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CONFIRMATION OF MINUTES

Minutes of the Council Meeting held Wednesday 18 May 2005

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Minutes of the Council Meeting held Wednesday 18 May 2005 (DW 1204875).
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SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

FOR COUNCILLOR'S INFORMATION:

17 March 2004

REPORT FROM DIRECTOR ENGINEERING SERVICES

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

202

Councillor H James

Councillor B M Luff

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

Current Status: Reassessing technical aspects including alternative sites.

4 August 2004

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: A further DCP Workshop was held in November and a report on Development Control Plan No 5 will be presented to Council upon finalisation of the Flood Study.

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.

16 February 2005

ORDERS OF THE DAY

1 [NOM] Abandoned Shopping Trolleys

Cr J F Murray
Cr M R Boyd

RESOLVED that the Tweed Shire Council forwards notices to all shopping centres on the Tweed seeking input on how best to address the abandoned shopping trolley menace throughout the Shire. The maximum response period for submissions will be (6) months from when notices are sent out at which time the Council will debate various options to remedy the situation.

Current Status: Copies of correspondence to operators being provided to Councillors. Further discussions to be held with operators prior to a further report being presented to Council.

20 APRIL 2005

REPORTS FROM DIRECTOR PLANNING AND ENVIRONMENT

4 [PE] Development Application DA04/1300 for an Integrated Housing Development Incorporating 6 Dwellings Being Part Two (2) and Part Three (3) Storey at Lot 15 DP 21680, Lot 14 Sec 6 DP 17606, No. 17 and 19 Moss Street, Kingscliff

Cr J F Murray
Cr G J Lawrie

RESOLVED that this item be deferred for a further report to be submitted to Council.

Current Status: Awaiting further report.

4 MAY 2005

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY

12 [EC] Membership of Council's Community Cultural Development Advisory Committee

343 RESOLUTION:

**Cr H James
Cr D M Holdom**

RESOLVED that this item be deferred pending further clarification on the question of the proposed fee and its disbursement.

Current Status: Awaiting further report.

14 [EC] Banora Point Caravan Park

344 RESOLUTION:

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

RESOLVED that:-

1. This report be received and noted.
2. The Park Owner/Operator's Application for Approval to Operate be determined under delegated authority in accordance with the Consent Orders.
3. Council staff be required to bring forward regular reports with regard to the implementation of the Consent Orders.

Current Status: Reports to be presented in accordance with Consent Orders timeframe.

QUESTION TIME

1 [QT] Kings Forest - Court Case

GT1/LEP/2000/20 Pt14

Cr M R Boyd

Asked in view of the astounding decision by the Director of Public Prosecutions to drop the majority of charges against Tim Barr, will Council seek an explanation from the Director of Public Prosecutions and the Police?

The General Manager advised that he is hoping to meet with police investigator and that he will advise Council of this meeting.

Current Status:

2 [QT] Kings Forest - Legal Advice

GT1/LEP/2000/20 Pt14

Cr M R Boyd

Asked what legal action can or should Council take with regard to the alleged forged documents and other evidence discovered in this case.

The General Manager responded that he would seek advice on this issue.

4 [QT] Media Reports - Kings Forest

GT1/LEP/2000/20 Pt14

Cr D M Holdom

Asked that, as I am one of four new Councillors, I would like to know the following (with regard to the breaking story this week on Kings Forest - false Council documents).

What legal action (if any and if not, why not) is Council going to take, relating to the false Council documentation. I ask this question because regardless of the fact that 35 fraud charges have been dropped by the NSW Director of Public Prosecutions, the outstanding issue is who (and why) falsified Council documents and especially the "why"?

The General Manager responded that he will seek advice on this matter.

18 MAY 2005

ORDERS OF THE DAY

3 [NOM] Mentoring - Koiari Region of Papua New Guinea

Cr J F Murray

Cr G J Lawrie

RESOLVED that Tweed Shire Council further investigates a mentoring relationship with the Koiari Region of Papua New Guinea in recognition of assistance given to Australian Troops on the Kokoda Trail during the Second World War through the Office of the General Manager and that a report be brought forward to Council before any further decisions are made.

Current Status: To be determined by Council.

4 Provision of Service Backup of Lifts Servicing Unit Blocks

Cr D M Holdom

Asked with regard to thinking ahead and the Shire's ageing population, what provisions does Council have to require that all 3 storey unit blocks serviced by lifts to have generator backup available in case of power interruptions?

The General Manager responded that he was not aware of any provisions for such action but will take the question on notice for investigation by the Director Planning and Environment who will advise Council.

Current Status: This requirement to be determined in relation to the Building Code of Australia.

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ITEMS DEFERRED

[ID][PE] Section 96 Application DA04/0723.01 for an Amendment to Development Consent DA04/0723 for a Pylon Sign at Lot 2 DP 1045941, Minjungbal Drive, Tweed Heads South

ITEM DEFERRED FROM MEETING HELD:

4 May 2005

At the request of the applicant, this item is deferred to be considered by Council at its meeting on 1 June 2005.

ORIGIN:

Development Assessment

FILE NO: DA04/0723 Pt1

SUMMARY OF REPORT:

Council is in receipt of a Section 96 Application seeking to delete two conditions imposed within an approval (DA04/0723) for a pylon sign identifying the South Tweed Sports club. These conditions relate to the safety treatment and construction method of the approved sign, as well as the appearance of the sign.

The NSW Roads And Traffic Authority (RTA) and Council's Transport & Traffic Engineer have reviewed the application. This report concludes that justification for the deletion of conditions 7 & 8 has not been provided and the subject conditions should be maintained.

RECOMMENDATION:

That Development Application DA04/0723.01 for an amendment to Development Consent DA04/0723 for pylon sign at Lot 2 DP 1045941, Minjungbal Drive, Tweed Heads South be refused for the following reasons: -

1. Pursuant to Section 79C(1)(a)(i) the development application has not had due regard to relevant provisions of Tweed Local Environmental Plan 2000, in particular Clause 22 and Clause 47.
2. Pursuant to Section 79C(1)(a)(iii) the development proposal has not demonstrated due consideration or compliance with Tweed Shire Development Control Plan No.15 - Advertising Signs Code, as it relates primarily to the proposal complementing and conforming to the building or the locality.

3. Pursuant to Section 79C(1)(b) the proposed development is not supported by a level of detail that displays appropriate measures to mitigate traffic safety concerns with regards to vehicular impact.
4. Pursuant to Section 79C(1)(e) the proposed development has the potential to adversely impact upon traffic safety and as such is not considered in the public interest.

REPORT:

Applicant: Kiss Graphics Pty Ltd
Owner: South Tweed Bowls Club Limited
Location: Lot 2 DP 1045941, Minjungbal Drive Tweed Heads South
Zoning: Uncoloured
Cost: Nil

BACKGROUND:

On 14 January 2005, conditional consent was granted for a pylon sign, identifying the South Tweed Sports Club.

By the way of application under Section 96 of the Environmental Planning and Assessment Act 1979, the applicant has requested an amendment of the consent to delete Condition Nos. 7 & 8, relating to the safety treatment and construction method of the approved sign, as well as the appearance of the sign.

Proposed Amendments

Condition No. 7

The applicant has requested the deletion of Condition No. 7 on the following grounds:

- The applicant considers that the comments originally submitted by the RTA were invalid as Council had not received the comments within 21 days of notification as detailed within State Environmental Planning Policy No. 64 – Advertising & Signage
- Given the top-heavy nature of the sign, any impact on the base may bring the sign back to the roadway could lead to a dangerous incident.

Comment

The subject application was forwarded to both the NSW RTA and Council's Traffic & Transport Engineer, neither of which supported the proposed amendments.

Whilst the NSW RTA's comments may have been received after the prescribed 21-day concurrence period, they are still considered valid having consideration to issues raised in respect of the proposed design. Both Council's Traffic & Transport Engineer and the NSW RTA raised significant concerns regarding the traffic safety of the proposal, in this regard it is not considered in the public interest to disregard the specialist advice received on this application.

In the absence of an alternative design proposal prepared by a professional road safety auditor to the satisfaction of Council and the NSW RTA, the deletion of Condition No. 7 is not supported.

Condition No. 8

The applicant has requested the deletion of Condition No. 8 on the following grounds:

- The proposed logo meets the objectives of SEPP No. 64 – Advertising & Signage and Development Control Plan No. 15 – Advertising Signs Code

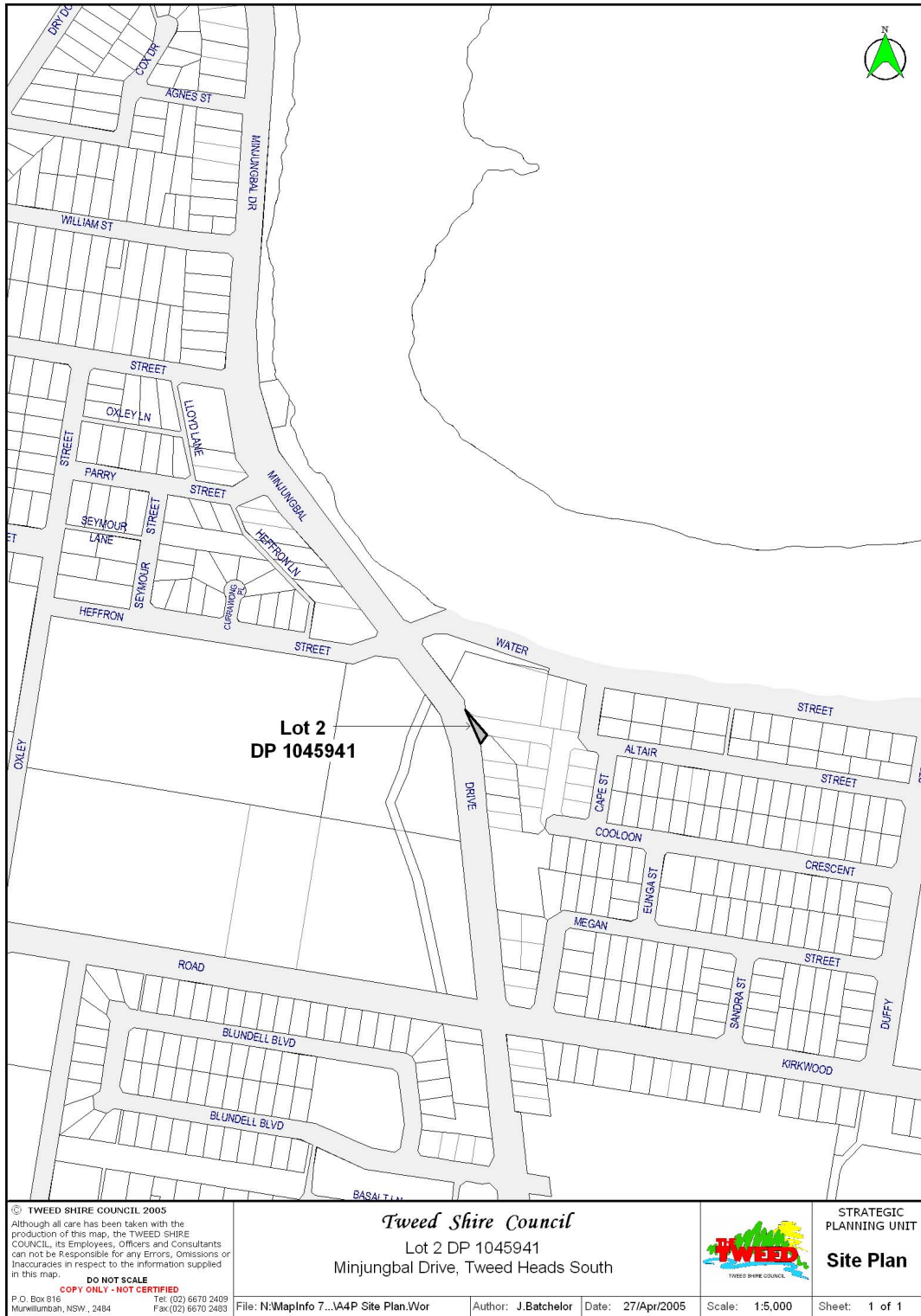
COMMENT

As detailed within the original Development Assessment Panel report of Wednesday 12 January 2005, which is attached for reference, the proposed logo is not considered to be consistent with the corporate logo of South Tweed Sports nor the corporate signage theme present along Minjungbal Drive. Notwithstanding that the proposed logo is a characterisation of the corporate logo, the sign is not considered to be of a design that complements or conforms to either the South Tweed Sports building or the locality. The proposed caricature signage is considered aesthetically detrimental to Minjungbal Drive, particularly as it relates to the scale of the development.

It is noted that the applicant has contended that other signage present along Minjungbal Drive has been approved that is not dissimilar to that being sought. There are examples of signage that are not dissimilar to that proposed and whilst they are not necessarily considered desirable, they are internationally recognised trademarks and corporate logos of the associated development. This is a distinction in this case, where the sign as proposed represents a characterisation of the South Tweed Sports corporate logo and not the corporate logo itself.

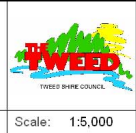
For these reasons the request to delete Condition No. 8 to permit the characterisation of the signage is not supported.

SITE DIAGRAM:



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Tweed Shire Council
 Lot 2 DP 1045941
 Minjungbal Drive, Tweed Heads South
 File: N:\MapInfo 7...A4P Site Plan.Wor Author: J.Batchelor Date: 27/Apr/2005



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

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

The proposed amendments sought to development consent DA04/0723 have been considered against the relevant provisions to the Environmental Planning and Assessment Act 1979, accompanying Regulation 2000, and Council planning codes. The proposed amendments are considered unsatisfactory.

OPTIONS:

1. Refuse the application for the reasons set out in this report.
2. Approve the application.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The applicant has a right to appeal in the NSW Land & Environment Court.

POLICY IMPLICATIONS:

Nil.

CONCLUSION:

Having regard to the matters raised in this report and the Development Assessment Panel report of Wednesday 12 January 2005, the proposed modifications are not supported on the basis that the amendments will provide for a sign that has potential safety implications and is aesthetically out of character with the locality.

UNDER SEPARATE COVER:

1. Development Assessment Panel report of Wednesday 12 January 2005. (DW 1143655)
 2. Approved sign as per original application.
-

[ID] [EO] Seaside City Road Network

ITEM DEFERRED FROM MEETING HELD:

6 April 2005

239 RESOLUTION:

**Cr H James
Cr D M Holdom**

RESOLVED that Council defers consideration of the Seaside City road network until it has received the Consultant's Local Environmental Study / Draft Local Environmental Plan Report.

THIS REPORT IS THE SUBJECT OF A FURTHER REPORT AT ITEM XXX OF THE AGENDA.

ORIGIN:

Planning & Infrastructure

FILE NO: DA05/0274 Pt1; GT1/LEP/2000/3 Pt11

SUMMARY OF REPORT:

A Development Application and associated Part 5 Application to construct Ocean Avenue, Lorna Street, Western Road adjacent to Cudgen Creek, walkway/cycleway, public Car Parking and associated works at Seaside City have been submitted. Prior to Council giving owners consent to these applications it is necessary to determine a suitable road network. As the Local Environment Study / Draft Local Environment Plan for Seaside City is not yet finalised, determination of the road network should be deferred until these reports are received by Council.

RECOMMENDATION:

That Council defers consideration of the Seaside City road network until it has received the Consultant's Local Environmental Study / Draft Local Environmental Plan Report.

REPORT:

1. Background

(a) Strategic Planning

In May 2000 Council resolved to prepare a draft LEP to rezone land at Seaside City from 2(f) to 2(e). This amendment (TLEP 2000, Amendment No 3) was stalled following the recommendations of the Bulford Report to dispense with the services of the planning consultants engaged to undertake this amendment.-

On 19 May 2004, Council resolved *"that Council completes Draft Tweed Local Environmental Plan 2000, Amendment No 3 to rezone land at Seaside City from 2(f) Tourism to 2(e) Residential Tourist"*.

On 3 November 2004 Council accepted a quotation from Connell Wagner to complete the Draft Local Environmental Plan Amendment for Seaside City and they were engaged for this task 9 November 2004.

The preparation of the LES and LEP amendment is in progress. The study specifications provided by DIPNR include an assessment of the option to re-subdivide Seaside City.

At a workshop meeting held 16 March 2005 with Seaside City landowners and Council staff, Connell Wagner presented a number of layout options for discussion. It is understood that work on the LES and draft LEP is still in progress.

(b) Development Application

A development application (DA 05/0274) has been received from Richtech Pty Ltd (the owner of 172 of the 204 lots in Seaside City) for the following:-

- Construct Ocean Avenue from Casuarina Way to Lorna Street in accordance with Plan 3102 CP4
 - Ocean Ave to be widened to 40 m (currently 20m reserve) along its northern alignment
- Construct Lorna Street full length in accordance with Plan 3102 CP4
 - southern section to be narrowed.
- Construct road and walkway/cycleway to west of lots on western side of Casuarina Way in accordance with Plan 3102 CP4
- Construct public car park and adjacent road in accordance with Plan 3102 CP4. Plan shows one car parking area in east west road reserve at southern end of Seaside City between Lorna Street and Carne Street (adjacent to Casuarina) and another car parking area at northern end of Seaside City in widened 6m lane between Lorna Street and Carne Street (adjacent to Salt).
- Dedicate land as open space as depicted on Plan 3102 CP4
- Provision of services and associated works within roads including water sewer, power and stormwater drainage works

The DA also has an accompanying Part 5 application (originally submitted December 2003 and reactivated by proponents request 17 March 2005) for construction of roads on existing road reserves.

(c) How to Deal with the DA

It is generally preferable to have strategic planning issues settled prior to dealing with development applications on this site. However, a number of meetings have been held between the proponents of the DA and Council staff in order to address/progress the DA that has been submitted.

Council has a number of roles in this application. As well as its planning (strategic and development control) role it has the role of landowner of the road reserves where most of the works are proposed and could if it wished withhold owners consent.

At a meeting held 1 March 2005 with the Director Planning & Environment, the proponents and their consultants and relevant Council staff, it was proposed that:-

- a preliminary report on road network options and recommendations be forwarded to Council for consideration at the first meeting in April
- Council agreement (as road reserve landowner) to a designated road network layout for Seaside City would be a necessary prerequisite for this development application to be progressed

This report fulfils that undertaking.

(d) Other Engineering/Infrastructure Issues

There are a number of other critical engineering/infrastructure issues relating to this development application. These include stormwater drainage and associated landform alteration issues, impacts of road levels on adjacent (non Richtech) owners, water supply, sewerage, other utilities, open space, walkways cycleways, urban design considerations and riparian buffers to Cudgen Creek. Richtech propose that whilst they will initially construct and finance the infrastructure associated with this DA, there should be a s94 plan adopted that will enable them, over time as other development proceeds, to recoup the proportionate cost of this infrastructure from the other landowners.

None of other these issues are dealt with in this report. This report only addresses the desired road network. If the road network can be agreed, then these other issues would be considered in the normal DA assessment process.

2. Road Network Option Submitted in DA 05/0274

(a) Proposed Network

The network proposed by Richtech is shown on Plan 3102 CP4. Typical cross sections for various roads are shown on Cardno MBK Drawing No. 2967/03/03-216 Rev. A. Features of this network include:-

- Increase Ocean Avenue road reserve from existing 20m to 40 m by including lots 1 & 32 Section 7 and Lots 1 & 32 Section 8 (owned by Richtech) on the north side of Ocean Avenue between Casuarina Way and Lorna Street.
 - Construct Ocean Ave 23m wide kerb to kerb with 90 degree centre aisle parking and kerbside parallel parking. 8.5m wide verges to be landscaped
- Roundabout at Casuarina Way/Ocean Avenue intersection as main entrance to Seaside City
- Construct majority of Lorna Street in 20m wide road reserve, 11m kerb to kerb with 4.4 m wide verges
 - Construct southern 200m of Lorna Street in 16m road reserve, 8m kerb to kerb with 4m wide verges

Note: 4m of east side of Lorna Street in above section could be closed and sold/exchanged with adjacent landowners (and zero lot line buildings permitted) to accommodate dwellings on adjacent land outside of 7f environmental protection zone.
- Construct new road in 20m road reserve, 8m kerb to kerb, between Cudgen Creek and lots west of Casuarina Way
- Construct 90 degree parking bays, 5.5m long with 5.5m aisle on east west road at southern end of Seaside City between Lorna Street and Carne Street adjacent to Casuarina
- Construct 90 degree parking bays, 5.5m long with 5.5m aisle on east west lane and road widening onto Richtech owner lots 16 & 17 Section 6 at northern end of Seaside City between Lorna Street and Carne Street adjacent to Salt

(b) Traffic Volumes

Richtech commissioned Eppell Olsen to analyse traffic movements in a future fully developed Seaside City. Indicative predicted daily volumes are:-

Street	Location	Vehicles per day
Ocean Ave	east of Casuarina Way	4,780
Carne Street	south of Ocean Ave	1,210
	north of Ocean Ave	940
Lorna Street	south of Ocean Ave	1,280
	north of Ocean Ave	1,350
East west road adjacent to Casuarina	west of Casuarina Way	180

(c) Comments on Proposed Network

Connectivity

In order to comply development standards/criteria in DCP16 and the Coastal Design Guidelines for NSW, it is considered that there should be at least 3 external connections to Seaside City and that this should preferably include local connections (for inter-neighbourhood trips) between Casuarina and Salt. The Salt approval has provided for a road link at the north east corner of Seaside City which can be connected into Lorna Street. Council has resolved previously to not connect adjacent streets in Casuarina. In the absence of these connections the third connection for Seaside City should be at the east west road (at the southern end of the site) with Casuarina Way.

Public Access to Beachside and Associated Parking Areas

Lorna Street is the main access for the general public to the beach and associated parking areas. As such it will be a significant connector road between Ocean Avenue and the northern and southern designated parking areas. Kerbside parking along Lorna Street itself is also required to comply with Council's DCP 51 requirement for 300 parking spaces per kilometre along and within 100m of the beachfront. Preserving the traffic and public parking capabilities of Lorna Street is therefore critical. To maximise this capability the southern 200m section of Lorna Street should preferably be 9m kerb to kerb to facilitate efficient two way traffic flow and the remaining section should preferably be 13m kerb to kerb.

Intersections

Four way intersections and key T intersections should be controlled by roundabouts. Additional roundabouts should be provided at:-

- Ocean Ave/Carne St intersection
- Lorna Street/Ocean Ave T intersection
 - to distribute traffic from/to Lorna St from Ocean Ave and to facilitate U turn at the end of Ocean Ave.
- Casuarina Way/East West Road Reserve at Southern boundary of Seaside City.

Ocean Ave Treatment

Richtech propose centre parking supplemented by kerbside parallel parking (Cross Section 6) and use of wide landscaped verges for providing an entry statement for Seaside City. Whilst this configuration is acceptable an alternate configuration with kerbside angle parking and median separation (Cross Section 5) is preferred. Both configurations provide similar levels of parking capacity.

Village Centre Loading/Unloading Access

A rear lane for loading/unloading access should be provided to the north and south of the proposed Village centre areas.

East /West Roads (Adjacent to Casuarina and Salt) Incorporating Public Parking Areas

These areas should be configured for two way traffic and sufficient space for aisle turning movements into parking bays. Provision should also be made in the cross section for adjacent pedestrian paths.

3. Preferred Road Network for Seaside City

Sketch No.1 03/2005 is the preferred road layout for Seaside City (provided the strategic planning process does not recommend radical re-subdivision of the whole estate). Sketch No.2 03/2005, Cross sections 1 – 4 details preferred cross sections for the various streets. Key elements of the preferred layout are:-

- Three external access points provided at
 - Ocean Ave/Casuarina Way
 - Casuarina Way/East West Reserve Rd adjacent to Casuarina
 - Lorna St northern extension into Salt
- The connectivity and permeability of the layout provide multiple route choices that prevent congestion bottlenecks at key locations such as the village centre and near car parking areas
- Roundabouts provided at key locations
 - Ocean Ave/Casuarina Way
 - Casuarina Way/East West Reserve Rd adjacent to Casuarina
 - Ocean Ave/Carne St
 - Ocean Ave/Lorna Street
- Key Cross section elements
 - Angle parking and median separated carriageway in Ocean Ave
 - Lorna Street provides good connectivity from village centre to parking areas and beachside access with 13m kerb to kerb width for majority of length
 - Southern 200m section of Lorna Street with 9m kerb to kerb width provides two way access and limited parking, whilst providing 4m extra for buildings on adjacent lots to the east outside the 7f zone.
 - East west perimeter road/parking areas with 15.7m wide formation provides 90 degree parking, two way vehicular access and 2m wide pedestrian access.
- Provision of rear lane access for loading/unloading north and south of “Village Centre” areas.
- Provision of new road in 20m road reserve, between Cudgen Creek and lots west of Casuarina Way is not addressed in this preferred network. The road and connection to Casuarina Road by roundabout is suitable in road/traffic terms, but, it conflicts with the Cudgen Creek riparian buffer and its inclusion would await determination these issues.

It is considered that the determination of the preferred cross section for Ocean Ave (Sketch No.2 2005 (Cross Sections 5 or 6) should be deferred pending further urban design assessment of DA 02/0274.

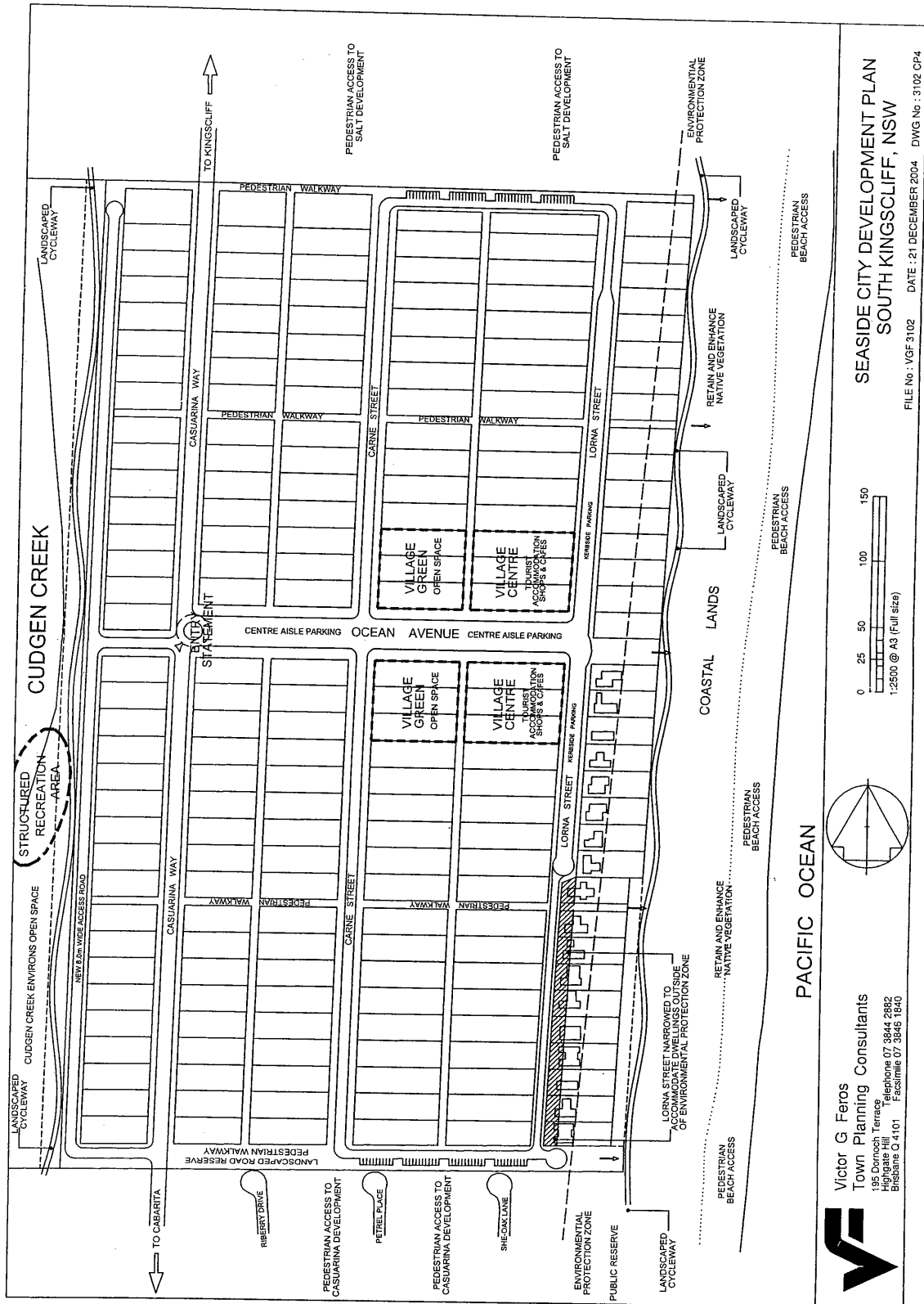
4. Options

The options for Council are:-

- A. That to enable DA 05/0274 and associated Part 5 application to be progressed and assessed for determination:-
 - 1. Council accepts the Seaside City Road Layout as designated on Sketch No.1 2005 and Sketch No.2 2005 (Cross Sections 1 – 4) as the road/traffic control layout for Seaside City

2. The determination of preferred cross section for Ocean Avenue (Sketch No.2 2005 (Cross Sections 5 or 6) be considered as part of further urban design assessment of DA 05/0274.
 3. Council provide Owners Consent for DA 05/0274, on the understanding that if consent is granted it will be conditioned to be generally in accordance with (1) above.
- B. Refuse owner's consent for the lodgement of DA 05/0274.
- C. That Council defer consideration of the Seaside City road network until it has received the Consultant's Local Environmental Study / Draft Local Environmental Plan Report.

Option C is recommended as the other options may pre-empt the LES / DLEP process.



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Council's agreement to road layout is desirable prior to it giving owners consent to development application to construct roads on Council road reserves. Following issue of a development consent, further consent by Council will be required in accordance with section 138 of the Roads Act 1993.

POLICY IMPLICATIONS:

The adopted road network for Seaside City needs to be compliant with DCP16 Subdivision Manual, development standards and criteria and DCP 51. Progress in determination of DA 02/0274 could conflict with concurrent consideration of LES and draft LEP for the Seaside City area.

UNDER SEPARATE COVER:

Nil.

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REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT

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

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

MATTERS FOR CONSIDERATION

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

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1 [PE] Amendment to Section 94 Contribution Plan No. 6 - Street Trees

ORIGIN:

Strategic Town Planning

FILE NO: GT1/S94/6

SUMMARY OF REPORT:

At its Ordinary meeting of 6 April 2005, Council resolved to amend and exhibit Section 94 Contribution Plan No.6 – Street Trees (CP6).

CP6 required amending to accommodate an increase in the cost of the trees and establishment costs. The use of mature trees (at least 1.5 metres in height) as they have a better chance of survival in the new estates is reflected in the higher costs of the trees, and it is also proposed to introduce a five year establishment period for the trees. As a result the total cost for the purchase, planting and establishment of each tree has increased from \$19.50 to \$135.

The new levy rate per lot for two trees is \$297 (currently \$42.90).

This plan was exhibited between 13 April 2005 and 11 May 2005. There were no responses to draft CP 6.

RECOMMENDATION:

That Council: -

1. Adopts the amended exhibited Section 94 Contribution Plan No.6 – Street Trees.
2. Gives public notice in the Tweed Link of its decision in accordance with the Environmental Planning and Assessment Regulations 2000, specifying that the amended Section 94 Contribution Plan comes into effect on the date of the notice.

REPORT:

At its Ordinary meeting of 6 April 2005, Council resolved to amend and exhibit Section 94 Contribution Plan No.6 – Street Trees (CP6).

CP6 required amending to accommodate an increase in the cost of the trees and establishment costs. The use of mature trees (at least 1.5 metres in height) as they have a better chance of survival in the new estates is reflected in the higher costs of the trees, and it is also proposed to introduce a five year establishment period for the trees. As a result the total cost for the purchase, planting and establishment of each tree has increased from \$19.50 to \$135.

The new levy rate per lot for two trees is \$297 (currently \$42.90).

This plan was exhibited between 13 April 2005 and 11 May 2005. There were no responses to draft CP 6.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

2 [PE] Amendment to Section 94 Contribution Plan No. 7 - West Kingscliff

ORIGIN:

Strategic Town Planning

FILE NO: GT1/S94/7

SUMMARY OF REPORT:

At its Ordinary meeting of 6 April 2005, Council resolved to amend and exhibit Section 94 Contribution Plan No.7 – West Kingscliff (CP7).

CP7 required amending for the following reasons:

- The cost of the active open space land to be purchased has increased from \$65,922 per ha to \$250,000 per ha
- The amount of structured open space has been revised down to 8.8ha from 9.8ha in line with the projected population of the development area.
- The cost of the amenities block to service the oval proposed to be located immediately south of the Chinderah Golf Course has increased.
- The cost of the drainage works and associated land has increased from \$200,000 per ha to \$500,000 per ha.
- Car parking for the active open space was not included in the original plan. 140 car spaces have been included.
- As a consequence, the contribution rate for the active open space has increased from \$429 per single residential lot to \$2,600 per lot and the medium density rate has increased from \$280 per lot to \$1,700 per lot.

This plan was exhibited between 13 April 2005 and 11 May 2005. There were no responses to draft CP 7.

RECOMMENDATION:

That Council: -

1. Adopts the amended exhibited Section 94 Contribution Plan No.7 – West Kingscliff.
2. Gives public notice in the Tweed Link of its decision in accordance with the Environmental Planning and Assessment Regulations 2000, specifying that the amended Section 94 Contribution Plan come into effect on the date of the notice.

REPORT:

At its Ordinary meeting of 6 April 2005, Council resolved to amend and exhibit Section 94 Contribution Plan No.7 – West Kingscliff (CP7).

CP7 required amending for the following reasons:

- The cost of the active open space land to be purchased has increased from \$65,922 per ha to \$250,000 per ha
- The amount of structured open space has been revised down to 8.8ha from 9.8ha in line with the projected population of the development area.
- The cost of the amenities block to service the oval proposed to be located immediately south of the Chinderah Golf Course has increased.
- The cost of the drainage works and associated land has increased from \$200,000 per ha to \$500,000 per ha.
- Car parking for the active open space was not included in the original plan. 140 car spaces have been included.
- As a consequence, the contribution rate for the active open space has increased from \$429 per single residential lot to \$2,600 per lot and the medium density rate has increased from \$280 per lot to \$1,700 per lot.

This plan was exhibited between 13 April 2005 and 11 May 2005. There were no responses to draft CP 7.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

3 [PE] Amendment to Section 94 Contribution Plan No. 10 - Cobaki Lakes

ORIGIN:

Strategic Town Planning

FILE NO: GT1/S94/10

SUMMARY OF REPORT:

At its Ordinary meeting of 6 April 2005, Council resolved to amend and exhibit Section 94 Contribution Plan No.10 – Cobaki Lakes (CP10).

CP10 required amending for the following reasons:

- Deletion of the second stage extension to the youth facilities (100m²) as it is considered upon review that the proposed first stage area of 400m² is of sufficient size to meet the needs at Cobaki Lakes;
- The lot threshold stages of 1,000, 3,000 and 4,000 lots for the construction of the community centre has been reduced to the 1,000 and 4,000 lot threshold;
- The estimated costs to construct the community centre has been increased to reflect the current building costs.
- A separate allocation of \$40,000 towards furnishings and equipment for the community centre has been added, as it was not included in the original work program.

The new contribution rates are as follows:

Single residential:	\$391 (currently \$244)
Medium density residential:	\$256 (currently \$160)

This plan was exhibited between 13 April 2005 and 11 May 2005. There were no responses to draft CP 10.

RECOMMENDATION:

That Council:

1. Adopts the amended exhibited Section 94 Contribution Plan No.10 – Cobaki Lakes.
2. Gives public notice in the Tweed Link of its decision in accordance with the Environmental Planning and Assessment Regulations 2000, specifying that the amended Section 94 Contribution Plan come into effect on the date of the notice.

REPORT:

At its Ordinary meeting of 6 April 2005, Council resolved to amend and exhibit Section 94 Contribution Plan No.10 – Cobaki Lakes (CP10).

CP10 required amending to include the following additional items:

- Deletion of the second stage extension to the youth facilities (100m²) as it is considered upon review that the proposed first stage area of 400m² is of sufficient size to meet the needs at Cobaki Lakes;
- The lot threshold stages of 1,000, 3,000 and 4,000 lots for the construction of the community centre has been reduced to the 1,000 and 4,000 lot threshold;
- The estimated costs to construct the community centre has been increased to reflect the current building costs.
- A separate allocation of \$40,000 towards furnishings and equipment for the community centre has been added, as it was not included in the original work program.

The new contribution rates are as follows:

Single residential:	\$391 (currently \$244)
Medium density residential:	\$256 (currently \$160)

This plan was exhibited between 13 April 2005 and 11 May 2005. There were no responses to draft CP 10.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

4 [PE] Amendment to Section 94 Contribution Plan No. 12 - Bus Shelters

ORIGIN:

Strategic Town Planning

FILE NO: GT1/S94/12

SUMMARY OF REPORT:

At its Ordinary meeting of 6 April 2005, Council resolved to amend and exhibit Section 94 Contribution Plan No.12 – Bus Shelters (CP12).

CP12 required the following amendments:

- An increase in the cost of the bus shelters;
- An amendment to the occupancy rate per residential lot; and
- An amendment to the contribution rate
 - Single residential lot: \$26 per lot (currently(\$23)
 - Medium density: \$16 (18)

This plan was exhibited between 13 April 2005 and 11 May 2005. There were no responses to draft CP 12.

RECOMMENDATION:

That Council: -

1. Adopts the amended exhibited Section 94 Contribution Plan No.12 – Bus Shelters.
2. Gives public notice in the Tweed Link of its decision in accordance with the Environmental Planning and Assessment Regulations 2000, specifying that the amended Section 94 Contribution Plan comes into effect on the date of the notice.

REPORT:

At its Ordinary meeting of 6 April 2005, Council resolved to amend and exhibit Section 94 Contribution Plan No.12 – Bus Shelters (CP12).

CP12 required the following amendments:

- An increase in the cost of the bus shelters;
- An amendment to the occupancy rate per residential lot; and
- An amendment to the contribution rate
 - Single residential lot: \$26 per lot (currently (\$23)
 - Medium density: \$16 (18)

This plan was exhibited between 13 April 2005 and 11 May 2005. There were no responses to draft CP 12.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

5 [PE] Amendment to Section 94 Contribution Plan No. 13 - Cemeteries

ORIGIN:

Strategic Town Planning

FILE NO: GT1/S94/13

SUMMARY OF REPORT:

At its Ordinary meeting of 6 April 2005, Council resolved to amend and exhibit Section 94 Contribution Plan No.13 – Cemeteries (CP13).

Section 94 Contribution Plan No.13 - Cemeteries required amending to include the following additional items:

- Small excavator: \$100,000
- Off-road coffin transport vehicle: \$10,000
- Off-road elderly transport vehicle: \$18,000
- Site-works: \$ 100,000
- Self propelled dumpster: \$40,000
- An increase in the contribution rate:
 - Single lot rate: \$131 (currently \$126)
 - Medium density rate: \$90 (currently \$87)

This plan was exhibited between 13 April 2005 and 11 May 2005. There were no responses to draft CP 13.

RECOMMENDATION:

That Council: -

1. Adopts the amended exhibited Section 94 Contribution Plan No.13 – Cemeteries.
2. Gives public notice in the Tweed Link of its decision in accordance with the Environmental Planning and Assessment Regulations 2000, specifying that the amended Section 94 Contribution Plan come into effect on the date of the notice.

REPORT:

At its Ordinary meeting of 6 April 2005, Council resolved to amend and exhibit Section 94 Contribution Plan No.13 – Cemeteries (CP13).

Section 94 Contribution Plan No.13 - Cemeteries required amending to include the following additional items:

- Small excavator: \$100,000
- Off-road coffin transport vehicle: \$10,000
- Off-road elderly transport vehicle: \$18,000
- Site-works: \$ 100,000
- Self propelled dumpster: \$40,000
- An increase in the contribution rate:
 - Single lot rate: \$131 (currently \$126)
 - Medium density rate: \$90 (currently \$87)

This plan was exhibited between 13 April 2005 and 11 May 2005. There were no responses to draft CP 13.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

6 [PE] Amendment to Section 94 Contribution Plan No. 16 - Emergency Facilities (Surf Lifesaving)

ORIGIN:

Strategic Town Planning

FILE NO: GT1/S94/16

SUMMARY OF REPORT:

At its Ordinary meeting of 6 April 2005, Council resolved to amend and exhibit Section 94 Contribution Plan No.16 – Emergency Facilities (CP16).

CP16 required amending for the following reasons:

- An increase in equipment and facility costs;
- Deletion of the amenities/first aid facilities/storage upgrade at Cabarita Beach as these facilities will be included in the proposed new Cabarita Beach clubhouse;

While there is an increase in the equipment and facility costs, the deletion of the amenities/first aid facilities/storage upgrade means that the net result is a slight decrease in the contribution rate.

As a consequence, the report to Council recommended the contribution levy for the remainder of the Shire be reduced as follows:

Per residential lot: \$207 (currently \$215)

Per medium density lot: \$136 (currently \$141).

The levy rate for the Kingscliff South development area (Casuarina, SALT etc), which has a separate rate to the remainder of the Shire, remains the same.

However Council resolved on 6 April 2005 that the contribution rates for the remainder of the Shire remain as they are currently, and not to decrease them as outlined above.

The plan was exhibited with the new amendments and decreased rate as set out above and advising of Council's resolution. The plan was exhibited with the new decreased rate as the rates reflect the proposed amendments in the plan. Unless further changes were to be made to the plan to increase the value of works there was no justification for leaving the contribution rate at its current level.

This plan was exhibited between 13 April 2005 and 11 May 2005. There were no responses to draft CP 16.

It is recommended that the plan be adopted with the new proposed rate, as exhibited.

RECOMMENDATION:

That Council: -

1. Adopts the amended exhibited Section 94 Contribution Plan No.16 – Emergency Facilities (Surf Lifesaving).
2. Gives public notice in the Tweed Link of its decision in accordance with the Environmental Planning and Assessment Regulations 2000, specifying that the amended Section 94 Contribution Plan come into effect on the date of the notice.

REPORT:

At its Ordinary meeting of 6 April 2005, Council resolved to amend and exhibit Section 94 Contribution Plan No.16 – Emergency Facilities (CP16).

