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Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege 5

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Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege 9

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20 SEPTEMBER 2000

REPORTS FOR DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

27. Awnings over Footpaths - Risk Management Policy and Procedures

Building Code

335

Cr Luff

Cr Marshall

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

Current Status: Policy currently being developed.

20 DECEMBER 2000

ORDERS OF THE DAY

1. Council Pound Facility

Dog Pound, Notice of Motion

651

Cr Marshall

Cr Youngblutt

RESOLVED that the General Manager be requested to bring forward a report outlining options for the expansion/re-building of the Cattery area of the Council Pound facility as a matter of urgency. The report to detail potential funding from the accumulated funds from the new registration scheme associated with the Companion Animals Act 1998.

Current Status: Report to go to Council Meeting of 18 April 2001.

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24 JANUARY 2001

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

2. **Tweed Road Contributions Plan CP No 4, Provision for Time Payment of TRCP Contributions**

GT1/S94/4 Pt4

716

Cr Polglase

Cr Lawrie

RESOLVED that a further report be brought forward in regard to the Tweed Road Contribution Plan No. 14 in regard to small business tenants of rented premises of not more than 1,000m².

Current Status: Matter to be finalised.

21 FEBRUARY 2001

REPORTS FROM DIRECTOR ENGINEERING SERVICES

11. **Tweed Valley Flooding 2 - 4 February 2001**

Floods, SES

766

Cr Boyd

Cr Carroll

RESOLVED that:-

1. This report be received and noted.
2. Councillors interested in viewing the ENVIROMON Program contact the Manager Water who will arrange demonstrations.
3. The Director Engineering Services brings forward a report with recommendations as to the conduct of a flood awareness program.
4. Council co-operates in a joint public meeting with the SES.

Current Status: Report being prepared.

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QUESTION TIME

3. Centenary of the Municipality of Murwillumbah

Council Management

Cr Boyd

Advised that on 27 May 1902, the Municipality of Murwillumbah was gazetted and asked does Council intend to recognise this centenary.

The General Manager responded that a report would be brought forward for Council consideration.

Current Status: Report being prepared.

7 MARCH 2001

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

4. Installation of a Telecommunications Facility at Lot 8 DP 804836 No 349 Pottsville Road, Sleepy Hollow

DA4420/94 Pt1

796

Cr Luff

Cr Boyd

RESOLVED that:

1. Development Application No 1229/2000DA for the installation of a telecommunications facility at Lot 8, DP 804836, Pottsville Road, Sleepy Hollow be deferred and the applicant requested to provide additional information in relation to the assessment of alternative siting options.
2. A further report be forwarded to Council following receipt of the additional information.

Current Status: To be finalised.

21 MARCH 2001

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

6. Kingscliff/South Kingscliff District - Review of Strategic Issues

GT1/29/3 Pt1

868

Cr James

Cr Marshall

RESOLVED that a strategy be prepared to provide:

Schedule of Outstanding Resolutions

- a) an overview of the major strategic issues facing the area as described in the table on page 66 of the report; and
- b) a framework for sustainable and integrated planning outcomes.

Current Status: Strategy being prepared.

REPORTS FROM SUB-COMMITTEES

2. Minutes of the Tweed River Management Plan Advisory Committee Meeting held Wednesday 7 February 2001

Tweed River Management Plan

6. Commercial Boat Operations on the Tweed Estuary

Boating, Development Applications

887

Cr Marshall

Cr Boyd

RESOLVED that Council investigates development of a by-law to charge a penalty fine for vessels illegally moored on public facilities.

Current Status: To be finalised.

ORDERS OF THE DAY

2. Sporting Ground Requirements - Terranora/Bilambil

Notice of Motion, Sport & Recreation Gen, Sportsfields - General

892

Cr Polglase

Cr Youngblutt

RESOLVED that the General Manager prepares a report on:

1. The current and future sporting grounds/facility requirements for the Terranora/Bilambil communities; and
2. Funding implications for consideration by Council in formulating the 2001/2002 Budget.

Current Status: To be finalised.

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REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

5. Dilapidated Structures - Tumbulgum

PF0460/270 Pt1

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

C161

That Council:-

1. Undertakes the work to
 - a) Connect the dwelling situated at Lots 29/30 Section 2 DP 1223 No. 47-49 Bawden Street, Tumbulgum to the council sewer.
 - b) Demolish and remove the dilapidated/illegal ferneries/ pergolas situated at Lots 29/30 Section 2 DP 1223 No. 47-49 Bawden Street, Tumbulgum.
 - c) Remove waste materials and disused motor vehicles as required from Lots 29/30 Section 2 DP 1223 No. 47-49 Bawden Street, Tumbulgum.
2. Receives a further report to be submitted on the matter of the repairs/maintenance to the dwelling situated at Lots 29/30 Section 2 DP 1223 No. 47-49 Bawden Street, Tumbulgum.
3. Raises a debt against the property to recover all costs.

Current Status: Report on the repairs/maintenance of the dwelling to be completed.

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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: GT1/DCP/42

REPORT TITLE:

Draft Development Control Plan No. 42 - Public Notification Policy

SUMMARY OF REPORT:

A draft Development Control Plan detailing what types of development are to be publicly notified and how has been prepared. This Plan has been prepared in response to recent changes in planning legislation. It is recommended that Council endorse the preparation of the Plan and place it on public exhibition in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 and Regulation. Attached is a copy of the draft Plan.

RECOMMENDATION:

That Council:-

1. Prepares a Development Control Plan for Public Notification of Development Proposals in accordance with Section 72 of the Environmental Planning and Assessment Act, 1979.
2. Exhibits the draft Development Control Plan attached to this report in accordance with Section 72 of the Environmental Planning and Assessment Act, 1979 (as amended) and Regulation.

Reports from Director Development Services

REPORT:

Under the provisions of Tweed Local Environmental Plan 1987 developments which required public advertising were listed.

These provisions were not carried forward into Local Environmental Plan 2000 with the exception of developments listed in Item 3 of the zoning tables.

On 1 January, 2001, the Environmental Planning and Assessment Regulation, 2000 came into effect. This Regulation places a greater emphasis on Council's need to have in place a Development Control Plan identifying what types of development which are required to be publicly notified.

A formal notification policy also provides additional transparency and provides opportunities for public engagement in the development assessment process.

THE DRAFT PLAN

Attached is a draft Development Control Plan detailing what developments are proposed to be publicly notified.

The Plan will apply to all development within the Tweed Local Government area. The Plan identifies two levels of public notification, the first involving the placement of an advertisement in the Tweed Link and letters to adjoining and affected landowners in the immediate area of the development. The second is restricted to letters to adjoining and affected landowners in the immediate area.

The Plan has been written to allow flexibility by allowing Council to advertise or notify a development at a higher level than prescribed in the plan should the circumstances warrant. The plan also details how Council will consider any submissions made.

It is recommended the Council endorse the preparation of the Plan and resolve to place it on public exhibition for comment.

LEGAL/FINANCIAL/RESOURCE IMPLICATIONS

There are no significant implications with the exception that all Section 96(2) applications require advertising under the new Environmental Planning and Assessment Regulation, 2000, if Council does not have a policy in place. This results in increased advertising costs, impacts on resources within the Division and may lead to increased processing times for these applications.

CONCLUSION

A draft Development Control Plan has been prepared detailing what types of development are to be publicly notified and how. This Plan has been prepared in response to recent changes in planning legislation. It is recommended that Council endorse the preparation of the Plan and place it on public exhibition in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 and Regulations. Attached is a copy of the draft Plan.

Reports from Director Development Services

Reports from Director Development Services

2. ORIGIN: Strategic Town Planning Unit

FILE REF: Banora Point Community Centre

REPORT TITLE:

Proposed Banora Point Community Centre

SUMMARY OF REPORT:

This report responds to requests by local residents to view plans for the Centre, and recommends means of appropriate consultation for the design process.

RECOMMENDATION:

That Council:-

1. Authorises the means of community consultation for detailed design of the Banora Point Community Centre as explained in this report.
2. Adopts the Terms of Reference and composition of the Establishment Committee.
3. Appoints a Councillor to the Establishment Committee.

Reports from Director Development Services

REPORT:

BACKGROUND

Provision has been made in DCP No3 for a four-stage community centre comprising 1000m² floorspace. S94 funds have been accumulated since 1993, and the designated 1ha site was purchased in 1998. Part of the site is also designated to be developed as Open Space.

Expressions of interest to design the Centre in accordance with a brief were called for in February 2000, and four concept designs were received. Council subsequently resolved to proceed as a 'design and build' project, and the Director of Development Services and Director of Environment and Community Services delegated to determine the final Consultant. Fulton Trotter have been selected to undertake the design.

An article describing the proposal appeared in Tweed Link on 6 February 2001, following which Banora Point residents have approached Council to view the plans.

Consultation with the community has taken place to date in terms of a survey of community service providers to assess what facilities may be required in the Centre, and discussions with the Salvation Army on integration of the Centre with its adjoining development.

CONSULTATION AND ESTABLISHMENT PROCESS

It is desirable to undertake formal and extensive community consultation during the detailed design stages of the Centre so as to:

- maximise a sense of community ownership, interest and familiarity, and hence the future financial viability of the Centre,
- design for facilities useful to local organizations,
- incorporate design ideas which reflect the local culture,
- Plan for the establishment phase of operation of the Centre.

To achieve these aims it is necessary for Council to work collaboratively with the local community for whom the Centre is being developed.

To engender a sense of ownership and maximize the opportunity for the Centre to be financially viable, independent of Council support, the local community must be on board as early in the process as is possible. The most effective means to achieve this would be to set up an Establishment Committee and to potentially employ an establishment worker during the initial phase of operation – after construction has been commenced. This method was used very successfully to establish the Pottsville Neighbourhood Centre, which is now financially independent.

It is estimated that the cost of an establishment worker for 6 months would be approximately \$17,500, using S94 funds for short term project establishment.

Reports from Director Development Services

It is proposed that a consultation exercise through an Establishment Committee be carried out comprising:

- Establishment Committee convened (see Attachment),
- Establishment Committee meets potential Centre stakeholders to finalize design,
- Designer prepares initial design,
- Design exhibited for community feedback,
- Final design adopted by Council, authorizing preparation of construction documents and tenders called,
- Construction commenced,
- Establishment Committee prepares Establishment Workplan, executed by Establishment Worker during initial period,
- Community-based Management Committee constituted by Council takes over permanent management.

CONCLUSION

There is a need for Council, to work collaboratively with the local community. The local community must be on board as early in the process as is possible. Community-based Management will also mean that the Council will not have the burden of running the Centre on a day to day basis.

The imperative at present is to consult with the community in respect of the design of the Centre.

Proposed Terms of Reference and membership for a short-term Establishment Committee are Appendix 1 to this report.

Reports from Director Development Services

APPENDIX 1:-

BANORA POINT COMMUNITY CENTRE ESTABLISHMENT COMMITTEE

Introduction:

The Council is to construct a Community Centre in accordance with the Development Control Plan for Banora Point, using S94 developer contribution funds accumulated since 1993. The Plan broadly specifies the facilities required, and designates the site, which was purchased in 1998. Initial concept designs have been invited in accordance with a brief prepared for the project, and designers have been appointed to prepare the final proposals in consultation with the community.

The purpose of the Establishment Committee is:

- To provide a broad community input into land use and design issues for the site and buildings,
- Prior to opening of the Centre, to oversee preparation of an establishment workplan for its operation, and to manage its initial operation.

Terms of Reference of the Establishment Committee are:

Part 1: To finalise the use and design of the site and buildings:

- To guide the consultants as to needs to be incorporated in the design of the project's buildings and site layout, including any additional works that may be funded by grants available to stakeholders,
 - To ensure that the Consultants' artist reflects the local culture and engages the community in the design,
 - To determine the range and location of activities and the need for various kinds of service accommodation, including consideration of external effects of the Centre, and effects of the local environment on the Centre,
 - To confirm and ensure achievement of the Design Objectives, S94 Plan Requirements, Accommodation Requirements and Site Development objectives set out in the Project Brief, and the requirements of Development Control Plan No. 3
- To report to Council in support of the preferred final design.

Part 2: To prepare an Establishment Workplan for the initial operation and management of the Centre, including:

- Overseeing the Project Brief as it refers to operational aspects of the Centre,

Reports from Director Development Services

- Appointment and oversight of a temporary Establishment Worker to consult with prospective users, execute and manage functions to initiate operation of the Centre – to commence after construction has commenced
- Consultation with and consideration of the input arising from community organizations regarding their use of the Centre,
- Harmonization of the needs of different users sharing facilities, or operating in close proximity to one another,
- Development of an agreed and legally correct process for the subsequent operation and management of the Centre through a permanent community-based Steering/Management Committee.

Membership of the Establishment Committee to meet on a weekly/fortnightly basis:

Internal:

- One (1) Councillor
- TSC Environment and Health Services Unit
- TSC Strategic Planning Unit
- TSC Planning & Design Unit (co-opted as required)
- TSC Recreation Services Unit (co-opted as required)
- Fulton, Trotter & Pturs

External:

Service providers or other Centre stakeholders (2 representatives)

The Local Community Association - 2 representatives/ nominated from within the DCP No. 3 area by the Banora Point Residents Association.

Committee Chair:

The Chair of the Committee is the nominated Councillor.

Committee Coordinator:

The Committee Coordinator is the Social Planner.

Protocols:

- The quorum for a meeting of the Committee is 6 members.
- The Committee must keep minutes of the proceedings of each meeting, and a copy be made available to each member.

Reports from Director Development Services

- A copy of the proceedings must be provided to the Director of Environment & Community Services, the Director, Development Services and to Council.
 - If the position of an appointed member becomes vacant, Tweed Shire Council may appoint another person to fill the vacancy.
 - A position on the Committee can be deemed to be vacant if a member is absent from three consecutive meetings for which reasonable notice has not been given to the Chairperson.
 - Members on the Committee are accountable to the group they represent.
 - All members are to be given equal access to information and the opportunity to participate effectively throughout the process.
-

Reports from Director Development Services

3. ORIGIN: Development Assessment Unit

FILE REF: State Environmental Planning Policy; Advertising Signs

REPORT TITLE:

State Environmental Planning Policy No. 64 - Advertising and Signage

SUMMARY OF REPORT:

On 16 March, 2001, a new State Environmental Planning Policy (SEPP) came into effect for advertising and signage. This Policy applies to the State. This Policy prohibits signage in certain areas and restricts the type, size of other forms of advertisements. It also requires consent for signage on water vessels. Council is however not the consent authority for signage on vessels (consent authority is Waterways Authority). This report provides a brief overview of the new policy.

RECOMMENDATION:

That Council:-

1. Receives and notes this report.
2. Prepares a draft amendment to Development Control Plan No. 15 – Advertising Signs Code.

Reports from Director Development Services

REPORT:

INTRODUCTION

On 16 March, 2001, the State Government released a new State Environmental Planning Policy (SEPP) for advertising and signage.

This Policy applies to the entire State including the Tweed Local Government area. This Policy aims:-

- a. to ensure that signage (including advertising);
 - (i) is compatible with the desired amenity and visual character of an area; and
 - (ii) provides effective communication in suitable locations, and
 - (iii) is of high quality design and finish; and
- b. to regulate signage (but not content) under Part IV of the Act; and
- c. to provide time-limited consents for the display of certain advertisements.

The Policy does not regulate the content of signage and does not require consent for a change in content of signage.

The Policy applies to both land based and water based signage contained on vessels.

AN OVERVIEW OF CONTROLS CONTAINED IN THE POLICY

Consent Authority

For the purpose of this Policy the consent authority is:

- a. in the case of an advertisement displayed in a local government area, the Council of the area, or in the case of the advertisement displayed on a vessel, the Waterways Authority

Areas where Advertisements are Prohibited

Under this Policy the display of an advertisement is prohibited on land that, under an Environmental Planning Instrument, is within any of the following zones or descriptions:-

- Environmentally sensitive area
- Heritage area
- Natural or other conservation area
- Open space
- Waterway
- Residential (but not including a mixed residential or business zone or similar zones)

Reports from Director Development Services

- Scenic protection area
- National Park
- Nature Reserve

The only signage which will be permitted in any of the above zones, including open space zones will be signage which falls within the definition of "Exempt" development under Council's Development Control Plan No. 40.

Matters which Council must take into consideration under this Policy when determining development applications for advertisements

The consent authority must take into consideration the aims and objectives of this Policy prior to determining any application and assessed the application in terms of the criteria specified in Schedule 1 (copy attached).

Duration of Consents under this Policy

Under this Policy, Council may only grant consent for a period of 15 years for any advertisement or in the case of roof or sky advertisements a period of 10 years. A lesser period for a consent may be granted under specific circumstances.

Advertisements on Rural or Non Urban Land

Under this Policy, Council cannot grant consent to display an advertisement on rural or non urban land unless a Development Control Plan is in force that has been prepared on the basis of an advertising design analysis for the relevant area or precinct in consultation with:-

- (i) the Advertising Industry and any body that is representative of local businesses, such as Chamber of Commerce, and
- (ii) if the land to which the Development Control Plan relates is within 250m of a classified road, the Roads and Traffic Authority, and the display of the advertisement is consistent with the Development Control Plan, or
- (iii) if no such Development Control Plan is in force, then only in accordance with Clause 33 of the 1980 Model Provisions.

"Advertising Industry" means the Outdoor Advertising Industry of Australia.

Council has no such Development Control Plan in place, so therefore the only signage permitted in rural or non urban areas will be in accordance with Clause 33 of the Model Provisions which primarily restricts the erection of signage which either directly relates to an activity which is being carried out on the land or directs the public to a tourist attraction within the Local Government area.

Tweed Local Environmental Plan 2000 (TLEP 2000) currently allows the erection of signage which does not relate directly to an activity being carried out on the property or to a tourist attraction within the area.

Reports from Director Development Services

Advertisements with a display area greater than 20m² or higher than 8m above ground level

Any signage greater than the above specified area or height is now advertised development in accordance with the Environmental Planning and Assessment Act, 1979 and will need to be advertised in the Tweed Link or Newspaper and all adjoining and affected owners notified in the immediate area.

In addition to this, the applicant will need to provide an assessment with the application in accordance with Schedule 1 criteria prescribed in the Policy. Council will also be required to refer the application to the Director-General of DUAP and also gain the concurrence of the Roads and Traffic Authority if the sign is located within 250m of a classified road.

Advertising display area greater than 45m²

For advertisements having a display area of greater than 45m², Council must not grant consent to the application unless a Development Control Plan is in force that has been prepared on the basis of a advertising design analysis for the relevant area of precinct.

In other words, Council will not be able to grant consent to any advertisement over 45m² until such time as a Development Control Plan is put in place in accordance with this State Policy.

Roof or Sky Advertisements

A roof or sky sign is an advertisement that is displayed on, or erected on or above the parapet of eaves of a building. Under this Policy, Council cannot grant approval to any new roof or sky advertisements on buildings and may only approve the replacement of existing roof or sky advertisements subject to the application complying with a number of criteria specified in the Policy and being consistent with a Development Control Plan prepared by Council on the basis of an advertising design analysis being carried out.

As Council has no such Development Control Plan in place, Council cannot approve the replacement of any existing roof signs or the erection of any new signs.

