



AGENDA

ORDINARY COUNCIL MEETING Wednesday 12 April 2006

Chairman: Mr Garry Payne AM

**Administrators: Mr Garry Payne AM
Ms Lucy Turnbull
Mr Max Boyd AM**

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ITEMS FOR CONSIDERATION OF COUNCIL:

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ABORIGINAL STATEMENT

Administrator Payne acknowledged the Bundjalung Aboriginal Nation with the following statement:

"We wish to recognise the generations of the local Aboriginal people of the Bundjalung Nation who have lived in and derived their physical and spiritual needs from the forests, rivers, lakes and streams of this beautiful valley over many thousands of years as the traditional owners of these lands."

CONFIRMATION OF MINUTES

Minutes of the Ordinary and Confidential Meetings of Council held on Wednesday 22 March 2006

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Minutes of the Ordinary Council Meeting held Wednesday 22 March 2006 (DW 1365946)
 2. Minutes of the Confidential Council Meeting held Wednesday 22 March 2006 (DW 1365881).
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PLANNING COMMITTEE

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 79(C)(1) of the Environmental Planning and Assessment Act 1979 in assessing a development application.

MATTERS FOR CONSIDERATION

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

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P1 [PD-PC] Development Application DA04/0517 for Multi Dwelling Housing Comprising Five (5) Dwellings at Lot 415 DP 755701, No. 75 Tweed Coast Road, Hastings Point

ORIGIN:

Development Assessment

FILE NO: DA04/0517 Pt2

SUMMARY OF REPORT:

An application for a review of determination has been submitted in respect of Council's refusal determination of 6 July 2005. An Appeal to the NSW Land and Environment Court has been lodged concurrently with this application.

The review includes some minor amendments in response to the issues raised in the refusal notice.

This report assesses the review application and reiterates the original planning assessment that the proposal represents a good design response to the site and is suitable for conditional approval.

RECOMMENDATION:

That: -

- 1. The State Environmental Planning Policy No. 1 objections to Clause 32B of North Coast Regional Environmental Plan 1988 regarding the overshadowing of the adjoining reserve be supported and the concurrence of the Director-General of the Department of Planning be assumed.**
- 2. Development Application DA04/0517 for the demolition of the existing dwelling and erection of multi dwelling housing comprising five (5) dwellings at Lot 415 DP 755701, No. 75 Tweed Coast Road, Hastings Point be approved subject to the following conditions: -**

GENERAL

- 1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos P417DA01 Revision D, P417DA04 Revision E, P417DA05 Revision E, P417DA06 Revision D, P417DA07 Revision E prepared by Glen Petersen**

Architect and dated 18/08/2004, except where varied by these conditions.

[GEN0010]

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

[GEN0030]

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

[GEN0120]

4. The erection of a building in accordance with a development consent must not be commenced until:

(a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and

(b) the person having the benefit of the development consent has:

(i) appointed a principal certifying authority for the building work, and

(ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and

(b1) the principal certifying authority has, no later than 2 days before the building work commences:

(i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and

(ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

(b2) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:

(i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and

(ii) notified the principal certifying authority of any such appointment, and

(iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[GEN0150]

5. **Kerb and gutter will be required for the full frontage of the site to Coast Road. The kerb will need to be 6.5m from the existing centre line to kerb face. Detailed plans will need to be submitted for approval by the Director Engineering & Operations prior to issue of a construction certificate.**

[GENNS01]
6. **The existing cycleway is to be saw cut and removed at the driveway entrance as the path is not reinforced.**

[GENNS01]
7. **The proposed rendered block fence shown extending to the front property boundary will need to be stopped 5 metres from the boundary or lowered to comply with sight lines as per Australian Standards.**

[GENNS01]
8. **All wastes shall be collected, stored and disposed to the satisfaction of the General Manager or his delegate. Wastes shall be presented at the kerb in a Council approved wheelie bin for collection. A screened, graded and drained bin storage area shall be provided within the boundary of the property.**

[GENNS01]
9. **The site shall not be dewatered and acid sulfate soils shall not be exposed or disturbed.**

[GENNS01]
10. **Wash water from the pervious car wash area shall not flow or percolate to any watercourse or stormwater drain.**

[GENNS01]
11. **Lighting shall not be permitted to impact the amenity of any other premise.**

[GENNS01]
12. **No roofing or shade structure shall be permitted on the roof terrace.**

[GENNS01]
13. **Riparian vegetation shall not be removed or cut back.**

[GENNS01]
14. **Stormwater runoff or wastewater shall not be permitted to discharge to Cudgera Creek.**

[GENNS01]
15. **The use of EXTERNAL ground anchors, sheet piling or any other like method that extends beyond the property boundary is not permitted or approved by this consent, except where the written permission to carry out such works and the details of works have been submitted and approved with the Construction Certificate. Any such works proposed in Council's road reserve shall require the submission and approval of a separate s.138 application, which**

is to be accompanied with all necessary engineering detail to the satisfaction of Council's Director of Engineering and Operations.

[GENNS01]

- 15a. No fences or other structures exceeding a height of 1.2 metres are to be erected on the site between the front boundary and the building for a distance of 6.0 metres.
16. Construction shall comply with AS3959 - 1999 level 3 'Construction of Buildings in bushfire prone areas'.
- [GENNS01]
17. The entire property shall be managed as an 'Inner Protection Area' as outlined within Section 4.2.2 in Planning for Bushfire Protection 2001.
- [GENNS01]
18. A 1.8 metre high radiant heat shield made of non-combustible materials shall be constructed along the full length of the western boundary adjacent to the hazard. A pedestrian access gate is to be provided along this boundary. Where steel cladding material is used; all posts and rails will be constructed from steel. The bottom of the fence is to be in direct contact with the finished ground level or plinth.
- [GENNS01]
19. Access to the rear of the property shall be provided for fire fighting purposes.
- [GENNS01]
20. Reticulated water supply shall comply with AS2419. Locations of fire hydrants are to be delineated by blue pavement markers in the centre of the road.
- [GENNS01]
21. All fencing shall be of non-combustible materials.
- [GENNS01]
22. Construction of the dwellings on the eastern and western aspects to comply with level 3 AS3959. Construction on the remainder of the dwelling to comply with table A3.3 of Planning of Bushfire Protection 2001.
- [GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

23. Section 94 Contributions

Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

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

Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.

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

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

(a) Tweed Road Contribution Plan:	\$6,740
S94 Plan No. 4 (Version 4.0)	
Sector8a_4	
(b) Open Space (Structured):	\$1,770
S94 Plan No. 5	
(c) Open Space (Casual):	\$378
S94 Plan No. 5	
(d) Shirewide Library Facilities:	\$1,562
S94 Plan No. 11	
(e) Eviron Cemetery/Crematorium Facilities:	\$321
S94 Plan No. 13	
(f) Community Facilities (Tweed Coast - South)	\$2,336
S94 Plan No. 15	
(g) Emergency Facilities (Surf Lifesaving)	\$502
S94 Plan No. 16	
(h) Extensions to Council Administration Offices & Technical Support Facilities	\$3,543.76
S94 Plan No. 18	
(i) Cycleways	\$803
S94 Plan No. 22	

- (j) Regional Open Space (Structured) \$3,451
S94 Plan No. 26
- (k) Regional Open Space (Casual) \$1,778
S94 Plan No. 26

[PCC0215/PSC0175]

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

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

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

Water DSP6:	2.8 ET @ \$4230	\$11,844
Sewer Hastings Point:	3.75 ET @ \$2634	\$9,878

These charges to remain fixed for a period of twelve (12) months from the date of this consent and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an Accredited Certifier.

[PCC0265/PSC0165]

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

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

[PCC0130]

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

[PCC0160]

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

[PCC0190]

28. Permanent Stormwater Quality Treatment

- (a) Permanent stormwater quality treatment shall comply with "*Tweed Urban Stormwater Quality Management Plan*" (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction or Occupational Phase of Development" . New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the "deemed to comply" provisions of *Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality* is deemed to comply with the objectives in 5.5.3.
- (b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.
- (c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
- (d) Specific Requirements
Stormwater quality control measures shall be implemented in accordance with Cozens Regan Williams Prove Drawing No.

P.11.15 - Sk.2 (Issue C, dated 02/05), or subsequent amended versions approved by Council officers, unless otherwise directed by these consent conditions.

[PCC0230]

- 29. A construction certificate application for works that involve any of the following:-**
- connection of a private stormwater drain to a public stormwater drain**
 - installation of stormwater quality control devices**
 - erosion and sediment control works**

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

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

[PCC0240]

- 30. Erosion and Sediment Control During the Construction Phase of Development**
- (a) Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan "*Tweed Shire Council Aus-Spec D7 - Stormwater Quality*" and its Annexure A - "*Code of Practice for Soil and Water Management on Construction Works*". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond (if required) has been released.**
- (b) The Construction Certificate Application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.**

[PCC0320]

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

be installed and operational prior to commencement of any building work.

[PCCNS01]

32. The basement car parking is to be protected against the inflow of water from Tweed Coast Road during storm events up to the ARI 100 year storm. This protection must be provided by construction of a permanent bund and appropriate driveway formation, not by mechanical means.
- [PCCNS01]
33. Stormwater infrastructure works within Council's Road Reserve and Council's Coastal Reserve, shall be implemented in accordance with Cozens Regan Williams Prove Drawing No. P.11.15 - Sk.2 (Issue C, dated 02/05), or subsequent amended versions approved by Council officers, unless otherwise directed by these consent conditions. Full engineering details of the external drainage system, including sizing of the infiltration area, shall be provided with the Construction Certificate application, and associated s68 and s138 applications.
- [PCCNS01]
34. Council's cycleway and road infrastructure must be fully reinstated to Council standards following construction and connection of the external drainage system. The concrete cycleway is to be saw cut to facilitate the construction of the system connection.
- [PCCNS01]
35. Plans of all works within Council's Coastal Reserve shall be accompanied by rehabilitation/ revegetation plans to be implemented within all areas disturbed by the works, to the satisfaction of Council's Director of Engineering & Operations.
- [PCCNS01]
36. The works shall at no time impose service interruptions on the sewer rising main located within the adjacent road reserve (Tweed Coast Road).
- [PCCNS01]
37. Prior to the commencement of any demolition works all house drainage connections are to be suitably capped off by a licenced plumber and an inspection of the work obtained from Council.
- [PCW0300]
38. Prior to the commencement of works sedimentation and erosion control measures shall be installed to the satisfaction of the Director of Environment and Community Services.
- [PCWNS01]
39. A detailed plan of landscaping is to be submitted and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
- [PCC0585]

PRIOR TO COMMENCEMENT OF WORK

40. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.

[PCW0010]

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

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

[PCW0040]

42. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-
- (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council, or
 - (c) if that is not practicable, any other sewage management facility approved by the council.

[PCW0060]

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

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

[PCW0070]

44. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:

- i. The person must, at the person's own expense:
 - a. preserve and protect the building from damage; and
 - b. if necessary, underpin and support the building in an approved manner.
- ii. The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.

[PCW0080]

45. 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]

46. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority. In addition to these measures an appropriate sign is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

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

[PCW0280]

47. Residential building work:

(1) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) in the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,

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

[PCW0290]

DURING CONSTRUCTION

- 48. 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]
- 49. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742.3-2202 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.

[DUR0040]
- 50. The provision of nine (9) off street car parking spaces. Two (2) spaces are to be nominated for visitor use and signposted accordingly. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.

[DUR0050]
- 51. 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]
- 52. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".

[DUR0090]
- 53. All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead" and the WorkCover guidelines on working with and handling of asbestos.

[DUR0100]

54. 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]

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

[DUR0160]

56. The principal certifying authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the principal certifying authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

[DUR0170]

57. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.

[DUR0200]

58. a. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
b. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

[DUR0210]

59. If the work involved in the erection or demolition of a building:

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

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

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

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

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

[DUR0220]

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

[DUR0230]

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

[DUR0240]

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

[DUR0670]

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

[DUR0850]

- 64. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.**

[DUR0870]

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

[DUR0880]

- 66. 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]

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

- A. **Short Term Period - 4 weeks.**
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
- B. **Long term period - the duration.**
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

[DUR0910]

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

[DUR0920]

69. **Prior to and during construction provide a "shake down" area along the haul route located immediately before the intersection with the road reserve. The "shake down" area is to be 10 metres long, minimum 3.0 metres wide, constructed of minimum 50mm diameter crushed rock; or other such device approved by the Director, Engineering & Operations.**

[DUR0930]

70. **The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited without the written approval of the NSW Rural Fire Service or NSW Fire Brigade. All unwanted vegetation will be chipped and used on site for mulching landscaped areas. Other waste will be conveyed to Council Stotts Creek waste depot. A copy of such approval is to be submitted to Council prior to commencing any burning activities.**

[DUR1015]

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

[DUR0960]

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

[DUR0980]

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

[DUR1000]

74. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- a. internal drainage, prior to slab preparation;
 - b. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - c. external drainage prior to backfilling.
 - d. completion of work and prior to occupation of the building. [DUR1020]
75. A. A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
B. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage. [DUR1030]
76. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position. [DUR1040]
77. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993. [DUR1090]
78. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard. [DUR1110]
79. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level. [DUR1130]
80. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C in all other classes of buildings.

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

[DUR1160]

81. 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]

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

[DUR1210]

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

[DUR1230]

84. A person must not commence occupation or use of the whole or any part of a new building (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0030]

85. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.

[POC0050]

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

[POC0170]

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

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

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

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

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

[POC0180]

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

[POCNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

[POC0020]

USE

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

[USE0010]

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

[USE0040]

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

[USE0120]

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

[USE0160]

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

[USE0170]

REPORT:

Applicant: Detabo Pty Ltd
Owner: Detabo Pty Ltd
Location: Lot 415 DP 755701 No. 75 Tweed Coast Road, Hastings Point
Zoning: 2(b) Medium Density Residential
Cost: \$1,500,000

BACKGROUND:

A review of determination application and a Class 1 Appeal to the NSW Land and Environment Court have been lodged concurrently in respect of a 3 storey, 5 unit residential flat building at the above premises.

Council refused the Development Application at its meeting of 6 July 2005 citing the following grounds: -

- "1. Pursuant to Section 79C(1)(a)(iii) the development does not comply with Development Control Plan No 6 - Multi Dwelling Housing Section 3.1.3, as it provides for a 40m² shortfall in landscaping area.*
- 2. Pursuant to Section 79C(1)(a)(iii) the development does not comply with Development Control Plan No 6 - Multi Dwelling Housing Section 3.3.1(A1), as it encroaches the acceptable solution example of a building envelope.*
- 3. Pursuant to Section 79C(1)(a)(iii) the development does not comply with Development Control Plan No 6 - Multi Dwelling Housing Section 3.1.3(A1), as its floor space ratio of 0.86:1 is greater than the 0.5:1 acceptable solution example.*
- 4. Pursuant to Section 79C(1)(b) the development casts shadow over the neighbouring property.*
- 5. Pursuant to Section 79C(d) public submissions have been received raising concern with the overshadowing, building scale, privacy, stormwater and general appropriateness of three storey development in this location.*
- 6. In accordance with Section 54 of the Environmental Planning and Assessment Act, 1979 that a draft amendment to Tweed LEP 2000 be prepared to amend the height limit for all the existing allotments south of Cudgera Creek at Hastings Point."*

It should be noted from the above that Point 6 was a resolution to amend the Tweed LEP 2000 building heights map. It is understood that the draft Plan, which is aimed at reducing the number of storeys from the present 3 to 2 has passed through the Department of Planning's LEP Review Panel. A s 65 Certificate is to be sought from the Department on once the advertising material has been prepared.

For the purposes of the review of determination the draft Plan is neither certain nor imminent, consequently it should not be given determining weight.

The review of determination is accompanied with relatively minor design alterations. This report aims to compare the amended and refused design and recommend on its suitability. It should be noted that Council's Planning Unit recommended approval of the application in its Planning Committee Report of 1 June 2005, which is attached.

Amendments to the development design include a reduction in the size and allocation of terrace areas and balconies, increased area of landscaping and minor alterations to the roof and facades. A revised SEPP 1 objection addressing overshadowing inconsistency with cl 32B of the North Coast Regional Environmental Plan is also provided.

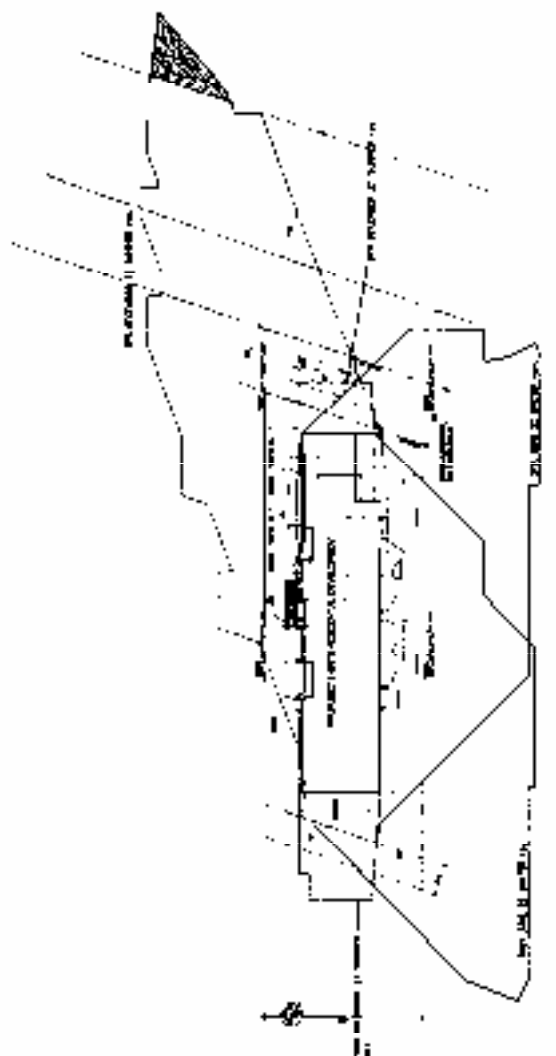
Like the original application there are minor variations to the acceptable solutions provided in Development Control Plan No. 6 – Multi Dwelling Housing, comprising the building height envelope and floor space ratio. By way of background it should be noted that adoption of the DCP's example "acceptable solution" provisions are optional. This review, like that of the original application, has been assessed objectively on a performance basis. The other elements of the DCP have been referred to as a guide only.

The review was publicly advertised for a period of two weeks. During the exhibition period a total of eight submissions were received, issues raised are essentially the same as those reported on in the Council Planning Report of 1 June 2005.

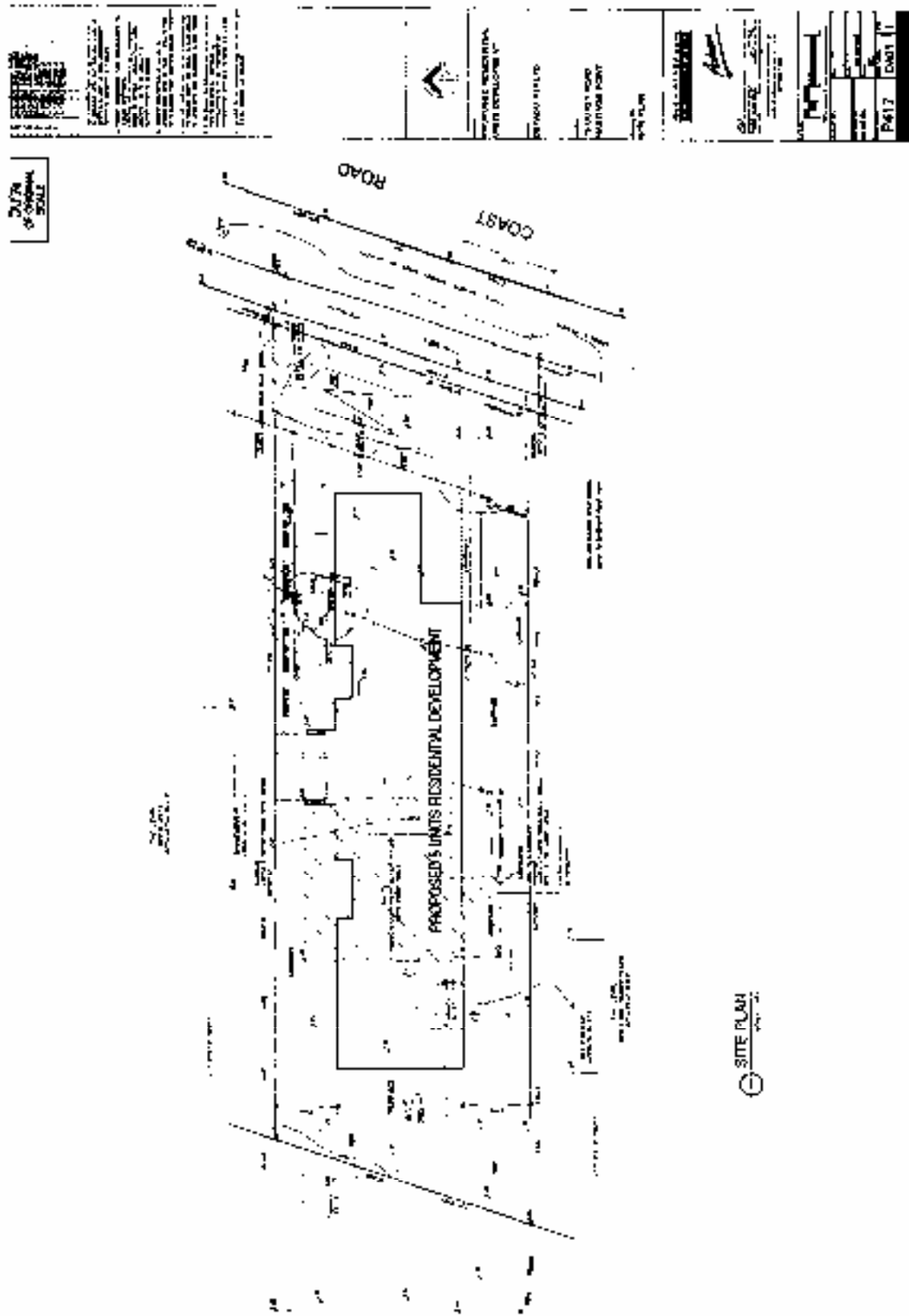
Provided below is a copy of the amended development plans however, reference to the file copy may be required.

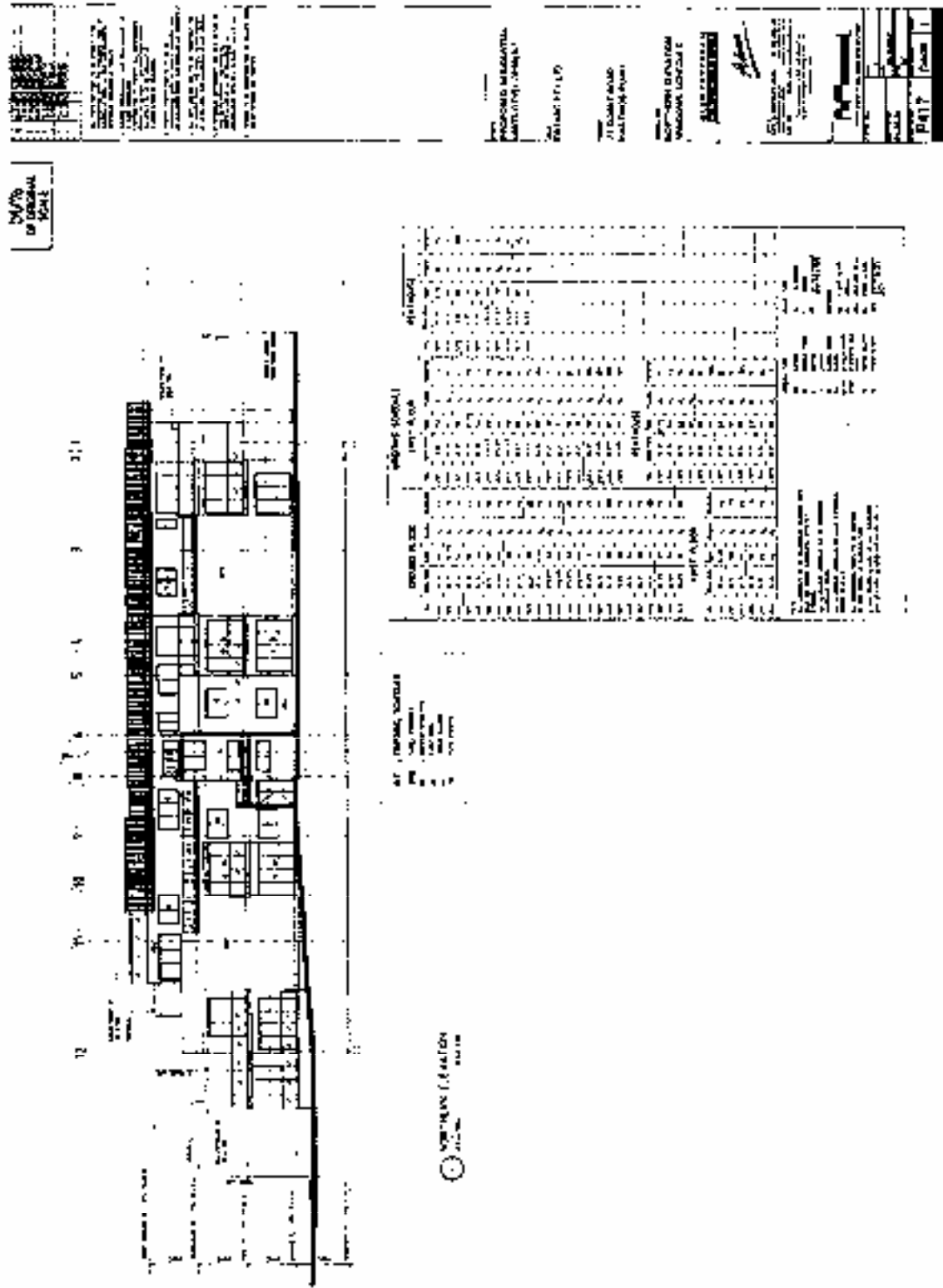
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 PROJECT NAME: TWEED SHIRE STADIUM
 PROJECT LOCATION: TWEED HEADS, QUEENSLAND
 PROJECT TYPE: STADIUM
 PROJECT STATUS: PRELIMINARY DESIGN
 PROJECT START DATE: 2006/01/01
 PROJECT END DATE: 2006/12/31
 PROJECT BUDGET: \$10,000,000
 PROJECT OWNER: TWEED SHIRE COUNCIL
 PROJECT MANAGER: J. SMITH
 PROJECT ENGINEER: A. JONES
 PROJECT ARCHITECT: P. BROWN
 PROJECT CONSULTANT: M. GREEN
 PROJECT CONTRACTOR: K. WHITE
 PROJECT SUB CONTRACTOR: L. BLACK
 PROJECT DESIGNER: D. GRAY
 PROJECT DRAWING NO: P-001
 PROJECT DRAWING TITLE: PRELIMINARY DESIGN
 PROJECT DRAWING DATE: 2006/01/01
 PROJECT DRAWING SCALE: 1:1000
 PROJECT DRAWING SHEET NO: 1 OF 1
 PROJECT DRAWING SHEET TOTAL: 1
 PROJECT DRAWING SHEET DATE: 2006/01/01
 PROJECT DRAWING SHEET SCALE: 1:1000

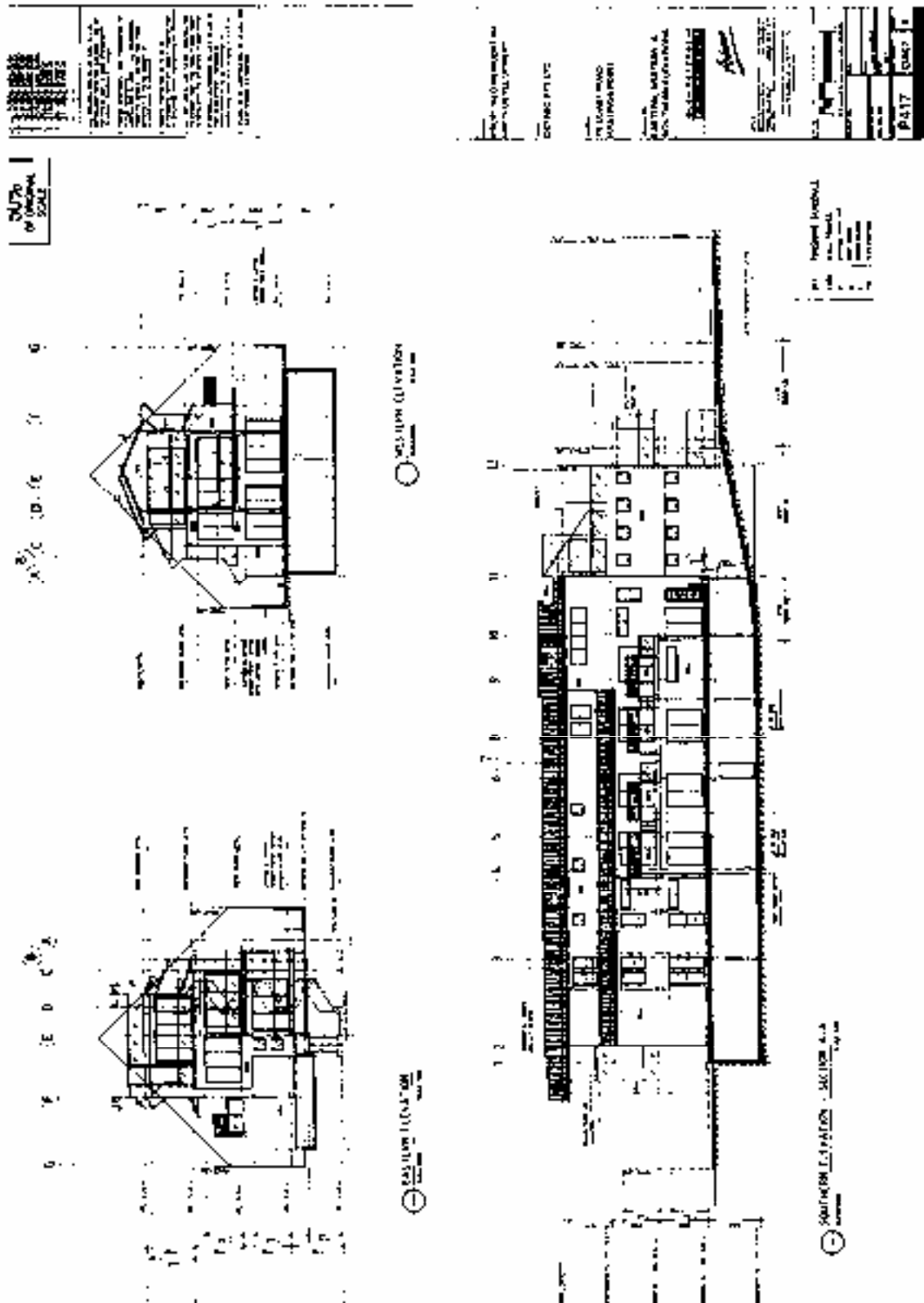
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 OF DESIGN
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Stadium Preliminary Design
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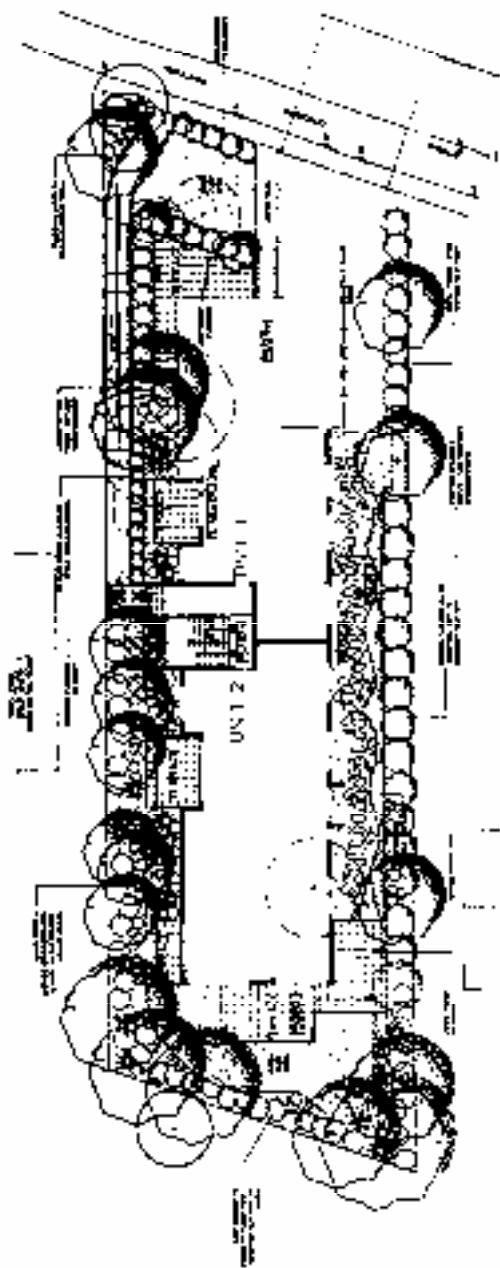






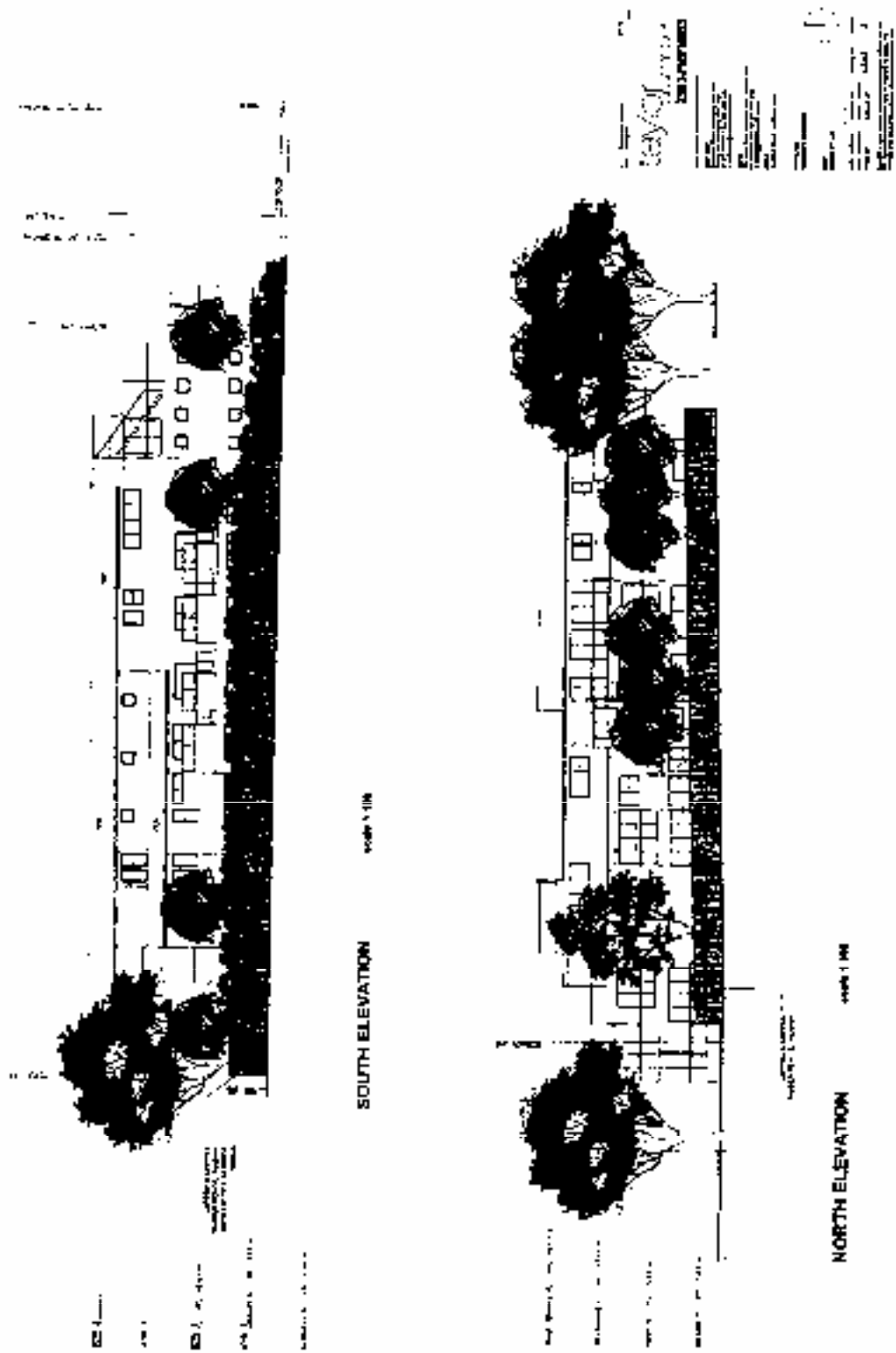


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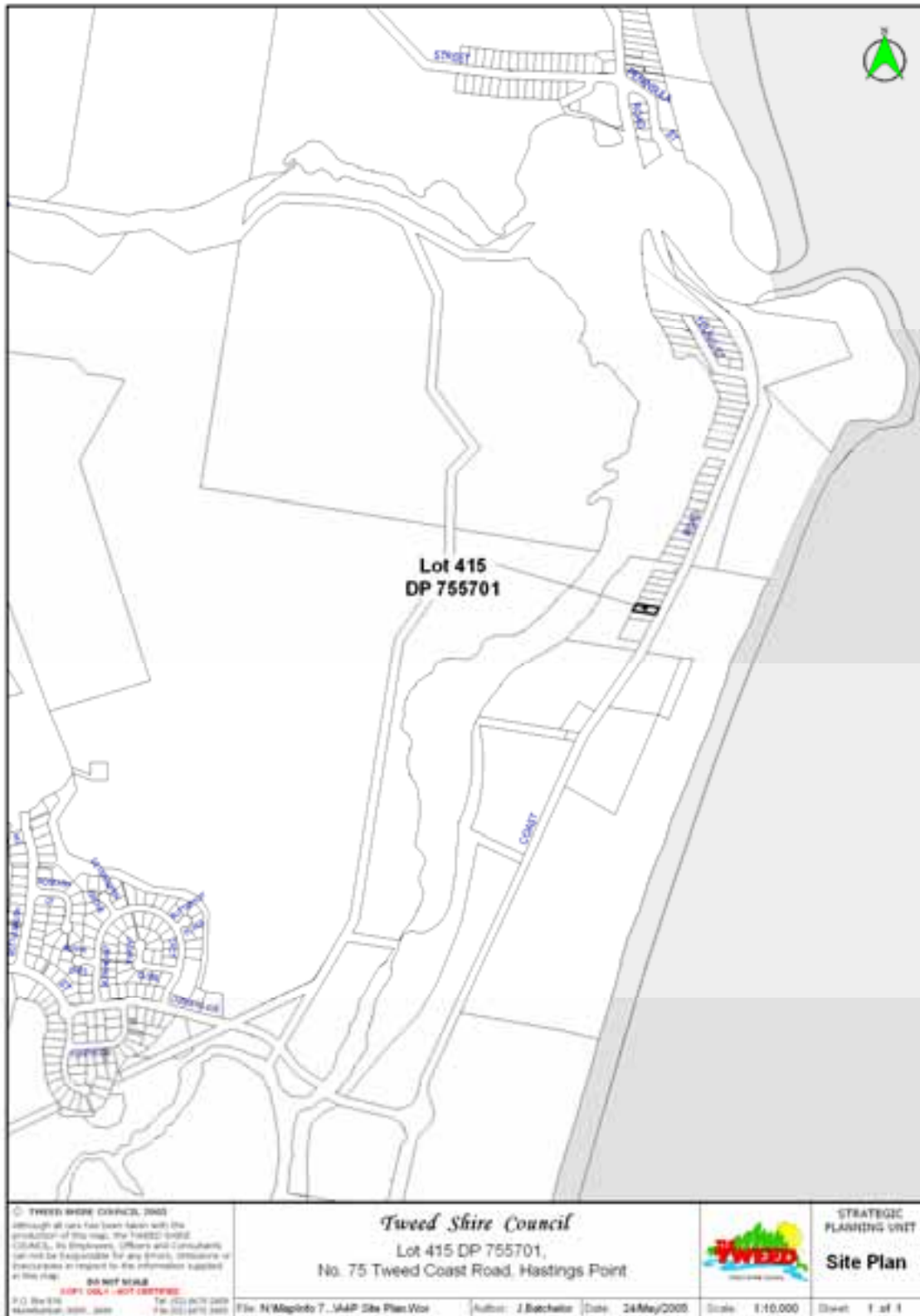


INDICATIVE PLANT SCHEDULE

NO.	PLANT NAME	QUANTITY	REMARKS
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SITE DIAGRAM:



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

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

Tweed Local Environmental Plan 2000

The subject land is zoned 2(b) Medium Density Residential under the Tweed LEP 2000. The primary objective of the zone is to provide for and encourage development for the purpose of medium density housing that achieves good urban design outcomes. A secondary objective includes discouraging the under-utilisation of land for residential purposes. The proposed development is consistent with the zone objectives.

North Coast Regional Environmental Plan 1988 / State Environmental Planning Policy No 1 – Development Standards

As with the original application the review also has shadow that encroaches into adjacent foreshore land.

The building design maintains a degree of overshadowing both before 3pm midwinter and 7pm midsummer. The applicant has included a revised SEPP 1 objection contending that non-compliance with the standard should be supported for the following reasons:

Firstly, the proposal will result in only 25m² of additional overshadowing of the Tweed Coast Road Reserve. This minor overshadowing is considered to be insignificant in comparison to the overall size of the Reserve, which has a depth of approximately 150m and a distance of approximately 1.5km.

Secondly, the overshadowing of the bushland will occur for a short period of the day, which will not adversely affect the bushland. No additional overshadowing is likely to occur before 3pm midwinter.

Finally, the bush nearest to the road reserve comprises relatively small trees, shrubs and weeds and has limited scenic value. This area is not currently utilised for the purposes of active or passive recreation.

[I]n this instance compliance with the standard would be unnecessary and unreasonable. The site is zoned Residential 2(b) under the Tweed Local Environmental Plan (LEP) 2000. The 2(b) zone permits development for the purpose of residential flat buildings and the maximum height limit is three (3) storeys. In light of this, and given that the site is in an established urban area, it is our opinion that it would be unreasonable to expect the proposed development not to cast any shadow over Tweed Coast Reserve.

The conclusions found in the applicant's submission are generally concurred with. In this instance the State Environmental Planning Policy No. 1 objection to Clause 32B of North Coast Regional Environmental Plan 1988 regarding the overshadowing of the adjoining reserve should be supported and the

concurrence of the Director-General of the Department of Planning be assumed.

State Environmental Planning Policy No. 65 – Residential Flat Development

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

The applicant provided a comprehensive assessment of the proposal against the relevant design quality principles in the original application. The amended development plans have been considered against the applicant's earlier submission and the SEPP criteria. The amended design is also of a satisfactory standard that will provide a positive contribution. It will also provide a benchmark for future development in the area.

State Environmental Planning Policy No. 71 – Coastal Protection

The original application required referral to the Department of Planning as per the policy. The Department did not consider that a role in the application was necessary. The review does not require referral. However, the application has been assessed against the Clause 2 'Aims' and Clause 8 'Matters for consideration' as satisfactory.

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

Draft Environmental Planning Instrument No. 81 – Heights of buildings, Hastings Point

As referred to above, Council at its meeting of 5 July 2005 resolved to prepare a draft LEP. This process has been commenced however, the Plan is neither certain nor imminent.

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

Development Control Plan No. 2 – Site Access and Parking

The review documentation maintains consistency with the provisions of the DCP for multi dwelling housing, as detailed by the following table:

Standard	Requirement	Proposal	Complies
On site car parking	1.5 spaces per dwelling = 7.5 spaces * Council has adopted a policy whereby 25% of spaces within unit developments be allocated as visitor parking.	9 car parking spaces. This number allows the allocation of one (1) space per unit with four (4) remaining for visitor parking.	YES It will be a condition of consent that a minimum of two (2) spaces be designated for visitor purposes.

