

ITEMS FOR CONSIDERATION OF COUNCIL:

ITEM	PRECIS	PAGE
	CONFIRMATION OF MINUTES	7
	Minutes of the Ordinary Council Meeting held Wednesday 16 February 2005	7
	SCHEDULE OF OUTSTANDING RESOLUTIONS	9
	Schedule of Outstanding Resolutions	9
	MAYORAL MINUTE	13
	Mayoral Minute	13
	REPORTS THROUGH THE GENERAL MANAGER	17
	REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT	17
1	[PE] Development Application DA04/1616 for an Acoustic Fence and Retaining Wall to RSL Care Retirement Village at Lot 1 DP 881733, Darlington Drive, Banora Point	19
2	[PE] Review of Development Control Plans for Kingscliff	31
3	[PE] Request for Rezoning - Corner of Turnock and Pearl Streets, Kingscliff	35
4	[PE] Draft South East Queensland Regional Plan	43
5	[PE] Review of Determination for Development Application DA03/1241 for a Four (4) Lot Residential Subdivision at Lot 28 DP 1052380 and Lot 29 DP 1052380, No. 7 The Foreshore, Bogangar	49
6	[PE] Review of Determination for Development Application DA03/1406 for a 3 Lot Re-Subdivision at Lot 12 DP 1052380 & Lot 13 DP 1052380, No. 21 Reef Water Circuit, Bogangar	67
7	[PE] Review of Determination for Development Application DA03/1300 for the Erection of a Dual Occupancy at Lot 34 DP 1052380, No. 1 Reef Water Circuit, Bogangar	85
8	[PE] DA04/1270 Residential Development Comprising 467 Dwellings - Mix of 2 Storey Villas & 3 Storey Apartments & a Café/Restaurant (DA227-9-2004) at Lot 29 & Lot 30 DP1027531, Tweed Coast Rd & Lot 31 DP1027531 & Lot 54 DP1030322, Casuarina Way, Casuarina	99

REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER		115
9	[OGM] Tweed Shire Council - Public Inquiry	115
10	[OGM] Quarterly Motor Vehicle Incident Report - September 2004 - December 2004	117
11	[OGM] In Kind and Real Donations - 1 October 2004 to 31 December 2004	119
REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS		125
12	[EO] Tweed Heads (Razorback Hill) Traffic Study	125
13	[EO] Banora Point & Tweed Road Development Strategy Review 2004	129
14	[EO] Tweed Heads Sewage Treatment Plant (STP) - Long Term Options	145
15	[EO] Erection of Fence - Casuarina Way	151
16	[EO] Request for Support for the Declaration of 'Telegraph Weed' as a Class 2 Pest	167
17	[EO] Road Naming - Campbells Road, Dungay	171
18	[EO] Tumbulgum Foreshore Master Plan	175
19	[EO] Acquisition of Crown Land being Lot 1 in DP 1040811 at Bogangar - Les Burger Field	179
20	[EO] Land Acquisition for Road Purposes - Cudgen	183
REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY		187
21	[EC] Request for "In Kind" Support/Waive Fee	187
22	[EC] Relocation of Demountable Building, Cabarita Headland Surf Life Saving Club	189
23	[EC] Acceptance of Grant Funding for the Tweed River Art Gallery	193
REPORTS FROM SUB-COMMITTEES/WORKING GROUPS		195
1	[SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Wednesday, 4 February 2005	195
2	[SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 9 February 2005	201
3	[SUB-TCC] Minutes of the Tweed Coastal Committee Meeting held Wednesday 9 February 2005	209
4	[SUB-LTC] Minutes of the Local Traffic Committee Meeting Held Thursday 17 February 2005	217

5	[SUB] Minutes Circulated to Councillors with this Agenda Not Requiring a Council Decision	231
	CONFIDENTIAL MATTERS	233
	CONFIRMATION OF MINUTES	233
	Minutes of the Confidential Council Meeting held Wednesday 16 February 2005	233
	REPORTS THROUGH GENERAL MANAGER IN COMMITTEE	233
	REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE	233
1	[EO] Council Quarries Business Plan	233
2	[EO] Variations to EC2004-126 Kingscliff STP: Design, Documentation and Associated Services	234
3	[EO] EC2004-087A Supply of Flood Pumps for Lavender Creek, Murwillumbah	234
4	[EO] Condong Cogeneration Facility Water Supply Agreement	234

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

CONFIRMATION OF MINUTES

Minutes of the Ordinary Council Meeting held Wednesday 16 February 2005

UNDER SEPARATE COVER:

Minutes of the Ordinary Council Meeting held Wednesday 16 February 2005
(DW1159338)

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

FOR COUNCILLOR'S INFORMATION:

17 March 2004

REPORT FROM DIRECTOR ENGINEERING SERVICES

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

202

Councillor H James

Councillor B M Luff

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

Current Status: Reassessing technical aspects including alternative sites.

16 June 2004

REPORT FROM DIRECTOR PLANNING & ENVIRONMENT

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

432

Councillor M R Boyd

Councillor S M Dale

RESOLVED that this item be deferred.

Current Status: Deferred.

4 August 2004

2 [NOM] Section 149 Certificates

NOTICE OF MOTION:

Cr G J Lawrie

Cr L F Beck

RESOLVED that a report be prepared on "puting in place" a procedure for the processing of URGENT applications for S149 Certificates to be made available to the applicant within, say, two (2) hours of lodgement of the application and appropriate fee, in lieu of the current forty-eight (48) hours.

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

ITEMS DEFERRED IN COMMITTEE

[ID][DS] Application to Modify Development Consent 98/79 Involving Unauthorised Enclosed of Ground Floor of Dwelling in a Flood Prone Area

REASON FOR CONFIDENTIALITY:

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

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

C 123 RESOLUTION:

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

Current Status: 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.

19 January 2005

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY

18 [EC] Council Land, Pandanus Parade, Cabarita

Cr L F Beck

Cr G B Bell

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

Current Status: Awaiting a report from the Probity Officer.

16 February 2005

REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT

7 [PE] Development Application DA04/1129 for a Part 2 and Part 3 Storey Residential Development Comprising Six (6) dwellings at Lot 3 DP 617743, No. 15b Charles Street, Tweed Heads

Cr G J Lawrie

Cr J F Murray

RESOLVED that this matter be deferred and that the Director Planning & Environment prepares a report for Council's consideration that contains conditions for approval including reference to colour of the building.

Current Status: Report being prepared.

8 [PE] Draft Tweed Local Environmental Plan 2000, Amendment No 10 - Urban Release Area E - Terranora

Cr L F Beck
Cr G J Lawrie

RESOLVED that the Director of Planning and Environment prepares a comprehensive report on all the issues pertaining to the draft Plan to enable Council determination on how to proceed with the draft Plan.

Current Status: Report being prepared.

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: Notice being prepared.

MAYORAL MINUTE

Mayoral Minute

Councillors,

1. Tourism

17 February – Tourism Workshop THCC

2. Tweed Shire Public Inquiry

17/18 February – Public Inquiry at Tweed Heads

3. Arts Northern Rivers

21 February – attended Board Meeting of Arts Northern Rivers with Mr. Don Buckley (Director Environment & Community Services)

4. Tugun ByPass

22 February – meeting with Margaret May (Federal Member for McPherson) re C4 Route

5. Sports Advisory Committee

22 February – Sports Advisory Committee meeting at Murwillumbah

6. Rotary Club of Murwillumbah Central

23 February – 100th year Anniversary breakfast at Murwillumbah

7. Rotary Club of Murwillumbah Central

23 February – dedicate refurbished Town Clock Murwillumbah

8. Clean Up Australia Campaign

23 February – meet with executives Tweed Bowls Club regarding arrangements for Clean Up Australia Campaign within the Shire

9. Lot 490

24 February – Lot 490 Steering Committee Meeting at Tweed Heads

10. Art Gallery

24 February – Art Gallery Advisory Committee Meeting

11. Tugun By-Pass

25 February – with DEO, meet with Cr Ron Clarke, Mayor GCCC regarding Tugun By-Pass and proposed C4 route

12. Seagulls Sports Duathlon

27 February – Seagulls Intra Club Sports Duathlon

13. 8th Battalion Royal Australian Regiment

28 February – Lay wreath - 8th Battalion Royal Australian Regiment 35 Anniversary Long Hai Memorial Service, Tweed Heads

INVITATIONS ACCEPTED:

- 3 March – LGSA Working Party Meeting in Sydney
- 7 March – War Widows Guild 15th Birthday – Twin Towns
- 8 March – International Women’s Day – morning tea
- 8 March - Family Centre Open Day
- 10 March – Local Govt Far North Coast Strategy Advisory Committee at Ballina
- 12 March – Opening Banora Point Multi Purpose Centre
- 12 March – Twin Towns Uniting Church – opening Book shop
- 13 March – Opening Seniors Week – Murwillumbah

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

- Northern Rivers Social Development Council – “Gong Places – Getting There Together Conference” (celebration of 10 years transport development) **21/22 March** at Ballina
 - Shires Association of NSW - Local Government Tourism Conference **13-15 March 2005** at Forbes
-

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT

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

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

MATTERS FOR CONSIDERATION

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

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

1 [PE] Development Application DA04/1616 for an Acoustic Fence and Retaining Wall to RSL Care Retirement Village at Lot 1 DP 881733, Darlington Drive, Banora Point

ORIGIN:

Building Services

FILE NO: DA04/1616

SUMMARY OF REPORT:

An application has been received to construct a retaining wall and acoustic fence along the northern and eastern boundaries of the subject allotment.

The allotment is subject to an approval to construct an aged care facility which is under construction.

The allotment has been partly filled to permit adequate site drainage to occur and therefore the existing 2.0 metre high timber paling fence has to be removed to allow for the construction of a retaining wall along the boundaries to contain this fill.

The proposed acoustic fence will replace the existing timber fence.

The acoustic fence has been proposed to minimise traffic noise to the occupants of the aged care facility.

The retaining wall will be a maximum of 1.0 metre high and the acoustic fence will be between 1.8 - 2.1 metres high on top of the retaining wall.

The acoustic fence will be constructed of 'Hebel' panels in a metal frame.

Due to the prominent location of the fence at the corner of Darlington Drive and Leisure Drive Council undertook an extensive advertising program and as a result of this process seven written objections have been received.

In response to the objections the Applicant has made a submission which it is considered satisfactorily addresses these objections.

On balance, the proposal is considered to be satisfactory and is recommended for approval.

RECOMMENDATION:

That Development Application DA04/1616 for an acoustic fence and retaining wall to RSL Care Retirement Village at Lot 1 DP 881733, Darlington Drive, Banora Point be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the plans approved by Council and the Statement of Environmental Effects, except where varied by these conditions of consent.
[GEN0020]
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 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. All parts of the fence and retaining wall shall be contained wholly within the subject allotment.
[GENNS01]
5. The acoustic fence shall be a maximum of 1.80 metres high above the top of the retaining wall except at the corner of Leisure Drive and Darlington Drive, adjacent to units 13 and 15, where it may extend to 2.10 metres high above the retaining wall.
[GENNS02]
6. The external face of the acoustic fence shall be treated with an anti graffiti coating.
[GENNS03]

PRIOR TO COMMENCEMENT OF WORK

7. 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]

DURING CONSTRUCTION

8. 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]

9. 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]

10. 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]

11. 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]

12. 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]

13. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1210]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

14. 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]

REPORT:

Applicant: N G Sanders and Associates Pty Ltd
Owner: R.S.L (Qld) War Veterans' Homes Limited
Location: Lot 1 DP 881733 Darlington Drive, Banora Point
Zoning: 2(c) Urban Expansion
Cost: \$65,000.00

BACKGROUND:

An application has been submitted to construct a masonry retaining wall, up to 1.0 metre high with a 1.80 - 2.10 metre high 'hebel' panel fence on top of the retaining wall along the northern and eastern boundaries of the subject allotment.

The allotment is the subject of a development consent to construct an aged care centre and this project is currently under construction.

The site was filled as part of this consent and a retaining wall is required to retain this fill around the northern and eastern boundaries.

A two metre high timber paling fence exists along both the above boundaries and the northern boundary is currently extensively landscaped.

As part of the development consent for the aged care facility (DA 03/0078) an "Assessment of Aircraft & Road Noise Impacts " report dated December 2002 was submitted by Ron Rumble Pty Ltd – Consulting Acoustical and Vibration Engineers.

In relation to the issue of impact of traffic noise a recommendation was made in this report that – “ providing the 2.0 metre high noise barrier along the Leisure Drive and Darlington Drive frontages is repaired, no further external attenuation measured would be required for traffic noise.”

According to this report the existing timber paling has significantly deteriorated in some parts.

A condition of consent was imposed on DA 03/0078 that the existing fence be repaired however due to the filling of the site and the provision of a retaining wall on the boundary the existing fence would need to be demolished to permit the construction of the retaining wall thereby necessitating a new fence rather than repair the existing aged and defective fence.


This proposal is to construct a retaining wall of stackable concrete blocks which will range in height up to a maximum of one metre at the junction of Darlington Drive and Leisure Drive. The acoustic fence will be constructed on top of but slightly behind the retaining wall to allow for some landscaping in front of the fence .

The acoustic fence is proposed to be 2.10 metres high however the Applicant has advised that they would be prepared to reduce this height to 1.8 metres to appease concerns of the objectors. Their preference however would be for the fence to remain at 2.1 metres high at the intersection of Darlington Drive and Leisure Drive, adjacent to the roundabout, for better sound attenuation of the adjacent units.

As a result of Council's advertising process seven written objections were received and have been considered later in this report.

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 1 DP 881733, Darlington Drive, Banora Point</p>		<p>STRATEGIC PLANNING UNIT Site Plan</p>	
<p>File: N:\MapInfo 7...A4P Site Plan.Wor</p>	<p>Author: J.Batchelor</p>	<p>Date: 22/Feb/2005</p>	<p>Scale: 1:10,000</p>	<p>Sheet: 1 of 1</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

Complies with the provisions of the Tweed LEP.

North Coast Regional Environmental Plan 1988

Not Applicable.

State Environmental Planning Policies

None applicable.

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

The allotment is not subject to any draft environmental planning instrument.

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

Complies with DCP No. 47 Cut and Fill on Residential Land.

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

There are no matters prescribed by the regulations.

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

The proposed fence and retaining wall will replace an existing timber paling fence in the same location.

The fence will be constructed in two different but complimentary colours with the retaining wall below the fence line being another subdued colour.

The length of the fence along the Leisure Drive frontage will be articulated by four timber acoustic panels containing gardens and shrubs.

The proposed colours and design of the fence along with landscaping will provide a more attractive fence than currently exists.

The acoustic properties of the hebel panels to the fence will both protect the occupants of the aged care centre and minimise any reflected noise nuisance that may be caused to adjoining property owners by the fence.

It is considered that the proposed fence and retaining wall will have no significant adverse impact on the natural and built environments and social and economic impacts in the locality.

This type of fencing is widely used along major roads to reduce traffic noise behind the wall and, according to the manufacturers specification, its method of construction will also reduce reflected noise.

(c) Suitability of the site for the development

The proposed fence is replacing an existing timber paling fence which is necessary to provide security the approved development.

The proposal is considered to be an improvement to the existing unattractive timber paling fence and is suitable for the site.

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

In response to Council's advertising policy seven written objections to the proposal were received .

The objections are summarised hereunder and a response from the Applicant follows each objection :-

Objection –

Noise issues –

- 'the Applicant should be able to demonstrate through a report provided by an accredited acoustic consultant that the erection of such an acoustic fence will not result in reflection of noise across roads bordering the development onto residences opposite.
- 'Council should require that the applicant takes all necessary steps to adequately attenuate ... the retirement village in relation to the building design and materials used for construction as opposed to installing noise fencing.'

Response – the proposed fence panels are 'Hebel' Noise Barrier Panels (lightweight aerated autoclaved concrete product) which are used extensively by Main Roads Department for sound barriers for highways, freeways, main roads etc to provide significant reductions in noise levels emanating from these sources.

This product has many advantages over other methods of sound attenuation such as timber or concrete walls due to its sound absorbency, sound transmission class, minimum low noise reflectivity, appearance and ease of maintenance.

The manufacturer's specifications of this material is included at the end of this report.

The dwellings are already to be provided with sound attenuation measures to minimise aircraft noise however, the provision of an external boundary fence is required in addition to attenuation of buildings.

Graffiti Issues

- 'Council should require that the material used for the fence construction does not encourage graffiti or ensure that an area is left for heavy planting of trees to ensure that graffiti can be deterred.

Response – the paint treatment to the Hebel Noise Barrier Panels will be protected by a clear 'anti – graffiti ' coating which will permit quick and easy removal of any graffiti.

There appears to be little graffiti on the existing timber paling fence on the opposite side of Leisure Drive and Darlington Drive which would indicate that graffiti is not prevalent in this area.

The acoustic fence will be partially protected from graffiti by landscaping along the top of the retaining wall.

Landscape Issues

- 'Request that the existing vegetation along Leisure Drive be retained to protect visual amenity'.

Response –

Some sections of the existing vegetation along the Leisure Drive frontage of the site will be removed to permit the construction of the retaining wall and fence as this landscaping is either on the boundary or the root systems must be removed to protect the structural stability of the fence and retaining wall.

New landscaping (together with the remaining vegetation sections) will replace and enhance the visual amenity and streetscape of Leisure Drive.

Visual Impact

- fence will have negative visual impact because it will make Leisure Drive like a tunnel'
- 'proposal will cause loss of public land'

Response

The fence will be finished in two different, yet complimentary colours with the base concrete panel being another subdued colour. The length of the Leisure Drive wall will be broken up by four recesses of timber acoustic panels which contain gardens and shrubs.

It is considered this proposal will not make Leisure Drive look like a tunnel.

The Applicant has offered to reduce the height of the fence to 1.80 metres apart from at the intersection of Darlington Drive and Leisure Drive where it will remain at 2.1 m for greater acoustic protection adjacent to the roundabout.

No public land will be lost as a result of this development . The retaining wall and acoustic fence will be wholly contained within the subject allotment.

(e) Public interest

The Applicant has offered to reduce the height of the fence above the retaining wall to 1.80 metres to allay concerns of neighbours however would like to maintain a height of 2.10 metres at the corner of Leisure Drive and Darlington Drive adjacent to the roundabout to provide maximum acoustic protection in this location.

It is considered that the proposed retaining wall and acoustic fence will be an improvement on the existing timber paling fence and with the design, colours, construction and landscaping of the fence there will be no adverse public interest issues created.

OPTIONS:

1. Approve the application subject to conditions, or
2. Refuse the application.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

If the application is refused the Applicant would have a legal right of appeal which, if successful, may have financial implications against Council.

POLICY IMPLICATIONS:

The application satisfies Council's Fence Height Variation policy.

CONCLUSION:

Notwithstanding the degree of objection to this application the proposal is considered to satisfy Council's Fence Height Variation policy and is not considered likely to result in any significant adverse social impact and therefore is considered to be worthy of approval.

UNDER SEPARATE COVER:

1. Details from CSR Hebel regarding noise properties of acoustic panel fencing.
 2. Letter from Ron Rumble Pty Ltd - Consulting Acoustical and Vibration Engineers concerning reflectivity of proposed Hebel panel fence.
-

2 [PE] Review of Development Control Plans for Kingscliff

ORIGIN:

Strategic Town Planning

SUMMARY OF REPORT:

To endorse the preparation of a development control plan to amend and replace the West Kingscliff and Kingscliff Development Control Plans.

RECOMMENDATION:

That:

1. Council endorses the review of the Development Control Plans for Kingscliff (West Kingscliff Development Control Plan Number 9 and Kingscliff Development Control Plan Number 43) with a view to providing a structure for developing the area into the future.
2. As a first stage of the review of the development control plans, a set of issues and options be developed to guide the Draft Development Control Plan for Kingscliff.

REPORT:

Negotiations have recently been continuing with Glazebrooks, Consultants for Gales Holdings, regarding the landuse structure for Kingscliff. The negotiations to this stage have seen the exchange of preliminary draft Structure Plans for the area as an aid in developing a product for reporting to Council. These documents were recognised for their preliminary nature, this has allowed for negotiation and consultation to continue with Kingscliff growth areas largest landholder.

The lodgement of a Development Application for the filling of the land to the north of Turnock Street however has pre-empted much of the discussion on the outcomes for this part of Kingscliff. This Development Application (DA) substantially commences the process of subdivision and development of the area north of Turnock Street including the removal of vegetation.

The subdivision of this area would result in the development coming under the auspices of State Environmental Planning Policy Number 71 (SEPP 71). This would change the determining body from the Council to the State Government. In view of this it is necessary that Council's strategy for the future structure of Kingscliff is clearly shown in a development control plan (DCP).

The following is a summary of the lead up process proposed for the development of issues and options for managing landuse in Kingscliff through to review the existing DCPs for West Kingscliff and Kingscliff. These amendments would include the review of options (including Gales Holdings option) for the development of greenfields sites in West Kingscliff. These options would be considered at a Council Workshop as detailed below:

- Workshop: Perusal of Council's Options for structure plans (having regard to Gales Holdings' development applications for filling and a supermarket) and a discussion on the reasons for the review of the development control plan, development of issues and options for the Turnock Street area and the expansion and urban design of the Kingscliff Town Centre relevant to the DCP.
- Report to Council on amendments of Development Control Plans for exhibition.
- Exhibition of the draft Development Control Plan
- Report on submissions to the plan and recommended final Development Control Plan for Kingscliff.

Given the lodgement of substantial development applications in the area, the Development Control Plan for West Kingscliff needs to be adapted to provide greater guidance in urban design. This needs to be carried out without delay, considering the area is experiencing substantial change and the significance of Kingscliff to the Tweed Coast.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

3 [PE] Request for Rezoning - Corner of Turnock and Pearl Streets, Kingscliff

ORIGIN:

Strategic Town Planning

SUMMARY OF REPORT:

The following report is a proposal to rezone medium density residential lots on the north side of Turnock Street, Kingscliff, between Pearl Street and Marine Parade to provide mixed use retail/residential.

RECOMMENDATION:

That:-

1. Council prepares a draft Local Environmental Plan pursuant to Section 54 of the Environmental Planning and Assessment Act 1979 to rezone Lots 1, 2, 3 and 4 DP 381437 from 2(b) Medium Density Residential to 3(b) General Business.
2. The Director-General of the Department of Infrastructure, Planning and Natural Resources be requested to waive the requirement for an Environmental Study given the minor nature of the proposed Local Environmental Plan Amendment.

REPORT:

Council has received correspondence from a landowner located on the corner of Pearl and Turnock Streets Kingscliff 37 Pearl Street (Lot 4 DP 381437), requesting rezoning of his property to a more suitable commercial/residential landuse. Dr Powers spoke to members of Council's Strategic Planning Unit informally in late 2004. He had at that time a design completed for residential units on his lot on the corner of Turnock and Pearl Streets. It had only recently been residing on the site and realised how noisy it could be at ground level. It was suggested to him that a letter to Council would be useful explaining his situation and his thoughts on possible remedies. Dr Powers points out that his property is the only corner of the Turnock Street and Pearl Street intersection that is not zoned for business purposes. Dr Powers also states that as the roads in this locality are busy both night and day due to its proximity to the retail area and the location on a pivotal intersection in the town for public transport and general access, there may be a need for raising the residential component in this area above street level in a mixed use development with retail on ground floor and offices and/or residential above. The area in question is shown on figure 1. The rezoning has been proposed for the four blocks in the immediate vicinity of Turnock Street. The church and church hall provides a good transition between mixed use and residential use.

Need for Rezoning

Preliminary investigation of the site suggests that extension of the business zone to the four lots on the north side of Turnock street between Pearl Street and Marine Parade would provide a much better urban design outcome for the vicinity with businesses facing each other, thereby reducing the retail to residential interface and increasing the business to business cross fertilisation. In the future with growth and the continuing expansion of tourist related activities, general business activities not related to leisure or tourism will find it less financially attractive to be located on Marine Parade. As well as growth in tourism needs, residential growth in the Kingscliff area will result in an expansion in the need for general office, retail and commercial space. This will be further exacerbated as the tourist uses in Marine Parade take up more of the shop fronts and tourist residential takes up more of the upper floors, the availability of space for other uses especially at ground floor level will be reduce.

Quality Built Environment

Turnock Street and Pearl Street are destined, over time to become more retail and business dominated and therefore become of vital importance as an activity centre to the town. In view of this it is important to provide a definable, high quality, vibrant and liveable town centre made up of those uses that supply the general needs of a town and the Kingscliff Community.

These qualities can be achieved through urban design with incentive and guidance through the DCP process. There is an opportunity for the Turnock and Pearl intersection to become a defined business node in the town. This would take the pressure off Marine Parade to be both tourist street and main street.

To achieve these qualities in the built environment, the rezoning would need to be combined with an expansion of the streetscape works in the locality with an opportunity to provide northern gateways into the CBD, thereby defining the entry into the town proper with an upgrade to the public domain in general and the provision of small public spaces and boardwalk areas on the beach side of Marine Parade. This would link the future business area through to the beach and the tourist district while providing image and character to the area of a coastal town. This linkage is best achieved through a street (Turnock Street from Pearl Street to Marine Parade) that is predominantly retail, with commercial premises activating the street from both sides.

Incentives for Quality

To enhance the Turnock & Pearl Streets intersection as a significant node in the town it may be useful to investigate the possibility of extra height to buildings on the immediate four corners thereby further defining the intersections role and providing enclosure to the public realm, while providing an incentive for development. Additional height in this location of say, one or two storeys, does not appear to have any adverse affects on the view corridors of the surrounding development and would provide for greater diversity in the streetscape. Any increase in height would need to be coupled with the requirement of high quality landmark/icon buildings that reinforce the character of Kingscliff on each of the corners. This increase in height would be needed in recognition of the importance of the intersection and as a response to the greater height.

The further incentive of reducing carparking requirements in the buildings and allowing no breach in the streetscape face for vehicle access while requiring a contribution for carparking rather than provision could further enhance the area. This would create a strong urban face to the street by reinforcing the areas nature as the commercial retail heart to the town and removing the need for car access points resulting in holes in the streetscape.

Retail Space

This rezoning would provide a defined boundary to a compact town while increasing the floor area for smaller village level retail spaces in the town centre. Recent development in the business zone on the southern end of Pearl Street has resulted in the reduction of retail frontage opportunities as new development in the area uses the Street as a vehicle access and residential backs to the street. The proposed rezoning will go some way to redress this loss of retail and frontage and provide for activated streetscapes in a more viable location between the major retail components of the town and the major attractors of the area. The existing and potential retail frontage around the Pearl and Turnock Street intersection are shown in figure 2. It is important to ensure a compact enclosed and vibrant town is the outcome of a developing Kingscliff.

The proposed increase in length of street frontage is approximately 140m and the area proposed for rezoning approximately 2,200m². Though small in floor space in relation to the Kingscliff Town Centre as a whole, its location and frontage as it is bordered on three sides by streets, makes it significant for the urban design of Kingscliff Town Centre.

Zoning

The subject site is zoned 2(b) Medium Density Residential. The four lots are presently occupied by single and multi-unit residences. The land opposite in Turnock Street are 3(b) General Business.

Works Program

The proposed LEP Amendment is not included in the current Strategic Planning Work Program. The proposed Amendment is considered significant in the public interest due to the urban design outcome of consolidating and enclosing the town centre. It is an opportune time for rezoning with all coastal properties in Kingscliff under considerable development pressure. It is therefore recommended that Council should prepare an LEP Amendment in accordance with Section 54 of the Environmental Planning and Assessment Act 1979.

The proposed LEP Amendment is considered to be consistent with the relevant State Environmental Planning Policies and S117 Ministerial direction. Consultation with relevant State Agencies will be undertaken as part of the Section 62 Consultation in accordance with the Environmental Planning and Assessment Act 1979.

ENVIRONMENTAL STUDY

The land is within the coastal zone and under Section 117(2) direction S26 Coastal Policy:

"A Council in preparing a draft LEP must:

- (b) not alter, create or remove existing zonings unless an Environmental Study relating to the draft LEP has been prepared and considered by Council."

The land is already developed for residential purposes and zoned for intensification to medium density residential. The rezoning will allow for further intensification to business uses. The site however is on the boundary of an existing business zone and Medium Density Residential zone extends to the north along Marine Parade.

The change in landuse proposed would have little impact on the area, except positive urban design and economic outcomes. It is therefore considered a waiving of the Environmental Study should be sought though mandatory as the properties in question are within the Coastal zone.

FIGURE 1

Proposed Expansion of Business Zone

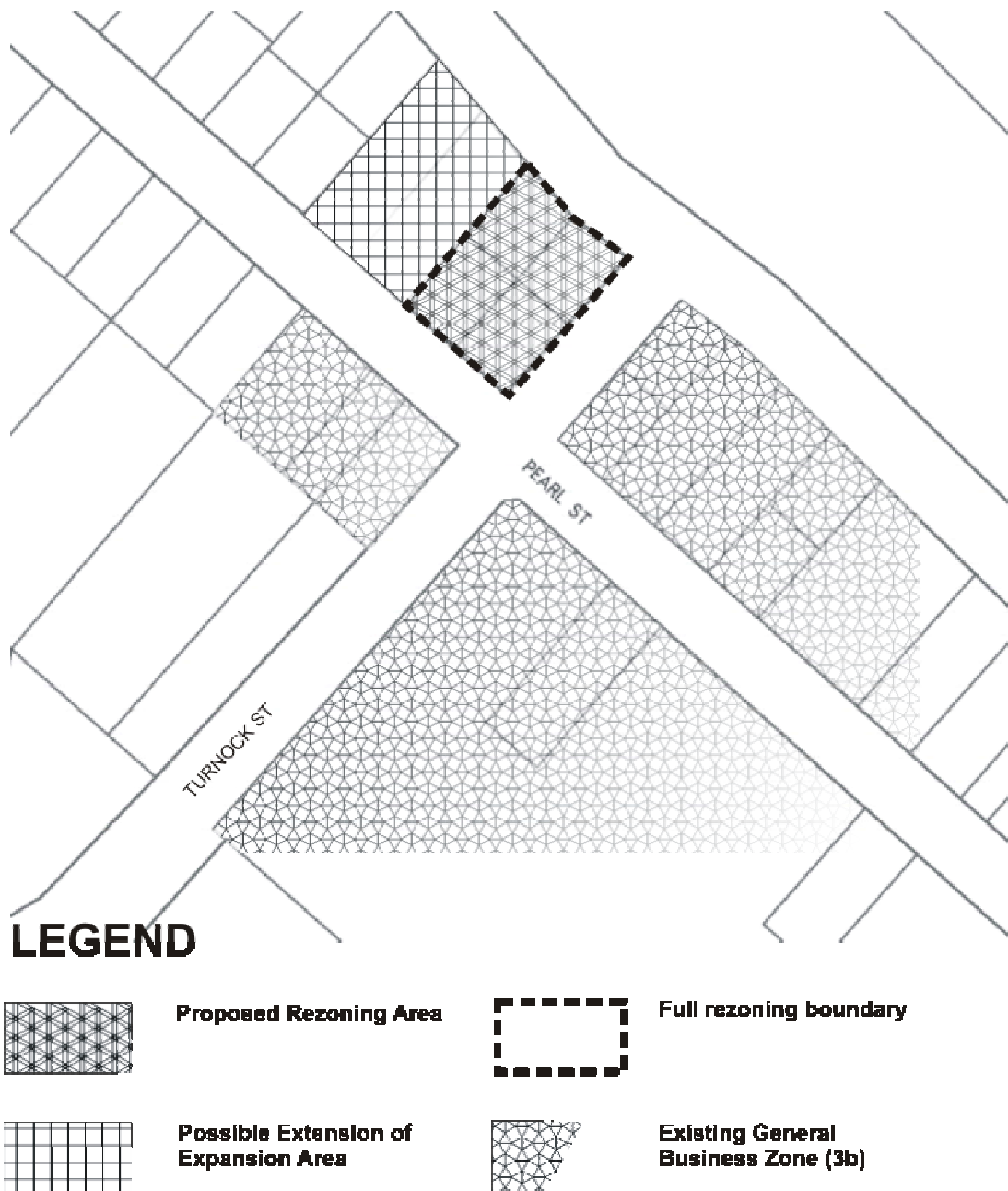
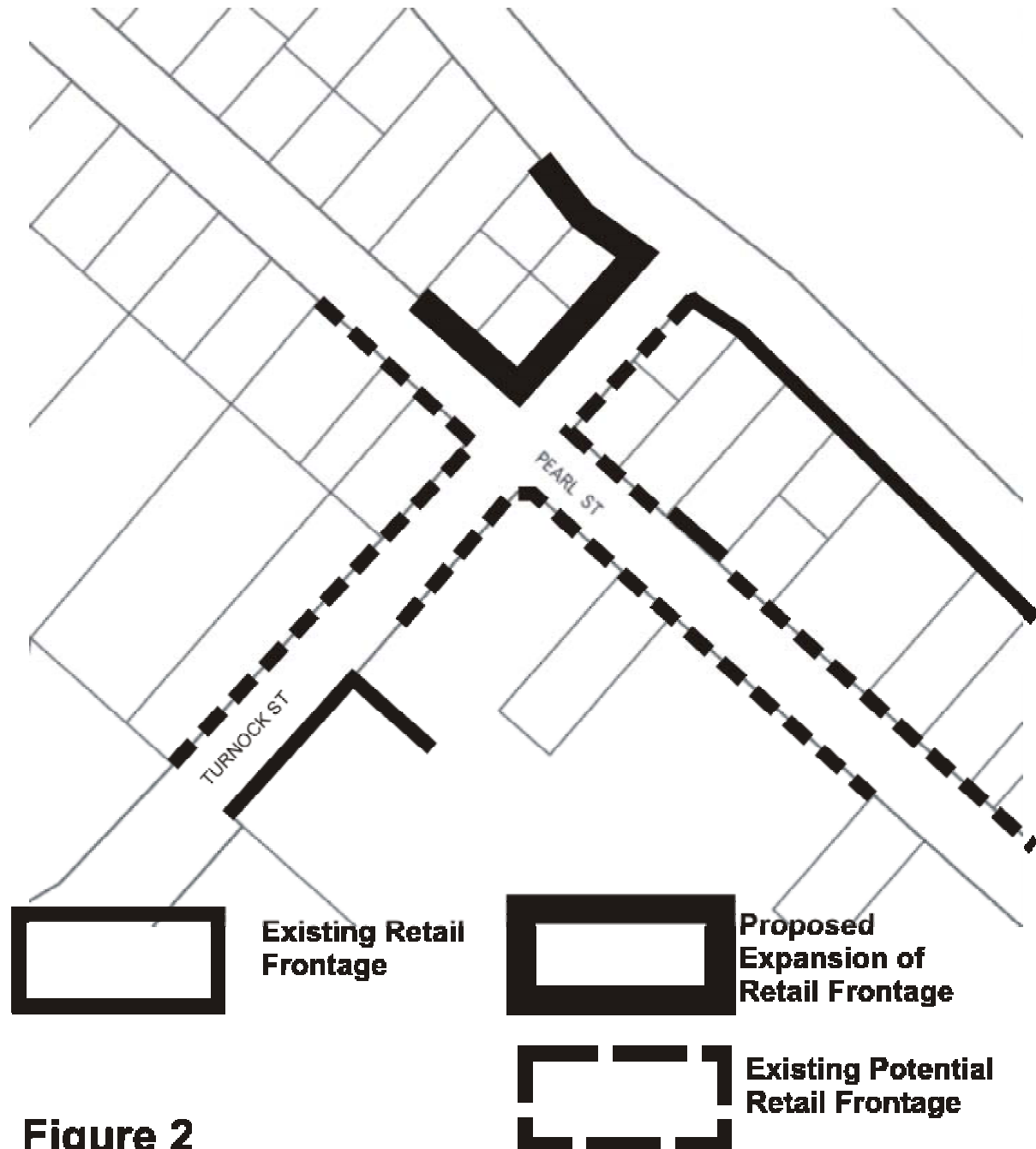


FIGURE 2

Retail Frontage Vicinity of Pearl & Turnock



Conclusion

This proposal for rezoning four lots on the northern edge of Kingscliff Town Centre is significant in urban design terms as it consolidates the northern edge of the Town Centre. It also provides enclosure to the Turnock/Pearl Street intersection which is likely to become an important business hub for the town in the future. Due to the rate of redevelopment in this area it is an opportune time to consolidate the business zone in this end of town.

Correspondence from Dr James Power

My name is James Powers, I live on the corner of Pearl and Turnock st It is the busiest corner in Kingscliff, a gateway corner to the town's central district and soon to get busier with new shopping centre developments on Turnock and the finalization of Salt. There are two bus routes that pass here; two different bin nights, a school and pub down the road not to mention the shopping centre on the corner Major trucks use this intersection around the clock to service the many retail outlets on Marine parade especially the cafes that rely heavily on the provision of fresh food daily It is a major thoroughfare with high volumes of traffic

I have owned this block for three years now and recently moved into this property with the aim of creating an iconic residential building consisting of four large luxury units one of them to be inhabited by my fiancé and myself with view to a family. We have painstakingly designed plans with a local architect and are ready to submit plans for D A , however we made an oversight Knowing all we do about the surrounding street scape we were not aware of the plans for our surrounding properties until just recently

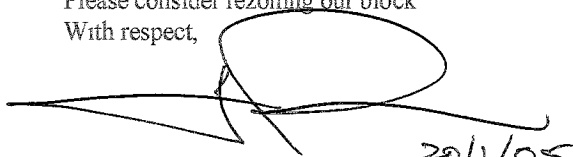
37 pearl st faces the round-about, on the other 3 corners of this round-about are commercial properties, ours is zoned 2B medium density residential. On finding out this information I feel that our vision of creating an iconic building that would hopefully be a landmark site in Kingscliff could be misrepresented by what it surrounds and possibly a huge financial mistake I ask that you consider rezoning our block to commercial or mixed commercial/residential to better suit its surrounding landscape of busy roads and commercial properties

This corner is a landmark corner and should be treated accordingly An extraordinary building should be created here that can service many needs, for example, retail functions for the 1st floor and residential on the 2nd and 3rd Being a GP I would like to think it possible to create a small practice with pharmacy and possibly ancillary medical services mixed with retail stores on this first level to further aid Kingscliff's changing face and population growth It should be something of beauty and be instantly recognizable to help cement Kingscliff as a new cultural hub of the North Coast With rezoning we can create a better use of this land and justify the special aesthetic treatments needed to unify this intersection making it shine brightly for the Tweed

I hope that you can see the future for this strategically placed and as yet undeveloped corner If a positive move is made to rezone and allow a benchmark building to be erected it could only benefit the community rather than having it dominated by the possibly ill thought out commercial developments of its surrounding neighbors.

Please consider rezoning our block

With respect,



20/1/05

Dr James Powers

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

4 [PE] Draft South East Queensland Regional Plan

ORIGIN:

Strategic Town Planning

SUMMARY OF REPORT:

In October 2004 the Queensland Government in conjunction with the South East Queensland Regional Organisation of Council's (SEQROC) released the Draft South East Queensland Regional Plan. This draft Plan identifies how urban growth will be managed while protecting the coastline, waterways, regional landscape and areas with rural value.

This Plan was given statutory force on its release in October even though it is in a draft form.

This report identifies what impact this Plan will have on the Tweed and recommends what responses should be made to it.

