

## ITEMS FOR CONSIDERATION OF COUNCIL:

ITEM	PRECIS	PAGE
	<b>CONFIRMATION OF MINUTES</b>	<b>7</b>
	Minutes of the Ordinary Meeting held Wednesday 15 December 2004	7
	Minutes of the Extraordinary Council Meeting held Wednesday 5 January 2005	61
	<b>SCHEDULE OF OUTSTANDING RESOLUTIONS</b>	<b>65</b>
	Schedule of Outstanding Resolutions	65
	Mayoral Minute	69
	<b>REPORTS THROUGH THE GENERAL MANAGER</b>	<b>71</b>
	<b>REPORTS FROM DIRECTOR PLANNING &amp; ENVIRONMENT</b>	<b>71</b>
1	[PE] Development Application D91/0236.02 for an Amendment to Development Consent D91/0236 for Extensions to an Existing Caravan Park to Accommodate 9 Long Term and 14 Short Term Sites & Associated Filling at Lot 2 DP 508325, No. 8-10 Philp Parade, Tweed	73
2	[PE] Tweed Local Environmental Plan (Amendment No. 60) and Development Application DA04/0008 for a Mixed Commercial/Residential Development at Lot 14 DP 818400 Overall Drive, Pottsville	77
	<b>REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER</b>	<b>107</b>
3	[OGM] Tweed and Coolangatta Tourism Inc - Report on Destination Marketing Campaign	107
4	[OGM] Murwillumbah and Kingscliff Campuses of TAFE NSW - Hospitality and Building Trade Courses	109
5	[OGM] Monthly Investment Report for Period Ending 31 December 2004	113
6	[OGM] Local Government Amendment (Public-Private Partnerships) Bill 2004	121
7	[OGM] Shires Association of NSW "A" Division - Annual Meeting	125
8	[OGM] Easement to Drain Sewage within Lot 955 DP 865092	127

<b>REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS</b>		<b>131</b>
9	[EO] Pavement Reconstruction of Tweed Terrace	131
10	[EO] Allocation of Road Funding Reserves	135
11	[EO] Allocation of Road Funding Reserves	137
12	[EO] Road Maintenance Levy Reserves	139
13	[EO] Dedication of Land as Road at Pottsville being the Extension of Centennial Drive, Pottsville	143
14	[EO] Streetlighting Power Supply	149
15	[EO] Application to Close Crown Public Road - Byangum	151
16	[EO] Application to Close Crown Public Road - Rowlands Creek	155
17	[EO] Kyogle Road - Weight Restriction	159
18	[EO] Proposed Modification to Development Consent No. 02/1422 Section 64 Contribution Plan for Sewer Headworks - SALT Development	161
<b>REPORTS FROM DIRECTOR ENVIRONMENT &amp; COMMUNITY</b>		<b>165</b>
19	[EC] Council Land, Pandanus Parade, Cabarita	165
20	[EC] Application and Request to Install Unregistrable Moveable Dwelling	199
21	[EC] Tweed Shire Family Day Care - Request for Refund of Council Fees	207
22	[EC] Funding for Disability Arts Project	211
23	[EC] Implementation of Tweed Shire Council Waste Collection and Disposal Strategy	213
24	[EC] Storage of Bales of Plastic Stotts Creek Garbage Depot	215
25	[EC] Request for "In Kind" Support/Waive Fee	217
26	[EC] Greywater Reuse	221
27	[EC] Banora Point Multi-Purpose Centre - Appointment of a Management Committee	239

<b>REPORTS FROM SUB-COMMITTEES/WORKING GROUPS</b>	<b>243</b>
[SUB-LTC] Minutes Of The Local Traffic Committee Meeting Held Thursday 16 December 2004	243
[SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 8 December 2004	255
[SUB-TAC] Minutes of the Tweed Shire Council Disability Access Committee Meeting held Thursday, 16 December 2004	265
[SUB] Minutes Circulated to Councillors with this Agenda Not Requiring a Council Decision	273
<b>ORDERS OF THE DAY</b>	<b>275</b>
[NOM] Donation to Care Australia Tsunami Appeal	275
[NOM] Aboriginal and Torres Strait Islanders Flag	275
[NOM] Community Access	275
[NOM] Boardwalk facility from Murphy's Road to the Beach for the needs of the Wommin Bay Hostel for the Aged and General Public	276
[NOM] Unsealed Road Located on Lot 490, Kingscliff	277
<b>CONFIRMATION OF MINUTES</b>	<b>279</b>
Minutes of the Confidential Council Meeting held Wednesday 15 December 2004	279
<b>REPORTS THROUGH GENERAL MANAGER IN COMMITTEE</b>	<b>279</b>
<b>REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE</b>	<b>279</b>
1 [EO] EC2003-201 - Variations Approval	279
2 [EO] EC2004-168 Manufacture, Supply and Delivery of Large Diameter MS and DI Fittings	280
3 [EO] Kingscliff Sewage Treatment Plant	280
<b>REPORTS FROM DIRECTOR ENVIRONMENT &amp; COMMUNITY IN COMMITTEE</b>	<b>280</b>
4 [EC] EC2004-160 Supply and Installation of Two 60 Tonne Weighbridges, Stotts Creek Landfill Site	280
5 [EC] Operation of Market on Council Land - Knox Park	281
	282

THIS  
PAGE  
IS  
BLANK

THIS  
PAGE  
IS  
BLANK

## CONFIRMATION OF MINUTES

**Minutes of the Ordinary Meeting held Wednesday 15 December 2004**

**FOR THE CONSIDERATION OF COUNCIL:**

### IN ATTENDANCE

Councillors W J Polglase (Mayor), L F Beck (Deputy Mayor), G B Bell, M R Boyd, R D Brinsmead, B J Carroll, S Dale, D M Holdom, H James, G J Lawrie, J F Murray.

Also present were Mr Mike Rayner (Acting General Manager), Mr Reg Norvill (Executive Manager-Office of the General Manager), Mr Noel Hodges (Director Planning & Environment), Mr Don Buckley (Director Environment & Community), Mr Brian Donaghy (Manager Administration Services/Public Officer) and Mrs Maree Morgan (Minutes Secretary)

### PRAYER

The meeting opened with a Prayer by Council's Chaplain, Father Harry Reuss.

*Spirit of justice and truth,  
grant to the Tweed Shire Council and all who serve in public life,  
wisdom, skill, imagination and energy;  
Help them to commit themselves to the common good  
that our Shire may be a place of peace and prosperity for all.*

*This we ask through Jesus Christ the Prince of Peace.*

*Amen.*

## CONFIRMATION OF MINUTES

**Minutes of the Ordinary Council Meeting held Wednesday 1 December 2004**

854

:

**Cr D M Holdom**

**Cr G B Bell**

**RESOLVED** that the Minutes of the Ordinary Council Meeting held Wednesday, 1 December 2004 be adopted as a true and accurate record of proceedings of that meeting.

***FOR VOTE - Unanimous***

**APOLOGIES**

Nil.

**DISCLOSURE OF INTEREST**

Cr G J Lawrie declared an interest in Item 2 of the Items Deferred of the Agenda.

The nature of the interest is that Cr G J Lawrie has professional involvement in this matter.

Cr S M Dale declared an interest in Items 20 and a22 of the Agenda.

The nature of the interest is that Cr S M Dale is an Executive Member of the Cabarita Beach Surf Life Saving Club.

**ITEMS TO BE MOVED FROM ORDINARY TO CONFIDENTIAL - CONFIDENTIAL TO ORDINARY**

Nil.

**SCHEDULE OF OUTSTANDING RESOLUTIONS**

**Schedule of Outstanding Resolutions**

855

:

**Cr D M Holdom**

**Cr G B Bell**

**RESOLVED** that this report be received and noted.

***FOR VOTE - Unanimous***

**MAYORAL MINUTE**

**Mayoral Minute**

Councillors,

**1. Kids In Need**

5 December – Dragon Boat Race challenge in support of Kids in Need

---

## **2. Kingscliff & Murwillumbah TAFE**

6 December Presentation of Achievement Awards to students of Kingscliff & Murwillumbah TAFE

---

## **3. Friendship Force**

7 December – welcomed Friendship Force visitors from Russia

---

## **4. Citizenship Ceremony**

7 December – presented Citizenship Certificates to 2 conferees in a Private Ceremony at Murwillumbah

---

## **5. Stacks**

7 December – Stacks Seminar on Local Government & Planning Issues at Murwillumbah

---

## **6. General Matters**

8 December – Met with Mr. Loftus Harris (Director General Department of State and Regional Development); Mr. John Dermody (Executive Director Coordinator General's Unit Premier's Department); Mr. Andrew Cappie-Wood (Director-General Education and Training); Mr. Frank Raunik, (Director ML Design); Mr. Sam Haddad (DIPNR) and Mr. Brian Ray (Ray Group)

---

## **7. B & P Surveys**

9 December – B & P Surveys Christmas Function Point Danger

---

## **8. TACTIC**

9 December – TACTIC AGM & Christmas Party - Duranbah

---

## **9. International Volunteers' Day**

10 December – International Volunteers' Day at Tweed Heads

---

**10. Norco**

10 December – Opening Norco Rural Store Murwillumbah

---

**11. Bolster & Co.**

10 December – Bolster & Co. Christmas celebrations - Banora

---

**12. Brian Donaghy**

11 December – Brian Donaghy Farewell Dinner

---

**13. Greg Norman Junior Masters Golf**

12 December – Open Greg Norman Junior Masters Golf at Tweed/Coolangatta Club

---

**14. Twin Towns Friends**

13 December – Twin Towns Friends Christmas Lunch

---

**15. Wollumbin High School**

13 December – Wollumbin High School Awards Ceremony

---

**16. Citizenship Ceremony**

14 December – Private Citizenship Ceremony at Tweed

---

**17. Murwillumbah High School**

14 December – Murwillumbah High School Presentation Night

---

**18. DIPNR**

15 December – Far North Coast Strategy Local Government Advisory Group Meeting at Ballina

---



**INVITATIONS ACCEPTED:**

- 16 December – NRACC Christmas Lunch
- 16 December – Shire Staff Christmas Party at Branding Rail
- 17 December – TEDC Christmas Party
- 17 December – Induction Service Rev. Proctor (M'bah Uniting Church)
- 18 December – Mayor, Councillors Christmas Dinner for Directors & Managers
- 20 December – South Tweed Rotary Christmas function
- 13 January – NRACC Meeting

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

- Wide Bay Water Corporation "Water Losses! International Lessons for Australia" **24 February 2005** Raddison Resort Gold Coast
- Local Government Tourism Conference "Asset or Liability – making it work for your community" **13-15 March 2005** in Forbes

856

:

**Cr W J Polglase**

**RESOLVED** that the Mayoral Minute be adopted.

***FOR VOTE - Unanimous***

**ITEMS DEFERRED**

**[ID] [PE] Master Plan MP04/0001 for a Proposed Subdivision at Lot 1 DP 392245, Lot B DP 368706, Lot 13 DP 793985, Barnby Street, Murwillumbah**

857

:

**Cr B J Carroll**

**Cr J F Murray**

**RESOLVED** that:-

1. Before Council makes a final decision about the revised Masterplan for the Barnby Street subdivision it conducts a traffic modelling study to review network options for mitigating impact on the existing and proposed Barnby Street precinct, including but not limited to a northern ring road.
2. The model incorporate current traffic flows which result from these options.

**FOR VOTE - Unanimous**

**[ID] [PE] Section 96 Application DA04/0261.01 for a Boundary Adjustment at Lot 1 DP 830564 & Lot A DP 343368, No. 34 Kyogle Road, Bray Park**

**DECLARATION OF INTEREST**

Cr Lawrie declared an Interest in this item, left the Chamber at 03:16 PM and took no part in the discussion or voting. The nature of the interest is that Cr Lawrie has professional involvement in this item

**Cr H James  
Cr B J Carroll**

**PROPOSED that :-**

1. The applicant be informed that Council does not support the application for the amendment of the approval for boundary adjustment in its present form, but is willing to consider an application that seeks to amend the condition imposing a "Restriction as to User" to reduce the distance from 60 metres to 40 metres and :
2. Modify Condition No 11(ii) of the Development Consent DA 04/0261 as proposed by the applicant to state:

*"Whilst the stonemason factory or similar noise generating factory is in operation on proposed Lot 6, the construction of a dwelling on Lot 7 will provide for sound treatment in accordance with the Preliminary Noise Level Impact Assessment prepared by Craig Hill Acoustics, dated 13 June 2003 or in such other manner as may be approved in writing by Tweed Shire Council".*

**858 AMENDMENT**

**Cr L F Beck  
Cr J F Murray**

**RESOLVED** that Condition No 11(ii) of the Development Consent DA 04/0261 as proposed by the applicant to state:

*"Whilst the stonemason factory or similar noise generating factory is in operation on proposed Lot 6, the construction of a dwelling on Lot 7 will provide for sound treatment in accordance with the Preliminary Noise Level Impact Assessment prepared by Craig Hill Acoustics, dated 13 June 2003 or in such other manner as may be approved in writing by Tweed Shire Council".*

The Amendment was carried on the Casting Vote of the Mayor

**FOR VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Beck, Cr Bell,  
AGAINST VOTE - Cr Holdom, Cr Carroll, Cr Boyd, Cr Dale, Cr James  
ABSENT. DID NOT VOTE - Cr Lawrie**

The Amendment on becoming the Motion was **Carried** on the Casting Vote of the Mayor

**FOR VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Beck, Cr Bell,  
AGAINST VOTE - Cr Holdom, Cr Carroll, Cr Boyd, Cr Dale, Cr James  
ABSENT. DID NOT VOTE - Cr Lawrie**

## **RETURN TO MEETING**

Cr Lawrie returned to the meeting.

## **REPORTS THROUGH THE GENERAL MANAGER**

### **REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT**

- 1 [PE] Development Application DA04/0759 for Multi Dwelling Housing  
Comprising of 2 x 2 Bedroom Units and 1 x 3 Bedroom Unit at Lot 17 DP  
23576, No. 8 Elanora Avenue Pottsville**

859

:

**Cr J F Murray  
Cr G B Bell**

**RESOLVED** that: -

- A. Council utilises its assumed concurrence from the Director-General of the Department of Infrastructure, Planning and Natural Resources in relation to the State Environmental Planning Policy No. 1 objection to Clause 16 of the Tweed Local Environmental Plan 2000.
- B. Development Application DA04/0759 for multi dwelling housing comprising of 2x 2 bedroom units and 1 x 3 bedroom unit at Lot 17 DP 23576, No. 8 Elanora Avenue Pottsville be approved subject to the following conditions: -

### **GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and Job Number 2220 Plan Nos 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 14-2, 14-3, 15, 16, and 20 prepared by Elizabeth Watson Brown and dated 09/11/2004 and Figure 3.0 and 5.0 prepared by Blueland Engineers and dated February 2004 and April 2004 respectively, 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. Front external wall of the building is to stand a minimum of 6 metres from the front boundary of the property.

[GEN0080]
4. No retaining walls or similar structures are to be constructed over Council's sewer main.

[GEN0090]
5. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0120]
6. 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]

7. The two visitor car spaces are to be clearly identified as such with one of these spaces to be a shared car wash bays which is to also be clearly nominated. The designated car wash bay / parking bay must be completely bunded to contain wash.

[GENNS01]

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

8. 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: \$2,696  
S94 Plan No. 4 (Version 4.0)  
**Sector8a\_4**

#### **Heavy Haulage Component**

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

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

where:

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

and:

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

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

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

Admin. Administration component - 5% - see Section 6.5

b.	Open Space (Structured): S94 Plan No. 5	\$750
c.	Open Space (Casual): S94 Plan No. 5	\$160
d.	Shirewide Library Facilities: S94 Plan No. 11	\$662
e.	Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$135
f.	Community Facilities (Tweed Coast) (South Coast) S94 Plan No. 15	\$1,168
g.	Emergency Facilities (Surf Lifesaving) (REMSHIRE) S94 Plan No. 16	\$237
h.	Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$439.91
i.	Cycleways S94 Plan No. 22	\$155
j.	Regional Open Space (Structured) S94 Plan No. 26	\$1,130
k.	Regional Open Space (Casual) S94 Plan No. 26	\$211

[PCC0050/PSC0005]

9. 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:	1.25 ET @ \$4325	\$5,406
Sewer:	1.25 ET @ \$3490	\$4,363

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]

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

[PCC0190]

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. 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]

13. All roof waters are to be disposed of through properly jointed pipes to the street gutter, inter-allotment drainage, or elsewhere if so directed in the conditions of consent. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZ3500.3.2. Note: A detailed stormwater and drainage plan is to be submitted to and approved by the PCA prior to commencement of building works.

[PCC0350]

14. The basement car parking is to be protected against the inflow of water from Elanora Avenue in events up to the ARI 100 year design storm.

[PCCNS01]

15. 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. Attachments shall include a detailed long section of the proposed driveway. The Applicant is to coordinate their design with Council's road and drainage works proposed for Elanora Avenue.

[PCCNS01]

16. Prior to commencement of any work pursuant to this consent, engineering plans and specifications are to be submitted to Council for separate consent under Section 138 of the Roads Act 1993 for the following required works:

- i. An easement of 3.0m minimum width, benefiting Council be placed over the sewer main that exists along the northern boundary of the property. No structures shall be located within the easement or



within the area of influence on the sewer main.

- ii. Construction of a stormwater drainage system that will convey all waters through the site to a legal point of discharge. Proposed stormwater inlets shall be located in areas to reduce potential for blockage and to pick up surface runoff. Overland flow discharging onto neighbours property from the site must be limited to storm events greater than the Q20 ARI storm event and must enter as sheet flow (not concentrated flow).
- iii. Construction along the full frontage of the site to Elanora Avenue, vertical face kerb and gutter on an alignment and grade approved by Council, with associated sub-surface and over-land stormwater drainage systems to Tweed Shire Council specifications, provided Council have not completed the proposed upgrade of Elanora Avenue along the frontage of the subject site. Associated road widening to the approved alignment shall be constructed in accordance with Tweed Shire Council's Development Control Plan No. 16 requirements.
- iv. Construction of a standard Tweed Shire Council kerbside stormwater inlet pit connected to the existing 375mm stormwater line which exists along the eastern boundary of the site, in accordance with Blueland Engineers approved drawing, Figure 3.0, provided Council have not completed the proposed upgrade of Elanora Avenue along the frontage of the subject site. Clearly defined upstream catchment areas and supporting stormwater calculations shall accompany the engineering design plans.

The above-mentioned engineering plan submission must include copies of compliance certificates relied upon and details relevant to, but not limited to, the following;

- roadworks
- road pavement
- stormwater drainage
- water supply works
- sewerage works
- landscaping works
- sediment and erosion control plans
- location of all services and associated conduits
- an approved Traffic Control Plan.

[PCCNS01]

17. A traffic control plan that complies with the provisions of the RTA document "Traffic Control at Work Sites" Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, and submitted to Council, prior to issue of the Construction Certificate or Roads Act approval. All works are to comply with the Occupational Health and Safety Act and the RTA document and

the approval particularly in respect to works on public roads. Safe public access shall be provided at all times

[PCCNS01]

18. It is preferred that the basement drains via gravity means, but if pumps are required to drain the basement, the pumps utilised must be designed and installed in accordance with Section 9 of AS/NZS 3500.3.2.1988 (Natural Plumbing and Drainage - Part 3.2: Stormwater Drainage - Acceptable Solutions). Failsafe measures must be in place such that property (on site and adjacent) is protected in case of pump failure.

[PCCNS01]

19. 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) Runoff from driveways and undercover car parking shall be treated to remove oil and sediment pollutants prior to discharge to the public stormwater system. Treatment devices shall be sized according to Section D7.12 of Council's Development Design Specification D7 -

Stormwater Quality, with full engineering details, including maintenance schedules, to be submitted with a s68 stormwater application.

- (ii) The proposed basement car wash bay must be identified for that specific purpose, supplied with an adequate water supply for use and be fully bunded to prevent contamination of basement stormwater. Carwash runoff must be treated to remove oil and sediment pollutants prior to discharge to sewer as trade waste, requiring a Tweed Shire Council trade waste application.

[PCCNS01]

20. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council/Accredited Certifier at least **2 days** prior to work commencing.

[PCW0090]

21. Prior to the commencement of work on the stormwater system a site inspection is to be arranged with the Principal Certifying Authority to discuss site drainage.

[PCW0150]

22. Sewer main within site is to be accurately located and the Principal Certifying Authority advised of its location and depth prior to start of any building works.

[PCW0180]

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

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

[PCW0190]

24. 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]

25. Where water is required to be drawn from Council's water reticulation system it shall be the applicants responsibility to notify the Engineering Services Division prior to taking water.

All drawn water shall be via a Tweed Shire Council metered standpipe. The location of the hydrant shall be nominated by Tweed Shire Council and all water shall be only used for the purposes nominated by the applicant for the duration of the construction activities.

[PCW0260]

26. **Prior** to the commencement of work the applicant shall submit to Council evidence that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared in accordance with either:-
- a. Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3<sup>rd</sup> Edition, NSW Government, or
  - b. AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.

[PCW0270]

27. 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]

28. 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]

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

[PCWNS01]

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

30. 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]

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

[PCW0030]

32. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised to the satisfaction of the Principal Certifying Authority and provided with a dish drain or similar at the base or otherwise retained to the satisfaction of the Principle Certifying Authority. All retaining works shall be completed to the satisfaction of the Principal Certifying Authority prior to start of building work. Please note timber retaining walls are not permitted.

Note: All cut and or fill must comply with DCP 47. The top of any battered cut, toe or battered fill and the face of any retaining wall structure supporting cut or fill cannot be closer that 900mm to the boundary where the overall height at any point exceeds 500mm.

[PCW0040]

33. 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]

34. 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]

35. **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]

36. 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]

### **DURING CONSTRUCTION**

37. 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]
38. All engineering works required to be approved prior to the issue of a construction certificate are to be constructed in accordance with the approval.

[DUR0020]
39. No soil, sand, gravel, clay or other material shall be disposed of off the site.

[DUR0030]
40. 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]
41. The provision of six off street car parking spaces, two of which are to be marked as visitor spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.

[DUR0050]
42. 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]
43. 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]

44. A garbage storage area shall be provided in accordance with Council's **"Code for Storage and Disposal of Garbage and Other Solid Waste"**.

[DUR0090]

45. 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]

46. 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]

47. 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]

48. 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]

49. The owner or contractor must not undertake any work within the public road reserve without giving Council's Engineering Services Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.

[DUR0430]

50. 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]

51. Where the kerb is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.

[DUR0490]



52. 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]

53. The building is to be sited at least one metre horizontally clear of sewer main on site. All footings and slabs within the area of influence of the sewer main are to be designed by a practising Structural Engineer. The engineer is to submit a certification to the Principal Certifying Authority that the design of such footings and slabs will ensure that all building loads will be transferred to the foundation material and will not effect or be affected by the sewer main.

[DUR0830]

54. **A Sewer manhole** is present on this site. This manhole is not to be covered with soil or other material or concealed below ground level.

Should additional fill be proposed in the area of the sewer manhole Council's Engineering Services Division must be consulted and suitable arrangements made for the raising of the manhole to the satisfaction of Council's Manager Public Utilities.

[DUR0840]

55. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.

[DUR0850]

56. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.

[DUR0860]

57. 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]

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

[DUR0880]

59. 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]
60. 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]
61. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.  
[DUR0920]
62. 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]
63. The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed.  
[DUR0950]
64. 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]
65. 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]
66. 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]

67. 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]

68. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.

[DUR1040]

69. 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]

70. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.

[DUR1090]

71. 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]

72. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-

- \* 43.5<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and

- \* 50<sup>0</sup>C in all other classes of buildings.

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

[DUR1160]

73. 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]

74. 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]

75. 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]

76. 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 1742.3-2002 (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.

[DURNS01]

77. 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 an Occupation Certificate.

[DURNS01]

78. During construction, prior to the application for an Occupation Certificate, a Compliance Certificate or Certificates shall be obtained from Council or an accredited certifier for the following:-
- (i) Compliance Certificate - Roads (if road widening is required to be

undertaken by the Applicant)

- (ii) Compliance Certificate - Water Reticulation
- (iii) Compliance Certificate - Sewerage Reticulation
- (iv) Compliance Certificate - Drainage

- Note:**
1. Where Council is requested to issue compliance certificates, applications for such certificates must be accompanied by documentary evidence from the Developers Supervising Consulting Engineer certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, DCP16 - Subdivision Manual and good Engineering Practice.
  2. Where Council is requested to issue the construction certificate, all compliance certificates and an Occupation Certificate, Council will carry out the following inspections as deemed necessary by Council based on the rates contained in Council's current Fees and Charges:-

**Roadworks**

- a. Pre-construction commencement erosion and sedimentation control measures
- b. Completion of earthworks
- c. Excavation of subgrade
- d. Pavement - sub-base
- e. Pavement - pre kerb
- f. Pavement - pre seal
- g. Pathways, footways, bikeways - formwork/reinforcement
- h. Final inspections - on maintenance
- i. Off Maintenance inspection

**Water Reticulation, Sewer Reticulation, Drainage**

- a. Excavation
- b. Bedding
- c. Laying/jointing

- d. Manholes/pits
- e. Backfilling
- f. Permanent erosion and sedimentation control measures
- g. Drainage channels
- h. Final inspection - on maintenance
- i. Off maintenance

Council's role is limited to the above mandatory inspections and does **NOT** include supervision of the works, which is the responsibility of the Developers Supervising Consulting Engineer.

- 3. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".

[DURNS01]

- 79. Subject to the Applicant having to undertake the road widening along the frontage of the subject site, before the commencement of any road widening construction, reports shall be submitted to Council from a Registered NATA Consultant demonstrating.
  - a. That the pavement has been designed and constructed in accordance with subgrade analysis as per Austroads Pavement Design, A Guide to the Structural Design of Road Pavements.
  - b. That the pavement materials used comply with the specifications in RTA Form Q3051 (June 1998)
  - c. That the pavement layers have been compacted to RTA specifications.
  - d. That site fill areas have been compacted to the specified standard.
  - e. That supervision of Bulk Earthworks has been to Level 1 and/or Level 2 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.
  - f. That pavement testing has been completed in accordance with Table 8.1 of AS 3798-1996.

[DURNS01]

- 80. All proposed road/streets, drainage and associated works for the development shall be designed and constructed in accordance with the development consent plans **AND** the relevant provision of DCP No. 16 - Subdivisions Manual, except where varied by the conditions of this consent.

[DURNS01]

- 81. Landscaping of the site shall be carried out in accordance with the submitted landscaping plans or as amended by the Consent Conditions.

The landscaping to be completed prior to occupation of the building, to the satisfaction of the Director, Development Services.

[DURNS01]

82. Root control barrier shall be provided where plantings are placed within 2m of any infrastructure (i.e. services, paving). A minimum clearance of 1.0m shall also to be provided between the back of any kerb and footpath. Street trees shall be placed in a locations nominated by Council. Banksia Integrefolia is an accepted Street Tree species

[DURNS01]

83. The site shall not be dewatered.

[DURNS02]

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

[DURNS03]

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

85. 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]

86. 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]

87. Prior to occupation of the building **or** the issue of a Subdivision Certificate, all disused invert crossings are to be removed and replaced with kerb and gutter and all disused driveway across the footpath are to be removed and replaced with topsoil and turf to the satisfaction of the Director, Engineering Services.

[POC0080]

88. 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]

89. 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.

[POC0180]

90. Work as executed plans are to be provided to Council detailing:-
- (i) all road and drainage works relevant to that stage of the development.
  - (ii) the plans accurately reflect the Work as Executed;

Note: Where works are carried out by Council on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed plans.

[POCNS01]

91. Prior to the issue of an Occupation Certificate, a defect liability bond (in cash **or** unlimited time Bank Guarantee) shall be lodged with Council.

The bond shall be based on 5% of the value of the works (minimum of \$1000) which will be held by Council for a period of 6 months from the date on which the Occupation Certificate is issued and will be refunded following the remedying of any defects arising within the 6 month period.

[POCNS02]

## **USE**

92. 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]

93. 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]

94. 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]

95. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.

[USE0170]

96. All wastes shall be collected, stored and disposed to the satisfaction of the Director of Planning & Environment. A screened, graded and drained garbage storage area shall be provided within the boundary of the site.



Wastes shall be presented at the kerb in a Council approved wheelie bin for collection.

[USENS01]

97. Lighting shall not be permitted to impact the amenity of any premise.

[USENS02]

**FOR VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Beck, Cr Bell, Cr Lawrie, Cr Holdom, Cr Carroll, Cr James**

**AGAINST VOTE - Cr Boyd, Cr Dale**

**2 [PE] Development Application DA04/0939 for Demolition and the Construction of a Multi-Dwelling Housing Development Incorporating a Fence Height Variation at Lot 8 DP 21234 & Lot 9 DP 21234, No. 5 Florence Street, Tweed Heads**

**Cr H James**

**Cr M R Boyd**

**PROPOSED** that this item be deferred to allow the applicant to address Community Access.

860 AMENDMENT

**Cr L F Beck**

**Cr G J Lawrie**

**RESOLVED** that: -

1. Council note that a contribution plan is under preparation for the public infrastructure to implement the Tweed Heads Master Plan.
2. Council generally supports the application and refers it to the Director Planning & Environment to negotiate a contribution up to \$2,000 per unit under a voluntary agreement for public infrastructure identified in the Tweed Heads Master Plan.
3. The approval be issued by the Director Planning & Environment under delegation in accordance with the recommended conditions in this report.

The Amendment was **Carried**

**FOR VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Beck, Cr Bell, Cr Lawrie**

**AGAINST VOTE - Cr Holdom, Cr Carroll, Cr Boyd, Cr Dale, Cr James**

The Amendment on becoming the Motion was **Carried**

**FOR VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Beck, Cr Bell, Cr Lawrie, Cr James**

**AGAINST VOTE - Cr Holdom, Cr Carroll, Cr Boyd, Cr Dale,**

---

**3 [PE] Development Application D96/0301.01 for an Amendment to Development Consent D96/0301 for the Establishment of a Brothel/Escort Agency at Lot 9 DP 964880 & Lot 1 DP 303503, No. 13-19 Wharf Street, Tweed Heads**

861

:

**Cr M R Boyd**

**Cr L F Beck**

**RESOLVED** that Development Application D96/0301.01 for an amendment to Development Consent D96/0301 for the establishment of a brothel/escort agency at Lot 9 DP 964880 & Lot 1 DP 303503 No. 13-19 Wharf Street, Tweed Heads be refused for the following reasons: -

1. Pursuant to the *Environmental Planning and Assessment Act, 1979* Section 5 'Objects' the proposed development has not been demonstrated as attaining subclause (a)(i) & (ii).
2. Pursuant to Section 79C(1)(a)(iii) the proposed development is not consistent with the provisions of Development Control Plan No31. - Brothels Policy.
3. Pursuant to Section 79C(1)(b) the proposed development is considered likely to impact upon the built and economic environment.
4. Pursuant to Section 79C(1)(c) the development site is not considered suitable for the development, as amended.
5. Pursuant to Section 79C(1)(d) the application has attracted a number of public submissions in the negative. The issues raised in the submission reinforce Council's assessment and conclusions in relation to the proposed amendment.
6. Pursuant to Section 79C(1)(e) the development, as amended, is considered not in the public interest.

**FOR VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Beck, Cr Bell, Cr Lawrie, Cr Carroll, Cr Boyd, Cr Dale, Cr James**  
**AGAINST VOTE - Cr Holdom**

**4 [PE] Review of Libraries Strategy**

862

**Cr M R Boyd**  
**Cr J F Murray**

**RESOLVED** that Council endorses the engagement of a Consultant to review the Libraries Strategy and associated S94 Contributions Plan.

***FOR VOTE - Unanimous***

**5 [PE] Rezoning of Seabreeze Estate**

**Cr H James**  
**Cr S M Dale**

**PROPOSED** that the :-

1. Proposed rezoning be reported to the Council meeting on first meeting in July 2005.
2. Report includes information on the progress of the Environmental Planning & Assessment Amendment (Development Contributions) Bill 2004 and any negotiations with the applicants.

**Cr L F Beck**  
**Cr M R Boyd**

**PROPOSED** that an extension of 3 minutes be granted to Cr H James.

***FOR VOTE - Unanimous***

863 AMENDMENT

**Cr R D Brinsmead**  
**Cr J F Murray**

**RESOLVED** that

1. Council informs the Director-General of the Department of Infrastructure, Planning and Natural Resources of its intention, pursuant to Section 54 of the Environmental Planning and Assessment Act, to prepare a draft Local Environmental Plan for land currently zoned 1(a) Rural at Seabreeze, Pottsville.
2. The proponents be required to fund a Consultant to undertake the necessary work to complete the project.

3. Council accesses the advanced S94 Contribution in respect of cycleway provision and undertakes detailed costings for the cycleway along Pottsville/Mooball Road before confirming its acceptance.

The Amendment was **Carried**

**FOR VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Beck, Cr Bell, Cr Lawrie**  
**AGAINST VOTE - Cr Holdom, Cr Carroll, Cr Boyd, Cr Dale, Cr James**

The Amendment on becoming the Motion was **Carried**

**FOR VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Beck, Cr Bell, Cr Lawrie**  
**AGAINST VOTE - Cr Holdom, Cr Carroll, Cr Boyd, Cr Dale, Cr James**

## **6 [PE] Future Arterial Road Corridor**

864

:

**Cr J F Murray**  
**Cr M R Boyd**

**RESOLVED** that Council writes to the Roads and Traffic Authority and Queensland Main Roads Department seeking a commitment to obtain another corridor for the Tweed.

**FOR VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Beck, Cr Bell, Cr Lawrie, Cr Holdom, Cr Carroll, Cr Boyd, Cr Dale**  
**AGAINST VOTE - Cr James**

## **7 [PE] Progress Report for the Section 96 Application DA02/1422.18 for an Amendment to Development Consent DA02/1422 - SALT Development**

865

:

**Cr M R Boyd**  
**Cr L F Beck**

**RESOLVED** deferred to be discussed in Committee and was dealt with a Minute No C212.

**FOR VOTE - Unanimous**

## **REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER**

## **8 [OGM] Council's Policy Document**

866

**Cr J F Murray**  
**Cr M R Boyd**

**RESOLVED** that Council's Policy Document attached to these Minutes be approved.

**FOR VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Beck, Cr Bell, Cr Lawrie, Cr Carroll, Cr Boyd, Cr Dale, Cr James**  
**ABSENT DID NOT VOTE - Cr Holdom**

**9 [OGM] 2004 Local Government Election**

867

:

**Cr M R Boyd**  
**Cr H James**

**RESOLVED** that this report be received and noted.

**FOR VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Beck, Cr Bell, Cr Lawrie, Cr Carroll, Cr Boyd, Cr Dale, Cr James**  
**ABSENT DID NOT VOTE - Cr Holdom**

**10 [OGM] Statistical Information for Rating Year 2003/2004**

868

:

**Cr M R Boyd**  
**Cr B J Carroll**

**RESOLVED** that this report be received and noted.

**RETURN TO MEETING**

Councillor Holdom returned to the meeting at 4.37pm.

Cr Dale left the meeting at 04:41 PM

**FOR VOTE - Unanimous**  
**ABSENT. DID NOT VOTE - Cr Dale**

**11 [OGM] Local Government Financial "Health Check"**

869

**Cr G J Lawrie**  
**Cr R D Brinsmead**

**RESOLVED** that this report be received and noted.

Cr Dale has returned from temporary absence at 04:42 PM

***FOR VOTE - Unanimous***

**12 [OGM] Monthly Investment Report for Period Ending 30 November 2004**

870

:

**Cr B J Carroll**  
**Cr D M Holdom**

**RESOLVED** that this report be received and noted.

***FOR VOTE - Unanimous***

**REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS**

**13 [EO] Road Naming - Watty Bishop Road**

871

:

**Cr L F Beck**  
**Cr G B Bell**

**RESOLVED** that: -

1. Council adopts the naming of the public road as Watty Bishop Road.
2. The naming of the public road be gazetted under the provisions of the Roads (General) Regulation, 1994 and the Roads Act, 1993.

***FOR VOTE - Unanimous***

**14 [EO] Entry Statements to the Tweed**

872

:

**Cr J F Murray**  
**Cr G B Bell**

**RESOLVED** that Council: -

---

1. Considers an allocation of \$100,000 in the 2005/2006 budget for Shire entry statements.
2. Invites the Landscape Architect to bring forward reports on this matter for Council's consideration.

**AMENDMENT**

**Cr H James  
Cr S M Dale**

**PROPOSED** that Council considers an allocation of \$20,000 in next year's budget for the maintenance of existing entry statements.

The Amendment was **Lost**

**FOR VOTE - Cr Holdom, Cr Carroll, Cr Boyd, Cr Dale, Cr James**

**AGAINST VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Beck, Cr Bell, Cr Lawrie**

The Motion was **Carried**

**FOR VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Beck, Cr Bell, Cr Lawrie, Cr Carroll, Cr Boyd**

**AGAINST VOTE - Cr Holdom, Cr Dale, Cr James**

**15 [EO] Land Acquisition Piggabeen Road**

873

:

**Cr H James  
Cr D M Holdom**

**RESOLVED** that Council approves:-

1. The acquisition of Lot 1 in DP 1074009 for road purposes under the provisions of the Land Acquisitions (Just Terms Compensation) Act, 1991 for the purposes of the Roads Act, 1993.
2. The acquisition of Lot 1 in DP 1074359 for road purposes under the provisions of the Land Acquisitions (Just Terms Compensation) Act, 1991 for the purposes of the Roads Act, 1993.
3. All necessary documentation is endorsed under the Common Seal of Council.

**FOR VOTE - Unanimous**

**Cr H James**  
**Cr D M Holdom**

**PROPOSED** that a report be prepared that:-

1. Identifies any part of Lot 2 in DP 1074009 for Lot 2 DP 100744359 that may be needed for the construction or maintenance of Council infrastructure.
2. Describes the process for classifying parts not required for infrastructure for community purposes.
3. Includes the draft resolution to commence the process of reclassification.

The Motion was **Lost**

**FOR VOTE - Cr Holdom, Cr Carroll, Cr Boyd, Cr Dale, Cr James**

**AGAINST VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Beck, Cr Bell, Cr Lawrie**

**16 [EO] Classification of land at Lomandra Avenue Pottsville**

874

:

**Cr M R Boyd**  
**Cr G J Lawrie**

**RESOLVED** that: -

1. Council approves the signing of transfer documentation for proposed Lot 637 in the subdivision of Lot 463 in DP 1040725 at Pottsville
2. Proposed Lot 637 be classified as "operational" pursuant to Section 31 of the Local Government Act, 1993; and
3. All necessary documentation be executed under the Common Seal of Council.

**FOR VOTE - Unanimous**

**17 [EO] Subdivision - Reserve Creek Road**

875

:

**Cr M R Boyd**  
**Cr G J Lawrie**

**RESOLVED** that: -



1. Council acquires part of Lot 6 in DP 800189 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 where all costs in relation to the action are borne by Mr Richard Pike; and
2. All necessary documentation is endorsed under the common seal of Council.

**FOR VOTE - Unanimous**

**18 [EO] Land Acquisition for Compensation Purposes - McAuleys Road**

876

:

**Cr M R Boyd**

**Cr J F Murray**

**RESOLVED** that Council approves:

1. The acquisition of Lot 1 in DP 1076308 for compensation purposes under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993;
2. The transfer of Lot 1 in DP 1076308 to the adjacent landowner and subsequent amalgamation with his land, Lot 1 in DP 1068654, as compensation for the area acquired for road widening; and
3. All necessary documentation is endorsed under the Common Seal of Council.

**FOR VOTE - Unanimous**

**19 [EO] Land Acquisition for Compensation Purposes - Hammond Drive**

877

:

**Cr M R Boyd**

**Cr J F Murray**

**RESOLVED** that Council approves:-

1. The acquisition of lot 1 in DP1076307 for compensation purposes under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993.
2. The transfer of lot 1 in DP1076307 to the adjacent landowner and subsequent amalgamation with the landowners land, Lot 1 DP 1071426, as compensation for the area acquired for road widening; and

3. All necessary documentation is endorsed under the Common Seal of Council.

**FOR VOTE - Unanimous**

**20 [EO] Request for "In Kind" Support - Cabarita Beach Surf Life Saving Club**

**DECLARATION OF INTEREST**

Cr Dale declared an Interest in this item, left the Chamber at 05:31 PM and took no part in the discussion or voting. The nature of the interest is that Cr Dale is an Executive Member of the Cabarita Beach Surf Lifesaving Club.