Development Control Plan No. 6 – Multi Dwelling Housing

The acceptable example solutions, which have been uses as guide, of DCP 6 are provided in the following table:

Standard	Requirement	Variation/complies
Floor Space Ratio	0.5:1.0	The gross floor area (GFA) of the units excluding the basement is 660.7m ² . The site area is 793m ² . The floor space ratio is 0.83:1 NO*
Landscaped Area	80m ² per unit = 400m ²	The proposed development provides 401.77m ² of landscaping at ground level. YES*
Setbacks from street boundary	6.0m from Tweed Coast Road to the main wall of the building. Open balconies are allowed to encroach to within 3m.	6.0m No open balconies within front building line. YES
Side setbacks	3.0m	Northern boundary – 3.76m Southern boundary – 4.2m Western boundary – 5.5m YES

Standard	Requirement	Variation/complies
Front fences and walls	1.2m max	No front fence is proposed. However it is sought to include a 2.2m timber and lattice fence along the southern boundary and a 1.8m timber fence on the northern boundary. These require variations to the DCP and Council's building line policy. NO*
Building Envelope	45° from 3.5m high at the boundary	NO*
Minimum Private Open Space	20% of site area 158.6m ² = 31.72m ² per dwelling Minimum dimension of 3m	Approx 231.25m ² Unit 1 requires slight variation having terrace areas equating to 26.2m ² Minimum dimension of 3m NO*

Floor Space Ratio

It has been generally accepted that the FSR acceptable solution of 0.5:1 should not be applied to developments above 2 units within the 2(b) zone, as it renders development either uneconomical or undesirable. A floor space ratio of 0.83:1 is low compared to many other like developments in the Shire. It is supported for the following reasons:

- The design elements have allowed a building that shows appropriate regard to existing development.
- A lesser development of the site would, having regard to the zone objectives, constitute under utilisation of the site and would be contrary to Objects of the Environmental Planning and Assessment Act 1979.
- Appropriate setbacks have been incorporated between the building and adjacent properties in order to minimise amenity impacts.
- Landscaping and open space have been appropriately designed and incorporated that provide a high level of functional amenity with minimal external impact.
- A preliminary analysis of several like buildings revealed that developments approved in Kingscliff had an average FSR of approximately 1.5:1 whilst Cabarita has an average of 0.95:1. This development by contrast (0.83:1)

has had a genuine attempt at minimising the building size, whilst still maintaining a desirable design.

Landscaped Area

A redesign of courtyard areas and terraces has led to an increase in landscaping. The development is identified as complying with the DCP 6 acceptable example solution criteria.

Front fences and walls

No front fences or walls were proposed as part of the development, the review application has included a 2.2 metre timber and lattice fence along the southern boundary and a 1.8 metre timber fence along the northern boundary. The fencing will provide additional screening and privacy between the properties and is consistent with the DCP objectives.

No issues are raised to the fencing, except that the first 6-metres (building line) is to be reduced to 1.2m so as to maintain a consistent street frontage. A condition of consent is proposed.

Building envelope

The review application includes amendments in the size of balcony areas for the development. To some extent this has allowed a reduction in the amount of encroachments to the acceptable example solution for a building envelope however there remain some minor encroachments in the following areas:

Eastern elevation

- Penthouse living room,
- Stairs leading and unroofed terrace (allowed encroachment under DCP)

Western elevation

- Small component of penthouse living room
- Penthouse decks

Western side of southern elevation

- Roof

While the eastern and western elevation maintain similar encroachments to the original, reductions in the review application minimise significantly the amount of encroachment on the southern elevation.

On a performance basis the proposal responds well to the site, is neither excessively tall nor bulky, and provides a positive density solution.

Private open space

The application has included deck and terrace amendments, as previously indicated, to allow a greater allocation of landscaping area. The provision of private open space majority complies with the 20% acceptable solution however unit 1 has a shortfall of 5.52m², which is negligible when weighed against its obvious functionality. The following table provides a comparative analysis of the original and amended design:

Unit	Original (m ²)	Review (m ²)	Variation
1	31.2	26.2	16% decrease
2	39.9	43.95	10.15% increase
3	46.3	35.5	23.33% decrease
4	62.1	37.3	39.94% decrease
Penthouse	141.91	88.3	37.77% decrease
Total	321.41	231.25	28.05% decrease

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

Satisfactory

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

The proposal is not likely to have significant long-term impacts on the natural and built environment, socially or economically in the locality.

(c) Suitability of the site for the development

The site is suitable for the development.

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

The review application was publicly advertised from 1 to 15 March 2006, with eight submissions received. No new issues have been raised over those considered in the original application. All of the submissions have been taken into consideration in the assessment of this application, and do not require further commentary in this report.

(e) Public interest

It is noted that submissions have been received from neighbouring residents however, the issues raised are not of such magnitude to warrant the refusal or

significant amendment to this proposal. The building represents a quality design response to the site and it is not contrary to the public interest.

OPTIONS:

1. Resolve to approve the amended application subject to the conditions attached to this report.
2. Resolve not to support the application and advise Council's Solicitors to engage the services of a suitably qualified Town Planning consultant to defend the appeal in the NSW Land and Environment Court proceedings.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Should this matter proceed under Appeal substantial costs will be incurred in defending Council's determination.

POLICY IMPLICATIONS:

Nil.

CONCLUSION:

The review application has been assessed as satisfying Council's Local Environment Plan and relevant Development Control Plans. The site is suitable for the development and is not likely to cause significant long-term impacts to the surrounding built and natural environment. Generally, the development has been assessed as comprising a good design response to the site and its locality and is recommended for conditional approval.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Council Report of 1 June 2005 (DW 1208591)
 2. **Confidential Attachment** - Floor Plans (DW 1371534)
-

P2 [PD-PC] Development Application DA03/0667 for a Self Storage Facility at Lot 6 DP 10297, No. 111 Kennedy Drive, Tweed Heads

ORIGIN:

Development Assessment

FILE NO: DA03/0667

SUMMARY OF REPORT:

This report has been prepared to inform the Council on the status of the draft LEP proposed in this application.

In essence, the application proposed a self storage facility and associated managers residence on land zoned 2(a) Residential, at the rear of an existing carwash and petrol station, on Kennedy Drive, at an intersection with Ducat Street and on/off ramps to the Pacific Highway.

The draft LEP process had been carried out to the extent that the Ministers approval and gazettal were the only matters to be finalised. The Department, in a letter dated 4 February 2006, advised that the Minister has decided not to proceed with the draft plan on the following basis:

The Minister refused to make the plan as he considered that there was insufficient planning justification for further complicating the existing residential zone. Council is requested to take a more strategic approach and consider the most appropriate land uses of the area as foreshadowed in the planning reforms.

The applicant has been notified of the Minister's decision and has been requested to withdraw the application.

RECOMMENDATION:

That Council adopts Option 2 and Council staff prepare a submission on the strategic merits of the proposed development for further consideration.

REPORT:

Applicant: Whale Auto Wash Pty Ltd
Owner: Dabav Pty Ltd
Location: Lot 6 DP 10297, No. 111 Kennedy Drive, Tweed Heads
Zoning: 2(a) Low Density Residential
Cost: \$1,200,000

BACKGROUND:

As per summary

OPTIONS:

1. To note the Minister's recommendations with respect to ensuring that applications for 'spot-rezonings' are supported only where there is a clear strategic land-use approach for the area and to take no further action in respect of this draft LEP.
2. Request that the Minister reconsider the making of the draft Plan.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

CONCLUSION:

As the Minister is not prepared to make the draft LEP the development application cannot proceed to a favourable recommendation nor determination. In this regard, the applicant has been requested to withdraw the application. Failure to do so must, unless contrary advice is received from the Department, result in a recommendation for refusal. Any future determination recommendation will be to the Development Assessment Panel.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Council's report of 16 March 2005 (DW 1170083)
-

P3 [PD-PC] Development Application DA06/0266 for a Mortuary - Crematorium and LEP Amendment at Lot 703, 704, 705, 707 DP 1000580, No. 9394 Tweed Valley Way, Chinderah

ORIGIN:

Development Assessment

FILE NO: DA06/0266 Pt1

SUMMARY OF REPORT:

An application made under s 72J of the *Environmental Planning and Assessment Act 1979* for a crematorium, ancillary uses, and draft Local Environmental Plan has been received and is the subject of this report.

The application is for a crematorium and associated uses. The application is accompanied with a request for a change to LEP Schedule 3 to facilitate the crematorium, which is otherwise prohibited.

The application is incomplete and does not provide sufficient justification for the making of the draft LEP under the new Section 117 Directions for amending LEPs. The applicant can provide further information to address the new planning directives. Consequently, this report recommends that the applicant be requested to provide the necessary detail prior to the consideration of a s 54 report by Council.

RECOMMENDATION:

That the applicant be advised to submit further information to comply with all relevant planning legislation and controls, specifically in relation to the strategic justification for the draft Local Environmental Plan.

REPORT:

Applicant: BCS Group Pty Limited
Owner: BCS Group Pty Limited
Location: Lot 703, 704, 705 & 707 DP 1000580, No. 9394 Tweed Valley Way, Chinderah
Zoning: 1(b2) Agricultural Protection
Cost: \$280,000

BACKGROUND:

An application made under s 72J of the *Environmental Planning and Assessment Act 1979* for a crematorium, ancillary uses, and facilitating draft Local Environmental Plan has been received and is the subject of this report.

By way of background information a development application for a crematorium was lodged over the same parcel of land on 14 January 2005. The Development Assessment Unit held the view that the crematorium and chapel were prohibited under the 1(b2) Agricultural Protection zoning of the land. The application (DA05/0036) was reported to and refused by the Development Assessment Panel at its meeting of 31 March 2006.

The legal advice relied upon stated:

Our opinion is that the proposed development cannot be approved in its present form under the current zoning because:

- *The use as a chapel, is specifically prohibited under the zoning of the Site; and
The uses as a mortuary and crematorium in our view are not innominate but would be included within the definition of commercial premises, which are also prohibited under the zoning of the site.*

In response to this position the applicant submitted a 'fresh' application, as referred to above. However, the documentation submitted is incomplete and is reliant on the 'other' application, the provision for which is not contemplated by the *Environmental Planning and Assessment Act, 1979* or accompanying *Regulation 2000*. This matter will be referred back to later in the report.

The proposed draft LEP is for a change that has effect by amending Schedule 3 of the TLEP opposed to a reclassification of the land-use zoning. There are issues associated with the proposition of a rezoning in either form.

By way of background information it is relevant to note two matters that have arisen generally in respect of draft LEPs' for rezoning purposes. Firstly, a draft LEP has been sought over the subject land for a highway service station. The Department of Planning in the advice to Council dated 22 March 2006 stated: -

"I refer to your letter of 24 November 2005 seeking the Departments reconsideration of its decision not to certify the above plan for public exhibition....."

..After reviewing your letter and the draft LEP, the Department remains of the view that the reasons for not issuing a certificate are valid. As indicated in my previous letter, the draft LEP is inconsistent with the Section 117 Direction No.7 – Commercial Development along the Pacific Highway, North Coast and the Direction No.14 – Farmland of State and Regional Significance on the NSW Far North Coast. The RTA continually objected to the draft plan on the basis of its inconsistency with the Section Direction No.7 and it predecessor S28. As well, the RTA objection also related to the safety and efficiency of the Tweed Valley Way and Pacific Highway interchange".

In the second instance, the Department in its advice of 4 February 2006, in relation to a spot rezoning for a self-storage facility on Kennedy Drive Tweed Head, advised that: -

"...The Minister has decided not to proceed with the draft plan under section 70 (1) (c) of the Environmental Planning and Assessment Act 1979.

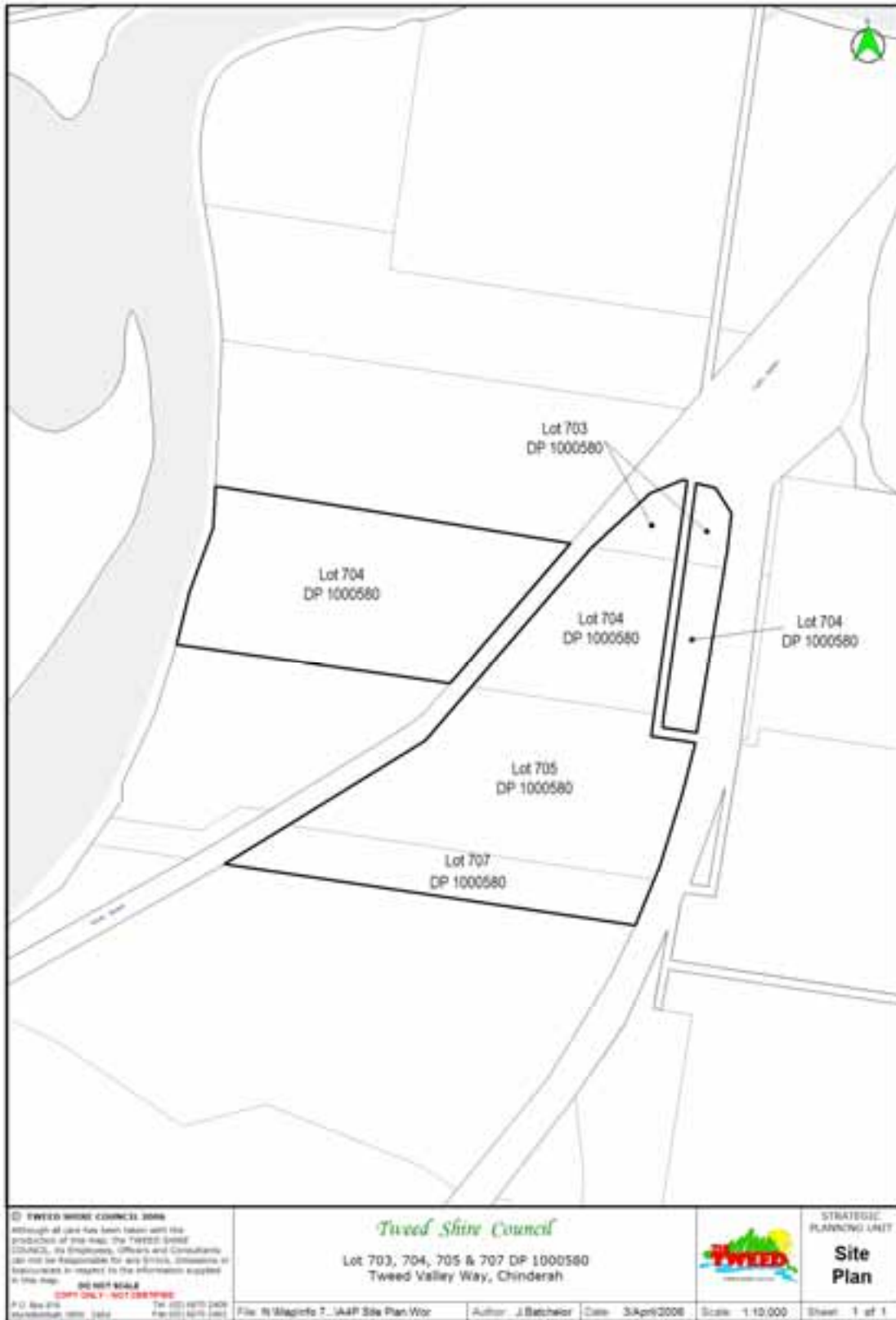
The Minister refused to make the plan as he considered that there was insufficient planning justification for further complicating the existing residential zone. Council is requested to take a more strategic approach and consider the most appropriate land uses for the area as foreshadowed in the planning reforms..."

The Department is requiring Council to assume a more strategic approach in managing future and prospective land-uses. Where spot rezoning is proposed it clearly requires strategic consideration and justification.

The application, the subject of this report, is reliant upon information that is fragmented over two applications, one of which, as indicated, has been refused. In its current status this application is deficient in the level of information for a draft Local Environmental Plan. The Department of Planning, as indicated above, requires consideration and justification in a strategic context for draft LEPs'.

The applicant should be given an opportunity to address the requirements of the relevant legislation in preparing their application.

SITE DIAGRAM:



ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979, S117 DIRECTIONS

On 30 September 2005 the Department of Planning issued a series of Section 117 ministerial directions. Direction No.7 -Commercial and Retail Development along the Pacific Highway, North Coast and Direction No.14 - Farmland of State and Regional Significance on the NSW Far North Coast specifically govern the draft LEP.

The subject land is identified as Regionally Significant Farmland on Map 2 of the Northern Rivers Farmland Protection Project (final map 2005) Sheet 2.

The objectives of both Directions are self explanatory, and the need for a strong argument when competing against these objectives is quite clear. The present application is void of any sound reasoning in this respect.

Direction No.14 – Farmland of State and Regional Significance on the NSW Far North Coast Objective

- To ensure that the best agricultural land will be available for current and future generations to grow food and fibre,
- To provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning,
- To reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.

Where this direction applies

This direction applies to Ballina Shire Council, Byron Shire Council, Kyogle Shire Council, Lismore City Council, Richmond Valley Council and Tweed Shire Council.

When this direction applies

This Direction will apply when a council prepares a draft local environmental plan for land mapped as:

- State significant farmland, or
- regionally significant farmland, or
- significant non-contiguous farmland as identified on the set of four maps held in the Department of Planning and marked “Northern Rivers Farmland Protection Project, Final Map 2005 (Section 117(2) Direction)”.

What a council must do if this direction applies

- (1) A draft local environmental plan shall not rezone land identified as “State Significant Farmland” for urban or rural residential purposes.
- (2) A draft local environmental plan shall not rezone land identified as “Regionally Significant Farmland” for urban or rural residential purposes.
- (3) A draft LEP shall not rezone land identified as “significant non-contiguous farmland” for urban or rural residential purposes.
- (4) A draft LEP may be inconsistent with this direction only if council can satisfy the Director-General that:

- (a) any particular provision or area should be varied or excluded having regard to the provisions of section 5 of the Environmental Planning and Assessment Act, and
- (b) the draft LEP is consistent with Section 4 of the report titled "Northern Rivers Farmland Protection Project - Final Recommendations, February 2005", as lodged in the Department of Planning.

And:-

Direction No.7 – Commercial and Retail Development along the Pacific Highway, North Coast Objective

The objectives for managing commercial and retail development along the Pacific Highway are:

- To protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route;
- To prevent inappropriate development fronting the highway
- To protect public expenditure invested in the Pacific Highway,
- To protect and improve highway safety and highway efficiency,
- To provide for the food, vehicle service and rest needs of travellers on the highway, and
- To reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.

Where this direction applies

This direction applies to those councils on the North Coast that the Pacific Highway traverses, being those councils between Port Stephens Shire Council and Tweed Shire Council, inclusive.

When this direction applies

This direction applies when a council prepares a draft LEP for land in the vicinity of the existing and/or proposed alignment of the Pacific Highway.

What a council must do if this direction applies

- (1) A draft LEP that applies to land located on "within town" segments of the Pacific Highway shall provide that:
 - (a) new commercial or retail development shall be concentrated within distinct centres rather than spread along the highway,
 - (b) development with frontage to the Pacific Highway shall consider impact the development has on the safety and efficiency of the highway.
 - (c) For the purposes of this paragraph, "within town" means areas which, prior to the draft local environmental plan, have an urban zone (eg: "village", "residential", "tourist", "commercial", "industrial", etc) and where the Pacific Highway speed limit is less than 80km/hour.

- (2) A draft LEP that applies to land located on “out-of-town” segments of the Pacific Highway shall provide that:
- (a) new commercial or retail development shall not be established near the Pacific Highway if this proximity would be inconsistent with the objectives of this Direction.
 - (b) development with frontage to the Pacific Highway shall consider impact the development has on the safety and efficiency of the highway.
 - (c) For the purposes of this paragraph, “out-of-town” means areas which, prior to the draft local environmental plan, do not have an urban zone (eg: “village”, “residential”, “tourist”, “commercial”, “industrial”, etc) or are in areas where the Pacific Highway speed limit is 80km/hour or greater.
- (3) A draft LEP shall permit the establishment of a highway service centre beside the Pacific Highway, provided that:
- (a) They are located as near as possible to an existing town that has been bypassed,
 - (b) the town’s economy is considered before approval is given to establish any new or expanded highway service centre on the edge or outside the town, and
 - (c) it is spaced no closer than 24 kilometres from another highway service centre or a town through which the highway still passes, and
 - (d) it is limited to one highway service centre to serve both directions of traffic, or one highway service centre per side of the highway,
 - (e) the only uses allowed in highway service centres are:
 - (i) service stations (which may supply convenience goods catering for the needs of the travelling public),
 - (ii) emergency vehicle repairs,
 - (iii) bus/coach terminal facilities (but not depots),
 - (iv) restaurant facilities (preferably both sit-down and fast food),
 - (v) toilet/shower facilities,
 - (vi) tourist information (but not commercial tourist facilities),
 - (vii) telephones,
 - (viii) rest areas (including seating, barbecue and play areas), and
 - (ix) adequate parking for cars, buses and trucks.
 - (f) For the purposes of this paragraph, a highway service centre is a place which provides only services essential to long distance travellers on the highway

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

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

Tweed Local Environmental Plan 2000

The subject land is zoned 1(b2) Agricultural Protection. The proposed development is commercial, and classified as prohibited. Whilst the application seeks the making of a draft LEP to facilitate the prohibited

development the application documentation provides no basis, rational or otherwise, that could assist Council in resolving that a draft Plan should be made.

Although Council's Planning Unit has indicated that the development could in principle be supported, demonstrating an appropriate strategic basis is an essential element that must first be made out.

North Coast Regional Environmental Plan 1988

The application does not address the NCREP.

State Environmental Planning Policies

The application does not address any relevant SEPPs.

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

There are no draft EPI's that require consideration in the application. It should be noted, as stated above, that the proposed draft LEP for the highway service station has had the required s 65 advertising certificate withheld indefinitely by the Department of Planning.

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

DCP 2 – Site Access and Parking, DCP 5 – Flood Liable Land, DCP 15 – Advertising Signs Code have not been, where relevant, have not been addressed.

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

The application has not been made in accordance with the Schedule 1 of Regulation 2000.

(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 application does not provide sufficient detail to properly ascertain its impact on the natural and built environment, socially or economically in the locality. It is anticipated that this can be easily remedied with the submission of appropriate detail.

(c) Suitability of the site for the development

The proposed use is classified as prohibited and as such the site cannot be considered as suitable. A remedial measure through a draft LEP is proposed but any support for it remains to be substantiated.

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

The application has not been publicly advertised at this time. The draft LEP must be referred to the Department of Planning's s 54 Panel before it may issue a s 65 Certificate to advertise. It is highly unlikely that the s 54 Panel would support the draft Plan on the information submitted.

(e) Public interest

The generality of the application is insufficient for any positive conclusions to be drawn. It follows that the application is not in the public interest.

OPTIONS:

1. The applicant is to submit information so as to attain compliance with all relevant planning legislation and controls, noting specifically, that strategic justification for the draft LEP and critical assessment of relevant s 117 Directions is required. That, on submission of the necessary documentation Council will consider the making of the draft Plan.
2. The Department of Planning has clearly indicated that spot rezoning will not be supported where there is no clear strategic basis. As this application is inconsistent with s 117 Directions Nos. 7 and 14 and is neither part of a broader strategic framework or has demonstrated a contextual strategic purpose, the making of a draft Plan is not supported.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

CONCLUSION:

Council has in the past resolved to prepare many of the draft Plans' that have been sought for facilitating prohibited development. Consequently it has established a practice of acceptance without, necessarily, consideration of broader strategic issues and context. The proposed draft Plan is inconsistent with at least two s 117 Directions and there is no real justification for utilising agricultural land for prohibited purposes. This site is not unique and the draft Plan, which will further complicate the existing zoning, should not be considered in isolation but instead as part of broader strategic context. Should Council wish to investigate the appropriateness of the areas existing land-use pattern or wish to establish new areas of urban / support growth the commercial capacity of this site could then be reviewed. Under these conditions the broader implications on future agricultural land, traffic, land-use function and impacts on neighbouring catchment areas can be considered holistically.

Notwithstanding the above, if the applicant can demonstrate that the draft Plan is appropriate in the circumstances the Planning Unit raises no objection in principle to the proposed land-use or its configuration, provided that all relevant documentation is submitted for consideration.

If Council resolves to prepare a draft Plan on request from an applicant then it should logically follow that the applicant undertake to fulfil, at their expense, the Department's requirements for submission to the LEP Review Panel. The requirements are detailed below for reference.



Instructions to Users

When notifying the Director-General under section 54(4) of the EP&A Act of a decision to prepare a draft local environmental plan, a council will need to complete the 'Section 54(4) Notification Advice' cover sheet and relevant 'LEP Pro-forma Evaluation Criteria' sheet depending on the category of LEP that is the subject of the section 54(4) notification.



LOCAL GOVERNMENT AREA:

NAME OF DRAFT LEP:

ADDRESS OF LAND (if applicable):

MAPS (if applicable):

- Location map showing the land affected by the proposed draft plan in the context of the LGA (tagged 'location map')
- Existing zoning map showing the existing zoning of the site and surrounding land and proposed zoning change for the sites (tagged 'comparative existing/proposed zoning')

PHOTOS and other visual material (if applicable):

- Aerial photos of land affected by the proposed draft plan
- Photos or plans showing relationship of land to which the plan will apply and surrounding land uses

PURPOSE OF LEP:

- Describe the current zoning / controls and changes proposed by the draft plan. For complex plans, a table or maps to explain changes should be attached
- Explain why it has been resolved to prepare the draft plan, i.e. what is triggering the need for the plan
- Provide compelling reasons, clearly stating the reasons for the proposed changes
- Details of any environmental study to be prepared
- Details of consultation procedures to be adopted in preparation of the plan

JUSTIFICATION FOR LEP:

This should cover matters such as

- 1 Policy and strategic context
 - Consistency with State policy / council strategy
 - Public interest reasons for preparing the draft plan
 - Reference to studies and reports
- 2 Location context
 - Compatibility with surrounding zoning and land use patterns
- 3 Implications of not proceeding at that time

EVALUATION AGAINST CRITERIA:

- Provide evaluation against criteria in the relevant pro-forma as applicable to the LEP category

LEP Proforma Evaluation Criteria
Category 1: Spot Rezoning LEP

1.	Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800m of a transit node)?	Y/N
	Explain:	
2.	Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (s.117) directions?	Y/N
	Explain:	
3.	Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?	Y/N
	Explain:	
4.	Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	Y/N
	Explain:	
5.	Will the LEP be compatible/complementary with surrounding land uses?	Y/N
	Explain:	
6.	Is the LEP likely to create a precedent; or create or change the expectations of the landowner or other landholders?	Y/N
	Explain:	
7.	Will the LEP deal with a deferred matter in an existing LEP?	Y/N
	Explain:	
8.	Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these	Y/N

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil

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P4 [PD-PC] Development Application DA06/0192 for Extensions to Readymix Quarry (05-0055) at Lot 1 & 2 DP 792256; Lot 3 DP 877186, No. 840 Terranora Road, Terranora

ORIGIN:

Development Assessment

FILE NO: DA06/0192 Pt2

SUMMARY OF REPORT:

An application for an extension of the Tweed Quarry at Terranora has been lodged with the Department of Planning. The application is classified as a major project in accordance with the Major Projects State Environmental Planning Policy and falls under Part 3A of the Environmental Planning and Assessment Act. The Minister for Planning is the consent authority for the proposal.

The proposal involves subdividing 5 hectares from the adjoining lot to the south of the existing quarry site seeking to extract 2.6 million tonnes of hard rock over 15 years producing 350,000 tonnes of quarry material per year. The existing access, processing plant and other infrastructure are to be utilised.

Other than processing existing stockpiles extraction is not proposed from the current quarry area.

The extraction process involves blasting from the quarry face and crushing the material into required sizes and some further processing such as pre-coating. It is anticipated that up to 80 laden trucks will leave the site per day during peak production periods.

Impact mitigation measures are also proposed such as an acoustic bund to the east of the existing quarry and modifications to plant to reduce noise.

A program of progressive rehabilitation is to be undertaken for the existing quarry and the additional area.

The submission period finished on 4 April 2006 however the Department has granted Council an extension so that the matter could be reported to Council on 12 April 2006.

Council is not the consent authority for the development as such this report does not undertake a comprehensive assessment of the proposal. It should be noted that the criteria for assessment of standard development applications ie. Section 79C Heads of Consideration do not apply to Major Projects. This report addresses the key components of the proposal and issues that affect Council infrastructure.

Council's statutory role involves Section 138 of the Roads Acts regarding works within Council's Roads. This application follows approval of the Major Project and Part 3A of the EP&A Act states that the S.138 approval cannot be inconsistent with the Minister's approval.

RECOMMENDATION:

That Council sends a copy of this report to the Department of Planning for consideration by the Minister as part of the assessment of the proposal.

REPORT:

Applicant: Readymix Holdings Pty Ltd
Owner: Readymix Holdings Pty Ltd, Tweed Shire Council and Bears Pty Ltd
Location: Lots 1 & 2 DP 792256; Lot 3 DP 877186, No. 840 Terranora Road, Terranora
Zoning: 1(a) Rural
Cost: \$3,400,000

BACKGROUND:

The existing quarry site (Lot 1 DP 792256) has three consents for quarrying operations with the latest in 1996 (DA96/322). Production is limited to 350,000 tonnes per year. In 2003 the resource was exhausted and activities at the site have scaled down.

The Company investigated a new source for material and proposed to extract 11.3 million tonnes from 21 hectares from the adjoining property (Lot 2 DP792256) over 30 years. This proposal was not pursued following analysis of the issues and the impacts on adjoining land.

The existing site (23.28 hectares) contains the old quarry workings, administration building, workshop, weighbridge, crushing plant and screens, access roads, sedimentation dams, fuel storage areas and stockpiles.

Proposal

The current application involves subdividing 5 hectares from the adjoining property (109.3 hectares) and extracting basalt for processing up to 350,000 tonnes per year. The existing crushing plant will be utilised to produce the following materials-

- Road base
- High quality concrete and asphalt aggregates
- Drainage aggregate
- Armour rock, scalps and ballast
- Pre-coated aggregate
- Manufactured sand and dust
- Decorative and landscaping products

The EA (Environmental Assessment) states that the majority of the product will be crushed aggregate for concrete manufacturing.

The basic activity is as follows. After removal of overburden holes will be drilled for the blasting operation which fractures the rock for the jaw crusher. Large fractured rock unsuitable for the jaw crusher is stock piled for breaking up by a rock pick attached to an excavator. The fractured rock will be transported by dump truck to the primary crusher and processed to the finished product.

The quarry is proposed to operate between 7.00am and 5.00pm Monday to Saturday with no operations on Sundays or Public Holidays.

The EA states that at peak production 80 laden trucks will leave the site per day. This equates to 160 trucks per day travelling to and from the quarry.

The main route for trucks from the quarry is proposed to be west along Terranora Road to Tweed Valley at Tumbulgum.

Local deliveries only are proposed to travel east from the quarry.

In addition to the extraction area the other key components of the proposal are-

- Enclosure of the primary and secondary crushers to minimise noise emissions
- Fitting of sound kits to some mobile equipment
- Construction of an additional acoustic bund to the east of the access road into the quarry
- Lowering of the product stockpile area by approximately 2 metres
- Upgrading of the intersection of the access road and Terranora Road
- Establishment of a pre-coating plant with capacity to produce approximately 12,000 tonnes of pre-coat per year. The plant will be located on a bunded pad on the existing quarry floor
- Rehabilitation of disused quarry areas to the north and west of the crushing and processing plant including the enlargement of Sediment Dam A on the floor of the quarry and reshaping and rehabilitating exposed quarry faces.

Previous resolution and advice

Following a presentation by representatives of the local action group Council resolved on 19 October 2005 not to support the proposed development. The Department was advised of this resolution. Following a presentation by the proponents to Council on 7 February 2006 the Department was advised that Council will make a submission when the proposal was formally exhibited.

Issues

Resource Management

The Tweed Quarry site is affected by a S.117 Ministerial Direction which protects quarry from rezonings that would compromise the extractive operations. The Direction states that the quarry is a regionally significant source of hard rock aggregate.

The draft Regional Strategy released by the Minister during March 2006 nominates the Tweed Quarry as a regionally significant resource and that the site should be zoned appropriately to protect the resource.

The EA states that given the predicted growth rates in the Tweed Shire the demand for aggregate will increase from 740,000 tonnes approx. per year to 1,000,000 tonnes per

year approx. up to 2016. Demand will be generated by urban development and infrastructure projects such as the Pacific Highway upgrade.

The EA states that in South–East Queensland by 2018 a shortfall of 350 million tonnes of hard rock will exist. As such demand in the Tweed will be competing with a short supply in adjacent areas which results in a restriction of high quality products and increased costs in the Tweed.

Impacts

The two key impacts of the development are truck movements in the area predominantly on Terranora Road and the close proximity of the quarry to residential dwellings. Noise and vibrations from the quarry and haul trucks will be received by nearby dwellings. 24 dwellings (excluding the 3 dwellings on the subject site) are within 500m approx. of the quarry.

The EA has assessed noise, vibration, blasting and air quality impacts in detail and has proposed various mitigation measures to reduce the impacts. Notwithstanding this the quarry is a significant operation that will not totally mask all of these impacts on nearby residents.

The quarry operation will also be visible from points around the site including in the immediate vicinity and from more distant locations such as Bilambil Heights. The rehabilitation program will assist with reducing this impact as will the proposed tree planting on the margins of the new extraction area.

There are clear and obvious competing objectives associated with the development. The hard rock is an important resource for the Region and there are long term economic implications for not utilising this resource. Collaterally use of the resource will potentially have undesirable impacts on nearby residents. The Minister needs to be satisfied that strategic resource management objectives are achieved and that local community amenity, lifestyle, health, safety and livelihood expectations are fulfilled and protected.

It could be argued that the resource is being under utilized by not quarrying the balance of the identified hard rock (8.7 million tonnes). This could clearly only occur if acquisition of properties was undertaken and a buffer established.

If the application is successful a condition should be imposed requiring a permanent complaints handling mechanism. This should include a full time on site environmental manager funded by the operator who is readily accessible to the general public and statutory authorities. Duties of this role is to include regular reporting of quarry activities, complaints handling and complaints resolution. Additionally the Department of Planning should have a designated contact officer accessible to the public and statutory authorities to manage ongoing quarry issues related to the approval.

Engineering Issues

Tweed quarry has operated on the existing site for approximately 30 years. The current operation gained consent upon the issue of DA96/0322 allowing an extraction level of up to 350,000 tonnes per annum up to the year 2010.

Existing Title Restrictions

Councils GIS system does not identify a Section 88B instrument applicable to the land. Deposited plans for the site identify a number of Rights of Way over Lot 1 DP 792256 in favour of land now identified as Lot 2 DP 7922456. The proposed development has not identified any impact on these ROW's.

Subdivision

The applicant tables it is intended to undertake a subdivision of Lot 2 DP792256 to acquire approximately 5ha of land for the extension of quarrying activities.

The creation of a separate parcel of land for the sourcing of material is not supported.

The activities on each parcel rely on the infrastructure / resources of the other. Activities including stormwater management, rehabilitation, effluent disposal, transport etc. need be clearly defined within a single approval. Separate development consent for the proposed parcel may also question the ability for the existing consent to operate on Lot 1 DP 792256 beyond the identified quarry life of 2010.

It is recommended that a boundary adjustment be undertaken between the two parcels of land.

Geotechnical / Earthworks

The primary impact of the proposal is for the extraction of material for construction purposes. In any event the removal of overburden or top soil from the site should not be supported. It is recommended that this material be stockpiled on site, being available for ongoing rehabilitation of former quarry activities.

A detailed rehabilitation plan is required advising of works to be undertaken progressively throughout the site.

Roads

Road Network

The application indicates that vehicles shall deliver product to customers via Terranora Road to the west, then onto Tweed Valley Way and The Pacific Highway. It has been tabled that a small number of local deliveries may travel to the east.

The applicant has had initial discussions with Councils Traffic and Transport Engineer in relation to the upgrading of Terranora Road to the west. Initial construction plans have

been provided by Roadnet P/L. Works are proposed at four locations, which include the access intersection to the quarry.

The three locations identified along the haul route of Terranora road are located on curves/winding sections. The works propose to improve the safety for heavy vehicles and local traffic include widening of the existing pavement, realignment of safety barriers and cutting back of embankments to improve site distance. The works will require Council to undertake land acquisition in some locations for road construction purposes. These areas have been identified in previous discussions with Council's Engineering and Operations Division. The road upgrading proposed at these locations is supported by Councils Engineering and Operations Division however it is recommended that any upgrading shall provide a minimum 1 metre wide shoulder and provision for road drainage.

The programme for upgrading of Terranora Road identified by the applicant is supported.

Recommended conditions of consent confirm works are to be completed within 18 months of consent approval issued and within 18 months of land acquisition being undertaken by Council where necessary.

To further improve road safety, Council officers also recommend that the RTA support the application of a 60km/h truck speed limit over the length of Terranora Road currently zoned at 80km/h.

Discussion with the Department of Planning's consultant Transport Planning and Traffic Engineer also identified issues raised by the RTA in relation to the intersection of Riverside Drive and Tweed Valley Way. The length of acceleration lane into the 100km/h speed zone of the Tweed Valley Way is of concern. At present a taper of 200m extends to the north. This taper includes a sealed road shoulder, approximately 2m in width. Site inspections reveal that laden trucks travel within the slip taper and road shoulder for approximately 400m at which point dual lanes are available allowing trucks to enter a defined traffic lane and allowing faster vehicles to pass without travelling into the line of oncoming traffic.

Further consideration should be given to the nexus between this development application and other road users benefiting from any upgrading considered appropriate.

Heavy Haulage Contributions

Tweed Shire Councils adopted Section 94 plan identifies contributions applicable to heavy haulage. Clause 7.2 of the plan tables in order to prevent double dipping, the contribution does not apply to source developments such as extractive industries and quarries.

However, within the plan, referral to Council policies identifies that Council will waive the contribution on receiving developments where material is obtained from a designated source (ie sources that make the contribution). This policy seeks to ensure that materials delivered to all parts of the shire and developments within adjoining local government areas contribute to the road network.

Within the existing consent to operate the quarry site the developer entered into a deed of agreement to contribute levies in accordance with the Tweed Road Contribution Plan (TRCP). However the unit rate had been agreed at 1.5 cents per tonne per kilometre.

Initial enquiries by the applicants consultant in correspondence dated 24 June 2003 questioned Councils definition of the TRCP. Councils response in correspondence dated 6 August 2003 advised *“that if an agreement is made with Council based on the annual tonnage and average haulage distance a charge of 1.5 cents per tonne per kilometre applies and there is no threshold before the contribution is payable.”*

The applicant has acknowledged it is the developer’s intention to pay contributions to Councils TRCP however raises the question as to credit in lieu of works undertaken along Terranora Road.

No objection is raised for such credit however this is not applicable to the upgrading of the development site access. These works are considered essential for the safe movement of haulage trucks into / from the road network.

Calculation of the TRCP rate for heavy haulage is also based on the average haul distance. The applicant has tabled a distance of 3.9 km from the quarry site to the intersection of Riverside Drive and the Tweed Valley Way, Tumbulgum. Discussion with Councils Traffic and Transport Engineer has identified the average haul route distance is to include the link along the Tweed Valley Way to the interchange with the Pacific Highway. Recommended conditions of consent therefore require an average haul route length of 10.5 km.

Traffic Generation

The applicant has estimated that at full production, 350,000 tonnes of material shall be produced per annum This results in an average of 53 laden trucks per day and up to 80 laden trucks per day leaving the quarry site. In real terms this equates to 106 and up to 160 truck movements per day.

Existing traffic counts for the Average Annual Daily Traffic (AADT) undertaken by Council along Terranora Road are as follows-

- West of Readymix Quarry- 1572 AADT (August 2004)
- Terranora Primary School-3779 AADT (October 2005)

Concern has been raised for conflict of empty/laden haulage vehicles and commuter traffic east of the quarry site. To alleviate some of the concerns raised by the community during consultation the applicant proposes to direct all transport movements to the west of the quarry. However it is proposed that some local deliveries will travel to the east. The amount of traffic is not defined however to ensure compliance with the requirement to control haulage movements it is proposed that no more than 5% of annual product may be transported to the east without the written approval of the Minister.

Transport of product travelling to the west of the quarry site may readily be absorbed into the current traffic generation however it is recommended that speed restrictions be placed on heavy vehicles at a maximum of 60km/h.

Access

Access to the site shall be via the existing entry point. The applicant has tabled upgrading of the access shall be undertaken in accordance with the RTA Road Design Guide, Intersections at Grade.

Bus Routes

The haul route is also identified as a bus route. Primary schools are located west of the quarry within the village of Tumbulgum and east of the quarry within Terranora. Whilst delivery vehicles will not pass through a school zone within Tumbulgum any local deliveries to the east shall traverse the lower speed zone of Terranora Village primary school. Councils Traffic and Transport Engineer has recommended that no local deliveries be permitted during the nominated school 40km/h speed restriction time zones of Terranora Primary School.

Parking

Ample area exists on site for employee, truck and machinery parking.

Manoeuvring

Ample area exists on the site for manoeuvring.

Pedestrians

N/A

Stormwater Drainage

Allotment drainage / Stormwater Quality Management

The applicant has provided detail in relation to the management of stormwater on the development site. It is recommended that the Department be satisfied the proposed management systems ensure adequate measures are put in place to protect the natural environment.

Services/Utilities

Water Supply

Councils reticulated water supply system currently services the development site.

Effluent disposal

An approved on site effluent disposal system servicing the administration and staff facilities is currently in place. The applicant states this system will continue to be utilised for ongoing operations at the quarry.

Electricity

Country energy currently provide service to the site. The applicant has not identified any need to upgrade the existing service available.

Telecommunication

Telstra currently provide telecommunication services to the site.

Sediment control

Refer to clause 7.0.

Other

The applicant has provided detail in relation to the management of dust generated from the development site and the impact of blasting to source product. It is recommended that the Department be satisfied the proposed management systems ensure adequate measures are put in place to protect the amenity of the area and protect the natural environment.

Natural Hazards

Flooding

N/A

Other

There are no other natural hazards affecting the site that Council is aware of.

Environmental Health Unit Comments

The following comments are provided to aid in addressing local issues: -

1. HOURS OF OPERATION:

It should be noted that the Reedy Creek Quarry (located south of Tumbulgum) operates 7:30am to 6pm Mon to Fri and 7:30am to 12pm Saturday with no work on Sunday and public holidays. This is in comparison with the requested hours of operation for Tweed Quarry of 7am to 5pm Mon to Sat.

2. NOISE:

Quarry Operations – Assessment of noise impact has been undertaken utilising modelling of various noise generating scenarios only. A critique of the model utilised – strengths/weaknesses and limitations, for example - have not been provided. No case studies or examples have been considered as to comparisons for modelling effectiveness. No presentation of data was provided as to L_{Amax} values, L_{Aeq} provide for an energy average of noise levels. Quarry noise generating activities are not continuous or homogenous and comment should be provided as to the characteristics of the sound generated as part of the assessment of not only noise intrusion but also offensiveness.

All modelling is based on existing quarry operations and layout. No consideration for reconfiguration of quarry operations has been provided for. For example, relocation of crushing and processing area. This may also aid in alleviating dust nuisance issues.

Traffic Impact – Option 1 considers 100% traffic flow to the west on leaving the quarry. Comment has been provided as to the impact on nearest affected residents at the intersection at Tumbulgum Bridge and Riverside Dr Tumbulgum. Council has previously received a number of noise nuisance complaints when empty trucks travel over the bridge. It would appear that L_{Amax} values would assist in the assessment of impact.

Tumbulgum/Sandersons/Pollards quarry is a recently amalgamated quarry located to the south of Tumbulgum (on the other side of the River) and travel north-east along Dulguigan Rd to the intersection at the Tumbulgum bridge.

3. PRELIMINARY SITE CONTAMINATION ASSESSMENT:

Assessment appears adequate.

4. SURFACE AND GROUNDWATER MANAGEMENT AND AIR QUALITY:

Considered issues can be adequately addressed by Department of Environment and Conservation (EPA) due to existing licenses. It is noted however that dust complaints have continued to be an issue identified by surrounding residents. It is also noted that the assessment is based on modelled results only and no actual real data provided except for baseline data.

