP 864094
LOT 68 DP 864094
LOT 69 DP 864094
LOT 70 DP 864094
LOT 71 DP 864094
LOT 72 DP 864094
LOT 73 DP 864094
LOT 74 DP 864094
LOT 75 DP 864094
LOT 76 DP 864094
LOT 77 DP 864094
LOT 78 DP 864094
LOT 79 DP 864094
LOT 80 DP 864094
LOT 81 DP 864094
LOT 82 DP 864094
LOT 83 DP 864094
LOT 84 DP 864094
LOT 85 DP 864094
LOT 86 DP 864094
LOT 87 DP 864094
LOT 88 DP 864094
LOT 89 DP 864094
LOT 90 DP 864094
LOT 91 DP 864094
LOT 92 DP 864095
LOT 93 DP 864095
LOT 94 DP 864095
LOT 95 DP 864095
LOT 96 DP 864095
LOT 97 DP 864095
LOT 98 DP 864095
LOT 99 DP 864095
LOT 100 DP 864095
LOT 101 DP 864095
LOT 14 DP 870694 SUBJ TO DRAINAGE E'MENT &
LOT 15 DP 870694
LOT 22 DP 870695
LOT 23 DP 870695
LOT 24 DP 870695
LOT 25 DP 870695

Reports from Director Corporate Services

LOT 26 DP 870695
LOT 27 DP 870695
LOT 28 DP 870695
LOT 29 DP 870695
LOT 213 DP 1033384
LOT 214 DP 1033384
LOT 215 DP 1033384
LOT 216 DP 1033384
LOT 217 DP 1033384
LOT 218 DP 1033384
LOT 219 DP 1033384
LOT 220 DP 1033384
LOT 221 DP 1033384
LOT 222 DP 1033384
LOT 223 DP 1033384
LOT 224 DP 1033384
LOT 225 DP 1033384
LOT 226 DP 1033384
LOT 227 DP 1033384
LOT 228 DP 1033384
LOT 229 DP 1033384
LOT 230 DP 1033384
LOT 231 DP 1033384
LOT 232 DP 1033384
LOT 233 DP 1033384
LOT 234 DP 1033384
LOT 235 DP 1033384
LOT 236 DP 1033384
LOT 237 DP 1033384
LOT 238 DP 1033384
LOT 239 DP 1033384
LOT 240 DP 1033384
LOT 241 DP 1033384
LOT 242 DP 1033384
LOT 243 DP 1033384
LOT 244 DP 1033384
LOT 245 DP 1033384
LOT 246 DP 1033384
LOT 247 DP 1033384
LOT 248 DP 1033384
LOT 249 DP 1033384
LOT 250 DP 1033384
LOT 251 DP 1033384
LOT 252 DP 1033384
LOT 253 DP 1033384

Reports from Director Corporate Services

LOT 254 DP 1033384
LOT 255 DP 1033384
LOT 256 DP 1033384
LOT 257 DP 1033384
LOT 258 DP 1033384
LOT 259 DP 1033384
LOT 260 DP 1033384
LOT 261 DP 1033384
LOT 262 DP 1033384
LOT 263 DP 1033384
LOT 264 DP 1033384
LOT 265 DP 1033384
LOT 200 DP 1033384
LOT 201 DP 1033384
LOT 202 DP 1033384
LOT 203 DP 1033384
LOT 204 DP 1033384
LOT 205 DP 1033384
LOT 206 DP 1033384
LOT 207 DP 1033384
LOT 208 DP 1033384
LOT 209 DP 1033384
LOT 210 DP 1033384
LOT 211 DP 1033384
LOT 212 DP 1033384
LOT 451 DP 1040725
LOT 452 DP 1040725
LOT 453 DP 1040725
LOT 454 DP 1040725
LOT 455 DP 1040725
LOT 456 DP 1040725
LOT 457 DP 1040725
LOT 458 DP 1040725
LOT 459 DP 1040725
LOT 460 DP 1040725
LOT 461 DP 1040725
LOT 463 DP 1040725

(viii) Burringbar-Mooball Sewerage – Annual Charge

A Burringbar-Mooball Sewerage Annual Charge for all rateable land which will be serviced by the Burringbar/Mooball Sewerage Scheme of the Tweed. An annual sewerage charge of three hundred and fifty dollars (\$350.00) in respect of any separate parcel of rateable land within the Mooball/Burringbar area. The following is a description of the applicable land:-

LOT 1 DP 388082

Reports from Director Corporate Services

LOT 1 DP 121460 LOT B DP 974349

BURRINGBAR SCHOOL & RESIDENCE

PT LOT 1 SEC 1 DP 3090

LOT 6 DP 5114

LOT 5 DP 5114

LOTS 13-14 DP 5114 LOT 1 DP 126083 LOT 1 DP 348185

LOT 3 SEC 1 DP 3090

LOT 2 DP 360551

LOT 1 DP 805475

LOT 3 DP 574439

LOT 1 DP 503384

LOT 7 SEC 1 DP 3090

LOT 8 SEC 1 DP 3090

LOT 10-10A SEC 1 DP 6696

LOT 1 DP 771720

LOT 1A SEC 2 DP 6696

LOTS 2-2A SEC 2 DP 6696

LOTS 3-3A SEC 2 DP 6696

LOTS 4-4A SEC 2 DP 6696

LOT 5 SEC 2 DP 6696

LOT 1 DP 835350

LOT 2 DP 835350

LOT 12 DP 571794

LOT 11 DP 571794 LOT 9 SEC 2 DP 3090

CHURCH

LOT 10 SEC 2 DP 3090

LOT 2 DP 828287

LOT 1 DP 119104 LOT B DP 974349

LOTS 4/5 DP 379207

LOT 3 DP 377857 20.12 X 50.29

LOT 2 DP 377857 20.12 X 50.29

LOT 1 DP 377857

LOT B DP 380818 16.76 X 50.29

LOT A DP 380818 32.59/6.83 X CRK/50.29

LOT 20 DP 261790 21.54/20.115 X 56.525/48.825

LOT 19 DP 261790 19.915/18.6 X 48.825/41.705

LOT 18 DP 261790 19.01/18.6 X 39.5/41.705

LOT 17 DP 261790 18.6 X 39.5

LOT 16 DP 261790 18.6 X 39.5

LOT 15 DP 261790 9.913/29.66 X 39.5/41.84

LOT 14 DP 261790 14.205.35.75 X 41.84/51.81

Reports from Director Corporate Services

LOT 13 DP 261790 12.285/44.12 X 51.81/38.38
LOT 25 DP 871153
LOT 10 DP 261790

LOT 9 DP 261790
LOT 8 DP 261790 23.14 X 73.56
LOT 7 DP 261790
LOT 6 DP 261790
LOT 1 DP 812763
LOT 7 DP 617837
LOT 6 DP 617837
LOT 5 DP 261790 21.63/20 X 39.875/39.775
LOT 4 DP 261790
LOT 3 DP 261790 20 X 39.515/39.693
LOT 2 DP 261790 21.68/30.035 X 40.02/39.515
LOT 4 SEC 2 DP 2853
LOT 16 DP 712033
LOT 9 SEC 3 DP 2853
LOT 1 DP 107628

PMS 03320 BARRINGBAR
LOT 1 DP 780313
LOT D DP 366531

LOT 7 DP 383174
LOT 10 SEC 1 DP 2853
LOT 3 DP 124444
LOT 1 DP 872622
LOT 2 DP 872622
LOT 2 DP 124444
LOT 6 DP 381443
LOT 1 DP 379905
LOT 1 DP 972819
LOT 3 DP 607681
LOT 4 DP 607681 18.665/17.14 X 43.76/50.795
LOT 2 DP 228425
LOT 12 DP 866170
LOT 11 DP 866170

LOT 17 SEC 1 DP 2853
LOT 16 SEC 1 DP 2853
LOT 15 SEC 1 DP 2853
LOT 14 SEC 1 DP 2853
LOT 11 SEC 1 DP 2853
LOT 14 DP 716554

Reports from Director Corporate Services

LOT 9 SEC 1 DP 2853
LOT 1 DP 124444
LOT 2 DP 124445 1
LOT 1 DP 124445
LOTS 1/3 DP 124446
LOT 1 DP 379525 40.23IRR/40.18X40.23
LOT 1 DP 383810
LOT A DP 403665 20.12X50.29
LOT B DP 408782
LOTS 8/9 DP 383174 16.76 X 40.94
LOT 1 DP 378287
LOT 1 DP 398418 LOT 1 DP 227947 &
LOT 1 DP 231691
LOT 2 DP 231691
LOT 15 DP 631001
LOT 1 DP 124646
LOT 1 DP 1026551 SRA LEASE 209214
LOT 1 DP 384342
LOT 3 DP 828280
LOT 8 SEC 3 DP 2853 20.12 X 50.29
LOT 27 DP 597517
LOTS 24/26 DP 597517
LOT 15 DP 716554
LOT 1 SEC 3 DP 2853
LOT 2 DP 812763
LOT 5 DP 877090 25.055/CREEK X 70.980/93.190
LOT 1 DP 124443 LOT 4 DP 877090
LOTS 12/13 DP 5726 40.23X50.29
LOTS 10/11 DP 5726
LOTS 8/9 DP 5726 40.23X50.29
LOTS 6/7 DP 5726
LOT 14 DP 631001
LOT 3 DP 5726
LOT 2 DP 5726 17.17/37.19X50.29/54.1
LOT C DP 366351
LOT A DP 420797 & LOT F DP 370478
PH MOOBALL LOT 3 DP 26048
LOT 1 DP 231846 SUBJ TO R O W
PH MOOBALL LOTS 1/2 DP 26048
LOT 2 DP 534493
LOT A DP 354678
LOT B DP 365259 24.38X 41.76/42.14 ABT
LOT 1 DP 369445 23.11X41.58/41.76
LOT 1 DP 129581
LOTS A/B DP 403876 LOT 2 DP 316482 LOT3 DP659959

Reports from Director Corporate Services

LOTS D/E DP 370478 VOL 6312 FOL 76 & VOL 6263
LOT C DP 370478
LOT 4 SEC 2 DP 17414
LOT 3 DP 329318 22.10X40.23
LOT 1 DP 329318 LOT 1 DP 393596 LOT 1 DP 123205
LOTS 1/2 DP 316479
LOT 3 SEC 1 DP 17414 ABT 30.48/21.11X40.23/39.07
LOT 4 SEC 1 DP 17414
LOT 5 SEC 1 DP 17414

LOT 6 SEC 1 DP 17414 25.7X39.14
LOT 7 SEC 1 DP 17414
LOT 8 SEC 1 DP 17414 25.3/26.47X39.07
LOT 9 SEC 1 DP 17414 25.88X39.07
LOT 10 SEC 1 DP 17414 24.71/27.15X39.07
LOT B DP 363236 VOL 6486 FOL 70
LOT A DP 363236 VOL 5985 FOL 159
LOT 1 DP 332658
LOTS A/D DP 6624
LOT E DP 6624
LOT 1 DP 571077
LOT 3 DP 542839
LOT 1 DP 517616 IRR24.54/24.38X28.96/30.4
LOT 1 DP 705526
LOT 5 DP 563017
LOT 2 DP 705526
LOT 1 DP 701606 22.56/20.81 X 103.6/93.55
LOT 2 DP 701606 28.2/20.8 X 93.55/81.09
LOT 1 DP 801130
LOTS J & K DP 6624
LOT I DP 6624
LOT 3 DP 621019
LOT 2 SEC 3 DP 3090

LOT 3 SEC 3 DP 3090
LOT 4 SEC 3 DP 3090 20.12 X 50.2

LOT 5 SEC 3 DP 3090
LOTS 6/7 SEC 3 DP 3090
LOT 1 DP 134112 & LOT 1 DP 444022
LOT 2 DP 603957 20.75 X 50.29
LOT 1 DP 603957 19.5 X 50.29
COR LOT 21 DP 5726 28.55 X 50.29
COR LOT 1 SEC 4 DP 3090 20.12 X 50.29
LOT 2 SEC 4 DP 3090 20.12 X 50.29

Reports from Director Corporate Services

LOT 3 SEC 4 DP 3090 20.12 X 50.29
LOT 4 SEC 4 DP 3090 20.12 X 50.29
LOT 5 SEC 4 DP 3090
LOT 6 SEC 4 DP 3090
LOT 7 SEC 4 DP 3090

LOTS 14/15 DP 5726

(ix) Dobbys Crescent Sewerage Annual Charge

A Dobbys Crescent Sewerage Annual Charge for all rateable land which will be serviced by the Dobbys Crescent Sewerage Scheme of the Tweed. An annual sewerage charge of four hundred and fifty dollars (\$450.00) in respect of any separate parcel of rateable land within the Dobbys Crescent area. The following is a description of the applicable land:-

LOT 1 SEC 2 DP 30148 & LOT 1 DP 781539
LOT 1 SEC 1 DP 30148
LOT 2 SEC 2 DP 30148 35.05X40.23
LOT 2 SEC 1 DP 30148 IRR24.51/IRR26.7X
LOT 3 SEC 2 DP 30148 21.34X40.23
LOT 3 SEC 1 DP 30148
LOT 4 SEC 2 DOBBYS CRES DP 30148 21.34 X 40.23
LOT 4 SEC 1 DP 30148
LOT 5 SEC 2 DP 30148
LOT 1 DP 781535 IRR 24.65/25.05 X 45.8/49.1
LOT 6 SEC 2 DP 30148
LOT 2 DP 781535
LOT 7 SEC 2 DP 30148
LOT 7 SEC 1 DP 30148 24.38.53.06/52.45
LOT 8 SEC 2 DP 30148

LOT 28 DP 212092
LOT 9 SEC 2 DP 30148 21.34X55.4
LOT 32 DP 1013881
LOT 10 SEC 2 DP 30148
LOT 31 DP 1013881
LOT 11 DP 212092
LOT 25 DP 212092
LOT 12 DP 212092 VOL 9332
LOT 24 DP 212092 16.46/25.3X45.26/40.23
LOT 13 DP 212092 20.4/18.29 X 49.78/52.5
LOT 14 DP 212092 19ARC /22.45 IRR X 37.97/49.78
LOT 15 DP 212092 13.87/27.43 X 37.97/38.15
LOT 16 DP 212092
LOT 17 DP 212092
LOT 18 DP 212092 19.58/31.34 X 25.35/49.66

Reports from Director Corporate Services

LOT 19 DP 212092

LOT 23 DP 212092 21.35/18.30 X 38.89/39.99

LOT 22 DP 212092 21.35/18.30 X 37.97/38.89

LOT 21 DP 212092

LOT 20 DP 212092

2. In accordance with section 566(3) of the Local Government Act 1993 that the maximum rate of interest payable on overdue rates and charges be 9%.