878

:

**Cr M R Boyd**

**Cr H James**

**RESOLVED** that this item be dealt with in conjunction with Item a22 of this Agenda.

**FOR VOTE - Unanimous**

**ABSENT. DID NOT VOTE - Cr Dale**

Councillor Dale returned to the meeting.

**21 [EO] Requested Drainage Works, Martinelli Avenue, Banora Point**

879

:

**Cr M R Boyd**

**Cr B J Carroll**

**RESOLVED** that:-

1. Council considers allocating \$3500 in the 2004/2005 Management Plan towards construction of approximately 20m of 375mm diameter drainage pipeline and headwall structures in the registered drainage easement through Lot 2 DP 831917 (No.42A Martinelli Avenue Banora Point), with the works to be programmed by the Manager Works;
2. Council notifies the strata management of No.33 Martinelli Avenue (Lots 1-12 NPP285038) that their stormwater connection to the drainage easement is not a legal connection, and that they must commence negotiations with Mr. Chris Williams of No.42A Martinelli Avenue (Lot 2 DP 831917) to obtain a legal connection to the subject easement;
3. Following completion of the works and confirmation that a legal point of stormwater discharge has been obtained by the strata management of No.33 Martinelli Avenue (Lots 1-12 NPP285038), Council will be absolved

of any future construction and maintenance of the drainage service through the subject easement, which will be the responsibility of those lots burdened and benefited by the subject easement.

***FOR VOTE - Unanimous***

**22 [EO] Draft Plan of Management - Salt, South Kingscliff, Central Park**

880

**Cr L F Beck  
Cr J F Murray**

**RESOLVED** that under the provisions of Section 36 of the Local Government Act 1993, the Draft Plan of Management for Salt, South Kingscliff, Central Park be placed on exhibition for 28 days allowing a submission period of 42 days. During the exhibition and submission period, a public meeting is to be held in respect of the Plan.

***FOR VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Beck, Cr Bell, Cr Lawrie, Cr Carroll, Cr Boyd, Cr James  
AGAINST VOTE - Cr Holdom, Cr Dale***

**LATE ITEM**

881

**Cr M R Boyd  
Cr J F Murray**

**RESOLVED** that Item a22 and b22 being Addendum items be dealt with and be ruled by the Chairman to be of great urgency.

***FOR VOTE - Unanimous***

**a22 [EO] Request for "In Kind" Support - Cabarita Beach Surf Life Saving Club**

**DECLARATION OF INTEREST**

Cr Dale declared an Interest in this item, left the Chamber at 05:52 PM and took no part in the discussion or voting. The nature of the interest is that Cr Dale is an Executive Member of the Cabarita Beach Surf Life Saving Club

882

:

**Cr G B Bell  
Cr R D Brinsmead**

**RESOLVED** that Council: -

1. Provides "in kind" support and cash to the Cabarita Surf Life Saving Club by covering all costs associated with the road widening and boundary adjustment;
2. Will direct Council officers to proceed with the preparation and registration of the plans effecting the boundary adjustment and road widening; and
3. Votes the expenditure of all costs and disbursement incurred from the balance of the Section 94 Fund.

**FOR VOTE - Unanimous**

**ABSENT DID NOT VOTE: Cr Dale**

Cr Dale has returned from temporary absence at 05:54 PM

**b22 [EO] Kingscliff Sewerage Treatment Plant - Agreement with Kareena Pty Ltd (Gales Holdings)**

883

:

**Cr M R Boyd**

**Cr R D Brinsmead**

**RESOLVED** that: -

1. Council exercises the Option to Purchase proposed Lot 20 in the subdivision of Lot 2 in DP 611021 from Kareena Developments Pty Ltd; and
2. All necessary documentation be executed under the Common Seal of Council.

**FOR VOTE - Unanimous**

**REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY**

**23 [EC] Festival and Event Co-ordinator**

884

:

**Cr J F Murray**

**Cr B J Carroll**

**RESOLVED** that Council funds the Festivals and Events Co-ordinator position to the end of the current financial year to allow possible funding options to be further explored.

**FOR VOTE - Unanimous**

885

**Cr M R Boyd**  
**Cr B J Carroll**

**RESOLVED** that consideration be given to providing funds in the 2005/2006 budget to provide for the ongoing retention of the position of Festivals and Events Co-ordinator.

**FOR VOTE - Cr Polglase, Cr Murray, Cr Bell, Cr Holdom, Cr Carroll, Cr Boyd, Cr Dale, Cr James**

**AGAINST VOTE - Cr Brinsmead, Cr Beck, Cr Lawrie**

**24 [EC] Department of Ageing, Disability and Homecare Funding Agreement**

886

:

**Cr B J Carroll**  
**Cr H James**

**RESOLVED** that Council:

1. Upon the receipt of the funds accepts the funds.
2. Votes the expenditure accordingly.
3. Completes all necessary documentation under the Common Seal of Council.

**FOR VOTE - Unanimous**

**25 [EC] Additional Fee - Tweed River Art Gallery**

887

:

**Cr H James**  
**Cr B J Carroll**

**RESOLVED** that Council places the new fee of \$55 per hour on public exhibition for comment for the requisite 28 days.

**FOR VOTE - Unanimous**

**26 [EC] Request for "In Kind" Support/Waive Fee**

888

:

**Cr L F Beck**  
**Cr W J Polglase**

**RESOLVED** that Council: -

1. Grants the Northern Rivers Symphony Orchestra Inc free use of the Tweed Heads Auditorium for 170 hours of rehearsals and 2 performances.
2. Grants the Returned & Services League of Australia-Tweed Heads and Coolangatta Sub-Branch Women's Auxiliary use of the South Sea Islander Room for 50% fee reduction.
3. Grants the Northern Rivers Area Health Service free use of the Tweed Heads Auditorium for a Memorial Service.
4. Grants the Twin Towns and District Garden Club use of the Tweed Heads Auditorium for regular meetings at a reduced fee of \$70 plus free use for set up prior to the Flower Show.
5. Declines to provide sponsorship to Teenage Adventure Camps-Queensland (TAC-Q).
6. Grants the Twin Towns Friends Association Inc free use of the South Tweed Heads Community Hall four times in 2005 and free use of the HACC Centre meeting room once per month for 2005.

**FOR VOTE - Unanimous**

**27 [EC] NSW Food Regulation Partnership**

889

:

**Cr M R Boyd**  
**Cr J F Murray**

**RESOLVED** that the Director of Environment and Community Services prepares a submission to the Food Regulation Partnership that would;

1. Support mandating a base/minimum role for local government in food regulation.
  2. Provide flexibility for some local Councils to do more than the base/minimum role.
  3. Ensure local council activities are appropriately funded.
-

4. Require the clear definition of the NSW Food Authority's mechanisms of support and assistance.
5. Ensure Council's Environmental Health Officers are appropriately trained and supported to undertake the regulatory functions of food safety.

***FOR VOTE - Unanimous***

**28 [EC] Request for advice on Licence Application for Genetically Modified Cotton**

890

:

**Cr J F Murray**

**Cr G B Bell**

**RESOLVED** that Council notes the request for advice on Licence Application for Genetically Modified Cotton.

***FOR VOTE - Unanimous***

**REPORTS FROM SUB-COMMITTEES/WORKING GROUPS**

**1 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Wednesday 5 November 2004**

891

:

**Cr M R Boyd**

**Cr H James**

**RESOLVED** that the Minutes of the Aboriginal Advisory Committee be endorsed with the exception of those items which were considered individually hereunder.

***FOR VOTE - Unanimous***

**2 [SUB-AAC] 3. Tugun Bypass Project**

892

:

**Cr M R Boyd**

**Cr H James**

**RESOLVED** that Council advise the Department of Main Roads of the Committee's concerns of the impact the C4 route will have on the natural environment, in particular Aboriginal sites.

***FOR VOTE - Unanimous***

---

**3 [SUB] Minutes Circulated to Councillors with this Agenda Not Requiring a Council Decision**

893

:

**Cr M R Boyd**

**Cr H James**

**RESOLVED** that this report be received and noted.

***FOR VOTE - Unanimous***

**DELEGATES REPORTS**

Nil.

**OUTSTANDING INSPECTIONS**

Nil.

**ITEMS OF INFORMATION AND INTEREST**

Nil.

**ORDERS OF THE DAY**

Nil.

**WORKSHOPS**

Nil.

**QUESTION TIME**

**1. [QT] Centenary of Local Government in the Tweed**

**Cr M R Boyd**

Asked :-

1. What provision of funding and organisation have been put in place or are proposed in regard to the celebration of the centenary of local governing in Tweed Shire in 2006?
2. If nothing has been done or considered then why not?

The Acting General Manager responded that:



1. This matter is on the work list although no formal process has been put into place at this stage.
2. Council is aware of this date and is preparing a report for Council's consideration.

### **COMMITTEE OF THE WHOLE**

894

:

**Cr J F Murray**

**Cr H James**

**RESOLVED** that Council resolves itself into a Confidential Committee of the Whole.

#### ***FOR VOTE - Unanimous***

The General Manager reported that the Confidential Committee of the Whole had excluded the press and public from the whole of the Committee Meeting because, in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest, by reason of the confidential nature of the business to be transacted, and made the following recommendations to Council:-

895

:

**Cr G J Lawrie**

**Cr R D Brinsmead**

**RESOLVED** that the report and recommendations of the Confidential Committee of the Whole be adopted.

#### ***FOR VOTE - Unanimous***

### **REPORTS THROUGH GENERAL MANAGER IN COMMITTEE**

### **REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT IN COMMITTEE**

Nil.

**REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER  
IN COMMITTEE**

**REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE**

**1 [EO] Construction of Cycleway, Cudgen Creek Bridge to SALT Development**

**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

C 202

:

That: -

1. Council awards the Contract 'EC20040156 Construction of Cycleway, Cudgen Creek Bridge to SALT Development' to Hopedale Services Pty Ltd for the lump sum price of \$72,773.00, exclusive of GST.
2. The Director Engineering and Operations be given delegated authority to approve variations up to 20% of the initial contract price.
3. All documentation is to be completed under the Common Seal of Council.

**FOR VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Beck, Cr Bell, Cr Holdom, Cr Carroll, Cr Boyd, Cr Dale, Cr James**

**AGAINST VOTE - Cr Lawrie**

## 2 [EO] EC2004-162 Supply of Ready Mixed Concrete

### 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

C 203

That the contract for the Supply and Delivery of Ready Mixed concrete for the six month period from the 1 January 2005 to the 30 June 2005 be awarded as follows:-

1. Areas 1 and 2 be awarded to Boral Resources.
2. Areas 3, 4 and 5 be awarded to Readymix Holdings Pty Ltd.

**FOR VOTE - Unanimous**

## 3 [EO] Land Acquisition - Lots 15 & 16 Section in DP 28266 - Philp Parade, Tweed Heads South

### REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(b) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (b) the personal hardship of any resident or ratepayer

C 204

:

That

1. Council agrees to acquire Lots 15 and 16 Section 19 in DP 28266 for the sum of **\$200,000.00 (for both Lots)** by private treaty;
2. Council covers all of the landowner's costs, including survey and conveyancing costs relating to the sale to Council, but excluding all legal costs incurred prior to recent negotiations and ultimate agreement;
3. Council pays the outstanding rates amounting to **\$1,331.03**; and

4. All necessary documentation be endorsed under the Common Seal of Council.

***FOR VOTE - Unanimous***

**4 [EO] Tender EC2004-152 - Supply & Delivery of One (1) 13,000 Litre Water Tank Unit**

**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

C 205

:

That Council: -

1. Accepts the tender from Gold Coast Truck centre for the supply of one (1) Hino Ranger PRO 14 Auto ACE cab chassis for \$109,011.82 exclusive of GST.
2. Accepts the Tender from Marlin Truck Bodies for the supply of one (1) 13,000 litre water tank for \$77,050.00 exclusive of GST.
3. Sells the existing Isuzu FVR 950 Water tank unit to Heritage Trucks for the price of \$54,886.37 (exclusive of GST).

***FOR VOTE - Unanimous***

**5 [EO] Tender EC2004-153 - Supply & Delivery of One (1) 24,000 Kg's GVM 50,000 GCM Tipper Unit**

**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

C 206

That Council:-

1. Accepts the tender from Mack Trucks Australia Pty Ltd for the supply of one (1) Mack Fleet Liner cab chassis \$159,135.45 exclusive of GST.
2. Accepts the tender from Universal Truck Bodies for the supply and fit of one (1) 13cm Aluminium tipping body for the price of \$31,394.50 exclusive of GST.
3. Sells the existing Nissan UD CPC 6cm tipping unit to Auto Commercials Qld for the price of \$41,500.00 exclusive of GST.

**FOR VOTE - Unanimous**

**6 [EO] Tender EC2004-154 - Supply & Delivery of One (1) 24,000 Kg's GVM Tipper Unit**

**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

C 207

:

That Council:-

1. Accepts the tender from Gold Coast Isuzu for the supply of one (1) FVY 1400 cab chassis fitted with an Obieco tipping body for \$136,967.38 exclusive of GST.
2. Sells the existing Isuzu FVZ 1400 tipping unit to Heritage Truck centre for the price of \$74,886.37.

**FOR VOTE - Unanimous**

**7 [EO] Tender EC2004-155 - Supply & Delivery of One (1) 15,000 Kg's GVM Tipper Unit**

**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

C 208

:

That Council:-

1. Accepts the tender from Gold Coast Isuzu for the supply of one (1) FVR 950 M cab chassis fitted with an Obieco tipping body for \$99,731.84 exclusive of GST.
2. Sells the existing Isuzu FVR 900 tipping unit to Auto Group Commercials for the price of \$54,681.82.

***FOR VOTE - Unanimous***

**8 [EO] Sale & Lease of Council Owned Land at Chinderah Bay**

**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

C 209

:

**ADJOURNMENT OF MEETING**

Adjournment for dinner at 6.30 pm.

## RESUMPTION OF MEETING

The Meeting resumed at 7.45pm

That:

1. Council approves entering into a Deed of Variation of Contract for Sale of Land relating to proposed Lot 1 effecting increase in the price of Lot 1 from \$184,800.00 to **\$302,000.00** (GST inclusive);
2. Council approves entering into a Deed of Variation of Contract for Sale of Land relating to proposed Lots 3, 5 and 7 effecting increase in the prices of these Lots from \$169,400.00 to **\$225,500.00** (GST inclusive); and
3. All necessary documentation be executed under the Common Seal of Council.

**FOR VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Bell, Cr Lawrie, Cr Carroll, Cr Boyd,**

**AGAINST VOTE - Cr Beck, Cr Holdom, Cr Dale, Cr James**

### 9 [EO] Electricity Supply for the Proposed Upgrade of Water Pump Station No. 2

#### 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

C 210

:

That: -

1. Council accepts the quote from Country Energy for provision of electrical supply for the upgrade of Water Pump Station No. 2 for the amount of \$213,001.48 excluding GST.
2. All documentation be completed under the Common Seal of Council.
3. The Director Engineering Services and Operations be given delegated authority to approve variations up to 20% of the initial contract price.

**FOR VOTE - Unanimous**  
**AGAINST - Cr Lawrie**

**REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY IN COMMITTEE**

**10 [EC] Lifeguards Casuarina Beach**

**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

C 211

:

That Council:-

1. Contracts Life Saving NSW for the period 22 December 2004 to 26 January, 7 days per week \$24,171.84 inclusive and for the period 25 March 2005 to 28 March 2005, 7 days per week \$4,565.79 inclusive such expenditure being voted.
2. Accepts the amount of \$10,000 from Consolidated Properties towards the abovementioned costs.
3. Considers this funding in its December budget review.

**FOR VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Beck, Cr Bell, Cr Lawrie**  
**AGAINST VOTE - Cr Holdom, Cr Carroll, Cr Boyd, Cr Dale, Cr James**

**ITEM MOVED FROM ORDINARY TO CONFIDENTIAL**

1. **[PE] Progress Report for the Section 96 Application DA02/1422.18 for an Amendment to Development Consent DA02/1422 - SALT Development**

**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



C 212

That :-

1. Council notes that the applicant has withdrawn all elements relating to density issues from the Section 96 application to amend the Masterplan for the SALT development
2. A memo be prepared on matters remaining within the Section 96 application so that Councillors may decide whether these matters can be resolved under delegated authority by the Director Planning & Environment.

**FOR VOTE - Cr Polglase, Cr Murray, Cr Bell, Cr Lawrie, Cr Holdom, Cr Carroll, Cr Boyd, Cr Dale, Cr James**

**AGAINST VOTE - Cr Brinsmead, Cr Beck**

There being no further business the Meeting terminated at 10.20pm



---

THIS  
PAGE  
THIS  
PAGE  
IS  
IS  
BLANK  
BLANK

## Minutes of the Extraordinary Council Meeting held Wednesday 5 January 2005

### FOR THE CONSIDERATION OF COUNCIL:

#### IN ATTENDANCE

Councillors W J Polglase (Mayor), L F Beck (Deputy Mayor), G B Bell, R D Brinsmead, B J Carroll, D M Holdom, H James, J F Murray.

Also present were Dr John Griffin (General Manager), Mr Noel Hodges (Director Planning & Environment), Mr Don Buckley (Director Environment & Community), Mr Bob Missingham (Acting Director Engineering and Operations), Mr Peter Brack (Corporate Performance Officer) and Mrs Meredith Smith (Minutes Secretary).

Councillors Boyd, Dale and Lawrie were not present for the duration of the meeting.

#### PRAYER

The meeting opened with a Prayer by the Mayor, Cr Polglase.

#### APOLOGIES

Nil.

#### DISCLOSURE OF INTEREST

Cr L F Beck declared an interest in Item 1.

The nature of the interest is that Cr L F Beck is a neighbour of the subject property

#### ITEMS TO BE MOVED FROM ORDINARY TO CONFIDENTIAL - CONFIDENTIAL TO ORDINARY

Nil.

#### REPORTS THROUGH THE GENERAL MANAGER

1

:

Cr W J Polglase

Cr L F Beck

**RESOLVED** that Standing Orders be suspended to consider comments from community groups supporting the extension of the public notification and submission period for Development Application DA04/1527 (Item 1 of the Agenda).

**FOR VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Beck, Cr Bell, Cr Holdom, Cr Carroll, Cr James**

**ABSENT. DID NOT VOTE - Cr Lawrie, Cr Boyd, Cr Dale**

**ADDRESS BY INDIVIDUAL SPEAKERS AND COMMUNITY GROUP REPRESENTATIVES**

Mr G Martin representing NSW Cane Growers' Association-Tweed River Branch addressed Council giving reasons for supporting an extension of the public notification and submission period for Development Application DA04/1527.

Mr R Quirk, Cane Farmer, addressed Council giving reasons for supporting an extension of the public notification and submission period for Development Application DA04/1527.

Ms Felicia Cecil representing the Chinderah Progress Association addressed Council giving reasons for supporting an extension of the public notification and submission period for Development Application DA04/1527.

Mr Andrew Smith, Cane Farmer neighbouring the subject site addressed Council giving reasons for supporting an extension of the public notification and submission period for Development Application DA04/1527.

Mr Clint Beisler, representing the Oxley Cove Community Group addressed Council giving reasons for supporting an extension of the public notification and submission period for Development Application DA04/1527.

2

:

**Cr W J Polglase**

**Cr J F Murray**

**RESOLVED** that Standing Orders be resumed.

**FOR VOTE - Unanimous**

**ABSENT. DID NOT VOTE - Cr Lawrie, Cr Boyd, Cr Dale**

## REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT

- 1 [PE] Development Application DA04/1527 for a construction of facilities for the breeding and growing of Morton Bay Bugs (DIPNR DA DA-282-11-2004-I) at Lot 706 DP 1000580, Lot 707 DP 1000580, Lot 708 DP 1000580, Lot 709 DP 1000580, Lot 710 DP 1000580, Lot

3

:

Cr J F Murray

Cr G B Bell

**RESOLVED** that the Department of Infrastructure, Planning and Natural Resources, as the Consent Authority for Development Application DA04/1527 for a construction of facilities for the breeding and growing of Morton Bay Bugs (DIPNR DA DA-282-11-2004-I) at, No. 355 Cudgen Road Cudgen, be requested to extend the public notification and submission period to 29 January 2005 in order to permit adequate time for interested parties to make a satisfactory level of assessment of and if desired a submission on the Development Application.

Cr Beck declared an Interest in this item, left the Chamber at 4.37pm and took no part in the voting. The nature of the interest is that Cr Beck is a neighbour of the subject property

**FOR VOTE - Unanimous**

**ABSENT. DID NOT VOTE - Cr Beck, Cr Lawrie, Cr Boyd, Cr Dale**

**RETURN TO MEETING**

Cr Beck returned to the meeting at 4.42pm.

There being no further business the Meeting terminated at 4.42pm.



THIS  
PAGE  
IS  
BLANK

THIS  
PAGE  
IS  
BLANK

## 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:** Deferred indefinitely.

---

**4 August 2004**

**2 [NOM] Section 149 Certificates**

**NOTICE OF MOTION:**

**Cr G J Lawrie**

**Cr L F Beck**

**RESOLVED** that a report be prepared on "puting 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.

**Current Status:** Meeting held. Data cleansing to be completed.

---

**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*

**C 123 RESOLUTION:**

That this matter be deferred following the DCP Workshop and after a decision has been made on the DCP.

**Current Status:** Workshop held 25 August 2004 - applicant to be contacted regarding the current position.

---



**15 September 2004**

**2 [NOM] Public Toilet at Tumbulgum**

**NOTICE OF MOTION:**

**Cr G J Lawrie  
Cr L F Beck**

**RESOLVED** that a report be prepared as to the feasibility of making available the funds for the construction of bollards on the riverfront at that village, and for the completion of a footpath on the residential side of Riverside Drive.

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

---

**6 October 2004**

**7 [PE] Northern Rivers Farmland Protection Project**

**Cr R D Brinsmead  
Cr J F Murray**

**RESOLVED** that a report be prepared as to how the implementation of the Farmland Protection Project will affect the Tweed Shire.

**Current Status:** Report being prepared.

---

**20 October 2004**

**2 [PE] Development Application DA03/1578 for a Shopping Centre at Lot 123 DP 1049552 Botanical Circuit, Banora Point**

**Cr L F Beck  
Cr J F Murray**

**RESOLVED** that this matter be deferred pending an amended report and a further application.

**Current Status:** An amended report is being prepared.

---

## ORDERS OF THE DAY

### 1 [NOM] Traffic Study - 2(b) Zoning, Flagstaff Hill

Cr M R Boyd  
Cr B J Carroll

**RESOLVED** that a comprehensive traffic study be undertaken to ascertain what impact can or will occur on those streets affected by Council's 2(b) zoning in the Flagstaff Hill area, should Council receive a number of Development Applications similar to that approved for No 40 Charles Street, Tweed Heads.

**Current Status:** Study to be completed.

---

## **Mayoral Minute**

Councillors,

### **1. NRACC**

16 December – Christmas function

---

### **2. Council Staff Christmas Party**

16 December – Council staff Christmas Party at Branding Rail

---

### **3. TEDC**

17 December – TEDC Christmas Function

---

### **4. Murwillumbah Uniting Church**

17 December – Induction Service for Reverend Proctor

---

### **5. Murwillumbah Baptist Church**

18 December – Opening Tumbletown

---

### **6. Councillors' & Directors' Christmas Dinner**

18 December – Councillors' & Directors' Christmas Dinner at Plantation House Duranbah

---

### **7. Citizenship Ceremony**

20 December – Private Citizenship Ceremony at Murwillumbah

---

### **8. Council Meeting**

5 January – Extraordinary Council Meeting

---

## **9. Tsunami Appeal**

10 January – Meeting at Seagulls re organisation for Tsunami Appeal Concert

16 January – Address to congregation at Church of England Murwillumbah.

---

## **10. Citizenship Ceremony**

10 January – Private Citizenship Ceremony at Tweed Heads

---

## **11. NRACC**

13 January – NRACC meeting

---

## **12. Mebbin Springs**

18 January – Launch Mebbin Springs project at Murwillumbah Art Gallery

---

## **13. Local Government Association**

Letter (Appendix 1) received from Secretary General of Local Government Association advising Cr. Warren Polglase has been invited to join a working party to develop amendments to the Local Government Act to clarify the accountability of General Managers to a Mayor and Council.

---

### **INVITATIONS ACCEPTED:**

- 30 January – Benefit Concert at Seagulls to raise funds for Care Australia's South East Asian Appeal

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

- National Water Conference '05 (Implementing the National Water Initiative) **16-18 February 2005** Melbourne Convention Centre
- 
-

## 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.

THIS  
PAGE  
IS  
BLANK

THIS  
PAGE  
IS  
BLANK

- 1 [PE] Development Application D91/0236.02 for an Amendment to Development Consent D91/0236 for Extensions to an Existing Caravan Park to Accommodate 9 Long Term and 14 Short Term Sites & Associated Filling at Lot 2 DP 508325, No. 8-10 Philp Parade, Tweed

**ORIGIN:**

**Development Assessment**

**FILE NO: PF4280/40 Pt1**

**SUMMARY OF REPORT:**

Council has received a request to waive a s.94 contribution levy that was levied on a s.96 Modification Application for the River Retreat Caravan Park. The application approval modified the original consent to increase the capacity of the park by five long-term sites.

This report concludes that a proper justification for the waiver does not exist and that the contributions should be levied in full.

**RECOMMENDATION:**

That the Applicant be advised that s.94 contribution levies are applicable in full and the request to waive the s.96 application fee (D91/0236.03) is not supported.

**REPORT:**

**Applicant:** Barry Dennien  
**Owner:** Dennien Pty Ltd  
**Location:** Lot 2 DP 508325, No. 8-10 Philp Parade, Tweed Heads South  
**Zoning:** 2(a) Low Density Residential  
**Cost:** \$2000

**BACKGROUND:**

Council received a s.96 Modification Application to increase the capacity of the existing River Retreat Caravan Park by five long-term sites. The application, D91/0236.02, was approved under delegated authority on 10 December 2004. The modified development consent included the addition of several new conditions, including s.94 monetary contributions.

The Applicant has made a subsequent request dated 23 December 2004 seeking for a s.94 contribution component to be waived, and for the remainder of the contributions to be levied quarterly over a two year period.

It is contended by the Applicant that the Contribution Plan No.1 - Open Space Passive (Casual) monetary levy in the amount of \$5960 is unreasonable. This is based on the fact that the applicant is required to provide a minimum 10% open space within the park for park residents and as a consequence, it is asserted that, Council is doubling-up on open space provision.

Contribution Plan No.1 levies contributions so that Council has provision to purchase, maintain and embellish open space that is within the public domain. This is distinct from the 10% open space requirement for the caravan park, which is a requirement of the Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1995, which is for the exclusive use of the residents of the caravan park. The residents of the caravan park are considered equally as likely as any other Shire resident to utilise external public facilities.

It is acknowledged that an unfortunate situation has arisen with another privately owned and operated caravan park with the Shire that has given rise to an urgent need to provide new long-term caravan sites. However, it must also be recognised, regardless of the individual benefit to a select few caravan residents, that the development is a commercial operation. All new commercial development is subject to the imposition of s.94 levies. It is considered un-equitable to other commercial and residential operators and developers within the shire to exclude certain developments from the imposition of contributions, particularly where the activity is one that clearly contributes to the area being levied for. It is considered necessary in the circumstances to require the full contribution amount.

Council received a further s.96 Modification Application on 12 January 2005 that seeks to now reduce the number of additional caravan sites from five to four. The s.96



contribution tables set out below illustrates a comparison between the contributions required for the approved five sites and the now proposed four sites.

**Table 1 - Five additional caravan sites**

Contribution Plan	Levy (\$)	Equivalent Tenement	Total (\$)
S64 Contributions - Water	4325	3.7500	16,219
S64 Sewer Contributions	3490	3.7500	13,088
S94-01 Banora Point	1571	3.7940	5,960
S94-01 Banora Point	2075	3.2700	6,785
S94-04 (Tweed South)	259.08	19.5000	5,052
S94-11 Libraries	688	3.1600	2,174
S94-16 Lifesaving	215	3.5075	754
S94-18 Council Admin	344.81	3.7930	1,307.86
S94-22 Cycleways	160	3.2815	525
S94-26 (Regional OS)	1177	3.2670	3,845
S94-26 (Regional OS)	221	3.5280	780
<b>Grand Total</b>			<b>\$56,489.86</b>

**Table 2 - Four additional caravan sites**

Contribution Plan	Levy (\$)	Equivalent Tenement	Total (\$)
S64 Contributions - Water	4325	3.0000	12,975
S64 Sewer Contributions	3490	3.0000	10,470
S94-01 Banora Point	1571	3.0352	4,768
S94-01 Banora Point	2075	2.6160	5,428
S94-04 (Tweed South)	259.08	15.6000	4,042
S94-11 Libraries	688	2.5280	1,739
S94-16 Lifesaving	215	2.8060	603
S94-18 Council Admin	344.81	3.0344	1,046.29
S94-22 Cycleways	160	2.6252	420
S94-26 (Regional OS)	1177	2.6136	3,076
S94-26 (Regional OS)	221	2.8224	624
<b>Grand Total</b>			<b>\$45,191.29</b>

In addition to the request for the waiver to the contribution levy the Applicant is also requesting that the s.96 Modification Development Application Fee for the current s.96 application in the amount of \$500 be waived. It is contended like that of the contributions there exists no substantial justification for the waiver.

**OPTIONS:**

1. The Applicant be advised that s.94 contribution levies are applicable in full and the request to wave the s.96 application fee (D91/0236.03) is not supported.
2. Advise the Applicant that s.94 contribution levies are applicable in full but may be paid in quarterly instalments over a period not exceeding 2 years.
3. Waive the Contribution Plan No.1 levy in the amount of \$5960.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Waiving s.94 contributions on development without a properly justified reason may lead to further requests for contribution adjustments. Section 94 Plans are instrumental in providing the mechanism within which Council can secure monies for public infrastructure. The proposed and potential cumulative effect of waiving contributions may serve to undermine the integrity of Council's s.94 Plans.

**CONCLUSION:**

On the matters raised in this report it is concluded that request to waiver the s.94 contributions levy for open space is not justified.

**UNDER SEPARATE COVER:**

Nil.

---

**2 [PE] Tweed Local Environmental Plan (Amendment No. 60) and Development Application DA04/0008 for a Mixed Commercial/Residential Development at Lot 14 DP 818400 Overall Drive, Pottsville**

**ORIGIN:**

**Development Assessment**

**FILE NO: DA04/0008 Pt1**

**SUMMARY OF REPORT:**

Council resolved at its meeting of 7<sup>th</sup> July 2004 to prepare a draft local environmental plan and advise the Department of Infrastructure, Planning and Natural Resources of its intentions to do so. The Department was also advised that in Council's opinion, a Local Environmental Study was not required in this instance.

The purpose of the draft plan is to facilitate the approval of the subject development application for a mixed-use development comprising three (3) residential units and three (3) commercial tenancies.

The proposed amendment seeks to rezone the subject land from 2(b) Medium Density Residential to 3(b) General Business. Commercial and retail activities are prohibited development in the 2(b) Medium Density Residential zone therefore requiring the rezoning component of the application.

Draft LEP Amendment No.60 was placed on public exhibition for thirty (30) days between 3<sup>rd</sup> November 2004 and 3<sup>rd</sup> December 2004. The draft Plan was exhibited jointly with development application DA04/0008 for a mixed-use development.

Two (2) public submissions were received in during the exhibition period as discussed within the report. Council has consulted with three (3) Government agencies as part of the Plan preparation process and a favourable response has been received in each instance.

It is recommended that the draft LEP be adopted and procedures implemented to expedite the Plans gazettal by the Minister administering the *Environmental Planning and Assessment Act, 1979*.

**RECOMMENDATION:**

That Council: -

1. Forwards a copy of draft Tweed Local Environmental Plan 2000 (Amendment No.60) to the Minister for gazettal; and

2. Upon gazettal of draft Amendment No.60 to the Tweed Local Environmental Plan 2000, Development Application DA04/0008 for a mixed commercial/residential development 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 DA-01, DA-02 (as amended in red) prepared by John Papanikolas and dated 11/11/03, 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]

5. All wastes shall be collected, stored and disposed of to the satisfaction of Council's Director of Environment and Community Services. A screened, graded and drained bin storage area shall be provided within the boundary of the property. The bin storage area shall be kept clean at all times.  
[GENNS01]
6. Lighting shall not be permitted to impact on the amenity of any other premise.  
[GENNS02]
7. The development shall be constructed and operated in accordance with the Mitigation Measures identified in the Noise Report for Mixed Commercial Residential Development prepared by Garry Hall and dated March 2004.  
[GENNS03]
8. Appropriate landscaping is to be provided along the northern and western edge of the balcony for unit 1 to assist in screening the development and preserving privacy for adjoining residents.  
[GENNS04]
9. A laundry is to be incorporated into the floor plan of unit 2 in accordance with the provisions of the Building Code of Australia.  
[GENNS05]
10. The existing central median on Overall Drive is to be modified to permit safe egress from the site and to extend the protected right turn lane into the development.  
[GENNS06]

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

11. Any carparking floodlighting shall not spill beyond the boundaries of the site. A plan of the lighting shall be approved by the Director of Development Services PRIOR to the issue of a Construction Certificate.  
[PCC0030]
12. 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: \$23,959

	S94 Plan No. 4 (Version 4.0)	
	Sector8a_4	
b.	Open Space (Structured):	\$750
	S94 Plan No. 5	
c.	Open Space (Casual):	\$160
	S94 Plan No. 5	
d.	Shirewide Library Facilities:	\$662
	S94 Plan No. 11	
e.	Eviron Cemetery/Crematorium Facilities:	\$135
	S94 Plan No. 13	
f.	Community Facilities (Tweed Coast)	\$1,752
	(South Coast)	
	S94 Plan No. 15	
g.	Extensions to Council Administration Offices	
	& Technical Support Facilities	\$646.9
	S94 Plan No. 18	
h.	Cycleways	\$155
	S94 Plan No. 22	
i.	Regional Open Space (Structured)	\$1,130
	S94 Plan No. 26	
j.	Regional Open Space (Casual)	\$211
	S94 Plan No. 26	

[PCC0050/PSC0005]

13. 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:	1.534 ET @ \$4325	\$6,635
Sewer:	1.534 ET @ \$3490	\$5,354

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]
14. All fill is to be graded so that it drains to the street or other approved permanent drainage system. The development must not result in ponding or additional stormwater impacting on neighbouring properties and where necessary, perimeter drainage shall be installed.
- [PCC0090]
15. 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]
16. 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) Runoff from all hardstand/impervious areas (including car parking, driveway and hardstand landscaping areas and excluding roof areas) must be pre-treated to remove oil and grit prior to discharge into the public stormwater system, according to Council's Development Design Specification D7 - Stormwater Quality, Section 7.11-1. Roof water runoff does

not require treatment and should be discharged downstream of any pollution control device.

- (ii) The car wash bay shall be constructed of pervious material, or else runoff from the bay must be treated to remove oil/grit prior to discharge into the public stormwater system.

[PCC0230]

17. 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]

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

[PCC0280]

19. Pursuant to Section 68 of the Local Government Act, 1993 to ensure there is no unacceptable discharge to Councils sewerage system an approved pre-treatment device (eg. Oil/grease traps, separators, etc) shall be installed to details approved prior to the issuing of a Construction Certificate. The development will be required to meet discharge standards in accordance with Councils Trade Waste Policy.

[PCC0290]

20. Erosion and Sediment Control During the Construction Phase of Development

- (a) Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan *"Tweed Shire Council Aus-Spec D7 - Stormwater Quality"* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until 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]

21. All roof waters are to be disposed of through properly jointed pipes to the street gutter, inter-allotment drainage, or elsewhere if so directed in the conditions of consent. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZ3500.3.2. Note: A detailed stormwater and drainage plan is to be submitted to and approved by the PCA prior to commencement of building works.

[PCC0350]

22. A NatHERS/ABSA Certificate indicating a minimum energy efficiency rating of 3.5 stars is to be provided to Council's Director of Planning Services prior to the issues of a Construction Certificate.

[PCCNS01]

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

23. 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]

24. 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]

25. 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]
26. 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]
27. 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]
28. 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]
29. Prior to commencement of building works a stormwater drainage plan is to be submitted to and approved by the PCA.

- [PCW0170]
30. 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]
31. 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]

32. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by Council prior to any discharge to sewer being commenced. [PCW0220]
33. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures. [PCW0230]
34. Trade Waste application fee will be applicable as per Councils Fees and Charges. [PCW0240]
35. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. Note All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the PCA prior to commencement of building works. [PCW0250]
36. Prior to commencement of work on the site all 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]
37. 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]

38. Prior to the commencement of works, sedimentation and erosion control measures shall be installed to the satisfaction of Council's Director of Environment and Community Services.

[PCWNS01]

#### **DURING CONSTRUCTION**

39. 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]

40. 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]

41. 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]

42. 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]

43. 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]

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

[DUR0240]

45. Access to the building for people with disabilities shall be provided and constructed in accordance with the requirements of Section D of the Building Code of Australia. Particular attention is to be given to the deemed-to-satisfy provisions of Part D-3 and their requirement to comply with AS1428.

[DUR0260]

46. Where access for people with disabilities is required to be provided to a building, sanitary facilities for the use of the disabled must also be provided in accordance with the provisions Part F-2 of the Building Code of Australia.

[DUR0280]

47. Any premises used for the storage, preparation or sale of food are to comply with the relevant provisions of the Food Act, 1989 and Council's

adopted Code for the construction of Food Premises. Details of fittings and equipment are to be submitted to the Principal Certifying Authority prior to installation.

[DUR0310]

48. Windows and doors opening into food preparation and storage areas are to be fully screened in accordance with Council's adopted code for the construction of food premises.

[DUR0350]

49. 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]

50. 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 Overall Drive. 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]

51. A Sewer manhole is present on this site. This manhole is not to be covered with soil or other material or concealed below ground level. Should additional fill be proposed in the area of the sewer manhole Council's Engineering Services Division must be consulted and suitable arrangements made for the raising of the manhole to the satisfaction of Council's Manager Public Utilities.

[DUR0840]

52. 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]

53. 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]

54. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles. [DUR0880]
55. 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]
56. 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]
57. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited. [DUR0920]
58. 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]
59. The burning of builders waste on site by open fire is prohibited. [DUR0940]
60. 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]
61. 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]
62. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- internal drainage, prior to slab preparation;
  - water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
  - external drainage prior to backfilling.
  - completion of work and prior to occupation of the building. [DUR1020]

63. 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]
64. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position. [DUR1040]
65. 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]
66. 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]
67. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-  
\* 43.5°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and  
\* 50°C in all other classes of buildings.  
A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works. [DUR1160]
68. 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]
69. A hose tap shall be provided adjacent to a grease arrester for cleaning purposes and shall be fitted with a RPZD for the purpose of back flow prevention. [DUR1180]
70. 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]

71. 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]

72. The site shall not be dewatered.

[DURNS01]

73. Acid sulfate soils shall not be exposed or disturbed and dewatering shall not be carried out.

[DURNS02]

74. 7mm acoustic laminated glass (or product with equivalent Rw value) shall be installed to the first floor southern and west facing bedroom windows.

[DURNS03]

75. 6mm glass shall be installed to the first floor windows to the unit 3 ensuite, laundry and bathroom.

[DURNS04]

76. The external door of the laundry to unit 3 shall be 40mm solid core with tight fitting seals.

[DURNS05]

77. The provision of eighteen (18) off street car parking spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.

[DUR0050]

78. The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of the buildings with direct line of sight to the proposed building.