Wall Advertisements

Under this State Policy only one wall advertisement may be displayed per building elevation and is subject to a number of criteria specified within the Policy.

Under this Clause it will mean that buildings with multiple tenancies will be limited to one sign per building elevation and therefore will need to develop joint signage to meet their needs.

An exception to this would apply if the sign to be erected was exempt development under DCP No. 40.

Freestanding Advertisements such as Pole Signs

Council may only grant consent to the display of freestanding advertisements only if the advertising structure on which the advertisement is displayed does not protrude above the dominant skyline, including any buildings, structures or tree canopies, when viewed from ground level within a visual catchment of 1km.

Reports from Director Development Services

Special Promotional Advertisements

Special promotional advertisements such as sporting events, car shows, community events etc are restricted to land zoned for business, commercial or industrial purposes under this Policy.

For Council to be able to approve this type of signage, Council must have in place a Development Control Plan that has been made having regard to a Public Art Policy of the consent authority and the advertisement is consistent with this Policy.

Consent may only be granted for a period of 3 months in any 12 month period for these types of advertisements.

Council will need to develop a Development Control Plan for these types of advertisements prepared in accordance with a Public Art Policy should they wish to approve promotional advertisements within the Shire.

An exception to this would apply where such a sign falls within the definition of a “temporary sign” under the provisions of exempt development and would not be subject to the submission of a development application or the provisions of this SEPP.

Advertisements within Navigable Waters

All advertisements with the exception of those located on vessels that are ancillary to the dominant purpose of the vessel, are prohibited under this State Policy.

Preparation of Draft Local Environmental Plans

In preparing any draft Local Environmental Plans which contains provisions relating to signage, Council is required to consult with the Advertising Industry and the Roads and Traffic Authority where the Policy applies to signage within 250m of a classified road, as part of the Plan preparation process.

Actions required in response to this Policy

It is considered that Council’s Development Control Plan No. 15 – Advertisements needs to be reviewed having regard to the provisions of this SEPP. Issues relating to signage within rural and non urban areas, advertisements on roofs, advertisements over 45m² in area and special promotional advertisements will need to be considered in light of the need to carry out a advertising design analysis and the development of a Public Art Policy for special promotional advertisements.

It is recommended that DCP15 be reviewed.

CONCLUSION

SEPP No. 64 – Advertising and Signage came into effect on 16 March, 2001. This Policy places stricter controls on the erection of advertisements and signage.

The main implications of the Policy on Council are that stricter controls are placed on signage in rural and non-urban areas, the prohibition of signage in a number of zones where signage is currently permissible, the prohibition under current Council controls for roof signs, promotional

Reports from Director Development Services

signs, and signs with a display area of greater than 45m², the need for certain applications to be advertised and the concurrence of the Roads and Traffic Authority being obtained. Council's current DCP No. 15 for advertisements needs to be reviewed in light of this SEPP.

Reports from Director Development Services

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Reports from Director Corporate Services

4. ORIGIN: Human Resources Unit

FILE REF: Occupational Health & Safety

REPORT TITLE:

New Health and Safety Laws for New South Wales Workplaces

SUMMARY OF REPORT:

The Occupational Health & Safety Act 2000 and Occupational Health & Safety Regulation 2001 are due to commence in April 2001.

WorkCover NSW is committed to safer and healthier workplaces and is simplifying and modifying laws relating to health and safety in New South Wales Workplaces.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

OCCUPATIONAL HEALTH & SAFETY ACT 2000 (OHS ACT 2000)

The OHS Act 2000 was assented to on 26 June 2000 and should be gazetted in April 2001. The Act will repeal the OHS Act 1983, the Construction Safety Act 1912 and relevant provisions of the Factories, Shops and Industries Act 1962.

The new Act does not change the basic duties imposed on New South Wales employers, employees, self employed or directors/managers concerned in the management of corporations that are contained in the 1983 Act.

The OHS Act 2000 is a major revision of existing health and safety legislation. The major changes include the following:-

- Legislation is rewritten in Plain English, and it includes a revision of the objectives of the Act and reorganises the 1983 Act in a coherent manner that will facilitate comprehension and access.
- Introduces a significant duty to consult with employees to enable employees to contribute to decisions that affect their health and safety.
- Approved industry codes of practice to be used for the purpose of providing practical guidance to employers about health and safety.
- Changes to court procedures where offenders may be required to publicise offences or victim impact statements may be presented to the court.

Maximum Penalties for offences under the OHS Act 2000 remain unchanged and are as follows:-

Breach	Corporation	Manager/Supervisor	Employee
1 st Offence	\$550,000	\$55,000	\$3,300
2 nd Offence	\$825,000	\$82,500 + 2 years jail	-
Prohibition Notice	\$110,000	\$55,000	\$3,300
Improvement Notice	\$55,000	\$27,500	\$1,650
On the Spot Fine	\$550	\$55	\$55

These fines can be applied at the Corporate, Manager and employee level for any one incident. Eg, in the current care, to which Council has entered a guilty plea, Council could face a fine of \$550,000 and the manager/s (down the line to including the supervisors) face individual fines of \$55,000 and the employee a fine of \$3,300.

A major factor of our plea of mitigation in the implementation of Council's Workplace Safety Management System.

Reports from Director Corporate Services

OCCUPATIONAL HEALTH AND SAFETY REGULATION 2001

The proposed OHS Regulation 2001 will support the OHS Act 2000 and is due to commence at the same time. It will replace 36 regulations currently made under the OHS Act 1983, the Construction Safety Act 1912 and the Factories, Shops and Industries Act 1962 which are largely outdated and no longer reflect today's work environment or work practices.

The Regulation sets out the requirements for implementation of a systematic risk management process for workplace hazards.

The areas covered by the new Regulation include:-

- Identification of all workplace hazards;
- Assessment of risks arising from those hazards;
- Implementation of measures to control those risks;
- Provision of training, instruction and supervision;
- Workplace consultation between employers and employees. WorkCover has produced a draft Code of Practice for this purpose;
- The control of specific high risk hazards such as plant, hazardous substances and hazardous processes;
- Certification of operators of equipment;
- Licensing of business; and
- Notification required to be made to WorkCover.

It continues existing requirements for manual handling, hazardous substances, noise control, certificates of competency, business licensing and injury reporting. It introduces revised requirements for the working environment, plant safety, consultation and construction work.

Situations which are likely to introduce risks in the workplace include:

- Planning or changing workplaces
- Purchasing equipment, materials and substances
- Changing work processes or methods
- Making or changing jobs
- Employing new staff
- Engaging contractors
- Emergencies

Reports from Director Corporate Services

At various places in the Regulation different penalties are set for not complying with specific provisions. These penalties are described as level 1, 2, 3 or 4. The maximum fine for each penalty level is as follows:

Level 1	\$2,200	(20 penalty points)
Level 2	\$3,300	(30 penalty points)
Level 3	\$11,000	(100 penalty points)
Level 4	\$27,500	(250 penalty points)

In June 2000 Council adopted the Workplace Safety Management System (WSMS) which was implemented as a result of Improvement Notices issued by WorkCover. The WSMS is an ongoing process involving risk management, documented safe work procedures, training, auditing and evaluation and meets the requirements of the regulations, adequate funding must be provided to ensure that Council is able to effectively manage the system.

Resourcing Support required includes:

1. Hazard analysis and safety planning at project job level.
2. OHS induction and workplace activity training.
3. Monitoring and maintaining hazard analysis and procedure development.
4. Accident and incident investigation to ensure proper workplace practice.
5. Maintenance of record systems to ensure compliance.

Effective resourcing will not only meet our statutory obligations thus minimising exposure to compliance breaches, it will also have a direct impact on our workers compensation premium (currently \$1m+ pa) through.

1. Reduction of incidents as jobs and people are made safe.
2. A discount on our premium because we have a properly documented and operating risks management system in place.

Reports from Director Corporate Services

5. ORIGIN: Administration Services Unit

FILE REF: Local Government Act

REPORT TITLE:

Amendments to the Local Government Act

SUMMARY OF REPORT:

A number of amendments have been made to the Local Government Act 1993 which will affect Councillors. These will be outlined in this report and the amendments are effective from 1 April 2001.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

Councillors have been advised through Local Government Circular No. 01/12, 01/13, 01/14 and 01/15 of the amendments to the Local Government Act.

CIRCULAR 01/12:

Deals with charges relating to electors, pecuniary interest matters, expenses and facilities policies, and to Council operations generally. This circular mainly applies to Councillors.

Pecuniary Interest Matters: A Councillor with a pecuniary interest will no longer be allowed to remain in the room when the matter is being dealt with, there is no longer a need for Council to have a discretion as to whether to resolve to exclude the Councillor.

The new Section 448 lists all the interests/circumstances which do not need to be disclosed.

Returns Disclosing Interest of Councillors & Delegated Persons: Such form has now been amended, and will be prescribed in the regulation; such regulation will in the first instance adopt the form as it currently exists. The transitional arrangements allows for a period of three (3) months from the commencement of the regulations in which either form will be considered acceptable.

Disclosure and Participation in Meetings: Section 451 now requires a Councillor with a pecuniary interest in a matter to not only disclose the existence of the interest but to also disclose the nature of that interest. This has been the practice adopted by Council for many years.

A further amendment prevents a Councillor who has disclosed a pecuniary interest in a matter from being present at the meeting when the matter is being considered, discussed or voted on.

Disclosure by Adviser: Section 456 has been amended that where a person giving advice to a Council meeting to not only disclose the existence of any pecuniary interest in the matter the subject of the advice but to also disclose the nature of that interest.

Powers of Minister in Relation to Meetings: As a consequence of the amendment to Section 451 which prevents a Councillor or member of a Council Committee with a pecuniary interest in a matter from being present at any meeting at which the matter is being considered, the Minister's approval will need to be obtained not only to take part in the consideration or discussion of the matter and to vote on the matter, but to even be present at the meeting.

Decision not to Investigate a Complaint: Section 463 amendment makes it clear that the Director-General may decide to take no action concerning a complaint referred to the Director-General by an authority (such as the Independent Commission Against Corruption) if the Director-General considers that the complaint falls into a category nominated in the section (eg. the complaint is frivolous, vexatious or not made in good faith).

OPERATIONS OF THE LOCAL GOVERNMENT PECUNIARY INTEREST TRIBUNAL ARE NOW COVERED UNDER SECTIONS 469-490 OF THE LOCAL GOVERNMENT ACT:

Councillors Expenses and Facilities Policies: The amendment at Section 252 makes it clear that the payment of Councillor's expenses and the provision of facilities to them must be in accordance with the Council's adopted expenses and facilities policy. The policy must comply with the regulations (if any) and may be amended by the Council from time-to-time.

Reports from Director Corporate Services

Council's Policy in relation to this matter will be reviewed.

Section 253 – Public notice of proposed policy or amendments concerning expenses and facilities

As with the adoption of the expenses and facilities policy itself, this amendment requires public notice to be given of any substantial amendments to the policy.

Section 254 – Decision to be made in open meeting

As with decisions regarding the adoption of the expenses and facilities policy itself, this amendment requires decisions regarding amendments to the policy to be made in open meeting.

CIRCULAR 01/13:

Deals with the amendment to Section 55 of the Local Government Act 1919 concerning the requirements for tendering.

CIRCULAR 01/14:

Deals with Section 12 of the Local Government Act 1919, concerning the public access to Council documents, this Section of the Act has been further complicated by the operation of the Privacy and Personal Information Protection Act 1998.

The Department of Local Government has made the following points in relation to this Section of the Act:

- Section 12 of the Local Government Act (LGA) is to be used in preference to the Freedom of Information Act (FOI) in the first instance of a request for access to a Council document.
- Section 12 guarantees a right of access to “everyone”, not just residents of the Council area.
- Access granted under Section 12 is not dependent upon reasons for the request being made. Demands should not be made of members of the public as to why they seek information under Section 12.
- With respect to disclosures to third parties other than from public registers, Section 12(1) and Section 12(6) of the LGA will override the PPIPA (by virtue of Section 25 of PPIPA) in most instances. However in the case of matters covered by Section 12(7) of the LGA for example, the ‘information protection principle’ covering disclosure to third parties will also continue to apply.
- The other ‘information protection principles’ in PPIPA continue to apply to Council’s operations, such as information collection, storage and internal use, regardless of Section 12 of the LGA.
- By virtue of Section 343 of the LGA, the Public Officer has the responsibility of assisting people to gain access to documents of the Council.
- The education and training of Council staff is the responsibility of the General Manager. General Managers, and Public Officers in turn, are reminded to ensure that staff dealing with

Reports from Director Corporate Services

requests for documents are properly trained in, and conversant with, Council's obligations under the LGA, PPIPA and FOI.

CIRCULAR 01/15:

Contains a number of various miscellaneous amendments to the Local Government Act 1919. They are summarised as follows:

Sections 632(2) and (2A) – Acting contrary to notices erected by Councils

Section 632 currently allows Councils to erect notices in public places regulating the “use” of vehicles. The amendment to Section 632(2) will expand the coverage to also include the taking of a vehicle into and the driving and/or parking of a vehicle in a public place. The amendment to Section 632(2A) restricts this power to public places such as a beach area, a park or a reserve. This is in order to avoid and overlap with the Traffic Act and the recently developed Australian Road Rules which already regulate driving and parking in a ‘road or road related area’. Further, in the case of offences against Section 632(1) arising from the parking of a vehicle, liability will now attach to the owner of the vehicle (see amendment to Section 651).

Section 651 – Liability of vehicle owner for certain offences

As mentioned above with respect to the amendments to the power to erect notices in public places, this amendment attaches liability to the vehicle owner in the case of an offence involving the parking of a vehicle in a public place.

Section 664 – Disclosure and misuse of information

These amendments will extend the current prohibition on the use of ‘insider information’ gained through exercising functions under the Act, so that it is not limited to information which affects the market value of land. That is, the offence will cover instances where confidential information may give a person a financial advantage in any way, such as through increased business or in a tendering process.

Section 678 – Failure to comply with order – carrying out of work by the Council

This amendment merely inserts a note clarifying that the requirement under Section 193 to give prior written notice of the intention to enter premises applies in situations where the Council is exercising its power under Section 678 to carry out work on those premises.

Section 23A – Director-General’s guidelines

This new Section provides for the Director-General to prepare, adopt and vary guidelines that must be taken into consideration by Councils when exercising their functions under the Local Government Act 1993 or any other Act or law.

This will formalise a current practice which aids in a better understanding by Councils of their functions and responsibilities in a range of areas, and enables the harmonising of Local Government decisions with State Government policy, such as in the area of natural resources management.

With respect to functions conferred or imposed under any Act or law that is not administered by the Department of Local Government, the concurrence of the Minister responsible for administering the other Act or law must be obtained before any such guidelines are issued by the Director-General.

Reports from Director Corporate Services

Section 68 – What activities, generally, require the approval of the Council?

The amendments to the Table to Section 68 and the Dictionary consolidate the provisions regulating the installation and use of amusement devices.

Section 124 – What orders may be given, in what circumstances and to whom?

This amendment allows Councils to require action to be taken to bring certain structures into compliance with relevant standards or requirements set under the Local Government Act 1919 and not just the Local Government Act 1993 as is presently the case.

Section 348 – Advertising of staff positions

This amendment makes it clear that a Council may re-appoint a senior staff member on contract without advertisement before the expiry of the contract.

Section 629 – Injuring plants and animals on public land

The existing offences of injuring, unnecessarily disturbing and/or removing plants or animals in or from a public place have been extended to include rocks and soil.

Section 629, 630, 631, 632, 633 and 633A – Various offences

These amendments increase the maximum penalties for various offences in public places. The increased penalties are more in line with similar offences under Crown Lands and National Parks and Wildlife legislation.

All the abovementioned amendments take effect as from 1 April 2001.

Reports from Director Corporate Services

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Reports from Director Engineering Services

6. ORIGIN: Director

FILE REF: Coastal Conference

REPORT TITLE:

Coast to Coast Conference 2002

SUMMARY OF REPORT:

The biennial Coast to Coast Conference is to be held in the Tweed Heads / Coolangatta area in November 2002. The conference is a large event likely to attract some 400 delegates. Tweed Shire Council is joint host.

This report recommends that Tweed Shire Council resolves to provide sponsorship to the value of \$1,500 to the conference.

RECOMMENDATION:

That Council provides \$1,500 of sponsorship to the Coast to Coast Conference to be held in Tweed Heads / Coolangatta in November, 2002.

Reports from Director Engineering Services

REPORT:

The biennial Coast to Coast Conference is to be held in the Tweed Heads / Coolangatta area in November 2002. The conference is a large event likely to attract some 400 delegates.

The NSW Coastal Council and the Queensland Environment Protection Authority are co-hosting the conference as prime host. The Coast Co-operative Research Centre, Gold Coast City Council and Tweed Shire Council are joint hosts. The Director Engineering Services is Tweed's representative on the Organising Steering Committee.

The likely theme of the conference will be "Source to Sea – Australian Perspectives". There will be a strong emphasis on site inspections identifying achievements and challenges followed by workshop sessions to debate observations made. Inspections in the Tweed Valley are likely to include beach, estuary and catchment issues.

Environment Australia has provided \$25,000 sponsorship to the event, the Queensland Environment Protection Authority are likely to contribute something in the order of \$10,000 and the Gold Coast City Council have resolved to contribute \$1,500 to the conference dinner.

This report recommends that Tweed Shire Council resolves to provide sponsorship to the value of \$1,500 to the conference.

Reports from Director Engineering Services

7. ORIGIN: Director

FILE REF: Government Grant - Roads

REPORT TITLE:

ALG National Road Funding Campaign

SUMMARY OF REPORT:

A letter has been received from the Local Government and Shires Associations of NSW providing details of a revised National Road Funding Campaign being run by the ALGA. The letter seeks financial support from Councils to fund the NSW commitment of \$220,000. Tweed Shire Council's contribution has been calculated at \$2,281.

RECOMMENDATION:

That Council accedes to the Local Government & Shires Associations of NSW request to contribute \$2,281 to the ALGA National Road Funding Campaign.

Reports from Director Engineering Services

REPORT:

The following letter has been received from the Local Government and Shires Associations of NSW providing details of a revised National Road Funding Campaign being run by the ALGA. The letter seeks financial support from Councils to fund the NSW commitment of \$220,000. Tweed Shire Council's contribution has been calculated at \$2,281.

Reports from Director Engineering Services



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

26/3 Copy GM JES

Our Ref R90/0724 OUT-2492
22 March 2001

FILE No.
SUBJECT No.
DOCUMENT No. [] [] [] []
REC'D 26 MAR 2001
DOCUMENT TYPE [] []
LOCATION CODE [] []
E.D.P. PROCESSED [] []

Cr Lynne Beck
Mayor of Tweed
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

Re: ALGA National Road Funding Campaign

Dear Cr Beck

The ALGA Executive has resolved to undertake a revised National Road Funding Campaign to increase federal road funding, further to the announcement of increased road funding in November 2000. You may recall that ALGA publicly launched the National Road Funding Campaign on December 6 at the National General Assembly in Canberra.

After intense lobbying and public pressure, the Federal Government announced an additional \$1.6 billion road funding package over the next four years, including \$1.2 billion extra for local roads. The package represents a 72% increase in Commonwealth assistance to Local Government roads but, while warmly welcomed by Local Government, falls well short of the identified cost of maintaining Australia's road network. In light of the Roads to Recovery announcement, the campaign strategy has been refocussed.