Reports from Director Corporate Services

REPORT:

Council adopted the 2003/2006 Management Plan at its meeting of 18 June 2003. The Plan outlined Council's proposed rate structure including a General Fund notional rate increase of 3.6%. Council is now required to make the rate for 2003/2004 rating year.

1. Council adopts the following 2003/2004 Rating Statement:-

In accordance with the provisions of sections 405, 406, 493, 494, 495, 496, 501, 553 and 508 of the Local Government Act 1993, the following rates and charges be made for the year ended 30 June 2003-

(a) Ordinary Rates (section 494)

(i) Residential Rate

A Residential Rate of .5072 cents in the dollar on the rateable land value of all applicable rateable land in the Tweed Shire Council area classified Residential with a minimum rate of four hundred and eighty two dollars (\$482.00) in respect of any separate parcel of rateable land.

(ii) Farmland Rate

A Farmland Rate of .3658 cents in the dollar on the rateable land value in the Tweed Shire Council area classified Farmland with a minimum rate of four hundred and eighty two dollars (\$482.00) in respect of any separate parcel of rateable land.

(iii) Business Rate

A Business Rate of .5072 cents in the dollar on the rateable land value of all applicable rateable land in the Tweed Shire Council area classified Business with a minimum rate of four hundred and eighty two dollars (\$482.00) in respect of any separate parcel of rateable land.

(b) Annual Charges (Section 495, 553, 501)

(i) Sewerage Annual Charge

A sewerage annual charge on the rateable land value of all applicable rateable land in the Tweed Shire Council area with an annual charge of four hundred and thirty dollars (\$430.00) in respect of any separate parcel of rateable land.

(ii) Water Annual Charge

Residential assessments – a service charge of \$106.00

Business assessments – a service charge based on meter size being \$106.00 times the Meter Size Multiplier consumption factors as detailed in Table 1.

A volumetric charge of \$0.62 per kilolitre for all consumption.

Vacant assessments rated to water – a service charge of \$106.00.

Reports from Director Corporate Services

Properties will be levied the water service charge in accordance with the Local Government Act including the description of what land may be subject to the water service charge.

| Consumption Scale | | Consumption Factors | | | | | | | | | | |
|-------------------|----------|---------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| kl from | kl to | Meter size (mm) | | | | | | | | | | |
| | | 20 | 25 | 32 | 40 | 50 | 80 | 100 | 150 | 200 | 250 | 300 |
| 0 | 290 | 1.000 | 0.640 | 0.391 | 0.250 | 0.160 | 0.063 | 0.040 | 0.018 | 0.010 | 0.006 | 0.004 |
| 291 | 454 | 1.000 | 1.000 | 0.610 | 0.391 | 0.250 | 0.980 | 0.063 | 0.028 | 0.016 | 0.010 | 0.007 |
| 455 | 743 | 1.000 | 1.000 | 1.000 | 0.640 | 0.410 | 0.160 | 0.102 | 0.046 | 0.026 | 0.016 | 0.011 |
| 744 | 1,160 | 1.000 | 1.000 | 1.000 | 1.000 | 0.640 | 0.250 | 0.160 | 0.071 | 0.040 | 0.026 | 0.018 |
| 1,161 | 1,814 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 0.391 | 0.250 | 0.111 | 0.063 | 0.040 | 0.028 |
| 1,815 | 4,640 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 0.640 | 0.284 | 0.160 | 0.102 | 0.071 |
| 4,641 | 7,250 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 0.444 | 0.250 | 0.160 | 0.111 |
| 7,251 | 16,314 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 0.563 | 0.360 | 0.250 |
| 16,315 | 29,000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 0.640 | 0.444 |
| 29,001 | 45,314 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 0.694 |
| Over 45,314 | | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 |

Meter Size Charge

| | |
|-------|-------------|
| 20mm | \$106.00 |
| 25mm | \$165.63 |
| 32mm | \$271.36 |
| 40mm | \$424.00 |
| 50mm | \$662.50 |
| 80mm | \$1,696.00 |
| 100mm | \$2,650.00 |
| 150mm | \$5,962.50 |
| 200mm | \$10,600.00 |
| 250mm | \$16,562.50 |
| 300mm | \$23,850.00 |

(iii) Tumbulgum Sewerage Annual Charge

A Tumbulgum Sewerage Annual Charge for all rateable land which will be serviced by the Tumbulgum Sewerage Scheme of the Tweed. A sewerage annual charge of two hundred and fifty dollars (\$250.00) in respect of any separate parcel of rateable land within the Tumbulgum area. The following is a description applicable land:-

LOT 47 SEC 3 DP 1223
 LOT 46 SEC 3 DP 1223
 LOTS 44-45 SEC 3 DP 1223
 LOT 37 SEC 3 DP 1223
 LOT 36 SEC 3 DP 1223

Reports from Director Corporate Services

LOTS 34-35 SEC 3 DP 1223
LOT 31 SEC 3 DP 1223
LOT 30 SEC 3 DP 1223
LOT 34 SEC 2 DP 1223
LOTS 32-33 SEC 2 DP 1223
LOTS 29-30 SEC 2 DP 1223
LOT 28 SEC 2 DP 1223
LOT 37 SEC 1 DP 1223
LOT 1 DP 357241
LOT 2 DP 357241
LOT 41 SEC 1 DP 1223
LOT 42 SEC 1 DP 1223
LOTS 43-44 SEC 1 DP 1223
LOT 50 SEC 1 DP 1223
LOT 51 SEC 1 DP 1223
LOT 52 SEC 1 DP 1223
LOT 53 SEC 1 DP 1223
LOT 54 SEC 1 DP 1223
LOT 55 SEC 1 DP 1223
LOTS 56-57 SEC 1 DP 1223
LOTS 58-59 SEC 1 DP 1223
LOT 60 SEC 1 DP 1223
LOT 2 DP 626425
LOT 10 SEC 6 DP 1223
LOTS 5-6 SEC 6 DP 1223
LOTS 11-12 SEC 5 DP 1223
LOT 2 DP 739552
LOT 5 SEC 4 DP 1223
LOT 6 SEC 4 DP 1223
LOT 7 SEC 4 DP 1223
LOT 50 DP 1911
LOT 49 DP 1911
LOT 21 SEC 2 DP 1223
LOT 22 SEC 2 DP 1223
LOT 23 SEC 2 DP 1223
LOT 67 SEC 6 DP 1223
LOT 68 SEC 6 DP 1223
LOT 3 SEC 6 DP 1223 16.08 X 32.18
LOT 2 SEC 6 DP 1223 16.08 X 32.18
COR LOT 1 SEC 6 DP 1223 17.09 X 32.18
COR LOT 36 SEC 1 DP 1223 22.35 X 32.18
LOT 35 SEC 1 DP 1223
LOT 34 SEC 1 DP 1223 14.07/21.11X32.97/32.18
LOT 33 SEC 1 DP 1223 10.0L X 40.84/39.42
COR LOT 1 SEC 4 DP 1223

Reports from Director Corporate Services

LOT 2 SEC 4 DP 1223
LOT 9 SEC 4 DP 1223 18.49 X 35.38
LOT 5 SEC 7 DP 1223
LOTS 3/4 SEC 7 DP 1223
COR LOT 1 SEC 7 DP 1223
LOTS 6-7 SEC 7 DP 1223
LOT 30 DP 240589 A0061.0084
LOTS 55/56 SEC 6 DP 1223
LOT 63 & 30-31 SEC 1 DP 1223
LOTS 28/29 SEC 1 DP 1223
LOT 27 SEC 1 DP 1223
LOT 26 SEC 1 DP 1223 10.06X55.32/54.71
LOTS 24/25 SEC 1 DP1223 20.12X55.32/56.72
LOTS 20/21 SEC 1 DP 1223 20.12X58.04/58.72
LOT 14 SEC 1 DP 1223
LOT 2 DP 799347
LOT 3 DP 799347
LOT 201 DP 865762
LOT 18 SEC 2 DP 1223 & LOT 1 DP 624442
LOT 15 SEC 2 DP 1223 10.06X52.1/52.5
LOTS 9/10 SEC 2 DP 1223 20.12X54.31/55.32
LOT 8 SEC 2 DP 1223
LOTS 6 & 7 DP 1223 SEC 2
LOT 2 DP 563652
LOT 1 DP 584974
LOT 2 DP 584974
LOT 5 SEC 3 DP 1223 10.06X50.29
LOT 6 SEC 3 DP 1223 18.29/8.23X50.29
LOTS 7/8 SEC 3 DP 1223
LOTS 9/10 SEC 3 DP 1223
LOT 11 SEC 3 DP 1223
LOT 12 SEC 3 DP 1223 LOT 48 DP 1911
LOTS 18/20 SEC 3 DP 1223 30.18X50.29
LOT 21 SEC 3 DP 1223 10.06X50.29
LOTS 22/23 SEC 3 DP 1223 20.12X50.29
LOT 24 SEC 3 DP 1223 10.06X50.29
LOTS 25-27 SEC 3 DP 1223
LOT 45 SEC 1 DP 1223
LOT 46 SEC 1 DP 1223
LOT 47 SEC 1 DP 1223
LOT 1 DP 626425
LOT 1 DP 574621
LOT 16 SEC 2 DP 1223
LOT 35 SEC 2 DP 1223
LOT 25 SEC 2 DP 1223

Reports from Director Corporate Services

LOT 24 SEC 2 DP 1223
LOT 17 SEC 2 DP 1223
LOT 1 DP 739552
LOT 4 SEC 6 DP 1223
LOT 53 SEC 3 DP 1911
LOT 52 SEC 3 DP 1911
LOT 54 DP 1911
LOT 55 DP 1911
LOTS 64/66 SEC 6 DP 1223
LOT 59 SEC 6 DP 1223
LOT 9 SEC 6 DP 1223
LOT 7-8 SEC 6 DP 1223
LOT 41 DP 812273
LOT 40 DP 812273
LOT 48 SEC 1 DP 1223
LOT 49 SEC 1 DP 1223
LOT 62 SEC 6 DP 1223
LOTS 26-27 SEC 2 DP 1223
LOT 15 SEC 1 DP 1223
LOT 63 SEC 6 DP 12233
LOTS 9-13 SEC 1 DP 1223
LOT 4 SEC 4 DP 1223
LOT 61 SEC 1 DP 1223
LOT 31 SEC 6 DP 1223
LOT 1 DP 839857
LOT 2 DP 839857
LOT 8 SEC 4 DP 1223
LOTS 29-30 SEC 6 DP 1223
LOT 19 SEC 1 DP 1223
LOT 16 SEC 1 DP 1223
LOT 57 SEC 6 DP 1223
LOT 58 SEC 6 DP 1223
LOT 29 SEC 3 DP 1223
LOT 28 SEC 3 DP 1223
LOT 105 107 DP 1011315
LOTS 60 & 61 SEC 6 DP 1223
LOT 17 DP SEC 1 DP 1223
LOT 18 SEC 1 DP 1223
LOT 4 SEC 1 DP 1223
LOTS 5 & 6 SEC 1 DP 1223
LOT 50 DP 1034037
LOT 51 DP 1034037
LOTS 15-16 SEC 5 DP 1223
LOTS 17-18 SEC 5 DP 1223

(iv) Uki Sewerage Annual Charge

Reports from Director Corporate Services

A Uki Sewerage Annual Charge for all rateable land which will be serviced by the Uki Sewerage Scheme of the Tweed. A sewerage annual charge of three hundred dollars (\$300.00) in respect of any separate parcel of rateable land within the Uki area. The following is a description of the applicable land –

LOT 2 DP 535919
LOT 1 DP 535919
LOTS 153 170 DP 755730
LOT 171 DP755730
LOT 152 DP755730
LOT 173 DP755730
LOT 150 DP 719951
LOT 1 DP 774800
LOT 2 DP 973705
LOT B DP970550 18.29X40.23
LOT A DP971647 18.29X40.23
PH NULLUM LOT 4 SEC 1 DP10909
LOT 11 D.P. 618030
LOT 10 D.P.618030 18.83/19.165 X 37/39.045
LOT 7 SEC 1 DP 10909
PSH NULLUM LOT 8 SEC 1 DP 10909 38.4 FTGE
LOT B DP 369388
LOT A DP 369388
LOT 2 DP 549954
LOT 31 D.P. 624684
LOTS 1-2 DP 8107
LOT 3 DP 8107
LOTS 4/5 DP 8107 90/27.64X28.5/31.85
LOTS 7/8 DP 8107 33.83/34.08X33.68/38.22
LOT 233 DP 721129
LOT 1 DP400980 3.66/18.75X52.86/71.27 IRR
LOT 2 DP400980 21.62/17.86X29.79/32.99
LOT 1 DP 661876
LOT A & PT LOT B DP385579 18.47/9.37X57.12/56.49
PT LOT 183 DP 755730
LOT 1 SEC 3 DP 11045
LOT 2/3 SEC 3 DP 11045
LOT 6 SEC 3 DP 11045
LOT 12 DP 618030
LOT B DP 103527 & LOT 235 DP 727458
LOT A DP 103527
LOT 122 DP755730

LOT 1 DP 103459
LOT 1 DP547960
LOT 1 DP 936275

Reports from Director Corporate Services

LOT 127 DP755730 33.22X60.91/58.52
LOT 128 DP755730
LOT 1 DP 571326
LOT 2 DP 571326
LOT 147 DP755730
LOT 146 DP755730
LOT 163 DP 755730
LOT 148 DP755730
LOT 149 DP 755730
LOT 164 DP755730
LOT 160 DP755730
LOT 159 DP 755730
LOT 2 DP 611868 36.26/27.43X22.665/28.93
LOT 1 DP 611868
LOT A DP 399999
LOT B DP 399999 32.92/30X30.51/28.93
LOT 1 DP 609206
LOT 3 DP 700324 25.43/42.62 X 24.11/44.875IRR
LOT 4 DP 700324
LOT 23 DP 263408
LOT 22 DP 263408
LOT 211 DP 263408
LOT 1 DP 255027
LOT 1 DP 625486
LOT 4 DP 255027
LOT 5 DP 255027
LOT 6 DP 255027
LOT 7 DP 255027
LOT 31 DP 632890
LOT 2 DP 263408
LOT 5 DP 263408
LOT 7 DP 263408 67.8/IRR 116.5 X 53.02/67.10
LOT 4 DP 263408
LOT 161 DP 755730
LOT 20 DP 263408
LOT 25 DP 263408
LOT 18 DP 263408
LOT 232 DP 721129
LOT 2 DP 731343
LOT 1 DP 731343
PARISH NULLUM LOT 9 DP 778348
LOT 10 DP 263408 50X90
LOT 9 DP 263408
LOT 240 DP 729473
LOT 3 DP 792359

