

# Items for Consideration of Council

Schedule of Outstanding Resolutions	7
Mayoral Minute	13
Reports from Director Development Services	17
1.    ORIGIN: Development Assessment Unit	19
<b>Development Application 0545/2000DA.03 for an Amendment to Development Consent 0545/2000DA for a Mixed Industrial/Residential Development Comprising a Factory and Two (2) Residential Units at Lot 188 DP 259164, No. 88 Hastings Road Bogangar</b>	<b>19</b>
2.    ORIGIN: Development Assessment Unit	25
<b>Development Application K99/1682 for a Six (6) Lot Subdivision at Lot 2 DP 1014553, Winders Place Banora Point</b>	<b>25</b>
3.    ORIGIN: Strategic Town Planning Unit	43
<b>Draft Development Control Plan No 46 and Plan of Management - South Kingscliff Gateway</b>	<b>43</b>
4.    ORIGIN: Strategic Town Planning Unit	45
<b>Sewerage Treatment Plant Buffer - Banora Point Sewerage Treatment Plant</b>	<b>45</b>
5.    ORIGIN: Strategic Town Planning Unit	49
<b>Amendment to Section 94 Contribution Plan No 16 - Emergency Facilities (Surf Lifesaving)</b>	<b>49</b>
Reports from Director Corporate Services	79
6.    ORIGIN: Director	79
<b>Enforcement Guidelines for Council</b>	<b>79</b>
7.    ORIGIN: Director	83
<b>World Heritage Rainforest Centre - Proposal to undertake Building Extensions</b>	<b>83</b>
8.    ORIGIN: Director	87
<b>Rural Village Development Program</b>	<b>87</b>
9.    ORIGIN: Financial & Information Services Unit	95
<b>Quarterly Budget Review - 31 December 2002</b>	<b>95</b>

## Items for Consideration of Council

10. ORIGIN: General Manager	105
<b>Banora Point Community Centre</b>	<b>105</b>
11. ORIGIN: Financial & Information Services Unit	111
<b>In Kind and Real Donations - 1 October 2002 to 31 December 2002</b>	<b>111</b>
<b>Reports from Director Engineering Services</b>	<b>115</b>
12. ORIGIN: Design Unit	115
<b>Sale of Proposed Lots 1, 3, 5 and 7 and Lease of Proposed Lots 2, 4, 6 and 8 to be Created by Road Closure Plan at Chinderah Bay Drive, Chinderah</b>	<b>115</b>
13. ORIGIN: Design Unit	117
<b>Classification of Land As Operational</b>	<b>117</b>
14. ORIGIN: Director	121
<b>Tweed District Water Supply – Drought Management Strategy - Level 3 Restrictions</b>	<b>121</b>
<b>Reports from Director Environment &amp; Community Services</b>	<b>129</b>
15. ORIGIN: Environment & Health Services Unit	129
<b>Entomological Control Report</b>	<b>129</b>
16. ORIGIN: Building Services Unit	133
<b>Illegal Building Work - Lot 84 DP32024 No. 62 Lalina Avenue, Tweed Heads West</b>	<b>133</b>
<b>Reports from Committees/Working Groups</b>	<b>135</b>
1. Minutes of the Tweed River Committee Meeting held Wednesday 11 December 2002	135
2. Minutes of the Tweed Coastal Committee Meeting held Wednesday 11 December 2002	141
MINUTES CIRCULATED TO COUNCILLORS WITH THIS AGENDA NOT REQUIRING A COUNCIL DECISION	146
1. Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 9 January 2003	146
<b>Orders of the Day</b>	<b>147</b>
1. Notice of Motion - Cr Luff	147
<b>Pacific Highway - Current Usage and Transport of Goods</b>	<b>147</b>
2. Notice of Motion - Cr Boyd	147
<b>State Emergency Services</b>	<b>147</b>

## Items for Consideration of Council

---

3.	Notice of Motion - Cr Boyd	148
	<b>Naming - Reserve</b>	<b>148</b>
4.	Notice of Motion - Cr Boyd	148
	<b>Naming - Wharf</b>	<b>148</b>
5.	Notice of Motion - Cr Luff	148
	<b>Fire Risk to Property</b>	<b>148</b>

# Items for Consideration of Council

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

<b>Reports from Director Corporate Services in Committee</b>	<b>5</b>
1. ORIGIN: General Manager	5
<b>Kings Forest</b>	<b>5</b>
<i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege</i>	5
<b>Reports from Director Engineering Services in Committee</b>	<b>7</b>
2. ORIGIN: Design Unit	7
<b>Smart House Sale - 1 Glebe Place, Tweed Heads South</b>	<b>7</b>
<i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (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>	7
3. ORIGIN: Planning & Infrastructure Unit	9
<b>EC2002-171 Manufacture, Supply, Delivery and Unloading of 375mm Pressure Pipe, DICL Fittings and Valves</b>	<b>9</b>
<i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (d) commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the council, or (iii) reveal a trade secret</i>	9
4. ORIGIN: Works Unit	13
<b>Tender EC2002-172 - Supply &amp; Delivery of One (1) Mobile Elevated work Platform (EWP)</b>	<b>13</b>
<i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (d) commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the council, or (iii) reveal a trade secret</i>	13

# Schedule of Outstanding Resolutions

## 5 DECEMBER 2001

### REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

#### 17. Proposed Tweed Natural High Campaign

Drug Related Matters

508

Cr Boyd

Cr Marshall

**RESOLVED** that Council:-

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

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

## 19 DECEMBER 2001

### REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

#### 33. Future Doon Doon Hall

Rural Hall - Doon Doon (Ppty No: 1640.430)

579

Cr Youngblutt

Cr Davidson

**RESOLVED** that:

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

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

## Schedule of Outstanding Resolutions

---

### 20 MARCH 2002

#### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

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

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

793

Cr Beck

Cr Marshall

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

**Current Status:** Report in the near future.

---

### 3 APRIL 2002

#### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

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

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

852

Cr Marshall

Cr Boyd

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

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

---

## 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; 1180.9000; 1190.1258; 1190.1237; Notice of Motion**

393

Cr Beck

Cr Lawrie

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

**Current Status:** To be finalised.

---

### 6 NOVEMBER 2002

#### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

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

**PF3560/110 Pt2; 3560.110**

420

Cr Boyd

Cr Beck

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

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

**Current Status:** Being investigated.

---

## Schedule of Outstanding Resolutions

---

### 20 NOVEMBER 2002

#### ITEMS DEFERRED

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

DA1180/425 Pt1; 1180.425

479

Cr Boyd

Cr Marshall

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

**Current Status:** Meeting being arranged.

---

### 4 DECEMBER 2002

#### ORDERS OF THE DAY

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

Notice of Motion; Water

560

Cr Beck

Cr Brinsmead

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

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

---

### 18 DECEMBER 2002

#### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

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

GT1/LEP/2000 Pt1

570

Cr Luff

Cr Marshall

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

---



## Schedule of Outstanding Resolutions

---

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

---

### REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

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

Surf Life Saving; Casuarina

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.

---

## 22 JANUARY 2003

### REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

#### 27. Complying Development Applications - Forms Required

Building – General; Pre-requisite to Complying Development

45

Cr Lawrie

Cr Polglase

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

**Current Status:** Forms being developed.

---

## Schedule of Outstanding Resolutions

---

### 22 JANUARY 2003

#### ORDERS OF THE DAY

- 2a. **Land and Environment Court Decision - Brothel Ourimbah Road, Tweed Heads**  
**Notice of Motion; DA02/0474 Pt2; Land and Environment Court; Ppty 3970.50**

59

Cr Lawrie

Cr Polglase

**RESOLVED** that Council urgently obtains an opinion from Murray Tobias QC on the prospects of the success of an appeal against the recent decision of the Land and Environment Court regarding the “mega-brothel” in Ourimbah Road, Tweed Heads.

**Current Status:** Opinion being obtained.

---

#### QUESTION TIME

##### Advertising Structures

##### Advertising - Signs

Cr Luff

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

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

**Current Status:** Matter being investigated.

---

#### QUESTION TIME

##### Earthworks – Stott Street, Bilambil Heights

##### DA4765/20 Pt5; Lot 2 DP 537490 Walmsleys Road

Cr Luff

What, if any, action was taken by Council in regard to the allegation that earthworks by the developer of the retirement facility at Stotts Street, Bilambil Heights were left uncovered and unprotected so that they were causing a nuisance to residents because of dust, so that a risk existed that the disturbed earth would be eroded in the event of rain?

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

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

---

# Mayoral Minute

---

Councillors,

**1. Orange City Council**

**Councillors' Invitation**

23 January – met with Alan Dwyer (General Manager Orange City Council) and his wife Janet

---

**2. Dolphin Hotel development Tweed Heads**

**DA02/1824Pt.1 – PptyNo. 4040.70**

23 January – conducted media interview with Prime TV regarding Dolphin Hotel DA

---

**3. Kingscliff Soccer Club**

**Councillors' Invitations**

23 January – participated in photoshoot with the Kingscliff Soccer Club

---

**4. Citizenship Ceremony**

**Subj - Citizenship**

23 January – conducted private Citizenship Ceremony at Murwillumbah for Ms Su Anderson

---

**5. Murraba Crescent Tweed Heads**

**DA3630/402 Pt.1**

24 January – met on site with complainant regarding non compliance of conditions of DA

---

**6. Twin Towns Resort Walk**

**Councillors' Invitations**

24 January – met with Integrity Realty to discuss Resort Walk at Twin Towns

---

# Mayoral Minute

---

**7. Tweed Australia Day Celebrations/Citizenship Ceremony**

**Ceremonies – Australia Day**

26 January – attended Tweed Australia Day Celebrations at Kingscliff, Tumbulgum, Murwillumbah and Burringbar

---

**8. Kingscliff Caravan Park**

**Subj.- TCHP Kingscliff Beach DA02/2079**

28 January – conducted media interview regarding proposed Kingscliff Caravan Park development.

---

**9. Drought Discussions**

**Drought**

28 January – attended Sue Vinnicombe’s office and met with Mark Vaile, Federal Trade Minister and Deputy Leader of the National Party, to discuss drought situation

---

**10. Road Issues (Sexton’s Hill deviation)**

**Roads - General**

29 January – attended meeting with George Souris, Leader National Party NSW

---

**11. Murwillumbah War Memorial**

**Memorials**

30 January – participated in a photoshoot in support of upgrade of Murwillumbah War Memorial.

---

**12. TEDC**

**TEDC**

31 January – attended monthly meeting of TEDC

---

**13. RACQ Care Flight**

**Helicopter Rescue Services**

31 January – met with Tracey McLeod at Tweed Heads to discuss RACQ Care Flight

---

## Mayoral Minute

---

**14. Radio 97 Interview**

**Councillors' Invitations**

31 January – interviewed by Leon Delaney on Radio 97

---

**15. Kingscliff Uniting Church**

**Councillor' Invitations**

31 January – attended induction of Rev. Sarah Williamson at Kingscliff Uniting Church.

---

**16. Kingscliff Soccer Club**

**Councillors' Invitations**

1 February – as Patron attended sign-on for the Kingscliff Soccer club

---

**17. Bilambil Progress Association**

**Residents' & Ratepayers' Association**

4 February – attend meeting of the Bilambil Progress Association at the Bilambil Sports Complex

---

**18. GCCC Regional Economic Development Advisory Committee**

**REDAC**

5 February – presentation by Bernard Salt (KPMG) at meeting of the GCCC Regional Economic Development Committee at Royal Pines Resort

---

**INVITATIONS ACCEPTED:**

- 6 February – Banora Point Establishment Committee Meeting
  - 7 February – Curious arts Chinderah “Curiously Individual” Exhibition
  - 10 February – Tweed Valley College Murwillumbah address to students
  - 17 February – ‘A’ Division Shires Assoc of NSW Annual Meeting in Casino
  - 18 February –THCC - Discussions re establishment of new Junior Chamber of Commerce chapter in Murwillumbah or Tweed Heads
-

# Mayoral Minute

---

## ABSENCES FROM SHIRE BY EXECUTIVE, MANAGERS AND COUNCILLORS

DES	6 February 2003 6 February 2003	Sydney	Water Directorate Committee Meeting
GM	17 February 2003	Casino	'A' Division Shires Association of NSW Annual Meeting

---

# 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

---

THIS  
PAGE  
PAGE  
IS  
BLANK  
IS  
BLANK



## Reports from Director Development Services

---

**1. ORIGIN: Development Assessment Unit**

**FILE REF: DA2380/650 Pt2; 2380.650**

**REPORT TITLE:**

**Development Application 0545/2000DA.03 for an Amendment to Development Consent 0545/2000DA for a Mixed Industrial/Residential Development Comprising a Factory and Two (2) Residential Units at Lot 188 DP 259164, No. 88 Hastings Road Bogangar**

**SUMMARY OF REPORT:**

An application to modify consent 0545/2000DA has been received. The application proposes to increase the floor area of the internal mezzanine from 56m<sup>2</sup> to 118m<sup>2</sup>. An additional 62m<sup>2</sup>. This will require the provision of two (2) additional off street car parking spaces to be provided. The applicant has provided these spaces. One is provided externally adjoining spaces already approved and is reasonable. The other space is proposed to be located within the building and the practicality of this arrangement is contrary to Council Policy and Council has not normally supported the provision of internal parking and therefore the internal space is unsatisfactory. Accordingly, the net result is that the proposal has a shortfall of one (1) space, thereby requiring the payment of a monetary contribution of \$10,840 in lieu of the physical provision.

The applicant/owner has submitted that this contribution be waived on the basis that it is unreasonable.

The monetary contribution is considered to be reasonable and in accordance with Council policy is recommended to be imposed as a condition of any amended consent.

The development has previously been given a relaxation for a monetary contribution for the shortfall of 2 car parking spaces, which were also provided within the building.

Given that the application proposes to increase the floor area the road contribution will also need to be amended to reflect this.

**RECOMMENDATION:**

That Development Application 0545/2000DA.03 for an amendment to Development Consent 0545/2000DA for a mixed industrial/residential development comprising a factory and two (2) residential units at Lot 188 DP 259164, No. 88 Hastings Road Bogangar be approved and the consent modified as follows: -

- \* Modify the contribution for condition 1(i)(a)(ii) as follows:-
  1. (i)(a)(ii) \$4,282.00.
- \* Modify condition 1(i) to include the following contribution:-
  1. (i)(j) Shire Wide Carparking \$10,840.00  
S94 Plan No.23
- \* Modify condition 4 to read as follows:-
  4. The development shall be completed in general accordance with Plans Nos G1786 (1-5) prepared by Gavin Duffie revised 15/11/02, except where varied by these conditions.

## Reports from Director Development Services

---

### REPORT:

**Applicant:** Mr Derek R Howarth and Mrs Karen A Howarth

**Owner:** As above.

**Location:** Lot 188 DP 259164, No. 88 Hastings Road Bogangar

**Zoning:** 3(b) General Business

**Cost:** Nil

### BACKGROUND

An application has been received seeking to modify development consent 0545/2000DA for a mixed industrial/residential development comprising a factory and two (2) residential units. The application proposes to increase the floor area of the internal mezzanine from 56m<sup>2</sup> to 118m<sup>2</sup>. An increase of approximately 62m<sup>2</sup>.

Under the provisions of Development Control Plan No.2 – Site Access and Parking Code the proposed additions would require the provision for an additional two (2) offstreet car parking spaces at the rate of 1 space per 50m<sup>2</sup>. These two (2) additional spaces have been provided. One (1) is located at the rear of the property adjoining four (4) existing spaces and the other is proposed inside the building. The practicality of the internal space is questionable and Council have not normally supported the provision of internal parking and therefore the proposed configuration is considered unsatisfactory and the consent should be conditioned requiring the payment of a monetary contribution of \$10,840 in lieu of the shortfall from the physical provision of the space in accordance with Section 94 Plan No.23.

In this regard it should be noted that the development has already received significant flexibility in that the original application the lower level of the building was assessed as industrial floor space rather than retail (increased parking requirements). In addition the original application also proposed two (2) internal car parking spaces and these were not supported and the consent was conditioned requiring an off site parking contribution of \$19,710 in lieu of a shortfall of two (2) spaces.

However, at Council's meeting 18 October 2000 Council resolved that the condition requiring the monetary contribution of \$19,710 in lieu of the physical provision of the 2 spaces be deleted on the basis of the applicant's submission.

The monetary contribution has been discussed with the applicant who contends that this contribution in lieu of the physical provision of the 1 space is unreasonable and the applicant's submission is below.

## Reports from Director Development Services

### **TWEED COAST SECURITY & BLINDS**

Tuesday, 14 January 2003

Dear Sir / Madam,

I am writing this letter to plead my case for my development application 0545/2000D.A.03 being for Lot 188 Hastings Road, Cabarita Beach. On our original building approval as per council requirements we supplied eight car parks plus our own access to the rear of our property as council had not yet nor do they know when the rear access will be constructed. Now if this lane way was constructed and the car parking facilities put into place as it should have already been done I would not be in this position.

With the continual efforts to do the right thing by council and keep them informed we submitted our amended plans for slight changes to the internal mezzanine size and the positioning, only to be told that not eight but ten car parks are required. Still trying to do the right thing I then submitted an amended site plan showing what I believe to be all ten required car parks.

Once again this was unacceptable to the council and informed us that I would have to make a car parking contribution of over \$10,000. This I cannot afford.

I would like council to reconsider this as I have provided the extra spaces. I also feel that if Council was so concerned about our car parking facilities then why have they not constructed the access lane and car parks both in Hasting Road? Council deem Hastings Road not to have sufficient traffic flow to warrant their own construction of car parking facilities and access lane, but expect my small business to supply ten spaces. We are just a small business employing local people and cannot afford this.

We also are aware that the land that Council has for its car parking facilities was donated and funds paid for the construction of the rear lane by the original owner Mr Ken Hansen. Once again Council feels the road is busy enough for a small business to have 10 car parks but not busy enough for council to construct their own! Where is the fairness in this?

I have supplied the ten car parking spaces that you have required and would like council to have leniency considering the above situation. I await your rapid reply as construction has ceased pending council decision.

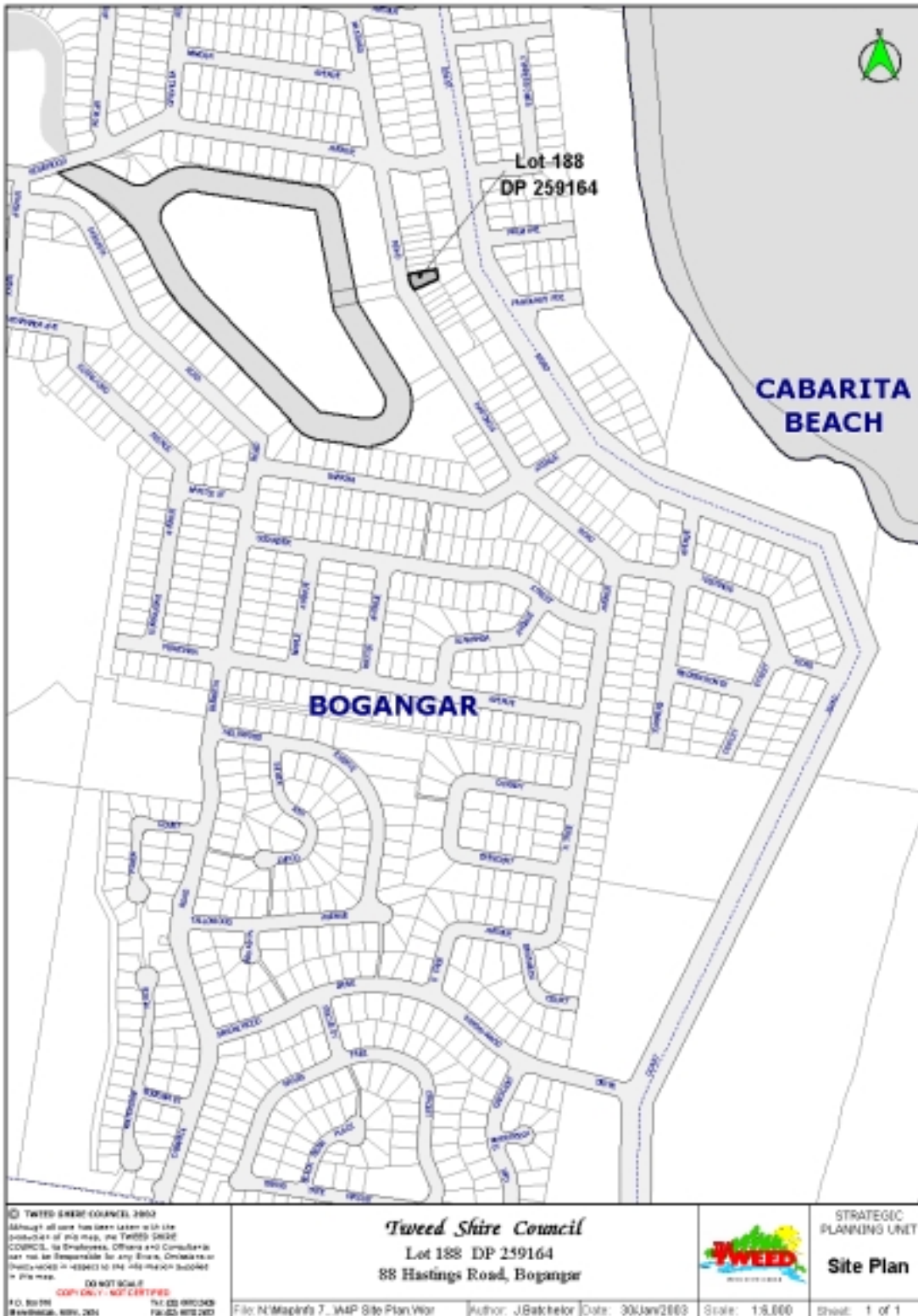
Regards

Derek & Karen Howarth

86 Hastings Rd, Cabarita Beach NSW 2488  
Cabarita Beach Ph/Fax: 02 6676 3522 Tweed Heads Ph: 07 5524 8808 Mobile: 0418 793 247

# Reports from Director Development Services

## SITE DIAGRAM



## Reports from Director Development Services

---

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

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

Pursuant to the original application the car parking provisions are calculated at 1 space per 50m<sup>2</sup> of floor area. The proposed additions will increase the floor area of the mezzanine by approximately 62m<sup>2</sup> and at 1 space per 50m<sup>2</sup> this calculates to be 2 spaces.

One of these spaces has been provided externally adjoining 4 approved spaces and the location of this space is reasonable. The other space is proposed to be located inside the building, which is not considered to be practical, as previously discussed. Two spaces are already provided within the building, which were not supported by the Director Development Services, but were supported by Council.

Consequently, it is considered that the internal space should not be supported and a monetary contribution of \$10,840 paid for the shortfall.

#### OPTIONS

The following options are available to Council.

1. Impose the condition requiring a monetary contribution of \$10,840 in lieu of the physical provision of 1 space.
2. That the condition requiring the monetary contribution of \$10,840 in lieu of the physical provision of the 1 space not be imposed on the basis of the applicant's submission.

#### CONCLUSION

As discussed in this report Council have not usually supported the provision of internal parking and therefore the proposed configuration is considered unsatisfactory. Accordingly, the request from the applicant to waive the monetary contribution of \$10,840 in lieu of the 1 space should not be supported.

In addition it is considered that the development has already been given significant flexibility and any further relaxation may set an undesirable precedent for similar development.

Given that the application proposes an increase in the gross floor area the section 94 road contributions will need to be amended.

