



# **AGENDA**

## **ORDINARY COUNCIL MEETING Tuesday 25 July 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 Meeting of Council held Tuesday 4 July 2006

#### UNDER SEPARATE COVER/FURTHER INFORMATION:

To view any "**non confidential**" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).

1. Minutes of the Ordinary Meeting of Council held Tuesday 4 July 2006 (DW 1421738)
  2. **Confidential Attachment** - Minutes of Confidential Meeting of Council held Tuesday 4 July 2006 (DW 1421015).
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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] Section 96 Application DA02/1147.03 for an Amendment to Development Consent DA02/1147 for Demolition of Warehouse, Construction of Commercial & Residential Premises at Lot 9 DP 17554, Sands Street Tweed Heads**

**ORIGIN:**

**Development Assessment**

**FILE NO: DA02/1147 Pt3**

**SUMMARY OF REPORT:**

Council at its meeting of 4 July 2006 resolved to defer the report to allow the applicant to address the Planning Committee.

The report is now resubmitted for Council's consideration.

Council is in receipt of an application to amend a development consent that was granted by Council in December 2002 for the demolition of a warehouse and construction of commercial and 11 unit residential premises in Sands Street, Tweed Heads. The applicant is seeking to modify the internal layout, which results in one additional residential unit, as well as some minor external amendments.

The original application was recommended for refusal by Council's Development Assessment Unit, but was subsequently approved by Council. One of the reasons for refusal was the proposal's non-compliance with Development Control Plan No. 2 – Site Access and Parking Code.

The applicant has amended the design of the proposed modifications in an effort to minimise any non-compliance with DCP 2. The proposed amendments have been assessed in detail with regard to Council's car parking requirements and the amended development is recommended for approval.

**RECOMMENDATION:**

**That Section 96 Application DA02/1147.03 for an amendment to Development Consent DA02/1147 for demolition of warehouse, construction of commercial & residential premises at Lot 9 DP 17554, Sands Street Tweed Heads be approved subject to the following amended conditions: -**

**1. Condition No. 1A be AMENDED to read:**

**'The development shall be completed in accordance with *Dwg's: P404 WD02(Rev F); WD03(Rev E); WD04(Rev D); WD05(Rev D); WD06(Rev E); WD07(Rev E); WD08(Rev E); and WD09(Rev E)* prepared by Kim Kennedy**

**& Associates and dated May 2006 and the Statement of Environmental Effects, except where varied by these conditions.'**

**2. Condition No. 9A be AMENDED to read:**

**'Section 94 Contributions**

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

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

**These charges are valid for the date of issue of Section 96 application DA02/1147.03 only 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: \$7,102  
S94 Plan No. 4 (Version 4.0)  
(Sector1\_4 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. 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:**

**\\$Con<sub>TRCP - Heavy</sub> heavy haulage contribution**

**and:**

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

<b>Dist.</b>	<b>average haulage distance of product on Shire roads (trip one way)</b>	
<b>\$Unit</b>	<b>the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)</b>	
<b>Admin.</b>	<b>Administration component - 5% - see Section 6.5</b>	
<b>b.</b>	<b>Open Space (Structured): S94 Plan No. 5</b>	<b>\$6,121</b>
<b>c.</b>	<b>Open Space (Casual): S94 Plan No. 5</b>	<b>\$1,309</b>
<b>d.</b>	<b>Shirewide Library Facilities: S94 Plan No. 11</b>	<b>\$5,399</b>
<b>e.</b>	<b>Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13</b>	<b>\$1,084</b>
<b>f.</b>	<b>Emergency Facilities (Surf Lifesaving) S94 Plan No. 16</b>	<b>\$1,673</b>
<b>g.</b>	<b>Extensions to Council Administration Offices &amp; Technical Support Facilities S94 Plan No. 18</b>	<b>\$11,576.28</b>
<b>h.</b>	<b>Cycleways S94 Plan No. 22</b>	<b>\$2,770</b>
<b>i.</b>	<b><i>Shirewide Car Parking</i> S94 Plan No. 23</b>	<b>\$34,980</b>
<b>k.</b>	<b>Regional Open Space (Structured) S94 Plan No. 26</b>	<b>\$18,236</b>
<b>l.</b>	<b>Regional Open Space (Casual) S94 Plan No. 26</b>	<b>\$6,691</b>
<b>m.</b>	<b><i>Tweed Heads Master Plan:</i> S94 Plan No. 27.'</b>	<b>\$1,047.00</b>

**3. Condition No. 10A be AMENDED to read:**

**'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 79H of the Environmental Planning and Assessment Regulations, 1994, 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:

<u>Water DSP4: 7.415 ET @ \$4598</u>	<u>\$34,094</u>
<u>Sewer Tweed Heads: 7.835 ET @ \$6688</u>	<u>\$52,400</u>

These charges are valid for the date of issue of Section 96 application DA02/1147.03 only 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.

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.'

4. The following new DUR condition is to be ADDED as Conditions 42A:

'The provision of nineteen (19) off street car parking spaces. A minimum of five (5) unburdened spaces shall be marked as visitor spaces and maintained accordingly. In addition, one (1) combined car wash bay / delivery bay shall be marked and maintained accordingly. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.'

**REPORT:**

**Applicant:** Kim Kennedy & Associates  
**Owner:** T.H.E. Home Company Pty Limited  
**Location:** Lot 9 DP 17554, Sands Street Tweed Heads  
**Zoning:** 3(a) Sub-Regional Business

**BACKGROUND:**

Development Consent for the demolition of a warehouse and construction of commercial and 11 unit residential premises was approved 5 December 2002. An application to modify the consent was lodged with Council on 15 November 2005.

The original application was recommended for refusal by Council's Development Assessment Unit, but was subsequently approved by Council. One of the reasons for refusal was the proposal's non-compliance with Development Control Plan No. 2 – Site Access and Parking Code. The non-compliance was the inability to provide a separate car wash bay and delivery space for the commercial component of the development. The approved development incorporates a combined visitor space / car wash bay and a combined visitor space / delivery bay at the entrance to the car park area.

The initial amendments to Development Consent DA02/1147 were not considered to comply with the requirements for on-site parking for residential and commercial development under Development Control Plan 2 – Site Access and Parking Code, and the applicant was advised that the application would not be supported. Accordingly, the applicant further amended the design of the proposal so that only one (1) additional residential unit was proposed, and the development is now considered to largely comply with Council's parking requirements.

**Proposed Development**

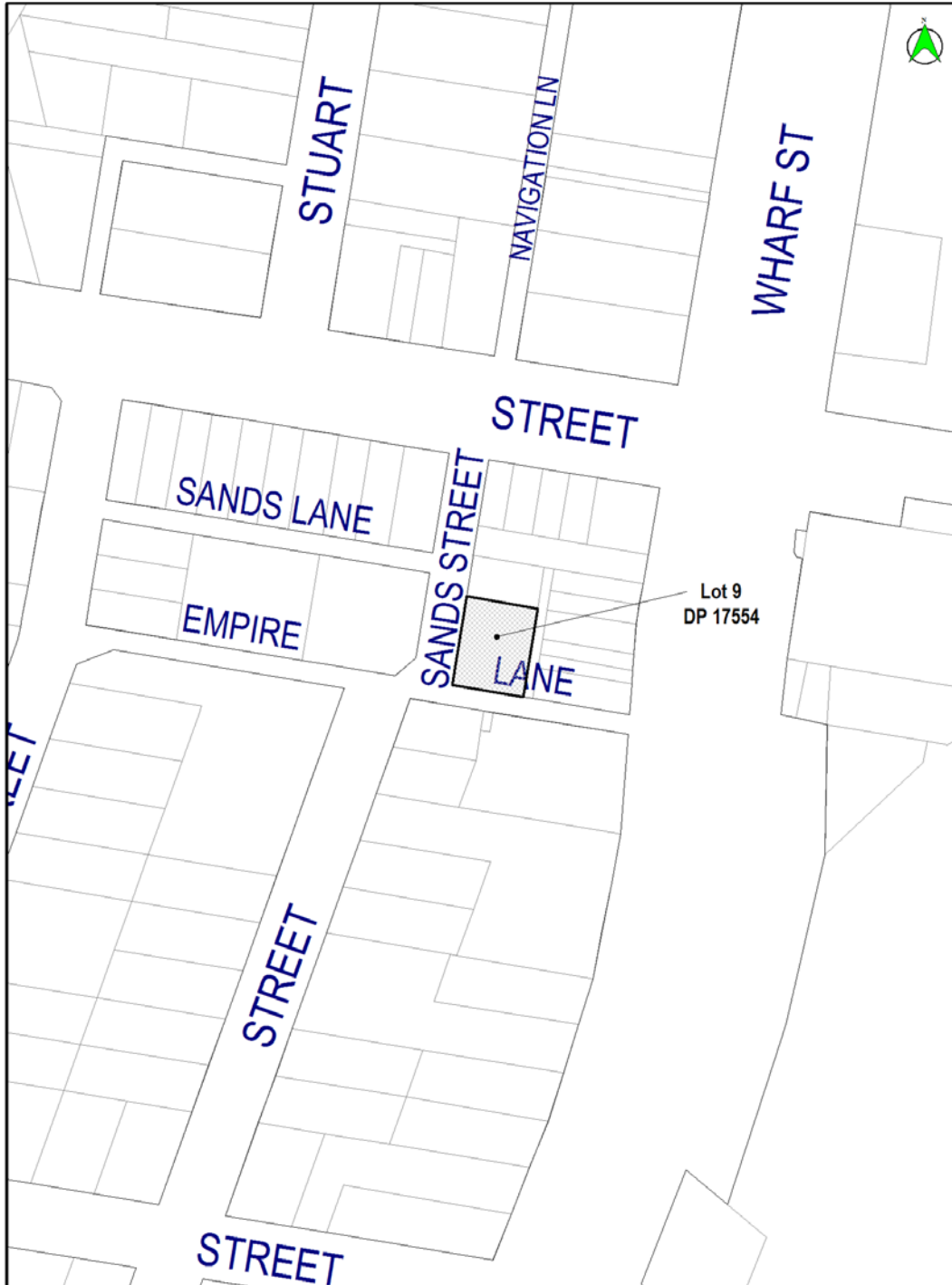
The applicant has proposed the following modifications:

- *The original 3-bedroom unit on the second floor has been amended to now provide 1 x 2-bedroom unit and 1 x 1-bedroom unit. Although the total number of bedrooms remains unchanged, the number of residential units increases by one to a total of twelve (12) units;*
- *The addition of north and south facing balconies to Level 3 being in a similar location but smaller than the balconies presently approved on Level 2;*
- *The internal design of each unit has been amended slightly to provide a better layout for each of the residential units;*
- *The four eastern balconies on Levels 2 & 3 have been removed, reducing the external extent of the building;*
- *A small reduction in the ground floor commercial floor space to address BCA requirements;*

- *The central portion of the light well on Levels 1, 2 & 3 has been reduced for safety/security reasons. Although this has slightly increased the available internal floor area on these levels, the external appearance remains the same;*
- *Replacing planter boxes with feature potted plants to eliminate a common cause of future problems for residents and unsightly building appearance (all planter box waterproofing methods seem to break down after a period and leakage occurs). Larger more decorative landscaping is proposed;*
- *The addition of shading devices to the north facing windows of Level 3; and*
- *The reduction in light wells has allowed a better roof design. Whilst keeping the architectural feature on the western face of the building fronting Sand Street, the remainder of the roof has been amended to improve the architectural appearance without increasing the overall height.*

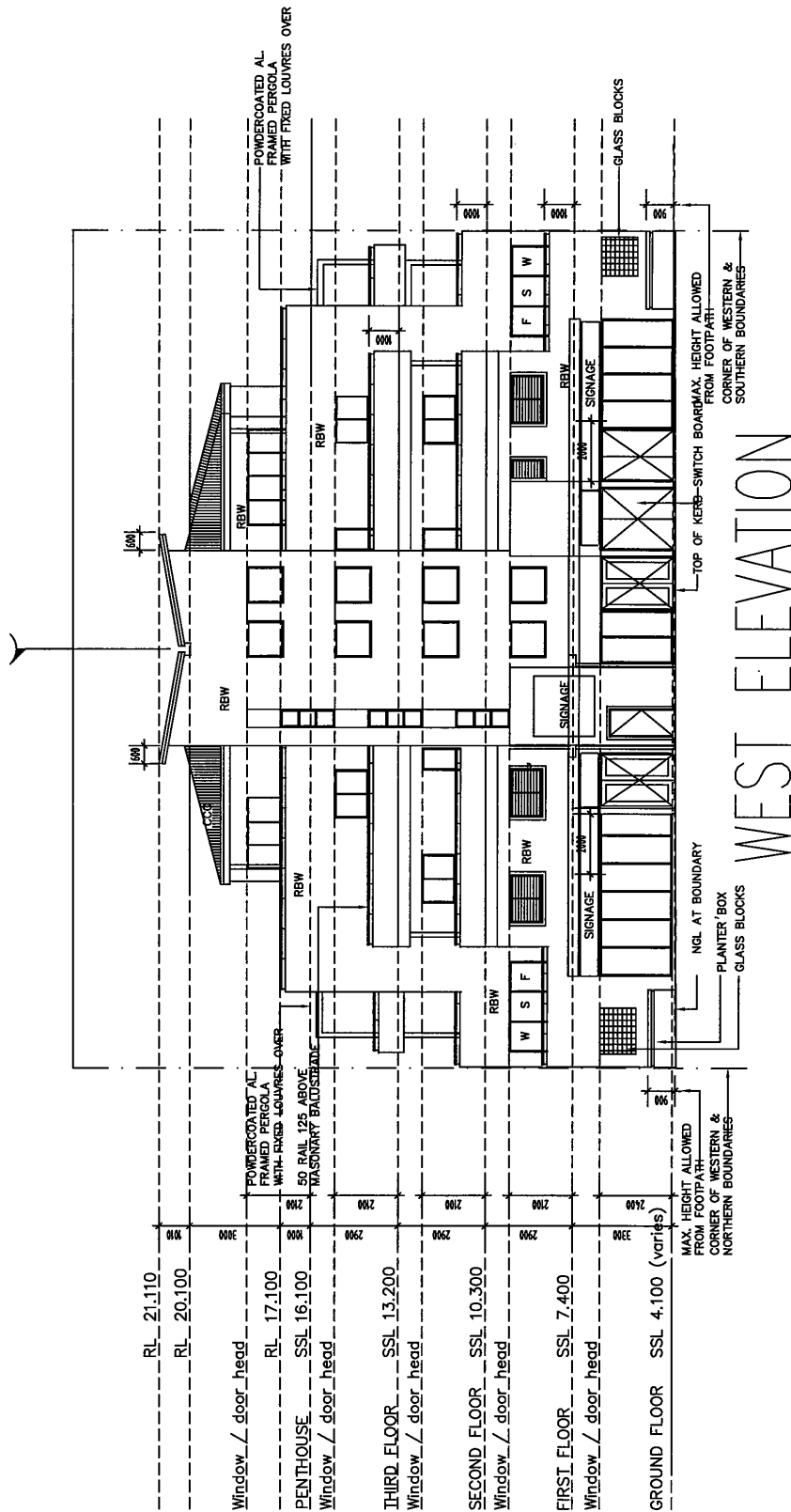


**SITE DIAGRAM:**

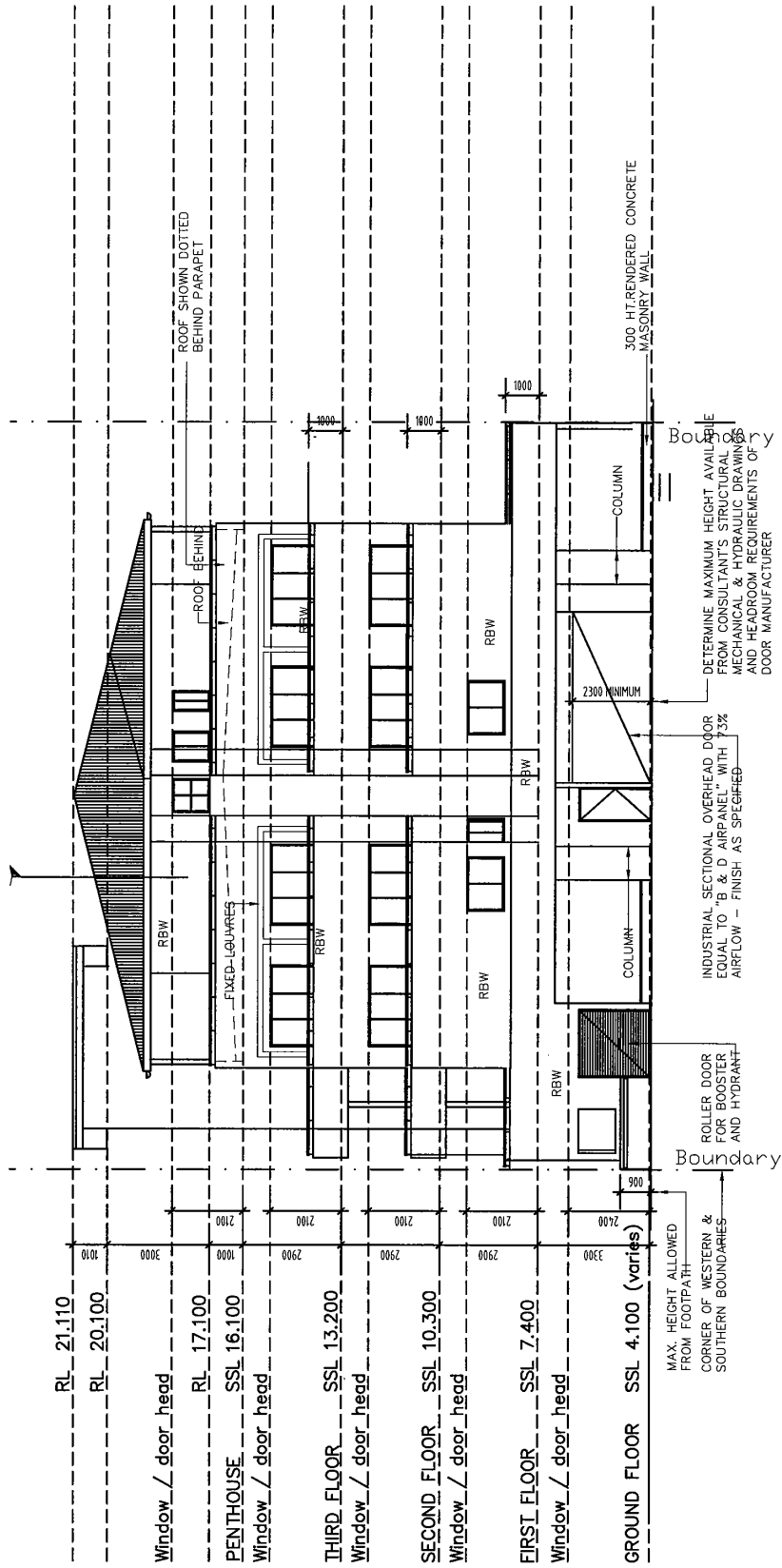


<p>© TWEED SHIRE COUNCIL 2006                  Although all care has been taken with the production of this map, the TWEED SHIRE COUNCIL, its Employees, Officers and Consultants can not be Responsible for any Errors, Omissions or Inaccuracies in respect to the information supplied in this map.  <b>DO NOT SCALE</b>  <b>COPY ONLY - NOT CERTIFIED</b>                  P.O. Box 616                  Murwillumbah, NSW, 2484                  Tel: (02) 6670 2409                  Fax: (02) 6670 2453</p>	<p><i>Tweed Shire Council</i>                  Lot 9 DP17554                  Sands Street, Tweed Heads</p>		<p>STRATEGIC                  PLANNING UNIT  <b>Site                  Plan</b></p>	
<p>File: N:\MapInfo 7...A4P Site Plan.Wor</p>	<p>Author: J.Batchelor</p>	<p>Date: 19/April/2006</p>	<p>Scale: 1:1,500</p>	<p>Sheet: 1 of 1</p>

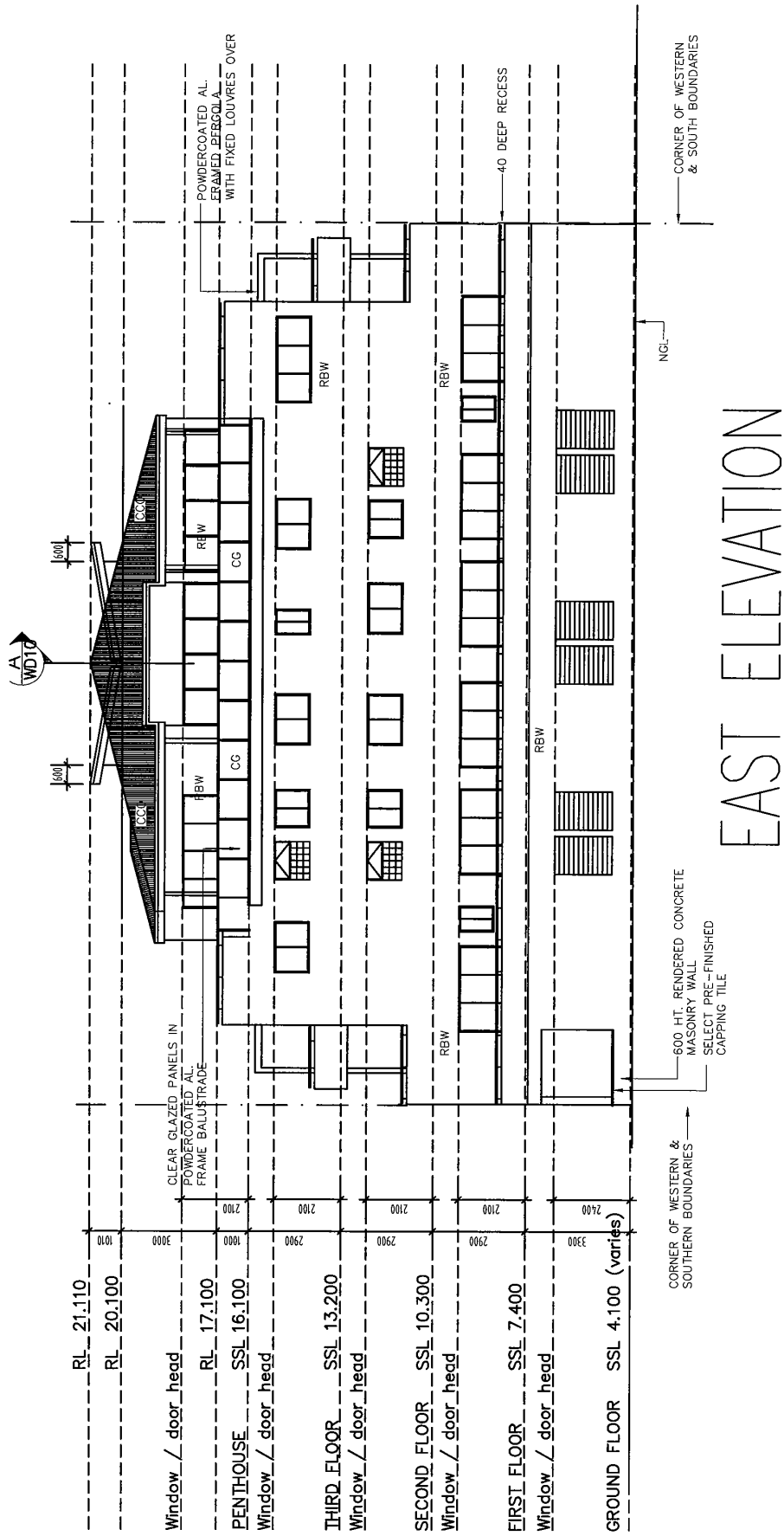
ELEVATIONS:



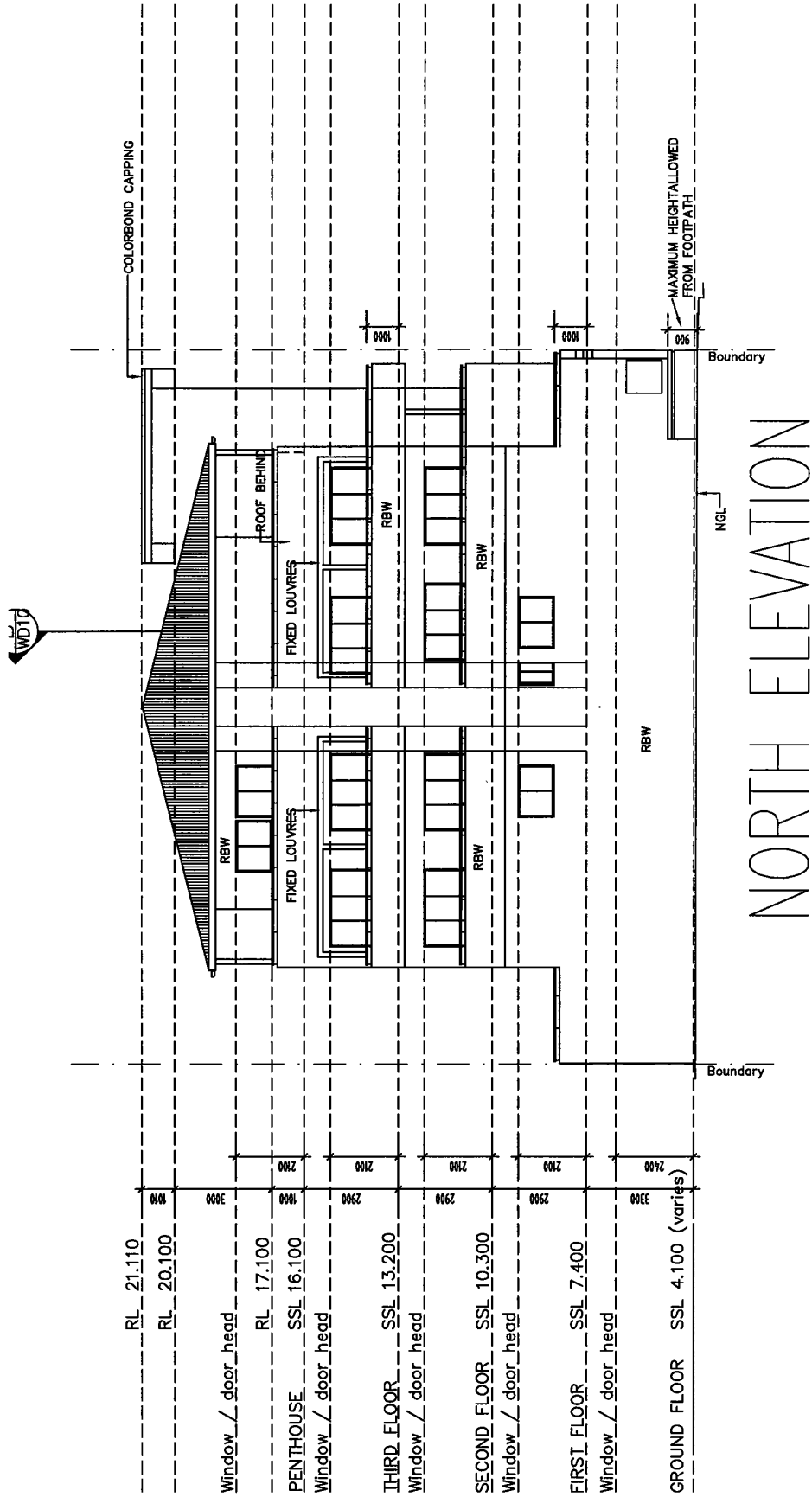
WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION

**ASSESSMENT UNDER SECTION 96 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979:**

**Substantially the Same Development**

The proposed modifications generally incorporate mainly minor internal amendments, along with some minor external changes. Although the proposed amendments to the originally approved development are relatively minor, the proposed internal layout changes results in changes to the car parking requirements for the development. The impacts of such changes are discussed in detail below.

**Likely Environmental Impact**

Car Parking Provisions

This assessment has primarily dealt with the car parking impact, resulting from the proposed amendments. The proposed modifications result in one (1) additional unit, creating a total of twelve (12) residential units within the development. Under Development Control Plan No. 2 – Site Access and Parking Code, 12 residential units generate the need for **18** spaces, incorporating 4.5 visitor parking spaces. The commercial component of the development requires 2 additional spaces. DCP 2 also requires a further 2 spaces; one for delivery purposes and a second for a car wash bay. This results in a total of **22** spaces being required (see table below). The proposed development provides **19** on-site spaces.

<b>Use</b>	<b>Requirement under DCP 2</b>	<b>Proposed Development</b>
Residential Dwellings (12 Units)	1.5 per dwelling (incl 25% for visitors) = 18 spaces with 4.5 (say 5) spaces marked for visitors	15 residential, 1 disabled car park and 3 visitor spaces are proposed within the ground level car park. See comments below.
Commercial Premises (2 premises totalling 71sqm in floor area)	Customer Parking (71/100 x 3.5) x 30% = 0.75 spaces Staff Parking (Adopt 2 staff per premises) = (2 staff x 2 premises x 0.5) x 80% = 1.6 spaces Total required = 2.35 (say 2) spaces	The ground floor car-parking layout does not provide for customer parking provisions. See comments below.
Delivery Space Car Wash Bay	1 space 1 space	The development proposes 1 combined visitor/car wash bay space and 1 combined visitor/ delivery space – does not comply with DCP 2 requirements. See comments below.
<b>Total</b>	<b>22 spaces</b>	<b>19 spaces</b>

The applicant's original Section 96 application to modify Development Consent DA02/1147 was based on 13 residential units rather than 12. This created a need for a total of 24 on-site spaces, with the applicant only able to provide 19 on-site parking spaces. In order to justify such a variation to the DCP 2 requirements, the applicant provided a detailed submission relying upon RTA Guidelines as well as results from an analysis of the 2001 Census data in support of a lower car parking requirement. After a thorough assessment of the proposed development, the applicant was advised that the proposed modifications for 13 units was not going to be supported by Council's Development Assessment Unit. Such a reduction to the parking requirements in the Tweed CBD area was considered likely to create an undesirable precedent, which was not in the public interest.

In light of this advice, the applicant amended the design of the residential component of the development to that of the current proposal for 12 units. In doing so, some variations in terms of parking requirements for the commercial component of the development and delivery bay / car wash bay provisions, are considered satisfactory.

#### Delivery Bay / Car Wash Bay

The proposed development incorporates a combined visitor space / delivery bay and combined visitor space / car wash bay. The applicant's argument that two separate spaces for car wash bay and delivery bay provisions are excessive for the proposed development is acknowledged. A combined car wash bay / delivery space is considered to be more appropriate.

This would allow the residential and visitor spaces to be kept clear. Given the small component of commercial premises within the development (operating during the week) and the majority of residents washing their vehicles on a weekend, it would seem acceptable to combine the car wash bay with the delivery bay, rather than require separate spaces in such a limited area. This would reduce the required car spaces to **21**.

#### Car Parking Credit

The applicant originally submitted that credit should be given for the four (4) existing off-site parking spaces adjacent to the subject site, located along Sand Street, stating that... *'the previous uses of the site have involved a parking requirement on-site for at least 4 parking spaces. These were not provided on-site but suitable arrangements were made with Council for the provision of such parking off-site'*.

Council's records indicate that the only previous approval for the subject site was for a bulk store, approved by Council on 17 February 1965. The consent issued for the establishment of the bulk store was approved without mention of any car parking requirements, nor did the approved plans indicate the provision for any car parking.

If the previous use had paid contributions for the four spaces, an opportunity would exist for the use of the off-site spaces as credit spaces for the subject site. However, this would only apply to the commercial component of the proposed development. In any event, Council records do not indicate that contributions were paid for the four spaces

and the applicant has not provided any evidence to substantiate the claims that such provisions were made.

Given the limited amount of public car parking in the CBD area, it is not considered appropriate to allow the proposed development use of any of the off-site spaces, in terms of meeting the DCP 2 requirements for residential development. Council has not supported this type of parking space credit use in the past. To do so now would set an undesirable precedent, and further exacerbate the parking shortage in the Tweed CBD area. In any event, Council records do not indicate that the four on-street parking spaces are linked to the subject site in any way. Therefore, the use of these spaces as credit is not supported.

### Cash Contributions

As the subject site is located within the Tweed Heads CBD area nominated within DCP 2, there is an opportunity for the applicant to pay a cash contribution (pursuant to the provisions of Section 94 Plan No 23 – Off-Site Parking) in lieu of supplying the two spaces required for customer and staff parking, in relation to the commercial component of the development.

This would further reduce the on-site car parking requirements to that of **19** spaces, which can be provided in the development. The applicant has continued to argue against Council's recommendation to require cash contributions for any spaces, stating that... *'as the site retains the credit for parking spaces, Council would be double dipping to again charge for off-site spaces already paid for.'*

As noted above, there is no record of the four on-street spaces being linked to the subject site, nor are there any records in relation to cash contributions for such an arrangement. Therefore, it is recommended that the applicant be required to pay cash contributions (pursuant to the provisions of Section 94 Plan No 23 – Off-Site Parking) in lieu of supplying the two spaces required for customer and staff parking, in relation to the commercial component of the development.

### Car Parking Arrangement

Although the ground floor car parking arrangement is not desirable in terms of manoeuvrability, the proposal has provided the minimum number of residential spaces on-site. As noted above, the car wash bay / delivery space is to be combined and the applicant required to pay cash contributions in lieu of the required commercial component.

The applicant has proposed a disabled car space (allocated to Unit 10) within the area outside the security gate. This location seems reasonable in order to provide a wider, more accessible space in accordance with Australian Standard requirements. This leaves only 2 visitor spaces within the non security area of the car park. Although this arrangement is not desirable in that the remaining 3 visitor spaces (as required by DCP 2) will need to be located within the security portion of the car park.



Given that the proposed layout is similar to that already approved for the original application, it is considered reasonable to accept the proposed car parking arrangement as being satisfactory for the purposes of DCP 2 provisions.

### Conclusion

As detailed above, the proposed modifications are considered to be satisfactory in terms of compliance with the provisions of DCP 2. With regard to the overall proposed interior and exterior modifications, they too are considered to be acceptable in that they result in little change to the appearance of the proposal originally approved. It appears that all proposed changes are minor amendments with little or no impact resulting on the surrounding environment.

### **Contributions**

The applicant has requested that... *'as the use of the subject site was a single residential dwelling ... any s94 and s64 contributions for the proposed development take into account the former single dwelling that occupied the site and provide a credit for this former use'*.

An assessment of the calculation of developer contributions applied to the originally approved development (DA02/1147) indicates that credit has already been given for the previous use on the site, that being a warehouse (bulk store). Therefore, the applicant's request for further credit is not supported. Current Council contribution rates have been applied for the additional one (1) residential unit. These fees have been added to the original fees, noting that the rates and indeed contribution plans have been amended since the original fees were calculated.

### **Consideration of Submissions**

The proposed modifications were not required to be advertised or notified. As such, no submissions were received.

### **Public interest**

The proposed modifications to Development Consent DA02/1147 are considered to be acceptable in terms of public interest. Given the majority of the required car parking provisions are to be provided on-site, with the applicant being required to pay cash contributions in lieu of the two car spaces for the commercial component of the development, the proposed modifications are not considered to result in a negative impact upon the existing public car parking provisions in the surrounding area.

### **OPTIONS:**

1. Approve the proposed modifications that result in one additional unit, giving a total of twelve (12) residential units, subject to the recommended amendments to Development Consent DA02/1147.
2. Refuse the application, leaving the applicant with the existing approval for a mixed-use development incorporating only eleven (11) residential units.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

The applicant has a right of appeal if dissatisfied with the determination.

**POLICY IMPLICATIONS:**

Nil.

**CONCLUSION:**

Having regard for all of the issues raised by the proposed amendments to the previously approved mixed-use development, the proposed modifications are considered to be acceptable. The amendments generally incorporate mainly minor internal and external changes to the original design. As noted above, a detailed assessment has been conducted with regard to the car parking impacts as a result of the additional residential unit. As such, it is considered that the proposal warrants approval, subject to the recommended amendments to Development Consent DA02/1147.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "non confidential" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

Nil.

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**P2 [PD-PC] Section 96 Application DA05/0737.01 for Amendment to Development Consent No. DA05/0737 for Demolition of Existing Structures and Erection of a Six (6) Storey Apartment Building at Lot 4 DP 10007, No. 32 Boundary Street, Tweed Heads**

**ORIGIN:**

**Development Assessment**

**FILE NO: DA05/0737 Pt2**

**SUMMARY OF REPORT:**

Council is in receipt of an application to amend the subject development consent, which granted approval for the erection of a multi-dwelling housing development comprising five units within a six storey building.

The modification is consistent with the provisions of the Tweed Local Environmental Plan 2000, Tweed Heads Master Plan, the North Coast Regional Environmental Plan 1988, Development Control Plan No. 47, Development Control Plan No 18 and Development Control Plan No 2.

**RECOMMENDATION:**

**That: -**

- 1. Council utilises its concurrence in relation to the North Coast Regional Environmental Plan 1988 Clause 51 – Tall Buildings, and**
- 2. That Section 96 Application DA05/0737.01 for amendment to Development Consent No. DA05/0737 for demolition of existing structures and erection of a six (6) storey apartment building at Lot 4 DP 10007, No. 32 Boundary Street, Tweed Heads be approved subject to the following amendment: -**
  - 1. Condition No. 1 be DELETED and replaced with Condition No. 1A which reads as follows: -**
    - 1. The development shall be completed in accordance with the Statement of Environmental Effects and Drawing Nos:**
      - W005, Revision G, prepared by Trapp Architects and dated 21/10/2005**
      - W006, Revision J, prepared by Trapp Architects and dated 21/10/2005**

- W007, Revision H, prepared by Trapp Architects and dated 21/10/2005
- W008, Revision J, prepared by Trapp Architects and dated 26/10/2005
- W009, Revision J, prepared by Trapp Architects and dated 26/10/2005
- W010, Revision J, prepared by Trapp Architects and dated 26/10/2005
- W013, Revision H, prepared by Trapp Architects and dated 14/11/2005
- W015, Revision G, prepared by Trapp Architects and dated 21/11/2005
- W011, Revision C, prepared by Trapp Architects and dated 25/11/2005
- W004, Revision H, prepared by Trapp Architects and dated 21/10/2005
- W003, Revision F, prepared by Trapp Architects and dated 10/01/2006
- W001, Revision F, prepared by Trapp Architects and dated 10/01/2006
- W012, Revision G, prepared by Trapp Architects and dated 14/11/2005

except where varied by the conditions of this consent.

[GEN0005]

**REPORT:**

**Applicant:** Mr P Ring  
**Owner:** Rainbow Bay Developments Pty Ltd  
**Location:** Lot 4 DP 10007 No. 32 Boundary Street, Tweed Heads  
**Zoning:** 2(b) Medium Density Residential  
**Cost:** \$230,000

**BACKGROUND:**

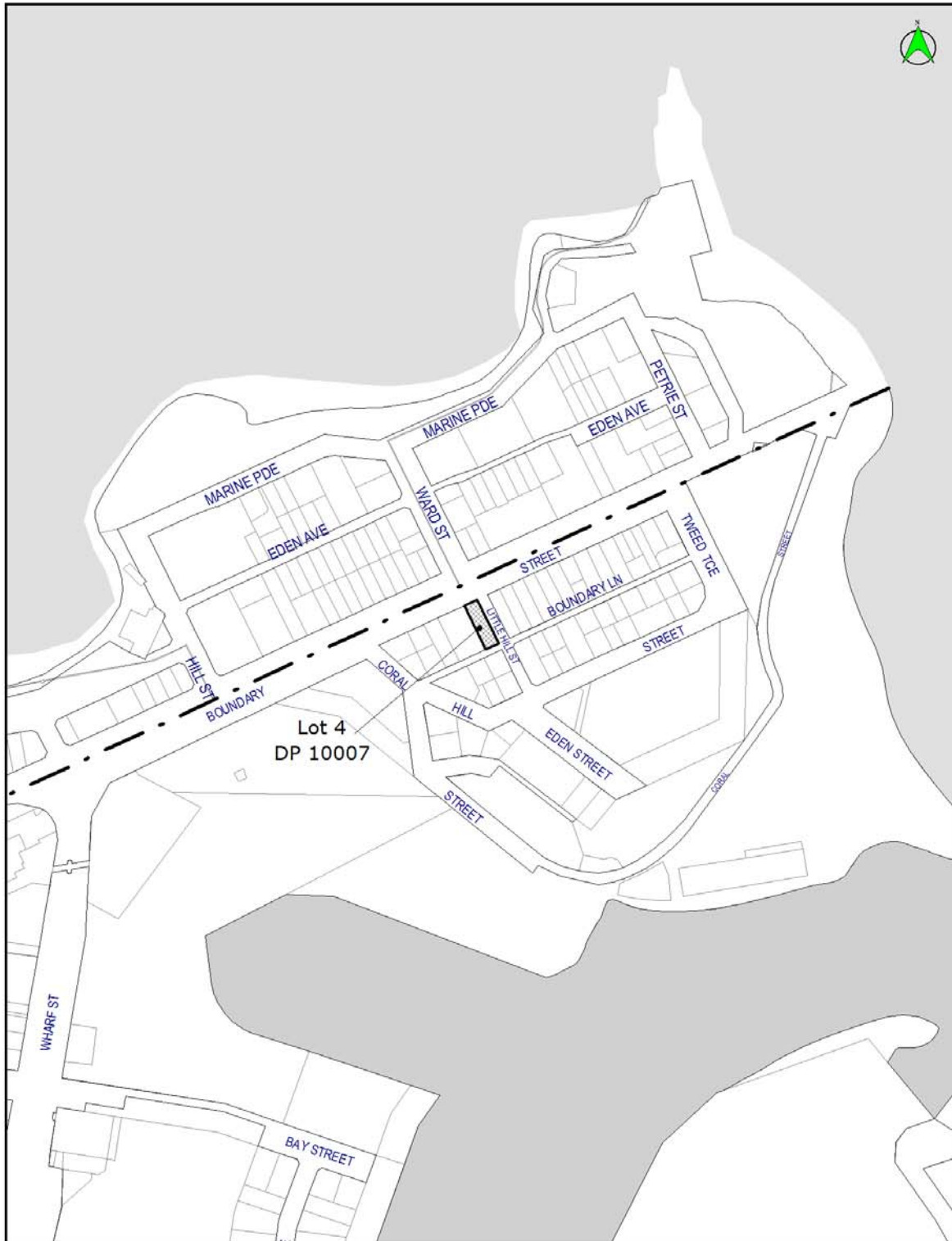
Council is in receipt of an application to amend the subject development consent, which granted approval for the erection of a multi-dwelling housing development comprising five (5) units within a six (6) storey building.

The current amendment involves the following:

- A 3.3m extension of the basement to the southeast section (rear) of the site
- Increase in building height from RL 24.80m AHD to RL 25.075m AHD, representing an increase in building height of 0.275m
- One additional basement car space
- A 1.94m extension of the roof deck to the northwest of the site
- Formalisation of southern section of roof deck for communal open space
- Minor internal changes including the reconfiguration of the units layout

The proposed amendments are consistent with the relevant provisions and include the Tweed Local Environmental Plan 2000 (TLEP), Tweed Heads Master Plan (THMP), the North Coast Regional Environmental Plan 1988 (NCREP), Development Control Plan No. 47 (DCP No. 47), Development Control Plan No 18 (DCP No. 18) and Development Control Plan No 2 (DCP No. 2).

**SITE DIAGRAM:**



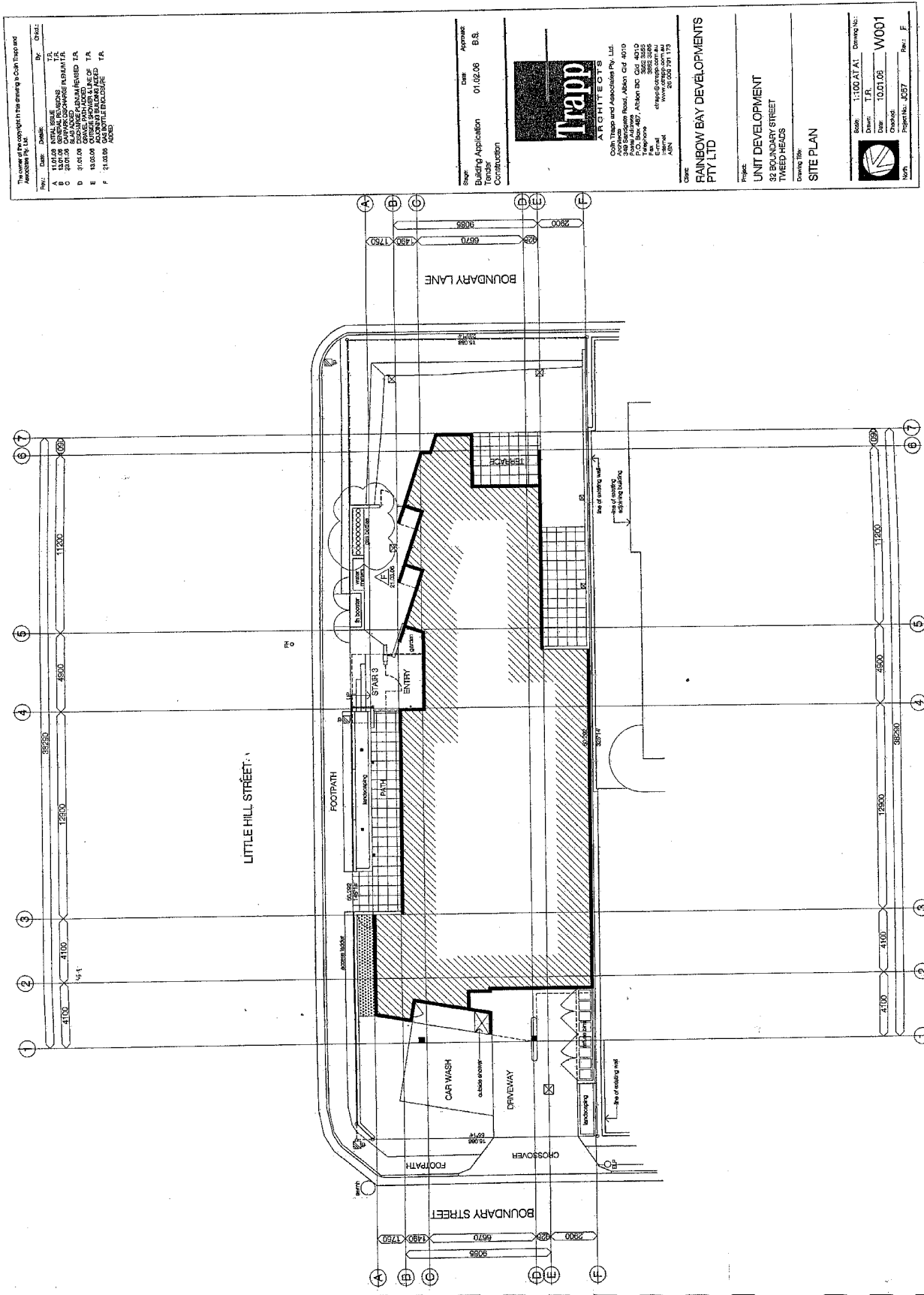
© TWEED SHIRE COUNCIL 2005  
 Although all care has been taken with the production of this map, the TWEED SHIRE COUNCIL, its Employees, Officers and Consultants can not be Responsible for any Errors, Omissions or Inaccuracies in respect to the information supplied in this map.  
**DO NOT SCALE**  
**COPY ONLY - NOT CERTIFIED**  
 P.O. Box 816 Tel: (02) 6670 2409  
 Murwillumbah NSW, 2484 Fax: (02) 6670 2483

*Tweed Shire Council*  
**Lot 4 DP 10007**  
**No. 32 Boundary Street, Tweed Heads**



STRATEGIC  
 PLANNING UNIT  
**Site  
 Plan**

File: N:\MapInfo 7...A4P Site Plan.Wor Author: J.Batchelor Date: 7/Nov/2005 Scale: 1:5,000 Sheet: 1 of 1



The owner of the copyright in the drawing is Colin Trapp and Associates Pty. Ltd.

Rev.	Date	Description	By	Check
A	11.03.06	INITIAL DESIGN	TL	
B	23.03.06	CONCEPT DESIGN	TL	
C	23.03.06	CONCEPT DESIGN	TL	
D	31.03.06	CONCEPT DESIGN	TL	
E	13.03.06	CONCEPT DESIGN	TL	
F	21.03.06	CONCEPT DESIGN	TL	

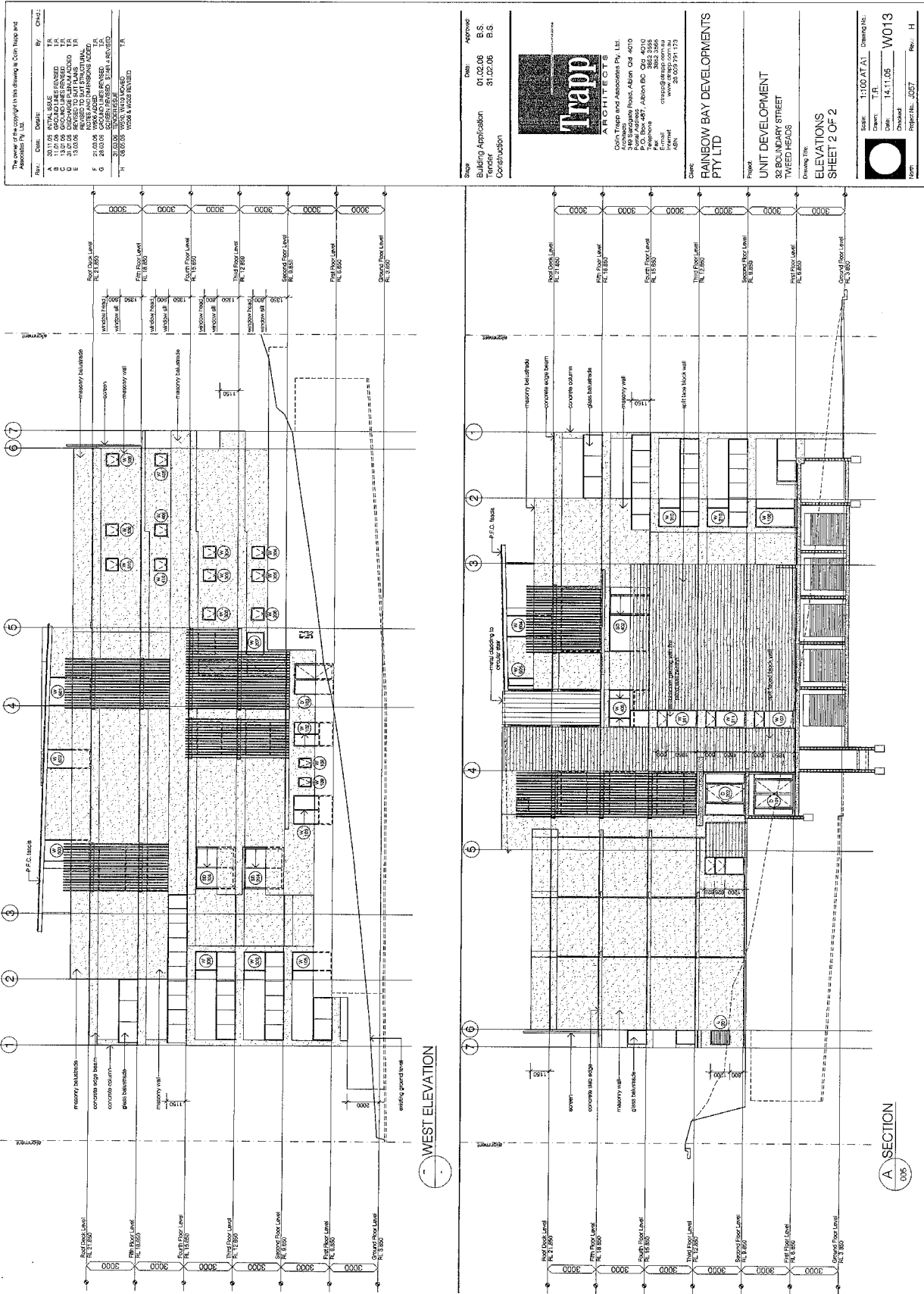
Date: 01/02/06  
 Approved: B.S.  
 Building Application  
 Transfer  
 Construction

Trapp ARCHITECTS

Colin Trapp and Associates Pty. Ltd.  
 328 Sandstone Road, Albany City 4010  
 P.O. Box 487, Albany City 4010  
 Phone: 08 9422 2888  
 Fax: 08 9422 2888  
 e-mail: colin@trapp.com.au  
 www.trapp.com.au  
 ABN: 26 606 991 173

Project: RAINBOW BAY DEVELOPMENTS  
 UNIT DEVELOPMENT  
 32 BOUNDARY STREET  
 TWEED HEADS

Drawing Title: SITE PLAN  
 Scale: 1:100 AT A1  
 Drawing No.: W001  
 Date: 10.01.06  
 Checked: W001  
 Project No.: J037  
 Rev.: F







The names of the copyright holder's drawings from Trapp and Associates Pty Ltd

Rev.	Date	Details	By	CHK'd
A	30.11.05	GENERAL	TR	TR
B	11.01.06	GENERAL REVISIONS	TR	TR
C	11.01.06	GENERAL REVISIONS	TR	TR
D	23.01.06	TO BE ADDED TO CORE 8	TR	TR
E	14.02.06	REVISED TO 27 PLANS	TR	TR
F	28.03.06	REVISED TO 27 PLANS	TR	TR
G	01.04.06	REVISED TO 27 PLANS	TR	TR
H	08.05.06	REVISED TO 27 PLANS	TR	TR
I	08.05.06	REVISED TO 27 PLANS	TR	TR

Shop: \_\_\_\_\_ Date: \_\_\_\_\_ Approved: \_\_\_\_\_  
 Building Application: 01.02.05 B.S.  
 Tender: 31.02.05 B.S.  
 Construction: \_\_\_\_\_



Trapp ARCHITECTS  
 Architects and Associates Pty Ltd  
 100/101 The Esplanade  
 P.O. Box 457, Albion BC QLD 4010  
 Phone: (07) 3255 5555  
 Fax: (07) 3255 5555  
 Email: info@trapp.com.au  
 Internet: www.trapp.com.au  
 ABN: 29 629 191 712

Client: RAINBOW BAY DEVELOPMENTS PTY LTD


Project: UNIT DEVELOPMENT  
 32 BOUNDARY STREET  
 TWEED HEADS

Drawings Title: SECTIONS  
 SHEET 2 OF 2

Scale: 1:100 AT A1 Drawing No: \_\_\_\_\_  
 Drawn: T.R. Date: 21.11.05  
 Checked: \_\_\_\_\_  
 Project No: 0057 Rev: G

The owner of the copyright in the drawings is Colin Trapp and Associates Pty Ltd			
Rev:	Date:	Details:	By: CMAZ
A	11.05.05	INITIAL ISSUE	TR
B	03.10.05	ROOF FINISHED	TR
C	05.05.05	ROOF FINISHES CHANGED	TR

Stage: Building Application Tender: Construction	Date: 01.02.05 Approved: B.S.	
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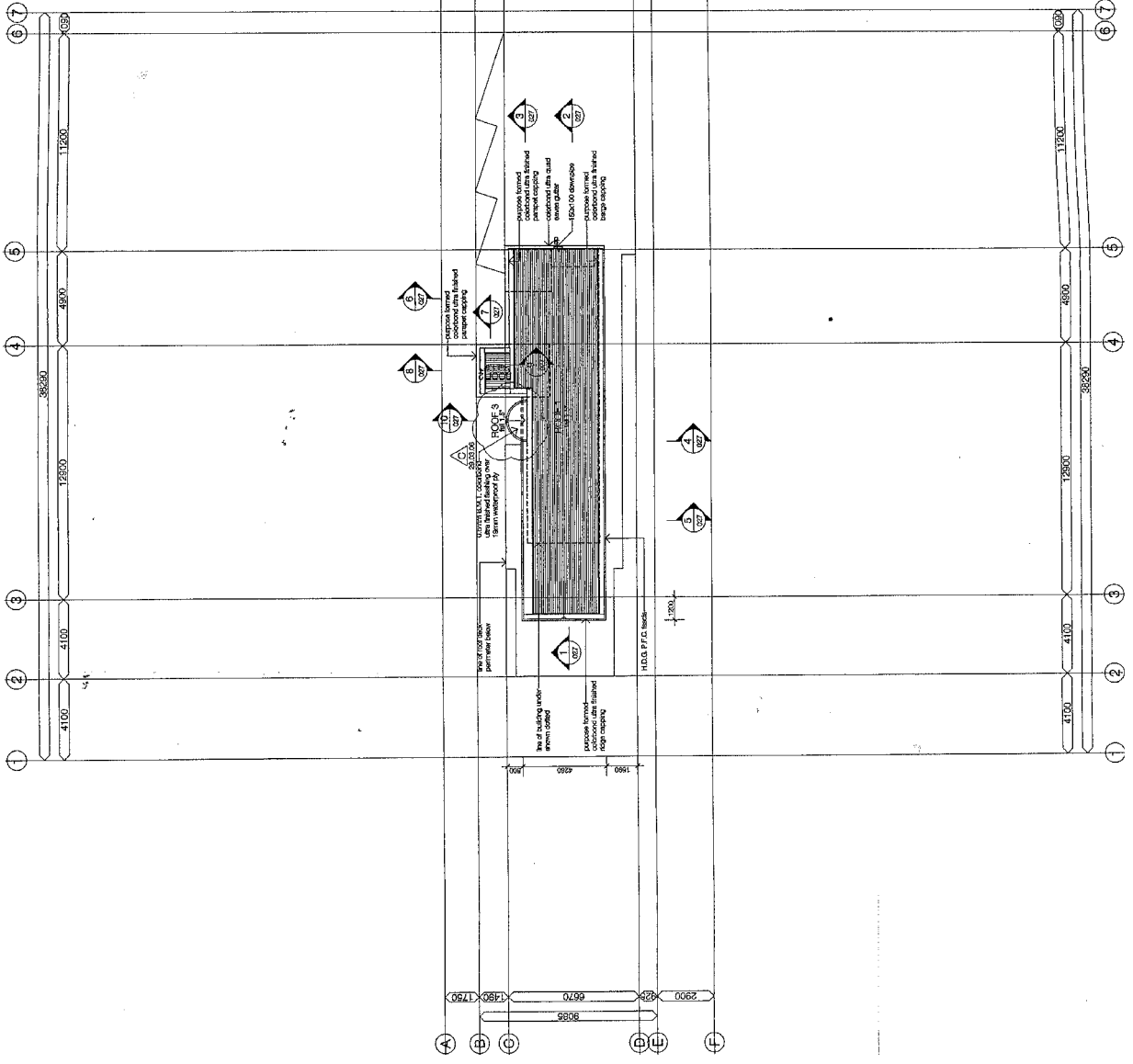
  

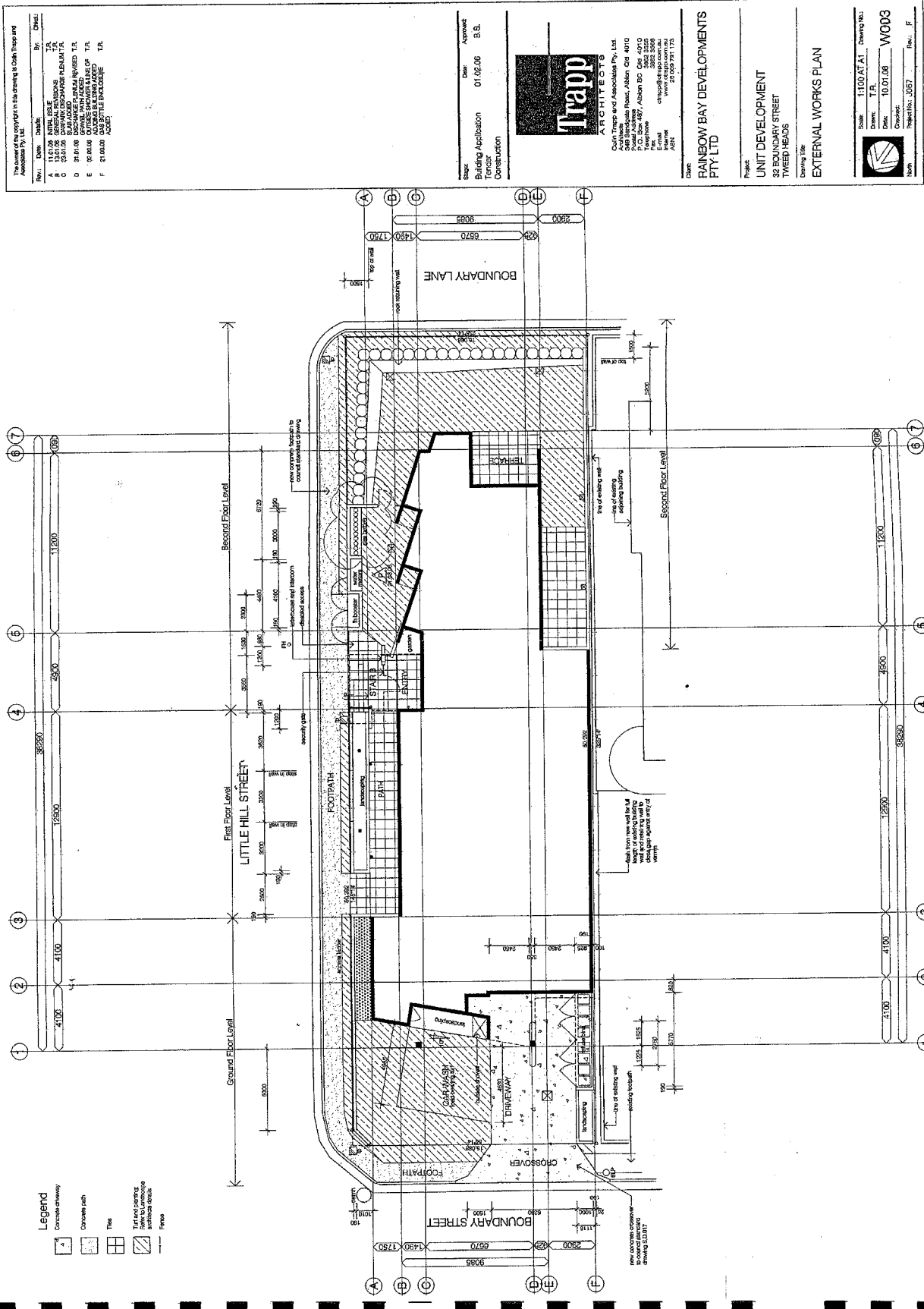
Client: RAINBOW BAY DEVELOPMENTS PTY LTD	
Project: UNIT DEVELOPMENT 32 BOUNDARY STREET TWEED HEADS	
Drawing Title: ROOF PLAN	

Scale: 1:100 (A1)	Drawing No.: W011
Client: TR	Date: 25.11.05
Project No.: 0057	Rev: 0

- Notes (Roof).**
1. Roof Finishes.
    - A. Roof finishes and materials details shall be as indicated on drawings and in accordance with A.S. 1835 Code of Common Practice.
    - B. 700-9.9 B.U.M. Coloured terra finish flat plan roof covering to be used in accordance with the specification of the manufacturer, subject to approval by the Building Authority.
  2. Handrails & Catchings.
    - A. Metal handrails, catches and accessories to be used in accordance with A.S. 1835 Code of Common Practice, subject to approval by the Building Authority.
  3. Gables & Downpipes.
    - A. Eaves gable to be 100mm when Blomberg eaves are used. The height of the downpipe shall be 150mm above the finished floor level. The downpipe shall be 150mm x 150mm. Downpipes installed to outside down. Downpipes shall be 150mm x 150mm. Downpipes shall be 150mm x 150mm. Downpipes shall be 150mm x 150mm.
  4. Handrails.
    - A. Handrails and accessories to be provided in accordance with the specification of the manufacturer, subject to approval by the Building Authority.





