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SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

FOR COUNCILLOR'S INFORMATION:

17 March 2004

REPORT FROM DIRECTOR ENGINEERING SERVICES

21 [ES] Proposed Water Reservoirs Adjacent to Koala Beach Estate

202

Councillor H James

Councillor B M Luff

RESOLVED that Council investigates the further option of constructing the proposed Reservoir at a location on the Mooball-Pottsville Road.

Current Status: Reassessing technical aspects including alternative sites.

16 June 2004

REPORT FROM DIRECTOR PLANNING & ENVIRONMENT

8 [DS] Draft Development Control Plan No 50 - Bogangar/Cabarita Beach Locality Plan

432

Councillor M R Boyd

Councillor S M Dale

RESOLVED that this item be deferred.

Current Status: Meeting to be arranged.

7 July 2004

REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT

- 1 [DS] Development Application DA03/1038 for a 7 Lot Subdivision at Lot 121 DP 755701, No. 50 Chinderah Bay Drive, Chinderah

460

Cr R D Brinsmead

RESOLVED that this item be deferred pending a workshop on DCP5 and interested parties be invited to attend.

Current Status: Item to be resubmitted to Council Meeting of 18 August 2004.

21 July 2004

REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER

- 9 [OGM] Monthly Investment Report for Period Ending 30 June 2004

512

Cr M R Boyd

Cr R D Brinsmead

RESOLVED that the General Manager provide a report relating to the proposed Local Government Index he had developed, that has been further developed by the Local Government and Shires Association Rating Task Force.

Current Status: Report being prepared.

ORDERS OF THE DAY

- 1 [NOM] Compulsory Desexing

NOTICE OF MOTION:

523

Cr D M Holdom

Cr B J Carroll

RESOLVED that Council officers bring forward a report on the opportunity for Council to introduce compulsory desexing of animals sold from Council's dog and cat pound.

Current Status: Report being prepared.

3 [NOM] Mt Warning Respite House

NOTICE OF MOTION:

526

Cr B J Carroll

Cr S M Dale

RESOLVED that Council on behalf of the Tweed Shire Community:

- i) Seeks discussions with the Board and Management of Multicap with a view to securing equity for the community in the Mt Warning Respite House in the event the future sale of the house and property or in the event of change to a commercial use other than the original stated purpose of use being provision of respite accommodation for people with disabilities in the Tweed Shire and their carers.
- ii) Requests a detailed breakdown of income received from the Tweed Community in cash and in kind as donations to develop the land and facility and a financial report on the overall expenditure on the project.

Current Status: Meeting to be addressed.

4 [NOM] Opportunities for Community Coastal Works

NOTICE OF MOTION:

528

Cr G B Bell

Cr L F Beck

RESOLVED that Council staff be requested to bring forward a report in Confidential Session to establish opportunities for community coastal works to be able to be financed from the sale of Council land in Pandanus Parade, Bogangar (used for car parking) while still retaining the existing level of parking provided on that land.

Current Status: Report to Council Meeting of 18 August 2004.

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MAYORAL MINUTE

Mayoral Minute

Councillors,

1. Trike Around Australia

21 July – in my absence Deputy Mayor, Cr. Lynne Beck, welcomed a group from Trike Around Australia, riding in aid of Arthritis Foundation

2. Citizenship Ceremony

22 July – conducted a Citizenship Ceremony at Tweed Heads – 9 conferees plus 1 child

3. Tweed Valley Regional Art Gallery Foundation

22 July – attended Board meeting of the Tweed Valley Regional Art Gallery Foundation at Murwillumbah

4. Tweed Volunteer Rescue

23 July – media shoot presentation to Tweed Volunteer Rescue at Hastings Point

5. National Tree Day

23 July – attended Tree Planting Ceremony at Lakeside Christian College

6. Southern Cross University

23 July – attending SCU 10th Birthday celebrations at Tweed Campus

7. Tweed Super Sports Centre

24 July – Opening Tweed Super Sports Centre at Chinderah

8. Blind & Vision Impaired Support Group

26 July –Christmas in July Luncheon organised by Blind & Vision Impaired Support Group at Banora

9. RSL & Services Clubs

26 July – welcomed guests to the RSL & Services Clubs Cocktail Party at Twin Towns

10. Ocean View

27 July – opening of Stage 1 Ocean View Retirement Units at Banora Point

11. Summerville Museum

28 July – with Don Buckley inspected Summerville Museum at Bathurst

12. Multicap

29 July – opening Mt. Warning Respite House at Murwillumbah

13. Northern Rivers Regional Arts Board

29 July - welcome Regional Arts NSW guests at Byron Bay & attend Byron Bay Writers Festival

14. TEDC

30 July – TEDC Board Meeting at Murwillumbah

15. Tyalgum Diggers Sports

31 July – Tyalgum Diggers Sports Day

16. Qld Master Builders Assoc

31 July – Qld Master Builders Assoc Housing & Construction Awards Gold Coast

17. Local Government Week

1 August – Tweed Coast Cycling Challenge – Pottsville to Casuarina

18. Local Government Week

2 August – Local Bus Trip for ratepayers

19. Tweed Hospitals Auxiliary

2 August – Tweed Hospitals Auxiliary Annual General Meeting

20. Tweed Futures

2 August – Tweed Futures Community Summit at Murwillumbah

21. Tweed Chamber of Commerce

3 August – preside over Tweed Chamber of Commerce Annual General Meeting

22. Local Government Week

4 August – Tweed Schools Debate at Tweed Heads

INVITATIONS ACCEPTED:

- 5 August – Inspection Uki Sewerage System (Local Government Week)
- 6 August – Bus Tour (Local Government Week)
- 6 August – Tweed Red Cross Annual General Meeting at Banora
- 8 August - opening Garden Walk Science Art Centre
- 9-12 August – Water Management Conference in Moama
- 15 August – opening Toilet Block at Mooball
- 16 August – Murwillumbah Hospitals Auxiliary Annual General Meeting

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

- **Reminder – 7th International Riversymposium 31 August-3 September** Brisbane
 - **Local Government Road Safety Program 7-9 September** Parramatta (Councillors Session 7 September)
 - **LGMA 2004 Conference “the rhythm of life” – 15-17 September** Batemans Bay
 - **9th Australian Parking Convention 17-19 October** Adelaide
 - **Griffith University “Creating Child Friendly Cities 28-29 October** Brisbane
 - **National General Assembly of Local Government 7-10 November** Canberra
-

ABSENCES FROM SHIRE BY EXECUTIVE, AND COUNCILLORS:

Executive

Name	From	To	Location	Details	
DEO	9 August 2004	12 August 2004	Moama	2004 Management Conference	Water
GM	2 August 2004		Casino	Sub-Regional Group Meeting	GMs

Councillors

Name	From	To	Location	Details
W. Polglase	9/8/04	12/8/04	Moama	Water Management Conference

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT

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.

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- 1 [DS] Development Application DA04/0271 for a residential flat building incorporating forty one dwellings in a three storey configuration with a front building line variation request at Lot 177 DP 1031933, Kamala Crescent Casuarina.**

ORIGIN:

Development Assessment

FILE NO: DA04/0271

SUMMARY OF REPORT:

Council is in receipt of an application for multi dwelling housing on the subject land at Kamala Crescent, Casuarina. The proposed development involves the erection of a three storey residential flat building comprising 41 dwellings in an attached format. The application also incorporates thirteen roof terraces with access to these areas via external staircases.

The application was originally lodged as a part four-storey building and was subsequently advertised as such. However, since initial lodgement of the application Council has accepted amended plans to ensure the building represents a three-storey building to enable compliance with the nominated height control.

The application seeks small variations to the building line policy for the front setback to accommodate the lift and stairwell areas, in addition to variations to the numerical requirements for landscaping and the allocation of car parking spaces for visitor use. Whilst the proposed development does not strictly comply with some of the numerical requirements of Council's controls the application is considered to have merit in that it presents well to the street, has interesting design characteristics and is considered to be functional. Subsequently the application is recommended for conditional consent.

It should also be noted that Council is also in receipt of another Development Application (DA04/0272) on the adjoining block of land (Lot 178) for an almost identical development also seeking consent for 41 dwellings. This application is also reported to this meeting and appears as the next item on the business paper.

RECOMMENDATION:

That Development Application DA04/0271 for a residential flat building incorporating forty one dwellings in a three storey configuration with a front building line variation request at Lot 177 DP 1031933, Kamala Crescent, Casuarina 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 SD 2001f, 2002F, 2003e, 2004e, 2005e and 3001e prepared by Cottee Parker Architects and dated 22/07/2004, except where varied by these conditions.

[GEN0010]
2. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.

[GEN0030]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0120]
4. The erection of a building in accordance with a development consent must not be commenced until:
 - (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
 - (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - (b1) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - (b2) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - (ii) notified the principal certifying authority of any such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[GEN0150]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. A detailed plan of landscaping is to be submitted and approved by Council's Director, Development Services prior to the issue of a Construction Certificate. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building.

[PCC0010]

6. Section 94 Contributions

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

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

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

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

a.	Tweed Road Contribution Plan: S94 Plan No. 4 (Version 4.0)	\$56,499
	Sector7c_4 LCA4 - Kings Beach	\$13,074
b.	Shirewide Library Facilities: S94 Plan No. 11	\$17,763
c.	Bus Shelters: S94 Plan No. 12	\$715
d.	Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$3,441
e.	Emergency Facilities (Surf Lifesaving) (TOU/KH/SEA) S94 Plan No. 16	\$7,384
f.	Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$10,379.68
g.	Kings Beach Community Facilities S94 Plan No. 19	\$12,828
h.	Kings Beach Cycleways S94 Plan No. 19	\$5,842
i.	Kings Beach Open Space S94 Plan No. 19	\$16,420
j.	Regional Open Space (Structured) S94 Plan No. 26	\$30,354

- k. Regional Open Space (Casual) \$5,683
S94 Plan No. 26

[PCC0050/PSC0005]

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

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall **NOT** be issued by a Certifying Authority unless 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:	29.75 ET @ \$4325	\$128,669
South Kingscliff Water Levy:	29.75 ET @ 215	\$6,396
Sewer:	29.75 ET @ \$3490	\$103,828

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.

[PCC0070/PSC0004]

8. The basement car parking is to be protected against the inflow of water from Kamala Crescent up to the ARI 100 year storm event. All basement pumping systems shall be designed and installed in accordance with Section 9 of AS/NZS 3500.3.2 (Stormwater Drainage - Acceptable Solutions).

[PCC0110]

9. 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.

[PCC0190]

10. Permanent Stormwater Quality Treatment

- (a) Permanent stormwater quality treatment shall comply with "*Tweed Urban Stormwater Quality Management Plan*" (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction

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

- (b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.
- (c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
- (d) Specific requirements:
 - (i) Car wash bays must be bunded, with all runoff treated for oil, sediment and nutrient pollutants prior to discharge to the sewer network, requiring a Tweed Shire Council Trade Waste Application.
 - (ii) An oil/grit arrestor, or equivalent approved by Council officers, shall be installed to remove pollutants generated from undercover and basement car parking areas prior to discharge, and must satisfy the following sizing requirements:
 - Storage volume must be available for the combined Sediment Tank and Oil Storage Capacity to retain no less than 0.5m³ per 1000m² of undercover/basement area.
 - The minimum retained volume of any oil/grit arrestor is 0.75m³.
 - (iii) Where practical, pervious paving shall be used on internal paths and roads to maximise infiltration, with additional runoff directed towards grassed filter strips and landscaping.

- (iv) Overland flow paths used to convey treated stormwater flows and surcharge flows from infiltration devices and pervious landscaping shall be sized to cater for the ARI 100 year design storm event. Overland flow paths and channels shall be contained wholly within the subject allotment, and shall discharge low velocity, dispersed flows to the kerb and gutter in Kamala Crescent.

[PCC0230]

11. 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.

[PCC0240]

12. Any premises proposing to discharge into Council's sewerage system a waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by Council's Manager Water and concurrence received from the Department of Land and Water Conservation, if required, PRIOR to the issuing of a Construction Certificate to discharge to Council's sewerage system.

[PCC0280]

13. 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*.

[PCC0320]

14. * Details of the proposed roof water disposal, including surcharge overland flow paths are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. These details shall include likely landscaping within the overland flow paths.
- * All roof water shall be discharged to infiltration pits located wholly within the subject allotment.
- * The infiltration rate for sizing infiltration devices shall be 3m per day:
- As a minimum requirement, infiltration devices are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) over a range of storm durations from 5 minutes to 24 hours and infiltrate this storm within a 24 hour period, before surcharging occurs.
- * Surcharge overflow from the infiltration area to the street gutter, inter-allotment or public drainage system must occur by **visible surface flow**, not piped.
- * Runoff (other than roof runoff) is to be pre-treated to remove contaminants prior to entry into the infiltration areas, to maximise the life of infiltration areas between major cleaning/maintenance overhauls.
- * If the site is under strata or community title, the community title plan is to ensure that the infiltration areas are contained within common land that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).
- * All infiltration devices are to be designed to allow for cleaning and maintenance overhauls.
- * All infiltration devices are to be designed by a suitably qualified Engineer taking into account the proximity of the footings for the proposed/or existing structures on the subject property, and existing or likely structures on adjoining properties.
- * All infiltration devices are to be located clear of stormwater or sewer easements.

[PCC0360]

PRIOR TO COMMENCEMENT OF WORK

15. 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 recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.

[PCW0010]

16. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Consulting Engineer shall be erected and maintained in a prominent position at the site to the satisfaction of the Director, Development Services. The sign is to remain in place until the Subdivision Certificate is issued.

[PCW0030]

17. 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.

[PCW0050]

18. 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.

[PCW0060]

19. **Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003**, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- [PCW0070]
20. 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.

[PCW0080]

21. 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.

[PCW0090]

22. 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.

[PCW0190]

23. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW0210]

24. Prior to the commencement of works on the site all required erosion and sedimentation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

In addition to these measures an appropriate sign is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

Please note that this sign is to remain in position for the duration of the project.

[PCW0280]

25. Residential building work:

(1) 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 (not being the council) has given the council written notice of the following information:

(a) in the case of work for which a principal contractor is required to be appointed:

(i) in the name and licence number of the principal contractor, and

(ii) the name of the insurer by which the work is insured under Part 6 of that Act,

(b) in the case of work to be done by an owner-builder:

(i) the name of the owner-builder, and

(ii) if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.

(2) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0290]

26. Prior to commencement of works sedimentation and erosion control measures shall be installed to the satisfaction of the Director of Environment and Community Services.

[PCWNS01]

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).

[DUR0010]

28. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742-1991 (Manual for Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.
[DUR0040]
29. The provision of fifty three (53) unconstrained basement parks for the occupants of the building, eight (8) nominated visitor car parking spaces in the basement, and a further nine spaces in the basement in a tandem formation. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.
[DUR0050]
30. 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.
[DUR0060]
31. 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.
 - 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.
- [DUR0070]
32. 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.
[DUR0080]
33. 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.
[DUR0130]
34. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.
[DUR0150]
35. The principal certifying authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the principal certifying authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.
[DUR0170]

36. 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.

[DUR0200]

37. If the work involved in the erection or demolition of a building:
- a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or

- b. building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

[DUR0220]

38. Provision to be made for the designation of two durable and pervious car wash-down area/s. The area/s must be identified for that specific purpose and be supplied with an adequate water supply for use within the area/s. Any surface run-off from the area must not discharge directly to the stormwater system.

[DUR0240]

39. 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.

[DUR0470]

40. Pram ramps are to be constructed at road intersections in accordance with Council's Plan No. A4-96 to the satisfaction of the Director of Engineering Services and in accordance with Council's Standard Plan No. A4-96. Mountable or roll top kerb does not meet pram ramp requirements, and therefore requires a pram ramp to be constructed as above.

[DUR0500]

41. A concrete ribbon footpath 1.2 metres wide and 100 millimetres thick is to be constructed on a compacted base along the entire frontage of the site to Kamala Crescent. The compacted base is to achieve 95% of maximum dry density determined in accordance with AS1289 5.4.1 for a minimum 100mm depth. A full depth construction joint is to be provided at 6.0 metre intervals and 20 millimetre deep groove joints provided every 1.5 metres, the balance area to be graded to the kerb and turfed. The footpath is to have a 3% crossfall which must be attained at each side boundary. This may result in work to be undertaken on the footpath at adjoining properties which must not exceed 1:14 and must be reinstated with turf. The footpaving is to be located 800 millimetres from the property boundary. The concrete footpath gradient shall be parallel to the top of kerb for the full frontage of the site and maintained unvaried across the (any) driveway cross-section. An inspection of the formwork is to be arranged with Council's Engineering Services Division prior to concrete being placed.

[DUR0520]

42. All surface water collected from hard stand parking areas to be directed to Council approved pre-treatment facilities before discharge to approved discharge locations. Stormwater from covered or enclosed carpark areas shall not be discharged to the public sewer unless approved treatment facilities have been provided. Details are to be submitted to and approved by the Director of Environment and Community Services prior to installation

[DUR0670]

43. 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.

[DUR0730]

44. 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.

[DUR0850]

45. 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.

[DUR0870]

46. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.

[DUR0880]

47. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays or public holidays.

[DUR0900]

48. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:

A. Short Term Period - 4 weeks.

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

B. Long term period - the duration.

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

[DUR0910]

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

[DUR0920]

50. 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.

[DUR0930]

51. The burning of builders waste on site by open fire is prohibited.

[DUR0940]

52. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.

[DUR0980]

53. All new residential dwellings (and extensions comprising over 50% of the original floor area) are to fully comply with Councils Energy Smart Housing Policy (DCP39). In order to comply with DCP39 consideration must be given to the building envelope, orientation, insulation, ventilation, thermal mass and zoning.

[DUR1000]

54. 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 and prior to occupation of the building.
- [DUR1020]
55. 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.
- [DUR1030]
56. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
- [DUR1040]
57. 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.
- [DUR1070]
58. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
- [DUR1090]
59. 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.
- [DUR1110]
60. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.
- [DUR1130]
61. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C in all other classes of buildings.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

[DUR1160]

62. Pre-treatment devices must be serviced by a Council approved waste contractor. The applicant will be required to enter into a service agreement with this waste contractor. Pre-treatment device service frequency will be approved by Councils Manager Water.

[DUR1170]

63. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:

- i. All required erosion and sedimentation control devices have been installed and are operational.
- ii. Required toilet facilities have been provided on the site.
- iii. A sign has been erected on the site identifying:
 - Lot number
 - Builder
 - Phone number of builder or person responsible for site.
- iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
- v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.

[DUR1200]

64. 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.

[DUR1210]

65. Landscaping of the site shall be carried out in accordance with the submitted landscaping plans. The landscaping to be completed prior to occupation of the building, to the satisfaction of the Director, Development Services.

[DUR1230]

66. All landscaping is to comply with the 88B Instrument pertaining to the site.

[DUR1240]

67. Swimming Pools (Building)

- A. The swimming pool is to be installed and access thereto restricted in accordance with Council's "Code for the Installation of New Swimming Pools" and Australian Standard AS 1926-1986 (Copy of code enclosed).
- B. Swimming pools shall have suitable means for the drainage and disposal of overflow water.
- C. The pool filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.
- D. In the event that Council is not utilised as the inspection/certifying authority:-
 - a. Within seven (7) days of the filling of the pool a Compliance Certificate in the prescribed form shall be submitted to Council together with the prescribed fee, by the Accredited Certifier to certify that all works have been completed in accordance with the approved plans and conditions of Consent and that the swimming pool safety fencing has been installed and complies with AS 1926.

[DUR1280]

68. Backwash from swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.

[DUR1290]

69. The site shall not be dewatered.

[DURNS01]

70. Acid sulphate soils shall not be exposed or disturbed.

[DURNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

71. 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 and conditions of Consent.

[POC0020]

72. 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).

[POC0030]

73. 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.

[POC0050]

74. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate, a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.

75. Prior to occupation of the building the property street number is to be clearly identified on the site by way of painted numbering on the street gutter within 1 metre of the access point to the property. [POC0170]

The street number is to be on a white reflective background professional painted in black numbers 100mm high.

On rural properties or where street guttering is not provided the street number is to be readily identifiable on or near the front entrance to the site.

For multiple allotments having single access points, or other difficult to identify properties, specific arrangements should first be made with Council and emergency services before street number identification is provided.

The above requirement is to assist in property identification by emergency services and the like. Any variations to the above are to be approved by Council prior to the carrying out of the work.

76. Prior to the issue of an occupation certificate, a "satisfactory inspection report" issued by Council must be produced for s68h2 permanent stormwater quality control devices. This inspection report must be obtained from Council prior to backfilling of any of the s68h2 approved devices. [POC0180]

[POCNS01]

USE

77. The premises shall be suitably identified by Unit No. (where appropriate) and Street Number displayed in a prominent position on the facade of the building facing the primary street frontage, and is to be of sufficient size to be clearly identifiable from the street. [USE0040]

78. No items or goods are to be stored or displayed outside the confines of the premises. [USE0050]

79. A Strata Certificate shall not be issued for a Strata Plan or a Strata Plan of Subdivision unless the provision of the Strata Schemes (Freehold Development) Act 1973 and/or the Strata Schemes (Leasehold Development) Act 1986 have been complied with. [USE0140]

80. A person must not commence a change of building use for the whole or any part of an existing building unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units). [USE0150]

81. 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. [USE0160]

82. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997. [USE0170]

83. A backflow containment device will be installed adjacent to Councils water meter installation at the property boundary in accordance with AS3500. The device is to be maintained in accordance with the provisions of AS3500 by the owner of the property at the owners expense.
[USE0240]
84. The keeping of dogs, cats or other animals on the property is to be in accordance with any relevant 88B Instrument requirements.
[USE0290]
85. All wastes shall be collected, stored and disposed to the satisfaction of the Director of Environment and Community Services. Wastes shall be presented at the kerb in a Council approved wheelie bin for collection. A screened, graded and drained bin storage area shall be provided within the boundary of the property.
[USENS01]
86. Lighting shall not be permitted to impact the amenity of any other premise.
[USENS01]
87. Use of the swimming pool shall not be permitted to impact the amenity of any other premise. The swimming pool shall be maintained in a clean and healthy condition at all times.
[USENS01]
88. Roof top air conditioning units shall not be permitted to impact the amenity of any premise.
[USENS01]

REPORT:

Applicant: Kings Beach (No. 2) Pty Ltd
Owner: Kings Beach (No. 2) Pty Ltd
Location: Lot 177 DP 1031933, Kamala Crescent, Casuarina
Zoning: 2(e) Residential Tourist
Cost: \$10,000,000.00

BACKGROUND:

Council is in receipt of a development application for the erection of a multi-dwelling housing development comprising 41 units within a three-storey building. Thirty-five (35) of these units each have three bedrooms with the remaining six (6) units containing only two bedrooms each.

Vehicular access to the site is via a common driveway off Kamala Crescent. This driveway leads to a basement car park which accommodates fifty three (53) unconstrained residential spaces, eight (8) designated visitor spaces, and a further nine (9) space in a tandem formation.

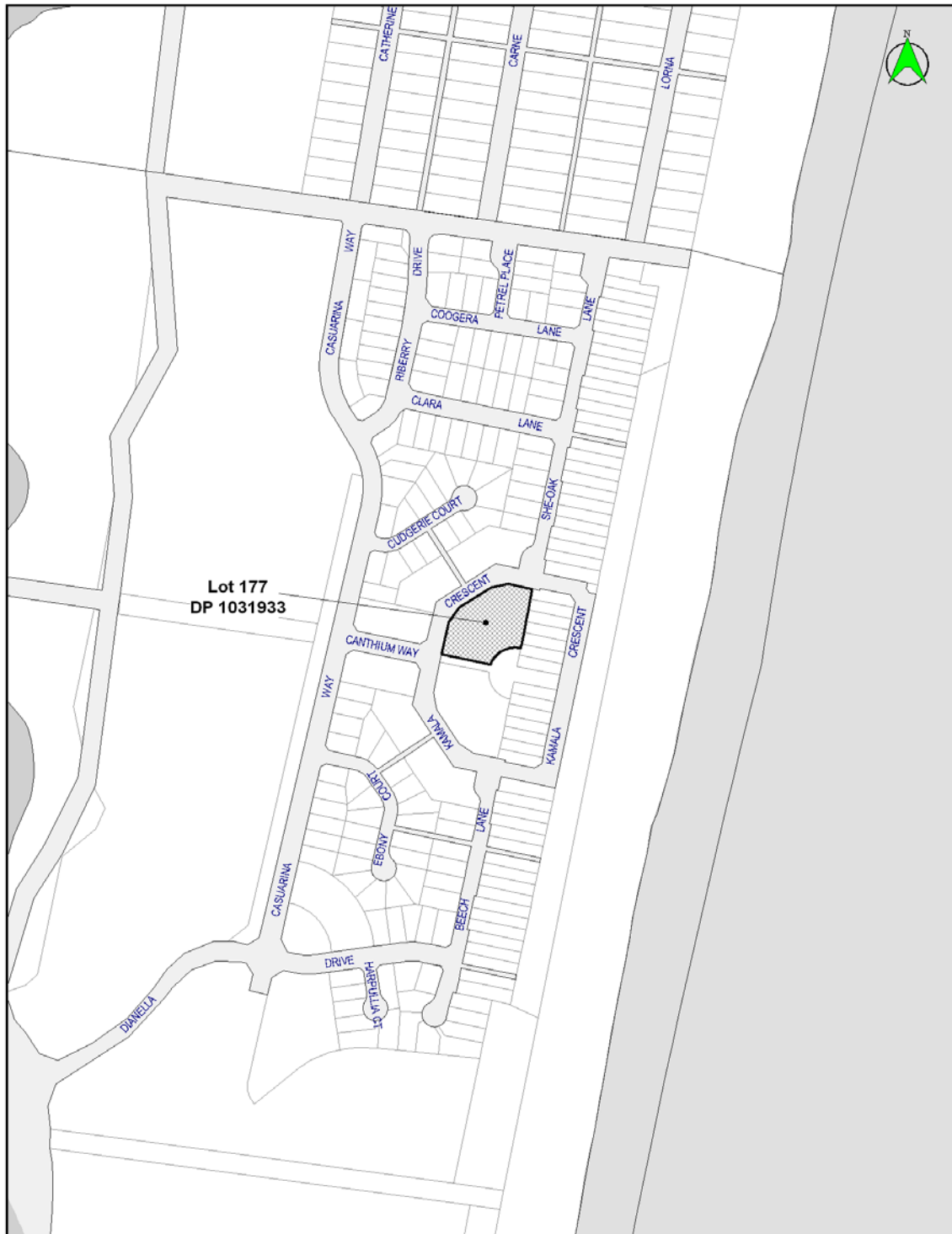
The proposed development incorporates balconies for each unit in addition to common open space areas incorporating large pool areas and common BBQ and recreational areas.

The proposed unit development is to be constructed from a combination of both solid and lightweight elements to complement the proposed form so as to effectively distribute the mass of the building across the site.

The site forms part of the approved Stage 6 of Casuarina and is located on the eastern side of Kamala Crescent between She Oak Lane and Cathium Way, Casuarina. It is a fan shaped block with an approximate frontage to Kamala Crescent of 135-metres and an average depth of 55 metres to create a total site area of 5347m². The subject site is generally level (as a result of fill for the subdivision) and is clear of any significant vegetation.

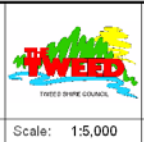
The subject site was created as part of Casuarina Beach Stage 6 (DA 0681/2000). This approval incorporated 97 allotments, a 19ha of deferred area and a further nine (9) larger lots suitable for medium to high-density developments. The subject site is one of those nine lots suitable for higher density use subject to separate development approval. It should be noted that this subdivision was approved based on population yields in accordance with DCP No. 11. This application for medium density development will assist in meeting these yields.

SITE DIAGRAM:



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Tweed Shire Council
 Lot 177 DP 1031933
 Kamala Crescent, Casuarina
 File: N:\MapInfo 7...A4P Site Plan.Wor Author: J.Batchelor Date: 27/July/2004



STRATEGIC PLANNING UNIT
Site Plan
 Scale: 1:5,000 Sheet: 1 of 1

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

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

Tweed Local Environmental Plan 2000

The subject site is located within the 2(e) Residential Tourist zone pursuant to the provisions of TLEP 2000.

The primary objective of the 2(e) zone is as follows:

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

The proposed development is considered to be consistent with the primary objective of the subject zone and Clause 8 of the LEP.

Clause 15 of the TLEP requires Council to be satisfied that the subject land has the benefit of essential services prior to issuing consent. The subject land has the benefit of services and is considered able to support the proposed development.

Clause 16 of the TLEP requires development to be carried out in accordance with the height limitation plan. The subject land is identified as having a three-storey height limitation with an objective to ensure that the height and scale of development is appropriate to its location, surrounding development and the environmental characteristics of the land.

It is considered that the proposed building complies with the three-storey height limit. The proposed development has a basement parking level (generally below ground level, however, not exceeding 1.5 metres above natural ground level) with a three-storey building above. The proposal complies with the numerical height requirements and has good urban design principals with interesting and appealing articulation.

Clause 35 of the TLEP requires an acid sulfate soils management plan be assessed where the proposed development is likely to interfere with acid sulfate soils. The subject site is identified as possessing Class 4 Acid Sulphate Soil levels. Council Environment & Community Services Division, have advised that in accordance with a Council Resolution of 21/11/2001 no

further testing for contamination was necessary. However, appropriate conditions of consent have been imposed.

North Coast Regional Environmental Plan 1988

In accordance with Clause 32B of the REP the proposal is considered to be generally consistent with the relevant provisions of the NSW Government Coastal Policy 1997 and the Coastline Management Manual. Further, the proposal does not incorporate any physical restriction of access to a foreshore area or create detrimental impacts upon the coastal character and amenity of the site.

Clause 43 of NCREP 1988 provides guidelines for Council when considering residential development. These controls discuss density, the environmental constraints of the land and road widths.

The proposed density is considered to be a reasonable response to the existing land use character of the area and will not result in the creation of any adverse physical impacts upon the locality. Further, the existing road widths are not excessive for the function of the proposal and a detailed sedimentation and erosion control plan will be enforced in relation to the construction.

The proposal is considered to be consistent with the provisions of the North Coast Regional Environmental Plan 1988.

State Environmental Planning Policies

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

In accordance with the provisions of the SEPP the applicant has provided a Design Quality Statement addressing context, scale, built form, density, resource energy and water efficiency, landscaping amenity, safety and security, social dimensions and aesthetics. The statement concludes by acknowledging the overall aesthetics that provides a desirable 'Modern or Contemporary' development, which is in keeping with the future character of the surrounding areas. It is considered that the proposed building will be prominent, however the height of the building (bulk) will be offset by good urban design and the articulation that has been incorporated.

State Environmental Planning Policy No. 71 – Coastal Protection

Clause 8 of the Policy details sixteen matters for consideration for land within the coastal zone. The application is considered to adequately satisfy the matters for consideration. Specifically the proposed development is considered compatible with the intent for the development of the locality.

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

Draft Tweed Local Environmental Plan No. 46 was exhibited between 16 April 2003 and 14 May 2003 and detailed an amendment to the definition of a storey to reflect the finished ground level rather than the natural ground level in addition to specifying that any space in excess of 4.5 metres should be categorised as two storeys. This amendment does not have an effect on the assessment of this application and would not create any area of non-compliance with the number of storeys.

Having reviewed the Draft amendment it is considered that the proposed changes to the LEP do not alter the assessment or subsequent recommendation for this application.

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

Development Control Plan No.2 – Access and Car Parking

Off street car parking needs to be supplied in accordance with DCP2. The following table assesses the proposed development in relation to the requirements of the DCP.

Standard	Requirement	Complies/variation
On site car parking	1.5 per dwelling = 61.5 Council has also consistently applied a merit based assessment for the provision of 25% of this parking to be allocated to visitor parking. Therefore this development would generate the need for 15 visitor spaces to form part of the 61.5 spaces.	The basement contains fifty three (53) unconstrained spaces, eight (8) visitor spaces and a further 9 spaces in tandem formation. This provides for a total of 61 unconstrained spaces, with a further 9 spaces in tandem. DCP No. 2 does not allow for tandem parking for residential purposes, nor does the development provide for 25% of parking for visitor use Please see further discussion below.

The basement provides adequate spaces for the overall number of on site car spaces required, however, the application falls short of on site visitor spaces by 7 spaces.

The applicant has acknowledged that DCP 2 does not nominate the need for 25% of car spaces to be allocated for visitor use and has further drawn upon a parking assessment by a transportation and traffic specialist to support the level of visitor spaces that have been provided in this application. The assessment is based on the provisions applied by Gold Coast City Council's Car Parking Code.

Gold Coast City Council's Code indicates that visitor parking should be provided at the following rate for multi-unit developments:

- *1 visitor space per 4 units for the first 20 units then 1 visitor space per 10 units for subsequent units.*

Using the above rate, the subject application would be required to provide for 7.1 visitor spaces within the basement. The proposed plans provide eight (8) nominated visitor spaces in the basement.

The applicant has further argued that with approximately 130m of street frontage a further 20 cars could be accommodated on street for visitor parking.

Having regard to the applicant's arguments, the functionality and design of the proposed building and the extensive street frontages (in which visitors could park for short periods), the application is considered to provide a satisfactory level of onsite parking. Furthermore, if the tandem parking bays are included in the calculation of the number of spaces provided in the basement the proposed development supplies 8 more car parking spaces than required by DCP2.

The proposed development is considered satisfactory having regard to the amended plans and DCP No. 2 and ensures that there is adequate parking on site for each unit and their visitors.

Development Control Plan No.6 – Multi Dwelling Housing

The requirements for the proposed development in relation to DCP 6 are assessed in the following table:

Standard	Requirement	Variation/complies
Floor Space Ratio	0.5:1.0	The total floor area of the units excluding the basement is 4401.54m ² . The site area is 5347m ² . The floor space ratio is 0.82:1 While this exceeds the allowable floor space ratio it is considered that in the medium density zone the nominated FSR of 0.5:1 is not applicable to unit development. <u>Acceptable</u>
Landscaped Area	30% of the site area = 1604.1m ² OR 80m ² per unit = 3280m ² Whichever, is the greater.	The proposed development provides 3100.83m ² of landscaping at ground level. The 179.17m ² shortfall in landscaping over a site area of 5347m ² is considered an acceptable shortfall. <u>See further assessment below.</u>

Standard	Requirement	Variation/complies
Setbacks from street boundary	6.0m from Kamala Crescent to the main wall of the building. Open balconies are allowed to encroach to within 3m.	A building line variation is sought for 14m of the 135m of street frontage. <u>See further assessment below.</u>
Side setbacks	3.0m	The proposed side setbacks comply with the required 3m setbacks. <u>Complies.</u>
Front fences and walls	0.9m max if solid for corner lots	The proposal does not nominate any front fence details, however a condition of consent is recommended to ensure this criteria is complied with. <u>Acceptable</u>
Building Envelope	45° from 3.5m high at the boundary	Generally complies, however there are minor encroachments for the open balconies and eaves at the second floor level as allowable in the plan. <u>Acceptable</u>
Minimum Private Open Space	20% of site area (1069.4m ² = 26m ² per dwelling) with minimum dimension of 3m	Approx 1300m ² >26m ² per dwelling. Minimum dimension of 3m <u>Complies</u>
Car Wash Areas	1 required per 10 units = 4.	Four car wash bays are not considered necessary for a development of this size. Two car wash bays are proposed at ground level, which are accessible from Kamala Crescent with a separate cross over from the basement access bay. A condition has been included to identify the spaces as car wash bays. <u>Acceptable</u>

Landscaping

The proposed design provides 3100.83m² of landscaping at ground level with a further 1300m² of private open space in balconies and roof terraces.

This does not achieve strict compliance with the applicable controls; however, the 179.17m² shortfall of landscaping over a site area of 5347m² is considered negligible.

The applicant has acknowledged this shortfall and has provided the following justifications:

- 1. The extent of non compliance provided is minor in scale and represents a variation of approximately 5% only;*
- 2. The extent of non compliance is off set by both the provision of significant private open space opportunities (including roof decks) and the ability to take advantage of adjoining public open space opportunities. In this regard, an embellished public reserve sits immediately adjacent to the site, whilst a number of bicycle tracks and embellished crown reserves lie within close proximity to the site;*
- 3. The embellished landscaped areas provided to the rear of the allotment are significant and will permit both passive and active utilisation by residents of the development;*
- 4. The extent of non-compliance totals approximately 180m². This is minor given the scale of the development and is representative of a far greater level of compliance than that demonstrated within other multi dwelling residential developments approved by Council in recent years.*

It is considered that this shortfall is reasonable as the scale of the development is compatible with the intent of the site as a medium density lot while being sympathetic to existing development. In addition it is considered that the development provides adequate useable open space including both private and communal open space. Each unit will have access to private open space by balconies with adequate communal open space provided around the building with the recreational area provided around the swimming pool located at the rear. In any case the site is in close proximity to the foreshore open space area and beach.

Furthermore the streetscape and building appearance will make a positive contribution to the existing and desired future character of the area. This has been achieved despite the minor non-compliance in landscaping.

Building Line Variation

The DCP requires a 6-metre setback to the shortest street frontage and a three-metre setback to the other street. In this case, this means a 6m setback

(to the main wall – excluding open balconies) is required to the entire 130m frontage to Kamala Crescent. The application proposes a front boundary setback from Kamala Crescent of 3.8m at their closest point but generally 4.3 - 4.5m for an approximate length of 7 metres in two locations totalling a 14m length of encroachment.

The applicant has acknowledged the objectives of the building line policy and provided the following justification for the departure:

- The curved 130 metre frontage includes the provision of a stepped façade in order to avoid both monotony and featureless facades;
- The areas of non-compliance relate to the external stairwells and lift wells. Articulation to these elements has ensured that these elements are an integrated component of the over all development;
- No adverse impacts will result from the proposed encroachments which is evident through compliance with the objectives of the Building Line Policy;
- There is an average setback of 9m across the site frontage;
- The setbacks do not interfere with the safe or efficient pedestrian or vehicular movements throughout the site; and
- The encroachment by the external stair and lift well will not by their nature allow overlooking or any additional shadow, as the building itself will only be shadowed.

The application was referred to Council's Building Services unit who provided the following comments:

Councils building line policy allows for variations to be addressed in the policy by considering the:

- *Level or depth of the allotment*
- *Exceptional conditions of the site.*
- *The nature of the building*

In this case it is considered that the objectives of the building line would be observed by this proposal when viewed as a whole but there are no exceptional conditions of the site, levels or depth of the allotment, or particulars of the nature of the building that make it expedient to vary when viewed relative to the whole site.

The application has been advertised and objections to the building line have been received. I remind Council that dwellings have been required to comply in the area and that the site is large enough for the design to be able to comply with the building line requirements.

Whilst the policy does not seem to allow the variation sought a merit based decision is considered necessary. It is considered that the variation for the stair and lift wells will not have an adverse impact on the streetscape due to the shape of the frontage and the small level of encroachment sought.

The variation to Kamala Crescent for a length of 14 metres needs to be assessed against both the objectives and the circumstances for allowing variations. The objectives of the Policy are to achieve an attractive and reasonably landscaped streetscape, to allow safe movement for pedestrians and to control the extent to which buildings overlook, overshadow and effect neighbouring properties. The proposed variation will not impact on any adjoining property and will not create any additional significant overshadowing. The section in question could be seen to be an entry statement which presents well to the street especially when the landscaping is established. The proposed variation is considered negligible and unnoticeable in the overall design of the development.

The Policy allows for variation to occur subject to an assessment of the levels of depth of the allotment, the exceptional circumstances of the site and the nature of the building. The applicant has provided Council with a colour photomontage of the building, which reflects the amended plans. This drawing demonstrates the high design standard of the building, which has interesting articulation and a great elevation to Kamala Crescent.

After assessment of the potential impact of the proposed variation against the objectives of the Policy and the circumstances, which permit variation, any impact is considered negligible. The application is therefore recommended for conditional consent.

Summary

In all other aspects the proposed multi dwelling housing development is considered to have adequately considered and addressed the objectives and acceptable solutions contained within DCP 6.

Development Control Plan No.11 – South Kingscliff

This DCP is the principal guide to the future development and management of the Kings Beach development site. The subject site is located within the northern end of what was previously known as Management Lots 5, 6 & 7 and the Richtech site. The DCP provides specific provisions, which specify the design and development principles underpinning the development plan which was a component of the negotiated settlement between Lenen Pty Ltd and Tweed Shire Council.

The DCP states that the estimated population yield for the management Lots 5, 6 & 7 is 2630 persons in total. The estimated population yields are based on 2.6 persons per dwelling in accordance with S94 Plan No.19 Kings Beach/ Kings Forest.

At the time that Stage 6 was approved by Council it was acknowledged that the population yields were not yet being met, as the remainder of the site had not yet been developed. At the time of approval of stage 6 the estimated yield was only 245 persons. However, it was acknowledged that the site included a

deferred 19ha area and nine larger lots which would be suitable for medium to high density development. The subject site is one of those nine larger lots.

This application will generate an increase in population yield by 106.6 persons and is considered to be medium density housing. Given the numerical non-compliances with DCP No. 6 specifically landscaping and floor space ratio, this development is considered to have been developed to its maximum potential. Therefore population yield could not be increased any further.

The application is considered to generally comply with DCP No. 11 in all other respects.

Development Control Plan No.39 – Energy Efficient Housing

The applicant has submitted a NatHERS certificate for the proposed development that outlines compliance with the requirements DCP 39 as follows:

Standard	Requirement	Proposal	Complies
Unit Energy rating	3.5 stars minimum	3.5 –5 stars	YES

Development Control Plan No. 47 – Cut & Fill

The plan limits the depth of cut and fill to 1m unless it can be demonstrated that the earthworks are compatible with the natural landform and will not adversely affect adjoining properties while achieving the objectives of the plan.

The proposed development involves excavation for the basement and will extend beyond 1 metre, however this is considered consistent with recently approved developments. The applicant has substantiated the request with an erosion and sediment control plan, and a stormwater management plan that have been assessed and considered appropriate. Council’s Environmental Health Officer, Council’s Infrastructure Engineers and Council’s Building Surveyor have all reviewed these plans, with no objections raised subject to the recommended conditions of consent.

In all other regards the applicant provides that appropriate measures will be in place to ensure that the proposal is consistent with the objectives of the plan.

DCP No 51 – Tweed Coast Strategy

The Development Control Plan relates to the northern end of the Tweed Coast, which includes the:

- The town of Kingscliff;
- West Kingscliff;
- Cudgen Village;
- The Casuarina locality (including the Casuarina Beach development); and
- The future development area of Kings Forest.

The Plan sets objectives for future development concentrating on public services and design principles. This application meets the objectives of this plan and actually adds to the streetscape through good urban design.

Draft DCP No. 48 – Tweed Coast Building Heights

The Draft was originally exhibited in November 2002 and specified that a three storey residential development shall have a maximum height of 9 metres.

Since this time, extensive work has been done on the document to require the draft to be re-exhibited between 17 March 2004 and 14 April 2004. Therefore this application does require consideration against the re-exhibited version.

The Aim of the DCP is to protect the established and future character of the Tweed Coast by:

- Providing guidelines on building height;
- Providing guidelines on building setbacks; and
- Providing guidelines for the design and use of rooftops.

The objectives of this DCP are to:

- Protect the Region's public amenity by enhancing its diverse and unique built environment through qualitative urban design; and
- Provide the community with a pre-determined maximum height in relation to a building.

The draft specifies that three-storey residential development shall not exceed 9 metres in height measured to the under side of the eaves.

The subject application has a height of 8.9 metres from ground level to the roof terrace floor with an additional two metres above in place to create the roof space of the buildings. Therefore the building complies.

The proposed design and variety in roof style and pitch adds character and interest to the building and is preferred over a completely flat roofline.

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

The subject land is affected by the coastal policy. The proposed development is not considered to be in conflict with the policies and strategies contained in the coastal policy.

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

Compatibility with Adjoining Land Uses

The subject land is located on a large and prominent medium density site within Stage 6 of Casuarina. The surrounding development varies between single dwelling houses and vacant allotments awaiting development.

The subject area is changing to accommodate the planned density for the area and it is considered that this style of the development is consistent with the intent of the subdivision.

Bulk Scale & Design

The original application submitted to Council demonstrated an excessive and non-compliant development with a proposed fourth storey. On review of the proposal the applicant reduced the height, increased setbacks and improved the development to point where it is recommended for approval subject to conditions of consent. The current design is justifiable on the basis of the design principles and the fact that the bulk and scale of the development will be consistent with the intended medium density nature for the site.

View Loss

The proposed infill development will reduce the potential for adjoining properties to maintain any views of open space or potentially the ocean, however the views currently enjoyed are due to the vacant nature of allotments. The proposed development has been designed in accordance with the criteria detailed within Councils' controls. Specifically the required side setbacks, will allow some view corridors to be retained.

Privacy

The proposed development incorporates many balconies at every level of the building in addition to roof terraces. These decks are predominantly faced to the east where there are extensive setbacks to properties to the east. These larger areas of the deck are likely to form the main useable areas due to their size with the remaining areas just adding to the availability of open space.

No objections were received in relation to this development.

The proposed development is considered satisfactory on privacy grounds having regard to the medium density nature of the area itself.

Traffic/Access

The application proposes to service the basement via Kamala Crescent. The basement has been designed with a combined ingress and egress point, which is considered appropriate for the site subject to the recommended conditions of consent.

Flora & Fauna

The subject site is absent of any significant vegetation.

Social & Economic

The proposed development will result in a contemporary design of high architectural merit. This type of development does not trigger the need for a social impact assessment to be prepared.

(c) Suitability of the site for the development

The proposed multi dwelling development is to be carried out upon land that is suitable for medium density purposes and has been zoned as such under Tweed LEP 2000.

The proposed design and configuration of the subject dwellings is considered to be a satisfactory response to the environmental and topographical constraints of the site, whilst also remaining consistent with the surrounding land use character and pattern.

The application does not require referral to the NSW Rural Fire Service as the site is not affected by any bushfire hazard.

The suitability of the site for the purposes of the proposed housing has been demonstrated by way of general consistency with the relevant statutory and non-statutory guidelines applying to the site.

Suitable vehicular access arrangements and essential services are available to the site.

The subject site is considered able to satisfactorily accommodate the proposed development as the design of the building utilises the existing site attributes effectively and appropriately.

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

The development application was advertised and notified to surrounding properties for a period of two weeks closing on 16 April 2004. During this period thirty-two (32) written submissions were received. These submissions focussed on two main areas of non-compliance:

1. Building Heights

After the application was originally advertised as a part four storey building the applicant modified the submitted plans to represent a compliant three storey building. The building now complies with the nominated three-storey height limit and also complies with the requirements of Draft DCP 48 relating to a nominated height of nine metres for residential development. It was not considered necessary to readvertise the development as the impact was lessened to achieve compliance.

2. Building Setbacks

When the application was advertised the advertisement included the request for variation to the front boundary setback. However, the advertisement did not detail the level of encroachment proposed and it is possible that objections were raised to this aspect of the development

based on the advertisement alone rather than upon review of the plans themselves, which detailed a small encroachment only.

