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Schedule of Outstanding Resolutions

20 SEPTEMBER 2000

REPORTS FOR DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

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

335

Cr Luff

Cr Marshall

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

Current Status: Awaiting reply from LOGOV Risk Management.

21 MARCH 2001

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.

Schedule of Outstanding Resolutions

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: Premises are now connected to the sewer. Further assessment will now be made in relation to item 2 of the resolution.

18 APRIL 2001

REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

3. Houses on Road Reserve - Reserve Creek Road

R4660 Pt4

*Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)
(a) personnel matters concerning particular individuals*

C188

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

Current Status: Letter written to all occupants requesting a meeting to pursue the options.

3 OCTOBER 2001

ORDERS OF THE DAY

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

Trees-Planting, Border Caravan Park, Notice of Motion

303

Cr Boyd

Cr Luff

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

Current Status: To be finalised.

Schedule of Outstanding Resolutions

7 NOVEMBER 2001

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

31. Crystal Creek Hall

Rural Hall - Crystal Creek 3780.3240

397

Cr Beck

Cr Marshall

RESOLVED that Council:-

1. Indicates its willingness to become the trustee/owner of the Crystal Creek Hall located at Lot 1 DP 342902 Numinbah Road, Crystal Creek.
2. Takes all necessary steps to become trustee/owner and affixes the Common Seal of Council to all necessary documentation.
3. Establishes a local committee to manage the hall on Council's behalf.
4. Classifies the land as community land.

Current Status: Meeting arranged between Hall representatives and Manager Environment & Health Services for Wednesday 6 March 2002.

ORDERS OF THE DAY

10. Industry - Tweed Shire

Notice of Motion; Industrial Development - General

418

Cr Polglase

Cr Youngblutt

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

Current Status: Draft report prepared – under consideration with TEDC.

5 DECEMBER 2001

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

17. Proposed Tweed Natural High Campaign

Drug Related Matters

508

Cr Boyd

Cr Marshall

RESOLVED that Council:-

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

Schedule of Outstanding Resolutions

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

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

19 DECEMBER 2001

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

33. Future Doon Doon Hall

Rural Hall - Doon Doon

579

Cr Youngblutt

Cr Davidson

RESOLVED that:

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

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

34. Murwillumbah Civic & Cultural Centre Refurbishment and Entrepreneurial Strategies for Operating the Venue

Civic Centre - M'bah

580

Cr Boyd

Cr Marshall

RESOLVED that Council:

1. Invites Lyndon and Liz Terrachini of NORPA to meet with Council in a workshop and detail how their achievements have been accomplished.
2. Considers an allocation for stage 2 refurbishment in the 2002/2003 budget.
3. Considers stage 3 refurbishment in the 2003/2004 budget.

Current Status: Workshop arranged for 8.30pm Wednesday 13 March 2002.

Schedule of Outstanding Resolutions

REPORTS FROM SUB-COMMITTEES

1. **Minutes of the Community Cultural Development Committee Meeting held Thursday 1 November 2001**

Cultural Development Committee

2. **Murwillumbah Auditorium**

Cultural Development Committee; Civic Ctr - Mbah

585

Cr Boyd

Cr Davidson

RESOLVED that Council staff compile a report detailing options for management and operations of the venue similar to the NORPA example. The report should also include a list of what still needs to be done to finalise the refurbishment, as per INARC Design Company's conceptual designs.

Current Status: Report to be completed after the Workshop on 13 March 2002.

5. **Policy – Low Light Reflective Building Materials**

Notice of Motion; Building – Code; Building - General

596

Cr Marshall

Cr Luff

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

Current Status: Policy to be developed.

23 JANUARY 2002

ORDERS OF THE DAY

1. **Council Property - Maintenance**

Notice of Motion; Museums; Rural Hall – General; Maintenance – Council Buildings

652

Cr Boyd

Cr Davidson

RESOLVED that:-

1. Council be supplied with a list of those buildings and other structures for which Council is responsible, eg country halls, museums etc, for which no funds are specifically earmarked in Council's budget;
 2. A specific line item in our budget be included annually to ensure adequate funds are provided for asset management of these items.
-

Schedule of Outstanding Resolutions

Current Status: To be finalised.

20 FEBRUARY 2002

REPORTS FROM DIRECTOR CORPORATE SERVICES

17. **Tweed Shire Council Lease from St George Building Society**
PF4040/160; DW641143; Leases-Special

692

Cr Marshall

Cr Brinsmead

RESOLVED that Council defers this item pending an outcome on TACTIC funding and that the current month-by-month leasing arrangement continues.

Current Status: DSARD advised of Council resolution.

REPORTS FROM DIRECTOR CORPORATE SERVICES

5. **Councillors Fees, Expenses and Facilities**

Councillors – Fees; ICAC

705

Cr Marshall

Cr Luff

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

Current Status: To meeting of 3 April 2002.

ORDERS OF THE DAY

2. **Road Upgrades - Tweed Heads South**

Notice of Motion; Leisure Dr; R3035 Pt2

722

Cr Lawrie

Cr Youngblutt

RESOLVED that Council conducts a workshop in the near future on the:-

1. Four-laneing of Leisure Drive, Banora Point;
2. Impact of that on the intersection of Machinery Drive and Minjungbal Drive with the combined impact of further residential traffic from the Shallow Bay residential area;
3. Upgrading of Fraser Drive;
4. Connecting of the two halves of Kirkwood Road, either by way of an overpass or tunnel;

Schedule of Outstanding Resolutions

5. Role, perceived and legal, of the Roads and Traffic Authority (RTA) in Council's traffic decision-making; and
6. Continued expansion of Flame Tree Park, with added traffic from Tweed Heights, Vintage Lakes Estate, Banora Heights, Terranora and Area E.

Current Status: Workshop to be held 27 March 2002.

3. Council Telephone System

Notice of Motion; Office Equipment - Telephones

723

Cr Beck

Cr Brinsmead

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

Current Status: Investigation commenced.

ITEMS DEFERRED IN COMMITTEE

1. **Illegal Clearing - Lot 156 DP 628026, Creek Street, Hastings Point**
PF1431/190 Pt 4; Illegal Land Clearing

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

C167

That Council defers any decision in relation to this matter until Bolster & Co Solicitors have been given the opportunity to provide within 30 days a history of previous use of the property from the deceased estate.

Current Status: Awaiting response from Solicitors.

Schedule of Outstanding Resolutions

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Mayoral Minute

Councillors,

1. Bush Fire Appeal

Mayor's Appeal Fund/Bush Fire Brigade

20 February received 2 cheques totalling \$736 from the Seventh Day Adventist Church for the Bush Fire Appeal

2. Tweed Training & Enterprise Co.

Councillor's Invitation

27 February – attended a Business Breakfast where guest speaker was Dr. Bryan Rothwell, Campus Manager Southern Cross University Tweed & Gold Coast Campus.

3. Casuarina Beach Sculpture Project

Casuarina Development

27 February – attended Art Gallery where winner of the Casuarina Beach Sculpture Project was announced by art dealer Phillip Bacon

4. Christian Churches of Murwillumbah Festival of the Family

Councillor's Invitation/Festivals-Others

1 March – Karlene and I attended a Business Breakfast organised by the Christian Churches of Murwillumbah as part of the Festival of the Family activities

5. Friendship Force

Friendship Force

4 March – breakfast with 22 members of the Friendship Force from Penticton Canada

6. Tweed Heads War Widows Guild

Councillor's Invitation

4 March – joined in the Tweed Heads War Widows Guild Birthday celebrations at Twin Towns

Mayoral Minute

7. Tweed Heads PCYC

Youth Matters

5 March – attended the Annual General Meeting of the Tweed PCYC

8. Department of Education & Training

Councillor's Invitation/Education Matters

6 March – met with the Minister for Education at Centaur School

INVITATIONS ACCEPTED:

- **7 March THCC** welcome delegates of Community Options Project
- **8 March Tweed Heads Hospital** invited by Northern Rivers Area Health Service to opening Tweed Hospital Stage III Clinical Services Building
- **9 March Seagulls** performance by Northern Rivers symphony Orchestra
- **13 March South Tweed Heads** Twin Towns Friends Association Easter Bonnet Parade
- **15 March Chinderah** Open Curious Art Chinderah Exhibition
- **17 March Seagulls** Open Senior Citizens Week
- **17 March Catholic Hall Murwillumbah** Open Senior Citizens Week
- **19 March Tweed Heads Bowls Club** address to Combined Neighbourhood Watch Group Tweed Valley organised by NSW Police Service

ABSENCES FROM SHIRE BY GENERAL MANAGER AND DIRECTORS

➤ **General Manager (John Griffin)**

1 March 2002
Lismore

LGMA Northern Rivers Branch Meeting

11 March 2002
Mullumbimby

Voluntary Structural Reform Group Meeting (GMs & Mayors)

Mayoral Minute

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

8 March 2002 Gold Coast City Council	SIA Meeting
11 March 2002 Mullumbimby	Voluntary Structural Reform Group Meeting
11 March 2002 Springwood	Corridors of Opportunity Project Meeting
13 March 2002 Milton	SEQ Regional Trails Network Forum
14 March 2002 Gold Coast (?)	SouthROC Meeting

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

19 March 2002 Mullumbimby	Tweed/Brunswick Valley Committee Meeting
21 – 22 March 2002 Sydney	Lectures for University of Sydney "Planning Procedures & Practice"

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

7-8 March 2002 Sydney	Water Directorate Executive Committee, DLWC/LGSA Liaison Committee and Water Management Committee
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➤ **Director Environment & Community Services (Don Buckley)**

1 March 2002 Sydney	ASSMAC Meeting
4 – 6 March 2002 Adelaide	Sustaining Our Communities (International Local Agenda 21 Conference)

Mayoral Minute

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Items Deferred

ITEM DEFERRED FROM MEETING 23 JANUARY 2002

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

2. *Draft Tweed Local Environmental Plan 2000, Amendment No 27 (Dual Occupancy Development)*

GT1/LEP/2000/27 Pt1; LEP - Dual Occupancies

608

Cr Lawrie

Cr Youngblutt

RESOLVED that this item be deferred for a Workshop to be held on this item.

2. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/LEP/2000/27 Pt1; LEP - Dual Occupancies

REPORT TITLE:

Draft Tweed Local Environmental Plan 2000, Amendment No 27 (Dual Occupancy Development)

SUMMARY OF REPORT:

Dual Occupancy development is currently dealt with as an Item 2 land use within the zone 2(a) zoning table. The “development standards” associated with this land use (minimum lot size requirements) are also located within the zoning table. As a result, these development standards are a prescribed land use, are not flexible and cannot be changed to suit a particular circumstance by the use of SEPP 1. Multiple Dwelling Units not satisfying this criteria are otherwise considered to be prohibited development. The impracticalities of the rigid nature of these standards are evident when it is related to past subdivision approvals that have nominated future dual occupancy lots that may not necessarily comply with these minimum lot size provisions. This can result in the inability to develop land for the purpose which has already been nominated by a subdivision approval.

It is the intent of this report to retain these development standards, but to transfer them as a clause within the LEP specifying these development standards rather than keeping them within the land use tables.

RECOMMENDATION:

That:

1. Council prepares a draft Local Environmental Plan, pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, generally in accordance with Option 2, referred within this report.
2. The Director-General of Urban Affairs be advised that in Council’s opinion a Local Environmental Study pursuant to Section 57 of the Environmental Planning and

Items Deferred

Assessment Act 1979 is not necessary and should be waived for this proposed Local Environmental Plan Amendment.

Items Deferred

REPORT:

DUAL OCCUPANCY DEVELOPMENT

Below is an overview of how Council's statutory documents deal with the land use of "dual occupancy" in the 2(a) Low Density Residential Zone.

Tweed LEP 2000

Dual Occupancy development is incorporated within the definition of "multi-dwelling house" which is defined as:

"more than one dwelling on an allotment, but does not include a rural worker's dwelling"

Within Zone 2(a) Low Density Residential, multi-dwelling houses are permissible with development consent (Item 2)

"provided it has a density no greater than:

- a) One dwelling per 450^m2 of site area; or*
- b) One dwelling per 250^m2 of site area where the site is within 300 metres distance of a business centre listed within Schedule 8".*

Multi-dwelling housing not meeting these criteria is prohibited (Item 4).

Development Control Plan 44 – Dual Occupancy Controls (Amendment No 1)

The development provisions within DCP 44 accord with the provisions stipulated within Tweed LEP 2000. Correspondingly, a "dual occupancy" development requires an area of not less than 900m² or, an area of not less than 500m² (other than a corner block) if the land is within 300 metres distance of a business centre listed under Schedule 8 of the Tweed LEP 2000.

Past Subdivision Approvals and Dual Occupancy arrangements

Prior to the introduction of Tweed LEP 2000, subdivisions for residential development zoned 2(a) Low Density Residential were able to nominate dual occupancy lots. The nominated parcels were generally selected at the DA approval stage or at the subdivision linen plan release stage. At that time there was no minimum lot size for dual occupancies development, and some allotments are less than the minimum stipulated within Tweed LEP 2000 and DCP 44.

State Environmental Planning Policy 1 – Development Standards

The purpose of SEPP 1 is to allow for a variation of development standards provided the intent and objectives of that standard are retained. It is a valuable tool used by Council to allow flexibility when applying development standards where such variation has been justified.

The manner by which "dual occupancy" dwellings are dealt with within Tweed LEP 2000 is by way of its land use tables and correspondingly so is the minimum lot size provisions associated with dual occupancy development. As it is dealt with as a land use provision within the Zone 2(a) table the minimum lot sizes are not a development standard, and SEPP 1 cannot be used to vary the requirement. Advice received from DUAP has confirmed this position.

As SEPP 1 is not available, then all dual occupancy development unable to meet this criteria is to be prohibited development. This creates an anomalous situation in that past residential subdivision

Items Deferred

approvals with provisions nominating land for dual occupancy purposes that aren't able to comply with this land use criteria (minimum 900m² lot size) are prohibited and cannot proceed.

To rectify this situation it is necessary to amend Tweed LEP 2000.

OPTIONS TO AMEND TWEED LEP 2000

Option 1

If it is intended to simply ratify past subdivision approvals, and the allotted dual occupancy provisions that accompany it, then the following LEP Amendment can be applied.

Insert the following clause within Tweed LEP 2000:

59 Protection of existing multi-dwelling entitlements

Nothing in this plan prevents a person, with development approval, from erecting a multi-dwelling house, on an allotment lawfully created, or the creation of which was lawfully consented to, before the appointed day and on which a multi-dwelling house could lawfully have been erected immediately prior to the appointed day.

Option 2

If it is intended to provide flexibility in relation to future dual occupancy development by making the minimum lot size requirement for dual occupancy development a development standard, rather than a strict land use within a zoning table, then the following LEP amendment can be applied.

Delete the following from Item 2 of the zoning table to Zone 2(a) Low Density Residential:

- Multi-dwelling housing if at a density of not greater than:
 1. One dwelling per 450m² of site area; or
 2. On dwelling per 250m² of site area if the site is within 300 metres distance of a business centre listed in Schedule 8

Delete the following from Item 4 of the zoning table to Zone 2(a) Low Density Residential:

- Multi-dwelling housing not included in Item 2

Insert in Item 2 of the zoning table to Zone 2(a) Low Density Residential:

- Multi-dwelling house

Insert the following clause within Tweed LEP 2000:

52A Multi-dwelling house densities in Zone 2(a)

1. Objective
- To control the intensity of Multi-dwelling houses in Zone 2(a) by the use of a development standard.
2. Multi-dwelling houses proposed to be erected on land to which this clause applies must be of a density not greater than:
 1. One dwelling per 450m² of site area; or
 2. On dwelling per 250m² of site area if the site is within 300 metres distance of a business centre listed in Schedule 8

Items Deferred

PLANNING MATTERS

Strategic Planning Unit Work Program

This proposed LEP Amendment was not included as a project within the Unit Work Program adopted by Council earlier in the year. The decision to review this matter has resulted from a number of enquiries and development applications received by Council that are subject to the anomalous situation that exists.

Tweed LEP 2000

Neither action will change the objectives and intent of the three subject land uses. The amendments will simply transfer development standards, associated with dual occupancy land uses, from the Zoning tables a separate clause within the Tweed LEP 2000. The only change that will result is the flexibility offered within a development standard clause and the ability to apply SEPP 1 to these prescribed development standards.

Development Control Plan No 44 – Dual Occupancy Controls (Amendment No 1)

This document provides planning controls relating to Dual Occupancy development. The proposed LEP Amendment will not affect the provisions of this DCP.

North Coast Regional Environment Plan

The clauses most pertinent to this proposed LEP amendment are Clause 42 – principles for housing, and Clause 43 – residential development. The proposed LEP Amendment accords with and is consistent with the intent and provisions of these two respective clauses.

State Environmental Planning Policy

There are no relevant SEPPs affected by the proposed LEP amendment.

Local Environmental Study

Given the minor administrative nature of the proposed LEP amendment it is considered that a local environmental study is not required and that the Director General should be asked to waive the need for one in this instance.

CONCLUSION

The proposed LEP amendment simply transfers development controls from the Land use zoning tables to a separate clause with the Tweed LEP. It transfers these development standards from a rigid planning framework to a more flexible, merit based system that will enable the use of SEPP 1, where appropriate.

It is recommended that Council proceeds with an LEP Amendment reflecting Option 2.

Items Deferred

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Items Deferred

ITEM DEFERRED FROM MEETING 23 JANUARY 2002

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

4. *Exhibition of Draft Tweed Local Environmental Plan 2000, Amendment No 16 (Greenview Estate)*

GT1/LEP/2000/16 Pt1; LEP Greenview Est Pt2

610

Cr Brinsmead

Cr Marshall

RESOLVED that this item be deferred to allow a Workshop to be held and that the owner and his consultant be invited to attend.

4. **ORIGIN: Strategic Town Planning Unit**

FILE REF: GT1/LEP/2000/16 Pt1; LEP Greenview Est Pt2

REPORT TITLE:

Exhibition of Draft Tweed Local Environmental Plan 2000, Amendment No 16 (Greenview Estate)

SUMMARY OF REPORT:

Draft Tweed LEP 2000 (Amendment No 16) has been placed on public exhibition. In response to submissions received during the public exhibition of the draft Plan it is recommended that the Plan be amended to change the 2(c) Urban Expansion Zone to 1(c) Rural Living Zone.

RECOMMENDATION:

That in accordance with Section 68 of the Environmental Planning and Assessment Act 1979, the exhibited draft Plan be amended and adopted as shown in Figure 3, and forwarded to the Director of planning NSW requesting that the Minister makes the Plan.

Items Deferred

REPORT:

BACKGROUND

The current zones for the subject site are illustrated in Figure 1.

Council, at its meeting of 6 December, 2000, resolved to prepare a draft Local Environmental Plan (LEP) over part Lot 1, DP 837715 (Greenview Estate) as shown in Figure 2.

Council, at its meeting of 2 May, 2001, resolved to exhibit Amendment No 16 in accordance with the "Best Practice Guidelines – LEP and Council Land" published by the Department of Urban Affairs & Planning (DUAP) (January 1997). Part of the draft Amendment affected land that was proposed as a public reserve to be dedicated to Council as part of a residential subdivision (S94/149).

The purpose of the draft Plan was to:

- a) extend the area zoned 7(a) Environmental Protection (Wetland/Littoral Rainforest) Zone (3,016m²) over swamp sclerophyll forest/sclerophyll forest currently zoned 2(c) Urban Expansion Zone. This change of zone will affect land now dedicated to Council as a Public Reserve (Lot 30, DP 1017336) and private land (Lot 15, DP 1017336);
- b) extend the area of 2(c) Urban Expansion Zone (2,634m²) over private elevated cleared land on Lot 15, DP 1017336 currently zoned 7(a) Environmental Protection Zone.

The draft Plan proposes to realign the boundaries of the wetland and residential zones consistent with surveyed boundaries undertaken for approved residential subdivision (S94/149).

The approved residential subdivision S94/149 has now been constructed (Greenview Estate). Lot 15, DP 1017336 now has a dwelling entitlement under Clause 57 of Tweed LEP 2000. The subdivision was approved under Tweed LEP 1987 when the house pad on Lot 15 was zoned 2(c) Urban Expansion. The house pad is currently zoned 7(a) Environmental Protection under Tweed LEP 2000 (see Figure 1).

DEPARTMENT OF URBAN AFFAIRS AND PLANNING (PLANNINGNSW)

Council was advised by DUAP that Sections 57 and 61 of the Environmental Planning & Assessment Act do not apply, and therefore an Environmental Study is not necessary. DUAP, however, indicated that Council should prepare a statement of compliance with the NSW Coastal Policy.

In response to DUAP's request Council prepared exhibition material which included a Compliance Checklist on the consistency of the draft Plan with the NSW Coastal Policy 1997.

SECTION 62 AND 34A CONSULTATION

Prior to placing the draft Plan on public exhibition or certifying the draft Plan for public exhibition under Section 65 of the EP&A Act, Council consulted with a number of relevant Government Agencies and bodies:

- NSW Fisheries;
- Coastal Council of NSW;
- National Parks & Wildlife Service;
- Department of Land & Water Conservation;

Items Deferred

- Department of Urban Affairs & Planning.

Only one (1) Government Agency, the National Parks & Wildlife Service, responded to Council's request for comments on the preparation of the draft Plan. The relevant comments from the Service dated 30 May, 2001 were as follows:

"The proposal to rezone remnant bushland and wetland on the subject site to 7(a) Wetland is supported. Please refer to our correspondence of 23 March 1999 in relation to proposed Amendment No 5 (at that time known as Amendment No 104 to Tweed Local Environmental Plan 1987).

Concerns are raised regarding the potential for further subdivision and access to that part of the subject site proposed to be rezoned from 7(a) Wetland to 2(c) Urban Expansion. It appears that this part of the subject site will be isolated from other urban areas by having wetland on the eastern, southern and western boundaries and the proposed Piggabeen Road Bypass on the northern boundary.

It is recommended that Council consider the potential impact on the surrounding wetland from further subdivision and access to this part of the subject site, in its consideration of this DLEP".

PUBLIC EXHIBITION OF THE DRAFT PLAN – 20 JUNE TO 27 JULY, 2001

The draft Plan and exhibition material were placed on public exhibition (notice in Tweed Link) at the Murwillumbah and Tweed Heads Civic Centres between 20 June, 2001 and 27 July, 2001 pursuant to the EP&A Act 1979. The Manager of Strategic Planning used his delegated authority to exhibit the draft Plan in accordance with Section 66 of the Act. Relevant State Agencies and bodies and the Tweed Byron Aboriginal Land Council were sent a copy of the draft Plan and background information and invited to comment on the draft Plan.

The draft Plan was exhibited in accordance with 'Best Practice Guidelines – LEP and Council Land' published by DUAP. This was necessary because the draft Plan affected a proposed Council Public Reserve. Three (3) submissions were received during the exhibition period, including a submission from the NSW Coastal Council. Two additional submissions were received after the end of the exhibition period. All of these submissions are attached as an appendix to this report.