CP16 required amending for the following reasons:

- An increase in equipment and facility costs;
- Deletion of the amenities/first aid facilities/storage upgrade at Cabarita Beach as these facilities will be included in the proposed new Cabarita Beach clubhouse;

While there is an increase in the equipment and facility costs, the deletion of the amenities/first aid facilities/storage upgrade means that the net result is a slight decrease in the contribution rate.

As a consequence, the contribution levy for the remainder of the Shire is as follows:

Per residential lot: \$207 (currently \$215)
Per medium density lot: \$136 (currently \$141).

The levy rate for the Kingscliff South development area (Casuarina, SALT etc), which has a separate rate to the remainder of the Shire, remains the same.

However Council resolved on 6 April 2005 that the contribution rates for the remainder of the Shire remain as they are currently, and not to decrease them as outlined above.

The plan was exhibited with the new amendments and decreased rate as set out above and advising of Council's resolution. The plan was exhibited with the new decreased rate as the rates reflect the proposed amendments in the plan. Unless further changes were to be made to the plan to increase the value of works there was no justification for leaving the contribution rate at its current level.

This plan was exhibited between 13 April 2005 and 11 May 2005. There were no responses to draft CP 16.

It is recommended that the plan be adopted with the new proposed rate, as exhibited.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

7 [PE] Draft Tweed Local Environmental Plan 2000, Amendment No 67 - Two Storey Height Limit, SALT, Coast Road, South Kingscliff

ORIGIN:

Strategic Town Planning

FILE NO: GT1/LEP/2000/67 Pt1

SUMMARY OF REPORT:

Draft Tweed Local Environmental Plan, Amendment No 67, was publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979 for 28 days from Wednesday 9 February 2005.

One (1) submission to the draft Plan was received from the general public requesting that a minor Amendment be made to the draft Plan to ensure the proposed provisions are consistent. However, the request was based on an incorrect presumption that *Integrated Housing* is a form of *Multi-dwelling Housing*.

Tweed LEP 2000 clearly establishes that *Integrated Housing* and *Multi-Dwelling Housing* are two different types of development. Hence it is considered that the request to amend the exhibited draft is not warranted.

It is considered that the exhibited Tweed LEP 2000, Amendment No 67, can be forwarded to the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration) to make the Plan.

RECOMMENDATION:

That Council:

1. Adopts draft Tweed Local Environmental Plan 2000, Amendment No 67, as exhibited.
2. Forwards draft Tweed Local Environmental Plan 2000, Amendment No 67, to the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration) and requests the Minister to make the Plan in accordance with section 70 of the Environmental Planning and Assessment Act 1979.

REPORT:

Introduction

Council, at its Extra-Ordinary Meeting 23 April 2003, resolved pursuant to Section 54 of the Environmental Planning and Assessment Act 1979 to prepare a draft Local Environmental Plan to apply a 2-storey height limit to future low-density residential development located on land commonly referred to as SALT. At the time of Council's resolution the land was described as Lots 194, 301 and 312 DP 755701 Coast Road, South Kingscliff.

The draft Plan was publicly exhibited for 28 days from Wednesday 9 February 2005.

The purpose of this report is to summarise to Council the public exhibition of the draft Plan and any submissions Council has received with regard to the adoption of a 2-storey building height for low-density residential development within SALT.

Background

Approval to construct the SALT Development resulted in the filling of land on average by 2m. Prior to the approval of the development, the Community strongly expressed that the filling of the subject land would result in an over-development of the area with respect to building bulk, density and scale, particularly if planning controls allowed for the measurement of building height from *finished ground level* as opposed to *natural ground level*.

Council resolved the Community's concern by negotiating with the applicant, as part of the development consent, that a building height limit of 2-storeys would be applied to all low-density residential dwellings within the estate including development on land that was not filled.

It was the intention of Council in proposing the building height provisions that, like other areas having building height controls, the proposed controls would be based upon those areas where a 2-storey height limit should apply and other areas where it should not. In doing this, the community were provided with some certainty as to what could be expected from the development of SALT in terms of the site's overall building bulk, density and scale.

The approved concept plan provided Council the means to achieve this. However, subsequent amendments to the concept plan have resulted in the implementation of Council's original intention unfeasible particularly if further amendments are proposed to those parts of SALT that which are undeveloped.

Therefore the exhibited draft Plan was prepared showing a 2-storey building height over the entirety of SALT but applicable only to certain types of development, these being the types of development identified in Council's original conditions of development consent.

The adoption of the proposed building height controls does create some uncertainty for the community particularly in respect of what character the SALT Development will finally take i.e. a larger percentage of the site, than that originally agreed to, may have a building height greater than 2-storeys. However, it is considered that no other options for building height controls could be established for SALT in view of the possibility that further amendments to the approved concept plan may be proposed.

The implementation of the proposed 2-storey building height limit will ensure that the bulk and scale of future detached dwellings on the subject land are consistent with the bulk and scale of permissible development prior to the filling of the subject area.

State Agency Consultation

No additional State Agency consultation was undertaken due to the relatively minor nature of the proposed Amendment and limited relevance to any State Agency and/or Department.

Public Exhibition

Pursuant to Section 66 of the Environmental Planning And Assessment Act 1979, draft Local Environmental Plan 2000, Amendment No 65 was placed on public exhibition from Wednesday, 9 February 2005 until Wednesday, 2 March 2005.

Submissions

Public exhibition of the draft Plan resulted in one (1) submission being received. The submission from Darryl Anderson Consulting (DAC) on behalf of South Kingscliff Developments Pty Ltd argues that *integrated housing* is in effect a form of *multi-dwelling housing* and requests that a minor amendment be made to the exhibited draft Plan to ensure that clauses (b) and (c) are consistent.

In response to DAC's submission Tweed LEP 2000 clearly defines *multi-dwelling housing* and *integrated housing* as two separate and different types of development.

Therefore it is considered that the exhibited version of the draft Plan, in particular clauses (b) and (c) are consistent with the definitions of Tweed LEP 2000 and hence DAC's request to amend the draft Plan is not warranted.

Recommendation

That Council:

1. Adopts draft Tweed Local Environmental Plan 2000, Amendment No 67, as exhibited.
 2. Forwards draft Tweed Local Environmental Plan 2000, Amendment No 67, to the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration) and requests the Minister to make the Plan in accordance with section 70 of the Environmental Planning and Assessment Act 1979.
-

Conclusion

The adoption of the draft Plan will ensure that the density, bulk and scale of future detached dwellings on the subject land are consistent with the expectations of the surrounding community.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

8 [PE] Section 96 Application DA04/0723.01 for an Amendment to Development Consent DA04/0723 for a Pylon Sign at Lot 2 DP 1045941, Minjungbal Drive, Tweed Heads South

ORIGIN:

Development Assessment

FILE NO: DA04/0723 Pt1

SUMMARY OF REPORT:

Council at its meeting of 4 May 2005 resolved to defer the application at the request of the applicant.

Following Council's previous resolution, Council officers contacted the Roads and Traffic Authority to arrange a formal meeting with the RTA and Development Assessment staff as requested by the applicant. Discussions with assessing RTA staff indicated that they would be unable to attend any such meeting, unless additional information was received or proposed by the applicant. Assessing RTA officers also commented that decisions regarding the position and need for safety treatment of the pylon sign should be Council's decision, not the RTA's.

The application was subsequently further reviewed by Council's Engineering and Operations unit whom commented that the pylon sign appeared to be outside the clear zone (it should be noted that the clear zone is measured to any point of the sign that could be struck by a vehicle and not just to the centre of the pylon.). As such, the proposal would not require any form of safety treatment, as discussed in the previous report and previously advised by the NSW RTA.

In light of the above it is recommended that Condition No. 7 be amended to read as follows:

"The pylon sign is to be located so that it is completely outside the 3 metre clear zone as measured from the lip of the adjacent gutter. A survey plan clearly displaying the location of the sign outside the prescribed clear zone is to be submitted to the satisfaction of the Director of Planning and Environment, prior to the issue of a construction certificate.

OR

The pylon sign is to be designed to include either;
a) a guardrail system,
b) be of frangible design, or
c) an appropriately designed physical barrier

The desired treatment is to meet NSW RTA design guidelines. The design/plans shall be designed and certified by a suitably qualified structural design engineer. Plans and specifications are to be submitted to the satisfaction of the Director of Planning and Environment, prior to the issue of a construction certificate."

Whilst subject condition no. 7 is now considered to be resolved, the requested removal of condition no. 8, relating to the appearance of the sign, is not supported and the condition should be upheld as detailed per the previous report.

RECOMMENDATION:

That Section 96 Application DA04/0723.01 for an amendment to Development Consent DA04/0723 for pylon sign at Lot 2 DP 1045941, Minjungbal Drive, Tweed Heads South be amended as follows: -

1. Condition No. 7 should be amended to read as follows:
 7. The pylon sign is to be located so that it is completely outside the 3 metre clear zone as measured from the lip of the adjacent gutter. A survey plan clearly displaying the location of the sign outside the prescribed clear zone is to be submitted to the satisfaction of the Director of Planning and Environment, prior to the issue of a construction certificate.

OR

The pylon sign is to be designed to include either;

- a) a guardrail system,
- b) be of frangible design, or
- c) an appropriately designed physical barrier

The desired treatment is to meet NSW RTA design guidelines. The design/plans shall be designed and certified by a suitably qualified structural design engineer. Plans and specifications are to be submitted to the satisfaction of the Director of Planning and Environment, prior to the issue of a construction certificate."

2. The requested deletion of Condition No. 8 be refused for the following reasons: -
 1. Pursuant to Section 79C(1)(a)(i) the development application has not had due regard to relevant provisions of Tweed Local Environmental Plan 2000, in particular Clause 47.
 2. Pursuant to Section 79C(1)(a)(iii) the development proposal has not demonstrated due consideration or compliance with Tweed Shire Development Control Plan No.15 - Advertising Signs Code, as it relates

primarily to the proposal complementing and conforming to the building or the locality.

REPORT:

As per summary

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

9 [PE] Finalising of Tweed Local Environmental Plan 2000 (Amendment No. 68) and a Development Application DA04/1100 for a Mobile Phone Base Station at Lot 24 DP 1058759, Round Mountain Road, Hastings Point

ORIGIN:

Development Assessment

FILE NO: DA04/1100 Pt1

SUMMARY OF REPORT:

The purpose of this draft plan is to enable Council to approve the subject Development Application, which seeks approval for telecommunications infrastructure.

The subject land is zoned 7(l) Environmental Protection (Habitat) under the provisions of the Tweed Local Environmental Plan 2000. Development for the purposes of telecommunications infrastructure is prohibited in this zone, however, the applicant has argued that all suitably elevated land in the Bogangar area is also zoned for Environmental Protection or as a National Park or Nature Reserve. Subsequently, to provide a service to the community the applicant has requested that Council amend Schedule 3 of the Tweed LEP to enable telecommunication to occur on the subject allotment.

Due to the nature and sensitivity of the land particular attention has been given to the ecological values of the site. The recommended conditions of consent have required the power supply to be provided underground along an existing track to reduce the number of trees that will need to be removed in addition to mitigation measures being adopted during construction.

In accordance with 72J of the Environmental Planning and Assessment Act 1979 this application seeks an Amendment to the Tweed LEP 2000 in addition to an approval for the structure through the Development Application process. Council is requested to resolve to forward the draft plan to the Minister for gazettal and upon gazettal approve the application subject to the recommended conditions of consent.

RECOMMENDATION:

That Council: -

1. Forwards a copy of draft Tweed Local Environmental Plan 2000 (Amendment No. 68) to the Minister for gazettal; and
2. Upon gazettal of draft Amendment No. 68 to the Tweed Local Environmental Plan 2000, Development Application DA04/1100 for a mobile phone base

station at Lot 24 DP 1058759, Round Mountain Road Hastings Point 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 T1418-N070002, T1418-N070003 and T1418-N070004 prepared by Gridcomm and dated 29/09/2003, except where varied by these conditions. [GEN0010]

2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0120]

3. 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]

4. The proposed development is to be in accordance with the recommendations as detailed in the flora and fauna assessment prepared by Landmark Ecological Services. [GENNS01]

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

[GEN0030]

6. Prior to commencement of work pursuant to this consent a **Construction Certificate** shall be obtained for the works proposed and required by this consent.

Any application to Council for a construction certificate involving civil works must be submitted on the prescribed form and must include: -

- a) copies of compliance certificates relied upon
b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
- earthworks
 - roadworks
 - road pavement
 - road furnishings
 - stormwater drainage
 - landscaping works
 - sedimentation and erosion management plans
 - location of all service conduits (water, sewer, Country Energy and Telstra)

[GEN0140]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. An inspection of the site by a qualified and experienced botanist be conducted prior to clearing to determine the exact location of individual plants previously located across the site.
8. The proposed compound is to be fully clear of the existing right of carriageway within Lot 24. A minor encroachment of 0.38m is currently indicated by the submitted plans.
9. The engineering plans and specifications to accompany the Construction Certificate application shall provide for: -
- The provision of underground power to the site
 - Relocation of the existing track to be within Lot 24 and the existing right of carriageway
 - Rehabilitation of all disturbed areas
 - A notation is to be placed on the engineering plans such that during the course of construction, the applicant and the civil works contractor are to negotiate with the owner of adjoining Lot 21 DP 1058759 regarding utilization of any excess spoil that would otherwise be removed off site. This spoil may be used to facilitate and improve access to Lot 21 from within Lot 24, provided that:

- all work is contained within the existing right of carriageway within Lot 24
- all works are carried out in accordance with sound engineering principles
- no trees are to be removed
- no detrimental effects are caused to the surrounding flora
- Council is consulted and concurrence is obtained prior to any such work commencing

[PCCNS01]

10. Prior to issue of a Construction Certificate an operation plan shall be prepared that details measures to prevent fires igniting during the construction of the proposed Communications Facility. This should include, but not be limited to the following:

- Work involving risk ignition should not be carried out during total fire bans.
- Availability of fire suppression equipment.
- Storage and maintenance of fuels and other flammable materials.

[PCCNS02]

11. 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]

PRIOR TO COMMENCEMENT OF WORK

12. **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]

- 13. 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]

- 14. 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]

DURING CONSTRUCTION

- 15. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).

[DUR0010]

- 16. 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]

- 17. 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]

18. 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]

19. 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]

20. 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]

21. 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]

22. 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]

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

[DUR0940]

24. 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]

25. The construction of the proposed Telecommunications Facility shall withstand 60kW/m². (However please note the expected radiation level at the site during a fire could be around 112kW/m² which may be factored into the construction of the facilities)

[DURNS01]

26. 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]

27. 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]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

28. 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]

29. 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]

30. On completion of work a certificate signed by a practising structural engineer is to be submitted to the PCA to certify the structural adequacy of the structure.

[POC0060]

31. A lease agreement with Council is to be finalised prior to the issue of any Occupation Certificate.

32. An Easement for Services is to be created over any new telecommunication or electrical supply works that are not located within the existing Easement for Services.

[POCNS01]

USE

33. 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]

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

[USE0170]

35. Acid Sulfate soils shall not be exposed or disturbed. [USENS01]
36. Lighting shall not be permitted to impact the amenity of any other premise. [USENS02]
37. All works shall comply with the recommendations of the Survey of Proposed Telecommunications Base Station at Bogangar, Landmark Ecological Services P/L, May 2004 with respect to protection and management of flora and fauna. [USENS03]
38. The area around the Telecommunications Facility within the compound shall be maintained as an 'Inner Protection Area' (IPA) as outlined within section 4.2.2 in Planning for Bushfire Protection 2001. [USENS04]

REPORT:

Applicant: Telstra Corporation
Owner: Tweed Shire Council
Location: Lot 24 DP 1058759, Round Mountain Road Hastings Point
Zoning: 7(l) Environmental Protection (Habitat)
Cost: \$150,000.00

BACKGROUND:

Council at its meeting of 3 November 2004 resolved as follows:

***RESOLVED** that this matter be deferred in order that:-*

- a. Council can seek advice from Country Energy confirming that no trees need to be removed or lopped to supply power above ground as proposed.*
- b. Telstra can be asked to consider under ground supply of power in order to reduce environmental impact and the risk of interruption to the service at times of bush fire.*

Following this resolution Council Officers advised the applicant of this resolution and requested additional information from the applicant assessing the feasibility of placing the power supply underground. The additional information was reported to Council on the 17 November 2004 and the following resolution was made:

That provided Telstra agrees to provide power to the facility underground only:

- 1. Council informs the Director-General of the Department of Infrastructure, Planning & Natural Resources that pursuant to Section 54(1) of the Environmental Planning & Assessment Act 1979, Council intends to prepare a draft Local Environmental Plan 2000 to amend Schedule 3 of the LEP to enable the construction of a mobile phone base station at Lot 24 DP 1058759, Round Mountain Road, Hastings Point.*
- 2. Council advises the Director-General that it does not consider a Local Environmental Study to be needed.*
- 3. The Director-General of the Department of Infrastructure, Planning & Natural Resources be requested to waive the requirement for a Local Environmental Study given the minor nature of the proposed amendment.*

The Department of Infrastructure, Planning & Natural Resources (DIPNR) by letter on 8 December 2004 advised that there is no need for an environmental study in this case. Therefore Sections 57 & 61 of the Environmental Planning & Assessment Act 1979 do not apply to this draft plan. The Department provided that Council is requested to exhibit

the Statement of Environmental Effects accompanying the development application lodged in conjunction with the re-zoning request.

The following report assesses the application having regard to the submission received following public notification.

Public Exhibition of the Plan

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 the telecommunications infrastructure (DA04/1100). The joint notification and exhibition of the application and the draft Plan was for a 28 day period from 13 April 2005 and 12 May 2005.

The exhibition of the draft Plan was accompanied by a report on consistency with State Environmental Planning Policies, the North Coast Regional Plan 1988, and Section 117 Directions, checklists of consistency, a compliance checklist with the NSW Coastal Policy 1997, and the explanatory notes concerning the Draft Plan.

This draft LEP Amendment must be considered under Part 3 of the Environmental Planning and Assessment Act 1979 including implications of the proposed changes and the potential future land use of the site.

However Council cannot determine the accompanying development application until the draft LEP Amendment process has been finalised as a result of this report and the minister has gazetted the Amendment for the land.

The Draft Plan

This draft plan consists of a **written instrument** a copy of which is Attachment No.1. The amendment seeks to alter Schedule 3 of the Tweed LEP 2000 to enable telecommunications infrastructure to be constructed on the site which would otherwise be prohibited.

The erection of the proposed infrastructure is prohibited in the 7(l) zone. Therefore to enable the site to be utilised for this use, the applicant has requested that Council amend the Local Environmental Plan 2000 by adding the subject site to Schedule 3.

As this is not a development standard under the planning instrument, and cannot be varied through the use of State Environmental Planning Policy No.1 – Development Standards, the applicant has sought the amendment to the LEP to enable approval of the development.

Public Submissions

Council received one submission in relation to the proposed development and Draft Plan. The submission raised the following issues:

- Excavation work resulting in surplus fill, which the applicant proposes to take off site. Alternatively this fill could be placed on the subject allotment to enable vehicular access to the north for adjoining owners.
- A preference for underground power supply.

These objections are considered to relate to the proposed development and will be assessed in the section of this report addressing the proposal.

State Agencies/Bodies Consultation

Three (3) bodies were given the opportunity to comment on the proposed Draft Plan. These include Country Energy, Tweed Byron Aboriginal Land Council, & the Department of Environment & Conservation. No written responses were received, however, verbal communication with Mr John Allen from DEC indicated that no objections were made to the proposed development.

Parliamentary Counsel

The application does not require review by Parliamentary Counsel at this stage. Upon resolution to forward a copy of the instrument to the Minister DIPNR will internally refer the application to their legal branch and Parliamentary Counsel.

Any minor amendments or drafting changes that are recommended that will result in the same outcomes will be adopted.

Section 69 Requirements

In accordance with the Council Resolution of 7 May 1997 Council has the delegation to prepare a Section 69 report to the Director General for the Draft Plan. As such, this report will accompany the documentation forwarded to the Minister to enable gazettal of the Plan.

DEVELOPMENT ASSESSMENT REPORT

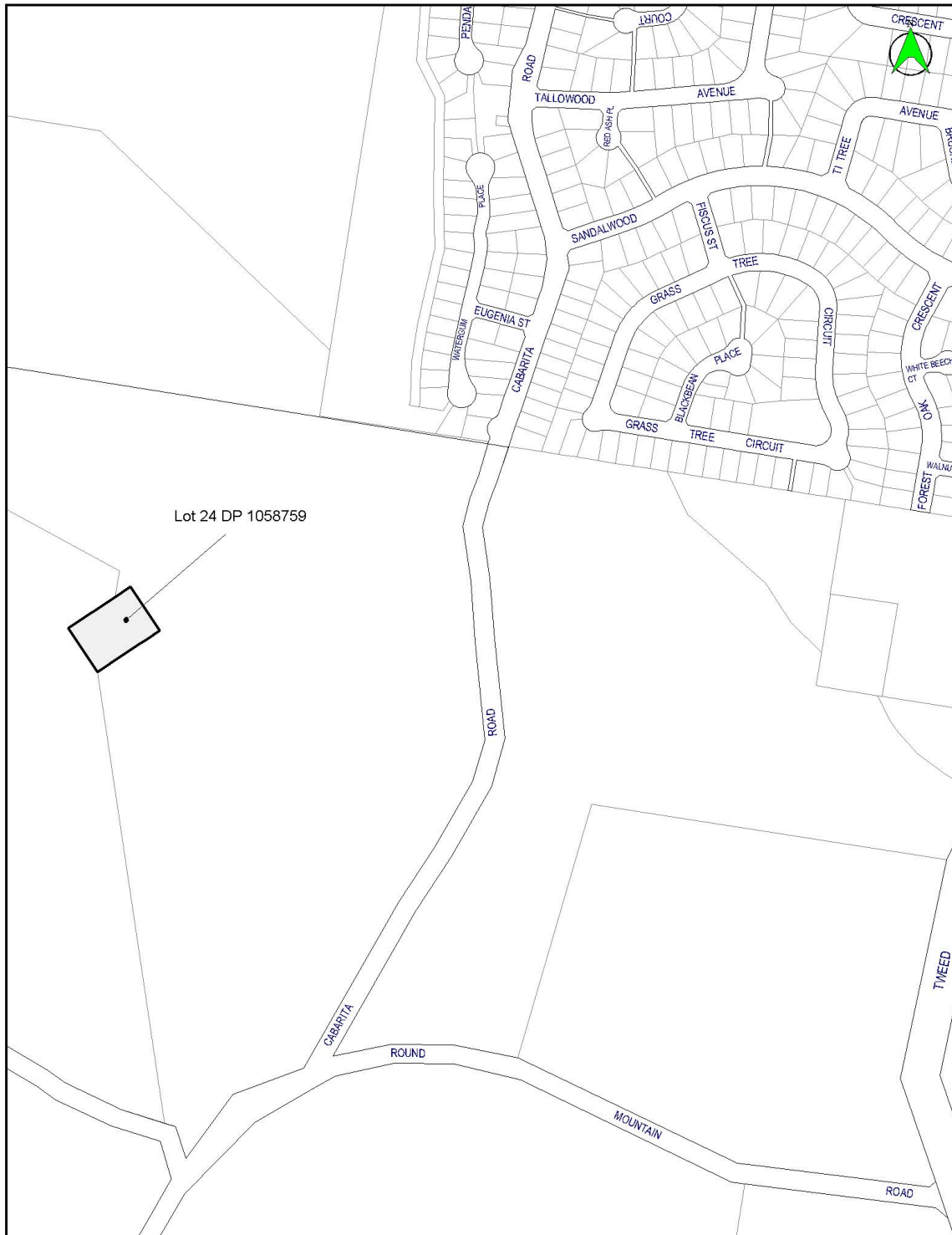
The application seeks consent for the construction of a telecommunications facility at the Bogangar Council Reservoir, Round Mountain Road, Hastings Point. The applicant has submitted that the telecommunications equipment is necessary to provide depth of coverage into the residential areas of Bogangar, Cabarita Beach, Hastings Point, and the surrounding rural areas, as there are no existing telecom/facilities in the subject area.


The proposed facility and associated works will consist of:

- A new compound with a total site area of 60m² having dimensions of 10m long and 6m wide. Around the compound will be a 2.4m tall security fence and 3m wide security gates. The compound will be finished with crushed rock over geo-textile membrane with a timber border;
- A 30m high concrete monopole (mast), painted 'Drab Olive' (which has capacity to accommodate additional telecommunications equipment and cater for the future telecommunications needs for the Bogangar area);
- Telstra equipment including 4 panel antennae, 600mm diameter microwave link dish at the top of the proposed mast and a 450mm wide cable tray on the outside of the pole;
- A small equipment cabin (7.3m²) located in the compound at the base of the mast (3m high), which will be painted 'Mist Green';
- Construct a new access track from the reservoir to the compound;
- Regrading of a small portion of the reservoir embankment to ensure the new access track to the compound is entirely within Council owned land (this will necessitate the removal of three mature trees and some ground cover);
- Construct a gate to restrict access to the compound; and
- Extend the existing power supply underground to the new compound adjacent to the proposed access track to the reservoir.

The site is currently zoned 7(l) Environmental Protection (Habitat) under the provisions of the Tweed Local Environmental Plan 2000. The subject site is accessed by an existing gravel road, which comes off Round Mountain Road, Hastings Point. The site is elevated to approximately at RL 45m and is located within a nominated bushfire hazard area.

SITE DIAGRAM:



<p>© TWEED SHIRE COUNCIL 2004 Although all care has been taken with the production of this map, the TWEED SHIRE COUNCIL, its Employees, Officers and Consultants can not be Responsible for any Errors, Omissions or Inaccuracies in respect to the information supplied in this map. DO NOT SCALE COPY ONLY - NOT CERTIFIED P.O. Box 816 Murwillumbah, NSW., 2484 Tel: (02) 6670 2409 Fax: (02) 6670 2483</p>	<p><i>Tweed Shire Council</i> Lot 24 DP 1058759 Round Mountain Road, Hastings Point</p>		<p>STRATEGIC PLANNING UNIT Site Plan Scale: 1:5,000 Sheet: 1 of 1</p>
<p>File: N:\MapInfo 7...A4P Site Plan.Wor</p>		<p>Author: C.Davis</p>	<p>Date: 22/Oct/2004</p>

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

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

Tweed Local Environmental Plan 2000

The subject land is zoned 7 (l) Environmental Protection (Habitat) under the Tweed Local Environmental Plan. The proposed use of the site for a new mobile phone base station is defined as telecommunications infrastructure under Tweed Local Environmental Plan 2000. Telecommunications Infrastructure is defined as:

'A 'facility' 'telecommunications transmission tower' or 'tower' as defined in the Telecommunications Code of Practice 1997 of the Commonwealth but does not include a 'low impact facility' as also defined in the code'.

Telecommunications Infrastructure is prohibited in the 7(l) zone subsequently an application to amend Schedule 3 has been prepared. This would enable Telecommunications Infrastructure under the Tweed Local Environmental Plan 2000.

The proposed mobile phone base station is considered to have had adequate regard for the environmental constraints of the site. The power supply will be required to be placed underground along the existing access track thus reducing the number of trees to be removed. Furthermore, appropriate conditions of consent have been recommended to ensure that the recommendations in the applicants Flora & Fauna Report (conducted by Landmark Ecological Services) is complied with.

Clause 15 of the Tweed LEP 2000 requires the site to have the availability of essential services. Council's Development Engineer has reviewed the application and provided suitable conditions of consent for the application including conditions specifying the necessary easements for services.

Clause 16 of the Tweed LEP 2000 restricts the height of structures on the site to three stories. Whilst the proposed tower is 30 metres in height it is not considered to breach the three-storey height limit.

Clause 28 of the Tweed LEP 2000 restricts development (including tree clearing) within the 7(l) zoned land unless consideration has been had for any representations made by NSW Fisheries and National Parks and Wildlife Services. The application was subsequently referred to the relevant bodies. However, no written comments were received. Verbal communication with the Department of Environment & Conservation indicated that no objections are made subject to compliance with the recommendations of Council's Environmental Scientists. Appropriate conditions of consent have been recommended.

Furthermore, in accordance with Clause 28 this assessment has had regard for the likely effects and disturbance on native flora and fauna, and has incorporated mitigation matters as detailed in the recommended conditions of consent. Subsequently, Clause 28 of the Tweed LEP 2000 is considered to have been adequately addressed as part of this application.

North Coast Regional Environmental Plan 1988

The subject land is zoned 7(l) Environmental Protection (Habitat) which aims at protecting areas, which have particular habitat significance. The subject site has been identified as such, however, preliminary assessments indicate that the scale of the proposed works to enable utility services are minor and will have limited impact on the significance of the area given the extent of the availability of habitat for flora and fauna.

Despite this preliminary conclusion the following provisions of the North Coast Regional Environmental Plan 1988 are considered to be applicable.

Clause 29 – Plan Preparation Natural Areas and Water Catchments provides that a draft local environmental plan should not alter or remove existing environmental protection zonings or controls within them without undertaking a detailed analysis to determine whether there will be adverse environmental effects resulting from such action. It further provides that consent for clearing of natural vegetation is required within the environmental protection zones. The subject Development Application seeks consent for the removal of natural vegetation and has been supported by a Flora and Fauna Report prepared by Landmark Ecological Services. Preliminary investigations indicate that the scale of the proposed works are minor and will have negligible impact on the overall area given the extent of the remaining habitat areas. It is therefore submitted that the proposal is consistent with the provision of the clause.

Clause 45 – Environment Hazards is applicable as the site is a nominated Bushfire Hazard zone. The proposed works do not incorporate a dwelling and therefore the provisions in Clause 45(3) are not specifically relevant. Notwithstanding this the application has been referred to the Local Rural Fire Service (RFS) for comment as part of the consultation process, and appropriate conditions of consent have been recommended by the RFS.

Clause 58 – Utility Services relates to the services for urban purposes it is therefore not specifically applicable to this application.

State Environmental Planning Policies

SEPP 14 – Coastal Wetlands

The subject site is located within 100m of the mapped SEPP 14 land. However it is not considered applicable to this application.

SEPP 44 – Koala Habitat Protection

The applicants Flora and Fauna Report detailed that no Koala food trees were recorded within the study area although Koalas are known to occur throughout the area. The applicant's ecologist considered it not appropriate a SEPP 44 assessment. This conclusion is concurred with, given the minor nature of the works.

There are no other State Environmental Planning Policies that are considered relevant to the proposal.

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

The provisions of Draft Environmental Plan No. 68 apply to this development application, as they will enable the proposed development to proceed. It is proposed to undertake an amendment to Schedule 3 of the Tweed LEP 2000 to allow telecommunications infrastructure to occur on the subject allotment and thereby enabling the construction of the proposed mobile phone base station.

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

Access to the property will be gained from an existing gravel road from Round Mountain Road and by an existing access track part of which is to be re-aligned to be wholly within the subject site. Assessment of the application indicate that this access will be acceptable as there are no car parking or access issues, which would prevent the proposal proceeding.

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

NSW Coastal Policy

The site lies outside the coastal zone as defined by the NSW Coastal policy, therefore Council is not required to prepare or consider a Local Environmental Study as Section 117 Direction No. S26 does not apply.

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

The proposed mobile phone base station will improve mobile reception for the residents and visitors to the extended Bogangar area. The provision of a competitive mobile phone service would provide a positive benefit to residents, workers and visitors to the local area.

The cumulative impacts of the proposal are not considered a significant impact in terms of the size of the development and the ability to service the facility using the existing infrastructure and the expected minimal increase in

visits by technical staff. The proposed development is unlikely to create any adverse social or economic impacts upon the locality.

The construction of the tower and the associated infrastructure will necessitate the removal of some trees, however, as the power is to be provided underground along the existing access track the extent of tree removal is limited. Council's Environmental Scientist has attended the site and concluded that the nature and scale of the proposed development does not warrant any further investigation subject to the recommendations in the applicants Flora and Fauna report being adhered to. Appropriate conditions of consent have been recommended.

(c) Suitability of the site for the development

The proposed telecommunications facility is proposed to improve the services for residents and tourists in the area of Bogangar/Round Mountain. In determining the most appropriate site for such a facility the applicant considered a number of sites before nominating the subject site as the preferred location. The proposed site generally satisfies Council requirements and is considered suitable subject to the recommended conditions of consent.

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

Draft Amendment No. 68 to the Tweed Local Environmental Plan 2000 was placed on public exhibition for 28 days between Wednesday 13 April 2005 and Thursday 12 May 2005. The draft plan was exhibited jointly with the notification of development application DA04/1100, seeking development consent for a telecommunications facility.

One (1) submission was received in respect to the proposed draft LEP Amendment and the proposed development. The main issues raised in this submission related to:

- Excavation work resulting in surplus fill, which the applicant proposes to take off site. Alternatively this fill could be placed on the subject allotment to enable vehicular access to the north for adjoining owners.
- A preference for underground power supply.

With regards to the submission comments all matters have been addressed. Power will run underground and appropriate conditions of consent have been recommended accordingly. Furthermore, a condition of consent has been incorporated to encourage the negotiation of the placement of fill material, subject to obtaining Council Concurrence. The issues raised in the submission are not considered to warrant refusal of the proposed telecommunications facility.

(e) Public interest

The proposed development is not intended to compromise the general public interest. The LEP has been recommended for amendment to allow telecommunications on the site. The benefit in terms of improved telecommunications will result in a positive outcome for the areas of Bogangar/Round Mountain.

OPTIONS:

1. Finalise draft Tweed Local Environmental Plan 2000 Amendment No. 68 by forwarding the draft plan to the Minister for Gazettal, and subsequently approve development application 04/1100 in accordance with the recommended conditions.
2. Not make the draft Local Environmental Plan 2000 and refuse development application DA04/1100.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

There is no right to appeal in the Land and Environment Court if Council resolves not to proceed with the draft Local Environmental Plan.

POLICY IMPLICATIONS:

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

CONCLUSION:

The proposed development demonstrates general consistency with the requirements of Council and improves facilities for a local community on a suitable parcel of land. The application has satisfactorily addressed the issues pertaining to native flora and fauna and the use of the land for telecommunications purposes. The proposed development is not considered to compromise the general public interest of the locality.

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. The written Instrument for Draft LEP Amendment No. 68 (DW 1207008)
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10 [PE] Development Application DA04/0517 for Demolition of Existing Dwelling and Erection of Multi Dwelling Housing Comprising of Five (5) Dwellings at Lot 415 DP 755701, No. 75 Tweed Coast Road, Hastings Point

ORIGIN:

Development Assessment

FILE NO: DA04/0517 Pt1

SUMMARY OF REPORT:

Council is in receipt of a development application for the demolition of the existing building located on the above subject land and the erection of a multi dwelling housing development comprising 1 x two (2) bedroom unit, 3 x three (3) bedroom units and a penthouse with three (3) bedrooms and a study, within a predominantly three-storey building.

The subject site is currently zoned 2(b) – Medium Density under the Tweed Local Environmental Plan 2000.

The development application is accompanied by a SEPP 1 Objection to vary Clause 32B – Overshadowing of a Reserve to the North Coast Regional Environmental Plan 1988. In addition to this formal variation request, the application has a few numerical non-compliances with Council's Development Control Plan No. 6 – Multi Dwelling Housing, in relation to landscaping and building envelope.

The application incorporates minor encroachments into the building envelope, presents overshadowing to adjoining properties to the north and south, landscaping requirements and raises privacy concerns for some adjoining residences. However, notwithstanding these issues the application is considered to warrant a recommendation for approval on the architectural merits of the building and having regard to the medium-density land-use controls in this area.

RECOMMENDATION:

That: -

1. The State Environmental Planning Policy No. 1 objections to Clause 32B of North Coast Regional Environmental Plan 1988 regarding the overshadowing of the adjoining reserve be supported and the concurrence of the Director-General of the Department of Infrastructure, Planning and Natural Resources be assumed.

2. Development Application DA04/0517 for the demolition of the existing dwelling and erection of multi dwelling housing comprising of five (5) dwellings at Lot 415 DP 755701, No. 75 Tweed Coast Road Hastings Point 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 P417DA01 Revision D, P417DA04 Revision E, P417DA05 Revision E, P417DA06 Revision D, P417DA07 Revision E prepared by Glen Petersen Architect and dated 18/08/2004, except where varied by these conditions. [GEN0010]

2. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property. [GEN0030]

3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0120]

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

inspections that are to be carried out in respect of the building work.

[GEN0150]

5. Kerb and gutter will be required for the full frontage of the site to Coast Road. The kerb will need to be 6.5m from the existing center line to kerb face. Detailed plans will need to be submitted for approval by the Director Engineering Services prior to issue of a construction certificate.
[GENNS01]
6. The existing cycleway is to be saw cut and removed at the driveway entrance as the path is not reinforced.
[GENNS01]
7. The proposed rendered block fence shown extending to the front property boundary will need to be stopped 5 metres from the boundary or lowered to comply with sight lines as per Australian Standards.
[GENNS01]
8. All wastes shall be collected, stored and disposed to the satisfaction of Director of Environment and Community Services. Wastes shall be presented at the kerb in a Council approved wheelie bin for collection. A screened, graded and drained bin storage area shall be provided within the boundary of the property.
[GENNS01]
9. The site shall not be dewatered and acid sulfate soils shall not be exposed or disturbed.
[GENNS01]
10. Wash water from the pervious car wash area shall not flow or perlocate to any watercourse or stormwater drain.
[GENNS01]
11. Lighting shall not be permitted to impact the amenity of any other premise.
[GENNS01]
12. No roofing or shade structure shall be permitted on the roof terrace.
[GENNS01]
13. Riparian vegetation shall not be removed or cut back.
[GENNS01]
14. Stormwater runoff or wastewater shall not be permitted to discharge to Cudgera Creek.
[GENNS01]
15. The use of EXTERNAL ground anchors, sheet piling or any other like method that extends beyond the property boundary is not permitted or approved by this consent, except where the written permission to carry out such works and the details of works have been submitted and approved with the Construction Certificate. Any such works proposed in

Council's road reserve shall require the submission and approval of a separate s.138 application, which is to be accompanied with all necessary engineering detail to the satisfaction of Council's Director of Engineering and Operations.

[GENNS01]

16. Construction shall comply with AS3959 - 1999 level 3 'Construction of Buildings in bushfire prone areas'.

[GENNS01]

17. The entire property shall be managed as an 'Inner Protection Area' as outlined within Section 4.2.2 in Planning for Bushfire Protection 2001.

[GENNS01]

18. A 1.8 metre high radiant heat shield made of non-combustible materials shall be constructed along the full length of the western boundary adjacent to the hazard. A pedestrian access gate is to be provided along this boundary. Where steel cladding material is used; all posts and rails will be constructed from steel. The bottom of the fence is to be in direct contact with the finished ground level or plinth.

[GENNS01]

19. Access to the rear of the property shall be provided for fire fighting purposes.

[GENNS01]

20. Reticulated water supply shall comply with AS2419. Locations of fire hydrants are to be delineated by blue pavement markers in the center of the road.

[GENNS01]

21. All fencing shall be of non-combustible materials.

[GENNS01]

22. Construction of the dwellings on the eastern and western aspects to comply with level 3 AS3959. Construction on the remainder of the dwelling to comply with table A3.3 of Planning of Bushfire Protection 2001.

[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

23. Section 94 Contributions

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

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

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

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

a.	Tweed Road Contribution Plan: S94 Plan No. 4 (Version 4.0) Sector8a_4	\$6,740
b.	Open Space (Structured): S94 Plan No. 5	\$1,770
c.	Open Space (Casual): S94 Plan No. 5	\$378
d.	Shirewide Library Facilities: S94 Plan No. 11	\$1,562
e.	Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$309
f.	Community Facilities (Tweed Coast) (South Coast) S94 Plan No. 15	\$2,336
g.	Emergency Facilities (Surf Lifesaving) (REMSHIRE) S94 Plan No. 16	\$539
h.	Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$963.05
i.	Cycleways S94 Plan No. 22	\$365
j.	Regional Open Space (Structured) S94 Plan No. 26	\$2,671
k.	Regional Open Space (Casual) S94 Plan No. 26	\$460

[PCC0050/PSC0005]

24. 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:	2.75 ET @ \$4325	\$11,894
Sewer:	2.75 ET @ \$3490	\$9,598

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]

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

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

[PCC0130]

26. The footings and floor slab are to be designed by a practising Structural Engineer after consideration of a soil report from an accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

[PCC0160]

27. 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.

28. 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
Stormwater quality control measures shall be implemented in accordance with Cozens Regan Williams Prove Drawing No. P.11.15 - Sk.2 (Issue C, dated 02/05), or subsequent amended versions approved by Council officers, unless otherwise directed by these consent conditions.

29. 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]

30. 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*.
31. Design of all filling and/or retaining works on the site must address drainage of the site as well as any existing stormwater flows onto or through the site, and the likely impact on stormwater drainage in the locality. Where necessary, perimeter drainage must be installed to prevent ponding of stormwater on adjoining land. Drainage must be installed and operational prior to commencement of any building work.

[PCCNS01]
32. The basement car parking is to be protected against the inflow of water from Tweed Coast Road during storm events up to the ARI 100 year storm. This protection must be provided by construction of a permanent bund and appropriate driveway formation, not by mechanical means.

[PCCNS01]
33. Stormwater infrastructure works within Council's Road Reserve and Council's Coastal Reserve, shall be implemented in accordance with Cozens Regan Williams Prove Drawing No. P.11.15 - Sk.2 (Issue C, dated 02/05), or subsequent amended versions approved by Council officers, unless otherwise directed by these consent conditions. Full engineering details of the external drainage system, including sizing of the infiltration area, shall be provided with the Construction Certificate application, and associated s68 and s138 applications.