A detailed assessment of the proposed front building line variations is included in the above report and based on that assessment the application is recommended for conditional consent despite the numerical non-compliance in this regard.

3. Too high in density results in no view corridors and no breeze paths

The proposed density has been assessed and considered appropriate given the general compliance with Council's height controls, building envelope, side setbacks and landscaping. The sites have previously been nominated for medium density use and the proposal is consistent with this.

4. Excessive noise and impact on support services infrastructure

The proposed medium density development will be required to be constructed in accordance with the construction standards as nominated by the Building Code of Australia. The sites have previously been planned for medium density use and the proposal is consistent with this. No excessive noise is envisaged as a result of this proposal.

(e) Public interest

The proposal it is not considered to be in conflict with the general public interest in the locality. The proposed development adequately reflects the provisions of the controls and intended development for the locality.

OPTIONS:

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

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The applicant has a right of appeal to the Land and Environment Court.

POLICY IMPLICATIONS:

Should the application be supported with the numerical non-compliances the integrity of Development Control Plan No's. 2 and 6 may be compromised.

CONCLUSION:

The subject land is generally considered to be suitable for the proposed development. The local road network surrounding the site is suitable for such a development especially when basement car parking is provided.

The variations sought under the applicable DCP's, these being landscaping, front building setbacks, and the allocation of visitor car parking are not considered to be detrimental or create an over development of the site.

Having had regard for the proposed development and the planning controls for the site it is considered that conditional consent is warranted.

UNDER SEPARATE COVER:

Nil.

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2 [DS] Development Application DA04/0272 for a Proposed Residential Flat Building Incorporating 41 Dwellings in a Three Storey Configuration with a Front Building Line Variation Request at Lot 178 DP 1031933, Kamala Crescent Casuarina

ORIGIN:

Development Assessment

FILE NO: DA04/0272 Pt2

SUMMARY OF REPORT:

Council is in receipt of an application for multi dwelling housing on the subject land at Kamala Crescent, Casuarina. The proposed development involves the erection of a three storey residential flat building comprising 41 dwellings in an attached format. The application also incorporates thirteen roof terraces with access to these areas via external staircases.

The application was originally lodged as a part four-storey building and was subsequently advertised as such. However, since initial lodgement of the application Council has accepted amended plans to ensure the building represents a three-storey building to enable compliance with the nominated height control.

The application seeks small variations to the building line policy for the front setback to accommodate the lift and stairwell areas, in addition to variations to the numerical requirements for landscaping and the allocation of car parking spaces for visitor use. Whilst the proposed development does not strictly comply with some of the numerical requirements of Council's controls the application is considered to have merit in that it presents well to the street, has interesting design characteristics and is considered to be functional. Subsequently the application is recommended for conditional consent.

It should also be noted that Council is also in receipt of another Development Application (DA04/0271) on the adjoining block of land (Lot 177) for an almost identical development also seeking consent for 41 dwellings. This application is also reported to this meeting and has appeared as the previous item on the business paper.

RECOMMENDATION:

That Development Application DA04/0272 for a residential flat building incorporating forty one dwellings in a three storey configuration with a front building line variation request at Lot 178 DP 1031933, Kamala Crescent Casuarina 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 SD 2007f, 2008f, 2009e, 2010e, 2011e and 3002e prepared by Cottee Parker Architects and dated 22/07/2004, except where varied by these conditions.

[GEN0010]
2. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.

[GEN0030]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0120]
4. The erection of a building in accordance with a development consent must not be commenced until:
 - (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
 - (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - (b1) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - (b2) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - (ii) notified the principal certifying authority of any such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[GEN0150]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. A detailed plan of landscaping is to be submitted and approved by Council's Director, Development Services prior to the issue of a Construction Certificate. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building.

[PCC0010]

6. Section 94 Contributions

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

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

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

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

a.	Tweed Road Contribution Plan: S94 Plan No. 4 (Version 4.0)	\$56,499
	Sector7c_4 LCA4 - Kings Beach	\$13,074
b.	Shirewide Library Facilities: S94 Plan No. 11	\$17,763
c.	Bus Shelters: S94 Plan No. 12	\$715
d.	Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$3,441
e.	Emergency Facilities (Surf Lifesaving) (TOU/KH/SEA) S94 Plan No. 16	\$7,384
f.	Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$10,379.68
g.	Kings Beach Community Facilities S94 Plan No. 19	\$12,828
h.	Kings Beach Cycleways S94 Plan No. 19	\$5,842
i.	Kings Beach Open Space S94 Plan No. 19	\$16,420
j.	Regional Open Space (Structured) S94 Plan No. 26	\$30,354

- k. Regional Open Space (Casual) \$5,683
S94 Plan No. 26

[PCC0050/PSC0005]

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

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall **NOT** be issued by a Certifying Authority unless 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:	29.75 ET @ \$4325	\$128,669
South Kingscliff Water Levy:	29.75 ET @ 215	\$6,396
Sewer:	29.75 ET @ \$3490	\$103,828

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.

[PCC0070/PSC0004]

8. The basement car parking is to be protected against the inflow of water from Kamala Crescent up to the ARI 100 year storm event. All basement pumping systems shall be designed and installed in accordance with Section 9 of AS/NZS 3500.3.2 (Stormwater Drainage - Acceptable Solutions).

[PCC0110]

9. 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.

[PCC0190]

10. Permanent Stormwater Quality Treatment

- (a) Permanent stormwater quality treatment shall comply with "*Tweed Urban Stormwater Quality Management Plan*" (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction

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

- (b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.
- (c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
- (d) Specific requirements:
 - (i) Car wash bays must be bunded, with all runoff treated for oil, sediment and nutrient pollutants prior to discharge to the sewer network, requiring a Tweed Shire Council Trade Waste Application.
 - (ii) An oil/grit arrestor, or equivalent approved by Council officers, shall be installed to remove pollutants generated from undercover and basement car parking areas prior to discharge, and must satisfy the following sizing requirements:
 - Storage volume must be available for the combined Sediment Tank and Oil Storage Capacity to retain no less than 0.5m³ per 1000m² of undercover/basement area.
 - The minimum retained volume of any oil/grit arrestor is 0.75m³.
 - (iii) Where practical, pervious paving shall be used on internal paths and roads to maximise infiltration, with additional runoff directed towards grassed filter strips and landscaping.

- (iv) Overland flow paths used to convey treated stormwater flows and surcharge flows from infiltration devices and pervious landscaping shall be sized to cater for the ARI 100 year design storm event. Overland flow paths and channels shall be contained wholly within the subject allotment, and shall discharge low velocity, dispersed flows to the kerb and gutter in Kamala Crescent.

[PCC0230]

11. 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.

[PCC0240]

12. Any premises proposing to discharge into Councils sewerage system a waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by Councils Manager Water and concurrence received from the Department of Land and Water Conservation, if required, PRIOR to the issuing of a Construction Certificate to discharge to Councils sewerage system.

[PCC0280]

13. 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*.

[PCC0320]

14. * Details of the proposed roof water disposal, including surcharge overland flow paths are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. These details shall include likely landscaping within the overland flow paths.
- * All roof water shall be discharged to infiltration pits located wholly within the subject allotment.
- * The infiltration rate for sizing infiltration devices shall be 3m per day:
- As a minimum requirement, infiltration devices are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) over a range of storm durations from 5 minutes to 24 hours and infiltrate this storm within a 24 hour period, before surcharging occurs.
- * Surcharge overflow from the infiltration area to the street gutter, inter-allotment or public drainage system must occur by **visible surface flow**, not piped.
- * Runoff (other than roof runoff) is to be pre-treated to remove contaminants prior to entry into the infiltration areas, to maximise the life of infiltration areas between major cleaning/maintenance overhauls.
- * If the site is under strata or community title, the community title plan is to ensure that the infiltration areas are contained within common land that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).
- * All infiltration devices are to be designed to allow for cleaning and maintenance overhauls.
- * All infiltration devices are to be designed by a suitably qualified Engineer taking into account the proximity of the footings for the proposed/or existing structures on the subject property, and existing or likely structures on adjoining properties.
- * All infiltration devices are to be located clear of stormwater or sewer easements.

[PCC0360]

PRIOR TO COMMENCEMENT OF WORK

15. 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 recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.

[PCW0010]

16. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Consulting Engineer shall be erected and maintained in a prominent position at the site to the satisfaction of the Director, Development Services. The sign is to remain in place until the Subdivision Certificate is issued.

[PCW0030]

17. 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.

[PCW0050]

18. 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.

[PCW0060]

19. **Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003**, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

(c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

20. 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: [PCW0070]
- 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.

[PCW0080]

21. 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.

[PCW0090]

22. 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.

[PCW0190]

23. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW0210]

24. Prior to the commencement of works on the site all required erosion and sedimentation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

In addition to these measures an appropriate sign is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

Please note that this sign is to remain in position for the duration of the project.

[PCW0280]

25. Residential building work:

- (1) 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 (not being the council) has given the council written notice of the following information:
 - (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) in the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
- (2) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0290]

26. Prior to commencement of works sedimentation and erosion control measures shall be installed to the satisfaction of the Director of Environment and Community Services.

[PCWNS01]

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).

[DUR0010]

28. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742-1991 (Manual for Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.
[DUR0040]
29. The provision of fifty three (53) unconstrained basement parks for the occupants of the building, eight (8) nominated visitor car parking spaces in the basement, and a further twelve spaces in the basement in a tandem formation. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.
[DUR0050]
30. 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.
[DUR0060]
31. 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.
 - 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.
- [DUR0070]
32. 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.
[DUR0080]
33. 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.
[DUR0130]
34. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.
[DUR0150]
35. The principal certifying authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the principal certifying authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.
[DUR0170]

36. 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.

[DUR0200]

37. If the work involved in the erection or demolition of a building:
- a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - b. building involves the enclosure of a public place,
- a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

[DUR0220]

38. Provision to be made for the designation of two durable and pervious car wash-down area/s. The area/s must be identified for that specific purpose and be supplied with an adequate water supply for use within the area/s. Any surface run-off from the area must not discharge directly to the stormwater system.

[DUR0240]

39. 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.

[DUR0470]

40. Pram ramps are to be constructed at road intersections in accordance with Council's Plan No. A4-96 to the satisfaction of the Director of Engineering Services and in accordance with Council's Standard Plan No. A4-96. Mountable or roll top kerb does not meet pram ramp requirements, and therefore requires a pram ramp to be constructed as above.

[DUR0500]

41. A concrete ribbon footpath 1.2 metres wide and 100 millimetres thick is to be constructed on a compacted base along the entire frontage of the site to Kamala Crescent. The compacted base is to achieve 95% of maximum dry density determined in accordance with AS1289 5.4.1 for a minimum 100mm

depth. A full depth construction joint is to be provided at 6.0 metre intervals and 20 millimetre deep groove joints provided every 1.5 metres, the balance area to be graded to the kerb and turfed. The footpath is to have a 3% crossfall which must be attained at each side boundary. This may result in work to be undertaken on the footpath at adjoining properties which must not exceed 1:14 and must be reinstated with turf. The footpaving is to be located 800 millimetres from the property boundary. The concrete footpath gradient shall be parallel to the top of kerb for the full frontage of the site and maintained unvaried across the (any) driveway cross-section. An inspection of the formwork is to be arranged with Council's Engineering Services Division prior to concrete being placed.

[DUR0520]

42. All surface water collected from hard stand parking areas to be directed to Council approved pre-treatment facilities before discharge to approved discharge locations. Stormwater from covered or enclosed carpark areas shall not be discharged to the public sewer unless approved treatment facilities have been provided. Details are to be submitted to and approved by the Director of Environment and Community Services prior to installation

[DUR0670]

43. 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.

[DUR0730]

44. 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.

[DUR0850]

45. 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.

[DUR0870]

46. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.

[DUR0880]

47. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays or public holidays.

[DUR0900]

48. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which

Council deem to be reasonable, the noise from the construction site is not to exceed the following:

A. Short Term Period - 4 weeks.

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

B. Long term period - the duration.

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

[DUR0910]

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

[DUR0920]

50. 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.

[DUR0930]

51. The burning of builders waste on site by open fire is prohibited.

[DUR0940]

52. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.

[DUR0980]

53. All new residential dwellings (and extensions comprising over 50% of the original floor area) are to fully comply with Councils Energy Smart Housing Policy (DCP39). In order to comply with DCP39 consideration must be given to the building envelope, orientation, insulation, ventilation, thermal mass and zoning.

[DUR1000]

54. 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 and prior to occupation of the building.

[DUR1020]

55. 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.
[DUR1030]
56. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
[DUR1040]
57. 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.
[DUR1070]
58. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
[DUR1090]
59. 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.
[DUR1110]
60. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.
[DUR1130]
61. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
* 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
* 50⁰C in all other classes of buildings.
A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.
[DUR1160]
62. Pre-treatment devices must be serviced by a Council approved waste contractor. The applicant will be required to enter into a service agreement with this waste contractor. Pre-treatment device service frequency will be approved by Councils Manager Water.
[DUR1170]
63. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance

Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:

- i. All required erosion and sedimentation control devices have been installed and are operational.
- ii. Required toilet facilities have been provided on the site.
- iii. A sign has been erected on the site identifying:
 - Lot number
 - Builder
 - Phone number of builder or person responsible for site.
- iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
- v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.

[DUR1200]

64. 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.

[DUR1210]

65. Landscaping of the site shall be carried out in accordance with the submitted landscaping plans. The landscaping to be completed prior to occupation of the building, to the satisfaction of the Director, Development Services.

[DUR1230]

66. All landscaping is to comply with the 88B Instrument pertaining to the site.

[DUR1240]

67. Swimming Pools (Building)

- A. The swimming pool is to be installed and access thereto restricted in accordance with Council's "Code for the Installation of New Swimming Pools" and Australian Standard AS 1926-1986 (Copy of code enclosed).
- B. Swimming pools shall have suitable means for the drainage and disposal of overflow water.
- C. The pool filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.
- D. In the event that Council is not utilised as the inspection/certifying authority:-
 - a. Within seven (7) days of the filling of the pool a Compliance Certificate in the prescribed form shall be submitted to Council together with the prescribed fee, by the Accredited Certifier to certify that all works have been completed in accordance with the approved

plans and conditions of Consent and that the swimming pool safety fencing has been installed and complies with AS 1926.

[DUR1280]

68. Backwash from swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.

[DUR1290]

69. The site shall not be dewatered.

[DURNS01]

70. Acid Sulphate Soils shall not be exposed or disturbed.

[DURNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

71. 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 and conditions of Consent.

[POC0020]

72. 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).

[POC0030]

73. 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.

[POC0050]

74. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate, a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.

[POC0170]

75. Prior to occupation of the building the property street number is to be clearly identified on the site by way of painted numbering on the street gutter within 1 metre of the access point to the property.

The street number is to be on a white reflective background professional painted in black numbers 100mm high.

On rural properties or where street guttering is not provided the street number is to be readily identifiable on or near the front entrance to the site.

For multiple allotments having single access points, or other difficult to identify properties, specific arrangements should first be made with Council and emergency services before street number identification is provided.

The above requirement is to assist in property identification by emergency services and the like. Any variations to the above are to be approved by

Council prior to the carrying out of the work.

76. Prior to the issue of an occupation certificate, a "satisfactory inspection report" issued by Council must be produced for s68h2 permanent stormwater quality control devices. This inspection report must be obtained from Council prior to backfilling of any of the s68h2 approved devices.

[POC0180]

[POCNS01]

USE

77. The premises shall be suitably identified by Unit No. (where appropriate) and Street Number displayed in a prominent position on the facade of the building facing the primary street frontage, and is to be of sufficient size to be clearly identifiable from the street.
78. No items or goods are to be stored or displayed outside the confines of the premises.
79. A Strata Certificate shall not be issued for a Strata Plan or a Strata Plan of Subdivision unless the provision of the Strata Schemes (Freehold Development) Act 1973 and/or the Strata Schemes (Leasehold Development) Act 1986 have been complied with.
80. A person must not commence a change of building use for the whole or any part of an existing building unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).
81. 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.
82. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.
83. A backflow containment device will be installed adjacent to Councils water meter installation at the property boundary in accordance with AS3500. The device is to be maintained in accordance with the provisions of AS3500 by the owner of the property at the owners expense.
84. The keeping of dogs, cats or other animals on the property is to be in accordance with any relevant 88B Instrument requirements.
85. All wastes shall be collected, stored and disposed to the satisfaction of the Director of Environment and Community Services. Wastes shall be presented at the kerb in a Council approved wheelie bin for collection. A screened, graded and drained bin storage area shall be provided within the boundary of the property.

[USE0040]

[USE0050]

[USE0140]

[USE0150]

[USE0160]

[USE0170]

[USE0240]

[USE0290]

[USENS01]

86. Lighting shall not be permitted to impact the amenity of any other premise.
[USENS01]
87. Use of the swimming pool shall not be permitted to impact the amenity of any other premise. The swimming pool shall be maintained in a clean and healthy condition at all times.
[USENS01]
88. Roof top air conditioning units shall not be permitted to impact the amenity of any premise.
[USENS01]

REPORT:

Applicant: Kings Beach (No. 2) Pty Ltd
Owner: Kings Beach (No. 2) Pty Ltd
Location: Lot 178 DP 1031933 Kamala Crescent, Casuarina
Zoning: 2(e) Residential Tourist
Cost: \$10,000,000.00

BACKGROUND:

Council is in receipt of a development application for the erection of a multi-dwelling housing development comprising 41 units within a three-storey building. Thirty-five (35) of these units each have three bedrooms with the remaining six (6) units containing only two bedrooms each.

Vehicular access to the site is via a common driveway off Kamala Crescent. This driveway leads to a basement car park which accommodates fifty three (53) unconstrained residential spaces, eight (8) designated visitor spaces, and a further twelve (12) space in a tandem formation.

The proposed development incorporates balconies for each unit in addition to common open space areas incorporating large pool areas and common BBQ and recreational areas.


The proposed unit development is to be constructed from a combination of both solid and lightweight elements to complement the proposed form so as to effectively distribute the mass of the building across the site.

The site forms part of the approved Stage 6 of Casuarina and is located on the eastern side of Kamala Crescent, Casuarina. It is a fan shaped block with an approximate frontage to Kamala Crescent of 135-metres and an average depth of 55 metres to create a total site area of 5394m². The subject site is generally level (as a result of fill for the subdivision) and is clear of any significant vegetation.

The subject site was created as part of Casuarina Beach Stage 6 (DA 0681/2000). This approval incorporated 97 allotments, a 19ha of deferred area and a further nine (9) larger lots suitable for medium to high-density developments. The subject site is one of those nine lots suitable for higher density use subject to separate development approval. It should be noted that this subdivision was approved based on population yields in accordance with DCP No. 11. This application for medium density development will assist in meeting these yields.

SITE DIAGRAM:



<p>© TWEED SHIRE COUNCIL 2004 Although all care has been taken with the production of this map, the TWEED SHIRE COUNCIL, its Employees, Officers and Consultants can not be Responsible for any Errors, Omissions or Inaccuracies in respect to the information supplied in this map. DO NOT SCALE COPY ONLY - NOT CERTIFIED P.O. Box 616 Murwillumbah, NSW, 2484 Tel: (02) 6670 2409 Fax: (02) 6670 2488</p>	<p><i>Tweed Shire Council</i> Lot 178 DP 1031933 Kamala Crescent, Casuarina</p>		<p>STRATEGIC PLANNING UNIT Site Plan Scale: 1:5,000 Sheet: 1 of 1</p>
<p>File: N:\MapInfo 7...A4P Site Plan.Wor Author: J.Batchelor Date: 28/July/2004</p>			

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

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

Tweed Local Environmental Plan 2000

The subject site is located within the 2(e) Residential Tourist zone pursuant to the provisions of TLEP 2000.

The primary objective of the 2(e) zone is as follows:

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

The proposed development is considered to be consistent with the primary objective of the subject zone and Clause 8 of the LEP.

Clause 15 of the TLEP requires Council to be satisfied that the subject land has the benefit of essential services prior to issuing consent. The subject land has the benefit of services and is considered able to support the proposed development.

Clause 16 of the TLEP requires development to be carried out in accordance with the height limitation plan. The subject land is identified as having a three-storey height limitation with an objective to ensure that the height and scale of development is appropriate to its location, surrounding development and the environmental characteristics of the land.

It is considered that the proposed building complies with the three-storey height limit. The proposed development has a basement parking level (generally below ground level, however, not exceeding 1.5 metres above natural ground level) with a three-storey building above. The proposal complies with the numerical height requirements and has good urban design principals with interesting and appealing articulation.

Clause 35 of the TLEP requires an acid sulfate soils management plan be assessed where the proposed development is likely to interfere with acid sulfate soils. The subject site is identified as possessing Class 4 Acid Sulphate Soil levels. Council Environment & Community Services Division, have advised that in accordance with a Council Resolution of 21/11/2001 no

further testing for contamination was necessary. However, appropriate conditions of consent have been imposed.

North Coast Regional Environmental Plan 1988

In accordance with Clause 32B of the REP the proposal is considered to be generally consistent with the relevant provisions of the NSW Government Coastal Policy 1997 and the Coastline Management Manual. Further, the proposal does not incorporate any physical restriction of access to a foreshore area or create detrimental impacts upon the coastal character and amenity of the site.

Clause 43 of NCREP 1988 provides guidelines for Council when considering residential development. These controls discuss density, the environmental constraints of the land and road widths.

The proposed density is considered to be a reasonable response to the existing land use character of the area and will not result in the creation of any adverse physical impacts upon the locality. Further, the existing road widths are not excessive for the function of the proposal and a detailed sedimentation and erosion control plan will be enforced in relation to the construction.

The proposal is considered to be consistent with the provisions of the North Coast Regional Environmental Plan 1988.

State Environmental Planning Policies

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

In accordance with the provisions of the SEPP the applicant has provided a Design Quality Statement addressing context, scale, built form, density, resource energy and water efficiency, landscaping amenity, safety and security, social dimensions and aesthetics. The statement concludes by acknowledging the overall aesthetics that provides a desirable 'Modern or Contemporary' development, which is in keeping with the future character of the surrounding areas. It is considered that the proposed building will be prominent, however the height of the building (bulk) will be offset by good urban design and the articulation that has been incorporated.

State Environmental Planning Policy No. 71 – Coastal Protection

Clause 8 of the Policy details sixteen matters for consideration for land within the coastal zone. The application is considered to adequately satisfy the matters for consideration. Specifically the proposed development is considered compatible with the intent for the development of the locality.

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

Draft Tweed Local Environmental Plan No. 46 was exhibited between 16 April 2003 and 14 May 2003 and detailed an amendment to the definition of a storey to reflect the finished ground level rather than the natural ground level in addition to specifying that any space in excess of 4.5 metres should be categorised as two storeys. This amendment does not have an effect on the assessment of this application and would not create any area of non-compliance with the number of storeys.

Having reviewed the Draft amendment it is considered that the proposed changes to the LEP do not alter the assessment or subsequent recommendation for this application.

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

Development Control Plan No.2 – Access and Car Parking

Off street car parking needs to be supplied in accordance with DCP2. The following table assesses the proposed development in relation to the requirements of the DCP.

Standard	Requirement	Complies/variation
On site car parking	1.5 per dwelling = 61.5 Council has also consistently applied a merit based assessment for the provision of 25% of this parking to be allocated to visitor parking. Therefore this development would generate the need for 15 visitor spaces to form part of the 61.5 spaces.	The basement contains fifty three (53) unconstrained spaces, eight (8) visitor spaces and a further 12 spaces in tandem formation. This provides for a total of 61 unconstrained spaces, with a further 12 spaces in tandem. DCP No. 2 does not allow for tandem parking for residential purposes, nor does the development provide for 25% of parking for visitor use Please see further discussion below.

The basement provides adequate spaces for the overall number of on site car spaces required, however, the application falls short of on site visitor spaces by 7 spaces.

The applicant has acknowledged that DCP 2 does not nominate the need for 25% of car spaces to be allocated for visitor use and has further drawn upon a parking assessment by a transportation and traffic specialist to support the level of visitor spaces that have been provided in this application. The assessment is based on the provisions applied by Gold Coast City Council's Car Parking Code.

Gold Coast City Council's Code indicates that visitor parking should be provided at the following rate for multi-unit developments:

- *1 visitor space per 4 units for the first 20 units then 1 visitor space per 10 units for subsequent units.*

Using the above rate, the subject application would be required to provide for 7.1 visitor spaces within the basement. The proposed plans provide eight (8) nominated visitor spaces in the basement.

The applicant has further argued that with approximately 130m of street frontage a further 20 cars could be accommodated on street for visitor parking.

Having regard to the applicant's arguments, the functionality and design of the proposed building and the extensive street frontages (in which visitors could park for short periods), the application is considered to provide a satisfactory level of onsite parking. Furthermore, if the tandem parking bays are included in the calculation of the number of spaces provided in the basement the proposed development supplies 8 more car parking spaces than required by DCP2.

The proposed development is considered satisfactory having regard to the amended plans and DCP No. 2 and ensures that there is adequate parking on site for each unit and their visitors.

Development Control Plan No.6 – Multi Dwelling Housing

The requirements for the proposed development in relation to DCP 6 are assessed in the following table:

Standard	Requirement	Variation/complies
Floor Space Ratio	0.5:1.0	The total floor area of the units excluding the basement is 4401.54m ² . The site area is 5394m ² . The floor space ratio is 0.816:1 While this exceeds the allowable floor space ratio it is considered that in the medium density zone the nominated FSR of 0.5:1 is not applicable to unit development. <u>Acceptable</u>
Landscaped Area	30% of the site area = 1618.2m ² OR 80m ² per unit = 3280m ² Whichever, is the greater.	The proposed development provides approximately 3100m ² of landscaping at ground level. The 180m ² shortfall in landscaping over a site area of 5394m ² is considered an acceptable shortfall.

Standard	Requirement	Variation/complies
		<u>See further assessment below.</u>
Setbacks from street boundary	6.0m from Kamala Crescent to the main wall of the building. Open balconies are allowed to encroach to within 3m.	A building line variation is sought for 14m of the 135m of street frontage. <u>See further assessment below.</u>
Side setbacks	3.0m	The proposed side setbacks comply with the required 3m setbacks. <u>Complies.</u>
Front fences and walls	0.9m max if solid for corner lots	The proposal does not nominate any front fence details, however a condition of consent is recommended to ensure this criteria is complied with. <u>Acceptable</u>
Building Envelope	45° from 3.5m high at the boundary	Generally complies, however there are minor encroachments for the open balconies and eaves at the second floor level as allowable in the plan. <u>Acceptable</u>
Minimum Private Open Space	20% of site area (1078.8m ² = 26m ² per dwelling) with minimum dimension of 3m	Approx 1300m ² >26m ² per dwelling. Minimum dimension of 3m <u>Complies</u>
Car Wash Areas	1 required per 10 units = 4.	Four car wash bays are not considered necessary for a development of this size. Two car wash bays are proposed at ground level, which are accessible from Kamala Crescent with a separate cross over from the basement access bay. A condition has been included to identify the spaces as car wash bays. <u>Acceptable</u>

Landscaping

The proposed design provides approximately 3100m² of landscaping at ground level with a further 1300m² of private open space in balconies and roof terraces.

This does not achieve strict compliance with the applicable controls; however, the 180m² shortfall of landscaping over a site area of 5394m² is considered negligible.

The applicant has acknowledged this shortfall and has provided the following justifications:

- 1. The extent of non compliance provided is minor in scale and represents a variation of approximately 5% only;*
- 2. The extent of non compliance is off set by both the provision of significant private open space opportunities (including roof decks) and the ability to take advantage of adjoining public open space opportunities. In this regard, an embellished public reserve sits immediately adjacent to the site, whilst a number of bicycle tracks and embellished crown reserves lie within close proximity to the site;*
- 3. The embellished landscaped areas provided to the rear of the allotment are significant and will permit both passive and active utilization by residents of the development;*
- 4. The extent of non-compliance totals approximately 180m². This is minor given the scale of the development and is representative of a far greater level of compliance than that demonstrated within other multi dwelling residential developments approved by Council in recent years.*

It is considered that this shortfall is reasonable as the scale of the development is compatible with the intent of the site as a medium density lot while being sympathetic to existing development. In addition it is considered that the development provides adequate useable open space including both private and communal open space. Each unit will have access to private open space by balconies with adequate communal open space provided around the building with the recreational area provided around the swimming pool located at the rear. In any case the site is in close proximity to the foreshore open space area and beach.

Furthermore the streetscape and building appearance will make a positive contribution to the existing and desired future character of the area. This has been achieved despite the minor non-compliance in landscaping.

Building Line Variation

The DCP requires a 6-metre setback to the shortest street frontage and a three-metre setback to the other street. In this case, this means a 6m setback (to the main wall – excluding open balconies) is required to the entire 130m frontage to Kamala Crescent. The application proposes a front boundary setback from Kamala Crescent of 3.8m at their closest point but generally 4.3 - 4.5m for an approximate length of 7 metres in two locations totalling a 14m length of encroachment.

The applicant has acknowledged the objectives of the building line policy and provided the following justification for the departure:

- The curved 130 metre frontage includes the provision of a stepped façade in order to avoid both monotony and featureless facades;
- The areas of non-compliance relate to the external stairwells and lift wells. Articulation to these elements has ensured that these elements are an integrated component of the over all development;
- No adverse impacts will result from the proposed encroachments which is evident through compliance with the objectives of the Building Line Policy;
- There is an average setback of 9m across the site frontage;
- The setbacks do not interfere with the safe or efficient pedestrian or vehicular movements throughout the site; and
- The encroachment by the external stair and lift well will not by their nature allow overlooking or any additional shadow, as the building itself will only be shadowed.

The application was referred to Council's Building Services unit who provided the following comments:

Councils building line policy allows for variations to be addressed in the policy by considering the:

- *Level or depth of the allotment*
- *Exceptional conditions of the site.*
- *The nature of the building*

In this case it is considered that the objectives of the building line would be observed by this proposal when viewed as a whole but there are no exceptional conditions of the site, levels or depth of the allotment, or particulars of the nature of the building that make it expedient to vary when viewed relative to the whole site.

The application has been advertised and objections to the building line have been received. I remind Council that dwellings have been required to comply in the area and that the site is large enough for the design to be able to comply with the building line requirements.

Whilst the policy does not seem to allow the variation sought a merit based decision is considered necessary. It is considered that the variation for the stair and lift wells will not have an adverse impact on the streetscape due to the shape of the frontage and the small level of encroachment sought.

The variation to Kamala Crescent for a length of 14 metres needs to be assessed against both the objectives and the circumstances for allowing variations. The objectives of the Policy are to achieve an attractive and reasonably landscaped streetscape, to allow safe movement for pedestrians and to control the extent to which buildings overlook, overshadow and effect neighbouring properties. The proposed variation will not impact on any adjoining property and will not create any additional significant overshadowing. The section in question could be seen to be an entry statement which presents well to the street especially when the landscaping is established. The proposed variation is considered negligible and unnoticeable in the overall design of the development.

The Policy allows for variation to occur subject to an assessment of the levels of depth of the allotment, the exceptional circumstances of the site and the nature of the building. The applicant has provided Council with a colour photomontage of the building, which reflects the amended plans. This drawing demonstrates the high design standard of the building, which has interesting articulation and a great elevation to Kamala Crescent.

After assessment of the potential impact of the proposed variation against the objectives of the Policy and the circumstances, which permit variation, any impact is considered negligible. The application is therefore recommended for conditional consent.

Summary

In all other aspects the proposed multi dwelling housing development is considered to have adequately considered and addressed the objectives and acceptable solutions contained within DCP 6.

Development Control Plan No.11 – South Kingscliff

This DCP is the principal guide to the future development and management of the Kings Beach development site. The subject site is located within the northern end of what was previously known as Management Lots 5, 6 & 7 and the Richtech site. The DCP provides specific provisions, which specify the design and development principles underpinning the development plan which was a component of the negotiated settlement between Lenen Pty Ltd and Tweed Shire Council.

The DCP states that the estimated population yield for the management Lots 5, 6 & 7 is 2630 persons in total. The estimated population yields are based on 2.6 persons per dwelling in accordance with S94 Plan No.19 Kings Beach/ Kings Forest.

At the time that Stage 6 was approved by Council it was acknowledged that the population yields were not yet being met, as the remainder of the site had not yet been developed. At the time of approval of stage 6 the estimated yield was only 245 persons. However, it was acknowledged that the site included a deferred 19ha area and nine larger lots which would be suitable for medium to high density development. The subject site is one of those nine larger lots.

This application will generate an increase in population yield by 106.6 persons and is considered to be medium density housing. Given the numerical non-compliances with DCP No. 6 specifically landscaping and floor space ratio, this development is considered to have been developed to its maximum potential. Therefore population yield could not be increased any further.

The application is considered to generally comply with DCP No. 11 in all other respects.

Development Control Plan No.39 – Energy Efficient Housing

The applicant has submitted a NatHERS certificate for the proposed development that outlines compliance with the requirements DCP 39 as follows:

Standard	Requirement	Proposal	Complies
Unit Energy rating	3.5 stars minimum	3.5 –5 stars	YES

Development Control Plan No. 47 – Cut & Fill

The plan limits the depth of cut and fill to 1m unless it can be demonstrated that the earthworks are compatible with the natural landform and will not adversely affect adjoining properties while achieving the objectives of the plan.

The proposed development involves excavation for the basement and will extend beyond 1 metre, however this is considered consistent with recently approved developments. The applicant has substantiated the request with an erosion and sediment control plan, and a stormwater management plan that have been assessed and considered appropriate. Council’s Environmental Health Officer, Council’s Infrastructure Engineers and Council’s Building Surveyor have all reviewed these plans, with no objections raised subject to the recommended conditions of consent.

In all other regards the applicant provides that appropriate measures will be in place to ensure that the proposal is consistent with the objectives of the plan.

DCP No 51 – Tweed Coast Strategy

The Development Control Plan relates to the northern end of the Tweed Coast, which includes the:

- The town of Kingscliff;
- West Kingscliff;
- Cudgen Village;

- The Casuarina locality (including the Casuarina Beach development); and
- The future development area of Kings Forest.

The Plan sets objectives for future development concentrating on public services and design principles. This application meets objectives of this plan and actually adds to the streetscape through good urban design.

Draft DCP No. 48 – Tweed Coast Building Heights

The Draft was originally exhibited in November 2002 and specified that a three storey residential development shall have a maximum height of 9 metres.

Since this time, extensive work has been done on the document to require the draft to be re-exhibited between 17 March 2004 and 14 April 2004. Therefore this application does require consideration against the re-exhibited version.

The Aim of the DCP is to protect the established and future character of the Tweed Coast by:

- Providing guidelines on building height;
- Providing guidelines on building setbacks; and
- Providing guidelines for the design and use of rooftops.

The objectives of this DCP are to:

- Protect the Region's public amenity by enhancing its diverse and unique built environment through qualitative urban design; and
- Provide the community with a pre-determined maximum height in relation to a building.

The draft specifies that three-storey residential development shall not exceed 9 metres in height measured to the under side of the eaves.

The subject application has a height of 8.9 metres from ground level to the roof terrace floor with an additional two metres above in place to create the roof space of the buildings. Therefore the building complies.

The proposed design and variety in roof style and pitch adds character and interest to the building and is preferred over a completely flat roofline.

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

The subject land is affected by the coastal policy. The proposed development is not considered to be in conflict with the policies and strategies contained in the coastal policy.

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

Compatibility with Adjoining Land Uses

The subject land is located on a large and prominent medium density site within Stage 6 of Casuarina. The surrounding development varies between single dwelling houses, duplex's, and vacant allotments awaiting development.

The subject area is changing to accommodate the planned density for the area and it is considered that this style of the development is consistent with the intent of the subdivision.

Bulk Scale & Design

The original application submitted to Council demonstrated an excessive and non-compliant development with a proposed fourth storey. On review of the proposal the applicant reduced the height, increased setbacks and improved the development to point where it is recommended for approval subject to conditions of consent. The current design is justifiable on the basis of the design principles and the fact that the bulk and scale of the development will be consistent with the intended medium density nature for the site.

View Loss

The proposed infill development will reduce the potential for adjoining properties to maintain any views of open space or potentially the ocean, however the views currently enjoyed are due to the vacant nature of allotments. The proposed development has been designed in accordance with the criteria detailed within Councils' controls. Specifically the required side setbacks, will allow some view corridors to be retained.

Privacy

The proposed development incorporates many balconies at every level of the building in addition to roof terraces. These decks are predominantly faced to the east where there are extensive setbacks to properties to the east. These larger areas of the deck are likely to form the main useable areas due to their size with the remaining areas just adding to the availability of open space.

No objections were received in relation to this development.

The proposed development is considered satisfactory on privacy grounds having regard to the medium density nature of the area itself.

Traffic/Access

The application proposes to service the basement via Kamala Crescent. The basement has been designed with a combined ingress and egress point, which is considered appropriate for the site subject to the recommended conditions of consent.

Flora & Fauna

The subject site is absent of any significant vegetation.

Social & Economic

The proposed development will result in a contemporary design of high architectural merit. This type of development does not trigger the need for a social impact assessment to be prepared.

(c) Suitability of the site for the development

The proposed multi dwelling development is to be carried out upon land that is suitable for medium density purposes and has been zoned as such under Tweed LEP 2000.

The proposed design and configuration of the subject dwellings is considered to be a satisfactory response to the environmental and topographical constraints of the site, whilst also remaining consistent with the surrounding land use character and pattern.

The application does not require referral to the NSW Rural Fire Service as the site is not affected by any bushfire hazard.

The suitability of the site for the purposes of the proposed housing has been demonstrated by way of general consistency with the relevant statutory and non-statutory guidelines applying to the site.

Suitable vehicular access arrangements and essential services are available to the site.

The subject site is considered able to satisfactorily accommodate the proposed development as the design of the building utilises the existing site attributes effectively and appropriately.

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

The development application was advertised and notified to surrounding properties for a period of two weeks closing on 16 April 2004. During this period thirty-seven (37) written submissions were received. These submissions focussed on two main areas of non-compliance:

1. Building Heights

After the application was originally advertised as a part four storey building the applicant modified the submitted plans to represent a compliant three storey building. The building now complies with the nominated three-storey height limit and also complies with the requirements of Draft DCP 48 relating to a nominated height of nine metres for residential development. It was not considered necessary to readvertise the development as the impact was lessened to achieve compliance.

2. Building Setbacks

When the application was advertised the advertisement included the request for variation to the front boundary setback. However, the advertisement did not detail the level of encroachment proposed and it is possible that objections were raised to this aspect of the development based on the advertisement alone rather than upon review of the plans themselves, which detailed a small encroachment only.

A detailed assessment of the proposed front building line variations is included in the above report and based on that assessment the application is recommended for conditional consent despite the numerical non-compliance in this regard.

3. Too high in density results in no view corridors and no breeze paths

The proposed density has been assessed and considered appropriate given the general compliance with Council's height controls, building envelope, side setbacks and landscaping. The sites have previously been nominated for medium density use and the proposal is consistent with this.

4. Excessive noise and impact on support services infrastructure

The proposed medium density development will be required to be constructed in accordance with the construction standards as nominated by the Building Code of Australia. The sites have previously been planned for medium density use and the proposal is consistent with this. No excessive noise is envisaged as a result of this proposal.

(e) Public interest

The proposal is not considered to be in conflict with the general public interest in the locality. The proposed development adequately reflects the provisions of the controls and intended development for the locality.

OPTIONS:

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

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The applicant has a right of appeal to the Land and Environment Court.

POLICY IMPLICATIONS:

Should the application be supported with the numerical non-compliances the integrity of Development Control Plan No's. 2 and 6 may be compromised.

CONCLUSION:

The subject land is generally considered to be suitable for the proposed development. The local road network surrounding the site is suitable for such a development especially when basement car parking is provided.

The variations sought under the applicable DCP's, these being landscaping, front building setbacks, and the allocation of visitor car parking are not considered to be detrimental or create an over development of the site.

Having had regard for the proposed development and the planning controls for the site it is considered that conditional consent is warranted.

UNDER SEPARATE COVER:

Nil.

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3 [DS] West Kingscliff Structure Plan

ORIGIN:

Strategic Town Planning

FILE NO: GT1/DCP/9; GT1/DCP/43

SUMMARY OF REPORT:

Kingscliff is the focus of considerable development attention. Therefore to deal appropriately with the resultant development applications, impacts and community expectations, a comprehensive planning regime for Kingscliff is required.

A comprehensive plan for the Gales Holdings land is considered to be essential, and in view of likely pressures for the development of land at West Kingscliff, the sooner this is achieved the better.

Consequently, it is proposed that a small Technical Group under the Chairmanship of the Manager Strategic Planning be established to complete a comprehensive draft Structure Plan for Gales Holding's land at West Kingscliff for reporting to Council by the end of November.

RECOMMENDATION:

That Council notes the intention of Gales Holdings and Council Officers to complete a draft Structure Plan for West Kingscliff for submission to Council by the end of November 2004.

REPORT:

Kingscliff is the focus of considerable development attention. Therefore to deal appropriately with the resultant development applications, impacts and community expectations, a comprehensive planning regime for Kingscliff is required. In part such a regime is provided by current planning documents, and in particular Tweed LEP 2000, DCP9 - West Kingscliff and DCP43 - Kingscliff.

However, DCP9 - West Kingscliff, requires a major review, particularly in respect of land owned by the major landowner, Gales Holdings. Over recent months consultants on behalf of Gales Holdings and Council Officers have been discussing outstanding issues for the development of West Kingscliff. Gales Holdings' Consultants have also prepared a revised draft Structure Plan for its property.

A comprehensive plan for the Gales Holdings land is considered to be essential, and in view of likely pressures for the development of land at West Kingscliff, the sooner this is achieved the better.

Consequently, it is proposed that a small Technical Group under the Chairmanship of the Manager Strategic Planning be established to complete a comprehensive draft Structure Plan for Gales Holding's land at West Kingscliff for reporting to Council by the end of November. The Group will comprise Manager Strategic Planning, two consultants acting on behalf of Gales and two Council staff.

Because of the broader community interest in the planning for the Gales Holdings property it is proposed to present the draft Structure Plan to the Kingscliff Progress Association and local Chambers of Commerce prior to submitting it to Council. By this means it is hoped to provide advice to Council on Community expectations for the future of West Kingscliff and how far the Structure Plan goes towards meeting their expectations.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

4 [DS] Elizabeth Street, Pottsville -Classification of Land and Future Use

ORIGIN:

Design

FILE NO: PF1851/5

SUMMARY OF REPORT:

Council has considered reports in 1999 and 2001 relating to the use of and acquisition of Lot 534 in DP 48641 at Elizabeth Street, Pottsville. The land was the former Pottsville school site and the reports recommended entering into negotiations with the Department of Land and Water Conservation (now known as Department of Lands) to determine a mutually acceptable price.

Following negotiations with the Department Council entered into a Contract for Sale, dated 24 June, 1999 to buy the land for the sum of **\$255,000.00** where the purchase price was to be paid in five equal instalments of \$47,000.00. The final payment was made on 3 June, 2004.

During the period of the Contract, the land and buildings have been utilised by a community group, the Pottsville Beach Neighbourhood Centre Inc (PBNCI), which was formed specifically to provide a caretaker role of the site and to use the building for community purposes.

Now that the purchase of the land has been completed, the PBNCI is seeking a formalised tenure arrangement for the continued use of the building and to also clarify its responsibilities in relation to services and insurances.

RECOMMENDATION:

That:

1. Council offers the Pottsville Beach Neighbourhood Centre Inc a licence to occupy and use Lot 534 in DP 48641 for community purposes;
2. Lot 534 in DP 48641 be classified as operational under the provisions of the Local Government Act, 1993; and
3. All necessary documentation be executed and endorsed under the Common Seal of Council.

REPORT:

Council has considered reports in 1999 and 2001 relating to the use of and acquisition of Lot 534 in DP 48641 at Elizabeth Street, Pottsville. The land was the former Pottsville school site and the reports recommended entering into negotiations with the Department of Land and Water Conservation (now known as Department of Lands) to determine a mutually acceptable price.

Following negotiations with the Department Council entered into a Contract for Sale, dated 24 June, 1999 to buy the land for the sum of **\$255,000.00** where the purchase price was to be paid in five equal instalments of \$47,000.00. The final payment was made on 3 June, 2004. Council has now received the title deed for Lot 534 and executed Transfer from the Department in readiness for registration.

During the period of the Contract, the land and buildings have been utilised by a community group, the Pottsville Beach Neighbourhood Centre Inc (PBNCI), which was formed specifically to provide a caretaker role of the site and to use the building for community purposes.

Now that the purchase of the land has been completed, the PBNCI is seeking a formalised tenure arrangement for the continued use of the building and to also clarify its responsibilities in relation to services and insurances.

The request from the group is considered reasonable as the group is providing a community service to the Pottsville community that is widely recognised and accepted. It is therefore recommended that Council provide a licence to occupy the site to the PBNCI for community purposes for a period of ten (10) years, made up as a five year term with an option for a further five years. Council's Pottsville Precinct team occupy an office in the main administration building and a garage, the Licence Agreement with PBNCI will accommodate the continued occupation by the Precinct team.

The Licence Agreement will provide that the PBNCI, with the assistance of the Precinct tem, will attend to the ongoing maintenance of the building and land, with Council bearing major maintenance costs, eg, painting and significant repairs.

Further, to allow maximum flexibility for future use of the site, it is recommended that Lot 534 be classified as operational following the transfer of the land to Council, pursuant to its obligations to classify the land upon transfer to Council under the provisions of the Local Government Act, 1993.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

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REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER

5 [OGM] Review of Council's Delegations

ORIGIN:

Administration Services

SUMMARY OF REPORT:

The Local Government Act at Section 380 requires Council to review all its delegations during the first 12 months of each term of office.

RECOMMENDATION:

That Council delegates to the General Manager the functions of Council other than those specifically prohibited under Section 377 of the Local Government Act 1993.

REPORT:

Section 377 of the Local Government Act 1993 states that a Council may, by resolution, delegate to the General Manager or any other person or body (not including another employee of the Council) any of the functions of the Council, other than the following:-

- The appointment of a General Manager;
- The making of a rate;
- A determination under Section 549 as to the levying of rate;
- The making of a charge;
- The fixing of a fee;
- The borrowing of money;
- The voting of money for expenditure on its works, services or operations;
- The compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment);
- The acceptance of tenders which are required under this Act to be invited by the Council'
- The adoption of a management plan;
- The adoption of a financial statement included in an annual financial report;
- A decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6;
- The fixing of an amount or rate for carrying out by the Council of work on private land;
- The decision to carry out work on private land for an amount that is less than the amount or rate fixed by the Council for the carrying out of any such work;
- The review of a determination made by the Council, and not by a delegate of the Council, of an application for approval or an application that may be reviewed under Section 82A of the *Environmental Planning and Assessment Act 1979*;
- The power of the Council to authorise the use of reasonable force for the purpose of gaining entry to premises under Section 194;
- A decision under Section 356 to contribute money or otherwise grant financial assistance to persons;
- The power of the Council under Section 455 in relation to attendance at meetings;
- The making of an application, or the giving of a notice, to the Governor or Minister;
- This power of delegation;
- Any function under this or any other Act is expressly required to be exercised by resolution of the Council.