The new owner of Lot 15, DP 1017336, Simoteg Pty Ltd, were advised of the exhibition of the draft Plan on 1 August, 2001 and were given an opportunity to comment on the draft Plan by 31 August, 2001.

COMMENTS FROM THE COASTAL COUNCIL OF NSW

The Coastal Council of NSW raised a number of concerns regarding the draft LEP, particularly the change of zone from 2(c) Urban Expansion to 7(a) Environmental Protection. The Coastal Council, in their letter dated 28 June, 2001, stated as follows:

"The Coastal Council does not support the proposed re-zoning of existing 7(a) lands to 2(c) on the northern (along the road reserve) and north-eastern boundary of the 7(a) lands (Part amendment 16 – previous map anomaly). This proposed amendment acts to:

- 1) *fragment urban development in the area*
- 2) *increase edge effects in the environmental protection zoning*

Items Deferred

- 3) *negate the buffer effect which would otherwise be provided by the 5(a) council road*
- 4) *be inconsistent with previous NPWS and coastal council advice.*

The Coastal Council recommends that areas contained within the apparent laneway which exits 'Chelsea Court' to the north-east and link to the 5(a) council road should be included as a buffer in the 7(a) zoning. The Coastal Council recommends that the proposed 2(c) zoning in the north-eastern sector be abandoned in favour of retention of the existing 7(c) (sic) zoning".

In response to comments made by the Coastal Council of NSW, Council provided them with additional information, including photographs of the site, in a letter dated 10 August, 2001. Council officers emphasised that the area on Lot 15 proposed to be zoned Urban Expansion in the draft Plan (Figure 2) has an existing dwelling entitlement with subdivision approval S94/149. It was further indicated that a Section 88B Instrument created under the Conveyancing Act restricts the further subdivision of Lot 15 and restricts the owner or occupier of the Lot from removing or causing the removal of vegetation within the forested area marked "L" on the 88B Instrument. Council officers also indicated that, in response to concerns raised by the NPWS, were considering replacing the 2(c) Urban Expansion zone with a lower density residential zone and requested the Coastal Council to reconsider their comments and objection to the draft Plan.

The Coastal Council of NSW reconsidered their comments on the draft Plan in a letter dated 2 October, 2001 based on additional information provided by Council officers. The relevant extract from their correspondence is as follows:

"It is unfortunate that Lot 15 was created in a recently approved subdivision. Coastal Council maintains that it would have been better to rehabilitate the cleared area with the site retaining its 7(a) zoning thus ensuring the integrity of the SEPP 14 Wetlands are better protected. However, should Tweed proceed with the plan we support NPWS' position on the restriction for no further subdivision and the prohibition not to allow tree removal from the wetland area, as noted on the s88B Instrument. Coastal Council would also support a zone with a lower density land use (ie, one dwelling house) to minimise human impact on the SEPP 14 Wetlands".

RE-EXHIBITION OF DRAFT PLAN – 24 OCTOBER TO 23 NOVEMBER, 2001

In response to allegations by a respondent to the public exhibition of the draft Plan in June/July, 2001 that exhibition material was not available to the public during the exhibition period, the draft Plan was re-exhibited between 24 October, 2001 and 23 November, 2001 in accordance with the EP&A Act. This included consultation (S62 and 34A) with State Agencies and bodies. Two (2) submissions were received during this exhibition period, and are attached as an addendum to this report along with submissions received during the first exhibition period.

SUMMARY OF SUBMISSIONS AND COMMENTS

1. Flora and Fauna Issues

- No allowance for buffers to protect significant vegetation, wetlands and threatened/endangered species (koala/Bush Hen);
- Recommend 50 metre environmental buffer to significant areas;

Items Deferred

- Environmental studies are flawed because of limited time of the surveys;
- Tweed Bird Observers Surveys over 2 years have identified 124 species of birds in the locality, including rare bush hen;
- Environmental studies for the site acknowledge the presence of ten (10) threatened species of fauna (survey) and eight (8) additional species of threatened fauna based on suitable habitat;
- Many migratory waders and shorebirds present in locality that are subject to international agreement (JAMBA, AMBA);
- Subdivision and rezoning has been done to accommodate the developers with little or no regard for the protection of the endangered or threatened species within the wetland area;
- Inadequate non-scientific analysis and conclusions of endangered bush hen's territorial range by James Warren & Associates. 7(a) zone is inadequate to cater for the bush hen's territorial requirements. Possible there is more than one pair of bush hens in the locality;
- No consideration of endangered species behavioural corridors. Proposed 2(c) zone and residential development eg, fences, is over a movement corridor for endangered bush hen and koala;
- Isolation of endangered species from fresh water. 2(c) Residential Zone will isolate (barrier) the endangered bush hen's (and other species) access to fresh water;
- Roads connecting Lots 29, 30, 31 and 32 cross over endangered species corridor (bush hen and koala) and through area marked 7(a);
- Sewerage pipelines constructed on 7(a) zoned land will degrade 7(a) zoned land during construction;
- Concerns raised by NPWS ie, potential for further subdivision and access to land to be zoned 2(c) Urban Expansion. This part of the site will be isolated from other urban areas and will be surrounded by wetland in the east, south and west;
- Proposed Urban Expansion Zone, Lot 15 will intrude and divide the wetland along with proposed Piggabeen Road deviation. This area should be left to revegetate to natural vegetation;
- NSW Coastal Council supports NPWS on the restriction for no further subdivision and the prohibition not to allow tree removal from the wetland area, as noted in the Section 88B Instrument. Coastal Council would also support a lower density landuse (ie, one dwelling house) to minimise human impact on SEPP 14 Wetlands
- Our client purchased the property (Lot 15, DP 1017336) for the sole purpose of being able to erect a dwelling. Our client objects in the strongest possible terms to the proposed rezoning which would prevent our client being able to erect a dwelling on that property in the area previously designated for the erection of a dwelling. If the rezoning, as proposed, is adopted then our client will suffer severe financial loss.

Items Deferred

- Do not agree that Amendment No 16 is consistent with Clause 29 (significant natural areas) of the North Coast Regional Environmental Plan.

Comment

Proposed 7(a) Zone

The exhibited draft Plan seeks to rezone swamp sclerophyll forest (broad leaved paper bark) to 7(a) Environmental Protection Zone. The area to be rezoned to a 7(a) Zone has high conservation value for the following reasons:

- The vegetation in this locality is in relatively good condition (understorey of rushes, ferns, sedges and scattered rainforest shrubs), and is part of a large remnant (greater than 100ha) (Ecograph 2001);
- The vegetation type is regarded as *vulnerable* in the bioregion and the Comprehensive Regional Assessment (CRA) targets for reservation have not been met (Ecograph 2001);
- This vegetation type has been extensively cleared in Tweed Shire (Pressey and Griffith 1992);
- Various studies have observed a number of significant species at flora and fauna in swamp forest within this locality. For example, a report prepared by James Warren & Associates (21 February, 2000) prepared for Greenview Developments Pty Ltd and exhibited with the draft Plan observed five (5) species of Threatened Fauna Species (Threatened Species Conservation Act 1995), and an additional five (5) potential Threatened Fauna Species within the Swamp Sclerophyll forest in the locality. Warren also observed four (4) significant species of plants within tall open swamp sclerophyll forest in this locality.

Proposed 2(c) Zone

- The exhibited draft Plan seeks to rezone a small cleared area (approximately 2,600m²) of land (part Lot 15, DP 1017336) wedged in between swamp forest and the proposed Piggabeen deviation bypass to 2(c) Urban Expansion. The suggestion that this parcel of land is best left as 7(a) Environmental Protection Zone and revegetated does not take into account that the area to be rezoned 2(c) already has a dwelling entitlement as part of subdivision approval S94/149 (24 lot 1st stage residential subdivision – Greenview Estate) and Clause 57 of Tweed LEP 2000 - *Protection of existing dwelling entitlements*. The issue for Council is whether the proposed 2(c) Urban Expansion Zone in the draft Plan is a suitable residential zone in this locality. This zone permits a wide variety of urban uses including medium density development (residential flat, townhouses etc). It is suggested that the use of the land be restricted to a single dwelling house by changing the proposed 2(c) zone to 1(c) Rural Residential zone. The 1(c) zone would discourage medium density development and associated impacts on the flora and fauna (increased human impacts) while retaining the landowner's right to build a single dwelling house on Lot 15 (Clause 57 TLEP 2000) within the building envelope identified in the approved subdivision.
- It should be noted that reference to Draft Interim Strategic Plan for Cobaki/Bilambil/Terranora as Council Policy is incorrect. The draft Strategic Plan for this locality was never adopted by Council, and is therefore not Council Policy.

Items Deferred

- The draft Plan is considered consistent with Clause 29 of the North Coast REP. A detailed Flora and Fauna Report by Jim Warren and Associates on flora and fauna in the locality was placed on public exhibition with the draft Plan. DUAP advised Council that an Environmental Study was not required to be prepared (Sec 57 and 61 of the Act).

2. Other Issues

- Concerns about land and water contamination from past cattle dip site ie, drainage from old Cobaki dip site. No testing for dip site contamination has been carried out within the wetland.
- The Department of Agriculture have advised that there is evidence that mosquitoes can transport arsenic contamination to humans. A buffer zone may reduce this threat.
- It was our belief, based on advice from the Minister of DUAP, that the partly remediated dip site would pose no further risk because of a buffer protection zone.
- Confusion over lot numbers as a result of the approved subdivision plan and registered subdivision plan have not allowed us to adequately express our concerns about the partly remediated dip site and rezoning of 2,360m² of environmentally sensitive land to Urban Expansion.
- Do not agree that Amendment No 16 is consistent with Clause 45A (flooding) of the North Coast REP.

Comment

- The proposed residential zone in the draft Plan is located approximately 165 metres north-east of a remediated Cobaki cattle dip site. Remediation of the dip site has been previously addressed through the development assessment process and Condition 40 of Stage 1 (S94/149) and Condition 42 of Stage 2A (S95/44) for Greenview Estate subdivision approvals. The remediation of the dip site has been carried out in accordance with an approved Plan of Management. Arsenic levels remaining on site are reported to be below Health Investigation Levels (Director of Environment & Community Services – 9 June, 2000 – Council file GS4/95/44). A copy of the Memo from the Director to the Manager of Subdivisions confirms this statement and is attached as an addendum to this report.

This issue has also been previously addressed when finalising Draft Tweed LEP 2000 (Amendment No 5) which was gazetted in April, 2001.

- The confusion over lot numbers is simply a result of time lags between subdivision approval by Council and registration of the Lots on a linen plan with the Lands Title Office. Numbers of lots on the approved subdivision often vary from the registered linen plan lodged with the Lands Title Office. The draft Plan affected Lots 15 (private land) and Lot 33 (Public Reserve) in the approved subdivision plans for the Development Application. Until registration with the Lands Title Office the land was legally referred to as part Lot 1, DP 837715. The residential subdivision for Greenview Estate (1st stage) has now been registered. The affected lots are now legally referred to as Lots 15 (private land) and 30 (Council Reserve), DP 1017336 (see Figure 3).

Items Deferred

- The draft Plan is considered consistent with Clause 45A of the North Coast REP. The majority of area to be zoned 2(c) in the draft exhibited Plan (now recommended to be 1(c)) is elevated land above the 1:100 year flood level (Q100 flood height RL2.65 AHD). It should be noted that Lot 15 has an existing dwelling entitlement under Clause 57 of Tweed LEP 2000 and Subdivision S94/149.
- Although the residential component of Lot 15 is identified on the DLWC Shirewide acid sulfate soils maps as High Probability Acid Sulphate Soil Materials at or near Ground Surface (estuarine/intertidal flat 0-1 metre elevation), the majority of the proposed 1(c) area is actually elevated land (minor finger ridge 3.0m – 6.0m AHD) – (Source: Drg CPA 101 – Ian Hill & Associates 1994). The majority of the proposed residential land is therefore highly unlikely to be affected by or create impacts associated with acid sulphate soils.

CONCLUSION

On the basis of the review of submissions it is recommended that the area proposed to be 2(c) Urban Expansion in the submitted plan be changed to 1(c) Rural Living.

Items Deferred

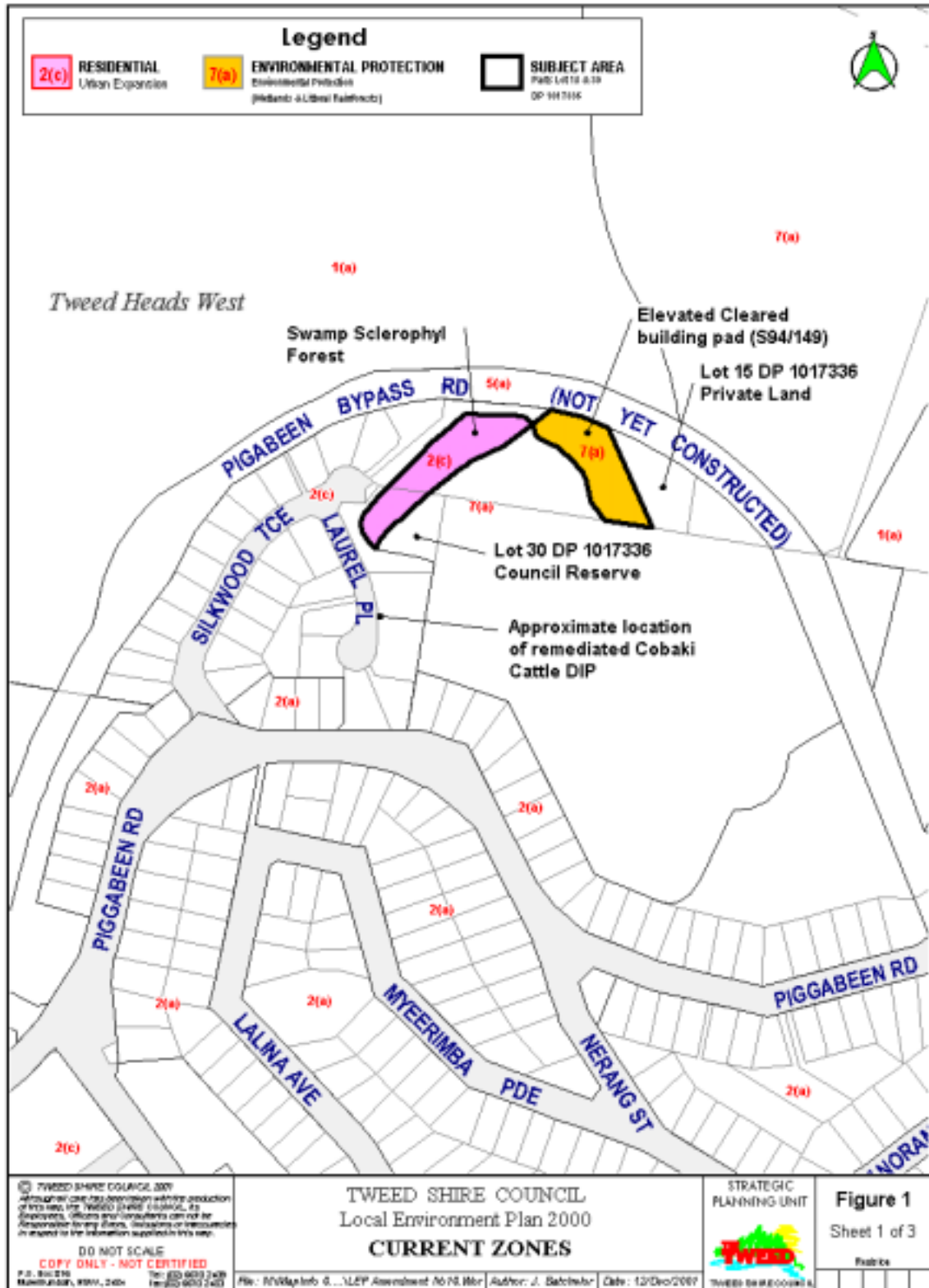


Figure 1

Items Deferred

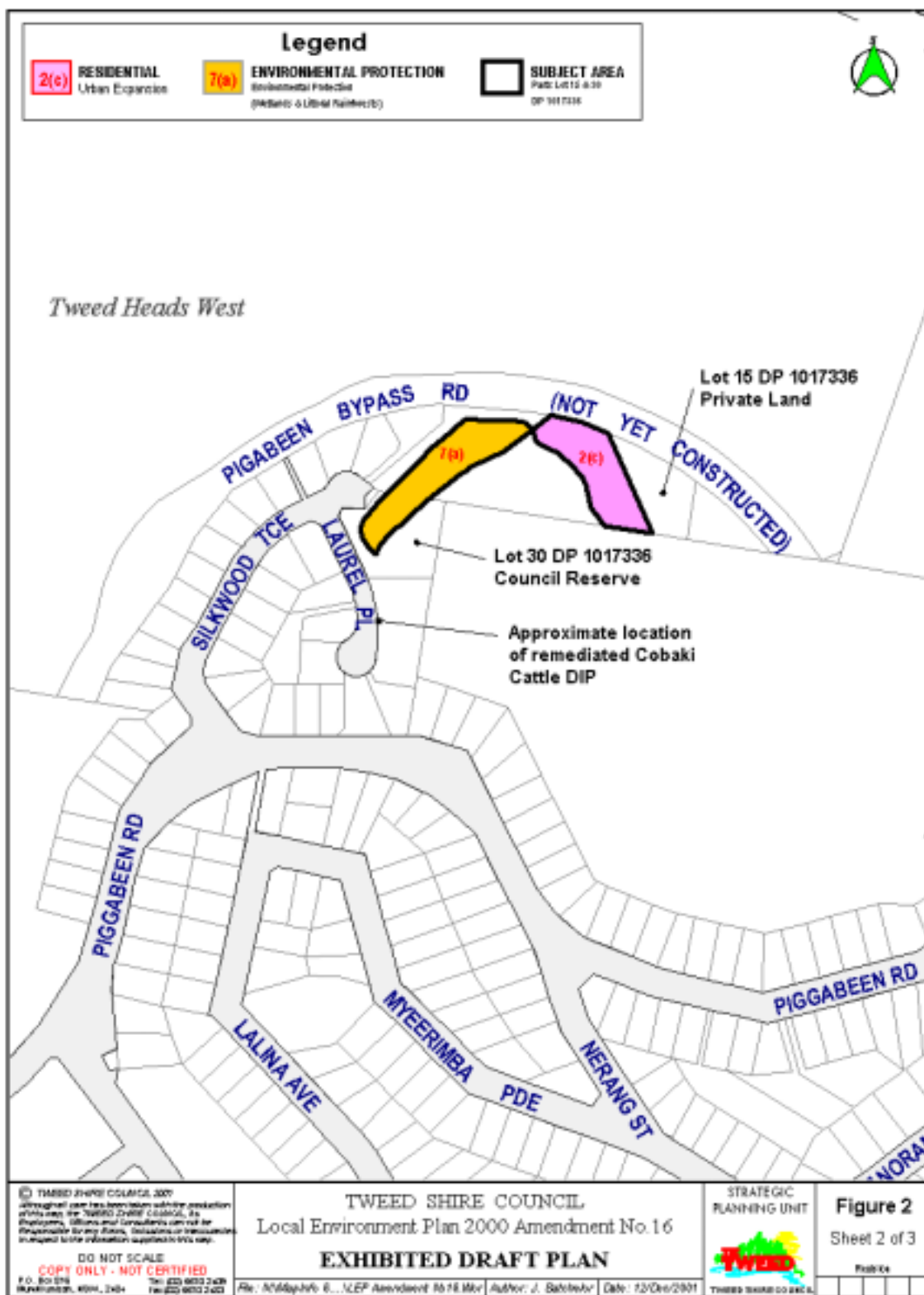


Figure 2

Items Deferred

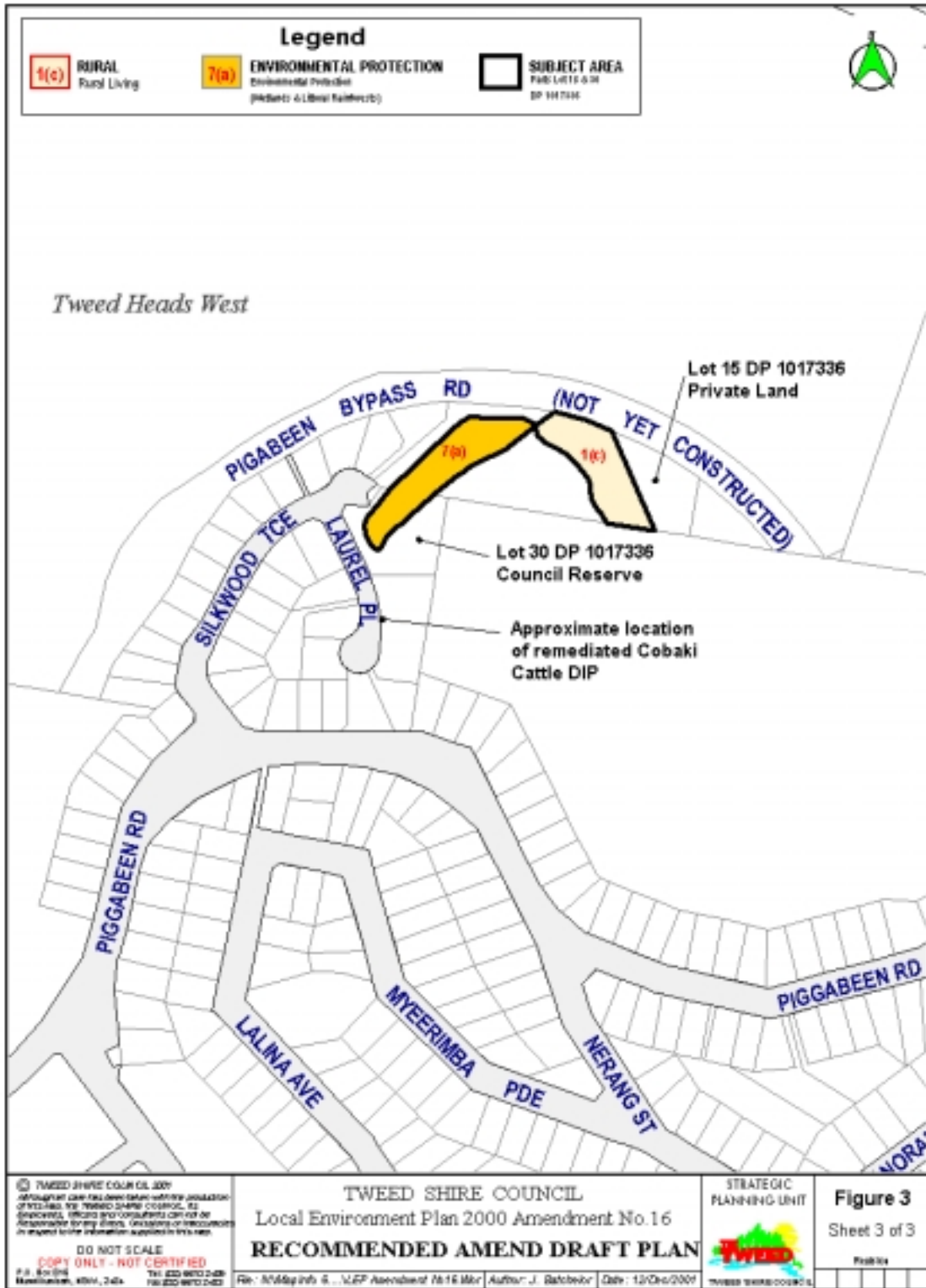


Figure 3

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ITEM DEFERRED FROM MEETING 20 FEBRUARY 2002

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

DA5345/280 Pt1

697

Cr Beck

Cr Davidson

RESOLVED that this item be deferred at the request of the applicant.