[DUR0960]

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

79. 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]

80. 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]

81. 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]



82. 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]
83. 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.  
[POC0180]
84. A screened clothes drying area or clothes drying machine to be provided for each residential unit to the satisfaction of Council's Director of Development Services.  
[POCNS01]
85. A three (3) metre wide easement is to be created over the existing gravity sewer line with documentary evidence to be provided to Council prior to the release of an occupation certificate.  
[POCNS02]
86. Submission of a further Development Application(s) for the first use of the shops and professional suites, such to be approved by Council prior to their use or occupation.  
[POC0010]

## USE

87. 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]
88. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.  
[USE0170]
89. The trading hours of the commercial/retail activities shall be limited between 7am to 9pm.  
[USENS01]
90. The LA10 noise level emitted from any activity shall not exceed the background noise level (LA90) by more than 5dB(A) at the boundary of any affected residence between 8am and 9pm. Notwithstanding the above, noise shall not be audible within any habitable room in any premises between the hours 9pm and 8am..  
[USENS02]

91. Footpath dining activities shall not be carried unless a footpath dining agreement has been approved by Council.  
[USENS03]
92. Cooking gases shall be ducted and discharged above the roof line of the building in accordance with Australian Standard AS1668, and shall not be permitted to impact the amenity of any premise.  
[USENS04]

**REPORT:**

**Applicant:** Mr J Papanikolas and Mrs H Papanikolas  
**Owner:** Mr J Papanikolas and Mrs H Papanikolas  
**Location:** Lot 14 DP 818400, Overall Drive Pottsville  
**Zoning:** 2(b) Medium Density Residential  
**Cost:** \$750000

**BACKGROUND:**

July 2004

Council at its meeting of 7 July 2004 resolved as follows;

*That Council: -*

- 1. Supports the proposed rezoning and resolves to prepare a draft Tweed Local Environmental Plan 2000, to change Lot 14 DP 818400, Overall Drive, Pottsville from 2(b) Medium Density Residential to 3(b) General Business.*
- 2. Pursuant to Section 54(4) of the Environmental Planning and Assessment Act, 1979 informs the Department of Infrastructure, Planning and Natural Resources of Council's intention to prepare a draft Local Environmental Plan.*
- 3. Advises the Director General of the Department of Infrastructure, Planning and Natural Resources that in Council's opinion a Local Environmental Study is not required in this instance.*
- 4. Advises the applicant that in initiating the draft Local Environmental Plan amendment, support is not, at this stage, given to the development application plans.*

August 2004

Section 62 Consultation process undertaken. Notice of the draft Plan sent to NSW Rural Fire Service, the Department of Environment and Conservation (formerly EPA) and the Department of Infrastructure, Planning and Natural Resources.

On 10<sup>th</sup> August, Council received an email from the Department of Environment and Conservation (DEC) indicating that there were no significant environmental concerns relating to the proposed rezoning and that no further comment from the Department was required.

On 20<sup>th</sup> August, Council received advice from the Department of Infrastructure, Planning and Natural Resources (DIPNR) confirming that there is no need for an environmental study in this instance. No further issues were raised in relation to the application.

### September 2004

On 22<sup>nd</sup> September, Council received a letter from the NSW Rural Fire Service confirming that the subject land was no longer identified as bushfire prone and as such, the application does not require a Bushfire Safety Authority. No further concerns were raised in relation to bushfire issues.

### November 2004

Upon receipt of a response from those government agencies consulted and in accordance with the provisions of Section 72K of the Environmental Planning and Assessment Act 1979, the draft Plan was jointly exhibited with the development application for a mixed use development comprising of three (3) residential units and three (3) commercial tenancies (DA04/0008). The joint notification and exhibition of the application and the draft Plan was for a thirty (30) day period from 3<sup>rd</sup> November 2004 to 3<sup>rd</sup> December 2004.

The exhibition material for the draft Plan was accompanied by checklists indicating compliance with the relevant provisions of State Environmental Planning Policies, the North Coast Regional Plan 1988, Section 117 Directions, the NSW Coastal Policy 1997, and the explanatory notes concerning the Draft Plan.

During this process, two (2) submissions were received. Each submission raised issues in relation to the development, with no objections specific to the proposed LEP amendment.

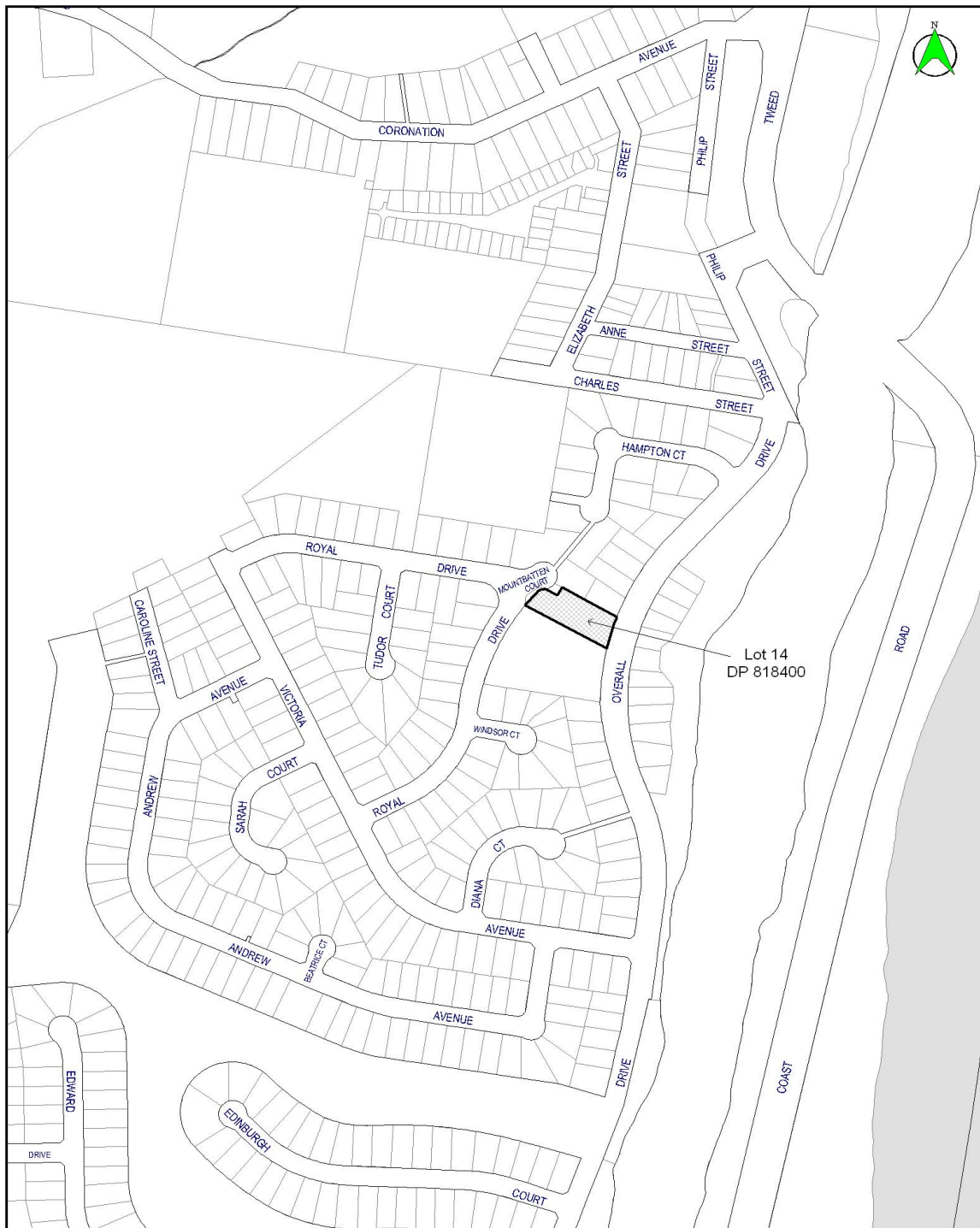
Given the nature of the objections and they're exclusive relevance to the development application, each submission is addressed in the Development Assessment Section of this report.

## **DEVELOPMENT ASSESSMENT REPORT**

The application seeks consent to establish a mixed commercial/residential development incorporating three (3) commercial tenancies, three (3) residential units, landscaping and associated car parking. The proposed development comprises a two (2) storey building to accommodate a total of approximately 280m<sup>2</sup> of commercial floor space on the ground floor with two (2), three (3) bedroom apartments and one (1), two (2) bedroom apartment on the upper floor. The design of the building incorporates broken elevations and rooflines, with a rendered finish and overall appearance that is consistent with the current trends in coastal architecture. The proposal also incorporates driveway and car park construction to service the development.

The subject land is zoned 2(b) Medium Density Residential and as such, the commercial component of the development is prohibited. In accordance with Section 72J of the Environmental Planning and Assessment Act 1979, the applicant is seeking an amendment to the *Tweed Local Environmental Plan 2000* to facilitate the development of the site for commercial uses. The amendment seeks to change the zoning of the subject site from 2(b) Medium Density Residential to 3(b) General Business.

**SITE DIAGRAM:**



<p>© TWEED SHIRE COUNCIL 2005                  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.  <b>DO NOT SCALE</b>                  COPY ONLY - NOT CERTIFIED                  P.O. Box 816                  Murwillumban, NSW, 2484                  Tel: (02) 6670 2409                  Fax: (02) 6670 2483</p>	<p><i>Tweed Shire Council</i>                  Lot 14 DP 818400                  Overall Drive, Pottsville</p>		<p>STRATEGIC                  PLANNING UNIT  <b>Site Plan</b></p>	
<p>File: N:\MapInfo 7...A4P Site Plan.Wor</p>	<p>Author: J.Batchelor</p>	<p>Date: 12/Jan/2005</p>	<p>Scale: 1:5,000</p>	<p>Sheet: 1 of 1</p>

The subject site comprises a total area of approximately 2902m<sup>2</sup> and contains no built improvements. The site is rectangular in shape and possesses frontages to both Overall Drive (36m) and Royal Drive (22m). Immediately to the south of the site is a neighbourhood shopping centre incorporating the Pottsville Tavern and other retail outlets. Immediately to the north is a medium density townhouse development. This is reflected in the nature of the zoning boundaries with the allotment to the south of the subject site zoned 3(b) General Business, and the allotment to the north zoned 2(b) Medium Density Residential. In this regard, the subject site provides a transition area between the commercial activities to the south and the residential areas to the north.

Given the nature of the surrounding development, it is considered that the proposed mixed-use development provides an appropriate land use for the site that blends elements of commercial and residential activity. Council's Environment & Health Officer has indicated that historically, there have been incidents of noise complaints associated with the operation of the Pottsville Tavern. The provision of a buffer zone between the tavern and existing residential areas is considered likely to result in a better planning outcome than utilising the site for medium density residential development as per the current zoning provisions.

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

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

###### Tweed Local Environmental Plan 2000

The subject land is zoned 2(b) Medium Density Residential under the Tweed Local Environmental Plan. **Clause 11** of the LEP states that shops (other than general stores) and commercial premises are a prohibited land-use in the 2(b) zone.

To enable the subject site to be utilised for commercial land-uses the applicant has requested Council to amend the Local Environmental Plan 2000 by rezoning the subject land from 2(b) Medium Density Residential to 3(b) General Business.

The objectives of the 3(b) zone are:-

###### ***Primary Objectives***

- *to provide business centres in which the community's shopping, business, welfare and social needs can be met.*
- *to provide business locations within residential areas, and to ensure that the scale and type of development is compatible with the character and amenity of the surrounding residential areas.*

### **Secondary Objectives**

- *to provide for tourist orientated development.*
- *to encourage upper floor residential or tourist accommodation.*

The proposed development provides for a two storey building with three (3) commercial units at the ground floor, and three (3) residential units above.

It is considered that the proposal is consistent with the primary objectives as well as the secondary objective pertaining to upper floor residential development.

**Clause 14** of the TLEP provides for flexibility for development near zone boundaries. In this regard the subject site is zoned 2(b) Medium Density Residential and adjoins land zoned 3(b) General Business to the south. Part 3 of Clause 14 states:-

*"Development that may otherwise be prohibited may, with consent, be carried out on land to which this clause applies if the development may be carried out (with or without consent) in the adjoining zone."*

Despite the apparent opportunities under this clause, the provisions of SEPP 71 void all such flexible zone provisions. Given the subject site is in a coastal area and is affected by SEPP 71, the applicant is seeking to amend the LEP in conjunction with the development application in order to have the proposal considered.

**Clause 15** relates to the provision of essential services, all of which are available to the subject site.

The proposed mixed-use building is two (2) stories and is in compliance with the statutory three (3) storey height limit as required under **Clause 16** of the LEP.

### Tweed 2000+ Strategic Plan

This plan includes among its policies and actions (No.112) provision for minor re-zonings in or adjacent to existing release areas to achieve efficient use of existing infrastructure. The proposal is consistent with this provision. Policy No.109 relates to Pottsville and an identified need to expand the Pottsville commercial centre. The proposed rezoning and commercial units represent a step towards achieving this objective.

### North Coast Regional Environmental Plan 1988

The proposal is consistent with both the plan preparation and development control provisions of the NCREP 1988. The relevant clauses are discussed below:

*Clause 32A - Coastal Lands* applies to land which the NSW Coastal Policy applies. It requires that a draft LEP shall include provisions which are consistent with the Coastal Policy and it also contains requirements in respect of development in coastal protection. The proposal is considered to be consistent with the provisions of this clause.

*Clause 39 - Retail Activities* relates to the establishment of significant retail, commercial or business development. There is no retail/commercial expansion strategy applicable to the area. The subject site adjoins land zoned 3(b) and is of a relatively minor scale. It is therefore considered to be consistent with the provisions of this clause.

*Clause 46 - Objectives* indicates that the REP encourages an adequate supply of land where commercial development is permissible within planned growth areas, particularly where essential services can be provided with minimal environmental damage. The applicant contends that the subject site is unsuitable for medium density residential development given the potential for conflict with the existing commercial centre to the south. As a result, it is argued that the subject site presents a suitable location for mixed-use development as provided for in the 3(b) General Business zone. It is considered that the rezoning of the subject site would provide for a sensible outcome, satisfactory with regard to the provisions of Clause 46.

*Clause 47 - Principles for Commercial and Industrial Development* encourages commercial land adjoining existing commercial or retail development. Given the adjoining parcel of land to the south is zoned 3(b), it is considered that the subject site presents is suitable with regard to this clause.

#### State Environmental Planning Policies

#### **SEPP 71 - Coastal Protection**

Clause 13 of SEPP 71 refers to Flexible Zone Provisions and states:-

*"A provisions of an environmental planning instrument that allows development within a zone to be consented to as if it were in a neighbouring zone, or a similar provision, has no effect."*

As a result of this provision, the applicant is unable to pursue the proposal pursuant to Clause 14 of the TLEP, which would otherwise allow for flexibility in development near zone boundaries.

With regard to the matters outlined in Part 2 of the Policy, it is considered that the proposed development is satisfactory.



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

The proposed development is dependent on the provisions of Draft LEP No.60 for the rezoning of the subject land. The development application has been lodged in conjunction with an application to amend the LEP. The proposed LEP amendment seeks to change the zoning of the subject land from 2(b) Medium Density Residential to 3(b) General Business.

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

Development Control Plan No.2 - Site Access and Car Parking

The proposed mixed-use development provides for a total of 284m<sup>2</sup> of commercial floor space. The applicant hasn't nominated the end users of the building and as such, the specific type of businesses are unknown at this stage. A condition of consent is proposed requiring separate development consent to be obtained for the first use of each commercial tenancy to ensure that a more detailed assessment can be undertaken as the development evolves.

Council's DCP 2, indicates commercial uses generate a car parking demand of one (1) space per 40m<sup>2</sup> of gross floor area. Therefore a total of seven (7) car parks are required for the commercial component.

DCP 2, requires multi-dwelling housing to provide for car parking at a rate of 1.5 spaces per dwelling. Given the proposed development incorporates three (3) residential units, 4.5 spaces are required to attain numerical compliance with the residential aspect.

In total, the proposed development generates a car parking requirement for 12 spaces under the provisions of DCP 2. The proposal satisfactorily attains compliance with DCP 2, providing for a total of eighteen (18) on-site car parking spaces. A car wash bay is also proposed adjoining the residential garages and is to be constructed of an appropriate pervious material.

Council's Traffic Engineer has reviewed the proposed development with regard to access and traffic issues. The original proposal was deemed to be unacceptable due to the potential for conflict between existing traffic, (seeking to turn right off Overall Drive into the adjoining shopping centre) and future traffic of the proposed development (also seeking to turn right from the same dedicated right hand turning lane). The applicant has since amended the proposal to the satisfaction of Council's Traffic Engineer. The proposed solution involves altering the location of the proposed entrance driveway and removing a section of the existing traffic blister along on Overall Drive. These changes will increase the length of the designated right turn lane and provide for an entry point on the subject site that allows for a safe distance to slow down and enter.

Development Control Plan No.6 - Multi-dwelling Housing

Given the size of the subject site and the relative size of the proposed building, the development comfortably attains compliance with the relevant provisions of DCP 6 pertaining to landscaping and floor space ratios.

The other relevant considerations are addressed in the table below:-

Development Provision	Requirement	Proposal	Compliance
Streetscape	No setback requirements for the first 9m in commercial areas.	18m front setback provided	YES
	3m setback to side boundaries (for upper level residential development beyond first 9m).	3m side setback provided from enclosing wall of upper level residential unit.	YES
	Balconies cannot encroach more than 50% into the setback area exclusive of the front building line.	1.2m side setback from southern balcony to upper level balcony of unit no.	NO*
Building Envelope	45° from 3.5m high at the side and rear boundary.	Proposed building is within building envelope.	YES
Private Open Space	One part 25m <sup>2</sup> with a minimum dimension of 3m	Each unit has a patio/balcony of sufficient size.	YES

NO\* - see discussion below

Non-Compliance: Side Setbacks

The proposed development exhibits a minor encroachment in relation to the side setbacks between the southern property boundary and the proposed balcony on the southern side of the building.

Whilst Council's Building Policy allows for open structures to encroach up to 1.5m from the side boundary (for up to 50% of the frontage), the proposed balcony extends to within 1.2m of the side boundary.

The adjoining allotment to the south contains retail and commercial activities incorporating the Pottsville Tavern and other local shops. It is not considered that the proposed encroachment will pose any threat to the operations of the shopping complex. The extent of the encroachment amounts to a distance of

300mm. Strict compliance with the setback requirements is unlikely to alter the situation for residents of the affected unit. As a result, it is considered that the variation be supported in this instance.

### 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.

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

The subject site is not located within the Coastal zone, and does not involve any demolition. There are no additional matters that require consideration in accordance with the Regulations.

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

The impacts associated with the proposed mixed-use development are considered reasonable given the nature of the surrounding land uses. To the south of the subject site is a commercial complex incorporating the Pottsville Tavern and various local shops. To address the potential for any noise impacts the applicant has provided a noise impact assessment report. The report provides recommendations relating to building materials with particular reference to the southern elevation of the proposed building. Council's Environment and Health Officer has reviewed the report and provided conditions of consent to ensure all recommendations are incorporated into the construction of the building.

Immediately beyond the southern boundary of the subject site is the access driveway to the neighbouring commercial complex. All buildings in the complex are situated beyond the access road and are single storey. It is therefore considered that there is minimal risk of the proposed development impacting on the existing shops by way of overlooking or loss of privacy.

To the north-west of the proposed building envelope is an existing townhouse development comprising four (4) dwellings with frontage to Mountbattern Court. The proposed mixed-use development is sited near the eastern portion of the subject site, with the building itself generally oriented on an east-west axis. The access driveway for the residential units adjoins the northern boundary and provides an effective means of separating the existing townhouses from the proposed upper level residential units. Two (2) submissions were received from residents within the townhouse complex and are addressed later in this report.

All traffic associated with the proposed commercial tenancies will be confined to the eastern portion of the site and consequently present no issues for the residents of the townhouses.

Opportunities for overlooking are limited, with the only potential risk associated with proposed unit 1. In this regard, it is noted that the upper level rooms facing the townhouse development are predominantly bedrooms and therefore are not likely to be utilised during the day. The deck area on the north-east corner of the unit is considered to be of a sufficient distance from the adjoining allotment to ensure a suitable degree of privacy is maintained.

It is considered that there are no significant impacts associated with the proposed mixed-use development that are likely to compromise the amenity of the adjoining townhouses. Any future development of the vacant area to the west of the proposed building will be subject to a new development application. It is likely that the impacts associated with the development of this portion of the subject site are likely to cause more serious concern for the residents of the adjoining townhouses. Any future application will be notified in accordance with Council's policies with all relevant issues considered at this time.

To the north of the proposed building envelope is a single dwelling house with frontage to Overall Drive. No objections have been received from the residents or land-owners of this property and no serious impacts are considered likely.

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

The subject site is considered suitable in accommodating a mixed-use commercial/residential development. The land adjoins an existing commercial complex and consequently, the proposal serves to consolidate the area as a local shopping node. The applicant contends that there is a shortage of commercial land available to the local Pottsville area and is seeking an LEP amendment to increase the opportunities for local businesses. It is considered that the site will provide a valuable resource to the local community by increasing the local services available to residents of the area.

The applicant has previously contemplated lodging a development application for fourteen (14) townhouses over the subject site - in accordance with the current zoning provisions for the 2(b) Medium Density Residential zone. It is considered that the proposed rezoning and mixed-use development application will result in a significantly improved planning outcome when compared to the original townhouse proposal. The proposed commercial/residential building will provide an ideal buffer between the existing commercial complex (containing the Pottsville Tavern) and adjoining residential development.

It is considered that a medium density residential development over the subject site may create conflict between the operations of the Tavern and the

---

amenity of any future residents. This position is supported by Council's Environment and Health Officer, citing previous noise complaints in relation to the operation of the tavern.

The orientation and design of the proposed building seeks to minimise the likely impacts to adjoining residents on the northern side of the subject site. All necessary car parking has been provided for on-site and suitable modifications have been made to ensure that access arrangements are acceptable.

The site contains no significant vegetation and there are no natural hazards such as flooding or bushfire, identified for the area.

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

The application was advertised for thirty (30) days (in conjunction with the associated LEP amendment). During this period two (2) submissions were received. The concerns raised in the submissions are outlined in the following table:-

Issue	Comment
<i>Balcony on northern side of proposed building will encroach on privacy of backyard for residents of the town house development to the north-west of the subject site.</i>	<p>The proposed balcony along the northern elevation of the proposed building is 1.2 in width. As such, it is not considered likely that the area will be utilised for any recreational activity. Instead, the area is likely to function as a means of providing access to the unit deck areas on the north eastern and north-western sides of the building.</p> <p>The applicant has been advised of the concerns raised in this regard and indicated that screen planting is to be provided along the edge on the balcony to minimise the extent of any overlooking.</p> <p>A condition of consent is proposed in this regard.</p>

<i>Trees proposed along northern fence may interfere with Council's sewer line traversing the subject site.</i>	Council's Infrastructure Engineer has reviewed the application and recommended an easement be established over the sewer line to ensure the area is protected. A standard condition is also proposed to ensure that there is no damage to any Council Infrastructure.
<i>Balconies are to be used as drying areas.</i>	Any proposed drying areas are to be screened to prevent visual cluttering. Additionally, each unit will be required to provide for a clothes-drying machine via a condition of consent.
<i>Cladding on northern facing roof may cause nuisance by way of glare and/or heat reflection.</i>	Condition of consent proposed requiring all roofing material to be of a suitable non-reflective material.
<i>Potential for connection between Overall Drive and Mountbatten Court may increase traffic through the subject site.</i>	The current application provides for all access onto Overall Drive. No connecting road through to Mountbatten Court is proposed. The proposed development will prevent the site being used as a pseudo connection road.
<i>No indication provided in terms of end users for commercial tenancies. Car parking may therefore be under what is required.</i>	A development application will be required for the first use of each commercial tenancy to assess the appropriateness of the use and ensure sufficient car parking is available.
<i>Area marked for future development may result in increased traffic.</i>	Any additional development on the subject site is subject to new development application. All relevant issues to be considered upon lodgement. No apparent issues perceived at present.

**(e) Public interest**

The proposed development is considered to be in accordance with the public interest. The proposed rezoning component of the application will provide for additional commercial services to the residents of Pottsville and the mixed-use nature of the application provides for an appropriate buffer between the existing commercial complex and residential development.

It is considered that the proposed development represents a better outcome than the possible townhouse development permissible under the current zoning provisions.

**OPTIONS:**

1. Finalise draft Tweed Local Environmental Plan 2000 Amendment No.60 by forwarding the draft plan to the Minister for Gazettal, and subsequently approve development application DA04/0008 in accordance with the recommended conditions.
2. Not make the draft Local Environmental Plan 2000 and refuse development application DA04/0008.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Should Council resolve to refuse the application the applicant has the right of appeal to the Land Environment Court.

**POLICY IMPLICATIONS:**

Should Council resolve in accordance with the recommendation, the Tweed Local Environmental Plan 2000 will need to be amended accordingly once the Minister has gazetted the draft LEP.

**CONCLUSION:**

Having regard to the matters raised in this report, and in light of the proposal's general consistency with Council's policies, it is considered that the proposed development is suitable for conditional approval. The site is generally free of any physical constraints and is suited to commercial land uses given it adjoins an existing commercial complex. The development of the site for the purpose of a mixed-use commercial/residential building is considered to represent a desirable outcome by providing for the community as well as serving a transition area between the adjoining commercial and residential land-uses.

The recommended conditions of consent ensure any potential impacts are managed. It is considered that upon gazettal of the Draft Plan the proposed development should be favourably determined.

**UNDER SEPARATE COVER:**

Nil.

---

THIS  
PAGE  
IS  
BLANK



**REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER**

**3 [OGM] Tweed and Coolangatta Tourism Inc - Report on Destination Marketing Campaign**

**ORIGIN:**

**Corporate Performance**

**SUMMARY OF REPORT:**

Council at its meeting held on Wednesday 3 March 2004 resolved that:-

- "1. Council makes a contribution of \$36,000 to Tweed and Coolangatta Tourism Inc. towards the Tweed Destination Marketing Campaign.*
- 2. Tweed and Coolangatta Tourism Inc. presents to Council a written report and an audited financial statement on completion of the Marketing Campaign."*

Tweed and Coolangatta Tourism Inc (TACTIC) has provided a written report and financial statements in respect of the campaign.

**RECOMMENDATION:**

That this report be received and noted.

**REPORT:**

Council at its meeting held on Wednesday 3 March 2004 resolved that:-

- "1. Council makes a contribution of \$36,000 to Tweed and Coolangatta Tourism Inc. towards the Tweed Destination Marketing Campaign.*
- 2. Tweed and Coolangatta Tourism Inc. presents to Council a written report and an audited financial statement on completion of the Marketing Campaign."*

Tweed and Coolangatta Tourism Inc (TACTIC) has provided a written report and financial statements in respect of the campaign.

A copy of the TACTIC report is attached for Council's information.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

1. Report from TACTIC on Destination Marketing Campaign (DW 1141193)
-

**4 [OGM] Murwillumbah and Kingscliff Campuses of TAFE NSW - Hospitality and Building Trade Courses**

**ORIGIN:**

**Corporate Performance**

**SUMMARY OF REPORT:**

Council at its meeting on 20 October 2004, resolved that Council:

- "1. Writes to the NSW Government to ask that they reverse plans to reduce funding of TAFE courses in the Tweed, particularly in the Hospitality and Building trades fields.*
- 2. Seeks the support of the Local State Member."*

Council has received a report from The Hon. Andrew Refshauge MP, Deputy Premier, Minister for Education and Training and Minister for Aboriginal Affairs, outlining details of hospitality and building trade courses offered at the Murwillumbah and Kingscliff TAFE campuses.

**RECOMMENDATION:**

That this report be received and noted.

**REPORT:**

Council at its meeting on 20 October 2004, resolved that Council:

- "1. *Writes to the NSW Government to ask that they reverse plans to reduce funding of TAFE courses in the Tweed, particularly in the Hospitality and Building trades fields.*
2. *Seeks the support of the Local State Member."*

Council has received a report from The Hon. Andrew Refshauge MP, Deputy Premier, Minister for Education and Training and Minister for Aboriginal Affairs, outlining details of hospitality and building trade courses offered at the Murwillumbah and Kingscliff TAFE campuses.

Following is the Minister's reply.



NEW SOUTH WALES

DEPUTY PREMIER  
MINISTER FOR EDUCATION AND TRAINING  
MINISTER FOR ABORIGINAL AFFAIRS

TRAINING COURSES  
TWEED SHIRE COUNCIL  
FILE NO. EDUCATION MATTERS  
DOCUMENT NO. [ ]  
DEC 29 DEC 2004  
ASSIGNED TO BRACK P  
HARD COPY  TRACE

Mr B Donaghy  
Manager Administration Services/Public Officer  
Tweed Shire Council  
PO Box 816  
MURWILLUMBAH NSW 2484

RML 04/7156

Dear Mr Donaghy

I refer to your letter dated 25 October 2004 to the Premier concerning the Tweed Shire Council's resolution regarding the Murwillumbah and Kingscliff Campuses of TAFE NSW – North Coast Institute.

I am advised that the Institute's faculty managers are working with their teaching sections across the Institute to identify strategies to meet growing and changing customer needs and to work on resource allocation. This is part of the Institute's annual faculty planning process and is a necessary step in its efforts to give priority to programs in skills shortage areas.

Any budget adjustments that are decided as part of this process are not expected to impact on hospitality and building offerings at the Murwillumbah and Kingscliff campuses.

I understand there is an overall increase in apprenticeships supported by State Government funding, including hospitality programs at Kingscliff Campus, where an additional commercial cookery class is planned for 2005. I am advised that the number of trade classes in construction will be maintained at 2004 levels unless there are extra apprentices requiring the establishment of an additional class.

I trust this information clarifies the situation.

Yours sincerely

Andrew Refshauge MP  
Deputy Premier  
Minister for Education and Training  
Minister for Aboriginal Affairs

22 DEC 2004

GPO Box 3451, SYDNEY NSW 2001 Telephone. (02) 9228 4499 Facsimile (02) 9228 4400

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

Nil.

---

**5 [OGM] Monthly Investment Report for Period Ending 31 December 2004**

**ORIGIN:**

**Financial Services**

**SUMMARY OF REPORT:**

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

**RECOMMENDATION:**

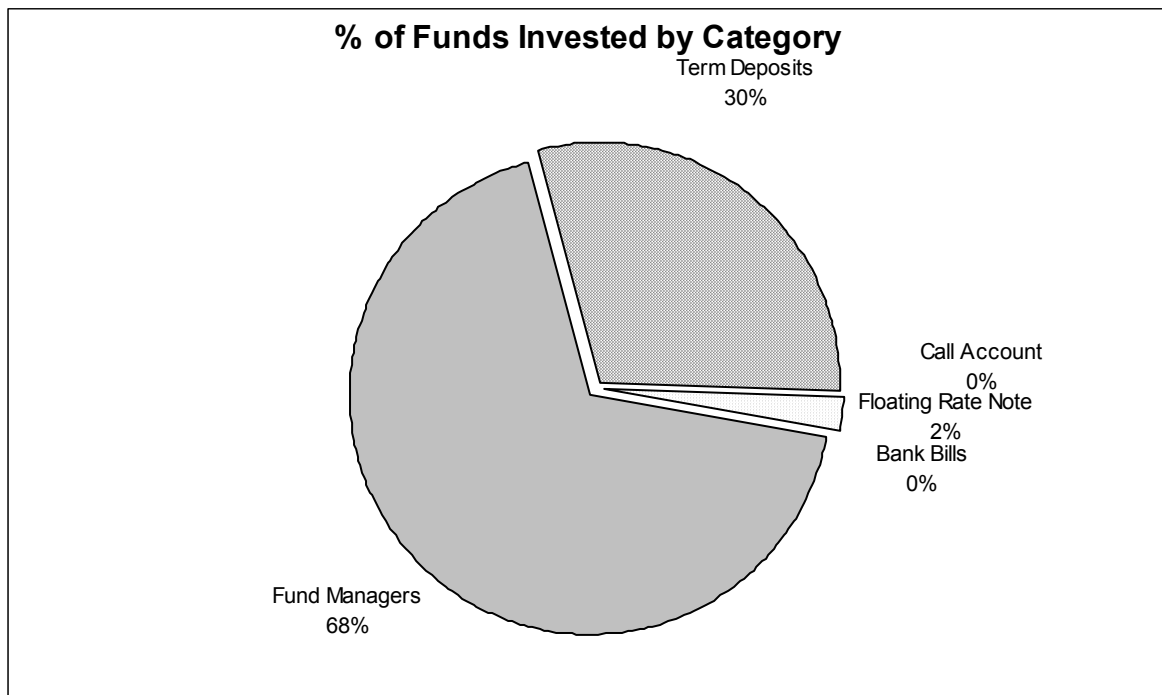
That this report be received and noted.

**REPORT:**

**Report for Period Ending 31 December 2004**

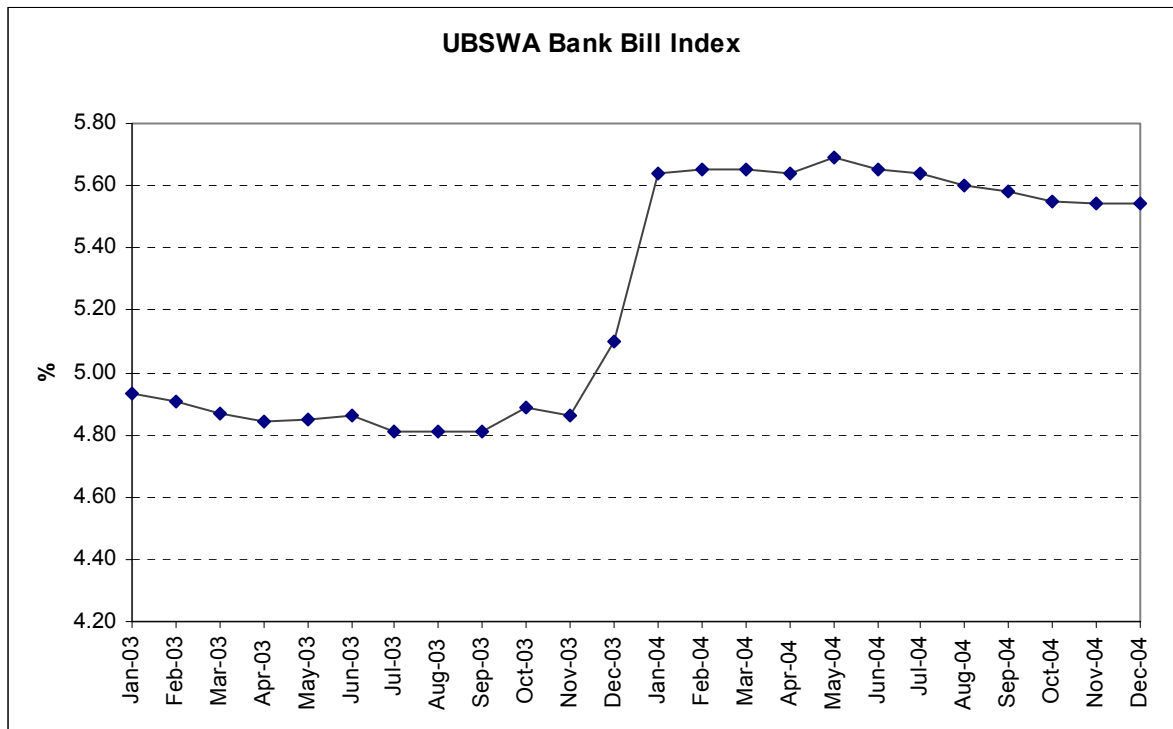
The "Chief Financial Officer" being the responsible accounting officer must report monthly to Council, setting out details of all the funds Council has invested and certification has been made in accordance with the Local Government Act (1993), the Regulations and Council policies.

**1. CURRENT INVESTMENT PORTFOLIO BY CATEGORY**

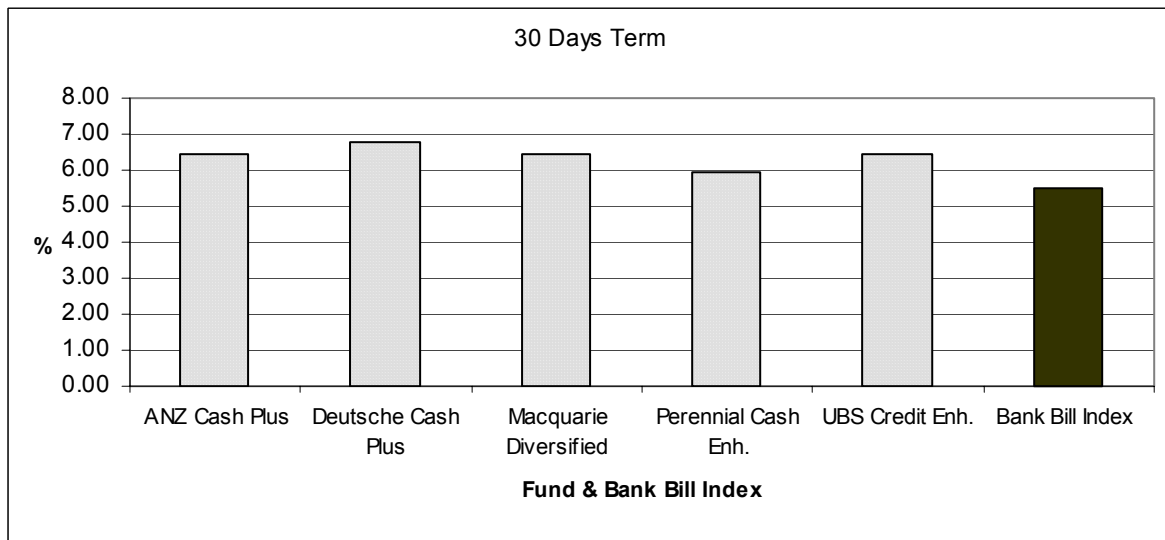




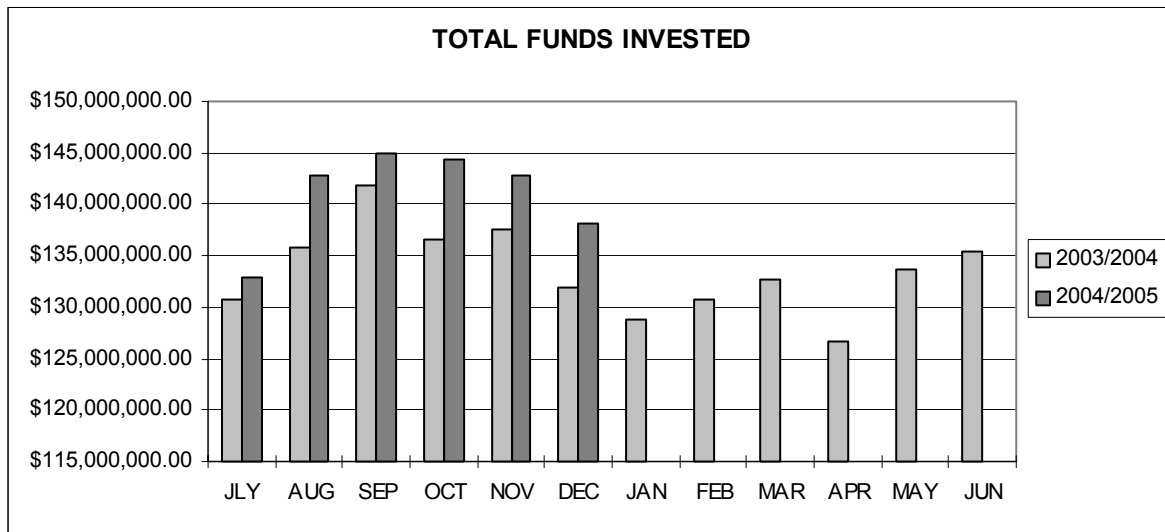
**2. INVESTMENT RATES - 90 DAY BANK BILL RATE (%)**



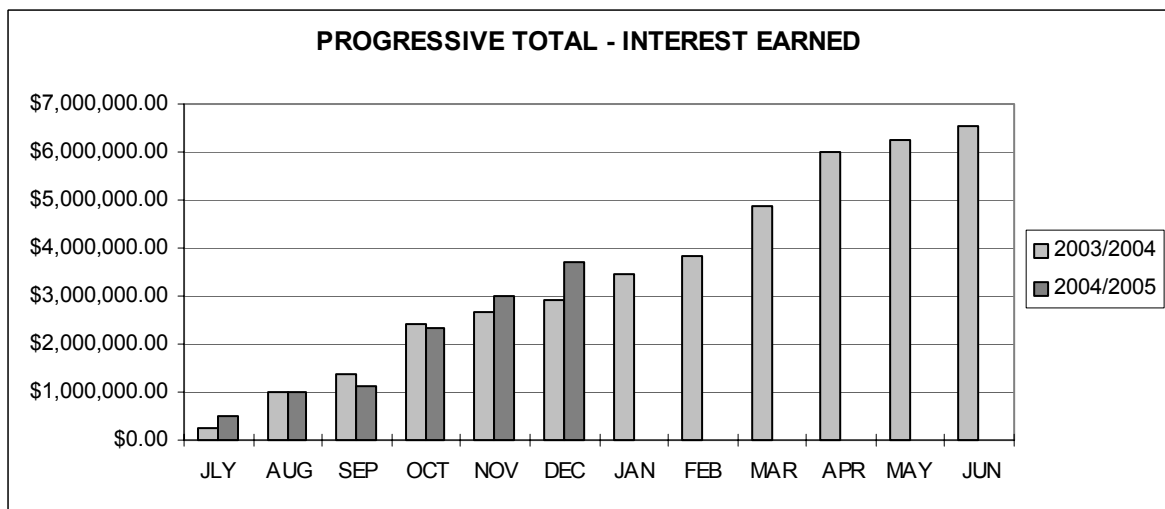
**3. ANNUALISED RATE OF RETURN FOR FUNDS MANAGERS - NET OF FEES**



**4. MONTHLY COMPARISON OF TOTAL FUNDS INVESTED**



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



**6. MARKET COMMENTARY**

**Domestic Economy**

Employment rose by 24,500 jobs in November following a 45,400 rise in October. This was stronger than expected. The annual jobs growth rate is currently 2.6%.