Section 378 of the Local Government Act 1993 states that the General Manager may:

1. Delegate any of the functions of the General Manager, other than this power of delegation.
2. Sub-delegate a function delegated to the General Manager by the Council to any person or body (including another employee of the Council).

In the case of a delegation to an employee the delegation cannot be made directly by the Council, but must be delegated to the General Manager.

The functions of the General Manager are contained in Section 335 of the Local Government Act 1993. These being:-

1. The General Manager is generally responsible for the efficient and effective operation of the Council's organisation and for ensuring the implementation, without undue delay, of decisions of the Council.
2. The General Manager has the following particular functions:
 - The day-to-day management of the Council;
 - To exercise such of the functions of the Council as are delegated by the Council to the General Manager;
 - To appoint staff in accordance with an organisation structure and resources approved by the Council;
 - To direct and dismiss staff;
 - To implement the Council's equal employment opportunity management plan.
3. The General Manager has such other functions as may be conferred or imposed on the General Manager by or under this or any other Act.

The delegations to the General Manager were last reviewed and approved by the previous Council on 7 June 2000.

The adoption of the recommendation does not change the current instrument of delegation to the General Manager.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

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6 [OGM] Council's Revised Code of Conduct

ORIGIN:

Administration Services

SUMMARY OF REPORT:

A review of Council's Code of Conduct has been undertaken in accordance with the provision of the Local Government Act 1993.

RECOMMENDATION:

That the revised Code of Conduct, as it appears below, be adopted by Council:

1.1 Introduction

The Local Government Act 1993 at Section 440 requires Council to prepare or adopt a Code of Conduct to be observed by Councillors, members of staff of the Council and Delegates of the Council.

The adoption of the Code of Conduct is important in demonstrating to the community that Tweed Shire Council will carry out its mission and statutory role with efficiency, impartiality and integrity.

Commitment to the Code of Conduct is essential to make the formal adoption meaningful. Councillors and members of staff are required to read the code, understand it and observe it both in letter and in spirit at all times. The Code is an expression of the high values held by the people working for and comprising Tweed Shire Council.

Councillors and the General Manager have a responsibility to Council for compliance with this Code. Similarly, members of staff are accountable to the General Manager for compliance.

1.2 What Are the Purposes of the Code?

To assist Councillors, members of staff and delegates:

- to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence;
- to provide a practical means of identifying and resolving situations which involve conflict of interest or improper use of their positions;
- to promote fair, transparent and informed decision making with Council by both Councillors and staff; and
- to act in a way which enhances public confidence in the system of local government.

1.3 What is the Relationship of this Code to the Act?

This Code is to be read in conjunction with relevant legislation and Council's policies. However, nothing in this Code is a substitute for the Act and does not override it.

1.4 Conflicts of Interest:

1.4.1 What is the special duty of a Councillor, Member of Staff and Delegate?

You must avoid and appropriately resolve any conflict or incompatibility between his or her private or personal interests and the impartial performance of his or her public or professional duties.

1.4.2 When does a Conflict of Interest arise?

A conflict of interest arises if it is likely that the person with the private or personal interest could be prejudicially influenced in the performance of his or her public or professional duties by that interest, or that a reasonable person would believe that the person could be so influenced.

Any conflict between personal interest and public duty, which could be seen to influence a person, should be avoided.

1.5 Other Responsibilities of Councillors, Members of Staff and Delegates

1.5.1 Equitable Treatment of People and Situations

Councillors, members of staff and delegates of Tweed Shire Council have a primary duty to consider and protect the public interest. In the performance of that duty, there is a commitment to:

- act according to law both in content and spirit;
- act reasonably, justly and not oppressively or in an unlawfully discriminatory manner;
- take all reasonable steps to ensure that the information upon which decisions or actions are based is factually correct and that all relevant information has been obtained;
- avoid situations where one's actions could be perceived to infer the seeking or acceptance of a bribe, or special benefit, or other forms of encouragement to act in an improper way;
- not take advantage of one's official position to improperly influence other Councillors, members of staff, or delegates in the performance of their public or professional duties for the purpose of securing a private benefit;
- treat members of the public fairly, equitably and with integrity, courtesy, compassion and sensitivity; and
- not behave in any way, in the performance of public or professional duties, which may cause any reasonable person unwarranted offence or embarrassment or give rise to the reasonable suspicion or appearance of improper or corrupt conduct.

1.6 Particular Obligations of Staff

A member of staff must:

- while on duty, give the whole of his or her time and attention to the business of the Council and ensure that his or her work is carried out efficiently, economically and effectively;
- carry out lawful directions given by any person having authority to give such directions;
- give effect to the lawful policies, decisions and practices of the Council, whether or not the staff member agrees with or approves of them;
- accept responsibility and be accountable for one's own actions in accordance with the law and this Code;
- as supervisors and managers, provide a safe workplace in managing a functional area;
- as supervisors and managers, have a responsibility to act when it is known that a person for whom they are responsible, is acting in a way that is contrary to the law or this Code;
- manage staff fairly and equitably, avoiding harassment and unlawful discrimination.

1.7 Gifts, Gratuities and Hospitality

Councillors, members of staff or delegates must not by virtue of their official position, accept or acquire for a personal advantage, any gift, gratuities and hospitality other than a token kind or moderate form of hospitality other than as permitted by the Local Government Act 1993.

Councillors, members of staff or delegates must not seek or accept gifts where these would lead them to being compromised or being seen by a reasonable person to be compromised. Councillors, members of staff and delegates should avoid giving any indication that such gifts, gratuities or hospitality would be accepted or that they may influence decisions.

Offers of gifts, benefits, travel or hospitality for partners, relatives or friends, should generally not be accepted, other than of a token kind or moderate form of hospitality.

A Councillor is to inform the Council of the receipt of any non-nominal value gift, benefit, travel or hospitality. Similarly, a member of staff is to inform the General Manager of the receipt of any substantial gift, benefit, travel or hospitality. Gifts and travel in excess of a nominal value must be disclosed in the annual returns of disclosures of pecuniary interest and other matters for Councillors and in the Council's Register of Gifts for Council Staff.

A register of gifts is to be maintained by the General Manager.

Nominal Value" is defined as having a value of less than \$20.00 on any one occasion and less than a cumulative value of \$100.00 per annum."

1.8 Use of Council's Resources

A Councillor, member of staff or delegate must:

- use Council resources effectively and economically in the course of his or her public or professional duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless such use is lawfully authorised and proper payment is made where appropriate; and
- not convert to his or her own use any property of the Council.

1.9 Confidentiality - Use of Information

- To facilitate public access to information about Council's activities, Councillors, members of staff or delegates shall not classify information as confidential unless there is a genuine reason to do so. Section 10A(2) of the Local Government Act applies.
- A Councillor, member of staff or delegate must not use confidential information gained by virtue of his or her official position for the purpose of securing a private benefit for himself or herself or for any other person.
- A Councillor, member of staff or delegate must not, without lawful authority, disclose otherwise than to the Council, a Councillor, or a member of staff entitled to know, information concerning any matter referred to in Section 10A(2) of the Local Government Act 1993.

1.10 Private Work By Staff

Section 353 (2) of the Local Government Act 1993 states that a member of staff must not engage for remuneration in private employment or contract work outside the services of the Council that relates to the business of the Council or that might conflict with the members Council duties, unless he or she has notified the General Manager in writing of the employment or work.

Section 353(4) of the Act states that a member of staff must not engage, for remuneration, in private employment or contract work outside the service of the Council if prohibited from doing so by the General Manager.

1.11 What are the Legitimate Expectations of a Councillor, Member of Staff and Delegate?

A Councillor, member of staff or delegate who honestly and faithfully observes the requirements of this code and any relevant law is entitled to expect the publicly expressed support of his or her Council and colleagues against unfair allegations of dishonesty or partial performance of his or her public or professional duties.

1.12 Public Comments by General Managers and/or Senior Staff

1. "Public comment" includes public speaking engagements (including comments on radio and television), expressing views in letters to the press or in books or notices or where it is reasonably foreseeable that publication or circulation will enter the public domain.
2. General Managers and other Senior Staff should confine public discussion or comment on Council matters to material that is in the public

domain as Council policy or direction, except where required by law, as authorized by the Mayor or Council, or in accordance with a relevant Council policy or code of conduct.

3. General Managers and other Senior Staff who are required to make public comment are expected to perform this duty with professionalism, objectivity and integrity. They should not supplant their own values over those explicit or implicit in Council's policy and should be able to negotiate the boundaries between policy development/implementation and political objectives without intruding into the political arena.
4. Whilst General Managers and other Senior Staff in their private capacity as members of the community have the right to make public comment, they need to be sensitive to the fact that because of their responsibility and status, there will tend to be the implication that the public comment, although clearly made in a private capacity, is in some way an official comment of the Council. They will need to clearly state that such public comment reflects personal opinion only.

1.13 How should a Conflict of Interest be dealt with?

- A Councillor, member of staff or delegate who knows or has good reasons to suspect any conflict of interest, fraud, corrupt, criminal or unethical conduct must report it immediately to the General Manager or nominated alternate. If any such complaint is made to the General Manager, the ICAC Act places a duty on the General Manager to report that complaint to the Commission.
- Where the conflict of interest is a pecuniary one, the person with the interest must comply with the provisions of the Local Government Act 1993.
- A complaint may be made directly to the Independent Commission Against Corruption about any matter that concerns or may concern corrupt conduct, however, the ICAC Act contains a penalty for deliberately providing false or misleading information in relation to a complaint.
- The Protected Disclosures Act 1994, provides certain protections against reprisals for employees who voluntarily report suspected corrupt conduct, as well as maladministration and serious and substantial waste of public resources to the General Manager, the ICAC, or the Ombudsman. It should be noted that such protections do not apply in cases of vexatious or malicious allegations.

1.14 Breaches of this Code

Against a Councillor

Council having resolved that a Councillor has failed to comply with this Code, can by resolution:

- require the Councillor to apologise to the person concerned;
- request a formal apology;
- counsel the Councillor;
- reprimand the Councillor;
- resolve to make its decision on the matter public;
- pass a censure motion at a Council meeting;

- make public disclosures of inappropriate conduct (such as making the community aware of the breach through the media or The Annual Report)
- refer the matter to an appropriate investigative body if the matter is serious and/or
- prosecute any breach of the law.

Against Staff

Penalties against staff, depending upon the severity, scale and importance of the breach, may include:

- counselling the staff member;
- instituting disciplinary proceedings in accordance with council's Disciplinary Policy, which may result in dismissal and/or
- prosecution of any breach of the law.

Prior to any breach being acted on, the person alleged to be in the breach, must be advised in writing of the specific breach and shall be given twenty-one (21) days in which to respond to that allegation. That response may be verbal or it may be in writing. Any response must be taken into account in determining any penalty.

CODE OF CONDUCT SCHEDULE OF RELEVANT LEGISLATION

Local Government Act 1993

Subject	Section	Commentary
Code of Conduct	s 440	Requirement for Council to prepare and adopt a code of conduct
Conduct of Councillors, Staff & Delegates	s 439	Requirement to act honestly and with a degree of due care and diligence
Council's Charter	s 8	Prescribes fairness, openness, impartiality and responsibility
Disclosure and misuse of information	s 664	Prescribes penalty of 50 points and offence in connection with the execution and administration of the Act
Disclosure of information - Council meetings	s 10A(2)	Council to state grounds for closing a meeting
Dismissal from civic office	s 329	Prescribes the powers of courts to dismiss
Disqualification from holding civic office	s 275	Defines who may be disqualified and under what circumstances. inter alia, refers to Crimes Act Chapter 4 (Offences against property)
Election funding disclosures	s 328	Obligation to disclose donations
Fees, expenses and	s 248-	Specifies entitlements for Councillors

facilities	254	
Fees, expenses and facilities - annual reporting	s 428(2)(f)	Specifies required information for Council's Annual Report
Gifts	Sch 3, Part 1, Div 2	Specifies when to disclose if making a return under s 449
Honesty & disclosure of interests	s 439-489 & Sch 3	Please refer to the Act or the Local Government Law Guide for a full list of requirements
Non-disclosure of gifts permitted	Sch 3, Part 1, Div 2	Exemptions are listed as follows: gifts under \$500, unless it was among gifts totalling more than \$500 made by the same person a disclosed political contribution under Part ... of the Election Funding Act 1981 or the donor was a relative of the donor
Non-disclosure of interests permitted	s 448	Please refer to the Act or the Local Government Law Guide for a full list of requirements
Pecuniary Interest - declarations at meetings	s 451-458	Defines procedures for disclosure and participation in meetings
Pecuniary Interest - definitions	s 442	Definitions of what is and who has a pecuniary interest
Review of Code of Conduct	s 440	Requirement for review of the code within twelve months of each ordinary election

Independent Commission Against Corruption Act 1988

Subject	Section	Commentary
Corrupt conduct defined	s 8	Fraud is one element of the Commission definition of corrupt conduct
Limitations on the nature of corrupt conduct	s 9	Conduct is not corrupt unless it could constitute or involve a criminal offence or disciplinary offence, or reasonable grounds for dismissing, dispensing with the services of or otherwise terminating the services of a public official

Occupational Health & Safety Act 1983

Subject	Section	Commentary
Employers' obligations	s 15-18	Also refer s 5, Objects of the Act
Employees' obligations	s 19-21	Also refer s 5, Objects of the Act

Ombudsman Act 1974

Subject	Section	Commentary
Scope of Ombudsman's reports	s 26	Provides definitions of types of conduct to be investigated
Who can complain to Ombudsman	s 12	Discusses conditions which apply when referring a matter

Protected Disclosures Act

Subject	Section	Commentary
Internal reporting system	s 9, s 14(1)	Necessary procedures defined for internal reporting to ensure protection, including reporting through the General Manager
Maladministration	s 11	This is only part of the jurisdiction of the Ombudsman. It includes corrupt conduct
Offences (detrimental action)	s 20(1) & (2)	These sections define the offence of detrimental action in reprisal for making a protected disclosure
Offences (false, misleading, frivolous or vexatious disclosures)	s 28	Such offences can be identified by the General Manager or the investigating authority
Protected disclosures	S 26	Lists the circumstances in which disclosures are protected under the Act
Protection from defamation	s 21	Protected disclosures are protected from actions such as defamation suits

REPORT:

Section 440 of the Local Government Act 1993 requires all Council's to adopt a Code of Conduct to be observed by Councillors and members of staff of the Council and delegates of the Council.

Such Code of Conduct must within 12 months after each Ordinary Election be reviewed, and changes made to it as considered appropriate.

Only minor amendments have been made to the Code of Conduct, such amendments are highlighted in *italics* so as to identify the changes. As the changes to the Code are of a minor nature it is not proposed to exhibit the amended Code of Conduct.

Code of Conduct

1.1 Introduction

The Local Government Act 1993 at Section 440 requires Council to prepare or adopt a Code of Conduct to be observed by Councillors, members of staff of the Council and Delegates of the Council.

The adoption of the Code of Conduct is important in demonstrating to the community that Tweed Shire Council will carry out its mission and statutory role with efficiency, impartiality and integrity.

Commitment to the Code of Conduct is essential to make the formal adoption meaningful. Councillors and members of staff are required to read the code, understand it and observe it both in letter and in spirit at all times. The Code is an expression of the high values held by the people working for and comprising Tweed Shire Council.

Councillors and the General Manager have a responsibility to Council for compliance with this Code. Similarly, members of staff are accountable to the General Manager for compliance.

1.2 What Are the Purposes of the Code?

To assist Councillors, members of staff and delegates:

- to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence;
- to provide a practical means of identifying and resolving situations which involve conflict of interest or improper use of their positions;
- *to promote fair, transparent and informed decision making with Council by both Councillors and staff; and*
- to act in a way which enhances public confidence in the system of local government.

1.3 What is the Relationship of this Code to the Act?

This Code is to be read in conjunction with relevant legislation and Council's policies. However, nothing in this Code is a substitute for the Act and does not override it.

1.4 Conflicts of Interest:

1.4.1 What is the special duty of a Councillor, Member of Staff and Delegate?

You must avoid and appropriately resolve any conflict or incompatibility between his or her private or personal interests and the impartial performance of his or her public or professional duties.

1.4.2 When does a Conflict of Interest arise?

A conflict of interest arises if it is likely that the person with the private or personal interest could be prejudicially influenced in the performance of his or her public or professional duties by that interest, or that a reasonable person would believe that the person could be so influenced.

Any conflict between personal interest and public duty, which could be seen to influence a person, should be avoided.

1.5 Other Responsibilities of Councillors, Members of Staff and Delegates

1.5.1 Equitable Treatment of People and Situations

Councillors, members of staff and delegates of Tweed Shire Council have a primary duty to consider and protect the public interest. In the performance of that duty, there is a commitment to:

- act according to law both in content and spirit;
- act reasonably, justly and not oppressively or in an unlawfully discriminatory manner;
- take all reasonable steps to ensure that the information upon which decisions or actions are based is factually correct and that all relevant information has been obtained;
- avoid situations where one's actions could be perceived to infer the seeking or acceptance of a bribe, or special benefit, or other forms of encouragement to act in an improper way;
- not take advantage of one's official position to improperly influence other Councillors, members of staff, or delegates in the performance of their public or professional duties for the purpose of securing a private benefit;
- treat members of the public fairly, equitably and with integrity, courtesy, compassion and sensitivity; and
- not behave in any way, in the performance of public or professional duties, which may cause any reasonable person unwarranted offence or embarrassment or give rise to the reasonable suspicion or appearance of improper or corrupt conduct.

1.6 Particular Obligations of Staff

A member of staff must:

- while on duty, give the whole of his or her time and attention to the business of the Council and ensure that his or her work is carried out efficiently, economically and effectively;
- carry out lawful directions given by any person having authority to give such directions;
- give effect to the lawful policies, decisions and practices of the Council, whether or not the staff member agrees with or approves of them;
- accept responsibility and be accountable for one's own actions in accordance with the law and this Code;
- as supervisors and managers, provide a safe workplace in managing a functional area;
- as supervisors and managers, have a responsibility to act when it is known that a person for whom they are responsible, is acting in a way that is contrary to the law or this Code;
- manage staff fairly and equitably, avoiding harassment and unlawful discrimination.

1.7 Gifts, Gratuities and Hospitality

Councillors, members of staff or delegates must not by virtue of their official position, accept or acquire for a personal advantage, any gift, gratuities and hospitality other than a token kind or moderate form of hospitality other than as permitted by the Local Government Act 1993.

Councillors, members of staff or delegates must not seek or accept gifts where these would lead them to being compromised or being seen by a reasonable person to be compromised. Councillors, members of staff and delegates should avoid giving any indication that such gifts, gratuities or hospitality would be accepted or that they may influence decisions.

Offers of gifts, benefits, travel or hospitality for partners, relatives or friends, should generally not be accepted, other than of a token kind or moderate form of hospitality.

A Councillor is to inform the Council of the receipt of any non-nominal value gift, benefit, travel or hospitality. Similarly, a member of staff is to inform the General Manager of the receipt of any substantial gift, benefit, travel or hospitality. Gifts and travel in excess of a nominal value must be disclosed in the annual returns of disclosures of pecuniary interest and other matters for Councillors and in the Council's Register of Gifts for Council Staff.

A register of gifts is to be maintained by the General Manager.

Nominal Value" is defined as having a value of less than \$20.00 on any one occasion and less than a cumulative value of \$100.00 per annum."

1.8 Use of Council's Resources

A Councillor, member of staff or delegate must:

- use Council resources effectively and economically in the course of his or her public or professional duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless such use is lawfully authorised and proper payment is made where appropriate; and
- not convert to his or her own use any property of the Council.

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- To facilitate public access to information about Council's activities, Councillors, members of staff or delegates shall not classify information as confidential unless there is a genuine reason to do so. Section 10A(2) of the Local Government Act applies.
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Protection from defamation	s 21	Protected disclosures are protected from actions such as defamation suits

On 3 June 2004, the Local Government Amendment (Discipline) Bill 2004 was introduced into the NSW Parliament. Contained in this Bill is a Model Code of Conduct being drawn up with input from the peak industry bodies for Local Government in NSW, Council representatives, the Independent Commission Against Corruption, the Ombudsman and the Department of Local Government.

The new Model Code of Conduct has not yet been issued to Councils. As soon as it is issued Council will need to review its Code of Conduct to ensure that its provisions are not inconsistent with the provisions of the Model Code.

It is anticipated that following the release of the new Model Code of Conduct by the Minister for Local Government that a consultative process be undertaken, to include both Councillors and staff.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Update to Council's Code of Conduct Policy.

UNDER SEPARATE COVER:

Nil.

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7 [OGM] Code of Meeting Practice

ORIGIN:

Administration Services

SUMMARY OF REPORT:

Review of the Code of Meeting Practice.

RECOMMENDATION:

That the Code of Meeting Practice as follows be adopted by Council.

TWEED SHIRE COUNCIL CODE OF MEETING PRACTICE

1. PRELIMINARY

1.1 Citation

This Code may be cited as the Tweed Council Code of Meeting Practice.

1.2 Commencement

This Code commenced on 6 July 1994.

1.3 Definitions

In this Code:

Amendment: in relation to an original motion, means a motion moving an amendment to that motion;

Chairperson:

- a) in relation to a meeting of the Council - means the person presiding at the meeting as provided by Section 369 of the Act; and
- (b) in relation to a meeting of a Committee of the Council - means the person presiding at the meeting as provided by Clause 40 of the Regulation;

Committee: in relation to the Council, means a Committee appointed or elected by the Council in accordance with Clause 33 of the Regulation or the Council when it has resolved into a Committee of the Whole;

Councillor: includes an elected member of the Council;

Record: means a document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disc, microfilm, photograph, film, map, plan or made or a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by a councillor or an employee of the council and, in particular, includes the minutes of meetings of the Council or of a Committee of the Council;

The Act: means the Local Government Act 1993.

Act and Regulation

- *This code is made pursuant to Section 360(2) of the Act.*
- *It incorporates relevant provisions of the Act and the Regulation.*
- *In the event of any inconsistency between the Code and the Act or the Regulation, the Act or Regulation (as the case may be) prevails to the extent of the inconsistency.*

Code of Meeting Practice

- *The Code of Meeting Practice applies to all meetings of Council and to all Committee meetings of Council without exception.*
- *Any matters arising regarding procedure of meetings are to be determined by the Code of Meeting Practice.*
- *In the absence of a specific matter being contained in the Code of Meeting Practice the meeting shall abide by the ruling from the Chairperson.*

2. CONVENING OF AND ATTENDANCE AT COUNCIL AND COMMITTEE MEETINGS

2.1 How Often Does the Council Meet?

The ordinary meetings of Council are held in the Council Chambers, Civic and Cultural Centre, Tumbulgum Road, Murwillumbah, on the first and third Wednesday of each month commencing at 3.00pm to 10.30pm with a meal break between 6.30pm and 7.30pm.

(Sec 365)

Community Access to be held on the second Wednesday of each month between 4.30pm and 6.30pm.

Ordinary meetings of Council may be held at other venues as determined by Council.

Councillors can give a verbal report on Committee Meetings outside of Council, on Community Access meeting days.

2.2 Calling of Extraordinary Meeting on Request by Councillors

If the Mayor receives a request in writing signed by at least two (2) Councillors, the Mayor must call an extraordinary meeting of the Council to be held as soon as practicable but in any event within fourteen (14) days after receipt of the request.

(Sec 366)

2.3 Notice of Meetings

Each Councillor must receive, at least three (3) days before each meeting of the Council, a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting.

Notice of less than three (3) days may be given of an extraordinary meeting called in an emergency.

(Sec 367)

Notice of all meetings shall be in writing and delivered to each Councillor with the complete agenda on the Friday preceding the meeting.

A copy of the Meeting Agenda is to be placed in the three (3) Council Libraries and distributed to the Media as well as other interested parties as nearly as possible to the time they are available to Councillors.

2.4 What is the Quorum of a Meeting?

The quorum for a meeting of the Council and a Committee is a majority of the Councillors of the Council who hold office for the time being and are not suspended from office.

(Sec 368)

The quorum for a meeting of a Committee of Council is to be:

- (a) such number of members as the Council decides; or
- (b) if the Council has not decided a number - a majority of the members of the Committee.

2.5 What Happens when a Quorum is Not Present?

A meeting of the Council or Committee must be adjourned if a quorum is not present:

R6(1)

- (a) within half an hour after the time designated for the holding of the meeting; or
- (b) at any time during the meeting.

In either case, the meeting must be adjourned at a time, date and place fixed:

R6(2)

- (a) by the chairperson; or
- (b) in his or her absence - by the majority of the Councillors present; or
- (c) failing that, by the General Manager.

R6(3)

The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.

2.6 Presence at Council Meetings

A Councillor cannot participate in a meeting of the Council unless personally present at the meeting.

R8

2.7 Public Notice of Meetings

Council must give notice to the public of the times and places of its meetings and meetings of those of its Committees of which all the members are Councillors.

(Sec 9(1))

Copy of Business Paper

Council and each such Committee must have available for the public at its offices and at each meeting copies (for inspection or taking away by any person) of the business paper for the meeting. This requirement does not apply to a business paper for a matter that, in the opinion of the General Manager, is likely to be considered when the meeting is closed to the public.

(Sec 9(2))

Time of Availability

The copies are to be available to the public as nearly as possible to the time they are available to Councillors.

(Sec 9(3))

No Charge

The copies are to be available free of charge.

(Sec 9(4))

2.8 Who is Entitled to Attend Meetings?

Everyone is entitled to attend a meeting of Council and those of its Committees of which all the members are Councillors.

A council must ensure that all meetings of the council and of such committees are open to the public.

However, a person (whether a councillor or another person) is not entitled to be present at a meeting if expelled from the meeting by a resolution of the meeting.

The meeting may be closed to the public as outlined in Section below.

(Sec 10)

2.9 Closure of Meetings to the Public (Confidential Session)

1. Council or such a Committee of which all the members are councillors, may close to the public so much of its meeting as comprises, the discussion of any of the matters listed in subclause (2), or the receipt or discussion of any of the information as follows.

(Sec 10(A))

2. a personnel matters concerning particular individuals,

b the personal hardship of any resident or ratepayer;

c information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,

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;
- e information the disclosure of which would prejudice the maintenance of the law;
- f matters affecting the security of the Council, Councillors, Council staff or Council property;
- g advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
- h. Information concerning the nature and location of a place or an item of aboriginal significance on Community land.

A Council, or a committee of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

A Council or a committee of Council may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

(Sec 10A)

2.10 Access to Records

A Council and a Committee of which all the members are Councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

This section does not apply if the correspondence or reports:

a relate to a matter that was received or discussed; or

b were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public.

This section does not apply if the Council or Committee resolves at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in Section 10A(2), are to be treated as confidential.

(Sec 11)

3. Procedures for the Conduct of Council Meetings

3.1 Who Presides at Meetings of the Council?

The Mayor or, at the request of or in the absence of the Mayor, the Deputy Mayor (if any) presides at meetings of Council and its Committees.

If the Mayor and the Deputy Mayor (if any) are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council or Committee.

(Sec 369)

3.2 Councillor to be Elected to Preside at Certain Meetings

If no Chairperson is present at a meeting of the Council or Committee at the time designated for the holding of the meeting, the first business of the meeting must be the election of a Chairperson to preside at the meeting.

The election must be conducted:

- a by the General Manager or, in his or her absence, an employee of the Council designated by the General Manager to conduct the election; or
- b if neither of them is present at the meeting or there is no General Manager or designated employee - by the person who called the meeting or a person acting on his or her behalf.

R9

3.3 Chairperson to Have Precedence

When the Chairperson rises during a meeting of a Council:

- a any Councillor then speaking or seeking to speak must immediately resume his or her seat; and
- b every Councillor present must be silent to enable the Chairperson to be heard without interruption.

R10

3.4 Chairperson's Duty With Respect to Motions

It is the duty of the Chairperson at a meeting of the Council to receive and put to the meeting any lawful motion that is brought before the meeting.

The Chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.

Any motion, amendment or other matter that the Chairperson has ruled out of order is taken to have been rejected.

R11

3.5 Order of Business

At a meeting of the Council or Committee (other than an extraordinary meeting), the general order of business will be as follows such as the Council has fixed by resolution passed at any previous meeting or, if no such resolution has been passed, as follows:

R12(1)

The order of business at Ordinary Meetings shall be:

1. Prayer
2. Confirmation of Minutes
3. Apologies
4. Disclosure of Interest
5. Items to be Moved from Ordinary to Confidential - Confidential to Ordinary
6. Schedule of Outstanding Resolutions
7. Mayoral Minute
8. Items Deferred
9. Reports through General Manager
 - Director Planning & Environment
 - Executive Manager - Office of the General Manager
 - Director Engineering & Operations
 - Director Environment & Community
10. Reports from Subcommittees/Working Groups
11. Delegates Reports
12. Outstanding Inspections

13. Items of Information and Interest
14. Orders of the Day
15. Workshops
16. Questions Without Notice
17. Confidential Matters - (exclude Press and Public)

The order of business fixed as above may be altered if a motion to that effect is carried, such a motion can be moved without notice.

R12(2)

3.6 Business Papers for Council Meetings

The General Manager must ensure that the business paper for a meeting of the Council or Committee states:

- a all matters to be dealt with arising out of the proceedings of former meetings of the Council or Committee; and
- b if the Mayor is the Chairperson - any business that the Chairperson may decide to put before the meeting without notice; and
- c any business of which due notice has been given.

R13(1)

The General Manager must cause the business paper for a meeting of the Council or a Committee of the Council to be prepared as soon as practicable before the meeting.

R13(3)

The General Manager must ensure that the details of any item of business to which Section 9(2A) of the Act applies are included in a business paper for the meeting concerned.

R13(4)

3.7 Giving Notice of Business

The Council must not transact business at a meeting of the Council:

- a unless a Councillor has given notice of the business in writing within such time before the meeting as is fixed by this code of meeting practice; or as is fixed by resolution of the Council, and
- b unless notice of the business has been sent to the Councillors in accordance with Section 367 of the Act.

R14(1)

Sub Clause does not apply to the consideration of business at a meeting if the business was considered at an earlier meeting of the Council.

R14(2)

Despite this Sub Clause business may be transacted at a meeting of a Council even though due notice of the business has not been given to Councillors, but only if:

- a a motion is passed to have the business transacted at the meeting; and
- b the business proposed to be brought forward is ruled by the Chairperson to be of great urgency

Such a motion can be moved without notice.

R14(3)

Only the mover of a motion referred to above can speak to the motion before it is put.

R14(4)

1. No item in the Business Papers and no attachment thereto (Development Control Plans, s94 Plans, Conditions of Consent, General Manager's Quarterly Report and the like excepted) is to individually exceed twenty (20) pages in length, and no item is to be split to circumvent this restriction.
2. All attachments to the Business Paper are to be paginated and indexed, and page referenced in the relevant item in the Business Papers, or alternatively tab indexed.
3. All late arriving/departing correspondence and all memoranda relevant to a matter in the Business Papers, is to be immediately communicated to all Councillors unless there is compelling reason(s) for departure from this rule.
4. No matter is to be unreasonably held back by Council's staff so as to cause a matter to become urgent. An explanation for any departure from this rule will be provided by the General Manager.
5. Items relating to Development Applications are to clearly indicate the options available to Council, including the concise, practical and legal ramifications of each option.
6. Suggested amendments to a previous draft Development Control Plan, s94 Plan, Conditions of Consent and the like are to be

incorporated into the complete document (by italics or underlining) to enable the amendments to be read in context.

(TSC Policy 3/5/2000)

3.8 Business Paper for Extraordinary Meetings

The General Manager must ensure that the business paper for an extraordinary meeting of the Council deals only with the matters stated in the notice of the meeting.

Despite the sub-clause business may be transacted at an Extraordinary meeting of Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:

- a a motion is passed to have the business transacted at the meeting; and
- b the business proposed to be brought forward is ruled by the Chairperson to be of great urgency.

Such a motion can be moved without notice but only after the business notified in the business paper for the meeting has been disposed of.

Only the mover of a motion referred to in the immediate sub-clause can speak to the motion before it is put.

R15

Unless established to the reasonable satisfaction of the General Manager, and then only in a case of great urgency, no item will be considered by Council unless a minimum of three (3) clear days' notice is given.

(TSC Policy 3/5/2000)

3.9 Business Paper Distribution

Copies are to be available to the public as nearly as possible to the time they are available to Councillors.

S9(3)

3.10 Expressing an Interest in an Item

Where a Councillor expresses an interest in an Item on the Agenda and leaves the Chamber that Councillor be asked to return to the Chamber before Council/Committee proceeds to the next item of business.

(TSC Policy)

3.11 Community Access

1. Community Access is your opportunity to informally address Councillors and staff on your issue of concern.
2. Community Access is held in the Council Chambers, Murwillumbah on the second Wednesday of each month and commences at 4.30pm.
3. To make an appointment please ring The Administrative Officer on (02) 6670 2540. A time will be allocated for you to address Council. You will need to provide a basic outline of the matter/s you wish to raise with Council and you are invited to leave a contact telephone number and address should Councillors wish to follow matters through with you.
4. Where the requests from an individual or group relates to a matter of complexity and community sensitivity the General Manager, in consultation with the Mayor, shall determine if the presentation would be better dealt with at a Workshop instead of Community Access.
5. It is unacceptable for people in their address to Council or in their responses to questions to make allegations that any resident, member of Council staff, Councillor or other person has acted improperly with regard to their duties or obligations, or has acted in a way that would be unlawful.
6. Any complaints or allegations regarding the conduct of elected representatives, management and staff must be in writing and directed to the General Manager
7. Each speaker is allowed five (5) minutes to present their case. Additional presentation time may be approved by the General Manager at the time of booking, by request.
8. Only one speaker will be allowed to speak on any one subject. Where a deputation is making a presentation a spokesperson is to be nominated to present the deputation and to address the Community Access meeting.
9. At the end of five (5) minutes you will hear an electronic beeper. You will have to stop speaking. The Mayor will ask if Councillors are prepared to extend your allowed time and a vote will be taken on whether the extra time that you indicate you need will be granted.
10. At the conclusion of your address Councillors will be invited to ask questions relating to that address. You may answer such questions but are unable to ask questions of Councillors and/or staff yourself. A

summary or comment may be provided by the Mayor, General Manager or Directors as appropriate.

11. The Community Access Meeting is not a Council Meeting, thus no decisions can be made.
12. The meeting does not provide any protection from civil action arising from allegations or any libellous comments.'

(TSC Policy)

3.12 Workshops - Venue

When the number of attendees permits the Council Chamber shall be used for Workshop Meetings of Councillors and staff in preference to other meeting rooms in the Civic Centre at Murwillumbah.

(TSC Policy)

3.13 Workshops – Conduct

Workshops will not be held more than twenty-one (21) days before the matter the subject of same, is considered by Council.

(TSC Policy 3/5/2000)

3.14 Official Minutes (Mayoral Minute)

If the Mayor is the Chairperson at a meeting of a Council, the Chairperson is, by minute signed by the Chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.

R16(1)

Such a minute, when put to the meeting, takes precedence over all business on the Council's business paper for the meeting. The Chairperson (but only if the Chairperson is the Mayor) may move the adoption of the minute without the motion being seconded.

R16(2)

A recommendation made in a minute of the Chairperson (being the Mayor) or in a report made by the Council employee is, so far as adopted by the Council, a resolution of the Council.

R16(3)

3.15 Confirmation of Minutes

The motion proposing the adoption of the minutes, as an accurate statement of the business transacted at the previous meeting must be dealt with before proceeding to consider other items of business.

A motion to adopt the minutes must be proposed and seconded and may be subject to debate.

A debate on the motion to adopt the minutes of the previous meeting is restricted to their accuracy as a true record of the proceedings.

Minutes of a General Meeting of Council may be confirmed at an Extraordinary Meeting of the Council.

Minutes of an Extraordinary Meeting of Council may be confirmed at a General meeting of the Council.

3.16 Report of a Departmental Representative to be Tabled at Council Meeting

When a report of a Departmental representative has been presented to a meeting of the Council in accordance with Section 433 of the Act, the Council must ensure that the report:

- (a) is laid on the table at that meeting; and
- (b) is subsequently available for the information of Councillors and members of the public at all reasonable times.

R17

3.17 Motions in Writing

All motions put before Council which are not exactly as presented on the agenda are to be supplied, in writing, to the Chairperson before the mover may proceed.

(TSC Policy)

3.18 Notice of Motion

Notice of Motion in writing must be delivered to the General Manager before 4.00pm on the Thursday preceding the Ordinary Meeting of Council so as to be listed on the Orders of the Day Agenda.

(TSC Policy)

3.19 Notice of Motion - Absence of Mover

In the absence of a Councillor who has placed a notice of motion on the business paper for a meeting of a Council:

- (a) any other Councillor may move the motion at the meeting; or
- (b) the Chairperson may defer the motion until the next meeting of the Council at which the motion can be considered.

3.20 Unacceptable Motions

The Chair may rule that a Motion or an amendment is out of order if, in the view of the Chair, the proposed motion:

- *is vague and equivocal in its language;*
- *is the direct negative of or is inconsistent with a resolution just passed by the meeting;*
- *is an amendment which is a direct negative of the motion which it proposes to amend;*
- *proposes an action that is unlawful;*
- *is ultra vires in that it is outside the scope of the meeting;*
- *has defamatory statements contained in the resolution;*
- *is unnecessary in that it proposes a course of action or policy already resolved upon by the meeting; and*
- *is vexatious and is proposed solely as a way to impede the orderly transaction or business.*

3.21 Motions to be Seconded

A motion or an amendment cannot be debated unless or until it has been seconded, except as otherwise provided herein.

R19

3.22 How Subsequent Amendments May Be Moved

If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendments was moved, and so on, but no more than one motion and one proposed amendment can be before the Council at any one time.

R20

3.23 Motions Put Without Formal Debate

Provided there is no objection from any Councillor present, any motion or recommendation before the Council may be put to the vote without discussion or debate.

3.24 Motions of Dissent

A Councillor can, without notice, move to dissent from the ruling of the Chairperson on a point of order. If that happens, the Chairperson must suspend the business before the meeting until a decision- is made on the motion of dissent.

R21(1)

If a motion of dissent is carried, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the Chairperson must restore the motion or business - to the business paper and proceed with it in due course.

R21(2)

Only the mover of a motion of dissent and the Chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

R21(3)

3.25 Question Time

1. All Questions, other than those to another Councillor, be submitted to the General Manager prior to the commencement of the Council meeting to enable officers to prepare a response.
2. The Mayor to identify the source of the question and read the question out at the conclusion of the Ordinary Council Agenda, prior to consideration of Confidential items.
3. The General Manager be required to provide to the next Ordinary meeting a response to the question. If a high level of research is required to satisfy all aspects of the question the report is to indicate an approximate cost and resource requirements. Council is then to consider, if the brief response is adequate or if it is prepared to commit or reallocate resources to complete a detailed response.
4. Questions once read to the meeting will, if possible be responded to via the Chairperson by the General Manager or Director, or by memo to all Councillors prior to the next meeting of Council, or by report to the next Ordinary Council meeting.
5. Clarification questions to a response will only be considered when in writing for a further response to the next meeting of Council.
6. For matters of urgency, elected members are encouraged to raise the matter directly with the General Manager or appropriate Director at the time of the concern.

7. The Chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or a Council employee.
(TSC Policy)

3.26 Limitation as to Number of Speeches

A Councillor who, during a debate at a meeting of a Council, moves an original motion has the right of reply to all observations that are made by other Councillors during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.

This is interpreted that the mover of the motion has only the right of reply at the conclusion of the debate and may only speak once on any amendment.
R23(1)

A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
R23(2)

A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time. However, the Chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
R23(3)

3.27 Motion Be Now Put

Despite Regulations 23(1) & 23(2), if at least two (2) Councillors have spoken in favour of a motion or an amendment and at least two (2) Councillors have spoken against the motion or amendment, any Councillor may move that the question be now put.
R23(4)

The Chairperson must immediately put to the vote a motion that the question be now put without the motion being seconded and without debate.
R23(5)

If a motion that the question be now put is passed, the Chairperson must, after the mover of the motion has exercised his or her right of reply under Regulation 23(1) immediately put the question to the vote without further debate.
R23(6)

If a motion that the question be now put is rejected, the Chairperson must resume the debate on the original motion or amendment.

R23(7)

Notwithstanding anything in this Code the Chairperson may not accept a motion that the motion be put while a Councillor is speaking in accordance with this Code, nor while a question, properly asked by a Councillor, awaits a response in accordance with a direction of the Chairperson.

Min 1570 18/2/98

3.28 Voting at Council Meetings

Each Councillor is entitled to one vote.

However, the person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote.

(Sec 370)

A Councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

R24(1)

If a Councillor who has voted against a motion put at the Council meeting so requests, the General Manager must ensure that the Councillors' dissenting vote is recorded in the Council's minutes.

R24(2)

The decision of the Chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) Councillors rise and demand a division.

R24(3)

When a division on a motion is demanded, the Chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the Council's minutes.

R24(4)

3.29 What Constitutes a Decision of the Council?

A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council.

(Sec 371)

3.20 Rescinding or Altering Resolutions

A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with the Council's code of meeting practice.

If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

If a motion has been negated by a Council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with the Council's code of meeting practice.

A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negated by the Council, must be signed by 3 Councillors if less than 3 months has elapsed since the resolution was passed, or the motion was negated, as the case may be.

If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as a previously negated motion, is negated, no similar motion may be brought forward within 3 months. This subsection may not be evaded by substituting a motion differently worded, but in principle the same.

A motion to which this section applies may be moved on the report of a Committee of the Council and any such report must be recorded in the minutes.

The provisions of this section concerning negated motions do not apply to motions of adjournment.

(Sec 372)

3.31 Committee of Council

The Council may resolve itself into a Committee to consider any matter before the Council.

(Sec 373)

3.32 Outstanding Resolutions

No debate is to be allowed on Outstanding Resolutions. Any changes to or debate on Outstanding Resolutions should only be by way of a Notice of Motion or a report to Council.

(TSC Policy)

4. KEEPING ORDER AT MEETINGS

4.1 Questions of Order

The Chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.

R28(1)

A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson on the matter.

R28(2)

The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.

R28(3)

The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

R28(4)

4.2 Points of Order

Where a Councillor has drawn to the attention of the Chair an alleged act of disorder, the Chair must rule on the question of order immediately after it is raised.

A point of order may refer to any procedural matter relating to the orderly conduct of the meeting and without limitation may include:

- Councillors speaking or whispering while other Councillor is addressing the meeting;*
- verbal interjections;*
- failure to observe proper meeting procedures;*
- public discourtesy to fellow Councillors during the meeting;*
- exceeding time limits without the agreement of the meeting;*
- addressing the meeting without the permission of the Chair;*
- any actions or comments that could be considered to be a breach of the Council's Code of Conduct.*

4.3 Acts of Disorder

A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a Committee of a Council:

- a contravenes the Act or any regulation in force under the Act; or
 - b assaults or threatens to assault another Councillor or person present at the meeting; or
 - c moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or Committee on such a motion, amendment or matter; or
 - d insults or makes personal reflections on or imputes improper motives to any other Councillor; or
 - e says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or Committee into contempt.
- R29(1)

The Chairperson may require a Councillor:

- a to apologise without reservation for an act of disorder referred to in Regulation 29(1); or
 - b to withdraw a motion or an amendment referred to in Regulation 29(1), and, where appropriate, to apologise without reservation; or
 - c to retract and apologise without reservation for an act of disorder referred to in Regulation 29(1).
- R29(2)

The Council or a Committee of the Council may, by resolution, expel from a meeting a Councillor who fails to comply with a requirement made under Regulation 29(1). The expulsion of a Councillor under this Regulation does not prevent any other action from being taken against the Councillor for the act of disorder concerned.

R29(3)

4.4 How Disorder at a Meeting May Be Dealt With

If disorder occurs at a meeting of a Council, the Chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The Council, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not.

This Sub Clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.

R30(1)

The Council may, by resolution, expel a member of the public from the Council meeting on the grounds that the member is engaging in or has, at the meeting, engaged in disorderly conduct.

R30(2)

A person who is expelled or removed from a Council Meeting shall vacate Floor 1 during office hours and after office hours vacate the Tweed Shire Council building.

Min 725 20/2/02

4.5 Power to Remove Persons From Meeting After Expulsion Resolution

If a Councillor or a member of the public fails to leave the place where a meeting of Council is being held:

- a. immediately after the Council has passed a resolution expelling the Councillor member from the meeting; or
- b. Where the Council has authorised the person presiding at the meeting to exercise the power of expulsion – immediately after being directed by the person presiding to leave the meeting.

A Police Officer or any person authorised for the purpose by the Council or person presiding may be using only such force as is necessary. Remove the Councillor or member from the place and if necessary restrain the Councillor or member from re-entering that place.

R31

5. COUNCIL COMMITTEES

5.1 Committee of the Whole

All the provisions of this Regulation relating to meetings of a Council, so far as they are applicable, extend to and govern the proceedings of the Council when in Committee of the Whole, except the provision limiting the number and duration of speeches.

R30(1)

The General Manager is responsible for reporting to the Council proceedings in Committee of the Whole. It is not necessary to report the proceedings in full but any recommendations of the Committee must be reported.

R30(2)

The Council must ensure that a report of the proceedings is recorded in the Council's Minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.

R30(3)

5.2 Council May Establish Committees

The Council may appoint or elect such Committees as it considers necessary.

A Committee is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.

The quorum for a meeting of such a Committee is to be:

- a such number of members as the Council decides; or
- b if the Council has not decided a number - a majority of the members of the Committee.

R33

5.3 Functions of Committees

The Council must specify the functions of each of its Committees when the Committee is established, but may from time to time amend those functions.

R34

5.4 Notice of Committee Meetings to be Given

The General Manager of a Council must send to each Councillor, at least three (3) days before each meeting of the Committee, a notice specifying:

- a the time and place at which and the date on which the meeting is to be held; and
- b the business proposed to be transacted at the meeting.

However, notice of less than three (3) days may be given of a Committee meeting called in an emergency.

R35

5.5 Non Members Entitled to Attend Committee Meetings

A Councillor who is not a member of a Committee of the Council is entitled to attend and speak at a meeting of the Committee. However the Councillor is not entitled:

- a. to give notice of business for inclusion in the Agenda for the meeting

- b. to move or second a motion at the meeting or
- c. to vote at the meeting.

R36

5.6 Procedure in Committees

Each Committee of the Council may regulate its own procedure.

R37(1)

Without limiting Regulation 37(1) a Committee of the Council may decide that, whenever the voting on a motion put to a meeting of the Committee is equal, the Chairperson of the Committee is to have a casting vote as well as an original vote.

R37(2)

Voting at a Committee Meeting is to be by open means (such as on the voices or by show of hands).