---

## Reports from Director Development Services

---

THIS  
PAGE  
THIS  
PAGE  
IS  
IS  
BLANK  
BLANK

## Reports from Director Development Services

---

**2. ORIGIN: Development Assessment Unit**

**FILE REF: DA5937/740 Pt3; 5937.740**

**REPORT TITLE:**

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

**SUMMARY OF REPORT:**

Council considered a report on 21<sup>st</sup> August 2002 in relation to the proposed development being a subdivision creating four torrens title residential allotments with areas between 461m<sup>2</sup> and 614m<sup>2</sup>, one future integrated housing allotment with an area of 1.36 hectares and an allotment to be dedicated as open space with an area of 1.877 hectares. The subject land is adjacent to Lake Kimberley and Winders Place Banora Point.

The report recommended that the proposed subdivision be deferred and placed on public exhibition with the proposed Draft amendment No.39 to the Tweed Local Environmental Plan 2000 and the amendment No.12 to Development Control Plan No.3 – Banora Point West/Tweed Heads South. Council resolved “that this matter be deferred on the request of the applicant”.

The applicant was advised that the matter had been deferred. Council’s report detailed the issues with the proposed subdivision and the applicant was to provide further submissions in relation to the proposal to enable a comprehensive assessment.

Since Council’s resolution of 21/8/2002 the Draft Local Environmental Plan and Amendment to the Development Control Plan have been publicly exhibited. However to date Council has not received further information from the applicant and therefore the following report is provided incorporating the previous report of 21<sup>st</sup> August 2002 and matters relevant to this application.

**RECOMMENDATION:**

That Development Application K99/1682 for a six (6) lot subdivision at Lot 2 DP 1014553, Winders Place Banora Point be refused for the following reasons: -

1. The proposed subdivision does not comply with the minimum lot sizes in relation to proposed lot 4 as required by Tweed Local Environmental Plan 2000.
2. The proposed subdivision has not satisfied the objectives of Clause 14 of the Tweed Local Environmental Plan 2000 in respect to intrinsic qualities of the open space for Lake Kimberley.
3. The proposed development is not accompanied by sufficient information in relation to aircraft noise impacts to proposed lots 1 to 3 to enable a proper assessment in relation to Clause 32 of the Tweed Local Environmental Plan 2000.
4. The proposed development is not accompanied by sufficient engineering information in relation to sewer and stormwater and the ability for each proposed allotment to be serviced to enable a proper assessment.
5. The proposed subdivision design is considered to be inadequate in relation to the position of proposed lot 4 and the future integrated housing site.
6. The proposed subdivision is not in the general public interest.

## Reports from Director Development Services

---

### REPORT:

**Applicant:** M W Allen & Associates

**Owner:** Bradshaw Developments Pty Ltd

**Location:** Lot 2 DP 1014553, Winders Place Banora Point

**Zoning:** Part 2(c) Urban Expansion, 6(b) Recreation and uncoloured land.

**Cost:** \$66 000.00

### BACKGROUND

The subject development application was lodged in 1999. As the application has taken a number of years the following brief history to date is provided.

25/11/1999 Council received a development application for an eight lot subdivision comprising 6 lot integrated housing development, 1 lot as a residue for future integrated housing and 1 lot for open space to be dedicated to Council. This application was made due to its timing, under the Tweed LEP 1987. At the time of submission the subject land was partly zoned 2(c) Urban Expansion and partly 2(c) Recreation (Special Purposes) under the TLEP 1987. At the time of lodgement the application relied on the use of Clause 10 of the TLEP 1987 this being the variable zone boundary clause. Also it is noted that there was no uncoloured land under the TLEP 1987 on this land.

15/12/1999 Council considered a report on the proposal which raised a number of issues regarding the development of the subject land. These issues included the proposed integrated housing development not being consistent with the criteria contained in Clause 10 and that the development is not desirable. In addition the report recommended however that the open space proposed by the application being the creation of an allotment surrounding Lake Kimberley be investigated. As such, Council resolved that:

- “1. *The item be deferred.*
2. *Council appoints a panel to be party to negotiations with the Bradshaw Group.*
3. *The Panel to consist of 2 Councillors and council officers.*
4. *A report be prepared for Council consideration.”*

19/4/2000 Council considered a report assessing the proposed 8 lot subdivision. The report detailed some of the issues with the proposed development, changes to the zoning by way of Tweed LEP 2000 gazettal and environmental constraints. The report concluded that the development application did not warrant approval, the LEP and DCP amendments should be negotiated prior to any approval. The report also raised the issue of the public interest in light of the expectation of open space land abutting Lake Kimberley in this locality and the fact that the proposal had not been publicly notified or exhibited.

Council also at the meeting of the 19/4/2000 considered in confidential a report addressing the open space investigations as resolved to be undertaken at the



## Reports from Director Development Services

---

meeting of the 15/12/1999. In regard to both of these items Council resolved the items be deferred to allow further discussions to take place.

17/5/2000 Council considered a report recommending actions on the proposed development subsequent to the discussions resolved by Council on 19/4/2000. Again the planners report recommended that Clause 10 of TLEP 1987, being the variable zone boundary clause, not be used, and further that DCP 3 should not be amended to facilitate the proposal. Council resolved to:

- “1. *Exhibit the DA as lodged.*
2. *Exhibit alternate open space options for the public input.*
3. *Convenes a further panel meeting with DDS prior to the finalisation of the report to Council in June 2000.*”

Also at this meeting Cr Beck presented a petition to the Acting General Manager from residents regarding the subdivision.

14/2/2001 The proposed development was placed on public exhibition. The period of exhibition closed on 28/2/2001. The reason for the delay from the resolution of the 17/5/2000 to exhibition period was at the applicant’s request due to wishing to prepare documentation in relation to open space credits to be publicly exhibited at the same time.

19/12/2001 Council considered a report addressing the protracted negotiations between Council and Mr Bradshaw in terms of Open Space options. Council did not resolve in accordance with the planners report recommendation, rather, resolved:

- “1. *That Council endorses the proposal to Bradshaw Developments in terms of \$551 085 to acquire parcels 1, 2 and 5 in option 2 plus 1566m<sup>2</sup> adjacent to Winders Place (annexure 5) as public open space with a consequent draft amendment to DCP 3 - Banora Point South Tweed, amendment as sought to LEP of amendment DAK 99/1682.*
2. *Compensates Bradshaw Development \$22,500 being half the cost of the bridge.*
3. *Acknowledges Bradshaw Development forthcoming application and intent to construct a sewerage pump station and/or stormwater.*”

Amendments to this motion were lost and the motion was carried.

28/3/2002 Council received changes to the existing development application for the 8 lot subdivision. The changes to the application included:

1. Correct property description due to registration of a new DP over the land.
2. The change from integrated housing to a 6 lot subdivision including the creation of 4 Torrens title allotments, 1 residue for future integrated housing and 1 lot for open space to be dedicated to Council.

## Reports from Director Development Services

---

3. The proposal is also staged with proposed lots 1 to 3 and 6 being Stage 1 and lots 4 and 5 being Stage 2. The applicants reasoning for this staging is to ensure 'orderly provision of sewerage' to proposed lot 4 and 5.
4. The changes to the plans are to ensure the proposal is in accordance with open space negotiations and option 2 as resolved by Council on 19/12/2001.

The amended proposal as submitted on this date is the one being considered by Council in this report.

15/5/2002 Orders of the Day at Council's meeting included a notice of rescission which resolved:

*"... that Council:-*

2. *Compensates Bradshaw Developments \$22,500, being half the cost of the bridge."*

*be rescinded.*

7/8/2002 In response to a notice of motion by Cr Davidson it was resolved: -

*"that the Director Development Services brings forward a report to the Council Meeting of 21 August 2002, in relation to the Development Application K99/1682 (proposed subdivision at Lot 117 DP 879797 Winders Place, Banora Point), for consideration by Council. The report to include appropriate conditions, in the event that Council decided to determine approval of the development application."*

21/8/2002 Council considered a report in relation to the proposed subdivision which recommended that the application be deferred and be placed on public exhibition with the proposed amendment to Tweed Local Environmental Plan 2000 and the amendment to Development Control Plan No.3 – Banora Point West/Tweed Heads South. Council resolved:-

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

4/12/2002 Public Exhibition commenced on Draft Tweed Local Environmental Plan No.39 and Draft Amendment No.12 Development Control Plan No.3 – Banora Point West/Tweed Heads South. The exhibition period closed on 10/1/2003. This amendment related to the zoning of land adjacent to Lake Kimberley the subject of this application.

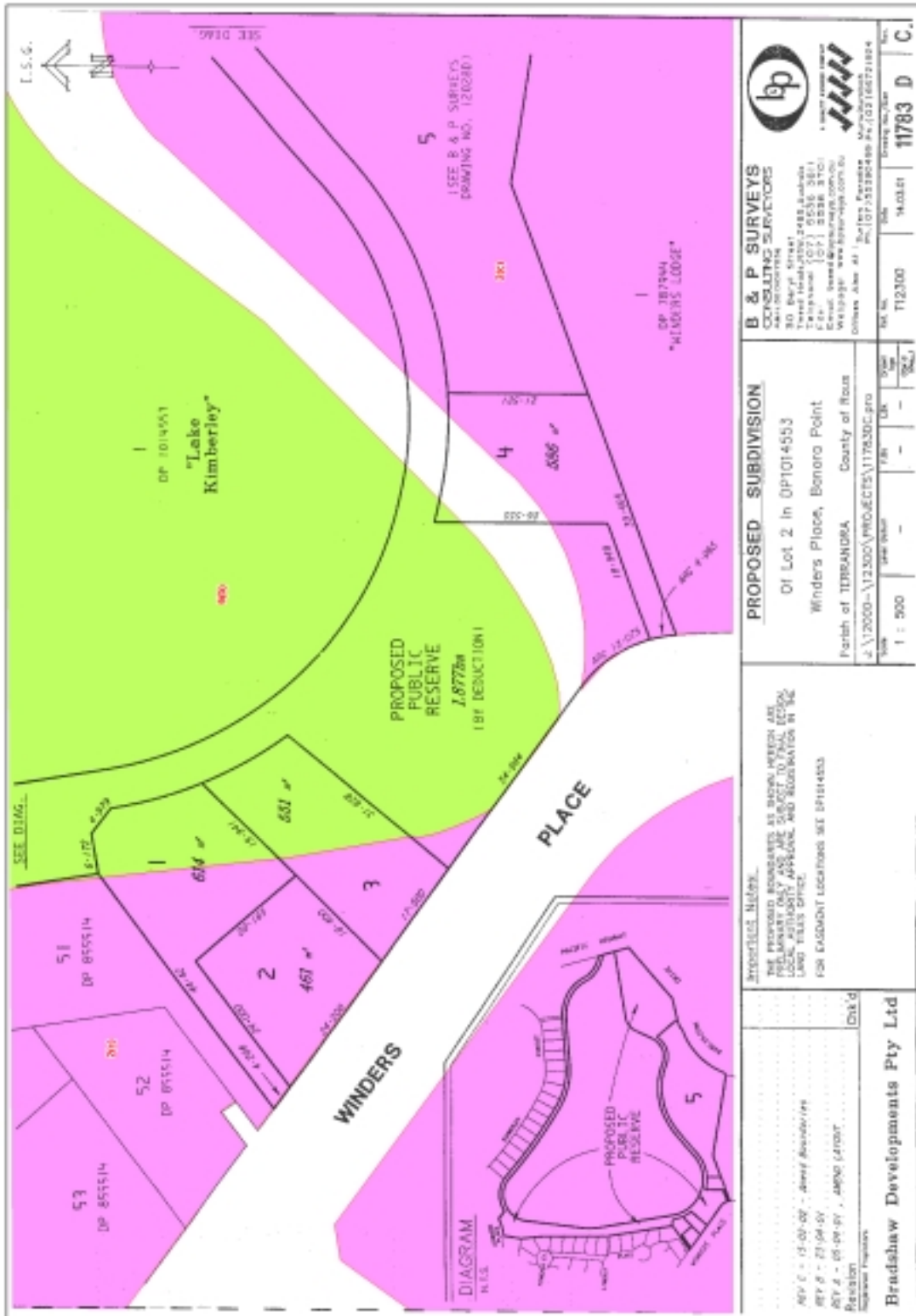
# Reports from Director Development Services

## SITE DIAGRAM



# Reports from Director Development Services

## SUBDIVISION PLAN



## 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 partly zoned 2(c) Urban Expansion, 6(b) Recreation and uncoloured land under the provisions of the Tweed Local Environmental Plan 2000. The proposed development is only in part permissible with consent (proposed lots 1, 2 and 3) however due to the provisions of Clause 11 and the applicable use of Clause 14 proposed lot 4 of the subdivision is prohibited.

As such, the recommendation of this report does not support the approval of the plan of proposed subdivision as lodged with this application.

#### **Minimum Lot Size Requirements**

Clause 11 of the TLEP 2000 provides for a minimum lot size of 450m<sup>2</sup> in the case of land within the 2(c) Urban Expansion zone. The minimum lot size provision as in Clause 11 of the TLEP 2000 cannot be varied by use of State Environmental Planning Policy No.1 - Development Standards. As such, the proposed subdivision needs to create all 2(c) Urban Expansion zoned allotments with a minimum size of 450m<sup>2</sup>.

To achieve this outcome the applicant has applied the use of Clause 14 of the TLEP 2000, which reads:

- (2) *This clause applies to land, which is:*
  - a. *within 20 metres of a boundary between any two of Zones 1(c), 2(a), 2(b), 2(c), 2(d), 2(e), 2(f), 3(a), 3(b), 3(c), 3(d), 3(e), 4(a), 5(a), 6(a) and 6(b), or*
  - b. *within 50 metres of a boundary between zones 1(a) and 1(b), or*
  - c. *within 50 metres of a boundary between any zone referred to in paragraph (a) and zone referred to in paragraph (b).*
- (3) *Development that would otherwise be prohibited may, with consent, be carried out on land to which this clause applies if the development may be carried out (with or without consent) in the adjoining zone.*
- (4) *Consent may be granted to development referred to in subclause (3) only if the consent authority is satisfied that the proposed development is more appropriate, due to planning, design, ownership, servicing or similar criteria, than the development that would otherwise be allowed.*

It is clear in reading Clause 14 that the clause does not apply to uncoloured land. Therefore any part of the proposed subdivision that would rely on this clause where the two zones requiring variation are separated by an area of uncoloured land is prohibited.

The proposed subdivision includes an allotment, proposed lot 4, which is 586m<sup>2</sup>. The proposed allotment needs a minimum area of 450m<sup>2</sup> of 2(c) land to comply with Clause 11 of the TLEP 2000. Based on the proposed plan of subdivision submitted and the superimposed zone boundary locations, proposed lot 4 does not meet this requirement,

## Reports from Director Development Services

---

and can not meet the minimum lot size requirement through the use of Clause 14. Consequently the proposed subdivision as a whole cannot be approved.

However, there is the option available to the applicant to amend the proposed plan for the subdivision of the land. Should the amended plan of subdivision delete proposed lot 4, Council may consider the remaining proposed allotments.

Proposed lots 1 and 3 require the use of Clause 14 to vary the boundary between the 2(c) and 6(b) land. These two allotments do not have any uncoloured land between the zone boundaries. As such the following assessment is made in relation to the use of Clause 14.

The objective for using Clause 14 is to provide flexibility where detailed investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site.

### **Clause 14 Assessment**

Council has resolved to acquire certain parcels as open space and has agreed to an open space option in the Lake Kimberley area. This resolved option was arrived at through extensive negotiation and meetings. This has not been publicly advertised.

In planning terms the applicant continues to base their position on 'vagaries' of the Tweed Local Environmental Plan and Development Control Plan No.3 - Banora Point South Tweed. The only investigative statement lodged by the applicant is from a letter dated 22/5/2000, on the previous proposal not the current plan, where Jim Glazebrook and Associates state:

- “\* *there is potentially a large surplus of open space available around this location on lake Kimberley.....and,*
- \* *the proposed development site does not exhibit any intrinsic qualities which indicate an overriding imperative for it to be held in public ownership as open space. It does not for example have any important visual, cultural, environmental or strategic significance.”*

Proposed lots 1 and 3 abut the existing residential development of Winders Place. The residential use of the land by creating proposed lots 1 and 3 is considered to be consistent in scale and type with the adjoining development. These proposed lots are similar in dimension and size to the adjoining Winders Place residential development.

Conversely the area of land identified as open space provides connectivity with the Lake Kimberley casual open space and as such the approval of development, which reduces the area of open space may be considered to compromise the surroundings.

The history of the proposed development of the subject land reveals that there has been substantial opposition by the local residents to subdivision of the land, which is casual open space area in DCP3. As such, the appropriateness of the proposed subdivision in “community acceptance terms” is difficult to ascertain given the plans have not been placed on public exhibition.

The previous public exhibition period in February 2001 was for a different proposal. The current proposal before Council has not had the benefit of public comment and as

## Reports from Director Development Services

---

such the views of the local residents in terms of the appropriateness of the development is difficult to ascertain.

The use of Clause 14 cannot be supported for the proposed plan of subdivision as the objective of the clause has not been substantially satisfied by the applicant. It is considered that public exhibition of the amended plan and the option adopted by Council for open space acquisition in the area is crucial to evaluate community opinion of the application.

It may be that the local community would differ in view however it is difficult to satisfy the objective of Clause 14 where logical and appropriate development of the site is a requirement of the proposal.

Clause 15 of the TLEP 2000 states that consent must not be granted to the carrying out of development on any land unless essential services are available or arrangements satisfactory to the consent authority have been made.

The application before Council is for a 6 lot subdivision to be provided in two stages. The reasoning for the staging is to ensure the essential services are available to proposed lots 4 and 5.

The applicant has submitted that should subsequent development require the provision of a stormwater treatment device or a sewerage pump station, or both, then such a device or devices may be located on suitable open space within proposed lot 6. In such event Bradshaw's would compensate Council on a pro rata basis for the area of land necessary for such a facility at the same rate as that for which Council acquired the land.

It is noted that Council's resolution of 19/12/2001 acknowledged the forthcoming application and intent to construct a sewerage pump station and/or stormwater. However the resolution does not state that such would be located on open space. The Co-ordinator Development Engineering has assessed the proposal and advised that there is inadequate information available, especially in relation to sewer and stormwater, to properly recommend conditional approval. Hence, on this issue the options are to either refuse the application or make this matter a deferred commencement condition requiring the submission of a sewer strategy management plan identifying how each allotment will connect to public sewer.

Clause 17 of the TLEP 2000 requires a social economic impact assessment where the Council considers that a proposal is likely to have a significant social or economic impact in the locality or area. The proposed use of land zoned 6(b) to create residential allotments is considered to raise social and economic issues in that alienation of recreation land would occur.

However it is noted that in a report to Council dated 19/4/2000 this view was held and from that point forward the protracted negotiations over open space in the locality were undertaken and a suitable option identified. The Council in its decision-making role determined much of the social impact issues raised by the proposal in its resolution of 19/12/2001. However, the open space decision has not been advertised to the residents that would experience the social impacts of the development and open space decision.

## Reports from Director Development Services

---

Clause 22 of the LEP applies to the proposed development to the extent that proposed lot 5 gains access from Darlington Drive, a Council designated road. As such, Council needs to ensure that the provisions of Clause 22(4) are satisfied.

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

- (a) the development (because of its nature, appearance, cumulative effect or illumination, or the intensity or the volume or type of traffic likely to be generated, or for another similar reason) is unlikely to constitute a traffic hazard or materially reduce the capacity or efficiency of the designated road, and*
- (b) the location, standard and design of access points, and on-site traffic movement and parking arrangements, would ensure that through traffic movement on the designated road is not impeded, and*
- (c) the development, or proposed access to it, will not prejudice any future improvements to, or realignment of, the designated road, and*
- (d) where the land is in Zone 1(a), 7(a), 7(d), 7(f) or 7(l), the development is of a type that necessitates a location in proximity to the designated road for reasons other than only commercial advantage, and*
- (e) the development is of a type that is not sensitive to traffic noise or, if it is, it is located or adequate measures are included to ameliorate any potential noise impact, and*
- (f) the development would not detract from the scenic values of the locality, particularly from the point of view of road users, and*
- (g) in respect of any application for commercial or retail development near the Pacific Highway in Zone 1(a), 7(a), 7(d), 7(f) or 7(l), the development:*
  - (i) would not compromise the Highway’s function as the North Coast’s primary inter and intra-regional road traffic route, and*
  - (ii) would not contribute to the need to expend public money on the Highway to overcome the effects of ribbon development, and*
  - (iii) would not compromise highway safety and efficiency, and*
  - (iv) would not cause or contribute to the shifting of the retail/commercial foci of any town from the town centre to a highway-orientated site.”*

The proposed development is assessed further in relation to access from Darlington Drive in this report. It is generally considered that the provisions of this clause have been satisfied.



## Reports from Director Development Services

---

Clause 31 of the LEP applies to the proposed development as the subject land adjoins the bank of a waterbody. As such Council needs to consider the provisions of the clause as follows:

- “(3) *Consent must not be granted to development on land to which this clause applies, within such distance as is determined by the consent authority of the mean high water mark or, where there is no mean high water mark, the top of the bank or shore of a stream, creek, river, lagoon or lake unless it is satisfied that:*
- (a) the development will not have a significant adverse effect on scenic quality, water quality, marine ecosystems, or the bio-diversity of the riverine or estuarine area or its function as a wildlife corridor or habitat, and*
  - (b) adequate arrangements for public access to and use of foreshore areas have been made in those cases where the consent authority considers that public access to and use of foreshore areas are appropriate and desirable requirements, and*
  - (c) the development is compatible with any coastal. Estuary or river plan of management adopted by the Council under the Local Government Act 1993 that applies to the land or to land that may be affected by the development, and*
  - (d) it has considered the impact of increased demand from domestic water supply on stream flow.*
- (4) The consent authority may require as a condition of consent to any development that the following be carried out:*
- (a) the rehabilitation of land adjoining the waterbed to create a vegetated riparian zone or wetland,*
  - (b) works to stabilise the bank or shoreline of a waterbed.*
- (5) In determining a distance for the purposes of this clause, the consent authority shall have regard to:*
- (a) the preservation of the scenic quality of foreshores, and*
  - (b) minimising the risk of pollution of waterways, and*
  - (c) the protection of foreshore ecosystems, and*
  - (d) the intended or planned use for the foreshore.”*

In relation to the proposed subdivision there will be reduction in the area of open space provided for in the locality under DCP 3. However the clause requires Council to be satisfied that adequate arrangements for public access to and use of the foreshore areas has been made, and this regard Council has adopted an open space option to which the proposed subdivision complies, this including the dedication of an allotment of open space access from Winders Place and surrounding the perimeter of lake Kimberley.

As such, it is considered that the proposed subdivision generally complies with the provisions of Clause 31 and with the dedication of the Lake perimeter to Council,

## Reports from Director Development Services

---

further rehabilitation of the land may be possible in line with the provisions of the clause.

Clause 32 of the LEP is applicable to the proposed subdivision as the land is affected by the 20 to 25 ANEF contour on the Airport Noise Exposure Forecast for 2020. Under this clause Council needs to consider the Australian Standard AS2021-2000 (Acoustic – Aircraft noise intrusion – Building siting and construction). As the applicant has not submitted an acoustic engineers report for proposed lots 1 to 3 within the 20 to 25 ANEF contour Council is not able to satisfy the requirement of Clause 32 in considering the proposed subdivision.

Clause 34 of the LEP is applicable to flood liable land and requires an assessment of the suitability of the development in relation to flood hazard and risk. Proposed lots 1 to 4 will require fill to meet the design flood level requirements. The proposed future integrated housing allotment has already been filled under an earlier approval. It is noted that the proposed open space allotment will not have flood immunity which is not a desired practice in relation to casual open space. The provisions of clause 34 can be considered to be generally satisfied.

Clause 35 of the LEP is applicable where acid sulfate soils are likely to be disturbed. Council's Environmental Health Officer has advised that the subject land is partially filled and with the addition of fill to reach the required levels the site is not likely to result in the disturbance of any material. Therefore no management plan for acid sulfate soils material is required.