[PCCNS01]

34. Council's cycleway and road infrastructure must be fully reinstated to Council standards following construction and connection of the external drainage system. The concrete cycleway is to be saw cut to facilitate the construction of the system connection.
[PCCNS01]
35. Plans of all works within Council's Coastal Reserve shall be accompanied by rehabilitation/ revegetation plans to be implemented within all areas disturbed by the works, to the satisfaction of Council's Manager Recreation Services.
[PCCNS01]
36. The works shall at no time impose service interruptions on the sewer rising main located within the adjacent road reserve (Tweed Coast Road).
[PCCNS01]
37. Prior to the commencement of any demolition works all house drainage connections are to be suitably capped off by a licenced plumber and an inspection of the work obtained from Council.
[PCW0300]
38. Prior to the commencement of works sedimentation and erosion control measures shall be installed to the satisfaction of the Director of Environment and Community Services.
[PCWNS01]

PRIOR TO COMMENCEMENT OF WORK

39. 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]
40. 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]

41. 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]

42. **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]

43. 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]

44. 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]

45. 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]

46. 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]

DURING CONSTRUCTION

47. 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]

48. 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 1742.3-2202 (Manual of 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]

49. The provision of nine (9) off street car parking spaces. Two (2) spaces are to be nominated for visitor use and signposted accordingly. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.
[DUR0050]
50. 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]
51. A garbage storage area shall be provided in accordance with Council's **"Code for Storage and Disposal of Garbage and Other Solid Waste"**.
[DUR0090]
52. All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead" and the WorkCover guidelines on working with and handling of asbestos.
[DUR0100]
53. 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]
54. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover Authority.
[DUR0160]
55. 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]
56. 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]
57. a. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
b. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
[DUR0210]
58. If the work involved in the erection or demolition of a building:

- a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
- b. building involves the enclosure of a public place,

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

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

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

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

[DUR0220]

- 59. Ensure adequate turfed area, or other suitable media, is incorporated and maintained into the proposed landscape of the property for use as a car wash-down area.

[DUR0230]

- 60. 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]

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

[DUR0670]

- 62. 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]

- 63. 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]

64. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles. [DUR0880]
65. 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]
66. 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]
67. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited. [DUR0920]
68. 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, Engineering & Operations. [DUR0930]
69. The burning of builders waste on site by open fire is prohibited. [DUR0940]
70. 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]
71. 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]
72. 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]

73. 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]
74. 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]
75. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
- [DUR1040]
76. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
- [DUR1090]
77. 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]
78. 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]
79. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C in all other classes of buildings.

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

[DUR1160]

80. 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]

81. 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, Engineering & Operations prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1210]

82. 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]

83. 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]

84. 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]

85. 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]

86. 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]

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

[POCNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

[POC0020]

USE

89. The use being restricted to the floor area designated on the approved plan.

[USE0010]

90. The premises shall be suitably identified by Unit No. (where appropriate) and Street Number displayed in a prominent position on the facade of

the building facing the primary street frontage, and is to be of sufficient size to be clearly identifiable from the street.

[USE0040]

91. All trade materials, product and plant to be kept within confines of the building at all times.

[USE0120]

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

[USE0160]

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

[USE0170]

REPORT:

Applicant: Detabo Pty Ltd
Owner: Detabo Pty Ltd
Location: Lot 415 DP 755701 No. 75 Tweed Coast Road, Hastings Point
Zoning: 2(b) Medium Density Residential
Cost: \$1,500,000.00

BACKGROUND:

Council is in receipt of a development application for the demolition of the existing building located on the subject land and the erection of a multi dwelling housing development comprising 1 x two (2) bedroom unit, 3 x three (3) bedroom units and a penthouse with three (3) bedrooms and a study, within a predominantly three-storey building.

The subject site is regular in shape and located along Tweed Coast Road, Hastings Point. The site has a 16.6m frontage to Tweed Coast Road to the east with an approximate depth of 50.3m, creating a total site area of 790.4m².

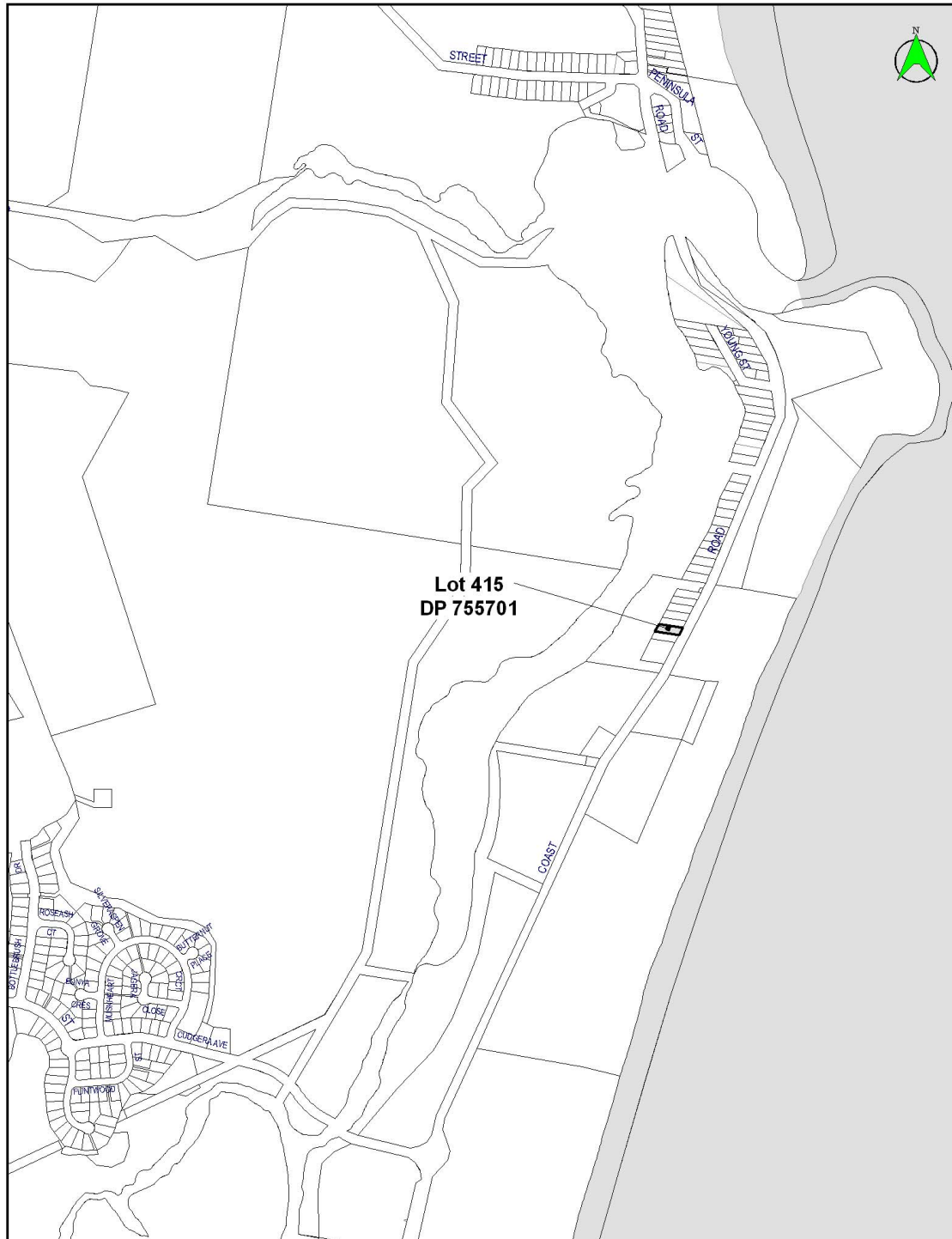
The proposed development incorporates the provision of landscaping, a carwash bay, and three private balconies for each unit above ground level. The development also accommodates a basement carpark, located off Tweed Coast Road. The basement includes 9 car parking spaces, allowing one exclusive space per unit, with 4 visitor spaces. Access to the building can be via internal stairs from the basement area or entry pathway along the northern boundary from Tweed Coast Road.


The development application is accompanied by a SEPP 1 Objection to vary Clause 32B – Overshadowing of a Reserve to the North Coast Regional Environmental Plan 1988. In addition to this formal variation request, the application has a few numerical non-compliances with Council's Development Control Plan No. 6 – Multi Dwelling Housing, in relation to landscaping and building envelope.

The proposed development was advertised for a period of two weeks, during this period two written submissions were received. The main issues raised within the submission period included; the size and scale of the proposal – particularly in relation to non-compliance with Council's building envelope requirements, overshadowing of adjoining properties, loss of visual and acoustic privacy, potential structural damage to adjoining properties, stormwater concerns, loss of amenity and potential impacts to underground water supply as a result of the basement carpark.

The issues raised by the proposal have been assessed in full and it is considered that on merit the proposal warrants approval.

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. DO NOT SCALE COPY ONLY - NOT CERTIFIED P.O. Box 816 Murwillumbah, NSW, 2484 Tel: (02) 6670 2409 Fax: (02) 6670 2483</p>	<p><i>Tweed Shire Council</i> Lot 415 DP 755701, No. 75 Tweed Coast Road, Hastings Point</p>	 <p>TWEED SHIRE COUNCIL</p>	<p>STRATEGIC PLANNING UNIT Site Plan Scale: 1:10,000 Sheet: 1 of 1</p>
<p>File: N:\MapInfo 7...V4P Site Plan.Wor</p>		<p>Author: J.Batchelor</p>	<p>Date: 24/May/2005</p>

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

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

Tweed Local Environmental Plan 2000

The subject land is zoned 2(b) Medium Density Residential under the Tweed Local Environmental Plan 2000. The primary zone objective relates the provision of medium density housing, achieving good urban design outcomes. The proposed development is permissible with the consent of Council and is considered to be consistent with the primary objective of the zone.

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

Clause 16 of the TLEP requires development to be undertaken in accordance with a building height plan, which identifies the site as being limited to three storeys with an objective to ensure that the height and scale of development is appropriate to its location, surrounding development and the environmental characteristics of the land. The proposed development is considered to meet the provisions of Clause 16. The proposal involves a roof top terrace, however this not constitute a fourth storey under the definition of a storey within the Tweed LEP 2000. Appropriate conditions of development consent have been recommended regarding any future roof structures.

Clause 35 of the TLEP requires that an acid sulfate soils management plan be assessed where the proposed development is likely to interfere with acid sulfate soils. The subject site is mapped as possessing Class 3 Acid Sulphate Soil levels. Council's Environment & Community Services Division, has reviewed the application, in light of the proposed depth of excavations, and the ASS testing submitted, no objections were raised.

North Coast Regional Environmental Plan 1988 (NCREP 1988)

Clause 32B of the NCREP provides that in determining an application the consent authority should have consideration for documents such as the NSW Coast Government Policy and further should consider the impact that potential shadow may have on open space before 3pm midwinter (standard time) or 6.30pm midsummer (daylight saving time).

The proposed development is generally consistent with the design guidelines contained in the documents listed in subclause (2), many of which have been incorporated into DCP 6. The development has been designed generally having regard to these requirements.

However, the proposed development does result in the overshadowing of the open space reserve immediately adjacent to the subject site. In this regard the overshadowing plans indicate that some overshadowing will occur at and before 6.30pm mid summer (EDST) whilst no overshadowing will occur before 3pm mid winter. The expected shadow cast will be in the order of 185m² in area and will affect land immediately adjacent that the applicant contends is not currently used for either passive and active recreation.

Subsequently, the applicant has lodged a SEPP 1 Objection to this standard, which reads as follows:

“The extent of overshadowing at the prescribed time (approx 185m²) is considered to be minor in scale relative to the overall size of the Coastal Reserve;

That area subject to overshadowing provides for primary roadside verge and low-lying coastal vegetation and weeds. The area affected provides for little in terms of recreational or scenic amenity as it is located immediately adjacent to the Coast Road.

The open space area in question (Tweed Coast Reserve) is extremely large and extends for a depth of approximately 150m and a distance of approximately 1.5km. Accordingly, several alternative areas will remain available for the use of the public in the unlikely event that overshadowing does adversely impact upon users of the area;

The proposed overshadowing in no way precludes the future use or classification of the adjacent reserve;

No overshadowing will occur before 3pm in midwinter;

No overshadowing of the adjacent beach will occur; and

Given the timeframes of overshadowing expected, no impacts will occur in relation to existing or future landscaping or specific stands of vegetation in the adjacent open space area.”

It may be concluded that achieving the objective of no overshadowing of open space in urban environments may not be attainable in all circumstances. Having regard to Council's planning controls over the subject land it is considered that in order to achieve the development potential of the land a level of overshadowing will occur. It is not considered that the third-storey component of the building is the cause for the level of overshadowing and therefore in this instance, the objective of clause 32B cannot be fully realised without adversely impacting upon the development yield of the site, which would be inconsistent with Council's controls.

Therefore, having regard to the applicant's arguments above and the objectives of the REP the SEPP 1 objection is considered to have merit.

Clause 43 of NCREP requires density of development to be maximised without impacting on the environment. The proposed density is considered to be a reasonable response to the land use character of the area and will not result in the creation of any adverse physical impacts upon the locality. Further, the existing road widths are not excessive for the function of the proposal and a detailed sedimentation and erosion control plan will be enforced in relation to construction works.

State Environmental Planning Policies

State Environmental Planning Policy (SEPP) No.1 Objection

The applicant has submitted a SEPP No.1 Objection to vary the two-storey height limit under the provisions of Clause 32B of North Coast Regional Environmental Plan 1988. This issue has been discussed earlier in this report. The SEPP 1 objection is considered to have merit.

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

Clause 30 of SEPP No. 65 requires the consent authority to consider each of the ten (10) design quality principles when determining a development application for a residential flat building.

In this regard, the applicant has provided a comprehensive assessment of the proposal against the relevant design quality principles. It is considered that the design of the proposed development exhibits suitable regard for these principles and demonstrates good practice in urban design. The modern appearance of the building is in keeping with the evolving character of the area.

State Environmental Planning Policy No. 71 – Coastal Protection

The proposed development is not State Significant development, and as such, Council is the consent authority. A SEPP 1 accompanies the application, however, the development is only 10.67m in height and therefore, the state significant development provisions are not triggered.

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

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

The proposal is not considered to be affected by any draft environmental planning instruments.

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

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

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

Standard	Requirement	Complies/variation
On site car parking	1.5 per dwelling (25% for visitors) = 7.5 spaces with 1.9 marked for visitors	The basement includes 9 car parking spaces. This allows for each unit to have one exclusive space with 4 visitor car parking spaces. This complies with the requirements of DCP 2. However, two unburdened spaces in the basement will need to be marked as visitor car parking spaces and maintained accordingly.

The proposed development is considered to comply with DCP 2 (subject to the recommended conditions of consent) and ensures that there is adequate parking on site for each unit and their visitors.

Development Control Plan No. 6 – Multi Dwelling Housing

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

Standard	Requirement	Variation/complies
Floor Space Ratio	0.5:1.0	The total floor area of the units excluding the basement, internal stairs and common foyer areas is 678.6m ² . The site area is 790.4m ² . The floor space ratio is 0.86:1 While this exceeds the allowable floor space ratio it is considered that in the medium density zone the proposed development is reasonable. <u>See further assessment</u>
Landscaped Area	80m ² per unit = 400m ²	The proposed development provides approximately 360m ² and therefore does not comply with this criterion. <u>See further assessment</u>

Standard	Requirement	Variation/complies
Setbacks from street boundary	6.0m to Coast Road	The main building is setback 6m from Tweed Coast Road with open balconies also at a minimum of 6m from this frontage. <u>Complies.</u>
Side setbacks	3.0m from side boundaries	The proposed setbacks comply with the 3m requirements. The proposed balconies do not encroach beyond the allowable 1.5m in accordance with Clause 3.3.3 (A2) of DCP No. 6. <u>Complies.</u>
Minimum Private Open Space	20% of site area (158.1m ²) with minimum dimension of 3m	>20% of site area, with minimum dimension of 3m <u>Complies</u>
	One part min 25m ² with min dimension of 4m	>25m ² with min. dimension of 4m <u>Complies</u>
Front fences and walls	1.2m max if solid	The proposed development does not incorporate a fence along the front boundary of the site, proposing a landscaped area instead. The proposed rendered blockwall along the southern and northern boundaries reduces from 1.8m to 1.2m in accordance with the building line policy. <u>Complies</u>
Building Envelope	45° from 3.5m high at the boundary	Substantially complies, however there is an encroachment at the front and rear of the building. <u>See further assessment</u>

Standard	Requirement	Variation/complies
		<u>below.</u>
Car Wash Areas	1 required per 10 units.	The car wash bay is proposed at the ground level, which is accessible from Tweed Coast Road. A condition shall be imposed to identify the space as a car wash bay. <u>Complies.</u>

Floor Space Ratio

Council Development Control Plan No. 6 nominates that multi-dwelling housing shall not have a FSR of greater than 0.5:1. However this criterion has not been applied for assessment for residential flat buildings exceeding 2 units. However, the total floor area of the units excluding the basement, stairwell and common foyers is 678.6m². The site area is 790.4m². The floor space ratio is 0.86:1. While this exceeds the allowable floor space ratio it is considered that in the medium density zone the proposed development is reasonable and consistent with other recently approved development in the vicinity.

Landscaping

In accordance with the Acceptable Solutions contained within DCP No. 6 each unit is required to have a minimum landscaped area of 80m² per unit. This equates to 400m² in total.

The subject application has provided approximately 360m² of landscaping at ground level, which is 40m² short of the required landscaping. The calculated landscaped area excludes all concrete paving throughout the site including the driveway and the private terraces and decks.

Following is a list of reasons why in this instance the landscaping non compliance is acceptable:

- The proposed development incorporates extensive balcony areas and a roof top terrace that add to the open space available to residents;
- These balcony spaces are considered more than adequate to ensure the intent of the landscaping criteria is satisfied. They do not necessarily add to the bulk of the building but rather add interest and articulation to the design;

- The application generally complies with the nominated setbacks and therefore the non compliance with landscaping has no direct affect on adjoining properties
- Council's Engineering and Operations Division is satisfied with the submitted storm water management plan;
- The residential flat building presents well to Tweed Coast Road, with landscaping incorporated into the street frontage.

Whilst compliance with the numerical controls contained within DCP No. 6 is generally desirable, the circumstances of this case (considering the merits of the application) warrant relaxation of this criterion.

Building Envelope

The proposal includes some encroachment of the building envelope prescribed within DCP 6. The areas of encroachment include elements as viewed from the western elevation, namely, the 1st level vergola and the proposed stairs, laundry and main bedroom at the penthouse level. Accordingly, the applicant has requested a variation in this regard, submitting the following information to justify the request:

“Where encroachment is noted, it is evident that the proposed design does not exacerbate the issue by way of facilitating overlooking opportunities, whilst also limiting the primary areas of encroachment to the northern elevation.

The proposed development will not result in the loss of views associated with adjacent properties.

The proposed development does step in on both horizontal and vertical planes. Importantly, this stepping result in a reduced encroachment on the southern elevation, thereby restricting the extent of additional shadow cast on the adjacent property.

Furthermore, it is submitted that the proposal results in no ‘significant’ loss of amenity to adjoining properties and their residents relevant to the expected overshadowing/ amenity/ privacy impacts.”

In light of the above, it is supported that the proposed design is considered to be adequate in its current form, particularly in regard to the desired development yield and context of the site. The proposed design exhibits high levels of articulation when viewed from Tweed Coast Road, masking the bulk and scale of the proposal. The siting and length of the proposal is not considered to lead to a significant loss of amenity to adjacent dwellings or land, complimented by the internal design of the proposal minimising potential overlooking to dwellings to the north and south. Accordingly, the proposal is

considered to satisfactorily address P1 of DCP 6 Section 3.3 and warrants approval in its current form.

Summary

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

Development Control Plan No. 39 – Energy Efficient Housing

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

Standard	Requirement	Proposal	Complies
Unit Energy rating	3.5 stars minimum	Unit 5 = 3.5 stars Units 2 & 4 = 4.5 stars Units 1 & 3 = 5 stars	YES

A condition of consent shall be imposed that the proposed development meets all relevant requirements of DCP 39.

Development Control Plan No. 47 – Cut & Fill

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

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

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

Development Control Plan No. 48 – Tweed Coast Building Heights

The subject land is identified as being affected by DCP 48 – Tweed Coast Building Heights, which was in draft form when the application was lodged. In this regard the proposal is considered to comply with the majority requirements contained within the document. The proposal requires a relaxation from the prescribed building envelope, however this has been addressed within the DCP 6 of the application and is considered to warrant approval in its current form.

The proposal involves a minor encroachment of the prescribed maximum height (as detailed within Section 2.2 A2) and 9m from the finished ground level to the top plate of the highest external wall. Whilst the proposal involves areas of minor non-compliance, the proposal is considered to adequately address the relevant performance criteria and warrants approval in its current form.

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

NSW Coastal Policy

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

Demolition

There is an existing single storey dwelling located on the subject site. Part of the development application involves the demolition of this dwelling. The applicant has lodged a demolition work plan, to the satisfaction of Council's Environment and Health Services Unit. Appropriate conditions will be applied in relation to the demolition.

Bushfire Hazard

The subject site has been identified as being located within a bushfire prone area, pursuant to the Tweed Shire Bush Fire Prone Land map (Feb 2004). The applicant has submitted a bushfire assessment, which was forwarded to the Far North Coast office of the NSW Rural Fire Services for comment. The Rural Fire Services responded by providing relevant conditions to be incorporated into any proposed consent.

(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

It is considered the proposed development will not have an adverse impact upon the natural environment as the site is currently developed for residential purposes. In terms of the built environment the proposed residential flat building will replace an existing dwelling, and as such the development will have an impact upon the built environment. In relation to the potential likely impacts the following matters have been considered:

Character of the area

The area is made up of a mix of low-medium density development comprising primarily of single dwelling houses. The area is currently undergoing a transition phase as these older dwellings come under market pressures to be redeveloped for higher density residential development as encouraged under the applicable planning controls. The proposal is considered not to be out of

character with the area and is consistent with the future built form as per Tweed LEP 2000 and applicable DCPs.

Loss of amenity – Overshadowing, visual and acoustic privacy

Neighbouring residences have raised concern that the proposal will adversely overshadow adjoining properties, particular the adjoining southern lot. Submitted shadow diagrams display overshadowing the adjoining northern lot at the prescribed 6pm Dec 22 and overshadowing of the adjoining southern lot at the prescribed 9am Jun 22 and 3pm Jun 22.

Detailed investigations have been made regarding potential shadow impact upon adjoining properties, particularly direct comparisons between the proposed 3-storey development and a similar 2-storey development. Results indicated minimal difference between the 2 and 3 storey developments. Submitted shadow plans are attached to this report for your reference.

The proposed development will result in overshadowing of the adjacent allotment, however the amount of overshadowing to be created is considered satisfactory and consistent with that to be expected in an area possessing a 3-storey height limit and a 2(b) medium density zoning. The proposal is considered to comply with the daylight and sunlight requirements within DCP 6. It should also be acknowledged that any proposal seeking to meet the desired development yield and context of the site is likely to adversely overshadow the adjoining property to the south given the orientation and positioning of the existing dwelling on the lot.

Concerns regarding loss of visual and acoustic privacy were also raised within the notification period. In an attempt to mitigate loss of privacy concerns the proposal incorporates adequate building orientation and setbacks, as detailed within DCP 6, 1.8m high fencing along side boundaries and privacy screens at a first storey level to minimise the opportunity of overlooking into areas of private open space.

It is considered that the proposal has had adequate regard to maintaining the amenity of adjoining properties and whilst some impact to the existing amenity levels may be experienced, the impacts generated are considered satisfactory and consistent with that to be expected with the desired development yield and context of the site.

The proposal is therefore considered to warrant approval in its current form.

Stormwater

The following comments regarding stormwater concerns have been detailed by Council's assessing infrastructure Engineer:

“As detailed in previous memos, Tweed Coast Road acts as a weir for stormwater runoff from the subject land and neighbouring allotments,

which ponds and inundates the front portion of these lots. Due to an absence of drainage infrastructure in the locality, this water must then be infiltrated.

It is now proposed to construct a pipe under Tweed Coast Road to convey stormwater to the coastal reserve to the east. The latest plan indicates that construction of this pipe is feasible in terms of levels and minimising conflict with existing services. Similar drainage pipes have been constructed at other locations along Tweed Coast Road to rectify local drainage problems. These pipes discharge to excavated infiltration pits in the dunal sands within the road reserve and the adjoining Council owned coastal reserve. Implementing such a system will reduce ponding levels at the front of the affected lots, while efficiently infiltrating minor storms. Larger storm events will surcharge to minor watercourses through the dunes, without adverse impacts on Council's road infrastructure. It is considered that provision of this service will more than cater for the impacts on stormwater runoff from the subject development, and will provide a benefit to the neighbouring properties, some of whom have submitted objections to the project.

Construction of the new drainage service and its connections will require excavation and reinstatement of Council's cycleway and the Tweed Coast Road formation and seal. These must all be completed according to Council specifications. Construction must not affect the sewer rising main located within the road reserve.

Council's Manager Recreation Services has no objection to the construction of the pipe outlet and/or the infiltration area within the coastal reserve, provided appropriate revegetation plans are provided for all disturbed areas within the dunes. Council's Traffic & Transport Engineer has no objections to the proposal, subject to a s138 approval to carry out the works within the road reserve.

The applicant has previously advised that the driveway can be adequately graded to protect the basement from stormwater ingress from the road reserve. Basement stormwater will be treated in accordance with Council's specifications."

Council's assessing officer has accordingly included a number of conditions of development consent to ensure compliance with the supported stormwater management plan.

(c) Suitability of the site for the development

Suitability of the Lot for Multi-Dwelling Development

The subject site has a land area of 793m² and is of a regular shape. The topography of the slopes gently from southwest (high) to east (low) and neighbours residential lots to the north and south, public reserve to the west

and Tweed Coast Road to the east. The site enjoys a 16.6m frontage to Tweed Coast Road and is approximately 50.29 metres deep. Neighbouring development comprises primarily of single dwellings, however, the majority of adjoining land parcels are currently zoned 2(b) – Medium Density development. Accordingly the context and setting of the area, whilst established, is progressing towards modern multi-dwelling developments. Council’s GIS system indicates that the lot is well above the required prescribed minimum habitable floor levels and is not considered to possess any other significant environmental constraints.

The site is considered suitable for multi-dwelling development with the land possessing limited hazards and limitations in terms of topography, lot size, shape, layout and surrounding development.

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

The development application was advertised and notified to surrounding properties for a period of two weeks closing on 17 June 2004.

Issue	Assessment
Size & Scale of the Development - <i>Concern was raised regarding the size and scale of the proposal, and compliance with relevant provisions within DCP 6 – Multi Dwelling Housing.</i>	This issue has been addressed in the above report. This objection does not warrant further amendment or refusal of the application.
Overshadowing - <i>Concern was raised regarding the level of overshadowing of adjoining properties (particularly to the south) as result of the proposal.</i>	This issue has been addressed in the above report. This objection does not warrant further amendment or refusal of the application.
Privacy Impacts - <i>Concern was raised regarding visual and acoustic impacts to adjoining properties as a result of the proposal.</i>	This issue has been addressed in the above report. This objection does not warrant further amendment or refusal of the application.
Possible Structural Damage – <i>Concern was raised regarding potential structural damage to adjoining properties as a result of the proposal.</i>	Council’s technical officers have reviewed the proposal with no objections raised. Appropriate conditions of development consent have been included to ensure no structural damage to adjoining dwellings will occur as a result of the proposal.

<p>Stormwater - <i>Concern was raised regarding stormwater impacts likely to be generated by the proposal.</i></p>	<p>Council's assessing Infrastructure Engineer has extensively assessed the proposed development, with no objections raised, subject to appropriate conditions of development consent being applied. An appropriate approval is required from Council in addition to this application (Section 68 Approval) and this will provide Council a further opportunity to ensure that the proposed system is appropriate.</p>
<p>Sandspear/Groundwater – <i>Concern was raised regarding the depth and structure of the proposed basement carpark on groundwater.</i></p>	<p>The application included an appropriate geotechnical report, concluding that no dewatering of the site was required as a result of the proposal. The submitted report was reviewed by Council's assessing technical officers with no objections or concerns raised.</p>
<p>Sundeck/Roof Terrace - <i>Concern was raised regarding the sundeck/roof terrace forming a fourth storey within a 3-storey height zone.</i></p>	<p>The proposed roof terrace is considered to comply with Council's definition of a storey and as permissible in its current form.</p>

(e) Public interest

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

OPTIONS:

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

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

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

POLICY IMPLICATIONS:

Nil.

CONCLUSION:

The proposal has been thoroughly investigated and is considered to be suitable to the site; unlikely to cause any significant negative impacts to the surrounding built and natural environment and satisfies all of Council's applicable requirements within the TLEP and relevant DCPs. The application has been assessed by Council's technical officers; with no objections being raised subject to the attached conditions of development consent. The proposed multi dwelling housing development is therefore considered to warrant approval.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Shadow Diagrams (DW 1207191, 1207196, 1207197)
-

11 [PE] Development Application DA04/0449 for a dual occupancy & demolition at Lot 475 DP 755740, No. 10 Charles Street Tweed Heads

ORIGIN:

Development Assessment

FILE NO: DA04/0449 Pt1

SUMMARY OF REPORT:

Council is in receipt of an application for a multi-dwelling housing (dual occupancy) development at 10 Charles Street, Tweed Heads. The subject land is identified as possessing significant topographical site constraints as well as a two-storey height restriction, as prescribed within the Tweed Local Environmental Plan 2000. Compliance with the prescribed height restriction is the primary issue within the assessment of the application.

The proposal is of particular importance within this locality as previous applications have approved the departure from the height limitation, leading to policy implications for this and future applications. In this regard it is noted that Council has had other non-compliant development proposals within the Razorback precinct. (see table 1).

Having considered the merits of this application against the relevant planning objectives, the application is considered suitable for conditional approval.

RECOMMENDATION:

That : -

- A. The State Environmental Planning Policy No. 1 objections to Clause 16 of Tweed Local Environmental Plan 2000 regarding the height of the building be supported and the concurrence of the Director-General of the Department of Infrastructure, Planning and Natural Resources be assumed
- B. That Development Application DA04/0449 for a dual occupancy & demolition at Lot 475 DP 755740, No. 10 Charles Street Tweed Heads be approved for the following reasons: -

GENERAL

- 1. The development shall be completed in accordance with the Statement of Environmental Effects prepared by Jim Glazebrook and Associates Pty Ltd, dated March 2004 and Plan Nos 3000/DA/01B, 3000/DA/02B, 3000/DA/03B and 3000/DA/04B prepared by Pat Twohill Designs Pty Ltd and dated 31/03/05, except where varied by these conditions.

[GEN0010]

2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0120]

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

[GEN0150]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

4. 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]

5. All cut and fill earthworks shall be carried out in accordance with the recommendations of Soil Surveys Engineering P/L "Geotechnical Investigation & Stability Assessment" (June 2004), unless directed otherwise by the conditions of this consent. All retaining structures and associated drainage services shall be designed and constructed in accordance with AS/NZS 4678-2000 Earth-retaining Structures. All retaining structures shall be contained wholly within the subject allotment. Detailed engineering details of all retaining structures shall be submitted with the Construction Certificate application.

- (i) The development shall not impede stormwater flows from external catchments, cause ponding of stormwater on neighbouring allotments, or divert external overland stormwater flows onto adjoining properties.
- (ii) Drainage services for the development shall be adequately designed to convey all received runoff from external catchments, in events up to the ARI 100 year storm, to a legal point of discharge. Engineering details of the drainage system shall be submitted with the Construction Certificate application.
- (iii) The legal point of stormwater discharge for the development is the drainage easement located along the northern boundary of the site. Stormwater may not be discharged onto adjoining allotments.

[PCCNS01]

7. 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]

8. 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*.

[PCC0230]

9. 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]

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

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has

sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

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

a.	Tweed Road Contribution Plan: S94 Plan No. 4 (Version 4.0) Sector1_4	\$1,288
b.	Open Space (Structured): S94 Plan No. 5	\$240
c.	Open Space (Casual): S94 Plan No. 5	\$51
d.	Shirewide Library Facilities: S94 Plan No. 11	\$212
e.	Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$48
f.	Emergency Facilities (Surf Lifesaving) (REMSHIRE) S94 Plan No. 16	\$67
g.	Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$178.34
h.	Cycleways S94 Plan No. 22	\$50
i.	Regional Open Space (Structured) S94 Plan No. 26	\$361
j.	Regional Open Space (Casual) S94 Plan No. 26	\$67

[PCC0050]

11. A **certificate of compliance** (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify

that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

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 ET @ \$4325	\$4,325
Sewer:	1 ET @ \$3490	\$3,490

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]

PRIOR TO COMMENCEMENT OF WORK

12. 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]

13. **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]

14. 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]

15. Prior to commencement of building works a stormwater drainage plan is to be submitted to and approved by the PCA.

[PCW0170]

16. 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]

17. 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]

18. 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]

- 19. Prior to the commencement of any demolition works all house drainage connections are to be suitably capped off by a licenced plumber and an inspection of the work obtained from Council.

[PCW0300]

DURING CONSTRUCTION

- 20. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover Authority.

[DUR0160]

- 21. 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]

- 22. 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]

- 23. 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]

- 24. The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning.

[DUR0890]

25. 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]

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

[DUR0920]

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

[DUR0940]

28. 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]

29. 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]

30. 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]

31. 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]

32. 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]

33. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

- a. internal drainage, prior to slab preparation;
- b. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
- c. external drainage prior to backfilling.
- d. completion of work and prior to occupation of the building.

[DUR1020]

34. A. A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.

B. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.

[DUR1030]

35. 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]

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

[DUR1090]

37. 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]

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

- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- * 50⁰C in all other classes of buildings.

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

[DUR1160]

39. 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]

40. 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, Engineering & Operations prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1210]

41. 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 1742.3-2202 (Manual of 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]

42. 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]

43. The owner or contractor must not undertake any work within the public road reserve without giving Council's Engineering & Operations 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]

44. 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 & Operations. Twenty four (24) hours notice is to be given to Council's Engineering & Operations 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]

45. A 1.2 metre wide footpath will need to be constructed hard behind the kerb on Charles Street. 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 & Operations Division prior to concrete being placed.

[DUR0520]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

46. 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]

47. 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]

48. 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]

49. 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 & Operations.

[POC0080]

REPORT:

Applicant: Mr G Yuile and Mrs L Yuile
Owner: Mrs LA Yuile and Mr GA Yuile
Location: Lot 475 DP 755740 No. 10 Charles Street, Tweed Heads
Zoning: 2(b) Medium Density Residential
Cost: \$500,000.00

BACKGROUND:

Council has received a development application for a duplex at Lot 475 DP 755740, 10 Charles Street, Tweed Heads. The land has an area of 669.5m², is zoned 2(b) Medium Density and has a two-storey height limit under Tweed LEP 2000. The site supports an existing three-storey dwelling. The property is located on Razorback Hill approximately 1 kilometre to the southwest of the Tweed Heads CBD. The land enjoys panoramic views from north to south, with immediate views to the Tweed River and Pacific Ocean due to the sites elevated location. Levels within the site vary from approximately RL47.5m AHD at the street frontage to RL41m AHD at the south-eastern corner and RL39m AHD at the northeastern corner of the site. The site possess a cross fall from the south-western to the northeastern corner of the site of approximately 2metres.

The application was lodged with Council on 19 April 2004. The time period is extensive as a result of significant design issues in the original proposal, more noticeably the extent of non-compliance with the proposed third storey component and the overall visual impact of what was considered a bulky design. In this regard, extensive consultation with the project architect and applicant has lead to this final design. Whilst the development still comprises a third-storey component it is significantly reduced in area and the overall design is a significant improvement in terms of bulk, visual amenity and impact from the original proposal.

The site is located within an area known as 'Razorback Hill' and it is characterised by existing older style single dwelling houses. Although examples of medium density developments and newer dwelling houses are starting to emerge as the locality redevelops. Of note is that a number of dwelling houses, generally older buildings, in the locality possess a three-storey component. An existing dwelling house is situated upon the subject site. The dwelling is approximately 40-50 years old and has minimal heritage and architectural value. Its condition has deteriorated. The applicant contends that the existing dwelling house incorporates a three-storey component. Vegetation on site comprises of domestic gardens and trees, none of which hold any significance.

Council has had several applications with similar three storey components within the same catchment. Table 1 gives a summary of the previous applications submitted to Council.

Table 1

No. on Site Plan	DA Number	Definition	Storeys	Address	Status
(1)	DA03/1842	Dual occupancy	3-storey	38 Charles Street	Assessment
(2)	DA04/1024	Residential flat building (6-units)	3-storey	70 Adelaide Street	Assessment
(3)	DA03/0925	Subdivision: This application is supported with a dwelling design illustrating that a house can be erected on the proposed allotment - the house design is three-storeys		27 Charles Street	Approved
(4)	DA04/1129	Residential flat building (6 units)	3-storey	15B Charles Street	Approved
	DA03/0998	Dual Occupancy	3-Storey	40 Charles Street	Approved

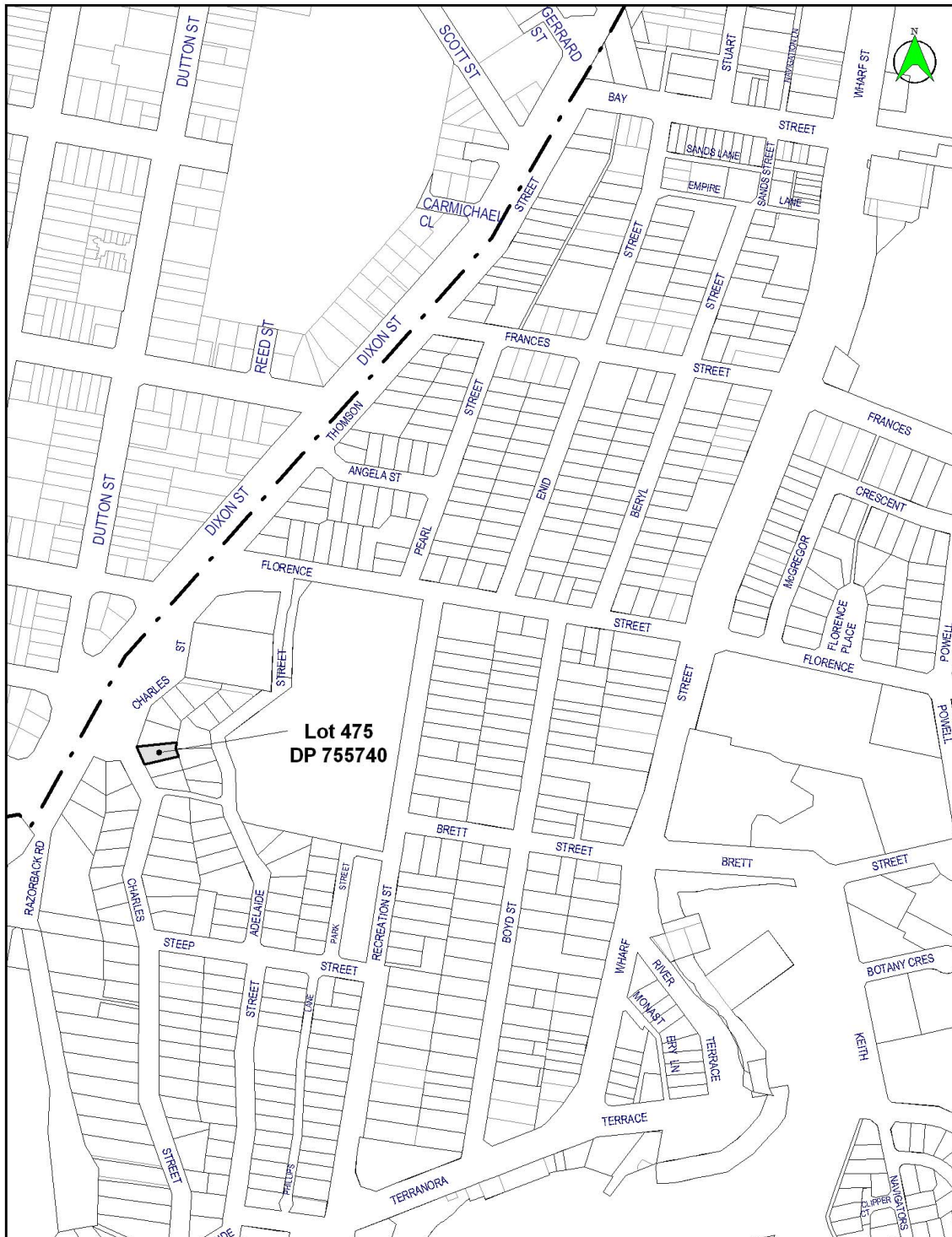
In particular, Council approved a development of the same kind at No.40 Charles Street at its Ordinary Meeting of 6 October 2004. The Council's report in relation assessing the appropriateness of the design states:

"Whilst approving non-conforming developments can act as a catalyst for further non compliant applications it is considered in this instance that the quality of this design could be used as a benchmark for the future assessment of development in the locality. Adopting this process will mitigate the policy implications on the Tweed LEP and ensure that the future development of the area attains a high level of design."

The principal areas of issue that have arisen in this application are set out below and addressed further in this report.

- Building design (bulk, mass, scale, height)
- SEPP 1 Objection to TLEP 2000 building height restriction

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. DO NOT SCALE COPY ONLY - NOT CERTIFIED P.O. Box 816 Murwillumbah, NSW, 2484 Tel: (02) 6670 2409 Fax: (02) 6670 2468</p>	<p><i>Tweed Shire Council</i> Lot 475 DP 755740, No. 10 Charles Street Tweed Heads</p>	<p>STRATEGIC PLANNING UNIT  Site Plan Scale: 1:5,000 Sheet: 1 of 1</p>
<p>File: N:\MapInfo 7...A4P Site Plan.Wor Author: J.Batchelor Date: 25/May/2005</p>		

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

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

Tweed LEP 2000

Clause 8 - Zone objectives

The land is zoned 2(b) Medium Density Residential. The proposal being defined as multi dwelling housing under Tweed LEP 2000 is permissible with consent. The objectives of the zone are as follows:

Primary objective

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

Secondary objectives

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

The proposed development is defined as multi dwelling housing and is permissible in the zone. Although the zoning seeks to discourage the under utilisation of Residential 2(b) land in close proximity to the Tweed Heads sub-regional centre it is noted that the site constraints of the subject land would not cater to a more intensive form of development.

The revised building design is characterised as contemporary and comprises lightweight materials and use of modern technologies and colours. The proposal achieves good urban design and best practice principles. It is consistent with the land-use zoning and the emerging character of the locality.

Clause 15 - Essential Services

The site is serviced by existing infrastructure that is capable of servicing the proposed development.

Clause 16 Height Of Buildings

The land has a two-storey height limit under Tweed Local Environmental Plan 2000. Section 16(1) 'the objective' states:

- *to ensure that the height and scale of development is appropriate to its location, surrounding development and the environmental characteristics of the land.*

Section 16(2), in relation to development assessment state:

- (2) *Consent must not be granted to the erection of a building which exceeds the maximum height or number of storeys indicated on the Height of Buildings map in respect of the land to which the application relates.*

The proposed development has a three-storey component. A SEPP 1 objection has been provided to support a variation to Council's 'Development Standard'.

Tweed LEP 2000 adopted the height limit after extensive community consultation. The height limit has now been further reinforced with the adoption of DCP 18 Tweed Heads.