R38(3)

5.7 Committees to Keep Minutes

Each Committee of a Council must ensure that full and accurate minutes of the proceedings of its meetings are kept. In particular a Committee must ensure that the following matters are recorded in the Committee Minutes:

- a. details of each motion moved at a meeting and of any amendments to it
- b. the names of the mover and seconder of the motion or amendment
- c. whether the motion or amendment is passed or lost.

R39(1)

As soon as the minutes of an earlier meeting of a Committee of the Council have been confirmed at a later meeting of the Committee, the person presiding at the later meeting must sign the minutes of the earlier meeting.

R39(2)

5.8 Chairperson and Deputy Chairperson of Committees

The Chairperson of each Committee of the Council, must be:

- a. the Mayor; or
- b. if the Mayor does not wish to be the Chairperson of a Committee - a member of the Committee elected by the Council; or

- c if the Council does not elect such a member - a member of the Committee elected by the Committee.

R40(1)

A Council may elect a member of a Committee of the Council as Deputy Chairperson of the Committee. If the Council does not elect a Deputy Chairperson of such a Committee, the Committee may elect a Deputy Chairperson.

R40(2)

If neither the Chairperson nor the Deputy Chairperson of a Committee of the Council is able or willing to preside at a meeting of the Committee, the Committee must elect a member of the Committee to be Acting Chairperson of the Committee.

R40(3)

The Chairperson is to preside at a meeting of a Committee of a Council. If the Chairperson is unable or unwilling to preside, the Deputy Chairperson (if any) is to preside at the meeting, but if neither the Chairperson nor the Deputy Chairperson is able or willing to preside, the Acting Chairperson is to preside at the meeting.

R40(4)

5.9 Absence from Committee Meetings

A member ceases to be a member of a Committee if the member (other than the Mayor):

- a has been absent from three (3) consecutive meetings of the Committee without having given reasons acceptable to the Committee for the member's absence; or
- b has been absent from at least half of the meetings of the Committee held during the immediately preceding year without having given to the Committee acceptable reasons for the member's absences.

This Regulation does not apply if all of the members of the Council are members of the Committee.

R41

5.10 Reports of Committees

If in a report of a Committee of the Council distinct recommendations are made, the decision of the Council may be made separately on each recommendation.

R42(1)

The recommendations of a Committee of the Council are, so far as adopted by the Council, resolutions of the Council.

R42(2)

If a Committee of a Council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting, that is closed to the public, the Chairperson must:

- a make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended; and
- b report the resolution or recommendation to the next meeting of the Council.

R42(3)

5.11 Disorder in Committee Meetings

The provisions of this Code and of the Act and Regulations relating to the maintenance of order in Council meetings apply to meetings of Committees of the council in the same way as they apply to meetings of the Council.

R43

5.12 Committee May Expel Certain Persons From Its Meetings

If a meeting or part of a meeting of a Committee of the Council is closed to the public in accordance with Section 10(2) of the Act, the Committee may, by resolution, expel from the place where the meeting is being held any person who is not a Councillor.

R44(1)

If any such person, after being notified of such a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised by the Council for the purpose, may remove the person from, and, if necessary, restrain the person from re-entering that place.

R44(2)

6. MISCELLANEOUS

6.1 Information Relating to Proceedings at Closed Meetings Not To Be Disclosed

If a meeting or part of a meeting of the Council or a Committee of the Council is closed to the public in accordance with Section 10A(1) of the Act, a person must not, without the authority of the Council or the Committee, disclose, otherwise than to the Council or to a Councillor of the Council, information with respect to the discussion at, or the business of, the meeting.

This Clause does not apply:

- a to the report of a Committee of the Council when presented to the Council; or
- b disclosure made in circumstances prescribed by the Regulations
- c any agenda resolution or recommendation of a meeting that a person is entitled to inspect in accordance with Section 12.

(Sec 664)

6.2 Inspection of the Minutes of the Council or Committee

An inspection of the minutes of the Council or Committee of the Council is to be carried out under the supervision of the General Manager or an employee of the Council designated by the General Manager to supervise inspections of those minutes.

The General Manager must ensure that the minutes of the Council and any minutes of a Committee of the Council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.

R46

6.3 Tape Recording of Meeting of Council or Committee Prohibited Without Permission

A person may use a tape recorder to record the proceedings of a meeting of the Council or a Committee of the Council only with the authority of the Council or Committee.

The Council or Committee may, by resolution, expel from the place where it is holding a meeting any person who uses a tape recorder in contravention of this Clause.

If any such person, after being notified of such a resolution, fails to leave the place where the meeting is being held, a police officer, or any person authorised by the Council for the purpose, may remove the person from, and, if necessary, restrain the person from re entering, that place.

In this Clause, tape recorder includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.

R47

6.4 Certain Circumstances Do Not Invalidate Council Decisions

Proceedings at a meeting of the Council or a Council Committee are not invalidated because of:

- a a vacancy in a civic office; or
 - b a failure to give notice of the meeting to any Councillor or Committee member; or
 - c any defect in the election or appointment of a Councillor or Committee member; or
 - d a failure of a Councillor or a Committee member to disclose a pecuniary interest at the Council or Committee meeting in accordance with Section 451; or
 - e a failure to comply with the code of meeting practice.
- (Sec 374)

6.5 Minutes

The Council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the Council.

The minutes must, when they have been confirmed at a subsequent meeting of the Council, be signed by the person presiding at that subsequent meeting.

(Sec 375)

6.6 Attendance of General Manager at Meetings

The General Manager is entitled to attend, but not to vote at, a meeting of the Council or a meeting of a Committee of the Council of which all the members are Councillors.

The General Manager is entitled to attend a meeting of any other Committee of the Council and may, if a member of the Committee, exercise a vote.

However, the General Manager may be excluded from a meeting of the Council or a Committee while the Council or Committee deals with a matter relating to the standard of performance of the General Manager or the terms of the employment of the General Manager.

(Sec 376)

REPORT:

Section 361 of the Local Government Act 1993 deals with the adopting of a Code of Meeting Practice which Council must prepare. After its preparation Council must give public notice of the Code and publicly exhibit the Code for not less than twenty-eight (28) days. The public notice must also specify a period of not less than forty-two (42) days after the date on which the Draft Code is placed on public exhibition during which submissions may be made to the Council.

The Council must publicly exhibit the Draft Code in accordance with its notice, however, where Council is of the opinion that the amendments are not substantial; it may adopt the amended Draft Code without public exhibition as its Code of Meeting Practice.

As the amendments to the Code are of a minor nature it is not intended to exhibit the amended Code of Meeting Practice.

The Local Government (Meetings) Regulation 1999 is due to be automatically repealed under the Subordinate Legislation Act 1989 on 1 September 2004. Advice provided by the Department of Local Government indicates that the regulation will be remade at this time; however, no detail was able to be given regarding the content of the new regulation.

Once the Regulation is remade, Council will need to review its Code for inconsistencies and re-exhibit the resulting Code, should any substantial amendments to the Code be required.

TWEED SHIRE COUNCIL CODE OF MEETING PRACTICE

1. PRELIMINARY

1.1 Citation

This Code may be cited as the Tweed Council Code of Meeting Practice.

1.2 Commencement

This Code commenced on 6 July 1994.

1.3 Definitions

In this Code:

Amendment: in relation to an original motion, means a motion moving an amendment to that motion;

Chairperson:

- a) in relation to a meeting of the Council - means the person presiding at the meeting as provided by Section 369 of the Act; and
- (b) in relation to a meeting of a Committee of the Council - means the person presiding at the meeting as provided by Clause 40 of the Regulation;

Committee: in relation to the Council, means a Committee appointed or elected by the Council in accordance with Clause 33 of the Regulation or the Council when it has resolved into a Committee of the Whole;

Councillor: includes an elected member of the Council;

Record: means a document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disc, microfilm, photograph, film, map, plan or made or a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by a councillor or an employee of the council and, in particular, includes the minutes of meetings of the Council or of a Committee of the Council;

The Act: means the Local Government Act 1993.

Act and Regulation

- *This code is made pursuant to Section 360(2) of the Act.*
- *It incorporates relevant provisions of the Act and the Regulation.*
- *In the event of any inconsistency between the Code and the Act or the Regulation, the Act or Regulation (as the case may be) prevails to the extent of the inconsistency.*

Code of Meeting Practice

- *The Code of Meeting Practice applies to all meetings of Council and to all Committee meetings of Council without exception.*
- *Any matters arising regarding procedure of meetings are to be determined by the Code of Meeting Practice.*
- *In the absence of a specific matter being contained in the Code of Meeting Practice the meeting shall abide by the ruling from the Chairperson.*

2. CONVENING OF AND ATTENDANCE AT COUNCIL AND COMMITTEE MEETINGS

2.1 How Often Does the Council Meet?

The ordinary meetings of Council are held in the Council Chambers, Civic and Cultural Centre, Tumbulgum Road, Murwillumbah, on the first and third Wednesday of each month commencing at 3.00pm to 10.30pm with a meal break between 6.30pm and 7.30pm.

(Sec 365)

Community Access to be held on the second Wednesday of each month between 4.30pm and 6.30pm.

Ordinary meetings of Council may be held at other venues as determined by Council.

Councillors can give a verbal report on Committee Meetings outside of Council, on Community Access meeting days.

2.2 Calling of Extraordinary Meeting on Request by Councillors

If the Mayor receives a request in writing signed by at least two (2) Councillors, the Mayor must call an extraordinary meeting of the Council to be held as soon as practicable but in any event within fourteen (14) days after receipt of the request.

(Sec 366)

2.3 Notice of Meetings

Each Councillor must receive, at least three (3) days before each meeting of the Council, a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting.

Notice of less than three (3) days may be given of an extraordinary meeting called in an emergency.

(Sec 367)

Notice of all meetings shall be in writing and delivered to each Councillor with the complete agenda on the Friday preceding the meeting.

A copy of the Meeting Agenda is to be placed in the three (3) Council Libraries and distributed to the Media as well as other interested parties as nearly as possible to the time they are available to Councillors.

2.4 What is the Quorum of a Meeting?

The quorum for a meeting of the Council and a Committee is a majority of the Councillors of the Council who hold office for the time being and are not suspended from office.

(Sec 368)

The quorum for a meeting of a Committee of Council is to be:

- (a) such number of members as the Council decides; or
- (b) if the Council has not decided a number - a majority of the members of the Committee.

2.5 What Happens when a Quorum is Not Present?

A meeting of the Council or Committee must be adjourned if a quorum is not present:

R6(1)

- (a) within half an hour after the time designated for the holding of the meeting;
or
- (b) at any time during the meeting.

In either case, the meeting must be adjourned at a time, date and place fixed:

R6(2)

- (a) by the chairperson; or
- (b) in his or her absence - by the majority of the Councillors present; or
- (c) failing that, by the General Manager.

R6(3)

The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.

2.6 Presence at Council Meetings

A Councillor cannot participate in a meeting of the Council unless personally present at the meeting.

R8

2.7 Public Notice of Meetings

Council must give notice to the public of the times and places of its meetings and meetings of those of its Committees of which all the members are Councillors.

(Sec 9(1))

Copy of Business Paper

Council and each such Committee must have available for the public at its offices and at each meeting copies (for inspection or taking away by any person) of the

business paper for the meeting. This requirement does not apply to a business paper for a matter that, in the opinion of the General Manager, is likely to be considered when the meeting is closed to the public.

(Sec 9(2))

Time of Availability

The copies are to be available to the public as nearly as possible to the time they are available to Councillors.

(Sec 9(3))

No Charge

The copies are to be available free of charge.

(Sec 9(4))

2.8 Who is Entitled to Attend Meetings?

Everyone is entitled to attend a meeting of Council and those of its Committees of which all the members are Councillors.

A council must ensure that all meetings of the council and of such committees are open to the public.

However, a person (whether a councillor or another person) is not entitled to be present at a meeting if expelled from the meeting by a resolution of the meeting.

The meeting may be closed to the public as outlined in Section below.

(Sec 10)

2.9 Closure of Meetings to the Public (Confidential Session)

1. Council or such a Committee of which all the members are councillors, may close to the public so much of its meeting as comprises, the discussion of any of the matters listed in subclause (2), or the receipt or discussion of any of the information as follows.

(Sec 10(A))

2. a personnel matters concerning particular individuals,
- b the personal hardship of any resident or ratepayer;
- c information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- 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;
- e information the disclosure of which would prejudice the maintenance of the law;
 - f matters affecting the security of the Council, Councillors, Council staff or Council property;
 - g advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
 - h. Information concerning the nature and location of a place or an item of aboriginal significance on Community land.

A Council, or a committee of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

A Council or a committee of Council may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

(Sec 10A)

2.10 Access to Records

A Council and a Committee of which all the members are Councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

This section does not apply if the correspondence or reports:

- a relate to a matter that was received or discussed; or
- b were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public.

This section does not apply if the Council or Committee resolves at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in Section 10A(2), are to be treated as confidential.

(Sec 11)

3. PROCEDURES FOR THE CONDUCT OF COUNCIL MEETINGS

3.1 Who Presides at Meetings of the Council?

The Mayor or, at the request of or in the absence of the Mayor, the Deputy Mayor (if any) presides at meetings of Council and its Committees.

If the Mayor and the Deputy Mayor (if any) are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council or Committee.

(Sec 369)

3.2 Councillor to be Elected to Preside at Certain Meetings

If no Chairperson is present at a meeting of the Council or Committee at the time designated for the holding of the meeting, the first business of the meeting must be the election of a Chairperson to preside at the meeting.

The election must be conducted:

- a by the General Manager or, in his or her absence, an employee of the Council designated by the General Manager to conduct the election; or
- b if neither of them is present at the meeting or there is no General Manager or designated employee - by the person who called the meeting or a person acting on his or her behalf.

R9

3.3 Chairperson to Have Precedence

When the Chairperson rises during a meeting of a Council:

- a any Councillor then speaking or seeking to speak must immediately resume his or her seat; and
- b every Councillor present must be silent to enable the Chairperson to be heard without interruption.

R10

3.4 Chairperson's Duty With Respect to Motions

It is the duty of the Chairperson at a meeting of the Council to receive and put to the meeting any lawful motion that is brought before the meeting.

The Chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.

Any motion, amendment or other matter that the Chairperson has ruled out of order is taken to have been rejected.

R11

3.5 Order of Business

At a meeting of the Council or Committee (other than an extraordinary meeting), the general order of business will be as follows such as the Council has fixed by resolution passed at any previous meeting or, if no such resolution has been passed, as follows:

R12(1)

The order of business at Ordinary Meetings shall be:

1. Prayer
2. Confirmation of Minutes
3. Apologies
4. Disclosure of Interest
5. Items to be Moved from Ordinary to Confidential - Confidential to Ordinary
6. Schedule of Outstanding Resolutions
7. Mayoral Minute
8. Items Deferred
9. Reports through General Manager
 - Director Planning & Environment
 - Executive Manager - Office of the General Manager
 - Director Engineering & Operations
 - Director Environment & Community
10. Reports from Subcommittees/Working Groups
11. Delegates Reports

12. Outstanding Inspections
13. Items of Information and Interest
14. Orders of the Day
15. Workshops
16. Questions Without Notice
17. Confidential Matters - (exclude Press and Public)

The order of business fixed as above may be altered if a motion to that effect is carried, such a motion can be moved without notice.

R12(2)

3.6 Business Papers for Council Meetings

The General Manager must ensure that the business paper for a meeting of the Council or Committee states:

- a all matters to be dealt with arising out of the proceedings of former meetings of the Council or Committee; and
- b if the Mayor is the Chairperson - any business that the Chairperson may decide to put before the meeting without notice; and
- c any business of which due notice has been given.

R13(1)

The General Manager must cause the business paper for a meeting of the Council or a Committee of the Council to be prepared as soon as practicable before the meeting.

R13(3)

The General Manager must ensure that the details of any item of business to which Section 9(2A) of the Act applies are included in a business paper for the meeting concerned.

R13(4)

3.7 Giving Notice of Business

The Council must not transact business at a meeting of the Council:

- a unless a Councillor has given notice of the business in writing within such time before the meeting as is fixed by this code of meeting practice; or as is fixed by resolution of the Council, and

- b unless notice of the business has been sent to the Councillors in accordance with Section 367 of the Act.

R14(1)

Sub Clause does not apply to the consideration of business at a meeting if the business was considered at an earlier meeting of the Council.

R14(2)

Despite this Sub Clause business may be transacted at a meeting of a Council even though due notice of the business has not been given to Councillors, but only if:

- a a motion is passed to have the business transacted at the meeting; and
- b the business proposed to be brought forward is ruled by the Chairperson to be of great urgency

Such a motion can be moved without notice.

R14(3)

Only the mover of a motion referred to above can speak to the motion before it is put.

R14(4)

1. No item in the Business Papers and no attachment thereto (Development Control Plans, s94 Plans, Conditions of Consent, General Manager's Quarterly Report and the like excepted) is to individually exceed twenty (20) pages in length, and no item is to be split to circumvent this restriction.
2. All attachments to the Business Paper are to be paginated and indexed, and page referenced in the relevant item in the Business Papers, or alternatively tab indexed.
3. All late arriving/departing correspondence and all memoranda relevant to a matter in the Business Papers, is to be immediately communicated to all Councillors unless there is compelling reason(s) for departure from this rule.
4. No matter is to be unreasonably held back by Council's staff so as to cause a matter to become urgent. An explanation for any departure from this rule will be provided by the General Manager.
5. Items relating to Development Applications are to clearly indicate the options available to Council, including the concise, practical and legal ramifications of each option.
6. Suggested amendments to a previous draft Development Control Plan, s94 Plan, Conditions of Consent and the like are to be incorporated into the

complete document (by italics or underlining) to enable the amendments to be read in context.

(TSC Policy 3/5/2000)

3.8 Business Paper for Extraordinary Meetings

The General Manager must ensure that the business paper for an extraordinary meeting of the Council deals only with the matters stated in the notice of the meeting.

Despite the sub-clause business may be transacted at an Extraordinary meeting of Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:

- a a motion is passed to have the business transacted at the meeting; and
- b the business proposed to be brought forward is ruled by the Chairperson to be of great urgency.

Such a motion can be moved without notice but only after the business notified in the business paper for the meeting has been disposed of.

Only the mover of a motion referred to in the immediate sub-clause can speak to the motion before it is put.

R15

Unless established to the reasonable satisfaction of the General Manager, and then only in a case of great urgency, no item will be considered by Council unless a minimum of three (3) clear days' notice is given.

(TSC Policy 3/5/2000)

3.9 Business Paper Distribution

Copies are to be available to the public as nearly as possible to the time they are available to Councillors.

S9(3)

3.10 Expressing an Interest in an Item

Where a Councillor expresses an interest in an Item on the Agenda and leaves the Chamber that Councillor be asked to return to the Chamber before Council/Committee proceeds to the next item of business.

(TSC Policy)

3.11 Community Access

1. Community Access is your opportunity to informally address Councillors and staff on your issue of concern.

2. Community Access is held in the Council Chambers, Murwillumbah on the second Wednesday of each month and commences at 4.30pm.
3. To make an appointment please ring The Administrative Officer on (02) 6670 2540. A time will be allocated for you to address Council. You will need to provide a basic outline of the matter/s you wish to raise with Council and you are invited to leave a contact telephone number and address should Councillors wish to follow matters through with you.
4. Where the requests from an individual or group relates to a matter of complexity and community sensitivity the General Manager, in consultation with the Mayor, shall determine if the presentation would be better dealt with at a Workshop instead of Community Access.
5. It is unacceptable for people in their address to Council or in their responses to questions to make allegations that any resident, member of Council staff, Councillor or other person has acted improperly with regard to their duties or obligations, or has acted in a way that would be unlawful.
6. Any complaints or allegations regarding the conduct of elected representatives, management and staff must be in writing and directed to the General Manager
7. Each speaker is allowed five (5) minutes to present their case. Additional presentation time may be approved by the General Manager at the time of booking, by request.
8. Only one speaker will be allowed to speak on any one subject. Where a deputation is making a presentation a spokesperson is to be nominated to present the deputation and to address the Community Access meeting.
9. At the end of five (5) minutes you will hear an electronic beeper. You will have to stop speaking. The Mayor will ask if Councillors are prepared to extend your allowed time and a vote will be taken on whether the extra time that you indicate you need will be granted.
10. At the conclusion of your address Councillors will be invited to ask questions relating to that address. You may answer such questions but are unable to ask questions of Councillors and/or staff yourself. A summary or comment may be provided by the Mayor, General Manager or Directors as appropriate.
11. The Community Access Meeting is not a Council Meeting, thus no decisions can be made.

12. The meeting does not provide any protection from civil action arising from allegations or any libellous comments.'

(TSC Policy)

3.12 Workshops - Venue

When the number of attendees permits the Council Chamber shall be used for Workshop Meetings of Councillors and staff in preference to other meeting rooms in the Civic Centre at Murwillumbah.

(TSC Policy)

3.13 Workshops – Conduct

Workshops will not be held more than twenty-one (21) days before the matter the subject of same, is considered by Council.

(TSC Policy 3/5/2000)

3.14 Official Minutes (Mayoral Minute)

If the Mayor is the Chairperson at a meeting of a Council, the Chairperson is, by minute signed by the Chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.

R16(1)

Such a minute, when put to the meeting, takes precedence over all business on the Council's business paper for the meeting. The Chairperson (but only if the Chairperson is the Mayor) may move the adoption of the minute without the motion being seconded.

R16(2)

A recommendation made in a minute of the Chairperson (being the Mayor) or in a report made by the Council employee is, so far as adopted by the Council, a resolution of the Council.

R16(3)

3.15 Confirmation of Minutes

The motion proposing the adoption of the minutes, as an accurate statement of the business transacted at the previous meeting must be dealt with before proceeding to consider other items of business.

A motion to adopt the minutes must be proposed and seconded and may be subject to debate.

A debate on the motion to adopt the minutes of the previous meeting is restricted to their accuracy as a true record of the proceedings.

Minutes of a General Meeting of Council may be confirmed at an Extraordinary Meeting of the Council.

Minutes of an Extraordinary Meeting of Council may be confirmed at a General meeting of the Council.

3.16 Report of a Departmental Representative to be Tabled at Council Meeting

When a report of a Departmental representative has been presented to a meeting of the Council in accordance with Section 433 of the Act, the Council must ensure that the report:

- (a) is laid on the table at that meeting; and
- (b) is subsequently available for the information of Councillors and members of the public at all reasonable times.

R17

3.17 Motions in Writing

All motions put before Council which are not exactly as presented on the agenda are to be supplied, in writing, to the Chairperson before the mover may proceed.
(TSC Policy)

3.18 Notice of Motion

Notice of Motion in writing must be delivered to the General Manager before 4.00pm on the Thursday preceding the Ordinary Meeting of Council so as to be listed on the Orders of the Day Agenda.
(TSC Policy)

3.19 Notice of Motion - Absence of Mover

In the absence of a Councillor who has placed a notice of motion on the business paper for a meeting of a Council:

- (a) any other Councillor may move the motion at the meeting; or
- (b) the Chairperson may defer the motion until the next meeting of the Council at which the motion can be considered.

R18

3.20 Unacceptable Motions

The Chair may rule that a Motion or an amendment is out of order if, in the view of the Chair, the proposed motion:

- *is vague and equivocal in its language;*

- *is the direct negative of or is inconsistent with a resolution just passed by the meeting;*
- *is an amendment which is a direct negative of the motion which it proposes to amend;*
- *proposes an action that is unlawful;*
- *is ultra vires in that it is outside the scope of the meeting;*
- *has defamatory statements contained in the resolution;*
- *is unnecessary in that it proposes a course of action or policy already resolved upon by the meeting; and*
- *is vexatious and is proposed solely as a way to impede the orderly transaction or business.*

3.21 Motions to be Seconded

A motion or an amendment cannot be debated unless or until it has been seconded, except as otherwise provided herein.

R19

3.22 How Subsequent Amendments May Be Moved

If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendments was moved, and so on, but no more than one motion and one proposed amendment can be before the Council at any one time.

R20

3.23 Motions Put Without Formal Debate

Provided there is no objection from any Councillor present, any motion or recommendation before the Council may be put to the vote without discussion or debate.

3.24 Motions of Dissent

A Councillor can, without notice, move to dissent from the ruling of the Chairperson on a point of order. If that happens, the Chairperson must suspend the business before the meeting until a decision- is made on the motion of dissent.

R21(1)

If a motion of dissent is carried, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If,

as a result of the ruling, any motion or business has been discharged as out of order, the Chairperson must restore the motion or business - to the business paper and proceed with it in due course.

R21(2)

Only the mover of a motion of dissent and the Chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

R21(3)

3.25 Question Time

1. All Questions, other than those to another Councillor, be submitted to the General Manager prior to the commencement of the Council meeting to enable officers to prepare a response.
2. The Mayor to identify the source of the question and read the question out at the conclusion of the Ordinary Council Agenda, prior to consideration of Confidential items.
3. The General Manager be required to provide to the next Ordinary meeting a response to the question. If a high level of research is required to satisfy all aspects of the question the report is to indicate an approximate cost and resource requirements. Council is then to consider, if the brief response is adequate or if it is prepared to commit or reallocate resources to complete a detailed response.
4. Questions once read to the meeting will, if possible be responded to via the Chairperson by the General Manager or Director, or by memo to all Councillors prior to the next meeting of Council, or by report to the next Ordinary Council meeting.
5. Clarification questions to a response will only be considered when in writing for a further response to the next meeting of Council.
6. For matters of urgency, elected members are encouraged to raise the matter directly with the General Manager or appropriate Director at the time of the concern.
7. The Chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or a Council employee.

(TSC Policy)

3.26 Limitation as to Number of Speeches

A Councillor who, during a debate at a meeting of a Council, moves an original motion has the right of reply to all observations that are made by other Councillors

during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.

This is interpreted that the mover of the motion has only the right of reply at the conclusion of the debate and may only speak once on any amendment.

R23(1)

A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.

R23(2)

A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time. However, the Chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

R23(3)

3.27 Motion Be Now Put

Despite Regulations 23(1) & 23(2), if at least two (2) Councillors have spoken in favour of a motion or an amendment and at least two (2) Councillors have spoken against the motion or amendment, any Councillor may move that the question be now put.

R23(4)

The Chairperson must immediately put to the vote a motion that the question be now put without the motion being seconded and without debate.

R23(5)

If a motion that the question be now put is passed, the Chairperson must, after the mover of the motion has exercised his or her right of reply under Regulation 23(1) immediately put the question to the vote without further debate.

R23(6)

If a motion that the question be now put is rejected, the Chairperson must resume the debate on the original motion or amendment.

R23(7)

Notwithstanding anything in this Code the Chairperson may not accept a motion that the motion be put while a Councillor is speaking in accordance with this Code, nor while a question, properly asked by a Councillor, awaits a response in accordance with a direction of the Chairperson.

Min 1570 18/2/98

3.28 Voting at Council Meetings

Each Councillor is entitled to one vote.

However, the person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote.

(Sec 370)

A Councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

R24(1)

If a Councillor who has voted against a motion put at the Council meeting so requests, the General Manager must ensure that the Councillors' dissenting vote is recorded in the Council's minutes.

R24(2)

The decision of the Chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) Councillors rise and demand a division.

R24(3)

When a division on a motion is demanded, the Chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the Council's minutes.

R24(4)

3.29 What Constitutes a Decision of the Council?

A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council.

(Sec 371)

3.20 Rescinding or Altering Resolutions

A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with the Council's code of meeting practice.

If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

If a motion has been negatived by a Council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with the Council's code of meeting practice.

A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negatived by the Council, must be signed by 3 Councillors if less than 3 months has elapsed since the resolution was passed, or the motion was negatived, as the case may be.

If a motion to alter or rescind a resolution has been negatived, or if a motion which has the same effect as a previously negatived motion, is negatived, no similar motion may be brought forward within 3 months. This subsection may not be evaded by substituting a motion differently worded, but in principle the same.

A motion to which this section applies may be moved on the report of a Committee of the Council and any such report must be recorded in the minutes.

The provisions of this section concerning negatived motions do not apply to motions of adjournment.

(Sec 372)

3.31 Committee of Council

The Council may resolve itself into a Committee to consider any matter before the Council.

(Sec 373)

3.32 Outstanding Resolutions

No debate is to be allowed on Outstanding Resolutions. Any changes to or debate on Outstanding Resolutions should only be by way of a Notice of Motion or a report to Council.

(TSC Policy)

4. KEEPING ORDER AT MEETINGS

4.1 Questions of Order

The Chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.

R28(1)

A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson on the matter.

R28(2)

The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.

R28(3)

The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

R28(4)

4.2 Points of Order

Where a Councillor has drawn to the attention of the Chair an alleged act of disorder, the Chair must rule on the question of order immediately after it is raised.

A point of order may refer to any procedural matter relating to the orderly conduct of the meeting and without limitation may include:

- *Councillors speaking or whispering while other Councillor is addressing the meeting;*
- *verbal interjections;*
- *failure to observe proper meeting procedures;*
- *public discourtesy to fellow Councillors during the meeting;*
- *exceeding time limits without the agreement of the meeting;*
- *addressing the meeting without the permission of the Chair;*
- *any actions or comments that could be considered to be a breach of the Council's Code of Conduct.*

4.3 Acts of Disorder

A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a Committee of a Council:

- a contravenes the Act or any regulation in force under the Act; or
- b assaults or threatens to assault another Councillor or person present at the meeting; or
- c moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or Committee on such a motion, amendment or matter; or
- d insults or makes personal reflections on or imputes improper motives to any other Councillor; or
- e says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or Committee into contempt.

R29(1)

The Chairperson may require a Councillor:

- a to apologise without reservation for an act of disorder referred to in Regulation 29(1); or
- b to withdraw a motion or an amendment referred to in Regulation 29(1), and, where appropriate, to apologise without reservation; or
- c to retract and apologise without reservation for an act of disorder referred to in Regulation 29(1).

R29(2)

The Council or a Committee of the Council may, by resolution, expel from a meeting a Councillor who fails to comply with a requirement made under Regulation 29(1). The expulsion of a Councillor under this Regulation does not prevent any other action from being taken against the Councillor for the act of disorder concerned.

R29(3)

4.4 How Disorder at a Meeting May Be Dealt With

If disorder occurs at a meeting of a Council, the Chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The Council, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This Sub Clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.

R30(1)

The Council may, by resolution, expel a member of the public from the Council meeting on the grounds that the member is engaging in or has, at the meeting, engaged in disorderly conduct.

R30(2)

A person who is expelled or removed from a Council Meeting shall vacate Floor 1 during office hours and after office hours vacate the Tweed Shire Council building.

Min 725 20/2/02

4.5 Power to Remove Persons From Meeting After Expulsion Resolution

If a Councillor or a member of the public fails to leave the place where a meeting of Council is being held:

- a. immediately after the Council has passed a resolution expelling the Councillor member from the meeting; or

- b. Where the Council has authorised the person presiding at the meeting to exercise the power of expulsion – immediately after being directed by the person presiding to leave the meeting.

A Police Officer or any person authorised for the purpose by the Council or person presiding may be using only such force as is necessary. Remove the Councillor or member from the place and if necessary restrain the Councillor or member from re-entering that place.

R31

5. COUNCIL COMMITTEES

5.1 Committee of the Whole

All the provisions of this Regulation relating to meetings of a Council, so far as they are applicable, extend to and govern the proceedings of the Council when in Committee of the Whole, except the provision limiting the number and duration of speeches.

R30(1)

The General Manager is responsible for reporting to the Council proceedings in Committee of the Whole. It is not necessary to report the proceedings in full but any recommendations of the Committee must be reported.

R30(2)

The Council must ensure that a report of the proceedings is recorded in the Council's Minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.

R30(3)

5.2 Council May Establish Committees

The Council may appoint or elect such Committees as it considers necessary.

A Committee is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.

The quorum for a meeting of such a Committee is to be:

- a such number of members as the Council decides; or
- b if the Council has not decided a number - a majority of the members of the Committee.

R33

5.3 Functions of Committees

The Council must specify the functions of each of its Committees when the Committee is established, but may from time to time amend those functions.

R34

5.4 Notice of Committee Meetings to be Given

The General Manager of a Council must send to each Councillor, at least three (3) days before each meeting of the Committee, a notice specifying:

- a the time and place at which and the date on which the meeting is to be held; and
- b the business proposed to be transacted at the meeting.

However, notice of less than three (3) days may be given of a Committee meeting called in an emergency.

R35

5.5 Non Members Entitled to Attend Committee Meetings

A Councillor who is not a member of a Committee of the Council is entitled to attend and speak at a meeting of the Committee. However the Councillor is not entitled:

- a. to give notice of business for inclusion in the Agenda for the meeting
- b. to move or second a motion at the meeting or
- c. to vote at the meeting.

R36

5.6 Procedure in Committees

Each Committee of the Council may regulate its own procedure.

R37(1)

Without limiting Regulation 37(1) a Committee of the Council may decide that, whenever the voting on a motion put to a meeting of the Committee is equal, the Chairperson of the Committee is to have a casting vote as well as an original vote.

R37(2)

Voting at a Committee Meeting is to be by open means (such as on the voices or by show of hands).

R38(3)

5.7 Committees to Keep Minutes

Each Committee of a Council must ensure that full and accurate minutes of the proceedings of its meetings are kept. In particular a Committee must ensure that the following matters are recorded in the Committee Minutes:

- a. details of each motion moved at a meeting and of any amendments to it
- b. the names of the mover and seconder of the motion or amendment
- c. whether the motion or amendment is passed or lost.

R39(1)

As soon as the minutes of an earlier meeting of a Committee of the Council have been confirmed at a later meeting of the Committee, the person presiding at the later meeting must sign the minutes of the earlier meeting.

R39(2)

5.8 Chairperson and Deputy Chairperson of Committees

The Chairperson of each Committee of the Council, must be:

- a the Mayor; or
- b if the Mayor does not wish to be the Chairperson of a Committee - a member of the Committee elected by the Council; or
- c if the Council does not elect such a member - a member of the Committee elected by the Committee.

R40(1)

A Council may elect a member of a Committee of the Council as Deputy Chairperson of the Committee. If the Council does not elect a Deputy Chairperson of such a Committee, the Committee may elect a Deputy Chairperson.

R40(2)

If neither the Chairperson nor the Deputy Chairperson of a Committee of the Council is able or willing to preside at a meeting of the Committee, the Committee must elect a member of the Committee to be Acting Chairperson of the Committee.

R40(3)

The Chairperson is to preside at a meeting of a Committee of a Council. If the Chairperson is unable or unwilling to preside, the Deputy Chairperson (if any) is to preside at the meeting, but if neither the Chairperson nor the Deputy Chairperson is able or willing to preside, the Acting Chairperson is to preside at the meeting.

R40(4)

5.9 Absence from Committee Meetings

A member ceases to be a member of a Committee if the member (other than the Mayor):

- a has been absent from three (3) consecutive meetings of the Committee without having given reasons acceptable to the Committee for the member's absence; or
- b has been absent from at least half of the meetings of the Committee held during the immediately preceding year without having given to the Committee acceptable reasons for the member's absences.

This Regulation does not apply if all of the members of the Council are members of the Committee.

R41

5.10 Reports of Committees

If in a report of a Committee of the Council distinct recommendations are made, the decision of the Council may be made separately on each recommendation.

R42(1)

The recommendations of a Committee of the Council are, so far as adopted by the Council, resolutions of the Council.

R42(2)

If a Committee of a Council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting, that is closed to the public, the Chairperson must:

- a make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended; and
- b report the resolution or recommendation to the next meeting of the Council.

R42(3)

5.11 Disorder in Committee Meetings

The provisions of this Code and of the Act and Regulations relating to the maintenance of order in Council meetings apply to meetings of Committees of the council in the same way as they apply to meetings of the Council.

R43

5.12 Committee May Expel Certain Persons From Its Meetings

If a meeting or part of a meeting of a Committee of the Council is closed to the public in accordance with Section 10(2) of the Act, the Committee may, by

resolution, expel from the place where the meeting is being held any person who is not a Councillor.

R44(1)

If any such person, after being notified of such a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised by the Council for the purpose, may remove the person from, and, if necessary, restrain the person from re-entering that place.

R44(2)

6. MISCELLANEOUS

6.1 Information Relating to Proceedings at Closed Meetings Not To Be Disclosed

If a meeting or part of a meeting of the Council or a Committee of the Council is closed to the public in accordance with Section 10A(1) of the Act, a person must not, without the authority of the Council or the Committee, disclose, otherwise than to the Council or to a Councillor of the Council, information with respect to the discussion at, or the business of, the meeting.

This Clause does not apply:

- a to the report of a Committee of the Council when presented to the Council;
or
- b disclosure made in circumstances prescribed by the Regulations
- c any agenda resolution or recommendation of a meeting that a person is entitled to inspect in accordance with Section 12.

(Sec 664)

6.2 Inspection of the Minutes of the Council or Committee

An inspection of the minutes of the Council or Committee of the Council is to be carried out under the supervision of the General Manager or an employee of the Council designated by the General Manager to supervise inspections of those minutes.

The General Manager must ensure that the minutes of the Council and any minutes of a Committee of the Council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.

R46

6.3 Tape Recording of Meeting of Council or Committee Prohibited Without Permission

A person may use a tape recorder to record the proceedings of a meeting of the Council or a Committee of the Council only with the authority of the Council or Committee.

The Council or Committee may, by resolution, expel from the place where it is holding a meeting any person who uses a tape recorder in contravention of this Clause.

If any such person, after being notified of such a resolution, fails to leave the place where the meeting is being held, a police officer, or any person authorised by the Council for the purpose, may remove the person from, and, if necessary, restrain the person from re entering, that place.

In this Clause, tape recorder includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.

R47

6.4 Certain Circumstances Do Not Invalidate Council Decisions

Proceedings at a meeting of the Council or a Council Committee are not invalidated because of:

- a a vacancy in a civic office; or
- b a failure to give notice of the meeting to any Councillor or Committee member; or
- c any defect in the election or appointment of a Councillor or Committee member; or
- d a failure of a Councillor or a Committee member to disclose a pecuniary interest at the Council or Committee meeting in accordance with Section 451; or
- e a failure to comply with the code of meeting practice.

(Sec 374)

6.5 Minutes

The Council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the Council.

The minutes must, when they have been confirmed at a subsequent meeting of the Council, be signed by the person presiding at that subsequent meeting.

(Sec 375)

6.6 Attendance of General Manager at Meetings

The General Manager is entitled to attend, but not to vote at, a meeting of the Council or a meeting of a Committee of the Council of which all the members are Councillors.

The General Manager is entitled to attend a meeting of any other Committee of the Council and may, if a member of the Committee, exercise a vote.

However, the General Manager may be excluded from a meeting of the Council or a Committee while the Council or Committee deals with a matter relating to the standard of performance of the General Manager or the terms of the employment of the General Manager.

(Sec 376)

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Update to Council's Code of Meeting Practice.

UNDER SEPARATE COVER:

Nil.

8 [OGM] Corporate Quarterly Report - April to June 2004

ORIGIN:

Corporate Performance

SUMMARY OF REPORT:

The Corporate Quarterly Report for the period 1 April to 30 June 2004 is presented for Council's information.

RECOMMENDATION:

That this report be:

1. Received and noted.
2. Placed in the libraries for public information.

REPORT:

In accordance with Section 407 of the Local Government Act the General Manager must report to Council each quarter as to the extent to which the performance targets set by the Council's current Management Plan have been achieved during that quarter.

The Quarterly Corporate Report is still being progressively redeveloped to provide progress feedback on designated priorities within the principle activity categories as specified in the 2003-2006 Management Plan. These Quarterly Reports will be combined at the conclusion of the financial year and included in the annual report to the Department of Local Government, Council and the community.

CORPORATE QUARTERLY PERFORMANCE REPORT - 1 APRIL TO 30 JUNE 2004

The following report details the progress during April to June on actions identified to be undertaken in 2003-2004 in the 2003-2006 Management Plan. These actions assist Council work towards its vision of "a premier area in which to live, work and visit".

ACTIVITY 1: RECREATION SERVICES**Objective:**

To conserve the unique bio-diversity and scenic quality of the Tweed whilst ensuring sustainable quality development.

Progress towards Actions:

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Upgrade existing and install new Picnic Facilities, and playground equipment in Council Parks and Reserves	Completed by target date	June 2004	Meetings held with various community and residents associations to discuss requirements for new facilities.	Installations commenced.	Installations continued.	Installations continued.
Purchase, Subdivide and Maintain Land at Chillingham for Community Purposes	Completed by target date	June 2004	Area being maintained. Draft lease for Community Association and CTC centre finalised.	Maintenance continued.	Maintenance continued	Maintenance continued
Develop Regional Botanic Gardens	Completed by target date	June 2004	Report to Council 1 October resolving on progression of next stages of gardens.	Greencorp group commenced works in Gardens. Logo competition announced.	Logo competition completed and work is progressing.	Quotes tendered for design consultancies
Implement Works Program for Recreation Facilities in Development Control Plan 3	Completed by target date	June 2004	Meeting with Banora Point Residents Association to discuss proposed works program. Association to provide feedback prior to seeking broader input.	Works program finalised and commenced.	Works Program progressing as fields become available.	Works Program progressing as funds become available
Develop Plan of Management for Kingscliff Sportsground	Completed by target date	June 2004	On going negotiations with relevant clubs.	Draft plan completed.	Plan partly completed - some works commenced.	Interim works finalised. Further planning and capital works through 04/05

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Develop Plan of Management for Round Mountain Equestrian Centre	Completed by target date	June 2004	On going discussions with relevant facility users.	Discussions continued with relevant facility users.	Discussions continued with relevant facility users.	Discussions continued with relevant facility users.
Develop Plan of Management for Bilambil Sports Complex	Completed by target date	June 2004	Further liaisons with various users regarding future needs.	Council's design unit working on plan.	Council's design unit working on plan.	Discussions with various facility users and potential users.
Develop Plan of Management for Knox Park	Completed by target date	June 2004	Implementation of pond remediation works.	Implementation of pond remediation works.	Implementation of pond remediation works.	Implementation of pond remediation works.
Develop Capital Works Program for Council Sports Facilities	Completed by target date	June 2004	Capital works program commenced.	Capital works program commenced.	Capital works program commenced.	Capital works program implemented as funds available
Develop a Beach Use Policy	Completed by target date	June 2004	Policy included in draft guidelines for use of Council controlled lands.	Policy included in draft guidelines for use of Council controlled lands.	Policy included in draft guidelines for use of Council controlled lands.	Policy included in draft guidelines for use of Council controlled lands
Develop Skate Park Policy	Completed by target date	June 2004	Due to resource prioritisation this project will commence next financial year.	Due to resource prioritisation this project will commence next financial year.	Due to resource prioritisation this project will commence next financial year.	Due to resource prioritisation this project will commence next financial year
Install Irrigation Central Control System for Council Parks and Reserves	Completed by target date	June 2004	Due to resource prioritisation this project is deferred and will be reassessed next quarter.	Due to resource prioritisation this project is deferred and will be reassessed next quarter.	Due to resource prioritisation this project is deferred and will be reassessed next quarter.	Undergoing review of current irrigation infrastructure. To be considered with other re-use options prior to progressing central control system

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Construct and Maintain firebreaks as required under Rural Fires Act.	Completed by target date	June 2004	Additional firebreaks constructed – Cabarita. DA for works in SEPP14 areas in Pottsville progressing.	Additional firebreaks constructed – Cabarita. DA for works in SEPP14 areas in Pottsville progressing.	Additional firebreaks constructed – Cabarita. Development Application lodged.	Awaiting approval to construct firebreaks in SEPP 14 lands
Increase maintenance standards within Council Reserves	Completed by target date	June 2004	Maintenance standards increased.	Maintenance standards increased.	Maintenance standards increased	Maintenance standards increased
Responsible Division / Unit						
Recreation Services						

ACTIVITY 2: HEALTH AND COMMUNITY SERVICES

Objective:

To identify community needs and increase the wellbeing of members of the community.

Progress towards Actions:

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Complete Draft Documentation for New Garbage Contract / Joint Disposal Initiative with Gold Coast City Council	Completed by target date	Dec. 2003	Legal advice being sort on contract.	Report to be submitted to Council January 2004.	Report adopted by Council	New garbage contract being prepared. Not proceeding with joint disposal initiative.
Upgrade Public Toilets	Completed by target date	June 2004	Fingal Head completed. Chinderah completed.	Report to be submitted to Council concerning Tumbulgum and Mooball Public Toilets.	Construction of Mooball public toilets commenced. Tumbulgum deferred.	Mooball toilets completed. Tumbulgum deferred.
Implement Sewerage Management Facilities Strategy	Completed by target date	1000	Staff appointed. Initial training completed.	20 systems inspected.	100 systems inspected.	150 systems inspected
Plan and Design new SES headquarters	Completed by target date	Sep. 2003	Awaiting confirmation for purchase of RTA land.	Still awaiting confirmation for purchase of RTA land.	Still awaiting confirmation for purchase of RTA land	RTA site not to proceed
Obtain DA consent for SES headquarters	Completed by target date	Sep. 2003				Alternate site subject to approval of D.A.
Build new SES headquarters	Completed by target date	June 2004				D.A. lodged.
Complete preliminary planning for Murwillumbah Civic Centre Office extensions	Completed by target date	Dec. 2003	Preliminary planning commenced.	Awaiting settlement of RTA land before progressing.	Still awaiting confirmation for purchase of RTA land	RTA site not to proceed. Alternative site subject to approval of D.A. D.A. lodged.
Complete planning for Murwillumbah Pool upgrade to regional standard	Completed by target date	March 2004	Expressions of interest for consultants called.	Submissions received and analysed.	Consultants appointed. Planning commenced.	Preliminary planning nearing completion.

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Build new Art Gallery	Completed by target date	Sep. 2003	Works on target for completion December 2003.	Handed over December.	Handed over December 2003.	Handed over December 2003.
Upgrade Surf Lifesaving Club at Cabarita	Completed by target date	Sep. 2003	D.A. approval for works issued.	Tweed Shire Council building demolished. Temporary arrangement nearing completion.	Demountable building on site.	Demountable building on site.
Plan and design Banora Point Community Centre	Completed by target date	March 2004	Preliminary planning completed.	D.A. submitted.	D.A. approved. Tenders called and contract awarded.	Contract awarded
Implement the 5 th City of the Arts	Completed by target date	June 2004	Gala Launch 3 August.	Appointed Home grown Film Works Co-ordinator. Commenced Arts Aboriginal and Torres Strait Islander Community Stories project with a series of workshops. Held a Disability Forum celebrating International Day of people with a disability on the 3 rd & 4 th December.	A series of workshops have been held together with exhibitions and forums.	A series of workshops have been held together with exhibitions and forums
Purchase new library books in accordance with Libraries Strategies	Completed by target date	June 2004	Books purchased on an ongoing basis.	Books purchased on an ongoing basis.	Books purchased on an ongoing basis.	Books purchased on an ongoing basis.
Develop and adopt Community Safety Action Plan	Completed by target date	June 2004	Committee convened, Draft Plan being prepared.	Consultation with stakeholders commenced.	Plan approved by Council and State Government.	Strategies being implemented.