Clause 39 of the LEP is applicable in relation to remediation of contaminated land. Council's Environmental Health Surveyor has advised that that area was swamp type land and that records do not indicate the presence of plantations, crops or vineyards on the site. Previous applications have not identified any contaminated land and through the construction of Lakeside Estate substantial earthworks have occurred. Council's Environmental Health Officer has not requested any further investigation in this regard.

### North Coast Regional Environmental Plan 1988

Clause 81 of the REP is applicable in that Council shall not grant consent to a development application for development on land within 100m of the ocean or any substantial waterway unless it is satisfied that:

- “(a) There is sufficient foreshore open space which is accessible and open to the public within the vicinity of the proposed development;*
- (b) Buildings to be erected as part of the development will not detract from the amenity of the waterway; and*
- (c) The development is consistent with the principles of any foreshore management plan applying to the areas.”*

It is considered through the negotiations for suitable open space options in the vicinity of Lake Kimberley that sufficient open space, which is accessible to the public will be available, and consequently foreshore access to public open space can occur.

## Reports from Director Development Services

---

The future development of the allotments created will need to be designed to not detract from the environs. As such it is considered that the proposed development is not in conflict with the provisions of the REP.

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

Draft Local Environmental Plan No.39 was publicly exhibited between 4/12/2002 to 10/1/2003. The draft plan is one of a number of house keeping amendments which is to bring the zoning of the land adjacent to Lake Kimberley in accordance with Council's resolution of 19/12/2001. The draft plan is still being processed.

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

Development Control Plan No.3 - South Tweed Heads Banora Point West

The subject land is designated Public Open Space and Residential 'B' (Medium Density) under DCP 3. The proposed development involves the creation of four residential allotments and one open space allotment in the area designated as Public Open Space. The future integrated housing development allotment will be located in the Residential "B" area, with a small area of the lot extending into the Open Space designation.

The development of the Public Open Space designated areas for residential subdivision is considered to be in conflict with DCP3. The DCP attempts to ensure appropriate development, which is suitable for the given designation. The land adjoining Lake Kimberley has been designated Public Open Space to compliment the Design Principles contained within the DCP which ensure the Lake being a focal point for recreation, community and open space activities.

As such, the nexus of the proposed development and amendments to DCP 3 have been considered to be of adequate importance to publicly advertise the proposed development along side the amending DCP and LEP.

Council does not have to amend the DCP to approve the proposed subdivision. However the Tweed Local Environmental Plan 2000 requires amendment prior to approving the proposed subdivision including Lot 4, and logically these two instruments can be advertised together with the proposed subdivision.

Notwithstanding the above, Council may elect to advise the applicant to amend the proposed plan of subdivision so that such can be considered, and in such event Council may determine the application, even with the non compliance with the DCP3 land designation. As the proposed residential subdivision will not have direct water frontage no further assessment is required under other provisions of DCP3.

Development Control Plan No.16 - Subdivision Manual

The proposed development has not satisfactorily demonstrated how each allotment is to be serviced in relation to sewerage. Other than this substantial issue, the proposed development generally complies with the provisions of DCP 16.

## Reports from Director Development Services

---

### Development Control Plan No.5 - Flood Liable Land

The subject site is flood prone however, the applicant has advised that the land will be filled to the design level and as such the allotments will comply with the minimum required level.

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

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

**(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**

#### During Construction Impacts

Noise generated by the works will be apparent to the existing adjoining residences. Council's Environmental Health Surveyor has advised that it will not be possible to mitigate the noise to the nearest residences and therefore the construction works should be undertaken as quickly as possible. Noise conditions would be imposed on a conditional consent.

Water quality is to be ensure through the use of sedimentation devices installed around the fill. Standard conditions would be imposed on a conditional consent.

Air pollution by way of dust from the filling operation will be a nuisance to adjoining residences. Due to the amount of fill involved in the proposal the need to control the site from air borne dust nuisance will be high. Standard conditions would be imposed on a conditional consent.

#### Long term Impacts

Upon the completion of the subdivision and the erection of future dwellings and the development of the integrated housing site the area will experience an increase in residents. The long-term benefit of the proposed subdivision will be the dedication of open space land to Council and the completion of protracted negotiations in relation to such land. While this is considered to be a benefit there are residents with concern in relation to the reduction in open space area at Winders Place abutting Lake Kimberley.

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

The site has been assessed by Council's Environmental Health Surveyor and is found to be suitable for residential development providing flood design levels are achieved.

#### Subdivision Design

The proposed plan of subdivision involves the creation of four Torrens title residential allotments with areas between 461m<sup>2</sup> and 614m<sup>2</sup>, one future integrated housing allotment with an area of 1.36 hectares and an allotment to be dedicated as open space with an area of 1.877 hectares.

Each of the residential allotments is considered to be able to support a building envelope of 10m x 15m as required. The allotment shapes are relatively regular with

## Reports from Director Development Services

---

proposed lots 1 and 4 being battleaxe allotments. All four residential allotments gain access directly from Winders Place with the future integrated housing allotment gaining access from Darlington Drive.

The subdivision design proposes that the residential lots 1 to 3 be located adjacent to similar development along Winders Place with proposed residential lot 4 being distanced by the open space area and abutting Winders Lodge and future integrated housing site. The distancing of lot 4 from other single dwelling house allotments and placing adjacent to medium density development does not appear to be well considered. While the future occupants of proposed lot 4 will orientate their dwelling towards Lake Kimberley, the appropriateness of this design is questionable. It is considered that the area of land zoned 2(c) Urban Expansion that is within proposed lot 4 should be combined with proposed lot 5, the future integrated housing development allotment.

It is noted that proposed lot 5 is burdened by an easement to drain water 3 wide (DP 1014553). Any future development application would have to address this in relation to design.

Part of proposed lot 4 is burdened by an easement to drain water 9.5 wide (DP 1014553). This easement will not adversely impact on the building envelope.

### Access to Darlington Drive

The proposed plan of subdivision involves the creation of an allotment for future integrated housing with access directly from Darlington Drive. In March 2000 Council's Manager of Planning and Design advised that vehicle access directly to Darlington Drive could occur for the integrated housing development site provided a 6m queuing storage lane on the property be provided for ingressing vehicles, with a mandatory clause in the body corporate rules requiring the gate to be locked in the open position from 7.00am to 7.00pm.

Otherwise provision would need to be made for vehicle passage plus vehicle waiting areas for entry other than tenant vehicles, to ensure no queuing occurs across the bikeway or into Darlington Drive. In addition a noise attenuation barrier fence with attention to landscaping within the property will also be required. The noise attenuation fencing would need to be truncated or terminated in the vicinity of the entry to ensure adequate emergence visibility for pedestrians and cyclists.

Alternatively should the integrated housing development site gain access from Winders Place such would require a signalised intersection with Leisure Drive. It is noted that no objection was raised in relation to direct access to Darlington Drive.

As such the proposed plan of subdivision in its current form with proposed lot 5 gaining access directly from Darlington Drive is not objected to. As proposed lot 5 will have an area of 1.360 hectares it is considered that there will be adequate area to design a development, which can provide all the necessary access and noise attenuation requirements. It is considered that the restrictions as to user for proposed lot 5 should identify the requirement for future development to be noise attenuated to Darlington Drive.

## Reports from Director Development Services

---

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

While the subject development application was exhibited in February 2001, the proposal on exhibition was different to the current proposal. The current proposal has not been publicly exhibited. Under Council's Notification Policy subdivision of 2(c) and 6(b) land does not require notification or advertising. However the policy does have provision for applications to be notified based on consideration of the following criteria:

- a) scale of the development,
- b) traffic generation,
- c) social and economic impact, and
- d) impact on streetscape.

The proposed subdivision has been considered to warrant public advertising with the amendments to the LEP and DCP 3 as the proposal is considered to have a social impact which is difficult to ascertain the extent of without consideration of submissions. Council did however resolve on 21 August 2002 to defer a decision on the subdivision rather than to exhibit the proposal concurrent with the Local Environmental Plan/Development Control Plan amendments.

**(e) Public interest**

It is difficult to ascertain the actual impacts to the residents in the locality from the proposed subdivision. The integrated housing site has always been identified, and from the Lakeside Gardens Estate Master Plan the area of open space from Winders Place abutting Lake Kimberley has also always been identified.

The exact area of open space between Winders Lodge and the residential development along Winders Place does not appear to be any lesser from the Master Plan to the proposed plan of subdivision. While Council has regard for DCP 3 and the Tweed LEP it is likely that residents in the estate may have seen the Master Plan on purchasing, and may not differentiate between the proposed plan of subdivision and its results.

It is acknowledged that there will be the addition of four single dwelling house allotments where currently residents casually recreate, however there will be a significant area of land available to the local residents upon dedication as open space.

Infrastructure Charges

The proposed subdivision will incur infrastructure and section 94 charges for the allotments created other than the open space allotment. The subject land does not have the benefit of 1 equivalent tenement. Through the open space negotiations the proposed subdivision will not incur Section 94 contributions for open space.

**OPTIONS**

1. Request applicant amend proposed plan of subdivision by deleting proposed lot 4 and combining the 2(c) Urban Expansion zoned land into proposed lot 5. Following which deferred commencement consent be issued requiring a sewer management strategy

## Reports from Director Development Services

---

submission to the satisfaction of the Director of Development Services and an acoustic report detailing proposed lots 1 to 3 satisfying Australian Standards in terms of aircraft noise to the satisfaction of the director of Environment and Community Services. Other normal subdivision conditions including the dedication of the proposed open space to Council would be imposed.

2. Refuse the proposed plan of subdivision in accordance with the proposed reasons for refusal. Council has not the statutory power to approve the proposed plan with lot 4 in its current zoning, that being partially uncoloured therefore limiting the use of Clause 14 of the Tweed Local Environmental Plan 2000. Other reasons for refusal reflect the lack of information provided with the application.

### LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

The applicant has the right of appeal to the Land and Environment Court should they be dissatisfied with the determination.

The proposed plan of subdivision will involve the dedication of open space land to Council. This will result in an ongoing maintenance responsibility to Council.

### CONCLUSION

The proposed subdivision anticipates the outcome of the proposed amendments to the Tweed Local Environmental Plan 2000 and Development Control Plan No.3 Banora Point West/Tweed Heads South.

While the application can be considered with its variations to DCP 3, Clause 14 of the LEP cannot be used to remedy the zone boundary for proposed lot 4. As such, the proposed subdivision in its current form is prohibited.

If the application was amended as referred to in Option 1 and the further information required to adequately assess the proposal was provided consideration of the subdivision could be given. However the applicant has had considerable time to provide such to Council since its resolution of 21/8/2002 and has not endeavoured to do so. It is recommended that the proposed subdivision be refused given that the application was lodged on 21 November 1999 and for the reasons outlined in this report.

## Reports from Director Development Services

---

THIS  
PAGE  
PAGE  
IS  
BLANK  
IS  
BLANK



## Reports from Director Development Services

---

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

**FILE REF: GT1/DCP/46 Pt2; DCP**

**REPORT TITLE:**

**Draft Development Control Plan No 46 and Plan of Management - South Kingscliff Gateway**

**SUMMARY OF REPORT:**

Draft Development Control Plan (DCP) No 46 and Plan of Management – South Kingscliff Gateway has been exhibited for public comment on two occasions. Following the second exhibition Council resolved on 6 March 2002 that:

*“Council notes the request of the Tweed Coast Reserve Trust to the Lot 490 Steering Committee and defers any further work on the draft Development Control Plan until the Trust has considered the response from the Steering Committee”.*

Following that decision the Trust called for tenders for the development of Lot 490. Following consideration of tenders, at the meeting held on 29 January 2003, the Tweed Coast Reserve Trust resolved that:

*“The Tweed Coast Reserve Trust requests Council to review draft DCP No 46 and Draft Plan of Management, indicatively to include:-*

- 1. The habitable built environment is not to exceed more than 15% of the land space of Lot 490.*
- 2. The average building height not to exceed 8 metres and nothing to exceed three storeys”.*

Council has yet to review the submissions made in respect of the second exhibition of the draft Plan (between 4 December 2001 and 31 January 2002). It will be necessary to include those submissions in any review requested by the Trust.

**RECOMMENDATION:**

That Council reviews draft Development Control Plan No 46 and Plan of Management - South Kingscliff Gateway in respect of the request from the Tweed Coast Reserve Trust (dated 29 January 2003) and the submissions received as a result of the exhibition of the draft Plan between 4 December 2001 and 31 January 2002.

## Reports from Director Development Services

---

**REPORT:**

As per Summary.

---

## Reports from Director Development Services

---

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

**FILE REF: GT1/DCP/3 Pt9; DCP**

**REPORT TITLE:**

**Sewerage Treatment Plant Buffer - Banora Point Sewerage Treatment Plant**

**SUMMARY OF REPORT:**

On 4 September 2002 Council resolved to amend Development Control Plan No 3 Banora Point West - Tweed Heads South (DCP 3), to allow industrial development within 200 meters of the Sewerage Treatment Plant. This report recommends to Council to now remove a Section 88b caveat placed on land within the 200 meter buffer owned by Expo Park.

**RECOMMENDATION:**

That Council endorses the use of the Common Seal of Council to release restrictions on the use of Lot 421 DP1004490, Enterprise Avenue, Tweed Heads South, in accordance with Section 88e(7) of the Conveyancing Act.

# Reports from Director Development Services

**REPORT:**

**LOCALITY**



## Reports from Director Development Services

---

### **BACKGROUND**

On 4 September 2002 Council resolved to amend Development Control Plan No 3 Banora Point West - Tweed Heads South (DCP 3), to allow industrial development within 200 meters of the Sewerage Treatment Plant.

Prior to the amendment the DCP required any subdivision development consent to carry a restriction on the use of the land expressed on the title and registered under Section 88b of the Conveyancing Act (S88b). These restrictions were to reflect Section 6.2(1) of the DCP that was subsequently removed from the DCP in the amendment.

One particular parcel, which was subdivided by Expo Park Tweed Heads Pty Ltd at Enterprise Avenue, Tweed Heads South, had a S88b restriction placed on it in compliance with the DCP.

As Council has now resolved to remove these restrictions from the DCP it is considered appropriate to remove them from the title as well.

### **RECOMMENDATION**

That Council endorses the use of the Common Seal of Council to release restrictions on the use of Lot 421, DP 1004490 in accordance with Section 88e(7) of the Conveyancing Act.

---

## Reports from Director Development Services

---

THIS  
PAGE  
THIS  
PAGE  
IS  
IS  
BLANK  
BLANK

## Reports from Director Development Services

---

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

**FILE REF: GT1/S94/16 Pt1; Sect 94**

**REPORT TITLE:**

**Amendment to Section 94 Contribution Plan No 16 - Emergency Facilities (Surf Lifesaving)**

**SUMMARY OF REPORT:**

Council resolved at its meeting of 4 December 2002 that Contribution Plan No 16 - Emergency Facilities (Surf Lifesaving) be placed on public exhibition for 28 days. The Plan was exhibited from 11 December 2002 until 21 January 2003. The exhibited Plan is an attachment to this report. No submissions were received in response to the exhibition.

In summary, the amendment to Contribution Plan No 16 Emergency Facilities (Surf Lifesaving) involves:

- the identification of the location for the proposed clubhouse;
- the loan component for the \$500,000 to be used for the new Cabarita Surf Lifesaving building, with total principle and interest being \$649,121;
- the revised equipment needs of the surf clubs for the next five years; and
- an amended contribution rate.

**RECOMMENDATION:**

That Council:

1. Approves the amended Section 94 Plan No 16 as advertised, and
2. Gives public notice of its decision in accordance with the Environmental Planning and Assessment Regulations 2000, in the Tweed Link, specifying that the amended Contribution Plans come into effect on the date of the notice.

## Reports from Director Development Services

---

### REPORT:

Section 94 Contribution Plan No 16 (Emergency Facilities) has provision for \$500,000 in it for the construction of a new clubhouse for the Cabarita Surf Lifesaving Club. When the Plan was amended to include the clubhouse the location of the building had not been determined nor the timeframe for the construction of the building.

Cabarita Surf Lifesaving Club has now submitted a Development Application to Council for the new clubhouse and is hoping to commence construction of the building in early 2003. The location of the proposed club is on Cabarita Surf Club land adjacent to the site of the existing clubhouse, which will be demolished shortly to allow for construction of this new club.

As there are not sufficient funds in the Section 94 Plan at this stage to pay for this new clubhouse it is proposed that the Section 94 Plan be amended to increase the length of the Plan to include a loan component for the full \$500,000. As it is difficult to determine the development rate Council may be required to contribute towards the loan repayments until there are sufficient funds in the Contribution Plan, it is proposed that the Contribution Plan be extended for eight years. The total principal and interest repayment over eight years will be \$649,121.

The surf lifesaving clubs have also submitted an additional equipment list for the next five years to cater for the expected growth in the Shire, particularly along the coast. These clubs (Fingal Headland, Cudgen and Cabarita) have previously obtained equipment under CP 16.

In summary, the amendment to Contribution Plan No 16 Emergency Facilities (Surf Lifesaving) involves:

- the identification of the location for the proposed clubhouse;
- the loan component for the \$500,000 to be used for the new Cabarita Surf Lifesaving building, with total principle and interest being \$649,121;
- the revised equipment needs of the surf clubs for the next five years; and
- an amended contribution rate.

The following new contribution levy rates under this plan apply:

1. In respect of the former NSW Tourism Commission Land, proposed SALT development, Seaside City, Kings Forest and Casuarina Beach: -
  - Per residential lot or detached dwelling: \$270 (\$256 current levy)
  - Per medium density dwelling: \$177 (\$177)
2. The remainder of the Shire: -
  - Per residential lot or detached dwelling: \$215 (\$201)
  - Per medium density dwelling: \$141 (\$141)

The additional contributions for Kings Forest etc, is to cover the cost of an outstation specifically for Kingscliff South.



## Reports from Director Development Services

---

The current Plan identifies that contributions will also be levied in respect of other types of new development which provide for residential accommodation or tourist accommodation on a pro-rata basis.

The exhibited Plan is an attachment to this report.

### **PUBLIC EXHIBITION**

Council resolved at its meeting of 4 December 2002 that Contribution Plan No 16 – Emergency Facilities (Surf Lifesaving) be placed on public exhibition for 28 Days. No submissions were received in response to the exhibition.

A notice in the form required by the Environmental Planning and Assessment Regulations 2000 was placed in the Tweed Link on Tuesday 11 December and the exhibition was until 21 January 2003.

The Environmental Planning and Assessment Regulations provides that:

*“.....a Council may:*

- *approve the plan in the form exhibited*
- *approve the plan with such alterations as the Council thinks fit, or*
- *decide not to proceed with the Plan.*

*Council must give public notice of its decision in a local newspaper within 28 days after the decision is made.”*

It is recommended that Council public a notice of approval of the Plan in order to bring them into effect.

---

## Reports from Director Development Services

---

THIS  
PAGE  
PAGE  
IS  
BLANK  
IS  
BLANK

## Reports from Director Development Services

---

### 5a. ORIGIN: Development Assessment Unit

FILE REF: DA02/1841

#### REPORT TITLE:

**Development Application DA02/1841 for the Demolition of Existing Dwelling and Erection of a Multi-Dwelling Housing Development Containing Six (6) Units at Lot 3 Section 6 DP 759009 No. 10 Coral Street, Tweed Heads**

#### SUMMARY OF REPORT:

Council is in receipt of a development application for the demolition of an existing dwelling house and the erection of multi dwelling housing being a seven (7) storey building comprising seven (7) levels of residential floor space and a basement for on site car parking. The proposal is for six (6) residential units, each occupying one level with the penthouse unit occupying the top two levels. The building is to be constructed with rendered block work and incorporates clear balustrades to balconies with the site being enhanced with landscaping.

The site is accessed from Hill Street with the Coral Street frontage being an unformed road.

The proposed development was publicly exhibited for 14 days during which time three (3) submissions were received. The submissions raised privacy, loss of view and access as issues.

The proposed development has been assessed in relation to the relevant policies and is considered to be of a high standard in design. The proposal seeks a minor variation to the building envelope, which is considered to be reasonable.

#### RECOMMENDATION:

That Development Application DA02/1841 for the demolition of existing dwelling and erection of a multi-dwelling housing development containing 6 units at Lot 3 Sec 6 DP 759009, No. 10 Coral Street Tweed Heads 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 A-DD-1.02, 1.03, 2.01 to 2.06 inclusive, 3.01, 3.02 and L-DD-1.01 prepared by DBI Design and dated September and October 2002, 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

## Reports from Director Development Services

---

- (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.

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

4. The footings and floor slab are to be designed by a practising Structural Engineer after consideration of a soil report from an accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.
5. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for all bracing and tie downs, prior to the issue of a construction certificate.
6. 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.
7. 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,

## Reports from Director Development Services

---

sufficient evidence that the person has complied with the requirements of that Part.

8. All roof waters are to be disposed of through properly jointed pipes to the street gutter, inter-allotment drainage, or elsewhere if so directed in the conditions of consent. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZ3500.3.2. Note: A detailed stormwater and drainage plan is to be submitted to and approved by the PCA prior to commencement of building works.
9. Erosion and Sediment Control During the Construction Phase of Development
  - (a) Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with the *"Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan *"Tweed Shire Council Aus-Spec D7 - Stormwater Quality"* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond (if required) has been released.
  - (b) The Construction Certificate Application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
10. Section 94 Contributions
  - (i) Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

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

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

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

- a. Tweed Road Contribution Plan: \$3,349.00  
S94 Plan No. 4 (Version 4.0)  
(Tweed Heads)

### **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): \$2,263.00  
S94 Plan No. 5
- c. Open Space (Casual): \$487.00  
S94 Plan No. 5
- d. Shirewide Library Facilities: \$2,012.00  
S94 Plan No. 11
- e. Eviron Cemetery/Crematorium Facilities: \$396.00  
S94 Plan No. 13
- f. Emergency Facilities (Surf Lifesaving) \$644.00  
S94 Plan No. 16
- g. Extensions to Council Administration Offices  
& Technical Support Facilities \$1,225.45  
S94 Plan No. 18
- h. Cycleways \$470.00  
S94 Plan No. 22
- i. Regional Open Space (Structured) \$3,434.00  
S94 Plan No. 26
- j. Regional Open Space (Casual) \$644.00  
S94 Plan No. 26

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

## Reports from Director Development Services

---

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

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

Water: \$14,000.00

Sewer: \$11,463.00

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.

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 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

## Reports from Director Development Services

---

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 the car wash bay must be bunded and treated to remove pollutants prior to discharge. If levels permit, discharged of the treated runoff must be made into the sewer network and a Tweed Shire Council Trade Waste application will be required. If connection to the sewer network is not achievable, connection must be made to the stormwater network.
  - (ii) Runoff from all hardstand/impervious areas (includes driveway, basement, visitor carpark areas and excludes roof areas) must be pre-treated to remove oil and grit, prior to discharge into the public stormwater system. Roof water runoff does not require treatment and must be discharged downstream of any pollutant treatment device. In order to minimise the size of any pollutant treatment device required for the development, the exposed driveway ramp areas should be minimised by roofing and the associated roof water discharged without treatment.

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

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

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

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

15. All piped stormwater discharged towards Hill Street must be via a new standard manhole, connected to the existing pipe drainage network in Hill Street. 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.
16. All piped stormwater discharge towards Coral Street must be via a new standard manhole, connected to the existing pipe drainage network in Coral Street. 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.