The number of Housing Finance Approvals for Owner Occupation fell 0.2% in October following a 0.5% fall in September. Approvals were down 16.5% over the year.

The value of Investor Housing Finance fell 7.1% in October. This follows a 3.4% rise in September. Approvals are down 34.4% from their levels a year ago.

Housing commencements fell 5.8% in the September quarter following a 1.6% fall in the June quarter. Over the past year, commencements are down 2.7%.

The trade deficit widened to \$2.2 billion in October from a revised \$2 billion in September. Total exports fell 1.8% driven by an 8.4% fall in rural exports.

The November NAB Business Survey showed business confidence at its weakest level since May 2004.

The Reserve Bank of Australia (RBA) left official interest rates unchanged following its December board meeting. The next RBA meeting to discuss monetary policy is scheduled for 1 February 2005.

RBA Deputy Governor Glenn Stevens reiterated the Bank's bias towards higher official interest rates in a speech given mid-month.

The Federal Government released its Mid-Year Fiscal and Economic Outlook late December. Highlights from the report included:

- The estimated 2004-05 budget surplus was revised up to \$6.2 billion from the \$5.3 billion forecast made in September. The improvement in the forecast is based on anticipated increases in company profits and stronger than expected employment prospects.
- The increase rise in revenue is anticipated to cover the implementation of the Government's election promises and other measures announced since the Budget.
- The 2005-06 budget surplus has been reduced to \$4.5 billion from \$5.1 billion, as employment growth slows and the Government's recent election promises begin to impact on the surplus.
- Economic growth forecasts have been revised down. Gross Domestic Product in 2004-05 is forecast to be 3.0% (previously 3.5%) while 2005-06 growth has been revised down to 3.25% (previously 3.5%).
- Inflation has been revised down 0.25% to 2.25% in both 2004-05 and 2005-06, reflecting the stronger Australian dollar and little evidence of sustained inflationary pressure from oil prices or from labour costs.
- Employment growth is expected to reach 2% this year and 1.75% in 2005-06.
- World growth was revised down 0.25% to 4.5% in 2004 and 4.0% in 2005.
- The key risks to the economy highlighted by the Government are potential negative developments in the housing market, a further appreciation in the Australian dollar and/or sustained higher oil prices.

Interest rates are unlikely to be cut despite the yield curve suggesting otherwise. It would take a sharply deteriorating economy to tilt the RBA's hand to cut them. This is not expected.

Semi-annual portfolio reviews are in the process of finalisation. Investors should wait for this report before implementing Grove's recommended investment strategies for 2005.

### **Global Economy (USA unless otherwise stated)**

The Federal Reserve raised official US interest rates by 0.25% to 2.25% following their monthly monetary policy meeting.

The November headline inflation figure rose 0.2% following a 0.6% rise in October. This was in line with expectations, with the annual growth rate moving to 3.5% from 3.2%.

Core inflation also rose 0.2% in the month following a 0.2% rise in October. The annual core rate rose to 2.2%.

Retail sales rose 0.1% in November, slightly less than expected. The annual growth rate fell to 7.2% from 8.5%. Excluding automobiles, sales rose 0.5% in the month following a 1.1% rise in October.

Industrial production also rose 0.3% in November following a 0.6% rise in October. The annual growth rate eased to 4.2% from 4.9%.

New home sales slumped by 12% in November, the largest monthly decline since January 1994.

The Bank of England left official interest rates unchanged at 4.75%.

Annual inflationary growth in China decelerated to 2.8% in November following the 4.3% reported in October.

Economic growth in Europe virtually stalled in the latter half of 2004. Industrial production and output in the big 3 economies has fallen on the back of weakening export demand and the surging Euro.

Weaker GDP growth, the strong Euro and emerging inflationary pressures have lead to speculation that the European Central Bank could reduce cash rates in early 2005.

The UK national accounts confirmed that the underlying pace of economic expansion in the economy softened in the September quarter. The five increases in interest rates (1.25% in aggregate) since November last year has dampened consumer demand and the housing market. The unemployment rate has fallen to its lowest level on record and there is little, if any, spare capacity in the economy.

**7. INVESTMENT SUMMARY AS AT 31 DECEMBER 2004**

**GENERAL FUND**

TERM DEPOSITS	24,282,625.00	
FUND MANAGERS	28,026,615.48	
FLOATING RATE NOTE	0.00	
CALL	0.00	<b>52,309,240.48</b>

**WATER FUND**

TERM DEPOSITS	2,200,000.00	
FUND MANAGERS	41,722,973.81	<b>43,922,973.81</b>

**SEWERAGE FUND**

TERM DEPOSITS	14,800,000.00	
FUND MANAGERS	24,165,574.31	
CALL	0.00	
FLOATING RATE NOTE	3,000,000.00	<b>41,965,574.31</b>

**TOTAL INVESTMENTS**      **138,197,788.60**

It should be noted that the General Funds investments of \$52 million are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

**Statutory Statement - Local Govt Financial Management Regulations (Sect.19)**

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



**Chief Financial Officer (Responsible Accounting Officer)**

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

Nil.

---

THIS  
PAGE  
IS  
BLANK

THIS  
PAGE  
IS  
BLANK

**6 [OGM] Local Government Amendment (Public-Private Partnerships) Bill 2004**

**ORIGIN:**

**Executive Manager**

**SUMMARY OF REPORT:**

This report summarises the advice from the Local Government & Shires' Association relating to the Local Government Amendment (Public-Private Partnerships) Bill 2004 which has recently passed through both Houses of State Parliament and is awaiting assent.

**RECOMMENDATION:**

That this report be received and noted.

## REPORT:

The Bill is the Government's response to the second report of the inquiry into Liverpool City Council "Recommendations for Public Private Partnerships (PPPs) in Local Government", prepared by Emeritus Professor Maurie Daly.

The report stated that to be successful, a council must have a range of skills, either in-house or brought-in, to deal with the complexity, and to relate effectively with its private partners. The report found that in general, councils do not possess these skills. It recommended that there be an independent assessment of a council's capacity to undertake a PPP to protect the public interest. Such an assessment would focus solely on the council's capacity to make a proposal viable, not on the merit of the concept itself. It also recommended that an independent committee be established to assess the viability of a project and to assess the council's ability to enter into a PPP. The Bill provides for the establishment of a Local Government Project Review Committee.

The Local Government & Shires' Association reviewed the Amendment Bill and responded to the Minister for Local Government, the Hon. Tony Kelly MLC. While generally supporting the objectives of the Bill, the Associations raised a number of concerns.

Namely, that there is no specific provision for local government representation on the Local Government Project Review Committee. There had been an expectation that local government would be represented on the committee, based on recommendation 5 in Professor Daly's report.

Division 3, Section 400J, specifies that the committee consist of the following members:

- the Director-General of the Department of Local Government (or an officer nominated by
- the Director-General) who is to act as chairperson of the committee
- the Secretary of Treasury (or nominee)
- the Director-General of the Premier's Department (or nominee)
- the Director-General of Cabinet Office (or nominee)
- the Director-General of the Department of Infrastructure, Planning and Natural Resources (or nominee)
- such other persons as may be appointed by the Director-General for the purposes of enabling the Project Review Committee to exercise its functions.

The Association are firmly of the view that local government should be represented on the committee in the interests of transparency and accountability. The Associations also

---



noted that the proposed committee is heavily dominated by state agencies and argued that it would be constructive to have a local government perspective represented on the committee.

The Association also expressed strong reservations about Section 5 of Schedule 3 of the Bill, which provides the Director-General with the power to remove an appointed member from office at any time. This appears to be an excessive power in relation to any non-government or independent member and could potentially undermine the integrity of the Committee.

Also of concern is Section 400G of the Bill which provides sweeping powers for the Minister to call in (refer to the Committee) any PPP project on such grounds as the Minister sees fit. This is regardless of the significance thresholds of \$50m or 25 per cent of annual revenue. Any such direction may be given at any stage of the PPP and must be complied with. These provisions appear to be excessive and unnecessary.

The legislation amends Section 55 of the *Local Government Act* where councils will need to comply with specific procedures and processes that will be set out in guidelines to be issued by the Department of Local Government. Councils will also be required to call tenders before entering into any PPP and that any contracts entered into by any entity formed by the council for these purposes will have the same tendering requirements as any other council contract.

Councils will also be unable to form any entity for the purposes of entering into a PPP agreement without the consent of the Minister.

The Association will be consulting with the Department of Local Government on the development of the guidelines that are to be issued to councils. The guidelines are to be released in early 2005, and further details will be outlined in the Local Government Weekly.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

Nil.

---

THIS  
PAGE  
IS  
BLANK

THIS  
PAGE  
IS  
BLANK

**7 [OGM] Shires Association of NSW "A" Division - Annual Meeting**

**ORIGIN:**

**Executive Manager**

**SUMMARY OF REPORT:**

Council at its meeting of 3 November 2004 advised that the Shires Association of NSW "A" Division have given notice of its Annual Meeting which is being held in Casino on Thursday 17 February 2005.

**RECOMMENDATION:**

That Council gives consideration to further motions to be referred to the Shires Association of NSW "A" Division Annual Meeting.

**REPORT:**

Council at its meeting of 3 November 2004 advised that the Shires Association of NSW "A" Division have given notice of its Annual Meeting which is being held in Casino on Thursday 17 February 2005.

At this meeting it was resolved:

*"... that details of the code of conduct as adopted by Manly City Council be obtained and considered at the "A" Division Annual Meeting."*

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

Nil.

---

**8 [OGM] Easement to Drain Sewage within Lot 955 DP 865092**

**ORIGIN:**

**Corporate Performance**

**SUMMARY OF REPORT:**

Council has required the creation of an easement to drain sewage within Lot 955 in DP 864092 of Stage 5B of the Koala Beach development at Pottsville.

The creation of the easement was identified in the Statement of Environmental Effects and various management plans, when the Koala Beach development was originally approved,

Council being the owner of Lot 955 is required to execute plans for the easement under its common seal.

**RECOMMENDATION:**

That:-

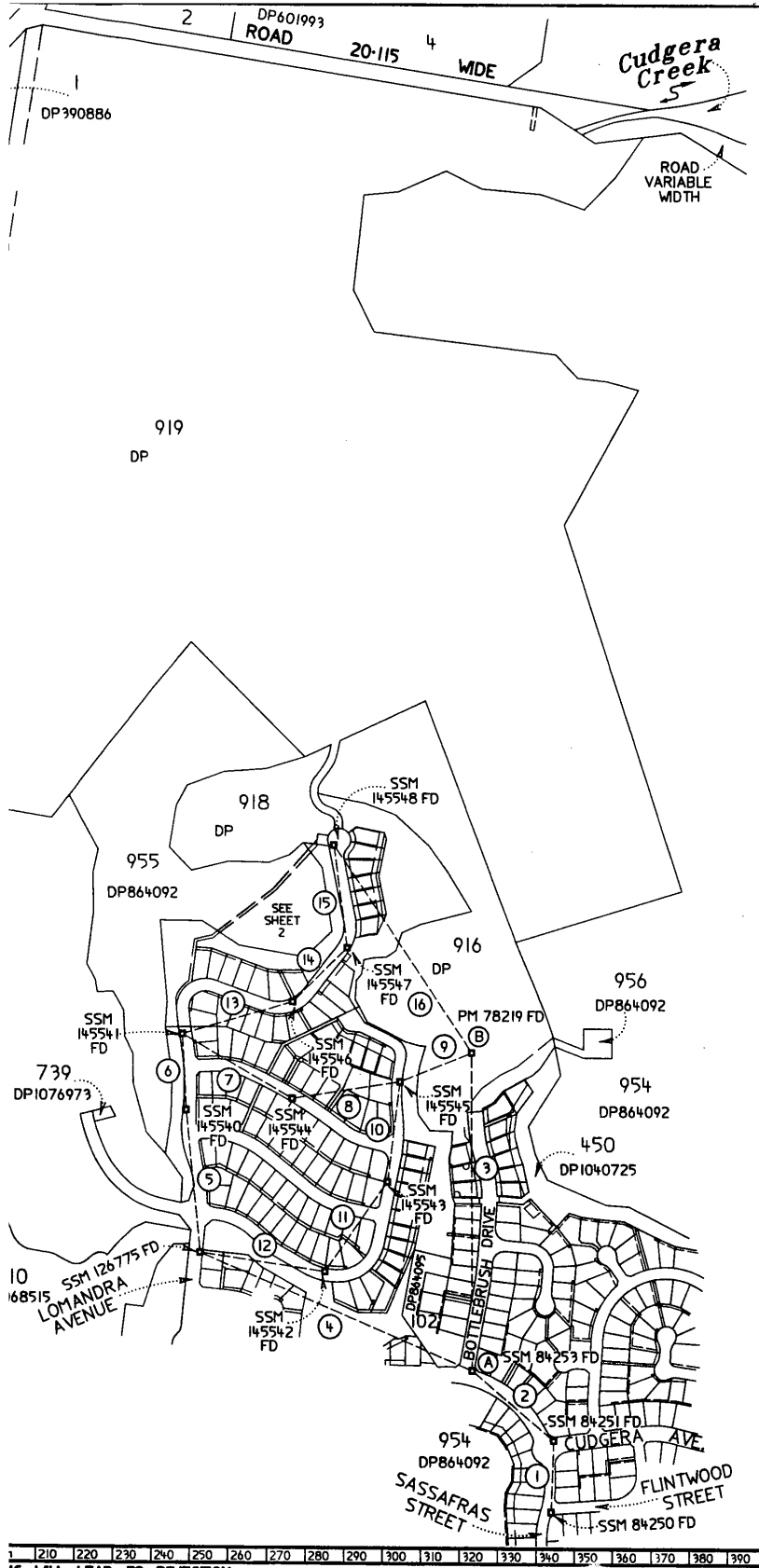
1. Council endorses creation of an easement to drain sewage within Lot 955 in DP 864092 of Stage 5B of the Koala Beach development at Pottsville.
2. That all necessary documentation be completed under the Common Seal of Council.

**REPORT:**

Council has required the creation of an easement to drain sewage within Lot 955 in DP 864092 of Stage 5B of the Koala Beach development at Pottsville.

The creation of the easement was identified in the Statement of Environmental Effects and various management plans, when the Koala Beach development was originally approved,

Council being the owner of Lot 955 is required to execute plans for the easement under its common seal.



<b>D.P.</b>	
Registered:	
C.A.:	
Title System:	
Purpose:	
Ref. Map:	
Last Plan:	
<b>PLAN OF EASEMENT TO DRAIN SEWAGE WITHIN LOT 955 IN DP864092</b>	
Lengths are in metres. Reduction Ratio 1:5000	
LGA	TWEED
Locality:	POTTSVILLE
Parish:	CUUGEN
County:	ROUS
This is sheet 1 of my plan in 2 sheets. (Delete if inapplicable).	
Surveying Regulation, 2001	
I, <b>GEOFFREY JAMES THOMSON</b> , of <b>MICHEL GROUP SERVICES PTY. LTD. A.C.N.061 750 132</b> a surveyor registered under the Surveying Act, 2002, hereby certify that the survey represented in this plan is accurate, has been made in accordance with the Surveying Regulation 2001 and was completed on <b>12/11/2004</b> . The survey relates to <b>EASEMENT TO DRAIN SEWAGE</b> .	
(Here specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.)	
Datum Line: A-B	
Zone: Urban/Rural	
(Signature) <i>[Signature]</i> Surveyor registered under the Surveying Act 2002	
Plans used in preparation of survey/compilation DP864092, DP864094, DP864095, DP1040725, DP1049060, DP1052079, DP1052082, DP1052083, DP1068515, DP1068516, DP1076972, DP1076973, DP1076975, DP	
PANEL FOR USE ONLY for statements of intention to dedicate public roads or to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.	
IT IS INTENDED: -	
TO CREATE PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919: - I. EASEMENT TO DRAIN SEWAGE VARIABLE WIDTH	

1 210 220 230 240 250 260 270 280 290 300 310 320 330 340 350 360 370 380 390  
16 WILL LEAD TO REJECTION

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

Nil.

---



## REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS

### 9 [EO] Pavement Reconstruction of Tweed Terrace

#### ORIGIN:

#### Works

FILE NO: R5640 Pt1

#### SUMMARY OF REPORT:

Tweed Terrace, Boundary Street and Coral Street at Point Danger are listed in the current budget for road reconstruction. An opportunity now exists to improve the safety of these streets without significant additional costs. 4 options have been considered to achieve this that take into account; existing traffic movements, existing parking arrangements, existing use of the headland/parkland and how the proposed changes will affect the local residents and wider community.

#### RECOMMENDATION:

That Option 1 (drawing no. WK04037/01) be adopted for the traffic arrangements in Coral Street, Tweed Terrace and Boundary Street and detailed design and construction proceed accordingly.

## **REPORT:**

Tweed Terrace, Boundary Street and Coral Street at Point Danger are listed in the current budget for road reconstruction. An opportunity now exists to improve the safety of these streets without significant additional costs. The current traffic configuration and parking arrangements do not meet current standards.

The current traffic configuration is confusing to motorists with a number of vehicles stopping in the middle of intersections while they figure out where they are meant to drive. Other vehicles drive the wrong way along one-way streets while other vehicles park in the street effectively creating 3 lanes of traffic on streets only wide enough for 2 lanes.

This informal parking along Coral Street is of most concern as it causes confusion at the intersections along with dangerous reversing and passing manoeuvres. However, it is also very popular as it is the first opportunity for vehicles crossing the border to stop and admire the views of the Tweed Shire over Duranbah Beach, The Tweed River Entrance, Fingal Beach and Cook Island.

The simplest way to avoid these dangerous situations is to ban parallel parking along Coral St. It is thought that doing this would be most unpopular with the community. Therefore, 4 other alternatives have been considered that will allow parallel parking in Coral St. Concept plans for these 4 options are attached and are discussed below:-

### **Option 1**

This is the simplest and cheapest way to improve the safety of the area. It involves widening Coral Street to 8 metres and restricting the intersection of Coral St and Tweed Terrace so vehicles can only turn into their correct lanes. This will allow the formalisation of car parking along Coral St plus additional car parking in Boundary Street. However, this option requires a significant Norfolk Pine Tree to be removed from the edge of the road.

### **Option 2**

This involves converting Coral Street into a one-way road. In order to maintain all existing traffic movements, the top end of Boundary Street will need to be converted into a two-way road. Tweed Terrace will also need converting into a two-way road with some loss of parkland to achieve this. The Norfolk Pine Tree will be retained, but additional traffic will be generated along Tweed Terrace that the residents will not appreciate. This option will also cause confusion to vehicles at the intersection of Tweed Terrace and Boundary Street, as Boundary Street will remain one-way below Tweed Terrace but become two-way above Tweed Terrace. Significant intersection changes are required to achieve this option safely.

### **Option 3**

This involves converting Coral St into a one-way road and reversing the direction of the current one-way in Tweed Terrace. It has the advantage of retaining the car parking in Coral Street, retaining the Norfolk Pine Tree and adding car parking to Boundary Street.

Unfortunately, it will require significant changes to current traffic movements and therefore create confusion with motorists. Additional traffic will also be generated in Tweed Terrace. The greatest disadvantage of this option is that the parking in Coral Street will be on the wrong side of the road and facing the wrong direction for people to enjoy the views of the Tweed Shire. Within this option, it is possible to reverse the directions of the one-way streets to allow the parking in Coral Street to face the correct direction. However, this will cause the top and bottom ends of Boundary Streets to be one-way in opposite directions and therefore require significant intersection upgrades.

**Option 4.**

This option has the same traffic arrangements as option 1 and also retains the Norfolk Pine Tree. However, this is only achievable with a structural retaining wall on the Eastern Side of Coral Street. The retaining wall will create a significant impact to the area as it will block direct access to the parkland below. Visually, a handrail will be seen when viewed from across the street and a wall approximately 60m long and 1.5m high will be seen when viewed from below. This retaining wall could be built using standard besser blocks with a galvanised steel handrail for a cost of around \$20,000. However, being such a large wall in a prominent position, more aesthetically pleasing materials should be used. A sandstone-finish block wall with a timber balustrade handrail is likely to cost around \$35,000 more than option 1. The current budget allocation is not sufficient to support this option.

Options 2 & 3 are not considerate appropriate as the current traffic regime underwent extensive consultation with the local community and Gold Coast City Council some years ago. Prior to the current traffic arrangements, many complaints were received regarding traffic volumes and speeding on the local roads. Since the current arrangements were implemented, such complaints have become minimal in the area.

Option 1 is considered the preferred option as it maintains the existing traffic movements and parking arrangements plus adds additional parking spaces in Boundary Street. This option will create the least disruption to traffic and local residents both during construction and long term.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Funds have already been allocated in the current budget for road reconstruction and minor changes to traffic and parking arrangements.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

Nil.

1. Concept Plans WK04037/01, 02, 03, 04.
-

THIS  
PAGE  
IS  
BLANK

THIS  
PAGE  
IS  
BLANK

**10 [EO] Allocation of Road Funding Reserves**

**ORIGIN:**

**Works**

**FILE NO: R3660 Pt1**

**SUMMARY OF REPORT:**

Council has been placing in reserves the funds collected from the sale of road reserves no longer required. Legislation requires these funds to be spent on road projects only.

Currently there is \$99250 held in the reserve. This has now reached a position that will allow a project to be commenced or completed. While Council may have varying opinions regarding where the funds should be expended it will be recommended that it be used to restore an existing pavement that has deteriorated instead of creating a new asset.

**RECOMMENDATION:**

That:-

1. The \$99250 held in reserve from the sale of road reserves be allocated to the final stage of Myrtle Street.
2. Council votes the expenditure.

**REPORT:**

Council has been placing in reserves the funds collected from the sale of road reserves no longer required. Legislation requires these funds to be spent on road projects only.

Currently there is \$99250 held in the reserve. This has now reached a position that will allow a project to be commenced or completed. While Council may have varying opinions regarding where the funds should be expended it will be recommended that it be used to restore an existing pavement that has deteriorated instead of creating a new asset.

Council has completed the first two stages of the reconstruction of Myrtle Street and is to consider the third stage in the 2005/06 Works Programme. While this amount held in reserve will not complete the project it will allow an earlier commencement. The residents of the road have been exceptionally considerate during the long construction process thus far and they would appreciate an earlier recommencement.

It is recommended that the funds held in reserve from the sale of road reserves be allocated to the final stage of Myrtle Street.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

Nil.

---

**11 [EO] Allocation of Road Funding Reserves**

**ORIGIN:**

**Works**

**FILE NO: R3660 Pt1**

**SUMMARY OF REPORT:**

Council has been placing in reserves the funds collected from the sale of road reserves no longer required. Legislation requires these funds to be spent on road projects only.

Currently there is \$99250 held in the reserve. This has now reached a position that will allow a project to be commenced or completed. While Council may have varying opinions regarding where the funds should be expended it will be recommended that it be used to restore an existing pavement that has deteriorated instead of creating a new asset.

**RECOMMENDATION:**

That:-

1. The \$99250 held in reserve from the sale of road reserves be allocated to the final stage of Myrtle Street.
2. Council votes the expenditure.

**REPORT:**

Council has been placing in reserves the funds collected from the sale of road reserves no longer required. Legislation requires these funds to be spent on road projects only.

Currently there is \$99250 held in the reserve. This has now reached a position that will allow a project to be commenced or completed. While Council may have varying opinions regarding where the funds should be expended it will be recommended that it be used to restore an existing pavement that has deteriorated instead of creating a new asset.

Council has completed the first two stages of the reconstruction of Myrtle Street and is to consider the third stage in the 2005/06 Works Programme. While this amount held in reserve will not complete the project it will allow an earlier commencement. The residents of the road have been exceptionally considerate during the long construction process thus far and they would appreciate an earlier recommencement.

It is recommended that the funds held in reserve from the sale of road reserves be allocated to the final stage of Myrtle Street.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

Nil.

---



**12 [EO] Road Maintenance Levy Reserves**

**ORIGIN:**

**Works**

**SUMMARY OF REPORT:**

Council has been collecting funds from quarry owners and other developments for road maintenance. This is assessed to allow rehabilitation of failed pavements due to the loss of economic life with increased heavy vehicle loadings. There is currently \$292000 held in reserve.

These funds should therefore be allocated to roads that are used generally by haulage trucks and have deteriorated. The quarry owners through the agreement with them have generated the majority of funding.

**RECOMMENDATION:**

That:-

1. The funds held in reserve from the road maintenance levies be allocated to, Leddays Creek Road (\$95,000), Dulguigan Road (\$72,000), Clothiers Creek Road (\$30,000) and Quarry Road (\$95,000).
2. Council votes the expenditure.

**REPORT:**

Council has been collecting funds from quarry owners and other developments for road maintenance. This is assessed to allow rehabilitation of failed pavements due to the loss of economic life with increased heavy vehicle loadings. There is currently \$292000 held in reserve.

In 1999 Council entered into an agreement with quarry owners to pay an annual road maintenance levy. This was based on 1.5¢/tonne on an agreed average haul distance for the previous 3 year extraction quantities. Any developments that use material from participating quarries are exempt from the normal consent condition of 2.5¢/tonne/kilometre hauled.

The following quarry owners participated in the agreement:-

T Blundell  
P Bugler  
Action Sands  
Reedy Creek  
Brims  
Sandersons (now Reedy Creek)  
F Raye  
O'Keefe  
Hansens  
A Mudge  
Tweed Shire (eight quarries)

Following a meeting with the quarry owners who participated in the agreement it was agreed that the following roads would be recommended to Council for funding from the reserves:-

- Leddays Creek Road                      \$95,000
- Quarry Road                                      \$95,000
- Dulguigan Road                                \$72,000
- Clothiers Creek Road                        \$30,000

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

Nil.

---

THIS  
PAGE  
IS  
BLANK

THIS  
PAGE  
IS  
BLANK

**13 [EO] Dedication of Land as Road at Pottsville being the Extension of Centennial Drive, Pottsville**

**ORIGIN:**

**Design**

**FILE NO: DA1190/2130 Pt2Pt 2**

**SUMMARY OF REPORT:**

At its meeting held on 18 June 2003 it was resolved by Council to compulsorily acquire an Easement for Services 10 wide and acquire land for road, being the extension of Centennial Drive being the road leading to the Pottsville Environment Centre.

The land to be acquired for road was created in the registration of DP 1062338, as Lots 1 and 2. Gazettal of the acquisition occurred on 3 December, 2004 following approval from the Minister of Local Government. It is now necessary to dedicate Lots 1 and 2 as public road pursuant to section 10 of the Roads Act, 1993.

**RECOMMENDATION:**

That Council approves the dedication of Lots 1 and 2 in DP 1062338 as Public Road pursuant to section 10 of the Roads Act, 1993.

**REPORT:**

As per Summary of Report. A copy of DP 1062338 follows:-

DP1062338  
 15-12-2003

City of TORRENS  
 Acquisition  
 X 5452-1#  
 DP728213-4, DP728257

PLAN OF PROPOSED ACQUISITION OF EASEMENT FOR SERVICES 10 WIDE & VARIABLE WIDTH, & LAND TO BE ACQUIRED FOR ROAD PURPOSES UNDER THE CONVEYANCING ACT 1919-84 (Lands Act 1934, Section 11, 6000)

LMA: TWEED  
 Lease: POTTSVILLE  
 Parish: CUDGEN  
 County: ROUS

This is sheet 1 of 2 sheets.  
 (1 sheet if applicable)

Survey Certificate No. 1062338  
 of TWEED SHIRE COUNCIL  
 of CHING CENTRE, MURWILLUMBIAN NSW 2466  
 (Lands Act 1934, Section 11, 6000)  
 The survey was made in accordance with the Survey Act 1981-82, Section 11, 6000.  
 The survey relates to: (R) ROAD & EASEMENT ONLY.  
 Name: (L) LMA  
 Date: 08/01/2003  
 By: (S) SURVEYOR  
 (S) SURVEYOR

Please refer to preparation of survey/compilation:  
 DP 47802 DP 716887  
 DP 728216 DP 808375  
 DP 728254 DP 822808  
 DP 728257 DP 1044500

PANEL FOR USE ONLY for statements of intention to dedicate public roads or to create public reserves, drainage reserves, easements, covenants.


IT IS INTENDED TO ACQUIRE THE EASEMENT FOR SERVICES 10 WIDE & VARIABLE WIDTH ACQUIRED AS PUBLIC ROAD LOTS 1 & 2 ARE TO BE ACQUIRED AS PUBLIC ROAD PURSUANT TO SEC 88B OF THE CONVEYANCING ACT 1919-84 IT IS INTENDED TO RELEASE:-

1) EASEMENT FOR SERVING RATING MAIN & LOT 1044500 DP728213-4 & LOT 1044500 DP728257 CREATED BY DP 1044500

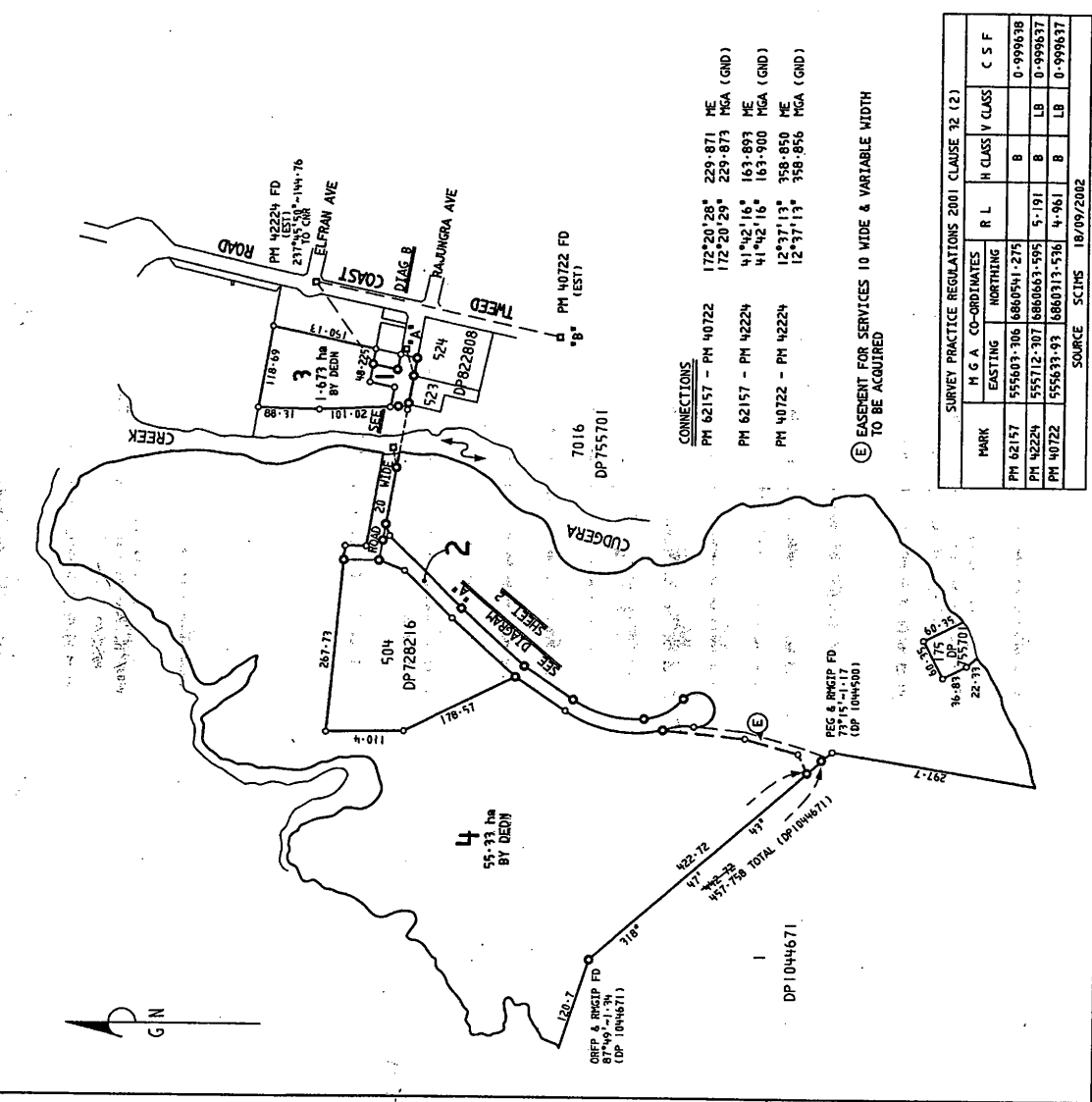
PLAN FORM 2  
 SIGNATURE AND SEALS ONLY

The common seal of Tweed Shire Council was hereunto Affixed on 25 June 2003 in pursuance of a resolution passed at a meeting held on 10 June 2003.

MAYOR: *[Signature]*  
 COUNCIL MANAGER: *[Signature]*



Plan Drawing only to appear in this space



CONNECTIONS  
 PH 62157 - PH 40722 172°20'28" 229-871 ME MGA (GND)  
 172°20'29" 229-873 MGA (GND)  
 PH 62157 - PH 42224 41°42'16" 163-893 ME MGA (GND)  
 41°42'16" 163-900 MGA (GND)  
 PH 40722 - PH 42224 12°37'13" 358-850 ME MGA (GND)  
 12°37'13" 358-856 MGA (GND)

(E) EASEMENT FOR SERVICES 10 WIDE & VARIABLE WIDTH TO BE ACQUIRED

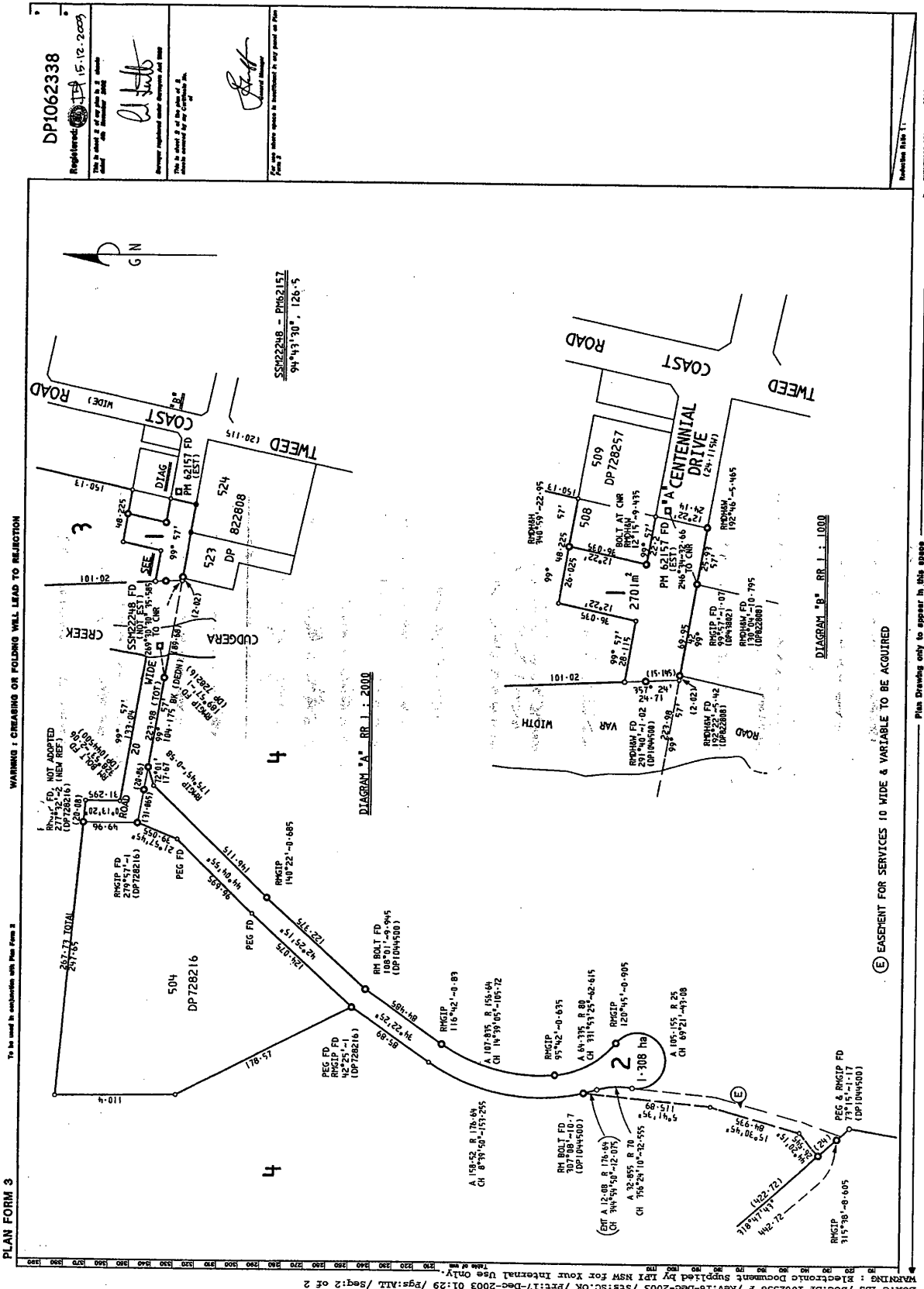
MARK	M G A CO-ORDINATES		R L	H CLASS	V CLASS	C S F
	EASTING	NORTHING				
PH 62157	555603.906	6860541.275	5-191	B	LB	0-9996378
PH 42224	555712.307	6860663.595	4-961	B	LB	0-9996377
PH 40722	555633.93	6860313.536	4-961	B	LB	0-9996377

SOURCE SCIPS 18/09/2002

WARNING: CREAMING OR FOLDING WILL LEAD TO DESTRUCTION

Subdivision Certificate  
 I certify that the provisions of s. 20A of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to the proposed subdivision of land.  
 (Signed) 'Subdivision' or 'Land' Surveyor  
 I declare that I am a duly qualified and registered Surveyor.  
 I declare that I am not acting as a Surveyor in relation to this subdivision.  
 I declare that I am not acting as a Surveyor in relation to this subdivision.  
 I declare that I am not acting as a Surveyor in relation to this subdivision.  
 I declare that I am not acting as a Surveyor in relation to this subdivision.

Surveyor's Signature: *[Signature]*  
 Date: *[Date]*  
 Name: *[Name]*





**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

Nil.

---

THIS  
PAGE  
IS  
BLANK

THIS  
PAGE  
IS  
BLANK

**14 [EO] Streetlighting Power Supply**

**ORIGIN:**

**Works**

**SUMMARY OF REPORT:**

Supply of energy to streetlighting in NSW is contestable and Council entered into a contract in 2001 with Energex to supply energy to streetlights until the end of 2004.

An offer has been received from Energex through the MAPS group to extend this contract to the end of 2005.

**RECOMMENDATION:**

That Council accepts the streetlighting energy supply offer from Energex at a cost of 3.325 cents per kilowatt-hour for the period 1 January 2005 to 31 December 2005.

**REPORT:**

On 5 December 2001 Council resolved to delegate authority to the General Manager to participate in the MAPS Group Ltd tender for public street lighting energy supply. Subsequently Council entered into a 3 year contract for supply of energy to the streetlight network with Energex. This contract terminated 31 December 2004.

MAPS Group Limited trading as Strategic Purchasing is a public company which negotiates and facilitates contracts for common use goods and services. Strategic Purchasing offers suppliers targeted access to the Government purchasing sector through its tender process and marketing programs.

The MAPS Group has made an offer to Council to extend the contract with Energex for one year to 31 December 2005 at a price of 3.325 cents per kilowatt-hour. This would enable Council to use the benefit of a mass tender offer along with other NSW Councils at the end of 2005. The offer from Energex was contingent on being accepted by close of business 1 December 2004. Country Energy knowing that the existing contract was expiring made an alternative offer to Council of 3.5708 cents per kilowatt-hour which is 7% higher than that from MAPS using Energex. Therefore, officers accepted the extension offer subject to a Council resolution arising from this report.