The proposed building possesses a three-storey component. The elevation constraint of the land does not lend itself to significant excavation for terracing purposes. It is noted that the site falls from the street frontage to the rear boundary with an average gradient of 30%. The effect of this is either a reasonable compact development design incorporating a three-storey component or a compliant development that would have a much greater site coverage.

The originally submitted design had quite a significant three-storey component. On going consultation between Council and the architect has resulted in an amended design that is different, incorporating a reduced third-storey component and a much-improved overall design that has consideration to the sites elevation. While the three-storey component exists for both units, it is centrally located within the development.

The development is considered to be of a high architectural design and responds appropriately to the topography of the site. It is considered that in keeping with the primary objectives of the 2(b) zone the part three-storey component is a reasonable response to enable multiple dwelling housing and encourage medium density development as prescribed by the policy.

The applicant has submitted a SEPP 1 Objection to the height restriction on the basis the sites topography does not lend itself to the development

standard. The following reasons have been included in the application for a variation to the prescribed height:

- *There are special circumstances owing to the unusual topography of the subject land with in excess of three (3) storeys in height difference between the lowest level of the site at the north eastern boundary and the Charles Street frontage. The land is also subject to a cross fall from south to north of approximately 2.5 metres.*
- *The three (3) storey component is primarily a result of the cross fall on the subject land. The additional building height is created by the provision of the undercroft...*

It is reiterated that the unusual topography of the site results in the need for a third storey. It is considered that the current design is the most appropriate to the site having regard to the objectives of the 2(b) zone for medium density housing. Council's previous decisions in relation to this locality have dealt with this issue; a variation to the height limit could be supported in this instance given the location and extent of non-compliance.

In considering the extent of the three storey component it must be noted that this application is subject to the Savings and Transitional provisions of cl.16(3)(a) & (b) of the TLEP. That is, the definition of storey in this instance includes the measuring of height from natural ground level not as that in the present case, under the gazetted LEP 46 amendment of 7 January 2005, which refers to finished ground level.

Clause 35 - Acid Sulphate Soils

The land is mapped as ASS Class 5. No ASS is likely to be disturbed during construction of this duplex. Council's Environment and Community Services Unit has reviewed the proposal and raises no objection subject to conditions.

North Coast REP – Clause 43 Residential Development

The proposal is consistent with the relevant provisions of the REP pertaining to residential development.

State Environmental Planning Policies

State Environmental Planning Policy (SEPP) No.1 Objection

The applicant has submitted a SEPP No.1 Objection to vary the two-storey height limit under the provisions of Clause 16 of Tweed LEP 2000. This issue has been discussed earlier in this report. The SEPP 1 objection is considered to have merit.

State Environmental Planning Policy (SEPP) No. 71 – Coastal Protection

The site is located within the Coastal Protection zone and has been assessed in accordance with the objectives of SEPP 71. The proposal will not cause overshadowing of nor prohibit public access to the foreshore and is not expected to lead to any detrimental impacts that may conflict with the criteria as outlined in Clause 2 of SEPP 71. The proposal for a dual occupancy is therefore not seen to contradict the objectives of State Environmental Planning Policy No. 71.

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

There are no draft EPI's that would have an impact upon the assessment nor recommendations of this report.

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

Development Control Plan No. 2 – Access and Parking

Off street car parking needs to be supplied in accordance with DCP2. Table 2 identifies the level of on-site parking compliance.

Table 2

Standard	Requirement	Complies/variation
On site car parking	2 per dwelling where GFA exceed 125m ² = 4	Each dwelling is provided with a double car port (4 spaces) and is compliant

Development Control Plan No.6 – Multi Dwelling Housing

Development Control Plan No.6 - Multi Dwelling Housing is inherently flexible through its substantial utilisation of performance rather than prescriptive based criteria as its means for achieving the objectives of the design parameters. The performance criteria approach is adopted in this assessment.

The assessment table below considers the proposed development against specific design parameter objectives, provided in DCP 6, as a means of determining the appropriateness of the development.

Table 3

**TABLE OF COMPLIANCE – MULTI DWELLING HOUSING – RESIDENTIAL 2(b)
Zone**

DEVELOPMENT PROVISIONS	DCP SOLUTION	PROPOSED DEVELOPMENT	COMPLIANCE (Y/N –See Comment)
Site Analysis (s.3.1.1)	Submission of a detailed site analysis plan	Information provided in the application sufficiently supports on-site observations	Yes
Site Area	Not specified	669.5m ²	--
Site Density	0.5:1 Floor space ratio (GFA) (334.75m ²)	The development provides for 366.6m ² GFA representing a ratio of 0.55:1. This is 31.85m ² greater than the DCP example criteria: equivalently 15.925m ² per unit	Given the nature of the sites topographic constraints and the inherent difficulties in achieving the TLEP objectives with respect to multi-dwelling housing the floor space ratio of the proposed development is considered satisfactory
Boundary Set Backs (s.3.2.1(A2)): Front Secondary frontage Side Rear	6m N/A BCA BCA	Min 6m to dwellings Complies Complies	The building is setback a minimum of 6m from the street frontage. The carports are located within the front setback. Council's Building and Traffic Officers raise no objection. Side setbacks comply with the Building Code of Australia
Building Envelope (s.3.3.1(A1)): Max Height Envelope	(NGL) 12m 3.5m @ 45 ⁰	The applicant has provided on request a height plane illustrating the example criteria. The illustration is taken of three sections: having regard to the slope of the land	The illustrations indicate that the building is largely compliant, although it appears the envelope line passes through the upper floor / roof area of the rear of the building. The building height is satisfactory and

			consistent with like developments within the Shire.
Landscaping s.3.1.3 (A4)	30% of site – 200.85m ²	Using a Planimeter the area is calculated at a minimum 255m ²	Complies
Private Open Space	20% of site area (120.m ²)	225m ² total	Complies

DCP 6 Design Element 3.3: Building Siting and Design

Objective 1

To ensure that the height, scale and length of new developments is not excessive and relates well to the local context.

The applicant has worked closely with Council to ensure the development is suitable to the site and surrounding development, keeping in mind a three-storey component is proposed. The proposed building design (as amended) provides a well articulated visually interesting stepped design. The sectioning and articulation reduces the visual scale of the building and provides for improved separation and view sharing to neighbouring development. The maintenance of view sharing in this area is considered important and relevant as many properties have significant coastal aspects. Whilst it is generally considered that a right to a view does not exist, the amended design has sought to minimise the impact on view loss to neighbouring lands. The stepped configuration over three storeys permits the building to be sited as far forward as possible, further reducing the impact on lands to the east and views from the south-southwest. The height of the building when viewed from Charles Street presents predominantly as single storey. From Adelaide Street the building will present predominately as two-three storeys, depending on the vantage point.

Objective 2

To encourage design which creates desirable living conditions and ensures that the amenity of surrounding properties is properly considered.

The standard of design and liveability in this development is exceptionally high. As discussed the amended design respects the lands elevation and as such minimises the impact on neighbouring properties. It provides for extensive views from each unit and incorporates generous amounts of external private open space areas via balconies. There is generous setback from neighbouring development that maintains a good level of privacy and view sharing.

Objective 3

To allow flexibility in the siting of buildings and the provision of side and rear setbacks.

The site is heavily constrained by its steepness. The proposed development is fundamentally centrally located, providing for good building separation via appropriate setbacks.

Objective 4

To allow adequate natural light and ventilation between dwellings.

The development provides good separation to the neighbouring buildings. Acceptable levels of natural light and ventilation will be maintained.

It is considered that the proposed development attains the objectives of the building siting and design section of the DCP. The height, scale and articulation of the building are considered satisfactory.

DCP 6 Design Element 3.2: Streetscape

Objective 1

In developed areas, to ensure that new development enhances and makes a positive contribution to the character of existing streetscapes or desired future character of the area.

The existing character of the area is fast succumbing to change that will result in a move away from the existing older characterised houses to contemporary larger dwellings. The number of applications put before Council reinforces this, as referred to in Table 1. In addition, a site inspection of the site and surrounds identified that many dwellings, both new and old, comprise of three-storeys. In the immediate vicinity it was noted that Nos.21, 38, 40, 42, & 46 Charles Street are clearly three storey developments, whilst No.25 supports a single dwelling it is of scale not dissimilar to the proposed duplex. Council's file contains photographic illustrations of these properties.

The proposed design presents largely as a single level to Charles Street. The building would provide a significant improvement to the streetscape. It provides a modern, up-market and lively contribution that complements the newer development in the area. The proposed development is considered to have a number of positive elements that lead to attainment of the objective. They are summarised in the following table:

Table 4

Scale	The development by design maintains a low-density scale and addresses the street like a single dwelling. The design is very articulated and does not provide areas of massing that would lead to bulkiness. The building design provides a good level of visual interest.
Design	The design of the building incorporates modern architectural features and symmetry that provides a vibrant contemporary and desirable look.
Amenity	The building provides generous setbacks to neighbouring developments that maintain good view sharing, venting and amenity.
Aesthetics	The development allows for a well-proportioned area of open landscaping.
Context	The setback provision is generous and assists in reducing external impacts.

Objective 2

In new areas, to ensure that new development establishes appropriate and attractive streetscapes which reinforces the function of the street and is sensitive to the landscape and environmental conditions of the locality.

The development is considered to provide a contribution to the streetscape by establishing a visual connection in keeping with modern developments in the locality.

Objective 3

To encourage the creation of attractive, well design residential development.

The proposed development is considered to have a high level of design merit. The building is attractive, provides a positive contribution to the locality and responds well to the site constraints.

Objective 4

To allow flexibility in design and use of materials while encouraging high architectural standards.

As discussed in this report, the development is considered to be of a high architectural standard. It utilises a range of modern technologies and materials.

The development attains the objectives of the streetscape section of the DCP with respect to setback, bulk, scale, amenity and design.

DCP No. 18 Tweed Heads

The proposed site is located within the residential area known as the Razorback precinct.

The objectives of the Razorback precinct are to:

- Retain the Razorback Hill medium density zone as an attractive residential area, with buildings that respect the slope of the land and allow for retention of views available from adjoining land;
- Encourage development to take advantage of available views and climatic effects;
- Ensure that development on visually prominent sites is relatively unobtrusive;
- Preserve the leafy character of the precinct.

The proposal is for a multi dwelling development and is acceptable in the medium density zone. The design of the building is considered to add to the amenity of the existing residential area and is respectful to the slope of the land with an under croft incorporated to minimise cut and fill. The building is oriented toward the east to capture views and sunlight. Overall the development is considered to be consistent with the Razorback precinct objectives.

Development Control Plan No. 39 – Energy Efficient Housing

The applicant has not submitted a NatHERS certificate for the amended proposal. Having regard to the orientation of the development, fenestration and use of materials it is considered that the development will achieve a minimum 3.5 Stars. In this regard it recommended that the NatHERS energy rating be provided prior to the issue of the Construction Certificate.

Development Control Plan No. 42 Public Notification Policy

The application was exhibited for two weeks from 19 May 2004 to 2 June 2004 and adjoining neighbours were notified. One submission was received objecting to the proposal. The issues raised are discussed further in the report.

Development Control Plan No. 47 – Cut & Fill

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

The proposed development requires, as a result of lowering the building, excavation works up to approximately 2 metres. A geotechnical report was requested from the applicant as required by section 2.3 of the policy. Council's

Infrastructure Engineer has reviewed the report, with no objections raised subject to the recommended conditions of consent.

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

The development application has been prepared and assessed in accordance with all relevant provisions, and is considered satisfactory. The subject land is affected by the Coastal Policy 1997. The proposed development is not considered to be in conflict with the policies and strategies contained in the Policy.

Demolition

The existing dwelling is to be demolished. The submitted demolition plan has been considered as satisfactory. Further geotechnical investigation is required after the demolition and removal of existing site fixtures. An appropriate condition has been drafted to address this issue prior to issue of the Construction Certificate.

(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 proposal is sympathetic in design ensuring that the primary views of neighbours to the west will not be affected. In this regard the development presents to Charles Street as a predominantly low-key single storey building, enabling adjacent residents to look over the top of the development and thus retaining views. The proposal is modern in design and utilises lightweight modern materials. The design will not detract from the streetscape or the amenity of the neighbourhood.

(c) Suitability of the site for the development

It is not anticipated that the proposed residential development will create a land use conflict with surrounding development. Infrastructure is suitable to cater for the development and the development is not affected by any known impeding constraints however, a full geotechnical survey of the site is required upon removal of the existing buildings and prior to the issue of a Construction Certificate.

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

As stated above the proposal was exhibited for a period of two weeks from 19 May 2004 to 2 June 2004 and adjoining neighbours were notified, one submission was received. The submission objected to the proposal on the grounds that Charles Street could no longer cater to on street parking for safety reasons. Issue was raised that Charles Street does not have the capacity to support further development due to the on street parking. As

previously discussed, the proposal complies with Council's policy for access and parking and the development includes two (2) double carports providing a total of four (4) off street vehicle spaces. Charles Street is considered to have adequate capacity to cater for the increase in traffic demand and a compliant level of off-street car parking is provided.

(e) Public interest

The proposed development is not considered contrary to the public interest.

OPTIONS:

1. Approve the application subject to the consent conditions provided in this report.
2. Defer the application and request that the applicant provide a compliant development.
3. Refuse the application and provide reasons for refusal.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Should the applicant be dissatisfied with the determination, avenues are available through the NSW Land and Environment Court for a merit-based appeal. Financial implications would be incurred in any legal proceedings.

POLICY IMPLICATIONS:

Previous consents in the locality have policy implications in terms of the two-storey height limit as defined under the Tweed LEP 2000 for the Razorback Hill Residential Precinct. Previous Council decisions have to date given approval to other developments in Charles Street with some components of three storeys. The circumstances of the site are not unusual or unique for the Razorback Hill Area in terms of topographical characteristics. Precedence is assumed to have been established with Council's support of previous applications. Of course it is also accepted that this application, if approved, will provide further precedent for landowners that a component of three-storeys is acceptable where there are severe gradient constraints.

CONCLUSION:

It has been established throughout this report that the proposed site is not unlike other sites in the Flagstaff Hill locality. Due to its topographical nature, a number of applications have proposed three storey components. Council has approved similar developments in Charles Street where this design solution best meets the objectives of the Tweed LEP and DCP6.

Having considered the additional supporting architectural plans submitted in support of the application it is concluded that the design of the building is as close to achieving compliance with the Tweed LEP 2000 as is likely to be achieved having regard to the density and architectural merit of the development. In this regard, the variation sought to clause 16 of the Tweed LEP 2000, as it relates to the height of buildings, could be supported.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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12 [PE] Tweed Local Environmental Plan 2000 (Amendment No. 3) Seaside City

ORIGIN:

Strategic Town Planning

FILE NO: GT1/LEP/2000/3

SUMMARY OF REPORT:

Connell Wagner, on behalf of Council have completed a draft Environmental Study for Seaside City.

The consultant's conclusions and recommendations are as follows: -

"The majority of the Seaside City study area has capacity for urban development for residential and tourism purposes and there are no significant impediments to the proposal to rezone the area from 2(f) Tourism to 2(e) Residential Tourist. Land on the western side of Casuarina Way along Cudgen Creek should be excluded from the development area for environmental reasons and incorporated within an environmental protection zone."

The draft Study is currently being reviewed. Whilst a number of minor amendments have been identified to improve the analysis of issues nothing has been identified contrary to the consultants' recommendations.

On 6 April 2005, Council deferred making a determination on the provision of owners consent to the lodgement of development applications for the opening of roads based on the existing subdivision plan pending receipt of the Environmental Study from the consultants, and their recommendations in respect of the modification of the existing subdivision pattern for Seaside City.

Notwithstanding that there are some deficiencies in the existing subdivision layout, there are significant obstacles in the way of any complete re-subdivision of Seaside City. Not the least of these is the resultant financial implications (eg GST and capital gains tax) for landowners. Consequently, it is considered that Council has little option but to accept that the current subdivision of Seaside City will remain as the basis of planning for the area. Providing the major landowner is prepared to amalgamate lots into large parcels a high standard of urban design can be obtained with the existing road layout. The major landowner has indicated agreement to this proposal.

On that basis Council can provide owners consent for the lodgement of a development application for roads in the Seaside City subdivision.

RECOMMENDATION:

That Council adopts the current road layout for Seaside City as the basis for future planning.

REPORT:

Connell Wagner, on behalf of Council have completed a draft Environmental Study for Seaside City.

The consultant's conclusions and recommendations are as follows: -

"The majority of the Seaside City study area has capacity for urban development for residential and tourism purposes and there are no significant impediments to the proposal to rezone the area from 2(f) Tourism to 2(e) Residential Tourist. Land on the western side of Casuarina Way along Cudgen Creek should be excluded from the development area for environmental reasons and incorporated within an environmental protection zone.

The form of future development requires further consideration by Tweed Shire Council in consultation with landowners. The ultimate decision to proceed with a development based on the current subdivision or an alternative design needs to balance environmental and urban design outcomes with the financial implications for landowners and desired development timeframes. The final development design will need to address several critical planning and environmental issues. These include:

- *Integration with Salt and Casuarina Beach and possible road connections into these developments*
- *The road safety problems associated with direct vehicle access from lots along Casuarina Way and traffic congestion problems associated with a single access from Casuarina Way*
- *Provision of 225 public car spaces within the development area*
- *The provision of a 50 metre wide asset protection zone from riparian vegetation along Cudgen Creek and a 35-50 metre asset protection zone from the coastal reserve*
- *No development east of the 100 year coastal erosion hazard line*
- *Stormwater management and potential water quality impacts on Cudgen Creek and associated SEPP14 wetlands*
- *The provision of a neighbourhood centre and local open space to cater for the needs of residents*
- *Continuous coastal foreshore access including extension of the dual use pedestrian and cycle path between Casuarina and Salt*

To progress the development of Seaside City we recommend the actions set out below be completed prior to the determination of development applications for the site:

- *Tweed Shire Council further consider and determine in consultation with landowners the preferred form of future site development ie whether to proceed with the current subdivision in some modified form or with an alternative design.*

- *Tweed Shire Council prepare a draft local environmental plan to amend Tweed Local Environmental Plan 2000 and rezone the Seaside City area to 2(e) Residential Tourist and 7(l) Environmental Protection (Habitat) based on Figure 3.12. The local environmental plan should incorporate provisions that set out the specific planning and development requirements for the site.*
- *A detailed master plan be prepared for the land within the 2(e) Residential Tourist zone to guide the future development of the site and address the planning and environmental issues identified within the local environmental study. The master plan should also incorporate a stormwater management plan for the site and a servicing strategy.*
- *Plans of management be prepared for land within the coastal reserve and the environmental protection zone on the eastern side of the development area and for the Cudgen Creek riparian corridor on the western side of the development area.*
- *A detailed site radiation investigation be undertaken in consultation with the Department of Environment and Conservation and remediation undertaken to a suitable standard of residential development to proceed.*
- *A site specific development control plan be prepared for the site that sets out the detailed development and built form controls for the site.*
- *Appropriate amendments be made to Section 94 Contributions Plan No. 19 - Kings Beach/Kings Forest".*

The draft Study is currently being reviewed. Whilst a number of minor amendments have been identified to improve the analysis of issues nothing has been identified contrary to the consultants' recommendations.

On 6 April 2005, Council deferred making a determination on the provision of owners consent to the lodgement of development applications for the opening of roads based on the existing subdivision plan pending receipt of the Environmental Study from the consultants, and their recommendations in respect of the modification of the existing subdivision pattern for Seaside City.

As noted above the consultants have left that decision to Council. In doing so they have identified the following deficiencies in the current subdivision.

- *"The very large lots could be capable of dual occupancy or multi-unit development and the urban design outcomes of these forms of development cannot be predicted.*
- *No increased density of development is proposed around the village centre and there is no provision for tourist accommodation or medium density residential development within the village centre.*
- *The relationship between the lots and proposed open space areas is poor.*
- *The pedestrian walkways are a poor urban design solution for safe pedestrian access and crime prevention. A better solution would be to create a more permeable subdivision with smaller street blocks.*
- *The proposed centre aisle car parking creates potential traffic flow and road safety issues. 90 degree angle parking on both sides of the road would be preferable.*

- *The public car parking would be better located closer to the key attractions ie the village centre and coastal foreshore*
- *The asset protection zone from the coastal reserve is inadequate. A 50 metre asset protection zone is required where tourism uses are proposed while a 35 metre zone is required where development is restricted to residential uses.*
- *Direct vehicle access from lots to Casuarina Way creates traffic flow and road safety problems and should be avoided.*
- *There is insufficient provision for a riparian corridor along Cudgen Creek and no asset protection zone from riparian vegetation.*
- *There are too many beach access points which creates environmental disturbance within the coastal reserve. The landscaped cycleway is proposed to be constructed within the coastal reserve.*
- *Lots back on to the coastal reserve. Best practice is to have road separation to avoid privatisation of public space and for vegetation management.*
- *The proposal to narrow Lorna Street is a poor access and streetscape solution.*
- *The proposal provided poor connectivity to the adjoining Salt and Casuarina Beach developments.*
- *The long street blocks result in poor east-west permeability through the area.*
- *Lot sizes and large and homogenous and inconsistent with surrounding development.*
- *The proposal provides only one access point from Casuarina Way. Additional access points would be preferable to distribute traffic and avoid intersection congestion."*

Notwithstanding these deficiencies there are significant obstacles in the way of any complete re-subdivision of Seaside City. Not the least of these is the resultant financial implications (eg GST and capital gains tax) for landowners. Consequently, it is considered that Council has little option but to accept that the current subdivision of Seaside City will remain as the basis of planning for the area. Providing the major landowner is prepared to amalgamate lots into large parcels a high standard or urban design can be achieved with the existing road layout. The major landowner has indicated agreement to this proposal.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER

13 [OGM] Management Plan 2005/2008 and Budget 2005/2006

ORIGIN:

Corporate Performance

FILE NO: Budget/Management Plan

SUMMARY OF REPORT:

Council draft Management Plan for 2005/2008 has been on public exhibition for 28 days. The Plan includes the Strategic and Operating Objectives, Revenue Policy, Fees and Charges and Budget for 2005/2006. The Management Plan is supported by the Long-Term Financial Plan 2004-2014. The Minister for Local Government has set a limit of 3.5% for increase in General Purpose income for the rating year commencing 1 July 2005.

The Management Plan contains a proposal to make application to the Minister for Local Government for a variation to General Income of 2.5% to fund expenditure on eight (8) identified projects, to be implemented for a varying lengths of time.

RECOMMENDATION:

That:-

1. Council's 2005/2008 Management Plan and 2005/2006 Budget be adopted.
2. An application be made to the Minister for Local Government for a special variation to General Income of 2.5% totalling \$687,000 for expenditure on:

		Funding	Term of Rate Increase
Tweed River Art Gallery Stage 2	\$350,000	Revenue	
Tennis Terranora	\$360,000	Loan	7 years
Coastline Management Plan	\$250,000	Loan	10 years
Tweed Heads Master Plan	\$1.5 million	Loan	20 years
Regional Pool & car park	\$2 million	Loan	20 years
Tweed Respite Centre	\$495,000	Loan	20 years
Social Plan	\$155,000	Revenue	Ongoing
Tourism Enhancement	\$50,000	Revenue	Ongoing

3. Council adopts the Water Supply and Sewerage Developer Servicing Plans and the associated developer charges incorporated in Council's Revenue Policy and Fees and Charges.
4. The development servicing plans be forwarded to Department of Energies, Utilities and Sustainability for registration.

REPORT:

BACKGROUND

Meeting community needs is a major challenge facing Council. This year's Management Plan focuses on delivering essential services whilst maintaining assets at current levels. In relative terms, the Tweed Shire has continued to grow at a steady rate, which brings with it many challenges, placing increased demands on the resources of Council.

The Management Plan is the core corporate and strategic document that Council applies in determining its resourcing priorities and therefore is an important document in the systematic evaluation of service levels, objectives and performance achievement.

Council's Management Plan for 2005/2008 has been on public exhibition for 28 days. The Plan includes the Revenue Policy, Fees and Charges and Budget of 2005/2006. The Minister for Local Government has set a limit of 3.5% for increase in General Purpose income for rating year commencing 1 July 2005.

VARIATION TO GENERAL INCOME FOR 2005/2006

The Management Plan contains a proposal to make application to the Minister for Local Government for a variation to General Income of 2.5% totalling \$687,000 to fund expenditure on the following projects, and for a varying length of time:-

Tweed Heads Masterplan Implementation – Loan repayment	\$17,500
Regional pool complex & carpark – Loan repayment	\$30,116
Tweed Respite Centre – Loan repayment	\$11,550
Art Gallery Extensions	\$350,000
Coastline Management Plan – Loan repayment	\$5,833
Social Plan Implementation	\$155,000
Tennis Terranora – Loan repayment	\$67,000
Tourism Enhancement to be funded from the Business Rate	\$50,000

Whilst in the second year the revenue will be allocated to:

Tweed Heads Masterplan Implementation – Loan repayment	\$141,589
Regional pool complex & carpark – Loan repayment	\$191,092
Tweed Respite Centre – Loan repayment	\$46,724
Coastline Management Plan – Loan repayment	\$35,594
Social Plan Implementation	\$155,000
Tennis Terranora – Loan repayment	\$67,000
Tourism Enhancement to be funded from the Business Rate	\$50,000

The length of duration of the proposed special variation:

Art Gallery	
Tennis Terranora	7 years
Coastline Management Plan	10 years
Masterplan, regional pool and carpark, respite centre	20 years
Social plan and tourism enhancement	Ongoing

MANAGEMENT PLAN

The Management Plan provides a three (3) year program aimed at effectively meeting the expected needs of the community. The Plan clearly states Council's vision and mission, the core values and prioritised principal activities providing a clear indication of Council's intention for the coming 12 months and the following two (2) years.

The Management Plan is structured to describe what Council will be undertaking this year, its performance targets and how it would measure its level of performance. Statutory performance indicators requirements are supported by an additional range of management performance measures. These will form the basis of the General Manager's quarterly management performance reports and the annual report to the community. The three (3) year Plan is a complete document and therefore need to be read in its totality to appreciate the strategic direction and priorities.

PUBLIC CONSULTATION

In accordance with Section 405 of the Local Government Act 1993, Council must give public notice of its Draft Management Plan.

The Draft Management Plan went on public display on 23 April 2005 and the Management Plan consultation process involves seeking comments from the ratepayer / community of the Tweed as to their expectation of the Plan. To facilitate this approach, Council has placed copies of the Draft Management Plan and supplementary documents on public display at the Civic Centres, libraries and Council's internet site. Furthermore, the Draft Management Plan has been advertised in the Daily News and Tweed Link, and ratepayers were invited to attend community meetings at Tweed Heads Civic Centre, Kingscliff Amenities Hall and Murwillumbah Civic Centre.

PUBLIC COMMENTS RECEIVED

Comments received up to Wednesday, 25 May 2005 are attached to this report.

BUDGET / REVENUE POLICY

Council has the option at this meeting to amend the Draft Management Plan and Budget as well as vary the Fees and Charges.

DEVELOPMENT SERVICING PLANS

Council has advertised as part of the Draft Management Plan, the development servicing plans for water supply and sewerage in accordance with Section 64 of the Local Government Act and Department of Energy, Utilities and Sustainability (DEUS) guidelines.

COUNCIL'S FINANCIAL POSITION (2005/2006) - BUDGET

The Budget as presented is balanced. If any surplus funds become available from operations during the year, these should be applied to increase the level of accumulated funds so that Council has a sound financial platform on which it can build.

Program Budgeting used in the Plan provides both a financial and management analysis of the individual programs and services offered by Council and in conjunction with the various program objectives and performance measures allows an ongoing review of

services related back to the individual program objective. Extensive use of activity based costing is used to support this process.

The objectives of the 2005/2006 Budget are:-

- To maintain a balanced budget;
- To maximise income from all sources, subject to the state policies of Council;
- To provide works and services at levels commensurate with budget allocation;
- To restrain expenditure, wherever possible;
- To achieve economy of operation; and
- To optimise the return on funds and investments.

CHANGES TO THE DRAFT BUDGET SINCE CONSIDERATION BY COUNCIL ON 20 APRIL 2005:

1. Public Transport Info Project ("Going Places')\$3,000 funded from rate revenue
2. Social Plan \$10,000 additional rate revenue derived from 2.5% variation as a result of new supplementary levies
3. Regional Pool Complex & Car Park \$6,783 Adjustment of loan repayment
4. Tennis Terranora

Since the adoption of the Draft Management Plan a request has been received from Tennis Terranora in relation to further financial assistance.

The total project costs are estimated at \$1.778 million, which includes the financial assistance of \$360,000.00. Following the preparation of the Draft Budget there has been a request to consider the waiving of Section 94 Contributions of \$378,672.00 and Section 64 Contributions of \$4,325.00. There is a further request that an estimated amount of \$149,650.00 for access road and car park construction be waived, by virtue of Council constructing these infrastructure enhancements at no cost to the project.

This project is reliant on successful funding applications from various funding bodies, of which Council is one source.

The requested additional funding assistance totalling \$532,647.00 has not be allowed in the Draft 2005/2006 Budget or indeed any future budget.

DRAFT BUDGET FOR 2005/2006

General Fund	\$89 million
Water Fund	\$34 million

Sewerage Fund	\$43 million
Total	\$162 million

LONG TERM FINANCIAL PLAN

Council is required under Section 8 of the Local Government Act 1993 as part of Council's charter to "have regard to the long term and cumulative effects of its decisions". The Long Term Financial Plan has been prepared with this in mind.

The Long Term Financial Plan relates to the 2004/2005 to 2013/2014 financial years. The main purpose of the plan is to forecast Council's financial capacity for the next 10 years. This is achieved by:

- Identifying new projects and their sources of funding;
- Incorporating known expenditure such as repayments of existing loans; and
- Attempting to project forward existing expenditure and income, taking into account historical growth rates.

The Long Term Financial Plan is not a management plan in the sense that it does not consist of a committed program of works for each year of the plan's time frame. In other words, no attempt has been made to ensure each year has a balanced budget. With this in mind, actual results are likely to vary from the information provided in this document. An annual review of the plan will provide an updated appraisal of the ongoing financial capacity of Council.

This Plan relates to the activities encompassed by Council's General Fund. A separate plan has been compiled relating to activities encompassed by Council's Water and Sewer activities.

Objectives

As part of the analysis of the purpose of the plan a number of objectives were identified in an attempt to determine if on present trends there is sufficient revenue to:

- Maintain or expand existing services;
- Replace infrastructure, both existing and future;
- Undertake new projects, in line with Council's strategic direction; and
- Ensure long-term financial sustainability.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Budget 2005/2006 & Management Plan 2005/2008.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Summary of Public Comments & Public Consultation Meetings (DW 1207970).
 2. Copies of Correspondence received or Letters to the Editor.
 3. Copies of information provided by residents at the Public Consultation Meetings.
 4. Copy of notes on public consultation meeting (PowerPoint) (DW 1208224).
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14 [OGM] Community Based Broadband Demand Aggregation Brokers Program

ORIGIN:

Information Technology

SUMMARY OF REPORT:

Council has received advice from the Federal Government's Department of Communications, Information Technology and the Arts that an application submitted for the Broadening Broadband Aggregation Project has been approved.

Tweed Shire Council is in partnership with Councils in Northern New South Wales and South East Queensland, who have similar broadband issues in their respective areas, and see the benefits of working co-operatively to achieve common goals.

These goals are to achieve broadband connectivity options for residents and businesses within their respective Council area, to enhance the economic development of each individual area and the region as a whole. It will also ensure that broadband services will be delivered to rural and remote communities throughout the region with price and service levels comparable to metropolitan areas.

RECOMMENDATION:

That Council confirms its commitment to the Community Based Broadband Demand Aggregation Brokers Program and votes a contribution of \$10,000 from the Rural Villages Development Program 2005/2006 towards the cost of the project.

REPORT:

An application was submitted on behalf of the Richmond-Tweed-Clarence group for funding assistance under the Federal Government's Community Based Broadband Demand Aggregation Brokers Program.

The partnership comprises the Councils of Ballina Shire, Byron Shire, Clarence Valley, Kyogle Shire, Lismore City, Richmond Valley, Tweed Shire, and three South East Queensland Councils namely Redland Shire, Boonah Shire, and Beaudesert Shire.

The partnership has been formed in the belief that the region's extensive and common broadband issues can be best addressed with a co-operative and coordinated approach, utilising proven methods of a successful demand aggregation team. Each Council in this partnership has made a commitment to contribute both cash and in-kind support to the project. This commitment is reflected within the proposed budget.

Project Managers and Brokers nominated by the group to administer and implement the proposed project in each respective Council area on behalf of the group are the project team from Gold Coast City Council's Economic Development Branch, who have recently completed the Gold Coast Demand Aggregation Project.

This project will form part of an integrated ICT strategy for the region to promote and facilitate the expansion and take up of broadband, and will address both demand and supply sides of the issue. It has been developed on the basis of rigorous analysis of needs and potential demand by each Council in this partnership, and with support of suppliers, local businesses and community groups who need and are unable to access Broadband.

The project will meet the needs of residents and businesses that would not otherwise be met in the foreseeable future. It will also ensure best practice in broadband development and procurement to improve broadband infrastructure throughout the region with price and service levels for rural communities comparable to metropolitan areas.

The outcome of the program is projected to have a broadband option to an expected 70 percent of the HiBIS eligible areas comprising some 75 percent of the region represented by the group. Each Council has also highlighted the lack of effective service in the non-HiBIS areas and it is anticipated that these broadband black spots will also be addressed as service providers become aware of the issues and the potential market in these areas.

Once broadband coverage is achieved, the direct benefits to each region will be increased competitiveness, growth and sustainability of business including increased exports leading to increased and more sustainable employment, and better provision of a wide range of information services to the community in particular education, health and community services. An awareness program will focus on the benefits of broadband for these sectors focusing on the new technologies and their significance, to encourage take up once the services are available.

The co-operative, coordinated approach by the Councils represented by the application and the application of proven methodology by an experienced team will ensure success of this project. The beneficiaries will be businesses, students and residents within the rural and regional communities across the entire region.

The main tasks of the project team will be to bring together sustainable broadband solutions by addressing the demand needs and supply opportunities and constraints. The strategic steps for the project team include implementing a community awareness program, undertaking detailed demand aggregation, achieving expression of interest from service providers, facilitating negotiations to achieve rollout of connectivity, effective monitoring of progress and accurate reporting to all parties.

This will be achieved through:

- building on the needs assessment for the total eligible areas;
- conducting needs based surveys in individual communities towns and villages;
- business and community awareness campaigns;
- preparation of summary reports;
- invitation to service providers through an expression of interest process;
- presentations to relevant groups;
- development of sustainable solutions;
- monitoring effectiveness of the program;
- regular and accurate reporting to all parties.

While geographically the scope of this project is enormous covering a region represented by ten local Councils, the work plan clearly demonstrates that the proposed outcomes are achievable within the proposed timeframe and budget. This is due to similarities of the issues throughout the project area and the willingness of these Councils to work co-operatively to achieve common goals benefiting their communities, the proven methodology to be implemented and the experience of the project team and the value of relationships that have already been established with a range of prospective suppliers.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The contribution by Tweed Shire Council is \$10,000 towards the estimated cost of \$400,000 and could be met from the Rural Villages Development Program 2005/2006. A full cost and funding proposal is set out as follows:

EXPENDITURE- Activity	Projected Expenditure
Salaries	\$213,000
Travel	\$19,500
Accommodation	\$9,500
Office overheads – accommodation, phone, computer, etc	\$48,000
Vehicles	\$25,000
Communications – media, community, ISPs and partners	\$35,000
Surveys and data, web and database	\$15,000

Incidentals and sundries	\$5,000
Project Management	\$30,000
TOTAL COST OF COMMUNITY BASED BROKER	\$400,000

INCOME – Source	Projected Income
Demand Aggregation Brokers Program	\$300,000
Ballina Shire Council, NSW	\$10,000
Byron Shire Council, NSW	\$10,000
Clarence Valley Council, NSW	\$10,000
Kyogle Shire Council, NSW	\$10,000
Lismore Shire Council, NSW	\$10,000
Richmond Valley Council, NSW	\$10,000
Tweed Shire Council, NSW	\$10,000
Beaudesert Shire Council, QLD	\$10,000
Boonah Shire Council, QLD	\$10,000
Redland Shire Council, QLD	\$10,000
TOTAL INCOME FOR COMMUNITY BASED BROKER	\$400,000

Note that there is also an 'in-kind' component that has not been costed.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

15 [OGM] Sustainable Regions Program

ORIGIN:

Executive Manager

SUMMARY OF REPORT:

Council has received advice from the Department of Transport and Regional Services that the budget for this program for the period 14 May 2005 to 31 December 2005 has been approved. The Department is now seeking Council's approval of the changes and the endorsement of the Variation (2) of Funding Contract.

RECOMMENDATION:

That:-

1. Council endorses Variation (2) of the Funding Contract for the Sustainable Regions Program between the Commonwealth of Australia, represented by the Department of Transport and Regional Services and the Tweed Shire Council to cover the period 14 May 2005 to 31 December 2005 and votes the expenditure of \$79,235.
2. All the documentation be executed under the Common Seal of Council.

REPORT:

The Federal Government has provided financial assistance through the Department of Transport and Regional Services towards a sustainable regions initiative aimed at assisting regions to develop local solutions to major economic, social and environmental change.

The region comprises of the Shires of Ballina, Byron, Lismore, Kyogle and Tweed. The Far North-East New South Wales Sustainable Region Advisory Committee administers this funding and the Tweed Shire Council has been offered the opportunity to again host the employment of the Executive Officer.

The Executive Officer is currently located at the Tweed Heads office and is directed by Chair of the Far North-East New South Wales Sustainable Region Advisory Committee (Mr Geoff Provest).

Council has received advice from the Department of Transport and Regional Services that the budget for this program for the period 14 May 2005 to 31 December 2005 has been approved. The Department is now seeking Council's approval of the changes and endorsement of the Variation (2) of Funding Contract of \$79,235.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

An agreement exists between the Commonwealth of Australia and Tweed Shire Council (see attachment), which sets out the terms of the funding agreement for the project. The agreement requires the endorsement, signing and sealing of the document by Council.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Letter from the Department of Transport & Regional Services (DW 1201863)
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16 [OGM] 92.5 Gold FM Give Me Five for Kids' 2005 Appeal

ORIGIN:

Governance

FILE NO: Charities; Donations

SUMMARY OF REPORT:

Council has received a letter from 92.5 Gold FM advising of their Give Me Five for Kids' 2005 Appeal. Council can become involved in the event by either making a direct donation, placing a collection tin in its offices, purchasing an outside broadcast or by being involved in their special corporate functions.

A copy of the letter from 92.5 Gold FM is attached for Council's information.

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 determines this report.

REPORT:

As per summary of report.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Dependant upon Council's determination.

POLICY IMPLICATIONS:

In considering this request, reference should be made to the Donations Policy.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Letter from 92.5 Gold FM (DW 1205975)
-

17 [OGM] Employer Superannuation Contributions 2006/2007

ORIGIN:

Financial Services

SUMMARY OF REPORT:

The Local Government Superannuation Board has advised Council that the superannuation contribution "holiday" for the Local Government Retirement Scheme ends in 2005/2006 and NSW councils will return to paying full contributions from 1 July 2006. The increase, or restoration to previous levels, will be permanent for the foreseeable future and will have up to \$1,070,000 impact on the 2006/2007 budget.

RECOMMENDATION:

That this report be received and noted.

REPORT:

Employer Superannuation Contributions 2006/2007

On 1 November 2000 the NSW Local Government Superannuation Scheme (LGSS) introduced an employer contribution "holiday" applicable to members of the Retirement Scheme, meaning that Councils were not required to pay normal contributions for that scheme, due to a surplus in the Scheme's reserve funds. These savings were added to the general revenue of Council and used for operational purposes.

Of the 640 employees whom work for Tweed Shire Council, 168 are members of Local Government Superannuation Scheme's Retirement Scheme. This is a defined benefits fund which has been closed to new members for some years. The majority of other staff are members of the LGSS Accumulation Scheme.

The LGSS has advised that from 1 July 2005 to 30 June 2006, Councils' contribution would be 0.95 times employee contributions, or half the normal rate. It was also advised that from 1 July 2006, Councils' contribution would resume at the full rate of 1.9 times employee contributions.

The full contribution rate, applicable from 1 July 2006, amounts to approximately \$1,070,000 per annum, reducing to approximately \$1,000,000 in 2007/2008 and \$900,000 in 2008/2009.

The superannuation impact in the 2005/2006 draft budget is funded from the employee leave entitlements (ELE) reserve. Further large withdrawals from this reserve would result in it falling below the policy limit set by Council, and in any case is not a sustainable option. The ELE reserve should not therefore be considered as a viable option to fund up to \$1,070,000 cost in the 2006/2007 budget.

The increase, or restoration to previous levels, will be permanent for the foreseeable future and will need to be accommodated in budgets from 2006/2007 onwards.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

As discussed in the report.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

18 [OGM] Tweed Shire Council Public Inquiry

ORIGIN:

General Manager

FILE NO: GA4/1/40 Pt3

SUMMARY OF REPORT:

Council at its Extraordinary meeting held on 11 May 2005 resolved, inter alia, that a copy of the legal opinion relating to the Tweed Shire Council Public Inquiry be forwarded to the Minister for Local Government.

A response has been received from the Minister and it is included in this report

RECOMMENDATION:

That this report be received and noted.

REPORT:

Council at its Extraordinary meeting held on 11 May 2005 resolved, inter alia, that a copy of the legal opinion relating to the Tweed Shire Council Public Inquiry be forwarded to the Minister for Local Government.

A response has been received from the Minister and is reproduced below:-

18/05 2005 18:32 FAX 92283988

TONY KELLY MIN OFFICE

002



The Hon Tony Kelly MLC
Minister for Rural Affairs,
Minister for Local Government,
Minister for Emergency Services, and
Minister for Lands

Ref.
MIN
Doc ID A17143

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

18 MAY 2005

Dear Dr Griffin

I refer to your letter of 12 May 2005 wherein you enclose a copy of Council's legal advice regarding the ongoing Public Inquiry into Tweed Shire Council and seeking a meeting with me.

The Council's legal advice is self explanatory and I have noted its contents. This is not to be taken as my agreement to all of the conclusions expressed therein or to the accuracy of the facts upon which those conclusions are based.

I would make one important observation Your legal advice concedes that neither the fact of the Commissioner making an interim report nor the bringing to the attention of the Government occasions of suspected wrongdoing could "give rise to a complaint that would sustain judicial review of the Commissioner's actions" and that a lower standard of duty and conduct for bias will apply to a Commissioner than applies to a judicial officer.