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



## Reports from Director Development Services

---

17. 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.
18. 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.
19. 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.
20. 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.
21. 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

---

22. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:
  - i. The person must, at the person's own expense:
    - a. preserve and protect the building from damage; and
    - b. if necessary, underpin and support the building in an approved manner.
  - ii. The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.
23. 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.
24. 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.
25. Prior to commencement of any works on the site a plumbing and drainage inspection fee of \$690 is to be submitted to Council.
26. 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.

### **DURING CONSTRUCTION**

27. 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).
28. All engineering works required to be approved prior to the issue of a construction certificate are to be constructed in accordance with the approval.
29. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.
30. Provision shall be made for the collection of builder's solid waste in accordance with the following requirements:
  - a. A temporary builder's waste chute is to be erected to vertically convey builder's debris to a bulk container.

## Reports from Director Development Services

---

- b. The chute shall be located in a position approved by the Principal Certifying Authority.
  - c. A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust.
31. 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.
32. 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.
33. 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. final inspection prior to occupation of the building
  - d. the fire protection of penetrations through any fire rated elements prior to covering
  - e. frame

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.

34. 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.
35. All fire service connections are to be compatible with those of the NSW Fire Brigade.
36. 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.
37. 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.
38. 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.
39. 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.
40. All new residential dwellings (and extensions comprising over 50% of the original floor area) are to fully comply with Council's Energy Smart Housing Policy (DCP39). In

## Reports from Director Development Services

---

- order to comply with DCP39 consideration must be given to the building envelope, orientation, insulation, ventilation, thermal mass, zoning, and hot water supply.
41. 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.
  42. 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.
  43. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
  44. 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.
  45. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
  46. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.
  47. 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.
  48. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
    - \* 43.5<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
    - \* 50<sup>0</sup>C in all other classes of buildings.A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.
  49. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
    - i. All required erosion and sedimentation control devices have been installed and are operational.
    - ii. Required toilet facilities have been provided on the site.
    - iii. A sign has been erected on the site identifying:

## Reports from Director Development Services

---

- 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.
50. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
  51. The burning of builders waste on site by open fire is prohibited.
  52. A garbage storage area shall be provided in accordance with Council's **"Code for Storage and Disposal of Garbage and Other Solid Waste"**.
  53. 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.
  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.
  54. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
  56. 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.
  57. Any proposed cooling tower installation must also include details on the proposed means of back flow prevention to the water supply prior to installation.
  58. All external artificail lighting is to be shielded where required to the satisfaction of Council's Director Environment and Community Services to prevent such lighting causing a nuisance to adjoining residential areas and premises.
  58. All externally located mechanical plant or mechanical plant located inside the basement carpark area is to be accoustically treated where required to the satisfaction of Council's Director Environment and Community Services. If so required by Council's Director of Environment and Community Services an appropriately qualified acoustic consultant is

## Reports from Director Development Services

---

to be engaged to determine appropriate sound attenuation requirements that are to be implemented to prevent the emissions of offensive noise from such mechanical plant.

60. The hot water systems installed shall comply with the requirements of Development Control Plan No.39 - Energy Smart Homes Policy.
61. In accordance with DCP2 and AS2890.1 (section 3.4(a)) the maximum driveway gradient for 6m from the property boundary must not exceed 1:20 or 5%.
62. The driveway access should be turned such that it is as close as possible to 90 degrees to Hill Street, so as to assist in sight distance for users.

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

63. 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.
64. A person must not commence occupation or use of the whole or any part of a new building (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).
65. Prior to occupation of the building a Occupation Certificate is to be obtained. If Council is requested to issue the Occupation Certificate, the application must be accompanied by relevant Compliance Certificates or documentary evidence of compliance.
66. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.

### **USE**

67. 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.
68. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.
69. Owners of buildings served by plant involving the operation of "cooling towers", "evaporative condensers" or "tepid water systems" must submit to Council, half yearly, a report detailing the maintenance, cleansing and chemical treatment of such plant every three (3) months in accordance with Part 6 of the NSW Public Health Act.

### **S68 STORMWATER (where separate S68 approval is required)**

70. The erosion and sediment control works shall be carried out in accordance with Council's *Code of Practice for soil and water management on construction sites*.
71. No stormwater discharge is allowed onto neighbouring properties.
72. All stormwater discharge from site must be via gravity means only.

## Reports from Director Development Services

---

73. Any overland flow discharge from the site under a major storm event must be minimised and discharged as sheet flow. The steep, heavily landscaped batter that exists south of the site must be protected against scour.

## Reports from Director Development Services

---

### REPORT:

**Applicant:** Mr Dudley Kelso and Mrs Beverley Kelso  
**Owner:** Mr Dudley J Kelso and Mrs Beverly A Kelso  
**Location:** Lot 3 Sec 6 DP 759009, No. 10 Coral Street Tweed Heads  
**Zoning:** 2(b) Medium Density Residential  
**Cost:** \$3,600,000.00

### BACKGROUND

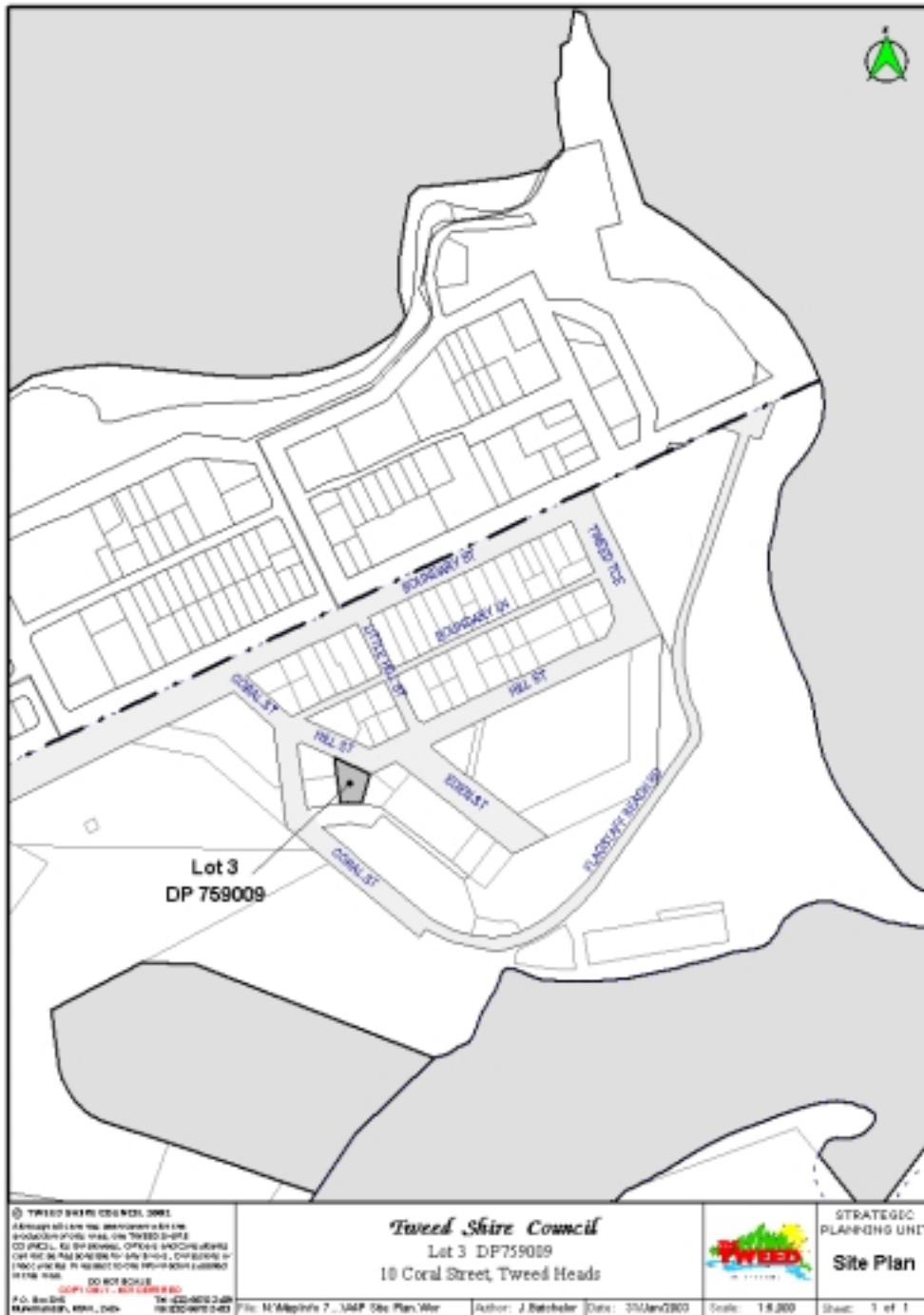
The subject land is 865m<sup>2</sup> and is located in Hill Street, Tweed Heads. The land also has frontage to an unformed road reserve being Coral Street, and is located in the Flagstaff Hill precinct of DCP18 – Tweed Heads.

The subject land is characterised by a south-westerly slope from Hill Street with levels ranging from 19.3m AHD to 11.0m AHD. Vegetation on the site is limited to exotic plants of no significance.



# Reports from Director Development Services

## SITE DIAGRAM



## Reports from Director Development Services

---

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

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

Tweed Local Environmental Plan 2000

The subject land is zoned 2(b) Medium Density Residential under the Tweed Local Environmental Plan 2000. The objectives for the zone are:

*Primary*

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

*Secondary*

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

The proposed development is consistent with the zone objectives.

Clause 15 of the TLEP requires essential services to be available to the site prior to development consent being granted. The subject land has the ability to be serviced and as such Council is able to consider this application.

Clause 16 of the TLEP provides a building height plan that limits the building height for the subject land to 50 metres AHD. The proposed development is a maximum of 34.9 metres AHD and does not exceed the limitations for the site. The proposed development is not in conflict with the provisions of this clause.

Clause 35 of the LEP requires management of acid sulfate soils. The subject land is in a Class 5 acid sulfate soils type and while it is within 500 metres of Class 1 acid sulfate soils, it is considered that the proposal will not result in groundwater impacts to adjoining areas. Council's Environmental Health Surveyor has advised that acid sulfate soils will not be an issue for the proposed development.

The proposed development is not considered to be in conflict with the provisions of the Tweed Local Environmental Plan 2000.

North Coast Regional Environmental Plan 1988

Clause 32B of the NREP is applicable to the proposed development to the extent that development is affected by the NSW Coastal Policy and as such in considering the application Council needs to have consideration for the Coastal Policy and the North Coast Design Guidelines.

## Reports from Director Development Services

---

The application is accompanied by shadow diagrams which confirm that the proposed development does not impact upon beaches or adjacent open space, thereby not conflicting with the overshadowing provisions of the NREP.

The North Coast Design Guidelines include provisions for Tall Buildings. These guidelines state that due to the dense urban nature of centres such as Tweed Heads taller buildings, these being over 14 metres, could be acceptable in some locations. However public beaches and reserves should be protected from overshadowing and adverse impacts on views and amenity of others needs consideration.

The guidelines also require consideration of the proposal in relation to surrounding buildings, local coastal environment, on views and ridge backdrops and the image of the locality. The community should also be made aware of these proposals.

In respect to the North Coast Design Guidelines a detailed assessment of views and impacts are included in this report. Development Control Plan No.18 – Tweed Heads contains many provisions to ensure these matters are assessed for proposed developments. The proposal was publicly exhibited and it is considered that the requirements of Clause 32B are satisfied.

Clause 43 of the NREP states that Council shall not consent to development for residential purposes unless it is satisfied that the density of the dwellings have been maximised without adversely affecting the environmental features of the land. Other provisions of this clause in relation to road network and long term residential use of caravan parks are not relevant to this proposal.

The proposed development is provided at a density of one (1) unit per 144m<sup>2</sup> of site area. Council's policies enable a higher density for the site however the applicant has submitted that the proposal is suitable for the site without adversely impacting upon the environmental features of the land.

The proposed development is considered to not be inconsistent with the provisions of this clause.

Clause 81 of the NREP is applicable to the proposed development as the subject land is within 100 metres of the Jack Evans Boat Harbour. The applicant has submitted that the proposed development does not detract or limit the access or amenity to foreshore at Jack Evans Boat Harbour. The proposed development does not result in adverse impacts to land in the public domain.

The proposed development is considered to generally comply with the provisions of the North Coast Regional Environmental Plan 1988.

### State Environmental Planning Policies

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

This policy requires an assessment of the likelihood of land contamination as a result of previous land uses.

## Reports from Director Development Services

---

The applicant submitted that the subject land has been used for residential purposes and the proposal is also residential in nature and therefore the use of the subject land in this manner does not raise any contamination issues.

Council's Environmental Health Surveyor has advised that examination of the aerial photography reveals that the existing dwelling house was in existence in 1962. As the proposal will predominantly contain hard stand areas the proposal is of a less sensitive use in relation to contamination.

No further detailed assessment of this issue is required for the proposal.

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

This policy aims to improve design qualities of residential flat buildings in NSW through the design quality principles contained in the policy. It is noted that the applicant has provided a design verification statement by the Architect DBI Design Pty Ltd.

This policy applies to development being the erection of a new residential flat building of this nature, and as such the design principles with the policy are required to be addressed as a guide to achieving a good design.

### Design Quality Principles

#### Principle 1 – Context

The subject land is within the Flagstaff Hill Tweed Heads High Density Residential Precinct. The site is located with access to Coolangatta beaches and Jack Evans Boat Harbour reserve. The built environment is a mix of residential flat buildings from two to seven storeys and older style houses. It is considered that the proposed development is not in conflict with the existing context and reflects the precincts objectives.

#### Principle 2 – Scale

This principle states that proposals in areas going through a transition should achieve the bulk and height of future development. The proposal is of a scale identified for future development in the precinct. From the perspectives provided the applicant contends that the development is consistent with surrounding buildings in terms of heights and does not create a new skyline. The proposal will not be the tallest building in the precinct.

#### Principle 3 – Built Form

This principle requires built form to define the public domain, contribute to the character of the streetscape including views and vistas and provide internal amenity and outlook.

The proposed development achieves this principle through the orientation of the site to the various vistas from the internal spaces capturing views over Jack Evans Boat Harbour, Tweed River, the Hinterland, Fingal head and Surfers Paradise. The proposed development incorporates a podium with landscaping that steps the development away from the public streetscape resulting in minimal impact to the public domain. The

## Reports from Director Development Services

---

proposed development does not impact on the view corridors established under Development Control Plan No.18 for the precinct.

### Principle 4 – Density

The controls for the precinct do not specify an area required per unit and consequently the site redevelopment is proposed based on the users needs. The development is designed for owner occupation and consequently proposes units of a size which is larger than most developments, with each level of the building being one unit. The proposed density achieved by the development is considered to be reasonable.

### Principle 5 – Resource Energy and Water Efficiency

The proposed development is accompanied by a Natethers certificate for the proposed units which ensure satisfactory energy efficiency rating is achieved for the development. The applicant has submitted that the doors from the original home on the site will be reused in the development as the existing owners will be residing in one of the units.

### Principle 6 – Landscape

The proposed development is accompanied by a landscape design which includes landscaping and fencing from the street level with outdoor entertaining areas, water features and landscaping around the development. The proposed development achieves the landscape principles.

### Principle 7 – Amenity

Amenity requirements of the design principles involves optimising room dimensions and access to sunlight, ventilation, privacy and outdoor space.

The proposed development is considered to be designed with regard to the amenity principles.

### Principle 8 – Safety and Security

This design principle aims to optimise safety and security, both internal to the development and for the public domain.

The applicant has identified a number of attributes of the development including lighting of entry, landscaping and basement areas, signage, security systems, guard rails with the development landscaped to prevent impacts to public domain.

The proposal is considered to have satisfied this principle.

### Principle 9 – Social dimensions

Good design is to respond to the social context and needs of the community.

The applicant has submitted that the surrounding developments and location afford social opportunity with each apartment containing entertaining areas.

### Principle 10 – Aesthetics

This principle requires building elements, textures and materials, colours to reflect the end use, design and structure of the development.

# Reports from Director Development Services

The applicant has submitted a architectural statement that details the proposal in its full with many contemporary design elements achieving this principle.

The proposed development is considered to have addressed the principles contained in SEPP65 and is considered to be a development of a high standard.

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

There are a number of draft environmental planning instruments that have been publicly exhibited, however more of these relate directly to this application.

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

Development Control Plan No.2 – Access and Car Parking

The following table details the requirements of the proposed development in relation to DCP 2.

Standard	Requirement	Complies/variation
On site car parking	1.5/dwelling 25% marked for visitors	Requires 9, proposed 17, complies. Requires 2 visitor spaces, proposed 2 visitor spaces, complies.
Bicycle spaces	2/unit	Space provided, complies

The proposed development complies with the requirements of DCP 2.

Development Control Plan No.18 – Tweed Heads

The subject land is within the High Density Residential Precinct of Flagstaff Hill, and is located in a view corridor identified from Razorback Hill to the ocean and horizon beyond Flagstaff Hill.

The objectives for the precinct are:

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

The proposed development is consistent with the objectives for the precinct.

Streetscapes and Landscaping

## Reports from Director Development Services

---

DCP 18 states that residential precincts should be characterised by attractive landscaped streets. The applicant has provided comprehensive landscape plans and an architectural statement to address the attributes of the development, which are considered to meet this requirement.

### Building Envelope

The proposed development seeks a variation from the building envelope due to minor encroachments from the balconies on level 6 and 7 on the southern elevation only. The staircase on part of level 5 and 6 on the western elevation also has a minor encroachment.

While these are encroachments they are very minor and do not impact on adjoining properties by way of loss of privacy or over shadowing. Encroachments to the southern elevation face an unformed road reserve which is vegetated and the staircase encroachments do not impact on adjoining properties.

These encroachments are considered to be reasonable as the objective of ensuring a desirable design outcome and residential amenity would still be achieved.

### Building Mass

The proposed building does not contain any walls with unbroken lengths more than 15 metres. The design includes facades articulated by variations in building setback and the use of balconies. These features ensure the proposal complies with the DCP 18 requirements.

### Energy Efficiency

The proposed development achieves cross ventilation as each floor contains one unit enabling cross ventilation. This also ensures adequate natural light for each unit. The proposal meets the requirements of the energy rating per unit with the NatHERS certificates being provided.

The proposal complies with the energy efficiency requirements of DCP 18.

### Wind Mitigation and Over Shadowing

The proposal includes a podium with the proposed building setback to minimise the likelihood of down draft impacts. This is also reduced by deep balconies and landscaped areas, satisfying the provisions of DCP 18.

The applicant has assessed the shadow impacts. The plans identify impacts to the adjoining property to the south west in mid winter mornings, south east on mid winter afternoons and the west on summer afternoons.

The applicant contends that a lower building would still result in shadow impacts which is a factor of the topography and orientation of the site. It is also noted that during public exhibition of the proposed development no objections were received in relation to over shadow impacts.

No public reserves of open space will be impacted on by shadow.

### Roof Lines

## Reports from Director Development Services

---

The proposed building includes skillion and flat roofs with the lift overrun included in the roof design. The various roofs over balconies also add detail resulting in a roof line which has variety. This meets the requirements of DCP 18.

### Privacy

Privacy and separation of the units in the development is achieved with each floor containing one unit only and balconies being located to ensure no overlooking. The proposal satisfies the privacy requirements for the development.

### Security and Surveillance

The proposed development provides surveillance of the street and public areas from each unit with living areas being located on the north and southern elevations. Within the development security systems and lighting ensure the foyer and basement are secure, with lighting in the landscaping also limiting areas for concealment. It is considered the proposed development meets the requirements of DCP 18.

### Materials and Colours

The proposal is constructed of rendered block work, glazed balustrades with stainless steel handrails, powder coated louvres and window frames. The materials selected are appropriate for a coastal location and the colours depicted in the elevations for the proposal are light shades adopting the preference for light shades as within DCP 18.

### Access and Parking

The access to the site is from Hill Street and is further addressed in this report. The proposal complies with the provisions of DCP 2 in terms of car parking. A car wash bay is located in the basement of the development meeting the requirements of DCP 18.

### Open Space and Balconies

DCP 18 requires 25m<sup>2</sup> landscaped open space per unit. The proposed development exceeds this requirement and provides 484m<sup>2</sup>. In addition each unit has the benefit of a substantial balcony.

In summary the proposed development is seeking a variation to the building envelope due to the very minor encroachments which are considered reasonable in the circumstances. The other provisions of DCP 18 have been achieved by the development.

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

Each of the proposed units achieve the 3.5 stars meeting the minimum requirement for energy rating. A condition of consent will be imposed to ensure the hot water system installed will satisfy the energy rating requirements of this policy.

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

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



## Reports from Director Development Services

---

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

Built Environment

The proposed development is accompanied by a colour perspective that illustrates the location of the proposal in relation to other tall buildings in the precinct. It is noted that the proposal is not the tallest building and will not intercept the skyline established by the existing developments.

The proposal will modify the amenity of the immediate locality with the demolition of the older style dwelling and replacement with a structure in keeping with the high density residential objectives of the precinct.

There will be changes in the existing built environment, however it is considered that the proposal is of a high standard and will afford residential amenity to both the existing adjoining developments and the future occupants of the building.

Views

As previously stated the proposed development will not result in a new intrusion into the skyline and as such the proposal is not considered to impact on the view from Razorback Hill.

The applicant has provided detail on the direction of the views from the balconies of the adjoining and surrounding developments. It is noted that the surrounding developments have balconies that capture views in directions other than that of the proposal.

Adjoining and nearby developments would be able to view the proposed development from internal spaces, however the scenic vistas these developments currently benefit from on the balconies will not adversely impacted upon.

It is considered that the proposed development achieves the principle of view sharing.

Stormwater

Council's Infrastructure Engineer has assessed the applicants proposed method for stormwater discharge. It is proposed to discharge some stormwater (after pre-treatment) north of the site, into the kerb and gutter of Hill Street. This is considered to be unacceptable and as such it will be conditioned that all pipe discharge from the site towards Hill Street be made via a new manhole connection to the existing pipe network in Hill Street.

Due to the topography of the land, it is also proposed to discharge treated stormwater overland, at the southeast corner of the site, through the vegetated embankment to Coral Street. This is considered unacceptable and as such a condition requiring that discharge under the minor storm event must be piped to the existing underground network along Carol Street will be imposed.

Stormwater treatment conditions will also be impose on the proposed development.

## Reports from Director Development Services

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

The proposed development is considered suitable for the site subject to the imposition of conditions.

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

The development application was publicly notified and advertised in accordance with Development Control Plan No.42 – Public Notification of Development Proposals. During the advertising period Council received three submissions by way of objection raising the following issues.

Issue	Comment	Assessment
Privacy	Concern was raised that the proposal would result in privacy impacts to the buildings to the north of the application which will have their living rooms in direct view of the northern lounge rooms of the proposed development.	The applicant has submitted detail in relation to the distances between the lounge rooms to the north of the site and the proposed development being approximately 30 metres including the road reserve and building setbacks. This distance exceeds Council's privacy setbacks as required in other multi dwelling housing controls.  This issue does not warrant refusal of the application.
Loss of View	Concern was raised that the view to Jack Evans Boat Harbour from properties to the north will be blocked by the proposed development. Also views of the Tweed caldera will be blocked.	The application has addressed the issue of view corridors and the principle of view sharing and assessed the location of balconies and view orientation surrounding the site.  The proposal is considered to meet the requirements of Council's policies in this regard.  This issue does not warrant refusal of the application.
Road Safety	Concern was raised that traffic safety in relation to turning into the proposed driveway at an acute angle would be an issue. The number of vehicles doing this will increase hazard.	The access issues raised by the proposal have been examined by Council's Traffic Engineers who have advised that the proposal is suitable.  This issue does not warrant refusal of the application.
Access	Concern was raised that the development should be accessed from Coral Street as that is the address that the development application relates to, rather than Hill Street	Council records for the subject property rate the land to Coral Street. As such Council registered and refers to the development as being to Coral Street, while the existing formed access and proposed access would be from Hill Street.