It is recommended that the offer to extend the contract with Energex be accepted for the period 31 December 2004 to 31 December 2005.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Funding included in 2004/05 Budget.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

Nil.

---

**15 [EO] Application to Close Crown Public Road - Byangum**

**ORIGIN:**

**Design**

**FILE NO: GR3/12/8**

**SUMMARY OF REPORT:**

Council has received correspondence from the Department of Lands seeking Council's comments to an application received by them to close and purchase part of a Crown Public Road at Byangum.

**RECOMMENDATION:**

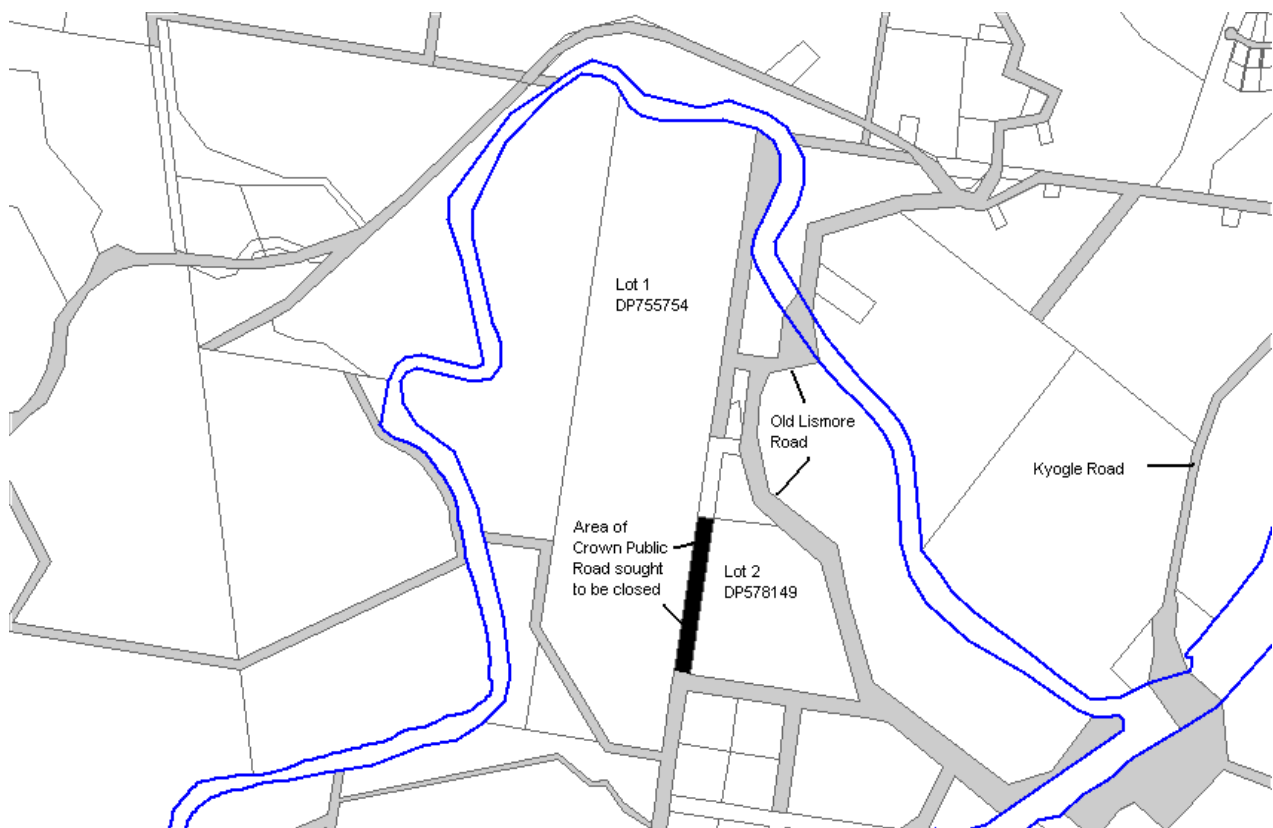
That Council advises the Department of Lands that it will not object to the closure of the Crown Public Road subject to the Department making inquiries of the owner of Lot 2 in DP 578149 as to whether half of the road closure would be required by him

**REPORT:**

Council has received correspondence from the Department of Lands seeking Council's comments to an application received by them to close and purchase part of a Crown Public Road at Byangum.

The part of Crown Road sought to be closed is subject to an Enclosure Permit 4465, however, when a Crown Road is closed, the Enclosure Permit is immediately cancelled.

The road sought to be closed is shown below:



In assessing such applications, Council officers consider potential uses of the Crown Public Roads, for example, potential or existing fire buffers or trails, access for apiarists and equestrian uses.

Due to the network of Crown Public Roads surrounding the road in question, Council officers consider that the uses listed above would be available from surrounding Crown Public Roads.

On this basis, it is recommended that no objection to the closure be made by Council subject to the Department making inquiries of the owner of Lot 2 as to whether half of the road closure would be required by him.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

Nil.

---

THIS  
PAGE  
IS  
BLANK

THIS  
PAGE  
IS  
BLANK



**16 [EO] Application to Close Crown Public Road - Rowlands Creek**

**ORIGIN:**

**Design**

**FILE NO: R4800 Pt 1**

**SUMMARY OF REPORT:**

Council has received correspondence from the Department of Lands seeking Council's comments to an application received by them to close and purchase part of a Crown Public Road at Rowlands Creek. The section of Crown Public Road sought to be closed separates two parcels of land held by the applicant.

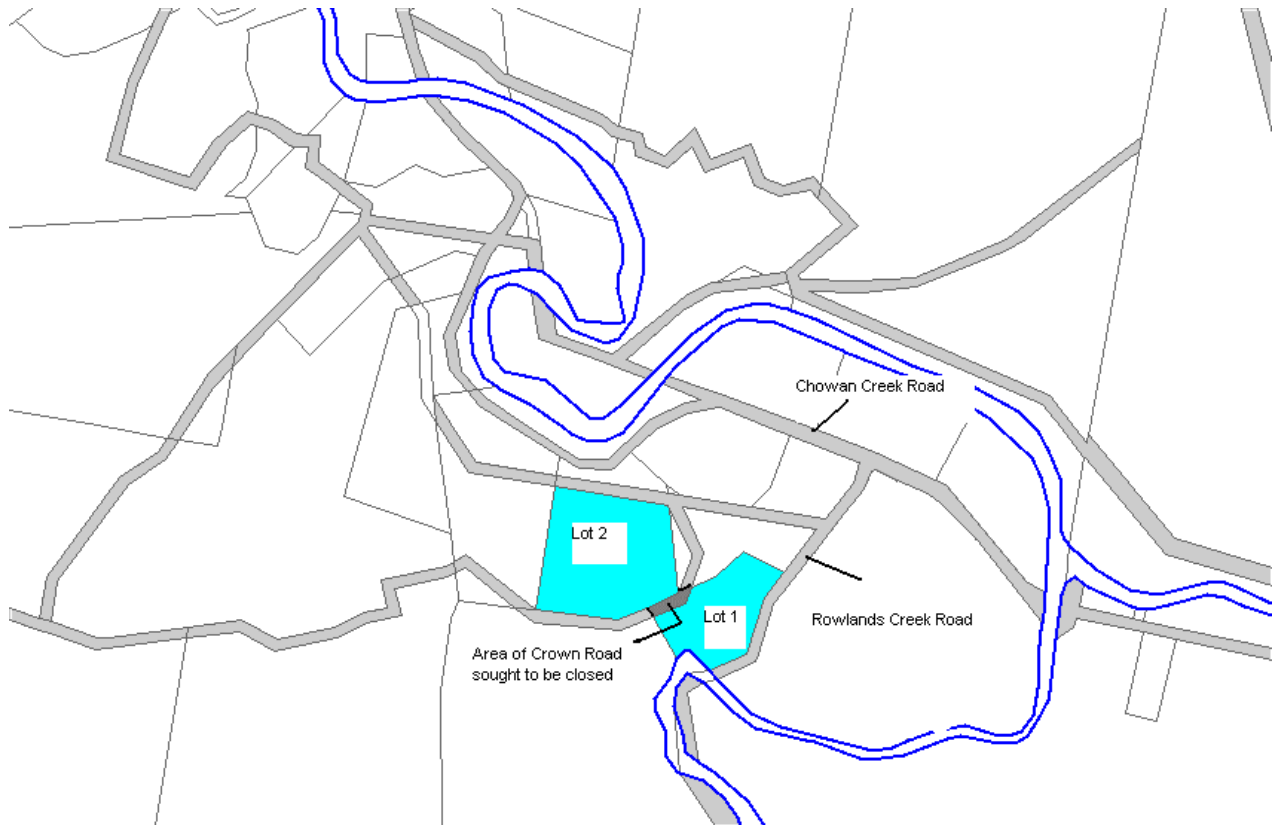
**RECOMMENDATION:**

That Council advises the Department of Lands that it does not object to the closure and purchase of that part of a Crown Public Road located between Lot 2 in DP 815475 and Lot 1 in DP 597042 at Rowlands Creek.

**REPORT:**

Council has received correspondence from the Department of Lands seeking Council's comments to an application received by them to close and purchase part of a Crown Public Road at Rowlands Creek. The section of Crown Public Road sought to be closed separates two parcels of land held by the applicant.

The applicant owns Lot 2 in DP 815475 and Lot 1 in DP 597042, the plan below shows the area of road sought to be closed and the two parcels either side of the road:



You will note that the roads surrounding the area in question are all Crown Public Roads, excepting those marked as "Chowan Creek Road" and "Rowlands Creek Road".

In assessing such applications, Council officers consider potential uses of the Crown Public Roads, for example, potential or existing fire buffers or trails, access for apiarists and equestrian uses.

Due to the network of Crown Public Roads surrounding the road in question, Council officers consider that the uses listed above would be available from surrounding Crown Public Roads.

On this basis, it is recommended that no objection to the closure be made by Council.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

Nil.

---

THIS  
PAGE  
IS  
BLANK

THIS  
PAGE  
IS  
BLANK

**17 [EO] Kyogle Road - Weight Restriction**

**ORIGIN:**

**Works**

**FILE NO: R2970 Pt12**

**SUMMARY OF REPORT:**

Bridge repairs at Doon Doon Creek on Kyogle Road necessitate a temporary weight restriction to be imposed for the duration of the works.

**RECOMMENDATION:**

That:-

1. Council endorses the application of a 42.5 tonne weight restriction on Kyogle Road at the bridge over Doon Doon Creek from 10 February to 8 April 2005.
2. The Roads and Traffic Authority be requested to exercise its powers under Section 112 (2) of the Roads Act 1993 to impose the weight restriction.

**REPORT:**

Repairs to the bridge over Doon Doon Creek on Kyogle Road necessitate a weight restriction to be imposed during the works. The restriction is to enable the bridge deck to be raised to replace its bearings.

The weight restriction is to prohibit vehicles with a laden weight exceeding 42.5 tonnes from crossing the bridge during the repair works. Section 112 of the Roads Act 1993 enables a roads authority to impose a weight restriction for this purpose, however, as Kyogle Road is classified as a Main Road the weight restriction must be applied by the Roads and Traffic Authority. The weight restriction will be required from 10 February to 8 April 2005.

In conjunction with the weight restriction a 20kph speed zone will be imposed during the works at the site.

Appropriate signage will be displayed advising of the restriction.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

Nil.

---

**18 [EO] Proposed Modification to Development Consent No. 02/1422  
Section 64 Contribution Plan for Sewer Headworks - SALT Development**

**ORIGIN:**

**Design**

**FILE NO: DA02/1422 Pt37**

**SUMMARY OF REPORT:**

Council has received a Section 96 (1A) application in relation to water and sewer headworks credits for the SALT Development.

As the SALT development has provided the ultimate sewage transport system for its development to the existing Sewage Treatment Works a credit should apply for the conveyancing component of the sewer headworks contributions. Also, the SALT development has upgraded trunk water mains to provide redundancy in the water supply system to the coastal villages and the marginal cost of increasing the trunk main capacity should be credited against the remaining water headworks contributions.

**RECOMMENDATION:**

That Council approves:-

1. A reduction in the amount of the sewer headworks contributions equal to the conveyancing component of the contributions for all existing and future developments in the SALT development, up to a total of 908 equivalent tenements.
2. A credit of \$377,460 be given to Consent No. 02/14220 DA and be applied to the remaining sewer headworks contributions applicable for future stages and a refund of \$227,185 be paid to the developer on request.
3. A credit of \$228,378.00 be given to consent no. 02/14220DA and be applied to the remaining water headworks contributions applicable for future stages.
4. Modifications to this consent as detailed above be implemented by the Director Planning and Environment.

**REPORT:**

Council has received a Section 96 (1A) application in relation to water and sewer headworks credits. The application proposes modification of the development consent to reduce the amount of the sewer and water headworks contributions.

**Sewer Headworks Contributions**

Sewer headworks charges (\$3,490) are derived from Council's asset register and consist of a conveyancing component (\$1,160) and a treatment component (\$2,330).

The shire wide headworks charge is derived from Council's asset register. The charge is reviewed annually and is approved by Council as part of Council's fees and charges.

If the developer constructs the ultimate sewage conveyancing system from the development directly to the STW, the conveyancing component of the headworks charge is not required to be paid.

As the SALT development has provided the ultimate sewage transport system to the existing STW a credit should apply for the conveyancing component of the sewer headworks contributions.

The Conceptual Design Report for the South Kingscliff Sewerage Catchment prepared by Cardno MBK in October, 2004 outlines the population predictions and staged infrastructure requirements for the South Kingscliff sewerage catchment. The major developments within this catchment include Casuarina Beach, Kings Forest, SALT, Seaside City and the available land within Lot 490.

The sewage transport system provided by the SALT developer has the capacity to accommodate flows up to 908 equivalent tenements as stated in the Cardno MBK Conceptual Design Report. This system can be increased to 1638 equivalent tenements by augmenting the sewer pumps and constructing an additional pipeline under Cudgen Creek. Any developments in this catchment which exceed the current capacity of 908 equivalent tenements will be required to pay the conveyancing component of the sewer headworks charge. It is estimated that the conveyancing augmentation cost is \$800,000 which includes the future rising main redirection to the new Kingscliff STP.



The amount of the sewer headworks contributions (conveyancing component) paid up to 20 August 2004 and for which a refund should apply is shown in Table 1.

**Table 1:**

Stage	No of Lots	Rate \$ (conveyancing only)	Conveyancing Component of Contributions Paid \$
1A1	85	1093	92,905
1A2	62	1093	67,766
1A3	3	1160	3,480
2	50	1160	58,000
3	12	1160	13,920
4	65	1160	75,400
5	26	1160	30,160
Outrigger Resort			132,620
Peppers Resort			130,394
Total conveyancing component of contributions paid			\$604,645

**Table 2: Proposed Future Stages - Sewer Headworks Contributions (Treatment Component Only)**

Stage	No of Lots	Rate \$ (treatment only)	Contribution \$
1A4	14	2,330	32,620
6	17	2,330	39,610
7A	51	2,330	118,830
7B	78	2,330	181,740
8	2	2,330	4,660
<b>Total:</b>			<b>377,460</b>

As the sewer contribution amount for future stages is \$377,460 and is less than the total credit of \$604,645, a refund of \$227,185 will be required.

It is recommended that a credit amount of \$377,460 be applied to the remaining contributions applicable for future stages and a refund of \$227,185 be paid to the developer on request.

### **Water Headworks Contributions**

To provide redundancy in the water supply system to the Coastal Village it is desirable to be able to supply the Tweed Coast from Kingscliff Reservoir and Kingscliff from Duranbah Reservoir. To achieve this the trunk main from Duranbah Reservoir along Casuarina Way to the Cudgen Creek Bridge needs to be constructed in 450mm diameter.

Condition 125 of the DA02/1722 consent states:-

*“The trunk water main along Casuarina Way shall be constructed as a 450mm diameter main. Council will contribute towards the marginal cost associated with the construction of the 450mm water main. Negotiations between Council and the*

*applicant will be required to seek an agreement as to the quantum of the marginal cost.”*

As requested by Council the trunk main within the SALT development site has been upgraded in size to provide additional capacity for system redundancy.

The tender schedules for the construction of the 450mm diameter trunk main and the main required to supply the SALT development (250mm diameter and 300mm diameter) have been submitted to Council for assessment.

The tendered prices are considered to be reasonable. The marginal cost of increasing the capacity of the trunk water main within the site is \$228,378.00.

It is recommended that the credit of \$228,378.00 be applied to future water headworks contributions.

It is also recommended that modifications to this consent as detailed above be implemented by the Director Planning and Environment.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

Nil.

---

## REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY

### 19 [EC] Council Land, Pandanus Parade, Cabarita

#### ORIGIN:

Environment & Health Services

#### SUMMARY OF REPORT:

Council at its meeting of 18 August 2004 resolved as follows: -

*"**RESOLVED** that Council commence a community consultation program to present the opportunities outlined in the Report to the broader community."*

This was a result of a business paper item dealing with the possible sale of land owned by Council which would provide funds for Council infrastructure.

Council owns in freehold title five (5) allotments of land in Cabarita being: -

Lots 10 and 11, Section 5 DP31209.

Lots 4, 5 and 6, Section 5 DP29748.

These allotments are located facing Pandanus Parade and Palm Avenue in the section between the Coast Road and the coastal reserve with six (6) other allotments in the same section.

A proposal to sell and lease allotments has been put out to the community for comment.

A large number of submissions have been received as a result.

#### RECOMMENDATION:

That Council defers a decision on this matter until after a report has been received from the Probity Officer.

**REPORT:**

Council at its meeting of 18 August 2004 resolved as follows: -

*"**RESOLVED** that Council commence a community consultation program to present the opportunities outlined in the Report to the broader community."*

This was a result of a business paper item dealing with the possible sale of land owned by Council which would provide funds for Council infrastructure.

Council owns in freehold title five (5) allotments of land in Cabarita being: -

Lots 10 and 11, Section 5 DP31209

Lots 4, 5 and 6, Section 5 DP29748.

These allotments are located facing Pandanus Parade and Palm Avenue in the section between the Coast Road and the coastal reserve with six (6) other allotments in the same section.

Council purchased Lots 4 and 5 fronting Pandanus Parade and Lot 10 fronting Palm Avenue from the owners of the Cabarita Beach Hotel. The allotments have a restrictive Covenant attached thereto in favour of the owners of the site of the former Cabarita Beach Hotel.

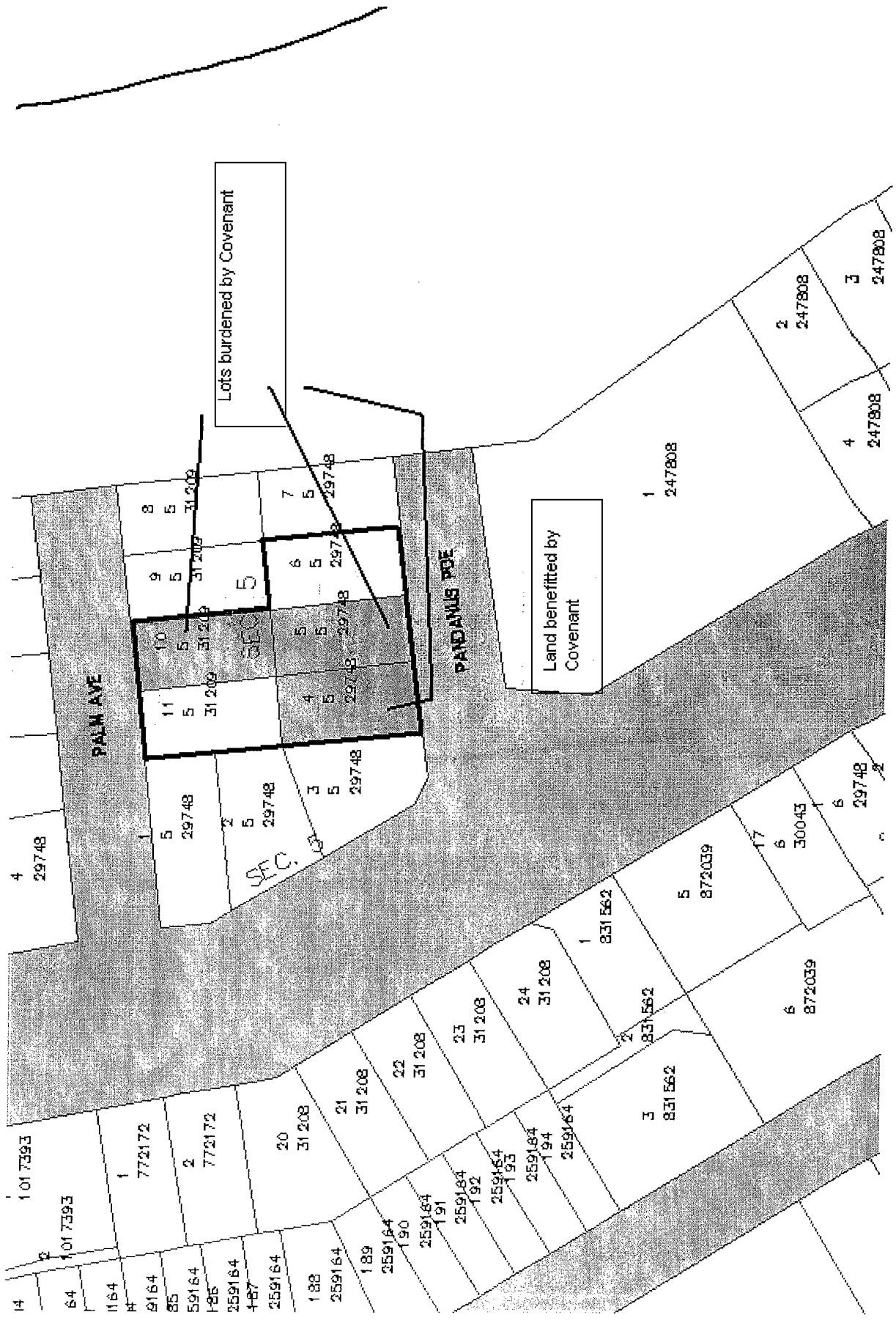
The Covenant is reproduced below: -

*AND the Transferee for itself and its successors and assigns hereby covenants and declare with the Transferors and their respective successors and assigns that the within lands hereby transferred shall not be used for any purpose other than as a public car parking area for the parking of vehicles by the general members of the public thereon and for pedestrian use PROVIDED ALWAYS that nothing herein contained or implied shall prohibit or restrict the transferee from erecting and construction a public car parking complex by the addition of layers of underground an/or overhead parking space on the lands hereby transferred as the necessity therefore may be determined by the Transferees from time to time and in its absolute discretion AND IT IS HEREBY AGREED AND DECLARED AND COVENANTED for the purposes of Section 88 of the Conveyancing Act, 1919 (as amended) as follows:-*

- a) *The benefit of the foregoing restrictive covenants shall be appurtenant to Lot 1 in Deposited Plan No. 247808.*
- b) *The burden of the foregoing restrictive covenants shall be upon the lands hereby transferred.*

- c) *The foregoing restrictive covenant may be released varied or modified by and with the consent of the registered proprietor for the time being and from time to time of Lot 1 in Deposited Plan No. 247808.*

These lands are located as shown on the following plan:



Lot 11 has a covenant attached which in essence requiring that if Council wishes to fence this allotment it would have to pay the full cost of any fencing between Councils allotment and any adjoining allotment owned by the transferor. This Covenant in essence has no significant effect on the proposal before Council.

Lot 6 was purchased by Council from Cabarita Beach Surf Lifesaving Club and contained at that time a building used as a shop and a Clubhouse.

At a Council Workshop held on 9 June 2004 a presentation was put before Council by Council Staff proposing to Councillors that the possibility of selling the allotments be placed before the Tweed community for consent.

There was unanimous support indicated from Councillors to proceed with the consultation process.

The Workshop presented to Council the prospect of Council selling the five (5) allotments and investing the land back into community infrastructure, with the purpose of bringing forward a number of projects which otherwise will not be provided for a number of years.

Some of the information presented to the Workshop is as follows:

- 1) Council had received expressions of interest in purchase of some, or all of the land.

Resort Corp Cabarita Pty Ltd had submitted an offer based on the purchase of Lots 4, 5, 6, 10 and 11 based on a valuation they had for \$5,275,000.

Part of the proposal was for the provision of 38 basement public car parking spaces; these in the offer were valued at \$1,330,000 making a total value of the land to Council at \$6,605,000.

Although the valuation of \$35,000 per car space may seem high if it is assumed that the 38 spaces frees up the 3 allotments burdened with a carparking covenant for sale the net value to Council is considerably higher.

Council received an independent valuation from Herron Todd White "on the basis that these existing covenants or easements do not exist." The valuation was for the five (5) allotments \$6,000,000.

On the basis of this valuation the offer of \$5,275,000 from Resort Corp Cabarita Pty Ltd plus the provision of the 38 basement public car parks was considered by Council's Executive to be a reasonable benchmark for negotiation.

- 2) Resort Corp Pty Ltd were also prepared to enter into a joint venture with Council.
- 3) Another party had expressed an interest in Lot 6 of the land. This land on its own with an area of 463 square metres was valued by Herron Todd White at \$700,000. This is well below it's square metre value as part of the aggregated parcel. The

area of 463 square metres is after Council has provided some land from Lot 6 to the Surf Club as has been previously committed.

- 4) Council was presented with information relating to possible future confronting development in Hastings Road.
- 5) A list of "Potential Projects" was presented to the Workshop. This list was not intended to be definitive and exceeded the dollars which would be available.

It was intended to demonstrate to Council the type of infrastructure that could be provided with funds from the sale. The costs provided were estimates only.

These projects as listed below in this report is part of the reproduction from the Tweed Link of 14 September 2004.

As a result of the support from Councillors for public consultation the following was presented in the Tweed Link of September 2004.



# Tweed Link

A TWEED SHIRE COUNCIL PUBLICATION      ISSUE 382      SEPTEMBER 14, 2004      ISSN 1327-9630

## *Is this an opportunity too good to miss?*

Pandanus Parade Cabarita Beach has caused much controversy. Tweed Shire Council outlines for the first time why it needs community input into its decision on whether to accept an offer for this land. The land is highly constrained by a restriction linked to the hotel property. It is on 60 per cent of the land (outlined below) and requires that it be used as a carpark.

### **What is the offer?**

Council has been offered in excess of \$5 million. This offer compares favourably with Council's own independent valuation of the land. It is a market based offer. The money will be spent solely on community projects and redevelopment of Cabarita's Main Street. The developers of Cabarita Beach Hotel site Resort Corp have offered to provide an underground car park for 38 vehicles on the site and to provide ongoing maintenance of the car park in conjunction with upkeep of the building that will involve commercial and residential development. If the offer is accepted Council would require a restriction on the title for the proposed carpark to be maintained in perpetuity. In addition Council is planning a multi level carpark in Hastings Street behind the Coast Road opposite Pandanus Parade.

PO Box 816  
Murwillumbah 2484

*Dear Shire residents,*

*Tweed Shire Council is custodian of the entire Tweed Shire extending from its 37 kilometres of coastline to its towns, villages and rural areas. Council has acknowledged the need to protect and enhance our assets as our population increases.*

*Council is seeking input from the widest possible cross section of the community in relation to the offer as outlined on this page.*

*It is an offer that could mean a big difference in the Council's capacity to finance future community projects such as the ones listed on the next page.*

*There are potentially significant community benefits to be obtained through using this amount of funding to provide and maintain community facilities in Cabarita Beach, Bogangar and other areas of the Tweed. Council will not be accepting this offer until community input has been obtained.*

*It could mean much needed projects are completed in an accelerated timeframe.*

*Take the time to tell Council what you think. Pick up the phone, send an e-mail, write a letter and either fax or post it to Council.*

Yours faithfully  
Dr J Griffin





Norries Headland



Kingscliff Amenities Hall refurbishment

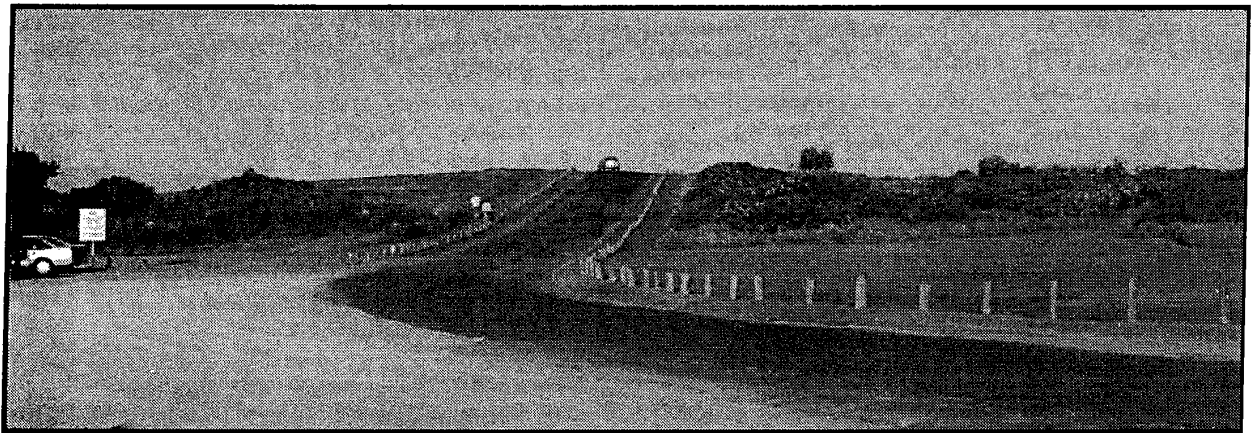


Cabarita Main Street

# Potential Projects

This list is for discussion purposes only and has not been determined by Council.

Norries Headland Coastal Management Plan of Works	\$700K
Cabarita Main Street	\$400K
Cabarita Beach Sub Office	\$400K
Black Rock Bridge car park & beach access	\$100K
Pottsville Community Land Purchase	\$500K
Ambrose Brown Park	\$100K
Hastings Point Headland Redevelopment	\$300K
Cudgen Crk Restoration Pedestrian Link; K'cliff CBD to Sutherland Point	\$300K
Sutherland Point	\$500K
Kingscliff Amenities Refurbishment Hall & Drop In Centre	\$500K
Respite Centre Kingscliff	\$500K
Kingscliff Foreshore including toilets	\$300K
Tweed River Foreshore & Fingal Boat Harbour	\$400K
Fingal Head Rovers Surf Life Saving Club	\$500K
Surf Life Saving Sinking Fund for services	\$500K
Rolling funds to seed Section 94 Works brought forward	\$500K



Hastings Point Headland

## Tell Council what you think

There are substantial benefits to the community if this offer is accepted. Make sure your voice is heard. Council is seeking a wide response from the entire shire.

**By email**

tsc@tweed.nsw.gov.au

**By fax**

(02) 6670 2483

**By letter**

General Manager  
Tweed Shire Council  
PO Box 816  
Murwillumbah 2484

**Hot line**

from Tuesday Sept 14 until  
Tuesday Sept 21  
**1800 055 044**  
from 9am-noon and 1-4pm

Following the consultative spread there was considerable response received by Council. Because of the volume of the responses it is not possible to provide details of each one as part of this report.

However, appended to this report is a summary of the "Hot Line" and written responses.

The "Hot Line" report shows 93 calls were received.

The Staff Member receiving these calls has categorised these as being: -

14 Undecided  
21 For  
41 Against

Included in the final page is a summary of the reason for objection.

The written responses have been assessed by a Staff Member and also the appended report indicates:

14 Non Committal  
35 For  
1749 Against

The summary has endeavoured to show the reasons for support and the reasons for objection.

By way of comment it would appear that the objection on the basis of affecting the access to the beach would not be valid, as the proposal does not use any of the roadway being Pandanus Parade.

However, it is noted that the possibility of making Pandanus Parade a pedestrian mall has previously been raised by the representatives of Resort Corp and is referred to in a letter to Resort Corp dated 13 December 2002 which states in part as follows:

*"You indicated that your vision includes the closing of Pandanus Avenue to traffic and turning this into a public open space mall and the development of a quality commercial and residential resort on the balance land owned by the Council and the surf club.*

*I would be prepared to recommend to Council that your proposed vision for this area should be significantly supported provided it complies with Tweed Shire Council and State Government planning requirements."*

The final form of road surface and pedestrian use would be a decision to be made as to what provides the best community outcome.

The issue of loss of carparking close to the beach is covered by the provision of the 38 basement public car parks. The on street car parking would be a factor dependent upon street design.

The main issue would appear to be what decision Council makes on the use of the "public" land considering three (3) of the titles have a restrictive carparking covenant attached.

Council would have to consider this aspect when making a final decision on this matter and these three issues are dealt with later in this report.

There have been two issues raised since the land sale proposal in the Tweed Link for which legal advice has been sought.

The first of these relates to the continuation of the covenants after the classification of the land with the introduction of the new Local Government Act 1993.

Stacks the Law Firm presented advice on this matter on 1 October 2004 and the response is as follows: -

W/10 04 17:00 FAX

STACKS // NORTHERN RIVERS

PALM AVE. PANDANUS PARADE  
CAR PARKS - OTHER  
16140 - LAND SALE

001 ✓

TWEED SHIRE COUNCIL	
FILE No	DA03/1221 P 11
DOCUMENT No	[ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]
RECD	18 OCT 2004
ASSIGNED TO	BUCKLEY, D
HARD COPY	<input checked="" type="checkbox"/>
IMAGE	<input type="checkbox"/>

a member of  
**STACKS // THE LAW FIRM**

12 Queen Street  
Murwillumbah NSW 2484  
PO Box 819  
Murwillumbah NSW 2484  
DX 20451 Murwillumbah NSW  
Telephone 02 6672 1855  
Facsimile 02 6672 4677  
www.stacks Tweedgoldcoast.com

our reference AEJS RP 041165  
your reference L27JJ5 doc

1 October 2004

The General Manager  
Tweed Shire Council  
Tumbulgum Road  
MURWILLUMBAH 2484

ATT: DON BUCKLEY &  
MIKE RAYNER

Dear Sir

RE: TWEED SHIRE COUNCIL - RESTRICTIVE COVENANT  
PANDANUS PARADE

We refer to previous correspondence and note that council requests from us an opinion as to whether a restrictive covenant on Certificate of Title Volume 8090 Folio 103 remains even though the subject property was classified by way of Council resolution on 4th May 1994 as operational land.

It appears the concern of Council arises under the Local Government Act, in particular Schedule 7 - Savings, Transitional and other provisions, viz. Part 2 of Chapter 6 of the Act which allows for a classification of certain land (of which this land may be categorised) by Council resolution.

It is further noted that it is provided by Clause 6(5), and we quote:-

*"On the making of a resolution under sub-clause 3, that classifies public land as operational land, the land is discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, subject to the terms of the resolution ... " (the underling is ours)*

It may appear on a first reading of that clause that any existing restrictive covenant may very well be removed by a simple Council resolution and therefore, become unenforceable.

However, the significant words of Clause 5 are, and we quote:-

*"Subject to the terms of the resolution"*

We believe what that means is, in the first instance, if in fact such a classification was to operate to discharge any trusts, estates, interests etc, including covenants, that the actual resolution would need to specifically refer to that fact and that is what was intended by the resolution. In other words, the resolution would have specifically referred to removal of the covenant, which it did not



SYDNEY CANBERRA NEWCASTLE TAREE PORT MACQUARIE FORSTER BOWRAL MURWILLUMBAH TWEED HEADS  
Liability limited by the Solicitors Scheme, approved under the Professional Standards Act 1994 (NSW) **STACKS // NORTHERN RIVERS P/L** ABN 35 105 147 626

Page 2

**The General Manager**

**1 October 2004**

We believe we are confirmed in that view if one reads further in respect of the Local Government Act, in particular s.30 which provides for reclassification of community land as operational land and contains similar provisions to that in Part 2 of Chapter 6, namely and we quote.-

*" the land is by operation of the land discharged from any trusts, estate, interest, dedications, conditions, restrictions and covenants affecting the land or any part of the land"*

In a commentary to s.30 it is noted that since the commencement of the Local Government Amendment (Community Land Management) Act 1998 (1.1.1999) Councils which reclassify land to operational through a local environment plan are only able to remove public reserve status, trust reservations, dedications etc, if there is a specific provision in the LEP which removes the trust etc. That is, rather than being automatically removed upon gazettal of an LEP s.30 now requires a specific clause in the LEP to expunge the restrictions. It is our view that sensibly, if the council had intended by its resolution to remove the restrictive covenant restriction on this land at the time of the resolution it would have said so.

There is no mention of the removal of the restriction and therefore in our view, as the Certificate of Title still contains the covenant, the better view is that the covenant is still attached to the land and this becomes even more determinative when one looks at the fact that the car park in question has already been constructed and exists.

If we are wrong in this view, the fact the Restrictive Covenant still remains on the title, there never having been any action or resolution to remove it, now means the provisions of the Conveyancing and Real Property Act apply and consent by the person benefited must be obtained.

In relation to the Certificate of Title itself, the legal presumption the Title is correct, is almost absolute on the legal principle of indefeasibility of Title under the NSW Land Title system.

Moreover, a registered covenant can only be released (see s.88BA(6) of the Conveyancing Act) by registration under the Real Property Act providing for release (see s.81 Real Property Act).

It is our view that the only way the covenant could be removed is that if the owner of the land which has the benefit of the covenant for the time being is prepared to consent to the removal of the restriction but otherwise Council is bound by the covenant on the Certificate of Title to the land.

If you have any further queries at all concerning this advice please do not hesitate to contact Mr Tony Smith of our office.

Yours faithfully

**STACKS/NORTHERN RIVERS**

Per:

Tony Smith

The second issue to arise was in relation to a Court decision in Bathurst City Council v PWC Properties Pty Ltd (1998) in the High Court of Australia. Basically the question was if the findings of the case meant Council's resolution to classify the land operational was invalid.

A first response from Stacks the Law Firm was received on 3 November 2004 and is as follows: -

STACKS / NORTHERN RIVERS

a member of  
**STACKS / THE LAW FIRM**

12 Queen Street  
Murwillumbah NSW 2484  
PO Box 819  
Murwillumbah NSW 2484  
DX 20451 Murwillumbah NSW  
Telephone 02 6672 1855  
Facsimile 02 6672 4677  
www.stackstweedgoldcoast.com

our reference AEJS RP 041165  
your reference L27JJ5 doc

3 November 2004

The General Manager  
Tweed Shire Council  
Tumbulgum Road  
MURWILLUMBAH 2484

Attention: Doug Jardine  
(Strategic Town Planning Unit)

CARPARKS - OTHER  
PANDANUS POE  
PARK AVE

Direct Line 02 6672 9914  
E-mail tsmith@stacklaw.com.au

CC to D. Jardine  
LAND SALE  
1640

TWEED SHIRE COUNCIL	
FILE No	DA03/1221
DOCUMENT No	
RECD -	3 NOV 2004
ASSIGNED TO	JARDINE, D
HARD COPY	<input checked="" type="checkbox"/>
IMAGE	<input type="checkbox"/>

Dear Sir

**RE: TWEED SHIRE COUNCIL - RESTRICTIVE COVENANT  
PANDANUS PARADE**

We thank you for your letter dated 29th October 2004.

We agree at "first blush" it appears the Bathurst City case may have some bearing on the Restrictive Covenant question but we doubt it does.

There are some fundamental differences in that the land transferred to Council in the Bathurst City case was pursuant to a condition of development consent for an adjacent shopping centre premises.

The genesis of the trust situation in that case was the development consent was approved on the basis that there was provision for car parking for members of the public and therefore, once approved, Council has no further power in respect of a development consent itself, subject to ensuring conditions of consent were carried out.

In the Pandanus Parade land, it appears the land was simply transferred to Council without any intervening development consent and with the registration of a covenant pertaining to car parking for the benefit only of the Transferor. There is a difference between "benefit" and "use". Only the transferor has the benefit of the covenant but the public at large may use the car park.

The covenant is not a matter in our view where a constructive trust arises or any trust relationship exists, but rather a legal agreement that is evidenced on the title of the land.

Therefore, our reasoning in advising that the covenant was enforceable, had more to do with the legal rights relating to the covenant itself and the fact that it exists on the Certificate of Title to the land.

It goes without saying in accordance with our prior advice, that in our opinion, whatever the classification of the land, the restrictive covenant remains in force in law.