## **CONSIDERATIONS UNDER SECTION 96(1A) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979:**

### **Minimal Environmental Impact**

The proposed modifications are not considered to result in environmental impacts.

An assessment of the proposal is provided below under the provisions of Section 79C of the Environmental Planning and Assessment Act 1979.

As previously stated, the relevant provisions relating to the modifications include the TLEP 2000, THMP, NCREP, DCP No. 47, DCP No. 18 and DCP No. 2.

### Building Height

The original application achieved a maximum building height of RL 24.80m. The modification seeks consent to increase the building height from RL 24.80m AHD to RL 25.075m AHD, an increase represents in building height of 0.275m. The proposed increase in height will not result in significant increase in impacts upon neighbouring properties.

The proposed building height is consistent with the TLEP, THMP, NCREP and DCP No. 18.

### View Impact

The approved building was found to primarily affect views from 14 Boundary Lane (Lot 1 on DP 355906), which is situated immediately south of the subject site. The building was also found to also affect views from other surrounding developments such as those from 22 Little Hill Street.

The approved building was found to result in the upper floor units of 14 Boundary Lane retaining its northern views of the sky/horizon. Immediate northern view of the beach would not be retained for all other units. It was concluded that even if the subject site was redeveloped to two (2) storeys, the immediate northern view of the beach would still be lost and any re-design would not achieve any significant benefit. The proposed modification to the building will continue to enable view sharing by providing corridors between itself and adjoining development.

The proposed increase in the building height of 0.275m will not significantly affect the views from the surrounding developments.

The proposed increase in building height is consistent with the THMP, DCP No. 18 and the NCREP.

### Overshadow

The approved building was found to have limited overshadowing on the adjoining western development (34 Boundary Street, Lot 1 DP 371296) only. An assessment of this impact concluded that the affected property received adequate solar access as the day progresses, so that by 3pm mid winter the adjoining western development was free of shadow. The proposed modifications to the roof deck and the building height will not significantly increase the overshadowing impact on the adjoining property.

The anticipated impact of overshadowing on the adjoining property is considered to be consistent with the NCREP.

### Building Envelope

In accordance with DCP No. 18, the building envelope is a preferred outcome and any departure from the preferred outcomes must meet the objectives of the precinct and contribute towards the attainment of the vision for Tweed Heads. Whether a departure from the preferred outcomes is acceptable is at Council's discretion.

The original development application was approved by Council with variations to the building envelope and included sections of the upper floor, the stairwell, the balconies on the northern elevation and the roof terrace area. The encroachments were found to not add significantly to the bulk of the building and were generally implemented to reinforce the corner of Boundary Street/Little Hill Street and to assist in articulating the building especially when viewed from Boundary Street. The encroachments were not considered to significantly affect adjoining developments through overshadowing or loss of views.

The proposed modification is not considered to result in any significant increase in the encroachment to the approved building envelope. As discussed previously in this report, the modification does not result in significant changes to the anticipated overshadowing or loss of views. The proposal is considered to be consistent with the precinct objectives and contributes to the attainment of the vision of Tweed Heads.

The proposal is therefore considered to be consistent with DCP No. 18.

### Visual Privacy

The 1.94m extension of the roof deck to the north and the formalisation of southern section of roof deck will result in an increase in communal open space. A 1.2m high balustrade has been implemented into the roof deck level to prevent direct overlooking into adjoining developments. It should also be noted that the views available from the site are predominately orientated northwards toward the horizon and the ocean.

The proposed modifications to the roof deck are considered to be consistent with the NCREP.

Additional car space

The modification involves an additional car space in the basement car park, which is consistent with DCP No. 2. Council's Development Assessment Engineer assessed the proposal and recommended that the modifications be supported with no further conditions of consent.

**Substantially the Same Development**

The nature of the development will not significantly be modified by the proposed changes. The proposal will still comprise of five (5) units within a six (6) storey building. As discussed previously, the modifications to the building will not significantly increase the impacts on adjoining properties. The proposal is considered to be substantially the same development.

**Notification**

The amendment to the building height was available for public viewing for a two-week period to those people who were originally notified of the proposal and those people who originally objected to the proposal. During this period Council received two (2) submissions in relation to the amendment which are detailed below:

Issue	Concern	Assessment
Extension of the basement car park	The proposed extension to the parking area in the basement into the south of the site, will be closer and under the existing foundations of adjoining development and will lead to structural damage. The extension is too deep and too close to the road at the rear of the property with the potential to destabilise the road and adjoining development.	<p>The Statement of Environmental Effects refers to the western boundary, the plans relate to the extension to the west, which are incorrect. The extension of the basement is into the south-east or rear of the site.</p> <p>Council's Development Engineer has reviewed the modifications and advised that the original consent imposed appropriate conditions of consent regarding excavation and stability of the land. No further conditions were required to address this matter.</p> <p>This matter does not warrant refusal of the development application.</p>
Extension to the roof area	The extension of the roof area and the addition of a toilet will result in a high usage of this area. The extension breaks the building pyramid and increases the floor area of the building.	The amendments proposed to the roof deck provide additional communal open space for residents. Communal open space is not included in the calculation of gross floor area.

Issue	Concern	Assessment
		<p>The building envelope provisions have been discussed in detail previously in this report.</p> <p>This matter does not warrant refusal of the development application.</p>
	<p>The proposed modifications will further encroach into the building envelope and result in a significant encroachment. The application should not be approved.</p>	<p>The building envelope provisions have been discussed in detail previously in this report. The proposal is considered to be substantially the same development and is considered to result in minimal impacts on adjoining development.</p> <p>This matter does not warrant refusal of the development application.</p>
	<p>The increased roof area will lead to more overlooking into adjoining development and increased shading from the morning sun.</p>	<p>The additional building height represents an increase of 0.275m. The overshadowing will not be significantly affected and is discussed in detail previously in this report.</p> <p>This matter does not warrant refusal of the development application.</p>
<p>Application type</p>	<p>Section 96(1a) applications refer only to errors or misdescription, miscalculation or typographical errors. The application states that minor encroachments are proposed and as such the proposal should not be dealt with under Section 96 (1a).</p>	<p>The submission makes reference to the incorrect modification application type. A Section 96(1) application can only be used where error/s of misdescription, miscalculation or typographical are made. The proposed modification has not been lodged as a Section 96(1) application.</p> <p>The modification was lodged as a Section 96(1a) application which relates to modifications involving minimal environmental impact and is substantially the same development as the development for which the consent was originally granted.</p>

Issue	Concern	Assessment
		This matter does not warrant refusal of the development application.
Plant operation	What provisions have been made to ensure that the air conditioning plant does not exceed the allowable noise limit?	<p>This matter was addressed in the original development application and is not applicable to the current application. Appropriate conditions were imposed on the original consent as recommended by Council's Environment and Health Unit.</p> <p>This matter does not warrant refusal of the application.</p>

**OPTIONS:**

1. Council utilises its concurrence in relation to the North Coast Regional Environmental Plan 1988 Clause 51 – Tall Buildings, and supports the proposed modification of consent with conditions.
2. Council does not utilise its concurrence in relation to the North Coast Regional Environmental Plan 1988 Clause 51 – Tall Buildings, and refuses the proposed modification of consent with reasons.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**CONCLUSION:**

The proposed amendment to the development plans are considered to be reasonable and are not likely to result in adverse impacts in the locality. The proposal is considered to be consistent with the Tweed Local Environmental Plan 2000, Tweed Heads Master Plan, Development Control Plan No. 47, Development Control Plan No 18, Development Control Plan No 2 and the North Coast Regional Environmental Plan 1988 and as such Council can assume the Directors' concurrence in this instance.



**UNDER SEPARATE COVER/FURTHER INFORMATION:**

To view any "**non confidential**" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).

Nil.

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**P3 [PD-PC] S96 Application DA02/1685.12 - Amendment to Consent DA02/1685 for a 56 Lot Subdivision & Bulk Earthworks in 8 Stages at Lot 10 DP258122 Lundberg Dr; Lot 1 DP232745, Lot 2 DP591194, Lot 1 DP846151 & Lot 1 DP1051874, Nos. 92 & 144 Wardrop Valley Rd**

**ORIGIN:**

**Development Assessment**

**FILE NO: DA02/1685 Pt10**

**SUMMARY OF REPORT:**

The application seeks approval for the re-subdivision of four (4) approved lots being Lot 10, 15, 16 and 18 into ten (10) Lots being 108, 107, 106, 109, 110, 101, 102, 103, 104 and 105. The amendment will result in an additional six lots. The proposed subdivision of the four lots is required to provide for the market demand to accommodate smaller scale. There is no additional earthworks or civil works required.

The amendments to the consent involve adopting the amended plan for stages 2,3 and 4 and updating the contributions to reflect the additional lots.

The following table represents the original consent the proposed modification and what stage the modification relates to.

**Table 1.0**

<b>Original Consent</b>	<b>Proposed Modification</b>	<b>Stage applicable</b>
Lot 10	Lot 108 Lot 107 Lot 106	Stage 2
Lot 15	Lot 109 Lot 110	Stage 3
Lot 16	Lot 101 Lot 102 Lot 103	Stage 3
Lot 18	Lot 104 Lot 105	Stage 4

**RECOMMENDATION:**

That Section 96 Application DA02/1685.12 for an amendment to Development Consent DA02/1685 for a 56 lot subdivision and bulk earthworks in 8 stages Lot 10 DP 258122 Lundberg Drive, Lot 1 DP 232745, Lot 2 DP 591194, Lot 1 DP 846151 & Lot 1 DP 1051874, Nos. 92 & 144 Wardrop Valley Road, South Murwillumbah & Lot 2 DP 1051874 Fernvale Road, Fernvale be approved subject to the following amended conditions: -

1. Condition No. 1 is to be amended to read: -

1. The development shall be completed in general accordance with the following documents, except where varied by these conditions:
  - Statement of Environmental Effects, Darryl Anderson Consulting Pty Ltd, dated October 2002.
  - Letter from Darryl Anderson Consulting Pty Ltd dated 9 September 2003 seeking amendment of the application in accordance with the attached documentation.
  - Letter from Richard Harry engineering Services dated 22 August 2003 and accompanying Traffic Report Addendum and Erosion and Sediment Control plan and Stormwater management Plan.
  - TTM Consulting Traffic Engineering Report dated 4 September 2003.
  - TTM Consulting Addendum Traffic Report dated 29 November 2003.
  - TTM Consulting Environmental Noise Impact Report dated 19 February 2004.
  - Len and Kay Ball Vegetation Strategy prepared July 2003; and subsequent Len and Kay Ball "Vegetation Strategy, Proposed Industrial Area, Wardrop Valley Road, South Murwillumbah" and accompanying Vegetation Strategy Plan approved 8.03 (Richard Harry Engineering Services) and 11 sheets of Sections, photographs and drawings.
  - Amended subdivision plan NC White and Associates sheet 1 of 2 dated 4 September 2003 and the plan titled Lot Layout and Area Plan prepared by Richard Harry Engineering Services Drawing Number A1-111-02F.
  - Amended concept engineering drawings Richard Harry Engineering Services Pty Ltd, drawings A1-111 Sheets 1 to 19 dated 05.03 (Sheets 2, 3, 8, 9, 12, 16, 17), 08/03 (Sheets 4, 15), 02/04 (Sheets 5, 6), 07/03 (Sheets 7, 13, 14), 12/03 (Sheet 10), 01/04 (Sheet 11), 08/02 (Sheets 18, 19).
  - Maiden Geotechnics Geotechnical Investigation Report update, July 2003.
  - Maiden Geotechnics Acid Sulfate Soils and Groundwater Management Plan, November 2003.
  - Maiden Geotechnics Response to Geotechnical Peer review

dated February 2004.

- Letter from Darryl Anderson Consulting Pty Ltd dated 15 January 2004 and accompanying Road Intersection plan No. A1-111-01 (Richard Harry Engineering Services Sheet 1 of 1 dated 01/04), indicative Section, Cross Section and 4 colour photographs showing proposed works on and adjoining the pistol club site.
- Letter from Darryl Anderson Consulting Pty Ltd dated 23 February 2004 addressing requested Social Impact Statement.
- Construction Noise Management Plan, Craig Hill Acoustics dated 1 September 2004.
- The subdivision for Stages 2, 3 and 4 are to be in accordance with the approved subdivision plans No. A3-1681, A3-1682, A3-1683 and A3-1684, dated Feb 06 drawn by Tweed Coast Consulting Engineers Pty Ltd.

[GEN0010]

2. Condition No. 81 is to be amended to read: -

81. 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:

Stage 2

Water DSP2:	10 ET @ \$4598	\$45,980
Sewer Murwillumbah:	9 ET @ \$2863	\$25,767

Stage 3

Water DSP2:	8.8 ET @ \$4598	\$40,462
Sewer Murwillumbah:	8 ET @ \$2863	\$22,904

Stage 4

Water DSP2:	7.4 ET @ \$4598	\$34,025
Sewer Murwillumbah:	7 ET @ \$2863	\$20,041

**Stage 5**

Water DSP2:	6 ET @ \$4598	\$27,588
Sewer Murwillumbah:	6 ET @ \$2863	\$17,178

**Stage 6**

Water DSP2:	5 ET @ \$4598	\$22,990
Sewer Murwillumbah:	5 ET @ \$2863	\$14,315

**Stage 7**

Water DSP2:	6 ET @ \$4598	\$27,588
Sewer Murwillumbah:	6 ET @ \$2863	\$17,178

**Stage 8**

Water DSP2:	6 ET @ \$4598	\$27,588
Sewer Murwillumbah:	6 ET @ \$2863	\$17,178

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]

3. Condition No. 82 is to be amended to read: -

82. **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.**

**Stage 2**

**a) Tweed Road Contribution Plan: \$21,546**

**S94 Plan No. 4 (Version 4.0)**

**Sector10\_4**

**Heavy Haulage Component**

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

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

**where:**

**\\$Con<sub>TRCP - Heavy</sub> heavy haulage contribution**

**and:**

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

**Dist. average haulage distance of product on Shire roads**

**(trip one way)**

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

**Admin. Administration component - 5% - see Section 6.5**

**b) Extensions to Council Administration Offices**

**& Technical Support Facilities** **\$11,419.20**

**S94 Plan No. 18**

**Stage 3**

a) **Tweed Road Contribution Plan:** **\$19,152**

**S94 Plan No. 4 (Version 4.0)**

**Sector10\_4**

**Heavy Haulage Component**

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

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

**where:**

**\\$Con<sub>TRCP - Heavy</sub>** heavy haulage contribution

**and:**

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

**Dist.** average haulage distance of product on Shire roads

(trip one way)

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

**Admin.** Administration component - 5% - see Section 6.5

b) **Extensions to Council Administration Offices**

**& Technical Support Facilities** **\$10,150.40**

**S94 Plan No. 18**

**Stage 4**

a) **Tweed Road Contribution Plan:** **\$16,758**

**S94 Plan No. 4 (Version 4.0)**

**Sector10\_4**

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### 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

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

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

**Admin.** Administration component - 5% - see Section 6.5

#### b) Extensions to Council Administration Offices

& Technical Support Facilities \$8,881.60

S94 Plan No. 18

#### Stage 5

a) Tweed Road Contribution Plan: \$14,364

S94 Plan No. 4 (Version 4.0)

Sector10\_4

### Heavy Haulage Component

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

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

where:

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

and:

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

**Dist.** average haulage distance of product on Shire roads

(trip one way)

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

**Admin.** Administration component - 5% - see Section 6.5

b) Extensions to Council Administration Offices

& Technical Support Facilities \$7,612.80

S94 Plan No. 18

Stage 6

a) Tweed Road Contribution Plan: \$11,970

S94 Plan No. 4 (Version 4.0)

Sector10\_4

Heavy Haulage Component

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

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

where:

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

and:

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

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<b>Dist.</b>	average haulage distance of product on Shire roads (trip one way)
<b>\$Unit.</b>	the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)
<b>Admin.</b>	Administration component - 5% - see Section 6.5

**b) Extensions to Council Administration Offices**

<b>&amp; Technical Support Facilities</b>	<b>\$6,344.00</b>
<b>S94 Plan No. 18</b>	

**Stage 7**

<b>a) Tweed Road Contribution Plan:</b>	<b>\$14,364</b>
<b>S94 Plan No. 4 (Version 4.0)</b>	
<b>Sector10_4</b>	

**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:

<b>Prod.</b>	projected demand for extractive material to be hauled to the site over life of project in tonnes
<b>Dist.</b>	average haulage distance of product on Shire roads (trip one way)
<b>\$Unit.</b>	the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)

Admin. Administration component - 5% - see Section 6.5

b) Extensions to Council Administration Offices

& Technical Support Facilities \$7,612.80

S94 Plan No. 18

Stage 8

a) Tweed Road Contribution Plan: \$14,364

S94 Plan No. 4 (Version 4.0)

Sector10\_4

Heavy Haulage Component

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

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

where:

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

and:

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

Dist. average haulage distance of product on Shire roads

(trip one way)

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

Admin. Administration component - 5% - see Section 6.5

b) Extensions to Council Administration Offices

& Technical Support Facilities \$7,612.80

S94 Plan No. 18

[PCC0215/PSC0175]

2. Council considers a policy on further subdivision of this industrial land.

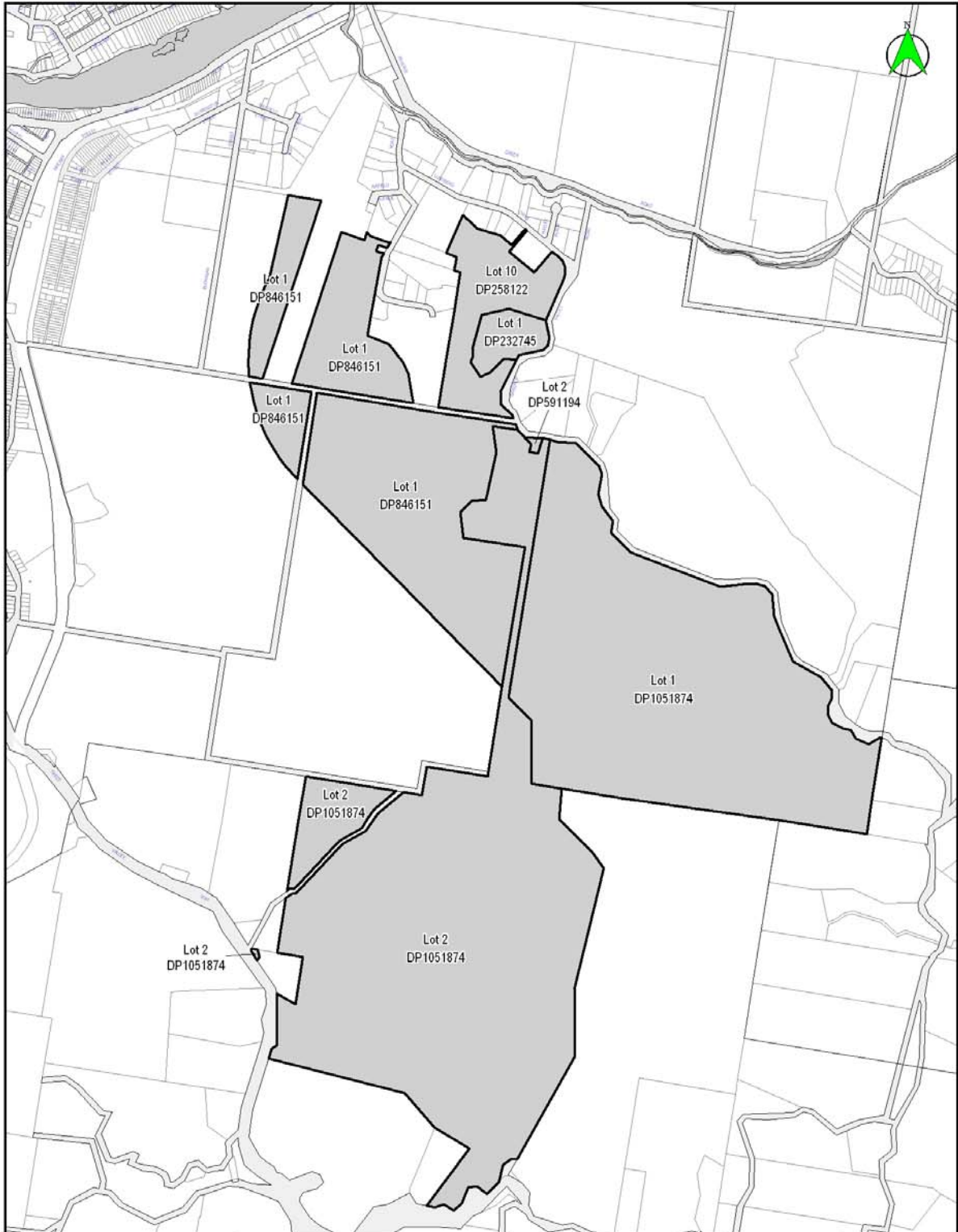
**REPORT:**


**Applicant:** Tweed Valley Industrial Park Pty Ltd  
**Owner:** Mr JA Partland, Ms CS Dickinson, Ms D Dickinson, Mr LJ Dickinson, Mr WJ Dickinson, Tweed Shire Council & Mrs MV Stainlay  
**Location:** Lot 10 DP 258122 Lundberg Drive, Lot 1 DP 232745, Lot 2 DP 591194, Lot 1 DP 846151 & Lot 1 DP 1051874, Nos. 92 & 144 Wardrop Valley Road, South Murwillumbah & Lot 2 DP 1051874 Fernvale Road, Fernvale  
**Zoning:** 4(a) Industrial  
**Cost:** Nil

**BACKGROUND:**

A Deferred Commencement Development Consent for DA02/1685 was granted on the 11 March 2004 for a 56 lot industrial subdivision and earthworks in eight stages. The consent was modified on the 6 December 2004 under consent No. DA02/1685.03. The deferred matters were satisfied and the consent became operational on 6 December 2006.

**SITE DIAGRAM:**



<p><b>TWEED SHIRE COUNCIL 2004</b>                  Although all care has been taken with the production of this map, the TWEED SHIRE COUNCIL, its Employees, Officers and Consultants can not be Responsible for any Errors, Omissions or Inaccuracies in respect to the information supplied in this map.  <b>DO NOT SCALE</b>  <b>COPY ONLY - NOT CERTIFIED</b>                  P.O. Box 816                  Murwillumbah, NSW, 2484                  Tel: (02) 6670 2409                  Fax: (02) 6670 2493</p>	<p><i>Tweed Shire Council</i>                  Lots 1 &amp; 2 DP 1051874, Lot 1 DP 232745, Lot 10 DP 258122,                  Lot 2 DP 591194, Lot 1 DP 846151                  and Crown Public Road, Wardrop Valley</p>		<p>STRATEGIC                  PLANNING UNIT  <b>Site Plan</b>                  Sheet: 1 of 1</p>
<p>File: N:\MapInfo 7...A4P Site Plan.Wor</p>	<p>Author: J.Batchelor</p>	<p>Date: 01/Mar/2004</p>	<p>Scale: N.T.S.</p>

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

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

Tweed Local Environmental Plan 2000

The proposed re-subdivision of lots 10, 15, 16 and 18 into ten smaller lots does not affect the provisions of the Tweed LEP 2000.

North Coast Regional Environmental Plan 1988

The proposed amendments do not affect the provision of the REP

State Environmental Planning Policies

The proposed amendments do not affect the provision of the SEPP.

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

The proposed amendments do not affect the provision of any DEPI.

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

DCP –16 Subdivision Manual requires a minimum lot size of 2000m<sup>2</sup> and a road frontage of 30 metres for industrial land. The proposed amendment complies with these standards.

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

All matters considered satisfied.

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

The proposed amendment is considered suitable for the subject site and is unlikely to result in any significant adverse impacts to the surrounding natural and built environment or result in adverse social or economic impacts.

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

The proposed amendment is considered suitable for the subject site, as the proposal is required to meet the market demand for lot sizes of approximately 2000m<sup>2</sup> in size.

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



The proposed amendment was advertised for a period of fourteen (14) days from Wednesday 5 April 2006 to Friday 21 April 2006 (public holidays excepted).

During this period two submissions were received and are summarised below.

- The amendment will increase retail use in the industrial estate. Lighting and landscaping should be controlled.
- The adjoining Pistol Club operations have been affected by the subdivision because the range requires additional baffling to hold certain events such as training by the Police Force.

### **Comment**

The subject land is zoned 4(a) Industrial and retail shops are not permitted other than general stores, takeaway food shops serving the industrial area or shops ancillary or incidental to a lawful use of the land. Bulky goods retailing is also permitted. Lighting and landscaping will be dealt with on applications for development of the lots.

The development consent contains a condition requiring works for the pistol club. The baffling raised in the submission is not included in the required work. The pistol club have indicated that the owners agreed to the additional work however the owners have submitted that there was no agreement to undertake the additional work. Additionally this is not a relevant matter for the proposed amendment as the modification does not affect the pistol club.

### **(e) Public interest**

The proposal is considered not to be contrary to the wider public's interest.

### **OPTIONS:**

1. Support the application with amended conditions.
2. Refuse the application with reason for refusal.

### **LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

The applicants have a right of appeal in the Land and Environment Court if they are dissatisfied with the determination.

### **POLICY IMPLICATIONS:**

The Policy implication associated with the proposal involves reducing the lots available for medium to large scale industrial enterprises to be located in the estate. It is not desirable if the large allotments are subdivided diminishing the attractiveness for

significant industrial uses. This issues was raised with the proponents and the response is provided as follows-

As you are aware the current consent provides for some 42 industrial lots with areas ranging from about 5000m<sup>2</sup> to about 1 hectare. The current modification before Council will result in the creation of an additional six lots with areas down to about 2000m<sup>2</sup>. As indicated in the Section 96 application the smaller lots are simply required to meet market demand. That is to say, the market requires a range of lot sizes from 2000m<sup>2</sup> (the minimum required in the 4(a) zone under Development Control Plan No. 16) up to about 1 hectare. In other words there will still be 39 relatively large lots which will still be attractive to and suitable for medium to large industrial enterprises. Creating the additional six small lots now results in the same outcome as would occur if a large industrial building was erected on one of the approved lots and subsequently strata subdivided to create two or three smaller lots for those enterprises which only require lots of about 2000m<sup>2</sup>.

In any event, the vast majority of lots in the subdivision will remain suitable for medium to large industrial enterprises and any future application for small lot subdivision would simply need to be considered on its merits having regard to the particular facts and circumstances relevant at the time (ie. how many small lots were proposed to be created vis a vis large lots).

The above comments are generally concurred with however future proposals for further subdivision of the currently approved lots should be analysed with regard to the reduction of large lots. Consideration should be given to dealing with this matter at a Policy level rather than on a case by case basis.

#### **CONCLUSION:**

The proposal has been assessed against all relevant plans and policies and is considered suitable for the site and is not likely to create any significant adverse impacts on either the built or natural environments in the locality.

#### **UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "non confidential" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

Nil.

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**P4 [PD-PC] DA05/1450 for Road & Drainage Works & Assoc Subdn at Lot 21 DP1082482 Tweed Coast Rd, Chinderah, Lot 1 DP828298, Chinderah Rd, Chinderah, Lot 4 DP727425 Chinderah Rd, Cudgen, Crescent St & Tweed Coast Rd, Cudgen & unnamed Rd Reserve (Altona Dve)**

**ORIGIN:**

**Development Assessment**

**FILE NO: DA05/1450 Pt1**

**SUMMARY OF REPORT:**

Council is in receipt of a Development Application lodged by Gales Holdings, which seeks consent for road and drainage works. The proposed works would replace the existing infrastructure in Altona Drive and relocate them to the north to allow the applicant to expand sand quarrying operations within Lot 2 DP 216705, and Lot 21 DP 1082482.

The applicant has proposed 3 stages as follows:

Stage 1 To provide a road and drain in a new location to replace the existing which it replaces.

The creation of a new 21m wide road reserve (to ultimately replace the Altona Drive road reserve), and the construction of a road within the road reserve to the same standard as the existing road (Altona Drive).

Relocation of the existing drain running adjacent to Altona Drive to within the new road reserves. Closure of part of the existing Altona Drive and Crescent Street road reserves and transferred to Gales Projects Pty Ltd.

Stage 2 Upgrade the Stage 1 road and raise the level of the road and upgrade pavement width (in principle approval sought)

Stage 3 To provide a new road to the east of Crescent Street and new intersection with Tweed Coast Road (in principle approval sought).

The Stage 3 proposal has strategic implications for this area in regards to the traffic network and the availability of structured open space. In addition there are merit considerations specifically flora and fauna issues. Therefore Stage 3 is not supported. However it is considered the road realignment and its construction to a suitable flood access immunity level should be combined and the road realignment is recommended for approval on the basis that it is updated at the same time by the applicant (that is stage 1 subject to the recommended conditions).

On 2 May 2006 the applicant lodged a Class 1 Appeal in the Land & Environment Court of NSW (Appeal Number 103536 of 2006). The Court Registrar has indicated that on 1 August 2006 directions will be made in regards to a timetable to get the matter ready for hearing if no decision is made by Council or if the decision is for refusal.

**RECOMMENDATION:**

That Council delegates the approval of the road realignment and road construction and associated subdivision to the Director of Planning and Development subject to the Appeal being withdrawn from the Land & Environment Court of NSW and subject to the following conditions: -

**GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos 1173 - C001 P4 and C003 P1 prepared by Knobel Consulting Pty Ltd and dated May 2005, except where varied by the conditions of this consent. [GEN0005]
2. Should the site require dewatering you are to obtain a licence under Part V of the Water Act 1912 prior to commencement of works. [GENNS01]
3. The road must be a minimum of 30 metres south of the location currently proposed. Such plan is to be lodged with Council for approval prior to issue of a construction certificate and it to accommodate the structured open space as shown in the indicative structural open space plan (as attached to this consent for your reference). [GENNS02]

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

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.

5. Prior to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works (minimum \$1,000). [PCC0075]

The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of the General Manager or his delegate.

The bond will be refunded, if not expended, when the final Subdivision/Occupation Certificate is issued. [PCC0275]

6. All imported fill material shall be from an approved source. Prior to the issue of a construction certificate details of the source of fill, documentary evidence that the fill material is free of any contaminants and haul route shall be submitted to Tweed Shire Council for approval. [PCC0465]
7. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include engineering plans and specifications for the following required works: -

- (a) Construction of the works at the intersection of Crescent Street and the proposed new road.

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

- Road works/furnishings
- Stormwater drainage
- Sediment and erosion control plans
- Location of all services/conduits
- Traffic control plan

- [PCC0895]
8. The proposed new road shall be designed and constructed in accordance with the requirements of DCP No.16, the Development Design Specifications - D1, Table D1.11 and Standard Drawing S.D. 009 to a "class B" standard.

The design of the proposed new road shall be included in a Construction Certificate application to Council for determination. In general, the new road shall have an 8.6m wide formation, a 6.0m wide two (2) coat bitumen seal, 1.3m wide gravel shoulders and a table drain on the northern alignment.

The new pavement shall be constructed so that it has a minimum finished surface level of RL 1.4m AHD.

The relocation of all existing services shall be at the applicants cost. One way cross fall will not be permitted.

- [PCCNS01]
9. The proposed intersection of Crescent Street and the new road shall be designed and constructed in accordance with DCP 16 and the approved engineering drawings. The layout shall be generally in accordance with Drawing No. 1173 - C003 P1 prepared by Knobel Consulting Pty Ltd and dated May 2005 and shown on the Construction Certificate application.

- [PCCNS02]
10. The Construction Certificate application shall show the design of the relocated open channel on the southern alignment of the new road. Hydraulic calculations shall be provided for this drain to ensure compliance with DCP No. 16

[PCCNS03]

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

11. Development work in accordance with a development consent must not be commenced until:-

- (a) A construction certificate for the Development work has been issued in accordance with Councils adopted Development Design and Construction Specification C101 by:

- (b) the consent authority, or
  - (c) an accredited certifier, and
  - (d) the person having the benefit of the development consent:
  - (e) has appointed a principal certifying authority,
  - (f) has appointed a Subdivision Works Accredited Certifier in accordance with Development Control Plan No. 16, Appendix C, and
  - (g) has notified the consent authority and the council (if the council is not the consent authority) of the appointment, and
  - (h) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the subdivision work.
- [PCW0815]
12. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Subdivision Works Accredited Certifier shall be erected and maintained in a prominent position entry to the site in accordance with Councils adopted Development Design and Construction Specifications. The sign is to remain in place until the Subdivision Certificate is issued.
- [PCW0825]
13. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act 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.

- [PCW0985]
14. The proponent shall notify Councils Engineering & Operations Division of intention to commence drawing water in accordance with the requirements of the approval to draw water.
- [PCW1045]
15. It is the responsibility of the contractor to identify and locate all underground utility services prior to commencing works.
- [PCW1165]
16. Prior to the commencement works a Sedimentation and Erosion Control Plan shall be submitted for the approval of the Director of Environment & Community Services. All works shall comply with the approved plan.
- [PCWNS01]

#### **DURING CONSTRUCTION**

17. All proposed works to be undertaken are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications.

[DUR0005]

18. Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -

Monday to Saturday from 7.00am to 7.00pm

No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.

19. 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: [DUR0205]

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.

20. Any pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring residential areas. Such location is to be to the satisfaction of the General Manager or his delegate. [DUR0215]

21. All pumps used for any onsite dewatering operations shall be acoustically shielded to the satisfaction of the General Manager or his delegate so as to prevent the emission of offensive noise as a result of their operation. [DUR0225]

22. 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. [DUR0235]

23. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of fill shall be submitted to the satisfaction of the General Manager of his delegate. [DUR0405]

Once the approved haul route has been identified, payment of the Heavy Haulage Contribution calculated in accordance with Section 94 Plan No 4 will be required prior to commencement of works.

- The approved haul route for the transportation of filling to the site is via Chinderah Road.
- [DUR0725]
24. Proposed earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments".
- [DUR0785]
25. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
- [DUR0805]
26. All fill and cut batters shall be obtained wholly within the subject land.
- [DUR0825]
27. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council.
- [DUR0985]
28. 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]
29. All work associated with this approval is to be carried out so as not to impact on the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -
- Noise, water or air pollution
  - Minimise impact from dust during filling operations and also from construction vehicles
  - No material is removed from the site by wind
- [DUR1005]
30. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. All such materials should be chipped on site and used in landscaping unless it is not possible due to size, non suitability of the material or some other limitation, in which case the material will be disposed of at Council's Stotts Creek depot.
- [DUR1015]
31. 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.
- [DUR1025]
32. Where potential or actual Acid Sulfate Soils are disturbed as a result of on-site excavation works, all such disturbed soils are to be managed in strict compliance with the Acid Sulphate Soil Management Plan (HMC Environmental, November 2005) for minor works.
- [DUR1075]
33. 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.



- [DUR1795]
34. Before the commencement of the relevant stages of road construction, reports shall be submitted to Council from a Registered NATA Consultant demonstrating.
- (a) That the pavement has been designed and constructed in accordance with Tweed Shire Councils adopted Construction and Design Specification, D2.
  - (b) That the pavement materials to be used comply with the specifications tabled in Tweed Shire Councils adopted Design and Construction Specifications, C242-C245, C247, C248 and C255.
  - (c) That site fill areas have been compacted to the specified standard.
  - (d) That supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.
- [DUR1805]
35. During the relevant stages of road construction, reports shall be submitted to the PCA by a Registered NATA Geotechnical firm demonstrating.
- (a) That the pavement layers have been compacted in accordance with Councils adopted Design and Construction Specifications.
  - (b) That pavement testing has been completed in accordance with Table 8.1 of AS 3798 including the provision of a core profile for the full depth of the pavement.
- [DUR1825]
36. The proponent must not undertake any work within the public road reserve without giving Council's Engineering & Operations Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.
- [DUR1845]
37. 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 in accordance with Councils adopted Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
- [DUR1875]
38. The proponent shall comply with all requirements tabled within any approval issued under Section 138 of the Roads Act.
- [DUR1885]
39. Tweed Shire Council shall be given a minimum 24 hours notice to carry out the following compulsory inspections in accordance with Appendix D, DCP16 - Subdivisions Manual based on the rates contained in Council's current Fees and Charges:-

**Roadworks**

- (a) Pre-construction commencement erosion and sedimentation control measures
  - (b) Completion of earthworks
  - (c) Excavation of subgrade
-

- (d) Pavement - sub-base
- (e) Pavement - pre kerb
- (f) Pavement - pre seal
- (g) Pathways, footways, bikeways - formwork/reinforcement
- (h) Final inspections - on maintenance
- (i) Off Maintenance inspection

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

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

- 40. The contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times. [DUR1895]
- 41. The works are to be completed in accordance with Councils Development Control Plans and Design & Construction Specifications, including variations to the approved drawings as may be required due to insufficient detail shown on the drawings or to ensure that Council policy and/or good engineering practices are achieved. [DUR2015]
- 42. 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. [DUR2025]
- 43. Hazardous or industrial waste must be stored and disposed of in a manner to minimise its impact on the environment including appropriate segregation for storage and separate disposal a waste transporter licensed by the EPA. [DUR2185]
- 44. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction. [DUR2215]

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

[DUR2375]

45. Appropriate measures are to be put in place during the construction period to prevent the transport of sediment from the site. Should any material be transported onto the road or any spills occur it is to be cleaned up prior to cessation of same days work and/or commencement of any rain event. [DUR2405]
46. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads. [DUR2415]
47. The site shall not be dewatered, unless written approval to carry out dewatering operations is received from the General Manager or his delegate. [DUR2425]
48. All water drawn from Councils reticulated system shall be via a Tweed Shire Council metered standpipe. The location of the hydrant shall be nominated by Tweed Shire Council and all water shall be only used for the purposes nominated by the applicant for the duration of the construction activities. [DUR2575]
49. The proponent shall comply with all requirements tabled within any approval issued under Section 68 of the Local Government Act. [DUR2625]
50. Leachate from acid sulfate treatment areas shall not be released from bunded areas unless the PH of treated waters is between 6.5 and 8.5. [DURNS01]
51. Surface waters shall be sampled and tested at the identified monitoring locations (or alternative upstream and downstream locations agreed with Director of Environment & Community Services) at the same frequency stipulated for groundwater under Part 12 of the Acid Sulfate Soil Assessment and Management Plan, HMC Environmental, November 2005. [DURNS01]

#### USE

52. All hazardous and/or dangerous goods shall be stored in accordance with requirements of WorkCover NSW. [USE1035]

#### PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

53. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of this Development Consent have been complied with. [PSC0825]
54. Prior to the issue of a Subdivision 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 which will be held by Council for a period of 6 months from the date on which the Subdivision Certificate is issued. It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period. [PSC0215]

55. 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) all drainage lines, sewer lines and structures are wholly contained within the drainage easement created by the subdivision;
- (b) the plans accurately reflect the Work as Executed.

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

[PSC0735]

56. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:

- (a) Easements for sewer, water supply and drainage over ALL services on private property.

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway/easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

[PSC0835]

57. 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]

- 58. Prior to the application for a Subdivision Certificate a Compliance Certificate or Certificates shall be obtained from Council OR an accredited certifier for the following:-**

- (a) Compliance Certificate - Roads**
- (b) Compliance Certificate - Drainage**

**Note:**

- 1. All compliance certificate applications must be accompanied by documentary evidence from the developers Subdivision Works Accredited Certifier (SWAC) certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, DCP16 - Subdivision Manual and Councils adopted Design and Construction Specifications.**
- 2. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".**

[PSC0915]

- 59. The six (6) months Defects Liability Period commences upon the registration of the Subdivision Certificate.**

[PSC0925]

- 60. Electricity**

- (a) The reticulation to include the provision of fully installed electric street lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council.**

[PSC1185]

- 61. The existing road reserve (Altona Drive) shall not be extinguished and will remain in the ownership of Council for a period of three (3) months from the date of registration of subdivision certificate for the new road to allow satisfactory servicing arrangements to be made by existing or approved developments who rely on this road corridor for their servicing needs.**

[PSCNS01]

**REPORT:**

**Applicant:** Gales Holdings Pty Ltd  
**Owner:** Gales Projects Pty Limited  
**Location:** Lot 21 DP 1082482 Tweed Coast Road Chinderah; Lot 1 DP 828298 Chinderah Road Chinderah; Lot 4 DP 727425 Chinderah Road Cudgen; Crescent Street Cudgen; Tweed Coast Road Cudgen; and Unnamed Road Reserve (Altona Drive).  
**Zoning:** Part 1(a) Rural; Part 1b(2) Agricultural Protection; Part 2(c) Urban Expansion; Part 5(a) Special Use (Drainage Reserve); and Part Unzoned  
**Cost:** \$400,000

**BACKGROUND:**

The land is located at Cudgen approximately 7km south of Tweed Heads and West of Kingscliff.

The proposal has been lodged by Gales Holdings to allow the expansion of quarrying at Lot 2 DP216705 & Lot 21 DP 1082482. The existing Altona Drive presents an impediment to the efficient extraction of materials and if left the applicant claims that it could alienate 750,000m<sup>3</sup> of the sand resource either side of the existing Altona Drive alignment. However, no such application for the expansion of quarrying has been lodged with either Tweed Shire Council or the Department of Planning, as the applicant is awaiting the determination of this application.

Altona Road currently provides access from Crescent Street to Council's new Waste Water Treatment Plant. The proposed re-alignment to the north would still allow the same access provisions as the existing alignment but would assist any future quarrying activities should the relevant planning authority approve the sand extraction.

Council has no objection to Stage 1 in principle; however, the following changes are recommended:

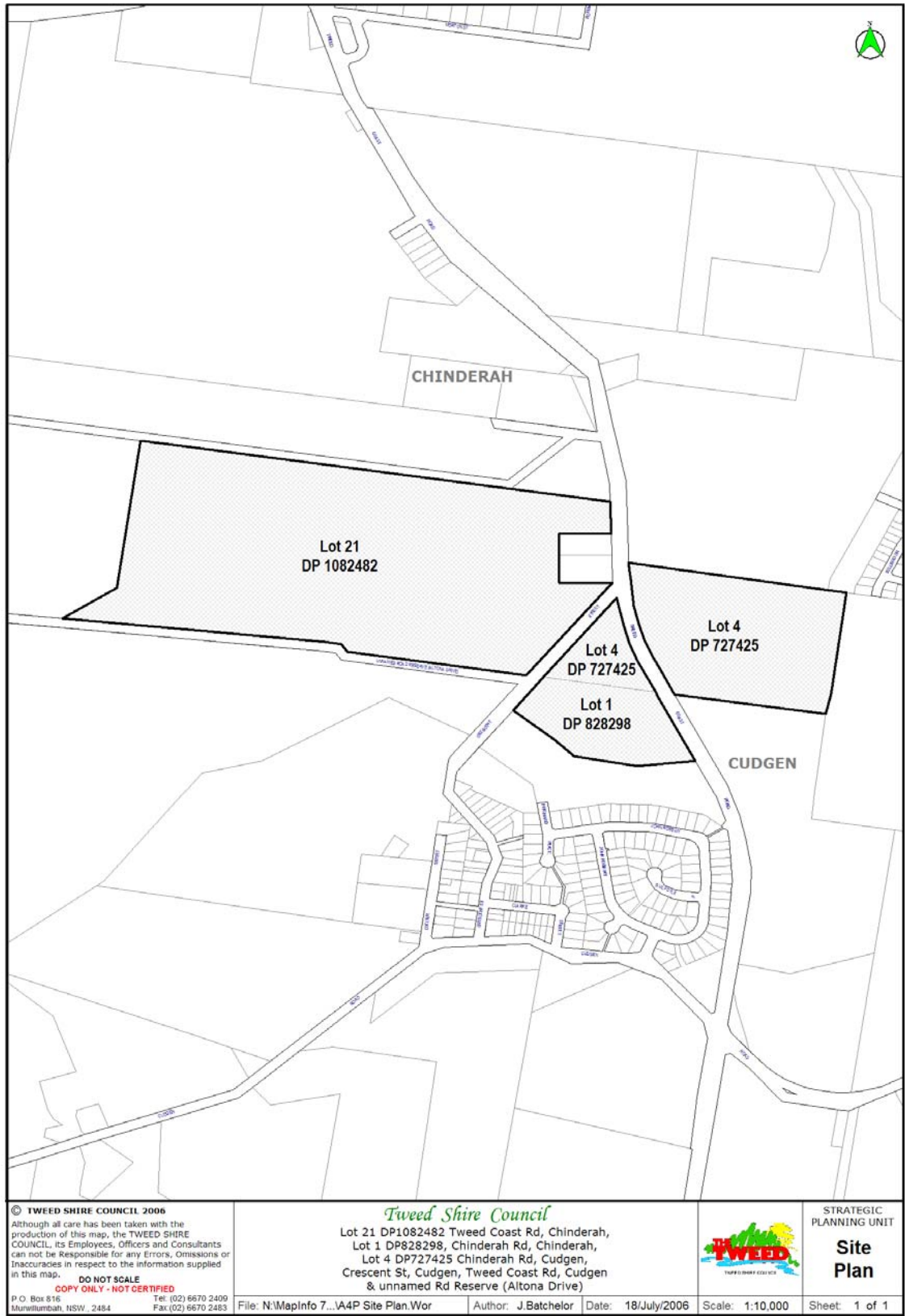
- a) Council's Development and Infrastructure Engineers have recommended that;
  - i. As part of Stage 1 the new road should be built to a minimum of RL 1.4m AHD with an 8.6m wide formation, a 6.0m two coat bitumen seal, 1.3m wide gravel shoulders and a table drain on the northern alignment.

These conditions would negate the need for Stage 2 of the proposal;

- b) Council's Open Space Officer has recommended that as part of Stage 1 the new road should be located 30m south of the proposed alignment to ensure there is sufficient room for structured open space facilities on the northern side of the new Altona Drive within Lot 21 in DP1082482. This is shown as an indicative structural open space plan at Attachment 1.

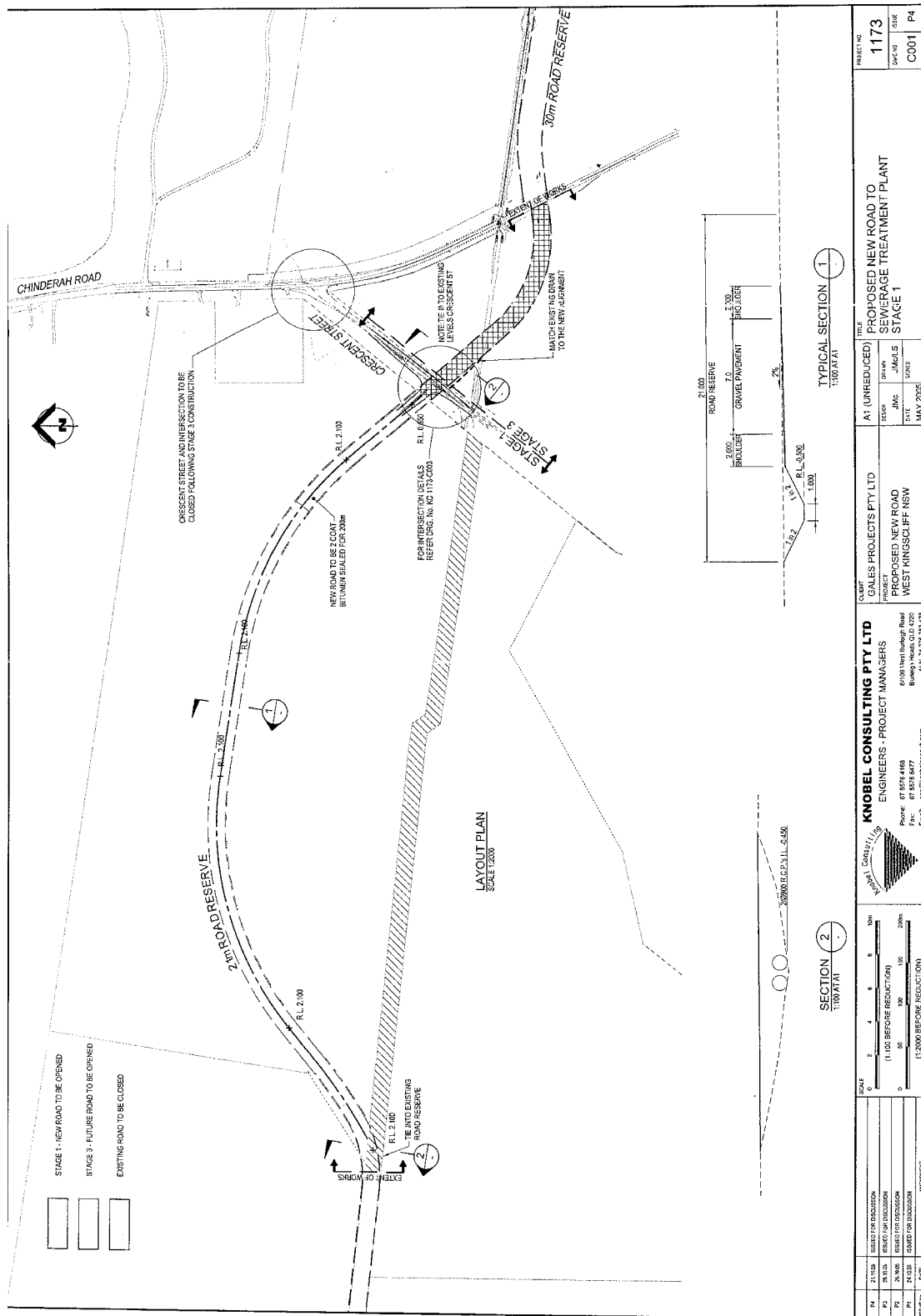
Stage 3 of the proposal raises wider strategic planning issues in relation to the future alignment of a possible east west link to Kingscliff. The future alignment of such link road will need to be investigated having regard to the future structure plan of West Kingscliff and any flora and fauna issues, urban design principles or traffic network issues. The current application does not address these issues and therefore no in principle approval should be given to Stage 3.

**SITE DIAGRAM:**





DEVELOPMENT PLANS

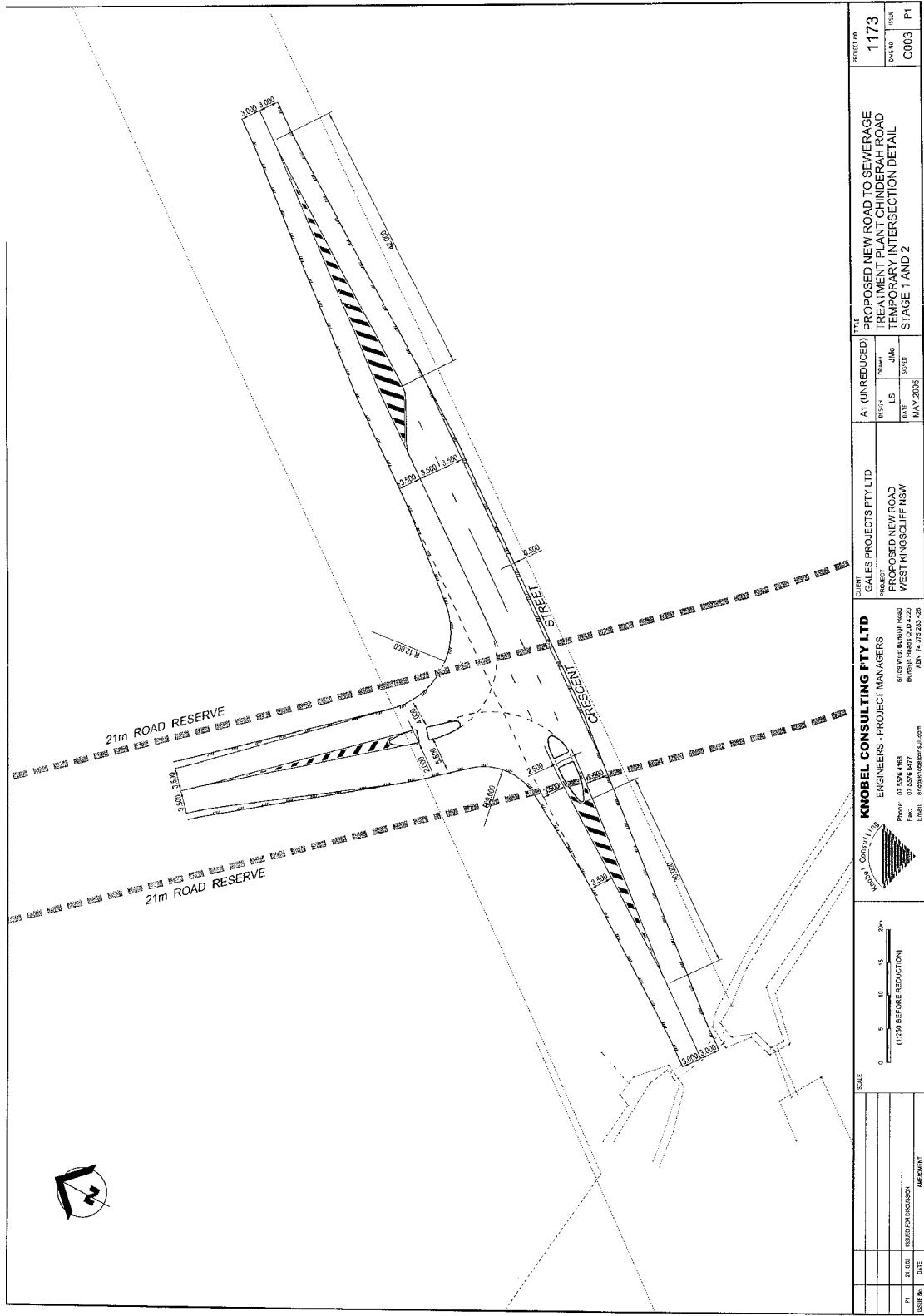


STAGE 1 - NEW ROAD TO BE OPENED

STAGE 2 - FUTURE ROAD TO BE OPENED

EXISTING ROAD TO BE CLOSED

<p><b>KNOBEL CONSULTING PTY LTD</b> ENGINEERS - PROJECT MANAGERS 6/101 West Burleigh Road Burleigh Heads QLD 4225 Phone: 67 5374 4168 Fax: 67 5374 4077 Email: enq@knobelconsulting.com</p>		<p>CLIENT GALES PROJECTS PTY LTD PROJECT PROPOSED NEW ROAD WEST KINGSCIFF NSW</p>	<p>FILE A1 (UNRECORDED) SUBMITTAL SUBJECT DATE MAY 2005</p>	<p>PROJECT NO <b>1173</b> DRAWING NO C001 P4</p>
<p>SCALE 0 50 100 150 200m (1:100 BEFORE REDUCTION) 0 50 100 150 200m (1:2000 BEFORE REDUCTION)</p>		<p>SECTION (2) 1:100 AT A1</p>		
<p>DATE</p>		<p>SECTION (1) 1:100 AT A1</p>		



 <b>KNOBEL CONSULTING PTY LTD</b> ENGINEERS - PROJECT MANAGERS 6/12 West Bank Road Burgh Heads QLD 4220 Phone: 07 5376 4188 Fax: 07 5376 8477 Email: <a href="mailto:knobel@knobel.com.au">knobel@knobel.com.au</a> Job: 14 23 235 425		CLIENT GALES PROJECTS PTY LTD PROJECT PROPOSED NEW ROAD WEST KINGSCLIFF NSW	TITLE PROPOSED NEW ROAD TO SEWERAGE TREATMENT PLANT CHINDERAH ROAD TEMPORARY INTERSECTION DETAIL STAGE 1 AND 2	PROJECT NO 1173 SUB NO C003 ISSUE P1
SCALE 0 5 10 20m (1:200 BEFORE REDUCTION)		A1 (UNREDUCED) REVISIONS NO. DATE BY 1 15/05/06 2 15/05/06	DATE MAY 2006	
SHEET NO P1	DATE 24/05/06	ISSUED FOR DISCUSSION	APPROVED	

**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 land to which this application relates has four zonings and is part unzoned land. These include Rural 1(a), Agricultural Protection 1(b2), Urban Expansion 2(c), & Special Use Drainage Reserve 5(a). The proposed works are best defined as a "road" and "works for drainage and landfill". These uses are permissible with consent in all of the applicable zones.

Stage 1 works (the only stage recommended for approval) will occur primarily in the 1(b2) land and the uncoloured land of Altona Drive & Crescent Street.

The 1(b2) land objectives are to protect identified prime agricultural land from fragmentation and the economic pressures of competing land uses and to allow other development that is compatible with agricultural activities.

Clause 13 permits the development of uncoloured land with consent if the proposed development is compatible with development permissible in the adjoining zone.

The proposed road realignment is not considered contrary to the 1(b2) objectives or the objectives of the adjoining zones as the road realignment will potentially facilitate the efficient extraction of materials which is an Item 3 (subject to compliance with Clause 8(2)) use that is permissible with consent in the 1(b2) zone.

Clause 57(3)(a) of Tweed LEP 2000 specifies that subdivision for a public purpose (realignment of a public road) is permissible with consent.

Therefore the proposed realignment of Altona Drive (subject to the recommended conditions of consent) is considered to comply with the zone objectives, Clause 13 and Clause 57.

The proposed development also requires consideration against the following Clauses of the Tweed LEP 2000:

- Clause 8 Consent Considerations;
- Clause 15 Availability of Essential Services;
- Clause 17 Social Impact Assessment;
- Clause 22 Development near Designated Roads;
- Clause 34 Flooding;
- Clause 35 Acid Sulfate Soils; and
- Clause 39 Remediation of Contaminated Land; and
- Clause 39A Bushfire Protection.

In regards to all the requirements of the above clauses the applicants Statement of Environmental Effects adequately addresses these issues. Where necessary Council Officers have recommended conditions of consent to ensure compliance.

In all regards the application is considered to comply with the Tweed LEP 2000.

North Coast Regional Environmental Plan 1988

Clause 12 of the REP aims to ensure development on rural land does not occur unless consideration has been given to the impact of the proposed development on the use of adjoining or adjacent agricultural land and whether or not the development will cause a loss of prime crop or pasture land.

The subject land is mapped under the Northern Rivers Farmland protection Area Project as being regionally significant, however the subject land only has a Class 4 rating by the NSW Agriculture's Classification Mapping, which indicates that it is land suitable for grazing but not cultivation. The proposed road re-alignment is not considered to impair the ability of the land to be used for agricultural production.

Clause 32B of the NCREP is required to be taken into consideration. The application has addressed the matters contained in the REP satisfactorily.

State Environmental Planning Policies

In regards to SEPP 44 – Koala Habitat there are no schedule two trees within the subject site and therefore no koala habitat.

The proposed development is not affected by any of the applicable SEPP's

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

Draft LEP Amendment No. 21 nominates the site as 1(b2) land as per the current zoning and therefore no further assessment is required.

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

DCP 5 – Flood Liable Land

The subject property is low lying and is flood liable.

Stephen N Webb & Associates Pty Ltd has undertaken a hydraulic flood study of the subject property. The proposed conditions of consent require the new road in Stage 1 to be constructed at a minimum height of RL 1.4m AHD. Council's Development & Infrastructure Engineers have determined this is

satisfactory having regard to Council's available flood information and the applicants hydraulic flood study.

Subject to the conditions of consent the application is considered satisfactory in regard to DCP No. 5.

#### DCP 9 – West Kingscliff

The Plan nominates a location for sports fields which is now considered to be unsuitable, and as a result the subject site has been discussed as being suitable alternative location. Therefore Council's Open Space Officer has reviewed the plans and provided the following comments:

*"I refer to recent discussions and meetings regarding the proposed realignment of Altona Drive Kingscliff. I confirm that the area north of this road is planned for sportsfields, and that the proposed realignment will have a significantly detrimental effect on these sportsfields.*

*We are reviewing options for sports to use this area, with current options including Australian Rules Football, Cricket, Athletics, Softball & Soccer. A crucial aspect of this planning is to ensure there is sufficient space for buffers, warm up areas and alternative field layouts.*

*Accordingly, I confirm that the road must be a minimum of 30 metres south of the location currently proposed. That is, 180 metres from the northern boundary, with the eastern end (where Australian Rules Football is proposed) being 255 metres from the northern boundary."*

In accordance with the above comments the recommended conditions of consent include the provision for a 30m alteration to the proposed alignment.

#### DCP 16 – Subdivision Manual

Council's DCP contains guidelines in relation to works. The recommended conditions of consent are based on achieving compliance with DCP 16.

#### DCP 51 – Tweed Coast Strategy

This DCP aims to provide an urban environment in a practical and financially efficient manner. The Plan nominates the need for an east west link to Kingscliff in an alternative location to that proposed within Stage 3 of this application. The proposed east west link is considered vital to efficient development of the West Kingscliff and Cudgen area and therefore Stage 3 is not approved as part of this application to allow proper planning process to dictate the best route for the east west connection.

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

There are no relevant matters prescribed by the regulations.

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

Social Impact

The application has considered the social and economic impact assessment and identifies some positive impacts – recovery of a known resource (sand), construction employment, improved road safety and efficiency.

Threatened Species

The applicants flora and fauna assessment identifies that 0.4 hectares of the threatened ecological community “Swamp Sclerophyll Forest on Coastal Floodplains” would be modified or removed by the proposal.

The applicant further notes that there is approximately 12 hectares of known “Swamp Sclerophyll Forest on Coastal Floodplains” in the immediate vicinity and therefore the proposed 0.4 hectares to be removed is unlikely to constitute a significant area of the community.

A flora and fauna assessment was undertaken and concluded that the site is unlikely to have a significant impact on threatened species.