3a. ORIGIN: Development Assessment Unit

FILE REF: DA5345/280 Pt1

REPORT TITLE:

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

SUMMARY OF REPORT:

Council is in receipt of a development application for the erection of multi dwelling housing comprising four (4) units and their use as tourist accommodation on the subject land.

The applicant has amended the original plans submitted in an attempt to propose a development that is more consistent with the site controls. However the proposal still requires the use of State Environmental Planning Policy No. 1 – Development Standards as the buildings include variations from the two storey height limitation.

In addition to varying the height to four (4) and three (3) storeys in part the development proposes variations to side setbacks and the building type identified for the precinct. The variations being sought are considered to be unsustainable. The proposed development is concluded to be substantially unacceptable for the site and in relation to the Tweed Local Environmental Plan and a number of Development Control Plans. Refusal on the grounds specified is recommended.

RECOMMENDATION:

That development application 0758/2001DA for the erection of tourist accommodation comprising of 4 units at Lot 6, DP 9453, CA/Section 3, No. 4 Sutherland Street, Kingscliff , be refused for the following reasons:

- a) Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development exceeds the height limitation of the Tweed Local Environmental Plan 2000,
- b) Pursuant to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not meet the building type for the site provided under Development Control Plan No.43 – Kingscliff,
- c) Pursuant to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not meet the building setback requirements provided under development Control Plan No.6 – Multi Dwelling Housing,

Items Deferred

- d) Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, in respect of the built environment impacts through precedence of that development to development of adjoining or other land in the locality,
- e) Pursuant to Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development is unsuitable for the site and is likely to impact on the existing amenity and character of the locality through the precedence of that development to development in the locality,
- f) Pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development undermines the planning objectives for the locality and precinct and would not be in the public interest.

Items Deferred

REPORT:

Applicant: Blue Arc Network
Owner: Mr Alan & Mrs Denyce Powell
Location: Lot 6, DP 9453, CA/Section 3, No. 4 Sutherland Street, Kingscliff
Zoning: 2(b) Medium Density Residential
Est Cost: 800000

BACKGROUND

Council is in receipt of a development application for the erection of tourist accommodation comprising 4 units on the subject land. The application has been accompanied by a Building Line Variation, Fence Height Variation and an objection under State Environmental Planning Policy No.1 – Development Standards to the height limitation of the subject land.

The applicant provided a revised set of plans on 13/2/2002 in attempt to modify the proposal to be in keeping with the development control plans and expectation of the locality. The application still requires a number of variations to the development control plans and the height limitation of the subject land.

SITE DIAGRAM



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

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

The subject land is zoned 2(b) Medium Density Residential under the provisions of the Tweed Local Environmental Plan 2000. The primary objective of the zone is:

Items Deferred

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

Tourist accommodation is permissible with the consent of council in the subject zone providing the provisions of Clause 8(2) of the TLEP 2000 can be satisfied. Clause 8(2) requires the applicant to demonstrate to the satisfaction of the consent authority that:

- a) The development is necessary for any one of the following reasons:
 - i. It needs to be in the locality in which it is proposed to be carried out due to the nature, function or service catchment of the development,
 - ii. It meets an identified urgent community need,
 - iii. It comprises a major employment generator and
- b) There is no other appropriate site on which the development is permitted with consent development (other than as advertised development) in reasonable proximity, and
- c) The development will be generally consistent with the scale and character of existing and future lawful development in the immediate area, and
- d) The development would be consistent with the aims of this plan and at least one of the objectives of the zone within which it is proposed to be located.

The applicant has submitted that there is an urgent community need for tourist accommodation at Kingscliff and that the development will be a major employment generator through the employment of tradesmen during construction and the service industry in servicing the apartments.

The applicant contends that there is no other appropriate site on which the development is permitted with consent in reasonable proximity. The proposed development is contended to be consistent with the scale and character of the existing future lawful development and is consistent with the zone objectives.

Comment

The proposed tourist accommodation could be considered to be a need in the locality due to the importance of Kingscliff as a tourist destination. In terms of satisfying the three remaining requirements:

- The nearest area of land where tourist development is permissible with consent not requiring the use of Clause 8(2) is the areas zoned 3(b) within the township of Kingscliff. Other zones in the area where such is permissible with consent are 2(e) Residential Tourist and 2(f) Tourism located in the Casuarina and Catherine Street areas.
- The scale and character of the proposed development is not in keeping with the building type as identified in DCP No. 43 - Kingscliff or the Tweed Local Environmental Plan 2000 Height Limitation and Development Control Plan No.6 – Multi Dwelling Housing requirements. The standards contained in these instruments are indicative of the development expectations for the precinct in which the subject site is located.

Items Deferred

- The secondary objective of the zone allows for tourist development. While the proposed tourist accommodation is permissible the scale of the proposal is not considered to be consistent with the intended character of the precinct or consistent with the following aim of the plan:

To encourage sustainable economic development of the area of Tweed compatible with the area's environmental and residential amenity qualities.

The applicant has presented a position in his submission that could be considered to satisfy the provisions of Clause 8(2). However the justification presented is not considered to be sustainable.

Clause 15 of the LEP states that Council must not grant consent to development where the required essential services are not available. The subject land is within the urban area of Kingscliff and has the benefit of essential services.

Clause 16 of the LEP, through a height limitation plan, sets a maximum height or number of stories applicable to the land. The subject land is identified as being of a two (2) storey height limitation. The proposed building is in part four (4) stories and three (3) stories. The proposed building to Sutherland Street requires a SEPP 1 Objection to the two (2) storey development standard for the whole of the building. A full assessment of this standard is provided in this report.

Clause 17 of the LEP requires social or economic impact assessment for proposed development which is likely to have a significant social or economic impact in the locality. Further assessment of the proposed development is contained in this report under Development Control Plan No.45 – Socio-Economic Impact Assessment.

Clause 35 of the LEP requires an assessment of the proposed development in relation to impact on acid soil material. As the subject land is in a Class 5 acid sulfate soils area and does not immediately join property of a low soil class, further assessment of this matter by way of preliminary investigations is not required. The provisions of Clause 35 can be considered to be satisfied.

State Environmental Planning Policy No.1 – Development Standards

The development application is accompanied by an objection under SEPP1 to the building height development standard. The subject land is in a two storey height area. The objective of the height of building provisions is:

To ensure that the height and scale of development is appropriate to its location, surrounding development and the environmental characteristics of the land.

The applicant has submitted that the proposal is consistent with the objectives of the building height restriction, having regard to matters of amenity, privacy, bulk and scale, aesthetics and character.

The following points were offered by the applicant in support of the proposal (summarised):

- In terms of visual accessibility (passing traffic etc), the vast majority of exposure is afforded from the Sutherland Street frontage. This elevation will provide for two storeys only, thereby giving the visual and practical impression of compliance, not to mention, consistency with surrounding development.
- The proposed bulk and scale of the development is not inconsistent with other proposals within the immediate area, including development at the corner of Seaview & Sutherland

Items Deferred

Streets and additions to the ANZ bank building on Marine Parade. There is significant market demand for land within this area, thereby necessitating greater utilisation of space.

- The nature of the zoning will in time vary the character and built form of the locality via the promotion of higher densities and increased bulk and scale (relative to existing single dwellings). Future increases in density and bulk and scale will also come about by way of the sites proximity to commercial zoned land (which will also be subject to substantial redevelopment). In any event, the proposal represents a consistent approach to both the existing a likely future character of the area. The proposal is also considered to be consistent with the form and mass of adjoining residences to both the south and north.
- The proposal has been designed to mesh into the slope joining Sutherland Street and Hungerford Lane. The proposed stepping of the proposal ensures that it does not impose itself on the character of the locality, rather it assists in ensuring compatibility with adjoining properties and likely future developments.
- The site lends itself to higher density development given its relative location to the commercial centre and recently approved developments.
- Proposal is in sympathy with the objective of the height of buildings standard. There will be little impact to neighbouring residents, with minor view loss to residents on the opposite side of Sutherland Street.
- Complies with the objectives of the act.

Comment

The proposed development exceeds the building height limitations for all of the building to the Sutherland Street frontage, as follows:

- From the side elevation of the proposed building for 11.5 metres in length the building is three (3) stories in height. This equates to the building being 8.0m to 8.5m in height on the side elevation and to the Sutherland Street frontage. From the street level the proposed building is 7.0m to 8.5m in height.
- From the side elevation of the proposed building for 3.2 metres in length the building is four (4) stories in height. This equates to the building being 10.5m to 11.0m in height.

The proposed development exceeds the building height limitation for part of the building to the Hungerford Lane frontage, as follows:

- From the side elevation of the proposed building for 7.0metres in length the building is three (3) stories in height. This equates to the building being 7.0m to 8.0m in height on the side elevation and 8.5m to 9.5m in height from the Hungerford Street elevation.

The following comments are made in relation to the justification provided by the applicant.

- The examples the applicant refers to are in the three storey limitation area rather than the two (2) storey area.
- The subject land can be redeveloped without under utilisation and still comply with the height limitations of the site.
- Future redevelopment of the adjoining sites would also need to comply with the standards applicable. Redevelopment of adjoining properties will need to be undertaken in accordance

Items Deferred

with applicable standards to ensure a continuous wall of facades to Sutherland Street of a height greater than the expectation for a two storey development does not eventuate.

- The design does not step down the slope to the extent required to comply with the height limitations. The adjoining properties contain single dwelling houses that may in the future be redeveloped to contain multi dwelling housing. Such future proposals will also be required to step down the slope and comply with the height requirements and other requirements contained in development control plans.
- The site has not been identified for three storey development since the Tweed Local Environmental Plan 1987. The site has never been identified as 'lending itself to higher density development'. The headland and topographical features of the locality are intended to be preserved through the limitation of development to two (2) stories. Close proximity to the business zone has resulted in the site being identified as 2(b) Medium Density Residential rather than a lower density.
- The impact to adjoining neighbours comment has been limited to view analysis and has not addressed the overshadowing issues raised by the height limitation being exceeded.

The following report details the issues raised by the SEPP 1 such as residential amenity, impacts to streetscape, overshadowing and view assessment. The reasons provided by the applicant are not considered to justify the variation to height. It therefore is considered that the application should not be supported.

The applicant provided a further submission in relation to the height limitation on 14/2/2002 in relation to the precinct objectives held in DCP 43 – Kingscliff. The following points were made (summarised).

- The development of the site is consistent with the Medium density designation of the land and is not considered to be an over development.
- The building respects the slope and allows for the retention of views from adjoining properties. The amount of the building that steps down the slope is constrained by the height of development on Marine Parade, the levels on the site, access to the garages from Sutherland Street and the need to maximise views and breezes.
- The height of the Sutherland Street building is dictated by the height of the Hungerford lane building. If the Sutherland Street were to comply and be lowered into the ground, the living areas would face directly into the rear of the Hungerford Lane building.
- The subject site would not be visible along the Marine Parade elevation. The proposed four stories would not be dominant from Hungerford Lane as it would be hidden behind the building to the south and the proposed building on Hungerford Lane.

The comments made above in relation to the original SEPP 1 submission are considered to still be relevant in light of this more recent submission. The applicant has proposed a building design that is not considered to be appropriate for the subject land. Rather than attempting to vary the controls to this degree it is considered that the design should be more appropriate for the site.

Items Deferred

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

Development Control Plan No 2 - Site Access & Car Parking Code

Standard	Requirement	Variation/complies
On site car parking	1/unit and 0.5/ staff	One covered space per unit is provided. There are no further spaces provided on site without such being stack parking. Does not comply with staff parking requirement.

The applicant has submitted that the proposed development does not need to provide staff car parking as the subject land is within 50 metres from the Paradiso on the Beach development and this site will be managed in conjunction with that development.

This justification does not take into account service vehicles required for maintenance of the building and while the site may be in walking distance from the larger development the nature of tourist accommodation is such that the provision of staff parking should be afforded to the development site.

Development Control Plan No 6 - Multi-Dwelling Housing

The applicant has held the view that DCP 6 does not apply as the development is for tourist accommodation. DCP does apply to multi-dwelling housing and covers a wide variety of housing forms such as dual occupancy, terraces, villas, townhouses, integrated housing and three storey residential flat buildings.

Whilst the DCP does not refer to tourist development, the proposed tourist accommodation is to be provided in a four town houses. The built form is such that DCP 6 applies. The following table assesses the proposed development in relation to the provisions of DCP No.6.

Standard	Requirement	Variation/complies
Floor Space Ratio	0.5:1.0	Variation sought. The total floor area proposed is 742m ² including the garages. The site area is 642m ² resulting in a floor space ratio of 1.1:1.0. This is a significant variation.
Landscaped Area	80m ² per unit = 320m ²	Complies Landscaped area proposed is 407m ² .

Items Deferred

Standard	Requirement	Variation/complies
Setbacks from street boundary	6.0m to Sutherland Street and 3.0m to Hungerford Lane	Variation sought. The front setback to Sutherland Street is encroached into by 1.5m of the building. The Hungerford Lane frontage is encroached into by the garden room located on Level 1 which is a terrace supported by perforated walls to the ground level.
Front fences and walls	1.2m max if solid	A fence height variation is sought by the proposed development.
Building Envelope	45° from 3.5m high at the boundary	Variation sought. The building envelope is substantially encroached into. Due to the slope of the land the areas of encroachment change over the site however such includes substantial areas of the roof, eaves and parts of the buildings at both the Sutherland Street and Hungerford Lane frontages.
Side setbacks	3.0m	Variation sought. Encroachment refer to report.
Car Wash Areas	1 required per 10 units.	Variation sought, no car wash bays proposed.

Building Surveyors Report Front Building Line

Council's Building Surveyor recommended that approval be granted to vary the six metre building alignment to Sutherland Street to permit the construction of a dual occupancy with the western wall of the upper level stairwell standing up to 4.6 metres from the western property boundary.

The Director of Environment and Community Services has not objected to the building line variation providing all other aspects of the proposal are considered to comply. The proposed development is seeking a number of variations that are not considered sustainable under this development control plan.

Development Control Plan No 43 - Kingscliff

The subject land is within the Kingscliff Hill Precinct. The objectives of the Kingscliff Hill precinct are to:

Items Deferred

- Facilitate the development of the precinct as a predominantly low density residential area;
- Develop the Kingscliff Hill medium density zone as an attractive residential area, with buildings that respect the slope of the land and allow for the retention of views available from adjoining land;
- Encourage development to take advantage of available views and climatic effects;
- Ensure that development on visually prominent sites is relatively unobtrusive;
- Preserve the traditional character of existing laneways.

The subject land is identified as being suitable for Type 5 Buildings. These buildings step down the slope in such a way that there are no more than two (2) storeys at any one point. The proposed structure does not comply with the building type required, which presents as a single storey residence to the street frontage and steps down the slope with sections of the development being single storey.

The DCP also has requirements for development to Hungerford Lane. This is to ensure that development fronts the laneway with low fences and landscaping rather than a continuous row of garage doors blank walls or high fences. The proposal complies with this requirement to the extent that there are units fronting the lane, and landscaping and fencing is proposed.

The proposed development does not comply with the building type identified for the subject land or the building height plane and setbacks as required by DCP 6 that are reinforced in DCP 43. Given these deviations the proposed development is not considered suitable for the site.

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

Built Environment

The proposed development exceeds the height limitations of the precinct. The impacts of the variation of the development on the built environment are significant as they result in the built form being two, three and four stories in height as opposed to the two storey limitation.

There are constraints with the land form that have resulted in dwelling houses in the precinct being considerable in height due to the fall of the land, however proposed redevelopment of these dwellings would need to comply with the provisions of the DCP's for the precinct.

The effect of the height of the proposed buildings, and the encroachments into the building height plane to adjoining properties will result in over shadowing. This over shadowing has been presented on plans with the application, however as the design of the Sutherland Street building has changed, the information contained on these diagrams is no longer relevant.

The encroachments into the side setbacks result in a reduction in privacy between the buildings and in the future potentially between multi dwelling housing developments. The three (3) metre setback is to ensure amenity to adjacent dwellings and land. Allowable encroachments into the side setbacks are pergolas, screens or sunblinds and roof terraces. The proposed development has sections of the buildings built to the boundary (garages), and setback 1.5m and 2.0m from the side boundary.

Items Deferred

While the design includes timber screens to windows it is considered that the side setback encroachments will reduce the residential amenity between the properties.

The proposed two buildings have a gap of approximately 2.0m and landscaping is provided to the terrace areas these features provide some relief from the bulk of the proposed buildings.

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

Topography

The subject land is relatively steep with a fall of 9.7 metres over the site. The Kingscliff Hill precinct has been identified as being suitable for the given building type due to the topographical constraints of the site. The proposed development is considered to be unsuitable for the subject land due to the fall over the site. An alternative design could comply with building type and still enable the land to be developed for multi dwelling housing.

Accessibility

As the subject land has the benefit of rear lane access from Hungerford Lane the site is not constrained by limited access. The original submission proposed access from Sutherland Street to two garages which was considered to be inappropriate as the proposed buildings limited access to and from the garages in a manner considered to be undesirable. These plans have been amended to enable access from the garages at the Sutherland Street frontage, as well as the access from Hungerford Lane.

Tourist Accommodation

The proposed multi dwelling housing is intended to be used as tourist accommodation. The adjoining land uses to the sides of the subject land are residential, with the properties fronting Marine Parade being commercial. The use of the multi dwelling housing as tourist accommodation is not considered to be out of character with the area.

The residences within the same precinct would appear to be utilised as primary places of residence. During the advertising period there were no objections received to the proposed development and the site being managed as tourist accommodation. There are other areas identified in Kingscliff as being more appropriate for tourist development.

The use of the land for tourist accommodation is not considered to be unreasonable, rather the proposed design of the buildings is considered to be inappropriate for the site.

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

The development application was advertised in accordance with Council's policy for a period of fourteen days during which no submissions were received.

(e) **Public interest**

The proposed development requires a number of variations to requirements held within the Tweed Local Environmental Plan 2000 and Council's Development Control Plans that apply to the site. These controls have provided planning objectives for development within the Kingscliff Hill Precinct which are relevant to land adjoining the subject site and within the locality.

Items Deferred

The level of variation being sought is considered to be unreasonable and unsustainable in the precinct. Adjoining properties and the redevelopment of other land within the locality will be required to have a greater regard for the controls than that given by the proposed development.

It is not in the general public interest to enable the planning objectives for the site to be undermined by the proposed development.

OPTIONS

1. Refuse the proposed development for the reasons provided.
2. Recommend that conditions be prepared and that Assumed Concurrence be utilised under State Environmental Planning Policy No. 1 – Development Standards to vary the height limitation to grant conditional consent for the proposed development.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

The applicant has the right of appeal to the Land and Environment Court if dissatisfied with the determination.

CONCLUSION

The application proposes development that has major variations to the Tweed Local Environmental Plan and a number of Development Control Plans. The extent of the variations is well beyond what could be considered reasonable.

The applicant has presented justifications which argue that the controls for the site are unreasonable or unnecessary. The site is limited by the nature of the fall over the site, 9.7 metres, and will need a design sensitive to the site constraints and the objectives of the precinct.

The proposal is concluded to be substantially unacceptable for the site and is therefore recommended for refusal.

Plans showing elevations are Annexure 1 to this report.

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.

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Reports from Director Development Services

1. **ORIGIN:** Strategic Town Planning Unit
FILE REF: GT1/DCP/46 Pt1

REPORT TITLE:

Re-exhibition of Draft Development Control Plan No 46 and Draft Plan of Management for South Kingscliff Gateway

SUMMARY OF REPORT:

Following Council's decision on 14 November 2001 the Draft Development Control (DCP) Plan was re-exhibited between 4 December 2001 and 31 January 2002. A total of four (4) submissions were received which have been reviewed by the Lot 490 Steering Committee and the Tweed Coast Reserve Trust. Three submissions were concerned with the viability of development. The Trust has requested that the Steering Committee reconsider the amount of development nominated in the draft Plan.

RECOMMENDATION:

That Council notes the request of the Tweed Coast Reserve Trust to the Lot 490 Steering Committee and defers any further work on the draft Development Control Plan until the Trust has considered the response from the Steering Committee.

Reports from Director Development Services

REPORT:

Following Council's decision on 14 November 2001 the Draft Development Control (DCP) Plan was re-exhibited between 4 December 2001 and 31 January 2002. A total of four (4) submissions were received which have been reviewed by the Lot 490 Steering Committee and the Tweed Coast Reserve Trust. Three submissions were concerned with the viability of development.

The Draft DCP has been prepared to provide the planning framework for the development of Lot 490. The property is a Crown Reserve under Council's care, control and management. It is also zoned 2(f) Tourism in the Tweed LEP 2000. It is therefore a very significant income generation for the Tweed community and in particular to fund the enhancement and maintenance of the Single Coastal Reserve.

Following exhibition of the Draft Plan in August 2001 Council resolved to re-exhibit the Plan to provide for additional development in the beachside and coastal management units. The resultant amendment is summarised below:

	Original Nomination	Amended Nomination
Beachside Unit	250-300 bed spaces	150 rooms
Lakeside Unit	100 bed spaces	100 units/sites

Other amendments to the Draft DCP that were re-exhibited were endorsed by Council to provide for greater clarity and flexibility.

The Steering Committee met on 5 February 2002 to consider the submission received as a result of the re-exhibition and recommended that:

“the Trust recommend to Council that the Draft DCP be adopted with the following amendments:

1. *Development in Management Unit 2 be changed from 150 rooms to an indicative maximum of 180 rooms.*
2. *Section 6.1 of the Draft DCP include an additional requirement for the applicant to submit a Management Plan for public access and use within the 50m buffer Cudgen Creek.”*

On 13 February 2002 the Tweed Coast Reserve Trust considered the recommendation of the Steering Committee and resolved:

“that the Trust requests the Lot 490 Steering Committee to:-

1. *Not undertake an expression of interest;*
2. (a) *Reconsider its recommendations on the Draft Development Control Plan Number 46 and the related Plan of Management drafted by the Department of Land and Water Conservation (as the Trust considers that the currently recommended maximum levels of development may not be soundly based on development viability.*

Reports from Director Development Services

- (b) *Engage the consultant who valued the property previously to undertake a study of the development potential of the site”.*

The views expressed at the Trust Meeting included concern that the amount of development nominated in the draft Plan is insufficient to ensure viability and sufficient income to provide funds for the management of the Single Coastal Reserve. The Lot 490 Steering Committee will have met on 4 March 2002 to consider the requests of the Trust.