Conditions

The Minister is requested to impose the following conditions regarding infrastructure and contributions if the application is approved: -

GENERAL

1. The subdivision is to be carried out in accordance with Development Control Plan No. 16 - Subdivisions Manual and Councils adopted Development Design and Construction Specifications.
[GEN0125]
2. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the subject property.
[GEN0135]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

3. **Prior** to the issue of a construction certificate, the applicant shall submit to Council evidence that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared in accordance with either:-
 - (a) Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
 - (b) AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
 - (c) WorkCover Regulations 2000[PCC0015]
4. Any works to be carried out within the adjoining road reserve is subject to application and approval being issued by Tweed Shire Council as the road authority.
Application for these works and receipt of approval is to be obtained prior to the issue of a construction certificate for works within the development site.
[PCC0075]
5. A traffic control plan in accordance with AS1742 and RTA publication "Traffic Control at Work Sites" Version 2 shall be prepared by an RTA accredited person shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Safe public access shall be provided at all times.
[PCC0865]
6. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for any works within the road reserve.

The proponent shall submit plans and specifications with any application for construction certificate for the following roadworks with associated subsurface overland flow and piped stormwater drainage structures designed in accordance with Council's adopted Design and Construction specifications.

- (a) Upgrading of Terranora Road generally in accordance with plans submitted by Roadnet Pty Ltd numbered 04520-CD-0002, 04520-CD-0003 and 04520-CD-0004, dated 27/9/2004. The road formation shall incorporate a minimum of 1 metre wide gravel shoulder.

- (b) Construction of an intersection layout at the access point to the development site generally in accordance with plans submitted by Roadnet Pty Ltd numbers 04520-CD-001 dated 27/9/2004.

Plans shall also identify the creation of a 60km/h speed restriction for trucks along Terranora Road including the provision of appropriate regulatory signage.

[PCC0875]

7. Prior to the issue of a **Construction Certificate** the following detail in accordance with Councils adopted Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.

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

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 and Section 138 of the Roads Act to be certified by an Accredited Certifier.

[PCC0985]

DURING CONSTRUCTION

8. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate/Occupation Certificate.

[DUR0995]

9. All local deliveries to the east of the quarry shall only be undertaken outside the nominated 40km/h speed restriction times of local school precincts.

[DURNS01]

10. A maximum of 5% of annual peak product may be identified as local deliveries transported to the east of the quarry site. Any excess shall only be undertaken with the written approval of the Minister. The proponent shall provide the Minister and Tweed Shire Council evidence of haulage routes and quantities transported annually confirming compliance.

[DURNS02]

11. The proponent shall not remove any topsoil/overburden from the site. Topsoil/overburden material shall be stockpiled on site and resourced for rehabilitation purposes.

[DURNS03]

PRIOR TO COMMENCEMENT

12. Prior to the issue of an Occupation Certificate a defect liability bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council. The bond shall be based on 5% of the value of the works approved under Section 138 of the Roads Act (minimum \$1,000.00) which will be held by Council for a period of 6 months from the date of commencement. It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.

[POC0165]

13. A subdivision certificate shall be lodged with Tweed Shire Council amending the common boundary between existing Lot 1 DP 792256 and Lot 2 DP 792256 consolidating the proposed quarry extension into Lot 1. The plan of consolidation (boundary adjustment) shall be registered with the Lands Titles Office prior to commencement of extraction.

[POC0865]

14. Prior to commencement all works associated with the reconstruction of the access to the site shall be completed.

Works identified in plans submitted by Roadnet Pty Ltd number 04520-CD-002, 04520-CD-003 and 04520-CD-004, dated 27/9/2004 shall be completed within 18 months of commencing activities on the site. Alternatively, works shall be completed within 18 months of land acquisition being undertaken by Tweed Shire Council where required.

[POCNS01]

15. Prior to issue of a subdivision certificate, all works/actions/inspections etc required at that stage by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.

16. Section 94 Contributions

Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

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

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

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

Heavy Haulage Component

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

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

where:

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

and:

Prod. projected demand for extractive material to be hauled to the site over life of project in tonnes = 2.6 million tonnes

Dist. average haulage distance of product on Shire roads = 10.5 kilometres
(trip one way)

$\text{\$Unit}$ the unit cost attributed to maintaining a road (currently 1.5c per tonne per kilometre)

Admin. Administration component - 5% - see Section 6.5

[POCNS02]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

18. Prior to the issue of a **Subdivision Certificate**, Works as Executed Plans shall be submitted in accordance with the provisions of DCP16 - Subdivisions Manual and Councils adopted Design and Construction Specification.

The plans are to be endorsed by a Registered Surveyor **OR** a Consulting Engineer Certifying that:

- (a) the plans accurately reflect the Work as Executed approved under Section 138 of the Roads Act.

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

[PSC0735]

19. Where new state survey marks and/or permanent marks are placed a copy of the locality sketch relating to the marks shall be submitted to Council within three months of registration of the Subdivision Certificate in accordance with the Survey Practices Regulation.

[PSC0865]

20. Prior to registration of the plan of subdivision, a **Subdivision Certificate** shall be obtained.

The following information must accompany an application:

- (a) original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees in accordance with the current Fees and Charges applicable at the time of lodgement.
- (b) all detail as tabled within DCP16, CL 7.6 and Councils Application for Subdivision Certificate including the attached notes.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

[PSC0885]

SITE DIAGRAM:



OPTIONS:

1. Forward a copy of this report to the Minister.
2. Resolve to make an alternate submission to the Minister.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

If the contributions are not required as per the recommended conditions Council will be burdened with the cost of maintenance created by the heavy haulage.

POLICY IMPLICATIONS:

Nil.

CONCLUSION:

The EA has addressed the development and the impacts competently. The Minister should explore the opportunities for optimal management of adverse impacts and the resource. No merit assessment has been made in this report. This will need to be assessed by Department of Planning staff and by the Minister when he makes a decision on the application.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

P5 [PD-PC] Development Application DA05/0840 for Grazing of Cattle and Associated Works at Lot 76 DP 755701, Lot 272 DP 755701, Lot 323 DP 755701, Lot 326 DP 755701 Duranbah Road, Kings Forest

ORIGIN:

Development Assessment

FILE NO: DA05/0840 Pt2

SUMMARY OF REPORT:

A Class 1 Appeal for a deemed refusal has been lodged with the Land and Environment Court for this proposal. Council previously considered the application on 28 February 2005 and resolved as follows-

"That Council defends this matter in the Land and Environment Court."

The date for the Land and Environment Court Appeal hearing is 1 May 2006.

Council's solicitors have advised that the case will be difficult to defend given the further submissions in relation to clause 8(2) of the LEP and that the cattle grazing is a temporary development. The applicants are agreeable to a condition that limits the consent to three years. On this basis the application is reported to Council for reconsideration of the proposal.

The Minister is considering Kings Forest as a State Significant site. The Department of Planning have reviewed all ecological reports for the Cudgen Paddock and the cattle are proposed on the area the Department considers suitable for urban development. There is no cattle grazing proposed on land to be set aside for conservation purposes. Additionally, a 50 metre buffer distance from the conservation areas is to remain intact without any cattle grazing until a DCP is in place which determines the function and design of the buffer areas.

The previous reports dealt with background issues, the heads of consideration, agency referrals, clause 8(2), threatened species and public submissions.

RECOMMENDATION:

That Council enters into consent orders for approval of the application subject to the following conditions: -

- 1. The development shall be carried out in accordance with the Statement of Environmental Effects and the Flora and Fauna Assessment Grazing of Cudgen Paddock, Kings Forest prepared by Aspect North dated 7 October 2005, except where varied by the conditions of this consent.**

2. The activities permitted by this consent are only permitted within the land proposed to be zoned for urban development in the draft Local Environmental Plan (Amendment No. 20) for Kings Forest. The buffer areas (50metres wide) are to remain intact ie. no cattle grazing permitted in the buffer areas pending further investigation as part of the DCP for urban development in Cudgen Paddock.
3. Cattle grazing shall cease when the land is developed for urban purposes or, if part or all of the land currently zoned for urban development is approved by Council in the Local Environmental Plan (Amendment No. 20) process to be rezoned for environmental protection ie. cattle grazing is restricted to only those areas which are finally determined by Council in the Local Environmental Plan for Kings Forest as suitable for urban expansion.
4. The maximum number of cattle permitted to be grazed on the subject land is 45. In this regard the maximum number of cattle permitted in the eastern paddock is 30 and the maximum number of cattle permitted in the western paddock is 15.
5. The amelioration measures contained in section 6.2 of the Flora and Fauna Assessment Report are to be undertaken. In this regard a compliance report is to be submitted to Council within 14 days after establishment of the grazing operation demonstrating compliance with the amelioration measures.
6. This consent is valid for three years from the date of consent.

GENERAL TERMS OF APPROVAL FOR A LICENSE UNDER THE WATER ACT 1912

General Conditions

- Before commencing any works or using any existing works for the purpose of Stock and Domestic Purpose, approval under Part 5 of the Water Act 1912 must be obtained from the Department. The application for the approval must contain sufficient information to show that the development is capable of meeting the objectives and outcomes specified in these conditions.
- An approval will only be granted to the occupier of the lands where the works are located, unless otherwise allowed under the Water Act 1912.
- When the Department grants an approval, it may require any existing approvals held by the applicant relating to the land subject to this consent to be surrendered or to let lapse.
- All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.

- All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into any river, lake, waterbody, wetland or groundwater system.
- The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.
- All vegetation clearing must be authorised under the Native Vegetation Conservation Act 1997, if applicable.
- The approval to be granted may specify any precautions considered necessary to prevent the pollution of surface water or groundwater by petroleum products or other hazardous materials used in the construction or operation of the works.
- A license fee calculated in accordance with the Water Act 1912 must be paid before a license can be granted.
- A license so issued, from the date of issue, will be subject to Annual Cost Recovery Water Management Charges as set by the Independent Pricing and Regulatory Tribunal.

Conditions relating to water entitlements

- An approval will only be issued in relation to a water entitlement that is already held by the owner of the land subject to this consent or is purchased from another entitlement holder.
- A transfer of an entitlement shall be subject to the provisions of the Water Act 1912 the regulations made thereunder and the transfer rules applying at the time of application as determined by the Department.
- Extraction of water under the approval to be issued shall be subject to conditions with regard to availability of supply and such restrictions as are deemed necessary by the Department from time to time to ensure an adequate flow remains for other water users and the environment (unregulated streams).

Conditions for water use

- If and when required by the Department, suitable devices must be installed to accurately measure the quantity of water extracted or diverted by the works.
- All water measuring equipment must be adequately maintained. It must be tested as and when required by the Department to ensure its accuracy.
- If required by the Department the extraction and use of water must be recorded and reported as specified by the Department. For instance, the Department may require that annual return of information on hours pumped, monthly extraction rate, and usage rate.
- The water extracted under the approval to be granted shall be used for the purpose of stock and domestic purposes and for no other purpose. A proposed change in purpose will require a replacement license to be issued.

- In order to protect the environment and the interests of other water users the approval may further specify how the water may be used and the land on which it may be used.
- The conditions of the approval may specify how water is to be distributed (for instance by the use of pipes) in order to prevent wastage or accessions to groundwater. The Department may alter the conditions of approval at any time for these reasons.
- Water will not be diverted unless notice has been given to the Department as stipulated in the approval to be issued (regulated streams).
- The use of water shall be conditional on no tailwater drainage being discharged into or onto -
 - any adjoining public or crown road
 - any other person's land
 - any crown land
 - any river, creek or watercourse
 - any groundwater aquifer
 - any area of native vegetation
 - any wetlands

Conditions for Bores and Wells

See also "general conditions" and "conditions for water use"

- The works must be at least 40 metres from the nearest bank of any river or creek.
- Officers of the Department or other authorised person must be allowed full and free access to the works for the purpose of inspection and testing.
- All works must be constructed and maintained to properly control the water extracted to prevent wastage or any reduction in quality of the sub-surface water. The Department may direct that any necessary repairs or alterations be undertaken to maintain the works in good working order.
- Any saline or polluted water located above a producing aquifer must be sealed by the use of cemented casing as specified by the Department.
- If the bore ceases to be productively used, the Department must be notified and the aquifer must be sealed by a method acceptable to the Department.
- The volumetric allocation from this bore must not exceed 3 megalitres in any 12 month period commencing 1 July. This volume will be reviewed and may vary depending on analysis by the Department of the Form "A" (particulars of completed groundwater work) completed by the driller. This allocation will also be reviewed if there is any change in ownership of the land.
- The Department has the right to vary the volumetric allocation or the rate at which the allocation is taken in order to prevent the overuse of an aquifer.

- The Department may specify rules from time to time for the accrual of unused water allocations for use in future seasons.
- Both the pumping and non-pumping water levels must be recorded at least twice each year.
- The existing excavation shall not exceed the following surface area parameters of 3600m² and a width of 60 by 60m and depth of 4m.
- An investigation must be carried out on the spoil from the groundwater excavation work to determine if Acid Sulfate Soil (ASS) material is present. In the event that ASS is found to be present then an ASS Management Plan must be prepared to DIPNR's satisfaction in accordance with the ASSMAC guidelines (1998).

REPORT:

Applicant: Project 28 Pty Ltd

Owner: Project 28 Pty Ltd

Location: Lot 76 DP 755701, Lot 272 DP 755701, Lot 323 DP 755701, Lot 326 DP 755701 Duranbah Road, Kings Forest

Zoning: 2(c) Urban Expansion, 6(b) Recreation & 7(a) Environmental Protection (Wetland and Rainforest)

Cost: \$7,000

BACKGROUND:

As per summary.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

P6 [PD-PC] Coastal Design Guidelines for NSW

ORIGIN:

Strategic Town Planning

SUMMARY OF REPORT:

In 2003 the State Government published the *Coastal Design Guidelines for NSW*, the purpose of which is to assist decision makers (including Council), development applicants and local communities. The Guidelines do not contain any detailed urban design advice. It presents a generic articulation of 5 principles of best practice.

They could not replace Council's existing urban design requirements for development, in particular as set out in DCP 6 (Multi-Dwelling Housing) and DCP 16 (Subdivision Manual). Indeed, the Guidelines are referred to in DCP 16.

Nevertheless, with the impending review of the Tweed LEP and associated DCPs, there will be increasing focus on urban design issues. The Guidelines should be used by Council as follows:

1. As part of Council's Planning Reform Program to review to achieve better planning, management and use of precious coastal resources; and
2. To supplement existing planning controls pending the finalisation of the Planning Reform Program.

RECOMMENDATION:

That Council adopts the Coastal Design Guidelines for New South Wales, to be used by Council, as follows:

1. **As part of Council's Planning Reform Program to review to achieve better planning, management and use of precious coastal resources; and**
2. **To supplement existing planning controls pending the finalisation of the Planning Reform Program.**

REPORT:

In 2003 the State Government published the *Coastal Design Guidelines for NSW*. In the Foreword the then Minister for Planning stated that "the Guidelines provide a best-practice framework for ensuring that design reflects the character of different places".

The purpose of the Guidelines is to assist decision makers (including Council), development applicants and local communities. The Guidelines comprise three (3) parts:

- Part 1 Local Hierarchy of Settlement;
- Part 2 Design Principles for Coastal Settlements;
- Part 3 Conclusions.

As indicated by the structure of the documents, the Guidelines do not contain any detailed urban design advice for Council's, the community or the development industry. It presents a generic articulation of 5 principles of best practice:

1. Defining the footprint and boundary of the settlement;
2. Connecting open spaces;
3. Protecting the natural edges;
4. Reinforcing the street pattern;
5. Appropriate buildings in a coastal context.

For each of those principles the Guidelines set out benchmarks for best practice planning and design as well as desirable and undesirable practice. However, they could not replace Council's existing urban design requirements for development, in particular as set out in DCP 6 (Multi-Dwelling Housing) and DCP 16 (Subdivision Manual). Indeed, the Guidelines are referred to in DCP 16.

Nevertheless, with the impending review of the Tweed LEP and associated DCPs, there will be increasing focus on urban design issues. Part 2 possibly contains the most immediate practical advice. It illustrates the key components of coastal settlements, best practice urban design and built form outcomes. The identified principles can be used to manage development within a settlement to ensure both the urban and natural character is considered in order to protect the character of coastal places. Best practice outcomes are contrasted with illustrations of undesirable practice to highlight common coastal planning problems.

Consequently, the Guidelines can be used to good effect in Council's Planning Review Program to review the current requirements for development in the Tweed to achieve better planning, management and use of precious coastal resources. In the meantime, they could be adopted for use in conjunction with Tweed LEP 2000 and associated DCPs. In so doing it must be understood that it would depend on the particular development application assessment as to how much weight is given to the Guidelines.

The Guidelines should be used by Council as follows:

1. As part of Council's Planning Reform Program to review to achieve better planning, management and use of precious coastal resources; and
2. To supplement existing planning controls pending the finalisation of the Planning Reform Program.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

See Report.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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P7 [EO-PC] Landforming Policy

ORIGIN:

Acting Director Engineering & Operations

SUMMARY OF REPORT:

Following receipt of the NSW Government Architect's Hill Zone review and a staff report on Council's subdivision landforming policies, Council resolved 7 February 2006 to exhibit amendments to *DCP16 - Subdivision Manual*, *DCP47 - Cut and Fill on Residential Land* and *Development Design Specification D6 - Site Regrading*.

The amended policies have been exhibited for 6 weeks. 46 submissions have been received and are considered in this report. Two public workshops were conducted during the exhibition period to explain and obtain feedback on the draft amendments. A further workshop was held with industry representatives on 30 March 2006 to seek further information/feedback prior to finalisation of this report. Another workshop between industry representatives and the Administrators is planned for 10 April 2006.

A majority of the submissions received are critical of the existing and proposed controls in DCP16, DCP47 and Specification D6 and 11 submissions support the amendments. It has not been possible to reconcile many of the submissions with a commitment to minimise natural landform alteration. The proposed amendments require a trade off between the positive impacts of preserving the character of natural landform and potential negative economic, housing choice and amenity impacts.

The submissions have identified a number of alterations to the exhibited drafts to make the controls more practical, easier to apply, provide transitional arrangements and preserve existing consent rights.

The proposed draft amendments to DCP16, DCP47 and Specification D6 with these alterations provide a comprehensive suite of planning controls that provide scope for substantial subdivision and housing development opportunities on steep land, balanced with appropriate limitations on the extent of landform alteration.

RECOMMENDATION:

That:-

- 1. Council in accordance with the Environmental Planning and Assessment Regulation 2000, approves exhibited draft version 1.3 of Development Control Plan No.16 – Subdivision Manual, to repeal and replace the current version, with the following alterations:**

- a. **Insert new Clause 4.1.4:**
- "4.1.4 Amendments to Existing Subdivision Development Consents**
- Where a subdivision has been approved prior to 27/06/03, a Section 96 application to amend the consent may be approved with the amount of cut and fill landforming works that were approved in the initial consent, notwithstanding that the landforming does not strictly comply with acceptance criteria in Table 4.2.2."*
- b. **Table 4.2.2(B)(2), delete last paragraph and substitute with:**
- "For the purpose of this section "subdivision site" includes the parcels of land created for private sale and formal parks, and does not include undeveloped areas, areas retained for environmental purposes, roads, or residual allotments. If a subdivision contains a mix of urban and rural/rural residential uses, the rural/rural residential areas must be excluded from the urban areas for the purposes of complying with this clause."*
- c. **Insert additional dot point to the Criteria in 4.3.2 Movement Network:**
- *"Where constrained by landform alteration limits, the maximum length of cul-de-sacs may be increased to 200m and 24 dwellings and consideration may be given to modification of road connectivity requirements"*
2. **Council approves exhibited draft version 1.3 of Development Design Specification D6 – Site Regrading, to repeal and replace the current version, with the following alterations:-**
- a. **Clause D6.05.3(2), delete last paragraph and substitute with:**
- "For the purpose of this section "subdivision site" includes the parcels of land created for private sale and formal parks, and does not include undeveloped areas, areas retained for environmental purposes, roads, or residual allotments. If a subdivision contains a mix of urban and rural/rural residential uses, the rural/rural residential areas must be excluded from the urban areas for the purposes of complying with this clause."*
- b. **Amend fourth dot point of Clause D6.05.4 (1) to read:**
- *Sharp changes of gradient are permitted at road and public land boundaries (eg. Drainage reserves, parks)*

- c. Clause D6.05.6(c), increase boundary setback requirement for retaining walls and batters from "0.5m" to "0.9m".
- d. Insert additional clause D6.05.8

"8. Where constrained by landform alteration limits, use of the absolute maximum (longitudinal road) grades in Table D1.6 of Development Design Specification D1 - Road Design may be justified."

3. Council in accordance with the Environmental Planning and Assessment Regulation 2000, approves exhibited draft version 1.2 of Development Control Plan No. 47 – Cut & Fill on Residential Land, to repeal and replace the current version, with the following alterations:

- a. Insert new Clause 1.2.2:

"1.2.2 Savings

Applications submitted up to six (6) months after the date that Version 1.2 of this plan became operational may be considered in accordance with Version 1.1 of this plan."

- b. Correct spelling error in Heading 2.0 "Specific Requirements of the Development Control Plan"
- c. Delete Clause 2.2.1(ii) and substitute with:

"(ii) The maximum impermeable site area shall not exceed (See Table 1)

- *75% of the allotment area for single dwellings and dual occupancies where the lot size is less than 500m²*
- *70% of the allotment area for single dwellings and dual occupancies where the lot size is between 500m² and 750m² (inclusive)*
- *65% of the allotment area for single dwellings and dual occupancies where the lot size is greater than 750m²*
- *90% of the allotment area for multi-dwelling housing (all lot sizes)."*

- d. Amend Table 1 of Section 2.2 to read "Green roofs"/roof gardens'
- e. Clause 2.3.1, replace reference to section "8.2" with section "2.5"
- f. Delete Clause 2.3.5 and substitute with:

"2.3.5 For residential dwelling sites, the depth of excavation shall not exceed one metre and the depth of fill shall not exceed one

metre, except where specified in Clause 2.3.6, so that the degree of both cutting and filling is minimised."

- g. Clause 2.4.1, increase maximum flat yard space percentage from "10%" to "15%".
 - h. Clause 2.8, replace reference to section "8.1.4" with section "2.3.4"
4. Development Applications for subdivisions that have already been submitted be assessed in accordance with the criteria in the current Version 1.2 of *DCP16 - Subdivision Manual* and Version 1.2 of *Development Design Specification D6 - Site Regrading*.

REPORT:

1. INTRODUCTION

On 7 February 2006 Council resolved:-

- "1. Council adopts draft Development Control Plan No.16, Subdivision Manual - Version 1.3 as a basis for exhibition and community discussion/consultation and publicly exhibit it for 28 days in accordance with the Environmental Planning and Assessment Regulation.*
- 2. Council adopts draft Development Control Plan No. 47 - Cut and Fill on Residential Land Version 1.2 as a basis for exhibition and community discussion/consultation and publicly exhibit it for 28 days in accordance with the Environmental Planning and Assessment Regulation.*
- 3. Council adopts Draft Development Design Specification D6 - Site Regrading Version 1.3 as a basis for exhibition and community discussion/consultation and publicly exhibit it concurrently with DCP16.*
- 4. Workshops be conducted for the public, developers, consulting town planners, surveyors and consulting engineers to explain and seek feedback on the provisions of the amended Drafts.*
- 5. The criteria from D6.05 of the Specifications D6 be imported into the criteria listed in Section 4.2.2 of DCP 16.*
- 6. Stormwater management provisions in 4.2.3 of DCP 16 shall be amended as follows:
 - a) Subdivision drainage systems should mimic natural flows by utilising wherever possible such techniques such as retention and infiltration to improve water cycle management on site and stormwater recycling for non-potable use especially in parks and open space.**
- 7. Table D6.1 on page D6.12 of Specification D6 for residential subdivisions maximum height below street level be amended from 3.6 metres to 2.4 metres."*

The amendments were initially exhibited for 28 days from 14 February to 14 March 2006. At the request of a number of persons the exhibition period was extended by 14 days to 28 March 2006.

Two workshops were held at the Civic Centre Auditorium Murwillumbah on 21 February and 7 March for the public and industry representatives to explain the amendments and obtain information and feedback from attendees.

A further workshop was held on 30 March 2006 with industry representatives to obtain further information, discuss issues and possibly resolve some issues before finalisation of this report.

2. BACKGROUND OF LANDFORM ALTERATION POLICY

2.1 Tweed LEP 2000

Clause 4(a) of the Tweed LEP 2000 says:-

"4 Aims of this plan

The aims of this plan are:

(a) to give effect to the desired outcomes, strategic principles, policies and actions of the Tweed Shire 2000+ Strategic Plan which was adopted, after extensive community consultation, by the Council on 17 December 1996, the vision of which is: "The management of growth so that the unique natural and developed character of the Tweed Shire is retained, and its economic vitality, ecological integrity and cultural fabric is enhanced", ..."

and the relevant *Tweed Shire 2000+ Strategic Plan* principles include:-

- *Design principles for new development should have*
 - *a sense of identity through setting, history, topography, landscape and built character to give residents sense of belonging, community, pride and security;*
 - *acknowledgement of ecological interaction to help people to appreciate the natural attributes of their surroundings and understand how development and infrastructure can impact on fragile natural resources if not properly planned, designed and constructed.*
- *Residential development should:*
 - *adopt ecologically sustainable principles of design for subdivisions;*
- *Ridgelines are preserved without visual intrusion of unsightly dwellings and excessive benching*
- *Housing and other forms of urban development are designed to integrate with natural features, not dominate or remove them.*
- *Retain the Tweed's environmental and scenic values as a primary focus of all Council's decision making*

These principles promote development that is sympathetic to the natural landform and are the foundation on which more detailed landform policies have been developed in DCP16, DCP 47 and Specification D6.

2.2 Landform Policy Development

Traditionally the housing form used on steep land was a pier and beam type with timber floors and frame. The "Queenslander" is a typical example that has been used extensively in older, steeper parts of Murwillumbah.

Since 1980, Tweed Shire has grown from a population of 40,000 to 80,000. Some growth has been from redevelopment for higher densities in existing urban areas, but, the majority of growth has been on undeveloped land, zoned for urban expansion and subdivided to create residential allotments. Whilst there have been successful subdivisions of hilly areas, where dwelling form has adapted to the landform, in recent years the slab on ground housing form has become preferred by a large segment of the market that is seeking an affordable, value for money housing product.

With a plentiful supply of flatter land there was less demand to develop steeper areas. This has now changed. In some areas, the supply of flatter land has been exhausted, the price of developed house lots has escalated many times and it is now economically sound to develop and reshape the landform of steeper land to suit slab on ground housing.

The trend to produce subdivisions requiring large scale earthworks and high retaining walls to produce terraced landforms to assist slab on ground construction of dwellings responded to the demands and economies of the building industry and by 2002 there were a number of issues causing concern:-

- Invasive earthworks with high cut and fill increases the risk of geotechnical (landslip) failure. Whilst the probability of failure may be low when appropriate geotechnical investigation and engineering design are carried out, failures nevertheless can still occur and the consequences may be serious. Landslip in occupied areas could result in damage to property, structures, injury and loss of life.
- There was a significant retaining wall failure in a recent subdivision (Bulwarra Place).
- Long term stability of high retaining walls and cuttings is often dependent on effective drainage systems. Drain maintenance and repair are difficult to guarantee in subdivisions, particularly where multiple ownership interallotment drainage systems are used.
- High cuts and fills and retaining walls can be visually unsightly
- Urban design principles suggest that building form should preferably adapt to the environment rather than changing the environment (ie the landform) to suit a preferred building technique. In sites with significant gradients, it seems preferable to restrict the permissible amount of cut and fill earthworks, thus requiring builders to use alternate flooring systems to slab on ground.

In response to these concerns, in June 2002 Council adopted *Development Design Specification D6 – Site Regrading* as an interim policy for subdivision site earthworks, retaining walls and geotechnical risk assessment. This policy included the mass landform limit that no more than 10% of the subdivision site could have more than 5m cut/fill level change.

In November 2002 the new version of *DCP16 – Subdivision Manual* and associated Specifications (including an updated version of *D6 – Site Regrading* with a revised mass landform limit of no more than 20% of site to have more than 8m cut/fill level change) were publicly exhibited. Of all the issues raised through the exhibition of DCP16, written submissions, subsequent workshops and industry meetings, the most contentious was

the landforming criteria in specification D6. The new version of D6 was adopted by Council in June 2003 (but with a departure from the exhibited version by adopting the previous mass landform limit of no more than 10% of site to have more than 5m cut/fill) along with DCP16 itself and the other associated specifications.

Whilst DCP16 and D6 regulated landforming/earthworks/retaining walls in subdivisions, for consistency, controls were also needed for the post subdivision, building phase. Accordingly DCP 47 was drafted (based on a similar DCP from Gosford), exhibited and adopted by Council in January 2003 to control cut and fill earthworks on residential building sites. DCP47 restricted cut and fill on residential building sites to 1m, but, did allow for variation to the 1m limit if they could be justified.

Following receipt of the NSW Government Architect's Hill Zone review in September 2005 and staff reports on Council's subdivision landforming policies, Council resolved 14 February 2006 to exhibit further amendments to DCP16 - Subdivision Manual, DCP47 - Cut and Fill on Residential Land and Development Design Specification D6 - Site Regrading.

3. EXHIBITED AMENDMENTS

3.1 Exhibited Amendments to Development Design Specification D6 - Site Regrading

The principle changes to D6 are:-

- D6.01 & D6.02 Clarification of scope and principles
- D6.04 Clarification of purpose
- D6.05.3 Modification of mass landform acceptance criteria.
 - For residential subdivisions, it is proposed to keep the existing (since June 2002) mass landform limit of no more than 10% of site to have more than 5m cut/fill level change, but modify by adding some flexibility of up to 15% of site if there is a demonstrated environmental benefit such as avoiding the need to import fill off site.
 - For industrial subdivisions, it is proposed to change the existing mass landform limit of no more than 10% of site to have more than 5m cut/fill level change. It is the nature of industrial subdivisions to require more extensive earthworks to produce flatter sites than for residential subdivisions. The amendments propose that for industrial subdivisions there be a mass landform limit of no more than 20% of the site to have more than 8m cut/fill level change.
- D6.05.4 and D6.05.6 Introduction of shape/surface criteria with prohibition of retaining walls or batters on and between residential allotments and prohibit creation of terraced allotments.
- D6.05.4 and D6.05.6 For industrial subdivisions continue to allow retaining walls or batters on and between allotments and creation of terraced allotments

3.2 Proposed Amendments to DCP16

Principal changes are:-

- Amend section "4.2.2 Landforming" by:
 - *Adding the objective "Natural topography is an important characteristic of an area. The extent of landform change to render a site suitable for subdivision should be kept to a minimum. Site regrading should be sensitive to existing landforms and topography (of both the subdivision site and neighbouring areas) so that the natural setting may be preserved to the greatest extent possible. The subdivision should be designed to fit the topography rather than altering the topography to fit the subdivision."*
 - Requiring applications to alter natural landform to comply with the provisions of Specification D6 and Table 4.2.2 (which reproduces the acceptance criteria of D6)
 - Requiring that significant landforming proposals must be justified by demonstrating compliance with D6 and Table 4.2.2.
- Utilise the exhibition process to make a number of Housekeeping (not related to landforming) amendments that include:-
 - Update departmental name changes and legislation references
 - Correct flood height omission in playing field open space table
 - Include section on management lots in section 4.3.5 Infrastructure
 - Correct error on right of way access table and following text on pages 46 and 53
 - Amend descriptions and insert additional hold point inspection Appendix D
 - Other minor errors and omissions

3.3 Proposed Amendments to DCP47 - Cut and Fill on Residential Land

The principal changes to DCP47 are:-

- Clause 1.22 Clarify and expand scope to include all residential development that is on slopes of 10% or more or that proposes cut or fill of 300mm or more.
- Clause 1.4 More emphasis on being sympathetic with topography
- Clause 2.1 Dwelling design must adapt to topography. Contiguous slab on ground not permitted on site with slope greater than 10%, dwellings on this land to be of pole or pier construction or multiple slabs or the like that minimise the extent of cut and fill.
- Clause 2.2 Water sensitive urban design requirements introduced. Maximum impervious site coverage requirements. Impervious area limited to 60% of single dwelling and dual occupancy lots and 90% of multi dwelling housing lots. Site Water Management Plans required with DA.

- Clause 2.4 Old clause 2.2 used to allow variations to prohibition of cut and fill of over 1m. New clause only allows variations to cut/fill of more than 1m
 - to create flat yard space of not more than 10% of lot area
 - on driveways
 - and continues to allow variations within confines of building for basements garages and the like

4. IMPACT OF DRAFT AMENDMENTS

4.1 Impact on Development Opportunities

The principal amendments that impact on the development of land are:-

Amendment	Impacts
DCP16 and D6 - (Apply to Subdivisions only)	
(a) Mass landform criteria <ul style="list-style-type: none"> • The 5m/10% rule that has been in place since June 2002 is retained, but • may be eased to 5m/15% if a environmental benefit such as avoiding cartage of fill from off site is demonstrated • A less restrictive 8m/20% rule is proposed for industrial subdivisions 	Regulation of this area has been eased in light of the needs of industrial subdivisions and experience in application of the 5m/10% rule in residential subdivisions
(b) Retaining wall use in residential subdivisions <ul style="list-style-type: none"> • retaining walls up to 2.4m height are currently permitted between residential allotments • the draft amendments prohibit use of retaining walls on or between residential allotments • Retaining walls are still permitted on boundaries between residential allotments and roads or public lands 	Under current rules, banks and retaining walls are permitted on allotment boundaries. These can be used to create a series of flatter allotments (on otherwise steep land) with level changes across lots being eased or eliminated by boundary retaining walls. These "terraced" allotments are not considered to be consistent with the character of the existing landform. The amendments prohibit the use of banks and retaining walls in this manner and are a significant additional restriction on subdivision landform alteration. The amendments seek to provide a finished subdivision landform shape that is in character with existing and surrounding landforms (which are generally rolling in nature without sharp changes of grade).

Amendment	Impacts
(c) D6 acceptance criteria has been incorporated into acceptance criteria of section 4.2.2 of DCP16	This amendment does not change any landforming criteria as such. Its purpose is to eliminate any inconsistencies between DCP16 and D6 and provide a more robust context for the criteria in the event of a Land & Environment Court appeal. It also makes DCP16 section 4.2.2 more prescriptive and less performance based.
DCP47 (Apply to Residential Building Sites, after Subdivision)	
(a) Dwelling Design is controlled on lots with slopes of 10% or more	Significant new regulation. On these slopes, dwellings with single contiguous slab on ground are prohibited. Housing types that are more sympathetic to the landform are encouraged. Pier & beam, pole or multiple (split level) slab or the like permitted
(b) Site impervious coverage controlled (60% for single dwellings)	Significant new regulation to ensure a minimum permeable site area to naturally absorb rainfall.
(c) Water sensitive urban design and plans mandated	Significant new regulation requires implementation of WSUD and submission of site water management plan with DA
(d) Ability to vary 1m nominal restriction on cut and fill deleted except for building footprint (garage, basement etc), driveway and flat yard area of not more than 10% of lot area.	Significant tightening of regulation. Under current version, variation of the 1m nominal cut/fill limit is possible. Under amendment variation of 1m limit is only possible for limited defined areas.

4.2 Cumulative Impact of Amendments

The principal cumulative impact on development results from the retaining wall prohibition in DCP16/D6 combined with the dwelling design controls and cut/fill limits in DCP47.

Under current rules, banks and retaining walls are permitted on allotment boundaries and can be used to create flatter allotments (on otherwise steep land). For example if a retaining wall of 2.4m height is used at the rear of say a 30m deep lot, it can ease the front to rear slope by 8% (say from 15% to 7%). If a 2.4 m high wall is used on the side of say a 16m wide lot, it can ease the side slope by 15% (say from 20% to 5%).

Under the amended rules, retaining walls cannot be used by the subdivider to ease these slopes.

The purchaser of these lots can then be caught by the DCP47, 10% slope/dwelling design rule (that may not have applied if subdivision retaining walls had eased the grade

to <10%). Further under the draft DCP47 amendments, further cut and fill in the post subdivision, dwelling construction phase is restricted to 1m (with limited defined exceptions) which restricts further easing of the allotment slope and this may adversely impact on the amenity of the future building occupants.

4.3 Impacts on Yield

The subdivision mass landform criteria can have an impact on yield. This criteria is slightly eased in these amendments, but the positive impact on lot yield is not substantial except for industrial subdivision.

If landform alteration is unrestrained it may be possible, even on very steep land, to do sufficient earthworks to ease gradients and locate roads and lots so that lot yield is similar to that on flatter land. When landform alteration is numerically limited (as in the current 5m/10% rule) in steeper areas there is less choice for locating roads where gradients do not exceed specification limits and this may lead to wider spacing of roads and the resultant increase in lot size and loss of lot yield. This is an expected and desired outcome of mass landform control, it results in larger lots on steeper land, and smaller lots on flatter land.

The prohibition on retaining walls between residential lots in subdivisions and DCP47 rules will impact on lot slope, purchaser's dwelling costs and amenity, but, will not significantly impact on lot yield.

4.4 Urban Design Impacts

The proposed amendments seek to improve a number of urban design impacts including:-

- better solar access and visual amenity for houses that are not located at the bottom of very high retaining walls
- better managed stormwater systems,
- better relationship between neighbouring houses
- better relationship between houses and the landscape with housing following the natural landform and being in harmony with the topography.

5. CONSIDERATION OF SUBMISSIONS

5.1 Summary

The submissions are summarised in Table 5 which also contains comments and proposed responses to the issues.

There were 44 submissions received during the exhibition period and 2 additional submissions received after the industry workshop on 30 March 2006. There were 11 submissions in favour of the amendments.

The majority of submissions however, particularly those from the development, housing and real estate industries, were critical of the existing and proposed landforming controls.

Many submissions related to existing subdivision mass landforming controls that are mostly unchanged in the exhibited draft amendments. There were few submissions that focused on the specific subdivision criteria amendments in DCP16 and D6, ie. relaxation of industrial subdivision requirements and interallotment retaining wall prohibition.

The submissions on DCP47 were more focused on the proposed changes.

The analysis of submissions has focused on the proposed changes in the exhibited drafts and a significant number of issues raised in these submissions have resulted in proposed alterations.

5.2 Impact Statements

A number of submissions requested deferral of the amendments until a full assessment of the impact of the amendments has been done.

While it is desirable to assess impacts of planning policy changes, this is not commonly undertaken by Local Government, and is not a statutory requirement. Further, impact statements of this type need to consider the marginal impacts of changes compared to the existing situation. In terms of these amendments, the prime impacts are:-

- a) Industrial subdivision mass landforming rules have been relaxed, with positive economic benefits expected.
- b)
 - (i) Residential subdivision mass landforming rules have been slightly relaxed, which could provide a small positive economic benefit.
 - (ii) Prohibition of interallotment retaining walls should not significantly impact lot yield, but will restrict the type of house that may be constructed on steep lots. This may increase the cost of dwellings by around \$50,000, however there will be savings made in landform alteration and retaining wall construction during subdivision works.
- c) Restrictions to choice of dwelling type on steep land in DCP47 will not impact on yield, but will have similar economic impacts as (b)(ii) above.
- d) Prohibition of interallotment retaining walls will restrict ability of developers to ease slopes of steep allotments, as will cut and fill restrictions in DCP47. This may have amenity impacts on future occupiers.

5.3 Performance Criteria or Prescriptive Controls

A number of submissions consider the draft amendments to be too prescriptive and consider controls should be flexible to allow merit assessment of developments. A performance criteria model is advocated with prescriptive controls being "deemed to comply" only.

The amendments have been deliberately drafted as prescriptive controls. Whilst performance based controls are more flexible, they do not provide for certainty of outcome. The performance criteria model has been used in DCP6 - Multi Dwelling Housing and has been widely criticized as being so open to interpretation that it is virtually unenforceable. Whilst performance based regulations have their place, in the landform policy area it is considered that prescriptive numerical criteria are the only means of providing robust enforceable development standards.

5.4 Subdivisions with Existing Consents

Submissions have asked whether s96 amendment applications for subdivisions with existing consents will need to comply with the landforming provisions of DCP16 and Specification D6. There are some older, incomplete subdivisions in this category where s96 amendments could be lodged in the future to update them and incorporate current urban design principles. It is considered that it would be in the public interest to promote such amendments. It is proposed to insert a savings clause into DCP16 to preserve the extent of landform cut and fill authorised in an older consent, notwithstanding the lodging of a s96 application to amend the subdivision layout.

5.5 Operational Date of Amended DCP47

Submissions have been received requesting a delay to operation of amended DCP47 to enable recent purchasers of housing lots to submit DAs for dwellings under the current regulations. It is submitted that some of these purchasers have commenced applications and plans and would be financially disadvantaged if required to change them to comply to the draft amendments.

It is considered that a six month delay is reasonable in these circumstances and it is proposed to insert the following additional clause into DCP47:-

"1.2.2 Savings

Applications submitted up to six (6) months after the date that Version 1.2 of this plan became operational may be considered in accordance with Version 1.1 of this plan."

5.6 Numerical Standards in DCP47

A number of submissions have highlighted difficulties in complying with the numerical site impervious coverage (maximum 60% for single dwellings) and flat yard lot area % (where cut/fill can exceed 1m) criteria. It is proposed to modify these requirements as follows:

Exhibited Amendment	Proposed Alteration
<p>2.2.1(ii) The maximum impermeable site area shall not exceed (See Table 1).</p> <ul style="list-style-type: none"> • 60% of the allotment area for single dwellings and dual occupancies • 90% of the allotment area for multidwelling housing. 	<p>2.2.1(ii) The maximum impermeable site area shall not exceed (See Table 1)</p> <ul style="list-style-type: none"> • 75% of the allotment area for single dwellings and dual occupancies where the lot size is less than 500m². • 70% of the allotment area for single dwellings and dual occupancies where the lot size is between 500m² and 750m² (inclusive) • 65% of the allotment area for single dwellings and dual occupancies where the lot size is greater than 750m². • 90% of the allotment area for multi-dwelling housing (all lot sizes)."
<p>2.4.1 Variations to the requirements of 2.3 above will only be permitted for the creation of a flat yard space not exceeding 10% of the area of the allotment for the purposes of outdoor living, recreation, clothes drying, swimming pool and the like</p>	<p>2.4.1 Variations to the requirements of 2.3 above will only be permitted for the creation of a flat yard space not exceeding 15% of the area of the allotment for the purposes of outdoor living, recreation, clothes drying, swimming pool and the like</p>

5.7 Road Standards

A number of submissions have identified a difficulty in complying with road design standards when there are significant landform constraints. The standards referred to include maximum gradients, cul de sac maximum lengths and road network connectivity requirements. It is considered that some flexibility is desirable in these standards when simultaneously complying with landforming requirements and the following alterations are proposed:

Insert additional dot point to the Criteria in DCP16 section 4.3.2 Movement Network:

- *"Where constrained by landform alteration limits, the maximum length of cul-de-sacs may be increased to 200m and 24 dwellings and consideration may be given to modification of road connectivity requirements"*

Insert additional clause D6.05.8 in Specification D6:

"8. Where constrained by landform alteration limits, use of the absolute maximum (longitudinal road) grades in Table D1.6 of Development Design Specification D1 - Road Design may be justified."

It is also proposed to alter the definition of "subdivision site" in DCP16 Table 4.2.2(B)(2) and D6 Clause D6.05.3(2), last paragraph to exclude roads. Connecting roads between

high areas and low areas of a subdivision site (eg. Area E) may require extensive earthworks with cut/fill exceeding 5m to achieve a practical connection of these areas. In such cases inclusion of these roads may distort application of the 5m/10% rule and make compliance unnecessarily difficult. Deletion of roads from the definition of "subdivision site" area will remove this difficulty, but, still limit mass landform over the balance of the site.

5.8 Housing Choice

A number of submissions criticised the existing controls and proposed amendments for restricting housing choice. They argue that unrestrained subdivision landform alteration of steep land will provide lots with a range of slopes which in turn allows for a range of housing types to suit the needs of all home purchaser market segments.

Historically, flatter land has been preferentially developed and difficult steep land left to last. On the flatter land housing types suitable to this land have been constructed. Even with substantial landform alteration it is inevitable that housing on the later developed, steep land will be more adaptable to this land and not mimic styles suitable to flat land. There has been housing choice over the long term but because of the timing of development the choice at any given time is restricted by the type of land being developed.

