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Schedule of Outstanding Resolutions

20 SEPTEMBER 2000

REPORTS FOR DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

27. **Awnings over Footpaths - Risk Management Policy and Procedures**
Building Code, Risk Management

335

Cr Luff

Cr Marshall

RESOLVED that Council develops an appropriate Risk Management Policy in conjunction with advice from Council's solicitors.

Current Status: Council's Risk Management Consultant currently in Council. Policy to be finalised.

18 APRIL 2001

REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

3. **Houses on Road Reserve - Reserve Creek Road**
R4660 Pt4; Reserve Creek Rd

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)

(a) personnel matters concerning particular individuals

C188

That Council enters into confidential discussion with each of the occupants of the premises referred to in the report prior to reporting back to council on a proposed course of action.

Current Status: Meeting held with some of the owners. Further meetings planned.

Schedule of Outstanding Resolutions

3 OCTOBER 2001

ORDERS OF THE DAY

9. **Planting & Maintenance of Littoral Rainforest - Former Border Caravan Park and Other Locations**

Trees-Planting, Border Caravan Park, Notice of Motion

303

Cr Boyd

Cr Luff

RESOLVED that Council officers bring forward a report that considers the planting and maintenance of a stand of littoral rainforest along the Boundary Street side of the former Border Caravan Park and other selected locations within this unused open space, the work to be undertaken with the support of one or more of the following agencies – Tweed Landcare Inc, Greencorps, Green Reserve or Work for the Dole.

Current Status: To be finalised.

7 NOVEMBER 2001

ORDERS OF THE DAY

10. **Industry - Tweed Shire**

Notice of Motion; Industrial Development - General

418

Cr Polglase

Cr Youngblutt

RESOLVED that a report be brought forward on what incentives Council could consider to support the relocation or establishment of industry in the Tweed Shire.

Current Status: Report to Council – May 2002.

5 DECEMBER 2001

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

17. **Proposed Tweed Natural High Campaign**

Drug Related Matters

508

Cr Boyd

Cr Marshall

RESOLVED that Council:-

1. Endorses the proposed Tweed Natural High Campaign
 2. a. Forms an Advisory Committee to formulate such a campaign.
-

Schedule of Outstanding Resolutions

- b. Appoints Councillor Polglase to be on the Committee
- c. Requests the nominated Councillor, relevant staff and a representative of the Queensland Alcohol and Drug Foundation to meet to bring back to Council a recommended Advisory Committee membership.

Current Status: Further action has been deferred until after Youth Week at the end of March 2002.

19 DECEMBER 2001

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

33. Future Doon Doon Hall

Rural Hall - Doon Doon

579

Cr Youngblutt

Cr Davidson

RESOLVED that:

1. This item be deferred until the Bilambil Sports Fields purchase is finalised and Council is certain what it is going to cost to bring the whole area into good condition.
2. Council supports, in principle, the preservation of the Doon Doon Hall.

Current Status: Estimates are being prepared for the works to be carried out at the Bilambil Sportfields.

5. Policy – Low Light Reflective Building Materials

Notice of Motion; Building – Code; Building - General

596

Cr Marshall

Cr Luff

RESOLVED that a suitable policy be developed to give effect to the matter of external roof and wall materials to ensure low light reflectivity characteristics and be in such colours as appropriate to compliment the area and amenity of the area and not be prominent against the background of the structure.

Current Status: Policy to be developed.

Schedule of Outstanding Resolutions

6 MARCH 2002

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

3. **Local Environmental Study and Draft Local Environmental Plan - Seaside City**
GT1/LEP/2000/3 Pt6

741

Cr Brinsmead

Cr Lawrie

RESOLVED that further communication with the owners of Seaside City regarding rezoning issues be deferred until Councillors have more information about the present status of the planning process.

Current Status: Report to Council in conjunction with Departmental Officer's report.

Illegal Clearing

Illegal Land Clearing

Cr Boyd

Asked could Council be provided with a report which deals with all of the recent examples of illegal clearing and the actions subsequently taken by Council in each case.

The General Manager took this question on notice and will respond shortly.

Current Status: Report to be prepared.

20 MARCH 2002

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

5. **Draft Tweed Local Environmental Plan 2000 Amendment - Housekeeping (Stage 2) and Amendment to Development Control Plan No 40 - Exempt and Complying Development**
GT1/LEP/2000/26 Pt1; GT1/DCP/40 Pt1; LEP – Housekeeping; DCP

790

Cr Boyd

Cr Beck

RESOLVED that Item 1 - Coolangatta Airport be deferred.

Current Status: Report to May meeting.

791

Cr Lawrie

Cr James

RESOLVED that Item 2 – DCP 40, Complying Development – Schedule 2 and Schedule 3, Item 3 – Tweed LEP Amendment to reflect changes to DCP No 40, and Item 4 – Lake Kimberley, be deferred pending a workshop being held.

Schedule of Outstanding Resolutions

Current Status: Workshop to be held 8 May 2002.

793

Cr Beck

Cr Marshall

RESOLVED Council regarding Item 14 – Deferred Areas, not proceeds with the rezoning of Lot 1 DP803772 and Lot 1 DP810063, Cudgen Road, Cudgen to 1(a) Rural and requests the Director Development Services to bring forward a report on the possibility of rezoning these two lots to Residential 2(a).

Current Status: Report to May meeting.

REPORTS FROM DIRECTOR ENGINEERING SERVICES

31. Donation of Council Plant

Donation; Plant & M/V - General; Telstra; DA3590/40 Pt1

824

Cr Luff

Cr Boyd

RESOLVED that Council defers this matter and requests a further report on the possible benefits to the community should Council provide work ‘in kind’ or make a donation for the works proposed by the Mount Burrell Cultural Gardens & Bush Theatre.

Current Status: Report to be prepared.

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

38. Desexing of Cats and Dogs

Companion Animals Committee

831

Cr Youngblutt

Cr Luff

RESOLVED that this matter be deferred to allow consultation with the “Friends of the Pound”.

Current Status: Consultation to take place.

Schedule of Outstanding Resolutions

ORDERS OF THE DAY

3. Staffing

Notice of Motion; Staffing Levels

839

Cr Beck

Cr Lawrie

RESOLVED that a report be brought forward regarding the adequacy of the staffing numbers in the Planning and Building Departments as soon as possible.

Current Status: Report to be prepared.

3 APRIL 2002

ITEMS DEFERRED

3a. The Erection of Tourist Accommodation Comprising of 4 Units at Lot 6 DP9453 Section 3 No. 4 Sutherland Street, Kingscliff

DA5345/280 Pt1

849

Cr Beck

Cr Youngblutt

RESOLVED that this item be deferred.

Current Status: Amended plans received. Report to May meeting.

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

1. Land East of Old Bogangar Road, Cudgen

GT1/LEP/A113 Pt6

852

Cr Marshall

Cr Boyd

RESOLVED that this matter be deferred pending a report from the Director Development Services after the release of the Rural Land Use Study from the Tweed Economic Development Corporation.

Current Status: Awaiting release of the Study.

Schedule of Outstanding Resolutions

REPORTS FROM SUB-COMMITTEES

3. **Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 March 2002**
Aboriginal Matters

4. **Jack Evans Boat Harbour**
Aboriginal Matters

874

Cr Boyd

Cr James

RESOLVED that this item be deferred until further information is received by Council.

Current Status: Awaiting further information.

1. **Aboriginal Heritage Study**
Aboriginal Matters

875

Cr James

Cr Luff

RESOLVED that a report be prepared on:

1. The need for an Aboriginal Heritage Study and
2. Options for the form and scope of such a study.

Current Status: Report being prepared.

ORDERS OF THE DAY

- 4a. **Tweed Road Contribution Plan**
Notice of Motion; Section 94 Plans

886

Cr James

Cr Marshall

RESOLVED that a report be prepared on the need to adjust the Tweed Road Contribution Plan in light of the significant reduction in trips assumed for resort tourist development approvals at Casuarina Beach. The report should include an outline of options available to adjust the Plan so that there is no adverse effect on overall contributions collected for the program of works proposed in the plan.

Current Status: Report being prepared.

Schedule of Outstanding Resolutions

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Mayoral Minute

Councillors,

1. Numinbah Road Upgrade Meeting

R3780 Pt3

4 April – Attended a meeting at Gold Coast City Council with the State Member for Mudgeeraba and Main Roads Queensland to discuss the upgrade of Numinbah road.

2. Opening ILNAM Estate Winery

Invitations

5 April – attended the opening of the ILNAM Estate Winery at Carool

3. Flying Colours Art Gallery

Invitations

6 April – attended the opening of and exhibition at the Flying Colours Art Gallery at Chinderah

4. Cudgen Headland Surf Life Saving Club

Surf Life Saving; Invitations

7 April – attended the Junior Presentations at the Cudgen Headland SLSC

5. Visit by Chinese Delegation

Invitations

9 April – met with a Chinese Delegation at Beach Farm Cudgen

6. Australia V's England Test Series

Sport Rec – General; Invitations

10 April – attended luncheon at Tweed Heads Bowls club to promote the Australia V's England Test Series.

Mayoral Minute

7. Directory Community Resources Launch

Community Directory

10 April – Launched Council’s new and improved Directory of Community Resources

8. Anzac Commemoration Ceremony

Anzac Day

12 April – Attended Anzac Commemoration Ceremony conducted by the Twin Towns Daylight Lodge No. 981 and laid wreath on behalf of the Shire

9. Anzac Day Service

Anzac Day

12 April – attended Anzac Day Service at Centaur School and presented book voucher on behalf of the Shire.

10. Memorial Service

Condolences

14 April – attended a memorial service for the Queen Mother at All Saints Anglican Church Murwillumbah.

11. Netball Queensland

Invitations

14 April – attended the Opening Ceremony at Murwillumbah of the 2002 four ‘N Twenty Original Shield organised by Queensland Netball

12. Proposed Highway Service Centre Melaleuca Station

Motorways/Pacific

15 April – attended meeting at Ballina with RTA to discuss proposed Highway Service Centre at Melaleuca Station on the Pacific Highway Tweed Heads

13. Visit by Rotarians from Oklahoma

Visits

15 April – welcomed a group of Rotarians visiting from Oklahoma USA

Mayoral Minute

14. Southern Cross University Tweed Gold Coast Campus

Southern Cross University

16 April – attending official opening of Southern Cross University’s new Tweed Gold Coast Campus by the Federal Minister for Education, Science and Training, the Hon. Dr. Brendan Nelson

INVITATIONS ACCEPTED

- 19 April – Tweed Theatre Company’s production “A Daughter of Independence”
 - 20 April – Open Sculpture “Dreams In Deed” at Faux Park South Tweed Heads
 - 28 April – Premier League Lawn Bowls Queensland Pre-Final brunch
 - 28 April – Cobaki Broadwater Village – Camp Quality Fundraising
-

Mayoral Minute

ABSENCES FROM SHIRE BY GENERAL MANAGER AND DIRECTORS

➤ **General Manager (John Griffin)**

1 May 2002
Coffs Harbour North Coast Regional Co-ordination
Management Group - Service Co-ordination
Forum

➤ **Director Corporate Services (Ian Carpenter)**

18 April 2002
Grafton Country Energy Community Meeting

➤ **Director Development Services (David Broyd)**

26 April 2002
Sydney Tentative meeting with planningNSW & NSW
Coastal Council RE: Ray Group Proposal -
South Kingscliff, Coastal Design Guidelines &
Development Design

26 April 2002
Sydney University of Sydney - Lectures

➤ **Director Engineering Services (Mike Rayner)**

2-3 May 2002
Sydney Water Directorate Executive Committee &
DLWC/LGSA Liaison Committee (2/5) &
LGSA Water Management Committee Meeting
(3/5)

➤ **Director Environment & Community Services (Don Buckley)**

Nil

Items Deferred

ITEM DEFERRED FROM MEETING 20 FEBRUARY 2002

REPORTS FROM DIRECTOR CORPORATE SERVICES

5. *Councillors Fees, Expenses and Facilities*

Councillors - Fees

705

Cr Marshall

Cr Luff

RESOLVED that Council defers this item until the ICAC Workshop is held on 27 March 2002.

This item is the subject of a further report at item no 7 of this agenda

5. ORIGIN: Administration Services Unit

FILE REF: Councillors - Fees

REPORT TITLE:

Councillors Fees, Expenses and Facilities

SUMMARY OF REPORT:

A review of Council's Policy in relation to Councillors Fees, Expenses and Facilities has now been undertaken and is submitted for Council's consideration and adoption.

RECOMMENDATION:

That the Policy for Councillors Fees, Expenses and Facilities be adopted.

Items Deferred

REPORT:

The Policy in relation to Councillors Fees, Expenses and Facilities has not been reviewed for some time. Thus a review has now been undertaken and the Policy is now submitted for Council's consideration and adoption.

The Policy has been rewritten to make it clear as to what Councillors are to be paid and to what expenses and facilities they are entitled to. The changes are only of a minor nature. Such changes are the inclusion of carers expenses, internet charges, spouses/partners accompanying delegates and a better explanation of Councillors insurance benefits. The amended Policy has been reviewed by Council's Executive Management Team and has met with their approval.

Section 253 of the Local Government Act refers, which states:

1. Before adopting or amending a Policy for the payment of expenses or provision of facilities, the Council must give at least 28 days public notice of the proposal.
2. However, if the Council is of the opinion that any amendments to a Policy are not substantial, it may adopt the amended Policy without giving public notice.

As the amendments to the Policy are of a minor nature as it is recommended that the Policy be adopted without the requirement to advertise such Policy.

PROPOSED POLICY:

CI.1 Councillor's Fees, Expenses and Facilities **Objective**

To ensure that the fees paid, civic expenses reimbursed and facilities provided to the Mayor and Councillors are appropriate to the importance of the Office.

To ensure that the Mayor and Councillors do not suffer financial hardship by meeting their Civic responsibilities as a member of the governing body of the Council or as an elected person.

CI.1.1 Introduction

In accordance with the provisions of the Local Government Act 1993, the Council is required to adopt a policy concerning the payment of fees and expenses and the provision of facilities to the Mayor, Deputy Mayor and other Councillors in relation to their roles as elected persons and members of the governing body of the Council.

Councillors, in carrying out their civic responsibilities, are required to attend a variety of functions in their capacity as a representative of Council, ie Council meetings, Committee meetings, and as delegates.

Councillors will also be expected to attend a variety of functions in a capacity where they may not directly represent Council, but attendance is relevant to their effectiveness as a Councillor, ie attendance at community functions.

The Local Government Act recognises this obligation and makes provision for payment of fees (s248 and s249); payment of expenses (s252) and provision of facilities (s252).

Items Deferred

C1.1.2 Legislative Provision

Division 5 of Chapter 9 of the Local Government Act 1993 provides what fees, expenses and facilities may be paid or provided to the Mayor and Councillors.

C1.1.2.1 Fixing and Payment of Annual Fees for Councillors

S248 1. A council must pay each Councillor an annual fee.

2. A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.

3. The annual fee so fixed must be the same for each Councillor.

4. A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.

C1.1.2.2 Fixing and Payment of Annual Fees for the Mayor

S249 1. A council must pay the Mayor an annual fee.

2. The annual fee must be paid in addition to the fee paid to the Mayor as a Councillor.

3. A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.

4. A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.

5. A council may pay the Deputy Mayor (if there is one) a fee determined by the council for such time as the Deputy Mayor acts in the office of the Mayor. The amount of the fee so paid must be deducted from the Mayor's annual fee.

C1.1.2.3 Payment of Expenses and Provision of Facilities

S251 1. A Council must adopt a policy concerning the payment of expenses incurred or to be incurred by and the provision of facilities to the Mayor, the Deputy Mayor (if there is one) and the other Councillors in relation to discharging the functions of civic office.

2. The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the Mayor or a Councillor of a facility provided by the Council to the Mayor or Councillor.

Items Deferred

C1.1.2.4 Public Notice of Proposed Policy concerning Expenses and Facilities

S253 1. *Before adopting a policy for the payment of expenses or provision of facilities, the Council must give at least 28 days' public notice of the proposal.*

C1.1.2.5 Decision to be made in Open Meeting

S254 1. *The Council or a Council Committee all the members of which are Councillors must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or at which any proposal concerning those matters is discussed or considered.*

C1.1.3 Fees

The Remuneration Tribunal must not later than 1 May in each year determine in each of the categories determined under Section 239 the maximum and minimum amounts of fees to be paid during the following year to Councillors and Mayors.

C1.1.4 Expenses

C1.1.4.1 Carer Expenses

Councillors are entitled to the reimbursement of carer expenses that were necessary to enable Councillors to attend Council business. The maximum entitlement for such expenses is \$2,000 per annum. Receipts will need to be provided no later than three (3) months after the expense has been incurred for reimbursement of funds.

C1.1.4.2 Mobile Phone Charges

Councillors will be provided with a mobile telephone to assist in undertaking Councillor duties. Council will meet the cost of providing the telephone, maintenance, monthly service and access fees, and call charges made on Council business. Individual Councillors meet the cost of any additional calls.

C1.1.4.3 Facsimile Charges

Councillors will be provided with a fax machine to assist in undertaking Councillor duties. Council will meet the cost of providing the fax machine, maintenance and rental charges for one (1) home facsimile line.

C1.1.4.4 Internet Charges

Council will meet the cost of internet charges involved in the conduct of Council business.

C1.1.4.5 Postage of Official Councillor Correspondence

Councillors will be reimbursed where expenses can be verified and where it is impractical to use the Council's own mail system.

C1.1.4.6 Travelling Expenses

a) Within the Local Government Area

Councillors will be entitled to be reimbursed for travel from their home whilst on Council business at the rate per kilometre as set out in the Local Government State Award.

Items Deferred

The travelling expense is payable for Council Meetings, Committee Meetings, formal and social functions where representing council, consultation with the Mayor, General Manager, or staff or other meetings involving the general community and attendance is approved for the purpose of this Policy by the Mayor or General Manager.

b) Outside the Local Government Area

Councillors will be entitled to travel to official engagements at Council's expense by the most practical method, ie aircraft, Council vehicle or private vehicle.

Councillors, when travelling by air, will travel Economy Class or as determined by the General Manager.

A Councillor who travels in his/her own vehicle will be reimbursed at the appropriate per kilometre rate or airfare whichever is the lower.

C1.1.5 Expenses Incurred at Conferences, Seminars and Courses

Attendance at Conferences by Councillors must be covered by Council resolution;

Conferences, Seminars and Courses – reimbursement of costs associated with:-

C1.1.5.1 Registration

Including official luncheons, dinners and tours relevant to the Conference.

C1.1.5.2 Travel

By Council vehicle, private vehicle, hire vehicle, rail or air. Persons using private vehicles to be reimbursed according to the relevant kilometre rate in the staff award (subject to the costs not exceeding the economy class air fare as applicable). Any travel by train will be by First Class, including sleeping berths where necessary. With all travel arrangements due consideration is to be given to the physical capacity of the Councillor and any variation to these arrangements be with the approval of the Mayor and the General Manager.

C1.1.5.3 Accommodation

Accommodation for other Council business will be as follows:

i) *at a standard of up to four star NRMA rating;*

ii) *booked and paid for by Council in advance or, where this is not possible, a claim for reimbursement made no later than three months after the expenses were incurred, and with receipts attached.*

C1.1.5.4 Meals and Other Expenses

Reasonable costs (including sustenance, telephone charges and incidental expenses) including the night before and after the conference where necessary to be met by the Council.

C1.1.5.5 Spouses/Partners Accompanying Delegates

Accommodation (shared basis) will be met by Council.

Items Deferred

- CI.1.6 Insurance**
Councillors are to receive the benefit of insurance cover for:
- CI.1.6.1 Personal Injury**
Whilst on Council business, covering bodily injury caused by accidental, violent, external and visible means up to a sub-limit for death and capital limits of \$500,000. Also covering permanent disablement, temporary total disability and temporary partial disability.
- CI.1.6.2 Professional Indemnity**
For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors provided the performance or exercise of the relevant civic duty or function in the opinion of Council bona fide and/or proper and is carried out in good faith, as required under 731 of the Local Government Act.
- CI.1.6.3 Public Liability**
For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors, carryout out in good faith.
- CI.1.7 Facilities – Councillors**
- CI.1.7.1 Stationery**
Use of personalised Councillor letterhead and envelopes
- CI.1.7.2 Postage**
Official Councillor correspondence – to be directed through the Council's own mail system. If not practicable reimbursement will be made for costs involved.
- CI.1.7.3 Facsimile Machines/Answering Machines**
Purchase and maintenance of machines, including supply of all fax paper, such to remain the property of Council.
- CI.1.7.4 Meetings, Meals and Refreshments**
Provision of meals and refreshments associated with Council, Committee and Working Party meetings where appropriate.
- CI.1.7.5 Meeting Rooms / Councillor Room**
Provision of meeting room facilities, including telephone, computer network facilities, and access to a photocopier in the Administration Centre for the purpose of Council Committee and Working Party Meetings, and for meeting with constituents.
- CI.1.7.6 Mobile Phones**
Provision of a mobile telephone, with the cost of calls on Council business to be met by Council and all private calls cost be met by the individual Councillor.
- CI.1.7.7 Secretarial Support**
The provision of secretarial support, as necessary, for Councillors generally.

Items Deferred

CI.1.7.8 Access to Council Files

All Council files to be made available to Councillors with the exception of those parts exempt under the provisions of the Freedom of Information Act.

Councillors seeking information from Staff or Council records are to make requests through the appropriate Director or Manager.

Councillors are to establish an agreed timeframe with the Manager Administration/Public Officer for the provision of, or access to information.

CI.1.7.9 Business Cards

250 Business cards (replacement on request).

CI.1.7.10 Christmas Cards

100 Maximum per year.

CI.1.7.11 Filing Cabinet

Councillors to be provided with home filing cabinet if requested.

CI.1.7.12 Name Badges

Councillors to be provided with a name badge.

CI.1.7.13 Relevant Acts, Building Codes, Policy Register

A current copy of the relevant Acts, Building Codes and a copy of the Policy Register to be made available upon request.

CI.1.8 Additional Facilities – Mayor

CI.1.8.1 Mayor Office

Mayor Office to be provided including office furniture, desk, chair, filing cabinets, meeting table and chairs and a bar fridge.

CI.1.8.2 Council Vehicle

A Council vehicle will be provided in accordance with Council's resolution.

CI.1.8.2 Secretarial Support

Suitably qualified and experienced person to provide administrative support, word processing, secretarial support, research and briefings.

CI.1.8.3 Administrative Support

Assistance with organisation of functions and meetings and briefings on functions to which the Mayor is invited to attend.

CI.1.8.4 Office Refreshment

As provided in the Mayor Office for entertainment purposes.

CI.1.8.5 Stationery

Mayoral letterhead, envelopes and stationery generally.

CI.1.8.6 Mobile Phone

Purchase and maintenance. Payment of service and equipment charges and all calls made on Council business.

Items Deferred

CI.1.9 Conditions for the Provision of a Motor Vehicle to the Mayor

- CI.1.9.1 The conditions of the use of the vehicle by the Mayor were covered by Minute No 170 of Council meeting of 19 July 1995 and Minute No 652 of the Council meeting of 20 December 2000.*
- CI.1.9.2 The motor vehicle is and shall remain the property of Council and shall be surrendered to Council by the Mayor in the even that the person is no longer the Mayor.*
- CI.1.9.3 Council shall replace each motor vehicle as soon as is practicable after the expiry of twenty four (24) months from the date of the first registration of the motor vehicle or forty thousand kilometres (40,000km) of travel whichever occurs first. The type of vehicle provided is to be of the standard of a Ford Fairlane/Holden Calais or an alternative which is mutually acceptable to Council and the Mayor.*
- CI.1.9.4 Council cars provide in accordance with this Agreement shall bear no markings or identification.*
- CI.1.9.5 The Mayor is to be given unrestricted use of such vehicle with the council servicing and maintaining such vehicle, paying registration and insurance (including full comprehensive cover) and providing petrol.*
- CI.1.9.6 Private use means that the Mayor and his/her spouse or other licensed driver (provided the Mayor or Mayor's spouse is in the car) or any other Council employee are allowed to drive the vehicle.*
- CI.1.9.7 The Mayor is responsible for the proper care and maintenance of the vehicle including garaging, regular cleaning – both inside and outside – and ensuring that normal running items such as petrol, oil, battery, radiator and tyre pressure are checked at regular intervals, in accordance with the Manufacturer's recommendations.*
- CI.1.9.8 The Mayor is not allowed to compete in any car rally or competition or use the vehicle in any manner which may contravene the comprehensive insurance policy and result in voidance of the insurance cover and/or the vehicle Manufacturer's warranty.*
- CI.1.9.9 If the vehicle is involved in an accident, the Mayor agrees to pay the full amount of any claim rejected by Council's insurers due to a breach of the insurance contract by an action of the Mayor or the Mayor's family. An age excess applicable to a claim is to be paid by the Mayor, except where the driver is an employee of Council.*
- ### **CI.1.10 Gifts to Councillors**
- Council adopts the policy of the NSW Government covering Ministers (and spouses), in that any gift worth over \$200 is officially valued, recorded and comes the property of the Council*
- ### **CI.1.11 Reporting on Councillors Expenses**
- All relevant financial payments made to Councillors in pursuit of their duties as Councillors is to be included in Council's annual report and their attendance at all categories of meetings, so that Councillors' performance can be more fairly and accurately monitored by the ratepayers.*

Items Deferred

C1.1.12 Private Benefits

Any private benefit derived from facilities provided for discharging the functions of civic office shall be deducted from fees paid to Councillors.

C1.1.13 Acquisition of Equipment

Upon ceasing the position of Councillor or Mayor all equipment must be returned to Council.

Items Deferred

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Reports from Director Development Services

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

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

MATTERS FOR CONSIDERATION

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

Reports from Director Development Services

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Reports from Director Development Services

1. ORIGIN: Development Assessment Unit

FILE REF: DA1800/40 Pt2

REPORT TITLE:

Six Unit Multi-dwelling Housing Development at Lot 10 Sec 6 DP759009, 13 Eden Street, Tweed Heads

SUMMARY OF REPORT:

Council has received a development application for the erection of a 7/8 storey multi-dwelling housing development comprising six units. The key issues in relation to the application include:

- Visual Impact
- Overshadowing of adjacent public open space (Clause 32B(4) NCREP)
- Impact on View Corridors from Razorback Hill
- Geotechnical Stability of the site
- Impact on adjoining residents

The application is accompanied by a SEPP1 submission to vary the overshadowing provisions of the NCREP. This submission is supported.

The application was advertised and five (5) submissions were received.

The application generally complies with all Council planning requirements and is recommended for approval.