Reports from Director Corporate Services

LOT 2 DP 792359
LOT 30 DP 632890
LOT 15 DP 263408
LOT 14 DP 263408
LOT 13 DP 263408
LOT 12 DP 263408
LOT 3 DP 814658 SUBJECT TO DRAINAGE EASEMENT
LOT 1 DP 822828 LOT 1 DP 263408
LOT 166 DP 755730
LOT 12 DP 829544
PSH NULLUM LOT 167 DP 755730
PSH NULLUM LOT 165 DP 755730
LOT 1 DP 709540 & LOT 241 DP 729473
LOT 1 DP 870671
LOT 2 DP 870671
LOT 3 DP 871831
LOT 1 DP 861822
LOT 154 DP 755730
LOT 1 DP 876643
LOT 2 DP 876643
PSH NULLUM LOT 155 DP 755730
LOT 4 SEC 3 DP 11045
LOT 5 SEC 3 DP 11045
LOT 1 DP 1002893
LOT 2 DP 1002893 -
LOTS 1-6 DP 7188 LOTS 2-3 SEC 2 DP 10909 &
LOT 9 DP 825218 LOTS 11-12 DP 838447
LOT 10 DP 825218 SUBJ TO DRAINAGE E'MENT
LOTS 1-2 DP 817081

(v) Bilambil Road Sewerage Annual Charge

A Bilambil Road Sewerage Annual Charge for all rateable land which will be serviced by the Bilambil Road Sewerage Scheme of the Tweed. A sewerage annual charge of three hundred dollars (\$300.00) in respect of any separate parcel of rateable land within the Bilambil area. The following is a description of the applicable land –

LOT 856 DP 32094
LOT 857 DP 32094
LOT 858 DP 32094
LOT 859 DP 32094
LOT 860 DP 32094
LOT 861 DP 32094
LOT 862 DP 32094
LOT 864 DP 32094
LOT 865 DP 32094

Reports from Director Corporate Services

LOT 866 DP 32094
LOT 867 DP 32094

(vi) Tweed Heads Streetscaping Special Rate

A Tweed Streetscaping Special Rate of .1313 cents in the dollar on the rateable land value of applicable land in the Tweed Shire Council area. The following is a description of the applicable land –

LOT 7 DP 167898
Lot 1 DP 1052992

LOT A DP 398092
LOT 2 DP 525905
LOTS 2-6 DP 224382
LOT 3 DP 110355
LOT 1 DP 306057
LOT A DP 313926
LOT 1 SP 5287
LOT 2 SP 5287
LOT 3 SP 5287
LOT 4 SP 5287
LOT 5 SP 5287
LOT 6 SP 5287
LOT 2 DP 229412
LOT 5 DP 549037
LOT 6 DP 549037
LOT 1 SP 10552
LOT 2 SP 10552
LOT 3 SP 10552
LOT 4 SP 10552
LOT 1 DP 534136
LOT 2 DP 101111
LOTS 3-4 DP 420750
LOTS 1-2 DP 420749
COR LOTS 32/35 DP 237678 SPL COR 73.15 X 50.8
LOT 64 DP 237806 16.99X29.26/36.58 SPL COR
LOT 2 DP 549328 14.5/12.14X36.58/36.65
LOT 1 DP 549328 14.33IRR/12.12IRRX36.65/36.58
LOT 61 DP 237806 12.19X36.58
LOT 60 DP 237806 12.19X36.58
LOTS 58/59 DP 237806 24.38X36.58
LOT 57 DP 237806 12.19X36.58
LOT 56 DP 237806 12.19X36.58
LOT 55 DP 237806 12.19X36.58
LOT 54 DP 237806
LOT 53 DP 237806 12.19X36.58

Reports from Director Corporate Services

LOT 52 DP 237806
LOT 1 SP 14263
LOT 2 SP 14263
LOT 3 SP 14263
LOT 4 SP 14263
LOT 5 SP 14263
LOT 1 DP 525413
LOT 1 DP 553728 24.38X37.80
LOT 1 DP 777183 SUBJ TO E'MENTS
LOT 9 DP 964880 LOT 1 DP 303503
LOT A DP 332137 49.911 X 50.292
LOT B DP 332137 LOT 1 DP 962785 LOT 1 DP 962784 LOT 2 SEC 1 DP
758279
LOT 100 DP 775892
LOT 3 DP 329933
LOT 1 DP 17554
LOT 2 DP 17554
LOT 3 DP 17554 5.64/5.72 X 25.15/25.32
LOT 4 DP 17554
LOT 5 DP 17554 4.52/4.47X26.42/26.95
LOT 6 DP 17554
LOT 7 DP 17554 29'9/30'XIRR90'10/93'9
COR LOTS 2 & 3 DP 519757 30.26.92IRR X 43.41/50.
LOT 1 DP 222704 14.99/15.09 X 42.98/43.31
LOT 1 DP 609342
LOTS A & B DP 373378
LOTS 1 & 2 SEC 4 DP 4570 33.35/33.2 X 40.34/39
LOT 30 SEC 4 DP 4043 LOT 1 DP 329246 LOT 2
LOT 6 SEC 4 DP 4570 LOT A DP 341926 &
LOT 10 SEC 4 DP 4570 15.16/15.09 X 33.51/35.08
LOT 11 SEC 4 DP 4570 15.16/15.09 X 35.08/34.62
LOTS 15 SEC 4 DP 4570 LOT 16 SEC 4 DP 4043
LOT 1 SP 14262
LOT 2 SP 14262
LOT 3 SP 14262
LOT 4 SP 14262
LOT 5 SP 14262
LOT 6 SP 14262
LOT 7 SP 14262
LOT 8 SP 14262
LOT 9 SP 14262
LOT 10 SP 14262
LOT 1 SP 32143
LOT 2 SP 32143
LOT 3 SP 32143

Reports from Director Corporate Services

LOT 4 SP 32143
LOT 1 SEC 5 DP 759009 & LOT 23 DP 776673
LOT 672 DP 755740 LOT 3 DP 520173 LOT 1 DP 245697 LOTS 2-3 DP
561138 LOT 1 DP 820693
LOT 19 SEC 4 DP 4043 LOTS 12/14 SEC 4 DP 4570
LOT 1 DP 866236
LOT 1 DP 1007168 E'MENT(S)
LOT 2 DP 1007168
LOT 4 DP 1007168
LOT 1 SP 57664
LOT 2 SP 57664
LOT 3 SP 57664
LOT 4 SP 57664
LOT 5 SP 57664
LOT 6 SP 57664
LOT 7 SP 57664
LOT 8 SP 57664
LOT 9 SP 57664
LOT 10 SP 57664
LOT 11 SP 57664
LOT 12 SP 57664
LOT 13 SP 57664
LOT 14 SP 57664
LOT 15 SP 57664
LOT 16 SP 57664
LOT 17 SP 57664
LOT 18 SP 57664
LOT 100 DP 1021860

(vii) Koala Beach Special Rate

A Koala Beach Special Rate of .0810 cents in the dollar on the rateable land value of applicable land in the Tweed Shire Council area. The following is a description of the applicable land:-

LOT 953 DP 864092
LOT 1 DP 86409
LOT 2 DP 864093
LOT 3 DP 864093
LOT 4 DP 864093
LOT 5 DP 864093
LOT 6 DP 864093
LOT 7 DP 864093 EASEMENT(S) SUBJ TO ROC
LOT 8 DP 864093 SUBJ TO DE & SUBJ TO ROC
LOT 9 DP 864093
LOT 10 DP 864093
LOT 11 DP 864093

Reports from Director Corporate Services

LOT 12 DP 864093 SUBJ TO SEWER E'MENT
LOT 13 DP 864093 SUBJ TO DE
LOT 16 DP 864093
LOT 17 DP 864093

LOT 18 DP 864093
LOT 19 DP 864093
LOT 20 DP 864093
LOT 21 DP 864093
LOT 30 DP 864094
LOT 31 DP 864094
LOT 32 DP 864094
LOT 33 DP 864094
LOT 34 DP 864094
LOT 35 DP 864094
LOT 36 DP 864094
LOT 37 DP 864094
LOT 38 DP 864094
LOT 39 DP 864094
LOT 40 DP 864094
LOT 41 DP 864094
LOT 42 DP 864094
LOT 43 DP 864094

LOT 44 DP 864094
LOT 45 DP 864094
LOT 46 DP 864094 SUBJ TO SEWER E'MENT
LOT 47 DP 864094 SUBJ TO DE
LOT 48 DP 864094
LOT 49 DP 864094 SUBJ TO DE
LOT 50 DP 864094 SUBJ TO DE
LOT 51 DP 864094
LOT 52 DP 864094
LOT 53 DP 864094
LOT 54 DP 864094
LOT 55 DP 864094
LOT 56 DP 864094
LOT 57 DP 864094
LOT 58 DP 864094
LOT 59 DP 864094
LOT 60 DP 864094

LOT 61 DP 864094
LOT 62 DP 864094
LOT 63 DP 864094

Reports from Director Corporate Services

LOT 64 DP 864094
LOT 65 DP 864094
LOT 66 DP 864094
LOT 67 DP 864094
LOT 68 DP 864094
LOT 69 DP 864094
LOT 70 DP 864094
LOT 71 DP 864094
LOT 72 DP 864094
LOT 73 DP 864094
LOT 74 DP 864094
LOT 75 DP 864094
LOT 76 DP 864094
LOT 77 DP 864094
LOT 78 DP 864094
LOT 79 DP 864094
LOT 80 DP 864094
LOT 81 DP 864094
LOT 82 DP 864094
LOT 83 DP 864094
LOT 84 DP 864094
LOT 85 DP 864094
LOT 86 DP 864094
LOT 87 DP 864094
LOT 88 DP 864094
LOT 89 DP 864094
LOT 90 DP 864094
LOT 91 DP 864094
LOT 92 DP 864095
LOT 93 DP 864095
LOT 94 DP 864095
LOT 95 DP 864095
LOT 96 DP 864095
LOT 97 DP 864095
LOT 98 DP 864095
LOT 99 DP 864095
LOT 100 DP 864095
LOT 101 DP 864095
LOT 14 DP 870694 SUBJ TO DRAINAGE E'MENT &
LOT 15 DP 870694
LOT 22 DP 870695
LOT 23 DP 870695
LOT 24 DP 870695
LOT 25 DP 870695
LOT 26 DP 870695

Reports from Director Corporate Services

LOT 27 DP 870695
LOT 28 DP 870695
LOT 29 DP 870695
LOT 213 DP 1033384
LOT 214 DP 1033384
LOT 215 DP 1033384
LOT 216 DP 1033384
LOT 217 DP 1033384
LOT 218 DP 1033384
LOT 219 DP 1033384
LOT 220 DP 1033384
LOT 221 DP 1033384
LOT 222 DP 1033384
LOT 223 DP 1033384
LOT 224 DP 1033384
LOT 225 DP 1033384
LOT 226 DP 1033384
LOT 227 DP 1033384
LOT 228 DP 1033384
LOT 229 DP 1033384
LOT 230 DP 1033384
LOT 231 DP 1033384
LOT 232 DP 1033384
LOT 233 DP 1033384
LOT 234 DP 1033384
LOT 235 DP 1033384
LOT 236 DP 1033384
LOT 237 DP 1033384
LOT 238 DP 1033384
LOT 239 DP 1033384
LOT 240 DP 1033384
LOT 241 DP 1033384
LOT 242 DP 1033384
LOT 243 DP 1033384
LOT 244 DP 1033384
LOT 245 DP 1033384
LOT 246 DP 1033384
LOT 247 DP 1033384
LOT 248 DP 1033384
LOT 249 DP 1033384
LOT 250 DP 1033384
LOT 251 DP 1033384
LOT 252 DP 1033384
LOT 253 DP 1033384
LOT 254 DP 1033384

Reports from Director Corporate Services

LOT 255 DP 1033384
LOT 256 DP 1033384
LOT 257 DP 1033384
LOT 258 DP 1033384
LOT 259 DP 1033384
LOT 260 DP 1033384
LOT 261 DP 1033384
LOT 262 DP 1033384
LOT 263 DP 1033384
LOT 264 DP 1033384
LOT 265 DP 1033384
LOT 200 DP 1033384
LOT 201 DP 1033384
LOT 202 DP 1033384
LOT 203 DP 1033384
LOT 204 DP 1033384
LOT 205 DP 1033384
LOT 206 DP 1033384
LOT 207 DP 1033384
LOT 208 DP 1033384
LOT 209 DP 1033384
LOT 210 DP 1033384
LOT 211 DP 1033384
LOT 212 DP 1033384
LOT 451 DP 1040725
LOT 452 DP 1040725
LOT 453 DP 1040725
LOT 454 DP 1040725
LOT 455 DP 1040725
LOT 456 DP 1040725
LOT 457 DP 1040725
LOT 458 DP 1040725
LOT 459 DP 1040725
LOT 460 DP 1040725
LOT 461 DP 1040725
LOT 463 DP 1040725

(viii) Burringbar-Mooball Sewerage – Annual Charge

A Burringbar-Mooball Sewerage Annual Charge for all rateable land which will be serviced by the Burringbar/Mooball Sewerage Scheme of the Tweed. An annual sewerage charge of three hundred and fifty dollars (\$350.00) in respect of any separate parcel of rateable land within the Mooball/Burringbar area. The following is a description of the applicable land:-