RECOMMENDATION:

That Council:

1. Prepares a submission to the draft South East Queensland Regional Plan outlining how the Plan will impact on Tweed Shire including the following points:
 - The Plan needs to more prominently acknowledge the Tweed as having an additional urban capacity of 40,000 people which is intrinsically linked to the development pressures in SEQ;
 - The Plan needs to acknowledge the linkages and capacities of employment areas and their relationship to urban growth areas;
 - That Council supports the construction of the Tugun Bypass conditional on Boyd Street interchange being included;
 - That Council supports the investigation and potential future development of the extension of the rail line from Robina to Coolangatta;
 - The identification of Coolangatta/Tweed Heads as a major urban centre;
 - That Coolangatta/Tweed Heads be recognised as a single significant entity which has economic and social linkages with the Gold Coast despite the Queensland/New South Wales border;
 - That the Gold Coast Airport be identified as an Economic Activity Centre.

2. Submits a copy of the of the response to the Queensland Office of Urban Management.;
3. Requests that SouthROC forwards a copy of the combined submission to the New South Wales Minister for Infrastructure and Planning, The Hon Craig Knowles MLA and the Minister for the Environment, The Hon Bob Debus MLA, with a summary expressing the implications for SouthROC Councils generally and the Tweed specifically;

REPORT:

Background

Council has been an active and financial member of the Southern Regional Organisation of Councils (SouthROC) since the original assessment of the Region by the Queensland State Government's planning department as well as the local government authorities within the region.

Council is the only NSW local government within the SouthROC organisation because Tweed Shire and particularly Tweed Heads is part of the SEQ Region.

The impacts from the SEQ Region the Tweed include an increasing demand for:

- Developing urban areas as accessibility to the Tweed from SEQ increases and as available urban land on the Gold Coast becomes more scarce,
- The Tweed's natural resources (including beaches, rivers, natural and rural atmosphere) from SEQ tourists (including day-trippers);

It is important to ensure that both the Queensland and New South Wales governments are made aware the unique position of the Tweed with development pressures from SEQ but with a different administrative and legislative regime to the other local governments in SEQ.

Draft SEQ Regional Plan Vision

The vision for the SEQ region is identified in the Plan as follows:

"A future for SEQ which is sustainable, prosperous and liveable and where:

- *communities are safe, healthy, accessible and inclusive;*
- *there are diverse employment opportunities and quality education and services;*
- *development is sustainable and well designed; and*
- *we value and protect our environment, enjoy and respect our waterways, bays, beaches and bushlands".*

In October the Queensland Government and SEQROC released a draft South East Queensland Regional Plan. The Plan allocates all land within the SEQ region into one of the following categories:

- (a) Regional Landscape and Rural Production Area;
- (b) Rural Living Area;
- (c) Urban Footprint;
- (d) Investigation Area;
- (e) Mt Lindesay/North Beaudesert Investigation Area.

The information on this map is not intended for reference to specific parcels of land, and should be treated as indicative only and subject to ongoing refinement.
 The Office of Urban Management, Department of Local Government, Planning, Sport and Recreation, does not guarantee or make any representations as to the accuracy or completeness of the information shown on this map, nor does it accept any responsibility for any loss or damage arising from its use.
 Sources include: Office of Urban Management
 Version: October 2004

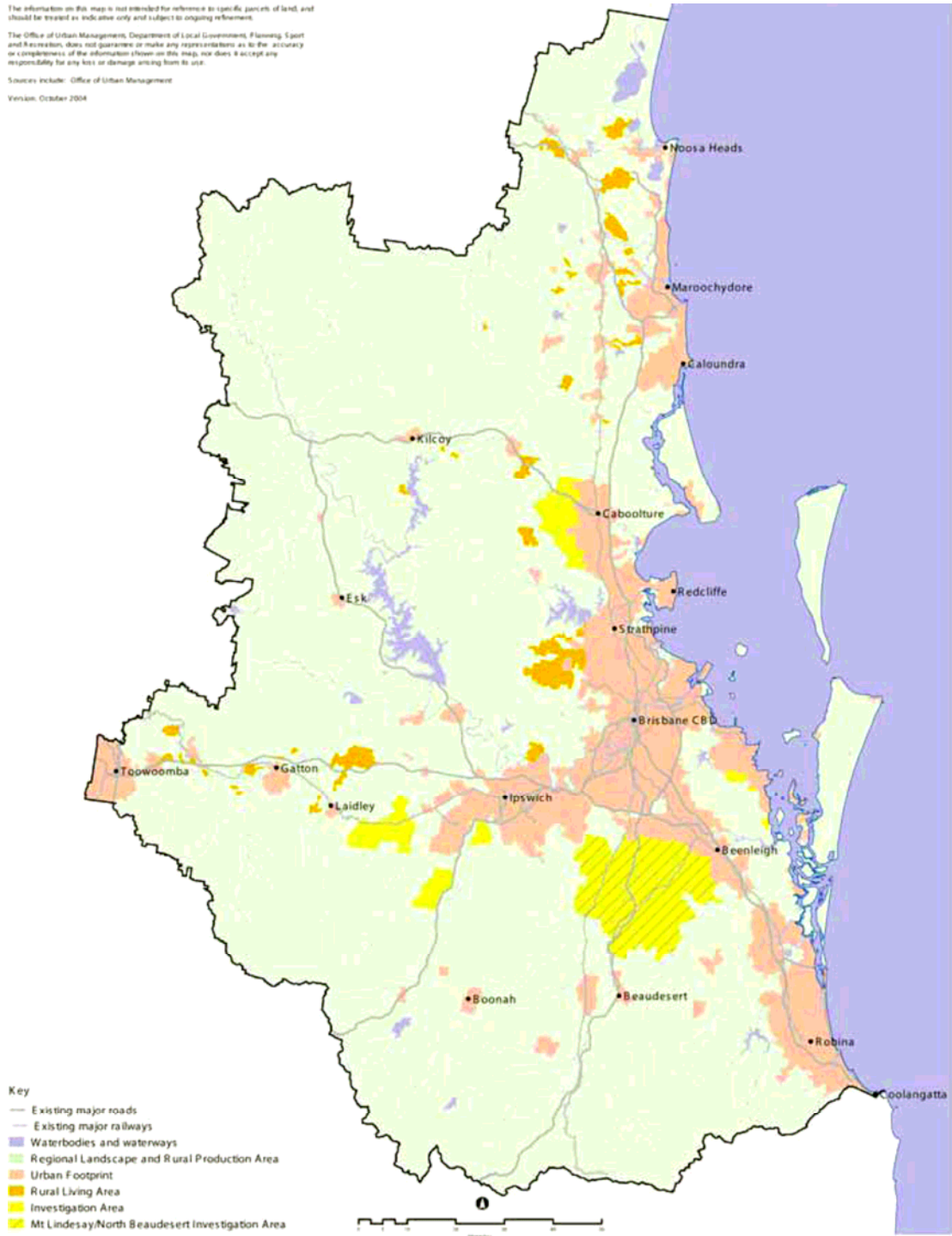


Figure 1: SEQ Regional Land Use Map

Key Points – SEQ Regional Plan

The SEQ Region currently has an existing population of 2.5 million people. The SEQ Regional Plan allows for an additional capacity of 1.2 to 1.7 million people. These estimates do not include the proposed future capacity of the Tweed.

- Upgrade Brisbane - Gold Coast rail line and investigate Robina to Coolangatta rail corridor,
- Upgrade Pacific Motorway – including the Tugun Bypass and upgrade and duplication of the existing Pacific Motorway,
- Protecting and improving regional water supply,
- Preservation of rural lands (80% of region) outside of *urban footprint* including preventing rural subdivision below 100 Ha.

Issues Affecting Tweed

In review of the draft Plan there are limited impacts on the Tweed in respect to infrastructure and policy arrangements. However, the following issues have been identified:

- Urban growth
- Economic activity
- Daytripper tourism from SEQ region
- Workforce migrating to SEQ daily for work

Council's recently adopted Tweed Futures identifies Tweed's future capacity of 110,000 to 120,000. This represents a population increase of between 30,000 to 40,000 people.

SouthROC Position on Draft

As there are legislative impacts arising from the draft there are significant impacts on planning policies of the individual Queensland councils of SouthROC. At present they are trying to reach an agreed position on a submission but generally there is agreement with the broad policy directions.

One aspect of the Plan which will have a particular impact on the SEQ region is the Mt Lindsay/Nth Beaudesert Investigation Area. This represents a continued urban development from the Brisbane City to Beaudesert. The rationale is to attract future urban development west into this area and out towards Ipswich. However the Plan indicates that Gold Coast will accommodate an extra 130,000 new dwellings and an extra 60,000 over the next 22 years. This is the highest predicted growth outside of Brisbane City. Clearly this will have some spill over impacts on to the Tweed.

The issues raised on economic development are particularly important to the Tweed because such a large portion of the Shire's workforce commute to SEQ on a daily basis compounded with the fact Tweed has an acute shortage of developable industrial land.

Consultation with Gold Coast City Council

Council's Strategic Planning Unit have consulted with the Gold Coast City Council and there has been a mutual understanding over the specific issues in relation to Coolangatta/Tweed Heads and the Gold Coast Airport.

It is recommended in this report that Council include in their submission the points that Coolangatta/Tweed Heads be identified as a major centre and the Gold Coast Airport be identified as an economic activity centre.

Council's Submission

Council should make a submission to SouthROC and the Office of Urban Management outlining the following position on the draft Plan:

- That the Plan more prominently acknowledges the Tweed as having an additional urban capacity of 40,000 people which is intrinsically linked to the development pressure from the SEQ;
- That the Plan needs to acknowledge the linkages and capacities of employment areas and their relationship to urban growth areas;
- That Council supports the construction of the Tugun Bypass conditional on Boyd Street interchange being included;
- That Council supports the investigation and potential future development of the extension of the rail line from Robina to Coolangatta;
- The identification of Coolangatta/Tweed Heads as a major urban centre;
- That Coolangatta/Tweed Heads be identified as a major centre;
- That Coolangatta/Tweed Heads be recognised as a single significant entity which has economic and social linkages despite the Queensland/New South Wales border;
- Due to the important economic contribution the Gold Coast Airport makes to both the Northern New South Wales and Gold Coast economies that it be identified as an Economic Activity Centre.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

5 [PE] Review of Determination for Development Application DA03/1241 for a Four (4) Lot Residential Subdivision at Lot 28 DP 1052380 and Lot 29 DP 1052380, No. 7 The Foreshore, Bogangar

ORIGIN:

Development Assessment

FILE NO: DA03/1241

SUMMARY OF REPORT:

Council is in receipt of a Review of Determination for DA03/1241, which sought approval to subdivide two vacant allotments within 'Friday Island' to create a total of four allotments. Council originally refused the application on 17 December 2003 and gave eight (8) reasons for refusal.

Upon review of the applicant's arguments, the history of the site, the constraints of the land, the applicable planning controls and the view of the public following notification it is considered that the original determination for refusal is considered warranted.

Subsequently it is recommended that Council resolve to uphold the original determination and defend the Appeal in the Land & Environment Court.

RECOMMENDATION:

That the original determination of DA03/1241 be upheld and Council defends Appeal Number 11632 of 2004 in the Land & Environment Court.

The original determination reads as follows:

"That Development Application DA03/1241 for a four (4) lot residential subdivision at Lot 28 DP 1052380 & Lot 29 DP 1052380, No. 7 The Foreshore, Bogangar be refused for the following reasons: -

- 1. The proposed development is not consistent with the 2(c) zone objectives in that the application has not adequately considered the environmental constraints of the land. The 2(c) zone objectives read as follows;*

"to identify land for urban expansion (which will comprise mainly residential development focused on multi-use neighbourhood centres) and to ensure its optimum utilisation consistent with environmental constraints and the need to minimise residential landtake".

2. *The proposed development does not adequately satisfy Clause 43 of North Coast Regional Environmental Plan 1988 as the proposed density is considered to be excessive having regard to the site constraints, the approved low density nature of the subdivision and the approved land use character of the area;*
3. *The proposed development does not adequately satisfy Clause 8 of State Environmental Planning Policy No. 71 - Coastal Protection. The potential cumulative impact is unacceptable having regard to the site constraints;*
4. *The application is not considered to be consistent with the aims and purposes of Development Control Plan No. 16 - Subdivisions, specifically (but not limited to) as follows:*

"to achieve the highest quality and 'best practice' of subdivision development in the Shire"
5. *The application is not considered to be consistent with the desired future character of the approved low-density estate;*
6. *The subject site is not considered to be suitable having regard to the approved low density housing character which carefully balances residential amenity with lot dimensions and size, road layout, road widths, on street parking, property frontages, and yield;*
7. *The application could potentially set an unwarranted precedent; and*
8. *The application is not considered to be in the public interest due to the constraints of the land and the cumulative impact of density increases."*

REPORT:

Applicant: Mr S Farrington
Owner: Villa World Limited
Location: Lot 28 DP 1052380 & Lot 29 DP 1052380, No. 7 The Foreshore, Bogangar
Zoning: 2(c) Urban Expansion
Cost: Nil

BACKGROUND:

Council is in receipt of a Review of Determination for DA03/1241, which sought approval to subdivide two vacant allotments within 'Friday Island' to create a total of four allotments. Council originally refused the application on 17 December 2003 and gave eight (8) reasons for refusal.

Since the original determination of the application the following aspects are considered relevant:

- Development Control Plan No. 52 – Planning Controls Friday Island Bogangar was advertised and formally adopted by Council. This Plan specifically states that *“Given existing lot layout, road widths, cul-de-sac dimensions, lot frontages and limited availabilities for on street parking further subdivisions of existing lots will not be supported.”*
- The applicant has obtained approval and is currently constructing a dwelling house and pool on Lot 29. The house has been positioned to the far south western side of the block and has left an area clear to accommodate this subdivision if approved; and
- An appeal has been lodged with the Land & Environment Court. The first call over was scheduled for 21 February 2005 with Council’s solicitors to seek a continuance to await the determination of this review.

The Review of Determination was formally re-notified to the adjoining landowners and to those who originally objected to the proposed subdivision. The re-notification resulted in Council receiving a total of forty eight (48) submissions. Thirty-eight (38) of these objected to the proposed subdivision while ten (10) letters were in support of the proposed subdivision.

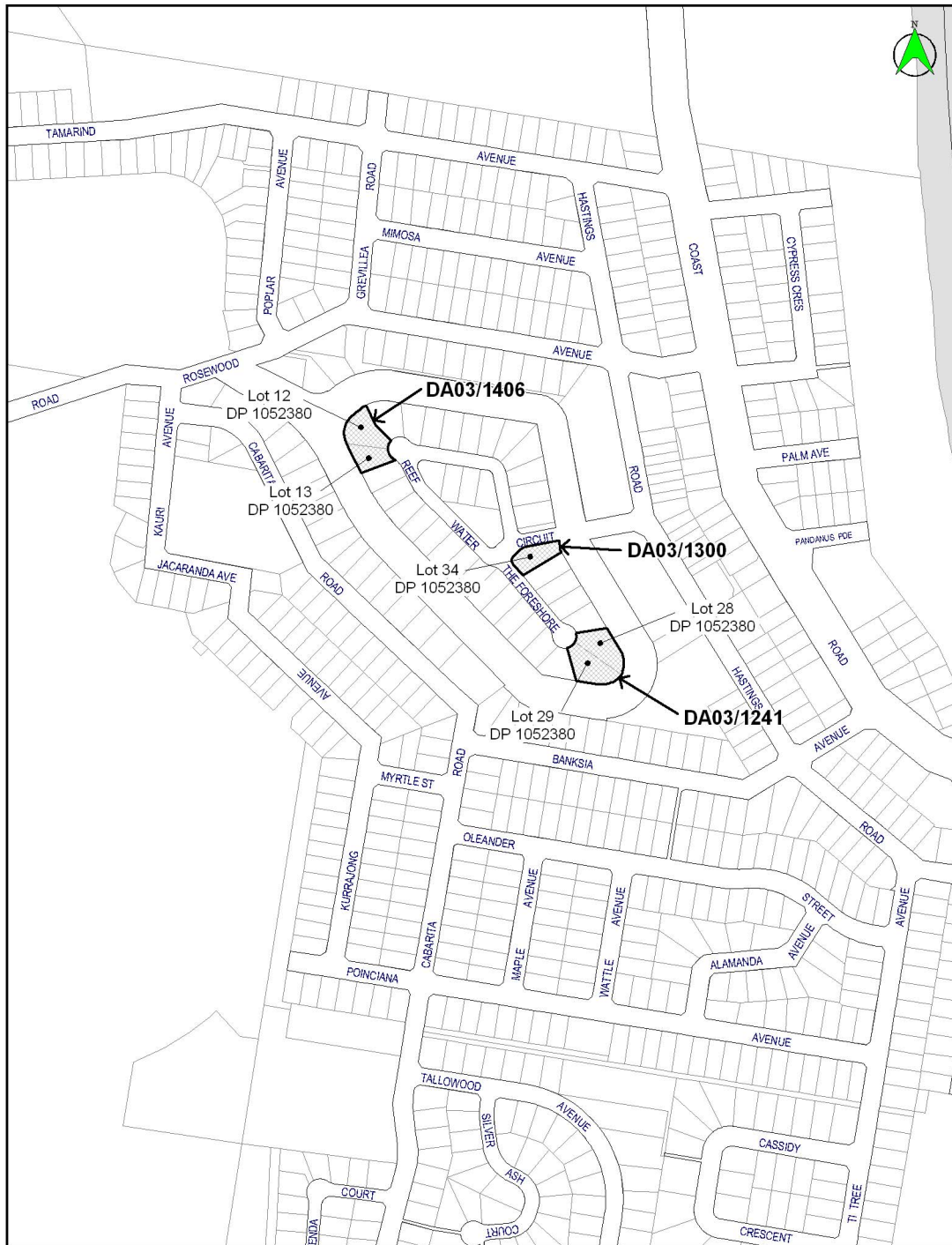
The applicant has presented several arguments for Council to consider in the Review of Determination that substantiate why the application should be approved. These include the lack of environmental constraints of the land, the capacity of the site to support dwellings in accordance with Councils Policies, the fact that the blocks were purchased prior to the introduction of DCP 52, and the capacity of the re-subdivided blocks to be considered low density.


Despite these arguments, an assessment of the application demonstrates that approval of this subdivision would create the smallest parcels of land on the Island with the most constrained allotment shape. Furthermore, the proposed allotment frontages to The

Foreshore are non compliant with DCP No. 16. This is not considered to be good planning having regard to the cumulative impact on density, parking and general amenity for future residents of the Island and for other residents fronting the canal.

The applicant's request for Review of Determination has been considered having regard to the history of the site, the constraints of the land, the applicable planning controls and the view of the public following notification. On consideration of all of these factors the original determination for refusal is considered warranted.

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 Murwillumban, NSW, 2484 Tel: (02) 6670 2409 Fax: (02) 6670 2409</p>	<p><i>Tweed Shire Council</i> Development Application DA03/1241 for a four (4) lot residential subdivision at Lot 28 DP 1052380 & Lot 29 DP 1052380, No. 7 The Foreshore Bogangar; Development Application DA03/1300 for the Erection of a Dual Occupancy at Lot 34 DP 1052380, No. 1 Reef Water Circuit, Bogangar; and Development Application DA03/1406 for a 3 Lot Re-subdivision at Lot 12 DP 1052380 & Lot 13 DP 1052380, No. 11 Reef Water Circuit, Bogangar</p>		<p>STRATEGIC PLANNING UNIT Site Plan</p>
<p>File: N:\MapInfo 7...JA4P Site Plan.Wor</p>	<p>Author: J.Batchelor Date: 27/Jan/2005</p>	<p>Scale: 1:5,000</p>	<p>Sheet: 1 of 1</p>

SUBMISSION UNDER S82A REVIEW OF DETERMINATION

The applicant has provided comments to each of the reasons for refusal which are detailed below:

Reason For Refusal

1. The proposed development is not consistent with the 2(c) zone objectives in that the application has not adequately considered the environmental constraints of the land. The 2(c) zone objectives read as follows: -

“to identify land for urban expansion (which will comprise mainly residential development focused on multi-use neighbourhood centres) and to ensure its optimum utilisation consistent with environmental constraints and the need to minimise residential land take”.

Applicants Comments

It is drawing a very long bow to suggest that the subject site is constrained environmentally. The subject site has been disturbed extensively over a significant period of time and is adjoined by a registered drainage reserve and established urban services only. It is noted that nowhere in Council's assessment report does it actually state what the environmental constraints are that were not properly considered in the original application. Again we remind Council that the site is serviced by all relevant infrastructure, does not possess any vegetation and is not inhibited by slope.

Council Comments

As provided in the original report the subject application may be seen as optimising the sites utilisation. However, the subdivision is not considered to have had adequate regard to the physical constraints of the Island. The Island is bounded by a water canal with only one access point, has narrow streets, and has lot restrictions due to the slope of the land down into the canal itself.

This land has already been identified for urban expansion through Council's approval of DA02/0895. Any further expansion is considered excessive having regard to the constraints of the land and the strategic implication (cumulative effect) of any such approval.

This reason for refusal is considered appropriate and justified. No change is recommended to this reason for refusal.

Reason For Refusal

2. *The proposed development does not adequately satisfy Clause 43 of North Coast Regional Environmental Plan 1988 as the proposed density is considered to be excessive having regard to the site constraints, the approved low density nature of the subdivision and the approved land use character of the area;*
-

Applicants Comments

There are no significant or even quantifiable environmental features of the land, whilst the density proposed is significantly less than that promoted within Council's own LEP.

The proposal does not incorporate any public road dedication, whilst the existing road network is in no way constrained such that the proposed development would be precluded from occurring.

The proposal does not incorporate any road design or dedication, whilst public transport is readily available within both Coast Road and Hastings Road to the east.

No constraints are posed by the management of sedimentation and erosion control. Existing stormwater control pits (approved as part of the original subdivision) are located within each of the parent parcels.

Council Comments

Council's original assessment of the application provided that the proposed density (two additional allotments) is considered to be excessive having regard to the approved low-density nature of the subdivision and the approved land use character of the area.

It is acknowledged that the proposed land areas are higher than that of 450m² as allowed for by the Tweed LEP, however, due to the constrained allotment shape and slope towards the canal the proposed density is considered unsuitable.

It is considered that this reason for refusal may not be entirely applicable to this development and could be removed. However, removal of this reason for refusal would not warrant an approval to be issued.

Reason For Refusal

- 3. The proposed development does not adequately satisfy Clause 8 of State Environmental Planning Policy No. 71 - Coastal Protection. The potential cumulative impact is unacceptable having regard to the site constraints;*

Applicants Comments

There are clearly no quantifiable or even identifiable site constraints. This has to be acknowledged as to assert that the site is constrained is fundamental to clear reporting by Council Officers and the integrity of this application. Given the lack of constraints posed by the site, we again stand by our assertion that the proposed development does not compromise the provisions of Clause 8 of SEPP71. We again make reference to the fact that no constraints have yet to be identified on the site.

We also make reference to the fact that the applications in front of Council at the time of determination were in effect the only applications possible. The attached notated

deposited plan provides further evidence of the fact that there was no potential cumulative impact.

Council Comments

The original assessment highlighted concerns that were expressed by the Department of Infrastructure Planning & Natural Resources. The Department commented as follows:

"While the Department has waived the need for a master plan, it is none the less recognised that the whole estate is in a prominent location surrounded by drainage canal. Significant parts of most lots consisting of relatively steep slopes down to the canal, reducing the area available for development. We are also concerned about the precedent such a subdivision would have for further possible subdivision within the estate. It may be appropriate to have a master plan prepared for the whole estate if further subdivisions of this nature are to proceed.

As the lots front a canal, it may be classified as a canal estate development that would be prohibited under the provisions of State Environmental Planning Policy No. 50. Council should assure itself of the legalities of the development in accordance with this Policy.

I urge Council to carefully consider the ramifications of approving the proposed subdivision."

The concern expressed by the Department was and still is concurred with. This subdivision application may set a dangerous precedent for other lots on the Island to further subdivide their allotments. This would have an undesirable cumulative impact and result in an unacceptable development, which would be contrary to Council's original approval, which approved larger lots to create a low-density development.

This reason for refusal is considered to be valid and still applicable to this application.

Reason For Refusal

- 4. The application is not considered to be consistent with the aims and purposes of Development Control Plan No. 16 - Subdivisions, specifically (but not limited to) as follows:*

"to achieve the highest quality and 'best practice' of subdivision development in the Shire"

Applicants Comments

The proposed development received the support of Council's development Engineer in relation to their assessment pursuant to Council's DCP 16. This is a central element of the proposal.

It is important to note that the proposed development complies with DCP 16, with particular reference to the fact that DCP 16 requires minimum 9.0m frontages, with the

clear exception of where alternative arrangements have been made for visitor parking. In this instance, it was acknowledged by Council Officers during the assessment of the application, that suitable alternative arrangements had been made and that therefore compliance with DCP 16 had been achieved.

Council files have been inspected and in this regard, it is again noted that the proposal was supported by Council's development Engineers, with conditions of consent forwarded.

The proposed development is entirely workable and will not translate into any adverse impacts upon surrounding properties.

Council Comments

Development Design Specification D1 states that:

"a minimum of 9 metres of kerb frontage is required for each lot in a cul-de-sac unless alternative provision for parking is made"

Development Design Specification D1 – Road Design (parking) states that:

"Adequate on street parking should be provided within the road reserve for visitors, service vehicles and any excess resident parking since a particular dwelling may generate a high demand for parking. Such parking is to be convenient to dwellings. Bearing in mind that driveway cross overs are 4.5m minimum, an average of at least one on street car park per single (or dual occupancy) frontage lot should be provided, except for battle axe blocks with handles longer than 20m".

The proposed subdivision proposes the following layouts:

- Lot 281 - A 6.091m frontage to The Foreshore and total area of 605m²;
- Lot 282 - A 4.126m frontage to The Foreshore and a total area of 765m²;
- Lot 283 - A 4.037m frontage to The Foreshore and a total area of 786m²;
- Lot 284 - A 6.182m frontage to The Foreshore and a total area of 604m²;

Due to the obvious non-compliance with the required 9m frontage and lack of on street parking the applicant presented an alternative parking arrangement with DA03/1241 which Council's Development Engineer determined to be satisfactory.

However the Review of Determination application contains an additional plan prepared by Team of Tradesman P/L, titled "Car Directional Plan", dated 30/08/2004, which shows the floor plan of a large dwelling and lap pool over proposed Lots 281 and 282. The dwelling and pool were approved on 19/05/2004 and are currently under construction. The plan lodged with the Review of determination is substantially different from the previous plan for car parking submitted with the development application.

Council's Development Engineer has provided that:

“The car parking configuration is unacceptable on the current car parking plan due to the following:

- *The configuration of the approved dwelling and garages on proposed lot 282 does not provide a separate car park for visitors on the lot. Two car parking spaces are indicated on the plan for proposed Lot 282, the spaces are both located directly in front of the garages, this is unacceptable for visitor parking;*
- *The car park on proposed lot 283 is located across part of the driveway creating an obstruction;*
- *Two additional spaces are shown on the car parking plan for proposed lots 282 and 284 car directional plan, these car parking spaces are located over the right of carriage way.*

This plan does not meet the requirements for parking and cul-de-sacs under DCP 16 – Subdivision Manual”

Council’s Development Engineer provides that a complying plan may be achieved and recommends a deferred commencement condition of consent. This is not considered appropriate due to the potential streetscape implications of such a plan. Car parking for both residents and visitors all within the front of the allotments is not considered appropriate from a streetscape perspective or amenity perspective for adjoining residences.

Subsequently this reason for refusal is considered valid and is not recommended for amendment or deletion.

Reason For Refusal

5. *The application is not considered to be consistent with the desired future character of the approved low-density estate;*

Applicants Comments

The proposed development incorporates a low-density yield that is consistent with the general layout and configuration of the approved subdivision.

We can understand Council’s concerns in relation to potential cumulative impacts, particularly as the subject site is within 300m of a business centre identified within the LEP. What is important to note however is that the provisions of DCP 44 are such that an influx of dual occupancy developments would not and did not occur and that in terms of subdivision, only two (2) applications, with a maximum increase in yield of three (3) lots was possible.

It is further noted that the proposed development, being consistent with DCP 16 is one of very few sites within the island that is capable of achieving general compliance with all relevant controls and policies applicable to the island.

We also note that the provisions of DCP 52 offer surety to Council that no further development applications will be received so as to result in the undesirable cumulative impact identified within Council's original assessment.

Council Comments

The original assessment detailed that the approved Island home site established a low-density residential area, surrounded by medium density development on less constrained sites. The approved subdivision pattern currently balances residential amenity with lot dimensions and size, road layout, road widths, on-street parking, property frontages and yield. Further subdivision of the approved allotments would disrupt this balance and set a dangerous precedent for other allotments on the Island. Council has approved the original application based on this balance, and residents and surrounding property owners should be assured that this balance and desired future character, as approved, will result.

If this application were to be approved the integrity of DCP No. 52 would be compromised.

Reason For Refusal

- 6. The subject site is not considered to be suitable having regard to the approved low density housing character which carefully balances residential amenity with lot dimensions and size, road layout, road widths, on street parking, property frontages, and yield;*

Applicants Comments

The proposed development will result in a minimum allotment size of 603.9m². Accordingly, it can only be concluded that the proposed development will actually result in a low density character that compliments the established low density character of the remainder of the island.

It is also pertinent to note that no quantifiable loss of amenity will result, with each of the adjoining landowners previously expressing support for the proposed development. We also note that Council's own engineers expressed support for the proposal in relation to such matters road layouts, widths, on street parking and property frontages.

Council Comments

The original application provided that the existing subdivision provides for a unique low-density housing character. It carefully balances residential amenity with lot dimensions and size, road layout, road widths, on-street parking, property frontages and yield.

The application is not considered satisfactory in these regards. Council's Development Engineers has provided that:

"The car parking configuration is unacceptable on the current car parking plan due to the following:

- *The configuration of the approved dwelling and garages on proposed lot 282 does not provide a separate car park for visitors on the lot. Two car parking spaces are indicated on the plan for proposed Lot 282, the spaces are both located directly in front of the garages, this is unacceptable for visitor parking;*
- *The car park on proposed lot 283 is located across part of the driveway creating an obstruction;*
- *Two additional spaces are shown on the car parking plan for proposed lots 282 and 284 car directional plan, these car parking spaces are located over the right of carriage way.*

This plan does not meet the requirements for parking and cul-de-sacs under DCP 16 – Subdivision Manual”

It is further noted that approval of this subdivision would create the smallest parcels of land on the Island with the most constrained allotment shape. The proposed subdivision is not considered to be based on good planning principals and is not considered to be consistent with the desired future character of the approved low-density estate.

Existing and future residents should be assured that the development and desired future character, as approved, will result and therefore this subdivision application is not supported.

No change is recommended to this reason for refusal.

7. *The application could potentially set an unwarranted precedent; and*

Applicants Comments

We can understand Council’s concerns in relation to potential cumulative impacts, particularly as the subject site is within 300m of a business centre identified within the LEP. What is important to note however is that the provisions of DCP 44 are such that an influx of dual occupancy developments will not and has not resulted. It is further noted that the proposed development, being consistent with DCP 16 is one of very few sites within the island that is capable of achieving general compliance with all relevant controls and policies applicable to the island and as such there are already a number of restrictive controls that would ensure that a significant influx of development applications of this type will result.

We also note that the provisions of DCP 52 offer surety to Council that no further development applications will be received so as to result in the undesirable cumulative impact identified within Council’s original assessment.

The precedent that Council has expressed concern in relation to has also been acknowledged by the proponent of the application, who has promoted a density averaged at 1 allotment per 690m². It is in this context, and with regard to the fact that compliance with DCP 16 has been achieved, that Council can take comfort that this proposal will not itself result in a an undesirable precedent.

Council Comments

The concern of precedent (as acknowledged by the applicant) is valid. The danger in approving this application is that the principals in which DCP 52 were formulated on would be undermined and dismissed as being invalid planning considerations.

Careful consideration was undertaken in preparing DCP No. 52. The purpose for preparing the DCP was to:

- Ensure that the integrity of the design philosophy detailed in DA02/0895 is maintained;
- Ensure the desired future character of Friday Island is achieved;
- Maintain the density of Friday Island as detailed by the Concept Plan lodged with DA02/0895;
- Ensure the Island caters for adequate on-street parking; and
- Ensure the amenity of surrounding residential development is maintained.

To approve this application on the basis that *“the provisions of DCP 52 offer surety to Council that no further development applications will be received so as to result in the undesirable cumulative impact identified within Council’s original assessment”* would be careless.

It should further be noted that this application was not refused because of DCP No. 52 but rather refused based on the general concepts and aims (such as site suitability, parking, and density) that should all be normally assessed under the provisions of Section 79C of the Environmental Planning & Assessment Act 1979. If these issues are still necessary considerations for all other home sites then they should obviously apply to the subject site.

The merit assessment of this application warrants refusal of the application. Should approval be granted for this application it will set a precedent for other blocks on the Island to follow and therefore this reason for refusal is valid and is not recommended for amendment or deletion.

Reason For Refusal

8. *The application is not considered to be in the public interest due to the constraints of the land and the cumulative impact of density increases.*

Applicants Comments

Again, it is difficult to appreciate how the constraints of the land can be used as an indicator of consistency with the public interest. In this regard, there are no environmental constraints that affect the land such that they would preclude the carrying out of the proposed development.

The above assertion also stands for the cumulative impacts of density increases, with the proposed development resulting in a low density yield averaged at 1 allotment per 690m² of site area. We again note that the subject application is one of a maximum of two (2) applications for subdivision possible on the island. Accordingly, the maximum potential increase in lot yield of 3 lots cannot be used as an indicator of 'cumulative impacts of density increases'.

Council Comments

The original application was advertised and neighbouring properties notified between 15 October 2003 and 29 October 2003. Council received thirty-four (34) objections to the proposal from predominantly residents of Bogangar and eight (8) letters of support from predominantly owners of lots on the Island itself.

The Review of Determination was formally re-notified to the adjoining landowners and to those who originally objected to the proposed subdivision. The re-notification resulted in Council receiving a total of forty eight (48) submissions. Thirty-eight (38) of these objected to the proposed subdivision while ten (10) letters were in support of the proposed subdivision.

The public had an expectation that the concept plan that Council adopted at the time of subdivision would be upheld and supported by Council. At the time of the original subdivision of the island, Council received no objection to the proposed low-density subdivision. It is only now that further densities are being sought that residents have expressed concern.

The original subdivision plan was approved based on the concept plan that detailed medium density housing on the land adjoining Hastings Road, with large lots (low density housing) on the Island itself. This allowed for an element of exclusivity and was an immediate response to the physical constraints of the land

One of the reasons for forward planning (via a master plan or concept plan) is to allow existing and future residents to make educated decisions about where they would like to live while also ensuring good planning principals are maintained.

This reason for refusal is considered valid and is not recommended for amendment or deletion.

ADDITIONAL CONSIDERATIONS FOR THE S82A REVIEW OF DETERMINATION

The applicant has specifically requested that the Council reconsider the application on its particular merits and in a manner that acknowledges the following points:

a) *The site is not constrained environmentally*

Comment: As detailed throughout this report it is recognised that the site has physical limitations that make it suitable for appropriate low-density development. A drainage canal surrounds the sites, with the two lots in question comprising of relatively steep slopes down to the canal, reducing the area available for development. Furthermore, the

streets on the island are relatively narrow with limited opportunities for on street parking. The concept of 4-6m frontages off a cul-de-sac further restricts on street parking.

- b) *Future dwellings can be sited on the site in a manner that is consistent with the provisions of Council's Building Line Policy as it relates to both front and rear setbacks.*

Comment: Council's Building Line Policy is not the only consideration for the suitability of development. As detailed in the above report the site has physical limitations that must be considered before approving a higher density of development. Based on this assessment the application is recommended for refusal.

- c) *The property was purchased and the application was submitted at a time where complete compliance with Council's requirements could be demonstrated, inclusive of the matters within DCP 16.*

Comment: The Environmental Planning & Assessment Act 1979 (as amended) requires a consideration under section 79C. Part of this assessment is a merit assessment of the application having regard to the public interest. Whether this application was lodged before or after the introduction of DCP 52 is irrelevant as the assessment under Section 79C still allows for a merit assessment. Furthermore, Council has been advised that potential purchasers of the blocks were shown the approved concept plan demonstrating the low-density home Island sites with medium density on the outer edge of the canal. The owners of the subject site would have been aware of this concept plan and bought property on that basis.

- d) *The proposal clearly incorporates a "low" density and therefore the fears represented in establishing DCP No. 52 and refusing the application were clearly not going to be realised by way of granting approval to this application. Indeed at the time the DCP was implemented, there were only two applications in Council with a potential increase in allotment numbers of three. We have attached the deposited plan for the island and note that the two applications that Council were assessing are effectively almost certainly the only two (2) allotments that could have been subdivided or further developed (having regard to a 450m² min lot size, building envelope, DCP 44 and setback provisions). The provisions of DCP 44 did and do effectively preclude dual occupancies on the Island.*

Comment: Despite these arguments, an assessment of the application demonstrates that approval of this subdivision would create the smallest parcels of land on the Island with the most constrained allotment shape. Furthermore, the proposed allotment frontages to The Foreshore are non compliant with DCP No. 16. This is not considered to be good planning having regard to the cumulative impact on density, parking and general amenity for future residents of the Island and for other residents fronting the canal.

- e) *The proponent of the proposed development attended Council's Development Assessment Panel on 20 June 2003. A number of options were discussed, inclusive of medium density housing, cluster housing and a low-density subdivision. This concept plan referred to was in fact the approved subdivision plan, which incorporated a variety of allotment sizes and made no reference to a continued*

restriction on development of the island. No mention was made in relation to the likely introduction of DCP No. 52. the point being here that the concept plan presented to Council at pre-lodgement meetings was never represented as the final and complete development of the island and that Council itself has taken in this interpretation only.

Indeed, if Council were of the opinion that it was imperative that the approved subdivision plan be frozen in time, then appropriate 88B restrictions and/or a resolution to prepare a DCP at the time of granting approval to the subdivision should have been demanded.

Comment: Ideally an 88B Instrument should have been provided at the time of subdivision, however, in the absence of this kind of restriction DCP No. 52 was generated when the potential cumulative impact issues became apparent to Council.

The fact that the applicant attended the Development Assessment Panel is never any indication that an application will get approval, but rather an opportunity for Council to provide advice on the level of information required with lodgement of a Development Application. All applications are assessed on their merits, and this application is no different. The merits of this application warrant refusal.

- f) *Council resolved to prepare DCP No. 52 after submission of the subject application (and two others within the island for subdivision and dual occupancy respectively). The DCP was notified and no submissions of support were received. A significant number of objections were submitted to Council. Notwithstanding Council resolves to push forward with the DCP which was adopted on 17 December 2003, the same meeting that the subject application was refused.*

It is pertinent to note that Council's resolution to prepare, exhibit and adopt DCP No. 52 was carried out in what could loosely be referred to in record time.

It is acknowledged that DCP 52 plays a key role in restricting unit developments given that the site is within 300m of a business centre listed in the LEP and for that reason the DCP was arguably justified, however, the very values that the DCP was justified upon, were in no way in jeopardy as a result of this application.

Comment: DCP No. 52 was created when the potential cumulative impact issues became apparent to Council. The DCP was exhibited and reported to Council in accordance with the requirements of the Act.

At the time of the determination of DA03/1241 DCP 52 was in draft status and the Policy had no determining weight.

However, the Policy raised general concepts and aims (such as site suitability, parking, and density) that should all be normally assessed under the provisions of Section 79C of the Environmental Planning & Assessment Act 1979. Therefore, while the DCP had no statutory weight the concepts contained within the document were and are still valid.