RECOMMENDATION:

That:-

- A. Council supports the submission made under SEPP1 to vary the provisions of Clause 32B(4) of the North Coast Regional Environmental Plan and assumes the concurrence of the Director planningNSW.
- B. Development Application 1155/2001DA for the demolition of an existing dwelling house and the erection of a six unit multi-dwelling housing development at Lot 10 Sec 6 DP759009, 13 Eden Street, Tweed Heads be approved subject to the following conditions:-

GENERAL

1. The development shall be completed in general accordance with the Statement of Environmental Effects and Plans Nos A1-1 to 1-4 prepared by Summerland Design and dated October 2001, except where varied by these conditions.
2. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
4. The erection of a building in accordance with a development consent must not be commenced until:

Reports from Director Development Services

- a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
- b. the person having the benefit of the development consent:
 - (i) has appointed a Principal Certifying Authority; and
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
- c. 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 erection of the building.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. 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 79H of the Environmental Planning and Assessment Regulations, 1994, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

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

- a. Tweed Road Contribution Plan: \$3349
S94 Plan No. 4 (Version 4.0)
(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:

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

and:

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

Reports from Director Development Services

- Dist. average haulage distance of product on Shire roads
(trip one way)
- \$Unit the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)
- Admin. Administration component - 5% - see Section 6.5
- b. Open Space (Structured): \$1511
S94 Plan No. 5
 - c. Open Space (Casual): \$576
S94 Plan No. 5
 - d. Shirewide Library Facilities: \$1109
S94 Plan No. 11
 - e. Eviron Cemetery/Crematorium Facilities: \$396
S94 Plan No. 13
 - f. Emergency Facilities (Surf Lifesaving) \$644
S94 Plan No. 16
 - g. Extensions to Council Administration Offices
& Technical Support Facilities \$1225
S94 Plan No. 18
 - h. Cycleways \$470
S94 Plan No. 22
6. 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:
- Water: \$14400
Sewer: \$12056
- These charges to remain fixed for a period of twelve (12) months from the date of this consent and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.
- Note:** The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an Accredited Certifier.
7. The footings and floor slab are to be designed by a practising Structural Engineer after consideration of the findings of the geotechnical report (200-2669) prepared by Soil

Reports from Director Development Services

Surveys Pty Ltd dated September 2001 and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

8. A. Building work that involves 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:
 - i. in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor licence number; and
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
 - ii. in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit number, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of **owner-builder work** in Section 29 of that Act,

and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

- B. A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
9. A site stormwater management plan shall be submitted to and approved by the Principle Certifying Authority prior to issue of a Construction Certificate. This plan is to be consistent with Tweed Urban Stormwater Quality Management Plan.
 10. Landscape works on the adjoining public reserve are to be carried out in accordance with the Landscape Plan prepared by Kershaw Design (L01A) dated 12 November 2001. These works are to be carried out on behalf of Council to ensure the amenity of the reserve is enhanced. Prior to the issue of a Construction Certificate an agreement is to be entered into with Council's Manager Recreation Services detailing terms of maintenance of this landscaping within the reserve.
 11. A traffic control plan that complies with the provisions of the RTA document "Traffic Control at Work Sites" Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, and submitted for approval by Council, prior to issue of the Construction Certificate. All works are to comply with the Occupational Health and Safety Act and the RTA document and the approval particularly in respect to works on public roads. Safe public access shall be provided at all times.

Reports from Director Development Services

12. 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.
13. Permanent Stormwater Quality Treatment
 - (a) Permanent stormwater quality treatment shall comply with "*Tweed Urban Stormwater Quality Management Plan*" (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction or Occupational Phase of Development". New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the "deemed to comply" provisions of *Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality* is deemed to comply with the objectives in 5.5.3.
 - (b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.
 - (c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
14. 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 workswill 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.
15. A privacy screen is to be erected along the common boundary with the adjoining residence (west) to prevent direct overlooking at the podium level.
16. Erosion and Sediment Control During the Construction Phase of Development

Reports from Director Development Services

- (a) The Construction Certificate Application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
17. A dilapidation report is to be submitted in relation to the structures located on Lot 9 Sec 6 DP759009 and the Yacht Harbour Towers building, to the satisfaction of the Director of Development Services, prior to the issue of a Construction Certificate.

PRIOR TO COMMENCEMENT OF WORK

18. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised to the satisfaction of the Principal Certifying Authority and provided with a dish drain or similar at the base or otherwise retained to the satisfaction of the Principle Certifying Authority. All retaining works shall be completed to the satisfaction of the Principal Certifying Authority prior to start of building work. Please note timber retaining walls are not permitted.
19. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-
- (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council, or
 - (c) if that is not practicable, any other sewage management facility approved by the council.
20. A sign must be erected on the site in a prominent, visible position stating:
- a. that unauthorised entry to the work site is prohibited; and
 - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
 - c. Lot number.
21. A demolition plan is to be submitted to Council for approval prior to the commencement of work.
22. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:
- i. The person must, at the person's own expense:
 - a. preserve and protect the building from damage; and
 - b. if necessary, underpin and support the building in an approved manner.
 - ii. The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.
23. Prior to work commencing, a "Notice of Commencement of Building Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least **2 days** prior to work commencing.

Reports from Director Development Services

24. Prior to the commencement of building work, a certificate signed by a registered professional engineer is to be submitted to the Principal Certifying Authority to certify that adequate consolidation of foundation material has been achieved to support the proposed structure.
25. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.
Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan "*Tweed Shire Council Aus-Spec D7 - Stormwater Quality*" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given.
26. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. **Note** All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the PCA prior to commencement of building works.

DURING CONSTRUCTION

27. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
28. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior approval of the Director of Development Services.
29. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.
30. 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.
31. No blasting is to be undertaken as part of the Construction of the building.
32. 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.
33. 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.

Reports from Director Development Services

34. 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.
35. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a. footings, prior to pouring of concrete
 - b. slab, prior to pouring of concrete
 - c. frame prior to the erection of brick work or any wall sheeting
 - d. final inspection prior to occupation of the building
 - e. steel reinforcing prior to pouring of concrete
36. 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.
37. All fire service connections are to be compatible with those of the NSW Fire Brigade.
38. The earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments". In general, material shall be placed in layers not exceeding 300mm in depth, watered and compacted to achieve the specified density ratio as monitored in Table 5.1 - Guidelines for Minimum Relative Compaction.
39. All surface waters, other than stormwater shall be directed to Council approved pre-treatment facilities before discharge to sewer. Details are to be submitted to and approved by the Director of Environment and Community Services prior to installation.
40. The applicant or operator of the proposed business is to enter into a maintenance contract which will ensure that the diversion valve is serviced by a licensed contractor at least every six months. Details are to be submitted to and approved by the Director of Environment and Community Services prior to installation.
41. All surface water collected from hard stand parking areas to be directed to Council approved pre-treatment facilities before discharge to approved discharge locations. Stormwater from covered or enclosed carpark areas shall not be discharged to the public sewer unless approved treatment facilities have been provided. Details are to be submitted to and approved by the Director of Environment and Community Services prior to installation
42. The provision of 18 off street parking spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 – Parking Controls.
43. Internal stormwater lines are to be connected directly into road drainage pits if available along the frontage of the site. Drainage lines shall not cross Crown Land unless separate approval from the Department of Land & Water Conservation has been obtained.
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.

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

Reports from Director Development Services

- control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.
45. The additional rainwater drains must be connected to the existing rainwater disposal system; to provide satisfactory stormwater disposal in accordance with Australian Standard AS/NZS3500.3.2.
 46. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays.
 47. 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.
 48. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
 49. Prior to and during construction provide a "shake down" area along the haul route located immediately before the intersection with the road reserve. The "shake down" area is to be 10 metres long, minimum 3.0 metres wide, constructed of minimum 50mm diameter crushed rock; or other such device approved by the Director of Engineering Services.
 50. 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.
 51. All new residential dwellings 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, zoning, and hot water supply.
 52. 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.
 53. 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.

Reports from Director Development Services

54. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
55. Where two (2) or more premises are connected by means of a single house service pipe, the owner of each premises must (*unless all the premises are occupied by a single household or firm as a residence or place of business*) ensure that a separate water meter, of a class and size approved by Council, is installed on each of those premises.
56. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
57. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.
58. 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.
59. Yard gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.
60. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
 - * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C in all other classes of buildings.A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.
61. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
 - i. All required erosion and sedimentation control devices have been installed and are operational.
 - ii. Required toilet facilities have been provided on the site.
 - iii. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
 - iv. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.
62. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to any use or occupation of the buildings.
63. Landscaping of the site shall be carried out in accordance with the submitted landscaping plans. The landscaping to be completed prior to occupation of the building, to the satisfaction of the Director, Development Services.
64. A concrete ribbon footpath 2.0 metres wide and 75 millimetres thick is to be constructed on a compacted base along the entire frontage of the site to Eden Street. The compacted base is to achieve 95% of maximum dry density determined in accordance with AS1289

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5.4.1 for a minimum 100mm depth. A full depth construction joint is to be provided at 6.0 metre intervals and 20 millimetre deep groove joints provided every 2.0 metres, the balance area to be graded to the kerb and turfed. The footpath is to have a 3% crossfall which must be attained at each side boundary. This may result in work to be undertaken on the footpath at adjoining properties which must not exceed 1:14 and must be reinstated with turf. The footpaving is to be located 800 millimetres from the property boundary. The concrete footpath gradient shall be parallel to the top of kerb for the full frontage of the site and maintained unvaried across the (any) driveway cross-section. An inspection of the formwork is to be arranged with Council's Engineering Services Division prior to concrete being placed.

65. An automatic fire detection and alarm system, designed to ensure the occupants are given adequate warning so they can evacuate the building in an emergency, must be installed in Class 2 and 3 buildings and Class 4 part of a building in accordance with the provisions of Specification E2.2a of the Building Code of Australia. Smoke alarms must be installed:

- (i) within each sole occupancy unit, located on or near the ceiling in any storey -
 - (A) containing bedrooms -
 - (aa) between each part of the sole occupancy unit containing bedrooms and the remainder of the sole occupancy unit; and
 - (bb) where bedrooms are served by a hallway, in that hallway; and
 - (B) not containing any bedrooms, in egress paths; and
- (ii) in a building not protected with a sprinkler system, in public corridors and other internal public spaces, located in accordance with the requirements for smoke detectors in AS 1670 and connected to activate a **building occupant warning system** in accordance with Specification 2.2a(6) of the Building Code of Australia which states:

A building occupant warning system must comply with Clause 8.7 of AS 1670 to sound through all occupied areas except-

- a) in a Class 2 and 3 building or Class 4 part provided with a smoke alarm system:
 - (i) the sound pressure level need not be measured within a sole occupancy unit if a level of not less than 85dB(A) is provided at the door providing access to the sole occupancy unit; and
 - (ii) the inbuilt sounders of the smoke alarms may be used to wholly or partially meet the requirements.

A Certificate of Compliance is to be submitted to the PCA prepared by the licensed Electrical Contractor certifying that the installation complies with the above, prior to occupation of the building.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

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- 67. A person must not commence occupation or use of the whole or any part of a new building (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).
- 68. 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.
- 69. 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 essential fire safety measure listed in the schedule below has been designed and installed in accordance with the relevant standards.

Such certificate shall state as to each essential fire measure installed in the building:

- (a) that the service has been inspected and tested by a person who is competent to carry out such an inspection or test; and
- (b) that the service was (as at the date on which it was inspected and tested) found to have been properly implemented and capable of performing to a standard not less than that required by the most recent fire safety schedule for the building for which the certificate is issued.

Please note that all Essential Services listed on the schedule below must be certified on an annual basis as per the provision of section 177 of the Environmental Planning and Assessment Regulation 2000.

Fire Safety Schedule Essential Fire Safety Measure	Minimum Standard of Design Installation and Maintenance
Automatic Fire Detection and Alarm Systems	AS1670.1 1995 "Fire Detection, Warning Control and Intercom Systems"
Exit Signs	AS/NZS2293.1 1998 "Emergency Evacuation Lighting in Buildings" Part 1 - System Design, Installation and Operation
Fire Doors	AS/NZS1905.1 1997 "Components for the Protection of Openings in Fire Resistant Walls" Part 1 - Fire Resistant Doorsets
Fire Hydrant Systems	AS2419.1 1994 "Fire Hydrant Installations" Part 1 - System Design, Installation and Commissioning
Hose Reel Systems	AS2441 1998 - "Installation of Fire Hose Reels"
Mechanical Air Handling Systems	AS/NZS1668.1 1998 - "The Use of Mechanical Ventilation and Air Conditioning in Buildings" Part 1 - Fire and Smoke Control

- 70. Exits are to be provided so that no point on the floor of the building shall be more than 20 metres from:
 - (a) an exit; or

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- (b) a point from which travel in different directions to two exits is available in which case the maximum distance to one of those exits shall not exceed 40 metres.

USE

71. 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.
72. Owners of buildings served by plant involving the operation of "cooling towers", "evaporative condensers" or "tepid water systems" must submit to Council, half yearly, a report detailing the maintenance, cleansing and chemical treatment of such plant every three (3) months in accordance with Part 6 of the NSW Public Health Act.

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REPORT:

Applicant: Graham Church, Luke Egan, Tony Longhurst
Owner: Mr Graham J & Mrs Kathleen M Church
Location: Lot 10 Sec 6 DP759009, 13 Eden Street, Tweed Heads
Zone: 2(b) Medium Density Residential
Cost: \$2,000,000

BACKGROUND/PROPOSAL

Council has received a Development Application for the erection of a part seven storey/part eight storey multi-dwelling housing development at Lot 10 Sec 6 DP759009, 13 Eden Street, Tweed Heads. The development comprises six levels of residential floor space and basement carparking. Six (6) residential units are proposed. Each unit would occupy a level within the building.

A dwelling currently exists on the site along with improvements such as fences, etc. These are proposed to be demolished and removed from the site.

The development is primarily confined to the cleared portions of the site. The southern (lower portion of the site) would retain a dense vegetation cover.

The proposal also involves the removal of approximately 220m³ of excess soil from the site.

The application is also accompanied by a submission in accordance with State Environmental Planning Policy No. 1 (SEPP1) seeking a variation to Clause 32B(4) of the North Coast Regional Environmental Plan which places restrictions on development where overshadowing of a foreshore reserve occurs.

The site has an area of approximately 800m² and a frontage of approximately 20m to Eden Street.

The site slopes moderately away from Eden Street for the first 15 metres and then steeply (approximately 1:4) over the balance of the property.

The lower southern parts of the site are heavily vegetated, forming part of a contiguous band of vegetation extending further to the north of the site.

Site levels vary between approximately RL25.5m AHD (Eden Street) and approximately RL14.4m AHD (Coral Street). The site enjoys extensive views to the south west, south, south east and north east.

The subject land is located on the southern side of Eden Street on the south eastern slope of the Point Danger Headland. The site is at the eastern limits of existing urban residential development.

Land to the south and south east of the site, is unoccupied and in public ownership.

A band of dense vegetation extends across the lower foot slopes of the site and around the low foot slopes of the headland in a north easterly direction.

A small cleared area of parkland adjoins the site to the east, while a larger open reserve exists to the north east.

Land to the north west and west of the site comprise of a mixture of residential development forms including single dwellings and a residential flat building up to ten storeys in height.

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SITE DIAGRAM



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

(a) (i) The Provisions of Any Environmental Planning Instrument

Tweed Local Environmental Plan 2000

The subject land is zoned 2(b) Medium Density Residential under the provisions of Tweed LEP 2000. The proposed development is permissible with consent. The objectives of the 2(b) Zone are as follows:

“Primary Objective

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

Secondary Objective

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

The subject development achieves a density of one (1) dwelling per 133m² of site area. It is considered that the subject development achieves a density compatible to the objectives of the zone and therefore is consistent with these objectives.

Clause 15 of Tweed LEP requires consideration of availability of essential services.

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Services are available to meet the needs of the development.

Clause 16 of Tweed LEP provides controls in relation to the heights of buildings. The heights of buildings accompanying the Tweed LEP indicates that a maximum height of 50m AHD applies to the subject land.

The subject application complies with these height limits with the height of the proposal to the top most support column being RL47.2m AHD. The maximum height of the main roof structure is approximately RL45.00m AHD.

Clause 17 of Tweed LEP requires the submission of a Social Impact Statement in respect of development which will have a significant social or economic impact in the locality or in the area of Tweed. Council's Development Control Plan No. 45 – Social Impact Assessment provides guidelines to when an assessment or statement is required. Under this plan the need for a social impact statement to be prepared is not required.

It is considered the proposal will have some social and economic impacts to the immediate area and to the local area. However, these impacts are not of an extend to warrant the submission of a social impact statement in accordance with this Clause.

Clause 35 of Tweed LEP provides for the management of acid sulfate soils.

The subject land is mapped as Class 5 land on Council's Acid Sulfate Soil Planning map.

The site is within 500 metres of land mapped as Class 1 land on Council's Acid Sulfate Soil Planning map. The development is not expected to impact upon local ground water conditions and therefore no further investigation is required.

North Coast Regional Environmental Plan

Clause 32B of the North Coast Regional Environmental Plan applies to the subject development. This Clause states as follows:

- “(2) In determining an application to consent to carry out development on such land, the Council must take into account:*
- a. The NSW Coastal Policy 1997,*
 - b. The Coastline Management Manual, and*
 - c. The North Coast: Design Guidelines.*
- (3) The Council must not consent to the carrying out of development which would impede public access to the foreshore.*
- (4) The Council must not consent to the carrying out of development:*
- a. On urban land at Tweed Heads, Kingscliff, Byron Bay, Ballina, Coffs Harbour or Port Macquarie, if carrying out the development would result in beach or adjacent open space being overshadowed before 3:00pm mid winter (standard time) or 6:30pm mid summer (day light savings time).”*

The proposal is generally consistent with the NSW Coastal Policy, the Coastline Management Manual and the North Coast: Design Guidelines with the exception of overshadowing of adjacent foreshore open space. The overshadowing of relatively

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unusable open space as a result of the topography of the land is considered acceptable and is addressed in further detail in this report.

The proposal will not alienate or impede access to any public land.

In relation to Clause 32B(4) the development will result in overshadowing of adjacent open space to a beach. Recent legal advice from Council's Barristers have advised that the term beach in this Clause also relates to inland estuaries and therefore is applicable to the subject development. This advice also indicated that this requirement may be deemed a development standard and therefore may be varied by State Environmental Planning Policy No. 1. PlanningNSW has also indicated that they accept that this requirement may be considered in accordance with State Environmental Planning Policy No. 1.

The applicant has submitted an objection to this standard seeking a variation to this provision. The merits of this submission is dealt with later in this report.

Clause 81 of North Coast Regional Environmental Plan required consideration of the potential impacts of the development adjacent to the ocean or substantial waterway. The subject land is within 100 metres of Jack Evans Boatharbour.

Clause 81 states as follows:

- "1. The Council shall not consent to a development application for development on land within 100 metres of the ocean or any substantial waterway unless it is satisfied that:*
- a. There is sufficient foreshore open space which is accessible and open to the public within the vicinity of the proposed development,*
 - b. Buildings to be erected as part of the development will not detract from the amenity of the waterway, and*
 - c. The development is consistent with the principles of any foreshore management plan applying to the area."*

The subject land is well located in terms of access to substantial public foreshore reserve and will not detract from the amenity of Jack Evans Boatharbour with respect to visual impacts, shadowing or intrusive noise impacts. It is considered the development is acceptable in terms of this Clause.

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy No. 1 (SEPP1)

SEPP1 provides for the applicant to make a submission in relation to a development standard seeking a variation to this standard if it can be demonstrated that the standard in the circumstances, is unreasonable and unnecessary.

In this case the applicant has made a SEPP1 submission in regards to Clause 32B(4) of the North Coast Regional Environmental Plan. This Clause states that:

- "(4) The Council must not consent to the carrying out of development:*
- a. On urban land at Tweed Heads, Kingscliff, Byron Bay, Ballina, Coffs Harbour or Port Macquarie, if carrying out of the development would result in beaches or adjacent open space being overshadowed before*

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3:00pm mid winter (standard time) or 6:30pm mid summer (day light savings time)."

Council has recently obtained legal advice regarding this Clause specifically addressing whether the provisions of this Clause is a development standard and therefore may be varied by virtue of SEPP1. Council's Barrister and Solicitor have both advised that this is the case and therefore may be considered under the provisions of this State Policy based on merit.

For the purpose of granting concurrence Council has assumed concurrence of the Director of planningNSW and may therefore determine this matter.

Notwithstanding this the subject application was referred to planningNSW for comment.

PlanningNSW advise they could not provide any specific comment in relation to this development as the shadow diagram provided did not contain adequate information. However, provided the following advice in relation to consideration of this matter:

"Similar comments to those provided for the Latitude 28 and the Casuarina/Heath Resort proposals are relevant to this proposal. Clause 32B of the North Coast REP limits Council's consideration of applications for a building that overshadows a beach or adjacent open space. While the department accepts that this may be subject to State Environmental Planning Policy No. 1, the Council needs to be satisfied that any objection to the standard establish that exceptional circumstances exist for overshadowing, contrary to the intent of the standard."

The applicant has provided the following SEPP1 submission in support of a variation to this standard:

- "1.0 This objection is in respect of the development standard contained in Clause 32B(4) of the North Coast Regional Environmental Plan, 1988 (NCREP). It should be read in conjunction with the Statement of Environmental Effects prepared in respect of the proposed development (JGA, October 2001).*
- 2.0 Clause 32B(4) of the NCREP provides that development on land at Tweed Heads, must not result in the overshadowing of beaches or adjacent open space before 3.00pm mid winter (standard time) or 6.30pm mid summer (daylight saving time).*
- 3.0 Shadow diagrams prepared in respect of the proposed development (Summerland Design, refer Attachment 1) indicate that the development would lead to overshadowing of an adjoining Crown Reserve within the hours specified by the standard.*
- 4.0 The objective of the standard is essentially to ensure that shadow impacts do not adversely affect the amenity/enjoyment of publicly accessible beaches and nearby (adjacent) open space areas.*
- 5.0 The following considerations are relevant to assessing the merits of a departure from the development standard in this instance:*
 - (i) Shadowing associated with the proposed development would primarily be cast in a south easterly direction, over a steep heavily vegetated cliff. The area is inaccessible and unusable for public recreation purposes.*

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- (ii) *A small, largely unused area of more accessible land would be affected by shadow impacts. However, this area represents less than 10% (approximately) of the usable reserve area to the immediate east of the site. This area also generally corresponds with the area proposed for revegetation/embellishment works by the applicant, and would therefore have an aesthetic/landscape function, rather than any usable recreation function.*
- (iii) *The adjoining reserve to the east of the site, is not at any immediate or foreseeable risk of further significant overshadowing as:*
- *the subject site is the eastern most parcel of privately owned land in Eden Street,*
 - *the land north of Eden Street, directly opposite the reserve, is owned by the Crown and zoned 6(a) Public Open Space, and*
 - *the land to the north east (on Eden Street) is sufficiently well separated from the reserve to ensure that future shadow impacts could be appropriately managed.*
- (iv) *The anticipated shadow impacts are well within normally accepted limits, particularly in circumstances where development of the type and scale proposed, are actively promoted and encouraged as part of statutory and policy planning provisions for the locality.*
- (v) *The area of reserve overshadowed by the development is very small, and is insignificant in the context of the very low level of public use of the area affected, and the extent of beach and adjacent public open space in the locality (based on the interpretation(s) of these terms by Council and planningNSW).*
- 6.0 *It is concluded that the shadow impact associated with the proposed development is highly unlikely to affect the amenity of the adjoining reserve to the detriment of its enjoyment by the general public. No good planning purpose would be achieved in this instance by strict adherence to limitations contained in Clause 32B(4) of the NCREP.*
- 7.0 *Having regard to the foregoing, compliance with the development standard is both unreasonable and unnecessary in the circumstances. Furthermore, in the particular circumstances, approval of the application could in no way be construed as undermining the integrity of the standard.”*

In considering this submission the area of most significance is a public reserve located to the east/south east of the subject land which is mown and relatively flat containing a picnic table. This public reserve forms a small part of the larger public reserve/open space adjacent to the Jack Evans Boatharbour. The subject area would have an area of approximately 1600sqm and is physically isolated from the main foreshore area by a steep escarpment which is heavily timbered. Limited views to the water area are available from this park area due to surrounding vegetation. The park will be largely overshadowed at 6:30pm mid summer.

The shadow cast between 9:00am and 3:00pm mid winter will also fall largely on the reserve area however will predominantly be limited to the steep treed area which

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provides very limited recreational opportunity. In considering this standard it should be noted that North Coast REP does not have any specific objectives relating to this standard. It can however be reasonably concluded, having regard to the provisions of the Coastal Policy that this standard aims at protecting the amenity and visual quality of these foreshore areas while providing maximum recreational opportunities for the public to use these areas.

In this case the open space area affected is not in the true sense waterfront open space due to the physical separation as a result of the steep timbered escarpment and the road between the area affected and the waters edge. For these reasons the usability of this area as foreshore open space is very limited and therefore the arguments put forward by the applicant are supported.

Under the circumstances it is therefore concluded that this standard under these circumstances is unreasonable and unnecessary and a variation of the standard is supported in accordance with the provisions of SEPP1.

State Environmental Planning Policy No. 55 (SEPP55)

SEPP55 remediation of public land applies to the subject site and requires an assessment of the likelihood of contamination of the land as a result of previous land uses.

The applicant has indicated that a review of historical photography and rating records would indicate that the land has been used for residential purposes since at least 1937 and that local enquiry confirms that the land has been used for residential purposes only from that time.

Therefore based on this information it is reasonable to conclude that it is unlikely that the land is contaminated and no further investigation is required.

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

There are no Draft Environmental Planning Instruments which have been placed on public exhibition which would be relevant to this development.

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

DCP No. 2 – Site Access and Parking Code

Table 4.9A of the DCP provides that off-street parking for multi-dwelling housing developments is to be provided at a rate of 1.5 spaces per unit.

A total of nine (9) spaces would be required under this plan which would include two visitor spaces.

The development in total provides for eighteen (18) basement carparking spaces including two (2) visitors spaces. In addition to this a dedicated car wash bay and twelve (12) bicycle spaces have been provided.

Access to the development is proposed from Eden Street with a ramp extending to service the two basement levels. The applicant at the time of lodgement of the development application submitted an application in accordance with Section 138 of the Roads Act. This application is being assessed by Council's Engineering Section. The

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application has not been approved as the driveway width at the boundary does not comply with the Australian Standard of 5.8 metres. The application currently proposes a 4.5 metre driveway width at the boundary. The required width can be complied with however an amended S138 application under the Roads Act will need to be submitted prior to the issue of a Construction Certificate. This can be conditioned as part of any approval. Access ramp grades to the basement are 1:8 and 1:6 which are acceptable. Adequate area is available for manoeuvring of vehicles within the basement area.

It is concluded that the proposal generally complies with DCP2.

DCP18 – Tweed Heads

Views

The site falls within a key view corridor between Razorback Hill and the ocean horizon beyond Flagstaff Hill.

The design maintains the ocean and horizon views over the building, and will maintain a vista to the west of the building to Flagstaff Hill and ocean beyond. The proposal is considered satisfactory in terms of this provision of the DCP.

High Density Residential Precinct

The subject land falls within the “High Density Residential Precinct” (Flagstaff Hill) section of the DCP, and is consistent with the objectives (Section 6.2) for the precinct which are identified as:

- Development of the precincts primarily as high density residential areas which respect existing residential amenities.
- Provide additional choice in housing accommodation to cater for an increasing variety of household types.
- Facilitate an increased residential population in proximity to the sub-regional centre of Tweed Heads to maximise economic and social benefits.
- Promote the efficient use of residential land.
- Develop a streetscape that reflects climate, topography and lifestyle of the locality.