LOT 1 DP 388082

Reports from Director Corporate Services

LOT 1 DP 121460 LOT B DP 974349

BURRINGBAR SCHOOL & RESIDENCE

PT LOT 1 SEC 1 DP 3090

LOT 6 DP 5114

LOT 5 DP 5114

LOTS 13-14 DP 5114 LOT 1 DP 126083 LOT 1 DP 348185

LOT 3 SEC 1 DP 3090

LOT 2 DP 360551

LOT 1 DP 805475

LOT 3 DP 574439

LOT 1 DP 503384

LOT 7 SEC 1 DP 3090

LOT 8 SEC 1 DP 3090

LOT 10-10A SEC 1 DP 6696

LOT 1 DP 771720

LOT 1A SEC 2 DP 6696

LOTS 2-2A SEC 2 DP 6696

LOTS 3-3A SEC 2 DP 6696

LOTS 4-4A SEC 2 DP 6696

LOT 5 SEC 2 DP 6696

LOT 1 DP 835350

LOT 2 DP 835350

LOT 12 DP 571794

LOT 11 DP 571794 LOT 9 SEC 2 DP 3090

CHURCH

LOT 10 SEC 2 DP 3090

LOT 2 DP 828287

LOT 1 DP 119104 LOT B DP 974349

LOTS 4/5 DP 379207

LOT 3 DP 377857 20.12 X 50.29

LOT 2 DP 377857 20.12 X 50.29

LOT 1 DP 377857

LOT B DP 380818 16.76 X 50.29

LOT A DP 380818 32.59/6.83 X CRK/50.29

LOT 20 DP 261790 21.54/20.115 X 56.525/48.825

LOT 19 DP 261790 19.915/18.6 X 48.825/41.705

LOT 18 DP 261790 19.01/18.6 X 39.5/41.705

LOT 17 DP 261790 18.6 X 39.5

LOT 16 DP 261790 18.6 X 39.5

LOT 15 DP 261790 9.913/29.66 X 39.5/41.84

LOT 14 DP 261790 14.205.35.75 X 41.84/51.81

Reports from Director Corporate Services

LOT 13 DP 261790 12.285/44.12 X 51.81/38.38
LOT 25 DP 871153
LOT 10 DP 261790

LOT 9 DP 261790
LOT 8 DP 261790 23.14 X 73.56
LOT 7 DP 261790
LOT 6 DP 261790
LOT 1 DP 812763
LOT 7 DP 617837
LOT 6 DP 617837
LOT 5 DP 261790 21.63/20 X 39.875/39.775
LOT 4 DP 261790
LOT 3 DP 261790 20 X 39.515/39.693
LOT 2 DP 261790 21.68/30.035 X 40.02/39.515
LOT 4 SEC 2 DP 2853
LOT 16 DP 712033
LOT 9 SEC 3 DP 2853
LOT 1 DP 107628

PMS 03320 BARRINGBAR
LOT 1 DP 780313
LOT D DP 366531

LOT 7 DP 383174
LOT 10 SEC 1 DP 2853
LOT 3 DP 124444
LOT 1 DP 872622
LOT 2 DP 872622
LOT 2 DP 124444
LOT 6 DP 381443
LOT 1 DP 379905
LOT 1 DP 972819
LOT 3 DP 607681
LOT 4 DP 607681 18.665/17.14 X 43.76/50.795
LOT 2 DP 228425
LOT 12 DP 866170
LOT 11 DP 866170

LOT 17 SEC 1 DP 2853
LOT 16 SEC 1 DP 2853
LOT 15 SEC 1 DP 2853
LOT 14 SEC 1 DP 2853
LOT 11 SEC 1 DP 2853
LOT 14 DP 716554

Reports from Director Corporate Services

LOT 9 SEC 1 DP 2853
LOT 1 DP 124444
LOT 2 DP 124445 1
LOT 1 DP 124445
LOTS 1/3 DP 124446
LOT 1 DP 379525 40.23IRR/40.18X40.23
LOT 1 DP 383810
LOT A DP 403665 20.12X50.29
LOT B DP 408782
LOTS 8/9 DP 383174 16.76 X 40.94
LOT 1 DP 378287
LOT 1 DP 398418 LOT 1 DP 227947 &
LOT 1 DP 231691
LOT 2 DP 231691
LOT 15 DP 631001
LOT 1 DP 124646
LOT 1 DP 1026551 SRA LEASE 209214
LOT 1 DP 384342
LOT 3 DP 828280
LOT 8 SEC 3 DP 2853 20.12 X 50.29
LOT 27 DP 597517
LOTS 24/26 DP 597517
LOT 15 DP 716554
LOT 1 SEC 3 DP 2853
LOT 2 DP 812763
LOT 5 DP 877090 25.055/CREEK X 70.980/93.190
LOT 1 DP 124443 LOT 4 DP 877090
LOTS 12/13 DP 5726 40.23X50.29
LOTS 10/11 DP 5726
LOTS 8/9 DP 5726 40.23X50.29
LOTS 6/7 DP 5726
LOT 14 DP 631001

LOT 3 DP 5726
LOT 2 DP 5726 17.17/37.19X50.29/54.1
LOT C DP 366351
LOT A DP 420797 & LOT F DP 370478
PH MOOBALL LOT 3 DP 26048
LOT 1 DP 231846 SUBJ TO R O W
PH MOOBALL LOTS 1/2 DP 26048
LOT 2 DP 534493
LOT A DP 354678
LOT B DP 365259 24.38X 41.76/42.14 ABT
LOT 1 DP 369445 23.11X41.58/41.76
LOT 1 DP 129581

Reports from Director Corporate Services

LOTS A/B DP 403876 LOT 2 DP 316482 LOT3 DP659959
LOTS D/E DP 370478 VOL 6312 FOL 76 & VOL 6263
LOT C DP 370478
LOT 4 SEC 2 DP 17414
LOT 3 DP 329318 22.10X40.23
LOT 1 DP 329318 LOT 1 DP 393596 LOT 1 DP 123205
LOTS 1/2 DP 316479
LOT 3 SEC 1 DP 17414 ABT 30.48/21.11X40.23/39.07
LOT 4 SEC 1 DP 17414
LOT 5 SEC 1 DP 17414

LOT 6 SEC 1 DP 17414 25.7X39.14
LOT 7 SEC 1 DP 17414
LOT 8 SEC 1 DP 17414 25.3/26.47X39.07
LOT 9 SEC 1 DP 17414 25.88X39.07
LOT 10 SEC 1 DP 17414 24.71/27.15X39.07
LOT B DP 363236 VOL 6486 FOL 70
LOT A DP 363236 VOL 5985 FOL 159
LOT 1 DP 332658
LOTS A/D DP 6624
LOT E DP 6624
LOT 1 DP 571077
LOT 3 DP 542839
LOT 1 DP 517616 IRR24.54/24.38X28.96/30.4
LOT 1 DP 705526
LOT 5 DP 563017
LOT 2 DP 705526
LOT 1 DP 701606 22.56/20.81 X 103.6/93.55
LOT 2 DP 701606 28.2/20.8 X 93.55/81.09
LOT 1 DP 801130
LOTS J & K DP 6624
LOT I DP 6624
LOT 3 DP 621019
LOT 2 SEC 3 DP 3090

LOT 3 SEC 3 DP 3090
LOT 4 SEC 3 DP 3090 20.12 X 50.2

LOT 5 SEC 3 DP 3090
LOTS 6/7 SEC 3 DP 3090
LOT 1 DP 134112 & LOT 1 DP 444022
LOT 2 DP 603957 20.75 X 50.29
LOT 1 DP 603957 19.5 X 50.29
COR LOT 21 DP 5726 28.55 X 50.29
COR LOT 1 SEC 4 DP 3090 20.12 X 50.29

Reports from Director Corporate Services

LOT 2 SEC 4 DP 3090 20.12 X 50.29
LOT 3 SEC 4 DP 3090 20.12 X 50.29
LOT 4 SEC 4 DP 3090 20.12 X 50.29
LOT 5 SEC 4 DP 3090
LOT 6 SEC 4 DP 3090
LOT 7 SEC 4 DP 3090

LOTS 14/15 DP 5726

(ix) Dobbys Crescent Sewerage Annual Charge

A Dobbys Crescent Sewerage annual Charge for all rateable land which will be serviced by the Dobbys Crescent Sewerage Scheme of the Tweed. An annual sewerage charge of four hundred and fifty dollars (\$450.00) in respect of any separate parcel of rateable land within the Dobbys Crescent area. The following is a description of the applicable land:-

LOT 1 SEC 2 DP 30148 & LOT 1 DP 781539
LOT 1 SEC 1 DP 30148
LOT 2 SEC 2 DP 30148 35.05X40.23
LOT 2 SEC 1 DP 30148 IRR24.51/IRR26.7X
LOT 3 SEC 2 DP 30148 21.34X40.23
LOT 3 SEC 1 DP 30148
LOT 4 SEC 2 DOBBYS CRES DP 30148 21.34 X 40.23
LOT 4 SEC 1 DP 30148
LOT 5 SEC 2 DP 30148
LOT 1 DP 781535 IRR 24.65/25.05 X 45.8/49.1
LOT 6 SEC 2 DP 30148
LOT 2 DP 781535
LOT 7 SEC 2 DP 30148
LOT 7 SEC 1 DP 30148 24.38.53.06/52.45
LOT 8 SEC 2 DP 30148

LOT 28 DP 212092
LOT 9 SEC 2 DP 30148 21.34X55.4
LOT 32 DP 1013881
LOT 10 SEC 2 DP 30148
LOT 31 DP 1013881
LOT 11 DP 212092
LOT 25 DP 212092
LOT 12 DP 212092 VOL 9332
LOT 24 DP 212092 16.46/25.3X45.26/40.23
LOT 13 DP 212092 20.4/18.29 X 49.78/52.5
LOT 14 DP 212092 19ARC /22.45 IRR X 37.97/49.78
LOT 15 DP 212092 13.87/27.43 X 37.97/38.15
LOT 16 DP 212092
LOT 17 DP 212092
LOT 18 DP 212092 19.58/31.34 X 25.35/49.66

Reports from Director Corporate Services

LOT 19 DP 212092

LOT 23 DP 212092 21.35/18.30 X 38.89/39.99

LOT 22 DP 212092 21.35/18.30 X 37.97/38.89

LOT 21 DP 212092

LOT 20 DP 212092

2. In accordance with section 566(3) of the Local Government Act 1993 that the maximum rate of interest payable on overdue rates and charges be 9%.
-

Reports from Director Corporate Services

15. ORIGIN: Director
FILE REF: DW893745; NOROC

REPORT TITLE:

Membership of NOROC

SUMMARY OF REPORT:

Council at its meeting of 16 April 2003 resolved:

“that Council does not become a member of the Northern Rivers Regional Organisation of Councils Inc (NOROC).”

NOROC is seeking clarification, as Council has included an amount of \$12,000 in the 2003/2004 Budget.

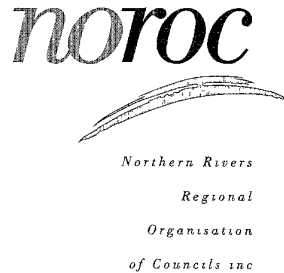
RECOMMENDATION:

That Council determines this matter.

Reports from Director Corporate Services

REPORT:

Subsequent to the presentation by Northern Rivers Regional Organisation of Councils Inc (NOROC) to Council on 26 March 2003, the organisation wrote to Council with a proposition for provisional membership until June 2003.

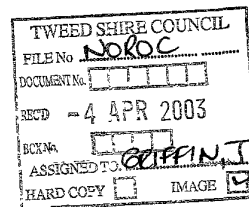


April 1, 2003

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

Dear John,

Re: Membership of NOROC



Thank you for the opportunity for representatives of NOROC to meet and discuss with your Council on 26th March 2003, your future membership of NOROC.

We hope your Council was impressed by our members keen desire, conveyed at the meeting, for your Council to renew its partnership with Noroc as an influential and significant partner in regional affairs for the Northern Rivers.

While our membership fees have not been determined for 2003/2004, we could provide provisional membership until June 2003. Based on our current fee structure, fees for 2002/2003 would have been \$18,200.

We hope your Council will favourably consider our request to renew its membership.

Yours faithfully,

A handwritten signature in cursive script, appearing to read "Brian Martin".

Brian Martin
Executive Officer

Council considered NOROC's request at its meeting of 16 April 2003 and resolved:

"that Council does not become a member of the Northern Rivers Regional Organisation of Councils Inc (NOROC)."

Council has adopted an amount of \$12,000 in the 2003/2004 Budget and NOROC are now seeking clarification as to whether or not Council intends on becoming a member.

Reports from Director Engineering Services

16. ORIGIN: Water Unit

FILE REF: Drought - Water Restriction; DW907044

REPORT TITLE:

Water Restrictions – Proposal for Consistent Water Restrictions for the North Coast

SUMMARY OF REPORT:

During and subsequent to the recent drought on the north coast of NSW the NSW Premier's Department coordinated a regional task force to investigate how water authorities could better manage the water restriction process. During this process it was determined that Councils should adopt a consistent set of water restrictions throughout the region to assist the general public in their understanding of the same. Councils on the north coast have been requested to provide the Premiers Department with their support or otherwise to the "Guiding Principles" and "Consistent Water Restrictions".

RECOMMENDATION:

That Council adopts the Proposal for Guiding Principles for Consistent Water Restrictions for the North Coast as presented by the NSW Premier's Department on the 13 May 2003.

Reports from Director Engineering Services

REPORT:

During and subsequent to the recent drought on the north coast of NSW the NSW Premier's Department coordinated a regional task force to investigate how water authorities could better manage the water restriction process. To that end numerous meetings were held, the outcome of which is a standardised form of water restrictions.

Councils on the north coast have been requested to provide the Premiers Department with their support or otherwise with the common form of water restrictions. The principles of water restriction guidelines follow in this report for information.

Reports from Director Engineering Services



PREMIER'S DEPARTMENT
NEW SOUTH WALES

TELEPHONE (02) 6648 7237
FACSIMILE (02) 6648 7232
EMAIL regcoord@nor.com.au
PO BOX 805 COFFS HARBOUR NSW 2450

REGIONAL COORDINATION PROGRAM
NORTH COAST
LEVEL 1, AMP CENTRE, GORDON STREET
COFFS HARBOUR NSW 2450

13 May 2003

Dr John Griffin
General Manager
Tweed Shire Council
Civic and Cultural Centre
MURWILLUMBAH NSW 2484

WATER RESTRICTIONS

| | |
|---------------------|-------------------------------------|
| TWEED SHIRE COUNCIL | |
| FILE No | DROUGHT |
| DOCUMENT No | [] [] [] [] |
| REC'D | 15 MAY 2003 |
| BOX No | [] [] [] [] |
| ASSIGNED TO | DR GRIFFIN |
| HARD COPY | <input type="checkbox"/> |
| IMAGE | <input checked="" type="checkbox"/> |

Dear John

Outcomes of North Coast Drought Management Meeting 15 April 2003

Proposal for Consistent Water Restrictions for the North Coast

Please find attached the minutes of the meeting 15 April 2003, including a summary of the lessons learned during the drought, and progress on agreed actions.

One of the key issues that arose during the drought was the inconsistency of water restriction policies, and the problems that created in managing water consumption, particularly where media boundaries overlapped the geographic boundaries of water supply authorities and local government areas

As a follow up action from our series of meetings, a working group met on 2 April 2003 to develop a proposal for consistent water restrictions for the North Coast. The working group was comprised of representatives of North Coast Local Government Authorities, water supply authorities and NSW Government Agencies. The working group developed a proposed set of guiding principles and consistent water restrictions, mainly aimed at domestic consumers, but also dealing broadly with industrial/commercial users.