Engineering Matters

Council’s Development Engineer has provided the following comments:

*"Geotechnical/Earthworks*

*The applicants have not provided any reports regarding the geotechnical nature of the soil profile along the proposed road alignment.*

*Given the nature of the proposed development it will be acceptable for the applicant to submit a pavement design for the road construction when an application for a Construction Certificate is made for the road.*

*Road Network / Horizontal Alignment*

*The existing un-named road varies from a 3.6m wide, 2 coat sealed pavement with table drains both sides at the eastern end of Altona Drive(Crescent Street end) to a 6.0m wide, 2 coat sealed pavement at the western end near the Kingscliff Waste Water Treatment Plant.*

### *Road Vertical Alignment*

*The vertical alignment of the existing pavement is relatively flat. The topography of the proposed alignment is also relatively flat and therefore no concern is raised regarding the vertical alignment of the new section of road.*

*Engineering and Operation Services has advised that the new road should be constructed at RL 1.4m AHD*

*Furthermore, they have requested that the ownership of the existing road is not surrendered for a period of three (3) months after the completion of the new road so that satisfactory servicing arrangements can be made for other existing and approved developments. For example The Bay lobster Project.*

### *Road Typical Cross Sections*

*The typical cross section for the proposed new road in stage 1 is shown on Dwg.No. C001 P4 dated May 2005 and prepared by Knobel Consulting Pty Ltd. This cross section shows a 21.0m road reserve with a 7.0m wide gravel pavement and 2.0m shoulders. The cross fall of the pavement is one way and falls at 2% into a table drain on the southern alignment.*

*This road formation does not meet the standards required by DCP 16 and the Development Design Specifications D1 – road design.*

*To meet the standards the design for the new road should comply with Standard Drawing S.D 009 issue B to either a “class B or C formation”.*

### *Intersections*

*As part of the stage 1 works the applicants propose to construct the intersection of Crescent Street and the new road generally in accordance with Dwg No. C003 P1 dated May 2005 and prepared by Knobel Consulting Pty Ltd.*

### *Access*

*The construction of the new road to the standards required by DCP 16 will provide a superior access than presently exist.*

### *Traffic Generation*

*The re alignment of the road will not generate any addition traffic. The improved standard of the new road will allow for greater traffic movements that maybe generated by increased quarry activities or the Kingscliff Waste Water Treatment Plant.*

### *Stormwater Drainage*

*Lot 21 has a number of shallow drainage lines running roughly north-south across the allotment at 20m spacings.*

*The applicants propose the construction of an open drain on the southern alignment of the new road. The applicant will need to ensure that the invert of the channel has minimum grade so that the channel is free draining.*

*In addition, a table drain will be required on the northern alignment of the pavement. The applicants have proposed a pavement with one way cross fall however this is unacceptable. The road shall have a crown and two way cross fall thus requiring a table drain on the northern alignment.*

### *Road Drainage Network*

*No underground system is required. An open channel is required on the southern alignment and a table drain will be required on the northern alignment.*

### *Trunk Drainage / Downstream Discharge*

An open channel as shown on Dwg. No. C001 P4 will be constructed on the southern alignment. This channel will provide adequate trunk drainage.

### *Stormwater Quality Management*

*The applicants will be required to provide stormwater quality devices such as sedimentation ponds to treat stormwater runoff from the road pavement and table drains.*

### *General Comments*

*The applicants seek approval in principal for stages 2 & 3 of the application. These stages include the raising of the new road to RL 2.1m AHD as part of stage 2. Stage 3 is the creation of a new section of road extending from Crescent Street to Tweed Coast Road. Stage 3 road would align with the future east-west link on the eastern side of Chinderah Road.*

*It is considered that stages 2 and 3 should be withdrawn from the application."*

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

Based on the above assessment the proposed site is considered suitable for Stage 1 of the development subject to the recommended conditions of consent.



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

The proposed development was advertised for 30 days from 11 January 2006 to 12 February 2006.

During this period Council received 7 objections to the proposal. It should be noted that some of the objections did not relate to what was proposed specifically within this application but commented on Gales Holdings Structure Plan which formed Appendix E of the Statement of Environmental Effects.

The objections are detailed within the following table:

Topic	Issue	Assessment
Amenity	The proposed new road is too close to the Cudgen Village and should be moved further away.	<p>The proposed new road alignment will replace the existing Altona Drive and will be located further to the north away from Cudgen Village.</p> <p>This objection does not warrant amendment or refusal of the application.</p>
Traffic/Road Safety	The proposed new road will only give hoons a better road to use.	<p>The proposed new road will satisfy the latest requirements for road design, however, this is no reason to refuse the application. Should the new road increase the inappropriate use of the road Council's Traffic Committee can review the situation and consider introducing traffic calming devices. At this stage such measures are not considered necessary.</p> <p>This objection does not warrant amendment or refusal of the application.</p>

Topic	Issue	Assessment
	The southern end of Crescent Street should be closed off to stop excess traffic through Cudgen Village.	<p>Crescent Street is a link road that assists traffic movement in the area. Council's traffic &amp; Transport Engineer has reviewed the proposal and raised no objection to approval to Stage 1 subject to the recommended conditions of consent.</p> <p>This objection does not warrant amendment or refusal of the application.</p>
	The new intersection with Crescent Street will be too dangerous.	<p>As detailed above Council's traffic &amp; Transport Engineer has reviewed the proposal and raised no objection to approval to Stage 1 subject to the recommended conditions of consent.</p> <p>This objection does not warrant amendment or refusal of the application.</p>
	The alignment has had no consideration for what will be required in terms of road network for Stage 3 of Cudgen Heights Estate.	<p>The proposed road realignment for Stage 1 will not impact on Stage 3 of Cudgen Heights Estate.</p> <p>This basis of this objection forms part of the reason for Stages 2 &amp; 3 being refused.</p>
Flooding	The importation of fill for the new road will cause flooding on other land parcels.	Council's Development & Infrastructure Engineers have

Topic	Issue	Assessment
	<p>Adjoining Agricultural land used for crops can not afford to be impacted on in any way. The works will alter the natural flow of water and impact on my property.</p>	<p>reviewed the proposal specifically in regard to flooding and have raised no objection to the proposed road re-alignment subject to the recommended conditions of consent.</p> <p>This objection does not warrant amendment or refusal of the application.</p>
	<p>Increased sand pumping will cause another great big hole in Cudgen floodplain.</p>	<p>This application does not approve any increase in sand pumping. Any increase in the extraction will be subject to a separate Development Application, which will be placed on public exhibition for public consultation.</p> <p>This objection does not warrant amendment or refusal of the application.</p>
<p>Statutory Requirements</p>	<p>An Independent EIS is needed.</p>	<p>The Environmental Planning &amp; Assessment Act 1979 does not require an EIS for the proposed Development. The submitted information is sufficient to allow a determination.</p> <p>This objection does not warrant amendment or refusal of the application.</p>

Topic	Issue	Assessment
	The submitted maps are inaccurate.	<p>The submitted information is sufficient to allow a determination.</p> <p>This objection does not warrant amendment or refusal of the application.</p>
Miscellaneous	The additional heat from the roofs will be unacceptable	<p>This application seeks approval for a road re-alignment and associated works only. There is no house constructions.</p> <p>This objection does not warrant amendment or refusal of the application.</p>
	Fill should be obtained form the river not the land.	<p>This application seeks approval for a road re-alignment and associated works only. There is no extraction of fill.</p> <p>This objection does not warrant amendment or refusal of the application.</p>
	Who will maintain the infrastructure shown on Gales Structure Plan	The sports fields, and amenities are all subject to future applications and do not form part of this approval.
	Cudgen should not be referred to as Kingscliff. It is Cudgen.	This comment is acknowledged.
	There should be some recognition of the old Cudgen Sugar Mill.	The proposed road re-alignment would not trigger the need for any recognition of the historical use of the land. This may be more appropriate if the site is re-developed in the future.

Topic	Issue	Assessment
		This objection does not warrant amendment or refusal of the application.

**(e) Public interest**

The proposed road re-alignment will facilitate the efficient removal of a valuable resource. The new alignment will have minimal impact on the general community as the road connects only to Crescent Street and is not a through Road. Therefore approval of Stage 1 is considered appropriate and not contrary to the general public interest.

**OPTIONS:**

1. Delegates the approval of the road realignment and road construction and associated subdivision to the Director of Planning and Development subject to the Appeal being withdrawn from the Land & Environment Court of NSW and subject to the recommended conditions.
2. Refuse the application in its entirety and defend the Appeal in the Land & Environment Court of NSW.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Council will incur its own legal costs in defending the appeal.

**POLICY IMPLICATIONS:**

If this consent is issued in accordance with the recommended conditions there will be minimal policy implications.

**CONCLUSION:**

The proposed re-alignment of Altona Drive within Lot 21 will allow the efficient removal of material from an approved quarry. Therefore the road and drainage works and associated subdivision is recommended for conditional approval.

The expansion of the quarry and the ultimate east west link to Kingscliff will need to be assessed on their individual merits as part of separate Development Applications.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

To view any "**non confidential**" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).

1. Indicative structural open space plan (DW 1427724)
-

**P5 [PD-PC] Development Application DA05/1225 for the Establishment of a Pet Boarding Facility, including a Manager's Dwelling (Catering for Cats Only) at Lot 1 DP 855444, Binalong Court, Upper Burringbar**

**ORIGIN:**

**Development Assessment**

**FILE NO: DA05/1225 Pt1**

**SUMMARY OF REPORT:**

Council has received a Development Application for the establishment of a pet boarding facility, including a manager's dwelling catering for cats only. The pet boarding establishment would be managed and operated by the owners/occupiers of the property.

The Development Application was notified for a period of fourteen (14) days in which several submissions were received that have been considered further in this report. The main issues of concern of the proposal include, threat to wildlife, noise and odour impacts, effluent disposal, access and traffic, stormwater impacts and operational impacts and issues.

After an assessment of all the submissions and issues raised and assessment of the Development Application it is recommended that the proposal be approved subject to stringent conditions of consent. It is also recommended that the consent be limited to an operating period of two (2) years from the date of the Final Occupation Certificate issued for the building, after which time any extension will require an approval under a Section 96 Application. This will provide Council with an opportunity to further assess the level of acceptability of the development.

The assessment of the proposal against the relevant planning instruments has not identified any areas of non-compliance that would warrant refusal of the proposal. The application is therefore recommended for conditional approval.

**RECOMMENDATION:**

**That Development Application DA05/1225 for the establishment of a pet boarding facility, including a manager's dwelling (catering for cats only) at Lot 1 DP 855444, Binalong Court Upper Burringbar be approved subject to the following conditions: -**

**GENERAL**

- 1. All walls within the animal keeping areas shall be of solid construction to the satisfaction of the Director of Environment and Community Services. Solid construction shall be masonry and shall not include timber frame or cavity construction. Wall surfaces shall be smooth and impervious.**

[GENNS01]

2. The garage approved under DA02/1896 determined by Council on 13 December 2002 must not be used for human habitation or occupation.
3. Laundry facilities are to be provided to the Pet Boarding Facility/Managers Residence Building in accordance with Part 3.8.3 of the Building Code of Australia Volume II.  
[GENNS02]
4. Cats shall be kept within the enclosed boarding area at all times and shall not be permitted to roam.
5. All internal surfaces within the cat boarding area shall be impervious, solid, washable materials.
6. Not more than 52 cats shall be boarded or kept at the premises at any time.
7. All solid waste from pens, including manure, soiled litter and soiled bedding, shall be removed from pens on a daily basis. This material shall be stored and disposed to the satisfaction of the DECS and shall not be directed to the OSSMF. Waste materials shall be disposed of off site by way of an approved waste collection and disposal service not less than once per week unless an alternative has been approved in writing by the DECS.
8. Wastes shall be stored in a suitable container with a tight fitting lid and suitably bagged prior to placement in the bin.
9. Composting of waste materials on the site is not permissible without the prior inspection and approval of the proposed composting site/activities by Council's EHO. Composting shall not be permitted to impact the amenity of any premise.
10. The cleaning of pens shall be a 'dry' process and shall not be permitted to generate large volumes of waste water.
11. Offensive noise shall not be caused or permitted to be emitted from the premise. Noise shall be audible within any habitable premise between 9pm and 7am (night), and shall not exceed background levels by more than 5dB(A) between 7am and 9pm (day).
12. The pet boarding facility shall be constructed and operated in accordance with the Animal Welfare Code of Practice No. 5, Care and Management of Dogs and Cats in Boarding Establishments (NSW Agriculture, October 1996).
13. The on-site sewerage management system is not to be utilised for treatment or disposal of cat faecal matter or urine.



14. The windows and louvres to the cattery shall be capable of being closed and shall be effective in preventing the escape of odours from the cattery. These windows and louvres shall be kept closed where directed in writing by Council. The cattery shall not be permitted to impact the amenity of any premise by way of odour.
15. The premises shall not be used for the keeping of dogs nor shall it be used for any other dog related services such as dog grooming, boarding or dog washing.
16. A hand basin provided with warm water shall be provided within the cat boarding work area.
17. The pick up and drop off of cats shall be restricted to 8.30am to 4.30pm Monday to Saturday and 3.00pm to 5.00pm on Sundays and Public Holidays.
18. All animal foods shall be stored in a dry and hygienic location, free from vermin. The premises, including animal sleeping areas, shall be maintained in a hygienic condition and free from vermin and odour.  
[GENNS03]
19. This consent is limited to a period of two (2) years from the date of the Final Occupation Certificate of the building. If the development is to go beyond this period a Section 96 Application will need to be lodged with Council at least two (2) months prior to the expiry of the consent.  
[GENNS04]
20. A native buffer strip consisting of fast growing plant species shall be planted along the property boundary adjoining Lot 2 DP 596443. A plan depicting the plant species must be submitted to Council to the satisfaction of the Director of Planning and Environment.  
[GENNS05]
21. 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.  
[GEN0045]
22. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.  
[GEN0115]
23. Any proposed advertising structures/signs are subject to a separate development application and approval from Council, where statutorily required.  
[GEN0065]

24. The development shall be completed in accordance with the Statement of Environmental Effects, Drawing Number 1512/05 prepared by Ian Webb Building Design and dated October 2005, Plan No 03 4945 Sheets 01, 02, 03, 04 and 06 prepared by John Robinson Design & Drafting Services and dated January 2004 and correspondence and documentation received by Council dated 6 February 2006 (Document No. 1341097), correspondence received by Council dated 22 December 2005 (Document No. 1320980) and correspondence received by Council dated 28 November 2005 (Document No. 1313989), except where varied by the conditions of this consent.

[GEN0005]

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

25. Prior to the issue of a Construction Certificate, Development Consent DA04/0503 shall first be surrendered to Council in accordance with the Environmental Planning and Assessment Act, 1979.

26. Prior to the issue of a Construction Certificate, Council shall be provided with a detailed drawing or section which illustrates "solid wall construction".

[PCCNS01]

27. Any carparking floodlighting shall not spill beyond the boundaries of the site. Lighting shall comply with AS 4282 and other relevant Australian Standards. A plan of the lighting shall be approved by the Principal Certifying Authority PRIOR to the issue of a Construction Certificate.

[PCC0055]

28. 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: \$1,255  
S94 Plan No. 4 (Version 4.0)  
Sector11\_4

[PCC0215]

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

[PCC0945]

30. 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.

[PCC1145]

31. Details of the intended method of water storage are to be submitted to the Principal Certifying Authority for approval. Please note that the minimum storage capacity required shall be 20,000 litres.

[PCC1215]

32. 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.

[PCW0255]

- 33. Written approval for any application under Section 138 of the Roads Act 1993 is required prior to commencing works within the road reserve.**

[PCW0705]

**PRIOR TO COMMENCEMENT OF WORK**

- 34. 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**
- (c) 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**
- (d) 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.**

[PCW0215]

- 35. 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.**

[PCW0225]

**36. Residential building work:**

(a) 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:

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

- \* in the name and licence number of the principal contractor, and
- \* the name of the insurer by which the work is insured under Part 6 of that Act,

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

- \* the name of the owner-builder, and
- \* if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.

(b) 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.

[PCW0235]

**37. 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

[PCW0245]

**38. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:**

- (a) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
- (b) Certification of the works performed by the person carrying out the works is to be submitted to the PCA; and
- (c) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-

- (i) the method of protection; and
- (ii) the date of installation of the system; and
- (iii) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
- (iv) the need to maintain and inspect the system on a regular basis.

**Note:** Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.

[PCW0775]

- 39. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority.**

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act 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.

[PCW0985]

- 40. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. Note All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the Principal Certifying Authority prior to commencement of building works.**

[PCW1005]

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

[PCW1065]

- 42. Prior to the commencement of any works on the site all required plumbing and drainage inspection fees are to be submitted to Council.**

[PCW1095]

#### **DURING CONSTRUCTION**

- 43. Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -**

**Monday to Saturday from 7.00am to 7.00pm  
No work to be carried out on Sundays or Public Holidays**

**The proponent is responsible to instruct and control subcontractors regarding hours of work.**

[DUR0205]

- 44. 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.
- [DUR0215]
- 45. 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 in accordance with WorkCover 2000 Regulations.**
- [DUR0415]
- 46. All work associated with this approval is to be carried out so as not to impact on the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -**
- **Noise, water or air pollution**
  - **Minimise impact from dust during filling operations and also from construction vehicles**
  - **No material is removed from the site by wind**
- [DUR1005]
- 47. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. All such materials should be chipped on site and used in landscaping unless it is not possible due to size, non suitability of the material or some other limitation, in which case the material will be disposed of at Council's Stotts Creek depot.**

[DUR1015]

**48. 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.**

[DUR1025]

**49. Appropriate measures are to be put in place during the construction period to prevent the transport of sediment from the site. Should any material be transported onto the road or any spills occur it is to be cleaned up prior to cessation of same days work and/or commencement of any rain event.**

[DUR2405]

**50. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads.**

[DUR2415]

**51. 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:-**

- \* **45<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and**
- \* **50<sup>0</sup>C in all other classes of buildings.**

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

[DUR2555]

**52. The On-site Sewage Management System shall be installed in accordance with an Approval to Install an On-site Sewage Management System under Section 68 of the Local Government Act 1993.**

[DUR2775]

**53. Provision of adequate vehicular access in accordance with Council's "Access to Property" pamphlet, including the following specific work**

- (a) **Bitumen sealing of accesses from the road carriageway to the property boundary of each proposed lot.**
- (b) **Provision of 375mm minimum diameter pipe culvert crossings, including precast headwalls, to each lot in accordance with Councils adopted Development Design and Construction Specifications.**

[DUR0045]

**54. The provision of 5 off street car parking spaces including parking for the disabled where applicable. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls, the Building Code of Australia and AS 2890.**

[DUR0085]



55. All proposed building pads are to be filled to a minimum 300mm above the Q100 design flood level, including provision for any localised overland flow. [DUR1375]
56. The proponent must not undertake any work within the public road reserve without giving Council's Engineering & Operations Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken. [DUR1845]
57. The proponent shall comply with all requirements tabled within any approval issued under Section 138 of the Roads Act. [DUR1885]
58. All proposed works to be undertaken are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications. [DUR0005]
59. 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. [DUR0245]
60. 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 was made). [DUR0375]
61. 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. [DUR0395]
62. 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. [DUR0405]
63. The finished floor level of the building should finish not less than 225mm above finished ground level. [DUR0445]
64. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Councils adopted Design and Construction Specifications, DCP16 and DCP47 to the satisfaction of the Principal Certifying Authority.

- Please note timber retaining walls are not permitted.** [DUR0835]
- 65. The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development consent.** [DUR0905]
- 66. 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 in accordance with Councils adopted Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.** [DUR1875]
- 67. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.** [DUR1945]
- 68. 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.** [DUR2185]
- 69. 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.** [DUR2485]
- 70. Plumbing**
- (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.** [DUR2495]
- 71. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.** [DUR2515]
- 72. 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.

[DUR2535]

**PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

73. Prior to the occupation of the building and the issue of an Interim or Final Occupation Certificate the existing cabin/dwelling (approved under DA03/1438 by Council on 12 March 2004) is to be decommissioned and rendered uninhabitable by the removal of the kitchen sink, cooking facilities and laundry facilities.
74. It is a condition of an approval to install, construct or alter a sewage management facility that the facility is not used (or used as altered) until the Council has given the applicant for approval notice in writing that it is satisfied that the facility has been installed, constructed or altered in substantial accordance with the approval.

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

[POC1025]

75. A person must not commence occupation or use of the whole or any part of a new building or structure (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).

[POC0205]

76. 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.

[POC0265]

77. Prior to the issue of a final occupation certificate adequate proof and/or documentation is to be submitted to the Principal Certifying Authority to

**identify that all commitment on the BASIX "Schedule of Commitments" have been complied with.**

[POC0435]

- 78. Portable fire extinguishers containing an extinguishing agent suitable for the risk being protected must be installed in accordance with Australian Standard AS 2444 "Portable Fire Extinguishers - Selection and Location" and Part E1.6 of the Building Code of Australia.**

[POC0515]

- 79. Prior to the occupation of any building and prior to the issue of any occupation certificate a final inspection report is to be obtained from Council to verify the satisfactory installation of all plumbing and drainage and the on-site sewage management facility.**

[POC1035]

#### **USE**

- 80. 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.**

[USE0125]

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

[USE0135]

- 82. Except as may be expressly provided in the approval, the approval holder must comply with section 120 of the Protection of the Environment Operations Act 1997 prohibiting the pollution of waters.**

[USE0155]

- 83. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised, notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive noise.**

[USE0175]

- 84. All external artificial lighting shall be shielded where required to the satisfaction of Councils General Manager or his delegate to ensure that the spill of light or glare from such lighting does not create a nuisance to any adjoining or neighbouring premises.**

[USE0205]

- 85. All wastes shall be collected, stored and disposed to the satisfaction of the General Manager or his delegate.**

[USE0875]

86. The premises shall be maintained in a clean and tidy manner.

[USE0965]

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

[USE0395]

**CONDITIONS IN ACCORDANCE WITH SECTION 79BA OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 FROM THE NSW RURAL FIRE SERVICE**

1. Construction shall comply with AS3959 - 1999 level 1 'Construction of Buildings in bushfire prone areas'.
2. The structure shall incorporate gutterless roofing or leafless guttering to prevent the build up of flammable material.
3. In recognition that no reticulated water supply exists, a 10,000 litre dedicated water supply tank shall be provided and a minimum of 3kW (5hp) petrol or diesel powered pump. A 65mm storz fitting and ball or gate valve shall be installed in the tank.
4. Access shall comply with section 4.3.2 Planning for Bushfire Protection 2001.
5. On the eastern, western and northern aspects, the property around the dwelling to a distance of 20 metres or the boundary if less, shall be maintained as an 'Inner Protection Area' (IPA) as outlined within section 4.2.2 in Planning for Bushfire Protection 2001.

On the southern aspect, the property around the dwelling to a distance of 30 metres, shall be maintained as an 'Inner Protection Area' (IPA), as outlined within section 4.2.2 in Planning for Bushfire Protection 2001.

**REPORT:**

**Applicant:** Ms A Risk and Mr G Locke  
**Owner:** Mr GC Locke  
**Location:** Lot 1 DP 855444 Binalong Court, Upper Burringbar  
**Zoning:** 1(a) Rural  
**Cost:** \$200,000

**BACKGROUND:**

Council has received a Development Application for a proposed pet boarding facility, including a manager's residence catering for cats only at Lot 1 DP 855444 Binalong Court, Upper Burringbar. The location of the proposal is illustrated under the Site Diagram and the property contains an area of 2.011 hectares. The land has a 212.305 metre frontage to Binalong Court and access to the site is from Binalong Court.

The site is undulating rising from the eastern boundary towards the north western boundary. The development site itself is located on relatively level land. The lower portion of the property has been predominantly cleared. Medium timber cover exists along the north western portion of the site.

A review of Council's records and previously approved Development Applications indicate that the following approvals have been issued over the subject land:

- DA02/1896 Garage. Was approved under delegated authority on the 13 December 2002 subject to standard conditions of consent.
- DA03/1438 Erection of a Cabin. Was approved under delegated authority on 12 March 2004 subject to standard conditions of consent.
- DA04/0503 Dwelling. Was approved under delegated authority on 4 August 2004 subject to standard conditions of consent.

Under the Tweed Local Environmental Plan 2000 within the 1(a) Rural Zone only one dwelling is permitted on the same allotment unless in an attached format. Council's Building Services Unit issued Development Consent DA03/1438 on 12 March 2004 for the erection of a cabin (dwelling) and later issued Development Consent DA04/0503 for the erection of a dwelling house on 4 August 2004. The cabin has been constructed however Development Consent DA04/0503 has not been acted upon and as such the dwelling has not been erected.

The subject Development Application is utilising the same building footprint that was approved under DA04/0503. Under the present application the courtyard area of DA04/0503 has now been changed to include cattery pens and the living area has been changed to represent a manager's dwelling, reception area, store and workshop area.

In order to avoid any inconsistencies with the Tweed Local Environmental Plan 2000 it is proposed, by conditions of consent, to seek the surrender of Development Consent

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DA04/0503 for the approved but not yet constructed dwelling and the decommissioning of the cabin to a non-habitable use, as part of any approval for the cattery. In this regard, it is proposed delaying the decommissioning of the cabin until the occupation stage of the cattery to allow residence on-site during construction of the cattery and attached manager's residence if approved.

There are currently no boarding facilities for cats within the locality. The closest facilities are at Clothiers Creek and Dulguigan to the north and Alstonville and Lismore to the south.

The owners of the facility catering for cats will have to be mindful of their obligations under the Companion Animals Act 1998 and their compliance with any conditions of consent issued under the Environmental Planning & Assessment Act, 1979 in the Notice of Determination. Council will be able to monitor the facilities operations and ensure compliance with any conditions of consent and Council's Animal Keeping Guidelines.

**SITE DIAGRAM:**



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 Tel: (02) 6670 2409  
 Fax: (02) 6670 2483

*Tweed Shire Council*  
 Lot 1 DP 855444  
 Binalong Court, Upper Burringbar



STRATEGIC  
 PLANNING UNIT  
**Site  
 Plan**

File: N:\MapInfo 7...A4P Site Plan.Wor Author: J.Batchelor Date: 27/June/2006 Scale: 1:15,000 Sheet: 1 of 1



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

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

Tweed Local Environmental Plan 2000

The subject site is zoned 1(a) Rural under the Tweed Local Environmental Plan 2000 and the proposed use is defined as an 'animal establishment' and is permissible with consent.

The objectives of the 1(a) Zone are:

Primary Objectives:

- To enable the ecologically sustainable development of land that is suitable primarily for agricultural or natural resource utilisation purposes and associated development.
- To protect rural character and amenity.

Secondary Objective:

- To enable other types of development that rely on the rural or natural values of the land such as agri and eco-tourism.
- To provide for development that is not suitable in or near urban areas.
- To prevent the unnecessary fragmentation of development of land which may be needed for long-term urban expansion.
- To provide non-urban breaks between settlements to give a physical and community identity to each settlement.

Clause 15 of the Tweed LEP 2000

Clause 15 of the Tweed LEP 2000 relates to the availability of essential services to the proposed development. Water would be supplied by roof water collection tanks. Effluent disposal and waste are addressed later on in this report.

Clause 39A of the Tweed LEP 2000

The proposed development is located in a bushfire prone area as identified on Council's GIS System. As such the Development Application was referred to the NSW Rural Fire Service in accordance with Section 79BA of the Environmental Planning & Assessment Act 1979. Based upon an assessment of the plans and documentation received for the proposal, the NSW Rural Fire Service, in respect to bush fire matters, provided the advice that the development should have the following conditions that have been included as recommended conditions of consent:

1. Construction shall comply with AS3959 - 1999 level 1 'Construction of Buildings in bushfire prone areas'.
2. The structure shall incorporate gutterless roofing or leafless guttering to prevent the build up of flammable material.
3. In recognition that no reticulated water supply exists, a 10,000 litre dedicated water supply tank shall be provided and a minimum of 3kW (5hp) petrol or diesel powered pump. A 65mm storz fitting and ball or gate valve shall be installed in the tank.
4. Access shall comply with section 4.3.2 Planning for Bushfire Protection 2001.
5. On the eastern, western and northern aspects, the property around the dwelling to a distance of 20 metres or the boundary if less, shall be maintained as an 'Inner Protection Area' (IPA) as outlined within section 4.2.2 in Planning for Bushfire Protection 2001.

On the southern aspect, the property around the dwelling to a distance of 30 metres, shall be maintained as an 'Inner Protection Area' (IPA), as outlined within section 4.2.2 in Planning for Bushfire Protection 2001.

#### North Coast Regional Environmental Plan 1988

Clause 12 of the North Coast Regional Environmental Plan 1988 is applicable to the Development Application. Clause 12 requires Council to consider the potential impact of development on agricultural activities and whether the development will cause a loss of prime agricultural land. In this regard the following assessment has been made:

- The site is classified as Class 4 and 5 by NSW Agriculture and as such is not prime crop or pasture land.
- The adjoining land to the west and north is used for rural living purposes and the land to the east and south is used for grazing and rural living purposes.
- The type of development proposed would not be sensitive to the agricultural pursuits, which are undertaken in the locality.
- The development would not adversely affect surrounding agricultural land.

#### State Environmental Planning Policies

No State Environmental Planning Policies are applicable to the proposed development.

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

No Draft Environmental Planning Instruments are applicable to the Development Application.

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

The following Development Control Plan is applicable to the Development Application.

**Development Control Plan No. 2 – Site Access & Parking Code**

The applicant is proposing the provision of five (5) additional car parking spaces. The DCP does not provide any specific off-street carparking provisions for animal establishments. An analysis of comparative rates for other developments has revealed that this number of car parks should adequately service the proposed development. For example, a small shopping centre has a rate of 1 car park per 17 vpd. In this development five (5) spaces will be provided for 26 vpd.

The applicant will be required to construct the car parks to a bitumen sealed standard. Tweed Road Contributions Plan No. 4 is also applicable to the proposed development. Further information on access and traffic is provided further on in this report.

**Development Control Plan No. 15 – Advertising Signs Code**

The Development Application does not propose the erection of any signage within the subject land. As such, any consent will be conditioned that separate approval is obtained for any proposed signage.

**(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**

**Noise and Odour**

Noise generated by the proposed cattery was a concern that was raised in several submissions. Council's Environment and Health Services Unit has considered the potential noise impacts on adjoining property owners. To alleviate any potential noise issues the applicant has advised that 'The windows shown on the plan would be fixed. The louvres shown on the plan would be capable of being opened. This would only occur during favourable climatic conditions. The louvres would be fitted with crim-mesh screens.' Council's Environment and Health Services Unit has recommended conditions

of consent to limit any potential noise and odour impacts. The Unit has recommended a condition that 'Offensive noise shall not be caused or permitted to be emitted from the premise. Noise shall not be audible within any habitable premise between 9pm and 7am (night), and shall not exceed background levels by more than 5dB(A) between 7am and 9pm (day).' Council's Environment and Health Services Unit will periodically monitor noise and odour from the cattery during times of operation of the facility.

### **Effluent Disposal and Waste Treatment**

It is proposed to collect and dispose of cat faeces, solid litter and bedding as solid waste. The manure is to be removed from the pens at least once daily in accordance with the Animal Welfare Code of Practice No. 5 "The care and management of cats in animal boarding establishments" by NSW Agriculture.

It is proposed to use off-site disposal of the animal manure, soiled litter and bedding via a commercial garbage collection service of minimum 1 x 240L wheelie bin collected weekly. It is essential that all solid waste from the cattery is stored in a suitable container with a tight fitting lid, and bagged prior to placement in the bin. As such a condition has been placed on the consent recommending this. The applicants propose to utilise the services of a Waste Contractor to remove the solid waste from the site on a weekly basis.

To improve the sustainability of the cattery operations, it is proposed in time to install a proprietary worm farm capable of digesting the solid waste products on-site. The solid waste is to be digested on-site by worm action. The worms are to be used in a proprietary application using a minimum of two raised beds fitted with lids. The castings and leachate from the worm beds are proposed to then be applied to the land.

The commercial collection of the solid waste is proposed to be suspended when the worm farms are operating efficiently and effectively without odour. A number of operational considerations need to be implemented and addressed, to achieve maximum efficiency of the worm farm and enable digestion of the typically high nitrogen content and salts of the cat faeces. A recommended condition of consent is that prior to ceasing the commercial garbage collection of the cattery waste, an inspection by a Council Environmental Health Officer be carried out to assess the operational status of the worm farm. The condition recommended is "Composting of waste materials on the site is not permissible without the prior inspection and approval of the proposed composting site/activities by Council's Environmental Health Officer."

In summary no waste produced from the proposed cattery facility will be treated on-site by the on-site sewerage management facility. All waste from the cattery will be trapped in a suitable container with a tight fitting lid and removed weekly by a garbage collection service. The commercial collection of the solid waste will be suspended only when the worm farms and composting are operating efficiently and effectively without odour after approval by Council's Environment and Health Services Unit.

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

**Context and Setting**

In the context of local visual amenity, the proposal would have minimal impact. No major earthworks or modifications to the landscape are necessary to implement the proposal. The proposal would be compatible with the visual character and amenity of the locality. The usage of the facility for a pet boarding establishment catering for cats only will need to be fully compliant with the recommended conditions of consent to ensure that the facility has limited impacts on adjoining properties. Given that the facility is to house cats only, the physical separation distances to other dwellings appear to be adequate to prevent any unreasonable amenity impacts.

Due to the nature of the use and limiting the facility to cats only, there should be limited noise impacts associated with the proposed development. Certain conditions of consent will be imposed concerning noise to ensure that no adverse impacts will be caused. The construction materials proposed would further mitigate any noise impacts on surrounding properties.

**Dwelling Buffer**

Concern was raised about the proposal to have the Managers Residence directly connected to the cattery building. This has been researched with the Department of Primary Industries and NSW Health. The Department of Primary Industries and NSW Health advised that they do not have any policy requirements in this regard. Given the cleaning and waste disposal requirements for the cattery, it is not considered likely that there would be health implications of having the dwelling directly attached to the cattery.

**BASIX Certification**

The applicant has lodged the required BASIX Certification to demonstrate that the Manager's Residence component of the building will meet with the NSW government's requirements for sustainability. The building received a rating of 46 for Water (target being 40), a pass for thermal comfort and a rating of 33 for energy (target being 25).

**Traffic Access**

Council's Engineering Development Assessment Department has assessed the proposal. Before a final determination was to be provided the applicant was requested to submit additional information relating to traffic matters. These being:

1. Provide to Council the available sight distance at the intersection of Upper Burringbar Road and Binalong Court.

2. Provide to Council the centreline longitudinal grade of Binalong Court from the intersection of Upper Burringbar Road to the access point of the proposed development.

The applicant has provided the additional information relating to the longitudinal grade of Binalong Court and the available sight distance at the intersection of Upper Burringbar Road and Binalong Court. A review of this information shows that the maximum grade of 19.6% and the available sight distance of 90m complies with adopted standards and is therefore supported.

The applicants were requested to provide a long section for Binalong Court. This long section was provided on Drawing No. 01942 D and shows that the maximum grade for Binalong Court does not exceed 19.6 %.

The subdivision creating Binalong Court was approved under DA S92/121 and therefore the requirements of the old DCP No. 16 applied. Section 6.4.9 of the old DCP No. 16 requires road grades to be in accordance with table 6.3. Table 6.3 nominates the desirable maximum grade for a rural estate at 16% and the absolute maximum at 20%.

Section 6.4.9 also allows for: -

*“Grades up to the absolute maximum will be permitted only where no reasonable alternative demonstrably exists and limited to 100m sections.”*

The additional information provided by the applicant shows the vertical alignment of Binalong Court to be satisfactory.

The proposed access to the subject property off Binalong Court is located clear of any intersection. The intersection of Binalong Court and Upper Burringbar Road was constructed under an approved Council subdivision and it is assumed that the sight distances are compliant with Council's minimum standard. A visual inspection of the intersection appears to show that adequate sight distance is available. Notwithstanding this, the applicants could be requested to provide the available sight distance at this intersection.

The applicants were requested to provide details of the available sight distance at the intersection of Upper Burringbar Road and Binalong Court. This information was provided on Drawing No. 01942 D and shows that the minimum sight distance to the west of Binalong Court is 90m.

Sight distance criteria for rural roads is found in Austroads Part 5 – “Intersections at Grade”. Currently Upper Burringbar Road has a speed sign environment which is “D” restricted. In other words motorists must drive to suit the conditions.

After discussions with the Traffic and Transport Engineer it has been concluded that the 85% speed for this section of road is 70km/h. Applying

table 5.3 the intersection sight distance with a reaction time of 2.0 seconds is 140m. The intersection sight distance is the desirable sight distance that should be provided if possible.

Approach Sight Distance is the minimum requirement to provide the driver of a vehicle adequate distance to observe the roadway layout and to provide sufficient time to react and stop if necessary. Applying table 5.1 and assuming that the 85% speed is 70km/h the approach sight distance is 85.0m (2.0 second reaction time).

It is reasonable to apply the Approach Sight Distance in this situation and therefore the available distance of 90m provides sufficient distance for a motorist to react and stop.

A four (4) metre wide gravel driveway provides access from Binalong Court to the subject property. This access will require upgrading to a 3.0m wide, 2 coat bitumen seal on a minimum 150mm depth road base from the edge of the existing sealed pavement in Binalong Court to the car parking area adjacent the proposed dwelling.

Sight distance for this access complies with the requirements of the Design Specifications.

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

The Development Application was notified for a period of fourteen (14) days between Wednesday 2 November 2005 and Wednesday 16 November 2005 in accordance with Council's Development Control Plan No 42 – Public Notification Policy. During the notification period a total of five (5) submissions were received. After the submission period concluded Council received a further two (2) submissions and a submission in the form of a petition against the proposal.

The main issues raised in the submissions received are outline below and a response to them is then considered.

Issue	Impact	Comment
<p><b>1. Threat to wildlife</b> A number of submissions raised concern that the establishment of a pet boarding facility would cause a threat to the wildlife and the possibility of cats escaping.</p>	<ul style="list-style-type: none"> <li>• The cats will be kept in a domestic cattery and will not be feral and will require full vaccination certificates and will be fully enclosed 24 hours a day. A recommended condition of consent is that cats shall be kept within the enclosed boarding area at all times and shall not be permitted to roam.</li> <li>• Double (4 to the outside) doors and solid pane windows limit</li> </ul>	<p>Refusal of the Development Application or modification on this matter is not considered warranted.</p>

Issue	Impact	Comment
	<p>any possibility for the cats to escape and damage local flora and fauna.</p>	
<p><b>2. Noise Impacts</b> A number of submissions raised concern over the excessive noise likely to be generated by the facility.</p>	<ul style="list-style-type: none"> <li>It has been demonstrated that cats do not make excessive noise when measured in decibels. When coupled with a rendered besser brick construction with double glazed solid panes of glass for each enclosure it is unlikely that noise above that of the surrounding rural area would be generated. Council's Environment and Health Service's Unit has considered the proposal and the likely noise impacts, and has recommended conditions for the development consent.</li> </ul>	<p>Refusal of the Development Application on this matter is not considered warranted.</p>
<p><b>3. Odour Impacts</b> A number of submissions raised concern over potential odour problems the facility may generate as a result cause a loss in amenity.</p>	<ul style="list-style-type: none"> <li>There are new ways to dispose of cat effluent other than the traditional practices. Dolomite and organic based kitty litters have long surpassed clay litters with their ability to absorb any odours and when regularly cleaned (twice a day in a domestic cattery). Modern catteries have limited odours, smells or scents. The units are cleaned each day and kitty trays are cleared twice daily. Council's Environment and Health Service's Unit has considered the proposal and the likely odour impacts, and has recommended conditions for the development consent.</li> </ul>	<p>Refusal of the Development Application on this matter is not considered warranted.</p>
<p><b>4. Effluent Disposal</b> A number of submissions raised concern over effluent disposal and the disposal of cat waste.</p>	<ul style="list-style-type: none"> <li>The approved on site sewerage treatment system currently on the property will not receive 'cat waste'. A condition of consent stating that 'The on-site sewerage management system is not to be utilised for treatment or</li> </ul>	<p>Refusal of the Development Application on this matter is not considered warranted.</p>



Issue	Impact	Comment
	<p>disposal of cat faecal matter or urine' has been recommended.</p> <ul style="list-style-type: none"> <li>• The current system will only accommodate the waste generated by the Managers Residence and any 'visitor waste'.</li> <li>• The proposed cattery facility would utilise the services of a Waste Contractor to remove all solid waste from the cattery. This service would be on a weekly basis. A specifically labelled container would be provided by the waste collection service for this purpose. Effluent and Waste Treatment is further considered previously in this report.</li> </ul>	
<p><b>5. Access and Traffic</b> A number of submissions raised concern of the proposed access to the subject site and potential traffic problems that have been addressed earlier on in this report.</p>	<ul style="list-style-type: none"> <li>• See Traffic Access under suitability of the site for the development.</li> </ul>	<p>Refusal of the Development Application on this matter is not considered warranted.</p>
<p><b>6. Rural Character and Amenity</b></p>	<ul style="list-style-type: none"> <li>• Some submissions received raised issues of the proposed facility adversely affecting the quiet rural amenity of the area. The Zoning of the land is 1(a) Rural under the Tweed Local Environmental Plan 2000 and the proposal is defined as an 'animal establishment' that is permissible with development consent. It has been demonstrated that the applicant has addressed the main issues and as such the proposal does not warrant refusal on the basis that it will</li> </ul>	<p>Refusal of the Development Application on this matter is not considered warranted.</p>

Issue	Impact	Comment
	<p>adversely affect the rural character of the area. A two (2) year operational period allows Council the opportunity to assess the operational details of the cattery and determine whether or not the facility should cease operation or continue. As such protection is given to the immediate property owners to ensure the facility is fully compliant with any conditions imposed on the development consent.</p>	
<p><b>7. Number of Cats and Operational Details</b> Some submissions received raised concern over the number of cats likely to be boarded and the expansion of the facility to cater for dogs and other dog related business activities.</p>	<ul style="list-style-type: none"> <li>• There are 26 cat enclosures proposed and 3 holding cages, a reception/office area, storage room, workshop area and associated Managers Residence.</li> <li>• The cattery is able to accommodate 26 different client's cats. Occasionally two cats from the same client may stay in the one enclosure. So therefore, if all units were at capacity with the same client cats, there could be two in every enclosure, a maximum of 52. It has been indicated that this is unlikely with the projected peak period only seeing about 26-36 cats at any one time. A condition of consent has been recommend that 'Not more than 52 cats shall be boarded or kept at the premises at any time.'</li> <li>• The facility would only be open to customers to drop off and pick up their cats from 8.30am to 4.30pm, Monday to Saturday and 3.00pm to 5.00pm on Sundays. A condition of consent has been imposed stating that 'The pick up and drop off of pets shall be restricted to 8.30am to 4.30pm</li> </ul>	<p>Refusal of the Development Application on this matter is not considered warranted.</p>

Issue	Impact	Comment
	<p>Monday to Saturday and 3.00pm to 5.00pm on Sundays and Public Holidays.</p> <ul style="list-style-type: none"> <li>The proposed facility is to cater for cats only and the proposal will definitely not cater for the boarding, washing or grooming of dogs and as such a condition of consent will be imposed on the development consent stating this.</li> </ul>	
<p><b>8. Property Values</b></p>	<ul style="list-style-type: none"> <li>Some submissions raised concern of the possible loss of amenity caused by the facility and as such a loss in property values. It is speculation to say that a proposal such as this will cause an adverse effect on Real Estate prices for adjacent lots and as such Council cannot consider this.</li> </ul>	<p>Refusal of the Development Application on this matter is not considered warranted.</p>

**(e) Public interest**

Having consideration to the matters raised in this report it can only be concluded that on a merit assessment the proposed development is not contrary to the public interest.

**OPTIONS:**

1. Approve the application subject to appropriate conditions.
2. Refuse the application with appropriate reasons for refusal.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Should Council Resolve to approve the application in line with Option No.1 there will be no direct impact upon Council's budget or forward estimates. Should Council resolve not to approve the application legal costs will be incurred should the applicant appeal the decision in the NSW Land and Environment Court.

**POLICY IMPLICATIONS:**

Nil.

**CONCLUSION:**

The development has attracted public objection, as discussed, but it is considered that the reasons for objection do not warrant refusal or modification of the application. Any consent will be conditioned to ensure that the facility is operated properly so that nearby residents and the amenity of the area is not adversely affected. It is also recommended that the consent be limited to an operating period of two (2) years from the date of the Final Occupation Certificate issued for the building, after which time any extension will require an approval under a Section 96 Application. This will provide Council with an opportunity to further assess the level of acceptability of the development. The ongoing use of the facility beyond two (2) years of the date of the Final Occupation Certificate for the building will also be dependant upon the facilities operation and compliance with the conditions of consent issued.

The proposal has been thoroughly investigated and is considered to be suitable to the site. It is unlikely to cause any significant negative impacts to the surrounding built and natural environment and meets all of Council's applicable requirements within the Tweed Local Environmental Plan 2000 and relevant Development Control Plans. The proposal is therefore considered to warrant conditional approval.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "non confidential" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

Nil.

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**P6 [PD-PC] Development Application DA05/1151 for the Erection of Multi-Dwelling Housing Comprising Five (5) Dwellings at Lot 1 DP 383484, No. 144 Marine Parade, Kingscliff**

**ORIGIN:**

**Development Assessment**

**FILE NO: DA05/1151 Pt1**

**SUMMARY OF REPORT:**

Council is in receipt of an application for Multi-Dwelling Housing at 144 Marine Parade, Kingscliff. The development comprises the erection of a 3-storey development consisting of 5 units.

The subject site has a land area of 740m<sup>2</sup>, is of a regular shape and possesses frontage to Marine Parade, Kingscliff. A 2 storey, 4 unit development is already present on the site, its demolition will be subject to a separate application.

The land is zoned 2(b) Medium density residential under Tweed Local Environmental Plan 2000 and is located on the fringe of Kingscliff's commercial hub.

The application incorporates minor non-compliances with the Acceptable Solutions offered within DCP 6; in addition, the application attracted 1 public submission and the issues raised are addressed in this report. The objectives of DCP 6 are seen to be complied with and the application is recommended for approval, having regard to the medium-density land-use controls in this area.

**RECOMMENDATION:**

**That: -**

- 1. The State Environmental Planning Policy No. 1 objections to Clause 32B of North Coast Regional Environmental Plan 1988 regarding the overshadowing of the adjoining reserve be supported and the concurrence of the Director-General of the Department of Infrastructure, Planning and Natural Resources be assumed.**
- 2. Development Application DA05/1151 for the demolition of existing two (2) storey residential flat building and erection of multi-dwelling housing comprising of five (5) dwellings at Lot 1 DP 383484, No. 144 Marine Parade Kingscliff be approved subject to the following conditions: -**

**GENERAL**

1. 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. [GEN0045]
2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0115]
3. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos 03-3312 Issue G Sheets 1 - 4 prepared by Burleigh Design and dated April 06, except where varied by the conditions of this consent. [GEN0005]
4. The demolition of the existing building is to be the subject of a separate development consent. [GEN0035]
5. 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]
6. The site shall not be dewatered. [GENNS01]
7. Acid sulfate soils shall not be exposed or disturbed. [GENNS01]
8. Sedimentation and erosion control measures shall be placed and maintained to the satisfaction of the Director of Environment and community Services. [GENNS01]
9. All wastes shall be collected, stored and disposed to the satisfaction of the Director of Environment and Community Services. A screened, graded and drained garbage bin storage area shall be provided within the property boundary. [GENNS01]
10. 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 written permission to carry out such works and the details of works have been submitted and approved with the Construction Certificate. [GENNS02]

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

11. The footings and floor slab are to be designed by a practising Structural Engineer after consideration of a soil report from a NATA accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate. [PCC0945]
12. 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.

[PCC1145]

### 13. 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:<br>S94 Plan No. 4 (Version 4.0)<br>Sector6_4     | \$1,092  |
| (b) West Kingscliff - Drainage:<br>0.0302 ha @ \$16070<br>DCP No. 9 S94 Plan No. 7 | \$485.31 |
| (c) West Kingscliff - Open Space:<br>DCP No. 9 S94 Plan No. 7                      | \$280    |

(d) Shirewide Library Facilities: S94 Plan No. 11	\$450
(e) Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$90
(f) Community Facilities (Tweed Coast - North) S94 Plan No. 15 North Coast	\$492
(g) Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$131
(h) Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$829.54
(i) Cycleways S94 Plan No. 22	\$230
(j) Regional Open Space (Structured) S94 Plan No. 26	\$1,521
(k) Regional Open Space (Casual) S94 Plan No. 26	\$559

14. 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. [PCC0215/PSC0175]

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 DSP5:      0.8 ET @ \$4598      \$3,678

Sewer Kingscliff:      1 ET @ \$6688      \$6,688

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.

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**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]

15. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for **SUBDIVISION WORKS OR BUILDING WORKS** shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]
16. A detailed plan of landscaping is to be submitted and approved by Council's General Manager or their delegate prior to the issue of a Construction Certificate.

[PCC0585]
17. Erosion and Sediment Control shall be provided in accordance with the following:
  - (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
  - (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]
18. Prior to the issue of a Construction Certificate an erosion and sediment control plan shall be submitted for the approval of the Director of Environment Community Services. All work shall comply with the approved plan.

[PCCNS01]
19. Ground anchors to refrain sacrificial sheet piling (as required) will not be allowed within Council property without prior approval for installation by the Director Engineering and Operations Division and removal on completion or substantial financial compensation. Council will only allow ground anchors with neighbouring private property if consent by owners of the property to be burdened is obtained prior to installation.

[PCCNS02]

**PRIOR TO COMMENCEMENT OF WORK**

**20. 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****
- (c) 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****
- (d) 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.****

[PCW0215]

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

[PCW0225]

**22. Residential building work:**

- (a) 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:**

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

- \* in the name and licence number of the principal contractor, and
- \* the name of the insurer by which the work is insured under Part 6 of that Act,

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

- \* the name of the owner-builder, and
- \* if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.

(b) 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.

[PCW0235]

23. 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

[PCW0245]

24. 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.

[PCW0255]

25. 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.

[PCW0665]

26. 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:

(a) The person must, at the person's own expense:

- (i) preserve and protect the building from damage; and
- (ii) if necessary, underpin and support the building in an approved manner.

(b) 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.

[PCW0765]

27. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act 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.

[PCW0985]

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

[PCW1065]

29. The proponent shall locate and identify all existing underground services prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure including areas external to the development site where works are proposed.

[PCW0005]

**DURING CONSTRUCTION**

30. Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -

**Monday to Saturday from 7.00am to 7.00pm**

**No work to be carried out on Sundays or Public Holidays**

**The proponent is responsible to instruct and control subcontractors regarding hours of work.**

[DUR0205]

31. 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 was made).

[DUR0375]

32. Provision shall be made for the collection of builder's solid waste in accordance with the following requirements:

- (a) A temporary builder's waste chute is to be erected to vertically convey builder's debris to a bulk container.
- (b) The chute shall be located in a position approved by the Principal Certifying Authority.
- (c) A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust.

[DUR0385]

33. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

[DUR0395]

34. 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.

[DUR0405]

35. 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 in accordance with WorkCover 2000 Regulations.

[DUR0415]

- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with WorkCover 2000 Regulations.
- (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.

[DUR0425]

**36. 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 in accordance with the WorkCover Authority of NSW Code of Practice and relevant Australian Standards.

Where necessary the provision for lighting in accordance with AS 1158 - Road lighting and provision for vehicular and pedestrian traffic in accordance with AS 1742 shall be provided.

Any such hoarding, fence or awning is to be removed prior to the issue of an occupation certificate/subdivision certificate.

Application shall be made to Tweed Shire Council including associated fees for approval prior to any structure being erected within Councils road reserve.

[DUR0435]

**37. 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.**

[DUR0645]

**38. 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.**

[DUR0655]

**39. Minimum notice of 48 hours shall be given to Tweed Shire Council for the capping of any disused sewer junctions. Tweed Shire Council staff in accordance with the application lodged and upon excavation of the service by the developer shall undertake Works.**

[DUR0675]

**40. All work associated with this approval is to be carried out so as not to impact on the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -**

- Noise, water or air pollution
- Minimise impact from dust during filling operations and also from construction vehicles
- No material is removed from the site by wind

[DUR1005]

41. 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 in accordance with Councils adopted Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings. [DUR1875]
42. A certificate from a suitably qualified practicing structural engineer shall be submitted to Council and the Principle Certifying Authority within seven (7) days of the site being excavated certifying the adequacy of the sheet piling or other retaining method used to support adjoining properties. [DUR1965]
43. **Swimming Pools (Building)**
- (a) The swimming pool is to be installed and access thereto restricted in accordance with Council's "Code for the Installation of New Swimming Pools" and Australian Standard AS 1926-1986 (Copy of code enclosed).
  - (b) Swimming pools shall have suitable means for the drainage and disposal of overflow water.
  - (c) The pool filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties. [DUR2075]
44. Backwash from swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9. [DUR2085]
45. 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. [DUR2485]
46. **Plumbing**
- (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. [DUR2495]
47. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position. [DUR2505]
48. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993. [DUR2515]
49. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged. [DUR2525]

50. 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.
51. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- \* 43.5<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
  - \* 50<sup>0</sup>C in all other classes of buildings.

[DUR2535]

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

[DUR2555]

52. Where two (2) or more premises are connected by means of a single water service pipe, individual water meters shall be installed to each premise beyond the single Council water meter (*unless all the premises are occupied by a single household or firm*).
53. All proposed works to be undertaken are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications.
54. The provision of 12 off street car parking spaces including parking for the disabled where applicable. The layout and construction standards to be in accordance with the approved plans, Development Control Plan No. 2 - Parking Controls, the Building Code of Australia and AS 2890.
55. 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.

[DUR2615]

[DUR0005]

[DUR0085]

[DUR0215]



56. Proposed earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments".  
[DUR0785]
57. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.  
[DUR0815]
58. All fill and cut batters shall be obtained wholly within the subject land.  
[DUR0825]
59. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties.  
[DUR0865]
60. 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.  
[DUR0915]
61. Provision to be made for the designation of 1 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.  
[DUR0975]
62. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council.  
[DUR0985]
63. 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]
64. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.  
[DUR1025]
65. 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.  
[DUR1795]
66. Where the kerb is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.  
[DUR1905]

67. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

[DUR2375]

68. Appropriate measures are to be put in place during the construction period to prevent the transport of sediment from the site. Should any material be transported onto the road or any spills occur it is to be cleaned up prior to cessation of same days work and/or commencement of any rain event.

[DUR2405]

69. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads.

[DUR2415]

70. The proponent shall submit to Council at each stage of construction a surveyors certificate specifying the RL levels for the basement level, ground floor, and each and every subsequent floor and roof height level within one (1) week of the construction component being completed.

[DURNS01]

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

71. A person must not commence occupation or use of the whole or any part of a new building or structure (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).

[POC0205]

72. 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.

[POC0225]

73. 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.

[POC1045]

74. Prior to the issue of a final occupation certificate, all conditions of consent are to be met.

[POC1055]

75. Redundant road pavement, kerb and gutter or foot paving including and existing disused vehicular laybacks/driveways or other special provisions shall be reinstated in accordance with Councils adopted Development Design and Construction Specifications. [POC0755]
76. A qualified engineer is to provide a complete depilation assessment of all existing surrounding dwellings/buildings. The depilation reports are to be submitted to Council along with a compliance report stating that all recommendations from the depilation reports have been complied with, prior to the issue of an Occupation Certificate. [POCNS01]

## USE

77. Swimming Pools (Building)
- (a) It is the responsibility of the pool owner to ensure that the pool fencing continues to provide the level of protection required regardless of and in response to any activity or construction on the adjoining premises. Due regard must be given to the affect that landscaping will have on the future effectiveness of the security fencing. (Section 7 Swimming Pool Act 1992).
- (b) The resuscitation poster must be permanently displayed in close proximity to the swimming pool. (Section 17 Swimming Pool Act 1992). [USE1295]
78. 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. [USE0125]
79. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997. [USE0135]
80. All external artificial lighting shall be shielded where required to the satisfaction of Councils General Manager or his delegate to ensure that the spill of light or glare from such lighting does not create a nuisance to any adjoining or neighbouring premises. [USE0205]
81. The premises shall be operated in accordance with the *Public Health (Swimming Pools and Spa Pools) Regulation 2000* and the current NSW Health Public Swimming Pool and Spa Pool Guidelines. [USE0985]
82. The swimming pool, lighting or plant shall not be permitted to unreasonably impact the amenity of any premise. [USENS01]
83. The common barbeque area shall be maintained in a clean and healthy state. [USENS01]

**REPORT:**

**Applicant:** Mr I Farquhar  
**Owner:** Alick Pty Ltd and Ryncrow Pty Ltd  
**Location:** Lot 1 DP 383484 No. 144 Marine Parade, Kingscliff  
**Zoning:** 2(b) Medium Density Residential  
**Cost:** \$1,750,000

**BACKGROUND:**

Council is in receipt of an application for Multi Dwelling Housing, comprising 5 x 3 bedroom units at 144 Marine Parade, Kingscliff. Each unit includes living room, dining, kitchen, master bedroom with ensuite, additional 2 bedrooms and bathroom and retreat areas. The building is 3 stories in height per the definition offered within the Tweed LEP 2000, and involves a 12-space basement car park to facilitate the development.

The subject land currently contains a two-storey multi dwelling housing development including 4 dwellings. The subject land is otherwise void of any significant improvements or vegetation.

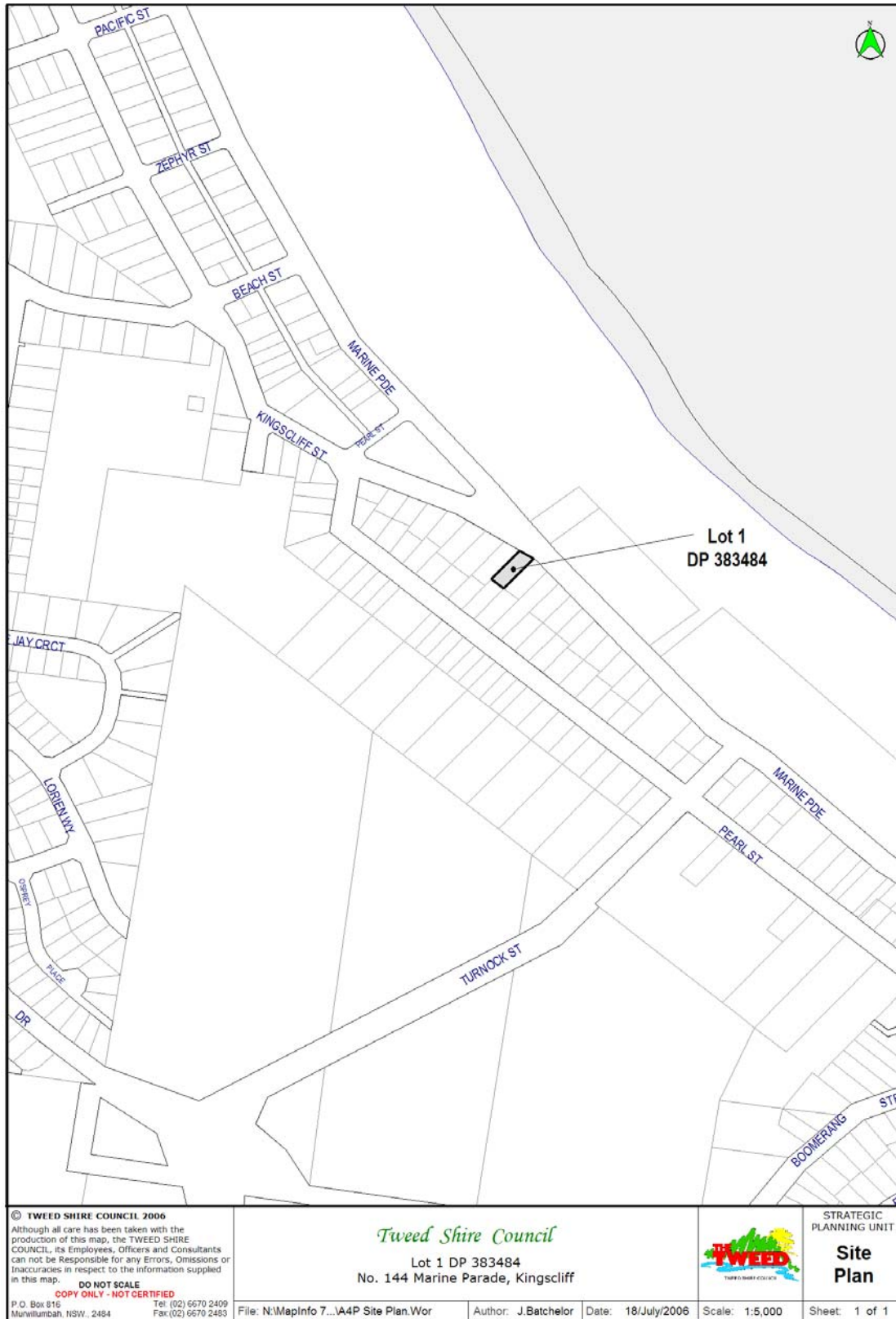
During the submission period, 1 submission was made; the concerns raised have been addressed within Section (d) of this report.

Despite the submissions received, the objectives of DCP 6 are considered to be met and the application is recommended for approval having regard to the medium-density land-use controls in this area.

The subject land possesses a land area of 740m<sup>2</sup>, is of regular shape and is generally flat, with a gentle 1m fall across the site. Surrounding development primarily involves established multi-dwelling housing, however a number lots have recently been redeveloped in keeping with a more modern coastal theme, however this has been more on a gentrification process as opposed to increases in density.

Immediately adjoining the property are multi-dwelling housing developments to the north, south and west and the Kingscliff Bowls Club to the east.

**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 pursuant to the provisions of Tweed LEP 2000.

The objectives of the 2(b) zone state: -

**Primary objective**

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

The proposed development is permissible with development consent within the zone. The proposed density of the development is considered an appropriate response to the site characteristics, its context, and is considered to result in the orderly and economic use of the land.

The proposed development is considered to be consistent with the 2(b) Residential zone objectives and satisfy the provisions of Clause 11.

**Clause 15** of the TLEP requires Council to ensure adequacy of services prior to determining the application. All essential services are currently provided to the subject site.

**Clause 16** of the TLEP requires Council to ensure that the height and scale of development is appropriate to the site and the surrounding built and natural environment. The subject land has a height limitation of 3 stories with the proposal comprising of 3 stories as defined within the Tweed LEP 2000. The proposal therefore complies with the provision of clause 16.