## Reports from Director Development Services

---

		This issue does not warrant refusal of the application.
--	--	---

**(e) Public interest**

The approval of the proposed development, subject to conditions, is not considered likely to compromise the public interest.

**OPTIONS**

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

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS**

The applicant has a right of appeal to the Land and Environment Court should they be dissatisfied with the determination.

**CONCLUSION**

The proposed development is generally consistent with the relevant planning instruments with the exception of a minor encroachment into the building envelope as required by Development Control Plan No.18 – Tweed Heads. The proposed design is considered to be of a high standard and will afford a high standard of residential amenity to the future occupants and existing residents in the area. The concerns raised in the submissions have been assessed and it is considered that upon the completion of this development the concerns raised will be mitigated.

It is concluded that the application warrants approval, subject to conditions.

---



# Reports from Director Corporate Services

---

**6. ORIGIN:** Director  
**FILE REF:** Ombudsman; ICAC; 688862

**REPORT TITLE:**

**Enforcement Guidelines for Council**

**SUMMARY OF REPORT:**

The New South Wales Ombudsman's Office has produced a publication entitled "Enforcement Guidelines for Councils". The guidelines have been developed with the assistance of the Local Government & Shires Association, the Independent Commission Against Corruption, Planning NSW and Privacy NSW. In his letter of introduction the ombudsman states:

*"Many complaints we receive suggest that councils have difficulties dealing successfully with complaints about unlawful activity. These difficulties cover both their complaint handling processes and the outcomes that they are able to achieve. Some common complaints include:*

- *failing to record complaints about unlawful activity*
- *delaying or failing to investigate complaints about unlawful activity*
- *failing to take appropriate enforcement action despite clear evidence of unlawful activity*
- *not informing complainants of the outcome of investigations and the reasons for decisions on enforcement action*
- *not responding consistently in similar situations.*

*These 'good practice' guidelines have been developed to help councils respond promptly, consistently and effectively to allegations of unlawful activity."*

This report summarises the content of the enforcement guidelines and the actions that officers are applying to meet the 'best practice' outcomes as outlined in the enforcement guidelines application.

**RECOMMENDATION:**

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

## Reports from Director Corporate Services

---

### REPORT:

The Executive Summary of the guidelines provides an overview of the contents of the application. The summary states:

*“These guidelines are primarily directed at the regulation of development activities. However, they are applicable to other regulatory activities such as pollution control, regulation of parking, and control over keeping animals.*

*Councils have a clear obligation to properly record and consider all reports and complaints about unlawful activity. An effective complaint handling system is also a good risk management practice. Failing to deal adequately with complaints may expose a council to claims for compensation and the expense of litigation.”*

The document provides guidelines in relation to the receipt of a complaint, the role of the investigator, choosing options after an investigation, managing complainants, using discretion, taking enforcement action, deciding on prosecution action and preventing unlawful activity.

### RESPONDING TO ALLEGATIONS OF UNLAWFUL ACTIVITY

Unlawful activity is defined as:

*“any activity or work that has been or is being carried out:*

- *contrary to the terms or conditions of a development consent, approval, permission or licence*
- *contrary to an environmental planning instrument that regulates the activities or work that can be carried out on particular land*
- *contrary to a legislative provision regulating a particular activity or work*
- *without a required development consent, approval, permission or licence.”*

In relation to the guidelines Council has implemented processes that fully or in part meet ‘good practice’ guidelines. These include:

1. Recording and acting on allegations of unlawful activity. Council has in place an electronic complaints/works request system. This system is primarily used by all sectors of the organisation to record requests and complaints and provide a tracking system to ensure that these matters are followed through and addressed.
2. Determining when an investigation is warranted and the nature of that investigation. The guidelines suggest “not every complaint will require an investigation. Many complaints can be resolved informally by providing prompt and accurate advice. This could be, for example, by confirming that a consent is in place for an activity or work or that it is permissible without consent.” The guidelines suggest “significant complaints received by Council have their origins in protracted neighbourhood disputes, these matters should still be investigated to determine if the council needs to respond or act.” Managements current approach is that the General Manager and/or the respective Director will determine whether the complaint or matter is to be investigated and assigns the task to a specific officer.

The Ombudsman’s Officer has prepared a fact sheet entitled ‘Having trouble with unlawful development activity’. This fact sheet is available to the general public and is designed to assist those members of the community who have concerns about development activity.

## Reports from Director Corporate Services

---

Council may consider making these fact sheets available to the public through Council's Libraries and Offices.

### **CHOOSING OPTIONS AFTER AN INVESTIGATION**

The guidelines suggest that Council itself will need to determine whether or not to pursue formal legal action or possibly refer the complaint to an external agency for additional investigation or prosecution. A whole range of options are explored for consideration by Council in determining its course of action following an investigation.

### **USING DISCRETION**

The document states:

*“Councils have discretion in deciding whether to take enforcement action in response to evidence of unlawful activity. Councils exercise this discretion in the context of their broad regulatory responsibilities for the administration of justice and the enforcement of the law.”*

A number of examples of discretionary options are outlined in the guidelines including several important requirements that Councils observe for their decision to be lawful.

### **TAKING ENFORCEMENT ACTION**

The guidelines provide a number of actions including matters that need to be taken into account when determining to take enforcement actions or not to take enforcement action. These include questions of:

- Is there an estoppel?
- Is the breach a technical breach only?
- When was the unlawful activity carried out and for how long?
- How has the unlawful activity affected the natural or built environment and the health, safety and amenity of the area?
- Would consent have been given if it had been sought?
- Can any unauthorised works or failure to comply with conditions be easily remedied?
- Does the person the subject of the complaint show due contrition?
- Are there any particular circumstances or hardship affecting the complainant or the person the subject of the complaint?
- Are there existing use rights?
- Has the person the subject of the complaint received a previous warning or other non-coercive approach or been previously the subject of formal legal action?
- Would an educative approach be more appropriate than a coercive approach?
- What are the chances of success if challenged?
- What are the relative costs and benefits of taking formal enforcement action as opposed to taking no action or taking informal action?

## Reports from Director Corporate Services

---

- Would a draft local environmental plan make an unauthorised use legal?
- What about reasonableness and proportionality?
- What would be in the public interest?

### DECIDING ON PROSECUTION ACTION

The guidelines suggest:

*“Regardless of any other enforcement action contemplated by the council, there will be matters where you will need to consider prosecuting an offender.”*

The guidelines suggest that three questions be asked, these include:

- Is there admissible evidence that establishes each element of the offence beyond reasonable doubt?
- Is there a reasonable prospect of conviction?
- Are there discretionary factors to be considered?

The concluding component of the guidelines addresses the matter of preventing unlawful activities as follows:

- Imposing sensible and enforceable conditions
- Avoiding delays
- Keeping records of existing use rights
- Educating the community
- Taking a reasonable approach
- Doing regular inspections
- Monitoring compliance

This section outlines a number of strategies that Council can consider using to prevent unlawful activities. A practical example, in this regard, has been provided from Wollongong City Council which “has a program of audits of industrial and commercial sites to assess compliance with environmental protection standards. The focus of the program is to educate property owners and occupiers about the relevant standards and to work cooperatively with them to rectify any non-compliance.”

These guidelines provide a comprehensive range of information that could be structured into an information briefing session with elected members. It is suggested that a briefing session be held with Councillors and officers to explore the options available for development of a best practice approach to managing these types of issues.



## Reports from Director Corporate Services

---

**7. ORIGIN: Director**

**FILE REF: Tourist Info Centre-Mbah; NPWS; 4040.2750**

**REPORT TITLE:**

**World Heritage Rainforest Centre - Proposal to undertake Building Extensions**

**SUMMARY OF REPORT:**

The World Heritage Rainforest Centre was redeveloped in 1997 with the support and agreement of the National Parks and Wildlife Service. The complex is currently leased to Tweed and Coolangatta Tourism Inc., who in turn sub-lease a portion of the building to National Parks and Wildlife Service.

The National Parks and Wildlife Service have requested consideration by Council to extend the building to provide for additional office space in response to their operational needs.

**RECOMMENDATION:**

That :-

1. Council approves the extension of the office component of the World Heritage Rainforest Centre in accordance with the proposal as submitted by National Parks and Wildlife Service.
2. The current lease due to expire on 30 June 2003 not be extended in its current form with Tweed and Coolangatta Tourism Inc.
3. Council negotiates a lease effective from 1 July 2003 with National Parks and Wildlife Service for the complex and incorporate a commercial rate turn for the additional building component within the World Heritage Rainforest Centre.

## Reports from Director Corporate Services

---

### REPORT:

In 1997 the Murwillumbah Tourist Information Centre was leased to Tweed and Coolangatta Tourism Inc (TACTIC) on a peppercorn rent for a term of xxxx years.

In 1997 the building was substantially remodelled to incorporate a number of features and office space for the National Parks and Wildlife Service (NPWS). A revised lease was established with TACTIC to enable them to sublet a portion of the building to NPWS.

The funding of this project came from a pre-payment by NPWS of \$xxxx representing two years of rent for the office space.

The operation of NPWS Tweed Region has expanded resulting in a request from their Area Manager for an extension to the office component of the World Heritage Rainforest Centre. Details of the extension proposal are outlined in the attached advice from NPWS. The proposal is to extend the office component by an additional area of xxxxm2 to accommodate:

- a meeting room;
- relocation of kitchen facilities;
- an interview room;
- a store room;
- unisex toilets and showers; and
- a unisex disabled toilet/shower facility.

The current lease with TACTIC at a nominal rental of \$1 per year is due to expire on 30 June 2003. This provides the opportunity for Council to renegotiate the arrangements for the leasing of the complex and the scope for Council to expand the facility and achieve a commercial level return for the additional built component (specifically for NPWS).

To fund the construction of this project it is proposed that the construction cost of this extension be made from Council land development fund as an advance and that the rent generated from the development reimburse the fund over a period of ten years at a commercial rate return of 10%. This proposal would:

- enable a long term relationship to be established with NPWS.
- provide the scope for a reasonable level of return to be established for the World Heritage Rainforest Centre to ensure its sustainability and maintenance requirements.
- assure of the provision of tourist information and associated services to be maintained through a revised agreement with TACTIC.

## Reports from Director Corporate Services

---

The establishment of a lease term beyond the current lease arrangements between TACTIC and NPWS for service is considered an issue that would establish a longer term level of assurance that the complex's use is maintained and developed as an essential component of tourism in the Tweed, particularly the World Heritage Rainforest and hinterland sectors of the Shire.

---

## Reports from Director Corporate Services

---

THIS  
PAGE  
PAGE  
IS  
BLANK  
IS  
BLANK

## Reports from Director Corporate Services

---

**8. ORIGIN: Director**

**FILE REF: TEDC; Village Development Strategy; Budget**

**REPORT TITLE:**

**Rural Village Development Program**

**SUMMARY OF REPORT:**

Council in the development of its 2002/03 Budget provided funding to assist a number of the rural village communities of the Shire. Progress projects determined to be of value to that particular village. Tweed Economic Development Corporation, through the Main Street Program, have been consulting with a number of village communities over the past six (6) months and have identified a number of priority projects for Council's consideration.

**RECOMMENDATION:**

That:

1. The rural village projects for Tumbulgum, Mooball, Chillingham, Tyalgum and Uki as identified in the report be funded at the level nominated from Council's 2002/03 Budget allocation for Village Development Program.
2. Funded projects are conditional on the recipient communities providing a regular (quarterly) progress report on the individual projects.

## Reports from Director Corporate Services

---

### **REPORT:**

Council in its formulation of the 2002/03 Draft Budget included an amount of \$100,000 for expenditure across a number of Rural Village Development Projects.

The Tweed Economic Development Corporation (TEDC) through its Town Centres Program Co-ordinator has made contact with a number of Council's Rural Villages and identified a range of projects considered important to the ongoing development of identified villages.

Submissions were explored from the Villages of Tumbulgum, Mooball, Chillingham, Tyalgum and Uki and further discussions were facilitated through TEDC to establish priorities for the submitted projects. The details of each Village's priority project areas area:

# Reports from Director Corporate Services

**Submission for v Rural Village projects**      **DRAFT**

Project Name	Timeframe			Community funding sought	Other possible fundies source	Priority Rating	who
	1yr	2-3 year	3-5 year				
1. Village entry statement both ends near old hwy including landscaping	*			\$8,000	landcare	No 1	Denise
2. Multi-purpose bus shelter near BBQ facility	*			\$5,000		No 2	Progress
3. Community information board including map of village and surrounding areas	*			\$1,500	sponsorship from businesses	No 3	Business community
4. Provide free Community Event (social development)	*			\$500 (promotion & catering)	Community support	No 4	Brian/Jill Denise
5. Historic interpretation signs and Art throughout Village	*			\$2,000	Australia Council grants for Community Art *Heritage funding	no 5.	Jill Museum TSC
<b>TOTAL</b>				<b>\$17,000</b>			

Figure 1 - Submission for Tumbulgum Village

# Reports from Director Corporate Services

**DRAFT**

**Submission for v Rural Village projects**

Project Name	Project timeframe			Community funding needed	Other funding sources	Priority Rating	who co-ord
	1yr	2-3 year	3-5 year				
1. Bus Shelters x 2 as per Council specifications	* 6 months			2X \$5,000 10,000	Community donations	No 1	Moovers
3. Southern gateway Map and Signage entering Mooball village	*6 months			\$10,000	Landcare \$3000	No 2.	Moovers /TSC
	<b>TOTAL</b>			<b>\$20,000</b>			

Figure 2 - Submission for Mooball Village



# Reports from Director Corporate Services

Submission for Rural Village projects		DRAFT		Priority Rating	WHO
Project Name	1yr	2-3 year	3-5 year	Other funding sources	
Building Materials for stage 1 renovations of Newly acquired premises for Chillingham Community Centre - initially housing the Community Technology centre	*			* Tweed Shire Council * Regional Solutions * Office of Info & Tech (CTC) * TURSA (labour)	Chillingham Assoc Tweed Shire TURSA
				Community funding needed	
				\$22,990	

Figure 3 - Submission for Chillingham Village

# Reports from Director Corporate Services

**DRAFT**

**Submission for v Rural Village projects**

Village of Project Name	Community funding needed				Other funding sources	Priority Rating	who
	1yr	2-3 year	3-5 year				
Tyalgum and district Community Assoc to incorporate *				\$130		No 1	
2. Walking tracks for able and disable access	*	* \$14,200		\$11,800	*CDSE funds *Area Assistance	No 2	Trevor
3. Village brochure printing and design website design	*			\$2,000	CTC inkind DSRD	No 3	Trevor Alex
4. Upgrade showgrounds * Camping grounds(add new) * upgrade existing (picket fence)	*			\$5,000	Park trust Park trust	No 4	Park trust
5. Sound Baffle for the Hall				\$1,500	Tyal Hall Committee	No 5	Hall Committee
	<b>TOTAL</b>						
	<b>\$20,430</b>						

Figure 4 - Submission for Tyalgum Village

# Reports from Director Corporate Services

Submission for v Rural Village projects		DRAFT						
Village of Uki	Project Name	1yr	2-3 year	3-5 year	Community funding needed	Other funding sources	Priority Rating	who Co-ord
Buttery	Business Centre stage one refurbishment improve car park seal or /crdust clean and paint shop fronts planting and clearing pathways materials for immediate improvements year 2-3 covered walkway	*	*\$10,000		\$8,800	Regional solutions Tweed Shire Council Tursa WFD (labour) in-kind	No 1	Gloria Ros Co-ord Uki Residents Buttery Steering Committee
2. Bus shelter	Heritage style council spec shelter	*			\$7,000-	Nil	No 2	Phil Carr/ Gloria
3. Interpretation sign	For Sweetnam park demonstration garden	*			\$ 2,500	Wollumbin Landcare \$1,500	No 3	Sue Phillips Wollumbin Landcare/Uki Residents Assoc
4. Youth project	lantern making pottery workshop/leather workshop in Buttery. Promotion s/ Tutoring plus materials				\$800	In kind tutoring/supervision	No 4	Jeanette Uki residents
5. Community Noticeboard	dedicated Community information on groups / Events/ Meetings etc.	*			\$1,000	Business sponsorship \$500	No 5	Phil Carr/ Jeanette
<b>TOTAL</b>					<b>\$20,100</b>			

Figure 5 - Submission for Uki Village

## Reports from Director Corporate Services

---

In support of each of the priority rated projects, additional information is provided outlining Council's contribution and other parties identified as providing support to enable the projects to be completed.

It is important that should Council support the priorities as identified by each of the rural village communities that each project could be required to provided a quarterly report to Council on progress on implementation of these specific funded program. It is suggested that this be a requirement that is conditional on the allocation of the grant for 2002/03 financial year.

---

# Reports from Director Corporate Services

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

**FILE REF: Budget**

**REPORT TITLE:**

**Quarterly Budget Review - 31 December 2002**

**SUMMARY OF REPORT:**

This report is the second quarter statutory budget review for this financial year and summarises the major expenditure and income changes to the 2002/03 Budget based on current projections to 30 June 2003. This statutory report is prepared in accordance with Local Government Financial Regulations Section 6 and 7. Council will have a balanced budget in the General Fund whilst Water and Sewer Funds are in accordance with budget expectations.

**RECOMMENDATION:**

That :-

1. The Quarterly Budget Review Statement as at 31 December 2002 be adopted.
2. The expenditure and income as detailed below be voted and adjusted in accordance with the revised total expenditure and income for the year.

GENERAL FUND		NEGATIVE (Contribute to Deficit \$)	POSITIVE (Contribute to Surplus) \$
1.	Legal & associated costs: Tweed Valley Regional Art Gallery Foundation	50,000	
2.	Murwillumbah auditorium – increased operational costs	10,000	
3.	Australia Day 2003 Costs	3,000	
4.	Workers' Compensation – premium		270,000
5.	Building Services – Income Building Services – Operational Costs	10,000	200,000
6.	Development Services – Income Legal Costs DA Management (Including Benchmarking)	85,000 20,000	230,000
7.	Festival events co-ordination	5,000	
8.	Historical interpretative signage Murwillumbah	15,000	
9.	Postage	10,000	
10.	Minute Manager – Software, implementation and training	50,000	
11.	Information Systems	45,000	
12.	Waste Management Income		200,000
13.	LGOV NSW – 2002/03 subscription increase	2,000	
14.	Council Saleyards – capital works	15,000	

## Reports from Director Corporate Services

GENERAL FUND		NEGATIVE (Contribute to Deficit \$	POSITIVE (Contribute to Surplus) \$
15.	Directional & tourist signage	30,000	
16.	Surf Lifesaving Services – Annual agreement for provision of beach lifesaving services	2,000	
17.	Farmers’ Market Proposal	10,000	
18.	Tweed Valley Regional Art Gallery Construction – Sec 94 & Sec 64 Fees	117,000	
19.	Asset Management – Software and implementation costs	80,000	
20.	Records Management trainee – to assist with increased workload (correspondence & development applications, etc)	15,000	
21.	Employees Leave Entitlements Reserve. Council is required to provide a cash reserve to fund future leave entitlements. This contribution will increase the level of Council’s cash reserve for these entitlements.	301,000	
22.	Banner Structure Replacement - Murwillumbah	25,000	
<b>TOTAL</b>		<b>900,000</b>	<b>900,000</b>

# Reports from Director Corporate Services

## REPORT:

### BUDGET REVIEW 31 DECEMBER 2002 (QUARTERLY BUDGET REVIEW)

The following Financial Statement is submitted in accordance with the Local Government Act 1993 – Financial Management Regulations Sections 6 and 7 and shows details of Council's financial position for the period ending 31 December 2002 and estimated end of year financial position as at 30 June 2003.

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

### PROPOSED BUDGET CHANGES AND COMMENTS ON ADJUSTMENTS

General Fund		NEGATIVE (Contribute to Deficit) \$	POSITIVE (Contribute to Surplus) \$
1.	Legal & associated costs: Tweed Valley Regional Art Gallery Foundation	50,000	
2.	Murwillumbah auditorium – increased operational costs associated with changed caretaking arrangements	10,000	
3.	Australia Day 2003 – increased budget allocation \$2,000 to \$5,000. Request for \$10,000 in 2003/04 draft Budget.	3,000	
4.	Workers' Compensation – reduced premium costs from budget of \$1,050,000 to \$780,000. Council has achieved major reduction in workers compensations claims over the last 12 months		270,000
5.	Building services – income increase due to building activity continual growth <ul style="list-style-type: none"> <li>- Plumbing Inspection Fees \$ 15,000</li> <li>- Drainage Diagram Fees \$ 15,000</li> <li>- Sewer Plan Fees \$ 20,000</li> <li>- Building Fees \$150,000</li> </ul> Building services – operational costs from Fees & Charges	10,000	200,000
6.	Development services – increased income Legal costs – legal expenses associated with Mavrick P/L, Ourimbah Rd, Tweed Heads West Development Application management including benchmarking	85,000 20,000	230,000
7.	Festival Events Co-ordination – Seed funding supported by grant monies	5,000	
8.	Historical interpretative signage for Murwillumbah	15,000	
9.	Postage has increased from 45c to 50c – increased costs for January to June 2003	10,000	

## Reports from Director Corporate Services

General Fund		NEGATIVE (Contribute to Deficit) \$	POSITIVE (Contribute to Surplus) \$
10.	Minute Manager – software costs, implementation & training. This is an integral part of Council’s agenda/minute information system	50,000	
11.	Information System Support – Increased cost associated with providing support for new business systems & growth of hardware & software	45,000	
12.	Waste Management – additional commercial income from increased usage		200,000
13.	LGOV NSW – 2002/03 subscription increase above budget allocation	2,000	
14.	Council Saleyards – essential capital works to yards	15,000	
15.	Direction and tourist signage throughout the shire. To be an ongoing annual program	30,000	
16.	Surf Lifesaving Services – Annual agreement for provision of annual beach lifesaving services – additional costs of budget allocation	2,000	
17.	Farmers’ Market Proposal – approved at Council Meeting 4 December 2002	10,000	
18.	Tweed Valley Regional Art Gallery construction costs for Section 94 & 64 fees. Approved at Council Meeting 22 January 2003	117,000	
19.	Asset Management. Software & implementation costs. Council currently has net software systems for asset management for parks & gardens, community & civic buildings, equipment, etc.	80,000	
20.	Records Management trainee – to assist with increased workload (correspondence & development applications, etc)	15,000	
21.	Employees Leave Entitlements Reserve. Council is required to provide a cash reserve to fund future leave entitlements. This contribution will increase the level of Council’s cash reserve for these entitlements.	301,000	
22.	Banner Structure Replacement - Murwillumbah	25,000	
	<b>TOTAL</b>	<b>900,000</b>	<b>900,000</b>

### GENERAL FUND

Based on current projection the General Fund is expected to remain as a “balanced budget” for the last 6 months of the financial year. Increased development activity has contributed to Council’s current financial position.

### WATER FUND

The March 2003 Budget Review will reflect the financial impact of current water restrictions on water charges income and operational costs. This Review will provide an update of capital works that are to be completed by 30 June 2003.



## Reports from Director Corporate Services

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

### SEWER FUND

This fund also remains in a sound financial position with sufficient reserves to meet any unexpected costs. A review will be made in March 2003 for this year's capital program.