However it seems to me surprising that the advice then concludes that the letter evidences actual bias or gives rise to an apprehension of bias based on the Commissioner reaching a "final opinion" or "conclusion". It is true that the word "conclusion" was used by the Minister for Planning, Infrastructure and Natural Resources in the Parliament, but the Commissioner, who is not legally qualified, referred only to the evidence "suggesting" certain things.

I do not believe that any useful purpose would be served by my meeting with Council representatives to discuss the contents of the legal advice. In fact, it may be inappropriate to do so as the Public Inquiry is still underway.

Yours sincerely

A handwritten signature in black ink that reads 'Tony Kelly'.

The Hon Tony Kelly MLC
Minister for Local Government

Level 34, Governor Macquarie Tower
1 Farrer Place, Sydney NSW 2000
Ph: (02) 9228 3989 Fx: (02) 9228 3988

Room 808 Parliament House
Macquarie Street, Sydney NSW 2000
Ph: (02) 9230 2528 Fx: 9230 2530

18/05 '05 WED 18:37 [TX/RX NO 8458]

THIS IS PAGE NO **163** OF THE MINUTES OF THE MEETING OF TWEED SHIRE COUNCIL HELD WEDNESDAY 1 JUNE 2005

CHAIRMAN

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

19 [OGM] Advice Tweed Shire Council Public Inquiry

ORIGIN:

General Manager

SUMMARY OF REPORT:

Attached are copies of correspondence between the Commissioner for the Tweed Shire Council Public Inquiry and the Departments of Local Government and Infrastructure, Planning and Natural Resources that were accessed by Council's Solicitors under a Freedom of Information request.

RECOMMENDATION:

That the information be noted.

REPORT:

Attached are copies of correspondence between the Commissioner for the Tweed Shire Council Public Inquiry and the Departments of Local Government and Infrastructure, Planning and Natural Resources that were accessed by Council's Solicitors under a Freedom of Information request.



OFFICE OF THE MINISTER FOR RURAL AFFAIRS, MINISTER FOR LOCAL GOVERNMENT,
MINISTER FOR EMERGENCY SERVICES AND MINISTER FOR LANDS

PLEASE FIND A DOCUMENT ATTACHED FOR DEPARTMENTAL ACTION

DATE RECEIVED: 15/3 / 2005

FILE NUMBER: Mun 05/12118

FOR ACTION BY:

TO BE SEEN FIRST BY:

- Lands
- Rural Affairs
- Local Government
- Emergency Services

- Virginia Knox
- Danielle Bevins
- Stacey Tannos
- Terry Flanagan
- Shoshana Wall
- Gay Bransgrove
- Meredith Jones
- Stephen Fenn
- Leellen Lewis

- RFS
- NSW FB
- SES
- OES

Recommended for the attention of: _____

ACTION REQUIRED:

- Response for signature by: Minister / Parliamentary Secretary, Neville Newell MP / Policy Adviser
- Acknowledgment letter: pending response / referring matter to: _____
- Briefing notes for: information / meeting / Parliamentary folder
- To be discussed with Minister / Verbal advice sought by: _____ (oh) x
- Circulate copy (to ensure co-ordinated response) to: _____
- Department to respond directly:
- For information only
- For filing only

RESPONSE DEADLINE:

- Immediate (Priority - ASAP)
- Urgent (One week)
- Early (Two weeks)
- Routine (Three weeks)

DUE DATE: _____

AUTHORISED BY (Initials): _____

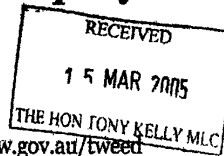
NOTES

Tweed Shire Council
Public Inquiry
- EP & A Act
- possible breaches



Tweed Shire Council Public Inquiry

Office of the Commissioner
Locked Bag A5045 SYDNEY SOUTH NSW 1235
TEL (02) 9289 4020 FAX (02) 9289 4099
EMAIL InquiryCommissioner@dlg.nsw.gov.au WEB www.dlg.nsw.gov.au/tweed



The Hon A B Kelly MLC
Minister for Rural Affairs,
Minister for Local Government,
Minister for Emergency Services,
and Minister for Lands
Level 34 Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

15 March 2005

Dear Minister,

The Tweed Shire Council Public Inquiry has received a great body of evidence that suggests that the council has not given effect to and has not enforced various provisions of the Environmental Planning and Assessment Act.

This information has come from:

- o submissions to the Inquiry
- o evidence, both sworn and affirmed, given at the public hearings conducted by the Inquiry, including expert evidence from individuals and representatives of State Government Departments
- o review of a number of council's development application files.

The information affects not only the elected representatives but council's staff as well.

The evidence suggests that the failures have occurred in the past and that these failures are likely to continue into the future. They include:

- o development consents being granted contrary to staff recommendations
- o undue councillor interference with processes
- o flawed processes within staff responsibilities
- o failure to put in place a resilient planning regime
- o breaches of pecuniary interest & conflict of interest requirements
- o breaches of planning & administrative law (eg irrelevant considerations & inappropriate use of Section 96 modifications)
- o failure to instigate enforcement actions
- o concessional benefits to developers in terms of Section 94 contributions

13-05-05 16:58

10

2

- o processing a major development application while the council was in caretaker mode, prior to the 2004 election

While the council was asked to defer the processing of any sensitive or controversial applications for development during the period of the public inquiry, given the demeanour of the controlling majority of the elected representatives I do not expect that this request will be respected during the period after the hearings have concluded and pending my report to Parliament.

Despite contrary suggestions, the council's role as a consent authority, while diminished by the operation of SEPP 71, still applies to larger developments falling outside the area constrained by SEPP 71. Additionally, the council exercises residual powers to determine significant coastal developments under SEPP 71.

At this time there are matters that have not been finally determined by the council where, given the concerns previously outlined, further contraventions of the Environmental Planning and Assessment Act may occur.

In view of my concerns I recommend the interim appointment of a planning administrator under Section 118 of the Environmental Planning and Assessment Act to commence immediately to July 31 2005 with an extension to be considered if required.

I have today written in the same terms to your colleague, The Hon C J Knowles MP, Minister for Infrastructure and Planning.

Yours sincerely,



**Emeritus Professor Maurice Daly BA PhD MIMC
Inquiry Commissioner**

14-05-05 16:59



OFFICE OF THE MINISTER FOR RURAL AFFAIRS, MINISTER FOR LOCAL GOVERNMENT, MINISTER FOR EMERGENCY SERVICES AND MINISTER FOR LANDS

PLEASE FIND A DOCUMENT ATTACHED FOR DEPARTMENTAL ACTION

DATE RECEIVED: 23/3/2005

FILE NUMBER: M 05/1614

FOR ACTION BY:

TO BE SEEN FIRST BY:

- Lands
- Local Government
- Emergency Services
- Rural Affairs

- Virginia Knox
- Leellen Lewis
- Fergus Taylor
- Stephen Fenn
- Danielle Bevins-Sundvall

ATTN: _____

ACTION REQUIRED:

- Response for signature by: Minister Parliamentary Secretary Policy Adviser
- Acknowledgment letter: pending response referring matter to: _____
- Briefing notes for: information meeting
- Verbal advice sought by: _____ (ph): _____
- Circulate copy (to ensure co-ordinated response) to: _____
- Department to respond directly
- For information/filing only

RESPONSE DEADLINE:

- Immediate (Priority - ASAP)
- Urgent (One week)
- Early (Two weeks)
- Routine (Three weeks)

DUE DATE: ___/___/___

AUTHORISED BY (Initials): LL

NOTES

Ministerial Correspondence
 (- Planning Minister)
 - Tweed LGA
 - Planning Administrator

19-05-05 17:00

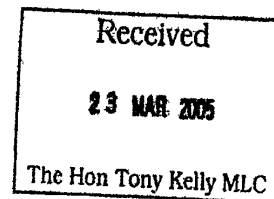
12 1



NEW SOUTH WALES
OFFICE OF THE
MINISTER FOR INFRASTRUCTURE AND PLANNING
MINISTER FOR NATURAL RESOURCES

DGC05/577

The Hon AB Kelly MLC
Minister for Local Government
Level 34
Government Macquarie Tower
Farrer Place
Sydney 2000



Dear Minister

Proposal to appoint a Planning Administrator for Tweed Shire Council

I am writing to request you to take action to authorise an investigation under s430 of the *Local Government Act* ("the *LG Act*") into the performance of Tweed Shire Council in respect of its environmental planning and assessment functions under the *Environmental Planning and Assessment Act 1979* ("the *EP&A Act*").

As you are aware, you appointed Professor Daly under section 740 of the *LG Act* to prepare a report and provide recommendations to you on the efficiency and effectiveness of the governance of Tweed Shire Council. A focus of the inquiry is the Council's processing and determination of development applications under the *EP&A Act*.

Professor Daly has recently concluded his public hearings in relation to this inquiry and is preparing his report which, I understand, should be delivered to you by July/August this year.

I have letters dated 15 and 22 March 2005 from Professor Daly informing me of various actions of the Council which he has become aware of during the hearing which suggests to him that the Council has not given effect to and has not enforced various provisions of the *EP&A Act*. Professor Daly has not prepared an interim report or made any findings in relation to the inquiry, however he has requested me, with your concurrence, to appoint of an administrator under section 118(1) of the *EP&A Act* pending the finalisation of his report.

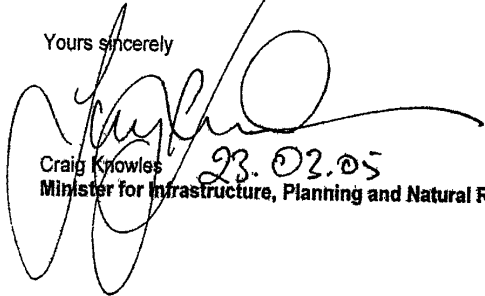
In the circumstances where no interim findings of the report have yet been made, I am advised that it would be premature to appoint an administrator under the *EP&A Act*. Notwithstanding, I am extremely concerned about the serious nature of the allegations being made and am mindful of the need to ensure that action is taken to address the matters raised by Professor Daly without pre-empting the findings of his inquiry.

GPO Box 5341 Sydney NSW 2001 Telephone (02) 9228 4204 Facsimile (02) 9228 3718

14-05-05 17 01

Accordingly, I request you to authorise the Director General of your Department to take action under *section 430* of the *LG Act* to commence an immediate investigation into the exercise by the Council of its planning and assessment functions under the *EP&A Act*, particularly in relation to the use of its power under *section 98* of the *EP&A Act* to modify development consents which the Council has previously granted. The investigation should also consider whether sufficient grounds exist to recommend the appointment of an environmental planning administrator pursuant to *section 118* of the *EP & A Act*.

Yours sincerely



Craig Knowles
23.02.05
Minister for Infrastructure, Planning and Natural Resources

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS

20 [EO] Land Acquisition for Road Purposes and Compensation - Minnows Road, Fernvale

ORIGIN:

Design

FILE NO: R3480

SUMMARY OF REPORT:

Following the sealing of Minnows Road at Fernvale, a survey plan was prepared and registered under the Roads Act, 1993 for the acquisition of Lots 1, 2 and 3 in DP 1078145 for dedication as road.

The necessity for the acquisition of these Lots is due to an historical anomaly whereby the road formation encroached onto adjacent landowners' land. The affected landowner has consented to the acquisition and is to receive compensation by way of transfer of closed road, being Lot 4 created in the same Deposited Plan.

The acquisitions are to proceed under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 whereby an application is to be made to the Department of Local Government for approval to the acquisition.

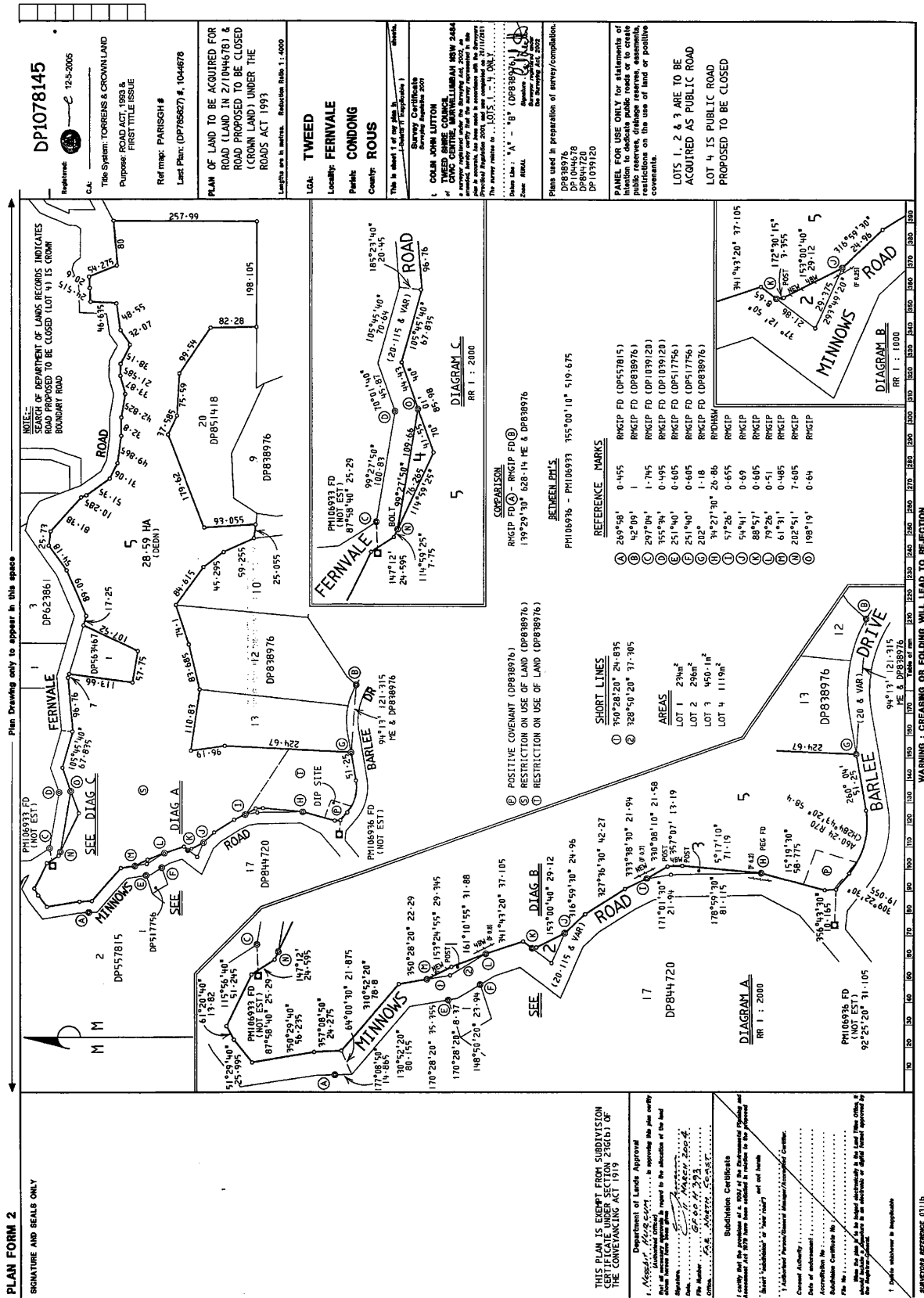
RECOMMENDATION:

That:

1. Council approves the acquisition of Lots 1 to 3 in DP 1078145 for public road and the acquisition of Lot 4 in DP 1078145 for compensation under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991 for the purposes of the Roads Act 1993;
2. Lots 1, 2 and 3 in DP 1078145 be dedicated as road following gazettal of the acquisition; and
3. All necessary documentation be executed under the Common Seal of Council.

REPORT:

As per Summary of Report, a copy of DP 1078145 follows:-



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

21 [EO] Creation of Easement - Council Land at Bray Park

ORIGIN:

Design

FILE NO:

SUMMARY OF REPORT:

At its meeting held on 18 May 2005 Council resolved to approve the consolidation of three Council parcels at Bray Park for the construction of the new water treatment plant.

Since that resolution was made Country Energy have advised Council that a Power Reticulation Easement for Substation Purposes is required to accommodate the substation to be constructed for the plant.

The Easement is to be created concurrently with the consolidation of the parcels and it is necessary to resolve to approve the creation of the easement on the consolidated parcels.

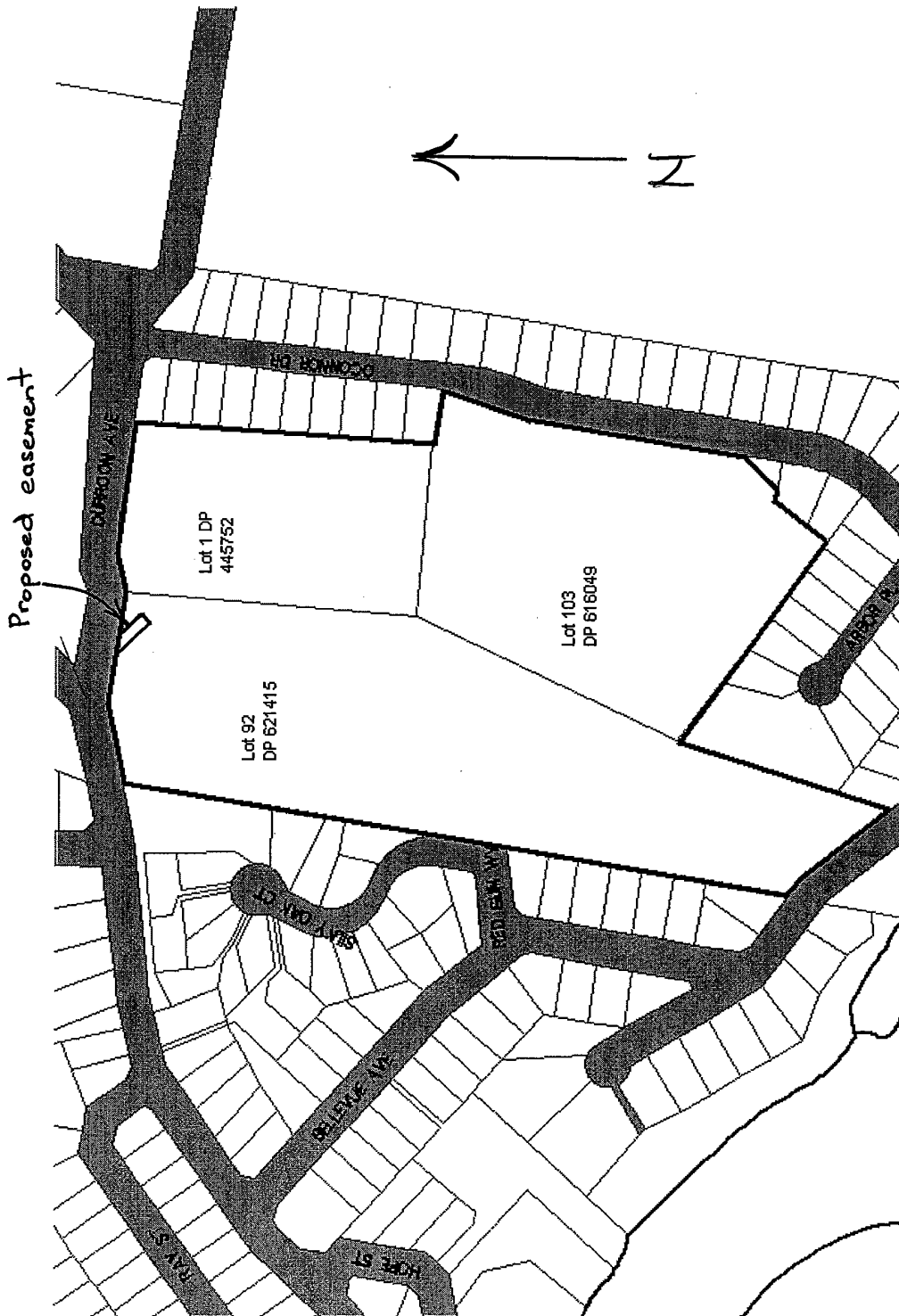
RECOMMENDATION:

That:-

1. Council approves the creation of a Power Reticulated Easement for Substation Purposes over the land to be consolidated, comprising of Lot 1 in DP 445752, Lot 92 in DP 621415 and Lot 103 in DP 616049, at Bray Park; and
2. All necessary documentation be executed under the Common Seal of Council.

REPORT:

As per Summary of Report, the plan below shows the location of the proposed Easement:-



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

22 [EO] Tyalgum Pre-School - Lease of Lots 110 and 111 in DP 1061262 at Carraboi Terrace, Tyalgum

ORIGIN:

Design

SUMMARY OF REPORT:

Following the acquisition of Lots 110 and 111 in DP 1061262 from the Crown to enable the construction of a pre-school at Tyalgum, it is now necessary to proceed with a lease agreement with the Pre-School Committee to enable commencement of the facility.

Consent for the construction has issued and commencement is due to begin in the very near future. To avoid delays in commencement it is necessary for Council to approve entering into a Lease agreement. Discussions between the Pre-School committee and Council officers has resulted in the offering of a "peppercorn" rental (\$1.00 per annum) to assist in the establishment of the Pre-School at Tyalgum.

All outgoings, including rates and services, are to be paid by the Pre-School.

Lots 110 and 111 were classified as operational following acquisition and as such, there are no limitations to the term of Lease to be offered. However, it is recommended that Council offer a five year term with an option for a further five years.

RECOMMENDATION:

That:-

1. Council approves entering into a Lease Agreement with the Tyalgum Pre-School Committee for a Lease Agreement over Lots 110 and 111 in DP 1061262 at Carraboi Terrace, Tyalgum for a term of five (5) years at annual rental of \$1.00 and an option for a further five (5) years; and
2. All necessary documentation be executed under the Common Seal of Council.

REPORT:

As per Summary of Report.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

23 [EO] Road Re-Naming - Chinderah Bay Drive, Chinderah

ORIGIN:

Design

FILE NO: R1071 Pt 4

SUMMARY OF REPORT:

Following the naming of Chinderah Bay Drive, street numbers were attributed to those properties south of Waugh Street. The numbering was done approximately ten years ago when there was very little development of land to the north of Waugh Street. Properties to the north of Waugh Street are now being developed and require street numbers.

Unfortunately, the early numbering for Chinderah Bay Drive was allocated from north to south, but commenced south of Waugh Street. The difficulty in attributing numbers north of Waugh Street is that they cannot continue from the originally numbered properties. The only way to attribute numbers to the northern properties is to start another set of numbers from the north from the BP petrol station south to Waugh Street.

In that regard, to be able to attribute numbers to those properties north of Waugh Street, it is recommended that the northern section of Chinderah Bay Drive be re-named as Chinderah Bay Drive North.

Although the use of cardinal points in road names is generally not acceptable, verbal advice from the Department of Lands indicates that in this particular circumstance it would be acceptable.

RECOMMENDATION:

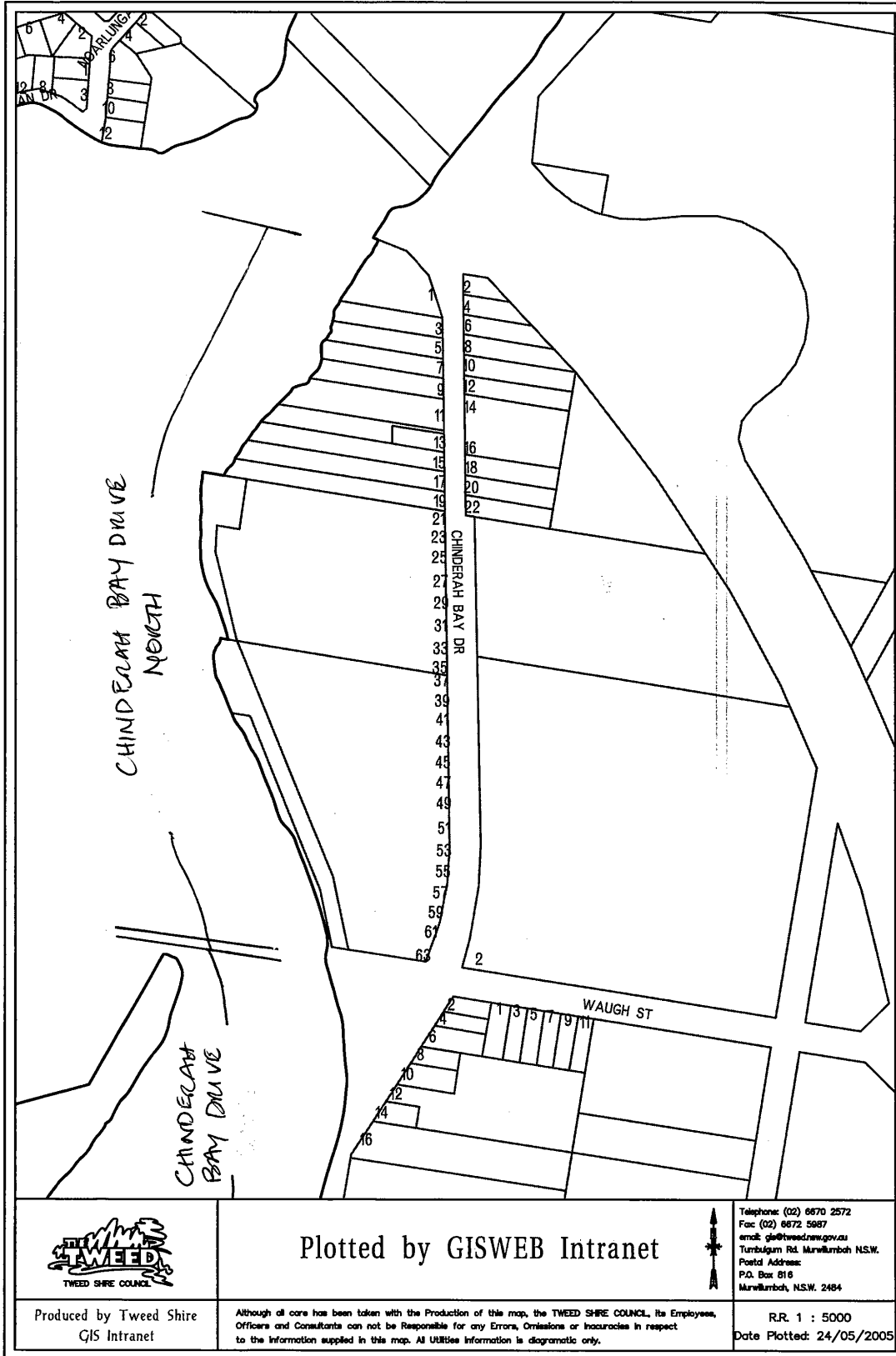
That :-

1. Council publicises its intention to re-name that part of Chinderah Bay Drive north of Waugh Street allowing one month for submissions and / or objections to the name:

“*Chinderah Bay Drive North*”; and
2. Council notifies the relevant authorities under the provisions of the Roads (General) Regulation 1994

REPORT:

As per Summary of Report. A plan showing the proposed extent of the northern section of Chinderah Bay Drive to be re-named follows this report:-



Plotted by GISWEB Intranet



Telephone: (02) 6670 2572
 Fac: (02) 6672 5987
 email: gis@tweed.nsw.gov.au
 Tumbagan Rd. Murwillumbah NSW.
 Postal Address:
 P.O. Box 818
 Murwillumbah, NSW. 2484

Produced by Tweed Shire
 GIS Intranet

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. All Utilities information is diagrammatic only.

R.R. 1 : 5000
 Date Plotted: 24/05/2005

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

24 [EO] Compulsory Acquisition of Lot 3 in DP 1064338 for Road Purposes - River Terrace, Tweed Heads

ORIGIN:

Design

FILE NO: R4730

SUMMARY OF REPORT:

At its meeting held on 2 February, 2005 Council, at Resolution number 68, approved the acquisition and dedication as road of Lot 3 in DP 1064338 at River Terrace at Tweed Heads for the purposes of the Roads Act, 1991.

An application for the acquisition was forwarded to the Department of Local Government and following discussions with the Department, upon receipt of our application, it was deemed necessary to rescind the resolution of 2 February 2005 and to make further recommendation which does not include the purpose for car parking.

RECOMMENDATION:

That:-

1. Council rescinds resolution number 68 of 2 February, 2005;
2. Council approves an application being made to the Minister for the compulsory acquisition of Lot 3 in DP 1064338 under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991 for the purposes of the Roads Act;
3. Council dedicates Lot 3 in DP 1064338 as road following acquisition; and
4. All necessary documentation be executed under the Common Seal of Council.

REPORT:

The Department advised that Council's resolution was made based on the fact that part of the land to be acquired was for car parking and road.

The Department advised that should part of the area to be acquired be for car parking, then one of the purposes of the acquisition would have to be under the Local Government Act, 1993 as the purpose of car parking brought the application outside the purposes of the Roads Act.

An on site inspection of the area to be acquired showed that none of the area will be used strictly for car parking, but to only bring the formed River Terrace within a dedicated road reserve.

The Department advised that because the previous resolution was made with regard to the purpose of both car parking and road, then it was necessary to make a further resolution which did not include the purpose for car parking.

On that basis it is necessary for Council to make a new resolution regarding the acquisition.

A copy of DP 1064338 follows:-

PLAN FORM 2
SIGNATURE AND SEALS ONLY

DP1064338

Title System: **CROWN LAND**
Purpose: **CROWN FOLIO CREATION**
Ref. No: **X4575 - 32#**

PLAN OF CROWN LAND FOR THE PURPOSE OF FIRST TITLE OF LAND PROPOSED TO BE ACQUIRED FOR ROAD PURPOSES UNDER THE ROADS ACT 1993
Lengths are in metres. Revision No: 1: 2004

LOCALITY: TWEED HEADS TERRACEROA ROUS

This is a plan of the land in accordance with the provisions of the Survey Act 1981 and the Survey Regulation 2001 (CL 3072)

Plans used in preparation of survey/compilation:
DP183784 DP801977 R9903 1759
DP183784 DP801977 R9903 1759
DP183784 DP801977 R9903 1759
DP183784 DP801977 R9903 1759
DP183784 DP801977 R9903 1759
DP183784 DP801977 R9903 1759

Panel for use only for statements of intention to dedicate public roads or to create public reserves, change reserve easements, public utility easements or other public easements.
LOT 3 IS TO BE ACQUIRED AS PUBLIC ROAD

REFERENCE MARKS

68°42'	2-535
18°51'	0-615
94°26'	3-38
50°31'	4-54
230°12'	4-115
230°12'	4-22
70°21'	0-165
72°51'	1
198°31'	0-82
53°36'	25-145
233°36'	31-305
53°36'	38-795
143°18'	17-31
143°18'	0-255
72°25'	3-125
79°02'	6-29
72°51'	6-93
230°11'	14-295

THE MINISTER ASSISTING THE MINISTER FOR NATURAL RESOURCES (LANDS) IN ACCORDANCE WITH CLAUSE 55(4) OF THE SURVEY REGULATION 2001 AND CLAUSE 55(4) OF THE SURVEY ACT 1981 APPROVES THE DETERMINATION OF THE FORMER HIGHWAY SHOWN HEREON AS BOUNDARIES 1/4-7 IN FILE DP 01 338 ON 29/11/2003.

THIS PLAN IS SUBJECT TO SUBDIVISION CERTIFICATE NUMBER 23/11/04 OF THE CONVEYANCING ACT 1919.

Department of Lands Approval
1. **RICHARD DUNNING**...
Date of Approval: **23 Nov 2004**
Plan No: **DP1064338**
Other: **GRAFTON**

Subdivision Certificate
No. **23/11/04**
Date of Issuance: **23 Nov 2004**
Applicant: **GRAFTON**
Other: **GRAFTON**

DIAGRAM
RR 1 : 500

MARK	EASTING	NORTHING	R CLASS	H ORDER	C S F
PM 3	553100.374	6682982.093	B	U	0-999635
PM 42218	553097.745	6682818.945	B	U	0-999634
PM 42229	553075.675	6682712.693	B	U	0-999634

SOURCE SCIMS 1/07/2003

SURVEYING REGULATION 2001 (CL 3072)
SURVEY PRACTICE REGULATIONS 2001 (CLAUSE 32-42)

M. P. RETAINED 2010

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

25 [EO] Compulsory Acquisition of Land for Road Purposes - Cudgen

ORIGIN:

Design

SUMMARY OF REPORT:

At its meeting held on 2 March, 2005 Council resolved to acquire a 20 metre strip of land along the northern boundary of Lot 2 in DP 529569 by private treaty from the NSW Sugar Milling Co-Operative Limited for \$3,000.00.

The land is to be dedicated as road to enable the haulage of materials for the proposed sewage treatment plant at Kingscliff from the Motorway.

Due to planning restraints the subdivision of the parcel is not possible and the only way of procuring the land for road is to compulsorily acquire it under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993.

The Mill has provided its consent to the acquisition and it is now necessary to seek Council's approval to the acquisition, and if approved, to proceed with an application to the Minister.

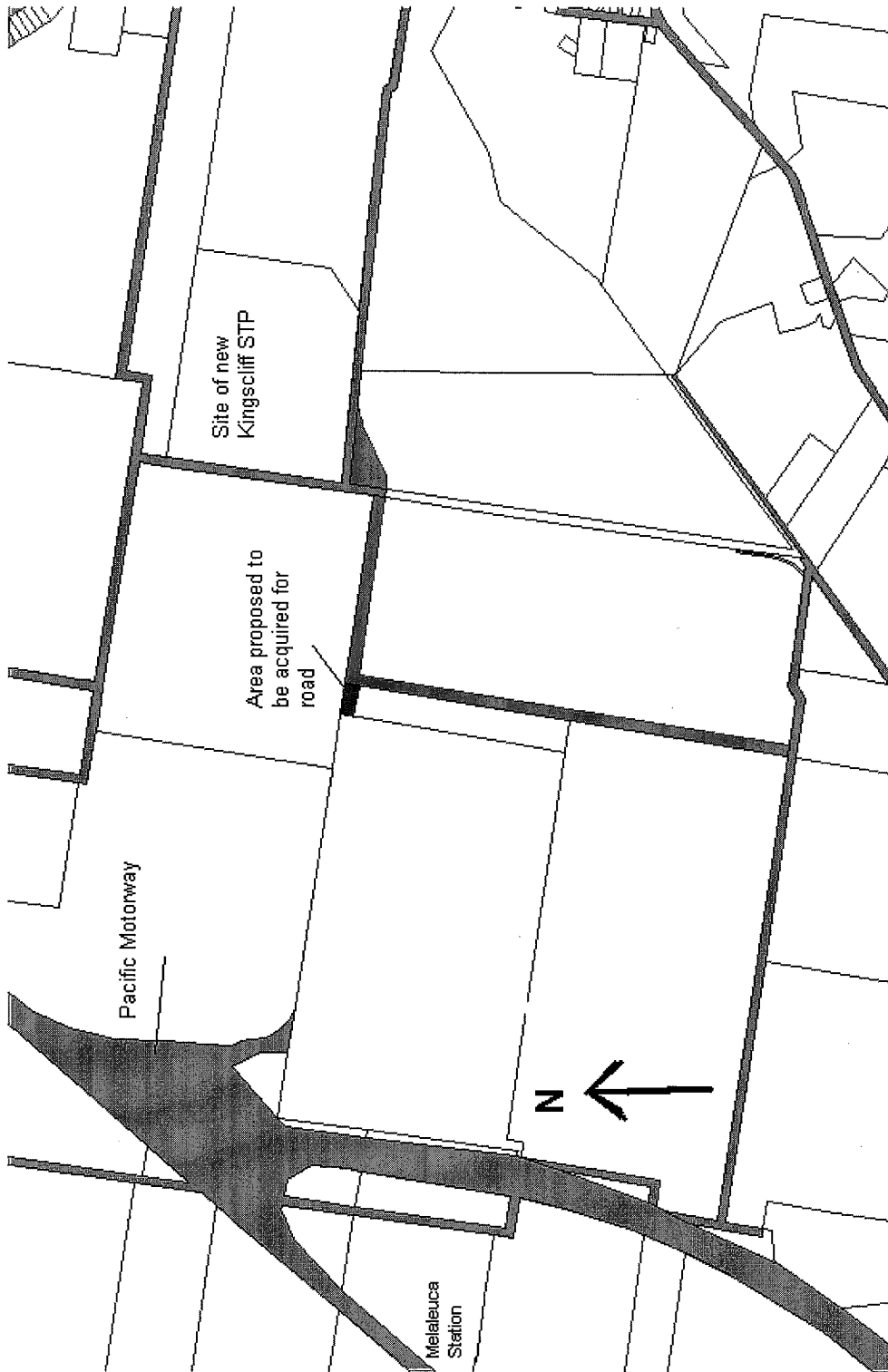
RECOMMENDATION:

That :

1. Council approves the compulsory acquisition of a 20 metre strip of land along the northern boundary of Lot 2 in DP 529569 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993;
2. The land acquired be dedicated as road following the acquisition; and
3. All necessary documentation be executed under the Common Seal of Council.

REPORT:

As per Summary of Report. A plan showing the area to be acquired follows:-



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

26 [EO] Letitia Road - Access to Tweed River Sand Bypass System

ORIGIN:

Works

FILE NO: R3040 Pt2

SUMMARY OF REPORT:

Since the commencement of operations of the Tweed River Entrance Sand Bypassing Project (TRESBP) Council has been in negotiations with affected parties on management of the unsealed section of Letitia Road, Fingal Heads.

In January 2004 Council entered into an agreement with TRESBP where it was agreed that in exchange for a \$48,000 payment from the project to Council that the condition of the road would be maintained at a standard enabling safe travel along the road at 50kph. Further, it was agreed that if the road were to remain in an unsealed state that it would be stabilised with an agent to reduce Council's resource and cost liabilities in maintaining the road to the above level of standard.

Since entering into this agreement Council has been obligated to grade and attend to the road on a more than normal frequency, especially following wet weather.

RECOMMENDATION:

That a stabilisation trial of the first 500m of unsealed pavement of Letitia Road be carried out.

REPORT:

Since the commencement of operations of the Tweed River Entrance Sand Bypassing Project (TRESBP) Council has been in negotiations with affected parties on management of the unsealed section of Letitia Road, Fingal Heads.

In January 2004 Council entered into an agreement with TRESBP where it was agreed that in exchange for a \$48,000 payment from the project to Council that the condition of the road would be maintained at a standard enabling safe travel along the road at 50kph. Further, it was agreed that if the road were to remain in an unsealed state that it would be stabilised with an agent to reduce Council's resource and cost liabilities in maintaining the road to the above level of standard.

Since entering into this agreement Council has been obligated to grade and attend to the road on a more than normal frequency, especially following wet weather. A bitumen based stabilising agent has been sourced that, if successful, would reduce the maintenance required for the road by imparting a degree of wet weatherproofing to the gravel. The addition of this agent would not alter the appearance of the road from its gravel texture. In order to assess this stabilising agent it is proposed to carry out an initial trial on the first 500m of the gravel road and monitor it over a six (6) month period. If Council agrees with this report's recommendation it is planned to carry out the trial in early June 2005.

In December 2004 a letter was sent to the Tweed Byron Local Aboriginal Land Council (TBLALC) requesting comment on a proposal to stabilise the gravel of the unsealed section of Letitia Road. Comments were requested to ensure that the proposal was consistent with Plans of Management for the area. To date no reply to this request has been received from TBLALC.

Following are copies of abovementioned correspondence:-

Tweed River Entrance Sand Bypassing Project

A joint project of the NSW and Queensland Governments

The General Manager,
Tweed Shire Council,
PO Box 816,
Murwillumbah 2484.

Date: 7 January 2004

Attn: Mr M Rayner.

Dear Sir,

Letitia Road – Future Maintenance

I refer to my letter of 23 October 2003 and Council's response of 13 November 2003 (R3040 Pt2; DW966558).

Regarding future maintenance of the above road from Fingal to the breakwater on the southern side of the Tweed River, it is proposed that the Tweed River Entrance Sand Bypassing Company Pty Ltd and the Department of Infrastructure, Planning and Natural Resources pay \$48,000 to Tweed Shire Council. In return Council will carry out the future road maintenance works to the following standards:

- the maintenance work will conform to the general standards that apply to the maintenance of roads in Tweed Shire,
- the road will be kept in a condition that will allow any vehicle to travel safely along the road at 50 Km per hour,
- if unsealed, the road will be stabilised provided a stabilising agent that is compatible with later sealing of the road can be sourced.
- if unsealed, the road will be maintained (including grading and rolling) in accordance with ARRB, "Unsealed Roads Manual" as and when required to ensure vehicles using the road may travel safely at 50 Km per hour,
- the road will be sealed if this option becomes available.

It is proposed that Tweed Shire Council invoice the Tweed River Entrance Sand Bypassing Company Pty Ltd and the Department of Infrastructure, Planning and Natural Resources for an amount of \$24,000 each, and that payment be made once Council signifies acceptance of this offer by signing and returning two of the attached three copies of this offer.

As part of this agreement, Council will remove the warning signs at the entrance to the unsealed section of Letitia Road, following receipt of the above payment.

Address all correspondence to: The Governments' Project Manager, Tweed River Entrance Sand Bypassing Project
PO Box 664, Alstonville NSW 2477. P: 02 6627 0104 / F: 02 6628 6011 / email: tresbp@dipnr.nsw.gov.au

- 1 -

Please Quote
Council Ref: R3040 Pt2; DW1101877

[eltr]

Your Ref No:

For Enquiries
Please Contact: Mr Bob Missingham

Telephone Direct (02) 6670 2477

L06S14

10 December 2004

The Co-Ordinator
Tweed Byron Local Aboriginal Land Council
PO Box 1410
KINGSCLIFF NSW 2487

Dear Sir

Letitia Road, Fingal

Reference is made to previous correspondence on the issue of sealing Letitia road (copies attached).

Council has resolved previously that it did not wish to seal the road but if a suitable stabilization material could be found then it would proceed on that basis.

Council has now found a bitumen based product which is acceptable. However before proceeding with the proposal, your Council is being contacted regarding any Plan of Management for the area. It was understood that the Land Council was preparing a Plan of Management and if this is the case Tweed Shire Council needs to ensure that by stabilising the road on its existing alignment it will not interfere with any future proposals.

It is proposed to present a report to Council in early February 2005 on this issue.

If your Council has any comments it would be appreciated if this would be made by the end of January.

A copy of the stabilizing material brochure is attached.

If you require any further information regarding this matter, please contact Mr Bob Missingham on the above number.

Yours faithfully

Bob Missingham
Manager
WORKS

Encls.