In developing this proposal, the working group recognised that our knowledge of demand management and the impacts of restrictions on water consumption and on communities require constant monitoring and updating. However, if we can as a first step, adopt a consistent approach, then work towards improving our knowledge by analysing the impacts from hard evidence, we can continually improve the efficiency of water demand management and the response to water restrictions in future

The proposal was reviewed by participants at the 15 April 2003 meeting, and after some minor amendments, the meeting agreed that the proposal should be recommended for adoption by Local Government. On behalf of the group, I

Reports from Director Engineering Services

commend the attached set of guiding principles and proposed consistent water restrictions to you, and ask that you take appropriate action to formally adopt them.

I understand that arrangements for adoption of water restrictions vary across the region, with some water supply authorities or local government authorities having delegation to make these decisions directly, whereas others require approval of constituent LGA's. In an effort to assist with this process, I have developed the attached format for you to formally advise that you, or the organisation delegated to make this decision on your behalf, has formally adopted the proposal.

Once we confirm adoption of the proposal, we will be able to commence work on developing some graphics, symbols and communication material that will assist us in educating the community about the importance of using water wisely and complying with water restrictions.

The North Coast Institute of TAFE has offered to assist in the process by running a design competition for local students to develop this material. I think this would help to develop community ownership of the approach. I will be in contact with you soon to discuss how we might progress this.


There are a number of issues still to be resolved in future and they include how a consistent approach can be developed to deal with:

- Filling of new swimming pools
- Topping up of existing swimming pools
- Washing of cars and boats, boat motors and trailers
- Maintenance of lawns v. gardens,
- Window cleaning, washing of driveways, paved areas and roofs.
- Restrictions on commercial users
- The use of buckets to water gardens may be encouraging back injuries. We should review this element of restrictions policies if there is evidence of significant injuries.

I would like to thank all of you for your participation in the coordination of our response to the drought. The open sharing of information and experience, and the cooperative approach to what was a very serious situation for the whole region has helped the region through the situation. This is a credit to you and your staff.

I would appreciate it if you would complete the attached format providing advice of formal adoption of the proposal. Please contact me on **6648 7237** if you would like further information about the proposal.

Yours sincerely


for **Jacqui Parry**
Regional Coordinator,
North Coast

Reports from Director Engineering Services

PROPOSED GUIDING PRINCIPLES AND CONSISTENT WATER RESTRICTIONS FOR THE NORTH COAST

Guiding Principles

In developing the proposal for consistent water restrictions policy, the following guiding principles:

- We should **always manage water responsibly**. Water restriction policies should therefore be supported by sound water efficiency programs.
- Communities will sometimes have to **limit water usage to protect the domestic water supplies, our health and the environment**.
- **Consistency** in water restriction policies across the region is needed to **minimise confusion and maximise the effectiveness** of water demand management strategies.
- **Electronic and print media boundaries overlap the boundaries of water supply authorities and LGA's**, which strengthens the need for consistent communication with North Coast communities.
- Water restriction policies should be **simple** to understand, with **minimum number of levels** needed to have effective demand management strategies.
- In communicating water restriction policies, we should **adopt language and symbols which are easy to understand, accepted by the community**.
- Water restrictions should be implemented on the basis of a **clearly understood need, or "Triggers"**, so that the community can understand why they are being applied.
- Water restrictions should be set to **achieve clearly communicated targets in reductions in water consumption** in an agreed timeframe, with minimum impact on communities, industry, businesses and essential services.
- It is understood that **some flexibility is needed** as each water supply and community behaves differently, so we will adopt a core policy that is consistent, but allow some room for variation according to community need.
- That water restriction policies, **triggers and goals are set on the basis of evidence and experience**, and are reviewed regularly in response to new information.
- It is acknowledged that at this stage **our knowledge of demand management and the impacts of restrictions on water consumption and on communities is not perfect**. However, if we can as a first step, adopt a consistent approach, then **work towards improving our knowledge by analysing the impacts from hard evidence**, we can continually improve the efficiency of water demand management in future.

Consistent Water Restriction policy

- **Adopting common elements as a starting point**

This initial proposal for consistent water restriction policies has been developed in a way that builds in the common elements of policies of all North Coast LGA's and water supply authorities, as a starting point, and simplifying the approach. Restriction levels and consumption targets are at this stage not based on firm evidence, but statistical analysis of water consumption during this last drought should provide an improved information base.

Reports from Director Engineering Services

- **Triggers**

Each LGA or Water Supply Authority will need to determine the conditions or "Triggers" under which each level of restriction is needed. These "Triggers" will take into account:

- The type of water supply (storage, run of river, bore fields, etc)
- Current and predicted patterns of rainfall, long term weather forecasts
- Whether emerging from, or going into drought.
- Storage volume and levels, river flow and ground water conditions
- Any unique water supply features such as pumping or storage limitations.
- Season / time of year
- Atmospheric conditions impacting on consumption and evaporation (cloud cover, min./max temperatures, winds etc)
- Water consumption/demand levels
- Seasonal fluctuation in population and community needs
- Experience with community response to application of restrictions

- **Levels**

Communities understand the current language of Level numbers, so we have retained that element of familiarity. It is recognised that not all LGA's or water authorities would apply these levels sequentially (that is some might want to go from 1 to 3 or 4, then 6) depending on the nature of the water supply, but it is important that they are applied consistently when used.

- **Restriction policy**

The restriction policy for each level places **increasing limits** on external / non-essential use of water, but as indicated above, does not constrain the purpose for which the water is used.

- **Timing**

Watering outside is consistently banned from 8 am to 4 pm, to send a clear message to consumers that they should not be watering gardens or lawns in the hottest part of the day, and also makes enforcement of restrictions easier across the region.

Allowing external use of water on **only every second day**, using the **odds and evens system** makes it easy for consumers to remember the policy, allows flexibility for consumers who have commitments on particular days, and helps water suppliers manage water pressure and enforce restrictions. (The ODDS AND EVENS SYSTEM allows you to water on odd numbered days if your house number is odd, and on even numbered days if your house number is even).

People who have installed **water saving micro-spray systems** are rewarded by being allowed to continue using them up to Level 4 restrictions.

Reports from Director Engineering Services

- **Targets for reduction in consumption**

Target reductions in consumption levels are based on a % of Normal (average daily) consumption. It has not yet been established that the restriction policies proposed at each level can deliver this level of demand reduction, and this needs to be tested by evidence from statistical analysis of water consumption records during recent droughts.

Target consumption levels are a guide only, and are a measure of total daily consumption per head of resident population. It is acknowledged that this will vary between LGA's based on the composition of population, % households connected to domestic water supply and the nature of industries in the LGA.

- **Outstanding Issues**

There are a number of issues still to be resolved and they include how we deal with.

- Filling of new swimming pools
- Topping up of existing swimming pools
- Washing of cars and boats, boat motors and trailers
- Maintenance of lawns v. gardens,
- Window cleaning, washing of driveways, paved areas and roofs
- NSW Health Dept. representatives suggested that encouraging people to use buckets to water gardens may be encouraging back injuries. We should consider eliminating this from the restrictions policies if there is evidence of significant injuries.

A simple approach may be to restrict water usage, but not the purpose for which it is used, so long as the outcome is reduced demand. This needs to be discussed further at our meeting scheduled for 2 September 2003

- **Domestic and Industrial / Commercial users**

The policy substantially deals with domestic water users, but anticipates that each LGA or water supply authority will identify major industrial and commercial water users, or key industry sectors (such as dairy, abattoirs, other food producers and processors, tourism, building trades, turf farmers, swimming pool manufacturers, etc) and in consultation with these businesses or industry sectors, develop water management plans that will put in place appropriate demand management strategies that are triggered by the levels of domestic water restrictions.

- **Education, Communication and Enforcement Strategies.**

To ensure effective demand management, restriction policies need to be supported by effective education, communication and enforcement strategies, as well as a sound water efficiency program. Clearly there are some lessons to be learned from recent droughts. This will be discussed at our next meeting in September.

Reports from Director Engineering Services

| PROPOSAL FOR CONSISTENT WATER RESTRICTIONS FOR NORTH COAST LGA'S AND WATER SUPPLY AUTHORITIES | | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|---------------------------------------------------------------------|---------------------------------------------------------|-----------------------------------------------|
| Trigger | Level | Restriction Policy | Symbol | Objective | Target reduction in consumption (% average consumption) | Target consumption levels (litres/person/day) |
| LGA's to set Triggers | All | ALWAYS USE WATER WISELY | TBA | Implement water efficiency programs at all times | Indicative guide only – LGA's to set targets | Indicative guide only – LGA's to set targets |
| * | 1. | Sprinklers and fixed hoses may be used outside the hours of 8 am – 4 pm | TBA | Raise awareness of emerging drought and limit outside water use | | 230-330 |
| * | 2. | Sprinklers and fixed hoses are banned. Micro-sprays for 15 minutes and hand held hoses for 2 hours every second day, outside the hours of 8 am and 4 pm, on odd or even days matching house numbering system | TBA | Reduce non-essential use of water | 0 - 5% | 220-320 |
| * | 3. | Sprinklers and fixed hoses banned. Micro-sprays for 15 minutes and hand held hoses for 1 hour every second day, outside the hours of 8 am and 4 pm, on odd or even days matching house numbering system | TBA | Reduce non-essential use of water | 5-10% | 200-300 |
| * | 4. | Sprinklers and fixed hoses banned. Micro-sprays for 15 minutes and hand held hoses for ½ hour every second day, outside the hours of 8 am and 4 pm, on odd or even days matching house numbering system | TBA | Reduce non-essential use of water | 10-20% | 180-260 |
| * | 5. | Use of Sprinklers, micro-sprays, fixed and hand held hoses banned. Gardens can be watered by buckets only. | TBA | Reduce non-essential use of water | 20 – 30% | 160-220 |
| * | 6. | All external use of water banned. Gardens can be watered with grey water only. | TBA | Eliminate non-essential use of water | 30 – 40% | 140-180 |
| * | Emergency Water Supply Management | As directed by the water supply authority | TBA | Emergency water supply management to maintain domestic water supply | 40 – 50% | 100 or less |
| EACH LGA / WATER SUPPLY AUTHORITY WILL NEED TO DEFINE SPECIFIC TRIGGER LEVELS TO SUIT THEIR INDIVIDUAL SYSTEMS. ADDITIONAL SPECIFIC DETAILS WITHIN EACH RESTRICTION LEVEL MAY ALSO NEED TO BE ADDED. MAJOR INDUSTRIAL / COMMERCIAL WATER USERS, AND KEY INDUSTRY SECTORS ALSO NEED TO BE IDENTIFIED, AND WATER MANAGEMENT PLANS SHOULD BE DEVELOPED WITH THEM THAT WILL REQUIRE APPROPRIATE ACTION AT EACH LEVEL OF RESTRICTIONS. | | | | | | |

Reports from Director Engineering Services

17. ORIGIN: Design Unit

FILE REF: GR3/12/7 Pt2; Road Closures - Terranora; Adelaide Street; LN 14691

REPORT TITLE:

Application to Close Road - Adelaide Street, Tweed Heads - Application by Police and Community Youth Club

SUMMARY OF REPORT:

The Police & Community Youth Club in Tweed Heads has received a \$1 million grant to extend the facilities at Adelaide Street on land leased from Council being Lot 1 DP 133066.

Initial survey works by the PCYC surveyor revealed that there is a substantial encroachment by the building and bitumen basketball court onto Adelaide Street and it is necessary for the encroachment to be rectified by the closure of part of Adelaide Street and then subsequent consolidation with Lot 1.

Lot 1 was formerly Crown Land under Crown Reserve 58447 for Public Recreation which was vested in Council by gazettal notice dated 17 June, 1977 and is now classified as community land.

The PCYC intend to extend the facilities at Adelaide Street over the existing bitumen basketball court to the north of the building which itself, is located partially on the road reserve of Adelaide Street. This road closure will rectify all existing encroachments and enable the development application for the proposed extensions to proceed without delay.

RECOMMENDATION:

That:-

1. Council raises no objection to the closure of part of the road reserve adjacent to Lot 1 in DP 133066 being Adelaide Street, Tweed Heads;
2. The road closure be consolidated with Lot 1 in DP 133066 following transfer to Council;
3. The applicants bear the survey and administrative costs in relation to the road closure and Council cover the cost of consolidation;
3. Easements are created where necessary over any existing public authority services;
4. All necessary documentation be endorsed and executed under Common Seal of Council.

Reports from Director Engineering Services

REPORT:

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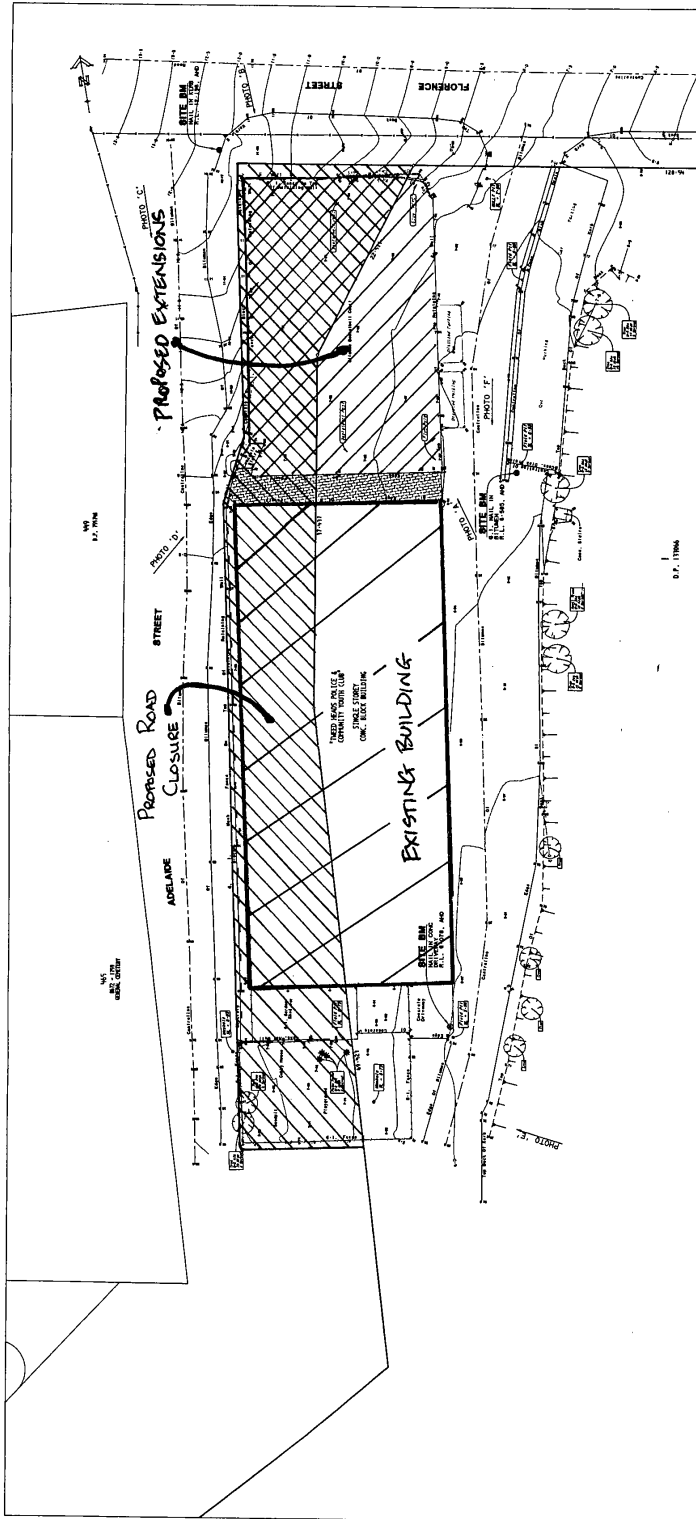
As the PCYC is a community group it is intended that the PCYC cover the administrative and registration costs for the creation of the lot to be transferred to Council, and that Council cover the cost of consolidation of the lot with Lot 1.