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

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

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

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

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

#### **Statutory Statement**

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



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

# Reports from Director Corporate Services

Financial Indicators To Date for 2002/03

## **REVENUE SOURCES – GENERAL FUND %**

	<b>%</b>	<b><u>1997/98</u></b>	<b><u>1998/99</u></b>	<b><u>1999/00</u></b>	<b><u>2000/01</u></b>	<b><u>2001/02</u></b>	<b><u>Est.</u></b> <b><u>2002/03</u></b>
Rates and Charges							
General Purpose		44.49	45.75	45.16	45.56	44.66	45.00
DWM		8.04	9.49	9.86	10.46	10.39	10.00
User Charges and Fees		20.06	18.03	17.92	17.07	17.44	17.00
Interest		3.38	3.07	3.79	4.34	3.24	3.50
Grants (Operating)							
General Purpose		15.1	14.57	14.53	14.87	14.9	15.00
Specific Purpose		5.62	4.55	5.03	4.54	4.81	5.00
Contributions		3.08	3.63	3.17	3.11	3.63	4.00
Other		0.23	0.91	0.54	0.05	0.93	0.50
<b>Total</b>		<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

## **REVENUE SOURCES – WATER FUND %**

Rates and Charges	38.92	40.68	40.11	37.29	31.86	17.00
User Charges and Fees	17.24	15.4	14.46	16.56	15.99	31.00
Interest	12.61	13.44	15.37	15.59	11.39	12.00
Grants	2.73	4.79	2.75	2.49	2.09	2.00
Contributions	25.32	22.64	24.39	24.95	35.33	35.00
Other	3.18	3.05	2.92	3.12	3.34	3.00
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

## **REVENUE SOURCES – SEWERAGE FUND %**

Rates and Charges	59.25	60.39	49.96	52.69	45.88	46.00
User Charges and Fees	5.51	5.89	6.05	6.02	4.87	5.00
Interest	5.89	7.4	8.03	9.59	8.29	8.00
Grants	3.95	8.6	11.71	3.47	3.18	3.00
Contributions	24.51	16.55	23.14	27.32	37.62	37.85
Other	0.89	1.17	1.11	0.91	0.16	0.15
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

# Reports from Director Corporate Services

## UNRESTRICTED CURRENT RATIO

### Definition:

$$\frac{\text{Current Assets less Externally Restricted Current Assets}}{\text{Current Liabilities less Specific Purpose Current Liabilities}}$$

	<u>1997/98</u>	<u>1998/99</u>	<u>1999/00</u>	<u>2000/01</u>	<u>2001/02</u>	<u>Est.</u> <u>2002/03</u>
General Fund	1.31	1.38	1.43	1.57	2.07	2.07
Water Fund	33.61	25.63	29.53	23.59	29.16	29.16
Sewerage Fund	12.87	15.02	17.54	7.03	7.49	7.49
Measures:	1:1 = Red		1:1 to 2:1 = Amber		Over 2:1 = Green	

## DEBT SERVICE RATIO %

	<u>1997/98</u>	<u>1998/99</u>	<u>1999/00</u>	<u>2000/01</u>	<u>2001/02</u>	<u>Est.</u> <u>2002/03</u>
General Fund	12.93	13.87	13.14	12.58	14.62	11.00
Water Fund	16.92	13.86	13.82	11.08	4.55	4.00
Sewerage Fund	18.87	16.06	15.75	13.63	11.93	10.00
Developing Councils -	<15% = Green		15-20% = Amber		>20% = Red	

## OUTSTANDING RATES CHARGES AND FEES

	<u>1997/98</u>	<u>1998/99</u>	<u>1999/00</u>	<u>2000/01</u>	<u>2001/02</u>	<u>Est.</u> <u>2002/03</u>
<u>Rates Outstanding:</u>						
General Fund	7.47	5.38	6.34	8.45	7.11	6.90
Water Fund	8.87	6.31	7.97	6.1	5.06	5.00
Sewerage Fund	7.47	5.85	7.51	5.21	4.84	5.00
Measure: Rural Councils	<6% = Green		6-9% = Amber		>9% = Red	

## RE-VOTES OF EXPENDITURE – GENERAL FUND AS%

### WORKS CARRIED OVER FROM PREVIOUS YEAR

	<u>1997/98</u>	<u>1998/99</u>	<u>1999/00</u>	<u>2000/01</u>	<u>2001/02</u>	<u>Est.</u> <u>2002/03</u>
The Gauge:	2.38	3.79	2.57	2.78	5.99	4.00
	<2% = Green		2% to 5% = Amber		>5% = Red	

# Reports from Director Corporate Services

## LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATION 1993 SCHEDULE 1 – FORMS

### FORM 1

#### Summary of Estimates of Income and Expenditure for the Year ended 30 June 2003 Revised as at 31 December 2002

Function	Original		Revised		Net Cost	
	Expenditure	Income	Expenditure	Income	Original	Revised
Administration	12176	1107	12321	1132	11,069	11,189
Public Order & Safety	1291	824	1384	824	467	560
Health	573	82	573	82	491	491
Community Services & Education	616	211	616	211	405	405
Housing & Community Amenities	11372	12911	11402	12911	(1,539)	(1,509)
Water Supplies	7707	4473	7707	4473	3,234	3,234
Sewerage Services	9782	19114	9821	19199	(9,332)	(9,378)
Recreation & Culture	6594	3957	6714	3969	2,637	2,745
Mining, Manufacturing & Construction	1319	1599	1319	1619	(280)	(300)
Transport & Communication	14527	11337	14582	11337	3,190	3,245
Economic Affairs	3947	3956	3956	3956	(9)	0
General Purpose Revenues	0	27487	0	27672	(27,487)	(27,672)
	69904	87058	70395	87385	(17,154)	(16,990)

#### Add Expenses not involving flow of funds

Depreciation

Increase in employees leave entitlements

#### Sub-total

Original	Revised	Original	Revised
(18,183)	(18,183)		
(18,183)	(18,183)	(35,337)	(35,137)

#### Add non-operating funds employed

Carrying amount of assets sold

Cost of real estate assets sold

Loan funds used

Other debt finance

Repayments by deferred debtors

#### Sub-total

(1,174)	(1,174)		
(4,706)	(4,706)		
(5,880)	(5,880)	(41,217)	(41,053)

#### Subtract funds deployed for non-operating purposes

Acquisition of assets

Development of real estate

Advances to deferred debtors

Repayment of loans

Repayment of other debts

#### Estimated Budget Result – Surplus

63,115	63,148		
	0		
	0		
3,965	3,965		
67,080	67,113	25,863	26,060

#### Reconciliation with Program Budget:

Add Transfers to Reserves

Add Transfers from Reserves

Subtract Interest on restricted funds not used in budget

Add/(Deduct) net increase/(decrease) in externally restricted assets (contributions)

Program Budget Deficit/(Surplus)

8,583	8,629
(37,591)	(37,792)
3,145	3,145
-	-
-	42

## Reports from Director Corporate Services

---

*Comprising:*

General Fund	-	42
Water Fund	-	-
Sewerage Fund	-	-
	<hr/>	<hr/>
	-	42

---

## Reports from Director Corporate Services

---

THIS  
PAGE  
THIS  
PAGE  
IS  
BLANK  
IS  
BLANK

## Reports from Director Corporate Services

---

**10. ORIGIN:** General Manager

**FILE REF:** DA1393/320 Pt2 - DW715817; Banora Pt Comm Ctr; 1393.320

**REPORT TITLE:**

**Banora Point Community Centre**

**SUMMARY OF REPORT:**

The attached letter has been received from the Secretary of the Banora Point Residents Association. Also included is the General Manager's response, which naturally does not address all the points raised by the Association.

**RECOMMENDATION:**

That Council considers the issues raised by the Banora Point Residents Association that have not been within the province of the General Manager to respond.

# Reports from Director Corporate Services

## REPORT:

The attached letter has been received from the Secretary of the Banora Point Residents Association. Also included is the General Manager's response, which naturally does not address all the points raised by the Association.

## LETTER FROM BANORA POINT RESIDENTS ASSOCIATION:

### **BANORA POINT RESIDENTS ASSOCIATION**

P.O. Box 881,  
TWEED HEADS, 2485  
Phone: 5524 2957  
Fax: 07 5524 2957

**PRESIDENT:** Reg Payne  
**VICE PRESIDENTS:** Rod Bates  
John Murray  
**SECRETARY:** Ray Tate

Thursday, 9 January 2003

Dr. J Griffin,  
General Manager,  
Tweed Shire Council,  
P O. Box 816,  
MURWILLUMBAH, N.S.W. 2484

BANORA PT COMMUNITY CENTRE

TWEED SHIRE COUNCIL
FILE No. DA1393/320 Pt. 2
DOCUMENT No. [ ] [ ] [ ] [ ] [ ] [ ]
RECD - 9 JAN 2003
BOX No. [ ] [ ] [ ] [ ]
ASSIGNED TO: GRIFFIN, J
HARD COPY <input checked="" type="checkbox"/> IMAGE <input type="checkbox"/>

Dear John,

*As a member of the Banora Point Community Centre Establishment Committee I am in receipt of a letter from the committee Chairman, Cr. Gavin Lawrie, dated the 9th December 2002. In this letter he states that the final design chosen by the committee has had preliminary cost estimates of \$1.93 million when the budget only allows for a spend of \$1.1 million (incorrect, budget is \$1.2 million). In the light of this cost over-run, Cr. Lawrie cancelled the planned final meeting of the committee for December to a date in February 2003 to allow him time for "re-jigging". As a member of and representative of the Banora Point Residents' Association, I would like the following matters recorded in relation to this project.*

- 1. Council spent some \$14,000 from S94 funds conducting an in-depth community survey however, the results of this survey did not form the foundation of the Banora Point Community Centre's establishment committee's determinations.*
- 2. Despite the Council survey being conducted, Council invited members of the community who saw themselves as "end users" of the Centre to be a part of the Establishment Committee thereby installing a natural bias towards their own determinations over the outcomes of the survey.*
- 3. Again, in total ignorance towards the results of the survey, the meeting Chairman spent a significant portion of the last year encouraging committee members to pursue a 'wishlist' of factors to be incorporated in the Centre when adherence to the survey results should have limited discussions and planning to the communities wants.*
- 4. The final design was allowed to incorporate 'wishlists' such as child minding facilities and even a snoozaloom yet these child-minding purposes were specifically excluded in the executive brief set out for the Centre. The Chair was reminded of this conflict many times without resolve.*

.. /2.



## Reports from Director Corporate Services

---

2.

5. *The architect should have been advised the cost limitations from the outset and the architect could then have informed the committee the limitation in floor area based on accepted building costs per m2. Surely this was the Chairman's role.*
6. *At a time when we should have been holding our last meeting on this centre with building work to start in March 2003, we now have to wait until the 6th February 2003 to hear of Cr. Lawrie's "rejigging" efforts or to re-design the Centre. The "rejigging" is entirely due to Cr. Lawrie's poor management of this committee and the vagaries of a 'wishlist' approach is directly responsible for the 60% blow-out of cost estimates.*

*A large part of this last year has now been declared a 'waste of time' in terms of sitting on this committee yet those members of the Establishment Committee I have contacted say a proper determination, reflecting the results from the survey, could be determined within the scope of one morning's work. Participation in the Establishment Committee should be limited to those persons who are intent on reflecting broad community sentiment and input, not their own wants.*

*With the intention of delivering a speedy and efficient conclusion to this situation, it would be best if Cr. Lawrie was to be removed from the Chair position and handed to another Councillor, preferably the Mayor himself or yourself.*

*We await your response to this correspondence.*

*Yours sincerely,*

  
**RAY TATE**  
*Secretary/Treasurer.*

### THE GENERAL MANAGER'S RESPONSE:

*"30 January 2003*

*Mr Ray Tate  
Secretary  
Banora Point Residents Association  
PO Box 881  
TWEED HEADS NSW 2485*

*Dear Mr Tate*

*Banora Point Community Centre*

*Thank you for your letter dated 9 January 2003.*

## Reports from Director Corporate Services

---

*The provision of the Banora Point Community Centre has been under consideration for some significant time. Moreover, the funding for the Centre is itself in the process of adjustment. Originally \$1.8M was set aside for the building in S94 Plan No 3 – Banora Point West/Tweed Heads South Community Facilities, but following a decision by Council in August 2002, this is to be reduced to \$1.1M. That amendment to S94 Plan No 3 has been exhibited, but is yet to be finalised as I consider it essential to ensure the Centre can be built for this amount before reporting back to Council.*

*I note that the letter from your Association advises of a number of issues. I trust that the following will assist with clarification.*

*The purposes of the Establishment Committee are:*

*“Part 1: To finalise the use and design of the site and buildings:*

- To guide the consultants as to needs to be incorporated in the design of the project’s buildings and site layout, including any additional works that may be funded by grants available to stakeholders,*
- To ensure that the Consultants’ artist reflects the local culture and engages the community in the design,*
- To determine the range and location of activities and the need for various kinds of service accommodation, including consideration of external effects of the Centre, and effects of the local environment on the Centre,*
- To confirm and ensure achievement of the Design Objectives, S94 Plan Requirements, Accommodation Requirements and Site Development objectives set out in the Project Brief, and the requirements of Development Control Plan No. 3*
- To report to Council in support of the preferred final design.*

*Part 2: To prepare an Establishment Workplan for the initial operation and management of the Centre, including:*

- Overseeing the Project Brief as it refers to operational aspects of the Centre,*
- Appointment and oversight of a temporary Establishment Worker to consult with prospective users, execute and manage functions to initiate operation of the Centre – to commence after construction has commenced,*
- Consultation with and consideration of the input arising from community organizations regarding their use of the Centre,*
- Harmonization of the needs of different users sharing facilities, or operating in close proximity to one another,*
- Development of an agreed and legally correct process for the subsequent operation and management of the Centre through a permanent community-based Steering/Management Committee”.*

*Following a public meeting on 24 May 2002 to discuss the future planning for the Community Centre the Mayor advised Councillors as follows:*

*“At the Public Meeting on 21 May general agreement was reached to continue developing the design and content of a Community Centre for Banora Point by means of community consultation through the Establishment Committee set up by*

## Reports from Director Corporate Services

---

*Council's resolution of 4 April 2001. It was considered, however, that the Committee should have as wide a membership as possible, and should not be dominated by Council officers. I have agreed with Councillor Lawrie that we should move quickly to re-constitute the Committee to advance the proposal.*

*I am proposing to call immediately for further expressions of interest from organisations and groups to join the Committee."*

*The Committee is made up of service providers, stakeholders and representatives from the local Community Association. The Members of the Committee have been agreed by Council following a call for expressions of interest from organisations and groups.*

*Having regard to the nature of the proposal and the history I feel that the approach that has been adopted is in line with community expectations. Furthermore, I am informed by the Manager of Strategic Planning that following the decision of Council to amend the funding for the Centre Council staff set out that decision to the Committee at the meeting held on 15 August 2002, but this is not clearly reflected in the Minutes.*

*Further to the points raised:*

- 1. The purpose of the survey was "to ascertain the attitude of the community to the construction of the Banora Point Community Centre and outdoor facility". The findings of the survey are one of a number of factors being used to prepare and finalise the design of the Centre.*
- 2. The Terms of Reference and Membership of the Establishment Committee was agreed by Council on 19 June 2002.*

*Whereas I cannot comment upon other points but advise that I will bring your letter and my response to the attention of Council.*

*Yours faithfully*

*DR JOHN GRIFFIN  
General Manager"*

## Reports from Director Corporate Services

---

THIS  
PAGE  
THIS  
PAGE  
IS  
IS  
BLANK  
BLANK

## Reports from Director Corporate Services

---

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

**FILE REF: Donations**

**REPORT TITLE:**

**In Kind and Real Donations - 1 October 2002 to 31 December 2002**

**SUMMARY OF REPORT:**

The following report details "In Kind" and "Real" donations for the period 1 October 2002 to 31 December 2002.

**RECOMMENDATION:**

That this report be received and noted.

# Reports from Director Corporate Services

## REPORT:

The following report details "In Kind" and "Real" Donations for the period 1 October 2002 to 31 December 2002.

### Financial Assistance

Amount	Recipient	Donated Item	Date
\$1,450.00	Kingscliff Soccer Club	Donation	11/10/02
\$492.00	Kingscliff Soccer Club	Donation	17/10/02
\$100.00	Murwillumbah & District Garden Club	Donation	24/10/02
\$100.00	Allan Border Trek for Kids	Donation	04/11/02
\$40.00	Wollumbin High School	Donation - Awards Presentation	22/11/02
\$10,500.00	Volunteer Marine Rescue C'gatta	Donation	04/12/02
\$5,000.00	Australian Volunteer Coastguard	Donation	04/12/02
\$500.00	Pottsville Beach Public School	Donation	04/12/02
\$1,500.00	Tumbulgum Rangers Sports Club	Donation	10/12/02
\$25.00	Uki Public School	Donation - Awards Presentation	10/12/02
\$500.00	Fingal Rovers	Donation	18/12/02
\$500.00	Fingal SLSC	Sponsorship	06/11/02
<b>\$20,707.00</b>			

### Goods and/or Materials

Amount	Recipient	Donated Item	Date
\$8.00	Show Society	Plants	24/10/02
\$120.00	Uki Public School	Trees	23/10/02
\$95.00	Tweed Heads Rotary Club	Trees	15/11/02
\$120.00	Wollumbin High School	Trees	22/11/02
\$200.00	Murwillumbah Pre - School	Trees	22/11/02
\$48.00	Mt St Patricks School	Trees	05/12/02
<b>\$591.00</b>			

### Provision of Labour and/or Plant & Equipment

Amount	Recipient	Donated Item	Date
\$262.30	Meeting of NSW Clubs	Plant Display	16/10/02
\$2,501.68	Speed on Tweed Organising Committee	Provision of Barriers & Labour	04/10/02
\$896.83	Tweed River Agricultural Show Society	Labour & Dumping Fees	25/10/02
\$106.24	NSW Police	Erection of Signs Melbourne Cup Day	08/11/02
\$90.89	Murwillumbah RSL sub-branch	Provision of Barriers & Labour	15/11/02
\$125.96	Maritime Museum	Provision of Plant & Labour	22/11/02
\$147.94	Brenton McGrath - Ski for a Cure	Provision of Barriers & Labour	22/11/02
<b>\$4,131.84</b>			

## Reports from Director Corporate Services

### Administration

Amount	Recipient	Donated Item	Date
\$35.00	Palliative Care	Photocopying	Nov.
\$350.00	Neighbourhood Watch	Photocopying	Dec.
<b>\$385.00</b>			

### Room Hire

Amount	Recipient	Donated Item	Date
\$41.90	Tweed Theatre Company	Room Hire - Tweed Heads Meeting Room	3/10/03
\$57.00	Tweed Heads Hospital Aux.	Room Hire - Tweed Heads Meeting Room	7/10/03
\$57.00	Crime Prevention Committee	Room Hire - Tweed Heads Meeting Room	29/10/03
\$57.00	Cabinet Meeting - Larry Anthony	Room Hire - Tweed Heads Meeting Room	4/11/02
\$57.00	Tweed Heads Hospital Aux.	Room Hire - Tweed Heads Meeting Room	4/11/02
\$57.00	Crime Prevention Committee	Room Hire - Tweed Heads Meeting Room	26/11/02
\$57.00	Tweed Heads Hospital Aux.	Room Hire - Tweed Heads Meeting Room	2/12/02
\$23.80	Twin Towns Friends	Room Hire - South Tweed HACC	9/10/02
\$14.50	Blind & Visually Impaired	Room Hire - South Tweed HACC	16/10/02
\$23.80	Twin Towns Friends	Room Hire - South Tweed HACC	13/10/02
\$14.50	Blind & Visually Impaired	Room Hire - South Tweed HACC	20/11/02
\$23.80	Twin Towns Friends	Room Hire - South Tweed HACC	11/11/02
\$41.90	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	7/10/02
\$28.50	Twin Towns Aux. Card group	Room Hire - Tweed Heads Civic Centre	9/10/02
\$41.90	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	10/10/02
\$88.00	Twin Towns Chess Club	Room Hire - Tweed Heads Civic Centre	11/10/02
\$176.00	Twin Towns Chess Club	Room Hire - Tweed Heads Civic Centre	12/10/02
\$88.00	Twin Towns Chess Club	Room Hire - Tweed Heads Civic Centre	13/10/02
\$34.00	Twin Towns Garden Club	Room Hire - Tweed Heads Civic Centre	14/10/02
\$96.80	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	14/10/02
\$41.90	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	15/10/02
\$41.90	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	16/10/02
\$41.90	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	23/10/02
\$782.80	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	27/10/02
\$71.00	Cabinet Meeting - Larry Anthony	Room Hire - Tweed Heads Civic Centre	4/11/02
\$34.00	Twin Towns Garden Club	Room Hire - Tweed Heads Civic Centre	11/11/02
\$28.50	Twin Towns Card Group	Room Hire - Tweed Heads Civic Centre	13/11/02
\$157.00	Tweed Heads Hospital Memorial Combined Churches Charity	Room Hire - Tweed Heads Civic Centre	14/11/02
\$69.00	Christmas Dinner Combined Churches Charity	Room Hire - Tweed Heads Civic Centre	24/12/02
\$288.00	Christmas Dinner	Room Hire - Tweed Heads Civic Centre	25/12/02

## Reports from Director Corporate Services

---

\$41.90	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	2/10/02
\$41.90	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	8/10/02
\$41.90	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	9/10/02
\$898.30	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	19/10/02
	Various Tweed Produce Growers -		
\$104.00	Taste the Tweed	Room Hire - Murwillumbah Civic Centre	12/11/02
<b><u>\$3,763.40</u></b>			

---

**\$29,578.24**      **Total Donations**

---



# Reports from Director Engineering Services

---

**12. ORIGIN:** Design Unit

**FILE REF:** R1071 Pt2; Chinderah Bay Drive; Road - Closures - General

**REPORT TITLE:**

**Sale of Proposed Lots 1, 3, 5 and 7 and Lease of Proposed Lots 2, 4, 6 and 8 to be Created by Road Closure Plan at Chinderah Bay Drive, Chinderah**

**SUMMARY OF REPORT:**

Council may recall previous reports with regard to the proposed road closure at Chinderah Bay Drive, Chinderah.

The initial report in relation to this matter, dated 17 May, 2000 resolved to approve the sale to the then proponents, Mr and Mrs Harford, subject to subdivision approval and road closure.

The body of the report of that date noted that development approval had been granted by Council for a mixed development to be carried out on the eastern side of Chinderah Bay Drive. A further development application had also been lodged and approved for the development of the foreshore land (on the western side of Chinderah Bay Drive) which included a waterfront restaurant, office, kiosk, car parking as well as picnic and other passive recreational uses adjacent to a proposed marina on the site.

On the basis of the above proposed developments, Council agreed to approve the closure and purchase of the road.

An application to amend the approval for the foreshore land seeking to remove the restaurant from the development has been received by Council. The amendment is now being pursued by the proposed purchasers, Riverpoint Pty Ltd and Geographe Pty Ltd, and is currently being assessed by the Development Assessment Unit.

**RECOMMENDATION:**

That Council approves the road closure and purchase of part of Chinderah Bay Drive Chinderah to enable the development of kiosk, office and picnic facilities adjacent to proposed marina on the foreshore land at Chinderah, in accord with the terms as previously resolved by Council.

## Reports from Director Engineering Services

---

### REPORT:

Council may recall previous reports with regard to the proposed road closure at Chinderah Bay Drive, Chinderah

The initial report in relation to this matter, dated 17 May, 2000 resolved to approve the sale to the then proponents, Mr and Mrs Harford, subject to subdivision approval and road closure.

The body of the report of that date noted that development approval had been granted by Council for a mixed development to be carried out on the eastern side of Chinderah Bay Drive. A further development application had been lodged and approved for the development of the foreshore land (on the western side of Chinderah Bay Drive) which included a waterfront restaurant, office, kiosk, car parking as well as picnic and other passive recreational uses adjacent to a proposed marina on the site. The waterfront restaurant, as initially proposed, was to comprise a total area of 170 m<sup>2</sup>, with 128m<sup>2</sup> for indoor seating and the balance area to be outdoor seating. Subsequent amendments to the original approval have been sought, relating mostly to the staging of the development.