North Coast Regional Environmental Plan 1988

The proposal includes a non-compliance with the prescriptive overshadowing requirements within Clause 32B of the NCREP. The applicant has lodged a SEPP 1 Objection in this regard, which is discussed later in this report, concluding that the proposal is satisfactory in it's current form. The proposal is considered to satisfy all other relevant provisions contained within the NCREP 1988.

State Environmental Planning Policies

State Environmental Planning Policy (SEPP) 1 – Objection to a Development Standard

As previously discussed, a SEPP No. 1 variation to the Clause 32B of the NCREP 1988, as it relates to overshadowing, has been lodged. The applicant has provided the following detail in support of the SEPP 1 lodged: -

*"Whilst the proposed development is generally consistent with intent of this clause, it does result in the overshadowing of the reserve immediately across the road from the site. This section of the reserve contains the Kingscliff Bowls Club and associated car parking areas. In this regard, the attached overshadowing plans indicate that some overshadowing will occur at 6.30pm midsummer (EDST), whilst no overshadowing will occur during (midwinter).*

*The expected shadow cast will be in the order of approximately 418m<sup>2</sup> in area only and as such will not adversely impact upon the enjoyment or use of the beach or recreation areas. It is also pertinent to note that the overshadowing created by this development will never reach the beach but will fall wholly within and upon the various structures and vegetation within the caravan park.*

*State Environmental Planning Policy No.1 – Development Standards, provides a mechanism by which Council can consent to a variation to a development standard where it is considered **unreasonable** or **unjustified** to request strict adherence to the standard or where the granting of such a variance will not result in the compromising of the objects of the Act.*

*The objective of the standard contained within Clause 32(b) is related to the protection of the recreational integrity of foreshore open space areas and the need to restrict adverse impacts upon same by the erection of buildings in close proximity.*

*It is contended that the proposal is consistent with the abovementioned objective and that the integrity of Clause 32(b) would not be impacted upon via the approval of the structure. In this regard, the following matters are considered relevant to assessing the merits of the proposed departure from the development standard*

- *The extent of overshadowing at the prescribed time (approx 418m<sup>2</sup>) is considered to be minor in scale, relative to the overall size of the coastal reserve;*
- *That area subject to overshadowing is already heavily overshadowed during the summer months by existing vegetation including mature Norfolk Island pines, caravans and other buildings within the park.*

- *The area in question contains the Kingscliff Bowls Club and as such is not utilized for passive recreation purposes or beach related activities.*
- *The proposed overshadowing in no way precludes the future use or reclassification of the adjacent reserve;*
- *No overshadowing will occur before 3pm in midwinter*
- *The proposal does not overshadow the beach;*
- *The building has been designed and sited at the rear of the allotment to reduce the level of overshadowing upon the foreshore reserve; and*
- *Given the time frames of overshadowing expected, no impacts will occur in relation to existing or future landscaping or specific stands of vegetation in the adjacent open space area."*

Whilst some inaccuracies seem to be present within the submitted SEPP 1 (namely references to the Kingscliff Caravan Park), the conclusions found in the applicant's submission are generally concurred with.

Further the applicants' submission, it should be acknowledged that any development made in accordance with Council's adopted zoning and height restrictions would result in overshadowing of the adjacent reserve. In this regard, the proposal includes a larger than required primary setback and building height is below that prescribed within DCP 48 – Tweed Coast Building Heights. Accordingly the proposal includes design features to minimise the overshadowing generated, whilst still striving to satisfy the objective of the medium density zone.

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 (SEPP) 65 – Residential Flat Buildings

Clause 30 of SEPP 65 requires the consent authority to consider each of the 10 design quality principles when determining a development application for a residential flat building.

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



State Environmental Planning Policy (SEPP) 71 – Coastal Protection

The proposal has been assessed having regard to clause 8 of the Policy. In this regard the proposal is considered satisfactory with respect to attaining the clause 8 matters.

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

The proposal is not adversely affected by any draft EPIs.

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

Development Control Plan No. 2 – Access and Parking Code

The following table details the compliance of the proposed development with the on-site car-parking provisions contained in DCP 2:

Standard	Requirement	Proposal	Complies
On Site Car Parking	1.5 spaces per dwelling, (7.5 spaces)	12 spaces in total (2 visitor spaces)	YES

Development Control Plan No. 6 – Multi Dwelling Housing

The following table assesses the proposed development in relation to the acceptable solutions of this DCP:

Standard	Acceptable Solution	Proposal	Complies
Floor Space Ratio	0.5:1 (370m <sup>2</sup> )	0.96:1 (715m <sup>2</sup> )	NO*
Minimum Landscaped Area	Large Dwelling - 80m <sup>2</sup> per dwelling (400m <sup>2</sup> )	Approximately 367.48m <sup>2</sup>	NO*
Setbacks	Primary frontage 6m Secondary frontage 3m Side and Rear Setbacks 3m	Marine Parade – min 8m Nth Boundary – 2.935m Sth Boundary – 2.935m West Boundary – 5.43m	YES NO* NO* YES
Streetscape	The maximum width of the garages should be 50% of the frontage width.	Parking provided via a basement carpark	YES
Streetscape	Garages should be setback behind the front façade of the building.	Parking provided via a basement carpark	YES
Building Envelope	45° from 3.5m high at the side and rear boundary (excluding eaves and the like)	See Comment Below	NO*

Minimum Private Open Space	20% of the site (148m <sup>2</sup> ), with a minimum dimension of 3m	Approximately 148m <sup>2</sup>	YES
	One part min 25m <sup>2</sup> with min dimension of 4m	See Comment Below	NO*

NO\* - See Assessment Below

### Floor Space Ratio

It is generally accepted that the prescribed 0.5:1 ratio is not suited to the orderly and economic use of 2(b) Medium Density zoned land. The proposal involves a floor space ratio of 0.96:1, which is in keeping with the average 1:1 - 1.35:1 generally associated with other multi dwelling housing developments in the 2(b) zone.

Of note, Council's planning staff are in the process of amending DCP 6 to provide for appropriate FSR requirements within the 2(b) Medium Density zone.

In light of the above, the proposal is considered to satisfy the site density objectives established within Section 3.1.3 of DCP 6.

### Landscaping

According to the acceptable solutions contained within DCP 6, the proposed development is required to provide for 80m<sup>2</sup> of landscaped area per unit or 30% of the site, whichever is the greater. The proposal involves approximately 173.7m<sup>2</sup> of deep soil zones and approximately 152.16m<sup>2</sup> of above podium landscaping/open-air recreation facilities to compliment a further 42m<sup>2</sup> of ground level decking.

The landscaped area proposed incorporates functional areas within the front, side and rear setback of the building. The landscape intent displayed is considered to appropriately maintain internal privacy levels and offers general visual softening of the development when viewed from adjoining lands.

Whilst the amount of landscaping proposed is numerically deficient, the proposal is considered to provide suitable landscaped area for the use and enjoyment of its future occupants. A condition of consent has been included requiring approval (by Council) of a full landscape plan prior to the issue of a construction certificate to ensure landscaping treatment is appropriate with regard to the bulk and scale of the proposal, existing development and the desired future character of the area. It is considered that the landscaped areas provided are of a suitable size and standard to warrant a variation to the numerical requirement.

### Building Envelope and Siting

The proposals 2935mm setback to both the northern and southern boundaries and 3 storey built form has resulted in an encroachment into the building height envelope on the northern and southern elevations. Having regard to the relevant performance criteria, the applicant has provided the following justification:

*“The building exhibits articulation to the side boundaries with setbacks varying on a vertical and horizontal scale, with particular reference to the southern façade, which exhibits significant inward stepping as the building height increases. Council will also note that importantly, the northern façade, which will cast shadow on the building alone, is the only elevation that breaches the acceptable solution. Accordingly, the proposal clearly complies with the Acceptable Solution A3 under this design element.*

*The proposal, along with most contemporary residential flat buildings, incorporates a basement car park. Excavation is limited to this element, with no benching and or filling required or proposed. The overall height of the building is within a three-storey configuration and is consistent with the height of other development recently approved in the South Tweed Heads Locality.*

*No views will be lost as a result of the proposal and more specifically the encroachment on the northern façade.*

*Reference to the attached plans confirms that the proposal incorporates significant articulation on both a vertical and horizontal scale.*

*The proposal is consistent with the prescribed building height for the area.*

*The maximum façade length is limited to a very acceptable 13m prior to inward articulation. This accords with best practice design principles.*

*The proposal does not promote building to the boundary as privacy impacts have been addressed by way of considerate design.*

*Adequate separation between dwellings has been catered for, with minimum setbacks being adhered to.*

*The proposal, primarily due to the restricting of encroachments to the northern façade, is consistent with the shadow requirements of DCP 6. In this regard, no adverse impacts will result in relation to the adjacent property to the south.”*

The above points are noted and the essence of the established controls met. The development as a whole exhibits high levels of articulation when viewed

from Marine Parade, masking the bulk and scale of the proposal. The siting of the proposal is not considered to lead to a significant loss of amenity to adjacent dwellings or land, complemented by the internal design of the proposal minimising potential overlooking to dwellings to the south. Accordingly, the proposal is considered satisfactory.

#### Private Open Space

The subject application is considered generally consistent with the open space provisions detailed within DCP 6, excluding Section 3.3.3, acceptable solution A1. Whilst the proposal provides the required percentage of private open space across the site, the private open space provided for Units 1 – 4 falls short of the numerical size requirements, albeit a minor shortfall (5m<sup>2</sup> for Units 1, 3 & 4, 1m<sup>2</sup> for Unit 2).

Whilst the private open space proposed fails to meet the numerical requirements for the Units 1 – 4, it is considered that the design of the proposal has adequately achieved the likely needs for it's future residents. The deck areas provided are positioned at the eastern end of the building, taking advantage of the views of the public reserve opposite and further views to the Pacific Ocean. Decking areas are accessed off an expansive open plan Lounge, Dining and Kitchen area, increasing the functionality of the entertaining area.

In light of the internal layout and features of the proposal and the accessibility of the adjoining public reserve for physical recreation, the private open space needs to future occupants are seen to have been met and the proposal appropriate in it's current form.

#### Development Control Plan No.43 – Kingscliff

Satisfactory

#### Development Control Plan No. 48 – Tweed Coast Building Heights

The proposal has been assessed having regard to Section 2 of the Policy. In this regard the proposal is considered satisfactory with respect to attaining the provisions established.

#### Development control Plan No. 51 – Tweed Coast Strategy

Satisfactory

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

**NSW Coastal Policy**

The proposed site is located within the area covered by the Government Coastal Policy, and has been assessed with regard to the objectives of this policy as satisfactory.

**Demolition**

The proposal requires the demolition of an existing 5-unit development over the site. The approval of demolition works has not been sought as part of this application, rather under a future Development Application.

(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**

Context & Setting

The subject land and its immediate surrounds predominantly consists of 3 storey multi-dwelling housing developments. The subject area possesses numerous physical advantages including aspect, views and accessibility to the Kingscliff town centre as well as planning incentives including a 2(b) zoning. Accordingly, demand for units within the locality has resulted the area being progressively re-developed and experiencing a gentrification process, from older single dwellings and unit developments to multi dwelling housing displaying a strong coastal theme.

Accordingly, the locality is seen to be experiencing a progressive change to the streetscape, context and setting of the area. The proposed development is considered enhance this progressive change and make a positive contribution to the context and setting of the site and its surrounds.

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

Suitability of the Lot/ Natural Hazards

A search of Council's GIS system and inspection of the site contains limited natural hazards and environmental restraints.

The subject site has a land area of 740m<sup>2</sup> and is of regular shape. The land is predominately flat. The site is not identified as Bushfire Prone under the Bushfire Prone Land Map dated February 2004, and whilst the property is identified as flood prone the existing contour levels of the land are above Council's minimum requirements. In addition, the site is not affected by any Tree Preservation Orders.

Development along Marine Parade is predominately in a medium density form, however the Kingscliff Bowls Club is located immediately to the northeast of the subject land.

In consideration of the limited site constraints, existing uses within the vicinity, the proposal is not considered to adversely affect or create any additional hazards and is considered a suitable use in relation to the subject land.

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

The proposed development was notified to surrounding properties and advertised within the Tweed Link for a period of two weeks. During this period 1 written submission was received.

The submission-received raises concerns as to non-compliance with the acceptable solutions detailed in applicable DCPs. In this regard, it is reminded that the acceptable solutions offered in DCP 6 are not rules, nor are they Development Standards, they are merely examples of ways to achieve the overall objective established. DCP 6 is framed to allow flexibility in building form and design, where the applicant is free to provide an assessment against the performance criteria, acceptable solutions, or a combination of both. As was discussed previously within this report, the DAU considers that the proposal meets the objectives formed within DCP 6, in addition, the majority of acceptable solutions have been met within the final design. Refusal of the application on this matter is not considered warranted.

The submission also highlighted some inaccuracies within the submitted SEE. These matters have been investigated and rectified. Refusal of the application on this matter is not considered warranted.

**(e) Public interest**

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

**OPTIONS:**

1. Approve the application in accordance with the recommendation and conditions of consent.
2. Refuse the application and provide applicable reasons for refusal.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**CONCLUSION:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "non confidential" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

Nil.

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**P7 [PD-PC] Development Application DA03/1805 for a 3 Lot Subdivision and Tweed Local Environmental Plan 2000 Amendment at Lot 919 DP 1077493, Round Mountain Road, Pottsville**

**ORIGIN:**

**Planning & Development**

**FILE NO: DA03/1805; GT1/LEP/2000/57**

**SUMMARY OF REPORT:**

On 2 June 2004, Council resolved to prepare Tweed Local Environmental Plan 2000, Amendment No 57, Round Mountain Road, Pottsville.

The purpose of Amendment No 57 is to amend existing zone boundaries and facilitate the development of a three lot subdivision of land that forms Stage 7 of the Koala Beach Estate, being Lot 919 DP 1077493, Round Mountain Road, Pottsville.

GeoLINK were engaged to prepare a Local Environmental Study (LES) to support the amendment. The draft LEP and LES were publicly exhibited for a period of 28 days, from 1 March to 29 March 2006. Consultation with relevant State Government Agencies was also undertaken during this period.

Following the public exhibition, two submissions were received from the general public and two from State Agencies - the Department of Environment and Conservation (DEC) and the NSW Rural Fire Service (RFS). These submissions are addressed in detail in this report.

One submission, made on behalf of the landowner, indicates no objection to the exhibited draft LEP, but makes a number of comments regarding detail of the LES and the LEP map. The other public submission objects to the draft LEP on the grounds that the proposed rezoning and subdivision would have a considerable impact on the environment. This submission contends that the environmental safeguards and mitigation measures proposed by the applicant and included in the draft instrument will not be sufficient to protect the environmental values of the site.

The submission offers some suggestions by which the draft LEP might be 'strengthened'. In the main, these suggestions are minor and would not substantially change the exhibited draft. As detailed in this report, it is recommended that the draft instrument be amended slightly to achieve a greater level of certainty with regard to environmental controls.

The submission of the NSW RFS raises no concerns with respect to draft Amendment No 57. DEC, however, object to the proposal. Despite this objection, it is considered that the draft Plan, subject to minor wording changes, can be forwarded to the Minister to make the Plan.

**RECOMMENDATION:**

That Council: -

1. **Adopts draft Tweed Local Environmental Plan 2000, Amendment No 57, subject to the following modifications: -**

The final paragraph of Clause 4(b)(ii) should be amended to read:

*"A Section 88B restriction shall be created on the title of proposed Lot 772 requiring the fencing of the existing stand of remnant vegetation located to the south-west of the proposed dwelling site, and to prohibit the removal of any native trees from within that stand of vegetation.*

*Section 88B restrictions shall be created on the title of proposed Lots 771 and 772 to achieve the following:*

- *A prohibition on the keeping of dogs and cats;*
- *A limit on the keeping of horses to eight per lot and the keeping of other hoofed animals to eight per lot;*
- *The fencing of all land zoned environmental protection, to exclude cattle and horses from these areas;*
- *A prohibition on the removal of any native trees from within the areas zoned for environmental protection, except for where required under the provisions of a Bushfire Management Plan for the purposes of providing appropriate Asset Protection Zones;*
- *Where native trees are to be removed for the provision of an Asset Protection Zone for bushfire management purposes, a requirement that compensatory planting of native trees, indigenous to the local area, be undertaken within areas zoned environmental protection, at the rate of two trees for every one removed.*

2. **Forwards the modified draft Tweed Local Environmental Plan 2000, Amendment No 57 to the Minister and request that the Minister make the Plan in accordance with Section 70 of the Environmental Planning and Assessment Act, 1979.**

## REPORT:

### Introduction

On 4 June 2004 Council, pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, resolved to prepare and exhibit an Amendment to Tweed Local Environmental Plan 2000 to amend existing zone boundaries at Lot 919 DP 1077493, Round Mountain Road, Pottsville and to facilitate a three lot subdivision of that land. The subject land constitutes Stage 7 of the Koala Beach Estate, which will be the final stage of that development. As part of the resolution of Council, consultants GeoLINK were engaged to prepare a Local Environmental Study to support the draft LEP.

The purpose of this report is to summarise the public exhibition of draft Tweed Local Environmental Plan Amendment No 57 and discuss the submissions received in respect to the amendment.

### Background

The proposed amendments to the Tweed Local Environmental Plan are the inclusion of the land in Schedule 3 of the LEP for the purposes of a three lot subdivision and changes to the existing zone boundaries to better reflect on-site vegetation communities. Inclusion in Schedule 3 of the LEP is necessary, as the proposed lots do not comply with the minimum lot size standards within Tweed LEP 2000.

Figure 1 illustrates the location of the subject site. The site is shown in Figure 2, and Figure 3 shows the existing zoning. The land is partly zoned 1(a) Rural, partly 7(a) Environmental Protection (Wetlands and Littoral Rainforests) and partly 7(l) Environmental Protection (Habitat). Figure 4 shows the zones proposed in the draft LEP. Also attached is a copy of the draft Written Instrument, as exhibited. As shown, the amendment will result in an overall increase in the area zoned for environmental protection purposes.

The development proposal involves the creation of three lots; Lot 771 comprising 12.62ha, Lot 772 of 13.52ha and Lot 920 of 73.84 ha. It is proposed that proposed Lot 920 will be dedicated to the public for conservation purposes.

### State Agency Consultation

Pursuant to Section 62 of the *Environmental Planning and Assessment Act 1979*, Council consulted a number of State Agencies in regard to the draft LEP Amendment. Responses were received from the Department of Environment and Conservation and the NSW Rural Fire Service. Their responses are addressed below:

#### NSW Rural Fire Service

Preliminary consultation was held with RFS during the original assessment of the Section 72J application. At that time, the RFS indicated that they raised no significant concerns

in relation to the draft LEP. Their most recent advice, dated 29 March 2006, confirms this position.

### Department of Environment and Conservation

Prior to undertaking a Section 54 report, the application was referred to the Department for comment. At that time, DEC indicated a view that the whole of the site should be zoned for environmental protection and that the instrument should include a provision banning the keeping of dogs, cats and any hooved animals.

The DEC indicated that they were not opposed to the two rural lots being provided with entitlements for dwellings and associated structures within the cleared parts of the site.

These issues were examined in detail in the Local Environmental Study prepared by GeoLINK. Their study concluded that the zoning of 1(a) Rural is appropriate for the cleared parts of the site, that the LEP instrument should include a prohibition on the keeping of cats, dogs and horses, but that there be no prohibition on cattle or other livestock.

These conclusions were reported to Council 16 November 2005. In that report, Council staff concurred with GeoLINK's findings, except for the prohibition on horses. Instead, the draft instrument was exhibited with a requirement that any subdivision of the land include a restriction on the keeping of horses to limit the number to a maximum of eight per lot (i.e. a total of sixteen horses on the part of the land not zoned environmental protection).

In their most recent response, DEC indicate that they do not support the 1(a) zoned land 'due to its high conservation values'. They also re-iterate their opposition to the keeping of horses on the land.

These issues have been dealt with in detail in the LES produced by GeoLINK and in the Council report of 16 November 2005. Whilst the opposition of DEC is noted, it is recommended that the draft LEP instrument proceed including both the 1(a) Rural Zoning and the provision allowing the keeping of a restricted number of horses.

### **Public Exhibition**

Pursuant to Section 66 of the *Environmental Planning and Assessment Act 1979*, draft *Tweed Local Environmental Plan 2000, Amendment No 57* was placed on public exhibition from 1 March to 29 March 2006.

Two submissions to the exhibition of the draft Plan were received. One submission was received from Darryl Anderson Consulting Pty Ltd (DAC) on behalf of the landowner. The second submission was received from a member of the public.

The submission of DAC provides a brief history of the planning of Stage 7 of the Koala Beach Estate and confirms the commitment of the landowners to dedicate approximately 73ha of forested lands for conservation purposes, subject to an acceptable DA outcome. The submission does not clarify what would be considered an acceptable DA outcome.

The submission also points out that, despite the DEC's objection to a continuation of the existing 1(a) Rural zoning, it has issued a licence for the site to allow minor clearing for the purposes of fencing the environmental protection areas and for the keeping of cattle within the cleared areas to control the spread of exotic grasses.

In regard to the implementation and policing of proposed environmental controls, including the restriction on horse numbers, DAC points out that Koala Beach has a formal Environmental Management Committee, funded by an existing environmental levy. This Committee includes representatives from Council, the Australian Koala Foundation and residents and is charged with the responsibility of ensuring that all environmental controls are maintained, including the policing of the existing prohibition on cats and dogs. DAC indicates that the Environmental Management Committee will police the restriction on horse numbers and ensure that they are kept only within the cleared lands zoned 1(a) General Rural currently licensed by the DEC for cattle grazing.

The draft LEP proposes to increase the area of land zoned for environmental protection by including an area of remnant forest located within proposed Lot 771. This area is surrounded by cleared land, although it is reasonably close to a larger forested area on its south-west. The proponent had proposed to protect this stand of vegetation by fencing and by way of a covenant on the title of the property. Assessment within the Local Environmental Study shows that this stand of vegetation can be classified as an Endangered Ecological Community. The LES therefore suggested that the stand warrants a higher level of protection and that it should be included in the environmental protection zoning of the area to the south-west.

This would involve the application of an environmental protection zone over the small cleared area located between the remnant stand and the larger area of vegetation to the south-west.

DAC's submission objects to the application of the environmental protection zoning to this small grassland area, suggesting that the LEP zoning map should be amended to have the remnant vegetation stand zoned environmental protection independent of the larger forested area to the south-west. This would result in a small 'island' of environmental protection zoning.

The separation between these areas of vegetation is approximately 50m at its widest point. However, from inspection of the aerial photo, the edges of the vegetated and cleared areas are not abrupt. The useability of this small cleared area would be marginal at best, and any use would have the potential to increase edge impacts, which could be particularly damaging to the smaller remnant. It is considered that the zoning, as proposed, will provide the best form of protection to this important stand of vegetation, and that the cleared area will eventually regenerate to native vegetation linking the two forested areas and providing additional protection from edge effects.

It is therefore recommended that the draft LEP zoning not be amended as suggested by DAC.

DAC's submission also objects to the conclusions of the LES prohibiting the keeping of horses. As outlined above, this issue was assessed by Council officers, who have previously recommended that horses be allowed to be kept on-site, subject to a restriction on numbers. The draft LEP was exhibited in this form, and so no amendment is now necessary.

The second public submission was from a member of the public objecting to the draft LEP on a range of environmental grounds.

The submission suggested that the positioning of the house lots and lot boundaries is '*far from ideal with respect to bushfire planning and minimising the fragmentation of fauna habitat*'. The proposal has been assessed in regard to these matters and it is considered that the proposed design will minimise impacts associated with these issues.

The submission acknowledges the proposed dedication of land for conservation purposes, indicating a view that the rezoning and subdivision would be completely unacceptable if it were not for this dedication.

The submission raises a number of specific concerns, which are addressed below:

- It points out that the proposed conditions for the subdivision include restrictions banning the keeping of cats but not dogs. This appears to be an error in the draft instrument, as both dogs and cats are banned throughout the remainder of Koala Beach.

**Recommendation:** The draft LEP Instrument, as exhibited, should be amended to include both dogs and cats in the restrictions.

- The submission indicates that the final paragraph of section 4(b)(ii) of the draft LEP is quite long and questions whether, as currently worded, it will achieve the range of environmental protection measures proposed. It is suggested that this section be reworded to clarify the intent and to include the specific environmental controls recommended in the LES, rather than simply referring to the LES generically.

**Recommendation:** The final paragraph of section 4(b)(ii) of the draft LEP, as exhibited, should be amended to read as follows:

*"A Section 88B restriction shall be created on the title of proposed Lot 772 requiring the fencing of the existing stand of remnant vegetation located to the south-west of the proposed dwelling site, and to prohibit the removal of any native trees from within that stand of vegetation.*

*Section 88B restrictions shall be created on the title of proposed Lots 771 and 772 to achieve the following:*

- *A prohibition on the keeping of dogs and cats;*
- *A limit on the keeping of horses to eight per lot and the keeping of other hoofed animals to eight per lot;*
- *The fencing of all land zoned environmental protection, to exclude cattle and horses from these areas;*

- *A prohibition on the removal of any native trees from within the areas zoned for environmental protection, except for where required under the provisions of a Bushfire Management Plan for the purposes of providing appropriate Asset Protection Zones;*
  - *Where native trees are to be removed for the provision of an Asset Protection Zone for bushfire management purposes, a requirement that compensatory planting of native trees, indigenous to the local area, be undertaken within areas zoned environmental protection, at the rate of two trees for every one removed".*
- The submission suggests that a number of measures proposed to protect the environment, as specified in Table 7.1 of the LES, are '*not clearly defined or inadequate*'. These matters are:
    - '*undertake weed control and compensatory planting*' – the submission suggests that standards need to be established for these matters. In relation to weed control, this is best managed by a condition of the development consent which requires the development of an Environmental Management Plan to be implemented as part of the subdivision. While this would also include compensatory planting, it is considered that this issue could be added to the updated conditions referred to above as part of clause 4(b)(ii) of the draft instrument. Compensatory planting would be required for removal of native trees that might be required for the provision of Asset Protection Zones for bushfire management. In that case, it is suggested that compensatory planting be required at a rate of two trees for every one removed.
    - '*fence 7(a) and 7(l) environmental protection zoned lands to limit opportunities for domestic animals (eg cattle) entering these areas*' – the submission suggests that the wording of this should be strengthened with the word 'exclude' rather than 'limit opportunities'. This is accepted – see recommended amendment to clause 4(b)(ii) above.
    - '*establish a restriction as to user under Section 88B....to protect the pocket of significant vegetation within proposed Lot 772*' – the submission suggests that this pocket of vegetation constitutes an Endangered Ecological Community (EEC), and therefore warrants environmental protection zoning. The LES indicates that this vegetation is not an EEC, and that its protection by way of fencing and covenant will be sufficient. No change to the draft LEP recommended.
    - '*development in accordance with Plan of Management for land zoned environmental protection prepared by AKF (2003)*' – the submission is concerned that neither the Plan of Management nor the draft LEP indicate that existing use rights will not apply in relation to agriculture within the areas zoned environmental protection. DAC advised on the behalf of the landowner that the licence issued by the DEC for the grazing of livestock is limited to that part of the site proposed to be zoned 1(a) Rural. Nevertheless, DAC advised that the landowner, would agree to the application of a condition of development consent that would extinguish any existing user rights for cattle grazing on that part of the site proposed to be zoned for environmental protection. No change to the draft LEP recommended.

- The submission suggests that Council should require a right of way across the land to provide access for the maintenance of the adjoining forested lands that are proposed to be dedicated to Council. The Recreation Services Unit of Council has assessed the Amendment and has advised that access to the land intended to be dedicated to Council can be provided when required from other neighbouring public land. This is considered to result in less of an impact upon surrounding native vegetation, as a right of way through the subject site would require the clearing of vegetation. No change to the draft LEP recommended.
- The submission questions whether the banks of Christies Creek are within the land proposed to be dedicated or whether they form the north-western boundary of proposed Lot 772. The submission suggests that the banks of Christies Creek should be in 'public land'. The subdivision plan submitted with the application shows a thin strip of land along the banks of Christies Creek outside of proposed Lot 772 and therefore within the proposed public land. No change to the draft LEP recommended.

### Conclusion

As discussed above, the submission from a member of the public raises some issues in relation to the environmental aspects of the draft LEP. Whilst it is considered that none of these issues are fatal to the proposal, they do provide justification for minor amendments to the wording, to strengthen the instrument in terms of environmental outcomes.

It is therefore recommended that the draft LEP Instrument, as exhibited, be amended in the following manner:

The final paragraph of Clause 4(b)(ii) should be amended to read:

*"A Section 88B restriction shall be created on the title of proposed Lot 772 requiring the fencing of the existing stand of remnant vegetation located to the south-west of the proposed dwelling site, and to prohibit the removal of any native trees from within that stand of vegetation.*

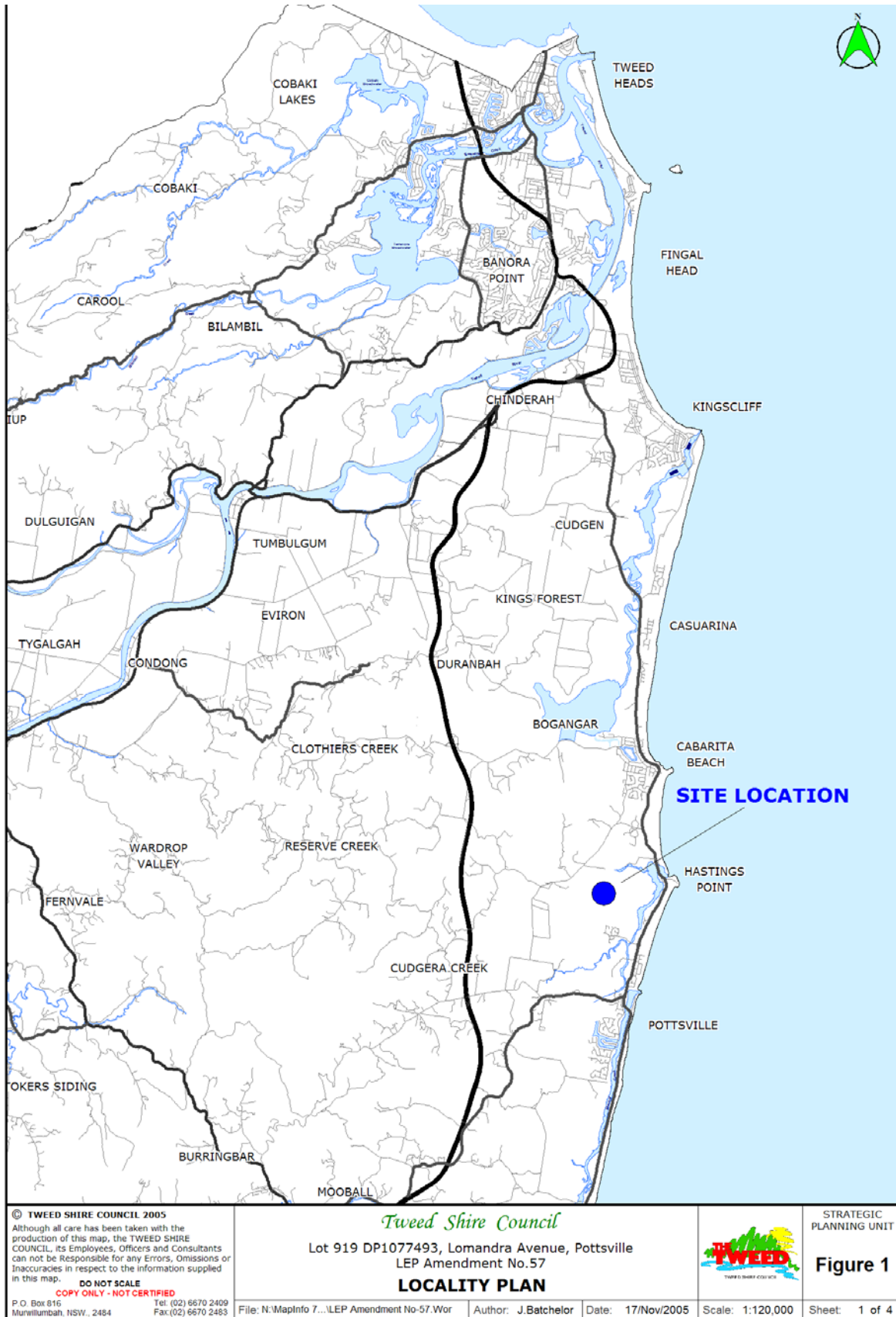
*Section 88B restrictions shall be created on the title of proposed Lots 771 and 772 to achieve the following:*

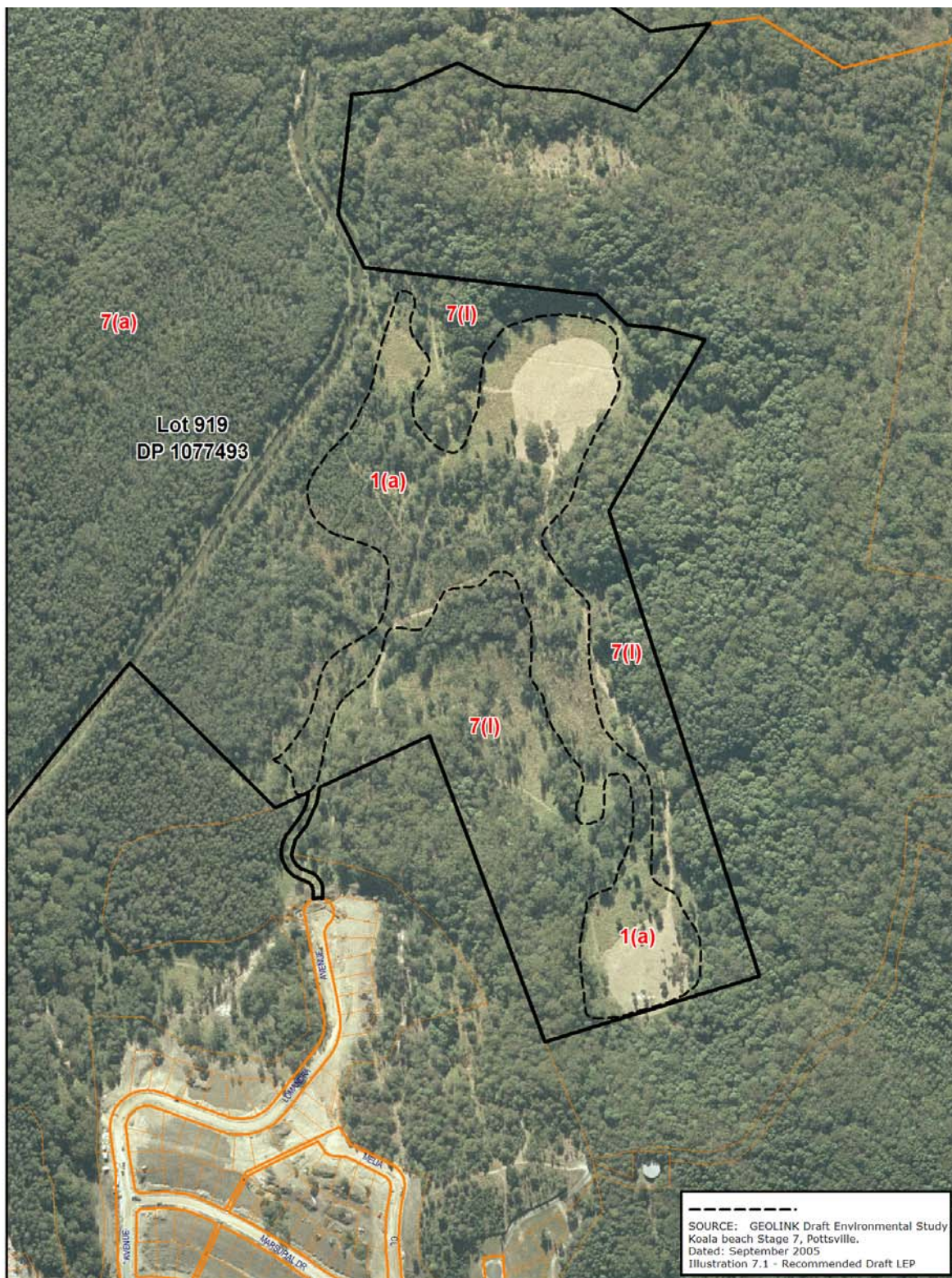
- *A prohibition on the keeping of dogs and cats;*
- *A limit on the keeping of horses to eight per lot and the keeping of other hoofed animals to eight per lot;*
- *The fencing of all land zoned environmental protection, to exclude cattle and horses from these areas;*
- *A prohibition on the removal of any native trees from within the areas zoned for environmental protection, except for where required under the provisions of a Bushfire Management Plan for the purposes of providing appropriate Asset Protection Zones;*



- *Where native trees are to be removed for the provision of an Asset Protection Zone for bushfire management purposes, a requirement that compensatory planting of native trees, indigenous to the local area, be undertaken within areas zoned environmental protection, at the rate of two trees for every one removed.*

The amendments proposed do not substantially alter the intent of the draft LEP. As such, it is not considered necessary to re-exhibit the draft Instrument. The draft Plan, as amended, can therefore be forwarded to the Minister to make the Plan.





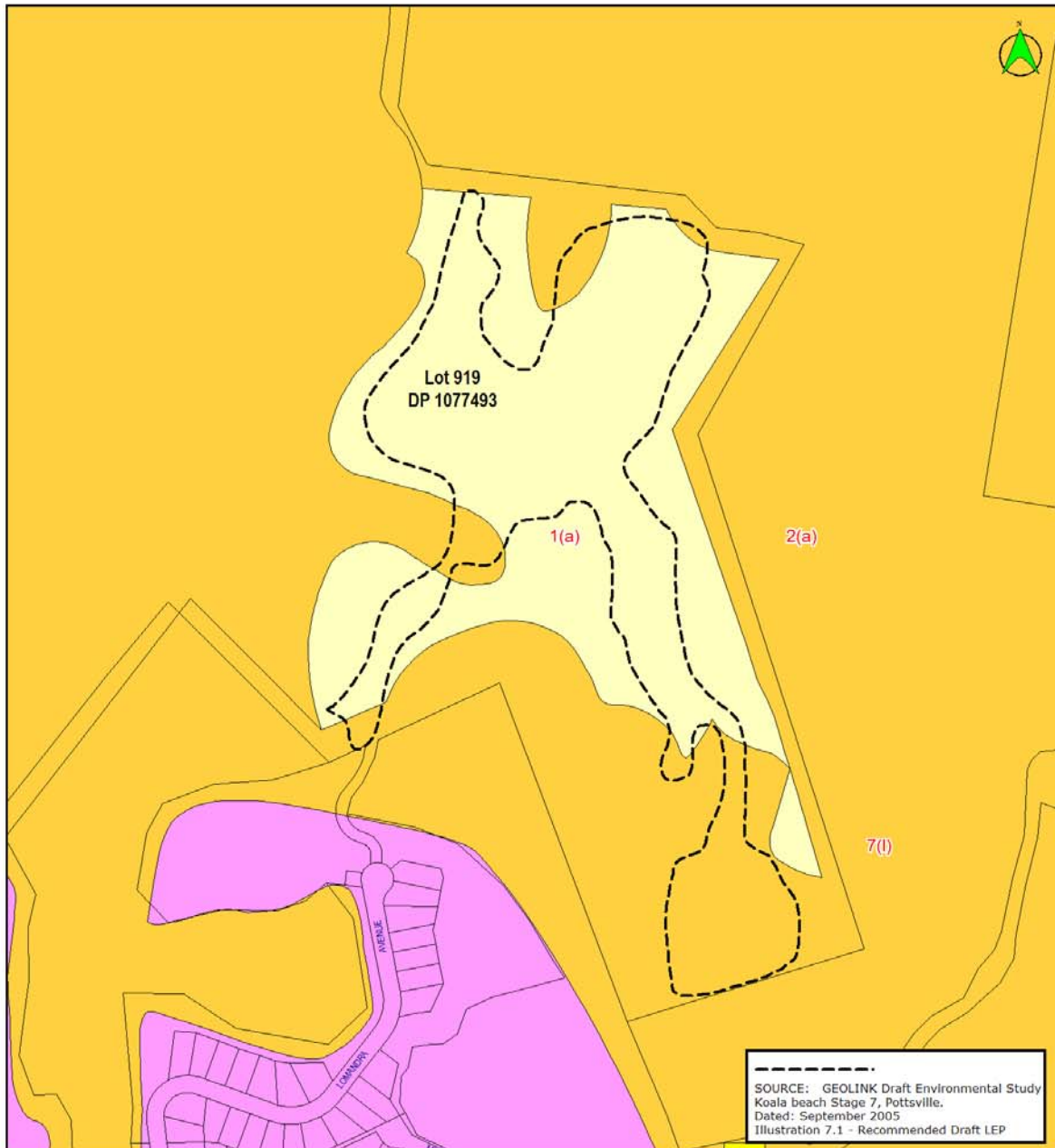
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 SOURCE: GEOLINK Draft Environmental Study  
 Koala beach Stage 7, Pottsville.  
 Dated: September 2005  
 Illustration 7.1 - Recommended Draft LEP

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 Fax: (02) 6670 2483

*Tweed Shire Council*  
 Lot 919 DP 1077493, Lomandra Avenue Pottsville  
 LEP Amendment No.57  
**AERIAL PHOTO - taken June 2004**  
 File: N:\MapInfo 7...LEP Amendment No-57 Wor Author: J.Batchelor Date: 17/Nov/2005

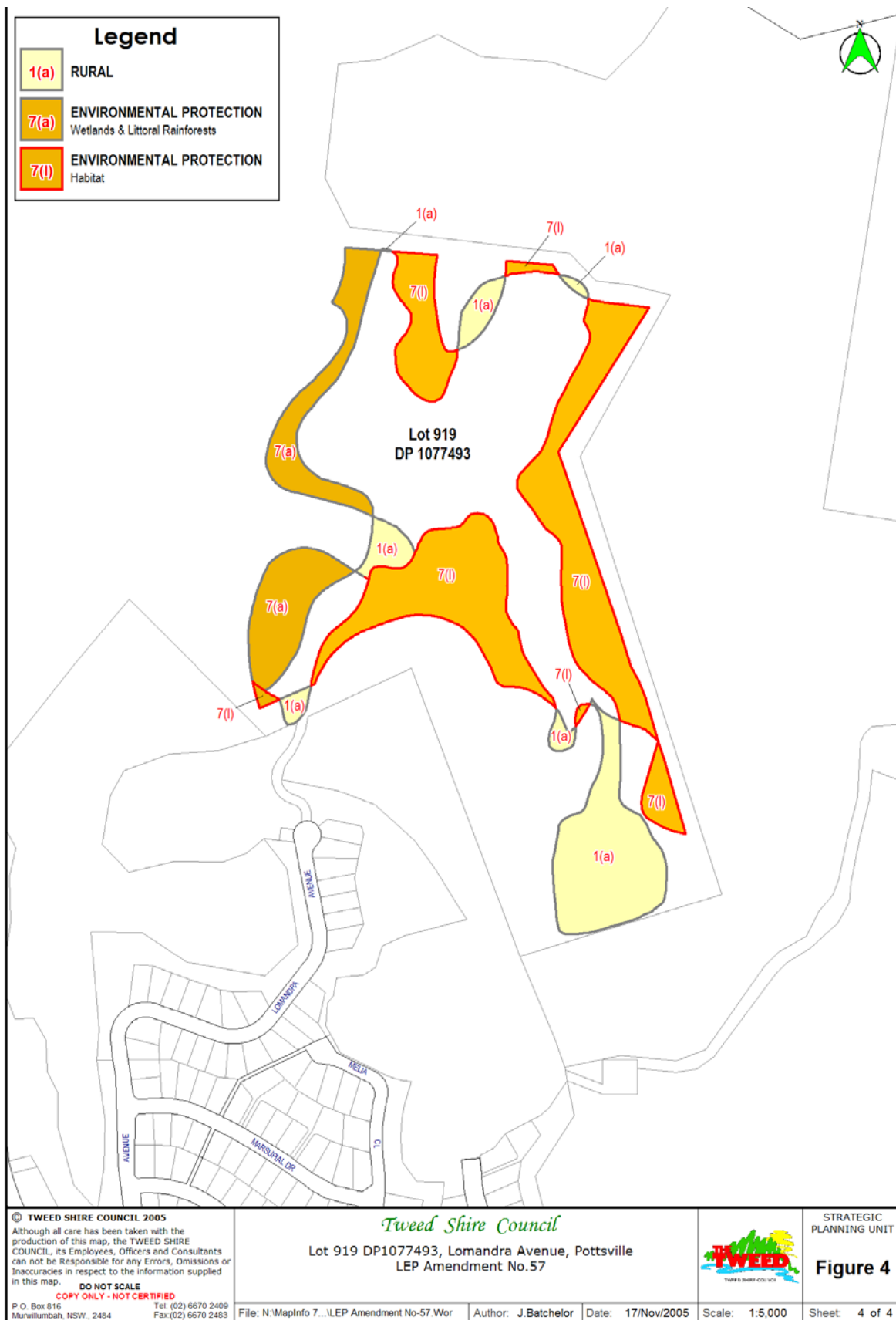


STRATEGIC  
 PLANNING UNIT  
**Figure 2**  
 Scale: 1:5,000  
 Sheet: 2 of 4



LEGEND - TWEED LOCAL ENVIRONMENT PLAN 2000			
<b>RURAL</b>	<b>BUSINESS</b>	<b>ENVIRONMENTAL PROTECTION</b>	<b>ADDITIONAL CONTROLS</b>
1(a) Rural	3(a) Sub - Regional Business	7(a) Environmental Protection (Wetlands & Littoral Rainforests)	Clause 37 (Transmission Line Corridor)
1(b1) Agricultural Protection	3(b) General Business	7(d) Environmental Protection (Scenic / Escarpment)	Clause 38 (Future Roads)
1(b2) Agricultural Protection	3(c) Commerce and Trade	7(f) Environmental Protection (Coastal Lands)	Clause 41 (Heritage Conservation Area)
1(c) Rural Living	3(d) Waterfront Enterprise	7(i) Environmental Protection (Habitat)	Clause 52 (Kings Beach / Kings Forest / Osprey Nest)
<b>RESIDENTIAL</b>	3(e) Special Tourist (Jack Evans Boatharbour)	<b>NATIONAL PARKS &amp; NATURE RESERVES</b>	Clause 52 (Pottsville)
2(a) Low Density Residential	<b>INDUSTRIAL</b>	8(a) National Parks and Nature Reserves	Clause 52 (Stormwater and Fill)
2(b) Medium Density Residential	4(a) Industrial		Clause 52 (Minimum Lot Sizes)
2(c) Urban Expansion	<b>SPECIAL USES</b>		Clause 52 (Cobaki Lakes)
2(d) Village	5(a) Special Uses		Clause 52 (Existing and Future Dam Areas)
2(e) Residential Tourist	<b>OPEN SPACE</b>		Clause 53 (Schedule 3 Item)
2(f) Tourism	6(a) Open Space		
	6(b) Recreation		

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	File: N:\MapInfo 7...\LEP Amendment No.57.Wor	Author: J.Batchelor		Date: 17/Nov/2005



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draft

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## **Tweed Local Environmental Plan 2000 (Amendment No 57)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979* (.....)

Minister Assisting the Minister for Infrastructure and Planning (Planning Administration)

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Page 1

## Tweed Local Environmental Plan 2000 (Amendment No 57)

1. **Name of plan**

This plan is the *Tweed Local Environmental Plan 2000 (Amendment No 57.)*

2. **Aims of plan**

This plan aims to rezone the land to which this plan applies 7(l) Environmental Protection (Habitat) Zone and Rural 1(a) Zone under *Tweed Local Environmental Plan 2000.*

3. **Land to which plan applies**

This plan applies to Lot 919 DP 1077493, Koala Beach Estate, Pottsville edged black on the map marked "Tweed Local Environmental Plan 2000 (Amendment No 57)" deposited in the office of the Tweed Council.

4. **Amendment of Tweed Local Environmental Plan 2000**

*Tweed Local Environmental Plan 2000* is amended by:

(a) inserting in appropriate order in Part 2 of Schedule 6 the following words:

"Tweed Local Environmental Plan 2000 (Amendment No 57)"

(b) inserting at the end of Schedule 3

i) Under the heading "**Additional Development Permitted with Development Consent**" the following words:

"Lot 919 DP 1077493, Koala Beach Estate (Stage 7)"	"Development for the purposes of a 3 lot subdivision and the erection of a dwelling house on 2 lots of less than 40 hectares"
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- ii) Under the heading "**Conditions**" the following words:

"Reticulated water and sewer services shall be provided to each lot on which a dwelling house is proposed to be erected.

Dwelling houses to be constructed wholly within land zoned 1(a) Rural under Tweed Local Environmental Plan 2000 (Amendment No 57).

Proposed Lot 920, containing an area of approximately 73.8 hectares of land zoned Environmental Protection under Tweed Local Environmental Plan 2000 (Amendment 57) to be dedicated to Council.

Section 88B restrictions shall be created on the title of proposed Lots 771 and 772 prohibiting the keeping of cats, restricting the keeping of horses to eight (8) animals per lot and the keeping of other hooved animals to eight (8) animals per lot, and implementing the measures proposed to protect vegetation and wildlife, including vegetation protection and the protection of koalas and koala habitat".



**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "non confidential" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

Nil.

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**P8 [PD-PC] Tweed Local Environmental Plan Amendment No. 37 – Tweed Heads West**

**ORIGIN:**

**Development Assessment**

**FILE NO: GT1/LEP/2000/37**

**SUMMARY OF REPORT:**

On 6 November 2002 Council resolved to prepare a draft Tweed Local Environmental Plan amendment for an area of land immediately south of the Gold Coast Airport at Tweed Heads West. Adjoining lands include Council's sewerage treatment plant and an area of land zoned for industrial purposes. The approved Tugun Bypass traverses the northern part of the land identified for the LEP amendment.

Certain zones within the specified area cannot be effectively utilised in accordance with the current zone objectives due to the highly constrained nature of the land. This report recommends that the land uses be revised with the preparation of a new Local Environmental Plan for Tweed.

**RECOMMENDATION:**

**That Council: -**

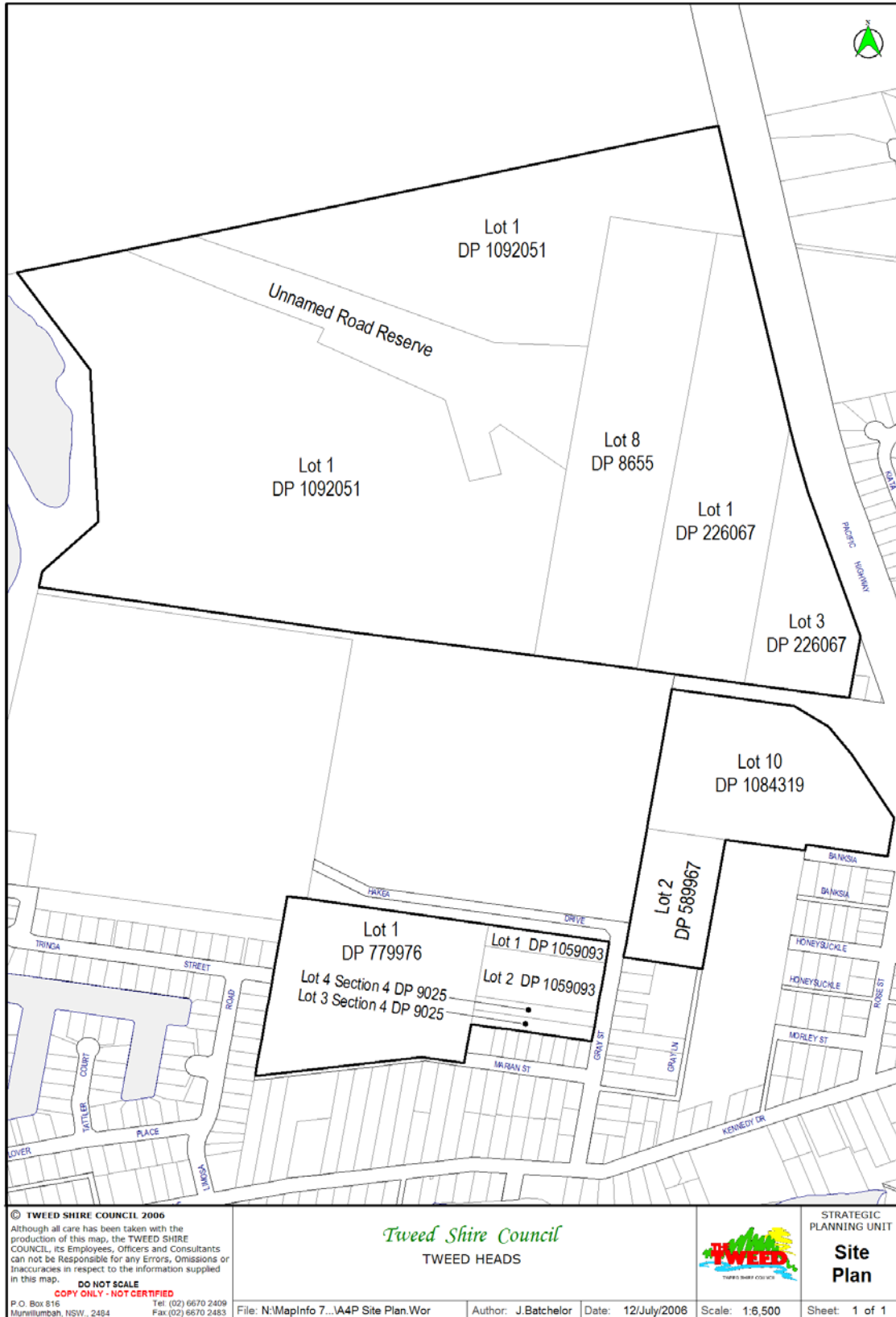
- 1. No longer proceeds with the preparation of draft Tweed Local Environmental Plan 2000 Amendment No. 37 for Lot 1 DP 1092051, Lot 8 DP 8655, Lots 1&3 DP 226067, Lot 10 DP 1084319, Lot 2 DP 589967, Lot 1 DP 779976, Lots 1&2 DP 1059093 and Lots 3&4 Section 4 DP 9025, Tweed Heads West.**
- 2. Reviews the zoning of all land within the high noise affected area (ANEF 25+dB) immediately south of the Gold Coast Airport in the preparation of a new draft Tweed Local Environmental Plan.**

**REPORT:**

**Background**

On 6 November 2002 Council resolved to prepare a draft Tweed Local Environmental Plan 2000 (LEP) amendment for an area of land immediately south of the Gold Coast Airport at Tweed Heads West. The area for this LEP amendment is identified in Figure 1. Adjoining the area is Council's sewerage treatment plant and an area of land zoned for industrial uses. The approved Tugun Bypass traverses the northern part of the area.

Figure 1: Site Plan of Tweed LEP Amendment No. 37



The area is extremely constrained from the following factors: -

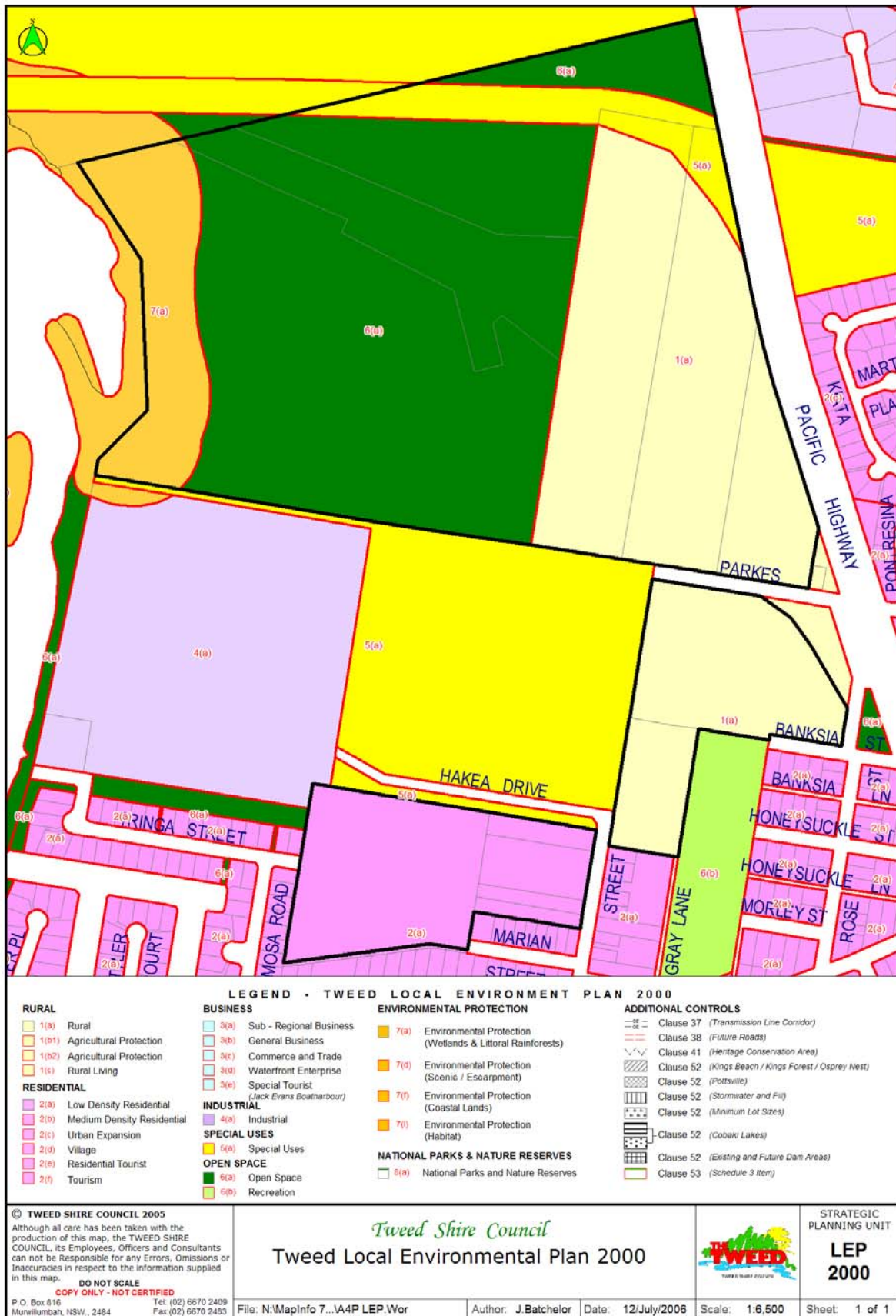
- Aircraft noise,
- Height limitations due to the adjoining airport,
- Traffic noise from the pacific highway,
- Sewerage Treatment Plant,
- Tugun Bypass,
- Surrounding medium density residential (Flat Developments) and high density residential (Caravan Parks),
- Specific endangered flora and fauna in the northern lots.

Through the Tweed LEP 2000, as well as State and Federal controls, these constraints effectively reduce the potential of the land for many urban purposes and in particular residential uses.

### **Tweed LEP 2000**

Due to the proximity of the area to the airport and the highway, the land has been increasingly constrained for many years. There are several parcels of land within the area which are inappropriately zoned. That is, the zone objectives for these parcels cannot easily be achieved. Particularly these zones are 1(a) Rural and 2(a) Low Density Residential. Refer Figure 2.

Figure 2: Tweed Local Environmental Plan 2000



At present Council is currently reviewing the entire Tweed LEP and it would be more effective to review the current zones in this area as part of the review of the LEP.

### **Gold Coast Airport**

On 14 August 2001 the Minister for Transport and Regional Services approved the Master Plan for the Gold Coast Airport. The approved Master Plan allows for the extension of the runway to 2,500m which is to the boundary of the Airport and the adjoining reserve, subject to a Major Development Application in accordance with the Federal Airports Act.

The close proximity to the proposed runway extension will impose particular restrictions because of aircraft noise, Obstacle Limitation Surface (OLS) intrusions such as development, smoke, gas and particulate.

### **Tugun Bypass**

On 20 February 2002 Council considered a background Planning Study on the area immediately south of the Coolangatta Airport. This report specifically reviewed the area's capability of being developed for industrial purposes. Several issues arose from these preliminary investigations. In particular the most pressing issues were related to the proposed Tugun Bypass.

Because of this Council resolved to request the Minister of Planning arrange a meeting between all the key agencies from both Queensland and New South Wales who were associated with the Tugun Bypass at that time to consider the potential of any future industrial land within the area. This meeting was held on 12 July 2002. It was resolved at this meeting that PlanningNSW would write to Council recommending that a Tweed Local Environmental Plan 2000 Amendment be undertaken to identify any areas suitable for industrial purposes within the locality.

As planning progressed for the Tugun Bypass, specific environmental constraints of the route became clear. Subsequent alterations to the route alignment to reduce the impact on these environmental habitats effectively reduced the amount of land which could effectively be used for urban uses and in particular industrial uses.

As a result Council resolved on 3 March 2004 that it;

*"Takes no further action with the draft Local Environmental Plan 2000 amendment (No. 37) for Tweed Heads West until all relevant approval authorities have approved the final route for the Tugun Bypass."*

The Tugun Bypass route has been approved by the Federal Government, Queensland Government and the New South Wales Government. It is appropriate for Council to reconsider its position on the preparation on this draft LEP amendment.



## **Parkes Drive**

Any intensification of land uses which would lead to increased development within the area and subsequent increase in traffic levels entering Kennedy Drive via Rose or Gray Street. The Rose Street interchange with Kennedy Drive is at capacity and offers no scope for upgrade within the existing road reserve.

The approved alignment of the Tugun Bypass includes a service lane and an onramp from Kennedy Drive to the Bypass. This service lane includes an access into Parkes Drive, refer Figure 1. Any increase in development and therefore traffic from a change in land use within the area will have to be accommodated by this service road rather than accessing Kennedy Drive. This includes traffic from the industrial zoned land to the west of the Sewerage Treatment Plant as well as traffic generated from Council's depot.

This access is critical for any development within the area identified for this draft LEP amendment and one of the main factors in prompting Council to determine not to proceed with the LEP amendment until the Tugun Bypass had been approved.

## **Conclusion**

The area is extremely constrained and would not yield much land for industrial uses. Many of the current zones in this area are not suitable and would be better revised as part of the review of the Shire wide review of the LEP.

## **LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

## **POLICY IMPLICATIONS:**

Nil.

## **UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "non confidential" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

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**P9 [PD-PC] Shire Wide Community Facilities Development Program**

**ORIGIN:**

**Development Assessment**

**FILE NO: GT1/S94/15**

**SUMMARY OF REPORT:**

Council has provided a number of community facilities for the existing population. In the main these have been provided under local Section 94 Plans, particularly in new release areas.