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Develop and adopt Human Services Delivery Plan	Completed by target date	June 2004	Draft Plan reviewed by consultant.	Draft submitted to Premiers Department.	Draft submitted to Premiers Department.	Draft submitted to Premiers Department.
Develop and adopt Community Facilities Policy and Program	Completed by target date	June 2004	Draft Policy prepared and submitted to Director of Development Services.	Draft Policy prepared and submitted to Director of Development Services.	Draft Policy completed. Waiting on approval of the Human Services Delivery Plan.	Draft Policy completed. Waiting on approval of the Human Services Delivery Plan
Responsible Division / Unit						
Environment and Health Strategic Planning						

ACTIVITY 3: ECONOMIC DEVELOPMENT**Objective:**

To encourage economic activity that enhances the standard of living of residents through the promotion of a wide range of development opportunities through the Council sponsored economic development agencies and commercial undertakings.

Progress towards Actions:

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Engage Consultants to perform a contaminated land study at Lot 490 South Kingscliff (former tourism NSW site)	Completed by target date	June 2004	Yet to be commenced.	Yet to be commenced.	Yet to be commenced.	New committee established to progress this matter.
Develop and adopt Development Control Plan 46 and Plan of Management for South Kingscliff Gateway	Completed by target date	June 2004	Council resolution sent to DIPNR for endorsement.	No response received to date from Department Infrastructure Planning and Natural Resources.	No response received to date from Department Infrastructure Planning and Natural Resources.	Response still to be received from DIPNR, refer to new Committee as detailed above.
Manage TEDC Contract Deliverables Quarterly	Percentage of contracted performance objectives completed to satisfaction of Council	100%	100% satisfaction. Contract performance objectives achieved and up to date.	Contract performance criteria reviewed quarterly. Discussed last quarter performance with EMT. December 2003.	Contract performance criteria reviewed quarterly. Discussed last quarter performance with EMT. March 2004.	Contract performance criteria reviewed quarterly. Discussed last quarter's performance with EMT July 2004.
Manage TACTIC Contract Deliverables Quarterly	Percentage of contracted performance objectives completed to satisfaction of Council	100%	100% satisfaction. Contract performance objectives achieved and up to date.	Contract performance criteria reviewed quarterly. Meeting arranged with TACTIC in January 2004 to discuss last quarters performance.	Contract performance criteria reviewed quarterly. Meeting held with TACTIC in February 2004 to discuss last quarters performance and budget.	Contract performance criteria reviewed quarterly. Last quarter's performance to be discussed.

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Update a Plan of Management for Jack Evans Boat Harbour Tweed Heads	Completed by target date	June 2004	Draft Plan being finalised.	Tweed Heads Revitalisation Task Force continued to develop Draft Plan.	Tweed Heads Revitalisation Task Force continued to develop Draft Plan.	Now part of the Tweed Heads Masterplan. Working Group established to progress matter.
Develop and Adopt a Retail Development Strategy	Completed by Target date	June 2004	Consultant engaged to prepare strategy.	Draft Strategy being prepared by consultant.	Draft Strategy completed. Future report to Council.	Draft Strategy completed. Future report to Council
Submit Tweed Local Environmental Plan 2000 Amendment – West Tweed Heads to Minister for Planning	Completed by target date	June 2004	No response from land owners to request for contributions towards cost of Environmental Study.	Landowner contribution received. Further report required by Council on Traffic.	Landowner contribution received. Further report required by Council on Traffic.	Landowner contribution received. Further report required by Council on Traffic.
Submit Tweed Local Environmental Plan 2000 Amendment – Fernvale to Minister for Planning	Completed by target date	June 2004	No response from land owners to request for contributions towards cost of Environmental Study.	No response from land owners to request regarding contributions towards cost of Environment Study.	No response from land owners to request regarding contributions towards cost of Environment Study.	No response from land owners to request regarding contributions towards cost of Environment Study.
Submit Tweed Local Environmental Plan 2000 Amendment – Melaleuca Station to Minister for Planning	Completed by target date	June 2004	Request for Section 65 certificate to exhibit Draft LEP and Environmental Study sent to Planning NSW.	Request for Section 65 certificate to exhibit Draft LEP and Environment Study sent to Planning NSW.	Request for Section 65 certificate to exhibit Draft LEP and Environment Study sent to Planning NSW.	Request for Section 65 certificate to exhibit Draft LEP and Environment Study sent to Planning NSW.
Develop Tourism Industry Infrastructure Development Strategy	Completed by target date	June 2004	Yet to be commenced.	Yet to be commenced.	Yet to be commenced.	Brief being prepared in conjunction with TACTIC.

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Develop and adopt Development Control Plan for performance based criteria for Employment Generating Development	Completed by target date	June 2004	Draft DCP prepared.	Draft DCP prepared.	Draft DCP prepared.	Draft DCP prepared & to be reviewed.
Responsible Division / Unit						
Office of the General Manager Business Undertakings Strategic Planning						

Additional Actions

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Council owned land at Wardrop Valley is to be partially sold.	Completed by target date	June 2004	Progress subject to D.A. process.	D.A. being assessed by independent consultant.	D.A approved March 2004	D.A approved March 2004. Settlement due July 2004.

ACTIVITY 4: NATURAL & BUILT ENVIRONMENT

Objective:

To conserve the unique bio-diversity and scenic quality of the Tweed whilst ensuring sustainable quality development.

Progress towards Actions:

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Complete Annual Survey of Development Applicants	Percentage of overall applicant satisfaction	66%	Yet to be commenced.	Yet to be commenced.	Yet to be commenced.	Yet to be commenced
Review Internal Service Level Protocols	Completed by target date	Dec 2003	Implemented Service Level Protocol Dashboard to enable managers to monitor performance against the agreed Service Level Protocols.	Implemented.	Implemented.	Implemented.
Review Engineering Input into Development and other Application Processes	Completed by target date	Dec 2003	Commenced review and information collection.	Continued review and information collection.	Continued review and information collection.	Continued review and information collection.
Implement new 149 certificate production using IT resources	Completed by target date	August 2003	Implementation nearing completion.	Implementation nearing completion	Implementation nearing completion	Implementation nearing completion
Complete Review of Inspections system and processes	Percentage of completed projects inspected after 3 months of completion	30%	Estimated on target, approximately 30% of completed Building Strata subdivisions inspected.	Estimated on target, approximately 30% of completed Building Strata subdivisions inspected.	Estimated on target, approximately 30% of completed Building Strata subdivisions inspected.	Estimated on target, approximately 30% of completed Building Strata subdivisions inspected

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Prepare and Implement Complaints Protocol	Percentage of complaints resolved within 4 weeks of initial complaint	50%	Estimated above target at approximately 70% of complaints resolved within 4 weeks of initial complaint.	Estimated above target at approximately 70% of complaints resolved within 4 weeks of initial complaint.	Estimated above target at approximately 70% of complaints resolved within 4 weeks of initial complaint.	Estimated above target at approximately 70% of complaints resolved within 4 weeks of initial complaint.
Implement adopted Tweed Local Environmental Plan Review Program	Percentage of LEP amendments completed within 18 months from Council section 54 Resolution	100%	Various Draft Local Environmental Plans being prepared.	Various Draft Local Environmental Plans being prepared.	Various Draft Local Environmental Plans being prepared.	Various Draft Local Environmental Plans being prepared.
Submit Vegetation Management Plan and Draft Tweed Local Environmental Plan 2000 Amendment to Minister for Planning	Completed by target date	June 2004	Steering Committee has endorsed draft DCP - Exempt and Complying Development and Draft Vegetation Management Strategy. Zoning maps being finalised for consideration by Committee.	Deferred due to State Government Natural Resource Guidelines introduced end of 2003.	Draft LEP amendment being finalised with Vegetation Management Committee.	Draft LEP, DCP & VMP approved by the Committee
Review and adopt updated Strategic Plan	Completed by target date	June 2004	Project commenced with community meetings, and special edition of Tweed Link.	Issues paper exhibited.	Draft Strategy being prepared.	Drafts strategy being reviewed
Complete Kingscliff Local Plan	Completed by target date	June 2004	Key Issues being investigated.	Key Issues being investigated.	Key Issues being investigated.	Draft plans being prepared
Draft a Development Control Plan for Kingscliff	Completed by target date	June 2004				
Draft a Section 94 Plan for Kingscliff	Completed by target date	June 2004				

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Review Village Strategy for Pottsville	Completed by target date	June 2004	No work to be completed until Retail Strategy provides data on floor space requirements for Pottsville.	No work to be completed until Retail Strategy provides data on floor space requirements for Pottsville.	No work to be completed until Retail Strategy provides data on floor space requirements for Pottsville.	No work to be completed until Retail Strategy provides data on floor space requirements for Pottsville.
Prepare Development Control Plan for Pottsville	Completed by target date	June 2004				
Prepare Section 94 Plan for Pottsville	Completed by target date	June 2004				
Prepare draft Development Control Plan for Cabarita for exhibition	Completed by target date	June 2004	Steering Committee set up, Draft Plan being finalised.	Draft Plan being finalised with Steering Committee.	Draft Plan finalised. Future report to Council.	Draft DCP deferred by Council
Develop and Adopt Rural Villages Development Strategy	Completed by target date	June 2004	Yet to be commenced.	Yet to be commenced.	Yet to be commenced.	Yet to be commenced.
Develop and adopt Residential Development Strategy	Completed by target date	June 2004	Relevant issued investigated.	Relevant issued investigated.	Relevant issued investigated.	Relevant issued investigated.
Develop and Rural Settlement Strategy	Completed by target date	June 2004	Brief prepared for consideration by LEP advisory committee.	Project to be completed following completion of Cabarita and Uki DCP's.	Project to be completed following completion of Cabarita and Uki DCP's.	Project to be completed following completion of Cabarita and Uki DCP's.
Submit Rural Settlement Strategy to Planning New South Wales	Completed by target date	June 2004				
Draft Local Environmental Plan Exhibited	Completed by target date	June 2004				

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Submit Draft Local Environmental Plan to Planning New South Wales for Terranora Area E Urban Release Area	Completed by target date	June 2004	Consultants preparing planning framework.	Draft Environment Study being reviewed by Council Staff.	Draft LEP on exhibition.	Submissions being reviewed.
Prepare and adopt Development Control Plan for Terranora Area E Urban Release Area	Completed by target date	June 2004				
Prepare and adopt Section 94 plan for Terranora Area E Urban Release Area	Completed by target date	June 2004				
Submit draft Local Environmental Plan for Kings Forest Urban Release Area to Planning New South Wales	Completed by target date	June 2004	Awaiting transfer of land to new owners before work commences.	Awaiting transfer of land to new owners before work commences.	Engaged consultants to review environmental constraints	Consultants review of environmental constraints
Prepare and adopt Development Control Plan for Kings Forest Urban Release Area	Completed by target date	June 2004				
Prepare and adopt Section 94 plan for Kings Forest Urban Release Area	Completed by target date	June 2004				

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Implement Tweed River Management Plan	Completed by target date	June 2004	Bird Monitoring Report received UQ Ecological River Health Report Received Lavender Creek Stormwater Improvements 90% complete.	Successful completion of Tweed River Festival. Woobul Creek Management Plan received. Fingal peninsula Wetland Project DA submitted. Waters of the Tweed IV Educational Brochure completed.	Commenced Fingal Wetland Rehab works unrelated to DA. Arrangements for Implementation of Woobul Creek completed. Stotts Channel Veg Plan Complete. Lower Oxley Bank Stabilisation project commenced. Waters of the Tweed IV distributed and communities' response evaluated.	DA received and Works underway for Fingal Wetland. Bilambil sports reserve riparian restoration commenced. Contract let for Oxley Cove and Chinderah Rock revetment.
Implement Estuary Management Plan	Completed by target date	June 2004	Estuary Management Plan Review commenced.	Mooball Creek Reserve Rehab Plan complete.	90% complete. Mooball Creek Reserve Rehab Plan works commence. Cudgen Creek spur wall removal DA lodged. Canoe Trail design report 90% complete.	Mooball Creek Erosion Works ongoing. Erosion Control Designs for Cudgen and Cudgera Creeks commenced. Canoe Trail design report complete. Estuary Management Plan on exhibition
Commence development for Implementation of the Coastline Management Plan	Completed by target date	June 2004	Stage 1 Report Completed. Coastline Management Study and Plan 60% complete.	Stage two report draft completed. Coastline Management Study and Plan 70% complete.	Coastline Management Study and Plan 90% complete.	Coastline Management and Plan on exhibition

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Review and Revise Tweed River Flood Model and DCP5	Completed by target date	June 2004	Digital Elevation Model Project 50% complete. Interim review of DCP5 90% complete.	Tweed River Flood Model 60% complete. Interim DCP5 advertised.	Tweed River Flood Model 80% complete. Interim DCP5 deferred by Council.	Tweed River Flood Model 90 % complete. Interim DCP5 deferred by Council.
Construct Boat Ramps	Percentage of project complete	100%	10% complete. Tenders received for 3 boat ramp upgrades.	10% complete. Awaiting additional funding from Waterways.	10% complete. Awaiting additional funding from Waterways.	15 % complete Additional funding received. Contracts let for Dry Dock Road and Chinderah.
Construct new Flood Mitigation Facilities	Percentage of project complete	100%	0% complete. Nil Action. awaiting funding advice.	0% complete. Funding from Federal and State Government unavailable for any new works.	0% complete. Funding from Federal and State Government unavailable for any new works.	0 % complete. Funding from Federal and State Government unavailable for any new works.
Responsible Division / Unit						
Development Assessment Strategic Planning Water						

Additional Actions

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Uki Development Control Plan	Completed by target date	June 2004	Yet to be commenced.	Project to be completed following completion of Cabarita DCP.	Consultants brief prepared.	Consultants appointed.
Development of Southern Boat Harbour Marina	Completed by target date	June 2004	Report brought forward to Council. Council resolved to proceed with the project and finalise the lease agreement with the Department of Lands.	Awaiting final lease from Department of Lands.	Awaiting final lease from Department of Lands.	Lease has been signed. Development able to commence.

ACTIVITY 5: INFRASTRUCTURE PLANNING**Objective:**

To prepare strategic plans, specifications and public policies for engineering infrastructure that are consistent with Council's Strategic land use planning, reflect current best practice and are underpinned by demonstrable financial capability and coordination long term financing of key infrastructure with the release of land for urban development.

Progress towards Actions:

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Implement DCP16 Development Engineering Specs	Completed by target date	June 2004	90% complete.	90% complete.	Completed	Completed
Organise DCP16 Development Eg: standard drawing	Standard Drawings produced on time	June 2004	10% complete.	12% complete.	Completed	Completed
Review and update as necessary DCP 16 Development Engineering Specs and Standards	Specifications and Standards completed	June 2004	Yet to be commenced.	Yet to be commenced.	Yet to be commenced.	Yet to be commenced.
Draft Stormwater DCP	Completed by target date	June 2004	50% complete.	50% complete.	Completed and for future consideration by Council.	Completed and for future consideration by Council.
Finalise Northern Arterial Road Network	Completed by target date	June 2004	70% complete. Report submitted to Council September 2003.	80% complete. Five year program to be submitted to Council January 2004.	Complete. Five year program approved by Council.	Complete. Five year program approved by Council.
Responsible Division / Unit						
Infrastructure Planning						

ACTIVITY 6: ROADS AND TRANSPORT

Objective:

To provide a transport infrastructure system that allows safe, convenient and comfortable pedestrian and vehicular traffic movement to, from and within the Tweed Shire.

Progress towards Actions:

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Undertake the pre-construction activities for those projects listed in the Works programme	Complete pre-construction activities 3 months prior to construction commencing	100%	25% complete. On target, pre-construction activities completed 3 months prior to construction commencing.	50% complete. On target, pre-construction activities completed 3 months prior to construction commencing.	75% complete. On target, pre-construction activities completed 3 months prior to construction commencing.	100 % complete on target, preconstruction activities completed 3 months prior to construction commencing.
Complete Urban Works Program	Percentage complete	100%	10% complete. Queen Street Fingal completed. Floral Avenue commenced. Cominan Avenue commenced with some re-design required.	25% complete. Floral Ave completed. Cominan Ave redesign finalised and work 70% complete. Rutile Street drainage finished and only roadwork's to complete.	40% complete. Cominan Ave completed. Gray St 80% complete. Rutile St completed. Peninsula Dr 50% complete. Old Ferry Rd complete. Church St M'bah 90% complete.	90 % complete The only works not completed on the approved programme were Elanora Ave which has been delayed due to drainage issues and Myrtle st which is 20 % complete
Complete Drainage Program	Percentage complete	100%	0% complete. No projects commenced at this time.	50% complete. Minjungbal Drive completed.	65% complete. Rosemount Crt completed. Rutile St completed. Walsh St completed. Peninsula Dr completed.	65 % complete. Rosemount Crt completed. Rutile St completed. Walsh St completed. Peninsula Dr completed. Other works delayed due to acquisition and design concerns

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Complete Roads to Recovery Program	Percentage complete	100%	20% complete. Minnows Road completed. Byrrill Creek Road ready to be sealed.	70% complete. Byrrill Ck Rd completed. Urliup Rd completed. Round Mountain Rd completed.	70% complete. Byrrill Ck Rd completed. Urliup Rd completed. Round Mountain Rd completed.	100 % complete
Complete ACRD Program	Percentage complete	100%	10% complete. Kyogle Road completed Numinbah Road completed Fingal Road service relocation commenced.	25% complete. Fingal Rd service relocation completed.	40% complete. Byangum Bridge approaches preliminary works completed. Tyalgum Rd commenced.	80% complete. The only works to completed is Clothiers Creek Rd which has been delayed due to acquisition problems
Complete Bridge Program	Percentage complete	100%	10% complete. South Pumpenbil Bridge completed.	70% complete. Byangum Bridge contracts let for pile driving and deck units (work not to commence until April / May 2004).	90% complete. Byangum Bridge preliminary works commenced.	100% complete Byangum Bridge on target for completion in Feb 2005
Complete Planning for Tweed and Murwillumbah Depots upgrade	Completed by target date	June 2004	Design commenced for extension to Murwillumbah Depot Office. No funding allocated for Tweed Depot improvements.	Design completed for Murwillumbah Depot. Extensions and Contract documents being prepared.	Design completed for Murwillumbah Depot. Extensions and Contract documents being prepared.	100% complete Murwillumbah Depot Office extension complete.
Responsible Division / Unit						
Design Works						

ACTIVITY 7: WATER & SEWERAGE**Objective:**

To provide a high quality and reliable water and sewerage service that meets community expectations and assists economic development.

Progress towards Actions:

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Undertake the pre-construction activities for those projects listed in the Water and Sewerage programme	Complete pre-construction activities 3 months prior to construction commencing	100%	25% complete. On target, pre-construction activities completed prior to construction commencing.	50% complete. On target, pre-construction activities completed prior to construction commencing.	75% complete. On target, pre-construction activities completed prior to construction commencing.	80 % complete, Majority of pre-construction activities completed prior to construction commencing
Review and Implement Asset Replacement Program	Percentage of program complete	100%	12% complete.	20% complete.	31% complete.	51 % complete
Implement Capital Works Program	Percentage of program complete	100%	10% complete. Kingscliff STP Interim Works completed.	22% complete. Uki Sewerage scheme 98% complete. Connection to the system commenced.	42% complete. Uki Sewerage scheme 98% complete. Connection to the system commenced.	71 % complete
Implement Augmentation of Hastings Point Sewerage Treatment Plant	Percentage of program complete	100%	10% complete. Tenders Received.	15% complete. Contracts have been let.	40% completed. Works substantially completed.	60 % complete
Implement Augmentation of Bray Park Water Treatment Plant	Percentage of program complete	100%	5% complete. Concept Design completed.	8% complete. Tenders prepared for supply of membrane filters.	12% complete. Tenders called for membrane supply..	15 % complete Tender assessments for Membrane supply 50 % complete

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Develop Bulk Water Supply Strategy	Percentage of program complete	50%	5% complete. Engaged Consultant to Complete Scoping Study.	5% complete. Hunter Water engaged to complete Integrated Water Cycle Plan Concept Study.	10% complete. Hunter Water 60% completed. Integrated Water Cycle Plan Concept Study.	15 % complete Concept Study for IWCP 95 % complete
Obtain Community and Council endorsement for Banora Point & West Tweed Effluent Disposal Strategy	Percentage of program complete	100%	80% complete. Final Meeting Scheduled for November 2003.	95% complete. Awaiting final report from consultant.	100% completed. Consultant report received and reported to Council.	Consultant engaged to complete EIS and options study
Obtain Community and Council endorsement for West Tweed & Banora Point Sewerage Treatment Plants	Percentage of program complete	100%	0% complete. Awaiting outcome of Disposal Strategy.	0% complete. Still awaiting outcome of Disposal Strategy.	0% complete. Still awaiting outcome of Disposal Strategy	0% complete. Still awaiting outcome of Disposal Strategy
Responsible Division / Unit						
Design Water						

ACTIVITY 8: CIVIC GOVERNANCE**Objective:**

To provide representative and responsive government, sound management of the resources of Council, ensure statutory requirements are met and provide services to the organisation in the most cost effective, safe and timely manner.

Progress towards Actions:

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Continue to Facilitate and Implement Reserve Trust Resolutions in relation to Caravan Park Maintenance and Development	Percentage of Reserve Trust resolutions implemented on time and within budget	100%	100% of Reserve Trust resolutions implemented.	100% of Reserve Trust resolutions implemented on time and within budget.	100% of Reserve Trust resolutions implemented on time and within budget.	100% of Reserve Trust resolutions implemented on time and within budget.
Implement Freedom of Information Act	Number of complaints regarding personal details being given out by Council	Zero	Zero complaints.	Zero complaints.	Zero complaints.	Zero complaints
Implement Privacy and Personal Protection Act.	Number of complaints regarding personal details being given out by Council	Zero	Zero complaints.	Zero complaints.	Zero complaints.	Zero complaints
Implement Strategic Asset and Risk Management Program	Reduce the number of Public Liability Claims	100%	Estimated reduction in number of public liability claims by 60%.	Estimated reduction in number of public liability claims unchanged from last quarter, 60%.	Estimated 80% reduction in number of public liability claims.	Estimated 85% reduction in number of public liability claims.
Complete Council Safe II Program	Completed by target date	Dec 2003	90% complete.	95% complete.	Awaiting Procurement Document review. 95% complete.	Awaiting Procurement Document review. 95% complete

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Reduce workers compensation costs against 2002 benchmark	Meet Target	\$2800	Report submitted to EMT.	Workers' Compensation costs for the calendar year are \$1634. This is below the target and the 2002 benchmark.	Workers' Compensation costs for the calendar year are \$1986 per employee. This is below the target and the 2002 benchmark	Workers' Compensation costs for the calendar year are \$1986 per employee. This is below the target and the 2002 benchmark
Implement Training Plan	Percentage of program delivered	100%	20% of program delivered. Training included chemical usage, crane & plant electrical safety, chainsaw safety and maintenance, dam safety surveillance, water fluoridation, various professional conferences and workshops and plant & equipment licences.	73% of program delivered.	85% of program delivered.	85% of program delivered
Review employment selection and EEO process	Completed by target date	Feb 2004	Reformation of EEO sub-committee.	Will be the responsibility of the HR Officer - Employee Relations once appointed. Appointment is due to occur in early February.	Review of processes currently in process.	Review of processes currently in process.

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Implement Staff Orientation Program	Completed by target date	Dec 2003	August 11 – commenced first office-based orientation program; August 18 – commenced first field-based orientation program. Program monitoring and enhancement to continue.	Program is fully implemented and progressing well. Monitoring and review of program will be the responsibility of the Human Resources Officer – Employee Relations.	Program is fully implemented and progressing well. Monitoring and review of program will be the responsibility of the Human Resources Officer – Employee Relations.	Program is fully implemented and progressing well. Monitoring and review of program is the responsibility of the Human Resources Officer – Employee Relations.
Benchmark records management processes against local government authorities to ensure it delivers “best practice”	Percentage of processes at or above best practice standard.	50%	Estimated 10% best practice Design phase for compliance to State Records Act completed.	Estimated 15% Best Practice. Plans drawn for new central records repository.	Estimated 15% Best Practice. Plans drawn for new central records repository.	Estimated 15% Best Practice. Plans drawn for new central records repository.
Specify new information technology application requirements and support existing infrastructure	New specifications developed	March 2004	8 applications specified. Implementation of Minutes Manager / DataWorks Upgrade completed.	Network upgrade 90% complete. Network and Operating System upgrade.	Network upgrade 90% complete. Network and Operating System upgrade.	Network upgrade 90% complete. Network and Operating System upgrade.
	Level of customer satisfaction for existing support	50%	90% satisfaction. Aim is to continually improve customer service.	92% satisfaction achieved.	90% satisfaction achieved.	90% satisfaction achieved
Monitor Councils budget including timely reporting and provision of financial advise to	Reports completed on time monthly	100%	100% complete. All reports completed on time.	90% complete. Draft copy of Quarterly Budget Review submitted to Executive Management Team.	100% complete. All reports completed on time.	100% complete. All reports completed on time.

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
support the decision making process.	Timely advice provided	100%	100% of advice was provided in a timely manner.	100% of advice was provided in a timely manner.	100% of advice was provided in a timely manner.	100% of advice was provided in a timely manner.
Complete relevant statutory financial reporting (annual statements, financial indicators, etc) in accordance with relative statutes.	Completed by target date	Nov 2003	Completed.	Completed.	Completed.	Completed.
Provide effective and efficient costing, payroll, accounts payable, stores, debtors, rating, receipting, management, accounting, water debtors, and property services.	Percentage of satisfaction with financial services	99%	95% satisfaction. Aim is to continually improve service.	100% satisfaction. All areas performing to relevant date of progress.	100% satisfaction. All areas performing to relevant date of progress.	100% satisfaction. All areas performing to relevant date of progress
Undertake a program of internal Audits of Councils Operations	Number of internal audits undertaken completed by the end of the financial year	30	7 audits completed.	2 audits completed. Several audits waiting to be finalised in varying areas.	5 audits completed.	2 audits completed. Several audits waiting to be finalised in varying areas.
Responsible Division / Unit						
Office of the General Manager Business Undertakings Administration Services Occupational Health & Safety Human Resources Financial Services Information Technology Services						

Additional Actions

2003 / 2004 Actions	K.P.I	Target	Progress First Quarter	Progress Second Quarter	Progress Third Quarter	Progress Fourth Quarter
Delivery of training through RTO	Completed by target date	March 2004	RTO application to be completed.	RTO application to be completed.	RTO application to nearing completion.	RTO application to nearing completion.
Retention of staff	Completed by target date	June 2004	Commenced labour turnover review	5% complete.	5% complete.	5% complete
AURION REGIONAL PROJECT: Regional implementation of Aurion – HRIS system	Completed by target date.	June 2004	Yet to be commenced.	Project commenced. Schedule formulated for the six months ending June 2004. Lismore City Council is managing the project with Tweed Shire Council providing hardware support (server capacity) and program experience.	Project currently on target.	Project currently on target.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

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9 [OGM] Shires Association of NSW - The Councillor Weekend, 27-28 August 2004

ORIGIN:

Administration Services

SUMMARY OF REPORT:

Advice has been received from the Shires Association of NSW of the forthcoming Councillor Weekend, which will be held in Sydney on 27 and 28 August 2004.

The accelerated induction program for new Councillors is being run by Local Government Learning Solutions. An outline of the program is included in this report.

RECOMMENDATION:

That:

1. Any interested Councillor/s be authorised to attend The Councillor Weekend in Sydney on 27 and 28 August 2004.
2. The Mayor's Secretary organise the registration of any interested Councillor/s.

REPORT:

Advice has been received from the Shires Association of NSW of the forthcoming Councillor Weekend, which will be held in Sydney on 27 and 28 August 2004.

The accelerated induction program for new Councillors is being run by Local Government Learning Solutions. An outline of the program appears below:

OVERVIEW:

It is recognised that many new Councillors cannot travel long distances for one day training courses, but may prefer to set aside time to do an accelerated learning program of mini skills courses over two days.

Therefore, we have developed the concept of a Councillor Weekend, which will explore the following topics:

- Who's really in charge?
- Connecting with the Community
- Conflict of interest
- Meeting Skills for Councillors
- Change Management and Local Government Reform
- Strategic Management

These modules include core skills and knowledge needed by a new Councillor.

We have gathered together a team of experienced local government facilitators to present this two day program to you on Friday, 27 and Saturday, 28 August at the Local Government Centre in Sydney.

DAY ONE - ESSENTIAL SKILLS FOR COUNCILLORS

Introduction - Your expectations and administration issues

Who's really in charge? - An exploration of the elected member roles and responsibilities - presented by Greg Hawken and Darryl Rubiolo.

Connecting with the Community - presented by Greg Hawken from Greg Hawken Consulting, this session will cover community consultation issues. Through case studies and general discussions, the session will explore how to get the most out of your community, dealing with difficult issues, the community consultation strategies available to Mayors, Councillors and local government managers, public opinion analysis and evaluating the use of polls and referenda and how to achieve appropriate solutions.

Conflict of Interest - presented by Ruth Stevenson from Local Government Learning Solutions. Explore the issues of how to avoid conflict and pecuniary interest. The session will follow a local government oriented video case study.

Meeting Skills for Councillors - presented by Diana Bennett of DHB Consulting. Learn some quick tips about how to effectively represent your ideas and suggestions at Council and Committee meetings.

Dinner

DAY TWO - THE BIG PICTURE

Councillors and Change Management during Local Government Reform - local government is going through a tremendous amount of change. This workshop will explore the impact of the reform process and your role in it as change agents. Presented by Dr Randall Stewart from Timmins Stewart Consulting.

Strategic Management for Councillors - Councillors can have a tremendous impact on local communities through forward thinking and planning. This mini module will introduce you to a process of strategic thinking, which can influence your management planning process. Presented by Dr Randall Stewart from Timmins Stewart Consulting.

Panel Discussion and Open Forum - This is an opportunity for participants to question the panel or other attendees, to explore issues, which have not been addressed before, and to clarify issues, which may be of concern.

For Councillor's information.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Registration	\$660 inclusive of GST
Flight	Approximately \$180
Accommodation	Approximately \$140 per night

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

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10 [OGM] NSW Regional Sustainability 2004 Seminar - Lismore

ORIGIN:

Executive Manager

SUMMARY OF REPORT:

Council has received notification of a NSW State Government seminar to be held in Lismore on 12 August 2004 relating to NSW Regional Sustainability 2004.

RECOMMENDATION:

That any Councillors interested in attending such a seminar please contact the Manager Administration Services.

REPORT:

Council has received notification of a NSW State Government seminar to be held in Lismore on 12 August 2004 relating to NSW Regional Sustainability 2004.

Below is a copy of the program for the day.

Should any Councillor be interested in attending such a seminar please contact the Manager Administration Services, Mr Brian Donaghy, so that the matter may be further progressed.

Program

LISMORE
Thursday 12 August



- 7:15 AM – 8:30 AM **Business Breakfast**
Invercauld House, Southern Cross University
An opportunity to network with other business people and organisations in the region.
Guest Speaker: Rebecca Le Tourneau, well known environmental journalist and media personality
- 8:00 AM **Registration & Refreshments**
Invercauld House, Southern Cross University
- 9:00 AM **Official Welcome**
Neil Chapman, Department of Environment & Conservation NSW
- 9:10 AM **Mayor's Welcome: Towards a more sustainable Lismore**
Councillor Merv King, Lismore City Council

- 9:20 AM **Local Case Study 1: The rainbow business project**
Lesley Trott, Lismore City Council
- 9:45 AM **Local Case Study 2: Sustainability through ecotechnology**
Leigh Davison, Southern Cross University
- 10:10 AM **Local Case Study 3: A really good cup of coffee**
Andrew Ford, Mountain Top Coffee and Tim Fitzroy, GeoLINK

10:35 AM MORNING TEA

- 11:30 AM **State Government Forum**
The Sustainability Framework
A brief presentation by panel members who address the key question of ... "How are we working towards sustainability?". This will be followed by questions and general discussion.
Facilitated by: Grahame Collier, T Issues Consultancy
Panel Representatives from:
 - Neil Chapman, Department of Environment and Conservation NSW (DEC)
 - Steve Murray, Department of Infrastructure, Planning and Natural Resources (DIPNR)
 - Ian Higgins, Department of Energy, Utilities and Sustainability (DEUS)
 - to be advised, Department of State and Regional Development (DS&RD)
 - Rik Whitehead, Department of Primary Industries (DPI)
 - Robert Quirk, Northern Rivers Catchment Management Authority
 - Bernadette Thomas, North East Waste Forum

12:30 PM LUNCH

- 1:30 PM **WORKSHOPS**
Regional issues arising from the earlier morning presentations and the State Government Forum will form the basis for informal workshop sessions based upon 3 primary themes:

Business Practices
facilitated by David Trewin (DEC) & to be advised (DS&RD)

- Gaining a business advantage by being sustainable
- Communicate benefits to your customers

Agriculture
facilitated by Rik Whitehead (DPI)

- Understanding market drivers for healthy food
- Growing more with less

Ecotechnology
facilitated by Leigh Davison (Southern Cross University)

- Water and leachate technologies
- Sustainable eco-systems development

3:00 PM **Seminar Wrap-Up**

3:30 PM **Post Seminar Refreshments**

4:30 PM **Close of Seminar**

VENUE

Southern Cross University
Invercauld Conference Centre
161 Invercauld Rd
Coonellabah
Tel. 02 6624 1881
www.invercauldhouse.com.au

NOTES

Seminar Program is subject to change without notice after printing



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

11 [OGM] In Kind and Real Donations - April to June 2004

ORIGIN:

Financial Services

SUMMARY OF REPORT:

The following reports details "In Kind and "Real" donations for the period April to June 2004.

RECOMMENDATION:

That this report be received and noted.

REPORT:

The following report details "In Kind" and "Real" donations for the period April to June 2004.

Financial Assistance

Amount	Recipient	Donated Item	Date
\$ 40.00	Wollumbin High School	2004 Awards Presentation	4-Jun-04
\$ 500.00	NSW Fire Brigade	Donation	16-Jun-04
\$ 9,700.00	Careflight	Donation	29-Jun-04
\$ 10,240.00			

Goods and/or Materials

Amount	Recipient	Donated Item	Date
\$ 60.00	Murwillumbah Primary School	15 Shrubs	01-Apr-04
\$ 4.00	Show Society	Shrub	02-Apr-04
\$ 80.00	Chillingham Primary School	20 Shrubs	08-Apr-04
\$ 80.00	Chillingham Community Centre	10 Trees	15-Apr-04
\$ 32.00	Rangers	8 Shrubs (Swapped for Grass Tree)	29-Apr-04
\$ 8.00	Citizenship Tree	Shrub	06-May-04
\$ 16.00	Citizenship Tree	2 Trees	13-May-04
\$ 8.00	Kingscliff Primary School	2 Shrubs	19-May-04
\$ 100.00	Condong Primary School	25 Shrubs	21-May-04
\$ 50.00	Fingal Dune Care	50 Tubes	26-May-04
\$ 8.00	Citizenship Tree	Shrub	27-May-04
\$ 446.00			

Provision of Labour and/or Plant & Equipment

Amount	Recipient	Donated Item	Date
\$ 2,985.39	Life Education Van	Provision of Labour & Council Plant	April to June
\$ 116.35	Breast Screening Unit	Provision of Labour & Council Plant	14-May-04
\$ 63.27	Railway Station Protest	Provision of Labour & Council Plant	7-May-04
\$ 43.68	Twin Towns RSL Club - Barrier Boards	Provision of Labour & Council Plant	23-Apr-04
\$ 602.13	Transporting Banana Festival Float & Queen to Wintersun & Beef Week Parades	Provision of Labour & Council Plant	18-Jun-04
\$ 732.28	Soccer Carnival - Barrier Boards and Signs	Provision of Labour & Council Plant	11-Jun-04
\$ 4,543.10			

Administration

Amount	Recipient	Donated Item	Date
\$ -			

Tweed Link Advertising

Amount	Recipient	Donated Item	Date
\$ 94.50	Various Community Notices	Advertising	6-Apr-04
\$ 81.00	Various Community Notices	Advertising	13-Apr-04
\$ 94.50	Various Community Notices	Advertising	20-Apr-04
\$ 270.00	Various Community Notices	Advertising	27-Apr-04
\$ 94.50	Various Community Notices	Advertising	4-May-04
\$ 94.50	Various Community Notices	Advertising	11-May-04
\$ 40.50	Various Community Notices	Advertising	18-May-04
\$ 202.50	Various Community Notices	Advertising	25-May-04
\$ 148.50	Various Community Notices	Advertising	1-Jun-04
\$ 108.00	Various Community Notices	Advertising	8-Jun-04
\$ 54.00	Various Community Notices	Advertising	15-Jun-04
\$ 175.50	Various Community Notices	Advertising	29-Jun-04
\$ 1,458.00			

Room Hire

Amount	Recipient	Donated Item	Date
\$ 29.00	Twin Towns Ladies Auxiliary	Room Hire - Tweed Heads Meeting Room	14-Apr-04
\$ 58.00	Tweed Heads District Hospital Ladies Auxiliary	Room Hire - Tweed Heads Meeting Room	3-May-04
\$ 29.00	Twin Towns Ladies Auxiliary	Room Hire - Tweed Heads Meeting Room	12-May-04
\$ 58.00	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Meeting Room	18-May-04
\$ 58.00	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Meeting Room	27-May-04
\$ 58.00	Friends of the Library - Book Sale	Room Hire - Tweed Heads Meeting Room	28-May-04
\$ 58.00	Friends of the Library - Book Sale	Room Hire - Tweed Heads Meeting Room	29-May-04
\$ 58.00	Friends of the Library - Book Sale	Room Hire - Tweed Heads Meeting Room	31-May-04
\$ 58.00	Tweed Heads District Hospital Ladies Auxiliary	Room Hire - Tweed Heads Meeting Room	7-Jun-04
\$ 29.00	Twin Towns Ladies Auxiliary	Room Hire - Tweed Heads Meeting Room	9-Jun-04
\$ 53.40	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	20-Apr-04
\$ 53.40	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	22-Apr-04
\$ 53.40	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	27-Apr-04
\$ 53.40	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	29-Apr-04
\$ 53.40	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	3-May-04
\$ 53.40	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	6-May-04
\$ 53.40	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	11-May-04
\$ 53.40	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	13-May-04
\$ 53.40	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	18-May-04

Room Hire Amount	Recipient	Donated Item	Date
\$ 53.40	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	20-May-04
\$ 53.40	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	25-May-04
\$ 99.40	MT Warning Rotary Ball - Set Up	Room Hire - Murwillumbah Civic Centre	27-May-04
\$ 53.40	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	27-May-04
\$ 592.00	MT Warning Rotary Ball	Room Hire - Murwillumbah Civic Centre	28-May-04
\$ 53.40	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	1-Jun-04
\$ 53.40	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	3-Jun-04
\$ 352.00	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	9-Jun-04
\$ 352.00	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	10-Jun-04
\$ 181.00	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	17-Jun-04
\$ 43.40	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	1-Apr-05
\$ 169.00	Tweed Heads District Hospital Ladies Auxiliary	Room Hire - Tweed Heads Civic Centre	5-Apr-04
\$ 43.40	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	5-Apr-04
\$ 53.40	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	7-Apr-04
\$ 37.00	Twin Towns Garden Club	Room Hire - Tweed Heads Civic Centre	12-Apr-04
\$ 69.00	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	12-Apr-04
\$ 43.40	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	13-Apr-04
\$ 43.40	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	14-Apr-04
\$ 43.40	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	15-Apr-04
\$ 53.40	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	18-Apr-04
\$ 53.40	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	21-Apr-04
\$ 53.40	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	24-Apr-04
\$ 606.00	Tweed Theatre Company	Room Hire - Tweed Heads Civic Centre	25-Apr-04
\$ 53.40	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	28-Apr-04
\$ 53.40	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	5-May-04
\$ 37.00	Twin Towns Garden Club	Room Hire - Tweed Heads Civic Centre	10-May-04
\$ 53.40	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	12-May-04
\$ 53.40	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	15-May-04

Room Hire Amount	Recipient	Donated Item	Date
\$ 53.40	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	20-May-04
\$ 53.40	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	25-May-04
\$ 53.40	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	2-Jun-04
\$ 53.40	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	3-Jun-04
\$ 181.00	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	6-Jun-04
\$ 37.00	Twin Towns Garden Club	Room Hire - Tweed Heads Civic Centre	14-Jun-04
\$ 53.40	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	16-Jun-04
\$ 53.40	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	27-Jun-04
\$ 53.40	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	23-Jun-04
\$ 53.40	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	30-Jun-04
\$ 24.50	Twin Towns Friends Assoc	Room Hire - South Tweed HACC	14-Apr-04
\$ 24.50	Twin Towns Friends Assoc	Room Hire - South Tweed HACC	12-May-04
\$ 24.50	Twin Towns Friends Assoc	Room Hire - South Tweed HACC	9-Jun-04
\$ 24.50	Blind & Visually Impaired	Room Hire - South Tweed HACC	16-Jun-04
\$ 5,122.40			
\$ 21,809.50	Total Donations 4th Quarter		

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

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12 [OGM] Complaints Against Council 2002/2003

ORIGIN:

Administration Services

SUMMARY OF REPORT:

A reply has now been received from the Department of Local Government concerning complaints against Council during the period 2002/2003 and is submitted for Council's information.

RECOMMENDATION:

That this report be received and noted.

REPORT:

The Department of Local Government Annual Report for the year 2002/2003 shows that twenty-four (24) complaints had been lodged against Council during this period.

On 2 January 2004 a letter was forwarded to the Department of Local Government requesting details of the complaints made in order that such complaints could be addressed.

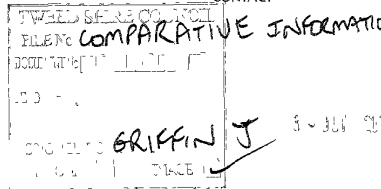
A reply has now been received from the Department of Local Government and is reproduced for Council's information.



Department of Local Government
 5 O'Keefe Avenue NOWRA NSW 2541
 Locked Bag 3015 NOWRA NSW 2541

FF: FF96/0249
 OUR REFERENCE DTS: 87636
 YOUR REFERENCE
 CONTACT Mr D Riordan 4428 4190

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



Dear Dr Griffin

I refer to your letter requesting details of the break up of complaints received relating to Tweed Shire Council in 2002-2003. I apologise for the delay in responding.

The information you requested is as follows:

Complaints received	Declined after preliminary assessment	Declined after enquiries of council	Proceeded to more formal enquiries
24	19	5	0

I note your intention to use this information to assess the effectiveness of your processes. Many of the complaints the department and the Minister receive are prompted by the complainant's dissatisfaction with the action or inaction of the council concerned. Given the department's oversight and monitoring role in respect of local government, complaints received by the department are a useful tool in measuring the level of satisfaction, or otherwise, by residents, ratepayers and the community with the performance of a particular council.

The department encourages councils to be cautious in drawing conclusions on their operations based on the department's treatment of the complaints we deal with. Just because a complaint is not formally investigated, it is not correct to say it is not a legitimate complaint. The department has consistently pointed out that the department generally only investigates or examines complaints or allegations that indicate there has been a serious breakdown in council operations or a serious defect in a key council process.

It is particularly important for councils to continue to use their own complaints data to identify and rectify areas of operation that appear to be performing poorly.

Yours sincerely

Garry Payne
 Director General

☎ 02 4428 4100 ☎ 02 4428 4199 ☎ 02 4428 4209
 ✉ dlq@dlg.nsw.gov.au | www.dlg.nsw.gov.au ☎ 99 567 863 195



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS

13 [ES] NSW Road Classification Review

ORIGIN:

Works

SUMMARY OF REPORT:

The Roads and Traffic Authority has formed a Panel to review the classification of roads within each Shire. The Panel has requested that each Council make submissions on any changes deemed necessary under the guidelines for road classifications. Council would have difficulty in convincing the Panel that Terranora Road would still qualify as a Regional Road under the guidelines provided. The main report details all Regional Roads and how each one still agrees with the criteria. Council should also be submitting that Clothiers Creek Road be reclassified from Local to Regional Road.

RECOMMENDATION:

That Council makes a submission to the NSW Road Classification Review Panel that Terranora Road be reclassified to a local road and that Clothiers Creek Road become a Regional Road.

REPORT:

The Roads and Traffic Authority has formed a Panel to review the classification of roads within each Shire. The Panel has requested that each Council make submissions on any changes deemed necessary under the guidelines for road classifications.

The information paper and road classification guidelines are attached to this report. Council currently has eight (8) Regional Roads as detailed below:-

1.	MR7733 Minjungbal Drive/Wharf Street	22000 - 29000 vpd
2.	MR541 Terranora Road	1500 - 6200 vpd
3.	MR141 Kyogle Road	550 vpd
4.	MR142 Kyogle Road	1000 to 5000 vpd
5.	MR143 Tomewin Road	600 - 1900 vpd
6.	MR399 Numinbah Road	650 - 1650 vpd
7.	MR450 Tweed Coast Road	5000 to 15000 vpd
8.	MR679 Tweed Valley Way	5000 to 12000 vpd

The attached document lists the criteria (page 10) that a road must satisfy to be assessed as a Regional Road.

Each of the above Regional Roads qualifies with at least one of the criteria listed with the exception of Terranora Road. When the last review was carried out in the early 90's Terranora Road remained as a Regional Road solely because it provided a flood by-pass for the then State Highway. This no longer applies with the opening of the Motorway.

However with the opening of the Motorway and the increasing properties in Murwillumbah it is considered that Clothiers Creek Road now should be submitted for consideration as a Regional Road as it "forms the main regional link between population centres". This is now the main route for residents of the Murwillumbah region to access the coastal villages. The traffic volumes are steadily increasing.

It is recommended that Council make a submission to the Panel that Terranora Road be reclassified to a local road and that Clothiers Creek Road become a Regional Road.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Information Paper and Invitation for Submissions May 2004, NSW Road Classification Review.

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14 [ES] Roads Grants 2004/2005

ORIGIN:

Works

SUMMARY OF REPORT:

Council has been advised of its 2004/2005 Roads Grants. The grants allow maintenance and construction of various areas of Council's road system. The total grants are shown in the main report.

Council needs to formally accept the grants and vote the expenditure.

RECOMMENDATION:

That Council:-

1. Accepts the Grants under the terms and conditions of the "Arrangements with Councils for Road Management."
2. Votes the expenditure.
3. All necessary documents be completed under the Common Seal of Council.