SYDNEY CANBERRA NEWCASTLE TAREE PORT MACQUARIE FORSTER BOWRAL MURWILLUMBAH TWEED HEADS  
Liability limited by the Solicitors Scheme approved under the Professional Standards Act 1994 (NSW) **STACKS / NORTHERN RIVERS P/L** ABN 35 105 147 626



Page 2

**The General Manager**

**3 November 2004**

It is our view this is so because the land when purchased containing a covenant for car parking, was a private agreement between the transferor and the transferee where the transferor obtains the benefit of a covenant, not the public at large and the only party that can vary such a covenant is the transferor or the successor in title.

Therefore, in our view, the public purpose component in the Bathurst City case is absent when one reviews the terms of the restrictive covenant. It is specific in benefiting the prior owner.

In respect of the Council Resolution of 4th May 1994, it is our view that the resolution stands unless or until the Council or a Court of Law determines otherwise.

In the meantime if you have any queries, do not hesitate to contact Tony Smith of our office

Yours faithfully  
**STACKS/NORTHERN RIVERS**

Per: 

Tony Smith

A further clarification was sought in the matter of "constructive trusts" and the response from Stacks the Law Firm is as follows: -

STACKS // NORTHERN RIVERS

CAR PARK - OTHER LEGAL OPINION  
PALM AVE  
PANDANUS .P.C  
LKN0-SAVE  
LN: 16140

TWEED SHIRE COUNCIL	
FILE No.	2003/1221 # 13.
DOCUMENT No.	
REC'D	17 NOV 2004
ASSIGNED TO	GRIFAN, J.
HARD COPY	<input checked="" type="checkbox"/>
IMAGE	<input type="checkbox"/>

a member of  
**STACKS // THE LAW FIRM**  
 12 Queen Street  
 Murwillumbah NSW 2484  
 PO Box 819  
 Murwillumbah NSW 2484  
 DX 20451 Murwillumbah NSW  
 Telephone 02 6672 1855  
 Facsimile 02 6672 4377  
 www.stackstweedgoidcoast.com  
 Direct Line 02 6672 9314  
 E-mail tsmith@stackslaw.com.au

our reference: AEJS:RP 041165  
your reference: L27JJ5.doc

16 November 2004

The General Manager  
Tweed Shire Council  
Tumbulgum Road  
MURWILLUMBAH 2484

Dear Sir

**RE: TWEED SHIRE COUNCIL - RESTRICTIVE COVENANT  
PANDANUS PARADE**

The relatively straight forward decision to be made by Council in respect of a commercial arrangement, to sell land currently owned by Council in fee simple at Pandanus Parade Cabarita Beach, to allow development over that land by a company known as Resort Corp. for a potential windfall to Council's coffers of \$5,275,000.00 or more, has developed into a major community issue, receiving enormous publicity.

We describe the situation as a potential "windfall" to Council because only the party who has the benefit of the Covenant can release it and this proposed release offers a fortuitous financial benefit to the Council as the land use permitted with the Covenant on 3 of the 5 blocks greatly diminishes the market value of the land as a whole. Further, the offer may never be made again and the opportunity lost.

The questions being asked are whether to sell the land at terms presently offered, seek more money on the premise the present valuation is too low, or indeed not to sell at all because there are no discernible advantages to the local community and indeed there are major disadvantages to the local community at Cabarita to alienate what is considered to be valuable public land.

We have already provided two advices to the Council which stated inter alia:

- \* On 1st October 2002: the restrictive covenants on titles, Lots 4, 5 and 10 are valid and enforceable in favour of Resort Corp.
- \* On 3rd November 2004: there is no evidence to establish that Council holds the lots other than in fee simple and without the infusion a "constructive trust" element in respect of such holding. We distinguished the Bathurst City case, on the facts, in particular because that case involved land for future parking pursuant to a Development Consent requirement.

It has now been further suggested that if the land was acquired in terms of s.526 of the



SYDNEY CANBERRA NEWCASTLE TAREE PORT MACQUARIE FORSTER BOWRAL MURWILLUMBAH TWEED HEADS  
Liability limited by the Solicitors Scheme approved under the Professional Standards Act 1994 (NSW) **STACKS // NORTHERN RIVERS P/L** ABN 35 105 147 626

*Local Government Act 1919* (now repealed), the land is held for a charitable trust or a public purpose, and therefore it really is held on a "constructive trust" basis and therefore cannot be classified as "Operational Land". With respect, we do not think this reasoning is correct, nor do documents we perused belonging to Council's file in respect of the purchase, suggest this to be so.

First, the words of the old s.526 in our view imply that land is received as a gift, the Pandanus Parade land was purchased for \$10,000.00 per allotment. Our view we say is also supported by caselaw in respect of s.526, see *AG v. City of Parramatta (1949) 17 LGR 225*. Here, land held by a Council for the purposes of an electricity undertaking was not, it was decided, held upon any trust and no breach of trust was committed by the Council entering into an agreement for the sale of such land.

This is analogous to the present question we are responding to, and we quote the head notes of that case:-

"Held, further, that the expression "land subject to a trust" in the Local Government Act, 1919, s.518(2)(b) means land held upon the trusts indicated in s.526 of that Act or land held upon a public trust created by the grant of the land from the Crown; land held by a Council for the purposes of an electricity undertaking is not held upon any such trust and no breach of trust was committed by the Council entering into an agreement for the sale of such land.

Held, also, that the action of the Council in entering into the agreement did not incapacitate it from carrying out its statutory duties or exercising its statutory powers and was not *ultra vires* the powers of the Council."

Second, under the old s.532, where there are no trust inferences, the Council could acquire land within or outside its area for any purposes under the Act. The only rider here was that it needed to be acquired "for a purpose under the Act."

Third, to put to rest the Bathurst case example, we quote the case law adopted in that case, being a quote from another case decided by His Honour Talbot J in the case *PWC Properties*:

"By adopting the line of reasoning in *Toadolla [Co Pty Ltd v Dumaresq Shire Council]* and *Rodmac [Investments Pty Ltd v Great Lakes Shire Council]*, it is possible to conclude that a trust was created in the town planning context whereby money and land vested in the Council was impressed with an obligation, in the nature of a trust, to use the monetary contributions and the land for the purpose of providing public car parking. The individual private contributions did not become the beneficiaries of the trust. Monetary contributions, the dedicated land or land acquired by the use of monetary contributions collected for that purpose, are the subject of an obligation on the part of the Council to provide a public amenity in the form of a car park." (the underlining is ours).

It goes without saying the Pandanus Parade land was not land "vested in Council" impressed with a public obligation, rather it was land purchased impressed with a private obligation to successors in title of the Vendor not to use the land for any other purpose, other than a car park.

The process of investigation and advice seemingly to undermine or even declare invalid Council's own resolution of the 4th May 1994, made over 10 years ago, is in our view and under these circumstances, against any reasonable and proper administration of the Council's

Page 3

The General Manager

16 November 2004

affairs and objectionable in our view as a public policy pursuit where Council is both a determining and regulatory body of the State.

The resolution has stood for over a decade. People have acted in good faith that the resolution was valid and Council has conducted its affairs accordingly. Unless it was proven to be obviously and demonstrably an abuse of power or a product of corruption and fraud, why look behind it?

We find it obnoxious to suggest now Council should seek to act contrary to its own history on the basis at the very best, some ill-defined legal suspicion is aroused about the terms of a purchase of land over 30 years ago, where the Certificates of Title are unequivocal.

This becomes less palatable as an expensive and time consuming exercise by Council when one considers the public debate already generated, the clear terms of the commercial offer and Council's right yet to say, yes or no.

The Council can determine the outcome and consider the extensive debate in doing so but in our view, there is no reason to go behind Council's own resolution made as we say, over 10 years ago or review the terms of a purchase made over 30 years ago which is clear in its legal terms and obligations and seek to infuse some equitable trust characteristics into the legal framework.

We note suggestions that the Covenants may have lapsed, or even been abandoned. This cannot be so when car parking is used and exists on at least some of the lots in accordance with the covenants.

Finally, it is worth mentioning that no Council should ignore genuine and well founded views of its local community but every day in the Land and Environment Court in Sydney Judges and Commissioners of the Court make planning determinations and decisions despite general community opposition, sometimes involving large numbers of residents, because they believe the planning decision so opposed is nonetheless the right decision to be made. It is still open to the Council to make an informed and correct decision in this case, it has always been so.

In the meantime, if you have any queries, do not hesitate to contact Tony Smith of our office.

Yours faithfully  
**STACKS/NORTHERN RIVERS**

Per: 

Tony Smith

The legal opinions support the right of Council to have classified the land operational and reinforce the opinion that the Covenants on the titles are still valid.

As a result of the effect of the Covenant the advice from staff to the Council Workshop was that there was little point in Council going onto the open market to dispose of the properties. It would be unlikely that the beneficiaries of the Covenant would be prepared to relinquish their rights without significant benefit.

It has been considered the best price would be obtained by selling the five (5) Lots as a single transaction. This is confirmed by the Herron Todd White valuation regarding Lot six (6) as a separate entity.

Thus it is considered that the best total sale deal for Council is to negotiate a sale to Resort Corp Cabarita Pty Ltd in general terms of the offers made to Council.

There is no requirement for Council to tender (or auction) the sale of land and whereas this in most instances would be the recommended course, it is not recommended in this instance owing to the unique situation. I.e. the Parking Covenant over three (3) allotments.

Council as its meeting of 6 October 2004 resolved as follows: -

***"Resolved that Council engages an external probity officer to review all aspects of the Pandanus Parade land sale proposal to ensure transparency and regulatory compliance."***

Mr Neil Adams, Director of Adam Consultants & Training was advised of his appointment to this role on 25 November 2004. He has commenced activities however, Council has written to the Director General of the Department of Local Government for his advice as to whether it is appropriate for Council to proceed with the Probity Officer's report in view of the Commission of Inquiry into Council's activities.

The issue that arises from all this activity is should Council continue to proceed to secure the sale of the land and if so should it be to Resort Corp Cabarita Pty Ltd.

To answer the second question first it would certainly appear that the best sale for Council would be to Resort Corp Cabarita Pty Ltd.

The answer to the first question is more complex.

The objections received have been extensive.

It would appear that the matter of access would be adequately dealt with as Pandanus Parade is not intended to be closed. It's final form of vehicular/pedestrian access and beautification would be a separate decision of Council.

The issue of parking is mentioned earlier in the report is in two components:

- a) The existing parking on the allotments which will be replaced by an underground public parking area.
- b) On street parking would be a decision of Council as to whether to leave as is, increase or decrease as part of street modification/beatification as with street parking in any other location.

The other major issue has been the loss of "open space". Certainly the proposal would result in building on the five (5) allotments in question. However, in relation to "open space" as space for passive recreation or any considerable landscaping it is reiterated.

- 1) Three of the allotments have Covenants requiring their use as public carparking.
- 2) The fourth allotment was purchased for carparking not open space.
- 3) The fifth allotment was purchased in a built upon state being used for a shop and Surf Club. This building has only recently been demolished. Part of this allotment is being offered to the Surf Club for its development.

It will be therefore up to Councillors to decide if the "open space" issue in light of the above outweighs the benefits of sale of the land and development of considerable community infrastructure.

#### **Cost/Benefit and Community/Benefit**

It is considered that a cost/benefit analysis and community/benefit analysis that it would be a good decision for Council to proceed with the sale.

From a cost/benefit point of view the opportunity to sell to the owners of the property for which the parking Covenants favour would appear to be the only way to realise the true real estate value of the properties. Without this decision it would be likely those three (3) allotments at least will have no future use other than for carparking. This however, does not seem to utilise the potential value of the land in this location. Council intends to provide multi level parking in Hastings Street.

Regarding community/benefit it is considered that a comparison of the benefit which would accrue to the residents of Tweed Shire by the provision of community benefit infrastructure would considerably outweigh the loss of the land in community benefit provided by the land in its current or modified form for similar usage as required by the Covenants.

It is considered however that a decision on this matter should not be made until after the report has been received from the probity officer.

**Following is a summary of the "Hot Line" and written responses.**

UNDECIDED		FOR	Reasons for Support	AGAINST	Reasons for Objections					
					Public Land	Access to Beach	U/Ground Parking	Semi Privatisation of Beach	Objection to Resort Corp	Other
1				1	1					
				1			1		1	1
				1	1					
				1	1				1	1
				1	1				1	
		1	No further Comment.		1					
		1	Potential Use of Money.		1					
		1	No further Comment.		1					
		1	Funds generated should go to Cabarita.		1					1
		1	Cabarita needs to be developed - no overall town plan or amenities. The area needs to be developed.							
		1	Would be beneficial to the area.		1					1
		1	Concerns about Pottsville Community Land Purchase.		1		1		1	
		1	Accept the offer for the benefit of the Community - will help the whole area.							
				1						1
				1	1				1	1
		1	Sale will provide money for future projects and is a good thing.							

**Pandanus Parade - Analysis - Hotline Calls**

UNDECIDED	FOR	Reasons for Support	Reasons for Objections							
			AGAINST	Public Land	Access to Beach	U/Ground Parking	Semi Privatisation of Beach	Objection to Resort Corp	Other	
			1	1						1
			1	1	1				1	1
1										
1										
			1	1					1	
			1	1	1			1		
1										
			1	1						
			1	1					1	1
			1	1						
			1	1						
			1	1						
			1	1						
	1	Not a good use of space as a carpark - use funds for beautification of Cabarita Main Street and Hastings Headland.								
			1	1					1	
			1							
	1	Positive use of funds but raised concerns re - proposed Youth Centre.								
			1							
			1	1						
1										
			1	1						
			1	1						
			1	1						
			1	1						
	1	Important projects money could be spent on - Concerned about future water storage.								
			1	1					1	
			1	1						
	1	Will beautify an untidy area for everyone's use and will be positive.								
			1	1					1	
			1	1						



**Pandanus Parade - Analysis - Hotline Calls**

UNDECIDED	FOR	Reasons for Support	Reasons for Objections								
			AGAINST	Public Land	Access to Beach	U/Ground Parking	Semi Privatisation of Beach	Objection to Resort Corp	Other		
	1	In favour for proposed work on the Kingscliff Amenities Hall.	1	1							1
			1	1							1
			1						1		1
			1	1							1
			1	1							1
			1	1							1
	1	Golden opportunity not to be missed. Suggested funds be used to buy land for beach access at Pottsville.									
1			1	1		1					1
			1	1							1
			1	1							1
			1	1							1
			1	1							1
			1	1							1
	1	No further comment.									
	1	One condition - look after Hastings Point Headland and also Cudgera Creek.									
			1	1	1					1	
			1	1							1
			1	1							1
			1	1							1
	1	Supports the sale subject the funds being spent on the listed potential projects.									
			1	1	1					1	1
			1	1	1			1			1
			1	1	1						1
			1	1	1						1
			1	1	1						1
			1	1	1						1

**Pandanus Parade - Analysis - Hotline Calls**

UNDECIDED	FOR	Reasons for Support	AGAINST	Reasons for Objections							
				Public Land	Access to Beach	U/Ground Parking	Semi Privatisation of Beach	Objection to Resort Corp	Other		
	1	Conditional Support - Would like to see rates lowered.	1	1							
			1	1							1
			1								1
			1								1
			1	1							
	1	For sale provided pedestrian beach access for general public remains in Pandanus Parade.	1								
			1	1							1
	<b>21</b>		<b>61</b>	<b>47</b>	<b>8</b>	<b>5</b>	<b>3</b>	<b>17</b>		<b>35</b>	
<b>TOTAL: 14</b>											

### Pandanus Parade – Analysis – Written Responses

No of same Proformas Received	No of Signatures on Each Proforma	Reasons for Support	Reasons for Objections			
			Public Land	Access to Beach	U/ground Carparking	Semi privatisation of beach
	2		2			
130	1		130 loss of open space	130	130 loss of close parking to beach	
	1	Cycleway, keeping the natural looking beauty				
	2		2			
	1	4 artificial tennis courts close to Raiders football club				
	1	4 artificial tennis courts – Raiders club				
	1	4 tennis courts – Raiders Club				
	1	4 tennis courts – Raiders Club				
	1	4 tennis courts – Raiders Club				
	1	Requesting 4 tennis courts @ Raiders				
	1	4 tennis courts – Raiders Club				
	1		1	1		
	1		1	1		
	2		2			
	2		2	2		
	1	Funds used for facilities - Kingscliff				
	3	Funds used for facilities				
	1		1			
	1		1	1	1	

No of same Proformas Received	No of Signatures on Each Proforma	Reasons for Support	Reasons for Objections			
			Public Land	Access to Beach	U/ground Carparking	Semi privatisation of beach
	1		1			
	1		1	1		1
	1		1	1		
	1		1	1	1	
77	1409		1409			1409
	1	Wants info to make informed decision				
	1	Enable major coastal works				
	1	Enable major coastal work		1		
	1			1		
	1					
	1		1	1		
	1		1	1		
	1					1
	1					
	1					
	1					
	1	Provided attractive beauty and tranquillity of area be retained				
	1					
	1		1	1		1
	1		1			
	1	Facilities for shire		1		
	1			1	1	1
	1				1	

No of same Proformas Received	No of Signatures on Each Proforma	Reasons for Support	Reasons for Objections				Semi privatisation of beach
			Public Land	Access to Beach	U/ground Carparking		
	1						
	1		1				
	1		1		1		
	1	Development & Improvements for main st					
	1		1				
	1		1				
	1		1				
	2		2			2	
	1		1				
	1		1			1	
	1		1				
	1						
	1						
	1						
	2		2				
	2		2				
	2		2				
	1		1			1	
	1						
	1		1			1	
	1		1				
	1	1					
	2		2				1
	1		1			1	









No of same Proformas Received	No of Signatures on Each Proforma	Reasons for Support	Reasons for Objections				
			Public Land	Access to Beach	U/ground Carparking	Semi privatisation of beach	
	1		1	1			
	1		1	1			
	1		1				
	1		1				
	1	Enhance the ambience of the area.					
	1		1	1			
	1		1	1			
	1	Enhance area Economic benefits					
	1		1				
	2	Surf Club new facility – make area attractive					
	1		1	1		1	
	1		1				
	1		1				
	2	Beautification convenience & usable new areas for families.					
	1		1				
	1		2				
	2		2				
	1		1				
	1		1				
	2		2				
	1		1	1			
	1		1				
	1		1				
	1		1				
	1		1	1			
	1		1				
	1		1				
	1		1				
	2	Make Cabarita something special again / hub for the future.	2				
	1						



**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

Nil.

---

THIS  
PAGE  
IS  
BLANK

THIS  
PAGE  
IS  
BLANK

**20 [EC] Application and Request to Install Unregistrable Moveable Dwelling**

**ORIGIN:**

**Environment & Health Services**

**FILE NO: PF4030/2079 Pt 4**

**SUMMARY OF REPORT:**

An application has been received from Mrs Patricia Rees to install an unregistrable moveable dwelling (UMD) at the Tweed Heritage Caravan Park, Chinderah.

Tweed Heritage Caravan Park is a high hazard flood prone park. Installation of UMD's in such parks is not permissible under Council Policy P1.29. This restriction is intended to protect residents and their property from exposure to flood conditions. This Policy is in line with Council's decisions in response to the Floodplain Development Manual.

Notwithstanding the difficulties of the current situation it is inadvisable for Council to permit the variation, as the applicant could be expected to be significantly affected by flooding in future if approval were given.

On 7 August 2002, 5 May 2004 and 15 September 2004 Council specifically resolved to refuse an application for placement of an UMD within Drifters Van Village. Council has also relatively recently refused applications to place UMD's in both the Homestead and Royal Pacific Parks.

Importantly, Council considered a lengthy report on possible variations to the Policy on 19 May 2004, and resolved not to vary the Policy.

A letter has also been received from Mr and Mrs Criddle, which requests that Council consider issuing an approval for relocation of an UMD from Banora Point Caravan Park to the Drifters Van Village, Chinderah. Mr Criddle made an almost identical request to Council in 2004 and a detailed report was made to the Council meeting of 15 September 2004. That report reviewed the various Policy and legislative aspects of the request and Council resolved to *'Refuse the request to install an Unregistrable Moveable Dwelling in the Drifters Van Village'*. The circumstances of the request do not appear to have changed. It is recommended that Mr Criddle be advised that the previous resolution remains valid, and the request is refused.

If an approval were granted in either case, it would set a precedent which other people are likely to pursue, namely approval for more UMD's in flood prone parks. Officers recommend that the Policy not be varied and both the application and the request be refused.

**RECOMMENDATION:**

That:

1. Council refuses the application by Mrs Patricia Rees to install an unregistrable moveable dwelling in the Drifters Van Village, Chinderah.
2. Mr FJ & EG Criddle be advised that the previous resolution of 15 September 2004 remains valid, and the request to install an unregistrable moveable dwelling in the Drifters Van Village, Chinderah is refused.

**REPORT:**

Mrs Patricia Rees has made application to Council for the relocation of an unregistrable moveable dwelling (UMD) from Banora Point Caravan Park to Site 59 Tweed Heritage Caravan Park, Chinderah. Site 59 is a short term site.

The following photographs illustrate the structure in question:



The structure in question is 2750mm wide and therefore is not registrable.

The park is a high hazard flood prone park and the placement of UMD's on long-term sites is prohibited by Council Policy P1.29. The placement of UMD's on short-term sites is permissible under Part k of Policy P1.29, subject to certain requirements.

Council's existing Policy P1.29 is reproduced in full at the end of this report. The Policy objective is 'To control the placement of unregistrable moveable dwellings and rigid annexes upon flood liable land to minimise damage from flooding in caravan parks while providing tenants of long term sites with the opportunity to have adequate levels of convenience and security.'

Part k of the Policy relates to the placement of UMD's, and states the following:

- k. In a high hazard park unregistrable moveable dwellings may be installed on short term sites with the approval of Council provided that: -*
- E1. The floor level of the unregistrable moveable dwelling shall be at least 300mm above the designed flood level but not more than 1200mm above ground level.*
- E2. The unregistrable moveable dwelling is only to be used as a park van and the base is to comply with clause (h) of this Policy.*

**Whilst the structure is proposed to be placed on a short term site, the request does not comply with the current Policy in that floor heights would not comply and it would be under private ownership (not be used as a 'park van').**

The Policy is intended to prevent persons placing UMD's on long term sites within flood prone parks, as the structures would be exposed to flooding. This situation places the occupants and their possessions at risk, and may incur liability for Council.

UMD's are permitted to be placed on short-term sites because in the case of a flood warning the short term holiday occupants can vacate the cabin with the possessions they have with them. The structure owned by the Park remains on site exposed to flood conditions.

The current Policy restrictions have operated since about 1989.

Mrs Rees provided a letter in support of the application which is a Confidential Attachment to this Agenda.

A support letter has also been received from Neville Newell MP (Confidential Attachment to this Agenda). A response letter was forwarded to Mr Newell MP on 24 December 2004.

### **Subject Proposal – Mrs Patricia Rees**

Occupancy would be on a short-term site and the ground level within the Park is believed to have a minimum height of about 1.5m AHD. Tweed Heritage Caravan Park is classified as a 'high hazard flood prone park' by Council records. The minimum floor



level required in the structure by DCP 5 and Policy P1.29 is 3.6m AHD. This level of 3.6m AHD equates to 300mm above the 'adopted design flood level' for Chinderah. Therefore the structure would need to be placed some 2100mm above ground level to comply with DCP 5. Council's existing Policy does not permit floor levels to be placed more than 1200mm above ground level for reasons of aesthetics and stability.

**In summary, the application does not comply with Council Policy in two respects:**

1. The structure would be under private ownership and would potentially expose the occupants and structure to flood conditions.
2. The structure would need to be placed approximately 2100mm above ground level to achieve minimum floor heights. This arrangement would not comply with the Policy, which restricts the maximum height above ground level to 1200mm.

There are a number of significant and valid reasons why Council should not vary the current Policy and permit placement of the UMD, as follows:

- Approval could be sought to install a complying structure on the site, namely a caravan and rigid annexe.
- The occupant would be exposed to flood conditions. It may be said that there are many structures in caravan parks, which would be exposed to flood waters. However, there is no good reason why this should be compounded by the approval of additional UMD's in these circumstances. It is the intention of the Policy that as structures become old or dilapidated that they would be replaced with complying units, not UMD's.
- Unless the structure is raised about 2100mm above GL, then the structure would be inundated by floodwater. This is undesirable for reasons of aesthetics and structural stability. Whilst structural stability could be overcome by robust construction, caravan parks in the Tweed would look quite peculiar if it were permissible to install manufactured homes at 2100mm above ground level.
- The structure would eventually transfer to new ownership, exposing future residents to flood conditions.
- Importantly, any approval would set a precedent. There is likely to be many other people who would seek approval to install UMD's. Officers regularly take enquiries from persons interested in installing UMD's in flood prone parks. This needs to be considered in terms of the safety of these persons and their possessions if they were exposed to future flood conditions.
- Council has refused similar applications in the recent past.

**Additional Request – Mr FJ & and Mrs EG Criddle**

A letter has also been received from Mr and Mrs Criddle which requests that Council consider issuing an approval for relocation of a UMD from Banora Point Caravan

---

Park to a long term site at Drifters Van Village, Chinderah. Mr Criddle made an almost identical request to Council in 2004 and a detailed report was made to the Council meeting of 15 September 2004. That report reviewed the various Policy and legislative aspects of the request and Council resolved to *'Refuse the request to install an Unregistrable Moveable Dwelling in the Drifters Van Village'*. The circumstances of the request do not appear to have changed. It is recommended that Mr Criddle be advised that the previous resolution remains valid, and the request is refused. Mr Criddle's letter is a Confidential Attachment to this Agenda.

An application has been received to place a UMD in a high hazard flood prone caravan park. A letter has also been received to place a UMD into another high hazard flood prone caravan park. However placement of such structures is not permissible under Policy P1.29 due to flood exposure.

There are substantive and valid reasons why the application and request should be refused. Officers recommend that the current Policy not be varied and that both the application and request be refused.

### ***P1.29 Unregistrable Moveable Dwellings and Annexes on Flood Liable Land***

#### ***Objective***

*To control the placement of unregistrable moveable dwellings and rigid annexes upon flood liable land to minimise damage from flooding in caravan parks while providing tenants of long term sites with the opportunity to have adequate levels of convenience and security.*

#### ***Policy***

- a. *Unregistrable moveable dwellings and rigid annexes will not be permitted in any caravan park or addition to caravan park on flood liable land constructed after 1 December 1986.*
- b. *Unregistered moveable dwellings and rigid annexes may be permitted in caravan parks that are located on flood liable land within flood fringe and non-critical flood storage areas where the park is filled above Council's design flood level for the locality and where Council's investigations have shown that filling will not have any significant adverse impact on the flood pattern.*
- c. *In caravan parks not excluded by Clause (a), unregistrable moveable dwellings and rigid annexes may be permitted in caravan parks designated as being of a low hazard category. The floor level of the unregistrable moveable dwelling or annexe shall be at least 300 millimetres above the designed flood level. When the annexe is attached to a registrable moveable dwelling the floor level of the registrable moveable dwelling whilst maintained in a mobile state shall be at least 300 millimetres above the design flood level.*

- d. *In no instances shall the floor level be more than 1200 millimetres above the ground level.*
- e. *Low hazard for the purpose of this policy shall mean that the site and normal surrounding ground and road levels shall be not more than 800 millimetres below the design flood level and that there shall be access which will be not more than 800 millimetres below the design flood level from the moveable dwelling site to flood free land considered by Council to be a suitable refuge.*
- f. *In high hazard caravan parks, except Greenhills Caravan Park, Tweed Ski Lodge Caravan Park and any park excluded under clause (a) rigid annexes may, with the approval of Council, be attached to registrable moveable dwellings on long term sites provided: -*
  - E1. *Where levels permit, the annexe floor level shall be in accordance with clauses (c) and (d) of this policy.*
  - E2. *Where Item 1 cannot be complied with, the floor level of the annexe is not below the floor level of the registrable moveable dwelling to which it is attached.*
  - E3. *Any flooring fitted less than 300 millimetres above the designed flood level for the site shall be of hardwood or water resistant grade material.*
  - E4. *The method of attachment to the registered moveable dwelling shall be such as to allow disconnection within one hour.*
- g. *Short term sites will not be allowed to be converted to long term sites on flood liable land except as a reorganising of sites in accordance with Council's approval of an upgrading program.*
- h. *The base to the unregistrable moveable dwelling or annexe is to be structurally designed to withstand flood water and wind loadings and adequate design and documentation is to be submitted to Council to allow it to determine compliance with this clause.*
- i. *No unregistrable moveable dwelling or annexe is to be placed upon flood liable land without prior approval of Council.*
- j. *Each application for approval under this policy is to be made upon the approved form and be accompanied by a fee to be as determined by Council.*
- k. *In a high hazard park unregistrable moveable dwellings may be installed on short term sites with the approval of Council provided that: -*

- E1. The floor level of the unregistrable moveable dwelling shall be at least 300mm above the designed flood level but not more than 1200mm above ground level.*
- E2. The unregistrable moveable dwelling is only to be used as a park van and the base is to comply with clause (h) of this Policy.*
- l. A fee of \$50.00 will apply for applications to place unregistrable moveable dwellings or rigid annexes on flood liable land will apply from 4 June 1992 for the remainder of 1992.*
- m. Council's Environment and Community Services Division will ensure that each park has an approved evacuation plan and means of communication to all tenants.*

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

The following correspondence all form Confidential Attachments to this Agenda:-

1. Correspondence from Patricia Rees dated 26 December 2004 (DW 1139697)
  2. Correspondence from Mr Neville Newell, MP dated 17 December 2004 (DW1137317)
  3. Correspondence from F J & E G Criddle dated 15 December 2004 (DW 1137319)
-

**21 [EC] Tweed Shire Family Day Care - Request for Refund of Council Fees**

**ORIGIN:**

**Environment & Health Services**

**SUMMARY OF REPORT:**

Council has received a request for the refund of development application fees and advertising cost from Tweed Shire Family Day Care as set out below.

Council's Manager Development Assessment advises that in accordance with Council Policy the request shall not be supported.

**RECOMMENDATION:**

That Council declines the request for a refund of development application fees and advertising cost from the Tweed Shire Family Day Care in line with its Policy.

**REPORT:**

Council has received a request for the refund of development application fees and advertising cost from Tweed Shire Family Day Care as set out below.

Council's Manager Development Assessment advises that Council Policy does not allow for approval of such requests.

Accordingly it is recommended that Council advise that they decline this request.

REGISTER



Tweed Shire  
**Family Day Care**

**PO Box 512**  
41 Boyd Street  
Tweed Heads 2485  
Phone: **(07) 5536 1865**  
Fax: (07) 5536 8069  
E-mail: tsfdc@norex.com.au  
*The No.1 choice in childcare*  
*An accredited service*

The General Manager  
Tweed Shire Council  
C/- Geoff Edwards  
Environment and Building Services  
PO Box 816  
Murwillumbah 2484  
16<sup>th</sup> Nov 2004

LN: 24553

TWEED SHIRE COUNCIL	
FILE No.	2004 109 7
DOCUMENT No.	17124399
RECD	23 NOV 2004
ASSIGNED TO	SMITH G.
HARD COPY	<input checked="" type="checkbox"/>
IMAGE	<input type="checkbox"/>

Re Development Application DA 04/0977

RECREATION ST T.H  
WT 1 SECTION Y DP 133066

Dear Geoff,

Following on from our recent development application approval we are now requesting a refund of development application fees and advertising costs previously paid to council. As you are no doubt aware we are a non-profit, non government organization that currently occupies a council owned building in Boyd Street Tweed Heads.

We are endeavoring to fully fund the cost of our new building in Recreation Street however any assistance in terms of fee refunds or otherwise would be greatly appreciated by us and the community within which we serve.

Please advise us of any further action is required by us in order for these fees to be refunded. Alternatively I look forward to hearing from you soon.

Thanking you again for your assistance and support of our project.

Yours Sincerely

  
Warren Jones  
(Management Committee)

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

This request in contrary to Council Policy.

**UNDER SEPARATE COVER:**

Nil.

---



**22 [EC] Funding for Disability Arts Project**

**ORIGIN:**

**Environment & Health Services**

**SUMMARY OF REPORT:**

Council has been advised by the Department of Ageing Disability and Home Care that the \$9,000 grant application for the City of the Arts Disability Arts Project has been successful. The grant was applied for in September.

**RECOMMENDATION:**

That Council:

1. Accepts the offer from the Department of Ageing Disability and Home Care of \$9,000 for the City of the Arts Disability Arts Project.
2. Votes the expenditure of these funds accordingly.
3. All documentation be executed under the Common Seal of Council as requested.

**REPORT:**

As per Summary.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

Nil.

---

**23 [EC] Implementation of Tweed Shire Council Waste Collection and Disposal Strategy**

**ORIGIN:**

**Environment & Health Services**

**SUMMARY OF REPORT:**

Council approved a Waste Collection and Disposal Strategy at its meeting of 18 August 2004. Action 1 for Domestic Services was the implementation of a 50/50 split bin instead of the current 70/30 bin. This new configuration could disadvantage a small number of households and it is recommended that these households not be charged the recycling charge for a second bin if requested.

Action 2 was for the implementation of a voluntary garden waste collection service.

To encourage initial participation it is recommended that a reduced fee to that payable to the Contractor of \$30 per year be charged and this be gradually increased to the full fee after 5 years.

**RECOMMENDATION:**

That Council:

1. Not implement the recycling fee of \$30.00 for a second garbage services where such can be demonstrated to be needed because of the implementation of the 50/50 split bin.
2. Charges a fee of \$30 per year for the garden waste collection service and this fee be gradually increased to the full fee charged by Solo Waste after 5 years.

**REPORT:**

Council at its meeting of 18 August 2004 adopted the Tweed Shire Council Waste Collection and Disposal Strategy.

Action 1 of the Domestic Waste Resource Recovery portion of the strategy is to relocate the bin divider from the existing 70/30 split to a proposed 50/50 garbage/recycling split. This process is scheduled to commence on Monday, 17 January 2005 and will continue for approximately six (6) months until all existing bins are converted.

It is anticipated that there will be a small number of households with a large number of children, who may be disadvantaged by the new 50/50 bin reducing the storage capacity for non-recyclable waste from 160 lt per week to 120 lt per week. These households could be offered a second divided bin at a discounted rate by not charging the recycling service charge of \$30 for the second bin, resulting in a charge of \$84 instead of the usual charge of \$114. Properties requesting this service would be reviewed over time to determine whether they still required the additional service. There are adequate funds in waste reserves to finance this initiative.

Action 2 of the Domestic Waste Resource Recovery portion of the strategy is to implement a voluntary green/garden waste collection service for domestic properties.

To encourage initial participation in this service it is suggested that the service be offered at a reduced rate to that charged by the Contractor of say \$30 per year, with slightly larger annual increments than CPI so that the full cost is recovered after five years. There are adequate funds in waste reserves to finance this initiative.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

Nil.

---

**24 [EC] Storage of Bales of Plastic Stotts Creek Garbage Depot**

**ORIGIN:**

**Environment & Health Services**

**SUMMARY OF REPORT:**

Council has received a request from Global Plastic Recyclers (Aust) Pty Ltd to store bales of plastic at Stotts Creek pending construction of a manufacturing plant to reprocess this material.

The plant if constructed in the Tweed could employ up to 60 staff. The company has offered \$500 per calendar month for permission to store the material at Stotts Creek.

It is recommended that the request be agreed to and the matter reviewed after 12 months.

**RECOMMENDATION:**

That Council enters into an agreement with Global Plastic Recyclers (Aust) Pty Ltd to store bales of plastic at Stotts Creek Garbage Depot at a fee of \$500 per calendar month and the matter be reviewed after 12 months.

**REPORT:**

Council has received a request from Global Plastic Recyclers (Aust) Pty Ltd to store bales of plastic waste at Council's Garbage Depot at Stotts Creek. The company plans to construct a manufacturing plant to process this waste into products such as pallets, sign posts, fencing, picnic tables and the like and is investigating the possibility of constructing the plant within Tweed Shire.

The company has requested an area of 8000m<sup>2</sup> be made available for storage of the bales of plastic and would be prepared to enter into an agreement with Council to pay \$500 per calendar month to store the material at Stotts Creek.

The company hopes to construct the manufacturing plant within the next 12 months and the company is seeking permission to store the bales of plastic at Stotts Creek for a period up to 12 months.

The manufacturing plant if established on the Tweed could employ up to 60 people and therefore it is recommended that Council agree to permit the storage of the bales of plastic for a payment of \$500 per calendar month and the matter be reviewed after 12 months.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

Nil.

---

**25 [EC] Request for "In Kind" Support/Waive Fee**

**ORIGIN:**

**Environment & Health Services**

**SUMMARY OF REPORT:**

Council has received requests from various organisations asking that Council provide in-kind support/waives the fees for room hire. Details of the requests are reproduced in the body of this report.

In accordance with Section 356 of the Local Government Act 1993 - Donations, Council resolved on 6 October 2004 that:-

*"... in future, all donations made by Council, whether in cash or in kind, be made by way of a resolution of Council."*

**RECOMMENDATION:**

That Council:-

1. Agrees to the request of the United Hospital Auxiliary for free use of the South Sea Islander Room each month for 2005.
2. Agrees to the request of Tweed Shire Council's Recreation Services Unit for free use of the Kingscliff Amenities Hall for the public meeting on 16 February 2005.
3. Agrees to the request of the Tweed Community Drug Action Team for free use of the South Sea Islander Room each second Wednesday for 2005.
4. Advises Tweed Economic Development Corporation that any use of Tweed Shire Council's facilities for meetings will attract the relevant Council fee.

**REPORT:**

Council has received requests from various organisations asking that Council provides in-kind support/waives the fees for room hire. Details of the requests are reproduced as follows:-

Organisation	Request	Est \$ Amount	Application Summary	Meet Guidelines?
<b>United Hospital Auxiliaries of NSW</b>	Request for continuation of current arrangements for complimentary use of the South Sea Islander Room for monthly meetings.	\$58.00 per use	The Auxiliary has current use of the South Sea Islander Room to hold monthly meetings. Last year the Auxiliary raised over \$100,000 to provide equipment to the hospital for the benefit of patients.	Yes.
<b>Tweed Shire Council Recreation Services Unit</b>	Free use of Kingscliff Amenities Building	\$74.00	The request is a one-off event for a public meeting to be held 16 February 2005 regarding the draft Plan of Management - SALT Central Park Events	Yes.
<b>Tweed Community Drug Action Team</b>	Free use of the South Sea Islander Room each 2 <sup>nd</sup> Wednesday for meetings.	\$58.00 per use	The TCDAT is an initiative of the Tweed Coolangatta Community Safety Plan and should be supported as part of Council's commitment to the Safety Plan.	No, but should be supported as part of Council's support to the Community Safety Plan.
<b>Tweed Marine Industry Association Inc</b>	Request to have free use of the South Sea Islander Room each month plus other industry-related stakeholder meetings.	\$58.00 per use	Tweed Economic Development Corporation (TEDC) who established this industry group has made this request on the group's behalf.	No. The guidelines were formulated to assist community groups only, not industry/commercial groups. This should not be supported as it could lead to numerous other commercial groups/associations/chambers also requesting free use of these and other Council facilities.



**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Should requests be approved for the waiving of fees for room hire, the income for the meeting room will be impacted by the amount of the fee reduction.

Should requests for "in kind" support be approved, this will impact on the costing of Council's involvement in the activity.

**POLICY IMPLICATIONS:**

In considering this request, reference should be made to:-

Festivals Policy.

Donations Policy.

Guidelines for Fee Reduction, Auditoriums, Meeting Rooms and Halls.

**UNDER SEPARATE COVER:**

1. Correspondence from United Hospital Auxiliaries of NSW Inc (DW 1134034)
  2. Email from Recreation Services Unit (unregistered)
  3. Correspondence from the Tweed Community Drug Action Team (DW 1141197)
  4. Correspondence from Tweed Economic Development Corporation Limited (DW 1138148)
-

THIS  
PAGE  
THIS  
PAGE  
IS  
IS  
BLANK  
BLANK

**26 [EC] Greywater Reuse**

**ORIGIN:**

**Environment & Health Services**

**SUMMARY OF REPORT:**

The reuse of greywater is one method of reducing a household's water consumption commonly termed hydraulic load. The hydraulic load discharged from properties is termed wastewater. Wastewater is defined as the used water arising from domestic activities in dwellings, institutions or commercial facilities consisting of all waste, blackwater or greywater. Blackwater is defined as wastes discharged from the human body either direct to a dry-vault toilet or through a water closet (flush toilet) and/or urinal. Greywater is defined as untreated household wastewater, which has not been contaminated by blackwater (toilet waste).