Strategic Planning Comments

The following strategic issues/concerns have been identified with the proposed development:

- The resultant shape of the proposed allotments does not permit the construction of residential development that adequately addresses the street.
 - o Based on the proponent's submission each of the proposed allotments will (on average) have a street frontage of little over 5 metres. This is considered undesirable. It is likely that any development on the subject land will result in a lack of casual surveillance of the street and poor visual amenity for neighbouring residents, as most if not all of the street frontage will be occupied by the garage components of the development. Typical street frontages within the Friday Island estate range between 10-20m (approximate). The identified average street frontage is approximately 17.5m
 - o The proponent's argument that street-scaping can be used to diminish the level of impact that the proposed development will have on neighbouring land owners will worsen the lack of casual surveillance afforded to the street.
- The concentrated level of development is contrary to the desired future character of the Friday Island Estate.
 - o The proposed development does technically comply with Council's statutory controls and Development Control Plans with regard to developable land area. However, on merit, the proposed development is considered inappropriate for a low-density area. Once constructed, the development will create a confined row of development around The Foreshore cul-de-sac. The proposal is to construct four residences having a combined street frontage of 20.436m. In comparison, the average street frontage of other homes on the island is approximately 17.5m/home.
 - o The proponent's argument that street-scaping will break-up the apparent bulk of the development is considered questionable. The area of land that is left for landscaping, as described in the proponent's submission, is small and confined by the proposed driveway and boundary of the property. It is thought that mature plants, in this instance, will establish an effect similar to that of a solid fence and add to the appearance of an intense development.
- The resultant shape and number of proposed allotments does not provide for adequate on-street parking.
 - o The proponent's submission shows a distance of approximately 4.5m between the boundary of the site and the proposed driveway on either side. This distance is contrary to the provisions of DCP 16 and will, at best, provide for two on-street spaces.
 - o The proponent's argue that the proposed development will provide additional off-street parking to counteract the reduced on-street parking; however, the submitted design does not show this. It is estimated that an additional minimum of 2 spaces, within the overall development, is needed to be comparative with low-density housing.

OPTIONS:

1. Uphold the decision to refuse the application based on the eight reasons for refusal previously provided.
2. Uphold the decision to refuse the application but modify certain reasons for refusal.
3. Support the proposal and request appropriate conditions for approval be submitted to the next Council meeting.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The applicant has lodged an appeal with the Land & Environment Court and should the applicant be dissatisfied with the decision for the Review of Determination the appeal may proceed to the Court.

POLICY IMPLICATIONS:

If approved this application has integrity implications for DCP No. 52, Strategic Planning Policy implications, in addition to potential for setting an undesirable precedent.

CONCLUSION:

As detailed originally this application may generally comply with the requirements for land within the 2(c) zone, however, the wider strategic and cumulative issues involved warrant refusal of this application. The concept plan that Council adopted at the time of subdivision should be upheld and supported by Council, so that existing and future residents can know that the Island will maintain the originally approved low density character and retain good planning principals.

The arguments presented by the applicant for the S82A review are not considered sufficient to warrant approval of this application.

UNDER SEPARATE COVER:

1. The Original Council Report.
 2. Development Plans.
-

6 [PE] Review of Determination for Development Application DA03/1406 for a 3 Lot Re-Subdivision at Lot 12 DP 1052380 & Lot 13 DP 1052380, No. 21 Reef Water Circuit, Bogangar

ORIGIN:

Development Assessment

FILE NO: DA03/1406

SUMMARY OF REPORT:

Council is in receipt of a Review of Determination for DA03/1406, which sought approval to subdivide two vacant allotments within 'Friday Island' to create a total of three allotments. Council originally refused the application on 17 December 2003 and gave nine (9) reasons for refusal.

Upon review of the applicant's arguments, the history of the site, the constraints of the land, the applicable planning controls and the view of the public following notification it is considered that the original determination for refusal is considered warranted.

Subsequently it is recommended that Council resolve to uphold the original determination and defend the Appeal in the Land & Environment Court.

RECOMMENDATION:

That the original determination of DA03/1406 be upheld and Council defend Appeal Number 11633 of 2004 in the Land & Environment Court.

The original determination reads as follows:

1. *The proposed development is not consistent with the 2(c) zone objectives in that the application has not adequately considered the environmental constraints of the land. The 2(c) zone objectives read as follows;*

“to identify land for urban expansion (which will comprise mainly residential development focused on multi-use neighbourhood centres) and to ensure its optimum utilisation consistent with environmental constraints and the need to minimise residential landtake”.

2. *The proposed development does not adequately satisfy Clause 43 of North Coast Regional Environmental Plan 1988 as the proposed density is considered to be excessive having regard to the site constraints, the approved low density nature of the subdivision and the approved land use character of the area;*

3. *The proposed development does not adequately satisfy Clause 8 of State Environmental Planning Policy No. 71 - Coastal Protection. The potential cumulative impact is unacceptable having regard to the site constraints;*
4. *The application does not comply with Development Control Plan No. 16 - Subdivision Design Specification One which specifies as follows:

"a minimum of 9 metres of kerb frontage is required for each lot in a cul-de-sac unless alternative provision for parking is made"*
5. *The application is not considered to be consistent with the aims and purposes of Development Control Plan No. 16 - Subdivisions, specifically (but not limited to) as follows:

"to achieve the highest quality and 'best practice' of subdivision development in the Shire"*
6. *The application is not considered to be consistent with the desired future character of the approved low-density estate.*
7. *The subject site is not considered to be suitable having regard to the approved low density housing character which carefully balances residential amenity with lot dimensions and size, road layout, road widths, on street parking, property frontages, and yield;*
8. *The application could potentially set an unwarranted precedent.*
9. *The application is not considered to be in the public interest due to the constraints of the land and the cumulative impact of density increases.*

REPORT:

Applicant: Mr ME Petrie and Mr NR Douglass
Owner: Mr ME Petrie, Mrs PJ Petrie and Mr NR Douglass
Location: Lot 12 DP 1052380 & Lot 13 DP 1052380, No. 21 Reef Water Circuit Bogangar
Zoning: 2(c) Urban Expansion
Cost: Nil

BACKGROUND:

Council is in receipt of a Review of Determination for DA03/1406, which sought approval to subdivide two vacant allotments within 'Friday Island' to create a total of three allotments. Council originally refused the application on 17 December 2003 and gave nine (9) reasons for refusal.

Since the original determination of the application the following aspects are considered relevant:

- Development Control Plan No. 52 – Planning Controls Friday Island Bogangar was advertised and formally adopted by Council. This Plan specifically states that *“Given existing lot layout, road widths, cul-de-sac dimensions, lot frontages and limited availabilities for on street parking further subdivisions of existing lots will not be supported.”*; and
- An appeal has been lodged with the Land & Environment Court. The first call over was scheduled for 21 February 2005 with Council’s solicitors to seek a continuance to await the determination of this review.

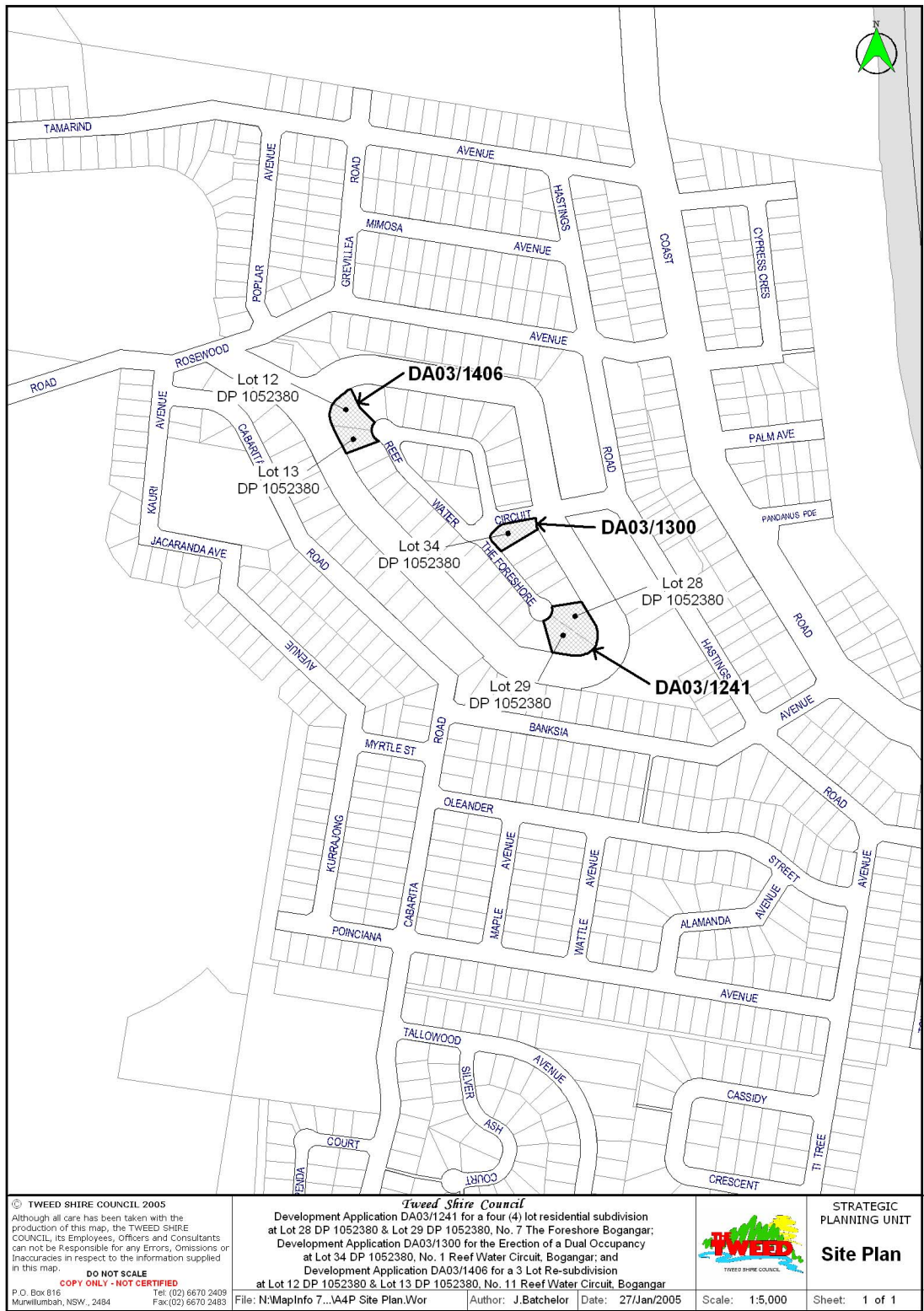
The Review of Determination was formally re-advertised and notified to the adjoining landowners and to those who originally objected to the proposed subdivision. The re-advertising resulted in Council receiving a total of thirty four (34) submissions. Thirty-three (33) of these objected to the proposed subdivision while one (1) letters was in support of the proposed subdivision.


The applicant has presented several arguments for Council to consider in the Review of Determination that substantiate why the application should be approved. These include the lack of environmental constraints of the land, the capacity of the site to support dwellings in accordance with Councils Policies, the fact that the blocks were purchased prior to the introduction of DCP 52, the capacity of the re-subdivided blocks to be considered low density, and the effectiveness of DCP 44 to preclude dual occupancies on the Island.

Despite these arguments, an assessment of the application demonstrates that approval of this subdivision would create the smallest parcels of land on the Island with the most constrained allotment shape. Furthermore, the proposed allotment frontages to The Foreshore are non compliant with DCP No. 16. This is not considered to be good planning having regard to the cumulative impact on density, parking and general amenity for future residents of the Island and for other residents fronting the canal.

The applicant's request for Review of Determination has been considered having regard to the history of the site, the constraints of the land, the applicable planning controls and the view of the public following notification. On consideration of all of these factors the original determination for refusal is considered warranted.

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 Tel: (02) 6670 2409 Murwillumbah, NSW, 2484 Fax: (02) 6670 2483</p>	<p><i>Tweed Shire Council</i> Development Application DA03/1241 for a four (4) lot residential subdivision at Lot 28 DP 1052380 & Lot 29 DP 1052380, No. 7 The Foreshore Bogangar; Development Application DA03/1300 for the Erection of a Dual Occupancy at Lot 34 DP 1052380, No. 1 Reef Water Circuit, Bogangar; and Development Application DA03/1406 for a 3 Lot Re-subdivision at Lot 12 DP 1052380 & Lot 13 DP 1052380, No. 11 Reef Water Circuit, Bogangar</p>		<p>STRATEGIC PLANNING UNIT Site Plan</p>
<p>File: N:\MapInfo 7...A4P Site Plan.Wor Author: J.Batchelor Date: 27/Jan/2005</p>		<p>Scale: 1:5,000</p>	<p>Sheet: 1 of 1</p>

SUBMISSION UNDER S82A REVIEW OF DETERMINATION

The applicant has provided comments to each of the reasons for refusal which are detailed below:

Reason For Refusal

1. The proposed development is not consistent with the 2(c) zone objectives in that the application has not adequately considered the environmental constraints of the land. The 2(c) zone objectives read as follows;

“to identify land for urban expansion (which will comprise mainly residential development focused on multi-use neighbourhood centres) and to ensure its optimum utilisation consistent with environmental constraints and the need to minimise residential land take”.

Applicants Comments

It is drawing a very long bow to suggest that the subject site is constrained environmentally. The subject site has been disturbed extensively over a significant period of time and is adjoined by a registered drainage reserve and established urban services only. It is noted that nowhere in Council's assessment report does it actually state what the environmental constraints are that were not properly considered in the original application. Again we remind Council that the site is serviced by all relevant infrastructure, does not possess any vegetation and is not inhibited by slope.

Council Comments

As provided in the original report the subject application may be seen as optimising the sites utilisation. However, the subdivision is not considered to have had adequate regard to the physical constraints of the Island. The Island is bounded by a water canal with only one access point, has narrow streets, and has lot restrictions due to the slope of the land down into the canal itself.

This land has already been identified for urban expansion through Council's approval of DA02/0895. Any further expansion is considered excessive having regard to the constraints of the land and the strategic implication (cumulative effect) of any such approval.

This reason for refusal is considered appropriate and justified. No change is recommended to this reason for refusal.

Reason For Refusal

2. *The proposed development does not adequately satisfy Clause 43 of North Coast Regional Environmental Plan 1988 as the proposed density is considered to be excessive having regard to the site constraints, the approved low density nature of the subdivision and the approved land use character of the area;*
-

Applicants Comments

There are no significant or even quantifiable environmental features of the land, whilst the density proposed is significantly less than that promoted within Council's own LEP.

The proposal does not incorporate any public road dedication, whilst the existing road network is in no way constrained such that the proposed development would be precluded from occurring.

The proposal does not incorporate any road design or dedication, whilst public transport is readily available within both Coast Road and Hastings Road to the east.

No constraints are posed by the management of sedimentation and erosion control. Existing stormwater control pits (approved as part of the original subdivision) are located within each of the parent parcels.

Council Comments

Council's original assessment of the application provided that the proposed density (one additional allotment) is considered to be excessive having regard to the approved low-density nature of the subdivision and the approved land use character of the area.

It is acknowledged that the proposed land areas are higher than that of 450m² as allowed for by the Tweed LEP, however, due to the constrained allotment shape and slope towards the canal the proposed density is considered unsuitable.

It is considered that this reason for refusal may not be entirely applicable to this development and could be removed. However, removal of this reason for refusal would not warrant an approval to be issued.

Reason For Refusal

- 3. The proposed development does not adequately satisfy Clause 8 of State Environmental Planning Policy No. 71 - Coastal Protection. The potential cumulative impact is unacceptable having regard to the site constraints;*

Applicants Comments

There are clearly no quantifiable or even identifiable site constraints. This has to be acknowledged as to assert that the site is constrained is fundamental to clear reporting by Council Officers and the integrity of this application. Given the lack of constraints posed by the site, we again stand by our assertion that the proposed development does not compromise the provisions of Clause 8 of SEPP71. We again make reference to the fact that no constraints have yet to be identified on the site.

We also make reference to the fact that the applications in front of Council at the time of determination were in effect the only applications possible. The attached notated deposited plan provides further evidence of the fact that there was no potential cumulative impact.

Council Comments

The original assessment highlighted concerns that were expressed by the Department of Infrastructure Planning & Natural Resources. The Department commented as follows:

“While the Department has waived the need for a master plan, it is none the less recognised that the whole estate is in a prominent location surrounded by drainage canal. Significant parts of most lots consisting of relatively steep slopes down to the canal, reducing the area available for development. We are also concerned about the precedent such a subdivision would have for further possible subdivision within the estate. It may be appropriate to have a master plan prepared for the whole estate if further subdivisions of this nature are to proceed.

As the lots front a canal, it may be classified as a canal estate development that would be prohibited under the provisions of State Environmental Planning Policy No. 50. Council should assure itself of the legalities of the development in accordance with this Policy.

I urge Council to carefully consider the ramifications of approving the proposed subdivision.”

The concern expressed by the Department was and still is concurred with. This subdivision application may set a dangerous precedent for other lots on the Island to further develop their allotments. This would have an undesirable cumulative impact and result in an unacceptable development, which would be contrary to Council's original approval, which approved larger lots to create a low-density development.

This reason for refusal is considered to be valid and still applicable to this application.

Reason For Refusal

4. *The application does not comply with Development Control Plan No. 16 - Subdivision Design Specification One which specifies as follows:*

“a minimum of 9 metres of kerb frontage is required for each lot in a cul-de-sac unless alternative provision for parking is made”

Applicants Comments

The amended plans submitted with this application now provide for alternate visitor car parking on site as opposed to on street. These spaces are marked on the attached plans and clearly demonstrate that a total of three visitor spaces can be provided for the benefit of the wider public.

The availability of these spaces will be effectively assured in the long term by way of a registered easement and the right of carriageway (please refer to B & P Survey Plan 12640 D for greater detail in this regard).

The proposed parking layout is consistent with that previously discussed with Council's Subdivision Engineer during the assessment of the original application.

Council Comments

Development Design Specification D1 states that:

"a minimum of 9 metres of kerb frontage is required for each lot in a cul-de-sac unless alternative provision for parking is made"

Development Design Specification D1 – Road Design (parking) states that:

"Adequate on street parking should be provided within the road reserve for visitors, service vehicles and any excess resident parking since a particular dwelling may generate a high demand for parking. Such parking is to be convenient to dwellings. Bearing in mind that driveway cross overs are 4.5m minimum, an average of at least one on street car park per single (or dual occupancy) frontage lot should be provided, except for battle axe blocks with handles longer than 20m".

The proposed subdivision proposes the following layouts:

- Lot 121 - A 8.015m frontage to Reef Water Circuit and a total area of 684m²;
- Lot 122 - A 8.015m frontage to Reef Water Circuit and a total area of 684m²; and
- Lot 123 - A 6.354m frontage to Reef Water Circuit and a total area of 683m²;

The original Development Application had no regard for this criterion and subsequently non-compliance with DCP 16 was a valid reason for refusal.

Due to the obvious non-compliance with the required 9m frontages and lack of on street parking the applicant has now presented an alternative parking arrangement with DA03/1406. The additional plan prepared by B & P Surveys, titled 'Proposed Subdivision' dated 4/8/2003 details car parking and access arrangements.

Council's Development Engineer has provided that:

The plan does not adequately address the access / car parking issues, due to the following: -

- a) *The car parking spaces are located over the right of carriageway, which is unacceptable for access*
- b) *Car parking on proposed lot 122 is obstructing vehicular access for proposed lot 123*

- c) *Proposed lot 122 does not show a driveway to the dwelling to demonstrate how the car parking can work*

This plan does not meet the requirements for parking and cul-de-sacs under DCP16 – Subdivision Manual.

Council's Development Engineer provides that a complying plan may be achieved and recommends a deferred commencement condition of consent. This is not considered appropriate due to the potential streetscape implications of such a plan. Car parking for both residents and visitors all within the front of the allotments is not considered appropriate from a streetscape perspective or amenity perspective for adjoining residences.

Subsequently this reason for refusal is considered valid and is not recommended for amendment or deletion.

Reason For Refusal

5. The application is not considered to be consistent with the aims and purposes of Development Control Plan No. 16 - Subdivisions, specifically (but not limited to) as follows:

"to achieve the highest quality and 'best practice' of subdivision development in the Shire"

Applicants Comments

The proposal now complies with the prescribed requirements of DCP 16 and therefore it is difficult, now that compliance has been achieved, to understand how the proposal could be at odds with the aims and objectives of the plan.

Council Comments

As detailed above the application does not comply with the provisions contained within DCP 16 and therefore does not comply with the aims and objectives of the Policy.

Reason For Refusal

6. *The application is not considered to be consistent with the desired future character of the approved low-density estate;*

Applicants Comments

The proposed development incorporates a very low-density yield that is consistent with the general layout and configuration of the approved subdivision.

We can understand Council's concerns in relation to potential cumulative impacts, particularly as the subject site is within 300m of a business centre identified within the LEP. What is important to note however is that the provisions of DCP 44 are such that an

influx of dual occupancy developments would not and did not occur and that in terms of subdivision, only two (2) applications, with a maximum increase in yield of three (3) lots was possible.

The desired future character has been achieved and will not be compromised by the proposed development

Council Comments

The original assessment detailed that the approved Island home site established a low-density residential area, surrounded by medium density development on less constrained sites. The approved subdivision pattern currently balances residential amenity with lot dimensions and size, road layout, road widths, on-street parking, property frontages and yield. Further subdivision of the approved allotments would disrupt this balance and set a dangerous precedent for other allotments on the Island. Council has approved the original application based on this balance, and residents and surrounding property owners should be assured that this balance and desired future character, as approved, will result.

If this application were to be approved the integrity of DCP No. 52 would be compromised.

Reason For Refusal

- 7. The subject site is not considered to be suitable having regard to the approved low density housing character which carefully balances residential amenity with lot dimensions and size, road layout, road widths, on street parking, property frontages, and yield;*

Applicants Comments

The proposed development will result in a minimum allotment size of 683m². Accordingly, it can only be concluded that the proposed development will actually further consolidate and confirm the low density character of the remainder of the island.

It is also pertinent to note that no quantifiable loss of amenity will result, with each of the adjoining landowners previously having exposure to a single dwelling allotment as a neighbour. This will remain as a result of the proposed development.

Council Comments

The original application provided that the existing subdivision provides for a unique low-density housing character. It carefully balances residential amenity with lot dimensions and size, road layout, road widths, on-street parking, property frontages and yield.

The application is not considered satisfactory in these regards. Council's Development Engineers has provided that:

“The plan does not adequately address the access / car parking issues, due to the following: -

- d) The car parking spaces are located over the right of carriageway, which is unacceptable for access*
- e) Car parking on proposed lot 122 is obstructing vehicular access for proposed lot 123*
- f) Proposed lot 122 does not show a driveway to the dwelling to demonstrate how the car parking can work*

This plan does not meet the requirements for parking and cul-de-sacs under DCP16 – Subdivision Manual.”

It is further noted that approval of this subdivision would create the smallest parcels of land on the Island with the most constrained allotment shape. The proposed subdivision is not considered to be based on good planning principals and is not considered to be consistent with the desired future character of the approved low-density estate.

Existing and future residents should be assured that the development and desired future character, as approved, will result and therefore this subdivision application is not supported.

No change is recommended to this reason for refusal.

8. *The application could potentially set an unwarranted precedent; and*

Applicants Comments

We can understand Council’s concerns in relation to potential cumulative impacts, particularly as the subject site is within 300m of a business centre identified within the LEP. What is important to note however is that the provisions of DCP 44 are such that an influx of dual occupancy developments will not and has not resulted. It is further noted that the proposed development, being consistent with DCP 16 is one of very few sites within the island that is capable of achieving general compliance with all relevant controls and policies applicable to the island and as such there are already a number of restrictive controls that would ensure that a significant influx of development applications of this type will result.

We also note that the provisions of DCP 52 offer surety to Council that no further development applications will be received so as to result in the undesirable cumulative impact identified within Council’s original assessment.

The precedent that Council has expressed concern in relation to has also been acknowledged by the proponent of the application, who has promoted a density averaged at 1 allotment per 690m². It is in this context, and with regard to the fact that compliance with DCP 16 has been achieved, that Council can take comfort that this proposal will not itself result in a an undesirable precedent.

Council Comments

The concern of precedent (as acknowledged by the applicant) is valid. The danger in approving this application is that the principals in which DCP 52 were formulated on would be undermined and dismissed as being invalid planning considerations.

Careful consideration was undertaken in preparing DCP No. 52. The purpose for preparing the DCP was to:

- Ensure that the integrity of the design philosophy detailed in DA02/0895 is maintained;
- Ensure the desired future character of Friday Island is achieved;
- Maintain the density of Friday Island as detailed by the Concept Plan lodged with DA02/0895;
- Ensure the Island caters for adequate on-street parking; and
- Ensure the amenity of surrounding residential development is maintained.

To approve this application on the basis that *“the provisions of DCP 52 offer surety to Council that no further development applications will be received so as to result in the undesirable cumulative impact identified within Council’s original assessment”* would be careless.

It should further be noted that this application was not refused because of DCP No. 52 but rather refused based on the general concepts and aims (such as site suitability, parking, and density) that should all be normally assessed under the provisions of Section 79C of the Environmental Planning & Assessment Act 1979. If these issues are still necessary considerations for all other home sites then they should obviously apply to the subject site.

The merit assessment of this application warrants refusal of the application. Should approval be granted for this application it will set a precedent for other blocks on the Island to follow and therefore this reason for refusal is valid and is not recommended for amendment or deletion.

Reason For Refusal

9. *The application is not considered to be in the public interest due to the constraints of the land and the cumulative impact of density increases.*

Applicants Comments

Again, it is difficult to appreciate how the constraints of the land can be used as an indicator of consistency with the public interest. In this regard, there are no environmental constraints that affect the land such that they would preclude the carrying out of the proposed development. At least none that were either identified in the original submission, this submission and Council’s Assessment.

The above assertion also stands for the cumulative impacts of density increases, with the proposed development resulting in a low density yield averaged at 1 allotment per 684m² of site area. We again note that the subject application is one of a maximum of two (2) applications for subdivision possible on the island, resulting in a maximum potential increase in lot yield of 3 lots. Accordingly, the cumulative impacts that Council fears cannot and will not occur.

Council Comments

The proposal was originally advertised and neighbouring properties notified between 15 October 2003 and 29 October 2003. Council received thirty-four (34) objections to the proposal from predominantly residents of Bogangar.

The Review of Determination was formally re-advertised and notified to the adjoining landowners and to those who originally objected to the proposed subdivision. The re-advertising resulted in Council receiving a total of thirty four (34) submissions. Thirty-three (33) of these objected to the proposed subdivision while one (1) letter was in support of the proposed subdivision.

The public had an expectation that the concept plan that Council adopted at the time of subdivision would be upheld and supported by Council. At the time of the original subdivision of the island, Council received no objection to the proposed low-density subdivision. It is only now that further densities are being sought that residents have expressed concern.

The original subdivision plan was approved based on the concept plan that detailed medium density housing on the land adjoining Hastings Road, with large lots (low density housing) on the Island itself. This allowed for an element of exclusivity and was an immediate response to the physical constraints of the land

One of the reasons for forward planning (via a master plan or concept plan) is to allow existing and future residents to make educated decisions about where they would like to live while also ensuring good planning principals are maintained.

This reason for refusal is considered valid and is not recommended for amendment or deletion.

ADDITIONAL CONSIDERATIONS FOR THE S82A REVIEW OF DETERMINATION

The applicant has specifically requested that the Council reconsider the application on its particular merits and in a manner that acknowledges the following points:

a) *The site is not constrained environmentally*

Comment: As detailed throughout this report it is recognised that the site has physical limitations that make it suitable for appropriate low-density development. A drainage canal surrounds the sites, with the two lots in question comprising of relatively steep slopes down to the canal, reducing the area available for development. Furthermore, the

streets on the island are relatively narrow with limited opportunities for on street parking. The concept of 4-6m frontages off a cul-de-sac further restricts on street parking.

- b) *Future dwellings can be sited on the site in a manner that is consistent with the provisions of Council's Building Line Policy as it relates to both front and rear setbacks.*

Comment: Council's Building Line Policy is not the only consideration for the suitability of development. As detailed in the above report the site has physical limitations that must be considered before approving a higher density of development. Based on this assessment the application is recommended for refusal.

- c) *The property was purchased and the application was submitted at a time where complete compliance with Council's requirements could be demonstrated, inclusive of the matters within DCP 16.*

Comment: The Environmental Planning & Assessment Act 1979 (as amended) requires a consideration under section 79C. Part of this assessment is a merit assessment of the application having regard to the public interest. Whether this application was lodged before or after the introduction of DCP 52 is irrelevant as the assessment under Section 79C still allows for a merit assessment. Furthermore, Council has been advised that potential purchasers of the blocks were shown the approved concept plan demonstrating the low-density home Island sites with medium density on the outer edge of the canal. The owners of the subject site would have been aware of this concept plan and bought property on that basis.

- d) *The proposal clearly incorporates a "low" density and therefore the fears represented in establishing DCP No. 52 and refusing the application were clearly not going to be realised by way of granting approval to this application. Indeed at the time the DCP was implemented, there were only two applications in Council with a potential increase in allotment numbers of three. We have attached the deposited plan for the island and note that the two applications that Council were assessing are effectively almost certainly the only two (2) allotments that could have been subdivided or further developed (having regard to a 450m² min lot size, building envelope, DCP 44 and setback provisions). The provisions of DCP 44 did and do effectively preclude dual occupancies on the Island.*

Comment: Despite these arguments, an assessment of the application demonstrates that approval of this subdivision would create the smallest parcels of land on the Island with the most constrained allotment shape. Furthermore, the proposed allotment frontages to The Foreshore are non compliant with DCP No. 16. This is not considered to be good planning having regard to the cumulative impact on density, parking and general amenity for future residents of the Island and for other residents fronting the canal.

- e) *The provisions of DCP 44 did and do effectively preclude dual occupancies on the Island;*

Comment: The subject application is for a subdivision only and is not subject to assessment against DCP No. 44

- e) Indeed, if Council were of the opinion that it was imperative that the approved subdivision plan be frozen in time, then appropriate 88B restrictions and/or a resolution to prepare a DCP at the time of granting approval to the subdivision should have been demanded. To wait until such time that people have payed considerable money for their allotments (on the basis of what Council's planning controls permitted) is clearly unwarranted and an abuse of Council power.

Comment: Ideally an 88B Instrument should have been provided at the time of subdivision, however, in the absence of this kind of restriction DCP No. 52 was generated when the potential cumulative impact issues became apparent to Council. The DCP was formulated on solid planning grounds and implemented in accordance with the Act.

- f) *Council resolved to prepare DCP No. 52 after submission of the subject application (and two others within the island for subdivision and dual occupancy respectively). The DCP was notified and no submissions of support were received. A significant number of objections were submitted to Council. Notwithstanding Council resolves to push forward with the DCP which was adopted on 17 December 2003, the same meeting that the subject application was refused.*

It is pertinent to note that Council's resolution to prepare, exhibit and adopt DCP No. 52 was carried out in what could loosely be referred to in record time.

It is acknowledged that DCP 52 plays a key role in restricting unit developments given that the site is within 300m of a business centre listed in the LEP and for that reason the DCP was arguably justified, however, the very values that the DCP was justified upon, were in no way in jeopardy as a result of this application.

Indeed the DCP would arguably have not prohibited further subdivision if indeed the research were carried out in the first instance. If it had been carried, Council would have realised that only an additional three allotments were possible in any event.

Comment: DCP No. 52 was created when the potential cumulative impact issues became apparent to Council. The DCP was exhibited and reported to Council in accordance with the requirements of the Act.

At the time of the determination of DA03/1241 DCP 52 was in draft status and the Policy had no determining weight.

However, the Policy raised general concepts and aims (such as site suitability, parking, and density) that should all be normally assessed under the provisions of Section 79C of the Environmental Planning & Assessment Act 1979. Therefore, while the DCP had no statutory weight the concepts contained within the document were and are still valid.

Furthermore, DCP No. 52 was required to restrict further subdivision because two allotments combined are capable of re-subdivision into three or more lots across the entire Island. The current subdivisions are not the only ones capable of re-subdivision.

Strategic Planning Comments

The following strategic issues/concerns have been identified with the proposed development:

- The resultant shape of the proposed allotments does not permit the construction of residential development that adequately addresses the street.
 - o Based on the proponent's submission each of the proposed allotments will (on average) have a street frontage of little over 5 metres. This is considered undesirable. It is likely that any development on the subject land will result in a lack of casual surveillance of the street and poor visual amenity for neighbouring residents, as most if not all of the street frontage will be occupied by the garage components of the development. Typical street frontages within the Friday Island estate range between 10-20m (approximate). The identified average street frontage is approximately 17.5m
 - o The proponent's argument that street-scaping can be used to diminish the level of impact that the proposed development will have on neighbouring land owners will worsen the lack of casual surveillance afforded to the street.
- The concentrated level of development is contrary to the desired future character of the Friday Island Estate.
 - o The proposed development does technically comply with Council's statutory controls and Development Control Plans with regard to developable land area. However, on merit, the proposed development is considered inappropriate for a low-density area. Once constructed, the development will create a confined row of development around The Foreshore cul-de-sac. The proposal is to construct four residences having a combined street frontage of 20.436m. In comparison, the average street frontage of other homes on the island is approximately 17.5m/home.
 - o The proponent's argument that street-scaping will break-up the apparent bulk of the development is considered questionable. The area of land that is left for landscaping, as described in the proponent's submission, is small and confined by the proposed driveway and boundary of the property. It is thought that mature plants, in this instance, will establish an effect similar to that of a solid fence and add to the appearance of an intense development.
- The resultant shape and number of proposed allotments does not provide for adequate on-street parking.
 - o The proponent's submission shows a distance of approximately 4.5m between the boundary of the site and the proposed driveway on either side. This distance is contrary to the provisions of DCP 16 and will, at best, provide for two on-street spaces.

- o The proponent's argue that the proposed development will provide additional off-street parking to counteract the reduced on-street parking; however, the submitted design does not show this. It is estimated that an additional minimum of 2 spaces, within the overall development, is needed to be comparative with low-density housing.

OPTIONS:

1. Uphold the decision to refuse the application based on the eight reasons for refusal previously provided.
2. Uphold the decision to refuse the application but modify certain reasons for refusal.
3. Support the proposal and request appropriate conditions for approval be submitted to the next Council meeting.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The applicant has lodged an appeal with the Land & Environment Court and should the applicant be dissatisfied with the decision for the Review of Determination the appeal may proceed to the Court.

POLICY IMPLICATIONS:

If approved this application has integrity implications for DCP No. 52, Strategic Planning Policy implications, in addition to potential for setting an undesirable precedent.

CONCLUSION:

As detailed originally this application may generally comply with the requirements for land within the 2(c) zone, however, the wider strategic and cumulative issues involved warrant refusal of this application. The concept plan that Council adopted at the time of subdivision should be upheld and supported by Council, so that existing and future residents can know that the Island will maintain the originally approved low density character and retain good planning principals.

The arguments presented by the applicant for the S82A review are not considered sufficient to warrant approval of this application.

UNDER SEPARATE COVER:

1. The Original Council Report
 2. Development Plans
-

7 [PE] Review of Determination for Development Application DA03/1300 for the Erection of a Dual Occupancy at Lot 34 DP 1052380, No. 1 Reef Water Circuit, Bogangar

ORIGIN:

Development Assessment

FILE NO: DA03/1300

SUMMARY OF REPORT:

Council is in receipt of a Review of Determination for DA03/1300, which sought approval to erect a dual occupancy on a vacant allotment within 'Friday Island'. Council originally refused the application on 17 December 2003 and gave nine (9) reasons for refusal.

Upon review of the applicant's arguments, the history of the site, the constraints of the land, the potential precedent, the applicable planning controls and the view of the public response following notification it is considered that the original determination for refusal is considered warranted.

Subsequently it is recommended that Council resolve to uphold the original determination and defend the Appeal in the Land & Environment Court.

RECOMMENDATION:

That the original determination of DA03/1300 be upheld and Council defend Appeal Number 11634 of 2004 in the Land & Environment Court.

The original determination reads as follows:

"That Development Application DA03/1300 for the erection of a dual occupancy at Lot 34 DP 1052380, No. 1 Reef Water Circuit, Bogangar be refused for the following reasons: -

- 1. The proposed development is not consistent with the 2(c) zone objectives in that the application has not adequately considered the environmental constraints of the land. The 2(c) zone objectives read as follows;*

"to identify land for urban expansion (which will comprise mainly residential development focused on multi-use neighbourhood centres) and to ensure its optimum utilisation consistent with environmental constraints and the need to minimise residential landtake".

2. *The proposed development does not adequately satisfy Clause 43 of North Coast Regional Environmental Plan 1988 as the proposed density is considered to be excessive having regard to the site constraints, the approved low density nature of the subdivision and the approved land use character of the area;*
3. *The proposed development does not adequately satisfy Clause 8 of State Environmental Planning Policy No. 71 - Coastal Protection. The potential cumulative impact is unacceptable having regard to the site constraints;*
4. *The application is not considered to be consistent with the aims and purposes of Development Control Plan No. 6 - Multi-Dwelling Housing, specifically (but not limited to) as follows:*

Clause 3.1.3 "the scale of new development is compatible with and sympathetic to the scale and bulk of existing development in the locality".
5. *The application is not considered to comply with Clause 2.2 of Development Control Plan No. 44 - Dual Occupancy.*
6. *The application is not considered to be consistent with the desired future character of the approved low-density estate.*
7. *The subject site is not considered to be suitable having regard to the approved low density housing character which carefully balances residential amenity with lot dimensions and size, road layout, road widths, on street parking, property frontages, and yield;*
8. *The application could potentially set an unwarranted precedent;*
9. *The application is not considered to be in the public interest."*

REPORT:

Applicant: GPS Properties Pty Ltd
Owner: Villa World Limited
Location: Lot 34 DP 1052380, No. 1 Reef Water Circuit Bogangar
Zoning: 2(c) Urban Expansion
Cost: \$300,000.00

BACKGROUND:

Council is in receipt of a Review of Determination for DA03/1300, which sought approval to erect a dual occupancy on a vacant allotment within 'Friday Island'. Council originally refused the application on 17 December 2003 and gave nine (9) reasons for refusal.

Since the original determination of the application the following aspects are considered relevant:

- Development Control Plan No. 52 – Planning Controls Friday Island Bogangar was advertised and formally adopted by Council. This Plan specifically states that *“Council will not support any development application in respect of any residential lot created within Friday island other than for single dwelling house, or, in the case of the two nominated lots, dual occupancy dwellings”*; and
- An appeal has been lodged with the Land & Environment Court. The first call over was scheduled for 21 February 2005 with Council’s solicitors to seek a continuance to await the determination of this review.