TWEED BYRON LOCAL ABORIGINAL LAND COUNCIL

P.O. Box 1410
Kingscliff, NSW 2487
Telephone (02) 6674 3600
Fax (02) 6674 3603
E-mail: abialc@beter.net.au

18 July 2003

Tweed Shire Council
Councillor Marshall

FILE No.
SUBJECT No
DOCUMENT No	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
REC:	21 JUL 2003
DOCUMENT TYPE	<input type="checkbox"/> <input type="checkbox"/>
LOCATION CODE	<input type="checkbox"/> <input type="checkbox"/>
E.O.P. PROCESSED	

LETTIA ROAD.
R3040 P1

RAYNER, M.
✓

C/ Marshall

RE: SEALING OF NORTHERN END OF LETTIA ROAD FINGAL HEAD

The Tweed Byron Local Aboriginal Land Council supports the sealing of the northern end of Letitia Road Fingal Head.

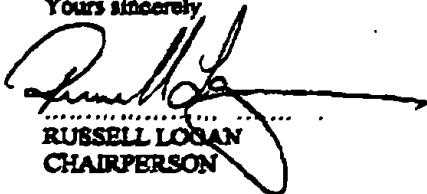
We would like input into the structure of the sealing prior to commencement.

There is a number of safety, environmental and cultural issues on our land which surrounds Letitia Road, that need to be addressed.

We will be discussing these issues on the Thursday 24th July 2003 and will have a report to Council by Wednesday 30 July 2003.

We look forward to working with Tweed Shire Council with this project and if you require any further information regarding this matter please do not hesitate to contact Mr Clarence Phillips, Co-Ordinator on the above

Yours sincerely



.....
RUSSELL LOGAN
CHAIRPERSON

Please Quote
Council Ref: R3040 Pt1; DW884001

[eltr]

Your Ref No:

For Enquiries
Please Contact: Mr Bob Missingham

Telephone Direct (02) 6670 2477

L17F02

17 March 2003

The Coordinator
Tweed Byron Local Aboriginal Land Council
PO Box 1410
KINGSCLIFF NSW 2487

Dear Sir

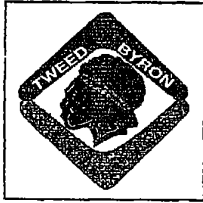
Sealing - Letitia Spit Road

Reference is made to your letter received on 12 March 2003 requesting that Letitia Spit Road not be sealed.

Your comments have been noted and will be considered along with other submissions when Council makes a decision. It is anticipated that a report will be made to Council in late April 2003.

Yours faithfully

Bob Missingham
Acting Director
ENGINEERING SERVICES



**TWEED BYRON LOCAL
ABORIGINAL LAND COUNCIL**

P O Box 1410
Kingscliff, NSW 2487
Telephone: (02) 6674 3600
Fax: (02) 6674 3603
E-mail: tblalc@better.net.au

*ROADS - Maintenance Program
Letitia Road*

TWEED SHIRE COUNCIL	
FILE No	63040 K1
DOCUMENT No	
RECD	12 MAR 2003
BOX No	
ASSIGNED TO	KLINGEN
HARD COPY	<input checked="" type="checkbox"/>
IMAGE	<input type="checkbox"/>

ROADS - Works + Construction

4 March 2003

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

Dear Dr Griffen,

Re: Bitumen sealing of Letitia Road, Fingal Head.

As resolved by members of TBLALC at meeting held 27/02/03 we are requesting that Letitia Road, Fingal Head remains unsealed until the members of Tweed Byron LALC have determined the future use of their land that adjoins Letitia Road.

Members were concerned that sealing the road will increase traffic and add to the already large problem of dumping car bodies and rubbish as well as unauthorised camping and illegal activities. This will in turn lead to greater degradation of the land and surrounding habitats and will be detrimental to our community and culture.

We trust that you will support the wishes of the Tweed Byron LALC members in this regard.

Please confirm in writing that you have received our objection. We would also like to be kept up to speed as to the outcome of this issue.

Your sincerely

Clarence Phillips
CLARENCE PHILLIPS
CO-ORDINATOR

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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27 [EO] Seaside City Road Network

ORIGIN:

Planning & Infrastructure

FILE NO: DA05/0274 Pt1; GT1/LEP/2000/3 Pt11

SUMMARY OF REPORT:

A Development Application and associated Part 5 Application to construct Ocean Avenue, Lorna Street, Western Road adjacent to Cudgen Creek, walkway/cycleway, public Car Parking and associated works at Seaside City have been submitted by Richtech Pty Ltd. These applications if determined would fix the road hierarchy, road widths, public parking areas and traffic facilities within Seaside City and its external connections to adjacent areas. The applications cannot be progressed unless Council as a landowner and road authority gives owners consent.

A report on this matter was deferred at Council's meeting of 6 April 2005 pending receipt from consultants of a Local Environment Study / Draft Local Environment Plan for Seaside City. This report has now been received and the Director Planning & Environment has recommended that Seaside City planning proceed generally in accordance with the existing road layout. If the Director's recommendation is supported by Council, the Richtech applications can be progressed.

Prior to Council giving owners consent to these applications it is necessary to determine a suitable road hierarchy and network. A preferred road hierarchy and network is recommended for adoption. Owners consent to the Richtech applications is also recommended provided their applications are amended accordingly

RECOMMENDATION:

That to enable Development Application 05/0274 and associated Part 5 Application to be further progressed and assessed:-

1. Council adopts the Seaside City Road Layout as designated on Sketch No.1 2005 and Sketch No.2 2005 (Cross Sections 1 – 4) as its preferred road/traffic control layout for Seaside City.
2. The preferred cross section for Ocean Avenue (Sketch No.2 2005 Cross Sections 5 or 6) be considered as part of further urban design assessment of DA 05/0274.
3. Council provide Owners Consent for DA 05/0274, provided the application is amended to be generally in accordance with (1) above.

REPORT:

1. Background

(a) Strategic Planning

In May 2000 Council resolved to prepare a draft LEP to rezone land at Seaside City from 2(f) to 2(e). This amendment (TLEP 2000, Amendment No 3) was stalled following the recommendations of the Bulford Report to dispense with the services of the planning consultants engaged to undertake this amendment.

On 19 May 2004, Council resolved *“that Council completes Draft Tweed Local Environmental Plan 2000, Amendment No 3 to rezone land at Seaside City from 2(f) Tourism to 2(e) Residential Tourist”*.

On 3 November 2004 Council accepted a quotation from Connell Wagner to complete the Draft Local Environmental Plan Amendment for Seaside City and they were engaged for this task 9 November 2004.

The LES and draft LEP amendment have now been received by Council. Elsewhere in this Agenda the Director Planning & Environment has recommended that planning proceed generally in accordance with the current road layout.

(b) Development Application

A development application (DA 05/0274) has been received from Richtech Pty Ltd (the owner of 172 of the 204 lots in Seaside City) for the following:-

- Construct Ocean Avenue from Casuarina Way to Lorna Street in accordance with Plan 3102 CP4
 - Ocean Ave to be widened to 40 m (currently 20m reserve) along its northern alignment
- Construct Lorna Street full length in accordance with Plan 3102 CP4
 - southern section to be narrowed to 10m road reserve
- Construct road and walkway/cycleway to west of lots on western side of Casuarina Way in accordance with Plan 3102 CP4
- Construct public car park and adjacent road in accordance with Plan 3102 CP4. Plan shows one car parking area in east west road reserve at southern end of Seaside City between Lorna Street and Carne Street (adjacent to Casuarina) and another car parking area at northern end of Seaside City in widened 6m lane between Lorna Street and Carne Street (adjacent to Salt).
- Dedicate land as open space as depicted on Plan 3102 CP4
- Provision of services and associated works within roads including water sewer, power and stormwater drainage works

The DA also has an accompanying Part 5 application (originally submitted December 2003 and reactivated by proponents request 17 March 2005) for construction of roads on existing road reserves.

(c) How to Deal with the DA

A number of meetings have been held between the proponents of the DA and Council staff in order to address/progress the DA that has been submitted.

Council has a number of roles in this application. As well as its planning (strategic and development control) role it has the role of landowner of the road reserves where most of the works are proposed and could if it wished withhold owners consent.

At a meeting held 1 March 2005 with the Director Planning & Environment, the proponents, their consultants and relevant Council staff, it was proposed that:-

- a preliminary report on road network options and recommendations be forwarded to Council for consideration at the first meeting in April *
- Council agreement (as road reserve landowner) to a designated road network layout for Seaside City would be a necessary prerequisite for this development application to be progressed

* The report submitted to the April meeting was deferred by Council pending receipt of the consultants report on the LES and draft LEP for Seaside City.

(d) Other Engineering/Infrastructure Issues

There are a number of other critical engineering/infrastructure issues relating to this development application. These include stormwater drainage and associated landform alteration issues, impacts of road levels on adjacent (non Richtech) owners, water supply, sewerage, other utilities, open space, walkways cycleways, urban design considerations and riparian buffers to Cudgen Creek. Richtech propose that whilst they will initially construct and finance the infrastructure associated with this DA, there should be a s94 plan adopted that will enable them, over time as other development proceeds, to recoup the proportionate cost of this infrastructure from the other landowners.

None of other these issues are dealt with in this report. This report only addresses the desired road network. If the road network can be agreed, then these other issues would be considered in the normal DA assessment process.

2. Road Network Option Submitted in DA 05/0274

(a) Proposed Network

The network proposed by Richtech is shown on Plan 3102 CP4. Typical cross sections for various roads are shown on Cardno MBK Drawing No. 2967/03/03-216 Rev. A. Features of this network include:-

- Increase Ocean Avenue road reserve from existing 20m to 40 m by including lots 1 & 32 Section 7 and Lots 1 & 32 Section 8 (owned by Richtech) on the north side of Ocean Avenue between Casuarina Way and Lorna Street.
 - Construct Ocean Ave 23m wide kerb to kerb with 90 degree centre aisle parking and kerbside parallel parking. 8.5m wide verges to be landscaped
- Roundabout at Casuarina Way/Ocean Avenue intersection as main entrance to Seaside City
- Construct majority of Lorna Street in 20m wide road reserve, 11m kerb to kerb with 4.4 m wide verges

- Construct southern 200m of Lorna Street in 16m road reserve, 8m kerb to kerb with 4m wide verges
- Close 4m of east side of Lorna Street in above section and sell/exchange with adjacent landowners (and permit zero lot line buildings) to accommodate dwellings on adjacent land outside of environmental protection zone.
- Construct new road in 20m road reserve, 8m kerb to kerb, between Cudgen Creek and lots west of Casuarina Way
- Construct 90 degree parking bays, 5.5m long with 5.5m aisle on east west road at southern end of Seaside City between Lorna Street and Carne Street adjacent to Casuarina
- Construct 90 degree parking bays, 5.5m long with 5.5m aisle on east west lane and road widening onto Richtech owner lots 16 & 17 Section 6 at northern end of Seaside City between Lorna Street and Carne Street adjacent to Salt

(b) Traffic Volumes

Richtech commissioned Eppell Olsen to analyse traffic movements in a future fully developed Seaside City. Indicative predicted daily volumes are:-

Street	Location	Vehicles per day
Ocean Ave	east of Casuarina Way	4,780
Carne Street	south of Ocean Ave	1,210
	north of Ocean Ave	940
Lorna Street	south of Ocean Ave	1,280
	north of Ocean Ave	1,350
East west road adjacent to Casuarina	west of Casuarina Way	180

(c) Comments on Proposed Network Connectivity

In order to comply development standards/criteria in DCP16 and the Coastal Design Guidelines for NSW, it is considered that there should be at least 3 external connections to Seaside City and that this should preferably include local connections (for inter-neighbourhood trips) between Casuarina and Salt. The Salt approval has provided for a road link at the north east corner of Seaside City which can be connected into Lorna Street. Council has resolved previously to not connect adjacent streets in Casuarina. In the absence of these connections the third connection for Seaside City should be at the east west road (at the southern end of the site) with Casuarina Way.

Public Access to Beachside and Associated Parking Areas

Lorna Street is the main access for the general public to the beach and associated parking areas. As such it will be a significant connector road between Ocean Avenue and the northern and southern designated parking areas. Kerbside parking along Lorna Street itself is also required to comply with Council's DCP 51 requirement for 300 parking spaces per kilometre along and within 100m of the beachfront. Preserving the traffic and public parking capabilities of Lorna Street is therefore critical. To maximise this capability the southern 200m section of Lorna Street should preferably be 9m kerb to kerb to facilitate efficient two way traffic flow and the remaining section should preferably be 13m kerb to kerb.

Intersections

Four way intersections and key T intersections should be controlled by roundabouts. Additional roundabouts should be provided at:-

- Ocean Ave/Carne St intersection
- Lorna Street/Ocean Ave T intersection
 - to distribute traffic from/to Lorna St from Ocean Ave and to facilitate U turn at the end of Ocean Ave.
- Casuarina Way/East West Road Reserve at Southern boundary of Seaside.

Ocean Ave Treatment

Richtech propose centre parking supplemented by kerbside parallel parking (Cross Section 6) and use of wide landscaped verges for providing an entry statement for Seaside City. Whilst this configuration is acceptable an alternate configuration with kerbside angle parking and median separation (Cross Section 5) is preferred. Both configurations provide similar levels of parking capacity.

Village Centre Loading/Unloading Access

A rear lane for loading/unloading access should be provided to the north and south of the proposed Village centre areas.

East /West Roads (Adjacent to Casuarina and Salt) Incorporating Public Parking Areas

These areas should be configured for two way traffic and sufficient space for aisle turning movements into parking bays. Provision should also be made in the cross section for adjacent pedestrian paths.

3. Preferred Road Network for Seaside City

Sketch No.1 03/2005 is the preferred road layout for Seaside City (ie provided the strategic planning process does not recommend radical re-subdivision of the whole estate). Sketch No.2 03/2005, Cross sections 1 – 4 details preferred cross sections for the various streets. Key elements of the preferred layout are:-

- Three external access points provided at
 - Ocean Ave/Casuarina Way
 - Casuarina Way/East West Reserve Rd adjacent to Casuarina
 - Lorna St northern extension into Salt
- The connectivity and permeability of the layout provide multiple route choices that prevent congestion bottleneck at key locations such as the village centre and near car parking areas
- Roundabouts provided at key locations
 - Ocean Ave/Casuarina Way
 - Casuarina Way/East West Reserve Rd adjacent to Casuarina
 - Ocean Ave/Carne St
 - Ocean Ave/Lorna Street
- Key Cross section elements

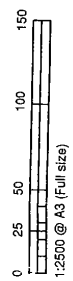
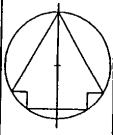
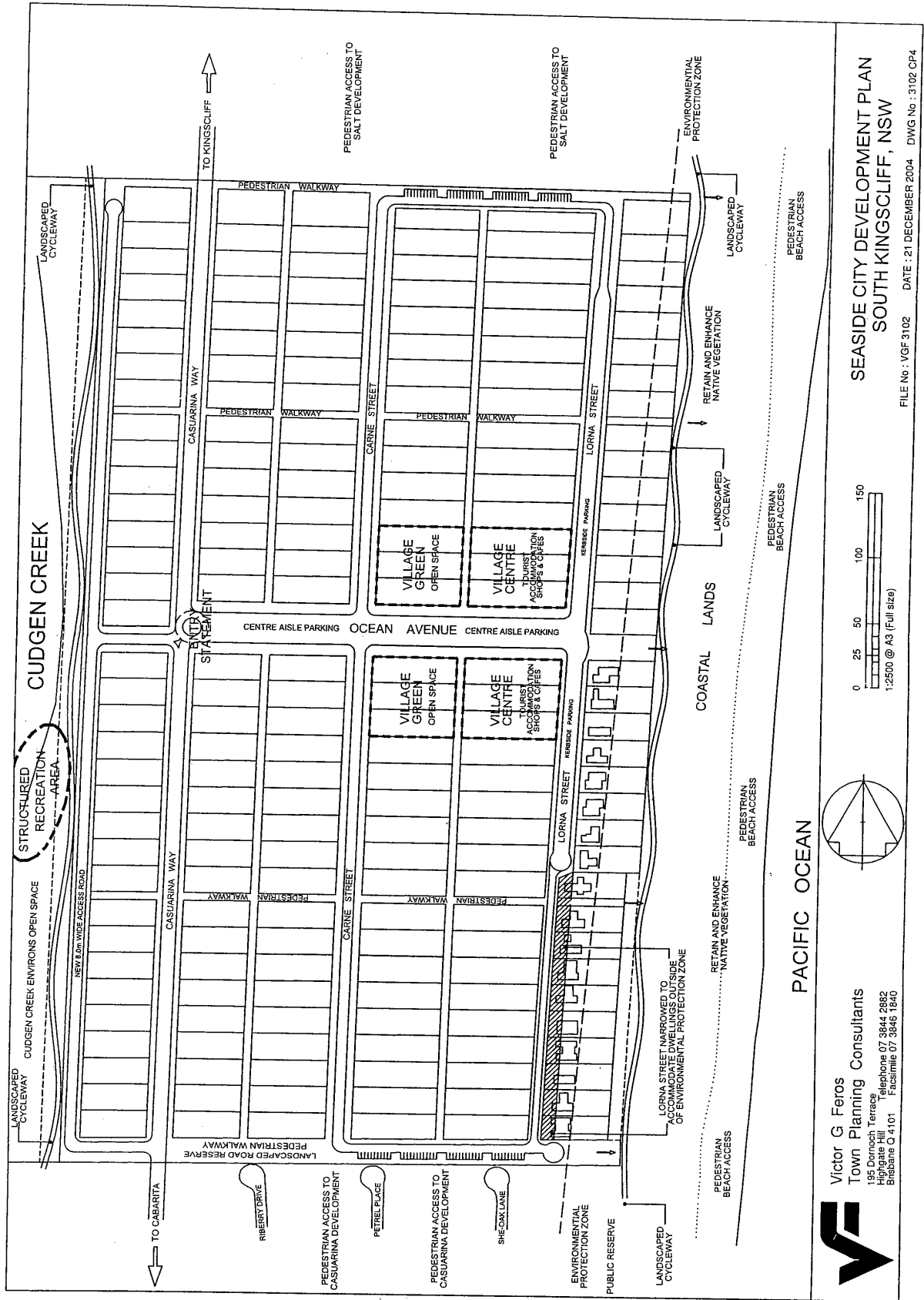
- Angle parking and median separated carriageway in Ocean Ave
- Lorna Street provides good connectivity from village centre to parking areas and beachside access with 13m kerb to kerb width for majority of length
- Southern 200m section of Lorna Street with 9m kerb to kerb width provides two way access and limited parking, whilst providing 4m extra for buildings on adjacent lots to the east outside the 7f zone.
- East west perimeter road/parking areas with 15.7m wide formation provides 90 degree parking, two way vehicular access and 2m wide pedestrian access.
- Provision of rear lane access for loading/unloading north and south of "Village Centre" areas.
- Provision of new road in 20m road reserve, between Cudgen Creek and lots west of Casuarina Way is not addressed in this preferred network. The road and connection to Casuarina Road by roundabout is suitable in road/traffic terms, but, it conflicts with the Cudgen Creek riparian buffer and its inclusion would await determination these issues.

It is considered that the determination of the preferred cross section for Ocean Ave (Sketch No.2 2005 (Cross Sections 5 or 6) should be deferred pending further urban design assessment of DA 02/0274.

4. Options

The options for Council are:-

- A. That to enable DA 05/0274 and associated Part 5 application to be progressed and assessed:-
 - 1. Council accepts the Seaside City Road Layout as designated on Sketch No.1 2005 and Sketch No.2 2005 (Cross Sections 1 – 4) as the road/traffic control layout for Seaside City
 - 2. The determination of preferred cross section for Ocean Avenue (Sketch No.2 2005 Cross Sections 5 or 6) be considered as part of further urban design assessment of DA 05/0274.
 - 3. Council provide Owners Consent for DA 05/0274, on the understanding that if consent is granted it will be conditioned to be generally in accordance with (1) above.
- B. Refuse owner's consent for the lodgement of DA 05/0274.
- C. That Council further defer consideration of the Seaside City road network pending further consideration of the Local Environmental Study / Draft Local Environmental Plan Report.



SEASIDE CITY DEVELOPMENT PLAN
SOUTH KINGSCLIFF, NSW
FILE No : YGF 3102 DATE : 21 DECEMBER 2004 DWG No : 3102 CP4

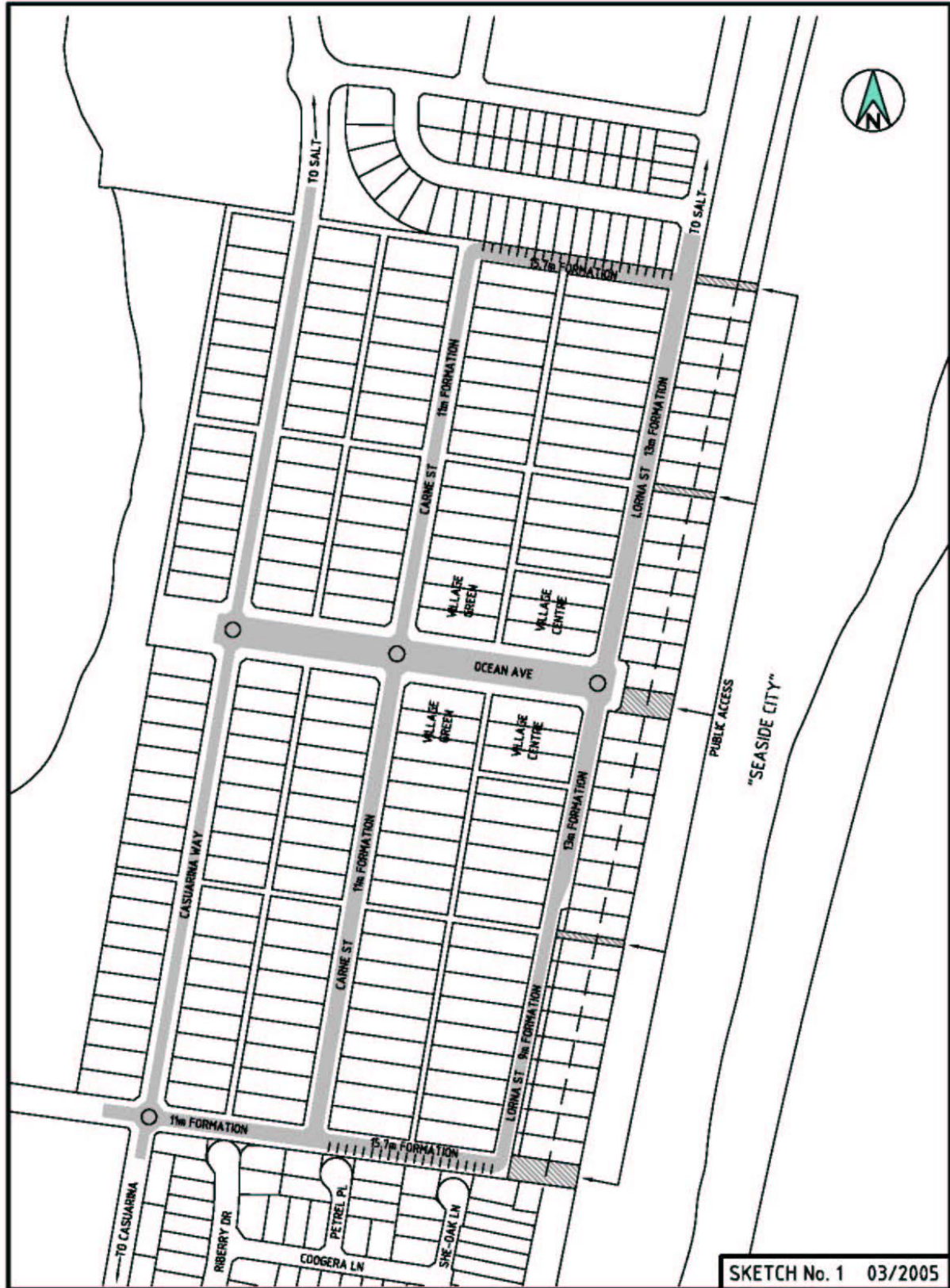
PACIFIC OCEAN

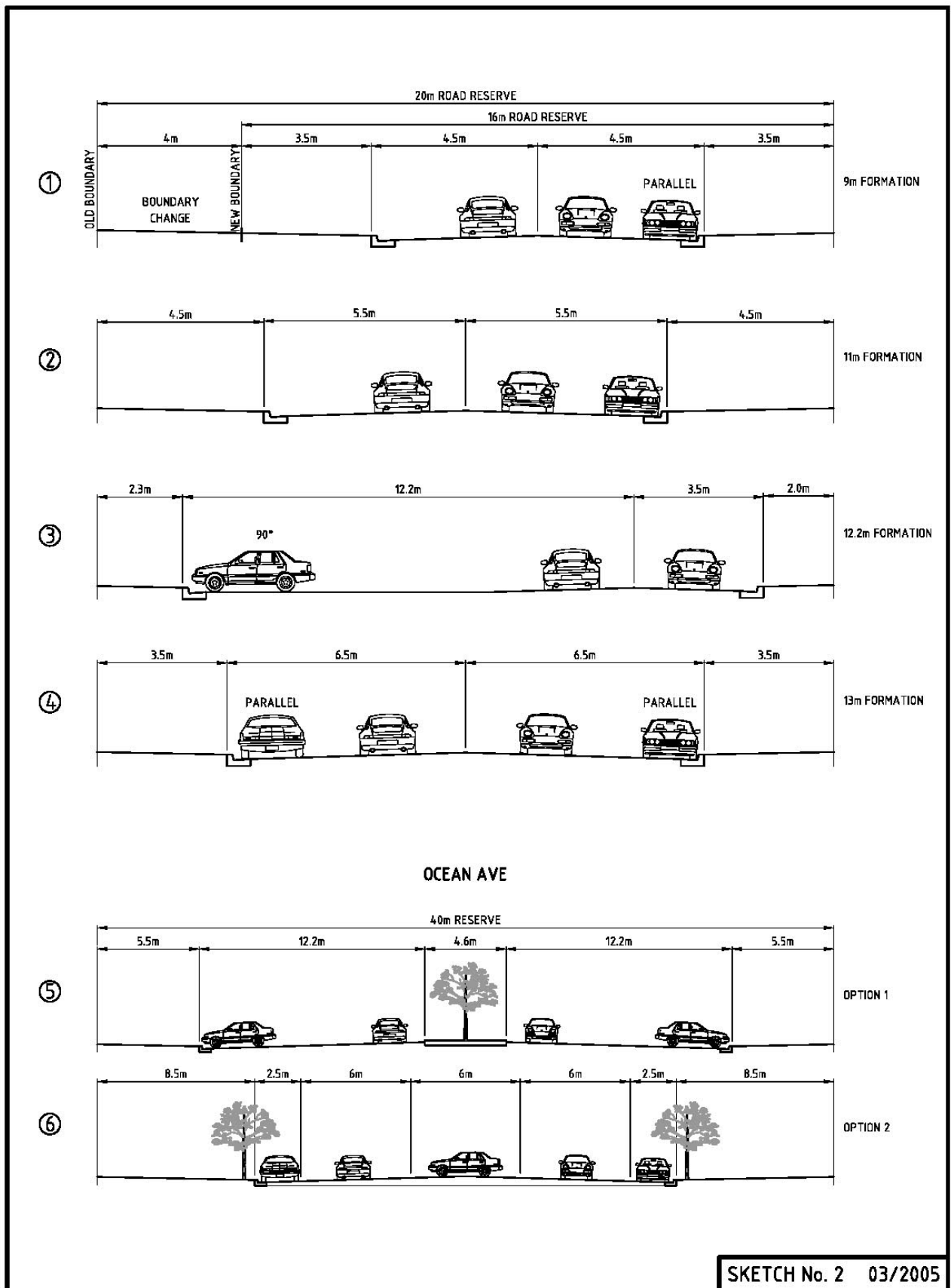
COASTAL LANDS

CUDGEN CREEK

Victor G Feros
Town Planning Consultants
195 Dornoch Terrace
Brisbane Q 4101
Telephone 07 3844 2882
Facsimile 07 3845 1940







LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Council's agreement to road hierarchy and network should be obtained prior to it giving owners consent to development application to construct roads on Council road reserves. Following issue of a development consent, further consent by Council will be required in accordance with section 138 of the Roads Act 1993.

POLICY IMPLICATIONS:

The adopted road hierarchy and network for Seaside City needs to be compliant with DCP16 Subdivision Manual, development standards and criteria and DCP 51. Progress in determination of DA 02/0274 should be in accordance with the option Council adopts in the report on the LES and draft LEP for Seaside City.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

28 [EO] Draft Plan of Management - Lot 1 DP 1009649 - Minjungbal Drive / Heffron Street, Tweed Heads (Skate Park Site)

ORIGIN:

Recreation Services

SUMMARY OF REPORT:

Under the provisions of Section 36 of the Local Government Act 1993, a Plan of Management must be prepared for all Community Land. The processes undertaken in the preparation of a Plan of Management are as follows:

- Prepare a draft plan of management
- The draft plan is to be exhibited for at least 28 days and a submission period of at least 42 days during which submissions must be made to Council.
- Hold a public meeting in respect of the plan of the plan if the proposed plan categorises community land under Section 36 (4) or (5) of the Local Government Amended Act 1998.
- Consider all submissions made to the public hearing and any written submissions made to Council on the draft plan during the period of public exhibition. Council may then choose to amend the draft plan or to adopt the plan without amendment.
- Should the draft plan require amendment then the public consultation process (exhibition and submission period) must be re-held. Another public hearing is not required.
- Subject to no further amendments being required the Plan of Management is then formally adopted by Council.

A Draft Plan of Management for Lot 1 DP 1009649 - Minjungbal Drive/Heffron St, Tweed Heads (skate park site) has been produced in readiness for the public consultation process.

RECOMMENDATION:

That under the provisions of Section 36 of the Local Government Act 1993, the Draft Plan of Management for Lot 1 DP 1009649 - Minjungbal Drive/Heffron St, Tweed Heads 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.

REPORT:

Background

The Local Government Act 1993 (the Act) determined that plans of management were to be produced for all Community Land. Consequently, in 1995, Tweed Shire Council produced two generic plans of management being for sportsfields and rural, urban and modified parks. Additionally, specific plans were produced for Knox Park and Pottsville Environment Park.

The Local Government Amended Act 2000 introduced further requirements on the management of community land and the production of management plans. Section 44 of the Act states "*Pending the adoption of a plan of management for community land, the nature and use of the land must not be changed.*" The effect of Section 44 is that no construction or issuing of leases or licences can proceed on community land unless specified in an existing plan of management until a new plan of management is produced allowing for such activities.

At its meeting held 4 May 2005 Council resolved to confirm the community land on the corner of Minjungbal Drive and Heffron Street, Tweed Heads being Lot 1 DP 1009649 as the site for a skate facility. However, under the provisions of section 44 of the Act, this cannot proceed until a plan of management produced in accordance with the Act is adopted allowing for the proposed use.

Requirements of a Plan of Management

Under the provisions of Section 36 of the Local Government Act 1993, a Plan of Management must be prepared for all Community Land.

Section 36 of the Local Government Act, 1993 sets out the relevant criteria pertaining to the both the need to prepare Plans of Management for public land and also the required form and content of such plans.

Section 36 of the Local Government Act, 1993 states, inter alia:-

"Section 36.

- (1) A council must prepare a draft plan of management for community land.*
- (2) A draft plan of management may apply to one or more areas of community land, except provided by this division.*
- (3) A plan of management for community land must identify the following:*
 - (a) the category of the land;*
 - (b) the objectives and performance targets of the plan with respect to the land;*
 - (c) the means by which the council proposes to achieve the plans objectives and performance targets;*

- (d) *the manner in which the council proposes to assess its performance with respect to the plans objectives and performance targets, and may require the prior approval of council to the carrying out of any specified activity on the land.*

(3A) *A plan of management that applies to just one area of community land:*

(a) *must include a description of:*

- (i) *the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and*
(ii) *the use of the land and any such buildings or improvements as at that date, and*

(b) *must:*

- (i) *specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and*
(ii) *specify the purposes for which any further development of the land will be permitted, whether under lease or license or otherwise, and*
(iii) *describe the scale and intensity of any such permitted use or development.*

(4) *For the purposes of this section, land is to be categorised as one or more of the following:*

- (a) *a natural area;*
(b) *a sportsground;*
(c) *a park;*
(d) *an area of cultural significance;*
(e) *general community use."*

Once a draft Plan of Management has been produced, a consultation process is required prior to final adoption of the plan by Council. The consultation process is as follows:-

- The draft plan is to be exhibited for at least 28 days and a submission period of at least 42 days during which submissions must be made to Council.
- Hold a public meeting in respect of the plan of the plan if the proposed plan categorises community land under Section 36 (4) or (5) of the Local Government Amended Act 1998.
- Consider all submissions made to the public hearing and any written submissions made to Council on the draft plan during the period of public exhibition. Council may then choose to amend the draft plan or to adopt the plan without amendment.
- Should the draft plan require amendment then the public consultation process (exhibition and submission period) must be re-held. Another public hearing is not required.

- Subject to no further amendments being required the Plan of Management is then formally adopted by Council.

A Draft Plan of Management for Lot 1 DP 1009649 - Minjungbal Drive/Heffron Street, Tweed Heads (skate park site) has been produced in readiness for the public consultation process. This Draft Plan of Management is available at the Council meeting upon request to the Director Engineering & Operations.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. The Draft Plan of Management for Lot 1 DP 1009649 - Minjungbal Drive/Heffron Street, Tweed Heads (skate park site) is available for reference at the meeting and can be found at DataWorks No. 1207764.
-

29 [EO] Tweed Coastline Management Plan - Finalised Report

ORIGIN:

Water

SUMMARY OF REPORT:

The Tweed Coastline Management Plan is the culmination of five years of studies and reports undertaken in accordance with the NSW Government's Coastline Management Manual (1990).

Copies of the finalised Tweed Coastline Management Plan (Stage 4) are now available. The aim of this Plan is to ensure that Council has guidelines to manage the coast in a sustainable manner into the future, balancing natural, cultural, social and economic values.

A table has been included in the report that highlights the major changes made to the Draft Tweed Coastline Management Plan to finalise the document in accordance with comments / submissions from community, government and the Tweed Coastal Committee. A document with a summary of the submissions and responses is available.

RECOMMENDATION:

That Council:-

1. Adopts the Tweed Coastline Management Plan dated May 2005, and
2. Forwards the document to the Minister for Infrastructure, Planning and Natural Resources for approval.

REPORT:

The Tweed Coastline Management Plan is the culmination of five years of studies and reports undertaken in accordance with the NSW Government's Coastline Management Manual (1990).

WBM Oceanics were engaged in June 2000 to develop the Tweed Coastline Hazard Definition Study. This Study identified and defined the coastline hazards and underlying coastal processes affecting the Tweed Shire coastline. The study mapped the landward extent of the hazard zones for the immediate, 50 year and 100 year planning timeframes. This Study was adopted by Council at the Meeting of 19 September 2001.

At the Council Meeting of 4 September 2002, Council resolved to engage Umwelt (Australia) to prepare the Tweed Coastline Management Study and Management Plan. This was developed in four stages.

The Stage 1 report identified the values that make the Tweed coastline important in a local, regional and national sense and explored issues that need to be addressed to maintain those values.

The Tweed Coastline Management Study (Stage 2) developed the management objectives and identified various management options. Several community meetings were held to gauge community preferences for the numerous management options proposed in the report and assist in the development of the Draft Coastline Management Plan.

The Draft Tweed Coastline Management Plan (Stage 3) was placed on public exhibition from 28 June to 17 September 2004. There were 399 submissions received by Council. These were reviewed and resulted in some changes being incorporated into the final revision of the Plan. Available at the Council meeting is a document *Submissions to Draft Tweed Coastline Management Plan* that details the issues raised in submission, provides a response or comment on that issue and outlines what changes (if any) were made to the Draft Plan.

Issues of particular interest to stakeholders were: -

- Removal of off-leash dog exercise areas (p3 of Submissions to Draft Tweed Coastline Management Plan);
- Removal of beach vehicle permit holders from sections of Tweed Coast beaches p5;
- Kingscliff Seawall p7;
- Cabarita Beach – planned retreat p13;
- Planning issues – 7(f) zone p17;
- Caravan parks – upgrades, extensions and proposed new parks p19; and
- Proposed inclusion of Fingal Head rock platform into Cook Island Marine Reserve p21.

Available at the meeting is the finalised Tweed Coastline Management Plan (Stage 4). The aim of this Plan is to ensure that Council has guidelines to manage the coast in a sustainable manner into the future, balancing natural, cultural, social and economic values.

The Tweed Coastline Management Plan provides Council with an integrated management planning framework that aims for a balance between the long term use of the coastline and its conservation. Implementation of the prioritised strategic actions within the Plan, over time, will guide the improvement of coastline facilities and infrastructure. The Plan has been designed to cater for users of all ages and abilities, enhance the amenity and functionality of the coastline, and assist in protecting public assets against coastal hazards.

The tables below detail the major changes made to the Draft Plan once submissions from community, Government, and the Tweed Coastal Committee had been considered. Actions in *italics* are items that have been changed or removed and Actions underlined are new actions.

At its meeting of 1 September 2004 Council considered a report on off-leash dog areas which have translated to action numbers KC10 and KC 11. They are:-

"KC10 - Review off-leash dog exercise areas on Tweed Coast beaches when a future review of the Coastline Management Plan is conducted or when identifiable conflict arise"

"KC11 - Move the South Kingscliff off-leash dog exercise area northwards to extend from the southern entrance wall of Cudgen Creek to the northern extent of the Salt development and undertake further consultation in relation to off-leash areas on South Kingscliff Beach."

It is intended that KC11 will happen upon adoption of the Plan and KC10 at a future review of the Plan or earlier if required. This will move the current off-leash dog exercise area northwards from the Northern end of Casuarina to the Northern boundary of the SALT development. It will extend the Northern extent of the current exercise area to Cudgen Creek.

Action KC9 in the Draft Plan:-

"Remove authorised Permit Holders Vehicles permitted area at South Kingscliff"

has changed to Action KC12 in the Finalised Plan:-

"Implement recommendations from Beach Vehicle Permit Policy review (April / May 2005)."

in recognition of the policy review currently in process through the Regulatory Services Unit.