On the basis of the initial development proposal, Council agreed to approve the closure and purchase of the road by the Harfords.

An application to amend the approval for the foreshore land seeking to remove the restaurant from the development has been received by Council. The riverfront restaurant has been reduced to a 6.4m x 6.4m kiosk building which includes disabled access toilet and garbage store. The kiosk and toilet block in the original proposal is redesigned so that the kiosk becomes a 7.5m x 6.6m marina office and administration building with an adjacent 7.6m x 2.7m toilet block/change room for the marina patrons. The amendments are now being pursued by the proposed purchasers, Riverpoint Pty Ltd and Geographe Pty Ltd, and are currently being assessed by the Development Assessment Unit. A copy of the approved plan and the amended proposal will be displayed at the Council meeting for the information of Councillors.

Council should consider whether it is agreeable to the sale of the foreshore land for the development of a kiosk, office and picnic facilities adjacent to the marina development. One of the bases of Council's decision to approve the road closure was to enable a development on the foreshore land which had the potential to increase the commercial viability of the Chinderah area. One of the issues to be considered is whether the diminution of the proposed development affects Council's decision to approve the road closure and sale to the proponents.

However, it should be noted that the primary activity of the development on the foreshore will be the marina, and it is anticipated that the marina will generate the required degree of activity to promote development in the Chinderah area.

## Reports from Director Engineering Services

---

**13. ORIGIN:** Design Unit

**FILE REF:** GS4/95/5 Pt18; Subj: Land Transfer; Sewer Pumping Stations

**REPORT TITLE:**

**Classification of Land As Operational**

**SUMMARY OF REPORT:**

Metricon Pty Ltd, the developers of the Flame Tree Park Estate at Banora Point propose to transfer proposed Lot 144 to Council as a sewer pump station.

The proposed Lot 144 should be classified as Operational under the provisions of section 31 of the Local Government Act, 1993.

**RECOMMENDATION:**

That the land proposed to be transferred to Council as a sewer pump station, described as proposed Lot 144 in the subdivision of Lot 465 in DP 1043544 be classified as Operational under section 31 of the Local Government Act, 1993.

## Reports from Director Engineering Services

---

### REPORT:

Metricon Pty Ltd, the developers of the Flame Tree Park Estate at Banora Point propose to transfer proposed Lot 144 to Council as a sewer pump station.

The proposed Lot 144 should be classified as Operational under the provisions of section 31 of the Local Government Act, 1993.

A copy of the relevant part of the plan showing proposed Lot 144 hatched follows:-



## Reports from Director Engineering Services

---

THIS  
PAGE  
THIS  
PAGE  
IS  
IS  
BLANK  
BLANK

## Reports from Director Engineering Services

---

**14. ORIGIN: Director**

**FILE REF: Water Restrictions; Water Management - General; Water Supply - General; Drought**

**REPORT TITLE:**

**Tweed District Water Supply – Drought Management Strategy - Level 3 Restrictions**

**SUMMARY OF REPORT:**

At the meeting of 18 December 2002 Council adopted a Drought Management Strategy that requires restrictions to be imposed to reduce monthly consumption by 30% when Clarrie Hall Dam falls below 35%.

Without substantial rain Clarrie Hall Dam will be at 35% at the date of this Council meeting.

Clarrie Hall Dam was at 40% at the date of the Council meeting on 18 December 2002.

In accord with the adopted strategy this report recommends the introduction, effective immediately from the time of the Council decision, of Level 3 restrictions.

**RECOMMENDATION:**

That Council introduces Level 3 water restrictions as contained in this report, effective immediately.

## Reports from Director Engineering Services

### REPORT:

Council adopted a Drought Management Strategy for the Tweed District Water Supply at its meeting of the 18 December 2002. The resolution from this meeting follows:-

- “a. Clarrie Hall Dam level above 65% - no restrictions - external sales are generally considered except when natural river flow is below the 20<sup>th</sup> percentile provided the water comes from storage.*
- b. Clarrie Hall Dam level below 65% - no external sales*
- c. Clarrie Hall Dam level between 60% and 50% - Tweed consumers ‘on notice’ of impending imposition of restrictions. Community requested to minimise consumption.*
- d. Clarrie Hall Dam between 50% and 45% - restrictions imposed to reduce monthly consumption by 10%.*
- e. Clarrie Hall Dam between 45% and 35% - restrictions imposed to reduce monthly consumption by 20%.*
- f. Clarrie Hall Dam between 35% and 25% - restrictions imposed to reduce monthly consumption by 30%.*
- g. Clarrie Hall Dam below 25% - restrictions imposed to reduce monthly consumption by 40%.”*

### SUMMARY OF RESTRICTIONS

Date	Clarrie Hall Dam Level	Comment
28 October 2002	50%	Level 1 restrictions imposed (see Appendix A)
18 November 2002	45%	Level 2 restrictions imposed (see Appendix B)
5 February 2003	35%	Level 3 restrictions recommended

### WATER USAGE POST IMPOSITION OF RESTRICTIONS

Since the introduction of Level 2 restrictions on the 18 November 2002, average weekly consumption has been 179ML, 11ML less than the target consumption of 168ML.

A comparison with rainfall indicates that consumption has been significantly higher than the target level in zero rainfall weeks (7/12/02, 21/12/02 and 18/1/02), a strong indicator that significant volumes of water are being used in external applications.

### CURRENT WATER SUPPLY STATUS

The Dam level at the date of this Council meeting (5/2/03) dependant on weather conditions will be 35%. Under the adopted Drought Management Strategy Council is required to impose restrictions to reduce monthly consumption by 30%.

Under the current restriction policy (assuming full compliance) and with **no rain**, the water supply system will fail in December 2003.



## Reports from Director Engineering Services

If the 2002 rainfall pattern was repeated the dam would recover to 40% by August 2003. During the period in January 2002 to August 2002 464mm of rainfall was recorded at Bray Park WTP. By December 2003 the dam would be at 31%.

### LEVEL 3 RESTRICTIONS

Level 2 restrictions ban all forms of sprinklers and fixed hoses and limit hand held hoses to 3 hours per week for residential customers. To date there has been limited impact on Tweed's commercial and business sector.

<b>Consumption by Sector</b>	
Residential	70%
Clubs	5%
Other business and commercial	14%
Council	5%
Standpipes	
- Construction Industry	1%
- Water Carters	1%
Other Public & Community Use	2%
Farmland	2%

In recognition of the impact of the Club Industry consumption all Clubs were invited to attend a meeting on the 29 January 2003 to discuss options for imposing an equitable level of restrictions across the Club industry.

Representatives from 13 Clubs attended. The Clubs demonstrated a willingness to achieve substantial reductions, agreeing to limit all external usage to buckets or water cans, other than greens and courts which will be watered by hand held hoses only. The Clubs also agreed to promote awareness of the current situation by having reception staff wear Water Wise lapel badges and have offered to have foyer promotions to make patrons aware of the critical water situation.

To achieve the Level 3 objective of a 30% reduction in weekly consumption restrictions as tabulated in Appendix C are proposed.

The effect of these restrictions are:-

1. All domestic external use now limited to buckets and watering cans only (residential and commercial), except for topping up of swimming pools – 6:30 to 7:30pm Sundays only.
2. Beach showers are to be turned off.
3. Hand held hosing of public gardens is banned.
4. Cleaning of paved public areas limited to buckets only.

## Reports from Director Engineering Services

---

5. Motor vehicle dealers restricted to buckets only.
6. Golf, bowling and tennis courts – limited to hand watering of greens and courts only. All other areas buckets or watering can only.
7. Commercial Vehicles – external cleaning - buckets only.
8. Land Development and Road Construction – approval required for town water use.

# Reports from Director Engineering Services

## Appendix A

<b>TYPE OF CONSUMER</b>	<b>LEVEL 1 RESTRICTIONS effective from 27/10/2002</b>
<b><u>Residential &amp; Connected Rural Dwellings</u></b>	
Gardens, Car Washing, Window Cleaning	Hand held hoses allowed 6pm to 7pm Micro sprinklers allowed 6pm to 7pm Sprinklers, soaker hoses banned Fixed hoses banned
Washing Down Boats, Boat Motors & Trailers used in saltwater	No restriction
Swimming Pools - Private	Filling of new pools allowed Topping up of pools allowed 6pm to 7pm Emptying & refilling of existing pools banned
Washing of driveways, paved areas and roofs	Buckets or watering cans only
<b><u>Public Facilities</u></b>	
Public Gardens / Sportsgrounds	Sprinklers 1 hr per day 5am to 6am or application for times
Beach Showers	No restriction
<b><u>Business &amp; Commercial Premises</u></b>	
Market Gardens, Orchards, Nurseries & Commercial Flower Gardens	Sprinklers 2 hrs per day - application for times
Other Irrigation & Farming Use	Banned
Stock Watering if connected	No restriction
Commercial Premises - Motor Vehicle Washing	No restriction
Washing of Buses, Taxis, Food Transport, Ambulances & Garbage Vehicles	No restriction
Golf Courses	Watering of greens - no restriction Fairway watering banned
Carpet Cleaning	No restriction
Building / Construction Industry / Ready Mixed Concrete	No restriction
New Turf	Watering in - then sprinklers 1 hr per day for 7 days - 6pm to 7pm
Paved Public area, where food is prepared or consumed, or for health reasons	No restriction
Water Cartage - Potable Supply	No restriction - private carriers must be registered. No delivery outside of shire
<b>WATER HOTLINE 02 66702685 (Monday to Friday 8.00 am to 4.30pm)</b>	

# Reports from Director Engineering Services

## Appendix B

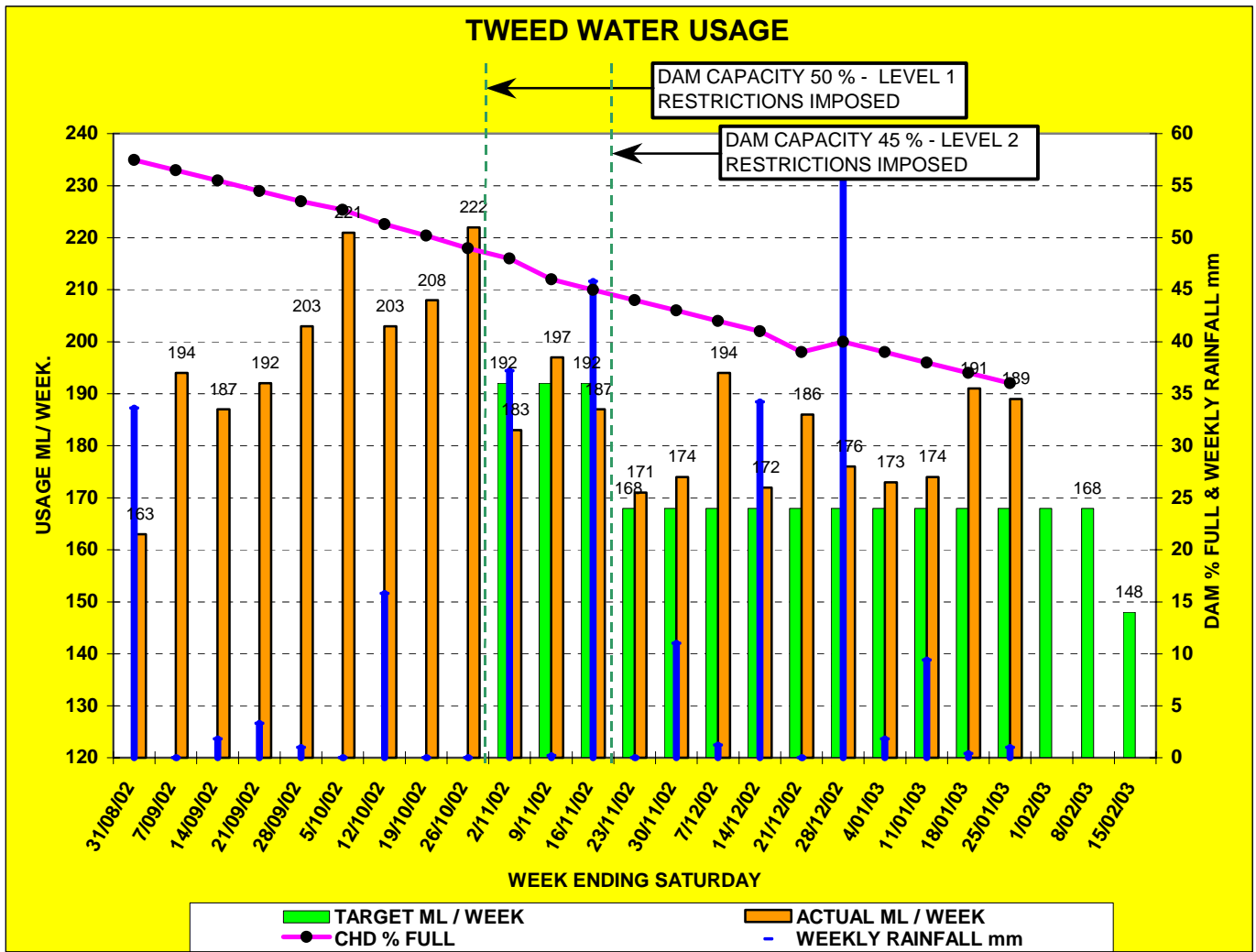
<b>TWEED SHIRE COUNCIL - WATER RESTRICTIONS</b>	
<b>TYPE OF CONSUMER</b>	<b>LEVEL 2 RESTRICTIONS effective from 18/11/02</b>
<b><u>Residential &amp; Connected Rural Dwellings</u></b>	
Gardens, Car Washing, Window Cleaning	Hand held hoses allowed 6.30pm to 7.30pm on Sundays, Tuesdays and Thursdays Micro sprinklers banned Sprinklers, soaker hoses banned Fixed hoses banned Watering cans or buckets permitted at any time
Lawn Watering	Banned
Washing Down Boats, Boat Motors & Trailers used in saltwater	Use of hand held hoses or "muffs" for a maximum of 10 minutes for cleaning after each use
New Turf	Watering in - then sprinklers for 7 days 6.30pm to 7.30pm - then hand held hoses between 6.30pm and 7.30pm on Sundays, Tuesdays & Thursdays for two additional weeks only
Swimming Pools - Private	Filling of new pools allowed Topping up of pools allowed 6.30pm to 7.30pm on Sundays, Tuesdays & Thursdays Emptying & refilling of existing pools banned
Washing of driveways, paved areas and roofs	Buckets or watering cans only at all times
Spear Pumps	No restrictions - signs must be displayed
<b><u>Public Facilities and Institutions</u></b>	
Public Gardens	Hand held hoses from 7.30am to 8.30am on Mondays, Wednesdays & Fridays (Application for alternate times will be considered)
Turf Wickets	Mondays soaker hoses for 3hrs, Wednesdays & Fridays 1hr with hand held hoses
Sports Grounds	All watering banned
Lawn Watering	Banned
Paved Public Areas	Hand held hoses permitted for safety or health reasons
Beach Showers	No restriction
<b><u>Business &amp; Commercial Premises</u></b>	
Gardens, Window Cleaning, Essential Maintenance	7.30am to 8.30am Mondays, Wednesdays & Fridays
Lawn Watering	Banned
Market Gardens, Orchards, Nurseries & Commercial Flower Gardens	Sprinklers/hand watering 2 hrs per day - application for times
Other Irrigation & Farming Use	Banned
Stock Watering if connected	No restriction
Motor Vehicle Dealers	Hand held hoses 7.30am to 8.30am Mondays, Wednesdays, & Fridays  Buckets permitted at any times
Commercial Car Washing Premises	No restriction
Washing of Buses, Taxis, Transport, Ambulances & Garbage Vehicles	No restriction
Golf Courses, Bowling Clubs & Tennis Clay/Grass Courts	Watering of Greens & Courts no restrictions  Fairway watering banned
Building / Construction Industry / Ready Mixed Concrete	No restriction
Other Commercial uses eg., Dog Washing, High Pressure Cleaning, House Washing, Carpet Cleaning	For registered businesses no restriction
New Turf	Watering in - then sprinklers for 7 days 7.30am - 8.30am - then hand held hoses between 7.30am and 8.30am on Mondays, Wednesdays & Fridays for two additional weeks only
Paved Public area, where food is prepared or consumed, or for health reasons	Hand held hoses permitted for safety or health reasons
Water Cartage - Potable Supply	No restriction - private carriers must be registered. No delivery outside of shire

# Reports from Director Engineering Services

## Appendix C

TWEED SHIRE COUNCIL - WATER RESTRICTIONS	
TYPE OF CONSUMER	LEVEL 3 RESTRICTIONS effective from 5/2/03
<b>Residential &amp; Connected Rural Dwellings</b>	
Gardens, Car Washing, Window Cleaning	Hand held hoses banned Micro sprinklers banned Sprinklers, soaker hoses banned Fixed hoses banned Watering cans or buckets permitted at any time
Lawn Watering	Banned
Washing Down Boats, Boat Motors & Trailers used in saltwater	Use of hand held hoses or "muffs" for a maximum of 10 minutes for cleaning after each use
New Turf	Hand held hoses only - watering in - first day then 6.30pm to 7.30pm for seven (7) days
Swimming Pools - Private	Filling of new pools allowed Topping up of pools - fly hose 6.30am to 7.30pm Sundays only Emptying & refilling of existing pools banned
Washing of driveways, paved areas and roofs	Buckets or watering cans only at all times
Spear Pumps	No restrictions - signs must be displayed
<b>Public Facilities and Institutions</b>	
Public Gardens	Hand held hoses - Banned
Turf Wickets	Hand held hoses only - limited to amount required to keep surfaces operational
Sports Grounds	All watering banned
Lawn Watering	Banned
Paved Public Areas	Hoses banned. Buckets only
Beach Showers	Banned
<b>Business &amp; Commercial Premises</b>	
Ornamental Gardens, Window Cleaning, Essential Maintenance	Hand held hoses banned. Water cans or buckets only
Lawn Watering	Banned
Market Gardens, Orchards, Nurseries & Commercial Flower Gardens	Sprinklers/hand watering 2 hrs per day - application for times
Other Irrigation & Farming Use	Banned
Stock Watering if connected	No restriction
Motor Vehicle Dealers	Fixed and hand held hoses banned Buckets permitted at any time
Commercial Car Washing Premises	No restriction
External washing of Buses, Taxis, Transport, Ambulances & Garbage Vehicles	Buckets only
Internal washing - commercial vehicles	Hoses permitted for health and safety reasons only
Golf Courses, Bowling Clubs & Tennis Clay/Grass Courts	Watering of Greens & Courts - limited to amount required to keep surfaces operational. Hand held hoses only All other watering banned
Building Industry / Ready Mixed Concrete	No restriction
Land Development and Road Construction	Compaction and dust suppression - approval required for town water use
Other Commercial uses eg., Dog Washing, High Pressure Cleaning, House Washing, Carpet Cleaning	For registered businesses no restriction
New Turf, Grass Seeding	Approval required for town water use
Paved Public area, where food is prepared or consumed, or for health reasons	Hand held hoses - Banned. Buckets permitted. Watering banned in all other public areas
Water Cartage - Potable Supply	No restriction - private carriers must be registered. No delivery outside of shire
<b>WATER HOTLINE 02 66702685 (Monday to Friday 8.00 am to 4.30pm)</b>	

# Reports from Director Engineering Services



---

# Reports from Director Environment & Community Services

---

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

**FILE REF:** Noxious - Insects and Pests

**REPORT TITLE:**

**Entomological Control Report**

**SUMMARY OF REPORT:**

The following report outlines nuisance insect and vermin control carried out during the period November 2002 to January 2003.

**RECOMMENDATION:**

That this report be received and noted.

## Reports from Director Environment & Community Services

### REPORT:

#### BITING MIDGE

##### Seasonal activity

There were 25 biting midge related enquiries over the report period. Biting midges were most active during their late spring emergence during November. The worst affected areas were Banora Point East, Tweed Heads South, Tweed Heads West and areas close to Mooball Creek at Pottsville.

Areas close to the Coastal creeks at Hastings Point and Pottsville appear to be more adversely affected by midges during drought years. This may be due to stability of midge breeding sandbars during dry times or other unknown factors.

Biting midge larval sampling carried out during November indicated moderate numbers of *Culicoides molestus* larvae in major canals.

##### Control

Midge larvicide applications to canal beaches at Endless Summer, Crystal Waters, Blue Waters, Tweed Waters and The Anchorage were carried out during December with very good results.

The following table shows midge larval numbers pre and 48 hours post-spray at the 3 major Tweed Heads Canals.

Site	Midge larvae pre-spray	Midge larvae post-spray
Crystal Waters Canal	368 / square metre	16
Endless Summer canal	520 / square metre	0
The Anchorage Estate	536 / square metre	0

#### MOSQUITOES

##### Seasonal activity

There were only 6 mosquito related enquiries over the report period.

Mosquito breeding was generally light over summer due to the lack of rain and smaller than predicted spring tides. Scattered breeding occurred in saltmarsh areas during late November and early January adjacent to Cobaki and Terranora Broadwaters and adjacent to parts of the lower Tweed River at Banora Point and Fingal.

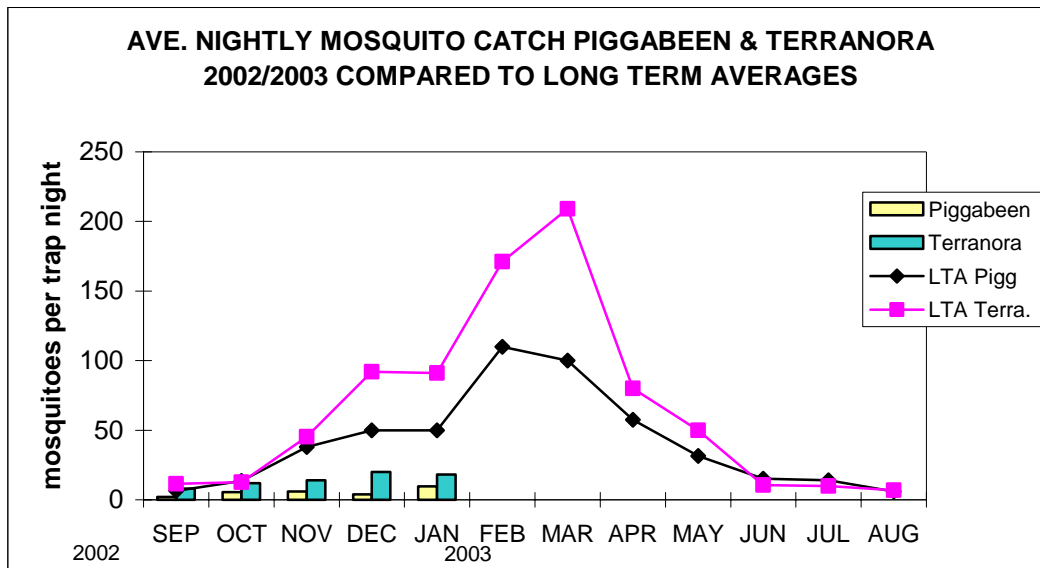
Small larvivorous fish, generally present in mosquito breeding wetlands through the latter summer period, are in very low numbers, or absent due to the drought conditions. When these wetlands eventually receive good rains or cyclonic driven tidal surges, mosquito predators will be in short supply; this will increase reliance on chemicals to control mosquito larvae.

Carbon dioxide baited traps recorded very low numbers of mosquitoes over the report period. *Culex sitiens* was the most commonly trapped mosquito followed by *Ochlerotatus notoscriptus* and *Ochlerotatus vigilax*.



# Reports from Director Environment & Community Services

The following graph shows average nightly adult mosquito numbers caught in carbon dioxide baited traps over the report period compared to long term averages.



## Control

One aerial treatment covering 23 ha was required to wetlands at Terranora and Bilambil on 21 November.