It is considered that the proposed development is consistent with these objectives.

Building Envelopes

The development does not comply strictly with the building envelope controls contained in Section 9.0 of the DCP. While the north south elevations comply, the east and west elevations encroach upon the building envelope control at the top two and a half levels.

The applicant argues that the building envelope encroachment is primarily a direct consequence of difficult site conditions. The applicant submits that about two-thirds of the site slopes steeply away from north (Eden Street) to south at a grade of approximately 1:4. Further it is argued the depth to suitable foundation material is considerable (in excess of 13 metres) in the lower parts of the site. The cost of establishing suitable foundations in this part of the site is significant in the context of

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the total development cost. As a consequence it is necessary to locate the building in the north eastern corner of the site, to take maximum advantage of the relatively flat grades in this part of the site.

Notwithstanding the site constraints the applicant argues the proposed building envelopes are satisfactory on merit, having regard to the following:

- The land is adjoined to the east and south by vacant public reserve, much of which is unusable. The proposed encroachments would not lead to any significant impacts in these areas.
- The adjoining residential dwelling to the north west is orientated to retain maximum solar access. An analysis of key shadow impacts indicates the proposed development would not adversely affect the adjoining dwelling.
- The building design provides for living areas and outdoor recreation areas on the northern and eastern side of the building, reducing the potential for privacy impacts to adjoining residential dwellings. Further, a 1.2 metre wide fire ledge protruding from the building at each level, substantially reduces opportunities for overlooking from upper levels of the building.
- The area of encroachment at the upper levels is more than offset by the larger than required setbacks at the lower floors (and part upper floors) in the building.

With respect to the residential dwelling adjoining the site to the north west, physical separation at the lower levels of the building is considered more significant in terms of maintaining amenity, than the impact of the encroachment at the upper levels.

- The encroachments permit the development of premium style units, which maximise site attributes, including views.

The points raised above by the applicant in support of a variation to the building envelope permitted under DCP18 are concurred with generally and therefore the subject encroachments are considered acceptable.

Open Space and Balconies

Landscaped ground level open space will have an area of approximately 202m².

The ground level unit would have direct access to a landscaped podium area of approximately 105m². Units above the podium level each have a balcony of approximately 30m², comprising an area of at least 15m² with a minimum dimension of 3.3 metres. Balconies are directly accessible from internal living areas.

These provisions comply with the requirements of DCP18.

DCP39 – Energy Smart Homes Policy

Under the provisions of DCP No. 39 each dwelling is required to achieve an energy rating of at least 3½ stars under the NatHERS Accreditation Scheme. The applicant has submitted an energy performance statement with certifies that each of the units achieves this rating.

In addition it is proposed to install a solar powered hot water system which would achieve the required 3½ star rating under the DCP.

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(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

Visual Impact

The visual impact of the development is primarily a function of its locational context, bulk/scale and external appearance.

The proposed development will be located on a prominent headland of Flagstaff Hill. The building will be visible from foreground, middleground and background viewing ranges. As a result the design elements of the building are critical along with the height of the building in relation to surrounding development.

The building design is well articulated and is proposed to be finished in light colours. The buildings is limited to a maximum height of 47.2m AHD which is below the 50m permitted within this area. Landscaping is proposed around the lower level basements and podium walls to screen it.

Contextually, the appearance of the building would be primarily measured against the visual prominence of the nearby Yacht Harbour Towers development which is of a similar height, however is a much larger building in terms of mass.

The development will be both visible from Razorback Hill and Jack Evans Boatharbour and is located within a view corridor identified in DCP18. Views and vistas from Razorback Hill will not be significantly interrupted with the horizon being able to still be seen over the top of the building.

The visual impacts of the proposed development are considered satisfactory on merit.

Shadow Impacts

These have previously been discussed as part of the assessment of the SEPP1 submission.

Amenity

The development will result in some loss of amenity to the adjoining property to the west. Adjoining land to the east and south and adjacent land to the north are vacant reserves and would be less sensitive.

Loss of amenity to the adjoining property would result from loss of privacy and as a result of the increased noise from vehicle access to and from the development. The subject development has been largely designed to minimise these impacts with provisions of the balcony on the north and easterly elevations to minimise overlooking of the adjoining residential property. A masonry screen is proposed to be erected along the western boundary adjacent to the access ramp, to minimise vehicle noise impacts.

The impacts on the adjoining residence from the proposed development are considered acceptable.

Soil and Water Management

The risk of sediment mobilisation and erosion during construction is high due to the nature of the site. A preliminary erosion, stormwater management plan has been submitted with the application. Any approval should be conditioned to ensure that the development complies with Council's Urban Stormwater Quality Management Plan.

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Traffic

Eden Street is 30 metres wide, with a 10 metre sealed pavement (curb to curb) adjacent to the site. The design speed is 50kph. It is considered that the existing road network has the capacity to accommodate the proposed development.

Social and Economic Impacts

The development will lead to short term employment opportunities during the construction phase along with providing additional housing close to services on completion. It is considered that the proposal will have a net social and economic benefit.

(c) Suitability Of The Site For The Development

Geotechnical Issues

As part of the application the applicant submitted a geotechnical investigation of the site.

The site investigation indicated that suitable foundation materials are at considerable depth over the front 30 metres of the site and thereafter significantly deeper. The report recommended that any building be limited to the first 30 metres of the property (from Eden Street).

Any building would need to be supported by bored piers founded in extremely weathered to distinctly weathered metasyllastone rock. All cuts should be limited to the upper portions of the site and retained by engineered designed structural retaining walls. Filling should be minimised and properly benched and retained. All surface waters would need to be collected in formal drainage structures and discharged directly into the existing public stormwater system. No overland discharge should be permitted on the site or to the land below (south of the site).

Any approval should be conditioned to ensure strict compliance with this geotechnical report as the area has a history of geotechnical instability.

Subject to overcoming the geotechnical constraints it is considered that subject site is suitable for the proposed development having regard to the planning objectives of this area.

(d) Any Submissions Made In Accordance With The Act Or Regulations

The subject application was advertised and notified to adjoining property owners for a period of fourteen (14) days. At the conclusion of this period five (5) submissions were received. Issues raised in these submissions are summarised in the table below:

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ISSUE/CONCERN	COMMENT	CONCLUSION
Geotechnical instability concerns and potential damage to adjoining buildings.	The applicant has indicated that dilapidation reports will be undertaken on the two adjoining properties prior to commencement of works. Geotechnical investigations indicate that the site is suitable for the proposed development and does not indicate any damage to adjoining properties will occur. Notwithstanding this the applicant indicated the appropriate insurances will be in place. A condition of consent is proposed prohibiting blasting.	This issue does not warrant refusal of the application.
The building will have a detrimental impact on the landscape.	The visual impact of the proposal has previously been discussed in this report and concluded to be acceptable.	This does not warrant refusal of the application.
Loss of views and impact on privacy of Yacht Harbour Tower residents.	Some views of residents to the Pacific Ocean will be interrupted by this development however views to the south, south east and west will be still available. Balconies are proposed to be located on the north/north east elevations of the new building resulting in them being orientated away from Yacht Harbour Tower residents and therefore minimising overlooking and loss or privacy.	These issues do not warrant refusal of the application.
Encroachment of building onto park area.	The building will be entirely contained within the subject site. A condition of consent will require landscaping improvements to the reserve area.	This matter does not warrant refusal of the application.
Increased traffic and parking demand.	The development will result in approximately 33 additional trips per day. The existing road capacity in the area can accommodate this increase. In relation to parking the development proposes 18 spaces which is double Council's carparking requirements.	These issues do not warrant refusal of the application.

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ISSUE/CONCERN	COMMENT	CONCLUSION
Construction noise.	Any new development will result in some disruption during construction. Conditions of consent are proposed to minimise impacts on adjoining residents.	This issue does not warrant refusal of the application.

The application was not required to be referred to any Government Authorities.

(e) Public Interest

The subject application is generally consistent with the provisions of Tweed Heads 2000+ Strategic Plan, DCP18 and Tweed LEP 2000. The development will generate short term jobs during the construction period and provide additional up-market housing within close proximity to the commercial and recreational facilities of Tweed Heads and Coolangatta. The development will be compatible with other developments in the immediate area in terms of height and will be of a modern design minimising the visual impacts of the proposal.

It is therefore concluded that the proposal is in the public interest and should be supported.

FINANCIAL AND LEGAL IMPLICATIONS

Should the applicant be dissatisfied with Councils determination a right of appeal to the Land and Environment Court exists. No third party appeal rights on merit exist for objectors to the proposal, however the opportunity is available to initiate Class 4 proceedings if any person feels that Council has not statutorily dealt with the application properly.

OPTIONS

1. Approve the application as recommended subject to conditions.
2. Refuse the application.

CONCLUSION

The application proposes the construction of a part seven/part eight storey multi-dwelling housing development comprising six by four bedroom units and basement carparking. The proposal is consistent with the provisions of Tweed LEP 2000 and DCP18 – Tweed Heads. The application is however inconsistent with Clause 32B(4) of the North Coast Regional Environmental Plan due to the fact that the development will result in overshadowing of the adjacent foreshore open space during the prescribed hours. This development standard is however considered unreasonable and unnecessary in the circumstances due to the physical separation of the site from the adjacent foreshore area. It is recommended that Council support the SEPP1 submission submitted by the applicant. It is concluded that on merit the subject application should be supported subject to conditions.

Reports from Director Development Services

2. **ORIGIN:** Development Assessment Unit

FILE REF: DA0989/5 Pt4

REPORT TITLE:

Development Application 1098/2001DA for a Residential Subdivision Creating 11 Allotments at Lot 1 DP1027531, Casuarina Way Kingscliff

SUMMARY OF REPORT:

Council considered the proposed development application at its meeting of 3 April 2002 and resolved:

"That Council expresses its general support for the Development Application and request the Director Development Services to bring forward a report, including all conditions in the event that Council determines to issue a Deferred Commencement Approval by the next meeting."

Council received a revised concurrence letter from planningNSW dated 3 April 2002 enabling Council to consider the proposed subdivision. The revised concurrence was required as the applicant has proposed a 5.0 metre wide strip of land within the 7(f) zone to be dedicated to Council. These details did not form part of the original application.

The recommended conditions of consent attached include a deferred commencement requirement for the fire protection zone to be provided wholly within the subject land unless agreed to by National Parks and Wildlife Service. Included in this condition are the widths of the fire protection zone. It is noted that part of the fuel reduced zone will be provided over the adjoining Council owned car park and footpath.

Should the applicant not reach an agreement with National Parks and Wildlife Service for the location of 10 metres of fuel reduced zone on the Cudgen Nature Reserve, the location of the additional fire protection zone on the proposed resort allotment will not result in the need for the relocation of the proposed buildings for Stage 1 of the resort. However, it is considered that the master plan for the resort would need to be modified to ensure buildings proposed in future stages, which are best subject to future development applications, are clear of the fuel free zone.

The previous report is attached to this agenda.

RECOMMENDATION:

That Development Application 1098/2001DA for a residential subdivision creating 11 allotments at Lot 1 DP1027531, Casuarina Way Kingscliff be approved subject to the following conditions:-

"DEFERRED COMMENCEMENT"

This consent shall not operate until the applicant satisfies the consent authority by producing satisfactory evidence relating to the matters set out in Schedule "A". Such evidence is to be provided within 12 months of the date of notification.

Upon the consent authority being satisfied as to compliance with the matters set out in Schedule "A". The consent shall become operative and take effect from the date of notification under Section 67 of the Environmental Planning and Assessment Regulations subject to the conditions set out in Schedule "B".

Reports from Director Development Services

SCHEDULE "A"

Conditions imposed pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 and Section 67 of the Regulations as amended.

- A. A Bushfire Management Plan is to be prepared for the subject land in accordance with planningNSW's Planning for Bushfire Protection Guidelines (December 2001). Fuel-free and fuel-reduced zones are to be located along the southern boundary of the subject land and within it unless otherwise agreed to in writing by the adjoining property owners. The Plan is to be approved by Council's Development Services.

SCHEDULE B

NOTE: THIS PART OF THE CONSENT WILL NOT BECOME OPERABLE UNTIL COUNCIL ADVISES THAT THE MATTERS CONTAINED IN SCHEDULE A ARE SATISFIED.

GENERAL

1. The development shall be completed in general accordance with the Statement of Environmental Effects and Plans "Plan of Subdivision, Dakota Properties, Casuarina Beach - Figure 1" and "Proposed earthworks and clearing plan, Dakota Properties, Casuarina Beach, Figure 2" prepared by Cardno MBK (Qld) Pty Ltd and dated 25th March 2002, except where varied by these conditions.
- [GEN0010]
2. The sewer line is restricted to the section within part Lot 1 DP1027531. The location of the proposed sewer line is to be in accordance with the plan provided as Attachment B to the details provided by Brannock & Associates dated 30 January 2002 their reference Peterson-CasBSubL06-V01.
 3. No residential development or associated buildings are to be erected on land zoned 7(f). No works except to those provided for by conditions of consent are to be undertaken on land zoned 7(f).
 4. Access across the eastern boundary of the land shall be restricted to that point as shown on Plan 17678 K01. No other paths or tracks are to be constructed or formed and there is to be no vehicular access to the beach from the subject land.
 5. Fencing and associated gates are to be located around boundary of the freehold lots. No fencing shall occur around the land to be dedicated to Council except on its western boundary. The post and rail chain wire fencing shall be in accordance with the type identified on Landscape Intent Plan No. 995402-01 dated November 2001.
 6. Landscaping and vegetation planting shall be undertaken in the 7(f) zone on each allotment to reinforce the separation of this land from the adjoining public land to protect the scenic amenity of the land prior to the completion of any subdivision works to the satisfaction of the Director of Development Services.
 7. The proposed drainage work is not to involve any work or disturbance (including filling or clearance) to any Crown Land.
 8. Stormwater drainage for the proposed 11 lot subdivision is to be in accordance with the details submitted to Council by the applicant dated 30 January 2002 reference Peterson-SasBSubL06-V01 except where varied by other stormwater drainage conditions of this consent.

Reports from Director Development Services

9. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.
10. The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual.
11. In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428- Design for Access and Mobility.
12. No retaining walls or similar structures are to be constructed over Council's sewer main.
13. Prior to commencement of work pursuant to this consent a **Construction Certificate** shall be obtained for the works proposed and required by this consent.
 - a) copies of compliance certificates relied upon
 - b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
 - earthworks
 - roadworks
 - road pavement
 - road furnishings
 - stormwater drainage
 - water supply works
 - sewerage works
 - landscaping works
 - sedimentation and erosion management plans
 - location of all service conduits (water, sewer, Country Energy and Telstra)
 - the approved Traffic Control Plan
 - the relevant maintenance manuals (eg. G.P.T's, water pump station)
14. Notwithstanding any other condition of this consent, a construction certificate for bulk earthworks may be issued and the carrying out of bulk earthworks may be commenced prior to the issue of a construction certificate for all subdivision works subject to compliance with the following conditions – 1, 9, 10, 12, 13(b) first dot point, 15, 19, 26, 31, 32, 33, 37, 38, 39, 40, 41, 42, 47, 52, 53, 54, 55, 56, 57.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

Reports from Director Development Services

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

16. Section 94 Contributions

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

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

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

- a. Tweed Road Contribution Plan: \$5540

S94 Plan No. 4 (Version 4.0)

(LCA Kings Beach)

- b. Tweed Road Contribution Plan: \$23940

S94 Plan No. 4 (Version 4.0)

(Kings Beach)

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

- c. Street Trees: \$429

S94 Plan No. 6

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- d. Shirewide Library Facilities: \$3000
S94 Plan No. 11
 - e. Bus Shelters: \$230
S94 Plan No. 12
 - f. Eviron Cemetery/Crematorium Facilities: \$1260
S94 Plan No. 13
 - g. Emergency Facilities (Surf Lifesaving) \$2560
S94 Plan No. 16
 - h. Extensions to Council Administration Offices
& Technical Support Facilities \$3448
S94 Plan No. 18
 - j. Kings Beach Open Space \$4970
S94 Plan No. 19
 - k. Kings Beach Cycleways \$2260
S94 Plan No. 19
 - l. Kings Beach Community Facilities \$6370
S94 Plan No. 19
17. 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 Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision 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: | 10 lots @ \$3840.00 | \$38400.00 |
| Sewer: | 10 lots @ \$3215.00 | \$32150.00 |
| Local S94 Water Levy: | 10 lots @ \$205.00 | \$2050.00 |
- These charges to remain fixed for a period of twelve (12) months from the date of this consent and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.
- Note:** The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an Accredited Certifier.
18. A detailed plan of landscaping is to be submitted and approved by Council's Director, Development Services prior to the issue of a Construction Certificate. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building.

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19. **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).

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 Director, Development Services.

The bond will be refunded, if not expended, when the final Subdivision Certificate is issued.

20. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-

- i. Construction of the road for the subdivision shall be generally in accordance with Cardno MBK (Qld) Pty Ltd Figure 1, Plan of Subdivision, except where varied by the table below, and where varied by these conditions.
- ii. Road cross sections employing "roll over" kerbing with a minimum of 0.9m abutting grass filter verge containing street lighting and street trees, to discourage parking on the footpath.
- iii. A native tree planting schedule for each of the roads in the table below showing the location and species of each street tree, clear of driveways and sight lines.
- iv. Proposed traffic calming devices must comply with the relevant Australian Standard and the NSW Roads and Traffic Authority technical direction for raised platforms. Detailed design plans shall be submitted with the construction certificate application.
- v. Drainage inlets are to be relocated to avoid conflict with pram ramps for cycleway/walkways.
- vi. The minimum road pavement and footway width shall be maintained for the full length of the proposed road and shall be in accordance with the table below.

Figure	Road Number	Min. Road Reserve	Min. Carriageway Width	Min. Footway Width
1	New road	13.5m	7.5m	3.0m

All permanent cul-de-sacs shall be constructed with kerb radius of 9.0m and a minimum footway width of 3.0m.

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.
22. (a) All of proposed lots 2-11, the proposed road, the proposed pathway (adjacent to lot 11) and that part of proposed lot 1 generally above RL 7m AHD shall be contained in a drainage catchment (the "northern" catchment) which has a point of discharge at the north east corner of the site into the existing Casuarina coastal swale drain.

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- (b) The remainder of lot 1 shall constitute the "eastern" catchment and stormwater runoff from this catchment shall discharge to an infiltration basin located within lot 1. This infiltration basin is to be sized to accommodate and infiltrate Q_{100} storm events of all durations. Runoff in excess of Q_{100} may be discharged by low velocity, dispersed flow to the existing point of discharge.
 - (c) An open drainage swale, sized to accommodate Q_{100} runoff (with freeboard of 300mm) from the northern catchment, shall be constructed in a **drainage reserve (to be dedicated to Council with minimum width 4.2m)** to be located along the lot 500 boundary adjacent to the eastern boundaries of proposed lots 7-11. The drain shall slope and flow to the north and discharge into the existing swale drain in the "Casuarina" subdivision. It shall extend south to the northern boundary of proposed lot 1.
 - (d) The existing coastal swale drain in "Casuarina" shall be analysed to determine the impact of the additional drainage catchment from this subdivision. Necessary drainage improvements to this existing drainage swale shall be designed and constructed by the applicant, to ensure Q_{100} runoff from the combined catchments can be accommodated with appropriate freeboard.
 - (e) Lots 1-11 shall be landformed to create the northern catchment. Lot 1 shall be shaped to maximise the portion of the lot in the northern catchment.
 - (f) Roof water runoff from all future buildings in lot 1 must initially be directed to infiltration trenches/pits to infiltrate $Q_{3 \text{ months}}$ runoff. Overflow from these infiltration areas must be directed to the northern catchment.
 - (g) The proposed road shall be graded with a low point that ensures Q_{100} overland flow is directed down the path adjacent to lot 11 to the coastal swale drain. The path shall be designed and constructed to accommodate Q_{100} runoff.
 - (h) Minor road drainage shall be collected and piped down the path adjacent to lot 11 and discharged to the coastal swale.
23. Permanent Stormwater Quality Treatment
- (a) Permanent stormwater quality treatment shall comply with "*Tweed Urban Stormwater Quality Management Plan*" (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction or Occupational Phase of Development". New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the "deemed to comply" provisions of *Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality* is deemed to comply with the objectives in 5.5.3.
 - (b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site

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management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.

- (c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
- (d) **Infiltration**
- i. Infiltration areas are to be sized with a safety factor of 2 (this is to allow for long term deterioration in infiltration rate).
 - ii. Runoff entering infiltration trenches/basins shall be pre-treated to remove sediment and gross pollutants.
 - iii. The infiltration rate for infiltration devices shall be determined as follows
 - (i) Conduct percolation tests on the site in accordance with Appendix B of A.S. 1547-1994 - Disposal Systems for Effluent from Domestic Premises.
 - (ii) If the above calculation yields a result <6m/day, this rate may be used for design.
 - (iii) If the result is >6m/day, the rate for design may not exceed 6m/day unless this rate is confirmed by independently determining the coefficient of permeability of the soil in accordance with AS 1289.6.7.3. Notwithstanding these tests, the maximum infiltration rate that may be used for design and sizing purposes is 12m/day

(e) **Specific Requirements**

Permanent stormwater quality devices are to be designed in accordance with these conditions and "Tweed Urban Stormwater Quality Management Plan" Appendix E - Tweed Shire Council, Aus-spec D7 - Stormwater Quality, and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate Application.

Unless stated otherwise, references in brackets refer to sections on devices in NSW EPA publication "Managing Urban Stormwater - Treatment Techniques, November 1997".

- (i) Roof drainage. All future roof drainage is to be discharged to infiltration trenches or pits located on each contributing allotment or on other land appropriately title burdened to the contributing allotment. Infiltration trenches shall be designed in accordance with the following criteria:
- As a minimum requirement, trenches are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) and infiltrate this storm within a 24 hour period, with a safety factor of 2, before surcharging occurs.
 - Surcharge overflow from the infiltration area to the street gutter, interallotment or public drainage system must occur by visible surface flow.

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- Runoff is to be pre treated to remove contaminants prior to entry into the absorption areas (to maximise life of absorption areas between major cleaning/maintenance overhauls).
 - If the site is under strata or community title, the strata/community title plan is to ensure that the absorption areas are contained within common areas that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).
- (ii) Where consistent with other land use requirements, grassed swale drainage (Ref 5.2) is to be used in preference to pipes or hard lined channels

Note: Swales are not preferred as a substitute for kerb and gutter

- where on street parking is required, unless cars can be excluded from swale area
 - on roads serving small lots with numerous driveways
 - where gradients are <1% or >5%)
- (iii) Oil/Grit Separators (ref 4.7), permanent pool 30m³ per impervious hectare, with 50-70% of this volume in first chamber (or alternative devices approved by Council) are to be provided in underground road/hardstand stormwater drainage systems to remove sediment, litter and oil/grease prior to discharge onto the coastal drain/infiltration area.

The standard "deemed to comply" sizing requirement for an Oil/Grit Separator (ref 4.7), is for the permanent pool to have a volume of 30m³ per impervious hectare with 50-70% of this volume in the first chamber. Where proprietary stormwater devices or BMPs such as Rocla Downstream Defender, Humeceptor, Ecosol Unit or the like are to be used as a substitute for the "Oil/Grit Arrestor" the following deemed to comply sizing guidelines will apply:

Sedimentation Tank Capacity 9m³ per impervious hectare. This volume is to be

calculated as the volume of the settling tank, below exit invert and includes sediment storage volume, but, excludes oil storage volume.

Oil Storage Capacity 2m³ per impervious hectare.

- (iv) Stormwater quality treatment Infiltration basins (ref 5.6) shall be provided for northern catchment runoff intercepted by the coastal swale drain. The infiltration basins may be constructed in the existing coastal swale drain north of the subject subdivision. The applicant shall design and construct infiltration basins sized to infiltrate stormwater flows of up to 40% of ultimate Q 1 year.
- (v) Infiltration basins are to consist of raw dune sand with an minimal vegetation cover of endemic dune grasses. No topsoil, mulch or other vegetative matter is to be used on infiltration basin surfaces and no establishment, operation or maintenance procedures are permitted that may reduce surface permeability.

24. A construction certificate application for works that involve any of the following:-

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- 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.

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

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

26. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17° or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application.

Such plans shall generally incorporate the following and preferably be prepared by a landscape architect:

- i) Contours and terraces where the height exceeds 1m.
- ii) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
- iii) Densely plant with sub-tropical (rainforest) native and exotic species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
- iv) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.
- v) The landscaping shall be completed to the satisfaction of the Director Development Services **PRIOR** to the issue of a Subdivision Certificate.
- vi) A bond shall be lodged prior to the issue of the subdivision certificate to ensure that the landscaping is maintained by the developer for a period of 6 months from

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the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.

27. The drainage swale shall be replanted with suitable indigenous vegetation sourced locally.
28. Evidence shall be provided to substantiate that the 30 large mature Banksias as provided on Management Lot 1 as required by Condition 86(3) of K99/1360 are well established. Should any of the well established 30 large mature Banksia be on the subject land the applicant shall clearly identify and mark these Banksias to prevent their removal during construction activities.

PRIOR TO COMMENCEMENT OF WORK

29. Subdivision work in accordance with a development consent must not be commenced until:-
 - (a) a construction certificate for the subdivision work has been issued by:
 - (i) the consent authority, or
 - (ii) an accredited certifier, and
 - (b) the person having the benefit of the development consent:
 - (i) has appointed a principal certifying authority, and
 - (ii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment, and
 - (c) 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.
30. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan "*Tweed Shire Council Aus-Spec D7 - Stormwater Quality*" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond has been released.
31. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Consulting Engineer shall be erected and maintained in a prominent position at the site to the satisfaction of the Director, Development Services. The sign is to remain in place until the Subdivision Certificate is issued.
32. 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.
33. 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 Director Development Services.

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The haul route for the transportation of fill material shall be approved prior to the commencement of filling operations.

DURING CONSTRUCTION

34. 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:-
- (i) Compliance Certificate - Roads
 - (ii) Compliance Certificate - Water Reticulation
 - (iii) Compliance Certificate - Sewerage Reticulation
 - (iv) Compliance Certificate - Drainage

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

Roadworks

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

Water Reticulation, Sewer Reticulation, Drainage

- a. Excavation
- b. Bedding
- c. Laying/jointing
- d. Manholes/pits
- e. Backfilling
- f. Permanent erosion and sedimentation control measures
- g. Drainage channels
- h. Final inspection - on maintenance

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- i. Off maintenance
Council's role is limited to the above mandatory inspections and does **NOT** include supervision of the works, which is the responsibility of the Developers Supervising Consulting Engineer.
3. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".
35. 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 subgrade analysis as per Austroads Pavement Design, A Guide to the Structural Design of Road Pavements.
 - b. That the pavement materials used comply with the specifications in RTA Form Q3051 (June 1998)
 - c. That the pavement layers have been compacted to RTA specifications.
 - d. That site fill areas have been compacted to the specified standard.
 - e. That supervision of Bulk Earthworks has been to Level 1 and/or Level 2 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.
 - f. That pavement testing has been completed in accordance with Table 8.1 of AS 3798-1996.
36. All proposed road/streets, drainage and associated works within the subdivision shall be designed and constructed in accordance with the development consent plans **AND** the relevant provision of DCP No. 16 - Subdivisions Manual, except where varied by the conditions of this consent.
37. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.
38. The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning.
39. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays.
40. 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.