Table 3.3 - Whole of the Coastline Action Plan

Legend to Table

Item in *italics* = changed or removed

Action underlined = new action

Action No.	Action	Priority	Responsibilities	Completion Timeframe	Indicative Capital Cost	Maintenance Cost (pa)	Performance Measures
To protect, rehabilitate and improve the natural environment							
WC1	<i>Implement SEPP 26 Management Plan currently in place</i>	High	TSC, DEC, DL	Medium	Unknown	Unknown	Plan implemented in accordance with principles of this Plan, & protection of SEPP 26 is provided
WC1	Prepare a Vegetation Management Plan for coastal vegetation and fauna habitat rehabilitation and management including recommendations from existing plans	High	TSC, DEC, DL, TBLALC	Short	\$10,000	N/A	Vegetation Management Plan produced
<u>WC2</u>	<u>Implement the Vegetation Management Plan</u>	High and ongoing	TSC, DEC, DL, TBLALC	Short and ongoing	Unknown	Unknown	Plan implemented
<u>WC3</u>	<u>Develop and implement a feral animal control program</u>	Medium	TSC, Rural Lands Protection Board, DEC, DL, TBLALC	Medium and Ongoing	Unknown	Unknown	Feral animal control commenced
To recognise and accommodate natural processes and climate change.							
WC3	<i>Enforce development within hazard zones through adoption of revised draft Development Control Plan No 8 for coastline.</i>	High	TSC	Short	>\$5,000	N/A	DCP revised & adopted by Council, & enforced during Development Approval
WC5	Enforce development within hazard zones through adoption of revised draft Development Control Plan No 8 for coastline including: <ul style="list-style-type: none"> need for deep pile foundations for development approvals within the maximum 100 year hazard line; and limiting the intensity of redevelopment within the maximum 100 year hazard line. 	High	TSC	Short	>\$5,000	N/A	DCP revised and adopted by Council, and enforced during Development Approval

To provide for ecologically sustainable human settlement.									
WC22	Develop and implement a strategy to combat illegal clearing of coastal vegetation	High	TSC, DL	Short	\$5,000	\$1,000	Illegal clearing developed and implemented	strategy	strategy
To provide for appropriate public access and use.									
WC23	Close and rehabilitate all inappropriate car parking areas and unnecessary public access points	High & Ongoing	TSC	Short	To be determined	Dependant of end land use	Inappropriate determined, rehabilitated	closed	areas &
WC26	Formalise public beach access points and car park areas and close and rehabilitate all inappropriate car parking areas and public access points as part of the preparation and implementation of the Tweed Coastal Reserves Plan of Management	High & Ongoing	TSC, DL, with Dunecare groups	Short	\$ design	Dependant on end land use	Inappropriate determined, rehabilitated	closed	areas and
WC27	Identify locations for viewing platforms (including some access for all with associated car parks reserved for disabled) at intervals along the coastline as a part of the preparation of the Tweed Coastal Reserves Plan of Management	Medium	TSC, DL	Medium	\$50,000 per platform	\$5,000 per platform	Viewing platforms installed as appropriate		
WC28	Develop a policy with regard to future car parking requirements for beach access on the Tweed Coast (urban and non-urban)	Medium	TSC	Medium	\$5,000	N/A	Coastal car park provision policy developed		
WC30	Rationalise and standardise regulatory signage	Medium	TSC	Medium	\$500 per sign	\$50 per sign	Signs installed and illegal camping reduced		
WC33	Monitor any increase in conflicts between horses and other beach users and consider impacts at a future review of the Coastline Management Plan	Low	TSC	Long	\$2,000	NA	Conflicts between horses and other beach users minimised		
To provide for integrated planning and management.									
WC41	Investigate rezoning other applicable coastal lands within the 100 year hazard line to 7(f) Coastal Erosion	Medium	TSC	Medium	\$5,000	N/A	All applicable land zoned 7(f)		
WC47	Undertake a Beach and Coastline Users Survey to collect and collate usage information	High	TSC	Short	\$15,000	N/A	Surveys undertaken and results incorporated into Locality Plans		

Table 3.5 - Point Danger - Fingal Head Area Management Actions

Legend to Table
 Item in *italics* = changed or removed
 Action underlined = new action

Action No	Action	Priority	Responsibilities	Completion Timeframe	Indicative Capital Cost	Maintenance Cost (pa)	Performance Measures
To protect, rehabilitate and improve the natural environment							
FH1	Expand area of Cook Island Aquatic Reserve to include Fingal Head rock platform	Low	TSC, NSW Fisheries, MPA	Medium - Long	Unknown	Unknown	<i>Aquatic Reserve expanded to include rock platform</i>
FH2	Install international standard educational signage at each rock platform entrance point - regarding the ecology and collection of intertidal species.	High	TSC	Short	\$1,000 per sign	~\$2,000 per sign	<i>Appropriate signage installed</i>
FH4	Continue to support regional Coastcare facilitator, or similar if created, in the future.	High	TSC	Short & Ongoing	N/A	\$2,500 and in-kind support	<i>Funding & in-kind support secured</i>
FH 1, 2 and 4 removed							
FH2	Implement <u>vegetation management actions</u> in accordance with <u>Action WC1 - Vegetation Management Plan</u>	High	TSC, Dunecare, NRCMA, TBLALC	Short and ongoing	Unknown	Unknown	Appropriate <u>vegetation management</u> undertaken
FH7	Implement <u>actions to detour stormwater drainage</u> at Durambah Beach as outlined in the <u>Durambah Beach Dune Management Plan</u>	Medium	TSC	Medium	Unknown	N/A	Stormwater <u>drainage</u> has minimal impact on Durambah Beach
To promote ecologically sustainable development.							
FH14	Implement <u>illegal clearing strategy</u> in accordance with <u>Action WC22</u>	High and Ongoing	TSC, DL	Short and Ongoing	N/A	\$5,000	Illegal clearing reduced

Table 3.7 - Kingscliff - South Kingscliff Area Management Actions

Action No.	Action	Priority	Responsibilities	Completion Timeframe	Indicative Capital Cost	Indicative Maintenance Cost (pa)	Performance Measures
To protect, rehabilitate and improve the natural environment							
KC1	Implement vegetation management actions in accordance with Action WC1 - Vegetation Management Plan	High	TSC, Dunecare, NRCMA	Short and ongoing	Unknown	Unknown	Appropriate vegetation management undertaken
6 To provide for ecologically sustainable human settlement.							
KC6	Increase the dollar value of penalties associated with clearing of vegetation to improve views from private property	High	TSC	Medium	Negligible		Penalties increased & enforced
KC7	Implement illegal clearing strategy in accordance with Action WC22	High and Ongoing	TSC, DL	Short and Ongoing	N/A	\$5,000	Illegal clearing reduced
7 To provide for appropriate public access and use.							
KC8	Remove beach Off-Leash Dog Exercise Area at South Kingscliff	Low	TSC	Medium	\$2,000	\$1,000	Off-leash area removed and maintained accordingly
KC9	Remove authorised Permit Holders Vehicles Permitted area at South Kingscliff	Med	TSC	Short	N/A		Area removed & enforced
KC10	Rehabilitate 4WD access when Permit Holders Vehicles removed from South Kingscliff	Med	TSC	Medium - Long	\$2,000 per site	<\$2,000	Access rehabilitated & maintained
KC11	Create no 'beaching' of water craft areas, near sandy shoreline of Cudgen Creek entrance and restrict PWC movement to direct access to ocean waters only	Med	TSC, NSW Waterways	Medium	\$2,000	<\$2,000	'No beaching' areas created & PWC movements enforced
KC10	Review off-leash dog exercise areas on Tweed Coast beaches when a future review of the Coastline Management Plan is conducted or when identifiable conflicts arise	Low	TSC	Medium	\$2,000	N/A	Off-leash dog exercise areas reviewed
KC11	Move the South Kingscliff off-leash dog exercise area northwards to extend from the southern entrance wall of Cudgen Creek to the northern extent of the Salt development and undertake further consultation in relation to off-leash areas on South Kingscliff Beach	Medium	TSC	Short	\$2,000	\$500	Off-leash dog exercise area moved to minimise conflicts
KC12	Implement recommendations from Beach Vehicle Permit Policy review (April/May 2005)	High	TSC	Short	Unknown	N/A	Policy review recommendations implemented
KC13	Maintain existing restrictions on powered vessels and PWC movement in Cudgen Creek	Medium	NSW Maritime Authority	Medium	N/A	Administrative cost	Powered vessels and PWC movements enforced

Table 3.9 – Bogangar - Cabarita Beach Area Management Actions

Action No.	Action	Priority	Responsibilities	Completion Timeframe	Indicative Capital Cost	Indicative Maintenance Cost (pa)	Performance Measures
To protect, rehabilitate and improve the natural environment							
BC3	Implement vegetation management actions in accordance with Action WC1 – Vegetation Management Plan	High	TSC, Dunecare, NRCMA	Short and Ongoing	Unknown	Unknown	Appropriate vegetation management is undertaken
To recognise and accommodate natural processes and climate change.							
BC3	For beachfront properties that are aligned with the best estimate 50 year hazard line, initiate combination of: <ul style="list-style-type: none"> detailed review of hazard lines in 10 and 20 years; long-term planned retreat with either purchase or leaseback system; and foundation requirements within the next 10 years 	Med	TSC	Short	\$50,000 for hazard lines and/or leaseback costs unknown	Unknown	Council adopts coastal hazard management measures & enforces them, preferably within a DCP
BC4	For beachfront properties that are within the maximum 50 year hazard line, initiate combination of: <ul style="list-style-type: none"> detailed review of hazard lines in 10 and 20 years; investigate long-term planned retreat with either purchase or leaseback system to ensure retention of beach amenity and public foreshore access; foundation requirements in accordance with Action WC5 (deep pile foundations); redevelopment to be set back behind the maximum 50 year hazard line; and all lands within the maximum 100 year hazard line be maintained in the existing 2(a) zone. 	Medium	TSC	Short	\$50,000 for hazard lines and/or leaseback costs unknown	Unknown	Council adopts coastal hazard management measures and enforces them, preferably within a DCP
To promote ecologically sustainable development.							
BC14	Implement illegal clearing strategy in accordance with Action WC22	High and Ongoing	TSC, DL	Short and Ongoing	N/A	\$5,000	Illegal clearing reduced

To provide for ecologically sustainable human settlement									
BC13	Investigate alternative sites for proposed Holiday Park and determine the need for the new park.	Med	TSC	Short – Medium	\$15,000	N/A	Further complete exhibited	investigation & publicly	
BC15	Determine the need for a new Holiday Park. If resolved that new park required, investigate all reasonable alternatives. Undertake community consultation at both stages.	Medium	TSC	Short – Medium	\$15,000	N/A	Further complete exhibited	investigation and publicly	
To provide for appropriate public access and use.									
BC16	With the removal of authorised Permit Holders Vehicles Permitted area at South Kingscliff (refer to Table 3.7). Physically restrict unauthorised access points e.g. bollards or vegetation planting	Med	TSC	Medium	\$2,000 per access point	<\$2,000 per access point	Access points maintained	restricted &	
BC18	Remove Beach Vehicle Permit Access from Cudgen Nature Reserve and physically restrict unauthorised access points e.g. bollards or vegetation planting	Medium	TSC, DEC	Medium	\$2,000 per access point	<\$2,000 per access point	Access points maintained	restricted and	

Table 3.11 – Hastings Point Area Management Actions

Action No.	Action	Priority	Responsibilities	Completion Timeframe	Indicative Capital Cost	Maintenance Cost (pa)	Performance Measures
To protect, rehabilitate and improve the natural environment.							
HP1	Implement Hastings Point Vegetation Management Plan in accordance with the principles of this Plan	Med	TSC	Short & Ongoing	Unknown	Unknown	Implement recommendations of the Plan in accordance with the principles within this Plan where possible
HP3a	Progress protection of the Hastings Point rock platform as an Inter tidal Protected Area under the Fisheries Management Act, 1994	High	NSW Fisheries	Medium	N/A	N/A	Hastings Point rock platform is declared an Inter tidal Protected Area
HP1	Implement vegetation management actions in accordance with Action WC1 - Vegetation Management Plan	High	TSC, DL	Short & Ongoing	Unknown	Unknown	Appropriate vegetation management undertaken
HP4	Continue to liaise with DPI Fisheries to find means to provide protection for Hastings Point rock platform in view of educational opportunities and ecological significance of the site	High	DPI Fisheries	Medium	N/A	N/A	Hastings Point rock platform protected
To promote ecologically sustainable development.							
HP13	Implement illegal clearing strategy in accordance with Action WC22		High and Ongoing	TSC, DL	Short and Ongoing	N/A	Illegal clearing reduced
To provide for appropriate public access and use.							
HP12	Restrict the use of PWC in the Creek entrance to access to ocean waters only		High	TSC, NSW Waterways	Short & Ongoing		PWC restrictions & movements enforced
HP14	Maintain existing restrictions on powered vessels and PWC movement in Cudgera Creek		High	TSC, NSW Maritime Authority	Short & Ongoing	N/A	Powered vessels and PWC restrictions and movements enforced

Table 3.13 -- Pottsville -- Wooyung Area Management Actions

Action No.	Action	Priority	Responsibilities	Completion Timeframe	Indicative Capital Cost	Maintenance Cost (pa)	Performance Measures
To protect, rehabilitate and improve the natural environment							
PW1	Implement Pottsville Vegetation Management Plan in accordance with the principles of this Plan	Med	TSC, Dunecare groups	Short & Ongoing	Unknown	Unknown	Recommendations within Plan implemented in accordance with the principle of this Plan, where necessary
PW1	Implement vegetation management actions in accordance with Action WC1 - Vegetation Management Plan	High	TSC, Dunecare groups, NRCMA	Short & Ongoing	Unknown	Unknown	Appropriate vegetation management undertaken
To promote ecologically sustainable development.							
PW3	Investigate installation of viewing platform at Potts Point, or other suitable location, for viewing of surf and beach conditions, to help manage the large number of beach access paths	Med	TSC	Medium	\$15,000	\$1,500	Investigation completed & platform constructed, where necessary
PW3	Determine future management of kiosk located in Ambrose Brown Park	High	TSC	Short	N/A	N/A	Decision made regarding future of kiosk
PW5	Implement illegal clearing strategy in accordance with Action WC22	High and Ongoing	TSC, DL	Short and Ongoing	N/A	\$5,000	Illegal clearing reduced
To provide for appropriate public access and use.							
PW5	Formalise existing car parking at Ambrose Park, with permeable surface where practical	Med	TSC	Medium	\$20,000	\$2,000	Formalisation complete & maintained
PW6	Investigate alternative car park locations to alleviate parking demands in peak usage times at Ambrose Park	Med	TSC	Medium			Investigation complete & recommendations implemented & maintained
PW6	To address car parking and vehicle access in Ambrose Brown Park: <ul style="list-style-type: none"> Redesign and formalise existing car parking, with permeable surface where practical Investigate additional car park locations to alleviate parking demands in peak usage times 	Medium	TSC	Medium	\$20,000	\$2,000	Formalisation complete and maintained

PW7	Remove beach Off-Leash Dog Exercise Area from Mooball Beach	Med	TSC	Short	\$2,000	\$1,000	Off-leash area removed and maintained accordingly
PW8	Control use of PWC in creek entrance for access to ocean waters only	Med	TSC, NSW Waterways	Short	\$1,000 per sign	<\$1,000 per sign	PWC restrictions & movements enforced
PW9	Reduce area for Authorised Permit Holders Vehicles, to between Black Rocks & northern extremity of Wooyung Nature Reserve	High	TSC	Short	N/A	Unknown	Area reduced & enforced
PW10	Provide all-weather disable access at Potts Point	Med	TSC	Short	\$10,000	\$1,000	Access installed & appropriately maintained
PW7	Review off-leash dog exercise areas on Tweed Coast beaches when a future review of the Coastline Management Plan is conducted or when identifiable conflicts arise	Low	TSC	Short Medium	\$2,000	N/A	Off-leash dog exercise areas reviewed
PW8	Maintain existing restrictions on powered vessels and PWC movement in Mooball Creek	Medium	NSW Maritime Authority	Short	N/A	Administrative cost	Powered vessel and PWC restrictions and movements enforced
PW9	Implement recommendations from Beach Vehicle Permit Policy review (April/May 2005)	High	TSC	Short	Unknown	N/A	Policy recommendations implemented
PW10	Provide all-weather disability access at Potts Point with nearby disability designated parking area	Medium	TSC	Short	\$10,000	\$1,000	Access installed and appropriately maintained

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Tweed Shire Council has the responsibility for implementation of this Plan. Upon adoption of the Plan, there may be grant monies available through the State and Federal Governments for implementation of the Plan. These grants are usually provided up to a 50% subsidy.

The following table details indicative capital and maintenance / ongoing costs for implementation of the Plan over the next five years. Only HIGH priority actions have been considered. Note that some of the capital costs and maintenance costs would be borne by existing Council programs (e.g. parks and road maintenance).

Some of the expenditure listed under the "Whole of Coastline" Action Plan will apply to discrete areas such as Pottsville or Cabarita, taking the total spending at these locations higher than that listed under the individual Action Plans.

Location	Indicative capital expenditure	Indicative maintenance expenditure over 5 years	Total for five years
Whole of Coastline	\$799,000	\$667,500	\$1,466,500
Fingal Head - Duranbah	\$75,000	\$315,000	\$390,000
Kingscliff	\$8,227,000	\$615,000	\$8,842,000
Bogangar - Cabarita Beach	\$215,000	\$175,000	\$390,000
Hastings Point	\$140,000	\$152,500	\$292,500
Pottsville - Wooyung	\$20,000	\$115,000	\$135,000
	\$9,476,000	\$2,040,000	\$11,516,000

POLICY IMPLICATIONS:

The Tweed Coastline Management Plan, once adopted by Council and approved by the Minister for Infrastructure and Planning, will be one of the primary policy documents providing the management framework for coastal management and development in the Shire.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Tweed Shire Coastline Management Plan (DW 1207500).
2. Submissions to Draft Tweed Coastline Management Plan (DW 1207502).

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30 [EO] Kingscliff STP - Status May 2005 - EC2005-033

ORIGIN:

Water

SUMMARY OF REPORT:

Following the later than scheduled resolution of land matters on 17 May 2005, the program for the project has been reviewed. This review indicates that the delivery of the new STP and placing it in service before Christmas 2006 is not feasible after consideration of the potential for delays to the construction process due to typical risks, (e.g., wet weather, availability of materials, etc).

Contract documentation will be provided to pre-selected contractors for the construction of the facilities including site filling and compaction operations. It is expected that the new treatment plant will be able to accept sewerage in February 2007 for process commissioning. This will require the existing treatment plant to continue to operate over the 2006/07 Christmas peak period.

Work on the sewerage transportation infrastructure is progressing and is expected to be delivered within the required time frame.

RECOMMENDATION:

That Council receives and notes this report.

REPORT:

Current Status

Following the later than scheduled resolution of land matters on 17 May 2005, the program for the project has been reviewed. This review indicates that the delivery of the new STP and placing it in service before Christmas 2006 is not feasible after consideration of the potential for delays to the construction process due to typical risks, (e.g., wet weather, availability of materials, etc).

The Detailed Design and Documentation for the new Kingscliff STP is progressing to schedule. Draft contract documentation has been produced by GHD, reviewed by Council and has been returned to GHD for finalisation.

Under the current proposed project delivery method, the works will be undertaken via two separate contracts. The first contract (Earthworks) involves site filling and impact rolling for foundation preparation. The second contract (Main) is for construction of all other works required to deliver the treatment plant.

This delivery method was predicated on purchase of the new site being completed by mid April 2005, assumed that the level of typical construction delays (as referred to above) would be relatively low (20 days) and based on the contractor absorbing the first 20 days of delays without extending the contract completion date. The site purchase has now been completed 4 weeks later than expected and recent experience within the construction industry has shown that contractors are not absorbing specified delays while still meeting set dates for completion. (In reality, contractors are including the cost of LDs in their tender prices and completing contracts after the scheduled times for completion).

Review of the current delivery method and examination of an alternative delivery method follows:-

Current Delivery Method - (2 Contracts)

Under this approach, there will be an interface between contractors in the preparation of suitable foundation conditions. Until impact rolling has been undertaken, it is expected but cannot be guaranteed, that the required bearing conditions will be achieved. If the expected foundation conditions are not achieved, there is the potential for significant delays involving obtaining a priced variation from the main contractor to undertake improved ground conditioning using rock piers or other engineered solutions.

Given that the site access was obtained on 17th May 2005 combined with an allowance for 40 days wet weather delays, 10 days for the Christmas 2006/2007 industry closedown, etc, during construction and wet testing, process commissioning is now scheduled to commence in February 2007 and be completed by April 2007. This will mean that the existing STP will be required to remain in operation during the peak Christmas/New Year Period of 06/07 and would not be taken out of service until March/April 2007.

The critical steps required to reach completion are:-

	Duration	Start Date	End Date
Earthworks Contract			
Call Tenders	4 weeks	20 May 2005	15 June 2005
Review Tenders	2 weeks	16 June 2005	28 June 2005
Council Approval	Milestone	6 July 2005	6 July 2005
Contract Period	20 weeks	18 July 2005	12 December 2005
Main Contract			
Call Tenders	7 weeks	9 June 2005	27 July 2005
Review Tenders	5 weeks	28 July 2005	5 September 2005
Council Approval	Milestone	14 September 2005	14 September 2005
Contract Period	60 weeks	26 September 2005	27 November 2006
Delay allowance (wet weather, etc.)	10 weeks (50 days)	-	5 February 2007
STP Operational (start of process commissioning)	NA	13 February 2007	-

The current estimate for construction of the STP is \$39.6m, comprising \$2.6m for Earthworks and \$37.0m for the Main Contract works.

A pad for the storage of pipework for use by Tweed Shire Council is required and was to be incorporated in the Earthworks contract. The pad is required by early/mid July 2006. As this delivery date cannot be met via this delivery method, an alternative procurement strategy is required. It is suggested that the storage pad can best be delivered by Council's day labour resources.

Alternative Delivery Method – (1 Contract)

Under a single contract approach, the earthworks would be incorporated into the main contract. This has the advantage that the main contractor is responsible for site filling and compaction and therefore reduces Tweed Shire Council's risk profile. The total delivery period would be approximately 10 weeks longer to allow for undertaking site filling prior to major construction work.

Given that the site access will not be obtained until the middle of May 2005 at the earliest, and an allowance for 40 days wet weather delays during construction, testing and commissioning of the process will occur February 2007. This program would run approximately 1 month behind the delivery by the 2-contract approach.

The critical steps required to reach completion are:-

	Duration	Start Date	End Date
Main Contract			
Call Tenders	7 weeks	9 June 2005	27 July 2005
Review Tenders	5 weeks	28 July 2005	5 September 2005
Council Approval	Milestone	14 September 2005	14 September 2005
Contract Period	90 weeks	26 September 2005	5 February 2007
Delay allowance (wet weather, etc.)	10 weeks (50 days)	-	16 April 2007
STP Operational (start of process commissioning)	NA	24 April 2007	-

Pad preparation for pipe storage would not be available until November 2005 if delivered under the contract. As the pad is required by early/mid July 2006 and this delivery date cannot be met via this delivery method, an alternative procurement strategy is required. It is suggested that the storage pad can best be delivered by Council's day labour resources.

Recommended Delivery Method

It is recommended that the treatment plant be delivered under a single contract that includes site filling and compaction. This approach will increase the overall project delivery by approximately one month over the 2 contract approach. However, the contract management will be simpler with only the one contractor on site and therefore all interfaces with other sub-contractors will be its responsibility to manage.

It is recognised that the existing treatment plant will need to operate during the 2006/07 peak period that may include the Easter peak as well. Additional expenditure on the Stage 2 interim works will need to be examined in further detail to ensure licence conditions are achieved.

Sewer Transportation System

Pipework

The supply of interconnecting pipework to convey sewerage to the new treatment plant has been designed and tendered. Council at its meeting 16 March 05, approved the tender for pipes and fittings for the project (Contract Value - \$1,017,829.20) that will be installed by Tweed Shire Council's day labour force. The contract for the pipework has not been executed due to the delay in obtaining the treatment plant site. Now that the site acquisition has been finalised, the pipes and fitting contracts will be ordered.

It is expected that orders will be placed by 20 May 2005. Pipework delivery is scheduled to commence in mid July 2005 with pipe laying to follow shortly thereafter.

Under both the above contract delivery methods for the STP, the pipes will be delivered before the storage pad can be provided under contract. As a result, an alternative storage pad site will need to be used. It is suggested that the land to the west of the 33 kVA power lines be used for pipe storage (approximately 3 km of pipes). A gravel lay

down area will need to be provided here that will be outside of the area to be occupied by the STP contract work. It is suggested that the site preparation be undertaken by Tweed Shire Council's Day labour force as preparation for the pipe laying in the area. This will avoid any potential conflicts between construction activities and contract interfaces. Alternative location for pipe storage may be available along Tweed Coast Road with pipes delivered on an as required basis.

Planning approvals have been received for the construction of pipelines between the Treatment Plant and Tweed Coast Road. Planning approvals will need to be obtained together with dewatering licences as required for the rising mains connecting the SPS's to the manifold pit in Tweed Coast Road.

Design and construction of the pipework are scheduled for completion in advance of the commissioning of the treatment plant.

SPS 4034 – Ozone Street

The Ozone Street SPS is to be constructed by Tweed Shire Council's day labour force. Preparations for commencement have been made including fabrication of the caisson well formwork.

Development approval for the construction has been lodged. Formal development approval is expected by 30 May 2005 with dewatering licensing obtained within 1 week of DA.

Construction work will commence beginning of June 2005. Construction of the station to commissioning stage is expected to be completed mid September 2005.

Existing STP

Current Loading

Peak loads were experienced during Christmas 2005 to Easter 2006. During this period, dry weather flow peaked at 3.5 ML/d. This equates to a load of 14,500 EP. If growth continues at 3% p.a., the peak load expected over the next two years is:-

Peak 2004/05	3.5 ML/d	14,500 EP
Peak 2005/06	3.6 ML/d	15,000 EP
Peak 2006/07	3.7 ML/d	15,500 EP

Based on past flow trends, average flows increase in step changes. If this trend continues, the average dry weather flow treated through the plant this year could be as high as 3.0 ML/d (12,500 EP). The current average flow for the previous 12 months was 2.4 ML/d.

The nominal design capacity of the existing treatment plant is 16,000 EP. However to achieve this, an effluent pumping station is required to be installed to boost flows in the effluent outfall gravity main along with additional sludge storage. Additional settling aids may also need to be dosed into the system to help prevent carry over of solids.

The treatment plant is currently operating satisfactorily at the current loading and is producing effluent concentrations within the existing licence conditions. However, it should be noted that there has been a significant deterioration in BOD, SS, NH₃-N and NO_x concentrations due to the increased loads received at the plant. The MLSS concentration has also increased as a result of both additional load and alum dosing. Plans for the construction of a third lagoon are complete. This lagoon may need to be constructed to allow the MLSS concentration to be reduced if excess carryover occurs during decant operation. Alternatively, it may prove to be more economical to remove excess sludge from the existing lagoons via tankers, thus providing additional sludge storage within the existing lagoons.

Both the catch pond and effluent storage pond are both full of sludge. This is also affecting the quality of the effluent being discharged. These will need to be desludged on decommissioning of the treatment works prior to sale of the land to Gales Holdings. An opportunity exists to undertake some dewatering using equipment supplied by UAT at minimal costs and pumping the sludge to geotubes. From discussions with UAT, Tweed Shire Council would be required to provide polymer and geotubes. UAT will provide the desludging equipment and will operate the equipment as part of an extended trialling arrangement.

Under the current load based licence limits for the plant, it will be increasingly difficult to comply with the total load limits for Suspended Solids, BOD and Total Nitrogen over the next 2 annual return periods.

It is suggested that monitoring of the process should be increased from fortnightly to weekly with monthly tracking licence conditions and load limits and reporting of results to DEC for its information.

Under the current interim upgrade works (Stage 2), there is \$275,550 in approved funding under the CTW&SP. This has been earmarked for the effluent booster pumping station and extra sludge lagoon.

Expenditure of the stage 2 works be re-examined to determine the most optimal use of the funding available.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

31 [EO] Tyalgum Water Supply Upgrade

ORIGIN:

Water

SUMMARY OF REPORT:

Tyalgum water supply treatment system currently consists of a coarse in-river sand filter followed by chlorination. During periods of poor river quality, the treatment system is switched off until the raw water quality improves.

During 2002, an extended period of dry weather occurred that resulted in no flow into the weir pool between September and January 2003. Restrictions on water use were in place for a total of 25 weeks. Algal outbreaks occurred within the weir pool during this period that resulted in the water becoming unfit to extract. Water carting from Murwillumbah was introduced to ensure Tyalgum Village had an adequate supply of potable water.

Council at its meeting on Wednesday 6 August 2003 resolved to accept funding for the investigation of options for Tyalgum's water supply provided by the Department of Energy and Utilities (DEUS) under the Country Towns Water Supply & Sewerage Scheme.

A concept report has been produced on options for Tyalgum. The report investigated options to secure Tyalgum's water supply that included providing additional raw water storage capacity, provision of rainwater tanks and construction of a water treatment plant. This report is available on request from the Director Engineering & Operations.

The preferred option for Tyalgum's water supply is to construct a new treatment plant that will enable the raw water to be fully treated and delivered to the reticulation system.

RECOMMENDATION:

That Council adopts the concept report including the preferred option of a new water treatment plant for the Village of Tyalgum.

REPORT:

Tyalgum village has a population of 220. During 2002/2003, the village was placed on severe water restrictions for a period of 25 weeks when the creek supplying the village stopped flowing. During this period, potable water was carted 24 km from Murwillumbah to Tyalgum at a cost of over \$90,000.

The Tyalgum water supply was installed in the 1960's. The system extracts water from the Tyalgum Weir Pool for distribution into the reticulation system and service reservoir. The weir pool has a usable storage capacity of 7.5 ML. The water undergoes coarse filtration at the extraction point and is disinfected using sodium hypochlorite. No other forms of treatment are provided.

The reticulation system currently services a population of 220 people including a primary school and pre-school. The average annual water extraction from the weir pool is 32 ML/a.

Council at its meeting on Wednesday 6 August 2003 resolved to accept funding for the investigation of options for Tyalgum's water supply provided by the Department of Energy and Utilities (DEUS) under the Country Towns Water Supply & Sewerage Scheme.

Water Demand

Current average day demands have been estimated at 0.09 ML/d. Current peak day demands is currently approximately 0.22 ML/d. Demands have been estimated from daily pump hour recordings. Flow to the village reticulation system is not currently monitored.

The peak demands correspond to approximately 1000 litres/head/day. This is not unexpected for a small rural community, but is higher than typical demands of 850 L/p/d for the major urban population areas in the region. The average daily consumption is 400 L/p/d, which is consistent with average water usage patterns elsewhere within the Shire.

Future population growth is not anticipated to be more than 1 – 2% p.a. This should be counteracted by more efficient water usage applications leading to zero overall growth in either average or peak daily demand. Census data indicates that the population of Tyalgum has had a zero growth rate.

Using the above information, future water supply should be sized to equal the peak day demand, i.e. 0.25 ML/d. If the population exceeds expected rates, demand management strategies can be adopted that would reduce peak water consumption.

All connected properties are metered and are charged for water usage under the Council's two part tariff system.

Weir Capacity

Tyalgum weir pool has a total capacity when full of 10.0 ML. The existing extraction point within the weir pool allows a total of 7.5 ML of the storage to be commanded leaving a dead storage volume of 2.5 ML.

The modelling indicated that the Tyalgum Weir is capable of supplying 120 ML/a on a regular basis. However, if there is no inflow into the weir pool for more than 3 months, failure of the supply does occur. The predicted confidence level in providing 32 ML/a (current annual demand) to the Village of Tyalgum is 99.9% of the time.

Tyalgum Village Water supply has a current water entitlement of 50 ML/annum.

Water Quality

Under normal flow conditions on the Tyalgum Creek, the water quality within the weir pool generally meets the Australian Drinking Water Guidelines. However, during storm events, the quality deteriorates resulting in high turbidity levels. As only coarse in-creek sand filtration and chlorination is provided, the water quality delivered to customers is of similar quality to the raw water.

Pumping is not usually undertaken during dirty water events in the weir pool as the service reservoir has an active storage volume of 0.110 ML (30 hours supply). Operational staff actively monitor weather forecasts to manage dirty water events as they occur.

During dry winter/spring periods, increased algae growth occurs within the weir pool. Cyanobacterium blooms are prevalent during this period and are generally above 2000 cells per 100 mL. This places the blooms into the Water Directorate's Blue Green Algae Management Protocols at "*Medium Alert Levels: Unsuitable for drinking unless treated with PAC/GAC*" for 26% of all algae samples collected during 2002. This can restrict pumping from the weir pool for up to 3 weeks at a time depending on rainfall.

There are currently no facilities available to allow activated carbon dosing of the supply system.

There is also significant contamination risk due to cattle grazing adjacent to the weir pool. The risks associated with this land use is increased protozoa, Giardia and Cryptosporidium outbreaks within the waterway. These are perceived risks based on current catchment management principals and cannot be discounted for Tyalgum.

Integrated Water Cycle Management

Montgomery Watson Harza was engaged by Council to undertake a mini Integrated Water Cycle Management report to assess alternative options for supplying water and water demand management for the village of Tyalgum. A copy of the report is available from the Director Engineering & Operations.

The conclusions of the IWCM report were:-

1. *A survey of residents found that:-*

- *The current stock of water fixtures and fittings include a high proportion (80%) of dual flush toilets, however the showerhead stock contains less than 37% water efficient devices.*
 - *Approximately 30% of residents have rainwater tanks. The majority are of small volume with an average size of 1,000 to 1,500 L. Water is used for drinking and irrigation.*
2. *Assessment of water demand was undertaken using available billing data and it was found that:-*
- *Average billed water consumption was determined to be around 70 kL/d compared to a total production of 90 kL/d. Based on the available data it is estimated that the level of Non-Revenue Water may be up to 30%.*
 - *Water usage in the residential sector is more than 80% of the total consumption, with an average of 538 L/account/d or 234 L/p/d (based on an average of 2.3 residents per account).*
 - *External use averages around 30% of the total water production.*
3. *The effectiveness of a range of IWCM options was reviewed and it was found that:-*
- *Leakage detection and repair could be implemented for approximately \$5,000. A reduction of up to 20 % of the overall water production may be achieved. However a Minimum Night Flow test needs to be undertaken to confirm the levels of leakage prior to committing to this work.*
 - *Showerhead retrofit is the most appropriate option for residential sector efficiency improvement. Replacement of existing showerheads would reduce water use by up 55 L/d or 20 kL/a in the average household. The cost of this measure would be around \$90 per household or \$6,800.*
 - *Rainwater tanks could be installed to reduce water use by the residential sector. Various options were reviewed using a water balance model and a range of solutions selected for various end use reductions. A summary of the selected options is as follows:-*

<i>End Use Targeted</i>	<i>Proposed Tank Size (L)</i>	<i>Average Rainwater Used (L/day)</i>	<i>Average Top Up Days per Annum (Day)</i>	<i>Total Saving % of Potable Water (%)</i>	<i>Estimated Cost of Tank Installation</i>
<i>External</i>	<i>4,500</i>	<i>109</i>	<i>74</i>	<i>21%</i>	<i>\$2,700</i>
<i>Internal (except toilets)</i>	<i>10,000</i>	<i>144</i>	<i>62</i>	<i>39%</i>	<i>\$4,300</i>
<i>Internal (except toilets)</i>	<i>30,000</i>	<i>170</i>	<i>6</i>	<i>46%</i>	<i>\$10,900</i>
<i>Internal (Cold Water Kitchen / Bathroom Sink)</i>	<i>4,500</i>	<i>36</i>	<i>0</i>	<i>10%</i>	<i>\$3,500</i>

4. *Consideration of the application of IWCM options to the water supply indicates that the preferred option is to construct the WTP in accordance with the TSC report. The reasons for the selection of this option are as follows:-*

- *The major objective of the upgraded water supply is to provide a source that is not affected by poor water quality resulting from blue green algae outbreaks in the weir.*
- *The required size of rainwater tanks used for extensive internal use (except toilets) is of the order of 30,000 L, based on the existing residential demands and 34 years of climate data.*
- *The estimated size of a rainwater tank to supply cold water to the kitchen and bathroom basin (at high reliability) was found to be more reasonable at 4,500 L. However, the use of rainwater for drinking purposes may not be acceptable from a public health perspective, as the water quality cannot be guaranteed. In addition the use of poorer water quality for other uses such as showering and clothes washing would be likely to cause further quality issues.*
- *An option to use rainwater tanks for external use and for toilet flushing was considered however such an approach would require connection of tanks to the potable supply for top up. It is likely that these tanks would require top up during a poor water quality event limiting any cost offsets.*

Upgrade Options Do Nothing

The do nothing option is available and would require the acceptance by the community to continue with provision of the current water quality. It should be noted that although safe to drink, the water does not meet the ADWG aesthetic guidelines for turbidity, colour, iron and manganese and exceed the water quality standards set for an upgraded supply. These factors may affect the ability to fully disinfect the water supply and can lead to staining occurring within the reticulated water supply.

During periods of low flow and algal outbreaks, water would need to be carted to the township from Murwillumbah.

It is estimated that water carting would be required on average for 60 days each year to ensure adequate water quality.

The estimated yearly water cartage cost for Tyalgum is estimated at \$80,000 based on standard water cartage rates and an allowance for managing and monitoring the cartage by Council staff.

Water cartage provides a risk of contamination of the water supply if the tanker used is not correctly disinfected prior to the cartage of potable water. Often the same water tankers will be used for transporting lesser quality water for filling farm dams or road work construction. Water quality cannot be guaranteed.

Off Stream Storage

Additional raw water storage is not required to ensure there is adequate water available to the Village. The current weir pool storage provides adequate safe yield for the village. During periods of good water quality within the weir pool, the raw water could be pumped to the off-stream storage and held in reserve. The village would still be supplied directly

from the weir pool. When the water quality within the weir started to deteriorate, supply could then be switched to the storage thus maintaining a suitable quality for drinking.

A 6 ML off stream storage would provide a storage of raw water for a period of 27 peak demand days.

The provision of an off-stream storage will not in itself eliminate poor water quality and additional treatment facilities may be required to ensure Tyalgum is supplied with water quality that meets the ADWG. There would be significant risk in pumping poor quality water to the storage or the storage would not have sufficient capacity to enable continual supply during a severe dry period. In severe dry periods, water carting may still be required.

The estimated cost for a 6ML off stream storage would be \$200,000.

New Water Treatment Plant

The provision of a treatment plant at Tyalgum would allow water to be continually extracted from the weir pool under most raw water quality situations. GHD has undertaken a report previously that recommended a membrane filtration package plant as being the most suitable installation of Tyalgum.

Due to algal growths that occur within the weir pool, a granular activated carbon (GAC) filter would be installed downstream of the membrane filtration plant. The GAC would remove taste and odour compounds from the water and is also efficient at removing of algal toxins. Experience elsewhere indicates that the GAC has extended life as most organics are removed prior to contacting the carbon therefore extending the GAC life span.

Water would be extracted from the weir pool and pumped directly to the membrane filtration plant. Filtrate from the plant would then flow through the GAC and into the existing chlorine contact tank.

Estimated costs for the package plant is \$815,000.

Preferred Option

A summary of the capital and NPV costs for the options identified in section 5 are provided in table 6 below:

Option	Capital Cost	Annual Cost	NPV (20 years @ 4%)
Continued Water Cartage	Nil	\$110,000	\$1,494,936
New Off Stream Storage	\$475,000	\$35,000	\$932,392
New Water Treatment Plant	\$815,000	\$40,000	\$1,327,267
Rainwater Tank 30,000 L	\$2,398,000	-	\$2,398,000

Based on minimising water quality risks to consumers within the Tyalgum Village, the preferred option is not the lowest cost option. The only option that will fully satisfy the both water quantity and quality requirements is the installation of a new water treatment plant. If the option of providing additional storage was to be adopted, Council would need to undertake additional water treatment in the near future to ensure the water quality meets adopted treated water target values.

Over a 20 year NPV period, there is little cost difference between water carting and a new water treatment plant. The later provides a better risk solution to council as the water quality guidelines can be guaranteed.

Tweed Shire Council has a duty of care in supplying water that is fit for use. That is, the water supply should be of suitable standards that will minimise risk of water borne disease and dirty water problems from occurring within the supply area.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

DEUS funding for the project will expire unless money is spent within three years of the Minister's CTWS&S program funding announcement of March 2005. Expenditure provided in current budget.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. The Concept Report can be found at DW No. 1207201
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REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY

32 [EC] Loan of Grand Piano

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

Council has received a request from the Northern Rivers Conservatorium Arts Centre Inc. to borrow Council's grand piano for use at the North Coast Jazz Festival in Bangalow on 10 to 12 June 2005.

The Northern Rivers Conservatorium Arts Centre Inc propose to collect the grand piano on Thursday 9 June 2005 and would return it on Tuesday 14 June 2005. They would also be prepared to pay all costs involved in the moving, tuning and any additional insurance costs.

RECOMMENDATION:

That Council refuses the request for the use of the grand piano by the Northern Rivers Conservatorium Arts Centre Inc.

REPORT:

Council has received a request from the Northern Rivers Conservatorium Arts Centre Inc. to borrow Council's grand piano for use at the North Coast Jazz Festival in Bangalow on 10 to 12 June 2005.

The Northern Rivers Conservatorium Arts Centre Inc propose to collect the grand piano on Thursday 9 June 2005 and would return it on Tuesday 14 June 2005. They would also be prepared to pay all costs involved in the moving, tuning and any additional insurance costs.

The grand piano is a fragile item and Council endeavours to move it as little as possible.

The Conservatorium is not based in the Shire and the event is not to be held within the Shire and therefore, it is considered that the request to borrow the piano should be refused.

If Council does decide to loan out the piano it is advised that Council will require the piano to be available by 17 June 2005 for use by the Murwillumbah Festival of Performing Arts and there would need to be an undertaking from the Northern Rivers Conservatorium Arts Centre Inc. that the piano be properly tuned before that day.

Any decision to loan the piano should be subject to the conditions that the Northern Rivers Conservatorium Art Centre Inc. are:-

1. Responsible for all costs included with moving and tuning the piano.
2. Responsible for any additional insurance.
3. To give an undertaking prior to the removal of the piano be retuned before 17 June 2005 with written confirmation from the piano tuner.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

33 [EC] Requests for "In Kind" Support/Waive Fees

ORIGIN:

Environment & Health Services

SUMMARY OF 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 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 approves the fee waivers as reported.

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	Fee	Application Summary	Meet Guidelines?	Recommended Waiver
Northern Rivers Regional Development Board Inc.	Use of Murwillumbah Civic Centre Auditorium	\$174.10	The outcomes of the workshop will benefit the region the Development Board requests that Council grants a fee exemption for the use of the Hall.	Yes	\$174.10
NSW Police Service	Use of Tweed Heads Civic Centre	\$174.10	This is an inaugural meeting and the success of the public information forum with greatly benefit the Neighbourhood Watch Scheme	Yes	\$174.10
Twin Towns Family History Group Inc.	Use of Tweed Heads Civic Centre Auditorium and South Sea Islander Rooms	\$366.60	They are a non-profit organisation and this is their only fundraising event for the year	Yes	\$366.60
Far North Coast Disability Interagency, Education, Training & Employment	Use of Tweed Heads Civic Centre Auditorium	\$186.40	This is an expo for school leavers who have a disability.	Yes	\$186.40
Tweed Australian South Sea Island Community Inc.	Use of South Sea Islander Room, Tweed Heads Civic Centre	\$58.00/meeting	To provide a venue of the group's meetings.	No - but meets 50% reduction	\$29.00/meeting (\$348.00 p a)
Tweed Byron Local Aboriginal Land Council	Use of Tweed Heads Civic Centre	\$304.90	Venue for NAIDOC Dinner Dance on 8 July 2005	No - but meets 50% reduction .	\$152.45
Rotary Club of Mt Warning AM (Murwillumbah)	Use of Murwillumbah Civic Centre Auditorium	\$304.90	Venue for "La Di Da Ball"	No - but meets 50% reduction.	\$152.45

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/FURTHER INFORMATION:

1. Northern Rivers Regional Development Board (DW 1196011)
 2. NSW Police Service - Tweed/Byron Local Area Command (DW 1199942)
 3. Twin Towns Family history Group Inc. (DW 1201007)
 4. Far North Coast Disability Interagency, Education, Training and Employment (DW 1202358)
 5. Tweed Australian South Sea Islander Community Inc. (DW 1202752)
 6. Tweed Byron Aboriginal Land Council (DW 1191689)
 7. Rotary Club of Mt Warning AM (Murwillumbah) (DW 1191688)
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REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

1 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 April 2005

FOR THE CONSIDERATION OF COUNCIL:

Aboriginal Matters

VENUE:

HACC Centre, Heffron Street, Tweed Heads South

TIME:

10:00 am

PRESENT:

Cr Dot Holdom	Tweed Shire Council
Cr Max Boyd	Tweed Shire Council
Lesley Mye	Fifth City of the Arts
Maureen Logan	TBALC
Kathleen Lena	TBALC
Arron Stevens	Queensland University of Technology
Jackie McDonald	Tweed Wollumbin AECG
Janette Saunders	Tweed Wollumbin AECG TRHS Community
Christine Morgan	Tweed Wollumbin AECG TRHS Community
Doreen Eaton	Tweed Shire Council

APOLOGIES:

Russell Logan	TBALC/Centrelink
Franc Krasna	Community
Tracey McKenzie	DET/ACLO

Moved: Max Boyd

Seconded: Lesley Mye

RESOLVED that apologies be accepted.

The Chair was declared vacant and nominations called. Aaron Stevens was nominated and was unanimously elected to Chair this Aboriginal Advisory Committee meeting.

Mr Stevens opened the meeting with a welcome to all present and paid respect to Elders past and present.

MINUTES OF PREVIOUS MEETING:

Moved: Max Boyd

Seconded: Lesley Mye

RESOLVED that the Aboriginal Advisory Committee meeting held Friday, 4 March 2005 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

1. Midden, Southern End of Airport

Kathleen Lena has spoken with Justine Elliott –

- (i) A couple more weeks
- (ii) D Budd needs to speak with Council's GM re matter
- (iii) Colleen Tynan works for Justine therefore all Aboriginal issues can be referred to her

Action Required: Jackie McDonald to refer matter to Colleen Tynan.

2. Aboriginal Administration Position within Council

Max Boyd advised that no funds had been allocated by Council.

Jackie McDonald was questioned by the Commission and discussed issue of the necessity for an Aboriginal Liaison Officer. Lesley discussed issue with Russell Logan. Russell is pushing for the position to be paid award wages.