REPORT:

Council has been advised of its 2004/2005 Roads Grants. The Grants allow maintenance and construction of various areas of Council's road system. The total grants are shown below:-

Description	Allocation (\$1,000)
Block Grant Tweed	1531
REPAIR MR142 Pavement Rehabilitation & Formation / Widening Uki - Clarrie Hall Dam	154
REPAIR MR142 Pavement Rehabilitation from high School for distance 520m	165
Ex 3X3 Ccl determined Tweed	152
Tweed Road Safety Officer	51
Bus stop remedial works - Tweed	20
Cycleway Tweed Machinery Drive	78
PAMP Tweed - Works resulting from study	30
Traffic Facilities Blocks grant	209

Council needs to formally accept the grants and vote the expenditure.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

15 [ES] Dedication of Land as Road - Piggabeen Road Deviation

ORIGIN:

Design

SUMMARY OF REPORT:

Development Consent D93/0404 was granted to Council in March 2004 for the construction of the Piggabeen Road deviation.

The works are anticipated to commence within the next twelve months. Council holds the land where the deviation is to be constructed, part of the land has been dedicated as road, however, it is now necessary to create and dedicate as road reserve the rest of the area required for the deviation.

A plan creating the road reserve is currently being prepared and will require execution by Council under the Common Seal.

RECOMMENDATION:

That Council executes and endorses the plan creating the road reserve for the Piggabeen Road deviation at Tweed Heads West under the Common Seal of Council.

REPORT:

As per Summary of Report.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

16 [ES] Taxi Rank Marine Parade: Proposed Relocation to Seaview Street

ORIGIN:

Works

FILE NO: DA3340/350 Pt1; R3340 Pt5

SUMMARY OF REPORT:

Council at its meeting of 28 April 2004 considered a recommendation from the Local Traffic Committee to relocate the above Taxi Rank to Seaview Street. Council did not support the recommendation and resolved as follows:-

"That this item be deferred pending further discussion with both Business Corporations and the Taxi company."

Subsequently two letters have been forwarded to the organisations specified in the resolution with only 'Kingscliff Taxis' responding.

RECOMMENDATION:

That the Taxi Rank in Marine Parade Kingscliff be relocated to the northern side of Seaview Street Kingscliff between Marine Parade and Pearl Street.

REPORT:

Council at its meeting on 28 April 2004 considered a report from the Local Traffic Committee as follows:-

"Request received in relation to the taxi rank in Marine Parade, Kingscliff.

At present there are two taxi spaces. Adjacent to one of these spaces there are dining tables, chairs and pot plants. When chairs are occupied it is reported that they are so close to the kerbside that passenger doors are unable to be opened which means that the taxi behind has to reverse to allow for the passenger doors to be opened.

It is requested that:-

- 1. This taxi rank be relocated to the northern side of Seaview Street between the two roundabouts.*
- 2. A bench seat with roof over be installed in the new area in Seaview Street.*

It was noted that these facilities are being designed and funded by Public Transport Grants from the NSW Government.

The Committee noted Mr McKennariey's comments that if the taxi rank was relocated to Seaview Street it would have a dramatic impact on pedestrians, however it was determined that whilst some people may need to walk further others would be closer and given the area is serviced by footpaving and pedestrian refuges the location is considered acceptable.

RECOMMENDATION:

That given the support of the Business Corporation and the owner of the four taxis that service Kingscliff the Committee endorses the relocation of the taxi rank to the location on the northern side of Seaview Street between Marine Parade and Pearl Street."

Council did not accept the Committee's recommendation and resolved as follows:-

"That this item be deferred pending further discussion with both Business Corporations and the Taxi company."

Subsequently, letters were sent to Kingscliff Business Corporation, Kingscliff Chamber of Commerce and Kingscliff Taxis on 31 May 2004 (see copy reproduced at the end of this report).

Only Kingscliff Taxis replied confirming support for the proposal.

Follow up letters were sent to the Kingscliff business Corporation and Kingscliff Chamber of Commerce on 25 June 2004 (copy reproduced at the end of this report) and no responses have been received to date.

Given the above, it is considered that the two non respondents are not concerned with the proposal. It is becoming critical that a decision be made as Council has accepted a grant to provide a covered taxi shelter / rank in Kingscliff to be expended in 2004 and 2005 and to date no design work has occurred due to the uncertainty.

To ensure these funds are retained the design, tender and construction process must commence or the project will not be undertaken in the committed financial year. The proposed site is only 80 metres away from the current taxi rank, has a pedestrian path linking it to Marine Parade and Pearl Street, is more central to the Marine Parade dining areas, enables taxis easy access in all directions via the two roundabouts in Seaview Street and the purpose built shelter will have improved lighting, covered seating and covered passenger access to taxis.

It is therefore recommended that the existing taxi rank in Marine Parade Kingscliff be relocated to the northern side of Seaview Street between Marine Parade and Pearl Street.



Please Quote Council Ref: R3340 Pt 5
Your Ref No:
For Enquiries Please Contact: Mr Paul Morgan
Telephone Direct (02) 6670 2473

I24z08

31 May 2004

«Name»
«Address»
«Town»

Dear Sir

Taxi Rank - Marine Parade Kingscliff Proposed Relocation to Seaview Street

Council has received requests to relocate the above taxi rank to Seaview Street. (see sketch attached). This work will include a covered passenger waiting area with seating and lighting

The proposed relocation has been supported by the owner of Kingscliff Taxi's and the Kingscliff Ratepayers & Progress Association.

The Tweed Shire Local Traffic Committee also endorsed the proposal and reported to Council which resolved the following:-

"That this item be deferred pending further discussion with both Business Corporations and the Taxi company."

Accordingly the written comments of your associations would be appreciated as soon as possible to enable this matter to be finalised.

If you require any further information regarding this matter, please contact Mr P Morgan on the above number.

Yours faithfully

Bob Missingham
Manager
WORKS
Attach:



CIVIC AND CULTURAL CENTRE, MURWILLUMBAH
P.O.BOX 816, MURWILLUMBAH. N.S.W. 2484
TELEPHONE: (02) 6670 2400 FAX: (02) 6670 2429

PLEASE ADDRESS ALL COMMUNICATIONS TO THE GENERAL MANAGER
ABN 90 178 732 496
www.tweed.nsw.gov.au

Name	Address	Town
Kingscliff Business Corp	PO Box 1395	KINGSCLIFF NSW 2487
Kingscliff Taxis	72 Kingscliff Street	KINGSCLIFF NSW 2487
Kingscliff District Chamber of Commerce	PO Box 1014	KINGSCLIFF NSW 2487



Please Quote
Council Ref: R3340 Pt5
Your Ref No:
For Enquiries
Please Contact: Mr Paul Morgan
Telephone Direct (02) 6670 2473

I21f18 & 18a.doc

25 June 2004

«Org»
«Address»
«Suburb»

Dear Sir

Taxi Rank - Marine Parade Kingscliff Proposed Relocation to Seaview Street

I refer to Council's previous letter dated 31 May 2004.

Council has received requests to relocate the above taxi rank to Seaview Street (see sketch attached).

The proposed relocation has been supported by the owner of Kingscliff Taxis and the Kingscliff Ratepayers & Progress Association.

The Tweed Shire Local Traffic Committee also endorsed the proposal and reported to Council which resolved the following:-

"RESOLVED that this item be deferred pending further discussion with both Business Corporations and the Taxi company."

Accordingly the written comments of your Association would be appreciated as soon as possible to enable this matter to be finalised.

If you require any further information regarding this matter, please contact Mr P Morgan on the above number.

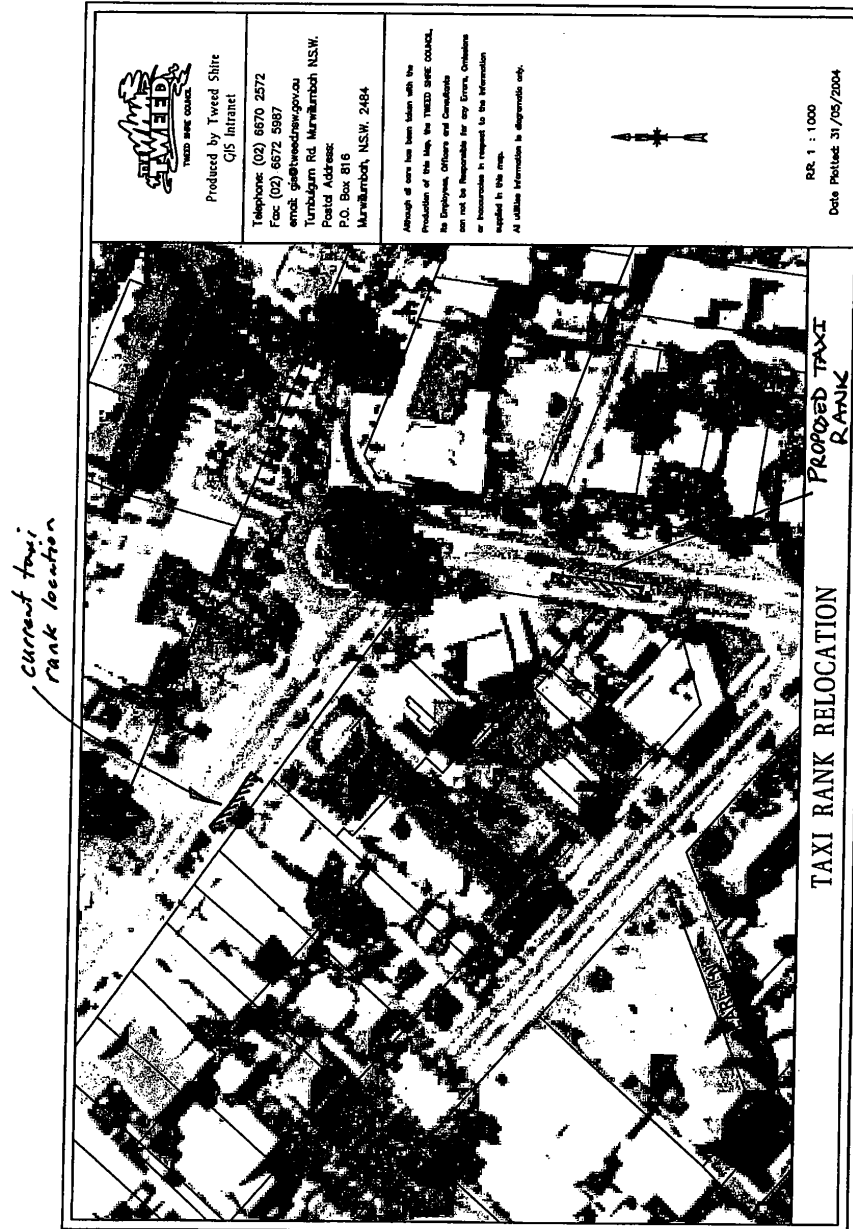
Yours faithfully

Bob Missingham
Manager
WORKS

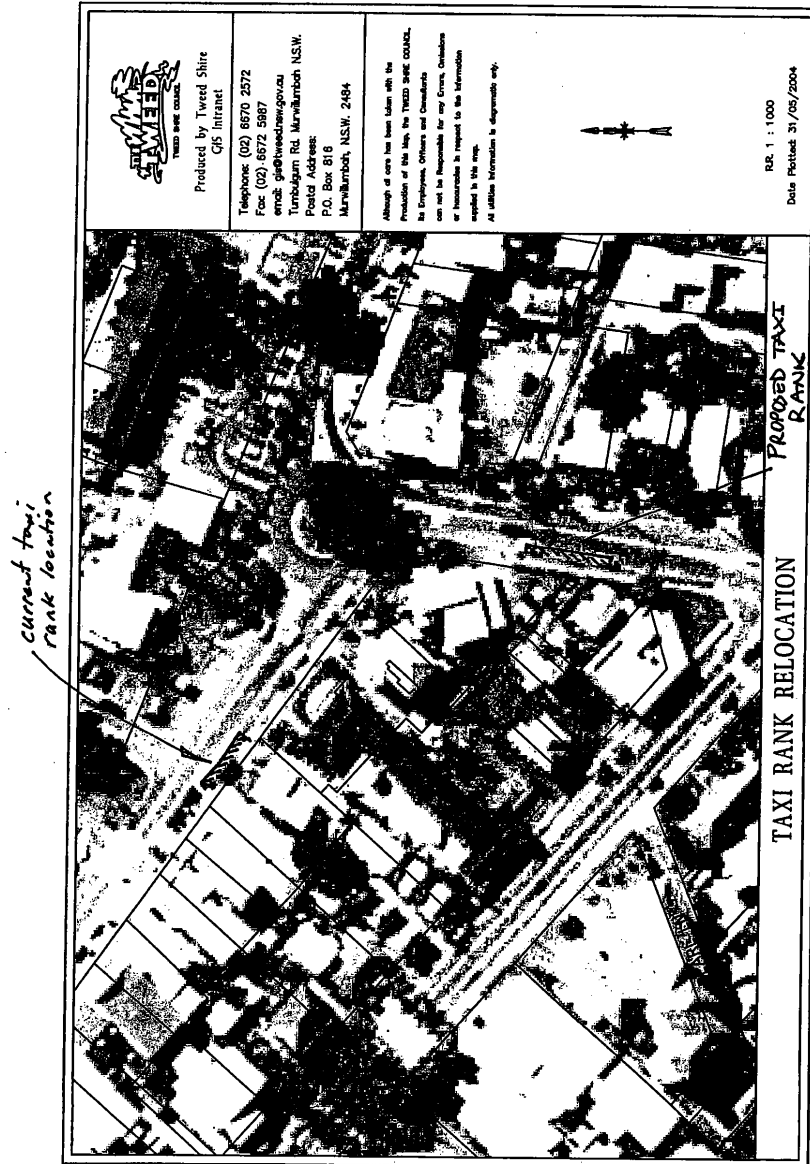


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TELEPHONE: (02) 6670 2400 FAX: (02) 6670 2429

PLEASE ADDRESS ALL COMMUNICATIONS TO THE GENERAL MANAGER
ABN 90 178 732 496
www.tweed.nsw.gov.au



Org	Address	Suburb
Kingscliff Business Corporation	PO Box 1395	KINGSCLIFF NSW 2487
Kingscliff District Chamber of Commerce	PO Box 1014	KINGSCLIFF NSW 2487



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

17 [ES] Classification of Land at Duranbah

ORIGIN:

Design

SUMMARY OF REPORT:

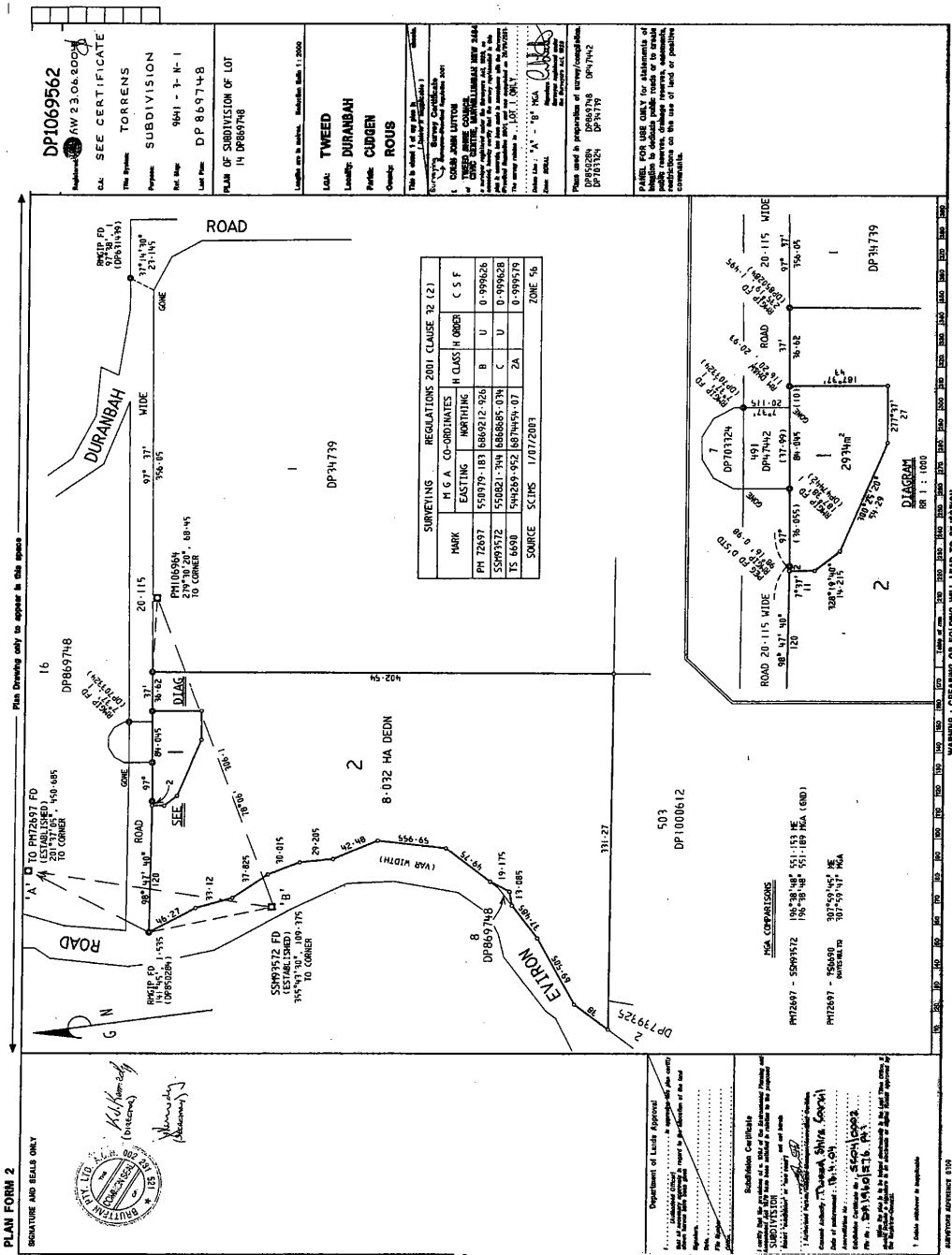
Council recently completed its acquisition of Lot 1 in DP 1069562 for further reservoirs at Duranbah. It is now necessary to classify the land as 'Operational' pursuant to the provisions of the Local Government Act.

RECOMMENDATION:

That Lot 1 in DP 1069562 be classified as "Operational" under Section 31 of the Local Government Act 1993.

REPORT:

As per Summary of Report. A copy of DP1069562 follows showing Lot 1:-



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

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18 [ES] Riversymposium 2004, Brisbane

ORIGIN:

Water

SUMMARY OF REPORT:

The 2004 *Riversymposium*, the conference associated with the Brisbane City *Riverfestival*, will be held 31 August to 3 September. Council's Tweed River Committee has been recognised in the *Riverprize* 2001 and 2003 Ceremonies as one of four finalists in the National *Riverprize* (ousted in 2003 by the highly regarded Hunter River Catchment Management Trust). A nomination will again be made for the 2005 *Riverprize*.

RECOMMENDATION:

That the Chair of the Tweed River Committee and Tweed Coastal Committee be invited to attend the Conference along with relevant staff and that Council determines other Councillor attendance at the Conference.

REPORT:

The 2004 *Riversymposium*, the conference associated with the Brisbane City *Riverfestival*, will be held 31 August to 3 September. Council's Tweed River Committee has been recognised in the *Riverprize* 2001 and 2003 Ceremonies as one of four finalists in the National *Riverprize*

Council was presented with a trophy in both years but unfortunately was not the winner of the \$25,000 *Riverprize* (ousted in 2003 by the highly regarded Hunter River Catchment Management Trust). A nomination will again be made for the 2005 *Riverprize*.

The *Riversymposium* is considered to be a premier international conference dealing with river management issues with a very high quality of presentations. Case studies featured this year include the Volga River, Russia, Zambezi River, Africa and a special session on Managing the Peel Harvey Inlet, Western Australia

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

19 [ES] Draft Development Control Plan No. 5 - Development of Flood Liable Land

ORIGIN:

Planning & Infrastructure

FILE NO: GT1/DCP/5

SUMMARY OF REPORT:

Draft DCP5 version 2.2 has been prepared as an interim update of flood development policy to acknowledge some of the key principles of the 2001 NSW Floodplain Management Manual, update definitions to be consistent with Tweed LEP 2000 and incorporate a number of housekeeping changes that clarify the range of permissible developments in a number of flood plain areas. The draft DCP has been publicly exhibited. Two submissions were received and further amendments have been made to the exhibited draft to address concerns raised in the submissions. It is now recommended for approval.

A further submission was received from the Chinderah Districts Residents Association and following a number of meetings additional amendments were made to the draft to address most of their concerns, however their request to substantially amend the current 50m2 enclosure rule under elevated dwellings in Chinderah has not been included in the draft.

Council is currently remodelling Tweed Valley flood behaviour. In accordance with the 2001 NSW Floodplain Management Manual, the results of this modelling, including predicted heights of the Probable Maximum Flood (PMF) level will then be addressed in a "Flood Plain Risk Management Study" and lead to the adoption of a new "Floodplain Risk Management Plan". Part of the implementation of this Floodplain Risk Management Plan will be a further comprehensive revision of DCP 5.

RECOMMENDATION:

That in accordance with the environmental Planning and Assessment Regulation 2000, Council:-

- 1) Repeal the existing version of Development control Plan No. 5 - Development of Flood Liable Land and
- 2) Approve as a replacement draft "Development control Plan No. 5 - Development of Flood Liable Land version 2.2" with the alterations to the exhibited draft as detailed in the amended draft dated 4 August included with this report.

REPORT:

1. Background

The original version of DCP 5 was adopted 18 June 1986 and was based on a number of local flood studies and the 1986 NSW Floodplain Development Manual. There have been 7 amendments since initial adoption the latest being in 1996 that permitted granny flats in low hazard areas and updated the schedule of flood levels.

A number of changes have now taken place since the adoption of the 1996 amendment of DCP5:-

- Tweed LEP 2000 has been adopted and has changed the definitions of many development terms.
- In January 2001 a new Flood Plain Management Manual was released by the NSW Government. The new manual incorporated changes that:-
 - Increase emphasis on “management” of the full range of flood risks including existing, future and continuing risks within a broad risk management hierarchy of:-
 - avoidance (where risks are considered unacceptably high),
 - minimisation (using planning controls where risks are controllable), and
 - flood risk mitigation (for alleviating existing flood problems)
- Prescribe the following floodplain risk management process:
 - Establish Floodplain Risk Management Committee
 - Flood study
 - Floodplain Risk Management Study
 - Floodplain Risk Management Plan
 - Management Plan Implementation (land use planning -LEPs, DCPs etc; mitigation works; catchment management; flood warnings and response; environmental rehabilitation etc)
- Recognise the need for local flood plans prepared under guidance of SES to address readiness, response and recovery
- Recognise the probable maximum flood (PMF), but, recognising that the PMF should not preclude or unnecessarily hamper development
- Recognise that site specific plans written separate from the overall risk management plan are ineffectual and should not form the basis of development consent
- Consider flood risk on a strategic framework to enable consideration of cumulative impacts
- Provide a basis for Council’s to amend LEPs with respect to planning controls of types of development in flood prone land not identified in existing floodplain risk management plans

- Recognise the need to acknowledge and consider the links between floodplain management and environmental, ecological, social and cultural issues and the principles of ecologically sustainable development
- Recognise the potential of climate change on flooding behaviour (global warming)
- Council has commissioned consultants WBM Oceanics to update and rerun Tweed valley flood models to determine a range of flooding probabilities up to the PMF level. This modelling should be completed by mid 2004.

It is considered that DCP 5 should be amended in a two phase process:

The first phase, this draft DCP amendment, incorporates the key principles of the 2001 NSW Floodplain Management Manual, updates definitions to be consistent with Tweed LEP 2000 and incorporate a number of housekeeping changes that clarify the range of permissible developments in a number of flood plain areas.

The second phase will be a comprehensive revision of DCP 5 in accordance with the prescribed process in the 2001 NSW Floodplain Management Manual. This would include the following elements:

Element	Description	When?
Establish Floodplain Risk Management Committee	The 2001 manual advises that the committee typically includes Council elected members, relevant council staff, community representatives, industry representatives, DIPNR representative, SES representative, and Catchment management board (superseded by CMA?) representative.	Council's existing Flood Plain Management Committee is generally consistent with this model. A Catchment Management Authority representative may be appointed when the Authority is established.
Flood Study	Technical investigation of flood behaviour. <i>Determination of flood discharges, levels, velocities for floods of varying severity. Determine hydraulic (floodway, flood storage or flood fringe) and hazard (low, high) categories for different areas of floodplain. Full range of flood events up to PMF. Modelling used as an analytical tool.</i>	Commenced 2002, expected to be completed mid 2004
Floodplain Risk Management Study	Identify and compare options. <i>Having regard to the Flood Study; examine and assess existing policies, mitigation plans, warning/response plans and development controls; identify options for potential development areas within floodplain for assessment; identify and assess flood plain risk management measures including development</i>	Will follow Council consideration of the flood study and preparation of an appropriate brief. Could cost \$150,000+, subsidies for study available from DIPNR

	<i>restrictions; assess impacts of options (economic, social, ecological); identify required modification to current policies in light of above.</i>	
Floodplain Risk Management Plan	Preferred options from the Risk Management Study. Coordinated mix of measures to address flood risks.	After consideration of all options, preferred options adopted by Council
Implementation of Plan	Implement above mix of measures. Includes planning controls (amendments of LEPs, DCPs); mitigation works; flood warning, readiness and response plans; environmental rehabilitation; ongoing data collection and monitoring etc	Follows above. The major revision of DCP5 would be part of this process. The new DCP5 would reference mapping, flood heights and hazard categories derived from the flood study.

2. Purpose of this Version of DCP5

This draft version of DCP5 has been prepared as an interim update of flood development policy to acknowledge some of the key principles of the 2001 NSW Floodplain Management Manual, update definitions to be consistent with Tweed LEP 2000 and incorporate a number of housekeeping changes that clarify the range of permissible developments in a number of flood plain areas.

These changes include:-

- Amending the definitions in Part 1.7 to be consistent with the Tweed LEP 2000 and the 2001 Floodplain Management Manual
- Introducing the concept and general implications of the probable maximum flood (PMF).
- Redefining areas 4 and 7 (Chinderah and Kingscliff) to make the realigned Pacific Highway the locality divider for the purpose of flood plain development.
- Whilst remaining consistent with the previous version and supporting flood studies/models, clarifying the range of permissible developments and filling heights in the Chinderah and Kingscliff localities
- Clarifying the allowable ground floor enclosure of elevated dwellings in high hazard flood prone areas and permitting in addition a detached garage of 36m²
- Clarifying permissible levels of roads and lot filling in flood prone areas
- Requiring the cumulative impact of development on flood plain areas to be assessed
- Incorporating a number of housekeeping measures to clarify permissible development in other flood prone areas

The above changes will remove a number of ambiguities/inconsistencies from the present version, provide owners/developers with more certainty of outcomes and enable flood plain development to progress until there is a comprehensive revision of DCP5, following completion of the current remodelling of flood levels and completion of a new Flood plain Risk Management Study and Plan.

3. Impact of the PMF

The Probable Maximum Flood (PMF) is defined in the 2001 NSW Floodplain Management Manual as:-

“the largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation. Generally, it is not physically or economically possible to provide complete protection from this event. The PMF defines the extent of flood prone land, that is, the floodplain. The extent, nature and potential consequences of flooding associated with the PMF event should be addressed in a floodplain risk management strategy.”

The PMF is the largest flood that can physically occur in a locality and is an extremely rare event. The 2001 manual advises that it does have relevance to floodplain risk management as:-

- It defines the maximum extent of the floodplain, the extreme limits of flood behaviour and the extent of associated flood risk
- the behaviour and consequences of floods up to the PMF level need to be investigated.
- it will generally be impossible, in either a physical or economic sense, to provide general protection against such an event, however, the PMF event should form the basis for certain planning decisions eg. location of emergency services such as police, hospitals, telephone exchanges, etc above PMF levels should be considered for both new facilities and upgrading existing facilities
- Statements about development above the Flood Planning Level (Adopted Design Flood Level) but below the PMF should be carefully worded to avoid the possible misunderstanding that the development is free of any flooding risk. These properties may be subject to flooding in rare flood events.

Council does not yet have any PMF levels. In the past, flood prone areas of the Shire have been modelled to determine flood levels for the adopted design flood (1 in 100 year frequency) and these levels are printed in DCP5.

Council is now carrying out a new round of flood plain modelling with updated rainfall (including probable maximum precipitation), terrain and development data. This is expected to be completed mid 2004. This modelling will predict the PMF levels for areas covered by the model.

PMF levels will be considered in the proposed “Floodplain Risk Management Study” and “Floodplain Risk Management Plan” referred to in section 1 of this report. The future comprehensive revision of DCP5 arising from implementation of this study/plan will identify PMF levels for flood prone localities and address land use and other policy and operational issues arising from identification of the PMF levels.

In the future comprehensive revision of DCP5, to be consistent with the definitions the “flood plain” and “flood prone land” in the 2001 NSW Floodplain Management Manual, the PMF levels will be used to define the extent of the (considerably enlarged) flood

plain. This will also impact on issue of planning (149) certificates, and the need to advise as "flood prone" the additional land/lots encompassed by the PMF.

4. Public Exhibition of Plan and Response to Submissions

The draft DCP was exhibited for 28 days during November/December 2003 and two submissions were received. Following closure of the exhibition period, consultation meetings have been held with the authors of the submissions and Council staff to address issues of concern. A number of further amendments are proposed to the draft DCP which now resolve these issues. Details of issues and the further amendments to the exhibited version of the draft DCP5 are detailed in the following table:-

Author	Issues Raised in Submissions	Comments	Proposed Response
Olga Vidler	The DCP should include maps clearly defining flood prone areas.	The DCP now references maps held by Council. These have not been updated since the original issue of DCP5 in 1986. New mapping including both the design flood (1 in 100 year) and the PMF will be available when the current flood modelling exercise is completed.	Include full range of flood maps based on new modelling in the future comprehensive revision of DCP5
	1.2 Definitions of flood liable land and design flood should be inserted early in document to help in understanding its intent by clarify these terms	Agreed	Definitions of flood liable land and design flood included (consistent with definitions elsewhere) in this section
	5. Incorrect use of locality "Fingal"	Agreed	Error corrected. "Fingal" substituted with "Fingal Head".
	4 and 5. Questions of location of Chinderah/Fingal Head section boundary at No.51 Fingal Rd	More logical boundary would be at southern end of village proper. It is also consistent with flood level contours.	Change section 4/5 boundary from south of No.51 Fingal Road to south of No.45 Fingal Road

Author	Issues Raised in Submissions	Comments	Proposed Response
	Building materials sections not adequately enforced for areas below design flood	This is a compliance issue outside the scope of this DCP	Refer to Building Control Unit
	Criteria on road levels and cumulative impacts of development supported		No change
	5. There should be controls for other land on Fingal Peninsula which is not zoned urban.	Section 5 only includes urban zoned land in Fingal Head. All other land in the area which is flood liable defaults to the generic requirements in section 10.	No change
	7. Concerned about development on flood liable land in West Kingscliff	Has been the subject of previous studies. 2(c) land subdivision is required to fill to above design flood. In industrial zones the site area of buildings and improvements in flood flows are limited to 50%	No change to 2(c) land. See comments and proposed response on section 7.5 in Jim Glazebrook & Assoc submission for application of 50% rule in industrial area.
	Concerned about impact of Chinderah Motorway.	Impacts of the Chinderah Bypass on flooding were addressed by WBM in 1994 as part of motorway EIS. The new flood modelling will account for the cumulative impact of the bypass and Yelgun/Chinderah Motorway.	For consideration in future comprehensive revision of DCP5

Author	Issues Raised in Submissions	Comments	Proposed Response
	3.1 – 9.1. Inconsistent wording of “application” clauses	Exhibited version had inconsistent application clauses in each locality section. It was agreed to amend them to be consistent across Sections 3 – 8 to apply to urban zoned land (except where specifically altered) in the various localities. No amendment needed to Sections 9 and 10 as Section 9 appropriately applies to villages and Clarrie Hall dam catchment and section 10 appropriately applies to all flood liable land not specified in sections 3 - 9.	“Application” clauses amended where necessary for consistency.
Jim Glazebrook & Assoc for Gales Holdings	No new technical data to support revisions. Proposed revisions pre-empt conclusions of the current review of floodplain modelling.	This “housekeeping” DCP5 revision does not significantly alter flood levels. The new technical data available from the current flood modelling exercise will be used in the process that leads to the preparation of the future comprehensive revision of DCP5.	Include new section 2.4 that outlines the role of the current flood plain modelling exercise and the process outlined in the 2001 Manual to revise the Floodplain Risk Management Plan which will result in a future comprehensive revision of DCP5, other Council flood policies and programmes.

Author	Issues Raised in Submissions	Comments	Proposed Response
	2.12. The last three dot points about application of the PMF are confusing	Agreed. This DCP revision introduces the concept of the PMF as it is now a significant issue in the 2001 Manual, however as the Tweed PMF levels are not yet defined this additional information is inappropriate.	Delete last three dot points
	3.2, 4.2, 5.2, 6.2, 7.2, 8.2, 9.2. Object to deletion of reference to maps held by Council.	It is agreed that it is difficult to interpret the DCP without reference to these maps. The reference to the maps was deleted from the exhibited draft due to incomplete coverage of current urban zoned areas.	The words referencing the maps has been reinstated and a note has been added that now explains the limits of the mapping
	7.2. Object to reference to "small areas of floodway"	This is a drafting error that arose from rearrangement of Kingscliff and Chinderah sections in the exhibited version of DCP5	Delete reference to "small areas of floodway"
	7.5. Exhibited requirements for West Kingscliff are too prescriptive and do not allow for innovative site and flood behaviour specific solutions.	The exhibited draft attempted to provide a practical means to interpret the existing 50% area limit for structures and improvements in the flood flow in industrial areas of Chinderah and west Kingscliff. It is agreed however that the exhibited draft may be too prescriptive and limit other innovative and site specific solutions. It was further agreed with the author of the submission that this issue can be resolved by keeping the existing 50% rule as a performance criteria and designating the detailed prescriptive measures as an "acceptable solution".	50% area limit rule reinstated from current version as a "performance criteria". The more complex requirements in the exhibited version are now listed as an example of an "acceptable solution".
Council staff	Current and exhibited versions did not contain	Log should be included	Include log of all

Author	Issues Raised in Submissions	Comments	Proposed Response
internal review	full history of past Versions/Editions of DCP5		amendments

5. Submission from Chinderah Districts Residents Association

The Chinderah Districts Residents Association forwarded a submission 16 June 2004. The submission raised a number a concerns and opposed adoption of the amended Draft DCP5.

A number of meetings were then held with representatives of the Association to deal with these concerns. The outcome of these meetings is tabulated below:-

Note: In the following table, proposed amendments are further amendments to the post exhibition version of the draft that was presented to Council Meeting March 2004.

Author	Issues Raised in Submissions and subsequent meetings	Comments	Proposed Response
Chinderah Districts Residents Association	4.2 Words "high hazard" not appropriate.	Agreed.	Delete words
Chinderah Districts Residents Association	4.3 Roads Delete first paragraph and substitute with "The crown level of new or reconstructed roads shall be determined by taking into consideration the overall strategic drainage and flooding requirements for the entire subject area, but, shall not normally exceed 300mm above natural surface level."	Agreed	Amend draft accordingly
	4.3 Filling Delete "Filling is permissible for minor levelling and local drainage purposes. The maximum permissible height of filling, including fill pads under buildings, is 300mm above natural surface level or the centreline level of the adjacent road, whichever is the lesser." and substitute: "For drainage purposes only, land may be filled to the approximate level of the centreline of the adjacent road (refers to existing local roads only and excludes Pacific Highway"	Agreed	Amend draft accordingly

Author	Issues Raised in Submissions and subsequent meetings	Comments	Proposed Response
Chinderah Districts Residents Association	<p>4.4 Development Delete “(b) Except where dwellings are located above permissible commercial or industrial buildings, the area of a dwelling below Council's design flood level is not to be substantially enclosed. Consideration will be given on application, to permitting the enclosure of laundry, stairway entry and double garage space, provided that such an enclosure does not significantly restrict flood flows. An area of 50 m² per dwelling will generally encompass these facilities. Any larger enclosures are prohibited. The creation of fill pads, (other than filling for minor levelling or local drainage purposes of not more than 300mm above natural surface or filling up to the level of the centreline of the adjacent road, whichever is the lesser) under residential development is not permitted . The free flow of flood water must be a major consideration in the design of any area to be enclosed. (c) Apart from the dwelling, one non residential garage or shed structure is permitted on residential allotments. The maximum permissible plan area of this structure is 36 m². This structure may be enclosed may have a floor level below the design flood level must be separated from the dwelling by a minimum horizontal distance of 6m (to allow free passage of flood flow between buildings) should provide for storage above flood level” and substitute with “Structures and permanent improvements are to be restricted in site coverage to retain a minimum of</p>	<p>This proposal is not supported. It would be a material alteration to the present 50m2 policy. It is acknowledged however that this is a contentious issue and should be further examined . The appropriate place to examine this issue is in the “Tweed Valley Floodplain Risk Management Study” that Council has recently resolved to commence.</p>	<p>No change to exhibited wording at this stage. Review this policy as part of “Tweed Valley Floodplain Risk Management Study”.</p>

Author	Issues Raised in Submissions and subsequent meetings	Comments	Proposed Response
	50% of the area available for flood flow.”		
Chinderah Districts Residents Association	4.4 Development Add the following words after the second paragraph “The provisions of Section 7.5 of this plan may be applied to industrial zoned land in Chinderah”	Agreed. This brings the policy for development of industrial land in Chinderah in line with the draft policy for land in West Kingscliff	Amend draft accordingly.

The meetings held between Council staff and the Chinderah Districts Residents Association have resolved most issues of concern and this is reflected in the further amendments to Draft DCP5 Version 2.2 dated 4 August enclosed with this report.

The major unresolved issue of concern for the Chinderah Districts Residents Association is “Section 4.4 Development” subsections (b) and (c). The Association would like the 50m² enclosure beneath elevated residences rule, substituted with the “50% of area to be available for flood flow” standard that now only applies to the industrial zoned land. This alteration is not supported as it would be a material alteration to the present 50m² policy and is not validated by the risk management process outlined in the 2001 NSW Floodplain Management Manual. It is acknowledged however that this is a contentious issue and should be further examined to determine its cumulative impact on flood levels and risks of property losses from inundation. The appropriate place to examine this issue is in the “Tweed Valley Floodplain Risk Management Study” that Council has recently resolved to commence.

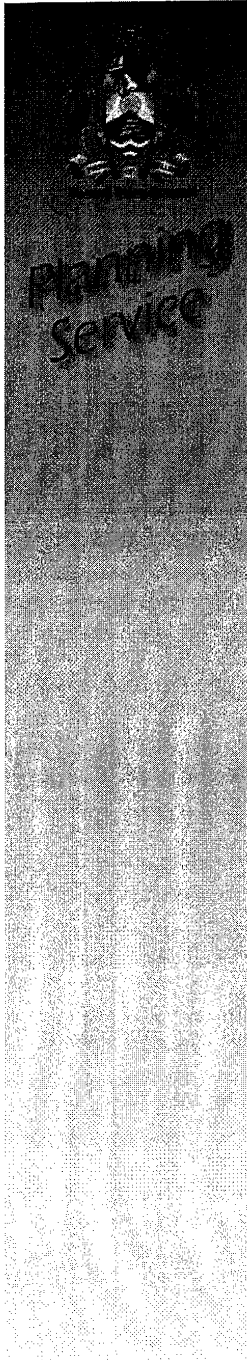
6. Workshop 28 July 2004

The Director of Environment & Community Services presented a report to Council on 4 February 2004 addressing difficulties in ensuring compliance with the DCP5 requirement for not enclosing more than 50m² of the lower section of dwellings in high hazard, flood prone areas. Further consideration of this issue was deferred for discussion at a Council workshop held 28 July 2004. At this workshop the Floodplain Management Process, compliance issues and the proposed interim amendment to DCP5 were discussed in detail.

7. Draft Development Control Plan No.5, Version 2.1 – Development of Flood Plain Land

The plan as exhibited contained a number of amendments to the current adopted version (March 1996) which are referred to elsewhere in this report. Since the close of public exhibition and meetings with Chinderah Districts Residents Association, Gales Holdings Representative and Olga Vidler (the authors of submissions) further amendments have been made to the draft to deal with their concerns.

Draft DCP 5, Version 2.2 dated 4 August 2004, follows. It includes all the changes agreed to in post exhibition meetings with authors of submissions. This version is recommended and if adopted, will repeal and replace the current version.



TWEED SHIRE COUNCIL

Development Control Plan No 5

DEVELOPMENT OF FLOOD LIABLE LAND

Draft Version 2.2, 4 August 2004

Post Exhibition after consideration of
submissions, internal review and
meetings with Chinderah Progress
Association

TWEED SHIRE COUNCIL

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TWEED SHIRE COUNCIL
CERTIFIED IN ACCORDANCE WITH
THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
AND REGULATIONS

GENERAL MANAGER

DATE:

DEVELOPMENT CONTROL PLAN No 5
DEVELOPMENT OF FLOOD LIABLE LAND

VERSIONS/EDITIONS

Original Version Adopted 18/6/86
First Amendment Adopted 16/9/87, changes to caravan park requirements
Second Amendment Adopted 15/6/88, to reflect changes to recently approved TLEP1987
Third Amendment Adopted 14/9/88, design flood levels at Murwillumbah
Fourth Amendment Adopted 19/12/90, amended flood levels
Fifth Amendment Adopted 15/7/92, industrial land south of Ozone Street, Chinderah 50% rule
Sixth Amendment Adopted 21/4/93, Tyalgum levels
Seventh Amendment Adopted 6/3/96, to permit genuine "granny flats" in low flood hazard areas, but, prohibit "dual occupancy" and revise schedule of flood levels
Draft Version 2.2: Acknowledges the 2001 NSW Government Floodplain Management Manual, addresses issue of PMF, amends definition of Chinderah and Kingscliff areas, defines localities, clarifies filling and structures permitted on residential, rural and industrial land, minor amendments to flood levels and definitions

DEVELOPMENT CONTROL PLAN NO. 5 – DEVELOPMENT OF FLOOD LIABLE LAND

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DEVELOPMENT CONTROL PLAN NO. 5 – DEVELOPMENT OF FLOOD LIABLE LAND

1.0 INTRODUCTION

1.1 Name and Version Of Plan

1.11 Citation

This plan may be cited as "Tweed Development Control Plan No 5 - Development of Flood Liable Land", Version 2.2.

1.12 Application of Version 2.2

Version 2.2 replaces previous versions.

1.13 Summary of changes in Version 2.2

This version of the plan amends the previous version by:

- Referring to a number of changes introduced in the new "Floodplain Management Manual", published by the NSW Government January 2001
- Amending the definitions in Part 1.7 to be consistent with the Tweed LEP 2000 and the 2001 Floodplain Management Manual
- Introducing the concept and implications of the probable maximum flood (PMF).
- Redefining areas 4 and 7 (Chinderah and Kingscliff) to make the realigned Pacific Highway the locality divider for the purpose of flood plain development.
- Whilst remaining consistent with the previous version and supporting flood studies/models, clarifying the range of permissible developments in the Chinderah and Kingscliff localities
- Incorporating a number of housekeeping measures to clarify permissible development in other flood prone areas

1.2 Land to which the Plan applies

This plan applies to all flood liable land within the Shire of Tweed.

For the purposes of this plan, "flood liable land" means land susceptible to flooding by the design flood.

Council's design flood is based on the 1:100 year frequency event; that is a flood with a 1 in 100 chance of occurring in any one year.

1.3 Relationship to Environmental Planning Instruments

This plan contains development standards and other provisions in respect of floodplain management in Tweed Shire and relates to -

Tweed Local Environmental Plan 4987 2000

which is the principal planning instrument governing development in the Shire.

Where an inconsistency arises between this plan and any environmental planning instrument applying to the same land, the provisions of the environmental planning instrument prevail. An environmental planning instrument means a State Environmental Planning Policy, a Regional Environmental Plan or a Local Environmental Plan.

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DEVELOPMENT CONTROL PLAN NO. 5 – DEVELOPMENT OF FLOOD LIABLE LAND

1.4 Purpose of Plan

The purposes of this plan are -

- (i) to present Council's Flood Mitigation Strategy; and
- (ii) to set detailed standards for land development in order to minimise the adverse effect of flooding on the community.
- (iii) to provide an interim response to the January 2001 NSW "Floodplain Management Manual"

1.5 Status of Plan

This plan has been prepared in accordance with Section 72 of the Environmental Planning and Assessment Act, 1979 and attendant regulations.

This plan came into force on xxxx, in accordance with Clause ~~24(2)~~ 21 of the Environmental Planning and Assessment Regulation, ~~1980~~ 2000, and in accordance with Clause 22 replaces the previous version of the plan.

This plan may only be amended in the manner prescribed by the Environmental Planning and Assessment Regulation, 2000.

1.6 Application of Plan

Where a development is proposed in respect of land to which this plan applies, Council shall take the provisions of this plan into consideration in determining the application.

Compliance with the provisions of this plan does not necessarily imply that Council will grant consent to an application. Council must, in relation to development applications, also take into consideration those matters listed under Section 79C 90(1) of the Environmental Planning and Assessment Act, 1979.

1.7 Interpretation

For the purposes of this plan -

Unless otherwise defined, terms used in this plan shall have the meanings set out in the Environmental Planning and Assessment Act 1979 and Schedule 1 of Tweed Local Environmental Plan 2000.

~~"attached" in relation to dual occupancy and development means two dwellings attached by a common wall, pergola or carport, but does not include a walkway (whether covered or not), extended wall or any such other structure so designed to circumvent the requirement for the buildings to be attached.~~

"Australian Height Datum (A.H.D.)" means the common national plane of level corresponding approximately to mean sea level.

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DEVELOPMENT CONTROL PLAN NO. 5 – DEVELOPMENT OF FLOOD LIABLE LAND

~~"caravan parks" means a property used (to an extent that, by the operation of section 289F of the Act, a licence is required) for the placement of caravans (or of caravans and other movable dwellings).—~~

"compatible development" means development appropriate to both the flood hazard at the development site and to the impact of the development on existing flood levels and flood flows.

"design flood" means the flood selected as a basis for design of mitigation works, and in this plan is based on the 1:100 year flood event.

"discharge" means the rate of flow of water measured in terms of volume over time. It is to be distinguished from the speed or velocity of flow which is a measure of how fast the water is moving rather than how much is moving.

~~"dual occupancy" means any development which results in two (2) dwellings (whether attached or detached) on a single allotment of land (or which would have that result were it not for the fact that the allotment is to be subdivided (where possible) as part of the development, but does not include development for a purpose defined elsewhere in this plan.~~

"dwelling" means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

"flood" means a relatively high stream flow which overlaps the natural or artificial banks in any part of a stream or river.

"flood fringe" means the remaining area of land affected by flooding, after flood storage and floodway areas have been defined.

"flood hazard" means the potential for damage to property or persons due to flooding. In determining whether hazard is high or low account has been taken of the depth and velocity of floodwaters, effective evacuation times and evacuation difficulties including isolation of some areas as floodwaters rise.

"flood liable land" or "flood prone land" means land ~~which would be inundated as a result of flood~~ susceptible to flooding by the design flood.