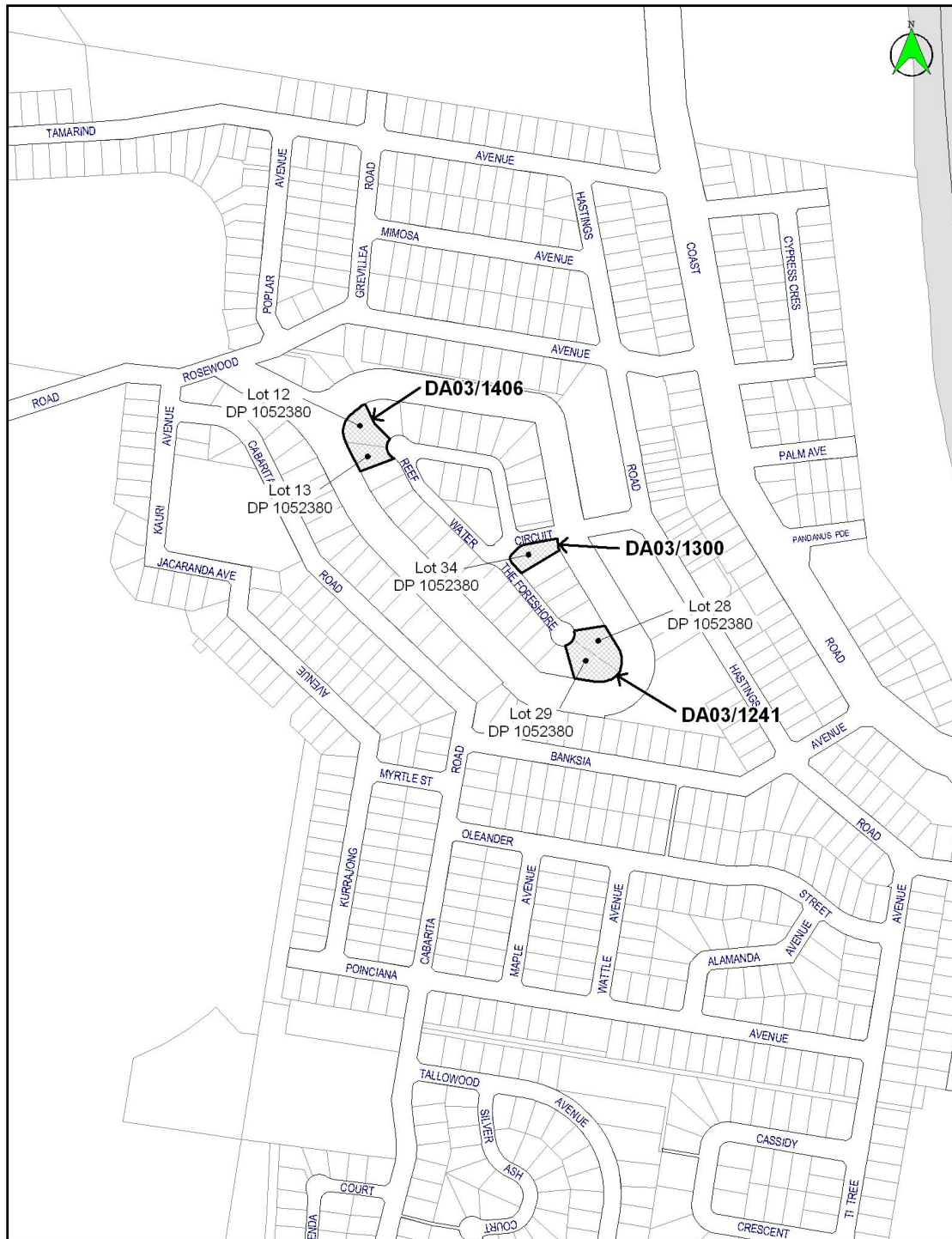
The Review of Determination was formally re-advertised. This resulted in Council receiving a total of twenty two (22) objections to the proposal.


The applicant has presented several arguments for Council to consider in the Review of Determination that substantiate why the application should be approved. These include the compatibility with the zone objective, compliance with the REP and SEPP 71, the capacity of the site to support dwellings in accordance with Councils Policies, the fact that DCP No. 52 is now in force to prevent precedent occurring and the fact that the Island has not utilised the allowable 20% of sites for dual occupancy purposes.

Despite these arguments, an assessment of the application demonstrates that approval of this dual occupancy would create a dangerous precedent. The Island is within 300 metres of a business centre and could potentially accommodate a dual occupancy on all allotments on the Island as all lots have a site area of greater than 500m². The integrity of DCP 52 should be upheld to ensure the concept plan submitted with the original subdivision is maintained.

The applicant’s request for Review of Determination has been considered having regard to the history of the site, the constraints of the land, the applicable planning controls, the potential for precedent, and the view of the public following notification. On consideration of all of these factors the original determination for refusal is considered warranted.

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 Murwillumban, NSW, 2484 Tel: (02) 6670 2409 Fax: (02) 6670 2483</p>	<p><i>Tweed Shire Council</i> Development Application DA03/1241 for a four (4) lot residential subdivision at Lot 28 DP 1052380 & Lot 29 DP 1052380, No. 7 The Foreshore Bogangar; Development Application DA03/1300 for the Erection of a Dual Occupancy at Lot 34 DP 1052380, No. 1 Reef Water Circuit, Bogangar; and Development Application DA03/1406 for a 3 Lot Re-subdivision at Lot 12 DP 1052380 & Lot 13 DP 1052380, No. 11 Reef Water Circuit, Bogangar</p>		<p>STRATEGIC PLANNING UNIT Site Plan</p>		
<p>File: N:\MapInfo 7...VA4P Site Plan.Vor</p>		<p>Author: J.Batchelor</p>	<p>Date: 27/Jan/2005</p>	<p>Scale: 1:5,000</p>	<p>Sheet: 1 of 1</p>

SUBMISSION UNDER 82A OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT

In respect to the reasons for refusal the applicant has submitted the following arguments:

Applicants Submission:

1. *We believe that the application is consistent with the requirements of Zone 2c under the LEP as the application maximises residential density ensuring the optimum utilisation of the land. We further support this position with the following information:*
 - a) *Water Supply - reticulation exists in the streets and sufficient is provided in this system for the proposed development.*
 - b) *Sewer - gravity reticulated sewer exists on the property which provides adequate capacity for the proposed development.*
 - c) *Drainage - both streets are sealed and kerbed and guttered. Roof water from the new buildings will be connected to the existing system.*
 - d) *Height of Buildings - a three storey height limit applies in this area. The proposed building complies with this requirement in that the height is limited to two storeys.*
 - e) *Social Impact - the proposed development is unlikely to have a significant social or economic impact in the locality or in the area of the Tweed.*

In addition the proposed lot areas (500m²) in the application are larger than the minimum 2c zone requirement of 450m².

Council's Comments:

As detailed in Council's original assessment, the proposed development could be seen as optimising the sites utilisation. However, the dual occupancy is not considered to have had adequate regard to the physical constraints of the site. A water canal, two street frontages and an adjoining parcel of land bound the site.

The site could also be considered as the entry statement to the Island. A dual occupancy on this allotment would not present the intended low-density character of the Island.

This land has already been identified for urban expansion through Council's approval of DA02/0895. Any further expansion is considered excessive having regard to the constraints of the land and the strategic implication (cumulative effect) of any such approval.

Therefore this reason for refusal is valid and is not recommended for amendment or deletion.

Applicants Submission:

2. *We believe that the proposed application adequately satisfies Clause 43 of the North Coast Regional Environmental Plan as the density of dwellings do not adversely affect the environmental features of the land.*

We consider the proposed dual occupancy use of the lot optimises yield having regard to the site opportunities and constraints and therefore the objectives of this clause are achieved.

Given the proximity to the town centre and townhouses opposite the site the resulting 500m² lot size in the proposal is in accord with the approved land use character of the area.

Refer to the attached aerial photo that highlights the compatible adjacent land use.

Council Comments:

Council's original assessment of the application provided that the proposed density (dual occupancy) is considered to be excessive having regard to the approved low-density nature of the subdivision and the approved land use character of the area. Further development (cumulative impact) will have an adverse impact on the intended nature and character of the Island.

It is acknowledged that the proposed land areas are higher than that of 450m² as allowed for by the Tweed LEP, however, due to the constrained allotment shape and slope towards the canal the proposed density is considered unsuitable.

It is considered that this reason for refusal may not be entirely applicable to this development and could be removed. However, removal of this reason for refusal would not warrant an approval to be issued.

Applicants Argument:

3. *The application is generally consistent with the provisions of State Environmental Planning Policy No. 71 as reflected in the assessment of matters for consideration contained in Clause 8 of the policy, which is attached. We believe that the analysis of the requirements of Clause 8 demonstrate that the proposal does comply.*

We also point out that only this and one other application were made prior to the approval of DCP No. 52 and hence it is unlikely that any further applications for increased density on the island will be successful. Hence the cumulative impact is not a relevant or reasonable ground for refusal.

Council Comments:

SEPP 71 details sixteen matters that require Council's Consideration. One of these specifically relate to the compatibility of the development with the existing surroundings and the suitability of the site. The applicant has argued that the proposed dual occupancy would be compatible with the surrounding use of medium density development facing Hastings Road. However, the original concept plan specifically differentiated between the low density Island lots and the medium density allotments facing Hastings Road. Furthermore, the potential for precedent is valid. The danger in approving this application is that the principals in which DCP 52 were formulated on would be undermined and dismissed as being invalid planning considerations.

As previously discussed the application is not considered to be suitable for the site having regard to the potential cumulative impacts and the physical constraints of the site.

Therefore this reason for refusal is valid and is not recommended for amendment or deletion.

Applicant's Submission:

4. *The site is a corner allotment with frontage to the existing canal. Adjoining land is currently vacant however adjacent Lot 33 is a nominated dual occupancy lot.*

Northerly aspect, water frontage and location in relation to the town centre and beach are the key site opportunities.

The proposed buildings have been designed to take maximise advantage of these opportunities whilst being of high architectural standard. By constructing detached dwellings the predominantly low density single detached dwelling character and amenity desired for the area will be maintained.

The scale and bulk of the proposed dual occupancy is compatible and sympathetic to the existing development in the locality. In fact when viewed from the North the appearance will be of two freestanding houses with frontages of 20 metres. When viewed from the West the appearance will be of one free standing house with frontage of 15 metres. Again consistent with the street appearance of the other houses.

We therefore consider that the scale of the proposal is compatible with and sympathetic to the scale and bulk of other existing development.

Council's Comments:

The subject site is confined by two street frontages, a canal, and an adjoining property. It also could be categorised as an entry statement allotment being one of the first sites on the left upon entering Friday Island. It is not considered appropriate to have a large dual occupancy form the entry to the low density housing of the Island. The units are considered to dominate the street frontages, and the canal and are not in keeping with the approved concept plan. The proposed dual occupancy has orientated two pools, one garage and large terrace areas to the Reef Water Circuit entry and further exhibits a solid fence to screen these open space areas.

Approval of this dual occupancy is not considered appropriate having regard to the unique low-density housing character which carefully balances residential amenity with lot dimensions and size, road layout, road widths, on-street parking, property frontages and yield. Any further development of the Island will disrupt this balance and set a detrimental precedent for other allotments on the Island.

Existing and future residents should be assured that the development and desired future character, as approved, will result and therefore amendment or deletion to this reason for refusal is not supported.

Applicants Submission:

5. *The objectives of DCP No. 44 include: "to protect the future character and amenity of the residential areas of the Shire."*

Clause 2.1 of DCP No. 44 provides that at the subdivision stage, up to 20% of the lots may be nominated as dual occupancy lots. Corner allotments must not be less than 1000m² and must be of a regular square or rectangular shape. In correspondence dated 8 January 2003 (Ref: DA02/0895) Council advised that lots 22 and 33 could be nominated as dual occupancy lots pursuant to Clause 2.1 of the Development Control Plan.

The original subdivision (DA02/0895) involved 38 residential lots and therefore a total of 8 lots could have been nominated based on the normal 20% standard. The erection of a dual occupancy on Lot 34 is therefore consistent with Clause 2.1.

The proposal is also consistent with Clause 2.2 in that Lot 34 compliance with the minimum size and shape requirements for lots not nominated at the subdivision stage. In view of the size of Lot 34 (1000m²), the fact that it is bounded on 3 sides by public land and adjoins a nominated dual occupancy lot to the south (Lot 33) its development will not significantly impact on the desired future character and amenity of the area, particularly in view of the high standard of architectural design and as the density (1 dwelling per 500m²) is relatively low. Therefore we believe the application does comply with the intent of the relevant clause of DCP No. 44.

Council Comments:

The DCP specifies that Council shall not consent to an application for Dual Occupancy unless it has been identified for dual occupancy in a plan of subdivision approved by Council.

DA02/0895 detailed 38 large residential allotments and one open space allotment. It specifically excluded any dual occupancy. This was further reflected by a restriction on the use of the land via a Section 88B Instrument stating that

"No main building shall be constructed for any other purpose other than a single private dwelling".

The subject site was further refused Dual Occupancy status when the applicant made a request for the sites nomination as a dual occupancy site. Following an assessment of the proposed nomination against Clause 2.1 of DCP 44 the subject site it was determined that the subject site is not rectangular in shape and has circular frontages.

Whilst it is generally a four-sided shape with slight curvatures, this is considered to be an irregular shaped block. And therefore dual occupancy is not permitted

This reason for refusal is considered valid and appropriate.

Applicants Submission:

6. *We reiterate that given the DCP 52 is now in place it is unlikely that any future applications for increased density would be successful hence the future character of the estate will remain low density.*

Council Comments:

The concern of precedent is valid. The danger in approving this application is that the principals in which DCP 52 were formulated on would be undermined and dismissed as being invalid planning considerations.

Careful consideration was undertaken in preparing DCP No. 52. The purpose for preparing the DCP was to:

- Ensure that the integrity of the design philosophy detailed in DA02/0895 is maintained;
- Ensure the desired future character of Friday Island is achieved;
- Maintain the density of Friday Island as detailed by the Concept Plan lodged with DA02/0895;
- Ensure the Island caters for adequate on-street parking; and
- Ensure the amenity of surrounding residential development is maintained.

To approve this application on the basis of the applicant argument as follows:

“given the DCP 52 is now in place it is unlikely that any future applications for increased density would be successful”

would be careless.

It should further be noted that this application was not refused because of DCP No. 52 but rather refused based on the general concepts and aims (such as site suitability, parking, and density) that should all be normally assessed under the provisions of Section 79C of the Environmental Planning & Assessment Act 1979. If these issues are still necessary considerations for all other home sites then they should obviously apply to the subject site.

The merit assessment of this application warrants refusal of the application. Should approval be granted for this application it will set a precedent for other blocks on the Island to follow and therefore this reason for refusal is valid and is not recommended for amendment or deletion.

Applicants Submission:

7. *Refer to No. 6. This point is reiterating earlier items of refusal and when the submitted plans are studied in detail we believe that:*
 - a) *The application to provide dual occupancy housing (lot size 500m²) is not significantly different from some of the current 700m² lots.*
 - b) *The lot dimension is fundamentally regular in shape and is suitable for dual occupancy use. Please refer to attached drawings.*
 - c) *There are two street frontages that allow for suitable parking and access to each of the proposed lots.*
 - d) *Road layout and width is in accord with TSC guidelines and is sufficient to cater for significantly more lots than the 38 on the entire island, hence the one additional lot created by this application will have a negligible impact.*
 - e) *On street parking we argue will be actually better given the road frontage Lot 34 enjoys in comparison with other standard lots.*
 - f) *There is adequate property frontage being in excess of 40 metres to comfortably accommodate the proposed houses. These houses will each have frontage of 20 metres. This being in excess of the frontage other lots within the estate currently have.*
 - g) *The increase in lot yield within the island is not going to have a negating impact on the low density housing character within the island. No detrimental impact on amenity of island as proposed buildings will be of a compatible scale with others within the estate.*

Council Comments:

As stated in the original report the subject site is confined by two street frontages, a canal, and an adjoining property. It also could be categorised as an entry statement allotment being one of the first sites on the left upon entering Friday Island. It is not considered appropriate to have a large dual occupancy form the entry to the low density housing of the Island. The proposed dual occupancy has orientated two pools, one garage and large terrace areas to the Reef Water Circuit entry and further exhibits a solid fence to screen these open space areas.

Approval of this dual occupancy is not considered appropriate having regard to the unique low-density housing character which carefully balances residential amenity with lot dimensions and size, road layout, road widths, on-street parking, property frontages and yield. Any further development of the Island will disrupt this balance and set a detrimental precedent for other allotments on the Island.

Applicants Submission:

8. *This application is one of only two lodged with TSC prior to the adoption of DCP 52. We consider that under these circumstances it is unlikely that a precedent will be set and the Council has DCP 52 to use as a basis for future applications.*

Council Comments:

As detailed previously the concern of precedent is valid. The danger in approving this application is that the principals in which DCP 52 were formulated on would be undermined and dismissed as being invalid planning considerations.

Careful consideration was undertaken in preparing DCP No. 52. To approve this application on the basis of the applicant argument would be careless.

It should further be noted that this application was not refused because of DCP No. 52 but rather refused based on the general concepts and aims that should all be normally assessed under the provisions of Section 79C of the Environmental Planning & Assessment Act 1979. If these issues are still necessary considerations for all other home sites then they should obviously apply to the subject site.

Should approval be granted for this application it will set a precedent for other blocks on the Island to follow and therefore this reason for refusal is valid and is not recommended for amendment or deletion.

Applicant's Submission:

9. *We point out that not one objection was received in regard to our application and that two letters of support were received by Council during the advertising period. We consider that if the public were not in favour of the application then under the due process they had adequate opportunity to express their concerns and none were raised.*

In summary we believe the application is compatible with neighbouring building scale and lot frontages and the increase in yield of one lot will not create a detrimental impact on the future character of the estate. We seek that Council favourably reconsider our application.

Council Comments:

The original application was advertised and notified to neighbouring properties between 17 September 2003 and 1 October 2003. Council received two letters of support for the Dual Occupancy.

The Review of Determination was formally re-advertised and notified to the adjoining landowners. The re-notification resulted in Council receiving a total of twenty two (22) objections. With the letters of objection generally following the reasons for refusal.

The public had an expectation that the concept plan that Council adopted at the time of subdivision would be upheld and supported by Council. At the time of the original subdivision of the island, Council received no objection to the proposed low-density subdivision. It is only now that further densities are being sought that residents have expressed concern.

One of the reasons for forward planning (via a master plan or concept plan) is to allow existing and future residents to make informed decisions about where they would like to live while also ensuring good planning principals are maintained.

This reason for refusal is considered valid and is not recommended for amendment or deletion.

Strategic Planning Comments

The following strategic issues/concerns have been identified with the proposed development:

- Approval of the proposed development will exacerbate traffic flow to and from the island.
 - o As identified in the proponent's submission, one of the two driveways to the property will intersect with Reef Water Circuit within a short distance from the bridge connecting the island to Hastings Road. It is not desirable that vehicular traffic enters and exits from private land so close to/as part of the main entrance of such a confined residential area.
 - o In effect the proposed development is a subdivision of the existing allotment. One of the two new allotments will have frontage to only Reef Water Circuit adjacent to the bridge. This will encourage visitors to the future development (as proposed) to park directly adjacent to the constructed dwelling. This is considered inappropriate in view of the roadways dimensions and the intended function of that part of the road i.e. the main entrance to the island estate.
- Accumulative impact of concentrated dual occupancy development at the island's entrance.

- o As part of the original subdivision the nominated dual occupancy allotments were those directly opposite and adjacent to the subject site. Approval of the proposed development will establish a concentrated section of dense development at the only entrance to the island. This is considered inappropriate and contradictory to the intended character of the island as described by its original subdivision.
- Existing and future community's expectation that Friday Island will be a low-density development.
 - o The island's original subdivision stated that the desired future character of the island was a low-density residential neighbourhood. Approval of the proposed development is contradictory to this.
 - o Although the review document cites that no submissions were lodged with Council that specifically objected to the proposed development; a number of submissions were received, during the exhibition and assessment of DA 03/1300, that were opposed to the island being further subdivided. These submissions were largely in response to a range of similar developments proposed on the island.
 - o The main issues raised in each submission concentrated on the desired future character of the island and surrounding area as approved in the original subdivision.

OPTIONS:

1. Uphold the decision to refuse the application based on the nine reasons for refusal previously provided.
2. Uphold the decision to refuse the application but modify certain reasons for refusal.
3. Support the proposal and request appropriate conditions for approval be submitted to the next Council meeting.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The applicant has lodged an appeal with the Land & Environment Court and should the applicant be dissatisfied with the decision for the Review of Determination the appeal may proceed to the Court.

POLICY IMPLICATIONS:

If approved this application has integrity implications for DCP No. 52, Strategic Planning Policy implications, in addition to potential for setting an undesirable precedent.

CONCLUSION:

As detailed originally this application is not considered to be suitable for the site and furthermore the wider strategic and cumulative issues involved warrant refusal of this application. The concept plan that Council adopted at the time of subdivision should be upheld and supported by Council, so that existing and future residents can know that the Island will maintain the originally approved low density character and retain good planning principals.

The arguments presented by the applicant for the S82A review are not considered sufficient to warrant approval of this application.

UNDER SEPARATE COVER:

1. The Original Council Report
 2. Development Plans
-

- 8 **[PE] DA04/1270 Residential Development Comprising 467 Dwellings - Mix of 2 Storey Villas & 3 Storey Apartments & a Café/Restaurant (DA227-9-2004) at Lot 29 & Lot 30 DP1027531, Tweed Coast Rd & Lot 31 DP1027531 & Lot 54 DP1030322, Casuarina Way, Casuarina**

ORIGIN:

Development Assessment

FILE NO: DA04/1270 Pt2

SUMMARY OF REPORT:

The Department of Infrastructure, Planning and Natural Resources (DIPNR) has provided Council with a copy of a development proposal for reference and comment.

The application seeks approval for a revised 'Master Plan' that comprises road layouts (including public car parking) bulk earthworks, residential and commercial uses. The revised Master Plan and the application seek to provide a road configuration different to that which has previously been considered. In particular, the esplanade road is eliminated in favour of an inland rerouting of Casuarina Way.

The proposed revised Master Plan is considered to be a significant departure from the previous Master Plan. This report recommends that DIPNR be advised that the proposed relocation of the esplanade road is not supported. Conditions for the approval of the proposal by DIPNR have not been formulated at this stage as there are a number of issues which need to be clarified.

RECOMMENDATION:

That Council: -

1. Advises the Department of Infrastructure, Planning and Natural Resources the proposed Master Plan revision and subsequent development proposal is not supported for the following reasons: -

Reasons for refusal

1. Pursuant to Section 79C(1)(a)(iii) the proposed development does not attain the provisions of Development Control Plan No2. – Parking and Access Code.

2. Pursuant to Section 79C(1)(b) the proposed development is not supported by information that permits a level of satisfactory assessment in relation to the impact on the natural and built environment, socially and economically in the locality, particularly as it relates to raising the level of the land.
 3. Pursuant to Section 79C(1)(e) the proposed development is considered to have the potential to adversely impact upon external properties and on the whole of the Casuarina Beachside precinct and as such cannot be considered in the public interest.
 4. Pursuant to the *Environmental Planning and Assessment Act, 1979* Section 5 'Objects' the proposed development has not been demonstrated as attaining subclause (a)(i) & (ii).
2. The Department also be provided with issues for consideration prior to formulating relevant conditions of approval.

Issues for consideration

1. The matters raised in the Council Report of 2 March 2005.
2. Having regard to the traffic matters raised in the report prepared by Eppell Olsen & Partners dated September 2004 it is requested that the Applicant be requested to explore the option of providing the esplanade road and the proposed Casuarina Way extension.
3. The impacts upon properties located in Gillett Court resulting from the deletion of the cul de sac in favour of the proposed road configuration requires consideration. In this regard the concerns raised by the owner of Lot 28 Gillett Court are noted (see Technical Report 4 of S.E.E.).
4. Waste:
 - Details of number and size of waste bins.
 - Confirmation that provision has been made to relocate bulk bins up to the collection point.
 - Confirmation that provision has been made for storage of bins for recyclables in basement.
 - Detailed drawings of waste storage and collection point – Confirm that area adequately screened, impervious, graded and drained. How many bins to be serviced each collection time – is there sufficient space for these bins?

- Provide written confirmation from waste collection contractor that collection area is suitable.
 - Confirm that all vehicle movements to pick up refuse will be wholly contained within the site.
5. The applicant is requested to advise whether dewatering will be required for the development. If so the applicant is requested to provide a water quality monitoring/management plan for consideration. If dewatering is proposed, the Acid Sulfate Soil Management Plan may require amendment.
6. Applicant requested to advise whether centralised hot water supply system to be provided (distributes water supply throughout development), or individual hot water heaters supplied to each unit. If centralised distribution system proposed please confirm compliance with NSW Code of Practice for Control of Legionnaires Disease (NSW Health, June 2004) and AS3666.1.
7. A report is required from a suitably qualified acoustic consultant that assesses potential for impact on residential premises from the following, and any need to incorporate attenuation treatments:
- noise from plant items such as air conditioning or basement exhaust mechanisms
 - noise from vehicle movements entering and leaving the development, as well as potential impact from waste collection vehicle.
8. The development includes a café/restaurant. Conditions to be applied re construction and operation. Applicant requested to provide confirmation that provision has been made to exhaust cooking gases above the roof line in accordance with AS1668. Applicant also requested to provide details of the proposed hours of operation of the café.
9. Treatment rooms / functions:
- Parts 3.2 and 5.3.6 of the submission reference treatment rooms. Please indicate what these rooms will be used for. Will it involve skin penetration or other health related services
 - Page 6 of the Proposed Management Structure report references 'conference management'. Applicant requested to advise will these functions be held at the development? Will POPE licenses be required? Will the premise be licensed.

10. A minimum of three carwash bays are deemed appropriate in stage 1. The applicant is requested to confirm that this number will be provided, and provide plans of their location and drainage details.
11. Access to Casuarina Way does not comply with Development Control Plan No.2 - Access and Parking Code or AS2890.1, the egress driveway is in the prohibited zone specified in AS2890.1 Figure 3.1 which is required to minimise traffic conflict.
12. The plans show a water feature and signage within the public road reserve (refer plan SK-03-A), this is unacceptable. Revised plans showing these works removed from the road reserve should be provided.
13. The poor quality photocopies of Appendix C in the traffic report prepared by Eppell Olsen & Partners dated September 2004 are not legible. To complete a proper assessment of the report a legible copy of the above appendix is required.
14. The Port Cochere is shown to overhang the front boundary onto the public road. This is to be relocated.
15. Proposed garden beds within the footpath areas are to be relocated within the development site.
16. The proposed new roundabout at the northern end of the site will require amendment of DIPNR consent 175-04-2003 to delete proposed Lot 1 and alter proposed Lots 2 and 38, as well as modifying the road layout.
17. Clarify when all roadworks are to be completed. Council prefers all roadworks to be undertaken with 'Stage 1'.
18. Future ground levels in the north-western corner of the site are unsatisfactory as they propose to be 3.5m higher than adjoining land.
19. Full contributions will be required for water and sewer infrastructure.
20. The "Traffic Impact Assessment" is to be resubmitted in legible form.

REPORT:

Applicant: Multiplex Casuarina Pty Ltd
Owner: Kings Beach (No. 2) Pty Ltd
Location: Lot 29 and 30 DP 1027531 Tweed Coast Road and Lot 31 DP 1027531 and Lot 54 DP 1030322 Casuarina Way, Casuarina
Zoning: 2(e) Residential Tourist & 7(f) Environmental Protection (Coastal Lands)
Cost: Nil

BACKGROUND:

The Department of Infrastructure, Planning and Natural Resources (DIPNR) has provided Council with a copy of a development proposal for reference and comment.

The proposal is fundamentally for residential development and a small café. The application seeks approval for a 'Master Plan', the proposed road layout (including public car parking) and bulk earthworks. The completion of the Master Plan works will be undertaken in stages that will result in a total of 467 dwellings in a mix of duplex, villas and apartments. Approval of Stage 1 of the proposal is sought within the application. It comprises 129 apartments, associated car parking, community facilities/ open space, on-street public parking and a small refreshment room (café). Approval is sought within the application for the strata titling of the 129 apartments and community areas however it should be noted that development approval for strata titling is not required in the Local Government Area of Tweed Shire. No subdivision plans, strata or otherwise, have been provided to Council.

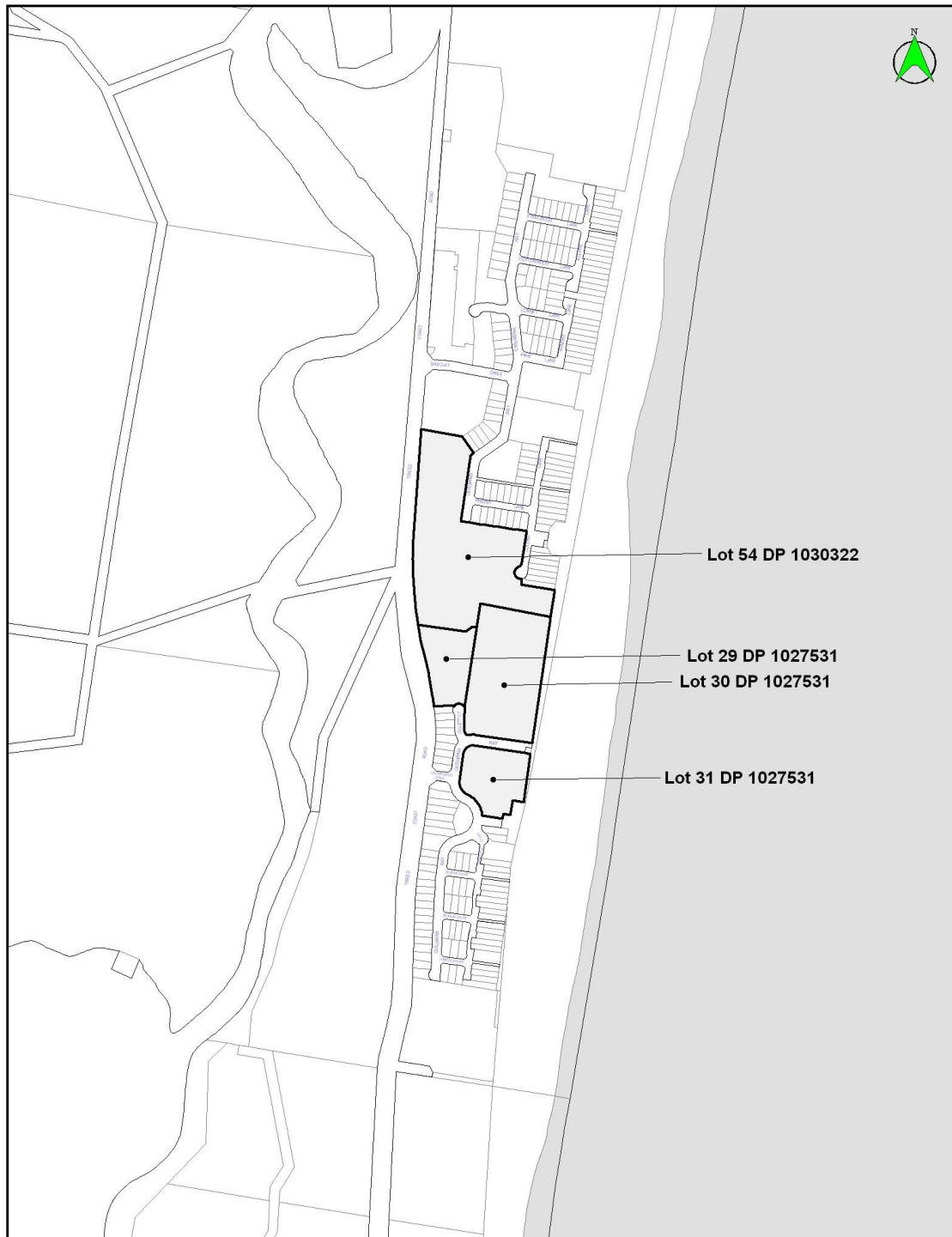
It is also proposed to provide a 5 metre wide easement within a 35 metre wide landscape area through the central part of the site. The easement is proposed to be dedicated for public access when Lot 30 is developed.


Several areas of concern have been identified during preliminary review, the primary issues are:

1. Clarification on the role of the DIPNR under State Environmental Planning Policy No.71 - Coastal Protection.
2. Non provision of the 'Esplanade' road and 'Beachside Village' retail area as depicted in all previous Master Plans for this section of Casuarina.
3. Provision of public car parking in accordance with Council's adopted Policy.
4. Landform.
5. Amendment of prior DIPNR consent 175-04-2003.

The residential development is defined as 'multi dwelling' in accordance with the Tweed Local Environmental Plan 2000(Tweed LEP). Multi-dwelling housing is separately defined from tourist accommodation in the Tweed LEP. It is for residential purposes only.

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.</p> <p>DO NOT SCALE COPY ONLY - NOT CERTIFIED</p> <p>P.O. Box 816 Murwillumbah, NSW, 2484</p> <p>Tel. (02) 6670 2409 Fax (02) 6670 2483</p>	<p><i>Tweed Shire Council</i> Lots 29, 30 & 31 DP 1027531 and Lot 54 DP 1030322 CASUARINA</p>	 <p>TWEED SHIRE COUNCIL</p>	<p>STRATEGIC PLANNING UNIT</p> <p>Site Plan</p> <p>Sheet: 1 of 1</p>
<p>File: N:\MapInfo 7...IA4P Site Plan.Wor</p>		<p>Author: J.Batchelor</p>	<p>Date: 09/Feb/2005</p>
<p>Scale: 1:10,000</p>		<p>Scale: 1:10,000</p>	

Issues For Consideration

1. Clarification on the role of the DIPNR under State Environmental Planning Policy No.71 - Coastal Protection.

The proposal has been lodged with the DIPNR on the basis that the application is 'State Significant Development' pursuant to cl.9 and Schedule 2 of the Policy, which comprise:

- Development comprising subdivision of land within a residential zone in to more than 25 lots, and
- Development including tourist facilities, which includes a range of descriptions excluding residential development.

In this instance two facts are present. Firstly, the development is for residential development, identified in the Statement of Environmental Effects as 'Multi Dwelling' housing as per the definitions of the Tweed LEP 2000. The Tweed LEP provides a clear distinction through different definitions between residential and tourist accommodation and does not make provision or allowance for dual use units, i.e. units, dwellings or the like that can be lawfully approved for residential and tourist uses concurrently. The proposed development is not a tourist facility, the DIPNR is not the consent authority on this basis.

Secondly, the application seeks to include the subdivision of land by strata titling into more than 25 lots. Pursuant to Section 4B(2) of the Environmental Planning and Assessment Act ("the Act"), 1979 a strata plan of subdivision within the meaning of the Strata Schemes (Freehold Development) Act 1973 or the Strata Schemes (Leasehold Development) Act 1986 is taken to be a subdivision of land. However, a development application for strata is not required in the Local Government Area of Tweed Shire for strata subdivision and as such SEPP 71 would not apply. In this regard the DIPNR is not considered to be the consent authority. In addition, the dedication of future roads proposed within the application whilst essentially comprising subdivision it does not lead to more than 25 lots.

The Statement of Environmental Effects states further that, notwithstanding the above, the Minister has the general power under Section 88A of the Act to direct a Council to refer a development application for the determination of the Minister, if in the Ministers opinion it is of state or regional significance. It is not clear why reference has been specifically made to this provision. Council neither received the application for determination nor a direction from the Minister.

In light of the above it is recommended that Council raise as an issue with the DIPNR seeking the basis for which it considers itself the consent authority.

2. *Non provision of the 'Esplanade' road as depicted in all previous Master Plans for this section of Casuarina.*

The subject development site is illustrated in the Statement of Environmental Effects within the Technical Engineering Report prepared by Cardno MBK on Drawing No.7079/3/1-FIG DA02 B as being within Stage 2 under Development Consent K99/1360.

The Statement of Environmental Effects prepared by McInnes Group that accompanied the Section 78 Application for Stage 2 comprising management lots 1, 2 and part of lot 3, dated 30 September 1999, illustrates in the then proposed Master Plan, prepared by McKerrall Lynch, the provision of an esplanade road, with public parking (146 spaces). The Master Plan did not include a continuation of "Casuarina Way" that would have essentially provided a loop-road to the esplanade, as depicted in the plan approved by the NSW Land and Environment Court under appeal.

The report of 30 September 1999 is considered significant in the assessment of the proposed 'new' master plan because it provides in detail the objectives and rationale for maintaining the esplanade as a vehicle for providing a sense of public ownership, a sense of place and identity and its role as an extension to the public foreshore. Whilst the report is clear that future potential land uses identified in the master plan are indicative only, i.e. actual development being the subject of separate application approvals, it states that *in all instances, the Concept Master Plan will be called upon as a guide to how the area might be developed*, the esplanade road is also clearly depicted in the Stage 2 Development Master Plan. This is consistent with the Deed of Agreement negotiated between Council and the Developer in requiring the construction and dedication to Council of a road reserve and parking area immediately adjoining the eastern boundary of the "Beachside Village" development site. The Master Plan design adopted in the application K99/1360, which included the "Beachside Village" has been included on many occasions in subsequent development applications and as a consequence it has been generally accepted that Management Lots 1, 2 and part of Lot 3, in particular Lot 2 would be developed having regard to the requirement for and provision of an esplanade road. This perception was further reinforced with the approval of the esplanade road under Development Consent 0850/2000DA on 23 November 2000 and subsequent Construction Certificate (0004/2001CCSU) approval.

Public car parking was to be provided at a rate of 146 spaces within the esplanade road and angled at 45⁰ on either side of the esplanade. A traffic calming element was to be *provided in the middle of the parking area to enable safe access for pedestrian movement between Village (and surrounding uses) and the beach and public walkway system*. Importantly, the Applicant recognised that the minor revision of the Court approved plan was consistent with the original objectives of connecting the public car parking area directly to the public open space areas along the foreshore reserve. The Concept Master Plan eliminated the inland north-south road indicated on the Consent Order Development Plan in favour of diverting all site traffic to the beachfront Esplanade. The applicant contended that the beachfront esplanade was the preferred option because it would:

- Reinforce the concept of the "Beachfront Village" as a major site focus and destination; and
- Strengthen the pedestrian / open space connection from the inland areas of the site to the beach.

The Appendices to the report of 30 September 1999 provide the design principles for, among others, the Beachside Village, in particular the following statements are made:

- *To provide an additional small commercial and tourist activity centre (Beachside Village) in the south which will evoke sophisticated, diverse and "fun" community feelings for the surrounding precincts.*
- *To use the beach, foreshore area and walkway, and the open space system as a major unifying elements which will not only provide visual and physical articulation of the various precincts but provide an integrated system which can be enjoyed by the total public population.*
- *The Concept Master Plan recognises the attraction of the coastal foreshore (beach and sand dunes), not only as the prime physical attraction of the site, but as the inspiration for creating a distinct "seaside village" character to the overall development.*
- *Particular attention has been paid to ensuring controlled, convenient access to the beach, for both the residents of Kings Beach and the public in general.*
- *Public car parking for access to the beach has been provided as required in the Consent Order Development Plan.*

The development application K99/1360 demonstrated that significant planning consideration had been given to the preparation of the Master Plan. It provided a clear direction on the type of development that could be development and the functions each would serve in creating a vibrant seaside residential and tourist precinct that would tie in with and be serviced by an appropriate level of commercial support functions (approximately 1500m²). A number of the design features present in the Stage 2 Development Master Plan are eroded in the now proposed Multiplex Master Plan revision and it is debatable whether it achieves the objectives of the Development Plan approved by the Court, in particular as it relates to the provision of the esplanade road and whether the proposed development could actually be defined as a village pursuant to the K99/1360 Stage 2 Development Master Plan proposal. On the basis of providing limited commercial support functions, Stage 1 will include a café with a dining area of "approximately" 160m², it is considered that the proposed Master Plan revision is significantly different in the area of providing for a 'vibrant' beachside village to the extent that it does not warrant support over the earlier Stage 2 Development Master Plan.