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41. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
42. No soil, sand, gravel, clay or other material shall be disposed of off the site.
43. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742-1991 (Manual for Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.
44. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.
45. 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.
46. All lots must be graded and trimmed to prevent the ponding of surface water. Additionally, all lots must be adequately vegetated and action must be taken to prevent erosion from wind and/or water to the satisfaction of the Director, Development Services.
47. The owner or contractor must not undertake any work within the public road reserve without giving Council's Engineering Services Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.
48. Provision of adequate vehicular access in accordance with Council's "Access to Property" pamphlet.
49. Pram ramps are to be constructed at road intersections in accordance with Council's Plan No. A4-96 to the satisfaction of the Director of Engineering Services and in accordance with Council's Standard Plan No. A4-96. Mountable or roll top kerb does not meet pram ramp requirements, and therefore requires a pram ramp to be constructed as above.
50. The footpath area is to be graded to the kerb and a turfed strip shall be placed along the full frontage of the site.
51. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped.
52. All proposed building pads are to be above the Q100 design flood level, including provision for any localised overland flow, such that at least 300mm freeboard is provided to the satisfaction of the Director Development Services.
53. The earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments". In general, material shall be placed in layers not exceeding 300mm in depth, watered and compacted to achieve the specified density ratio as nominated in Table 5.1 - Guidelines for Minimum Relative Compaction.
54. The earthworks program shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with Appendix B, AS 3798-1996. In

Reports from Director Development Services

addition, the frequency of field density testing shall be to a Type 1 standard in accordance with Table 8.1 of AS 3798. The geotechnical report shall be accompanied by a certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798.

55. 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.

56. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
57. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
58. Prior to and during construction provide a "shake down" area along the haul route located immediately before the intersection with the road reserve. The "shake down" area is to be 10 metres long, minimum 3.0 metres wide, constructed of minimum 50mm diameter crushed rock; or other such device approved by the Director of Engineering Services.

USE

59. The LA10 noise level emitted from the premises shall not exceed the background noise level (LA90) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.
60. 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.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

61. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No 1098/2001DA have been complied with.
62. 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:
 1. Easements for sewer, water supply and drainage over **ALL** services on private property.
 2. A restriction as to user requiring that all roofwater from dwellings shall be discharged to an approved infiltration pit located on the subject land. The infiltration pit shall be approved by the Principle Certifying Authority.

Reports from Director Development Services

3. A restriction as to user for proposed lot 1 requiring the extent of the bushfire hazard reduction zone and ongoing maintenance responsibilities thereof. The restriction as to user shall be consistent with Condition 1 Schedule A.

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.

63. Prior to the issue of a Subdivision Certificate, Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council.
64. Where new state survey marks and/or permanent marks are placed, a copy of the locality sketch relating to the marks shall be submitted with the final subdivision certificate application.
65. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the Director, Development Services **PRIOR** to the issue of a Subdivision Certificate. 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.
66. Prior to registration of the plan of subdivision, a **Subdivision Certificate** shall be obtained.
- (i) The following information must accompany an application:
- 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 of \$118.00 per lot ie 11 lots @ \$118.00 - \$1298.00
 - relevant development consent
 - detailed subdivision engineering plans endorsed with a construction certificate (where applicable)
 - evidence that the applicant has complied with all conditions of consent, that it is required to comply with before a subdivision certificate can be issued (where applicable)
 - a certificate of compliance from the relevant water supply authority (where applicable)
 - for subdivision involving subdivision works evidence that:
 - the work has been completed, or
 - agreement reached with the relevant consent authority regarding payment of the cost of work or as to the time for carrying out the work, or
 - security given to the consent authority with respect to the completion of the work

Reports from Director Development Services

· Work as Executed Plans for **ALL** works

- (ii) Documentary evidence that **all** matters contained in Section 109J of the Act have been complied with.
- (iii) Written evidence from Council that the proposed road/street names have been approved.

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.

67. Prior to the issue of a **Subdivision Certificate**, Works as Executed Plans shall be submitted in accordance with the provisions of DCP16 - Subdivisions Manual.

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

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

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

68. 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 and will be refunded following the remedying of any defects arising within the 6 month period.

69. Prior to the issue of a Subdivision Certificate, a properly dimensioned plan shall be lodged with Council showing the relative position of existing fences, road formation and boundaries. Any encroaching road boundary fence is to be relocated to the correct alignment prior to issuing a Subdivision Certificate. Any road widening deemed necessary following submission of the plan shall be dedicated at no cost to Council.

70. Prior to the issue of a Subdivision Certificate and also prior to the end of defects liability period, a CCTV inspection of the stormwater pipes will be required to demonstrate that the standard of the stormwater system is acceptable to Council.

Any defects identified by the inspection are to be repaired using any one of the following repair techniques or such other technique as may be approved by the Director of Engineering Services.

- Tiger Patch patch liner;
- Econoliner;
- PL Quick Sleeve System;
- Flexi-Bond method

All costs associated with the CCTV inspection and repairs shall be borne by the applicants.

Reports from Director Development Services

71. Prior to issuing a Subdivision Certificate, outfall sewerage reticulation shall be provided to all lots within the subdivision including a minimum 150mm diameter sewer junction terminated at least 1.0m inside the property boundary of each lot in accordance with engineering plans to accompany the Construction Certificate application. The reticulation shall be designed and constructed in accordance with DCP16 - Subdivisions Manual.

Council does not permit the building over Council's sewers. When buildings are located in close proximity to the sewer, detailed plans of footing types, location and depth relative to the sewer are required to be included with the Construction Certificate Application.

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.

72. Prior to issuing a Subdivision Certificate, Town Water shall be provided to each lot including a minimum size 25mm outside diameter water service terminated 1.0m inside the property boundary of each lot in accordance engineering with plans to accompany the Construction Certificate application. The reticulation shall be designed and constructed in accordance with DCP16 - Subdivisions Manual.

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.

73. The production of written evidence from Telstra Australia certifying that satisfactory arrangements have been made for the provision of underground telephone supply.

74. i. The production of written evidence from Country Energy certifying that reticulation of underground electricity (residential and rural residential) has been completed; and
- ii. 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.

75. The keeping and ownership of dogs and/or cats within the subdivision is prohibited and this prohibition shall be reinforced by a Restriction as to User on each lot created under Section 88B of the Conveyancing Act, 1919-1964.

A Section 88B Instrument creating the restriction as to user shall contain a provision enabling the restriction to be revoked, varied or modified only with the consent of Council.

76. The following restrictions apply to dog and cat ownership and control on **all** residential lots:-
- i. Owners of dogs within the development shall have their yards fenced so as to securely contain a maximum of one (1) dog per allotment and the ownership of cats within the development shall be restricted to one de-sexed cat per allotment and such cats shall be restrained within the house or a secure night cage between the hours of 6.00pm and 6.00am.
- ii. No dog shall be registered without the construction of a dog-proof compound which must be approved by Council and the relevant fee paid by the applicant.

Reports from Director Development Services

- iii. No owner can retrieve a dog that has been impounded unless they can demonstrate to Council they have a secure compound.
- These ownership and control requirements shall be reinforced by a Restrictions as to User under Section 88B of the Conveyancing Act, 1919-1964.
- A Section 88B Instrument creating the restriction as to user shall contain a provision enabling the restriction to be revoked, varied or modified only with the consent of Council.
77. All stormwater gully lintels shall have the following notice **cast** into the top of the lintel: '**DUMP NO RUBBISH, FLOWS INTO CREEK**' or similar wording to the satisfaction of the Director of Development Services.
78. (i) **PRIOR** to lodging an application for a Subdivision Certificate, the applicant shall obtain the written approval of Council to the proposed road/street names. Approved names are to be in accordance with Council's Road Naming Policy adopted on 7 August 1996 and are to be shown on the Plan of Subdivision accompanying the application for a Subdivision Certificate.
- (ii) To avoid confusion resulting from duplication of private driveway/accessway name and public road/street names, the applicant shall submit to Council for approval the proposed name(s) of any private driveway/accessways.
- The names shall be approved **PRIOR** to lodgment of any plan of subdivision in respect of the development.
- Names which duplicate existing and approved street names will not be approved.
79. **PRIOR** to the issue of a Subdivision Certificate, the works required by the Bushfire Management Plan referred to Schedule A are to be completed to the satisfaction of the Director Development Services.

Reports from Director Development Services

REPORT:

As per Summary.

Reports from Director Development Services

3. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/29/2 Pt2

REPORT TITLE:

Draft Kingscliff Centres Study

SUMMARY OF REPORT:

The draft Study was re-exhibited between 6 March 2002 and 2 April 2002. That period was subsequently extended to 19 April 2002. Hickey Lawyers, on behalf of the owner of Kings Forest, have requested the date for receiving submissions be extended to 2 June 2002. Hickey propose to engage consultants to provide a detailed submission, as they have significant concerns regarding the draft Study.

Kings Forest is an integral part of the development of the Kingscliff District, and the attitude of the landowner is critical to Council's decision making process on this critical element of the planning for the Kingscliff District. Six weeks is considered to be a more appropriate period to allow Hickeys to have prepared a submission, which should be taken from the original close of the exhibition ie, an extension to 14 May 2002.

RECOMMENDATION:

That Council extends the exhibition of the draft Kingscliff Centres Study to 14 May 2002.

Reports from Director Development Services

REPORT:

On 6 February 2002 Council resolved to re-exhibit the Kingscliff Centres Study with the draft Libraries Strategy and associated draft S94 Contributions Plan. Accordingly, the draft Study was exhibited between 6 March 2002 and 2 April 2002. That period was subsequently extended to 19 April 2002.

Hickey Lawyers, on behalf of the owner of Kings Forest, have requested the date for receiving submissions be extended to 2 June 2002. Hickey propose to engage consultants to provide a detailed submission, as they have significant concerns regarding the draft Study.

The draft Study was first exhibited in October 2001 and Narui Gold Coast was informed of that exhibition by letter dated 26 September 2001. In the light of this an extension to 2 June 2002 may be seen as being excessive. Nevertheless, Kings Forest is an integral part of the development of the Kingscliff District, and the attitude of the landowner is critical to Council's decision making process on this critical element of the planning for the Kingscliff District. Six weeks is considered to be a more appropriate period to allow Hickeys to have prepared a submission, which should be taken from the original close of the exhibition ie, an extension of 14 May 2002.

Reports from Director Development Services

- 4. ORIGIN:** Strategic Town Planning Unit
FILE REF: DA1393/320 Pt1

REPORT TITLE:

Banora Point Community Survey - Consultant's Report

SUMMARY OF REPORT:

This report presents the Consultant's findings following the carrying out of the Community Survey. The results show strong interest by residents in participating in activities at a community centre, particularly younger and middle-aged residents. The report concludes that work to complete the final design and establish the Centre should be undertaken urgently.

RECOMMENDATION:

That Council:

1. Notes the tabled Research Report on Banora Point Community Centre prepared by Market Facts (Qld) Pty Ltd;
2. On the basis of the demonstrated substantial community support for the project, proceeds with final design consultation processes for the Community Centre at Banora Point, by way of the Establishment Committee previously formed and the appointed design consultant;
3. Bases design of the Community Centre substantially on the preferred activities and facilities indicated by the Survey;
4. Calls for a further report setting out the features of the final design and management organization proposals for the Centre.

Reports from Director Development Services

REPORT:

BACKGROUND

On 18 July 2001 Council resolved regarding the Community Survey that:

“1. Council engages a consultant to undertake a comprehensive survey of owners and residents over the age of 15 within the catchment area of the S 94 Plan for the Community Centre at Banora Point. The purpose of the Survey is to ascertain the attitude of the community to the construction of the Banora Point Community Centre and outdoor facility.

To that end the Survey should include:

- a) Material to set out the intended purpose of the Centre,
 - b) Questions to ascertain what use, if any, would be made of the Centre, and what organisations would use the Centre,
 - c) What alternative use(s) of the land should be considered by Council.
2. That the General Manager reports to Council for its consideration, the proposed choices of consultant.
 3. A further information report be presented to Council setting out the methodology and Survey questions.”

On 7 November Council resolved:

“that Council engages Market Facts (Qld) Pty to carry out the Banora Point Community Survey in accordance with the firm’s expression of interest in response to the Brief.”

The questionnaire proposed by the Consultant was circulated to Councillors on 15 January 2002 for comment by 25 January 2002. Amendments were proposed by two Councillors, which, after referral to the Director of Development Services were included with minor exceptions. Councillors were advised of the final form of the questionnaire, which was returned to the consultant, and interviews carried out commencing 8 March. A public exhibition of the concept plan was held at Banora Point Shopping Centre on 7-8 March, and an article appeared in the Tweed Link that week.

The survey involved a random sample of 1,000 residents obtained from the electronic White Pages. A total of 1,881 calls were made to achieve the 1,000 finalised surveys and a close gender balance was achieved with 48% male and 52% female.

SUMMARY OF SURVEY FINDINGS

The response to each of the questions is summarised below:

1. Suggestions for use of the site apart from the building of a Community Centre:

No suggestions/don’t know	79.0%
Parklands	13.7%
Other sport/recreational suggestions	3.2%
Public school/primary or high school	1.3%
BMX/Skate park	1.0%
Library	0.6%

Reports from Director Development Services

Car park	0.3%
Swimming pool	0.3%
Shopping centre	0.2%
Something for teenagers	0.2%
RSL club	0.1%
Kindergarten	0.1%

2. Interest levels regarding eight categories of community activities that could be available within the Community Centre (respondents were asked to choose between 5 levels of interest ranging from 'very interested' to 'very disinterested'):

	Very Interested	Somewhat Interested	Very Disinterested
Informal Recreation	44%	24%	13%
Local Identity	39%	27%	13%
Education	36%	27%	17%
Social Development	35%	26%	19%
Professional Services	29%	26%	18%
Local Democracy	23%	24%	18%
Personal Contribution	21%	23%	22%
Other Activities	3%	1%	1%

For all categories, there was a greater proportion of females than males indicating that they were 'very interested' or 'somewhat interested'. Highest interest for females was in Local Identity activities (44%), and for males was in Informal Recreation activities (40%).

Different age groups showed varying levels of interest. Generally the younger and middle age groups showed higher levels of interest than the older groups. Only in Social Development and Local Identity did older groups equal the level of interest of other age groups.

Figures 1-3 from Market Facts (attached) refer.

3. Activities that the community would like to see included within the Community Centre (respondents were asked first, without prompting, what sort of facilities they preferred, and secondly, to respond to a list of suggested facilities; the ten most preferred facilities in each category were):

	Facility (Unprompted) %
Youth activities/club	21.7
Children's play area and equipment	17.2
Skate park	10.2
Rooms for local clubs/organizations	8.4
Basketball practice area	8.0

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Children's playgroup	6.0
Training rooms to hold educational courses	5.9
Rooms for community support groups	5.0
Public meeting rooms	4.9
Picnic tables/shelters	4.8
	Facility(Prompted) %
Picnic tables/shelters	53.1
Landscaping/water features/shaded seating	51.4
Games area (eg, outdoor chess)	39.8
Rooms for visiting profess/health services	39.4
Training rooms to hold educational courses	38.4
Children's play area and equipment	38.0
Public transport passenger facilities/cycle parking	37.4
Rooms for community support groups	37.0
Rooms for cultural/art and craft activities	37.0
Outdoor theatrical performance space	36.2

There were differences between the responses of males and females for this question. In the prompted answers, significantly more females than males preferred picnic tables/shelters; landscaping, water features and shaded seating; colonnades and covered walkways; and theme gardens.

4. Knowledge of organisations that might benefit from using a Community Centre:

9% of respondents indicated that they belonged to or knew of an organisation that might benefit from using the Centre in some way. The most common responses as to type of organisation were:

Soccer/sporting clubs	22%
Local resident use/hobby clubs	21%
Local playgroups	15%
Local schools	14%
Dance club/drama club	10%

5. Likely use of a Community Centre by respondents if it were located nearby:

- 69% of respondents said they or their family would be likely to use a Community Centre,
- the younger age groups showed stronger support (15-20 years - 90%) than the older (70+ years - 55%),
- more females (75%) than males (63%) indicated they would be likely to use a Community Centre.

Reports from Director Development Services

6. Mode of transport to a Community Centre:

89% of respondents indicated that they have their own car; of the 11% that did not, 62% of 15-20 year olds and 25% of 70+ year olds did not have a car.

When asked how they would normally get to a Community Centre, respondents indicated:

57% would use a car,

28% would walk,

3% would use a bus,

3% would cycle,

1% would go by taxi.

7. Survey respondent characteristics:

Age groups:	15-20	21-30	31-40	41-50	51-60	61-70	70+
Number:	34	59	143	164	172	209	213
Percentage:	3.4	5.9	14.3	16.4	17.2	20.9	21.3

In view of the smaller number of younger respondents, the consultant was asked to weight the different age groups to balance the numbers. The amended set of tables produced variations in results of plus or minus 2.5%, but did not significantly alter the rankings of preferred activities.

Work Status (%)	Retired	43.7
	Full-time	26.0
	Part-time	12.4
	Home duties	11.5
	Unemployed	1.7
	Incapacitated	1.4
	Student	1.2
Household Situation (%)	Couple	44.0
	2-parent family	28.5
	Single	18.4
	1-parent family	5.4
	Single sharing	2.0

CONCLUSIONS

The survey demonstrates that there is considerable demand in Banora Point for the various types of community activity that could be provided at a Community Centre. The finding that 69% of respondents would be likely to use a Centre in some way (Question 5.) is remarkable. Even if half that proportion actually used a Centre on a regular basis, the facilities would be well used and there would be sufficient social interaction and mutual support to justify proceeding with the project.

Reports from Director Development Services

This demand is greater from younger and middle age groups than from older groups, though even a majority of the older groups would use a Community Centre. The needs of youth, young parents and families with teenagers, who are the existing clients of many of the social services, schools and local institutions, have tended to be overlooked but are highlighted in the survey findings.

The Survey results fully vindicate the basis of long term planning for Banora Point over the last ten years, which assumed that the large growth in population would require a Community Centre to act as a focus for the new community, and provide services and facilities to meet the needs of all age groups.

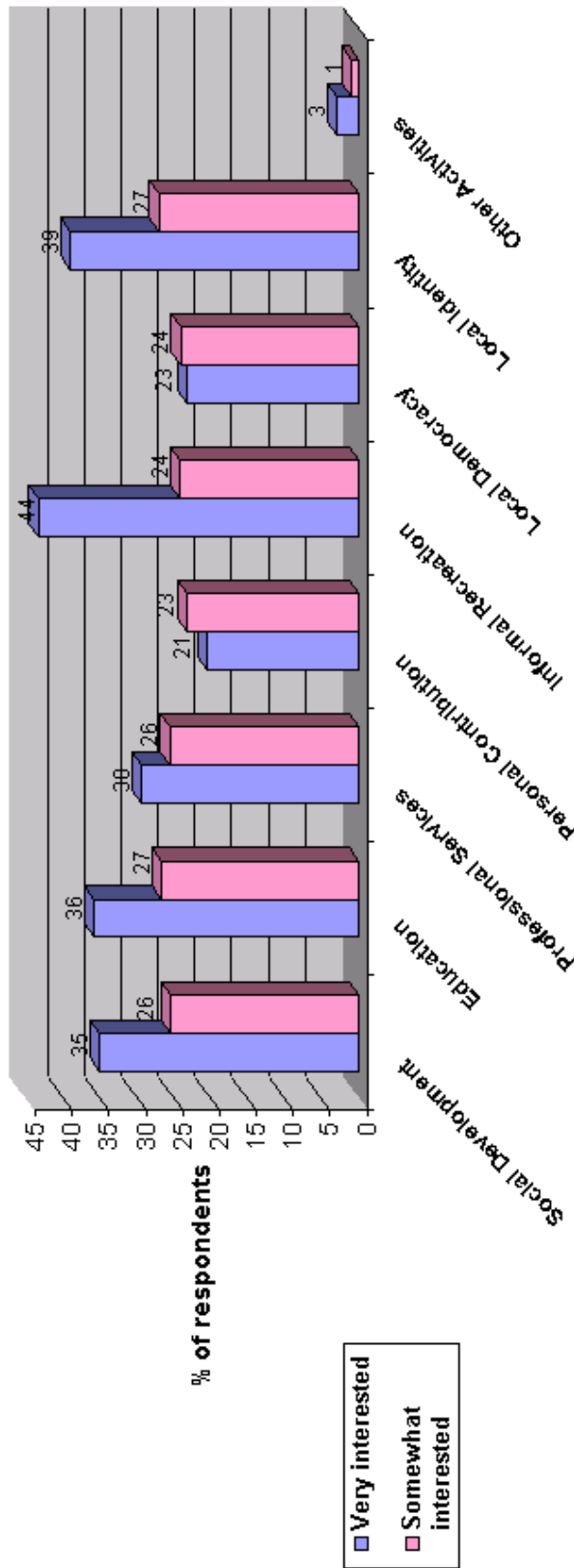
Suggestions for use of the site apart from the building of a Community Centre (Question 1.) did not reveal any significant alternatives other than parklands.

The most popular activities suggested for inclusion in a Community Centre (Question 3.) include a mix of indoor social and outdoor recreational activities, which goes some way to satisfying the preference of the Resident's Association for outdoor enhancements. The finding that Informal Recreation is the most popular activity indicates that there is a demand for an attractive local public place (or park) where a wide variety of informal activities can be provided. This is as much a part of the Community Centre concept as is the indoor social, recreational and community service activity.

Several letters pertaining to the Survey have been received from local residents. These included a request to include a centre specifically for seniors, a complaint that current facilities available in the area would not cater for the teaching of yoga, and a plea for a skateboard facility to avoid the dangers of skateboarding on the roads.

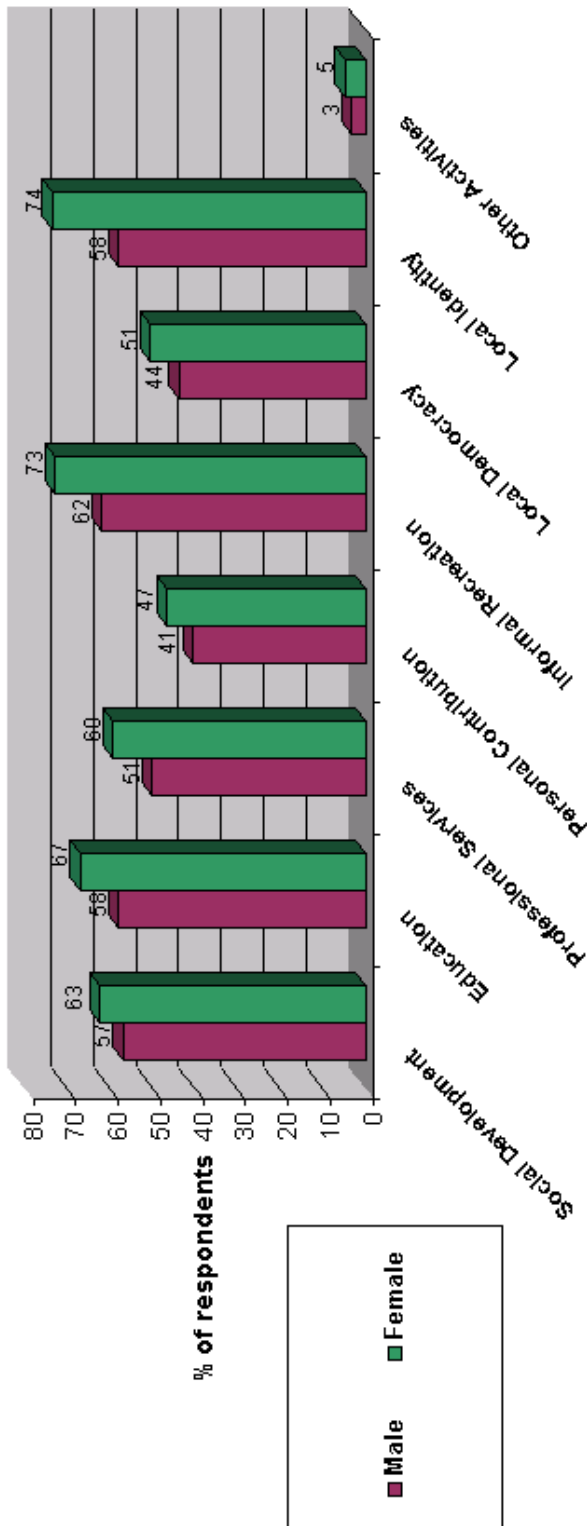
Reports from Director Development Services

Fig.1 – Respondents “Very interested” or “Somewhat interested” in activities within the Community Centre



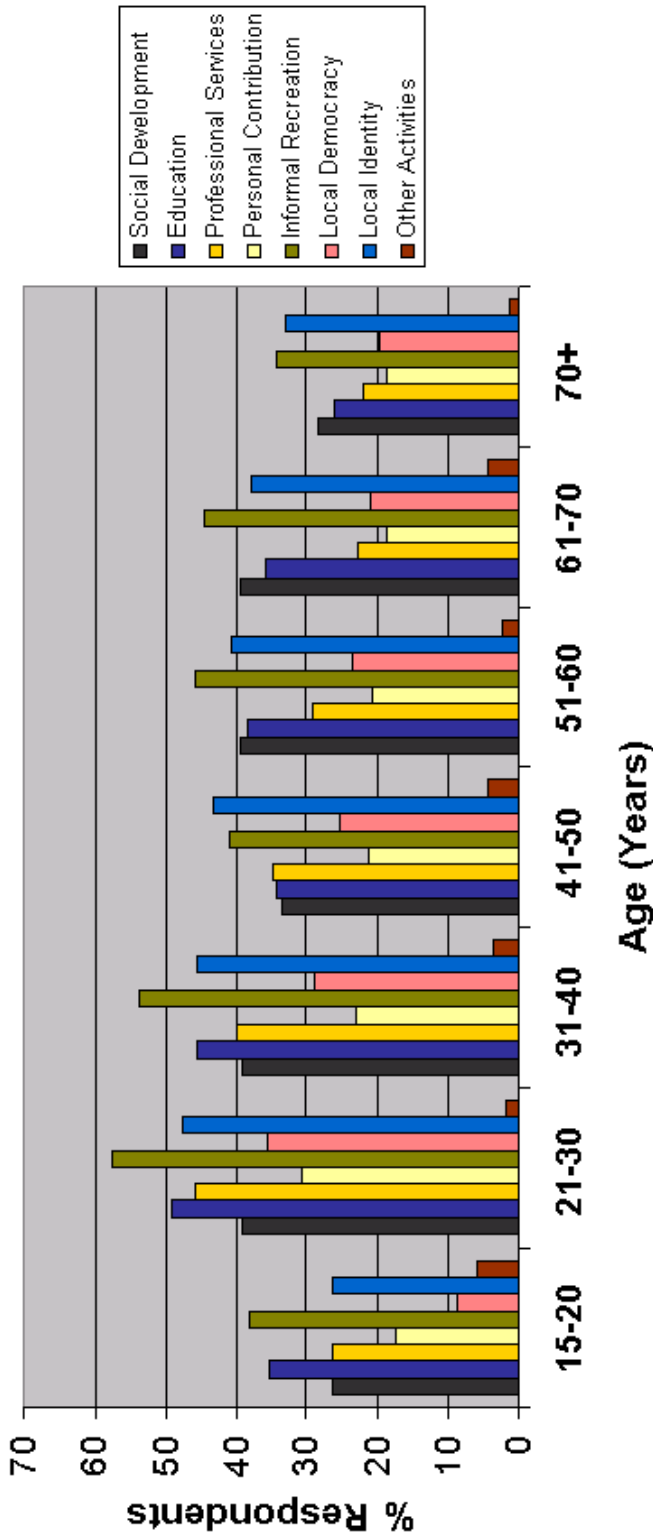
Reports from Director Development Services

Fig.2 – Male/Female respondents who were “Very interested” or “Somewhat interested” in activities within the Community Centre



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Fig.3 – Age group proportions of respondents indicating that they were “Very interested” in activities within the Community Centre



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5. ORIGIN: Development Assessment Unit

FILE REF: DA5862/32 Pt1

REPORT TITLE:

Development Application 1226/2001DA for the Erection of a Dwelling House to be Used for Bed and Breakfast Accommodation at Lot 19 DP1006946, No. 12 Wedgetail Court, Dulguigan

SUMMARY OF REPORT:

Council considered a report at the meeting of 20 March 2002 for the subject development being the erection of a dwelling house to be used as a bed and breakfast facility. The proposed development was recommended for conditional approval and Council resolved that the application be approved subject to a number of conditions.