6. CONCLUSION

At its meeting 19 October 2005, Council resolved "*the that having regard to the NSW Government Architect's "Preliminary Review of Planning Instruments for Residential Subdivision in Hill Zones"*":

- (a) *Options for amendments to Development Control Plan No.16 – Subdivision Manual, should be provided in regard to regulation of subdivisions in steep areas to ensure consistencies with the principles of the Tweed Local Environmental Plan and the Tweed 2000 Strategic Plan.*
....."

Council required similar amendments to be provided for DCP47 and Specification D6.

The draft amendments were adopted by Council for exhibition purposes on 7 February 2006 and the submissions arising from public exhibition are the subject of this report.

The Tweed LEP, Tweed 2000 Strategic plan and the Government Architects report all advocate development that integrates with natural features and does not dominate or remove them. Current Council regulations and Council's resolutions of the 19 October and 7 February represent a significant commitment to limiting the extent of landform alteration associated with both subdivisions and later dwelling construction.

11 of the 46 submissions support the proposed amendments.

A majority of the submissions received are critical of the existing and proposed controls in DCP16, DCP47 and Specification D6. Some are opposed to any landform alteration control, others consider the existing and proposed controls to be unduly restrictive, too

prescriptive and/or not based on merit considerations. Some also consider the existing and proposed controls to have significant adverse impacts on future housing costs, the amenity of future occupants, housing choice, provision of affordable housing and the viability of the subdivision and project home industries and their associated local employment.

It is not possible however to reconcile many of the submissions with a commitment to minimise natural landform alteration.

In the end there is a trade off between positive impacts of preserving the character of natural landform versus the potential negative economic, housing choice and amenity impacts.

The submissions have identified where a number of alterations to the exhibited drafts may be made to make the controls more practical, easier to apply, provide transition arrangements and to preserve existing consent rights. Many of these alterations are supported.

The proposed draft amendments to DCP16, DCP47 and Specification D6 with these alterations provide a comprehensive suite of planning controls that provide scope for substantial subdivision and housing development opportunities on steep land balanced this with appropriate limitations on the extent of landform alteration.

TABLE 5 - PUBLIC SUBMISSIONS FOR COMBINED DRAFT DCP16/DCP47/D6 EXHIBITION

Author	Issue	Comments	Action
1. Terry Plant, Sandleaf P/L	Amendments will have a dramatic effect on the provision, construction and end cost of new subdivision land.	Refer Notes 1 & 9.	No change proposed
	Request extension of submission period by 8 weeks		Letter advising of 2 week extension to submission period
2. Alan Blundell, Piers Property Group	Two workshops are insufficient to understand impacts of changes, and extended closing date for submissions still not long enough. Requests 8 week extension.		Letter advising of 2 week extension to submission period. Two additional industry workshops to be held with Executive Officer and Administrators.
	Amendments will reduce lot yield to below 50% of current levels, and the cost of land for end users will increase dramatically.	The proposed changes will not have a significant affect on lot yield. Refer Notes 1 & 9.	No change proposed

TABLE 5 - PUBLIC SUBMISSIONS FOR COMBINED DRAFT DCP16/DCP47/D6 EXHIBITION			
Author	Issue	Comments	Action
3. Keith Vinnicombe, 392 Terranora Road	1. Economic Impact on Community: Reduction of available suitable land for residential and industrial development will have a negative affect on local economy and employment. Amendments are not supported by a rigorous analysis of economic impacts	The proposed amendments do not include any provisions for the exclusion of development from steep land. Mass landform criteria is not substantially changed and therefore no significant changes to lot yield are expected due to amendments. Refer Notes 1 & 9.	No change proposed
	2. Reduction in Land Supply for Housing Suitable for Elderly People: Shire has a disproportionately high number of elderly people. Steep land and split level design is not suited to the elderly or mobility impaired population, or young children	Amenity for residents is one consideration that must be weighed against the benefits of maintaining a more natural landform and drainage regime. Refer Note 2.	No change proposed
	3. Impact on Recovery of Capital Expended by Council to Provide Essential Infrastructure: Reduced lot yield and slower uptake of steep lots will adversely affect Council's recovery of capital expended on essential infrastructure via developer contributions. May also result in inefficient, over-capacity infrastructure due to reduced service population.	No significant changes to lot yield are expected due to the amendments (refer Note 1). Infrastructure planning and cost recovery will be generally unaffected.	No change proposed
	4. Economics of Land & Housing Development: The community has shown a considerable preference for slab on ground housing, as construction is generally cheaper, faster and safer. Amendments will significantly reduce the number of houses constructed in this form. Conflicts with "affordable housing" objectives of State Government.	Housing affordability is one consideration that must be weighed against the benefits of maintaining a more natural landform and drainage system. Refer Note 3.	No change proposed

TABLE 5 - PUBLIC SUBMISSIONS FOR COMBINED DRAFT DCP16/DCP47/D6 EXHIBITION			
Author	Issue	Comments	Action
	<p>5. Percentage of Area of Site Where it is Proposed that Reprofilng will be Permitted: Proposed percentage limitations on earthworks and landforming is not based on detailed studies or understanding of consequences. More substantial investigation required to fulfil community obligations</p>	<p>Generally percentage limitation on subdivision earthworks are unchanged or eased in this amendment.</p>	<p>No change proposed</p>
	<p>6. Drainage and Geotechnical Conditions: Amendments do not properly consider interallotment drainage consequences if lot profiling is prevented. WSUD principles conflict with sound geotechnical practice and may result in land slippage and seepage problems.</p>	<p>Lot profiling allowing 5m of cut or fill over 100% of subdivision area is allowed under current rules and amended drafts. WSUD requirements of DCP47 are not required in draft if there are landslip issues. Refer Note 7.</p>	<p>No change proposed</p>
	<p>7. Land Profile and Built Form: Changes to landform are a reasonable expectation for areas zoned for habitation. Separate areas for preservation of natural vegetation and landform are also zoned. Reduction of lot yield in the areas zoned for habitation puts increased pressure for new release areas and reduces the area available for environmental protection.</p>	<p>Landforming changes allowing 5m of cut or fill over 100% of subdivision area are allowed under current rules. The rules governing the extent of such mass landforming have been in place since 2002, and the proposed amendments should not have significant impacts on lot yield. Refer Notes 1 & 9.</p>	<p>No change proposed</p>
	<p>Due to diversity of landform in the Shire, control documents will not be suitable in all circumstances. Eliminate absolute requirements and allow sites to be assessed on their merits.</p>	<p>Refer Note 4.</p>	<p>No change proposed</p>

TABLE 5 - PUBLIC SUBMISSIONS FOR COMBINED DRAFT DCP16/DCP47/D6 EXHIBITION			
Author	Issue	Comments	Action
4. Richard Harry, Tweed Coast Consulting Engineers P/L	1. "Infill" Type Developments: Many steep, undeveloped areas have not been formed in accordance with D6, making it very difficult to comply with D6 and DCP47 for infill subdivision. Requests separate guidelines for infill type subdivision	Cl 4.1.3 of DCP16 already exempts infill subdivisions from requirements (such as landforming in D6) should the existing urban structure constrain the development, making it unfeasible to meet these requirements. As such, infill development shall initially be assessed in accordance with D6 site regrading guidelines, unless an applicant requests a variation with adequate supporting information, and the development is consistent with the objectives of DCP16.	No change proposed
	2. Community Title Type Developments: Council accepts a lesser standard for community titled subdivisions, but this needs to be clarified in DCP16.	Community title subdivisions are already subject to the requirements of Clause 6.132 of DCP16. In the case of landforming, there is no relaxation of standards from conventional subdivisions.	No change proposed
	3. Industrial Subdivisions: Has applied the 8m-20% rule to a proposed industrial subdivision on Wardrop Valley Road. Found that this rule gave "liberal scope for earthworks to allow a good yield of usable lots for an industrial subdivision on this site".	Provides a good case study supporting introduction of the 8m-20% rule.	Noted
	4. Residential Subdivisions: Has applied the 5m-10% rule to an approved residential subdivision in West Murwillumbah. This subdivision does not require any cut/fill in excess of 5m so complies with draft D6. Some lots require additional retaining walls to comply with Access to Property requirements.	Provides a good case study supporting 5m-10% rule, although this rule has not changed in the draft amendments (refer Note 1). Cut/fill in excess of 1m for driveways is permissible in draft DCP47, if supported by engineering design.	Noted
5. Reg van Rij, Project 28 P/L (Leda)	Requests an additional 4 weeks to submission deadline.		Letter advising of 2 week extension to submission period

TABLE 5 - PUBLIC SUBMISSIONS FOR COMBINED DRAFT DCP16/DCP47/D6 EXHIBITION			
Author	Issue	Comments	Action
	Considers that good urban design will already consider issues such as steep land, earthworks and WSUD while maximising lot yield. Council's responsibility is to provide water and sewerage infrastructure to cater for its expected population.	Council has responsibility to consider WSUD under the Tweed Urban Stormwater Management Plan. DCP16, DCP47 and Specification D6 and D7 deal with landform issues and WSUD.	Noted
6. John Francis, Kielvale	Supports changes		Noted
7. Bill Francis, Kielvale	Supports changes		Noted
8. Sandra Francis, Kielvale	Supports changes		Noted
9. Dawn Summersell, Kielvale	Supports changes		Noted
10. Rex Summersell, Kielvale	Supports changes		Noted
11. Katherine O'Neill, Kielvale	Supports changes		Noted
12. Philip O'Neill, Kielvale	DCP16 Cl 4.3.4: Objects to removal of 4m minimum width of battle axe access legs, as delivery trucks etc will have difficulty negotiating narrow driveways	Under the amended clause, minimum aggregate access leg widths will be 5.5m, in excess of existing minimum requirements.	No change proposed
13. Philip O'Neill (separate submission via email)	DCP16 p.33 (D1 Table D1.7): 7.5m urban road pavement width insufficient for traffic to pass if cars parked on both sides of road	All matters in this submission are outside of the scope of the draft amendments.	Consider these matters in a future review of DCP16 where relevant.
	DCP2 Table 4.9: Minimum parking requirements force overflow carparking in street, constricting traffic on 7.5m wide roads		
	DCP16 Cl 4.3.4 p.51: Concerned that DCP16 allows new lots less than 10m wide		
	DCP16 Cl 4.1.3: Concerned that infill subdivision may be exempt from DCP16		
14. Peter McCormack, Kielvale	Supports changes. Draft control plans appropriate for Kielvale		Noted
15. Barry & Angela Dyson, Kielvale	Supports changes. To have rolling and undulating hills levelled for development would be detrimental to the environment and way of life.		Noted
16. Diane & Graham King, Kielvale.	Supports changes		Noted

TABLE 5 - PUBLIC SUBMISSIONS FOR COMBINED DRAFT DCP16/DCP47/D6 EXHIBITION			
Author	Issue	Comments	Action
17. Terrence Winship & Sheila Lawrie, Kielvale.	Supports changes		Noted
18. Darryl Anderson, Darryl Anderson Consulting P/L	1. Unconvinced that the recommendations of the Government Architect's report and the draft amendments to the DCPs are justified, as areas currently zoned for residential development have already been through strategic planning processes including LES's and DCP's, which at no stage identified hill zones as unsuitable for development.	Landforming was not a serious consideration of planning and environmental assessment in the 1980's-90's when most of these studies were carried out. Refer Note 6.	Noted
	2. Areas of significant landscape or scenic value have already been preserved via the planning process and to sterilise residentially zoned land, where changes to landform are inevitable, is against rational and integrated planning.	The proposed amendments do not directly sterilise any portion of steep land from development. Landform changes allowing 5m of cut or fill over 100% of subdivision area are allowed under current rules and amended drafts.	No change proposed
	3. Land use planning sets out expected yields for infrastructure planning and cost apportionment. This becomes inefficient if yields are reduced by landforming restrictions, resulting in urban sprawl.	The proposed changes will not have a significant affect on lot yield. Refer Notes 1 & 9.	No change proposed
	4. Controls should be flexible to allow merit assessment of developments. Reliance on prescriptive controls will sterilise large tracts of residential land. Suggests performance based criteria to allow developers to apply urban design principles to achieve commercially viable developments. Prescriptive controls should be "deemed to comply" only.	The proposed amendments and the existing prescriptive controls to site regrading do not directly sterilise any portion of steep land from development. Prescriptive controls are considered preferable in this matter to give more certainty of desired outcomes. Refer Note 4.	No change proposed
	5. Social and economic implications of the proposed changes have not been identified or quantified.	The impacts of resident amenity and housing affordability are considerations that must be weighed against the benefits of maintaining a more natural landform and drainage system. Refer Notes 2 & 3 and Section 5.2 of this report.	No change proposed

TABLE 5 - PUBLIC SUBMISSIONS FOR COMBINED DRAFT DCP16/DCP47/D6 EXHIBITION			
Author	Issue	Comments	Action
19. Bill Knobel, Knobel Consulting P/L	Changes will result in loss of yield, cost escalation for house/land packages, and restraints on normal residential allotments.	Refer Notes 1, 2 & 3 and Section 5.2 of this report.	No change proposed
	It is not possible to mimic natural topography when grading out roads and drainage to comply with Council standards.	It is agreed there will be landform changes during subdivision development, but the controls seek to limit the numerical extent of these changes. These limitations permit the finished landform to more closely mimic natural topography than if there were no limits. Compliance with road standards may be difficult on some steep land when there are numerical limits on mass landform alteration. The need to limit landform alteration may justify variations to road design and connectivity.	Insert additional clause in DCP16 permitting such variations if development otherwise consistent with DCP16 objectives. Amend the definition of "subdivision site" in Table 4.2.2 of DCP16, and Clause D6.05.3 (2) of D6 to exclude roads from calculations of 5m-10% rule.
	Requests an industry workshop, and discussion of policy changes in an open forum		Refer Note 8
	Requests that a typical subdivision be re-examined to assess the impacts of the proposed changes	Proposed residential subdivision changes mainly impact on lot slope (causing an increase) due to prohibition of interallotment retaining walls.	No change proposed.
	What will be the position with residential lots that have been approved under older policies but not yet constructed?	Approved subdivisions will be constructed in accordance with their consent conditions and the rules that applied at the time of approval.	Insert savings clause in DCP16 (Cl 4.1.4) allowing developers of approved subdivisions to submit s96 applications (which may alter the subdivision layout to be more consistent with current urban design principles) and carry out their development in accordance with the approved landforming proposal.

TABLE 5 - PUBLIC SUBMISSIONS FOR COMBINED DRAFT DCP16/DCP47/D6 EXHIBITION			
Author	Issue	Comments	Action
20. Darryl Anderson, on behalf of Godfrey Mantle and Terranora Group Management P/L	1. Currently masterplanning the residential subdivision of Terranora Lakes Country Club and Golf Course land. Limited landform changes will be necessary, and to achieve compliant road gradients some earthworks may exceed the limits in the draft amendments.	Exhibited drafts will have no significant impact on mass landforming required to achieve compliant road gradients	No change proposed
	2. Changes likely to add significant cost due to reduced yields and limited opportunities to achieve economies of scale. Council should identify and quantify these impacts prior to proceeding.	No significant changes in drafts to mass landform criteria. Refer Note 1 and Sections 4.3 and 5.2 of this report.	No change proposed
	3. Flat building platforms and outdoor areas are desired by the market, which the changes will preclude.	Refer Note 3.	No change proposed
	4. Prescriptive standards are inflexible and do not provide for performance based standards and merits assessment.	Refer Note 4 and Section 5.3 of this report.	No change proposed
	5. To achieve compliant road grades and a suitable range of housing types, landform changes are likely to exceed the draft standards. Request exemption from the DCP's and that Council apply any specific landforming controls to the masterplan. Alternately redraft the DCPs for flexible implementation.	Landforming policy as adopted at the time of lodgement of a subdivision masterplan will be applied. Council may resolve to apply variations to these policies if justified.	No change proposed
21. Gil May, Tyalgum	Levelling house sites preserves flat land for agricultural purposes and provides flood free land.	The proposed amendments do not sterilise steep land from residential development or alter demand for development of unzoned flat agricultural land.	No change proposed
	Cut and fill earthworks for house sites can be readily engineered to prevent land slip and instability, particularly if bedrock can be utilised.	Refer Note 3.	Noted
	Only a minute percentage of houses built on levelled hillsides experience landslip problems, and the reasons for previous landslip failures can be readily identified and are generally due to incomplete site investigation and poor runoff management.	Refer Note 3.	Noted

TABLE 5 - PUBLIC SUBMISSIONS FOR COMBINED DRAFT DCP16/DCP47/D6 EXHIBITION			
Author	Issue	Comments	Action
	Slab on ground housing is the strongest and most energy efficient form of housing for sub-tropical Australia, minimising heating and cooling costs. It is also more stable against wind loading than raised housing.	Refer Note 3.	Noted
	Steep yard areas are dangerous for children and the elderly, difficult to maintain, difficult to grow gardens and conserve water at the same time, and generally reduce amenity for families.	Refer Note 2.	Noted
22. Ian Woods, Villaworld	Amendments to DCP16 to ensure consistency with the Tweed 2000 Strategic Plan (a policy of preservation of the Shire's environmental and scenic values) are inconsistent with the aims of the Tweed LEP 2000 (management of growth to retain natural and developed character, while enhancing economic vitality, ecology and culture)	Refer Note 2.	No action
	Conflict between DCP16 and DCP47 on retaining walls	While this submission does not refer to a specific conflicting clause, it is presumed the submission relates to different setback requirements for boundary retaining walls in D6 (Cl D6.05.6c) and DCP47 (Cl 2.3.7).	Amend D6 Clause D6.05.6c to apply minimum 0.9m horizontal setback between retaining walls/batters and a lot boundary, for consistency with DCP47.
	Questions the process behind the amendments to the DCPs, as there has been no evaluation of urban zoning in relation to steep land controls, and no economic modelling of impacts	Refer Note 6 and Section 5.2 of this report.	No change proposed.
	Questions whether external agencies (other than the Government Architect) and industry have been consulted on the changes, and whether responses to the amendments have been quantified.	Refer Note 8. All submissions received on the exhibited drafts have been addressed in this report to Council for consideration prior to final resolution on their adoption.	Noted
	Proposed changes will have significant effects on cost for the end purchasers (developers and home buyers)	Refer Notes 1, 3 & 9.	Noted

TABLE 5 - PUBLIC SUBMISSIONS FOR COMBINED DRAFT DCP16/DCP47/D6 EXHIBITION

Author	Issue	Comments	Action
	Amendments will create considerable stormwater runoff problems, due to large lot size, no retaining or benching to control interallotment flows. This will affect houses built on stilts/poles.	Refer Note 7.	Noted
	Request extension to public exhibition period for further consultation with stakeholders		Exhibition period extended by two weeks.
23. Kevin Butler	Recent purchaser of a 742m ² 10% sloping block in West Murwillumbah. Originally intended to keep slope of land and build on brick piers/timber floors. Major project home builders would not provide a quote, as they specialise in slab on ground housing. Had slope been greater than 10%, some project builders would not consider a slab on ground house due to current landforming restrictions, and problems providing standard driveway access. Quote from independent builders were \$100,000 above price for same sized slab on ground house with better inclusions. The only way to afford to build was for a project builder to create a level building pad with 1m cut/fill. Wonders if 10% lot slope would have been achievable under draft DCP16/D6. After completion of house, retaining walls created a flat yard. Restricting this to 74m ² under draft DCP47 would have been insufficient.	Refer Note 3. Provides good case study for the likely impacts of the proposed changes. Has been used as the basis for discussion in Note 3.	Amend Draft DCP47 Clause 2.4.1 to increase permissible flat yard variation from 10% of lot area to 15% of lot area.
	WSUD will create problems on hillside development. House site is at bottom of sloping catchment, with low infiltration clay soil. During construction, majority of upstream land was undeveloped and considerable stormwater ran onto site making it unusable. Retaining and drainage of their land improved conditions, and since similar changes have occurred upstream, runoff problems have been rectified.	Refer Note 7.	Noted

TABLE 5 - PUBLIC SUBMISSIONS FOR COMBINED DRAFT DCP16/DCP47/D6 EXHIBITION			
Author	Issue	Comments	Action
24. Barry Mills, Century 21 Murwillumbah	Provides examples of 9 residential estates developed over the last 15 years, demonstrating high demand for level land, as it is more suitable for affordable slab on ground housing, swimming pools, landscaping, fencing, child safety and security and ease of maintenance.	Refer Notes 2 & 3.	Noted
25. B R Turner, South East Excavations	The industry has produced a formula for development allowing views, usable yard, cost effective homes, for all members of the community, upon which the draft changes will have a dramatic effect.	Refer Note 2.	Noted
	The changes will threaten the viability of the construction industry and the workers they employ.	Refer Notes 1 & 9.	Noted
	Critical of lack of community and industry consultation in drafting amendments, and no consideration of economic impacts.	Refer Note 8.	Noted
26. Alan Blundell, Piers Property Group; Steve McCrae, Ray Group; Reg van Rij, Leda	What are the social impacts of this change?	Refer Note 2 & Section 5.2 of this report.	Noted
	What is the economic impact to the community?	Refer Notes 1 & Section 5.2 of this report.	Noted
	What do these changes do to the affordability of housing in the Shire?	Refer Note 3.	Noted
	How do the changes relate to the State Government requirements not to unnecessarily sterilise land?	The proposed amendments do not directly sterilise any portion of steep land from development.	Noted
	On what basis is it deemed appropriate to prevent merit based assessment?	Refer Note 4.	Noted
	Request for further extension to exhibition period. Council needs to consult the development industry to address the above issues.	Refer Note 8.	Exhibition period was already extended 2 weeks.
27. Christian Huettner, Ray White Real Estate Murwillumbah	Questions whether due process has been followed in informing and consulting with stakeholders on the changes.	Refer Note 8.	Noted
	Due to topography, landforming guidelines are too stringent and are unworkable by developers	This submission does not relate to any marginal impacts due to the proposed amendments. Refer Note 1.	Noted
	Reduced amenity for elderly and children	Refer Note 2.	Noted

TABLE 5 - PUBLIC SUBMISSIONS FOR COMBINED DRAFT DCP16/DCP47/D6 EXHIBITION			
Author	Issue	Comments	Action
28. Name withheld on request of submitter, Terranora	Supports changes as major cut and fill earthworks and retaining structures are unsightly, potentially hazardous in torrential rain (including long term effects of hydraulic pressures). Sites crib walls in Shamrock Avenue Banora Point as an example.	The cited development was a consideration during the initial introduction of D6. Refer Note 5.	Noted
	LES for Area E identifies control of cut and fill earthworks on steep land as a significant issue, in terms of impacts on visual amenity, erosion and sedimentation and land stability.	Landforming policy as adopted at the time of lodgement of a subdivision application will be applied to Area E.	Noted
29. D Connor, Bilambil Heights	Current cut and fill practices and ineffective stormwater management cause subsidence, ground movement, and erosion.	The draft changes aim to minimise cut and fill earthworks and provide subdivision and housing development that is sympathetic to the natural landform and drainage patterns, to avoid such geotechnical problems.	Noted
30. Phil Lynch, Gibson Lynch Real Estate Tweed Heads South	Concerned that proposed changes are unrealistic for the unique topography of Tweed Shire, will impact on the local economy, and lack consultation with local experts and stakeholders.	Refer Notes 1, 8 & 9.	No change proposed
31. David Perry, Perry Homes P/L	Changes will result in decrease in availability of usable urban land and increase construction costs.	Refer Note 1, 3 & 9.	Noted
	Those who previously purchased land with the expectation of building a home must now reconsider whether this is affordable, given the restriction to the type of construction.	It is agreed that the draft changes to DCP47 could affect existing developable land already sold to end consumers. Refer Note 9.	Insert a savings clause in DCP47 (Cl 1.2.2) providing a 6 month grace period for new applications to be assessed against the current version of DCP47.

TABLE 5 - PUBLIC SUBMISSIONS FOR COMBINED DRAFT DCP16/DCP47/D6 EXHIBITION			
Author	Issue	Comments	Action
	Maximum 60% impervious coverage limits design choice and affordability, particularly for the elderly and families with children.	Impervious fraction does not relate directly to affordability, but could affect amenity. Amendments to the 60% impervious site area rule are considered appropriate. Refer submission No.46	Amend CI 2.2.1(ii) of DCP47 to provide sliding scale of impervious area based on lot size for houses and dual occupancies. No change to multi-dwelling housing 90% impervious limit.
	10% flat yard space is insufficient for outdoor living.	No alternative controls are proposed.	Amend Draft DCP47 Clause 2.4.1 to increase permissible flat yard variation from 10% of lot area to 15% of lot area.
	Concerned about lack of consultation with industry stakeholders.	Refer Note 8.	Noted
32. Mark Stapleton, Coastline Building Certification Group P/L	Changes will detrimentally effect amount of available land and cost. Homebuyers will be faced with increased land prices and construction costs.	Refer Notes 1 & 3.	Noted
	There will not be enough suitable affordable housing for the projected Shire population.	Refer Note 3.	Noted
	Single storey slab on ground construction suits the elderly and families with children.	Refer Note 2.	Noted
	Recent land purchasers have their expectation of building a house limited. Will there be a transitional period to allow existing land owners to lodge plans under the current rules?	Transitional period considered appropriate	Insert a savings clause in DCP47 (CI 1.2.2) providing a 6 month grace period for new applications to be assessed against the current version of DCP47.
	60% impervious area is insufficient for lifestyle needs eg. Salt example requires 74%.	Amendment to this rule is considered appropriate. Refer also submission No.46	Amend CI 2.2.1(ii) of DCP47 to provide sliding scale of impervious area based on lot size for houses and dual occupancies. No change to multi-dwelling housing 90% impervious limit.

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Author	Issue	Comments	Action
	Stepped slab construction increases building costs by approximately 30%, which is unaffordable to many people. This will in turn affect the building trade.	Refer Note 3.	Noted
	Who will assess the water management plans and how much time will this add to the already unacceptable approvals process?	Council's Building Unit will assess WMP's. Council will consult further with the industry to ensure that the requirements of these WMP's are clear and relevant, so that these plans are readily assessable and require minimal additional processing time.	Provide worked WMP examples to industry.
33. Martin Findlater, Blueiland Engineers	The proposed changes are derived from a Government Architect's report that demonstrates a lack of practical experience in designing suitable dwelling sites on normal landforms within the Shire. The landforming restrictions proposed by that report are based on a comparison of Tweed with Blue Mountains City Council.	Refer Note 6.	Noted
	Requests impact assessments on the availability of suitable zoned land; economic impacts on homeowners and the development and building industries; environmental impacts of increased export of earth during house construction stage; slope stability and erosion controls associated with maintaining steep slopes; traffic safety impacts of steep access driveways including pedestrian/cyclist safety; lack of suitable low cost flat land for the old, disabled and young.	Refer Section 5.2 of this report. Refer also Note 9.	Noted
34. S B Turner, T&W Developments P/L	Changes will jeopardise construction company, employees and subcontractors.	Refer Notes 1 & 9.	Noted
	Insufficient consultation with local consulting civil engineers. Changes are not clear to the community	Refer Note 8.	Noted

TABLE 5 - PUBLIC SUBMISSIONS FOR COMBINED DRAFT DCP16/DCP47/D6 EXHIBITION			
Author	Issue	Comments	Action
35. Brian Turner, Greenview Developments P/L	Changes were drafted without local consultation, and predominantly apply policies of Government Architect with no experience in the Shire.	Refer Notes 6 & 8.	Noted
	Changes will further reduce lot yields on steep land, which is currently down to 7 lot/ha, less than half the desired densities for 2(c) land.	Refer Section 4.3 of this report. Refer also Notes 1 & 9.	Noted
	Policy disadvantages young families, the aged and handicapped, in favour of a small group who can afford more expensive architecturally designed homes.	Refer Note 2.	Noted
	The market prefers slab on ground housing, as this form of housing has numerous advantages when combined with properly designed retaining walls (eg. cost, efficiency, amenity, stormwater management, landscaping).	Refer Note 3.	Noted
	Requests results of impact assessment for policy changes.	Refer Section 5.2 of this report. Refer also Note 9	Noted
	Prescriptive controls cannot apply to every development irrespective of design merit.	Refer Note 4.	Noted
36. N Head, Tweed Heads	Supports landforming restrictions to protect landscape and environment from further development.	Landforming policy does not prevent further development in zoned urban areas but aims for development outcomes more sympathetic to natural landform.	Noted
37. Dale Scotcher, Metricon P/L	1. Objection to DCP16/D6 on the following grounds: a. No rear or side retaining walls b. No allowance for sharp changes of gradients associated with retaining walls or batters c. 5m cut area shall not exceed 10% of a site d. Departure from the DCP specification is not permitted	Refer Note 1.	Noted

TABLE 5 - PUBLIC SUBMISSIONS FOR COMBINED DRAFT DCP16/DCP47/D6 EXHIBITION			
Author	Issue	Comments	Action
	<p>2. Objection to DCP47 on the following grounds:</p> <p>a. Amendment to objective – site specific performance criteria should be adopted</p> <p>b. Amendment to design – not flexible, increase in construction costs</p> <p>c. Water sensitive urban design – impermeable site area not practical for most Res A dwellings</p> <p>d. Cut and fill design – Ambiguous, needs clarification of criteria.</p>	<p>a,b,c. Refer Notes 4 & 7.</p> <p>d. Clarify ambiguous design criteria in DCP47.</p>	<p>c. Amend Cl 2.2.1(ii) of DCP47 to provide sliding scale of impervious area based on lot size for houses and dual occupancies. No change to multi-dwelling housing 90% impervious limit.</p> <p>d. Reword DCP47 Cl 2.3.5 for clarity.</p>
	<p>Amendments will result in larger lot sizes and reduced yields. Inflexible site regrading given Tweed's topography will increase costs and provide less usable land. Steeper slopes will affect usability for cars, pedestrians and elderly. Reduced affordability for developers and home buyers. Better to do landforming during subdivision civil works rather than during home building. Overall negative impact on local economy.</p>	<p>Submission based on detailed report from Mark Ricketts of Cardno P/L Refer Notes 1 & 2 and Section 4.3 of this report.</p>	<p>Noted</p>
38. K G Savage, B&P Surveys	<p>Retaining on boundary lines of external (perimeter) boundaries of subdivision should be kept to a maximum height of 2m, not 1.2m as proposed.</p>	<p>Walls on perimeter of subdivision site affect the amenity of external land users. 1.2m limit considered to provide acceptable limit.</p>	<p>No change proposed</p>
	<p>The proposed 5m/10% rule for land re-forming in subdivision should be kept at 8m/20% for residential development to enable greater flexibility in design.</p>	<p>Some additional flexibility in 5m/10% mass landforming rule has already been incorporated into draft DCP16/D6.</p>	<p>No change proposed</p>
	<p>If a retaining wall is constructed correctly the best place for that wall is on the boundary, not 2-3m setback as proposed.</p>	<p>Retaining walls are required to be offset from boundaries to clarify ownership of wall and assist in maintenance and fencing.</p>	<p>Amend D6 Clause D6.05.6c to apply minimum 0.9m horizontal setback between a retaining wall/ batter and a lot boundary, for consistency with DCP47.</p>

TABLE 5 - PUBLIC SUBMISSIONS FOR COMBINED DRAFT DCP16/DCP47/D6 EXHIBITION			
Author	Issue	Comments	Action
	The market demands flat terraced lots, and Council should not restrict this choice to live on levelled land. People do not want to live on sloping lots.	Refer Note 3.	No change proposed
	1m cut/fill limits on DCP47 are far too restrictive and would have prevented the majority of existing dwellings in Terranora and Tweed Heights. Lot level earthworks should be assessed on merits basis, based on proper geotech design.	The proposed changes may have affected the prevalence of slab on ground housing types on steep land in these areas, and the degree of land terracing required to accommodate it. The controls should not have affected housing yield. Refer Notes 3, 4 & 9.	No change proposed
39. Philip Wyper, Banora Point	Constructed a house on and spent 9 years living on a steep lot (25%). Slope of land restricted his family's amenity, made access and maintenance difficult and limited possible building improvements. Has since moved to a levelled lot and is enjoying considerable lifestyle benefits. Considers that changes to natural landform and retaining walls are acceptable to create more liveable flat house lots.	Refer Notes 2 & 3.	Noted
40. Michelle Paddison	Owns a sloping lot in Banora Point, and objects to unnecessary changes to standards and increased cost of construction.	Refer Notes 2 & 3.	No change proposed
41. Craig Paddison	Is a builder/developer, objects to increased construction costs, which average ratepayers will not be able to afford. Majority of land in Tweed has already been developed under existing changes, so benefits of amendments on environment will be minimal.	Refer Notes 2 & 3.	Noted
42. Ross Paddison	Has purchased sloping lot in Banora Point, and objects to increased cost of building first home. Changes will not benefit any parties or the environment, existing rules have been effective in the past.	Refer Notes 2 & 3.	Insert a savings clause in DCP47 (Cl 1.2.2) providing a 6 month grace period for new applications to be assessed against the current version of DCP47.

TABLE 5 - PUBLIC SUBMISSIONS FOR COMBINED DRAFT DCP16/DCP47/D6 EXHIBITION			
Author	Issue	Comments	Action
43. Brad Paddison	Owns a sloping block in Banora Point, cost increases to build a house will exceed budget.	Refer Notes 2 & 3.	Insert a savings clause in DCP47 (Cl 1.2.2) providing a 6 month grace period for new applications to be assessed against the current version of DCP47.
44. John Keysers, Tweed Heads	Objects to changes as they will increase cost of building a new home on a hillside.	Refer Notes 3 & 9.	Noted
SUBMISSIONS RECEIVED AFTER INDUSTRY WORKSHOP 30/03/06			
45. Sandra Winter, Perry Homes P/L	Changes may expose Council to litigation: 1. Section 5(a)(viii) Environmental Planning & Assessment Act – provision and maintenance of affordable housing. Amendments will add \$30,000-\$70,000 and limit design choice, creating a “niche market” at the expense of elderly, young families and disabled. 2. Section 74(c)(5) - conflict with other Environmental Planning Instruments eg. enforced construction of pole homes or multiple level buildings may conflict with building heights in LEP and overshadowing and privacy in DCP48. 3. Section 74(c)(2) - only one DCP may apply to a single parcel of land. Where landforming objectives conflict with other DCP's, which one will apply?	1. Refer Note 2 & 3. 2. DCP47 does not mandate the use of pole homes. Split level multi-slab or pier and beam construction may be used to minimise overshadowing and storey issues. Similar amenity issues for adjoining landusers can arise from the construction of excessively high retaining structures and terracing. 3. This will be resolved when Council exhibits single DCP.	Noted
	Why has there been no Impact Assessment undertaken?	Refer Section 5.2 of this report and Note 9.	Noted
46. Leda Developments P/L	Proposed changes may quarantine all developable land >10% slope.	The proposed amendments do not directly sterilise any portion of steep land from development.	Noted
	The NSW Government Architect's report was prepared with little or no knowledge of development in the Tweed, and little or no practical knowledge of residential development in general.	Refer Note 6.	Noted

TABLE 5 - PUBLIC SUBMISSIONS FOR COMBINED DRAFT DCP16/DCP47/D6 EXHIBITION

Author	Issue	Comments	Action
	<p>All flat, accessible, serviceable and relatively unconstrained land has already been developed, leaving steep land requiring landforming, eg. Cobaki Lakes and Kings Forest. Due to increased cost to develop, these areas will only be developed when it provides an acceptable rate of return to the developer. Proposed changes will make these developments unacceptable to develop, due to loss of lot yield. Based on Cobaki Lakes, expected loss of yield range 349-1500 allotments, costing developer alone \$31-\$135 million. Yield rates may reduce from 17.7 to 11.9 dwellings/ha. Yield uncertainty makes masterplanning inaccurate. Council must undertake an economic impact study for the proposed amendments.</p>	<p>Refer Section 5.2 of this report and Notes 1 & 9. Savings clause would preserve existing landforming rights of existing consents.</p>	<p>Insert savings clause in DCP16 (Cl 4.1.4) allowing developers of approved subdivisions to submit s96 applications (which may alter the subdivision layout to be more consistent with current urban design principles) and carry out their development in accordance with the approved landforming proposal.</p>
	<p>Changes do not have beneficial impact on the developments, quality of life, amenity, the environment or the landscape.</p>	<p>Changes are proposed to preserve as much as practical the natural landform character of the area.</p>	<p>No change proposed.</p>
	<p>Cobaki Lakes already has approvals in place, but concerned for end consumers. Council will be retrospectively enforcing changes contrary to DA approvals and proposed built form codes and building covenants.</p>	<p>Agreed that savings clauses are required to deal with existing development approvals</p>	<p>Insert savings clause in DCP16 (Cl 4.1.4) allowing developers of approved subdivisions to submit s96 applications (which may alter the subdivision layout to be more consistent with current urban design principles) and carry out their development in accordance with the approved landforming proposal.</p>
	<p>Time for preparing submission was insufficient, and request additional time to collaborate with Council and others to undertake professional review.</p>	<p>Refer Note 8.</p>	<p>Noted</p>

TABLE 5 - PUBLIC SUBMISSIONS FOR COMBINED DRAFT DCP16/DCP47/D6 EXHIBITION			
Author	Issue	Comments	Action
	Excluding slab on ground housing from land steeper than 10% is unrealistic and limits housing choice. Pole homes have limited market acceptance, as they may not be suitable for young families, are high maintenance, generally not affordable, and do not provide expected streetscape. This limits development to slopes <10%, which makes developments unviable.	Refer Note 3.	No change proposed.
	Additional steep public land will add significantly to Council maintenance costs. Loss of yield also affects infrastructure capacity and efficiency, further penalising ratepayers.	Refer Note 1.	Noted
	Once a landform has been disturbed, and after the landform has housing and the disturbance embellished, the quantum of the alteration to the landform becomes irrelevant. The "new" visual amenity of the built environment becomes more important than the "original" visual amenity of the landform.	Changes are designed to ensure finished subdivision land is consistent with existing and surrounding landform, while remaining compatible with good urban design principles. Achieving this aim requires limits on the degree of permissible site regrading.	Noted
	Regulations for impervious site area have nothing to do with cut and fill earthworks, so belong in a separate building code, not DCP47.	The management of steep land and stormwater is strongly linked, with the common objectives of mimicking natural form and behaviour, and for this reason WSUD has been included in DCP47. WSUD principles should be extended to all development.	No change proposed
	Water sensitive urban design should reflect a holistic masterplanned approach to stormwater management in a subdivision. Critical of Council's understanding of WSUD. Preservation of natural flows through a subdivision is not desirable, causing structural and amenity problems. Water tanks are unsustainable.	Refer Note 7.	No change proposed

TABLE 5 - PUBLIC SUBMISSIONS FOR COMBINED DRAFT DCP16/DCP47/D6 EXHIBITION			
Author	Issue	Comments	Action
	Submission provides a detailed table for comments on DCP16 and DCP47 amendments.	Most comments reiterate the above issues. Some comments show a misunderstanding of the landforming concepts and their implementation.	Noted
	Submission provides a table of impervious site area calculations for typical residential landuses and lot sizes. Includes single dwellings and multi-dwelling examples.	Amendment to this rule is considered appropriate based on this submission.	Amend CI 2.2.1(ii) of DCP47 to provide sliding scale of impervious area based on lot size for houses and dual occupancies. No change to multi-dwelling housing 90% impervious limit.

TABLE 6 - LATE SUBMISSION			
Note: As the following submission was received after the close of exhibition, it has not been able to be incorporated into the body of this report. Issues raised by this submission have been provided below for separate discussion.			
Author	Issue	Comments	Action
47. Murwillumbah Ratepayers and Residents Association	Alarmed at the degree of cut and fill proposed in the Barnby Street Masterplan, which would obliterate "familiar contours". As a compromise to the recommendations of the Government Architect's report, the Association is hopeful that the exhibited drafts will achieve earthworks and site works that are sympathetic to the topography of the site.	This submission provides community-based support for the objectives of the draft landforming policy for limiting changes to natural topography by development.	Noted.
	Commends inclusion of appropriate topographical building design and WSUD in DCP47, as "standard best practice design principles that should be incorporated into all design standards". Council is "catching up to the real world".	This submission provides community-based support for the implementation of WSUD and building design controls for residential development on steep land.	Noted.
	Objects to deletion of Clause 1.7(e) from DCP47. Rehabilitation of sites within a reasonable timeframe is best practice in terms of erosion and sediment control and WSUD.	The intent of this clause remains in amended Clause 1.7(b). Site rehabilitation, erosion and sediment control and landscaping are site specific considerations for the construction phase of a development, and are adequately controlled in separate specifications and codes of practice.	No change proposed.

TABLE 6 - LATE SUBMISSION

Note: As the following submission was received after the close of exhibition, it has not been able to be incorporated into the body of this report. Issues raised by this submission have been provided below for separate discussion.

Author	Issue	Comments	Action
	Objects to deletion of Clause 1.7(f) from DCP47. Minimising spoil removal is best practice design and site management.	The intent of this clause remains in amended Clause 1.7(b)	No change proposed.
	DCP47 CI 2.2.1(v) - Requests minimum tank sizing	This is mandated by BASIX and Council's Rainwater Tank Policy.	No change proposed.
	DCP47 CI 2.2.1(vi) – How is permeability of soils to be determined in WSUD design?	Infiltration and retention devices should only be implemented where consistent with local drainage patterns and geotechnical constraints. Geotechnical reports will be requested should developers seek variations to WSUD requirements on these grounds.	No change proposed.
	Draft DCP16 still allows for variations for infill development (eg. Table 4.2.2). Assessing applications without the benefit of DCP rules is not transparent or rigorous. Requests full set of development rules for all applications.	As per CI 4.1.3 of DCP16, infill subdivisions may be constrained by an existing urban structure that may make it difficult to comply with some of the urban design objectives and criteria in DCP16. Infill subdivisions may therefore be exempt from those requirements where applications are so constrained. The clause referred to in the submission relates to exemptions from perimeter wall height restrictions where there is general filling for flood immunity, which is considered reasonable.	No change proposed.
	Supports dwelling design that is sympathetic to topographic features. Existing development in Barnby St area utilises split level design to minimise house footprints and easily achieve impervious areas less than 60% of site area.	Refer Note 3.	Noted

TABLE 6 - LATE SUBMISSION

Note: As the following submission was received after the close of exhibition, it has not been able to be incorporated into the body of this report. Issues raised by this submission have been provided below for separate discussion.

Author	Issue	Comments	Action
	Slab on ground housing requires a larger building footprint, so incur additional construction costs for floor slab and roof areas, that can be cheaply inserted in under floor space.	Refer Note 3.	Noted

Note 1 – Mass Landforming

Provision, construction and cost of new subdivision land, and lot yield, relate primarily to mass landforming, the rules for which have been in place since 2002 (5m-10% rule for residential subdivision). Current amendments allow for variation of up to 15% of site area for environmental reasons (eg. cut and fill balance).

At the 30 March industry workshop, industry representatives criticised the existing mass landforming rules. It was considered that by deleting the ability to construct side and rear boundary retaining walls, the cumulative impacts of these existing mass landforming controls will be increased. The industry would like to reduce lot gradients to 10%, so that compliance with DCP47 is relatively straight forward for subsequent housing development. Deletion of side and rear walls was seen to make the objective of 10% lot gradients unfeasible over the majority of steep land. The draft amendments to DCP47 would exclude contiguous slab on ground housing from all of these lots.