Australia-wide, \$7 billion is spent annually by all levels of government on the road funding task. The Federal Government's roads package means that this figure will now rise by \$400 million per annum, in other words, about six percent. This welcomed but modest increase will not bring the country's roads up to an acceptable standard and means that a road funding campaign remains necessary to ensure the issue is satisfactorily addressed over the long term.

The professionally-coordinated campaign will involve extensive lobbying of all Federal political candidates, particularly those in marginal seats, and an Australia-wide advertising campaign devised by leading advertising agency, Mojo.

The campaign will principally aim to achieve a doubling of existing road funding levels over the next ten years.

Reports from Director Engineering Services

This is a conservative estimate of the amount to bring the whole of the nation's roads up to an acceptable standard. Specifically, ALGA will be seeking:

- a commitment to the doubling, over ten years, of Commonwealth road funding to not less than \$2.4 billion per annum.
- a commitment to the extension of the \$1.6 billion Roads to Recovery Program beyond the current four year provision.
- a commitment to the extension of the Black Spot program beyond 2001/2002.
- an increase in Black Spot funding from \$40 million per annum to \$100 million per annum for at least four years.
- an increase in funding for the National Highway System and Roads of National Importance by \$400 million per annum.
- greater flexibility in Black Spot nomination criteria, to include projects greater than \$500,000 and allowing nominations for sites on National Highways and Roads of National Importance.

The Association's Executives have agreed to seek the support of councils to contribute to the campaign fund. NSW's commitment to the ALGA National Road Funding Campaign will be \$220 000, including its share of existing expenditure.

Contributions are being sought from councils calculated according to the Associations' subscriptions which recognises the differing financial capacities of councils. Your council's contribution to the campaign is \$2,281. This includes 10% GST which is recoverable by council. Written confirmation of your support would be appreciated by the end of April.

Your council's financial support will ensure that we will be able to mount a targetted campaign which Federal political candidates will not be able to ignore. We will need to move quickly to make this historic ALGA campaign a reality.

If you require any further information please don't hesitate to contact the Associations' Roads and Transport Policy Officer, David Anderson, or either of us directly. We look forward to receiving your council's support on this most critical issue for the communities that we serve.

Yours sincerely



Cr Peter Woods OAM
President
Local Government Association of NSW



Cr Chris Vardon
President
Shires Association of NSW

Reports from Director Engineering Services

Comment: As evidenced by the recent Federal announcement of its Roads to Recovery Program road funding is now an issue on the national political agenda.

While the success of any such campaign cannot be guaranteed the potential benefits to council seem to justify a potential contribution from Council given the extent of our local road network and associated financial issues.

This report recommends that Council accedes to the Local Government and Shires Associations of NSW request to contribute \$2,281 to the ALGA National Road Funding Campaign.

Reports from Director Engineering Services

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Reports from Director Engineering Services

8. ORIGIN: Planning & Design Unit

FILE REF: R4660 Pt3

REPORT TITLE:

Realignment of Reserve Creek Road - Acquisition of Lots 1 - 6 DP 1024099

SUMMARY OF REPORT:

A survey plan has been prepared and registered under the Roads Act, 1993 to realign part of Reserve Creek Road at Reserve Creek.

The relevant land owners affected by the realignment have agreed to terms of compensation under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993.

RECOMMENDATION:

That:-

1. Council approves the acquisition of Lots 1 – 3 DP 1024099 for road purposes and Lots 4 – 6 DP 1024099 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. All necessary documentation be executed under the Common Seal of Council.

Reports from Director Engineering Services

REPORT:

A survey plan has been prepared and registered under the Roads Act, 1993 to realign part of Reserve Creek Road at Reserve Creek.

The relevant land owners affected by the realignment have agreed to terms of compensation under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993.

The owners and acquisitions involved are as follows:-

M & J A Hesse: Owners of Lot 10 DP 594682

- Acquisition of Lot 1 DP 1024099
- Grant of closed roads Lots 4 and 5 DP 1024099

C T & J G Williams: Owners of Lot 1 DP 567925

- Acquisition of Lots 2 and 3 DP 1024099
- Grant of closed road Lot 6 DP 1024099

Reports from Director Engineering Services

PLAN FORM 2
SIGNATURE AND SEALS ONLY

DP1024099
Register: DP
C.A. TORRENS
Title System: TORRENS
Purpose: ROADS ACT 1993
Rel. No.: PARLISH#
Lot No.: DP 594682

PLAN OF LAND TO BE ACQUIRED FOR ROAD PURPOSES AND PUBLIC ROAD PROPOSED TO BE CLOSED UNDER THE ROADS ACT 1993
Length: 60.0 metres - Projection: State Plane 1:20000

LEGA: TWEED
Address/Location: KIEL VALE CONDOG ROUS

Buyer Certificate
1. I AM JOSEPH BANAZAKI
of CHIO CENTRE, MURRUMBAH NSW 2484
do hereby certify that the survey instrument is a true and correct copy of the original instrument.
This survey instrument was made and completed on 17/10/2000.
The survey instrument is: ROAD OPENING

Plans used in preparation of survey/instrumentation:
DP's 2396, 2509, 2679, 2594, 262, 25073, 186293, R7587-1693

PLAN FOR USE ONLY for the purposes of application to various public roads or for use as public reserves, garbage reserves, sanitary, etc. on the use of land or positive lots 1 to 3 to be ACQUIRED AS PUBLIC ROAD. LOTS 4 TO 6 PUBLIC ROAD PROPOSED TO BE CLOSED.

REF MARKS
(G) 20°57' DH & W 19-695

CONNECTIONS
A-B 128°14' 28" 114.50m
A-C 156°59' 14" 156.59m
B-D 137°03' 10" 260.45m
D-E 52°34' 57" 52.34m

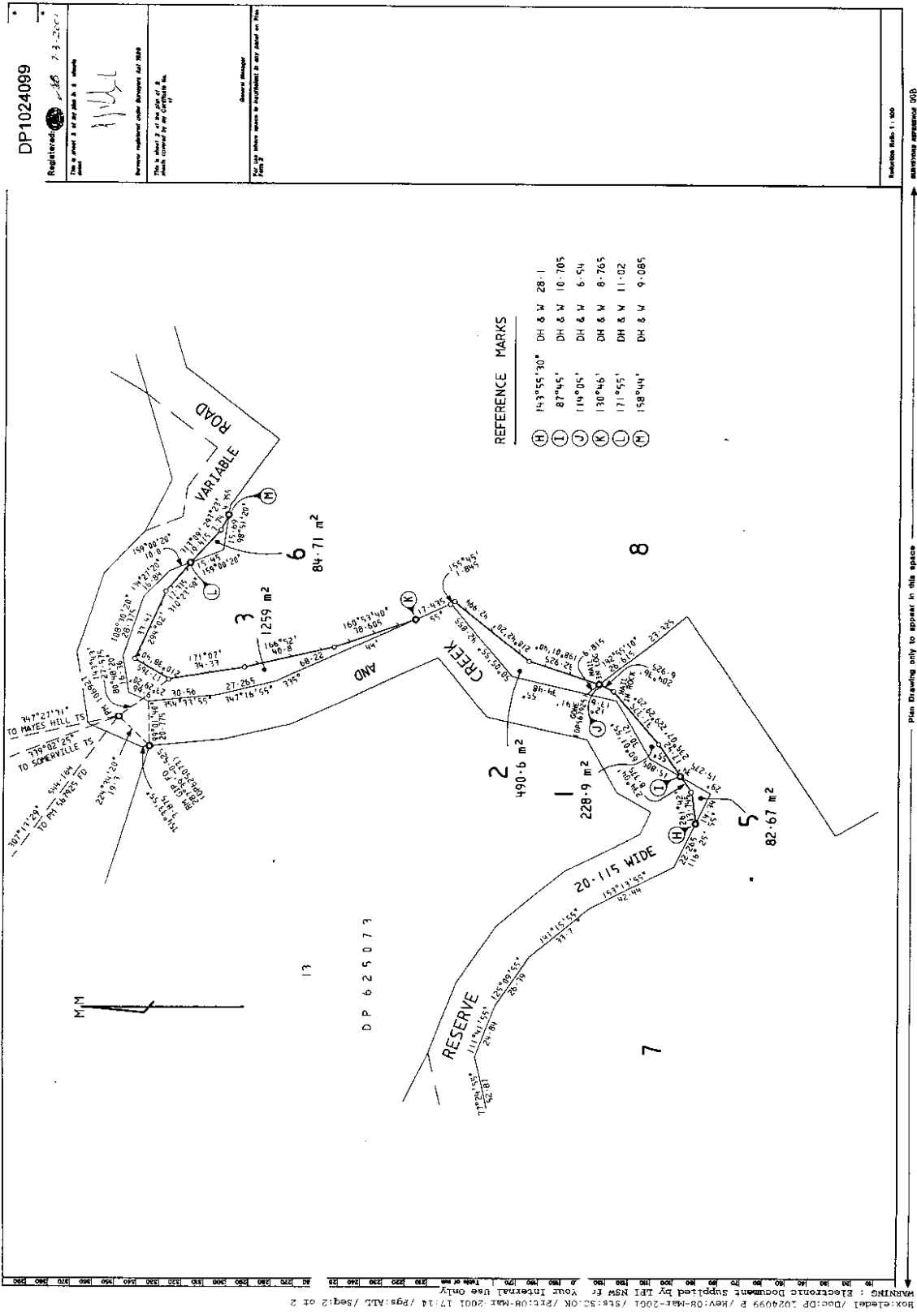
PREVIOUS PARCELS
10/594682
1/567925

SHORT LINES
1 7.04
2 26.955
3 35.205
4 69.6
5 44.66
6 60.75
7 33.395
8 38.625
9 37.82
10 10.865
11 17.5
12 26.755
13 46.065
14 34.4
15 72.42
16 30.575
17 13.88
18 43.68
19 34.2
20 31.5
21 29.975
22 30.76
23 2.835
24 22.73
25 25.145
26 44.055
27 46.27
28 74.43
29 37.618
30 44.055
31 18.695
32 21.925
33 15.085

ROADS
ROAD 24
RESERVE
SHEET ROAD
CREEK
EX RD BY DEEDN
EX RD BY DEEDN

PLAN DRAWING ONLY TO APPEAR IN THIS ISSUE

Reports from Director Engineering Services



Reports from Director Environment & Community Services

9. ORIGIN: Environment & Health Services Unit

FILE REF: Garbage - Stotts Creek

REPORT TITLE:

Waste Disposal Charges

SUMMARY OF REPORT:

Council at its meeting on 24 January 2001 considered a report concerning the fee for the disposal of waste material which is generated outside Tweed Shire boundaries. The proposed fee has now been advertised and no objections received. The fee is now recommended for adoption.

RECOMMENDATION:

That Council adopts a fee of \$60 per tonne for the disposal of waste, which is generated outside Tweed Shire boundaries.

Reports from Director Environment & Community Services

REPORT:

Council will recall that at its meeting on 24 January 2001 it considered a report concerning the fees to be charged for waste which is generated outside Tweed Shire boundaries. A copy of this report is attached below.

The fee has been advertised and no objections have been received. The fee is therefore recommended for adoption.

REPORT TO COUNCIL'S MEETING OF 24 JANUARY 2001:

"In early December, Council received a further request from Byron Shire to dispose of their waste at Stotts Creek. This followed a previous request 2 years previously where Council resolved a disposal fee of \$70 per tonne, now \$77 (\$70 + \$7 GST).

While considering this latest request, Council became aware of changing circumstances at Gold Coast City Council who proposed closing their main landfill at Suntown, which would require operators to transport their waste to the Stapylton Landfill near Beenleigh. It was considered that this action would make Stotts Creek a more attractive disposal point for operations from the southern Gold Coast due to lower disposal costs and shorter travel distances as shown below.

Tweed Shire Council's current disposal fee is \$44 per tonne. Gold Coast Council's current disposal fee is approximately \$55 per tonne. Solo Waste have advised that their estimate of transport costs from Coolangatta to Stapylton would be of the order of \$20 - \$25 per tonne and from Coolangatta to Stotts \$7.50 - \$12.50 per tonne depending on the type of vehicles used.

Byron Shire has advised that its costs for disposal at Swanbank (Ipswich) are disposal costs \$30 per tonne and transport costs \$42 per tonne, total \$72 per tonne. Byron Shire transports its waste to Swanbank because it was unable to gain approval for an extension to its previous landfill.

The current landfill site at Stotts Creek was purchased by Council over 20 years ago to meet the Shire's expanding waste disposal needs, this purchase was financed by ratepayer contributions. Since 1993 Tweed Shire ratepayers have contributed to the waste budget reserves which have been used to improve the environmental performance of the landfills, to purchase additional land for future disposal sites and in the near future for the establishment of a new landfill site. There has been no contribution from outsiders.

The acceptance of significant quantities of waste from outside the shire would penalise Tweed Shire ratepayers because the existing landfill space would be used up more quickly and a new landfill would have to be established at an earlier date at considerable expense.

These same ratepayers would also be subsidising outsiders because of the lower disposal costs.

Therefore it is considered that Tweed Shire ratepayers should not be asked to subsidise the disposal of waste from outside Tweed Shire.

Reports from Director Environment & Community Services

Legal advice has been sought from Council's Solicitors as to whether Council can exclude waste from outside the Shire and whether Council can charge a different rate for those persons using the waste facility who come from outside the Shire. Their advice states;

"In short, it is our view that Council, as landowner, may refuse to take waste from persons outside the Shire and furthermore, that if Council wishes to it can also strike a variable charge for anyone bringing in waste from outside the area."

The raising of a variable or increased charge for anyone bringing waste from outside the Tweed Shire area is considered the most appropriate option. The interest of the Tweed Shire ratepayers is protected by the increased costs as the outsider contributes additional funds to the waste budget for future use.

Analysis of waste disposal charges and transport charges for the adjoining Shires indicate that a fee of \$60 per tonne inclusive of GST should discourage waste from the majority of Byron Shire and similarly should also discourage waste from the majority of the Gold Coast City.

Waste material from Tweed Shire would still be charged at \$44 per tonne.

It is recommended that Council should advertise that it intends to charge a fee of \$60 per tonne for the disposal of waste, which is brought into Tweed Shire from outside the Shire."

Reports from Director Environment & Community Services

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Reports from Director Environment & Community Services

10. ORIGIN: Environment & Health Services Unit

FILE REF: Art Food & All That Jazz

REPORT TITLE:

Art, Food & All That Jazz Festival, Kingscliff

SUMMARY OF REPORT:

It is proposed to conduct the Art, Food & All That Jazz Festival at Kingscliff on Sunday 27 May 2001. The Festival has operated successfully in past years.

The Festival organisers have requested that the Alcohol Free Zone, which exists over the road and public car parking areas at Kingscliff, be removed for the Festival.

It is considered appropriate that the Zone be suspended for the Festival.

RECOMMENDATION:

That Council approves:

1. The Alcohol Free Zone at Kingscliff be suspended for the Art, Food & All That Jazz Festival at Kingscliff on Sunday 27 May 2001.
2. Delegated authority is given to the Director Environment and Community Services to suspend the Kingscliff Alcohol Free Zone for appropriate community events in future.

Reports from Director Environment & Community Services

REPORT:

It is proposed to conduct the Art, Food & All That Jazz Festival at Kingscliff on Sunday 27 May 2001. The Festival has operated successfully in past years.

The Festival organisers have requested that the Alcohol Free Zone, which exists over the road and public car parking areas, be removed for the Festival. They also advise that the Police Service is aware of the proposed Festival.

The Festival will be conducted between 9.00 am and 5.00 pm. It is not anticipated that the consumption of alcohol in the Kingscliff town centre during these hours at an organised community function would cause any disturbances.

Accordingly, it is considered appropriate that the alcohol ban be 'suspended' for the Festival.

Section 645 of the Local Government Act provides that Council may suspend or cancel an Alcohol Free Zone by publishing notice of this suspension in a newspaper circulating in the area. Should Council approve the suggested suspension, then the suspension will be advertised accordingly.

It would also be beneficial if Council could delegate authority to the Director Environment and Community Services authority to determine whether it is appropriate that the ban be suspended for proposed future community events.

Reports from Director Environment & Community Services

11. ORIGIN: Recreation Services Unit

FILE REF: Noxious Weeds

REPORT TITLE:

Proposal to Declare Weeds as Noxious Weeds

SUMMARY OF REPORT:

Council has received a request from the North Coast Weeds Advisory Committee to consider the proposed declaration of a range of weeds.

RECOMMENDATION:

That Council supports the proposed declaration of the range of weeds as recommended by the North Coast Weeds Advisory Committee in its letter dated 16 March 2001.

Reports from Director Environment & Community Services

REPORT:

Council has received a request from the North Coast Weeds Advisory Committee (FNCAC) to consider the proposed declaration of a range of weeds. The request is reproduced in full below:

Reports from Director Environment & Community Services



Far North Coast Weeds

ABN 26 499 482 176

Swimming Pool Complex, Centre Street (PO Box 238) Casino 2470

Phone (02) 6662 2396

Fax (02) 6662 5511

E-mail fncw@fncw.nsw.gov.au

Your reference:

Our reference:

16/03/01

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

FNCC

TWEED SHIRE COUNCIL
FILE No. NOXIOUS WEEDS
DOCUMENT No. [] [] [] []
RECD 20 MAR 2001
BOX No. [] [] [] []
ASSIGNED TO: BRADLEY S
HARD COPY <input type="checkbox"/> IMAGE <input checked="" type="checkbox"/>

Dear Dr Griffin,

LETTER OF SUPPORT – PROPOSAL TO DECLARE WEEDS AS NOXIOUS WEEDS

The North Coast Weeds Advisory Committee (NCWAC) has endorsed a recommendation of its Environmental Weed Sub-Committee to request the Minister for Agriculture to Declare a range of weeds as noxious weeds.

Before the Minister will consider the request for declaration, we need to show that the declarations are supported by the constituent Councils of NCWAC.

I ask that you consider this request and sign the attached form and return it to me before 20 May 2001.

If your council does not support the declaration of any of the weeds listed, please run a line through it/them.

We do not anticipate that the weeds will be declared this calendar year. Your weeds officers should calculate what Grants should be sought for these weeds for the second half of the 2001-2002 financial year, and include these in their budgets.

It is proposed to declare six of the weeds as W2 noxious weeds and 14 weeds as W4(g) noxious weeds.

W2 category noxious weeds must be *'fully and continuously suppressed and destroyed'*

These six weeds are very invasive, but are not common on the north coast, so there should be little impact on most Councils' budgets. The aim is to eradicate them if feasible, or at least to prevent their spread, while they are at a manageable level.

W4(g) category weeds *'must not be sold, propagated or knowingly distributed'*

These 14 weeds are widespread, but are very invasive. They will continue to spread naturally. The aim of the declaration is to reduce their spread by humans and to raise their profile as problems to the general community.