Further as Adelaide Street is a council public road, and Council owns the land adjacent to the closure, it is recommended that no compensation be payable by the applicant in this instance.

It should be noted that a 100mm water pipeline is located within the road reserve sought to be closed, however as the closed road will remain in Council's ownership, this is not considered to be a cause for objection to the road closure.

A plan showing the area sought to be closed follows. The proposed road closure is shown hatched and cross hatched, the existing building is shown with broad hatching and the proposed extensions are shown with narrow hatching to the north of the existing building:-

Reports from Director Engineering Services



SKETCH PLAN "A"

Reports from Director Engineering Services

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Reports from Director Engineering Services

18. ORIGIN: Water Unit

FILE REF: Estuary Management; Area 5 - Tweed River; Pollution - Water

REPORT TITLE:

Effluent Discharge from Vessels to the Tweed River

SUMMARY OF REPORT:

The Waterways Authority is the States regulatory organisation with respect to this issue. The Waterways Authority enforce a policy of no sewage discharge from vessels within the Tweed River.

The majority of vessels using the Tweed River are small private trailer boats and do not have toilets or holding tanks fitted.

All commercial cruise and house boats operating on the Tweed are fitted with holding tanks and discharge at Foysters Jetty.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Engineering Services

REPORT:

The following report has been prepared in response to the question raised by Cr. Marshall on Wednesday May 7.

“What is the current situation with boat users on the Tweed waterways in regard to effluent discharge and holding tank installation?”

The Waterways Authority is the lead agency responsible for management of this issue, and is authorised to regulate under the Protection of the Environment Operations Act 1997. Under this Act it is an offence for any person to pollute, permit or cause the pollution of waters within NSW. The Waterways Authority has the power to issue on the spot fines of \$750 for individuals or \$1500 for companies in breach of the Act.

In Tidal and inland waters, it is mandatory for commercial vessels, for example tour boats, house boats or ferries to fit holding tanks and for these to be discharged at an approved pump-out facility. In the case of the Tweed River, this facility is located at Foysters Jetty. The service is provided free of charge by TSC.

The local Waterways Authority Officer was contacted regarding this issue and provided the following comment:-

- The majority of vessels using the Tweed River are small trailer vessels which have no toilet facilities whether they be pump out or holding tank.
- All commercial cruise vessels operating on the Tweed are fitted with holding tanks and are utilising the Foysters Jetty pump out facility.
- All hire houseboats are also equipped with holding tanks and pump out at Foysters Jetty.
- Cruising yachts which occasionally use the Tweed River are not uniformly equipped. Waterways advise these vessels of their obligations during patrols. Some cruising yachts are using chemical toilets as an interim alternative to holding tanks when they are anchored in areas where pump-out toilets are not permitted to be used.
- It is not permitted for private vessels to be permanently occupied at a permanent mooring within the Tweed.

Reports from Director Environment & Community Services

19. ORIGIN: Environment & Health Services Unit
FILE REF: Aboriginal Employment; Aboriginal Matters

REPORT TITLE:

Funding for Aboriginal Advisory Committee Support

SUMMARY OF REPORT:

Yabur Yulgun Aboriginal Corporation have offered to fund support for the Aboriginal Advisory Committee for two (2) days per week with Council's only commitment to be verification of time sheet and provision of work space.

As this support will allow extra administration support to be provided in other areas and there is no ongoing funding requested from Council it is considered such offer should be accepted.

RECOMMENDATION:

That Council accepts this offer from Yabur Yulgun Aboriginal Corporation to fund a support position for Council's Aboriginal Advisory Committee for two (2) days per week provided Council is included in the selection process.

Reports from Director Environment & Community Services

REPORT:

Council is advised that Yabur Yulgun Aboriginal Corporation, an organisation set up by Aboriginal & Torres Strait Island Commission (ATSIC) to manage the Aboriginal Community Development Program, have offered to fund a position with Council to provide support for Council's Aboriginal Advisory Committee.

The position will be funded by ATSIC at no cost to Council for two (2) days per week. This includes all insurances. Council will only be required to verify timesheets and provide a workstation.

The provision of a workstation is similar to Council's current arrangement with the Commonwealth Regional Development Program.

As the provision of this position will allow greater administration support to other areas within Council's Community Services unit it is recommended that Council accept the offer. As well, it involves a person working within Council's office environment and it is considered that Council should be involved in the selection process.

Reports from Director Environment & Community Services

20. ORIGIN: Environment & Health Services Unit

FILE REF: Garbage - Depot Stotts Creek; Garbage - Recycling

REPORT TITLE:

Processing of Recyclables from Lismore

SUMMARY OF REPORT:

Council has received a request from its waste contractor Solo Waste for permission to process recyclable material from Lismore City Council at its Materials Recovering Facility at Stotts Creek. There are advantages to approving the request and it is considered that the request should be granted.

RECOMMENDATION:

That :

1. Council approves Solo Waste to process recyclables from Lismore City Council at the Materials Recovering Facility; and
2. Any waste material or recyclables that are not recycled attracts the prescribed disposal charge.

Reports from Director Environment & Community Services

REPORT:

Council has received correspondence from its waste contractor, Solo Waste, advising that Richmond Waste Services, a division of the parent company, has been the successful tenderer for the transport and processing of recyclables from Lismore City Council landfill site.

3 June 2003.

The General Manager
Tweed Shire Council
Po Box 816
MURWILLUMBAH NSW 2484.

Garbage - Recycling

TWEED SHIRE COUNCIL
FILE NO *GARBAGE LEFT STOTTS CREEK*

DOCUMENT No. [] [] [] [] [] [] [] [] [] []

REC'D 4 JUN 2003

BOX No. [] [] [] [] [] [] [] [] [] []

ASSIGNED TO *Percey, I*

HARD COPY IMAGE



10 -12 Chinderah Bay Drive
Chinderah NSW 2487
AUSTRALIA
PO Box 1427
Kingscliff NSW 2487

Services 02 6676 6444
Admin 02 6674 1688
Fax 02 6674 1262
Email solorr@solo.com.au
Web www.solo.com.au

Attn: Ian Percy.

Re: Processing Recyclables from Lismore City Council.

Richmond Waste Services, a division of Solo Resource Recovery has been the successful tenderer for the transport and processing of recyclables from the Lismore City Council landfill site. We respectfully request the permission of Tweed Shire Council to process the material at Stotts Creek Materials Recovery Facility.

We expect the receipt of recyclables to commence around October 2003, to be confirmed. Waste would be disposed of at Stotts Creek at the applicable rate. The material will be deposited into the skips at a transfer station to be located within the current Council landfill site. The projected volume is approximately 20 tonne per week

Thankyou for your consideration of this matter if you require any further information please do not hesitate to contact the undersigned on 02 6674 7615.

Yours sincerely,
SOLO RESOURCE RECOVERY

Scott McGuren
Branch Manager

Solo Waste is now seeking permission to process this material at the Stotts Creek Materials Recovering Facility.

Reports from Director Environment & Community Services

Recyclables from Byron Shire are currently processed at this facility and the addition of this extra material from Lismore will assist in improving the efficiency of the facility and may provide additional jobs for Tweed residents.

The current arrangements with Byron Shire are that waste material which contaminates the recyclables together with recyclable material which cannot be recycled are disposed of at Stotts Creek at the current prescribed fee, which at present is \$55.00 per tonne.

It is considered that this requirement should also apply to waste material from Lismore.

Therefore it is recommended that Council permits Solo Waste to process recyclables from Lismore City Council at the Materials Recovery Facility at Stotts Creek Landfill.

Reports from Director Environment & Community Services

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Reports from Director Environment & Community Services

21. ORIGIN: Environment & Health Services Unit

FILE REF: New Art Gallery; DA3488/12 Pt5

REPORT TITLE:

Tweed River Regional Art Gallery

SUMMARY OF REPORT:

Council's original budget for the construction of the above contained an amount of \$381,000 from community donations. As the construction work on the gallery has continued additional donations have been made in excess of \$35,000 with an indication that more may be received. To achieve the adopted building price of \$2.5million deletions to the project were made. Accordingly, it is recommended that Council authorises the Director Environment & Community Services to expend those additional funds on the gallery construction to replace deleted items.

RECOMMENDATION:

That Council authorises the Director Environment & Community Services to expend all community funds donated for the purpose of the construction of the new gallery on the new art gallery and reports to Council through the quarterly budget review process.

Reports from Director Environment & Community Services

REPORT:

Council is advised that the construction of the art gallery is proceeding with the suspended floor slab now completed. Council when resolving to proceed with the construction approved a building budget of \$2.5 million and a project budget of \$3.393 million.

Funding for the project came from various Federal, State and Council sources and included \$381,000 from pledges redeemed by community members. To achieve the construction budget cuts had to be made to the project.

As stated above funding included \$381,00 from pledges, however, as the construction works have continued additional donations from the community have been forthcoming and have exceeded \$35,000 with indication that more may be provided. These additional funds will allow Council to restore some of the items that had to be deleted from the original proposal to achieve the building budget.

One such item is an exhibition store which was original part of the second gallery now deleted. This store can be constructed under the building and will allow storage of touring crates and other large items. It is estimated this will cost \$25,000.

In addition some additional donations may be provided for particular items to be included in the project.

As these funds are provided for the specific purpose of the gallery construction it is necessary to be able to incorporate them into the works as soon as possible after receipt.

Accordingly it is recommended that the Director Environment & Community Services be authorised to expend all additional community funds provided for the gallery construction.

Reports from Committees/Working Groups

1. Minutes of the Local Traffic Committee Meeting held Thursday 19 June 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; Snr Const Steve Henderson, NSW Police.

Informal: Chairman: Mr Paul Morgan and Judith Finch Tweed Shire Council.

APOLOGIES:

Mr Neville Newell, MP Member for Tweed, Mr Don Page MP, Member for Ballina, Mr Ray Clark.

MINUTES OF PREVIOUS MEETING:

RESOLVED that the Minutes of the Local Traffic Committee Meeting held Thursday 15 May 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 (Business Arising)

DW718893; R1460 Pt4; DW722803, 723112, 723113

From meetings held 17 April 2003, 13 March and 13 February 2003 (item 11) reproduced as follows:-

Meeting held 13 February:

“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.

Reports from Committees/Working Groups

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."

Meeting held 13 March 2003:

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

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."

Meeting held 17 April:

"Mr Newell stated that he had problems that the RTA Representative had advised that RTA guidelines could not be reduced in rural areas to 60kph and that there appeared to be inconsistencies in this area with development consent conditions for this location and other entrances along the road. Mr Newell advised that the Plantation Road intersection was also a similar problem. Mr Newell again requested that the speed limit be reduced to 60kph and the RTA Representative confirmed that the guidelines state that up to 20 accesses per kilometre is considered rural and that speed zones are a function of the environment. Mr Newell stated that he believed that the road design should also be taken into account when making these assessments. The A/Chairman advised that by putting up 60kph signage it may contribute to further problems and that possibly speed counts should be done to see what drivers are actually doing in the area. The Police Representative also stated that he believed that standards should be consistent for the whole Shire.

Mr Newell requested that the Committee apply consistency and reduce the speed in the area to 60kph. The Police Representative advised that an accident had been brought to Council's

Reports from Committees/Working Groups

attention and this should be acted upon. It was reported that businesses in the area did support lowering of the speed limit. It was noted that the road is narrow and vehicles do consistently enter and leave the area.

The RTA Representative advised that the safety problem should be addressed that caused the accident, which he believed to be the driveway. Mr Newell stated that there has only been one accident and disagreed with the comment that the accident had been caused because of the driveway but rather driver fault. The RTA Representative advised that sight distance criteria is applied to stop such driver related accidents.

It was decided that speed surveys be undertaken to ascertain the 85th percentile speed on Cudgen Road, Cudgen and reported back to the Local Traffic Committee.

For Council's information."

To be referred to the July 2003 meeting for speed count data.

For Council's information.

1. Clothiers Creek Road, Nunderi (Business Arising)

R1160 Pt6; DW897422

From meeting held 15 May 2003 (item 1):-

"Request received for a reduction in the speed limit along Clothiers Creek Road at Nunderi to 50 kph within the village limits and extending beyond from Eviron Road to Raven Place.

The Chairman advised that speed counts have not yet been performed. It was noted that the driving environment had to be recognised. There are 31 driveways between the two 'Village of Nunderi' signs.

It was decided that additional speed and vehicle counts should be performed and reported to the next meeting as the two completed did not support a reduction. The Chairman undertook to inform the local Neighbourhood Watch of this outcome.

For Council's information."

Survey showed varying speeds and 36 driveways. The RTA Representative advised that there is a provision for Hamlets which states that 80 km/h is acceptable. The RTA Representative confirmed that speed zones within rural and urban areas must take note of the roadside environment and that 70 km/h in this instance may be acceptable. The Committee noted that there are 31 driveways within 3 kilometres.

The RTA Representative referred to the "Draft RTA Traffic Engineering Manual 2 April 1995" wherein the following is stated for Rural 70km/h Speed Limit Values:-

Reports from Committees/Working Groups

“Rural 70 km/h

This speed limit is applied to areas with partially built-up development on approaches to rural towns, or through villages with a significant level of traffic conflict or side friction (resulting from pedestrian activity and vehicle parking), but is not sufficient to warrant a 60 km/h urban zone.”