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Reports from Director Development Services

2. ORIGIN: Strategic Town Planning Unit
FILE REF: GT1/DCP/45 Pt1

REPORT TITLE:

Development Control Plan No 45 - Socio-Economic Impact Assessment

SUMMARY OF REPORT:

At its meeting of 5 September 2001 Council resolved to adopt *Development Control Plan 45 – Socio Economic Impact Assessment*. In the implementation of this DCP it was identified that some procedural issues have hindered the achievement of its objectives.

Subsequently the DCP has been revised to allow easier and better implementation. The objectives and intention of the DCP remains the same but there has been an extensive rewording to keep the DCP brief. Therefore it is recommended that the DCP be re-exhibited as an entirely new draft.

This report describes the purpose, content and implications of the modified draft DCP that will effectively implement Clause 17 of the Local Environmental Plan 2000. It concludes that the Development Control Plan will enable better development outcomes to be achieved by increasing the focus on social and economic issues in considering development applications.

RECOMMENDATION:

That Council places draft Development Control Plan No 45 - Socio-Economic Impact Assessment, Requirements for the Assessment of Socio-Economic Impacts of Developments – Annexure 1 to this report – on public exhibition in accordance with Section 72 of the Environmental Planning and Assessment Act 1979.

Reports from Director Development Services

REPORT:

BACKGROUND

The revised draft DCP 45 - Socio-Economic Impact Assessment is an appendix to this report.

The Environmental Planning & Assessment Act does include as one of many matters for consideration 'social and economic impacts in the locality' (S79(c)(1)(b)). Subsequently, when Council adopted the Tweed Local Environmental Plan 2000, a specific clause was included to help assess these impacts:

"17. Social impact assessment

(1) Objective

- *To ensure proper consideration of development that may have a significant social or economic impact.*

(2) Where the consent authority considers that a proposed development is likely to have a significant social or economic impact in the locality or in the area of Tweed, the consent authority may only grant consent to the proposed development if it has considered a social impact statement in respect of the proposed development.

(3) The social impact statement must:

- (a) identify the likely future impacts of the development and the affected community; and*
- (b) analyse the impacts in terms of magnitude, significance, duration, effect on current and future conditions and community services, and the like;*

and

- (c) determine and assess possible measures for the management or mitigation of likely impacts".*

The Tweed is now established as a 'high growth' area, and there have been many comments about the need to ensure quality in urban development, increase employment rates and some controversial issues about the compatibility of particular developments. It is important in these circumstances to establish a statutory framework that enables best practice procedures and outcomes. It has become normal practice to require detailed environmental impact assessments to be carried out for proposed developments in some circumstances, and there is an equal need to carry out detailed economic impacts and social impact assessments in some circumstances.

PURPOSE OF THE REVISION OF DCP 45

At its meeting of 5 September 2001 Council resolved to adopt *Development Control Plan 45 – Socio Economic Impact Assessment*. In the implementation of this DCP it was identified that some procedural issues have hindered the achievement of its objectives.

Subsequently the DCP has been revised to allow easier and better implementation. The objectives and intention of the DCP remains the same but there has been an extensive rewording to keep the DCP brief. Therefore it is recommended that the DCP be re-exhibited as an entirely new draft.

Reports from Director Development Services

Continuing consultation with Development Assessment Unit of Council, planning consultants and Tweed Economic Development Unit have identified several improvements resulting from experience with the implementation of the DCP. The review has identified major procedural changes; these changes are set out below;

Consultation	Draft Changes to DCP 45
Council's Development Services	<ul style="list-style-type: none"> • Included a section which allows developments with a minimal impact to be excluded from preparing a Socio-Economic Impact Assessment (SIA). • Included a section recommending that pre-lodgement advice on DCP 45 be sought prior to lodging a Development Application. • Inclusion of a SIA requirement Matrix, to determine what specific development types will be required to incorporate into an SIA.
Tweed Economic Development Corp.	<ul style="list-style-type: none"> • Greater flexibility to determine when an SIA is required. • Review of what is required in an SIA. • Removal of inference to negative impacts to cover all impacts including positive.
Planning industry generally	<ul style="list-style-type: none"> • Consolidated and simplified the content. • Included a flow chart to represent the required process.

The objectives of the DCP have not been modified through this review. These are set out below;

“to ensure proper consideration of developments that may have a significant social or economic impact to effectively implement this the objectives of the draft DCP are as follows:

- (a) *To ensure that applications for certain developments that are likely to have a significant social and economic impact are properly considered, in accordance with Section 79C of the Environmental Planning and Assessment Act 1979, the Tweed Shire 2000+ Strategic Plan (policies 46 and 125) and the Tweed Local Environmental Plan 2000.*
- (b) *To set out Council's requirements for Socio-Economic Impact Statements as identified in Clause 17 of the Tweed Local Environmental Plan 2000.*
- (c) *To achieve maximum benefit for the community from development activity, and mitigate negative impacts.*
- (d) *To achieve economic growth through employment generating activities that adopts the concepts of Ecologically Sustainable Development.”*

Reports from Director Development Services

CONCLUSION

The revised DCP addresses these issues which together make it a more effective and acceptable document.

Reports from Director Development Services

3. ORIGIN: Director
FILE REF: GT1/LEP/2000/3

REPORT TITLE:

Local Environmental Study and Draft Local Environmental Plan - Seaside City

SUMMARY OF REPORT:

The Deputy Premier and Minister for Planning, Dr Andrew Refshauge has re-emphasised that it would be inappropriate to continue the local environmental planning process until the Department of Local Government investigation has been completed - (the Deputy Premier's and Minister for Planning's letter is Annexure 1). There is a need to convey this position and Council's response to all of the landowners at Seaside City and draft letters to Richtech Pty Ltd (the major landowner) and all other landowners are contained within this report. A recent letter from Richtech Pty Ltd is Annexure 2.

RECOMMENDATION:

That Council:

1. Endorses the draft letters to Richtech Pty Ltd and to all of the other landowners at Seaside City that are contained within this report;
2. Forwards copies of this report and the endorsed letters to the Deputy Premier and Minister of Planning; and the Director General of planningNSW and NSW Department of Local Government.

Reports from Director Development Services

REPORT:

The Deputy Premier, Minister for Planning, Minister for Aboriginal Affairs and Minister for Housing, Dr Andrew Refshauge has strongly re-affirmed the position that it would be inappropriate to continue the local environmental planning process for Seaside City until the Department of Local Government investigation has been completed. He states in part of his letter that “the outcome of the current investigation should be known before consideration is given to resuming the planning process for the site”.

Richtech Pty Ltd, the major landowner and the McInnes Group, the consultants to Council for the Local Environmental Study (LES) and draft Local Environmental Plan (draft LEP) for Seaside City, have written to Council seeking Council’s agreement to present the preliminary study as completed to date by the McInnes Group to of the all landowners at Seaside City (the letter from Richtech Pty Ltd is Annexure 2 and the letters from the consultants to the study are Annexures 3 and 4). The Director of Development Services has responded to the letters from Council’s consultants and these letter of reply are Annexures 5 – (letter to Bennett & Bennett) and Annexure 6 – (letter to the McInnes Group).

It is highly important that Council now resolves to provide appropriate advice to the landowners. The recommended approach is to endorse the draft letters below to Richtech Pty Ltd as the major landowner – and as response to the letter from Richtech Pty Ltd of 20 February 2002 (Annexure 2) and to all of the other landowners.

DRAFT LETTER OF REPLY TO RICHTECH PTY LTD

(This draft letter responds to the Richtech Pty Ltd letter of 20 February 2002)

“I refer to your letter of 20 February 2002.

Your understanding of the key points is confirmed with the exception that on the 15 March 2000 Council resolved, in effect, to initiate the Local Environmental Study and draft Local Environmental Plan to investigate the potential rezoning of Seaside City from 2(f) Tourism to 2(e) Residential/Tourist – not from 2(e) to 2(f) as quoted in your letter.

As you are well aware, the Deputy Premier and Minister for Planning has the clear position that the LES process should not be continued until the Department of Local Government Inquiry has been completed. The major factor that is delaying the completion of the Inquiry is the injunction proceedings against the Department of Local Government to which you are a party. Additionally, consultations with key State Government Agencies is a legal requirement for completion of the LES. At this stage those State Government Agencies are declining to meet with the McInnes Group pending the completion of the Department of Local Government Inquiry Report. The LES and draft LEP therefore cannot be effectively and legally concluded until the State Government Agencies have raised issues and had them appropriately addressed in the LES and draft LEP.

It is fully acknowledged that your Company paid approximately \$90,000 to fund the Consultant’s engaged to prepare the LES and draft LEP. However, as has been emphasised strongly during the whole process, the LES and draft LEP process has to be conducted under the complete management independence of Council.

Hence, given the letter from the Deputy Premier and Minister for Planning of the 19 February 2000 the approach to the LES and draft LEP should be:

Reports from Director Development Services

1. Awaiting the conclusion and publication of the Investigation Report by the NSW Department of Local Government as the basis for subsequent management by Council of the required Local Environmental Study and draft Local Environmental Plan for Seaside City;
2. Not convening a meeting of the landowners at Seaside City until such time as the Investigation Report by the NSW Department of Local Government;
3. The opportunity for the State Government Agencies to raise key issues and have them addressed in the LES and draft LEP and Council's formal consideration of the Local Environmental Study and draft Local Environmental Plan as has been completed in accordance with the recommendations of the Department of Local Government;
4. A letter from Council to all landowners at Seaside City explaining the position.

The question raised in your letter as follows: "*whether management practices by Council have been found in allowing the extended period for this consultancy with no known result produced to the landowners*" is regarded as highly inappropriate.

Yours faithfully

David Broyd

Director Development Services"

DRAFT LETTER TO ALL LANDOWNERS AT SEASIDE CITY

"Local Environmental Study and Draft Local Environmental Plan - Seaside City

The Local Environmental Study and Draft Local Environmental Plan were initiated by Council following the application by the predominant landowner of the lots in Seaside City Richtech Pty Ltd to consider rezoning from the Tourism 2(f) zone to the Residential/Tourist 2(e). The latter zone provides more flexibility for residential development at the site.

Council subsequently resolved to commission the McInnes Group to undertake the Local Environmental Study (LES) and Draft Local Environmental Plan (Draft LEP). In June 2001, an Inquiry was initiated by the NSW Department of Local Government with one of the two major terms of reference being planning for Seaside City and the Council's decision making in commissioning the consultants. The report from the Department of Local Government has not yet been finalised and is subject of injunction proceedings that are due to be reheard in Court in March 2002. Whilst the Inquiry is still current key State Government Agencies have declined to meet with the McInnes Group. Consultation with State Government Agencies and addressing the resultant issues is a legal requirement of the process of preparing a LES. The McInnes Group have progressed the Study substantially and have a preliminary study completed but without the consultation and addressing of issues from State Government Agencies.

Council is very much aware of the importance of keeping all landowners of allotments in Seaside City well informed of the Study. However given the position with the Investigation Report by the Department of Local Government and the State Government Agencies it would be premature to convene a meeting to present any of the findings in the preliminary study of the McInnes Group at this stage. Any such presentation therefore must follow the input of the State Government Agencies, formal consideration of Draft Local Environmental Study by Council and endorsement to present to landowners at Seaside City.

Reports from Director Development Services

I assure you that such a meeting will be convened with the landowners of Seaside City once the Investigation Report of the Department of Local Government is finalised and duly considered by Council and the State Government and that the presentation of the Study will enable full and proper consultation with all landowners in the process towards recommendations on the future zoning, planning provisions and infrastructure funding for the land.”

Yours faithfully

David Broyd

Director Development Services

cc. Director General - planningNSW
Director General – Department of Local Government
David McInnes – The McInnes Group International Limited”

CONCLUSION

Given the position with the LES and draft LEP for Seaside City and in particular the letter from the Deputy Premier and Minister for Planning - the two above draft letters are recommended to Council for endorsement.

Reports from Director Development Services

- 4. ORIGIN:** Strategic Town Planning Unit
FILE REF: GT1/LEP/2000/23 Pt1; LEP - Highway Service Ctr

REPORT TITLE:

Draft Tweed Local Environmental Plan 2000, Amendment No 23 - Proposed Highway Service Centre, Pacific Highway, Chinderah (Melaleuca Station)

SUMMARY OF REPORT:

Council has received correspondence from the Roads & Traffic Authority objecting to proposed LEP Amendment No 23. The objection is based on the proposed developments inability to satisfy **all** the principles of Ministerial Direction Section 117(2) No S28 – Commercial/Retail Development along the Pacific Highway, North Coast, from the Queensland Border to Hexham.

The non-compliance of the development with Principle 7(iii) is based on location and distance characteristics. Verbal discussions with the RTA have reiterated the authorities position on applying the strict principles of the S117 Direction and requiring proposed developments to fully comply with the legislative requirements.

OPTIONS:

1. Enter into negotiations with representatives from the RTA to discuss the proposed highway service centre, discuss their objection and determine whether an outcome can be negotiated.
2. Advise the proponent that it is unable to proceed with draft LEP Amendment No. 23 until all the objectives and principles of S117(2) No S28 are addressed and complied with.
3. Council resolve not to proceed with preparation of the subject draft LEP Amendment.

RECOMMENDATION:

That Council not proceed with the preparation of Draft Amendment No 23 to the Tweed Local Environment Plan 2000 – Proposed Highway Service Centre, Pacific Highway, Chinderah (Melaleuca Station).

Reports from Director Development Services

REPORT:

Correspondence has been received from the Roads Traffic Authority (RTA) objecting to proposed draft LEP Amendment No 23. The objection is based on the proposed developments inability to comply with S117(2) Ministerial Direction S28 - Commercial/Retail Development Along the Pacific Highway, North Coast, from the Queensland Border to Hexham. The RTA requires compliance with **all** the relevant principles of this Ministerial Direction.

The relevant Principles relating to the proposed Highway Service Centre are:

- Principle 6 – Acceptance of the need for highway service centres;
- Principle 7 – Location criteria for highway service centres;
- Principle 8 – Uses allowed in a highway service centre;
- Principle 9 – Access and safety at highway service centres.

The proposed development generally complies with the provisions of Principles 6, 8 and 9. Principle 7 states:

“Principle 7 – Location criteria for highway service centres: Service centres are to be limited in distribution and strategically located to serve, but not to over-service the travelling public. They should;

- i. Be located as near as possible to an existing town that has been by-passed, preferably at an intersection/interchange with the town access road, so that they act to economically support that town, to encourage visitation to that town and so that employees do not have to use the Pacific Highway to get to work. Highway service centres should not be located remote from existing towns. Where a town or village is to be by-passed and that town has developed largely to service the needs of the highway traffic, the likely future impact on the town’s economy should be considered before approval is given to establish any new or expanded highway service centre on the edge or outside the town; and*
- ii. Be spaced no closer than 24 kilometres from another highway service centre or a town through which the highway still passes; and*
- iii. Be limited to one highway service centre to serve both directions of traffic, or one highway service centre per side of the highway, for each segment identified as potentially appropriate for a highway service centre. If there is a need for one highway service centre each side of the highway, they should be located either opposite each other, or staggered such that the highway service centre on the driver’s approach is viewed first and is no more than 500 metres from the other location.”*

Comments:

- i. The proposed Highway Service Centre site is located approximately 3km from the township of Chinderah. It is situated at the Pacific Highway – Oak Avenue interchange. The impact on the economies of the townships of Chinderah and Murwillumbah is negligible. The proposed development is considered to generally comply with this part of Principle 7.

Reports from Director Development Services

- ii. The proposed service centre is located approximately 3 kilometres from the nearest approved service centre (Kordic Site – Chinderah). The proposed service centre does not comply with this part of Principle 7 as a separation distance of 24 kilometres is required. However, it is believed that the nominated 24 kilometre separation distance is intended to apply to service centres servicing traffic travelling in the same direction. The approved Kordic site is intended to service predominantly south bound traffic whereas the proposed Melaleuca service centre is intended to service predominantly north bound traffic travelling along the Highway. Therefore, despite the location of the proposed site not strictly complying with the 24 km separation requirement it is considered that the location is generally consistent with this part of Principle 7.
- iii. This part of Principle 7 requires service centres servicing traffic travelling in opposing directions to be sited no more than 500 metres from one another. The proposed Melaleuca service centre is located approximately 3km from the Kordic site. Hence, this part of Principle 7 is not being complied with and it is physically impossible for the proposed development to comply. It can possibly be argued that with traffic travelling at 110 km/ph the 3 km separation distance between the service centres would not be perceived to be great by motorists.

SUMMARY

The proposed service centre generally complies with the majority of the objectives and principles of Section 117 (2) No S28 Directives. The only inconsistencies relate to the inability of the proposed development to comply with the stipulated separation distances (Principle 7(iii)). However, it is considered that the inability to meet this particular principle would not be detrimental to the objectives, principles and intent of S117(2) No S28 Direction.

Section 117 of the Environmental Planning and Assessment Act 1979, requires compliance with a Section 117 Ministerial Direction. There does not appear to be a provision that allows the Minister to waive this requirement and/or use their discretion with respect to specific developments. Similarly, the provisions of the Section 117(2) No S28 Ministerial Direction does not provide for any discretionary powers with respect to strict compliance with its stipulated objectives and principles.

Given the strict legislative requirements of the EP&A Act 1979, the subject S117 Direction, and the RTA's objection to the proposed service centre based on this legislation, it appears as though Council is unable to proceed with draft LEP Amendment No 23 until all the objectives and principles of S117(2) No S28 are addressed and complied with.

OPTIONS:

1. Enter into negotiations with representatives from the RTA to discuss the proposed highway service centre, discuss their objection and determine whether an outcome can be negotiated.
2. Advise the proponent that it is unable to proceed with draft LEP Amendment No. 23 until all the objectives and principles of S117(2) No S28 are addressed and complied with.
3. Council resolve not to proceed with preparation of the subject draft LEP Amendment.

Reports from Director Development Services

CONCLUSION

It is recommended that Council advise the proponent of the RTA's objection toward the proposed development, and is unable to proceed with draft LEP No 23 because of the proposal's inability to fully comply with Ministerial Direction S117(2) No S(28).

Reports from Director Development Services

- 5. ORIGIN:** Strategic Town Planning Unit
FILE REF: GT1/LEP/2000/18 Pt1; LEP - Tourist Facilities

REPORT TITLE:

Draft Tweed Local Environmental Plan 2000, Amendment No 18 (Recreational Beach Activities)

SUMMARY OF REPORT:

The purpose of this report is to attain the correct resolution from Council that will enable Council to proceed with the subject draft Local Environmental Plan Amendment and use its delegations to publicly exhibit the draft document pursuant to Section 65 of the Environmental Planning and Assessment Act 1979.

RECOMMENDATION:

That Council places draft Tweed Local Environmental Plan 2000, Amendment No 18, on public exhibition for 28 days in accordance with the Best Practice Guideline published by planningNSW in January 1997 titled "LEPs and Council Land - Guideline for Councils using delegated powers to prepare LEPs involving land that is or was previously owned or controlled by Council".

Reports from Director Development Services

REPORT:

Council last considered this item at its Ordinary Meeting of 21 February 2001 where it resolved:

“that the Minister for Urban Affairs and Planning be requested to amend the Tweed Local Environmental Plan 2000 to include the use of tourist facilities and services within the 7(f) Zone to be allowed with Council consent and that there shall be no requirement for the provision of an environmental study”.

The above resolution enables Council to prepare a draft LEP Amendment. However, it does not allow Council to use its delegation to exhibit the draft LEP pursuant to Section 65 of the Environmental Planning and Assessment Act 1979. This is because the majority of land affected by this draft LEP is under the control and/or trust of Council. To enable it to use its delegation pursuant to Section 65 and Section 69 (delegation to prepare a report to the Minister) Council must also resolve the following:

“That Council exhibits draft Local Environmental Plan 2000, Amendment No 18, in accordance with the Best Practice Guideline published by planningNSW in January 1997 titled “LEPs and Council Land – Guideline for Councils using delegated powers to prepare LEPs involving land that is or was previously owned or controlled by Council”.

Reports from Director Development Services

6. ORIGIN: Strategic Town Planning Unit

FILE REF: Coastal Management

REPORT TITLE:

Coastal Design Guidelines for NSW Discussion Paper

SUMMARY OF REPORT:

The Coastal Council has exhibited for public comment until 1 March 2002 “Coastal Design Guidelines for NSW Discussion Paper”.

The Discussion Paper includes a large number of detailed design guides which reflect recent advice from State Government on urban design issues. It provides a practical guide to coastal urban design issues, many features of which are either already included in Council Policies (eg, Kingscliff DCP) or are in the process of being incorporated (eg, Review of the Subdivision Manual). No doubt there are examples of past practices along the Tweed Coast which, on reflection, do not meet the expectations of the Coastal Council: nevertheless Council’s current Policy base should provide the foundation for improvements to the development of the Tweed Coast more in line with this Discussion Paper.

RECOMMENDATION:

That Council informs the Coastal Council that it generally supports the intent of the “Coastal Design Guidelines for NSW: Discussion Paper” and explains that the Development Control Plan for West Kingscliff does provide for pedestrian linkages to facilities, shops, public transport and the beach and will be implemented with the development of intervening land.

Reports from Director Development Services

REPORT:

The Coastal Council has exhibited for public comment until 1 March 2002 "Coastal Design Guidelines for NSW Discussion Paper".

There is currently a great deal of attention being given to planning for the coast in view of the increased pressure from tourism and residential development there. There is also increasing public awareness of the importance of the Coast to the NSW community.

To cope with these factors the Coastal Council considers that current planning documents are inadequate; and is offering an urban design based process to replace the current ad hoc decision making on a site-by-site basis that is responsive to the character and environment of place, is socially responsive and economically positive.

To that end the Discussion Paper identifies seven coastal settlement types; and presents seven design concepts. These concepts can be applied to:

- existing settlements where growth is managed through consolidation and infill within the boundaries of the settlement;
- existing settlements with growth attached to that settlement within walking distance of facilities;
- new settlements with appropriate facilities.

COASTAL SETTLEMENTS

The Council has identified the following settlement types:

- Coastal city (includes Tweed Heads);
- Coastal town;
- Inland coastal centres (includes Murwillumbah);
- Coastal villages;
- New coastal neighbourhoods (includes new release areas);
- Isolated coastal hamlet;
- Isolated coastal dwellings.