~~"floodplain" means the portion of the river valley, adjacent to the river channel, which is covered with water when the river overflows during floods~~ area of land which is subject to inundation by floods up to and including the design flood, that is, flood prone land.

"flood standard" means the 1 in 100 year flood which has been selected for planning purposes in the Tweed Shire.

"flood storages" means those parts of the floodplain that are important for the temporary storage of floodwaters during the passage of a flood.

"floodways" means those areas, often aligned with obvious, naturally defined channels, where a significant passage of water flows during floods. They are often the deepest

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area where the highest velocities occur. Also, they are areas which, even if only partially blocked, would cause a significant redistribution of flood flow, which may in turn adversely affect other areas.

"granny flat" means any development which results in two (2) dwellings on a single allotment of land, only where:

- (i) the two (2) dwellings are attached; and
- (ii) one of the dwellings does not exceed 60m² in gross floor area; and
- (iii) the development is not or is not proposed to be subdivided (including any land upon which the development is or is intended to be erected).

"habitable area" means a lounge room, living room, dining room, kitchen, bedroom, rumpus room, games room or the like and includes rooms constructed and furnished for these purposes ~~but may exclude areas used for recreational purposes provided that any furnishings therein are of a movable nature.~~

"long term resident" in relation to a caravan park, means a person (other than any person who is caretaker, manager or employee of the licensee or anyone living with any such person) whose principal place of residence is a movable dwelling placed in the park. It shall include a person who occupies sites within a movable dwelling park or caravan park, for a total of more than 150 days in any 12 month period. (See also clause 12(1)(c) Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1995)

"multi-dwelling housing" means more than one dwelling on an allotment, but does not include a rural worker's dwelling.

"peak discharge" means the maximum discharge occurring during a flood event.

"probable maximum flood (PMF)" means the largest flood that could conceivably occur at a particular location. Usually estimated from probable maximum precipitation. Generally, it is not physically or economically possible to provide complete protection against this event.

"probable maximum precipitation (PMP)" means the greatest depth of precipitation for a given duration meteorologically possible over a given size storm area at a particular location at a particular time of the year, with no allowance for long term climatic trends (World Meteorological Organisation, 1996). It is the primary input to the estimation of the probable maximum flood.

"residential buildings" includes dwellings, multidwelling housing; boarding houses; residential accommodation for students, staff, guests etc; motels; residential care facility; hostel; hotel accommodation; tourist accommodation; and any other rooms used for permanent or temporary accommodation.

"residential flat building" means a building containing three or more dwellings.

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"runoff" means the amount of rainfall which actually ends up as stream flow.

"short term resident" means any person accommodated on a caravan park, other than a long term resident.

"stormwater flooding" means inundation resulting from the incapacity of urban stormwater drainage works to handle runoff.

2.0 THE FLOOD MITIGATION STRATEGY

2.1 General

2.11 General

Flooding within the Shire occurs when rainfall exceeds the capacity of creeks and rivers to convey the runoff water to the ocean. Flooding can generate rapid rises in water levels and warning times are often very short. The coastal creeks and the lower reaches of the Tweed River can also be flooded from the affects of a cyclone or its remnant rain depression that creates extraordinarily high tide or ocean levels combined with heavy local rain. Flooding of this type will generally occur with little warning except for weather forecasts predicting cyclones and rain depressions.

Residents in flood prone areas should be very conscious of their situation, be alert during any periods of predicted high rainfalls and be prepared to evacuate all possessions that are located on land liable to flooding.

Information on the flood liability of most urban land within the Shire is available from the Engineering Services Division on request.

Council's flood mitigation strategy is to minimise future potential flood damage both by structural protection and by planning controls to ensure that only appropriate compatible development occurs on floodplains in the future.

It is expected that future mitigation works will be limited to possible modifications of the existing levees. The often discussed Flood Storage Dams are not feasible in the Tweed Valley.

In newer release areas, the land ~~should already~~ is required to be filled to the design flood level. Proponents are advised to obtain a Section 149 Certificate to determine the actual level of specific parcels of land. Proponents are advised to satisfy themselves that the land is filled to this level.

2.12 Probable Maximum Flood (PMF)

The PMF is the largest flood that can physically occur in a locality and is an extremely rare event. It does have relevance to floodplain risk management as:

- It defines the maximum extent of the floodplain, the extreme limits of flood behaviour and the extent of associated flood risk

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2.13 What is the PMF Level ?

Council has modelled the flood prone areas of the shire in the past to determine flood levels for the adopted design flood (1 in 100 year frequency) and these levels are printed in this plan. Council is now carrying out a new round of flood plain modelling with updated rainfall (including probable maximum precipitation), terrain and development data. This is a lengthy process and will not be completed until some time in 2004. This modelling will predict the PMF levels for areas covered by the model.

Until this modelling is completed the PMF level cannot be determined.

When the modelling is completed, this DCP will be amended to identify PMF levels in localities covered by the modelling.

2.2 Rural Areas

Minor flooding is controlled by leveeing and floodgated outlets in many areas on the Tweed River Floodplain downstream of Murwillumbah, where the agricultural use and potential flood damage has justified the expenditure.

Many other areas of the floodplain, adjacent to local creeks and streams, as well as the Tweed River upstream of Murwillumbah, are liable to rapid flood inundation with little warning. Records and information in many of these areas are very limited. Persons proposing new developments on areas near rivers and streams that could be flood liable should seek out and heed reliable local historical information.

2.3 Urban Areas

Levees at Murwillumbah and Tweed Heads South provide structural protection against flood inundation to varying degrees. In other areas, planning controls are used to contain future flood damage.

Council's design flood is based on the 1:100 year frequency event; that is a flood with a 1 in 100 chance of occurring in any one year.

As stated, the urban areas safeguarded by structural controls such as levees are protected to varying degrees. In the event of a flood exceeding the levee height, the protected areas will flood quickly with little warning time and very rapid rises in water levels.

Table 2.1 sets out the degree of protection of structural controls within the Shire.

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Locality	Chance of Flooding in Any Year	Anticipated Warning Time	Expected Time to Fill to Levee Height
Murwillumbah - Main Street	1 in 100	3-4 hrs	3-4 hrs
Murwillumbah - South	1 in 5	3-4 hrs	1-2 hrs
Murwillumbah - East	1 in 10	3-4 hrs	1-2 hrs
Tweed Heads South	1 in 20	21 hrs for river flood but possibly very little warning from a Cyclonic Surge	1-2 hrs

Table 2.1 The Degree of Protection Afforded by Structural Controls of Flooding in Tweed Shire.

2.4 Further Revision of this DCP

A major revision of this DCP is planned. It is to be based on updated flood plain modelling expected to be completed late 2004.

The 2001 NSW Floodplain Management Manual proposes the following processes, to be carried out in accordance with the principles in the manual, for implementation of floodplain management.

Stage	Description	When?
Flood Study	<u>Technical investigation of flood behaviour. Determination of flood discharges, levels, velocities for floods of varying severity. Determine hydraulic (floodway, flood storage or flood fringe) and hazard (low, high) categories for different areas of floodplain. Full orange of flood events up to PMF. Modelling used as an analytical tool.</u>	<u>Commenced 2002, expected to late 2004</u>
Floodplain Risk Management Study	<u>Identify and compare options. Having regard to the Flood Study; examine and assess existing policies; identify potential development areas within floodplain for assessment; identify and assess flood plain risk management measures including development restrictions; assess impacts of options (economic, social, ecological); identify required modification to current policies in light of above.</u>	<u>Will follow Council consideration of the flood study and preparation of an appropriate brief.</u>

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<u>Floodplain Risk Management Plan</u>	<u>Preferred options from the Risk Management Study. Coordinated mix of measures to address flood risks.</u>	<u>After consideration of options, preferred options adopted</u>
<u>Implementation of Plan</u>	<u>Implement above mix of measures. Includes planning controls (amendments of LEPs, DCPs); mitigation works; flood warning, readiness and response plans; environmental rehabilitation; ongoing data collection and monitoring etc</u>	<u>Follows above. The major revision of DCP5 would be part of this process. The new DCP5 would reference mapping, flood heights and hazard categories derived from the flood study.</u>

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DEVELOPMENT CONTROL PLAN NO. 5 – DEVELOPMENT OF FLOOD LIABLE LAND

3.0 TWEED HEADS, TWEED HEADS WEST, TWEED HEADS SOUTH, BANORA POINT, COBAKI LAKES, TERRANORA, BILAMBIL

3.1 Application

Section 3 of this plan applies to the urban zoned land in the above localities.

3.2 Flood Levels

Flooding in the Tweed Heads area is complex and major flooding is only expected as a result of an interaction between river flooding and ocean surge conditions. Progressive changes to the hydraulics of the river mouth and land-use have affected the historical flood pattern.

In 1954, which is the highest recorded flood in this locality, inundation levels were experienced in Tweed Heads varying from RL 2.51 metres AHD near the river mouth to RL 2.05 metres AHD in the town centre. On this historical basis, Council originally adopted a flood level of RL 2.19 metres AHD and required residential floors to be above this level.

Subsequent analysis resulted in Council revising its policy and specifying a design flood level of RL 2.15 metres AHD and a minimum floor level of RL 2.45 metres AHD for dwellings.

Following further investigations and advice from the Department of Public Works, for the Tweed Heads area, Council on 5 September 1984, adopted a 1 in 100 year design flood level of RL 2.65 AHD and a minimum floor level of RL 2.95 AHD for dwellings.

On 5 March 1996, Council adopted design flood levels for the adjoining areas of Cobaki and Terranora/Bilambil.

Locality	Highest Recorded Flood Level	Predicted High-Flood Level 1 in 100 Year Flood Level	Adopted Design Flood Level	Adopted Min. Floor Level for Residential Development
T. Heads T. Heads West T. Heads South <u>Banora Point West</u> <u>Banora Point East</u>	2.15 m AHD	2.60-2.65 m AHD	2.65 m AHD	2.95 m AHD
Banora Point Oxley Cove	3.09 m AHD	3.24-3.30 m AHD	3.30 m AHD	3.60 m AHD
Bimbadeen Ave & Barneys Pt. Bridge to Waugh St	3.09 m AHD	3.17 m AHD	3.20 m AHD	3.50 m AHD

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<u>Cobaki Lakes</u>			<u>2.9 m AHD</u>	<u>3.2m AHD</u>
<u>Terranora/Bilambil Naponya and Buonavista</u>			<u>4.1 m AHD</u>	<u>4.4 m AHD</u>

Table 3.1 Flood Levels in Tweed Heads, Tweed Heads West, Tweed Heads South & Banora Point, Cobaki Lakes, Terranora, Bilambil

Areas within these localities which have historically been or which are expected in the future to be subject to inundation as a consequence of river flooding are shown on an independent series of maps held by Council and available for public examination during normal office hours. These have been prepared on the basis of information available to Council when this DCP was adopted in 18 June 1986 and only apply to urban areas that existed at that time.

The subject localities have been identified as comprising flood fringe areas.

3.3 Development Generally on Flood Liable Land Land Liable to be Inundated by the Design Flood

Filling	<u>Unless the height of filling is otherwise limited,</u> all filling is to be graded so that it drains to the street or other approved permanent drainage system.
Building Materials	All materials used below Council's adopted design flood level must not be susceptible to water damage.
Electrical Supply	Subject to the requirements of <u>Northern Rivers Electricity the electricity supply authority,</u> all electrical wiring, power outlets, switches, etc, should, to the maximum extent possible, be located above the design flood level. All electrical wiring installed below the design flood level should be suitably treated to withstand continuous submergence in water.
Car Parking	Car parking in the form of basement parking will not be approved below the design flood level unless it is protected against the inflow of water to a level of 500 mm above the design flood.

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DEVELOPMENT CONTROL PLAN NO. 5 – DEVELOPMENT OF FLOOD LIABLE LAND

3.4 Residential Development on Flood Liable Land ~~Land Liable to be Inundated by the Design Flood~~

Subdivision

(a) All land, other than public roads and reserves, to be filled to a minimum level of the design flood where an additional allotment is created. ~~This does not apply to consolidations of allotments, boundary adjustments and the like.~~

This is not mandatory for:

(i) consolidations of allotments, boundary adjustments and the like.

(ii) sections of driveways that must connect to lower roads

(iii) Sections of allotments between the building line and street where the street is at a lower level and grading of this section of the allotment is necessary to transition the levels.

(b) Public roads are to be constructed with a crown level not more than 300mm lower than the design flood, unless a lower level is required for local drainage or overland flow path needs

Filling

Land to be developed for the purpose of residential flat buildings/dual occupancy multi dwelling housing shall be filled to a minimum level of the design flood level.

Land to be developed for other residential purposes shall be filled to a level of the road centre line in front of the allotment.

While filling of all allotments to a minimum level of the design flood level is recommended consideration may be given to the erection of single dwellings without filling above the road centre line level provided the habitable area is above Council's adopted minimum floor level.

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DEVELOPMENT CONTROL PLAN NO. 5 – DEVELOPMENT OF FLOOD LIABLE LAND

Development

(i) Banora Point

The habitable areas of all residential buildings are to be at a level of not less than Council's adopted minimum floor level for development.

~~The area below Council's design flood level is not to be totally enclosed. Consideration will be given on application, to permitting the enclosure of laundry, stairway entry and double garage space, provided that such an enclosure does not significantly restrict flood flows.~~

~~An area of 50m² will generally encompass these facilities. Any larger enclosures will only be considered when the application can demonstrate that the additional area enclosed will not provide any greater restriction to flood flow.~~

~~The free flow of flood water must be a major consideration in the design of any area to be enclosed.~~

(ii) Tweed Heads
Tweed Heads West
Tweed Heads South

The habitable area of all residential buildings is to be at a level of not less than Council's adopted minimum floor level for development.

~~Areas for recreational purposes only may be approved below Council's minimum floor level in flood fringe areas provided that furnishings therein are readily removable.~~

Movable Dwelling Parks

Movable dwelling parks will not be approved unless it can be demonstrated that the land can be filled the cumulative impacts of both the subject land being filled (to a level of not less than the adopted design flood level for the locality) and the impacts of other likely or planned development in the locality will not without adversely affecting the current flood levels and patterns in the area.

3.5 Commercial And Industrial Development on Flood Liable Land Land Liable to be Inundated by the Design Flood

Development

Commercial and industrial development will be required to make adequate provision of flood free storage areas for stock and equipment susceptible to water damage.

Caravan Parks

All caravans are to be maintained in a condition that will allow removal of them at short notice.

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Each site occupant is to be provided with a flood information leaflet for display in each caravan which sets out information on water depths likely to be experienced in the caravan park, sources of flood information, public warning procedures, evacuation routes and advice on when to take action. Such information will be required to be displayed prominently in the park office, amenities block and ensuite structures.

Strict limitations will be placed on site development and structures in parks that will impede the free flow of floodwater.

New caravan parks or additions to existing caravan parks will not be permitted to accommodate long term residents unless the development site is at a level of not less than the design flood level or it can be shown that the site will be filled to the design flood level without impeding the free flow of floodwater.

Any building used for residential purposes, including multi dwelling housing, tourist accommodation and motels

The Habitable areas of motels are to be at a level of not less than Council's adopted minimum floor level for residential development.

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DEVELOPMENT CONTROL PLAN NO. 5 – DEVELOPMENT OF FLOOD LIABLE LAND

4.0 CHINDERAH (Between Tweed River & Pacific Highway) & FINGAL ROAD (From South of No.45 Fingal Road to Barneys Point Bridge)

4.1 Application

Section 4 of this plan applies to urban zoned land in the above localities.

4.2 FLOOD LEVELS

Table 4.1 lists the various flood levels for these localities:

Locality	Highest Recorded Flood Level	Predicted High-Flood Level 1 in 100 Year Flood Level	Adopted Design Flood Level	Adopted Min. Floor Level for Residential Development
Chinderah	3.09 m AHD	3.24-3.30 m AHD	3.30 m AHD	3.60 m AHD
Fingal Rd to Barneys Pt Bridge (Wommin Lake)	2.94 m AHD	2.97 m AHD	3.0 m AHD	3.30 m AHD

Table 4.1 Flood Levels in Chinderah and Fingal Road

Areas within these localities which have historically been or which are expected in the future to be subject to inundation as a consequence of river flooding are shown on an independent series of maps held by Council and available for public examination during normal office hours. These maps have been prepared on the basis of information available to Council when this DCP was adopted in 18 June 1986 and only apply to urban areas that existed at that time.

Flooding in these localities has been identified as relatively low velocity flood storage, with small areas of floodway north of Barneys Point Bridge.

4.3 Development Generally On Flood-Liable Land Liable to be Inundated by the Design Flood

Building Materials

All building materials used below Council's adopted design flood level must not be susceptible to water damage.

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DEVELOPMENT CONTROL PLAN NO. 5 – DEVELOPMENT OF FLOOD LIABLE LAND

Electrical Supply

Subject to the requirements of ~~Northern Rivers Electricity~~ the electricity supply authority, all electrical wiring, power outlets, switches, etc, should, to the maximum extent possible, be located above the design flood level. All electrical wiring installed below the design flood level should be suitably treated to withstand continuous submergence in water.

Roads

The crown level of new or reconstructed roads shall be determined by taking into consideration the overall strategic drainage and flooding requirements for the entire subject area, but, shall not normally exceed 300mm above natural surface level.

Filling

For drainage purposes only, land ~~will be required to~~ may be filled to the approximate level of the centreline of the adjacent road ~~unless adequate alternative stormwater drainage is provided~~ (refers to existing local roads only and excludes the Pacific Highway)

In areas outside the residential zones, applications for filling above the level of the adjacent road will be considered where the applicant can satisfy Council that there will be no interference to local drainage nor any material adverse affect on adjacent land.

Structures

Where, on flood liable land a proposed development could be damaged by flooding, no work may be commenced until a certificate of structural adequacy with regard to stability as a result of flooding (including floodwater flow, debris and buoyancy forces) has been submitted to Council by a qualified structural/civil engineer.

Fencing must be of a form that will either allow the free passage of flood water or of a light construction such as timber paling that will collapse as a result of any build up of debris or floodwater.

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4.4 Residential Development On Flood Liable Land Liable to be Inundated by the Design Flood

Subdivision

Subdivision is permissible to existing roads only. Where an additional allotment is created, with a minimum seventeen (17) metre frontage is required prohibiting and battle axe blocks are prohibited. This clause does not apply to consolidation of existing allotments or boundary adjustments.

~~The habitable areas of all residential buildings are to be at a level of not less than Council's adopted floor level for development.~~

Development

(a) The habitable areas of all residential buildings are to be at a level of not less than Council's adopted floor level for development.

(b) Except where dwellings are located above permissible commercial or industrial buildings, the area of a dwelling below Council's design flood level is not to be totally substantially enclosed. Consideration will be given on application, to permitting the enclosure of laundry, stairway entry and double garage space, provided that such an enclosure does not significantly restrict flood flows. An area of 50 m² per dwelling will generally encompass these facilities. Any larger enclosures will only be considered when the application can demonstrate that the additional area enclosed will not provide any greater restriction to flood flow are prohibited. The creation of fill pads, (other than filling for minor levelling or local drainage purposes of not more than 300mm above natural surface or filling up to the level of the centreline of the adjacent road, whichever is the lesser) under residential development is not permitted. The free flow of flood water must be a major consideration in the design of any area to be enclosed.

(c) Apart from the dwelling, one non residential garage or shed structure is permitted on residential allotments. The maximum permissible plan area of this structure is 36 m². This structure

- o may be enclosed
- o may have a floor level below the design flood level
- o must be separated from the dwelling by a minimum horizontal distance of 6m (to allow free passage of flood flow between buildings)
- o should provide for storage above flood level

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(d) In fill development of residentially zoned land will be permitted with the exception of allotments within the extreme hazard zones identified in the Cameron McNamara report of September, 1984.

Movable Dwelling Parks

New movable dwelling parks will not be approved unless it can be demonstrated that the cumulative impacts of both the subject land ~~can be~~ being filled (to a level of not less than the adopted design flood level for the locality) and the impacts of other likely or planned development in the locality will not ~~without~~ adversely affecting the current flood levels and patterns in the area.

4.5 Commercial And Industrial Development On Flood Liable Land Liable to be Inundated by the Design Flood

Filling

For drainage purposes only, land will be required to be filled to the approximate level of the centreline of the adjacent road ~~unless adequate alternative stormwater drainage is provided (refers to existing local roads only and excludes the Pacific Highway)~~

Development

~~It is recommended that areas below Council's adopted minimum floor level not be enclosed and that the free flow of floodwaters be permitted at all times.~~

Commercial and industrial development will be required to make adequate provision of flood free storage areas for stock and equipment susceptible to water damage.

Structures and permanent improvements within the industrial zoned land are to be restricted in site coverage to retain a minimum of 50% of the area available for flood flow.

The provisions of Section 7.5 of this plan may be applied to industrial zoned land in Chinderah.

~~It is recommended that areas below Council's adopted minimum floor level not be enclosed and that the free flow of floodwaters be permitted at all times.~~

~~Commercial and industrial development will be required to make adequate provision of flood free storage areas for stock and equipment susceptible to water damage.~~

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Caravan Parks

All caravans are to be maintained in a condition that will allow removal of them at short notice.

Each site occupant is to be provided with a flood information leaflet for display in each caravan which sets out information on water depths likely to be experienced in the park, sources of flood information, public warning procedures, evacuation routes and advice on when to take action. Such information will be required to be displayed prominently in the park office amenities blocks and ensuite structures.

Strict limitations will be placed on site development and structures in parks that will impede the free flow of floodwater.

New caravan parks or additions to existing caravan parks will not be permitted to accommodate long term residents unless the development site is at a level of not less than the design flood level or it can be shown that the site will be filled to the design flood level without impeding the free flow of floodwater.

Any building used for residential purposes, including multi dwelling housing, tourist accommodation and motels

The Habitable areas of motels are to be at a level of not less than Council's adopted minimum floor level for residential development.

4.6 Inappropriate Development Of Flood Liable Land Liable to be Inundated by the Design Flood

Table 4.2 lists development considered by Council to be inappropriate to the applicable categories of flood hazard in the Chinderah and Fingal Road localities.

Flood Hazard Category	Inappropriate Development
Floodway & High Hazard Flood Storage Areas	Multi dwelling housing Dual Occupancy and Granny Flat, Movable Dwelling Parks and Caravan Parks making provision for long term residents.

Table 4.2 Development considered to be inappropriate to the Flood Hazard of Chinderah and Fingal Road

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DEVELOPMENT CONTROL PLAN NO. 5 – DEVELOPMENT OF FLOOD LIABLE LAND

5.0 FINGAL HEAD (Except for Section on Fingal Road, South of No 45 Fingal Road)

5.1 Application

Section 5 of this plan applies to urban zoned land in the above locality.

5.2 Flood Levels

Table 5.1 lists the flood levels for Fingal Head.

Locality	Highest Recorded Flood Level	Predicted High Flood Level 1 in 100 Year Flood Level	Adopted Design Flood Level	Adopted Min. Floor Level for Residential Development
Fingal Head (Village) & Southward to No 52 45 (Lot 19 DP248900) Fingal Road	2.45 m AHD	2.7 m AHD	2.7 m AHD	3.00 m AHD

Table 5.1 Flood Levels in Fingal Head

Areas within Fingal Head which have historically been or which are expected in the future to be subject to inundation as a consequence of river flooding are shown on an independent series of maps held by Council and available for public examination during normal office hours. These maps have been prepared on the basis of information available to Council when this DCP was adopted in 18 June 1986 and only apply to urban areas that existed at that time.

Flooding in this locality has been identified as comprising low and high hazard flood storage areas and floodways.

5.3 Development Generally On Flood Liable Land Liable to be Inundated by the Design Flood

Filling

All Filling is to be graded so that it drains to the street or other approved permanent drainage systems permissible for minor levelling and local drainage purposes. The maximum permissible height of filling, including fill pads under buildings, is 300mm above natural surface level or the centreline level of the adjacent road, whichever is the lesser.

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DEVELOPMENT CONTROL PLAN NO. 5 – DEVELOPMENT OF FLOOD LIABLE LAND

Structures	Where, on land within floodways or high hazard flood storage areas a proposed development could be damaged by flooding no work may be commenced until a certificate of structural adequacy with regard to stability as a result of flooding (<u>including floodwater flow, debris and buoyancy forces</u>) has been submitted to Council by a qualified structural/civil engineer.
Building Materials	All building materials used below Council's adopted design flood level must not be susceptible to water damage.
Electrical Supply	Subject to the requirements of Northern Rivers Electricity the electricity supply authority, all electrical wiring, power outlets, switches, etc, should, to the maximum extent possible, be located above the design flood level. All electrical wiring installed below the design flood level should be suitably treated to withstand continuous submergence in water.
Car Parking	Car parking in the form of basement parking will not be approved below the design flood level unless it is protected against the inflow of water to a level of 500 mm above the design flood level.

5.4 Residential Development On Flood Liable Land Liable to be Inundated by the Design Flood

Subdivision	"Subdivision" refers to any additional allotments created and does not apply to consolidations, boundary adjustments and the like. Further subdivision for residential purposes is considered by Council to be inappropriate to the flood hazard of these localities unless it can be shown that the land can be filled to the design flood level without creating any adverse effect.
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DEVELOPMENT CONTROL PLAN NO. 5 – DEVELOPMENT OF FLOOD LIABLE LAND

Development

The habitable areas of all residential buildings are to be at a level of not less than Council's adopted minimum floor level for development.

Except where dwellings are located above permissible commercial or industrial buildings, the area of a dwelling below Council's design flood level is not to be substantially totally enclosed. Consideration will be given on application, to permitting the enclosure of laundry, stairway entry and double garage space, provided that such an enclosure does not significantly restrict flood flows.

An area of 50 m² per dwelling will generally encompass these facilities. Any larger enclosures ~~will only be considered when the application can demonstrate that the additional area enclosed will not provide any greater restriction to flood flow~~ are prohibited.

The free flow of flood water must be a major consideration in the design of any area to be enclosed.

Apart from the dwelling, one non residential garage or shed structure is permitted on residential allotments. The maximum permissible plan area of this structure is 36 m². This structure

- o may be enclosed
- o may have a floor level below the design flood level
- o must be separated from the dwelling by a minimum horizontal distance of 6m (to allow free passage of flood flow between buildings)
- o should provide for storage above flood level

Movable Dwelling Parks

New movable dwelling parks will not be approved unless it can be demonstrated that the cumulative impacts of both the subject land ~~can be~~ filled (to a level of not less than the adopted design flood level for the locality) and the impacts of other likely or planned development in the locality will not ~~without~~ adversely affecting the current flood levels and patterns in the area.

5.5 Commercial And Industrial Development On Flood Liable Land Liable to be Inundated by the Design Flood

Filling

Filling is permissible for minor levelling and local drainage purposes. The maximum permissible height of filling, including fill pads under buildings, is 300mm above natural surface level or the centreline level of the

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adjacent road, whichever is the lesser.

Development

Commercial and industrial development will be required to make adequate provision of flood free storage areas for stock and equipment susceptible to water damage.

~~It is recommended that areas below Council's adopted minimum floor level not be enclosed and that the free flow of flood waters be permitted at all times.~~

Caravan Parks

All caravans are to be maintained in a condition that will allow removal of them at short notice.

Each site occupant is to be provided with a flood information leaflet for display in each caravan which sets out information on water depths likely to be experienced in the park, sources of flood information, public warning procedures, evacuation routes and advice on when to take action. Such information will be required to be displayed prominently in the park office, amenities blocks and ensuite structures.

Strict limitations will be placed on site development and structures in parks that will impede the free flow of floodwater.

New caravan parks or additions to existing caravan parks will not be permitted to accommodate long term residents unless the development site is at a level of not less than the design flood level or it can be shown that the site will be filled to the design flood level without impeding the free flow of floodwater.

Any building used for residential purposes, including multi dwelling housing, tourist accommodation and motels

The Habitable areas of motels are to be at a level of not less than Council's adopted minimum floor level for residential development.

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5.6 Inappropriate Development Of Flood Liable Land Liable to be Inundated by the Design Flood

Table 5.2 lists development considered by Council to be inappropriate to the relevant categories of flood hazard in these localities.

Flood Hazard Category	Inappropriate Development
Floodway & High Hazard Flood Storage Areas	Dual Occupancy Multi dwelling housing and Granny Flat, Movable Dwelling Parks and Caravan Parks making provision for long term residents.

Table 5.2 Development considered to be inappropriate to the Flood Hazard of Fingal Head

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6.0 THE COASTAL VILLAGES**6.1 Application**

Section 6 of this plan applies to urban zoned land in the above localities.

6.2 Flood Levels

This section of the plan deals with the coastal villages and urban areas of Casuarina, Kings Forest, Bogangar, Hastings Point and Pottsville. Table 6.1 lists the various flood levels for these villages.

Locality	Highest Recorded Flood Level	Predicted High-Flood 1 in 100 Year Flood Level	Adopted Design Flood Level	Adopted Min. Floor Level for Residential Development
Casuarina			<u>3.6m AHD</u>	<u>3.9m AHD</u>
Kings Forest * Above HS1 Above HS2 & HS3 Above HS4 Below HS3			<u>4.2m AHD</u> <u>4.0m AHD</u> <u>3.8 m AHD</u> <u>3.6m AHD</u>	<u>4.5m AHD</u> <u>4.3m AHD</u> <u>4.1m AHD</u> <u>3.9m AHD</u>
Bogangar	3.08m AHD	3.37m AHD	3.4m AHD	3.70m AHD
Hastings Point	N.K.	2.04m AHD	2.4m AHD	2.70m AHD
Pottsville Village	2.29m AHD	2.37m AHD	2.40m AHD	2.7m AHD
Pottsville Waters *north of and including Buckingham Dr)	-	-	2.70m AHD	3.0m AHD
Searanch (Koala Beach)	=	=	<u>2.70m AHD</u>	<u>3.2m AHD</u>
Black Rocks * south of Buckingham Dr	=	=	<u>3.0m AHD</u>	<u>3.3m AHD</u>
Seabreeze			<u>2.67m AHD</u>	<u>2.97m AHD</u>
Tanglewood	=	=	<u>3.55m AHD</u>	<u>3.85m AHD</u>
Wooyung	=	=	<u>3.5m AHD</u>	<u>3.8m AHD</u>

* See Kings Forest LES, GHD, 2001 Section 5.5

Table 6.1 Flood Levels in the Coastal Villages

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Areas within these villages which have historically been or which are expected in the future to be subject to inundation as a consequence of river flooding are shown on an independent series of maps held by Council and available for public examination during normal office hours. These maps have been prepared on the basis of information available to Council when this DCP was adopted in 18 June 1986 and only apply to urban areas that existed at that time.

The subject localities have been identified as comprising flood fringe areas.

6.3 Development Generally On Flood Liable Land Liable to be Inundated by the Design Flood

Development and Filling

Applicants will be required to provide details of studies that demonstrate the proposed development will not adversely affect the current flood pattern and levels in the area.

Filling

~~All filling is to be graded so that it drains to the street or other approved permanent drainage systems.~~

Building Materials

All building materials used below Council's adopted design flood level must not be susceptible to water damage.

Electrical Supply

Subject to the requirements of ~~Northern Rivers Electricity~~ the electricity supply authority, all electrical wiring, power outlets, switches, etc, should, to the maximum extent possible, be located above the design flood level. All electrical wiring installed below the design flood level should be suitably treated to withstand continuous submergence in water.

Car Parking

Car parking in the form of basement parking will not be approved below the design flood level unless it is protected against the inflow of water to a level of 500 mm above the design flood level.

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DEVELOPMENT CONTROL PLAN NO. 5 – DEVELOPMENT OF FLOOD LIABLE LAND

6.4 Residential Development Land Zoned 2(a), 2(b) or 2 (c) On Flood Liable Land Liable to be Inundated by the Design Flood

Subdivision	<p><u>(a) All land, other than public roads and reserves, is to be filled to a minimum level of the design flood where an additional allotment is created and not for consolidations, boundary adjustments and the like. This is not mandatory for:</u></p> <p><u>(i) consolidations, boundary adjustments and the like.</u></p> <p><u>(ii) sections of driveways that must connect to lower roads</u></p> <p><u>(iii) Sections of allotments between the building line and street where the street is at a lower level and grading of this section of the allotment is necessary to transition the levels.</u></p> <p><u>(b) Public roads are to be constructed with a crown level not more than 300mm lower than the design flood, unless a lower level is required for local drainage or overland flow path needs</u></p>
Filling	<p>Land to be developed for the purpose of residential flat buildings/dual occupancy <u>multi dwelling housing</u> shall be filled to a minimum level of the design flood level.</p> <p>Land to be developed for other residential purposes shall be filled to a level of the road centre line in front of the allotment.</p> <p>While filling of all allotments to a minimum level of the design flood level is recommended consideration may be given to the erection of single dwellings without filling above the road centre line level provided the habitable area is above Council's adopted minimum floor level.</p>
Development	<p>The habitable areas of all residential buildings are to be at a level of not less than Council's adopted minimum floor level for development.</p> <p>Areas for recreational purposes only may be approved below Council's minimum floor level in flood fringe areas provided that furnishings therein are readily removable.</p>
Movable Dwelling Parks	<p><u>New movable dwelling parks will not be approved unless it can be demonstrated that the cumulative impacts of both the subject land can be filled (to a level of not less than the adopted design flood level for the locality) and the impacts of other likely or planned development in the locality will not without adversely affecting the current flood levels and patterns in the area.</u></p>

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**6.5 Commercial And Industrial Development On Flood-Liable Land Liabe
to be Inundated by the Design Flood**

Development

Applicants will be required to provide details of studies that demonstrate the proposed development will not adversely affect the current flood pattern and levels in the area.

Commercial and industrial development will be required to make adequate provision of flood free storage areas for stock and equipment susceptible to water damage.

~~It is recommended that areas below Council's adopted minimum floor level not be enclosed and that the free flow of flood waters be permitted at all times.~~

Caravan Parks

All caravans are to be maintained in a condition that will allow removal of them at short notice.

Each site occupant is to be provided with a flood information leaflet for display in each caravan which sets out information on water depths likely to be experienced in the park, sources of flood information, public warning procedures, evacuation routes and advice on when to take action. Such information will be required to be displayed prominently in the park office, amenities blocks and ensuite structures.

Strict limitations will be placed on site development and structures in parks that will impede the free flow of floodwater.

New caravan parks or additions to existing caravan parks will not be permitted to accommodate long term residents unless the development site is at a level of not less than the design flood level or it can be shown that the site will be filled to the design flood level without impeding the free flow of floodwater.

Any building used for residential purposes, including multi dwelling housing, tourist accommodation and motels

The Habitable areas of motels are to be at a level of not less than Council's adopted minimum floor level for residential development.

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6.6 Inappropriate Development Of Flood-Liable Land Liable to be Inundated by the Design Flood

Table 6.2 lists development considered by Council to be inappropriate to the relevant categories of flood hazard in these localities.

Flood Hazard Category	Inappropriate Development
Floodway & High Hazard Flood Storage Areas	Dual Occupancy Multi dwelling housing and Granny Flats, Movable Dwelling Parks and Caravan Parks making provision for long term residents.

Table 6.2 Development considered to be inappropriate to the flood hazard of these Coastal Villages

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DEVELOPMENT CONTROL PLAN NO. 5 – DEVELOPMENT OF FLOOD LIABLE LAND

7.0 KINGSCLIFF SOUTH OF WAUGH STREET & CHINDERAH SOUTH AND EAST OF THE PACIFIC HIGHWAY

7.1 Application

Section 7 of this plan applies to urban zoned land and land proposed for sporting fields in the above localities.

7.2 Flood Levels

This section applies to the land east of the proposed Kingscliff Motorway and Kingscliff and the area of Chinderah generally south and east of the Pacific Highway. Table 7.1 lists the identified flood levels for Kingscliff in this area.

Locality	Highest Recorded Flood Level	Predicted High-1 in 100 Year Flood Level	Adopted Design Flood Level	Adopted Min. Floor Level for Residential Development
Kingscliff	3.09m AHD	3.24-3.30m AHD	3.30m AHD	3.60m AHD
<u>Kingscliff West (DCP 9)</u> <u>Chinderah (South and East of the Pacific Highway)</u>	=	=	<u>3.40m AHD</u>	<u>3.70m AHD</u>

Table 7.1 Flood Levels in Kingscliff and South East Part of Chinderah

Areas within this locality which have historically been or which are expected in the future to be subject to inundation as a consequence of river flooding are shown on an independent series of maps held by Council and available for public examination during normal office hours. These maps have been prepared on the basis of information available to Council when this DCP was adopted in 18 June 1986 and only apply to urban areas that existed at that time.

Flooding in this locality has been identified as comprising low and high hazard flood storage areas.

7.3 Development Generally On Land Liable to be Inundated by the Design Flood

Filling

All filling is to be graded so that it drains to the street or other approved permanent drainage systems. See 7.3, 7.4 and 7.5.

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- Building Materials** All building materials used below Council's adopted design flood level must not be susceptible to water damage.
- Electrical Supply** Subject to the requirements of ~~Northern Rivers Electricity~~ the electricity supply authority, all electrical wiring, power outlets, switches, etc, should, to the maximum extent possible, be located above the design flood level. All electrical wiring installed below the design flood level should be suitably treated to withstand continuous submergence in water.
- Car Parking** Car parking in the form of basement parking will not be approved below the design flood level unless it is protected against the inflow of water to a level of 500 mm above the design flood level.

7.4 Residential Development On Flood-Liable Land Liable to be Inundated by the Design Flood in 2(c) Urban Expansion Zone

- Subdivision** (a) All land, other than public roads and reserves, to be filled to a minimum level of the design flood where an additional allotment is created and not for consolidation, boundary adjustments and the like.
This is not mandatory for:
- (i) consolidation, boundary adjustments and the like.
 - (ii) sections of driveways that must connect to lower roads
 - (ii) sections of allotments between the building line and street where the street is at a lower level and grading of this section of the allotment is necessary to transition levels.
- (b) Public roads are to be constructed with a crown level not more than 300mm lower than the design flood, unless a lower level is required for local drainage or overland flow path needs.

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Filling	<p>Land to be developed for the purpose of residential flat buildings/dual occupancy <u>multi dwelling housing</u> shall be filled to a minimum level of the design flood level.</p> <p>While filling of all <u>existing residential</u> allotments to a minimum level of the design flood level is recommended, consideration may be given to the erection of single dwellings without filling above the road centre line level provided the habitable area is above Council's adopted minimum floor level.</p>
Development	<p>The habitable area of all residential buildings is to be at a level of not less than Council's adopted minimum floor level for development.</p> <p>Areas for recreational purposes only may be approved below Council's minimum floor level in flood fringe areas provided that furnishings therein are readily removable.</p>
Movable Dwelling Parks	<p><u>New</u> movable dwelling parks will not be approved unless it can be demonstrated that the <u>cumulative impacts of both the subject land can be being filled</u> (to a level of not less than the adopted design flood level for the locality) <u>and the impacts of other likely or planned development in the locality will not without</u> adversely affecting the current flood levels and patterns in the area.</p>

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7.5 Commercial And Industrial Development On Flood Liable Land Liable to be Inundated by the Design Flood, Zoned Industrial and Special Uses, Between Tweed Coast Road, Ozone Street and Kingscliff Drain

Background

This is the area containing industrial zoned land and sewage treatment works site and generally bounded by the Pacific Highway to the north and Tweed Coast Road to the west. The levels of the surrounding roads are (or are planned to be) generally 2.2m AHD which approximates the 1 in 20 year flood. Portion of this area (between Morton and Ozone Streets) is already developed for industrial purposes, the remainder generally undeveloped.

Format of Development Standards in this Section

In this section (7.5) some requirements are designated as prescriptive, whilst others are based on performance. Acceptable solutions are provided as examples of what is considered acceptable to achieve the performance criteria. They are examples only and do not preclude other solutions which achieve the required performance.

<u>Element</u>	<u>Objective</u>	<u>Prescriptive Standards</u>	<u>Performance Criteria</u>	<u>Example of Acceptable Solution</u>
<u>Subdivision Roads</u>	<u>Minimise impacts of flooding</u>	<u>The crown level of subdivision roads must not exceed 2.2m or natural ground level.</u>	<u>Structures and permanent improvements are to be restricted in site coverage to retain a minimum of 50% of the area available for flood flow.</u>	<p>(a) Where possible streets should be oriented with the flood flow direction. In this regard, short street lengths and use of cul de sacs or staggered T junctions may inhibit flood flows unless provided with appropriate flow entry and exit points at the ends of the streets.</p> <p>(b) It is preferable to avoid staggering lot boundaries aligned in the flood flow direction as flood flows will be inhibited by subsequent uncoordinated partial filling and buildings on such lots.</p> <p>(c) The crown level of new subdivision roads is not to exceed 2.2m or natural ground level.</p> <p>(d) Lots with existing level less than 2.2m AHD may be filled to a maximum height of 2.2m AHD</p> <p>(e) (i) On each lot a maximum of 50% of the plan area of the lot may be occupied by structures, buildings, stockpiles and/or fill that exceeds 2.2m AHD.</p> <p>(ii) On any lot, flow obstructions (defined as fill, structures, buildings or stockpiles, above 2.2m AHD or above existing ground level), are to be located so that at least 50% of any cross section of the lot, transverse to the direction of flood flow, is clear of flow obstructions. This is to provide a "local flood path" on each allotment.</p>
<u>Filling</u>	<u>as above</u>		<u>as above</u>	<u>as above</u>
<u>Development</u>	<u>as above</u>		<u>as above</u>	<p>(a) The provisions of (e) above apply</p> <p>(b) Commercial and industrial development will be required to make adequate provision of flood free storage areas for stock and equipment susceptible to water damage.</p> <p>(c) Fences located on the "local flood path", transverse to the direction of flood flow (generally east/west) are to be >90% permeable.</p> <p>(d) The "local flood path" is to be kept free of any permanent landscaping or other obstructions that will inhibit flood flow.</p>

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7.6 Commercial And Industrial Development On Flood-Liable Land Liable to be Inundated by the Design Flood

Development	Commercial and industrial development will be required to make adequate provision of flood free storage areas for stock and equipment susceptible to water damage.
Caravan Parks	<p>All caravans are to be maintained in a condition that will allow removal of them at short notice.</p> <p>Each site occupant is to be provided with a flood information leaflet for display in each caravan which sets out information on water depths likely to be experienced in the park, sources of flood information, public warning procedures, evacuation routes and advice on when to take action. Such information will be required to be displayed prominently in the park office, amenities blocks and ensuite structures.</p> <p>Strict limitations will be placed on site development and structures in parks that will impede the free flow of floodwater.</p> <p>New caravan parks or additions to existing caravan parks will not be permitted to accommodate long term residents unless the development site is at a level of not less than the design flood level or it can be shown that the site will be filled to the design flood level without impeding the free flow of floodwater.</p>
Motels	The habitable areas of motels are to be at a level of not less than Council's adopted minimum floor level for residential development.

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7.7 Development On Land liable to be Inundated by the Design Flood, South of the Pacific Highway and West of Tweed Coast Road

Industrial Area South of Pacific Highway and West of Tweed Coast Road

Objectives and development standards for subdivision, filling and development are to be in accordance with 7.5
The crown level of the connection road between the industrial area and Tweed Coast Road must not exceed 2.2m AHD or natural surface level.

Areas to be developed for active open space

The crown levels of access roads, carparking and hardstand areas must not exceed 2.2m AHD or natural surface level.

Filling of playing fields must not exceed:

- Where natural surface is at or above 1.7m AHD, 200mm above natural surface level (for levelling and local drainage purposes) or
- Where natural surface level is below 1.7m AHD, a maximum fill level of 1.7m AHD.

Amenities buildings may be located on pads filled to the design flood level.

Roads

The crown level of roads is not to exceed 2.2m or natural ground level.

7.8 Inappropriate Development Of Flood-Liable Land Liable to be Inundated by the Design Flood

Table 7.2 lists development considered by Council to be inappropriate to the relevant categories of flood hazard experienced in Kingscliff and part of Chinderah.

Flood Hazard Category	Inappropriate Development
Floodway & High Hazard Flood Storage Areas	Dual-Occupaney <u>Multi dwelling housing</u> and Granny Flats, Movable Dwelling Parks and Caravan Parks making provision for long term residents.

Table 7.2 Development considered to be inappropriate to the flood hazard in Kingscliff

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8.0 MURWILLUMBAH, CONDONG & TUMBULGUM**8.1 Application**

Section 5 of this plan applies to urban zoned land in the above locality.

8.2 Flood Levels

Table 8.1 lists the various flood levels for these localities.

Locality	Highest Recorded Flood Level	Predicted High-1 in 100 Year Flood Level	Adopted Design Flood Level	Adopted Min. Floor Level for Residential Development
Tumbulgum	3.94m AHD	4.38m AHD	4.40m AHD	4.70m AHD
Condong	4.05m AHD	4.98m AHD	5.00m AHD	5.30m AHD
Norths Lane (Condong)	-	4.75m AHD	4.75m AHD	5.05m AHD
Mur-bah - Buchanan St to Stand-Sawmill Reserve Ck Rd	5.15m AHD	5.82m AHD	5.8m AHD	6.1m AHD
Mur-bah	6.58m AHD	7.15m AHD	7.15m AHD	7.5m AHD
Mur-bah East & Mooball Street	5.40-5.05m AHD	5.82m AHD	5.8m AHD	6.1m AHD
Dorothy/William	4.65m AHD	5.54m AHD	5.5m AHD	5.8m AHD
Mur-bah South	6.53-5.84m AHD	6.55-7.12m AHD	As determined by the Director of Engineering Services DFL+300	
Bray Park	7.40m AHD	7.67m AHD	7.67m AHD	8.2m AHD
Mur-bah South - Sth of Rose Ln	6.30m AHD	6.44m AHD	6.4m AHD	6.7m AHD
Mur-bah South - Railway Street/ Buchanan Est.	5.25m AHD	6.44m AHD	6.4m AHD	6.7m AHD
Bray	-	-	9.85m AHD	10.35m AHD

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Locality	Highest Recorded Flood Level	Predicted High-1 in 100 Year Flood Level	Adopted Design Flood Level	Adopted Min. Floor Level for Residential Development
Pk/Byangum/River Oak Drive				
<u>Murwillumbah</u>				
<u>Bellevue Heights/North Arm Road</u>	=	=	<u>7.2m AHD</u>	<u>7.5m AHD</u>
<u>Riveroak Drive</u>	=	=	<u>10.0m AHD</u>	<u>10.3m AHD</u>
<u>Byangum Bridge</u>	=	=	<u>10.5m AHD</u>	<u>10.8m AHD</u>
<u>Dallis Park</u>				
<u>Bakers Road/ Dallis Court/ Amarillo Drive</u>	= =	= =	<u>8.3m AHD</u> <u>7.5m AHD</u>	<u>8.6m AHD</u> <u>7.8m AHD</u>
<u>Glenock Rd locality Uki end</u>				
<u>Murwillumbah end</u>	= =	= =	<u>18.0m AHD</u> <u>16.5m AHD</u>	<u>18.5m AHD</u> <u>18.5m AHD</u>
<u>Murwillumbah</u>				
<u>Golden Links</u>	=	=	<u>6.6m AHD</u>	<u>6.9m AHD</u>
<u>Haley Place</u>	=	=	<u>5.4m AHD</u>	<u>5.7m AHD</u>
<u>Hall Drive</u>	=	=	<u>Varies 5.8 to 6.2m AHD</u>	<u>6.5m AHD</u>
<u>Lundberg Drive</u>	=	=	<u>6.0m AHD</u>	<u>6.3m AHD</u>
<u>Mountain View Retirement Home</u>	=	=	<u>9.9m AHD</u>	<u>10.2m AHD</u>
<u>Reserve Creek Road to Cane Road, Condong</u>	=	=		<u>As determined by Director, Engineering Services</u>
<u>Nunderi – (Norths Lane)</u>			<u>4.8m AHD</u>	<u>5.1m AHD</u>
<u>Murwillumbah Showground/ Dorothy/ William</u>	=	=	<u>5.5m AHD</u>	<u>5.8m AHD</u>

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Locality	Highest Recorded Flood Level	Predicted High-1 in 100 Year Flood Level	Adopted Design Flood Level	Adopted Min. Floor Level for Residential Development
Reserve Ck Rd to Condong	4.65m AHD	5.54m AHD	As determined by DEO	

Table 8.1 Flood Levels in Murwillumbah, Condong & Tumbulgum

Areas within these localities which have historically been or which are expected in the future to be subject to inundation as a consequence of river flooding are shown on an independent series of maps held by Council and available for public examination during normal office hours. These maps have been prepared on the basis of information available to Council when this DCP was adopted in 18 June 1986 and only apply to urban areas that existed at that time.