ENW letter to GMs 3-01

Far North Coast County Council trading as Far North Coast Weeds

NOXIOUS WEED CONTROL AUTHORITY for the Local Government areas of Ballina, Byron, Copmanhurst, Kyogle, Lismore City, Richmond Valley and Tweed

Reports from Director Environment & Community Services

Page 2

Your Council will NOT be required to undertake control measures, therefore, there should be little impact on your budgets. We would encourage you to control them where practical and feasible. Supporting the declarations will not increase your assessment to Far North Coast Weeds. Regional Weed Control Plans have been prepared for all of these species. Copies of the plans are available on request

A number of South East Queensland councils are looking at similar declarations.

If you do not have the delegated authority to support the declaration, I would appreciate it if you could submit this request to your next Council meeting,

Yours faithfully



Bruce Scott
General Manager &
Coordinator – Environmental Weeds Taskforce

The proposed weeds and categories are as follows:

Reports from Director Environment & Community Services

1. Proposal to declare the following weeds as W2 category noxious weeds. This means that occupiers of land will be required to fully and continuously suppress and destroy these weeds on their land.

<i>Schinus terebinthifolia</i>	Broad-Leaved Pepper (Broadleaf Pepper)
<i>Celtis sinensis</i>	Chinese Celtis (Chinese Elm)
<i>Tecoma stans, (Bignonia stans)</i>	Yellow Bells, (Yellow Elder, Tecoma)
<i>Gleditsia triacanthos</i>	Honey Locust
<i>Caesalpinia decapetala</i>	Thorny Poinciana (Mysore Thorn)
<i>Triadica sebera (Sapium sebiferum)</i>	Chinese Tallow

2. Proposal to declare the following weeds as W24(g) category noxious weeds. This means that the weeds cannot be sold, propagated or knowingly distributed.

<i>Anredera cordifolia</i>	Madeira Vine (Lamb's Tail)
<i>Asparagus aethiopicus</i>	Ground Asparagus
<i>Asparagus africanus</i>	Climbing Asparagus
<i>Asparagus plumosus</i>	Asparagus Fern
<i>Cardiospermum grandiflorum</i>	Balloon Vine
<i>Eucalyptus torelliana</i>	Cadaghi
<i>Gloriosa superba</i>	Glory Lily
<i>Ipomoea cairica</i>	Mile-a-Minute (Five leaf Morning Glory)
<i>Ipomoea indica</i>	Blue Morning Glory
<i>Ligustrum lucidum</i>	Large-Leaved Privet
<i>Ligustrum sinense</i>	Small-Leaved Privet.
<i>Macfadyena unguis-cati</i>	Cat's Claw Creeper
<i>Senna pendular var glabrata</i>	Winter Senna
<i>Tradescantia fluminensis</i>	Trad (Wandering Jew)

The W2 category is the category that has potential to impact on landowners as there is an obligation to eradicate the weed. As reported by the FNCAC, the six species proposed for declaration in category W2 are not common on the North Coast and their declaration should have little impact on Council.

Far North Coast Weeds (FNCW) have indicated there is a property at Bilambil containing an infestation of the Broad-leaved Pepper Tree. However, they would not be enforcing the immediate removal of all trees in these instances. Rather, a program of removal would be developed to minimise the impact on the landowners.

The intent of declaring these weeds as W2 weeds is to address their potential before they spread to the scale of other weeds such as Camphor Laurel. Subsequently, it is recommended Council support the proposed declaration of these weeds as W2 category noxious weeds.

The fourteen weeds proposed for declaration in the W4 (g) category are prevalent throughout the Shire. Most Landcare/Dunecare groups and various restoration programs put considerable resources into the control of these weeds. Additionally, it is worthy of note that *Eucalyptus torelliana* (Cadaghi) is listed with these weeds. Council has several hundred of these trees in the

Reports from Director Environment & Community Services

streets and parks within the Shire. Council has considered reports regarding these trees resolving to consider a program of removal and replacement in future budget considerations. FNCW have indicated that was this declared, they would be responsible for their removal from road reserves, removing this burden from Council. With consideration to the above and the fact that landowners are not required to undertake control measures, it is recommended the declaration of these weeds be supported.

Reports from Director Environment & Community Services

12. ORIGIN: Recreation Services Unit

FILE REF: Les Burger Field; 1190.1247

REPORT TITLE:

Licence for Use of Crown Land to Access Les Burger Fields

SUMMARY OF REPORT:

Council has been liaising with the Department of Land & Water Conservation (DLWC) to secure access to the Les Burger Fields via a portion of Crown Land (Figure 1). DLWC has offered Council a licence that is to be executed under Council's Common Seal.

RECOMMENDATION:

That Council accepts the offer of a licence over part of Lot 518 DP 729387 being Licence Number LI329360 to be executed under its Common Seal of Council.

Reports from Director Environment & Community Services

REPORT:

Council has been liaising with the Department of Land and Water Conservation (DLWC) to secure a portion of Crown Land currently utilised for access to the Les Burger Fields and building (Figure 1).

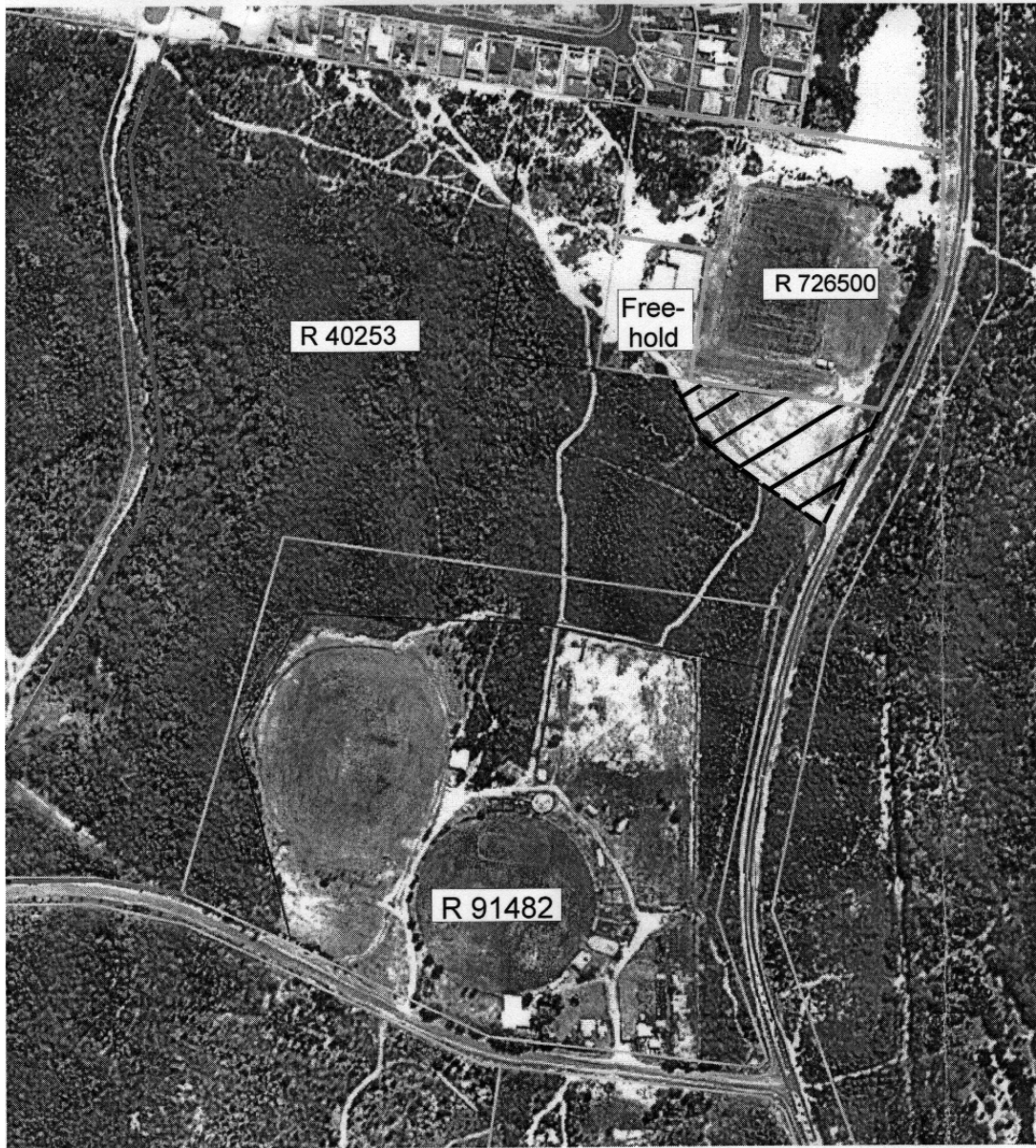
DLWC maintain that the most appropriate means of securing permanent access over this portion of land is to acquire the site under the Land Acquisition (Just Terms Compensation) Act, 1991.

To formalise access in the interim, DLWC have offered Council a two (2) year licence. This licence is to be executed under Council's Common Seal.

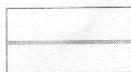
As Development Consent to undertake any works on the building or fields will require an approved access, it is recommended Council accepts the offer of a licence over the subject land to be executed under the Common Seal of Council.

Reports from Director Environment & Community Services

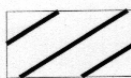
Figure 1



Legend



Existing boundaries



Proposed licenced area



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13. ORIGIN: Director

FILE REF: DA3740/470 Pt1

REPORT TITLE:

Establishment of Multicap Centre at Lot 7 DP 734572 North Arm Road, Murwillumbah

SUMMARY OF REPORT:

Council has previously resolved on 3 November 1999 to contribute \$20,000 towards the costs of subdividing and leasing land at Kyogle Road, Murwillumbah to Multicap for the purposes of an emergency respite and day service facility.

Multicap now proposes to acquire an alternative site at North Arm Road, Murwillumbah and requests Council's contribution of \$20,000 be maintained and used for costs incurred in the transfer of the new site.

RECOMMENDATION:

That :-

1. Council confirms its \$20,000 contribution previously resolved on 3 November 1999 to Multicap, for the purposes of covering legal and ancillary costs associated with the purchase of the new site from the Anglican Church.
2. The request for a refund of the development application fees of \$1125.00 for the North Arm Road site not be agreed to.

Reports from Director Environment & Community Services

REPORT:

The following report was considered by Council at its meeting held 3 November 1999:

“Council is advised that at its meeting on 1 September 1999, it considered a report concerning the proposed Multicap Respite Care Centre for the Shire. A copy of this report appears as an attachment to this business paper.

At that time it resolved:-

‘that Council:-

- 1. Takes all necessary steps to provide the site for Multicap being part of Lot 92 DP 621415 Kyogle Road, Bray Park.*
- 2. Enters into an agreement to the effect that any future sale of the premises will result in a return to Council of the then current market value for the land and the \$20,000 supplied for furniture and fittings and subdivision costs at the then current dollar value.*

The Agreement shall create a Caveatable interest in the land in favour of Council.

- 3. Completes all necessary documentation under the Common Seal of Council.’*

Accordingly, the Multicap Association was advised and has now held a meeting with Council on 26 October.

At that meeting they advised that in relation to the land offer, they would accept a 25 year lease agreement with a further 25 year option with Council for a peppercorn rent and subject to the building, which is to be created on the site, being used for a respite centre or some similar use. This will result in Council retaining ownership of the land and thus making part 2 of the above resolution concerning a caveat unnecessary.

Also at the meeting of 26 October, Multicap representatives agreed that the expenses involved in creating a lease and servicing the land would be funded from the \$20,000 to be supplied by Council, the balance to be supplied when building works commenced.”

At that time Council resolved as follows:

“...that Council:-

- 1. Enters into a 25 year + 25 year Lease for part of Lot 92 DP 621415 Kyogle Road, Bray Park with the Multiple Handicapped Association of Queensland Inc subject to the site being used for an emergency respite and day service facility or similar and seeks Ministerial approval for such a lease.*
- 2. Uses Council’s contribution of \$20,000 to the project to cover the following expenses:*

Reports from Director Environment & Community Services

- a. *Council's costs in sub-dividing and servicing the allotment.*
- b. *Council's costs in preparing the lease.*
- c. *Legal costs incurred by the Multicap Association.*
3. *Pays the balance of the \$20,000 to the Multicap Association at the commencement of building construction for purchase of furniture and fittings.*
4. *Completes all necessary documentation under the Common Seal of Council."*

Development Application No 0068/2001DA was then submitted to Council on 22 January 2001 for subdivision of part Lot 7 DP 734572 North Arm Road, Murwillumbah for this purpose and Development Consent was subsequently issued to Multicap on 7 March 2001.

Advice has now been received from Mr Peter Ward, Multicap, that Multicap proposes to acquire this new site from the Anglican Church, located adjacent to the Moran facility and requesting permission for Council's previously resolved \$20,000 contribution for the Kyogle Road site to be used for similar expenses to those previously approved by Council in Item 2 of Council's resolution of 3 November 1999, on the basis that they are now acquiring other land for this development. As Council has previously resolved to provide the contribution of \$20,000 for this development this request is considered reasonable and is supported.

Subsequently to Mr Wards advice a submission had been received from the Consultants acting for Multicap requesting a refund of the development application fee for the North Arm Road site. If Council agrees to the donation of the \$20,000 referred to in this report then those fees should be paid from those funds. The fees paid in regard to the Development Application comprised of \$620.00 Development Application Fee and \$505.00 Advertising Fee, a total of \$1125.00.

Reports from Director Environment & Community Services

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14. ORIGIN: Environment & Health Services Unit

FILE REF: Bush Fire Brigades; Risk Management

REPORT TITLE:

Tweed Shire Council Bushfire Risk Management Plan

SUMMARY OF REPORT:

The Rural Fires Act 1997 requires the Bush Fire Coordinating Committee (BFCC) to establish a Bush Fire Management Committee (BFMC) in each local government area containing a rural fire district, or fire district with a bush fire risk.

In accordance with Part 3 Division 4 of the Rural Fires Act 1997, the BFMC is to prepare a draft Bush Fire Risk Management Plan for its area of responsibility. The Plan has been prepared by the Tweed Shire Bush Fire Management Committee, in collaboration with consultants Ecograph – Ecological and Geographical Information Systems Consultants and will be distributed at the meeting.

The plan identifies the level of bush fire risk across the Tweed Shire Council area and establishes strategies, which the responsible land managers will implement to manage the bush fire risks identified. The strategies established in the bush fire risk management plan address the bush fire hazard, the vulnerability of assets to fire, the safety of the community and fire fighters, the protection of the land and environment from fire, and recognise that biodiversity can be managed through the application of appropriate fire regimes upon the landscape.

The key outcomes for Council in this process are:

- Significant information that may be utilised in conjunction with the LEP and DCP's.
- Critical information that will assist council officers in determining DA's.
- Assist Council in determining and prioritising Bushfire Mitigation Works.
- Form the foundation for the level of operational planning identified by the Hastings Point Fire.

The plan as per statutory requirements must be placed on public exhibition for a period of 42 days.

RECOMMENDATION:

That Council:-

1. Places the Draft Risk Management Plan on public exhibition in accordance with Appendix 1 – Bush Fire Coordinating Committee Guidelines for the Public IExhibition of Plans (statutory requirement).
2. Receives and notes the following:
 - A. Due to the thoroughness of the process of the methodology utilised, the statutory timeframe for the exhibition is overdue

Reports from Director Environment & Community Services

- B. Council managers review the plan in detail during the review period with the view to:
 - a. Provide to Tweed Bush Fire Management Committee recommendations for any changes to the Plan
 - b. Report by Council's Strategic Planning Unit on the implications of the Risk Management Plan for Council's planning process.

Reports from Director Environment & Community Services

REPORT:

The Rural Fires Act 1997 requires the Bush Fire Coordinating Committee (BFCC) to establish A Bush Fire Management Committee (BFMC) in each local government area containing a rural fire district, or fire district with a bush fire risk. One role of the BFMC is to prepare a draft Bush Fire Risk Management Plan for its area of responsibility.

Bush Fire Risk is defined as the chance of a bush fire igniting, spreading and causing damage to assets of value to the community. Assets of value to the community include life, property (including buildings, stock, crops and forests) and our natural and cultural heritage.

Bush Fire Risk Management involves identifying the level of risk posed by bush fires to assets and establishing strategies to protect these assets from the adverse effects of bush fires. The purpose of bush fire risk management is to protect the community and its values from the adverse affects of wildfire. The outcome sought, is to achieve better integration of community preparedness and prevention strategies as key elements of bush fire management.

This bush fire risk management plan (BFRMP) has been prepared by the Tweed Shire Bush Fire Management Committee in accordance with the Rural Fires Act 1997. It should be emphasised that Tweed Shire Council has shown key leadership in this process. Council allocated \$60,000 in 99/00 budget to contract consultants Ecograph to map the process and furbish the GIS data to Council in digital format. Further information was provided by government agencies represented on the BFMC.

The Tweed Shire Bush Fire Management Committee comprises representatives of major land management agencies Tweed Shire Council, National Parks and Wildlife Service, State Forests NSW, Rail Service Authority, NorthPower, NSW Police Service, NSW Rural Fire Service, NSW Fire Brigades, Department of Land and Water Conservation, National Farmers Federation, Nature Conservation Council, volunteer brigade members, fire fighting authorities, and community representatives.

The plan identifies the level of bush fire risk across the Tweed Shire Council area and establishes strategies, which the responsible land managers will implement to manage the bush fire risks identified. The strategies established in the bush fire risk management plan address the bush fire hazard, the vulnerability of assets to fire, the safety of the community and fire fighters, the protection of the land and environment from fire, and recognise that biodiversity can be managed through the application of appropriate fire regimes upon the landscape.

The key outcomes for Council in this process are:

- Significant information that may be utilised in conjunction with the LEP and DCP's.
- Critical information that will assist council officers in determining DA's.
- Assist Council in determining and prioritising Bushfire Mitigation Works.
- Form the foundation for the level of operational planning identified by the Hastings Point Fire.

In accordance with the Regulations to the Rural Fires Act 1997, the draft bush fire risk management plan will be exhibited for a period of not less than 42 days during which time submissions are

Reports from Director Environment & Community Services

invited from the public. As such, members of the public, whether as private individuals or as members of community interest groups are invited to comment on the plan. Submissions should be in writing, and as detailed and specific as possible; however any comments, no matter how brief or general are welcome. All comments received will be referred to the Bush Fire Co-ordinating Committee with the plan for their final deliberation and approval.

Council officers will be able to review the plan in detail during the exhibition process.

Prior to finalising the plan, the Bush Fire Management Committee is required to consider the submissions to plan and prepare a review for consideration by the Bush Fire Co-ordinating Committee. Under the Act, the Bush Fire Co-ordinating Committee may approve the plan, amend the plan or reject the plan in the light of public submissions.

If significant changes are made to the plan after public exhibition, the draft plan will be placed on further exhibition prior to its final adoption.

A copy of the Management Plan will be distributed at the meeting.

Reports from Director Environment & Community Services

APPENDIX 1

Bush Fire Coordinating Committee Guidelines for the Public Exhibition of Plans

Introduction

- 1.1 Prior to exhibiting the draft bush fire risk management plan the Bush Fire Management Committee must satisfy the requirements set out in the "Bush Fire Co-ordinating Committee Policy on the Preparation of Bush Fire Risk Management Plans".