For each type the Discussion Paper defines present and future challenges, present and future opportunities, and desired future character. Seven coastal design concepts have been detailed as follows:

1. *determining the footprint of a settlement shows how the boundary of a settlement will be determined to protect and enhance the ecological, urban form and visual characteristics of a locality;*
2. *planning the open space network illustrates how a settlement will be planned to optimise the recreation, conservation and public access opportunities of an area;*
3. *optimising the development footprint of a settlement illustrates alternative options to development that sprawls around and between settlements;*

Reports from Director Development Services

4. *designing the coastal edge illustrates the importance of providing a clear boundary to protect adjoining natural environments as well as providing public access;*
5. *designing the street hierarchy shows how well designed streets can optimise access and views to mountains and the water, as well as create safe and walkable streets;*
6. *reinforcing a sense of place illustrates how growth will be managed to protect and enhance the essential character of a place;*
7. *getting the buildings right shows how buildings can be designed to respond to their context to determine the appropriateness of new buildings in terms of location, private open space and mature trees, building footprint, height and bulk”.*

OVERARCHING PRINCIPLES

A number of key themes underlie the design principles and solutions presented throughout this section.

These themes include:

- Coastal ecosystems are unique and fragile and require long-term protection and management now;
- The coast is a public asset and demands public access;
- Answers to detailed planning problems will be found within the context of the whole. Contextual analysis and understanding underpin coastal planning;
- Every settlement is special and unique and requires a design-based, place-specific planning approach;
- Comprehensive analysis and development of a desired future character is the foundation for good coastal design outcomes;
- All settlements are part of an overall strategic hierarchy based on the environmental and ecological characteristics of the coast;
- New development is to ensure that the urban structure, energy and water resources focus on sustainability.

The Discussion Paper details both examples of undesirable and desirable practice and includes two developments at Kingscliff, as follows:

1. The Noble Park subdivision which *“does not respond to the existing structure and provides no pedestrian access to facilities, shops, public transport or the beach”*. However, in response, these deficiencies will be met when the development at West Kingscliff is completed and such linkages are part of the planning.
2. Kingscliff TAFE, *“large institutional-type buildings located on the fringe of the settlement, away from the original town centre”*.

DISCUSSION

The Discussion Paper includes a large number of detailed design guides which reflect recent advice from State Government on urban design issues. It provides a practical guide to coastal urban design

Reports from Director Development Services

issues, many features of which are either already included in Council Policies (eg, Kingscliff DCP) or are in the process of being incorporated (eg, Review of the Subdivision Manual). No doubt there are examples of past practices along the Tweed Coast which, on reflection, do not meet the more stringent expectations of the Coastal Council; nevertheless Council's current Policy base should provide the foundation for improvements to the development of the Tweed Coast.

Reports from Director Corporate Services

7. ORIGIN: Director

FILE REF: DW655579; Tweed River Festival

REPORT TITLE:

Tweed River Festival Support

SUMMARY OF REPORT:

The State Member for Tweed, Mr Neville Newell MP has written to Council expressing his support *"to this wonderful PR and community event for our area."*

RECOMMENDATION:

That:

1. This report be received and noted.
2. Mr Newell's advice be forwarded to the Chair of the Tweed River Festival Sub-Committee for their consideration.

Reports from Director Corporate Services

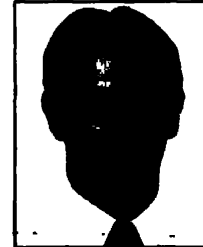
REPORT:

The following letter was received by the General Manager from the State Member for Tweed, Mr Neville Newell MP:

Parliament of New South Wales Legislative Assembly



Neville Newell MP
State Member for Tweed



12 February, 2002

FAKED

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

TWEED SHIRE COUNCIL	
FILE No.	TWEED RIVER FESTIVAL
DOCUMENT No.	[] [] [] [] [] []
REC'D	15 FEB 2002
BOOK No.	[] [] [] []
ASSIGNED TO	GRiffin J
HARD COPY	<input type="checkbox"/>
IMAGE	<input checked="" type="checkbox"/>

Dear Dr Griffin

It has been brought to my attention that Tweed Shire Council is endeavouring to hold a River Festival on the Tweed, between the dates of November 23 and December 1, 2002.

I am advised the Festival would include a range of community-run events including already existing events, which would include cultural, recreational, social and environmental components. I am also advised that a Lantern Parade and workshops are proposed, together with a fireworks display as a Closing Ceremony.

I am happy to lend my support to this wonderful PR and community event for our area.

If I can be of any assistance please do not hesitate to contact my Office.

Yours sincerely

Neville Newell, MP
Member for Tweed

Reports from Director Corporate Services

- 8. ORIGIN:** Director
FILE REF: DW655578; Library - Tweed Heads; Civic Centre - Tweed Heads;
Southern Cross Uni

REPORT TITLE:

Tweed Shire Council Branch Office and Library, Tweed Heads Civic Centre

SUMMARY OF REPORT:

The Tweed District Residents & Ratepayers Association have written seeking clarification to a statement suggesting that the Southern Cross University campus may expand in the future onto the Tweed Heads Civic Centre site.

RECOMMENDATION:

That Council advises the Tweed District Residents & Ratepayers Association that there are no intentions in the short term to relocate its provision of services from the current Tweed Heads Civic Centre site.

Reports from Director Corporate Services

REPORT:

The Tweed District Residents & Ratepayers Association have written to the General Manager seeking clarification as to the maintenance of library and branch office facilities at the Tweed Heads Civic Centre.

Their letter states:

“Members drew attention at our last meeting, Mayor Polglase (ipso facto) stated on radio, shortly after his election as Mayor, there was a possibility of the above facilities being removed from the Tweed Heads CBD to the Tweed Coast.

There was also some conjecture the Mayor had intimated his statement arose from the future needs, by SCU to possibly expand the Campus into the TSC buildings.

Regardless of the future SCU imperatives, the Association has resolved:

“To request Tweed Shire Council to give an undertaking Council will maintain a library and branch office in Tweed Heads CBD.”

Would you kindly distribute this letter for clarification and decision making, as appropriate.”

Based on the current usage of services at the Tweed Heads Civic centre and the continued growth of residential development it would be unlikely that in the short to medium term that the provision of these services would be relocated away from the Tweed Heads precinct.

Reports from Director Corporate Services

9. ORIGIN: Financial & Information Services Unit

FILE REF: Council Policies

REPORT TITLE:

Procurement Policy

SUMMARY OF REPORT:

A review of Council Policy on purchasing has been undertaken during recent months, to coincide with the implementation of Council's New Business System Software and the release of guidelines by ICAC "Managing Risk, reducing corruption risks in Local Government procurement and contract administration".

The review has resulted in the development of a Policy document which will encompass various aspects of procurement to ensure that council's procurement activities are conducted in a manner, which is transparent, ethical and beyond reproach.

The document is categorised into three areas: -

- Procurement Management
- Statement on Business Ethics
- Local Preference Policy.

RECOMMENDATION:

That Council:-

1. Adopts the Purchasing Policy relating to Procurement Management and Statement on Business Ethics.
2. Adopts a Local Purchasing Policy being on the basis "where the results of the evaluation are equal, the Council will award a tender or quotation to a local contractor or supplier."

Reports from Director Corporate Services

REPORT:

BACKGROUND

Tweed Shire Council has a Purchasing Manual, which was developed in 1996 with the objective of defining financial procedures in relation to the sourcing and purchasing of goods and services.

The staff purchasing committee considered appropriate that it was timely to review the manual during recent months, as it coincided with the implementation of the Finance One Business System Software and the release of a publication by the Independent Commission Against Corruption (ICAC) "Managing Risk, reducing corruption risks in Local Government procurement and contract administration".

The purpose of the ICAC publication is to offer guidance to Councils on procurement and contract administration and how they can address the various risks outlined. However Councils must choose the solution that best fits its own circumstances. ICAC insists that doing nothing is not an option.

The review has resulted in the development of a document which will encompass various aspects of procurement to ensure that Council's procurement activities are conducted in a manner, which is transparent, ethical, and beyond reproach.

The suggested Procurement Policy can be categorised into three areas: -

- Procurement Management
- Statement on Business Ethics
- Local Preference Policy

The main thrust throughout the documents is the management of procurement being based on the implementation of strategies that will deal with the efficient and effective purchasing of goods or services, together with reducing the risk of corruption and ensuring the administration of contracts is conducted in an appropriate manner.

During the development of the documents, there has been consultation throughout the organisation to ensure that the proposed policies are workable and that they do not unnecessarily delay the functioning of Council especially in the works construction area.

PROCUREMENT MANAGEMENT

The Procurement Management segment of the document forms the basis for the effective management of Council's procurement activities. There is some similarity to the current purchasing manual, however some of the suggestions made by ICAC and have now been incorporated in the document together with clarifying the manner in which Council undertakes some of its procurement activities which were not included in the purchasing manual.

The suggestions made by ICAC pertain to issues on ethical standards, communication of information on Council's procurement activities to potential customers, impartial evaluation of tenders /quotations and contract administration.

The Council clarification relates to having a separate threshold for quotations to be obtained for the works construction section as it was considered that the current thresholds could delay works. Other improvements include formalising the emergency ordering procedures, disposal of land or goods, audit of the procurement policy and tender box procedures for quotations.

Reports from Director Corporate Services

The document provides comprehensive detail on the way that procurement should be managed within Tweed Shire Council especially for the procurement of good and services under \$100,000, evaluation of tenders and quotations, tendering and contract administration. It is considered that the document provides strategic decisions for managing procurement risks.

STATEMENT ON BUSINESS ETHICS

The ICAC has suggested that Council produces a publication that will inform all its existing and potential contractors and suppliers of its principles of business ethics and how it expects contractors and suppliers to do business with Council. The principles deal with such issues as fairness and equity, gifts and benefits, conflicts of interest and protecting confidential information.

ICAC considers, that the production of such a publication will assist in reducing the risk of corruption, as contractors and suppliers will now be informed of Council's Business Ethics.

It is intended that the principles will be; -

- distributed to existing and potential contractors and suppliers;
- available on the Council Intranet;
- included with all information on tenders and quotations and
- distributed to all Council Officers.

Information on business ethics is currently contained throughout Council's Purchasing Manual and its Code of Conduct. However by outlining the ethical principles in one document reduces the risk of contractors/ suppliers and Council Officers having no knowledge of these principles and the ramifications of conducting an act will is in contravention of Council's Business Ethics.

LOCAL PREFERENCE POLICY

A Local Preference Policy for Councils can have the benefit of encouraging the development and promotion of business and industry within the Shire, if it is effectively managed.

The proposed Local Preference Policy promotes the development of local business and industry and assist Council and its Officers in a manner which could reduce the risk of corruption and anti-competitive activities.

The policy has been drafted on the basis "where the results of an evaluation are equal", then Council will award the supply of a good or service to a local supplier.

Legal advice has been received in relation to the application of a Local Preference Policy. Should Council award the tender or quotation to a local supplier, where all things being equal, there would be less likelihood of complaints or legal proceedings on the basis of anti-competitive conduct. ICAC have suggested that local preference is acceptable only when all criteria are equal under normal assessment.

However, if a local preference weighing (i.e. giving a percentage weighting to local business or industry) was adopted, then it is likely to infringe upon the anti-competitive provisions of the Trade Practices Act and be challenged through legal action.

Furthermore if Council does resolve to adopt to have a Local Preference Policy, then the ICAC are suggesting that, Council implements a range of administrative procedures which includes: -

Reports from Director Corporate Services

- reporting annually on its use of local preference procurement, including who the beneficiary was, the number of instances local preference was applied and the measures taken by Council to measure the cost and effectiveness of such a policy.
- advising each proponent in the procurement process that a local preference will be applied and how it will be applied.

However, Council needs to determine the manner in which it may report on its Local Preference Policy.

Reports from Director Corporate Services

10. ORIGIN: Director

FILE REF: DW654724; Sponsorship; Hospital - General

REPORT TITLE:

2002 "Bush Bursary/CWA" Scheme

SUMMARY OF REPORT:

The NSW Rural Doctors Network have written inviting Council to consider participating in the 2002 "Bush Bursary/CWA" scholarships offered to selected medical students in NSW.

A similar request was lodged with Council in 2001. Council at that time declined to participate, suggesting it was of greater value for medical students west of the range.

RECOMMENDATION:

That the General Manager advises the NSW Rural Doctors Network that Council declines the opportunity to participate in the 2002 "Bush Bursary/CWA" Scheme.

Reports from Director Corporate Services

REPORT:

The NSW Rural Doctors Network has written to the General Manager providing details of the 2002 "Bush Bursary/CWA" Scheme and inviting Council to participate in the Scheme.

The accompanying information states:

Would your Shire like to sponsor and host a Bush Bursary during 2002?

THE 2002 NSW BUSH BURSARY SCHEME and the COUNTRY WOMEN'S ASSOCIATION SCHOLARSHIPS

In 2001, seventeen NSW medical students had a three-week taste of life and work in rural NSW thanks to the Bush Bursary scheme. Funded by the rural NSW shires, the CWA and the Rural Doctors Network, the Bush Bursary scheme placed students in the Shires of Lachlan, Condoblin, Urana, Lockhart, Quirindi, Deniliquin, Berrigan, Blandshire, West Wyalong, Temora, Brewarrina, Cobar, Parkes, Wagga Wagga, Leeton, Forbes, Goulburn, Mulwaree and Lithgow. The student evaluations show that once again the scheme was highly successful in dispelling the urban myths about country life and practising medicine in rural NSW.

It is expected there will be a similar number of Bush Bursaries and two CWA Scholarships available in 2002.

What is a Bush Bursary or CWA Scholarship?

The Bush Bursaries and CWA scholarships encourage NSW medical students to consider a rural career. In return for \$3,000 towards their study costs, selected students are required to spend three weeks on a NSW rural community placement during the university holidays. One week of the placement is with a Rural Health Training Unit in Broken Hill, Tamworth, Dubbo, Wagga Wagga or Orange. The remaining fortnight is spent in the sponsoring shire. The placement program reflects the enjoyable aspects of rural lifestyle as well as the multidisciplinary nature of rural health practice. It is co-ordinated by the respective sponsoring rural shires and the Rural Health Training Units.

What is the Cost to the Host Organisation?

Host organisations contribute \$3,300 per student hosted (student benefit plus GST), and in consultation with the student, organise the two-week placement in the shire. This will include organising accommodation, visits to appropriate local health services and community organisations, some social/sporting activities, and in some cases, visits to local industries such as farms. The shire placement is usually scheduled for December or early January, a busy time socially and on the land.

Reports from Director Corporate Services

What are the benefits for the contributing Shires?

Feedback from sponsoring shires in 2001 indicated that the shires were very enthusiastic about the Bush Bursary/CWA Scheme and had identified many benefits to the community. Communities themselves recognised and appreciated their Councils because of their proactive response to the long-term challenge of recruiting Medical Practitioners to rural areas. These efforts, it was felt, were instrumental in lifting the spirit of the community. Media coverage associated with the placements detailed the medical crisis and the need for communities to participate in initiatives such as the Bush Bursaries. By providing positive experiences for students, the community was able to help dispel city dwellers' myths about life in rural Australia. Each Shire coordinator was overwhelmed by the enthusiasm students had for experiencing country life and rural community health care.

Who is eligible to apply in 2002?

Medical students in their:-

- 3rd year of medicine at the University of NSW
- 3rd year of medicine at the University of Newcastle and
- 2nd year of medicine at the University of Sydney

Applicants must be either Australian citizens or have permanent resident status and have applied or intend to apply for Australian citizenship.

When are 2002 applications available?

Applications for the 2002 Bush Bursary intake will be available for medical students from the Rural Doctors Network (or from the RDN [website: nswrdn.com.au](http://nswrdn.com.au)) at the beginning of March 2002. The closing date for the 2002 intake is Friday 5th April. The selection process is via a written application and an interview.

For additional information contact:-

Emma Woodhouse
NSW Rural Doctors Network
Suite 5, Level 5 Airport Central Tower
241 O'Riordan Street
MASCOT NSW 2020

Ph: 02 9313 5955

Email: ewoodhouse@nswrdn.com.au

Last year Council considered a similar request and resolved to decline the offer, as it was believed the Scheme would be of greater benefit for students attending a rural community, rather than the more urban form evident within the Tweed Shire.

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11. ORIGIN: Director
FILE REF: Councillors - Conferences

REPORT TITLE:

Australian Local Government Women's Association Conference – Parkes, NSW

SUMMARY OF REPORT:

The Association has advised the General Manager of details of the 2002 Australian Local Government Women's Association (ALGWA) Conference to be held 21-24 March 2002 at Parkes, NSW.

RECOMMENDATION:

That:-

1. Council authorises the attendance of Councillor(s) to attend the Australian Local Government Women's Association Conference to be 21-24 March 2002 at Parkes, NSW.
2. The Mayoral Secretary makes the necessary arrangements for attendance.

Reports from Director Corporate Services

REPORT:

BACKGROUND:

An e-mail was received by the General Manager on Thursday 28 February 2002 advising details of the 2002 Australian Local Government Women's Association (ALGWA) Conference to be held 21-24 March 2002 at Parkes, NSW.

Details of the conference are as follows:-

Parkes Shire Council, in conjunction with the NSW Branch of the Australian Local Government Women's Association (ALGWA), will host the 49th Annual NSW State Conference in Parkes, New South Wales from Thursday 21st to Sunday 24th March 2002.

Councillors, General Managers, Local Government Staff and anyone with an interest in Local Government are encouraged to attend this conference, which will include keynote addresses by Ms Kerry Chikarovski Leader of the Opposition, Senator Sue West ALP Member for NSW, and Barbara Scott an influential and high profile figure in rural and regional Australia. An important series of topical addresses and information sessions will be offered relating to the theme "Focused on a Balanced Future".

An exciting array of entertainment has been organised to allow delegates to unwind and embrace the warm hospitality of the Parkes community. The Saturday night Gala Dinner will be held at the world famous C.S.I.R.O. Parkes Radio Telescope.

A Conference Overview is attached, if you have not already received the registration booklet please contact the Conference Organisers Tracy Lister or Julie Connor on Ph: 02 6861 2379.

Early Bird Registration of \$350.00 (incl GST) closes today, Thursday 28th February 2002.

Details of the program are attached to this business paper.

Reports from Director Corporate Services

12. ORIGIN: Director

FILE REF: DW657659; NOROC

REPORT TITLE:

NOROC Ordinary Meeting Advice

SUMMARY OF REPORT:

Advice has been received of the next Northern Regional Organisation of Councils (NOROC) Ordinary Meeting. The meeting is scheduled for Friday 15 March 2002 at 9.30am at the Ballina Shire Council Chambers.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

BACKGROUND:

While Council is not a member of the Northern Regional Organisation of Councils (NOROC) an advice of their next ordinary meeting has been received. The meeting is to be held on 15 March 2002 commencing at 10.00am at the Ballina Shire Council Chambers.

The Agenda is outlined below and a copy of the Business Paper is attached for Councillors' information.

NOROC Ordinary Meeting 15th March 2002

9.30 a.m. for 10 a.m.

Ballina Shire Council Chambers, Cnr Cherry & Tamar Streets, Ballina

Morning tea served from 9.30a.m. with meeting to commence at 10a.m. followed by a light lunch

1. Welcome to Ballina
2. Apologies
3. Guest Speakers
 - 3.1 Director of Health Protection, NSW Health Department
Refocusing Environmental Health
 - 3.2 Ms Jane Lloyd, Northern Rivers Area Health Service, Division of Public Health
Northern Rivers Population Health Plan (refer attached letter dated 12/2/02 & background Information Paper)
 - 3.3 Peter Collins, Regional Manager RTA
An overview of Roads and Transport Planning in the Northern Rivers
4. Confirmation of Minutes of meeting held 30th November 2001 (copy attached)
5. Business Arising
6. Report from Standing Committees:
 - Forestry Task Force – 5th February 2002 (copy attached)
 - Regional Economic, Roads & Transport – 7th March 2002 (to be tabled)
 - Local Government Reform – 7th March 2002 (to be tabled)
7. Report on Executive Meeting held 21st January 2002 (copy attached)
(refer item 4 – Discussion on Regional Priorities)
8. Report by Cr Ian Tiley re NORLINK (to be tabled)
9. Financial Report
 - 8.1 Financial Statement & Balance Sheet to 25th February 2002 are attached
An accumulated working funds surplus of \$34,000 is anticipated at 30th June 2002
 - 8.2 Draft Budget 2002/2003 and proposed fees 2002/2003 are attached
The budget provides for an increase in fees of 3% based on estimated rate pegging legislation with an estimated accumulated surplus of \$16,057 as at 30th June 2003.
The budget has been prepared on the basis of current staff structure (EO 2 days per week & AO full time with shared secretarial duties with Lismore Economic Development Unit until 31st December 2002)

Reports from Director Corporate Services

10. Correspondence

- Letter from Shadow Minister for Small Business and Shadow Minister for Police re Off duty Police for private hire (copy attached)
- Replies following representations from Copmanhurst Shire Council relating to Public Liability Insurance.
- Replies from Office of the Minister for Regional Services, Don Page MP, The Hon. Ian Causley MP and Thomas George are attached – note no reply from Harry Woods MLA.

10. General Business

11. Future Meetings

- 11.1 The Hon. Ian Armstrong MP, Shadow Minister Regional Infrastructure and Development, Regional Planning and Decentralisation has expressed an interest in addressing and discussing with NOROC the development and implementation of policies specifically designed to revitalise rural and regional NSW.
The Executive Officer is endeavoring to arrange a Special meeting in April/May to meet with the Hon Ian Armstrong. The Hon. Harry Woods would also be invited to attend this meeting.
- 11.2 An invitation was extended to the Hon. John Aquilina MP, Minister for Land and Water Conservation to address a meeting of NOROC on 12th July 2002. The Minister is not available on that date and the Executive Officer is endeavoring to arrange an alternative date.

Attachments

Page No.

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Minutes Ordinary Meeting 30/11/01	8-16
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13. ORIGIN: Director

FILE REF: TACTIC

REPORT TITLE:

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

SUMMARY OF REPORT:

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

RECOMMENDATION:

That this report be received and noted.

Reports from Director Corporate Services

REPORT:

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

5.1.1 The number and category of financial members of TACTIC:

	November 2001	December 2001	January 2002
Corporate Members	2 (including 9 businesses)	3 (including 10 businesses)	3 (including 10 businesses)
TACTIC Members	126	133	135
Service Members	18	18	19
Total	145	154	157

Some renewals are outstanding but likely to be received by next month.

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

	November 2001	December 2001	January 2002
World Heritage Rainforest Centre	1897 (including 174 from bus groups)	1823 (including 62 from bus groups)	2544 (including 51 from bus groups)
Tweed Heads Visitors Centre	727	698	982
Total	2624	2521	3526

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

World Heritage Rainforest Centre Tweed Heads Tourist Information Centre

Type of Enquiry	No of Enquiries	%	Variance from December	Type of Enquiry	No of Enquiries	%	Variance from December
Tourism	668	57	-17.9	Tourism	396	75	-46.19
National Parks	287	25	+52.5	National Parks	31	6	+416.6
Street Directions	109	9	-22.1	Street Directions	32	6	-85.6
Bus Timetables	11	1	-21.4	Bus Timetables	2	0	-97.3
Other	90	8	0	Other	65	13	-42.9

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

Internet Site

A recent meeting with Town Centres Program Manager and Council's Cultural Development Officer has identified changes required to events listing page. Quotes are being sought for this upgrade and funding to cover these costs has been negotiated through the Town Centres Program.