Council's Development Infrastructure Engineer and Traffic and Transport Engineer have reviewed the proposal and provide the following comments:

"1. General Layout Comments:

This area was designated as "Beachside Village" in the L&E Court consent S96/135. In the Consent Plan attached to S96/135, "Beachside Village" has public roads on all four sides, there was to be a esplanade road on the ocean side, a through inland north-south road on the western side and roads on the north and south connecting the esplanade road with the through road.

The commercial core of the "Beachside Village" consists of two three storey buildings facing onto the beach, separated by a central "pocket Park". Convenience commercial and tourist related retail and food and beverage outlets (maximum 1,500m²) will be located on the ground level of the Village buildings, with two levels of resort-style accommodation above.

Broad footpaths along the Esplanade and a paved plaza extending into the Pocket Park provide opportunities for "al fresco" dining on the beach frontage.

Angled car parking on both sides of the Esplanade provides 146 public car parking spaces that are convenient to both beaches and the commercial facilities.

Car parking for the commercial and accommodation facilities is provided behind the Beachfront buildings in accordance with Council's car parking code requirements.

The integrated "Beachside Village" concept includes a precinct of exclusive single level Beach Cottage units located behind the Beachfront buildings, with a three storey holiday apartment complex located to the west.

The open space recreational area for the Beach Cottages acts as an extension of the Pocket Park, providing an open view corridor from the apartments to the beach."

The "Beachside Village" concept and the associated ocean frontage esplanade road was incorporated into the "Concept Master Plan" which was the defacto master plan that accompanied the applications other contemporary stages of "Casuarina Beach" being

- K99/1733 -Stage 3*
- K99/1732 - Stage 4*
- 0680/2000DA - Stage 5*
- 0681/2000DA -Stages 6A & 6B*
- 0850/2000DA -Stage 7 (Link Road)*

These above DAs were approved on the understanding that road connectivity and public oceanfront parking in the vicinity of "Beachside Village" would, in time be provided in accordance with the "concept master plan".

0850/2000DA went further and provided for the dedication and construction of the esplanade road, associated road connections to Casuarina Way and the 146 beachside public parking spaces.

The concept of the esplanade road and associated parking was the subject of considerable negotiation with both the original developer (Lenen PL) and later with Consolidated Properties (who purchased from Lenen and went on to develop most of Casuarina).

Council initially wanted an esplanade road with public parking for the full length of what was then called "Kings Beach". I understand that through protracted negotiations during the court hearing a compromise was reached and it was agreed that an esplanade road would be limited to the oceanfront at "Beachside Village" and "Seaside Village"..

Note: There were two retail centres for Kings/Casuarina Beach designated on both the Court adopted Consent Plan and the Casuarina DA applications "Concept Master Plan". The major centre being "Seaside Village" and the smaller one being "Beachside Village". Presumably two were considered necessary because of the long linear shape of Kings/Casuarina Beach and the need for residents to be within walkable distance of at least one of the centres. The "Seaside Village" Location has not yet been developed and is in a deferred area that cannot be developed until compensatory Blossom Bat habitat has sufficiently established elsewhere. At present the residential lots of Kings/Casuarina Beach have been created, but, the planned accompanying neighbourhood retail development has not occurred. All that has occurred is a small shop at the "Mainwaring" development.

The approved development application 0850/2000DA provided for dedication and construction of the "link Road" which consisted of the esplanade road (including 146 public car parking spaces) and its connections to Casuarina Way.

The submitted application radically departs from the above plans and removes, the "Beachside Village" shopping area, the esplanade road and associated 146 public car parking spaces. It significantly reduces public access to the beachfront and adversely impacts on the shopping and cultural amenity of Casuarina residents and visitors by removing the shopping area.

The extra travel distance is minimal and of little consequence, however, the applicant can construct a western parallel link to the coastal on id so desired. Furthermore, the already approved foreshore road link will provide for greater surveillance of the cycleway without any other detrimental effect on such.

In addition to those issues raised above it must also be noted that Gillett Court has been constructed as a cul de sac. This came about as a result of the esplanade road being generally accepted, over many years, as being the route Casuarina Way would take. In eliminating the esplanade in favour of revised design Gillett Court will no longer remain as a cul de sac but will instead make way for the Casuarina Way extension. This will have a direct impact on those properties / persons who have purchased in the Gillett Court cul de sac. Attachment 6 of the Applicant's Statement of Environmental Effects provides a number of "feedback forms" that were collected during a "community information day" on 26 June 2004. The first of the feedback forms states inter alia:

The extent of road works to Gillett Court if it is to become Casuarina Way. I purchased in Gillett Court not Casuarina Way. Will my concerns be considered and a response to my concerns be provided.

Section 11 of the Engineering Report prepared by Cardno MBK dated August 2004 states:

It is now proposed that the esplanade road will not be constructed. Instead, it is proposed that Casuarina way extend generally on a northerly alignment from its current termination point in South Precinct...This will effectively remove Gillett Court. There are no adverse traffic implications associated with this road relocation, and traffic movements within Casuarina Beach will actually be improved by the change.

Clearly, the elimination of the esplanade road in favour of a revised configuration will have an adverse impact, not only on the future public access and amenity of the site but also on the amenity of existing property owners. The Applicant's reports' do not appear to have adequately addressed all the impacts associated with the proposed road re-alignment.

The Applicant has provided a Traffic Impact Assessment prepared by Eppell Olsen & Partners dated September 2004. Section 7.0 of the report addresses the proposed new alignment of Casuarina Way and in an eight (8) dot point form provides justification reasons for the alignment. In concluding the report states:

The new proposed alignment for Casuarina Way provides a more efficient traffic connection and achieves other amenity and safety benefits for pedestrians and cyclists. The proposed road network provides adequate capacity (for projected volumes) and connectivity within Casuarina Beach and a sufficient supply of public parking (for beach access) is provided in appropriate locations. There are other community and environmental benefits which result from this new alignment.

The issues raised in the report do have varying degrees of planning merit, but not to the extent that the proposed road configuration should be considered over that of the approved esplanade road. Indeed, based on the applicant's findings and on the public benefit of the esplanade the applicant should be requested to explore the possibility of providing both roads, in accordance with the Court approved plan. This would increase connectivity, efficiency for motorists not wishing to travel via an esplanade and improve pedestrian safety on the esplanade.

3. Provision of public car parking in accordance with Council's adopted Policy.

The proposed development seeks to provide public parking in two distinct cul de sac roads located perpendicular to the approved north-south esplanade on either side of Lot 30. The parking areas are proposed to accommodate 50 car space in each, with a potential informal kerbside capacity for an additional 20 spaces. The parking assessment, prepared by Eppell Olsen & Partners dated September 2004, is based on a provision basis of 200 space per 1 Kilometre of frontage.

Council's adopted Development Control Plan No.51 - Tweed Coast Strategy, Section 5.9, and Section 94 Contribution Plan No.19 - Kings Beach / Kings Forest, Section 13, provide that public car parking is to be provided at a rate of 300 space per kilometre of coastal frontage. The subject development site is identified as having a frontage of 447meters. On this basis public car parking spaces are to be provided at a minimum rate of 135 spaces. The Stage 2 Development Master Plan made provision for 146 spaces within the esplanade. It is understood that the provision of 146 spaces tied in with the overall provision of public car parks within the Casuarina precinct, which was to achieve 688 spaces in total. Where possible the 146 spaces should be provided, alternatively the minimum provision of 135 spaces should be maintained. Failure to adequately achieve the target rate of public car parking will ultimately lead to on-street parking and associated adverse traffic impacts.

4. Landform

The landform for this area was approved in condition 54 of the consent for DA K99/1360 (Casuarina Stage 2), it stated:

"54. The subject land shall be shaped in general accordance with Cardno MBK Figure E208 Rev B "Finished Surface Plan" as limited by Figure E229 REV A "Bulk Earthworks""

This application proposes a landform that is at variance to that approved in DAK99/1360. The major variation being a proposed elevation of levels in the north western corner. The raising of these levels will result in the land subject to this application being up to 3.5 higher than adjacent land to the north in lot 54 (subject to a recent approval by DIPNR under SEPP71) and to the Coast Road in this vicinity. More information is therefore required to determine the level impact of the proposed raising of levels on lot 54 and on the Coast Road.

5. DIPNR recently issued development consent 175-04-2003 over Lot 54 for a residential subdivision. This new proposal intends to create a new roundabout resulting in the deletion of one of the approved residential lots and modification of two other lots, to enable the roundabout to be constructed. This has not been addressed in the submission. This raises the issue of to what degree the proposed 'Master Plan' is to be pursued, and what exactly is the applicant intending to construct immediately.

OPTIONS:

1. Advise the Department of Infrastructure, Planning and Natural Resources that Council is opposed to the proposed Master Plan revision and subsequent development proposal. To provide to the DIPNR issues for consideration, advising that Council is not presently in a position to provide conditions of approval.

2. Resolve to support the proposed Master Plan revision and subsequent development and provide DIPNR issues for consideration prior to issuing relevant conditions of approval.
3. Provide conditions of approval.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Tweed Shire Council is not the consent authority in this matter. Any determination made by the DIPNR is not considered likely to give rise to any policy implications upon Council in its capacity as a consent authority in dealing with future matters.

CONCLUSION:

Having regard to the issues raised in this report it is contended that the Stage 2 Development Master Plan is superior to that now proposed in its provision of public access and amenity and in providing for a true beachside neighbourhood. The previous plan has many beneficial facets that cannot be found in the proposed plan and as such it is not supported.

This area of Casuarina was envisaged to provide a vibrant beachside village comprising a mix of residential and tourist components, areas of recreation (pocket parks) with a reasonable level of commercial support, i.e. shops, restaurants and cafes that would provide for alfresco dining and that would interact directly with pedestrian access. This 'Beachside Village' was intended to complement the 'Seaside Village' which is identified further north. The proposed Master Plan, which comprises residential premises, does not share or provide the same level strategic vision for Casuarina and if approved will likely impact on the future development of the 'Seaside Village'.

The applicant contends that the residential premises could be used for tourist accommodation as well. This has its own issues. Firstly, the Tweed LEP is not geared to provide for multi-use residential / tourist premises concurrently. Secondly, residential and tourist development are not always in harmony with each other. It is essential that tourist developments be assessed as such so that potential impacts upon other land - uses can be identified and assessed. Briefly, tourists are not generally confined to their movements when on holiday like that of residents who may have to work and as such retire earlier of an evening. Disturbances of this nature can have severe impacts. The Applicant has not identified, and has advised verbally, that it is not proposed to designate specific units for either residential or tourist uses and as such it is not possible to assess land-use conflict.

The proposed Master Plan is a significant departure to that of the Stage 2 Development Master Plan and it does not appear to have being given the specific strategic planning attention that is warranted. It can only be concluded that the proposed residential

development, with no esplanade road, is a major departure from earlier visions and is not supported. The following point should be noted:

- The application removes the public esplanade access and parking along this section of Kings/Casuarina Beach. These facilities (and the parking/esplanade area at “Seaside Village” and other smaller public parking areas) have been designated in previous consents and are considered the minimum required to provide the general public (from outside the Casuarina area) with convenient access to the Casuarina beachfront.
- The application deletes the “Beachside Village” retail area. This shopping/cafe/village area is designated in previous consents and is required to provide a focal attraction for the southern end of Casuarina and provide retail facilities within reasonable walkable distance of residents
- The Master Plan needs to be considered in its total context and how incremental changes affect the overall strategic vision for the Casuarina estate.

UNDER SEPARATE COVER:

Nil.

REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER

9 [OGM] Tweed Shire Council - Public Inquiry

ORIGIN:

General Manager

FILE NO: GA4/1/40 Pt2

SUMMARY OF REPORT:

Commissioner Daly in his preamble to the Inquiry on 16 December 2004 stated,

"The proceedings will be tape-recorded, and are being tape-recorded at this moment, in order to provide me with a transcript after the close of the Inquiry in order to prepare a report."

The interpretation of this was that transcripts of proceedings would be available on the Web Site, on a daily basis, free of charge.

This has proved not to be the case with a private company providing transcripts at the cost of \$14.50 per page (within two (2) days) or \$12.50 per page (after three (3) days). The daily costs of a transcript is in the order of \$2,000 - \$2,500.

Given the proposed length of time for the public hearings the total costs could be expected to be in the order of \$40,000 - \$45,000.

The transcripts are copyright of the transcription company and hence, cannot be copied.

It is suggested that one set of the complete transcript be obtained for Tweed Shire Council and that they be retained at this time in the care of Council's Governance Officer for use by Councillors and staff and subsequently be retained for future references/research purposes.

RECOMMENDATION:

That the General Manager arranges for the purchase of a complete set of transcripts at the best possible price and that the funding source be considered at the appropriate budget review.

REPORT:

As per Summary.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The funding source for the purchase of a complete set of Inquiry transcripts should be considered at the appropriate budget review.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

10 [OGM] Quarterly Motor Vehicle Incident Report - September 2004 - December 2004

ORIGIN:

Governance

FILE NO: GI1/4 Pt10

SUMMARY OF REPORT:

Following is a summary of incidents/accidents in which Council vehicles have sustained damage during the 3 month period from 1 September 2004 to 31 December 2004.

RECOMMENDATION:

That this report be received and noted.

REPORT:

The following summarises accidents involving Council vehicles for the period 1 September 2004 to 31 December 2004.

Twenty-two incidents occurred involving Council vehicles during the period.

Of these there were 12 damaged windscreens and/or windows, 1 incident where a council vehicle caused damage to a private vehicle, 6 instances where a council vehicle connected with an object, 3 of vandalism to the interior of the vehicle.

The total cost of repairs to Council vehicles is \$7,848.94.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Expenditure is allocated against the Plant Number.

POLICY IMPLICATIONS:

In accordance with Council Policy 06.24 Reporting of Accidents - Council Vehicles.

UNDER SEPARATE COVER:

Nil.

11 [OGM] In Kind and Real Donations - 1 October 2004 to 31 December 2004

ORIGIN:

Financial Services

The following reports details "In Kind and "Real" donations for the period 1 October 2004 to 31 December 2004.

RECOMMENDATION:

That this report be received and noted.

REPORT:

The following report details "In Kind" and "Real" donations for the period 1 October 2004 to 31 December 2004.

In Kind and Real Donations - October to December 2004			
Financial Assistance			
Amount	Recipient	Donated Item	Date
\$ 1,000.00	Burringbar School of Arts	1st Round Donation	22/10/2004
500.00	Burringbar Village Arts Centre	1st Round Donation	22/10/2004
1,000.00	Caldera Environment Centre	1st Round Donation	22/10/2004
1,500.00	Kids in Need	1st Round Donation	22/10/2004
1,000.00	Murwillumbah Musicians Club	1st Round Donation	22/10/2004
450.00	Pottsville Community Association	1st Round Donation	22/10/2004
1,000.00	Tweed Combined Country Halls Associations	1st Round Donation	22/10/2004
1,500.00	Tweed District Safety House	1st Round Donation	22/10/2004
500.00	Tweed Parkinsons Support Group	1st Round Donation	22/10/2004
410.00	Twin Towns & District Garden Club	1st Round Donation	22/10/2004
1,000.00	Tyalgum Literary Institute	1st Round Donation	22/10/2004
700.00	Uki Village & District Residents Association	1st Round Donation	22/10/2004
843.00	Banora Point Soccer Club	Contribution to Net Fencing	10/11/2004
827.00	Tumbulgum Rangers Sports Club	Contribution to Net Fencing	10/11/2004
245.45	Mater Hospital's - Special Needs Children Xmas Ext	Donation	23/11/2004
25.00	Uki Public School	Donation	9/12/2004
215.00	Pottsville Beach Public School	Refund DA Fee for Signs	16/12/2004
7,500.00	Sacred Heart Parish Murwillumbah	Contribution Towards Restoration of Parish Hall	23/12/2004
\$20,215.45			
Goods and/or Materials			
Amount	Recipient	Donated Item	Date
\$ 96.00	St Joseph's School	34 Shrubs	26/10/2004
250.00	Chillingham Community Centre	2 Trays X 50 & 50 Shrubs X 4	17/11/2004
44.00	St James Primary School	12 X Tube & 8 Shrubs	3/12/2004
\$390.00			

Provision of Labour and/or Plant & Equipment			
Amount	Recipient	Donated Item	Date
255.14	Wollumbin Festival	Provision of Labour	22/10/2004
73.17	Murwillumbah Show Preparation	Provision of Labour	5/11/2004
439.60	Murwillumbah Races - Melbourne Cup Day	Provision of Labour	5/11/2004
203.39	Remembrance Day	Provision of Labour	12/11/2004
788.07	Street Decorations - Christmas	Provision of Labour	31/12/2004
\$1,759.37			
Rates			
Amount	Recipient	Donated Item	Date
\$ 1,771.30	Tweed Coast Community Centre	Council Rates	10/11/2004
\$1,771.30			
Tweed Link Advertising			
Amount	Recipient	Donated Item	Date
\$ 108.00	Various Community Notices	Advertising	5/10/2004
81.00	Various Community Notices	Advertising	12/10/2004
94.50	Various Community Notices	Advertising	19/10/2004
141.75	Various Community Notices	Advertising	26/10/2004
116.10	Various Community Notices	Advertising	2/11/2004
81.00	Various Community Notices	Advertising	9/11/2004
74.25	Various Community Notices	Advertising	23/11/2004
189.00	Various Community Notices	Advertising	30/11/2004
67.50	Various Community Notices	Advertising	7/12/2004
40.50	Various Community Notices	Advertising	21/12/2004
\$993.60			
Room Hire			
Amount	Recipient	Donated Item	Date
\$ 58.00	Tweed Heads Hospital Ladies Auxiliary	Room Hire - Tweed Heads Meeting Room	4/10/2004
58.00	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Meeting Room	5/10/2004
58.00	Drug Action Team	Room Hire - Tweed Heads Meeting Room	13/10/2004
58.00	Drug Action Team	Room Hire - Tweed Heads Meeting Room	27/10/2004
58.00	Tweed Heads Hospital Ladies Auxiliary	Room Hire - Tweed Heads Meeting Room	1/11/2004
58.00	Drug Action Team	Room Hire - Tweed Heads Meeting Room	10/11/2004
58.00	Drug Action Team	Room Hire - Tweed Heads Meeting Room	24/11/2004
58.00	Northern Disability Council of NSW	Room Hire - Tweed Heads Meeting Room	29/11/2004
58.00	Tweed Heads Hospital Ladies Auxiliary	Room Hire - Tweed Heads Meeting Room	6/12/2004
58.00	Drug Action Team	Room Hire - Tweed Heads Meeting Room	9/12/2004

TWEED SHIRE COUNCIL MEETING HELD WEDNESDAY 2 MARCH 2005

24.50	Twin Towns Friends Association	Room Hire - South Tweed HACC	13/10/2004
24.50	Twin Towns Friends Association	Room Hire - South Tweed HACC	10/11/2004
53.40	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	6/10/2004
375.90	Lady Bird Communications	Room Hire - Tweed Heads Civic Centre	8/10/2004
53.40	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	10/10/2004
40.20	Twin Towns Garden Club	Room Hire - Tweed Heads Civic Centre	11/10/2004
53.40	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	12/10/2004
53.40	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	13/10/2004
53.40	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	14/10/2004
28.40	On Track	Room Hire - Tweed Heads Civic Centre	19/10/2004
174.10	On Track	Room Hire - Tweed Heads Civic Centre	20/10/2004
53.40	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	20/10/2004
53.40	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	27/10/2004
40.20	Twin Towns Garden Club	Room Hire - Tweed Heads Civic Centre	8/11/2004
53.40	Northern Rivers Symphony Orchestra	Room Hire - Tweed Heads Civic Centre	10/11/2004
609.80	Tweed Heads Hospital Volunteers Xmas Party	Room Hire - Tweed Heads Civic Centre	3/12/2004
321.40	Fingal Public School	Room Hire - Tweed Heads Civic Centre	9/12/2004
71.20	Combined Churches Xmas Day Set-up	Room Hire - Tweed Heads Civic Centre	24/12/2004
304.90	Combined Churches Xmas Dinner	Room Hire - Tweed Heads Civic Centre	25/12/2004
61.20	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	12/10/2004
61.20	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	14/10/2004
61.20	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	19/10/2004
61.20	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	21/10/2004
61.20	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	1/11/2004
61.20	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	2/11/2004
61.20	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	3/11/2004

53.40	Nicklus Kenny	Room Hire - Murwillumbah Civic Centre	8/11/2004
53.40	Nicklus Kenny	Room Hire - Murwillumbah Civic Centre	10/11/2004
53.40	Nicklus Kenny	Room Hire - Murwillumbah Civic Centre	13/11/2004
53.40	Nicklus Kenny	Room Hire - Murwillumbah Civic Centre	15/11/2004
53.40	Nicklus Kenny	Room Hire - Murwillumbah Civic Centre	17/11/2004
\$3,717.70			
\$28,847.42	Total Donations 2nd Quarter		

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS

12 [EO] Tweed Heads (Razorback Hill) Traffic Study

ORIGIN:

Works

FILE NO: R4610 Pt1

SUMMARY OF REPORT:

Council at its meeting on 20 October 2004 resolved the following:-

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

After considering the current LEP zonings and the Veitch Lister Banora Point and Tweed Road Development Strategy 2004 it is concluded that no roads in the Razorback Hill area will exceed 70% of their capacity in the terms of traffic volume.

RECOMMENDATION:

That this report be received and noted.

REPORT:

The Razorback Hill area is serviced generally via Charles Street, Florence Street and Norman Street, as shown in the plan below:-



There are two ultimate development scenarios available for the Razorback Hill, being the current LEP and the Tweed Heads Master Plan.

The current LEP scenario has been included in the Veitch Lister Traffic (VLC) Model which is the subject of a separate report to Council at the Council meeting on 2 March 2005.

Utilising the VLC Traffic Model the ultimate development scenario is expected to result in the following traffic volumes on Boundary Street:-

Street	Predicted ADT (vpd)
Charles Street	1,000 - 3,000
Florence Street	7,300
Norman Street	3,000

Notes:

vpd= Vehicles Per Day

ADT = Average Daily Traffic

The ADT on Charles Street near Steep Street is 541 vpd in December 2000. This indicates that traffic on Charles Street will grow as redevelopment occurs until ultimate traffic volumes are attained which are within the limits set in DCP 16 of 3,000 vpd for local streets (Charles Street).

The VLC Model shows that at the ultimate scenario the volume to capacity ratio for the morning and afternoon peak hours is 0.7 or less. This means that the peak hour traffic is only 70% or less of the road's traffic capacity.

From the above information it is concluded that the road in the Razorback Hill area of Tweed Heads will be well below their respective traffic capacities and that development permitted by Council's LEP can be accommodated in terms of traffic generation within the existing road network.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

13 [EO] Banora Point & Tweed Road Development Strategy Review 2004

ORIGIN:

Works

SUMMARY OF REPORT:

Council commissioned Veitch Lister Consulting to review the 1997 Tweed Road Development Strategy and the final report entitled Banora Point & Tweed Road Development Strategy Review 2004 is formally presented to Council.

RECOMMENDATION:

That Council:-

1. Formally makes available copies of the Banora Point and Tweed Road Development Strategy Review 2004 to the public upon request.
2. Reports on the Sextons Hill Deviation of the Pacific Highway and Kirkwood Road ramps be presented to Council when the Road and Traffic Authority supplies sufficient data for such reports to be prepared.

REPORT:

Veitch Lister Consulting were engaged to review the Tweed Road Development Strategy giving detailed attention to the Banora Point/South Tweed Heads area.

The TRDS is a Shire wide strategy to provide traffic capacity within the trunk (main) road network, known as distributor roads, based on future development as permissible under the Tweed Local Environmental Plan 2000.

The Consultants were requested to provide considerable data on various road network alternatives in the Banora Point/South Tweed Areas given the uncertainty of ramps at the Kirkwood Road intersection, the impacts of the 'Area E' rezoning and the Pacific Highway Deviation at Sextons Hill.

The TRDS revision consists of four papers and the Summary Report.

The full set of documents is available on CD due to the extensive use of colour graphics which make printing hard copies expensive.

The Summary Report is reproduced below as it provides an excellent overview of the review process and the critical outputs in terms of the Shire wide distributor road network and the Banora Point/South Tweed Area.

VLC

Veitch Lister Consulting Pty. Ltd.

- Travel Demand Forecasting & Infrastructure Planning
- Transportation Planning & Traffic Engineering
- Simulation Software

ACN 010 655 973

Banora Point and Tweed Road Development Strategy Review 2004

Summary Report

Prepared for
Tweed Shire Council

By
Veitch Lister Consulting Pty Ltd

December, 2004

- Brisbane
- Melbourne

TABLE OF CONTENTS

S.1	BACKGROUND	1
S.2	PURPOSE OF THIS SUMMARY REPORT	1
S.3	OVERVIEW OF THE STUDY PROCESS	1
S.4	SUMMARY – WORKING PAPER 1 (MODEL CALIBRATION).....	2
S.4.1	<i>Model Development</i>	2
S.4.2	<i>Model Calibration</i>	2
S.5	SUMMARY – WORKING PAPER 2 (FUTURE DEMOGRAPHIC ASSUMPTIONS)	3
S.6	SUMMARY – WORKING PAPER 3 (ULTIMATE DEVELOPMENT FORECASTS AND ASSESSMENTS)	4
S.6.1	<i>Base Case Road Network (Ultimate Development)</i>	4
S.6.2	<i>Road Network Review (on Ultimate Development)</i>	4
S.6.3	<i>'Area E' Sensitivity Test</i>	6
S.6.4	<i>Road Network Options (Banora / South Tweed Heads)</i>	6
S.6.5	<i>Recommendations (Banora / South Tweed Heads)</i>	7
S.7	SUMMARY – WORKING PAPER NO. 4 (YEAR 2011 FORECASTS)	8
S.7.1	<i>Base Case Road Network (Year 2011)</i>	8
S.7.2	<i>Road Network Review (2011)</i>	9
ATTACHMENT 1 : WORKING PAPER 1		
ATTACHMENT 2 : WORKING PAPER 2		
ATTACHMENT 3 : WORKING PAPER 3		
ATTACHMENT 4 : WORKING PAPER 4		

S.1 Background

Veitch Lister Consulting Pty Ltd (VLC) were initially engaged by the Tweed Shire Council to undertake a study of a number of future land use / transport scenarios in the Banora Point area. Completion of this assignment involved development of a detailed traffic-forecasting model covering the whole of the Shire, for two future planning horizons (2011 and on ultimate development scenario). Given the coverage of the models developed, it has also been possible to review the need for and timing of road network improvements elsewhere in the Shire.

During the course of the study four working papers, covering differing aspects of the model development and forecasts and assessments, were produced. These working papers (as listed below) are reproduced as separate Attachments to this Summary Report.

- Working Paper No.1 : Traffic Model Calibration
- Working Paper No.2 : Future Demographic Assumptions
- Working Paper No.3 : Traffic Forecasts on Ultimate Development
- Working Paper No.4 : Traffic Forecasts for 2011

S.2 Purpose of this Summary Report

The purpose of this Summary Report is to provide a brief summary of the study and its principal findings and recommendations. Given that the more detailed and self-explanatory working papers are attached, parts of this Summary Report simply make reference to those earlier documents.

S.3 Overview of the Study Process

As with any study of this type, involving the production of traffic forecasts over a wide area, it is necessary to use a traffic model. For this study, VLC adapted their pre-existing 'Zenith' model of South-east Queensland (in which Tweed Shire was already included, but only simplistically represented). This adaptation involved adding considerable extra detail to the model, both in the Shire and around its immediate fringes (ie. Byron Shire, Coolangatta and Tugun).

In essence, the study has involved 3 principal stages:

- Stage 1 - development and calibration of a base year model (i.e. a 2001 model). This involved refining the model and proving that it can replicate actual, observed traffic volumes from that time, with appropriate levels of accuracy.
- Stage 2 - production of forecasts and assessments for the Shire's 'ultimate development' scenario. To do this, a significant pre-requisite task was to prepare estimates of the population and employment distribution, within the Shire, once fully developed to its (currently planned) ultimate potential. The initial (base network) forecasts were used to review the adequacy of the anticipated road network, throughout the Shire. Following this, a number of alternative road network options in the Banora Point area were tested and assessed.
- Stage 3 - production of traffic forecasts for the Shire in 2011. The purpose of these forecasts was to help identify the timeframe by which improvements, identified in the ultimate scenario, are needed.

S.4 Summary – Working Paper 1 (Model Calibration)

S.4.1 Model Development

A pre-requisite step to producing future year traffic forecasts is to first develop a ‘base year’ model. The base year chosen for this study was 2001, as this enabled demographic inputs to be sourced from ABS census data and, also, a comprehensive set of traffic counts from about that time (ie. 2000-2002, inclusive) was available.

The base year model was developed by amending a pre-existing VLC model of South-east Queensland, in which Tweed Shire formed part of the ‘buffer area’ and was therefore simplistically represented by just 34 traffic zones. The amendments involved addition of significant extra road network detail, including most ‘collector’ streets, and replacing the zone system with one comprising 446 zones. This level of detail was necessary to accurately model traffic movements at a neighbourhood level.

S.4.2 Model Calibration

The purpose of model calibration is to prove that the base year model can replicate actual, observed traffic volumes from that time, with appropriate levels of accuracy. To undertake the calibration, a database of 344 daily traffic counts was assembled and encoded into the model’s GIS format. These counts, which were predominantly from years 2000-2002, were obtained mainly from the Council but were supplemented with additional counts from Gold Coast City, the NSW RTA, and the Qld Main Roads.

The process of calibration involved producing initial 2001 traffic forecasts and then:

- Adjusting input travel parameters to achieve the desired total levels of traffic, and
- Refining the model road network to achieve the correct balance of volumes on individual roads.

There were some difficulties in achieving the desired level of calibration throughout the whole of Tweed, due to it being a mix of urban and rural areas. There were also difficulties modelling traffic related to passive recreation areas such as beaches and rivers, and also sightseeing trips (which do not necessarily take the shortest route between two zones).

Despite these difficulties, the level of model calibration achieved within Tweed (in terms of an indicator called the *Mean Absolute Deviation*) was better overall than VLC had achieved for the original SEQ model, as summarised below.

Table 1 : Calibration Comparison

Model	No. of Count Sites	Mean Absolute Deviation		
		Urban Areas	Rural Areas	Overall
SEQ Model	1906 ¹	25%	35%	31%
Tweed Model	340 ²	17%	22%	20%

Notes : 1. Within the whole modelled area
2. Within and immediately around Tweed Shire

S.5 Summary – Working Paper 2 (Future Demographic Assumptions)

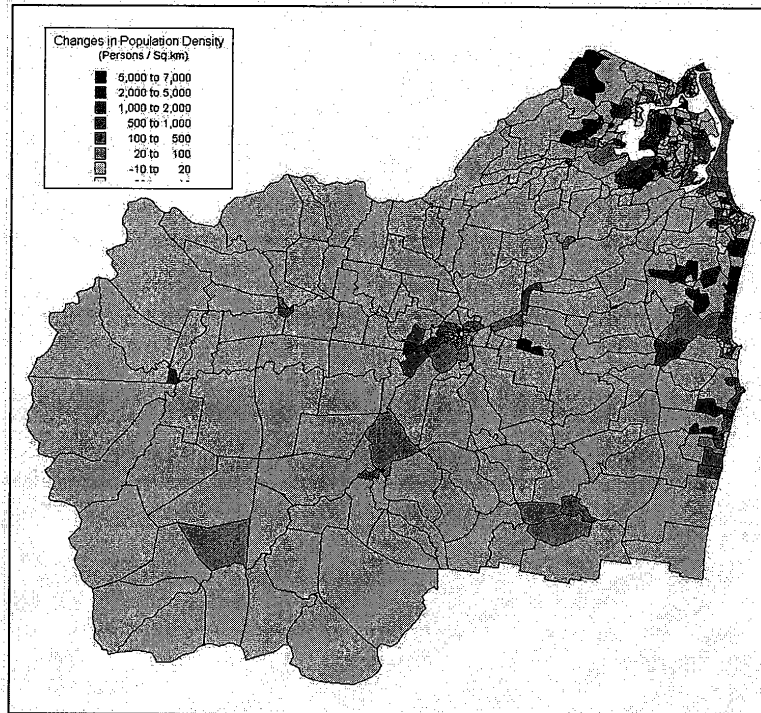
The demographic projections for the Shire, in both 2011 and on ultimate development, (and also how they were derived) are documented in *Working Paper No. 2*.

As summarised in Table 2, below, these projections indicate that the Shire’s resident population is anticipated to grow by 33% between 2001 and 2011 and ultimately by a further 48%. Based on recent historic growth rates, this ultimate development scenario would be reached sometime between 2030 and 2040.

Table 2 : Residential Growth Projections

Residential Attribute	2001	2011	On Ultimate Development
Households	31,400	41,361	61,151
Population	74,380	99,208	147,266
Persons / HH	2.37	2.40	2.41

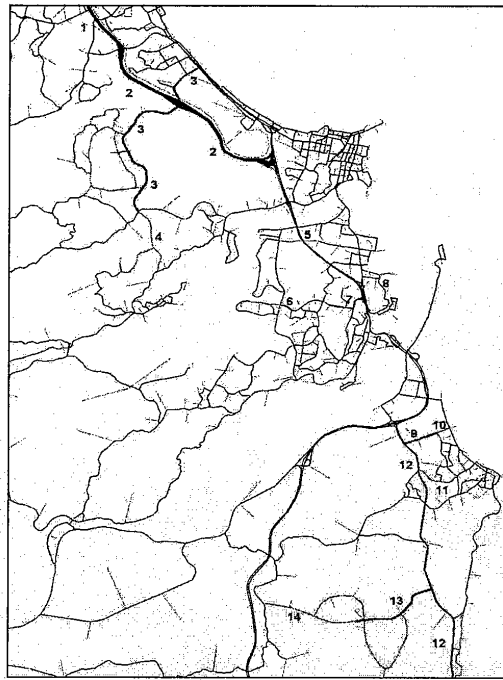
The areas that are expected to accommodate these (ultimate) population increases are shown, in terms of increases in population density, below.



S.6 Summary – Working Paper 3 (Ultimate Development Forecasts and Assessments)

S.6.1 Base Case Road Network (Ultimate Development)

In order to review the adequacy of the Shire’s road network operating under the ‘ultimate development’ traffic demands, it was first necessary to make assumptions as to the road network that is likely to exist by then. It was agreed with Council officers that this ‘base’ network should be a ‘do-minimum’ network, in order not to prejudice (or pre-empt) potential future road capacity needs. This base network, for the ultimate development scenario, consisted of the 2003 network with the additions and improvements shown, in red and blue respectively, below. (The assumed standards of these additions and improvements are in Table 2.1, Page2, of Working Paper No.3).



S.6.2 Road Network Review (on Ultimate Development)

A review of the performance of the ‘base’ network, operating under the ‘ultimate’ traffic demands, indicated the following potential capacity problems in the rural and urban areas, respectively:

Table 3a : Ultimate Road Network Deficiencies (Rural Areas)

Area	Network Capacity Problems
Rural Areas	- None
Murwillumbah	- Alma Street Bridge and the adjoining section of Wollumbin Street.
Tweed Coast	- The Chinderah Road Interchange with the Pacific Highway.

Table 3b : Ultimate Road Network Deficiencies (Urban Areas)

Area	Network Capacity Problems
Banora Point / South Tweed Heads	- The Pacific Highway over Sexton's Hill (*) - The Tweed Heads Bypass - The Leisure Drive / Minjungbal Drive Interchange with the Pacific Highway - Entry/exit capacity to the Machinery Drive / Greenway Drive commercial precinct - Fraser Drive, between Leisure Drive and Kirkwood Road (*)
Cobaki Lakes / West Tweed Heads	- Cobaki Parkway, between Piggabeen Road and Bilambil Heights collector road (*) - Kennedy Drive (whole length) (*)
Tweed Heads	- some intersections in the CBD may develop problems in the peak hours.

The network deficiencies, identified in the preceding tables by an '*', can be addressed by upgrading the road sections concerned to the next higher standard (eg. 2 lanes > 4 lanes). Potential solutions to the other problems deserve further discussion, as follows:

Alma Street Bridge / Wollumbin Street – the degree of over-saturation forecast does not justify the high costs of duplication of the bridge or 4 laning of the critical sections of Wollumbin Street. It is suggested that the most cost-effective solution will be to maximise the capacity of the existing 2-lane, 2-way roads by implementing peak hour clearways, restricting property access and (possibly) modifying intersections to increase priority to the 'through' movements.

Chinderah Road Interchange –While treating the 'symptom' (ie. upgrading the interchange) is one solution, other solutions may lie in addressing the 'causes' (ie. providing relief). The contributing causes and possible relief measures are:

- The pairs of on/off ramps at Fingal Head and Waugh Street, to the north of this interchange, do not provide convenient access to the beachfront areas of Kingscliff. Rationalisation or reconfiguration of these highway accesses, and/or the addition of service road(s) connecting them to Wommin Bay Road, will provide some relief to the Chinderah interchange (particularly the southbound off-ramp).
- The proposed Kings Forest development will be a significant contributor to the ultimate traffic volumes through the interchange. Establishing an additional interchange on the Tweed Coast Motorway (west of Kings Forest), connecting to the Kings Forest Parkway, would also provide further relief.

Banora Point / South Tweed Heads - The root of most of these problems appears to be a shortfall in strategic (or arterial) level capacity in the north-south direction. While bridge capacity across Terranora Creek is the core issue, ease of access to this capacity is a secondary issue (ie. Northbound traffic from South Tweed Heads must either travel south to the Minjungbal Drive / Darlington Drive interchange to access the Bypass, or take a circuitous route via the Boyds Bay Bridge to access the Bypass from Kennedy Drive). Potential solutions to these problems are considered, later.

S.6.3 'Area E' Sensitivity Test

The demographic forecasts, for the Shire on ultimate development, assumed 'Area E' at Terranora was developed to a potential capacity of 1970 households plus 2 schools. A sensitivity test was undertaken to assess the extent to which this level of development at 'Area E' contributes to the preceding network deficiencies. This was undertaken by producing alternative forecasts for an ultimate development scenario in which 'Area E' retained its current 'Agricultural' zoning and remained undeveloped.

Comparison of the alternative traffic forecasts (with and without 'Area E') indicated:

- The major part of the development's impacts would be accommodated on Shire roads / streets that are either capable of absorbing them or for which improvements are contemplated, anyway.
- The potential impacts of the 'Area E' traffic on the arterial road network will be small (in percentage terms relative to the base levels, without 'Area E'). These 'Without Area E' forecasts also indicated that additional bridge capacity would be justified, anyway.