Flooding in these localities has been identified as comprising low and high hazard flood fringe areas, low and high hazard flood storage areas and floodways.

8.3 Development Generally On Flood Liable Land Liable to be Inundated by the Design Flood

Filling

Unless the height of filling is otherwise limited by flooding considerations, where practicable, all sites will be required to be filled to a level of not less than the level of the centre line of the road in front of the allotment.

All filling is to be graded so that it drains to the street or other approved permanent drainage systems.

Structures

Where, on land within floodways or high hazard flood storage areas a proposed development could be damaged by flooding no work may be commenced until a certificate of structural adequacy with regard to stability as a result of flooding (including floodwater flow, debris and buoyancy forces) has been submitted to Council by a qualified structural/civil engineer.

Fencing

Fencing must be of a form that will either allow the free passage of flood water or of a light construction such as timber paling that will collapse as a result of any build up of debris or flood water.

Building Materials

All building materials used below Council's adopted design flood level must not be susceptible to water damage.

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Electrical Supply

Subject to the requirements of ~~Northern Rivers Electricity~~ the electricity supply authority, all electrical wiring, power outlets, switches, etc, should, to the maximum extent possible, be located above the design flood level. All electrical wiring installed below the design flood level should be suitably treated to withstand continuous submergence in water.

8.4 Residential Development On Flood Liable Land Liable to be Inundated by the Design Flood

Subdivision

"Subdivision" refers to any additional allotments created and does not apply to consolidations, boundary adjustments and the like.

Further subdivision for residential purposes is considered as inappropriate to the flood hazard of these localities unless it can be shown that the land can be filled to the design flood level without creating any adverse affect.

Filling and Development

(a) The habitable areas of all residential buildings are to be at a level of not less than Council's adopted minimum floor level for development in each locality.

(b) In those localities from and including South Murwillumbah to Condong and Tumbulgum:

- o Except where dwellings are located above permissible commercial or industrial buildings, the area of a dwelling below Council's design flood level is not to be totally enclosed. Consideration will be given on application, to permitting the enclosure of laundry, stairway entry and double garage space, provided that such an enclosure does not significantly restrict flood flows.
- o An area of 50 m² per dwelling will generally encompass these facilities. Any larger enclosures ~~will only be considered when the application can demonstrate that the additional area enclosed will not provide any greater restriction to flood flow~~ are prohibited.
- o The free flow of flood water must be a major consideration in the design of any area to be enclosed.
- o Filling is permissible for minor levelling and local drainage purposes. The maximum permissible height of filling, including fill pads under buildings, is 300mm above natural surface level or the

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centreline level of the adjacent road, whichever is the lesser.

- o Apart from the dwelling, one non residential garage or shed structure is permitted on residential allotments. The maximum permissible plan area of this structure is 36 m². This structure
 - a) may be enclosed
 - b) may have a floor level below the design flood level
 - c) must be separated from the dwelling by a minimum horizontal distance of 6m (to allow free passage of flood flow between buildings)
 - d) should provide for storage above flood level

Movable Dwelling Parks

New movable dwelling parks will not be approved unless it can be demonstrated that the cumulative impacts of both the subject land can-being filled (to a level of not less than the adopted design flood level for the locality) and the impacts of other likely or planned development in the locality will not without adversely affecting the current flood levels and patterns in the area.

8.5 Commercial And Industrial Development On Flood-Liable Land Liable to be Inundated by the Design Flood

Subdivision, Filling and Development

Industrial subdivision, filling or development may be approved where it can be demonstrated that the cumulative impacts of both the proposed development and other likely or planned development will not adversely affect the current flood patterns and levels in the locality.

Commercial and industrial development will be required to make adequate provision of flood free storage areas for stock and equipment susceptible to water damage.

Development

Commercial and industrial development will be required to make adequate provision of flood free storage areas for stock and equipment susceptible to water damage.

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DEVELOPMENT CONTROL PLAN NO. 5 – DEVELOPMENT OF FLOOD LIABLE LAND

Caravan Parks

All caravans are to be maintained in a condition that will allow removal of them at short notice.

Each site occupant is to be provided with a flood information leaflet for display in each caravan which sets out information on water depths likely to be experienced in the park, sources of flood information, public warning procedures, evacuation routes and advice on when to take action. Such information will be required to be displayed prominently in the park office, amenities blocks and ensuite structures.

Strict limitations will be placed on site development and structures in parks that will impede the free flow of floodwater.

New caravan parks or additions to existing caravan parks will not be permitted to accommodate long term residents unless the development site is at a level of not less than the design flood level or it can be shown that the site will be filled to the design flood level without impeding the free flow of floodwater.

Any building used for residential purposes, including multi dwelling housing, tourist accommodation and motels

The Habitable areas of motels are to be at a level of not less than Council's adopted minimum floor level for residential development.

8.6 Inappropriate Development Of Flood Liable Land Liable to be Inundated by the Design Flood

Table 8.2 lists development considered by Council to be inappropriate to the relevant categories of flood hazard in these localities.

Flood Hazard Category	Inappropriate Development
Floodway & High Hazard Flood Storage Areas	Dual Occupancy Multi dwelling housing and Granny Flats in Residential "A" and Rural Village zones; Movable Dwelling Parks and Caravan Parks making provision for long term residents.

Table 8.2 Development considered to be inappropriate to the Flood Hazard of these localities.

DCP5-44

DEVELOPMENT CONTROL PLAN NO. 5 – DEVELOPMENT OF FLOOD LIABLE LAND

9.0 THE RURAL VILLAGES AND THE CLARRIE HALL DAM CATCHMENT

9.1 Application

Section 9 of this plan applies to the villages and localities designated below.

9.2 Flood Levels

This section of the plan deals with the rural villages of Uki, Tyalgum, Chillingham, Burringbar and Mooball and the catchment area of the Clarrie Hall Dam. Table 9.1 lists the known flood levels for these localities.

Locality	Highest Recorded Flood Level	Predicted 1 in 100 Year Flood Level	Adopted Design Flood Level	Adopted Min. Floor Level for Residential Development
Bilambil	3.48 m AHD	-	3.5 m AHD	3.80 m AHD
Uki	22.40 m AHD	-	22.70 m AHD	23.00 m AHD
Braeside (Uki)	-	19.7 m AHD	19.7 m AHD	20.00 m AHD
Tyalgum	55.11 m AHD	-	55.2 m AHD	55.7 m AHD
Tyalgum - upstream of bridge	55.8m AHD	-	As determined by the Director, Engineering Services	As determined by the Director, Engineering Services + 500mm
Chillingham Flood Gauge Levels at other locations in village will be supplied by the Shire Engineer	29.9 m AHD	-	29.95 m AHD	30.25 m AHD
Mooball	12.70 m AHD	-	12.70 m AHD	13.0 m AHD
Catchment Clarrie Hall Dam	-	-	67.10 m AHD	67.4 m AHD
Doon Doon Catchment	-	-	67.10 m AHD	67.40 m AHD

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DEVELOPMENT CONTROL PLAN NO. 5 – DEVELOPMENT OF FLOOD LIABLE LAND

Burringbar	-	-	16.5 m AHD	16.8 m AHD
<u>Burringbar</u> <u>Pacific Hwy/</u> <u>Hunter St</u>	=	=	<u>16.5m AHD</u>	<u>16.8m AHD</u>
Other Places	HFL + 300 mm as determined by Council			

Table 9.1 Flood Levels in Rural Areas

Flood records and information in these villages is limited and there is little mapping information available from Council. It is recommended that interested persons seek information on the possible extent of flood affect of any property, if any, by local enquiry.

9.3 Development Generally On Flood-Liable Land Liable to be Inundated by the Design Flood

Structures

Where, on land within floodways or high hazard flood storage areas a proposed development could be damaged by flooding no work may be commenced until a certificate of structural adequacy with regard to stability as a result of flooding (including floodwater flow, debris and buoyancy forces) has been submitted to Council by a qualified structural/civil engineer.

Building Materials

All building materials used below Council's adopted design flood level must not be susceptible to water damage.

Electrical Supply

Subject to the requirements of ~~Northern Rivers Electricity~~ the electricity supply authority, all electrical wiring, power outlets, switches, etc, should, to the maximum extent possible, be located above the design flood level. All electrical wiring installed below the design flood level should be suitably treated to withstand continuous submergence in water.

DCP5-46

DEVELOPMENT CONTROL PLAN NO. 5 – DEVELOPMENT OF FLOOD LIABLE LAND

9.4 Residential Development On Flood Liable Land Liable to be Inundated by the Design Flood

Subdivision

A flood free (design flood) dwelling site must exist on each new allotment created. The construction of a flood free dwelling site will be permitted only where it can be demonstrated that cumulative impacts of such work and likely or planned development will not have any adverse effects on floodwaters in the locality.

Where a flood free access exists to the land being subdivided the proposed subdivision shall, as far as practicable, be designed so that a flood free access is provided to the proposed lot or lots.

The crown level of new subdivision roads in flood prone land shall not exceed 300mm above natural surface level.

Filling of subdivision lots in flood prone land is permissible for minor levelling and local drainage purposes. The maximum permissible height of filling, including fill pads under buildings, is 300mm above natural surface level or the centreline level of the adjacent road, whichever is the lesser.

Development

The habitable areas of all residential buildings are to be at a level of not less than Council's adopted minimum floor level for development.

Construction of dwellings on land that is below the design flood level should be avoided unless there are no other alternative sites on a property. Such dwellings may only be considered if the applicant can provide reports from a suitably qualified engineer that demonstrates:

- o the dwelling is not in a floodway or high hazard area
- o the dwelling will be structurally adequate to withstand the force of flood waters and debris
- o There is a practical evacuation plan to deal with health or other emergencies during times of flood that will not place significant burdens or risk on public emergency services.
- o The cumulative impact of this dwelling and any other existing and likely future development in the area, will not cause a cumulative significant rise in flood levels.

The construction of a fill "island" under the dwelling will only be considered if the applicant can fully comply with

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DEVELOPMENT CONTROL PLAN NO. 5 – DEVELOPMENT OF FLOOD LIABLE LAND

the above last dot point.

In all other cases if a dwelling is approved, the following development standards apply:

- The area of a dwelling below design flood level is not to be totally enclosed. Consideration will be given on application, to permitting the enclosure of laundry, stairway entry and double garage space, provided that such an enclosure does not significantly restrict flood flows.
- An area of 50 m² per dwelling will generally encompass these facilities. Any larger enclosures are prohibited.
- The free flow of flood water must be a major consideration in the design of any area to be enclosed.
- Filling is permissible for minor levelling and local drainage purposes. The maximum permissible height of filling, including fill pads under buildings, is 300mm above natural surface level or the centreline level of the adjacent road, whichever is the lesser.
- Apart from the dwelling, one non residential garage or shed structure is permitted on residential allotments. The maximum permissible plan area of this structure is 36 m². This structure:
 - a) may be enclosed
 - b) may have a floor level below the design flood level
 - c) must be separated from the dwelling by a minimum horizontal distance of 6m (to allow free passage of flood flow between buildings)
 - d) should provide for storage above flood level

Movable Dwelling Parks

New movable dwelling parks will not be approved unless it can be demonstrated that the cumulative impacts of both the subject land can be filled (to a level of not less than the adopted design flood level for the locality) and the impacts of other likely or planned development in the locality will not without adversely affecting the current flood levels and patterns in the area.

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DEVELOPMENT CONTROL PLAN NO. 5 – DEVELOPMENT OF FLOOD LIABLE LAND

9.5 Commercial And Industrial Development On Flood-Liable Land Liable to be Inundated by the Design Flood

Development Commercial and industrial development will be required to make adequate provision of flood free storage areas for stock and equipment susceptible to water damage.

Caravan Parks Caravan parks will not be approved unless it can be demonstrated that the cumulative impacts of both the subject land can-being filled (to a level of not less than the adopted design flood level for the locality) and the impacts of other likely or planned development in the locality will not without adversely affecting the current flood levels and patterns in the area.

Any building used for residential purposes, including multi dwelling housing, tourist accommodation and motels The Habitable areas of motels are to be at a level of not less than Council's adopted minimum floor level for residential development.

9.6 Inappropriate Development Of Flood-Liable Land Liable to be Inundated by the Design Flood

Table 9.2 lists development considered by Council to be inappropriate to the relevant categories of flood hazard in these localities.

Flood Hazard Category	Inappropriate Development
Floodway & High Hazard Flood Storage Areas	Dual Occupancy Multi dwelling housing and Granny Flats, Movable Dwelling Parks and Caravan Parks and Residential Flat-Buildings.

Table 9.2 Development considered to be inappropriate to the Flood Hazard of these Rural Villages.

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DEVELOPMENT CONTROL PLAN NO. 5 – DEVELOPMENT OF FLOOD LIABLE LAND

10.0 RURAL AND OTHER AREAS

10.1 Application and Design Flood

This section shall apply to areas not specifically covered by sections 3 – 9 of this plan.

10.2 Design Flood and Habitable Floor Levels

The design flood shall be the 1 in 100 year flood for the locality. The habitable areas of all residential buildings are to be at a level of not less than 300mm above the design flood level.

10.3 Residential Development On Flood-Liable Land Liable to be Inundated by the Design Flood

Structures

The habitable areas of all residential buildings are to be at a level of not less than 300mm above the design flood level. Where, on land within floodways or high hazard flood storage areas a proposed development could be damaged by flooding no work may be commenced until a certificate of structural adequacy with regard to stability as a result of flooding (including floodwater flow, debris and buoyancy forces) has been submitted to Council by a qualified structural/civil engineer.

Subdivision

A flood free (design flood) dwelling site must exist on each new allotment created. The construction of a flood free dwelling site will be permitted only where it can be demonstrated that cumulative impacts of such work and likely or planned development will not have any adverse effects on floodwaters in the locality.

Where a flood free access exists to the land being subdivided the proposed subdivision shall, as far as practicable, be designed so that a flood free access is provided to the proposed lot or lots.

The crown level of new subdivision roads in flood prone land shall not exceed 300mm above natural surface level.

Filling of subdivision lots in flood prone land is permissible for minor levelling and local drainage purposes. The maximum permissible height of filling, including fill pads under buildings, is 300mm above natural surface level or the centreline level of the adjacent road, whichever is the lesser.

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DEVELOPMENT CONTROL PLAN NO. 5 – DEVELOPMENT OF FLOOD LIABLE LAND

Development

The habitable area of all residential buildings is to be at a level of not less than the level specified in any building approval having regard to the availability of flood information for the particular locality.

Where possible, dwellings are to be located on those parts of the property that are above the design flood level, and preferably have flood (design flood) free access.

Dwellings on land below the design flood level

Construction of dwellings on land that is below the design flood level should be avoided unless there are no other alternative sites on a property. Such dwellings may only be considered if the applicant can provide reports from a suitably qualified engineer that demonstrates:

- o the dwelling is not in a floodway or high hazard area
- o the dwelling will be structurally adequate to withstand the force of flood waters and debris
- o There is a practical evacuation plan to deal with health or other emergencies during times of flood that will not place significant burdens or risk on public emergency services.
- o The cumulative impact of this dwelling and any other existing and likely future development in the area, will not cause a cumulative significant rise in flood levels.

The construction of a fill "island" under the dwelling will only be considered if the applicant can fully comply with the above last dot point.

In all other cases if a dwelling is approved, the following development standards apply:

- o The area of a dwelling below design flood level is not to be totally enclosed. Consideration will be given on application, to permitting the enclosure of laundry, stairway entry and double garage space, provided that such an enclosure does not significantly restrict flood flows.
- o An area of 50 m² per dwelling will generally encompass these facilities. Any larger enclosures are prohibited.
- o The free flow of flood water must be a major consideration in the design of any area to be enclosed.
- o Filling is permissible for minor levelling and local drainage purposes. The maximum permissible height of filling, including fill pads under buildings, is 300mm above natural surface level or the centreline level of the adjacent road, whichever is

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DEVELOPMENT CONTROL PLAN NO. 5 – DEVELOPMENT OF FLOOD LIABLE LAND

the lesser.

- o Apart from the dwelling, one non residential garage or shed structure is permitted on residential allotments. The maximum permissible plan area of this structure is 36 m². This structure:
 - e) may be enclosed
 - f) may have a floor level below the design flood level
 - g) must be separated from the dwelling by a minimum horizontal distance of 6m (to allow free passage of flood flow between buildings)
 - h) should provide for storage above flood level

Movable Dwelling Parks

New movable dwelling parks will not be approved unless it can be demonstrated that the cumulative impacts of both the subject land can-being filled (to a level of not less than the adopted design flood level for the locality) and the impacts of other likely or planned development in the locality will not without adversely affecting the current flood levels and patterns in the area.

10.4 Commercial & Industrial Development On Flood-Liable Land Liable to be Inundated by the Design Flood

Development

Development may be approved where it can be demonstrated that the cumulative impacts of both the proposed development and other likely or planned development will not adversely affect the current flood patterns and levels in the locality.

Commercial and industrial development will be required to make adequate provision of flood free storage areas for stock and equipment susceptible to water damage.

Caravan Parks

All caravans are to be maintained in a condition that will allow removal of them at short notice.

Each site occupant is to be provided with a flood information leaflet for display in each caravan which sets out information on water depths likely to be experienced in the park, sources of flood information, public warning procedures, excavation routes and advice on which to take action. Such information will be required to be displayed prominently in the park office, amenities blocks and ensuite structures.

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DEVELOPMENT CONTROL PLAN NO. 5 – DEVELOPMENT OF FLOOD LIABLE LAND

Strict limitations will be placed on site development and structures in parks that will impede the free flow of floodwater.

New caravan parks or additions to existing caravan parks will not be permitted to accommodate long term residents unless the development site is at a level of not less than the design flood level or it can be shown that the site will be filled to the design flood level without impeding the free flow of floodwater.

Any building used for residential purposes, including multi dwelling housing, tourist accommodation and motels

The Habitable areas of motels are to be at a level of not less than the flood level that would be specified for residential development having regard to the availability of flood information for the locality.

10.5 Inappropriate Development Of Flood Liable Land Liable to be Inundated by the Design Flood

Table 10.1 lists development considered by Council to be inappropriate to the relevant categories of flood hazard in rural areas.

Flood Hazard Category	Inappropriate Development
Floodway & High Hazard Flood Storage Areas	<u>Multi dwelling housing</u> , movable Dwelling Parks and Caravan Parks making provision for long term residents.

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LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

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REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY

20 [EC] Membership of Tweed Disability Access Committee

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

On 8 June 2004 Expressions of Interest for the Tweed Disability Access Committee were advertised in Tweed Link. Expressions of Interest were received from Coleen Lewis, Victor Sparks, Adam Speedy, *Jeff Baldwin, *Stephen Pollitt, *Una Cowdroy, *Bill McKennariey, Milena Morrow, *Paige Ridgeway, *Andrew Maglaris, *Jeff Needham, Harold Dawson, *Gail Martin, Janet Hadson, *Ron Douglas, *Stefan Zak, Jacqui Payne, Ian Harrison.

Nominees who previously served on Tweed Disability Access Committee are marked with *. Nominees are all people living with a disability and/or have professional experience in the field of disabilities and/or have served previously on a disability access committee. The Terms of Reference for the Tweed Disability Access Committee allow for a maximum of twelve (12) community representatives, and that membership should reflect a wide range of access issues. The Terms of Reference 2004, updated to include Council resolutions for this Committee, are attached. It is noted that the Terms of Reference indicate executive positions be elected by Committee members on an annual basis.

The following recommendation sees some new faces on the committee with the replacement of an existing member.

RECOMMENDATION:

That Council approves the following for membership of Tweed Disability Access Committee for the term of this Council:-

Victor Sparks	*Stephen Pollitt
*Una Cowdroy	*Bill McKennariey
Milena Morrow	*Paige Ridgeway
*Jeff Needham	*Gail Martin
Janet Hadson	*Ron Douglas
*Stefan Zak	*Jacqui Payne

REPORT:

On 8 June 2004 Expressions of Interest for the Tweed Disability Access Committee were advertised in Tweed Link. Expressions of Interest were received from the following:-

Coleen Lewis, Victor Sparks, Adam Speedy, *Jeff Baldwin, *Stephen Pollitt, *Una Cowdroy, *Bill McKennariey, Milena Morrow, *Paige Ridgeway, *Andrew Maglaris, *Jeff Needham, Harold Dawson, *Gail Martin, Janet Hadson, *Ron Douglas, *Stefan Zak, Jacqui Payne, Ian Harrison.

Nominees who have previously served on Tweed Disability Access Committee are marked with *.

The nominees are all people living with a disability and/or have professional experience in the field of disabilities and/or have served previously on a disability access committee.

The Terms of Reference for the Tweed Disability Access Committee allow for a maximum of twelve (12) community representatives, and that the membership should reflect a wide range of access issues. Accordingly, it is recommended that Council approve the following for membership of Tweed Disability Access Committee for the term of this Council:

Victor Sparks	*Stephen Pollitt
*Una Cowdroy	*Bill McKennariey
Milena Morrow	*Paige Ridgeway
*Jeff Needham	*Gail Martin
Janet Hadson	*Ron Douglas
*Stefan Zak	*Jacqui Payne

The Terms of Reference 2004, updated to include Council resolutions for this Committee, are attached. It is noted that the Terms of Reference indicate executive positions be elected by Committee members on an annual basis.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

1. The Terms of Reference 2004
-

21 [EC] Australian Research Council (ARC) Project - Acid Sulfate Soils

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

As per report.

RECOMMENDATION:

That this report be received and noted.

REPORT:

Council is advised that it is part of a consortium consisting of the University of NSW, Southern Cross University, Australian National University and the NSW Cane Growers Association which have been successful in applying for funds totalling \$385,000.00 under the Australian Research Council (ARC) Linkage Project "Reducing export of acid sulfate soil products (particularly iron, aluminium, phosphorus, and organic carbon) as contaminants to coastal waters."

The objective of the project is to develop innovative, scientifically-sound, practicable, floodplain management techniques to reduce the impacts on estuary and coastal water quality from acid sulfate soil (ASS) drainage products.

The research tasks will be focused on three areas within the Tweed, being Blacks and Dulguigan drains and McLeods Creek. These tasks will involve a range of land and drainage management techniques that are tailored to the three sites.

These funds will be expended over a three year period.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Council's contribution will be through in-house contributions and funding from the Tweed River Committee.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

22 [EC] Arts Northern Rivers Inc. - Final Meeting

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

As per report.

RECOMMENDATION:

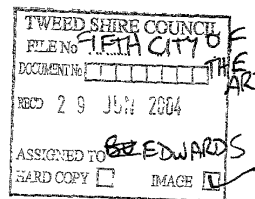
That this report be received and noted.

REPORT:

The letter as set out below has been received from Arts Northern Rivers Inc. and is self explanatory.

arts northern rivers inc

Unit 1 Old Tintenbar Chambers
5 Bruxner Highway, Alstonville NSW 2477
Ph: 02 6628 8120 Fax: 02 6628 8121
Email: artsnorthernrivers@tpg.com.au



24 June 2004

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

Dear Dr Griffin,

Please find attached the minutes from the final meeting of the Arts Northern Rivers Steering Committee on 21 June 2004, to be included in the business papers for the next meeting of the Council.

I am delighted to inform you that at its meeting in Kyogle on Monday, Arts Northern Rivers adopted its constitution and moved to incorporate as a not for profit association. Our application to incorporate as Arts Northern Rivers Inc has been approved.

The members of the former steering committee, representing the seven local governments of the region, have been appointed as directors of the interim Board. The interim Board will manage Arts Northern Rivers Inc until its first AGM, to enable the new organisation to consolidate and move forward with community consultation and strategic planning. The board has the power to coopt up to four additional members from the arts community.

The new board of Arts Northern Rivers Inc will be appointed at the first AGM of the organisation within six to twelve months time.

Each Council will determine the method of appointment of its representative on the new board. The representatives of each local government area may be a councillor, member of staff or member of the arts community, and may be appointed or selected via an Eol process.

Arts Northern Rivers is planning local launch and community consultation meetings in each LGA in August. The Tweed meeting has tentatively been set for 9.30am on 5 August at the Civic Centre in Murwillumbah. We would like to announce both the interim Director and the method for appointment of the new director at that meeting (in some cases this will be the same person)

We also invite you, Mayor Polglase and all Councillors from Tweed Shire Council to participate in this meeting and launch, and will send out individual invitations shortly.

The interim Board of Arts Northern Rivers Inc is

Chair: Cr Warren Polglase, Mayor, Tweed City Council
(Alternate: Don Buckley Director Environment & Community Services)

Cr Phillip Silver Mayor, Ballina Shire Council
(Alternate: Paul Hickey Group Manager Corporate Services)

Cr Peter Lewis, Kyogle Shire Council

Wendy Adriaans, Manager Community Services, Lismore City Council

Greg Downes, Administration & Community Services Manager, Byron Shire Council

Wayne Halcrow, Director Corporate Services, Richmond Valley Council

Brian Lane, Corporate & Community Services, Clarence Valley Council
(Alternate: Peter Wilson, Community Services, Clarence Valley Council)

Please let me know if you have any questions.
Thankyou for your support,
Sincerely,



Lois Randall
Regional Arts Development Officer
On behalf of Cr Warren Polglase
Chair

The minutes referred to appear as an attachment to this business paper.

It is recommended that this report be received and noted.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

DW 1059823 - Steering Committee Meeting Minutes 21 June 2004

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23 [EC] Membership Tweed River Art Gallery Advisory Committee

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

Membership of the Tweed River Art Gallery Advisory Committee lapsed with the Council elections held 27 March 2004. Council subsequently resolved to call for expressions of interest for membership of the Committee which closed Wednesday 30 June 2004. Twelve applications have been received. Council has resolved that the Councillor members will be Mayor Warren Polglase and Cr Max Boyd.

RECOMMENDATION:

That:-

1. Council determine that for this term of Council, the Tweed River Art Gallery Advisory Committee should consist of:-

Two Councillors (Polglase & Boyd)
One Friends of the Gallery Representative (Meredith Dennis)
Seven Community Representatives

2. The community representatives be:-

Poppy Ottley (Education), Mal Leckie (Practising artist), Margot Anthony (Interested Citizen), Shirley Kennedy (Artist and tutor), Ray Watson (Foundation & Finance), Judith Sutton (Arts administration and practising artist), Penny Sochacki (Past president of the Friends)

REPORT:

Membership of the Tweed River Art Gallery Advisory Committee lapsed with the Council elections held 27 March 2004. Council subsequently resolved to call for expressions of interest for membership of the Committee which closed Wednesday 30 June 2004. Twelve applications have been received. Council has resolved that the Councillor members will be Mayor Warren Polglase and Cr Max Boyd.

The applications as set out below were received.

Name	Existing member	Skills
Shirley Kennedy	Yes	Member since 1999, Professional Visual Artist & teacher, Friends member, Gallery Volunteer
Ray Watson	Yes	Member since 1996, Vice Chairman of the TVRAGF, Appeals Committee, Friends of the Gallery, Chartered Accountant, Member of The Chartered Secretaries and Administrators
Mrs Gayl McKay		Associate Diploma in Design, Darwin Officer of the Northern Territory Crafts Council (Territory Craft), Foundation member of the NT Textile Industry Association
Norman Wilson		First Director Townsville Gallery, North Queensland's first Public Gallery, instigated through Council the establishment of the Regional Galleries Association of Queensland
Robyn Dowling		BA Visual Art (UNENR), Dip Ed (Art), MA Art Therapy UWS, Teacher, Secretary for the Australian National Art Therapy Association
Mal Leckie		Advisor, Gold Coast City Art Gallery (1988-present), Artist & Teacher
Poppy Ottley	Yes	Member since 2002, Teacher, Gallery Volunteer,
Margot Anthony	Yes	Member of the Committee since 1988, Patron of the Friends of the Gallery, Member of the TVRAGF & Appeals Committee
Josie Flett	Yes	Member of the Committee since 1988, Writer
John Opit	Yes	Member of the Committee since 1988, Artist & conservator
Penny Sochacki	Yes	Member of the Committee since 2001, Past President of the Friends of the Gallery, Appeals Committee, Member of the TVRAGF
Judith Sutton	Yes	Member of the Committee since 1994, Artist & Art Prize Coordinator, Friends of the Gallery Committee

In considering the applications it was also considered appropriate to review the number of committee members. From the review it was felt that 13 was an excessive number of members bearing in mind the need for a quorum of seven for meetings, and the facilities needed for such a number and the possible unwieldy nature of such a large committee. As well this committee has traditionally included a member from the Friends of the Galley and due to the contribution to the gallery by the Friends of the Gallery, it is still considered that the Friends of the Gallery should be provided with a place on the committee.

Accordingly it is considered that the committee should number a total of ten including Councillors and a Friends of the Gallery representative.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

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REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

1 Minutes of the Local Traffic Committee Meeting held Thursday 15 July 2004

FOR THE CONSIDERATION OF COUNCIL:

VENUE:

Peter Border Room

TIME:

Commencing at 9.00am.

PRESENT:

Committee Members: Cr John Murray; Tweed Shire Council; Mike Baldwin, Roads and Traffic Authority; Snr Constable Steve Henderson, NSW Police; Mr Neville Newell, MP, Member for Tweed,

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

APOLOGIES:

Mr Don Page MP, Member for Ballina

MINUTES OF PREVIOUS MEETING:

RESOLVED that the Minutes of the Local Traffic Committee Meeting held Thursday 17 June 2004 were tabled at the meeting and accepted by the Committee as a true and accurate record of the proceedings.

Mr Newell advised that he was absent at the meeting of 17 June 2004.

SCHEDULE OF OUTSTANDING LOCAL TRAFFIC COMMITTEE ITEMS

Schedule of Outstanding Local Traffic Committee Items

FOR COUNCILLORS INFORMATION:

20 May 2004

1. Leisure Drive, Banora Point
R3035 Pt3; DW1016762; Pedestrian Crossings; Speed Zones

The Committee noted that RTA requirements in terms of pedestrian volumes would not be met at the location. However the Committee recommended that the situation be monitored after the proposed roadworks are completed and any issues reported back to the Local Traffic Committee. It was also noted that this section of Leisure Drive is a 50kph zone and cannot be lowered any further.

RECOMMENDATION:

That the Applicant be advised that this location does not meet RTA requirements for a pedestrian crossing.

Current Status: Monitoring of Leisure Drive after proposed roadworks. Any issues to be reported to the LTC.

2. Frances Street, Tweed Heads

R2131 Pt2; DW1019863; Traffic - Parking Zones

The Committee suggested the Road Safety Officer should contact the Parish Manager to discuss the issue on site and the difficulties that would occur with signage and other options that are available which may meet the Parish objectives. The matter should then be reviewed for 6 months and if the problem is not resolved the issue be referred back to the Local Traffic Committee.

For Council's information.

Current Status: To be brought forward to the LTC for meeting on 18 November 2004.

11. Queen Street, Murwillumbah

R4500; DW1034590; Car Parks - Murwillumbah; Parking Zones

The committee discussed the issues raised above and did not support the reserving of spaces for vet staff on public land even though a long term agreement with doctors allows such. The conversion of a 'No Parking' zone in Queen Street to a loading zone was considered appropriate as it provides up to 15 minutes for a station wagon or commercial vehicle to park to load or unload and half an hour for trucks. The Committee considered that this matter should be reconsidered in 12 months time or earlier if major changes to the car parking in the vicinity being planned are implemented. The issue of hotel patrons blocking access to the rear of the vets on site car parking is a private matter between the adjoining land holders and should be resolved between themselves.

RECOMMENDATION:

That the 'No Parking' zone adjacent to the old BGF building in Queen Street be converted to a loading zone.

Current Status: To be brought forward to the LTC for meeting in May 2005.

1. Trigonie Drive, Tweed Heads South

R2183 Pt1; DW980917; Traffic - Parking Zones

Resident representatives from the Shallow Bay Cove development would like the Committee to review its assessment of Trigonie Drive's need for prohibitive signage and met with the Road Safety Officer on site. Trigonie Drive has been inspected on several occasions including evenings and no problems were observed. The situation of vehicles parking at T-intersections is not unusual and drivers need to drive at appropriate speeds and carefully check before making turns.

The Committee noted the concerns of the residents and reiterated the previous decision.

RECOMMENDATION:

That:-

1. Council Rangers be requested to patrol Trigonie Drive to enforce any breaches of parking regulations.
2. This matter be brought forward to the Local Traffic Committee meeting of August 2004 with a report from the Rangers Coordinator as to any parking issues observed.

Current Status: To be brought forward to the LTC for meeting in August 2004 with a report from the Rangers Coordinator as to any parking issues observed.

BUSINESS ARISING:

Item from Meeting held 17/6/04

R3040 Pt2; DW1048282; Traffic - Speed Zones

7. Letitia Road, Letitia Spit

The issue of speeding traffic on Letitia Road, Letitia Spit has been referred to the Local Traffic Committee from the Council meeting held on 2 June 2004.

The Committee noted the request but deferred it to the meeting in July 2004 to enable traffic counts to be undertaken.

For Council's information.

The Road Safety Officer advised that the speed limit is 60kph on Letitia Road and that 20% of vehicles are travelling at 60 - 70kph and 6% between 70 and 80kph. 1-2% of vehicles are travelling at 80 to 100kph. 415 vehicles per day travel on Letitia Road. The Committee noted that 30% of vehicles are travelling above the speed limit. The matter was referred to the Police for action as appropriate.

For Council's information.

GENERAL BUSINESS:

PART A

**1. Coast Road and Palm Avenue, Cabarita,
DA04/0329 Pt1; LN18770; DW1029232**

In relation to a development application for Coast Road Cabarita a request has been received for:-

1. The erection of 'No Parking' signs clearly delineating the statutory requirements of a 10m no parking area in Palm Avenue at the intersection with Coast Road.
2. Removal of a section of nature strip on one or both sides at the western end of Palm Avenue to provide 'pull in' parking areas.

The Committee suggested that the Rangers should be requested to patrol parking at Palm Avenue near the intersection with Coast Road.

The complainant should be advised that the issue regarding car parking will be addressed as part of the development application by Council's Development Assessment Unit. If there is an increase in illegal parking observed then Council's Rangers can be contacted.

For Council's information.

**2. Bay Street / Stuart Street, Tweed Heads
R5270 Pt1; R0470 Pt2; Traffic - Parking Zones**

Request received regarding parking issues in Bay Street, Stuart Street, Tweed Heads. Concerns have been raised that when construction starts around this location that parking for business operators in Bay Street will be unavailable.

Cr Murray requested that lighting be provided in the car park at the corner of Bay Street and Stuart Lane.

RECOMMENDATION:

That:-

1. The lower level public car park adjacent to Bay Street be converted to 4 hour time limited car parking.
 2. The developer be formally requested to advise Council of their car parking plans for construction staff and in particular any proposed impacts on Bay Street traders. Councillors and Council staff would be prepared to meet with the developer to discuss this issue prior to work commencing.
-

3. Byangum Road, Murwillumbah

R0880 Pt2; DW1057087; Traffic - Parking Zones

Request received in relation to 2 hour parking in front of the Uniting Church. It is reported that the limited parking time zone creates problems for funerals and with the community based early childhood preschool.

The Road Safety Officer undertook to visit the preschool and report back to the Traffic Committee meeting scheduled for 19 August, 2004.

For Council's information.

4. Piggabeen Road

R4300 Pt8; DW1064152; Traffic - Parking Zones

Request received in relation to vehicles that are being parked on the high side of the access carriageway on Piggabeen Road. This makes it very difficult to get out of driveways as the road is only about 2.5m wide. It is suggested that 'No Parking' signage be installed to keep the full width of the road available.

The Traffic Committee discussed the issue and concluded that the portion of road in question is serving a private access function and the matter should be resolved between the adjoining owners. This could involve erecting advisory signage at the owner's expense. The complainant should be advised that advice on this matter can be sought from Council's Road Safety Officer.

For Council's information.

5. Minjungbal Drive, Tweed Heads South

R3454 Pt1; DW1064175; Traffic - Local Area Traffic Management

Notice of Motion received from Council meeting held 7 July 2004 requesting that the Local Traffic Committee investigate the extending of the dedicated southbound right-turn lanes in Minjungbal Drive (and thereby narrowing the median strips north of the intersections) at Dry Dock Road and Machinery Drive, South Tweed Heads.

The Committee noted that traffic count data is being collected to ascertain the length of the southbound right turn lane to accommodate the peak hour turning traffic and a report prepared for Council identifying the funding sources.

Cr Murray stated that he was concerned with the traffic exiting the bypass onto Minjungbal Drive.

For Council's information.

**6. Marine Parade, Kingscliff
R3340 Pt5; R4970 Pt1; DW1061948; Traffic - Local Area Traffic Management; Road Closures - Temporary**

Request received for temporary closure of Marine Parade Kingscliff for the Art Food and All That Jazz Festival. Closures requested are:-

Area A: Marine Parade (between Tracies Restaurant and Seaview Street (including use of Lions Park and Car Park).

Duration: 7:30pm Saturday 7 August until 7:00pm Sunday 8 August 2004.

Purpose: Set up, running and pull down of festival activities, including progressive dinner, street music, street performers, children's activities in the park, food activities, stage entertainment, food and wine festival activities, jazz concert, art exhibitions.

Barrier Locations: Refer to Plan of Area A.

Area B: Seaview Street from Pearl Street Roundabout to Marine Parade. No entry into Seaview Street from Pearl Street roundabout. Local traffic will be permitted to exit left from Hungerford Lane into Seaview Street.

Duration: From 5:00pm Saturday 7 August until 2:00am Sunday 8 August 2004.

Purpose: Set up, running and pull down of festival activities and to limit vehicle access to event precinct. Parking area for suppliers and staff; and activity marquees at "Fig Tree" roundabout.

Barrier Locations: Refer to Plan of Area B.

Area C: Marine Parade between Seaview Street and Turnock Street (including use of car park).

Duration: From 12:00 noon Saturday 7 August until 5:00pm Sunday 8 August 2004.

Purpose: Set up, running and pull down of festival activities, including progressive dinner, youth arts activities, Arts Bazaar, Growers Market, Food activities, street entertainment, street music and performances.

Barrier Locations: Refer to Plan of Area C.

The following undertakings have been received:-

- The closures will be facilitated and managed by volunteer staff from local emergency services during the day and security staff at night.
- The closures will be needed for the duration of the event to allow infrastructure to be placed on the roadways and car parking area for the duration of the event.
- The closures will allow the area to become a pedestrian precinct for the duration of the festival.
- Parking will be supervised at the Northern and Southern ends of the precinct and permission will be sought from Council to use parkland North of the Bowls club for additional parking.
- Closures will be advertised in the local media, on printed programs and notices delivered to all Kingscliff households.
- Arrangements will be made with the Caravan Park to allow entry and exit of park guests via the Northern end of the Park at Turnock Street.
- Signage will be erected 14 days prior to the event at all entry points into the event precinct to notify users of impending closures

The Police Representative advised that in past years there has been safety issue created by persons unknown removing road barriers in Marine Parade allowing partial access of traffic to intercede with pedestrians on the roadway. He suggested that security staff be permanently positioned at the barriers in Marine Parade near Seaview Street to prevent this from occurring and also to allow access for ambulance and emergency vehicles.

As well as the standard conditions that Council imposes on such events the Committee noted that it is imperative that all businesses and emergency services affected by the road closure need to be formally advised in writing and any issues arising addressed.

RECOMMENDATION:

That subject to complying with standard requirements the additional following conditions should be included:-

1. Security guards and or volunteer staff are to be in attendance at all barricades on Marine Parade and Seaview Street for the duration of the road closures.
2. All affected businesses to be notified in writing of the road closures and any issues raised with the event coordinator and Council be addressed prior to the event.

7. Dulguigan Road, North Tumbulgum

R1710 Pt1; DW1065367; Traffic - Weight of Vehicles;

Request received for monitoring of the traffic on Dulguigan Road with the possibility of placement of traffic counters. It is reported that there are a large number of heavy

vehicles travelling to and from the quarry and in many instances are travelling outside of operational hours.

The Committee decided that traffic counters would be placed on Dulguigan Road between the Quarry and Tumbulgum when available and that the NEWLOG inspectors be requested to target the area when next in the Tweed Shire.

This matter to be referred back to the Traffic Committee when counts have been completed.

For Council's information.

8. Terranora Road, Terranora

R5431 Pt5; DW1065330; Traffic - Speed Zones - Safety

Request received for 50kph speed limit painting on road near No. 83. It is reported that a pedestrian was almost hit when crossing the road at this location.

This section of road is covered by the 50kph urban speed zone and it is not considered necessary to provide road markings at isolated locations within these speed zones.

The Police Representative advised that he would pass the speed complaint on to the officer in charge of highway patrol for targeting.

For Council's information.

9. Tumbulgum Road, Murwillumbah (Civic Centre)

R5570 Pt1; DW1066123; Traffic - Loading Zones; Parking Zones; Civic Centre - Murwillumbah

Request received for the installation of a 'Loading Zone' at the entrance to the Civic Centre for use by couriers making deliveries to Council. Since the erection of the 'No Stopping' signage Council's couriers have been using the back entrance. However this is a potential Occupational Health & Safety matter due to the stairs.

It was suggested that the Council courier be consulted and that the matter be brought forward to the August 2004 meeting of the Local Traffic Committee.

For Council's information.

10. Endeavour Parade, Tweed Heads

R1900; DW1063134; Traffic - Committee; Traffic - Local Area Traffic Management

Request received regarding the amount of trucks, semi trailers and buses using Endeavour Street day and night. It has been advised that Surfside Buslines use this street even though it is not a designated bus route. It is also reported that trucks are disregarding the signage that states trucks should not use the street between 7:00pm and 7:00am and are driving through as early as 4:00am.

The Police Representative undertook to report this matter to the officer in charge highway patrol for enforcement.

RECOMMENDATION:

That:-

1. The signage on Endeavour Parade, Tweed Heads be amended to exclude buses for the same time period as the trucks.
2. Surfside Buslines be formally advised of the change.

Part B

Nil.

NEXT MEETING:

The next meeting of the Local Traffic Committee will be held on 19 August 2004 in the Peter Border Room commencing at 9.00am.

The meeting closed at 11:45am.

DIRECTOR'S COMMENTS:

Nil.

DIRECTOR'S RECOMMENDATIONS:

2. **Bay Street / Stuart Street, Tweed Heads**
R5270 Pt1; R0470 Pt2; Traffic - Parking Zones

As per the Committee's Recommendation.

-
6. **Marine Parade, Kingscliff**

R3340 Pt5; R4970 Pt1; DW1061948;
Traffic - Local Area Traffic Management; Road Closures - Temporary

As per Committee's Recommendation.

10. Endeavour Parade, Tweed Heads

**R1900; DW1063134; Traffic - Committee;
Traffic - Local Area Traffic Management**

As per Committee's Recommendation.

2 Minutes Circulated with this Agenda not Requiring Council Resolution

FOR THE CONSIDERATION OF COUNCIL:

UNDER SEPARATE COVER:

1. Minutes of the Aboriginal Advisory Committee Meeting held Friday 2 July 2004.
 2. Minutes of the Tweed Shire Council Occupational Health & Safety Committee Meeting held Thursday 8 July 2004.
 3. Minutes of the Communications Committee Meeting held Thursday 15 July 2004.
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ORDERS OF THE DAY

1 [NOR] Tweed Local Environmental Plan

NOTICE OF RESCISSION:

Councillor G B Bell, R D Brinsmead and J F Murray move:

That Council's resolution at Minute 524 in relation to Item 2 of the Orders of the Day of the meeting held on 21 July 2004 being:

"...that the Tweed Local Environmental Plan be amended to set a height limit of two stories for land zoned for urban purposes west of the Coast Road in Hastings Point."

be rescinded.

2 [NOM] Section 149 Certificates

NOTICE OF MOTION:

Councillor G J Lawrie moves:

That Council "put in place" a procedure for the processing of URGENT applications for S149 Certificates to be made available to the applicant within, say, two (2) hours of lodgement of the application and appropriate fee, in lieu of the current forty-eight (48) hours.

3 [NOM] Grey Water Reuse

NOTICE OF MOTION:

Councillor G J Lawrie moves:

That a report be brought forward about the feasibility/possible incentive(s) for encouraging ratepayers to collect and divert household grey water for garden use in lieu of entering the sewerage system.

4 [NOM] Apprentices

NOTICE OF MOTION:

Councillor G J Lawrie moves:

That Council investigate and report on the possibility and related costs of employing more apprentices.

5 [NOM] Old Tweed River Art Gallery Site

NOTICE OF MOTION:

Councillor G J Lawrie moves:

That a report be prepared on possible uses after June 2005 for the old Art Gallery in Tumbulgum Road.

CONFIDENTIAL MATTERS

ITEMS DEFERRED IN COMMITTEE

[ID][DS] Application to Modify Development Consent 98/79 Involving Unauthorised Enclosed of Ground Floor of Dwelling in a Flood Prone Area

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(g) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege
-

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER IN COMMITTEE

1 [OGM] Minutes of Steering Committee - Lot 490 South Kingscliff

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
-

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

2 [ES] EC2004-051 Banora Point Sewerage Treatment Plant - Inlet Works Building Refurbishment

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (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
-

3 [ES] Naming of Road Created by RTA between Clothiers Creek Road and the Round Mountain Overpass of the Motorway in the Locality of Tanglewood

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(a) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (a) personnel matters concerning particular individuals (other than councillors)
-

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY IN COMMITTEE

4 [EC] HQ2003-158A Stotts Creek Landfill Facility - Solid Waste Landfill Expansion

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (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
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