The greywater component includes water from bathtubs, showers, hand basins, laundry tubs, floor wastes and washing machines. By utilising greywater sourced predominantly from the bathroom and laundry of a domestic residence it can be utilised for re-use. The type of reuse is dependant on level of treatment carried out to the greywater. Primary treatment is in the form of a septic tank, which has no performance standards followed by secondary and tertiary treatment, which require standards to be attained. Reuse includes watering of the gardens, toilet flushing or clothes washing.

The main component of water usage for a domestic residence is garden watering stated as 47% for a typical household. If a greywater system were to be installed especially for domestic reuse, its main function would be solely for garden watering which would aid in decreasing the overall hydraulic load of the property.

Greywater contains oils, fats, detergents, soaps, nutrients, salts and particles of hair, food and lint, all dependant on the source within the house. These components of greywater can impact on the operational performance and life of a greywater system as well as being detrimental to the land application area or disposal site. Greywater can contain pathogenic microorganisms that include bacteria, protozoa, viruses and parasites. Caution must be exercised with greywater reuse to ensure public health is not compromised

In NSW greywater systems comprise both greywater diversion devices and greywater treatment systems. Both require accreditation by NSW Health and approval to install and operate under the Local Government Act, 1993. To gain approval under the Local Government Act 1993 a greywater system must be designed by a suitably qualified person with the land application area sized for the individual household and site conditions. Of concern with greywater reuse is the pathogenic microorganisms that greywater can potentially contain and how these could impact on public and environmental health.

By adopting greywater reuse, one must ask themselves, what do you really want to achieve? If it is a reduction in the hydraulic load from the household, alternative water saving methods are available. An initial step in water reduction could be via the installation of water saving devices (e.g. low flow shower heads, aerators, dual flush toilets, A-rated washing machines and dishwashers etc), followed by good water management (e.g. shorter showers, washing with full loads) and/or a possible rethink of garden layout and species (e.g. natives rather than water loving exotics and mulch garden beds). Saving water in the house can offset water in the garden.

The cost of installing a greywater treatment system, site and treatment standard dependant, can far out way the water savings to the property. As an example a greywater treatment system was installed as a trial in an eco friendly house located on the Gold Coast and monitored for approximately 30 months. The system comprised advanced secondary treatment that provided treated greywater suitable for toilet flushing and above ground garden watering. Capital costs were stated as \$5500 and operating and maintenance costs were \$230/year. Annual water savings were approximately 82kL per year. Savings per year on 82kL are \$90.20 (based on Gold Coast water prices of \$1.10/kL). With the operating costs greater than the annual water saving costs, pay back for the system would never be achieved. Although the above system is an advanced greywater system it demonstrates the need to cost a proposed greywater system for its cost effectiveness.

Greywater systems if properly designed and installed have a role to play in water reduction management, however alternative low cost options are available as initial steps along the road to improved water management and reduction.

**RECOMMENDATION:**

That Council continues to monitor the development of greywater treatment systems for possible future use.

## **REPORT:**

### **INTRODUCTION**

In recent times of drought and water restrictions to parts of Eastern Australia water reduction and water reuse is a major topic of concern. Water storage for capital and regional cities on the east coast are approaching critical levels with low storage capacity of drinking water supplies. With increasing populations and therefore demands on water supply, the potential for water savings through reuse is becoming a serious issue.

Greywater is defined as untreated household wastewater, which has not been contaminated by toilet waste, commonly called blackwater. Greywater reuse is one method of reducing a household's water consumption or generally termed as its hydraulic load. Of concern is how greywater is either diverted or treated on-site followed by disposal to a land application area. In NSW, the State Government run NSW Health Department issues accreditation certificates for greywater diversion and treatment systems. Approvals to install and operate a greywater system are issued by local councils under the Local Government Act 1993.

This paper defines greywater, its composition, available greywater reuse options and identifies alternatives to installing a dedicated greywater system. If the ethos behind installing a greywater system is to be more environmentally friendly or just save water and money, alternative cost effective options are available.

### **GREYWATER DEFINED**

Wastewater is defined as the used water arising from domestic activities in dwellings, institutions or commercial facilities consisting of all waste, greywater, or blackwater (AS/NZS 1547:2000). Once the wastewater undergoes some form of treatment, primary, secondary or tertiary, the resultant output is termed effluent.

Blackwater is defined as wastes discharged from the human body either direct to a dry-vault toilet or through a water closet (flush toilet) and/or urinal (AS/NZS 1547:2000).

Greywater is defined as untreated household wastewater, which has not been contaminated by toilet waste (blackwater). The greywater component includes water from bathtubs, showers, hand basins, laundry tubs, floor wastes and washing machines. Greywater does not normally contain human waste unless laundry tubs or basins are used to rinse soiled clothing or baby's napkins (AS/NZS 1547:2000). It does not include waste flows from the kitchen sinks, garbage disposal units or dishwashers (Emmerson, 1998), which can be heavily contaminated with oils, fats, food scraps and soaps. In this paper the definition of Greywater will include only the component of wastewater originating from bathtubs, showers, hand basins and washing machines.

### **THE HYDRAULIC LOAD OF A TYPICAL HOUSEHOLD**

The hydraulic load of a typical household is dependant on many factors and will vary greatly according to –

- Number of occupants

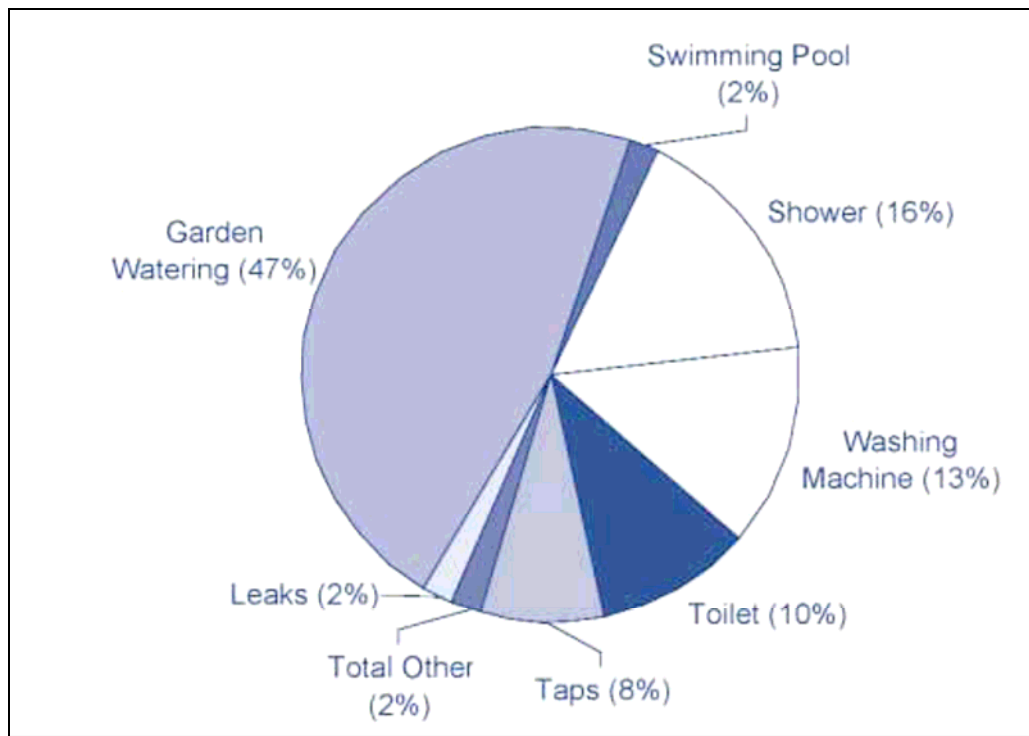
- The age of the occupants (families with young children have an increased load i.e. frequency of washing)
- Health status of occupants
- Lifestyles and water management practices
- The efficiency of water reducing fixtures installed, if any.

The following graph shown in Figure 1 is indicative of typical domestic water usage (hydraulic load) of an average household based on 3.3 persons using approximately 1000 litres per day. This graph represents an average of both reticulated water and tank water supply. It clearly demonstrates that garden watering is the major component of domestic usage with a value of 47%. The third highest activity is washing machine water with a value of 13%. If garden watering could be reduced, eg greywater reuse, the household hydraulic load can be greatly reduced.

### **CHARACTERISTICS OF GREYWATER**

Greywater can contain pathogenic microorganisms that include bacteria, protozoa, viruses and parasites. Caution must be exercised with greywater reuse to ensure public health is not compromised.

Greywater also contains oils, fats, detergents, soaps, nutrients, salts and particles of hair, food and lint, all dependant on the source within the house. These components of greywater can impact on the operational performance and life of a greywater irrigation system as well as being detrimental to the land application area or disposal site. The long-term effects to the land application area include loss of soil structure which directly effects the hydraulic flow rate of the soil (called the long term acceptance rate) and therefore the ability of the soil to accept greywater on a continuous basis. Past experiences have shown that poorly designed greywater systems have resulted in clogging of the soil pores, unpleasant odours, plumbing blockages and require constant maintenance and attention (Western Australia Department of Health. 2002).



**Figure 1: Typical Household Water Usage (Western Australia Department of Health. 2002).**

A clear understanding of any potential health risks, operational problems and environmental impacts are necessary to ensure that only suitably designed greywater treatment systems and land application areas or greywater direct diversion devices are permitted.

There will be a cost to design, install and maintain such greywater reuse systems if they are to protect public health and be environmentally sustainable. Greywater systems must be designed for long term sustainable use.

**GREYWATER COMPOSITION**

As stated previously the greywater streams originate from the bathroom, laundry or kitchen. The following in association with Table 1 provides a breakdown of the individual streams and has been sourced from *Draft Guidelines for the Reuse of Greywater in Western Australia, 2002*.

**Bathroom** (consisting of bath, basin and shower only)

Bathroom greywater potentially can be contaminated with hair, soaps, shampoos, hair dyes, toothpaste, lint, body fats, oils, cleaning products some faecal contamination (and the associated bacteria and viruses) through body washing.

**Laundry**

Laundry greywater varies greatly in quality and quantity from wash water to rinse water. Laundry greywater can also have faecal contamination with the associated bacteria and viruses, lint, oils, greases, chemicals, soaps, nutrients and washing of nappies.

**Kitchen**

Kitchen greywater is grossly polluted with food particles, cooking oils, grease, detergents, and cleaning products. The detergents and cleaning products may be alkaline and contain chemicals that are harmful to soil structure, plants and groundwater. Food particles and fats can solidify and are not readily broken down by soil organisms, this can result in soil structure degradation in the land application area. It is for these reasons that kitchen greywater is not recommended for reuse in all types of greywater systems.

Of concern with greywater reuse is the pathogenic microorganisms that greywater can potentially contain and how these could impact on public and environmental health. The pathogenic microorganisms are generally referred to as thermotolerant coliforms or faecal coliforms which typically grow in the intestine of warm blooded animals (including humans) and are passed in their millions to billions per gram of faeces. A high faecal coliform count indicates a greater risk to public health with an increased chance of human illness and infections developing through contact with the wastewater. Thermotolerant coliforms and are expressed as colony forming units per 100ml or (cfu)/100ml.

Table 1(below) gives a comparison of Faecal Coliforms from various sources of domestic greywater. As a comparison to greywater typical levels of thermotolerant coliforms found in raw sewage are  $10^6$  to  $10^8$  cfu/100ml and septic tanks are  $10^6$  to  $10^{10}$  cfu/100ml.

**Table 1: Comparison of Faecal Coliforms in Domestic Greywater**

SOURCE	FAECAL COLIFORMS(cfu)/100ML			
	Rose et. al. (1991)	Calif. DHS (1990)	Brandes (1978)	Kapisak et.al (1992)
Bathing/Shower	$6 \times 10^3$ cfu	$4 \times 10^5$ MPN	< 10 to $2 \times 10^8$	$6 \times 10^3$ cfu
Laundry Wash Water	126 cfu	$2 \times 10^3$ - $10^7$ MPN		
Laundry Rinse Water	25 cfu			
Kitchen			<10 to $4 \times 10^5$ $9 \times 10^5$	$2 \times 10^9$
Combined Greywater	6 to 80 cfu <sup>A</sup> $1.5 \times 10^3$ cfu <sup>B</sup> $1.8 \times 10^5$ to $8 \times 10^6$ cfu		$8.8 \times 10^{5CD}$ $13 \times 10^{6D}$	$1.73 \times 10^5$

- A- families without children
- B- families with children
- C- other
- D- kitchen and bath only

Source: Western Australia Department of Health, 2002

cfu- colony forming units



MPN- most probable number

The chemical and physical quality of greywater is required to be assessed to determine the likely impacts on soil and vegetation in the land application area as well possible pollution or contamination of groundwater. Table 2 provides a comparison of greywater with raw sewage and demonstrates the variability of parameters. This variability is dependant on many factors as listed above in *Greywater Defined*, as well as other contaminants such as soaps, shampoos and cleaning products.

NSW Health requires specific performance standards to be met before effluent (greywater, blackwater or combination of) can be disposed of either by surface application or 10cm below surface (only for secondary treated) or 300mm below surface (for primary treated). Performance standards from NSW Health are listed below in Table 3. From the performance standards listed in Table 3 and compared to the mean values of greywater it can be seen why greywater can pose a potential health hazard.

**Table 2: Typical Chemical and Physical Properties of Domestic Greywater**

Parameter	Unit	Greywater <sup>a</sup>		Raw Sewage
		Range	Mean	
Suspended Solids	mg/L	45 – 330	115	100 – 500
Turbidity	NTU	22 – >200	100	NA
BOD <sub>5</sub>	mg/L	90 – 290	160	100 – 500
Nitrite	mg/L	<0.1 – 0.8	0.3	1 – 10
Ammonia	mg/L	<1.0 – 25.4	5.3	10 – 30
Total Kjeldahl Nitrogen	mg/L	2.1 – 31.5	12	20 – 80
Total Phosphorous	mg/L	0.6 – 27.3	8	5 – 30
Sulphate	mg/L	7.9 – 110	35	25 – 100
pH		6.6 – 8.7	7.5	6.5 – 8.5
Conductivity	mS/cm	325 – 1140	600	300 – 800
Hardness (Ca & Mg)	mg/L	15 – 55	45	200 – 700
Sodium	mg/L	29 – 230	70	70 – 300

Source: Western Australia Department of Health, 2002

### Treatment Standards

The terms primary, secondary and tertiary treatment refers to the level of physical, biological and chemical treatment applied to the wastewater (all-waste, greywater, or blackwater).

Primary Treatment - is the most basic of treatment and is the separation of suspended material from wastewater by settlement and/or floatation in septic tanks or primary settling chambers. Once treated, the primary treated effluent is discharged to the land application area or further treatment eg secondary treatment. No treatment performance standard is set for primary treatment. Effluent must be disposed of at a soil depth of greater than 300mm in absorption trenches or beds, or evapotranspiration/absorption (eta) trenches or beds

Secondary Treatment - is typically produced by aerobic biological processing and settling or filtering of primary effluent. Effluent following secondary treatment is expected to be reach performance standards of 20 mg/L for 5-day biochemical oxygen demand (BOD<sub>5</sub>) and 30 mg/L for suspended solids (SS). When secondary treated effluent undergoes disinfection by chlorine, ozone or ultra violet (UV) light to reliably reduce faecal coliforms to < 30 per 100ml other forms of disposal options can be utilized. This includes subsurface irrigation or surface irrigation as well as the traditional absorption trenches or beds and evapotranspiration/absorption (eta) trenches or beds. Common forms of secondary treatment are provided by aerated water treatment systems or AWTS. Common AWTS commercial brand names include Biocycle, Taylex, Aqua Nova and GardenMaster. Alternatives to an AWTS include reedbeds or horizontal flow wetlands and sand filters.

Tertiary Treatment - is the treatment of effluent that goes beyond the secondary treatment performance standards. It includes the removal of nutrients such as phosphorus and nitrogen and a high percentage of suspended solids and a further reduction of faecal coliforms.

From the results in Table 2 it demonstrates why greywater is typically more aligned with raw sewage and requires appropriate treatment before disposal. Performance standards required to be met before greywater or any effluent can be surface irrigated or subsurface irrigated are BOD<sub>5</sub> < 20, SS < 30 and thermotolerant coliforms < 30 as listed below in Table 3 (NSW Health Advisory Note 4- 2001). It is demonstrated in Table 2 that the above parameters do not conform to mean values of BOD<sub>5</sub> = 160, SS = 115 and from Table 1, thermotolerant coliforms 6-1500.

**Table 3: Treatment standards and performance requirements required for land application systems**

Land Application System	Waste Material and Waste Management Facility	Treatment Standard Performance Requirement
Sub-soil (> 300 mm depth) <ul style="list-style-type: none"> <li>trenches</li> <li>beds</li> <li>mounds</li> <li>off-site transfer</li> </ul>	Sewage or Greywater Management <ul style="list-style-type: none"> <li>septic tank</li> <li>collection well</li> <li>greywater tank</li> <li>CED pre-treatment tank</li> <li>biolytic filter</li> <li>greywater diversion (no treatment)</li> <li>sewage ejection unit (no treatment)</li> </ul>	Primary treatment to separate solids from liquids. No performance standard.
Irrigation <ul style="list-style-type: none"> <li>sub-surface (300 mm to 100 mm)</li> <li>surface and spray irrigation (&lt; 100 mm to above GL)</li> </ul>	Sewage or Greywater Management <ul style="list-style-type: none"> <li>aerated wastewater treatment system</li> <li>domestic greywater treatment system</li> <li>aerobic sand filter</li> </ul> (which incorporate an active disinfection process)	A secondary treated disinfected effluent to the following standard is required: <ul style="list-style-type: none"> <li>BOD &lt; 20</li> <li>SS &lt; 30</li> <li>T. coli &lt; 30</li> </ul>
Indoor <ul style="list-style-type: none"> <li>toilet flushing</li> <li>washing machine</li> </ul>	Greywater Management only (Sewage may be considered in the future) <ul style="list-style-type: none"> <li>domestic greywater treatment system</li> </ul>	A secondary treated disinfected effluent to the following standard is required: <ul style="list-style-type: none"> <li>BOD &lt; 20</li> <li>SS &lt; 30</li> <li>T. coli &lt; 10</li> </ul>

Source: NSW Health Advisory Note 4- 2001

### GREYWATER SYSTEMS

Under NSW Health guidelines there are two main options for greywater reuse. They include Greywater Diversion Devices and Domestic Greywater Treatment Systems. Whether a Greywater Diversion Device or a Greywater Treatment System is installed a suitable sized and designed land application area is required for the system to operate sustainably and ensure both public health and environmental safeguards are maintained.

#### Greywater Diversion Device

A greywater diversion device does not treat greywater but diverts it, usually to subsurface disposal via eta beds or absorption trenches sized to the individual hydraulic loading of the household. A greywater diversion device does not provide any treatment other than a coarse filtering or screening of greywater for hair, lint and organic matter etc. The filter must be regularly cleaned, maintained and monitored. An inbuilt feature of the greywater diversion device is the automatic bypass or overflow connection to town sewage (if available) if filter is blocked.

The operation of a greywater diversion device requires council approval under Section 68 of the Local Government Act 1993, as it is part of a greywater system, classed as a system of sewage management. A list of NSW Health accredited greywater diversion devices is available at [http://www.health.nsw.gov.au/public-health/ehb/general/wastewater/register\\_grey\\_diversion.pdf](http://www.health.nsw.gov.au/public-health/ehb/general/wastewater/register_grey_diversion.pdf).

### **Greywater Treatment Systems**

A greywater treatment system collects, stores, treats (primary, secondary or tertiary treatment) and may disinfect greywater to the standards specified in the NSW Health Accreditation Guideline (see Table 3 for required performance standards). The most basic greywater treatment system comprises dedicated greywater plumbing from the household feeding to a septic tank followed by disposal of effluent via eta beds or absorption trenches.

A greywater treatment system requires a certificate of accreditation from NSW Health (list available at [http://www.health.nsw.gov.au/publichealth/ehb/general/wastewater/register\\_gts.pdf](http://www.health.nsw.gov.au/publichealth/ehb/general/wastewater/register_gts.pdf)).

The operation of a greywater treatment system requires council approval under Section 68 of the Local Government Act 1993 as it is classed as a system of sewage management.

With local council regulating systems of sewage management that include greywater systems, problems have been identified that affect management of systems. The NSW Recycled Water Working Group established in late 2003 has identified three key areas that have affected the successful implementation of the Septic Safe Program (Update on Greywater Reuse. November 2004).

- Councils are unable to identify, inspect and monitor all systems in their area to ensure these systems meet required performance standards
- Many Councils do not have the resources to enable them to fully comply with the legislation
- Many communities have resisted the implementation of reforms due to costs involved in the regulation.

The above points are a consideration that apply if greywater systems are installed on a large scale within the community. Council officers will be required to ensure systems are operated in accordance with approval conditions and ensure public health and environmental safeguards.

### **PUBLIC HEALTH REQUIREMENTS**

A statement commonly made within industry circles is “the health status of the household is usually reflected in the wastewater produced.” This is generally correct however a healthy household will still excrete pathogenic micro-organisms, which are part of the normal flora of the gut. As stated previously greywater can contain pathogenic microorganisms that include bacteria, protozoa, viruses and parasites contaminated from human and animal excretions from bathing, food preparation and from clothes washing. All forms of greywater are capable of transmitting disease.

Disease can be transmitted via a number of methods listed in *Greywater Reuse in Sewered Single Domestic Premises, April 2000*, that include –

- The faecal-oral route where the greywater may be directly ingested through contaminated hands, or indirectly ingested through contact with contaminated

sources such as grass, soil, toys, garden implements, and diversion or treatment devices while they are being serviced.

- Through inhalation of irrigated spray, by penetration through broken skin, by insect vectors such as flies and cockroaches and vermin vectors such as rats and mice.
- Household pets by tracking and carrying greywater into the home or when petted.
- Ground water contamination and pollution.
- Contaminated drinking water and water used for other domestic purposes.

People and their susceptibility to disease is dependant on their age and their immunity to disease. The young and elderly are generally more susceptible than the general population while some people may pass pathogenic micro-organisms without showing any symptoms (NSW Health, 2000).

*Advisory Note 4*, issued by NSW Health in January 2001(current) was developed to assist regulating authorities and the general public. It states performance standards required for primary, secondary and tertiary treatment systems (that include both black and greywater systems and combinations).

*It states, " In order to protect public health the barrier system is used to separate waste water from people. That is, people must not come into contact with undisinfected wastewater. Pipes, tanks and the soil are used as protective barriers. Effluent (which is sewage that has undergone some form of treatment) which has not been disinfected must be utilised underground in trenches, transpiration beds or mounds at a soil depth of greater than 300mm."*

(NSW Health Advisory Note 4- 2001)

Greywater reuse must be used with caution to prevent transmission of disease. The following points are listed in *Greywater Reuse in Sewered Single Domestic Premises, April 2000*, by NSW Health as a guide to achieve safe reuse. This is a basic list that identifies some basic common sense and good management protocol.

- Minimising human contact with untreated greywater by utilising subsurface disposal;
- Placing barriers between the greywater and people (and their pets) to minimise exposure to greywater;
- Disinfection to an even higher standard for utilisation in toilet and urinal flushing or laundry use i.e. BOD<sub>5</sub> <20, SS<30, T.Coli < 10;
- Sign posting the land application system to avoid warn of contact with that greywater;
- Using a dedicated land application system not used for recreation eg BBQ area
- Not storing greywater unless for treatment;
- Preventing surface ponding or surface run-off of greywater and confining greywater within the disposal area;
- Not disposing greywater during periods of wet weather;
- Identifying plumbing which contains recycled greywater to prevent cross connection to the
- Potable water supply;

- Maintaining a connection to the sewer or on-site management system so as to enable isolation of the land application system;
- Installing a backflow prevention device on the potable water supply when greywater is used for toilet flushing; and
- Not disposing of untreated or treated greywater on edible plants which are consumed raw;

### **ENVIRONMENTAL SAFEGUARDS AND CONSIDERATIONS**

In the operation of an on-site sewage management system that includes greywater treatment systems the following points are considered as negative impacts harmful to the environment and should be avoided. These points are summarised from *Environment and Health protection Guidelines: On-site Sewage Management for Single Households, 1998*.

- By overloading the land application system with nutrients e.g. nitrogen and phosphorus;
- by exceeding the hydraulic loading of the land application system, which will result in runoff of contaminated or polluted waters. This can be detrimental to water quality in stormwater drains, rivers, streams and other downstream properties;
- by raising the water table which may affect foundations of houses and saturating soils to the extent of creating boggy areas and surface ponding;
- by altering the soil salinity;
- by altering the soil permeability;
- by changing the soil pH;
- by altering the soil electrical conductivity;
- by altering the soil sodicity;
- by altering the soil cation exchange capacity;
- by altering the soil phosphorus sorption capacity;
- by altering the soil dispersiveness; and
- by degrading the soil with chemical impurities;

As stated previously a greywater system should be designed by a suitably qualified person. Performance objectives have been applied to ensure all types of on-site sewage management systems do not affect public health or degrade the environment.

Performance objectives over the short and long term: (Department of Local Government (DLG), February 1998)

- Prevention of public health risk;
- Protection of lands;
- Protection of surface waters;
- Protection of ground waters;
- Conservation and reuse of resources; and
- Protection of community amenity.

## REUSE OPTIONS

- By adopting greywater reuse, one must ask themselves, what do you really want to achieve?
- Is it to reduce overall water consumption by greywater reuse, for garden watering or toilet flushing?
- Is it to save money on rates by reducing water usage?
- Is it to keep your garden alive during times of water restrictions?
- Is it to become more environmentally friendly?
- Or is it all of the above and more?

If a reduction in water usage is the primary goal of installing a greywater reuse system, alternative water saving measures are available.

The installation of A-rated household fittings is one of the simplest and the most cost effective way to reduce daily water consumption (BASIX- A-Rated Water Fittings and Appliances, 2004). Household fittings now available with A-ratings include –

- Showerheads
- Toilet suites that include 4.5 litres full flush/3 litres half flush dual systems
- Urinals
- Dishwashers
- Washing machines
- Taps
- Regulators, and
- Aerators

Water consumption may also be reduced using a range of practices such as shorter showers, turning the tap off when cleaning teeth, ensuring that taps do not continuously drip, and using dishwashers and clothes washers only when the load is full and using a broom to sweep rather than the hose and water.

With the installation of water reducing fixtures in combination with a rainwater tank for garden watering or even for toilet flushing, water usage can be greatly reduced.

As demonstrated in Figure 1 the main component of water usage for a domestic house is garden watering at 47%. Toilet flushing is also a large component of the daily hydraulic load at 10%.

Garden watering can be reduced further by –

- Planting native plants or succulents rather than water loving exotics or reducing exotics species in your garden.
- If large lawn or turf areas are not being utilised for recreational purposes the lawn area could be reduced with mulch and native plant species.
- Installing subsurface irrigation to water root zone of plants
- Mulch garden beds to conserve water.

The above management practices could be a more cost effective method of watering gardens, saving water and money and being more environmentally friendly.

It is unlikely that the adoption of individual greywater systems will become widespread unless the systems are economically viable. As an example a greywater treatment system was installed as a trial in an eco friendly house located on Gold Coast, Queensland and studied for approximately 30 months. The system comprised advanced secondary treatment that provided treated greywater suitable for toilet flushing and garden watering. The system operated well and attained high performance standards, however the economic analysis was not so bright. The following analysis was based on Gold Coast water prices of \$1.10/kL when report was carried out in 2003 (Gardner and Millar, 2003).

Capital costs were stated as \$5500 and operating and maintenance costs were \$230/year. Annual water savings were approximately 82kL per year (Gardner and Millar, 2003). Savings per year on 82kL are \$90.20. With the operating costs greater than the annual water saving costs, pay back for the system would never be achieved. Although the above system is an advanced greywater system it demonstrates the need to cost a proposed greywater system for its cost effectiveness or seek alternatives as listed above.

## THE FUTURE

**“All the water that will ever be, is right now”**

National Geographic, October 1993.

(Water, Quotes and Facts. 2004)

In today's climate of being environmentally aware of our actions and effects and the need to conserve resources, reducing water usage in the home is an easy step to take. Greywater reuse is one method of reducing the hydraulic load from a household however good water management with water saving alternatives could be a more cost effective method to achieve a reduction. An initial step in water reduction could be via the installation of water saving devices (e.g. low flow shower heads and aerators), followed by good water management (e.g. shorter showers, washing with full loads) and/or a possible rethink of garden layout and species (e.g. natives rather than water loving exotics and mulch garden beds).

Future housing in NSW must comply with the BASIX Scheme. BASIX is an initiative of the Department of Infrastructure, Planning and Natural Resources and has been developed in consultation with the building industry, local government, other state agencies and utilities (BASIX - Department of Infrastructure, Planning and Natural Resources, 2004). BASIX (the Building Sustainability Index) is a planning tool that measures the potential performance of new residential dwellings against a range of sustainability indices that include Energy, Water, Thermal Comfort, Stormwater, and Landscape. The BASIX ethos is to reduce the environmental impact of these features and create new homes that are more comfortable, cheaper to run and less of a drain on resources.



All new housing outside of Sydney in NSW will be subject of BASIX from 1 July 2005. BASIX will also apply to alterations to existing dwellings from 1 October 2005.

A typical development will meet the target for water conservation if it includes (BASIX - Department of Infrastructure, Planning and Natural Resources, 2004):

- Showerheads and tap fittings with at least a 3A rating;
- Dual flush toilets; and
- A rainwater tank or equivalent communal system of a minimum specified volume, or a connection to an appropriate recycled water supply for outdoor water use and toilet flushing and/or laundry

From the conditions imposed via BASIX water reuse and water reductions will be achieved in all new housing. Retro fitting existing houses to meet BASIX can be achieved easily in some forms, however a dedicated greywater system could prove cost prohibited.

Greywater systems if properly designed and installed have a role to play in water reduction management, however alternative low cost options are available as initial steps along the road to improved water management and reduction. Again, seek alternatives and determine what you want to achieve taking into account the cost effectiveness of the chosen option.

## **CONCLUSION**

Greywater systems if properly designed and installed have a role to play in water reduction management, however alternative low cost options are available as initial steps along the road to improved water management and reduction.

Low cost water saving devices that are relatively easy to install include low flow showerheads, aerators and restrictors and or low flow dishwashers and washing machines. Good water management includes shorter showers, washing with full loads and/or a possible rethink of garden layout and species (eg natives rather than water loving exotics and mulch garden beds). Installation of rainwater tanks to service gardens and possibly toilet flushing or washing machines. It is recommended that council investigate further incentives to encourage ratepayers to install the above fittings to reduce water consumption that provide instant savings to the individual and a reduced load to associated council utilities.

That Council monitor interest and applications for greywater treatment systems to determine if an incentive program is warranted.

## **REFERENCES**

A-Rated Water Fittings-BASIX.2004  
[http://www.basix.nsw.gov.au/information/common/pdf/designguidelines/w04\\_a\\_rated\\_water\\_fittings.pdf](http://www.basix.nsw.gov.au/information/common/pdf/designguidelines/w04_a_rated_water_fittings.pdf) 2.57pm, Monday 22 November

BASIX- Department of Infrastructure, Planning and Natural Resources. 2004

<http://www.basix.nsw.gov.au/information/index.jsp> 2.57pm, Monday 22 November  
Department of Infrastructure, Planning and Natural Resources

Department of Local Government (DLG), February 1998, Environment and Health protection Guidelines: On-site Sewage Management for Single Households

Emmerson, G. 1998. Every Drop is Precious: Greywater as an alternative water source. Research No 4/98. Queensland Parliamentary Library, Publications and Resources Section.

Gardner T. and Millar G., 2003. The Performance of a Greywater system at the Healthy Home in South East Queensland- Three Years of Data. On-site 03. University of New England Press, Armidale, NSW.

Greywater Reuse in Sewered Single Domestic Premises, April 2000.  
NSW Health Department.

Jeppersen, B and Solley, D (1994) "Domestic Greywater Reuse: Overseas Practice and its Applicability to Australia". Research Report No 73. Urban Research Association of Australia, Brisbane City Council.

NSW Health Advisory Note 4- 2001. Effluent Treatment Standard Required for Particular Land Application Systems. NSW Health Department.

Recycled Water –BASIX.2004  
[http://www.basix.nsw.gov.au/information/common/pdf/designguidelines/w03\\_onsite\\_recycled\\_water.pdf](http://www.basix.nsw.gov.au/information/common/pdf/designguidelines/w03_onsite_recycled_water.pdf) 2.57pm, Monday 22 November

Standards Australia and Standards New Zealand. 2000. AS/NZS 1547:2000 On-site domestic wastewater management.

Update on Greywater Reuse. November 2004. Water Management Committee

Water, Quotes and Facts. 2004 <http://jperret.tripod.com/water.html> 2.15pm Monday 22 November.

Western Australia Department of Health. 2002. Draft Guidelines for the Reuse of Greywater in Western Australia, 2002.

#### **LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

Nil.

---

THIS  
PAGE  
IS  
BLANK

THIS  
PAGE  
IS  
BLANK

**27 [EC] Banora Point Multi-Purpose Centre - Appointment of a Management Committee**

**ORIGIN:**

**Environment & Health Services**

**SUMMARY OF REPORT:**

An Expression of Interest was advertised in the Tweed Link – Issue 395 on 14 December 2004, asking for positions on the Management Committee for the Banora Point Multi-Purpose Centre.

This report recommends applicants for a position on the Management Committee. There were seven applicants and following the selection criteria six (6) applicants have been recommended.

**RECOMMENDATION:**

That Council approves:

1. The six (6) nominated applicants as set out below for the position of membership on the Inaugural Banora Point Multi- Purpose Centre:
  - Neil Cranfield Centre Manager for the Salvation Army Community Centre
  - Karen Ford Local resident and Worker with disabilities
  - Tracy McKenzie Local resident. Member Aboriginal Advisory Committee
  - Tara Alvarado Graduate in Diverse Management, Marketing PR and business skills. An interest in Youth activities
  - Ray Tate Banora Point Residents Association. Interest in Senior citizens programs
  - Susan Mackley Local resident. Interest in Community work

## REPORT:

### BACKGROUND

The DCP 3, which came into force in September 1990, included the objectives for a community centre in Banora Point. Following this a separate S94 Contribution Plan No 3 for the centre became effective in 1993.

The implementation period of the Banora Point Community Centre has taken six (6) years following the acquisition of the site in 1998.

In 2001 the Council agreed to the setting up of an Establishment Committee to:

- Provide a broad community input into land use or design issues for the site and buildings
- Prior to opening of the centre, oversee preparation of an establishment work plan for its operation and to manage its initial operation

According to previous records of Council: *"the establishment Committees role would be to work with the design professionals and the community to incorporate designs and ideas into the final design."* (Interdivisional Memo May 2001 [L28R12.DOC]).

The Council further proposed that - an Establishment Worker would be appointed to coordinate the organisations wishing to participate in the Centre and prepare for the setting up of the long-term management structure.

This has led to the appointment of an Establishment Officer in December 2004 with the role to establish a Management Committee. Their Role will be to establish short and long term goals of the Centre and to adopt a Management Plan for the Centre.

### SELECTION CRITERIA

Expressions of Interest were called for in the 14 December 2004 issue of the Tweed Link. The candidates were asked to address the following:

- Your previous experience with community based organisations
- Whether you represent a section of the community that will use the centre
- What skills in communication and management do you bring to the Committee
- What knowledge and experience do you bring that will benefit this new Committee and why would you like to be on the Committee

From this 7 applications were received. These were:

- Neil Cranfield      Centre Manager for the Salvation Army Community Centre.
- Karen Ford          Local resident and Worker with disabilities.
- Tony Baulch          Resident and admin worker for Salvation Army.

- Tracy McKenzie Local resident. Member Aboriginal Advisory Committee.
- Tara Alvarado Graduate in Diverse Management, Marketing PR and business skills. An interest in Youth activities.
- Ray Tate Banora Point Residents Association. Interest in Senior citizens programs.
- Susan Mackley Local resident. Interest in Community work.

The Establishment Officer and Council staff developed the process for selection based on:

- Limit to a Maximum of six (6) people – workable average for Committee structure
- Applicant to be a local resident – ability to represent their community
- Selection of one person per group or entity that is being represented

Given this criteria the selection process identified six (6) people that are the recommended applicants.

- Neil Cranfield Centre Manager for the Salvation Army Community Centre
- Karen Ford Local resident and Worker with disabilities
- Tracy McKenzie Local resident. Member Aboriginal Advisory Committee
- Tara Alvarado Graduate in Diverse Management, Marketing PR and business skills. An interest in Youth activities
- Ray Tate Banora Point Residents Association. Interest in Senior citizens programs
- Susan Mackley Local resident. Interest in Community work

The only applicant identified as not being selected was Mr Tony Baulch. The reason for this was that the previous application of Neil Cranfield had been accepted and as there was a limit of one person per organisation it was decided not to accept Mr Baulch onto the Committee.

#### **FUNCTIONS, ROLES AND RESPONSIBILITIES:**

The function of the new Committee will be to:

- Develop a set of Aims and Objectives for the Management Committee
- Act as a sub Committee of Council
- Agree to a schedule of fees for hiring of rooms
- Agree to conditions of use for the Centre
- Promote and advertise the Centre's availability to potential agencies and organisations that may not be aware of the Centre
- Represent the broader community in equity and access to the use of the Centre
- Develop and adopt policies for Centre Management as required

- Work with Establishment officer to develop a Draft Centre Management Plan
- Make recommendations to Council in relation to the Centre Management structure and operations.

The Roles and responsibilities will be to:

- Appoint a Chairperson and a Minutes Secretary.
- Report to Council any vacancies which occur
- Make recommendations to Council on any new appointments to the Committee.
- Make recommendations to Council on any matters that relate to any changes in the Centre's Operations, Management or expenditure

The Committee will be notified regarding their appointment and confirmation will take place once the recommendation of this report has been approved.

The first meeting date has been set for Friday the 21<sup>st</sup> January at 4.30pm and facilitated by the Establishment Officer

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

Nil.

---



## REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

### [SUB-LTC] Minutes Of The Local Traffic Committee Meeting Held Thursday 16 December 2004

#### FOR THE CONSIDERATION OF COUNCIL:

##### VENUE:

Peter Border Room

##### TIME:

Commencing at 9.00am.

##### PRESENT:

**Committee Members:** Mr Lance Vickery, Mr Mike Baldwin, Roads and Traffic Authority; Sgt Bill Darnell; Snr Const 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; Cr John Murray; Tweed Shire Council.

##### MINUTES OF PREVIOUS MEETING:

**RESOLVED** that the Minutes of the Local Traffic Committee Meeting held Wednesday 18 November 2004 were tabled at the meeting and accepted by the Committee as a true and accurate record of the proceedings.

## SCHEDULE OF OUTSTANDING LOCAL TRAFFIC COMMITTEE ITEMS

#### FOR COUNCILLORS INFORMATION:

Traffic - Committee

1. **Leisure Drive, Frances Street, Banora Point**  
**R3035 Pt3; R2131 Pt2; 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.

---

**11. Queen Street, Murwillumbah  
R4500 Pt1; 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.

---

**From Meeting Held 18 November 2004:**

**2. Parking of Vehicles in Wrong Direction to Way of Travel  
DW1117732; 1117733; Traffic - Committee; Parking Zones; Safety; Local Area  
Traffic Management**

Request received for advice in relation to vehicles parking in the wrong direction to the way they are travelling.

The RTA Representative stated that Road Rule 208 is the regulation governing this. The Committee discussed the issue and the sometimes potential safety implications of this behaviour which basically has no reason. Examples discussed included Glen Ayr Drive and Darlington Drive. The Committee noted that these parking issues should be referred to the Council Ranger for enforcement and requests the Rangers to enforce such breaches for one month and report back to the next Local Traffic committee meeting on infringements issued.

For Council's information.