The applicant has made a submission in relation to the Tweed Road Contribution Plan No. 4 amount that was applicable to the proposal. The applicant's submission was included in the report and the options available to Council were identified.

This report details the matters that have arisen as a result of this approval.

RECOMMENDATION:

That the applicant be advised of the post determination options available and pursues such in accordance with the set fees and charges.

Reports from Director Development Services

REPORT:

Applicant: Ms Gillian Cooper

Owner: Mr Rodney G Cocks, Mrs Allison K Cocks

Location: Lot 19 DP 1006946, No. 12 Wedgetail Court Dulguigan

Zoning: Part zoned 1(a) Rural and 7(l) Environmental Protection (Habitat)

Cost: \$180000.00

BACKGROUND

Council resolved to approve the subject development application at the meeting of 20th March 2002 such to conditions including the standard Section 94 contributions that apply to the proposed development. As detailed in the report to Council the proposed development required development consent as the land is partly zoned environmental protection and under the Tweed Local Environmental Plan 2000 can not utilise the complying development provisions that would normally apply to a bed and breakfast facility of this size.

Post determination discussions between the applicant and Mayor and Director of Development Services have raised the issue further. The decision of Council has been acted upon, therefore post determination options are the only mechanism available to the applicant to remedy her dissatisfaction with the conditions of consent relating to Section 94 contributions.

POST DETERMINATION OPTIONS

The applicant has two options in relation to varying the conditions of consent.

1. Review of Determination – the approved fee for this application is \$500.00 and would need to be lodged by 23rd April 2002.
2. Application to Modify Consent by way of a Section 96 application. The adopted fee for this application is 50% of the application fee and would be \$355.00.

There are no other avenues available to the applicant or Council in considering to vary the conditions of consent by deleting the Section 94 contributions.

REASONS TO MODIFY CONDITIONS

The applicant contends that the Section 94 contributions should never have been imposed. The applicant has sourced the Guidelines for Bed and Breakfast operations by the Local Government and Shires Association of NSW and has referred to these in discussions with Council.

The applicant may consider that the Section 94 contributions are not applicable to these types of developments, however Council has adopted a number of Section 94 contribution plans that are applied to development proposals where required. In this instance the proposed bed and breakfast facility may have been able to be dealt with as complying development except that the land is partly zoned environmental protection. Complying Development Certificates for such development do not attract Section 94 contributions.

For consideration to be given to the removal of these conditions from the consent the applicant would need to provide a written submission detailing how the proposed development does not exceed the demand of a dwelling house.

Reports from Director Development Services

OPTIONS

1. Advise the applicant of the post determination options available and the fees and charges that apply to such applications.
2. Advise the applicant of the post determination options available and advise that consideration of refunding the fees and charges will be given following the receipt of such applications.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

This report does not raise legal or financial implications to Council. However there is the possibility that with the refund of fees for a section 96 application of review of determination may lead to financial implications. Also it should be noted that the applicant is seeking to have Section 94 contributions waived, and that this may have financial implications to Council.

CONCLUSION

The applicant has available to her the review of determination option that costs \$500.00 or the Application to Modify Consent S.96 option that would cost 50% of the fee which in this case is \$355.00. There are no other avenues available to Council to vary the conditions of consent.

The applicant would need to detail the reasons and justification that the bed and breakfast facility does not generate demand beyond that of a dwelling house for Council's technical officers to support the application to remove the Section 94 contributions. The detailed information to support such claim would need to accompany the application.

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6. ORIGIN: Development Assessment Unit
FILE REF: DA1190/115 Pt3; DA1180/10 Pt5

REPORT TITLE:

Assignment of Rights Under the Deed of Agreement from Lenen Pty Ltd to King Network Group Pty Ltd - Lenen North Land

SUMMARY OF REPORT:

At its meeting on 2 May 2001, Council resolved to execute, under the Common Seal of Council, the Deed of Agreement between Council and Lenen Pty Ltd.

The Deed effectively secures the construction of an uncompleted sewerage rising main that is required to service the subject property being lots 194, 301 and 312 on DP755701 pursuant to development consent K99/1755.

King Network Group Pty Ltd are now contracted to purchase the subject property and therefore an assignment of rights under the Deed of Agreement from Lenen Pty Ltd to King Network Group Pty Ltd is required. This assignment of rights has necessitated the preparation of a new Deed between Council and King Network Group Pty Ltd.

The new Deed of Agreement has been assessed against the original Deed and is found to be satisfactory.

RECOMMENDATION:

That the Deed of Agreement between Council and King Network Group Pty Ltd be executed under the Common Seal of Council.

Reports from Director Development Services

REPORT:

BACKGROUND

At its meeting on 2 May 2001, Council resolved to execute, under the Common Seal of Council, the Deed of Agreement between Council and Lenen Pty Ltd.

The Deed effectively secures the construction of an uncompleted sewerage rising main that is required to service the subject property being Lots 194, 301 and 312 on DP755701 pursuant to development consent K99/1755.

REPORT

King Network Group Pty Ltd are now contracted to purchase the subject property and therefore an assignment of rights under the Deed of Agreement from Lenen Pty Ltd to King Network Group Pty Ltd is required. This assignment of rights has necessitated the preparation of a new Deed between Council and King Network Group Pty Ltd.

The new Deed of Agreement has been assessed against the original Deed and is found to be satisfactory.

Reports from Director Corporate Services

7. **ORIGIN:** Administration Services Unit

FILE REF: Councillors - Fees

REPORT TITLE:

Councillors Fees, Expenses and Facilities

SUMMARY OF REPORT:

At Council's meeting of 20 February 2002 a proposed revised Policy for Councillors Fees, Expenses and Facilities was submitted and considered by Council who made the following resolution:

"...that Council defers this item until the ICAC Workshop is held on 27 March 2002."

Following the Workshop on 27 March 2002 a further revision has been made to the proposed policy. This amendment relates to item C1.1.10 Gifts to Councillors which has now been replaced by C1.1.10 Gifts, Benefits and Hospitality to Councillors.

RECOMMENDATION:

That the Policy for Councillors Fees, Expenses and Facilities as follows be adopted:

C1.1 Councillor's Fees, Expenses and Facilities

Objective

To ensure that the fees paid, civic expenses reimbursed and facilities provided to the Mayor and Councillors are appropriate to the importance of the Office.

To ensure that the Mayor and Councillors do not suffer financial hardship by meeting their Civic responsibilities as a member of the governing body of the Council or as an elected person.

C1.1.1 Introduction

In accordance with the provisions of the Local Government Act 1993, the Council is required to adopt a policy concerning the payment of fees and expenses and the provision of facilities to the Mayor, Deputy Mayor and other Councillors in relation to their roles as elected persons and members of the governing body of the Council.

Councillors, in carrying out their civic responsibilities, are required to attend a variety of functions in their capacity as a representative of Council, ie Council meetings, Committee meetings, and as delegates.

Reports from Director Corporate Services

Councillors will also be expected to attend a variety of functions in a capacity where they may not directly represent Council, but attendance is relevant to their effectiveness as a Councillor, ie attendance at community functions.

The Local Government Act recognises this obligation and makes provision for payment of fees (s248 and s249); payment of expenses (s252) and provision of facilities (s252).

C1.1.2 Legislative Provision

Division 5 of Chapter 9 of the Local Government Act 1993 provides what fees, expenses and facilities may be paid or provided to the Mayor and Councillors.

C1.1.2.1 Fixing and Payment of Annual Fees for Councillors

S248 1. A council must pay each Councillor an annual fee.

- 2. A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
- 3. The annual fee so fixed must be the same for each Councillor.*
- 4. A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*

C1.1.2.2 Fixing and Payment of Annual Fees for the Mayor

S249 1. A council must pay the Mayor an annual fee.

- 2. The annual fee must be paid in addition to the fee paid to the Mayor as a Councillor.*
- 3. A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
- 4. A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*
- 5. A council may pay the Deputy Mayor (if there is one) a fee determined by the council for such time as the Deputy Mayor acts in the office of the Mayor. The amount of the fee so paid must be deducted from the Mayor's annual fee.*

C1.1.2.3 Payment of Expenses and Provision of Facilities

S251 1. A Council must adopt a policy concerning the payment of expenses incurred or to be incurred by and the provision of facilities to the Mayor, the Deputy Mayor (if there is one) and the other Councillors in relation to discharging the functions of civic office.

- 2. The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the Mayor or a Councillor of a facility provided by the Council to the Mayor or Councillor.*

Reports from Director Corporate Services

C1.1.2.4 Public Notice of Proposed Policy concerning Expenses and Facilities

S253 1. Before adopting a policy for the payment of expenses or provision of facilities, the Council must give at least 28 days' public notice of the proposal.

C1.1.2.5 Decision to be made in Open Meeting

S254 1. The Council or a Council Committee all the members of which are Councillors must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or at which any proposal concerning those matters is discussed or considered.

C1.1.3 Fees

The Remuneration Tribunal must not later than 1 May in each year determine in each of the categories determined under Section 239 the maximum and minimum amounts of fees to be paid during the following year to Councillors and Mayors.

C1.1.4 Expenses

C1.1.4.1 Carer Expenses

Councillors are entitled to the reimbursement of carer expenses that were necessary to enable Councillors to attend Council business. The maximum entitlement for such expenses is \$2,000 per annum. Receipts will need to be provided no later than three (3) months after the expense has been incurred for reimbursement of funds.

C1.1.4.2 Mobile Phone Charges

Councillors will be provided with a mobile telephone to assist in undertaking Councillor duties. Council will meet the cost of providing the telephone, maintenance, monthly service and access fees, and call charges made on Council business. Individual Councillors meet the cost of any additional calls.

C1.1.4.3 Facsimile Charges

Councillors will be provided with a fax machine to assist in undertaking Councillor duties. Council will meet the cost of providing the fax machine, maintenance and rental charges for one (1) home facsimile line.

C1.1.4.4 Internet Charges

Council will meet the cost of internet charges involved in the conduct of Council business.

C1.1.4.5 Postage of Official Councillor Correspondence

Councillors will be reimbursed where expenses can be verified and where it is impractical to use the Council's own mail system.

C1.1.4.6 Travelling Expenses

a) Within the Local Government Area

Councillors will be entitled to be reimbursed for travel from their home whilst on Council business at the rate per kilometre as set out in the Local Government State Award.

Reports from Director Corporate Services

The travelling expense is payable for Council Meetings, Committee Meetings, formal and social functions where representing council, consultation with the Mayor, General Manager, or staff or other meetings involving the general community and attendance is approved for the purpose of this Policy by the Mayor or General Manager.

b) Outside the Local Government Area

Councillors will be entitled to travel to official engagements at Council's expense by the most practical method, ie aircraft, Council vehicle or private vehicle.

Councillors, when travelling by air, will travel Economy Class or as determined by the General Manager.

A Councillor who travels in his/her own vehicle will be reimbursed at the appropriate per kilometre rate or airfare whichever is the lower.

CI.1.5 Expenses Incurred at Conferences, Seminars and Courses

Attendance at Conferences by Councillors must be covered by Council resolution; Conferences, Seminars and Courses – reimbursement of costs associated with:-

CI.1.5.1 Registration

Including official luncheons, dinners and tours relevant to the Conference.

CI.1.5.2 Travel

By Council vehicle, private vehicle, hire vehicle, rail or air. Persons using private vehicles to be reimbursed according to the relevant kilometre rate in the staff award (subject to the costs not exceeding the economy class air fare as applicable). Any travel by train will be by First Class, including sleeping berths where necessary. With all travel arrangements due consideration is to be given to the physical capacity of the Councillor and any variation to these arrangements be with the approval of the Mayor and the General Manager.

CI.1.5.3 Accommodation

Accommodation for other Council business will be as follows:

- i) at a standard of up to four star NRMA rating;*
- ii) booked and paid for by Council in advance or, where this is not possible, a claim for reimbursement made no later than three months after the expenses were incurred, and with receipts attached.*

CI.1.5.4 Meals and Other Expenses

Reasonable costs (including sustenance, telephone charges and incidental expenses) including the night before and after the conference where necessary to be met by the Council.

CI.1.5.5 Spouses/Partners Accompanying Delegates

Accommodation (shared basis) will be met by Council.

CI.1.6 Insurance

Councillors are to receive the benefit of insurance cover for:

CI.1.6.1 Personal Injury

Whilst on Council business, covering bodily injury caused by accidental, violent, external and visible means up to a sub-limit for death and capital limits of

Reports from Director Corporate Services

\$500,000. Also covering permanent disablement, temporary total disability and temporary partial disability.

CI.1.6.2 Professional Indemnity

For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors provided the performance or exercise of the relevant civic duty or function in the opinion of Council bona fide and/or proper and is carried out in good faith, as required under 731 of the Local Government Act.

CI.1.6.3 Public Liability

For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors, carryout out in good faith.

CI.1.7 Facilities – Councillors

CI.1.7.1 Stationery

Use of personalised Councillor letterhead and envelopes

CI.1.7.2 Postage

Official Councillor correspondence – to be directed through the Council's own mail system. If not practicable reimbursement will be made for costs involved.

CI.1.7.3 Facsimile Machines/Answering Machines

Purchase and maintenance of machines, including supply of all fax paper, such to remain the property of Council.

CI.1.7.4 Meetings, Meals and Refreshments

Provision of meals and refreshments associated with Council, Committee and Working Party meetings where appropriate.

CI.1.7.5 Meeting Rooms / Councillor Room

Provision of meeting room facilities, including telephone, computer network facilities, and access to a photocopier in the Administration Centre for the purpose of Council Committee and Working Party Meetings, and for meeting with constituents.

CI.1.7.6 Mobile Phones

Provision of a mobile telephone, with the cost of calls on Council business to be met by Council and all private calls cost be met by the individual Councillor.

CI.1.7.7 Secretarial Support

The provision of secretarial support, as necessary, for Councillors generally.

CI.1.7.8 Access to Council Files

All Council files to be made available to Councillors with the exception of those parts exempt under the provisions of the Freedom of Information Act.

Councillors seeking information from Staff or Council records are to make requests through the appropriate Director or Manager.

Councillors are to establish an agreed timeframe with the Manager Administration/Public Officer for the provision of, or access to information.

Reports from Director Corporate Services

C1.1.7.9 Business Cards

250 Business cards (replacement on request).

C1.1.7.10 Christmas Cards

100 Maximum per year.

C1.1.7.11 Filing Cabinet

Councillors to be provided with home filing cabinet if requested.

C1.1.7.12 Name Badges

Councillors to be provided with a name badge.

C1.1.7.13 Relevant Acts, Building Codes, Policy Register

A current copy of the relevant Acts, Building Codes and a copy of the Policy Register to be made available upon request.

C1.1.8 Additional Facilities – Mayor

C1.1.8.1 Mayor Office

Mayor Office to be provided including office furniture, desk, chair, filing cabinets, meeting table and chairs and a bar fridge.

C1.1.8.2 Council Vehicle

A Council vehicle will be provided in accordance with Council's resolution.

C1.1.8.2 Secretarial Support

Suitably qualified and experienced person to provide administrative support, word processing, secretarial support, research and briefings.

C1.1.8.3 Administrative Support

Assistance with organisation of functions and meetings and briefings on functions to which the Mayor is invited to attend.

C1.1.8.4 Office Refreshment

As provided in the Mayor Office for entertainment purposes.

C1.1.8.5 Stationery

Mayoral letterhead, envelopes and stationery generally.

C1.1.8.6 Mobile Phone

Purchase and maintenance. Payment of service and equipment charges and all calls made on Council business.

C1.1.9 Conditions for the Provision of a Motor Vehicle to the Mayor

C1.1.9.1 *The conditions of the use of the vehicle by the Mayor were covered by Minute No 170 of Council meeting of 19 July 1995 and Minute No 652 of the Council meeting of 20 December 2000.*

C1.1.9.2 *The motor vehicle is and shall remain the property of Council and shall be surrendered to Council by the Mayor in the even that the person is no longer the Mayor.*

C1.1.9.3 *Council shall replace each motor vehicle as soon as is practicable after the expiry of twenty four (24) months from the date of the first registration of the motor vehicle or forty thousand kilometres (40,000km) of travel whichever occurs first.*

Reports from Director Corporate Services

- The type of vehicle provided is to be of the standard of a Ford Fairlane/Holden Calais or an alternative which is mutually acceptable to Council and the Mayor.*
- C1.1.9.4** *Council cars provide in accordance with this Agreement shall bear no markings or identification.*
- C1.1.9.5** *The Mayor is to be given unrestricted use of such vehicle with the council servicing and maintaining such vehicle, paying registration and insurance (including full comprehensive cover) and providing petrol.*
- C1.1.9.6** *Private use means that the Mayor and his/her spouse or other licensed driver (provided the Mayor or Mayor's spouse is in the car) or any other Council employee are allowed to drive the vehicle.*
- C1.1.9.7** *The Mayor is responsible for the proper care and maintenance of the vehicle including garaging, regular cleaning – both inside and outside – and ensuring that normal running items such as petrol, oil, battery, radiator and tyre pressure are checked at regular intervals, in accordance with the Manufacturer's recommendations.*
- C1.1.9.8** *The Mayor is not allowed to compete in any car rally or competition or use the vehicle in any manner which may contravene the comprehensive insurance policy and result in voidance of the insurance cover and/or the vehicle Manufacturer's warranty.*
- C1.1.9.9** *If the vehicle is involved in an accident, the Mayor agrees to pay the full amount of any claim rejected by Council's insurers due to a breach of the insurance contract by an action of the Mayor or the Mayor's family. An age excess applicable to a claim is to be paid by the Mayor, except where the driver is an employee of Council.*
- C1.1.10** **Gifts, Benefits and Hospitality to Councillors**
Gifts and hospitality should only be token in nature and accepted only when to refuse would give offence.
Token is defined as:
 - *Tea or coffee or light refreshments**Token examples:*
 - *baseball cap*
 - *tie*
 - *note pad*
 - *key ring.*
- C1.1.11** **Reporting on Councillors Expenses**
All relevant financial payments made to Councillors in pursuit of their duties as Councillors is to be included in Council's annual report and their attendance at all categories of meetings, so that Councillors' performance can be more fairly and accurately monitored by the ratepayers.
- C1.1.12** **Private Benefits**
Any private benefit derived from facilities provided for discharging the functions of civic office shall be deducted from fees paid to Councillors.

Reports from Director Corporate Services

C1.1.13 Acquisition of Equipment

Upon ceasing the position of Councillor or Mayor all equipment must be returned to Council.

Reports from Director Corporate Services

REPORT:

As per summary of report.

Reports from Director Corporate Services

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Reports from Director Corporate Services

8. ORIGIN: Director
FILE REF: Local Government Act

REPORT TITLE:

Local Government Amendment Bill

SUMMARY OF REPORT:

Advice has been received from Vincent De Luca, who is campaigning for a further strengthening of the Local Government Amendment Ethics Review Panel Bill.

Mr De Luca's advice states *"Our only concern is that the Bill does not go far enough. We believe that for the Ethics panel to be effective, the panel requires the authority to expel or suspend a councillor who is found to have acted in an unethical manner or at least caution the councillor as to their conduct."*

RECOMMENDATION:

That Council determines this matter.

Reports from Director Corporate Services

REPORT:

Advice has been received from Vincent De Luca, who is representing resident and community groups in support of a Bill introduced by Manly MP, David Barr to Parliament titled 'Local Government Amendment Ethics Review Panel Bill 2002'.

Details of Mr De Luca's campaign, together with a copy of the Bill is set out below:

26 March 2002

Councillors,

RE: Local Government Amendment Bill 2002 (Ethics Review Panel)

I am writing to you at the request of my fellow Resident and Community Groups concerning the above Bill which was introduced into Parliament last week by Manly MP, David Barr. My fellow resident groups and I are delighted with the Bill and I am writing to you in the hope that you as a Councillor will ensure that your Council votes to support the Bill and convey that support to the State Government.

As you would be aware, community confidence in Local Government continues to diminish, particularly when the community witnesses the controversy at councils like Warringah and Fairfield. The overwhelming good work of councillors in New South Wales is being undermined due to a few. It is clear that the pecuniary interest provisions of the *Local Government Act* are not tight enough and have enabled some councillors across New South Wales to vote on decisions in which they, their family or associates stand to benefit or lose. It is also clear that the resources of the ICAC and NSW Ombudsman are stretched to the limit and thus unable to properly address these serious problems. Accordingly, we applaud Mr Barr for responding to the concerns of the community and introducing the Bill.

Our only concern is that the Bill does not go far enough. We believe that for the Ethics panel to be effective, the panel requires the authority to expel or suspend a councillor who is found to have acted in an unethical manner or at least caution the councillor as to their conduct.

My fellow residents and I would be interested in hearing your opinion as to the Bill and I attach a copy of the Overview of the Bill for your perusal. We look forward to your response.

Yours sincerely
Vincent De Luca

Reports from Director Corporate Services

Local Government Amendment (Ethics Review Panel) Bill 2002

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Local Government Act 1993* (**the Principal Act**) to provide for the establishment of a Local Government Ethics Review Panel to monitor and investigate ethical matters relating to local councils and councillors.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act 3 months after the date of assent, unless commenced sooner by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Local Government Act 1993* set out in Schedule 1.

Clause 4 is a formal provision giving effect to a consequential amendment to the *Defamation Act 1974* set out in Schedule 2.

Schedule 1 [1] inserts a new Part (Part 5 Local Government Ethics Review Panel) into Chapter 14 of the Principal Act (Honesty and disclosure of interests). Proposed sections 490A–490C constitute the Local Government Ethics Review Panel as a body corporate and provide that it is to have the following principal functions:

- (a) to review the probity and ethical behaviour of councillors,
- (b) to ascertain whether councillors are complying with their duty under the Principal Act to act honestly and exercise a reasonable degree of care and diligence in carrying out their functions,
- (c) to review the compliance of councillors with their relevant codes of conduct adopted by their councils under the Principal Act,
- (d) to make recommendations and provide advice to councillors on the ethical implications of their conduct,
- (e) where the Panel considers it appropriate, to publish such recommendations,
- (f) to report to Parliament regarding the ethical behaviour of councillors and any other matters considered by the Panel.

The Local Government Ethics Review Panel may also:

- (a) instruct, advise and assist councils, councillors and members of staff of councils on ways to improve ethical behaviour and practices, and
- (b) educate councils, councillors, members of staff of councils and the public on strategies to improve ethical behaviour and practices in local government, and
- (c) educate and disseminate information to the public on the detrimental effects of unethical behaviour in local government and the importance of maintaining the integrity of local government.

The Local Government Ethics Review Panel is to consist of:

- (a) one officer of the Department of Local Government appointed by the Minister for Local Government (who is to be Chairperson of the Panel), and
- (b) one person appointed by the Minister for Local Government on the nomination of the Local Government and Shires Associations of New South

Reports from Director Corporate Services

Wales (who is to be Deputy Chairperson of the Panel), and
(c) two persons (not being members of the same organisation) appointed by the Minister for Local Government who, in the Minister's opinion, have experience or expertise in the field of ethics.

Proposed section 490D provides that certain provisions of the *Independent Commission Against Corruption Act 1988* are to apply to the Local Government Ethics Review Panel. The applied provisions relate to investigations and hearings that may be undertaken by the Local Government Ethics Review Panel.

Proposed section 490E provides that the Local Government Ethics Review Panel may delegate to an officer of the Department of Local Government any of the Panel's functions (other than this power of delegation). A Departmental officer may exercise such delegated functions and functions under another Part of the Act at the same time. For example, an officer of the Department exercising delegated functions under this Part may also act as a Departmental representative under Part 5 of Chapter 13 of the Principal Act.

Proposed section 490F provides that the Local Government Ethics Review Panel must prepare an annual report of its operations and furnish the report to the Minister for Local Government. Such a report must include the following:

- (a) a description of the matters that were referred to the Panel,
- (b) a description of the matters investigated by the Panel,
- (c) any recommendations for changes in the laws of the State, or for administrative action, that the Panel considers should be made as a result of the exercise of its functions,
- (d) any other general recommendations regarding the ethical behaviour of councillors, councils' codes of conduct or other ethical issues relating to local government,
- (e) a description of its activities during that year in relation to its educating and advising functions.

The Local Government Ethics Review Panel's annual report is to form part of the annual report of the Department of Local Government which is submitted to Parliament.

Schedule 1 [2] inserts proposed Schedule 4A (Constitution and procedure of the Ethics Review Panel) into the Principal Act. The proposed Schedule contains machinery provisions relating to the constitution and procedure of the Local Government Ethics Review Panel.

Schedule 1 [3] inserts a definition of *Ethics Review Panel* into the Dictionary to the Principal Act.

Schedule 2 makes a consequential amendment to the *Defamation Act 1974*. The Schedule inserts proposed section 17KB into that Act to provide for a defence of absolute privilege for publications to or by the Local Government Ethics Review Panel or to any member of that Panel as such a member.