Note 2 – Preservation of Natural Landform versus Social Amenity

Part 1 Section 5 of the Environmental Planning & Assessment Act 1979 contains the following objectives:

5 Objects

The objects of this Act are:

- (a) *to encourage:*
 - (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities,*
- and*

- (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
- (vii) ecologically sustainable development, and*
- (viii) the provision and maintenance of affordable housing, and*
- (b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

Part 1 Section 4 of the Tweed Local Environment Plan 2000 also has the following objectives:

4 Aims of this plan

The aims of this plan are:

- (a) to give effect to the desired outcomes, strategic principles, policies and actions of the Tweed Shire 2000+ Strategic Plan which was adopted, after extensive community consultation, by the Council on 17 December 1996, the vision of which is:
"The management of growth so that the unique natural and developed character of the Tweed Shire is retained, and its economic vitality, ecological integrity and cultural fabric is enhanced", and*
- (b) to provide a legal basis for the making of development control plans which provide more detailed local planning policies and other provisions that provide guidance for future development and land management, such as provisions recommending the following:
 - (i) that some or all development should be restricted to certain land within a zone,*
 - (ii) that specific development requirements should apply to certain land in a zone or to a certain type of development,*
 - (iii) that certain types or forms of development or activities should be encouraged by the provision of appropriate incentives, and**
- (c) to give effect to and provide reference to the following strategies and policies adopted by the Council:
Tweed Heads 2000+ Strategy
Pottsville Village Strategy, and*
- (d) to encourage sustainable economic development of the area of Tweed compatible with the area's environmental and residential amenity qualities.*

The Tweed Shire 2000+ Strategic Plan 1996 include the following "Desired Outcomes" under the heading "Urban Development & Management":

- *Design principles for new development or redevelopment in Tweed's towns and localities should have:*
 - *A sense of identity through setting, history, topography, landscape and built character, to give residents a sense of belonging, community, pride and security...*
- *Ridgelines are preserved without the visual intrusion of unsightly dwellings and excessive benching...*
- *Housing and other forms of urban development are designed to integrate with natural features, not dominate or remove them...*

The objectives of Council's draft landforming policy documents are consistent with Council's Strategic Plan, which is enacted by the Tweed LEP. The landforming policy is also consistent with objective (a)(i) of the Act. Both the Act and the LEP also include objectives of efficient and orderly land use, provision of affordable housing and residential amenity, and sustainable economic development. These competing objectives were identified in numerous submissions. The relative positive impacts of preserving natural landform versus the potential negative impacts on the land development and housing industry are difficult to quantify and deciding between the two is a value judgement to be made by Council.

Note 3 – Compatibility of Slab on Ground Housing on Steep Land

Based on market preference and industry consultation, there is little doubt that slab on ground house construction, particularly when utilising the economies of scale provided by the project home industry, is the most cost effective, energy efficient, structurally sound method of construction on flat to gently sloping land (less than 10% grade). However, at site grades at or above 10% this type of housing requires significant earthworks to provide the required levelled building pad. Typically, these level sites are achieved by providing side and rear boundary retaining walls during subdivision works, and then additional earthworks with further retaining structures and batters may occur on individual lots during house construction. On steep sites, these levelling works create a benched landscape significantly different to the natural landform. This is the primary reason for introducing the controls on slab on ground housing on sites above 10% in the draft documents, to enact the desired outcomes of the Strategic Plan 2000+ (refer Note 2.).

Alternate construction methods, such as split level slabs or pier and beam design add significant additional cost to the design and construction of housing when compared to the standard project home product. Industry representatives estimate this increase is typically \$40,000 - \$50,000. This additional cost may discourage persons from the housing market.

Based on one of the submissions, project home builders are already hesitant to construct their standard slab on ground product on sloping sites over 10%, due to existing cut and fill limits, and obtaining acceptable access driveway grades. This would indicate that the draft controls to this form of house construction are appropriate for sites in excess of 10%, and that increased prevalence of stepped slab construction and sunken garages may have positive effects on safe property accesses for vehicles.

The draft amendments are considered to be appropriate for sloping land, but there are inevitable community impacts in terms of house construction affordability on steep sites.

Note 4 – Prescriptive versus Performance Based Controls

Prescriptive (quantitative) landforming controls provide clear guidelines to the development industry as to Council's development design expectations, and are readily assessable. Performance based (qualitative) controls do not provide the same certainty of quality development outcomes. The proposed amendments are considered reasonable for the majority of cases. Council has the ability to approve variations to these guidelines should additional, unreasonable constraints affect a proposed development, if the development is consistent with the objectives of DCP16 and Tweed LEP 2000. Numerical guidelines can be readily amended in line with changes to community/industry/political expectations.

A savings clause is proposed to enable previously approved older subdivision projects to keep their landforming consent, but allow amendments that will enable them to incorporate more contemporary urban design principles into the subdivision, lot and road layout.

Note 5 – Historical Examples of Landforming Problems

Council's suite of landforming policy documents was a reaction to problematic development on steep land prior to 2003 including:-

- Extremely high retaining walls (Malua Terrace Bilambil Heights, Glen Ayr Estate Banora Point) and the prospect of them getting even higher
- Failure of one high wall
- Total obliteration of natural landform (Seabreeze)
- Erosion and sedimentation problems
- Proposals to obliterate natural watercourses
- Proposal to cut up to 30m at Ferndale and shift 3.5 million cu.m of earthworks
- Increased market demand for flat lots suitable for slab on ground housing and Council's reaction that buildings should be sympathetic to the natural landform

Note 6 – Government Architect's Report

The following is an extract from the Government Architects final report that deals with landforming issues.

"1.0 The Hill Zone

The following documents have been reviewed: Council's Strategic Plan, the Tweed LEP 2000, the DCP 16, Subdivision Manual 2003, including Development Design Specification D6 for Site Regrading Version 1.2 and D14 for Landscape of Public Space and the DCP14 for the Murwillumbah West, 1991. The West Murwillumbah subdivision area has been inspected together with and some Development Application material for the Riveroaks subdivision in the West Murwillumbah area.

Issues:

The fundamental problem with the development in hill zones is the lack of a Council regional strategy which identifies suitable land for intensive residential development. It is very much a developer driven process. The planning policies controlling hill sites residential subdivisions have limited urban design, landscape and strategic planning content and allow flattening of 50m high hills and creation of flat benchmark land plots of approx. 450-600m². The planning controls disregard the best practice, sustainable urban planning principles expected now by the NSW Government.

There are no directions and guidelines in the local planning documents in relation to the quality of public domain, streetscapes, retention of views and vistas, sharing views to the mountains, landscape quality of the area, green hills, valleys and river views. The plans don't emphasise the fact that 80% of the site has very steep topography up to (70% gradients) and the rest of the land is flood prone.

The DCP 14 has an anticipated yield of 880 lots and population of 2840 residents, which would offer occupancy rate of 3.2 people per ha, this could only be achieved if the land was flat assuming the given plot size of 450m². Our view is that only about 40% of this land is developable due to its hilly nature and flood affected land.

It would require more detailed analysis and understanding of local site conditions to develop comprehensive and firm recommendations for development in the hill zones. However, some best practice controls are recommended for investigation that have been applied in other areas of similar characteristics. These would include:

Recommendation 5

- *No residential subdivisions should be developed on sites where natural slope is greater than 20%.*
- *No cut and fill greater than 1m should be permitted on any part of the site.*
- *New roads should follow contours.*
- *Site coverage on each block should be limited and permeable landscape area maximised.*
- *Stormwater runoff from each subdivision should be contained within the subdivision area.*
- *New residential buildings on steep sites should have small footprints and site specific design to minimise cut and fill.*
- *3m side setbacks should be considered to create a generous landscape setting.*
- *Larger block sizes 1,200m² would be more suitable for hill zones to provide greater landscape area opportunities.*
- *The site specific DCP needs to present a sound analysis of the site's context and its attributes, such as topography (contours at 1m intervals), natural features, views, orientation, developable area and a vision for the site in terms of future character, built form and public domain.*

- *The DCP needs to clearly define public domain character and future landscape character of the area. It needs to undertake slope analysis of this particular area to identify suitable land for future development.*

- *The West Murwillumbah land is in the catchment of the Tweed River and needs to have clearly established WSUD (Water Sensitive Urban Design) strategy for stormwater management.*
- *Council should develop housing typology for steep hill sites in sub-tropical areas, which:*
 - *recognise the contribution of vernacular structures to the character and diversity of the sub-tropical environment*
 - *identify and utilise appropriate contemporary applications of subtropical vernacular design, such as shading walls and openings, and allowance for natural ventilation through the use of operable and adjustable windows*
 - *adopt appropriate climatic responsive orientation of buildings*
 - *balance building heights and vegetation*
 - *minimise paved areas and car impact on public domain*
- *This list is not exhaustive but indicative only as to the different approach to planning that is required for this special area and other similar locations in the Tweeds Shire. The overriding planning objectives must recognise the unique character of these hilly sites in their sub-tropical context and prevent development of sprawling faceless suburbia.*
- *In this regard it is recommend that the Council should not approve the Development Application for Riveroaks stages 5-16 until the detailed masterplanning is completed by the developer to follow Council's amendment to the subdivision DCP16 based on the above recommendations.*

Some appropriate precedents of controls for hilly sites:-

Blue Mountains Council's Draft 2002 LEP has a slope constraint area and does not allow development on sites with slope greater than 20%.

Allows max. 1m cut and fill on any site.

Council will not grant consent of slab on ground constructions where the natural ground level of the area of proposed development has contiguous areas of slope greater than 10%.

Site coverage control in Leura is 50%

Minimum soft/pervious or landscape area is 40%

Site analysis which Council requires to be submitted with the DA has to show slopes greater than 1 in 5 and extent of cut and fill.

New roads are not permitted on slopes steeper than 1 in 20.

Warringah Local Environmental Plan 2000 requires that on sloping land, the height and bulk of development, particularly on the downhill side, is to be minimised and the

need for cut and fill reduced by designs, which minimise the building footprint and allow the building mass to step down the slope.

In particular:

- The amount of fill is not to exceed more than 1m in depth, and*
- Fill is not to spread beyond the footprint of the building"*

Some of the recommendations of the review were not supported as they were considered not appropriate for the Tweed Shire topography and may significantly curtail the population growth projections in Council's recently adopted Strategic Plan.

Whilst many of the Government Architects recommendations have been incorporated into exhibited DCP16, DCP47 and Specification D6, the restriction of development on slopes exceeding 20%, and cut/fill limitations of 1m were not adopted by Council.

Note 7 – Stormwater Management on Steep Land

DCP47 amendment contains a clause that all WSUD is subject to compatibility with local drainage and geotechnical conditions, to recognise the limitations of this form of stormwater drainage control on steep land. Engineering works to control and divert urban stormwater runoff (other than natural water courses) are still permitted by the proposed amendments where necessary, including pipe and surface inter-allotment drainage, and retaining wall and perimeter drainage systems.

Limits to changes to natural landform and utilisation of WSUD elements aim to minimise changes to pre-development stormwater conditions and better mimic the natural water cycle, by promoting reuse, retention and infiltration of surface water where possible, and the dispersion of concentrated flows to minimise erosion and downstream impacts. These issues are to be addressed in a Site Water Management Plan for the proposed dwelling.

Arising from industry consultation, it is understood that home builders may not complete landscaping works until sometime after house construction, for financial and other reasons. The amendments to DCP47 require these works before occupation and may add to upfront costs of house construction. To some extent, BASIX already prescribes landscaping, water tanks and stormwater reuse to reduce potable water demand. An additional BASIX stormwater module is expected at some future date to mandate WSUD, this would automatically replace DCP47 WSUD requirements.

Note 8 – Community & Industry Consultation

Council has advertised the proposed amendments in accordance with statutory requirements. The draft documents were initially exhibited at Council's Tweed and Murwillumbah Offices and on the website for 28 days (14 February - 14 March 2006), in accordance with the Environmental Planning & Assessment Regulation 2000, and this exhibition was advertised in the Tweed Link Editions 14 February & 28 February. Following public workshops held on 21 February & 7 March, the exhibition period was extended by two weeks to 28 March. This extension was advertised in the 14 March Tweed Link, together with a feature article.

Due to concerns expressed in various submissions, two additional industry workshops were scheduled for 30 March and 10 April, to be attended by the Executive Officer and Administrators. Discussions held in the first of these industry workshops have been incorporated into this report.

Note 9 – Impact Statements

A number of submissions requested deferral of the amendments until a full assessment of the impact of the amendments has been done.

While it is desirable to assess impacts of planning policy changes, this is not commonly undertaken by Local Government, and is not a statutory requirement. Further, impact statements of this type need to consider the marginal impacts of changes compared to the existing situation. In terms of these amendments, the prime impacts are:

- (a) Industrial subdivision mass landforming rules have been relaxed, with positive economic benefits expected.
- (b)
 - (i) Residential subdivision mass landforming rules have been slightly relaxed, which could provide a small positive economic benefit.
 - (ii) Prohibition of inter-allotment retaining walls should not significantly impact on lot yield, but will restrict the type of house that may be constructed on steep lots. This may increase the cost of dwellings by around \$50,000, however there will be savings made in landform alteration and retaining wall construction during subdivision works.
- (c) Restrictions to choice of dwelling type on steep land in DCP47 will not impact on yield, but will have similar economic impacts as (b)(ii) above.
- (d) Prohibition of inter-allotment retaining walls will restrict ability of developers to ease slopes of steep allotments, as will cut and fill restrictions in DCP47. This may have amenity impacts on future occupiers.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Development Control Plan No.16 - Subdivision Manual, Draft Version 1.3 (DW 1372198)
 2. Development Control Plan No.47 - Cut and Fill on Residential Land, Draft Version 1.2 (DW 1372201)
 3. Development Design Specification D6 - Site Regrading, Draft Version 1.3 (DW 1372199)
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OPERATIONS COMMITTEE

01 [GC-OC] Local Government Amendment Act 2005- Councillor Numbers

ORIGIN:

Corporate Development

SUMMARY OF REPORT:

The Local Government Amendment Act 2005 was proclaimed on 15 July 2005 and allows Councils a one-off opportunity to resolve to apply to the Minister for Local Government for approval to reduce the number of Councillors on the Council, without the holding of a constitutional referendum, with this reduction (if approved) to take effect at the September 2008 election.

Council at its meeting of 7 February 2006 resolved that:

"Council gives 21 days public notice of its proposal to apply to the Minister for Local Government for approval to reduce its Councillor numbers from eleven (11) to seven (7)."

The community consultation was conducted over the period from 21 February 2006 to 20 March 2006, with two advertisements appearing in the Tweed Link.

Submissions were received from the public or community organisations and these will be forwarded to the Minister in accordance with the request to reduce Councillor numbers.

RECOMMENDATION:

That Council applies to the Minister for Local Government, in accordance with Section 224A of the Local Government Act, for approval to reduce the number of Councillors from 11 to 7 Councillors, effective from the next Ordinary election of the Council.

REPORT:

The Local Government Amendment Act 2005 was proclaimed on 15 July 2005 and allows Councils a one-off opportunity to resolve to apply to the Minister for Local Government for approval to reduce the number of Councillors on the Council, without the holding of a constitutional referendum.

There are a number of restrictions:

- The opportunity is only available for 12 months.
- No Council may have less than 5 Councillors.
- A Council divided into wards may not have less than 3 Councillors per ward.

The Local Government Amendment Act 2005 requires Council to give public notice of its proposal to apply to the Minister for approval to reduce its Councillor numbers and invite public submissions of the proposal. Furthermore, where any reductions are approved it will not be effected until the next ordinary election.

Council at its meeting of 16 November 2005 resolved that:

- "1. Council gives public notice of its proposal to apply to the Minister for approval to reduce its councillor numbers and invite public submissions of the proposal.*
- 2. The community consultation should be based on the five options, of 5,7, 9 or 11 Councillors or other suggestions.*
- 3. Council conducts a referendum on the issue of a popularly elected Mayor to be held in conjunction with the 2008 Council elections.*
- 4. Council does not conduct a referendum for the introduction of wards at the September 2008 elections.*
- 5. Council prepare a paper, prior to the election, to be communicated in the Tweed Link setting out the options of advantages and disadvantages of having a popularly elected Mayor, with Administrators to assist with the case study."*

The results of the public submissions are:

5 Councillors	69
7 Councillors	69
9 Councillors	47
11 Councillors	30
Other	Keep Administrations Have a ward system - 1 Councillor per ward

A number of submissions particularly nominating either 5 or 7 Councillors raised the effectiveness of having three administrators and that Council is overgoverned. Furthermore, a number of the submissions providing a preference for a particular number of Councillors did advocate consideration be given for the introduction of wards for the Shire.

Council at its meeting of 7 February 2006 resolved that:

"Council gives 21 days public notice of its proposal to apply to the Minister for Local Government for approval to reduce its Councillor numbers from eleven (11) to seven (7)."

The community consultation was conducted over the period from 21 February 2006 to 20 March 2006, with two advertisements appearing in the Tweed Link.

Submissions were received from the public or community organisations and these will be forwarded to the Minister in accordance with the request to reduce Councillor numbers.

A summary of the submissions follows:

- Approve of Council's proposal;
- Much better representation is possible by retaining the existing structure of 11 Councillors;
- Object to the proposed reduction in the number of Councillors from 11 to 7, as the Administrators have not provided any sound reason to reduce the number and there has been no pressure from the electorate to make a reduction, Councillors are cheaper than public servants, we need more Councillors not fewer;
- Object to the proposal to reduce Councillor numbers from 11 to 7, 7 provides a narrower range of skills and abilities, greater risk of a common interest block, opportunity of electing more than one representative from a group platform, require more attention to community needs by Councillors not less representation;
- Oppose any reduction in Councillor numbers, Administrators were placed by the State Government to administer, not to create policy;
- Strongly objects to the proposal to reduce Council numbers from 11 to 7, it would minimise diversity and therefore minimise effective representation, create undue work load on those who serve;
- Number of councillors should not be reduced as this will mean less representation for Tweed's rural areas which have different needs from the coast population;
- Strongly disagree that the number of Councillors should be reduced below the current number of 11, as there will be less representation of environmental concerns in the Tweed Valley;

- Doesn't believe that Council has made a valid survey of the community, until we revert to wards, it is irrelevant what odd number of Councillors we have;
- Opposing any reduction in Councillor representation before a proper constitutional referendum as required by law is held, as well as:
 - circumvention of Section 16 of the Local Government Act 1993;
 - inadequate input and voice of electors, can only be obtained by constitutional referendum;
 - decision by Council is not a decision by the legally and democratically elected council by the electors, but a caretaker de facto Council;
 - seen as an unconstitutional act by the Administrators contrary to Government argument, increase costs to the shire, not make savings, decrease access to councillors, lead to poorer representation.
- Unsubstantiated argument used to promote benefits of reduced councillor numbers and which does not follow logic;
- There is a valid argument to increase the numbers of Councillors, not decrease them;
- Supporting the views of the above submission.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. **Confidential Attachment** - Copy of written submissions received (DW 1368434).
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02 [GC-OC] Customer Service Charter

ORIGIN:

Corporate Development

SUMMARY OF REPORT:

Council currently has part of a Corporate Policy referred to as Quality Customer Service Standards, which requires some refinement that better defines the performance expectation of Council. A new separate policy – Customer Service Charter has been developed that emphasises the standards of service that Council delivers to its customers.

Following adoption, this Charter will form part of the Council Employees induction and staff training, as well as be displayed throughout Council Offices and on the Internet and Intranet websites for its customers to view. The document will ensure compliance with an action item contained in the Department of Local Government Reform Program - Promoting Better Practice.

The proposed Charter contains actions that can be measured and therefore have the ability to be reported to Council.

RECOMMENDATION:

That Council adopts the following Customer Service Charter:

POLICY OBJECTIVES

Tweed Shire Council is committed to striving to meet the needs of our ratepayers, residents and clients in a professional and ethical manner with courteous and efficient service.

WE AIM TO:

- a) treat all people with respect and courtesy;**
- b) listen to what residents/ratepayers have to say;**
- c) respond to resident/ratepayer enquiries promptly and efficiently;**
- d) act with integrity and honesty when liaising with residents/ratepayers/clients;**
- e) consult residents/ratepayers and clients about service needs;**

STANDARDS OF SERVICE

In Writing

WE WILL:

- Respond to correspondence received from residents, ratepayers and clients (written, faxed or emailed) within fourteen (14) days, in accordance with Response to Correspondence Policy.
- Where the correspondence cannot be responded to within 14 days will send an acknowledgement advice within the 14 days.

On the Telephone

WE WILL:

- Answer incoming calls quickly and efficiently and where practical within five (5) rings.
- Answer incoming calls by clearly and appropriately identifying ourselves in a friendly manner.
- Divert unanswered incoming calls to another member of staff or voice mail.
- Identify ourselves when making outgoing calls by name and council/division/branch, as appropriate, and shall clearly outline the purpose of the call.

In Person

WE WILL:

- Greet residents, clients and visitors upon arrival as quickly as possible.
- Assist you with your enquiry promptly and professionally in a helpful manner.
- Wear name badges and give you staff names who are relevant to your dealings.
- Attempt to contact persons to make an appointment where a visit to a resident/client external to Council facilities is required.
- Identify ourselves at the beginning of the Council visit and the purpose of the visit.

HOW CAN YOU HELP US?

If you can suggest ways in which we can deliver better service we encourage you to give feedback.

REPORT:

As per Summary.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Quality Customer Service Standards

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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03 [GC-OC] Tweed Tourism Strategic Review Advisory Committee

ORIGIN:

Director Governance & Corporate Services

SUMMARY OF REPORT:

An Advisory Committee was established with the task of developing a strategic direction for the future management of tourism within the Shire.

The Committee examined the status of tourism in the Tweed, its current arrangements with Tweed and Coolangatta Tourism Incorporated (TACTIC) and the challenge for the future of tourism. The Committee consulted with a cross section of industry representatives during the journey of the review.

The review has resulted in a recommended strategy being prepared for consideration by Council.

RECOMMENDATION:

That Council adopts the following strategies, which were contained in the Tweed Tourism Strategic Review Committee report, pertaining to developing a strategic direction for the future management of tourism within the Shire, with the exception of 5.3.1, as this funding forms part of the 7-year plan proposal and is subject to the adoption of the 7-year plan, so therefore cannot be determined as part of this report.

REPORT:

1. Introduction

In February 2005 Tweed Shire Council and Tweed and Coolangatta Tourism Inc (TACTIC) convened a Tweed Tourism Forum to provide an opportunity for a wide range of business and community representatives to discuss the future of the industry. The decision to hold the Forum reflected two key factors:

1. Imminent major growth in tourism accommodation in the Shire, centred on new developments at Tweed Heads (Twin Towns, Ultima) and the Tweed Coast (SALT, Casuarina)
2. Deteriorating relationships at that time between Council and TACTIC, and doubts as to whether TACTIC's contract with Council to manage visitor information centres and undertake promotional activities would or should be renewed.

The Forum led to an agreement to renew the contract for an interim period pending resolution of underlying issues. Accordingly, at its meeting of 20 April 2005 Council resolved to develop during 2005/2006 a framework for the future management, strategic planning and development of tourism in the Shire.

This Committee was subsequently established with the task of developing a strategic direction for the future management of tourism within the Shire. Its membership comprises:

Graham Sansom	UTS Centre for Local Government (Facilitator and Chair)
Max Boyd	Tweed Shire Council Administrator
Gary Mathews	Chair, Tweed and Coolangatta Tourism Inc (TACTIC)
Richard Adams	Board Member, TACTIC and Manager, Business Undertakings, Tweed Shire Council (TSC)
Terry Watson	General Manager, TACTIC
Tom Senti	CEO, Tweed Economic Development Corporation (TEDC)
Jeremy Buultjens	SCU Centre for Regional Tourism Research
Reg Norvill	Tweed Shire Council (TSC), Director, Governance and Corporate Services
Peter Brack	Tweed Shire Council (TSC), Corporate Performance and Audit Officer (Secretariat)

The Committee was also advised by Douglas Jardine, Tweed Shire Council's Manager Strategic Planning.

Issues to be reviewed included:

- Strategic planning and tourism development policy
- Linking of all sectors of the tourism industry
- Future role of TACTIC
- Relationship between TEDC and TACTIC in tourism development

- Tourism marketing and promotion
- Branding of the Tweed
- Visitor Information Centres and services
- Tweed Shire Council involvement in tourism, including provision of funding
- Regional context for tourism.

The Committee met on five occasions between November 2005 and February 2006. It received detailed briefings from a cross-section of industry representatives in December 2005, and held a 'roundtable' with New Tweed Coast representatives and the Council Administrators in early February 2006. Also, Committee members prepared a number of background papers on the key issues for discussion, and benchmarked the Tweed against a number of its competitors. This report reflects all those inputs.

2. Status of Tourism in the Tweed

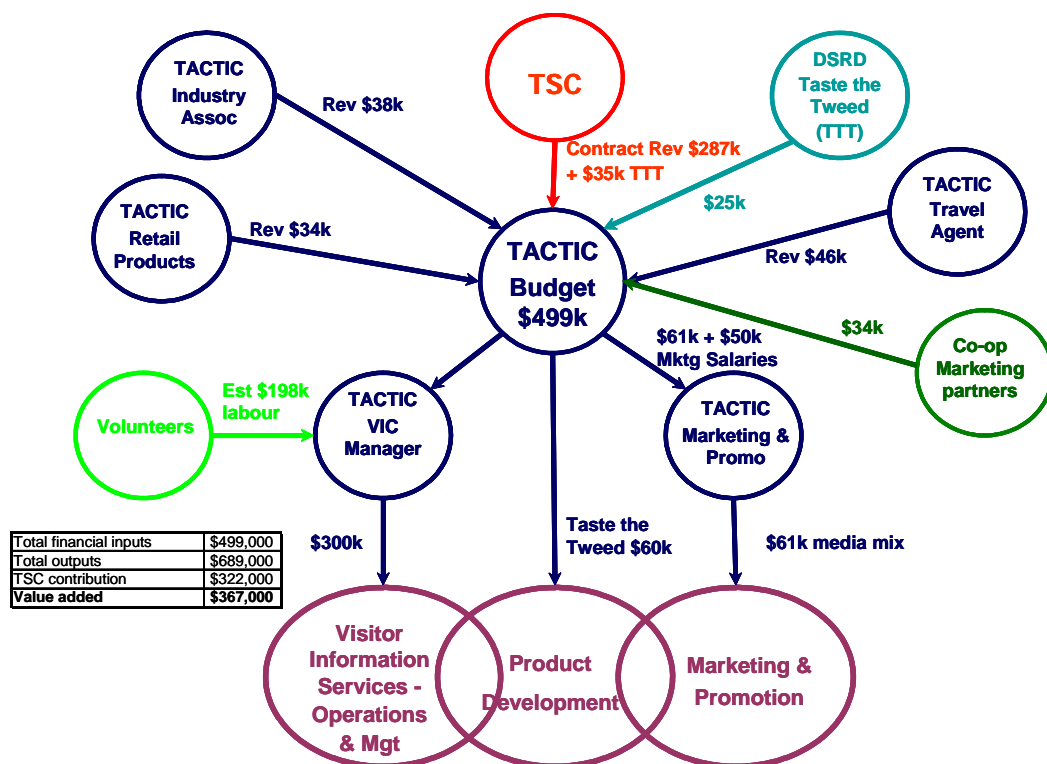
- The Tweed receives approximately 440,000 domestic overnight visitors per annum, plus 750,000 day-trippers. Growth in overnight visitors over the past decade has been slow, but with a marked spike in 2001-02.
- TEDC modelling estimates that in 2002-03 tourism injected approximately \$234 million into the Tweed economy (including both direct and flow-on effects). This represents some 18% of the Gross Regional Product. Tourism thus supported about 2,160 local jobs, mostly in accommodation, cafes and restaurants, retail, property and business services, and food manufacturing. This was about 9% of total employment. (The TEDC modelling is about to be updated using 2005 data).
- The Tweed is currently a 'low yield' destination: over the period 1998-2001 it ranked 16th amongst NSW LGAs in terms of total visitor numbers, but only 32nd in average spend per visitor. This reflects the high proportions of day-trippers and of visitors staying with family members or in relatively low-cost accommodation, and a shortage of activities beyond the beach.
- Principal visitor activities include eating out, going to the beach, visiting friends and relatives, clubs and pubs, sight-seeing, shopping, fishing, picnics or BBQs and day trips.
- Most visitors come from SE Queensland and regional NSW, and travel by road. About 20% of visitors come from Sydney, Victoria and elsewhere, but only 5% arrive by plane (see Attachment A).
- The number of high quality tourist attractions and activities is relatively limited.

3. Current Arrangements

- Council contracts TACTIC to provide Visitor Information Centres (VICs) and to undertake some marketing, promotion and product development. In 2005-06 Council will contribute \$287,000 to TACTIC under the contract, plus \$35,000 for the *Taste the Tweed* project. In addition, Council maintains the Murwillumbah Visitor Information Centre. TACTIC generates additional funds from members and other sources. \$280,000 of the Council contract payment is required for management and operation of VICs, with the remaining \$7,000 being contributed towards for marketing and promotion.

- TACTIC is based at Tweed Heads. It operates/supports accredited VICs at Murwillumbah (World Heritage Rainforest Centre – an accredited Level 1 VIC), Tweed Heads (a booth in Tweed Mall – Level 2), Uki Buttery and Kingscliff (under construction – both Level 3). The Uki and Kingscliff VICs are operated entirely by volunteers. The Tweed Mall booth needs to be replaced as there are difficulties with accreditation requirements.
- The Tweed’s network of VICs is comprehensive and in 2005 they were used by around 74,000 visitors (17% of the total).
- TACTIC maintains a well-used website and booking service from its own resources, and also supports the annual Tweed-Coolangatta Visitor Guide, purchasing and distributing some 40,000 copies of the 120,000 produced. However, additional quality printed information is required.
- TACTIC is in effect three organizations in one:
 - An independent, membership-base industry association
 - A licensed travel agency
 - A contracted provider of services to Council.

TACTIC Inputs & Outputs 2005/06



- In 2005 Council contracted TEDC, at a cost of \$320,000, to undertake appropriate studies and promote economic development generally, in accordance with the Council-TEDC Joint Economic Growth Management Strategy 2005-08. TEDC has some involvement in tourism, principally in the areas of product development and investment attraction, as well as the relationship of tourism to other aspects of economic development. TEDC also has a keen interest in branding and marketing of the Tweed to investors.

- The respective roles of TACTIC and TEDC in tourism have not been clearly defined and to date there has been only limited coordination of effort.
- Council is represented on the boards of both TACTIC and TEDC by senior managers and Councillors (Administrators), but does not have a single point of reference and coordination within its organization for tourism development. Responsibilities are fragmented between strategic planning, business undertakings and governance.

4. The Challenge

- Tourism development in the Tweed is at a crossroads. Over 2000 new rooms (typically 4 star) are coming on the market by 2007 – principally at the ‘New Tweed Coast’ (SALT - Casuarina) but also at Tweed Heads (Twin Towns - Ultima). SALT (including Outrigger and Peppers) will be the largest single resort in NSW and third largest in Australia.
- This is a great opportunity but if marketing is not successful there could be severe adverse impacts on both new investors and existing operators (plus the small businesses who serve them). To maintain room occupancy at current levels the number of overnight visitors will need to increase from 440,000 in 2005 to 690,000 in 2008). Based on 2004 figures, this means Tweed will have to leap from 16th to 7th amongst NSW LGAs, surpassing places such as Blue Mountains, Great Lakes, Byron Bay and Wollongong.
- This effort has to be mounted at a time when the domestic tourism industry is flat and occupancy rates have tended to fall. On the other hand, the Tweed has the advantage of high quality new accommodation that will be intensively marketed during the development phase (until around 2008), plus 4 million potential visitors within a 3 hour drive, and a location adjacent to one of the world’s best known holiday destinations. It also has great scope to build on its range of products in terms of natural attractions, rural towns and villages, food and agriculture, arts and culture, and health and lifestyle.
- The challenge is to capitalise on the Tweed’s advantages through a concerted, coordinated effort on the part of all key players in an integrated destination development approach. This will involve a package of:
 - Strategic planning for tourism industry development *within the context of overall economic development*
 - Careful management of Tweed as an attractive place to visit and invest
 - Improved supporting infrastructure
 - Expanded marketing around a consistent Tweed brand (probably incorporating sub-brands for Tweed Heads-Coolangatta, [New] Tweed Coast and Tweed Valley)
 - New products/activities for visitors to enjoy, including holiday packages
 - Better information and accessibility to services.
 - Skills development (eg in customer service) in both tourism and related industries (local cafes, art galleries, shops etc etc)
 - Investor attraction and advisory services.
- The focus must be on sustainable high yield tourism (ie visitors who spend substantial sums per day on accommodation and activities) rather than day-trippers. The latter tend to spend very little, are costly to service (eg car parking, beach

improvements) and in large numbers can have adverse impacts on the environment and residential amenity.

5. Recommended Strategy

The report prepared by Graham Sansom proposes various recommendations for consideration. These recommendations have been reviewed by the Committee and Council's responses are shown in italics for each recommendation.

5.1 Strategic Planning

Strategic planning for tourism development in the Tweed needs to be focused on creating a shared vision for a high yield, high quality destination based on the attraction of the Shire's natural, rural and built environments, and associated agricultural and cultural industries.

Council has a central role to play in strategic planning, place management, provision of supporting infrastructure, and promoting and supporting a coordinated effort. It is also a major tourism operator in its own right as owner of seven holiday parks.

Supporting infrastructure for tourism includes roads and bridges (especially to provide attractive tourist routes linking the coast and upper valley), open space and coastal management, and town/village improvements.

The concept of place management is fundamental. Council has a particular responsibility to apply the tools of locality planning, development control and environmental management to ensure that the attractiveness of landscapes and rural towns and villages is retained and enhanced. It must continue to work closely with other key agencies, notably the National Parks and Wildlife Service.

The place management function is especially important in terms of assuring existing residents that their quality of life will be protected. To date, direct impacts of tourism on existing residents have been relatively limited, although redevelopment in Kingscliff, Cabarita and the New Tweed Coast developments have been major causes for concern. Some further adverse impacts are inevitable, but these can be minimised if tourism development is promoted in a way that complements the Tweed's lifestyle and environmental attributes. Apart from revitalisation of Tweed Heads, which will include a number of high rise projects, there is general agreement that new development should complement the natural setting and be as unobtrusive as possible. This approach needs to be matched by strict limits on tourist activities and attractions that would damage environmental quality, such as water skiing.

Also of critical importance is progressing planning and implementation of Tweed Heads Revitalisation, which encompasses a number of tourism-related developments. Council will need to play a strong leadership role to maintain momentum and secure the commitment of other agencies and private investors.

Council must be in a position to provide clear guidance to TACTIC and TEDC on its priorities and preferred directions for tourism development, taking into account the needs

and preferences of existing residents. As noted above, at present, responsibilities for tourism within Council are split between a number of departments, and there are insufficient resources for effective strategic planning. Options for more effective planning and coordination need to be explored, such as appointment of a senior manager responsible for an integrated approach to tourism and economic development.

A productive relationship with the New Tweed Coast (NTC) operators is essential – but this must not be seen as Council unduly favouring one sector. A 'special' Council-NTC task force is not supported, but there should be a number of roundtable meetings of Council, NTC operators, TEDC and TACTIC to plan a coordinated effort and address specific NTC issues.

5.1.1 Strategic Planning Recommendation:

The Committee recommends that strategic planning and coordination of tourism development efforts within Council be strengthened:

- **By allocating adequate staff resources to this area**
No change to this strategy is recommended.
- **By there being a member of EMT who has the responsibility and authority to promote and coordinate Council's role in tourism marketing, promotion and development**
No change to this strategy is recommended.
- **By ensuring that the corporate planning and management processes effectively link the key elements of strategic planning, place management, provision of supporting infrastructure, liaison with TACTIC and TEDC, and operation of holiday parks**
No change to this strategy is recommended.
- **By incorporating an expanded effort in tourism promotion and development into Council's proposed 7-year plan.**
No change to this strategy is recommended.

5.2 TACTIC and TEDC

There have been suggestions that one way to ensure a more concerted approach is to merge TACTIC and TEDC. In the Committee's view such a move is neither warranted nor feasible at this stage.

- TACTIC and TEDC are operating as individual legal entities, each with a membership structure. As noted earlier, TACTIC exists quite independently of Council in terms of its member-funded activities and travel agency business. Within available resources it is performing well.
- A difficulty in the past appears to have been lack of agreed short and long-term strategies and corresponding financial commitments by Council. Both organizations have operated on year-to-year budgets.

This is not to say, however, that there is no room for improvement, and Council should act to ensure a solid return on its investment. This requires a number of measures detailed below, particularly clearer definition of roles and expected results, and effective coordination.

TACTIC has indicated its intention to change its name to 'Tweed Tourism' from mid-2006. This is a positive step and fits with the intention of establishing a distinctive Tweed brand and the Committee's proposal to move TACTIC's headquarters to Murwillumbah (see recommendation in section 5.5). However, the link with Coolangatta needs to be retained in some form, given the inextricable relationship with Tweed Heads (see section 5.8).

5.2.1 TACTIC and TEDC Recommendation:

The Committee recommends that:

- **The TEDC board include a senior representative of TACTIC**
No change to this strategy is recommended, however it will require a change to the TEDC constitution.
- **There be regular joint meetings (at least twice yearly) of the TACTIC and TEDC boards, plus an annual economic development workshop involving the two organizations, Council and other key stakeholders**
No change to this strategy is recommended.
- **Council's contracts with both TACTIC and TEDC clearly specify the role of each organization in tourism, priorities, outputs and performance measures**
No change to this strategy is recommended.
- **The new contract with TACTIC be for a 4-year period**
No change to this strategy is recommended.
- **Primary responsibility for tourism promotion and marketing and associated information services should rest with TACTIC, with TEDC playing a supportive role in economic analysis, investor attraction and product development (see below)**
No change to this strategy is recommended.

5.3 Marketing and Promotion

An expanded marketing and promotion effort is essential if the challenge of filling over 2,000 extra rooms on the New Tweed Coast (NTC) and at Tweed Heads is to be met. Attachment A provides information on current and potential markets.

In the short term, large sums will be spent by NTC developers to sell real estate and launch new resorts. Over time, however, marketing funds for the NTC are expected to decline to around \$30,000 per 100 rooms – still around \$600,000 per annum.

Twin Towns will maintain a very strong marketing effort, spending around \$1 million per annum. Gold Coast Airport is another key player, although to date the Tweed has not figured prominently in its priorities.

Council's contribution to marketing and promotion has been very small compared to some of the Tweed's major competitors. An increase of over \$200,000 per annum in Council's contribution is required to bring Tweed to a more realistic – but still relatively low – level of expenditure.

A larger Council contribution could be funded from an increase in the Business Rate of around 10%. This would generate some \$250,000 and cost on average \$164 per assessment. However, it would require a special application to the Minister for Local Government and full public consultation.

Such an increase could be justified in terms of:

- The relatively low Business Rate in the Tweed at present
- The overall benefits to business of Council's efforts in economic development and tourism, including not only its support for TACTIC and TEDC but also infrastructure provision, maintenance of parks, beaches and open space etc.
- A strategic program of both expanded marketing and promotion and infrastructure and amenity improvements.

5.3.1 Marketing and Promotion Recommendation:

The Committee recommends that Council increase its contribution to tourism marketing and promotion by some \$200,000 per annum subject to:

This funding forms part of the 7-year plan proposal and is subject to the adoption of the 7-year plan, so therefore cannot be determined as part of this report.

- **TACTIC's marketing sub-committee being reconstituted as a Tweed Tourism Marketing Group comprising representatives of smaller operators, the New Tweed Coast, Twin Towns, Gold Coast Airport, TEDC and other key stakeholders**

No change to this strategy is recommended - subject to the adoption of the additional funding within the 7-year plan.

- **The Group being tasked to advise the TACTIC Board and Council each year on a coordinated promotions program and budget**

No change to this strategy is recommended - subject to the adoption of the additional funding within the 7-year plan.

- **Agreement between Council and TACTIC on the proposed promotion and marketing program, and associated performance measures, with no funds to be released until agreement has been reached**

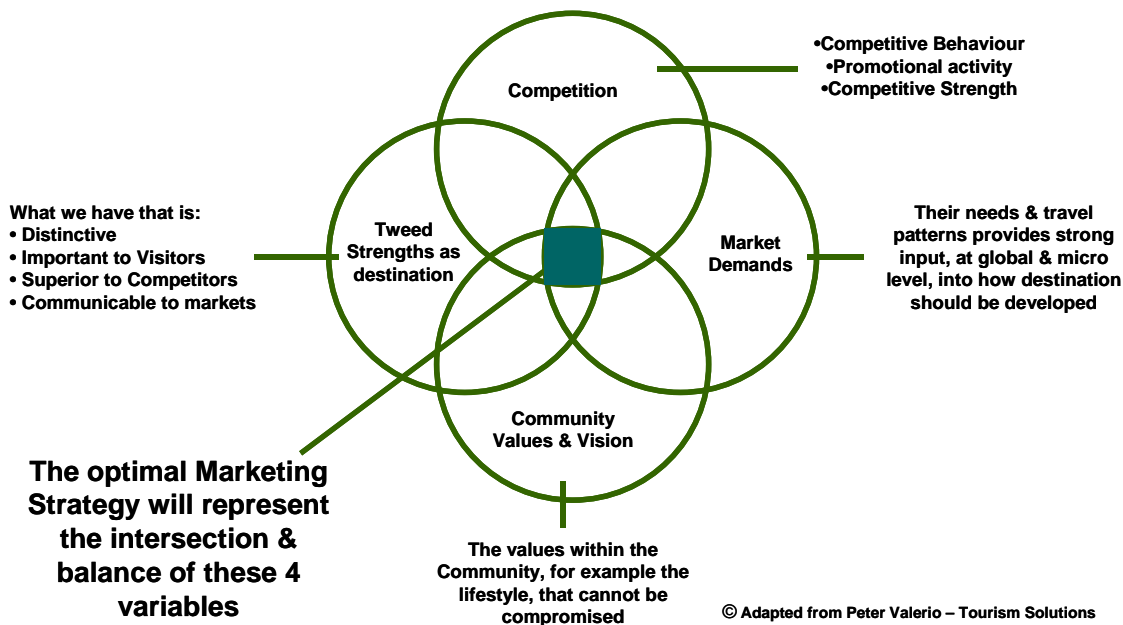
No change to this strategy is recommended - subject to the adoption of the additional funding within the 7-year plan.

- **Continuing substantial contributions from the industry.**
No change to this strategy is recommended - subject to the adoption of the additional funding within the 7-year plan.

5.4 A Tweed Brand

The issue of establishing a common ‘brand’ for the Tweed has generated considerable debate. Whilst there seems to be broad agreement that the Tweed’s environmental and lifestyle attributes should be central elements, there are widely differing views on how this should be done.

Developing and implementing a regional branding strategy is highly complex. A region’s brand should represent its unique positioning based on four variables:



In the case of the Tweed, a further complication is that there are three distinct sub-regions offering different experiences and appealing to different market segments; Tweed Heads- Coolangatta, Tweed Coast and Tweed Valley. The recent addition of the ‘New’ Tweed Coast adds another layer of complexity.

The current brand is ‘The Tweed’, matched to the logo developed by Council and used extensively throughout the Shire. It appears on all street signs, bus shelters, Council vehicles and Council related facilities. For the purposes of tourism promotion, a tagline has been added: ‘The Tweed – Naturally’. This seeks to capture the environmental and lifestyle attributes mentioned above.



A change to the brand may require some years to achieve the current level of recognition, but this must be balanced against other factors such as:

- A view that the Tweed should associate itself in some way with the Gold Coast (given the latter's national and international recognition and the heavy cost of establishing a separate identity)
- Concern that the word 'Tweed' is inextricably linked to the old image of Tweed Heads as a mecca of clubs and poker machines
- Doubts in some quarters about the graphic quality of the current logo: it is stylish enough?

Given the challenge of the New Tweed Coast developments, it is clearly most desirable that there be sufficient coordination of branding to capitalize on the marketing effort undertaken there. It may be that the common use of the word 'Tweed' is sufficient, and the best approach is a set of linked brands.

5.4.1 A Tweed Brand Recommendation:

The Committee recommends that the Tweed Tourism Marketing Group be tasked to provide advice on the most practical and effective approach to a coordinated Tweed brand.

No change to this strategy is recommended.

5.5 Visitor Information Services

Considerable attention has been focused on visitor information centres (VICs), especially the real and perceived problems with the Tweed Heads booth, at the expense of a broader, more sophisticated approach to visitor information services. The Committee is firmly of the view that this needs to change.

Improved Information

As indicated above, TACTIC already operates a website and on-line booking service. These need to be upgraded, but offer a sound starting point for greater use of modern technology. The Committee sees opportunities for provision of linked on-line information services at VICs and in hotels, caravan parks, major attractions etc. This could reduce the need for costly-staffed facilities whilst greatly expanding access to consistent, accurate information.

There is also considerable scope to improve the quality and availability of printed information. In the immediate future, the existing Tweed-Coolangatta Visitor Guide can be upgraded and produced in greater numbers to provide more information, including about the New Tweed Coast. It should also be possible to generate funds for the production of a number of Tourism Fact Sheets on various features of the Tweed, tourist drives etc.