Reports from Director Corporate Services

Review of operations of the tourist Information Centre

Staff and Volunteers

- A recruitment drive has commenced with job descriptions being provided to Tweed Volunteering and an article appearing in the Free Around Tweed Valley publication. Interview times and inductions have been arranged for February.
- Negotiations are continuing with NPWS regarding the MOU for the World Heritage Rainforest Centre (WHRC). Discussions have been held with NPWS regarding the use of the World Heritage Funds to upgrade the displays in WRHC. Quotes have been sourced for some items.

Strategic Marketing Plan

- Funding application lodged with the Department of State and Regional Development for a consultant to develop a three-year strategic plan for the next stage of development of TACTIC has been approved. Brief will be sent out to a selection of consultants for tender.

Networking

- The next TACTIC Network Night will be held at Currumbin Wildlife Sanctuary on 21 February 2002 at 5.30pm (NSW). This will combine with a familiarisation tour of this very popular venue.

Group Bookings

- Approach has been made to Rotary International regarding their 2002 conference to be held in the Tweed.

Central Reservations System (CRS)

- The new TACTIC website will allow on-line bookings and payments to be made and will supersede the CRS. The CRS system will still be utilised for analysis of walk-in visitors to the centres.

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

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

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

See attached reconciliation statements (General and Trust accounts) for January 2002. The Trust account has now been closed as per advice from the Auditor and ratified by the TACTIC Board.

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

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

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

TACTIC Marketing Committee

- The next TACTIC Marketing Committee meeting is to be held in February 2002.

Reports from Director Corporate Services

Shopping Centre Promotions

- A series of Shopping Centre promotions have been scheduled with the first one at Australia Fair in February 2002.

Advertising

- No further advertising has been booked in January. Ongoing advertising will be reviewed with the implementation of the Marketing Committee.

Domestic Marketing

- School mailout has been produced and delivered to 687 schools within a four (4) hour radius. Response has already been received in the form of requests for additional copies.
- Bus and coach mailout is now being collated for distribution in March 2002.

Consumer Travel Shows

- A site has been booked for the Toowoomba Home and Lifestyle Show in May 2002.
- Currently investigating participation in the Brisbane Travel Show and Brisbane Caravan and Camping Show later in the year.
- A site has also been booked for the Domestic Tourism Educational, which will be held at Conrad Jupiters this year in July.

Familiarisations

- A famil itinerary and lunch to be co-ordinated for Tourism NSW development team. Northern Rivers Tourism in conjunction with Tourism NSW is developing a three-year strategic tourism plan for the Northern Rivers.

5.1.8 The amount of retails sales:

November 2001	December 2001	January 2002
\$3,203.45	\$3,165.00	\$1,654.00

5.1.9 The number and value of the booking system growth:

	November 2001	December 2001	January 2002
Number	29	34	36
Total	\$6,750.00	\$2,190.00	\$2,800.00

(NB: Accommodation and tour bookings totals do not include commission amounts)

5.1.10 Minutes of the Tweed and Coolangatta Tourism Incorporated meeting held 10 January 2002 are attached.

Reports from Director Corporate Services

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

Informal: Robyn Rae

Reports from Director Corporate Services

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Reports from Director Engineering Services

14. ORIGIN: Works Unit

FILE REF: Bridges - General; R0570; Blakeney's Road

REPORT TITLE:

Naming of Bridge - Blakeney's Road

SUMMARY OF REPORT:

No submissions or comments have been received in response to Council's proposal to name the bridge "Roach's Bridge".

RECOMMENDATION:

That the bridge on Blakeney's Road, near the Pacific Highway, Fernvale, be named "Roach's Bridge" and signposted accordingly.

Reports from Director Engineering Services

REPORT:

Council, at its meeting of 5 December 2001, resolved to call for comments regarding its intention to name the bridge on Blakeney's Road, near the Pacific Highway, Fernvale, that was reconstructed in 1998, "Roachs Bridge".

A notice, calling for submissions or comments in writing by 7 February 2002 was published in the Tweed Link of 8 January 2002 (issue no. 252).

No submissions or comments were received.

Reports from Director Engineering Services

15. ORIGIN: Planning & Design Unit

FILE REF: R4031 Pt16; Pacific Hwy; Cycleways - Other; Street Scaping - Mooball

REPORT TITLE:

Mooball Town Centre Improvements

SUMMARY OF REPORT:

At its meeting of 6th February 2002 Council resolved to facilitate the commencement of cycleway/footpath linking Burringbar and Mooball. On 19th February the Director and Manager Planning & Design presented a meeting of the "Mooball Moovers" community organisation with a Masterplan for future main street improvements incorporating the southern end of the path. This was adopted in principle by the meeting. Offers of assistance with labour and materials have since been received, and the community is keen to commence some initial work whilst these offers are current.

RECOMMENDATION:

That:-

1. The Masterplan for main street improvements in Mooball be adopted as the basis for detailed design and budgeting in future capital works programs as Council may resolve annually.
2. Council staff liaise with Mooball community representatives to incorporate current offers of labour and material assistance in minor initial works consistent with the Masterplan – such works to be funded from residual balances in the 2001/02 footpath improvement program, but not exceeding \$5000.
3. The Planning & Design Unit seeks development approval for a concrete footway 1.5m wide on the western side of the North Coast railway line reserve between Pottsville Road and Clarke's Road, Mooball.
4. Council pursues external funding opportunities for this project jointly with the Mooball & District Moovers and Town Centres Programme Co-ordinator.

Reports from Director Engineering Services

REPORT:

At its meeting of 6th February 2002 Council resolved to facilitate the commencement of cycleway/footpath linking Burringbar and Mooball. Concurrently discussions with TEDC staff had occurred pursuant to the Mooball opportunities presented by the Town Centre Improvement Program and the need for a southern gateway to the Shire following opening of the Chinderah – Yelgun Pacific Highway which bypasses Murwillumbah and several rural villages. Railways NSW was contacted and agreed to allow the use of railway land fronting the old Pacific Highway in the town for embellishment and public use. Council's design staff then prepared a concept plan for the Mooball main street which includes:-

- A “gateway” tourist information structure to provide displays, maps, and brochures
- Public toilets near the ‘gateway’ structure (to relieve current pressure on private commercial facilities)
- A fenced public playground on the eastern verge (furniture may be relocated from the existing playground east of the rail line), surrounded by covered picnic facilities
- New bus shelters and refuge crossings for school-children who wait on the eastern verge
- A 1.5m footway/bike path running north to Burringbar adjacent to the railway reserve
- Good passive visual surveillance of new public places created by the plan
- General verge widening and kerb and gutter on the western side, and public footpaths on both sides of the main street south of Kelly's store
- Reduction in the remnant road widths and sealed areas generally – for safety and aesthetic reasons
- A regular planting of 12 substantial shade trees to present a dignified avenue or formal “procession” through the town, plus further smaller amenity tree planting on the eastern side
- Retained heavy vehicle verge parking at the southern end of the street
- Frontage angle parking and strong pedestrian movement links between the three retail businesses in the town
- Associated street furniture, signage, lighting, and landscape features

A copy of the plan will be displayed at the meeting.

On 19th February the director and Manager Planning & Design presented a meeting of the “Mooball Moovers” community organisation with this Masterplan. This was adopted in principle by the meeting. Offers of assistance with labour and materials such as concrete from the Abi Group and tree planting stock and labour have since been received. The community is keen to commence some initial work whilst these offers are current.

If voluntary and contributed work proceeds on public lands Council staff input will be needed to ensure statutory planning matters, risk management, occupational health and safety, and traffic issues are properly addressed.

Reports from Director Engineering Services

16. ORIGIN: Planning & Design Unit

FILE REF: GS4/95/5 Pt15

REPORT TITLE:

Classification of Land as Operational - Flame Tree Park Estate, Fraser Drive, Banora Point being Lot 238 in DP 1035825

SUMMARY OF REPORT:

Metricon Qld Pty Ltd and Lanlex No. 49 Pty Ltd, the developers of the Flame Tree Park Estate, transferred the subject property to Council as a Drainage Reserve.

Lot 238 in DP 1035825 should be classified as Operational under the provisions of amended Section 31 of the Local Government Act, 1993 which provides that land transferred to Council may be classified within 3 months after acquisition.

RECOMMENDATION:

That the land transferred to Council in the subdivision of Lot 433 in DP 1029368, now being Lot 238 in DP 1035825 as a Drainage Reserve, be classified as Operational under Section 31 of the Local Government Act, 1993.

Reports from Director Engineering Services

REPORT:

Metricon Qld Pty Ltd and Lanlex No. 49 Pty Ltd, the developers of the Flame Tree Park Estate, transferred the subject property to Council as a Drainage Reserve.

Lot 238 in DP 1035825 should be classified as Operational under the provisions of amended Section 31 of the Local Government Act, 1993 which provides that land transferred to Council may be classified within 3 months after acquisition.

A copy of DP 1035825 follows:-

Reports from Director Engineering Services

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Reports from Director Engineering Services

17. ORIGIN: Planning & Design Unit

FILE REF: GS4/98/31 Pt6

REPORT TITLE:

Transfer of Sewage Pumping Station - The Oasis Falcon Way - Tweed Heads South

SUMMARY OF REPORT:

In a meeting held on 7 November, 2001 it was resolved by Council to classify Lot 903, which contains a sewage pumping station, as operational.

When the plan creating Lot 903 was registered, Lot 903 in DP 1035687 was not vested in Council as is the usual procedure, therefore the sewage pumping station is still owned by the developer.

The developer has forwarded a Transfer for execution under Common Seal to enable Lot 903 to be transferred to Council.

RECOMMENDATION:

That Council:-

1. Consents to the transfer of Lot 903 to Council by registration of a Transfer;
2. Endorses all necessary documentation under the Common Seal of Council.

Reports from Director Engineering Services

REPORT:

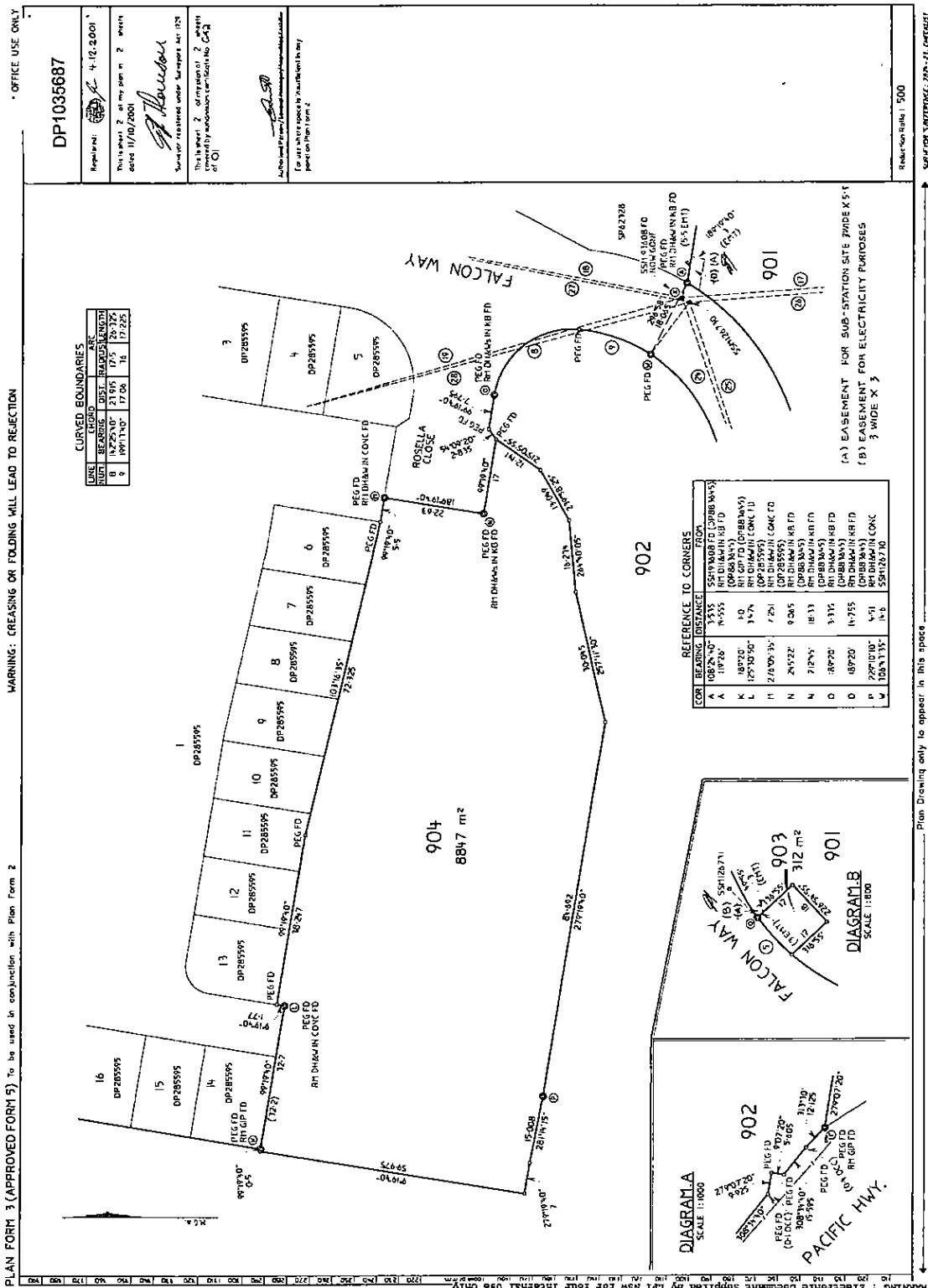
In a meeting held on 7 November, 2001 it was resolved by Council to classify Lot 903, which contains a sewage pumping station, as operational.

When the plan creating Lot 903 was registered, Lot 903 in DP 1035687 was not vested in Council as is the usual procedure, therefore the sewage pumping station is still owned by the developer.

The developer has forwarded a Transfer for execution under common seal to enable Lot 903 to be transferred to Council.

A copy of DP 1035687 follows showing the subject Lot as a sewage pumping station:-

Reports from Director Engineering Services



Reports from Director Environment & Community Services

18. ORIGIN: Environment & Health Services Unit

FILE REF: Rural Hall - Chillingham; 3780.1140

REPORT TITLE:

Request for Council to Take over Ownership of Chillingham Hall

SUMMARY OF REPORT:

Council has been requested to take over the ownership of the Chillingham Hall. The Hall is in good condition and is regularly used as part of the Chillingham and District community.

It is recommended that Council agrees to the request and that it classifies the land community.

RECOMMENDATION:

That Council:-

1. Agrees to take on the ownership of the Chillingham Hall.
2. Manages the day to day operation of the hall by use of a Local Hall Committee.
3. Classifies the land as community.
4. Completes all necessary documentation under the Common Seal of Council.

Reports from Director Environment & Community Services

REPORT:

Council is advised that the letter as set out below has been received from the President of the Chillingham Hall Committee Inc. requesting that Council takes over the ownership of the hall and the management thereof by way of a local committee.

This is not unlike many other country halls and it is recommended that Council agrees to this request.

Also it is recommended that in taking on ownership the Council resolves to classify the land as community land.

A copy of the letter is attached to this business paper.

Reports from Director Environment & Community Services

252 Limpinwood Valley Rd,
 The Murrumbidgee. 2784

23 January 2002
 RJEH Hall - Chillingham

TWEED SHIRE COUNCIL	
FILE No	3180-1140
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The General Manager,
 Tweed Shire Council.
 Dear Sir,

Following recent discussions with Geoff Edwards from Tweed Shire Council, the Chillingham Public Hall Committee Inc resolved to offer ownership of the land and building known as Chillingham Public Hall to Tweed Shire Council.

This very difficult decision has had to be made due to spiralling liability insurance costs.

The present incorporated body, as it now stands, wishes to dissolve & would request that Council set up a committee of Management. Several long term members have indicated that they wish to continue & would like to be considered for selection of such a committee.

The present committee, most of whom have served up to 30 years continuous service would also request that if Council were to take up our offer that the hall be preserved as a community hall in the true sense of the word. i.e. available to all members of the public for dances, balls, weddings & parties, meetings etc. & that the land would always remain as community land.

I am presuming that suitable arrangements can be made for a banking/working account for the management.

Reports from Director Environment & Community Services

Committee as we will still have some funds available & some ongoing costs.

The deeds to the hall are held in safe custody at a Merwillumbah solicitors office & are registered in the name of the incorporated body.

As you can appreciate we are all saddened by having to make this final decision & I hope that we can arrive at a workable solution.

Yours sincerely
Mrs. Maree Edwards
(President Chillingburn Hall Lodge)

Reports from Director Environment & Community Services

19. ORIGIN: Recreation Services Unit

FILE REF: R3861; Old Ferry Rd

REPORT TITLE:

Access Track, Old Ferry Road - Oxley Cove

SUMMARY OF REPORT:

At its meeting held 21 February 2001 Council resolved:-

“... that Council investigates the alleged misuse of the dirt track to the left at the end of Old ferry Road, Oxley Cove, and the possible installation of bollards or other traffic limiting devices, and the repositioning of the ‘No Dumping Rubbish’ sign at the end of the sealed portion of Old Ferry Road”.

At its meeting held 7 March 2001, Council considered a report in response to the above resolution resulting in the following resolution:

“...that Council retains the track to the left of Old Ferry Road, Oxley Cove in its current status.”

Council has received another request from the Banora Point Residents Association for Council to consider closing the track to vehicular access and providing a parking area.

RECOMMENDATION:

That Council retains vehicular access to the track to the left of the end of Old Ferry Road, Oxley Cove.

Reports from Director Environment & Community Services

REPORT:

At its meeting held 7 March 2001, Council considered a report on the access track running along the river reserve at the end of Old Ferry Road, Oxley Cove.

Council received a petition from residents requesting consideration to the closure of the track citing the following issues:

- Illegal camping
- Lighting of fires
- All night parties
- Rubbish
- Riding of unregistered bikes
- Damage to riverbank due to boat launching
- Chartered fishing operators utilising the foreshore as a pick up area

Prior to the above petition, Council also received a petition from residents requesting the track be upgraded with the filling of pot holes due to its extensive use.

In considering the above report Council resolved not to close the track.

In November 2001, it was identified that the track was in need of grading and resurfacing. This track has grassed verges used for walking, picnicking, fishing etc. When the track becomes pot holed, vehicles move off the track onto the grassed verges exacerbating the situation.

In response to the above works, Council has once again been approached by the Banora Point Residents Association to have the area closed to vehicles. Councils Manager Recreation Services met Mr Ray Tate from the Association and Mr Don Bain on site to discuss the issues. The concerns include those listed above, plus safety issues with the speed of cars utilising the track. Additionally, this area is an off leash area.

In response to the above works, Council also received a thank you letter and card on behalf of those that signed the petition to have the track upgraded.

COMMENT:

The cost to provide a gravel carpark and bollarding as in figure 1 is approximately \$8000. Funds for such works are currently unavailable and would require consideration in the 2002/03 budget deliberations.

The length of area that would be blocked off to vehicular access by this proposal is approximately 500 metres.

Almost all of the signatories to the 2000 petition to have the access limited were residents of Commodore Court and Captains Way (figure). These are the residents who overlook the area and consequently are most affected by its use.

As this area is a popular recreation spot, a decision to limit access could potentially impact on many people. Consequently, should Council feel it desirable to follow this course of action, it may be prudent to notify of its intent to do so, allowing an opportunity for comment on the proposal.

Reports from Director Environment & Community Services

However, this area was a popular recreation site prior to the surrounding development. Consequently, while the overlooking residents may have some valid concerns, access to this area should not be restricted.

It appears Council's options in this instance are:

1. Retain vehicular access to the track to the left of the end of Old Ferry Road, Oxley Cove.
2. Construct a gravel car park and block vehicular access to the track to the left off the end of Old Ferry Road, Oxley Cove. Funds of \$8000 to be allocated in the 2002/03 budget allocation.
3. Notify the community of its intent to construct a gravel car park and block vehicular access to the track to the left off the end of Old Ferry Road, Oxley Cove allowing the opportunity to comment on the proposal.

Should Council wish to change the access available to the area, it is considered any such proposal should be advertised for public comment as access of the area would come from an extended area.



Reports from Director Environment & Community Services



Reports from Director Environment & Community Services

20. ORIGIN: Environment & Health Services Unit

FILE REF: Markets - Kingscliff

REPORT TITLE:

Additional Kingscliff Saturday Market

SUMMARY OF REPORT:

The operator of the market at Kingscliff, Margaret Kiss, has made two written requests to conduct an additional market on Easter Saturday, 30 March 2002. Officers have refused the requests.

Mrs Kiss currently has approval to conduct a fifth Sunday market at the Kingscliff town centre on Sunday, 31 March 2001 as part of the existing approvals.

Similar requests for additional market days at Pottsville in the past have been refused, following discussion at Council. The current request was briefly discussed at Council's meeting of 6 February 2002 when Council indicated that the request is to be refused.

Given that two requests for extra markets at Pottsville have been denied previously, and there is a 'regular' Council approved market scheduled the following day to that requested, it is recommended that the request be denied.

RECOMMENDATION:

That Council refuses the request to conduct an additional market at Kingscliff on Easter Saturday, 30 March 2002

Reports from Director Environment & Community Services

REPORT:

The operator of the market at Kingscliff, Margaret Kiss, has made two written requests to conduct an additional market on Easter Saturday, 30 March 2002 (refer attached). Officers have refused the requests. Mrs Kiss currently has approval to conduct a fifth Sunday market at the Kingscliff town centre on Sunday 31 March 2001 as part of the existing approvals.

The current request was briefly discussed at Council's meeting of 6 February 2002 when Council indicated that the request is to be refused. Councillor Marshall has subsequently requested that the matter be formally reported to Council.

In her letter of 21 January 2002 Mrs Kiss confirmed her willingness to cancel the Sunday 31 March market and to make a \$500 donation to a charity should the request be approved. The regular Sunday market would be held in Lions Park, next to the Surf Club. If the market were approved for Saturday then it would be relocated north to the regular location for a Saturday market. There is a larger area available in this location which permits additional stall holders to participate for the Easter weekend.

In this circumstance, the opportunity exists to approve the requested market, cancel the regular Sunday market, and provide a bonus donation to say the local Surf Club, which would not otherwise occur.

There would be no cost to the community in terms of amenity, as only one market would be held on the relevant weekend. However, it would set a precedent in relation to future requests for extra markets. It is desirable that Council is consistent in its approach, and extra markets have been denied previously at Pottsville.

There is also a risk that the local area may become saturated with markets. It is already possible to visit a market in Tweed or adjoining Council areas on almost every Saturday or Sunday of the month.