Moved: Jackie McDonald

Seconded: Lesley Mye

RECOMMENDATION:

That Council:

- 1. Contacts Jess McHugh regarding the possibility of the position of Lesley Mye, Indigenous Support Worker, be filled utilising the funds available through Yabua Yelgun via Community Development Employment Program.
 - 2. Explores other funding opportunities including Elsa Dickson Program.
-

3. Tugun Bypass

Jackie McDonald advised of a second walk over of the site on 23 March 2005. Area of assessment was only permitted within the 100m footprint of the road itself. Further negotiation required to assess area outside of the 'study area'.

EYL coming on 7 April 2005 to Land Council. Any request to be interviewed, need to contact Jackie McDonald so can discuss matter in providing information about study area and how community consultation is to proceed.

Discussion on Jackie's experience with walk over followed. To date, 30 odd artefacts found within the study area.

Max Boyd discussed the issue of a rally/public demonstration required to display displeasure at the matter of the desecration of the midden.

4. City of the Arts Project and Aboriginal Dance Troupe

Lesley Mye spoke of Project Proposal. Photographs with commentary and story telling exhibition. Max Boyd suggested placing Lesley's project on permanent exhibition. Lesley will discuss this with Lesley Buckley.

5. Crown Land Development Proposal

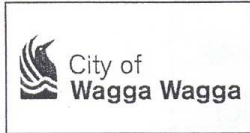
Doreen Eaton advised on response from Council's Development Assessment Unit – need for archaeological assessment/report with submission of DA with referral to Director Environment & Community Services, if required. Conditions may be imposed on consent if required.

Discussion followed on the processing of DA's on private and public lands.

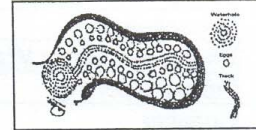
GENERAL BUSINESS:

1. NSW Local Government Aboriginal Network Conference

This conference is to be held in Wagga 25 to 28 July 2005. (See attached leaflet). Russell Logan is Vice President on Committee. Lesley Mye advised Russell Logan expressed interest in holding an official flag raising ceremony with Tweed Shire Council Mayor, Elders and Justine Elliott.



NSW Local Government Aboriginal Network Conference



Tourism and Enterprise

To be hosted by the

NSW Local Government Aboriginal Network and Wagga Wagga City Council

Wednesday 27 – Saturday 30 July 2005

Wednesday 27 July 2005 Welcome Reception

Thursday 28 July 2005 Conference/day one – Civic Centre

- Welcome to Country – Wiradjuri Elders
- Official welcome
- Guest speakers
- AGM
- Conference Dinner to be held at the Capitol Reception Centre

Friday 29 July 2005 Conference/day two – Civic Centre

- Welcome
- Keynote Speaker
- Workshops
- Yalanha – Sharing Together
- Workshops
- Conference Close
- Casual dinner for delegates at own cost

Saturday 30

Presentation and tour of Wiradjuri Heritage Trail and other points of interest

- **Please note registrations will only be confirmed if received in writing and payment made by Friday 8 July 2005.**
- **Early Bird Registrations must be received by Friday 24 June 2005.**

Point of contact for Aboriginal Network – Ruth Dane (02) 4429 3440 / 0412 254 072

Point of contact for Wagga Wagga City Council – Michelle Bray (02) 6926 9354

Conference co-ordinator – Penny Lamont (02) 6971 9100 / 0427 433 795

Accommodation – Visitors Information Centre (02) 6926 9623

ANC Draft Program

Thursday 28th July 2005

TIME	TITLE	AUTHOR
9.00	Housekeeping	
9.15	Welcome - Mayor Wagga Wagga	Councillor Kerry Pascoe
9.40	Official Opening	
10.00	Speaker	Aiden Ridgeway (TBC)
10.30	Morning Tea	
11.00	Guest Speaker	Alan Eldridge
12.00	Fashion Parade	
12.30	Lunch	
1.30	Black Suns	
2.40	WWCC	Shane Atkinson
3.00	Afternoon Tea	
3.30	AGM	
5.00	Close	
	Dinner	

Friday 29th July 2005

TIME	TITLE	AUTHOR
9.00	Housekeeping and Welcome	Darryl Maguire
9.30	Keynote Speaker	Ernie Dingo/Linda
10.30	Morning Tea	
11.00 to 11.20	Murrumbidge?	
11.30	Workshops x 4	
12.30	Lunch	
1.30	Yallanah – Sharing Together	
3.00	Afternoon Tea	
3.30 to 3.50	Roxanne Smith?	
4.00	Workshops x 3	
5.00	Close	
	Casual get together	

Proposed Workshops

1. Blacksuns
2. Murrumbidge
3. Roxanne Smith
4. Eric Ferguson & Joe Williams
5. Flo Grant - Scarf making
6. Stan Grant – Wirradjuri
7. Donna Kirby – Children Stories
8. Vicky Kennedy – Artist
9. Darren Whigton – Dancing, Didgeridoo
10. Wagga Wagga Elders Nolan Milligan and Isabel Reid

Moved: Max Boyd
Seconded: Dot Holdom
RECOMMENDATION:

That Council sends two (2) Aboriginal people from the Tweed, nominated by the AAC to attend the conference at Council's cost (Costs include conference fees, flights, accommodation, food, car hire and incidental expenses) and that interested parties be invited to nominate for consideration by the 6 May Committee Meeting.

Moved: Lesley Mye
Seconded: Dot Holdom

RECOMMENDATION:

That in view of Council's recent decision to fly both the Aboriginal and Torres Strait Islander flags daily, that it is the wish of the Aboriginal Community to have a formal flag raising ceremony. It is recommended that the ceremony be undertaken on a weekend (Saturday) as soon as possible. The ceremony shall incorporate a morning tea and attended by the TSC Mayor, invited Councillors, Justine Elliott and Elders.

Action Required: That the Committee organise a request for an official traditional invitation to TSC to attend the flag raising ceremony.

2. Bungalung Mapping Process

Jackie McDonald provided update from Ian Fox. Information is being put on database. Land Council meeting on 28 April 2005 will look at NHF to outline putting in proposal.

3. Boyd Street Proposal

Concern expressed that in spite of Council's decision to fly the Aboriginal flag the Council voted against the inclusion of Cultural and Heritage issues in the proposal to Qld Main Roads.

4. Australia's First Judge & Senator

The Committee wished to bring to the attention of Councillors the fact that Australia's first Aboriginal Judge Robert Bellefleur J, recently deceased, was born in Murwillumbah and also wished to remind Councillors that Australia's first Aboriginal member of Parliament Senator Neville Bonner was born on Ukerebagh Island.

5. Upgrade of Border Caravan Park

No discussions have been made as to the inclusion of Aboriginal culture.

Moved: Max Boyd

Seconded: Lesley Mye

RECOMMENDATION:

That Council ensures in its budgeting for 05/06, funds are provided for the endorsed Aboriginal Cultural Project in the former Border Caravan Park site and that opportunity be provided to representatives of the Committee to work with the newly appointed landscape architect to advance this project.

6. Dual Naming of Mount Warning

Letter tabled from Geographical Names Board. Committee supports dual naming and respond accordingly recommending local media options – Tweed Link, Tweed Sun & Daily News.

Moved: Max Boyd

Seconded: Dot Holdom

NEXT MEETING:

The next meeting of the Aboriginal Advisory Committee will be held at the HACC Centre, Tweed Heads South on Friday, 6 May 2005 at 10:00am.

The meeting closed at 1:10 pm.

DIRECTOR'S COMMENTS:

1. That the recommendation in Business Arising Item 2 and both recommendations in General Business Item 1 be adopted by Council.
2. That the recommendation in General Business Item 5 be referred to Council's Executive Management Team for consideration and report to Council after the 2005/2006 budget is finalised.

DIRECTOR'S RECOMMENDATIONS:

BUSINESS ARISING:

2. Aboriginal Administration Position within Council

As per the Committee's recommendation.

GENERAL BUSINESS:

1. NSW Local Government Aboriginal Network Conference

As per the Committee's recommendations.

5. Upgrade of Border Caravan Park

That this item be referred to Council's Executive Management Team for consideration and report to Council after the 2005/2006 budget is finalised.

2 [SUB-TAC] Minutes of the Tweed Shire Council Disability Access Committee Meeting held Thursday 21 April 2005

FOR THE CONSIDERATION OF COUNCIL:

MINUTES OF THE TWEED SHIRE COUNCIL DISABILITY ACCESS COMMITTEE MEETING HELD THURSDAY 21 APRIL 2005

Disability Access Cttee

VENUE:

Buchanan Room, Buchanan Street, Murwillumbah

TIME:

1.00 pm

PRESENT:

Cr Max Boyd, Paige Ridgway, Maggie Groff, Vic Sparks, Graham Williams, Stephen Pollitt, Stefan Zak, Ron Douglas, Una Cowdroy, Melina Morrow

APOLOGIES:

Gail Martin, Ross Cameron, Cr Barbara Carroll, Jeff Needham, Ray Clarke

MINUTES OF PREVIOUS MEETING:

Moved: Una Cowdroy

Seconded: Stefan Zak

RESOLVED that the Minutes of the Tweed Shire Council Disability Access Committee meeting held Thursday 17 February 2005 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

Item from Meeting held 17 February 2005

9. Mobility Map

The Committee discussed services that could be approached for quotes. Maggie to discuss update of mobility map and method of obtaining quotes with Director of Environment & Community Services.

Item from Meeting held 17 February 2005

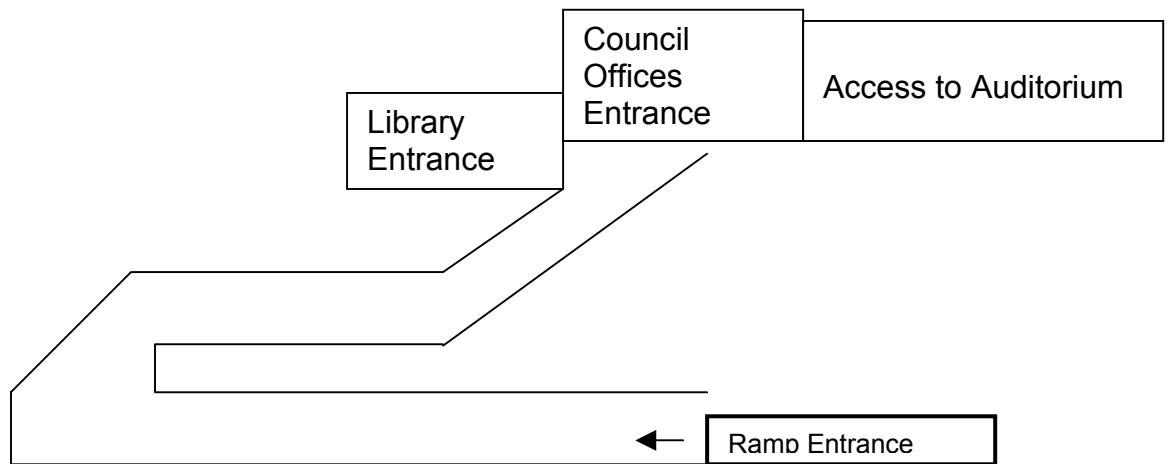
6. Access to Library – Tweed Heads Civic Centre

Council at its meeting on 19 January 2005 resolved to modify the ramp at Tweed Heads Civic Centre to allow access directly from the footpath. The Committee discussed two options for ramp design. The Committee unanimously decided on the design which eliminates the acute angle of the bend, as per the attached report.

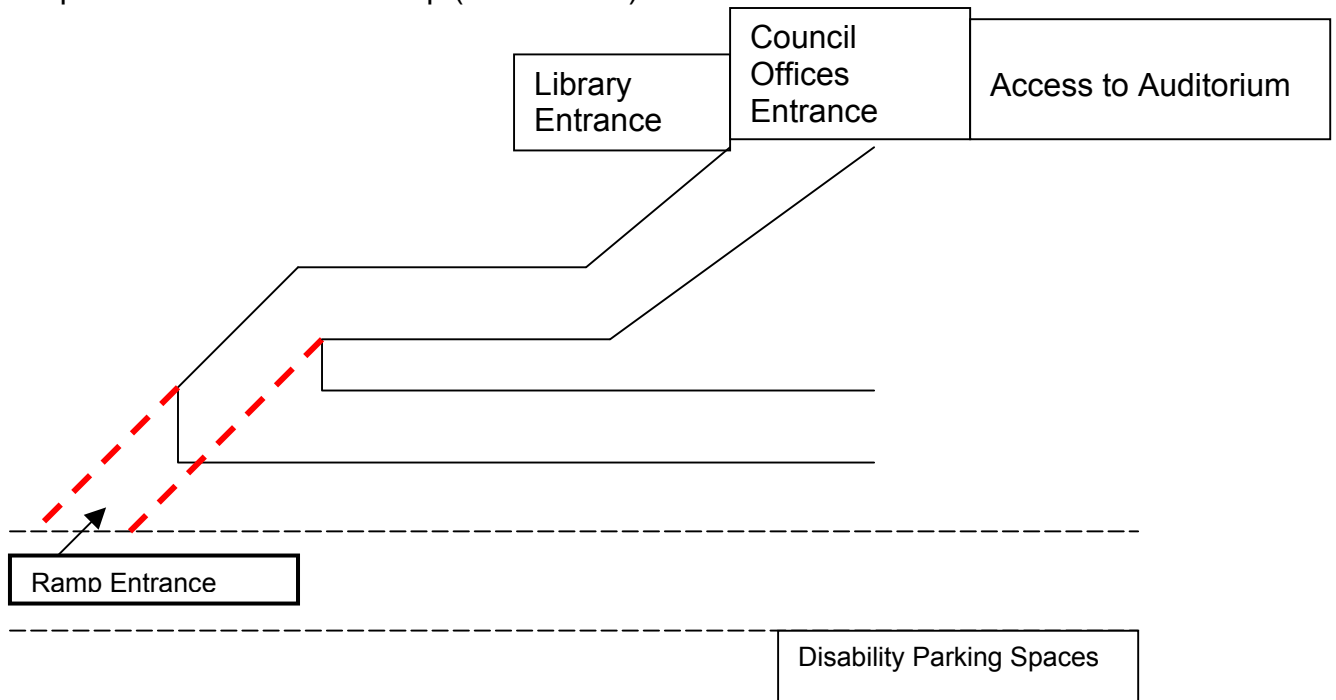
Disability Ramp at Tweed Shire Council Civic Centre, Tweed Heads

A ramp for disabled access to the Council offices, Library, South Sea Islander meeting room and Auditorium has been in place for some years. The footpath entrance to the ramp lies adjacent to the two Disability parking spaces. Although designed for wheelchair use, the ramp is unsuitable for use by scooters due to the acute angle of a bend in the middle of the ramp.

Currently, the configuration of the ramp is shown in the following diagram (not to scale):



Proposed modification to ramp (not to scale):



Moved: Stephen Pollitt
Seconded: Paige Ridgway

RECOMMENDATION:

That Council modifies the external Disability Ramp at the Tweed Heads Civic Centre, in line with the preferred option as outlined in the attached report.

Item from Meeting held 17 February 2005

7. Footpath Access - Kennedy Drive

Discussion held on lack of response from Country Energy to Council's request that power poles on the Kennedy Drive footpath between Second Avenue and Boyds Bay Bridge, Tweed Heads, be relocated to facilitate safer footpath access.

Moved: Cr Max Boyd

Seconded: Melina Morrow

RECOMMENDATION:

That Council pursues the issue of Country Energy power poles impeding safe access on the Kennedy Drive footpath between Second Avenue and Boyds Bay Bridge, as the matter is of grave concern to this Committee.

Item from Meeting held 17 February 2005

9. Tumbulgum Road, Murwillumbah

This item has been tasked to Strategic Planning.

Item from Meeting held 16 December 2004

2. ATM Access - National Australia Bank, Minjungbal Drive, Tweed Heads South

No feedback has been received to date. Ms Groff to contact National Australia Bank branch.

Item from Meeting held 17 February 2005

1. Kingscliff Pool Disability Hoist

Discussion was held on Mr John White's request for Council to convert existing manual pool hoists at Council pools to hydraulic hoists. Ms Ridgeway suggested Council approach several organisations for funding, for example Tweed Shire Community

Options Project, NRMA Foundation and the Department of Sport and Recreation. It was noted that the Kingscliff Pool is currently leased to a private contractor.

Moved: Paige Ridgway

Seconded: Vic Sparks

RECOMMENDATION:

That Council further researches conversion of manual hoists to hydraulic hoists at each of the Council pools and that attention be drawn to the fact that this provision is for equity of independent access under the Disability Discrimination Act.

Item from Meeting held 17 February 2005

3. Ramp Access - Al & Rosie's General Store (Hop Inn), Byangum Road, Murwillumbah

Council Engineers have visited the site. Proposal has now been withdrawn by store owner as a result of questions over use of the site as a shop in the long term.

CORRESPONDENCE:

1. Jeff Needham - Property Renovations

The Committee discussed email correspondence from Jeff Needham which raised the issue of the Disability Access Committee budget providing funds for access renovations to local business. The Committee decided that matter would not be an appropriate use of Committee funds.

2. Northern Rivers Area Health Service Community Health Northern

Community Health Northern raised the issue of a client at River Retreat Caravan Park, Tweed Heads who could not access the park amenities. Maggie has liased with park manager who has agreed to install amenities in the clients home if he acquires a letter from his GP. The client has since obtained a walking frame and this allows good access to the park amenities. The Committee resolved that this matter was an issue of community support rather than disability access.

3. Blind Citizens Australia – Overhanging Branches Florence Street, Tweed Heads

The Committee was provided with a copy of a letter regarding overhanging branches endangering pedestrians on Florence Street Tweed Heads. Mr Williams will pursue the matter.

4. Guide Dogs NSW/ACT Regarding Leisure Drive, Banora Point

The Committee was provided with a copy of a letter sent to the Manager Works regarding an unfenced footpath of a bridged drain crossing on Leisure Drive, Banora Point. The Manager Works has provided Guide Dogs NSW/ACT with a response outlining that this section of footpath does not require a fence, and that the fence on the other side is for the cycleway and is a standard requirement.

5. Local Traffic Committee – Powell Street Pedestrian Crossing

The Committee was provided with a memorandum from Ray Clark advising the site would not satisfy RTA warrants for installation of a marked crossing. The site has been examined to identify if additional pram ramp can be installed, however placement of this is deemed to be difficult. Mr Douglas and Mr Pollitt are to contact Mr Clark to meet on site to discuss access issues.

6. Sally Edwards – Booklet ‘Communicating with People with a Disability’

The Committee was provided with an email correspondence regarding this booklet. Maggie is to obtain the booklet for the next meeting. The Committee agreed to fund the cost of purchasing the booklet utilising Access Committee funds if there is a cost involved.

GENERAL BUSINESS:

1. Playground Parks in Tweed Shire

Steve Pollitt sent the Committee a letter outlining concerns expressed in a recent newspaper article about a Tweed mother with two autistic children, who has difficulty accessing safe local playground parks for her children, and has to go to the Gold Coast parks.

The Tweed mother has also spoken at a Council Access Committee on this issue. Steve has spoken to the mother who indicated that Kingscliff playground, which is fenced, is

too crowded, too noisy and too near the sea, and all these factors create difficulties for her autistic children.

Discussion was held on fencing of playground parks for added security, and the provision of shade, the problem of fence theft, vandalism of shade cloth, and the risk of parents leaving children alone in a fenced playground.

The Committee decided that it would, in principle, support the idea of fencing and shading all children's playgrounds in Tweed Shire. Steve is to contact the mother and request she supply Council, as was requested during her Council Access appointment, with a list of suitable children's playgrounds for inspection.

2. Regional Access Committees

Report from Paige:

- Missed Business Resource – developed by Marrickville Council. Paige to email information to Maggie for next meeting.
- Spinal Cord Injuries Australia – provides an opportunity to up-skill staff in disability access. Paige to forward information to Maggie.

3. Footpath Trading Policy

Copies were distributed to all members with the last minutes. Discussion held.

4. Bus Stop at Budd Park

Ron aired concerns about the bus stop for Country Link buses at Budd Park. This is not an Access issue. Ron will contact the Local Traffic Committee.

5. Murwillumbah Post Office Delivery Truck

Ron advised that the mail truck for Murwillumbah Post Office blocks off pedestrian access on Brisbane Street, Murwillumbah between 4 and 5pm weekdays. Ron will approach the Post Office to try to solve this issue.

Maggie to email Council Rangers to alert them to this issue.

NEXT MEETING:

The next meeting of the Tweed Shire Council Disability Access Committee will be held 16 June 2005, at the Activities Room, HACC Centre, Tweed Heads South

The meeting closed at 3.00 p.m.

DIRECTOR'S COMMENTS:

1. Playground Parks in Tweed Shire

The matter of fencing and shading a new playground area has been referred by the Executive Management Team to the Manager Recreation Services to consider as part of an upcoming review of Development Control Plan No 16.

DIRECTOR'S RECOMMENDATIONS:

As per the Committee's recommendations.

3 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 19 May 2005

FOR THE CONSIDERATION OF COUNCIL:

VENUE:

Peter Border Room

TIME:

Commencing at 9.00am.

PRESENT:

Committee Members: Cr John Murray; Tweed Shire Council; Mike Baldwin, Roads and Traffic Authority; Brett Mahaffy, NSW Police; Mr Neville Newell, MP, Member for Tweed.

Informal: Chairman: Mr Paul Morgan, Mr Ray Clark and Judith Finch Tweed Shire Council.

APOLOGIES:

Mr Don Page MP, Member for Ballina.

MINUTES OF PREVIOUS MEETING:

RESOLVED that the Minutes of the Local Traffic Committee Meeting held Thursday 21 April 2005 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

Nil.

BUSINESS ARISING:

Item from Meeting held 21/4/2005

Traffic - Committee

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."

The Committee noted the Loading Zone has been installed for 12 months and no further complaints have been received in that time.

For Council's information.

Item from Meeting held 17/2/2005

11. Bay Street, Tweed Heads

R0470 Pt2; Traffic - Parking Zones

"Request from the Chamber of Commerce to introduce permit parking due to congestion caused by construction vehicles.

The Committee discussed the parking situation in Bay Street for Business owners and agreed to introduce a Business Permit Parking Scheme to the 31 December 2005.

That a Business Permit Parking Scheme be implemented as per the RTA Traffic Direction TDT 2001/05 to apply to the two off street car parks on Bay Street and on-street parking on Bay Street between Enid Street and Thompson Street. The scheme will apply to the 31 December 2005 and any extension of time will be considered by the Traffic Committee at its December meeting.

RECOMMENDATION:

That a Business Permit Parking Scheme be implemented as per the RTA Traffic Direction TDT 2001/05 to apply to the two off street car parks on Bay Street and on-street parking on Bay Street between Enid Street and Thompson Street. The scheme will apply to the 31 December 2005 and any extension of time will be considered by the Traffic Committee at its December meeting.

Current Status: *To be brought forward to the LTC for meeting in December 2005."*

From Meeting 21/4/2005:

"The Road Safety Officer tabled a sample of the Parking Permit. The RTA Representative advised that the RTA Guidelines should be checked on the issuance of number of parking permits which should be in line with available spaces.

To be brought forward to the LTC meeting of 19 May 2005.

For Council's information."

The Committee noted that this is now operational and should be brought forward to the December 2005 meeting of the Local Traffic Committee for assessment.

For Council's information.

Item from Meeting held 21/4/2005

**4. Numinbah Road, Chillingham (Crystal Creek Bridge)
DW1183190; R3780 Pt4; Traffic - Committee; Bridges - Crystal Creek**

"Request received for the removal of the 'Give Way' sign at the eastern side of Crystal Creek Bridge and replacement with a 'Stop' sign as motorists who do not stop cannot see vehicles in the dip on the western side of the bridge.

The Committee decided that the bridge needed to be checked for location of "Give Way" sign and that such a sign should be installed on the side of the bridge with best sight distance, in accordance with RTA Guidelines. The Committee did not agree to the installation of a 'Stop' sign.

To be brought forward to the May 2005 Local Traffic Committee meeting

For Council's information."

The Committee viewed photographs of the location. The RTA Rep stated that such signs should always be installed where the best sight distance is located. Cr Murray queried if the 'Give Way' sign could be brought back to assist drivers. Cr Murray noted that a local person had been cutting the vegetation back to improve visibility. This issue should be referred to the Manager of Works to ensure shoulder maintenance should be attended to on a regular basis

RECOMMENDATION:

That a 'Give Way Ahead' sign be installed on the northwest approach to the Crystal Creek Bridge on Numinbah Road.

Item from Meeting held 21/4/05

7. Miles Street and Ourimbah Road, Tweed Heads

DW1181947; R3340 Pt5; R3970 Pt2; Traffic - Safety

"Request received in relation to speeding vehicles on Miles Street, Tweed Heads (near the Qld border). It is also reported that vehicles regularly speed on Ourimbah Road.

It is reported that there have been numerous accidents on Miles Street which have been speeding related.

Crash history in that vicinity shows 5 accidents in the last 4 years. The Police Representative undertook to organise enforcement in the area.

The Road Safety Officer will request the Design Office to investigate the intersection for potential improvements.

To be brought forward to the May 2005 Local Traffic Committee meeting

For Council's information."

Item from Meeting held 19/5/2005

Traffic and speed counts from 27 April to 4 May 2005 are:-

Miles Street:

	ADT	85th speed percentile	60-70km/h
Northbound	4959	59km/h	12.6%
Southbound	4341	64km/h	32%

The crash history will be investigated in more detail for the possibility of Black Spot Funding. The Police Representative advised one crash in March 2005 at Ducat Street and Ourimbah Road. Other crashes in 2004 were at Ducat Street and Ourimbah Road exiting Ourimbah Road, July 2004 approached crest of hill on Ducat Street and vehicle became airborne and October 2004 at Mugga Way and Ducat Street a vehicle made a right hand turn into Ducat Street and continued up Ducat Street out of control hitting a tree. In March 2004 as a vehicle slowed in Ducat Street another vehicle in Ourimbah Road collided with the slow vehicle on Ducat Street. Data shows 5 tow away collisions between March 2004 and March 2005.

It was noted that in a 12 month period there had been 2 accidents in Mugga Way. Police will continue to enforce the area and Black Spot funding options will be investigated.

Mr Newell suggested that pedestrian lights should be installed on Miles Street to assist pedestrians in this area.

RECOMMENDATION:

That 'Reduce Speed' warning signage and 'Intersection Ahead' warning signs be installed on Miles Street for southbound traffic at the border.

Item from Meeting held 21/4/05

9. Cabarita Road, Cabarita Beach

R0900 Pt1; R0360 Pt1; R4360 Pt1; DW1184098; Traffic - Speed

"Request received in relation to the provision of traffic calming for speeding vehicles on Cabarita Road. It is reported that speeding is particularly bad between Banksia Avenue and the 'Stop' signs at Poinciana Street.

The Committee noted that speed surveys are being undertaken and that reporting showing any anomalies would be given to the Police for enforcement. The Police Representative advised that this area is being reviewed.

To be brought forward to the May 2005 Local Traffic Committee meeting

For Council's information."

The Committee noted that some vehicles are speeding but the majority are not. The traffic counter has been stolen and will be replaced.

The Police Representative advised that enforcement of this area is also being undertaken. The Road Safety Officer advised that the speed trailer would be placed on Cabarita Road.

This item to be brought forward to the August 2005 meeting.

For Council's information.

Item from Meeting held 21/4/05

12. Kyogle Road, Dum Dum

R2970 Pt12; Traffic - Committee; Speed Zones; Safety; DW1190367; 1189409

"Request received in relation to Kyogle Road which runs through Dum Dum Farm at 973 Kyogle Road. It is reported that there are regular accidents along this road with a 'black spot' 50 metres either side of the Mt Warning turn off. In wet weather it is particularly bad. It is also reported that despite good fencing cows do sometimes wander on to the road and cause accidents (as occurred on 18 April 2005).

A review of the speed limit is requested from "Drive to Suit conditions" to 80kph along the sharp curvy parts of the road.

The RTA Representative suggested that a Road Safety Audit of Kyogle Road be implemented together with an analysis of crash data to ascertain driver behaviour on the road.

To be brought forward to the May 2005 Local Traffic Committee meeting

For Council's information."

The Road Safety Officer advised that the Road Safety Audit had not been completed as yet.

To be brought forward to the June 2005 meeting.

For Council's information.

Item from Meeting held 17/2/2005

12. Old Ferry Road

Traffic - Safety; R3861 Pt1; GS4/95/92 Pt4 - DW1153559; DW1181005; DW1198683

"Request received outlining traffic issues at the intersection of Old Ferry Road and the new development.

The Committee notes that the sight distance for the intersection based on approved development plans appears to be inadequate based on Ausroads Intersection at Grade Part 5 and the Development Plan. The Committee agrees with the request that right turns should be prohibited from the access road given the above

deficiency. The Committee requests that the Development Control Unit request the developer to revise the plan to include a physical means of preventing vehicles turning right in conjunction with no right turn signs.

For Council's Information."

This matter has been brought forward by the Development Assessment Unit for further advice from the Local Traffic committee in relation to what action the Traffic Committee proposes to take if the Development Assessment Unit are unable to lawfully enforce the Applicant to complete the works:-

1. If the applicant refuses to complete the works, what risk is there to motorists using Old Ferry Road?
2. Is the Traffic Committee prepared to allocate any resources that may be required to ensure the proposed works are undertaken?

The Committee noted that the developer has cut the grass to improve sight distance for drivers. If this grass is kept short it will allow adequate sight distance to vehicles approaching from the south in Old Ferry Road.

This matter is to be referred to Council's Maintenance Engineer to undertake a risk assessment on the short length of missing guardrail at the north end of the new development on Old Ferry Road.

RECOMMENDATION:

That a 'Stop' sign be installed at the exit from the development on to Old Ferry Road from the property.

GENERAL BUSINESS:

PART A

1. Ranger's Report

Rangers

The provision of the Ranger's Report was discussed. Due to this report only being prepared quarterly it was deferred to the next applicable quarter and the Head Ranger be invited to attend to discuss and answer questions on the report.

To be brought forward to the July 2005 meeting. It was suggested that a Ranger be requested to attend this section of the meeting to address the statistics.

For Council's information.

2. Kennedy Drive, Tweed Heads West and Florence Street and Powell Street, Tweed Heads
R2830 Pt7; DW1196843; R2100 Pt2; Transport - Bus Services- Stops

Request received:-

1. In relation to the bus stop adjacent to the Matilda Motel in Kennedy Drive which has lost its yellow post and is not identifiable. Surfside BusLines has indicated that it requires this stop to continue in use for the 601 Route. The Public Transport Working Group requests that the LTC approves the continuation of this location as a bus stop and specifies appropriate signage.
 2. Regarding the use of St Cuthberts Church Hall in Florence Street at the corner of Powell Street, Tweed Heads. It is reported that the Hall is on the 602 Route with an hourly service but the area is subject to much on-street parking, making it difficult for a bus to stop on request. The recently approved bus stop in Florence Street for the Bowls Club is some distance away. The Public Transport Working Group requests that the LTC approves a new bus stop near the Hall and specifies appropriate signage. A site inspection with the proponents and MOT Coordinator is also being arranged to discuss transport arrangements.
1. The Committee agreed that the provision of a post adjacent to the Matilda Motel be approved.
 2. There is already an existing bus zone 90m away in Powell Street or 130m away in Florence Street which are considered to be in a reasonable walking distance of the Church. Given the high level of parking demand in the area it is not considered appropriate to remove any more car parking given the above.

RECOMMENDATION:

That the provision of a bus post adjacent to the Matilda Motel in Kennedy Drive be approved and installed by Surfside Buslines.

3. Elrond Drive, Kingscliff

R1865 Pt1; DW1190788; Traffic - Speed Zones

Request received in relation to speed of vehicles along Elrond Drive. It is requested that the speed limit be reduced to 50kph as vehicles appear to be using Elrond Drive to bypass the 50kph streets nearby.

A reduction in speed was not supported due to the hierarchical function of the road where no property access has been allowed. The road is designed to attract traffic off the residential streets and therefore needs to retain 60kph speed limit.

For Council's information.

4. Pottsville / Mooball Road, Pottsville
R4420 Pt3; DW1195084; Traffic - Speed Zones; Safety

Request received for a reduction in the speed limit from 100kph to 80ph on the section of Pottsville Mooball Road from where the 100kph commences to Mooball to take in all the winding areas.

It was noted that speed counts have been performed in the past and this location will be reviewed once the reconstruction of Cudgera Creek Road is completed.

To be brought forward to the meeting of June 2006.

For Council's information.

5. Bambery Street, Fingal
R0330 Pt1; DW1198744; Traffic - Safety

Request received for the provision of a 'Stop' sign on Bambery Street, Fingal at the intersection with Lighthouse Parade to provide motorists better sight distance to the right if they have to stop and the stop line.

Sight distance is considered adequate given Bambery Street is only a very low volume local road and people utilising it should be exercising appropriate care.

For Council's information.

6. Pacific Highway, Sexton Hill Banora Point Upgrade
R4031 Pt19; DW1201576; Traffic Committee; Banora Point Deviation Sexton Hill

The Local Traffic Committee viewed the Banora Point upgrade options and impacts on the local road network.

The RTA DVD was viewed by the Committee with Options A and B being discussed. The issues regarding Darlington Drive interchange were discussed.

Cr Murray left the meeting at 11:20am.

For Council's information.

7. Rosewood Avenue, Cabarita Beach

R4830 Pt1; DW1200710; Traffic - Safety

Request received in relation to pedestrians crossing Rosewood Avenue (southbound) at the roundabout in Cabarita Beach whereby they have their vision of traffic approaching from Murwillumbah blocked by the lower branches of a tree on the footpath just downhill from Tweed Coast road because of the slight "S" bend taken by Rosewood Avenue at its crossing of Hastings Road.

It was agreed to refer the matter to the Manager of Recreation Services for monitoring and pruning as required to maintain sight distance to the pedestrian refuge at the roundabout on Coast Road.

For Council's information.

8. Bailey Street, Tweed Heads West

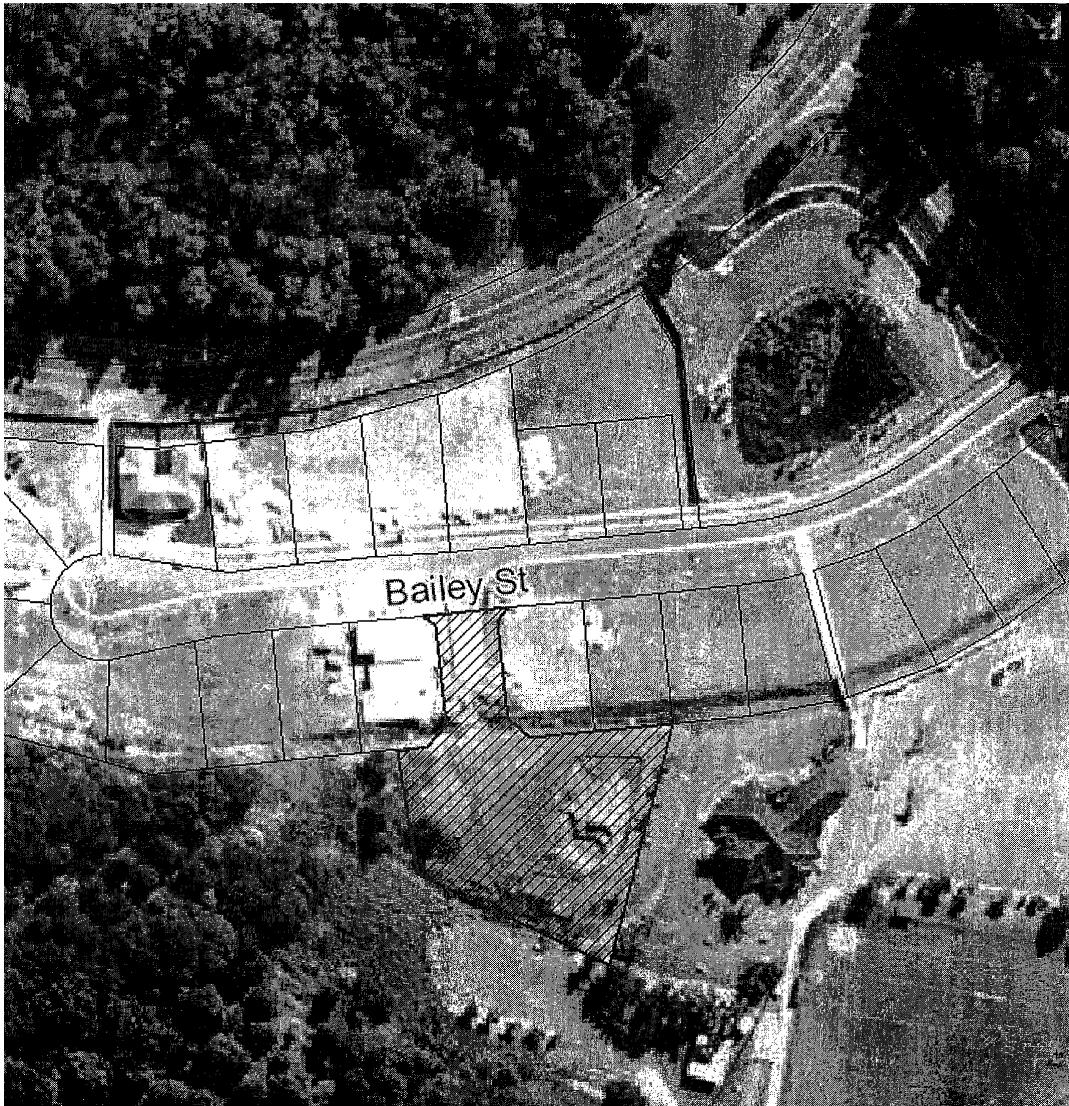
DW1202357; Bailey Street; Sportsfield - Piggabeen Sporting Complex; Traffic - Parking Zones

It is reported that parking for home games at the Piggabeen Sports Complex are creating major issues for the residents of Bailey Street. Cars are regularly parked across driveways and as the street is narrow, access and egress for the residents is often completely blocked. At the last home game the Police were called and booked illegally parked cars including some belonging to residents of Bailey Street.

Located in the north western corner of the complex is an area of land originally intended for additional lots but not built on due to stability issues. In an attempt to alleviate the problem in the short term, Council will level this area and clear of debris so it can be accessed for parking. This area should supply approximately 50 - 60 cars. The Senior Rugby League has undertaken to supply people to manage the parking in this area (see diagram below).

For the longer term a plan has been produced to formalise this area with internal access through the existing car park to cater for approximately 80 additional spaces.

There is concern the parking issues in Bailey Street will continue. To address this issue, the option of applying restricted parking in Bailey Street on game days has been raised. Traffic Committee consideration is requested to determine if this proposal is a feasible option or if alternatives should be used.



RECOMMENDATION:

That 'No Parking on Match Days' signage be installed on both sides of Bailey Street;. The Football Club to ensure signage of next match days be promoted with appropriate signage in Carramar Drive. Such signage not to be installed until the overflow car park is ready for use.

9. Terranora Road, Sexton Hill (left turn onto Pacific Highway)

R5431 Pt5; DW1204122; Traffic- Lights

Advice has been received that the "Turn Left Anytime With Caution" sign at the Terranora Road traffic lights approaching SH10 is to be removed by order of the Roads & Traffic Authority. The reason for removal, because of there being no slip lane and it is difficult for drivers to be watching for pedestrians as well as checking to the right for vehicles.

The Police Rep advised that he had noticed traffic travelling at 60 to 70kph at this intersection and not stopping before turning.

The RTA Rep advised that a safety issue had been identified which is for determination by the RTA. The Chairman advised that the signage would be removed as requested and that Council on behalf of the RTA make this public information via the Tweed Link Newsletter.

For Council's information.

10. Old Ferry Road, Oxley Cove

R3861 Pt1; DW1204130; 1204137; Traffic- Safety; Speed Zones

Request received for:-

1. Provision of the radar trailer on Old Ferry Road. Residents are reporting that speeding is an issue.
2. Old Ferry Road / Terranora road intersection does not have a 'No Parking' sign on the southern side of Terranora Road extending approx 50m westward from the intersection. It is requested that this be considered to improve visibility to the left when leaving Old Ferry Road.

The Committee was of the opinion that sight distance is adequate but can sometimes be affected by illegal real estate signage in the 'splitter island'. It was noted that the radar trailer will be provided.

RECOMMENDATION:

That:-

1. Council write to the local real estate agents advising them that providing any signage in the road reserves is illegal under the Roads Act, however particular concern is the traffic island on the corner of Old Ferry Road and Terranora Road.
 2. The businesses that own the signs be advised that signage is not permitted in this location and will be removed and the business involved will be charged all associated costs.
-

11. Greville Street, South Murwillumbah

**R2320; DW1200182; Traffic Committee; School Zones;
Transport - Bus Services - Stops; School - St Josephs**

Request received in relation to the bus zone signage outside St Joseph's School in Greville Street, South Murwillumbah for changes to the signage to read as follows:-

8:00am - 9:30am
2:30pm - 4:00pm

This is being requested as buses are presently using the zone area outside the times displayed.

The Committee noted that these hours are standard 'school hours' and the signage should be adjusted accordingly.

RECOMMENDATION:

That the school bus zone signage on Greville Street be changed to:-

8:00am - 9:30am
2:30pm - 4:00pm

PART B

Nil.

NEXT MEETING:

The next meeting of the Local Traffic Committee will be held 16 June 2005 in the Peter Border Room commencing at 9.00am.

The meeting closed at 11:45am.

DIRECTOR'S COMMENTS:

Nil.

DIRECTOR'S RECOMMENDATIONS:

As per the Committee's recommendations.

4 Minutes of Sub-Committees/Working Groups Circulated with this Agenda not Requiring Council Decision

FOR THE CONSIDERATION OF COUNCIL:

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Minutes of the Communications Committee Meeting held Tuesday 19 April 2005 (DW 1203625)
 2. Minutes of the Tweed Shire Council Consultative Committee Meeting held Thursday 21 April 2005 (DW 1203542)
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CONFIDENTIAL MATTERS

CONFIRMATION OF MINUTES

Minutes of the Confidential Minutes of Council held Wednesday 18 May 2005.

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

1 [EO] Contract EC2005-058 Supply of Retail Electricity

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] EQ2005-061 Drilling and Blasting of Council Quarries

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: -

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 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

3 [EO] EC2005-064 Manufacture, Supply, Delivery and Unloading of 150 and 250mm Diameter Pressure Pipe

REASON FOR CONFIDENTIALITY:

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