Reports from Director Corporate Services

9. ORIGIN: Financial & Information Services Unit

FILE REF: Monthly Investment Report

REPORT TITLE:

Monthly Investment Report for Period Ending 31 March 2002

SUMMARY OF REPORT:

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

RECOMMENDATION:

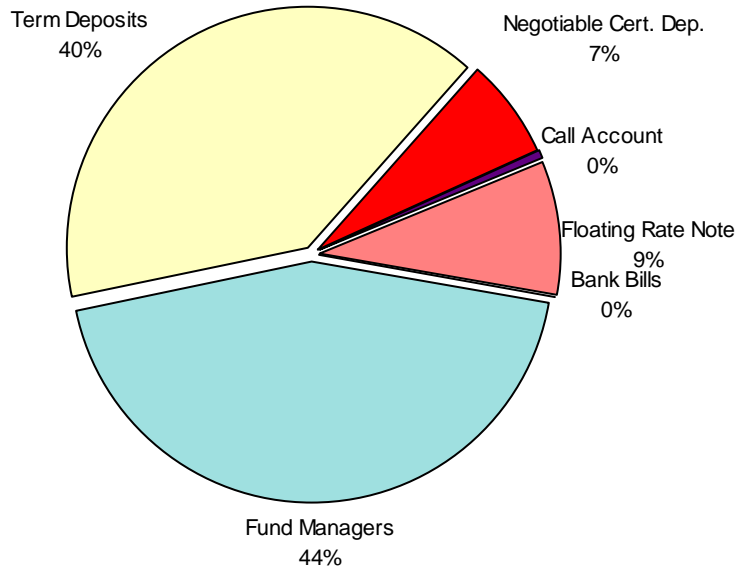
That this report be received and noted.

Reports from Director Corporate Services

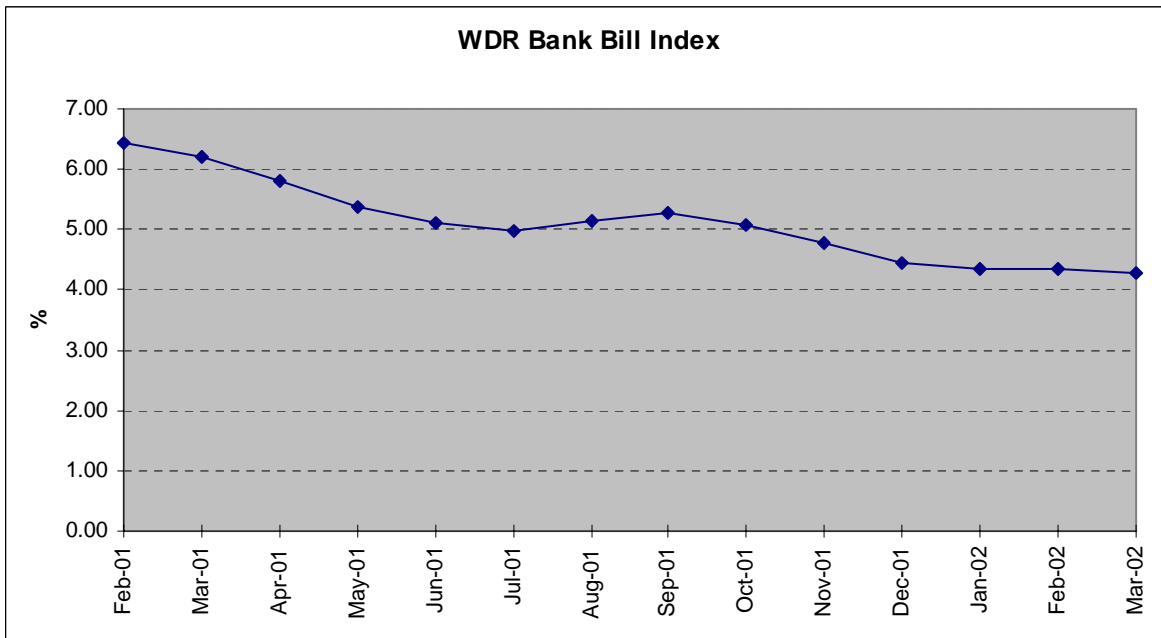
REPORT:

1. CURRENT INVESTMENT PORTFOLIO BY CATEGORY

% of Funds Invested by Category



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

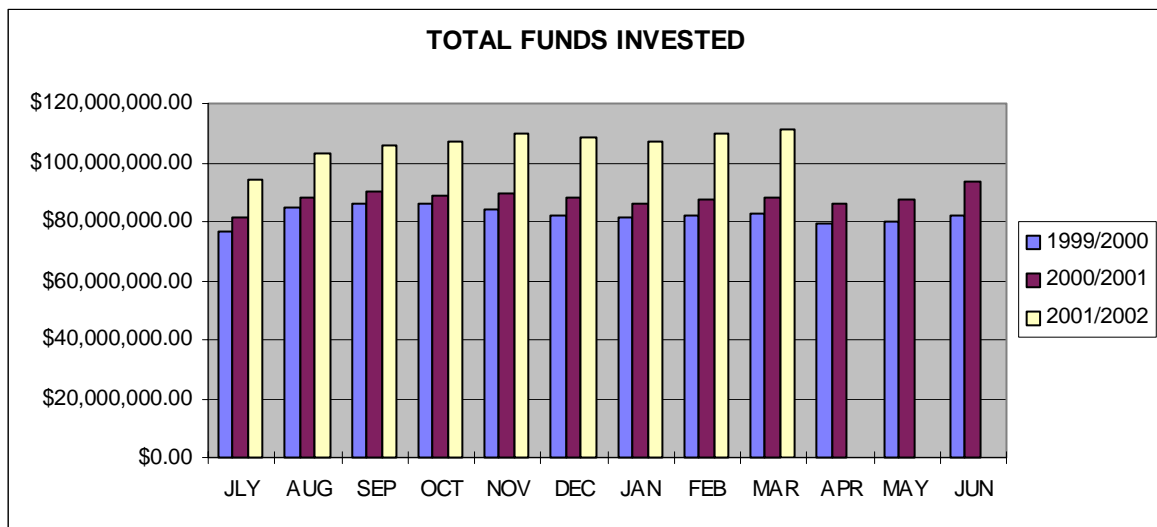


Reports from Director Corporate Services

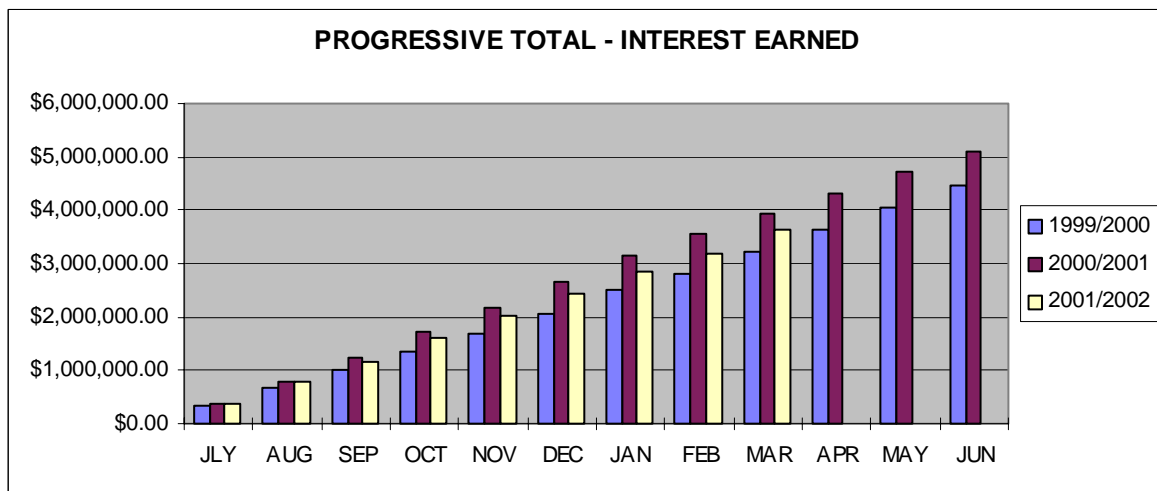
3. ANNUALISED RATE OF RETURN FOR FUNDS MANAGERS – NET OF FEES

Fund	30 Days	90 Days	1 Year
	%	%	%
ANZ	4.70	4.56	4.68
National Mutual	5.62	5.04	4.75
Deutsche	4.93	5.13	5.05
Macquarie Diversified	4.93	4.96	5.12

4. MONTHLY COMPARISON OF TOTAL FUNDS INVESTED



5. ANNUAL PROGRESSIVE TOTAL OF INTEREST ON TOTAL FUNDS INVESTED



Reports from Director Corporate Services

6. MARKET COMMENTARY

Financial markets are anticipating a rising interest rate environment. The first increase was expected to be as a result of the Reserve Bank of Australia meeting on 3 April 2002. However, rates remained unchanged and an increase of 25 basis points is now expected to result from the RBA's meeting in early May.

7. INVESTMENT SUMMARY AS AT 31 MARCH 2002

GENERAL FUND

BANKS	29,016,662.72	
FUND MANAGERS	5,417,553.75	
LOCAL GOVT. FIN. SERVICES	7,000,000.00	
CALL	25,233.39	41,459,449.86

WATER FUND

BANKS	6,000,000.00	
FUND MANAGERS	27,075,738.84	
LOCAL GOVT. FIN. SERVICES	4,500,000.00	37,575,738.84

SEWERAGE FUND

BANKS	6,000,000.00	
FUND MANAGERS	16,174,538.29	
LOCAL GOVT. INV. SERVICE	9,500,000.00	
CALL	500,000.00	32,174,538.29

TOTAL INVESTMENTS

111,209,726.99

It should be noted that the General Fund investments of \$41.4 million are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

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

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



R R Norvill CPA

Responsible Accounting Officer

Manager Financial & Information Services

Reports from Director Corporate Services

10. ORIGIN: Financial & Information Services Unit

FILE REF: Office Equipment - Telephones

REPORT TITLE:

Telephone System - Outstanding Resolution of 20 February 2002

SUMMARY OF REPORT:

Council will recall at its meeting held 20 February 2002, the resolution at Minute No 723:-

“That the new telephone system be looked into as it is not giving the equivalent service that ratepayers previously were accustomed to receiving”.

A review of Council's main telephone switch system has recently been carried out. Staffing will be provided to give additional support for the handling of call loads of the main telephone switch.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

Council will recall at its meeting held 20 February 2002, the resolution at Minute No 723:-

“That the new telephone system be looked into as it is not giving the equivalent service that ratepayers previously wee accustomed to receiving”.

BACKGROUND

Council’s telephone system is a Telstra “Custom Net Spectrum” and was installed across the organisation in 1999. It is a sophisticated telephone fully managed communication system that has advance capabilities to cater for a large organisation like Tweed Shire Council.

REVIEW

An investigation has been carried out in the managing of calls by Council’s main telephone switch.

The review considered the ability to answer multiple list directory numbers, call queuing, work practices, switch operations and incoming call identification to enable calls to be answered in order of arrival or by preference. In addition the efficiency of call answering was evaluated.

OUTCOME

Telstra representatives have worked with management in reviewing the operation of the telephone system.

Council’s Records Management Staff will now be providing additional support for the handling of call loads of the main switch. Monitoring of call queuing will be made to ensure the even distribution of calls.

A full range of standard and customised reports will be provided to manage calls.

It is proposed to continuously review the telephone operation to ensure a high level of service to the public is maintained.

Reports from Director Corporate Services

11. ORIGIN: Director

FILE REF: Elections - General; Shires Association - General; DW663656

REPORT TITLE:

Shires Association of NSW - 2002 Election of Executive Council

SUMMARY OF REPORT:

The Shires Association of NSW have written providing details of the upcoming election of the 2002 Executive Council. The advice provides details of the nomination process for the positions of President and Executive Councillors.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

The Annual Conference of the Shires Association of NSW is to be held, as previously advised, 3 to 5 June 2002. During the conference the delegates will be asked to elect a President and Executive Councillors, together with officers of Vice President and Treasurer.

The Shires Association have advised of the nomination process and details of nomination close dates, details are set out below:



SHIRES ASSOCIATION OF NSW

2002 ELECTION OF THE EXECUTIVE COUNCIL

Pursuant to the Industrial Relations Act 1996 and the Regulation thereunder, the Electoral Commissioner for New South Wales will be the Returning Officer for the election of the Executive Council of the Shires Association of NSW.

Nominations

Nominations are hereby invited for the position of PRESIDENT.

(Nominations for 9 Executive Councillors, one to represent each of the electoral divisions, will be invited at the Annual Conference. Nominations for 2 Vice Presidents and 1 Treasurer from the elected Executive Councillors will also be invited at the Conference. Ballots for all positions will be conducted at the Conference.)

Nominations must be in writing, signed by the candidate and at least two nominators other than the candidate. No person may nominate more candidates than the number to be elected.

Candidates and nominators for the position of President must be elected councillors of financial ordinary member councils.

(Candidates and nominators for the positions of Executive Councillor must be elected councillors of financial ordinary member councils within the electoral division for which the nomination is made. Candidates for the positions of Vice President and Treasurer must be elected Executive Councillors, their nominators must be delegates to the Annual Conference.)

Nomination forms may be obtained from the State Electoral Office, phone (02) 9200 5999, fax (02) 9241 6011.

Close of Nominations

Nominations for the position of *PRESIDENT* must be received by the Returning Officer, State Electoral Office, not later than **NOON, TUESDAY 21 MAY 2002**. They may be hand delivered to the State Electoral Office, Level 20, 207 Kent Street, Sydney, posted to PO Box 693, Grosvenor Place NSW 1220 or faxed to (02) 9241 6011. (The original of a faxed nomination must be received by the Returning Officer by Wednesday 29 May 2002.)

Nominations for the positions of *EXECUTIVE COUNCILLOR* will be invited at the Annual Conference and will close at **12.30pm, TUESDAY 4 JUNE 2002**.

Nominations for the positions of *VICE PRESIDENT* will be invited at the Annual Conference and will close at the Annual Conference at **9.30am WEDNESDAY 5 JUNE 2002**.

Nominations for the position of *TREASURER* will be invited at the Annual Conference and will close at the Annual Conference at **10.00am WEDNESDAY 5 JUNE 2002**.

Any defect in a nomination must be rectified by the candidate prior to the close of nominations. A candidate may only withdraw his/her nomination in writing so as to be received by the Returning Officer prior to the close of nominations.

Should more than the required number of nominations be received for any position a draw will be conducted to determine the order of candidates' names on the ballot paper. The draw for the position of President will be conducted at the State Electoral Office at 2.00pm, Tuesday 21 May 2002 and for the positions of Executive Councillor, Vice President and Treasurer at the Annual Conference. Candidates or their representatives are invited to witness the draws.

Voting

Voting will be conducted at the Annual Conference of the Shires Association of NSW. The election of President and Executive Councillors will be held on Tuesday, 4 June 2002. The election of Vice-Presidents and Treasurer will be held on Wednesday, 5 June 2002. The method of voting to be observed for this election will be full preferential.

Any enquiries concerning this election should be directed to the State Electoral Office telephone (02) 9200 5999 or 1300 135 736.

J Wasson
Electoral Commissioner for NSW and Returning Officer
for the 2002 Election of the Shires Association of NSW

Reports from Director Corporate Services

12. ORIGIN: Director

FILE REF: TACTIC

REPORT TITLE:

Tweed and Coolangatta Tourism Inc. (TACTIC) Monthly Performance Report - February 2002

SUMMARY OF REPORT:

Tweed and Coolangatta Tourism Inc (TACTIC) monthly performance report for February 2002 is provided in accord with the Agreement in criteria in Clause 5.1.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

The agreement between Council and TACTIC requires the organisation to report on a monthly basis its performance in accord with a number of specific requirements as detailed in Clause 5.1. The details are provided for the month of February 2002.

5.1.1 The number and category of financial members of TACTIC:

	December 2001	January 2002	February 2002
Corporate Members	3 (including 10 businesses)	3 (including 10 businesses)	3 (including 10 businesses)
TACTIC Members	133	135	137
Service Members	18	19	19
Total	154	157	159

5.1.2 The visitor numbers to the World Heritage Rainforest Centre and the Tweed Heads Tourism Centre:

	December 2001	January 2002	February 2002
World Heritage Rainforest Centre	1823 (including 62 from bus groups)	2544 (including 51 from bus groups)	1752 (including 132 from bus groups)
Tweed Heads Visitors Centre	698	982	714
Total	2521	3526	2466

The two centres undertake a survey on the type of enquiries received:

World Heritage Rainforest Centre Tweed Heads Tourist Information Centre

Type of Enquiry	No of Enquiries	%	Variance from January	Type of Enquiry	No of Enquiries	%	Variance from January
Tourism	508	58	+8	Tourism	299	74	+5
National Parks	156	18	+105	National Parks	40	9	+1900
Street Directions	90	10	+18	Street Directions	28	6	-24
Bus Timetables	15	2	-6	Bus Timetables	3	0	-93
Other	109	12	-39	Other	53	13	-34

5.1.3 The provision by TACTIC to Council of updates on current programs conducted by TACTIC:

Internet Site

The Town Centres Program Manager has now advised that funding will no longer be available through their program and alternative funding to be sourced. A dedicated staff member is now provided to maintain the site one day per week. Enquiries are steadily increasing and marketing of the site is a priority for 2002.

Reports from Director Corporate Services

Review of operations of the tourist Information Centre

Staff and Volunteers

- A product night is being held in early April with up to 10 operators displaying their products to staff and volunteers. This has been particularly well received.

Strategic Marketing Plan

- Letter of acceptance of offer has been sent and two consultants have been identified to present a submission at the next Board meeting.

Networking

- The Network Night at Currumbin Wildlife Sanctuary on 21 February 2002 was very successful with 40 operators attending. A tour of the property highlighting recent changes and improvements was well received. Next Network night to be held in April 2002 with details to be finalised.

Group Bookings

- TACTIC has been accepted as the booking agent for the 2002 District Rotary Conference in December 2002.
- Accommodation bookings and information has been distributed to competitors in the Australian Championships for the Jetsprint Boat Races mid-year.

5.1.4 The comparison between quarterly profit and loss statement and the budget:

See attached Profit and Loss Statement and the Ageing Summary of Debtors and Creditors for the General Account for February 2002.

5.1.5 The provision by TACTIC to Council of a monthly bank reconciliation:

See attached reconciliation statement for February 2002.

5.1.6 The level of involvement by TACTIC in Australian Tourism Exhibition Trade Shows:

TACTIC will be represented at a co-operative Northern Rivers Regional Stand.

5.1.7 The provision by TACTIC to Council of details of promotional activities conducted by TACTIC (further to 5.1.3):

TACTIC Marketing Committee

A TACTIC Marketing Committee meeting was held on 6 February with a number of recommendations being made to the Board.

Shopping Centre Promotions

Australia Fair Shopping Centre was the site for the first promotion with six participants. The next promotion is to be held at Logan Hyperdome in early March with eight participants already booked.

Advertising

Advertisements have been booked with NRMA, Australian Seniors NSW Touring Feature, Gold Coast Tourism Bureaus "Coast with the Most" feature being distributed to eight South

Reports from Director Corporate Services

East Queensland regional areas. Further investigation is being undertaken in potential group buys in South East Queensland market.

Domestic Marketing

Bus and coach mailout is now being finalised and due for distribution late March/early April.

Consumer Travel Shows

A range of Travel Shows are now being offered in most major centres across Eastern Australia. Due to our own limited funds and those of members TACTIC will focus on those in our major target markets of South East Queensland and will review cooperative opportunities with TourismNSW.

Familiarisations

No famils were conducted this month.

5.1.8 The amount of retails sales:

December 2001	January 2002	February 2002
\$1,239.00	\$1,654.00	\$1,682.00

5.1.9 The number and value of the booking system growth:

	December 2001	January 2002	February 2002
Number	34	36	22
Total	\$2,190.00	\$2,800.00	\$2,199.00

5.1.10 Minutes of the Tweed and Coolangatta Tourism Incorporated meeting held 21 February 2002 are attached. The next meeting will be held Friday, 10 April 2002.

Present: Lee Eyre, Zeta Grealy, Barrie Briggs, Cr Bob Brinsmead, Clive Parker, Shane Marshall, Mark Manteit
Informal: Robyn Rae
Apologies: Cr Wendy Marshall

Reports from Director Corporate Services

13. ORIGIN: Director
FILE REF: DW663883

REPORT TITLE:

Local Government and Shires Association of NSW Membership Subscriptions 2002/2003

SUMMARY OF REPORT:

The Local Government and Shires Association of NSW have advised Council of a preliminary indication of membership subscriptions for 2002/2003. Their advice indicates that the increase for Tweed Shire Council would be in the vicinity of 2.3% when compared with last years subscriptions level.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

The attached advice from the Local Government and Shires Association of NSW provides a preliminary indication of membership subscriptions for 2002/2003:



LOCAL GOVERNMENT and SHIRES ASSOCIATIONS of NSW

GPO Box 7003 SYDNEY NSW 2001 • 215 Clarence St SYDNEY NSW AUSTRALIA
Phone (02) 9242 4000 • Fax (02) 9242 4111 • E-mail lgsa@lgsa.org.au

25 March, 2002

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

TWEED SHIRE COUNCIL	
FILE No.	LOCAL GOV + SHIRES
DOCUMENT No.	GENERAL
RECD	3 APR 2002
BOX No.	
ASSIGNED TO.	GRIFFIN
HARD COPY	<input type="checkbox"/>

Dear Dr Griffin

RE: Preliminary Advice of Membership Subscription 2002/2003

As in past years, in an effort to assist members in the preparation of their budgets, preliminary advice of the expected level of Association membership subscription for the forthcoming financial year is provided

The Associations' subscriptions are based on a formula, specified in their respective constitutions, which is:

- A base amount payable by all councils (for 2002/03 this is \$5,655)
- A maximum subscription (for 2002/03 this is \$36,159)
- A maximum overall increase of 10% for any one council
- A component based on:

1. Expenditure 50% (average of ABS figures for the three years 1999/00, 1998/99, 1997/98)
2. Population 25% (ABS estimate 30/6/99)
3. Grants 25% (NSW Grants Commission 2000/01)

The projected figures for 2002/03 are based on an overall increase of 2.2% over last years subscription level but the actual result for individual members will vary depending on movements in the above three factors and could be higher or lower than the overall adjustment. Subscription invoices for Metropolitan Council's will also include a subscription for membership of Dial Before You Dig (DBYD) free underground asset inquiry service (previously known as Sydney One Call service)

Indicative subscription and GST for 2002/2003 of the council are:

Membership Subscriptions	\$33,031.00
Associate Membership (where applicable)	\$0.00
DBYD Subscription (where applicable)	\$0.00
10% GST	\$3,303.10
TOTAL	\$36,334.10

Reports from Director Corporate Services

Membership of the Associations continues to provide a broad range of benefits including a range of purchasing schemes and rebates, with plans well advanced for additional and enhanced services across a number of areas to be introduced this year.

Subscriptions will not be formally determined by the Associations' Executives until their June 2002 meeting. Councils will be invoiced for the 2002/2003 year in July 2002.

Yours faithfully,



Brenton (Alby) Taylor
Executive Director

FINANCIAL IMPLICATIONS

Actual cost for subscription for 2001/2002	\$32,272.00
Preliminary advice for 2002/2003	\$33,031.00 (excluding GST)
Total increase	\$759.00

The increase in subscriptions represents a 2.35% increase over the 2001/2002 subscription level. This increase of 1.15% above the average increase of 2.2% reflects the use of the subscription formula and the impact of Tweed's growth in expenditure, population and grants.

Reports from Director Corporate Services

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Reports from Director Corporate Services

14. ORIGIN: Director

FILE REF: TEDC

REPORT TITLE:

Tweed Economic Development Corporation (TEDC) Quarterly Performance Report - January to March 2002

SUMMARY OF REPORT:

The Tweed Economic Development Corporation, Chief Executive Officer's quarterly performance report for January to March 2002 is detailed in this report.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

In accordance with the terms of agreement between Tweed Shire Council and the Tweed Economic Development Corporation, following is the Chief Executive Officer's report on the activities of the Tweed Economic Development Corporation for the period January to March 2002:

CHIEF EXECUTIVE OFFICER'S QUARTERLY PERFORMANCE REPORT:

5.1.1 Industrial land continues to be a major focus of TEDC's activities. It is expected that the Dickinson's will be submitting a Development Application to Council by the end of April. Whilst it may well have been Council who sold the land to the Dickinson's for industrial purposes, it clearly has been the initiative and persistence of TEDC along with our facilitation role over the past five years, which is responsible for the final outcome. TEDC has moved from a position of being told that "there was no need for re-zoning of land for industrial purposes" to the establishment of the "Task Force", to TEDC taking an option on Johansen's land, and finally assisting the Dickinson's by adopting a facilitation role.

TEDC will continue assisting the process by continuing to promote industrial land and introducing potential industries to locate to the proposed new estate. To date we have introduced several interested parties to the developers. The Tweed has also lost several investors over the past several months because of the delay and uncertainty as to the availability and timing of land availability. TEDC has also written to the Minister for planningNSW, Dr A Refshauge, regarding the issues concerning Coolangatta Airport Industrial land study and the claim by National Parks and Wildlife Service over a substantial area of the study site.

Tweed Industry Incentives

TEDC welcomes Council's progress on the development of industry incentives. TEDC has been promoting the need for incentives as part of, and for the same time that it has been promoting the need for employment generating industrial land. Now that large lot industrial land moves closer to reality, the importance of a proactive marketing approach to investor attraction coupled with an incentive package is essential. TEDC was pleased to have the opportunity to make a submission to Council in the Tweed Shire Incentives proposal. TEDC had accumulated many examples of incentives offered by other regions across NSW and this researched information has now been forwarded to Council, and I understand incorporated in the final recommendations to Council.

Tweed Rural Land Use Study

The study was initially contracted to be completed by 21 December 2001. However, due to difficulties experienced with the consultants, the decision was made to allow the consultants to extend the contract to 30 March 2002 when it was expected that the first draft of the study could be completed.

As at 8 April 2002 TEDC has reviewed the Draft Reports for Stages 1, 2 & 3. The draft report for Stage 4 is almost complete. It is expected that subject to final approval by the Steering Committee and the TEDC Board, and allowing for the possibility of amendments to the draft – it is expected to be able to release the final report late April or early May 2002.

It must be kept in mind that this is the first time a study of this nature has been attempted and therefore the delays, whilst not expected, are somewhat understandable.

Reports from Director Corporate Services

It also needs to be kept in mind that whilst it is expected that the study will answer many questions based on facts, it may well also raise questions on issues beyond the scope or brief of this comprehensive study.

The Tweed Heads Concept & Redevelopment Proposal

TEDC has received advice from planningNSW that a preliminary meeting to workshop the proposal as put forward by TEDC will take place on Tuesday, 30 April 2002. Invitations to key stakeholders will be despatched by planningNSW. It must be remembered that the process of developing a concept and redevelopment plan for the Tweed Heads CBD commenced almost two years before Latitude 28 came on the scene and in the hype and excitement of something actually happening in Tweed Heads, this fact has been lost along the way.

Regardless of the final outcome of the proposed Latitude 28 proposal, the remainder of the CBD still has to deal with all the issues that exist at present and won't necessarily be solved by a successful approval of the Latitude 28 project. Issues such as transport, amalgamation of small lots, height restrictions and a futuristic vision for the of the Tweed CBD are all issues that remain and need to be addressed, that is of course if the Tweed is to adopt a proactive approach to the future redevelopment of the CBD and as such give some direction to the future economic structure not only of the Tweed CBD but also the Tweed region which is inextricably linked in terms of its economy, to what happens at Tweed Heads.