Visitor Information Centres

The issues surrounding the Tweed Heads VIC need urgent resolution. A major 'gateway' facility at Tweed Heads does not seem practicable, but the Committee accepts the need for both a short-term replacement of the existing VIC (booth in Tweed Mall) and for a permanent, good quality local facility at Tweed Heads to complement the revitalisation program. In both cases it believes that co-location with a major tourist attraction would be the best option – possibly Twin Towns or in the longer term the proposed new museum or underwater observatory. For the longer term, the option of a joint facility with Coolangatta (Gold Coast Bureau) should also be explored.

Proposals have been advanced for a 'gateway' facility on the Highway, possibly at Chinderah. The added value of such a facility hinges on tourists being willing and able to adjust their plans to detour into the Tweed for a day visit or longer stay. It seems unlikely that the number who would do so is very large, and it needs to be remembered that additional day-trippers may conflict with the objectives of making the Tweed a higher yield destination and filling all the new accommodation. Therefore the Committee does not regard a 'gateway' facility as warranting a high priority in the shorter term.

What seems to be required most is good signage from the Highway to accommodation and major attractions, and ready availability of local information once those first points-of-call have been reached. The latter can be achieved with local facilities at Tweed Heads, Kingscliff, the New Tweed Coast, Murwillumbah and Uki, plus information racks/on-line services at major attractions.

In this context, the Committee believes there is a strong case for upgrading the Rainforest Centre at Murwillumbah as a 'secondary gateway' to the upper Tweed Valley and an interpretative centre for the area's many environmental attractions. There is also scope for expanded office accommodation to house TACTIC's headquarters. Relocation of TACTIC to Murwillumbah would facilitate closer working links with Council, TEDC and NPWS.

5.5.1 Visitor Information Services Recommendation:

The Committee recommends that Council should continue to contract Visitor Information Services to TACTIC on the following basis:

- **A new contract with clearly specified requirements and performance measures across the full range of information services, not just VICs, based on an agreed Visitor Information Strategy**
No change to this strategy is recommended.
- **Continued containment of costs through the use of suitably trained volunteers**
No change to this strategy is recommended.
- **A cost-sharing agreement covering both capital and operating costs for the various items listed below**
No change to this strategy is recommended.

- **Improvements to the website and on-line booking system**
No change to this strategy is recommended.
- **Production of an improved Visitor Guide and series of Tourism Fact Sheets**
No change to this strategy is recommended.
- **Development of the Murwillumbah Rainforest Centre as the new headquarters of TACTIC and principal VIC**
No change to this strategy is recommended.
- **Provision of a Level 2 accredited local facility at Tweed Heads, preferably provided as part of or in conjunction with a tourist attraction, or jointly with the Gold Coast Bureau**
No change to this strategy is recommended.
- **Maintenance of volunteer facilities at Uki and, following its completion, Kingscliff**
No change to this strategy is recommended.
- **Cooperation with NTC operators to provide services at SALT/Casuarina.**
No change to this strategy is recommended.

5.6 Product Development

Currently, the Tweed suffers from a quite limited range of high quality visitor attractions and activities. Despite its magnificent natural setting and rural landscapes, there has been a tendency to associate the Shire with its major clubs and little else. A concerted effort is required to extend the range of local products and present the Tweed as a destination in its own right – as well as offering ready access to complementary Gold Coast attractions.

Product development should aim to package and present the distinctive features of the Tweed in terms of its environment, rural towns and villages, food and agriculture, arts and culture, and health and lifestyle. This requires a mix of:

- Better access to and interpretation of the natural environment and rural landscapes, including walking trails, the proposed upgrading of the Rainforest Centre, possibly a new environment centre, and opportunities to visit working farms
- Completing the Rainforest Way project
- Closer working links with the National Parks and Wildlife Service
- Improvements to roads and signage, linked to better information about tourist drives
- Town and village improvements, such as Murwillumbah's main street
- Civic facilities, such as the next stage of the regional gallery and the new museum at Tweed Heads (and ensuring adequate opening hours)
- Changes to regulations, such as current limitations on artists selling their work from home studios, and on rural B&Bs
- Increased support for local festivals and special events
- New commercial attractions

- More accommodation options in rural parts of the Shire
- Encouraging operators to collect more information about their customers to support market research and identification of priorities for product development.

Both TACTIC and TEDC have already done a considerable amount of work on aspects of product development (see Attachment B), but much more is required and additional resources will have to be found for this work, including additional staff support from Council. TEDC's role in providing advice and assistance to potential investors will also be central to this task.

5.6.1 Product Development Recommendation:

The Committee recommends that Council, TACTIC and TEDC establish a Task Force on Tourism Product Development to formulate and implement a 5-10 year program of improvements, and promote additional public and private investment. The program should include (but not be limited to) the items listed above, and should be integrated with broader regional product development.

No change to this strategy is recommended.

5.7 Industry Skills

Expansion of the tourism industry must be underpinned by improved workforce skills across all sectors – accommodation, information services, restaurants and cafes, visitor attractions, civic facilities etc. The focus must be on customer service of the highest quality, reflecting the desired image of the Tweed as a friendly, relaxing place to be. Businesses throughout the Tweed need to understand that their viability and growth potential depends on attracting and retaining tourists by responding more effectively to their needs and delivering on their expectations.

Issues to be addressed include:

- Limited awareness of the needs of tourists, including international markets
- Business complacency and variation in standards of customer service
- Restricted opening hours of some restaurants and activities
- Quality of staff (which can be compromised by the seasonal nature of tourism and inability to retain skilled staff).

Strategies that should be considered are:

- Research to identify the training needs of the industry and to examine the various business services and programs that could effectively deliver or fund training opportunities
- Enhanced links with government and private educational providers
- Targeted public relations and hospitality training programs to improve customer service and understanding of consumer needs and generate a consistent standard of service
- Training for managerial staff

- Developing a business standards program similar to 'The Genuine Noosa' program to assist operators in improving their business performance and customer service standards
- Establishing an e-based industry forum to exchange information or lodge queries, together with a single entity that acts a conduit to the industry, providing a link between government and private enterprise so that the Tweed tourism community becomes information-rich.

5.7.1 Industry Skills Recommendation:

The Committee recommends that TACTIC, in consultation with TEDC, tourism operators, local Chambers of Commerce, training institutions and relevant State and federal agencies, formulate a program of tourism skills development, identifying priority training needs and opportunities.

No change to this strategy is recommended.

5.8 Regional Partnerships

Fundamental to successful tourism development and marketing will be leveraging relationships wherever possible. To this end, ongoing development of regional linkages and co-operative partnerships is essential.

Potential partners for the Tweed include:

- Gold Coast Tourism
- Northern Rivers Tourism
- Tourism New South Wales.
- Tourism Byron
- Tourism Ballina

The issue of a relationship being developed between TACTIC and Gold Coast Tourism has been raised frequently. The Tweed and the Gold Coast are inextricably linked economically, share a common air entry and have some commonality of experience, particularly between Tweed Heads and Coolangatta and the southern Gold Coast hinterland and Tweed Valley. Whilst joint marketing is made difficult by the current positioning of the Gold Coast, and would prevent emergence of a distinctive Tweed brand, there is value in pursuing shared infrastructure such as a Tweed Heads-Coolangatta VIC and cross-border tourist drives and walking trails, with associated information products. It also makes sense to maintain the current marketing link between Tweed Heads and Coolangatta, given the common experience offered to visitors and the obvious opportunity to market Tweed attractions to people staying in Coolangatta.

Northern Rivers Tourism (NRT) is the designated regional tourism body and partner of Tourism NSW, but has been ineffective for some years. It is hoped that a current review and restructuring of the organisation will dramatically improve its performance and value to the Tweed. There would be significant advantages in working with an effective regional body, particularly in market and product development, regional branding and cooperative marketing campaigns. The regional body is also the means of strengthening relationships with TourismNSW, and hence better access to visiting journalist programs,

domestic and overseas wholesalers (to promote holiday packages), research programs and training opportunities. Ongoing involvement in the restructuring of NRT is therefore critical.

Byron is a major regional drawcard with a diverse range of visitors. Its markets and products are similar to those of the Tweed (existing and potential), and there is scope for cooperative development and promotion – although the backpacker market is not a priority for the Tweed given the more ‘up-market’ new accommodation being provided along the coast and the need to attract higher-spending tourists.

Tourism Ballina is about to have its budget substantially increased and Ballina has similar target markets to the Tweed, a similar destination lifestyle, and a similar product range. The preferred means of engaging with both Byron and Ballina is via the regional body if it can be made effective. Alternately, direct cooperative marketing programs should be investigated.

5.8.1 Regional Partnerships Recommendation:

The Committee recommends that:

- **Council and TACTIC work together to explore opportunities for shared infrastructure with the southern Gold Coast**
No change to this strategy is recommended.
- **The marketing link between Tweed Heads and Coolangatta be maintained for that sub-region**
No change to this strategy is recommended.
- **TACTIC pursues closer links with Tourism NSW, Northern Rivers Tourism, and Ballina and Byron Shire Councils.**
No change to this strategy is recommended.

Market Profile

Current Visitation - Domestic Overnight Visitors

- 62% of visitors live in Queensland, 18% Regional NSW and 10% Sydney;
- 39% travel as couple with no kids, 23% alone, 23% as a family
- 49% are over 35 years and 37% are under 20 yrs
- 53% earn more than \$36,000pa and 36% more than \$52,000pa)
- 88% travel by car, 5% by air
- 40% are on holidays/leisure, 35% visiting friends/relatives
- 43% stay with family and friends; 25% in hotel, resort or motel; 17% in commercial camping or caravan park; 5% in apartment, flat or rented house

(Source: LGA estimates drawn from National Visitor Survey 1998-2003)

Currently Tweed Heads and older parts of the coast, are a mix of middle and low socio-economic market, particularly families and seniors based around beach holidays. The new properties on the coast are likely to increase yield as they provide product for the short break luxury market and business/meetings market.

Target Markets

Geographic

- South East Queensland
- Northern New South Wales
- Sydney/Melbourne
- Inter-state
- International

Profile

Roy Morgan psychographic profiles:

- Socially Aware (middle to upper income, above average education, high yield)
- Traditional Family Life (middle to lower income, travel with families, lower yield)
- Visible Achievement (upper income, higher yield if appropriate experiences can be developed).

Opportunities

Short Breaks (1-3 nights) – Socially Aware/Visible Achievement sectors

- Want a rejuvenating change based on doing and experiencing things out of reach in daily life
- Generally couples (over 40s) leaving kids at home
- Looking to relax with partner or by themselves

- Middle to upper socio-economic and high yield

SEQ/Rural NSW Families (5 nights+) – Traditional Family Life sector

- Largely based around beach holidays
- Middle to lower income
- Travelling with children and looking for kids activities.

Touring Holidays

- Older couples, frequently empty nesters
- Looking for less explored areas
- Frequently self funded retirees.

New Zealand Couples and Families

Flying into Coolangatta. Need information and holiday packages so that they consider Tweed, rather than thinking automatically about heading north.

Business Tourism – Meetings, Incentives, Conferences, Exhibitions

The development of significant conference facilities at Twin Towns, Tweed Ultima and SALT allows us to target this previously inaccessible market

Emerging Special Interest Markets – Socially Aware

Niche markets in bushwalking, bird watching, cultural tourism, cuisine, philanthropic tourism (undertaking environmental projects as a holiday activity).

Product Development Opportunities

Jack Evans Boat Harbour Precinct

The Tweed Heads CBD Masterplan will encourage the development of facilities which will see Tweed Heads become the 'Business and Cultural Centre' of Tweed Shire. The Jack Evans Boat Harbour Precinct will be a major component of this redevelopment with significant environmental, tourism and cultural facilities.

Arts and Cultural Activities

Development work, ranging from minor to extensive, needs to be undertaken to increase market readiness in some areas.

Current product

- Galleries and attractions (painting, sculpture, ceramics/pottery, museums and galleries, woodwork/furniture)
- Tweed Clubs; and
- Festivals and events.

Product under development

- Visual arts and cultural trails
- Extension to Tweed Regional Gallery

Potential product

- Regional museums
- Murwillumbah Art and Cultural hub
- Closer linking of festivals and events with cultural experiences and with tourism markets
- Heritage trails linking rural villages
- Indigenous cultural product
- Opening more artists' studios for visits and sales
- Local artists markets similar to Eumundi markets on the Sunshine Coast.

Food and Agriculture

This area provides a strong opportunity for the Tweed to create increased revenue along the entire value chain from paddock to plate, to increase visitor length of stay, increase visitor yield and contribute to the Tweed's reputation as a holiday experience.

Current product

There is a significant range of existing agri-tourism attractions including Tropical Fruit World, Melaleuca Station, Crystal Creek Miniatures, Illnam Estate, Catch-a-Crab and Banana Cabana.

Product under development

- Taste the Tweed project (regional cuisine and agri-tourism)

Potential Product

- Closer alignment of current festivals and events with food and agriculture tourism
- Roadside produce stalls and farm-gate sales.

Environmental Activities

Despite being the second most bio-diverse place in Australia, after Daintree, the Tweed does not leverage its potential in this area. There are significant access issues and the only dedicated resource for interpreting our environment is the World Heritage Rainforest Centre, which needs substantial improvements.

The strong, and growing, interest in environmental issues offers the Tweed a strong potential means of attracting high yield visitors to experience our unique natural assets. Equally, there is an opportunity to market educational and interpretive experiences based around our unique biodiversity to a wide range of niche markets including students (from primary school to university), birdwatchers, entomologists, naturalists and walkers.

Current Product

- Beach experiences (day-trippers and beach holidays)
- River and ocean experiences (whale-watching, crab-catching, cruising, houseboats, fishing etc)
- Bushwalking (notably Tweed Wanderers)

Product Under Development

- Walking Trails (65 walks have been mapped but need to be made market ready)
- Rainforest Way (Northern Rivers Tourism project)

Potential Product

- Mt Warning Caldera Trail (a circular route around the entire Caldera)
- Bird watching tours and brochure
- Tweed River Link Project – linking coastal attractions with Murwillumbah as the gateway to the World Heritage National Parks
- Environmental Interpretation Centre (Mt Nullum/Wollumbin Scout Camp)

- Environmental Projects Trail based around restoration projects undertaken over the past decade – pitched also at the emerging ‘philanthropic tourism’ market.

Health and Lifestyle

This is a new area of product for the Tweed, with development of the Golden Door Spa at Peppers, health and gymnasium facilities at Tweed Ultima etc. With its own retirement population, the Tweed is ideally placed to expand tourism sectors associated with ageing baby-boomers including health, fitness activities, and education and wellness programs.

Framework for Council-TACTIC Contract

- A new contract should be for a period of 4 years
- The contract should recognise TACTIC's status as an independent industry organization and licensed travel agent, as well as a provider of services to Council
- Council should engage TACTIC (Tweed Tourism) to advise on tourism development (in consultation with TEDC), undertake tourism promotion and marketing, and provide visitor information services including VICs, a website and printed materials. All these terms should be defined.
- Council should have two places on the TACTIC board, at least one to be a member of the executive management team.
- Council should commit to an indicative budget for at least 3 years, with detailed estimates for Year 1. Payments to TACTIC should be made quarterly in advance, subject to continued evidence of satisfactory performance (see below).
- TACTIC should present a detailed budget each year showing all sources of income and a detailed breakdown of expenditure in respect of the areas of activity supported by Council.
- As recommended in this report, Council should continue to contract Visitor Information Services to TACTIC on the following basis:
 - Evidence of continued containment of costs through the use of volunteers
 - A cost-sharing agreement covering capital and/or operating costs (as appropriate) for the various items listed below
 - Specific, agreed improvements to the website and on-line booking system
 - Production of an improved Visitor Guide and series of Tourism Fact Sheets
 - Development of the Murwillumbah Rainforest Centre as the new headquarters of TACTIC and principal VIC
 - Provision of a suitable local-level facility at Tweed Heads, preferably provided as part of or in conjunction with a tourist attraction
 - Maintenance of volunteer facilities at Kingscliff and Uki
 - Cooperation with NTC operators to provide services at SALT/Casuarina.
- Also as recommended in this report, TACTIC should commit to:
 - establish a Tweed Tourism Marketing Group and formulate for Council's agreement and funding support a detailed marketing and promotion program, specifying proposed industry and other partner contributions
 - work cooperatively with TEDC in the areas of product and skills development

- participate in joint meetings with TEDC at least every six months, plus an annual economic development workshop involving the two organizations, Council and other key stakeholders
 - work with Council to explore opportunities for shared infrastructure with the southern Gold Coast
 - pursue closer links with Northern Rivers Tourism, Tourism NSW, and Ballina and Byron Shire Councils.
- TACTIC should present quarterly financial and management reports to Council in respect of Council-funded activities, plus annual audited accounts.
 - Council should commit to:
 - Consult with TACTIC before decisions are made on any issue that may significantly affect the role and operations of TACTIC as specified in the contract
 - Ensure that council staff maintain close liaison with TACTIC, and seek its views, on tourism-related activities (eg regional gallery, festivals and events)
 - A strategic program of infrastructure improvements, place management, adjustments to planning controls and other measures aimed at supporting tourism development.
 - Key performance indicators should include:
 - Number of domestic overnight visitors to the Tweed and length of stay, relative to comparable LGAs
 - Number of non-residents (overnight visitors and day-trippers) using VICs in absolute terms and as a percentage of total visitors
 - Quality of service at VICs as reflected in accreditation reviews
 - Usage of website and TACTIC booking services
 - Number of financial members of TACTIC and fees collected
 - Value of industry and partner contributions to joint promotion and marketing activities
 - Revenue generated from other TACTIC activities
 - Outcomes of product development activities
 - Meetings/workshops with TEDC and Council held as required.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Financial implications - subject to the adoption of the 7-year plan.

POLICY IMPLICATIONS:

Following adoption will form Tweed Tourism Strategy.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

O4 [GC-OC] "The Buttery", Uki - Mortgage Guarantee

ORIGIN:

Director Governance & Corporate Services

FILE NO: PF2970/2860

SUMMARY OF REPORT:

The Uki Village & District Residents Association has requested an extension of Council's loan guarantee from \$50,000 to \$62,000 for renovations to the Uki Buttery building.

RECOMMENDATION:

That Council extends it's Southern Cross Credit Union loan guarantee from \$50,000 to \$62,000 for the Uki Village & District Residents Association Incorporated with all costs relating to the loan guarantee extension to be borne by the Association.

REPORT:

The Uki Village & District Residents Association Incorporated (the Association) purchased the historic Buttery building in Uki during 2003 and set up a Community Technology Centre. The monthly "Buttery Bazaar" markets run by the Association are also held at the Buttery. The purchase of the Buttery building and subsequent renovations has largely been funded by the Federal Government's Regional Solutions Program and loan borrowings by the Uki Residents Association. Council provided a loan guarantee for \$50,000 to support those borrowings.

Council's initial loan guarantee is secured by a Deed of Charge or Second Mortgage over the Buttery property.

A letter dated 28 March 2006 from the Association requests Council's agreement to increase the existing loan guarantee from \$50,000 to \$62,000. The additional loan guarantee will allow the Association to borrow further funds for essential re-roofing and renovation work to be undertaken on the Buttery building at Uki.

The total cost of the roof restoration and repairs to windows is expected to be approximately \$70,000. The Association's available funds to date have been consumed getting the building to a reasonable standard to attract tenants and a rental income. Sufficient rental income from the Buttery is needed to service the mortgage and running costs.

The Association proposes to stage fund raising events throughout the year and has also been successful obtaining \$15,000 funding through Council's Rural Villages Development Program.

Council currently has no loan guarantee arrangements with any other community organisations.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

05 [GC-OC] Commonwealth's Work Choices Legislation

ORIGIN:

Director Governance & Corporate Services

SUMMARY OF REPORT:

Council has received a letter from the Minister for Industrial Relations and Minister for Local Government referring to the Commonwealth's Work Choices legislation that took effect on 27 March 2006.

The New South Wales Government is strongly encouraging Councils to defer any consideration of the Work Choices legislation until the completion of the High Court proceedings and to avail themselves of the recent amendments made to the NSW legislation.

RECOMMENDATION:

That Council advises the Office of the Minister for Industrial Relations that Council will defer consideration of any of the Work Choices legislation until the legislative and legal issues have been finalised.

REPORT:

Council has received a letter from the Minister for Industrial Relations and Minister for Local Government referring to the Commonwealth's Work Choices legislation that took effect on 27 March 2006 (refer below):



Minister for Industrial Relations

Minister for Local Government

March 23, 2006

Mr Max Bead AM, Mr Harry Payne, Ms Lucy Turnbull
Administrators
Tweed Shire Council
P O Box 516
MURWILLUMBDAH NSW 2454



Dear Messrs Bead and Payne and Ms Turnbull

I refer to the Commonwealth's Work Choices legislation that will take effect from 27 March 2006.

The New South Wales Government strongly opposes the Commonwealth's plan for a new industrial relations system. The Work Choices legislation is an attack on the lives of working Australians and their families by denying a right to a fair go. For employers it will lead to confusion and complexity. Work Choices attempts to force employers and employees out of the state systems they are familiar with and which have served them well over the years.

The New South Wales Government supports an industrial relations system that is based on:

- The right of employers, unions and employees to make industrial arrangements without governments dictating as to what can and can't be agreed
- A fair minimum wage set by a truly independent tribunal after a public hearing
- An occupational and comprehensive safety net for all workers
- An independent umpire with broad dispute settling powers, including disputes about discrimination
- Special provisions for vulnerable workers including protection from exploitative contracting arrangements

The NSW Industrial Relations Act 1999 and the Local Government Awards support this policy and have served employers and their employees well, providing a sound basis for fair and productive workplace relationships. We note that the Local Government and Shires Associations of NSW have expressed their public opposition to Work Choices and have taken the response to the New South Wales framework.

To preserve this policy framework the New South Wales Government has initiated a challenge to the Work Choices legislation in the High Court of Australia. This challenge has been joined by all states and territories and will commence on 4 May 2006.

Further, a recent amendment to the Industrial Relations Act 1996 (NSW) effective from 15 March 2006 allows employers and unions to enter into common law agreements un fettered by the restrictive terms of Work Choices and confers jurisdiction on the NSW Industrial Relations Commission to exercise conciliation and arbitration powers in respect of a dispute that arises hereunder.

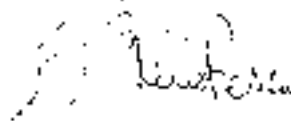
Adding to this complexity is the federal government's reliance upon the corporations powers of the Australian Constitution to support Work Choices. It is of particular significance to councils that while the Local Government Act 1995 confers body corporate status to councils this does not mean that a council is a constitutional corporation for the purposes of Work Choices. The question of whether a council is a constitutional corporation will be determined having regard to its trading and financial status on a council by council basis.

The New South Wales Government strongly encourages councils to defer any consideration of the Work Choices legislation until the completion of the High Court proceedings and to avail themselves of the recent amendments made to the NSW legislation.

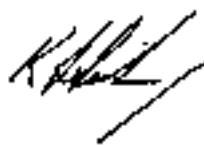
Until the Work Choices legislation has been constitutionally examined, there can be no certainty as to whether a decision made by a council to rely upon the Work Choices legislation will be legally valid. Ratepayers and local communities need to have confidence they are getting the best possible services and that local governments are using public funds responsibly. To this end, councils are encouraged to work within the industrial relations policy of the New South Wales Government and a continued reliance on existing industrial arrangements at each council would provide certainty and stability to all concerned.

It would be appreciated if your council could respond to this letter to the Office of the Minister for Industrial Relations, Level 30, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000.

Yours sincerely



John Della Bosca MLC
Minister for Industrial Relations



Kerry Hickey MP
Minister for Local Government

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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O6 [GC-OC] Monthly Investment Report for Period Ending 31 March 2006

ORIGIN:

Financial Services

SUMMARY OF REPORT:

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

There is a requirement by our investment consultant to allow at least 5 working days following the end of the month to provide the statistics for this report. Due to this time constraint there will be a late report provided to Council for consideration at its meeting on 12 April 2006.

RECOMMENDATION:

Refer to late report.

REPORT:

As per summary.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

07 [EO-OC] Naming of Public Road - Altona Road, Chinderah

ORIGIN:

Design

FILE NO: GS5/1 Pt4

SUMMARY OF REPORT:

Council at its meeting of 30 November 2005, resolved to publicise its intention to name the road reserve coming off the Crescent Street, Chinderah as "*Altona Road*" and allowed one month for objections to the proposal.

No objections were received to this proposal.

RECOMMENDATION:

That:-

- 1. Council adopts the name of 'Altona Road', being the road reserve coming off Crescent Street, Chinderah; and**
- 2. The naming of the public road be gazetted under the provisions of the Roads (General) Regulation, 1994 and the Roads Act, 1993.**

REPORT:

As per Summary of Report. The location plan is shown below for ease of referral:-



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

O8 [EO-OC] Regulation of Traffic - "Altona Road" Chinderah

ORIGIN:

Design

FILE NO: GS6/7/6 Pt 1

SUMMARY OF REPORT:

During the course of the construction of the proposed Kingscliff Sewage Treatment Plant, there will be a heightened use of the road proposed to be called "Altona Road", that is, the road travelling west off Crescent Street, Chinderah. This heightened use consists of heavy trucks hauling fill to the proposed Kingscliff Sewage Treatment Plant and any use of the road by public would be dangerous as the formed road is narrow. The road has been improved and there is a concern that the improved road, although not a through road, may generate interest and attract users.

This heightened use also generates a concern for the security of the site during the course of construction. Prior experience has shown that construction sites are often subject to break-ins and damage to plant and equipment outside working hours.

Council intends to erect a substantial and lockable gate at a cattle grid that is located approximately 650 metres along the road to secure the construction site.

RECOMMENDATION:

That:-

- 1. Under section 122 of the Roads Act, 1993 Council regulates the traffic on "Altona Road" Chinderah by means of a gated structure that will be opened in daylight hours between 7.00am to 6.00pm on Mondays to Fridays and between 7.00am to 5.00pm on Saturdays.**
- 2. Council advertises the regulation of traffic on "Altona Road", Chinderah in the Tweed Link.**

REPORT:

During the course of the construction of the proposed Kingscliff Sewage Treatment Plant, there will be a heightened use of the road proposed to be called "Altona Road", that is, the road travelling west off Crescent Street, Chinderah. The road has been improved and there is a concern that the improved road, although not a through road, may generate interest and attract curious drivers.

The heightened use also generates a concern for the security of the site during the course of construction. Prior experience has shown that construction sites are often subject to break-ins and damage to plant and equipment outside working hours.

Council intends to erect a substantial and lockable gate at a cattle grid 650 metres along the road to secure the construction site.

Section 122 of the Roads Act, 1993 provides:-

"Section 122 Temporary Regulation of Traffic

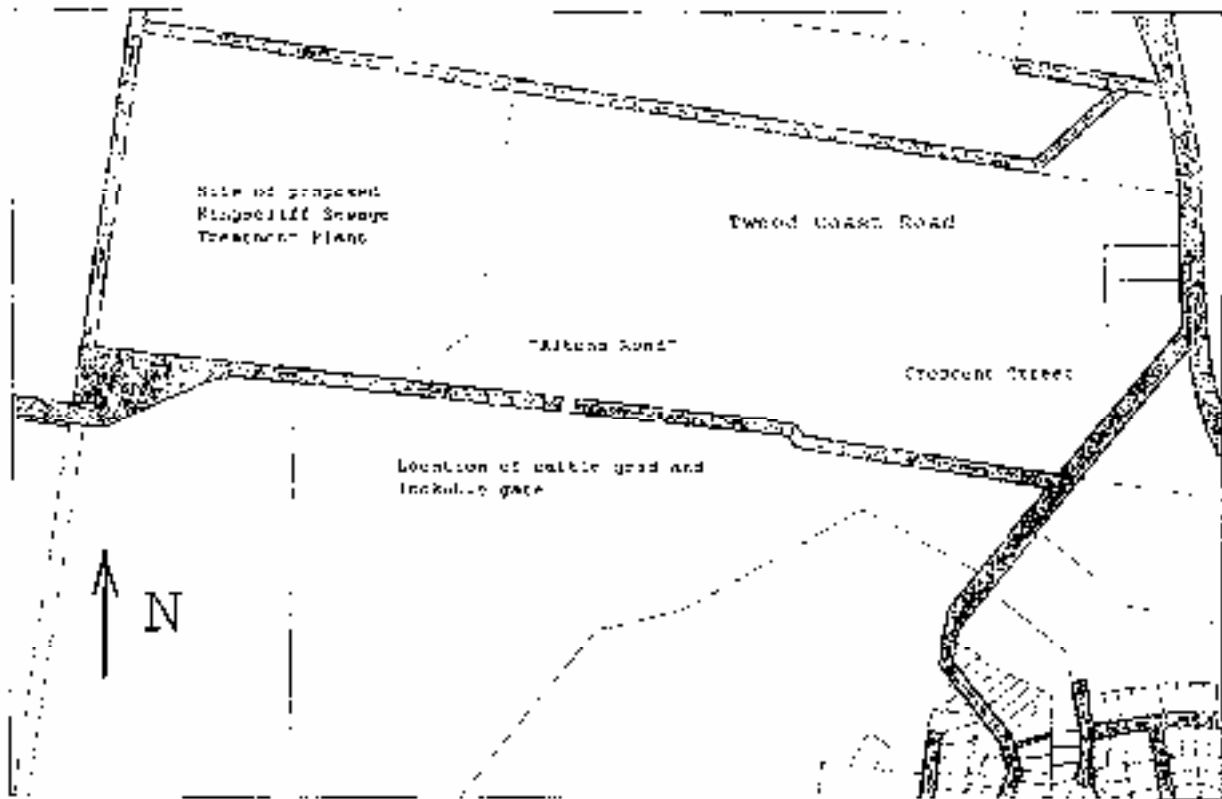
- (1) *A roads authority may regulate traffic on a specified public road or on all public roads for which it is the roads authority:*
 - (a) *in relation to a classified road, by means of an order published in a daily newspaper circulating generally throughout the state, or*
 - (b) *in relation to any other public road, by means of an order published in one or more local newspapers or in a daily newspaper circulating generally throughout the state."*
- (5) *A roads authority must revoke any order under this section as soon as the circumstances giving rise to its making cease to exist.*
- (6) *Unless sooner revoked, an order under this section ceases to have effect at the expiration of 12 months after it was made.*
- (7) *Subsection (6) does not prevent an order being remade.*

This section of the Act enables Council to regulate the use of "Altona Road" by the general public during the course of construction of the new Kingscliff STP. The gated structure can be locked, and keys given to the landowners that use the road and other recognised users, or potential users of the road.

The recognised users of the road have been contacted and have provided their agreement to having the gate erected and locked outside working hours, generally between 5.00pm and 7.00am.

Council will ensure that emergency service organisations will have access to a key.

The plan below indicates the proposed location of the gate:-



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Cost of erection of gate and advertising to be charged to the new Kingscliff Sewage Treatment Plant currently under construction.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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09 [EO-OC] Land Acquisition for Road Purposes - Tweed Coast Road, Chinderah

ORIGIN:

Design

FILE NO: R1181 Pt15

SUMMARY OF REPORT:

At Council's meeting held on 5 October 2005 Council resolved to approve the compulsory acquisition of Lot 1 in DP 415317 for the purposes of the Roads Act, 1993.

An application was subsequently made to the Department of Local Government and a request has come from the Department in relation to Council's resolution.

The assessing officer from the Department has advised Council that the resolution made by Council does not abide by the requirements of the Guidelines for the Compulsory Acquisition of Lands by Council which require at:

1. Part 4, clause 1:

Applications must include "*a copy of the relevant part of the minutes of the council meeting at which council approved -*

- (a) *of the land being acquired by compulsory process; and*
- (b) *of the making of the necessary application to the Minister and/or the Governor" and at*

2. Part 5, clause 3:

"If the Council decides to acquire the land by compulsory process, it should do so by resolution at a council meeting. The resolution should also authorise the making of the necessary applications to the Minister and/or the Governor"

Council's resolution of 5 October, 2005 does not include any reference to the making of the necessary application to the Minister and/or Governor, however, such is noted in the body of the report.

To enable Council's application to proceed, it is necessary to include in the resolution the making of the necessary application.

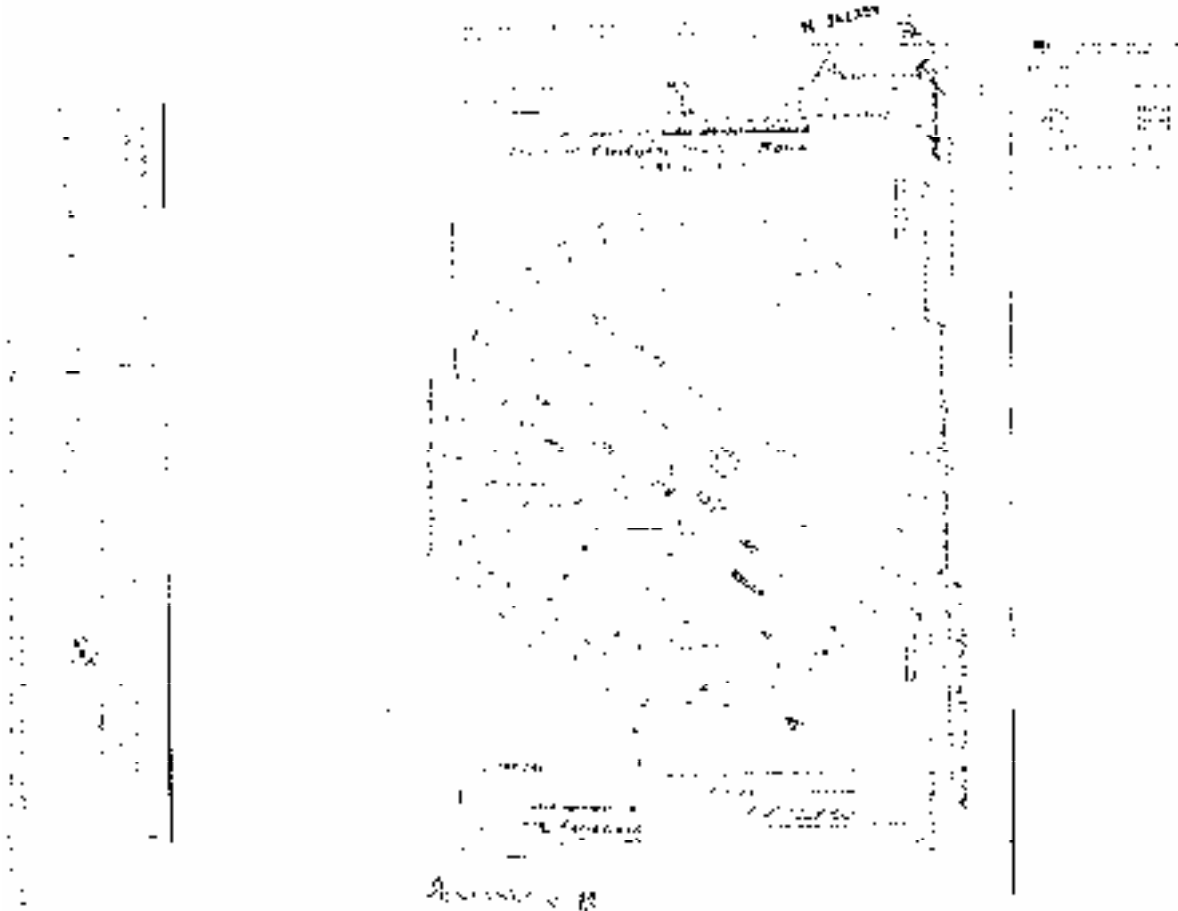
RECOMMENDATION:

That:-

- 1. Council approves the acquisition of Lot 1 in DP 415317 for public road under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and makes the necessary application to the Minister and/or Governor;**
- 2. Lot 1 in DP 415317 be dedicated as road following gazettal of the acquisition; and**
- 3. All necessary documentation be executed under the Common Seal of Council.**

REPORT:

As per Summary of Report. Copy of DP 415317 follows to show the Lots to be acquired:-



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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O10 [EO-OC] Integrated Regional Transport Planning

ORIGIN:

Director

FILE NO: R4031 Pt20

SUMMARY OF REPORT:

Richmond Valley Council are requesting the Roads & Traffic Authority to provide immediate funding for the development of an integrated regional transport plan and seeks this council's support.

RECOMMENDATION:

That Council advises the NSW Roads & Traffic Authority of its support of Richmond Valley Council's request for the need for an Integrated Regional Transport Plan for the North Coast.

REPORT:

Richmond Valley Council are requesting the Roads & Traffic Authority to provide immediate funding for the development of an integrated regional transport plan and seeks this council's support.

Richmond Valley Council have advised that some of the issues to be address will include:-

1. A requirement for Local Government on the coast to develop new Local Environmental Plan within the next three years;
2. The rail closure between Casino and Murwillumbah and an assessment of impact on public transport;
3. Sea change infrastructure impacts;
4. Cost shifting enquiry outcomes associated with Local, State and Federal Government;
5. Potential application of Section 94 charges particularly associated with new LEP's;
6. The need for Local Transport Plans within each of the Local Government areas;
7. Connectivity issues associated with the Pacific Highway upgrade;
8. Current regional road review - any issues that come out of proposed changes to the status of roads.
9. Community expectations of RPT service to all regional centres.

Other matters to be considered could include but are not limited to are:-

1. Changing land use;
2. Tourism;
3. Intermodal connectivity;
4. Heavy Vehicle movements (B double access)

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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O11 [EO-OC] Northern Rivers Catchment Management Authority - Coastline and Estuary Grant Offers

ORIGIN:

Water

SUMMARY OF REPORT:

The Northern Rivers Catchment Management Authority has offered two grants for implementation of high priority natural resource management components of the Tweed Coastline Management Plan and Tweed Estuary Management Plans. The grants are for \$22,500 and \$27,800 respectively.

RECOMMENDATION:

That Council:-

- 1. Accepts the grant of \$27,800 offered by the Northern Rivers Catchment Management Authority for implementation of priority components of Tweed Shire Council Estuary Management Plans,**
- 2. Accepts the grant of \$22,500 offered by the Northern Rivers Catchment Management Authority for implementation of priority components of the Tweed Shire Coastline Management Plan, and**
- 3. Votes the expenditure.**

REPORT:

The Northern Rivers Catchment Management Authority has offered two grants for implementation of high priority natural resource management components of the Tweed Coastline Management Plan and Tweed Estuary Management Plans. The grants are for \$22,500 and \$27,800 respectively.

The projects to be undertaken through these grants are:-

- Mooball Creek Bank Erosion and Riparian Vegetation Management Works, including works to address bank erosion and weed control on a 2km section of riverbank from Pottsville Boat Ramp to Black Rocks Bridge (west side of creek).
- Stormwater Quality Improvement for Cudgen Lake and Cudgen Creek Estuary, with placement of 10 stormwater gully pit litter traps in Cabarita Beach CBD.
- Signage and fencing to protect wader bird and turtle nesting sites in conjunction with DEC (NPWS).
- Construct and install 3 osprey nesting poles in conjunction with DEC (NPWS).
- Targeted weed removal (bitou bush and glory lilly) in coastal vegetation.
- Development of a Coastal Vegetation Priority Work plan 2006 – 2011 to prioritise and plan weeding and revegetation works for the Tweed Coast.

The projects will be managed through the existing Tweed River and Tweed Coastal Management programs. Council's contribution will be predominantly in-kind support and provision of some funds from existing programs.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Provides additional funds for Coastline and Estuary Management Programs. There is no requirement for matching funds, however, Council provides in-kind support for the projects and some funds from respective existing budgets for these projects.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Letters of offer from NRCMA (DW 1368263; 1368264).
-

012 [EO-OC] Alternative Fuel Analysis for Council's Passenger Car Fleet

ORIGIN:

Works

SUMMARY OF REPORT:

At its meeting on 16 November 2005 Council resolved that staff investigate and report upon the most efficient and least costly power source for Council's vehicle fleet and undertake a cost benefit analysis of introducing hybrid vehicles as the existing fleet is replaced.

This report provides detailed information regarding alternate fuels; analysis of the fleet market; discussion of options including benefits and costs; and recommends a set of objectives for the vehicle fleet that will facilitate fleet management decisions.

RECOMMENDATION:

That Council adopts as its Fleet Procurement Policy for Passenger Vehicles the following objectives:-

- 1. The primary objective of fleet management be to minimise the life-cycle cost of the fleet.**
- 2. Having regard to reducing the environmental impact of the vehicle fleet, preference is given to vehicles with lower fuel consumption/emissions when other considerations are approximately equal (within \$2,000 life-cycle cost).**
- 3. In selecting individual vehicles, suitability for work uses is the primary consideration, and driver preference is a secondary consideration.**
- 4. The fleet have a varied composition to minimise the risk of concentrating on a limited number of vehicles, and to allow trial of alternative vehicles (maximum 5).**

REPORT:

Fleet Objectives

Fleet management involves the application of a series of strategies and decisions that will result in the minimum total cost of the fleet that will meet the organisation's needs and objectives.

The passenger car fleet contains 93 vehicles. The current strategy for the procurement of these vehicles is based on the least life cycle cost. Historically this resulted in the purchase of Australian made 6 cylinder family sedans however the market has shifted dramatically in recent years in response to higher fuel prices and competition from lower priced imported vehicles. In the past 5 years the light commercial fleet has progressively been changed over to diesel fuel because of its lower operating cost. This has mitigated the effect of the increased fuel prices.

The vehicle fleet market is dynamic and changeable. The fact that Council has requested this report is evidence of changes in the fleet operating environment.

The dynamic nature of the fleet market indicates that taking a fixed position on future vehicle purchases will soon result in purchase decisions that are adverse to Council's best interest as the fleet environment changes. Rather than have Council set such a fixed position it is strongly recommended that Council clearly state its fleet objectives, allowing staff to pursue those objectives with strategies appropriate to the fleet environment at any time in the future.

It is suggested that Council fleet objectives will include :-

- Vehicle use(s)
- Cost
- Risk
- Environmental considerations
- Industrial relations considerations
- Country of manufacture

Vehicle Uses

In all cases it is important that the vehicles provided for staff to go about their work are suitable for the tasks that they have to perform.

In general, cars are used for transport to work sites for inspections, and the only considerations will be passenger requirements, ground clearance, ability to carry tools or instruments, safety and comfort. For light commercials the needs can be more specialised having regard to the materials and tools that may be carried, the type of terrain they might be used on, the number of workers that need to be transported, and any special operational requirements.

In every case, it is important to select the vehicle type relevant to the work uses, and driver preference is only a secondary consideration.

Cost

Costs associated with the operation and ownership of the vehicle fleet fall into two categories –

Fixed costs – costs that do not vary with the use of the vehicle eg. Registration, insurance, capital cost

Variable or running costs – costs that vary with vehicle use eg. fuel, servicing, tyres

Choosing a vehicle type that has lower running costs may impose an equal or greater increase in fixed costs. However, in the long term, it is the life-cycle cost that is most relevant - that is, the total cost to own and operate the vehicle over its service life on an on-going basis.

Council may be willing to pay more for its vehicle fleet to meet other objectives. For example, Council may be prepared to pay an additional 5% above the minimum fleet cost to enable the use of vehicles that have a significantly lower level of exhaust emissions. If this is the case then Council should express the extent to which it is willing to incur additional fleet costs, and make suitable budget allocations for the higher cost to the various operational units.

Another cost consideration is the capital required to change the fleet. For example, if the sedan fleet was changed over to hybrid vehicles there would be a one-off approximately \$7,000 per vehicle additional capital cost. This would need a capital injection in the order of \$650,000 over two years.

A detailed analysis of the costs associated with the various vehicle types and fuels is contained in the attachment to this report.

Risk

Because of the volatility of the market and the time vehicles are kept in the fleet (minimum two years), there is a risk that individual purchase decisions do not result in the minimum life-cycle cost originally envisaged. To minimise this risk it is prudent to have a varied fleet and not exclusively settle on a small number of preferred vehicles. It is also wise to trial a small number (maximum 5) of alternative vehicles to assess their suitability and costs under Tweed Shire fleet operating conditions.

Environmental Considerations

Undoubtedly Council has environmental objectives for the vehicle fleet. To enable these objectives to be achieved in any fleet operating environment the objectives must be clearly stated and appropriate resources allocated.

These objectives could be preferential or absolute. An example of a preferential objective would be to choose the vehicle with lower fuel consumption/emissions when other considerations are approximately equal. An example of an absolute objective would be to only purchase vehicles that fall into the best category for emissions on the Australian Government's Greenhouse listing.

Industrial Relations

Another consideration is the impact that fleet composition decisions will have on staff relations.