The Committee preferred a 60 km/h speed zone but agreed with 70 km/h as proposed by the RTA Representative, given that the RTA has the overriding decision making role when determining speed zones.

The Police Representative requested that the size of signage on Clothiers Creek Road be reassessed and made larger where necessary.

RECOMMENDATION:

That:-

1. 70 km/h speed zones be placed on Clothiers Creek Road from 100m east of Norths Lane to the westernmost village sign approximately 1.3kms long and
2. 70 km/h speed zones be placed on Norths Lane from Clothiers Creek Road to 100m north of Seven Oaks Road.

2. Boyd Street & Brett Street, Tweed Heads

R0700 Pt1; DW897406; 899355; DA0700/515 Pt1

Brought forward from meeting held 15 May 2004 (item 2) and reproduced as follows:-

“Petition received regarding the issue of parking from the commercial motor dealership. Residents are requesting a restricted parking zone.

Cr Marshall advised that she had received representations from residents stating that the motor dealership is parking more vehicles than they previously had on the street and footpaths. The Chairman advised that Development Control is following this through.

Nick Folkers (Development Assessment) joined the meeting at 9:15am.

Nick advised that there is continual non-compliance with the motor dealership parking vehicles on the street and footpath. Many meetings have been held with the motor dealership in a bid to reach mediation but agreements are not being kept.

The Committee agreed that further delays must be curtailed and no further negotiations entered into. Cr Marshall suggested that the Committee request that the General Manager intercede to pursue the Confidential Council Resolution of March 2002 as a matter of urgency.

The Committee requested that the Rangers be asked to give Boyd Street priority, enforce parking infringements and update the Local Traffic Committee on what infringement notices have been issued by the June 2003 meeting.

Reports from Committees/Working Groups

Nick advised that residents would be happy for 2 hour parking restrictions which is supported by a petition lodged by local residents.

It was noted that the customer car parking for the dealership always has vehicles for sale or service parked therein.

Nick left the meeting at 9:24am

Concerns were raised at the lack of parking for the Specialist Medical Centre on Brett Street. Cr Marshall requested that an assessment be made of the Specialist Centre car parking provisions. The Committee requested that the Manager Development Control organise for inspection of the car parking at the Brett Street Specialist Centre in line with the requirements of the development assessment conditions and in particular the number of spaces reserved and its compliance with DCP2.

RECOMMENDATION:

That:-

- 1. 2 hour parking and appropriate signage be installed on both sides of Boyd Street from Terranora Terrace to Brett Street.*
- 2. The Manager Development Control organise for inspection of the Brett Street Specialist Centre car parking provisions in line with the requirements of the development consent and DCP2.*
- 3. The General Manager intercede in this matter and pursue the Confidential Council Resolution of March 2002 as a matter of urgency."*

RECOMMENDATION:

That 2 hour parking be provided on both sides of Brett Street between Boyd and Wharf Streets, Tweed Heads.

GENERAL BUSINESS:

Part A

1. Leisure Drive, Banora Point

R3035 Pt2

Request received regarding the imposition of weight restrictions being applied to Leisure Drive. It is reported that large trucks are utilising Leisure Drive.

The Committee unanimously agreed that given the status of Leisure Drive as a distributor road with limited frontage development it should not be burdened with a load limit. Such a move would force heavier vehicles to seek alternative routes along other residential streets not constructed for such use and would have a greater adverse impact on the local community.

Reports from Committees/Working Groups

The current haulage operations along Leisure Drive are part of a Council approval for a development on Fraser Drive and the Police Representative advised that as such trucks servicing the site would be exempt from a load limit in any case.

For Council's information.

2. Boyd Street, Tweed Heads

R0700 Pt 1

Request received for a painted strip across the road at the rear of the Police Station on Boyd Street stating "Keep clear Emergency vehicle exit".

The Police Representative advised that due to queuing at the traffic lights it was difficult to exit the Police Station. The RTA Representative advised that for emergency facilities could use "Keep Clear" pavement markings.

RECOMMENDATION:

That "Keep Clear" pavement markings be installed on the road pavement outside the rear of the Police Station on Boyd Street, Tweed Heads.

3. Marine Parade, Kingscliff

R3340 Pt5; DW907124

Request received regarding lack of parking at the front entrance to Paradiso Resort for use of guests at the resort. Difficulties will be encountered if guests are dropped off with their luggage and have to walk past tables, chairs and patrons. Concerns have also been raised with access for emergency vehicles.

A request has been made that a 5 minute loading zone parking be provided.

The Committee unanimously did not support the provision of a guest drop off / pick up area as on street car parking in this location is already not adequate and the developers should have considered such in the design of the building. It was also noted that an undercover car park exists, accessed via Pearl Street which can be used for the above purpose. The Committee does not recommend any action on this matter.

For Council's information.

4. Tweed Valley Way / Pacific Highway

R4031 Pt 16; DW906675

Request received for:-

1. Lowering of the speed limit on the Tweed Valley Way / Pacific Highway at Mooball and

Reports from Committees/Working Groups

2. Installation of a pedestrian crossing to cater for school children crossing the road.

It was noted that Council had consulted with the community on the streetscape design at Mooball which incorporates pedestrian refuges to accommodate pedestrians. It was noted that the RTA warrants for pedestrian crossings would not be met. It was also noted that if marked crossings were installed as requested it would eliminate significant areas of parking and bus zones incorporated into the streetscaping design.

The Committee also noted that the speed limit is already the urban speed limit of 60km/h and the issue has been dealt with previously. The Committee also noted that a section of this area may be suitable for a 50 km/h speed zone once the streetscaping has been completed.

For Council's information.

5. Ingram Place, Murwillumbah

R2625 Pt1; DW910776

Request received for the installation of "No Parking" signage on Ingram Place directly in front of the Nursing Home. A new 33 bay car park has been constructed which is not being used. Instead cars are parking on the road and grass verge.

The Committee supported the issue being referred to Council Rangers so that the area can be patrolled and offending vehicles issued with infringements.

For Council's information.

6. Covent Gardens Way, Banora Point

R1393 Pt1

Request received for the installation of "No Parking" signage on Covent Gardens Way at the Day Care Centre. It is reported that vehicles are parking on the road and that the on-site parking area at the Day Care Centre is not being utilised. It is reported that sight distance is being affected by vehicles parking on the road.

The Committee decided that the Road Safety Officer should conduct a site visit with the Day Care Centre to discuss the safety issues arising before regulatory signage is installed and report back to the Committee.

For Council's information.

Reports from Committees/Working Groups

7. Eucalyptus Drive, Banora Point

R1917 Pt1

Late item. Request received for temporary road closure for the full length of Eucalyptus Drive for the duration of the school holidays from Saturday 5 July to Sunday 20 July 2003. The applicant has advised that the road will be reopened earlier if possible.

This is to enable the construction of a new roundabout in the road. The applicant has advised that notices will be displayed at either end of the road for one week prior to the closure and during the closure. Also a pamphlet drop has been undertaken to affected residents.

The applicant has advised that some minor works would still remain along the sides of Eucalyptus Drive for approximately three weeks after the primary school resumes but would be minimal to them and to local traffic. Traffic management plans will be provided to council showing signage and traffic control devices.

The Committee unanimously agreed to the temporary road closure of Eucalyptus Drive, Banora Point.

RECOMMENDATION:

That the applicant be informed that approval has been given for Eucalyptus Drive to be temporarily closed from 5 July to 20 July 2003 inclusive subject to the receipt of a traffic management plan.

Part B

1. Resort Development 100 Marine Parade, Kingscliff

DA02/1599

Under State Environmental Planning Policy No. 11 Local Traffic Committee comments are sought in relation to the above development which includes retail, hotel, motel containing 9 suites, restaurant, footpath dining and 38 tourist accommodation units.

In particular Local Traffic Committee comments are sought as this development requires a liquor licence where the provision for car spaces is proposed to be in excess of 50.

The proposed development is not access from an arterial road, or road connecting to an arterial road.

The Committee viewed plans of the development and made the following comments:-

- Loading zone – reversing of trucks. All vehicles must be able to turn around on site and drive out of the building in a forward motion rather than reversing.
- Plant Store adjacent to car space R30 should be deleted to enable a one-way traffic aisle through the commercial car park.
- Do the car spaces comply with AS2890.

Reports from Committees/Working Groups

- Provision of guest pick up / drop off point should be provided on site. The pedestrian pathway and existing on-street car parking maintained along Pearl Street.

The Committee was concerned that the required amount of car parking is not provided on site. Contributions should be paid for any shortfall or the development redesigned or scale reduced to provide the necessary parking.

For Council's information.

NEXT MEETING:

The next meeting is scheduled for Thursday 24 July 2003.

The meeting closed at 10:45am.

Director's Comments:
As per recommendations

DIRECTOR'S RECOMMENDATIONS:

1. Clothiers Creek Road, Nunderi (Business Arising)

R1160 Pt6; DW897422

Committee Recommendation:

That:-

1. 70 km/h speed zones be placed on Clothiers Creek Road from 100m east of Norths Lane to the westernmost village sign approximately 1.3kms long and
2. 70 km/h speed zones be placed on Norths Lane from Clothiers Creek Road to 100m north of Seven Oaks Road.

Director's Recommendation:
As per Committee's recommendation.

2. Boyd Street & Brett Street, Tweed Heads

R0700 Pt1; DW897406; 899355; DA0700/515 Pt1

Committee Recommendation:

That 2 hour parking be provided on both sides of Brett Street between Boyd and Wharf Streets, Tweed Heads.

Director's Recommendation:
As per Committee's recommendation.

Reports from Committees/Working Groups

2. Boyd Street, Tweed Heads

R0700 Pt 1

Committee Recommendation:

That "Keep Clear" pavement markings be installed on the road pavement outside the rear of the Police Station on Boyd Street, Tweed Heads.

Director's Recommendation:

As per Committee's recommendation.

7. Eucalyptus Drive, Banora Point

R1917 Pt1

Committee Recommendation:

That the applicant be informed that approval has been given for Eucalyptus Drive to be temporarily closed from 5 July to 20 July 2003 inclusive subject to the receipt of a traffic management plan.

Director's Recommendation:

As per Committee's recommendation.

Reports from Committees/Working Groups

2. Minutes of the Tweed River Committee Meeting held Wednesday 11 June 2003

Tweed River Committee

VENUE:

Canvas & Kettle Restaurant, Murwillumbah Civic Centre

TIME:

9.30am.

PRESENT:

Cr W Marshall (Chair), Cr M Boyd, Cr H James (Tweed Shire Council); R Hagley, (Department of Infrastructure, Planning and Natural Resources); L Tarvey (National Parks and Wildlife Service); D Gray (Ecoroc); D Oxenham, G Edwards, G Judge, Ms J Lofthouse, T Alletson (Tweed Shire Council).

APOLOGIES:

C Cormack, R Quirk, N Newell, R James, N Thomas.

MINUTES OF PREVIOUS MEETING:

Moved: R Hagley

Seconded: H James

RESOLVED that the Minutes of Meeting held Wednesday 9 April 2003 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

1. Articles for The Daily News

Tweed River Committee

The Committee was asked to review their schedules for the submission of an article for the Daily News. Cr. James agreed to provide an article for the 23rd of June. Graham Judge was thanked for the early submission of an article.

2. Shire Weeds Brochure Proposal

Tweed River Committee

The Committee was informed that the total estimated cost of production and distribution of a weeds education brochure would be \$3760. This is based on printing 35,000 copies and issue under the banner of the Tweed link in order to qualify for discounted postage. It was agreed that the cost of the exercise would be shared between Tweed River Committee and the Tweed Coast Committee budgets, at a 2:1 ration with TRC carrying the greater proportion of the cost.

Moved: Cr Boyd

Seconded: Cr Marshall

RESOLVED that a Shire Weeds Education brochure be produced and distributed with costs shared between the Tweed River Committee and Tweed Coast Committee budgets.

Reports from Committees/Working Groups

3. Dredging Meeting

Dredging

Issues relating to the facilitation of an open public meeting were discussed. It was determined that the scope of the existing meeting being arranged by T Alletson should be reduced to a discussion of navigational dredging requirements of the commercial fleet. T Alletson will continue arrangements and invite commercial operators as well as the expert parties listed in the 11 June 2003 agenda.

4. Program Budget Update

Tweed River Committee

Each project budget was discussed, with status updates provided where required, and recommendations made on revision in some areas. The following table summarises comment.

| Project | Balance of Allocation | Comment. |
|------------------------------------|-----------------------|----------------------------------------------------------------------------------------------------|
| Education | \$16, 115.99 | Ongoing |
| Terranora Broadwater Projects | \$38, 465.41 | Proceed with continuation in partnership with TURSA WFD-03/04 |
| Riparian Plans | \$7, 859.30 | Wobul Creek Reserve plan to be completed. |
| Wetland Enhancement | \$135, 176.73 | Monies identified for Cobaki, (progress stalled) allocation may be used in Fish unlimited project. |
| Stormwater Projects | (\$-1, 093.86) | Re-allocate to remove deficit, close job number. |
| Project Coordination | \$14, 204.03 | Add allocation from 2003/2004 budget |
| Ukerabagh Passage | \$19, 807.97 | Undertake aerial photography to monitor sea grass distribution. |
| Fingal Peninsular | \$187, 278.89 | Engage a consultant to undertake additional works required to re-submit D.A. |
| Monitoring | \$27, 628.94 | Ongoing |
| Water Quality Plan | \$77, 574.18 | Projects being developed. |
| Hydrographic Survey | \$11, 976.11 | Survey will be extended from Stotts Island to M' Bah. DIPNR to progress. |
| Riparian Vegetation Rehabilitation | \$29, 282.92 | Ongoing WFD projects |
| Stormwater Awareness Campaign | \$6, 708.31 | To be reallocated |
| Bank Stability Projects | \$10, 540.49 | \$5000 to support the NHT Lower Oxley riparian rehabilitation project. |
| Chinderah Foreshore Enhancement | \$101, 397.13 | Designs complete, DA submitted. |
| Bird Roosting Sites | \$26, 550.00 | Project to be determined following presentation at next meeting by D. Roweder. |
| ASS Projects | \$8, 970.16 | Ongoing expenditure (Blacks Drain). |
| Waterway Plan Recreation | \$4, 206.45 | Project update to be provided by C. Cormack at the next meeting. |
| Foreshore Projects | \$36, 293.83 | Projects being developed. |
| TOTAL | \$758, 933.98 | |

Reports from Committees/Working Groups

A revised program and budget for the 2003-2004 financial year will be presented at the next meeting.