Hence the importance of following through with the proposal to bring together the resources of State and Local governments in partnership with private enterprise as is the objective of the redevelopment proposal put forward by TEDC and now apparently supported by the NSW government department, planningNSW.

Tweed River Link Project

TEDC is pleased to see Stage one of the project being launched on 26 May 2002 by Council. The Heritage Wharf is beginning to take shape and will provide a destination point for future river users. Obviously with the ultimate establishment of the proposed Marina at Chinderah, this (Heritage Wharf) facility will prove even more significant as a Tweed River tourist destination. TEDC continues to seek funding through the Regional Solutions Program for the other stages of the project and TEDC is optimistic that "ultimately" TEDC's efforts will be rewarded with further funds to complete the other stages of the Tweed River Link Project. The fact that Council in partnership with Tweed River Management and Department Land and Water Conservation has been able to deliver Stage 1 is excellent and at least acknowledges the merits of the TEDC Tweed River Link proposal. It would be appropriate if TEDC received some acknowledgement in the process, after all it was a partnership project.

TEDC has also held meetings with the proponents of a proposed boat hire facility at Tumbulgum and their Development Application is currently being assessed by Council. Here again is another example of the importance of creating a climate or culture for economic development paying off. The TEDC has been promoting and supporting the Chinderah Bay Marina project for the past five years. During this time TEDC has also been promoting the Tweed River Link Project, a project which has been promoted as linking by river the proposed marina at Chinderah with the proposed facilities at Murwillumbah.

Reports from Director Corporate Services

This further example of economic development being as much about the creation of a culture for economic development as it is about the actual doing. That is why the measure of jobs as an indicator of success is flawed in terms of deciding what is important – “THAT IS” is it who actually creates the jobs that is important or that the jobs actually happen and are created by private enterprise who are attracted to a region by the creation of a climate for the encouragement of investment growth.

Chinderah Bay Marina

The TEDC continues to facilitate this project and is in regular contact with the proponents and assisting where and when possible. This project could see some activity by September 2002 when the first stage 29 berth Marina is expected to commence construction.

Tweed Tourism Vision & Strategy

TEDC invited TACTIC to be a partner in the project. TEDC has taken the lead role with the support and cooperation of TACTIC. There have been several meetings to date. TEDC/TACTIC have involved Professor Chris Cooper, Foundation Chair of Tourism Research of University of Queensland, and Steve Noakes of Griffith University and CRC. Both of these gentlemen are recognised as the best in their field. A draft brief has now been developed along with time frames, stages and costs. As soon as the brief is “fleshed out” by Cooper & Noakes, TEDC and TACTIC will meet again to discuss funding of the project.

A Tourism Vision and Strategy is seen as critical to the future of Tourism in the Tweed not only by the eminent Professors but also private enterprise investors.

Community Bank

TEDC is exploring the possibility of establishing Community Banks in the three major business centres of Tweed Heads, Kingscliff and Murwillumbah. Work is in progress. One of the difficulties with this project is the amount of time involved in terms of community consultation and the raising of pledges, etc. TEDC has involved the Tweed Heads Bowls Club in this project as a partner with their specific interest being the establishment of a branch at Tweed Heads.

Ken Lee, TEDC Director and Chair of Kingscliff District Business Chamber, chairs the TEDC sub-committee. The real issue is the need to involve “worker-bees” from the community to assist the process. TEDC sees this project as very worthwhile but one that stretches the limited resources.

Electric Transit

TEDC is investigating the possibility of using Electric Transit Vehicles as people movers for CBD areas of the Tweed. TEDC has also introduced the Company to the proponents of Tweed Valley Industrial Park. It is possible that a sales and service centre may be established in the Tweed Valley Industrial Park. Following the TEDC press release, TEDC has received several enquiries with regard to the Electric Transit Vehicles.

Cr Phil Youngblutt has been promoting a “people mover” idea for some time. Robin Spragg, Social Planner, Council is keen to investigate the possibilities. TEDC has requested costings from Electric Transit, and preliminary indications suggest the costs associated are manageable. TEDC invited several parties to inspect the vehicle when it was recently in

Reports from Director Corporate Services

Murwillumbah and a drive through the main street of Murwillumbah certainly created interest.

With the advent of the Chinderah Bay Marina eventually linking with the Tweed River Link facilities at Murwillumbah through the Heritage Wharf, its not too difficult to see a use for this "Clean and Green" people mover.

Transport Strategy

As part of the process of developing the Tweed Heads Redevelopment Concept, one of the major issues that arose was the need for a Tweed Shire Wide Transport Strategy, which would link with transport plans and initiatives being promoted and developed by Gold Coast City Council. TEDC wrote to NSW Transport Minister Carl Scully MP and received a response which suggested contact be made with a senior staffer in the Minister's Department. TEDC is in the process of following up the advice.

5.1.2 Referrals to Tweed Shire Council

TEDC continues to facilitate meetings between investors, projects and Tweed Shire Council, eg. Mt Warning Eco Adventures, Chincogan Catamarans, Joe Hoctor Hire Boats, Chinderah Bay Marina, Industrial Land enquiries, Oceania Holdings and Electric Transit and others.

5.1.3 New Business Enquiries

Remmington Sheffield, Hamilton House, Ekoda Pty Ltd, Red Dog Working Research and Design, Sterling Family, Camphor Laurel Co-op, J & V Shepherd, Joe Hoctor, Electric Transit, Warren Eden Sculptor, Bob See & Chris Kennett Property Investors, Galli Developments, H Trimborn, Wayne Evans, Sam Rasso Northern Rivers Buying Service, Jimik Pty Ltd, Professionals Real Estate Kingscliff, Seawind Group Pty Ltd, USA Investor Heilbronn Group, Oceania Holdings, E Bank Trade, Ray White Real Estate, C Raymond, CB Richard Ellis, M Barton Gallery Workshop, Usher Powell Group.

Number of Jobs Created

This reporting criteria needs to be reassessed if the figures presented are to be in any way an accurate measure of job creating economic development. The facts are clear and indisputable in terms of economic development being spatially and temporally distorted.

The only real measurement of job growth that would indicate a realistic appraisal of any change in employment numbers could be achieved by performing an economic audit of the region. This would establish a database and a benchmark of current employment and business activity. The database would allow identification of industry growth sectors eg Marine Industry, New Industrial Estates etc.- could be measured on an industry or cluster specific basis. Once a database was established a process of monitoring job numbers could be established which could be used to evaluate growth in jobs generally or specifically for targeted industries or projects.

TEDC does not have sufficient resources at this point in time to conduct this industry audit but this project has been identified as a priority for the future.

In the meantime realistically any figures provided by TEDC are indicative only, and are based on projections and assumptions supported by whatever economic data is available.

Reports from Director Corporate Services

This criteria needs to be reassessed and I would suggest that TEDC and Council should review the process with a view to establishing worthwhile economic growth (jobs) indicators.

5.1.4 Number & Category of TEDC Members for year 2001/2002

Directors	9
Sponsors	4
Members	22
Total	35

Note: Again TEDC does not have the resources to actively promote membership. However, the TEDC has recently approved a document, which is to be given to each new client indicating that if TEDC is to continue to assist or facilitate their project, and then it would be appropriate if the party considered becoming a member of TEDC.

5.1.5 Council is provided with quarterly reports by the TEDC and there remains the standing invitation to all Councillors to raise and or discuss any issue with TEDC CEO. TEDC would welcome the opportunity to discuss with any councillor any of the projects currently being undertaken by TEDC. It is most difficult to try and cover subjects in reports, for several reasons, including the need for brevity, confidentiality and the fact that councillors may not have the time to read and understand the reports.

5.1.6 Financial Statements for the March quarter ending 30 March 2002 will be ratified at the Board meeting of Tuesday, 23 April 2002 and will be forwarded to Council as soon as possible.

5.1.8 TEDC has not produced a quarterly newsletter for the past six months, nor have there been any articles written for the press. The reason is that TEDC has not had the time to produce either document due to the increased workload at TEDC at present. However TEDC has arranged with the General Manager of The Tweed Newspaper Company to have an ad placed on a regular basis in the local paper. An arrangement has also been made for the local paper to assist TEDC when necessary in preparing articles to be published on a regular basis. It is expected that the first article giving an overview of TEDC'S activities will appear in print by the end of April.

On the Government relationship front TEDC has met on two occasions with Deputy Premier of NSW and Minister for planningNSW, Dr A Refshauge, to discuss issues relative to the Tweed. TEDC has also met with State Member N Newell and Federal Member L Anthony. TEDC has also established excellent lines of communication with relative Ministers of both State and Federal Government.

TEDC continues to be represented on many groups including REDAC, Gold Coast Branch of UDIA, Northern Development Task Force, Chamber meetings and meetings with investors, consultants etc.

MEETINGS HELD 1 JANUARY 2002 TO 31 MARCH 2002

New Business	33
Existing Clients	12

Reports from Director Corporate Services

Government & Government Agencies	21
Tweed Shire Council	12
Community Organisations	16
Consultants	15
TOTAL	109

Documented Phone Calls Between 1 January to 31 March 2002 By CEO Only

January	321
February	346
March	413
Total	1179

Note: This list does not include undocumented phone calls or mobile calls or casual requests for general information.

Dates of Board Meetings for 2002

It is proposed that TEDC Board meetings will be held on:

23 April 2002	31 May 2002	28
June 2002	26 July 2002	
30 August 2002	27 September 2002	25 October 2002
29 November		
24 January 2003		

The CEO had advised that the Chairman, Mr Bill Stainlay, provided the quarterly report for the period October to December 2001 with the annual performance and funding presentation at the TEDC workshop with Council on 13 February 2002.

Reports from Director Corporate Services

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Reports from Director Engineering Services

15. ORIGIN: Planning & Design Unit

FILE REF: GR3/12/1

REPORT TITLE:

Realignment of Fernvale Road, Fernvale - Land Acquisitions

SUMMARY OF REPORT:

The owners affected by the realignment of Fernvale Road, Fernvale have consented to the acquisition of part of their land for road purposes.

RECOMMENDATION:

That Council:-

1. Approves the acquisition of Lot 2 in DP 1039120 for road purposes and Lot 2 for compensation purposes under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991 for the purposes of the Roads Act, 1993; and
2. Endorses all necessary documentation under the Common Seal of Council.

Reports from Director Engineering Services

REPORT:

At a meeting held on 21 June, 2000 it was resolved to approve the closure and purchase of part of Fernvale Road adjacent to Lot 7 DP 619717, which is owned by Mr K Goronszy. An application was then made by Council on his behalf to DLWC who then advertised the application, with no objections received.

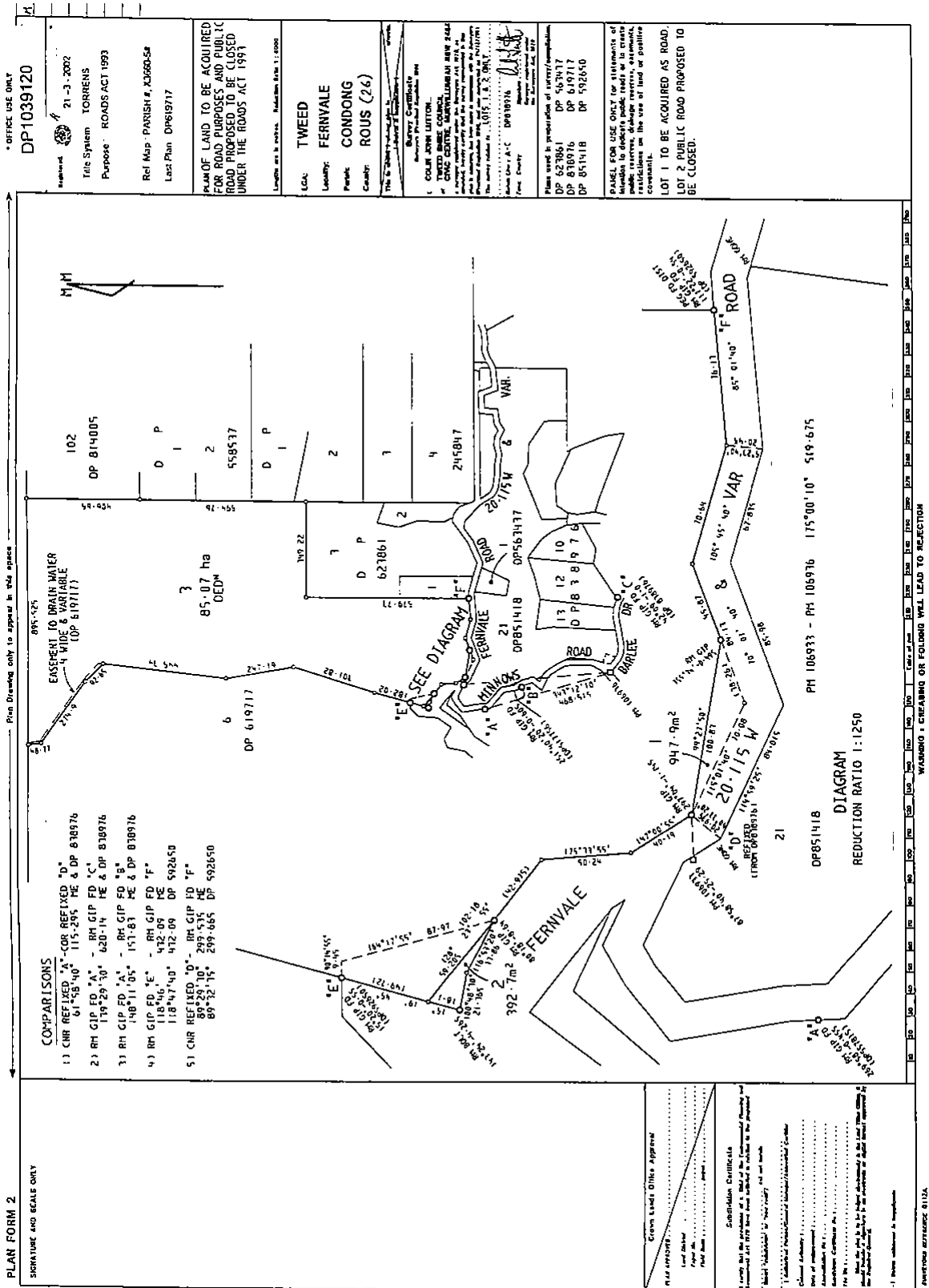
Subsequent to the above, road widening works on Fernvale Road commenced and Mr Goronszy was approached in relation to negotiating compensation for loss of land as a result of the road widening.

Mr Goronszy has consented to acquisition of Lot 1 in DP 1039120 from his property adjacent to Fernvale Road, and it is intended to grant as compensation Lot 2 in DP 1039120, being necessary road, to Mr Goronszy.

Please see the attached DP 1039120.

The acquisitions for road purposes and compensation purposes will be processed by the Department of Local Government under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991.

Reports from Director Engineering Services



OFFICE USE ONLY
DP1039120
 Received 21-3-2002
 Title System TORRENNS
 Purpose ROADS ACT 1993
 Ref Map PARISH # 23660-54
 Last Plan DP619717

PLAN OF LAND TO BE ACQUIRED FOR ROAD PURPOSES AND PUBLIC ROAD PROPOSED TO BE CLOSED UNDER THE ROADS ACT 1993

Lengths are in metres. Reduction Ratio 1:12500
 LGA: TWEED
 Locality: FERNVALE
 Parish: CONDOING
 County: ROUS (26)

Survey Certificate No. 1015, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

PLAN FORM 2
 SIGNATURE AND SCALE ONLY

COMPARISONS
 1) CHR REFLEXED "A" - COR REFLEXED "D"
 61° 48' 40" - 115° 29' 5" ME & DP 818976
 2) RH GIP FD "A" - RH GIP FD "C"
 1° 19' 29" 30" - 620° 14' ME & DP 818976
 3) RH GIP FD "A" - RH GIP FD "B"
 148° 11' 05" - 157° 8' ME & DP 818976
 4) RH GIP FD "E" - RH GIP FD "F"
 118° 46' 00" - 432° 06' ME & DP 592650
 118° 47' 40" - 412° 04' ME & DP 592650
 5) CHR REFLEXED "D" - RH GIP FD "F"
 89° 25' 10" - 299° 53' ME & DP 592650
 89° 32' 14" - 297° 08' ME & DP 592650

EASEMENT TO DRAIN WATER 4 MIDE & VARIABLE (DP 619717)

SEE DIAGRAM

PH 106933 - PH 106976 175° 00' 10" S19° 57' 5"

DIAGRAM
 REDUCTION RATIO 1:1250

WASHERS CREATING OR FOLLOWING WILL LEAD TO REJECTION

PLAN FORM 2
 SIGNATURE AND SCALE ONLY

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Reports from Director Engineering Services

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Reports from Director Engineering Services

16. ORIGIN: Water Unit

FILE REF: Flood Plain Management; Voluntary House Purchase

REPORT TITLE:

Floodplain Management - Flood Modelling

SUMMARY OF REPORT:

Council has received a grant in the 2001/2002 Floodplain Management Program of \$12,000 to allow the flood model for the valley to be re-run and to include all development that has occurred to date.

RECOMMENDATION:

That \$10,000 of loan funds be transferred from Flood Mitigation Voluntary Purchase to Flood Mitigation - Flood Warning Systems in the current budget.

Reports from Director Engineering Services

REPORT:

Council has received a grant in the 2001/2002 Floodplain Management Program of \$12,000 to allow the flood model for the valley to be re-run and to include all development that has occurred to date.

In discussions with Officers of the Department of Land & Water Conservation (DLWC) it has been agreed that it is now timely to update the computer model to take advantage of recent advances in computer modelling and to produce a stand alone and up to date report for the Valley. Currently flood modelling results are contained in a series of reports of different vintages.

To enable this expanded project to proceed an additional grant of \$20,000 has been sought from Department of Land & Water Conservation. Council's contribution will be \$10,000 which can be funded from unexpended funds in the current budget, allocated for voluntary purchase in the Flooding Program. Voluntary purchase will not proceed in the current program as no properties are available.

Reports from Director Engineering Services

17. ORIGIN: Planning & Design Unit

FILE REF: R1181 Pt12

REPORT TITLE:

Directional Signage - Tweed Coast Road

SUMMARY OF REPORT:

A request has been received by Council to provide directional signage to Kingscliff at the intersection of Casuarina Way and Tweed Coast Road.

RECOMMENDATION:

That Kingscliff directional signage be reinstated at the intersection of Casuarina Way on the Tweed Coast Road.

Reports from Director Engineering Services

REPORT:

A request has been received from the Kingscliff & District Business Corporation to provide directional signage to Kingscliff at the intersection of Casuarina Way and the Tweed Coast Road.

Such signage had been provided but Council considered an urgency motion at its meeting on 2 May 2001 and resolved the following:-

“That Council removes the large directional sign at the intersection of the new and old Coast Road south of Kingscliff whilst the roadworks are in progress.”

As no road construction work is currently being undertaken on Casuarina Way it is considered appropriate to reinstate the directional signage to Kingscliff at the above intersection as Casuarina Way is a collector road linking Casuarina and areas south to the southern end of Kingscliff.

Reports from Director Engineering Services

18. ORIGIN: Works Unit

FILE REF: R4770

REPORT TITLE:

Kerb & Gutter Contributions - Roberta Crescent

SUMMARY OF REPORT:

Council has received a complaint from Mr Charles Luck of Roberta Crescent regarding the quantum of the kerb and gutter changes levied under the Roads Act, 1993.

Mr Luck has contacted the Ombudsman's Office and following information given to that office by Council, no further investigation is to be made.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Engineering Services

REPORT:

Council has received a complaint from Mr Charles Luck of Roberta Crescent regarding the quantum of the kerb and gutter changes levied under the Roads Act, 1993.

Mr Luck has contacted the Ombudsman’s Office and following information given to that office by Council, no further investigation is to be made.

Copies of the letter to Council and that to Mr Luck are included.

At the request of the officer from the Ombudsman’s Office a detailed breakdown of the actual costs attributable to the kerb and gutter construction was carried out.

This cost analysis did not include the cost of constructing 450mm of road adjacent to the gutter.

These costs are detailed below:-

	\$
Excavation	2,134
Survey set out	1,087
Roller	84
Truck Hire	2,114
Labour	4,151
Gravel under kerb and machine	5,274
Kerb entry for downpipes	519
Overhead power observer	1,440
Run kerb	5,240
Safety including traffic control	3,111
Supervision	450
Design	3,368
Top soil and turf	681
Total:	29,653

406 metres of kerb run at a cost of 473.03 per metre. This is greater than 50% of the fees charged to owners.

The total cost of the project was \$125,207.

The Ombudsman also expressed a view that Council should not consider the 450mm of roadway adjacent to the gutter as part of the contribution. The cost analysis not considering the 450mm indicated that Council’s costs exceed the 50% contribution charged.

Reports from Director Environment & Community Services

19. ORIGIN: Environment & Health Services Unit

FILE REF: Centenary of Federation

REPORT TITLE:

Australia's Centenary of Federation - Centenary Medals

SUMMARY OF REPORT:

Tweed Shire Council has been allocated 21 Centenary Medals to celebrate Australia's Centenary of Federation and has been requested to supply a list of persons to receive these medals.

RECOMMENDATION:

That Councillors provide the list of 21 names for approval by the Council for the Centenary Medals.

Reports from Director Environment & Community Services

REPORT:

Council is advised that the Commonwealth Government has instituted the Centenary Medal. The Centenary Medal's purpose is to commemorate the Centenary of Federation 2001 and the contribution made to the Federation of Australia and to Australian society and government by its citizens and other persons. Tweed Shire Council has been allocated 21 medals.

Council may wish to nominate people, which includes those who have been active in local government, community associations and volunteer groups. They must be alive at the time of nomination.

The closing date for nominations is 26 April 2002.

Recommendations for medals to be awarded will be evaluated by an independent Council, the Council for the Centenary Medal before being submitted to the Governor - General for approval.

Background information including full names and titles, address, previous awards, date of birth, nationality, nominating category, nominator name, comments, citation, ethnicity, service, impact, role and function must be supplied.

Reports from Director Environment & Community Services

20. ORIGIN: Director

FILE REF: Accredited Certifiers; Building Code

REPORT TITLE:

Joint Select Committee on the Quality of Buildings

SUMMARY OF REPORT:

The State Government has made a "Call for Submissions" for its Joint Select Committee on the Quality of Buildings. Submissions must be received by 19 April 2002.

RECOMMENDATION:

That Items 1 to 14, as follows, be referred to the Joint Select Committee on the Quality of Buildings as Council's submission:-

1. The current system needs a more extensive auditing process by the Department of Urban Affairs and Planning (planningNSW). This is required to ensure that Accredited Certifiers are carrying out all processes correctly. It is also important that the auditing process investigates and ensures that the Conflict of Interest provisions of the Act are complied with and be seen to be complied with.
2. The matter of Conflict of Interest is considered to be clouding the whole certification process. There needs to be a clear intent that the Accredited Certifier (AC) is to be fully independent of the developer and have no other "contracts" or engagements with the owner, developer or consultants for the project other than providing the certification and inspection services and no long term contract or agreements for such service. Each project needs to be a separate engagement.
3. All documents such as plans and statements of environmental effects are to have the author identified on the document. Currently AC's are preparing documents for lodgement with applications without an identification of who has prepared these documents.
4. The legislation also needs to be amended to ensure it is clear that members and/or employees of a company cannot be accredited certifiers if other members and/or employees are providing design or any other services to the project.
5. A director or employee of a company providing certification services should not be a director or employee of another company having any other role or deriving a benefit from the development.
6. The appointment of the AC and/or PCA shall contain the signature of the owner of the development. There are many cases where the owners are unaware of who is certifying the project.
7. Council sees a real conflict of interest where the builder appoints the AC. This is even more applicable when the builder is also the owner and developer. When this occurs the AC is virtually an employee or sub-contractor of the builder. Thus in reality there is no independence of the AC, and there is anecdotal evidence of builders advising certifiers "to remember who pays your wages", when requested to attend to matters on site, and also of AC's advising an owner who is complaining about the builder that "I work for the builder".

Reports from Director Environment & Community Services

Under no commercial arrangement can it be guaranteed that the AC will not see it necessary to ensure they are not getting off side with the builder as there is ongoing work available.

This does not occur where the AC is appointed by the owner if the owner is not also the builder.

In the past the work required to be done could be easily insisted upon by a building inspector as the builder had no role in the choice of the building inspector for the next project.

8. It must be clear in the legislation who is to be responsible for enforcement of the Conflict of Interest provisions of the Act. This really should not be the role of councils who are also involved in approval and certification processes and in a way are in competition with the accredited certifier.
9. Copies of all development consents should be required to be sent by council to the owner. The owner is often not aware of conditions which affect the ongoing use of the building.
10. Council also considers that it would be in the interest of the consumer, in this case the owner, if all correspondence sent from Council to the applicant for a development approval was also required to be sent to the owner to keep the owner aware of the issues relating to the application on their property.
11. A significant issue is the use of alternative solutions for compliance with the objectives of the Building Code of Australia (BCA). It is considered that currently "alternative solutions" are being "written", or even approved without being "written", in retrospect to cover matters which have already been done not in compliance with the deemed to satisfy provisions of the BCA. It should be a requirement that all alternative solutions are documented and the documentation forwarded to Council prior to the work being carried out. The same provision for prior documentation will apply to council approval of alternative solutions.
12. The matter of approval or certification of significant alternative solutions such as those affecting fire safety issues or fire service issues needs to be reviewed.

It is considered that bearing in mind the significant issues of personal safety that can be affected by the design and structure of buildings, that a more rigorous process should be introduced for approval or certification of alternative solutions beyond a "specified level". The definition may present some difficulty and it is understood this matter is currently being considered by a committee convened by the Australian Institute of Building Surveyors (NSW Chapter).

The specified level of alternative solutions should not be approved or certified by either a council or AC unless an independent third party report certifying the adequacy of the alternative solution in complying with the objectives of the BCA. This third party cannot be associated with the owner, builder, designer or certifier and must, of course, not be involved in the design process. The use of such a third party report does not mean the council or AC has to issue the approval or certificate but it cannot issue such without compliance with such a report or the deemed to satisfy provisions of the BCA.

Reports from Director Environment & Community Services

13. The accreditation process needs to be reviewed to ensure that the accreditation bodies more effectively deal with complaints and where necessary take appropriate disciplinary action.

There seems to be a reluctance on behalf of BSAP to take matters to the Administrative Decisions Tribunal. This seems to be based on the fear of being sued by an accredited certifier if the certifier is not found guilty by the Tribunal.

It would be considered appropriate for the accreditation body which is acting on behalf of the Government to be assisted with costs for these actions and to be protected from action against it by the AC unless the Tribunal finds the Accreditation Body to have been vindictive in its actions.

14. All Class 1 buildings should be required to be issued with Occupation Certificate.

Reports from Director Environment & Community Services

REPORT:

The State Government has made a "Call for Submissions" for its Joint Select Committee on the Quality of Buildings. Submissions must be received by 19 April 2002.