S.6.4 Road Network Options (Banora / South Tweed Heads)

A number of potential road network options in the Banora / South Tweed Heads area were tested and assessed using the 'ultimate development' model. These options and their related forecasts are fully described in Chapter 4 of the Working Paper. Briefly, the options and their performance were:

- 1) *Sexton's Hill Improvements* – the scheme tested (which is now outdated) is considered sub-optimal. While it adequately serves 'through' traffic, it disadvantages local access to the Highway and increases volumes through the Darlington Drive interchange.
- 2) *Kirkwood Road Ramps* – adding these ramps would provide solid benefits (both economic and also reinforcement of the local road hierarchy), including appreciable relief to the Darlington Drive interchange. However, an expected weaving/merging/diverging problem and excessive peak hour demands on the Bypass' bridge would require the bridge to be upgraded to 6 lanes.
- 3) *Enterprise Avenue Extension & Off-ramp* – this pair of links attract minimal traffic, if implemented on their own, and hence provide little relief or benefits.
- 4) *Additional Bridge* - this also provides solid benefits (both economic and reinforcement of the local road hierarchy), although not as much as achieved by the Kirkwood Road ramps. The reduced benefit is suspected to be a result of the necessary removal of the northbound off-ramp from the Bypass to Kennedy Drive.
- 5) *Additional Bridge plus Enterprise Avenue Extension & Off-ramp* – the two components of this scheme complement each other, and provide an overall benefit in excess of their sum. The third access route into the Greenway Drive / Machinery Drive precinct (via the new bridge and Enterprise Ave Extn.) provides adequate relief to the two existing accesses. However, the off-ramp attracts 'through' traffic, and is also likely to create a weaving problem on the Bypass due to its proximity to the northbound on-ramp from Darlington Drive)

- 6) *Winders Place Link* – although this provides a degree of relief to the south end of Greenway Drive, it is not enough to justify the loss of residential amenity, etc.
- 7) *Dry Dock Road Calming* – implementation of speed and capacity restraints halves the forecast volumes, but generates appreciable travel disbenefits
- 8) *Kirkwood Road Extension* – on its own, this provides small-moderate benefits, which appear enough to justify its construction, irrespective of the other options.

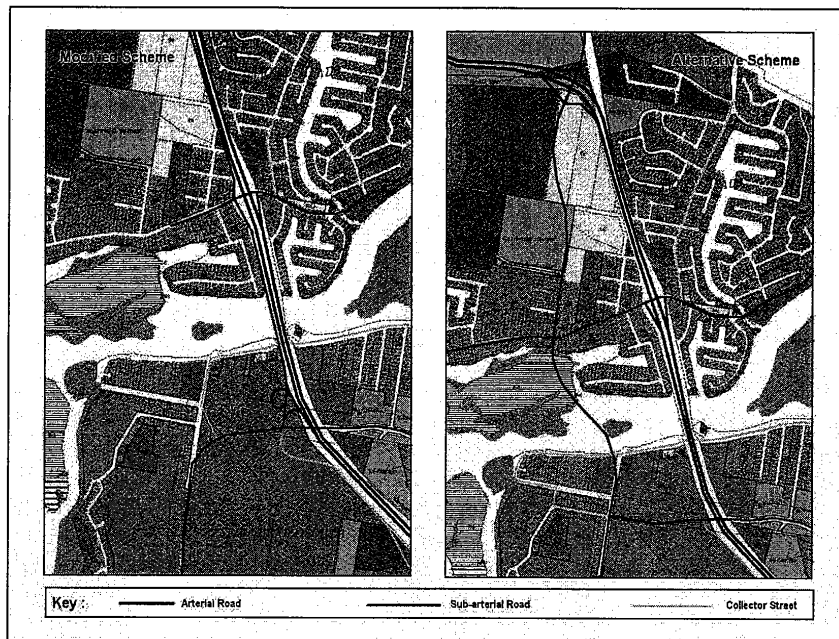
S.6.5 Recommendations (Banora / South Tweed Heads)

These initial traffic forecasts and analyses have identified a number of future road capacity problems and have made some progress toward identification of their solutions. VLC recommend the following directions for further study:

- *Sexton's Hill* – examine further options, possibly including a short tunnel, but which do not disadvantage local accessibility to the Highway.
- *Greenway Drive / Machinery Drive Precinct* – the extension of Enterprise Avenue to Kirkwood Road provides useful relief to the 2 current access routes, but only if combined with a new northern outlet from the area, as discussed below. NB. The potential northbound off-ramp should not be considered further (as it would carry very little access traffic yet has potential to attract 'through' traffic and is also expected to create a weaving problem on the Bypass).
- *Terranora Creek Crossing* - Three of the network options tested (ie. No's 2, 4 & 5) indicate that South Tweed Heads would benefit greatly from an additional traffic access point serving travel to/from the north. As demonstrated by the forecasts for Network Option 2 (ie. simply adding on/off-ramps), such a new ingress/egress point will need to be supported by increased bridge capacity across Terranora Creek. Identification of a preferred solution will require comprehensive, multi-disciplinary study. While traffic needs and operational performance should be principal considerations, other issues (ie. engineering feasibility, costs, and environmental matters) could dictate the outcome. Nevertheless, from the strictly transport planning perspective, the following options are suggested for further investigation:
 1. *On-line*. Add ramps to/from the Bypass at Kirkwood Road and widen the existing bridge to 6 lanes (if feasible). From the transport planning perspective, this is the least preferred option, as:
 - a) A weaving problem may still be created, or at least diminish the effective capacity of the upgraded bridge.
 - b) It represents "putting all one's eggs in one basket", in the event of an incident/accident or adverse natural phenomena.
 - c) There are safety issues related to drivers undertaking shorter local trips (who may not change from their 'urban mindset') entering and leaving a high-speed road, simply to get across the river.
 2. *Adjacent Bridge* - Add a new bridge (with a 'distributor' rather than 'arterial' function), linking Kirkwood Road to Kennedy Drive, immediately upstream of the Bypass. As tested under Network Option 4, the need to abandon the

existing northbound off-ramp to Kennedy Drive causes disbenefits. An alternative scheme, which alleviates some of these disbenefits was identified in Working Paper 3 (see 'Modified Scheme', below).

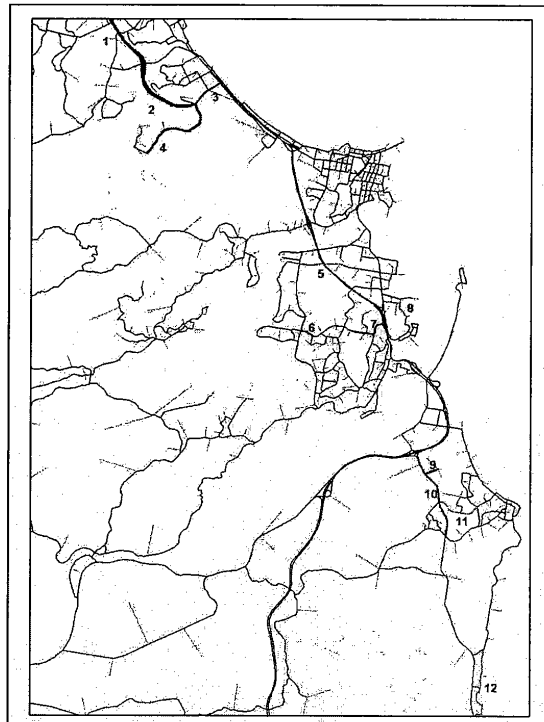
3. *Alternative Bridge Location* – this alternative (also suggested in Working Paper 3, and reproduced below) involves extending Fraser Drive northward across Terranora Creek, connecting with Kennedy Drive, then extending further to the interchange with the Tugun Bypass. Based purely on transport planning grounds, VLC consider this to be the best option as its provides a shorter route between South Tweed Heads and West Tweed Heads / Cobaki, and allows both ramps to/from the Bypass at Kennedy Drive to be retained.



S.7 Summary – Working Paper No. 4 (Year 2011 Forecasts)

S.7.1 Base Case Road Network (Year 2011)

Before producing traffic forecasts for the 2011 land use scenario, it was also necessary to make some assumptions as to the road network that is likely to exist by then. Again, the agreed 'base' network was a 'do-minimum' network, with only committed or anticipated works added. The 'base' network, assumed to exist by 2011, consisted of the 2003 network with the additions and improvements shown, in red and blue respectively, in the following figure. (The assumed standard of these various additions and improvements are shown in Table 2.1, Page 2, of the Working Paper).



S.7.2 Road Network Review (2011)

A review of the performance of this ‘base’ network, operating under the 2011 traffic demands, indicated the following potential capacity problems in the Shire:

Table 4 : Road Network Deficiencies in 2011

Area	Network Capacity Problems
Rural Areas	- None
Murwillumbah	- None
Tweed Coast	- Chinderah Road, from Cudgen Road to Casuarina, would be approaching its capacity.
Banora Point / South Tweed Heads	- The Pacific Highway over Sexton’s Hill would have reached its capacity - The Tweed Heads Bypass would be approaching its capacity - The Leisure Drive / Minjungbal Drive Interchange with the Pacific Highway would be approaching its capacity
Cobaki Lakes / West Tweed Heads	- Kennedy Drive (west of the Bypass) would have reached its capacity
Tweed Heads	- None

NB. As discussed earlier in this report, the purpose of the 2011 traffic forecasts was simply to help identify the timeframe by which network capacity problems might arise. Accordingly, no alternative network options were tested.

It can be seen from the above document that the main issues to be resolved is the Banora Point interchange and Kirkwood Road and associated access to the Pacific Highway.

Modelling results also show that Area E rezoning even without ramps (north facing) onto the Pacific Highway at Kirkwood Road is manageable on the Council road network. The following table provides data on existing and ultimate traffic volumes on selected roads:-

Road	Existing Traffic Volume (vpd)	Ultimate Traffic Volume (vpd)
Darlington Drive (north of Leisure Drive)	15,398	24,927
Leisure Drive (east of Winders)	13,460	21,899
Machinery Drive (at Minjungbal Drive)	13,358	14,956
Minjungbal Drive (South Soorley)	30,246	34,211
Minjungbal Drive (North of Machinery)	23,407	26,350
Fraser Drive (South of Leisure)	5,895	9,326
Fraser Drive (North of Vintage Lakes)	5,310	11,872
Fraser Drive (at Terranora Road)	3,035	4,637
Terranora Road (at SH10)	8,503	10,300
Dry Dock Road (at Minjungbal Drive)	7,608	12,613
Boyds Bay Bridge	29,067	43,800
Kennedy Drive (east of Barrett Street)	20,126	30,200
Kennedy Drive (at Cobaki Bridge)	16,223	19,810
Wharf Street (South of Bay Street)	18,452	18,100
The Coast Road (North Cudgen Road)	13,506	24,586
The Coast Road (South of Bogangar)	5,395	9,100

Note: The predicted ultimate traffic volumes are based on:-

- Kirkwood Road constructed but no access to Pacific Highway
- Area E being developed
- Existing traffic counts vary between 2001 and 2004.

Both these issues are currently being discussed with the Roads & Traffic Authority (RTA) but until the RTA finalises their position and provides Tweed Shire Council with their Traffic Modelling Data no further advice can be provided on these issues at this time. It should be noted that detailed reports will be prepared for Council once adequate information has been received from the RTA.

It is also shown that the Pacific Highway through Banora Point is over capacity regardless of Area E proceeding or not.

The findings of the VLC review provide valuable information on the performance and adequacy of the Shires road network (and the RTA's Pacific Highway). Given that many of the Studies recommendations are interrelated with the Kirkwood Road ramps issue and the Sextons Hill deviation that Council does not need to make any resolutions at this stage, other than to make the document available to the public as a CD.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

14 [EO] Tweed Heads Sewage Treatment Plant (STP) - Long Term Options

ORIGIN:

Water

SUMMARY OF REPORT:

The Tweed Heads Sewage Treatment Plant (STP) was initially constructed in 1964 and augmented in 1983 to its current nominal capacity of 12,000 Equivalent Persons (EP). The current loading on the plant is 10,500 EP.

Council has undertaken some works over the past 2 years to improve the plant but have been unable to maximise plant performance.

A plant audit undertaken by Consultants GHD in August 2004 identified \$3,211,000 of works required to make the plant safe and to produce effluent that meets the current Department of Environment and Conservation (DEC) (formerly EPA) licence conditions.

Under the current Reclaimed Water Release Strategy and Environmental Impact Statement (EIS) being undertaken by GHD, the preferred strategy includes retaining the Tweed Heads Treatment Plant and upgrading it to meet improved effluent discharge quality. This will most likely require the existing plant to be demolished and a new plant rebuilt in the current location.

In order to expedite improvements in the discharge waters, it is proposed to construct a temporary raw sewerage transfer pumping station at Tweed Heads STP and transfer all flow to Banora Point STP. DEC has indicated that it will support the transfer of the Tweed Licence to Banora Point.

Following completion of the EIS for the Reclaimed Water Release Strategy, the Banora Point Sewage Treatment Plant will be upgraded to meet the improved effluent quality standards. Once this is complete, work will commence on the design of the new treatment plant for Tweed Heads.

The transfer pumping station will allow all sewerage collected from Tweed Heads to be fully treated throughout the implementation of the new treatment plant at Tweed Heads.

RECOMMENDATION:

That Council:-

1. Proceeds with the construction of a temporary raw sewerage transfer pumping station at Tweed Heads Sewage Treatment Plant (STP) site as an interim step in providing a new treatment plant at the site subject to the attainment of the necessary development and discharge licence approvals.
2. Includes an amount of \$1.7M in the draft 2005/2006 budget to be funded from Capital Contribution Reserves.

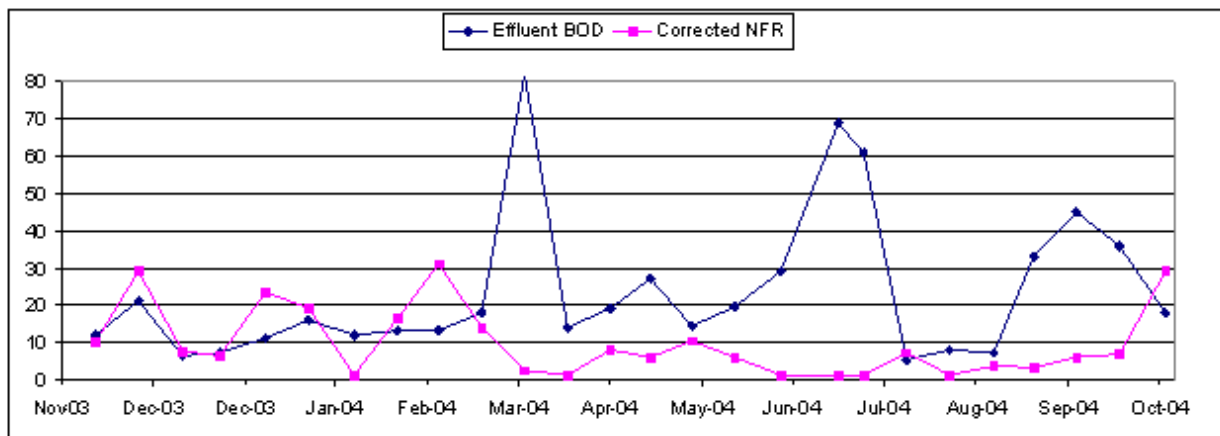
REPORT:

The Tweed Heads Sewage Treatment Plant was initially constructed in 1964 and augmented in 1983 to its current nominal capacity of 12,000 EP. The current loading on the plant is 10,500 EP.

The treatment plant consists of a manually raked inlet works and grit removal system, 2 primary settling tanks, 2 rock filled trickling filters, 3 secondary settling tanks, an effluent storage lagoon system, 2 sludge digesters, a sludge lagoon and 4 sludge drying beds. A chlorination plant has been installed to provide disinfection prior to release of effluent to Terranora Creek on the Ebb tide.

The plant produces low quality effluent in comparison to the Banora Point STP which was upgraded in 1995.

A major operation was undertaken to desludge the effluent lagoons this year in an attempt to optimise the effluent quality. The contract cost for this project was \$432,300 and was completed in July 2004. Since this date, there has been an improvement in effluent BOD and Suspended Solids concentrations, however, the total loads discharged from the plant are still elevated.



As an interim measure the surplus Tertiary Effluent Filters from Hastings Point STP will be relocated to Tweed Heads STP to improve effluent quality by reducing the BOD and Suspended Solids loads discharged into Terranora Creek. The filters are to be installed by March 2005.

A plant audit undertaken by Consultant's GHD in August 2004 identified \$3,211,000 of works required to make the plant safe and to produce effluent that meets the current DEC licence conditions.

Some of the items that require urgent attention include:

- Replacement of sludge digesters due to severe concrete corrosion
- Placement of hand rails and protective measures around below ground structures to meet OH&S Regulations
- Replace arms of trickling filters
- Re-level weirs in settling tanks 3 due to uplift of tank
- Re-line sludge lagoon with impermeable liner to allow to be placed back into operation
- Undertake general site improvements and replacement of concrete footpaths to eliminate hazardous steps and cracked areas.

The estimated expenditure of \$3,211,000 will allow the treatment plant to continue to operate and provide the operators with a safer working environment. It will not allow the treatment plant to achieve the effluent quality criteria that are proposed under any of the options considered in the Banora Point and Tweed Heads Reclaimed Water Release Strategies.

In order to expedite improvements in the discharge waters and to remove the OH&S issues associated with the existing treatment plant, a temporary raw sewerage transfer pumping station is to be constructed at Tweed Heads STP to transfer all flow to Banora Point STP.

A concept has been produced that estimates the capital expenditure for the transfer sewerage pumping station and associated rising main connecting to the new Kennedy Drive sewer rising main is \$1.64M.

Following completion of the EIS for the Reclaimed Water Release Strategy, the Banora Point STP will be upgraded to meet the improved effluent quality standards. Once this is complete, work will commence on the design of the new treatment plant for Tweed Heads.

The transfer pumping station will allow all sewerage collected from Tweed Heads to be fully treated throughout the implementation of the new treatment plant at Tweed Heads. Banora Point STP is capable of handling the additional load from Tweed Heads.

Verbal advice from the Department of Environment and Conservation is that the Tweed Heads STP licence can be transferred to Banora Point STP.

Previously, Council has favoured the retention of the Tweed Heads STP for the strategic reason of providing some treatment of sewage on the northern side of Terranora Creek in case of failure of the creek crossings.

The proposed pumping station will not affect the work that is currently being undertaken as part of the Banora Point and Tweed Heads Reclaimed Water Release Strategy as the effluent will be treated to the required standard required under the EIS.

The EIS for the Tweed/Banora Point Reclaimed Water Release Strategy is expected to be determined by July 2005.

The proposed timeframe for completion of the major projects based on the preferred release strategy is:

Construction of Kennedy Drive SRM	July 2005
Construction of Raw Sewage Transfer Pumping Station	March 2006
Effluent Quality Improvements at Banora Point	June 2007
Construction of New Tweed Heads STP	June 2010

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The 2005/2006 Budget will include the necessary allocations.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

15 [EO] Erection of Fence - Casuarina Way

ORIGIN:

Works

FILE NO: GS4/96/135 Pt23

SUMMARY OF REPORT:

Darryl Anderson Consulting Pty Ltd on behalf of South Kingscliff Developments has submitted a request for Council to sign a development consent for a fence to be erected on Casuarina Way. This has been requested instead of a number of property owners signing the consent for the fence to be erected on their property boundary. This proposal presents several long term problems for Council and the report recommends that the request be declined.

RECOMMENDATION:

That Council advises Darryl Anderson Consulting Pty Ltd that it will not agree to the fence being erected on the road reserve of Casuarina Way.

REPORT:

Darryl Anderson Consulting Pty Ltd on behalf of South Kingscliff Developments has submitted a request for Council to sign a development consent for a fence to be erected on Casuarina Way. This has been requested instead of a number of property owners signing the consent for the fence to be erected on their property boundary.

The letter and proposal from Darryl Anderson Consulting Pty Ltd follows at the end of this report.

The fence if erected on road reserve will create several problems in the long term. The main one is the ownership of the fence if on road reserve and any public liability issues. There is then the question of long term maintenance. Joining owners may or may not support the construction of such a fence adjoining their property.

Another possibility is to allow a road closure of 100mm and create a separate allotment for the fence. This also creates the same problems raised above.

Several sections of the proposed fence are on Council owned land used as public reserve for which there is no need to fence.

The proponents should therefore be advised that no approval will be given for the fence to be erected on road reserve and that if the fence is still required for consistency then each individual owner should be consulted and requested to sign a consent.



DARRYL ANDERSON CONSULTING PTY LTD
TOWN PLANNING & DEVELOPMENT CONSULTANTS

3 February 2005

Our Ref SALT 05/08

The General Manager
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

Attention: Mike Rayner

Dear Sir

FENCING MATTERS
CASUARINA DEVELOPMENT

TWEED SHIRE COUNCIL	
FILE No	654 96 135
DOCUMENT No	
REC'D	- 8 FEB 2005
ASSIGNED TO	RAYNER M
HARD COPY	<input type="checkbox"/>
IMAGE	<input type="checkbox"/>

Pt 2

Proposed Erection of a Fence, at 'SALT' Development, Casuarina Way, South Kingscliff

South Kingscliff Developments have instructed Darryl Anderson Consulting Pty Ltd to act on their behalf regarding a proposal to erect a fence in various locations along Casuarina Way, at 'SALT' development, South Kingscliff.

When preparing the draft development application, the issue of the fence location, and correspondingly, owner's consent, has arisen. Initially it was proposed to locate the fence on the individual residential lots which front the Casuarina Way road reserve. However, as a result of the number of properties involved, this course of action is not desirable as it would be necessary to obtain consent from each landowner of all affected properties.

A second option was identified where the fence is located within the road reserve, immediately adjoining the residential lot boundaries. This option would require Council's acceptance of the fence being built within the road reserve, and the issuing of 'owners consent' to allow a development application to be lodged for the fence.

It is anticipated that the fence would protrude a maximum of 100mm into the road reserve, with additional footings, as required.

Maintaining the visual amenity of Casuarina Way is of primary importance to our clients and accordingly the intent of the fencing is to ensure that uniformity in design and construction is achieved along Casuarina Way and to avoid a clash of different styles and materials being used by individual owners. The option of each owner erecting a fence on their properties, would lead to a mix of fencing styles, with a disjointed appearance along Casuarina Way.

Full details of the proposal are included in the Draft Statement of Environmental Effects (copy attached).

It would be appreciated if Council could provide 'owners consent' for the lodgement of a development application, in accordance with the attached draft.

Please do not hesitate to contact Darryl Anderson should you require any further information.

Yours faithfully
Darryl Anderson Consulting Pty Ltd

Darryl Anderson
Director

Encl

SUITE 7
CORPORATE HOUSE
8 CORPORATION CIRCUIT
TWEED HEADS SOUTH NSW 2486

ABN 22 093 157 165

PHONE 07 55 233 611
FACSIMILE 07 55 233 612
MOBILE 0438 233 611
EMAIL admin@daconsulting.com.au



DARRYL ANDERSON CONSULTING PTY LTD
TOWN PLANNING & DEVELOPMENT CONSULTANTS

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED ERECTION OF A FENCE
CASUARINA WAY, 'SALT'
SOUTH KINGSCLIFF

PREPARED FOR:

SOUTH KINGSCLIFF DEVELOPMENTS PTY LTD

PREPARED BY:

DARRYL ANDERSON CONSULTING PTY LTD

FEBRUARY 2005

Suite 7, Corporate House
8 Corporation Circuit
Tweed Heads South NSW 2486

Ph 07 55233611
Fax 07 55233612
Email admin@dacconsulting.com.au

TABLE OF CONTENTS

SECTION	PAGE
1.0 INTRODUCTION	1
1 1 Brief	1
1 2 Background	1
2.0 SITE LOCATION	1
3.0 DESCRIPTION OF PROPOSED DEVELOPMENT	1
4.0 PLANNING AND DEVELOPMENT CONTEXT	1
4 1 Tweed LEP 2000	1
4 2 Development Control Plan No. 40 – Exempt and Complying Development	2
4 3 Development Control Plan No. 51 – Tweed Coast Strategy	2
4 4 North Coast Regional Environmental Plan, 1988	2
4 5 Integrated Development	2
4 6 State Environmental Planning Policy No 71 – Coastal Protection	2
5.0 ENVIRONMENTAL PLANNING ASSESSMENT	3
6.0 CONCLUSION	3

FIGURES

1. Site Location and Zoning Map
2. Application Plans, Undated

ANNEXURES

- A. State Environmental Planning Policy No. 71 – Matters for Consideration Under Clause 8 – Darryl Anderson Consulting Pty Ltd, February 2005

Darryl Anderson Consulting Pty Ltd
 A C N 093 157 165
 Town Planning & Development Consultants

Statement of Environmental Effects
 Project No SALT 05/08 – January 2005

Casuarina Way
 'SALT' South Kingscliff

STATEMENT OF ENVIRONMENTAL EFFECTS
PROPOSED ERECTION OF A FENCE ON CASUARINA WAY, SOUTH KINGSCLIFF
"SALT"

1.0 INTRODUCTION

1.1 Brief

South Kingscliff Developments Pty Ltd have instructed Darryl Anderson Consulting Pty Ltd to prepare this Statement of Environmental Effects to accompany a Development Application for the erection fence as indicated on the application plans.

As the design of the fence does not comply with the requirements for 'exempt' development under Development Control Plan No. 40, it is necessary to lodge a development application for approval.

This application should also be considered as an application for a 'fence height variation' as it will have a height of 1.8m.

1.2 Background

Council's Planning Officer Mr Nick Folkers was consulted regarding the need for Council approval of the proposed fence. Mr Folkers advised via email on 31 January 2005 that formal approval would be required from Council and to prepare and lodge a development application

2.0 SITE LOCATION

The subject land is described as Casuarina Way, 'SALT', South Kingscliff. The proposed fence will be erected on the boundary of the road reserve and numerous adjoining residential allotments

The location and zoning of the site is shown at Figure 1

3.0 DESCRIPTION OF PROPOSED DEVELOPMENT

It is proposed to erect a fence in accordance with the application plans (see Figure 2)

The fence is to be constructed of tubular, powder coated aluminium with vertical slats to a height of 1.8m. The fence is to be black or slate grey in colour.

The intent of the fencing is to ensure that uniformity in design and construction is achieved along Casuarina Way and to avoid a clash of different styles and materials being used by individual owners

The fence is designed to be visually unobtrusive and to act as a partial screen only. The fencing style will maintain the visibility between properties and hence avoid a stark, solid appearance. It is also proposed to plant coastal sensitive creepers behind the fence line to further soften the appearance of the fence line and, in time, create a hedge effect

4.0 PLANNING AND DEVELOPMENT CONTEXT

4.1 Tweed Local Environmental Plan 2000

The subject land is zoned 2(f) Tourism according to the provisions of Tweed LEP 2000. The proposal is permissible, with consent

The objectives of the 2 (f) Tourism zone include:

Darryl Anderson Consulting Pty Ltd

A C N 093 157 165

Town Planning & Development Consultants

Statement of Environmental Effects
Project No SALT 05/08 - January 2005

Page 1 of 3

Casuarina Way
'SALT' South Kingscliff

"to encourage integrated tourist development and uses associated with, ancillary to or supportive of the tourist development, including retailing and service facilities, where such facilities are an integral part of the tourist development and are of a scale appropriate to the needs of that development."

"to permit high quality residential development as being integral and supportive of the primary intent of this zone (tourist orientated development) in terms of design and management structure and only at a scale that enhances the proposed tourist resort character."

The proposed development is consistent with the objectives of the zone as the fencing will be for a residential purpose designed to complement and enhance the overall character of the SALT subdivision and tourist resorts.

Clause 9 – Exempt Development

Clause 9 specifies that development of minimal environmental impact, listed in Schedule 1 to Tweed Development Control Plan No 40, is 'exempt development' despite any other provisions of this plan. The proposed development cannot be considered as 'exempt development' as it does not comply with the requirements of Development Control Plan No. 40 with regard to the maximum fence height of 1.2m

4.2 Development Control Plan No. 40 Exempt and Complying Development

Development Control Plan No. 40 nominates the type of development that is exempt from requiring development consent and the requirements that must be met by the development. As mentioned previously, the fence does not meet the requirements specified in Schedule 1 of the DCP relating to maximum height. Accordingly, a development application has been lodged for the fence construction.

4.3 Development Control Plan No. 51 – Tweed Coast Strategy

The Tweed Coast Strategy contains a number of principles and planning objectives relating to the development of land at South Kingscliff. The proposed development is in general accordance with the strategies and objectives identified in the plan.

4.4 North Coast Regional Environmental Plan, 1988

The proposed fence is not inconsistent with any of the provisions of the North Coast Regional Environmental Plan.

4.5 Integrated Development

The application does not give rise to a requirement for any approvals under any "integrated" legislation.

4.6 State Environmental Planning Policy No. 71 – Coastal Protection

The site falls within the area to which the Policy applies. Schedule 2 of this policy identifies developments which are State Significant Development and for which the Minister is the consent authority. The proposed development is not described in Schedule 2 and accordingly, Tweed Shire Council is the consent authority.

The application is generally consistent with the provisions of State Environmental Planning Policy No 71 as reflected in the assessment of matters for consideration contained in Clause 8 of the Policy at Annexure A.

Darryl Anderson Consulting Pty Ltd

A C N 093 157 165
Town Planning & Development Consultants

Statement of Environmental Effects
Project No. SALT 05/08 – January 2005

Page 2 of 3

Casuarina Way
'SALT' South Kingscliff

5.0 ENVIRONMENTAL PLANNING ASSESSMENT

Clause 50 of the Environmental Planning and Assessment Regulations requires certain information to be provided with a development application. The matters to be addressed in the Statement of Environmental Effects are listed in Schedule 1 of the Regulations. In accordance with the regulations, the following information is provided.

Potential environmental impacts arising from the proposed development are summarised as follows:

- Construction phase noise, dust and traffic; and
- Impact on the streetscape and scenic amenity of the area;

A range of methods have been used to identify potential environmental impacts and these include:

- Completion of a site inspection, and
- A review of all relevant planning instruments, Development Control Plans and Council policies and codes.

As a consequence of the above, a number of measures are proposed to mitigate potential environmental impacts. Those measures are identified in this statement and include,

- Substantial compliance with all relevant Council instruments, codes and policies,
- Provision of adequate erosion and sedimentation control measures during the construction phase,
- Compliance with Council's normal construction phase requirements in relation to work hours, noise, dust, etc; and
- Design of the fence to positively contribute to the streetscape.

6.0 CONCLUSION

As reflected in this Statement of Environmental Effects and the application generally, the proposal substantially complies with statutory and policy requirements

The environmental impacts of the proposed development have been considered in the context of the natural and built environment. It is our conclusion that the proposed construction of a fence is unlikely to result in adverse environmental impacts.

Accordingly, we respectfully request Council's approval of the application.

Darryl Anderson Consulting Pty Ltd

A C N 093 157 165
Town Planning & Development Consultants

Statement of Environmental Effects
Project No SALT 05/08 – January 2005

Page 3 of 3

Casuarina Way
'SALT' South Kingscliff

**ANNEXURE A - MATTERS FOR CONSIDERATION
UNDER CLAUSE 8 OF STATE ENVIRONMENTAL PLANNING POLICY NO. 71
CASUARINA WAY "SALT"**

MATTERS FOR CONSIDERATION	COMMENT
a) The aims of this policy set out in Clause 2	The proposal is consistent with the aims of the policy
b) Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved	The fence is to be located between private property and the road reserve. It will not impact on public access to the foreshore.
c) Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability	The development would not provide new opportunities for public access to the foreshore.
d) The suitability of development and its type, location and design and its relationship with the surrounding area	The fence has been designed to complement the overall streetscape and landscaping of 'SALT'. The development is compatible with the surrounding area, as discussed in detail in the Statement of Environmental Effects.
e) Any detrimental impact that the development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore	The amenity of the foreshore would not be affected.
f) The scenic qualities of the NSW coast, and means to protect and improve these qualities	The fence is designed to be unobtrusive and to allow visibility of landscaping. Therefore impact on scenic quality will be negligible.
g) Measures to conserve animals (within the meaning of the Threatened Species Conservation Act, 1995) and plants (within the meaning of that Act) and their habitats	The fence is to be erected in an urban environment, and hence flora and fauna is unlikely to be affected.
h) Measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act, 1994 and marine vegetation within the meaning of that part) and their habitats	The development would not have a significant impact on fisheries or marine vegetation.
i) Existing wildlife corridors and the impact of development on these corridors	The development would not impact on wildlife corridors.
j) The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards	The land is not affected by coastal erosion or other hazards that would have an unacceptable impact on the proposed development.
k) Measures to reduce the potential for conflict between land based and water based coastal activities	Not Applicable
l) Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of aboriginals	There are not any cultural places of value at the site.
m) Likely impacts of development on the water quality of coastal water bodies	Subject to implementation of normal water quality management measures during the construction phase, the proposed development is unlikely to have any impact on water quality.
n) The conservation and preservation of items of heritage, archaeological or historic significance	Previous studies in association with the SALT development have not identified any cultural places of value at the site.
o) Only in cases in which a Council prepares a draft Local Environmental Plan that applies to land to which this policy applies, the means to encourage compact towns and cities	N/A
p) Only in cases in which development application in relation to proposed development is determined,	
i) The cumulative impacts or the proposed development on the environment,	Cumulative impacts are not likely to arise.
ii) Measures to ensure that water and energy usage by the proposed development is efficient	N/A

Darryl Anderson Consulting Pty Ltd

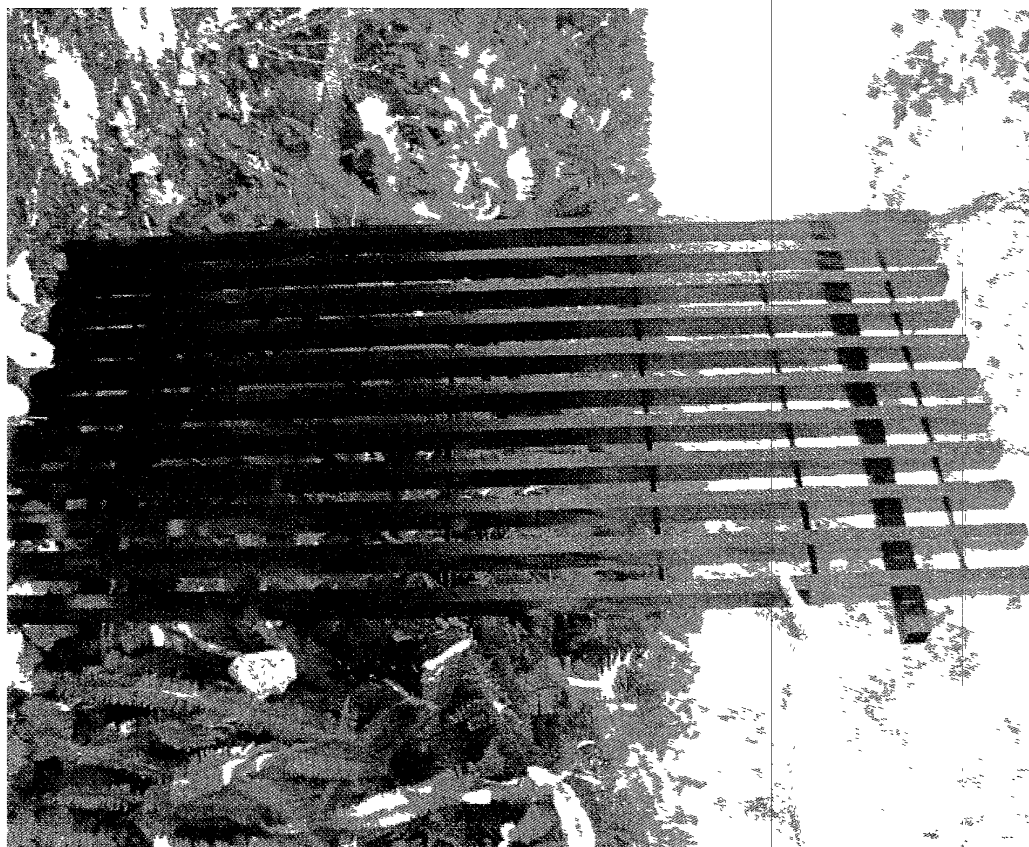
A C N 093 157 165

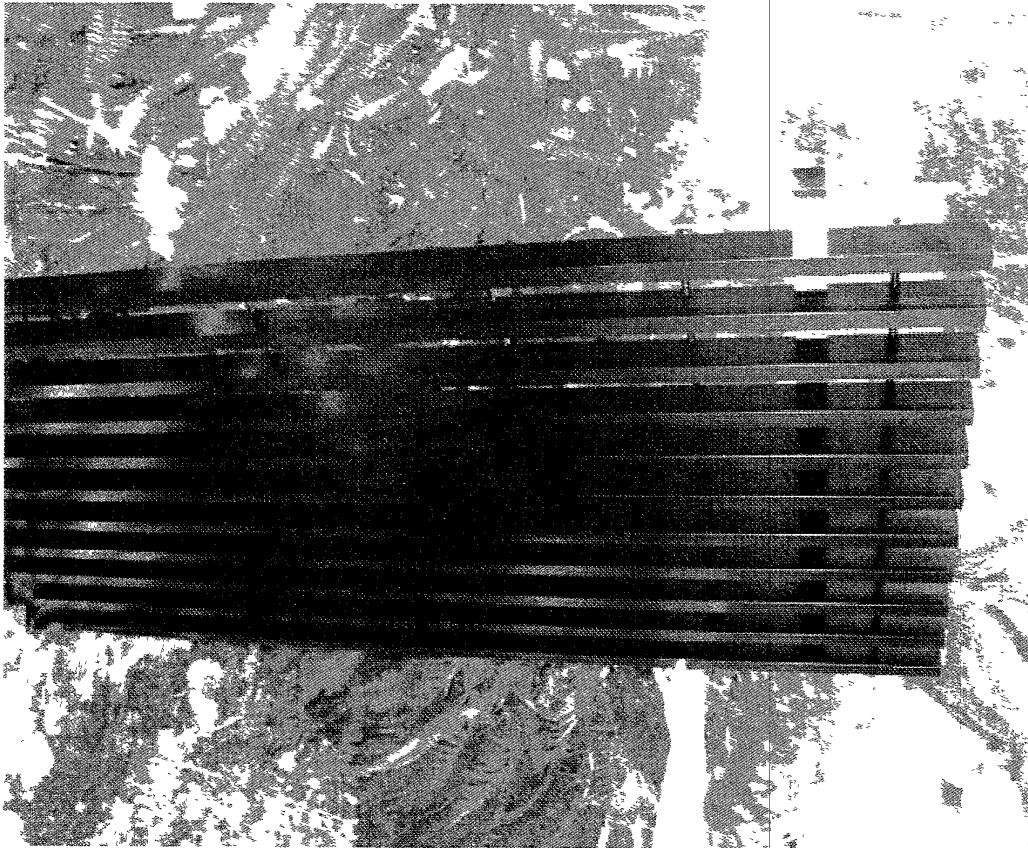
Town Planning & Development Consultants

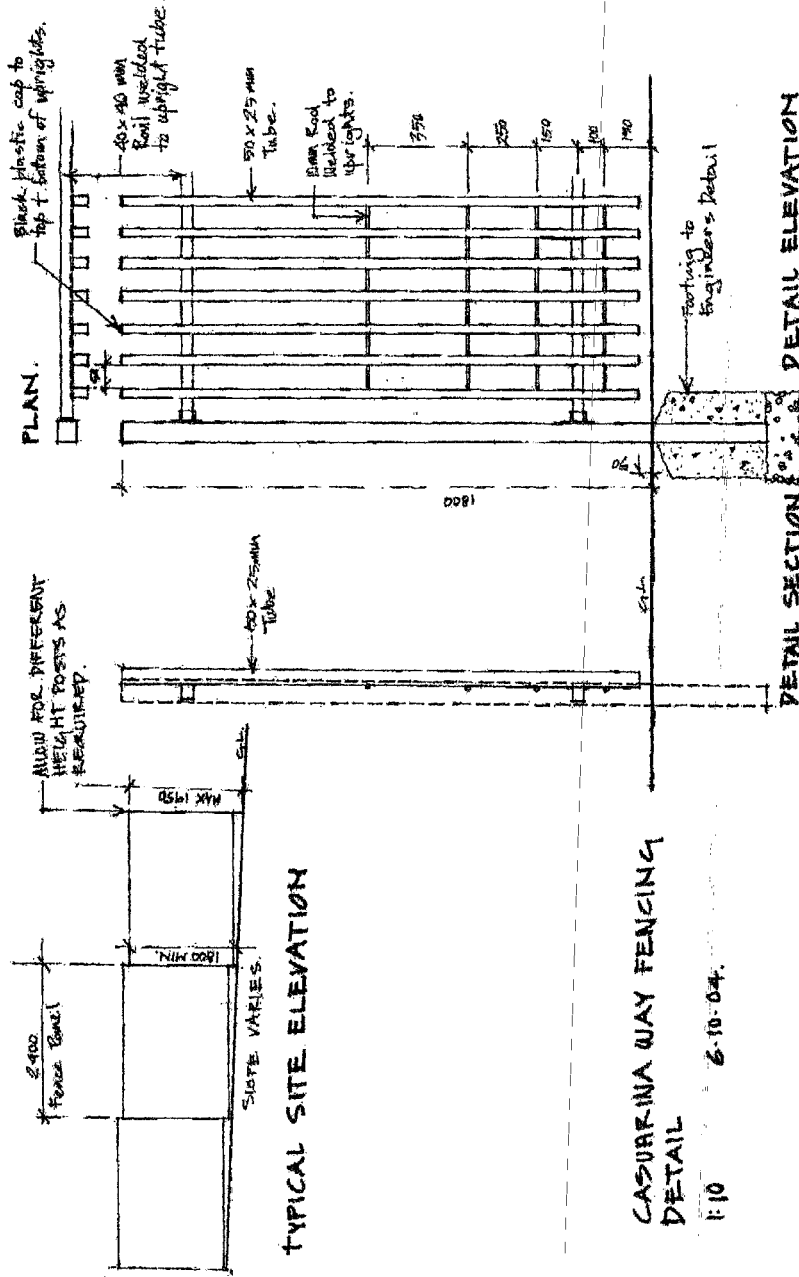
Statement of Environmental Effects
Project No. SALT 05/08 - January 2005

Casuarina Way
'SALT' South Kingscliff









8 November 2004
 EDWARDS Gillespies
 SALT - CASUARINA WAY FENCING

Fencing Proposed:



Produced by Tweed Shire
GIS Intranet

Telephone: (02) 6670 2572
Fax: (02) 6672 5987
email: gis@tweednsw.gov.au
Turnbulgum Rd. Murwillumbah N.S.W.
Postal Address:
P.O. Box 816
Murwillumbah, N.S.W. 2484

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 deplanimetric only.