Given that two requests for extra markets at Pottsville have been denied, and there is a 'regular' Council approved market scheduled the following day to that requested, it is recommended that the request be denied.

Reports from Director Environment & Community Services

KINGSCLIFFE MARKET MANAGEMENT

8 Anthony Avenue, Banora Point, NSW 2486.

Ph.: 5524 2102

21st January 2002.

Dr John Griffin,
General Manager,
Tweed Shire Council,
MURWILLUMBAH, N.S.W. 2484.

TWEED SHIRE COUNCIL	
FILE No.	PARKET - KCLIFF
DOCUMENT No.	[] [] [] []
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Attention: Peter Ainsworth

Dear Peter,

Re.: Market for Easter Saturday, 30th March, 2002.

Thank you for your prompt attention to my letter requesting permission to hold a market on Easter Saturday.

I was disappointed by your decision no to allow the Easter Market, but wonder if you would reconsider your decision.

I am willing to cancel the Sunday 31st Match Town Centre Market to be allowed to have the Saturday one instead.

Kingscliff has always held an Easter Saturday Market. Stall holders, tourists, holiday makers and town traders always look forward to the extra crowd that the market brings to town.

I will donate a further \$500.00 over and above the \$1000.00 I already donate to charity annually under the terms of my lease, if I am given permission to have a market on Easter Saturday.

This \$500.00 could go to Council to be spent at the market site to improve the appearance of the grounds or Kingscliff Surf Life Saving Club or the Rotary Club.

Thank you for your time and consideration.

Yours Faithfully



Margaret Kiss

Reports from Director Environment & Community Services

The General Manager
Dr John Griffin
Tweed Shire Council
Po. Box. 816
Murrumbidgee 2484.

TWEED SHIRE COUNCIL	
FILE NO:	MARKET - 4c
DOCUMENT NO:	[] [] [] [] [] []
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Attention Peter Ainsworth

Dear Peter

I am writing to you to request Council's permission to hold an extra market on Easter Saturday 30th March 02:

The 30th is the fifth Saturday thus missing my scheduled days.

It would be greatly appreciated by the many stallholders who attend the Easter market my self, and I have no doubt the Town traders will appreciate the extra people that this market always attract.

There are no other markets held in the Tweed Shire on the fifth Saturdays, so I would not be infringing on any other market.

Please give this request your kindest consideration. A.S.A.P.

Yours faithfully
Margaret Kiss

Reports from Director Environment & Community Services

21. ORIGIN: Environment & Health Services Unit

FILE REF: Public Toilets

REPORT TITLE:

Public Toilets Program

SUMMARY OF REPORT:

This report outlines the current situation with the Public Toilets Program.

RECOMMENDATION:

That this report be received and noted.

Reports from Director Environment & Community Services

REPORT:

At Council's meeting held 3 October 2001 it was resolved:-

".....that Council:-

1. *Adopts the priority list for new toilets as set out below:-*
 - *Opposite Waugh Street, Chinderah*
 - *Fingal Beach*
 - *Riverside Drive, Tumbulgum*
 - *Lizzio Park, Condong*
2. *Waives headworks contribution charges for all public toilet blocks."*

Council has previously resolved:

"...that:-

1. *Council adopts the following construction works program for public toilets:*
 - *Hastings Point refurbishment*
 - *Cudgen Headland toilet service provision*
 - *Pioneer Park toilets sewer connection*
 - *Boyds Bay Boat Hire & Tweed Heads Rowing Club sewer connection*
 - *Knox Park, Murwillumbah Community Centre toilet replacement."*

The current situation with these works is as follows:

1. Hastings Point refurbishment
Comment: Completed.
2. Cudgen Headland Toilet service provision
Comment: To commence March 2002
3. Pioneer Park toilets sewer connection
Comment: Design completed. Tenders to be called February 2002
4. Boyds Bay Boat Hire & Tweed Heads Rowing Club sewer connection
Comment: Design completed. Negotiation with club under way.
5. Knox Park, Murwillumbah Community Centre toilet replacement
Comment: Design to be finalised.

Reports from Director Environment & Community Services

New Toilets

1. Opposite Waugh Street, Chinderah

Comment: Site investigation carried out. Progress Association to be contacted.

2. Fingal Beach

Comment: Preliminary design re Fingal SLSC concerning use of surf club building to incorporate toilet block. Further discussion to finalise set for February 2002.

3. Riverside Drive, Tumbulgum

Comment: Location yet to be determined. Progress Association to be consulted along with Riverside Drive residents.

4. Lizzio Park, Condong

Comment: No action.

5. Mooball Main Street

Comment: In addition an investigation is underway as to a suitable location for a toilet and effluent disposal at Mooball. Reference should be made to the report from Director Engineering Services in this Business Paper "Mooball Town Centre Improvements".

Reports from Director Environment & Community Services

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Reports from Director Environment & Community Services

22. ORIGIN: Environment & Health Services Unit

FILE REF: Sponsorship; Pool - General; Youth - Matters

REPORT TITLE:

Kids Alive – 2002 Year of the Outback Tour

SUMMARY OF REPORT:

Council has received advise of the Kids Alive 2002 Year of the Outback tour from well known swim coach Laurie Lawrence.

The tour consists of a Water Safety Pantomime with a theme of Fence the Pool, Shut the Gate, Learn to Swim, Supervise and Resuscitate.

Currently Council offers lean to swim programs from its 3 pools by both private coaches and with the Department of Sport and Recreation and as well there are a number of private programs available.

No funding has been provided within the budget or is proposed for the upcoming budget for such an item. This program appears to be more suited to inland areas rather than coastal areas that have the facilities available on the Tweed. (See attachment to this Business Paper.)

RECOMMENDATION:

That this report be received and noted.

Reports from Director Environment & Community Services

REPORT:

As per summary of report.



Dr J Griffin
General Manager

Reports from Committees/Working Groups

1. Minutes of the Aboriginal Advisory Committee Meeting held Thursday 10 January 2002

Aboriginal Matters

VENUE:

Tweed Heads Civic Centre Meeting Room

TIME:

10

PRESENT:

Jimmy Budd	Chairperson, Many Rivers Regional ATSIC
Jenny Jones	AICLO, Dpt Ed
Jodi Sampson	NRACC
Russell Logan	Centrelink ISO
Lyndal Smith	Policy Officer, Tweed Valley Mental Health
Bev Grant	Reconciliation Group
Kahni Hawthorne	Reconciliation Group.
Sharen Smith	Tweed Shire Council

APOLOGIES:

Cr Max Boyd, Geoff Edwards, Tina Pidcock.

GENERAL BUSINESS:

1. Job Leave

Aboriginal Matters

Sharen said she had applied for leave from Tweed Shire Council until December. She had been granted leave totalling 5 months. She would then have to reapply if she wanted to continue her leave until December. This created difficulties with advertising and filling the position

Russel Logan and Jodie Sampson proposed that Council take on an ATSI Trainee under a 12 month traineeship. Wage subsidies were available for \$7,700 plus other incentives. Russell Logan, Jodie Sampson and Neil Davies would meet with Geoff Edwards to discuss the details.

Reports from Committees/Working Groups

There were a number of benefits to this proposal including the filling of the duties of the position for 12 months, training for an ATSI person and wage assistance for Council.

RECOMMENDATION:

That:-

1. Tweed Shire Council engages an ATSI trainee for 12 months under the Indigenous Employment Program and the New Apprenticeship System to perform the duties of the designated position while Sharen Smith is on leave and that the Committee be informed when a decision is made.
 2. There be an ATSI Community representation on any interview panel for the filling of this position.
-

2. Place Names

Russell referred to Tweed Link 8 January in which two advertisements were placed to call for input on the naming of two places in Tweed Shire.

1. The Oasis residential estate at South Tweed. This was advertised as a competition. Russell suggested the ATSI Community should submit a name. Lyndal will contact the Land Council to see what Aboriginal significance there is at the site and an extraordinary meeting will be called to choose and submit a name.
2. Bridge at Fernvale. The same Tweed Link also asked for comments regarding the naming of the bridge at Blakeney's Road at Fernvale. Lyndal will contact the Land Council regarding the site the bridge is placed at as well.

RESOLVED that the AAC seeks advice from the Tweed Byron Local Aboriginal Land Council and the National Parks and Wildlife Service regarding the significance of the two areas identified and submit comments accordingly.

3. Meeting Dates

Sharen will set dates for AAC for the year and note them in the Tweed Shire Council Corporate Diary. Concern was raised at the lack of attendance of Senior Council Staff at meetings. Sharen said Geoff Edwards, Manager, Environment & Health would attend in 2002. The meetings will be held the first Friday of the month at the HACC Centre, South Tweed from 10am – 12pm. This was the only regular day available in 2002.

The Committee will also look at meeting at the Land Council during 2002.

Reports from Committees/Working Groups

4. Local Government Aboriginal Network Conference March 20-22 Kempsey Aboriginal Matters

Information regarding the next two LGANC was tabled. Kempsey Council will host one in March and Ballina Council will host one in October. Normally Sharen attends these conferences. It was agreed that Council be approached to assist two community members to accompany Council's delegate to the Kempsey Conference. It was agreed that the community members should be active members who can report back to the Committee and can articulate and act upon information they bring back from the Conference.

It was hoped and suggested that Council's delegate preferably be a Councillor or Manager.

Russel Logan was nominated and accepted and the AAC will seek someone else. Russell was on the Committee at Shoalhaven and has played a significant role in the ATSI Community Worker Working Group.

RECOMMENDATION:

That Council assists 2 community members to attend the Local Government Aboriginal Network Conference (LGANC) in Kempsey in March to accompany Tweed Shire Council's delegate.

5. Employment Issues

Jodi Sampson tabled two videos plus information for Tweed Shire Council to consider in its employment processes. It was hoped that Management would view the videos to gain inspiration and facts on making Council employment practices more user friendly for the ATSI Community members.

6. Cross Border Issues

Lyndal reported that Jenni Funari had informed her that there were cross-border issues meetings and it would be beneficial to have the ATSI Community input. Contact Jenni Funari for more details 6670 2400.

7. Community Worker Working Group

The Working Group has made a lot of progress recently. A group will be going to meet the Mayor on 11 January to seek his support. A two day workshop/conference will be held on February 13 & 14 at the Tweed Civic Centre to raise awareness and seek wider support for the initiative. Contact Lyndal Smith (07) 5536 9955 or Tina Pidcock (07) 5536 0540 or Russel Logan (07) 5569 9584 if you would like to attend and have input into this initiative.

Reports from Committees/Working Groups

8. Lyndal Smith, Tweed Valley Mental Health Service

Lyndal will be going on leave in March. She is not sure if her position at Tweed Valley Mental Health will be filled in her absence.

9. Sharen Smith

Everyone thanked Sharen for the work she had done at Tweed Shire Council and wished her the best in the year ahead.

NEXT MEETING:

HACC Meeting Room, South Tweed Heads 10am –12pm

Dates for 2002 - first Friday of the month

1 February, 1 March, 5 April, 3 May, 7 June, 5 July, 2 August, 6 September, 4 October, 1 November

The meeting closed at 12.15pm.

Director's Comments:

- Sharen Smith has been granted 6 months leave of which 8 weeks is annual leave. An Aboriginal worker is being sought for the remaining 4 months from the salary not being paid to Sharen.
Council is not in a position to engage a trainee for 12 months.*
- Council needs to determine its position in relation to Item 4.*

DIRECTOR'S RECOMMENDATIONS:

1. Job Leave

Aboriginal Matters

Committee Recommendation:

That:-

- Tweed Shire Council engages an ATSI trainee for 12 months under the Indigenous Employment Program and the New Apprenticeship System to perform the duties of the designated position while Sharen Smith is on leave and that the Committee be informed when a decision is made.
- There be an ATSI Community representation on any interview panel for the filling of this position.

Director's Recommendation:

No action is required by Council.

Reports from Committees/Working Groups

4. Local Government Aboriginal Network Conference March 20-22 Kempsey Aboriginal Matters

Committee Recommendation:

That Council assists 2 community members to attend the Local Government Aboriginal Network Conference (LGANC) in Taree in March to accompany Tweed Shire Council's delegate.

Director's Recommendation:

That Council determines this matter.

Reports from Committees/Working Groups

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Reports from Committees/Working Groups

2. Minutes of the Local Traffic Committee Meeting held Friday 15 February 2002

Traffic Committee

VENUE:

Peter Border Meeting Room

TIME:

Commencing at 9.00am.

PRESENT:

Committee Members: Cr George Davidson; Tweed Shire Council; Mike Baldwin, Roads and Traffic Authority, Sgt W Darnell, NSW Police.

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

APOLOGIES:

Mr Neville Newell, MP, Member for Tweed, Mr Don Page MP, Member for Ballina.

MINUTES OF PREVIOUS MEETING:

RESOLVED that the Minutes of the Local Traffic Committee Meeting held Friday 14 December 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

15. Terranora Road, Terranora

R5431 Pt3 DW644184

Previously discussed at the Local Traffic Committee meeting held on 27 April 2000 (item 15). The item is reproduced as follows:-

“Request received for the provision of a guardrail on Terranora Road. Letter received from concerned residents of Parkes Lane regarding a vehicle that was forced off Terranora Road and down a steep embankment towards a house situated at 15 Parkes Lane on the 20 April 2000. It is reported that the vehicle was restrained from rolling over and crashing into the house by a remaining single strand of barbed wire and the vehicle had to be roped to a tree in case the wire gave way. The accident occurred on a narrow curved section of Terranora Road with a cutting on the inside of the curve and drop-off on the outside of the curve towards the residence of 15 Parkes Lane and other residences. The accident was attended by Police.

A resident states that the edge of bitumen is only 600mm from the drop-off giving drivers very little chance of recovery if, as in the case above, they are forced to leave the bitumen.

Residents are concerned at the possible consequences of a heavier vehicle crashing over the embankment and state that requests have previously been forwarded to Council for guardrails.

Reports from Committees/Working Groups

The RTA Representative stated that there is a procedure to assess if the use of guardrails is warranted. This involves the 85th percentile speed assessments. The Chairman requested that the RTA Representative assist with this assessment. The RTA Representative stated that the guidelines can be found in the RTA Road Design Guide.

Mr Newell, MP left the meeting at 11.00 am.

RECOMMENDATION:

That Council and RTA staff undertake an assessment in accordance with the RTA Road Design Guide for Installation of Guardrails near the rear boundary of 15 Parkes Lane on Terranora Road.”

Since the above meeting the Maintenance Engineer advises as follows:-

“The LTC previously resolved that a risk assessment of this request be carried out by Council in conjunction with RTA. I have attempted an assessment using the RTA's new Safety Barriers guide which I have attached to the hard copy file. As I have had no training in the use of this guide I certainly do not consider myself fully competent to carry out such assessments at this stage. In accordance with the LTC resolution it is strongly suggested that my assessment be referred to the RTA rep of the committee for checking and that the LTC then make a recommendation.

I have a few concerns about the assessment procedure of the guide which I'd like commented on by the RTA rep. Firstly, the guide only refers to DESIGN speed of the road rather than LEGAL SPEED LIMIT. Due to this corner's radius being suitable for a design speed of 80kph the values in the assessment are greater than what they would be for 60kph. Obviously the risk and severity of consequence of leaving the road in a 60kph area is less than travelling at 80kph but this does not appear to have been allowed for. The guide to me seems more relevant for derestricted speed zones. As you would be aware the likelihood of needing guardrail on most of our rural roads is greater than our urbans. Secondly, and probably more relevant to this request, how does the use of this guide relate to the risk of property damage from a car leaving the road and entering someones property as opposed to the risk of damage to the vehicle itself?”

A further request has been received relating to a request for a guard rail on Terranora Road for no. 15 Parkes Lane, Terranora. Recently it has been reported that two further accidents have occurred in Terranora Road (in light rain). In both cases cars went down an embankment, one very close to a house. No. 15 Parkes Lane is on the downside of an outside curve in the road and the owner is requesting an inspection of the site.

The RTA Representative advised the Committee of the risk analysis process and stated that he could be contacted to assist Council's Maintenance Engineer in the process.

For Council's information.

Reports from Committees/Working Groups

1. Piggabeen Road, Piggabeen

R4300 Pt7 DW650295

This matter was previously discussed by the Local Traffic Committee at its meeting on 14 December 2000 (item 1) and is reproduced as follows:-

“Request received for assistance to alleviate the problem of speeding vehicles along Piggabeen Road past Green Valley Way.

It was decided that a speed survey / traffic count should be performed on Piggabeen Road past Green Valley Way when resources permit. The speed survey will identify the appropriate speed zoning. The other two issues in the Applicant’s letter are being dealt with separately.

Also Council’s mobile radar speed unit will be situated on Piggabeen Road as resources permit.

RECOMMENDATION:

That a speed survey / traffic count be undertaken on Piggabeen Road when resources are available and the applicant be advised accordingly.”

Further correspondence has been received stating that:-

“there have been numerous occasions of vehicles exceeding the speed limit in the residential area of Piggabeen.....The road sign positioned on Piggabeen Road past Cobaki Village Broadwater which indicates no speed limit applies has encouraged drivers to ignore safe driving conditions and frequently drive very dangerously. The Progress Association would like to see the ‘no speed limit’ sign replaced with 80kph and similar speed signage thereafter to the residential area of Piggabeen”.

The Police Representative stated that they had been in attendance on Piggabeen Road in December 2001 and that residents had been advised of the outcome.

The Road Safety Officer suggested that the complainant be advised that the derestricted sign does have a speed limit maximum of 100kph and that there would shortly be a re-education campaign on such signage in rural areas. This was agreed to by the Committee.

For Council’s information.

GENERAL BUSINESS:

1. Kyogle Road, Byangum

R2970 Pt9

Request received for a mirror for the driveway of 829 Kyogle Road, Byangum. It is reported that since roadworks have been carried out between Boulder Close and Dum Dum the residents of 829 Kyogle Road are experiencing difficulty exiting their driveway due to the road being closer to their gate, traffic travelling quicker and the sight distance towards Murwillumbah is severely limited by massive granite outcrops.

Reports from Committees/Working Groups

The sight has been inspected and it is agreed that exiting from the driveway is hazardous and that it would not be easy to cut the rock outcrops back. Due to extensive improvements on the existing access the position of the access could not be moved without considerable cost.

The Road & Traffic Authority Representative advised that mirrors in 50kph zones should be used as a guideline only and that a safety audit process would show if it is warranted at this location.

Given the above the Committee supports the request subject to the owner meeting the costs and acknowledging the limitations of mirrors.

RECOMMENDATION:

That the Committee agrees to the installation of a mirror at 829 Kyogle Road however it should be provided at the owner's expense.

2. Ewing Street, Murwillumbah

R1970 DW647248

Request received for an extension of the restricted parking in Ewing Street. The restriction is requested to be extended to the entire length of Ewing Street, from Queen Street to Waterloo Street.

A resident reports as follows:-

“That visibility is limited by the curves and contours of the street, and is further hindered where vehicles are parked on the high side of the street (which is also the ‘inside edge’ of the curve). For almost all of the street there is insufficient space for two motor vehicles to pass safely where vehicles are parked on both sides of the street, which is often the case. This is a dangerous situation which has led to many near misses of which we are aware; possibly also to some accidents.”

A further verbal request has since been received from another resident requesting “No Parking” signs on the whole of the southern side of Ewing Street from the Hospital to Rouse Street stating that driving down Ewing Street can be dangerous as vehicles are parking on both sides, leaving room for the passage of one car only.

It was noted that Ewing Street is a local residential street. The Committee does not consider that any further restrictions are needed as the existing restrictions cover all areas where sight distance is inadequate.

For Council's information.

Reports from Committees/Working Groups

3. **Broadway, Burringbar**

R0780 Pt1 DW648159

It is reported that vehicles are parking in all different directions on the Broadway opposite the Burringbar shops near the trees. Assistance is sought to ensure the area is made safe for parked vehicles.

The Road Safety Officer reported that a site visit had been made and adequate facilities exist for the parking of vehicles.

For Council's information.

4. **Mugga Way, Tweed Heads**

R3610 DW648566

A request has been received regarding vehicles parked on the footpath on Mugga Way and it is reported to be particularly bad on the bend near Unit 3-4 Mugga Way.

It is reported that Council officers have inspected the area during the day and left notices on vehicles stating "You are illegally parked on a council reserve please remove your vehicle forthwith". This appears to have alleviated the problem during the daytime period, however it is still be a problem at night.

The infringement notice most relevant to the situation is: "Stop on path/strip in built up area, penalty \$62.00."

Local Traffic Committee comments are sought.

The Committee unanimously agreed that action should be taken and notices issued under the "Stop on path/strip in built up area, penalty \$62.00" (Rule 197).

For Council's information.

5. **Industry Drive, South Tweed Heads**

R2620 Pt1 DW650700

Request received for a Loading Zone on the south side of the building to the Society of St Vincent de Paul. The Society is located at Unit 9, 25 Industry Drive, South Tweed Heads. The length of the area would need to accommodate a tray truck vehicle.

Times that trucks are loaded and unloaded are:-

Mondays 11:00am to 2:00pm

Fridays 11:00am to 2:00pm

The Chairman advised that the units have their own on-site loading docks and drive in roller doors complying with Council's DCP2 which requires loading/unloading facilities to be provided on site. The Committee suggests that the appropriate solution to this problem is to rearrange their operations to use the on-site facilities provided.

Reports from Committees/Working Groups

For Council's information.

6. Murwillumbah Street, Murwillumbah

R3640 Pt3 DW651232 Road Closures - Temp

Request received for part closure of Murwillumbah Street, between Brisbane and Queen Streets on the morning of Saturday 4 May 2002 for the Annual Tweed Valley Rally.

It is reported that the rally will be run along similar lines to last year's rally with vintage vehicles parked on the Police Station side of the street on Saturday morning only.

The Committee supported the Rally and raised no objections subject to adherence to the standard conditions.

For Council's information.

7. Chillingham Public School

R3780 Pt3 DW648925

Request received from the Chillingham Community Association Inc for consideration of a designated school bus parking zone adjacent to the Chillingham School. The hours of operation are requested as 8:30am to 9:30am and 3:00 to 4:00pm.

Item to be deferred pending further information.

For Council's information.

8. Terranora Road, Terranora

R5431 Pt4 DW651202

Request received regarding the situation of school buses stopping immediately out the front of the Terranora Store. It is reported that it is often a busy and congested area immediately out the front of the store.

It is also reported that there appears to be a bus stopping area immediately to the east of the Terranora store and that this may be a better location for the buses to stop.

The Committee was advised that this item has been listed at the request of the owners of the shop.

The Road Safety Officer reported that he has visited the site and spoken to the shop owner. The area is used as a main pick up area for school children and children do run around while waiting. Cars often drive between the bus and children.

Surfside Buslines do not consider it any safer if the bus stop is moved further east as the children will still have to move to go to the bus when it arrives. The Road Safety Officer

Reports from Committees/Working Groups

advised that it is not a designated pick up area and it is Surfside Busline's decision as to whether or not this area is utilised.