The call for submissions is in part as follows:

A Joint Select Committee has been appointed to consider and report upon the quality of buildings with the following terms of reference:

- (1) (a) The Committee inquire generally into the quality of buildings in NSW to determine whether there are enough checks and balances existing to ensure consumers are guaranteed that their new homes are safe, properly certified and built to satisfactory standards.
- (b) The Committee inquire into and report on the certification process created under the Environmental Planning and Assessment Act 1979 and in operation since July 1998, including, but not limited to:
 - i) what changes if any, need to be made to tighten the certification process;
 - ii) what sort of qualifications experience and conduct is expected of the people who certify buildings and how should their certification be monitored; and
 - iii) whether there is enough regulatory power in the certification system to deal with buildings that do not comply with the approval codes and standards.
- (c) The Committee shall also inquire into:
 - i) the adequacy of disciplinary procedures available in the certification process;
 - ii) the adequacy of current minimum building standards, particularly in regard to waterproofing, thermal and noise insulation in meeting environmental and cost performance expectations in the community; and
 - iii) the extent to which matters such as inappropriate building standards and shortfalls in the current certification system have resulted in increased pressures on the Home Warranty Insurance Schemes.
- (d) The Committee inquire into and report on the builders' licensing scheme as established under the Home Building Act 1989, including, but not limited to:
 - i) the qualifications, experience and conduct required for the licensing of the people who build our residential buildings;
 - ii) the adequacy of the checks and balances in the builders' licensing scheme; and
 - iii) the role of the Department of Fair Trading and the Consumer, Trader and Tenancy Tribunal in dispute resolution under the Act.

The Committee is to report by 19 July 2002. Interested individuals and organisations are invited to make a submission (in writing, typed or on disk) to assist the enquiry process. All submissions will be treated as public documents unless marked "confidential".

Since the amendments to the Environmental Planning and Assessment Act which came into effect in July 1998 there have been several concerns evident which ought to be addressed.

Council's concern ought to be on the basis of ensuring that the current system of Council and accredited certifiers operates as effectively as possible to ensure consumers are provided with a quality project.

To this end it is considered that the following matters should be submitted to the Joint Select Committee:

1. The current system needs a more extensive auditing process by the Department of Urban Affairs and Planning (planningNSW). This is required to ensure that Accredited Certifiers are carrying out all processes correctly. It is also important that the auditing process investigates and ensures that the Conflict of Interest provisions of the Act are complied with and be seen to be complied with.
2. The matter of Conflict of Interest is considered to be clouding the whole certification process. There needs to be a clear intent that the Accredited Certifier (AC) is to be fully independent of

Reports from Director Environment & Community Services

the developer and have no other “contracts” or engagements with the owner, developer or consultants for the project other than providing the certification and inspection services and no long term contract or agreements for such service. Each project needs to be a separate engagement.

3. All documents such as plans and statements of environmental effects are to have the author identified on the document. Currently AC’s are preparing documents for lodgement with applications without an identification of who has prepared these documents.
4. The legislation also needs to be amended to ensure it is clear that members and/or employees of a company cannot be accredited certifiers if other members and/or employees are providing design or any other services to the project.
5. A director or employee of a company providing certification services should not be a director or employee of another company having any other role or deriving a benefit from the development.
6. The appointment of the AC and/or PCA shall contain the signature of the owner of the development. There are many cases where the owners are unaware of who is certifying the project.
7. Council sees a real conflict of interest where the builder appoints the AC. This is even more applicable when the builder is also the owner and developer. When this occurs the AC is virtually an employee or sub-contractor of the builder. Thus in reality there is no independence of the AC, and there is anecdotal evidence of builders advising certifiers “*to remember who pays your wages*”, when requested to attend to matters on site, and also of AC’s advising an owner who is complaining about the builder that “*I work for the builder*”.

Under no commercial arrangement can it be guaranteed that the AC will not see it necessary to ensure they are not getting off side with the builder as there is ongoing work available.

This does not occur where the AC is appointed by the owner if the owner is not also the builder.

In the past the work required to be done could be easily insisted upon by a building inspector as the builder had no role in the choice of the building inspector for the next project.

8. It must be clear in the legislation who is to be responsible for enforcement of the Conflict of Interest provisions of the Act. This really should not be the role of councils who are also involved in approval and certification processes and in a way are in competition with the accredited certifier.
9. Copies of all development consents should be required to be sent by council to the owner. The owner is often not aware of conditions which affect the ongoing use of the building.
10. Council also considers that it would be in the interest of the consumer, in this case the owner, if all correspondence sent from Council to the applicant for a development approval was also required to be sent to the owner to keep the owner aware of the issues relating to the application on their property.
11. A significant issue is the use of alternative solutions for compliance with the objectives of the Building Code of Australia (BCA). It is considered that currently “alternative solutions” are being “written”, or even approved without being “written”, in retrospect to cover matters

Reports from Director Environment & Community Services

which have already been done not in compliance with the deemed to satisfy provisions of the BCA. It should be a requirement that all alternative solutions are documented and the documentation forwarded to Council prior to the work being carried out. The same provision for prior documentation will apply to council approval of alternative solutions.

12. The matter of approval or certification of significant alternative solutions such as those affecting fire safety issues or fire service issues needs to be reviewed.

It is considered that bearing in mind the significant issues of personal safety that can be affected by the design and structure of buildings, that a more rigorous process should be introduced for approval or certification of alternative solutions beyond a "specified level". The definition may present some difficulty and it is understood this matter is currently being considered by a committee convened by the Australian Institute of Building Surveyors (NSW Chapter).

The specified level of alternative solutions should not be approved or certified by either a council or AC unless an independent third party report certifying the adequacy of the alternative solution in complying with the objectives of the BCA. This third party cannot be associated with the owner, builder, designer or certifier and must, of course, not be involved in the design process. The use of such a third party report does not mean the council or AC has to issue the approval or certificate but it cannot issue such without compliance with such a report or the deemed to satisfy provisions of the BCA.

13. The accreditation process needs to be reviewed to ensure that the accreditation bodies more effectively deal with complaints and where necessary take appropriate disciplinary action.

There seems to be a reluctance on behalf of BSAP to take matters to the Administrative Decisions Tribunal. This seems to be based on the fear of being sued by an accredited certifier if the certifier is not found guilty by the Tribunal.

It would be considered appropriate for the accreditation body which is acting on behalf of the Government to be assisted with costs for these actions and to be protected from action against it by the AC unless the Tribunal finds the Accreditation Body to have been vindictive in its actions.

14. All Class 1 buildings should be required to be issued with Occupation Certificate.

Council's endorsement to the submission of these matters to the Select Committee is sought.

Reports from Director Environment & Community Services

21. ORIGIN: Environment & Health Services Unit

FILE REF: Police

REPORT TITLE:

Advice for Police Advisory Committee

SUMMARY OF REPORT:

Council has received a letter as set out below from the Mayor of Barraba Shire Council, Mrs Shirley Close, who is the Rural and Regional Community Representative on the Minister for Police Advisory Committee.

She has requested information, facts and suggestions for improvement to provide to the Committee.

RECOMMENDATION:

That Council determines any issues on policing for forwarding to the Mayor of Barraba Shire Council, Mrs Shirley Close.

Reports from Director Environment & Community Services

REPORT:

Council has received a letter as set out below from the Mayor of Barraba Shire Council, Mrs Shirley Close, who is the Rural and Regional Community Representative on the Minister for Police Advisory Committee.

She has requested information, facts and suggestions for improvement to provide to the Committee.



BARRABA SHIRE COUNCIL

PLEASE ADDRESS ALL CORRESPONDENCE TO:

THE MAYOR
CR. SHIRLEY CLOSE
PO BOX 165
BARRABA NSW 2347

Phone - (02) 6782 1014
Fax - (02) 6782 1644
E-Mail - barrsc@northnet.com.au

SFC/MTS L40-3
19 March 2002

TO: ALL MAYORS

Minister For Police Advisory Committee

Mr. Michael Costa, Minister for Police, has established an Advisory Committee to advise him on the following key term of reference:

1. Develop proposals for more effective local policing and crime prevention.

Supporting this outcome there needs to be a number of other terms of reference:

2. Develop proposals to maximise frontline police deployment and efficiency.
3. Assess the adequacy of police powers to prevent and solve crime.
4. Consider opportunities for integrating new technologies into policing.
5. Consider community views regarding the effectiveness of local policing and local crime prevention strategies.

The Committee consists of:

- Mr. Michael Costa - Minister for Police (Chair).
- Mr. Peter Ryan - Commissioner of Police.
- Mr. Les Tree - Director-General - Ministry for Police.
- Mr. Ian Ball - President - Police Association.
- Mrs. Margy Osmond - CEO - State Chamber of Commerce.
- Mr. Geoff Schuberg - Community Representative.
- Mrs. Shirley Close - Mayor of Barraba - Community Representative.
- Ms. April Nhung Kim Thai Pham - Community Representative.

- 2 -

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Reports from Director Environment & Community Services

As you can see the majority of members are either Metropolitan based or represent State organisations centered on Sydney. I am the sole Community Representative from Rural and Regional New South Wales.

For a number of years, Law and Order and the role of the Police Service, in preserving our Community safety, has been a paramount concern for many of us in Local Government. This is an opportunity for us to have these concerns aired and acted upon.

What is needed is information, facts and suggestions for improvement and I am seeking assistance from you, your Council and Community in providing them. With the assistance of the Shires Association of NSW, I am contacting all the mayors and Councils in Country New South Wales to ask if you, your Council and Community would provide me with instances and suggestions so that the Country's views can be put before the Committee.

This is an opportunity to influence the direction of how Policing is managed into the future and to improve the safety of our Communities.

Thank you in anticipation of your assistance.

Yours sincerely,



Shirley Close
Mayor

It is recommended that Council provides advice for forwarding to the Mayor, Barraba Shire Council.

Reports from Director Environment & Community Services

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Reports from Director Environment & Community Services

22. ORIGIN: Environment & Health Services Unit

FILE REF: Library - Richmond/Tweed

REPORT TITLE:

Delegates to the Richmond-Tweed Regional Library Committee

SUMMARY OF REPORT:

The Richmond-Tweed Regional Library (RTRL) Committee resolved to request constituent councils to nominate alternate delegates to its Management Committee. Council currently has nominated Cr Polglase and Cr Boyd.

Council is requested to determine if it wants to nominate additional delegates.

RECOMMENDATION:

That Council determines this matter.

Reports from Director Environment & Community Services

REPORT:

The letter as set out below has been received from the Richmond-Tweed Regional Library.



Regional Library Headquarters
 13 Rous Road (P.O. Box 4031), Goonellabah, NSW 2480
 Phone: (02) 6625 1415 Fax: (02) 6625 1479
 email: rtrl@rtrl.nsw.gov.au website: www.rtrl.nsw.gov.au

LIBRARY - RICHMOND TWEED
 19th March, 2002
 MF/AM

TWEED SHIRE COUNCIL	
FILE NO	1588
DOCUMENT#	□ □ □ □ □ □
REC'D	20 MAR 2002
BY	□ □ □ □
ASSIGNED TO	EDWARDS
HARD COPY	<input type="checkbox"/>
IMAGE	<input checked="" type="checkbox"/>

Dr. John Griffin
 The General Manager
 Tweed Council
 PO Box 816
 Murwillumbah NSW 2484

Dear John,

At the Meeting of the Regional Library Committee held at Lismore on Thursday March 7th the Committee's attention was drawn to the difficulties of achieving a quorum at the Regional Library's Quarterly Meeting from time to time when delegates are at other meetings or otherwise absent. These meetings are relatively brief, lasting on average for two hours, from 10am - 12pm. They are usually held on the 3rd Thursday of February, May, August and November each year.

The Committee unanimously Resolved "To request each constituent Council to nominate an approved alternate Councillor Delegate who may attend the Quarterly Meetings of the Committee when Council's nominated delegate is unavailable".

Accordingly I request that Tweed Council advise me of the name(s) of an alternative Councillor Delegate or Delegates who may be requested to attend any Quarterly Meeting of Regional Library Committee when Council's usual Delegate(s) are unable to be present.

Yours sincerely,

(Martin Field)
 Regional Library Manager

Council currently has two delegates, names Cr Polglase and Cr Boyd. In line with the above letter, Council should decide if it wants to nominate additional delegates.

Reports from Director Environment & Community Services

23. ORIGIN: Environment & Health Services Unit

FILE REF: Sustaining the Tweed

REPORT TITLE:

World Environment Day 2002

SUMMARY OF REPORT:

Council resolved to participate in the community based World Environment Day Celebrations for 2000 and 2001. Following the success of these celebrations the Murwillumbah Community Support Centre has requested that Tweed Shire Council continue to co-host this annual community event.

RECOMMENDATION:

That Council supports the holding of World Environment Day Celebrations in 2002 by providing in-kind support as determined by the Director Environment and Community Services.

Reports from Director Environment & Community Services

REPORT:

In May 2000 Tweed Shire Council resolved to:

1. *Approve the use of Knox Park for a fair for World Environment Day.*
2. *Nominate a representative for the Steering Committee.*
3. *Authorise a staff member to attend to co-ordinate Council's involvement.*

In March 2001 Tweed Shire Council resolved to:

Support the holding of World Environment Day Celebrations in 2001 by in-kind support as determined by the Director of Environment and Community Services.

The ongoing success of this community-based event has resulted in the following letter being sent to Council by the Murwillumbah Community Support Centre requesting a continued involvement in the annual World Environment Day Celebrations.

Thank you for your continued support of the annual World Environment Day Celebrations held in Knox Park Murwillumbah. The event is scheduled for Sunday 2 June 2002 and already there have been many enquiries from potential exhibitors and other participants.

We have had a major boost to the weekend agenda with the National Ecotourism Conference being rescheduled for Saturday 1 June 2002 to coincide with the weekend of our celebrations.

We wish to work in partnership with the Ecotourism Conference organisers NEATA (New South Wales Ecotourism Association), the International Association of Education for World Peace and Sense Adventures to maximise the success of both events. This partnership will be a great advantage particularly in terms of speakers and entertainers who may be available for both days. One such speaker is the Mayor of Douglas Shire, Mike Berwick. He is enthusiastic about Tweed Shire Council's participation in World Environment Day Celebrations and is eager to take back information to his shire.

We have the following two requests of Council:

- 1) *That Council agrees to co-host World Environment Day Celebrations 2002, as it has in previous years (being involved in providing in-kind support for the event).*
- 2) *That as a co-host Council agrees to working with Murwillumbah Community Support Centre, Caldera Environment Centre and Save Wollumbin Forest in partnership with NEATA (New South Wales Ecotourism Association), the International Association of Education for World Peace and Sense Adventures to enable the two events to be held as a weekend of information and celebration.*

Thank you for your attention to these matters.

Yours sincerely

LILY CROCKETT

Co-ordinator World Environment Day Celebrations 2002

FINANCIAL IMPLICATIONS FOR COUNCIL:

World Environment Day is a high profile celebration that provides Council with a cost effective opportunity to increase community involvement in sustainability initiatives. It is also a means of promoting its environmental management initiatives to the community.

Reports from Director Environment & Community Services

Council's financial contribution to World Environment Day 2000 was \$400, which was mostly for the purchase of a canvas banner to advertise the day.

Council's financial contribution to World Environment Day 2001 was \$100 to help pay the cost of printing the promotional posters.

This years celebrations will require only in-kind support from Council as much of the equipment (e.g. banner, posters) purchased with previous years budgets can be used again this year.

Reports from Director Environment & Community Services

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Reports from Committees/Working Groups

1. Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 14 March 2002

Dunecare

VENUE:

Pottsville Environment Centre

TIME:

5.00pm

PRESENT:

Committee Members: Cr Max Boyd, Cr Henry James, Ms Kate McKenzie (Land Care Co-ord), Len Greer (Pottsville Dune Care), Kay Bolton (Fingal), Gary Thorpe (Hastings Point), Ian Anderson (Kingscliff North), Frank McLeod (Department of Land & Water Conservation), Peter Langley (Kingscliff Enviro Club), Mr Stewart Brawley, Mr Rodney Keevers

Informal: Rhonda James, Blyth Short (Recorder)

APOLOGIES:

Dave Cook (Chief Fire Officer)

MINUTES OF PREVIOUS MEETING:

Moved: L Greer

Seconded: M Boyd

RESOLVED that the Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 8 November 2001 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

1. Bush Fire Management Plan

Bush Fire Management Plan

General discussion on the fire hazards presented by native vegetation adjoining residential areas.

H James advised that this is only half the problem and indicates inadequacy of planning, poor administration of Council and DLWC and the Fire Service. There is a need to address fire hazard problems and planning issue together.

Reports from Committees/Working Groups

Moved: H James

Second: P Langley

RECOMMENDATION:

That the committee encourages Council to abide strictly by the rules of the 'Planning for Bush Fires Guidelines' when approving new subdivisions adjacent to areas of existing native vegetation and,

1. Where the subdivision is adjacent to an existing reserve, applying especially the rule which requires fire protection zones to be provided entirely within the development.
 2. Where the subdivision is not adjacent to a reserve the fire protection zone be located entirely on existing cleared land and not on existing native vegetation.
-

2. Dune Care Records

The standard form for recording Dune care groups activities has not been finalised. H James to contact Department Land & Water Conservation to obtain a copy of other volunteer record forms.

3. Rural Bush Fire Service

The Senior Fire Officer was unable to attend the meeting. The invitation to attend the next meeting still stands.

4. Casuarina Beach

Casuarina Beach

General discussion.

The committee expressed that the residents need to be informed of the responsibilities of living beside crown reserves.

5. Natural Heritage Trust

Tweed Coast Bitou Bush Control Strategy is progressing.

6. Sand By-Pass

Tweed River Sand By-Pass

Steve Lawson from Department of Land & Water Conservation to attend the meeting in May to discuss the project.

Reports from Committees/Working Groups

CORRESPONDENCE:

7. Dune Care Conference

2002 NSW Dune Care Conference is planned for 23, 24 & 25 August at Lake Ainsworth, Lennox Head. The organisers are requesting Council consider funding for coach travel for dune carers to attend.

General discussion.

Moved: K McKenzie

Seconded: L Greer

RESOLVED that dune carers to car pool to the conference and the issue of registration costs for the conference will be discussed at the May meeting.

GENERAL BUSINESS:

8. Insurance and incorporation – Community Groups

L Greer advised that the Pottsville Community Association is organising a workshop, 18 April 2002 to discuss issues of liability for community and volunteer groups. An Insurance Advisor and Solicitor will be in attendance. Any questions of a legal matter need to be presented in writing prior to 5 April 02.

9. Workcover Certificates

The reused Pesticides Act outlines the requirements for training of chemical users and requirements of recording.

General discussion on training requirements of Dune Care workers (chainsaws etc)

L Greer advised that he felt that it will be difficult to get this message across to many voluntary workers and that they would not have the time to attend the required courses.

R James and K McKenzie advised that TAFE recently offered free courses for voluntary community workers which were booked out straight away.

R Keevers to review options for training, costs associated and report back at the next meeting.

Reports from Committees/Working Groups

10. Fencing and Walkways

Budget

R Keevers advised that there are safety problems with fencing and access tracks along the coast. Currently Council staff are compiling and prioritising a list of problem areas. This situation has arisen due to increasing usage. Additionally, from 1994/95 to the 1995/96, the foreshores budget was reduced by \$20,000. This has had a compounding effect over subsequent years in deteriorating fences and walkways.

Moved: L Greer

Second: G Thorpe

RECOMMENDATION:

That Council considers the Dune Care budget be increased to reflect the levels as per 1994/95, being a minimum increase of \$20,000 to maintain fences and walkways to a safe satisfactory standard.

NEXT MEETING:

The next meeting of the Tweed Dune Care Advisory Committee will be held 9 May 2002.

The meeting closed at 6.30pm

Director's Comments:

Item 7: That Council notes this resolution of the Committee.

DIRECTOR'S RECOMMENDATIONS:

1. Bush Fire Management Plan

Bush Fire Management Plan

Committee Recommendation:

That the committee encourages Council to abide strictly by the rules of the 'Planning for Bush Fires Guidelines' when approving new subdivisions adjacent to areas of existing native vegetation and,

1. Where the subdivision is adjacent to an existing reserve, applying especially the rule which requires fire protection zones to be provided entirely within the development.
2. Where the subdivision is not adjacent to a reserve the fire protection zone be located entirely on existing cleared land and not on existing native vegetation.

Director's Recommendation:

That Council notes the recommendation and the Committee's comments be taken into account in the preparation of a DCP and review of the LEP in relation to Bush Fire Hazard Planning.

Reports from Committees/Working Groups

10. Fencing and Walkways

Budget

Committee Recommendation:

That Council considers the Dune Care budget be increased to reflect the levels as per 1994/95, being a minimum increase of \$20,000 to maintain fences and walkways to a safe satisfactory standard.

Director's Recommendation:

That Council considers increasing the Dune Care Budget in 2002/2003 by \$20,000 to reflect the earlier reduction in the maintenance budget.

Reports from Committees/Working Groups

2. Minutes of the Public Transport Working Group Committee Meeting held Thursday 21 March 2002

Public Transport Committee

VENUE:

Meeting Room, Tweed Heads Civic Centre

TIME:

10.00am

PRESENT:

Committee Members: Barbara Rahmate, Mark McAskill, Cr Wendy Marshall, Bill McKenniarey

Informal: Katrina Luckie (NRRS), Gary Pick (MCSC), Robin Spragg (TSC).

APOLOGIES:

Nil

MINUTES OF PREVIOUS MEETING:

Moved: Bill McKenniarey

Seconded: Barbara Rahmate

RESOLVED that the Public Transport Working Group Committee meeting held Thursday 21 February 2002 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

1. Policy Document Review

Public Transport Committee

1(a) Murwillumbah-Byron Bay Railway

Since this item was discussed in February, action has been taken by the Mayor, supported by other regional Mayors, to ask Mr Newell to approach the Minister on the same topic. The Mayor's letter was tabled, and the Committee agreed to be available to help expedite the matter if required. The letter to Mr Page would be sent only if it is established that he has not been included in the circulation of the Mayor's letter.

A separate approach has been made from the Richmond Valley Transport Working Group (RVTWG) seeking this Committee's support for moves to initiate a new commuter rail service between Murwillumbah and Casino. The RVTWG has approached the Area Consultative Committee, and the Northern Rivers Railroad has expressed interest in the proposal. Funding is being sought for a feasibility study for such a service. After discussion, it was agreed that the Committee would recommend as follows:

RECOMMENDATION:

That Council expresses support for this initiative to encourage the provision of a passenger rail service between the main towns in the Northern Rivers Region, and possibly provide a letter of support.

Reports from Committees/Working Groups

2. Major Development Review

2(a) Bilambil Heights Aged Care Facility – Transport Service

After discussion of the outcome of this development, it was agreed to approach the developer informally to ask that an adequate bus turning circle be included, so that larger buses could potentially serve both the development and school students in the locality.

2(b) Banora Point Road Proposals

The role of public transport in reducing the growing traffic congestion in Banora Point was discussed. Actions which could be taken included:

- a Daily News promotional feature to raise awareness of existing services and recent improvements;
- a RECOMMENDATION TO COUNCIL to promote public transport by means of similar features in Tweed Link, also aimed at new residents;
- a letter to the NSW Minister for Transport about the need to fund more services in regional areas, in view of the large scale of development in this area, with a copy to the local Member.

There are continual changes to services, routes and concessions (such as an extension of service into Flame Tree Park) that can be publicised. These options will be explored.

3. Studies and Submissions

3(a) Country Public Transport Infrastructure Grants Scheme

It was reported that a submission for funding of \$145,000 to provide 25 additional bus shelters along the spine coastal route from Tweed Heads to Pottsville to complete the provision of passenger facilities had been made in time – outcomes would be known in July/August.

3(b) Tweed Valley Transport Information Service

Gary Pick described the early stages of work on the database for this project. Transport providers are being surveyed for details of their transport resources. When results are obtained, decisions will be taken as to how the information will be distributed. Options include CD ROM, management by a community organization, incorporation in a regional body, or addition to a Sydney-based information service.

Reports from Committees/Working Groups

3(c) Richmond Valley Committee (Northern Rivers Regional Strategy) – Presentation by Katrina Luckie

As background to the Sustainable Passenger Transport Project, Katrina described the Northern Rivers Regional Strategy, a sustainable strategy managed by three Valley Committees of Government, community and business stakeholders.

Participants in the Passenger Transport Project included the Richmond and Tweed/Brunswick Valley Committees, the Public Transport Development Project, the PT Working Groups, Dept of Transport and other transport providers.

Objectives of the Project include increasing awareness of PT, lobbying for improved PT, identifying gaps in services and pilot projects in areas of limited services, and evaluation of findings.

Outcomes are set out in the Brief circulated, and include a website of service information, collected by a project officer to be employed. After discussion, the Committee agreed to cooperate with the Project, particularly through the similar local project described in item 3(b). Information about transport in the Tweed area has already been provided.

3(d) Committee Budget Request

A draft budget proposal for the Committee was circulated. This defined four separate areas of need for funds:

- Un-programmed Minor Infrastructure Works;
- Public Transport Awareness Promotions;
- Public Transport Forum for Tweed;
- Public Transport Development Strategy.

It was decided that this should be tabled first with the Director, Development Services.

GENERAL BUSINESS:

4. Bus Service to Point Danger

Ray Wells from Volunteer Marine Rescue has requested consideration of a bus service to the Point Danger area. No scheduled routes are closer than the Twin Towns Club. In discussion it was mentioned that Gold Coast Council has banned buses and coaches from Ward Street because of congestion. It was considered the matter should be referred to Councillor Robbins.

Reports from Committees/Working Groups

5. Shelter Requested at Homestead Caravan Park, Chinderah

Bill McKenniarey raised the need for a shelter on the southbound service. This is one of the sites proposed for a shelter under the submission in item 3(a).

NEXT MEETING:

The next meeting of Public Transport Working Group Committee will be held at 10.00am on Tuesday, 16 April 2002 at the Tweed Heads Civic Centre (not Thursday, 18 April as originally proposed in the calendar).

The meeting closed at 12 noon.

Director's Comments:

Nil

DIRECTOR'S RECOMMENDATIONS:

1. Policy Document Review

Public Transport Committee

Committee Recommendation:

That Council expresses support for this initiative to encourage the provision of a passenger rail service between the main towns in the Northern Rivers Region, and possibly provide a letter of support.

Director's Recommendation:

As per committee recommendation.

Reports from Committees/Working Groups

MINUTES CIRCULATED TO COUNCILLORS WITH THIS AGENDA NOT REQUIRING A COUNCIL DECISION

- 3. Minutes of the Tweed Shire Local Emergency Management Committee Meeting held Tuesday 12 February 2002**
 - 4. Minutes of the Vegetation Management Plan Steering Committee Meeting held Tuesday 26 February 2002**
-

Workshops

Councillors,

Following are details of upcoming Workshops of Council:-

1. Kingscliff Centre Study

Date: 24 April 2002

Time & Duration: 4.30pm

Organiser: Douglas Jardine

Resolved by Council:

Workshops

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