RR. 1 : 4842
Date Plotted: 23/02/2005

Plotted by GISWEB Intranet

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

16 [EO] Request for Support for the Declaration of 'Telegraph Weed' as a Class 2 Pest

ORIGIN:

Recreation Services

SUMMARY OF REPORT:

The Queensland Department of Natural Resources and Mines is considering declaring telegraph weed (*Heterotheca grandiflora*) as a class 2 pest under the *Lands Protection (Pest and Stockroute Management) Act 2002*. Prior to any declaration the Department is seeking the support of relevant councils that are either already effected by this weed or are likely to be affected should it continue to spread unchecked.

Hence, the department is seeking a letter of support or otherwise for the declaration of telegraph weed from Council.

RECOMMENDATION:

That Council notifies the Queensland Department of Natural Resources and Mines of its support for the declaration of telegraph weed (*Heterotheca grandiflora*) as a class 2 pest under the *Lands Protection (Pest and Stockroute Management) Act 2002*.

REPORT:

The Queensland Department of Natural Resources and Mines (the Department) is considering declaring telegraph weed (*Heterotheca grandiflora*) as a class 2 pest under the *lands Protection (Pest and Stockroute management) Act 2002*. Prior to any declaration the Department is seeking the support of relevant Councils that are either already effected by this weed or are likely to be affected should it continue to spread unchecked.

The Department provided the following information about telegraph weed:

"Telegraph weed (Heterotheca grandiflora), is an invasive weed of coastal areas. Currently the only Queensland infestations of telegraph weed occur along the Southport Spit, Labrador foreshores, Wavebreak Island and the southern end of South Stradbroke Island in Gold Coast City.

Telegraph weed spreads readily by means of wind dispersal but is also able to spread by sticking to clothing, animals, etc. It has the potential to spread south along the Gold Coast beaches and is also spreading in a northerly direction along South Stradbroke Island and it is feared it will eventually make its way to North Stradbroke Island and spread onto the beach areas of Redland Shire.

Telegraph weed is an unsightly weed that invades our frontal dunes and can create a monoculture in areas that are badly affected. Our frontal dunes not only provide unique habitat for certain plant and animal species but are also premier tourist attractions for both local and interstate tourists. In order to protect the ecological and aesthetic values of the dune environment, telegraph weed needs to be prevented from spreading any further and if possible eradicated."

A weed risk assessment on telegraph weed proving further detailed information is included as an attachment.

As there is potential for telegraph weed to spread to Tweed Shire beaches if left unchecked, it is in the best interest of the Shire for the weed to be declared in Queensland.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

1. Weed risk assessment - Telegraph Weed (DW 1158994)
-

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

17 [EO] Road Naming - Campbells Road, Dungay

ORIGIN:

Design

FILE NO: GS5/1 Pt 3

SUMMARY OF REPORT:

Campbells Road, coming off Dungay Creek Road at Dungay is Council Public Road that was formerly a Crown Public Road.

Council holds conflicting records as to the correct name of the road, relating mainly as to whether it is a 'road' or a 'lane'.

The name "Campbells Road" has never been gazetted, however deposited plans for land parcels adjacent to the road show that the road reserve is named either as a lane or a road.

Council has erected a road sign showing the name as "Campbells Road", Council has received regular inquiries from the public as there is an assumption that the correct name is "Campbells Lane".

RECOMMENDATION:

That:

1. Council publicises its intention to formally name the road known as both "Campbells Road" and "Campbells Lane" as "**Campbells Lane**" allowing one month for submissions of names and objections to the names; and
2. Council notifies the relevant authorities under the provisions of the Roads (General) Regulation 1994.

REPORT:

Campbells Road, coming off Dungay Creek Road at Dungay is Council Public Road that was formerly a Crown Public Road.

Council holds conflicting records as to the correct name of the road, relating mainly as to whether it is a 'road' or a 'lane'.

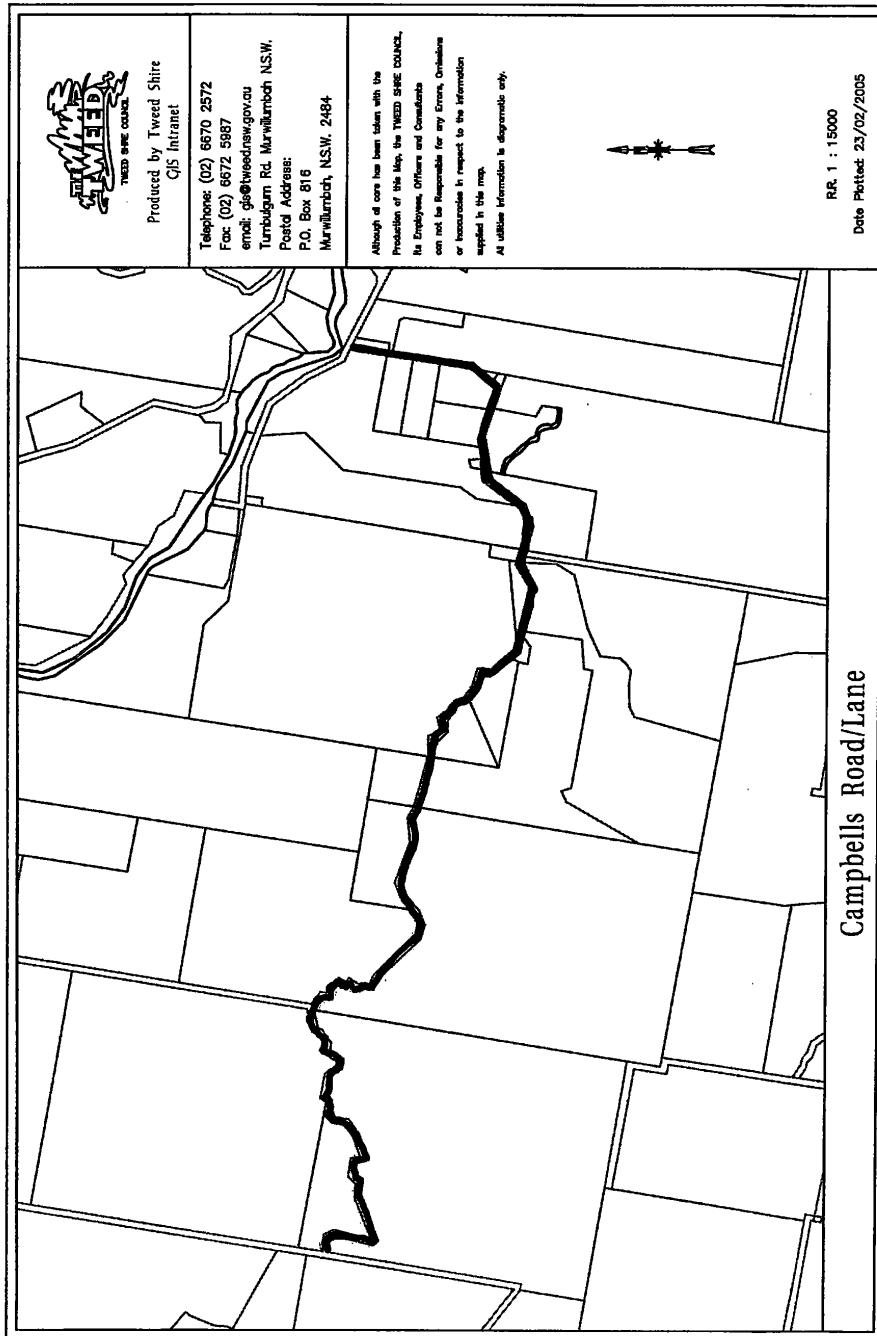
The name "Campbells Road" has never been gazetted, however deposited plans for land parcels adjacent to the road show that the road reserve is named as either a lane or a road.

Council has erected a road sign showing the name as "Campbells Road", Council has received regular inquiries from the public as there is an assumption that the correct name is "Campbells Lane".

Council's naming policy requires that the suffix attached to the naming of a road be appropriate. The road reserve has a general road width of 20 metres, as well as having a variable width. Most lane widths are dedicated with a width of approximately 6 metres, however there are no stringent guidelines as to what constitutes a road or a lane.

Due to the conflict in Council records and the general assumption that it is Campbells Lane, it is considered appropriate to formalise the name of the road as "Campbells Lane".

A copy of the location of the road follows, showing the road reserve shaded:



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

18 [EO] Tumbulgum Foreshore Master Plan

ORIGIN:

Design

FILE NO: R4740 Pt1

SUMMARY OF REPORT:

A Master Plan for the Tumbulgum Foreshore has been prepared in consultation with the Tumbulgum Community Association. The master plan includes:-

- Bollards along Riverside Drive to delineate parking areas and exclude vehicles from the foreshore reserve.
- Kerb and gutter, footpath and resurfacing areas of Foreshore Drive.
- River bank stabilisation, weeding and supplementary planting along the foreshore.
- Additional picnic tables/shelters and seats in the reserve.
- Creating beaches to enhance recreational opportunities.
- Enhanced signage to clearly direct visitors to facilities.
- Possible future toilet.

Estimated costs of the works involved in completing the Master Plan are:-

Roadworks – \$210,000
Foreshore Rehabilitation - \$80,000
Weeding/Supplementary Planting - \$30,000
Reserve Enhancement – \$30,000
Toilet - \$80,000

RECOMMENDATION:

That:-

1. The Master Plan be advertised for comment with submissions closing on 6 April 2005.
2. Funding for the Reserve Enhancement (\$30,000) be considered in the 2005/2006 budget deliberations.

REPORT:

Introduction

In July 2004 the Design Unit produced the Tumbulgum Foreshore Development – Concept Master Site Plan. The plan was produced to provide a starting point for discussions with the Tumbulgum Community Association (TCA) about the proposed works for Tumbulgum and in particular Riverside Drive and the river foreshore. The plan was based on a submission to Council by TCA and works proposed in Tumbulgum by various units of Council.

The original plan was presented to a representative group from TCA in August 2004 and feedback was presented to Officers of the Design Unit, after the association had discussed the plan at its monthly meeting.

Revised Concept Plans

Since the August 2004 meeting with the TCA the Concept Plan has been revised to take account of comments from the TCA.

The revised master plan includes:-

- Bollards/fence along Riverside Drive to delineate parking areas and exclude vehicles from the foreshore reserve.
- Kerb and gutter, footpath and resurfacing areas of Riverside Drive.
- River bank stabilisation, weeding and supplementary planting along the foreshore.
- Additional picnic tables/shelters and seats in the reserve.
- Creating beaches to enhance recreational opportunities.
- Enhanced signage to clearly direct visitors to facilities.
- Possible future toilet.

Although Council originally approved a new toilet for Tumbulgum in November 2003, a lack of support for its construction from the community resulted in the decision being rescinded in February 2004. It is considered that it still may be required in the future and so has been shown on the master plan. The location shown on the plan is diagrammatic only and any final decision to install a toilet and its location would be subject to community consultation.

The foreshore rehabilitation works are currently being designed and are scheduled to be put out to tender in the second quarter of 2005.

It is estimated that upon completion of the master plan an additional 70 car parking spaces would be available.

It should be noted that the Tumbulgum Community Association have indicated in correspondence to Council that they believe the most urgent works are the installation of bollards and the construction of a footpath on the residential side of Riverside Drive. Currently this work is scheduled as a component of the roadworks to be undertaken in 2006/2007. If these works were to be separated from the full Riverside Drive rehabilitation, it is recommended that they not proceed until design work for Riverside Drive is completed to ensure levels of the footpath and bollards will be compatible with the future works.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Cost Estimates

The following cost estimates are based on the Tumbulgum Foreshore Development – Concept Master Plan. A copy of the Master Plan is attached.

Roadworks – \$210,000

Includes:-

- Earthworks, erosion control and traffic control
- 450 metres of kerb and gutter
- 660 metres of concrete footpath (\$40,000)
- Asphalt sealing of Riverside Drive and car parking bays
- 670 bollards (\$20,000)
- Survey investigation and design

On the current five (5) year works program these works are scheduled to be undertaken in the 2006/2007 financial year.

Foreshore Rehabilitation - \$80,000

Includes:-

- Rock revetment and beach creation
- Rock toe revetting with planting of reeds
- Stabilisation of piped stormwater drainage outlets
- Decommissioning of informal boat launching ramps

It is anticipated that the \$80,000 allocated for this work in the current financial year from Tweed River Committee Fund would be sufficient to complete the works as shown on the Master Plan. Funding for this project is provided by the State Government and Council on a \$1: \$1 basis and so cannot be transferred to another project.

Weeding/Supplementary Planting - \$30,000

- Weeding and supplementary planting along the foreshore

Works will be carried out after Foreshore Rehabilitation and will be funded from current Tweed River Committee Funds.

Reserve Enhancement – \$30,000

Includes:-

- 3 picnic shelters
- 3 table and benches
- 6 park benches

There is no current funding for this component of the Master Plan.

Toilet - \$80,000

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

1. Drawing Number A142/05
 2. Drawing Number A142/06
-

19 [EO] Acquisition of Crown Land being Lot 1 in DP 1040811 at Bogangar - Les Burger Field

ORIGIN:

Design

FILE NO: Land Acquisition – Crown Land

SUMMARY OF REPORT:

Council received a report on 17 July 2002 in relation to the acquisition of Crown Land at Bogangar, Lot 1 in DP 1040811, where it was resolved by Council to pursue the creation of Lot 1 as a Public Reserve with Council to have the care and control of the reserve. The resolution also included seeking the support of the member for Tweed, Mr Neville Newell and the Upper House member, the Hon Dr Brian Pezutti.

Subsequent to that resolution, the Treasurer issued a press release to the effect that the compensation for the acquisition of Lot 1 was to be waived because "*the community will benefit from the development of the sporting fields*".

Council now holds a letter from the Department of Lands confirming their concurrence to the acquisition and to the waiving of the compensation dated 17 February 2005.

Council is now pursuing the compulsory acquisition of Lot 1 and it is necessary to resolve to acquire the land under the provisions of the Land Acquisition (Just Terms Compensation) Act 1993 whereby an application must be made to the Department of Local Government.

It is also necessary to resolve to classify the land as operational following transfer as required under the provisions of the Local Government Act, 1993.

RECOMMENDATION:

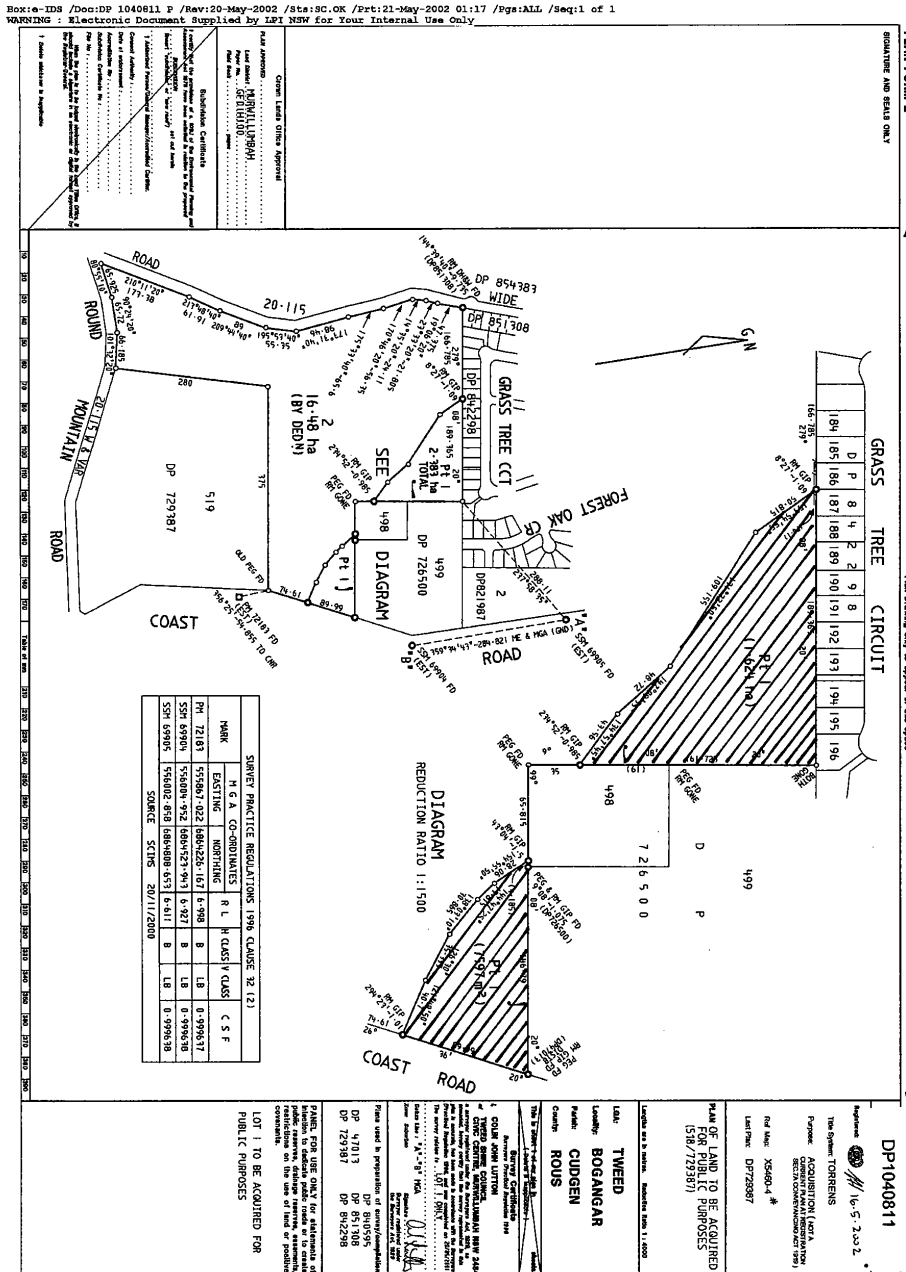
That :

1. Council approves the acquisition of Lot 1 in DP 1040811 from the Crown under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Local Government Act, 1993 in accordance with the letter from Department of Lands dated 17 February 2005.

2. Lot 1 in DP 1040811 be classified as operational land following transfer to Council pursuant to section 31 of the Local Government Act, 1993; and
3. All necessary documentation be executed under the Common Seal of Council.

REPORT:

As per Summary of Report. DP 1040811, shown below, shows the land to be acquired:



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

20 [EO] Land Acquisition for Road Purposes - Cudgen

ORIGIN:

Design

FILE NO: Land - Acquisitions

SUMMARY OF REPORT:

Council officers have identified a preferred route for the haulage of fill and construction materials for the new Sewage Treatment Plant at Kingscliff.

The preferred route will come off the Tweed Valley Way and travel eastwards along an existing road formation within a registered Right of Carriageway in Lot 1 in DP 267742. Council is currently negotiating a Right of Access within Lot 1 for the duration of the filling of the site for the treatment plant and during its construction. Council intends to improve and strengthen the existing road formation. A report in relation to that agreement will be made to Council when negotiations are completed.

A further Right of Carriageway extends eastward over Lot 2 in DP 529569, owned by the NSW Sugar Milling Co-Operative Limited (the Mill). The Mill has provided its consent for Council to acquire a strip of land 20 metres wide to be dedicated as road.

In the adjacent parcel to the east of Lot 2 (the parcel owned by the Mill) a plan of subdivision to dedicate a road will soon be registered. The road to be dedicated will extend the road reserve further eastward to connect with a Council Public Road that forms the southern boundary of the site of the proposed Sewage Treatment Plant. This subdivision creating the road reserve to Council is the result of an application to close a Crown Public Road by Chinderah Sand and Turf that was approved on the basis that an alternate road reserve was to be created to replace the Crown Road.

RECOMMENDATION:

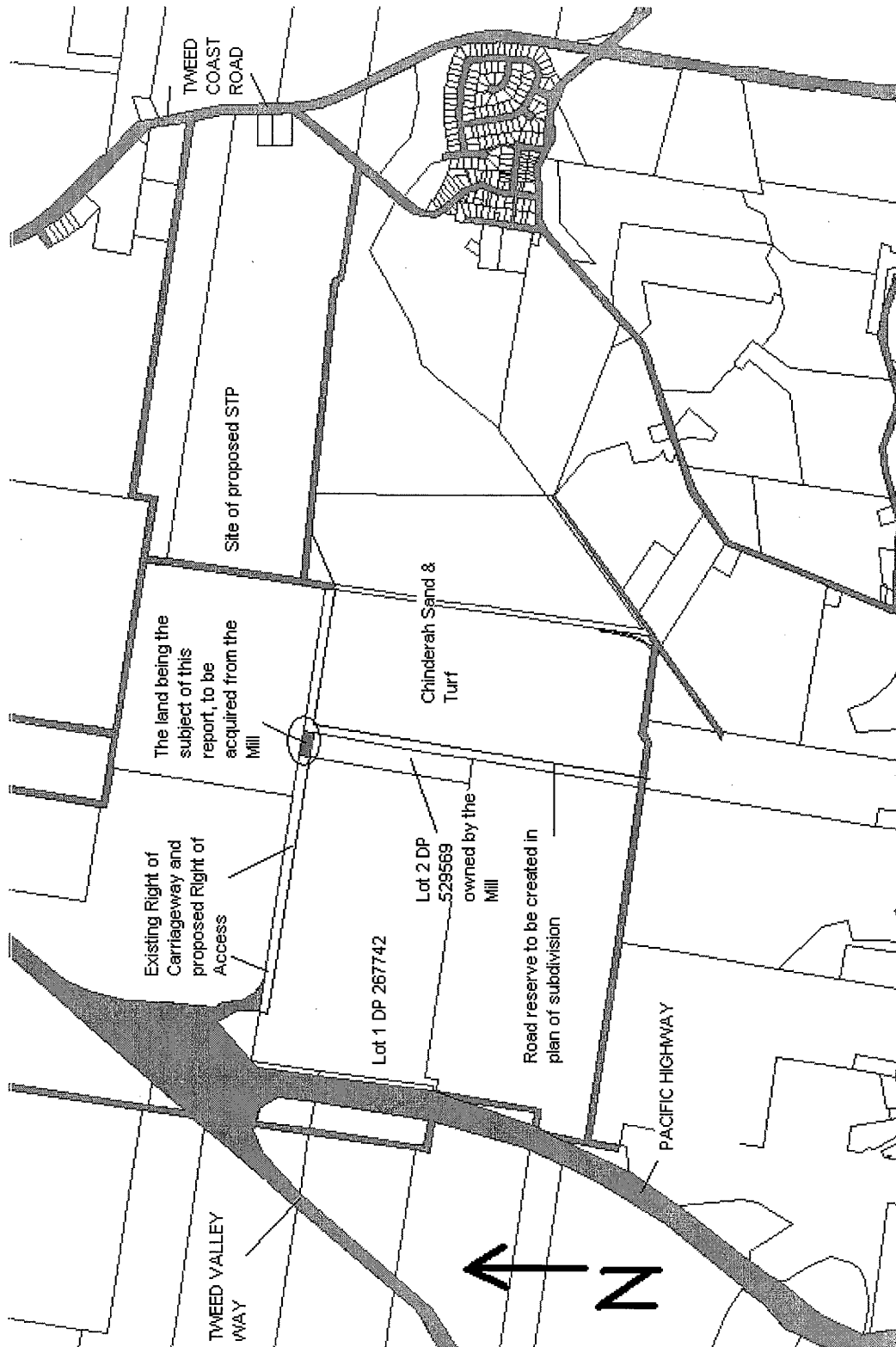
That:

1. Council approves the acquisition of a 20 metre wide strip of land along the northern boundary of Lot 2 in DP 529569 by private treaty for the sum of **\$3,000.00**;
2. The land acquired be dedicated as road following settlement of the purchase; and
3. All necessary documentation be executed under the Common Seal of Council.

REPORT:

As per Summary of Report however a valuation was obtained from the State Valuation Office for the 20m wide strip of land as well as acquiring the whole of Lot 2 and an offer was made to the Mill to either buy the strip or the whole parcel. The Mill responded with an acceptance of sale to Council only of the 20m strip of land. The State Valuation Office determined that the value of the strip of land was \$3,000 and the Mill accepted the offer for that sum.

The plan below shows the land to be acquired together with the location of the Right of Access currently being negotiated:-



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Funding Source – Sewerage Fund, Kingscliff STP

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY

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

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

Council has received requests from various organisations asking that Council provide in-kind support/waives the fees for room hire. Details of the requests are reproduced in the body of this report.

In accordance with Section 356 of the Local Government Act 1993 - Donations, Council resolved on 6 October 2004 that:-

".... in future, all donations made by Council, whether in cash or in kind, be made by way of a resolution of Council."

RECOMMENDATION:

That Council:

1. Declines the request of Mr Gray (T E Dee) as the request does not meet the current guidelines and Council has already provided a donation to the Tsunami Appeal.
2. Agrees to a 50% reduction of fees for the Rotary Club to conduct Saturday Bingo at Kingscliff Amenities Hall although the request does not meet the guidelines.

REPORT:

Council has received requests from various organisations asking that Council provide in-kind support/waives the fees for room hire. Details of the requests are reproduced as follows:-

Organisation	Request	Est \$ Amount	Application Summary	Meet Guidelines
T E Dee (J Gray)	Free use of a Hall in Tweed Heads for 2 days/nights Security Media, advertising Sponsorship	\$362	Mr Gray has sought Council's assistance to hold a fundraising event for Tsunami Appeal with proceeds to World Vision	No.
Rotary Club of Kingscliff District 9640	Waive fee for hire of Kingscliff Community Hall every Saturday night	\$74 per use	The Rotary Club of Kingscliff request free use of Kingscliff Amenities Centre every Saturday night to hold Bingo	No.

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 Feed Reduction, Auditoriums, Meeting Rooms and Halls.

UNDER SEPARATE COVER:

1. Correspondence from T E Dee - J Gray (DW 1141817)
2. Correspondence from the Rotary Club of Kingscliff District 9640 (DW 1154212)

22 [EC] Relocation of Demountable Building, Cabarita Headland Surf Life Saving Club

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

Cabarita Surf Life Saving Club has advised it wishes to commence construction of its new club house at the end of the 2005 surf season. To allow this it has requested that Council relocate its demountable building currently situated on club property to the adjoining property owned by Council. As well during construction there is a need for the removal of the sewer main that connects the existing amenities block located on the reserve adjoining their property. This will require either a demountable toilet block to be placed on Council's adjoining property or a new temporary system of sewer effluent removal be installed.

The Club requests that Council funds both of these requests.

RECOMMENDATION:

That Council:

1. Agrees to the relocation of the existing demountable building from the Surf Club onto Council land being Lot 6 DP29748 for the purpose of a temporary Surf Club facility. Such relocation to occur only after a building contract for the new Surf Club has been signed and sighted by the Director Environment and Community, the existing storage shed on the Surf Life Saving Club land has been removed and Development Consent has been obtained.
2. Agrees to allow to be placed on the same site a demountable toilet block if required.
3. Proceeds to determine the cost of providing a temporary pump and rising main connection to the existing toilets located in the reserve adjoining the Surf Club land.
4. Upon the completion of 3. above the Director Environment & Community be authorised to either proceed with placement of a demountable toilet as per 2. above or proceed with the temporary pump and rising main connection depending on the most economical outcome.
5. Funds the costs for these recommendations from the third quarter budget review.

REPORT:

When Council proceeded to demolish its dilapidated building in Pandanus Parade, Cabarita Beach which was occupied by Cabarita Surf Life Saving Club it resolved to assist the Club by providing it with a demountable building for use as a temporary Surf Club facility. This allowed the Surf Club to proceed to obtain approval for the construction of its own Surf Club building on the site.

The Surf Club has now obtained approval for their building and has advised that they anticipate to begin construction at the close of the 2005 surf season being the end of April.

To allow this work to commence they need to clear their site which involves the demolition of the existing storage shed and the relocation of the Council demountable building.

As the Surf Club will still need a facility for meeting and training in the "off-season" it has requested that the demountable be relocated from their site being Lot 7 to the adjoining Lot 6 which is owned by Council and that it continues to have use of the demountable until the new Surf Club building is constructed. To relocate the demountable will require development consent and this plus the relocation expenses is estimated to cost several thousand dollars. It is considered that as Council originally purchased the demountable and had it relocated to the site to help the Surf Club because of the need to demolish the Surf Club's previous premises due to being in a dilapidated state that Council should provide this assistance. However, it is considered that such should not be moved until a contract for the building construction has been signed and the existing shed demolished.

As part of the construction negotiation the Surf Club has agreed to include within their building public toilets, at Council's cost, which will allow the demolition and removal of the existing amenities block on the reserve fronting the Surf Club land.

The toilets in this block are connected to Council's Sewer via a main that cuts across the rear of the Surf Club land.

Due to the need for the Surf Club building to be supported on piers it is evident that this sewer line will need to be disconnected when building works commence.

As it is considered that public toilets should still be provided within the vicinity until those in the Surf Club building are available two (2) options exist. First is to provide a demountable toilet on the Council owned Lot 6 and second is to provide a temporary pumping system to the nearest manhole still connected to the sewer system. The best of these options is considered the second however, this will not be determined until a feasibility study including costing has been completed. Currently it is estimated that either of these options will cost a few thousand dollars.

Accordingly as stated above the Council has previously assisted the Cabarita Beach Surf Life Saving Club by the provision of the demountable building for Surf Club purposes and is assisting the Club financially with the construction of the new building and it is therefore recommended that it provide further assistance by relocating the demountable and either providing a demountable toilet block or an alternate system to dispose of sewerage from the existing toilet facility.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

There are not funds within the current budget for these works. Could be funded in the third quarter budget review.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

23 [EC] Acceptance of Grant Funding for the Tweed River Art Gallery

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

Council is in receipt of a \$35,000 grant under the Visual Arts & Crafts program of the NSW Ministry for the Arts. The grant is to assist the Gallery towards its 2005 annual program of activity.

It is recommended that Council accepts this grant.

RECOMMENDATION:

That Council: -

1. Accepts the grant offer from the NSW Ministry for the Arts of \$35,000 towards the Gallery's 2005 annual program.
2. Votes the expenditure.

REPORT:

As per Summary.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

1 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Wednesday, 4 February 2005

FOR THE CONSIDERATION OF COUNCIL:

VENUE

Activities Room, HACC Centre, Tweed Heads South.

TIME

10.25am.

PRESENT

Cr Max Boyd	Tweed Shire Council
Clare Gray	Community
Kathleen Lena	TBLALC
Jackie McDonald	Tweed Wollumbin AECG
Geoff Edwards	Tweed Shire Council
Janette Saunders	Tweed Wollumbin AECG
Wendy Bright	Community
Chris Morgan	Tweed Wollumbin AECG
Russell Logan	TBLALC/Centrelink
Des Williams	TBLALC
Jenny Jones	TBLALC
Maureen Logan	TBLALC

APOLOGIES

Lesley Mye	Community
Donna Needham	Tweed Wollumbin AECG
Franc Krasna	Community
Arron Stevens	Queensland Institute of Technology

The Chair was declared vacant and nominations called. Russell Logan was nominated and was unanimously elected to chair the Aboriginal Advisory Committee for this meeting.

Mr Logan opened the meeting with a welcome to all present, and paid respect to Elders past and present.

MINUTES OF PREVIOUS MEETING

As the minutes had not been produced their adoption was deferred until the next meeting.

BUSINESS ARISING

3. Tugun Bypass Project

Jackie McDonald provided an update on the Save Our Lakes and Heritage (SOLAH) meeting held on 22 January 2005. A number of interested groups attended and included:

- Gecko
- Tweed Environment Group
- Tweed Ratepayers Association
- Tweed Byron Local Aboriginal Land Council
- Tweed Wollumbin Aboriginal Education Consultative Group
- Caldera Environment Centre
- Tweed Coastal Care & Recreational Surfers Lobby
- Total Environment Centre
- Surfrider Foundation

The proceedings of the meeting were filmed and are available. Presenters at the meeting included Dr Steven Phillips and Jean Marc Hero (Biologist, Griffith University) and Glen Leiper (Botanical Consultant). Aboriginal presenters included:

- Des Williams – Tweed Byron Local Aboriginal Land Council
- Clarence Phillips - Tweed Byron Local Aboriginal Land Council
- Jackie McDonald – Tweed Wollumbin Aboriginal Education Consultative Group

Options discussed were:

- George Beattie's route west from Burleigh
- Gecko tunnel under present highway
- Additional traffic lanes in existing corridor

Following a meeting with Queensland Department of Main Roads, they have verbally offered to involve local aboriginal representatives in a further heritage study of the area. Next meeting to be held 19 February 2005, 1 – 5 p.m. The meeting will include new speakers including an authority on tunnels and another on heritage issues. Apologies will be accepted at this meeting.

GENERAL BUSINESS

1. Crown Land Development Proposals

Discussion concerning the need for consultation with Aboriginal representative and the Committee for all proposals for development on Crown land.

Next meeting to be advised of correct protocol in this area and whether standard approval conditions can be applied requiring owners/developers to obtain Aboriginal heritage advice.

2. Council Policy

Discussion on Council's policies and how many refer to or relate to Aboriginal issues. Advice to be provided to next meeting.

3. Aboriginal Heritage Study

Discussion regarding the current study and how when completed it will be a valuable tool for planners to identify to developers areas where heritage items and issues need to be considered and resolved.

4. Council Resolution to Fly the Aboriginal Flag

Aunty Kathleen, an Elder, expressed her appreciation for Council agreement to fly the Aboriginal Flag and in particular the role played by Lesley Mye and Cr Dot Holdom in facilitating this outcome.

5. Hydrotherapy Pool, Tweed Heads South Complex

Discussion regarding the need for this facility in the Tweed Heads area. As it was advised that Derek Budd has ideas regarding the funding of same it was decided that through Aunty Kathleen he be requested to forward his proposal to Council

6. Traffic Calming – Letitia Spit

Discussion initiated by Aunty Kath ensued regarding the above issue.

Moved: Kathleen Lena

Seconded: Chris Morgan

RECOMMENDATION:

That Council requests the Traffic Engineer to prepare a traffic calming plan for the area from the Fingal Head Cemetery to the end of the road seal.

CARRIED

7. Chinderah Cemetery

Discussion occurred concerning the possible burial of Aboriginals at this cemetery and the need for a plaque to recognise this. It was decided that a search of records should occur to determine names and if possible locations of grave sites. This would allow further discussion on possible plaque size, wording and location.

8. Coastal Management Plan

As a petition had been forwarded against fishing restrictions as proposed in this Plan, it was decided that a report be presented to the next meeting as to the current situation regarding the adoption of this Plan and in particular the proposed fishing restrictions.

9. Administrative Assistance

Following the resignation of Lesley Mye discussion occurred concerning her replacement. It was decided to address the next Council Community Access meeting on this issue.

10. Midden, Southern end of Airport

Discussion regarding the destruction of the above and the proof of its existence as identified in 1999 report.

11. Ramsar Nomination – Cobaki Wetlands and Surrounds

A letter from Lindy Smith seeking support from the Committee for the above nomination was tabled. Following discussion the Committee indicated unanimous support.

NEXT MEETING:

The next meeting of the Aboriginal Advisory Committee will be held at the HACC Centre Activities Room, Tweed Heads South on Friday, 4 March 2005.

The meeting closed at 12.10 pm.

DIRECTOR'S COMMENTS:

Nil.

DIRECTOR'S RECOMMENDATIONS:

Item 6 Traffic Calming – Letitia Spit

That Traffic Calming - Letitia Spit be referred to Council's Director Engineering & Operations for consideration and advice back to the Aboriginal Advisory Committee.

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

2 [SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 9 February 2005

FOR THE CONSIDERATION OF COUNCIL:

VENUE:

Canvas & Kettle Meeting Room, Murwillumbah Civic Centre

TIME:

9.30am.

PRESENT:

Cr H James (Chair), Cr M Boyd, Cr L Beck (Tweed Shire Council); R James (Caldera Environment Centre); L Tarvey (National Parks and Wildlife Service); C Cormack (NSW Maritime Authority), R Hagley (DIPNR); R Berger (Tweed Charter Operators Assoc); H Christopher (Bilambil Heights Progress Assoc); C Masters (Tweed Landcare Inc); M Hancock, T Alletson, D Oxenham, (Tweed Shire Council); Kersten Tuckey (Dept of Lands).

INFORMAL:

Sandra Zietlow (Minutes Secretary); Ian Fox (Southern Cross University)

APOLOGIES:

Cr W Polglase (Mayor); R Quirk (Tweed River Advisory Committee & NSW Cane Growers' Association) Jane Lofthouse, G Judge, G Edwards (Tweed Shire Council), Bob Loring (NSW Fisheries); N Newell (State Member for Tweed).

MINUTES OF PREVIOUS MEETING:

Moved: Cr Boyd

Seconded: R Hagley

RESOLVED that the Minutes of Meeting held Wednesday 8 December 2004 be accepted as a true and accurate record of the proceedings of that meeting.