It is proposed to engage a Consultant to prepare a Shire Wide Community Facilities Program to identify the types of community facilities the Shire will require over the next 20 years, and the most appropriate locations for these facilities. This will allow Council to plan for such facilities and respond to requests from the community utilising researched information. As part of this Consultancy it is proposed to review the current Section 94 Plans that contain community facilities, and to draw on community needs identified in the adopted Social Plan 2005–2009.

The proposed Program will form the basis for a Section 94 Shire Wide Community Facilities Plan to be funded over the next twenty years. It will have regard to the expansion and improvement of facilities for community needs in the Shire. Council has recently completed a similar exercise to prepare a Regional Sport and Recreation Facilities Plan.

It is estimated the Study will cost approximately \$40,000 and it is proposed to allocate the funds from the Shire Wide Community Facilities Fund No 96. This Fund has collected levies for community facilities prior to Section 94 funds being collected. There is \$249,000 in this fund and the monies have been collected Shire wide so it is appropriate these funds are allocated towards a Shire Wide Program.

**RECOMMENDATION:**

**That Council:**

- 1. Approves the preparation of a Consultant Brief, and tendering for a Consultant to undertake a Shire Wide Community Facilities Program;**
- 2. Votes the expenditure of \$40,000.00 from the Shire Wide Community Facilities Fund No 96.**

## REPORT:

### Background

Council has developed a Social Plan for the period 2005-2009, which identifies and prioritises community needs in terms of a specific range of social groups in the community. This has been translated into a list of Shire wide community facilities appropriate for each group, according to common standards of provision. Some of the facilities are able to attract government funding, or may be provided for in Council's budget, or its 7 year financial plan.

Council has provided a number of community facilities for the existing population. In the main these have been provided under local Section 94 Plans, particularly in new release areas. Section 94 have tended to provide local facilities, but not facilities for Shire wide or larger scale regional needs, which will be increasingly needed in the next two decades. Community facilities for the purposes of this S94 Plan included facilities that are primarily for the delivery of social, personal support, civic or cultural community services, as distinct from outdoor recreation, sporting or utility services.

It is proposed to engage a Consultant to prepare a Shire Wide Community Facilities Program to identify the types of community facilities the Shire will require over the next 20 years, and the most appropriate locations for these facilities. This will allow Council to plan for such facilities and respond to requests from the community utilising researched information. As part of this Consultancy it is proposed to review the current Section 94 Plans that contain community facilities, and to draw on community needs identified in the adopted social Plan 2005 - 2009. A major focus of the Consultant's work will be to draw on the work Council has undertaken to date, and determine which facilities are most appropriate to be funded under S94. In some cases, funding partnerships between Council and Government will be appropriate.

The proposed Program will form the basis for a Section 94 Shire Wide Community Facilities Plan to be funded over the next twenty years. It will have regard to the expansion and improvement of facilities for community needs in the Shire. Council has recently completed a similar exercise to prepare a Regional Sport and Recreation Facilities Plan.

It is estimated the Study will cost approximately \$40,000 and it is proposed to allocate the funds from the Shire Wide Community Facilities Fund No 96. This Fund has collected levies from development before Section 94 funds were being collected. There is \$249,000 in this fund and the monies have been collected Shire wide so it is appropriate these funds are allocated towards a Shire Wide Program.

In summary it is proposed that the Consultancy investigate the following:

1. Analyse the various social services and facilities within the Shire to determine those services which are not likely to be provided with Government or other funding for facilities, and will therefore rely on public facilities;

2. Liaise with community service providers concerning current and future requirements for facilities within the Shire;
3. In the context of the adopted Social Plan produce a Shire Wide Community Facilities Plan that identifies the type of facilities the Shire will require over the next twenty years, including the most appropriate locations for the facilities and the cost of land where purchase is required;
4. Analyse the projected income stream for the Shire Wide Communities Facilities Plan and produce a Shire Wide Community Facilities Section 94 Contribution Plan with an implementation schedule for the proposed works program.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**P10 [PD-PC] Draft Tweed Local Environmental Plan 2000, Amendment No 69  
- Seabreeze Estate, Pottsville (Stage 2)**

**ORIGIN:**

**Planning & Development**

**FILE NO: GT1/LEP/2000/69**

**SUMMARY OF REPORT:**

Council on 15 December 2004 resolved to prepare draft Tweed Local Environmental Plan 2000, Amendment No 69 – Seabreeze Estate, Pottsville (Stage 2). The purpose of Amendment No 69 is to rezone land at the Seabreeze Estate, Pottsville to provide additional land for urban purposes.

Tenders have been sought to complete the project.

Three tenders have been received, as follows:

GeoLINK

KFM Partnership

Maunsell Australia Pty Ltd

**RECOMMENDATION:**

**That Council:**

- 1. Accepts the quote from Maunsell Australia Pty Ltd (\$73,100 including GST) to complete draft Tweed Local Environmental Plan 2000, Amendment No 69 – Seabreeze Estate, Pottsville (Stage 2).**
- 2. Informs the applicant of the subject LEP Amendment of Council's decision and requests that the funding of \$73,100.00 (including GST), to complete the draft Amendment be forwarded to Council under the terms of agreement reached on 9 February 2005.**
- 3. Does not engage the services of Maunsell Australia Pty Ltd to undertake the project until the relevant monies have been received from the applicant.**

## REPORT:

### Introduction

On 15 December 2004 Council resolved, pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, to prepare draft Tweed Local Environmental Plan 2000, Amendment No 69 – Seabreeze Estate, Pottsville (Stage 2) and to request the Proponents of the Amendment to fund a Consultant to undertake the necessary work to complete the project.

Jim Glazebrook and Associates Pty Ltd (JGA) advised, on the behalf of the Proponents on 9 February 2005, that the Proponents would agree to fund a Consultant to undertake the necessary work to complete the project.

The purpose of Amendment No 69 is to rezone land at the Seabreeze Estate, Pottsville to provide additional land for urban purposes.

Pursuant to Council Policy a Brief to complete the project has been prepared and put out for Tender.

The purpose of this report is to analyse and recommend to Council which of the Tenders submitted to complete Draft LEP Amendment No 69 is the most appropriate.

### Background

The subject site is described as part Lot 10 DP 1078367 Seabreeze Boulevard, Pottsville and is currently zoned 1(a) Rural. The Tweed Residential Development Strategy adopted by Council in 1992 identifies the subject land as an area to be investigated for future urban development.

Figures 1 and 2 of this report more clearly identify the location and current zoning of the subject site.

The Consultants Brief put out for tender requires the successful applicant to:

- Process draft Tweed Local Environmental Plan 2000, Amendment No 69 in accordance with the Environmental Planning and Assessment Act 1979.
- Prepare an Environmental Study for the site to determine the suitability of further development occurring on the site. This would also include reviewing existing studies undertaken for the site and adjoining stages of the development.
- Prepare all exhibition material, including the Written Instrument, advertising material, explanatory notes, and checklist of the draft LEP's consistency with relevant State Environmental Planning Policies, 117 Directions and the North Coast Regional Environmental Plan.
- Prepare a formal report to Council that addresses the exhibition of the draft Plan, the submissions received (if any) and recommend any amendments to the draft Plan if warranted.



- Prepare a formal report that will be forwarded to the Department of Planning in accordance with Section 68 of the Environmental Planning and Assessment Act 1979.

### **Landowner Submission**

During the tendering process JGA, on behalf of the proponents, questioned the value of the prepared Brief, as reference to previous work and studies undertaken for the site were not included in the Brief forwarded to potential Consultants.

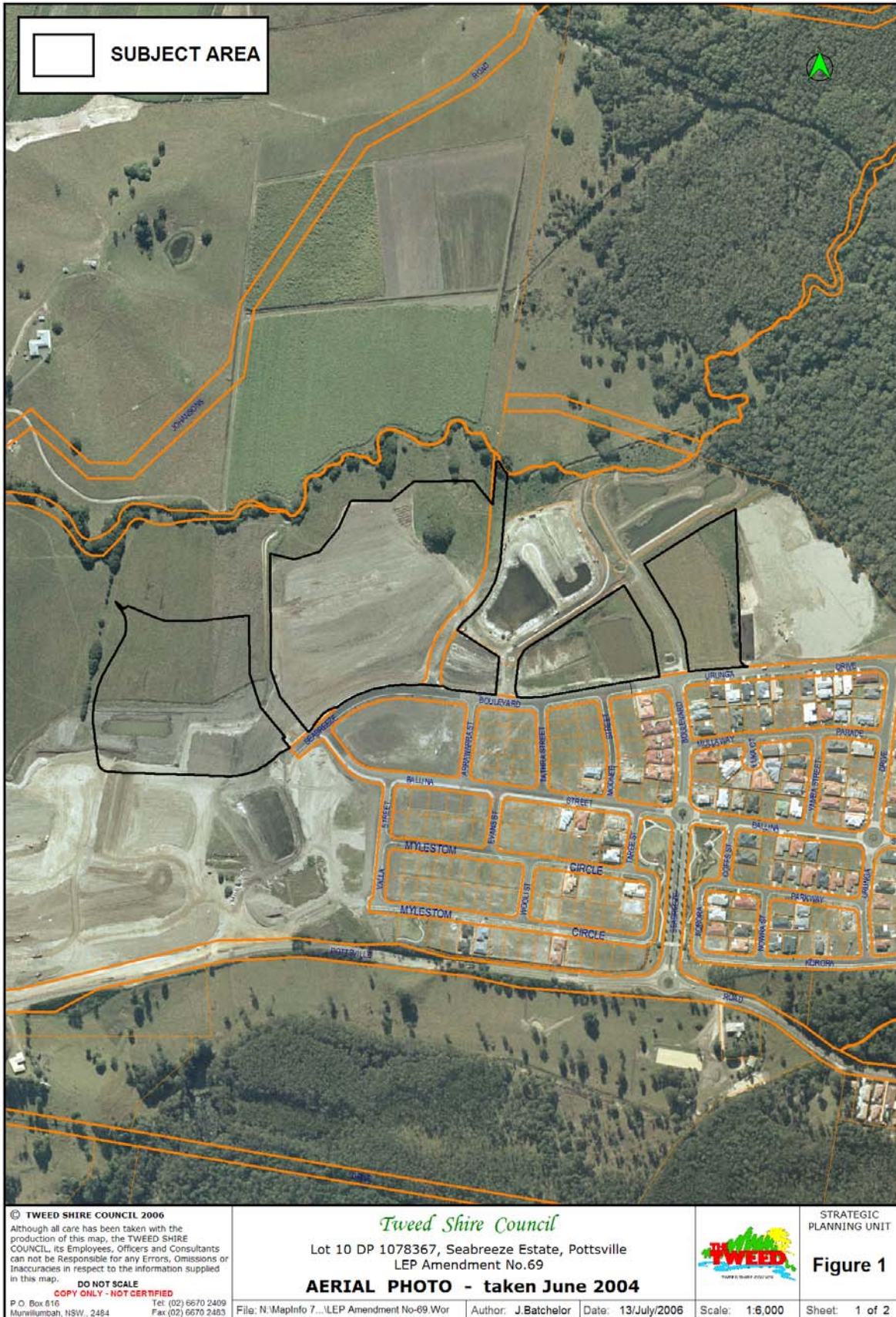
Although it is acknowledged that quite extensive work has been undertaken for the site, advice from the Department of Planning, other State Government Departments, and various sections of Council requires that the investigations of certain issues be undertaken again. To assist the successful Tender, however, copies of previous work and studies would be available for use.

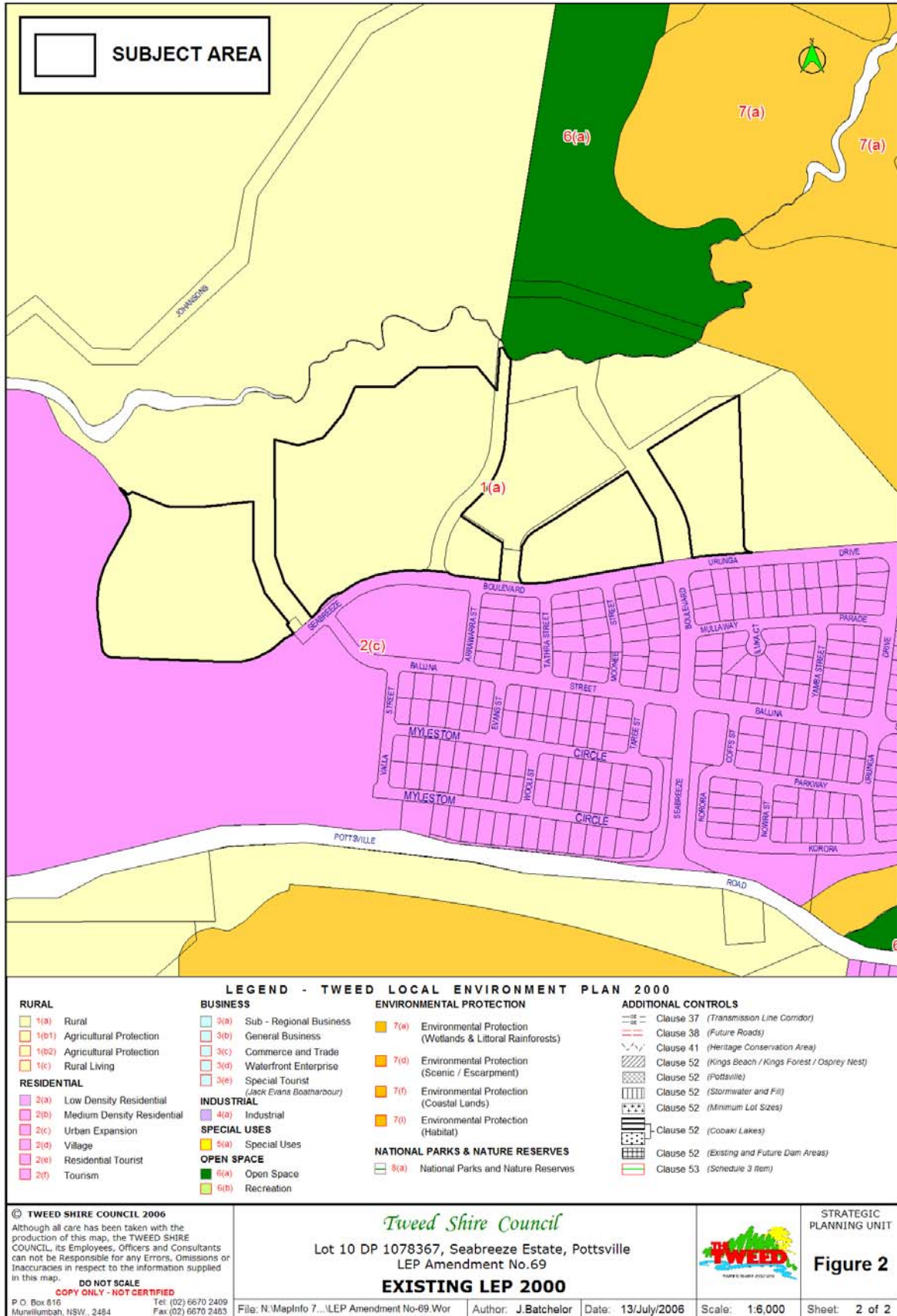
The responses received to the Project Brief reflect an approach consistent with this advice, ie the respondents expected that additional work would be required to that already undertaken and assumed that access to the previous studies etc would be available to them. Therefore, it is considered that the Project Brief satisfactorily described the requirements of the project.

JGA also queried the time nominated to undertake the project stating that a more appropriate timeframe would be 12 weeks instead of the 10 months identified in the Brief.

Completion of the proposed work in 12 weeks is considered an unrealistic goal, particularly given the statutory requirements associated with the preparation of an Amendment to a Local Environmental Plan and the work required to prepare the Environmental Study for the site. The identified 10-month timeframe is considered more conservative.

No further action is considered necessary as a result of JGA's submission.





**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

1. **Confidential Attachment** - Supplementary Information - Draft Tweed Local Environmental Plan 2000, Amendment No 69 - Seabreeze Estate, Pottsville (Stage 2) (DW 1428713).
-

## **OPERATIONS COMMITTEE**

### **O1 [GC-OC] 7 Year Infrastructure & Services Plan 2006/2007 to 2012/2013**

#### **ORIGIN:**

**Financial Services**

#### **SUMMARY OF REPORT:**

The NSW Minister for Local Government, the Hon. Kerry Hickey MP, recently approved a two (2) year increase to Council's general rate income. A new application will need to be submitted for years three (3) to seven (7), as outlined in the 7 Year Infrastructure and Services Plan, should Council wish to pursue further increases.

#### **RECOMMENDATION:**

**That Council :-**

- 1. Endorses the implementation of the 7 Year Infrastructure and Services Plan for the years 2006/2007 and 2007/2008, as adopted in the Management Plan.**
- 2. Review the ability to deliver projects and services proposed for 2007/2008 as a component of the 2007/2008 Management Plan.**

**REPORT:**

The NSW Minister for Local Government, the Hon. Kerry Hickey MP, recently approved a two (2) year increase to Council's general rate income. A new application will need to be submitted for years three (3) to seven (7), as outlined in the 7 Year Infrastructure and Services Plan, should Council wish to pursue further increases.

The approval conditions for years 2006/2007 and 2007/2008 are set out in the following instrument:

**LOCAL GOVERNMENT ACT 1993**

**INSTRUMENT UNDER SECTION 508A(1) AND S548(3)(a)**

---

I, **Kerry Hickey**, Minister for Local Government:

1. In pursuance of the section 508(A) of the Local Government Act 1993 determine that the percentage by which Tweed Shire Council may increase its general income for:

2006/2007 is 7.6% above that for 2005/2006  
2007/2008 is 8.0% above that for 2006/2007

2. The approval is subject to the following conditions:

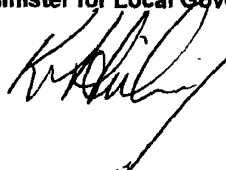
- (i) the council will raise the additional increases for costs associated with the "Seven Year Plan" as set out in Council's submission dated 30 March 2006 and the amended submission dated 14 June 2006;
- (ii) the Council reports annually to the Department of Local Government on the outcomes achieved as a result of the variation, continuing results in improving efficiency and rationalising services;
- (iii) the Council reports to the Department of Local Government on any significant variations from its financial plan (supporting the 30 March 2006 submission) and corrective action to be taken; and
- (iv) the Council includes reports prepared under (ii) above in its annual report.

3. In pursuance of s548(3)(a) of the *Local Government Act 1993* determine that Tweed Shire Council may make and levy the following minimum ordinary rates:

	2006/07	2007/08
Residential	\$576.95	\$623.11
Business	\$616.60	\$665.93
Farmland	\$576.95	\$623.11

Dated this *10<sup>th</sup>* day of *July*, 2006

**The Hon. KERRY HICKEY, M.P.**  
**Minister for Local Government**



The impact of the Minister's decision is that while funds are available for 2006/2007 and 2007/2008 there is no certainty for the following years. A number of projects proposed for the early years of the program impact financially in later years as increasing borrowings necessarily increase debt servicing levels. The increased debt servicing levels are funded in the Plan through projected increases in rate revenue.

---

Projects and services proposed for 2006/2007 are detailed below. As these projects and services are progressively rolled out, the impact on Council's ability to deliver future years projects will be more clearly defined.

New projects planned for 2007/2008 and beyond may not proceed as a consequence of the decision to provide an approval for a two (2) year increase. It is intended to continuously review the status of the Plan's implementation and report to Council through the Quarterly Management Plan review.

On balance it has been recommended that Council cautiously proceeds with implementation of the 2006/2007 program component of the 7 Year Plan but does not at this point in time, commit to any new projects beyond 2006/2007.

### Services to be delivered

The following services and programs are predicted for delivery over the next two (2) years:

	<b>Project Cost</b>
Car Park/ Murwillumbah Pool upgrade	\$9,100,000
Tweed Heads Masterplan (Stage 1)	\$6,000,000
Asset Management (Parks, Roads, Kerb & Gutter, Footpaths, Waterways)	\$3,818,200
Tweed Heads Museum	\$3,000,000
Regional Sport & Recreational Facilities	\$1,666,668
Kingscliff Community Centre	\$1,500,000
Cudgen Creek Walk Bridge, Kingscliff	\$1,250,000
Community Centre Murwillumbah	\$1,000,000
Stormwater drainage rehabilitation	\$800,000
Economic Marketing & Promotion	\$572,000
Kingscliff Car Parking	\$500,000
Vegetation Management Strategy	\$479,285
Pool Upgrade Kingscliff (including Shade Cloth)	\$435,000
Planning Reforms	\$410,000
Knox Park Upgrade	\$300,000
Environmental Health & Building Compliance	\$296,100
Sportsgrounds capital works (Local)	\$200,000
Corporate Planning	\$152,600
Improved Services for Shire Youth	\$152,000
Aboriginal Community Development	\$132,000
Community & Cultural Services Programs	\$120,000
Asset management Levees & Floodgates	\$120,000
Laser survey Tweed & coastal creeks	\$100,000
Land purchase - open space	\$100,000
Community & Cultural Services Support	\$84,000
Surf Life Patrols	\$62,000
Emergency Management Plan Implementation	\$60,000
Dog Pound Addition	\$60,000
Tweed Coast Estuaries Management Plan	\$54,280



## **Jack Evans BoatHarbour Upgrade**

A separate report regarding the potential lack of funding for this project will be tabled at Council at a later date.

The proposed \$3 million loan for the commencement of these works would need to be deferred until there is more certainty for the overall funding required for this project.

## **Planning Reforms**

Council staff have been seeking approval to implement a new LEP for the Tweed in two (2) stages. The first stage is proposed to adopt the standard LEP template and to include the urban design controls for the coastal strip for which the Tweed community is seeking more certainty. The second stage is to undertake all the studies required to address rural settlement and future urban release areas, including employment generating land. Funds for these studies have been budgeted in 2007/2008. The Department of Planning has not made a decision yet on the proposed two (2) stage LEP process, however if this is not acceptable then the \$250,000 funding from the 2007/2008 Budget estimates would need to be brought forward to the 2006/2007 Budget.

## **LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Approved within Council's 7 Year Infrastructure and Services Plan.

## **POLICY IMPLICATIONS:**

Nil.

## **UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "non confidential" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

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**02 [GM-OC] Northern Rivers Council's Procurement Group**

**ORIGIN:**

**General Manager**

**SUMMARY OF REPORT:**

Hunter Councils Inc has made representations to the General Managers of Rous Water, Ballina, Byron, Clarence Valley, Richmond Valley and Tweed Shire Councils re the establishment of a joint purchasing arrangement to facilitate economies of scale savings for and on behalf of the participating Council's.

The General Managers of the above-mentioned Councils gave support for the concept, which included a requirement that a Northern Rivers Procurement Group be formed.

The prime purpose of a joint purchasing arrangement, administered by Hunter Councils Inc, is to achieve a cost effective and Local Government compliant solution on a regional basis for specific tendering needs.

**RECOMMENDATION:**

**That Tweed Shire Council participates in the Northern Rivers Procurement Group as outlined in the Memorandum of Agreement and that funding for the \$9,750 management fee payable to Hunter Councils Inc. be sourced from the Water and Sewer Funds subscription funding allocation.**

**REPORT:**

Hunter Councils Inc, a cooperative organization of the twelve (12) Local Authority Authorities of the Hunter Valley, has made representations to the General Managers of Rous Water, Ballina, Byron, Clarence Valley, Richmond Valley and Tweed Shire Councils re the establishment of a joint purchasing arrangement to facilitate economies of scale savings for and on behalf of the participating Council's.

The General Managers of the above-mentioned Councils gave support for the concept, which included a requirement that a Northern Rivers Procurement Group be formed.

The prime purpose of a joint purchasing arrangement, administered by Hunter Councils Inc, is to achieve a cost effective and Local Government compliant solution on a regional basis for specific tendering needs.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Funds are available through the Water and Sewer Funds Subscriptions funding allocation.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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1. Supplementary Confidential Information on the Northern Rivers Council's Procurement Group (DW 1427709).
-

**03 [GC-OC] Making of the Rate 2006/2007**

**ORIGIN:**

**Financial Services**

**SUMMARY OF REPORT:**

Council, at its meeting of 13 June 2006, resolved to adopt the 2006/2009 Management Plan and 2006/2007 Budget. In accordance with the provisions of the Local Government Act 1993 a rate or charge is made by resolution of Council, and each rate or charge is to be made for a specified year, being the year in which the rate or charge is made or the next year. Accordingly, a rate or charge must be made before 1 August in the year for which the rate or charge is made or before such later date in that year as the Minister may, if the Minister is of the opinion that there are special circumstances, allow.

The basis of this report is the formal Making of the Rate and Charges for 2006/2007.

**RECOMMENDATION:**

**That:-**

- 1. Council makes the 2006/2007 rates and charges in accordance with the provisions of sections 405, 406, 493, 494, 495, 496, 501, 502, 508, 541 and 553 and of the Local Government Act 1993: -**
  - (a) Ordinary Rates (section 494)**
    - (i) Residential Rate**

**A Residential Rate of .3209 cents in the dollar on the rateable land value of all applicable rateable land in the Tweed Shire Council area classified Residential with a minimum rate of five hundred and seventy six dollars and ninety-five cents (\$576.95) in respect of any separate parcel of rateable land.**
    - (ii) Farmland Rate**

**A Farmland Rate of .2291 cents in the dollar on the rateable land value of all applicable rateable land in the Tweed Shire Council area classified Farmland with a minimum rate of five hundred and seventy six dollars and ninety-five cents (\$576.95) in respect of any separate parcel of rateable land.**
    - (iii) Business Rate**

**A Business Rate of .3776 cents in the dollar on the rateable land value of all applicable rateable land in the Tweed Shire Council area classified Business with a minimum rate of five**

hundred and thirty six dollars and twenty cents (\$616.60) in respect of any separate parcel of rateable land.

(b) **Annual Charges (Section 495, 496, 501, 502 and 553)**

(i) **Sewerage Annual Charge**

A sewerage annual charge on the rateable land value of all applicable rateable land in the Tweed Shire Council area with an annual charge of four hundred and seventy three dollars (\$473.00) in respect of any separate parcel of rateable land.

(ii) **Water Annual Charge**

**Residential assessments – a service charge of \$95.00**

**Business assessments – a service charge based on meter size, being \$95.00, times the Flow Capacity Factor (as detailed in Table 1) and given the Multiplier Consumption Factor was reached (as detailed in Table 2)**

**A volumetric charge of \$1.04 per kilolitre for all consumption.**

**Vacant assessments rated to water – a service charge of \$95.00**

**Properties will be levied the water service charge in accordance with the Local Government Act including the description of what land may be subject to the water service charge.**

**Table 1. Flow Capacity Factors**

Diameter of Service mm	Cross sectional area	Flow Capacity Factor
20	314	1.00
25	491	1.56
32	804	2.56
40	1,256	4.00
50	1,963	6.25
80	5,024	16.00
100	7,850	25.00
150	17,663	56.25
200	31,400	100.00
250	49,063	156.25
300	70,650	225.00

**Table 2. Consumption Factors**

Consumption Scale		Consumption Factors										
KL from	KL to	Meter size (mm)										
		20	25	32	40	50	80	100	150	200	250	300
0	290	1.000	0.640	0.391	0.250	0.160	0.063	0.040	0.018	0.010	0.006	0.004
291	454	1.000	1.000	0.610	0.391	0.250	0.980	0.063	0.028	0.016	0.010	0.007
455	743	1.000	1.000	1.000	0.640	0.410	0.160	0.102	0.046	0.026	0.016	0.011
744	1,160	1.000	1.000	1.000	1.000	0.640	0.250	0.160	0.071	0.040	0.026	0.018
1,161	1,814	1.000	1.000	1.000	1.000	1.000	0.391	0.250	0.111	0.063	0.040	0.028
1,815	4,640	1.000	1.000	1.000	1.000	1.000	1.000	0.640	0.284	0.160	0.102	0.071
4,641	7,250	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.444	0.250	0.160	0.111
7,251	16,314	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.563	0.360	0.250
16,315	29,000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.640	0.444
29,001	45,314	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.694
Over 45,314		1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000

**(iv) Uki Sewerage Annual Charge**

A Uki Sewerage Annual Charge for all rateable land which will be serviced by the Uki Scheme of the Tweed. A sewerage annual charge of three hundred dollars (\$300.00) in respect of any separate parcel of rateable land within the Uki area. The following is a description of the applicable land -

- LOT 2 DP 535919
- LOT 1 DP 535919
- LOTS 153 170 DP 755730
- LOT 171 DP755730
- LOT 152 DP755730
- LOT 173 DP755730
- LOT 150 DP 719951
- LOT 1 DP 774800
- LOT 1 DP 938584 LOT 2 DP 973705 LOT 3 DP 971169
- LOT B DP970550 18.29X40.23
- LOT A DP971647 18.29X40.23
- LOT 4 SEC 1 DP10909
- LOT 11 DP 618030
- LOT 10 DP 618030
- LOT 7 SEC 1 DP 10909
- LOT 8 SEC 1 DP 10909
- LOT B DP 369388
- LOT A DP 369388
- LOT 2 DP 549954
- LOT 31 D.P. 624684
- LOTS 1-2 DP 8107
- LOT 3 DP 8107
- LOTS 4/5 DP 8107
- LOTS 7-8 DP 8107
- LOT 233 DP 721129
- LOT 1 DP400980
- LOT 2 DP 400980
- LOT 1 DP 661876
- LOT A DP 377974 LOT B DP385579
- PT LOT 183 DP 755730
- LOT 1 SEC 3 DP 11045
- LOT 6 SEC 3 DP 11045

LOT 12 DP 618030  
LOT B DP 103527 & LOT 235 DP 727458  
LOT A DP 103527  
LOT 122 DP755730  
LOT 1 DP 103459  
LOT 1 DP547960  
LOT 1 DP 936275  
LOT 127 DP755730  
LOT 128 DP755730  
LOT 1 DP 571326  
LOT 2 DP 571326  
LOT 147 DP755730  
LOT 146 DP755730  
LOT 163 DP 755730  
LOT 148 DP755730  
LOT 149 DP 755730  
LOT 164 DP755730  
LOT 160 DP 755730  
LOT 159 DP 755730  
LOT 2 DP 611868  
LOT 1 DP 611868  
LOT A DP 399999  
LOT B DP 399999  
LOT 1 DP 609206  
LOT 3 DP 700324  
LOT 4 DP 700324  
LOT 23 DP 263408  
LOT 22 DP 263408  
LOT 211 DP 263408  
LOT 1 DP 255027  
LOT 1 DP 625486  
LOT 4 DP 255027  
LOT 5 DP 255027  
LOT 6 DP 255027  
LOT 7 DP 255027  
LOT 31 DP 632890  
LOT 2 DP 263408  
LOT 5 DP 263408  
LOT 7 DP 263408  
LOT 4 DP 263408  
LOT 161 DP 755730  
LOT 20 DP 263408  
LOT 25 DP 263408  
LOT 18 DP 263408  
LOT 232 DP 721129  
LOT 2 DP 731343  
LOT 1 DP 731343  
LOT 10 DP 263408  
LOT 9 DP 263408  
LOT 240 DP 729473  
LOT 3 DP 792359  
LOT 2 DP 792359  
LOT 15 DP 263408  
LOT 14 DP 263408  
LOT 13 DP 263408  
LOT 12 DP 263408  
LOT 3 DP 814658  
LOT 1 DP 822828 LOT 1 DP 263408  
LOT 166 DP 755730



LOT 12 DP 829544  
LOT 167 DP 755730  
LOT 165 DP 755730  
LOT 1 DP 709540 & LOT 241 DP 729473  
LOT 1 DP 870671  
LOT 2 DP 870671  
LOT 3 DP 871831  
LOT 1 DP 861822  
LOT 154 DP 755730  
LOT 1 DP 876643  
LOT 2 DP 876643  
LOT 155 DP 755730  
LOT 4 SEC 3 DP 11045  
LOT 5 SEC 3 DP 11045  
LOT 1 DP 1002893  
LOT 2 DP 1002893  
LOTS 1-6 DP 7188 LOTS 2-3 SEC 2 DP 10909 LOTS 3-4 DP 1002893  
LOT 10 DP 825218  
LOTS 1-2 DP 817081  
LOT 103 DP 1061154  
LOT 1 DP 1073932  
LOT 2 DP 1073932  
LOT 9 DP 825218 LOT 102 DP 1061154  
LOT 11 DP 838447  
LOT 10 DP 1082613  
LOT 11 DP1082613

(v) **Bilambil Road Sewerage Annual Charge**

**A Bilambil Road Sewerage Annual Charge for all rateable land which will be serviced by the Bilambil Road Sewerage Scheme of the Tweed. A sewerage annual charge of three hundred dollars (\$300.00) in respect of any separate parcel of rateable land within the Bilambil area. The following is a description of the applicable land -**

LOT 856 DP 32094  
LOT 857 DP 32094  
LOT 858 DP 32094  
LOT 859 DP 32094  
LOT 860 DP 32094  
LOT 861 DP 32094  
LOT 862 DP 32094  
LOT 864 DP 32094  
LOT 865 DP 32094  
LOT 866 DP 32094  
LOT 867 DP 32094

(vi) **Tweed Heads Streetscaping Special Rate**

**A Tweed Heads Streetscaping Special Rate of .0834 cents in the dollar on the rateable land value of applicable land in the Tweed Shire Council area. The following is a description of the applicable land -**

LOT 7 DP 167898  
LOT 1 SP 70355  
LOT 2 SP 70355  
LOT A DP 398092  
LOT 2 DP 525905  
  
LOT 8 SEC 2 DP 759009  
LOTS 2-6 DP 224382  
  
LOT 3 DP 110355  
LOT 1 DP 306057  
LOT A DP 313926  
LOT 1 SP 5287  
LOT 2 SP 5287  
LOT 3 SP 5287  
LOT 4 SP 528  
LOT 5 SP 528  
LOT 6 SP 5287  
LOT 2 DP 229412  
LOT 5 DP 549037  
LOT 6 DP 549037  
LOT 1 SP 10552  
LOT 2 SP 10552  
LOT 3 SP 10552  
LOT 4 SP 10552  
LOT 1 DP 534136  
LOT 2 DP 101111  
LOTS 3-4 DP 420750  
LOTS 1-2 DP 420749  
COR LOTS 32/35 DP 237678 SPL COR 73.15 X 50.8  
LOT 64 DP 237806 16.99X29.26/36.58 SPL COR  
LOT 2 DP 549328 14.5/12.14X36.58/36.65  
LOT 1 DP 549328  
LOT 61 DP 237806 12.19X36.58  
LOT 60 DP 237806 12.19X36.58  
LOTS 58/59 DP 237806 24.38X36.58  
LOT 57 DP 237806 12.19X36.58  
LOT 56 DP 237806  
LOT 55 DP 237806 12.19X36.58  
LOT 54 DP 237806  
LOT 53 DP 237806  
LOT 52 DP 237806  
LOT 1 SP 14263  
LOT 2 SP 14263  
LOT 3 SP 14263  
LOT 4 SP 14263  
LOT 5 SP 14263  
LOT 1 DP 525413  
LOT 1 DP 553728  
LOT 1 DP 777183 SUBJ TO E'MENTS  
LOT 9 DP 964880 LOT 1 DP 303503  
LOT A DP 332137 49.911 X 50.292  
LOT B DP 332137 LOT 1 DP 962785 LOT 1 DP 962784 LOT 2 SEC 1 DP  
758279  
LOT 100 DP 775892  
LOT 3 DP 329933  
LOT 1 DP 17554  
LOT 2 DP 17554  
LOT 3 DP 17554  
LOT 4 DP 17554  
LOT 5 DP 17554

LOT 6 DP 17554  
LOT 7 DP 17554 29'9/30'XIRR90'10/93'9  
COR LOTS 2 & 3 DP 519757  
LOT 1 DP 222704  
LOT 1 DP 609342  
LOTS A & B DP 373378  
LOTS 1-2 SEC 4 DP 4570  
LOT 30 SEC 4 DP 4043 LOT 1 DP 329246 LOT 2 DP329247 LOT 3 DP 329248  
LOT 4 DP 329249  
LOT 6 SEC 4 DP 4570 LOT A DP 341926 & LOT 28 SEC 4 DP 4043  
LOT 10 SEC 4 DP 4570  
LOT 11 SEC 4 DP 4570 15.16/15.09 X 35.08/34.62  
LOTS 15 SEC 4 DP 4570 LOT 16 SEC 4 DP 4043  
LOT 1 SP 14262  
LOT 2 SP 14262  
LOT 3 SP 14262  
LOT 4 SP 14262  
LOT 5 SP 14262  
LOT 6 SP 14262  
LOT 7 SP 14262  
LOT 8 SP 14262  
LOT 9 SP 14262  
LOT 10 SP 14262  
LOT 1 SP 32143  
LOT 2 SP 32143  
LOT 3 SP 32143  
LOT 4 SP 32143  
LOT 1 SEC 5 DP 759009 LOT 23 DP 776673  
LOT 672 DP 755740 LOT 3 DP 520173 LOT 1 DP 245697 LOTS 2-3 DP 561138  
LOT 1 DP 820693  
LOT 19 SEC 4 DP 4043 LOTS 12/14 SEC 4 DP 4570  
LOT 1 DP 866236  
LOT 1 DP 1007168  
LOT 2 DP 1007168  
LOT 4 DP 1007168  
LOT 1 SP 57664  
LOT 2 SP 57664  
LOT 3 SP 57664  
LOT 4 SP 57664  
LOT 5 SP 57664  
LOT 6 SP 57664  
LOT 7 SP 57664  
LOT 8 SP 57664  
LOT 9 SP 57664  
LOT 10 SP 57664  
LOT 11 SP 57664  
LOT 12 SP 57664  
LOT 13 SP 57664  
LOT 14 SP 57664  
LOT 15 SP 57664  
LOT 16 SP 57664  
LOT 17 SP 57664  
LOT 18 SP 57664  
LOT 100 DP 1021860  
LOT 1 SP 70355  
LOT 2 SP 70355

**(vii) Koala Beach Special Rate**

**A Koala Beach Special Rate of .0465 cents in the dollar on the rateable land value of applicable land in the Tweed Shire Council area. The following is a description of the applicable land -**

LOT 1 DP 864093  
LOT 2 DP 864093  
LOT 3 DP 864093  
LOT 4 DP 864093  
LOT 5 DP 864093  
LOT 6 DP 864093  
LOT 7 DP 864093 EASEMENT(S) SUBJ TO ROC  
LOT 8 DP 864093 SUBJ TO DE & SUBJ TO ROC  
LOT 9 DP 864093  
LOT 10 DP 864093  
LOT 11 DP 864093  
LOT 12 DP 864093  
LOT 13 DP 864093  
LOT 16 DP 864093  
LOT 17 DP 864093  
LOT 18 DP 864093  
LOT 19 DP 864093  
LOT 20 DP 864093  
LOT 21 DP 864093  
LOT 30 DP 864094  
LOT 31 DP 864094  
LOT 32 DP 864094  
LOT 33 DP 864094  
LOT 34 DP 864094  
LOT 35 DP 864094  
LOT 36 DP 864094  
LOT 37 DP 864094  
LOT 38 DP 864094  
LOT 39 DP 864094  
LOT 40 DP 864094  
LOT 41 DP 864094  
LOT 42 DP 864094  
LOT 43 DP 864094  
LOT 44 DP 864094  
LOT 45 DP 864094  
LOT 46 DP 864094 SUBJ TO SEWER E'MENT  
LOT 47 DP 864094 SUBJ TO DE  
LOT 48 DP 864094  
LOT 49 DP 864094 SUBJ TO DE  
LOT 50 DP 864094 SUBJ TO DE  
LOT 51 DP 864094  
LOT 52 DP 864094  
LOT 53 DP 864094  
LOT 54 DP 864094  
LOT 55 DP 864094  
LOT 56 DP 864094  
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LOT 58 DP 864094  
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LOT 64 DP 864094  
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LOT 69 DP 864094  
LOT 70 DP 864094  
LOT 71 DP 864094  
LOT 72 DP 864094  
LOT 73 DP 864094  
LOT 74 DP 864094  
LOT 75 DP 864094  
LOT 76 DP 864094  
LOT 77 DP 864094  
LOT 78 DP 864094  
LOT 79 DP 864094  
LOT 80 DP 864094  
LOT 81 DP 864094  
LOT 82 DP 864094  
LOT 83 DP 864094  
LOT 84 DP 864094  
LOT 85 DP 864094  
LOT 86 DP 864094  
LOT 87 DP 864094  
LOT 88 DP 864094  
LOT 91 DP 864094  
LOT 92 DP 864095  
LOT 93 DP 864095  
LOT 94 DP 864095  
LOT 95 DP 864095  
LOT 96 DP 864095  
LOT 97 DP 864095  
LOT 98 DP 864095  
LOT 99 DP 864095  
LOT 100 DP 864095  
LOT 101 DP 864095  
LOT 14 DP 870694  
LOT 15 DP 870694  
LOT 22 DP 870695  
LOT 23 DP 870695  
LOT 24 DP 870695  
LOT 25 DP 870695  
LOT 26 DP 870695  
LOT 27 DP 870695  
LOT 28 DP 870695  
LOT 29 DP 870695  
LOT 213 DP 1033384  
LOT 214 DP 1033384  
LOT 215 DP 1033384  
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LOT 201 DP 1033384  
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LOT 211 DP 1033384  
LOT 451 DP 1040725  
LOT 452 DP 1040725  
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LOT 461 DP 1040725  
LOT 301 DP 1049060  
LOT 302 DP 1049060  
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LOT 353 DP 1049061  
LOT 354 DP 1049061  
LOT 355 DP 1049061  
LOT 356 DP 1049061  
LOT 357 DP 1049061  
LOT 339 DP 1052080

LOT 370 DP 1052082  
LOT 371 DP 1052082  
LOT 372 DP 1052082  
LOT 373 DP 1052082  
LOT 374 DP 1052082  
LOT 375 DP 1052082  
LOT 376 DP 1052082  
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LOT 424 DP 1052083  
LOT 425 DP 1052083  
LOT 426 DP 1052083  
LOT 90 DP 864094 LOT 212 DP 1033384  
LOT 89 DP 864094 LOT 200 DP 1033384



LOT 501 DP 1068516  
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LOT 516 DP 1068516  
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LOT 594 DP 1076975  
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LOT 596 DP 1076975  
LOT 597 DP 1076975  
LOT 598 DP 1076975  
LOT 599 DP 1076975  
LOT 600 DP 1076975  
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LOT 602 DP 1076975  
LOT 603 DP 1076975  
LOT 604 DP 1076975  
LOT 605 DP 1076975  
LOT 606 DP 1076975  
LOT 607 DP 1076975  
LOT 608 DP 1076975  
LOT 739 DP 1076973  
LOT 919 DP 1077493  
LOT 610 DP 1077500  
LOT 611 DP 1077500  
LOT 612 DP 1077500  
LOT 613 DP 1077500  
LOT 614 DP 1077500  
LOT 615 DP 1077500  
LOT 616 DP 1077500  
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LOT 618 DP 1077500  
LOT 619 DP 1077500  
LOT 620 DP 1077500

LOT 621 DP 1077500  
LOT 622 DP 1077500  
LOT 623 DP 1077500  
LOT 624 DP 1077500  
LOT 625 DP 1077500  
LOT 626 DP 1077500  
LOT 627 DP 1077500  
LOT 628 DP 1077500  
LOT 629 DP 1077500  
LOT 630 DP 1077500  
LOT 631 DP 1077500  
LOT 632 DP 1077500  
LOT 633 DP 1077500  
LOT 634 DP 1077500  
LOT 635 DP 1077500  
LOT 638 DP 1077500  
LOT 661 DP 1078611  
LOT 662 DP 1078611  
LOT 663 DP 1078611  
LOT 664 DP 1078611  
LOT 665 DP 1078611  
LOT 666 DP 1078611  
LOT 667 DP 1078611  
LOT 668 DP 1078611  
LOT 669 DP 1078611  
LOT 670 DP 1078611  
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LOT 672 DP 1078611  
LOT 673 DP 1078611  
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LOT 683 DP 1078611  
LOT 684 DP 1078611  
LOT 685 DP 1078611  
LOT 686 DP 1078611  
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LOT 696 DP 1078611  
LOT 697 DP 1078611  
LOT 698 DP 1078611  
LOT 699 DP 1078611  
LOT 700 DP 1078611  
LOT 701 DP 1078611  
LOT 702 DP 1078611  
LOT 703 DP 1078611

LOT 704 DP 1078611  
LOT 705 DP 1078611  
LOT 706 DP 1078611  
LOT 707 DP 1078611  
LOT 708 DP 1078611  
LOT 709 DP 1078611  
LOT 710 DP 1078611  
LOT 711 DP 1078611  
LOT 712 DP 1078611  
LOT 713 DP 1078611  
LOT 714 DP 1078611  
LOT 715 DP 1078611  
LOT 716 DP 1078611  
LOT 717 DP 1078611  
LOT 718 DP 1078611  
LOT 719 DP 1078611  
LOT 720 DP 1078611  
LOT 721 DP 1078611  
LOT 722 DP 1078611  
LOT 723 DP 1078611  
LOT 724 DP 1078611  
LOT 725 DP 1078611  
LOT 726 DP 1078611  
LOT 727 DP 1078611  
LOT 728 DP 1078611  
LOT 729 DP 1078611  
LOT 730 DP 1078611  
LOT 731 DP 1078611  
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LOT 733 DP 1078611  
LOT 734 DP 1078611  
LOT 735 DP 1078611  
LOT 736 DP 1078611  
LOT 737 DP 1078611

- (viii) **Burringbar-Mooball Sewerage – Annual Charge**  
A Burringbar-Mooball Sewerage Annual Charge for all rateable land which will be serviced by the Burringbar/Mooball Sewerage Scheme of the Tweed. An annual sewerage charge of three hundred and fifty dollars (\$350.00) in respect of any separate parcel of rateable land within the Mooball/Burringbar area. The following is a description of the applicable land: -

PT LOT 1 SEC 1 DP 3090  
LOT 6 DP 5114  
LOT 5 DP 5114  
LOTS 3-4 DP 5114 LOT 1 DP 126083 LOT 11 DP 1093305  
LOT 3 SEC 1 DP 3090  
LOT 2 DP 360551  
LOT 1 DP 388082  
LOT 3 DP 574439  
LOT 1 DP 503384  
LOT 7 SEC 1 DP 3090  
LOT 8 SEC 1 DP 3090  
LOT 10-10A SEC 1 DP 6696  
LOT 1 DP 771720  
LOT 1A SEC 2 DP 6696

LOTS 2-2A SEC 2 DP 6696  
LOTS 3-3A SEC 2 DP 6696  
LOTS 4-4A SEC 2 DP 6696  
LOT 5 SEC 2 DP 6696  
LOT 12 DP 571794  
LOT 10 SEC 2 DP 3090  
LOT A DP 380818  
LOT B DP 380818 16.76 X 50.29  
LOT 1 DP 377857  
LOT 2 DP 377857 20.12 X 50.29  
LOT 3 DP 377857 20.12 X 50.29  
LOTS 4/5 DP 379207  
LOT 6 DP 261790  
LOT 7 DP 261790  
LOT 8 DP 261790 23.14 X 73.56  
LOT 9 DP 261790  
LOT 10 DP 261790  
LOT 14 DP 261790  
LOT 16 DP 261790  
LOT 17 DP 261790 18.6 X 39.5  
LOT 18 DP 261790  
LOT 19 DP 261790  
LOT 20 DP 261790  
LOT 4 SEC 2 DP 2853  
LOT 2 DP 261790  
LOT 3 DP 261790  
LOT 5 DP 261790  
LOT 7 DP 617837  
LOT 6 DP 617837  
LOT 1 DP 517616  
LOT 5 DP 563017  
LOT 2 DP 701606  
LOT 1 DP 701606  
LOT 3 DP 542839  
LOT 1 DP 801130  
LOTS A-D DP 6624  
LOT E DP 6624  
LOT I DP 6624  
LOTS J & K DP 6624  
LOT 2 DP 705526  
LOT B DP 408782  
LOT A DP 403665 20.12X50.29  
LOT 1 DP 383810  
LOTS 1-3 DP 124446  
LOT 1 DP 124445  
LOT 2 DP 124445  
LOT 1 DP 124444  
LOT 2 DP 124444  
LOT 16 SEC 1 DP 2853  
LOT 17 SEC 1 DP 2853  
LOT 11 DP 866170  
LOT 2 DP 228425  
LOT 4 DP 607681  
LOT 3 DP 607681  
LOT 1 DP 972819  
LOT 6 DP 381443  
LOT 1 DP 378287  
LOT 1 DP 379905  
LOT 1 DP 231691

LOT 2 DP 231691  
LOT 2 DP 5726  
LOT 3 DP 5726  
LOT 14 DP 631001  
LOT 15 DP 631001  
LOTS 6/7 DP 5726  
LOTS 8/9 DP 5726  
LOTS 10/11 DP 5726  
LOTS 12-13 DP 5726  
LOTS 14-15 DP 5726  
LOT 1 DP 124443 LOT 4 DP 877090  
LOT 5 DP 877090  
LOT 1 SEC 3 DP 2853  
LOTS 24/26 DP 597517  
LOT 27 DP 597517  
LOT 8 SEC 3 DP 2853  
LOT 1 DP 332658  
LOT A DP 363236 VOL 5985 FOL 159  
LOT B DP 363236 VOL 6486 FOL 70  
LOT 10 SEC 1 DP 17414  
LOT 9 SEC 1 DP 17414  
LOT 8 SEC 1 DP 17414 25.3/26.47X39.07  
LOT 7 SEC 1 DP 17414  
LOT 6 SEC 1 DP 17414  
LOT 5 SEC 1 DP 17414  
LOT 4 SEC 1 DP 17414  
LOT 3 SEC 1 DP 17414  
LOTS 1-2 DP 316479  
LOT 1 DP 329318 LOT 1 DP 393596 LOT 1 DP 123205  
LOT 3 DP 329318  
LOT 4 SEC 2 DP 17414  
LOT C DP 370478  
LOTS D/E DP 370478  
LOT A DP 420797 & LOT F DP 370478  
LOTS A-B DP 403876 LOT 2 DP 316482 LOT 3 DP 659959  
LOT 1 DP 129581  
LOT 1 DP 369445 23.11X41.58/41.76  
LOT B DP 365259 24.38X 41.76/42.14 ABT  
LOT A DP 354678  
LOTS 1-2 DP 26048  
LOT 3 DP 26048  
LOT 1 DP 231846  
LOT 2 DP 534493  
LOT 3 DP 621019  
LOT 2 SEC 3 DP 3090  
LOT 3 SEC 3 DP 3090  
LOT 4 SEC 3 DP 3090  
LOT 5 SEC 3 DP 3090  
LOTS 6/7 SEC 3 DP 3090  
LOT 1 DP 134112 & LOT 1 DP 444022  
LOT 23 DP 658471 & LOT 1 DP 441094  
LOT 2 DP 603957  
LOT 1 DP 603957 19.5 X 50.29  
COR LOT 21 DP 5726 28.55 X 50.29  
COR LOT 1 SEC 4 DP 3090 20.12 X 50.29  
LOT 2 SEC 4 DP 3090  
LOT 3 SEC 4 DP 3090 20.12 X 50.29  
LOT 4 SEC 4 DP 3090 20.12 X 50.29  
LOT 6 SEC 4 DP 3090

LOT 7 SEC 4 DP  
LOT 15 SEC 1 DP 2853  
LOT 1 DP 705526  
LOT 16 DP 712033  
LOT 9 SEC 3 DP 2853  
LOT 1 DP 780313  
LOT 1 DP 812763  
LOT D DP 366531  
LOT 14 DP 716554  
LOT 15 DP 716554  
LOT 1 DP 1026551  
LOT 12 DP 866170  
LOT 1 DP 107628  
LOTS 8/9 DP 383174 16.76 X 40.94  
LOT 1 DP 805475  
LOT 2 DP 812763  
LOT 14 SEC 1 DP 2853  
LOT 1 DP 828287  
LOT 1 DP 835350  
LOT 2 DP 835350  
LOT 3 DP 828280  
LOT 3 DP 124444  
LOT 9 SEC 1 DP 2853  
LOT 25 DP 871153  
LOT 102 & LOT 103 DP 1074149  
LOT 2 DP 872622  
LOT 1 DP 124646  
LOTS A & B DP 366531  
LOT C DP 366351  
LOT 101 DP 1074149

- (ix) **Dobbys Crescent Sewerage Annual Charge**  
**A Dobbys Crescent Sewerage Annual Charge for all rateable land which will be serviced by the Dobbys Crescent Sewerage Scheme of the Tweed. An annual sewerage charge of four hundred and fifty dollars (\$450.00) in respect of any separate parcel of rateable land within the Dobbys Crescent area. The following is a description of the applicable land: -**

LOT 1 SEC 1 DP 30148  
LOT 2 SEC 1 DP 30148  
LOT 3 SEC 1 DP 30148  
LOT 4 SEC 1 DP 30148  
LOT 1 DP 781535  
LOT 2 DP 781535  
LOT 7 SEC 1 DP 30148  
LOT 28 DP 212092  
LOT 24 DP 212092  
LOT 18 DP 212092  
LOT 17 DP 212092  
LOT 15 DP 212092  
LOT 16 DP 212092  
LOT 14 DP 212092  
LOT 13 DP 212092  
LOT 12 DP 212092  
LOT 11 DP 212092  
LOT 10 SEC 2 DP 30148

LOT 9 SEC 2 DP 30148  
LOT 8 SEC 2 DP 30148  
LOT 5 SEC 2 DP 30148  
LOT 4 SEC 2 DP 30148  
LOT 3 SEC 2 DP 30148  
LOT 2 SEC 2 DP 30148  
LOT 1 SEC 2 DP 30148 LOT 1 DP 781539  
LOT 5 DP 588767  
LOT 1 DP 781536  
LOT 2 DP 609870  
LOT 1 DP 609870  
LOT 3 DP 211196  
LOT 19 DP 212092  
LOT 20 DP 212092  
LOT 21 DP 212092  
LOT 22 DP 212092  
LOT 23 DP 212092  
LOT 25 DP 212092  
LOT 6 SEC 2 DP 30148  
LOT 7 SEC 2 DP 30148  
LOT 32 DP 1013881  
LOT 31 DP 1013881  
LOT 1 DP 1069663

(ix) **Sanitary Annual Charge**

A Sanitary Annual Charge for all rateable land which will be serviced by the Sanitary Scheme of the Tweed. An annual Sanitary charge of five hundred dollars (\$500.00) in respect of any separate parcel of rateable land within the Sanitary Scheme area. The following is a description of the applicable land: -

LOT A DP 354678  
LOT 9 SEC 1 DP 3090  
LOT 1 DP 119104 LOT B DP 974349  
LOT 1 DP 222006  
LOT 277 DP 755740  
LOT I DP 6624  
LOT 1 DP 950326 LOT 1 DP 129078 LOT 13 DP 631225  
LOTS 8/9 DP 5726 40.23X50.29  
LOT 2 DP 319724  
LOT B DP 399999  
COR LOT 1 SEC 4 DP 3090

(x) **Domestic Waste Management Annual Charge**

A Domestic Waste Management Annual Charge for all land within the declared domestic waste scavenging area, maps of which are available from Council's Environment and Health Services Unit. An annual charge of sixty-five dollars (\$62.80) in respect of any applicable land within the declared domestic waste scavenging area.



**(xi) Domestic Waste Service Annual Charge**

**A Domestic Waste Service Annual Charge for all land within the declared domestic waste scavenging area for the removal of the approved contents of an approved 240 litre mobile waste bin each week, maps of which are available from Council's Environment and Health Services Unit. An annual charge of one hundred and twenty six dollars and twenty cents (\$126.20) in respect of any applicable serviced land within the declared domestic waste scavenging area. Additional services will be charged at one hundred and twenty six dollars and twenty cents (\$126.20). An additional annual charge of thirty dollars (\$35.00) is applicable to all landowners who have requested a fortnightly green waste collection service.**

- 2. In accordance with section 566(3) of the Local Government Act 1993 that the maximum rate of interest payable on overdue rates and charges be 9%.**

**REPORT:**

Council adopted the 2006/2009 Management Plan at its meeting of 13 June 2006. The Plan outlined Council's proposed rate structure including a General Fund notional rate increase of 7.6%. Council is now required to make the rate for 2006/2007.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

The current numbers of rateable properties as at 1<sup>st</sup> July 2006 for ordinary rates are: -

Residential	32,794
Business	1,525
Farmland	<u>1,537</u>
<b>Total</b>	<b>35,856</b>

The impact on the minimum rates is as follows: -

	<b>Residential</b>	<b>Farmland</b>	<b>Business</b>
Ordinary rate	\$576.95	\$576.95	\$616.60
Sewerage charge	\$473.00	\$473.00	\$473.00
Water Access Charge	\$95.00	\$95.00	\$95.00
Domestic Garbage Charge	<u>\$189.00</u>	<u>\$189.00</u>	<u>\$208.50</u>
<b>Total</b>	<b>\$1,333.95</b>	<b>\$1333.95</b>	\$1393.10

Increase in minimum rates

Increase from 2006 – 2007	\$79.25	\$79.25	\$119.40
Cents per week	\$1.52	\$1.52	\$2.30
Percentage increase	6.3%	6.3%	9.4%

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

To view any "**non confidential**" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).

Nil.

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**O4 [GC-OC] Monthly Investment Report for Period Ending 30 June 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.

**RECOMMENDATION:**

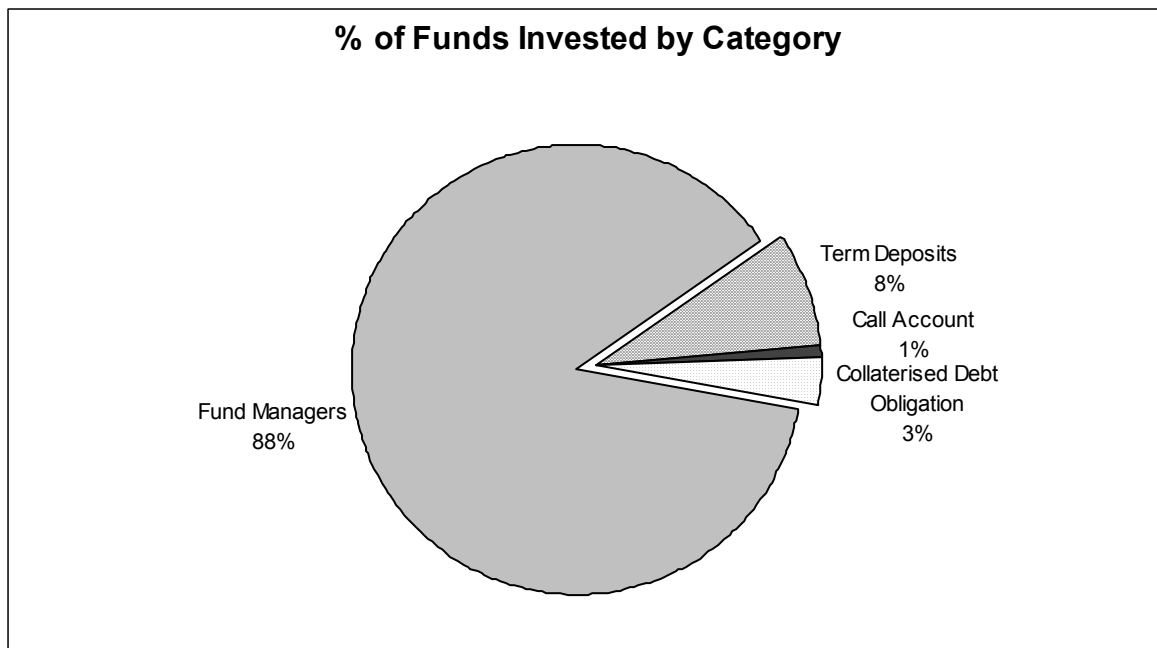
**That in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at 30 June 2006 totalling \$120.4 million be received and noted.**

**REPORT:**

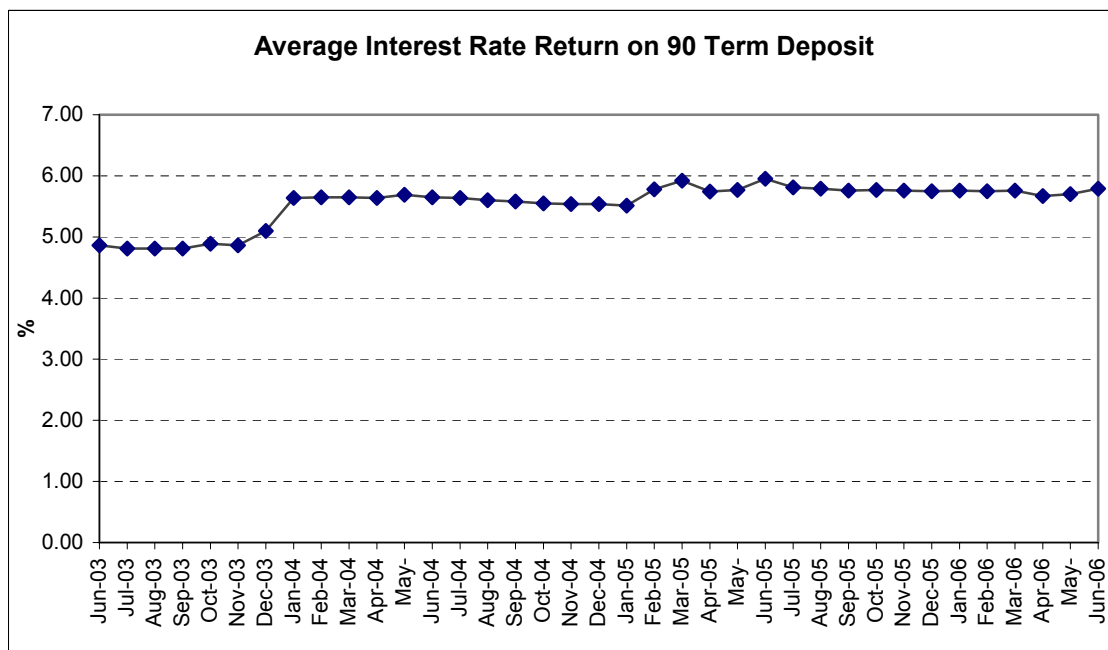
**Report for Period Ending 30 June 2006**

The "Responsible Accounting Officer" must report monthly to Council, setting out details of all the funds Council has invested and certification has been made in accordance with Section 625 of the Local Government Act (1993), Clause 212 of the Local Government (General) Regulations and Council policies.