The Road Safety Officer advised that a public transport grant cannot be applied for (for a shelter) as it is not on a public transport route.

The Police Representative advised that there had been an accident in that area recently.

The possibility of installing a median was raised by the Police Representative however road width appeared to be an issue.

The possibility of a bus interchange area was discussed and it was decided that advice needed to be sought from the Department of Transport.

The Committee noted that this issue is quite complex and further investigations will take place as a matter of urgency to resolve the issue.

This item has been deferred to the next meeting.

For Council's information.

9. Boyd / Brett Streets, Tweed Heads

R0700 DW651179

Request received for Local Traffic Committee advice and assistance with the speed of traffic on Boyd Street as it has been reported that there have been a number of traffic accidents on the corner of Boyd and Brett Streets.

Accident statistics at this location show 3 crashes in 2000 and 1 crash in the first half of 2001. A verbal report of a further accident on the 31 January 2002 has been received.

The Chairman advised that there does appear to be a problem.

The Police Representative suggested that Boyd Street give way to Brett Street and the signs be turned around. It was recognised that motorists do not adapt to this sort of change.

Edgelines were suggested by the Committee to narrow the area together with the installation of "No Stopping" signs. The area will be monitored.

RECOMMENDATION:

That:-

1. "No Stopping" signs be installed on all the no stopping areas on each corner of Boyd and Brett Streets and
 2. Line marking depicting the travel lanes using double centre lines and edge lines be provided for the full length of Boyd Street.
-

Reports from Committees/Working Groups

10. Kennedy Drive, Tweed Heads West

R2830 Pt5w

Request received regarding safety in the vicinity of the shops on Kennedy Drive near Seagulls as there have been some accidents at that location recently.

It is requested that a "Stop" sign be erected at the shops to stop vehicles from entering traffic and that the linemarking be reviewed as there could be driver confusion between the four lanes and two lanes on Kennedy Drive.

The Committee noted that the area does not have a significant crash history to justify any changes to the current lane and intersection configurations.

For Council's information.

11. Clothiers Creek Road

R1160 Pt6

Ian Munro joined the meeting to discuss the speed limit on Clothiers Creek Road between Tanglewood and Bogangar and showed the Committee plans of the area noting that there are protected species in the area. The proposal was to upgrade the road to a Class G standard to normal road design standards. After meeting with National Parks on site a problem has been identified regarding road kill of protected species. National Parks have indicated that if traffic speed was kept to 60kph fencing for fauna would not be necessary as traffic would be able to stop in time if fauna was crossing. Permission is sought from the Traffic Committee for the design of the road to accommodate 60kph. It was noted that the length of road would be about 1.5km.

Ian Munro suggested traffic calming devices similar to Coast Road at Pottsville may work and would help to reduce vehicle speeds near the wetland area.

The Roads & Traffic Authority Representative stated that he was of the understanding that it would be the main road to the Coast from the Motorway. Ian Munro stated that he believed it would carry about the same volume of traffic as Coast Road, Pottsville.

Cr Davidson raised concerns that the road would be busy and that it was necessary to upgrade the road to suit the traffic.

The Roads & Traffic Authority Representative advised that this is not a Traffic Committee matter and therefore can only be generally discussed and that speed limits do not take animals into account. He advised that he could not comment further.

It was noted that bicycle riders would also be using the road.

For Council's information.

Reports from Committees/Working Groups

Part B

1. Casuarina Way, Kingscliff (Ocean Retreat Resort)

DA0989/5 Pt3

Request received for Local Traffic Committee assessment and comment on the proposed Ocean Retreat Resort at Lot 1 DP 1027531 Casuarina Way, Kingscliff.

The Committee viewed plans of the area, which is a health resort with gymnasium and accommodation for guest use only.

The Committee raised no concerns regarding traffic management associated with the development.

For Council's information.

NEXT MEETING:

The next meeting is scheduled for Thursday 14 March 2002.

The meeting closed at 10:45am

Director's Comments:

Nil

DIRECTOR'S RECOMMENDATIONS:

1. Kyogle Road, Byangum

R2970 Pt9

Committee Recommendation:

That the Committee agrees to the installation of a mirror at 829 Kyogle Road however it should be provided at the owner's expense.

Director's Recommendation:

As per Committee recommendation.

9. Boyd / Brett Streets, Tweed Heads

R0700 DW651179

Committee Recommendation:

That:-

2. "No Stopping" signs be installed on all the no stopping areas on each corner of Boyd and Brett Streets and
2. Line marking depicting the travel lanes using double centre lines and edge lines be provided for the full length of Boyd Street.

Reports from Committees/Working Groups

Director's Recommendation:

As per Committee recommendation.

Reports from Committees/Working Groups

3. Minutes of the Sports Advisory Committee Meeting held Tuesday 19 February 2002

Sports Advisory Committee

VENUE:

Tweed Heads Civic Centre

TIME:

5.00pm

PRESENT:

Committee Members: Cr, Warren Polglase, Cr Phil Youngblutt; Cr Max Boyd, Mr Merve Edwards, Ms Leanne Sharp, Ms Glennys Kenny, Mr Ray Jarrett Jnr, Mr Hubert Ehemann, Mr Stewart Brawley

Informal: Mrs Blyth Short (Recorder)

APOLOGIES:

Cr George Davidson, Linda Threlfo

CONFIRMATION OF MINUTES:

Moved: M Edwards

Seconded: G Kenny

RESOLVED that the Minutes of Sports Advisory Meeting held Tuesday 15 January 2002 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

1. Sports Field Car Parks

S Brawley advised that cars parked in any car parks are at the owners risk.

2. Willward Park Synthetic Wicket

Willward Park

S Brawley advised that the wicket was inspected and will be repaired prior to the commencement of the 2002/03 cricket season.

CORRESPONDENCE:

3. Coolangatta-Tweed Barbarian Ruby Union Football Club (TCBRUFC)

Sports Fields - Casuarina

The CTBRUFC has requested use of the Casuarina Sports Fields. S Brawley advised that the fields are currently not available. However, their request will be considered in line with other requests for use of these fields.

Reports from Committees/Working Groups

4. Twin Towns Little Athletics

Assets Res

TTLA have submitted an Assets Reserve Trust Fund application for an extension to their existing storage shed. The total cost of the project is \$6,000 and they request \$3,000 contribution from the Assets Reserve Trust Fund.

Moved: M Edwards

Second: H Ehemann

RECOMMENDATION:

That Council contributes \$3,000 from the Sports Field Assets Reserve Fund to Twin Towns Little Athletics for the construction of an equipment storage shed at Walter Peate Field, Kingscliff.

5. Seagulls Junior Rugby League Football Clubs

Piggabeen Sports Complex

S Brawley presented draft plans from SJRLFC for a clubhouse and facilities at Piggabeen Sports Complex for the committee to peruse and provide comment. The SJRLFC have applied for funding assistance through the Department of Sport and Recreation Regional Assistance Grants.

Moved: Cr W Polglase

Seconded: M Edwards

RESOLVED that the Sports Advisory Committee endorses the proposed SJRLFC clubhouse plans at the Piggabeen Complex subject to the following conditions:

1. The club fully consults with other users of the complex of their proposal.
 2. The club attends a Development Assessment Planning meeting prior to submitting a Development Application.
-

6. Sports Advisory Committee Nomination

Sports Advisory Committee

Lyn Swaddle has requested to be considered for the available position on the Sports Advisory Committee.

General discussion.

In light of the pending acquisition of the Bilambil Sports Complex, it was felt it may be beneficial to have a representative from the Bilambil area.

H Ehemann enquired if all areas of the Shire are currently represented.

Reports from Committees/Working Groups

S Brawley advised that Council generally attempts to have a spread of representation both geographically and of various sports. Currently, the committee representation includes Murwillumbah, Tweed Heads and Tweed Coast.

Moved: Cr Polglase
Seconded: Cr Youngblutt

RESOLVED that the committee thanks Lyn Swaddle for her application and advise the position on the committee will be further considered.

GENERAL BUSINESS:

7. Media Responses

Sports Advisory Committee

R Jarrett advised that he was contact by the Gold Coast Bulletin regarding an issue discussed at a committee meeting. Ray was unsure if the committee had a policy regarding commenting on committee issues.

General discussion.

Moved: G Kenny
Seconded: M Edwards

RESOLVED that if SAC members are contacted by the Media and are unsure of appropriate comment they refer the media to S Brawley or Cr Polglase as Chairperson to provide comment.

8. Green Ants on Fields

Sports Fields - Maintenance

M Edwards advised that green ants are very bad on the Kingscliff Fields. However, spot spraying of nests by Hockey Club members is proving effective.

S Brawley noted that ants are a problem Shire wide due to the dry weather conditions. It is not desirable to broad acre spray insecticides on sports fields.

9. Soccer Goal Posts

S Brawley advised that the hooks on the soccer posts will be removed prior to the commencement of the winter season.

10. Light Bulbs on Fields

Sports Fields – Maintenance

G Kenny advised that there are 3 or 4 globes out at Arkinstall Park.

Reports from Committees/Working Groups

H Ehemann advised that one globe is out at Queens Park.

Electricians will be requested to conduct an audit of lights and repair/replace as necessary.

11. Tom O'Connor Reserve - Burringbar Sports Field

Tom O'Connor Reserve

S Brawley advised that the Burringbar Reserves Trust has made enquiries as to possible financial assistance to install lights at Tom O'Connor Reserve. The land is State owned crown land with a community trust, TSC is not trustee. However, they contribute financially to the Assets Reserve Fund. S Brawley asked for committee members to consider the issue.

Cr P Youngblutt noted that the facility is providing a service to the community and the SAC should help assist financially for capital works if possible.

General discussion on capital works on Council grounds.

12. Report - Future Capital Works on Sports Fields

Cr M Boyd requested S Brawley prepare a report on future capital works planned for Council Sports Fields.

NEXT MEETING:

The next meeting of the Sports Advisory Committee will be held 20 March 2002.

The meeting closed at 6.20pm

Director's Comments:

That Council endorses the recommendations for items 4, 5, 6 & 7.

DIRECTOR'S RECOMMENDATIONS:

4. Twin Towns Little Athletics

Assets Res

Committee Recommendation:

That Council contributes \$3,000 from the Sports Field Assets Reserve Fund to Twin Towns Little Athletics for the construction of an equipment storage shed at Walter Peate Field, Kingscliff.

Director's Recommendation:

That the Committee recommendation be adopted.

Reports from Committees/Working Groups

4. Minutes of the Tweed Coastal Committee Meeting held Wednesday 20 February 2002

File No: Coastal Committee

VENUE:

Canvas and Kettle Restaurant, Murwillumbah.

TIME:

1.30pm

PRESENT:

Cr Wendy Marshall (Chair), Cr Max Boyd, , Cr Henry James, Gary Thorpe (Hastings Point DuneCare), Rhonda James (Caldera Environment Centre), Craig Venner (Pottsville Beach DuneCare), Lance Tarvey (NSW National Parks and Wildlife Service), Richard Hagley, Tim Rabbidge (Department of Land and Water Conservation), John Henley, Jane Lofthouse, Helen Tunks (Tweed Shire Council).

APOLOGIES:

John Harbison (Pottsville Progress Association), Ted Griffiths (Kingscliff Coastguard), Terry Kane (Cabarita Beach-Bogangar Residents Association), Stuart Brawley (Tweed Shire Council), Neville Newell (Member for Tweed)

MINUTES OF PREVIOUS MEETING:

Moved: C Venner

Seconded: J Henley

RESOLVED that the minutes of the meeting held Wednesday 5 December 2001 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

1d Mooball Creek Bank Erosion

Riverbank Erosion

C Venner presented photos of bank erosion of Mooball Creek, and raised the issue of the increasing population of Pottsville placing pressure on the waterway and what action should be taken to implement erosion solutions.

Suggested that a River Bank Management Plan for the three coastal creeks be prepared to prioritise and design erosion solutions. Discussion on preparation of plan and appropriate scope of contents using the Tweed River Bank Management Plan as a guide. Richard Hagley advised that Department of Land and Water Conservation could provide in-house expertise to assist with development of a bank management plan.

Moved: Cr M Boyd

Seconded: Cr W Marshall

RESOLVED that the Committee request Council officers to bring forward a report to ascertain the costs involving addressing bank erosion in Tweed waterways over a 5 year period and to make provision in the budget to allocate the necessary funds.

Reports from Committees/Working Groups

Moved: J Henley

Seconded: Cr W Marshall

RESOLVED that a Bank Management Plan be prepared for the coastal creeks with the assistance of technical advice from Department of Land and Water Conservation.

RECOMMENDATION:

That Council considers allocating funds over a 5 year period to address river bank erosion in Tweed waterways.

GENERAL BUSINESS:

1. Correspondence Outwards – Mr Ron Norton, Kingscliff Coast Guard Dredging, Cudgen Creek

In accordance with the resolution of the meeting of 5 December 2001, correspondence was sent to Mr Ron Norton, Deputy Commander of the Kingscliff Volunteer Coast Guard regarding the silting of Cudgen Creek.

Moved: J Henley

Seconded: Cr W Marshall

RESOLVED that the Committee ratifies the outward correspondence.

2. Review of Committee Membership

Tweed Coastal Committee

Cr W Marshall presented a review of committee membership for the interest of the committee. A discussion on the membership in regard to its representation for the range of issues dealt with by the Committee.

Discussion on NSW Fisheries representation. John Henley noted that NSW Fisheries have been invited to be on the Committee but have declined at this time.

Richard Hagley advised that there is a possibility of a NSW Fisheries Conservation Officer being appointed to NSW Fisheries in the near future, and may wish to represent NSW Fisheries on the Tweed Coastal Committee at that time.

3. EPA State Water Monitoring Strategy

Monitoring

John Henley advised that the Environment Protection Authority (EPA) have launched their Water Quality Monitoring Strategy – a project to coordinate water quality monitoring and develop consistency throughout NSW by way of a state wide strategy. A copy of the supporting information was distributed to the Committee.

Reports from Committees/Working Groups

Discussion on the existing sharing of information throughout the State Agencies and Councils across the state, and the current data gaps. Discussion on the funding of such a program and the relationship to the Water Sharing Program.

4. Plan of Management Cook Island Aquatic Reserve

Fisheries

Cr W Marshall introduced Ronni Hoskisson of the Tweed District Residents & Ratepayers Association (TDRRA) and welcomed her to address the meeting to provide an overview of her work on the Local Community Advisory Body to oversee the Plan of Management for the Cook Island Aquatic Reserve.

Ms Hoskisson provided some facts about the island, and an overview of the progress made towards the development of a Plan of Management. Cook Island was declared an Aquatic Reserve by NSW Fisheries in 1999. A Final Draft Plan of Management is currently with NSW Fisheries and will be released for limited public exhibition in the near future.

Cr James left meeting 2.20pm.

5. Hastings Point – Removal of Rock from Cudgera Creek

Cudgen Creek, Dredging

Gary Thorpe advised that he understands that the engineering project to widen the bridge approaches is progressing towards an approval and stated that to date there doesn't seem to be any restriction presented to reusing the rocks removed from the old bridge abutments on the proposed new bridge approaches.

6. Tweed Coastline Management Study & Management Plan

Coastal Management

The Coastline Hazard Definition Study is complete. A brief is being prepared for development of the Tweed Coastline Management Study and Management Plan. Council is to apply to DLWC for matching funds.

7. Hastings Point Sewage Treatment Plant

Sewage Treatment – Hastings Point

Gary Thorpe inquired about the sewage treatment plant (STP) overflow. John Henley advised that augmentation plans are nearly finished and will go out to tender this year and the minimisation of overflow will be addressed in those plans. Engagement of a contractor is likely to be August/September 2002. John Henley advised that tenure over additional land has been obtained to ensure any necessary extension to the disposal area can be accommodated.

Reports from Committees/Working Groups

Gary Thorpe inquired about the current monitoring of Solo industrial waste treatment plant prior to discharge to Council's STP. John Henley advised that monitoring is carried out on the source of waste and Council's Trade Waste Officer checks these records. Council also tests each batch prior to discharge to Council's STP. All waste is required to be equivalent in concentration to domestic sewage prior to discharge to Hastings Point Sewage Treatment Plant.

NEXT MEETING:

The next meeting of the Committee is to be held on 17 April 2002 at the Canvas & Kettle Restaurant commencing at 1.00 pm with lunch at 12.30pm.

The meeting closed at 2:30pm.

Director's Comments:

NIL

DIRECTOR'S RECOMMENDATIONS:

1d Mooball Creek Bank Erosion

Riverbank Erosion

Committee Recommendation:

That Council considers allocating funds over a 5 year period to address river bank erosion in Tweed waterways.

Director's Recommendation:

As per committee recommendation.

Reports from Committees/Working Groups

5. Minutes of the Communication Committee Meeting held Friday 22 February 2002

Communications Committee

VENUE:

Tweed Heads Civic Centre

TIME:

3.45pm

PRESENT:

Ms Jude Robb (appointed Acting Chairman), Cr Boyd, Ms Alison Turner, Mr Ray Carlile, Director Corporate Services (I Carpenter), Civic Liaison Officer (M Smith)

APOLOGIES:

Cr Barbara Carroll, Cr George Davidson, Mr Dudley Kelso

MINUTES OF PREVIOUS MEETING:

Moved: R Carlile

Seconded: A Turner

RESOLVED that the minutes of the Communication Committee meeting held Friday 18 January 2002 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

4. Southern Cross University

M Smith reported that copies of the Tweed Link were being distributed weekly to the university for students who live in Queensland.

1. Communications Policy - Outstanding Correspondence

I Carpenter reported that the General Manager Dr J Griffin was vigorously pursuing this matter and the trend for answering correspondence within 14 days was improving.

Moved: R Carlile

Seconded: Cr Boyd

RESOLVED that I Carpenter be asked to continue to monitor outstanding correspondence and that the committee express its continuing interest that correspondence be answered within 14 days.

5. Structure of Meetings

Cr Carroll suggested that the Committee might wish to consider alternating a business meeting with a workshop meeting to allow time to study some issues in depth.

Reports from Committees/Working Groups

Moved: Cr Boyd

Seconded: J Robb

RESOLVED that Workshop sessions of the Communication Committee are programmed as and where appropriate.

RECOMMENDATION:

That Council invites the Communication Committee as observers to Council workshops where appropriate to its focus on progress and consultation.

3. Dealing with Difficult People - Draft Policy

I Carpenter reported a training program for staff would be introduced with the policy.

A rewording of Section 9a(i) was suggested.

AGENDA ITEMS:

1. Draft Consultation Protocol and Communication Policy

The Draft Consultation Protocol and Communications Policy was deferred to the next meeting.

NEXT MEETING:

The next meeting of the Communications Committee will be held on Monday, 18 March 2002 at 3.30pm at the Tweed Heads Civic Centre.

The meeting closed at 4.40pm

Director's Comments:

Business Arising – Item 5 – see Director's Recommendation.

DIRECTOR'S RECOMMENDATIONS:

5. Structure of Meetings

Communications Committee

Committee Recommendation:

That Council invites the Communication Committee as observers to Council workshops where appropriate to its focus on progress and consultation.

Reports from Committees/Working Groups

Director's Recommendation:

That Council invites the Communication Committee to attend Council workshops where community consultation could assist in facilitating implementation of Council programs.

Reports from Committees/Working Groups

MINUTES CIRCULATED TO COUNCILLORS WITH THIS AGENDA NOT REQUIRING A COUNCIL DECISION

6. Minutes of the Community Cultural Development Advisory Committee Meeting held Thursday 7 February 2002
 7. Minutes of the Tweed River Committee Meeting held Wednesday 20 February 2002
-

Orders of the Day

1. Notice of Motion - Cr Lawrie

Illegal Clearing of Vegetation at Lots 5 DP830660 and Lot 167 DP755701 Ozone Street, Chinderah

Notice of Motion; DA4260/12 Pt1; Illegal Clearing

That the resolution at Minute No C157 of the Confidential Meeting held Wednesday 6 February 2002 be amended as follows:

“Council not proceeds with ~~the appropriate~~ legal action in relation to this alleged breach under the Environmental Planning and Assessment Act 1979 in respect to the clearing undertaken on Lot 5 DP 830660 and Lot 167 DP 755701 Ozone Street, Chinderah.”

2. Notice of Motion - Cr Marshall

Draft Local Environment Plan - Terranora Lodge

Notice of Motion; Rural Settlement Strategy; DA5440/680 Pt3

That Council:-

1. Prepares a draft Local Environmental Plan for the Terranora Lodge and adjacent properties addressing the apparent anomalies of the current dividing line between the Rural Residential 1(c) and Environmental Protection 7(a) zones;
 2. Acknowledges that a pre-requisite for any resultant rezoning will be the completion of the Tweed Shire Rural Settlement Strategy;
 3. Makes a submission to planningNSW that a Local Environment Study is not required in this case.
-

3. Notice of Motion - Cr Polglase

Land Zoning - Cudgen

Notice of Motion; GT1/LEP/A113 Pt6; LEP

That Council requests the Director Development Services to submit a report to Council which:

1. Outlines the findings of the Public Hearing held by Mr P Walsh in respect of the rezoning of land at Old Bogangar Road, Cudgen in August 1999;

Orders of the Day

2. Reviews the decision of Council on 24 August 1999 to zone the land Rural 1(a) and Rural 1(b) reflecting agricultural land classification and other planning factors;
 3. Identifies what circumstances have changed, if any, in respect of this area since that date; and
 4. Identifies if amendments to the Tweed LEP 2000 are warranted.
-

4. Notice of Motion - Cr Brinsmead

Council Meeting Procedures

Notice of Motion; Council Meetings

That when a matter is before Council for debate and resolution, a Councillor is free to move any motion of resolution that the Councillor deems appropriate in any wording or form deemed to be appropriate, borrow or modify from any source deemed to express the matter appropriately, and that such a motion should be judged solely on its merits.

5. Notice of Motion - Cr Brinsmead

Council Meeting Procedures

Notice of Motion; Councillors - Declaration of Interest; Legal - Opinions

That concerning a possible conflict of interest, Council may deem it necessary and/or appropriate to secure legal advice to assist a Councillor discharge his/her public duty.

Workshops

Councillors,

Following are details of upcoming Workshops of Council:-

1. Casuarina Beach Maintenance Workshop

Date: 13 March 2002
Time & Duration: 2.00pm – 4.00pm
Organiser: Reg Norvill
Resolved by Council: No

2. Historical Societies Workshop

Date: 13 March 2002
Time & Duration: 7.30pm – 8.30pm
Organiser: Geoff Edwards
Resolved by Council: No

3. Auditorium Management Workshop

Date: 13 March 2002
Time & Duration: 8.30pm – 9.30pm
Organiser: Lesley Buckley
Resolved by Council: No

Workshops

4. Casuarina Beach Maintenance Workshop

Date: 13 March 2002

Time & Duration: 9.30pm – 10.30pm

Organiser: Doug Jardine

Resolved by Council: No