Private use leaseback arrangements of Council vehicles can be an important component of the remuneration package. Some employees would view downsizing of vehicles as a reduction in benefits, and a reduction in the lease-back fee to compensate for this would be an appropriate offset.

Some staff are engaged under contracts of employment that state vehicle type and replacement strategy. There are Award provisions that specify notice requirements for changes in motor vehicle conditions.

It is recommended that where vehicles are provided to employees on a private use lease-back arrangement, a choice be provided regarding vehicle size and lease fee.

Country of Manufacture

The car fleet market in Australia is structured around the substantial discounts given to government purchasers for passenger cars built in Australia. These discounts sustain high production and economies of scale for Australian manufacturers. The fleet market accounts for 30% of local production. If this market were to collapse then it would have serious consequences for the automotive industry. While a change in Tweed Shire's fleet policy will have little effect on the manufacturers, Council may determine an Australian-made preference for its car fleet. Again, the weighting that this objective is given by Council must be clearly stated. (Note that there are only 4 Australian made vehicles, all are in the family sedan category, and only one has an option of a four cylinder engine.)

Conclusions

- Because of the volatility of the fleet operating environment, it is strongly recommended that Council adopt a set of objectives for the vehicle fleet that will allow staff to pursue those objectives with strategies appropriate to the fleet environment at any time in the future.
- In making fleet vehicle selections it is important that the vehicles provided for staff to go about their work are suitable for the tasks that they have to perform, and driver preference is a secondary consideration.
- Minimising the total on-going cost of the vehicle fleet is the current fleet objective. A variation from this objective to consider the environmental impact of the fleet while maintaining industrial harmony is recommended.
- In the current fleet operating environment, compact 4-cylinder petrol-powered cars provide the lowest life-cycle costs, and also provide environmental benefits. Blanket introduction of compact 4-cylinder vehicles would create industrial unrest among vehicle users with private use arrangements. This could be overcome by introducing a reduced lease-back fee option for these vehicles.

- The Camry 4-cylinder sedan is a family sedan that rates well on life-cycle cost and provides environmental benefits through reduced fuel consumption, and may provide a compromise solution for some users.
- Hybrid vehicles also rate well on life-cycle cost due to a recent large increase in their resale values associated with the increase in fuel costs. Whether this will be sustained over time is unknown, but from an historical perspective this is unlikely. In the same situation is the diesel-powered VW Golf. However in this case the sustained growth in diesel-powered vehicles in Europe points to better long-term prospects for resale values.

To minimise the life-cycle cost risk of fleet decisions, some purchase flexibility is necessary to create a varied fleet.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Financial:

If Council determines objectives for the fleet other than least-cost, then provision must be made in the unit budgets to accommodate the additional costs.

POLICY IMPLICATIONS:

Related policies that should be considered when making vehicle purchase decisions are:-

Motor Vehicles - Management
Provision of Motor Vehicles and Their Private Use

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Discussion Paper – Environmental and Economic Sustainability of Alternate Fuels and Vehicles for Plant Fleet (DW 1367310).
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013 [EO-OC] Tweed Integrated Water Cycle Management (IWCM) Context & Strategy Report

ORIGIN:

Water

SUMMARY OF REPORT:

Integrated Water Cycle Management (IWCM) is the integrated management of the water supply, sewerage and stormwater services within a whole of catchment strategic framework and provides a long term focus on the integrated delivery of these services.

As part of this process, Council engaged consultants Hunter Water Australia to prepare a Context Study & Strategy Report in order to define the catchment, water resource and urban issues faced by Council and to outline a broad strategy for the future. This initial study also includes some short term actions, which will allow some solutions to be implemented while the IWCM process continues through ongoing detailed strategy development, review and associated implementation.

The Tweed IWCM Context & Strategy Report, Appendices and Exhibits are all attached under a separate cover.

RECOMMENDATION:

That:-

- 1. The Tweed Integrated Water Cycle Management (IWCM) Context & Strategy Report be placed on public exhibition for a minimum of 8 weeks.**
- 2. A summarised public awareness document be produced and distributed.**
- 3. Both documents be posted on Council's web site**
- 4. A list of Stakeholders be developed from the public consultation process.**
- 5. A future report be brought before Council detailing submissions received and recommending a strategy for adoption by Council.**

REPORT:

Integrated Water Cycle Management (IWCM)

Introduction

The former NSW Department of Energy, Utilities & Sustainability (DEUS) produced best practice management guidelines in order to encourage continuing improvement in the performance of NSW Local Water Utilities (LWU). The DEUS guidelines state,

“LWUs which achieve the outcomes required by these guidelines will have healthy and sustainable water supply and sewerage businesses and will have demonstrated best practice management of these businesses as well as their compliance with National Competition Policy.”

The guidelines identify 6 criteria for best-practice management of water supply and sewerage including the implementation of Integrated Water Cycle Management (IWCM).

Integrated Water Cycle Management (IWCM) is the integrated management of the Water Supply, Sewerage and Stormwater services within a whole of catchment Strategic framework having regard to catchment blueprints and other water plans. IWCM helps to identify water management problems and determine appropriate management responses so that social, environmental and economic objectives are met. Such a strategy involves integrating planning and management of all components of the LWU's involvement in the water cycle so that water use is optimised.

A goal of IWCM is to reduce where possible surface and ground water source extractions by appropriate substitution of effluent, stormwater and rainwater tanks along with the implementation of demand management initiatives.

An IWCM Strategy has a long-term planning horizon. The first phase of the Strategy (the Concept Study) defines the key characteristics of the catchment, water resource and urban water system faced by the LWU, and identifies key issues along with some preliminary improvement objectives, potential options and solutions.

Once the issues are broadly defined, studies are undertaken for the second phase (the IWCM strategy) to better define issues and look at ways of managing them. Studies involve population and water demand projections, bulk supply and distribution analysis and management option development. This process results in the LWU adopting a long-term strategy for the integrated delivery of its water supply, sewerage and stormwater services to customers.

Council formally embarked on this process in late 2003 with meetings with DEUS representatives and the engagement of consultants Hunter Water Australia in early 2004. It has been an interrupted process with the ongoing refinement of project scope. Successful representations by the Local Government & Shires Association (LGSA) and The Water Directorate allowed significantly more focus on outcomes rather than completing very detailed studies in advance of any initiatives being pursued.

In Tweed's case a significant body of work already existed, referenced in the report, which provides much of the detail required across significant parts of the water cycle. Therefore it was considered appropriate to build on this work and incorporate those findings and recommendations into the IWCM strategy, whilst identifying any shortcomings.

Major Challenges

The Strategy recognises that there are major challenges for Tweed Shire Council in managing growth in a water cycle context within the catchment and they include:-

- *The ability of existing surface water sources to adequately service future populations.*
- *The impacts of urban stormwater and effluent on the Lower Tweed Estuary.*
- *The impacts of agricultural runoff on the Upper Tweed River and Bray Park Weir.*

In addressing these challenges the Strategy presents 26 key actions which include:-

- *Explore demand substitution options such as effluent and stormwater reuse. In particular prepare an Effluent Reuse Opportunities Report. (Shire wide Recycled Water Reuse Opportunities report completed Feb 2006)*
- *Review Bulk water supply augmentation options including Clarrie Hall Dam raising and construction of Byrill Creek Dam.*
- *Implement investigation and planning for dual reticulation and/or decentralised sewerage systems for future development areas, such as Cobaki and Kings Forest.*
- *Ongoing review and development of Stormwater Management Plans.*
- *Ongoing implementation of WSUD and ESD principles for new developments, including education of developers and the community and ongoing strengthening of local planning requirements.*
- *Continued implementation of DEUS Best Practice Guidelines with a focus on IWCM outcomes.*
- *Continue to identify and assess critical areas where on-site sewage disposal is ineffective and implement appropriate solutions.*
- *Identify and monitor catchment 'hot spots' areas that adversely impact on water quality in the Upper Tweed River.*
- *Support ongoing catchment management initiatives, including planning controls, education, vegetation restoration (by assisting land care groups and individual landholders) and engage with the CMA.*

Significant Issues

Issues significantly impacting the IWCM Strategy which have been developing concurrently are detailed as follows:

Water Supply System Yield

An early detailed review of the Secure Yields from Councils surface water supply schemes became necessary as a result of two significant events. The first being the impact of the future implementation of Water Sharing Plans under the *Water Management Act 2000*, and the severe drought of 2002/2003.

During March 2006, DNR & CMA held a number of forums across the Northern Rivers, detailing proposed environmental flow requirements to be implemented as part of the new Water Sharing Plans. The Mid Tweed Water Source which includes Bray Park Weir, Uki Village supply, and Clarrie Hall Dam, will include a Cease to Pump (CTP) rule at the 95th percentile low flow. The Upper Oxley River Water Source, initially includes a CTP rule when there is no visible flow at Tyalgum Weir, and by year seven (7) of the Plan this CTP rule is to be increased to the 95th percentile low flow.

The secure Historic No Failure Yield (HNFY) of the Tweed District Water Supply Scheme (including Clarrie Hall Dam) was estimated to be 27,500ML/a in December 1980. A revised preliminary analysis by SunWater in May 2002 reduced the estimate to 18,500 ML/a, primarily as a result of a longer historic record, identifying the 1902/1903 drought being more severe than 1968/1969 and utilising a more sophisticated daily model.

The revised Secure Yield Report for Bray Park Weir, currently being produced by SunWater, is anticipated to be presented to Council in May 2006. However, preliminary results from this analysis reveals that the 2002/03 drought was the worst on record (1883 to present) for Tweed River flows, surpassing the 1902/1903 drought. This result in combination with the implementation of the 95th percentile CTP rule, is likely to further significantly reduce the current estimate of secure yield (HNFY) of 18,500ML/a. The current annual demand of the Tweed District Water Supply Scheme is approximately 10,500 ML/a.

Additionally, recent droughts across Australia, and a heightened awareness of potential impacts of climate change have resulted in a review of drought security criteria. The traditional approach has been to adopt the Historic No Failure Yield (HNFY), in Tweed's case this represents a probability of approximately 1 in 120 years. The adequacy of this criterion is now being questioned. An alternate criteria being suggested includes a buffer storage in excess of the HNFY. This buffer storage would represent a volume equivalent to 80% of normal consumption (i.e. full restrictions imposed) for a period of time adequate to bring online an emergency supply. This approach will further reduce yield estimates. These issues will be documented in more detail in the future revised Secure Yield Report, and have been provided in this report to keep Council briefed.

Growth

Another issue impacting on the IWCM is the variation in population projections for the Shire. The variations between the recently issued North Coast Regional Strategy, produced by the Department of Planning, Council's Seven Year Plan, Tweed Futures and actual historic growth, are significant. These variations highlight the uncertainty surrounding population projections, particularly the rate of increase. It is further noted that two of the proposed development areas represent more than 50% of the identified potential growth and therefore any projections will be sensitive to changes in the timing of these developments.

The provision of Water and Sewer infrastructure capacity, which is required in advance of development, therefore becomes speculative in this uncertain environment. A more structured roll out of development is required to ensure affordability. By utilising existing spare capacity and targeting additional growth to a single sewerage treatment plant

catchment at a time, augmentation will be matched to growth and developer income realised.

Summary

This report has, as required, brought together the key characteristics of the catchment, water resource and urban water systems and identifies key issues along with some preliminary improvement objectives, potential options and solutions. The report also specifies a number of short term actions, of which some have been progressed to varying degrees.

It is therefore proposed Council continues a process of ongoing refinement of the IWCM Strategy, including annual reviews of priorities and major five yearly reviews, rather than the prescriptive approach put forward by DEUS. In this way the strategy will remain targeted, flexible enough to take advantage of any opportunities, relevant, cost effective and more likely deliver tangible results in the short to medium term.

Broad steps for the ongoing IWCM process are also outlined in the report including Triple Bottom Line assessment (TBL) of solutions and the monitoring of system performance (against measurable objectives), both being considered an essential input into the process of regular review and update of the IWCM Strategy.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The future adoption of strategies identified in this report will commit Council to significant additional financial and resource allocations.

POLICY IMPLICATIONS:

The future adoption of strategies identified in this report will require significant modification of existing environmental planning and assessment plans, policy standards and codes, Building policy, assessment standards and codes, Engineering policy, assessment standards and codes.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Integrated Water Cycle Management (IWCM) Report (DW 1367461);
 2. IWCM Appendices A to I (DW 1367453);
 3. Exhibits 1, 2 2a, 2b, 2c, 3, 3a, 3b, 3c, 4, 4a, 4b, 4c, 4d, 4e, 4f (DW 1367717).
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014 [EC-OC] Calls for Expressions of Interest to Operate Markets at Kingscliff, Pottsville, Knox Park at Murwillumbah and Recreation Reserve at Tweed Heads

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

The current approvals to conduct the markets at Kingscliff, Tweed Heads Recreation Ground, Knox Park Murwillumbah and Pottsville expire on 30 June 2006.

Council has previously called for expressions of interest from the community to determine the most suitable operator. Given the impending expiry date it is appropriate that expressions of interest now be sought, should Council wish for the market operations to continue.

A separate report will also be put to the Reserves Trust on this matter.

RECOMMENDATION:

That Council, subject to the endorsement by the Reserves Trust, calls for expressions of interest from any person or group who wishes to be considered as a candidate to operate the Kingscliff, Tweed Heads Recreation Ground, Knox Park Murwillumbah and Pottsville markets from 1 July 2006 for a period of three years.

REPORT:

A report will be put to the Reserves Trust regarding this matter.

The current approvals to conduct the markets at Kingscliff, Tweed Heads Recreation Ground, Knox Park Murwillumbah and Pottsville expire on 30 June 2006.

In 2003, when the existing approvals were due to expire, Council called for expressions of interest from the community to determine the most suitable operator.

Given the impending expiry date of June 2006 it is appropriate that expressions of interest now be called should Council wish for the market operations to continue.

Traditionally, approvals have been granted for a 3 year period.

The following options in relation to renewal of market approvals have been identified:

ISSUE NO FURTHER APPROVAL FOR ANY MARKETS

Officers Comment

The markets are an attraction to visitors and residents and provide income sources to the numerous stall holders involved.

COUNCIL TO OPERATE AND ADMINISTER THE MARKETS

Officers Comment

It is most likely that additional staffing resources would be necessary to achieve internal management of markets. It is unclear if income would totally fund this staffing. This is not necessarily a function which Council is seeking to perform and it can be performed adequately by the private or community sector.

CALL FOR EXPRESSIONS OF INTEREST TO OPERATE THE MARKETS

Officers Comment

By opening up market management to competition (through calling expressions of interest), improvements in operation may be achieved as well as increased income to Council through competitive submissions. It is also possible that 'worthy' community organizations could successfully operate the markets, leading to income for those organisations.

General

The existing managers pay to Council between 15% to 25% of total income from stall fees and several make donations to charitable groups as well. In calling for expressions of interest a successful applicant may be willing to pay to Council a higher percentage or make an additional regular donation to a charitable group such as the local surf club. A charitable group may actually seek to manage the markets, receiving the resulting income.

The criteria on which expressions of interest are likely to be assessed are:

- Suitable experience in market operations or management of like activity
- Demonstrated business operation skills
- Willingness to comply with Council policies
- Financial return to Council
- Possible benefits to community based organisations
- Ability to establish and maintain an accountable record system for stall fees received
- Submissions which provide details of proposed improvements to Market operation

CONCLUSION

It is appropriate that Council call for expressions of interest to operate the markets prior to making a determination about approvals, rather than simply renewing with the existing managers. This will permit the most advantageous submission and resulting improvements to be identified. The outcome of this process will be reported to Council for determination.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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O15 [EC-OC] Waiving of Fee - University of the Third Age Tweed Coast Inc.

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

The University of the Third Age Tweed Coast Inc have requested a waiver of fees for the use of the Kingscliff Amenities Hall. Under the current guidelines they qualify for a 50% reduction which has been granted to them by previous Council decisions.

Should a full waiver be granted then it is considered such should be in the form of a donation or budget allocation.

RECOMMENDATION:

That Council provides use of the Kingscliff Amenities Hall to the University of the Third Age Tweed Coast Inc at a 50% reduction in fee.

REPORT:

Council at its meeting on 28 February 2006 in considering the report titled "Request for "In Kind" Support/Waive Fee" deferred any decision in relation to a request from the University of the Third Age to obtain further information. This information is set out below:

- *Membership is available to 50+ years of age and costs \$30 per year.*
- *Membership then enables members to attend classes including Tai Chi, Yoga, Tap Dancing, Body Toning, Writing for Leisure, Cooking, Life Writing, Line Dancing, Unfinished Projects, Marjong, Italian Conversation, Belly Dancing, German Conversation, Stress Management, Quality Use of Medicine, Computers for Beginners (run at CTC), etc.*
- *The teachers/tutors do not charge a fee for running any of the courses.*
- *They have been hiring the Kingscliff Amenities Hall for the past year or so and receiving a 50% reduction fee.*
- *They also use other halls/venues in Kingscliff e.g. Seventh Day Adventist Hall, Cudgen Leagues Club and Kingscliff Library for some meetings. They aren't charged for use of these facilities however it is difficult for some of the elderly members to access the venues due to distance from public transport, etc. Kingscliff Amenities Hall is best venue as it is central and easily accessed by those members having to use public transport.*
- *They have trouble encouraging members to attend some classes when an additional fee for room hire is charged.*

As well Council has previously decided to allow a six month start up period at no charge followed by a 50% reduction of the relevant fee. This request for 50% reduction has also been previously reaffirmed by Council.

Under the current guidelines a 50% reduction is allowable as a Tweed Shire Club/Interest Group.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Should any decision be made outside the guidelines to support this group then it is considered that such be in the form of a donation or allocation from the budget.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Correspondence from University of the Third Age Tweed Coast Inc (DW 1330973).
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O16 [EC-OC] Tweed Surf Life Saving Strategy 2020

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

The Tweed Surf Life Saving Strategy 2020 was considered by Council at a workshop held on 28 February 2006.

This report deals with the recommended actions from this workshop.

RECOMMENDATION:

That Council:

- 1. Adopts the Tweed Surf Life Saving Strategy 2020 and implements its actions subject to budget constraints and requirements of Council's Risk Management Strategy.**
- 2. Establishes a Beach Safety Liaison Committee consisting of an Administrator or nominee, Manager Environment and Health, Manager Recreation Services, Chairperson of the Coastal Committee, one representative from each of the Shire's surf clubs and one representative from the Far North Coast Branch of Surf Life Saving NSW. The Committee is to be a "sunset" committee to July 2008.**
- 3. Determines the functions of the Beach Safety Liaison Committee to be as follows:**
 - a. Specifically review the proposed actions contained within the Tweed Surf Life Saving Strategy 2020 and to provide advice to Council on their appropriateness by 30 September 2006.**
 - b. Advise of any other suggested actions.**
 - c. Advise Council on possible thresholds that may be used to determine when new or expanded lifeguard services may be required and as an alternative advice on possible consolidation of resources into the four beach areas currently patrolled by surf clubs.**

- d. Review the surf lifesaving activities after the 2007/2008 beach season and provide a final report with recommendations to Council by July 2008.
- e. Consider opinions from other relevant groups.

REPORT:

Council at its meeting on 14 December 2005 considered a report on the Tweed Surf Life Saving Strategy 2020, a copy of this report is an attachment to this business paper. At the abovementioned meeting it was decided to hold a workshop with Administrators and relevant staff to review the Strategy. Copies of the Strategy document have previously been distributed to Council.

This workshop was conducted on 28 February 2006. At the workshop it was advised that the strategy was produced in 2004 and that changes have occurred with regards to surf lifesaving on the Tweed Coast in that a fourth volunteer surf club now exists at Salt and also a privately funded lifeguard services for a period of 10 years has also commenced at Salt. The workshop was also advised that there needs to be consideration of Council's position in relation to requests for provision of life guard services to areas presently no provided with such service and the possible provision of Council employed lifeguards.

It was also advised that the Strategy included the creation of a Beach Safety Management Committee to further review the proposed strategy. This is considered appropriate and that it is felt that such a committee be formed by Council, but with a two year life. Such committee to:

1. Specifically review the proposed actions contained within the Tweed Surf Life Saving Strategy 2020 and to provide advice to Council on their appropriateness.
2. Advise of any other suggested actions.
3. Advise Council on possible thresholds that may be used to determine when new or expanded lifeguard services may be required and as an alternative advice on possible consolidation of resources into the four beach areas currently patrolled by surf clubs.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Report to Operations Committee Meeting held 14 December 2005 (DW 1311342).
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017 [EC-OC] Request for "In Kind" Support/Waive Fee

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

Council has received requests from various organisations asking that Council provides in-kind support/waives the fees for room hire. Details of the requests are reproduced in the body of this report.

In accordance with Section 356 of the Local Government Act 1993 - Donations, Council resolved on 6 October 2004 that:-

".... in future, all donations made by Council, whether in cash or in kind, be made by way of a resolution of Council."

RECOMMENDATION:

That Council :-

- 1. Approves the use of the Murwillumbah Auditorium for the North Coast Institute of TAFE Murwillumbah and Kingscliff Campuses for their presentation night at no hire fee but requires the \$80 fee for provision of plants.**
- 2. Approves the use of a room at the Banora Point Multi Purpose Centre for Dads in Distress at no cost for an initial six (6) month startup period.**

REPORT:

Council has received requests from various organisations asking that Council provides in-kind support/waives the fees for room hire. Details of the requests are reproduced as follows:-

Organisation	Request	Est \$ Amount of Waiver	Application Summary	Meet Guidelines?
North Coast Institute of TAFE - Murwillumbah and Kingscliff Campuses	Waive fee for use of Murwillumbah Civic Centre Auditorium for their Awards of Excellence presentation for graduating and achieving students in 2005.	\$450.00	Requests that the Murwillumbah Auditorium hire fee and hiring and delivery of plants from Council's Nursery be waived.	Yes, as an open public meeting. However Council has previously set of fee of \$80 for part recovery of provision of plants and this should remain.
Dads in Distress	Waive fee for the weekly use of meeting room at Banora Point Community Centre	\$8.00 per night	Requests reconsideration for the hiring fee as this group has only just been initiated	Guidelines allow a small number of initial events at no costs to assist "startup". Accordingly recommended six (6) months at no fee.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Should requests be approved for the waiving of fees for room hire, the income for the meeting room will be impacted by the amount of the fee reduction.

Should requests for "in kind" support be approved, this will impact on the costing of Council's involvement in the activity.

POLICY IMPLICATIONS:

In considering this request, reference should be made to:-

- Festivals Policy.
- Donations Policy.
- Guidelines for Fee Reduction, Auditoriums, Meeting Rooms and Halls.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Correspondence from North Coast Institute of TAFE (DW 1364262)
 2. Correspondence from Dads in Distress (DW 1367020)
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SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolution

FOR COUNCILLOR'S INFORMATION:

1 JUNE 2005

REPORTS FROM THE DIRECTOR ENGINEERING & OPERATIONS

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

417 COUNCIL DECISION:

Administrator Boyd
Administrator Turnbull

That staff organises a round table discussion with interested parties to discuss the stabilisation trial of the unsealed pavement of Letitia Road.

Current Status: Facilitators report has been received and considered by the Executive Management Team with a further review being conducted by the Manager Works.

14 DECEMBER 2005

RECOMMENDATIONS OF THE PLANNING COMMITTEE

589 COUNCIL DECISION:

Administrator Boyd
Administrator Turnbull

RESOLVED that Council adopts the recommendations of the Planning Committee Meeting held on 30 November 2005 as follows:-

- 1 ***[PD] Development Application DA05/0924 - Use of Existing Premises as a Bulk Store at Lot 21 Sec 4 DP2379, No. 56 Recreation Street, Tweed Heads***

RECOMMENDED that this item be deferred pending the provision of appropriate legal advice in relation to the zoning for this application.

Current Status: Legal advice being obtained.

QUESTION TIME

594 [QT] Building Entitlements

Administrator Boyd

Asked could Council staff bring forward a report on the number, size and location of those small lots which have lost building entitlements and could the staff provide an appropriate course of action which Council could consider taking to allow a residence to be constructed on these lots.

The Acting General Manager advised that staff would investigate and advise Council.

Current Status: Awaiting response from the Department of Planning.

22 MARCH 2006

PLANNING COMMITTEE

P4 [PD-PC] Tweed Youth Needs Analysis

P 30 COMMITTEE DECISION:

Administrator Turnbull
Administrator Payne

RECOMMENDED that:

1. This item be deferred to a future Planning Committee meeting.
2. Further information be supplied to Council on the survey results of the Tweed Youth Needs Analysis pertaining to the youth population and youth facilities in the various villages and town centres throughout the Shire.

Current Status: Information being sought

ORDERS OF THE DAY

[NOM] Volunteer Marine Rescue Point Danger

45 COUNCIL DECISION:

Administrator Turnbull
Administrator Payne

RESOLVED that in view of the essential community services that has been provided by Volunteer Marine Rescue Point Danger for over 40 years, the long standing needs of this organisation, viz:

1. A site on which to establish a safe, secure storage and launch facility for its rescue vessels in Jack Evans Boatharbour; and
2. A long-term occupancy for its base operations, which have for many years been conducted in the Durambah Beach building

be the subject of a report to Council's meeting on 12 April 2006.

Current Status: Awaiting finalisation of the plans for the Tweed Heads Master Plan.

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ADMINISTRATOR'S MINUTE

[AM] Signing of Documents

Documents signed by Administrators since 28 February 2006.

Administrator Boyd

- 10 March 2006 Compulsory Acquisition of Lot 3 DP1064338 for Road Purposes at River Terrace, Tweed Heads.
- 10 March 2006 Land Acquisition of Lots 1 to 6 DP 1080887 for Public Road and Acquisition of Lots 7 to 9 DP 1080887 for compensation purposes at Duranbah Road, Duranbah Road.
- 10 March 2006 Land Acquisition of Lot 1 DP 1074009 for Road Purposes at Piggabeen Road.
- 10 March 2006 Land Acquisition of Lot 1 DP 1074359 for Road Purposes at Piggabeen Road.
- 10 March 2006 Land Acquisition of Lot 1 DP 1087664 for Reservoir Purposes at Koala Beach.
- 10 March 2006 Land Acquisition of Lots 110 and 111 DP 1061262 for Preschool Purposes at Tyalgum.
- 31 March 2006 Release of Restriction - Lot 60 DP 859730 Burringbar.
- 31 March 2006 Licence Agreement - Part of Road Reserve - Riverside Drive, Tumbulgum.

Administrator Payne

- 27 March 2006 Deed of Appointment and Removal of Trustee.

RECOMMENDATION:

That the information be received and noted.

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ORDINARY ITEMS FOR CONSIDERATION

REPORTS FROM THE ACTING GENERAL MANAGER

1 [GC-CM] Tweed Community Kenya Mentoring Program - Stage 3

ORIGIN:

Acting General Manager

FILE NO: Water Management - Mentoring Kenya

SUMMARY OF REPORT:

At its meeting of 21 September 2005 Council endorses the Tweed Community Kenya Mentoring Program Stage 3 Operational Plan 2005-2010. This is the second report since initiation of Stage 3 of the Program.

RECOMMENDATION:

That Council:-

1. Notes the contents of this report
2. Forwards the report to the International Riverfoundation for its information.

REPORT:

TWEED COMMUNITY – KENYA MENTORING PARTNERSHIP (TKMP) JANUARY TO MARCH 2006 PROGRESSIVE REPORT



Natalie Planting Tree In Kiambiu Slum, Nairobi.

Report prepared by:

TKMP

REG Office Riruta East, Wanyee Road

P.o.Box 52804 00200

Nairobi Kenya.

Email: olitic@hotmail.com **Website:** www.tweed.nsw.gov.au/kenya

I INTRODUCTION:

This report highlights activities undertaken by the TKMP program, in the period between January 2006 and March 2006 as part of community awareness and engagement at the Dagoretti river catchment project area. In the period the youth representative from around the Dagoretti catchment area together with community representatives, NEMA and NCC toured the river catchment area and identified the problems of environmental sanitation and river catchment problems they face. The Kavuthe River Stream was chosen by the group for a pilot rehabilitation project. The detailed concept and activities have been documented in the proposal paper titled *“improved waste and sanitation services to reduce river pollution and alleviate poverty in Nairobi slums via youth social and cultural activities”* and the estimated cost of 35,990,050.00. The project proposal had by the end of the march 2006 had been circulated to IRF, TSC, Veolia Foundation, UNDP (small grant program) and Ford Foundation for potential funding, with AusiAid was also being targeted through IRF and TSC links.

The TKMP has so far received great support from community, youth and government department like NEMA and NCC, and other NGOs operating in the area. The significant and unique aspect of the program is its focus on river catchment management and youth development through sports, cultural, community service and environment. There are very few projects in Nairobi with such a focus, which will be particularly important in the rehabilitation of the polluted Dagoretti catchment and Nairobi River. The subject of river catchment management has not in past been seen as an area for community participation, and this has been left to government and council who have not been able to undertake meaningful program. Thus polluted state of the Nairobi river basin has for many years continued unabated with authorities and NGOs only but doing more of talking in forums/meetings and little action directly at community level. There are very few initiative aimed at practical actions and involving youth community leading direct improvement of river catchment in Kenya. The TKMP program is thus being seen by many as relevant and timely. It is relevant and thus will augment the sector reforms programs currently taking place in country in particular with the water, environment, youth and local authority.

II SIGNIFICANT SOCIO-ECONOMIC

The month of January 2006 was characterized by the usual school opening rush with parents purchasing uniforms, books and organizing school fees the children who were either returning to school or rush to get a place for those joining for the first time.

Nairobi city was hit by a tragedy on 23rd January 2006 when a building under construction collapsed burying at least 200, most of whom were construction workers and passer by. At least 14 people were reported dead with over hundred injured. The initial investigation findings by the authorities revealed that the building collapsed due to substandard material used and poor design and workman ship. The effect of famine in the country continued with rain not coming. The prizes of food and water rationing were most significant. In the city the price of a 20 litter jerry can of water went up from KShs. 2/- to KShs. 30/- for the same. The prizes foodstuff had also gone up as well as the quantity provided at the shops. In the arid lands there were reports of Masai community

resorting to marrying off the young girls in order to re-stock. For this community it is a taboo for "manyatta" (Masai homestead) to have no cattle and so young girls from 13years are being taken out of school and married off.

The government faced increased pressure from the citizens, various diplomatic and foreign mission following the revelations of corruption dubbed the "Anglo leasing scandal". Some of the minister close to the president had been implicated in multi million passports and forensic equipment and material supply sleaze, and had been exposed by the former Government Ethics & Governance boss, who had fled the country and was in Britain. The mounting pressure on the government saw for the first time in the country's history the sacking/resignation of key ministers (finance and energy) in February, and pressure being put for the vice president to also resign.

The period also saw rising fear of avian flu in Kenya following mysterious bird deaths, but these were quickly refuted by the authorities.

The month of March saw the row between the government and the press, with former accusing the latter of irresponsible press. The government raided a leading newspaper and TV station, impounding computers and materials. This saw the start of the mercenary saga where two Armenian nationals have been accused of involvement in this raid.

III PLANNED ACTIVITIES

1. Undertake to support youth network to recruit more clubs and strengthen network capacity through training and meetings.
2. Initiate youth community dialogue for the river and catchments rehabilitation and management activities
3. Undertake to support the youth network to engage wider community, leaders, businesses on issues of environmental sanitation and catchments management target is to raise awareness in the community on factors that would lead to improved environment and thus imported living conditions
4. Undertake to fundraise targeting is to secure funding support with at least two potential partners
5. Undertake to collaborate with partner agencies like Riruta Environmental Groups (REG), Maji na Ufanisi, Intermediate Technology Group (ITDG), African Network for the Protection and Prevention against Child Abuse and Neglect (ANPPCAN) and National Environmental Management Authority (NEMA). Target is to secure funding support with at least two more potential partners

IV ACTIVITIES UNDERTAKEN

1. Support youth network capacity:

The Dagoretti/ Nairobi River catchment youth network for environment is an emerging network of youth groups and sporting clubs drawn from within and around the Dagoretti river catchment area to include Kibera and Kiambiu slums down stream. The following are some of the activities undertaken within the quarter with aim of building the capacity of this network.

- *Meetings:* In the period the youth network meet twice on 4/1/06 & 25/1/06. These two meetings was an evaluation of the Great Nairobi River Youth Soccer Tournament that had taken place in December. At this meeting the youth expressed their appreciation to the Tweed Community and Australian High Commission for the support they received. The importance of Nairobi River and the Dagoretti river catchment was also debated, and the youths identified the linkage between the poor state of the river and catchment to There was a consensus on the youth working towards the strengthening of the network and a workshop/seminar proposed to follow-up and discuss specifically the youth network. The TKMP was asked to facilitate the workshop.
- *AusiAid Direct Aid program:* one of the key developments during the Great Nairobi River Youth Tournament was information on the AusiAid's Direct Aid Program is designed to give financial assistance to groups or organisations undertaking small scale developmental projects and this information and guidelines were distributed to the participating groups. The youths gave the TKMP role of follow-ups and assisting the groups to develop the proposals as part of capacity support to the youth groups. The proposals made by the youth's targeted project for waste recycling, community, sports, music and cultural activities. By end of March 2006 two proposals had been finalized and ready from Initiative for Sport and Social Arts(ISSA) of Kibera on youth resource center and Waithaka Sports Club Youth Group on waste recycling, with rest groups still working on their proposal. Some of the challenges faced by the youth and for which the TKMP assisted included lack of computer/typewriters, inability to write proposal especially in the area of budget, sometimes to reach consensus on particular project took time.
- The program assisted ISSA Kibera to put together a proposal to PC for Africa seeking support with computer for a youth resource center. Mr. Lindsay (the PC for Africa Representative) made a visit on 4th February 2006. PC for Africa collects used personal computer from companies and institutions in Ireland and distribute the same to projects and learning institutions in Kenya. The youth in Kibera face a lot of hardships and identified as a need the access to computers and setting up of resource center. The proposed resource center will provide computer training to the youth and facilitate access to information on topics ranging from HIV/aids, environment, education and employment as well as current affairs. PC for Africa upon visit agreed to give up to computers. The Kibera has to look for furniture and put in power and security.
- *Recruitment of youth group:* the period saw the recruitment of Waithaka Youth Environmental Network (WAIYEN). This is a network of 5 youth groups and has 100

members. The network met with representative of the TKMP and asked to join the emerging Dagoretti/ Nairobi River catchment youth network for environment.

- *Tour of the river catchment with NEMA, NCC and youth representatives:* on 17th February 2006 TKMP facilitated a one day tour of Dagoretti river catchment area by community youth representatives from the Kibera, Kiambiu and Dagoretti accompanied by the National Environmental Management Authority (NEMA)'s Environmental Officer for Dagoretti Area and three environment student representative from Kenyatta University. This tour of 30 persons helped in raising awareness on state of Dagoretti river catchment, the river streams that form the source of Nairobi River and the pollution sources. Nairobi River has as its source the Ondiri Swamp, which also act as the source of Lake Naivasha. The swamp is a tender ground on top of water. Two streams emerge from this source, namely the Nyongara and Kavuthe streams at the head waters of Nairobi River. Of the two, Kavuthe stream is murky black in color and is heavily polluted by the effluents from the Dagoretti market and abattoir, raw human and solid waste emptied directed from slums and settlements along the stream course. The stream also suffers from great riparian land encroachment and abstraction by farmers which have reduced the river width and water amount. In fact the polluted river waters are used to irrigate vegetable. At the river bank we noticed that there were a number of hand-dug shallow wells which we later learnt is a sometimes used as drinking water. No wonder Dagoretti area records among the highest incidences of water related disease and child mortality rates.

2. Meeting with NEMA, NCC:

Key consultation meetings were held with NEMA and Nairobi City Council (NCC) that resulted into an agreement to collaborate in the rehabilitation of the Kavuthe river catchment, as well as a joint proposal. NEMA agreed to facilitate the involvement of relevant government department into the proposed project.

3. Program receives volunteer from Australia visit.

Natalie Baker arrived at the beginning of February 2006 to support the TKMP. Besides getting to meet with youth and community and touring the slums, and getting to familiarize herself with the situation, she helped with putting together the Kavuthe river project proposal as well as circulating it to potential funding partners like ford foundation, UNDP (small grant program), Veolia foundation. She also assisted in undertaking links with key organizations such as NEMA, Nature Kenya, AusiAid and the Green Belt Movement. She also participated in cleanup campaign and tree planting in Kiambiu slum, youth meeting Kibera. The link with Nature Kenya helped in the program obtaining important information about the indigenous riverine trees and vegetation. Natalie also brought in a box of sports uniform which the TKMP is making arrangements to release from the airport- the problem is to get the required agent stamp and pin before the box is released.

Both the program and the youth benefited greatly from her insights and wisdom during her stay especially in the area of riverine vegetation, planning linkages and fundraising. Our recommendation is for IRF and TSC to consider having within easy reach core

professional (in the likes of Natalie) available for technical support to the twining projects preferably through direct and more extended attachment with the individual projects.

4. Kiambiu clean up & tree planting:

On 27/02/06 Kiambiu youth group conducted a clean up and tree planting day which was inspired by the TKMP activities. The youths mobilized up to 100 community and leaders to clean and plant trees. Natalie planted an Australian gum tree!

5. Maji laptop

Maji Na Ufanisi (MNU) by January 2006 had reopened the office and had settled with auctioneers who had attached the institutions assets for debts unpaid. In the month, the new Director handed over the Laptop earlier donated by TSC to the program and had been also attached by the auctioneers. The laptop was not in very good shape and needed a bit of repair.

6. Linkages and partnerships:

- The TKMP registered in 9th February 2006 as a member of Plastic Recyclers Cooperative Society for groups and Community Based Organizations (CBOs) supported by ITDG and UNEP under the Nairobi River Basin Initiative (NRBI). This initiative is intended to step up the collection and recycling of plastic waste.
- Also significant was link with Nature Kenya supported Friends of the Nairobi Arboretum (FONA) and Friends of the City Park (FOCP) – these two initiatives of Nature Kenya has seen the rehabilitation of Kirichwa River and re vegetation of the Nairobi Arboretum. The TKMP has initiated discussions with Nature Kenya on the possibility of cross collaboration and sharing of lessons and experience. Nature Kenya has a good working relation with the Forestry Department which may be useful for TKMP program riverine re vegetation.
- Other linkages made in the period were with the Green Belt Movement, African Network for the prevention and Protection of Child Abuse and Neglect (ANPPCAN).

7. International River Symposium.

The program was able to put an abstract titled “Youth Resuscitation of polluted Nairobi River” with two youths Anastasia Njeri and Fred Ouma who were appointed to represent the program if and when the paper is accept and sponsorship application approved. An attempt was made to get NEMA’s Environmental officer i/c of Dagoretti area to put also an abstract in too about environmental law enforcement challenges facing the government.

8. Fund Raising

The program is in critical need of funding. A project proposal for the rehabilitation of the Kavuthe river project was developed, a project that seeks to undertake a model river catchment project using lessons from TSC, Australia. This project proposal was

circulated to Veolia Foundation, IRF, TSC, Ford Foundation and UNDP (small grant program). The AusiAid was being lobbied from the TSC and IRF side.

V. SUMMARY OF RESULTS ACHIEVED

The following are summary of achievements in the quarter:

- Contact established link with government agencies – NEMA, NCC, the Water Boards, NGOs(Greenbelt, Maji Na Ufanisi, REG, ITDG) and Youth-Community in Dagoretti Kibera and Kiambiu as well as business
- Mobilization and awareness raised among the youth community on factors leading to improved environmental sanitation. This has been done through seminars, meeting and organized tour of Dagoretti river catchment by the youth community. There is a good rapport between the program and community.
- The Great Nairobi River Youth Soccer Tournament where the Guest of Honor was the Australian High Commission and the Dagoretti Member Parliament resulted into formation of informal youth network for improvement of the Dagoretti river catchment drawing youths from 8 slums areas of Dagoretti, Kibera and Kiambiu
- Program inspired clean up and tree planting like in the case of Kiambiu slum
- Supporting the individual youth groups to write small project funding proposals targeting AusiAid.
- A program desk fully operation with a full time desk coordinator.
- A proposal to undertake model river catchment rehabilitation through community education, waste management/recycling, river cleanup and re vegetation and advocacy for strengthened trade waste regulation & enforcement. This concept has been circulated to identified potential partners that include AusiAid, Ford Foundation, UNDP-Community Water Initiative, Veolia Foundation,
- The TKMP is a fully paid up member of Plastic Recyclers Cooperative Society, an initiative of UNEP and Nairobi River Basin Initiative

VI CONSTRAINTS & CHALLENGES.

The TKMP is facing a number of constraints and challenges:

- Fund Raising: - The program needs to raise funds and demonstrate through pilot project a pilot river catchment management.
- Mobilization and action: - Sustain youth community and government interest through out the program.
- Network and link: - with other NGOs doing similar work or are working in Dagoretti.
- Governance: - To evolve as a membership organization, register, recruit members and elect a board (in Kenya and Australia) who would effectively guide the

organization. There is need to strengthen financial and management by putting into place appropriate systems

- Staff: the need to attract a core staff of qualified professions at this early stage of program formation. Such professions would inculcate important institutional norms, discipline and ethics upon which the program can base its growth. There is of course the issue of balance between muscles versus brains required at this stage.
- Coping with high expectations among the community and youth

VII LESSON LEARNT.

- Fundraising is not only writing nice proposal...it is also lobbying and enticing potential partnerships, advocacy tours
- Media is important – need to have a media strategy.
- Partnership and linkages important as no single organization can satisfy the river catchment needs of Dagoretti and t maximize on resources. Yet partnership can be difficult and need to be managed and have to be strategic.
- Balance talk and action, and that experience are the best teacher...time to get down and demonstrate and learn through action.

VIII WAY FORWARD.

Given the financial constraint faced by the program activities in the coming month have been scaled down to keeping the office open and meetings with youth community until funds for more activities are secured.

- Undertake to step up fundraising through hosting visits of representatives from Ford Foundation, UNDP and AusiAid and follow up on the funding application.
- seek more funding opportunities/potential partners and write more proposals/applications
- undertake to develop data of indigenous trees and plants.
- Follow up on the proposed Mwangi visit to TSC – link with family, school, community & media as well as organize passport, visa, medical check up link with family, school, community & media
- Follow up on the community, youth groups and network meeting.
- Attend forums and network meetings.
- Support youth put proposal to AusiAid grant and others.

IX STATEMENT OF INCOME AND EXPENSE.

TKMP JANUARY TO MARCH 2006 STATEMENT OF INCOME AND EXPENSE					
CASH IN			CASH OUT		
DATE	PARTICULARS	AMOUNT	DATE	PARTICULARS	AMOUNT
		<u>KShs</u>			<u>KShs</u>
28/12/05	balance b/f	28,925.00	03/01/06	security padlock	65.00
06/02/06	IRF funds to GNet AUD6972.10	356,992.00	03/02/06	bank charges	750.00
			10/01/06	sign writing office	2,000.00
			07/02/06	rent jan, feb,mar,april,may & june 06	30,000.00
			10/02/06	registration plastic recyclers coop society	500.00
			10/02/06	laptop repair & service	5,500.00
			13/02/06	transport & accommodation Kisumu	1,900.00
			15/02/06	car parking fee	270.00
			17/02/06	River Catchment tour - meals	2,895.00
			17/02/06	river Catchment tour - transport allowance	3,200.00
			17/02/06	river catchment tour - bus hire	5,000.00
			18/02/06	allowance volunteer january/feb@1 month	20,000.00
			02/03/06	reading materials Arboretum/nature Kenya	100.00
			27/03/06	transport, fuel	19,200.00
			27/03/06	Allowance Desk Coord. Jan-mar 06 @ 3 month	210,000.00
			27/03/06	telephone & email	8,400.00
			27/03/06	printing, photocopy & stationery	3,500.00
				subtotal	313,280.00
			01/04/06	bal c/f	72,637.00
Total		385,917.00			385,917.00

Balance of money as at 27th March 2006 is KShs. 72,637.10 or AUD 1418.70. Exchange rate @ 1 AUD for kshs.51.20/-

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM THE ACTING DIRECTOR ENGINEERING AND OPERATIONS

2 [EO-CM] Tweed District Water Supply - Bray Park Weir Refurbishment

ORIGIN:

Water

FILE NO: GC12/2-200478 Pt3

SUMMARY OF REPORT:

Due to the high risk involved in carrying out the refurbishment of the Bray Park Weir there has been a risk sharing contractual relationship with the current contractor Marine Construction and Maintenance Pty Ltd (MCM). No submissions were received from any other potential contractors for the first tender period and there is an obvious risk in working in the river for any length of time. The risk mentioned is shared mainly through Schedule A Item 2, which provides a lump sum (\$42,350 GST Incl.) in the event that an "Incident" (flooding of the work area) occurs and disestablishment and reestablishment are required.