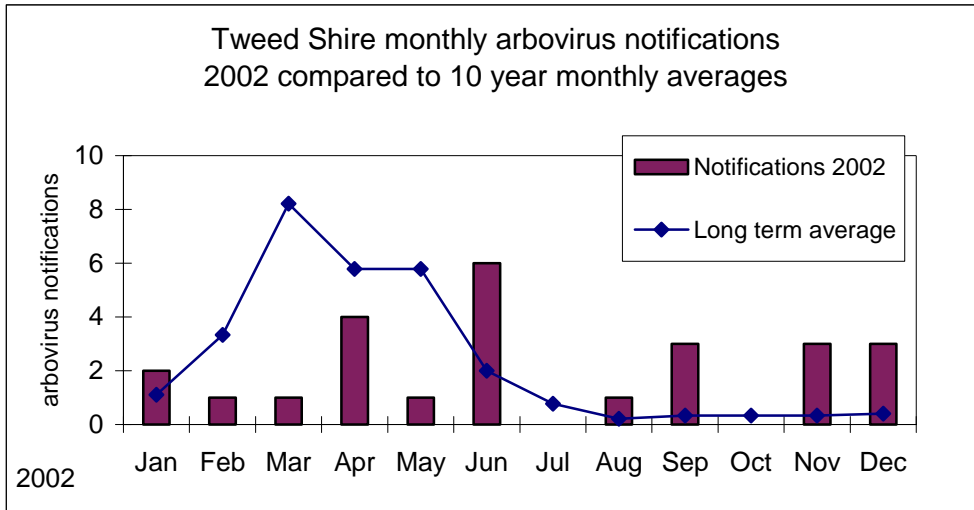
Ground based mosquito control utilising biological larvicide was carried out over the report period to pockets of *Oc. vigilax* and *Verallina funerea* breeding around Tweed Heads West, Cobaki, Terranora, Bilambil, Chinderah and Fingal. Pre-treatment with sustained release methoprene pellets, to usual chronic vigilax and funerea breeding areas, was carried out over the report period.

## Arbovirus

There were 6 notified Ross River virus cases in the shire over the period Nov 02-Jan 03.

The following graph depicts arbovirus cases notified in 2002 compared with long-term monthly averages.

# Reports from Director Environment & Community Services



## OTHER PESTS

There were 66 enquiries regarding miscellaneous pests over the report period. The main enquiries related to rats, ants and wasps.

Rodent baiting was carried out along Tweed Heads rock walls and around coastal caravan parks in December and January.

Cockroach spraying was carried out to isolated infested sewer lines at Tweed Heads over the report period.

## Reports from Director Environment & Community Services

---

**16. ORIGIN:** Building Services Unit

**FILE REF:** DA02/1525 Pt1; Pty: 3010.500

**REPORT TITLE:**

**Illegal Building Work - Lot 84 DP32024 No. 62 Lalina Avenue, Tweed Heads West**

**SUMMARY OF REPORT:**

Council has previously resolved to pursue illegal building work by commencing legal action against the property owner for the breach of the Environmental Planning and Assessment Act and issuing a Notice of Intention to issue a Demolition Order. This report identifies progress to date and the outcome of the Court action.

**RECOMMENDATION:**

That this report be received and noted.

## Reports from Director Environment & Community Services

---

### REPORT:

Council will recall considering a report at its meeting of the 7 August 2002 relating to the erection, without Council approval, of a lower floor dwelling addition at Lot 84 DP32024 No. 62 Lalina Avenue, Tweed Heads West.

It was resolved that Council:-

1. *Institutes legal proceedings against the landowner, Mr Stephen & Mrs Jean Boyle, under the provisions of Section 125 of the Environmental Planning and Assessment Act for carrying out the work without consent at Lot 84 DP32024, being No 62 Lalina Avenue, Tweed Heads West.*
2. *Issues a Notice of Intention to serve an Order 2(a) in the table pursuant to Section 121B of the Environmental Planning and Assessment Act on Mr Stephen & Mrs Jean Boyle ordering the demolition of the lower floor addition erected without consent at Lot 84 DP32024, being No 62 Lalina Avenue, Tweed Heads West within sixty days of the date of issue of the Order and advises the owner that representations (as to the order proposed and/or the time for compliance proposed) may be made to Council by or at Council's Community Access Meeting on 11 September 2002 or in writing prior to 11 September 2002."*

Legal proceedings were commenced in regard to Item 1 above and Council's Solicitors, Stacks have now confirmed that legal proceedings have been finalised at the Murwillumbah Local Court on the 13 December 2002 where Mr Boyle entered a plea of guilty.

The Magistrate, whilst finding the offence proved, elected to deal with the matter under Section 10 of the Criminal Procedure and Sentencing Act without recording a conviction.

However the defendant was ordered to pay the sum of \$59.00 Court costs together with \$75.00 in professional costs.

Council's legal costs incurred in relation to this matter total \$980.80.

Following representations to Council relating to Item 2 above, a further report was submitted to and considered by Council on the 20 November 2002 when it was resolved:

*"That Council not serve an Order pursuant to Section 121B of the Environmental Planning and Assessment Act on Mr Steven Boyle to demolish the dwelling addition erected without Council approval at Lot 84 DP32024 No 62 Lalina Avenue, Tweed Heads West and further now proceeds with the processing and determination of the Development Application for the completion of the dwelling additions subject to standard conditions."*

The processing and determination of the Development Application have now been completed.

---

# Reports from Committees/Working Groups

## 1. Minutes of the Tweed River Committee Meeting held Wednesday 11 December 2002

**Tweed River Committee**

**VENUE:**

Auditorium, Tweed Heads Civic Centre.

**TIME:**

9.00am.

**PRESENT:**

Cr W Marshall (Chair), Cr M Boyd, Cr H James (Tweed Shire Council); Messrs C Cormack (Waterways Authority); R Hagley, T Rabbidge (Department of Land and Water Conservation); R Quirk (Tweed River Advisory Committee & NSW Cane Growers' Association); D Gray (Ecoroc); D Oxenham, G Edwards, Ms J Lofthouse (Tweed Shire Council).

**Informal:** M Tunks (Tweed Shire Council)

**APOLOGIES:**

Ms R James (Caldera Environment Centre); N Newell (State Member for Tweed); B Loring ((NSW Fisheries); L Tarvey (National Parks and Wildlife Service); G Judge, (Tweed Shire Council).

**MINUTES OF PREVIOUS MEETING:**

**Moved:** Cr M Boyd

**Seconded:** Cr H James

**RESOLVED** that the Minutes of Meeting held Wednesday 23 October 2002 be accepted as a true and accurate record of the proceedings of that meeting.

**BUSINESS ARISING:**

### 4. Condong Regional Boating Facility

#### **Boating**

The Tweed Economic Development Corporation has been successful in obtaining a \$48,000 grant for construction of a concrete boat launching pad adjacent to the Condong Boat Ramp for use by the local boat building industry. The Committee is to consider any upgrade of the boat ramp to a regional facility following the outcomes of the Recreational Boating Plan currently being undertaken by Waterways Authority.

## Reports from Committees/Working Groups

---

### CORRESPONDENCE:

#### 1. Correspondence In - Stotts Channel

##### Dredging

Query on progress of a survey of Stotts Channel. Noted that Condong Mill may have historical data or surveys of Stotts Channel. J Lofthouse to check with Mill with regard to access to possible historical records and R Hagley to check DLWC records.

---

#### 2. Correspondence In - Policy for Boat Ramps and Pontoons

##### Boat Ramps, Pontoons

Council resolved not to charge a fee for boat ramps encroaching on Council land. Subsequently Council noted the existing policies and standards in relation to canals and associated infrastructure.

Noted that DLWC require a licence fee for all water front structures if structures encroach on Crown Land. Waterways Authority and DLWC are currently reviewing the licence fees and licensing management. These structures are subject to regular inspections to ensure maintenance standards.

**Moved:** Cr M Boyd

**Seconded:** R Quirk

**RESOLVED** that the issue of public liability with regard to private boat ramps and pontoons be referred to the Risk Management Officer of Council for assessment.

### RECOMMENDATION:

That Council refer the issue of public liability with regard to private boat ramps and pontoons to the Risk Management Officer of Council for assessment.

---

#### 3. Correspondence In - Cobaki Wetlands

##### Wetland

Cr James provided further information on the status of the proposed wetland rehabilitation at Cobaki Lakes development site. A copy of the position paper is attached to these minutes.

---

### AGENDA ITEMS:

#### 4. Tweed River Festival

##### Tweed River Festival

The Inaugural Tweed River Festival was considered to be a great success. There was good to reasonable attendance at all events held and a high level of publicity was generated. One of the major sponsors, Daily News, provided printing of the programs, publicity and graphic design of posters and the festival logo. Other sponsors were obtained for all other major budget item events and expenses.

## Reports from Committees/Working Groups

---

The use of existing events ensured a varied program at no cost to the Committee. Tweed Shire Council supplied valuable in-kind support. A full budget report including value of sponsorships and in-kind support will be produced.

The opening ceremony featured the Classic Boat Regatta, a major drawcard for the Festival. It is estimated that about 300 people attended the afternoon with information stalls, food stalls, local bands and entertainment and a lantern-decorating workshop.

Competitions held during the week were quite successful given the small lead-time to notify participants. The creative writing competition for primary schools was successful with over 100 entries. Most of the students covered environmental and aesthetic aspects of "The River".

The two wetland walks held during the week were attended by 12 and 15 people and were led Jane Lofthouse, Brendon from National Parks and Wildlife Service and two local volunteer bird watchers. One revegetation event was held with 230 plants being planted as part of the Lavender Creek Stormwater Wetland project.

Attendance at the Local Water Forum was disappointing, particularly given the quality of speakers. Fifteen people attended to hear six speakers and partake in the discussion afterwards. Speakers were Bruce Chick, Peter Boyd (DLWC), Patrick Dwyer (NSW Fisheries), Mike Rayner (TSC), Paula Douglas (Healthy Rivers Commission) and Diana Roberts (NRCMB). Better promotion of this event will be required in the future.

Cultural events were varied and well attended.

The closing ceremony was a big success with an estimated 2000 people in attendance. The lantern parade was very popular with 80 students and 30 other community and volunteers involved. This was followed by the fireworks display sponsored by Twin Towns Services Club. The fireworks proved to be a big drawcard and the opportunity would be there to expand on this in future years and provide more entertainment and information stalls starting earlier in the day to increase the education and awareness aspect of the event.

---

### 5. Draft report - Healthy Rivers Commission Independent Inquiry into the North Coast Rivers

#### Total Catchment Management

The Healthy Rivers Commission have released the Draft Report – Independent Inquiry into the North Coast Rivers. A summary document of the main findings was distributed. This report forms the basis for the second round of consultation with comments on the Draft Report due by 11 February 2003.

Please supply all comments to Jane Lofthouse by Wednesday 29 January for formulation of the Committee response.

## Reports from Committees/Working Groups

---

### 6. Response to Significant Rainfall Events and Possible Fish Kills

#### Pollution – Acid Sulphate Soils

Mark Tunks presented an issues paper about a combined response from all relevant agencies, Council and others given the high probability that the current drought conditions will result in a major ASS discharge event following any significant rainfall.

The proposal would be for 10 sites to be monitored for 10 days following significant rainfall. It is anticipated that funds will be required for analysis of water samples.

With reference to the fish kills and low dissolved oxygen event that happened in the Richmond River recently, Cr Boyd noted that one difference between the Richmond and Tweed catchments is that the former has significantly more floodplain grasslands where Tweed has cane. Cr Boyd recalls the rotting of grassland vegetation that would occur during flood times and considers that this may be a catalyst for low DO events.

**Moved:** R Hagley

**Seconded:** R Quirk

**RESOLVED** that the Committee support monitoring of the next major rain event with up to \$5000 toward the cost of water sample analysis from the Water Management Plan budget.

---

### 7. Ecosystem Health Monitoring Program - Draft Final report

#### Monitoring, Estuary Management

The full Draft Report is to be distributed to R Hagley, M Tunks, D Oxenham and J Lofthouse for comment. The author is to provide a summary report. Terry Walmsley, GHD, has reviewed the report and will provide comments.

---

#### GENERAL BUSINESS:

### 8. Lavender Creek Stormwater Project

#### Rehabilitation of Lavender Creek and Stormwater Treatment

On-ground works on the Lavender Creek project will commence mid-December. The earthworks will start in the western end and will be followed up immediately by revegetation.

---

### 9. Fingal Peninsula Wetlands

#### Fingal Peninsula, Wetland

There was a query on the status of the Fingal Peninsula wetlands project. The Development Application has been temporarily withdrawn for provision of further details on flora and fauna and a radiation survey. The main focus of the project is erection of fences and obstructions to eliminate car access to wetland and bird roosting sites and revegetation of wetland areas.

---



## Reports from Committees/Working Groups

---

### 10. Daily News Column

#### Environmental Education

Cr Marshall informed the Committee that she had negotiated for the Daily News to provide a regular fortnightly column for the Tweed River Committee with text to come from the Committee members. The Daily News had provided a weekly column for the duration of the Tweed River Festival. This column provides a further method for getting river management issues across to the community on a regular basis. The column is about 350 words in length. It is anticipated that individual committee members will write a column about their area of interest. A schedule for column contributions is attached.

---

### 11. Integrated Catchment Management Plan for the Northern Rivers Catchment

#### Total Catchment Management

The adopted Integrated Catchment Management Plan for the Northern Rivers Catchment has been released. This Committee needs to be aware of actions and priorities outlined in the Plan as these will guide priorities for catchment management related funding. It is vital that this Committee work cooperatively with the Catchment Management Board on implementation of the adopted Integrated Catchment Management Plan (otherwise known as the "Blueprint").

Carl Cormack and Dugald Gray have requested copies of the Plan. Please contact Jane if any other copies are required.

---

### 12. 10th Anniversary of the Tweed River Committee

#### Tweed River Committee

It is to be noted that this meeting represents the 10<sup>th</sup> anniversary of the first meeting in December 1992 of the Tweed River Management Plan Advisory Committee.

---

### 13. Water Management Act

#### Total Catchment Management

Tim Rabbidge noted that the State Water Management Outcomes Plan had recently been ratified by the Minister and contained a number of recommendations. A copy is to be obtained and this item put on the agenda for the next meeting.

---

## Reports from Committees/Working Groups

### 14. Stotts Channel

#### Dredging

J Lofthouse is to supply D Gray with a map showing location of proposed dredging and an estimate of quantities and possible disposal site. May be easier to use a long reach excavator if access is available.

#### NEXT MEETING:

The next meeting of the Committee is to be held on Wednesday 12 February 2003 at the Canvas & Kettle Restaurant commencing at 9.30 am.

The meeting closed at 10.45am.

#### *Director's Comments:*

*NIL*

[document4]

#### DIRECTOR'S RECOMMENDATIONS:

### 2. Correspondence In - Policy for Boat Ramps and Pontoons

#### Boat Ramps, Pontoons

#### Committee Recommendation:

That Council refer the issue of public liability with regard to private boat ramps and pontoons to the Risk Management Officer of Council for assessment.

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

## Reports from Committees/Working Groups

### 2. Minutes of the Tweed Coastal Committee Meeting held Wednesday 11 December 2002

File No: Tweed Coastal Committee

**VENUE:**

Auditorium, Tweed Heads Civic Centre.

**TIME:**

11.00am

**PRESENT:**

Cr Wendy Marshall (Chair), Cr Max Boyd, Cr Henry James, Terry Kane (Cabarita Beach-Bogangar Residents Association), Rhonda James (Caldera Environment Centre), John Harbison (Pottsville Progress Association), Richard Hagley, Tim Rabbidge (Department of Land and Water Conservation), Stewart Brawley, David Oxenham, Jane Lofthouse (Tweed Shire Council).

**Informal:** Richard Adams, Graham Judge, (Tweed Shire Council); Brad Sneddon, (Umwelt).

**APOLOGIES:**

Gary Thorpe (Hastings Point DuneCare), Ted Griffiths (Kingscliff Coastguard), Craig Venner (Pottsville Beach DuneCare), Lance Tarvey (NSW National Parks and Wildlife Service), Neville Newell (Member for Tweed).

**MINUTES OF PREVIOUS MEETING:**

**Moved:** T Kane

**Seconded:** Cr W Marshall

**RESOLVED** that the minutes of the meeting held Wednesday 23 October 2002 be accepted as a true and accurate record of the proceedings of that meeting.

**BUSINESS ARISING:**

#### 3. Pottsville Boat Ramp

#### Boat ramps

The Development Application is currently being processed for additional works at the Pottsville boat ramp. Works to widen ramp and approach scheduled for February 2003.

#### 4. Community Representation on the Committee

#### Tweed Coastal Committee

Recommendation to advertise for a Fingal Head representative to go to next Council meeting.

## Reports from Committees/Working Groups

---

### 5. Peninsula Drive Pedestrian Bridge

**Cudgera Creek**

The water pipeline will now be placed along creek bed negating the need for construction of a pedestrian bridge.

---

#### CORRESPONDENCE IN:

### 1. Dredging Cudgen Creek

**Cudgen Creek, Dredging**

A letter has been received from Neville Newell requesting the Committee's position on dredging of Cudgen Creek. This issue has been dealt with on a number of occasions and extracts from previous minutes are to be sent to Mr Newell. In addition, reference be the made to Recommendation 7 of the Healthy Rivers Independent Inquiry into the North Coast Rivers Draft Report with regard to navigational dredging in North Coast estuaries.

Richard Hagley noted that as a result of the last dredging undertaken in 1985/86 of 6,000m<sup>2</sup> that the channel lasted about 3 weeks.

Dredging of Cudgen Creek and other coast estuaries to be reviewed as part of the formal review of the Estuary Management Plan given findings of Healthy Rivers Report and NSW Coastal Policy.

---

#### AGENDA ITEMS:

### 2. Tweed Coastline Management Study – Stage 1 Draft Report

**Coastal Management**

Brad Sneddon, Umwelt, presented the draft Stage 1 report. There has been some reinterpretation of the Hazard Study which is articulated in Section 4 of the report. Requesting feedback, particularly on Sections 5 and 6.

Terry Kane commented that use of personal watercraft off the beaches and in the creeks has not been mentioned.

An Options paper and further public meetings are to be held in February 2003. Copies of the draft report are to be distributed to interested members for comments by early January 2003.

---

## Reports from Committees/Working Groups

### 3. Draft Report - Healthy Rivers Commission Independent Inquiry into the North Coast Rivers

#### Healthy Rivers Commission

A summary of the main findings of the draft report was distributed to the Committee. Full copies of the document are available from Jane Lofthouse on request. Comments on the draft findings are to be submitted to Jane Lofthouse by Wednesday 29 January for submission to the Inquiry by 11 February 2003.

### 4. Draft Program 2002 - 2003

#### Tweed Coastal Committee

Following is the draft program for 2002-2003 for ratification by the Committee. \$40,000 matching funds have been applied for through the DLWC Estuary Management Program.

#### *Tweed Coast Estuaries Implementation Program 2002-2003.*

Title	Description	Amount
<b>Riparian Buffer Zone Rehabilitation</b>	Rehabilitation works including revegetation and measures to address bank erosion particularly on Cudgera and Mooball Creeks	20,000
<b>Cudgen Creek Boardwalk</b>	Continue the public boardwalk along Cudgen Creek from Rotary Park to the boatramp – incorporates use of Work for the Dole labour force	30,000
<b>Formal review of the Estuary Management Plan for Tweed Coastal Creeks</b>	Undertake a formal review of the Estuary Management Plan to assess in accordance with Coastal Policy, Coastline Management Plan and Healthy Rivers Commission Inquiry.	5,000
<b>Water Quality Monitoring</b>	Maintain the water quality monitoring program in Cudgen Cudgera and Mooball Creeks	10,000
<b>Stormwater Quality Improvement Projects</b>	Works to reduce stormwater pollution in Cudgen, Cudgera and Mooball Creeks as outlined in the Tweed Urban Stormwater Management Plan and Estuary Management Plan	15,000
		<b>\$80,000</b>

**Moved:** Cr W Marshall

**Seconded:** Cr M Boyd

**RESOLVED** that the Tweed Coast Estuary Management implementation program for 2002 – 2003 be adopted.

#### RECOMMENDATION:

That Council adopt the Tweed Coast Estuary Management Plan Implementation program for 2002 – 2003.

## Reports from Committees/Working Groups

---

### GENERAL BUSINESS:

#### 5. Cudgera Creek Removal of Tidal Obstructions

#### Cudgera Creek

A quote was received at the last meeting and passed to Council's Contracts officer. The quote was not considered to be a complying tender for several reasons. It is considered that the cost of the project may be significantly higher than the \$35,000 allocated by the Committee.

It was noted by David Oxenham that the old bridge abutments may well have to be removed as part of the water main duplication project. It was also noted that the Cudgera Creek Bridge will need to be replaced within 15-20 years at which time any artificial obstructions under the bridge could be removed.

Decided by the Committee to defer any decision on the project until the next meeting when the Hastings Point community representative can be in attendance. However, it was the general view of the Committee present that the project should not be continued and funds reallocated to another project.

---

#### 6. Jetty Structures in Coastal Estuaries

#### Jetties, Estuary Management

Richard Hagley noted that there had been an increase in the number of applications to DLWC for jetty structures in coastal estuaries. There is a move toward encouraging passive recreation in these small estuaries therefore, DLWC is looking to not licence any further jetty structures and remove existing ones as the opportunity arises.

### NEXT MEETING:

The next meeting of the Committee is to be held on Wednesday 12 February 2003 at the Canvas & Kettle Restaurant commencing at 1.00 pm.

The meeting closed at 12.30pm.

#### *Director's Comments:*

1. It is recommend that Council respond in terms of its resolution of 22 January 2003.

## Reports from Committees/Working Groups

### DIRECTOR'S RECOMMENDATIONS:

#### 4. Draft Program 2002 - 2003

**Tweed Coastal Committee**

#### Committee Recommendation:

That Council adopt the Tweed Coast Estuary Management Plan Implementation program for 2002 – 2003.

<b><i>Director's Recommendation:</i></b> <i>That the Committee's recommendation be endorsed.</i>
--

## Reports from Committees/Working Groups

---

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

1. **Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 9  
January 2003**
-



# Orders of the Day

---

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

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

**R4031 Pt16; Notice of Motion**

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

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

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

**State Emergency Services**

**SES; Budget; Notice of Motion**

That:-

1. In view of the recent advice provided to Council by Mr Brian Sheahan, Local Controller of the Tweed SES which identifies a site at the end of Murwillumbah Street and within the boundary of the Murwillumbah Sewerage Treatment Plant as the most suitable one on which to construct the new SES headquarters/operational centre, Council now proceeds with this project as expeditiously as possible.
  2. In consultation with Mr Sheahan, Local Controller of the Tweed SES, that a more realistic and updated line item for the operation of the Tweed SES be included in Council's 2003/2004 budget.
-

## Orders of the Day

---

### 3. Notice of Motion - Cr Boyd

#### Naming - Reserve

#### Parks - Naming; Notice of Motion

That Council finalises the decision it made in 1983 to name the lowland rainforest remnant adjacent to the North Tumbulgum – Dulguigan Road “Skinners Reserve”.

---

### 4. Notice of Motion - Cr Boyd

#### Naming - Wharf

#### Wharves - Wharfs; Notice of Motion

That in view of the significant service provided by the Skinner, Lowes Coy Limited’s boats “Florrie”, “Pearl”, “Uki”, “Mystery”, “Mebbin”, “Booyong”, “Emma Pyers”, between Tweed Heads and Murwillumbah between 1888 and 1934, Council advertises its intention to name the new wharf beside the Tweed River Regional Art Gallery, the “Skinner, Lowes Wharf”.

---

### 5. Notice of Motion - Cr Luff

#### Fire Risk to Property

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

That:-

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