Exhibition - location

- 2.1 During the period of exhibition the draft bush fire risk management plan should be located so as to optimise public access to view the document.
- a) Exhibition at the Council Chambers or Rural Fire Service Fire Control is a compulsory requirement. Copies of the draft plan can be obtained at no cost from this location.
 - b) The following optional locations are also recommended for exhibiting the draft bush fire risk management plan:
 - Public libraries within the local government area(s)
 - Council Chambers or NSW Rural Fire Service Fire Control Centre (where not the main exhibition area)
 - NSW Fire Brigades stations
 - National Parks and Wildlife Service and State Forests offices within the area.
 - c) the web page or internet address of the Council concerned.

Exhibition - Duration

- 3.1 The draft bush fire risk management plan will be exhibited for a period of not less than 42 days.
- 3.2 The Bush Fire Management Committee may extend the period of exhibition because of school holidays or other circumstances which may decrease the opportunity for public involvement in the bush fire risk management planning process. As a guide, this should not exceed 60 days.

Exhibition - notification

- 4.1 A Bush Fire Management Committee will need to notify members of the public of the intent to exhibit the draft bush fire risk management plan.
- 4.2 The public notification should use both the print media and where possible, local electronic media (see 4.6 below) and the internet.

Reports from Director Environment & Community Services

- 4.3 The print media chosen to notify the public, must cover the area for which the plan has been prepared. If a local, or several local print media do not cover the plan area, a major print media (eg The Land, daily newspapers) should be used for the notification process.
- 4.4 Print media notification should occur at least once immediately prior to the exhibition period and one further time simultaneously with the exhibition period preferably about one to two weeks after exhibition starts.
- 4.5 The print media notification shall contain the following information:
- Title of the plan and a note of the intent to publicly exhibit the plan for community comment
 - Dates from when the exhibition period starts and stops
 - Location of the places at which the draft plan will be exhibited
 - Times for which the exhibition will be open (may be different for different locations)
 - Means or location from which a copy of the plan may be obtained
 - Note of the intent that the plan can be viewed at the place of exhibition
 - Name and Address of person who is to receive any submissions to the draft plan
 - Closing date for submissions.
- 4.6 The Bush Fire Management Committee should prepare a media release for distribution to local print and electronic media, with the Chairperson as nominated contact officer.
- 4.7 A copy of the draft bush fire risk management plan should be distributed to the following places, persons or organisations:
- a) Each member of the Bush Fire Management Committee
 - b) Each location for which notification has been made of it being viewed during the exhibition period
 - c) Each adjoining Bush Fire Management Committee
 - d) Each local NSW Rural Fire Service brigade
 - e) 1 copy to Planning Services Section (NSW Rural Fire Service)
 - f) 1 copy to Bushfire/Rescue Section (NSW Fire Brigades).
 - g) 1 copy to Fire Management Unit, Park Operations (National Parks and Wildlife Service)
 - h) 1 copy to Fire Management Branch (State Forests)
 - i) a copy to each of the following if that organisation is not represented on the Bush Fire Management Committee
 - the head office of the Nature Conservation Council of NSW
 - the head office of the NSW Farmers Federation
 - the head office of the Local Government and Shires Associations
 - the office of the local Aboriginal Land Council(s) in the area covered by the plan.

Supporting documentation

- 5.1 During the period of exhibition, the following supporting documentation should be available for viewing on request at the main exhibition area (ie Council Chambers or Rural Fire Service Fire Control):

Reports from Director Environment & Community Services

- The plan of operations (less any contact lists)
- Displan
- Any Mutual Aid Agreement
- The bush fire risk management study where this is available
- The Memorandum of Understanding between the NSW Rural Fire Service and NSW Fire Brigades
- A copy of the Rural Fires Act 1997 and Regs
- A copy of the Guidelines for the Preparation of Bush Fire Risk Management Plans.
- Bush Fire Co-ordinating Committee Policies on the Preparation of Bush Fire Risk Management Plans and Bush Fire Risk Management Planning.

Printing of the Plan.

- 6.1 The Bush Fire Management Committee should ensure a minimum print run of 60 draft bush fire risk management plans in the first instance. These should be in black and white other than key maps which may be printed in colour. Additional copies may be required if it is anticipated that the plan will be contentious.

Receipt and Acknowledgement of Submissions

- 7.1 During the period of exhibition, the Executive Officer of the Bush Fire Management Committee will receive all written submissions made by interested parties.
- 7.2 Submissions should be in writing.
- 7.3 Submissions received during the exhibition period should be properly registered, filed and indexed so that individual submissions can be referred to at a later date. The register should indicate the name of the person/organisation and the date received.
- 7.4 The Bush Fire Risk Management Planning Sub-committee will review the submissions for consideration by the Bush Fire Management Committee.
- 7.5 Details of submissions must be submitted to the Bush Fire Management Committee with the revised draft bush fire risk management plan.
- 7.6 Individual submissions are to be available for viewing by members of the Bush Fire Management Committee.
- 7.7 A form letter acknowledging receipt of the submission and outlining the review process, should be sent in reply. (See Appendix 1).

Review of Submissions and Plan Adoption

- 8.1 A consideration and 'review of submissions' must be completed by Bush Fire Management Committee and submitted with the recommended plan to the Bush Fire Co-ordinating Committee.

Reports from Director Environment & Community Services

- 8.2 The 'review of submissions' should follow the format provided in Appendix 2. This will be available for viewing (other than names and addresses) by any member of the public or organisation upon request through the Executive Officer. A copy of all submissions or representations to the plan will be forwarded to the Bush Fire Co-ordinating Committee with the 'review of submissions'.
- 8.3 Where the exhibition of the bush fire risk management plan has resulted in amendments, the Bush Fire Management Committee should consider whether these amendments are substantial in nature. In determining whether amendments are substantial, the Bush Fire Management Committee should consider whether the submissions warrant a significant change in the extent and character of the strategies to be adopted by the plan.
- 8.4 Where the Bush Fire Management Committee considers that the changes are substantial in nature, the draft plan, as amended, should be re-exhibited in accordance with this guideline.
- 8.5 Resolution to recommend adoption, amendment or re-exhibition of the plan should only be made at a formal meeting of the Bush Fire Management Committee and in accordance with the Bush Fire Coordinating Committee Guidelines on Bush Fire Management Committees (sections relevant to the conduct of the meeting).
-



Dr J Griffin
General Manager

Reports from Committees/Working Groups

1. **Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 8 March 2001**

Dune care

VENUE:

Pottsville Environment Centre

TIME:

5.00pm

PRESENT:

Committee Members: Cr Max Boyd, Cr Henry James, Gary Thorpe (Hastings Point), Len Greer (Pottsville), Janette Davidson (Cabarita), Kate McKenzie (Land Care Coordinator), Mr Rodney Keever

Informal: Jeff Thomas (National Parks), Valerie Millington (Hastings Point), & Blyth Short (Recorder)

APOLOGIES:

Stewart Brawley, Frank McLeod, Kay Bolton (Fingal)

MINUTES OF PREVIOUS MEETING:

Moved: Len Greer

Seconded: Rodney Keever

RESOLVED that the Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 25 January 2001 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

7. **Bush Fires, Hastings Point**

Dune Care

Due to the Senior Fire Controls ill health this item will be postponed until a convenient time later in the year. Council staff are currently working on maps for the Fire Management Plan.

Reports from Committees/Working Groups

The budget for the implementation of the management plan will need to be considered by Council.

1. Aspect North - Casuarina Dune Management Plan Committee

Casuarina Beach Dune Management Plan

Committee advised of Council resolution date 7 February 2001. Cr Marshall to represent the Dune Care Committee.

The members discussed this decision by Council and chose not to nominate any other members as they all unanimously agreed that Cr James and Rhonda Marshall were the ideal representatives for the Dune Care members.

2. Sand Bypass Advisory Committee

Sand Bypass – Advisory Committee

R Keever reported that commissioning commenced one week ago and that the Sand Bypass Advisory Committee meets fortnightly. Currently Duranbah is experiencing high erosion problems due to high tides and heavy wave action in the southern corner. The first priority should be to pump sand back onto this section of the beach to prevent further erosion of the dunal areas. This work is currently at least one month away.

Moved: Gary Thorpe

Seconded: Kate McKenzie

RECOMMENDATION:

That Council takes immediate action to protect Council assets at Duranbah Beach by ensuring this section of beach receives high priority through the Sand Bypass Advisory Committee.

3. Vandalism of Bollards

R Keever handed out Safety Data Sheets for bollards (treated timber) to all members present.

4. Green Corps Team

Gary Thorpe and Kate McKenzie have discussed with the team where they will be working and what areas is a high priority.

Reports from Committees/Working Groups

CORRESPONDENCE:

1. Cabarita Beach Dune Care Report

Dune Care

An updated report of the groups working activities has been forwarded to Council for their records. Included in this is a brief summary of the dune care sub-groups work areas and total hours worked to date.

The committee discussed the importance of each dune care's documented activities. Ideally this should be maintained on a regular basis and forwarded to Council in May and November of each year so Council staff can collate this information and format a combined Dune Care Report to inform Councillors of the valuable work which voluntary Dune Care Groups participate in throughout the year.

2. Environmental Trust Grant Application

Environmental Trust Grants

Restoration of degraded remnant littoral rainforest at Hastings Point, grant application was unsuccessful.

GENERAL BUSINESS:

3. Cudgen Nature Reserve

Committee advised of the Council resolution 7 February 2001, which stated that Council seeks discussion with the Minister for the Environment with a view to the Minister transferring care and control of the Cudgen Nature Reserve to the Tweed Reserves Trust.

H James advised committee of current work activities in the lake to date, which have involved weed removal, fire hazard reduction on adjoining boundaries and day to day maintenance.

Fingal Dune Care Representative

Fingal Head Dune Care & Reafforestation Group Inc

K McKenzie advised committee that John Gillieatt would no longer be able to represent Fingal Dune Care due to ill health. Kay Bolton has been nominated to fill this position. Written confirmation will be forwarded prior to the next meeting.

Reports from Committees/Working Groups

1. National Parks and Wild Life Services (NPWS) – Bitou Bush Presentation

Mr Jeff Thomas (NPWS) informed the committee of the Draft NSW Bitou Bush Strategy. He advised the committee that there are funds available through the National Heritage Trust (NHT) for the removal of bitou bush, and applications close 31 March 2001.

Mr Thomas presented the committee with maps detailing the distribution of bitou bush along the Tweed Coastal Foreshore. The Far North Coast County Council have more extensive maps. The long-term goal for National Parks is to eradicate bitou bush altogether in the northern containment zone. This goal can only be achieved with the support of Dune Care and Local Councils.

Centrelink is in the process of pursuing ideas of volunteers training and working on projects in the high conservation areas such as SEPP 26.

There are opportunities to receive funding through NHT for both paid and volunteer workers.

The committee discussed options available and all members agreed to meet on 13 March 2001 at the Pottsville Environment Centre at 5pm to discuss the application further.

NEXT MEETING:

The next meeting of the Tweed Dune Care Advisory Committee will be held 10 May 2001.

The meeting closed at 7.00 pm

Director's Comments:

Endorsed.

DIRECTOR'S RECOMMENDATIONS:

2. Sand Bypass Advisory Committee

Sand Bypass – Advisory Committee

Committee Recommendation:

That Council takes immediate action to protect Council assets at Duranbah Beach by ensuring this section of beach receives high priority through the Sand Bypass Advisory Committee.

Director's Recommendation:

Protocols have been established for the direction of sand onto Duranbah and southern Gold Coast beaches. It is recommended that Council request the Sand Bypass Advisory Committee be aware of Councils concern relating to the present condition of Duranbah Beach.

Reports from Committees/Working Groups

Reports from Committees/Working Groups

2. Minutes of the Local Traffic Committee Meeting held Friday 16 March 2001

Traffic Committee

VENUE:

Oxley Room

TIME:

Commencing at 9.00am.

PRESENT:

Committee Members: Cr George Davidson; Tweed Shire Council; Mike Baldwin, Roads and Traffic Authority; Snr Constable Chris Ryan, NSW Police; Mr Neville Newell, MP, Member for Tweed.

Informal: Chairman: Mr Paul Morgan, Mr Ray Clark and Judith Finch Tweed Shire Council.

APOLOGIES:

Mr Don Page MP, Member for Ballina.

MINUTES OF PREVIOUS MEETING:

RESOLVED that the Minutes of the Local Traffic Committee Meeting held Thursday 1 February 2001 were tabled at the meeting and accepted by the Committee as a true and accurate record of the proceedings.

BUSINESS ARISING:

GT2/1 Pt3 451

4. Tumbulgum Road, Tumbulgum

R5570 DW586984

Request received for reconsideration to be given to a request to lower the speed limit on Tumbulgum Road to 60kph. Reference is made to correspondence dated 8 September 1999 in connection with a recommendation from the Local Traffic Committee meeting held on 19 August 1999.

The Minute (item 4) is reproduced as follows:-

“Request received to extend the 60kph zone about 300m north of the existing 60kph zone.

It was noted that there were 75kph advisory signs. The RTA Representative did not support extension of the 60kph zone. Accordingly the Local Traffic Committee does not support the reduction to 60kph as the surrounding road environment does not reinforce a lower speed limit.

RECOMMENDATION:

Reports from Committees/Working Groups

That the applicant be advised that:

- 1. The extension of the 60kph speed zone on Tumbulgum Road about 300m north of the existing 60kph speed zone is not supported by the Local Traffic Committee as the surrounding road environment does not reinforce a lower speed limit and does not comply with RTA Policy.*
- 2. A Council officer is available on site to discuss this issue with the owner, if required."*

It was noted that the surrounding area is a rural area and not conducive to a 60kph speed zone. The possibility of driveway signage was discussed. Members were concerned that moving the 60kph zone would create a false sense of security as the speed environment would result in drivers travelling at higher speeds. The safest option is for the driveway to be relocated on Tumbulgum Road to an area of better sight distance.

RECOMMENDATION:

1. The extension of the 60kph speed zone on Tumbulgum Road about 300m north of the existing 60kph speed zone is not supported by the Local Traffic Committee as the surrounding road environment does not reinforce a lower speed limit and does not comply with RTA Policy.
2. A Council officer is available to meet on site to discuss this issue with the owner, if required.

2. Murwillumbah Street, Murwillumbah

R3640 DW560621

The following item is brought forward from the Local Traffic Committee meeting held 22 September 2000 (Item 2):-

"Request received for a 10 minute "Loading Zone" in front of "Sew What" as since the streetscaping and change of bus zone shop owners are finding it difficult to receive and load deliveries.

Also buses are not pulling into the stop completely and are making it difficult for car drivers to drive through past a parked bus.

Representatives from Wrights Dry Cleaners and the Music Shop in The Plaza addressed the Committee.

The problems being encountered by them using the new "No Parking" zone in Queensland Road some 25 metres further away were that it was difficult receiving dry cleaning deliveries as they are at times very heavy and when it rains it would be an added problem as the dry cleaning needs to be kept dry. During times of rain it was stated that the only

Reports from Committees/Working Groups

alternative to receive deliveries would be to drive on the footpath. It was noted that the shops in this location do not have rear access.

The music shop owner stated that he had heavy musical items which were picked up and delivered. He noted that the "No Standing" zone previously allowed delivery people to park there. Now that it is around the corner they can't get the trucks in as easily because it is only one spot and is around the corner. It is claimed that this is impractical to use. He also stated that Sew What Sewing has a lot of sewing machine repairs and it is difficult for people to carry sewing machines longer distances.

It was stated that previously bus drivers could go around the clock safely if done correctly, however it was common for buses to reverse over the pedestrian crossing, which is illegal and unsafe. The Committee was advised that there are only 6 Kirklands buses in the day time and 8 buses in a 24 hour period. It was requested of the Committee if there was a possibility of it being a bus zone only between certain times. Logistical problems with this were not practical and it was pointed out that the bus zone is used for town bus services as well.

It was also claimed that the buses are not on occasions pulling into the spot correctly and when this happens it is difficult for traffic to get through.

Allowing vehicles to drive into the plaza was discussed. At the time of renting the shops it was noted that there was a "Loading Zone" outside. Concerns were raised that the emphasis on beautification of Murwillumbah and placement of shrubs and trees may not be correct if inconvenience and parking for shoppers was in conflict.

Mr McAllister advised that the bus zone was moved because of an illegal situation which had to be dealt with and was not a reduction in parking but a rearrangement. He stated that everything done in Main St is a balance of prosperity, safety and beauty for the businesses. The Chairperson advised that buses reversing over the pedestrian crossing was the main issue and very dangerous and the request to move the bus zone was from the local bus operators to improve the efficiency of public transport to make it more attractive to existing and potential patrons.

It was asked if the pedestrian crossing could have been made safer and if it was necessary that the pedestrian crossing be at that point. The Chairperson advised that it was a matter of convenience for people and statutory limitations have to be adhered to in the provision of a pedestrian crossing.

Reassessment of the bus situation was requested by the shop owners so that the access is not available to the buses all of the time.

The applicants left the meeting.

Mr McAllister left the meeting.

To enable easier access to businesses for deliveries, the possibility of Kirklands being relocated to the Rainforest Centre was discussed. It was unanimously agreed that Council

Reports from Committees/Working Groups

should negotiate with Tweed Valley Travel Centre and Kirklands regarding the relocation of the Kirklands bus service operations to the Rainforest Information Centre to enable the town bus to utilise the Queen Street "No Parking" zone and allow a "Loading Zone" to be reinstated in the current bus zone on Murwillumbah Street. This would also have the advantage of moving heavy buses travelling through the commercial area, which is seen as a conflict of land use and a cause of delay for the Kirklands services.

RECOMMENDATION:

That Council negotiate with Tweed Valley Travel Centre and Kirklands regarding the relocation of the Kirklands bus service operations to the Rainforest Information Centre."

At the meeting held on the 20 October 2000 Local Traffic Committee was informed that Council endorsed the following (Item 2):-

"Council believes that this is not an option and has recommended the following:-

"That Council does not pursue the possible relocation of the Kirklands bus service operations to the Rainforest Information Centre."

The Committee decided to investigate the possibility of obtaining a space for a 'no parking' zone nearer the crossing in Murwillumbah Street.

For Council's information."

This item is brought forward for further consideration as it has been reported that buses are reversing into the space in front of the dry cleaners and that it may be easier if a 'glide-in' bus stop is located at the front of the Police Station / Court House with the reinstatement of the loading zone at the present bus stop.

The Committee noted that the proposal to relocate the bus zone to out the front of the Police Station would only create a new set of problems relating to the travel agent and bus patrons and further reduce on street car parking spaces and did not support such a move. The Committee considers the existing situation to be satisfactory.

For Council's information.

21. Clothiers Creek Road

R1160

At the meeting held on 22 September 2000 the following (item 21) was discussed:-

"Late item. Cr Davidson queried if trucks could use Clothiers Creek Road to the extent that they are now. It was noted that they could and the Chairperson advised that it is a concern as all semi-trailers crossing the range cross the double centre lines up to 30 times each. Cr Marshall stated that this is illegal and should be stopped as soon as possible.

Reports from Committees/Working Groups

The Chairperson advised that the cane industry will resist the move but with increasing traffic volumes on Clothiers Creek Road it is becoming a serious safety issue. It was noted that this is being assessed as it will worsen when the motorway opens and increase the rate of accidents. The Police Representative concurred with this.