The additional costs to Council above that already approved through Council resolutions to complete the project are estimated to be \$240,000 (GST Excl.).

RECOMMENDATION:

That:-

1. Council authorises the following variations previously approved under delegated authority:-
 - a) Variation No. 5 - Moneys not included in Variation No. 3 due to difference in breakdown cost and total cost (\$200 GT Exl).
 - b) Variation No. 6 - Schedule A Item 2: Incident No. 1 - Periods 28/7 to 30/7 and 9/8 to 25/8 (\$38,500 GST Excl).
 - c) Variation No. 7 - Corrosion protection to corbel piles (epoxy coating) (\$3,600 GST Excl).
 - d) Variation No. 8 - Additional Rock Placement to Western Bank adjacent to diversion channel (\$3,000 GST Excl).
 - e) Variation No. 9 - Additional Rock Placement under Item 13 of Schedule above provisional sum (\$15,369.60).
 - f) Variation No. 10 - Additional ligatures to ends of slab reinforcement for construction purposes (\$4,050).
 - g) Variation No. 12 - Sealing of diversion channel gate (\$3,178.03 GST Excl).

- h) Variation No. 13 - Cogging of C layer reinforcement (crest slabs 6 & 7) (\$751.51 GST Excl).
 - i) Variation No. 14 - Restoration of Bund wall due to flooding for January/February 2006 (Dayworks) (\$20,871.14 GST Excl).
2. The Director Engineering & Operations be given delegated authority to approve additional variations up to the value of \$240,000 GST Excl.

REPORT:

Due to the high risk involved in carrying out the refurbishment of the Bray Park Weir there has been a risk sharing contractual relationship with the current contractor Marine Construction and Maintenance Pty Ltd (MCM). The risk is shared mainly through Schedule A Item 2, which provides a lump sum (\$42,350 GST Incl.) in the event that an "Incident" (flooding of the work area) occurs and disestablishment and reestablishment are required.

The period from 9 January 2006 to 31 March 2006 has resulted in 35 Incident days at a total cost to Council of \$123,520.95 (GST Incl.). Under Council's resolution of 19 October 2005 the Director of Engineering and Operations was given delegated authority to approve variations up to \$150,000 (GST Excl.).

Based on the above costs and allowing for two (2) Incidents to occur and consequent reestablishment/maintenance costs and with 20% contingency applied the amount of additional works required to complete the project above that already resolved by Council are estimated as \$240,000 (GST Excl.).

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. **Confidential Attachment** - Supplementary Information to Tweed District Water Supply - Bray Park Weir Refurbishment (DW 1371484).
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3 [EO-CM] Byrrill Creek Property - Lease & Caretaking Agreement Option

ORIGIN:

Contracts

SUMMARY OF REPORT:

The initial five-year Lease and Caretaking Agreement over Council's Byrrill Creek property expired on 3 April 2006. The Lease and Caretaking contract provides for 2 x 5 year renewal option.

The Lessee has sought to take up the first of the five (5) renewal options. The existing terms and conditions will apply for the period of the Agreement extension.

RECOMMENDATION:

That:-

- 1. Mr Kenneth Morrow's existing Lease and Caretaking Agreement over Council's Byrrill Creek property be extended for a further five (5) year period under the existing terms (CPI adjusted) and conditions and that formal Lease and Caretaking documents be prepared accordingly.**
- 2. All necessary documentation be completed under the Common Seal of Council.**

REPORT:

The initial five-year Lease and Caretaking Agreement over Council's Byrill Creek property expired on the 3 April 2006. The property has land holdings of approximately 1,200 ha the majority of which is being developed for hardwood plantations.

The Lease Agreement offered approximately 35 ha excluded from the plantation area on which stand two (2) houses, stables and a large shed with agistment rights over all of the property.

The Caretaking Agreement is over the total land holding area.

The Lease and Caretaking contract provides for 2 x 5 year renewal option.

The Lessee has sought to take up the first of the five (5) renewal options with the existing terms and conditions to apply for the period of the Agreement extension.

Contract rates are subject to annual review as determined by the Consumer Price Index (CPI).

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. **Confidential Attachment-** Supplementary Information to Agenda Item - Byrill Creek Property – Lease & Caretaking Agreement Option (DW 1365020).
-

4 [EO-CM] EC2005-195 Proposed Reconstruction of Wollumbin Street Tyalgum & King Street Fingal

ORIGIN:

Contracts

FILE NO:

SUMMARY OF REPORT:

The following projects have been listed in the 2005/2006 road projects budget:-

- Wollumbin Street Tyalgum – Reconstruction
- King Street Fingal – Reconstruction

A tender has been called for these projects in accordance with the NSW Local Government (General) Regulations 2005 and Council's Procurement Policy, with tenders closing 29 March 2006.

Two tenders were received at the time of closing and this report recommends the award of the tender

RECOMMENDATION:

That:-

- 1. Council awards Contract EC2005-195 Separable Portion A - Wollumbin Street Tyalgum reconstruction for the amount of \$272,460.91 (Excl. GST) to Turner Civil Works Pty Ltd.**
- 2. Council awards Contract EC2005-195 Separable Portion B - King Street Fingal reconstruction for the amount of \$100,652.73 (Excl. GST) to Turner Civil Works Pty Ltd.**
- 3. The Director Engineering and Operations be given delegated authority to approve variations up to 20% of the initial contract sum total for separable portions A and B.**

REPORT:

The following projects have been listed in the 2005/2006 road projects budget:-

- Wollumbin Street Tyalgum – Reconstruction
- King Street Fingal – Reconstruction

A tender has been called for these projects in accordance with the NSW Local Government (General) Regulations 2005 and Council's Procurement Policy. The tender contained two separable portions for the above mentioned projects with the tender closing 29 March 2006 with submissions being received from the following:-

MJ & SL Seery Excavations Pty Ltd.

Turner Civil Works Pty Ltd.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The cost of the contracted works is included in the 2005/2006 roads project budget.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. **Confidential Attachment** - EC2005-195 Supplementary Confidential Information to Agenda Item EC2005-195 Proposed Reconstruction of Wollumbin Street Tyalgum and King Street Fingal (DW 1371172).
-

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

5 [SUB-KBW] Minutes of Koala Beach Wildlife and Habitat Committee Meeting held Wednesday 16 February 2006

ORIGIN:

Recreation Services

SUMMARY OF REPORT:

The Minutes of the Koala Beach Wildlife and Habitat Committee Meeting held Wednesday 16 February 2006 are attached to this Agenda for the information of Administrators.

The Committee has made recommendations for consideration. In reviewing these recommendations in line with Council's Policies, Management Plan and Budget, amendments may be made by the responsible Director. Reasons for any amendments are listed at the end of the Minutes document under the heading "Director's Comments" with the relevant amendment being reflected under the heading "Director's Recommendations". The Committee's recommendations, including Director's amendments, are referred for Council's adoption.

RECOMMENDATION:

That:-

1. The Minutes of the Koala Beach Wildlife and Habitat Committee Meeting held Wednesday 16 February 2006 be received and noted; and
2. The recommendations be adopted as follows:-

Agenda Items:

4. *Community Fire Wise*

RECOMMENDATION:

That Council on behalf of the Koala Beach Wildlife & Habitat Committee writes to the Minister to stress the importance of having a response unit within the estate since the estate is surrounded by bush.

REPORT:

Minutes of the Koala Beach Wildlife & Habitat Committee Meeting Held Wednesday 16 February 2006

VENUE:

Cabarita Beach Sports Centre

TIME:

3.00pm

PRESENT:

Committee Members: Stewart Brawley (TSC), Paul Batson, Carol Cranwell & David Cranwell, Ross Wilson, Annette Wilson, Graeme Lloyd

Informal: Blyth Short (Recorder), Kevin Banks, Loel Olsun

APOLOGIES: John Callaghan, Rhonda James, and Steve McRae

MINUTES OF PREVIOUS MEETING:

Moved: Paul Batson

Seconded: Carol Cranwell

RESOLVED that the Minutes of the Koala Beach Wildlife & Habitat Committee Meeting held 7 December 2005 were tabled at the meeting and accepted by the Committee as a true and accurate record of the proceedings.

CORRESPONDENCE:

1. Outgoing – Rural Fire Service
2. Outgoing – NSW Fire Brigade

BUSINESS ARISING:

Item from Meeting 13 October 2005

6. Concrete walking track/footpath

Lael Olsun was wondering if the concrete walking tracks between the corner Sassafrass & Bottlebrush through to Stage 5 or 6 be joined. Stewart and Steve to liaise regarding the walking track.

Steve McRae advised that Grahame Burton forwarded a proposal and Steve had his Landscape Architects working on it.

S Brawley discussed this issue with Steve McRae and advised that it is still with the landscape architects.

1. Committee Status

"RECOMMENDATION: That Stewart Brawley provide a report to Council recommending that Koala Beach Wildlife & Habitat Management Committee become a Council sub-committee representation of 6 Community Reps, Council, AKF, DEC and the Ray Group."

At it's meeting held 7 February 2006 Council Resolved the above recommendation with the addition of Administrator Turnbull (Administrator Boyd as alternate).

S Brawley explained the role of the committee and how it would operate as a sub committee of Council. Other people can attend meeting as informal guests.

Blyth to forward copy of recommendation from Council meeting 7 February 2006 to all members.

2. Clarification of "dog/cat prohibition" status of land around estate, which has been returned to public ownership

The Committee agreed to wait for clarification from Graeme Lloyd.

General discussion. Agreed to assume that the dog/cat prohibition status still stands. S Brawley to organise for a Council staff member to liaise with Graeme Lloyd to pursue signage.

3. "Dog/cat" signs at access points to this land, if appropriate.

The Committee agreed to wait for clarification from Graeme Lloyd.

General discussion. Agreed to assume that the dog/cat prohibition status still stands. S Brawley to organise for a Council staff member to liaise with Graeme Lloyd to pursue signage.

4. Community Fire Wise

Kevin Banks advised that the Rural Fire Service provides a free community Fire Wise training program on how to prepare for a fire. It is not training on how to fight fires.

Annette Wilson advised that a letter has been sent by MP Neville Newell to Minister Tony Kelly, Emergency Services Minister supporting the application for a Community Fire Unit.

Carol Cranwell suggests the committee write to the Minister to stress the importance of having a response unit within the estate since the estate is surrounded by bush.

Moved: Carol Cranwell
Seconded: Paul Batson

RECOMMENDATION:

That the Koala Beach Wildlife & Habitat Committee write to the Minister to stress the importance of having a response unit within the estate since the estate is surrounded by bush.

5. Weed Control Stage 5

Paul Batson asked is Stage 5 under Ray Group maintenance or Council. S Brawley advised that Council was undertaking negotiations with the contractors for required works prior to hand-over to Council. Council staff have commenced mowing parks in the estate. The Developers contractors are to weed all garden beds. Consequently, the estate is now Council's responsibility.

Annette Wilson expressed concerns with maintenance of the steps. General discussion. S Brawley explained that some areas would be maintained by Recreation and Engineering units depending on the classification of the land.

Graeme Lloyd & Loel Olsun arrived 3.40pm.

6. AKF Educational Program

Meeting minutes of 13 October 2005 were revisited. Carol Cranwell expressed concerns with justification of spending \$8,000 on an AKF educational program. Look at discussing this issue further with the AKF to streamline the expense to keep costs lower. Paul Batson to pursue this issue.

GENERAL BUSINESS:

7. Dogs on the Estate

Ross and Annette Wilson advised of a recent dog complaint that was phoned through to Council and not appropriately recorded and dealt with at the time. S Brawley to speak to Paul Brouwer about the situation.

8. Canoe Access Point

Graeme Lloyd expressed concerns that the construction of the canoe access structure may affect two large tallowwoods on the creek bank. S Brawley to advise Tom Alletson of the committee's concerns.

9. Monitoring Wildlife

Loel Olsun asked when the committee will be required to commence monitoring of fauna. S Brawley advised that the Ray Group are still under contract to continue with the programs.

NEXT MEETING:

The next meeting of the Koala Beach Habitat & Wildlife Committee will be Wednesday 5 April 2006 at the Cabarita Sports Centre at 3.00pm.

The meeting closed at 4.10am

DIRECTOR'S COMMENTS:

Nil.

DIRECTOR'S RECOMMENDATIONS:

4. Community Fire Wise

RECOMMENDATION:

That Council on behalf of the Koala Beach Wildlife & Habitat Committee writes to the Minister to stress the importance of having a response unit within the estate since the estate is surrounded by bush.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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6 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 16 March 2006

ORIGIN:

Works

SUMMARY OF REPORT:

The Minutes of the Local Traffic Committee Meeting held 16 March 2006 are attached to this Agenda for the information of Administrators.

The Committee has made recommendations for consideration. In reviewing these recommendations in line with Council's Policies, Management Plan and Budget, amendments may be made by the responsible Director. Reasons for any amendments are listed at the end of the Minutes document under the heading "Director's Comments" with the relevant amendment being reflected under the heading "Director's Recommendations". The Committee's recommendations, including Director's amendments, are referred for Council's adoption.

RECOMMENDATION:

That:-

- A. The Minutes of the Local Traffic Committee Meeting held 16 March 2006 be received and noted; and**
- B. The recommendations be adopted as follows:-**

BUSINESS ARISING:

Item from Meeting held 16/2/06

12. Machinery Drive

That:-

- 1. 'No Stopping' signage on the southern side of Machinery Drive from Amber Road be extended to the eastern leg of the Machinery Drive loop.***
- 2. An extra 2 right turn pavement arrows be installed in the right turn lane on Machinery Drive approaching Amber Road in a westbound direction.***
- 3. A sign be installed stating 'Right lane must turn right' at the Machinery Drive loop intersection.***

Item from Meeting held 16/3/2006

12. Kyogle Road, Dum Dum

That a 80kph speed zone be installed on Kyogle Road, 200m west of Boulder Close to the Uki village 60kph sign.

Item From Meeting held 16/3/2006

13. Wharf Street - Tweed Heads

That the last 2 taxi spaces on Wharf Street, Tweed Heads be replaced with a loading zone subject to endorsement by the Tweed Heads Town Centre MasterPlan Committee.

GENERAL BUSINESS:

PART A

7. Parking Limits - Murwillumbah

That 1 hour parking limits be installed in the Murwillumbah CBD until drainage works are complete on Wharf Street, Murwillumbah Street, Commercial Road and Proudfoots Lane.

PART B

1. Childcare Facility Including Amendment to DCP No. 3 at Lot 1326

That 'No Stopping' signs be installed adjacent to the proposed Childcare Facility on Woodlands Drive and Leisure Drive when the development is completed.

REPORT:

Minutes of the Local Traffic Committee Meeting held Thursday 16 March 2006

VENUE:

Peter Border Room

TIME:

Commencing at 9.00am.

PRESENT:

Committee Members: Mike Baldwin, Roads and Traffic Authority; Jason Thrupp, NSW Police.

Informal: Chairman: Mr Paul Morgan, Mr Ray Clark, Mr Danny Rose (visiting) and Judith Finch Tweed Shire Council.

APOLOGIES:

Mr Don Page MP, Member for Ballina, Mr Neville Newell, MP, Member for Tweed.

MINUTES OF PREVIOUS MEETING:

RESOLVED that the Minutes of the Local Traffic Committee Meeting held Thursday 16 February 2006 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 16/2/06

12. Machinery Drive

In further discussion regarding the operation of the signals at the Amber Road intersection the need for a dedicated right turn westbound was noted. The following upgrades to the intersection are recommended:-

1. Extend 'No Stopping' signage on the southern side of Machinery Drive from Amber Road to the eastern leg of the Machinery Drive loop.
2. An extra 2 right turn pavement arrows be installed in the right turn lane on Machinery Drive approaching Amber Road in a westbound direction.
3. A sign stating 'Right lane must turn right' at the Machinery Drive loop intersection.

RECOMMENDATION:

That:-

1. 'No Stopping' signage on the southern side of Machinery Drive from Amber Road be extended to the eastern leg of the Machinery Drive loop.

2. An extra 2 right turn pavement arrows be installed in the right turn lane on Machinery Drive approaching Amber Road in a westbound direction.
 3. A sign be installed stating 'Right lane must turn right' at the Machinery Drive loop intersection.
-

Item from Meeting held 19/5/05

4. Pottsville / Mooball Road, Pottsville
R4420 Pt3; DW1195084; Traffic - Speed Zones; Safety

"Request received for a reduction in the speed limit from 100kph to 80ph on the section of Pottsville Mooball Road from where the 100kph commences to Mooball to take in all the winding areas.

It was noted that speed counts have been performed in the past and this location will be reviewed once the reconstruction of Cudgera Creek Road is completed.

To be brought forward to the meeting of June 2006.

For Council's information."

Current Status: To be brought forward to the LTC for meeting in June 2006.

For Council's information.

Current Status: To be brought forward to the LTC for meeting in December 2005.

Item From Meeting held 15/12/05

"The Committee noted that road works are not yet completed. To be brought forward to the LTC meeting in March 2006.

For Council's information."

Current Status: To be brought forward to the LTC for meeting in March 2006.

Item From Meeting held 16/3/2006

To be brought forward to the Local Traffic Committee for meeting in April 2006.

For Council's information.

Item from Meeting held 21/4/05:

12. Kyogle Road, Dum Dum
R2970 Pt13; Traffic - Committee; Speed Zones; Safety; DW1190367; 1189409

"Request received in relation to Kyogle Road which runs through Dum Dum Farm at 973 Kyogle Road. It is reported that there are regular accidents along this road with a 'black spot' 50 metres either side of the Mt Warning turn off. In wet weather it is particularly bad. It is also reported that despite good fencing cows do sometimes wander on to the road and cause accidents (as occurred on 18 April 2005).

A review of the speed limit is requested from "Drive to Suit conditions" to 80kph along the sharp curvy parts of the road.

The RTA Representative suggested that a Road Safety Audit of Kyogle Road be implemented together with an analysis of crash data to ascertain driver behaviour on the road.

To be brought forward to the May 2005 Local Traffic Committee meeting

For Council's information."

Item from Meeting held 19/5/05

The Road Safety Officer advised that the Road Safety Audit had not been completed as yet.

To be brought forward to the June 2005 meeting.

For Council's information.

Item from Meeting held 14/7/05

"The Road Safety Officer tabled crash data details and preliminary road safety audit as follows:-

Bus Analysis

12

2000 - 2004 (mid)		4.5 years		45	
		Bridge to Juki		Ukiwest	
No. crashes		41		60	
Per year		9		13	
Distance		75		15.6	
ADT		3035		1442	
RUM					
	intersection 10-23			2	
	road on 20-23	5		5	
	vehicles same direction 30-33	2		6	
	manoeuvring 40-49	3		3	
	overtaking 50-59	2		1	
	on path 60-69	2		2	
	off path on straight 70-79	4		3	
	off path on curve or turning 80-89	23	56%	41	68%
Vehicle type					
	motorcycles	7		2	
	cars	37		58	
	light trucks	3		2	
	art trucks	0		1	
No. vehicles involved					
	1	28	68%	45	75%
	2	12		15	
	4	1			
Killed		1		0	
Injured		24		37	
road condition					
	wet road	18	44%	37	62%
	dry road	23		23	
postcode (of main driver)					
	2484	15	44%	19	32%
	2486-90	6			
	QLD	10		11	
	2480			12	
	other			14	
direction of travel					
	UK	7		4	
	north	7		7	
	south	5		6	
	east	11		23	
	west	12		22	

The Committee concluded that the data indicated that it is local drivers that are involved in most crashes. It was noted that the 85th percentile speed of travel was 89.6kph on average over the 3 survey locations. Speed zoning was discussed and it was noted that an 80kph zone could be considered for a 5.0km section of Kyogle Road, east of Uki, but that would impact on some sections of high standard road including an overtaking lane. Generally the road pavement and lane widths are of good quality but some sections of curved road appear to be the prevalent crash areas.

The RTA Representative advised that as the majority of crashes are on curves there should be an assessment of advisory kerb sides and speeds and check the need for identified curve markers on identified crash clusters. It was agreed a formal review be undertaken from Byangum Bridge to Uki and such review be undertaken by the RTA Representative and Council's Road Safety Officer.

To be brought forward to the December 2005 meeting.

For Council's information."

Current Status: To be brought forward to the LTC for meeting in October 2005.

Item from Meeting held 20/10/2005

"The RTA Representative advised that the current Speed Zoning Policy is under review and the final documents are expected by the end of 2005.

To be brought forward to the February 2006 meeting.

For Council's information."

To be brought forward to the LTC for meeting in February 2006."

Item from Meeting held 16/2/2006

"The new RTA Guidelines have not yet been completed. To be assessed by the RTA under the current guidelines and reported back to the next Local Traffic Committee meeting in March 2006.

For Council's Information."

Item from Meeting held 16/3/2006

The Roads & Traffic Authority Representative advised that the area has been assessed by video and the 85th percentile is 90kph. Traffic vehicle counts show 3,335 vehicles per day. Where the speed zone changes from Bray Park to Uki there are 64 intersections, including driveways, which means that it falls to just within a rural environment. It was noted that the crash rate is fairly high. Nlimits recommends a speed zone of less than 100kph.

It was noted that Police enforcement is going to occur and decided that the speed limit would remain at 100kph and further monitoring of the area will take place.

RECOMMENDATION:

That a 80kph speed zone be installed on Kyogle Road, 200m west of Boulder Close to the Uki village 60kph sign.

Item from Meeting held 16/2/2006

13. Wharf Street - Tweed Heads

R5901 Pt 2 - DW 1340551 - Loading Zones

"Request received for the installation of a Loading Zone in the vicinity of 42-60 Wharf Street Tweed Heads.

To be further investigated and reported back to the next meeting.

For Council's Information."

Item From Meeting held 16/3/2006

The Committee supported the replacement of the last 2 taxi spaces with a loading zone, which results in taxis having 3 spaces adjacent to the taxi shelter subject to endorsement by the Tweed Heads Town Centre MasterPlan Committee.

RECOMMENDATION:

That the last 2 taxi spaces on Wharf Street, Tweed Heads be replaced with a loading zone subject to endorsement by the Tweed Heads Town Centre MasterPlan Committee.

GENERAL BUSINESS:

PART A

1. Wharf Street, Tweed Heads

R5901 Pt2; DW1350105; Traffic - Parking Zones; LN 33792

Request received for timed parking limits for the car park at Jimbo's Restaurant. This is due to claims that other vehicles not associated with Jimbo's are utilising their parking area.

Decided that this item be deferred to the April 2006 meeting for the provision of further information from the Development Services Unit.

For Council's information.

2. Fraser Drive, Terranora Road and Wommin Bay Road

R2150 Pt3; R5950 Pt2; DW1347436; Traffic - Safety; Directional Signs

Request received in relation to:-

1. The turning of vehicles across the path of other vehicles at intersections. Specific locations of this problem are at:-

- Wommin Bay Road and Chinderah Bay Drive
 - Darlington Drive and Amaroo Drive
 - Fraser Drive and Terranora Road
2. Southern off ramp to Chinderah from Barneys Point Bridge has 45kph advisory signs on exit and then speeds up to 60kph. Suggestion received that the 45kph advisory sign should read 85kph.

The Committee decided that:-

1. The intersection configurations comply with current best practice and clearly covered by the Australia Road Rules and are considered to work effectively.
2. The Roads & Traffic Authority Representative advised that it is an advisory sign only and the curve radius warrants the 45kph advisory sign.

For Council's information.

-
3. Bakers Road, Murwillumbah
R0280 Pt1; DW1346133; Street - Sign; Traffic - Parking Zones; New Art Gallery

Request received in relation to parked vehicles at the art gallery. The parked vehicles are making it difficult for persons at 41 Bakers Road to exit their property.

This item deferred until the extensions to the Art Gallery are complete as extra on-site car parking should be provided.

To be brought forward to the Local Traffic Committee meeting in September 2006.

For Council's information.

-
4. Tweed Coast Road, Pottsville
R1181 Pt15; DW1341467; Traffic - Safety; Speed Zones

Request received in relation to the speed of traffic on the section of Tweed Coast Road at Pottsville between the roundabout at the Soccer Oval and the area around the main gate of the Pottsville North Caravan Park. Peak hours (6:00am to 8:30am) being the worst time.

The Road Safety Officer advised that speed surveys have been performed. The 85th percentile is 62kph. The speed count data has been made available to the Police for enforcement as deemed necessary.

For Council's information.

5. Oxley Street, Tweed Heads South

R3980; DW1344792; 1324263; 1332070; 1352034; Traffic - Parking Zones

Request received for special parking permission to park a vehicle on the nature strip due to the inadequacy of on-site parking provided by the Department of Housing.

The applicant has already received advice that this would be in contravention of the Australia Road Rules but has resubmitted the request for further consideration.

The Chairman noted that the Dept of Housing does not operate under Council's DCP 2, which states 0.5 on site car spaces per bedroom in the complex whereas the State Government's SEPP 5 only requires 1 space per 5 dwellings. This development has 3 spaces for 6 dwellings and is clearly inadequate. It is suggested that the matter be pursued with the Department of Housing to provide additional on site parking to meet the needs of its tenants. Furthermore Council cannot give permission to park illegally on the footpath area, in contravention of the Australian Road Rules.

A submission has also been received from a representative of the visually impaired group opposing the request.

For Council's information.

Paul Morgan left the meeting at 10:15am

6. Park Street, Tweed Heads

R4130 Pt1; DW1336905; 1345347; Traffic - Parking Zones; Street-Signs

Request received for a 'No Parking' zone at the front of the Long Day Care Centre in Park Street, Tweed Heads.

Jason Thrupp arrived at 10:17am

Decided that signage does not need to be changed at this time. However consultation will be held with the Long Day Care Centre to ascertain if drop off parking needs to be arranged.

For Council's information.

7. Parking Limits - Murwillumbah

DW1350154; R1250 Pt2; R5900 Pt1; R3640 Pt4; Drainage - General; Traffic - Parking Zones

Request received for 1 hour parking limits to be put in place in the CBD of Murwillumbah until works are complete on Wharf Street, Murwillumbah Street and Commercial Road.

The Committee noted that these works are only temporary and is unclear on perceived benefit if changing the parking arrangements to 1 hour. It was noted that the time frame for implementation of 1 hour parking for the CBD could coincide with completion of the current works. The Committee supported the 1 hour parking arrangements in Murwillumbah as it was supported by the Business Chamber.

RECOMMENDATION:

That 1 hour parking limits be installed in the Murwillumbah CBD until drainage works are complete on Wharf Street, Murwillumbah Street, Commercial Road and Proudfoots Lane.

8. Sexton Hill - Pedestrian Fence

R4035 Pt4; DW1350116; Traffic - Safety; Traffic - Linemarking

Request received for a guardrail to be installed in front of the cycleway fence and merge lane line marking amended at Laura Street on Sexton Hill. This is in relation to a vehicle colliding with the pedestrian fence between Laura Street and the bus stop on the hill.

To be referred to the Roads & Traffic Authority for the consideration of extending the guard rail to protect pedestrians and consideration of modifying the merging over the top of the Laura Street intersection.

For Council's information.

9. James and Nullum Streets, Murwillumbah

DW1352553; R2690 Pt1; R3770 Pt2; Traffic - Safety; Traffic - School Zones; Traffic - Speed Zones

Request received in relation to the high speed of traffic on the James Street/Nullum Street corner with high traffic use being reported immediately before and after school hours. It is reported that vehicles are cornering at this location at high speeds and monitoring of this location is requested.

Referred to the Police for enforcement.

For Council's information.

10. Quayside Court, Tweed Heads

R4492 Pt1; DW1336470; Traffic - Parking Zones; Parking - Illegal

Request received for the installation of timber posts or alternatively the erection of "No Parking" signage in relation to the use and damage of the grassed area of land fronting Quayside Court on which vehicles are parking.

Item to be referred to the Rangers for enforcement if deemed necessary. Also to be referred to the Maintenance Engineer in relation to the possible installation of bollards.

For Council's information.

11. Shallow Bay Drive, Tweed Heads South

R5006 Pt1; DW1351991; Traffic - Safety; Speed Zones; Directional Signs

Request received in relation to the speed of traffic on Shallow Bay Drive. It is reported that now that the link road has been completed traffic is flowing well, there is a noticeable increase in traffic on Shallow Bay Drive and that the traffic is speeding.

It is requested that 50kph signage be more prominent including the painting of "50kph" signage on the road near Triton Street as well as the introduction of speed humps.

Item to be referred to the Police for enforcement and noted that Council's advisory radar will be placed on Shallow Bay Drive when available.

It should be noted that the current speed limit in NSW in built up areas is 50kph and sign posting is not required.

For Council's information.

12. Machinery Drive, Greenway Drive and Tierney Place, Tweed Heads South

R3250 Pt4; R2315 Pt1; R5485 Pt1; DW1360073; Traffic - Weight of Vehicles (inc B-Doubles)

Request received for an extension to the B-Double route from the end of Machinery Drive to the entrance gate at the Tweed Heads Motor Registry, Greenway Drive, South Tweed Heads.

This is to allow roadworthiness inspections to be conducted on B-Doubles at the Tweed Heads Motor Registry. The Motor Registry is drive through and the exit is on Tierney's Place, South Tweed Heads, and an existing B-Double route.

Concern was raised with what impact the inspection of B-doubles may have on Machinery Drive and how the vehicles would be managed on-site.

To be brought forward to the April 2006 meeting.

For Council's information.

13. Marine Parade, Kingscliff

R3340 Pt5; DW1359853; Traffic - Parking Zones

Request received for:-

1. Parking restrictions for tradespersons between 20 and 40 Marine Parade and at the public beachfront car park whilst the Azura complex is being built.
2. Enforcement of parking zones in front of the shops on Marine Parade.
3. The parking on the south west side of the public beachfront car park to have a 2 hour parking zone.
4. 2 hour parking on all spaces on the road-side of the public beachfront car park ending at 5:00pm daily and midday on weekends.

The Committee commented as follows:-

1. Parking restrictions for tradespersons is not practical to enforce. Consideration of defining an area for tradespersons to use could be given when the development commences construction.
2. Enforcement of parking zones is being referred to the Rangers.
3. Parking restrictions on the south west side of the public beachfront car park were not supported and need to be part of a coordinated approach to parking.
4. 2 hour parking restrictions on all spaces on the road-side of the public beachfront car park was not supported and needs to be part of a coordinated approach to parking.

For Council's information.

14. Peninsula Drive, Bilambil Heights

DW1347402

Late item. The issue of trail bike riders on the walking track was discussed. It was noted that offenders are difficult to apprehend. Any attempt to limit access to the area would also limit access for other bike riders, the disabled and elderly users. The Manager Environment & Health Services Unit will be consulted to ascertain if signage would be supported.

For Council's information.

PART B

1. Childcare Facility Including Amendment to DCP No. 3 at Lot 1326 DP 1005077, No. 38 Woodlands Drive, Banora Point
DA05/1381 Pt1; DW1320005; 1332874; Traffic - Safety

The following requirement has been placed on the above development application amendment:-

"The provision of 'No Stopping' signs and bollards within the road reserve on both street frontages to ensure no illegal parking occurs and road safety levels are maintained."

Comments are sought from the Local Traffic Committee.

Noted that Woodlands Drive carries over 3,000 vehicles per day and that 'No Stopping' signs should be erected near the Childcare Facility on the corner of Leisure Drive and Woodlands Drive.

RECOMMENDATION:

That 'No Stopping' signs be installed adjacent to the proposed Childcare Facility on Woodlands Drive and Leisure Drive when the development is completed.

2. DA06/0180 Retail Complex, Tweed Valley Way, South Murwillumbah

DA06/0180; DW1360551

Request received for Local Traffic Committee advice in relation to a development application for a retail complex comprising a supermarket (with an associated mezzanine office area) and seven (7) specialty shops. The site was previously occupied by a Norco building and is located along Tweed Valley Way, South Murwillumbah.

A preliminary assessment of the subject application has been undertaken and in accordance with the provisions of State Environmental Planning Policy No. 11 (SEPP 11)

– Traffic Generating Developments, and subsequently the proposed development requires referral to Council's Local Traffic Committee as development listed in Schedule 2 (q) as follows:

'Areas used exclusively for parking or any other development, in each case having ancillary accommodation for 50 or more vehicles, or the enlargement or extension of a parking area where the enlargement or extension accommodates 50 or more motor vehicles'.

Plans of the development were viewed by the Committee and the following comments made:-

- Relocate bus zone to the approach side of the development.
- Reversing vehicles at the loading bay should not be near pedestrian activity.
- Loading impacts on entry to site and has a potential for pedestrian conflict.
- Potential conflict for right turn traffic to turn into the southern exit.
- No pedestrian links, including disabled, through the car park to the shopping area.
- Consideration of a taxi drop off / pick up area adjacent to the shops.

For Council's information.

NEXT MEETING:

The next meeting of the Local Traffic Committee will be held 13 April 2006 in the Peter Border Room commencing at 9.00am.

The meeting closed at 11:50am.

DIRECTOR'S COMMENTS:

Nil.

DIRECTOR'S RECOMMENDATIONS:

BUSINESS ARISING:

Item from Meeting held 16/2/06

12. Machinery Drive

As per Committee's recommendation being:

"That:-

1. *'No Stopping' signage on the southern side of Machinery Drive from Amber Road be extended to the eastern leg of the Machinery Drive loop.*

2. *An extra 2 right turn pavement arrows be installed in the right turn lane on Machinery Drive approaching Amber Road in a westbound direction.*
 3. *A sign be installed stating 'Right lane must turn right' at the Machinery Drive loop intersection.*
-

Item from Meeting held 16/3/2006

12. Kyogle Road, Dum Dum
R2970 Pt13; Traffic - Committee; Speed Zones; Safety; DW1190367; 1189409

As per Committee's recommendation being:

That a 80kph speed zone be installed on Kyogle Road, 200m west of Boulder Close to the Uki village 60kph sign.

Item From Meeting held 16/3/2006

13. Wharf Street - Tweed Heads
R5901 Pt 2 - DW 1340551 - Loading Zones

As per Committee's recommendation being:

That the last 2 taxi spaces on Wharf Street, Tweed Heads be replaced with a loading zone subject to endorsement by the Tweed Heads Town Centre MasterPlan Committee.

GENERAL BUSINESS:

PART A

7. Parking Limits - Murwillumbah
DW1350154; R1250 Pt2; R5900 Pt1; R3640 Pt4; Drainage - General; Traffic - Parking Zones

As per Committee's recommendation being:

That 1 hour parking limits be installed in the Murwillumbah CBD until drainage works are complete on Wharf Street, Murwillumbah Street, Commercial Road and Proudfoots Lane.

PART B

1. Childcare Facility Including Amendment to DCP No. 3 at Lot 1326 DP 1005077, No. 38 Woodlands Drive, Banora Point
DA05/1381 Pt1; DW1320005; 1332874; Traffic - Safety

As per Committee's recommendation being:

That 'No Stopping' signs be installed adjacent to the proposed Childcare Facility on Woodlands Drive and Leisure Drive when the development is completed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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7 [SUB-BPCC] Minutes of the Banora Point Multi-Purpose Community Centre Committee Meeting held Tuesday 21 March 2006

ORIGIN:

Director Environment & Community Services

SUMMARY OF REPORT:

The Minutes of the Banora Point Multi-Purpose Community Centre Committee Meeting held 21 March 2006 are attached to this Agenda for the information of Administrators.

The Committee has made recommendations for consideration. In reviewing these recommendations in line with Council's Policies, Management Plan and Budget, amendments may be made by the responsible Director. Reasons for any amendments are listed at the end of the Minutes document under the heading "Director's Comments" with the relevant amendment being reflected under the heading "Director's Recommendations". The Committee's recommendations, including Director's amendments, are referred for Council's adoption.

RECOMMENDATION:

That the Minutes of the Banora Point Multi-Purpose Community Centre Committee Meeting held 21 March 2006 be received and noted

REPORT:

Minutes of the Banora Point Multi-Purpose Community Centre Committee Meeting held Tuesday 21 March 2006

Venue:

Coffee Connections.

Time:

12.40pm.

Present:

Jenni Funari, Karen Ford (Chair), George Ghosn (Caretaker), Sue Mackley (Minute taker).

Apologies:

Neil Clanfield.

Minutes of Previous Meeting:

Moved: Karen Ford

Seconded: Jenni Funari

RESOLVED that the Minutes of the Banora Point Multi-Purpose Community Centre meeting held 22 February 2006 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

Item from Meeting held 10/1/06

3. Ongoing Role of Committee - Signage

1. There is still no contact phone number of front door (it has now been 6 months)
2. Status on kitchen – continues to be an ongoing issue
3. Notice Board at front entry – still an ongoing issue
4. Contract with Community Health – still waiting. (Jenni Funari to follow up)

5. Centre based program – approval has been given to work from center, Budget still to be approved.

Moved: Karen Ford
Seconded: Sue Mackley

Caretaker's Report (verbal report given)

- Bookings continue to be steady with a strong enquiry.
 - Tuesday and Wednesday continue to be the strongest days for usage.
 - There is no overlapping at present for request for Whiteboard usage.
 - There is a need for a second (2nd) trolley. Useful for when multiple bookings have been taken
 - There are 4-5 Water jugs and several disposable cups on hand at present.
 - A list of requirements (stores) will be given to Geoff Edwards
 - Repainting to benches has been carried out.
 - Toilet ceilings have been started but at this stage remain incomplete
 - Signage – agreement has been reached but as of this date no action has been taken. (Jenni Funari to follow up as to current status.)
 - Forms regarding hiring conditions for Banora Point Community Centre be placed at Tweed Civic Centre and at the Banora Point Community Centre. (Jenni to follow up)
-

Correspondence:

In Nil.

Out Nil.

Accepted/amended: Accepted
Moved: Karen Ford
Seconded: Jenni Funari

Agenda Items:

1. Feedback from Administrators

Jenni to finalise agreements with Director and Manager in up coming meeting.
Committee membership – roles being discussed with Don Buckley (Director) and Geoff Edwards (Manager)

2. Jenni - 1 day per week at Centre

Approved in principle. Budget yet to be finalised.

3. Office Setup

Pricing/costings still to be approved.

4. Signage update

Agreement but no action to date. George (Caretaker) to ring John Wheatley or Brad Pearce to clarify situation/hold up.

General Business:

Main issues for discussion were:-

1. Use of Alcohol at Centre by users. - Jenni to investigate usage &/or protocol across Councils other facilities.
2. Forms re hiring conditions for Centre usage.
3. Signage and lack of progress.

RECOMMENDATION:

That:

1. Jenni Funari work from the Banora Point Community Centre at least one day per week, preferably each Friday
2. Approval be given to fit out the first office (opposite Community Health) as a matter of urgency
3. A second tea trolley be purchased for use when the kitchen is booked by a client
4. An investigation be undertaken of the feasibility of constructing a small pantry kitchen in the back section of the Centre for use by the four venues located there

5. Signage in particular "Room in use – please use other entrance" be treated as a matter of urgency and be completed as soon as possible

Agenda Items for next Meeting:

- Action Plan for Position/Roles Action Research Project: Community Facilitator.
-

Next Meeting:

The next meeting of Banora Point Multi-Purpose Community Centre will be held on Thursday, 13 April 2006 at 9.30am at the Banora Point Community Centre.

The meeting closed at 1.55pm.

DIRECTOR'S COMMENTS:

Regarding the General Business recommendation from the Committee, Council is advised:-

1. This matter is being resolved at Director level.
2. These items will be carried out within the existing budget.
3. These items will be carried out within the existing budget.
4. This matter is to be investigated.
5. Signage will be completed once the issue of the naming of the centre is confirmed by Council at this meeting.

DIRECTOR'S RECOMMENDATIONS:

That the minutes and the Director's comments be received and noted.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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ORDERS OF THE DAY

1 [NOM] Tugun Bypass Project

NOTICE OF MOTION:

Administrator Boyd moves:

That Council requests Ecograph to provide a report on the impacts of the proposed C4 Tugun Bypass Project based upon the work done by Ecograph in the development of the Tweed Shire Vegetation Management Plan

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2 [NOM] C4 Tugun Bypass Project Conditions

NOTICE OF MOTION:

Administrator Boyd moves:

That Council officers provide a response to the questions listed below in relation to the Minister for Planning's conditions of approval for the C4 Tugun Bypass Project as it is considered that the impact of this project on Tweed Shire will be immense.

Condition No

- 3 Has Tweed Shire Council been notified of the start dates of the project's construction?
- 9 Has Council received any construction compliance reports for the Tugun Bypass as approved under Condition 9 of Minister Sartor's approval?
- 14 Has Council been advised of the appointment of an Environmental Management Representative (EMR)?
- 18 Has Council received any information on the nature of works proposed by the proponent (Queensland Department of Main Road/NSW Roads and Traffic Authority) over the next 3 months; areas in which these works are proposed, construction hours and a telephone contact number?
- 19 Has the proponent established a project internet site for the C4 route project? If so, what is its address?
- 22 Has a community liaison group (CLG) been formed as required under this condition? If it has who is Council's representative on the group?
- 25 Has Council been consulted as required under this condition in the preparation of the Flora and Fauna Management Sub Plan for the project?
- 26 Are our officers satisfied that the land purchased as compensatory habitat is suitable in terms of its quality and species it is replacing?
- 28 This condition requires an Indigenous Heritage Management Sub Plan to be prepared in consultation with all relevant Aboriginal groups and the Department of Environment and Conservation. Has this been done?
- 33 Has Council been consulted in relation to the preparation of the Soil and Water Quality Management Sub Plan as required under this condition?
- 35 Are Council officers aware of what details are contained in the Acid

Condition

No

Sulphate Soil Management Sub Plan and, if so, do they feel the issues have been adequately covered? Do staff know what contingency plan has been prepared to deal with acid sulphate soils?

36 Has Council been made aware of the details required to be provided in a Spoil & Fill Management Sub Plan as required under this condition?

37 Has Council been advised as to what methods are to be used to neutralise and treat any acid soils disturbed on site and how it is intended to use this material in the construction of the road?

44 Does Council have any information regarding the Construction Management Sub Plan as required under this condition of Minister Sartor's approval?

45 Has Council staff been consulted with regard to opportunities to redistribute road space created by the operation of the project for pedestrian access, cycleways and public transport opportunities as required under this condition?

3 [NOM] Legal Actions and Costs

NOTICE OF MOTION:

Administrator Boyd moves:

That a report be brought forward which includes the following details relevant to court actions taken:-

1. Against Council over the past year:
 - a) The name of the party which initiated the legal action.
 - b) The nature of the action.
 - c) The number of actions taken by the same party.
 - d) The court decision in each case, i.e. did Council win or lose?
 - e) The costs incurred by council in defending these actions.
 - f) In those cases lost by the party who initiated the action, what costs were awarded against that party?
 - g) In those cases lost by Council what costs were awarded against Council?
 2. By Council against another party over the past year:
 - a) The name of the party sued by Council.
 - b) The nature of the action.
 - c) The court decision in each case.
 - d) Council's costs in each case.
 - e) In those cases lost by Council, what were the total costs to Council?
 - f) In those cases won by Council, what costs were awarded by the Court to Council?
-

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CONFIDENTIAL ITEMS FOR CONSIDERATION

REPORTS FROM THE DIRECTOR GOVERNANCE & CORPORATE SERVICES IN COMMITTEE

1 [GC-CM] Tweed Shire Council Audit Committee Membership

REASON FOR CONFIDENTIALITY:

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

- (a) personnel matters concerning particular individuals (other than councillors)
-

REPORTS FROM THE ACTING DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

2 [EO-CM] Naming of a Council Public Road

REASON FOR CONFIDENTIALITY:

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

- (a) personnel matters concerning particular individuals (other than councillors)
-

3 [EO-CM] Reserve Creek Road - Occupation of Houses on Road Reserve

REASON FOR CONFIDENTIALITY:

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

- (a) personnel matters concerning particular individuals (other than councillors)
-

4 [EO-CM] Purchase of 67 River Street, Murwillumbah - pursuant to Clause 49 of the Tweed LEP 2000

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