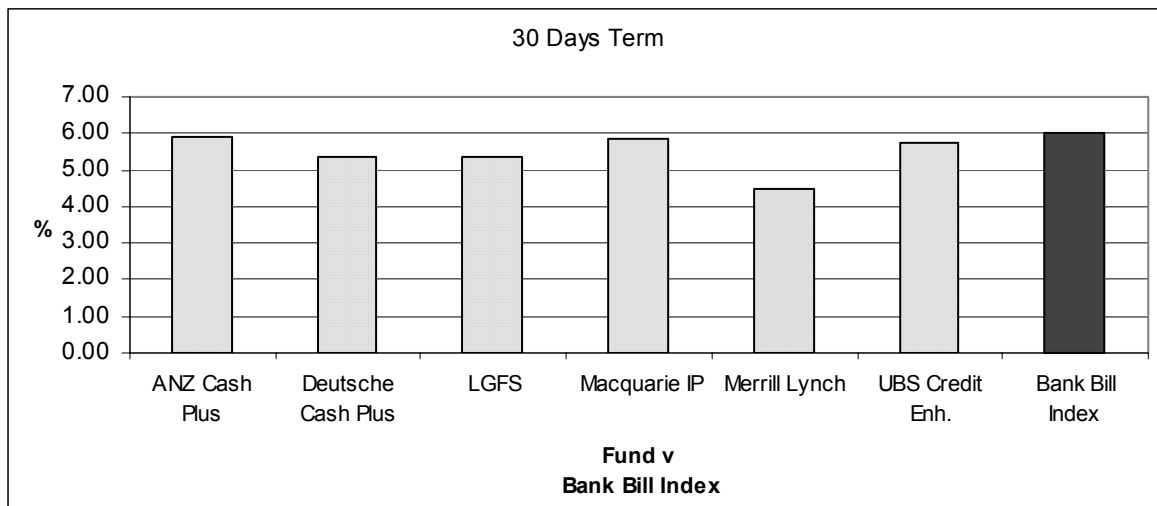
**1. CURRENT INVESTMENT PORTFOLIO BY CATEGORY**



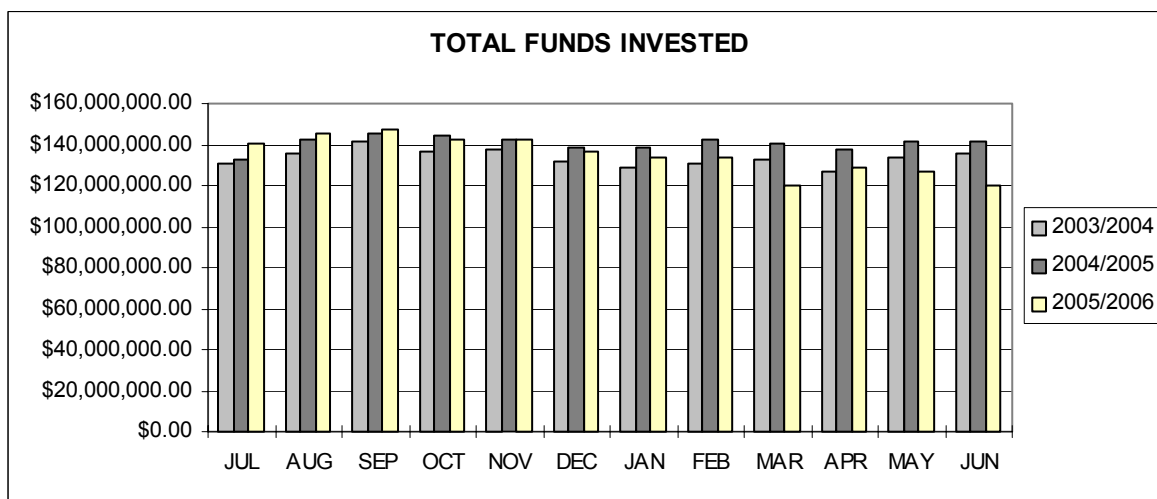
**2. INVESTMENT RATES - 90 DAY BANK BILL RATE (%)**



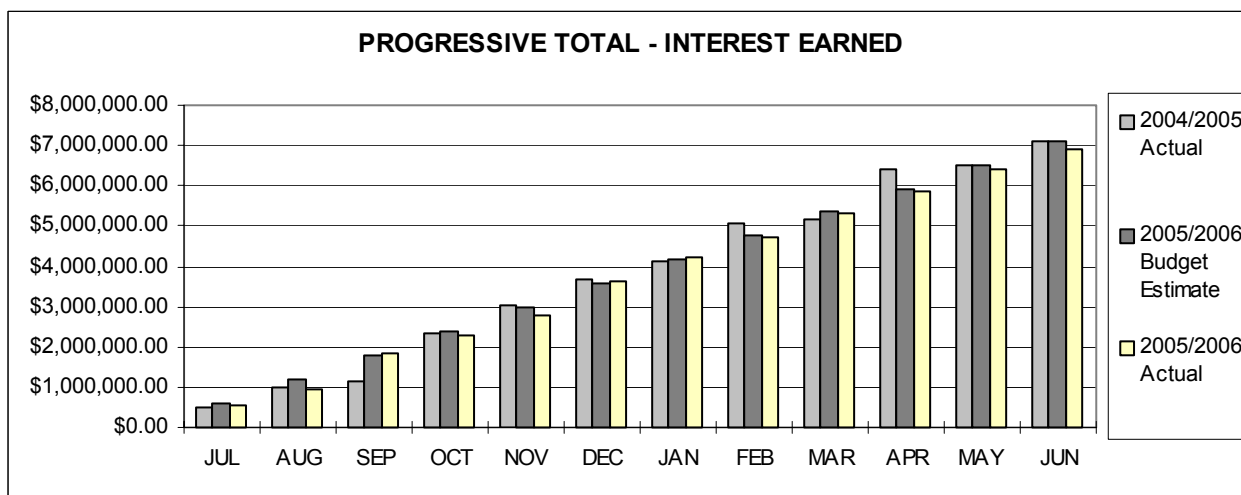
**3. ANNUALISED RATE OF RETURN FOR FUNDS MANAGERS - NET OF FEES**



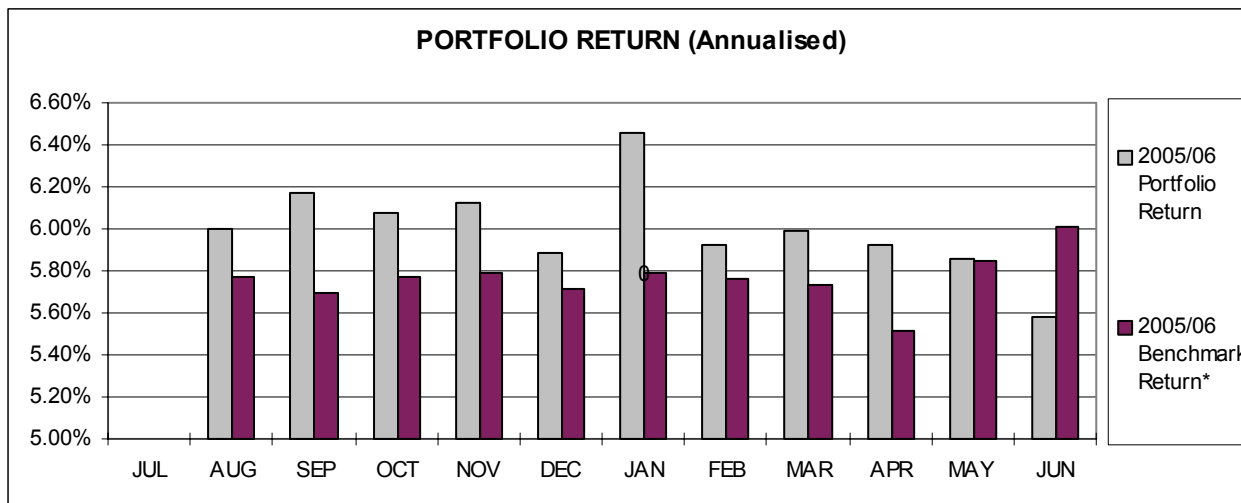
**4. MONTHLY COMPARISON OF TOTAL FUNDS INVESTED**



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



**6. PORTFOLIO PERFORMANCE**



**7. MARKET COMMENTARY**

Concerns over inflation intensified in the USA during June. Core consumer prices recorded a strong increase that saw the rate of inflation rise to its highest level in eleven years. This spike in inflation and hawkish rhetoric by the US Federal Reserve through the month means that interest rates may rise again in August. The 0.25% US rate rise in June to 5.25% was the 17th consecutive increase by the Federal Reserve.

The past month also saw a continuation of the synchronised tightening cycle amongst the major industrial economies with many central banks in Europe raising rates.

In Australia, the unemployment rate fell to a 30 year low of 4.9%. Based on this data the market has priced in a follow-up rate hike by the Reserve Bank by August.

Credit spreads widened during June. e.g. new issues in the market place are paying a higher return than previous issues. In general, bank bills are outperforming cash fund managers but this situation should not continue beyond the next 90 days as the longer dated components of the cash fund managers portfolios are replaced by higher yielding, newer investments.

*Source: Macquarie Investment Management Limited June Economic Commentary*

**8. INVESTMENT SUMMARY AS AT 30 JUNE 2006**

<b>GENERAL FUND</b>			
	TERM DEPOSITS	8,158,500.00	
	FUND MANAGERS	37,017,757.73	
	COLLATERISED DEBT OBLIGATION	4,000,000.00	
	CALL	1,000,000.00	<b>50,176,257.73</b>
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<b>WATER FUND</b>			
	TERM DEPOSITS	0.00	
	FUND MANAGERS	25,274,174.43	<b>25,274,174.43</b>
<hr/>			
<b>SEWERAGE FUND</b>			
	TERM DEPOSITS	2,000,000.00	
	FUND MANAGERS	42,986,632.27	
	CALL	0.00	
	FLOATING RATE NOTE	0.00	<b>44,986,632.27</b>
	<b>TOTAL INVESTMENTS</b>		<b>120,437,064.43</b>

It should be noted that the General Funds investments of \$50.1 million are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

**Statutory Statement - Local Government (General) Regulation 2005 Clause 212**

I certify that Council's investments have been made in accordance with the Local Government Act 1993, the Local Government (General) Regulations and Council's investment policies.



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

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**O5 [GC-OC] Access to Information Policy**

**ORIGIN:**

**Corporate Performance**

**SUMMARY OF REPORT:**

Council's Access to Documents Policy has been enhanced, after the review of the draft access to information guidelines issued by the NSW Local Government Governance Network Group and comments on Council's current Policy provided by its Freedom of Information consultant.

In summary, the enhancements include:

- Change of name to Access to Information.
- Detail outlining how Council will deal with submission letters and in particular the way identifying particulars of authors are treated, as well as information considered by Council in a closed meeting.
- Freedom of Information application details.

**RECOMMENDATION:**

**That Council adopts the amended Access to Information Policy:**

**ACCESS TO INFORMATION**

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**Objectives**

The prime objective of this policy is to provide direction to Council Officers and the public on the role of Council in managing and providing information to the public.

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Privacy and access to Council information can be a complex issue due to the amount of legislation which has an impact upon Council.

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**Principles**

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This Policy advocates that Section 12 of the Local Government Act 1993 is to be used in preference to the Freedom of Information Act in the first instance of a request for access to Council information or a document. There is a right of access under the Local Government Act 1993, to documents held by Council unless disclosure is on balance contrary to the Public Interest.

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*Council will consider all applications for information in accordance with Section 12 of the Local Government Act on its merits, but it may refuse or delay providing information where very large requests that may involve substantial and unreasonable diversion of council resources from meeting other requests by members of the public or the conduct of other council functions.*

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Charges will apply in accordance with Council's Fees and Charges for photocopying of any documents given access.

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In accordance with this Policy submission letters including the identifying particulars of the authors, to Council of matters of policy or proposals ( e.g. development applications, LEP changes and draft management plan) are deemed to be for the purpose of public process and are therefore available for inspection. Council will give consideration to the "Public Interest " and requests for confidentiality by submitters in determining access to submission letters

All invitation for public submissions will include a statement that their submissions including identifying particulars will be made public. The provisions of the Freedom of Information Act may result in confidential submissions being released to an applicant.

**Freedom of Information**

There are additional rights of access to documents held by Council under the NSW Freedom of Information Act 1989. Any application will be processed in accordance with the Act's requirements and a determination made to release the documents, or refuse access, on the basis of the exemption provisions in the Act.

Freedom of Information Act applications forms are available from the Council Internet website under Application Forms or by direct request from Council.

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Adopted at Council Meeting held 28 February 2006 at Minute No O 21 and 25

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Page 1 of 6

Tweed Shire Council is seeking commitment from all stakeholders to this policy.

**Sourcing of Policy**

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The Access to Information Policy is: -

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- listed on the Council Intranet and Internet under Council Policies.

**Legislation**

The Local Government Act 1993 contains provisions that confers rights of access on members of the public to information and documents.

- Section 9 - *Access to Business Papers of Open Council*
- Section 11- *public access to correspondence and reports;*
- Section 12 – *what information is publicly available.*

Other forms of legislation or documents which have an impact upon access to documents include:-

- Privacy Code of Practice for Local Government- *public registers*
- Privacy and Personal Information Protection Act 1998 – *PIPPA*
- Freedom of Information Act (FOI Act)
- Commonwealth Copyright Act 1968 – *governing the copying of information*
- Environmental Planning and Assessment Act and Regulation

**Responsibility of Policy**

The General Manager is required to delegate to a Council Officer the responsibilities of the role of the Public Officer – Section 342.

Section 343 lists the functions of the Public Officer , which includes the responsibility of assisting people to gain access to public documents of the Council.

**Access Strategy**

The Local Government Act provides the following framework regarding the maintenance of information and conferring rights of access on members of the public to that information .

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Adopted at Council Meeting held 28 February 2006 at Minute No O 21 and 25  
Page 2 of 6

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The appropriate sections of the Act are as follows:-

*Sections 9 & 11(1) - access to business papers, correspondence and reports which are considered in open session of council.*

**Making an Application – Section 12**

To request access to information under this section, applicants are requested to complete the Access to Information Request Form available from Council's Internet Website under Application Forms.

*Section 12(1) – Council's Access to Information Procedures, lists documents that are available for inspection and how they can be accessed.*

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*Section 12(1A) - provides for access to development applications and associated documents – does not include internal layout of residential parts of proposed buildings (floor plans), or development application plans and specifications that contain commercial information*

The Access to Information Policy principles provides the direction for dealing with information on objections for development applications,

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Deleted: is publicly available – including the identifying particulars of the authors except where authors

Deleted: objectors

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Deleted: names and addresses not be provided

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*Section 12(2) - Council is not entitled to charge for the inspection, only for photocopying fees, as contained in the Annual Fees and Charges.*

*Section 12(6) - Council may withhold certain information contained in a document, if the disclosure is contrary to the public interest. eg.*

- o legal advice;
- o complainant details; and
- o personal (individual staff) matter.

*Section 12(7) - Personnel information – name or address, personal hardship of a ratepayer, trade secrets and disclosure would constitute an offence against an act.*

Deleted: Council will consider all applications for information in accordance with Section 12 of the Local Government Act on its merits, but it may refuse or delay providing information where very large requests that may involve substantial and unreasonable diversion of council resources from meeting other requests by members of the public or the conduct of other council functions. ¶

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**Access to Information Procedures**

Council's Access to Information Procedures describes in detail how the public may access Council documents and what information is either publicly or not publicly available.

Adopted at Council Meeting held 28 February 2006 at Minute No O 21 and 25

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Page 3 of 3

**REPORT:**

As per summary.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**O6 [GC-OC] Enforcement Policy - Unlawful Activity**

**ORIGIN:**

**Corporate Performance**

**SUMMARY OF REPORT:**

The Department of Local Government Reform Program – Promoting Better Practice has an activity:

*Q2.37 Does council has an enforcement and prosecutions policy?*

Tweed Shire Council does not have a corporate enforcement policy to give guidance to Council Officers in managing allegations of unlawful activities which pertain to its regulatory functions of development, health, animal control and other activities. It is considered for good governance that Council has a policy which deals with investigation of complaints, options for dealing with confirmed cases of unlawful activity, the way that staff respond and issues associated with enforcement actions.

The NSW Ombudsman has a publication “Enforcement Guidelines for Councils” which provides information on an enforcement policy that Councils should adopt, which is clear, concise and provides guidance on various aspects relating to enforcement.

The draft policy has been sourced from the above publication.

**RECOMMENDATION:**

**That the Council adopts the following Enforcement Policy - Unlawful Activity:**

**Purpose**

**To enable Council staff to act promptly, consistently and effectively in response to allegations of unlawful activity.**

**Policy Objectives**

**The aim of this policy is to establish clear guidelines for the exercise of discretion in dealing with action requests or complaints about unlawful activity. It provides workable guidelines on:**

- **how to assess whether complaints of unlawful activity require investigation**
- **options for dealing with unlawful activity**
- **how to decide whether enforcement action is warranted.**

### Application

This policy applies to the investigation and enforcement of complaints about unlawful activity or failure to comply with the terms or conditions of approvals licences and orders. While primarily directed at the regulation of development activity, the policy is also applicable to pollution control, regulation of parking and control over keeping animals.

### Responsibility

All council staff who deal with written and verbal action requests or complaints alleging unlawful activity are responsible for implementing these policy guidelines.

All notifications of alleged unlawful activity should be logged in council's customer work requests system or complaints system, which are automatically, through the work flow process, directed to the responsible officer.

### Definitions

Unlawful activity is any activity or work that has been or is being carried out:

- contrary to the terms of conditions of a development consent, approval, permission or licence
- contrary to an environmental planning instrument that regulates the activities or work that can be carried out on particular land
- contrary to a legislative provision regulating a particular activity or work
- without a required development consent, approval, permission or licence.

### Investigating unlawful activity

- Not all complaints will warrant investigation. Council will consider a range of factors when deciding whether to investigate. These include:
  - Is the matter within the jurisdiction of council?
  - Is the complaint premature, eg: does it relate to some unfished aspect of work that is still in progress?
  - Is the activity of work permissible with or without consent?
  - If the activity is permissible with consent, is there a consent in place?
  - Is it possible to determine from the information available to council whether the activity or work is permissible without consent and/or whether all conditions of consent are being complied with?
  - Is the complaint trivial, frivolous or vexatious?
  - Has too much time elapsed since the events of the subject of the complaint took place?
  - Is there another body that is a more appropriate agency to investigate and deal with the matter?
  - Is the activity having a significant detrimental effect on the environment or does it constitute a risk to public safety?



- Does the complaint indicate the existence of a systemic problem, eg: if the complaint is one of a series, could there be a pattern of conduct or a more widespread problem?
- Has the person or organisation complained of being the subject of previous complaints?
- Does the complaint have special significance in terms of the council's existing priorities?
- Are there significant resource implications in relation to an investigation and any subsequent enforcement action?
- Is it in the public interest to investigate the complaint?

If a decision is made not to investigate a complaint, this decision must be recorded with the reasons for that decision.

#### Responding to complainants

All customer work requests or complaints about alleged unlawful activity should be acknowledged within 14 days and a report should be provided if possible within a further 14 days on what action council has taken or plans to take.

#### Options for dealing with confirmed cases of unlawful activity

Council will try to use the quickest and most informal option to deal with unlawful activity wherever possible unless there is little likelihood of compliance with such options, or that option is not considered appropriate in the circumstances, eg. stronger action is warranted.

#### Approaches to be considered include:

- negotiating with the subject of the investigation and obtaining some undertakings to address the issues of concern arising from the investigation eg: an application for modification of development consent
- issuing a letter requiring work to be done or activity to cease in lieu of more formal action
- issuing a notice requiring work to be done under various legislation
- issuing a notice of intention to serve an order or notice under relevant legislation, followed by service of an appropriate order or notice (Local Government Act (LG Act) ss. 124-128, Environmental Planning & Assessment Act (EPA Act) s.121B, and the Protection of the Environment Operations Act (PEO Act) Pts 4.2-4.4 and 8.6)
- starting proceedings in the Land & Environment Court for an order to remedy or restrain a breach of the relevant Act or Regulation (s.673 LG Act; s.123 EPA Act)
- seeking injunctions from the Land & Environment Court or the Supreme Court
- issuing a summons in the local court
- issuing a penalty infringement notice
- taking proceedings for an offence against the relevant Act or Regulation (s.691 LG Act, s.125 EPA Act; Cl5 PEO Act)

- carrying out the works specified in an order under the LG Act at the cost of the person served with the order (s.678 LG Act).
- counselling the subject of the investigation to educate them on the relevant council requirements
- referring the complaint to an external agency for further investigation or prosecution
- taking no action on the basis of a lack of evidence or for some other appropriate reason

All enforcement action will be monitored and a decision made in relation to non-compliance within 14 days of any deadline imposed.

#### Taking enforcement action

When deciding whether to take enforcement action, council will consider the circumstances of the case. These include:

- Has the council created an estoppel situation?
- Is the breach a technical breach only?
- When was the unlawful activity carried out and for how long?
- How has the unlawful activity affected the natural or built environment and the health, safety and amenity of the area?
- Would consent have been given if it had been sought?
- Can the breach be easily remedied?
- Does the person in breach show contrition?
- Are there any particular circumstances of hardship affecting the complainant or the person the subject of the complaint?
- What would be in the public interest?
- Is there a draft planning instrument on exhibition that would make the unauthorised use legal?
- What are the costs and benefits of taking formal enforcement action as opposed to taking informal action or no action?
- What are the chances of success if the proposed enforcement action was challenged in court?
- What are the costs and benefits of taking formal enforcement action as opposed to taking informal action or no action?
- Would an educative approach be more appropriate than a coercive approach?
- Has the person the subject of the complaint received warning or other non-coercive approach or has formal legal action been taken?
- What action would be reasonable and proportionate in this case?

#### Delegations for enforcement action

Each member of Council staff who initiate various levels of enforcement action are to possess the appropriate delegations to enable the conduct of such enforcement action.

**REPORT:**

As per Summary.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

New Policy: Enforcement Policy - Unlawful Activity

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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**07 [EO-OC] Naming of Public Road, Torbonts Road, Carool**

**ORIGIN:**

Design

**FILE NO: GS5/1 Pt4**

**SUMMARY OF REPORT:**

Council at its meeting of 23 May 2006, resolved to publicise its intention to name the road reserve which runs off Glengarrie Road, approximately 350m west of the intersection of Glengarrie Road and Carool Road as "*Torbonts Road*" and allowed one month for objections to the proposal.

No objections were received to this proposal.

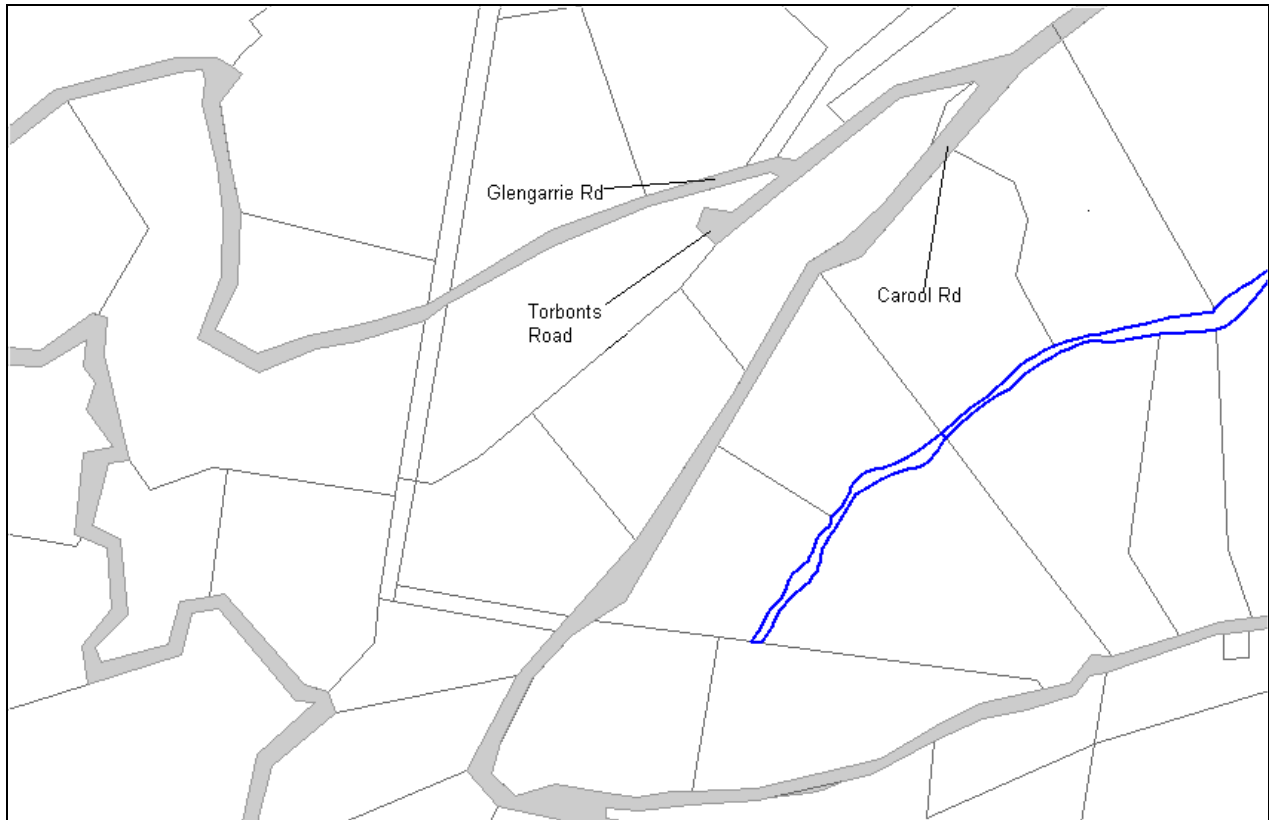
**RECOMMENDATION:**

**That:-**

- 1. Council adopts the name of "*Torbonts Road*", being the road reserve which runs off Glengarrie road, approximately 350m west of the intersection of Glengarrie Road and Carool Road; 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:**

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Nil.

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**08 [EO-OC] Sports Advisory Committee**

**ORIGIN:**

**Recreation Services**

**SUMMARY OF REPORT:**

The Sports Advisory Committee is a committee of Council comprising of 1 Administrator (Administrator Boyd) the Manager Recreation Services, and 8 community representatives. The committee acts as a community reference group for sport planning and development issues and makes recommendations to Council for expenditure from the asset reserve fund (Field licence fund).

The 2-year tenure of the current community representatives was completed at the June 2006 meeting. Consequently, it is recommended that Council invite nominations for community representatives on the Sports Advisory Committee.

**RECOMMENDATION:**

**That Council invites nominations for eight (8) community representatives on the Tweed Shire Council Sports Advisory Committee for a 2 year tenure.**

**REPORT:**

As per Summary of Report.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**09 [EO-OC] Tweed Valley Way - Murwillumbah Gateway Statements**

**ORIGIN:**

**Works**

**SUMMARY OF REPORT:**

Council has received advice from the Roads & Traffic Authority (RTA) that \$100,000 grant funding has been allocated to provide gateway statements for Murwillumbah as a consequence of deviation of the Pacific Highway.

**RECOMMENDATION:**

**That:-**

- 1. Council receives and notes the information.**
- 2. The allocation of the funding be the subject of a further report.**

**REPORT:**

**Background**

In August 2004 Council wrote to the RTA requesting funding for Gateway Statements for Tweed Valley Way as a means to assist Murwillumbah attract business following the bypassing of the town by the Pacific Highway Yelgun to Chinderah Deviation. Enclosed with Council's letter was a letter from the Murwillumbah District Business Chamber Inc outlining some proposals for such treatment. The RTA have advised by letter dated 20 June 2006 of grant funding of \$100,000 towards the gateway statements.

**Options**

The purpose of the funding is to assist in the commercial viability of Murwillumbah following the highway deviation. It could be argued that this would be achieved through either:-

- Physical enhancement to the town entrance
- Planning for the future of the town commercial area

or a combination of both.

With regard to the first point, some suggestions are included in the Murwillumbah District Business Chamber Inc letter. Other treatments could be suggested.

Regarding the second point, Council is about to commission the preparation of a Murwillumbah Locality Plan. The RTA funds could make a contribution to the cost of this report.

Further consideration of options for application of the grant funds will be the subject of a further report.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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1. Copy of RTA letter dated 20 June 2006 (DW No 1413951)
  2. Copy of TSC letter dated 18 Aug 2004 (DW No 1057068)
  3. Copy of Murwillumbah District Business Chamber Inc. letter received 24 June 2004 (DW No 1082287)
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**O10 [EO-OC] June 2006 - Variation Report Contract EC2005-033 Construction of Kingscliff Sewage Treatment Plant**

**ORIGIN:**

Water

**FILE NO: GC12/2-2005-033**

**SUMMARY OF REPORT:**

Approved variations to the Kingscliff Sewage Treatment works contract in the April to June 2006 quarter amount to \$608,819.00. This increases the total contract sum to \$31,367,047.

**RECOMMENDATION:**

**That the June 2006 Quarterly Variations totalling \$608,819.33 (as detailed below) on Contract EC2005-033 for the Construction of the Kingscliff Sewage Treatment Plant be received and noted:-**

- 1. Variation No. 2 - increase in long service levy by 0.15% of the contract value (\$49,452.00 GST Excl.)**
- 2. Variation No. 3 - Provision of Alarm Monitoring System to Superintendent's Site Office (\$1,831.50 GST Excl.)**
- 3. Variation No. 4 - Dewatering site to 26/04/2006 (\$8,991.00 GST Excl.)**
- 4. Variation No. 5 - Permanent Access to Pump (\$10,636.00 GST Excl.)**
- 5. Variation No. 6 - Grading of Western Access Road by CM & SM Fraser (2,400.00 GST Excl.)**
- 6. Variation No. 7 - Additional Settlement Plates (\$7,312.00 GST Excl.)**
- 7. Variation No. 8 - Site Power Builders Supply (\$2,860.00 GST Excl.)**
- 8. Variation No. 9 - Additional Survey Extension Preload (\$385.00 GST Excl.)**
- 9. Variation No. 10 - Dewatering of Site to 31/05/2006 (\$7,927.00 GST Excl.)**
- 10. Variation No. 11 - Compaction, trimming of surplus spoil in disposal area (\$34,600.00 GST Excl.)**

11. **Variation No. 12 - Extra Tests, Impact Rolling, removal of trafficability layer in Area 1A (\$23,725.83 GST Excl.)**
12. **Variation No. 13 - Builders Power to Site (\$61,594.00 GST Excl.)**
13. **Variation No. 14 - Place and remove topsoil for preload of Inlet Works and Oxidation Plant (\$394,680.00 GST Excl.)**
14. **Variation No. 15 - Clarifier Conduits - Instructed by client to change pipe material from PVC to Stainless Steel (\$2,425.00 GST Excl.)**

**REPORT:**

On 30 November 2005 Council resolved:-

- "1. *Belmadar Constructions Pty Ltd be awarded Contract EC2005-033 Construction of Kingscliff Sewage Treatment Plant at the adjusted GST exclusive prices as follows:-*

<i>Lump Sum Items</i>	-	\$25,162,417
<i>Schedule of Rates Items</i>	-	\$4,808,312
<i>Total:</i>	-	\$29,970,729

*(plus variations of up to \$2,997,073 that have been appropriately authorised by the Director Engineering & Operations*

2. *Variations to be reported to Council on a quarterly basis.*
3. *Council votes the expenditure as per Item 1 above from the Sewerage Fund.*
4. *All necessary documentation be executed under the Common Seal of Council."*

This is the second quarterly variations report to 30 June 2006 in accordance with Item 2 of the resolution.

The approved variations for this quarter are tabulated as follows:

Approved Variation Number	Description	Date Approved	Amount (\$ GST Excl)	Adjusted Contract Sum (\$ GST Excl)
2	Increase in long service levy by 0.15% of the contract value	24 April 2006	49,452.00	30,807,680.18
3	Provision of Alarm Monitoring system to Superintendent's Site Office	24 April 2006	1,831.50	30,809,511.68
4	Dewatering Site to 26/04/2006	5 May 2006	8,991.00	30,818,502.68
5	Permanent Access To Pump	5 May 2006	10,636.00	30,829,138.68
6	Grading of Western Access Road by CM&SM Fraser	29 May 2006	2,400.00	30,831,538.68
7	Additional Settlement Plates	13/06/2006	7,312.00	30,838,850.68
8	Site Power Builders Supply	13/06/2006	2,860.00	30,841,710.68
9	Additional Survey Extension Preload	13/06/2006	385.00	30,842,095.68

Approved Variation Number	Description	Date Approved	Amount (\$ GST Excl)	Adjusted Contract Sum (\$ GST Excl)
10	Dewatering of Site to 31/05/2006	13/06/2006	7,927.00	30,850,022.68
11	Compaction, trimming of surplus spoil in disposal area	16/06/2006	34,600.00	30,884,622.68
12	Extra Tests, Impact Rolling, removal of trafficability layer in Area 1A	16/06/2006	23,725.83	30,908,348.51
13	Builders power to site	27/06/2006	61,594.00	30,969,942.51
14*	Place and remove topsoil for preload of Inlet Works and Oxidation Plant	27/06/2006	394,680.00	31,364,622.51
15	Clarifier Conduits- Instructed by client to change pipe material from PVC to Stainless Steel	27/06/2006	2,425.00	31,367,047.51
<b>Total Variations this period</b>			<b>608,819.33</b>	
<b>Total Variations Previous</b>			<b>787,500.00</b>	
<b>Total Variations to Date</b>			<b>1,396,319.00</b>	

\*Variation Number 14 is a consequence of a latent ground condition. Ground conditions were below design pressure requirements for the structures above, were encountered in and around various major structures including the Oxidation Tank and Inlet works. There were several options investigated:-

- Preload the structures for a period of 30 days to mobilise short term settlement,
- Prestress the structures to help accommodate additional predicted settlement, and
- Install a deep foundation system in the form of piles.

The chosen option was to preload the structures and continue with the current design and adjust/repair if necessary. This is the least costly option both in time and dollar terms assuming that no significant differential settlement occurs post preload. There is also a delay cost to the Contractor that council will incur due to the time lost as a consequence of this latent condition. Also since this variation was approved additional preloading has been assessed as required due to the weight of the soil used being below that assumed in the settlement analysis

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Funds available in Sewerage Fund Financial Plan and is within range of variations authorised by Council 30 November 2005.

**POLICY IMPLICATIONS:**

Nil.



**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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**O11 [EO-OC] Quarterly Variation Report Contract EC2005-193 - Design and Construction of the Tertiary Treatment Facility, Murwillumbah Sewage Treatment Plant**

**ORIGIN:**

**Contracts**

**FILE NO: GC12/3-2005193**

**SUMMARY OF REPORT:**

At the Council Meeting of 7 February 2006, a contract was awarded to Water Technology Australia for the design and construction of the Tertiary Treatment Facility at the Murwillumbah Sewage Treatment Plant. The aim of this project is to provide treated effluent suitable for use at the Cogeneration Plant under construction at the Condong Sugar Mill.

The Council decision required reporting, on a quarterly basis, on variations approved under delegation by the Director Engineering and Operations.

The design phase of the contract commenced on 6 March, and on site works commenced on 2 June 2006.

This report details variations approved for the quarterly period up to 30 June 2006

**RECOMMENDATION:**

**That the June 2006 Quarterly Variations of \$86,803.00 (exclusive of GST) for Contract EC2005-193 Design and Construction of the Tertiary Treatment Facility, Murwillumbah Sewage Treatment Plant, be received and noted.**

**REPORT:**

Following the awarding of Contract EC2005-193 to Water Technology Australia for the Design and Construction of the Tertiary Treatment Facility at the Murwillumbah Sewage Treatment Plant, design of the facility commenced in March 2006.

The design process revealed several matters of safety, operational and quality detail that have been referred to Council for consideration as variations to the original contract brief. In accordance with the Council decision requiring a quarterly report on variations, the subject variations, up to 30 June 2006, are listed for Councils information, as follows:

Variation No.	Description	Amount (Exc GST)	Status
1.	Supply and Install 2x100% strainers	\$19,630.00	Approved
2.	Design, Supply and Install separate insulated switch room	\$47,838.00	Approved
3.	Provide 500kg GIS Crane (within building structure)	\$27,872.00	Approved
4.	Concrete loading bay for Hypochlorite delivery truck	\$26,051.00	Rejected
5.	Increase in NSW Long Service Leave Levy Payment (after award of contract)	\$1,913.00	Approved
6.	Supply and Install Membrane Tank Platform, Ladders and Railing	\$36,212.00	Under review
7.	Relocation of Recycle Pump Skid	\$20,779.00	Under review
8.	Membrane Integrity Testing – Remove from scope of works	(\$10,450.00)	Approved

The nett result of the approved variations is an increased cost of \$86,803.00 or 3.56 % on the original contract sum of \$2,437,350.00.

The approved variations have been or will be incorporated into the works

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

The subject variations are within the total project budget.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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**012 [EO-OC] Project Management Services - Water Supply and Sewerage Capital Works Program**

**ORIGIN:**

**Water**

**SUMMARY OF REPORT:**

There are significant capital works projects planned in the Water and Sewerage Funds over the next few years and a number of strategic studies are also due for completion and Council consideration. The Water and Sewerage Funds have a planned expenditure of around \$1.5b over the next 30 years and are a major component of Council's activities.

Council has embarked on a substantial Capital Works Program for Water Supply and Sewerage. There is currently over \$100 million Dollars of works "in Hand" in Water Supply and Sewerage to support growth and asset replacement programs. Actual expenditure on the Capital Works program for Water Supply and Sewerage has increased progressively from \$7.4million in 2002 to \$28 million in the 2006. The need for this 4 fold increase in expenditure was recognised in 2002. In early 2003 the Director of Engineering Services prepared a strategy report to the General Manager detailing the need to increase expenditure and the methodology and resource requirements to achieve the desired outcome. These recommendations included a mixture of additional internal and day labour resources and external contracting of design and construction works.

Three significant projects, namely Bray Park Water Treatment Plant Augmentation, Clarrie Hall Dam spillway upgrade and Tyalgum Water Treatment Plant Upgrade require additional resource allocation to ensure their timely and effective completion. Engineering Project Management resources are in a period of high demand and it would be difficult for Council to attract suitably qualified resources internally.

The NSW Department of Commerce through Public Works and Services has provided Council and other authorities with this resource over an extensive period of time. Currently Council utilises the services of 2 Public Works Engineers for the Construction Management of Kingscliff Sewage Treatment Plant.

Following consideration of various alternatives it is recommended that Council enters an agreement with the Department of Commerce to provide Project Management Services for a 3 year period.

**RECOMMENDATION:**

**That Council enters an agreement with the Department of Commerce for the provision of Project Management Services for a period of 3 years from 1 August 2006 based on their standard rates for engagement.**



**REPORT:**

Council requires additional resources to complete it's Water Supply and Sewerage Capital Works Program. Three major Projects are at a critical period and require the injection of resources to ensure there timely and effective completion. The following Table sets out the shortfall in resources for the major capital programs.

Project Resource Schedule 1	Man Days per Week																	
	July -Sept 2006	Sept-Dec 2006	Jan-Mar 2007	Mar-Jun 2007	July -Sept 2007	Sept-Dec 2007	Jan-Mar 2008	Mar-Jun 2008	July -Sept 2008	Sept-Dec 2008	Jan-Mar 2009	Mar-Jun 2009						
<b>Bray Park Water Treatment Plant</b>																		
Design Finalisation and Pre Tender	2	3																
Tender Period		2																
Tender Assessment			3															
Construction				15	15	15	15	15	15	15	15	15						15
<b>Clarrie Hall Dam</b>																		
Dam Break Study		0.5																
Dam Safety Emergency Plan		0.5																
<b>Clarrie Hall Dam Spillway Upgrade</b>																		
DEUS Liaison																		
Prepare Concept and Detailed Design Brief		1																
Concept and Detailed Design			2															
Design Finalisation and Pre Tender				2														
Tender Period					2													
Tender Assessment						2												
Construction							4	4	4	4	4	4						2
<b>Tyalgum Water Treatment Plant</b>																		
DEUS Liaison																		
Prepare Concept and Detailed Design Brief		1																
Concept and Detailed Design			1															
Design Finalisation and Pre Tender				1														
Tender Period					1													
Tender Assessment						1												
Construction							1	1	1	1	1	1						
<b>Various Works Projects Management</b>																		
Possible projects IVCM Actions																		
Demand Management Strategy																		
Bulk Water Supply Strategy																		
Man days per week	5																	17
cost based on average \$150 per hour	72000																	244800
Total Cost over 3 year period	\$	2,750,400																

Due to the current demand for Engineers and associated technical professionals Council and the industry in general is struggling to recruit suitable staff. Temporary appointments could fill the additional resource requirements, however Council is unable to successfully fill similar existing positions. In the short term it is not envisaged that this is a viable option.

The NSW Department of Commerce through Public Works and Services has provided Council and other authorities with this resource over a long period of time. Currently Council utilises the services of two Public Works Engineers for the Construction Management of Kingscliff Sewage Treatment Plant. Public Works have extensive experience in Major Project procurement and have developed best practice methodologies to ensure effective and timely completion of projects.

The Bray Park Treatment Plant Design consultants, Hunter Water Australia, have indicated a desire to provide project management resources. It is considered good Engineering practice on Major Projects to resource Design and Construction Management independently. Hunter Water have a smaller Project Management Resource base than Public Works and it is viewed that they offer no advantage over Public Works.

Consultants such as MWH, Councils in-house provider, GHD and others are capable of providing this resource however they have a greater focus on design and on offer no advantage over Public Works.

Council and the Department of Commerce have exchanged letters to clarify each parties requirements. It is proposed that the department be engaged by agreement to provide resources for a period of 3 years. The hourly rates quoted by the Department are comparable to those in the Consultancy Industry. Based on the resource requirements above and the Departments standard hourly rates it is estimated that over the three-year period the cost for this service will be in excess of \$2.7 million. This amount excludes the current engagement of Public Works for the provision of services for the management of Kingscliff STP. The total Cost of the Projects Managed under this agreement is estimated at \$56 million.

The Department of Commerce would be engaged in accordance with Section 55(3) of the NSW Local Government Act 1993, which exempts the Crown, or an entity of the Crown from the requirement for tendering.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Funds are available under the respective Water and Sewerage budgets.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**O13 [EO-OC] Integrated Water Cycle Management Strategy Action 3 and 11 Effluent Reuse**

**ORIGIN:**

**Water**

**SUMMARY OF REPORT:**

The Integrated Water Cycle Management Strategy and Context Study has identified 26 Short Term actions. Whilst this document is yet to be finalised the majority of the actions are being progressed.

In response to actions 3 and 11, reproduced below, MWH were engaged by Council to investigate the feasibility and prepare options and costs for a number of Effluent Reuse Projects throughout the Shire.

IWCM Strategy Actions

3. Explore demand substitution options such as effluent and stormwater reuse.
11. Prepare Effluent Reuse Opportunities Report.

A report entitled Recycled Water Reuse Opportunities was completed by MWH in February 2006. The projects identified an initial priority of possible projects in the Shire.

This report sets priorities for those projects and recommends the adoption of an Effluent Reuse Strategy.

**RECOMMENDATION:**

**That Council:-**

- 1. Adopts the Effluent Reuse Strategy as per this report and**
- 2. Proceeds with the detailed design of the Hastings Point Turf Farm Effluent Irrigation Scheme.**
- 3. Prepares the necessary agreement for the supply of Effluent for the Hastings Point Turf Farm Effluent irrigation Scheme.**
- 4. Considers a future report for final approval for the Scheme following the negotiation of the agreement and the completion of Detailed Design.**

**REPORT:**

**Background**

Approximately 7840 Megalitres (including wet weather flows, 6900 MI Dry Weather) of Effluent is discharge from the eight Sewage Treatment Plants throughout the Shire every year. Of this volume approximately 235 Megalitres is reused. The biggest user of effluent in the Shire is the Coolangatta Tweed Heads Golf Club with 175 Megalitres and the remainder is made up of the three village plants of Tumbulgum, Tyalgum and Uki.

Following is a brief summary of effluent re-use projects undertaken in the Tweed Valley over the last 25 years.

<p>Banora Point STP and Kingscliff STP</p>	<p>In the late 1990's the Lower Tweed Community Consultation program revealed a community preference for revegetating and irrigating the Crown Land areas on Letitia Spit and between North Kingscliff and Fingal. Several assessments of this proposal were conducted. There is currently little community support for the project and further studies have concluded that there is limited area available for the significant quantities generated from Banora Point and Kingscliff STP. It is noted that this land is currently under the control of the Tweed Byron Local Aboriginal Land Council.</p>
<p>Banora Point STP</p>	<p>Since the late 80's Coolangatta Tweed Heads Golf Course has used effluent from Banora Point STP for irrigation. The Golf Club installed their own pump equipment and pipeline from the treatment plant to their site. The current agreement provides up to 2 Megalitres per day (approximately 10%) of the Effluent from Banora Point STP.</p>
<p>Kingscliff STP</p>	<p>The establishment of turf farm adjacent to the existing Kingscliff STP was investigated and work commenced. This project entailed the use of effluent and sludge for the growing of turf for the local market. As a sustainable project which provided effective use of the effluent, Council invested over \$300,000 in preparing a development application and eventually awarding a Contract to install the irrigation system. Following development approval there were some objections from adjoining landholders, which eventually led to an appeal in the Land and Environment Court. Council lost the appeal. As it was eventually determined to relocate the STP site following community pressure the Turf Farm venture did not proceed.</p>
<p>Kingscliff STP</p>	<p>In 1999 Council constructed a 250 mm diameter effluent reuse pipeline from Kingscliff STP to a Tea Tree Farm off Crescent St, Cudgen. The owner reimbursed the pipeline costs over a 5 year period under a funding agreement. To date the pipeline has not been used.</p>
<p>Kingscliff STP</p>	<p>In late 1980's small size pipe and pump was installed to reuse effluent from Kingscliff STP on Banana Farm at Cudgen. This system was used for a couple of years and then abandoned.</p>
<p>Hastings Point STP</p>	<p>Council is currently in association with a local company investigating the feasibility of supplying effluent from Hastings Point STP for the irrigation of a Turf Farm. This project has potential to utilise up to 2 Megalitres per day which is approximately all the current average Dry</p>

	Weather Flow from the Plant.
Tumbulgum STP	An Effluent irrigation system was installed in 1999 for sugar cane on Council land adjacent to the Sewage Treatment Works at Tumbulgum. The system utilised a travelling irrigator to irrigate 3.4 hectares of sugar cane. The irrigation system was abandoned due to operational difficulties and requirement for operator presence during operation. Part of the abandoned installation is now used to supply effluent to a Taro grower on the adjoining property. Up to 70kl/day can be used by the Taro grower for reuse which is approximately the current Average Dry Weather Flow for the plant.
Murwillumbah STP	“The Murwillumbah Sewage Effluent Re-use by Irrigation” study was conducted in 1994. Two areas were investigated near the STP namely cane land and sporting fields. Investigation concluded that the agricultural soils are heavy and are not favourable for irrigation.
Murwillumbah STP	The options for irrigation of the golf course and racecourse using effluent from Murwillumbah STP were investigated in 1994/95. At the time there was little support for the options as they involved high capital cost and there was current availability of bore and surface water for irrigation on site. Recently both organisations have contacted Council with an interest to further discussions on the use of Effluent for irrigation. These options have not been pursued due to the Council pursuing the agreement for the supply of Effluent to the Condong Mill for the Co-generation Facility.
Murwillumbah STP	For the last 4 years Council has been negotiating with Delta Electricity and Sunshine Sugar for the supply of Tertiary Treated Effluent for a Co-generation Facility at Condon Mill. Council and the Joint Venturer’s have signed the agreement and work has commenced. The Treated effluent from Murwillumbah STP will be used for cooling tower water and boiler feed make up. This project proposes to re-use all average dry weather flow from Murwillumbah STP which is in the order of 2.4 to 3 Megalitres per day.
Uki STP	Uki sewerage scheme commissioned in 2004 was designed to re-use over 99% of effluent on irrigation of eucalyptus trees in a joint venture with Currumbin Wildlife Sanctuary. The treatment plant has a design capacity of 600 Equivalent Persons. The trees are harvested by the Sanctuary for koala food. A 10 Megalitre Wet weather effluent storage dam was constructed to limit discharges to the adjoining creek to extreme wet weather events only.
Tyalgum STP	Tyalgum STP reuses approximately 95% of its effluent to irrigate pastures adjacent to the STP. The plant has been operational since the late 80’s and has a average daily flow of 50 kilolitres.

**Effluent Reuse Targets**

The percentage of Effluent reused in the Shire (approx 5%) is considered low in comparison to the remainder of the state. The graph below summarises this indicator for water authorities across NSW.

<b>Effluent Re-use</b>	<b>2003/2004</b>
<b>Utility/Town Name</b>	<b>NSW NON MAJORS</b>
Midcoast	1%
Wingecarribee	1%
Queanbeyan	2%
Hastings	4%
Tweed	5%
Coffs Harbour	8%
Eurobodalla	8%
Ballina	9%
Lismore	9%
Kempsey	14%
Byron	20%
Bega Valley	30%
Shoalhaven	30%
Dubbo	58%
Orange	75%
Albury	97%
<b>Average</b>	<b>23%</b>

From the above it is evident that those authorities in the dryer parts of the State have significantly higher reuse percentages than Tweed. Historically it has been difficult to progress Effluent Reuse projects in the Shire due to high rainfall, abundance of drinking water, high water table, and lack of community acceptance. Recent droughts and the continued growth in the Shire have necessitated a change.

A number of Authorities have in recent years adopted a target for the percentage of Effluent Reused. The Northern Rivers CMA have adopted a Catchment Action Plan which embraces the previous Northern Rivers Catchment Management Board Blueprint Targets which includes *“all treated effluent discharged from municipal Sewage Treatment Plants (STP’s) is to be of reuse standard by 2012. Where suitable opportunities exist, at least 50% of Dry Weather Discharges are to be reused”*. Another example is Ballina Shire Council who have adopted an Effluent Reuse target of 40% by 2008 and 80% by 2013.

It is anticipated that during the ongoing development of the Integrated Water Cycle Management Strategy that Council will adopt a target for Effluent Reuse.

Following the completion of the Condong Cogeneration facility and subsequent connection to the Tertiary Treatment Plant at Murwillumbah STP Councils Effluent Reuse percentage will be 13% of Dry Weather Flows.

### **Effluent Reuse Options**

Actions 3 and 11 of the Integrated Water Cycle Management Strategy and Context Study relate to effluent reuse.

#### **IWCM Strategy Actions**

3. Explore demand substitution options such as effluent and stormwater reuse.
11. Prepare Effluent Reuse Opportunities Report.



A report entitled Recycled Water Reuse Opportunities was completed by MWH in February 2006. The report identified an initial priority of possible projects in the Shire and investigated and priced various options for each of these. Below is a summary of the outcomes of the report.

Reuse Opportunities	Description	Capital Cost	Existing Water Source	Estimated Annual Recycled water Use (ML/yr)
<b>Banora Point STP</b>				
Arkinstall Park	Subsurface irrigation of sportsfields incorporating ½ day Storage Tank and pump station at the Park	\$1,629,000	Town Water Supply 6ML/year	212
Tweed Heads Memorial Gardens	Surface Irrigation of cemetery lawns incorporating full day storage and within pump station wet well.	\$524,000	Town Water Supply 0.5ML/year	35
<b>Hastings Point STP</b>				
Rugby Club Coast Road	Subsurface irrigation of sportsfields including rising main and pump station with storage provided at STP	\$332,000	Town Water Supply 1.0ML/year	55
Barry Shepard Oval and Round Mountain Pony Club	Subsurface irrigation of sportsfields including rising main and pump station with storage provided at STP	\$937,000	None	210
Turf Farm Round Mountain Road	Surface irrigation of privately owned Turf Farm including Rising main and pump station with storage provided at STP and irrigation provided by owner	\$560,000	Ground Water and Onsite Dam	184
<b>Kingscliff STP</b>				
Chinderah Golf Course	Surface irrigation of privately owned Golf Course adjacent to new STP site including rising main and pump station with storage provided by Golf Course	\$420,000	Ground Water	402
Ti Tree Plantation	Surface irrigation of privately owned Ti Tree farm adjacent to new STP site. Cost is without storage which would be required on STP site and irrigation system.	\$462,000	None	951
<b>Uki STP</b>				
Uki Community Nursery	Surface irrigation of Tweed River Committee Community Nursery located at the STP site including Tertiary treatment plant, pump station and rising main.	\$48,000	Town Water Supply 1.1 ML/year	1.1
<b>Tyalgum STP</b>				
Koala Food Plantation	Surface irrigation of Eucalyptus Plantation in conjunction with Currumbin Wildlife Sanctuary including irrigation system, pump station and feeder mains.	\$163,000	None	15 (no additional reuse)

### **Effluent Reuse Options Discussion**

All of the options provide an excellent opportunity to reuse effluent and reduce the impact on our waterways. There is some opportunity for the effluent to substitute existing Town Water Supply however this is limited.

The Turf Farm on Round Mountain Road and Chinderah Golf Course Schemes are options that provide a potential source of funding, enhance the regions economy and reduce the impact on the Shires waterways. Because of these benefits it is considered appropriate that these projects should be given priority over the other options. Negotiations have commenced with the owners of the Turf Farm who are extremely enthusiastic about the scheme. To date the proposal is based on Council funding the upfront cost of the work, which consists of a pump station and pipeline, and the owners paying an annual charge for the capital costs plus operating costs. There is a financial risk associated with this method of funding and for this scheme to proceed both parties will need to agree on a methodology that minimises any potential losses. Agency advice to date has been that, as the operation is conducted in accordance with the Effluent Reuse Guidelines there is no requirement for a Development Approval or Licence from EPA. The Owners are required however under the Reuse Guidelines to prepare a Management Plan and undertake water and nutrient balance studies to measure and control the impact on the environment. To date Council Officers have prepared a Concept Design and a draft Effluent Supply Agreement and the Owners have commenced the investigations into the preparation of a Management Plan.

The Uki Community Nursery provides a significant benefit in the form of the substitution of Town Water Supply in the order of 1.1 Megalitres per year. This Nursery is on the Uki STP site in Smiths Creek Road and is funded via the Tweed River Committee. It provides a facility for Council and the Community to propagate native plant species for riparian and catchment management initiatives. There is an opportunity for this project to be funded through the Federal Governments Community Water Grants.

The Schemes that entail the disposal of Effluent on Council owned or controlled land are currently unfunded. One proposal that requires consideration is that these works be funded by the Sewer Fund and that Effluent be supplied on a cost per kilolitre basis. The cost per kilolitre of Effluent would be set by Council each year similar the Water Volumetric Charge. This funding proposal and other options require further consideration.

All of the identified Effluent Reuse Schemes have the potential to increase Councils Effluent Reuse percentage to 30% of Dry Weather Flows.

### **Effluent Reuse Strategy**

The Strategy below is compiled from the MWH Recycled Water Reuse Opportunities February 2006 and the considerations above. It provides a list in order of priority of schemes that need to be progressed along with actions required to further investigate schemes identify additional opportunities.

	<b>Action</b>	<b>Timing</b>	<b>Funding</b>	<b>Estimated Annual Recycled water Use (MI/yr)</b>	<b>Estimated Annual Drinking Water Saved (MI/yr)</b>
1	Complete Construction and commission Murwillumbah STP Tertiary Treatment Plant for Condong Cogeneration facility	Complete Early 2007	Sewer Fund with recoupment of capital and operating costs from Joint Ventures of Cogeneration Plant. \$4,400,000	776	Nil
2	Proceed with Implementation of Hastings Point Turf Farm Irrigation Scheme including Design and Effluent Supply agreements	Complete by End of 2006	Sewer Fund with recoupment of capital and operational costs from Turf Farm Operator. \$560,000	184	Nil
3	Proceed with Implementation of Uki Community Nursery Irrigation Scheme	Complete by End 2007	Sewer Fund with possible grant funding from Federal Governments Water Fund – Community Water Grants. Include in 2 <sup>nd</sup> round application August 2006. \$48,000	1.1	1.1
4	Proceed with Implementation of Chinderah Golf Course Irrigation Scheme	Complete by End of 2007	Sewer Fund with recoupment of capital and operational costs from Golf Course Owner. \$420,000	402	Nil
5	Further investigate Arkinstall Park, Tweed Heads Memorial Gardens, Hastings Point Rugby Club, Barry Shepard Oval and Round Mountain Pony Club in terms of funding source for each project	Undefined	Funding Source to be determined. \$3,422,000	512	7.5
6	Refer Action 14 of IWCM Strategy- Implement investigation and planning for dual reticulation and/or decentralised sewerage systems for future development areas, such as Cobaki and Kings Forest.	Undefined	Developer	Unknown	Unknown

The above Effluent Reuse Strategy provides a framework, which will produce percentages of Effluent Reuse initially of 20% for the defined and funded schemes (Actions 1 to 4).

In addition there is further opportunity for effluent reuse as part of the two major developments yet to proceed in the Shire. Both of these developments have the potential to reuse significant volumes of Effluent in an urban environment therefore reducing the potential impact on the estuary from discharges and reducing the demand on the Town Water Supply (refer IWCM action 14).

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Funding for actions 1 and 2 are included in the 2006/2007 Sewer Budget.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "non confidential" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

Nil.

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**014 [EO-OC] Impacts on Native Vegetation adjacent to the Tugun Bypass Project**

**ORIGIN:**

**Design**

**SUMMARY OF REPORT:**

In response to a Council resolution on 2 May 2006 Ecograph Ecological Consultants were engaged to assess the impacts on Tweed Shire native vegetation from the Tugun Bypass Project. Ecograph have prepared a report titled "Report on the impacts of native vegetation adjacent the proposed C4 Tugun Bypass project based on the Tweed Shire Vegetation Management Plan".

In summary, the Tugun Bypass Project will remove approximately 17ha of native vegetation from 11 separate communities, almost all of which are Endangered under the NSW Threatened Species Conservation Act 1995. In addition, individuals from a number of significant species will be directly or indirectly affected.

It is proposed to mitigate the impacts on significant flora by translocation and enrichment plantings nearby. These mitigation measures appear well planned and feasible. However the mitigation of indirect impacts on both individual species and vegetation communities (e.g. hydrological changes, increased weed invasion, erosion and sedimentation issues) is not specifically addressed in the Vegetation Management Plan that documents the mitigation measures.

A compensatory habitat package is proposed to offset the loss of significant vegetation communities. The compensation package is considered inadequate at present and only offers marginally increased protection (via acquisition) to already well protected vegetation. It should be noted however that the Compensatory Habitat Package is not a final document with some aspects of this Package still being finalised in consultation with the Department of Environment and Conservation.

**RECOMMENDATION:**

**That Council:-**

- 1. Forwards recommendations arising from the Ecograph report relating to the management of direct and indirect impacts on retained adjacent vegetation communities to Pacific Link Alliance as part of the final round of Agency comments.**
- 2. Seeks clarification from Department of Environment and Conservation regarding a number of issues relating to a change in species status for one plant proposed to be translocated (i.e. a potential downgrade in**

legislative status), and the long term security and management of one other endangered plant species.

3. Forwards the Ecograph report to Department of Environment and Conservation and the Department of Planning highlighting a number of opportunities and some shortfalls in the proposed project compensatory habitat package and request consideration and response to these matters.



## REPORT:

### Scope

Council commissioned Ecograph to complete a report on the potential impacts on native vegetation arising from the construction and environmental management of the Tugun Bypass project. The engagement was based on previous work performed by Ecograph in the development of the Tweed Vegetation Management Strategy. The study area for the purpose of this report is defined as the area affected by the C4 Tugun Bypass project which is controlled by Council and therefore does not encompass Commonwealth controlled airport land.

### Aims

The purpose of the report was to:-

1. Provide a summary of vegetation communities and significant plant species impacted by the proposal in the Tweed Shire;
2. Determine the significance of these impacts;
3. Advise whether proposed offsets, mitigation measures and management options within the Vegetation Management Plan are sufficient;
4. Identify key conflicts between the proposal and the Tweed Vegetation Management Strategy; and
5. Highlight ongoing issues and opportunities for significant plant species and vegetation communities.

### Summary of Impacted Vegetation

#### Vegetation Communities - Direct Impacts

Approximately 17ha of native vegetation from 11 different communities will be removed as a result of the proposal, with the majority of losses occurring in Broad-leaved Paperbark dominated communities.

#### Vegetation Communities - Indirect Impacts

The following indirect impacts as a result of the proposal were identified:-

1. Habitat fragmentation and edge effects. This will be most apparent in the southern part of the study area affecting swamp sclerophyll communities.
2. Altered hydrological conditions. Ponding is likely to occur in, and affect Paperbark and Swamp Mahogany communities within the southern part of the study area. Temporary lowering of the watertable in the vicinity of the tunnel has potential to affect vegetation communities through desiccation and acid leachate runoff.
3. Wetland contamination. There are potential impacts to vegetation communities through erosion and sedimentation and fuel and chemical spills during and after construction.

#### Significant Plant Species - Direct Impacts

Two significant species will be directly impacted by the proposal. A small population (100-150 plants) of Chinese Burr (*Triumfetta rhomboidea*) in the southern part of the study area, and a single individual of Match Sticks (*Comesperma ericinium*) in the northern part of the study area will be removed.

### Significant Plant Species - Indirect Impacts

Indirect impacts to significant plant species are similar to those affecting vegetation communities but also include impacts of population size reduction and to species' viability.

Significant plant species potentially experiencing indirect impacts include Swamp Orchid (*Phaius australis*), Little Wattle (*Acacia baueri* subsp. *baueri*) and Blunt-leaved Wattle (*Acacia obtusifolia*).

### **Significance of Impacts**

#### **1. Vegetation Communities**

Nine vegetation communities directly impacted by the proposal are of State significance. These nine vegetation communities comprise three Endangered Ecological Communities (EEC) (as listed under the Threatened Species Conservation Act 1995), being Swamp Sclerophyll EEC (15.7ha cleared), Swamp Oak EEC (0.62ha cleared) and Freshwater Wetlands EEC (<0.67ha cleared).

Two further vegetation communities directly affected are of regional significance and one is of local significance.

While none of these vegetation communities are regarded as endemic only to the Tweed, a number are strongly represented in the Tweed. Additionally, whilst relatively small proportions of these vegetation communities will be removed compared to their occurrence in the Shire, almost all directly impacted communities are regarded as EECs and thus their removal is considered significant at a State level.