This item will be listed on the December Agenda.

For Council's information."

At the meeting held on the 1 February 2001 the matter was brought forward as follows:-

"Cr Marshall requested that this issue be handled as quickly as possible. Deferred to March meeting to enable traffic survey data to be collected.

For Council's information."

The Chairman advised that there are two issues, being speed limits and semi trailers that are unable to negotiate bends on the Condong Range safely without crossing the double centre lines.

The Committee noted that the main users are semi trailers servicing the cane industry and other isolated usage. However a safe alternative route utilising the Coast Road is available. Figures were tabled indicating approximately 64 semi trailer trips per day travel over the range during the cane crush season. It was noted that traffic will potentially increase with the new motorway and new development on the coastal strip. The attractiveness of the new motorway for semi trailers servicing the cane industry in the Reserve Creek area was noted with the potential to further increase the number of semi trailers utilising Clothiers Creek Road with the resultant risk to motorists increasing.

The possibility of putting a weight or length limit between Norths Lane and Raven Place was discussed. It was unanimously decided that a 14.5 tonne load limit should apply provided local bus operators are not adversely affected and appropriate signage erected at each end of Clothiers Creek Road.

Speed limits on Clothiers Creek Road were discussed. Speed survey results were tabled and discussed and it was noted that the only section of Clothiers Creek Road without an 80kph zone is between Norths Lane and Tanglewood Drive.

The RTA Representative suggested that an assessment be performed by the RTA on the remaining road and did not support an 80kph speed limit for the whole of Clothiers Creek Road.

The Committee members supported an 80kph zone on the whole length of Clothiers Creek Road with the exception of the RTA representative who opposed the reduction. The RTA representative undertook to undertake a formal review in accordance with RTA policy and reported to the Local Traffic Committee when available.

Mr Neville Newell stated that he believed an 80kph speed limit should be applied over the whole section.

Reports from Committees/Working Groups

Cr Davidson stated that he strongly held the view that the whole of Clothiers Creek Road should be limited to 80kph.

The Police Representative suggested that 80kph should be applied and another 85th percentile speed survey taken to gauge community compliance with the proposed lower speed limit.

However, it was unanimously agreed by the Committee that the 80kph limit be extended to approximately 100m east of Raven Place to cover the Condong Range section of Clothiers Creek Road, whilst the limit on the remainder of the road is being investigated.

RECOMMENDATION:

That:-

1. A 14.5 tonne load limit be applied on Clothiers Creek Road between Norths Lane and Raven Place and that local bus operators be approached to ensure their vehicles do not exceed this limit.
2. The current 80kph speed limit on Clothiers Creek Road be extended from Norths Lane to approximately 100m east of Raven Place.

1. Cudgen Road Intersection with Pacific Highway

R1460

At the meeting held on 1 February 2001 the following (item 1 was discussed):-

“Request received for the provision of a “Stop” sign at the intersection of Cudgen Road with the Pacific Highway.

Neville Newell arrived at 9:15am.

The Committee noted that vehicles turning right from Cudgen Road seemed to have problems doing so in a safe manner. The RTA Representative undertook to measure sight distance at this location, take action as required and report back to the next meeting.

For Council’s information.”

The RTA have advised that they are installing a “Give Way” sign and associated linemarking at the intersection of Cudgen Road with the Pacific Highway.

For Council’s information.

9. Chinderah Bypass Service Station DA

PF5400/442 Pt2 260

The following item is reproduced from the minutes of the Local Traffic Committee meeting held on 23 July 1998 and is brought up for further discussion:-

Reports from Committees/Working Groups

“Late item by Mr Don Beck. Mr Beck reported that he was concerned with the approval of this Development Application as there appear to be problems with semi-trailers coming out accelerating in a left turn lane and requested that it should be called up to the Local Traffic Committee to look at. Mr Beck was advised that the development application was referred to the Regional Traffic Committee to comment on as determined by S.E.P.P. 11 and that it did not need to go to the Local Traffic Committee. The Police Representative reported that at the Regional Traffic Committee all safety aspects and issues were looked and that the location met all requirements. The RTA Representative stated that the RTA requested that the deceleration lanes be increased and the proposal was redesigned to accommodate this.

For Council's information.”

At the meeting held on 1 February 2001 (item 9) the following was discussed:

“Cr Marshall advised that she had received correspondence on this issue and queried why this matter was not put to the Local Traffic Committee at the time.

The RTA representative advised that the plans had been submitted to the Regional Traffic Committee again as the internal layout had been changed.

Cr Marshall left a copy of the correspondence from Mark Stirling with the RTA Representative and Local Traffic Committee for further discussion at the next Local Traffic Committee meeting.

For Council's information.”

The RTA Representative advised that the Regional Traffic Committee had approved changes as commented on the revised DA and it would appear that all issues are minor and can be easily rectified.

For Council's information.

14. Wollumbin Street, Murwillumbah

R5940

At the meeting held on 1 February 2001 (item 14) the following was discussed:-

“Late item. Cr Marshall asked the RTA Representative what the status is regarding the provision of traffic lights at this location.

Decided that this matter should be brought forward to the next meeting.

For Council's information.”

The Chairman advised that the counts meet the warrants for pedestrian crossing traffic lights. It was noted that the worst traffic congestion occurs from school finishing time to around 4.30pm and there would be a high likelihood that some people would not use the proposed

Reports from Committees/Working Groups

signals outside of these hours. Many pedestrians do not use the zebra crossing and they may not wait for the walk cycle. Therefore pedestrian fencing would need to be erected on both sides of the road from the roundabout to the crossing. This would mean the loss of approximately 7 car spaces due to the proposed fencing and no-stopping zones.

It was noted that there is a pedestrian accident record history in the vicinity and it is one of the busiest pedestrian crossing in the shire. Traffic signals are likely to cause more congestion in Brisbane and Wollumbin Streets as traffic queues would extend on Wollumbin Street through the roundabout. The possibility of an overpass into Sunnyside for pedestrians was raised by Mr Newell. The Chairman advised that from enquiries made to the RTA, the cost of the pedestrian lights would be \$60,000 plus \$1,500 per year for maintenance costs and that maybe other alternatives should be assessed. The Committee noted that it may be a better option to replace the roundabout with signals that would control both pedestrians and traffic in a more efficient manner than pedestrian signals so close to the roundabout. The RTA Representative advised that such traffic lights cost about \$120,000 with maintenance of about \$10,000 per year, on average.

The Committee noted that as the worst congestion really only applied during the after school period that the best option at this stage, given the significant costs that would be incurred by Council, was to leave the current situation as it is and further monitor the area.

For Council's information.

15. Budd Park Toilets – Alma Street

R80

At the meeting held on 1 February 2001 (item 15) the following was discussed:-

“Late item tabled by Cr Marshall asking for information on why people are allowed to stop in the “No Stopping” zone outside the toilets in Budd Park on Alma Street. Cr Marshall requested lines on the road to ensure people did not stop.

Decided that the matter be referred to Engineering Services for investigation and review of the signage.

For Council's information.”

The Chairman advised that on inspection it was noted that the signs were covered by overhanging trees and branches which have now been lopped making the signs clearly visible.

For Council's information.

5. Murwillumbah South Infants School

R4031 Pt513 DW579058

At the meeting held on 14 December 2000 (item 5) the following was discussed:-

Reports from Committees/Working Groups

“Request received for the provision of a 40kph school zone on the Pacific Highway. It is reported that some students live at the Greenhills Caravan Park and access the school via the highway. There is no pedestrian crossing between the school and caravan park, making it difficult for students to cross the highway.

It has been advised that the Pacific Highway bus stop is used on excursions as there is a student with a disability in a wheelchair and the bus stop in River Street does not have wheelchair access.

As the request is for works on the Pacific Highway it is an issue for the Roads & Traffic Authority. The Committee suggested the matter be referred to the RTA for action.

RECOMMENDATION:

That the applicant be advised that the matter has been referred to the RTA for action.”

The RTA Representative advised that the provision of a school zone on the highway is not warranted and that the issue of wheelchair accessibility on River Street for students is a matter for the Department of Education, not the RTA.

The Chairman advised that the provision of a wheelchair ramp could be organised under the Safer Routes to School Program and a footpath is proposed under the Footpath Program in the next financial year, which will extend through the school to the Highway.

For Council’s information.

23. Lindisfarne School, Mahers Lane

R3260

At the meeting held on 17 November 2000 (business arising Item 23) the following was discussed and it is now brought forward for further resolution:-

“At the meeting held 22 September 2000 (item 23) the following was discussed and is now brought forward for further discussion:-

“Late item tabled by Paul Morgan. The Chairperson advised that Lindisfarne School has written to Surfside Buslines stating that they do not want non-Lindisfarne students waiting at that location for other buses. It was noted that this is on private property.

A bus zone will need to be placed outside on the opposite side of the road and then negotiate with the school later for a more sensible arrangement. It was noted that there is legislation that can be used for “public use” of private land, or easements could be used to remove the concern of the School over liability issues.

It was suggested by Cr Marshall that Council contact Lindisfarne School to start negotiations. It was noted that in a week’s time, when school returns, a bus zone is required and a temporary bus zone can be installed whilst discussions with the School are undertaken.

Reports from Committees/Working Groups

RECOMMENDATION:

That

- 1. That a temporary school bus zone be installed on Mahers Lane opposite the entrance driveway.*
- 2. Council staff discuss ways of resolving the perceived liability problem with Ms Peta Smith, Principal of Lindisfarne School."*

The Road Safety Officer tabled a letter of complaint regarding the new bus zone from Mr & Mrs Maxwell dated 14 November 2000, DW NO. 576434.

Mr Steve Willis from Surfside Buslines joined the meeting.

Mr Willis advised that at present the situation of buses waiting for transfers for children is unsatisfactory. The previous practice of children using the school grounds to wait was much safer. When buses park on Mahers Lane they obstruct traffic going into the school and sometimes buses have to reverse on leaving the new bus zone location to turn into the school. He advised that the more common sense approach would be to return to picking up and dropping off in the school area.

The Road Safety Officer advised that on speaking with the Principal he was informed that the school do not see it as their responsibility to have children not attending their school waiting for buses on their premises and that their primary concern is for children from their school. Currently there are up to 22 children standing on the footpath on Mahers Lane.

The Committee requested that the Road Safety Officer meet with the Principal to discuss the recommendation/resolution.

RECOMMENDATION:

That

- 1. A meeting be set up between Council officers and the School Principal in an attempt to have the bus interchange re-established on the Lindisfarne side and failing agreement from the principal:-*
- 2. A school bus zone be installed on the western side of Mahers Lane between the entry and exit driveways and located so as to minimise disruption to turning traffic. This work would include relocation of signage, centre line markings and the provision of a bus shelter."*

The Road Safety Officer advised that a meeting was held with the Principal and Surfside Buslines and that it had been agreed that buses will pull into the stop and the children transferring to other buses will wait on the bus for the next bus to arrive before getting off.

The Committee noted that the temporary bus stop on Mahers Lane can now be removed.

For Council's information

Reports from Committees/Working Groups

5. Adelaide Street, Tweed Heads

R0030 DW593126

At the meeting held on 22 October 1999 (item 5) the following was discussed:-

- “1. Several requests received for parking restrictions near the intersection of Adelaide Street and Charles Street, Tweed Heads as it creates a hazard for pedestrians and motorists. The committee noted that the new road rules precluded parking on footpaths.
2. On part of Charles Street between Adelaide Street and Margaret Street, vehicles are parked on both sides of Charles Street, creating a hazard for pedestrians and motorists. Request to consider limiting parking to one side of the road only. The Chairman reported that there are double centre lines and it is a really steep section.
3. The request to consider parking on one side of Charles Street only is not supported as there is sufficient width for a car to pass parked vehicles and that the major obstruction to pedestrians is vehicles parked on the footpath which will become illegal when the Australian Road Rules are adopted in December. This will then force these vehicles to park on the road allowing pedestrians to walk along the footpath.

RECOMMENDATION:

That:-

1. “No Stopping” signs be provided adjacent to the double centre lines at the Charles Street Adelaide Street intersection.
2. “No Stopping” signs be provided in Charles Street adjacent to double centre lines between Margaret Street and Adelaide Street.
3. The parking restrictions requested in Charles Street are not supported.”

A further request has now been received for a safety audit on Adelaide Street between Steep and Florence Streets. Concern has been raised that with the redevelopment of properties the road is dangerous for users due to cars being parked on crests/curves, often on both sides of the road.

A suggestion has been received that provision of “No Parking/Stopping” signs on one side of the road could assist the situation.

The Road Safety Officer reported on a safety audit that showed that:-

- double centre lines cannot be used as the roadway is too narrow.
- traffic volumes have not increased substantially and current volumes are acceptable for a local road.

Reports from Committees/Working Groups

- road alignment is clearly identifiable.
- existing road users are primarily local traffic, which is low in volume.
- A 50kph speed limit applies to Adelaide Street.

Based on the above assessment the Committee feels that no action is required in this regard. The matter of cleaning the gutter crossovers is being referred to the Manager of Works.

For Council's information.

Part A

GENERAL BUSINESS:

1. Kennedy Drive, Tweed Heads

R2830 DW571823

Request received for "No Stopping" or "No Parking" signs on Kennedy Drive opposite to and on the same side of the Pyramid Caravan Park. This is to enable vehicles heading west to pass vehicles turning right into the caravan park.

The Chairman advised that this is a busy driveway carrying as much traffic as many other side roads along Kennedy Drive. The Committee agreed that a "No Parking" zone along Kennedy Drive about 30m long should be provided on the southern side of Kennedy Drive opposite the Caravan Park access road.

RECOMMENDATION:

That a "No Parking" zone be installed on the southern side of Kennedy Drive opposite the Pyramid Caravan Park access road.

2. Kirkwood Road West, Tweed Heads South

R2920 Pt 2 DW587068

Request received for:-

1. A reduction in the speed limit on Kirkwood Road West to 50kph.
2. Installation of traffic calming devices.

Safety concerns have been raised on behalf of children and elderly persons walking along Kirkwood Road West. The associated noise of speeding of vehicles, motor cycles, buses and trail bikes is also a reported concern.

Reports from Committees/Working Groups

The Committee unanimously agreed to a reduction in the speed limit on Kirkwood Road West to 50kph but did not support the request for traffic calming devices.

The footpath request is to be inserted on the Engineering Services Division Footpath Program.

RECOMMENDATION:

That the speed limit on Kirkwood Road west of Fraser Drive be reduced to 50kph.

3. Pacific Highway, Murwillumbah to Ballina

R4031

Request received for reasoning as to why there are so many changes in the speed limit on the Pacific Highway between the Stokers Siding turn off and Ballina. Especially the section from Stokers Siding at 70kph then 80kph for trucks and 100kph for cars to the bottom of Quarry Hill and then 70kph over the rise from Fernvale.

The RTA Representative advised that these speeds came from the RTA Road Safety Audit in January/February 1999 which was undertaken because of the amount of serious accidents which were mostly speed related. The Audit considered traffic volumes, percentage of heavy vehicles, accident data and road geometry in determining the varying speed zones. The Committee was informed that Council has previously requested a copy of the Road Safety Audit but it has not yet been received by Council.

For Council's information.

4. Mt Warning Pre-School, Glenock Road, Uki

R2245 DW587989

Mr Newell left the meeting at 10:45am

Request received for a "No Parking" area to be painted directly outside the pre-school entry.

This is a rural residential subdivision. It was noted that "No Parking" signs would be difficult to enforce. The discussion of on site parking took place.

It was decided that the Road Safety Officer arrange an on-site meeting to discuss the issue and whether other methods can be utilised to minimise the problem with the Pre-School and report back to the Local Traffic Committee meeting.

For Council's information.

Reports from Committees/Working Groups

5. Fraser Drive, Banora Point

R2150

Request received from the Director of Engineering Services to undertake a safety audit of the two bends on Fraser Drive north of Amaroo Drive following receipt of anecdotal evidence of cars frequently losing control on these corners in wet conditions.

The Road Safety Officer undertook a Safety Audit and a copy is reproduced below:-

Reports from Committees/Working Groups

Road Safety Audit Stage 5 Existing Road

Project Description

Council's Director Engineering Services requested that an audit be undertaken on a section of Fraser Drive between Botanical Circuit and Amaroo Drive, Banora Point. This report summarises the findings of that audit.

A Road Safety Audit Process is a formal procedure for checking the design, implementation and operation of road works from a safety perspective.

The road length under review is approximately 500m and consists of an S-curve with a long flat straight before its approach from the North and a downhill approach from the South.

The road is zoned at 80kph.

Accident data

Reported crashes

11 crashes reported between 1995 and 2000 (first half)

7 Casualty crashes, 11 persons injured

8 occurred in the rain

6 crashes involved vehicles heading south and 4 heading north.

Auditor and Audit Process Details

The audit was carried out by Council officers Ray Clark and Trevor Harris and involved several passes over the area by vehicle.

Audit Findings and Recommendations

Overtaking opportunities

Very limited due to the double centre line along the length of the section. It is unlikely that this would lead to driver frustration or contribute to a crash.

Intersections

There are no intersections impacting on this section of road.

Pedestrians

There are no pedestrian facilities on the section. There is a school in Eucalyptus Drive, but it is unlikely that pedestrians would travel along this section.

Lighting

Streetlighting is not in place in this section.

Signs

There are no curve advisory signs or speed advisory signs on the approaches to the curves.

Recommendation:

- *Install curve and 55km/h speed advisory signage on approaches.*

1

*Stage 5 Road Safety Audit
Fraser Drive
March, 2001*

Reports from Committees/Working Groups

Marking and delineation

There is a double centre line, Raised Reflective Pavement Markers, edge line and guide posts in place.

It would be considered that drivers are able to determine the alignment of the road.

Physical objects

No objects are considered in the vicinity to impact adversely on the road environment.

Access to property

There are no accesses to properties in this section of Fraser Drive.

Pavement Condition

The pavement is considered to be highly polished at places and the inside of the curves there is evidence of wheel rutting.

Recommendation:

- *Consider reconstruction of the section.*

Concluding Statement

The audit has been carried out for the sole purpose of identifying any features of the road which could be altered or removed to improve its safety.

The road section under review is considered to have adequate delineation for drivers. The identified problems have been noted and recommendations are put forward for you to consider for implementation.

Guardrails may be considered unsuitable for use in this situation as they could be considered to contribute to the severity of a crash where objects and the road batter isn't severe.

It is considered that the road pavement condition needs consideration for upgrading. Consideration should be given to reducing the speed limit on Fraser Drive to 60km/h.

He reported that there is an accident history showing significant numbers. Curve and Speed Advisory signs of 55kph were suggested. Noted that there is rutting on both corners and this section of road should be reconstructed as there is also a lot of polishing. Also the Safety Audit recommended that the speed be reduced to 60kph.

The matter of the road surface finish should be referred to the Manager of Works for investigation.

RECOMMENDATION:

That:-

1. Curve warning and chevron signs be installed along the section of Fraser Drive between Ash Drive and Leisure Drive.

Reports from Committees/Working Groups

2. The location be monitored to assess impact of proposed signage.

6. Cnr Boomerang and Quigan Streets, Kingscliff

R0630

Request received for the installation of a "Give Way" sign on the corner of Boomerang and Quigan Streets so that southbound traffic on Boomerang Street give way to the traffic on Quigan Street.