AGENDA ITEMS:

1. Heritage Wharf Program Update

Wharves

The Committee was informed that no firm proposal for another Heritage Wharf had been agreed, but that in accordance with the minutes of the Tweed River Committee meeting 23 October 2002, Tumbulgum was the highest priority. It was agreed that Heritage Wharves would be included within the budget and progressed as a project in 2003/2004.

2. Tweed River Festival Update

Tweed River Committee

The Committee reaffirmed its commitment to running the Tweed River Festival in 2004. Cr Marshall is coordinating organisation of the festival at this time.

3. Riparian Rehabilitation

Riparian Projects

Peter Boyd (Department of Infrastructure Planning and Natural Resources) presented an overview of the Lower Oxley River Riparian Rehabilitation project being developed by Department of Infrastructure Planning and Natural Resources and submitted to the Northern Rivers Catchment Management Board for NHT funding.

The Committee was informed of the significant community benefit that would be derived from this project through reduced sediment inputs to the Tweed River within close proximity of the Bray Park Weir Pool.

The Committee resolved to support the application and contribute funding from the Bank Stability Project Budget. Additionally, the Tweed River Committee requested that the Water Unit contribute a further \$35, 000 to the project in light of the significant potential benefit to potable water management for TSC.

Moved: Geoff Edwards

Seconded: Cr. Marshall

RESOLVED that \$5,000 from the Bank Stability Project budget would be committed to the Lower Oxley River Riparian Rehabilitation project being developed by Department of Infrastructure Planning and Natural Resources.

Reports from Committees/Working Groups

RECOMMENDATION:

That Council approve the allocation of \$35,000 from the Water Unit budget towards the Lower Oxley River Riparian Rehabilitation project.

4. Tweed River Ecosystem Health Monitoring

Estuary Management

The presentation by Nicola Thomas was deferred until the meeting of 13 August 2003.

CORRESPONDENCE IN:

1. Registration Forms – River Symposium 2003

The committee agreed to support Cr Marshall's attendance at the River Symposium 2003.

2. Tweed Heads Environment Group Inc. 27 April 2003

The Committee received and noted the submission by Tweed Heads Environment Group.

3. NSW Canegrowers Association – Brochure

The Committee received and noted the brochure and Robert Quirks update on the reduction of Atrazine and Diuron being applied, as well as modifications to fertilizing practices.

4. SEA Project

Information regarding the unsuccessful application for continuation of the SEA project was received and noted.

CORRESPONDENCE OUT:

1. Letter to Minister for Sustainable Natural Resources

The issue of a letter to the Minister was noted.

Reports from Committees/Working Groups

2. Letter to Dr Del Fanning, University of Maryland

Issue of a CD to Dr Fanning with information on the TRC was noted.

3. Letters to State Ministers – Continuation of Stormwater Trust Funding

Issue of letters to Ministers regarding the reduction of Stormwater Trust funding was noted.

Moved: Cr. James

Seconded: Cr. Marshall

RESOLVED that all items of correspondence in and out be accepted.

GENERAL BUSINESS:

5. Water Sports Management Plan

Master Boating Plan

Councillor Boyd requested the Waterways Authority to provide the Committee with an update on progress of the recreational boating strategy at the next meeting.

6. Stotts Channel Management

Dredging/Stotts Island Nature Reserve

Councillor Boyd requested an update on the Stotts Channel management plan be brought to the next meeting. It was noted that survey to enable removal of a sediment deposition at the downstream end of the channel is underway.

7. Healthy Rivers Commission – Oysters Report

Oyster Leases

Cr Marshall tabled the recently released report on the relationship between healthy oysters and healthy rivers. David Oxenham noted that the implications of this report would be included in a report that he is preparing for EMT looking at the broad implications of the Healthy Rivers report on Council performance.

8. Sand Extraction for the Salt Project

Dredging

Dugald Gray stated that Actions Sands have been advised that the developers of the Salt Project no longer wish to source fill for this project from the Tweed River, through Action Sands. The Committee noted its concern regarding the new proposed source of sand, and

Reports from Committees/Working Groups

requested that Council staff keep the Committee advised of progress in this regard, particularly with respect to the conditions of Salt's development consent.

9. Aboriginal History of Ukerebagh Island

Tweed River Committee

Lance Tarvey advised the Committee that the Aboriginal history of Ukerebagh Island is being documented by a member of the National Parks staff.

NEXT MEETING:

The next meeting of the Committee is to be held on Wednesday 13 August 2003 at the Canvas & Kettle Restaurant commencing at 9.30 am.

The meeting closed at 12:35 p.m.

Director's Comments:
As per recommendations

[document3]

DIRECTOR'S RECOMMENDATIONS:

3. Riparian Rehabilitation

Riparian Projects

Committee Recommendation:

That Council approve the allocation of \$35,000 from the Water Unit budget towards the Lower Oxley River Riparian Rehabilitation project.

Director's Recommendation:
As per Committee's recommendation

Reports from Committees/Working Groups

3. Minutes of the Tweed Coastal Committee Meeting held Wednesday 11 June 2003

File No: Coastal Committee

VENUE:

Canvas and Kettle Restaurant, Murwillumbah.

TIME:

1.30pm

PRESENT:

Cr Wendy Marshall (Chair), Cr Max Boyd, Cr Henry James, Terry Kane (Cabarita Beach-Bogangar Residents Association), Justine Elliot (Fingal Head Dune Care/Community Association), Lance Tarvey (NSW National Parks and Wildlife Service), Richard Hagley, (Department of Land and Water Conservation), Jane Lofthouse, David Oxenham, Geoff Edwards, Tom Alletson (Tweed Shire Council).

APOLOGIES:

Neville Newell, Stewart Brawley, Rhonda James, Gary Thorpe.

MINUTES OF PREVIOUS MEETING:

Moved: T Kane

Seconded: H James

RESOLVED that the minutes of the meeting held Wednesday 9 April 2003 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

1. Christies Creek Floodgate Relocation

Cudgera Creek

The report by Clive Easton describing possible impacts of removing floodgates from Christies Creek with respect to mosquito and frog habitat was tabled. The Committee agreed to support a revised proposal that will aim to modify the existing floodgate to allow fish passage and limited tidal exchange.

2. Dredging Cudgen Creek

Cudgen Creek

Richard Hagley presented a detailed and comprehensive report which considered the technical, legislative and financial questions raised by Council with respect to the dredging of Cudgen Creek. The report will be finalised, vetted by the Department of Infrastructure Planning and Natural Resources in Sydney, and submitted to Tweed Shire Council.

The Chair noted that the Committee looked forward to receiving the final report from R Hagley. Further, it was noted with disappointment that Council has decided to proceed with a motion to dredge Cudgen Creek prior to the receipt of this report. It was recommended by the

Reports from Committees/Working Groups

Committee that a workshop with Councillors be scheduled to review the Department of Infrastructure Planning and Natural Resources report on dredging Cudgen Creek as soon as it is finalised.

RECOMMENDATION:

That a workshop be organised so that the Department of Infrastructure Planning and Natural Resources report on Cudgen Creek Dredging can be presented to all Councillors.

3. Draft Brief for Consultants - Estuary Management Plan Review

Tweed Coast Committee

Tom Alletson presented the draft brief and requested that any comments on be submitted to him by Wednesday 25th June. The brief will be sent to three consultants by the end of June.

4. Program Budget Update

Tweed Coast Committee

A review of existing allocations to projects in the Tweed Coastal Committee budget was undertaken. The following table summarises comment in this regard. A revised program budget will be presented at the next meeting.

| Program Area | Projects | Allocation | Comment |
|---------------|------------------------------------------------------------|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| General | | \$2, 811.64 | |
| Cudgen Creek | Boardwalk Construction | \$60, 000 | To proceed as planned |
| | Headland Rehabilitation | \$8, 000 | Allocation to be offered to Rec. services |
| | Canoe Trail (from 2001 program) | \$3, 000 | Project for 3 creeks to be developed by consultant. |
| Cudgera Creek | Removal of tidal obstructions | \$35, 000 | To proceed as planned. |
| | Christies Creek Floodgate Removal | \$15, 000 | To proceed as planned. |
| | Canoe trail (from 2001 program) | \$3, 000 | Project for 3 creeks to be developed by consultant. |
| Mooball Creek | Overall Drive erosion and revegetation projects (x2) | \$54, 000 | Site near culverts to be undertaken using canal maintenance budget. |
| | Revegetation and access management Overall Drive park area | \$25, 000 | Two project totals to be amalgamated to give \$79, 000 for log wall restoration and overall drive reserve plan of management and rehabilitation. |
| | Canoe trail (from 2001 program) | \$3, 000 | Project for 3 creeks to be developed by consultant. |

Reports from Committees/Working Groups

| | | | |
|-------------------------|------------------------------------|----------------------|------------------------------------------------------------------------------------|
| Estuary Management Plan | 2003 review | \$15, 000 | To proceed as planned. |
| Education | Coastal Weeds Brochure | \$4, 500 | To proceed as planned, budget surplus to be directed towards rehabilitation works. |
| | Canal residents education brochure | \$4, 500 | |
| Monitoring | | \$16, 000 | Program to be reviewed |
| Total | | \$248, 811.64 | |

5. Weeds Brochure

Tweed Coast Committee

The development of a weeds education brochure and distribution to all Shire residents under the banner of the Tweed Link was confirmed. An estimate budget of \$3760 has been confirmed for this project.

AGENDA ITEMS:

1. Tweed Coastline Management Study - Update

Coastal Management

Umwelt is continuing work on the Tweed Shire Coastline Management Study. A copy of the Stage 1 discussion paper was distributed to the Committee. Public workshops were held on the contents in the discussion paper in Mid-May. The Stage 2 Management Objectives report will be completed in September, with the final draft Coastline Management plan presented to the committee in January 2004, prior to going on public exhibition.

2. Mooball Creek Bank Erosion

Mooball Creek

Planning to implement works to address erosion in three areas of Mooball Creek are progressing.

Reports from Committees/Working Groups

| Site | Works required | Status |
|-------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| Overall Drive, adjacent to canal culverts. | Rock revetment. | Works funded through alternative budget, DA submitted, works to commence once quote considered and subject to construction program demands. |
| Overall Drive, creek bank erosion and vegetated reserve; adjacent to house lots on creek side of road | Erosion stabilisation, access management, weed control and revegetation. | Brief prepared for consultant to prepare designs and management plan. |
| Log revetment wall, downstream of bridge, south bank of creek. | Strengthening and restoration of sections of log wall. | Quote being prepared for consideration by Committee. |

CORRESPONDENCE IN:

1. Proposed Cudgen Creek Boardwalk

Cudgen Creek

Various letters of opposition from residents living adjacent to alignment of the proposed Cudgen Creek boardwalk extension were tabled at the meeting. The Committee noted the concerns raised in the letters, and reaffirmed its support for the project. It was agreed that a detailed investigation of the social and economic impacts of the proposal should be prepared by a suitably qualified consultant.

2. NSW Coastal Conference 2003

NSW Coastal Conference

Invitations for the NSW Coastal Conference 2003 in Port Macquarie were received and noted.

CORRESPONDENCE OUT:

**1. Letter to Department Sustainable Natural Resources Cudgen Creek Dredging
Cudgen Creek**

Moved: Cr James

Seconded: Cr Marshall

RESOLVED that correspondence out be acknowledged.

Reports from Committees/Working Groups

GENERAL BUSINESS:

3. Clean-up of Old Bogangar Tip Site

Tweed Coastal Committee

Lance Tarvey informed the Committee that a cooperative project to clean up the Old Bogangar Tip site had recently been completed by the National Parks Service and Council.

NEXT MEETING:

The next meeting of the Committee is to be held on Wednesday 13 August 2003 at the Canvas & Kettle Restaurant commencing at 1.00 pm.

The meeting closed at 3:12 p.m.

Director's Comments:

As per recommendations

DIRECTOR'S RECOMMENDATIONS:

2. Dredging Cudgen Creek

Cudgen Creek

Committee Recommendation:

That a workshop be organised so that the Department of Infrastructure Planning and Natural Resources report on Cudgen Creek Dredging can be presented to all Councillors.

Director's Recommendation:

As per Committee's recommendation.

Reports from Committees/Working Groups

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

- 4. Minutes of the Tweed Shire Council Disability Access Advisory Committee Meeting Held Thursday 15 May 2003.**
 - 5. Minutes of the Tweed Shire Council Occupational Health & Safety Committee Meeting held on Thursday 12 June 2003.**
 - 6. Minutes of the Sports Advisory Committee Meeting held on Tuesday 17 June 2003.**
 - 7. Minutes of the Regional Companion Animal Committee Meeting held on 19 June 2003.**
-

Orders of the Day

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

Knox Park - Duck Pond

Parks – Knox Park; Notice of Motion

That a report be brought forward on the advisability and cost of filling the Murwillumbah “Duck Pond”, and extending the parking area and putting in netball courts.

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

CSR Readymix Quarry at Terranora

Quarries – CSR Readymix; PF5430/1443 Pt3; Notice of Motion

That the Director Development Services advise Council upon receipt of the State Government of its request to Council to comment on the development application lodged for the expansion of the Readymix Quarry at Terranora.

3. **Notice of Motion – Cr Brinsmead**

District Shopping Centre - Kingscliff

Kingscliff – Review Strategic Issues; GT1/29/3 Pt2; Notice of Motion

That Council:

1. Determines it does not favour locating a *district shopping centre* of any kind (whether a traditional “big box” style or shopping centre or the town centre style of shopping centre) on Turnock Street, Kingscliff.
 2. Makes this determination so that no further time and resources be spent on planning for it, making provision for it, or allowing its possible location on Turnock Street to influence any planning decisions.
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Orders of the Day

4. Notice of Motion - Cr Brinsmead

Tweed Link

Tweed Link; Notice of Motion

That Council should phase out its own newspaper (The Tweed Link) and investigate other options to advertise its public notices.

5. Notice of Motion - Cr Brinsmead

Cudgen Creek

Cudgen Creek; Estuary Management; Notice of Motion

That Council brings forward a report on the effect that farming practices at Cudgen are having on the water quality of the area, especially Cudgen Creek and estuary system after heavy rains and in preparing this report, monitor and measure the water pollution levels of the Cudgen Creek system before and after heavy rains.

6. Notice of Motion - Cr Brinsmead

Vehicle Access to Beaches

Licence – Beach Vehicle; Notice of Motion

That Council considers TBS Coach and Tour's application for permission to access the beach along the Tweed Coastline favourably, and asks the Director of Environment and Community Services to bring forward conditions appropriate to approving this application.

7. Notice of Motion – Cr Youngblutt

Noxious Weeds – Camphor Laurel

Noxious Weeds; Notice of Motion

That *Cinnamomium camphora* (Camphor Laurel) be declared a noxious weed in the Tweed Shire.