#### **2. Significant Species**

Expected impacts on significant species are summarised below:-

1. Chinese Burr (*Triumfetta rhomboidea*). The conservation status and significance of this species is questioned. A population of 100-150 individuals will be removed and 34% of available habitat removed.
2. Match Sticks (*Comesperma ericinum*). The location of this species is considered significant as it is at the northern limit of its distribution. One individual will be translocated, 45% of habitat in Qld will be removed.
3. Swamp Orchid (*Phaius australis*). Difficult to assess indirect impacts to this species, as the SIS is confidential due to the risk of poaching. 7.7% of habitat for this species will be removed although no individuals will be directly affected. There are potential indirect impacts to a small colony.
4. Little Wattle (*Acacia baueri* subsp. *baueri*). Is considered uncommon to rare in NSW and considered in danger of extinction in SE Qld. 27% of habitat will be removed and one individual potentially indirectly impacted.
5. Blunt-leaved Wattle (*Acacia obtusifolia*). Specimens in the study area may be the only remaining coastal community in NE NSW. 7.3% of habitat will be removed and at least one individual potentially indirectly impacted.

### **Proposed Mitigation and Compensation Measures**

The Vegetation Management Plan (VMP) (current to 23 March 2006) adopts a three part strategy to mitigate impacts to the proposal:-

1. Minimise clearing, with clearing being confined to the development footprint plus a three metre maintenance zone.
2. Translocation of significant plants. Two species will be translocated within the study area being, Chinese Burr and Match Sticks.
3. Revegetation adjacent the roadway after construction, on fill batters and the construction buffer along the alignment. Whilst restoration is intended to reflect adjoining communities, it will not be possible to replicate Swamp Sclerophyll communities.

### **Comments on the Proposed Mitigation Measures**

No specific provisions are made to address indirect impacts in the VMP. Swamp sclerophyll communities in the southern part of the study area are susceptible to altered hydrological regimes (and possible acid leachate runoff). Indirect impacts associated with temporary lowering of the water table in the vicinity of the tunnel, erosion and sedimentation and disturbance to acid sulfate soils may be addressed in other specific management plans, but are not addressed in the VMP and clarification may be required to ensure these indirect impacts are adequately addressed.

There are no specific measures in the VMP to address weed invasion into adjoining vegetation during and after construction. This is particularly relevant in the southern part of the study area, where construction will expose a large edge facilitating weed invasion into protected areas.

With regard to significant plants, there are possible concerns about indirect impacts during and after construction to Little Wattle and Blunt-leaved Wattle occurring close to the bypass footprint, and consideration of the appropriateness of translocating a population of Chinese Burr, given its probable status as an exotic weed. Translocation plans appear comprehensive and well researched. As the Swamp Orchid has been temporarily removed to prevent poaching and will be reinstated in secure sites after construction, it is important translocation sites are monitored and public access controlled.

Revegetation adjacent to the roadway may help mitigate edge effects but will not mitigate the loss of vegetation communities caused by the bypass.

### **Habitat Compensation**

To address direct loss of vegetation and habitat, a Compensatory Habitat Package was proposed, based on the Draft RTA Policy for compensatory habitat resulting from road development and taking into account DEC concerns relating to mitigation of edge effects.

The original package consisted of land acquisition and other compensatory measures and comprised 75ha of land in three parcels all in NSW. Weed management/rehabilitation of two areas comprising four EECs was also proposed as an additional compensatory measure.

A review of the original Compensatory Habitat Package was conducted in 2005 and a number of inadequacies identified, including a shortfall in compensation of some 14ha of Swamp Sclerophyll Forest. In consultation with DEC an 11ha site was identified adjoining Cudgen NR, compensating in part for the deficit of 14ha Swamp Sclerophyll Forest.

A revised Compensatory Habitat Package was proposed comprising five areas of land. This package proposed to withdraw support for weed management within Swamp Oak, Swamp Sclerophyll and Freshwater Wetland EECs, but not saltmarsh EEC rehabilitation, on the grounds that Department of Lands and Council already manage these areas.

As described in the Project Conditions of Approval (Number 26), the proponent must provide compensatory measures prior to the project opening to traffic. It should be noted that some aspects of this Compensatory Habitat Package are still being finalised through consultation with DEC.

### **Comments on Compensatory Habitat Package**

A number of shortfalls have been identified in the Compensatory Habitat Package. These include:-

1. A large block (comprising Blocks A & E) to the southwest of the Cobaki Broadwater contains significant areas of cleared land (11.3ha) taking the total of native vegetation in the package from 82.3ha to 71ha. (Refer Figure 5).
2. The deficit of 14ha of Swamp Sclerophyll Forest in the package is not adequately addressed with claims made that delivering more Swamp Oak EEC than necessary under the RTA policy can offset this.
3. With regard to proposed compensatory Block F (adjoining Cudgen NR), configuration of this block would make it difficult to manage. It is suggested it would be better to acquire and manage all of Lot 22 DP 1058759 north of Clothiers Creek Road or consider other possible land acquisitions containing Swamp Sclerophyll habitat closer to the impacts. (Refer Figure 6).
4. A withdrawal of a previous commitment to undertake weed management of Swamp Sclerophyll habitat for 10 years within Pony Club land (Lot 319). Weed management should also be considered a mitigation measure to address increased weed incursion rather than a compensation measure for habitat loss.
5. As the majority of proposed compensation areas are already protected under Environmental Protection zoning (Tweed Local Environment Plan) and SEPP 14 Coastal Wetlands there is no actual compensation for lost habitat, with acquisitions relating to improved management not protection.
6. Consideration should be given to providing cleared sites suitable for habitat restoration of affected vegetation communities (cleared areas on Blocks A & E are not suitable). Habitat restoration options should be thoroughly investigated prior to the finalisation of the VMP and area of habitat compensation should take into account risks associated with habitat restoration and loss of ecological values between established habitat and habitat under the process of restoration.

### **Conflicts with the Tweed Vegetation Management Strategy (TVMS)**

The TVMS identified that almost all of the area affected by the Tugun bypass was of exceptional ecological value and recommended increased protection through the use of Environmental Protection zones. Accordingly under the recent draft amendment to the

Shire-wide LEP (LEP 2000 Amendment 21), areas of native vegetation on the Pony Club land were to be rezoned 7(a) Environmental Protection. The removal of much of this vegetation for the proposal is clearly contrary to the stated primary objectives of this zone.

The TVMS recommended a policy be developed to guide negotiated outcomes arising from rezonings, particularly with respect to offsets and mitigation arrangements. Whilst not yet developed, the policy would have assisted in evaluation of the Compensatory Habitat Package, rather than rely on the RTA's own policy. There is a danger that the RTA policy may be seen as an appropriate model for offsetting residual impacts for other large-scale developments in the Shire.

TVMS recommended preparation and implementation of Plans of Management for significant bushland on Council owned land, including rehabilitation opportunities. Prior knowledge of rehabilitation areas would have provided a useful input into the compensatory habitat package.

### **Ongoing Issues and Opportunities**

A number of issues and opportunities have been identified. These include:

1. There is obvious potential for habitat restoration on Lot 319 DP 755740, offsetting some of the wetland vegetation losses, particularly of Swamp Sclerophyll EEC.
2. There is a potentially suitable site (Lot 2 DP 56930) of 15.8ha immediately south of Lot 319, which could be included within the compensation package, providing zoning and town planning considerations are addressed. (Refer Figure 7).
3. A cooperative management arrangement (between Qld Main Roads, Council and Department of Lands) should be explored to provide weed management in swamp sclerophyll vegetation on Lot 319, this commitment being withdrawn from the most recent compensatory package.
4. Council should monitor the progress of translocation and enrichment plantings of significant species to ensure outcomes are met.
5. Council should be involved in threatened fauna management, in particular compensatory measures, to assist in evaluating future proposals.
6. Increased and intensive development pressures with multiple complexities are expected for this area and other areas within the Tweed. Clearly, avoiding removal of natural habitat in sensitive coastal areas is preferable to compensating for their loss. Notwithstanding, there is a need for further policy development in the area of habitat mitigation and compensation.

The following recommendations have been made:-

1. The VMP prepared for the proposal does not adequately mitigate indirect impacts and further clarification should be sought on mitigation measures planned.
2. The translocation of the population of Chinese Burr (*Triumfetta rhomboidea*) should be raised with DEC, given the probable status of this plant as an exotic weed. If DEC is in agreement as to the status of this plant, the translocation of this species should be abandoned.
3. Clarification should be sought from DEC and proponent as to mitigation and long-term security of the Swamp Orchid (*Phaius australis*).

4. Council should maintain an active ongoing role in translocation and fauna management.
5. Efforts should be made to reinstate the proponent's proposal to conduct weed management in three EECs on Lot 319.
6. Further negotiation is required to ensure adequate compensation is made for loss of swamp sclerophyll and related habitat cleared for the project.
7. Consistent with the TVMS, Council should prepare a policy guiding habitat mitigation and compensation negotiations.
8. Consistent with the TVMS, Council should investigate potential for future habitat restoration on public lands.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "non confidential" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

1. Ecograph Report on the Impacts on Native Vegetation Adjacent to the Proposed C4 Tugun Bypass Project Based on the Tweed Shire Vegetation Management Plan (DW No. 1428092).
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**O15 [EO-OC] Coastline Cycleway**

**ORIGIN:**

**Planning & Infrastructure**

**FILE NO: R0470**

**SUMMARY OF REPORT:**

Council has applied for and been offered a grant of \$92,950 from the Department of Planning on a dollar for dollar basis to construct a section of cycleway from Bay Street via the Jack Evans Boatharbour to the Queensland border at Tweed Heads (see plan - Figure 1).

This section forms part of Council's shared cycleway from Pottsville to the Queensland border and is part of the State Government's planned Coastline Cycleway from the Victorian Border to the Queensland Border (see copy of Department of Planning media release at the end of this report).

**RECOMMENDATION:**

**That Council:-**

- 1. Accepts the Department of Planning grant of \$92,950 for the shared cycleway project from Bay Street, Tweed Heads via Jack Evans Boatharbour to the Queensland border.**
- 2. Allocates \$92,950 from the Section 94 Plan No. 22 Shirewide Cycleways towards the construction of (1) above.**
- 3. Votes the expenditure of \$185,900 in (1) and (2) above.**

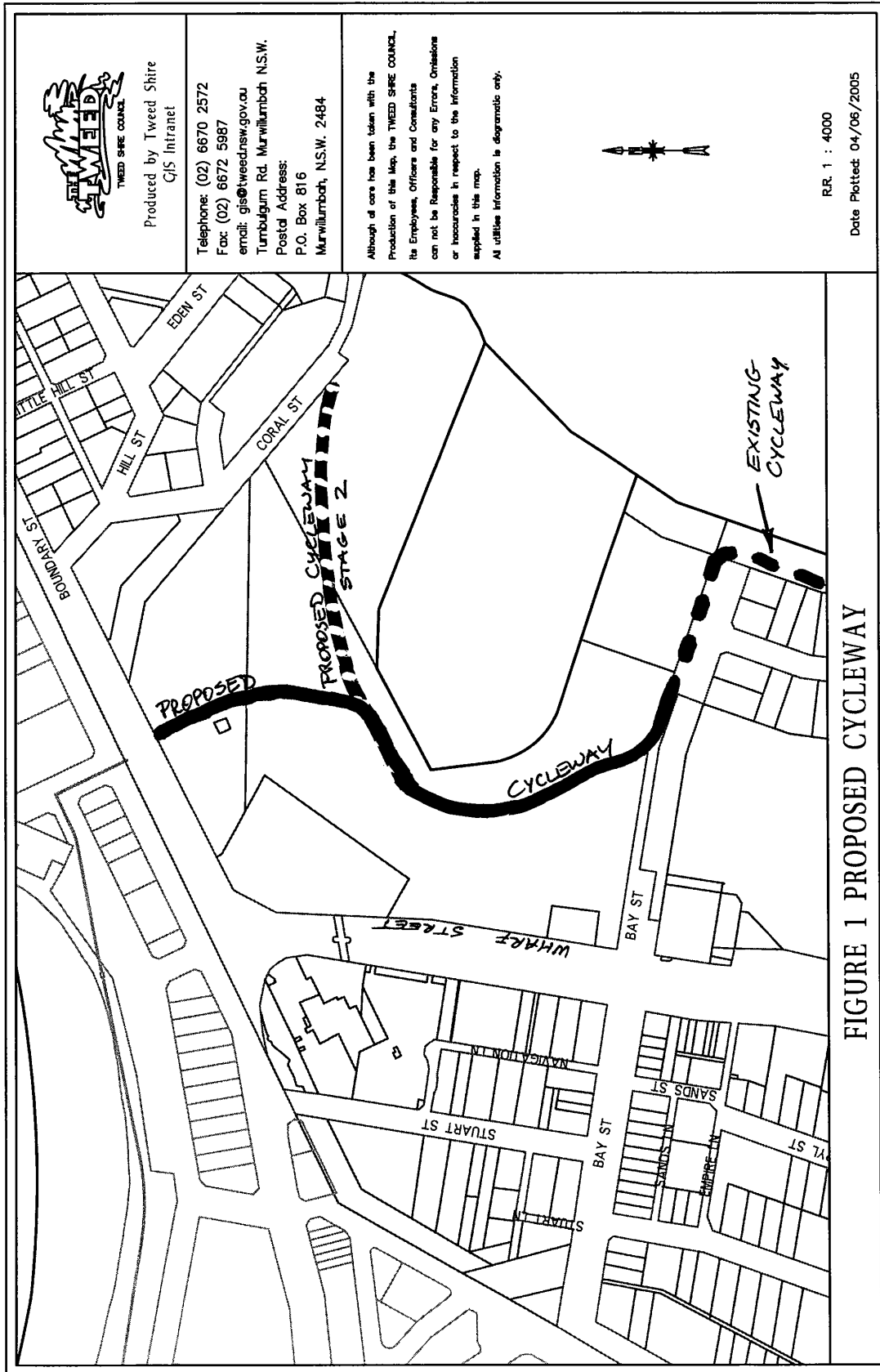
**REPORT:**

Council has been offered a grant of \$92,950 from the Department of Planning on a dollar for dollar basis to construct a section of cycleway from Bay Street via the Jack Evans Boatharbour to the Queensland border.

This section forms part of the adopted shared cycleway from Pottsville to the Queensland border. When completed a dedicated shared cycleway will exist from the southern boundary of the 'SALT' development to the Border and the only missing link of cycleway between the Border and Pottsville will be along the 'Seaside City' development frontage.



Figure 1:



Ultimately the Tweed Shire Coastal Cycleway will form part of the NSW Coastline Cycleway extending from the Victorian Border to the Queensland Border.

This project is included in the Section 94 Contributions Plan No. 22 - Shirewide Cycleways.

This project is subject to complications regarding the Grant conditions. The Cycleway passes through the Jack Evans Boatharbour and must complement the draft Plan of Management for the Boatharbour. This is not an issue in terms of the infrastructure as the Jack Evans Boatharbour Plan of Management includes a cycleway as shown in Figure 2 (attached). The problem is ensuring construction of the cycleway/walkway can be completed within the 2 year time frame specified by the Department of Planning. Construction would need to commence within 18 months which should be achievable. The most difficult aspect is to ensure construction can be undertaken as a stand alone component that integrates with other future works specified in the Jack Evans Boatharbour Plan of Management. This may not be an issue if funding for the adjoining boardwalk is available in the time frame specified and both projects could then be combined. Discussions with the Jack Evans Boatharbour Plan of Management Project Coordinator have taken place regarding the above and it is expected the issues can be satisfactorily resolved within the timeframe constraints and that the grant on offer should be accepted.

It is therefore recommended that Council formally accepts the Department of Planning grant of \$92,950 and uses Section 94 Contribution Plan - Shirewide Cycleways funding to match the grant as it is offered on a dollar for dollar basis.

**Media Release:**

Department of Planning - Media Releases

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**\$1.4 MILLION TO EXTEND BIKE PATHS ALONG THE COAST**

[Planning Home](#)

The NSW Government has announced a fresh round of grants to extend bike paths along the coast, Parliamentary Secretary for Planning, Bryce Gaudry, announced today.

A total of \$1.4 million will be allocated to ten new projects under the Government's Coastline Cycleway program, to create an extra 10.9km of bike paths.

"Thanks to this on-going program, more cycling enthusiasts will have the chance to ride near the seaside," Mr Gaudry said.

"Our 1500km coastline is one of our most valuable assets and now more people can enjoy the great outdoors and the spectacular scenery.

"Through the Coastline Cycleway Program, the NSW Government is helping to extend bike paths along the coast. Local councils, the Roads & Traffic Authority, private developers and community groups are also working to extend bike paths.

"This latest NSW Government funding means that around 300km of coastline in total is covered by new or planned bike paths – around one fifth of the entire NSW coast.

"By investing in this program, the NSW Government is opening up more of the coastline for relaxation and fitness activities."

The majority of the new paths will also have pedestrian space. They help to link coastal villages, providing a sustainable, alternative form of transport.

The latest NSW Government cycleway grants are:

Amount	Location	Length	Benefits
\$155,000	Forster	1.9km path	Providing better foreshore access and linking to the Forster-Tuncurry bridge
\$175,000	Woy Woy	1.1km path extension	Better movement along the foreshore, from Peninsula Leisure Centre to Blackwall Point

[http://www.planning.nsw.gov.au/mediareplan/fs20060508\\_348.html](http://www.planning.nsw.gov.au/mediareplan/fs20060508_348.html)

21/06/2006

\$515,000	Lake Macquarie	1.8km path extension	Linking Station St, Whitebridge, to Oakdale Rd , Dudley, which is used by walkers, joggers and cyclists
\$70,000	Mollymook	600m path	Cycle & pedestrian path linking Golf Avenue to Mitchell Parade
\$175,000	Wollongong	1km path	Cycle & pedestrian path at Coniston, to fill a gap in the existing path linking Port Kembla with Wollongong and Thirroul
\$99,750	Shellharbour	900m path	Better access to Barrack Point, and filling a gap in the cycle path linking to Windang and Wollongong
\$82,000	Pambula	1.1km path	Part of a planned network of cycle & pedestrian paths to link villages and allow residents and tourists to cycle to schools, beaches and shops
\$92,950	Tweed Heads	800m path	Better access to foreshore, from Jack Evans Boat Harbour to Boundary St on the Queensland border
\$50,000	North Narooma	800m path	Better access for pedestrians and cyclists to stunning coastal views
\$66,925	Brunswick Heads	900m path	A new pedestrian and cycle path

The NSW Government funding is available to councils outside the metropolitan area and will be matched dollar-for-dollar by councils.

The Coastline Cycleway Program is based on the vision of retired urban planning academic Elias Duek-Cohen.

With the help of the Roads & Traffic Authority and BicycleNSW, Mr Duek-Cohen has defined a route stretching some 1500 kilometres from the Queensland to Victorian borders.

The construction of the Coastline Cycleway will boost transport, recreation and tourism opportunities for regional coastal communities.

The project is widely supported by the 23 NSW regional councils and by organisations such as BicycleNSW and local Bicycle User Groups (BUGs).

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**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

The project is included in the Section 94 Contribution Plan - Shirewide Cycleways.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "non confidential" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

1. Jack Evans Boatharbour plan (DW1424512).
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**O16 [EO-OC] Infrastructure Program 2006/2007**

**ORIGIN:**

**Works**

**SUMMARY OF REPORT:**

Submitted for Council's consideration is the proposed Infrastructure Program for 2006/2007. The total Program is for \$83.9M and represents a range of improvements to existing assets and some new assets. In 2005/2006 the approved Program was \$54.6M.

Generally the road and bridge construction programs are based on the previously approved 5 year forward program.

The water supply and sewerage construction programs are based on the capital works program contained in the Water Supply and Sewerage Activity Management Plan.

**RECOMMENDATION:**

**That Council approves the Infrastructure Program for 2006/2007 as submitted.**

**REPORT:**

**Infrastructure Program - Key Issues**

The proposed 2006/07 Infrastructure Program of \$83.9M is the largest to be considered by Council and compares with the \$54.6M program approved for 2005/06.

The increase largely reflects the need for Council to provide basic infrastructure, particularly water supply and sewerage, for a rapidly expanding population.

The major capital works items include:-

<b>Item</b>	<b>Proposed 2006/07 Expenditure \$M</b>	<b>Comments</b>
Bray Park Water Treatment Plant	17.25	Design not yet complete, preliminary estimate around \$50M based on current conceptual design
Kingscliff Sewerage Treatment Plant	26.00	Contract let January 2006
Murwillumbah Sewerage Treatment Plant, co-generation plant and main	4.05	Effluent reuse - Supply of make up water to Condong Co generation plant
Tweed Heads Regional Sewerage Pumping Station	1.90	
Kingscliff Depot Facilities	1.17	At new STW site
Cudgen Creek Footbridge	1.16	Includes \$0.6M from 7 Year Plan
Giddys Bridge, Urliup Rd - replace timber bridge	0.60	
Murwillumbah CBD - continuation of drainage works in CBD	0.80	Completes current program
Proudfoots Lane, Murwillumbah - rehabilitation following drainage works and convert to shared zone	0.25	Complements drainage works
Riverside Drive, Tumbulgum	0.36	K&G, footpath, parking, river revetment
Brooks Rd, Kynnumboon,	0.43	seal remaining 1.6km gravel section
Darlington Dr, Banora Pt - Overland flow path	0.34	works following floods 30 June 2005
Byrill Ck Rd	0.48	extend seal 1.7km, school bus route



Apart from the Cudgen Creek Bridge, the Infrastructure Program presented in this report does not include items from the 7 Year Infrastructure Program. These items will further increase the 2006/07 program.

Delivery of such a large capital works program provides a number of challenges.

Project delivery is managed by a combination of in house and external resources.

Most larger jobs are being delivered by a contact process and the design of major works is generally carried out by specialist consultants.

For the larger water supply and sewerage works (Bray Park and Kingscliff), the services and site staff of the NSW Department of Commerce are to be utilised (together with Council staff) for site contract management and selected preconstruction services.

Due to the large amount of works programmed for the South East Queensland region over the next few years, the market for employment of engineers and draftsmen is very tight. The larger projects are recruiting at salary and benefit levels well in excess of Council wage levels for these professionals and maintaining adequate staff levels to deliver Council's capital works program will be an ongoing challenge. More use of external consultants is an option, but it is far more expensive. External consultants are also experiencing considerable difficulties in achieving their desired professional staffing levels.

## **Roads**

Council maintains 1051km of local roads which are made up of:-

403km	Urban Sealed
446km	Rural Sealed
202km	Rural Unsealed

In addition there are 164km of Regional Roads to maintain.

Council has had a Pavement Management System (PMS) for its sealed roads since the late 1980's which is used to assist in the determination of the five year forward program. The PMS is predicated on visual inspections of the pavement. Other factors used in determining relative priority are:-

- Traffic volumes
- Drainage problems
- Bus routes
- Safety

The program proposed in the urban and rural construction areas is primarily looking to preserve and upgrade the existing asset base.

Council has had a timber bridge replacement program for approximately 20 years and this has significantly reduced the number of timber bridges in the shire to 35 out of a total of 202.

The Roads to Recovery Program is being directed to acceleration of the Sealing of School Bus Routes program in accordance with the priority list previously considered by Council. A review of the Sealing School Bus Route priority list will be reported to Council prior to next years program.

### **Water Supply & Sewerage**

The water supply and sewerage construction programs are based on the capital works program contained in the Water Supply and Sewerage Activity Management Plan.

### **INFRASTRUCTURE PROGRAM 2006/07**

<b>1.</b>	<b>Urban Road Construction</b>	<b>\$2,063,000</b>
	McAllisters Rd, Bilambil Heights – intersection improvement	150,000
	Townners Ave, Bogangar, Recreation St to school – K&G & drainage	110,000
	<b>RIVERSIDE DVE, TUMBULGUM – K&amp;G, FOOTPATH, REVETMENT, PARKING</b>	360,000
	Mitchell St, Uki – K&G & shoulder seal	260,000
	Tweed St, Murwillumbah, George St to York St – pavement rehabilitation & K&G	150,000
	Proudfoots Lane, Murwillumbah, Commercial Rd to Brisbane St – pavement rehabilitation and convert to Shared Zone	250,000
	<b>CAROBOI TCE, TYALGUM, WOLLUMBIN ST TO PRESCHOOL – SEALING AND DRAINAGE</b>	70,000
	Healy Lane, Fingal, Lighthouse Rd to King St – K&G and drainage	120,000
	Kennedy Drive, West Tweed, at Gray St – civil works associated with traffic signal installation	160,000
	Bent Street, Murwillumbah – reconstruction following water main installation (part funded by Water)	180,000
	Altair St, Sth Tweed – K&G & shoulder seal	160,000
	Marshall St, Uki – K&G & shoulder seal	93,000
		<b>\$2,063,000</b>

<b>2007/2008</b>	<b>2008/2009</b>
Kennedy Drive	Coral Street, Terranora
Broadwater Esplanade	Hillcrest Avenue
Nullum Lane	Brisbane Street
Fern Street	Buchanan Street
Lalina Avenue	River Street
Myeerimba Pde	Charles Street, Murwillumbah
Overall Drive	Crescent Street, Cudgen
Wentworth Lane	Eveleigh Lane
Buckingham Drive	Moolau Avenue
Edward Avenue	Nullum Lane

2007/2008	2008/2009
Spring Lane, Murwillumbah	Parry Street

2009/2010	2010/2011
Eyles Lane	Myrtle Lane
Mooball Lane	Rouse Lane
Ocean Drive	Karrumbul Street
Bawden Lane	Simpson Drive
Caraboi Terrace	Ducat Street
Franklin Street	Hastings Road
James Lane	Byangum Rd at Bagoo St, Murwillumbah
Murwillumbah Street	
Brisbane Street	

2.	Rural Road Construction	\$1,397,710
	Crabbes Ck Rd, Crabbes Ck, Tweed Valley Way to school – realignment (supplementary funding to 2005/06)	100,000
	Dulguigan Rd – pavement rehabilitation from Tomewin Rd for 1.5km	160,000
	Farrants Hill Rd - slip repair	40,000
	Tumbulgum Rd, north of Cane Rd - slip repair	60,000
	Gravel Resheeting (resident contribution)	200,000
	Carool Road, at Carool school – pavement rehabilitation for 0.65km	160,000
	Glengarrie Rd, Glengarrie - extend seal to Slash Pine Rd	250,000
	Nobbys Cr Rd, Kynnumboon – reconstruct from Numinbah Rd to Blackwoods Rd	127,710
	Racecourse Road, Murwillumbah – slip repair near Tumbulgum Rd	60,000
	Dulguigan Rd, Nth Tumbulgum - revetment near Mayes Hill Rd	100,000
	Skyline Dr, West Tweed - slip repair - provisional item pending grant application	100,000
	Cudgera Ck Rd, Burringbar - revetment at Br26	30,000
		\$1,397,710

2007/2008	2008/2009
Eviron Road	Cadell Road
Yugari Road	Carool Road
Cudgen Road	Burringbar Road
North Arm Road	Langes Road
Pottsville Road	Crooks Valley Road
Piggabeen Road	
Hidden Valley Road	

2009/2010	2010/2011
Tumbulgum Road	Wooyung Road
Reserve Creek Road	Duranbah Road
Dulguigan Road	Mayes Hill Road
	Pottsville Road

<b>3. Roads to Recovery (2)</b>	<b>\$1,028,110</b>
Tyalgum Crk Rd, Tyalgum Ck – extend seal to Stoddarts Rd, 0.79km (school bus route)	130,000
Upper Crystal Cr Rd, Crystal Ck - seal two remaining gravel sections, 1.0km total (school bus route)	260,000
<b>BROOKS RD, KYNNUMBOON - SEAL REMAINING GRAVEL SECTION, 1.6KM FROM BAROMI RD (SCHOOL BUS ROUTE)</b>	430,000
Brays Cr Rd - seal remaining gravel section, 1.0km near piggery (school bus route)	208,110
	<b>\$1,028,110</b>

<b>4. Federal Assistance Grant</b>	<b>\$1,830,000</b>
<b>ADVANCED SURVEY &amp; LAND ACQUISITION</b>	290,000
Fingal Rd, Fingal – realign remaining 0.75km section between residential areas, footpath etc.	200,000
Piggabeen Bypass – continuation of project	710,000
Contribution to "REPAIR" Program 50%	500,000
Contribution to BACK SPOT Program 50%	130,000
	<b>\$1,830,000</b>

2007/2008	2008/2009
Piggabeen Bypass	Timber Bridges Regional Roads
Zara Road	Zara Road
Tyalgum Road	Tyalgum Road

<b>5. REPAIR Program</b>	<b>\$384,000</b>
Numinbah Road – at Nobbys Creek – completion	384,000
Note – this is the last year of the current Repair Program	

<b>6. Tweed Road Contribution Plan</b>	
This will be subject of a separate report to council following negotiations with the Roads & Traffic Authority	

<b>7. Bridges</b>	<b>\$2,042,513</b>
Giddys Bridge, Uriup Rd – replace timber bridge	600,000
Pottsville Bridge Handrails – replace handrail & crash barrier	100,000
<b>PERCH CR BRIDGE, KYOGLE RD – REPLACE TIMBER BRIDGE (CO-FUNDED FROM REGIONAL RDS BLOCK GRANT)</b>	182,513
Cudgen Creek footbridge, Kingscliff – first stage of replacing timber bridge	1,160,000
	<b>\$2,042,513</b>

<b>2007/2008</b>	<b>2008/2009</b>
Charltons Bridge, Cudgera Ck Rd	McCabes Bridge, Commissioners Ck Rd
Richards Bridge, Stokers Rd	Richards Bridge, Stokers Rd (completion)

<b>2009/2010</b>
Ottes Bridge, Byrill Ck Rd

<b>8. Drainage - Major Works</b>	<b>\$1,000,000</b>
Murwillumbah St/ Wharf St, Murwillumbah – continuation of main drainage from Commercial Rd to Police Ln	800,000
Broadwater / Banora Terrace, Bilambil Heights	200,000
	<b>\$1,000,000</b>

<b>2007/2008</b>	<b>2008/2009</b>
Fingal Village	Kingscliff North
Kingscliff North	Wommin Bay Road

<b>2009/2010</b>
Wommin Bay Road

<b>9. Drainage - Augmentation</b>	<b>\$600,000</b>
Quiggan St, Kingscliff – pipe relining	40,000
Lake Kimberley Revetment – provisional item	15,000
<b>ROTUMAH/OZONE ST, CHINDERAH - PIPE RELINING</b>	100,000
<b>MCKISSOCK DR, CHINDERAH – DRAIN LOW POINT NEAR RETIREMENT VILLAGE</b>	42,000
Brothers RLFC, Murwillumbah – lining of drain (provisional item)	60,000
Darlington Dr, Banora Point – overland flow path	343,000
	<b>\$600,000</b>

<b>2007/2008</b>	
Stafford / River St, Sth Murwillumbah	

<b>10.</b>	<b>Concrete Footpath Construction</b>	<b>\$176,900</b>
	Beach St, Kingscliff, Kingscliff St to Marine Pde	10,530
	Minjungbal Dr, Sth Tweed, Rivendell St To Soorley St	11,750
	Gray St, West Tweed, Kennedy Dr north 192m	15,370
	The Quarterdeck, Tweed Heads, Kent St to The Bowspit	25,210
	Norman St, Sth Tweed, Kennedy Dr to The Quarterdeck	16,870
	Rose St, Sth Tweed, Kennedy Dr to Honeysuckle St	12,530
	Simpson Dr, Bilambil Heights, shops to Monomeeth Ave	15,410
	Mooball St, Murwillumbah, Qld Rd to Rouse St	13,110
	Sandalwood Dr, Bogangar, Coast Rd to Ti-Tree Ave	21,340
	Anderson St, Banora Point, Laura St to Oyster Pt Rd	7,840
	Prospero St, Sth Murwillumbah, Tweed Valley Way to Clifford Lane	5,600
	Smith St, Sth Murwillumbah, Tweed Valley Way to River St	7,720
	Project Management	13,138
		<b>\$176,900</b>

<b>11.</b>	<b>Cycleway Construction</b>	<b>\$372,900</b>
	Nullum St, Murwillumbah - high school to Condong St, 360 x 2.5	54,000
	Condong St, Murwillumbah - Nullum St to Brisbane St, 220 x 2.5	33,000
	Jack Evans Boatharbour, Tweed Heads	185,900
	Fingal Rd, Fingal - Old Boat Harbour to Bamerry St, 880m	100,000
		<b>\$372,900</b>

<b>12.</b>	<b>Asphalt Resurfacing</b>	<b>\$265,000</b>
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<b>13.</b>	<b>Water Supply - Capital Works</b>		<b>\$26,486,001</b>
	Water Mains	Valve Replacement	\$26,800
	Water Mains	Hydrant Replacement	\$22,700
	Water Consumer Services	Back Flow Replacement	\$19,600
	Water Consumer Services	New	\$374,500
	Water Consumer Services	Replacement	\$265,900
	Water Consumer Services	Meter Replacement	\$272,200
	Hand Held Meter Reading System	Equipment Purchases	\$5,000
	Equipment Purchases General	Equipment Purchases	\$10,000
	Safety Equipment	Equipment Purchases	\$5,000
	Vehicles	Equipment Purchases	\$80,000
	Crams Farms (Clarrie Hall Dam)	Equipment Purchases	\$1,000
	Compressor For Pipe Cutter	Equipment Purchases	\$20,000
	Pressure Reducing Valves	PRV Facility Upgrade	\$5,000
	Depot Facilities	Murwillumbah	\$130,000
	Catchment Management	General	\$50,000
	CH Dam	Minor Works & Replacement	\$10,000
	CH Dam	Safety General	\$2,000

<b>13.</b>	<b>Water Supply - Capital Works</b>		<b>\$26,486,001</b>
	CH Dam	seepage weir construction & pump install at Dam	\$10,000
	CH Dam	Pump & power seepage Weir at Dam	\$5,000
	CH Dam Spillway	Detailed Design	\$330,000
	Bray Park Weir	Construction	\$500,000
	Bray Park Weir	Safety General	\$2,000
	Bray Park WTP	Safety General	\$5,000
	Bray Park WTP	PLC Upgrade	\$2,000
	Bray Park WTP	Telemetry Upgrade	\$2,000
	Bray Park WTP	SCADA Upgrade	\$2,000
	Bray Park WTP Aug to 100ML	Construction	\$17,250,000
	Uki WTP	Construction	\$200,000
	Uki WTP	Concept	\$60,000
	Tyalgum WTP Upgrade	Construction	\$850,000
	WPS's General	Land Acquisition	\$50,000
	WPS's General	Electrical Upgrade	\$20,000
	WPS's General	Safety General	\$5,000
	WPS's General	Soft Starter Upgrade	\$15,000
	WPS's General	Telemetry Upgrade	\$5,000
	WPS's General	Actuated Control Valve Upgrade	\$5,000
	WPS's General	Electric Motor Replacement	\$30,000
	WPS 1 & 1A Kyogle Road	Civil Upgrade	\$150,000
	WPS 2 Durroon Ave Bray Park	Land Acquisition	\$300,000
	WPS 26 Banora Point East Booster	Construction	\$200,000
	Reservoirs	Land Acquisition	\$300,000
	Reservoirs	Safety General	\$5,000
	Reservoirs	Telemetry Upgrade	\$5,000
	Reservoirs	Actuated Control Valve Upgrade	\$5,000
	Banora Point Reservoir	Rehabilitation	\$100,000
	Burns Hill Reservoir	Building Works	\$80,000
	Burns Hill Reservoir	Access	\$20,000
	Burns Hill Reservoir	Civil Upgrade	\$50,000
	Cowell Park 1 Reservoir	Inline Chlorination Upgrade	\$20,000
	Cowell Park 1 Reservoir	Actuated Control Valve Upgrade	\$20,000
	Duranbah 2 Reservoir	Construction	\$100,000
	Hospital Hill 2 Reservoir	Rehabilitation	\$120,000
	Walmsleys Road 1 Reservoir	Inline Chlorination Upgrade	\$50,000
	Trunk Main	Corrosion Protection	\$15,000
	Trunk Main	Valve Replacement	\$15,000
	Trunk Main	PIT UPGRADE	\$5,000
	Kennedy Dr To Anconia 450mm	Trunk Main Upgrade	\$440,301
	Lloyd St to Razorback 450mm	Trunk Main Upgrade	\$100,000

<b>13.</b>	<b>Water Supply - Capital Works</b>		<b>\$26,486,001</b>
	WPS 3B To Kingscliff Res 300mm	Trunk Main Upgrade	\$1,000,000
	Hastings Pt - Cudgera Creek Crossing 450mm	Trunk Main Upgrade	\$100,000
	Duranbah Main Duplication Across motorway 600mm	Trunk Main Upgrade	\$140,000
	Duranbah Main Protection Through Sand Quarry 600mm	Trunk Main Upgrade	\$15,000
	Cudgen Creek Bridge Crossing (Kingscliff) 300mm	Trunk Main Upgrade	\$200,000
	Old Lismore Rd 250mm x 600m	Trunk Main Upgrade	\$150,000
	Mains Replacement	General	\$50,000
	The Parapet 100mm	Mains Replacement	\$35,000
	Cambridge Court Kingscliff 100mm	Mains Replacement	\$20,000
	Eveleigh Lane Murwillumbah 100mm x 90m	Mains Replacement	\$9,000
	Queensland Rd, Bent to Hospital Hill Res 200mm x 650m	Mains Replacement	\$180,000
	Thomas St Bray Park 100mm x 350	Mains Replacement	\$33,000
	Peninsula St Hastings Point 100mm x 150m	Mains Replacement	\$15,000
	Mains New	General	\$15,000
	East Banora Pt cross connections	Mains New	\$200,000
	Lead-in main to Kingscliff STP 150mm	Mains New	\$200,000
	Lead in main to Tweed Heads STP 150mm x 390m	Mains New	\$80,000
	Church Lane 100mm	Mains New	\$10,000
	Airfield Ave Cross connection 150mm x 460m	Mains New	\$70,000
	Basalt Lane 240m x 150mm	Mains Upgrade	\$40,000
	Kingscliff Depot Facilities	Construction	\$1,170,000
	Telemetry & SCADA	General Upgrade	\$6,000
			\$26,486,001

<b>14.</b>	<b>Sewerage - Capital Works</b>		<b>\$44,694,792</b>
	Tweed Laboratory Centre	Equipment Purchases over \$5,000	\$100,000
	SPS General	Mechanical Upgrade	\$25,000
	SPS General	Electrical Upgrade	\$25,000
	SPS General	Safety General	\$10,000
	SPS General	Telemetry Upgrade	\$5,000
	SPS General	Mechanical Replacement	\$25,000
	SPS General	Pipe Work Replacement	\$20,000
	SPS General	Reflux Valve Replacement	\$5,000



<b>14.</b>	<b>Sewerage - Capital Works</b>		<b>\$44,694,792</b>
	Azure Estate pump purchase	SPS New	\$100,000
	Equipment Purchases General	Equipment Purchases	\$10,000
	Safety Equipment	Equipment Purchases	\$15,000
	Vehicles	Equipment Purchases	\$80,000
	Mobile Generators for SPS's	Equipment Purchases	\$75,000
	Sewerage Tanker with vacuum pumps	Equipment Purchases	\$120,000
	Trailer mounted cherry picker	Equipment Purchases	\$50,000
	Scissor lift system	Equipment Purchases	\$20,000
	Truck mounted cherry picker	Equipment Purchases	\$100,000
	Trailer mounted Emergency Pump	Equipment Purchases	\$60,000
	Depot Facilities	Tweed Heads	\$300,000
	SPS 1003 Charles Lane	Mechanical Upgrade	\$20,000
	SPS 1003 Charles Lane	Electrical Upgrade	\$5,000
	SPS 1005 Tweed Valley Way Buchanan St	Mechanical Upgrade	\$3,500
	SPS 1008 Greenhill's Caravan Park	Electrical Upgrade	\$15,000
	SPS 1009 Buchanan Street	Electrical Upgrade	\$15,000
	SPS 1010 Lundberg Drive (West)	Electrical Upgrade	\$15,000
	SPS 1014 Tree Street	Electrical Upgrade	\$15,000
	SPS 1015 Tweed Valley Way	Electrical Upgrade	\$15,000
	SPS 1018 Colonial Drive, Condong	Electrical Upgrade	\$15,000
	SPS 1019 McLeod Street, Condong	Electrical Upgrade	\$15,000
	SPS 1020 Lundberg Drive (East)	Electrical Upgrade	\$18,000
	SPS 2000 Tweed Heads Regional	SPS New	\$1,900,000
	SPS 2002 Florence Street, West	SPS New	\$200,000
	SPS 2009 Gray Street	Civil Upgrade	\$28,000
	SPS 2037 Broadwater Esplanade	Civil Upgrade	\$50,000
	SPS 2049 Meridian Way Siphon Ps	Civil Upgrade	\$217,000
	SPS 3004 Martinelli Avenue	Mechanical Upgrade	\$30,000
	SPS 3004 Martinelli Avenue	Electrical Upgrade	\$30,000
	SPS 3004 Martinelli Avenue	Civil Upgrade	\$10,000
	SPS 3010 Cox Drive (Small)	Electrical Upgrade	\$20,000
	SPS 3011 Cox Drive (Large)	Mechanical Upgrade	\$70,000
	SPS 3011 Cox Drive (Large)	Electrical Upgrade	\$25,000
	SPS 3022 Fraser Drive (Smoke House)	Civil Upgrade	\$30,000
	SPS 3022 Fraser Drive (Smoke House)	Access	\$20,000
	SPS 3022 Fraser Drive (Smoke House)	Pit Upgrade	\$20,000
	SPS 4002 Avoca Street	Mechanical Upgrade	\$3,600
	SPS 4003 Ocean Street	Valve Pit Upgrades	\$24,000

<b>14.</b>	<b>Sewerage - Capital Works</b>		<b>\$44,694,792</b>
	SPS 4003 Ocean Street	Mechanical Upgrade	\$27,000
	SPS 4003 Ocean Street	Electrical Upgrade	\$6,000
	SPS 4003 Ocean Street	Pipe Work Replacement	\$27,000
	SPS 4008 Chinderah Road	Mechanical Upgrade	\$36,000
	SPS 4009 Vulcan Street	Valve Pit Upgrades	\$34,000
	SPS 4009 Vulcan Street	Mechanical Upgrade	\$24,000
	SPS 4009 Vulcan Street	Electrical Upgrade	\$1,200
	SPS 4014 Kingscliff High School Oxford Street	Mechanical Upgrade	\$24,000
	SPS 4014 Kingscliff High School Oxford Street	Electrical Upgrade	\$1,200
	SPS 4014 Kingscliff High School Oxford Street	Pipe Work Replacement	\$6,000
	SPS 4015 Fingal Road South	Mechanical Upgrade	\$52,000
	SPS 4015 Fingal Road South	Electrical Upgrade	\$6,000
	SPS 4022 Ibis Court	Mechanical Upgrade	\$24,000
	SPS 4022 Ibis Court	Electrical Upgrade	\$1,200
	SPS 4022 Ibis Court	Pipe Work Replacement	\$6,000
	SPS 4035 Cnr Elrond & Turnock	SPS New	\$516,000
	SPS 4040 Noble Park Private	Mechanical Upgrade	\$18,000
	SPS 4040 Noble Park Private	Electrical Upgrade	\$18,000
	SPS 5001 Towners Avenue	Building Works	\$10,000
	SPS 5001 Towners Avenue	Mechanical Upgrade	\$10,000
	SPS 5010 Philip Street	Mechanical Upgrade	\$60,000
	SPS 5014 Overall Drive	Mechanical Upgrade	\$5,000
	SPS 5016 Cudgera Avenue (Koala Beach) By Developer	Mechanical Upgrade	\$5,000
	SPS 5028 Coast Rd Nth Pottsville	SPS New	\$649,000
	SRM General	Land Acquisition	\$10,000
	SRM Replacement	General	\$50,000
	SRM 1002 River Street	SRM New	\$100,000
	SRM 1005 Tweed Valley Way Buchanan St	SRM Replacement	\$40,000
	SRM 1010 Lundberg Drive (West) 150Mm X 825M	SRM Upgrade	\$138,000
	SRM 2000 Tweed Heads Regional	SRM New	\$695,000
	SRM 2002 Florence Street, West	SRM Upgrade	\$40,000
	SRM 2005 Meridian Way 300Mmm X 380M	SRM Replacement	\$65,000
	SRM 2009 Gray Street	SRM Replacement	\$214,000
	SRM 2014 Parkes Drive	SRM Replacement	\$35,000
	SRM 2018 Gollan Drive/Kennedy Drive	SRM Upgrade	\$552,342
	SRM 2028 Tringa Street	SRM Replacement	\$290,000
	SRM 3006 Darlington Drive (South)	SRM Upgrade	\$45,000
	SRM 3015 Bosun Boulevard	SRM New	\$362,000

<b>14.</b>	<b>Sewerage - Capital Works</b>		<b>\$44,694,792</b>
	SRM 4003 Ocean Street	SRM New	\$169,000
	SRM 4005 Kingscliff Street	SRM New	\$150,000
	SRM 4006 Waugh Street	SRM New	\$28,000
	SRM 4008 Chinderah Road	SRM New	\$110,000
	SRM 4009 Vulcan Street	SRM New	\$160,000
	SRM 4011 Chinderah Industrial Est. Morton Street	SRM New	\$44,000
	SRM 4023 Kings Forest Regional (Future)	SRM New	\$60,000
	SRM 4030 Salt	SRM New	\$60,000
	SRM 4034 Cnr Phillip & Ozone Sts	SRM New	\$557,000
	SRM 4040 Noble Park	SRM New	\$13,000
	<b>SRM 5008 RAJUNGRA STREET</b>	SRM New	\$100,000
	SRM 5016 Cudgera Avenue (Koala Beach)	SRM New	\$30,000
	SRM 5028 Coast Rd Nth Pottsville	SRM New	\$25,000
	Gravity Sewer Relining	General	\$460,000
	Pearl & Florence St	Gravity Sewer New	\$75,000
	Turnock St Ext Kingscliff High to SPS 4035	Gravity Sewer New	\$100,000
	Gravity Sewer Replacement	General	\$400,000
	Gravity Sewer Replacement	M/H A/1A reconstruction Murwillumbah	\$10,000
	Gravity Sewer	M/H Data call sites	\$50,000
	STP General	Effluent Reuse	\$500,000
	STP General	Safety General	\$10,000
	STP General	Telemetry Upgrade	\$5,000
	STP General	SCADA Upgrade	\$5,000
	STP General	Mechanical Replacement	\$50,000
	STP General	Pipe Work Replacement	\$5,000
	STP General	Reflux Valve Replacement	\$5,000
	STP General	Gas Tight Lids Replacement	\$5,000
	STP General	Electric Motor Replacement	\$25,000
	Tweed Heads STP Upgrade	Decommissioning	\$800,000
	Banora Point STP	Outfall Upgrade design	\$100,000
	STP Banora Point	Grit & Screenings Mgt Stage 2	\$100,000
	Banora Point STP	Telemetry Upgrade	\$25,000
	Banora Point STP Eff Quality Upgrade	Concept	\$100,000
	Banora Point STP Eff Quality Upgrade	Detailed Design	\$400,000
	STP Kingscliff	Construction	\$26,000,000
	Kingscliff STP	Effluent main modification	\$450,000
	Kingscliff Depot Facilities	Construction	\$1,170,000
	STP Hastings Point	Dune disposal system	\$100,000

<b>14.</b>	<b>Sewerage - Capital Works</b>		<b>\$44,694,792</b>
		replacement	
	STP Murwillumbah - Co-Generation TTE Plant	Construction	\$2,881,750
	STP Murwillumbah Co-Generation Main	Co-Gen Effluent Main to Sugar Mill	\$1,174,000
	Telemetry & SCADA	General Upgrade	\$6,000
			<b>\$44,694,792</b>

<b>15.</b>	<b>Sealing School Bus Routes</b> (Part of 2004/05 Rate Rise - 2%)		<b>\$480,000</b>
	Byrrill Creek Road, Byrrill Creek - extend seal to Ottes Bridge, 1.7km (school bus route)		480,000
			<b>\$480,000</b>

<b>16.</b>	<b>Additional Asphalt Resurfacing</b> (Part of 2004/05 Rate Rise - 2%)		<b>\$330,000</b>
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<b>17.</b>	<b>Drainage Asset Works</b> (Part of 2004/05 Rate Rise - 2%)		<b>\$104,000</b>
	Additional Gullies in sags - Tweed / Banora		49,000
	Tweed St, Bilambil Heights – interconnect pipe from Tweed St to Broadwater Esp		20,000
	Burringbar Rd, Burringbar - pipe open swale west of Second Ave		15,000
	Eaglemont Dr/Horseshoe Rd, Terranora – pipe reconfiguration		20,000
			<b>\$104,000</b>

<b>18.</b>	<b>Footpath Asset Repairs</b> (Part of 2004/05 Rate Rise - 2%)		<b>\$51,000</b>
	Marine Pde, Kingscliff – replace pavers with concrete Grand Pacific Hotel to Paradiso		25,000
	Murwillumbah St, Murwillumbah – replacement concrete footpath Court House & Police Station		15,000
	Dry Dock Rd, Sth Tweed – replace damaged footpath on levee		11,000
			<b>\$51,000</b>

<b>19.</b>	<b>Sportsfields</b>		<b>\$835,000</b>
	Ron Wilkinson		135,000
	West Murwillumbah		100,000
	Les Burger		20,000
	Murwillumbah		100,000
	Pottsville		60,000
	Piggabeen		160,000
	Casuarina Rugby		170,000
	Casuarina Hockey		150,000
	Knox Park (netball)		30,000
			<b>\$835,000</b>

<b>20.</b>	<b>Passive Recreation</b>	<b>\$955,000</b>
	Quota Park	75,000
	Banora Point parks	500,000
	Razorback	30,000
	South Tweed Skate Park	250,000
	Shirewide upgrades	100,000
		<b>\$955,000</b>

<b>21.</b>	<b>Car Parking Section 94</b>	
	Subject to separate report	

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "non confidential" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

1. School Bus Routes - gravel roads (DW No. 1427758).
  2. Assessment Criteria (DW No. 1214259).
  3. Gravel Roads 2005 (DW No. 1214244).
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**017 [EO-OC] Review of Public Road Maintenance Categories**

**ORIGIN:**

**Works**

**SUMMARY OF REPORT:**

From the dual perspectives of applying road maintenance funds for the greatest community benefit and to manage risk, it is prudent for Council to determine the standard of maintenance for the various road segments.

It is many years since Council last reviewed the maintenance categories of Public Roads.

This report foreshadows a road maintenance categorisation system and criteria for categorisation of individual road segments based on implementation of the Strategic Asset and Service Management Program (SAMP).

It is also proposed to use this system as the policy framework to deal with requests to review the status of roads that are not currently maintained by Council.

**RECOMMENDATION:**

**That:-**

- 1. A further report be brought back to Council recommending adoption of a road categorisation system based on the Strategic Asset and Service Management Program (SAMP) and the principles foreshadowed in this report.**
- 2. Defer any requests for review of the maintenance status of individual road segments, until this system is adopted.**

## REPORT:

### 1. Background

Council is the Road Authority for Public Roads. Public Roads include all roads except Classified Freeways, Crown Roads and Reserved Subdivision Roads.

The Roads Act 1993 does NOT impose a statutory duty on a Road Authority to carry out works of construction or repair of public roads, or to keep them in repair.

Council currently maintains 849km of sealed roads and 202km of unsealed roads (excluding Regional Roads). The road maintenance budget is stretched to provide adequate maintenance of these roads and keep them in a safe condition. For example, the budget for unsealed roads provides for their grading only twice per year on average, and for resheeting with gravel only once every 35 years. Judged by contemporary standards and by the number of requests received from the public for additional maintenance, this is below community expectations.

In addition to the above length of roads that Council does maintain, there are other sections of Public Road that Council does not maintain.

Hence there are currently just two categories of Public Road – those that Council does maintain, and those that it does not. This categorisation was carried out more than ten years ago. The implication of this two-category concept is that once a road falls into the “maintained” category, it is subject to the same maintenance regime as every other road in the category. This is clearly not the case – roads higher in the functional hierarchy with higher traffic volumes are maintained to a higher standard than low traffic no-through roads.

Requests for review of roads in the non-maintained category are regularly but infrequently received – perhaps six to ten per year. The most recent requests have been for Woodfords Road, McAllisters Road, Hideaway Lane and Glengarrie Road. Strong representations have been made for the latter, however a petition has also been received requesting that no change be made to the current maintenance limit, allowing the residents to continue maintenance of the road.

This report foreshadows a new road categorisation system which would provide a policy framework for rational allocation of levels of road maintenance as well as a policy framework in which to consider the above requests.

### 2. Strategic Asset and Service Management Program (SAMP)

In 2001 Council adopted the principle of a Strategic Asset and Service Management Program (SAMP) to better manage its infrastructure assets and minimise the cost of public liability claims. Under the SAMP, roads would be categorised into a hierarchy, with appropriate standards and frequencies of inspection, maintenance and repair for each category. This categorisation advances the asset management process by the introduction of risk analysis. Standards of work quality are set and costed for all maintenance activities, which, along with the frequency of the activity and the length of road in each category, allows the available budget to be rationally allocated to each of



the categories. There is a considerable amount of development of the SAMP yet to be done, however the principles are in place.

**3. Work in Progress - Example of Applying SAMP Principles to Unsealed Rural Road Categories**

The following is an example of how the SAMP could be applied to categorisation of unsealed rural roads.

Use say a 3 Asset Classification Standard;

Level A = 3<sup>rd</sup> order unsealed road.

These roads may or may not have a gravel pavement, are either unformed or formed over in-situ material, principally to provide access to 3 or less properties from higher order roads, traffic volumes are very low, usually no guideposts or signs or vegetation control, maintenance funded by benefiting landowners. Examples could be the ends of McAllisters Rd, Snake Gully Rd, Smarts Rd.

Level B = 2<sup>nd</sup> order unsealed road.

These roads would have a formed gravel pavement, pipe culverts, may or may not have guideposts & signs, limited vegetation control, are 'dead-end' roads, principally to provide access to 4 or more properties, traffic volumes are low to medium, maintenance funded by Ccl to a lesser degree than Level A. Examples could be Brays Creek Rd, Palmvale Rd, Doon Doon Rd.

Level C = Highest standard of unsealed road.

These roads would have a formed gravel pavement, guideposts, signs, pipe culverts, controlled vegetation growth, width for 2 vehicles to pass, & form a through avenue for connection to the sealed road network, traffic volumes are reasonably high, maintenance funded by Ccl to a high degree. Such examples could be Bartletts Rd, Reserve Creek Rd, & Byrill Creek Rd.

Graphically the categorisation could be represented as:

**Category      Level of Service**

Level A      IIII

Level B      |||

Level C      |||

Each Asset Category would have fully costed Specifications that detail the activities done to each of their roads so that their category standards are met. To this end, the effect of a budget reduction or increase in road length will be either a reduction in standard or a shift of roads into the lower category.

Activities done to 100km of Level C category roads may be (costs & lengths for example only):-

- grading 3 times p.a.	\$1200 per km x 3	= \$3600 per km
- 20mm resheet annually	\$4000 per km	= \$4000
- guideposts @ 5 years cycle	\$200 per km	= \$200
- drains cleaned 3 times p.a.	\$1500 per km x 3	= \$4500
- signs @ 5 years cycle	\$500 per km	= \$500
- vegetation control 3 times p.a.	\$1500 per km x 3	= \$4500
	Total per km per annum	= \$17300
	<b>Level C budget required p.a.</b>	<b>= \$1.73M</b>

Activities done to 102km of Level B category roads may be (costs & lengths for example only):-

- grading 2 times p.a.	\$1200 per km x 2	= \$2400 per km
- 20mm resheet @ 2 years	\$2000 per km	= \$2000
- guideposts @ 10 years cycle	\$100 per km	= \$100
- drains cleaned 2 times p.a.	\$1500 per km x 2	= \$3000
- signs @ 10 years cycle	\$250 per km	= \$250
- vegetation control annually	\$1500 per km	= \$1500
	Total per km per annum	= \$9250
	<b>Level B budget required p.a.</b>	<b>\$0.94M</b>

Activities done to 50km of Level A category roads may be (costs & lengths for example only):-

- respond to complaints only & respond		
- inspection 6 times p.a.		= \$600
- warn &/or protect public of hazard (once p.a.)		= \$1000
Total per km per annum		= \$1600
	<b>Level A budget required p.a.</b>	<b>= \$0.08M</b>

**Total unsealed budget required to meet standards = \$2.75M**

If the actual budget was only \$2M, then the combinations of works and resulting standards could be adjusted down for all categories, or roads would be shifted into Level A. Similarly, the same process is used when the network length changes.

Although no physical maintenance may be done to Level A roads, Council must respond to safety related complaints in accordance with the SAMP. The SAMP inspection regime triggers an inspection of the complaint or work request so that the inspector can decide if

an unsafe defect or condition exists. If, in the opinion of the inspector, an unsafe defect or condition exists then the inspector will cause appropriate safety measures to be erected so that people exposed to the risk are properly warned and/or protected. Once erected, safety measures (which may be limited to a warning sign only with no accompanying physical repair works) must be inspected and maintained (in accordance with the SAMP policy rules) whilst the unsafe defect or condition remains or until it is eliminated, either by Council or the residents who maintain the road.

#### **Example of Criteria for Assessment of Road Category**

There exist some **unformed Public Roads** that are only discernable by reference to a cadastral map (sometimes called "paper roads"). These are basically uncleared bushland or agricultural land that may or may not be usable by vehicles. These roads are not maintained by Council and are currently included in the non-maintained category.

With regard to **formed Public Roads**, the criterion used to categorise roads is expressed by the question,

*"Does the road perform an essentially public function, or does it perform an essentially private function?"*

Clearly, a dead end road that provides access to only one property performs a private function. Conversely a road that provides access to other roads in the network and is abutted by ten properties performs a public function. The difficulty is in drawing the line between these extremes.

In general roads in the current non-maintained category transfer to Level A, the least maintained category, in the new system.

It is considered that movement/promotion of a road to a higher category should be based on objective factors eg:

Moving from the lowest level A to level B

- threshold number of properties or residences served
- presence of a feature or facility served by the road segment that needs to (or is desirable to) be accessed by the general public
- significant to improvement of road network connectivity
- affordability ie cost to promote road segment per residence is below threshold \$ amount. This would exclude roads where a physical hazard/obstacle (such as steep, unstable land or need for bridge crossing, structure or the like) would render promotion to a higher category (and the attending obligation for higher standard of construction and/or maintenance) uneconomical.

Moving from the level B to higher level C

- threshold traffic volume
- function of road eg critical connection between localities

#### **4. Requests for Review of Roads in the Current Non-maintained Category**

As the new categorisation system would contain objective criteria for movement of road segments between categories, it is recommended that requests for review of the status of road segments now in the non maintained category, be deferred until the new system

is adopted. These requests would then be assessed in accordance with the criteria of the new system.

If Council moves roads out of the current non-maintained category into the proposed least-maintained category, then the impact on the road maintenance budget will be minimal.

Should roads be raised to a higher category then costs for those roads would materially increase and given a fixed road network budget, funds will be spread more thinly on the rest of the network.

#### **5. Application of Example Unsealed Rural Road Characterisation System**

As an example, a list of **formed** road segments that are currently not maintained by Council, and their possible category under the foreshadowed new system is shown at the end of this report. This table also shows the current status of these roads, and the number of properties and residences served by the road.

#### **6. Conclusion**

This report has foreshadowed the principles and general policy direction of the application of the SAMP to unsealed road maintenance categories. Subject to Council's compliance, it is proposed to complete the project and present a final report and recommended scheme to Council later this year.

**FORMED PUBLIC ROADS**

ROAD NAME	LOCALITY	CURRENT STATUS		ON SECTION NOT MAINTAINED			RECOMMENDED SAMP CATEGORY (A = lowest)
		LENGTH MAINTAINED	LENGTH NOT MAINTAINED	NUMBER OF PROPERTIES	NUMBER OF RESIDENCES		
BLACKBUTT RD	Urtiup, off Urtiup Rd	0	582	1	1		A
BOXSELL RD	Limpinwood, off Limpinwood Rd	570	115	1	0		A
CADAGA RD	Fernvale, off Tweed Valley Rd	555m sealed Crown Rd	Approx 600 m Crown Rd	2	1		>A Transfer 555m to Public Rd.
CHOWAN CK RD	Rowlands Creek, off Rowlands Cr Rd	3110m	147m	3	1		A
COUGAL RD	Carool, off Carool Rd	0	785 formed, 210 on reserve	1	0		A (210 only)
GLENGARRIE ROAD	Carool, off Carool Rd	2600	1448	3	3		> A
HIDEAWAY LANE	Murwillumbah, off Kyogle Road	0	165	1	1		A
HIDDEN VALLEY RD	Tyalgum, off Tyalgum Rd	990	1234	1	1		A
HINDMARSH RD	Nunderi, off Clothiers Crk Rd	500	527	2	4		A
KELLEHERS RD	Potts ville, off Pottsville Rd	1330	Approx 200	1	1		A
MANN'S RD	Rowlands Creek, off Rowlands Cr Rd	988	262	road access to national park	0		> A
MCALLISTERS RD	Bilambil Heights, off Scenic Dr	3100 sealed	200 unsealed	1	0		A
McCONNELLS RD	Dunbible, off Stokers Rd	2465	420	1	1		A
MELALUCA RD	Duranbah, off McCollums Rd	1150	230	2	1		A
PALMERS RD	Terragon, off Kyogle Rd	1870	30	3	2		A
RAWSONS RD	Chillingham, off Zara Rd	230	1054	1	0		A
ROB COLE RD	Upper Duroby, off Upper Duroby Cr Rd	1050	470	2	1		A
SLASH PINE RD	Carool, off Glengarrie Rd	0	620 formed	5	2		A
SMARTS RD	Wardrop Valley, off Wardrop Valley Rd	2980	360	6	5		> A
SNAKE GULLY RD	Upper Burringbar, off Ophir Glen Rd	1230	520	3	0		A
SOLOMONS RD	Mount Warning, off Mt Warning Rd	0	537	5	4		> A
WOODFORDS RD EAST	Reserve Creek, off Woodfords Rd	0	176 of Crown Rd	3	3		> A (176 only)

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

This report refers to the Roads Act 1993, Part 6 - Road work, Division 1 – General, Clause 71 - Powers of roads authority with respect to road work,

*A roads authority **may** carry out road work on any public road for which it is the roads authority and on any other land under its control.*

The adoption of this report will have the effect of limiting Council's liability for claims for damages incurred on roads.

Any categorisation of current "non-maintained" road segments into other than the "least-maintained" category without a corresponding funding increase will have the effect of reducing the standard of maintenance on all roads.

**POLICY IMPLICATIONS:**

Final report will have major impact on road maintenance and risk management policy.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**O18 [EO-OC] Joint Host Sponsorship - AWA 2006 Regional Conference  
Peppers Salt Resort and Spa Kingscliff 10-12 November 2006**

**ORIGIN:**

**Water**

**SUMMARY OF REPORT:**

The Australian Water Association (AWA) is the lead agency for the Water and Wastewater industry in Australia. The Queensland Branch Regional Conference is one of the major events of the year attended by over 200 delegates throughout Queensland and Northern NSW. A request has been received from the AWA for Tweed Shire Council to be joint host sponsor along with Hunter Water Australia for this year's conference.