Digital photos of the intersection were viewed by the Committee. The Committee agreed to the installation of an island to stop vehicles from Boomerang Street cutting the corner opposite Quigan Street and the installation of a "Give Way" sign on the northern section of Quigan Street to assist in better traffic control at the intersection.

RECOMMENDATION:

That:-

1. A short median in Boomerang Street and Quigan Street be installed as funds become available and
2. A "Give Way" line be painted on the northern side of Boomerang Street on Quigan Street.

7. Tweed Terrace, Tweed Heads

R5640

Request received for the provision of two car parking spaces for Volunteer Marine rescue Pt Danger staff use on the southern side of the lighthouse.

It is reported that during daylight hours there are usually four or five persons on duty yet the car park is usually very congested and the volunteer staff have difficulty in finding a place to park their vehicles.

Gold Coast City Council have allocated two spaces and a further two spaces are now requested on the southern side of the lighthouse in Tweed Shire.

Noted that it is a public car park. It was agreed that a sign could be erected reserving one space to Sea Rescue and that the applicant be advised that such signage is not enforceable.

RECOMMENDATION:

That the applicant be advised that a sign be erected in the public car park on Tweed Terrace adjacent to the Sea Rescue office for the use of Volunteer Marine Rescue personnel.

Reports from Committees/Working Groups

8. B-Double Application Mooball - Pottsville Road and Pacific Highway

R4420

Application received for an Interim Transport Permit for a 19m B-Double to use local roads commencing in April 2001 for AbiGroup works.

Routes requested are:

From Sunstate Cement Fisherman's Island Brisbane and Flyash Silo Murwillumbah to:

AbiGroup Construction Site South Camp on Mooball – Pottsville Road using the Pacific Highway, turning off the Pacific Highway at the township of Mooball and travelling approximately 7 kilometres down the Mooball – Pottsville Road to the AbiGroup job site.

The Chairman noted that the RTA has already approved this route along the Highway from the border to Mooball Pottsville Road. The RTA Representative stated that there is an extra 5t of weight on the b-double which is still a 19m vehicle, the same length as a semi trailer. It was noted that the owner can legally operate the 19m B-double without approval carrying 50t. The application is to increase this to 55t.

The Committee noted that this should be a time limited approval only for the construction period of the Motorway and has been discussed with the Manager of Works confirming the suitability of the bridge structure approximately 300m from the Highway.

RECOMMENDATION:

That the applicant be advised that approval is given for the use of B-doubles with a 55 tonne weight limit on Pottsville Mooball Road between the Pacific Highway and the Construction Site Office with such approval expiring on 1 October 2002.

9. Murwillumbah Street, Murwillumbah

R3640

Request received for the provision of a disabled car parking space on Murwillumbah Street at either of the following locations:

1. Between Armstrongs and the Fruit Exchange, or
2. In front of the State Government Ag Building.

It was noted that there is a disabled space outside the Police Station and near the Post Office. The Committee noted that there are currently 5 spaces already designated as disabled in Murwillumbah.

It was noted that the Doctors surgery did not have any disabled parking spaces and that the space near the TAFE should be kept as this was originally agreed on when the disabled spaces were installed, even though the Committee recognised that the space is not able to be used by all disabled persons, depending on their degree of disability but noted that given the

Reports from Committees/Working Groups

constraints associated with roadside parking and the competing demands of all road users the current parking allocations are satisfactory and reasonably located throughout the business district. It should be noted that if certain businesses generate a need for extra disabled parking spaces then they should be located on private property.

RECOMMENDATION:

That the applicant be advised that further disabled car parking is not supported in Murwillumbah as there are currently 5 spaces already designated. The space near the TAFE should be kept for use by disabled people, where needed.

10. Greenvale Court, Burringbar

R2305 DW500270

Request received for the provision of a footpath between Greenvale Court and the public school.

This is a rural residential subdivision in a rural area. Noted that there is a creek beside the road and there is no shoulder. On the other side of the road there is a culvert on the edge of the road seal. Noted that costs for a boardwalk would be in the vicinity of \$63,000.

RECOMMENDATION:

That the applicant be advised that:-

1. Required funding of \$63,000 to construct the footway is not available.
 2. "Pedestrians Ahead" warning signs will be installed on Burringbar Road in the vicinity of the narrow section.
-

11. Oxford Street, Kingscliff

R3977 DW590030

Request received for assistance in implementing some sensible safety initiatives for students, parents and visitors to Kingscliff High School. The following items have been specifically referred to for assistance:-

1. Competition for available road space between school buses, parents dropping off and picking up students, cyclists, pedestrians and staff vehicles entering and leaving.
2. Skateboarders weaving in and out and in front of parked and moving vehicles and who consistently place wooden and metal devices on roads and footpaths.
3. The traffic island/median strip that projects into the turning circle where students and visitors park vehicles in the absence of "no parking" signs or physical structures that would prevent such parking.

Reports from Committees/Working Groups

4. The practice of some drivers leaving the school, whereby they take a 'short cut' to the right of the median strip/traffic island.

It is reported that Police have attend the school, yet as soon as their visits stop the old patterns immediately resume.

Local Traffic Committee assistance is requested on what can be done to solve the problems/issues.

No Parking signs will be installed on the median.

RECOMMENDATION:

That:-

1. A "No Stopping" signs be installed on the central median.
2. The bus zone signage be amended to be consistent for the full length of the bus zone.

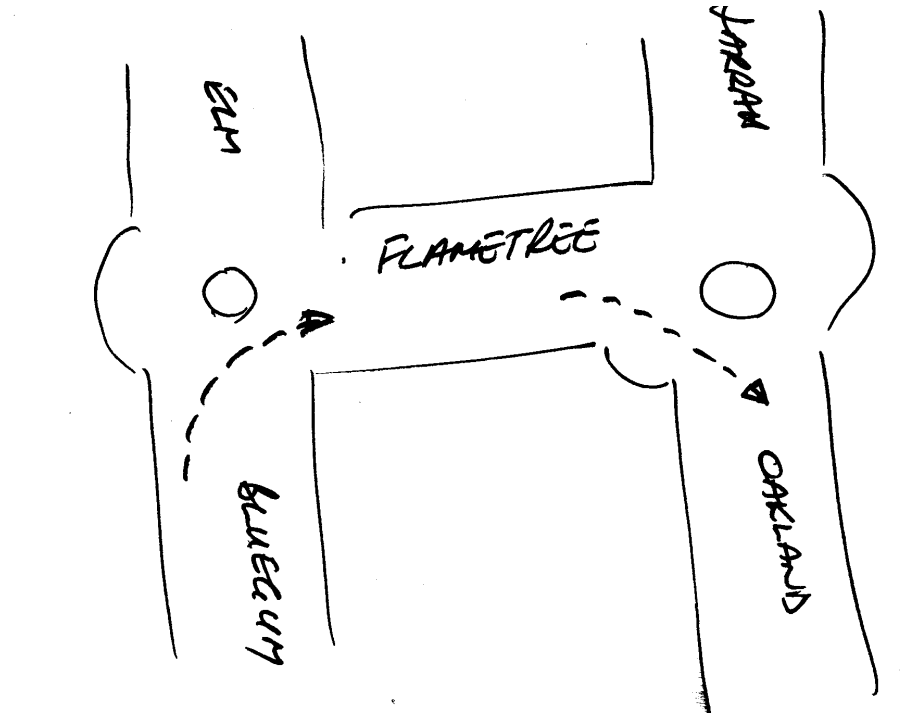
12. Flametree Terrace, Banora Point

R2072

Complaints have been received by local residents that the school bus in the mornings cuts the corner of roundabouts turning into Flametree Terrace from Bluegum Boulevarde and from Flametree Terrace into Oakland Parade, as shown on sketch below.

Vehicles have also been observed cutting the corner of the roundabouts in the same way.

Reports from Committees/Working Groups



The Committee noted that these roundabouts were designed for buses 12.5m long. However, some operators have bus lengths up to 14.5m long which contributes to the difficulty in such buses negotiating some roundabouts. Companies that wish to operate buses over 12.5m long are required by the RTA to seek Council approval for the proposed route which will not be approved if the longer vehicles cannot negotiate the route legally. The roundabouts in question also do not have splitter islands, which assist in preventing drivers undertaking these dangerous and illegal manoeuvres.

The Committee suggested that Surfside Buslines should be contacted asking them to make a formal application to use the above route if the buses used exceed 12.5m in length and advising Surfside of the dangerous illegal driving practices of some drivers at the above roundabouts. The matter should be brought forward to the Traffic Committee when that information is available.

For Council's information.

13. Soorley Street, Tweed Heads South

R5150

Request received for speed surveys on Soorley Street following the receipt of a complaint.

The Chairman advised that a speed survey will be undertaken and results brought to the next Committee meeting.

For Council's information.

Reports from Committees/Working Groups

14. Scenic Drive, Bilambil Heights

R4930 DW591461

Request received for assistance with the slippery conditions on Scenic Drive during wet weather, especially the corner 100 – 200 metres up from the intersection of Scenic and Warringa Drives. It is reported by a nearby resident that the slippery conditions have resulted in vehicles *“going over the cliff face, mounting the footpath and collisions with other vehicles”*.

The Police Representative noted that there have been a few accidents in this location. The Chairman advised that Black Spots funding was gained and the area lit and chevron and curve warning signs were installed several years ago. It was noted that Scenic Drive has a 60kph speed limit and is on the proposed reseal program for next year.

RECOMMENDATION:

That the applicant be advised that Scenic Drive has a maximum speed limit of 60kph and has adequate warning signs and delineation and is listed on the reseal program for 2001-2002, which is subject to approval in the budget.

15. Heffron Street, Tweed Heads Pre-School, Infants, Primary & High Schools

R2430 Pt2 DW 587173

Request received regarding the provision of a school crossing with traffic control person, marked crossing with traffic control person or a marked crossing without a traffic control person.

The Committee noted that the RTA are funding a pedestrian and school crossing refuge however the Road Safety Officer advised that a suitable location was being investigated. The site does not meet RTA warrants for a crossing supervisor.

RECOMMENDATION:

That the applicant be advised that a pedestrian refuge and school crossing is being installed on Heffron Street Tweed Heads under the “Safer Routes to School” Program.

16. Lindisfarne School, Mahers Lane, Terranora

R3260

Request received for the provision of a school crossing in Mahers Lane adjacent to the Lindisfarne School.

Reports from Committees/Working Groups

The Road Safety Officer advised that the school meets the criteria for a school crossing and the Committee endorsed the proposal.

RECOMMENDATION:

That the request for the provision of a school crossing in Mahers Lane is approved and will be installed subject to the availability of funding.

17. Catherine Street, Casuarina Beach

GS4/96/135 Pt17

Request received for a 60kph speed limit on Catherine Street (Old Coast Road) and a request to lower the 90kph speed limit on the coast Road to 80kph.

The Chairman advised that this section of Catherine Street (Old Coast Road) is supported at 60kph as it includes traffic slow points. The RTA opposed the reduction in the 90kph speed limit on the Coast Road as the current speed environment is appropriate for a 90kph speed limit.

RECOMMENDATION:

That a 60kph zone is endorsed from the intersection of the new Coast Road to 200m north of the Catherine Street "S" bend.

18. Pioneer Parade, Banora Point

R4340

Request received for a 2 minute drop off and pick up area to be installed adjacent to the Banora Point School on Pioneer Parade to replace the existing "No Standing" zone.

The Committee endorsed the provision of 5 minute drop off and pick up signage.

RECOMMENDATION:

That 5 minute drop off and pick up signage be installed at Banora Point School on Pioneer Parade.

19. Murwillumbah East Primary School, George and Charles Street

R2190 R1040

Request received for the provision of a children's crossing at the intersection of George and Charles Streets, Murwillumbah.

Reports from Committees/Working Groups

The Road Safety Officer provided photographs of the location. The Committee supported provision of a children's crossing subject to compliance with RTA warrant requirements.

RECOMMENDATION:

That the applicant be advised that the provision of a children's crossing at the Murwillumbah East Primary School subject to compliance with RTA warrant requirements, is endorsed.

20. Regional Traffic Committee Appeal

Traffic Committee

A letter has been received from the RTA including a form to facilitate the Regional Traffic Committee Appeal process. This form is for discussion by the Local Traffic Committee. Electronic copies of the form are available through Rosalie Scherf of the RTA on (02) 6768 1409.

The form is reproduced below:-

Reports from Committees/Working Groups



NEW SOUTH WALES, AUSTRALIA

RTC Form 1

REGIONAL TRAFFIC COMMITTEE APPEAL

SUBJECT OF APPEAL:	
APPELLANT (APPEAL) CONTACT:	Title: Name: Organisation: Phone: Fax: E-mail:
DATE APPEAL SUBMITTED:	•
REASON FOR APPEAL:	•
RELEVANT HISTORY:	• • • •
SUPPORTING DOCUMENTS:	• • (Please attach documents)
PARTIES TO APPEAL:	• • •
DATE RECEIVED:	
RTC:	

Forward to:

Secretariat
Office of the Chairperson
Regional Traffic Committees
Level 2, Centennial Plaza
PO Box K198
HAYMARKET NSW 1238
DX 13 Sydney

Facsimile: (02) 9218 6738 RTA internal (86738)

Email: john_ronczka@rta.nsw.gov.au

CONFIDENTIALITY NOTICE FOR RECIPIENTS EXTERNAL TO THE RTA

The information contained in this Appeal/facsimile is intended for the named recipient only. It may contain privileged and confidential information. If you are not the intended recipient, you must not copy, distribute, take any action in reliance on it, or disclose any details of the Appeal/facsimile to any other person, firm or corporation. If you have received this Appeal/facsimile in error, please notify us immediately by reverse charge call and return the original to us by mail. We will reimburse any costs you may incur in notifying us and returning the original Appeal/facsimile to us.

For Council's information.

Reports from Committees/Working Groups

21. Wollumbin Street, Murwillumbah

R5940

Request received for the installation of "No Parking" signs adjacent to the car park of Come Alive Gym. People are blocking access to no. 113 Wollumbin Street.

The Committee noted that this is a problem as vehicle access to the property is through the car park and when cars park adjacent to the boundary which also makes manoeuvring into the 90° spaces difficult.

RECOMMENDATION:

That the applicant be advised that "No Parking" signs along the western side of the car park adjacent to the Come Alive Gym be installed.

22. Pacific Highway, Fernvale (Fruit Stall)

DA4040/5115 Pt2

At the Council meeting held on 21 February 2001 it was:-

"RESOLVED that this item be deferred until after the next Local Traffic Committee meeting".

The report is reproduced as follows:-

"This report considers the unauthorised operation of a fruit and vegetable stall at the above location. This matter has been reported to Council numerous times. Given Tweed Local Environmental Plan 2000, the continued use of the land for this purpose is prohibited and cannot be approved by Council. Some confusion exists as to the exact legal description of the property on which the stall is located. In this regard, it was noted in the recently submitted application for a Rural Tourist Facility (located on adjacent private land), that the operator's consultant (Glazebrook & Associates) state that the existing roadside stall is located wholly within the road reserve. Despite lodging a development application for the establishment of a rural tourist facility upon the private land adjacent to the existing stall, the unauthorised use of the site has continued. It is recommended that legal action be initiated to ensure the prompt closure of the subject use.

It is evident that several other similar stalls are in operation throughout the Shire, the majority of which do not possess development consent or are unable to do so. In this regard, and with reference to representations made by the NSW RTA (reproduced in the body of this report), it is recommended that the prevalence of such stalls be investigated and that appropriate action be initiated to ensure their closure and / or where appropriate, submission of a development application seeking consent.

Council recently viewed the report for the establishment of a rural tourist facility on private land adjacent to the stall. This report is attached in an additional annexure to this report.

Reports from Committees/Working Groups

RECOMMENDATION:

That Council:-

- 1. Directs the owner / operator to cease the operation of the subject roadside stall is immediately and that should site inspections undertaken seven (7) days after the date of such notice reveal the use is still operating, then the matter is to be referred to Council's Solicitors with instructions to initiate appropriate action in the Land & Environment Court.*
- 2. Notes that appropriate action will be initiated to require closure, or lodgement of a Development Application, where unauthorised operation of roadside stalls is identified.*

Reports from Committees/Working Groups

RST&D 438.5351
Mr Michael Baldwin (02) 6686 1832
E-mail: Michael_Baldwin@rta.nsw.gov.au
Northern Regional Office

TWEED SHIRE COUNCIL	
FILE No.	P4031 P13
DOCUMENT No.	[] [] [] [] [] []
PRD	21 DEC 2000
ISSUE	[] [] [] []
ASSIGNED TO	G.S.M.I.H
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IMAGE	<input type="checkbox"/>



Roads and Traffic Authority
www.rta.nsw.gov.au

ABN 64 480 155 255

Northern Region

31 Victoria Street
Grafton NSW 2460
Telephone (02) 6640 1300
Facsimile (02) 6640 1301
PO Box 576
Grafton NSW 2460
DX 7610 Grafton

The General Manager
Tweed Shire
PO Box 816
MURWILLUMBAH NSW 2484

*Entered from
for
a
record*

UNAUTHORISED COMMERCIAL ACTIVITY CLASSIFIED ROADS. TWEED SHIRE

Dear Sir

The Roads and Traffic Authority (RTA) would like to draw your attention to unauthorised commercial activity impacting on road safety adjacent to the Pacific Highway and at various locations along Main Road 450.

At a location approximately 1.5 km south of Murwillumbah a fruit stall is operating on the eastern side of the Pacific Highway. The operator of this activity has constructed direct access to the Highway without approval or consideration to road safety.

Further south at Fernvale a fruit stall is operating at an unsafe location. This operation does not have the concurrence of the RTA.

At various locations along Main Road 450 permanent and semi permanent commercial activities are being carried out on or adjacent to the road reserve at locations considered prejudicial to road safety.

The RTA in conjunction with the Department of Local Government issued Technical Direction 96/10 "Roadside Vending", which clearly outlines the responsibilities of the relevant Local Government Authority to control roadside commercial activities.

The RTA can not condone any commercial activity adjacent to classified roads which is prejudicial to the safety of motorists. To ensure a consistent approach to road safety the RTA requires Council, as the Consenting Authority for commercial activities within Tweed Shire to take action to regulate these activities.

Yours faithfully

P J Collins
Regional Manager
19 Dec 2000

SE

19 December 2000

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The Committee noted that this area is in the 100 kph zone (and 80kph truck and bus zone). The Chairman advised that a DA for a tourist facility on the adjacent property has been assessed. The RTA advised that the DA should not be approved and that the existing fruit stall should be closed down. Council considered the above report and resolved that this item be discussed at the Local Traffic Committee meeting.

Reports from Committees/Working Groups

The RTA Representative confirmed that the problems were that sight distance is not compliant with Austroads Standards in either direction. There is also a vacant block of land opposite where people park and walk across the road. Those people cannot be seen crossing the road from a safe distance, particularly by southbound traffic. To improve the site distance a significant reconstruction of the Highway and earthworks would be required. The RTA are concerned about the safety aspects with people crossing the road where traffic are travelling at 100kph speed limits.