**Current Status:** To be brought forward to the LTC for meeting in February 2005.

---

**From Meeting Held 18 November 2004:**

**3. Tumbulgum Road, Murwillumbah  
R5570 Pt1; DW1118301; Traffic - Safety; Pedestrian Crossings; School - Mbah East  
Public; Traffic – School Zones**

Request received in relation to Murwillumbah East Primary School students walking to and from the CBD of Murwillumbah via Tumbulgum Road. The following suggestions have been made:-

That:-

1. A pedestrian crossing across Tumbulgum Road would assist the students in more safely crossing Tumbulgum Road.
  2. A guardrail be installed on the curve of the western side of Tumbulgum Road. This is not the School's major walking access but it is reported that many children walk around this corner and are completely hidden from traffic in this area and often push and shove each other.
- 
1. The Committee noted that the site does not meet the RTA requirements for a pedestrian or school crossing. The Committee noted the Principal's concerns however it was noted that sight distance to the north is 381m and to the south 178m and Tumbulgum Road has a speed limit of 50kph. The provision of a pedestrian refuge and/or kerb blisters was considered and the Committee recommended that these devices be investigated and considered in a future pedestrian facilities program. In the short term the Committee recommended the installation of 'Children Crossing' warning signs each side of Reynolds Street on Tumbulgum Road.
  2. In regards to the request for a guardrail around the western footpath between Old Ferry Road and the Council Chambers it was noted that the width between the top of the kerb and the embankment retainer wall is only 1m wide making the installation of a guardrail impossible whilst maintaining the footpath. It was noted that an adequate footpath exists on the eastern side and crossing facilities are provided in the vicinity of the Council Chambers.

The issue of the guard rail or alternative should be referred to Council's Manager of Design to investigate if there are any products or methods available to address the issue.

The matter of a guard rail or alternative between Old Ferry Road and the Council Chambers is to be brought forward for further discussion after the Manager of Design has reviewed the possibilities.

**RECOMMENDATION:**

That 'Children Crossing' warning signs be installed each side of Reynolds Street on Tumbulgum Road

---

**Current Status:** To be brought forward to the LTC for meeting in February 2005.

---

**From Meeting Held 18 November 2004:**

**6. McPhail Avenue, Oceanview, Viking, Sutherland and Gibson Streets, Kingscliff  
R3240 Pt1; R5345 Pt1; R5740 Pt1; DW1116939; Traffic - Committee; Speed Zones;  
Weights of Vehicles; Bridges - Cudgen Creek**

Request received for assistance with the following matters:-

1. The placement of load limits on Viking Street, McPhail Avenue, Sutherland Street and on Cudgen Creek Bridge.
2. It is reported that the 50km/h speed limits are not being adhered to in Kingscliff and police enforcement is requested. More 50km/h speed limit marking on roads is requested as a reminder to motorists.
3. It is suggested that the construction of a roundabout at the McPhail, Oceanview and Gibson Street intersection would assist in slowing down traffic that currently speeds along McPhail Avenue.

The Committee noted that:-

1. The issue of heavy vehicles using these streets was addressed at the last Local Traffic Committee meeting and should be monitored to see if the previously recommended action resolves the problem. Traffic counts previously taken did not indicate a significant problem and therefore a load limit is not supported at this time.
2. In regards to the 50kph speed limit traffic count data does not indicate a significant problem. However Police will target this area when resources are available.
3. The intersection of Gibson Street and McPhail Avenue does not have a significant crash history and does not justify a roundabout at this intersection. It is noted that such a device would assist in reducing traffic speed however no Council funding exists for such a project at this time.

Heavy vehicle usage (item 1) is to be monitored and further action taken if necessary. For review at the Local Traffic Committee meeting of March 2005. This item was reviewed at the LTC meeting held on 16 December 2004 (see below).

For Council's information.

**Current Status:** To be brought forward to the LTC for meeting in March 2005. Reviewed at the LTC meeting held on 16 December 2004 (see below)

---

**BUSINESS ARISING:**

**From Meeting Held 16 September 2004:**

**5. Disability Access Advisory Committee Issues – Powell Street  
DW1086633; 1089259; 1090812; R4430 Pt1; Disability Access Committee; Traffic -  
Pedestrian Crossings; Hospital - Tweed Heads; Parking Zones;**

Item 2 from the meeting held 16 September 2004 is brought forward and reproduced as follows:-

*"2. Powell Street pedestrian crossing required for access to the Hospital. Mr McKennariey noted that the hospital has improved their facilities and services. Because of parking problems people are walking further distances to access the Hospital. There are 2 bus stops in Powell Street and it is requested that the crossing be located south of those bus stops to access the main part of the Hospital. The Chairman advised that there could be problems with south of the bus stops as the new bus shelters would have to be removed. Mr McKennariey acknowledged this. Noted that wheelchairs cannot get off the pavement to cross Powell Street and clear vision is difficult to cross the road even for pedestrians because of the consistency of vehicle usage. A pedestrian crossing would assist pedestrians crossing with the extra area for no parking. Cr Murray suggested that this does require further investigation.*

*The Committee decided that items 2 and 3 be investigated further to determine whether the sites comply with RTA standards for pedestrian crossings and to determine if any other facilities are required such as additional pram ramps."*

The Road Safety Officer advised that this location does not meet the warrants for a pedestrian crossing on Powell Street but that ramps should be installed funded through the PAMPS Program.

For Council's information.

---

**Item from Meeting held 21 October 2004**

**3. Solander Street, Tweed Heads**

**R5120 Pt1; DW1090104; Bus Service - Stops; DW1126141**

Item 3 from the meeting held 21 October 2004 is brought forward and reproduced as follows:-

*"Request received for the installation of a bus stop on the south side of Solander Street opposite the hospital to alleviate parking problems due to the bus stop post being knocked over and removed. Advice received from the RTA states:*

*"For bus stops if the operator is operating a hail and ride system they do not need formal bus stops the operator merely needs to follow DoT guidelines which includes the need for the bus driver to be satisfied that where he stops is safe. This type of bus stop is not approved.*

*Normal practice where a formal bus stop is required is for the bus operator to nominate a site (note the operator must install at their own cost bus stop signs at each approved site).*

*Each nominated site should be considered by the Traffic Committee prior to gaining approval.*

*The parking restrictions that apply to an approved bus stop are 20m on the approach and 10m on departure, ARR 195."*

**RECOMMENDATION:**

*That Council advises Surfside Bus Lines that a bus stop on the south side of Solander Street opposite the Tweed Heads Hospital has been approved and accordingly Surfside is requested to install a standard bus stop post at the location."*

The Committee noted that Solander Street has many parked cars and agreed to the installation of a bus zone.

The Committee discussed the possibility of pay parking in the Hospital car park that is reserved for night staff.

**RECOMMENDATION:**

That a bus zone be installed on the south side of Solander Street between Banks Avenue and Buchan Avenue, Tweed Heads.

---

**Item from Meeting held 18/11/04**

**6. McPhail Avenue, Oceanview and Gibson Streets, Kingscliff  
R3240 Pt1; R5345 Pt1; R5740 Pt1; DW1116939; Traffic - Committee; Speed Zones;  
Weights of Vehicles; Bridges - Cudgen Creek**

The following item was discussed at the meeting held 18 November 2004 (item 6) and is reproduced as follows:-

*"Request received for assistance with the following matters:-*

- 1. The placement of load limits on Viking Street, McPhail Avenue, Sutherland Street and on Cudgen Creek Bridge.*
- 2. It is reported that the 50km/h speed limits are not being adhered to in Kingscliff and police enforcement is requested. More 50km/h speed limit marking on roads is requested as a reminder to motorists.*
- 3. It is suggested that the construction of a roundabout at the McPhail, Oceanview and Gibson Street intersection would assist in slowing down traffic that currently speeds along McPhail Avenue.*

*The Committee noted that:-*

- 1. The issue of heavy vehicles using these streets was addressed at the last Local Traffic Committee meeting and should be monitored to see if the previously recommended action resolves the problem. Traffic counts previously taken did not indicate a significant problem and therefore a load limit is not supported at this time.*
- 2. In regards to the 50kph speed limit traffic count data does not indicate a significant problem. However Police will target this area when resources are available.*
- 3. The intersection of Gibson Street and McPhail Avenue does not have a significant crash history and does not justify a roundabout at this intersection. It is noted that such a device would assist in reducing traffic speed however no Council funding exists for such a project at this time.*

*Heavy vehicle usage (item 1) is to be monitored and further action taken if necessary. For review at the Local Traffic Committee meeting of March 2005.*

*For Council's information."*

The Road Safety Officer advised that speed surveys have been carried out. The Committee noted that the 85<sup>th</sup> percentile is 62kph in front of no. 22 McPhail Avenue. Average daily traffic is 2,200 vehicles per day. In 1998 average daily traffic was 2,800. Therefore 22% of all vehicles are travelling above 60kph. 4.5% of all vehicles are heavy vehicles and only 1% of heavy vehicles are travelling above 60kph.

To assist the Police in any future enforcement of the area the Committee agreed that even though not required by law that 50kph reminder signs in both directions be provided on McPhail Avenue at an appropriate location.

For Council's information.

---

**GENERAL BUSINESS:**

**PART A**

**1. Burringbar Road, Burringbar**

**R0860 Pt1; DW1123915; Bridges - Burringbar; Safety**

Request received for the provision of a "Give Way" sign at one end of "BK Farms Bridge" on Burringbar Road, Burringbar as this is a one lane bridge.

The Committee agreed to the installation of a "Give Way" sign on the eastern approach to the bridge subject to the checking of sight distances.

**RECOMMENDATION:**

That a "Give Way" sign be installed on the eastern approach to the BK Farms Bridge on Burringbar Road, Burringbar for westbound vehicles, subject to the checking of sight distances

---

**2. Tumbulgum Road, Murwillumbah (Civic Centre Parking)**

**R5570 Pt1; DW1127769; Traffic - Parking Zones;  
Murwillumbah – Civic Centre**

Request received for 5 minute parking near the administration offices at the Civic Centre Murwillumbah to enable quick bill paying, especially to assist the elderly.

Advice has been received from the Environment & Health Services Unit that this is location is used for access to the library and other Council business, therefore a minimum of ½ hour is required.



The Committee took advice from the Building Manager which did not support reducing the current ½ hour parking.

For Council's information.

---

**3. Darlington Drive and Woodlands Drive, Banora Point  
R1540 Pt3; DW1124383; Traffic - Roundabouts**

Request received for Local Traffic Committee assistance in relation to the roundabout at Darlington and Woodlands Drive, Banora Point. It is reported that in the last six months two cars travelling east have made right hand turns into Woodlands Drive at high speed, swerved to the wrong side of the round, mounted the footpath and destroyed gardening and fences.

The Committee did not consider the suggested solution by the complainant to be appropriate. However it was noted that the approach splitter island is only painted which may enable cars that are using excessive speed to enter from the incorrect side of the road. To improve this situation the Committee recommends the installation of raised rumble bars to ensure vehicles enter the roundabout from the correct lane and the situation be monitored.

**RECOMMENDATION:**

That rumble bars be installed on the splitter islands at the intersection of Darlington Drive and Woodlands Drive.

---

**4. Scenic Drive and Simpsons Drive, Bilambil Heights  
R4930 Pt3; R5050 Pt1; DW1120530; Traffic – Roundabouts;  
Footpath – Request For**

Request received for:-

1. The installation of a roundabout at the intersection of Scenic Drive and Simpson Drive, Bilambil Heights.
2. The provision of a footpath at the Bilambil village to assist mothers with prams and the elderly (approx 200m).

The Committee agreed that subject to the design complying with all relevant design standards and funding sources a roundabout could be installed at this location. Funding has been sought under the Federal Black Spots Program however crash criteria has not been met.

The Committee suggested that the location be submitted to the Roads and Traffic Authority for State Black Spots funding.

---

The provision of a footpath at the Bilambil Village will be listed in the PAMPS Program for 2005.

For Council's information.

---

**5. Tweed Valley Way, Chinderah (Melaleuca Station)**

**R4031 Pt19; Traffic - Safety; DW1136529**

Late agenda item. The Police Representatives raised the concern of possible rear end collisions with vehicles travelling south waiting to make a right hand turn over the Highway near Melaleuca Station. It is also suggested that road markings be installed together with raised cats eyes to highlight that vehicles may be waiting to make right hand turns.

Council will negotiate with the Roads and Traffic Authority regarding appropriate treatments opposite Melaleuca Station.

For Council's information.

---

**6. North Arm Road, Murwillumbah**

**R3740 Pt2; Traffic - Safety**

Late agenda item. Mr Newell raised concerns on North Arm Road that there has been concrete edging installed. Council will investigate and pursue rectification to ensure any works in the vicinity comply with relevant standards.

For Council's information.

---

**7. Florence Street, Tweed Heads**

**R2100 Pt2; Bus Services – Stops; DW1120141**

Late Agenda item. The installation of a bus zone was discussed for Florence Street. The Committee agreed that a bus zone be installed on the south side of Florence Street adjacent to the Bowls Club.

**RECOMMENDATION:**

That a bus zone be installed on the south side of Florence Street, east of the entry to the Bowls Club.

---

**PART B**

Nil

**NEXT MEETING:**

The next meeting of the Local Traffic Committee will be held 17 February 2005 in the Peter Border Room commencing at 9.00am.

The meeting closed at 10:45am

---

**DIRECTOR'S COMMENTS:**

Nil.

**DIRECTOR'S RECOMMENDATIONS:**

**Business Arising:**

3. **Solander Street, Tweed Heads**  
**R5120 Pt1; DW1090104; Bus Service - Stops; DW1126141**

As per Committee's recommendation.

**General Business:**

**PART A**

1. **Burringbar Road, Burringbar**  
**R0860 Pt1; DW1123915; Bridges - Burringbar; Safety**

As per Committee's recommendation.

3. **Darlington Drive and Woodlands Drive, Banora Point**  
**R1540 Pt3; DW1124383; Traffic - Roundabouts**

As per Committee's recommendation.

7. **Florence Street, Tweed Heads**  
**R2100 Pt2; Bus Services – Stops; DW1120141**

As per Committee's recommendation.

---

THIS  
PAGE  
THIS  
PAGE  
IS  
IS  
BLANK  
BLANK

**[SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 8 December 2004**

**FOR THE CONSIDERATION OF COUNCIL:**

**VENUE:**

Canvas & Kettle Meeting Room, Murwillumbah Civic Centre

**TIME:**

9.30am.

**PRESENT:**

Cr H James (Chair), Cr M Boyd, R James (Caldera Environment Centre); R Hagley (DIPNR); R Berger (Tweed Charter Operators Assoc); H Christopher (Bilambil Heights Progress Assoc); C Masters (Tweed Landcare Inc); B Pearce (for G Edwards); J Lofthouse, T Alletson, D Oxenham, (Tweed Shire Council).

**INFORMAL:**

Susan Davidson (Minutes Secretary); Sam Dawson (Student).

**APOLOGIES:**

Cr W Polglase (Mayor), Cr L Beck, G Judge (Tweed Shire Council); N Newell (State Member for Tweed); D Gray (Ecoroc), N Greenup (National Parks and Wildlife Service); R Quirk (Tweed River Advisory Committee & NSW Cane Growers' Association).

---

Chair Cr Henry James welcomed Robert Berger from the Tweed Charter Operators Association to the Committee.

---

**MINUTES OF PREVIOUS MEETING:**

Cr Max Boyd requested an update on the Boating Plan of Management. He requested an attachment to the Minutes of the previous meeting, this being to record the recommendation from the subcommittee that dealt with the draft Tweed Boating Plan of Management. It was requested by Claire Masters that correspondence inwards from Tweed Landcare Group regarding the boating plan of management also be attached. Dataworks numbers 1137766 and 1113759.

**Moved:** Cr Max Boyd

**Seconded:** Claire Masters

**RESOLVED** that the Minutes of Meeting held Wednesday 13 October 2004 be accepted as a true and accurate record of the proceedings of that meeting with the

exception that Item 7 Tweed River Boating Plan of Management have the following items included as attachments. Document no. 1137766, submission from Tweed Landcare Inc. and document no. 1113759 Council report "Draft Tweed Estuary Boating Plan of Management" of meeting 3 November 2004.

---

**BUSINESS ARISING:**

**Item from Meeting held 13 October 2004**

**7. Tweed River Boating Plan of Management  
Estuary Management; Master Boating Plan**

Amendment to minutes from meeting held Wednesday 13 October 2004 to record recommendation to Council from the Tweed River Committee on the Boating Plan of Management (Document no. 1113759). Also to record a submission from Tweed Landcare Inc in correspondence inwards regarding a bank management plan (Document no. 1137766).

---

**Item from Meeting held 13 October 2004**

**1. Gold Coast Airport**

**Pollution - Water**

Brad Pearce advised the Committee that the Gold Coast City Council (GCCC) has released a report to Manager Environment and Health, Geoff Edwards, detailing the results from groundwater monitoring studies relating to the Tugun Landfill. The information cannot be released to the Committee due to its confidentiality.

Brad Pearce advised that to his knowledge none of the results contained within the report were of significant concern. Parameters tested were typical leachate parameters such as Nutrients, pH, metals. GCCC has agreed to release continuing data as confidential information to Council Staff only.

Cr Boyd asked the question as to why the confidentiality if the results were not of concern. Cr Boyd noted there have been reports of black liquid oozing from the drains into the Cobaki Broadwater from an airport drain.

Cr Boyd suggested the Committee should undertake its own monitoring at the end of the drains.

David Oxenham advised that monitoring points could be established depending on access to the areas. Most reserves are owned by the Department of Lands and Council would require permission from the Department before groundwater monitoring points could be established.

---

Henry James noted that monitoring would have to be designed around the proposed Tugun bypass development footprint.

**Moved:** Cr Max Boyd

**Seconded:** Rhonda James

**RESOLVED** that staff prepare a report that considers the cost, parameters, sites and timing of water quality monitoring as required to most appropriately detect any possible leachate from the Tugun Landfill and/or Gold Coast Airport that may impact on the Cobaki Broadwater.

---

#### **Item from Meeting held 13 October 2004**

##### **2. Stotts Channel**

Council's surveyors will be undertaking this work in early January. Results will be available for the February 2005 meeting.

##### **Stotts Channel Vegetation Management Plan**

Council's Environmental Scientist will be finalising the application to clear mangroves in accordance with the agreed management plan by the end of December.

---

#### **Item from Meeting held 13 October 2004**

##### **4. Oxley Cove East - Preparation of Management and Rehabilitation Plan Riverbank Erosion; Oxley Cove; Riparian Projects**

Tom Alletson has finalised the consultant brief to prepare a management plan for the area of open space adjacent to Oxley Cove Canal Estate. The brief will be sent to four consultancies and submissions close at the end of January.

Erosion control work has been undertaken on River Road and on the downstream side of the canal entrance.

Harry Christopher noted that locals are happy with the results of erosion control works.

Jane Lofthouse advised that a boom had been considered to prevent flood debris from entering the Oxley Cove canal system. Following further investigations and discussions with staff from Gold Coast City Council, where a similar system has been trialled, it was established that this approach would be ineffective under flood conditions. The alternative approach to manage this problem is to allocate a team (including hire of a suitable flat bottomed barge) to clean up the flood debris as required.

---

**AGENDA ITEMS:**

**CORRESPONDENCE IN:**

**1. DIPNR - Departmental Representative**

**Tweed River Committee**

Letter received advising that Richard Hagley will be DIPNR's Committee representative.

---

**2. DEC - Departmental Representative**

**Tweed River Committee**

Letter received advising that Nigel Greenup will be DEC's Committee representative with Lance Tarvey as alternative.

---

**3. Department of Lands - Departmental Representative**

**Tweed River Committee**

Letter received advising that Kersten Tuckey will be the Department of Lands Committee representative.

---

**4. Recreational Boating Development Plan**

**Boating**

Helmut Ranger, Department of Lands, has provided Council with a copy of a brief for a Recreational Boating Development Plan, a study/planning concept being embraced by several Councils on the north coast.

Ballina Shire Council has recently sent out a brief for this plan incorporating issues such as:

- Mooring areas
- Existing and future public wharves and jetty sites
- Refuelling centres
- Provisioning
- Vessel sewage pump-out facilities and solid waste reception
- Existing and future boat launching ramps and attendant facilities (ie car-trailer parking, boarding jetties, amenities, waste receptacles, lighting, riverbank treatment).
- Marine service centres and chandleries
- Slipways and hardstands
- Marina sites



- Marine precincts.

It was noted that Tweed River Committee could include the following issue as raised in the formulation of the submission to the Draft Tweed Boating Plan of Management:

- Carrying capacity of reaches of river and strategies to maintain capacity.

Proposals received by Ballina Shire Council were under the \$30,000 allocated budget. Jane advised this could be considered to be an extension of the Boating Plan of Management in that this Plan would cover infrastructure and development issues relevant to Council, not addressed in the NSW Maritime Authority Plan. An allocation for this Plan could be considered for the 2005/06 works program.

Robert Berger advised the Tweed Marine Industry Association was formed a couple of months ago with its first main objective to get the Tweed slipway repaired and operational.

Robert Berger noted that the Tweed Boating Plan of Management did not consider shore-based facilities so the new study would be useful.

The Committee resolved to include an allocation for a Recreational Boating Management and Development Plan in the 2005/2006 budget.

Jane Lofthouse to circulate the provided Recreational Boating Plan brief for comment.

---

## 5. Department of Environment and Conservation – NPWS, RAMSAR Nomination for Cobaki Broadwater

### Cobaki Broadwater; Wetlands

Correspondence has been received from John Allen from the Department of Environment and Conservation (DEC) who reports that DEC are examining multiple sites for potential RAMSAR designation, including Cobaki Broadwater for listing either individually or as part of a network of interlinked sites.

The Department has requested that the Tweed River Committee write to the Director-General DEC should the Committee and Council wish to support Ramsar nomination of Cobaki Broadwater.

**Moved:** Rhonda James

**Seconded:** Cr Max Boyd

**RESOLVED** that a letter supporting the nomination of Cobaki Broadwater as a Ramsar site be sent to the Director General of the Department of Environment and Conservation and the Director-General of the Commonwealth Department of Environment and Heritage.

**RECOMMENDATION:**

That Council send a letter supporting the nomination of Cobaki Broadwater as a Ramsar site to the Director-General of the Department of Environment and Conservation and the Director-General of the Commonwealth Department of Environment and Heritage.

---

**CORRESPONDENCE OUT:**

**1. Submission to the Draft Tweed Boating Plan of Management (attached)**  
**Boating**

The Committee was disappointed that the recommendations from the Sub-Committee on the Draft Boating Plan of Management were not represented in the resolution from Council.

Cr Max Boyd made the comment that a lot of emphasis has been placed on the users of the river and very little consideration for those living beside the river.

---

**GENERAL BUSINESS:**

**1. Oral Ecological History of the Tweed Valley - Sam Dawson**  
**Tweed River Committee**

Sam Dawson from Euengella has undertaken an oral history study on the ecology of the Oxley River as an Honours project with Southern Cross University. Sam would like to expand this work to create a comprehensive chronicle of environmental change within the Tweed Valley by collecting and analysing the oral records of long term residents and descendants of pioneer families. Information will be collected on a diverse range of topics but particular emphasis will be placed on the rivers and creeks in the area. Sam presented an overview of his previous work and sought input from the Committee on how future investigations could assist with its work.

The Committee asked Sam to contact Tom Alletson once he had finalised his Honours work and was ready to go through the findings and outcomes and see what assistance Council may provide to assist his project.

11.30am Rhonda James left the meeting.

---

**2. Fingal Wetland Conservation Project - Update**

**Fingal Peninsula, Wetlands**

Stage 2 of the Fingal Wetland Conservation Project has recently commenced. A summary of Stage 1 results and aims for the next six months was presented.

---

**3. Tweed River Festival 2004 Report and Festival 2005**

**Tweed River Festival**

The festival was again highly successful with good attendance at most of the events. A report will be sent to Committee members when completed.

There had been some discussion on the length of the festival (6 days). Activities were held every day this year, and all of these events were well attended. Events that were organised by others and held outside the "week" were still promoted as part of the Festival (Tweed River Swim Classic, Dragon Boat Race Day).

It is proposed that in 2005, the Committee and Council consider naming November as "Tweed River Month" so that any river related events during this month can be promoted and Council can hold wetland walks and other educational events throughout the month. The actual "Tweed River Festival" would be held over one weekend (25 to 27 November 2005 - subject to tides) with the River Forum or similar on Friday, tree planting, Classic Boat Regatta (subject to the organisers concurrence) and possibly a musical event in the evening on the Saturday and main festival day on the Sunday.

This will require the same resources but will focus attention on the main weekend whilst still promoting the overall theme for one month. It would enable things like community and school participation (e.g. poster comps, educational talks and activities) to be spread across a whole month.

It was suggested that it would be beneficial to conduct more educational and informational events on the main festival day with a range of speakers and displays.

---

**4. Tweed River Committee Meeting Schedule 2005**

**Tweed River Committee**

There has been some discussion on the adequacy of two monthly meetings and whether a greater frequency (e.g. six weekly) is required. The Committee discussed the meeting schedule and decided if extra meetings were required they would be organised as needed.

The meeting schedule for 2005 is as follows:

WEDNESDAY 9 FEBRUARY  
WEDNESDAY 13 APRIL

---

WEDNESDAY 8 JUNE  
WEDNESDAY 10 AUGUST  
WEDNESDAY 12 OCTOBER  
WEDNESDAY 14 DECEMBER

VENUE: CANVAS AND KETTLE MEETING ROOM, MURWILLUMBAH  
CIVIC CENTRE at 9:00a.m.

---

## **5. Tweed Shire Vegetation Management Strategy**

### **Vegetation Management Plan**

Currently on exhibition is an amendment to the LEP and Draft Development Control Plan 40 with the aim to improve the level of protection for vegetation on private land. Cr Henry James is a member of the vegetation management committee and gave an overview of the process and plan content.

Jane Lofthouse will send a copy of A New Approach to Bushland Management Strategy brochure (a summary document) to Committee members.

Tom Alletson is to prepare a submission on the LEP amendment on behalf of the Tweed River Committee.

---

## **6. Location Markers Along River**

### **Boating**

Robert Berger raised the issue of identification signs for locations along the Tweed River, for example mileage and location signs. He noted that non-locals using the river sometimes did not know where they were. It was felt that this service could be considered in a Recreational Boating Development Plan as discussed earlier in the meeting.

---

### **NEXT MEETING:**

The next meeting of the Committee is to be held on 9 February 2005 at the Canvas & Kettle Meeting Room commencing at 9.00am.

The meeting closed at 12.50pm.

---

**DIRECTOR'S COMMENTS:**

Nil.

**DIRECTOR'S RECOMMENDATIONS:**

- 5. Department of Environment and Conservation – NPWS, RAMSAR Nomination for Cobaki Broadwater**

As per Committee's Recommendations.

---

THIS  
PAGE  
IS  
BLANK

THIS  
PAGE  
IS  
BLANK

**[SUB-TAC] Minutes of the Tweed Shire Council Disability Access Committee  
Meeting held Thursday, 16 December 2004**

**FOR THE CONSIDERATION OF COUNCIL:**

**VENUE:**

Buchanan Room, Buchanan Street, Murwillumbah

**TIME:**

1.15 p.m.

**PRESENT:**

Cr Max Boyd, Cr Barbara Carroll, Maggie Groff, Ross Cameron, Ron Douglas, Stephen Pollitt, Stefan Zak, Una Cowdroy, Vic Sparks, Graham Williams, Milena Morrow, Pam Veness (Minutes)

**APOLOGIES:**

Gail Martin, Jeff Needham

**Moved:** Cr M Boyd

**Seconded:** Stephen Pollitt

**RESOLVED** that the Apologies be accepted.

**CARRIED**

---

The Chair of the Committee, Bill McKennariey, has tendered his resignation. In the circumstances, a new election of Chair and Vice-Chair was deemed necessary.

**Election of Chair:**

Milena Morrow was nominated by Una Cowdroy. Ms Morrow accepted the nomination. Stephen Pollitt was nominated by Ron Douglas. Mr Pollitt declined the nomination. Ron Douglas was nominated by Stephen Pollitt. Mr Douglas accepted the nomination. The vote resulted in a tie. Mr Douglas was elected after a draw from the bucket.

**Election of Vice Chair:**

Una Cowdroy was nominated by Milena Morrow. Mrs Cowdroy declined the nomination. Milena Morrow was nominated by Stefan Zak. Ms Morrow accepted the nomination. Stephen Pollitt was nominated by Ron Douglas. Mr Pollitt accepted the nomination. The vote resulted in a tie. Ms Morrow was elected after a draw from the bucket.

---

**MINUTES OF PREVIOUS MEETING:**

**Moved:** Stefan Zak

**Seconded:** Milena Morrow

**RESOLVED** that the Minutes of the Tweed Shire Council Disability Access Committee Meeting held Thursday 21 October 2004 be accepted as a true and accurate record of the proceedings of that meeting.

**CARRIED**

**BUSINESS ARISING:**

***Business Arising from Meeting held 21 October 2004***

**9. Mobility Map**

The Manager of Environment and Health Services has advised the Access Committee budget can be utilised to fund a consultant to oversee the preparation of a Tweed Mobility Map.

**Moved:** Cr M Boyd

**Seconded:** Una Cowdroy

**RESOLVED** that Maggie Groff contact the appropriate agencies to ascertain the budget required to oversee the project.

**CARRIED**

---

**14. Pottsville Post Office**

Mr Cameron reported there had been no response to his letter to the building owner. Discussion was held on the potential for action to be taken by an individual under the Anti-Discrimination Act. A decision was made that Mr Cameron will send a follow-up letter.

---

**15. Murwillumbah Railway Station**

Awaiting response from the Local Traffic Committee.

---

**6. Pedestrian Crossing – The Tweed Hospital**

Awaiting response from the Local Traffic Committee.

---

**3. International Day of People with a Disability 2004 (IDOPWD)**

The Committee was advised that the Mini Sports Day held at the Salvation Army Centre at Banora Point was a great success. Richard Hardaker of the Centre was extremely helpful and the venue was ideal for the event.



Mr Douglas commended The Working Party and helpers on behalf of the Committee.

---

## 6. Access to Library - Civic Centre Tweed Heads

The Committee was advised that signs stating "Not Suitable for Motorised Scooters" will be installed to advise medical scooter operators that the ramps are not suitable.

The possibility of building a straight section running off the pathway to accommodate scooters was discussed.

**Moved:** Cr M Boyd

**Seconded:** Stephen Pollitt

### **RECOMMENDATION:**

That Council consider modification of the ramp at Tweed Civic Centre to allow access directly from the footpath.

**CARRIED**

---

## 7. Kennedy Drive - Boyd's Bay Bridge

Council has requested Country Energy to relocate the poles between Second Avenue and Boyds Bay Bridge that impede pedestrian access. The Committee expressed their opinion that the safety of pedestrians is a major concern and requested Maggie Groff to pursue this problem.

---

### **General Business from Meeting held 21 October 2004**

#### 1. Disability Parking Signage - Murwillumbah Bowls Club

The signage has been reinstated. No further action is required.

---

#### 2. Illegal Parking - Powell Street, Tweed Heads

The Committee decided that Maggie Groff write to the Traffic Committee.

---

## 6. Tweed Valley Way, Murwillumbah South

The following is an extract from the Ordinary Council meeting on 17 November 2004:

*"RESOLVED that the matter be referred to the Director Engineering & Operations for investigation and advice back to Council and the Committee."*

---

## 7. Footpath Access - Kennedy Drive

Ms Groff advised that Engineering has listed this section of footpath to be renewed.

---

## 9. Tumbulgum Road, Murwillumbah

Ms Groff advised that the correspondence regarding this has been forwarded to the Traffic and Transport Engineer Paul Morgan for consideration. On a recommendation by the Local Traffic Committee, Council resolved on 1 December 2004 to provide "Children Crossing" signs on Tumbulgum Road, either side of Reynolds Street.

**Moved:** Cr M Boyd

**Seconded:** Una Cowdroy

### **RECOMMENDATION:**

That Council review the Tumbulgum Road precinct and explore alternate possibilities to improve the safety of road and pedestrian traffic, including lighting, and the suitability of the boardwalk for disabled access.

**CARRIED**

---

## 10. Murwillumbah Post Office

Mr Williams advised that the Telstra pit and cover has been repaired. No further action is required.

---

## 11. Disabled Toilet - Knox Park, Murwillumbah

Maggie Groff was requested to liaise with Peter Ainsworth regarding the location and upgrading of disability toilets.

Discussion was held regarding the possibility of a Work for the Dole project to complete murals for the inside of toilet blocks, to curb vandalism and graffiti.

---

## 13. Illegal Parking - Tweed Shire

The Regulatory Services Co-ordinator has advised that Police are still authorised to attend in such matters however they are limited by resources and have indicated that Council Parking Officers and Rangers should attend in these cases.

---

**CORRESPONDENCE:**

**Inwards:**

**1. Bill McKennariey**

Letter of resignation from Committee.

**2. Janet Hadson**

Letter of resignation from Committee

**Moved:** Stephen Pollitt

**Seconded:** Milena Morrow

**RESOLVED** that the resignation of Bill McKennariey and Janet Hadson be accepted and that a letter of thanks be sent to Janet Hadson.

**CARRIED**

**3. Blind Citizens Australia**

Limited access on footpath at Leisure Drive, Banora Point, due to lampposts and electrical installation in middle of footpath, compounded by hedges, drains and conduit.

Ms Groff will request Recreation Services to trim hedges, and refer relocation of lamp posts to Paul Morgan. Mr Williams will also investigate.

**Moved:** Cr M Boyd

**Seconded:** Stephen Pollitt

**RESOLVED** that the Committee express its grave concern to Council at the disregard by organisations for the safety of pedestrians, especially people with a disability, when placing poles and installations that occupy part of a footpath, and that steps be taken by Council to ensure this is not repeated, and that Council request where this has occurred that organisations relocate the poles and installations.

**CARRIED**

**Outwards:**

**4. General Manager to Bill McKennariey**

Thanking him for his contribution to assisting the lives of people with a disability. Mr McKennariey requested to continue to be sent the minutes of each meeting and the Committee agreed this would be appropriate.

---

**GENERAL BUSINESS:**

**1. Minjungbal Drive, Tweed Heads South - Footpath Access**

Mr McKennariey had raised the problem of uneven footpath surface. The Committee was advised that the surface has now been repaired.

---

**2. Access to National Australia Bank, Murwillumbah**

Discussion was held on access to this building. No further action required.

---

**3. Regional Round-up**

No report delivered.

---

**4. Access to Toilet - Tweed City Shopping Centre**

Discussion was held regarding the swinging doors of the Ladies Restroom. No further action is required.

---

**5. Bus Stop – Flame Tree Park**

The Committee was advised that a resident had contacted Council regarding the provision of a bus stop at Flame Tree Park, however no bus service was available. The resident has been advised that Surfside Buslines has been contacted and a service would be commencing shortly.

---

**6. ATM Access – National Australia Bank, Minjungbal Drive, Tweed Heads South**

Mr McKennariey had raised the issue of bollards near ATM making the pathway hazardous for the visually impaired. The point was made that other ATMs were available at Tweed City Shopping Centre. Mr Cameron will investigate.

---

**7. Murwillumbah Disability Taxi**

The Committee discussed the taxi service and resolved to monitor its operation.

---

**8. Disability Access Committee meetings - 2005**

17 February – HACC Centre South Tweed  
21 April – Buchanan Room, Murwillumbah  
16 June – HACC Centre South Tweed  
18 August - HACC Centre South Tweed  
20 October – HACC Centre South Tweed  
15 December – Buchanan Room Murwillumbah

---

**9. Checker's Cafe - Tweed Centro Shopping Centre**

Mr Pollitt raised the issue of impeded pedestrian and Post Office Box access as a result of Café tables on footpath. Mr Pollitt also advised that tables at Gloria Jean's Coffee also provide an obstruction. Mr Cameron will investigate, and Maggie Groff will approach the Veteran's Affairs office to gauge the extent of the problem.

---

**10. Tweed River Agricultural Society - Showground Main Pavilion**

Mr Sparks raised the issue of disability access to the Main Pavilion. The Committee resolved to discuss the issue at the next meeting.

---

**11. Disability Access onto Countrylink Coaches**

The Committee discussed the suitability of Countrylink Coaches for disability access. Mrs Cowdroy advised the provision of portable ramps for train access, and that an accessible coach or taxi is provided for people with a disability to meet Countrylink trains and coaches.

---

**NEXT MEETING:**

The next meeting will be held on Thursday, 17 February 2005 at the HACC Centre, Tweed Heads South.

The meeting closed at 3.15pm.

---

**MANAGER OF WORKS COMMENTS:**

**Inwards Correspondence**

**3. Blind Citizens Australia**

Proposals for location of poles or installations on footpaths are referred to Council for approval.

If placed without argument the authority is requested to relocate them. The ones on Leisure Drive have been referred back to Country Energy for relocation.

**DIRECTOR'S RECOMMENDATIONS:**

**General Business from Meeting held 21 October 2004**

**6. Access to Library - Civic Centre Tweed Heads**

That access to the Library at the Civic Centre, Tweed Heads be referred to the Director Community Services for investigation.

**9. Tumbulgum Road, Murwillumbah**

As per Committee's Recommendation.

---

**[SUB] Minutes Circulated to Councillors with this Agenda Not Requiring a Council Decision**

**FOR THE CONSIDERATION OF COUNCIL:**

**UNDER SEPARATE COVER:**

1. Minutes of the Ordinary Meeting of Far North Coast Weeds held Wednesday 20 October 2004.
  2. Minutes of the Public Transport Working Group Committee Meeting held Friday 29 October 2004.
  3. Minutes of the Public Transport Working Group Committee Meeting held Friday 26 November 2004.
  4. Minutes of the Tweed Coastal Committee Meeting held Wednesday 8 December 2004.
-

THIS  
PAGE  
THIS  
PAGE  
IS  
IS  
BLANK  
BLANK



**ORDERS OF THE DAY**

**[NOM] Donation to Care Australia Tsunami Appeal**

**NOTICE OF MOTION:**

Councillor W J Polglase moves:

That Council donates \$5,000 to Care Australia for the Tsunami Appeal.

---

**[NOM] Aboriginal and Torres Strait Islanders Flag**

**NOTICE OF MOTION:**

Councillor D M Holdom moves:

That Tweed Shire Council raises the flag of the indigenous people (Aboriginal and Torres Strait Islanders) in the normal day to day flag raising in recognition of their contribution to our Shire and our country

---

**[NOM] Community Access**

**NOTICE OF MOTION:**

Councillor D M Holdom moves:

That Council sends out a letter about Community Access and its processes when notifying residents of upcoming Development Applications that may affect their property's amenity.

---

[NOM] Engagement of Solicitors for Public Inquiry

**NOTICE OF MOTION:**

Councillor W J Polglase moves:

That:-

1. Council advises its intention to engage the services of Stacks - Northern Rivers to represent Council interests at the Tweed Shire Council Public Inquiry under the terms of brief as follows:
  - By direction of Council and/or the General Manager to prepare or assist in the preparation of submissions to the Public Inquiry.
  - To regularly review the daily transcripts from the Public Inquiry and advise Council and/or General Manager as appropriate, to a suggested course of action to take.
  - To represent Council and staff at proceedings as determined either by Council or the General Manager.
2. Council requires the General Manager to negotiate with Stacks - Northern Rivers on costing for the representation and report this to Council.

---

**[NOM] Boardwalk facility from Murphy's Road to the Beach for the needs of the Wommin Bay Hostel for the Aged and General Public**

**NOTICE OF MOTION:**

Councillor R D Brinsmead moves:

That Council investigates the feasibility of funding or part funding through Section 94 contributions a suitable boardwalk facility from Murphy's Road to the beach to serve the needs of the Wommin Bay Hostel for the Aged and the general public.

---

**[NOM] Unsealed Road Located on Lot 490, Kingscliff**

**NOTICE OF MOTION:**

Councillor D M Holdom moves:

That an urgent report be brought before Council on the road that now sits on Lot 490, who requested the road, why, who authorised the road, and all inwards and outwards correspondence from/to Mr Richard Dunning, Administrator for Lot 490 on this matter, and was a Development Application submitted on/for this road and who and why authorised the extensive clearing of the land to accommodate this compacted, unsealed road.

---

THIS  
PAGE  
IS  
BLANK

THIS  
PAGE  
IS  
BLANK

**CONFIDENTIAL MATTERS**

**CONFIRMATION OF MINUTES**

**Minutes of the Confidential Council Meeting held Wednesday 15 December 2004**

---

**REPORTS THROUGH GENERAL MANAGER IN COMMITTEE**

**REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE**

**1 [EO] EC2003-201 - Variations Approval**

**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
-

**2 [EO] EC2004-168 Manufacture, Supply and Delivery of Large Diameter MS and DI Fittings**

**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 [EO] Kingscliff Sewage Treatment Plant**

**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
- 

**REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY IN COMMITTEE**

**4 [EC] EC2004-160 Supply and Installation of Two 60 Tonne Weighbridges, Stotts Creek Landfill Site**

- (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
-

**5 [EC] Operation of Market on Council Land - Knox Park**

**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
-

THIS  
PAGE  
PAGE  
IS  
IS  
BLANK  
BLANK