**RECOMMENDATION:**

**That Council accepts the invitation to be joint host sponsor to the AWA 2006 Regional Conference to be held at Peppers Salt Resort and Spa, Kingscliff 10-12 November 2006 for the amount of \$3,500 excl of GST.**

**REPORT:**

The Australian Water Association (AWA) is the lead agency for the Water and Wastewater industry in Australia. The Queensland Branch Regional Conference is one of the major events of the year attended by over 200 delegates throughout Queensland and Northern NSW. A request has been received from the AWA for Tweed Shire Council to be joint host sponsor along with Hunter Water Australia for this year's conference.

Please find below a copy of the letter of invitation for this year's Conference (DW1419036).





AUSTRALIAN  
WATER  
ASSOCIATION

Queensland Branch  
PO Box 504, Stones Corner QLD 4120  
Tel: (07) 3397 5644 Fax: (07) 3397 5283  
Email: awaq@bigpond.net.au Web: www.awa.asn.au  
ABN 78 096 035 773

***AWA 2006 Weekend  
Regional Conference***

**FAXED**  
23/6/06



**WATER**  
IN THE BALANCE

*WATER IN THE BALANCE CONFERENCES*

<b>TWEED SHIRE COUNCIL</b>	
FILE No	...
Doc No	
REC'D	30 JUN 2006
ASSIGNED TO	<i>oxenham, D</i>
HARD COPY	<input type="checkbox"/>
IMAGE	<input checked="" type="checkbox"/>

23 June 2006

Mr David Oxenham  
Tweed Shire Council  
PO Box 816  
MURWILLUMBAH NSW 2484

Dear David

**Joint Host Sponsorship for the AWA 2006 Regional Conference,  
Peppers Salt Resort and Spa, Kingscliff, 10-12 November 2006**

The **Australian Water Association** is the lead agency for the water and wastewater industry in Australia and the Regional Conference is one of the major events each year. Your sponsorship is the chance to put your name and organisation in front of the people and companies that run the water industry in Queensland and northern New South Wales, if not Australia.

As per our earlier discussions, Hunter Water Australia and Tweed Shire Council is formally invited to be the Joint Host Sponsor for this year's regional conference.

This conference is a combination of technical and social aspects that is planned over a weekend to take advantage of the latest trends in the water industry and local recreational and tourist attractions. The location of the conference this year is at the Peppers Salt Resort and Spa, Kingscliff

The conference theme this year is **'Water in the balance'**. This conference fits well with Yin and Yang philosophy. It symbolises the people and the processes needed to bring our ever escalating needs for water into balance.

Being the Joint Host Sponsor will substantially promote the profile of your organisation in the water industry and provide you with the opportunity to display your organisation's commitment and support of the water industry, both with professionals and clients from all aspects of the water industry.

Promoting the sustainable management of water

As Joint Host Sponsor, Tweed Shire Council is entitled to:

**JOINT HOST SPONSOR (2 only) \$3500 excl. GST**

- Your logo will appear prominently on the Call for Papers, Registration Brochure and the Proceedings cover
- Free display board area in Conference session rooms
- Shared sponsor rights to and display of banner\* at the Conference Dinner
- 2 free invitations to Conference Dinner
- 2 free invitations to meet the Trade Cocktails
- An insert of your A4 corporate profile\* into all conference folders
- You may display one banner\* in the conference auditorium
- Your logo will be prominently featured on the PowerPoint presentation shown throughout the Conference
- The opportunity to provide delegates with a branded corporate gift\*
- Conference brochures for you to mail to your clients
- Promotion with local media outlets for the opening and duration of the conference

\*Provided by Sponsor, profiles to be maximum A3 sheet folded to A4.

Tweed Shire Council and Hunter Water will also be offered the opportunity to present a combined paper at the conference (following discussions with the Paper Selection Committee when the Call for Papers has been distributed over the next few weeks).

We would also appreciate if the Mayor of Tweed Shire Council would be available to officially open the conference on the morning of Friday, 10 November 2006.

I would appreciate the chance to further meet with you and other representatives to discuss the event as it progresses. Please do not hesitate to contact me on (07) 3397 5644. For more information on the conference please contact Kathy Bourbon (07) 3397 5644 or email awaq@bigpond.net.au

Yours sincerely



**Ian Paterson**  
**Co-Chair Regional Conference Committee**

**CC Mr Andrew Grant**

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Funds are available from the 2007 Water Budget.

**POLICY IMPLICATIONS:**

Council has supported this Conference for many years by both sponsorship arrangements for when the Conference is held within the Tweed and by the attendance of Delegates.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**019 [EC-OC] Tweed Local Emergency Management Committee**

**ORIGIN:**

**Environment & Health**

**SUMMARY OF REPORT:**

Council is advised that under the provisions of the State Emergency and Rescue Management Act, 1989 it is responsible for the establishment of and executive support facilities for a Local Emergency Management Committee.

Under amendment to the Act the chairperson of the Committee shall be a senior representative of the Council, who has the authority of the Council to co-ordinate the use of the Council's resources in the prevention of preparation for response to and recovery from emergencies.

**RECOMMENDATION:**

**That Council:-**

- 1. Appoints Geoffrey John Edwards as the Chairperson of the Tweed Local Emergency Management Committee and authorises him on behalf of Council to co-ordinate the use of the Council's resources in the prevention of, preparation for, response to and recovery from emergencies.**
- 2. Appoints Doreen Eaton as Council's Local Emergency Management Officer.**

**REPORT:**

Council is advised that under the provisions of the State Emergency and Rescue Management Act, 1989 it is responsible for the establishment of and executive support facilities for a Local Emergency Management Committee.

Under amendment to the Act the chairperson of the Committee shall be a senior representative of the Council who has the authority of the Council to co-ordinate the use of the Council's resources in the prevention of preparation for response to and recovery from emergencies.

Currently the Manager Environment & Health, who is appointed as Council's Local Emergency Management Officer has been acting as the chairperson of the Committee. In order to comply with the Act it is recommended that Council formally appoint him as chairperson.

Further it is noted that Council's Health & Environment Co-ordinator, Doreen Eaton, has assisted the Manager Environment & Health in his Local Emergency Management Officer role and accordingly it is recommended that she be formally appointed as Council's Local Emergency Management Officer.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**O20 [EC-OC] Request for Comment on the Risk Assessment and Risk Management Plan for Application DIR062/2005 from Bayer Cropscience Pty Ltd**

**ORIGIN:**

**Environment & Health Services**

**SUMMARY OF REPORT:**

The Office of the Gene Technology Regulator has advised that submissions on the above application number DIR062/2005 from Bayer Cropscience Pty Ltd for genetically modified cotton may be made.

As cotton is not a crop grown in or near the Shire or is not likely to be, due to climatic and soil conditions, it is considered that this report should be noted.

**RECOMMENDATION:**

**That this report be received and noted.**

**REPORT:**

The request as set out below has been received from the Office of the Gene Technology Regulator. While it is for genetically modified cotton, a crop not grown within the Shire, it is still open to Council to make a submission.





**Australian Government**  
**Department of Health and Ageing**  
**Office of the Gene Technology Regulator**

ENVIRO PROTECTION  
HEALTH ISSUES

Ref DIR 062/2005, Bayer

GENETICALLY MODIFIED

CEO/General Manager  
Tweed Shire Council  
PO Box 816  
MURWILLUMBAH NSW 2484

<b>TWEED SHIRE COUNCIL</b>	
FILE No	FOOD/ORGANISMS
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REC'D	31 MAY 2006
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Dear CEO/General Manager

**REQUEST FOR COMMENT ON THE RISK ASSESSMENT AND RISK  
MANAGEMENT PLAN FOR APPLICATION DIR 062/2005 FROM  
BAYER CROPSCIENCE PTY LTD**  
- Commercial release of Liberty Link® GM cotton

Rel Doc:  
1343446

I am writing to all local councils in Australia to update you on the progress of this GM cotton licence application.

On 7 February 2006, I wrote to local councils explaining the evaluation process for the above application and sought advice on risks to human health and safety and/or the environment that may be posed by the proposed dealings. I sought this advice to help assist in the preparation of the risk assessment and risk management plan (RARMP) that will form the basis of my decision on whether or not to issue a licence.

The RARMP has now been prepared by my Office, taking into account the advice we received on risks to human health and safety or the environment from prescribed expert groups and key stakeholders. A summary of the consideration of this advice is enclosed along with the Executive Summary of the RARMP and a set of Questions and Answers on the assessment of this application.

The full RARMP and the *Risk Analysis Framework*, which guides the assessment of licence applications, are also available from my Office's website. Printed copies can also be provided on request by contacting our toll free number (1800 181 030).

I appreciate that councils do not usually have specialist scientific advice available to them. However, I would value any comments from your council on the RARMP, especially from people who are familiar with the current or potential cotton growing areas where cultivation of Liberty Link® Cotton may occur.

Around 70% of Australia's cotton is produced in NSW, with the remainder grown in Queensland. A map showing the indicative cotton growing regions of Australia is available on the OGTR website (<[www.ogtr.gov.au](http://www.ogtr.gov.au)> under "What's New"). The GM cotton proposed for release requires the same water, soil, nutrient and climatic requirements as the present commercially available varieties. Hence, as a number of councils noted in their responses, this GM cotton is unlikely to be planted in local government areas where environmental conditions are not suitable for growing cotton.

Address: MDP 54 PO Box 100 Woden ACT 2606 Website: [www.ogtr.gov.au](http://www.ogtr.gov.au)  
Telephone: 1800 181 030 Facsimile: 02 6271 4202

**CONSULTATION ON THE RISK ASSESSMENT AND RISK MANAGEMENT PLAN**

As explained previously, Section 52 of the *Gene Technology Act 2000* (the Act) sets out the requirements for the consultation process in relation to the RARMP.

***Public consultation***

As required by section 52(1) of the Act, public notification and an invitation for written submissions on the RARMP for this application is being undertaken.

The consultation is more extensive than prescribed in the Act, and includes advertising in the *Weekend Australian*, *Queensland Country Life*, *The Northern Territory News*, *The Weekly Times*, *The Land*, *The West Australian*, *The Countryman*, *The Murray Pioneer* and *The Loxton News*, on the OGTR website and in the *Australian Government Gazette*. I will also issue an invitation to comment to interested parties who have registered on the OGTR mailing list.

***Other consultation required under the Act***

Under section 52(3) of the Act, I am required to seek advice on the RARMP for the above application from the same prescribed agencies and authorities consulted on the application. In addition, I am again consulting with the other Australian Government agencies involved in the first round of consultation. This is why I am now seeking your Council's comment on the plan in regard to issues concerning the protection of **human health and safety**, and the **environment**.

Please note that issues such as **food safety and labelling**, **agricultural chemical use and marketability and trade implications** do **NOT** fall within the scope of the evaluations conducted under the Act. Food safety issues are the responsibility of Food Standards Australia and New Zealand (FSANZ) and agricultural chemical use is the responsibility of the Australian Pesticides & Veterinary Chemicals Authority (APVMA). Bayer will require approvals from both agencies as well as a licence from the Gene Technology Regulator. Market issues are primarily the responsibility of state governments. Any concerns you may have on any of these issues should be addressed to the relevant agency or jurisdiction.

***Timeframe***

The Act specifies a minimum public consultation period of 30 days on RARMPs. However, I am allowing up to eight weeks for written comments to be lodged with my Office. Hence the closing date for submissions will be **21 July 2006**. Please note that if your Council's advice is not received within the time period, Regulation 8(3) of the *Gene Technology Regulations 2001* requires me proceed without regard to that advice.

If you have any questions in relation to this consultation process please contact the OGTR, either by e-mail to [ogtr@health.gov.au](mailto:ogtr@health.gov.au) or via Freecall 1800 181 030.

Yours sincerely



(Dr) Sue D Meek  
Gene Technology Regulator  
26th May 2006

Enclosures Summary of consideration of advice received from prescribed experts, agencies and authorities  
Executive Summary of risk assessment and risk management plan  
Questions and Answers

**SUMMARY OF CONSIDERATION OF ADVICE RECEIVED FROM PRESCRIBED EXPERTS, AGENCIES AND AUTHORITIES REGARDING DIR 062/2005 APPLICATION**

Compositional characterisation requirements	Chapter 2	The applicant has provided adequate compositional characterisation data, supported by molecular, phenotypic and agronomic data for assessing the risks posed by or resulting from the release of the GM cotton.
Human health effects	Chapter 2	The potential toxicity and allergenicity of the introduced protein has been assessed and no risks were identified. Oil and linters derived from the GM cotton line have been approved by FSANZ for use in human food.
Development of herbicide resistant weeds	Chapter 2	The APVMA is responsible for addressing this issue during its parallel assessment of Bayer's application to register Liberty herbicide for use on this GM cotton. A resistance management plan, forming part of a crop management plan developed in consultation with the TMS committee, is proposed
Risks from expansion into new areas	Chapter 2	The GM cotton has the same water, soil type and climatic requirements as non-GM and other commercially approved GM cotton. Therefore, if expansion occurred it would only be into regions suitable for growing cotton. The impact of expansion would be comparable to the introduction of any crop species into a new area as changes to agricultural systems from the introduction of new crops are not unique to GMOs
Toxicity	Chapters 2	The toxicity of the PAT protein for humans and other organisms was discussed in Chapter 2. No risks were identified.
Risk of weediness	Chapters 2 & 3	Three events were identified in Chapter 2 that might result in increased weediness. The three events were assessed in more detail in Chapter 3. The risks were estimated as negligible for all three events. The GM cotton is susceptible to the same biotic and abiotic factors that limit the persistence of other GM and non-GM cottons
Risks arising from gene flow to other GM and non-GM cotton plants and related species	Chapters 2 & 3	The consequences and likelihood assessments of the transfer of the <i>bar</i> gene to conventional cotton and related cotton species resulting in weediness were detailed in Chapter 2 & 3 (Events 2 & 3). The risks were estimated as negligible. It should be noted that no GM or non-GM cotton plants are grown on a commercial scale in northern Australia.
Potential for gene stacking with other GM cotton crops	Chapters 2 & 3	The potential for toxicity and weediness arising from gene stacking with other commercially released GM cotton plants was assessed in Chapter 2 and 3 (Event 3). The risks were estimated as negligible
Environmental effects	Chapters 2 & 3	A range of environmental effects were examined in Chapter 2. The hazard identification process identified weediness as a potential adverse outcome. Three events that could lead to this adverse outcome were assessed in more detail in Chapter 3. The risks were estimated as negligible for all three events

Unintended genetic effects	Chapter 2	Characterisation of flanking regions did not show any cryptic expression. No unintended effects have been observed in field trials in Australia or when grown overseas (Liberty Link® Cotton is approved for environmental release and food use in the USA, Japan and Korea).
Changed herbicide use patterns as a result of the release	Chapter 2	The APVMA is responsible for addressing this issue during its current assessment of Bayer's application to register Liberty herbicide for use on this GM cotton.
Market viability, segregation and unintended presence concerns	—	This issue is outside the scope of the assessment. States and Territories have legislation relating to marketing issues.
Labelling concerns	—	This issue is outside the scope of the assessment. FSANZ is responsible for labelling of food.
General social, economic, ethical and political concerns.	—	This issue is outside the scope of the assessment. The Gene Technology Ethics Committee is in place to advise the Regulator and to identify and explore any ethical issues relating to gene technology



Australian Government  
Department of Health and Ageing  
Office of the Gene Technology Regulator

26 May 2006

**EXECUTIVE SUMMARY OF THE RISK ASSESSMENT  
AND RISK MANAGEMENT PLAN**  
for  
**APPLICATION NO. DIR 062/2005**  
from  
**BAYER CROPSCIENCE PTY LTD**

**INTRODUCTION**

The Gene Technology Regulator (the Regulator) has received a licence application (DIR 062/2005) from Bayer CropScience Pty Ltd (Bayer) for dealings involving the intentional release of herbicide tolerant genetically modified (GM) cotton into the Australian environment, on a commercial scale.

As required by the *Gene Technology Act 2000* (the Act) and corresponding State and Territory law, the Regulator has prepared a Risk Assessment and Risk Management Plan (RARMP) for the dealings proposed by the applicant, in consultation with a wide range of experts, agencies and authorities.

The Regulator now invites public submissions on the consultation version of the RARMP and will request comments from those previously consulted in order to finalise the document, which will then form the basis of her decision whether to issue a licence.<sup>1</sup>

**THE APPLICATION**

Bayer has applied for a licence to release a herbicide tolerant GM cotton, Liberty Link<sup>®</sup> Cotton, into the environment. Bayer is seeking approval for unrestricted, commercial scale planting of the GM cotton in all current cotton growing areas and potential future areas with environmental conditions suitable for cotton cultivation in Australia.

The GM cotton has only one introduced gene, the herbicide tolerance gene (*bar*), isolated from a common soil bacterium, *Streptomyces hygroscopicus*. The *bar* gene expresses a protein that provides tolerance to glufosinate ammonium, the active ingredient in the herbicide Liberty<sup>®</sup>, and enables the herbicide to be applied for weed control in the GM cotton crop. Otherwise, the GM cotton has the same water and climatic requirements as non-GM and commercially released GM cottons.

The GM cotton proposed for release has been approved previously (described as Liberty<sup>®</sup> or LLCotton 25) for limited and controlled releases under DIR licences 015/2002, 038/2003 and 056/2004.

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<sup>1</sup> More information on the comprehensive assessment required for licence applications to release a genetically modified organism (GMO) into the environment is available from the Office of the Gene Technology Regulator (OGTR) (Free call 1800 181 030) or at <<http://www.ogtr.gov.au/ir/process.htm>>. Further information on the evaluation process is contained in the Regulator's *Risk Analysis Framework* (OGTR, 2005), <<http://www.ogtr.gov.au/pdf/raffinal2.2.pdf>>

The applicant requests approval for commercial scale cultivation without containment measures, and the use of the GM cotton plants and their by-products in the same manner as non-GM or other commercially approved GM cotton. This would include conventional breeding with elite non-GM cotton cultivars to produce seed optimised for use under Australian conditions, sale of seed for commercial planting, use in human food and stockfeed, sale of lint, export of seed and unrestricted transport. Bayer has developed a training package and technical manual that will form part of the company's agreement with retailers and growers to purchase and handle Liberty Link<sup>®</sup> Cotton.

Under Australia's integrated framework for the regulation of genetically modified organisms, regulatory decisions are coordinated as far as possible. Bayer has received approval from Food Standards Australia New Zealand for the use of oil and linters derived from the Liberty Link<sup>®</sup> Cotton in food (FSANZ report A533). In addition, Bayer has applied to the Australian Pesticides and Veterinary Medicines Authority to register Liberty<sup>®</sup> 150 Herbicide for the control of various weeds in Liberty Link<sup>®</sup> Cotton.

## **RISK ASSESSMENT**

### **Background**

The risk assessment first considered what harm to the health and safety of people or the environment could arise as a result of gene technology, and how it could happen, during the proposed release of the GM cotton into the environment (**hazard identification** refer to Chapter 2 for more information).

The risks to people and the environment from the proposed commercial release were assessed in comparison to non-GM cotton and GM cotton lines previously approved for commercial release by the Regulator, in the context of the intended agronomic management practices, and the environmental conditions in the regions proposed for the release.

Hazards are particular sets of circumstances (**events**) that might give rise to adverse outcomes (ie cause harm). When an event was considered to have some chance of causing harm, it was identified as posing a risk that required further assessment.

Each event associated with an **identified risk** was then assessed to determine the seriousness of harm (**consequence** - ranging from marginal to major) and the chance of harm (**likelihood** - ranging from highly unlikely to highly likely). The level of risk (ranging from negligible to high) was then estimated using a Risk Estimate Matrix (refer to Chapter 2 for more information).

### **Hazard identification**

Of the 29 events compiled during the hazard identification process, three were selected for further assessment. The potential adverse outcome to the environment associated with these events was weediness. The remaining 26 events were not assessed further as they were considered not to give rise to an identified risk to human health and safety or the environment (refer to Chapter 2 for more information).

#### **Risk of weediness**

Three events were considered that might result in the GM cotton exhibiting greater weediness than non-GM cotton or other GM cotton lines previously approved for commercial release.

- Expression of the herbicide tolerance gene (*bar*) increasing spread and persistence of the GM cotton plants through tolerance to glufosinate ammonium (event 1)
- Expression of the herbicide tolerance gene (*bar*) in non-GM *Gossypium hirsutum* or *G. barbadense* cotton plants increasing spread and persistence through providing glufosinate ammonium tolerance (event 2)
- Expression of the herbicide tolerance gene (*bar*) with introduced genes in other commercially approved GM cottons increasing spread and persistence through providing glufosinate ammonium tolerance as well as glyphosate tolerance and/or reduced insect attack on the plants (event 3).

The risk assessment considered the consequence and likelihood of harm that might result from each of the above events. The estimate of risk for all three events is **negligible**.

#### **RISK MANAGEMENT**

The level of risk to health and safety of people or the environment for the three events that were assessed was estimated as **negligible**. The *Risk Analysis Framework* defines negligible risks as insubstantial, with no present need to invoke actions for their mitigation. Therefore, no risk treatment measures are proposed.

However, the proposed licence, detailed in Chapter 5 of the RARMP, contains a number of general conditions including applicant suitability, compliance plan, and reporting structures which include the requirement to report any unintended effects.

#### **CONCLUSIONS OF THE RARMP**

The risk assessment concludes that this proposed commercial release of Liberty Link<sup>®</sup> Cotton cotton poses **negligible** risks to the health and safety of people and the environment as a result of gene technology.

The risk management plan concludes that the negligible risks do not require specific risk treatment measures. Therefore, if a licence were to be issued, only general conditions including applicant suitability, compliance plan, and reporting structures would be imposed.

**CALL FOR COMMENT**

Your comments are invited on the Risk Assessment and Risk Management Plan (RARMP) for application DIR 062/2005, including the draft licence conditions proposed if a licence were to be issued to Bayer CropScience Pty Ltd for this release. The closing date for written submissions is **21 July 2006**.

The Gene Technology Regulator (the Regulator) would particularly value comments relating to **risks to the health and safety of people or the environment** posed by the proposed release.

All comments relating to the protection of people or the environment that are received by the closing date will be considered by the Regulator in finalising the RARMP, which will then form the basis of her decision whether or not to issue a licence.

**Please note that issues such as food safety and labelling, the use of herbicides and marketability and trade implications do NOT fall within the scope of the evaluations that the Regulator is required to conduct under the *Gene Technology Act 2000* and corresponding State and Territory legislation as these are the responsibility of other agencies and authorities.**

The RARMP can be accessed on the OGTR website under 'What's New' or you can request a copy of the RARMP or the application from the OGTR. Please quote application number DIR 062/2005.

The Regulator's *Risk Analysis Framework* and a review document, *The Biology and Ecology of Cotton (Gossypium hirsutum) in Australia*, and a set of *Questions and Answers* on this application can also be accessed on the OGTR website or obtained from the OGTR.

If you have any questions about the RARMP or the evaluation process, please contact:

**The Office of the Gene Technology Regulator**  
**MDP 54 PO Box 100 WODEN ACT 2606**  
**Tel: 1800 181 030**  
**Fax: 02 6271 4202**  
**Email: [ogtr@health.gov.au](mailto:ogtr@health.gov.au)**  
**Website: <http://www.ogtr.gov.au>**



**QUESTIONS & ANSWERS ON LICENCE APPLICATION DIR 062/2005 FOR  
COMMERCIAL RELEASE OF GENETICALLY MODIFIED COTTON**

**What is this application for?**

Bayer CropScience Pty Ltd (Bayer) is seeking approval for the unrestricted commercial release of genetically modified (GM) cotton (known as Liberty Link® Cotton). This would include breeding, cultivation, transport, storage, supply and sale of Liberty Link® Cotton and its products anywhere in Australia.

**Where would the GM cotton be grown?**

Bayer anticipates a phased transition to commercial scale production over a 3 year period. Initially, the most substantial plantings are expected to occur in the existing cotton growing regions of New South Wales (NSW) and Queensland (QLD), followed by uptake in other areas where environmental conditions are suitable for cotton cultivation. Potential future cotton growing regions include additional parts of NSW and QLD, some areas of the Northern Territory and northern Western Australia, and in South Australia and Victoria close to the NSW border. A map of current cotton growing shires in Australia can be accessed via the OGTR website: [www.ogtr.gov.au/pdf/public/cotmaplga.pdf](http://www.ogtr.gov.au/pdf/public/cotmaplga.pdf). The rate of adoption will be determined by market acceptance, and the availability of seed and suitable varieties.

**How has the cotton been modified?**

Liberty Link® Cotton (formerly known as Liberty® cotton or LLCotton25) has been modified by the introduction of a herbicide tolerance gene that enables GM cotton plants to be sprayed with glufosinate ammonium to kill weeds without damaging the crop. Glufosinate ammonium is the active constituent of the herbicides Liberty®, Basta® and Finale®.

**Is Liberty Link® Cotton different from other commercially approved GM cottons?**

Yes. The GM cottons currently approved for commercial release contain insect resistance genes (that are resistant to the major caterpillar insect pests of cotton) and/or a herbicide tolerance gene (that confers tolerance to the herbicide glyphosate). However, the Liberty Link® Cotton only contains a gene that confers tolerance to a different herbicide, glufosinate ammonium. The similarities, differences and potential interactions between Liberty Link® Cotton and these other GM cottons have been examined in detail during the assessment of this application.

**Has this GM cotton been commercially approved in other countries?**

Yes. Liberty Link® Cotton has been approved for environmental release and for food use in the USA, Japan and Korea.

**Has this GM cotton been trialled in Australia?**

Yes. Three limited and controlled releases of the same herbicide tolerant GM cotton have been approved under the current regulatory system: DIR 015/2002 and DIR 038/2003 undertaken by CSIRO, and DIR 056/2004 currently being undertaken by Bayer. Two field trials were conducted under the previous voluntary system. Additional GM cottons containing either the same herbicide tolerance gene, or a similar gene, combined with insecticidal and/or antibiotic resistance marker genes, have been (DIR 016/2002 and DIR 040/2003), or are currently being (DIR 036/2003 and DIR 044/2003), trialled in Australia. There have been no reports of adverse effects on human health or the environment resulting from any of these releases.

**Will other approvals be required?**

The OGTR operates in an integrated regulatory framework with other regulatory authorities that have complementary responsibility and specialist expertise. The applicant will require approval

from the Australian Pesticides and Veterinary Medicines Authority (APVMA) to apply glufosinate ammonium to Liberty Link® Cotton for weed control. Food Standards Australia New Zealand (FSANZ) has approved the use of oil and linters derived from Liberty Link® Cotton in human food. In addition, if the Regulator decides to issue a licence based on an assessment that potential hazards to people or the environment have been comprehensively considered, and that any identified risks can be managed, cultivation of this GMO may require additional approvals under State or Territory legislation that restrict the commercial release of GM crops on marketing grounds.

**How can I comment on this application?**

You are invited to submit your written comments on the consultation version of the Risk Assessment and Risk Management Plan (RARMP) that has been prepared for application DIR 062/2005, including the proposed licence conditions. The full RARMP, as well as Application, Executive and Technical Summaries, are available on the OGTR website (<[www.ogtr.gov.au](http://www.ogtr.gov.au)> under "What's New") or via Freecall 1800 181 030. In particular, your advice is sought on any risks to the health and safety of people or the environment that may be posed by the proposed release. Please note that the extended eight week consultation period closes on 21 July 2006.

**What are the next steps in the evaluation process?**

Matters raised in submissions relating to the protection of the health and safety of people or the environment during the proposed release will be taken into account in finalising the RARMP, which then forms the basis of the Regulator's decision on whether or not to issue a licence.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "non confidential" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

1. Correspondence from the Office of the Gene Technology Regulator (DW 1402564)
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**O21 [EC-OC] Tweed Shire Transport Days**

**ORIGIN:**

**Environment & Health Services**

**SUMMARY OF REPORT:**

A funding application for \$6,275 (including GST) was submitted to The Ministry of Transport in December 2005 to run a series of four transport days around the Tweed Shire. These days will be targeting Seniors but the general public will also benefit by having transport information available in shopping centres.

Funding for the "Tweed Shire Transport Days" has now been approved by the Ministry of Transport.

**RECOMMENDATION:**

**That Council accepts funding of \$6,275 from the Ministry of Transport for the Tweed Shire Transport Days and votes the expenditure accordingly.**

**REPORT:**

In 2004 a transport survey was distributed through the Tweed Link and people who worked with Seniors within the Tweed Shire. Over 350 residents responded to the survey from within the Tweed Shire.

In a summary of the survey findings it was identified that the local community perceived that:

- there were inadequate transport services to meet their needs
- existing transport services and how they operate were not well known
- seniors were isolated due to lack of ability to maintain their access to the community after losing their licences
- While there were more than enough social activities for seniors to access, getting to these groups was difficult.
- People did not know where they could find out about transport services.

By initiating a series of "Transport Days" across the Shire we will be educating the Seniors in the area about the public transport services available, giving them hands on experience in using it and making available a range of information about transport options. The project also aims to alleviate any concerns Seniors may have about trying the system and gives them the opportunity to ask questions. The same information will be available at shopping centres to the general public although the project's target is the over 65s.

A working party including Tweed Shire Council, Department of Veteran's Affairs, Tweed Byron Ballina Community Transport, Northern Rivers Social Development Council, Ministry of Transport, Surfside Buslines and Tweed Taxis has collaborated on the development of this project and will work with Tweed Shire Council to complete this project.

A funding application was submitted to the Ministry of Transport in December 2005. The Ministry of Transport has now approved the funding application for \$6,275 (including GST) to run four Tweed Shire Transport days around the Shire.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

To view any "**non confidential**" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).

Nil.

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**O22 [EC-OC] Senior Citizens Week - April 2006**

**ORIGIN:**

**Environment & Community Services**

**SUMMARY OF REPORT:**

Seniors Week is a State Government initiative that is supported by Council. It is a much-anticipated event on the local Senior's calendar, with Tweed providing one of the largest programs in NSW. Council's Community Worker Aged & Disability and Council's Healthy Ageing Project Officer, assisted Tweed Shire Senior Citizens Week Committee to advertise for new membership and organise and facilitate a week of senior's festivities across Tweed Shire. All events across the shire were well attended, and feedback has been excellent. Council forged strong community partnerships during the preparations for Seniors Week, and the outcomes of these partnerships will broaden the possibilities for care of our elderly, and those who care for them in the Tweed community.

The Seniors Week Program is attached.

**RECOMMENDATION:**

**That Council notes the success of the 2006 Seniors' Week and expresses its appreciation to members of the Tweed Shire Senior Citizens Week Committee.**

**REPORT:**

Seniors Week is a State Government initiative that is supported by Council. It has become a much-anticipated event on the local Senior's calendar, with Tweed providing one of the largest and most diverse programs in NSW. Seniors Week in Tweed attracts wide community involvement and support, and allows seniors to enjoy a social occasion, make new friends and discover new interests. It also provides a promotional opportunity for local business and service providers. In 2006, the focus in Tweed was on introducing seniors to new activities and social groups that would improve their wellbeing.

Council's Community Worker Aged & Disability and Council's Healthy Ageing Project Officer, as part of their community development work, assisted Tweed Shire Senior Citizens Week Committee to advertise for new membership and organise and facilitate a week of senior's festivities across Tweed Shire. Activities organised by the Committee are funded by grant applications to the State Government, CDSE funding, donations from the local business community and local fundraising via raffles. In 2006, the Committee applied for, and was successful in gaining \$1000 funding from the Department of Ageing Disability and Home Care. Council supports Seniors Week by providing \$2200 each year to Tweed Shire Senior Citizens Week Committee. Council also provides administrative support.

The monies raised enabled the Committee to provide free events for the most needy, such as nursing home and hostel residents, and charge only a nominal fee for most other events. In addition, other organisations such as schools, community groups, Tweed Hospital, Southern Cross University, Community Health, local clubs and shopping centres were also encouraged by Council staff to apply for State Government funding and plan events, and these were advertised at no cost on the week's program prepared by Council.

This year, Council staff established a Tweed Seniors Week sub-committee of members from Dept of Veterans Affairs, the Salvation Army, seniors groups, retirement communities, aged care facilities and Tweed Health Promotions Unit. This proved an extremely successful initiative and provided many more events in Tweed Heads. In addition, Council forged strong community partnerships during the preparations for Seniors Week, and the outcomes of these partnerships will broaden the possibilities for care of our elderly, and those who care for them in the Tweed community.

All events across the shire were well attended, and feedback has been excellent. The Seniors Week Program is attached.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.



**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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1. Seniors Week April 2006 Program and associated documentation (DW 1422357).
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**O23 [EC-OC] Anti Racism/Community Harmony Project**

**ORIGIN:**

**Environment & Health**

**SUMMARY OF REPORT:**

The NSW Government has allocated \$2,000 (including GST) to Tweed Shire Council to facilitate the cost of a local Anti Racism/Community Harmony Project. A project "Anti Racism and Community Harmony" play has been developed by Tweed Aboriginal Corporation for Sport. The project is a play to address youth education, community harmony and racism. This funding, to be administered by Tweed Shire Council, will cover performance costs for a community performance. The project will be managed by two employed youths at Tweed Aboriginal Corporation for Sport.

**RECOMMENDATION:**

**That Tweed Shire Council accepts the funding of \$2,000.00 from NSW Department of Community Services and votes the expenditure accordingly.**

**REPORT:**

The NSW Government has allocated \$2,000 (including GST) to Tweed Shire Council to facilitate the cost of a local Anti Racism/Community Harmony Project.

The Program titled "Anti Racism and Community Harmony Project" has been developed by Tweed Aboriginal Corporation for Sport. A play has been developed to teach Indigenous children about their Culture and Traditions as well as educate the wider community. The focus is on Community Harmony and Anti Discrimination. The funding will cover costs of a community performance, venue hire, props, stage management and transport costs. Two employees of Tweed Aboriginal Corporation for Sport, Ms Samari - li Gray and Mr Kyle Slabb will be facilitating the project. The target audience will be young people and the wider community, both being Indigenous and non-Indigenous. Both workers have had their Working with Children check. Tweed Shire Council will administer funding \$1,818.18) on behalf of the project. Tweed Aboriginal Corporation for Sport holds its own insurance.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**O24 [EC-OC] Management Plan/Future Landfill Sites**

**ORIGIN:**

**Environment & Health Services**

**SUMMARY OF REPORT:**

A review of waste management practices at the Stotts Creek landfill has indicated that there is on that site space for a further five years of solid waste (putrescible) landfilling.

The Quirks Quarry locality off Eviron Road had been previously identified as an area for future landfills. Consultants have been engaged to prepare a Management Plan for the site and it is recommended that Council votes the funds to finance the project. There are adequate funds in the waste Management Plan reserves.

**RECOMMENDATION:**

**That Council votes the funds of \$45,000, including GST, from the Waste Management Plan reserve to prepare a Management Plan for Council's Eviron Road site.**

**REPORT:**

A review of waste management activities for the Stotts Creek Precinct indicates that there is approximately five years of space available for solid waste (putrescible) waste disposal at the current site in Bartlett's Quarry and while there is adequate space for inert waste disposal within the Stotts Creek Precinct, new areas will need to be developed for solid waste landfilling beyond 2011.

Quirks Quarry off Eviron Road has been previously identified as the next location for solid waste landfilling and Council has engaged consultants to prepare a management plan for Council land adjacent to Quirks Quarry (Eviron Precinct).

The preparation of the management plan includes:

- Investigate the site to determine whether commercial qualities of hard rock gravel are present, other than Quirks Quarry.
- Determine whether sources of landfill liner cover material are present.
- Propose locations on site suitable for future landfill development.
- Propose leachate capture area for these sites.
- Propose a detailed surface water management program for the site.
- Identify the preferred location for an internal road network.
- Identify the preferred location of a link road to the existing landfill to the west including discussions with the adjoining landowner.
- Take into account land use constraints imposed on the site by the Tweed Botanical Gardens Master Plan report.
- Take into account the provisions contained in the Quirks Quarry Management Plan.

It is anticipated that the management plan will identify areas which can be developed as future landfills with enough capacity to permit solid waste landfilling for another 25 years.

The completion of the Management Plan is critical to the future planning of landfill sites for the Shire and it is recommended that Council vote the funds of \$45,000, inclusive GST, to complete the Management Plan from Council's Waste Management Plan reserves.

There are adequate funds in the relevant waste reserves to finance this project.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**O25 [EC-OC] Tweed Shire Social Plan - 2006 Review**

**ORIGIN:**

**Environment & Health Services**

**SUMMARY OF REPORT:**

This report presents the findings of community consultations carried out for the 2006 update of the adopted Social Plan. The findings show that currently community members and service providers are most concerned about public transport, youth issues, people with a disability and affordable housing.

The report concludes that actions to implement the adopted Social Plan should be prioritised in these areas by the establishment of new or strengthened Working Groups with additional resources. These findings support the current emphasis on youth issues in the Tweed Youth Needs Analysis, and the current re-constitution of the Public Transport Working Group.

**RECOMMENDATION:**

**That Council:**

- 1. Notes the information obtained from community consultation in January 2006.**
- 2. Endorses the actions proposed in the attached Consultation Report updating the 2005-2009 Social Plan.**

## REPORT:

The 2006 Review is not only an update of the current social issues, but is a stage in the future evolution of the Social Plan 2005-2009. The purpose of this Report is to consult with the community and incorporate the feedback received.

### 1. The Social Plan in 2005:

The Social Plan 2005-2009 was adopted in late 2004 with Strategies on four themes: Council's Role, Provision of Community Facilities, Provision of Community Services, and Consulting Community Groups. It relied on a Needs Assessment for each of the 'mandatory' social groups specified in Local Government guidelines, and social data from the updated Community Profile.

The Quality of Life Program was developed as an 'Action Plan' for a selection of projects from the community/cultural side of Council that could be implemented over five years with Council and external funding. No Budget funding was allocated for implementation in 2005, but projects from the Program have been included in the proposed 7-Year Infrastructure and Services Plan.

The concept of a Social Plan Coordinating Committee was also investigated by Strategic Planning Unit to meet the need for an ongoing implementation mechanism for the Social Plan; this is still under consideration.

A number of social issues needed to be addressed by the Social Plan during 2005:

- There was pressure from the community for a youth facility at Pottsville, for which the Council sought external funding and also commissioned a Youth Needs Analysis to enable a consistent youth policy for the whole Shire,
- A working group was established with Dept. of Ageing, Disability, & Home Care to address ageing and disability services issues,
- A Healthy Ageing Officer was appointed, working on transport for older people, and participation in social, recreational and health activities.

Changes to the Social Plan are taking place in the fluid context of a new Council Administration, which replaced the elected Councillors in May 2005. This has introduced a different approach in many areas, including proposals for a Long Term Financial Plan (7 years) with a fresh review of funding issues.

Other changes have been affecting the Management Plan process, with a stronger emphasis now being placed on the 'Access & Equity' aspects of the Local Government regulations.

The Tweed Futures Strategic Plan introduced in 2005 places a greater emphasis on planning for sustainability compared to the previous strategic plan, and integrates social issues more closely with economic and environmental objectives. Locality Plans are

seen as important, which presents a way of integrating community issues with economic and environmental elements at the local scale.

## 2. Consultation Feedback

The comment received following the current consultations (see the Consultation Report attached) indicates that the community expects Council to be fully involved in local social issues, and to play a significant role in setting directions. Council's leadership role is already set out in the Social Plan.

The submissions received cover all seven of the Local Government Dept's 'mandatory target groups' (Children 0-11, Young People 12-24, Women, Older People, People with a Disability, ATSI People, People from Culturally and Linguistically Diverse Backgrounds), plus transport, employment and affordable housing. The issues raised most frequently give an indication where most concern lies; the scores are:

Transport	- 24 issues raised,
Young People	- 13 issues,
Affordable Housing	- 10 issues,
People with a Disability	- 10 issues.

### Transport

Availability of adequate and accessible transport services is a key issue that has arisen in all community surveys recently. It is a key issue because it affects people's ability to meet all their basic needs, and to participate in community activities and affairs. The 'transport poor' who do not or cannot use private transport includes around half of the population, made up of older people, people with a disability, many young people under 17 years, people on low incomes or pensions, and many visitors.

The particular transport issues raised are:

- Lack of awareness/information about transport services,
- Transport service improvements,
- Footpath system improvements,
- Improved transport options for non-drivers,
- Assistance to enable sight-impaired and people with other disabilities to use the transport system.

### Young People

The age group 12-24, particularly the 12-18 section, has been prioritised in the Social Plan as being subject to high risk and relatively neglected by Government assistance. It includes the critical period between school and work/higher education, where some young people become alienated from the mainstream of community life.

The particular youth issues raised are:

- Isolation due to inadequate transport for work, education or recreation,
- Lack of activities and educational opportunities,
- Homelessness due to family breakdown or dysfunctionality,
- Anti-social behaviour, mainly by young males,
- Neglect of young men's issues, and lack of role models for them.

### **Affordable Housing**

While affordability in the region generally has deteriorated in recent years with rapidly escalating property prices and rents, some groups have been subject to severe housing stress, and virtually forced to relocate or down grade their accommodation. This issue also deters people from moving to the region.

The particular housing issues are:

- Escalating prices and rents,
- Lack of affordable housing for low income groups,
- Secondary effects such as longer commuting, lower community participation, dysfunctional households or homelessness,
- Lack of short-term crisis housing.

### **People with a Disability**

With an older population increasing in numbers, around 25% of the total, the Shire has a need to further gear its services and infrastructure for less mobile people with high support needs.

The particular disability issues are:

- Insufficient capacity of disability support services,
- Accessibility of the transport system

Proposed actions to address each of the issues are set out in detail in the Consultation Report.

### **3. Consolidating the Social Plan Issues - Working Groups.**

The current Social Plan has attempted to cover issues and needs comprehensively to ensure no significant issue is neglected. This inevitably tends to produce a dense and detailed plan with few clear imperatives and probably lessened public appeal. As the Plan evolves it may need to focus selectively on fewer issues, both for reasons of clarity or impact, and in recognition of limited resources for implementation. The Review should therefore aim to present for Council adoption general policies on the broader social issues (eg Youth, Transport, Affordable Housing).

The broad general policies should be initiated by a small number of Working Groups (6-8 internal and external members) on adopted socio-economic policies identified by the Social Plan, but independent of it, reporting to a Council Director or Manager, meeting monthly, with a brief to achieve community outcomes for that topic, using all available resources, within 12 months:

- Working Group on Public Transport (existing, re-constituted).
- Working Group on Youth and Family Relationships,
- Working Group on Affordable Housing,

Working Groups would input into the relevant Quality of Life Program funds, and any other projects in the relevant field (such as Community Safety & Crime Prevention Strategy, or Sustainable Local Transport Plan), and would input to relevant Locality Plan proposals.

After 12 months the Working Group would report to Council for a decision whether to continue working on that policy, or to vary the policy or discontinue the Working Group.

This Report also recommends Council endorses continuation of the Quality of Life Program. Funded projects in the 7-Year Financial Plan will be implemented through advice from the Working Groups.

#### **4. Action on the Feedback**

##### **Adjustment of Strategies:**

Initial intentions were to amend the existing adopted Strategies set out in the Social Plan, but there are some problems in doing this. It would weaken the overall structure of the Social Plan, and create inconsistencies. It is considered more practical to regard the 2006 consultations as a 'supplement' to the 5-Year Plan, to be used to guide implementation actions.

##### **Responses to Submissions:**

A Consultation Report, including a schedule of proposed actions to address the feedback issues is attached to this report.

A Summary of the Submissions is also available, if required, which coalesces the sometimes lengthy and disparate submissions into an easily comprehended form.

The establishment of Working Groups for the major issues will facilitate more effective action on those issues. The less prominent issues will still be addressed by ongoing activities under the Social Plan and other Council plans.

Changes to other Council plans, or their implementation, can also be envisaged as a result of this Review. These plans include the Tweed Futures 04/24 Strategic Plan, the draft Affordable Housing Strategy and the Community Safety & Crime Prevention Strategy currently in preparation.

Detailed changes to the delivery of a number of human services or community facilities by Council or other agencies may also be outcomes of the consultation.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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1. Consultation Report - Tweed Shire Social Plan - 2006 Review (DW 1427670)
  2. **Confidential Attachment** - Summary of Submissions Received (DW 1427668)
  3. Needs Assessment & Strategies - 2006 Social Plan Review (DW 1427670)
-

**O26 [EC-OC] Refund of Application Fees - Building at Rotary Park, Kingscliff**

**ORIGIN:**

**Environment & Health Services**

**SUMMARY OF REPORT:**

A request has been received for a refund of application fees totalling \$658.00 for a recently approved verandah roof at the Australian Coast Guard Association building at Rotary Park, Kingscliff.

**RECOMMENDATION:**

**That the request be referred to Director Governance & Corporate Services for consideration in Council's 2006/2007 first round donation funding report.**

**REPORT:**

On 20 September 2005 DA05/1095 and CC05/0968 were lodged by Australian Volunteer Coast Guard Association to erect a verandah roof on their building within Rotary Park off Sutherland Street, Kingscliff.

The request for a refund of fees was received on 20 November 2005 and was put on hold until the applications were determined which was May 2006 following finalisation of lease agreements with Council as the building is on Reserve land under the control of Council.

The applicant has requested a refund of fee on the basis that they are a voluntary organisation. The Development Applications and Construction Certificate fees have been fully expended in the in the course of the application leaving Council with the option to provide for a donation from Council's Donations fund or refuse the request to refund.

**Options:**

1. Council agrees to donate \$658.00 to the applicant to reimburse the cost of lodging the development application and construction certificate.
2. Council refuses the request to refund the \$658.00 development application and construction certificate fees.
3. The request be referred to Director Governance & Corporate Services for consideration as part of Council's donation funding.

**Conclusion"**

Council is in receipt of a request for a refund of fees from a voluntary organisation currently residing on land under the control of Council. With the fees having been fully expanded in the course of the processing Council can resolve to make a donation or refuse the request.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Development Application and Construction Certificate fees have been spent on the processing and were charged in accordance with statutory provisions. Any donations to the applicant will be required to be resourced from Council's donation budget. The 2006 budget concluded with \$418 surplus and the 2007 budget allocation is \$30,000.

**POLICY IMPLICATIONS:**

Nil.



**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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## ADMINISTRATOR'S MINUTE

### [AM] Signing of Documents by Administrators

#### Documents signed by Administrators since 4 July 2006

#### Administrator Boyd

14 July 2006	Notice of Exercise of Option - Chinderah Bay Marina
14 July 2006	Transfer - 67 River Street, Murwillumbah
14 July 2006	Transfer - Tweed Coast Road, Chinderah
14 July 2006	Lease Documents - Telstra - Round Mountain Reservoir, Bogangar

#### RECOMMENDATION:

**That the information be received and noted.**

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## ORDINARY ITEMS FOR CONSIDERATION

### REPORTS FROM THE ACTING DIRECTOR ENGINEERING AND OPERATIONS

- 1            **[EO-CM] Licence Agreement - SALT - Surf Life Saving Patrol Tower on Lot 500 DP 727420 within Crown Reserve 1001008**

#### **ORIGIN:**

**Design**

**FILE NO:    DA05/1217**

#### **SUMMARY OF REPORT:**

Salt Developments Pty Ltd lodged a development application for the construction of a surf life saving patrol tower on the beachfront of the SALT development, within Lot 500, which is part of the coastal reserve R1001008 for Public Recreation and Coastal Protection. The Trustee of the Reserve is Tweed Coast Reserves Trust managed by Tweed Shire Council pursuant to Section 95 of the Crown Lands Act, 1989.

Consent condition 4 required the applicant to enter into a Licence Agreement for the tower to run concurrently with the agreement between Council and Salt Developments Pty Ltd for the provision of surf life saving services for the beach at SALT. The latter agreement provides for a term of ten (10) years that will expire on 3 January 2015.

The agreement has been prepared and has been forwarded to the Department of Lands, as landowner, for their approval.

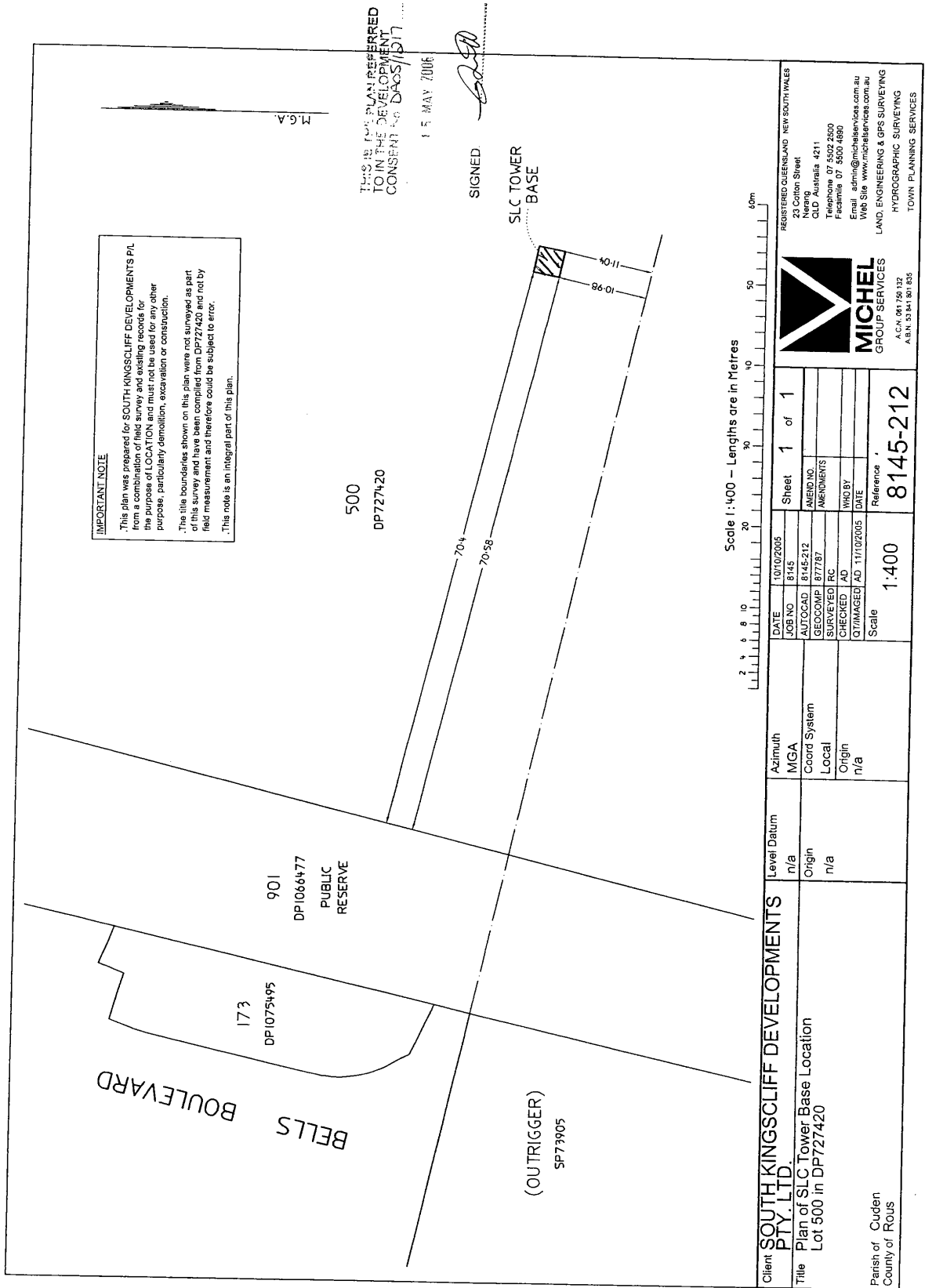
Following the Tweed Coast Reserve Trust giving approval to enter into the agreement as Trustee, it is now necessary for Council to sign all necessary documentation under the Common Seal of Council.

#### **RECOMMENDATION:**

**That following the approval of Tweed Shire Council as Trustee for this agreement that all necessary documentation be executed under the Common Seal of Council for the surf life saving patrol tower in Lot 500 DP 727420 being part of Crown Reserve 1001008 for Public Recreation and Coastal Protection to expire on 3 January 2015.**

**REPORT:**

As per Summary of Report, the plan below shows the location of the area subject of the Agreement.



**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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## REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

### 2 [SUB-FMC] Minutes of the Floodplain Management Committee Meeting held Monday 10 July 2006

File No: FLOODPLAIN MANAGEMENT COMMITTEE

Venue:

Peter Border Room

Time:

2.35pm

Present: Max Boyd (Administrator), Patrick Knight (Acting Director Engineering & Operations), Danny Rose (Infrastructure Engineer/Minutes), Toong Chin (Department of Natural Resources), Jeff Spash & Tony Kohlmann (SES), Robert Quirk (CMA), Jim Everingham, Felicia Cecil (Chinderah & District Residents Association)

Apologies: Brian Sheahan (SES)

Minutes of Previous Meeting:

Moved: M Boyd

Seconded: R Quirk

RESOLVED that the Minutes of the Floodplain Management Committee meeting held Monday 14 November 2005 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

From Meeting Held 14/11/05:

2. Tweed Valley Floodplain Risk Management Study 2005 - Pt1 Establish Flood Planning Levels for Residential Development

Part 1 of Tweed Valley Floodplain Risk Management Study was exhibited and adopted by Council. Revised Flood Planning Levels have been adopted in Version 2.3 of Development Control Plan No.5

From Meeting Held 14/11/05:

- 7(c). Other General Business - 1954 Flood Level Markers

Concerns that flood markers in Chinderah and South Murwillumbah do not accurately depict 1954 flood levels. D Rose to check. Some local residents still have records of 1954 flood heights that may be worth recording.

Agenda Items:

1. Tweed Valley Floodplain Risk Management Study 2005 - Part 2 Planning Controls for High Flow Areas

Need to clarify on the flood maps that they are depicting the ARI 100 year flood. Carry over column labels on Options Table 1.5.

Committee discussed the options for development controls on residential development (2a zone) within high flow areas. If controls are too strict, may be challenged in court. If controls are not tightened, additional people are being encouraged to live in the high flow areas of the floodplain and impact on flood flow capacity.

Affected members of the community should be notified to have their say on the options for residential development in high flow areas. Options 1 and 2 are preferred.

Committee endorsed the rest of the draft study and plan for exhibition. A copy of this Study and Plan can be found at DW1427193.

Moved: R Quirk  
Seconded: M Boyd

RECOMMENDATION:

That the *Tweed Valley Floodplain Risk Management Draft Plan 2005 – Part 2 – Planning Controls for High Flow Areas*, be amended to include Options 1 & 2 for development in high flow areas in 2(a) Residential Zone, for community discussion/consultation.

Moved: R Quirk  
Seconded: J Everingham

RECOMMENDATION:

That Council publicly exhibits the *Tweed Valley Floodplain Risk Management Study and Draft Plan 2005 – Part 2 – Planning Controls for High Flow Areas*, for community discussion/consultation.

- 
2. Progress of Floodplain Risk Management Study

Committee discussed "workplan" for the study.

Parts 3 & 4 are very important in setting the rules for habitable development and usages in the floodplain. These are required as soon as possible due to current DA's and development pressures for further development in flood liable areas. Locality specific studies will follow.

It is likely that consultants will be engaged to carry out Part 8, a review of the Murwillumbah Floodplain Management Plan, and as necessary for other Parts. Otherwise, the study is being carried out in-house.

Discussion on Part 5 relating to provision of PMF information on s149 planning certificates. It was suggested that anecdotally, the 1893 flood would have approached PMF levels in Murwillumbah.

For Council's information.

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3. Gales Holdings Request for Representation on Floodplain Management Committee

Moved: M Boyd  
Seconded: J Everingham

RECOMMENDATION:

That Council advises Gales Holdings that all positions on the Floodplain Management Committee are currently filled, and that it is not proposed to expand the Committee at this time as its current membership is compliant with the requirements of the NSW Floodplain Development Manual.

---

4. Local Government Week East Murwillumbah Levee Upgrade Opening

Committee discussed whether flood pumps were included in the design of the East Murwillumbah Levee. Pumps were not included as studies showed that 1-way flap valves were adequate on stormwater infrastructure, and as areas would be retained for stormwater storage within the levee eg. Leagues Club fields.

For Council's information.

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5. Kallaroo Circuit Bund

Committee read through recent correspondence on this issue, including studies examining impacts on flood levels by increasing size of culverts through bund. The issue concerning Tweed Shire residents, however is flood duration, which has not yet been addressed by Byron Shire. The issue of raising the culverts to prevent overdraining is also yet to be satisfactorily resolved.

Moved: R Quirk  
Seconded: F Cecil

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RECOMMENDATION:

That Council acts to expedite resolution of the Kallaroo Circuit bund issue.

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General Business:

6. Rezoning of Land for Residential Development - Seabreeze Estate

The proposed rezoning of land for residential development at Seabreeze Estate was discussed. In June 2005 significant overland flows in this area were observed. Existing development controls require residential lots to be filled to the ARI 100 year flood level, but road levels are generally lower, creating stormwater flooding problems as observed in Banora Point during this same event. With proposals such as high care aged development in the area, this needs to be carefully considered. Part 3 of the Risk Management Study will address these issues and provide more comprehensive policy controls. This is also necessary for developments such as Tanglewood, which is likely to be determined by the Minister and not Council. Given the known emergency response problems in existing urban areas, the logic in rezoning further flood prone residential land without revised planning controls was questioned.

For Council's information.

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7. SES Interim Information for Major Floods

The committee discussed interim information compiled by the SES in quantifying the emergency response issues for a major flood in the Shire. It is clear that logistically it would be difficult for the SES to adequately respond due to the nature of flooding and demographics of the population. The SES is seeking Council comments and assistance on this issue.

Community education was flagged as an important response measure. This has been successfully implemented in Lismore and Byron, with evacuation routes, evacuation centres, gauge alerts etc contained on flood brochures. These issues are yet to be properly worked out for Tweed Shire, although funding has been obtained for a future education campaign. Engaging consultants may speed up this process.

Hawkesbury-Nepean Councils were successful in obtaining government funding to improve emergency response eg. raising evacuation routes above flood level. Access to such funding is subject to the completion of Floodplain Management Plans.

For Council's information.

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Next Meeting:

The next meeting of Floodplain Management Committee will be held as and when required.

The meeting closed at 5.10pm

ATTACHMENTS:

1. Tweed Valley Floodplain Risk Management Study (and Draft Plan) 2005 - Part 2 Planning Controls for High Flow Areas. (DW1427193).

**DIRECTOR'S COMMENTS:**

Nil.

**DIRECTOR'S RECOMMENDATIONS:**

1. Tweed Valley Floodplain Risk Management Study 2005 - Part 2 Planning Controls for High Flow Areas

As per Committee's recommendation:

***That the Tweed Valley Floodplain Risk Management Draft Plan 2005 – Part 2 – Planning Controls for High Flow Areas, be amended to include Options 1 & 2 for development in high flow areas in 2(a) Residential Zone, for community discussion/consultation.***

and

As per Committee's recommendation:

***That Council publicly exhibits the Tweed Valley Floodplain Risk Management Study and Draft Plan 2005 – Part 2 – Planning Controls for High Flow Areas, for community discussion/consultation.***

---

3. Gales Holdings Request for Representation on Floodplain Management Committee

As per Committee's recommendation:

***That Council advises Gales Holdings that all positions on the Floodplain Management Committee are currently filled, and that it is not proposed to expand the Committee at this time as its current membership is compliant with the requirements of the NSW Floodplain Development Manual.***

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**5. Kallaroo Circuit Bund**

**As per Committee's recommendation:**

**That Council acts to expedite resolution of the Kallaroo Circuit bund issue.**

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## ORDERS OF THE DAY

### 3 [NOM] Land Classified as being of State or Regional Significance

#### NOTICE OF MOTION:

Administrator Boyd moves:

That in view of the fact that large sections of the best agricultural land in the Richmond, Brunswick and Tweed valleys have recently been designated by Ministerial Direction 14 as land of State and Regional significance, Council staff be requested to bring forward a report which establishes firm policies in the case of :-

1. Land classified as being of State significance

- (a) That requires staff to confer with regional representatives of the Department of Primary Industries, in the first instance, with regard to development applications which directly or indirectly impacts upon such lands and
- (b) That in assessing development applications in close proximity to or adjacent to land of State significance for a buffer to be provided which will allow for the agricultural use of these lands to continue unimpeded from complaints by neighbours.

2. Land classified as being of Regional Significance

That in view of the critical importance the Tweed sugar cane industry plays in the successful operation of the NSW Sugar Milling Co-op, Council considers firm policies that:-

- (a) Requires staff to confer with industry representatives as a matter of priority in all development applications which directly or indirectly impacts upon those lands protected by Ministerial Direction No 14 and;
- (b) Protects this finite resource by giving overriding importance to this land when considering all development applications which, if approved would reduce the area available on which to grow sugar cane. Cane land MUST be given precedence over other land development UNLESS the industry supports its alienation.
- (c) Development applications which could or would cause unacceptable flooding affluxes upon land of regional significance, this issue be addressed at the earliest opportunity by consultation with industry representatives.
- (d) That in assessing development applications in close proximity to or adjacent to land of regional significance, due provision is made to the

requirements for a buffer to be provided which will allow for the agricultural use of these lands to continue unimpeded from complaints by neighbours.

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**4 [NOM] Section 149 Certificates**

**NOTICE OF MOTION:**

Administrator Boyd moves:

That Council staff be requested to bring forward a report which addresses the desirability of including details regarding the constraints which apply to all agricultural land classified as being of State or Regional significance on all Section 149 Certificates relevant to these lands.

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**5 [NOM] Old Depot Road, Cudgen**

**NOTICE OF MOTION:**

Administrator Boyd moves:

That as a matter of priority appropriate investigation be undertaken to more accurately define the best and ultimate use of those lands east of Tweed Coast Road, from the Cudgen traffic lights to Old Depot Road, that are currently shown as rural land

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## CONFIDENTIAL ITEMS FOR CONSIDERATION

### REPORTS FROM THE DIRECTOR PLANNING & DEVELOPMENT IN COMMITTEE

- 1 [PD-CM] Development Application DA05/0816 for a 3 Storey Dwelling & Demolition of Existing Dwelling at Lot 460 DP 755740, No. 27 Fingal Road, Fingal Head

#### REASON FOR CONFIDENTIALITY:

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

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

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### REPORTS FROM THE ACTING DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

- 2 [EO-CM] Acquisition of 165 Darlington Drive, Banora Point

#### 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

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