Cr H James (Chairman) welcomed Kersten Tuckey from Department of Lands to the Tweed River committee.

Cr H James also welcomed Ian Fox from Southern Cross University.

BUSINESS ARISING:

Item from Meeting held 8/12/04

1. Gold Coast Airport

**Pollution - Water; Tugun Bypass; Cobaki Broadwater;
Airport-Coolangatta/Tweed; Landfill Sites**

It was resolved on the 8/12/04 that:-

"Staff prepare a report that considers the cost, parameters, sites and timing of water quality monitoring as required to most appropriately detect any possible leachate from the Tugun Landfill and/or Gold Coast Airport that may impact on the Cobaki Broadwater."

Tom Alletson submitted a brief report which included an estimate cost of approximately \$23, 000 to undertake additional groundwater monitoring.

Cr Boyd asked K Tuckey from the Department of Lands if there would be any problems accessing this land to undertake additional monitoring.

Kersten Tuckey advised that there would not be any significant problems with access on to Crown Land, but a licence to create a monitoring well would have to be sought.

Additional discussion focused on the need to view and assess all other data being collected by the Gold Coast City Council and Gold Coast Airport Limited to ascertain if additional monitoring is required.

Tom Alletson confirmed that with some field work and review of relevant documents the location of drainage lines in this area could be established.

Cr Boyd recommended that Council write to the Department of Lands voicing concerns that there may be leachate from the Tugun Landfill reaching lands under their control.

Moved: Cr Max Boyd

Seconded: Lance Tarvey

RESOLVED that the Tweed River Committee recommends to Council that Council approach the Gold Coast City Council and the Gold Coast Airport Limited, and Queensland Environmental Protection Agency if need be, and requests that all data collected on ground and surface water quality in the vicinity of the Tugun landfill and any analysis undertaken of the data be supplied to Council and the Tweed River Committee. The purpose of the request is for Tweed Shire Council to have an expert analysis of the data and sampling programs to determine the adequacy of the monitoring regime and any concerns of the water quality in the vicinity.

RECOMMENDATION:

That Council approaches the Gold Coast City Council and the Gold Coast Airport Limited, and Queensland Environmental Protection Agency if need be, and requests that all data collected on ground and surface water quality in the vicinity of

the Tugun landfill and any analysis undertaken of the data be supplied to Council and the Tweed River Committee. The purpose of the request is for Tweed Shire Council to have an expert analysis of the data and sampling programs to determine the adequacy of the monitoring regime and any concerns of the water quality in the vicinity.

Item from Meeting held 8/12/04

4. Recreational Boating Development Plan

Boating; Master Boating Plan

Tom Alletson advised that the terms of reference for the study undertaken in Ballina/Richmond River is attached to this meeting's agenda. Richard Hagley advised that draft plan for the Richmond will soon be available.

Kersten Tuckey advised that the Department of Lands is preparing a statewide policy for occupation of waterfront land, and that she would keep the Committee advised of progress on this issue.

Cr James requested Richard Hagley to provide the Committee with a copy of the draft Richmond River Boating Facilities Development Investigation when completed.

Moved: Cr James

Seconded: Robert Berger

RESOLVED that a recreational boating development plan be considered as part of the budget preparation 2005-2006.

Item from Meeting held 8/12/04

4. Oxley Cove East - Preparation of Management and Rehabilitation Plan

Riverbank Erosion; Oxley Cove; Riparian Projects

Tom Alletson gave a brief update on submissions received and advised only two firms were interested in tendering. The successful consultant will be informed early next week.

AGENDA ITEMS:

CORRESPONDENCE IN:

1. Gold Coast Airport - AECC

Airport Environmental Committee, Tweed River Committee

A letter was received inviting a representative from this Committee to attend the inaugural meeting of the Gold Coast Airport Environment Consultative Committee (AECC) to discuss natural environmental issues as a result of feedback received from Gold Coast Airport Limited's existing community consultation programs regarding airport activities.

Tom Alletson advised the Committee that he had sent back a letter accepting this offer and also informed the (AECC) of the Tweed River Committee meeting dates so they don't overlap at any time in the future.

2. Byrill Creek Environment Trust Application - Minister for Environment

Tweed River Committee

A letter was received from the Minister for Environment advising Tweed Shire Council that its application to undertake restoration works in the Byrill Creek catchment had been successful. Tom requested that a number of the Tweed River Committee make themselves available to form a steering committee to oversee implementation of this project. Cr Henry James, Clair Masters and David Oxenham nominated themselves to this group.

3. Cobaki Broadwater Management Plan

Cobaki Broadwater

An email has been received from Richard Murray requesting a review of the Cobaki Broadwater Management Plan in view of the significant amount of new information that has been generated in relation to this area in recent times.

Discussions took place in reference to this and it was determined that a good way to proceed would be a two stage study, with the first stage being a literature review which could proceed with funds currently available to Tweed River Committee. The second stage of the study would include development of recommendations for the ongoing management and enhancement of Cobaki Broadwater and its catchment.

Moved: R James

Seconded: Cr Boyd

RESOLVED that a literature review of publications on Cobaki Broadwater area be undertaken with funds available from the budget for the year 2004/05 and that a review of the Cobaki Broadwater Management Plan be considered as part of the budget allocation for 2005/06.

4. Wetland Care Australia - Cobaki

Cobaki Broadwater

Tom Alletson tabled a report from Wetland Care Australia - Wetland Conditions Assessment (WCA) for Cobaki. This is a project undertaken by WCA as a contract to the Catchment Management Authority and consists of a series of maps showing the quality of a range of environmental indicators of wetland health.

Any Committee members wishing to take a look of this report can contact Tom Alletson and arrange for a copy to be made.

CORRESPONDENCE OUT:

1. Department of Environment & Conservation - RAMSAR Nomination
DW1149997; DW 1150038 Cobaki Broadwater; Wetlands

Letter to the Director-General, Department of Environment & Conservation regarding Council and TRC support for RAMSAR nomination of Cobaki Broadwater.

2. River Festival Funding - Lantern Parade

Tweed River Festival

Letter sent to Lesley Buckley from Cr Henry James asking for support for the Lantern Parade during the Tweed River Festival.

GENERAL BUSINESS:

1. Uki Locality Plan

Tweed River Committee

A copy of the draft locality plan for Uki was tabled and discussed. Tom Alletson noted that it provides an opportunity to highlight potential river enhancement works within the vicinity of Uki and that he is preparing a brief submission on the document.

**2. Fish Unlimited Project Site - Piggabeen Road Cobaki
Estuary Management; Fisheries; Piggabeen Road**

Tom Alletson advised the Committee discussions have taken place with land owners at a site on the confluence of Piggabeen and Cobaki Creeks. This site could potentially become a Fish Unlimited Project Site. A plan for restoring the site is currently being prepared.

Moved: Cr Boyd

Seconded: C Masters

RESOLVED that the Committee recommends to Council that it support the implementation of a fish unlimited restoration works agreement at the Jameson property located on the confluence of Cobaki and Piggabeen Creeks.

RECOMMENDATION

That Council supports the implementation of a fish unlimited restoration works agreement at the Jameson property located on the confluence of Cobaki and Piggabeen Creeks.

**3. Marty Hancock - Floodplain Management Project Officer, Tweed Shire Council
Acid Sulfate Soils**

Marty Hancock gave the Committee a brief overview of his role with Council as Floodplain Management Project Officer.

His position is 75% funded by the CMA and 25% by Tweed Shire Council.

Key projects coming up:-

- \$45,000 to remediate the black drain area. Will bring more information to this Committee by the next meeting.
- CMA funds for installation of demonstration floodgates - new gates called tidal gates which open automatically when the water flows in and out.

Marty Hancock seeks clarification from this Committee to what funding is available for Acid Sulphate. Cr James advised that Tom Alletson and Jane Lofthouse would be able to advise what funding available.

Marty Hancock also asked the Committee if it could confirm that it was interested in supporting projects that seek to increase tidal flushing in drains based on the water quality benefit that this can create. The committee confirmed that this type of project is supported.

Cr Boyd enquired if we should seek to have Marty's term of employment extended as it is only a contract with Council for 12 months. It was agreed that this subject would be investigated as a part of reviewing budget allocations for ASS work.

4. Ian Fox - Bundjalung Mapping - Southern Cross University
Tweed River Committee

Ian Fox presented a summary of the Bundjalung mapping project. This project includes mapping of the boundaries of Bundjalung tribal areas and mapping of the sites of significance.

5. Mysore Thorn
Tweed River Committee

Tom Alletson received a call from Gary Cox (DIPNR) expressing his concern over an infestation of Mysore Thorn on the banks of Tweed River just off Kyogle Road, near Uki. This is a serious environmental weed that has the potential to spread throughout the valley, but is only present in an isolated patch at this time.

The Committee expressed support for taking steps to control the infestation ASAP.

Rhonda James suggested that North Coast Weeds be advised of this outbreak.

6. Bilambil Heights Progress Association - Australian Bay Lobster Project
Tweed River Committee

Harry Christopher raised issues of concern from the Bilambil Heights Progress Association and the residents of Oxley Cove over the proposed Bay Lobster Farming project and lack of Environmental Impact Statement for this development.

Richard Hagley noted that DIPNR has serious concerns about the project.

It was confirmed that this project would be State Government decision but that Council would be commenting on it.

Cr Beck suggested that this Committee monitor the project and put on the next agenda of the Tweed River Committee for an update.

NEXT MEETING:

The next meeting of the Committee is to be held on Wednesday 13 April 2005 at the Canvas & Kettle Meeting room commencing at 9.00 am.

The meeting closed at 12.30pm

DIRECTOR'S COMMENTS:

Nil.

DIRECTOR'S RECOMMENDATIONS:

BUSINESS ARISING:

Item from Meeting held 8 December 2004

1. Gold Coast Airport

**Pollution - Water; Tugun Bypass; Cobaki Broadwater;
Airport-Coolangatta/Tweed; Landfill Sites**

As per the Committee's Recommendation.

GENERAL BUSINESS:

2. Fish Unlimited Project Site - Piggabeen Road Cobaki

Estuary Management; Fisheries; Piggabeen Road

As per the Committee's Recommendation.

3 [SUB-TCC] Minutes of the Tweed Coastal Committee Meeting held Wednesday 9 February 2005

FOR THE CONSIDERATION OF COUNCIL:

VENUE:

Canvas and Kettle Meeting Room, Murwillumbah

TIME:

Commencing at 1.00pm.

PRESENT:

Cr Henry James (Chair), Cr Max Boyd, (Tweed Shire Council), Terry Kane (Cabarita Beach-Bogangar), Peter Harding (Pottsville); Rhonda James (Caldera Environment Centre), John Harbison (Mooball), Lance Tarvey (NSW National Parks and Wildlife Service), Kersten Tuckey, (Dept of Lands); Richard Hagley, (Department of Planning, Infrastructure and Natural Resources), Jason Pearson (Kingscliff), Stewart Brawley, Tom Alletson, David Oxenham (Tweed Shire Council).

INFORMAL:

Sandra Zietlow (Minutes Secretary).

APOLOGIES:

Cr Warren Polglase (Mayor); Gary Thorpe (Hastings Point); Neville Newell (Member for Tweed); Jane Lofthouse, Cr Lynne Beck, (Tweed Shire Council).

MINUTES OF PREVIOUS MEETING:

Moved: P Harding

Seconded: Cr Boyd

RESOLVED that the Minutes of the Tweed Coastal Committee Meeting held Wednesday 8 December 2004 were tabled at the meeting and accepted by the Committee as a true and accurate record of the proceedings.

BUSINESS ARISING:

Item from Meeting held 8 December 2004

3. Christies Creek Floodgate Modification

Cudgera Creek; Floodgate Management

Following a further inspection it has been determined that three small channels can be fitted with headwalls, pipes and flood flaps to give equivalent protection to freshwater wetlands and potential mosquito breeding areas from tidal inundation.

This task will require some basic survey, design and construction. A brief has been sent to Councils design unit to progress this work. It is estimated that the three low points can be secured, and the old floodgate removed and banks restored, for the \$15, 000 that the TCC has allocated to this project. It will be necessary for the small flood gates to be completed and the drainage union flood gate to be completed prior to removal of the existing structure.

Tom Alletson advised that Fisheries Permit and Development Application would be required.

Cleared Land - Seaside City

Illegal Land Clearing

Terry Kane enquired if any action has been taken on the clearing of land at Seaside City between Casuarina and Salt developments.

Cr Henry James advised that he has liaised with Sandy Pimm (Environmental Scientist) on this issue and Sandy Pimm advised a letter will be sent to Richtech for the disturbed areas to be rehabilitated.

Kingscliff Coastguard Boat Ramp

Cudgen Creek

Peter Harding requested an update on the progress of this project. David Oxenham confirmed that designs were completed and that approvals were being sought with all possible haste.

4. Cudgera Creek Tidal Obstructions

Cudgera Creek

David Oxenham advised the Committee that tenders have closed for the horizontal directional drilling contract to create the services crossing at Cudgera Creek, Hastings Point. Tender documents have been prepared for a stand alone project to remove rock, and these were circulated at the meeting.

John Harbison enquired if a Fisheries Permit would be required for this job.

David Oxenham advised that a Permit would be required and that Jane Lofthouse is discussing with the NSW Fisheries to have the current permit extended, if not a new permit would be required.

David Oxenham suggested that Committee members draw this project to the attention of Contractors who maybe be interested in tendering.

CORRESPONDENCE IN:

**1. Walkway - Kingscliff Boat Ramp to Coastguard Tower
Pedestrian Walkway/Boardwalk, Cudgen Creek**

There has been a request for Council to consider building a walkway/boardwalk from the Kingscliff Boat Ramp along the foreshore to the Coastguard Tower. This could be considered as part of the construction of the walkway from the boat ramp to Rotary Park and pedestrian bridge.

Steward Brawley advised that Paul Morgan (Traffic & Transport Engineer) may already have some designs for this project.

Tom Alletson advised the Committee that Jane Lofthouse would liaise with the Engineering Design Unit to progress a design if none existed.

Tom Alletson to report back to the next meeting with an update.

Cr James advised that the footpath along lot 490 is about to be constructed.

**2. Fingal Head Community Representative - Coastal Committee - Justine Elliot
MP**

Committees of Council

Justine Elliot, Federal Member for Richmond, advised her resignation from the Committee as Fingal Head representative. The Committee agreed that the position would be advertised in the Tweed Link.

**3. Hastings Point Marine Education Centre - SEAWEEK
Environmental Education; Endangered Species**

Tom Alletson read an email received from Kerrie Trees requesting this Committee's support for promotion of Seaweeek 2005, the theme of Seaweeek 2005 is Save Our Sharks. Kerrie has asked on behalf of MESA if Tweed Shire Council would be in a position to donate 1st prize (A Family snorkel pass to Swim with the Sharks at Sea World) valued at \$300.00.

John Harbison recommended that the recipient of the monies described be clarified. Terry Kane asked the Committee if we are financial enough to donate this amount of money. It was confirmed that this support could be taken from the education budget.

RECOMMENDATION:

That Council, through the Tweed River Committee, supports SEAWEEK 2005 "Save our Sharks" by donating 1st Prize (A Family snorkel pass to Swim with the Sharks at Sea World) valued at \$300.00.

Moved: T Kane
Seconded: Cr Boyd

**4. Erosion Areas at Cudgen Creek & Cudgera Creek Consultants Report
Cudgera Creek; Riverbank Erosion; Cudgen Creek**

Management plans to address erosion and access issues in two areas have been received from the consultant. These plans will be available for review at the meeting, where details of implementation will also be discussed.

In the interim, Tom Alletson to distribute copies to the following committee members :-

Jason Pearson (Cudgen only)
John Harbison (both)
Cr Henry James (both)

CORRESPONDENCE OUT:

Nil.

GENERAL BUSINESS:

**1. Estuary Management Plan for Cudgen, Cudgera and Mooball Creeks
Mooball Creek; Cudgera Creek; Cudgen Creek; Estuary Management**

The committee members have had copies of the Management Plan since the last meeting. Only positive comments have been forwarded therefore, it is upon the Committee to recommend adoption of the Plan to Council and forward it to Mr Craig Knowles, Minister for Infrastructure and Planning, Minister for Natural Resources.

Cr James advised the Committee that adoption of this plan was necessary to make recommendation to Council. He also advised that to date Jane Lofthouse has only had feedback from one Committee Member (Peter Harding) who is in support of this plan.

Kersten Tuckey advised the Committee that the Department of Lands has not received a copy of this Plan.

Cr Henry James asked Tom Alletson to supply Kersten Tuckey (Department of Lands) with a copy.

Moved: Cr James

Seconded: Peter Harding

RESOLVED that this Committee recommends to Council that the Tweed Coast Estuary Management Plan for Cudgen, Cudgera & Mooball Creeks, 2004-2008 be adopted subject to review by the Department of Lands.

RECOMMENDATION:

That:-

1. Council adopts the Tweed Coast Estuaries Management Plan for Cudgen, Cudgera and Mooball Creeks, 2004-2008 subject to review by the Department of Lands.
 2. Council, following adoption of the Tweed Coast Estuaries Management Plan, forwards this plan to the Minister for Infrastructure and Planning and the Minister for Natural Resources for approval
-

2. Tweed Shire Coastline Management Plan

Coastline Management Plan

Cr Henry James apologised to Committee members for not getting the Consultants report on Public Consultations to them before this meeting as Council had only recently received it.

Cr Henry James ask the Committee to discuss the Consultants report on Public Consultations on the following:-

Dogs on Beaches

Moved: D Oxenham

Seconded: J Harbison

RESOLVED that the Committee recommend to Council that it supports its previous resolution 1 & 2 in relation to off leash areas, but in relation to Recommendation 2 that it add, "further consultation in relation to permissible times and locations of off-leash areas on the South Kingscliff Beach".

RECOMMENDATION:

That Council supports its previous resolution 1 & 2 from meeting of 1 September 2004 in relation to dog off leash areas, but in relation to Recommendation 2 that it add, "further consultation in relation to permissible times and locations of off-leash areas on the South Kingscliff Beach".

4WD Access to Beaches

Moved: Cr James

Seconded: Cr Boyd

RESOLVED that the Committee recommends to Council that it adopt the Consultants recommendations of staged removal of vehicles from South Kingscliff in consultation with the community.

RECOMMENDATION:

That Council adopts the Consultants recommendations of staged removal of vehicles from South Kingscliff in consultation with the community.

3. Special Meeting - Tweed Coastline Management Consultants Report Tweed Coastal Committee

That a Special Meeting be held on 2 March 2004 at 9.00am to be held in the Canvas and Kettle meeting room to discuss the remaining issues from the Consultant's Report.

General Business

1. Structures on Sand Dunes

Encroachments, Dune Management Plans

Terry Kane advised the Committee that there were structures being constructed on the sand dunes at the northern end of Casuarina Beach. Also there is a build up of old furniture being used at the southern end on the beach of Casuarina.

Tom Alletson will investigate and report back to the next meeting.

2. Public Access – Mooball Creek

Mooball Creek

Peter Harding reported concerns from Pottsville residents who feel unable to access public land adjacent to Overall Drive and Mooball Creek in Pottsville.

This issue was referred to Stewart Brawley (Manager Recreational Services) to investigate.

3. Tweed Coastal Committee Budget

Tweed Coastal Committee

Jason Pearson requested an update of the Tweed Coastal Committee Budget.

Tom Alletson advised that he will bring a full report to the next meeting.

4. Water Quality - Tweed Laboratory Centre

Tweed Coastal Committee, Monitoring

Peter Harding enquired on progress of training in water quality sampling for TCC community representatives. Tom Alletson apologised that no progress had occurred on this matter, and committed to following the matter up ASAP.

5. Sewerage Disposal System

Sewerage Treatment - Hastings Point

David Oxenham advised Terry Kane that his concerns regarding evidence of scour on the ground near the dune disposal area from Hastings Sewage Treatment Plant was related to surface runoff of rainfall, not due to effluent coming out of manholes.

NEXT MEETING:

The next meeting of the Tweed Coastal Committee will be held Wednesday 13 April 2005 in the Canvas & Kettle Meeting Room commencing at 1.00pm.

The meeting closed at 3.30pm

DIRECTOR'S COMMENTS:

Nil.

DIRECTOR'S RECOMMENDATIONS:

3. Hastings Point Marine Education Centre - SEAWEEK

Environmental Education; Endangered Species

As per the Committee's recommendation.

GENERAL BUSINESS:

- 1. Estuary Management Plan for Cudgen, Cudgera and Mooball Creeks
Mooball Creek; Cudgera Creek; Cudgen Creek; Estuary Management**

As per the Committee's recommendation.

-
- 2. Tweed Shire Coastline Management Plan**

Coastline Management Plan

Dogs on Beaches

As per the Committee's recommendation.

4WD Access to Beaches

As per the Committee's recommendation.

4 [SUB-LTC] Minutes of the Local Traffic Committee Meeting Held Thursday 17 February 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; Officer Jason Thrupp, NSW Police.

Informal: Chairman: Mr Paul Morgan, Mr Ray Clark and Sandra Zietlow Tweed Shire Council.

APOLOGIES:

Mr Neville Newell, MP, Member for Tweed, Mr Don Page MP, Member for Ballina.

MINUTES OF PREVIOUS MEETING:

RESOLVED that the Minutes of the Local Traffic Committee Meeting held Thursday 16 December 2004 were tabled at the meeting and accepted by the Committee as a true and accurate record of the proceedings.

SCHEDULE OF OUTSTANDING LOCAL TRAFFIC COMMITTEE ITEMS

FOR COUNCILLORS INFORMATION:

Traffic - Committee

**1. Leisure Drive, Frances Street, Banora Point
R3035 Pt3; R2131 Pt2; DW1016762; Pedestrian Crossings; Speed Zones**

The Committee noted that RTA requirements in terms of pedestrian volumes would not be met at the location. However the Committee recommended that the situation be monitored after the proposed roadworks are completed and any issues reported back to the Local Traffic Committee. It was also noted that this section of Leisure Drive is a 50kph zone and cannot be lowered any further.

RECOMMENDATION:

That the Applicant be advised that this location does not meet RTA requirements for a pedestrian crossing.

Current Status: Monitoring of Leisure Drive after proposed roadworks. Any issues to be reported to the LTC.

Cr Murray expressed the need for a Pedestrian Crossing not Traffic Signals.

RECOMMENDATION:

That Pedestrian Barrier Fencing be placed on Leisure Drive from Winders Place to the zebra crossing subject to detailed design and funding available.

11. Queen Street, Murwillumbah

R4500 Pt1; DW1034590; Car Parks - Murwillumbah; Parking Zones

The Committee discussed the issues raised above and did not support the reserving of spaces for vet staff on public land even though a long term agreement with doctors allows such. The conversion of a 'No Parking' zone in Queen Street to a loading zone was considered appropriate as it provides up to 15 minutes for a station wagon or commercial vehicle to park to load or unload and half an hour for trucks. The Committee considered that this matter should be reconsidered in 12 months time or earlier if major changes to the car parking in the vicinity being planned are implemented. The issue of hotel patrons blocking access to the rear of the vets on site car parking is a private matter between the adjoining land holders and should be resolved between themselves.

RECOMMENDATION:

That the 'No Parking' zone adjacent to the old BGF building in Queen Street be converted to a loading zone.

Current Status: To be brought forward to the LTC for meeting in May 2005.

From Meeting Held 18 November 2004:

- 6. McPhail Avenue, Oceanview, Viking, Sutherland and Gibson Streets, Kingscliff
R3240 Pt1; R5345 Pt1; R5740 Pt1; DW1116939; Traffic - Committee; Speed Zones;
Weights of Vehicles; Bridges - Cudgen Creek**

Request received for assistance with the following matters:-

1. The placement of load limits on Viking Street, McPhail Avenue, Sutherland Street and on Cudgen Creek Bridge.
2. It is reported that the 50km/h speed limits are not being adhered to in Kingscliff and police enforcement is requested. More 50km/h speed limit marking on roads is requested as a reminder to motorists.
3. It is suggested that the construction of a roundabout at the McPhail, Oceanview and Gibson Street intersection would assist in slowing down traffic that currently speeds along McPhail Avenue.

The Committee noted that:-

1. The issue of heavy vehicles using these streets was addressed at the last Local Traffic Committee meeting and should be monitored to see if the previously recommended action resolves the problem. Traffic counts previously taken did not indicate a significant problem and therefore a load limit is not supported at this time.
2. In regards to the 50kph speed limit traffic count data does not indicate a significant problem. However Police will target this area when resources are available.
3. The intersection of Gibson Street and McPhail Avenue does not have a significant crash history and does not justify a roundabout at this intersection. It is noted that such a device would assist in reducing traffic speed however no Council funding exists for such a project at this time.

Heavy vehicle usage (item 1) is to be monitored and further action taken if necessary. For review at the Local Traffic Committee meeting of March 2005. This item was reviewed at the LTC meeting held on 16 December 2004 (see below).

For Council's information.

Current Status: To be brought forward to the next Local Traffic Committee meeting in March 2005. Reviewed at the LTC meeting held on 16 December 2004.

RECOMMENDATION:

That a Vehicle Classification be conducted and a report brought forward to the next Local Traffic Committee meeting in March 2005.

BUSINESS ARISING:

Item from Meeting held 18/11/2004

**2. Parking of Vehicles in Wrong Direction to Way of Travel
DW1117732; 1117733; Traffic - Committee; Parking Zones; Safety; Local Area
Traffic Management**

"Request received for advice in relation to vehicles parking in the wrong direction to the way they are travelling.

The RTA Representative stated that Road Rule 208 is the regulation governing this. The Committee discussed the issue and the sometimes potential safety implications of this behaviour which basically has no reason. Examples discussed included Glen Ayr Drive and Darlington Drive. The Committee noted that these parking issues should be referred to the Council Ranger for enforcement and requests the Rangers to enforce such breaches for one month and report back to the next Local Traffic committee meeting on infringements issued.

For Council's information.

To be brought forward to the next Local Traffic Committee meeting in February 2005."

It was also suggested that the Rangers maybe able to provide advice in relation to vehicles parking in the wrong direction.

The Police Representative advised that this would be an enforcement issue.

RECOMMENDATION:

That Council Rangers prepare a report for the next Traffic Committee meeting in March detailing any infringements.

From Meeting Held 18 November 2004:

**3. Tumbulgum Road, Murwillumbah
R5570 Pt1; DW1118301; Traffic - Safety; Pedestrian Crossings; School - Mbah East
Public; Traffic – School Zones**

"Request received in relation to Murwillumbah East Primary School students walking to and from the CBD of Murwillumbah via Tumbulgum Road. The following suggestions have been made:-

That:-

- 1. A pedestrian crossing across Tumbulgum Road would assist the students in more safely crossing Tumbulgum Road.*
- 2. A guardrail be installed on the curve of the western side of Tumbulgum Road. This is not the School's major walking access but it is reported that many children walk around this corner and are completely hidden from traffic in this area and often push and shove each other.*
- 1. The Committee noted that the site does not meet the RTA requirements for a pedestrian or school crossing. The Committee noted the Principal's concerns however it was noted that sight distance to the north is 381m and to the south 178m and Tumbulgum Road has a speed limit of 50kph. The provision of a pedestrian refuge and/or kerb blisters was considered and the Committee recommended that these devices be investigated and considered in a future pedestrian facilities program. In the short term the Committee recommended the installation of 'Children Crossing' warning signs each side of Reynolds Street on Tumbulgum Road.*
- 2. In regards to the request for a guardrail around the western footpath between Old Ferry Road and the Council Chambers it was noted that the width between the top of the kerb and the embankment retainer wall is only 1m wide making the installation of a guardrail impossible whilst maintaining the footpath. It was noted that an adequate footpath exists on the eastern side and crossing facilities are provided in the vicinity of the Council Chambers.*

The issue of the guardrail or alternative should be referred to Council's Manager of Design to investigate if there are any products or methods available to address the issue.

The matter of a guardrail or alternative between Old Ferry Road and the Council Chambers is to be brought forward for further discussion after the Manager of Design has reviewed the possibilities.

RECOMMENDATION:

That 'Children Crossing' warning signs be installed each side of Reynolds Street on Tumbulgum Road

To be brought forward to the LTC for meeting in February 2005."

Paul Morgan advised that warning signs have been installed and no further action required as the area is being reviewed in terms of pedestrian access via the Disability Access Committee.

For Council's Information.

GENERAL BUSINESS:

PART A

**1. Proposed Bicycle Races 21 - 23 May 2005
R5980; DW1133293; Bicycle Matters - General; Traffic - Committee**

Request received for formal approval of bicycle races to be held on the 21, 22 and 23 May 2005 as follows:-

1. Time Trials are proposed for 22 May on Wooyung Road between Cudgera Creek Bridge at Pottsville and railway overpass at Crabbes Creek. Approval is sought for a through traffic road closure between 12:30pm - 4:00pm. This time is the same as the event held in June 2004.
2. Proposed race routes for Saturday 23 and Sunday 24 May 2005 will be rural roads south of Murwillumbah and a section of Tweed Valley way over the Burringbar Range. On Saturday 23 May Chillingham the Tyalgum circuit that the Murwillumbah Cycling Club uses will be used.

It is reported that race conditions will be similar to those conducted on a weekly basis by the Murwillumbah Cycling club, however there will be greater official control in terms of safety marshals, illuminated lead vehicles and medical support, all with Police presence.

Copies of the race routes and running sheets are an attachment to this paper (DW No 1133293).

The Committee agreed that approval be given subject to the standard conditions.

RECOMMENDATION:

That approval be given subject to standard conditions.

**2. Tweed Heads Hospital (off Powell Street)
R4430 Pt1; DW1139161, Hospital - Tweed Heads; Parking Zones**

Request received for the installation of two hour parking for the car park at Tweed Heads Hospital off Powell Street.

Tweed Shire Council Safety Officer has written to Tweed Heads Hospital asking for additional parking in Brett Street.

The Committee agreed that a report be brought back to the next Committee meeting regarding potential Development Consent Breaches for car parking.

RECOMMENDATION:

That this Committee supports the request for a 2 hour parking zone in the Powell Street Car park subject to written confirmation from the hospital. And that the hospital be requested to include a "No Parking - Police Vehicles Excepted" space at the entrance to the Emergency drop off area.

**3. Shipstern Street, Kingscliff
DA03/1774 Pt 4; DW1143892; R2251; Land 18698; Traffic - Parking Zones**

Request received for the installation of "No Parking" signs at the northern entrance to the Barclay Mowlem site Peppers @ Salt on Shipstern Street, Kingscliff.

The Committee agreed that "No Parking" signs be erected only during the construction phase.

RECOMMENDATION:

That "No Parking" signs on Shipstern Street be temporary erected during the construction of Peppers and Outrigger Resorts on each approach to the site access.

**4. Fraser Drive and Acacia Street, Tweed Heads
R2150 Pt3; DW1144724; Traffic - Safety**

Request received in relation to traffic calming on Fraser Drive in the location of Acacia Street. It is reported by residents that this area is *'notorious for speeding traffic and in the last 8 months numerous near misses have occurred'*. Traffic count data is attached to this Agenda for review.

The Committee agreed to write to Mr Kenney informing him that the causes of the serious accidents were due to unusual circumstances and the road condition and speed limits played no part in them.

For Council's information.

5. Kingscliff Street, Kingscliff

R2890 Pt1; DW1150195; Traffic – Committee; Safety; Local Area Traffic Management; Speed Zones

Request received in relation to speeding traffic on Kingscliff Street, Kingscliff. It is reported by residents that traffic is travelling at speeds between 70 to 90km/h and that the roundabouts do little to slow the traffic down.

The Committee agreed that Kingscliff Street is a problem area and requests from the Police Representative that an extra 50kph sign be placed on Kingscliff Street. The Traffic & Transport Engineer advised that two extra 50kph signs have been installed. Police have committed to undertake regular enforcement as resources permit.

For Council's information.

6. Chinderah Bay Drive and Wommin Bay Road

R1071 Pt4; DW1145434; Traffic - Committee; Safety

Request received in relation to the intersection of Chinderah Bay Drive and Wommin Bay Road. A serious crash occurred at this location on 23 December 2004 and it is brought forward for attention of the Local Traffic Committee.

The Committee noted the comments made by Ms Howden and considered information tabled at the meeting regarding the incident she was involved in. The intersection has also been inspected and noted that intersection sight distances exceed recommended minimums and all the delineation and signage complies with relevant standards. It was noted that this intersection was formerly part of the Pacific Highway and is well lit and constructed to a relatively high standard including channelisation. In the subject incident it would appear that the intersection geometry and associated infrastructure was not a contributing factor.

For Council's Information.

7. Marine Parade, Kingscliff

R3340 Pt5; DW1149125; Cycleways - Kingscliff; Bicycle Matters - General; Traffic - Committee

Request received in relation to bicycles on the western footpath of Marine Parade Kingscliff. An aged pedestrian has reported that he is having a difficult time encountering such bicycles, as well as one instance of a motor scooter. It has been suggested that

signage and or stencilling should be installed stating no cyclists or skateboards on the western footpath of Marine Parade.

The Committee advised that signs have been installed banning cyclists from the western footpath on Marine Parade between Turnock Street the southern end of the shops.

For Council's Information.

8. Towners Avenue, Bogangar

R5530 Pt1; DW1152113; DW1153399; Traffic - School Zones; Traffic- Speed Zones; School - Bogangar

Request received in relation to the speed of vehicles on Towners Avenue. Towners Avenue is next door to the new Bogangar Primary School and it is reported by residents that vehicles are driving down Towners Avenue in excess of 60km/h and at the same time people are dropping off and picking up students, reversing and performing 3 point turns with children walking in and around the vehicles.

Local Traffic Committee advice is sought in possibly making the area a 40km/h School Zone. The Committee agreed that the area complies with the Roads & Traffic Authority criteria for a school speed zone.

The Committee agreed that a school zone restricting the speed limit to 40kph in Towners Avenue for before and after school time frames.

RECOMMENDATION:

That a 40kph school sign be erected in Towners Avenue at the intersection of Recreation Street.

9. Barrett Street, Tweed Heads West

R0440 Pt1; DW1156097; Traffic - Safety; Local Area Traffic Management

Crash data indicates that vehicles turning right out of Barrett Street, Tweed Heads West are impacting with vehicles heading west along Kennedy Drive.

It is proposed by Engineering and Operations to prohibit right turns into Barrett Street from Kennedy Drive. Support for the initiative is requested from the Local Traffic Committee.

The Safety Officer is in negotiations with the land owner on the corner of Barrett Street/Kennedy Drive regarding widening of the footpath which would enable the pedestrian fence to be removed resulting in improved sight distance for drivers.

The Committee also agreed to a trial closure of the right hand turn into Barrett Street based on an analysis of crash data at the intersection.

The Committee considered this to be beneficial in that drivers turning right out of Barrett Street will not have to wait for drivers turning right into Barrett Street from Kennedy Drive. Peak low counts show in the morning peak 22 cars take this turn but 19 of these enter the Service Station. In the afternoon peak 23 cars turned right and 16 entered the Service Station. This indicates that the ban would not have a major impact on residents as the low volumes making this turn can use the highway dual roundabouts to make a U turn.

This would also apply to the service station customers.

RECOMMENDATION:

That a trial closure of the right hand turn into Barrett Street be advertised prior to implementation for a period of 6 months.

**10. Cominan Avenue, Toolona Avenue, Banora Point
R5511 Pt1; R1240 Pt1; DW1156113; Local Area Traffic Management; Traffic - Safety**

An examination of crash data indicates that several crashes have occurred at the intersection of Cominan Avenue and Toolona Avenue. Drivers appear not to be giving way to vehicles approaching Toolona Avenue from the South.

RECOMMENDATION:

That linemarking be installed at the intersection of Cominan Avenue and Toolona Avenue to Road & Traffic Authority standards.

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.

12. Old Ferry Road

Traffic - Safety; R3861 - DW1153559

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.

13. Bilambil Road - Speed Limit

R0530 Pt 2 - DW1158135

Request received in relation to the 80km speed Limit on Bilambil Road.

The Traffic & Transport Engineer advised the Committee that Mrs Rayward would like the speed limit reduced to 60kph.

That this item be deferred for speed survey data to be collected and an analysis on crash data and brought back to the next Committee meeting.

For Council's Information.

14. Level of Parking and other Infringement Notices

Parking Infringement Notices

Cr Murray asked if the Committee could get a report from Council Rangers on the volumes and types of offences that infringements have been issued for each month. This information will assist the Committee when considering parking issues raised by the community.

RECOMMENDATION:

That the Rangers supply a monthly report on the volume and type of traffic related Infringements issued over the previous month.

PART B

Nil

NEXT MEETING:

The next meeting of the Local Traffic Committee will be held 17 March 2005 in the Peter Border Room commencing at 9.00am.

The meeting closed at 11.45am.

DIRECTOR'S COMMENTS:

Nil.

DIRECTOR'S RECOMMENDATIONS:

BUSINESS ARISING:

Item from Meeting held 18/11/2004

- 2. Parking of Vehicles in Wrong Direction to Way of Travel
DW1117732; 1117733; Traffic - Committee; Parking Zones; Safety; Local Area
Traffic Management**

That the Committee's recommendation be endorsed.

GENERAL BUSINESS:

PART A

GENERAL BUSINESS:

- 1. Proposed Bicycle Races 21 - 23 May 2005
R5980; DW1133293; Bicycle Matters - General; Traffic - Committee**

That the Committee's recommendation be endorsed.

- 2. Tweed Heads Hospital (off Powell Street)
R4430 Pt1; DW1139161, Hospital - Tweed Heads; Parking Zones**

That the Committee's recommendation be endorsed.

- 3. Shipstern Street, Kingscliff
DA03/1774 Pt 4; DW1143892; R2251; Land 18698; Traffic - Parking Zones**

That the Committee's recommendation be endorsed.

- 8. Towners Avenue, Bogangar
R5530 Pt1; DW1152113; DW1153399; Traffic - School Zones; Traffic- Speed Zones;
School - Bogangar**

That the Committee's recommendation be endorsed.

- 9. Barrett Street, Tweed Heads West
R0440 Pt1; DW1156097; Traffic - Safety; Local Area Traffic Management**

That the Committee's recommendation be endorsed.

- 10. Cominan Avenue, Toolona Avenue, Banora Point
R5511 Pt1; R1240 Pt1; DW1156113; Local Area Traffic Management; Traffic - Safety**

That the Committee's recommendation be endorsed.

- 11. Bay Street, Tweed Heads
R0470 Pt2; Traffic - Parking Zones**

That the Committee's recommendation be endorsed.

- 14. Level of Parking and other Infringement Notices
Parking Infringement Notices**

That the Committee's recommendation be endorsed.

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

- 5 [SUB] Minutes Circulated to Councillors with this Agenda Not Requiring a Council Decision

FOR THE CONSIDERATION OF COUNCIL:

UNDER SEPARATE COVER:

1. Minutes of the Tweed Dune Care Advisory Committee Meeting Held Thursday 10 February 2005
-

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

CONFIDENTIAL MATTERS

CONFIRMATION OF MINUTES

Minutes of the Confidential Council Meeting held Wednesday 16 February 2005

Reproduced under separate cover.

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

1 [EO] Council Quarries Business Plan

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] Variations to EC2004-126 Kingscliff STP: Design, Documentation and Associated Services

REASON FOR CONFIDENTIALITY:

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

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret
-

3 [EO] EC2004-087A Supply of Flood Pumps for Lavender Creek, Murwillumbah

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
-

4 [EO] Condong Cogeneration Facility Water Supply Agreement

REASON FOR CONFIDENTIALITY:

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

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