The issue of the road reverting to a main road was discussed and the RTA Representative stated that whether or not it is a Highway or main road it is currently unsafe. The RTA Representative advised that roads that have limits of 80kph or over are not considered safe for roadside stalls.

The RTA Representative advised that the fruit stall should close until sight distances are improved. It was noted that the RTA have been complaining in this regard since August 1995.

The meeting unanimously agreed with the RTA that the fruit stall currently operating adjacent to the Pacific Highway at Fernvale is creating a road user safety problem and should be required to close.

Mr Newell left the meeting at 10:45am.

RECOMMENDATION:

That Council be advised that the Committee unanimously supports the RTA's request to close the fruit stall for road safety reasons.

Part B

1. Pacific Highway, Fernvale (Fruit Stall)

DA4040/5115 Pt2

Moved to item 22 of Part A.

For Council's information.

NEXT MEETING:

The next meeting is scheduled for Friday 20 April 2001 however discussion took place on moving it to Thursday 12 April, 2001.

The meeting closed at 12.25pm.

Reports from Committees/Working Groups

Director's Comments:

Item 3 Pacific Highway Murwillumbah to Ballina

Council writes to the RTA requesting a copy of the Road Safety Audit and to investigate if speed zoning can be simplified.

DIRECTOR'S RECOMMENDATIONS:

4. Tumbulgum Road, Tumbulgum

R5570 DW586984

Committee Recommendation:

1. The extension of the 60kph speed zone on Tumbulgum Road about 300m north of the existing 60kph speed zone is not supported by the Local Traffic Committee as the surrounding road environment does not reinforce a lower speed limit and does not comply with RTA Policy.
2. A Council officer is available to meet on site to discuss this issue with the owner, if required.

Director's Recommendation:

As per committee recommendation.

21. Clothiers Creek Road

R1160

Committee Recommendation:

That:-

1. A 14.5 tonne load limit be applied on Clothiers Creek Road between Norths Lane and Raven Place and that local bus operators be approached to ensure their vehicles do not exceed this limit.
2. The current 80kph speed limit on Clothiers Creek Road be extended from Norths Lane to approximately 100m east of Raven Place.

Director's Recommendation:

As per committee recommendation.

1. Kennedy Drive, Tweed Heads

R2830 DW571823

Committee Recommendation:

That a "No Parking" zone be installed on the southern side of Kennedy Drive opposite the Pyramid Caravan Park access road.

Director's Recommendation:

Reports from Committees/Working Groups

As per committee recommendation.

2. Kirkwood Road West, Tweed Heads South

R2920 Pt 2 DW587068

Committee Recommendation:

That the speed limit on Kirkwood Road west of Fraser Drive be reduced to 50kph.

Director's Recommendation:

As per committee recommendation.

5. Fraser Drive, Banora Point

R2150

Committee Recommendation:

That:-

1. Curve warning and chevron signs be installed along the section of Fraser Drive between Ash Drive and Leisure Drive.
2. The location be monitored to assess impact of proposed signage.

Director's Recommendation:

As per committee recommendation.

6. Cnr Boomerang and Quigan Streets, Kingscliff

R0630

Committee Recommendation:

That:-

1. A short median in Boomerang Street and Quigan Street be installed as funds become available and
2. A "Give Way" line be painted on the northern side of Boomerang Street on Quigan Street.

Director's Recommendation:

As per committee recommendation.

7. Tweed Terrace, Tweed Heads

R5640

Committee Recommendation:

That the applicant be advised that a sign be erected in the public car park on Tweed Terrace adjacent to the Sea Rescue office for the use of Volunteer Marine Rescue personnel.

Reports from Committees/Working Groups

Director's Recommendation:
As per committee recommendation.

8. B-Double Application Mooball - Pottsville Road and Pacific Highway

R4420

Committee Recommendation:

That the applicant be advised that approval is given for the use of B-doubles with a 55 tonne weight limit on Pottsville Mooball Road between the Pacific Highway and the Construction Site Office with such approval expiring on 1 October 2002.

Director's Recommendation:
As per committee recommendation.

9. Murwillumbah Street, Murwillumbah

R3640

Committee Recommendation:

That the applicant be advised that further disabled car parking is not supported in Murwillumbah as there are currently 5 spaces already designated. The space near the TAFE should be kept for use by disabled people, where needed.

Director's Recommendation:
As per committee recommendation.

10. Greenvale Court, Burringbar

R2305 DW500270

Committee Recommendation:

That the applicant be advised that:-

1. Required funding of \$63,000 to construct the footway is not available.
2. "Pedestrians Ahead" warning signs will be installed on Burringbar Road in the vicinity of the narrow section.

Director's Recommendation:
As per committee recommendation.

11. Oxford Street, Kingscliff

R3977 DW590030

Committee Recommendation:

That:-

Reports from Committees/Working Groups

1. A "No Stopping" signs be installed on the central median.
2. The bus zone signage be amended to be consistent for the full length of the bus zone.

Director's Recommendation:
As per committee recommendation.

14. Scenic Drive, Bilambil Heights

R4930 DW591461

Committee Recommendation:

That the applicant be advised that Scenic Drive has a maximum speed limit of 60kph and has adequate warning signs and delineation and is listed on the reseal program for 2001-2002, which is subject to approval in the budget.

Director's Recommendation:
As per committee recommendation.

15. Heffron Street, Tweed Heads Pre-School, Infants, Primary & High Schools

R2430 Pt2 DW 587173

Committee Recommendation:

That the applicant be advised that a pedestrian refuge and school crossing is being installed on Heffron Street Tweed Heads under the "Safer Routes to School" Program.

Director's Recommendation:
As per committee recommendation.

16. Lindisfarne School, Mahers Lane, Terranora

R3260

Committee Recommendation:

That the request for the provision of a school crossing in Mahers Lane is approved and will be installed subject to the availability of funding.

Director's Recommendation:
As per committee recommendation.

17. Catherine Street, Casuarina Beach

GS4/96/135 Pt17

Committee Recommendation:

That a 60kph zone is endorsed from the intersection of the new Coast Road to 200m north of the Catherine Street "S" bend.

Reports from Committees/Working Groups

Director's Recommendation:
As per committee recommendation.

18. Pioneer Parade, Banora Point

R4340

Committee Recommendation:

That 5 minute drop off and pick up signage be installed at Banora Point School on Pioneer Parade.

Director's Recommendation:
As per committee recommendation.

19. Murwillumbah East Primary School, George and Charles Street

R2190 R1040

Committee Recommendation:

That the applicant be advised that the provision of a children's crossing at the Murwillumbah East Primary School subject to compliance with RTA warrant requirements, is endorsed.

Director's Recommendation:
As per committee recommendation.

21. Wollumbin Street, Murwillumbah

R5940

Committee Recommendation:

That the applicant be advised that "No Parking" signs along the western side of the car park adjacent to the Come Alive Gym be installed.

Director's Recommendation:
As per committee recommendation.

22. Pacific Highway, Fernvale (Fruit Stall)

DA4040/5115 Pt2

Committee Recommendation:

That Council be advised that the Committee unanimously supports the RTA's request to close the fruit stall for road safety reasons.

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 Vegetation Management Plan Steering Committee Meeting held Tuesday 16 January 2001
 4. Minutes of the Vegetation Management Plan Steering Committee Meeting held Tuesday 27 February 2001
 5. Minutes of the Public Transport Committee Meeting held Tuesday 13 March 2001
 6. Minutes of the Tweed Shire Occupational Health & Safety Committee Meeting held Wednesday 14 March 2001
 7. Minutes of the Tweed Shire Council Consultative Committee Meeting held Thursday 15 March 2001
 8. Minutes of the Aboriginal Advisory Committee Meeting held Tuesday 27 March 2001
-

Reports from Committees/Working Groups

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Items of Information and Interest

1. Companion Animal Focus Group

Companion Animals

On 12 March 2001 Councillor Marshall attended a meeting of the Companion Animal Focus Group held in Sydney. Attached to this business paper are copies of the Minutes of this meeting and a circular from the Focus Group.

Items of Information and Interest

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Orders of the Day

1. Notice of Rescission – Cr Beck, Cr Brinsmead and Cr Youngblutt

Fingal Road Upgrading

R2060 Pt3 and Fingal Rd

That Council resolution at Minute No 820 in relation to Item 20 of the Meeting held 7 March 2001 being:-

“...that Council:-

- 1. Adopts the proposal to upgrade Fingal Road with a new road alignment providing at least 7.5m between residential property boundaries and the kerb and gutter.*
- 2. Proceeds with the preparation of detailed engineering documentation and development application.”*

be rescinded.

2. Notice of Rescission - Cr Marshall, Cr James and Cr Luff

Proposed Attached Dual Occupancy at Lot B DP 376740 Seaview Street, Kingscliff

Notice of Rescission, DA4970/30 Pt1

That Council resolution at Minute No 862 in relation to Item 5 Items Deferred of the Meeting held 21 March 2001 being:-

".....that the application submitted by Glen Petersen Architect Pty Ltd for the erection of an attached dual occupancy at Lot B DP 376740 Seaview Street, Kingscliff be approved subject to the following conditions:-

- 1. (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.

Orders of the Day

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

- | | | |
|----|--|-------------------|
| a. | <i>Tweed Road Contribution Plan:</i>
<i>S94 Plan No. 4 (Version 4.0)</i>
<i>Kingscliff residential</i> | <i>\$1,820.00</i> |
| b. | <i>Open Space (Structured):</i>
<i>S94 Plan No. 5</i> | <i>\$426.00</i> |
| c. | <i>Open Space (Casual):</i>
<i>S94 Plan No. 5</i> | <i>\$333.00</i> |
| d. | <i>Shirewide Library Facilities:</i>
<i>S94 Plan No. 11</i> | <i>\$225.00</i> |
| e. | <i>Eviron Cemetery/Crematorium Facilities:</i>
<i>S94 Plan No. 13</i> | <i>\$126.00</i> |
| f. | <i>Community Facilities (Tweed Coast)</i>
<i>(Insert whether North Coast or South Coast)</i>
<i>S94 Plan No. 15</i> | <i>\$492.00</i> |
| g. | <i>Emergency Facilities (Surf Lifesaving)</i>
<i>S94 Plan No. 16</i> | <i>\$256.00</i> |
| h. | <i>Extensions to Council Administration Offices</i>
<i>& Technical Support Facilities</i>
<i>S94 Plan No. 18</i> | <i>\$344.81</i> |
| i. | <i>Cycleways</i>
<i>S94 Plan No. 22</i> | <i>\$160.00</i> |
2. *A **certificate of compliance** (CC) under Part 3 Division 2 of the Water Supply Authorities Act 1987 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.*

Orders of the Day

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

Water: \$3,590

Sewer: \$2,770

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 Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.*

- 3. The development shall be completed in general accordance with Plans Nos P204WD00A Rev D, P204WD01A Rev D and P204WD02A prepared by Glen Petersen Architect and dated 1 February 2000, except where varied by these conditions.*
- 4. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.*
- 5. 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.*
- 6. All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead".*
- 7. 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.*
- 8. Demolition of building existing on site is to be carried out in accordance with the provisions of Australian Standard AS 2601-1991 "The Demolition of Structures".*
- 9. 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*

Orders of the Day

10. *All necessary on site boundary retaining shall be carried out prior to start of works upon the building proper, with details of retaining walls being submitted to Council for approval prior to start of works.*

Please note: *Timber retaining walls will not be accepted.*

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

- (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and*
- (ii) Certification of the works performed by the person carrying out the works is to be submitted to the PCA prior to occupation of the building; and*
- (iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-*
 - (A) the method of protection; and*
 - (B) the date of installation of the system; and*
 - (C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and*
 - (D) the need to maintain and inspect the system on a regular basis.*

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

12. *In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:*

- i. All required erosion and sedimentation control devices have been installed and are operational.*
- ii. Required toilet facilities have been provided on the site in accordance with Section 78i of the Environmental Planning & Assessment Amendment Regulations 1998.*
- iii. A sign has been erected on the site in accordance with Section 78H of the Environmental Planning & Assessment Amendment Regulations 1998.*
- iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.*
- v. That the licensee has complied with the provisions of Section 78c of the Environmental Planning and Assessment Amendment Regulations 1998.*

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13. *The glazier is to supply the PCA with certification that all glazing complies with AS 1288-1994 and AS2047 of the Building Code of Australia.*
14. *Manufacturers certification is to be provided to the PCA from the Roof Truss manufacturer to certify the roof truss design.*
15. *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.*
16. *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.*
17. *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.*
18. *It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.*
19. *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).*
20. 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*

Orders of the Day

- (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.*
21. *The erection of a building in accordance with a development consent must not be commenced until:*
- 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.*
22. *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.*
23. *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*

Orders of the Day

installed in Class 1a building, or dwelling or dual occupancy and within sole occupancy units in a townhouse.

Smoke detection and alarm systems must be installed in accordance with Part 3.7.2.3 of the Building Code of Australia and must comply with Australian Standard AS 3786.

Smoke alarms must be connected to the consumer mains power where consumer power is supplied to the building.

Smoke alarms must be installed on or near the ceiling in -

- (a) any storey containing bedrooms -*
 - (i) between each part of the dwelling containing bedrooms and the remainder of the dwelling; and*
 - (ii) where bedrooms are served by a hallway, in that hallway; and*
- (b) any other storey not containing a bedroom.*

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.

- 24. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the provision of an invert crossing at the kerb and gutter where required and paving of the driveway across the footpath to the front alignment to the satisfaction of the Director, Engineering Services. Twenty four (24) hours notice is to be given to Council's Engineering Services Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the vehicular access and its reconstruction. Paving bricks are not acceptable unless laid on a 100mm thick concrete base.*
- 25. 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/NZS3500.3.2-1998. **Note** All roof water must be connected to an interallotment drainage system where available.*
- 26. All surface and seepage waters liable to be a nuisance are to be collected and diverted clear of the building site by an approved drainage system separate to the roof water system.*
- 27. 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.*
- 28. 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.*

Orders of the Day

29. *The burning of builders waste on site by open fire is prohibited.*
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. *The wall and roof cladding is to be of a non reflective nature to the satisfaction of the Principal Certifying Authority.*
32. *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.*
33. 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.*
34. *An application to connect to Council's sewer is to be submitted to and approved by Council prior to the commencement of any works on the site.*
35. *The Council approved wet area flashing installer is to supply to the Principal Certifying Authority certification that all wet area flashings have been installed in accordance with the Manufacturer's Specifications, detailing the rooms or areas involved and the date of installation. **Note:** Only Council approved installers may carry out this work and reference must be made to Council to confirm that such installers are Council approved.*
36. *Impervious floors, properly graded and drained are to be provided to all wet areas.*
37. *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.*

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

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

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

be rescinded.

3. **Notice of Rescission - Cr Marshall, Cr Youngblutt and Cr Brinsmead**

Hire Fees – Murwillumbah and Tweed Heads Civic Centres

Notice of Rescission, Maintenance - Ccl Bldgs, Civic Ctr - TH - Hire, Civic Ctr - MBah - Hire

That Council resolution at Minute No 858 in relation to Item 3 Orders of the Day of the Meeting held 21 March 2001 being:-

".....that:

1. *Council grants the Northern Rivers Symphony Orchestra the use of the auditorium free of charge for:*
 - a) *up to five occasions per year for concerts.*
 - b) *up to 70 hours per year for rehearsals.*
2. *In the case of practice, the orchestra will have free use only if there is no clash with fee-paying clients."*

be rescinded.

4. **Notice of Motion - Cr Boyd**

State Library Subsidies

Notice of Motion; Libraries - Subsidy; Local Govt & Shires Conference

That Council supports a motion to go to the next Shires Conference concerning the comprehensive report produced by Mr Martin Field which outlines the disproportionately low level of subsidy for libraries in New South Wales provided by the State Government as compared with other states.

Orders of the Day

5. Notice of Motion - Cr Brinsmead

Code of Conduct

Notice of Motion; Code of Conduct; Council Meetings

That Council gives notice that it intends to strictly adhere to the Code of Meeting Practice of the Local Government (Meetings) Regulations 1999 which has also been adopted as the Code of Meeting Practice of this Council, and requests the Mayor and all Councillors to give particular attention to the following points of the Code:

“28.(1) The chairperson, without the intervention of any other councillor may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.

(4) the chairperson’s ruling must be obeyed unless a motion dissenting from the ruling is passed.

Acts of disorder

29 (1) *A councillor commits an act of disorder if the councillor, at a meeting of council or a committee of a council:*

(d) insults or makes personal reflections on or imputes improper motives to any other councillor, or

(e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or committee into contempt.

(2) The chairperson may require a councillor

(c) to retract and apologise without reservation for an act of disorder referred to in subclause (1)(d) or (e)

(3) A councillor may, as provided by section 10(2) (a) or (b) of the Act be expelled from a meeting of a council for having failed to comply with a requirement under subclause (2). The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.”

Council hereby gives notice that there will be zero tolerance for any refusal to obey a ruling or order from the chair, including any disrespectful remarks directed at the chair or any temper tantrums which disrespect such an order or ruling, and that any councillor who refuses to obey such a ruling or order from the chair should expect to be expelled from the meeting according to 29(3).

If a councillor refuses to leave the meeting after being expelled according to the above Code of Meeting Practice, it is to be considered that this councillor commits an even more serious Act of Disorder incurring the possibility of ‘other action being taken against the councillor’ according to 29(3).

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Council directs that this Code of Meeting Practice be rigorously adhered to and enforced by the Mayor equally and without fear or favour in respect to all Councillors.

Council will also require that Councillors conform to this same code of conduct, with particular reference to 29(1)(d) above, in all their public statements as a Councillor.

6. Notice of Motion - Cr Luff

Council Meetings - Code of Conduct

Notice of Motion; Code of Conduct; Council - Meetings

That:-

- 1. This Council finds it unacceptable under Section 4.29(c) of Council's Code of Conduct and otherwise, for any councillor to move a motion that includes any statement, whether express or implicit, that a councillor or other person has committed a civil or criminal offence where no such finding has been made by a Court or Tribunal.*
 - 2. This Council makes an unreserved apology to Councillor Luff for its 90 minute wrongful consideration of a motion at the meeting of 21 March 2001, which motion accused her of a civil offence which has not been proved or even complained of in a court of law, and which was not even complained of in the meeting in which the offence is alleged to have taken place. It was wrongful of Council to consider such a motion, the subject not being the business of Council, and being also procedurally unfair. It was an improper personal attack on a councillor. It did not warrant the suspension of Standing Orders, nor did it warrant councillors calling an Extraordinary meeting of the Tweed Coast Reserve Trust in which to also consider and resolve on such a motion.*
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Orders of the Day

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Workshops

Councillors,

Following are details of upcoming Workshops of Council:-

1. Inspection - Wardrop Valley

Date: 11 April 2001
Time & Duration: 2.30pm – 4.00pm
Organiser: Ian Carpenter
Resolved by Council: 21 March 2001

2. Workshop - TEDC Funding Agreement

Date: 11 April 2001
Time & Duration: 7.30pm – 8.30pm
Organiser: Ian Carpenter
Resolved by Council: 21 March 2001

3. Workshop - White Paper - Review of Part 3 of Environmental Planning and Assessment Act

Date: 11 April 2001
Time & Duration: 8.30pm – 9.30pm
Organiser: David Broyd
Resolved by Council: 21 March 2001

Workshops

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